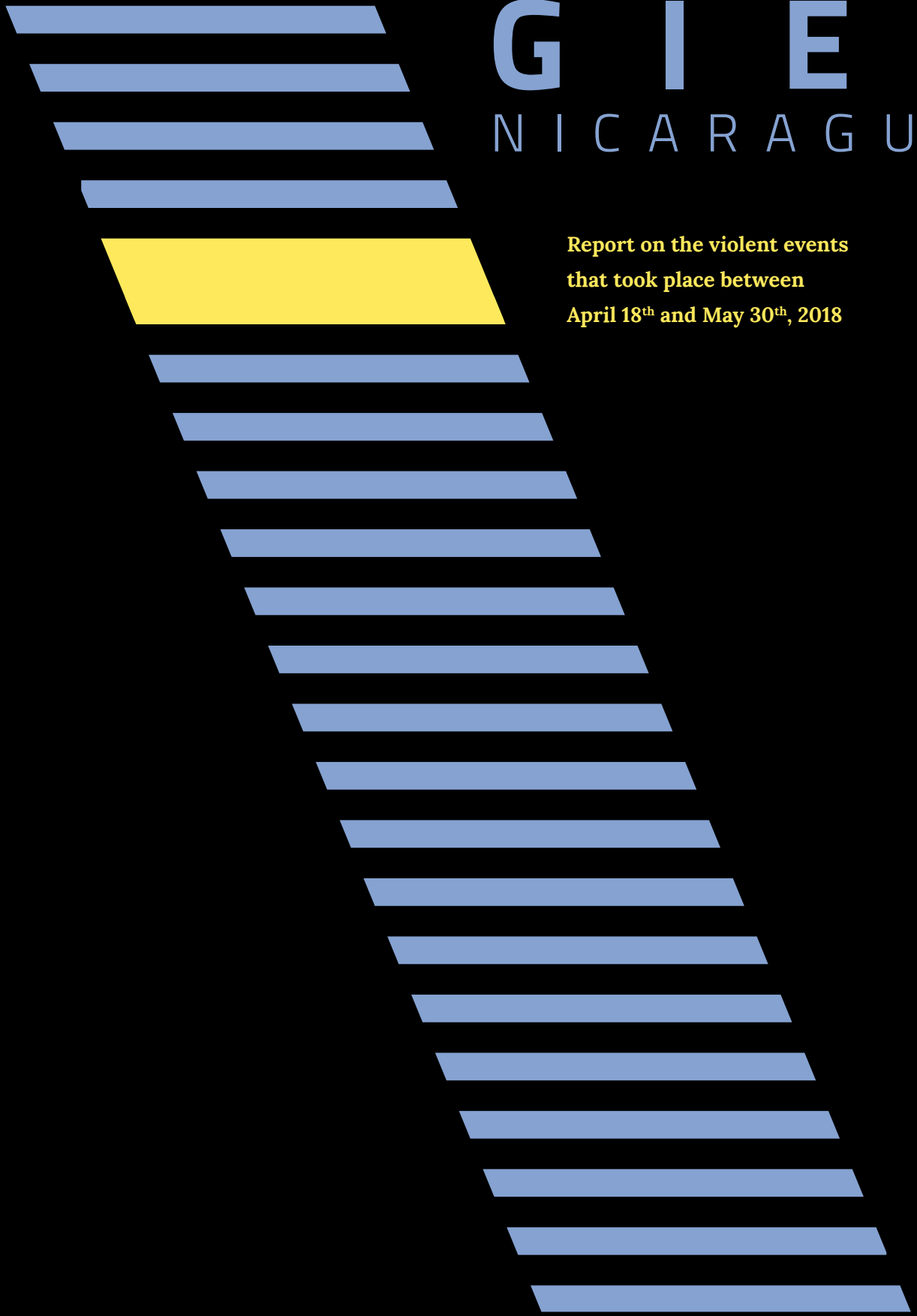
GIEI
NICARAGUA

Report on the violent events that took place between April 18th and May 30th, 2018



GIEI Interdisciplinary Group of Independent Experts

GIEI

INTERDISCIPLINARY
GROUP OF
INDEPENDENT
EXPERTS

NICARAGUA

Report on the violent events that took place between April 18th and May 30th, 2018

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STAFF 494

GIEI

NICARAGUA

Report on the violent events that took place between April 18th and May 30th, 2018

NICARAGUA

LOCATION
CENTRAL AMERICA

CAPITAL CITY
MANAGUA

POPULATION
6.279.712

LANGUAGES
SPANISH,
MISKITU,
CREOLE,
SUMU,
GARIFUNA and
RAMA







BETWEEN APRIL 18TH AND MAY 30TH, 2018





109

DEAD PERSONS





+1400

WOUNDED



+690

DETAINED



PRELIMINARY CONSIDERATIONS

This report is presented pursuant to the mandate contained in the "Agreement between the General Secretariat of the Organization of American States (GS/OAS), the Inter-American Commission on Human Rights (IACHR) and the Nicaraguan government for the investigation of the violent events that took place in Nicaragua between April 18th and May 30th, 2018 (hereinafter "the Agreement").[1]

The findings in this report are the result of six months of work in Nicaragua, in direct contact with victims, eyewitnesses of the violent events, affected family members, and human rights organizations. Unfortunately, as laid out in this report, the complementary work of the GIEI was compromised because of the lack of response from Nicaraguan State organs, which failed to provide the requested documents and did not respond to the invitations to meetings with the GIEI. Notwithstanding the foregoing, due to the collaboration received from several individuals who offered invaluable information, this report and other outcomes were made possible.

At the time of the presentation of this report, the situation in Nicaragua with regard to the respect and guarantee of human rights is not the same as the one found in July 2018 – when the team arrived there, but it remains extremely worrisome: there are thousands of Nicaraguans in exile to protect their lives, hundreds of people are still deprived of their liberty, families keep on fighting for justice in relation to the deaths of their loved ones, and there is an insurmountable amount of people living under threats. On top of that, a few days before the presentation of this report, repression deepened through measures such as the expulsion from national territory of human rights defender Ana Quirós, who is a Nicaraguan national; or the annulment of the juridical personality of several human rights organizations, such as CENIDH (*Centro Nicaraguense de los Derechos Humanos*), that had been working to defend human rights for decades; or the forceful entry into their offices as well as those of other non-governmental organizations and independent media outlets. Even though this report cannot reflect the entirety of the violent events that took place throughout these months due to the temporal restriction of the GIEI's mandate, we hope this report helps Nicaragua find the path for justice that the victims so deserve.

On December 19th, 2018, one day before the scheduled presentation of this Final Report by the GIEI in the city of Managua, the State decided to "temporarily suspend" the visit and the presence of the GIEI in the country and, ultimately, compel its members and personnel to leave Nicaragua. The GIEI is mindful that such measure specifically aims at impeding the truth from being revealed. Moreover, we regret not being able to share our findings with victims and their families, and we reaffirm our commitment to truth, justice and reparations, and with the victims to whom this work is dedicated.

Acknowledgments

The GIEI stresses the importance of the decision of all Parties to sign the Agreement of May 30th, 2018, in order to establish this international investigation mechanism. We owe special thanks to the IACHR for fostering the creation of this mechanism and supporting our work, as well as the General Secretariat of the OAS. The GIEI also wishes to acknowledge its international donors for their contribution and support. Likewise, the GIEI expresses its gratitude towards all organizations and individuals who supported its activities, particularly CENIDH and CPDH (*Comisión Permanente de Derechos Humanos*), without whose contributions its work could not have possibly been carried out. In particular, we thank all individuals who valiantly presented their testimonies to the GIEI, despite the continuity of the violence, and participated in various meetings and workshops in Nicaragua, Costa Rica, the United States, Mexico and Spain. The GIEI also wishes to particularly thank its staff and those individuals and organizations that constituted its supplementary work team.

1 Annex 1: Agreement signed on May 30th, 2018, between the General Secretariat of the Organization of American States, the Inter-American Commission on Human Rights and the government of Nicaragua.



I. CONTENTS OF THE REPORT

This report is comprised of XIV chapters. It begins with the COMPOSITION of the GIEI and its MANDATE, that is to say, the complementarity regarding the investigations to be carried out by Nicaraguan authorities in relation to the events that occurred between April 18th and May 30th, 2018, and the analysis of the Plan of Integral Attention to the Victims that the State was supposed to create.

The members of the GIEI were Amerigo Incalcaterra, Sofía Macher Batanero, Claudia Paz y Paz Bailey and Pablo Parenti, who initiated their activities in Nicaragua on July 2nd, 2018, with the support of an interdisciplinary technical staff composed of professionals from several nationalities and backgrounds.

The following chapter deals with the context in which the GIEI carried out its work, and the **LIMITATIONS** that it had to face. Its task became more complex and difficult due to the continuous occurrence of violent events several months after its inauguration, although not of the same magnitude as previously observed. This was so because the State criminalized any acts of protest by citizens, persecuted and even imprisoned leaders of various social and political segments, as well as journalists and media outlets, with a view to inhibiting any action or expression against the government. This situation represented a serious restriction to the activities of the GIEI due to the fear of reprisal and criminalization that reigned among victims, their families and society in general, if they endeavored to express themselves or exercise their rights. Said fear forced thousands of families into exile. Moreover, it must be stressed that the GIEI carried out its activities without the cooperation of Nicaraguan authorities, and this seriously undermined its complementary work, which implied a close coordination with them, especially with the Office of the Public Prosecutor. On the contrary, this represented a major obstacle to the work of the GIEI, and a violation of the terms of the Agreement signed on May 30th, 2018.

Due to the foregoing, the GIEI devised a **METHODOLOGY** mainly based on the collection of information from various public sources and the examination of official information provided by the State to the IACHR during its on-site visit in May, and also from confidential sources, both in Nicaragua and elsewhere. The GIEI analyzed a large quantity of documentation, including videos, photographs, news articles and material from the press and social media, many of which were recorded by citizens who participated in the protests. If one considers only audiovisual material, more than ten thousand archives were reviewed and analyzed, which posed methodological challenges and the incorporation of new innovative tools of investigation and specialists in the subject.

Given the magnitude of the events, the GIEI focused its work on the violations of the right to life and the context thereof, and also examined violations of other rights, such as personal integrity and personal liberty, due process and judicial guarantees, freedom of expression and the right to protest, among others. The GIEI also concentrated its analysis on some incidents or facts which represent a clear expression of the violent events that took place during the time period under its scrutiny pursuant to its mandate, i.e. from April 18th to May 30th. Moreover, the GIEI directed its work at the State's obligation to remedy violations. In order to understand the situation that unfolded in Nicaragua starting on April 18th, 2018, it was necessary to examine the **ANTECEDENTS** and a broader **CONTEXT** which included a series of reforms, institutional changes and repressive practices that progressively restricted citizens' exercise of their rights in a substantial manner.

After examining the antecedents that allow for a better understanding of the reasons for the social protests and the manner in which the State's disproportionate response was constructed, the report looks into the **VIOLENT EVENTS BETWEEN APRIL 18th AND MAY 30th** and examines a series of events that took place within the temporal jurisdiction of the GIEI's mandate. These incidents, in turn, are part of a series of events that, as a whole, explain the various forms of expression and protest eventually observed in Nicaragua and the State's repressive response thereof.

The report continues with a **CHARACTERIZATION OF THE VIOLENCE**, which shows how the reported events illustrate the forms and intensity of violence that occurred in the period within the GIEI's mandate, and describes the patterns of violence – particularly the use of lethal weapons as a means of repression – and the actors responsible for the violence, as well as the instigation and the political support for the repression. It also examines the deprivation of liberty of protesters, the role of the health system and how impunity was guaranteed for State-sponsored violence. Finally, it looks into the violent actions perpetrated during the protests.

The following chapter dealing with **CRIMES AGAINST HUMANITY** explains that, according to the available information, it is possible to ascertain that the State of Nicaragua perpetrated crimes against humanity. To that end, the report examines the fundamental elements of this international crime in light of the actions of repression, and refers to the main consequences of said determination: the inapplicability of statutes of limitation, the impermissibility of amnesty laws, the principle of universal jurisdictional and the possibility of involving the International Criminal Court.

The next chapter is about the **ROLE OF THE CRIMINAL JUSTICE SYSTEM,** and it describes how the investigations into the violent deaths were carried out, whether they complied with international standards on the subject, how and which cases were clarified. It also deals with the role of the criminal justice system regarding those individuals that were accused of committing crimes during the protests, particularly describing the criminalization of protesters that was observed in those criminal procedures and how they did not abide by due process of law.

In the chapter about **RECOMMENDATIONS FOR THE INVESTIGATION OF CRIMES,** the GIEI makes some recommendations related to investigative measures which should be performed by those institutionally responsible for the justice system, in order to clarify the facts and punish perpetrators, and by those who are in charge of the design and implementation of criminal justice policies, as well as those directly in charge of the ensuing investigations.

An important part of the work of the GIEI was bringing to light the psychosocial impact of the human rights violations suffered since April 18th by victims and their families, and divulging their own voices, thus the report contains a chapter about **THE EXPERIENCE OF THE VICTIMS AND THEIR FAMILIES: "I JUST WANT THIS NIGHTMARE TO BE OVER SOON".** With regard to this chapter, it is important to note that the contact with them occurred while gross human rights violations continued to happen in a context of harsh repression.

The following chapter deals with the State obligations that arise from the human rights violations, and it observes that, when faced with massive and/or systematic violations and the resulting profusion of alleged perpetrators and victims, the criminal justice system, be it international or domestic, is incapable of responding to them in a timely fashion, much less in an integral manner. Therefore, that chapter presents a **DRAF PLAN FOR FULL REPARATIONS.**

Finally, the report includes **CONCLUSIONS AND RECOMMENDATIONS** that the GIEI formulated after six months of work in Nicaragua.

This Final Report of the GIEI ends with a chapter about the **VICTIMS OF VIOLENT DEATHS**, which includes an individual account about each one of those persons who were killed between April 18th and May 30th, 2018. Eight of those were children at the time of the events, and two were youths under 25 years old.

II. COMPOSITION AND MANDATE OF THE INTERDISCIPLINARY GROUP OF INDEPENDENT EXPERTS (GIEI)

Due to the violent events that took place in Nicaragua since April 18th, 2018, the Inter-American Commission on Human Rights (IACHR) carried out a visit to that country from May 17th to 21st, 2018, in order to conduct an on-site observation of the human rights situation. After culminating that visit, the IACHR issued its preliminary observations, and concluded that it had found evidence of serious human rights violations:

"During its visit, the IACHR pulled together documentary and audiovisual information and heard hundreds of witness statements with testimony of serious human rights violations during a month of protests characterized by the excessive use of force by the security forces of the State and armed third persons. The result was dozens of persons killed and hundreds wounded; illegal and arbitrary detentions; practices of torture, cruel, inhuman and degrading treatment; censorship and attacks on the press; and other forms of intimidation such as threats, harassment and persecution, all aimed at dissolving the protests and inhibiting citizen participation."[1]

The initial recommendations of the IACHR after concluding its visit were the following: "immediately cease repressing demonstrators and arbitrarily detaining those who participate in the protests"; and "respect and guarantee full enjoyment of the right of the population to protest, to freedom of expression, to peaceful assembly, and to participation." Moreover, it recommended that the State "create an international investigative mechanism on the acts of violence that occurred, with guarantees of autonomy and independence to ensure the right to truth and to duly identify the persons responsible."[2]

On June 15th, the National Dialogue Table, which was created among different actors from civil society and the government as a result of the serious acts of violence, decided to urge the IACHR to appoint the members of that mechanism and establish its creation. On June 21st, 2018, the IACHR issued the report "Gross human rights violations in the context of social protests in Nicaragua",[3] in which it reiterated the recommendation regarding the creation of an international investigative mechanism. For its part, the Government of Nicaragua explicitly accepted the creation of such international mechanism, in order to "ensure the right to truth and duly identify those responsible."[4]

In light of these antecedents, the Government of Nicaragua, the Secretary General of the Organization of American States (SG/OAS) and the IACHR signed an Agreement on May 30th, 2018, in order to create the Interdisciplinary Group of Independent Experts (GIEI) with the objective of "contributing to and supporting the measures launched by the State of Nicaragua" in relation to the investigation and clarification of the violent events that took place from April 18th to May 30th, 2018, so that "justice is served for all and reparations are provided for the victims."[5]

The independent experts were duly selected by the IACHR and appointed by the Secretary General of the OAS, who determined that the GIEI would be composed of Amerigo Incalcaterra, Sofía Macher, Pablo

1 IACHR. Press Release 113/18 – Preliminary observations on the IACHR working visit to Nicaragua, Managua, May 21st, 2018.

2 IACHR. Press Release 113/18 – Preliminary observations on the IACHR working visit to Nicaragua, Managua, May 21st, 2018. Recommendations 1, 2 and 3.

3 IACHR. Nicaragua, 2018 – Gross Human Rights Violations in the Context of Social Protests in Nicaragua. June 21st, 2018. In addition to that, on June 25th, 2018, the CIDH launched its Special Monitoring Mechanism for Nicaragua (MESENI), and subsequently sent a technical team to Nicaragua in order to follow up on the recommendations issued by the IACH in its Preliminary Observations after the on-site visit, as well as on the recommendations in its report "Gross human rights violations in the context of social protests in Nicaragua."

4 "It was precisely to elucidate the alleged facts that were denounced to the members of the IACHR during the on-site visit, that the Government of Nicaragua expressly accepted recommendation 3 of the preliminary report of May 21st, with regard to the establishment of 'an international mechanism of investigation about the violent events in Nicaragua, with guarantees of autonomy and independence in order to ensure the right to truth and duly identify those responsible'." Observations of the State of Nicaragua to the report "Gross Human Rights Violations in the Context of Social Protests in Nicaragua". June 21st, 2018, p. 17 at 8.

5 Annex 1: Agreement signed on May 30th, 2018.

Parenti and Claudia Paz y Paz Bailey, all of them with high technical standards and recognized trajectory in the protection of human rights.[6] Their appointment, for a period of six months that could be extended by agreement of the parties for the extent necessary to fulfill their mandate,[7] was duly notified to the government of Nicaragua on June 29th, 2018.8 According to the Agreement, the GIEI would have the following attributions:

A. Technically analyze the lines of investigation and make recommendations for actions with respect to the different levels of legal responsibility, in conformity with Nicaraguan legislation.

   a. Analyze whether all lines of investigation are being correctly exhausted in the investigations, and whether the appropriate legal figures are being used to frame the possible illicit acts and their perpetrators, according to Nicaraguan legislation.
   b. If necessary, and according to the highest international standards and the best regional practices, recommend the actions to be implemented to ensure that those lines of investigation are properly exhausted.
   c. The GIEI shall contribute and support the investigations conducted by the Nicaraguan authorities.
   d. The GIEI shall propose to the Nicaraguan authorities the adoption of additional measures to guarantee the security of individuals who collaborate with the investigations, be it as witnesses, experts or collaborators, in accordance with applicable Nicaraguan norms.

B. Technically analyze the Plan of Integral Attention to the Victims of the events that took place between April 18th and May 30th, 2018.

   a. Analyze the State's involvement in designing a Plan of Integral Attention to the victims and their families.
   b. If necessary, and according to the highest international standards and the best regional practices, recommend the actions to be implemented to provide the necessary assistance and integral reparation to the victims and their families.
   c. The State reiterates its intention in the sense that, according to the recommendations eventually issued by the Interdisciplinary Group of Independent Experts pursuant to the mandate established in the Agreement, it will continue to strengthen its institutional capacities.[9]

6 Annex 2: *Curriculum Vitae of the experts.*

7 IACHR. Press Release 145/18 – IACHR announces establishment of Interdisciplinary Group of Independent Experts for Nicaragua.

8 Annex 3: Note of the GS of the OAS to the Permanent Mission of Nicaragua before the OAS, dated June 29th, 2018.

9 Annex 1: Agreement signed on May 30th, 2018.



Presentation of the GIEI to Nicaraguan society
Photo credit: Oscar Sanchez / www.elnuevodiario.com.ni

In the Agreement, the State conceded to providing the GIEI with the following:

   a. Access to the investigation records and criminal procedure files being processed by the Office of the Public Prosecutor in relation to the facts, in conformity with applicable Nicaraguan legislation.
   b. Access to public information related to the facts.
   c. The necessary facilities, infrastructure, resources and means to fulfill its mandate.
   d. Security to carry out its work.[10]
   e. Formal validation of the requested technical assistance through the respective normative instrument.[11]

The GIEI initiated its work in Nicaragua on July 2nd, 2018, with the support of an interdisciplinary technical staff composed of professionals of various backgrounds and nationalities. On July 3rd, the IACHR presented the members of the GIEI to Nicaraguan society during a press conference.

10 As previously mentioned, this was the sole collaboration of the State of Nicaragua with the GIEI.

11 Annex 1: Agreement signed on May 30th, 2018.

III. COOPERATION AND LIMITATIONS TO THE WORK OF THE GIEI

Since the beginning of its activities, the GIEI worked without the collaboration of the Nicaraguan government, which systematically denied the requested information, and in a context of violence and State-sponsored repression that continued after its inauguration in Nicaragua. This represented a serious limitation to the fulfilment of its mandate.

The State of Nicaragua provided security to the GIEI and its team, which was offered by employees from the Direction of Protection and Security of Persons, as well as collaborated with means of transportation provided by the Ministry of Foreign Affairs. The GIEI wishes to express its gratitude for said collaboration, which was provided with excellent efficiency.

A. STATE DID NOT COLABORATE AND DENIED THE INFORMATION REQUESTED BY THE GIEI

The GIEI could not carry out its activities of complementarity and support as established in its mandate, because the Nicaraguan authorities systematically failed to deliver the information that was requested. Specifically, the State of Nicaragua did not respond to repeated requests for information and invitations to meetings by the GIEI, denied any access to the records of the investigations and criminal cases handled by the Office of the Public Prosecutor in relation to the events, nor did it remove the legal hurdles to formalize the technical assistance through a normative instrument. Moreover, it denied any other information related to an eventual Plan of Integral Attention to the Victims.

1. 1. Meetings and communications

The GIEI held meetings with the Ministry of Foreign Affairs, with the participation of the Minister, the President of the Supreme Court, the Attorney General and the representative of the National Police, among other authorities. These meetings took place on July 2nd and 20th, 2018.

Since the first meeting and throughout its mandate, the GIEI repeatedly requested access to the files of the investigations that were being conducted by national institutions, to the forensic reports and the lists of detainees in relation to the violent events that took place between April 18th and May 30th, 2018, as well as information regarding the plan for reparations. These requests were addressed to the Ministry of Foreign Affairs on July 2nd, 24th and 26th; August 19th; September 10th; October 9th, 12th and 17th; and November 16th, 2018. None of them received an official response. Another similar communication was directly remitted to the Attorney General, Ana Julia Guido Ochoa, but it was also left unanswered, since Ms. Guido Ochoa refused to have any relation with the GIEI pursuant to the mandate established in the Agreement; and, on the contrary, suggested that the GIEI conduct its complementary activities through contacts with the Ministry of Foreign Affairs. Given that the work to be performed related to criminal investigations, supporting them through an organ of the Executive branch would infringe the minimum standards for an independent investigation and seriously jeopardize the independence of the Office of the Public Prosecutor. On October 3rd 2018, the GIEI invited the Minister of Foreign Affairs and 17 other State authorities to an informative meeting about the concept of reparations, international standards and comparative practices about the subject, but none of them showed up[1].

1 The following authorities were also invited to said event: **Sonia Castro González**, Minister of Health; **Clarisa Indiana Ibarra Rivera**, National Director of the Public Defender's Office; **Alba Luz Ramos Venegas,** President of the Supreme Court of Justice; **Sergio Palacios Pérez,** President of the Specialized Criminal Chamber for Violence; **Johana Vanessa Flores,** Minister of the Family, Adolescence and Childhood; **Julio César Avilés Castillo,** Commander-in-Chief of the Army; **Francisco Díaz,** Chief of the National Police; **Alba Luz Torres Briones,** Minister of Labor; **Martha Ruiz,** Minister of Defense; **Ana Julia Guido,** Attorney General; **Ramona Rodríguez,** President of the National Council of Universities (CNU); **María Amelia Coronel Kinloch,** Presidential Chief of Staff; **Julio Guillermo Orozco,** General Director of the National Prison System; **Miriam Raudez,** Minister of Education, Culture and Sports; **Roberto José López Gómez,** President of the Nicaraguan Institute of Social Security; **Corina del Carmen Centeno Rocha,** Human Rights Ombudsman and; **Iván Acosta,** Minister of Finance and Public Credit. GIEI.



GIEI members are denied access to public hearings.

The deliberate denial of access to the files and criminal investigation records was not the only restriction imposed on the GIEI, since its members were also denied entry into public hearings regarding the ongoing criminal proceedings. Specifically, on August 14th and 27th, members of the GIEI tried to observe two proceedings which, according to the law, are supposed to be open for the public, but they were denied entry. In the first instance, on August 14th, the presiding judge Ernesto Rodríguez Mejía claimed that, "*in accordance with the law and the agreements with the* OAS, *any international body that intends to participate in hearings or trials, shall direct its request to the Ministry of Foreign Affairs.*"[2].

On the same date, the Supreme Court of Justice issued a press release in which it stated that, "*for several days, foreign employees of the Interdisciplinary Group of Independent Experts (GIEI) and/or the Inter-American Commission on Human Rights (IACHR), who are in our country pursuant to the agreement signed between the General Secretariat of the OAS and the Government of Nicaragua, have arrived at judicial facilities to supposedly 'observe' some hearings or trials*" [3].

The line of reasoning used by Nicaragua to justify the delays and hindrances in allowing access to the aforementioned documents and information mainly referred to the lack of "a Protocol of Action once the parties comply with their respective legal capacities and internal procedures." On this matter, it must be stressed that this lack of cooperation can be strictly explained by the decision of the State to abandon the tripartite interchange process (IACHR-GIEI-Nicaragua) from the beginning of July; and, later, by the necessity of a formal mechanism to access the investigations which, as the GIEI insisted[4], had to be established by the Government[5].

These obstacles obviously imposed by the State regarding access to relevant information were publicly denounced by the GIEI to society and the international community. On August 2nd and October 17th, the





First communication from the GIEI to the State of Nicaragua.al Estado de Nicaragua

Communication Nro. 14.b addressed to the Minister of Foreign Affairs on October 3rd, 2018.

2 Press Release: CJS aclara sobre participación del GIEI en las audiencias públicas y juicios. August 14th, 2018.

3 The press release goes on to explain that, *"to this date, the Secretariat of the Supreme Court of Justice has received no communication from the Ministry of Foreign Affairs regarding the participation of the GIEI or the IACHR in any hearing or trial".* Press Release: CJS aclara sobre participación del GIEI en las audiencias públicas y juicios. 14 de agosto de 2018. August 14th, 2018

4 GIEI. Communications No. 8 and 13 addressed to the Ministry of Foreign Affairs of Nicaragua on August 19th and September 10th, 2018, respectively.

5 Meeting with State authorities of July 20th, 2018.

GIEI formally informed the Ministry of Foreign Affairs of Nicaragua, the Secretary General of the OAS and the Executive Secretary of the IACHR about the conduct of State authorities. Moreover, during press conferences that took place on August 16th and October 26th, this complex situation was brought to light, and the GIEI publicly denounced that it had not received the collaboration, nor the support from Nicaraguan authorities in order to facilitate its complementary activities, especially with regard to the Office of the Public Prosecutor.

> *The GIEI continues fulfilling its mandate without the support of the Nicaraguan State, which has not provided access to official information that has been requested and, worse than that, has imposed obstacles and prohibitions regarding entry into public institutions, which violate the agreement signed between the parties. The State has also not responded to the request from the GIEI for interviews with the families of police officers who have been killed or with those injured*[6].

This lack of collaboration also affected the response to several requests for meetings regarding a plan of work and coordination with other State authorities, which were submitted on July 2nd and September 10th, 2018. Given this lack of response, the GIEI tried to schedule those meetings directly, to no avail. In particular, the GIEI requested joint meetings with the Commission for Truth, Justice and Peace twice, on August 28th and September 21st, but these have remained unanswered to this date.

The GIEI was also unable to obtain other necessary information to specifically fulfill its mandate of complementarity, in relation with the following topics: i) information about the families of police officers who were killed during the violent events that took place between April 18th and May 30th, in order to offer them the possibility of meeting with the GIEI (August 19th and September 10th, 2018); ii) specific and detailed information from various public institutions (August 7th, 2018); [7] iii) information regarding all judicial hearings about the violent events that took place between April 18th and May 30th, 2018 (August 22nd, 2018); iv) request of access to the graphic records, videos and news articles published during the violent events between April 18th and May 30thby all State-run means of communications – written and televised (August 28th, 2018); v) information about the eventual disproportionate impact that the violence may have had with regard to children and adolescents (October 12th, 2018)[8]; and vi) identification of civilians who were using firearms during the violent events related to the March of the Mothers on May 30th, 2018 (November 16, 2018). In all these instances, the GIEI did not obtain any response about the requested information.

6 Annex 4. GIEI. Press Release. Managua, October 26th, 2018.

7 The GIEI requested the following: **1) From the Office of the Public Prosecutor or the National Police:** copies or access to the records of the investigations conducted by those organs regarding the deaths between April 18th and May 30th, which were listed in the preliminary report of the Commission for Truth, Justice and Peace (published in July 2018). **2) From the National Police:** date and entry into force of the instruction or order for the National Police to remain in barracks, and from whom this order came; which procedures or system exist to supervise the use of arms and ammunition buy the National Police; whether there are ballistic records for each firearm in possession of the National Police; whether there is a daily register about which members of the National Police fired their weapons between April 18th and May 30th, 2018. If there is, who did so and were investigations carried out about it?; Were any investigations carried out to determine whether there was any abuse in the use of firearms, and establish if said use was legal; the operational orders issued about each event within the GIEI's mandate, including demonstrations in public spaces or at universities; information about the chain of command within the National Police, from the highest authority to the ground, for each region of the country between April 18th and May 30th, 2018 (whether this chain of command persisted or was modified in the context of the operations launched in relation to the public demonstrations, university protests and other violent events linked to the conflict). **3) From the Supreme Court of Justice:** that it instructs all tribunals where public hearings about the violent events between April 18th and May 30th are being held to give permission for the members of the GIEI to observe without restrictions. **4) From the Institute of Forensic Medicine:** copies of the autopsies conducted between April 19th and May 30th, 2018, or after said period, in case they were related to the violent events of that period, and names of the deceased and their cause of death; the number and identity of individuals taken to morgues in the whole country between April 19th and May 30th, or afterwards, in case the deaths were related to the violent events of that period. **5) From the Ministry of Health:** a list of all wounded individuals who received medical assistance at public hospitals between April 19th and May 30th, or afterwards, in case the treatment was related to the violent events of that period; identification of these patients, reasons for treatment and information about the assistance given to them. GIEI. Communication No. 9 addressed to the Ministry of Foreign Affairs on August 22nd, 2018.

8 The GIEI requested information about the following: 1) In relation to the violent events between April 18th and May 30th, whether any complaints were received or criminal proceedings were initiated about the violent death of children or adolescents, or any type of bodily harm to them. 2) In the case of proceedings about bodily harm, whether the children or adolescents were allowed to participate in them and, if so, the extent and scope of said participation. 3) Whether the investigations conducted about the violent events perpetrated within the GIEI mandate resulted in any indictments against children or adolescents and, if so, details about their legal representation in the proceedings. 4) In case there exist criminal procedures against children or adolescents, whether they remained in liberty during the process. If they did not, details about the deprivation of liberty measures imposed on them, including type, circumstances and scope. 5) Whether the proceedings related to children and adolescents ensured the best interest of the child and, if so, detail how so. 6) With regard to reparations, in case there actually is a Plan of Integral Attention for Victims, whether it includes differentiated measures for children and adolescents and, if so, detail them. GIEI. Communication No. 16 addressed to the Ministry of Foreign Affairs on October 12th, 2018.

CSJ aclara sobre participación del GIEI en las audiencias y juicios

Martes 14 De Agosto De 2018

Escrito por Redacción Central

Desde hace algunos días, funcionarios extranjeros del Grupo Interdisciplinario de Expertos Independientes (GIEI) y/o de la Comisión Interamericana de Derechos Humanos (CIDH), quienes se encuentran en nuestro país en cumplimiento del acuerdo suscrito entre la Secretaría General de la OEA y el Gobierno de Nicaragua, se han estado presentando a diversos complejos judiciales, con la supuesta intención de asistir como "observadores" al desarrollo de algunas audiencias o juicios.

Al respecto, la Corte Suprema de Justicia aclara que el numeral 5 del acuerdo entre el Gobierno de Nicaragua y la Secretaría General y la Comisión Interamericana de Derechos Humanos de la OEA, suscrito el 30 de Mayo de 2018, establece que: "Las partes convienen que el Ministerio de Relaciones Exteriores será el canal permanente de comunicación del Estado nicaragüense con el GIEI". Hasta esta fecha, la Secretaría de la Corte Suprema de Justicia no ha recibido de la Cancillería de la República ninguna solicitud hecha por el GIEI o la CIDH para que se permita a sus funcionarios asistir a ninguna audiencia o juicio.

Este 14 de Agosto, durante la realización de la Audiencia preparatoria del Juicio Oral y Público de los acusados del crimen contra Ángel Eduardo Gaona López (Q.E.P.D), realizada en el Complejo Judicial Central Managua, en la que se encontraban el representante legal de la víctima licenciado Boanerge Benigno Fornos Escoto, y los abogados defensores de los procesados, licenciados Amy Javiera García Curtis y Maynor Curtis Lovo, éstos informaron al juez de la presencia en el portón del CJCM de supuestos funcionarios del GIEI y de la CIDH, y pidieron al judicial que se autorizara el ingreso de dichas personas, también se encontraban presente familiares de los procesados.

Al respecto, el juez de la causa les explicó que en cumplimiento de la ley y de los acuerdos con la OEA, cualquier organismo internacional que desee participar en las audiencias o juicios, debe canalizar su solicitud a través del Ministerio de Relaciones Exteriores.

Supreme Court denies entry of the GIEI into public hearings





GIEI Press conference of October 26th, 2018

Due to the lack of dialogue with State institutions, but in an attempt to duly fulfill its complementary role, the GIEI recommended the following measures to the Attorney General, with regard to the investigations into the violent events during the relevant time period, in case they still had not been performed:

- Determine the exact date, time and place in which each death occurred.
- Conduct crime scene investigations, with a view to identifying, recording and collecting evidence.
- If there were public or private security cameras near the events, get copies of the videos on the date and time of the event, as well as videos of the preceding and subsequent moments.
- If there are traces of bullets, determine their trajectory.
- If there is ballistic evidence, collect and analyze it.
- Conduct a forensic examination that documents the origin and cause of death, the existence of previous injuries and other relevant aspects. If an autopsy was not performed, make sure that one is conducted with the participation of international specialists acting as experts, observers, technical consultants or in any other capacity to ensure that the exhumations and the forensic examinations comply with international standards, preserve the evidence, and observe the Minnesota Protocol of the United Nations regarding possibly extrajudicial killings. In this regard, the GIEI offered to recommend international experts for said task.
- Determine which police force intervened at the place and time of the events, and who was in charge of the police operation.
- Determine whether any member of the police force who was identified, in accordance with the foregoing, used their firearms.
- Determine which procedures and records exist within the National Police regarding the supervision of the use of firearms and ammunition, whether there is an inventory, and to whom each weapon was assigned between April 18th and May 30th, 2018.
- Taking into account the multiplicity of events, obtain ballistic records of all firearms used by the National Police.
- Determine whether there is a daily register of which members of the National Police used the firearms that were assigned to them between April 18th and May 30th, if so, obtain it, and establish if any internal investigation into said use was initiated.
- Establish whether any investigations were conducted about the alleged abuse or misuse of firearms within the National Police, in order to determine if they were used properly.
- Obtain the command orders issued to the National Police for each one of the operations that fall within the GIEI's mandate, including demonstrations in public spaces or universities.
- Compare the ballistic evidence collected in each incident with the firearms used by the National Police.
- Acquire the reports from the police posts and the internal investigations that might have been carried out regarding police conduct for each event.
- Taking into account the multiplicity of events, determine the chain of command within the National Police from the highest authority to those on the ground in each region of the country since April 18th until May 30th. Verify whether said chain of command was maintained during the operations or actions related to the public demonstrations, protests in universities and other related violent events.
- Request the telephone records of all the lines that were activated at the time, date and place of the events.
- Request the identification of the members of the so-called "voluntary police" and the operational orders received by them in relation to the violent events between April 18th and May 30th.
- Taking into account the common or related context in which the violent events of this period occurred, carry out a comprehensive analysis of the information obtained in each investigation, with a view to identifying eventual patterns or similarities regarding the type of armaments used, the characteristics of the wounds inflicted, the parts of the body, and possible perpetrators, among other circumstances.
- Obtain the list of all the vehicles used by the National Police between April 18th and May 30th in those places where violent deaths occurred.
- Request information from hospitals and the National Police about police personnel that was injured or died as a result of these events.
- Determine whether there were explicit orders and, if so, where they came from, for the police to cover their faces during the operations.[9]

On the other hand, as soon as the November 6th "Proposal of a State Policy for a Culture of Peace and Reconciliation" was publicly announced by the Government of Nicaragua, without previously requesting a technical analysis by the GIEI as established in the Agreement[10], the GIEI submitted its comments about this proposal to the Ministry of Foreign Affairs on November 14th, 2018, and publicly announced those comments one day later, on November 15th, 2018.

B. CONTINUITY OF THE VIOLENCE

The fact that violent events continued occurring after the inauguration of the GIEI represented a serious limitation to the fulfilment of its mandate, given that fear reigned among victims, their families and society in general of retaliations and criminalization for expressing themselves and exercising their rights. The repression against peaceful protests and demonstrations, as well as the persecution and the harassment of student leaders, rural workers, indigenous and other social leaders, journalists and human rights defenders continued throughout the duration of the mandate of the GIEI.

The foregoing demanded that the GIEI establish a strict protocol for dealing with victims, their families and other persons who voluntarily presented their testimonies about the violent events that took place between April 18th and May 30th, in order to not further put them at risk.

9 Communication No. 12 addressed to the Ministry of Foreign Affairs on September 3rd, 2018.

10 Annex 1: Agreement signed on May 30th, 2018.

The State-sponsored repression and persecution was of such magnitude that thousands of persons were forced into exile. According to the United Nations High Commissioner for Refugees (ACNUR), Costa Rica alone registered 23.000 requests for asylum up to July 2018. Nevertheless, the number of Nicaraguans who were forced to leave the country is much higher[11].

Another serious limitation faced by the GIEI was the level of distrust of victims and their family members in State authorities in charge of the investigations and the prosecution of perpetrators of serious violent events, which illustrates the lack of transparency, independence and autonomy of the institutions responsible for the administration of justice. Many families did not even attempt to present complaints because they do not believe in the judicial system. Other families who presented complaints before the Office of the Public Prosecutor did not receive adequate responses and, in many cases, they were asked to present evidence themselves.

In light of the foregoing, other than the names of the deceased, this report only includes the names of those victims, family members or witnesses who specifically acquiesced to being identified. The others are kept strictly confidential in order to protect them from eventual reprisal. The identity of these individuals, as well as all the documentation that was received will be submitted to the IACHR under strict confidentiality.

The GIEI wishes to express its gratitude to the victims, particularly to the families of those who lost their lives during the protests, to those who are arbitrarily deprived of liberty, and to the survivors of gross human rights violations, as well as to all of those who collaborated and provided documents and testimony to enable the work of the GIEI.

11 Press Release: ACNUR aumenta su respuesta a medida que miles de personas huyen de la violencia en Nicaragua. July 31st, 2018. IACHR. Press Release 233/18 – 233/18 - Observaciones preliminares sobre la visita de trabajo para monitorear la situación de personas nicaragüenses que se vieron forzadas a huir a Costa Rica. 1st, 2018. .



Protest at the Cathedral







Continuous violence after May 30th.

Persons detained during the manifestations.







IV. METHODOLOGY

The GIEI had to adjust its methodology due to the lack of cooperation by the State of Nicaragua. Upon not receiving cooperation and collaboration from the Nicaraguan authorities to fulfill its mandate of complementarity, which implied working closely with them, the GIEI implemented a methodology that was primarily based on collecting information from public sources, and examining official information provided by the IACHR. The Commission had received said information from the State during its visit of May 2018, as well as from other confidential sources.

Given the magnitude of the events that took place in Nicaragua, the GIEI focused its work on violations of the right to life and the context thereof, while still examining other rights that were violated, such as personal liberty and integrity, due process and judicial guarantees, freedom of expression and the right to protest, among others. Moreover, the work of the GIEI focused on the State's duty to provide reparations.

The GIEI gathered information in Nicaragua, Costa Rica, Honduras, the United States, Spain and Mexico, during interviews with family members of victims and survivors. It also carried out visits and observations to various places in Managua and other cities in Nicaragua where the violent events took place between April 18th and May 30th.

In addition to that, the GIEI held meetings with national journalists and foreign correspondents, social communicators, national and international non-governmental organizations (NGOs). It also worked closely with the IACHR and its Special Monitoring Mechanism for Nicaragua (MESENI), and interchanged information with the United Nations High Commissioner for Refugees (ACNUR), the United Nations High Commissioner for Human Rights (UNHCHR), and various diplomatic officials in Nicaragua.

The GIEI held 23 informative meetings and consultation workshops with several civil society organizations in Managua and in San José, Costa Rica, by virtue of its mandate to carry out a technical analysis of the Plan for Integral Attention to Victims that the State was supposed to draft. More than 400 people participated in those meetings and workshops, where the theoretical framework of the plan was presented, and participants offered input and tools to facilitate the duty of the State to devise programs and public policies to provide reparation to the victims.

The GIEI analyzed a large number of documents, including videos, photographs, news articles and material from social media, many of which were by participants in the protests. If one considers only audiovisual material, more than ten thousand archives were reviewed and analyzed, which posed methodological challenges and led to the incorporation of new innovative tools of investigation and specialists in the subject.

The GIEI used due diligence in evaluating the credibility and trustworthiness of these sources, compared the information gathered to confirm its legitimacy, including by juxtaposing it with official information that it obtained from various sources. All the information gathered was incorporated and catalogued in a software for processing information that was created by the GIEI. Additionally, the GIEI used international experts who provided relevant input for this report. It also examined the national laws of Nicaragua – constitutional, judicial and regulatory – that were required for an analysis of the topics herein, as well as international human rights norms and jurisprudence of the regional and universal systems.

Thanks to international donors, the GIEI was assisted in Managua by an international staff composed of professionals from various nationalities and fields of expertise, all of whom were qualified in the subjects contained in this report. Despite the obstacles stemming from the lack of cooperation by State authorities and the risks faced by those who were consulted, the GIEI was able to gather, examine and corroborate a large array of information which allowed it to reach reasonable conclusions in order to reconstruct the facts as they occurred, their circumstances, and identify probable perpetrators.

All the materials and documents gathered by the GIEI will be delivered to the IACHR in the hope that, at one point in time, the victims may find justice, which is being denied to them by the current Nicaraguan justice system.

V. ANTECEDENTS AND CONTEXT

The social protests that began on April 18th were not the result of an isolated occurrence, and in order to understand them, one needs to examine them in a larger context of a series of reforms, institutional processes and repressive practices that substantially restricted the exercise of fundamental rights by Nicaraguan citizens. Due to the foregoing, this report will refer to the political reforms and the institutional transformation experienced by Nicaragua since the beginning of this century.

A. ANTECEDENTS

Institutional Framework

Since the so-called "Alemán-Ortega Pact" of 1999, Nicaragua experienced a series of reforms to its electoral system, with a view to creating a bipartisan system of two political parties. This system facilitated the implementation of a series of constitutional and legal reforms, and the creation of policies that permitted the access to political power, but also the control and subordination of other government branches and institutions, including public universities, which led to the progressive elimination of spaces for pluralism.

Since President Ortega was sworn into office in 2007, this process of reform deepened with a view to creating a model of absolute control. This report will subsequently examine the reforms and policies regarding the electoral system, justice and security, as well as university management, which, as a whole, gave President Ortega the control over the institutions that encompass the context in which the State response to social protests occurred from April 18th onwards.

1. Political reform

In 1999, two political parties, the Sandinista National Liberation Front (*Frente Sandinista para la Liberación Nacional* – FSNL) and the Constitutional Liberal Party (*Partido Liberal Constitucionalista* – PLC) agreed to reform the State and create a bipartisan system. This agreement, which was denominated "Alemán-Ortega Pact", modified the rules regarding presidential elections. From then on, it became possible to become President with 40% of the votes on the first round of voting, as opposed to the previously necessary 45%, except in those cases where a candidate received more than 35% of the votes and there was more than a 5% difference to the runner-up. This pact also included a constitutional reform that would be passed in 2000, which reasserted the terms of the agreement and further promoted the reform or creation of other State institutions.[1]

The 2000 Constitutional reform consecrated the modification of the rules for presidential elections. Article 133 established that, "the former President and Vice-President elected by popular vote in the immediately previous election shall also be part of the National Assembly as representative and alternate, respectively; as shall be the runner-up candidates for President and Vice-President in the immediately previous election, as representative and alternate." The composition of the Supreme Court of Justice also changed from 12 magistrates to 16 magistrates and 16 alternates, and it established the creation of the Superior Council of the General Comptroller of the Republic, which was to be composed of 5 comptrollers and 5 alternates. The composition of the Superior Electoral Council was also modified from 5 to 7 members and 3 alternates. The reform also changed the minimum quorum necessary for the National Assembly to destitute the immunity of the President: from absolute majority to two thirds of the votes of its members.[2]

1 Law of Partial Reform to the Constitution of Nicaragua. Law No. 330. Approved on January 18th, 2000. Published in the Official Gazette No. 13 on January 19th, 2000.

2 Law of Partial Reform to the Constitution of Nicaragua. Law No. 330. Approved on January 18th, 2000. Published in the Official Gazette No. 13 on January 19th, 2000.

These institutional reforms concretely meant that the power would be divided between the FSLN and the PLC, and the doors would be closed for political opposition movements, thus restricting the right to political participation.

As part of the agreement, Law No. 331 was also passed in 2000, which restricted the political participation in the elections to political parties, to the detriment of associations of popular initiative. It also limited the creation of political parties, forms of affiliation, and ways to obtain juridical personality, while increasing the reasons for suspension and cancellation of the juridical personality of political parties.[3] This made it impossible for ethnic and indigenous communities to participate in that year's municipal elections, since the new normative framework did not recognize their forms of traditional organization, as exemplified in the case of the organization of native peoples Yapti Tasba Masraka Nanih Takanka (Yatama).

Yatama then presented a petition before the Inter-American Human Rights System (SIDH). The Inter-American Court of Human Right (I/A Court) issued its judgment in 2005 and ordered a series of legal reforms which the State failed to implement,[4] resulting in the notification of Nicaragua before the General Assembly of the OAS, for the first time, regarding lack of compliance with the judgment, in accordance with Article 65 of the American Convention on Human Rights (ACHR).[5]

Upon not complying with the I/A Court judgment, in 2008 the Superior Elector Council (CSE) incurred in the same violations against the *Movimiento Renovador Sandinista* (MRS), only in this particular case the CSE cancelled the juridical personality of the latter on June 11th, 2008, arguing that the MRS fell under the "self-termination" cause contemplated in Article 74.3 of the Electoral Law. This effectively prevented their participation in any future electoral process.[6]

Even though presidential reelection was prohibited by the 1987 Constitution, which was in force in 2009, on October 19th of that year, the Constitutional Chamber of the Supreme Court declared the inapplicability of Article 147 of the Constitution7 regarding the prohibition of reelection of the President, and directed the CSE to register the candidacy of Daniel Ortega for President in the upcoming November 2011 elections.8 On September 30th, 2010, the Supreme Court of Justice ratified that decision.9 Both the OAS Electoral Observation Mission10 and that of the European Union (EU) called attention to serious structural problems during the 2011 electoral process, which resulted in the reelection of Daniel Ortega as President. The EU deemed the process as lacking neutrality and transparency, since it was managed by an "insufficiently independent and unbiased electoral council that did not comply with its duties regarding transparency and collaboration with all parties involved."[11]

As a result of the aforementioned Pact, the ensuing reforms and the actions of the CSE, the 2011 elections allowed President Ortega to obtain absolute control of the National Assembly, and subsequently approve crucial laws, among which was the one that granted the concession for the construction of the Grand Interoceanic Canal to a Chinese company[12] and the new constitutional reform of 2014.

The 2014 constitutional reform[13] allowed President Ortega to be sworn into the Presidency yet again and to successively and indefinitely run for reelection. It also eliminated the second round of voting and established that presidential elections would be decided by a simple majority of the votes. This reform gave the President supreme authority over the National Police and the Armed Forces, as Commander-in-Chief of the National Police and of the Nicaraguan Army, and allowed the Army to perform civilian duties. Moreover, it instituted consequences for changing party affiliation, such as the loss of an elected seat, which was the argument utilized to oust representatives from office.[14] In decisions where due process was not observed and the I/A Court judgment was once again infringed,[15] the CSE restricted the right to participate in government, eventually dismembered oppositionist political parties, applied the aforementioned penalty for changing party affiliation and ousted from the National Assembly more than 28 representatives who were elected by popular vote, due to their membership of a political party or alliance which dissented from or opposed the governing party.[16]

These reforms and the decisions of both the CSE and the Supreme Court of Justice banished the *Partido Liberal Independiente* (PLI) from the electoral process. The PLI was the main opposition party at the time, thus those decisions helped Ortega win the 2016 national elections and obtain absolute majority in the National Assembly.

1.2. Violations of the independence of the Judicial branch

As previously mentioned, the "Alemán-Ortega Pact" modified the composition of the Nicaraguan Supreme Court of Justice, turning it into a body composed of 16 magistrates and 16 alternates, which permitted the division of the highest judicial body between the two main political parties in Nicaragua. In addition to that, Presidential Decree No. 03/2010[17] was another instrument used by President Ortega to ensure his control over the highest domestic court, since that measure allowed civil servants and magistrates of the Supreme Court to remain in their positions even after the expiration of their term.

3 Law No. 331 of Electoral Reform. Approved on May 26th, 2012. Published in the Official Gazette No. 168 on September 4th, 2012.

4 The legislative measures ordered by the Inter-American Court were the following: Adopt the necessary legislative measures to establish a simple, prompt and effective judicial recourse that allows the decisions of the Supreme Electoral Council, which affect human rights, to be contested; Reform the Electoral Law, so that it clearly regulates the consequences of non-compliance with the requirements for electoral participation, the procedures that the Supreme Electoral Council should observe when determining such non-compliance, and the reasoned decisions that this Council should adopt in this regard, as well as the rights of those individuals whose participation is affected by a decision of the State; Reform the regulation of the requirements established in Electoral Act No. 331 that violate the American Convention on Human Rights; and Adopt, within a reasonable time, the necessary measures to ensure that the members of indigenous and ethnic communities may participate in the electoral process effectively and taking into account their traditions, practices and customs. I/A Court H. R. Case of Yatama v. Nicaragua. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 23, 2005. Series C No. 127.

5 I/A Court H.R., Case of Yatama v. Nicaragua. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 20, 2015, at. 5 (only in Spanish).

6 CSE. Resolution of June 6th, 2008, which annulled the juridical personality of the MRS.

7 Constitution of Nicaragua of 1987, as amended in 1995. Article 147: The following persons shall not be candidate for President or Vice-President: the person who holds or held the Presidency in the period immediately prior to the elections, nor the person who has been President twice.

8 Supreme Court of Justice, Constitutional Chamber, Process No. 062-09, Judgment No. 504 of October 19th, 2009.

9 Supreme Court of Justice. Judgment No. 6 of September 30th, 2010.

10 OAS. Final report of the OAS Electoral Observation Mission about the general elections in Nicaragua. November 6th, 2011.

11 European Union. Electoral Observation Mission. Nicaragua, 2011, *Una jornada electoral en relativa calma tras un proceso carente de neutralidad y transparencia*. Managua, November 8th, 2011, p. 1.

12 Official Gazette. Law No. 840. Special Law for the Development of Nicaraguan Infrastructure and Transportation related to the Canal, associated Free Trade Zones and Infrastructure. June 14th, 2013.

13 Law of Partial Reform to the Constitution of Nicaragua. Law No. 854. Approved on January 29th, 2014. Published in the Official Gazette No. 26 on February 10th, 2014.

14 Constitution of Nicaragua, Article 131: Elected officials who change their party affiliation during their term, in violation of the wish of the electorate, shall lose their seat, and be replaced with their alternate.

15 I/A Court H. R. Case of Yatama v. Nicaragua. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 23, 2005. Series C No. 127, para. 206.

16 National Assembly. *Junta Directiva de Asamblea Nacional emite Resolución Número 14-2016*. July 29th, 2016. IACHR. Press Release No. 111/2016 – IACHR expresses concern over removal of opposition legislators in Nicaragua. August 8th, 2016.

17 Executive Decree No. 3 of 2010, approved non January 9th, 2010 and published in the Official Gazette No. 6 on January 11th, 2010.

The complementary conjugation of those two political decisions concretely opened the door for Daniel Ortega to perpetuate his position as President of the Republic. Indeed, as previously observed, in 2010, the Supreme Court of Justice declared the *erga omnes* inapplicability of the constitutional norms that prohibited the reelection for President and Vice-President, and for Mayor and Vice-Mayor;[18] which ratified the decision of its Constitutional Chamber in the previous year[19] by a questionable quorum composition.[20] The magistrate presiding over the Constitutional Chamber publicly contended that the constitutional provisions brought about by the 1995 constitutional reform conflicted with "the fundamental principle of equality of all citizens before the law and the principle of popular sovereignty."[21]

In this regard, the GIEI notes that the lack of independence of the Judicial branch is not a consequence of the absence of normative provisions, but rather is a product of the pressure exerted by various political forces in order to weaken the functioning of the judicial system. On this subject, the 2013 report of the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, observed that, "the appointment of Supreme Court magistrates is highly politicized, especially in the current context where the governing party holds the majority to reform the Constitution and appoint civil servants without proper consultation, approval or support from other political representatives in the National Assembly."[22] With regard to the expiration of terms and the perpetuity of judges and magistrates, the Special Rapporteur noted with concern that this is one of the serious problems related to independence and autonomy of the Judiciary in Nicaragua, and warned that, "in July 2013, the terms of all Supreme Court magistrates would expire", thus recommending their urgent nomination.[23]

With regard to the impartiality of the administration of justice, the Organic Law of the Judicial Branch (LOPJ) does not determine the causes or procedures for the dismissal of judges. In this regard, the UN Special Rapporteur indicated in her report that the National Council for the Administration of the Judicial Career does not abide by the selection and appointment processes, and that the Law of the Judicial Career does not apply regarding the permanence of judges, does not consider their consent or lack thereof, and "the system for dismissals does not sufficiently guarantee impartiality."[24] Therefore, she warned about the need for "these institutions [the National Council for the Administration of the Judicial Career] to be, in practice, independent from the supreme courts, with independent members who establish objective and transparent procedures for the selection, appointment, promotion, removal, suspension and dismissal of judges." Moreover, she observed that, "the composition of this judicial organ must be pluralistic, primarily made up of magistrates and judges, and guarantee the participation of civil society organizations. Likewise, the selection process of its members must be public and transparent."[25]

These problematic situations are recurring in the judicial system and in other State institutions, which illustrates the lack of political will to establish and initiate selection processes for relevant public positions and

18 Supreme Court of Justice. Judgment No. 6 of September 30th, 2010.

19 Supreme Court of Justice, Constitutional Chamber, Process No. 062-09, Judgment No. 504 of October 19th, 2009.

20 Political Science Journal, *Las Cortes Supremas como mecanismo de distribución de poder: el caso de la reelección presidencial em Costa Rica y Nicaragua. Volume 30, No. 3, 2010.*

21 Judiciary of Nicaragua. General Division of Communications. *Imposible revertir sentencia sobre reelección. April 8th, 2011.*

22 UNHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul – Sub-regional consultation about the independence of the Judiciary in Central America, presented before the Human Rights Council during its 23rd period of sessions, April 2nd, 2013, para. 66.

23 *Id., para. 68 and Recommendation B.6*

24 *Id., para. 67.*

25 *Id., para. 86.*

guarantee transparency, as well as civil society participation in said processes. This omission, in turn, results in appointments plagued by precariousness and influence of political pressure and *de facto* power.[26]

1.3. Interferences with the autonomy of the Public Prosecutor's Office

The Attorney General of Nicaragua is Ana Julio Guido Ochoa, a woman of recognized Sandinista trajectory,[27] who was previously Deputy Attorney General (2007-2014), and until 2006 was the Deputy Director of the National Police, to name a few hierarchical positions that she held within the institution.[28] Her appointment as the highest authority of the Public Prosecutor's Office was mandated by the National Assembly – with a governing party majority – in 2014, following a proposition presented by the Sandinista block. This selection process occurred under the auspices of the Special Commission of the National Assembly – also mostly composed of FSLN members – which eased her nomination by rejecting the candidacy of other individuals.[29] The policy of control exerted by the FSLN over the Office of the Public Prosecutor, which initiated in 2007 with her election by the National Assembly as Deputy Attorney General, resulted strengthened by her appointment; and the subsequent prorogation of her term by virtue of Presidential Decree No. 03/2010.[30]

Her affinity with the national government has materialized in concrete decisions and administrative acts motivated by political reasons. As an example, one of her decisions was to eliminate, in practice, the public competitions – provided for in Law No. 586 – required for the selection of public prosecutors, and instead convene internal competitions for positions that should accept applications from any skilled professional, thus favoring the selection of individuals with links or affinity with the FSLN to enter the institutional structure of the Office of the Public Prosecutor. The internal structure of the Public Prosecutor's Office was accordingly compromised. In additional to that, after her appointment as Attorney General, she started relocating those prosecutors who did not seem to sympathize with the governing party. More recently, in the context of the current crisis, this need to have affinity with the national government can be demonstrated by the political persecution against certain prosecutors who ended up having to resign from their positions.[31]

Another worrisome institutional aspect relates to the penetration of police in the Public Prosecutor's Office of Nicaragua, which undermines its legal nature as an autonomous and independent body.[32] In fact, since 2014 its hierarchically higher echelon is mainly composed of individuals who previously occupied positions in the higher echelon of the police: other than Attorney General Ana Julia Guido – former General Commissioner, her Deputy Attorney General Julio González – former High Commissioner, and General Inspector Douglas Vargas – former police Captain.

26 Transparency International. Corruption Perception Index 2017. February 2nd, 2018. Nicaragua holds position #151 out of 180 (in ascendant order for higher perceived corruption); Due Process of Law Foundation. Ley vs. Realidad, Independencia y Transaparencia de la Justicia en Centroamérica y Panamá – Informe de Nicaragua. 2013.

27 Mujeres en Red, *Mujeres sandinistas para la historia*. August 2018; Public source, *El secuestro orteguista de la justicia en Nicaragua*.

28 Ms. Guido Ochoa was promoted to General Commissioner by Presidential Agreement No. 313/2001. At this point, she was already General Deputy Director of the National Police.

29 Special Commission of the National Assembly, *Informe sobre los candidatos y candidatas a Fiscal General y Fiscal General Adjunto.* April 7th, 2014; La Voz del Sandinismo, Electa una mujer como fiscal deneral de la República. April 10th, 2014.

30 Executive Decree No. 3 of 2010, approved on January 3rd, 2010.

31 According to confidential testimonies of former employees of the Office of the Public Prosecutor, which were received by the GIEI; and *Convocatoria a Concurso interno para cargo de fiscal auxiliar, February 4th* 2016 – official document. Similarly, see La Prensa, Sacudida en Fiscalía, May 21st, 2014; and Renuncian varios fiscales del Ministerio Público de Nicaragua, June 21st, 2018.

32 Organic Law of the Public Prosecutor's Office No. 346. Article 1.

Upon subjugating other governmental branches – Legislative, Judicial and Electoral – and imposing government power over them, the current administration instituted a model of absolute control which weakens the institutions and facilitates acts of corruption therein. What is more, the political nature of the institutions enables the use of human and material resources for inappropriate purposes, such as demonstrations in support of a particular political party.[33] On the other hand, any form of protest by society in general, particularly by human rights defenders, is criminalized and judicialized.

1.4. Police reform

Daniel Ortega's inauguration for his second presidency in 2007 also implied an important transformation in the concept of the State. A key aspect in this scenario was being able to rely on police forces that supported the regime, thus the need to transform it from an institution that should guarantee the rights of every citizen to participate in public demonstrations, into an entity that must act in accordance with the decisions of the political power that promoted its transformation. According to President Ortega's vision, police forces play an instrumental role in a system of control and subjugation of dissident and dissatisfied expressions.[34] In several occasions, President Ortega publicly reminded both the police and the army about their Sandinista origins and the loyalty that, according to him, they owed to the FSLN party;[35] and additionally created links with other control structures in what can only be described as the resurgence of the outdated "national security doctrine." With that purpose, a close coordination was established between the police and the Councils of Citizenship Power (CPC).[36]

Accordingly, in 2014 the Law of structure, functions, career and special social security system for the National Police was sanctioned, Law No. 872,[37] which established a new concept of security related to the revival of the idea of national security, in line with the constitutional reforms that occurred in that same year; redefined the policing model as "preventive, proactive and communitarian;" created a direct and personal relation between the Chief of Police and the President, with the latter becoming the Commander-in-Chief of the National Police; stipulated that the Chief of Police could indefinitely remain in that position if the President so deemed essential, and the reinstatement of retired officers or the relocation of officers in activity to civilian positions on commission if the President considered it convenient.

Ortega hence managed to control the police and place it under his authority through the encroachment on its institutional structure.[38]

33 According to testimonies and documents received by the GIEI from former civil servants who worked in the administration of justice.

34 Cuadra, E. (October 1995). *La participación de la policía en los conflictos de transición. 1990-1993.* Bachelor's thesis. Managua: *Centro-Americana* University.

35 Metro, *Ortega saluda a la Policía Nacional por su 38 aniversario*, September 9th, 2017; *Ortega saluda a la Policía Nacional por su 36 aniversario*, September 8th, 2015; Visión Policial (magazine of the National Police), *Saludo del Presidente de la República Jefe Supremo de la Policía Nacional Comandante Daniel Ortega Saavedra en el 36 Aniversario de la Policía Nacional*. See also, *Palabras de la Primer Comisionada Aminta Granera, Directora General de la Policía Nacional en acto de celebración del XXX aniversario de fundación de la Policía Nacional*; La Voz del Sandinismo, *La Policía, aunque tenga outro apelido, sigue siendo sandinista*, September 4th, 1999; Confidencial, *Maltrato y corrupción en la Policía Nacional*, July 4th, 2016, among others. Daniel Ortega's speech on the occasion of the 38th Anniversary of the Nicaraguan Army, September 2nd. 2017; Daniel Ortega's speech on the occasion of the 37th Anniversary of the Nicaraguan Army, September 2nd, 2016, among others.

36 See declarations by Rosario Murillo and Arminta Granera about the coordination between the National Police and the CPCs for the prevention of crime, *in El Nuevo Diario, Anuncian próxima instalación de los CPC, November 3rd.* 2007.

37 Law No. 872, approved on June 26th. 2014, and published in the Official Gazette on July 7th, 2014.

38 In addition to the institutional changes promoted by the legislation reform of 2014, the following are some of the most evident transgressions of President Ortega regarding the police: maintaining the former National Director and First Commissioner Arminta Granera for consecutive terms – even though the law only permitted one term (she finally retired through Presidential Agreement No. 113-A-2018, of July 31st. 2018); granting promotions to officials before the required period of time in exchange for their loyalty (Romero, 2011); and appointing his in-law, Francisco Javier Díaz Madrid, for General Director of the National Police (Presidential Agreement No. 98-A-2018, of July 5th, 2018. On September 5th, 2018, he was promoted to First Commissioner by Presidential Agreement No. 130-A-2018.















Images prior to the conflict

Consequently, the Nicaraguan police, which in the 90s was highly professionalized and specialized, trained in various specialties and with a high degree of public trust and legitimacy, as well as regional recognition for its excellence, was transformed into an institution that is merely a part of a system of control by and defense of the President and his party, along with other entities within the Ministry of Interior and the Army.[39]

1.5. University policy

According to constitutional norms and ordinary legislation, Nicaragua's universities and centers of superior technical education are academically, financially, organically and administratively autonomous.[40] They shall be governed by collegiate bodies – Councils and Assemblies – through individual hierarchical management positions – Rector and Dean. In its institutional structure there should also exist the National Union of Students of Nicaragua (UNEN). This is the union organization that represents students enrolled in higher education and technical studies,[41] and it exercises student representation before the university's administrative bodies – both generally and for each College – and its National President is a member of the National Council of Universities.[42]

According to the information available to the GIEI, the political arena within universities was also heavily controlled by the government, which left limited room for political dissent. As a matter of fact, the current President of UNEN, Luiz Andino Paíz, works in obviously close connection with President Ortega's government.[43] Additionally, in conformity with the testimonies received by the GIEI, there is a crisis of representation in the UNEN vis-à-vis the student body, which led, for instance, to an attempt to hold early elections; as well as raised serious questions about the management of the organization's budgetary resources.[44]

According to the information, the government's control over university policies is also fostered by the sale of positions in exchange for political favors, the lack of rotation in temporary positions, fraudulent elections for university positions, and the political persecution of individuals who do not align themselves with the interests of the governing party.[45]

This restriction regarding political opinion within universities and the student movement, in particular, was one of the catalysts for the massive protests that began in April and for the magnitude of student participation in them.

39 Cuadra Lira, E. (2014). *Las reformas del sector seguridad en Nicaragua. Cambios significativos en el paradigma de la seguridade, in C. Niño. 2014 Annual Report on Regional Security in Latin American and the Caribbean.*

40 Constitution of Nicaragua. Article 125; Law No. 89 on autonomy of Higher Education Institutions. April 5th. 1990. Article 8; and Law No. 582 General Law on Education. March 22nd, 20016. Article 48.

41 National Autonomous University of Nicaragua. UNEN – Presentation.

42 Law No. 89 on autonomy of Higher Education Institutions. April 5th. 1990. Article 57.

43 Blog contra la manipulación. *Entrevista con Luiz Andino Paiz, Presidente del Ejecutivo Nacional de UNEN (Unión Nacional de Estudiantes de Nicaragua), y miembroi del Diálogo Nacional*. September 5th, 2008; La Prensa. *El poder de UNEN en las universidades públicas de Nicaragua*. May 13th, 2015.

44 GIEI interview C105; La Prensa. *El poder de UNEN en las universidades públicas de Nicaragua*. May 13th, 2015.

45 GIEI interview C105; La Prensa. *El poder de UNEN en las universidades públicas de Nicaragua*. May 13th, 2015.

2. Disproportionate impact on specific groups

The construction and the exercise of political power by the government had a major impact in the human rights situation of Nicaraguan citizens. The interests of the governing party and its allies translated into normative instruments and public policies which caused a disproportionate and differentiated impact on certain populational groups. That is the case, for example, of human rights defenders, indigenous peoples, rural workers and women.

With regard to the situation of human rights defenders, it is important to note that it is a complex problem that produced the involvement and follow-up of the Inter-American Human Rights System more than a decade ago. In an explicit acknowledgment of the seriousness of the situation, the IACHR granted precautionary measure to protect lives and integrity;[46] convened thematic hearings to deepen its knowledge about the situation – in which the State failed to participate;[47] and the subject was included in judgments issued by the I/A Court[48] and thematic reports published by the IACHR.[49] Likewise, the European Parliament expressed its concern over their situation.[50]

All of the aforementioned instances are consistent in recognizing that there exists a climate of political hostility, persecution and stigmatization, which is fostered by the government due to the work of human rights defenders in Nicaragua.[51] Their situation is aggravated by the reigning impunity for actions perpetrated against them,[52] and the threat or actual use of Criminal Law to inhibit and hamper their activities or intimidate them.[53]

In similar fashion, the power dynamics implemented by the State and the exercise thereof end up being particularly harmful to indigenous peoples. Therefore, the abovementioned obstruction of the exercise of their political rights and the lack of political will to comply with the Inter-American Court's judgment on this subject, are reinforced by governmental actions and omissions that violate their fundamental rights.

With regard to the omissions, the problem lies with the indifferent attitude of the Police in relation to violent actions perpetrated by third parties against indigenous peoples and their communities. Indeed, in the Caribbean coast of Nicaragua, the Miskitu people has experienced for many years a situation of violence which has worsened since 2015. The violent actions are perpetrated by so-called "settlers" who have seized ancestral indigenous lands through the use of force, including murders, kidnappings, rape, torture, ambushes,

46 IACHR. PM 331-17 Francisca Ramírez and family members, Nicaragua. Resolution 33/2017. August 22nd. 2017; PM 121-16 Carlos Humberto Bonilla Alfaro and other, Nicaragua. Resolution 12/2016. March 24, 2016; PM 227-8 Vilma Nuñez de Escorcia, Nicaragua. Resolution of November 11th, 2008.

47 IACHR. 164th Period of Sessions. Thematic Hearing "Situation of women human rights defenders in Nicaragua".

48 I/A Court H.R. Case of Acosta *et al.* v. Nicaragua. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 25, 2017. Series C No. 334.

49 IACHR. Criminalization of Human Rights Defenders. December 31st. 2015.

50 European Parliament. *Resolución sobre la situación de los derechos humanos y la democracia em Nicaragua – el caso de Francisca Ramírez (2017/2563 RSP)*. February 16th. 2017.

51 In this regard, see CENIDH, Annual Report 2016; Amnesty International. *Nicaragua: Defensora de Derechos Humanos estigmatizada y desacreditada públicamente por autoridades del gobierno*. March 10th, 2017.

52 European Parliament. *Resolución sobre la situación de los derechos humanos y la democracia em Nicaragua – el caso de Francisca Ramírez (2017/2563 RSP)*. February 16th. 2017.

53 In its report about Criminalization of Human Rights Defenders, the IACHR examines two concrete examples of this type of action: i) the case of 9 women human rights defenders who were prosecuted for incitement to abortion and illicit association, because they had assisted a 9-year-old girl who was pregnant due to a rape; and ii) the case of 12 individuals who were detained and prosecuted for the crime of threat, aggravated damage, serious and minor bodily harm, obstruction, usurpation of private domain and coercion, due to their participation in a protest against the expansion of mining activities carried out by the company B2 Gold in Santo Domingo, Chontales.

attacks, robbery, destruction of homes and harvests, among other actions. Due to the seriousness of this situation, in 2006 the I/A Court granted provisional measures on behalf of several communities, which were later expanded by the Court so as to include other communities and their defenders in 2016, 2017 and 2018, in light of the continuity and exacerbation of the violence.[54] Likewise, the IACHR has also granted precautionary measures on behalf of five other Miskitu communities.[55]

In relation to government actions that violate their rights, development megaprojects are of particular concern. One major preoccupation lies with the project of building the Grand Interoceanic Canal of Nicaragua,[56] since 52% of the canal would cross indigenous territories and put their livelihood, culture and collective identity at risk, as well as jeopardize the very existence of the last community of Rama language in the world.[57] This project has incited the opposition of affected peoples and communities, and the rejection by rural movements, which have been supported by national and international organizations.[58] This organized resistance has had to deal with police attacks aimed at suppressing popular demonstrations against the construction of the canal, and some of the most relevant defenders of these communities have been forced to seek the support of the international community due to threats against their lives and integrity.[59]

Likewise, the lack of a political agenda for the protection and respect of the rights of women raises robust questions. Specifically, other than their participation in various hierarchical public positions, there are two main critical areas that do not seem to receive a proper response from the government and reveal concrete political interests: the high levels of femicide and the criminalization of therapeutic abortions.[60]

With regard to killings of women for reason of gender, the alarming statistics are aggravated by their constant increase. According to the statistics of the organization *Católicas por el Derecho a Decidir*, 54 femicides were perpetrated in Nicaragua in 2018, 51 in 2017, and 49 in 2016.[61] These numbers cannot be corroborated due to the lack of official and reliable statistics,[62] which is allegedly the result of an official policy aimed at hiding the problem.[63] These femicides also occurred within a context of serious governmental failures regarding prevention, investigation and punishment.[64]

54 I/A Court H.R. Provisional Measures. Matter of Members of the Miskitu Indigenous People of the North Caribbean Coast regarding Nicaragua. Orders of the Inter-American Court of September 1st and November 23rd, 2016; June 30th and August 22nd, 2017; and August 23rd, 2018.

55 IACHR. PM 505/15 Members of the communities "Esperanza, Santa Clara, Winsconsin and Francia Sirpi" in the territory of the Miskitu indigenous people, Nicaragua. Resolutions 37/15. 2/16, 44/16 and 16/17.

56 Law No. 800 – Juridical Regime of the Grand Interoceanic Canal and creation of its authority. July 6th, 2012; and Law No. 840 - Special Law for the Development of Nicaraguan Infrastructure and Transportation related to the Canal, associated Free Trade Zones and Infrastructure. June 13rd, 2013

57 CALPI. *Punta de águila amenazado por el Gran Canal de Nicaragua*. March 2015.

58 In a hearing about the construction of the interoceanic canal and its impact on human rights in Nicaragua, civil society organizations denounced before the IACHR that, since August 2014, 37 peaceful protests had been carried out to express discontent over the project of the canal, during which there was "intimidation and repression by the security forces of the State"IACHR. 154th Period of Sessions. Thematic Hearing "Construction of the Transoceanic Canal and its Impact on Human Rights in Nicaragua". March 16th, 2015. See also, Amnesty International, Peligro: derechos en venta – el Proyecto del Gran Canal Interoceánico de Nicaragua y la erosión de los derechos humanos. 2017; European Parliament. Resolución sobre la situación de los derechos humanos y la democracia em Nicaragua – el caso de Francisca Ramírez (2017/2563 RSP). February 16th, 2017; EFE. Miles marchan en Nicaragua en contra del Proyecto del canal interoceámnico. June 14th, 2015.

59 Such is the case of Francisca Ramírez, who is a beneficiary of the precautionary measures granted by the IACHR, and on whose behalf the European Parliament has adopted a resolution.

60 CENIDH. Annual Report 2016. Specific Situations. Human rights of women, pp. 121 and ss.

61 *Católicas por el Derecho a Decidir* – Nicaragua. Information divulged by the press in 2016, 2017 and 2018.

62 IACHR. Press Release No. 68/2018 – IACHR calls on Nicaragua to eradicate violence against women, girls and adolescents. March 28th, 2018.

63 CENIDH. Annual Report 2016. Specific Situations. Human rights of women, pp. 121 and ss.

64 Law No. 779 – Integral Law on Violence against Women was a result of the struggle of the women's movement in Nicaragua. Nevertheless, as years went

In relation to the second issue that was raised regarding the situation of women, there are serious violations of their reproductive and sexual rights in Nicaragua. Specifically, the criminal persecution and punishment for the voluntary interruption of pregnancy is particularly troubling, especially in cases of therapeutic abortion.[65] This criminalization, which is discriminatory and follows a moralistic Christian-catholic notion, implies a blatant violation of the sexual and reproductive rights of women and pregnant individuals, and might entail a negative impact in the exercise of other rights. For instance, in 2010 the international community learned about the situation of a 10-year-old pregnant girl who suffered from cancer, and was denied the necessary oncology treatment on the pretext of a potential abortion.[66] This curtailment of women's rights is rooted in the construction of power by President Ortega. Indeed, the inclusion of this prohibition in the Criminal Code can be explained for political gain: it is the result of a strategic alliance between Ortega and the highest ecclesiastic authorities – particularly Cardinal Obando – which was concocted during the 2006 electoral campaign.[67]

3. State's response to protests over recent years

When Ortega was sworn into office in 2007, political violence started increasing in Nicaragua, and the police began using more and more repressive and violent actions in blatant abuse of authority, disproportionate use of force and impunity.

The police forces used to merely observe and omit themselves from acting, while pro-government shock groups assaulted and attacked social protesters. In other cases, the police organized vigorous operations aimed at inhibiting demonstrations, but they would not stop them. Nevertheless, the pattern of police conduct started gradually changing into a more active repression, or else a more deliberate omission regarding violent actions perpetrated by third parties.

Some of the most relevant examples of said pattern of conduct were the following: the conflicts and violence generated by the results of the 2008 municipal elections;[68] the El Carrizo massacre, during the 2011 presidential elections;[69] the attack against the #OcupaInss demonstration in 2013;[70] the repression against the march of sugar mill workers in Chichigalpa;[71] and against the protest in commemoration of the 8th of

by, this piece of legislation was weakened by the adoption of other legislative measures. Law No. 846 (2013), Decree No. 42/2014 and an Executive Order created actions and measures to lower the statistics on gender-based violence in the judicial system, to the detriment of women and girls. These measures aimed at masking data about gender-based violence, instead of being actual public policies to assist women victims of violence, and diluting the statistics regarding judicial processes on this issue. See also IACHR. Press Release No. 68/2018 – IACHR calls on Nicaragua to eradicate violence against women, girls and adolescents. March 28th, 2018.

65 Human Rights Watch. *Nicaragua: Prohibición del aborto supone riesgo para la salud y la vida*. July 31st, 2017. The Criminal Code (Law No. 641 of 2006) punishes reckless abortion (Article 145), abortion without consent (Article 144) and abortion with the consent of the pregnant individual (Article 145), as well as harm (intentional or accidental) to the fetus.

66 IACHR. PM 43-10 "Amelia", Nicaragua. February 26th, 2010.

67 Baltodano, Mónica. *Sandinismo, pactos, Democracia y cambio revolucionario – Contribuyentes al pensamiento político de la izquierda nicaraguense*. 2009; Amnesty International. *La prohibición del aborto en Nicaragua, la vida y la salud de las mujeres en peligro: los profesionales de medicina criminalizados*. 2009.

68 IACHR. Press Release 51/08 – IACHR expresses concern over situation in Nicaragua. Washington, DC, November 25th, 2008; IACHR, Annual Report 2008 – Volume III, Report of the Special Rapporteurship on Freedom of Expression, paras. 182 and ss. (about Nicaragua).

69 CENIDH, *Informe final sobre el proceso electoral 2011, Nicaragua.* November 23rd, 2011; CENIDH, *Impunidad de las Violaciones a los Derechos Civiles y Políticos en Nicaragua en el Contexto del Debilitamiento Institucional (2007-2013)*. 2014, pp. 39-42.

70 Luciana Chamorro and Emilia Young, *Movilización Social y tácticas de control en el neosandinismo: el caso de #OcupaINSS en Nicaragua*, *in* CAHIERS DES AMERIQUES LATINES, No. 87, 2018. See also Confidencial, *Agresión: órdenes de arriba. El asalto a #OcupaInss paso a paso*, July 21st, 2013.

71 IACHR, Annual Report 2014, Volume II: Annual Report of the Special Rapporteurship on Freedom of Expression, Nicaragua A. Aggressions, detentions and threats against journalists, oppositionist communications media and protesters, para. 809.

March, in Managua, in 2014;[72] in 2015, the Las Jagüitas massacre,[73] the negligence, omission and aggression of protesters during the so-called "Wednesday Protests" against the Supreme Electoral Council,[74] the police blockade to prevent the march of rural workers towards Managua,[75] and the protest of mineworkers in El Limón;[76] in 2015 and 2016, the Government obstructed and overpowered various demonstrations about the irregularities observed in the presidential elections;[77] and in 2017, three cases of police brutality were reported: the murder of Daira Junieth Blandón – then a 15-month-old baby girl,[78] the murder of two underage boys who were sons of Ms. Elena Valle during an alleged confrontation between illegal armed groups and combined forces of the police and the army,[79] and the beating of rural worker Juan Lanzas.[80]

According to reports from various human rights organizations and security specialists, in addition to deterring the marches with anti-riot equipment, the National Police hit protesters, in an obvious display of abuse of authority, disproportionate use of force, and arbitrarily detained individuals with cruelty and brutality. In the vast majority of these cases, no investigations were initiated and punishment to the police involved was rare.

The report will subsequently describe the actions of parapolice groups and control and vigilance organs.

1.1. **Parapolice groups**

This section deals with semi-official groups who have acted in coordination and simultaneously with the National Police. Means of communication, reports of international organizations and also the witnesses who were interviewed by the GIEI have made reference to "shock groups" (*grupos de choque*), "Sandinista mobs" (*turbas*), "parapolice groups" and "paramilitary". The IACHR, for instance, in its report on the working visit, acknowledged the existence of parapolice groups, taking into account that they operate with the "acquiescence, tolerance and collaboration" of State authorities, specifically, of the Police.[81] Likewise, the United Nations High Commissioner for Human Rights warned in a report about the existence of a pattern of conduct characterized by the intervention of pro-government armed elements.[82] For its part, Amnesty International described the government's use of parapolice groups who operate outside the law to create chaos and carry out threats and assaults.[83]

In this report, the expression "parapolice groups" will be used to allude to the various groups of individuals who perform repressive functions without identifying themselves as police or State authorities, but act in coordination with the National Police.

The so-called shock groups were formed towards the end of 2007 and the beginning of 2008.[84] One of the first occasions in which they appeared was during the 2008 municipal elections, when these groups, in broad daylight, and following orders from government employees, assaulted and attacked opposition sympathizers who protested against the election results in several municipalities throughout the country, while the police watched the events.[85]

According to testimonies received by the GIEI and news reports, these shock groups, also called "Sandinista mobs", are composed of youths who are recruited in various ways: members of the Sandinista Youth Movement, individuals who are recruited in neighborhoods through the CPCs, Mayor's Offices, political leaders, civil servants and gang members or former gang members, among others.

Since 2011, the individuals in charge of rehabilitation centers for youth gang members publicly denounced that the latter were being recruited by political figures of the governing party who provided them with weapons to participate in actions of aggression against political opposition groups.[86] The most serious case involved Samir Matamoros, a young man who fired gunshots at demonstrators during the "Wednesday Protests" outside the CSE. This youth was a former gang member, who had undergone a process of social rehabilitation and was pressured into becoming a member of the shock groups by government sympathizers.[87]

The involvement of shock groups in attacks and aggressions against political oppositionists or social demonstrations has been a constant feature during these eleven years of Ortega's ruling.

72 IACHR, Annual Report 2014, Volume II: Annual Report of the Special Rapporteurship on Freedom of Expression, Nicaragua A. Aggressions, detentions and threats against journalists, oppositionist communications media and protesters, para. 809.

73 CENIDH, *Comunicado*, July 13th, 2015; Confidencial, No nos ayudaron. Gritábamos auxilio', July 13th, 2015.

74 IACHR, Annual Report 2015, Volume II: Report of the Special Rapporteurship on Freedom of Expression, Nicaragua B. Social Protest, paras. 968 and 989; La Prensa, *Cronología de los miércoles de protesta y el desafuero de los diputados del PLI*, December 1st, 2015.

75 Confidencial, *Campesinos marchan en Managua, October 27th, 2015; Hoy!, Caravana de camiones Avanza hacia Managua, October 27th, 2015.*

76 IACHR, Annual Report 2015, Volume II: Report of the Special Rapporteurship on Freedom of Expression, Nicaragua B. Social Protest, paras. 966 and 967.

77 Amnesty International, Report 2017/2018, Chapter Nicaragua; IACHR, Annual Report 2016, Volume II: Report of the Special Rapporteurship on Freedom of Expression, Nicaragua B. Social Protest, para. 890.

78 Confidencial, *La policía me mato a mi hija*, February 10th, 2017; CENIDH, *CENIDH condena violación al derecho a la vida en perjuicio de Cairo Blandón y la niña Daira Blandón Sánchez en operativo policial realizado en El Tuma la Dalia, Matagalpa*, February 5th, 2017.

79 Confidencial, *Madre campesina reclama por sus hijos en marcha contra la violencia*, November 26th, 2007; La Prensa, *Madre de niños masacrados por Ejército desmiente a Policía Nacional*, December 15th, 2017, and *Elena Valle sigue el calvario en reclamo de los cadáveres de sus hijos*, January 30th, 2018.

80 CENIDH, *CENIDH recibe denuncia sobre graves violaciones a los derechos humanos en las celdas preventivas de Matagalpa*, February 6th, 2018; Confidencial, *Juan Lanzas refuta a la Policía: "me dejaron inservible"*, February 23rd, 2018.

81 IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua. June 21st, 2018, paras. 58 and ss; IACHR, Press Release 124/18 – IACHR urges Nicaragua to dismantle parapolice groups and protect right to peaceful protest, June 1st, 2018.

82 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua. August 2018, p. 8, pp. 36-38 – III.2 Abuses by pro-Government armed elements.

83 Amnesty International, *Disparar a matar – Estrategias de represión de la protesta en Nicaragua*, Title 3.2. Use of parapolice groups, pp. 10-15.

84 According to testimonies received by the GIEI and other public sources, the pro-government shock groups were active during the whole 2008 electoral campaign. In September 2008, in the city of León, they attacked a civil society demonstration, while being led by the FSLN candidate for Mayor. A few days prior to the November 9th elections, the secretary of the FSLN at the time visited many cities to organize the shock groups, also known as "electoral commanding units". On election day and on the next few days, the shock groups attacked various demonstrations against the results of the election; and the violence was particularly intense in cities such as Managua and León. In this regard, CENIDH has been denouncing the actions of these shock groups to intimidate every expression of the right to protest, petition and criticize since 2009 (See CENIDH, *Violaciones de los Derechos Humanos en Nicaragua – Informe Alternativo e Informe de seguimiento presentado al Comité contra la Tortura de Naciones Unidas, May 2009).* See also, INFOBAE, *Que son y cómo funcionan las "turbas", los grupos de choque con los que Daniel Ortega reprime protestas en Nicaragua*, April 21st, 2018.

85 These violent events were condemned by the IACHR through its Press Release 51/08 – IACHR expresses concern over situation in Nicaragua, November 25th, 2008. Sociologist José Luis Rocha described the situation as follows: A group of 80 members of the Movement Youth for Peace, which was composed of youths from 36 neighborhoods of Managua who had abandoned the gangs (pandillas), denounced in newspaper "La Prensa" that former gang members from La Luz, Villa Venezuela and Laureles Norte and Sur were recruited by political agitators. They were taken to a ranch, where they were given ski masks, pistols, sticks, mortars and machetes. They got lunch and received from 100 to 600 córdobas for transportation. As soon as a protest was announced by the opposition to FSLN "due to electoral fraud", Sandinista representative Evertz Cárcamo proudly claimed that he had removed the gangs from the streets of Managua, so that they, while hooded and armed, would defend the Sandinista vote (Equipo Envío, La Mara 19 tras las huellas de las pandillas políticas, December 2008). See also, Equipo Envío, Elecciones municipales: una crisis anunciada – Perdió Nicaragua, November 2008.

86 According to several testimonies received by the GIEI, as well as chronicles, news articles, photographs and videos that have been well-known for many years, these groups receive orders from employees of government institutions, such as: Mayor's Offices, the Nicaraguan Institute of Social Security (INSS), the Ministry of Youth, among others. The youths are recruited through different mechanisms, but one of the most important is the program of rehabilitation for youth at risk and former *pandilleros, which is managed by the National Police through its Division of Juvenile Matters. Once recruited, many of them are incorporated into the personnel of these public institutions, particularly in the Mayor's Offices, Telcor, INSS, the Ministry of Youth, etc; whereas the rest of them go back to their neighborhoods to wait for a call to go into action from the police or from other individuals in charge of the parapolice groups in each neighborhood, district or city.*

87 GIEI interviews. See also, Confidencial, *Complicidad oficial con pistolero FSLN, September 7th,* 2015; La Prensa, Pistolero es fuerza de choque oficialista, September 5th, 2015.

Also in 2007, the foundation of a group aimed at strengthening the security President Ortega became notorious. According to news reports, this group was composed of 150 men, all of them former military officers, former members of the transportation cooperative known as "Parrales Vallejos", which was notorious for its political belligerence, and former members of Ortega's personal security detail during the 1980s. Since they wore blue shirts to distinguish themselves from the police and other Ortega supporters, they became known as "blue shirts". Their founder and chief was Manuel Alí Rivas Vallecillo, an old Sandinista militant, who was one of Ortega's most trusted men and the chief of his security team in the 1980s.[88] Since their foundation and the first incidents in 2007 and 2008, the blue shirts kept a low profile,[89] and they could only be seen in massive public events in which Daniel Ortega participated, working as his personal protection team. They were rarely seen openly carrying guns.

During the violent events in the context of the 2018 crisis, these groups started organizing and acting heavily armed, even carrying weapons of war on the streets.[90] These groups then showed a high level of organization and much superior training than the traditional "shock groups" or "mobs". Moreover, they wore distinctive shirts of some color (blue, green, etc.).

According to the information gathered by the GIEI, when the government restructured its strategy of repression against the continuous social mobilization and protests, a group of historical pro-Ortega activists started visiting several cities in Nicaragua, in order to recruit former military officers, demobilized personnel from the Patriotic Military Service, former officials of the Ministry of Interior and historical activists to participate in these parapolice groups. Some of the recruiters were high army officers about to retire.[91] Since May 2018, these groups started participating in the repression,[92] even though their actions became more notorious in the subsequent months.

1.2. Apparatus for political control and vigilance

Along with the repression apparatus and institutions, the government also relies on organs of social control and vigilance organized geographically: the Family Committees – the new denomination of the former Council of Citizenship Power (CPC) – and the Sandinista Leadership Committees.

- **Councils of Citizenship Power**

The origin of this entity dates back to 2007, when the notion of direct democracy was announced by

88 La Prensa, *Profesión: apalear*, November 15th, 2009; La Prensa, *Ortega crea unidad de seguridad paralela*, July 8th, 2010; El Nuevo Diario, *Condenan agresión de "camisas azules"*, December 20th, 2007.

89 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua. August 2018. In the report, it is noted that "the role of these groups in suppressing anti-Government protests is reportedly not new, and similar patterns were seen in the past, for instance, in relation to election-related protests and in the protests against the Trans-oceanic Canal in 2016" (para. 97). In 2013, CENIDH also denounced the intervention of these parapolice groups to restrict the right to freedom of expression in its report *Impunidad de las Violaciones de Derechos Civiles y politicos en Nicaragua en el contexto de Debilitamiento Institucional, 2014*.

90 BBC News, *"Solo disparamos si es necesario": hablan los paramilitares que defienden el gobierno de Daniel Ortega en Nicaragua (y que él no reconoce)*, July 24th, 2018; El Nuevo Diario, *Quiénes son los paramilitares que atacan a los manifestantes en Nicaragua?*, June 4th, 2018.

91 SpotlightNic, *Edén Pastora le reclutó paramilitares a Ortega*, August 22nd, 2018; La Razón, *Ortega paga con tierras el apoyo de los paramilitares en Nicaragua*, August 2nd, 2018.

92 Among the international organizations that warned about the participation of these groups in the repression: IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua, June 21st, 2018; UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua, August 2018; and Amnesty International, *Nicaragua: Gobierno debe poner fin a la represión tras tres meses de insensata matanza, July 18th, 2018.*

Ortega during the 2006 presidential campaign. Then, since its inauguration as President in January 2007, he instituted a new form of social organization denominated Councils of Citizenship Power (CPC). Even though he tried to create these through a legislative reform, this initiative failed, so he imposed them through Presidential Decree No. 112 of November 29th, 2007[93]

The CPCs and the Committees of Citizenship Power (GCP) were created in each community and neighborhood, and the government also created a National Committee of Citizenship Power, as a national expression of this participation system. Gustavo Porras was appointed to lead this institution, he was then Secretary of the National Council of Social and Economic Planning, a national consultation organ created by the Law of Citizenship Participation. Porras reported the activities of the CPCs to Rosario Murillo, Ortega's wife and then Coordinator of the Secretariat of Communications and Citizenship.[94]

The CPCs, at first, tended to issues of interest to the community, such as health, education, and sanitation.[95] After the 2007 reform, the government created the CPCs for citizen security, which replaced the Committees of Crime Prevention – then the mechanism created by the police to organize and consult citizens, and coordinate activities of prevention of criminality in the neighborhoods and communities.[96] The interference of the CPCs "was negatively perceived by the populace, and provoked political and emotional dissatisfaction."[97]

In 2014, the National Assembly passed the Family Code, which contemplated the creation of the Committees of Family, Community and Life.[98] The inclusion of the Family Committees in the Code ensured that the Ortega-Murillo government possessed its own organizational structure, and offered it the possibility of self-assignation of public tasks and public budgetary resources. In fact, every Mayor's Office runs an office of citizenship participation that works in close coordination with the Family Committees.

- **Sandinista Leadership Committees**

Every public institution also created a Sandinista Leadership Committee, which coexists along with the FSLN party structures and the Sandinista Youth Movement within each institution. The GIEI learned from interviews with security specialists that these organizations are charged with ensuring the participation of civil servants in activities such as marches, street occupations in Managua, counter-protests, fairs and other political events. Moreover, they are in charge of observing civil servants who do not seem to sympathize with the government.[99]

93 Presidential Decree No. 112-2017 ab out the creation of the Councils and Committees of Citizenship Power, approved on November 29th, 2007, and published in the Official Gazette No. 230 on November 29th, 2007.

94 Gustavo Porras is the current Chairman of the National Assembly.

95 Stuart. R (2009). *Consejos del Poder Ciudadano y gestión pública en Nicaragua*. CEAP.

96 Montenegro, S. and Solís, A. (2012). *Comunidad y "des ciudadanización" en el modelo de los CPC*. IEEPP.

97 Equipo Envío, *Vivir bonito: una revolución cultural?*, March 2013, No. 372.

98 Family Code (Law No. 870), published in the Official Gazette No. 190 on October 8th, 2014. Article 32: "The Committees of Family, Community and Life shall be composed of persons, women, men, youths, elderly persons who live in a community to ponder and work together. They shall promote values and family unity, self-esteem and care, responsibility, rights and duties, communication, coexistence, understanding and communal spirit, in order to achieve coherence between what we are, what we think and what we do. The Committees of Family, Community and Life shall be inspired by Christian values, socialist ideas and solidary practices."

99 According to testimonies received by GIEI from former civil servants. With regard to the Sandinista Leadership Committees, see also the complaint and statements by Ligia Gómez, who until very recently was the Manager for economic investigations of the Central Bank, and Political Secretary of the FSLN in the Council of Sandinista Leadership of the Bank between 2014 and 2018, *in Denuncia ante la Comisión Tom Lantos del Congreso de Estados Unidos*; and Confidencial, *Habla ex secretaria política del FSLN en el Banco Central, Ligia Gómez*, November 18th, 2018.

1.3. **Sovereign Security Law**

Law No. 919 of Sovereign Security,[100] of 2015, created a National System of Sovereign Security composed of several public institutions, among which were the Army, the Police, the Office of the Public Prosecutor, the Attorney General of the Republic, the Ministry of Governance and the General Direction of Customs;[101] these organs were to be coordinated by the President and the Army's Executive Secretariat, through the Direction of Information for Defense (DID).[102]

According to Article 7 of this law, one of the risks to sovereign security is: "any other natural or human factor that might result in catastrophe or disaster, and produces danger to lives or security of individuals, family and communities, as well as to the supreme interests of the Nicaraguan nation." Its Article 8, additionally, includes among such threats: "any illegal act that endangers the existence of the Nicaraguan State and its institutions; the entry or expansion of *maras* or organized criminal gangs; international terrorism and any act of financing terrorist organizations or their actions; actions aimed at perpetrating genocide, espionage, sabotage, rebellion or treason, in conformity with the criminal legislation of Nicaragua; any other act or illicit activity, or natural cause that harms the integral development of individuals, family and community."

The passage of this law raised concerns both nationally and internationally. At the domestic level, there were questions about the risk to implicitly legitimize military intervention in matters of internal security, and the inaccuracy of key concepts which would leave to the discretion of the public forces the applicability of mechanisms to restrict or hinder the right to freedom of movement and freedom of expression.[103] At the international level, the IACHR expressed its concern about the passage of said law, because of "the laxity with which some sovereign security objectives are addressed, or the definition of threat itself or other terms used in the wording, could facilitate military intervention in internal matters, particularly in the context of protests and public demonstrations."[104]

CONTEXT

The social protests that began in Nicaragua on April 18th, as previously mentioned, did not result from isolated incidents, but were rather caused by years of institutional processes and State-sponsored practices that restricted the expressions of citizens, closed spaces for dialogue, compromised public institutions and concentrated power at the hands of President Ortega and Vice-President Murillo. This created and increasingly exacerbated the social disapproval that was demonstrated throughout the years by various forms of social expression which were violently suppressed by the National Police and the shock groups.

In April 2018, two events triggered a series of social protests: a wildfire in a biological reserve and the reform of the social security system. The State response to the public demonstrations was violent repression through the use of force by the National Police and shock groups, which was bolstered by President Ortega and Vice President Murillo's official discourse. This repression continued throughout the time period of the GIEI's mandate and, in addition to that, there were retaliations and criminalization of social leaders who oppose the government, among whom were students, rural workers, indigenous leaders, journalists and human rights defenders.

1. **Catalysts for the social protests**

The wildfire in the Indio-Maíz natural reserve and the reform to the General Regulations of the Social Security Law were the catalysts for the protests that began in April 2018.[105]

The Indio-Maíz biological reserve stretches over 300.000 acres and forms part of the San Juan River Biosphere Reserve, which was declared by UNESCO as a part of the world network of protected areas and corresponds to the ancestral territory of several indigenous communities. The reserve has repeatedly been the scenario of serious violent events and conflicts due to third party interests in its natural resources and the interest of the State to implement the Grand Interoceanic Canal of Nicaragua in the area. The lack of State protection, coupled with the acquiescence of certain civil servants, has impaired the environment and compromised the concept of protected area, in favor of the unlawful exploitation of timber, the displacement and murder of indigenous communities, and the arrival of settlers. Given this context, one version of the event indicates that it was caused by setting fire to foliage in order to prepare the soil for harvest. In this regard, there are suspicions that the wildfire was intentionally and criminally caused.[106]

The delayed response from the government to put out the wildfire that started on April 3rd in the Indio-Maíz reserve sparked outrage among ecologists and university students. As a consequence, a series of protests began in the city of León, on April 4th, and these were quashed by pro-government mobs.[107] On April 5th, approximately 300 students tried to carry out a demonstration, but were impeded by anti-riot forces and shock groups.

On April 17th, Presidential Decree No. 3 reformed the General Regulations of the Social Security Law,[108] *which raised the mandatory payment quotas of employees and employers and imposed a monthly contribution of "5% of their income to pensioners for age, infirmity and disability to be deposited on behalf of the Disease and Maternity Branch." This sum was to be deducted from their pension upon payment by the Nicaraguan Institute of Social Security (INSS), as the organ in charge of applying, administering, implementing and evaluating compliance with the Social Security Law. This reform was published in the Official Gazette on April 18th.*[109]

On that same day, protesters took to the streets of León, most of them elderly individuals, to protest against the presidential decree, and were brutally subjugated by pro-government shock groups. A video

100 Law No. 919 of Sovereign Security, of December 2nd, 2015, published in the Official Gazette No. 241 on December 18th, 2015.

101 Law No. 919 of Sovereign Security, Article 10.

102 Law No. 919 of Sovereign Security, Article 9. The structure and functioning of the DID is secret, since the information about it is deemed to be confidential, according to the current Law of Access to Information. This Division was created in the 1980s, as was the General Direction for State Security (DGSE), which is commonly known as the political vigilance organ of the Sandinista government of that era. The DID was part of the structure of the Ministry of Interior, but after the 1990 elections, its name was modified to DID and it was transferred to the Army as the intelligence organ of the State.

103 CENIDH, *Derechos Humanos en Nicaragua, Informe 2015*.

104 IACHR, Annual Report 2015, Chapter IV.A, The Use of Force, para. 31.

105 IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua. June 21st, 2018; UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua. August 2018.

106 Confidencial, *SOS por Indio Maíz*, August 19th, 2017; and *Pastora extrae madera de Reserva Indio Maíz*, March 14th, 2017; La Prensa, *Ambientalistas sospechan de mano criminal en el incendio en la Reserva Indio Maíz*, April 5th, 2018.

107 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua, 2018, para. 12; El País, *El movimento juvenil que le planta cara a Daniel Ortega*, April 14th, 2018; La Prensa, *Así te contamos la marcha de los jóvenes que exigen una respuesta al incendio*, April 12th, 2018.

108 This reform had been previously approved on April 16th, 2018 by the Directive Council of the Nicaraguan Institute of Social Security (INSS).

109 Presidential Decree No. 3-2018, of April 17th, 2018, published in the Official Gazette No. 72 on April 18th, 2018.

showing this event and the subsequent violent response rapidly went viral, and sparked more protests and demonstrations in many cities of Nicaragua.[110] This reform had been suggested by the International Monetary Fund (IMF) at the end of an official visit of its technical staff.[111]

The protests triggered by the wildfire at Indio-Maíz and the reform of the INSS – which particularly incited the outrage of the student movement – expanded throughout the country. Soon masses of individuals took to the streets to demand more democracy and participation. The rapid expansion of the protests to several cities overwhelmed the government, which was unable to control them. The reaction of the student movement also occurred due to certain situations that affected them within the universities, such as the closure of spaces for participation and the practice to force students to participate in pro-government activities.[112]

The State's response to these spontaneous and peaceful demonstrations by civil society was violent, and incurred in the disproportionate use of force, using lethal weapons and allowing parapolice groups to subdue protesters along with the police.

From April 18th onwards, violent acts of repression against individuals who opposed Ortega's government began and persisted beyond the temporal jurisdiction of the mandate of the GIEI. In order to do so, the State used the aforementioned institutional and semi-official structure, which was devised after years of political and legal reforms, infiltrating institutions and disciplining the population.

During the period between April 18th and May 30th, the State exercised an illegitimate, excessive and arbitrary use of force, which was jointly perpetrated by State security forces – particularly the National Police – and parapolice groups (shock groups and armed groups with more lethal power). These actions took place within a complex and broader institutional framework that was devised to ensure impunity and provide material and human resources for the State's reaction. Accordingly, other governmental institutions were also used as tools of the repression, for example, the National Prison System (under the auspices of the Ministry of Governance) and the Ministry of Health,[113] and other branches of government acted in coordination: the Judicial branch – through the courts, the Office of the Public Prosecutor, the Forensic Medicine Institute; and the Legislative branch, which passed crucial legislation, such as the Law against Money Laundering, Financing Terrorism and the Proliferation of Weapons of Mass Destruction, which included modifications to Articles 394 and 395 of the Criminal Code, and was passed during the violent events herein in order to facilitate the criminalization of protesters.[114]

On the other hand, all these initiatives were reinforced by the construction of an official discourse that was strategically verbalized by President Ortega and Vice-President Murillo.[115]

110 IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua. June 21st, 2018; UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua, 2018, para. 12; La Prensa, Ortega manda a vapulear a ancianos, June 22nd, 2018.

111 International Monetary Fund, Observation of Missions, Nicaragua: Final statement about the IMF technical personnel's visit, February 6th, 2018. This document indicates that, "the performance of the economy in 2017 surpassed the expectations and the perspectives for 2018 are favorable. In order to minimize the eventual risks, Nicaragua must keep strengthening its institutional framework, and shall: (i) expedite the application of the law on international taxation, reduce costs, rationalize subsidies, and put in place an integral reform of social security; (ii) broaden the scope of supervision; (iii) strengthen the legislation about money laundering and financing of terrorism; and (iv) build domestic financial reserves and increase international reserves.

112 GIEI interview C26. See also Chapter VIII of this report about the protests in León.

113 According to several videos and photographs, the Ministry of Health provided vehicles and ambulances to transport shock groups and parapolice groups; or else, it failed in providing proper medical assistance to the victims, according to several testimonies.

114 Law against Money Laundering, Financing Terrorism and the Proliferation of Weapons of Mass Destruction, of July 17th, 2018. Published in the Official Gazette on July 20th, 2018.

115 Confidencial, *Convirtieron el sistema de salud en um arma repressiva, November 5th, 2018.*







Situation immediate prior to the violence: Wildfire at the Indio-Maís Reserve

Poto credit T13.cl, tiempodenegocios.com, elnuevodiario.com



Impact of the INSS reform

Photo credit: tiempodenegocios.com

This scenario of human rights violations which has been described – particularly the right to life, lack of guarantees in terms of personal integrity and the absence of independent and autonomous institutions, caused the reaction of the international community. At the regional level, the Inter-American Commission conducted an on-site visit from May 17th to 21st, 2018; approved its report "Gross Human Rights Violations in the Context of Social Protests in Nicaragua" on June 21st, 2018;116 and inaugurated its Special Monitoring Mechanism for Nicaragua (MESENI) on June 24th, 2018.[117] In addition to that, the Commission signed an agreement with the OAS and the State of Nicaragua in order to establish the GIEI.118 For its part, the OAS approved, under the auspices of its Permanent Council, Resolution CP/RES 1108 (2172/2018) about "The Situation in Nicaragua" on July 18th, 2018.[119] The GIEI then started its activities in Nicaragua on July 2nd.

The Organization of the United Nations has also been supervising the situation in Nicaragua under the auspices of its High Commissioner for Human Rights and, through its Regional Office for Central America and its own team on the ground, published the report "Human rights violations and abuses in the context of protests in Nicaragua 18 April – 18 August 2018" on August 29th.[120] On August 30th, the State notified the UN of its decision to withdraw the invitation granted to be in the country, under the excuse that "the reasons, causes and conditions" for said invitation had halted.[121]

Since the beginning of the crisis, the IACHR has granted precautionary measures to protect the life and integrity of approximately 100 individualized persons and their families.[122] In most of these measures, the Commission requested that the State ensure the protection of the beneficiaries regarding acts perpetrated by both State officials and third parties. Among the groups benefitted with those precautionary measures are members of the student movement, rural workers, human rights defenders, members of the National Table of Dialogue in representation of various social groups, religious leaders and persons deprived of liberty.

2. Social network activity related to the protests in Nicaragua

The GIEI requested a study of social media in order to verify the behavior of users thereof and, in particular, if one could detect any kind of manipulation of the information.[123]

One of the issues that drew attention was the information about one individual who allegedly died on April 18th. The first reference to this death came up on a tweet of April 18th at 9:11pm, but it was almost immediately denied by another user, at 9:38pm, who informed that there were no dead individuals at the UNI, but rather many injured. Said tweet was reproduced only 143 times. This fake news was used by Vice-President Murillo in her speech in the evening of April 19th to place responsibility in the opposition for concocting a smear campaign against the government:

116 Available here.

117 IACHR, Press Release No. 135/2018 – IACHR launches Special Monitoring Mechanism for Nicaragua (MESENI), June 25th, 2018.

118 Annex 1: Agreement signed on May 30th, 2018.

119 Resolution CP/RES 1108 (2172/18) "The Situation in Nicaragua", approved in the extraordinary session held on July 18th, 2018.

120 Available here.

121 Ministry of Foreign Affairs, communication MRE/DM-DMC/00395/2818, of August 30th, 2018; UNHCHR, Press release, August 31st, 2018.

122 IACHR. Resolutions 35/2018, 36/2018, 37/2018, 38/2018, 40/2018, 41/2018, 44/2018, 45/2018, 46/2018, 48/2018, 50/2018, 51/2018, 55/2018, 56/2018, 58/2018, 59/2018, 60/2018, 62/2018, 65/2018, 69/2018, 70/2018, 73/2018, 74/2018, 80/2018 and 84/2018. Available here (last visited November 14th, 2018).

123 Annex 7. Report on the use of social media between April 18th and May 30th, 2018.

> "Moreover, these minuscule, obnoxious and mediocre beings, these individuals full of hatred, still have the audacity to lie about deaths. They speak of a dead individual, they say that this person is dead, and even report from the inside, from this university which has become a haven to commit crimes, and they inform the Rector that there is one dead person inside. Then, this person appears, because the Police as custodian of public order had sought the corpse of said deceased individual in all hospitals. They set up this theatrical scenario, for which they are well prepared, and in this insidious, repugnant scenario, this deceased individual shows up on social media to claim that he is alive, and cynically jokes about the information that is being circulated, which was being investigated by the Police due to the complaint coming from the Rectory of the University about an alleged death. Imagine the extent of such cruelty… Fabricating dead individuals! This is akin to faking diseases or suffering. They use suffering and diseases for their own purposes. This is cruelty, shows a perverse character, and disseminates hate. These are hate crimes, which cannot be conceived in our Nicaragua."[124]

Later on, President Ortega himself accused those individuals of trying to stage a "coup", an "armed conspiracy"[125] promoted by internal and external forces.

Despite the foregoing, the analysis requested by the GIEI about social media (Facebook, Twitter, YouTube), in relation to the protests in Nicaragua to determine if the dissemination of false information was deliberate and the impact of these in the development of the incidents, showed that the information disseminated through social media did not deliberately influence the occurrences.

In order to conclude so, more than 3 million tweets were examined between March 6th and June 10th. Even though many groups tried to direct the communication in favor and against the government, these attempts failed at influencing the interactions, since the majority of individuals could express their viewpoint and share information about their experiences.

However, social media was key at keeping the population informed about the incidents in Nicaragua, and allowed the participation of citizens in public discourse and their communication with the external world about the incidents. This social media study is also relevant because it refuted the argument that the protests and demonstrations were part of an "orchestrated coup d'etat", and demonstrated that there was no abnormal state of affairs prior, during and after the period covered in this report.

During the protests in Nicaragua, social media exercised its role as an additional or alternate means of communication to inform society about what was happening in the course of the demonstrations. It also allowed the international community to learn about the incidents, share and disseminate information about the announcements of marches, the repression, the insecurity, the presence of shock groups and armed illegal groups. Moreover, it allowed participants to share images and videos about the unfolding of the demonstrations, and in many times ask for help. On the other hand, social network activity helped identify the victims and share information, images and videos which prove who caused the violence during the protests. Social media also facilitated citizen participation in public discourse and has been a tool to express social outrage about the institutional changes and the measures adopted by the government during, inside and outside of the protests.

124 La Voz del Sandinismo, *Declaraciones de Rosario Murillo*, April 19th, 2018.

125 Diario Metro, *Lo que dijo Ortega en el acto del 19 de julio em Managua*, July 19th, 2018. El Nuevo Diario, *Discurso de Daniel Ortega en el acto del 39 Aniversario del 19 de julio.*

This social network analysis was also an important additional input for the work of the GIEI, especially given the lack of cooperation from the State regarding the investigations.

3. Official discourse of President Ortega and Vice-President Murillo after April 18th

In Nicaragua, the concentration of political power has also implied the concentration of mechanisms of dissemination of public discourse, in an attempt to create a narrative that has sacred connotations. This is supported by the permanent narrative based on Christian fundamentalism, which is illustrated in the Constitution itself, after its 2014 reform, whereby the "Cardinal for Peace and Reconciliation, MIGUEL OBANDO Y BRAVO", who formed an alliance with Ortega in 2006, is explicitly mentioned.

As President and Vice-President, respectively, Ortega and Murillo are the official spokespersons of power, and shape the official discourse. In line with the foregoing, their declarations or speeches play a decisive role in shaping the social imaginary, and determining what is positive or negative. The voice of the Vice-President is the most disseminated one. Since her previous position as responsible for the Presidency's communications, she has submitted daily messages, while the President does so less frequently. This can be illustrated by the speeches transmitted between April 19th and May 30th, 2018. While President Ortega made four official pronouncements, the Vice-President delivered 33 statements. In her first official speech as Vice-President after the events of April 18th, Rosario Murillo refers to protesters as minuscule beings, with toxic and insignificant souls:

> "This is a perverse form of manipulation! These minuscule groups, these insignificant, toxic souls, full of hatred, do not represent the aspirations, the need for peace, work and care of the Nicaraguan people who has suffered so much."[126]

The first speech given by the President Ortega three days after the initial events endorses these ideas disseminated by Vice-President Murillo:

> "Therefore, the goal of the masterminds of these criminal plans is to destroy Nicaragua's image, and make people think again of Nicaragua as a country in war and nothing else."[127]

The stigmatization of citizens who oppose the government as destructive and negative individuals is reinforced by these speeches. In order to do so, Ortega and Murillo use language aimed at diminishing oppositionists. They are portrayed as minuscule, mediocre, tiny beings. They have negative intentions: perverse, destructive, toxic, poisonous, sadistic. Once they are defined as negative groups, they become responsible for tragic events, and are criminalized. They are delinquents, criminals, gang members, involved in organized crime and drug trafficking. At the same time, they are accused of treason, betraying the ideals and progress obtained by the Sandinista government. They are portrayed as allies or envoys of United States imperialism, which supposedly provides them with financial resources or from where they seek resources. In a sum, they represent the anti-Christ, emissaries of darkness.

> "These individuals who do not ponder or cherish the Miracle of Peace, and throw their poisonous souls at our happy, safe environment, perverting this environment that we build with such faith, that we all want, and that we have achieved with such faith and dedication, thanks to God Almighty and by his hand, together as one in our country."[128]

126 La Voz del Sandinismo, *Declaraciones de Rosario Murillo*, April 19th, 2018.

127 Daniel Ortega's speech of April 21st, 2018.

128 La Voz del Sandinismo, *Declaraciones de Rosario Murillo*, April 19th, 2018.

Simultaneously with this smear campaign regarding the motivations of the opposition and of social organizations, they build this hegemonic discourse based on divine reason as the foundation of the State, according to which the President and the Vice-President lead the reconciliation process to ensure peace and do so hand in hand with God. Those who defy this reality represent the anti-Christ, according to the poem by Rubén Darío (an illustrious persona mentioned in the text of the Constitution).

> "We Nicaraguans do not want a country depraved and degraded by violence, especially when it comes from those who only think of themselves, and shamelessly demonstrate their lack of faith, their lack of recognition for the family, their hatred against family, devotions, traditions, sacred beliefs, Christian and solidary practices which, thanks to God, prevail in Nicaragua."[129]

According to this official narrative, based on moral authority and repetition (at least two daily messages by the Vice-President), the government actions against the social and political opposition become characterized as sacred acts. Hence the stigmatizing terms used to describe the opposition: minuscule, vandals, destructive, gang members, terrorists, plague, vampires (among others), all of which imply negative connotation, and are reproduced in social means of communication. The dissemination of these ideas and the scope thereof creates what can be described as the social acceptance of "corrective" measures adopted by the government against political dissent. Two distinct class of citizens are created. Those who approve and support the actions of the government, thus are considered by the official discourse as citizens with a good conscience; and those who dissent, destabilize and create chaos, according to external interests that aim at destroying what has been achieved:

> "it would be different if they were simply not in agreement [...], but then conspiring to promote violence in our country is unforgivable in God's eyes. It is something truly terrible."[130] "we participated in the Air Force event, to explain, and offer abundant explanations about these painful months, due to the disrespect of our Nicaragua and our families by a group of coup-plotters and terrorists who do not deserve God's pardon! And we stated [...]: Never again! We, Nicaraguans, want justice for the victims of hate crimes!"[131]

4. Brief description of the events that took place between April 18th and May 30th, 2018

From April 18th until May 30th, 2018 – which marks the temporal jurisdiction of the GIEI pursuant to the Agreement signed on May 30th, 2018 between the GS OAS, the IACHR and the Government of Nicaragua – Nicaragua was the stage of a series of events that agitated the political and institutional arenas, and multiple gross human rights violations occurred. In fact, during those 42 days, the GIEI was able to register 109 deaths related to this context, more than 1400 persons were injured, more than 690 individuals were detained and thousands resulted displaced. These statistics kept alarmingly increasing in the subsequent months.

Between April 18th and May 30th, 2018, the violent events that took place within the mandate of the GIEI due to the Agreement signed on May 30th, 2018, resulted in deaths, hundreds of detainees and wounded individuals. The violent response of the State to the social protests quickly triggered claims for justice, early elections and even the resignation of President Daniel Ortega and Vice-President Rosario Murillo.

129 La Voz del Sandinismo, *Declaraciones de Rosario Murillo*, April 19th, 2018.

130 Daniel Ortega's speech of April 21st, 2018.

131 El 19 Digital, *Rosario en Multinoticias (1 de Agosto de 2018)*, August 1st, 2018.

At the origin of this crisis there were questions about environmental policy and social security in Nicaragua. The subsequent demands related to justice for the repression imposed against social protests were accompanied by outrage against the governing party and a demand for earlier elections, which made the situation progressively more complex and created more public support for change. This process helped originate a new political force that strongly opposed the most representative symbols of the currently governing party, Daniel Ortega and Rosario Murillo.

The State's response to the social mobilization was armed repression and an attempt to suppress dissenting voices. The lethal, disproportionate, abusive and arbitrary use of force by State-sponsored and parapolice forces was a symbol of the conduct launched since then.

At the same time these events were happening on the streets and in universities throughout Nicaragua, a process to create means to overcome the situation, or else counter its effects on human rights, started taking shape.

The concern of the international community materialized itself, for instance, in the on-site visit of the IACHR in May and its subsequent reports and follow-up actions – including the creation of the MESENI and the GIEI, among others; and in the UNHCHR's mission that produced its report in August. National and international non-governmental organizations played an essential role within this context to defend fundamental human rights in Nicaragua.

The following is a brief description of the main events that took place during this period of time.

4.1 First protests against the reform of the social security system: April 18th, 2018

On April 18th, while the echoes of the protests about the delayed response from the State regarding the wildfire at the Indio-Maíz biological reserve could still be heard, new protests break out about the reform of the social security system promoted by Presidential Decree No. 3 of 2018.

First in the city of León, and later in Managua, the first popular mobilizations begin to protest against that governmental decision. Both demonstrations are crushed: in León, pro-government shock groups assault elderly individuals and steal cameras and cell phones of journalists who are covering the event; while in Managua, shock groups, including activists from the Sandinista Youth Movement and a group of "motorized" individuals with their faces covered act in coordination with the anti-riot forces of the National Police.

1.2. Escalation of protests and human rights violations (April 19th to 22nd)

Starting from April 19th and in the three subsequent days, social protests multiply in almost the entire national territory: Managua, León, Rivas Masaya, Matagalpa, Bluefields, Estelí, Granada, Camoapa, Ocotal, Carazo, Rivas, among other cities. In Managua, students from several universities join the protests, such as the UNAN-Managua,[132] UNI, UNA and UPOLI;[133] and they begin occupying these campuses. In Managua, on April 20th, they take down the first "Tree of Life", which was a giant metal structure that symbolizes the

132 Even though there was student mobilization, the protests at UNAN were in favor of the reforms. GIEI interview C107.

133 See, *infra, UNIVERSITIES.*







Commission of Mediation and Witnesses before the National Dialogue

Ortega-Murillo government.

The Government, for its part, begins using various mechanisms to control social frustration. In doing so, it blatantly violates fundamental rights of Nicaraguan citizens: censoring the broadcast of 5 news channels – 100% *Noticias* and Channels 68, 12, 23, 10 and 51 of the Episcopal Conference; the National Police uses violence to repress the protests – using lead ammunition in their firearms – along with the pro-government shock groups; and the government launches an official discourse – which is maintained throughout the conflict – and aims at depicting protesters as groups of criminals.

Confrontations take place and cause destruction and burning down of public and private property; and looting of supermarkets begin.[134]

In addition, other actors start exerting political pressure aimed at ceasing the violence, and requesting the derogation of measures that sparked the social protests. Among these, it is worth stressing the role of the Superior Council of Business Enterprises (COSEP) and the Catholic Church.

1.3. Continuous popular dissatisfaction and repression. Institutional responses to the crisis (April 23rd to May 16th)

Between April 23rd and May 16th, thousands of citizens voluntarily take to the streets in various cities in Nicaragua to demand the cease of the violence, justice, freedom of expression, among other rights. At least four great mobilizations take place in Managua: the march "Walking for Peace and Dialogue", convened by COSEP on April 23rd; the march for Justice and Peace, convened by the Catholic Church on April 28th; the National March for Democracy, convened by the Movement for Nicaragua and the April 19th Movement, on May 9th; and the popular demonstration on May 13th. During this period, pro-government groups of individuals also promote social demonstrations.[135]

The street blockades and *tranques* multiply all over the national territory, as another form of expression of popular dissent.[136]

134 See, *infra, LOOTINGS.*

135 El Nuevo Diario, *Estas son las marchas que han marcado a Nicaragua*, May 30th, 2018.

136 By mid-May, the roadblocks and barricades set up by protesters had spread to localities near Managua and to all 15 departments of the country, with an estimated total of 180 roadblocks and barricades throughout the national territory. UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua, August 2018, para. 20.

The violent response against the protesters by the National Police and shock groups continues. In May, there are reports of an escalation of the violence: between the 12th and the 15th there are confrontations and many violent events.

The government starts adopting measures that are presented as an institutional response to the crisis: on April 23rd, Ortega formally revokes the reform of Social Security[137] and suggests "to start from scratch" and negotiate the issue with employers and workers; the following day, April 24th, the Government creates the process of National Dialogue; on April 26th, the Office of the Public Prosecutor announces its commitment to investigate the events that took place from April 18th onwards;[138] and on April 29th, the National Assembly of Nicaragua creates the Commission of Truth, Justice and Peace, with a view to investigating, examining and clarifying the recent violent events that occurred in the country.[139]

1.4. Beginning of dialogue and international presence (May 16th to 29th)

On May 16th, the process of National Dialogue begins. On the following day, May 17th, the IACHR arrives in Nicaragua to observe the situation of human rights and document violent events. The on-site visit lasts until May 21st. The IACHR publishes its preliminary observations about the visit on that same day, and urges the State of Nicaragua to immediately cease the repression against social protests.[140]

The demonstrations continue throughout the country. On May 28th, there is another attempt at occupation of the UNI, which is followed by a violent repressive response from the State. The barricades and *tranques* continue, especially in the countryside. Some lootings continue to happen and there are reports of violent actions against the private property of government supporters.

1.5. International agreement and upsurge of repression (May 30th)

On May 30th, the Government of Nicaragua, the General Secretariat of the OAS and the Executive Secretariat of the IACHR sign the agreement that regulates the creation and functions of the GIEI.[141]

On that same day, the fifth massive demonstration takes place in Managua, with similar ones occurring in various urban zones of the country – Estelí, Chinandega, Masaya, among others. These are convened by mothers of recently murdered youths and primarily aim at claiming for justice for said murders. The social response is staggering: hundreds of thousands of individuals take to the streets to participate in one of the most massive demonstrations of the last 40 years in Nicaraguan history. It becomes known as the "March of the Mothers".

The repressive response strikes back: on May 30th, in the context of these demonstrations, at least

137 Presidential Decree No. 4 of 2018, which revokes Presidential Decree No. 3, approved on April 23rd, 2018 and published in the Official Gazette No. 76, on April 23rd, 2018. This measure was announced on the previous day, April 22nd.

138 Office of the Public Prosecutor. Communiqué No. 03-2018. April 26th, 2018.

139 National Assembly of Nicaragua, Resolution A. N. No. 01-2018. Approved on April 29th, 2018, and published in the Official Gazette No. 81, on April 30th, 2018. This Commission was criticized by political forces that oppose the government, who alleged that its creation and composition favored the interests of the government.

140 IACHR, Press Release No. 113/2018 – Preliminary observations on the IACHR working visit to Nicaragua. May 21st, 2018.

141 Agreement signed on May 30th, 2018.





Inter-American Commission on Human Rights in El Chipote and Masaya

19 individuals die and hundreds result wounded. The National Police and the parapolice forces participate in the repression.

The levels of violence continue increasing during the subsequent months, particularly in June and July 2018.

1.6. Process of negotiations

The violent situation experienced by Nicaragua a few days after the crisis began forces Daniel Ortega to accept a process of National Dialogue – mediated by the Catholic Church – with the *Alianza Cívica por la Justicia y la Democracia*, a group composed of organizations of students, rural workers, businesspersons and civil society.[142] On May 16th, twenty-two days after the announcement thereof, the Dialogue Table holds its first formal meeting after the Government accepted the condition of extending an invitation to the IACHR for an on-site visit to Nicaragua.[143] The IACHR conducts its on-site visit from May 17th until 21st, and at the end of it issues its preliminary observations.

The National Table of Dialogue holds several meetings until May 23rd, in which the Government commits to removing the National Police and the shock groups from the streets, and civil society commits to carrying out efforts to improve the process of dialogue and normalize traffic. However, the process is suspended on May 23rd and only reinitiates on May 28th, when the Mixed Commission of National Dialogue decides to resume negotiations and call for the immediate cease of all forms of violence and the immediate compliance with the IACHR's recommendation in that regard, and about the right to protest and the creation of the GIEI.[144]

Due to the repression imposed by the Government against the March of the Mothers on May 30th, 2018, the Episcopal Conference declares that it is impossible to continue the dialogue "while the people are denied the right to protest freely and they continue to be repressed and murdered."[145]

After May 30th, several attempts at resuming negotiations are made, and some agreements are reached in June. However, the mechanism fails and is discontinued during the six-month duration of the GIEI's mandate.

142 El 19 Digital, *Asamblea Nacional se suma a convocatoria de diálogo del Presidente Daniel Ortega*, April 24th, 2018.

143 National Dialogue, Commission of Mediation and Witnesses.

144 National Dialogue, Commission of Mediation and Witnesses.

145 El Comercio. *Conferencia Episcopal no reanudará el diálogo con el Gobierno, May 31st, 2018.*


am:pm
COBIRSA
50 mts
91.3
Pizza Hut
ATM

VI. VIOLENT EVENTS BETWEEN APRIL 18th AND MAY 30th

A. DESCRIPTION

As described in previous chapters, in mid-April 2018 an unprecedented process of popular mobilization in Nicaragua's recent history started taking shape. The general dissatisfaction of society, coupled with a series of measures adopted by the national government, among which were the reform of the social security system administered by the INSS and the delayed response to the wildfire in the Indio-Maíz biological reserve, provoked a series of protests in almost all the regions of the country. These mobilizations were heavily repressed with violence by the State, through disproportionate and lethal use of force. The GIEI reported, between April 18th and May 30th, 2018, at least 109 deaths, and more than 1400 wounded individuals and more than 690 detainees.[1]

The chronological distribution of those 109 deaths and of more than 1400 wounded during the 43 days under investigation by the GIEI indicates that the violent events occurred continuously and practically daily.

In the case of the violent deaths, it is worth mentioning that certain events presented particularly alarming statistics, especially April 20th when 25 individuals died, April 21st when 15 individuals died, and April 22nd when 11 individuals died; towards the end of the temporal mandate of the GIEI, also, 19 individuals died on May 30th, while the Agreement that created the GIEI was being signed by the OAS and the State of Nicaragua.

Public spaces, such as streets and parks in certain cities of Nicaragua were the main stage of the protests. There also were occupations of universities and barricades and tranques – street blockades – in various regions of the country.

The use of violence by the State became more intense since April 19th and 20th, while the crisis intensified. What originally began as a strategy of dominance of public spaces through pro-government "counter-protests" and patterns of "traditional" repression by shock groups, escalated into the organization of groups of armed civilians, anti-riot forces and other members of the National Police, who acted with blatant violence, which included the indiscriminate and massive use of weapons of war against the protesters.

The violent events analyzed by the GIEI were multiple, simultaneous and occurred throughout its mandate, but also continued beyond that time period, and are still happening as of the approval of this report. It is important to note, however, that, apart from particular characteristics and diverse scenarios, one can identify common patterns of conduct which systematically repeated themselves in each one of these events. For example, the coordination between members of the National Police and the pro-government shock groups, invariably related to the involvement of local Mayor's Offices, and the fact that most deaths were caused by firearms.

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1 The number of detained individuals (690) is the one reported by the Commission of Truth, Justice and Peace, in its October 2018 report. The number of wounded individuals (1400) corresponds to statistics in the "Report about wounded individuals who were assisted in health facilities", which was submitted by the Ministry of Health to the IACHR in June 2018. The number of deceased victims, in the context of the events that took place between April 18th and May 30th, is calculated in accordance with multiple sources used by the GIEI, e.g. documents from the Commission of Truth, Justice and Peace, news articles, information provided by civil society organizations, families of the victims, National Police figures from their website, among others.
Unfortunately, and despite all the requests of information submitted by the GIEI to the State of Nicaragua, these were never answered, so the GIEI was unable to use this essential source of information. The list of 109 deaths related to the context examined by the GIEI is not exhaustive, since the number of deceased individuals could be higher. There are international and national sources of information that point to a higher number of deaths.
The primary difficulty faced by the GIEI in putting together a list of victims is the lack of collaboration of the State in providing official information, which might enable the GIEI to examine the circumstances of the events, and eventually attribute responsibility for those deaths. In this regard, the GIEI notes that, other than the aforementioned 109 deaths, there are undetermined cases that require clarification. The GIEI's records include at least 7 additional cases of individuals who were killed, but it is unclear if these deaths are related to the events that were under investigation.

In fact, 95 of those 109 reported deaths were caused by firearms.

This detail regarding the cause of death is more relevant if one looks at it in conjunction with the information about the part of the body where the victims were shot. Out of these 95 deaths caused by firearms, 57 occurred due to shots in the chest, 7 due to shots in the neck, and 31 were caused by shots in the head, which indicates how often firearms targeted vital parts of the human body.

The remaining reported deaths occurred for various reasons: 3 were due to serious burns and 5 for severe wounds.[2]

The analysis of the geographical distribution of those deaths indicates that they occurred in almost all of the regions of Nicaragua, most notably in Managua, the most populated department of the country, with 73 deaths, while 10 occurred in Estelí, 8 in Masaya, 6 in Matagalpa, 5 in León, 4 in Chinandega, 2 in Boaco and 1 in RACCS.

As far as the gender of the victims, there were 2 females murdered, and the remaining 107 murder victims were males.

The examination about the age of the dead victims points to a concentration on the younger population, as 50 murder victims were under 25 years old. Eight of these were adolescents and children under the age of 18. Among the older victims, the information indicates the following: 43 of them were between 26 and 40 years old, and 16 were between 41 and 80 years old.

The use of firearms against protesters is further corroborated if one looks at the "Report about wounded individuals who were assisted in health facilities", which was submitted by the Ministry of Health to the IACHR in June 2018. Indeed, this report shows that, in addition to the 95 deaths caused by firearms, at least 599 individuals were injured by firearms, during the period under examination by the GIEI. Even though the information available is incomplete (since many injured individuals who were assisted in public hospitals, private health institutions and improvised facilities do not appear in the aforementioned official report),3 these 599 individuals injured by firearms shed light upon the magnitude of the aforementioned pattern of conduct: the use of firearms, including weapons of war, against the civilian population.

2 For a more comprehensive analysis, see the graphics produced by the GIEI.

3 The GIEI was able to corroborate, as will be explained herein, that several individuals who received medical assistance at public hospitals were not included in the list of the Ministry of Health. On the other hand, many injured individuals received assistance at private hospitals, or in improvised medical facilities with voluntary doctors and paramedics. The GIEI was also able to interview individuals with shotgun wounds who did not seek medical assistance at public hospitals. This indicates that the number of individuals who were injured by firearms is undoubtedly higher than the minimum of 599 officially reported.

1. EVENTS EXAMINED BY THE GIEI

The various violent events examined by the GIEI present variables and common general patterns of conduct in practically every region of Nicaragua.

However, each event also presents its own particularities, both in terms of numbers of fatal victims, injured and detained individuals, as well as the dynamic and repressive strategy carried out by the State for each scenario.

In order to analyze this diversity of violent events in a more dynamic and representative manner, the GIEI has chosen some events that took place during the period of its investigation in different scenarios.[4]

At least 4 scenarios can be highlighted regarding the violent events under scrutiny: demonstrations in public spaces; occupation of universities; roadblocks; and lootings.[5]

Each of those scenarios are represented in the following analysis, which additionally contemplates a variety of time periods and places to broaden the examination.

With regard to the demonstrations in public spaces, the events examined are the following: the April 18th protest in León; and the protests at Camino de Oriente and at Centroamericana University, in Managua.

Then, the report examines the demonstrations and fires in León, the repression at Central Park in Estelí, and the events in Masaya and Monimbó, all of which took place on April 20th and 21st, 2018.

In relation to events that occurred in universities, the analysis includes the events of April 19th and 22nd at the National University of Engineering (UNI) and at the Polytechnic University of Nicaragua (UNIPOLI), both in Managua.

With regard to lootings, this section examines, in particular, the event that took place on April 22nd, 2018, at Palí supermarket in the La Fuente neighborhood, in Managua.

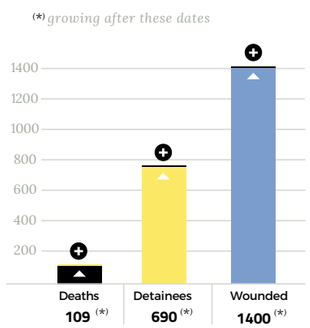
In May, the popular mobilization translated into a series of roadblocks and street blockades, which are known in Nicaragua as tranques. In order to illustrate that, this section examines the events that took place in Matagalpa, since April 21st until the repression of May 15th, 2018.

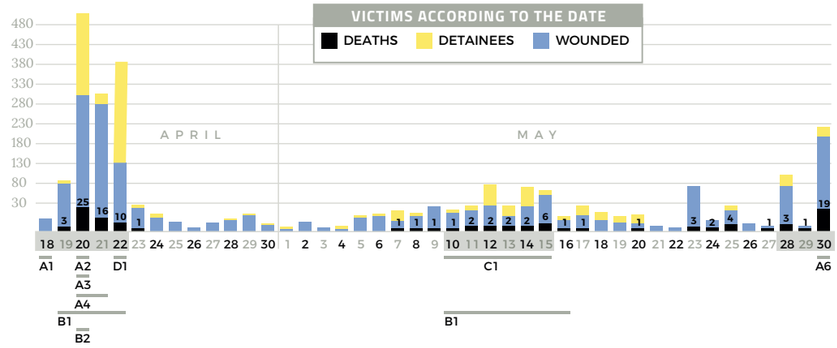
Finally, and coincidentally on the last day of the GIEI mandate, there was the March of the Mothers, which occurred in Managua on May 30th, 2018. This was one of the largest popular demonstrations of Nicaragua's recent history, and it was violently repressed by the State.

4 The "events" are understood as a succession of incidents and violent facts, which took place at certain times and in determined places. The variables included in the analysis include the chronological sequence of the events, the actors involved, the repressive dynamics and the number of victims, among others.

5 The period analyzed by the GIEI includes violent events that took place during the course of 43 days. The number and diversity of events was such that it became necessary to choose only a few of them to illustrate the repressive dynamics and the disproportionate use of force by the State. In addition to the events examined in this report, the GIEI also built a digital audiovisual platform in collaboration with SITU (https://situ.nyc) and the Argentinian Team of Forensic Anthropology – EAAF (www.eaaf.org), where there are graphics about the examination of the following 4 events: April 18th and *Camino de Oriente (León/Managua); UNI, April 20*th (Managua); Central Park, April 20th (Estelí); and March of the Mothers. This platform is also available at the GIEI's website (Gieinicaragua.org) and at the website of the aforementioned organizations.

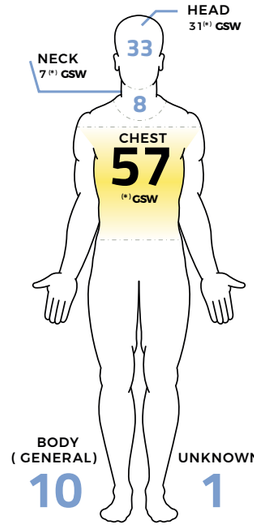
GENERAL STATISTCS
IN NUMBERS (*)

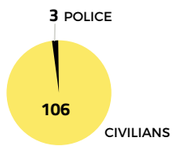


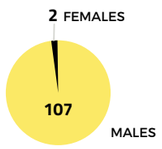


DEATHS
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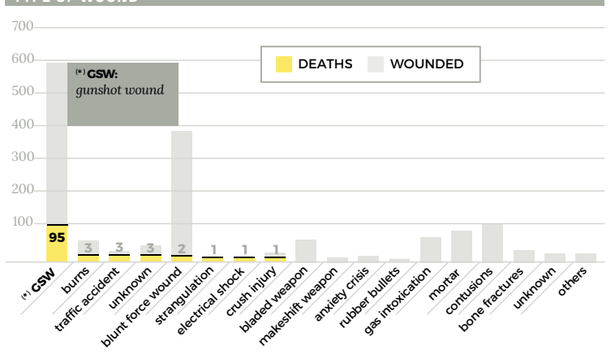
IMPACT ON THE BODY



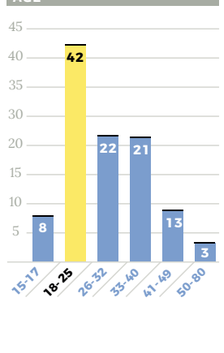




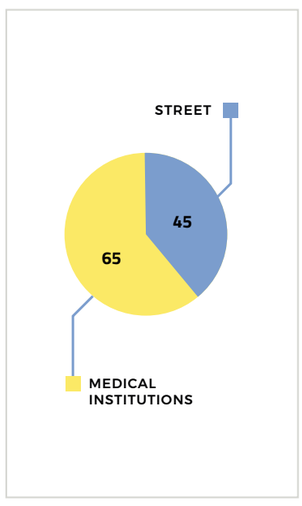
TYPE OF WOUND



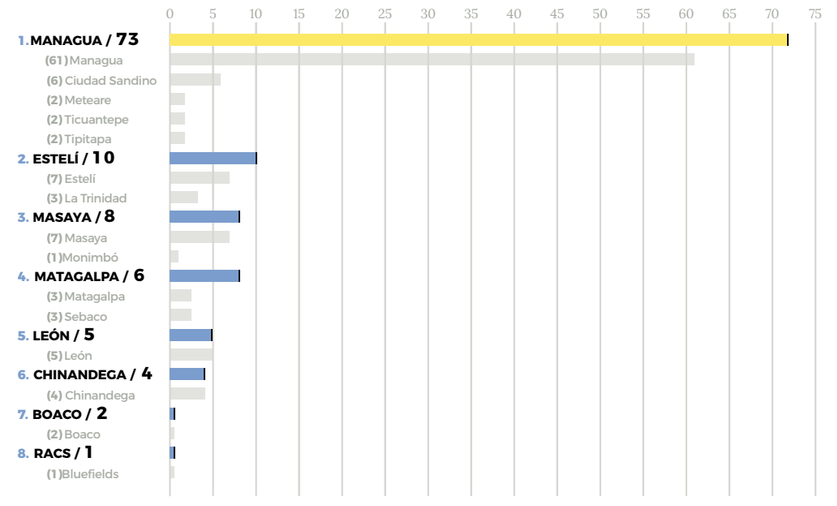
AGE



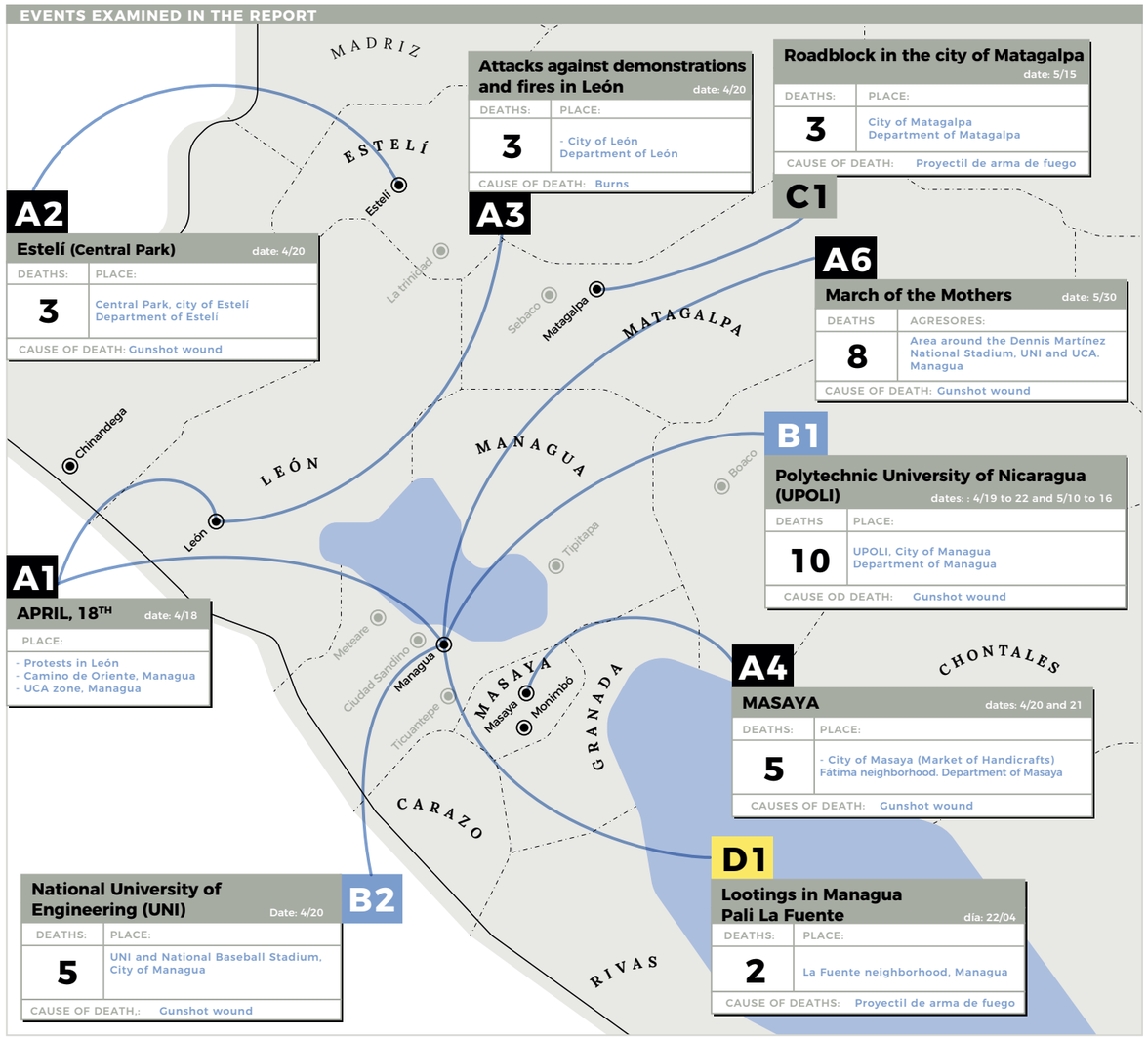
PLACE OF DEATH



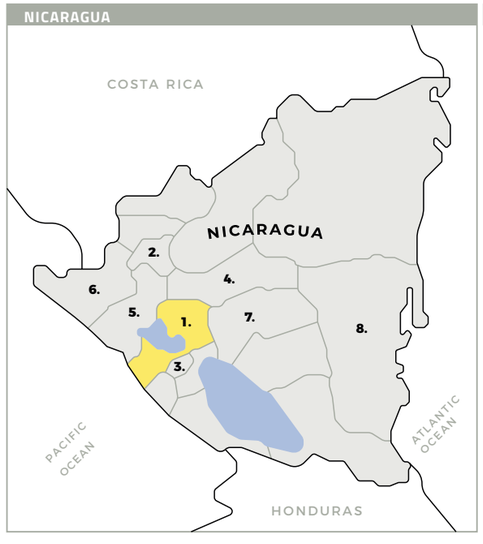
DEATHS BY DEPARTMENT



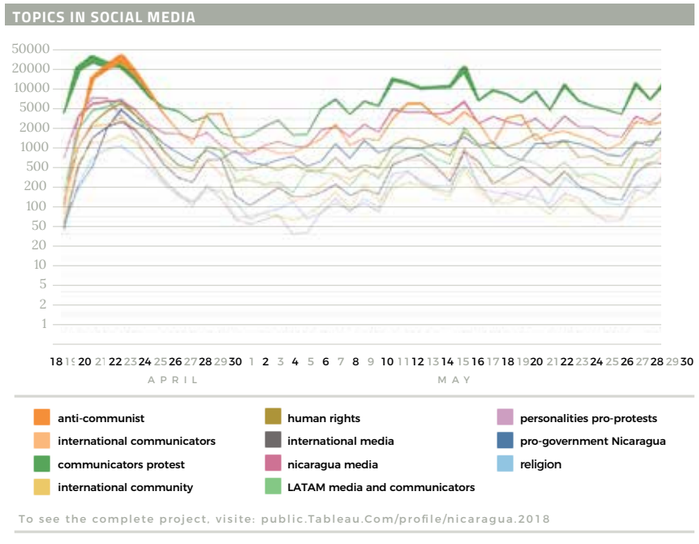
EVENTS EXAMINED IN THE REPORT



NICARAGUA



TOPICS IN SOCIAL MEDIA



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B. EVENTS

1. DEMONSTRATIONS IN PUBLIC SPACES

1.1. April 18th

1.2. Attacks against demonstrations and fires in León

1.3. Estelí: Central Park April 20th, 2018

1.4. Masaya April 20th and 21st

2. UNIVERSITIES

2.1. National University of Engineering

2.2. Polytechnic University of Nicaragua

3. LOOTINGS IN MANAGUA

4. ROADBLOCKS: MATAGALPA

5. MARCH OF THE MOTHERS

1. DEMONSTRATIONS IN PUBLIC SPACES

Since April 18th, 2018, protests in Nicaragua started spreading throughout the country, in cities such as León, Masaya, Granada, Matagalpa, Estelí, Carazo, Rivas, Bluefields, Ocotal and Camoapa, among others. In Managua, the protests spread to various parts of the city and many municipalities of the region.[1] The demonstrations were convened by students, who were then joined by society in general. The initial demands concerned the derogation of the INSS reform, but after the actions of the police and parapolice groups to quash the protests, protesters also demanded that said repression cease immediately. Most of the protests were peaceful, but after the repressive actions of the State, protesters used rocks and other artifacts to repeal the intervention of the police and parapolice groups.

The State's response to the demonstrations was marked by repression through the National Police and parapolice groups, initially with tear gas and rubber bullets, however, in the afternoon of April 19th, they started using firearms with lethal ammunition. Three individuals died in that afternoon, including one police officer. The violence rapidly escalated and, on April 20th, 25 individuals died as a result, most of them protesters.

Even though the violent events mostly occurred in Managua, similar patterns of conduct were observed in other regions of the country: peaceful demonstrations, repression by State agents and parapolice groups, resulting in fatal victims. In most of the violent events, there is clear evidence of the participation of municipal officers and other civil servants. This occurred, for instance, in the cities of León, Estelí and Masaya, with regard to the three events described in the next section.

1 IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua, June 2018, p. 18.

1.1 / APRIL 18TH

As explained in Chapter V, on April 18th, 2018, Presidential Decree No. 3-2018 was published, including a reform of the regulations of the Social Security Law, which determined an increase of 3.5% in the contribution of employers and 0.75% in the contribution of employees, as well as a deduction of 5% in pensions of retirees, and a reduction of approximately 12% in future pension benefits.[1]

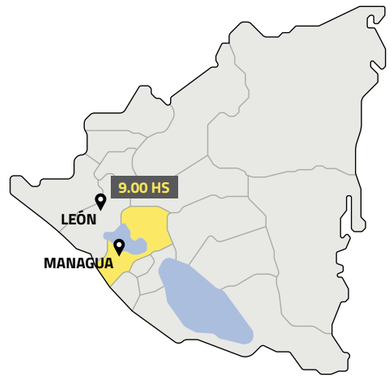
Since its approval by the Directive Council of the Nicaraguan Institute of Social Security (INSS) on April 16th, 2018,[2] which was later ratified on April 17th by means of a Presidential Decree which was published on the following day,[3] this reform was criticized by various sectors.[4] Those who opposed this reform claimed that it was approved without consensus, negatively impacted the income of workers, especially of pensioners, and that it did not include a parallel reduction of costs by the INSS, although the social security deficit was caused by previous bad management.

On April 18th, 2018, there were many demonstrations against said reform, including one in the morning in the city of León, and two others late in the afternoon in the city of Managua. On the Camino de Oriente road, where one of the protests was taking place that afternoon in Managua, the action of pro-government shock groups caused injuries to dozens of individuals. There were no deadly victims, however, the aggressions occurred in front of the security forces who did nothing to protect the protesters and failed to detain any aggressors.

The protests of April 18th marked the beginning of the cycle of protests and State-sponsored violence, which resulted in the serious institutional crisis characterized by human rights violations that currently exists in Nicaragua.

PROTESTS IN THE CITY OF LEÓN

In León, to the northeast of the city of Managua, a march was convened for 9am by a group of elderly individuals due to the reduction in their pension benefits. The protest began in front of the INSS, and headed east



PLACE OF THE EVENTS IN LEÓN



PLACE OF THE EVENTS IN MANAGUA

1 Official Gazetter No. 72. April 18th, 2018.

2 Directive Council of the Nicaraguan Institute of Social Security. Session No. 317. April 16th. 2018. Accordingly, Articles 11, 16, 26, 27, 29, 85, 86 and 89 of the regulations of the Social Security Law were modified, as published in the Official Gazette No. 49, of March 1st, 1982.

3 Presidential Decree Nº 03/2018, of April 17th, 2018.

4 Confidencial, ¿A quiénes afectarán las reformas al INSS?, April 17th, 2018.



towards 3rd avenue. At around 11am, upon arriving at 3rd avenue in front of Distribuidora Sonsa, the march was obstructed by a group of individuals who physically assaulted protesters, punching and throwing rocks at them, and forcefully taking away the signs with their demands.[5] According to video evidence, one FSLN activist and a CUUN student leader were identified among the aggressors.[6]

One of the elderly protesters, Nicolás Palacios, was thrown on the floor. This was one of the triggers for the subsequent protests. Local journalists Pedro Altamirano, Bismark Lebrón and Tania López were also assaulted.[7]

PROTESTS AT CAMINO DE ORIENTE

In the city of Managua, a protest was convened for 5pm on the road to Masaya, in front of the Camino de Oriente shopping center. According to the organizers of the protest, this venue was randomly chosen a short while before the demonstration, in order to prevent the police from stopping the march, as it had previously occurred. One of the participants explained that, "*the protests had to be organized in a hurry, otherwise the police would fence off the area within half an hour, and no one else would be allowed to participate. We drew a map of places where we had not been previously attacked, and Camino de Oriente was one of them.*"[8]

According to this testimony, despite these measures of precaution, there already existed a police alert regarding this protest: "*the police… was patrolling the entire city that day… we felt under siege.. because they knew that we had convened a march on that day, but they did not know what time or where, so they were patrolling the whole city. We could see several police and some sort of counter-protest moving around…*"[9]

Protesters started arriving a little earlier than 5pm. At 5pm, there were already approximately 80 protesters. Some of them crossed the street carrying a banner demanding an audit of the INSS and a raise in their pensions.

At 5:05pm, when they were about to lift the banner again, they were attacked by third party individuals in motorcycles who were members of the shock groups: "*we were near the second exit when we heard a deafening noise, there were about sixty motorcycles arriving. On them, men who were not young, maybe 35 years old or older, fat, with big bellies, were wearing dark helmets, the license plates were covered, and they came with chains, pipes, sticks, and even machetes, and they started to attack us in an attempt to take away our banner.*"[10]

This version of the events is corroborated by video footage where one can see, furthermore, that the motorcyclists were carrying radios for coordination. At least one individual who arrived on a motorcycle – as can be observed in the videos – can also be identified in the video footage of a protest that occurred that same morning in front of the "José Benito Escobar" regional office of the INSS.[11]

5 GIEI interview C6.

6 See video: *Inicio de las agresiones a los adultos mayores*

7 La Prensa, *Orteguistas agreden a ciudadanos que protestaban por las reformas al INSS en León*, April 18th, 2018. The events that took place in León on April 18th will also be examined in this chapter.

8 GIEI interview C46.

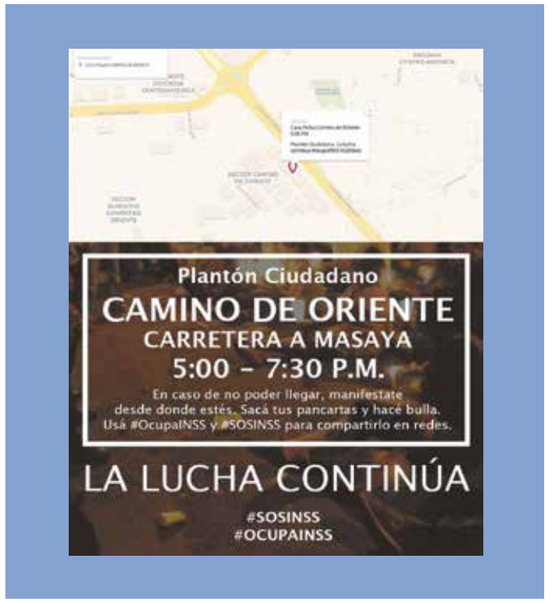
9 GIEI interview C101.

10 GIEI interview C106.

11 See video: *Llegada de grupos de choque "motorizados"*



A protester is assaulted in León



Pamphlet about the march

KEY DATA

PLACE

Protests in the city of León.

Camino de Oriente, Managua.
UCA, Managua.

NUMBER OF DEATHS

No fatal victims

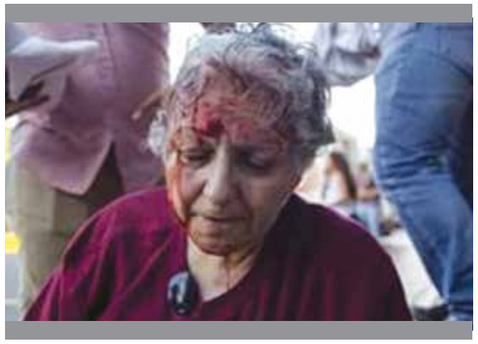


The banner carried by protesters

This first group of assailants was later joined by two more groups, one of them in motorcycles: "after about ten minutes, another group of motorcyclists arrived, … and they parked their motorcycles in front of Buffalo Wings;"[12] as well as another group of youths wearing the white shirt which is the symbol of the Sandinista Youth Movement: "*the other group arrived in trucks, and when they got off, they were all wearing a shirt that read JS.*"[13] The testimonies and images available about this event indicate that these groups started to assault the protesters and steal their belongings. They hit protester with sticks, batons, pipes, chains, and even with the napkin holders that they removed from outdoor tables of the bar.

12 GIEI interview C101.

13 GIEI interview C101.



Ana Quiros



Alfredo Zúñiga

One of the first seriously injured individuals in that afternoon was Ana Quirós,[14] who was protesting when she saw a young girl being assaulted. Upon trying to defend this young girl: *"they tried to take away her cellphone because she was filming the attack, and they started to hit her, about ten of them… I tried to protect her… and I held the hand of the assailant who was about to hit her with a chain. Then, I felt the blow to my head, my legs faltered, and I saw a gush of blood. I believe it was the man with the pipe who hit my hand, but there was also the man holding the chain, who hit me in the shoulder. At that moment, others attacked me, but the was confusion elsewhere and they took me. The police was right there watching everything."*[15]

Another seriously wounded individual was journalist Alfredo René Zúniga, who was assaulted and had his equipment stolen when he was photographing individuals wearing white shirts who were robbing a young man: *"when I was taking photos of this young man who was being robbed, I felt a blow and lost my balance, then eight individuals jumped on me, wearing those shirts, one of them yelled at the others to take away my cameras, both of them. They hit me in the head with a pipe, in the face with helmets and broke my jaw. Then, I ran."*[16]

After that, two groups were formed, each one on a different side of the road. The protesters took the south to north lane, while the assailants took the north to south lane. At approximately 5:20pm, a truck arrived playing music and parked by the demonstration: "then, a white truck came with the symbol JS written on its side, … they brought sound equipment, --- and parked in front of *Luzma while playing the theme song of the governing political party, Daniel, commander Daniel, in order to pretend that the protest was theirs."*[17]

The protesters sought shelter in the stores of the shopping center, many of which suffered destruction: "many people tried to find shelter, they hid at *Luzma, at the shoe store, at La Colonia, at the drugstore near La Campana. Many of them ended up trapped in those places, and these venues were also attacked, glass doors were shattered, vases and tables were broken."*[18]

Then, the group of demonstrators started heading towards the *Centro America traffic circle. At around 6pm, the anti-riot squad arrived and threw tear gas bombs against those who were peacefully protesting. "When the shock groups were about to leave, the anti-riot forces arrived. The demonstration at Camino de Oriente was finally disbanded at around 7pm."*[19] These facts were all recorded on video.[20]

14 Ana Quirós was expelled from Nicaragua on April 26th, 2018, after the government of Nicaragua stripped her of her nationality, which was obtained after living in the country for forty years. La Prensa, Quién es Ana Quirós y por qué el régimen de Daniel Ortega la expulsó de Nicaragua, November 26th, 2018.

15 As a result, the victim suffered two head injuries, fractured two fingers and had her wrist broken. She also suffered multiple blows all over her body, in the shoulder, arms and back. GIEI interview E45.

16 GIEI interview E61.

17 GIEI interview C46.

18 GIEI interview C101.

19 GIEI interview C46.

20 See video: *Periodistas agredidos*.

That afternoon, at least five more journalists were attacked or had their equipment stolen. Julio César López, a reporter for *Onda Local, suffered a blow to his head. Rene Cuadra and Leticia Gaitán, photographer and reporter for 100% Noticias, respectively, were assaulted and had a video camera stolen.*[21] Néstor Arcer, a reporter for *Confidencial, was assaulted and had his camera lenses stolen.*[22] And Emiliano Chamorro, reporter for *La Prensa, claimed that he was attacked by shock groups.*[23]

These events were nationally and internationally broadcast through the main social media channels.

UNIVERSIDAD PROTESTS AT CENTRO-AMERICANA UNIVERSITY, MANAGUA

Between 6pm and 6:30pm, a protest occurred at the main gate of Centro Americana University, UCA. Several individuals who did not make it to Camino de Oriente gathered here instead. Shock groups also intervened at UCA: "when we arrived at UCA, the motorcycles were already parked there."[24]

According to eyewitness testimonies and video footage, two distinctively separate groups gathered here, pro-government forces and protesters. These groups started shouting their won slogans at one another: "there were about two hundred students, and across from them a group of about sixty individuals… older, civil servants,… they were also wearing shirts of the Sandinista Youth Movement, shouting slogans, they shouted and we responded, … they were using speakers stolen from Radio Ya. *These groups started verbally offending one another, … more motorcycles arrived, … approximately one hundred and they kept coming, …. At one point, the situation got out of control, buses filled with anti-riot officers, and members of the Sandinista Youth Movement, started arriving. The anti-riot squad did not intervene…"*[25]

Some of the pro-government forces tried to control the situation: "there was a group of them trying to control their own shock groups. They pretended to assault us."[26] But their attempt was unsuccessful, and the strike groups charged against the protesters: "at first they were throwing eggs at us, but after the first glass bottle, after the first rock, all hell broke loose, … people started entering the [university] premises, … they were already inside the university, … there were no gunshots."[27]

A video shows the group of protesters at the UCA main entrance, and ahead of them, on the other side of Juan Pablo II, there were "counter protesters" wearing white shirts that identified them as member of the Sandinista Youth Movement. These assailants ran after the students to assault them with rocks and sticks, while the students sought shelter by going further into the premises. One of the counter protesters crossed the line of access to the main gate and was pulled back by one of his comrades. They later shattered the glasses of the security checkpoints.[28]

Once the students were inside the UCA campus, a young man was assaulted: "at approximately 7:30pm… I arrived at UCA… took my phone out and started recording the incident… someone shoved me aside, …. took my cellphone and pushed me, I was holding my helmet…, and I started fighting back… those who were behind me,… started hitting me, stole my hat, took my cellphone, punched me in the face,… someone who seemed like the leader arrived on a

21 100% Noticias, *100% Noticias denuncias en la Policía robo de Cámara*, April 19th, 2018.

22 Confidencial, *No aceptamos la censura contra periodistas*, April 20th, 2018.

23 La Prensa, *Los ataques al periodismo en tiempos de Daniel Ortega* April 22nd, 2018

24 GIEI interview C46.

25 GIEI interview C101.

26 GIEI interview C101.

27 GIEI interview C101.

28 See video: Agresiones a manifestantes



JS entering UCA

motorcycle, and started asking: what happened here, why are you punching him? .... this guy is recording everything, let him go."[29] Finally, the protesters were able to leave the premises late at night.

The April 18th incidents were one of the catalysts for the subsequent protests: "we witnessed the repression at Camino de Oriente, and it hurts to see how they were assaulting elderly individuals, women, running them over with their motorcycles, how they were hitting them, and then we saw the aggression at UCA..."[30]

That same night, at León University, students were summoned to attend a protest in Managua on the following day.[31] Several individuals reported being outraged at the attempt to force them to participate in pro-government marches. One of the individuals who was interviewed mentioned that, "many rectors... tried to get students out of their dorms at midnight to participate in a demonstration that would take place on April 19th... there are many reasons to continue protesting, and others that make you want to start protesting... there is a lot of resentment among students."[32]

CONCLUSION

Even though the State's response to the events of April 18th was similar to its pattern of conduct in the last few years, that is to say, sympathizers of the government assaulted and robbed protesters, while the security forces took a passive stance, this time the reaction of society was entirely different.

A number of individuals interviewed by the GIEI explained that, on one hand, the people were fed up with the restriction of spaces for political participation and, on the other hand, the images of elderly individuals beaten up – which were divulged by means of communication and social media – were intolerable for many individuals who, from that day onwards, decided to join the protests. Likewise, the violent events at the main gate of UCA, the entrance of one counter protester and the destruction of the security checkpoints were perceived as a violation of academic autonomy.

Forcing students to participate in counter protests or attacks against citizens also had a huge impact among young students of public universities.

The fact is that the violence which took place on this day, although not lethal, ignited the protests, which became more massive and expanded to various regions of Nicaragua.33 The level of violence also intensified from this moment onwards, as it will be described in the following sections

29 GIEI interview C46.

30 GIEI interview C46.

31 See incident in León.

32 GIEI interview C46.

33 On April 18th, 2018, the network of retweets had a more intense activity than the one regarding the wildfire at the Indio-Maíz reserve. See NarrativeTech, Analysis of social media for the GIEI Nicaragua, Mexico, November 2018. Annex 7.

1.2 / ATTACKS AGAINST PROTESTS AND FIRES

The protests in the city of León against the social security reform began in the morning of April 18th. There were many elderly pensioners among the protesters. The demonstration was repressed by a shock group formed by sympathizers of the government, among whom were directors of the Centro Universitario of the National Autonomous University of Nicaragua (CUUN).[1]

The repression launched against the protesters – many of whom were elderly – caused outrage in many young students from the National Autonomous University (UNAN) of León, who decided to take to the streets to protest on the following day and express their anger. The student protests were also caused by the pressures exerted over them to join the pro-government demonstrations. According to testimonies of students, student leaders who supported the government tried to force them protest and participate in the assaults, and threatened to remove their scholarships and other benefits.

One of the UNAN students who was interviewed by the GIEI reported that, "in all the WhatsApp groups from school and friends, I started receiving videos and audios of individuals who were trapped in their dorms at the university, and they were saying that they were being forced to go to UCA (Managua), ... León students who are not even from León, but from Bluefields, from the Southern Atlantic Autonomous Northern Region, who come from far away, were being sent to UCA, thus they started fleeing the dorms, so they would not be sent there, because they would be forced to go, they were being threatened, if they did not go, they would lose their scholarships, and no longer would be students at UNAN León. All of this, which happened on April 18th at night, greatly upset me..."[2]

Another student who was interviewed by the GIEI provided a similar testimony and also videos which show the moment when some students were leaving the dorms, due to the pressure to participate in demonstrations in support of the government, in a context where the acts of aggression against students and the elderly were already notorious.[3]

KEY DATA

PLACE
City of León,
Department of León

NUMBER OF DEATHS
3

CAUSE OF DEATH
Burns



PLACE OF THE INCIDENTS IN LEÓN

1 YouTube, Marcha de protesta atacada por sandinistas en León, published on April 18th, 2018. This video shows how protesters were attacked by government sympathizers, including Walter Malta.

2 GIEI interview C201. This information was broadcast on social media that evening (see, for example, the results of the search on Twitter about *"internos UNAN León". There are also videos showing the students fleeing the university, and one of the rector of UNAN-León promising that no one would forcefully take them. See also: Confidencial, Estudiantes de UNAN-León se rehusaron a reprimir las protestas ciudadanas, uploaded on May 4th, 2018.*

3 GIEI interview C32. See video: *Estudiantes de León saliendo del internado*.



April 18th demonstration



Protesters prior to being repressed by shock groups

APRIL 19TH: "WE ARE GOING TO DESTROY YOU"

As can be seen in images that were circulated on social media, the April 19th demonstrations were also repressed, but this time the anti-riot forces directly intervened, along with pro-government shock groups.

According to testimonies from students,[5] CUUN leaders were also involved in these actions, including Walter Malta,[6] and other university leaders – some from the Juridical Sciences Faculty and the Economic Sciences Faculty – as well as the representative from the Sandinista Front for León, Filiberto Rodríguez, who is the National Assembly's Chairman of the Commission for Peace, Defense, Governance and Human Rights.[7] There is video footage of the participation of this representative intimidating and threatening protesters, in which he says loud and clear: "today we are going to destroy you,[8] so you can film me, you can take photos, but today we are going to destroy you…"[9]

These incidents concerning UNAN-León resulted in the subsequent creation of a new student organization named *Movimiento Estudantil 19 de Abril UNAN-León*. In other regions of Nicaragua, similar organizations were created with the same name, and they all jointly formed a national student movement named *Movimiento 19 de abril*.[10] Several members of this organization would later be detained and charged with alleged crimes perpetrated in the context of the protests.

4 "They have been using us resident students to participate in Government marches for many years, through pressure that if we do not participate, they will suspend our scholarships and other student benefits. Upon seeing all that was happening, we decided to participate in the protests against the Government." Confidencial, El clamor de justicia que consterna León, May 5th, 2018. This can be verified through News articles from any years ago, e.g., La Prensa, Manoseo a los estudiantes, December 14th, 2015.

5 GIEI interviews C85, C32 and C201.

6 The participation of Walter Malta was notorious and can be verified by videos that have been published, for example, YouTube, Marcha de protesta atacada por sandinistas en León, April 18th, 2018.

7 National Assembly, Comisión de la Paz, Defensa, Gobernación y Derechos Humanos (last visited August 20th, 2018).

8 Spanish original's explanation of the word desturcar, according to the Spanish Royal Academy (RAE).

9 YouTube, El Diputado sandinista Filiberto Rodríguez amenazando a la población, uploaded on April 20th, 2018.



Walter Malta repressing protesters on April 18th



National Police and shock groups, April 19th

APRIL 20TH: COORDINATED ACTION BETWEEN THE NATIONAL POLICE AND SHOCK GROUPS

On April 20th, 2018, the protests continued in the Department of León, and in that morning a massive demonstration occurred near Oscar Danilo Rosales Arguello Teaching Hospital (HEODRA). There is a video which clearly shows that this was a peaceful and organized protest. The protesters even left a street lane open to allow traffic to flow. After noon, anti-riot forces surprisingly stormed against the crowd, followed by police "in blue" and shock groups. Said video shows the protesters screaming as they flee towards the Cathedral. It also includes images of protesters getting down on their knees and opening their arms as the Police moves forward. The video displays this entire scene, and the desperation in the protesters' voices can be heard, while the anti-riot squad fires rubber bullets at them. One of the protesters can be heard saying "everything was fine, everything was fine."[11] The same video shows the moment when a young man is assisted by other protesters due to intoxication from tear gas.

On this day, at least two arson incidents occurred in León.

10 Confidencial, El clamor de justicia que consterna León, May 5th, 2018. La Prensa, *C*Conforman nuevo movimiento nacional 19 de abril, May 26th, 2018.

11 YouTube, ¡Nicaragua necesita ayuda! ¡Nos están matando!, April 21st, 2018.

FIRE AT CENTRO UNIVERSITARIO OF THE NATIONAL AUTONOMOUS UNIVERSITY OF NICARAGUA (CUUN)[12]

The first arson incident occurred in the CUUN building during the afternoon. This fire spread to other nearby sites, among which was Billiards Lezama. Inside this venue, at approximately 2pm on the following day, a carbonized corpse was found, and the victim was later identified as student Cristhian Cadenas, a member of CUUN.

There are different versions about the origin of the fire, according to news reports. On one hand, newspaper *El 19 digital*[13] reported the official version from CUUN authorities, which indicated that the fire was caused by students who were then protesting against the government. On the other hand, news outlet *Confidencial*[14] recounted the version of the students, which claimed that CUUN authorities were responsible for the fire.

The GIEI interviewed one eyewitness of the event, who affirmed that, after the repression of that day, protesters removed furniture and papers from CUUN and set them on fire at the intersection of two streets located on the corner of the CUUN building. This is corroborated by videos that have been published.[15] This witness asserted that this fire, which was set on the street, was put out by voluntary firemen of León (*Benemérito Cuerpo de Bomberos*) and was not the cause of the fire in the CUUN building. According to this eyewitness, the fire at CUUN was visibly caused by individuals who were on the roof of the building. The security guard of one of the nearby buildings even shot at those individuals while they were setting the CUUN building on fire from the roof.[16] This version of the event is consistent with a video that precisely shows a group of individuals on the roof, a brawl, and a man shooting at the individuals on the roof.[17]

The eyewitness stated that they saw an individual from the University of León dorm with cans of gasoline.[18] According to this version, it is clear that the fire at CUUN was not related to the protesters who set furniture on fire on the streets, but instead it was intentionally caused after the foregoing, and began on the top of the building.

Additionally, in a very detailed testimony, said eyewitness told the GIEI that the power went down as a result of the fire, since it affected a generator near Billiards Lezama. This eyewitness helped remove furniture from the Billiards, but was unable to remove the billiard tables. According to this testimony, this eyewitness was inside the building, and passed by the place where Cristhian Cadenas would later be found, but did not see anyone at the time. "I went inside the Billiards, and could see from a distance the place where the corpse would be found, but there was nobody there… in that moment I came back to try and remove another piece of furniture, but saw nothing."[19]

12 "On September 15th, 1914, the *Centro Universitario* of the National Autonomous University of León (CUUN) was established, and it was the first higher education student organization in Nicaragua. It became the organization that represented students from the National University, in conformity with fundamental principles, such as student unity, patriotism, solidarity, honesty, democracy, social justice…". Universidad Nacional Autónoma de Nicaragua, Managua. UNAN-MANAGUA.

13 El 19 digital, Encuentran persona calcinada en billar Lezama de León. April 21st, 2018.

14 Confidencial, El clamor de justicia que consterna León, May 5th, 2018.

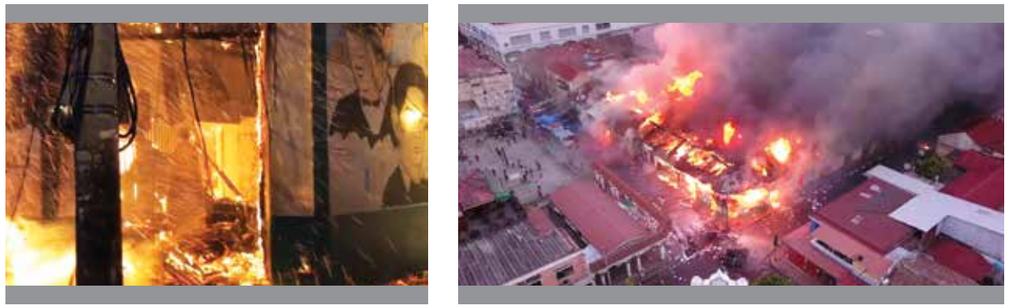
15 YouTube, Quemada CUUN UNAN León, published on April 20th, 2018.

16 GIEI interview C30.

17 YouTube, Incendio del CUUN: ¿Qué sucedió con Cristhian Emilio Cadenas?, April 29th, 2018.

18 The indictment regarding the arson at CUUN indicates that jars of gasoline were used by the protesters, who supposedly caused the fire (File 13521-ORM4-2018PN). Unfortunately, the indictment presented by the prosecution primarily includes witness testimony, but there is no video evidence, for instance, of a gas station where the defendants could have obtained the gasoline, which might have helped clarify the facts.

19 GIEI interview C30.



Fire at CUUN

There are different hypotheses about the death of this young man. One thing that is not clear is when and how Cristhian Cadenas arrived at the place where his body was found the next day. If he was at the Billiards when the fire broke out, it is obvious that he would have had time to escape while people were moving the furniture from that place prior to its destruction by the fire.

Another obscure point is his cause of death. Even though the official autopsy concluded that he died due to the inhalation of toxic gases,[20] the doubts about his cause of death remain, since, according to his family, the extremities of his body were mutilated, his teeth were missing and they could not recognize his clothing. One of the witnesses interviewed by the GIEI stated that, the clothing which led to his identification consisted of a handkerchief and pants which "were unexpectedly not burned."[21]

Some versions reported by the press indicate that Mr. Cadenas was murdered by CUUN leaders, because he had refused to participate in the repression.[22] A similar statement was presented to the GIEI by an individual who pointed out that Mr. Cadenas was pressured by CUUN members, "… so I think he refused to obey an order and was killed by them."[23]

An official criminal investigation was opened and the Office of the Public Prosecutor indicted several young members of *Movimiento Estudantil 19 de abril* for this death, alleging that the defendants were responsible for the fire in the CUUN building. Accordingly, they were accused of Cristhian Cadenas' murder, among other crimes.[24] Nevertheless, both the family of the deceased and the defendants themselves deny this version of the facts.[25]

20 The respective autopsy (No. L-1359-1416-18PM -xalt) of April 21st, 2018 explained that Mr. Cadenas died *"due to toxic anoxia, asphyxiation with carbon monoxide and exposure to toxic gases during a fire, and established the moment of death to be one day prior to the identification of the corpse. There is no evidence of other lesions on the body. From a forensic medical viewpoint, this death constitutes a murder which took place at Billiards Lezama […], we observe remains of dark pants with vertical stripes and in the pockets we found an intact matchbox."*

21 El Nuevo Diario, Denuncian destrucción de Radio Darío, May 20th, 2018. GIEI interview 66.

22 Confidencial, El clamor de justicia que consterna León, May 5th, 2018.

23 GIEI interview E5.

24 About this criminal procedure, see Chapter IX of this report.

25 El Nuevo Diario, Familiares del joven calcinado en León dicen que acusación contra universitarios es una injusticia. August 29th, 2018.

FIRE AT RADIO DARÍO

A few hours after the fire AT CUUN, on April 20th, another fire was intentionally caused at Radio Darío, during transmission when many individuals were still inside the venue.

Radio Darío had an editorial line which was critical of the current government, and was founded in 1949, more than 80 years ago. Prior to the April 20th fire, which completely destroyed its premises, the radio station had suffered six attacks throughout its history, the last one in 2008.

Aníbal Toruño, director and owner of the radio station, testified before the GIEI26 and stated that the radio station did an extensive coverage about the wildfire at the Indio-Maíz reserve and the April 19th protests, in which one of its reporters was wounded by a rubber bullet, namely Sergio Hernández. He also declared that the radio station was receiving threats, claiming that it would soon be attacked, which was allegedly confirmed by an individual linked to the FSLN. "On Thursday, late afternoon, I received a phone call from someone close to the FSLN leaders in León, who told me: Aníbal, be careful, because I have heard that they are devising a plan to attack the radio station."[27]

Mr. Toruño asserted that the attack began at approximately 7:25pm.[28] "At that point, there were intense protests and confrontations happening, we saw motorcycles driving by the station and firing mortar shells… I heard a loud thump… and thought it was a mortar… 4 or 5 minutes went by, then there was a huge explosion, everything started falling, we were in the dark, all in flames."

In his interview before the GIEI, Mr. Toruño claimed that the group who attacked his radio station "was led by Filiberto Rodríguez", the same representative who was filmed threatening protesters on April 19th. Mr. Toruño also identified two more individuals,[29] and added that, "… most of them came from the Reparto Vigil neighborhood, but they were joined by individuals from the Mayor's Office, ENACAL, the Sandinista Youth Movement, CUUN… they arrived in two trucks… destroyed our doors, which was the noise that I heard… and surrounded the radio station, armed, with weapons of war…"

Mr. Toruño also indicated that, after capturing the security guard of the radio station, some of the attackers entered the premises with fuel cans and splattered gasoline all over the place. At that moment, the radio station was in the middle of a program, and there were twelve individuals inside the building, including Mr. Toruño himself. According to his account, after throwing combustible material all over, the assailants left the premises, distanced themselves a few meters from the building and, right after that, "fired a mortar towards the internal part of the building; but to their surprise, the inflammable material generated gases, so the radio station turned into a sort of vault… the explosion was so intense that it could be heard 8km away, so strong that blast waves reached the assailants and two of them, Jimmy Paiz and Apolonio Delgadillo were struck; these two individuals had been spraying the premises with gasoline, so there were remains thereof on their bodies, and when the blast waves reached them, they turned into human torches… Jimmy Paiz died on the following day, Saturday at noon, and Apolonio Delgadillo died that Sunday… as I understand, there are two more individuals with burns which are not as severe as the ones that killed these two individuals."[30]

26 GIEI interview C47.

27 The Facebook page of Radio Darío contains an excerpt of the April 20th broadcast. In said program, Aníbal Toruño mentions *medios de comunicación que han sido censurados y cancelados*.

28 See video of the live transmission of the fire at the radio station: YouTube, Ataque: Incendio a Radio Darío 20 de abril 2018, April 20th, 2018.

29 The names of these individuals are kept confidential in this report, and will be delivered in private to the IACHR.

30 The full name of the individuals identified by Mr. Toruño are Apolonio Ezequiel Díaz Delgadillo and Jimmy Jaime Paiz Barahona.



Aníbal Toruño, in the midst of the rubble at the radio station
Source: https://confidencial.com.ni

There is audiovisual evidence that shows the moment in which one of the assailants is struck by the blast waves.[31]

According to Mr. Toruño, the attackers carried "a gunpowder bag filled with bombs", which they meant to toss inside the station building once the fire started, but failed to do so because of the explosion: "there are pictures of the bombs, they left it all there." Indeed, this can be corroborated by audiovisual evidence recorded at the site a few moments after the fire began.[32]

The fire also caused burns to the security guard of the station and two more employees. Most of the building and all the equipment were destroyed by the fire. Mr. Toruño claims that they escaped death by carbonization because they were able to leave "through a side door which was sealed, but had been previously used by the radio station", and that "bystanders rescued three of them who were trapped inside a cabin."

There is no information regarding an official investigation into this event, in order to identify the perpetrators who acted jointly with the two deceased individuals.[33]

Mr. Toruño, on the other hand, is one of the thousands of individuals who had to flee the country for security reasons.

The attack against Radio Darío, more than being a violent act that put human lives at risk, constitutes a serious example of the attacks against freedom of expression suffered by various means of communication during the coverage about the violent events that began on April 18th. Many news media – particularly those critical of the government – denounced suffering attacks, threats, robbery and damage to their premises and their equipment during the coverage. In this regard, it is worth mentioning that, on April 19th, 2018, four independent television news channels (*Canal 12*, *Canal de Noticias de Nicaragua*, *Telenorte* and *Canal 51*) had

31 YouTube, Quemaron Radio Darío en León, uploaded on April 20th, 2018.

32 YouTube, Queman estación de Radio Darío, April 21st, 2018.

33 In this regard, the Commission for Truth, Justice and Peace, which was created by the National Assembly, published a report "Comparative list of the deceased IACHR – CPDH", in August 2018, in which Jimmy Jaime Paiz Barahona and Apolonio Ezequiel Degaldillo appear as if their deaths were "unrelated to the conflict", under the category "victim of accidental deaths" (deaths or shots by accident). The chairman of the National Assembly, Gustavo Porras, who championed the creation of this commission (which some hence named "Porras Commission"), declared in a May 4th video, during a demonstration in León, that, "there have been deaths […] for instance, here in León there were 3 deaths, and all deceased individuals were sandinistas." This declaration implies that, on one hand, according to him, Mr. Paiz Barahona and Mr. Delgadillo were government supporters and, on the other hand, that their deaths were indeed related to the context.

their transmission interrupted for several hours. The broadcast of channel 100% *Noticias* was also interrupted. According to its director, "the cable operator claimed that the interruption was caused by technical problems."[34] This interruption lasted for six days, which exactly coincided with the initial period of the protests.[35]

The violations of freedom of expression persisted throughout the mandate of the GIEI, and intensified during the final stage thereof. With regard to Radio Darío, there were concrete acts of intimidation by the police forces. According to the owner of the radio station, the police entered the premises, threatened the staff and confiscated cellphones.[36] There were also complaints about other measures, for example, there was an attempt to remove 100% *Noticias* programs from the cable TV listing,[37] journalists suffered intimidation and were detained, and several members and vehicles of the National Police were stationed in front of the headquarters of means of communication.

CONCLUSION

León was one of the cities where the protests started early. Beginning on April 18th, there were actions of repression, initially at the hands of pro-government shock groups, which were aided by the inertia of the security forces. The participation of CUUN leaders in the repression against protesters in that occasion was corroborated. According to the available information, pro-government student leaders also exerted pressure over university students through threats of suspending their scholarships and other benefits, and tried to force them to participate in pro-government demonstrations and in aggressions against protesters.

Beginning on April 19th, the National Police started intervening in coordination with the shock groups, in organized actions of repression. A congressman was also seen threatening protesters. On the following day, the violent events considerably intensified. The GIEI was able to corroborate that, from the very beginning, the National Police and shock groups repressed the protests by using tear gas bombs and rubber bullets. The audiovisual material gathered by the GIEI clearly shows violent repression against a demonstration that was evidently peaceful and organized.

The violent events that took place in León during these incidents present a peculiarity regarding the resulting fatal victims. Specifically, the three deaths that resulted from arson. One of the deceased was Cristhian Emilio Cadenas, whose death is not fully elucidated, since, as previously explained, there are different versions of the events. On the other hand, Apolonio Ezequiel Díaz Delgadillo and Jimmy Jaime Paiz Barahona died while they were committing arson against Radio Darío. There is no information about any investigation into the responsibility for this criminal act. The attack against Radio Darío was not an isolated incident, but rather fits into an official policy that aims at silencing dissenting voices and media, and continues to date.

34 Confidencial, Miguel Mora denuncia censura oficial a 100% Noticias, April 20th, 2018.

35 La Tribuna, Canal 100% Noticias regresa tras seis días censurado, April 25th, 2018.

36 Confidencial, Aníbal Toruño denuncia grave agresión policial contra radio Darío, December 5th, 2018.

37 La Vanguardia, Ente regulador ordena retirar 100 % Noticias de Nicaragua de señal satelital, December 1st, 2018.

1.3 / ESTELÍ: CENTRAL PARK

On April 20th, 2018, serious incidents occurred in Estelí[1] between protesters and the National Police, which operated in coordination with pro-government shock groups. Three persons died as a result of gunshot wounds on that day, and a fourth one – who has not been identified yet – was seen agonizing in audiovisual material. The participation of local civil servants in the violent events was particularly significant.

In this section, it will be demonstrated that these deaths occurred due to gunshot wounds in the head and chest. However, the aforementioned murders were not the only ones registered in the department of Estelí. Subsequently, the GIEI verified, within the period of its mandate, 7 more fatal victims in Estelí.

ANTECEDENTS: THE BEGINNING OF PROTESTS AND EARLY EXPRESSIONS OF VIOLENCE

On April 19th, 2018, simultaneously with similar occurrences in the rest of the country, the city of Estelí was the stage of protests which primarily took place in the central area of the city, especially at Central Park 16 *de julio*, in front of the Mayor's Office. Since the beginning, the demonstrations were repressed by the National Police and pro-government shock groups.

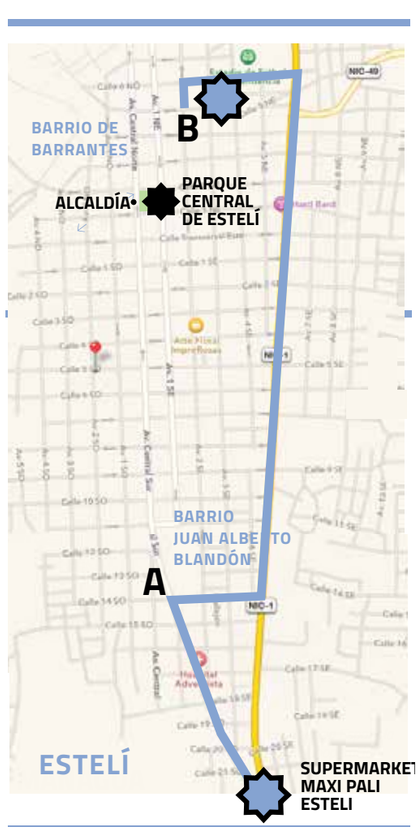
The protesters – mostly students[2] – started gathering at the Estelí Multidisciplinary Regional College (FAREM), and were prevented from reaching the area near the Mayor's Office by a police "barricade". At this point, pro-government shock groups took advantage of the situation and started assaulting the protesters and taking away their signs, which contained slogans against the INSS reform,[3] while the protesters shouted "Ortega and Somoza are the same thing."[4]

KEY DATA

PLACE
Central Park, City of Estelí, Department of Estelí

NUMBER OF DEATHS
3

CAUSE OF DEATH
Gunshot wound



PLACE OF THE INCIDENTS IN ESTELÍ

1 The correct name of this city is "Villa de San Antonio de Pavía de Estelí", but it is commonly known only as Estelí. It is located in the Department of Estelí, in the north of the country.

2 According to the news outlet "La Jornada", approximately 2 thousand students took to the streets to protest against the INSS reform on April 19th. La Jornada, Protestas en Estelí contra reformas al INSS, April 19th, 2018.

3 Diario La Prensa, Así te contamos el segundo día de protestas contra las reformas al INSS, April 19th, 2018.

4 Diario La Prensa, Así te contamos el segundo día de protestas contra las reformas al INSS, April 19th, 2018.



According to video footage of the event, the police formed a human "cordon" in front of the protesters who were gathered across from the Mayor's Office.[5]

On the same day, images of an armed civilian individual who was firing shots during the protest at Estelí's Central Park were circulated through social media.[6] This happened before the eyes of police officers who failed to intervene. This individual, who left the scene walking freely, was later identified as an employee of the Mayor's Office of Estelí.[7]

REPRESSION OF APRIL 20TH AND THE FIRST FATAL VICTIMS IN ESTELÍ

On the following day, the protests and violent events continued, but the conflicts intensified and the level of indiscriminate use of force by the National Police, pro-government shock groups and local civil servants considerably increased. Franco Alexander Valdivia Machado – 24 years old – and Orlando Francisco Pérez Corrales – 23 years old – were murdered by gunshot that day. During the same demonstration, César Noé Castillo Castillo was also shot, and ended up dying as a consequence on May 12th.

Since the afternoon of April 20th, the city of Estelí was crowded with protesters in different parts of the city. The initial intention was to carry out a peaceful march from the southern exit of the city, circle around the central avenue, and end up at Domingo Gaheda square in Central Park, in the city center. Nevertheless, a few minutes after the protest began, the National Police and civilians – who, according to reports, were local civil servants[8] – started intimidating the protesters and obstructing their passage, which forced them to alter their original route.

Despite the foregoing, the march continued through the Pan-American road, and one block before reaching its final destination, the National Police attacked the protesters, with the help of the anti-riot squad. A video of this moment shows how the anti-riot forces unwarrantedly started the repression, since the young protesters were peacefully marching, with no sign of a belligerent attitude.[9]

The repression continued between 4:30pm and 5pm in different parts of the city center, in a completely coordinated manner between the National Police and groups of civilians. Their goal was to prevent the protesters from reaching the area around the Mayor's Office. The demonstration was repealed with rubber bullets, tear gas bombs and also rocks. In this regard, it is worth mentioning a video which shows that not only pro-government groups of civilians, but also members of the National Police threw rocks in order to inhibit the social protest.[10]

As the young protesters resisted these attempts to repress the demonstration, the first gunshots began.

5 See video published by La Jornada, Protestas en Estelí contra reformas al INSS, April 19th, 2018.

6 See video: Edgar Gámez realiza disparos al aire en Estelí.

7 The name of this civil servant is Edgar Gamez Iyesca. See Confidencial, Tres muertos en segundo día de represión oficial, April 20th. This press release includes a video with the title "*Un hombre abre fuego contra manifestantes que critican las reformas al INSS. Presuntamente quien dispara se llama Edgar Gamnez Iyesca, trabajador de la alcaldía de esa ciudad.*" The identity of this individual was confirmed by an interview before the GIEI.

8 GIEI interviews E56, E8 and E43.

9 See video: Inicio de la represión a protesta pacífica.

10 See video: Represión por parte de policía Nacional y grupos de choque.



Shock groups and police repressing in coordination



Police patrol unloading rocks

There is a frontal angle video recorded by Franco Valdivia Machado,[11] who would be murdered a few hours later, which shows him holding a bullet shell case[12] and reporting about the violent repression. At this point, many protesters decided to leave the scene, some of them wounded, although most young protests persevered and proceeded until they reached Central Park, where they started throwing rocks and glass bottles against the doors and windows of the Mayor's Office.[13]

Several images of this incident show the pro-government shock groups working in coordination with the police "in blue" and the anti-riot squad dressed in black. A particular significant image[14] is that of a National Police jeep, which was parked two blocks from the Mayor's Office, unloading rocks that would be used against the protesters.[15]

Another video that clearly demonstrates said coordination between the police and the shock groups is the one which shows when members of the National Police drag a young protester, and hand him over to members of a shock group who then start beating him.[16]

As the night fell, the situation became even more violent. According to available videos, gunshots started being fired at the protesters, and the first wounded individuals could be seen in the area around Central Park. One of these videos captured the moment when a young protester who had apparently been shot in the leg is carried by other protesters, while yelling "they shot me, they got me, damn it."[17]

Despite this chaotic situation, the protesters succeeded in taking control of Central Park and the area

11 See video: Denuncia de Franco Alexander Valdivia Machado antes de su muerte.

12 According to the images of the aforementioned video and the consultation with experts, the projectile was a round steel bullet.

13 See video: Ataque a la Alcaldía municipal.

14 GIEI interview E43.

15 See video: Policía nacional abastece piedras.

16 See video: Policía Nacional entrega detenidos a grupos de choque.

17 See video: Joven herido es trasladado fuera del parque por sus compañeros.



Part of the route of the peaceful demonstration



Franco Alexander VALDIVIA MACHADO holding a bullet shell case

around the Mayor's Office. Shortly after 8:30pm, they set fire on two motorcycles on the street between the Mayor's Office and Central Park.[18] According to testimonies,[19] these motorcycles belonged to the "motorized" individuals who accompanied the police in the repression.

At 9pm, audiovisual material obtained and examined by the GIEI[20] shows that shots were fired at the protesters who were in front of the Mayor's Office. It was then that the first deaths occurred.

As a matter of fact, Francisco Valdivia Machado, César Noé Castillo Castillo and Orlando Pérez Corrales, who were at Central Park, were hit by gunshots almost simultaneously. There is a video that shows a fourth seriously injured individual who is still unidentified.[21] According to some accounts, this person also died, but the GIEI was unable to verify this death. It does not appear in the official lists either.

According to the audiovisual evidence that shows the position of the victims and the testimonies received by the GIEI,[22] it is extremely probable that the gunshots which killed the three victims were fired from the Mayor's Office. César Noé Castillo Castillo – 42 years old – was the first one to be shot, at approximately 9pm. According to the available information about this case,[23] a few moments after being shot in the chest, César was taken to San Juan de Dios Hospital, in Estelí, by coworkers. After being in critical condition for a while, he died on May 12th at his home, as a consequence of the seriousness of his injury and inadequate medical assistance.[24] According to information obtained by the GIEI, the perpetrator of his murder is an employee at the Mayor's Office.

Almost simultaneously, Orlando Peréz Corrales – 24 years old – was shot in the chest and immediately died.

18 See video: Fuego en el costado norte del parque.

19 GIEI interview 117.

20 See video: Se escuchan detonaciones de arma de fuego: jóvenes caen heridos.

21 See video: Traslado de herido desconocido y de Franco Alexander Valdivia Machado.

22 GIEI interviews E56, E8 and E43. See also, video at footnote 90.

23 GIEI interview E69.

24 After being seriously injured by a bullet that perforated one of his lungs, on April 20th, he was transferred to San Juan de Dios Hospital, in Estelí, where he was hospitalized until April 29th. He was then discharged, despite his critical condition, and had to return to the hospital two hours later due to a heart attack. He remained a few days at the hospital, but was discharged again, despite his critical condition. GIEI interview E8. See also, La Prensa, Muere hombre herido en protestas de hace 22 días en Estelí, May 12th, 2018.



Central Park under custody of the Army

According to a testimony,[25] after the bullet impact, his friends rescued his body and transferred him to San Juan de Dios Hospital, in Estelí. However, he was already dead when he arrived there, so his corpse was taken to the morgue.

Franco Alexander Valdivia Machado – 24 years old – was shot in the head. Immediately afterwards, members of the shock group who possibly committed this murder dragged his body from the scene, and left him dead at San Juan de Dios Hospital, in Estelí. These scenes, which are truly heart-wrenching, were registered by more than one video.[26] The inhuman treatment with which his corpse was handled also constituted a violation of the crime scene.

The available graphic evidence indicates that, hours later, members of the Army had the area under custody.

The report published by the Ministry of Health only reported two individuals who were hospitalized on April 20th, 2018, both of them due to gunshot wounds.[27] Nevertheless, as commonly occurred regarding the events examined by the GIEI, the intensity of the use of force and the continuity of the attacks, as well as the reluctance of protester victims to seek medical assistance at public hospitals due to their skepticism about public health services, indicate that the number of injured individuals was higher. It is worth stressing that the three murder victims who were mentioned in this section were not included in the official report.

On April 21st, 2018, a video that surfaced shows civilians cleaning the area of these events, which constituted a violation of the crime scene, and seriously hindered any possibility of identification and collection of fundamental evidence to clarify these cases.[28]

As previously mentioned, the violence in Estelí continued on the following days. During the duration of the GIEI mandate, 7 more victims were murdered by gunshot wounds in Estelí.[29]

25 GIEI interview E104.

26 See video: Perpetradores arrastran el cuerpo de Franco Alexander Valdivia Machado. See also, video: Perpetradores se llevan el cuerpo de Franco Alexander Valdivia Machado.

27 Report of the Ministry of Health about injured individuals who were assisted at health facilities (10 April – 28 June 2018).

28 See video: Destrucción de evidencias al día siguiente de la manifestación.

29 They are: Dariel Stiven Gutiérrez Ríos; Jairo Antonio Osorio Raudales; José Manuel Quintero; Darwin Alexander Salgado Vilchez; Mauricio Ramón López Toruño; Dodanim Jared Castilblanco Blandon; and Cruz Alberto Obregón López.

CONCLUSION

The GIEI was able to corroborate that the protests which took place on April 19th and 20th in Estelí were repressed through the excessive use of force, with unmistakable coordination between the National Police and shock groups. Moreover, the participation of employees of the Mayor's Office in the repression against the protesters was palpable. Audiovisual evidence that shows the moment in which one of these employees fires a pistol at the protesters speaks for itself. This individual was quickly identified both by the press and social media, however, he was not criminally investigated by said acts.

This joint action, which was clear since the 19th, became even more evident on the following day, as proven by abundant audiovisual evidence examined by the GIEI: police forces and shock groups jointly throwing rocks at the protesters; members of the police in a vehicle unloading and providing rocks to be used as ammunition against the protesters; police officers handing a surrendered protester over to members of the shock groups who then beat him, among others.

Three victims were murdered by gunshots on April 20th, and a fourth one was left seriously injured – not having been identified since then. According to the available information, it is very likely that the fatal gunshots were fired from the Mayor's Office of Estelí. There is no information about criminal investigations to date.

1.4/ MASAYA

Between April 20th and 21st, 2018, the Department of Masaya had its first fatal victims: four of them died near the "Ernesto Fernández" Market of Handicrafts, and one death occurred in the Fátima neighborhood.

The protests against the INSS reform started on April 19th in Masaya. Similar to what happened in Managua and León, the march was peaceful; however, it immediately generated a repressive response by the National Police and shock groups.

The first four deaths occurred between April 20th late at night and the early hours of April 21st, when the State's response became more violent.

The incidents involving protesters and security forces took place in various parts of the department, but the most violent ones occurred in the following neighborhoods: Monimbó, San Miguel and Fátima.[1]

As explained herein, the repression by police forces and other actors, such as local civil servants and pro-government shock groups, began using tear gas bombs and rubber bullets to disperse the demonstration on April 19th. However, on the following day, those repression forces started firing gunshots at the citizens of Masaya who were protesting.

Additional incidents involving security forces and protesters also occurred in May, including the one which took place on May 12th, 2018 and resulted in the deaths of Heriberto Antonio Rodríguez Canales and Wilmer José Zúniga García.

Serious violent events continued taking place in the department of Masaya throughout the month of June until mid-July, when the government decided to execute the so-called "clean-up operation", which consisted of an intense attack against the population of Masaya, particularly affecting the Monimbó indigenous community. Said attack resulted in at least three deaths and several injured individuals.[2]

KEY DATA

PLACE
City of Masaya
(Market of Handicrafts)
Fátima neighborhood,
Department of Masaya

NUMBER OF DEATHS
5

CAUSE OF DEATH
Gunshot wound



1 Protests also took place in other municipalities in the Department of Masaya, including Niquinohomo and Catarina, where protests resulted in injured individuals on May 6th, 2018. El Diario, Enfrentamiento en Catarina y Niquinohomo, Masaya, dejan varios heridos, May 6th, 2018.

2 These violent events which occurred in June and July are outside the jurisdiction of the GIEI, thus will not be examined in this report.



Wall grafitti in Moninbó

Photo by: EFE/ Source: https://www.elnuevodiario.com.ni

MONIMBÓ: HISTORICAL IMPORTANCE OF THE NEIGHBORHOOD

Monimbó is located 25km to the southeast of Managua, in the city of Masaya, and is known as the neighborhood of indigenous handicrafts. Monimbó is also a major symbol of the 1979 Sandinista Revolution. Its residents' main occupation is manufacturing handicrafts in wood, palm tree and leather, as well as indigenous sieve masks. They have a long history of resistance and popular struggle, which dates back to the Spanish colonization,[3] and seems to be repeating itself.

The Monimbó indigenous community was at the epicenter of the first "anti-Somoza" popular demonstration which occurred at Pedro Joaquín Chamorro Square on February 26th, 1978.[4] At that time, the residents of the neighborhood manufactured artisanal weapons for self-defense against attacks, including rope bombs and contact bombs.[5] During that conflict, the indigenous community was at the forefront of the resistance that built barricades to block the entry of Somoza's Guard. On that date, approximately 50 Monimbó residents were murdered after being attacked with bombs by government forces.[6] During the aforementioned attack, pro-Somoza forces murdered the younger brother of the current President of Nicaragua, Camilo Ortega Saavedra.

Almost forty years later, Monimbó is once again the scenario of social demands and demonstrations, as one of the first towns where protests against the social security reforms took place. The traditional system of protest by building strategically located barricades in different parts of the neighborhood turned Monimbó into a symbol of resistance.

3 Diario Maje.com, *Por qué Monimbó es un centro emblemático en Nicaragua*, April 20th, 2018.

4 La Prensa, *Monimbó, el bastión histórico del FSLN, se rebela ante el orteguismo*, April 20th, 2018.

5 Diario Metro, *Cronología de la resistencia de Monimbó en la crisis de Nicaragua*, July 17th, 2018.

6 La Prensa, *Monimbó, el bastión histórico del FSLN, se rebela ante el orteguismo*, April 20th, 2018.



Shock groups throwing rocks at protesters

APRIL 19TH, 2018: THE BEGINNING OF PROTESTS AND EARLY INCIDENTS

The first protests in the Department of Masaya began on April 19th, 2018. The demonstration started in the morning and it left from Masaya's Central Park. One of the participants who was interviewed by the GIEI indicated that the main event was convened through social media, and was supposed to end in front of the INSS building in Masaya,[7] which is located at kilometer 19 of the Masaya highway.

The police was present in the vicinity of Central Park since the beginning of the gathering. According to individuals who were interviewed by the GIEI, employees of the Masaya Mayor's Office and the police surrounded the park: "*central park was completely surrounded [...], municipal employees who typically clean the streets encircled the area from San Jerónimo avenue to Central Park [...], along with anti-riot forces...*"[8]

At around 10am, tension between the police and protesters started building up. "*I was there since 10am, we felt police repression from the moment we assembled there, police would obstruct our path in every block [...], at first only blue shirts were there, but soon enough the anti-riot squad also arrived.*"[9]

The repression against this protest was not carried out solely by police forces, since members of the Sandinista Youth Movement and local civil servants also took part in it.[10] One individual interviewed by the GIEI, who had participated in the demonstration, observed that, during the march, one could see employees of the Masaya Mayor's Office mixed with both the anti-riot forces and the elderly protesters.[11]

7 GIEI interview C17.

8 GIEI interview C25.

9 GIEI interview C19.

10 Diario Confidencial, *Masaya se levanta con el corazón herido, May 4th*, 2018: *"There were older persons with us on the march, then we saw members of the Sandinista Youth movement assault one of the elderly, when they started doing that we had to fight back, we could not keep quiet any longer,"* according to a young participant who was interviewed.

11 GIEI interview C72.

As the hours went by, the demonstration became more massive, which exacerbated the tension between the protesters and the security forces. At approximately 1pm, the anti-riot squad started throwing tear gas bombs at the protesters, so most of the latter scattered and retracted towards the Monimbó neighborhood.[12] A video shows some of these events as they were unfolding, the behavior of the protesters and the police, and it also confirms that individuals in civilian clothes were throwing rocks at the protesters who were trying to protect themselves with a metal shield.

After this incident, tensions considerably escalated between the protesters and the police. According to news reports,[13] the citizens of Monimbó decided to support the protesters who were being repressed by the police. They started building up barricades and the protesters started using mortars to keep the police away. "*Anti-riot forces wanted to enter Monimbó, but the boys would not let them*", according to a journalist who was interviewed by the GIEI.[14]

During the incidents of April 19th, there were some injured individuals (including two police officers). According to the report of the Ministry of Health,[15] Humberto Alvarado Hospital (in Masaya) and Carlos Roberto Huembes Hospital (owned by the National Police) assisted a total of 10 individuals with wounds caused by rubber bullets, burns and impact from mortars. Nonetheless, there was also one person whose eye was injured, but is not included in that official report.[16]

APRIL 20TH AND 21ST, 2018

Since April 20th, the violent events greatly intensified. The strategy of repression used by the security forces then switched from rubber bullets and tear gas to firearms and lead bullets.

Five persons were murdered by gunshots, and at least thirteen individuals were injured during these incidents.[17] Two of these were wounded by gunshot, whereas the remaining ones were injured by rubber bullets, intoxication from tear gas, burns and impact from mortars.

FIRE AND DESTRUCTION OF "COMANDITO"

In the midst of the incidents that occurred in the morning of April 20th at Monimbó, there was also a fire which destroyed "Comandito" in that neighborhood.

Historically, Comandito was a military command post in the Somoza era. In 1978, the building was seized by citizens of Monimbó, and since then it became a symbol of resistance for the neighborhood. Shortly thereafter, it became the FSLN headquarter in Monimbó.

12 GIEI interview C74. See also, Confidencial, *Masaya se levanta con el corazón herido, May 4th*, 2018. See also, YouTube: *Nicaragua, Masaya, Monimbo 19 de abril de 2018*, April 19th, 2018.

13 La Prensa, *Monimbó, el bastión histórico del FSLN, se rebela ante el orteguismo*, April 20th, 2018. See also, Metro, *Cronología de la resistencia de Monimbó en la crisis de Nicaragua*, July 17th, 2018.

14 GIEI interview C27.

15 Report of the Ministry of Health about wounded individuals who were assisted at health facilities (from April 18th to June 28th, 2018). See also, video: *Enfrentamientos en Monimbó 19 de abril*.

16 GIEI interview C17. The interviewee observed that, on April 19th, *"the confrontation began at 11am, they started firing rubber bullets and injured several youths, one of them was a young man whose eye was badly hurt, it was a disaster."*

17 The report of the Ministry of Health lists 13 injured individuals between April 20th and 21st, 2018, who were assisted at Humberto Alvarado Hospital, in the Department of Masaya.

Several means of communication reported that Comandito was destroyed by protesters who were marching against the INSS reforms. According to one individual interviewed by the GIEI, the reason for its destruction was the anger which was caused by the violent actions of the police: "*... the boys burned it down as a way to protest against all that violence, they [the police] had assaulted three young protesters, and two of them were badly injured in the eye. In fact, a friend of ours lost an eye. The nephew of an indigenous leader lost an eye. Therefore, I believe that, at that point, the community felt like there was no way back...*"[18]

According to video footage from April 20th, at approximately 11:30am, protesters can be seen setting fire to equipment and objects from Comandito on the street.[19]

CENTRAL PARK

On that same day, at around 2pm, police officers started gathering in the southeastern side of the Central Park of Masaya, across from Real de Monimbó avenue, which leads to the Monimbó neighborhood. There was a group of protesters precisely on that street, who were trying to get to their final destination at Central Park.[20]

Audiovisual footage captured by news outlet El Nuevo Diario, which started its broadcast about the protest at 3pm, shows commissioner Ramón Avellán speaking with several police officers in the vicinity of Central Park. This video also displays a police officer with his face covered who is carrying a high caliber weapon (possibly an AK-47).[21] This footage, which lasts just over 36 minutes, confirms that there was a group of protesters who were peacefully protesting at Central Park. After a few minutes, the anti-riot forces took over the place, with a view to subduing the protesters who were heading towards the park through Real de Monimbó avenue.

At around 3:30pm, the police anti-riot forces started advancing down that street towards the Monimbó neighborhood. At the same time, the police began firing rubber bullets at the other group of protesters who were inside Central Park. Some of these protesters who were at the park were detained by the police, as shown in the video.[22]

18 GIEI interview C80.

19 Video that shows the moment when protesters are setting fire to goods removed from *Comandito*. Twitter, *"LA MISMA RECETA VENEZOLANA" El pueblo de NICARAGUA cansado ya del comunismo de Daniel Ortega, en días de protesta ya mataron a algunos jóvenes y cerraron canales de TV por transmitir lo que sucede. "Dios bendiga a Nicaragua y FUERA DANIEL ORTEGA ASESINO"*, April 20th, 2018.

20 Video coverage by El Nuevo Diario: YouTube, *Protestas en Monimbo contra reformas al Inss*, April 20th, 2018.

21 Video coverage by El Nuevo Diario: YouTube, *Protestas en* *Protestas en Monimbo contra reformas al Inss*, April 20th, 2018.

22 The video footage shows, between minutes 20 and 22, the police repression moving forward towards the protesters who were at the park. YouTube, *Protestas en Monimbo contra reformas al Inss* April 20th, 2018.



Police with face covered bearing a high caliber weapon (possibly AK-7)

During these incidents, it was possible to observe the action of shock groups with mortars, as they jointly attacked the protesters with the police, when the demonstration headed down the main road towards Monimbó.[23]

MASAYA MARKET OF HANDICRAFTS: FIRST FATAL VICTIMS

Between April 20th late at night and the early hours of April 21st, the incidents involving protesters and the police took place at Central Park and in the vicinity of the Market of Handicrafts, where four persons were murdered, namely: Jose Abraham Amador (17 years old), Álvaro Gómez Montalván (23 years old), Jairo Mauricio Hernández Useda (23 years old) and Javier López (24 years old). All four victims were killed by gunshot.

According to interviews conducted by the GIEI,[24] it was demonstrated that, since April 20th, the police had occupied the whole area corresponding to the Market of Handicrafts.[25] The GIEI was also able to determine that the police carried out their attacks from the vicinity of the Market towards the southern side of Progreso avenue and the southeastern side of Mercado street, where many protesters were positioned as they tried to reach the market.[26]

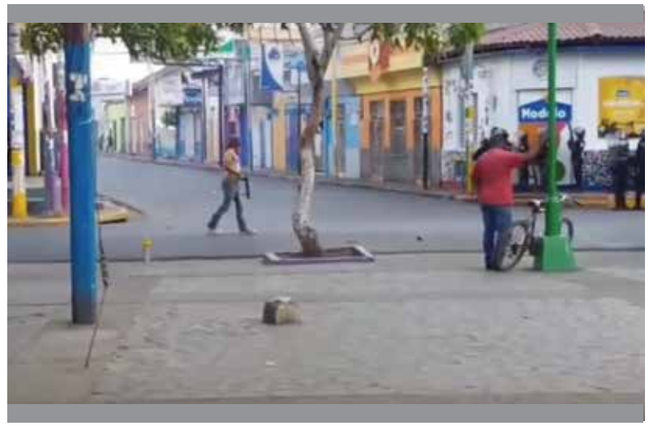
José Abraham Amador and Álvaro Gómez Montalván were shot on two of the streets to which the police attacks were directed: Mercado street and Progreso avenue, respectively.

23 At minute 29 of the video footage, one can see that shock groups join the police repression against the protesters who were marching down the main street leading towards Monimbó. See YouTube, *Protestas en Monimbo contra reformas al Inss, April 20th*, 2018. See also, video: *Enfrentamientos en Monimbó*

24 GIEI interview C74.

25 The Police Headquarters of the Department of Masaya is located on Progreso avenue, across from the northwestern side of the Market.

26 GIEI interview C19.



Shock groups and National Police, April 20th, 2018

José Abraham Amador was 17 years old when he was murdered with a gunshot in the chest which deadly perforated one of his lungs. One individual who was helping the wounded at a medical post that day, observed during an interview that, "*... that same night there were shots, and the first one I heard was one of the shots that killed José Abraham Amador, when we heard it, the guys on the street started calling for a doctor, and everyone ran towards the shot, except me, but my friends did too, they went all the way to the bakery [...], the victim was underage, and his friends were taking him on a motorcycle. They did not check his pulse or anything, because they though he was already dead [...] they were devastated. We then realized that it was Amador, and we felt terrible that he was underage [...]*".[27]

According to the same interview, it was possible to determine that Amador was shot on Mercado street in front of Tina Mesa bakery, about 20 meters from the eastern corner of the Market of Handicrafts,[28] which the police had precisely taken over a few moments prior.

In another interview conducted by the GIEI, a witness of the events of that day observed that, José Amador was shot "at approximately 8pm."[29] He was then transferred to Humberto Alvarado Hospital, where he arrived already dead, at 10:20pm, on April 20th, 2018.[30] Family members of the victims stated that the police tried to force them to sign a document to exonerate the police, but they refused to do so.[31]

Álvaro Gómez Montalván was 23 years old and a resident of Monimbó. He was also shot to death during the events that took place near the Market of Handicrafts. He was killed a little later than José Amador. Individuals who were interviewed by the GIEI mentioned that, between 9pm and 10pm, the victim headed towards the area of the Market of Handicrafts, where the clash between the protesters and the police was

27 GIEI interview C19.

28 GIEI interview C19.

29 GIEI interview C29.

30 List of deceased victims, which was provided by the State to the IACHR, and mentions his admission at the hospital in Masaya.

31 Diario Hoy, *Estudiantes y periodista mueren a manos de la Policía y antimotines,* April 22nd, 2018. The same pattern of conduct can be observed in other cases described in this report.

taking place.[32] Another testimony indicates that Mr. Gómez Montalván was shot later than the previous victim,[33] at around midnight.[34]

In another interview related to this case, the GIEI learned that, "*in the early morning of April 21st, many hours after the conflict began in the morning of the 20th, I heard some guys screaming outside that someone had been shot, Álvaro had been shot, […], he was found one block from the Police Headquarters near Banpro, he was only identified as Álvaro Gómez in the morning at around 8am […], his father had to go and identify the body, the guys mentioned that he was found semi-naked, wearing only boxer shorts, had a gunshot in the chest, many scrapes in the chest and arms, bruises all over the body, which means that they beat him before shooting him, the guys took him to the hospital, but they knew he was already dead.*"[35]

The place described refers to a bank named "Banpro, which is next to the Market of Handicrafts, 75 meters south, near El Pilar school," on Progreso Avenue.[36]

There is video footage of the moment when Mr. Gómez Montalván's body is being carried by other protesters after he was shot.[37] According to a testimony received by the GIEI, which was hearsay from other protesters, the individual who shot Álvaro "*was a 'motorized' who was angry because protesters set his motorcycle on fire the day before.*" This motorcyclist is supposedly a Councilman from the Sandinista Party of Masaya.[38]

According to the testimonies, the most probable hypothesis is that the gunshots which killed Mr. Amador and Mr. Gómez Montalván were fired by police officers, or else by members of pro-government shock groups.

The two other victims who died near the Market are Jairo Mauricio Hernández Useda and Javier López.

Jairo Mauricio[39] was 23 years old when he was shot to death, in the head, in the afternoon of April 20th. According to news reports,[40] the victim was shot near the Masaya Market of Handicrafts. A video that was divulged on a personal Twitter account shows the exact moment when the victim, already injured, is placed on a motorcycle.[41] Said video was published on this personal account on April 20th, 2018, at 7:51pm. However, the sun was still out when the video was taken, so one can assume that it was recorded earlier than 7:51pm.

His admission into Humberto Alvarado Hospital, in Masaya, is confirmed, and he died there at 8:45pm.[42] The available information about this case is not sufficient to determine the circumstances of Mr. Hernández' death, other than the fact that it occurred in the context of the conflict between the police and protesters in Masaya.

32 GIEI interview E21.

33 GIEI interview C74: *"Amador was shot first, we could tell he was underage, then Mr. Gómez Montalván's son was shot."*

34 According to the State's list of deceased victims, he was already dead when admitted into Humberto Alvarado Hospital, in Masaya, at 12:30am on April 21st. However, his death certificate, which was issued by the Ministry of Health, indicates that the time of death was at 2am on that day.

35 GIEI interview C15.

36 GIEI interview E82.

37 See video: *Gómez Montalván herido en Masaya*

38 GIEI interview E21.

39 The GIEI has received no testimonies about this victim.

40 Confidencial, *Los muertos de la represión que Daniel Ortega oculta*, April 22nd, 2018. See also, La Prensa, *Policías hicieron baño de sangre en Masaya*, April 26th, 2018.

41 Twitter, *Joven Jairo Useda herido gravemente de un disparo en la cabeza por fuerzas represores del dictador #Daniel Orteg. Esto fue en #Masaya #Nicaragua. Está en estado crítico en el hospital. Están reprimiendo a opositores hasta por protestar con banderas azul y blanco (la de Nicaragua).* April 20th, 2018.

42 List of deceased victims, which was provided by the State to the IACHR, and mentions his admission at the hospital in Masaya.

Javier López, 24 years old, was another young man who was murdered during the April 20th events. Some news reports indicate that Mr. López was shot in the head[43] by the National Police at the Market of Handicrafts. An eyewitness told news outlet El Nuevo Diario that, "*a police officer shot him, and he fell down, unconscious, there was a lot of blood, then we saw that he was not moving and decided to immediately take him to the hospital.*"[44] According to the available information, it is not possible to determine whether he died at the place where he was shot, during the transfer to the hospital, or after being admitted into Humberto Alvarado Hospital, in Masaya.

FÁTIMA NEIGHBORHOOD

On April 21st, 2018, there were also violent events involving protesters and police anti-riot forces, during protests that took place at Fátima neighborhood, in Masaya. During these events, Carlos Manuel López,[45] also known by the nickname "la viuda",[46] was shot in the shoulder, and the bullet punctured both his lungs.

One individual related to this victim was interviewed by the GIEI,[47] and observed that Carlos López was not involved in the protests at the time. That evening, after having dinner with his family, he decided to go visit his mother. He was shot one block away from his mother's house, near where the incidents between the police and protesters were occurring.[48] During said interview, this relative observed that they were arriving at Carlos' mother's house when some guys yelled at him "*la viuda*", and asked him for money; in that moment "*… he was shot in the shoulder, and the bullet perforated both his lungs, I started screaming, and those guys took him to a house where a doctor was assisting individuals who had been injured during the protest.*" According to eyewitnesses of the event, Carlos was shot by members of the police anti-riot forces, at approximately 9:30pm. He was then transferred to a house which had been improvised as an emergency facility for the wounded. He eventually died on the way to Humberto Alvarado Hospital, at around 10pm.[49]

The place where the victim was shot is located at the entrance of the Fátima neighborhood, one block from his mother's house: "*Fátima neighborhood, Rudy Vanegas road, half a block west, half a block north.*"[50]

The report that was issued by the Ministry of Health[51] listed 13 injured individuals between April 20th and 21st, 2018. Two of those were wounded by gunshots.[52]

43 El Nuevo Diario, *Dura jornada de protesta contra el INSS en Nicaragua*, April 20th, 2018.

44 *"Friends of the deceased urgently transferred him to Hospital Humberto Alvarado, due to his critical condition…"*. El Nuevo Diario, *Dura jornada de protesta contra el INSS en Nicaragua*, April 20th, 2018.

45 This victim was initially identified by the media as "Carlos Manuel Sandino Hernández"; however, after the GIEI conducted interviews, it concluded that the name of the victim was Carlos Manuel López, according to his identification documents.

46 Confidencial, *Monimbó se levanta con el corazón herido.* May 4th, 2018. According to this news outlet, when he was a child he was not allowed to curse, so whenever something bad happened to him, he would say *"la viuda"* instead of a bad word. He repeated that term so often that soon his friends gave him that nickname.

47 GIEI interview E28.

48 See video: *Carlos López Sandino fallecido en Masaya*

49 This was confirmed in an interview conducted by the GIEI: *"[…] he died on the way to Humberto Alvarado Hospital, in Masaya. Upon admission into the hospital, doctor Omar González said that he was already dead indeed."* Also, the death certificate that was issued by the Ministry of Health indicates that the time of death was 10pm, on April 21st, 2018.

50 GIEI interview E89. News outlet "Confidencial" divulged pictures of the exact spot where Mr. López was shot: *Monimbó se levanta con el corazón herido*, *May 4th*, 2018.

51 Report of the Ministry of Health about wounded individuals who were assisted at health facilities (from April 18th to June 28th, 2018).

52 News outlet "Confidencial" described in one of its articles what happened to one survivor who was shot in the head on April 21st, near the Market of Handicrafts: *"the 23-year-old youth bent over to pick up a rock when he was hit by the bullet. He collapsed on his back and hit his head in the pavement. It is not certain how long he was unconscious, but when he regained consciousness, he felt like he was drowning. 'I felt a terrible headache. Like my head was going to explode'."* The same article includes a head CT of this individual, which shows the bullet still in his head. *Disparaban con precisión a matar.* May 26th, 2018.

Similarly to what transpired in other departments of the country, it is possible to assert – from information gathered through interviews and news media[53] – that the number of wounded persons is considerably larger than what the official reports suggest, since several wounded individuals did not seek medical assistance at public hospitals, instead they were assisted at improvised facilities which were set up by the protesters themselves.

Despite reiterated communications addressed to State authorities, and similarly to the rest of the cases that were examined by the GIEI, the State refused to provide information about investigations to clarify the recently described cases related to violent events which took place in the Department of Masaya since April 19th.[54]

Notwithstanding the foregoing, the GIEI was able to confirm through information from other sources that there was disproportionate use of force in the department of Masaya, during the repression against public demonstrations. At first, the actions of the police consisted of dispersing the crowd of protesters using tear gas bombs and rubber bullets. As of April 20th, however, the National Police – primarily its anti-riot squad – and pro-government groups used firearms against the protesters. Between that day and the 21st of April, five victims were killed and, according to the type of wounds and all the available information, these deaths were caused by gunshots.

In conclusion, the most probable version of the events is that members of the National Police (mainly officers from the anti-riot squad), pro-government shock groups and even municipal employees participated in the violent events which occurred in Masaya, including the five murders reported during those days.

53 GIEI interviews C17 and C72. News outlet "Confidencial" also highlighted this situation: *"Friday morning, people started contacting her to bring help. Then, they organized medical brigades for the wounded. And they brought supplies, such as gauze, suture material, peroxide water, alcohol and surgical masks…".*

54 With regard to these cases, due to the lack of response from the State, much like in the others, the GIEI was unable to determine whether the authorities performed autopsies on the corpses, ballistic examination on bullet shells eventually found at the scenes and – even more importantly – on bullets extracted from the corpses, whether they obtained video footage from public and private security cameras that might exist near the crime scenes, or if the judicial authorities interviewed witnesses of these events, etc.

2. UNIVERSITIES

Since the early morning of April 19th, 2018, there were demonstrations at many universities in the city of Managua: National Agrarian University (UNA), National University of Engineering (UNI), Polytechnic University of Nicaragua (UPOLI), and Centro Americana University of Nicaragua (UCA), all of which protested against the INSS reforms. This demand also led to marches in different parts of the country.[1] The demonstrations gained momentum due to the students' outrage regarding the incidents of the previous day: aggression against elderly individuals, the attack at UCA in the evening,[2] and the claim by students from the University of León that they were being forced to travel to Managua and participate in demonstrations in favor of the reforms.[3]

The students also convened a rally in front of the National Autonomous University of Managua (UNAN-Managua),[4] in order to join the protests against the reform of the INSS. However, this activity was cancelled after faculty members and the National Union of Students of Nicaragua (UNEN) publicly expressed their support for the reforms.[5] Therefore, students who meant to participate in that rally decided instead to join demonstrations at other universities.

The peaceful demonstrations were repressed by the police until noon on April 19th, which caused an escalation of the violence perpetrated by the security forces, and resulted in deaths, personal injuries and arbitrary deprivations of liberty from that day onwards. At the National Agrarian University (UNA), there were 30 injured individuals, at least two of them seriously hurt in the eye.[6] At UNI and UPOLI, the events were even more violent. The following section will describe the incidents that took place at these two universities from April 19th, 2018 onwards.

1 La Prensa, *Así te contamos el segundo día de protestas contra las reformas al INSS,* April 19th, 2018.

2 For many students, this attack meant a violation of university autonomy. GIEI interview C46.

3 See incident in the city of León, in this Chapter.

4 The National Autonomous University of Nicaragua is the oldest one in the country, and in 1983 it was divided in two: UNAN León and UNAN Managua. The two of them are the largest universities in the country, among both public and private institutions.

5 GIEI interview C1010. UNAN-Managua was precisely one of the destinations where government forces meant to forcefully take the resident students from UNAN -León between the 18th and the 19th (see corresponding section in this Chapter).

6 El Nuevo Diario, *Protestas dejan tres muertos y decenas de heridos* April 20th, 2018.

SKETCH No. 1
Map of the universities in Managua



NATIONAL UNIVERSITY OF ENGINEERING – UNI
CENTROAMERICANA UNIVERSITY – UCA
POLYTECHNIC UNIVERSITY – UPOLI
NATIONAL AGRARIAN UNIVERSITY – UNA

2.1/ UNI

There were protests and violent events at the National University of Engineering (UNI) on April 19th and 20th, as described herein. There were no fatal victims on the 19th. On April 20th, the violence noticeably intensified, and caused five fatal victims, serious injuries and many detentions of protesters. Interviews and video footage demonstrate how the National Police used excessive force, and fired shots at individuals who were in the building. The incident culminated with the violent invasion of the university campus by shock groups and State security forces, and the persecution of students throughout the city of Managua.

APRIL 19TH, 2018

On April 19th, students arrived at Simón Bolivar building[1] on the campus of the National University of Engineering, UNI, to attend their regular classes. At around 9am, the students closed the building, because they were afraid that the National Police would invade the premises. According to an interview: "*it was an ordinary day of classes, […] all the students, members of UNEN or not, were on campus, then the UNAN incident occurred, we heard about what was happening at UNA, and there was a rumor that the police and the Sandinista Youth Movement [..] were going to occupy our university as well, just like they did in the early morning […] at UNAN, we were already inside, so all we could do was close the doors to prevent the police from entering.*"[2]

At 11am, UCA and UNAN students decided to march towards the National Assembly: "*there was a gathering and us students of UNAN and UNA decided to protest. At UCA they decided to march towards the Assembly.*"[3] According to video footage, the student protesters passed by the UNI entrance and invited those students to join the demonstration, so some of them came out and joined the march.[4]

Then, two scenarios developed: outside of UNI a group of UCA, UNAN and UNI students joined the march towards the National Assembly through Casimiro Sotelo avenue and, simultaneously, the students who were inside the UNI building started preparing to avoid an eventual invasion by the security forces.

KEY DATA

PLACE
UNI campus and National Baseball Stadium, city of Managua, Department of Managua

NUMBER OF DEATH
5

CAUSE OF DEATH
Gunshot wound

1 This building is located on University avenue, Managua, Nicaragua.
2 GIEI interview C52.
3 GIEI interview C107.
4 See video: *UNI 19 de abril comienzo de las protestas*



At around noon, the demonstration moved towards the front of Dennis Martínez National Baseball Stadium, where they encountered the security forces [Picture #1]. The anti-riot squad was at the forefront, followed by a group of police in blue uniforms and red berets, and finally there was a group of police in motorcycles [Picture #2]. Video footage shows that the students briefly spoke with the security forces, but there is no audio. After this brief dialogue, a confrontation broke out between the anti-riot forces – who used tear gas bombs and rubber bullets – and the students who were throwing rocks in return.[5]

There also attacks against the students who were inside UNI's Simón Bolivar building. At 2pm, the security forces started shooting from the outside into the university building [Picture #3]. Meanwhile, other security forces took over other parts of the UNI campus. One of the students reported that: "*part of the police forces had begun the attack in the eastern sector, [...] there also was police stationed across from the cathedral, precisely by the Puma gas station, in the southwestern side of the traffic circle, and from there they started moving forward on the campus for about thirty or fifty meters, until they reached Simón Bolivar monument, which is the monument in honor of literacy, and started firing tear gas bombs and rubber bullets, [...] there were about thirty or forty anti-riot officers [...] from the Special Operations Division of the police.*"[6]

Some students were injured by rubber bullets and non-lethal ammunition. A paramedic who was assisting the wounded told the GIEI that: "we removed at least eight wounded individuals, they were hurt by shotguns, and we had to basically undress the injured to find all of their injuries, there were many individuals wounded in the eye, others were hit in the neck by rubber bullets or similar wounds."[7]

A 17-year-old teenager presented one of the mostly serious injuries on that day, as he lost an eye due to the impact of a rubber bullet. According to his testimony: "at around 4:30pm, the police started retracting, so I headed towards the IES with some friends, then people started screaming 'they are coming back, they are coming back', it was like this police officer was hiding, because if they had seen him, they would have told us. We kept walking, moving tables, the tables from the UNI cafeteria, and as I was picking up another table, I saw a dark shadow and 'bang', I was hit, he shot at me from the outside. He pointed the gun through the fence and shot at me."[8] [Picture #4]

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On the following day, Friday, April 20th, the university was closed. Nevertheless, the students decided to show up and enter the campus. According to them, "so the police could not enter."[9] They climbed the walls and the main gate: "*we had to get in, the main gate of UNI was closed, [...] but the students started climbing the wall and got inside. The CPF (guards), [...] opened the gate for us.*"[10] Once inside, the students started gathering water and food supplies, and built an improvised medical post to tend to the wounded.

5 See video: *UNI 19 de abril comienzo de las protestas 2.*

6 GIEI interview C105.

7 GIEI interview C45.

8 GIEI interview E2.

9 GIEI interview C52.

10 GIEI interview C107.



1. Students across from the anti-riot Police.



2. The Police obstructs the march.



3. Anti-riot Police fire shots into the UNI campus.



4. Young student who was seriously injured.



5. Injured police officer.



6. Detained students.



7. Police arrests student.

Police presence outside the UNI was observed after 10am. A video shows officers in blue uniforms and red berets receiving instructions in front of the National Baseball Stadium.[11] Another video shows six troops and a large gathering of the National Police in the parking lot of the stadium.[12]

Meanwhile, at the university, the students were stockpiling rocks: *"at that moment, we were gathering rocks, and passing them around, we still did not have Molotov, we were collecting glass bottles to make Molotov bombs."*[13] A video shows the protesters forming barricades at the traffic lights between University avenue and Juan Pablo II, near Metro Center and across from the UNI main gate.[14]

At around 10:30am, a march left from Managua University (UdeM), and headed towards Metro Center.[15] This protest encountered police anti-riot forces near UCA, so the students ran away to find shelter at UNI. The police anti-riot squad took down the barricades that had been built by the students.[16]

Then, a police officer was injured in the legs, possibly by a mortar, her name was Damaris de Jesús Martínez Hernández.[17] There is photographic evidence showing this officer being assisted by other officers on the southwestern corner of UNI [Picture #5]. The GIEI does not have information about how this incident happened, since the State of Nicaragua failed to provide copies of the investigations, despite several requests in that respect.[18]

In the afternoon (at around noon), the students left the building again, and the police threw tear gas bombs at them and proceeded to detain and transfer some of them: *"there were some students at the UNI main gate, they were holding banners, and the police officers were at the traffic lights on the corner of UCA [...], when the students were yelling their slogans, they were bombed with tear gas, everyone tried to find shelter, started running, persons were passing out from the gas, we started to assist the wounded, then the students started trying to defend themselves with whatever was available, because they were being hit with sound bombs, blinding artifacts and tear gas."*[19]

11 See video: *Policía Nacional se organiza frente al estadio Dennis Martínez*

12 See video: *Patrullas de la Policía Nacional dentro del estadio Dennis Martínez.*

13 GIEI interview C107.

14 See video: *Cobertura de los hechos de la agencia 100% Noticias.*

15 GIEI interview C52.

16 GIEI interview C52.

17 According to the report of the Ministry of Health about wounded individuals who were assisted at health facilities (18 June – 28 June 2018), Ms. Martínez Hernández suffered an avulsion wound, burns and loss of tissue of about 30cm diameter. According to her statement, which is included in the forensic medical report presented before the Supreme Court of Justice (No. 6770-2018), she was wounded by a mortar but *"could not see where it came from."*

18 See communications 1/2018 of July 2nd, 5/2018 of July 24th, 6/2018 of August 18th, 9/2018 of August 22nd, 12/2018 of September 3rd and 17/2018 of October 17th, all of 2018.

19 GIEI interview C201.

A video shows this altercation: the students are out carrying signs, they approach the police and try to establish a dialogue, but then they are immediately arrested[20] [Picture #6]. Another video shows the arrest of Álvaro Samuel Silva, with excessive use of force by the National Police in the back side of the university in front of the Managua Cathedral on Tiscapa boulevard21 [Picture #7].

The university was surrounded by security forces. In the northern sector, by the Stadium, the National Police deployed the troops that were there since the morning. The anti-riot squad was in the southern and southwestern sectors, and in the eastern sector of Tiscapa boulevard, they were riding motorcycles in pairs, one driving and the other standing up on the back of the motorcycle firing shotguns into a wasteland on the campus, where the students were gathered, according to audiovisual footage.

The police occupied the perimeter of the university, completely surrounding the students. Their attacks came from the UNI main entrance, the National Stadium and Tiscapa boulevard, adjacent to the Managua Cathedral. In many instances, these attacks were carried out with firearms and the students were trapped with no escape route.

SKETCH No. 2 Police surrounding UNI from the North, East and Southwest



NORTH: Police presence by the Stadium. Many police officers on foot were shooting their firearms at the students.

EAST: On the side of the cathedral, many police officers in pairs were riding motorbikes on Tiscapa boulevard while firing at the students who were protesting. One would drive the motorcycle while the other fired the shots.

SOUTHWEST: Many anti-riot police were shooting rubber bullets and throwing tear gas bombs at the students who were at the university's main gate and near the UCA traffic lights.

20 See video: *Arrestos frente a Universidad Nacional de Ingeniería (UNI).*

21 See video: *Captura de Álvaro Samuel Silva.*

One witness reported the following: *"we were told that they were firing at us from one side, so we all ran away to the other side, but suddenly they were also firing at us from there and, in fact, there was a police cordon from where they were shooting their firearms at us."*[22]

One of the paramedics who was at UNI told the GIEI that he arrived at the scene at around 1pm, and noticed that on the avenue, in front of the cathedral, there were anti-riot police "in black" and other officers "*who were wearing blue shirts [...] with a black vest on top*", who were on motorcycles, "*four in two bikes.*"[23] [Picture #8] This paramedic first assisted a wounded individual who had an arm injury, then a youth of 20 or 25 years of age who had been shot in the lower right side of the abdomen. When the paramedic was almost done with the aforementioned individual, someone said "*we are bringing you another one*." The latter wounded victim was Álvaro Conrado Dávila.

In fact, between 12:30om and 1pm, Álvaro Conrado Dávila, who was 15 years old, was shot twice, in the mouth and in the neck. Álvaro was participating in the demonstration, he can be seen in a picture a few moments before being shot, in an abandoned lot in front of the Cathedral [Picture #9]. He was transferred to an improvised health facility located inside a wooden house. The paramedic told the GIEI that: *"we saw that he was hurt in the mouth, [...] the boy kept saying 'I can't breathe, it hurts to breathe,'*[24] *he was sitting down, when we laid him down, [...] we removed the handkerchief that was around his neck and saw that his neck was hurt, [...] I told my colleague that if we didn't transfer him, he was going to die."*[25] Álvaro was then carried to the street where he was put in a car to be taken to the hospital.[26] The driver, when interviewed, said that: "*I heard a young woman shouting [...], they were asking for help to take a wounded individual to the hospital. I backed my white van to help them. They put this young boy, Álvaro Conrado, in the van, on an improvised stretcher."*[27]

SKETCH No. 3

Map of the line of fire of the police when they were shooting at students on Ruben Darío avenue. 04/20/2018



LINE OF FIRE
POLICE MOTORCYCLES

22 GIEI interview C52.

23 See video: *Mujer graba desde el interior de un vehículo, cómo oficiales de la Policía Nacional en motocicletas disparan hacia dentro de la universidad.*

24 See video: *Álvaro Manuel Conrado Dávila herido antes de morir.* See also, video: *Álvaro Manuel Conrado Dávila trasladado al hospital.*

25 GIEI interview C111.

26 Álvaro Conrado was transferred to Cruz Azul Hospital, where he was denied medical attention. Then, he was taken to Bautista Hospital, where he died at approximately 4:15pm, after an emergency surgery. GIEI interview E11.

27 Information provided by the IACHR, July 2018.



8. Police in motorcycle shooting from Tiscapa boulevard



9. Álvaro Conrado en el predio contiguo al Paseo Tiscapa

According to Álvaro's location when he received the gunshots (the wasteland adjacent to Tiscapa boulevard), the time (around 1pm, and contextual information, the most probable hypothesis is that the shots came from the police who were shooting from motorcycles on Tiscapa boulevard. In fact, the images of Álvaro still alive show him in that location of the UNI campus, a few moments before being shot. That is to say, the sector at which the police in motorcycles were shooting.

Simultaneously, in the area in front of the Stadium,[28] there were also wounded individuals and two victims died. "We carried about four or five individuals from that area."[29]

At around 2pm, another protester was injured, Erick Andrés Cubillo Solís, who was 36 years old, received three shotgun bullets.[30] Erick was in the northern sector of the university in front of the Stadium. Video footage shows him being assisted by paramedics, still alive, near the parking lot in front of the stadium.[31] Another video shows paramedics trying to reanimate him, and him being taken on an improvised stretcher.[32] One witness reported that he saw when he was handed to the police: *"they brought a wounded individual with a gunshot in the chest, [...] he was older, maybe 30 years old, [...] the only way out was to try and negotiate with the police, the victim was taken and an officer carrying a shotgun came up, they put the wounded individual on a stretcher and took him away, [...] the officer [...] started throwing rocks at the protesters. [...] When a girl saw an officer aiming the shotgun [...] she threw herself at the patient [...] he was already dead, no natural color in his face, they left him there [...] and the officers took him in a police vehicle."*[33]

The place where he was shot (the northern sector of UNI), the kind of ammunition (pellets) and the video footage that shows the police firing from the Stadium towards the university are elements which indicate that his death was caused by the National Police [Sketch #4].

28 See video: *Ataque a la Universidad Nacional de Ingeniería (UNI) visto desde frente al estadio Dennis Martínez*.

29 GIEI interview C52.

30 According to the autopsy, Erick Cubillo was shot three times, twice in the chest and once in the back. Two pellets were extracted from his body. Forensic medical report, F 0137/2018 of April 26th, 2018, Forensic Medicine Institute, Supreme Court of Justice, Pathology Department.

31 See video: *Erick Andrés Cubillo Solís herido de muerte.*

32 The autopsy mentions that Erick Cubillo was transferred to Roberto Herrera Health Center in a police vehicle, and was already dead when admitted into the hospital at 2:10pm. Forensic medical report, F 0137/2018 of April 26th, 2018, Forensic Medicine Institute, Supreme Court of Justice, Pathology Department. See video: *Erick Andrés Cubillo Solís muerto rcp*

33 GIEI interview E86.

SKETCH No. 4

Shots from the stadium towards the university campus, probably where Erick Cubillo Solís was shot.



Another victim who died was Moroni Jacob López García, 22 years old, who was shot twice, once in the neck and once in the upper arm, between 2:45pm and 3:15pm, when he was near the back entrance of UNI, which is across from Dennis Martínez Stadium, between the parking lot and a wasteland on the campus.[34]

The moment when Moroni was shot was caught on video, as was the attempt to reanimate him inside an ambulance of the Nicaraguan Red Cross. Taking into account the place where Moroni was when he was shot, and the reaction of the other protesters, it is clear that the shot came from the Stadium, where the police were positioned. The video also shows that, moments after the fatal gunshot, one of the police officers fired again towards that area. One can clearly hear the gunshot and see the flash from the shot[35] [Picture #10]

A youth who had been in the adjacent area a few moments earlier, declared in an interview that he had seen an individual with a gun at the Stadium: "*I entered the lot under construction […] they were firing mortars and sharpshooters at the boys, there is a window that overlooks the stadium, […] when we entered […] the boys warned me […]. They are shooting from above, […] from the roof of the stadium, there was a sniper. At that moment, this sniper fired two shots that hit the wall, […]. He was a police officer, in uniform, light blue shirt and blue pants. There was a national police badge on his right arm […], he was older, somewhat fat […], the weapon looked like a hunting gun […] a rifle […] its color was like coffee, the gun had a viewfinder.*"[36]

A 15-year-old student was shot three times. He describes that he was near the wasteland across from the stadium, close to a dirt mound: "*a boy was hit with a Molotov bomb, then a rock hit him, I help him stand up,*

34 According to forensic post-mortem report F 0136/20-18, of April 24th, Moroni died at 2pm. He had been shot twice: once in the neck, and once in the arm near his shoulder, the trajectory of both shots was from front to back, from right to left, from up to down.

35 See video: *Momento en que Moroni Jacob López García recibe un disparo de arma de fuego.*

36 GIEI interview E86.



10. The moment when Moroni was shot



11. Pro-government shock groups inside the Stadium

[…] I collect the bomb, […] I see the police officer aiming at me [….] and throw myself to the ground […], the bullet hits me, I grab my arm and it was bleeding, then I felt the two other shots […]."[37]

According to video footage, two other youths were also seriously injured, but it has not been possible to determine their identity.[38]

After these incidents, the students tried to close the area at UNI which is across from the Stadium: "*some of the measures were taken after this incident involving four people, there were these gates which were never properly installed, so we immediately decided to close that entrance, close the fences in this sector of the campus with these gates, we put them against the walls by the construction, against both walls to close this entrance so that the police could not enter.*"[39]

Finally, between 4pm and 5pm, the pro-government shock groups who had been inside the Stadium entered UNI: "*we were by that gate of the stadium, […] an officer in a red beret comes over and instructs them to break down the gate, and the shock groups start coming through there, they came in shooting, so the protesters started running away, some entered the #01 building […] others retracted […], they kept coming forward, some of us threw rocks, but most ran away, […] the individuals in the southern side did not notice that they had already entered. There was no warning, […] the post-graduate building, and the medical center, […] those were the last ones to leave this sector, and there was a nurse […] who was crying, carrying a box of medical supplies, […] we reached the main gate on the southern side, […] they came after us [….] destroying everything on the way, they were carrying sticks, they started to destroy the buildings, one building was looted, they took the computers, everything […] the individual who let them in was an officer in a red beret, but they were members of the Sandinista Youth Movement, […] forty, fifty, […] they came in shooting, […] they came shooting from two flanks.*"[40]

The pro-government shock groups had been positioned inside the Dennis Martínez National Baseball Stadium, which is under the administration of the Managua Mayor's Office [Picture #11]. Video footage shows how the members of these groups left the Stadium in coordination with officers of the National Police, a few moments prior to jointly entering the UNI building.[41]

37 GIEI interview E25.

38 See video: *Joven es herido abdomen uni.*

39 GIEI interview C107.

40 GIEI interview C52. See also, video: *Ingreso de la Policía Nacional y grupos de choque a la Universidad Nacional de Ingeniería (UNI).*

41 See video: *Policía Nacional y grupos de choque en el estadio*.



12. Armed member of a shock group.



13. Protester at Radio Ya.

Marlon Manases Martínez Ramírez, 20 years old, was among the protesters who were in the northern sector of UNI. At around 5pm he was shot in the head. After being shot, he can be seen in a video that was divulged by Channel 13, at the parking lot inside the university, across from the Stadium.[42] He died at the hospital on the same day.[43] According to the forensic medical report, Marlon had been repeatedly punched in the head before being shot, and one of these punches caused him to lose three teeth.[44] One individual who was with him and saw the moment when he was shot indicated that he was shot when members of a shock group came into UNI shooting with the police.[45]

The moment and the place where Marlon Manases Martínez Ramírez was shot reveal that he was injured by the group of individuals who invaded UNI, composed of parapolice groups and the National Police. The images and testimonies gathered by the GIEI support this conclusion.[46]

When the mob was leaving the university, a 19-year-old student was shot. This happened after the invasion by the Sandinista Youth Movement and the police. This victim had left UNI, but he returned to help some friends who had stayed behind. As he realized that he would not be able to get back in, he was shot. He asserts that: "an officer took out his 9-milimeter service weapon and I felt the impact of a bullet. I ran for one more block and my leg stiffened. [...] A local resident helped me. This lady called an ambulance. When I was about to be removed, they started shooting at the ambulance."47 He finally managed to escape and was transferred to Manolo Morales Peralta Hospital for medical assistance.48 The bullet could not be removed and is still in his groin[49] [Picture #12].

The students split into different groups while they were running away from the pro-government shock groups and the police. One group left UNI and headed east on Juan Pablo II avenue: "*we had reached the area near Radio Ya, [...] someone [...] decided to grab a Molotov bomb and threw it at the entrance of the radio station [...], the members of the Sandinista Youth Movement were coming from the intersection and someone said, 'leave them there and the police will catch them', which was fake, rather, the police was helping them, so much so that we ran towards the street in front of UCA, where the intermunicipal bus stop is [...], they took a street that ends at a residential community named Villa Tiscapa, the police only went as far as there and kept firing their shotguns at the boys, because they were backing the Sandinista Youth Movement, [...] after dark, the police came from Rigoberto López Pérez traffic circle to finish trapping us, those who managed to escape went to hide at the military residential community*"[50] [Picture #13].

Harlinton Raúl López García, 18 years old, was shot twice at around 5:30pm, once in the chest and once in the right leg. He was removed to Alejandro Dávila Bolaños Military Hospital, where he died. According to the police inquiry and the ensuing autopsy, Harlinton was injured when he was "*two blocks south from the traffic lights on Jonathan González, on the right lane, walking east with family members.*"[51] The medical forensic report concluded that he was shot at this location. This is an area towards which the students ran after UNI was invaded, and he might have been injured in this context.[52]

The GIEI obtained information that was presented before the authorities in charge of investigating this death, and there is reference to the presence of many police vehicles and motorcycles with agents of the National Police in this area, who were dressed in light blue short-sleeved shirts, dark blue pants, helmets and black boots, and "fired at those who were walking around", which resulted in several injured individuals.[53]

One paramedic declared that the confrontations continued on University avenue all the way to the traffic lights on Rigoberto López Pérez: "*we moved towards a Pali supermarket, since the [confrontation] was taking place on the avenue where UCA is located, [...] there were [...] individuals injured by gunshot, [...] we transferred all of them to the military hospital, we transferred six individuals with gunshot wounds in that moment.*"[54]

Other protesters went into the Cathedral for shelter, but they were also attacked there: "*there were people coming to the cathedral who lent their cars so we could remove the wounded, some had been injured by rocks, gunshot, punches, some could not even breath because they had inhaled so much tear gas.*"[55] One paramedic described the situation in that place as follows: "*the members of the Sandinista Youth Movement reached the cathedral, after they broke the chain of the western gate, they shot at two cars that were there and set two motorcycles on fire. After that, both the priest and the nuns tried to stop the attack. [...] Many people inside the cathedral were crying, we started marking our arms for later identification, since we thought that they would burn us alive in there.*"[56]

Uriel Molina, a photographer for La Prensa, who was covering the events at the Cathedral, was assaulted by pro-government mobs and his equipment was stolen.[57]

There were at least 27 individuals detained near UNI and the Managua Cathedral on April 20th, 2018. All of them were charged with "public disturbance". According to the list provided by the State to the IACHR of "*Detained individuals for various reasons, from April 20th to June 27th*, 2018," these individuals had been

42 The Channel 13 video mentions that Marlon Manases Martínez Ramírez died in the context of assaults perpetrated by "youths who wanted to occupy the stadium". However, as mentioned in the text, Marlon was shot during the UNI invasion by pro-government groups with the police.

43 Marlon Manases was first taken to Vélez Paiz Hospital, then transferred to Lenin Fonseca Hospital where he died on April 20th at 8:20pm. GIEI interview E332.

44 Forensic medical report F 0138/2018, of April 26th, 2018, Forensic Medical Institute, Supreme Court of Justice, Pathology Department.

45 GIEI interview C16.

46 GIEI interview C71.

47 IACHR, Gross human rights violation in the context of social protests in Nicaragua, June 21st, 2018, p. 39.

48 Report of the Ministry of Health about wounded individuals who were assisted at health facilities (18 April – 28 June 2018).

49 IACHR, Gross human rights violation in the context of social protests in Nicaragua, June 21st, 2018, p. 39.

50 GIEI interview C107.

51 Forensic medical report F-142-2018, of May 7th, 2018, Forensic Medical Institute, Supreme Court of Justice, Pathology Department.

52 See video: *Harlinton Raúl López García muerto.*

53 Complaint lodged with the Prosecutor's Office on Managua, May 15th, 2018.

54 GIEI interview C100.

55 GIEI interview C107.

56 IACHR, Gross human rights violation in the context of social protests in Nicaragua, June 21st, 2018, p. 46.

57 La Prensa, *Turbas orteguistas golpean y roban cámara a periodista al fotoperiodista Uriel Molina de LA PRENSA*, April 20th, 2018.

released within 48 hours.[58] As further explained in this report, none of them was formally indicted before the corresponding judicial organs for said conduct. These circumstances reveal that the primary goal of these detentions was to demobilize the protests, as it will be explained in the next chapter.[59]

CONCLUSION

On April 19th and 20th, 2018, the National University of Engineering (UNI) was at the center of an attack perpetrated by State security forces and pro-government shock groups. The actions of these State agents became more violent since the 19th at noon until the afternoon of April 20th, when the violence reached its peak with the violent displacement of students by pro-government shock groups and agents of the National Police.

There are four distinct moments in the intensification of the use of force by the security forces: the first was on April 19th in the morning, when the National Police used non-lethal techniques, equipment and dissuasive means (tear gas bombs, sound and light bombs and regulatory shields), while still maintaining a dialogue and negotiations with the protesters, when there was no imminent risk to the safety of persons who were participating in the protests or were members of the security forces.

The second moment was the afternoon of April 19th, when these dissuasive means were directly used against the protesters, which resulted in serious injuries – such as the loss of an eye, along with the use of firearms.

April 20th was the third moment: the police used firearms during the whole day, they surrounded the University and blocked any safe escape route for the protesters. The use of lethal ammunition caused the death of three victims and a great number of injured individuals.

In the fourth moment, on April 20th in the afternoon, armed pro-government shock groups joined the State's repressive response, in a joint and coordinated action with the National Police, and carried out violent actions against the protesters inside the university campus and during their pursuit. Two more victims died at this moment.

Even though it is true that the protesters used rocks, artisanal Molotov bombs and mortars, there is a clear disproportion with the weapons used by the police and the pro-government shock groups, who even utilized high caliber firearms with lethal ammunition.

58 Information provided by the IACHR to the GIEI, July 2018.

59 See *infra, Chapter VII.4, "Arbitrary detentions, treatment of detainees and torture complaints".*

2.2/ UPOLI

KEY DATA

PLACE
UPOLI vicinity, city of Managua, Department of Managua

NUMBER OF DEATHS
10

CAUSE OF DEATH
Gunshot woun.

Protests and State-sponsored repression also occurred at the Polytechnic University of Nicaragua (UPOLI).[1] Since the afternoon of April 18th, this university was occupied for 50 days, until June 9th, when the protesters handed over the place.[2] The occupation was carried out by both students from various universities and protesters from nearby neighborhoods (Américas 3, Villa Austria, Rubénia, Geogino Andrade, Miguel Gutiérrez, Carlos Marx, 9 de junio, Américas 1, 8 de marzo, Waspan sur).[3] It was with the support of these neighbors that barricades were built around the university, in a 5-kilometer radius.

The actions of the police forces to repress the protests were particularly violent. The situation produced its first two fatal victims on April 19th. In the period within the GIEI's mandate, that is to say, from April 18th to May 30th, 2018, there were 16 violent deaths in the zone of UPOLI, and 15 of them were due to gunshot wounds. Most of them took place in the beginning of the protests, from the 19th to the 22nd of April, when 10 deaths occurred, including an inspector of the National Police.

Given the magnitude of the violence, the following description focus on the occurrences of those first couple of days.

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Similarly to occurrences in other parts of the country, a group of students gathered in front of the university from very early in the morning, in order to protest against the social security reforms[4] and the violent events which took place the day before. As the day went on, students from other universities and residents of the surrounding neighborhoods joined the demonstration[5] [Picture #1]. They also brought food, water and medical supplies: "at around 1pm, neighbors started bringing us water, ice, food [...], we had water, medicine, masks, [...] they brought so much stuff that we had to create storage areas, since we could not leave those things out on the street."[6]

1 According to information available on the UPOLI website, it is a private university which was founded in 1967.

2 El Nuevo Diario, *Estudiantes del 19 de Abril negocian salida de la UPOLI*, May 1st, 2018.

3 GIEI interview C14.

4 100% Noticias, Video: *Así empezó la protesta contra reforma INSS en Managua*, 19 de abril de 2018. *Publicaciones*, April 19th, 2018. Twitter publications. See also, video: *Inicio de las protestas UPOLI 19 de abril.*

5 UNAN students could not get to their university, so some of them went to UNI and other joined the protests at UPOLI.

6 GIEI interview C63.





1. Students protesting in front of UPOLI



2. Sound and light bombs

At around 5pm, the police anti-riot squad arrived and tried to disperse the demonstration with tear gas, rubber bullets and light and sound bombs, to which the protesters responded with rocks.[7] The tear gas bombs did not disperse the crowd of demonstrators, on the contrary, more individuals joined the protest as it was being broadcast on Facebook live: "*the protest grew as the police attack began and was transmitted through Facebook live with a shout out – come over, come help us – so the number of young protesters exponentially increased*"[8] [Picture #2].

In this context, at around 8pm, Darwin Manuel Urbina Urbina, one of the protesters who was in the vicinity of UPOLI, suffered wounds that caused his death.[9] According to the forensic medical report, an explosive device blasted on his neck.[10] The following testimony indicates that it was probably a light and sound bomb. According to witness testimonies, the device was detonated by the police anti-riot squad.[11] One eyewitness asserted:

"*I saw Darwin and another group of individuals who were with him. They started to tear off a metal sheet […]. The police ended up trapped, so they start to shoot. I am still not completely [certain] if those guns have a special compartment to discharge tear gas bombs, but they can also be converted into firearms, which fire actual bullets. […] It happened in a matter of 2, 3 seconds […], all I saw was a flash, I do not know if it was a bullet or it was a light and sound bomb, I could only see the police officer who had them cornered, and suddenly I see a spark, and the four boys fell, […] I tried to move towards them, but they got up, except one of them did not get up. […] I touched him, but he did not answer, so I touched him again, […] when I did so […] I saw that he had a scratch […]. The only thought that occurred to me was to hold him and get him out of there as soon as possible.*"[12]

Darwin was assisted by other protesters on the street, and transferred to Alemán Hospital where he died at around 9:20pm.[13]

There was another violent death on that day. At approximately 9:30pm, 200 meters south from the traffic lights at Villa Rafaela, Police Inspector Hilton Rafael Manzanares Alvarado was hit by two gunshots, one of which caused his death. According to the judgment in the criminal case about his death,[14] the events happened as follows:

"*at 9:30pm […] Hilton Rafael Manzanares Alvarado [and other police officers] managed to move forward […] while shielding themselves from the attack, at the eastern end of the platform […] next to the wall on the northeastern side of the Pentecostal Ministry Church "Cristo Viene", the victims were facing east, since the attack was coming from the main street which runs north to south and vice-versa. At the same time, defendant Carlos Alberto Bonilla López, a.k.a. the Rabbit, was behind the victims, on the same platform, about 30 meters to the west, […] he surprisingly attacked them from behind, shooting them with a 9x19mm gun, […] thus when the victims […] heard the shots, turned back, and saw the defendant, then they quickly tried to hide behind the church's eastern wall […], while they escaped the defendant kept shooting, and managed to strike the victim with gunshots twice, once in the right side of his scalp and once in the back, precisely above the right scapula […] which caused his death.*"[15]

Carlos Alberto Bonilla López was sentenced to 90 years in prison,[16] but the indictment does not explain what he was doing at that place: whether he was participating in the protest, or lived nearby or any other circumstance which might explain his presence and/or the crime motive. Moreover, there are deficiencies in the evidence presented during his trial, particularly the ballistics report, which raise serious doubts about his culpability, as it will be further examined in Chapter IX. In addition to that, the authorities in charge of the investigation did not exhaust all lines of investigation, for instance, they did not question whether the gunshot might have come from other police officers who were at the scene in that afternoon.

That evening, the residents of neighborhoods near UPOLI started building barricades, while the students took refuge inside the University where they spent the night.[17] According to one of the protesters, "there were three barricades, and also two more, one in a park and one in the back. There were small ones at the UPOLI exit. From Las Américas Shopping Mall, past Progreso avenue, through the La Virgen traffic circle. Up to Miguel Gutiérrez. Rafaela traffic lights. Also by Arvizu school.[18]

7 GIEI interview C35.

8 GIEI interview C8. See video: *Ataques a UPOLI 19 de abril*

9 This event took place on Camino Solo street, 100 meters west from Rafaela Herrera traffic lights, towards UPOLI. According to Vice-President Rosario Murillo's speech, of April 19th, 2018, Darwin Urbina was hit by *"bullets from a shotgun, according to the Police, which were fired from UPOLI. How can this be a center of studies, how can this be a center of thought, and from there bullets come to take the life of Darwin Manuel Urbina."*

10 Forensic medical report F-138-2018, of April 26th, 2018, Forensic Medical Institute, Supreme Court of Justice, Pathology Department.

11 GIEI interview C63.

12 GIEI interview C8.

13 Forensic medical report F-138-2018, of April 26th, 2018, Forensic Medical Institute, Supreme Court of Justice, Pathology Department. See also, video: *Darwin Manuel Urbina asesinado en la UPOLI*

14 Judgment of October 2nd, 2018, Third Criminal Court of Managua.

15 On the day of the event, the National Police's Public Relations Officer, Major Vilma Rosa González informed that: *"at approximately 9:29pm, in the city of Managua, Sub-inspector Hilton Rafael Manzanares Alvarado, 33 years old, was murdered 200 meters south from the traffic lights at Villa Rafaella Herrera … by a group of vandals who came from the Polytechnic University (UPOLI), in disruption of public order, building roadblocks and barricades, and assaulting bystanders and families from the surrounding neighborhoods. The event occurred when a DOEP team … established the order and arrived on the scene to ensure the free movement of individuals and vehicles."*

16 Judgment of October 2nd, 2018, Third Criminal Court of Managua.

17 GIEI interview C63.

18 GIEI interview C90.



3. Police shooting towards the back gate of UPOLI



4. Enoc Moisés López



5. Silhouette of an armed police

APRIL 20TH, 2018

The protests continued during April 20th, 2018, as did the actions of the police anti-riot squad to diffuse them. By then, they had congregated more than one thousand participants. The actions of the police began at around 1:30pm and continued throughout the afternoon. The most violent events took place near the front gate of UPOLI. The police used not only tear gas, but also firearms: "*they used gas, when we passed we got water with baking soda. The anti-riot forces were shooting at us.*"[19]

On the back side of UPOLI, there also were confrontations. The protesters tried to repeal an attempt of the police to get inside through the back gate of the University. One person who was at the scene observed: "*they told us to go, help us, because the police is trying to come in through the back door, the police is entering. Then, a group of youths, about forty of us, went out and headed towards the back. […] The police launched tear gas bombs.*"[20]

Video footage shows six anti-riot police.[21] One of them firing a high caliber gun from the front of a blue house towards the west. Two hundred meters west of that place is the back gate of UPOLI. In the audio one can hear explosions and individuals saying "*respect the neighbors*", "*there are families here*", "*there are children here*", "*there are civilians here*", "*there are elderly persons here*" [Picture #3].

Enoc Moisés López Alegría was fifty meters south from that area, when he was hit by two shotgun pellets, once above the right eyebrow and the other on the right side of his forehead.[22] He is still recovering from these injuries [Picture #4]. According to the information gathered by the GIEI, the anti-riot forces shot him.[23]

Also in that area, at around 3:40pm, one of the protesters, Michael Humberto Cruz Sánchez, 30 years old, was shot in the chest.[24] Michael can be seen in a video, a few moments earlier, walking on the platforms located in that area.[25] The autopsy concluded that he was killed by "a contact shot", which is when the muzzle of the firearm is

19 GIEI interview C69.

20 GIEI interview E76.

21 See video: *Policía Nacional disparando en el sector UPOLI.*

22 Report of the Ministry of Health about wounded individuals who were assisted at health facilities (18 April – 28 June 2018).

23 GIEI interview E27.

24 The event occurred on a platform, 200 meters east from the back gate of UPOLI, near "*Fritanga Doña Pati*".

25 See video: *Michael Humberto Cruz Sanchéz aún con vida.*

SKETCH No. 5

Map showing the position of victim – sniper. Case Michael Humberto Cruz. 4/20/2018.



PLACE WHERE THE VICTIM COLLAPSED
POSITION OF THE SILHOUETTE OF A POLICE OFFICER
VISION BETWEEN POLICE AND VICTIM

in direct contact with the victim's body.[26] An eyewitness described that: "*he was looking for […] a lamppost […] to shield himself, because they were shooting, they launched tear gas bombs to daze the crowd, those who managed to,*

26 Forensic medical report F0139/2018, of April 24th, 2018, Forensic Medical Institute, Supreme Court of Justice, Pathology Department.



6. Protester on Buenos Aires street



7. Police firing their weapons in front of bar "Bombom"

left the alley, but it seems that he was looking for a streetlamp, and they caught him [...], police in black got him."[27]

This information is confirmed by video footage. In a video recorded a few moments before the event,[28] one can hear Michael's voice[29] and see the alley where the victim was, and in the background there is a silhouette of a police officer dressed in black, holding a high caliber weapon [Picture #5]. Later on, another video shows Michael fallen on the ground, in the extreme west of the alley, with a chest wound, while he was being assisted by protesters who removed him from there[30] [Sketch No. 5].

Michael was transferred to Alemán Hospital, where he was admitted alive, but died after a few minutes.[31]

A while later, at around 4pm, Kevin Josué Rivas González was shot in the abdomen. He was admitted into Alemán Hospital, where he died on April 24th. The GIEI does not have information about the exact scene of the crime, except that it was in the vicinity of UPOLI. On May 18th, 2018, his mother told the press that, *"he used to go out for lunch at that time, at his paternal grandmother's, and he was just randomly there out of curiosity when the unfortunate event happened."*[32] His sister explained in a video that he was shot because he was in the protest, and she blames the police: *"the pro-government forces, namely the police, they shot my brother and are responsible for his death."*[33]

APRIL 21ST, 2018

The protests outside UPOLI continued for a third consecutive day, on April 21st, 2018. Four violent deaths occurred that day during the police anti-riot squad's repression against the demonstration. Since early in the

27 GIEI interview E313.

28 See video: *Michael Humberto Cruz Sánchez aún con vida.*

29 GIEI interview E313.

30 See video: *Policía Nacional ataca manifestantes en sector UPOLI.*

31 Forensic medical report F0139/2018, of April 24th, 2018, Forensic Medical Institute, Supreme Court of Justice, Pathology Department.

32 She also expressed her disgust because her son's name was linked to the protests. She observed that: *"some lady showed up saying that she was my son's mother, so I sent her a message telling her to respect my pain, because I was his mother."* El 19 digital, *Madre y familiares de joven asesinado rechazan que su muerte sea manipulada por grupos derechistas*, May 18th, 2018.

33 Radio ABC Estelí, *video publicado on Facebook.*

SKETCH No. 6

Police shooting from the traffic lights at Miguel Gutiérrez, towards the La Rafaela traffic lights, where Kevin Dávila was seriously injured.



AREA OF THE LA MIGUEL GUTIÉRREZ TRAFFIC LIGHTS

Place where the police were firing their weapons with lethal ammunition at the students.

Place where KEVIN ROBERTO DÁVILA LÓPEZ was seriously injured.

morning, the protesters gathered and built barricades at different points around the University. The police anti-riot forces arrived in the area at 11am.[34]

At around noon, the anti-riot forces launched tear gas bombs against the protesters, who were positioned on Buenos Aires street, between the Villa Rafaela Herrera and the Villa Miguel Gutiérrez traffic lights. The first confrontations are recorded in photographs and videos.[35]

At 3:30pm the National Police asked for backup. Then, more police arrived in trucks and motorcycles, through Buenos Aires street between Carlos Marx and Miguel Gutiérrez neighborhoods. Two police rode each motorcycle, and the one on the back would shoot: *"the police fired shots, [...] we heard blasts, we defended ourselves with rocks and mortars, at some point the police lined up the motorcycles, and the officer on the back came shooting."* [36]

Many videos[37] show agents of the anti-riot squad positioned in front of "Bombom" Sports Bar, on the northwestern corner of the Villa Miguel Gutiérrez traffic lights. They were launching tear gas bombs and firing shotguns from there, towards the south, where the protesters were hiding behind a barricade on Buenos Aires street [Pictures #6 and #7].

At around 4pm, many individuals resulted injured. One witness described how many persons were shot by the police: *"the police started shooting, bang, bang, bang, and we used mortars, but it was like pretending that we were not afraid, we moved forward, then I saw one hit by a bullet in the chest, another one was shot in the head, I turn to see him and they carry him away. I remember another one who might have been dead or not, but they were also carrying him away, all I saw was a puddle of blood on his shirt and body."*[38]

34 La Prensa, *Así te contamos el cuarto día de protestas en contra de las reformas al INSS*, April 21st, 2018. La Prensa, *Más enfrentamientos en la Upoli entre antimotines y universitarios*, Facebook live broadcast.

35 Hoy, *Cuarto día de protestas en contra del gobierno en Nicaragua*, April 21st, 2018. See also, video: *Manifestantes se enfrentan con la Policía (UPOLI).*

36 GIEI interview C80.

37 See video: *Danny Stalyng Rivas aún con vida.*

38 GIEI interview C63.

SKETCH No. 7

Line of fire between the police and victim Danny Stalyng Rivas. UPOLI. 4/20/2018.



POSITION OF THE NATIONAL POLICE
POSITION OF THE VICTIM DANNY STALYNG RIVAS

At that point, one of the students, Kevin Roberto Dávila López, 23 years old, was shot in the head. Kevin was transferred to Lenin Fonseca Hospital, where he died on May 6th. Kevin was last seen alive on Buenos Aires street (between the traffic lights at Villa Miguel Gutiérrez and Camino Solo street), when the police started shooting and the students were running towards UPOLI to protect their lives.[39] Given the place and the moment of his death, the strongest possibility to be investigated is that he was shot by anti-riot police who, according to video footage, were shooting at the young protesters on Buenos Aires street from the north towards the south, from the traffic lights at Villa Miguel Gutiérrez [Sketch No. 6].

In that moment, Kevin Reynaldo Mora López, 23 years old, was also shot in the head, in front of the traffic lights at Villa Manuel Gutiérrez.[40] He was shot in the right parietal area, and is still in recovery.

Journalist Ivette Munguía from La Prensa newspaper was also assaulted by anti-riot police officers while reporting the events from the traffic lights at Villa Miguel Gutiérrez, and she had her equipment stolen. She asserted that:

"*I was behind a tree taking pictures, since the National Police was shooting at the students, and the whole crowd was protesting, then there was panic, and the boys retreated. […] I ran away, […] we saw the national police grabbing them, capturing all the students who were left behind the group, and they were massacring the students, kicking them, […] there were two more female students, […] they were punching one of them, […] I showed them my badge, […] then an officer came and hit me, and they took my cellphone away.*"[41]

As the National Police was using firearms against them and injuring several individuals, the protester fled from the traffic lights at Villa Miguel Gutiérrez towards the Villa Rafaela Herrera Monument in the south, then they turned west towards UPOLI, and took Camino Solo street, where the confrontations continued.

Then, at around 5:15pm, protester Danny Stalyng Rivas, 25 years old, was shot in the abdomen, 200 meters from the Villa Rafaela Herrera Monument, towards the east. He died on April 22nd at night due to this gunshot wound.[42] Video footage[43] shows that he had been by the Villa Miguel Gutiérrez traffic lights moments earlier, across from the anti-riot forces. One witness who was with him reported that, when the anti-riot police moved towards the south on Buenos Aires street, he and Danny ran towards the Villa Rafaela Herrera Monument, and from there towards UPOLI. A photograph shows Danny kneeling down across from the anti-riot officers who were aiming their guns at him. Later on, a video shows Danny being carried after being shot, on Camino Solo street.[44]

The video footage, which shows Danny among the protesters a few moments before he was shot across from the anti-riot police, as they were shooting, and the aforementioned testimony are elements which imply that the police shot him[45] [Sketch No. 7].

According to the list provided by the Ministry of Health, on that day Alemán Hospital admitted 14 individuals with gunshot wounds in the chest. The press reported that the police left UPOL right before 7pm.

Two more victims died violent deaths on April 21st, 2018: Lester Adán Vindel Picado, 37 years old, who was helping the students when he was shot in the chest at around 8pm, near Iván Montenegro Market.[46] He was admitted into Alemán Hospital already dead at 8:50pm.[47] The other victim was Lester José Flores Bracamonte, 19 years old, who was also shot in the chest at around 9pm, at Shell Waspan. His lifeless body was transferred to Alemán Hospital at 9:35pm on April 21st.[48] The GIEI received testimonies which indicate that he was shot at a bus station, when a police patrol drove past while shooting.[49]

APRIL 22ND, 2018

On April 22nd, 2018, the violent events occurred in the evening, at around 7:30pm.[50] According to information from the press, the students "were gathered for a vigil in memory of the victims who died during the protests, when they were surprised by anti-riot forces who came in through the area of the Las Américas Shopping Mall and Villa Progreso."[51]

In this context, protester Edwin Bismarck Gómez Gómez, 33 years old, was shot twice in the chest, when he was on the western side of the first gate of UPOLI. The GIEI received information which indicates that Mr. Gómez had learned about a cry for help from students at 7:30pm, and said: "*let's see how we can help them. I will take a mortar and go help the boys.*"[52] Video footage shows him being cared for by the paramedics inside UPOLI, and then removed to Alemán Hospital, where he died on April 25th.[53]

That same night, at around 7:30pm, Darwin Elías Medrano Pérez, 22 years old, was returning home from work, and when he was 600 meters north from the new bridge at Rubena Bo. Georgino Andrade, in front of Ferretería Enabus, he was shot in the face. According to one testimony, he was shot while walking by "*police*

39 GIEI interview E76.

40 GIEI interview E36.

41 La Prensa, *Así te contamos el cuarto día de protestas en contra de las reformas al INSS*, April 21st, 2018.

42 List of deceased victims up to June 6th, 2018, which was provided by the State to the IACHR.

43 See video: *Danny Stalyng Rivas aún con vida*

44 See video: *Danny Stalyng Rivas herido de muerte*

45 GIEI interview E48.

46 Confidencial, *La matanza de Daniel Ortega suma 46 muertos*, May 2nd, 2018.

47 List of deceased victims provided by the State to the IACHR, 2018.

48 List of deceased victims provided by the State to the IACHR, 2018.

49 Information provided by the IACHR to the GIEI, 2018. See also, video: *Lester José Flores Bracamonte muerto*

50 Information provided by the IACHR to the GIEI, 2018.

51 La Prensa, *Así te contamos el quinto día de protestas contra las reformas el INSS*, April 22nd, 2018.

52 GIEI interview E320.

53 See video: *Heridos y armas de fuego en la UPOLI.*

on motorcycles, in blue uniforms."[54] He died at Lenin Fonseca Hospital on April 24th.[55]

The police, in turn, denied that they had been present at the scene, and asserted that the events occurred due to a confrontation between rival gangs: *"Today, Sunday, at around 9:20pm, there was a confrontation between rival gangs with firearms and artisanal weapons at Georgino Andrade neighborhood, behind RUPAP, and there allegedly were injured victims. It is worth mentioning that the National Police was not present in the vicinity of UPOLI or the surrounding areas, according to Mr. Días Madriz."*[56]

CONCLUSION

Even though the demonstrations occurred around the UPOLI campus, taking into account that the neighboring residents joined the protests, their geographical scope was much larger. UPOLI was also the scenario of police repression, particularly by the anti-riot squad.

Differently than what was observed elsewhere, where there was a progressive intensification in the use of force, at UPOLI the repression was lethal from the very beginning, in the afternoon of April 19th. And it continued for the next four days, which resulted in at least eight fatal victims who were killed by State security forces. We do not have information regarding one deceased victim.

Although one person has been convicted for the murder of police inspector Hilton Rafael Manzanares Alvarado, the deficiencies concerning the evidence presented at the trial raise serious questions about the judgment. On the contrary, we recommend that the State of Nicaragua review the findings and exhaust all lines of investigation, particularly whether any police officer who accompanied the victim fired their service weapon.

54 GIEI interview E33. See also, video: *Darwin Elías Medrano Pérez muerto.*

55 List of deceased victims provided by the State to the IACHR, 2018.

56 Canal 13, *No hay presencia policial en el sector de la UPOLI*, April 22nd, 2018.

3. LOOTINGS IN MANAGUA

At dawn and in the morning of April 22nd, several simultaneous looting incidents occurred in Managua. The targets were commercial establishments, especially supermarkets, including many from the Palí and Maxi Palí chain, which is part of the Walmart group.[1]

There is no precise explanation at this point regarding how these lootings were organized. Their simultaneity implies that these were no spontaneous robbery incidents, rather there was a centralized decision to carry them out.

Sunday, April 22nd, was the fifth day of protests, which had spread to many parts of the country and exponentially increased in participation. Various sectors had expressed their support to the students, including the Superior Council of the Private Enterprise (COSEP):

"We express our complete support to all the youths, and the populace in general, who have mobilized and peacefully protested in defense of their rights and principles."[2]

The government, in turn, in the words of President Ortega, maintained a discourse which associated the protests with criminal activity:

"Therefore, I would say that this is the most serious danger, the biggest threat which we face in this moment, these gang groups who go about creating chaos and, indeed, act according to a political stance, and are manipulated into using firearms and looting. Because, obviously, they see an opportunity for looting, and they will do so, and they will cultivate terror, instability and insecurity in our society as a whole."[3]

In this context, a few hours after this speech, there were lootings in many businesses in Managua.

For the government, the lootings were organized by groups who wanted to promote chaos:

"there are individuals who protest because they are really interested in the issue, questioning the results, but they are joined by delinquents who start to raid stores, markets, banks, and destroy. They also, obviously, call the poor to join them afterwards. That is to say, they turn ordinary

KEY DATA

PLACE
La Fuente neighborhood, Managua

NUMBER OF DEATHS
2

CAUSE OF DEATH
Gunshot wound

1 El Nuevo Diario, Walmart evalúa pérdidas por saqueos en 16 tiendas, , April 24th, 2018.

2 The COSEP communiqué of April 21st can be found on their Twitter account: @COSEPNicaragua

3 La voz del sandinismo, *Mensaje de Comandante Daniel al Pueblo Nicaragüense*, April 21st. 2018.



people into criminals. We have seen the images. Those individuals who raided the commercial center were not the poor folks who came later to take whatever they could get from the stores, a radio or something... No! The responsible ones are the individuals who broke in, with a view to promoting chaos, and told people: Come, come, we are going to break into that place. Come get stuff there."[4]

On the opposite side, some accused the government itself of organizing the lootings, as seen in some news articles.[5]

There are certain elements which are compatible with this second explanation. On one hand, the simultaneity of the events requires a certain level of organization which was rarely seen in the groups of protesters. On the other hand, the looting of businesses belonging to the private sector does not seem to be in line with the objective of the protests, as it might have been, for instance, if the violent actions had targeted buildings linked to the government or the governing party.

Among the interviews carried out by the GIEI, there are two statements provided by individuals who worked for the press, one aligned with the government, and the other critical thereof. Both of them expressed that the pro-government means of communication seemed to be aware that there would be lootings.

One of those interviewees stated that the early coverage by the pro-government media caught his attention. The other individual asserted that he knows for a fact that one of the correspondents sent by a pro-government news outlet – where the interviewee was also employed – arrived at the place where a looting was allegedly occurring before it had even begun.[6]

In addition to that, video footage from the day of the events shows a gentleman who is carrying goods when he is approached by a journalist. During the ensuing dialogue, the man said: "they are telling us Sandinistas to come and steal, Daniel Ortega ordered us to go looting." The journalist then asks if he thinks that is fine, and the man replies: "no, it is not ok, but these are Daniel's orders to run the country."[7]

Even though it is unclear how these incidents were organized, the fact is that during these lootings there were confrontations between the looters and individuals who were trying to protect the businesses. Likewise, there were violent events involving the National Police, which included two deaths by gunshot wounds caused by police officers in the vicinity of the Palí supermarket at La Fuente neighborhood.

3.1. / TWO DEATHS BY SHOTS BY POLICE NEAR PALÍ SUPERMARKET IN THE LA FUENTE NEIGHBORHOOD

Palí supermarket in the La Fuente neighborhood is located on Hermanos Rumaga street, between Fátima street and Isidro Centeno avenue, in Managua.

On Sunday morning, April 22nd, at around 9am, looting incidents occurred in the vicinity of the supermarket. There are videos which show the moments prior to the arrival of the police and what happened afterwards.

4 President Daniel Ortega's speech on April 22nd. El 19 digital, *Mensaje del presidente- Comandante Daniel (22 de abril del 2018)*, April 22nd, 2018.

5 La Prensa, *Daniel Ortega siempre caos con saqueos de turbas a empresas.* April 22nd, 2018; La Jornada, VIDEO En Barrio La Fuente casi linchan a grupo de policías y de la Juventud Sandinista, April 22nd, 2018; 100% Noticias, *Carta abierta del rector de la UAN al presidente Ortega*, April 22nd, 2018.

6 GIEI interviews C38 and C9.

7 See video: *Persona saqueando por orden del gobierno*.



Group of police officers shooting. One of them is carrying an AK-47.

According to one of the videos, that morning a group of neighbors from La Fuente was trying to guard the supermarket due to a looting attempt. The video shows that the police was called several times, but "they did not show up". In several takes, many individuals refer to the assailants by saying that "they are not from this neighborhood", they are "thieves", "gang members", "they are not protesters nor students", and some individuals assert that, "they belong to the police, they were told to plunder". The footage seems to show groups from two adjacent neighborhoods in confrontation, namely La Fuente and Urbina. Some individuals say that they are from the Urbina neighborhood, whereas a lady clarifies to the videographer that the group trying the looting does not belong to either neighborhood.

After a while, a group of six police officers arrives with a truck, and they head towards the corner of the supermarket which overlooks the Urbina neighborhood, with their guns drawn.

The police position themselves under a tree and from there they start shooting repeatedly towards that neighborhood. Some local residents stand side by side with the police and throw rocks at individuals who are in the Urbina neighborhood. One of the police officers carries an AK-47 rifle. One of the bystanders says: "*they are firing their weapons, see, this is what the police does, so that we kill each other.*"[8]

The first dead victim is Izmael José Pérez Vilchez. Izmael was among the residents who were throwing rocks towards the Urbina neighborhood from a position near the group of police. Video footage clearly shows that, at a certain point, Izmael and other individuals run forward and position themselves ahead of the police who were shooting. The movement of this group is completely visible to the police. Nevertheless, after these individuals had advanced a few meters, one can see the blast from a police gunshot and hear the almost simultaneous detonation of two bullets, probably from a machine gun. Moments later, Izmael is seen being carried with a wound in the face, his jaw destroyed. The corresponding audio shows people saying "the police shot him." Several individuals call Izmael by his nickname, "Lala", He is then placed in a truck to be removed to the hospital. Not one police officer assists the wounded and, on the contrary, they keep shooting.[9]

8 See video: *Pobladores evitan saqueo de Palí La Fuente*

9 See YouTube video: *Testimonio de una madre: Ismael José Pérez Vilchez*, published on May 14th, 2018.



Jesner Rivas' resignation form



Jesner Rivas' death certificate

One of the videos shows individuals rebuking the police for shooting the young victim, and also a man in a yellow shirt, to whom they seem to attribute the responsibility for the conduct of the police.

A while later, another youth who was in the opposite group, at the Urbina neighborhood, was also shot. There is also video footage of the event. The video shows some individuals throwing rocks towards the area where the police and Izmael's group were. Among these individuals, one can see Jesner Rivas, 16 years old, who was shot by the police after throwing a few rocks. The eyewitnesses state, moments before the shot, "the police is shooting at us." The gunshot which strikes Jesner is the sixth that can be heard after he arrives at the scene. After he was injured, someone is heard saying, "they got another one." The previous one had been Izmael.[10]

Both Izmael Pérez Vilchez and Jesner Rvias died at Roberto Calderón Hospital (former "Manolo Morales"). Jesner's death certificate indicates that the cause of death was "*bladed weapon wound*,"[11] even though it is clear from the video footage that he suffered a gunshot wound.[12]

The inaccuracy or outright falseness regarding the cause of death in death certificates is an element which the GIEI verified in other cases under its examination.

Both families signed handwritten resignation forms at the District V station of the National Police so that the victims' bodies would be handed over. This is a measure adopted in many cases examined by the GIEI, which has absolutely no legal basis. According to the law, any violent death must prompt an autopsy to determine the cause of death, and a sua sponte inquiry.[13] However, this irregular practice of forcing the families of dead victims to sign resignation forms in the context of these violent events was recurrent.

According to one of the testimonies received by the GIEI, a third individual was shot in the ankle, but preferred not to press charges.

10 See video: *Jesner Josué Rivas herido de muerte*

11 Death certificate MGA 194583, of April 22nd, 2018, signed by Dra. P. Matamoros, General Surgery, Dr. Roberto Calderón Hospital.

12 In Izmael's case, the death certificate indicates that the cause of death was a *"gunshot wound in the chest"*. The images clearly show that he was shot in the face. Given that two shots – probably from a machine gun – are heard at a very short distance, it is possible that a second shot hit him in the chest, as stated in the Death Certificate MGA 194580, of April 22nd, 2018, signed by Dr. Alfredo A. Correa Ortiz, General Surgery, Dr. Roberto Calderón Hospital.

13 Article 240 of the Nicaraguan Code of Criminal Procedure (law Nº406) Article 240 of the Nicaraguan Code of Criminal Procedure (Law No. 406) establishes that: *"In case of violent deaths, when a corpse is found and the cause of death is not certain or there are suspicions that a person died as a result of criminal activity, the National Police shall conduct a crime scene investigation, duly remove the corpse, and an autopsy shall be performed to determine cause of death, as well as other measures to identify the deceased".*

CONCLUSION

The events that took place in the La Fuente neighborhood, which were documented by many videos, are a clear example of lethal and unjustified use of force by the National Police: a group of police randomly shooting their firearms, including an AK-47 war rifle, against civilians who were participating in hostilities which were limited to to throwing rocks.

Moreover, in the case of the two fatal victims, there were irregular conducts perpetrated by other State institutions. At least in the case of Jesner Rivas, the death certificate fabricated at the public hospital does not include the real cause of death and, in both cases, the State failed to perform autopsies. To that end, State officials forced the families to sign forms before the National police, in which they abdicated their right to press charges and to have the corpse be sent to the Forensic Medicine Institute for an autopsy, as if that was not a sua sponte obligation of the State.[14]

14 There is a documentary about Izmael Pérez Vilchez' death, which was produced by Guatemalan film director Eduardo Spiegler, YouTube: o Eduardo Spiegler, YouTube, Testimonio de una madre: Ismael José Pérez Vilchez, published on May 14th, 2018.



4. ROADBLOCKS

The protests carried out since April 18th took place in different scenarios and were diverse in nature. The construction of barricades or roadblocks (tranques) was one of the forms of protest, particularly after the repression became more intense.

As was invariably the case in each of these scenarios, the construction of roadblocks was initially a peaceful form of protest. Beyond the nuisances that the various forms of protest may cause – in this case, the obstruction of streets or routes, many roadblocks began as intermittent obstructions, in which the traffic of vehicles was disabled or enabled at certain intervals.

As the violence of the repression increased, the roadblocks and barricades multiplied, as a means of defense against the attacks perpetrated by the National Police and parapolice groups. Many of them, in turn, constituted total blockades of important access roads, in order to pressure the government.

According to the UNHCHR report, *"by mid-May, roadblocks and barricades set up by protesters had spread across the neighborhoods of Managua and in the 15 Departments of the country, with reports mentioning the existence of 180 barricades and roadblocks throughout the country at that time."*[1]

The repression deployed to remove the roadblocks was one of the characteristic forms of violence. Violence reached its peak beyond the period included in the GIEI mandate, with the so-called "*clean-up operation*"[2], which was implemented since mid-June by the National Police and parapolice groups to dismantle roadblocks and barricades, and resulted in seriously violent events.[3]

One of the first attempts by the National Police and parapolice groups at removing a roadblock took place in Matagalpa, on May 15th, 2018, as described below. In this opportunity, the police did not reach its objective, since they could not displace the protesters. The Matagalpa roadblock exemplifies the dynamics of the roadblocks that were set up during that month.

KEY DATA

PLACE
City of Matagalpa,
Department of Matagalpa

NUMBER OF DEATHS
3

CAUSE OF DEATH
Gunshot wound

1 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua, August 2018. See also, Voz TV, Zonas afectadas por tranques en Nicaragua, May 13th, 2018.

2 National Police, Policía presenta resultados de "Operación por la Paz", July 16th, 2018

3 IACHR, Press Release 148/18 – IACHR denounces worsening, deepening and diversifying repression in Nicaragua and expresses concern over the situation of children and adolescents in the country, July 11th, 2018.



4.1 / MATAGALPA:MAY 15TH, 2018

On May 15th, the National Police, in a coordinated action with shock groups, launched a series of attacks aimed at removing the roadblocks that had been built on the main access road to Matagalpa, which prompted in a series of confrontations and resulted in three dead victims and dozens wounded. This was the first episode in which there were fatal victims in this area, and the police used firearms and caused violent events in the city.

The events of that day occurred in the context of a progressive process of repression against social protests which had begun in previous weeks through the actions of pro-government groups who gradually gathered more individuals and intensified the level of violence against peaceful protesters. The involvement of civil servants in the context of this escalation of violent repression was notorious. The Matagalpa Mayor's Office and the Mayor himself personally had a direct impact on this process.

It was precisely because of these successive aggressions that protesters started to build barricades and gradually incorporate mortars and other means of defense. According to some versions, during the May 15th incidents some of the protesters or residents who joined them actually used firearms, however – as it will be explained – this has not been verified.

"The same day that [...] in Managua, on April 18th [...] us university students decided to gather in front of the INSS building in Matagalpa, together with part of the civil society of Matagalpa, but when we arrived for our "mini-rally" – because there were few of us – the INSS public employees and those from the Mayor's Office were already there [...], to neutralize us [...], but nothing happened that day."[4]

Since April 18th, 2018, in connection with what was happening in different parts of the country, there were multiple protests in Matagalpa against the recently adopted social security reform.5 Simultaneously, civil servants and pro-FSLN groups carried out public demonstrations in support of the government.6 In this context, various incidents took place, and the ones on April 21st and May 11th, 2018 are of particular importance.

REPRESSION OF APRIL 21ST, 2018

During this incident, the first considerably violent events occurred in the city. They left a significant number of injured individuals, most of whom received medical attention in an improvised facility inside the Cathedral.[7]

On that date, pro-government groups had called for a "counter-protest" at the same place and time of the demonstration against the government:8 "it was as if they wanted the conflict, them being there when we arrived."[9] In the afternoon, some protesters who were late and were in front of the Estrella Supermarket, next to Rubén Darío Park, were attacked by members of the pro-government group, initially with rocks and then with mortars.[10] The rest of the demonstrators who were past this point came back to help those who were being attacked, and forced the pro-government group to withdraw about one block, until they reached San José Church, where some individuals hid inside.[11]

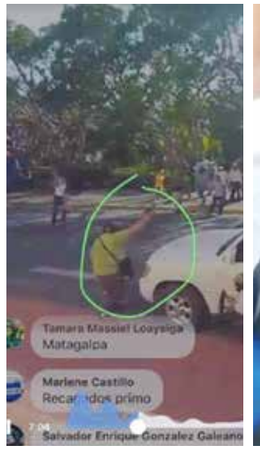
At least two civil servants who participated in the counter-protest actively intervened in the incidents.

One of them was Otoniel Arauz, who was a substitute judge in San Ramón and Sébaco at the time.[12] According to the information provided during interviews,[13] he is the individual holding a gun in photographs related to this event. The firearm in question is an automatic gun, namely a sub-rifle (possibly a Skorpion VZ 61), which is a war weapon. The GIEI received testimonies indicating that he fired this gun when he was surrounded by protesters and his group had to retreat.[14] However, this could not be corroborated by other sources. Video footage also shows the moment when a group of protesters lashed out at him[15] and the subsequent pursue and beating that he suffered.[16] The GIEI was informed that Otoniel Arauz was responsible for the logistics of the pro-government groups who were there that day.[17]

The other civil servant who was directly involved in this occurrence was Jorge Luis Pravia, who is the individual seen in pictures throwing rocks and directly participating in the events of that day, according to



Wounded individual is assisted at the Cathedral





A judge who participates in the shock groups lifts his gun. Later on, protesters exhibit the gun after apprehending it





A civil servant from the Ministry of Education intervenes in the incident

4 GIEI interview C108.

5 100% Noticias (Facebook), Ciudadanos de Matagalpa realizaron plantón contra las reformas INSS, April 18th, 2018. La Noticia Nicaragua (Facebook), *La perla del septentrión protesta en contra las reformas del INSS*, April 19th, 2018.

6 El 19 Digital,Trabajadores de Matagalpa reafirman su apoyo a la resolución del INSS, April 18th, 2018. See also, YouTube: Matagalpa en protestas 4/20/18, April 20th, 2018

7 YouTube, Matagalpa bajo protestas, April 25th, 2018.

8 According to the information received by the GIEI, these type of activities were common, and they were deliberately organized by the government or its supporters so as to coincide with marches or protests (GIEI interviews C53 and C21). The first altercations in Matagalpa occurred due to this coincidence, and the one on April 21st was the first to result in incidents of physical assault.

9 GIEI interview C53.

10 This is according to information provided to the GIEI during interviews (GIEI interviews C53 and C36). On the other hand, pro-government media divulged that the protesters had initiated the attacks.

11 GIEI interviews C53 and C36.

12 Said person held that position according to interviews (GIEI interviews C53, C36, C21 and C22). For its part, the website of the Judicial branch concretely names Otoniel Arauz as Substitute Judge for San Ramón.

13 GIEI interviews C53, C36 and C22.

14 The aforementioned GIEI interviews indicate as much (GIEI interviews C53, C36 and C22). Moreover, an article disseminated through social media includes the declarations of a young man who identified himself as Franklin Luque, and reported from the Cathedral that said substitute judge had fired his weapon (although he mentioned that it was an "artisanal weapon"), and suffered subsequent retaliations. YouTube, Matagalpa bajo protestas, April 25th, 2018. At least this last part of this witness' account, related to the beating suffered by the judge, is corroborated by videos of the episode, which show this witness among the group of individuals who tried to stop the attack. YouTube, Matagalpa, April 21st, 2018.

15 YouTube, Matagalpa lincha a pistolero asesino perteneciente a la juventud sandinista, April 21st, 2018.

16 YouTube, Matagalpa, April 21st, 2018. See other videos which show this weapon later in possession of the protesters, Manifestantes en Matagalpa confiscan arma de fuego.

17 GIEI interview C22.

the information.[18] Jorge Luis Pravia is a municipal delegate of the Ministry of Education,[19] who has also held other relevant public positions, such as Chairman of the Municipal Electoral Council of Matagalpa.[20]

Protesters denounced the participation of these two civil servants in the incidents of that day to the press.[21] With regard to Otoniel Arauz, they also demanded his removal.[22] According to information circulated in the press, however, this individual was promoted to District Judge on October 24th, 2018.[23]

SETTING UP THE ROADBLOCK ON MAY 10TH AND SUBSEQUENT REPRESSION ON MAY 11TH, 2018

> *"We started to hear blasts from mortars and firearms. I decided to go down and saw the current Mayor of Matagalpa, Mr. Sadrach Zeledón with the CPC, the Sandinista Youth Movement and the police [...], I also observed that there were bags with mortars and boxes with Molotov bombs by some houses near Coca-Cola, there also were some residents from rural areas, whom we later found out had been paid to participate, many of them are former military."*[24]

On May 10th, the 19 *de abril* Movement decided to close one kilometer of road near the city entrance, by the place known as El Rastro, which was the first important roadblock set up in Matagalpa. This was an "*intermittent obstruction*", whereby the transit of vehicles was permitted every 10 or 20 minutes.[25] "*Everything was fine, since people did not even get annoyed [...], rather they supported us when driving past, gave us water [...] and told us to keep protesting peacefully as we were doing.*" Since this roadblock was set up, the repression became drastically more violent until it resulted – five days later – in the events of May 15th, with the first fatal victims in Matagalpa.

Information provided to the GIEI during interviews,[26] and also disseminated by the press,[27] indicates that the protesters found out that they could be the target of an ambush by shock groups in that evening. For that reason, priests from Matagalpa and other church members escorted them back to the city (until the Cathedral).

On the following day, May 11th, 2018, there were serious events which resulted in several wounded individuals by mortars and rocks. The Mayor's Office of Matagalpa and the Mayor himself were directly involved in these events. According to information provided to the GIEI, the Mayor "was commanding the mobs that day."[28]

18 GIEI interviews C53, 36, C21 and C22.

19 GIEI interviews C53, 36, C21 and C22.

20 La Prensa, Poca afluencia de votantes en las JRV, November 6th, 2016.

21 La Prensa,De que se van, se van miles de nicaragüenses vuelven a salir a las calles a exigir la salida de Ortega, May 26th, 2018.

22 Mosaico CSI, Matagalpa: Jóvenes piden renuncia de Ortega, May 3rd. 2018.

23 La Prensa, Corte Suprema de Justicia de Nicaragua premia a un paramilitar nombrándolo juez, November 30th, 2018

24 Confidential testimony received by the GIEI (GIEI interview C108).

25 GIEI interview C53. Media outlets also reported about this roadblock and its functioning, which they considered an innovative way of protesting. La Prensa, Tranque en Matagalpa y plantones persisten en Rivas, May 10th, 2018. FOTOS Tranques en Matagalpa impiden tráfico vehicular fluido hacia esa ciudad.

26 GIEI interviews C108 and C22.

27 Confidencial, Aumenta represión oficial en municipios de Nicaragua, May 12th, 2018. La Jornada, *FOTOS* Material audiovisual registra algunas imágenes de aquel tranque para esas fechas, May 10th, 2018.

28 GIEI interviews C108, E53, C22 and C36.

After dark, some protesters on motorcycles were attacked with mortars and rocks by shock groups who were positioned at the UNO La Virgen gas station (near the exit to Managua) to ambush them.29 Other nearby protesters rushed to help them, thus there was a series o altercations, with the additional participation of neighboring residents who came to support the protesters against the government.

"*By then altercations had already occurred. So the boys were prepared to defend themselves with mortars, and that was when they started setting up trenches at the exit to Managua, so they could defend themselves from the attacks by the pro-government groups.*"[30]

Video footage clearly shows the moment when shock groups positioned at the gas station were about to attack the protesters. It is possible to hear certain "directives" broadcast through an audio system, which supposedly belonged to the Mayor's Office,[31] with expressions such as, "*see, the mortars are over here, bring them ammunition*", "*let's give these mortars to the people*"; or "*let's fire at them, at them, not in the air, as long as they do not come, let's not waste mortars*", among others.[32]

Other audiovisual materials show that there is an individual near this gas station (whose sign can be seen in the images) who, according to information provided to the GIEI, is the Mayor of Matagalpa. He is seen surrounded by individuals in civilian clothes who carry large cans, and one can hear references to "Molotov" bombs and "gasoline".[33] Moreover, the GIEI received information indicating that there were peasants and "hooded men", who had been brought by official vehicles, in exchange for payment, to participate in the attack, and some of them were carrying firearms.[34]



Matagalpa. May 10th and 11th



The Mayor of Matagalpa with shock groups

29 GIEI interview C53 and video footage.

30 GIEI interview C53.

31 An interview conducted by the GIEI revealed that this audio system is commonly used by the Mayor's Office (GIEI interview C108).

32 Alcalde de Matagalpa da instrucciones a grupos de choque. Additionally, the video shows blinking lights which seem to come from a police patrol. This detail must be investigated to determine whether police forces were involved in these actions.

33 The video was published by some news outlets. See 100% Noticias (Facebook), Alcalde de Matagalpa se organiza con turbas del gobierno, May 12th, 2018. See also, Radio Corporación, Matagalpa: Captan al alcalde Sadrach Zeledón dirigiendo turbas, May 12th, 2018. Another video also allegedly shows the Mayor surrounded by individuals in civilian clothing who hold mortar ammunition and other explosives. Nevertheless, it has not been possible to establish the date and other circumstances regarding where and when this video was recorded. See 100% Noticias (Facebook), Alcalde de Matagalpa, Sadrach Zeledón dirige a turbas JS, May 14th, 2018.

34 GIEI interview C108.



Initial incidents. Priests try to mediate







Initial incidents. Police positioned on the road across from the protest



Police attack with gas and rocks

First attack against the roadblocks

"We were peacefully protesting, then they came in full throttle;" "We were attacked by the Police, they wanted to kill us;" "They caught us when we were asleep [...] because we all went out to help the boys who were left behind;" "The good thing is that the residents are supporting us, the people support us."[35]

By May 15th there were between 35 to 38 barricades in Matagalpa on practically 40 city blocks, including the roadblocks set up on the main road of entry into the city, which started at the Las Praderas Restaurant.[36]

On that day, between 8am and 9am, the National Police launched an attack against the protesters who were at the roadblocks on the main road. The repressive action was led by members of the anti-riot squad, and also had the participation of "police in blue". They used tear gas bombs, rocks and rubber bullets. The police was positioned near the Administrative Office of the National Police, which is located on the same road as the roadblocks and not far from them (where the Department of Motor Vehicles used to be).[37]

Even though at the beginning the number of protesters was lower than usual, others gradually joined them, as did residents who supported the protests. The first confrontations concluded with the National Police withdrawing back to the area near its administrative office. Video footage shows that, after these initial confrontations, the protesters and residents – through the mediation of local priests – asked the police to leave the area.[38]

Second attack. Fatal victims of May 15th, 2018

"Yesterday was a long and painful day for us relatives, we could not go out, we could not be there supporting my mother, because of the crossfire here, the police shooting to kill recklessly, without thinking that there are children nearby, there are elderly individuals, there are women, even pregnant women in these moments, with our hearts on our sleeves."[39]

Despite the request from those who were protesting at the roadblocks and on the streets, the National Police launched a second attack, which again triggered actions of resistance by the protesters and residents. In this context, there were serious confrontations that lasted for hours, and suddenly escalated in the level of violence. These incidents also occurred primarily on the section of the road between the roadblocks and the Administrative Office of the National Police – where the police would seek refuge from time to time. There were also relevant incidents on the hills that surround that police office.[40]

This second attack began at around noon.[41] A larger number of protesters and residents had gathered by then. This number kept increasing as the day progressed, and it surpassed one thousand individuals by 4pm.[42] The number of police and pro-government civilians, including local civil servants, also increased.[43] In addition to that, video footage shows the arrival of another pro-government group of civilians, who arrived through the Multidisciplinary Regional College of Matagalpa (UNAN-FAREM Matagalpa),[44] with the help of the police.[45] A few hours earlier, these groups had arrived at Fonseca Amador Police Station in trucks (located in the city center, across from Morazán Park), and from there they drove to the Administrative Office of the National Police. The available information indicates that some members of this group were carrying firearms.[46] Information gathered during interviews and from news outlets points to the presence of snipers who were positioned on the El Calvario hill and on top of the hillsides of Francisco Moreno and El Tambor neighborhoods,[47] which must be further investigated.

35 Statements from various youths that morning. See YouTube, NOTIMATV *Enfrentamientos Martes 15 de mayo dos muertos Matagalpa*, June 1st, 2018.

36 These roadblocks are different than the one set up on May 10th at *El Rastro, which was previously mentioned. Notwithstanding the foregoing, these roadblocks also functioned as "intermittent obstructions".*

37 GIEI interviews C53, C20, C21, C22, E53 and E60. Video footage shows the participation of both these units of the police. Some videos show part of this initial attack (in which the police uses tear gas bombs), as well as certain subsequent events. One can also observe that the protesters or residents, as well as the parapolice groups, were armed with mortars and rocks: *Manifestantes en Matagalpa son reprimidos por la Policía Nacional; Policía Nacional dispara contra manifestantes atrincherados; YouTube, NOTIMATV NOTIMATV Enfrentamientos Martes 15 de mayo dos muertos Matagalpa*, June 1st, 2018. It is possible to identify the videos that correspond to this initial attack, since there is specific reference to there being no fatal victims so far nor seriously injured individuals.

38 See previously cited video footage.

39 Statement by the aunt of William Daunny González Rugama, a 1-year-old baby who was injured during the events of that day.

40 Other less serious events took place in the city center. There is video footage of some of them. See videos: *Grupos de choque llegan a Matagalpa; Grupos de choque atacan a manifestantes en Matagalpa; Grupos de choque atacan a manifestantes en Matagalpa 2; Manifestantes que protestan se encuentran con marcha oficialista; Manifestantes detonan mortero*

41 According to the metadata in some of the audiovisual evidence, some scenes showing several individuals with gunshot wounds being removed from the area were recorded at that time. In fact, according to picture #22 (taken at 12:20pm) and the following videos, *Joven herido en Matagalpa* (recorded at 1:03pm), *Persona herida llega al hospital de Matagalpa* (recorded at 1:19pm), *Heridos trasladados en camioneta Matagalpa* y *Heridos trasladados en camioneta al hospital* (both recorded at 2:38pm), it is possible to conclude that the scenes shown in the videos *Heridos en Matagalpa por la Policía Nacional; Heridos en Matagalpa por la Policía Nacional 2* took place at around noon.

42 GIEI interviews C53, C20, C21, C22, E53 and E360.

43 GIEI interviews C53, C20, C21, C22 and E360. The presence of local civil servants is further corroborated by the fact that some of the victims who died on this day actually were employees of the Mayor's Office who participated in the events.

44 One of the ways in/out of said building is on the main road, right next to the Administrative Office of the National Police, while another way in/out is towards the inner sector of the city.

45 See video: *Camioneta abastece a grupos de choque.* This video shows these civilians entering the university (from the city) to cut across its building and arrive at the main road. Then, it is possible to hear a woman saying that one of the individuals with the civilians is a police officer. See also, video: *Grupos de choque salen de la Universidad Nacional Autónoma de Nicaragua (UNAN)*. This video show the civilians leaving the university building through an exit which is next to the office of the National Police. In sum, these videos corroborate the information provided to the GIEI during interviews, in the sense that the police facilitated the arrival of these groups (GIEI interviews C53, C20, C22 and E360).

46 As indicated during interviews (GIE interviews C53, C20, C22 and E360). Although the videos showing their entry and exit through UNAN do not show them carrying firearms, there are elements which seem to corroborate those interviews. In fact, the testimonies received by the GIEI pointed out that these civilians arrived at Fonseca Amador Police Station (in the city center, across from Morazán Park) in red and gray trucks, and from there they cut across the university building to get to the office of the National Police on the main road. The GIEI has two photographs of gray trucks that match this description (according to its sources, these were taken on May 15th in Matagalpa). One of the pictures shows civilians getting off the gray vehicle in front of Fonseca Amador Police Station, and the other one shows another truck (of the same color) transporting civilians. The latter shows one of these individuals carrying what looks like a high caliber weapon. Although videos show the groups arriving at UNAN in a red truck, the information provided during the interviews – as indicated – also mention gray vehicles transporting the civilians (so the videos of a red truck might only show some of the civilians who arrived through the university).

47 GIEI interviews C53 and C20. Some of the testimonies mentioned "tracer lights", which are commonly used in these weapons, while others observed the existence of certain bullet marks on the wall of San Francisco school, which indicate that the shots were fired from a considerable distance with special weapons. See also: La Prensa, *Dos muertos y 40 heridos es el resultado de la represión policial en Matagalpa*, May 15th, 2018.



Shock groups arrive at the police station



Matagalpa. May 15th.

The GIEI considers it proven that, during this second attack, besides sound bombs and pepper spray, the National Police used firearms. In this regard, the GIEI received testimonies indicating as much,[48] as well as videos that clearly show that. One of these videos show a police officer firing an assault rifle similar to an AK-47,[49] and two other videos show police in blue and members of the anti-riot squad shooting their pistols.[50] One of these videos shows other police officers firing shotguns, but in this case – unlike the previous ones – it is not possible to be sure whether or not they were using rubber bullets. Additionally, some news outlets published photographs of bullets which were extracted from the body of injured protesters.[51]

The images indicate that some shots were fired horizontally – presumably at the protesters who were positioned on the road, whereas other shots have an upward trajectory – which coincides with the accounts about incidents taking place on the surrounding hills.

According to sources associated with the government and some testimonies received by the GIEI,[52] the demonstrators also used firearms.[53] Notwithstanding the fact that it is not possible to dismiss the hypothesis that the protesters or the supporting residents used this type of weapons to repeal the attack, it has not been corroborated by the remaining available elements.[54]



Armed shock groups



Police shooting their firearms



Injured individuals



48 GIEI interviews C53, C20, C21, C22, E53 and E360.

49 See video: *Policía Nacional Antimotín disparando en Matagalpa* The source who provided this material to the GIEI indicated that it corresponds to the events of May 15th in Matagalpa, although it is not possible to verify the place where the scene took place by the angle and perspective of the video.

50 See videos: *Policía Nacional dispara contra manifestantes en Matagalpa* (according to the metadata of this video file, these images were recorded at 5:10pm); and *Policía Nacional dispara contra manifestantes en Matagalpa 2*

51 Confidencial, *Ortega mantiene la represión: Tres muertos en Matagalpa*, *May 16th*, 2018.

52 GIEI interview C21.

53 The Mayor of Matagalpa publicly said so, upon attributing to the protesters the responsibility for some deaths that occurred on this day. See: Viva Nicaragua – Canal 13, *Grupos delincuenciales dejan muertes, heridos y destrucción en Matagalpa*, May 15th, 2018. The National Police also claimed that the protesters used firearms, in its Press Release No. 20 – 2018 related to the May 15th events in Matagalpa. According to it, at around 10:45am, "groups of individuals attacked Leonardo Mendoza Police Complex using firearms, mortars and Molotov bombs," 4 police officers suffered gunshot wounds, and two police vehicles and the police facilities were damaged.

54 In fact, nothing in the abundant audiovisual evidence about the events of that day in Matagalpa indicates that those individuals were carrying firearms. The responsibility of the protesters for the deaths mentioned by the Mayor has also been controverted in the interviews carried out by the GIEI, as it will be further explained.

Three victims died as a result of these incidents[55] and approximately 40 were injured.[56] The available audiovisual materials attest to the level of violence of these events. Other than the videos that show police officers using firearms (as previously mentioned), there also are others which show the moments when numerous wounded individuals are transferred to and assisted at a place near the Administrative Office of the National Police.[57] There are also videos that show injured individuals being assisted on the surrounding hills.[58] "*Help us, there are wounded individuals*;" "*these sons of a bitch are killing us*;" "*They are attacking, the police is killing the youths*;" "*Here come the dead and injured youths, […] Oh my God, they are killing them.*"[59]

At least one of the fatal victims, namely Luiz Alberto Sobalvarro Herrera, was shot by the police, according to the testimonies received by the GIEI. According to these, the victim was shot when he was with other protesters on the main road, near the office of the National Police, and some elements to identify the perpetrator were also provided.[60] This victim died after being hospitalized for almost two months, as a result of the wounds inflicted[61] on that day.

With regard to the other dead victims, namely Wilder David Reyes Hernández and José Alfredo Urroz Jirón, who allegedly were Sandinista militants,[62] both the Mayor[63] and their families attributed the responsibility for the deaths to the protesters. According to them, these deaths occurred near the office of the National Police[64], but there is not enough information to establish any conclusion about that.[65] In addition to that, as aforementioned, some versions of the events provided to the GIEI indicate that these

55 The three dead victims are: Luis Alberto Sobalvarro Herrera (who died after being hospitalized for almost two months), José Alfredo Urroz Jirón, and Wilder David Reyes Hernández. The lists of deceased victims produced by human rights organizations and by the Truth Commission also included one individual who was identified as Henry Arauz, but the information gathered by the GIEI indicates that this individual survived the wounds he suffered that day (GIEI interview E123).

56 The GIEI calculated this number of wounded individuals on the basis of several interviews about these events in Matagalpa. As it will be mentioned, various news outlets also divulged these statistics.

57 See videos: *Heridos en Matagalpa por la Policía Nacional*; *Heridos en Matagalpa por la Policía Nacional 2*; *Persona herida en Matagalpa*; *Herido trasladado en motocicleta*

58 See video: *Traslado de heridos en Matagalpa*

59 Witnesses' statements when the wounded were being removed and receiving assistance, right after they were attacked by the police with firearms. See video: *Herido trasladado en motocicleta*

60 This conclusion arose from various interviews carried out by the GIEI, as well as from other sources of information. In fact, in the GIEI interview E360, an eyewitness claimed that a friend, whose nickname was "*Aguacate*", was shot in the neck by a police officer whose last name was also informed. Moreover, two other interviews (GIEI interviews C20 and E53) clearly indicated that Luis Alberto Sobalvarro Herrera was known as Aguacate. Finally, the report of the Ministry of Health noted that, according to the medical records of Trinidad Guevara Health Center, this victim *"had a gunshot wound in the neck"*, which coincides with the testimony of the aforementioned eyewitness.

61 According to GIEI interview E53, this victim was initially transferred to the Santa Fé Clinic (which is corroborated by a note published in El Nuevo Diario, *Un muerto y decena de heridos en Matagalpa*, on May 16th, 2018), then to César Amador Molina Regional Hospital, and finally to Vivian Pellas Hospital (this information was also divulged by *La Prensa*). According to news sources, he was ultimately transferred to the intensive care unit of Bautista Hospital (see La Prensa, *Muere un hombre que fue herido de bala por paramilitares hace dos meses en Matagalpa*, July 13th, 2018). The list of the Ministry of Health only mentions his admission in two medical facilities, indicating that he was admitted into Trinidad Guevara Health Center (in Matagalpa) on the same day of the events, and then transferred to Vivian Pellas Hospital on the 16th. The Truth Commission mistakenly registered the date of his death as occurring on May 15th.

62 The State's list of deceased victims expressly mentions both victims as being "FSLN militants".

63 Viva Nicaragua – Canal 13, *Grupos delincuenciales dejan muertes, heridos y destrucción en Matagalpa*, May 15th, 2018.

64 José Alfredo Urroz Jirón's mother, Josefa Azucena Jirón López presented a signed and printed form before the IACHR, in which she indicated that her son was shot by members of the "M19" gang upon returning home from work, when he walked into the middle of the attack of those against police officers near the office of the National Police. Wilder David Reyes' wife, Nolvia María Altamiro Siles also presented a similar form in which she claimed that the victim was in the area near the office of the National Police "to do some shopping", and got himself "trapped in the middle of an attack against the Police […] by about 400 armed youths, who belonged to the *19 de abril Movement.*" *It is striking that these forms are identical in terms of structure, titles, font, etc. Also, they both point out the same individuals as intellectual authors of the murders.*

65 The Truth Commission merely concluded that both victims died "in crossfire", in Matagalpa, without further explanation.





Wounded individuals

victims might have been shot by the police or members of pro-government shock groups.[66]

With regard to the number of injured individuals, although it has been proven that there were dozens, the official sources only mention a few cases and, on top of that, present contradictory information. Accordingly, the report of the Ministry of Health only lists 7 individuals who were admitted into hospitals with gunshot wounds on that day in Matagalpa, but it is clear that many others received medical assistance elsewhere – in improvised medical facilities set up by the protesters, or at the Cathedral and other churches in the city.[67] What is more, the GIEI notes that the number of individuals formally admitted into hospitals far surpasses the statistics provided by the Ministry of Health. At 2pm the Nicaraguan Red Cross informed that 9 injured individuals had already been assisted,[68] and at 6pm the General Director of the Santa Fé Clinic reported that at least 18 individuals had been admitted into that health facility.[69] Moreover, only one of the 4 dead victims arising from that day's events, namely Luis Alberto Sobalvarro Herrera, is included in the report of the Ministry of Health, even though other official sources mention that Mr. Urroz Jirón and Mr. Reyes Hernández were also hospitalized on that date.[70]

66 Interviews carried out by the GIEI indicated that Wilder David Reyes Hernández might have been murdered in the area of FAREM UNAN-Matagalpa by the police or members of the Sandinista front, as a retaliation for his participation in demonstrations against the government, and that he supported the protesters at the roadblocks in Matagalpa (GIEI interview C20).
The GIEI received similar information about José Alfredo Urroz Jirón who, according to these versions, might have also been shot by members of the group to which he allegedly belonged (GIEI interviews C75 and C77). In this case, it is striking that – according to the medical records from César Amador Molina Hospital (which were attached to the form presented by the family before the IACHR) – the bullet entered through the occipital region, that is to say, the back of his head and came out through the front. This might imply that the wound was caused by someone who was near the victim – this is similar to what the GIEI has observed in other cases of similar nature, including the cases of Izmael José Pérez Vilchez and Hilton Rafael Manzanarez Alvarado.
Finally, it is conspicuous that the aforementioned press release issued by the National Police about the events of May 15th in Matagalpa does not mention anything about dead victims on that day or probable perpetrators of these deaths. Neither did they issue a subsequent communiqué in relation to these events (National Police, *NOTA DE PRENSA No. 20 – 2018*, May 15th, 2018).

67 GIEI interviews C53, C20, C21, C22 and E360, as well as the broad coverage of news outlets.

68 El Nuevo Diario, *Un muerto y decenas de heridos en Matagalpa*, May 16th, 2018.

69 Confidencial, *Ortega mantiene la represión: Tres muertos en Matagalpa*, *May 16*th, 2018.

70 José Alfredo Urroz Jirón and Wilder David Reyes Hernández are included in the list of deceased individuals provided by the State, where it is mentioned that they were admitted into medical facilities.

There is a 1-year-old baby among the wounded victims, who was shot in the neck by a bullet that entered his home through a wall.[71]

"Yesterday, after 4pm [...] there was a confrontation between the police and the protesters, but the police came up here and said that they were going to shoot to kill [...], then they started firing AK assault rifles, so I put the children to bed [...], the smallest one got up and I put him in my arms, then I heard gunshots and felt blood on me [...], so I thought [...] I had been shot and I looked at the blood, but then I noticed that it was my baby who had been shot in his little chin."[72]

His relatives have publicly held the National Police responsible for the event.

"[...] this was not a shot from an artisanal weapon, these weapons are smooth and do not have much power, this was an AK rifle shot [...] and it came into the house from where the police was positioned."[73]

There are several images of individuals who were injured on that day, but the available information is not sufficient to accurately establish a relation between that audiovisual material[74] and the identities of the dead or injured victims. In principle, none of the three dead victims are included in that material.

71 The case had broad repercussion on social media and in the press, which included statements from many relatives. The relatives blamed the National Police in the press for the gunshot. Among others, see: La Prensa,*Trasladan a Managua al bebé baleado presuntamente por la Policía en Matagalpa.* May 21st, 2018; La Prensa, *Enfrentamientos en Matagalpa deja a un bebé de 18 meses herido de gravedad*, May 16th, 2018; Facebook – NOTIMATV, *Testimonio de familiares de GONZALEZ RUGAMA William Daunny (Downy)*, May 17th, 2018.

72 Marcos Molina Velásquez, who was holding the baby in his arms when the baby was shot (former partner of the baby's mother and father of his brothers). *In Facebook – NOTIMATV, Testimonio de familiares de GONZALEZ RUGAMA William Daunny (Downy), May 17th*, 2018.

73 *Id.*

74 See videos: *Persona herida en Matagalpa 2; Varios heridos en Matagalpa; Bomberos cargan herido dentro de una Iglesia; Heridos trasladados en camioneta al hospital.* Press and social media also divulged audiovisual material: La Prensa (YouTube), *Represión policial deja a varios manifestantes heridos en Matagalpa*, May 15th, 2018; Free Nicaragua (YouTube), *Matagalpa es atacado por la PN en protesta//Rebelión Nicaragua//19 abril 18,* May 15th, 2018; Viral Nicaragua (YouTube), *2 muertos y decenas de heridos en Matagalpa*, May 16th, 2018.



Baby who was injured by a gunshot that came into his home through the wall

CONCLUSION

The armed violence that took place on May 15th in Matagalpa was part of a process of intensified repression against the protests which directly involved various public officials and State institutions.

During these incidents, despite the presence of a large number of individuals on the streets and the subsequent obvious risk to the life and personal integrity of those persons, the National Police launched violent armed attacks against the participants in the protests and roadblocks. They used high caliber weapons, and the actions of the police and shock groups revealed a clear level of coordination. At least one of the dead victims was murdered by a gunshot fired by these forces. The other two fatal victims died in circumstances that must be clarified.

Despite multiple communications addressed to the State, and similar to other cases and events examined by the GIEI, there is not information available as to whether these events were properly investigated, although there was ample possibility to collect abundant evidence due to their circumstances. It is clear that, given the magnitude of the protests that took place on May 15th, these events were undoubtedly witnessed by a large number of individuals. In addition to that, the audiovisual material also recorded some of the violent actions perpetrated by police officers and civilians who were acting in coordination with the former, some of whom could even be identified through those images.



5. MARCH OF THE MOTHERS

"For me Mothers' Day is no longer a happy day"[1]

On May 30th, 2018, many events unfolded in different parts of the country during multiple protests which took place in commemoration of Mothers' Day. In Managua, protesters called for a march under the slogan "*Nicaragua gets together to demand justice*", which prompted massive levels of participation. A climate of tension around this event was created from the highest governmental spheres.

On that day, as the State was signing the agreement that created the GIEI, six protesters were killed by gunshot wounds. Three of them were murdered in the context of direct attacks by police officers acting in coordination with civilians. The remaining victims died during actions which reveal a certain level of coordination between the police forces and shock groups.

"They want us to leave this demonstration and they are succeeding, because they cannot stand seeing that this crowd already got out of control."[2]

Two more individuals, who allegedly were FSLN militants, also died on that day under circumstances which still must be clarified. The dissemination of false information by the Police hampers the clarification of these cases. The incident left a toll of at least 85 wounded individuals at hospitals in Managua on that date.

KEY DATA

PLACE
Area near Dennis Martínez National Stadium, UNI and UCA. Managua

NUMBER OF DEATHS
8

CAUSE OF DEATH
Gunshot wound

5.1 / THE CLIMATE OF TENSION CREATED AROUND THE MARCH

The march was convened by the Committee which supports the Mothers of April Movement and the University Coalition in the context of the celebration of Mothers' Day, which is May 30th in Nicaragua.[3] Among its objectives was a claim for justice for the crimes committed

1 Demesia Aburto, mother of Gerardo Antonio Aburto Mendoza, in the invitation for the march of May 30th. 2018. NODAL, *Amnistía eleva la cifra de muertes a 83 y marcha de las Madres de Abril exige justicia*, May 30th, 2018.

2 Female participant in the march, who was interviewed after the events that resulted in a large number of dead and injured individuals. Univisión Noticias, *Marcha del Día de la Madre en Nicaragua por las que perdieron a sus hijos en las protestas termina con más muertos y heridos*, May 30th, 2018.

3 This commemorative date was established by *Legislative Decree Nº 69*. Approved on May 22nd, 1940. Published in the Official Gazette No. 148, on July 5th, 1940. After that, *Legislative Resolution No. 69* – passed on May 23rd, 1956 and published on May 29th, 1956 – and *Decree No. 430* – issued on May 24th, 1980 and published on June 7th, 1980 – confirmed that date.



during the repression against social protests, and paying tribute to the mothers of the victims.[4] It rapidly garnered support from other sectors (rural movements, student movements, civil society organizations and commercial chambers), and other marches were announced in various departments, such as León, Masaya, Matagalpa, Chinandega, Juigalpa, Ocotal, among others.[5]

A few days after that announcement, the National Front of Workers, which is a union headed by the President of the National Assembly, Gustavo Porras – also convened a demonstration on the same day as the march of the Mothers of April Movement.[6] This pro-government event, which was formally called a "Prayer for Peace and Cantata to Mothers" of Nicaragua, was in fact a counter-protest. Said civil servant personally called on individuals to "take over the streets [...] in defense of the constitutional government, in defense of the Constitution, in defense of peace, in defense of the revolution."[7] The event was scheduled to take place on Bolivar avenue – by Hugo Chávez traffic circle – with the participation of the President and the Vice-President of Nicaragua.[8]

Simultaneously, on the days prior to the march, there were rumors about a probable attack against the protesters. The GIEI received information about a campaign named "*Plomo*", which was circulated to some extent on pro-government social media, and involved some members of pro-government media.[9] This campaign used war-related images – e.g. AK-47 assault rifles – and mentioned the "surprises" that were being prepared for May 30th.

5.2 / THE MAGNITUDE AND PLURALITY OF THE EVENT

The audiovisual material available shows that the march registered a plural and heterogeneous participation, with the presence of entire families, men and women of all ages, boys and girls, adolescents and older adults. What is more, it was a massive demonstration that achieved unprecedented attendance.

The gathering began early in the morning at Jean Paul Genie traffic circle, and the march started at 2pm on the road to Masaya towards *Centroamericana* University (UCA), which was supposed to be its final destination. Right after the start, a caravan of hundreds of rural workers joined the demonstration[10] (who denounced attacks aimed at obstructing their arrival in Managua)[11], which kept gathering more and more participants along the way.







4 Confidencial, *Madres de abril convocan a marcha el 30 de mayo, May* 24th, 2018.

5 La Prensa, *Amplio apoyo a marcha del Movimiento Madres de Abril,* May 29th, 2018.

6 Radio La Primerísima, *FNT convoca marcha el 30 de mayo*, May 28th, 2018. See also: El 19 Digital, *Convocan a defender la Revolución, la Constitución y la paz este 30 de mayo*, May 28th, 2018.

7 YouTube, *Gustavo Porras Actual Militante y Cómplice del Régimen Llama a la Guerra em Mensaje subliminal*, May 30th, 2018.

8 Viva Nicaragua – Canal 13, *Oración y cantata em honor a la madre nicaraguense desde la Avenida de Bolívar a Chávez*, May 30th, 2018. See also: Canal 10, *Cantata a las madres de Abril*, May 30th h, 2018.

9 This was not the first time that this type of expressions got around. In the eve of April 20th, this "campaign" and other similar activities were also divulged.

10 YouTube, *Caravana campesina llega a Managua*, May 30th, 2018.

11 Univisión Noticias, *Marcha del Día de la Madre en Nicaragua por las que perdieron a sus hijos en las protestas termina con más muertos*, May 30th, 2018. Other news outlets also reported these events.

At around 3:30pm, those in front of the march arrived at Ruben Darío traffic circle, which is located near the *Metrocentro* Shopping Mall. There they set up their main audio system and a stage for presentations.[12]

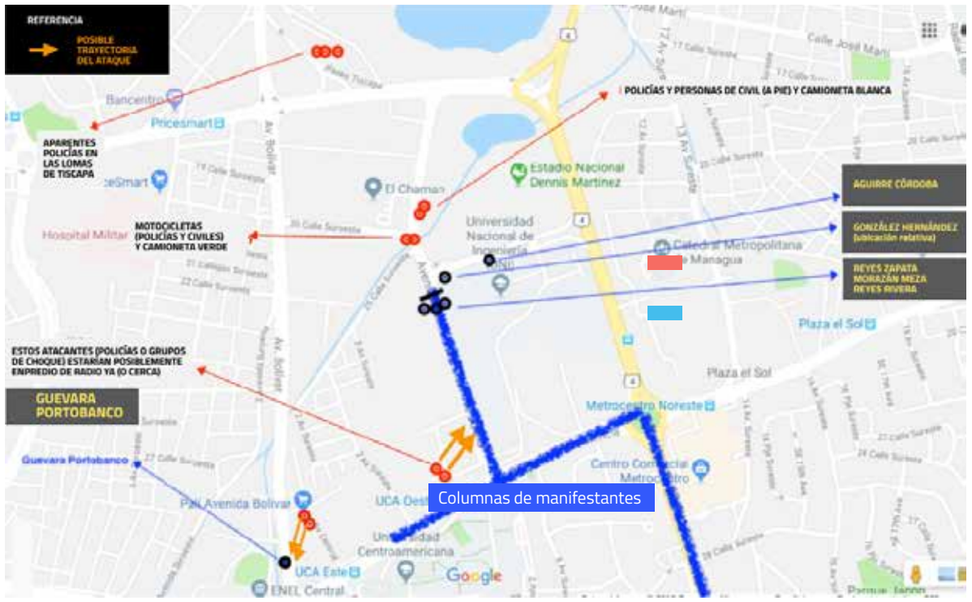
The number of participants then was so great that the march stretched back to where it had begun.[13]

Half an hour later, when part of the protesters had taken over the outskirts of UCA, the flocks of protesters occupied most of the adjacent avenues and the march extended for kilometers.

5.3 / INITIAL INCIDENTS AND THE FIRST FATAL VICTIMS

At around 4pm, Casimiro Sotelo University avenue (which is the entrance to the University of Engineering – UNI) was practically completely occupied by protesters, from Juan Pablo II avenue until the intersection with the avenue that heads towards the entrance of Denniz Martínez National Stadium. The first incidents

MAP 1
Maycol Cipriano González Hernández is carried by protesters on foot.



12 Detailed accounts about the unfolding of the march can be found *in Diario Metro,* *Madres de Nicaragua marchan pidiendo justicia por sus hijos caídos*, *May 30th*, 2018. See also: La Prensa, *Así te contamos la multitudinaria marcha de las Madres de Abril en Managua*, May 30th, 2018.

13 See video: *Video marcha de las madres de abril.*

occurred in this area around that time.[14] In this first phase, two demonstrators were hit by gunshots and a significant number of individuals were seriously injured.[15]

According to the testimonies received by the GIEI, at approximately 4pm, Orlando Daniel Aguirre Córdoba, 15 years old, was shot in the chest when he was in front of the National Stadium.[16] He died afterwards at Dr. Fernando Vélez Paiz Hospital.[17]

"He went [to the march] with some boys from church and other adults, so I was not worried because I thought to myself, 'I do not think they will shoot them or the mothers who are marching due to their pain', I never thought something like that would happen, nor did I imagine that my son would be another victim of what is happening in our country."[18]

A little later, possibly just before 5pm, Maycol Cipriano González Hernández was also shot near the Stadium.[19] He died that same afternoon at Vivian Pellas Hospital.[20] According to his death certificate, he was shot in the abdomen. Maycol was a cousin of Jeyson Antonio Chavarría Urbina, who had been murdered on April 21st, in the city of Ticuantepe. Both he and his family started participating in the protests precisely because of that.[21]

The State's failure to respond to several requests of information remitted by the GIEI, the fake data divulged by the National Police about these events (through press release No. 33-2018)[22] and the



Maycol Cipriano González Hernández es trasladado a pie

14 Although the GIEI received information about simultaneous attacks in other sectors of the march, this could not be verified by other sources. Likewise, some media outlets reported the presence of shock groups in other sectors (e.g. near the Intercontinental Hotel, *in Facebook, #ENVIVO COBERTURA ESPECIAL MARCHA DE LAS MADRES, May 30th*, 2018), but it has not been possible to determine whether there were particular violent events, or if there was mere confusion caused by the dissemination of information – among the protesters – about the occurrences near the Stadium. However, as will be explained herein, there were indeed other later attacks near Radio Ya and on the western side of UCA.

15 The interviews conducted by the GIEI pointed out that, in addition to the dead victims in this first phase, a large number of individuals were injured by firearms (GIEI interviews E301 and E322), which was corroborated by other graphic evidence. In this regard, video footage recorded at 4:36pm and 4:46pm (according to the respective metadata) show wounded individuals. Moreover, other photographs and videos examined by the GIEI register a great number of wounded individuals between 5:01pm and 5:15pm (according to the respective metadata). For instance, *Manifestante herido trasladado en motocicleta; Isaías Ezequiel Duarte Molina herido; Isaías Ezequiel Duarte Molina herido; Isaías Ezequiel Duarte Molina herido; Isaías Ezequiel Duarte Molina herido trasladado en camión.*

16 GIEI interview E301.

17 Death certificate and list of deceased individuals provided by the State to the IACHR.

18 Yadira del Socorro Córdoba Ubando, mother of Orlando Daniel Aguirre Córdoba. YouTube, *Yadira Córdoba de luto por su hijo menor Orlando Aguirre Córdoba*, May 31st, 2018.

19 GIEI interview E322. The photographs included herein show the victim being assisted and removed on a motorcycle.

20 Death certificate and list of deceased individuals provided by the State to the IACHR.

21 Confidencial, *Francotirador mató al hijo de un Policía*, June 2nd, 2018. See also, La Prensa, *La masacre orteguista en el Día de las Madres cobró 18 vidas*, June 1st, 2018.

22 National Police, *NOTA DE PRENSA No. 33 – 2018*, May 31st, 2018.









Wounded individuals are assisted by their peers

scarcity of alternative sources of information about these initial moments have made it difficult to further clarify these initial incidents and its perpetrators.

Some versions suggest that, after noticing the presence of shock groups near the Stadium, and given their proximity to the flock of protesters who were on University avenue, some participants tried to secure the zone and prevent eventual attacks, then they were attacked by those groups and by snipers who were positioned in the area.[23] Other accounts indicate that the violent incidents began when a group of protesters approached a kind of "security cordon" formed by police and shock groups near the Stadium, in order to obstruct their passage towards the north, and then were met with firearms.[24] Some reports add that at some point during this initial phase, police and shock groups began to carry out raids in this area, and fired their weapons from motorcycles and trucks – as they entered through University avenue (from the Álamo car rental area) and 20th street southwest (by El Chamán).[25]

On the other hand, the National Police's version about these events which was divulged through the press release mentioned above, begins with incidents that occurred at 5:31pm – that is to say, one and a half hour later. Moreover, it claims that a "group of delinquents" attacked individuals who participated in the pro-government demonstration near the Stadium, although said demonstration took place 2 kilometers away. As a matter of fact, the National Police's press release does not include information about this initial phase.

While the audiovisual records do not allow for a determination of how the incidents began, they indeed provide relevant information to characterize some aspects of these early incidents. Four videos which depict this moment were examined by the GIEI, and they include accounts of witnesses who agreed that there were snipers at the Stadium and at Lomas de Tiscapa, and they suggest that was the main hypothesis regarding the attack suffered by the protesters during this first period. This explanation is supported by other elements of conviction, which will be further explained.

In that regard, one of the videos shows scenes in which many individuals positioned at the intersection between the UNI avenue and the entrance of the Stadium can be heard saying that they were being attacked by snipers, and that protesters had already been wounded by gunshots.[26] They also mention that the shots were coming from the Stadium, including expressions such as, "the assailants are over there, let's wait for them to come, do not get closer to them" and "they are firing". Even though it is possible to hear a journalist report at some point that, "the anti-riot forces are trying to disperse the demonstration of the mothers today," it is not possible to see police presence in the images.[27]

Two more videos, which were broadly disseminated by pro-government media[28] as a way to demonstrate violence allegedly perpetrated by the protesters, show scenes that relatively coincide in time and place with those of the previously mentioned video.[29] The first one actually shows two individuals participating in the march who are carrying firearms, but it also shows a group of youths at the intersection between the avenues entering UNI and the Stadium who seem to be dodging from a possible bullet trajectory coming

23 This was mentioned by eyewitnesses, in statements disseminated by the press. Twitter, *Más testimonios de cómo emprezó el ataque esta tarde en el sector de la uni y el estadio #SOSNicaragua*, May 30th, 2018.

24 GIEI interview C39.

25 GIEI interviews C10 and C40.

26 See video: *Material periodístico sobre los incidentes.*

27 This was also mentioned in some interviews (GIEI interviews E62 and E83), but it has not been corroborated by other sources.

28 TN8, *En imágenes: Delincuentes armados siembran el terror en Managua*, *May 30th*, 2018. See also, El 19 Digital, *Atacan a familias que participaron en cantata a madres nicaraguenses*, *May 30th*, 2018.

29 Additionally, the GIEI also observed the presence of another armed individual among the protesters, although this scene corresponds to a later instant than the one examined herein. See video: *Inicio de los ataques hacia los manifestantes*, at 5 minutes and 15 seconds.





Individuals hide behind barricades. In the background (as seen in the amplified picture) there are police officers positioned on the hills (Lomas de Tiscapa)

from the Stadium.[30] There are also voices speaking about the presence of snipers and saying sentences that would coincide with that version: "let's get out of here, come on, come on", or "bend down, get further down."

Another video shows individuals running towards the Stadium as they throw rocks, and one individual is seen firing a weapon towards that building.[31] The angle of the shot (seemingly towards the upper levels of the Stadium – and not against the protesters, as portrayed by some pro-government media)[32] coincides with the versions about the presence of snipers at that place. The same picture shows members of this groups indicating that there were individuals hidden inside the Stadium, which reinforces this possibility.

The fourth video – in which the flock of protesters can be seen stretched over the avenue that enters UNI – shows scenes of confusion, individuals running around and explosions in this section of the march, near the intersection with the avenue that enters the Stadium.[33] It also shows a group of individuals – some of them in motorcycles or vehicles – who allegedly were participants, and seem to be running away from the vicinity of the Stadium.[34]

On top of these audiovisual records of the initial incidents, some individuals who were interviewed by the press[35] moments later stated that they possibly saw snipers, who were shooting at them from the Stadium, "and from there, from that side" (pointing towards the northwest, i.e., Loma de Tiscapa). This video footage also includes a protester shouting that "they are shooting from the hills", and simultaneously someone repeats that the shots are coming "from the Stadium [...] and from the hills."

30 The video was disseminated through social media. Twitter, *Sos o te haces o querés insultar nuestra inteligencia #SOSNICARAGUA, May 30th, 2018.*

31 Twitter, *#NoMásViolencia Grupo de delincuentes de la derecha han causado daños materiales en el nuevo Estadio Nacional Dennis Martínez, han quebrado los vidrios de la entrada principal*, May 30th, 2018.

32 El 19 Digital, *Atacan a familias que participaron en cantata a madres nicaraguenses*, May 30th, 2018.

33 See vídeos: *Inicios de los incidentes en zona del Estadio; Inicios de los incidentes en zona del Estadio.*

34 At least of the motorcycles seen here belongs to a curly-haired youth who will be seen in other videos removing many wounded individuals. See videos mentioned in the previous footnote.

35 See video: *Inicio de los ataques hacia los manifestantes.* Although this video does not show these initial moments, it includes statements of pro-testers about the initial incidents. At 6 minutes and 45 seconds one eyewitness can be heard saying that the snipers were at the Stadium, "and there, on that side" (signaling towards the northwest, in the direction of Loma de Tiscapa).



Protesters build barricades





Protesters defend themselves behind the barricade that was built after the initial incidents

Additionally, photographs taken moments later show the presence of uniformed police on the aforementioned hills, although it is not possible to determine what time they got there. The testimonies received by the GIEI attribute the deaths of the two aforementioned victims to snipers positioned at the National Stadium and Loma de Tiscapa.[36] So this is definitely a possibility that must be duly investigated.

Due to the violence registered during these initial moments, the protesters started building defensive barricades on Casimiro Sotelo University avenue, by the main entrance of UNI – at around 4:40pm.[37] The placement of these barricades implies that the attacks were coming from the area at the end of that street, that is to say from the Stadium and Loma de Tiscapa.

Lastly, these scenes show the presence of four armed individuals among the protesters, but the National Police and the pro-government media did not report any attacks perpetrated by protesters during these initial moments. Nor did they mention any wounded police or members of pro-government groups, insofar as the first reports by the National Police about violent events allegedly perpetrated by participants supposedly took place at 5:31pm.

5.4 / ARMED ATTACK DIRECTLY PERPETRATED BY POLICE FORCES AND PARAPOLICE GROUPS NEAR UNI

"My son's death will not remain in impunity [...] Jonathan, present, Jonathan, present!"[38]

It has been proven that shortly before 5:30pm the police and civilians associated with them began a direct armed attack.

36 GIEI interviews E62 and E22.

37 The metadata of the photographs analyzed by the GIEI attest that the barricades started being built at that time.

38 Ramón Eduardo Morazán, former Major of the Nicaraguan Army, and father of Jonathan Eduardo Morazán Meza, during his son's burial. El Nuevo Diario, *Exmayor del Ejército exige justicia por su hijo*, June 3rd, 2018.

Audiovisual records precisely establish the moment (5:23pm) when a group of police motorcycles and others driven by civilians positioned themselves on University avenue (by 20th street southwest).[39] Other evidence also attests the intervention of a green truck in the event,[40] and this vehicle was also seen entering the Military Hospital.[41]

The graphic evidence available also registered the moment in which uniformed police and civilians on foot approached the corner on the same avenue in front of Chamán building (5:24pm)[42], and from there fired gunshots at the barricades where the protesters were. The video and photographs of this moment show that one of the individuals in civilian clothes carried a high caliber weapon similar to an AK 47 assault rifle, while another one – who was standing and showing his face – carried a pistol. Many of the attackers carried shotguns and at least one carried a pistol or a handgun. They were also joined by a white truck with civilians, which was also seen entering the Military Hospital.[43] Its driver was carrying a handgun, which he drew and aimed through the window. Individuals who seem to accompany the police forces are also seen seemingly filming the events towards the barricades.[44]

Precisely during the brief period in which these attacks occurred, Jonathan Eduardo Morazán Meza and Francisco Javier Reyes Zapara were murdered – both by gunshots in the head.[45] Even though the audiovisual material does not directly show these victims being shot, it registers other precise circumstances regarding time and place which allow the GIEI to infer that it is highly probable that they were among the victims of the

39 The metadata of the photographs analyzed by the GIEI attest that the events took place at that time.

40 The GIEI examined a video which circulated on social media (*Camionetas salen e ingresan al Hospital Militar*). Although this video was edited, it contains images which clearly show scenes which occurred on that day.

41 See video: *Camionetas salen e ingresan al Hospital Militar.*

42 See video: *Policía Nacional atacando a manifestantes.* A set of photographs examined by the GIEI match that video, and its metadata indicate that this was the time of the attack. Some of these pictures are included herein.

43 See videos: *Camionetas salen e ingresan al Hospital Militar; Camioneta blanca civiles armados ingresa al Hospital Militar.*

44 The GIEI requested from the State the videos that might have been recorded by the police about this event or others, but received no response.

45 See death certificates. Mr. Morazán Meza was hospitalized until June 1st, 2018, when he died.

attack described herein, and that they died as a result of the gunshots fired by the assailants. In this regard, it is possible to observe when both victims – already wounded – are removed from the area immediately behind the barricades on motorcycles, a few minutes after the police and the civilians were recorded firing in that direction.[46] A significant number of individuals were also injured during this raid[47] against the protesters, who were merely trying to defend themselves.[48]

"When I saw a boy on a motorcycle, [...] he had a bullet here and fell down [...], when a father foresees something [...], [so I asked myself], was that my son? Was that not my son?" Francisco Javier Reyes Zapata, a National Police officer, as he told the press about the moment in which he saw his son on TV, when he was being assisted after being shot.[49]

The attack continued minutes later, as demonstrated by a series of photographs taken at 5:32pm, which show that the protesters remained behind the barricades,[50] while at least two police officers were positioned at a security checkpoint next to the corner from which the previous shots had been fired.[51]

One of these photographs shows individuals who look like police officers in uniform on Loma de Tiscapa.[52] Another photograph indicates that the attacks continued at 5:40pm.[53]

By then, Daniel Josías Reyes Rivera had also been shot, and this gunshot wound in the abdomen later caused his death.[54] As mentioned in the cases of Mr. Reyes Zapata and Mr. Morazán Meza, the records do not show the exact moment when this victims was shot, but they show his removal in an ambulance with Mr. Morazán Meza,[55] which implies that he was also murdered during this attack, which began – at the earliest – at 5:23pm.

The videos of these events demonstrate the violence of this attack.[56] One can hear blasts from explosions and can clearly see pieces of cobblestone blown to the air by gunshots. Also, one can see most protesters running away as they cry and shout, while the remaining ones try to protect themselves behind the barricades.

If the police intervention had aimed at dissuading the incidents which began at 4pm, there is no explanation why they did not previously attempt a less harmful approach instead of an armed attack with

46 This can be inferred from the video that was transmitted by Radio *Corporación* (see video: *Inicio de los ataques hacia los manifestantes*). In fact, at minute 24 of said video, the journalist observes that it is 5:48pm. Therefore, it can be inferred that when the initial images of this broadcast registered motorcycles carrying Mr. Morazán Meza and Mr. Reyes Zapara (at 3 minutes and 28 seconds, and at 7 minutes and 15 seconds), it was 5:27pm and 5:31pm, respectively. In other words, they were removed from the area towards where the police fired their weapons, minutes later. In the case of Mr. Reyes Zapata, another video also shows how difficult it was for the individuals who were removing him to keep his lifeless body on the motorcycle (see video: *Francisco Reyes Zapata muerto*). See also photographs supra and video: *Francisco Reyes Zapata trasladado en camioneta* (which show Mr. Reyes Zapata's removal); and photographs and video: *Jonathan Morazán Meza y Daniel Josías Reyes Rivera en ambulancia* (which show Mr. Morazán Meza's removal).

47 The metadata of other photographs examined by the GIEI indicate the foregoing.

48 The picture of protesters behind the barricades *supra, contains metadata and shows how the protesters were trying to defend themselves as these attacks were taking place (at 5:24pm).*

49 YouTube, *Sepultan a hijo de policía en Nicaragua*, June 1st, 2018.

50 This is a series of about ten photographs, which were analyzed by the GIEI, and taken within less than a minute (as shown by the metadata of the material)

51 See the analysis of this event carried out by SITU at the request of the GIEI (http://gieinicaragua-cartografia-violencia.org/#/report/21).

52 See the analysis of this event carried out by SITU at the request of the GIEI (http://gieinicaragua-cartografia-violencia.org/#/report/21).

53 See the analysis of this event carried out by SITU at the request of the GIEI (http://gieinicaragua-cartografia-violencia.org/#/report/21).

54 See death certificate.

55 If one compares the picture of Mr. Reyes Rivera participating in the march (photograph #4.3), and then being assisted in front of UNI (photograph #55.1), with the video of the ambulance driving away (see video: *Jonathan Morazán Meza and Daniel Josías Reyes Rivera en ambulancia*), *it is possible to conclude that said victim is indeed the patient being removed with Mr. Morazán Meza.*

56 See videos: *Ataques com múltiples disparos hacía la barricada; Múltiples disparos contra manifestantes.*

the level of violence described herein, against a group of individuals who – for the most part – was not bearing arms and merely tried to defend themselves. The GIEI did not have access to any records or information indicating that they previously tried tear gas, rubber bullets or any other non-lethal action.

5.5 / OTHER INCIDENTS AND ATTACKS

Attack perpetrated during the evacuation of the protesters towards the south

After suffering the aforementioned attacks, the protesters started evacuating the area through University avenue towards the south, at which point they were again attacked, this time from the western flank – and cornered in some alleys that begin in front of UNI.

The audiovisual footage shows that at around 5:34pm – while they were receding – they tried to defend themselves and repeal attacks coming from that direction.[57] They can be heard saying that "the Sandinista Youth ones" were in that area, and also that there might be snipers on the trees or in the building of Radio *Ya*. Testimonies received by the GIEI mention that police "in blue", who were on the roof of that radio, were shooting at the protesters while they were evacuating towards UCA.[58]





Police and civilians approach the barricades

Attack near UCA

After the initial incidents took place in the vicinity of UNI and the Stadium, and after learning about the first raids of shock groups against the march, UCA opened its doors so the protesters could enter their premises and find shelter.

At the same time, groups of individuals on motorcycles started gathering near this university in an attempt to prevent attacks against those who had taken refuge in this area. As a preventive measure, they were moving around the vicinity and checking the security of the area

Shortly before 5:30pm, Edgar Isaac Guevara Portobanco arrived there to support this group.[59] At around that time, while he was on Bolívar avenue near the traffic lights at ENEL Central in the direction

57 The video recorded by Radio *Corporación* indicates that three minutes after the moment in which Mr. Reyes Zapata was being removed, while the flock of protesters receded, there are incidents in this area. See video: *Inicio de los ataques hacia los manifestantes.*

58 GIEI interview C114.

59 GIEI interview E324.





Groups of armed civilians shoot at the protesters



Protesters shield themselves behind the barricade



Francisco Javier Reyes Zapata is removed





Jonathan Morazán Meza is removed



Daniel Josías Reyes Rivera and Jonathan Eduardo Morazán Meza are transferred in the same ambulance

of the lake, he was shot in the chest – presumably three times.[60] According to the testimony received by the GIEI, he was shot by members of the shock groups who repressed the march that day. In this area, like in the other ones, said groups acted in coordination with the members of the National Police.[61] He died at Bautista Hospital that same afternoon.[62]

By then, the dean of UCA reported that more than 3000 individuals took refuge on the university campus.[63]

MAP 2

Attacks against protesters who were evacuating – from Radio Ya – and Edgar Isaac Guevara Portobanco – coming from Parí (approach)



Other incidents: fires at Radio *Ya* and Co-op CARUNA

As previously mentioned, when the protesters were retreating towards the south after being attacked shortly before 5:30pm on the avenue that enters UNI, they were again attacked from the west. One of the versions of those present was that the gunshots were coming from Radio *Ya*.

The audiovisual material available allows one to hear some protesters asserting, at that point, that the shots were coming from this radio station, while others promoted an attack against its premises.

A few minutes prior to 6pm, a group of individuals gathered in front of the radio,[64] and shortly thereafter the press was reporting that the building had been burned down.[65]

At around 6:50pm, the *Caja Rural Nacional* (CARUNA) – Che Guevara branch[66] (located near Ruben Darío traffic circle) and some nearby vehicles were also set on fire.

60 Although the death certificate does not specify the number of shots (it only indicates "gunshot wound in the chest"), said information was provided during an interview before the GIEI (GIEI interview E324).

61 GIEI interview E324.

62 GIEI interview E324 and death certificate.

63 Twitter, *URGENTE. El rector de la Universidad Centrocamericana confirma que hay más de tres mil personas refugiadas en su recinto y que hay amenazas de las turbas paramilitares de atacar. El Gobierno de Ortega tiene que ordenar de imediato a sus turbas parar la violencia #SOSNicaragua.* May 30th, 2018.

64 The metadata of the examined images confirm the time of the events.

65 La Prensa, *A Así te contamos la multitudinaria marcha de las Madres de Abril en Managua*, May 30th, 2018. See also, el Nuevo Diario, *Marcha de las Madres de Abril: Ataque a balazos deja vários muertos y heridos graves*, May 30th, 2018.

66 CARUNA is a co-op of savings and credit which, according to various news articles, has been linked to the management of funds originating from Venezuela. La Prensa, *Caruna, la millonaria prestamista del Estado*, April 12th, 2016.

5.5 / THE PRESS RELEASE ISSUED BY THE NATIONAL POLICE. ITS IMPACT ON THE ELUCIDATION OF TWO CASES RELATED TO THE DEATH OF PERSONS WHO ALLEGEDLY PARTICIPATED IN THE DEMONSTRATION ORGANIZED BY THE GOVERNMENT

On May 30th, 2018, the National Police issued a press release related to the violent events that took place during that day. Upon describing the events, this press release presented a biased version of the events which depicted the police forces and the individuals who participated in the government-sponsored demonstration as being victims of an alleged attack which could not have happened under the circumstances described therein regarding place and time. It is possible to assert that the account included in the communiqué meant to dissipate the responsibility of the police for the attack perpetrated against the protesters and the three murders that were committed – and, in fact, guarantee their impunity. Additionally, it aimed at providing some explanation for the presence of government allies in an oppositionist march.

In fact, press release No. 33-2018[67] mentions that at 5:31pm on May 30th, a "group of delinquents used firearms and mortars to attack individuals who were participating in the cantata in honor of Nicaraguan Mothers, and police forces who were working to maintain public order and security," and specifically indicates that said attack happened "near Dennis Martínez National Stadium, up to the traffic lights at Jhonatan [sic] González."

Nevertheless, as previously explained, it has been documented that at this exact time and place police and individuals in civilian clothes perpetrated the violent armed attack against the protesters who were trying to shield themselves behind barricades.

Likewise, it is unfeasible that the individuals who were allegedly participating in the government-sponsored demonstration were attacked near the Stadium, which is located more than two kilometers away from Hugo Chávez traffic circle, where said cantata was taking place,[68] and at a time precisely close to when President Ortega was wrapping up his speech.[69] Rather, the Police communiqué seems to confirm that pro-government groups were present near the Stadium, in the vicinity of the venue where the March of the Mothers was taking place.

The official version included, in addition to this fake scenario, some victims whose deaths occurred in different circumstances than those indicated in the press release, and other individuals who died under circumstances which have yet to be clarified. In this regard, and contrary to what happened, it attributed responsibility to this group of "criminals" for the death of Mr. Reyes Zapata who, as indicated, was murdered during the attack perpetrated by police officers – precisely at the same time and place. The communiqué included the death of an individual "who is still unidentified", and incorporated the cases of Orlando Daniel Aguirre Córdoba and Maycol Cipriano González Hernández – who had already been wounded much earlier that the time indicated by the Police, as previously explained. Finally, it placed Kevin Antonio Coffin Reyes and Heriberto Pérez Díaz in the same scene, although they could not have been killed under the circumstances described by the Police.

These last two cases received great coverage by the media linked to the government, which referred to their activism for the FSLN[70] – Mr. Coffin Reyes was a recognized Olympic athlete.

67 National Police, *NOTA DE PRENSA No. 33 – 2018*, May 31st, 2018.

68 The pro-government march stretched from Hugo Chávez traffic circle towards the north. Although some flocks of protesters entered through the south, it is evident that at the time when Daniel Ortega was finishing his speech the whole demonstration was located towards the north.

69 The President finished his speech at 5:18pm, according to information divulged by the media. El Nuevo Diario, *Daniel Ortega en acto del FSLN: "Aquí nos quedamos todos"*, May 30th, 2018.

70 YouTube, *Dan ultimo adiós al compañero Heriberto Maudiel Pérez Díaz, asesinado por delincuentes de la derecha*, June 1st, 2018. See also, YouTube, *Dan último adiós al compañero Kevin Antonio Coffin Reyes, asesinado por delincuentes de la derecha*, June 1st, 2018.

The press release issued by the National Police indicated that both individuals died during the alleged attack perpetrated by criminals against the participants in the cantata for the mothers, which supposedly took place at 5:31pm. However, on top of the obviously fake news about the alleged presence of participants in the government-sponsored event at a place far away from where it took place and at a time near its end, there is a clear contradiction among official sources themselves, insofar as the list of deceased individuals provided by the State to the IACHR reveals that both individuals had already been dead at 5:30pm when they were admitted into the Military Hospital.

The pro-government media that reported these cases offered different versions which are not compatible with the Police's account either. In the case of Mr. Coffin Reyes, one news outlet reported that he had been "murdered by a right-wing paramilitary group while trying to get to the celebration in honor of Nicaraguan mothers,"[71] even though that official demonstration was about to finish at the time of death indicated by the Police. Similarly, the police's version does not coincide with the information from other pro-government media, which mentioned that his death occurred "after participating in the demonstration in honor of Nicaraguan mothers"[72] – at 5:18pm the President was wrapping up his speech far away from where, according to the police's version, the victim had been murdered a few minutes earlier. In this last news article, one of the interviewees – who had been with the victim at the time of the events – observed: "we were attacked, completely subdued, they grabbed us, started shooting at us, they shot mortars at us, and we were simply participating in a peaceful demonstration with all Nicaraguan citizens in honor of the mothers of heroes and martyrs, in honor of Nicaraguan mothers." Once again, it is not feasible to reasonably imagine a hypothesis that explains how individuals participating in the pro-government demonstration could be in front of the National Stadium (where said attack supposedly took place, according to the version of the police). The remaining information divulged does not help clarify these circumstances.[73] The same can be said about how these news outlets covered the case of Mr. Pérez Díaz.[74]

In conclusion, the only certain thing about these cases is that they did not occur the way the National Police described. The communiqué from the Forensic Medicine Institute does not shed light on the circumstances of these deaths either.[75]

In light of the foregoing, it is possible to assert that the National Police fabricated a scenario which ended up hampering the clarification of these two deaths.

The press release also indicated that twenty officers were wounded by gunshots. Nevertheless, the audiovisual records examined by the GIEI about this event, and those that were divulged by news outlets (including the ones linked to the government) do not show any police officers injured near UNI at the time of the event.[76] The GIEI requested from the State the audiovisual evidence that might have been recorded by individuals presumably linked to the police during this event, but received no response.

71 YouTube, *Dan último adiós al compañero Kevin Antonio Coffin Reyes, asesinado por delincuentes de la derecha,* June 1st, 2018.

72 YouTube, *Delincuentes asesinan a mano armada al Campeón Centroamericano de Sambo Kevin Antonio Coffin Reyes*, May 31st, 2018.

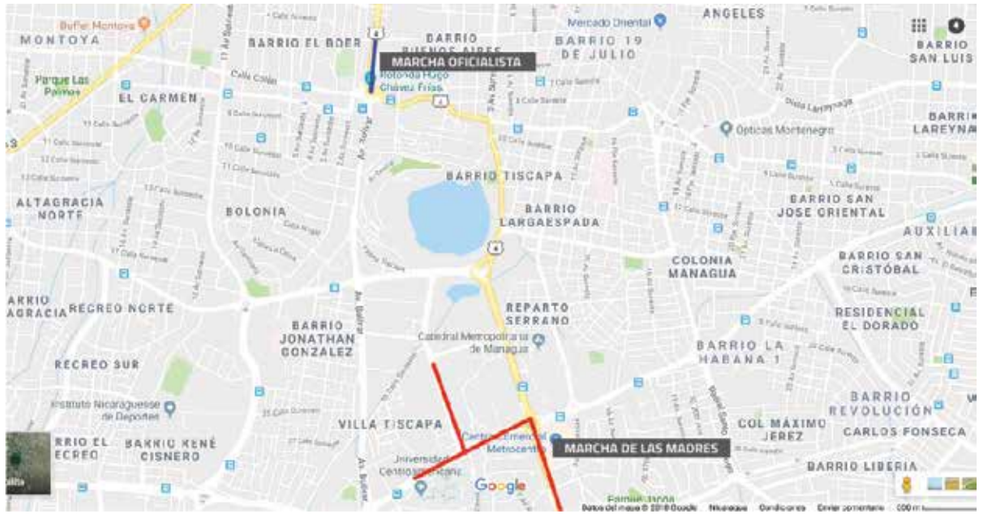
73 Another publication directly attributes – without further information – the responsibility for his death to the protesters, and relates it with the aforementioned images of some protesters bearing firearms. Viva Nicaragua – Canal 13, *Familia y amigos despiden al joven Kevin Antonio Coffin Reyes (q. e. p. d.)*, June 1st, 2018. Additionally, the note published by Channel 4 indicated that a relative of the victim reported that "some individuals came by and shot him," but unfortunately did not provide any supporting evidence. On the other hand, the victim's brother expressed that, "it is very painful, because we do not even know who is responsible in reality": YouTube, *Dan ultimo adiós al compañero Kevin Antonio Coffin Reyes, asesinado por delincuentes de la derecha, June 1st*, 2018.

74 The material divulged by Channel 13 includes not only the case of Mr. Coffin Reyes, but also that of Mr. Pérez Díaz. Viva Nicaragua – Canal 13, *Delincuentes asesinan a mano armada al Campeón Centroamericano de Sambo Kevin Antonio Coffin Reyes*, May 31st, 2018.

75 Forensic Medicine Institute, *Comunicado, May 31st, 2018.*

76 The GIEI notes that, out of the officers identified as wounded, two do not appear in any list of individuals admitted into health facilities, while the others are merely mentioned in forms issued by Carlos Roberto Huembes Police Hospital and/or Alejandro Dávila Bolaños Military Hospital (one of these forms does not mention a gunshot wound).

MAP 3



CONCLUSION

On May 30th, in Managua, the National Police and shock groups launched actions in which they used firearms, and in which six demonstrators were murdered and a great number of individuals were seriously injured.

It is proven that at least one of the armed attacks was directly perpetrated by the National Police and civilians who were operating in coordination with the police forces. Three of the dead victims were murdered during this raid, and two of them were shot in the head. There is no indication that the police forces previously tried any other less damaging means which might have been more adequate for a legitimate purpose. The evidence shows that police officers and civilians directly shot at the crowd of protesters during the event.

All of the aforementioned took place in a context of confrontation and violence created around the march by the highest governmental authorities. As a result, on the day following the event, the National Police issued a manifestly false press release, in an apparent attempt to cover up its responsibility for the incidents

Two more individuals, who allegedly were FSLN militants, died that day under circumstances that could be related to these events. The misinformation fostered by the Police also hinders the clarification of these cases, as does the lack of response from the State to the requests submitted by the GIEI about interviews with their family members and for audiovisuals material recorded that day by the National Police.







VII. CHARACTERIZATION OF THE VIOLENCE

The events described above are representative of the forms and the intensity of the violence during the period under the GIEI's jurisdiction. An examination of these events, as well as the information about deceased and injured victims, indicates that the State was the main perpetrator of actions of lethal violence or violence that may cause serious harm to the physical integrity of persons. Likewise, it is worth noting that the exercise of violence did not consist of isolated acts, rather it was carried out in an organized manner and at different times and scenarios.

The repetition of conducts and the reaction of government authorities regarding those actions demonstrate that those events did not occur due to the individual decision of one or more police officers, or the actions of groups of civilians who voluntarily decided to execute violent actions to repress the protests, but in reality, they were part of a policy of repression instigated and supported by the State's highest authority.

On the other hand, even though the protest demonstrations were largely peaceful, violent actions of varying intensity were carried out in the course of them or at the scene where they took place. Although this phenomenon will be dealt with further below, it is worth clarifying that no evidence has been found to indicate that these acts of violence responded to a plan or that they were coordinated. In this regard, we must highlight the heterogeneous nature of the protests.

A. VIOLENCE PERPETRATED BY THE STATE

The information gathered by the GIEI indicates that on April 18th, peaceful demonstrations were repressed by a type of violence which had previously been observed in recent years, to the point that it became commonplace. It consisted of repression against protests by pro-government shock groups who arrive at the venue where demonstrations are taking place, and physically assault the protesters in order to dissuade that form of assembly and expression.[1] According to this style of repression, the National Police merely takes steps to surround the area, forming cordons, deviating traffic, or using tear gas bombs, and while they are not directly responsible for the hostilities, they do not prevent the assaults from occurring and they fail to detain the assailants.

The repressive actions that took place on April 18th, both in Managua and León, demonstrate the same characteristics observed in previous occurrences, only in this particular instance the events were widely divulged as they were happening, which caused great indignation in many sectors of society, probably because they targeted elderly individuals.

This oppression by shock groups on April 18th did not bring about the desired outcome, on the contrary, it provoked a notorious increase in the number of demonstrations and participation of the masses in the protests since April 19th.

Faced with the failure of this traditional type of oppression and the intensification of protests, the State launched a more severe repressive strategy, beginning on April 19th and 20th, which consisted of the disproportionate and indiscriminate use of weapons against the civilian population as a general pattern, particularly firearms, but also weapons of war. This could be verified in different scenarios where civilians gathered to protest: marches or street gatherings, occupied university campuses, and roadblocks or street barricades.

1 See the explanation about these groups included in Chapter V.





Head CT of a protester who died during the March of the Mothers



Juan Bosco Rivas' head CT showing a bullet in the head



Enoc Moisés Alegría's head CT

Another significant feature that could be observed was the mutual collaboration between several State organs or structures linked to the State: the National Police, Mayor's Offices and parapolice groups. The latter include the aforementioned shock groups, as well as more lethal and organized factions that are commonly known as "paramilitary" or "parapolice". These groups comprise unidentified individuals who bear firearms, sometimes even weapons of war, and act in coordination with the official police forces.

Moreover, the GIEI verified overwhelming figures of arbitrary detention in the context of social protests, including dozens of adolescents. In addition to that, these detainees were subjected to mistreatment and illegitimate use of force both during arrests and transfers, and there were complaints about inhuman conditions of detention in police cells and prisons, and about torture, which must be investigated when there are adequate institutional conditions to do so. The situation of these detainees was further aggravated by the State's actions that neutralized the efficacy of the writ of habeas corpus, which is enshrined in the Constitution and national laws.

These events occurred simultaneously with an official discourse which stigmatized the protests. In a sum, the State has maintained a public discourse about the existence of an internal enemy, and has yet to question whether the use of lethal force against protesters was legitimate. On the contrary, the government has publicly supported the actions of the security forces, and even awarded promotions to those responsible.

In addition to that, other State institutions, such as public hospitals and the judicial system have acted in accordance with this official policy. On one hand, several public hospitals did not ensure the right to an adequate medical assistance for the injured protesters. On the other hand, the judicial system did not guarantee independent investigations and due process, and the authorities from the National Police did not carry out disciplinary inquiries to clarify the responsibility for the abuses. In a sum, the violent events have remained in impunity.

In the following section, this report will describe the main characteristics of the State-sponsored repression which caused numerous deaths and injuries, and the principal perpetrators thereof.

1. Attacks against life and personal integrity during the repression of protests

The information gathered indicates that the State implemented a type of repression against protests which was characterized by the disproportionate and indiscriminate use of force against individuals who participated in the protests. To that end, State forces used various weapons, including firearms and, in particular, weapons of war, which were directly aimed at individuals. The result thereof was a large number of deaths and injured victims.

This pattern of conduct was observed at various moments and places throughout the country, and basically in three kinds of scenario, all of which were related to the protests: a) marches or demonstrations in public spaces, b) occupations of university campuses, and c) roadblocks or street barricades.

In all those scenarios, repressive actions which follow the aforementioned pattern of conduct could be observed, and they all resulted in a large number of deaths and injured victims due to the illegitimate use of force by the State.

The figures about deaths and injuries, the characteristics of the wounds and their relation to the repressive actions illustrate the severity of the actions of the State against the protesters.

As previously examined in Chapter VI, if one looks only at the events in the city of León and *Camino de Oriente* in Managua on April 18th, and those in the city of León on April 20th, no one died from gunshot wounds. In all other events under analysis, however, there were deaths and injured victims from gunshot wounds.

Out of the 109 dead victims in that period, 95 died from gunshot wounds, and all of them were shot in the head, neck or chest. According to the description of the events and the available information about each victim, most of those deaths from gunshot wound took place during actions of repression carried out by the National Police and parapolice groups, who used firearms against the protesters.

With regard to the wounded, the official statistics show that out of 1400 injured individuals, at least 599 were hit by gunshots. Moreover, the dates with the larger number of injured victims exactly coincide with the events in which the repression was more intense. For instance, on April 20th, 25 persons died and there were more than 300 wounded victims according to the statistics provided by public hospitals.

It is worth noting that these statistics do not reflect the total number of victims, and that is so because of two reasons. Firstly, the information in the official report is not exhaustive: there are cases of victims who were assisted at public hospitals, which are not included in the official document. Secondly, many victims were assisted outside of the public health system, as it will be further explained, and many of them received medical assistance at private institutions and improvised facilities which were specifically set up by doctors, paramedics and other volunteers to tend to those injured during the repression. Several individuals interviewed by the GIEI reported being assisted at these facilities. Due to the foregoing, the "unofficial statistics" are necessarily much higher.

Despite these limitations, the official figures about wounded individuals provide a glimpse of the magnitude with which lethal firearms and other weapons that may cause serious harm were used by the type of repression carried out by the State. Additionally, they illustrate the relation between the number of wounded individuals and the repressive actions.

The amount of injured victims is undoubtedly high and the official statistics are not only insufficient to establish a more precise or estimated number, but they also hinder a qualitative analysis about the





Repression at UNI

types of wounds and mechanisms thereof, since they are limited to the brief information provided in the aforementioned official report. In order to determine the true magnitude of the quantity of wounded victims, the State will have to carry out independent investigations once there are institutional conditions to do so.

Despite the restrictions and variables mentioned in Chapter III, which the GIEI had to tackle, it managed to interview some injured victims, who presented long term physical damage which included the loss of vision and the loss of the ability to walk.[2] In addition to that, the information contained in news reports also illustrates the types of serious injuries endured by the protesters. Some examples will be mentioned below in order to illustrate the type of assault and the resulting injuries, but they only represent a handful of the totality of wounded victims.

One of the injured victims whose case was widely publicized is Juan Bosco Rivas Martínez. He suffered a gunshot wound in Masaya on April 21st, due to a shot with an AK-47 assault rifle that perforated his nasal septum and the right cheekbone. The bullet was lodged very close to his skull and one millimeter from the foramen magnum, the passage through which the extremities of the central nervous system pass, as can be seen in his head CT scan. As a result, Juan has to permanently clean the bodily fluids which come out of his nose, according to his medical diagnosis. Although he fortunately did not die, his case illustrates the type of injuries suffered by the protesters: "I am living proof of the repression. The snipers who were at the Market of Handicrafts were shooting to kill."[3]

Another case widely divulged by the media is that of Enoc Moisés López Alegría, a 21-year-old youth who was shot twice in the head when he was walking towards UPOLI in order to support the protesters on April 20th. The bullets were lodged in his skull.[4] Enoc suffered partial paralysis. He later attended the March of the Mothers in a wheelchair.[5]

Several individuals interviewed by the GIEI presented scars from gunshot wounds or lead pellets. Fortunately, they did not die or sustain serious injuries. For instance, one student who was at UNI was grazed by a lead bullet shot by the police from the outside of the university, which left a visible scratch on his skull. Others had bullet scars in various parts of the body, and many of them did not seek medical attention at public hospitals due to a fear of reprisal. These are situations in which the victims might have undoubtedly died if the gunshot hit vital parts located a few centimeters away.

Finally, the GIEI observes that the use of firearms during the repression did not solely affect participants in the protests. One example mentioned above regarding the events that took place in Matagalpa was the

2 The identities of these victims are kept confidential. The report will only mention a few illustrative examples which were divulged by the media.

3 Confidencial, *!Disparan con precisión a matar!, March 26th, 2018.*

4 YouTube, 100% Noticias, *Enoc Moisés, un milagro de Dios*, June 1st, 2018.

5 La Prensa, *La nueva generación de lisiados que provocó la represión orteguista*, June 3rd, 2018.

1-year-old baby, who was hit by an AK-47 bullet fired by the National Police, which entered his home through a wall and ended up in his neck.[6]

The information available about the use of high caliber weapons confirms the pattern of conduct described above: from April 19th to May 30th, that is to say, during almost the entirety of the GIEI's mandate, the police and parapolice groups used high caliber weapons, which were used to fire lead bullets. This was confirmed by several interviews before the GIEI, other testimonies that were publicly disseminated, images of the repression, medical reports which included the type of bullet, and the consequences regarding dead and injured victims.

The examination of audiovisual material identified some of the weapons used during the repression of the protests:[7]

AK-47 assault rifle: a high-speed automatic weapon of war (715 meters per second), caliber 7,62mm, which uses 5,45 x 39 or .22 long rifle ammunition, and can fire up to 500 shots per minute.

AK-74 assault rifle: a high-speed automatic/semiautomatic weapon of war (735/900 meters per second), caliber 7,62mm, which uses 5,45 x 39 ammunition, and can fire up to 650 shots per minute.

Dragunov sniper rifle: a precision semiautomatic rifle, caliber 7,62mm, which uses 7,62 x 54R ammunition, with a telescopic sight, maximum range of 1300 meters and effective range of 800 meters, whose shot reaches a speed of 800/830 shots per minute.

PKM machine gun: a high-speed semiautomatic weapon of war (825 meters per second), caliber 7,62mm, which uses 7,62 x 54 ammunition, and can fire 650 shots per minute, effective range of up to 1000 meters.

M16 rifle: an automatic weapon of war, caliber 5,56mm, which uses 5,56 x 45 ammunition, and can fire 700/950 shots per minute, speed of up to 948 meters per second, and effective range of 550 meters.

Pistols: possibly .38 SPL or .357 Magnum ammunition.

12.70 Shotguns: repetition shotguns with metal magazines or bullets or rubber bullets.

Even though some of these weapons, such as the AK-47 or the AK-74 or the 12.70 shotguns, can also be used to fire gas or tear gas bombs, or rubber bullets, the available images show with certainty that they were used with magazines filled with various types of bullets, which correspond with the aforementioned weapons. A non-exhaustive analysis of the images indicates that, at a minimum, they were used with cartridges containing .22 Long Rifle; .38 Special; 9mm Parabellum; 5,45 x 39, 5,56 x 45 and 7,62 x 39mm bullets. The use of the abovementioned weapons and ammunitions can cause human death or serious injuries, both by direct and indirect shots which might ricochet off another object – due to the great power of these weapons.

The use of these types of bullets and lead pellets is also corroborated by the medical reports about the injuries, the death certificates, the number of dead and injured victims, and the multiple testimonies about the events.

The resolve to shoot the bodies of protesters in order to kill or cause serious harm can be inferred not only by the type of weapons or ammunition used, but also because of the manner in which weapons that are not

6 La Prensa, *Trasladan a Managua al bebé baleado presuntamente por la Policía en Matagalpa*, May 21st, 2018. See also: La Prensa, *Enfrentamientos en Matagalpa deja a un bebé de 18 meses herido de gravedad,* May 16th, 2018.

7 The GIEI consulted international firearms experts to identify the weapons and ammunitions.

meant to cause serious bodily harm were utilized. One example was the use of rubber bullets against the face which caused the loss of vision in many cases, especially during the first few days.

One of these cases concerns Robert Rizo, a youth who was attending classes at UNA on April 19th: *"this is very hard... I was just arriving for a class when this happened to me, I arrived at 8 and at 8:50 I had already lost my eye."*[8]

This situation of young individuals who lost their eyes due to the repression had repercussion in the media and prompted a campaign to obtain prosthetic implants and carry out the corresponding surgeries.[9]

The number of seriously injured victims, with long term damage, has to be further examined and evaluated. This harm was inflicted by the State on its own citizens, and will have social repercussions for years to come.

It is obvious that these repressive practices used by the State have blatantly violated international and national standards on the use of force applicable to Nicaragua.

These standards indicate that, during peaceful demonstrations, the main obligation of the State is to ensure the right to protest. In these cases, the State must not hamper the right to demonstrate, and must also guarantee the exercise of that right. Additionally, in cases where violent events occur during a demonstration, there are very clear standards and restrictions regarding the use of force, which were blatantly ignored by the pattern of conduct of the security forces.

One relevant instrument regarding the use of force is the "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials."[10] This document includes minimum (basic) criteria about the use of force and, particularly, the use of firearms against persons.

One of the basic principles deals with necessity and exceptionality: "*Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result*". This principle implies, at a minimum, that there must be a legitimate purpose to justify the use of force or firearms, and establishes that, under no circumstance, force or firearms can be used if there are other less harmful means to achieve said legitimate objective.

In case the use of force or firearms is actually permitted, they cannot be used in any desired manner. In fact, the Basic Principles determine that: "*Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life [...].*" Therefore, they also recognize, on one hand, the principle of proportionality and, on the other hand, the principle of protection of life and personal integrity.

Principle 9, regarding the use of firearms against persons is particularly important: "*Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.*"

8 YouTube, *Primer Impacto: Una bala de goma dejó a estudiante de Nicaragua sin ojo durante las protestas contra las reformas*, May 16th, 2018.

9 La Prensa, *Los médicos que han salvado vidas en la crisis en Nicaragua*, May 20th, 2018. See also, Facebook, *Programa de Prótesis Ocular y ayuda a otros heridos.*

10 United Nations. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. On this subject, also relevant is the UN Code of Conduct for Law Enforcement Officials. Adopted by the United Nations General Assembly resolution 34/169, of 17 December 1969.



Youths who lost their eyes



Mr. Rizzo

The Basic Principles also specifically mention the use of force during demonstrations. Firstly, they establish that, in case of lawful assemblies, the use of force is not permitted (Principle 12). Additionally, they point out that, "*in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary*" (Principle 13). Finally, they determine that, "*in the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.*"

Due to the foregoing, even when dealing with "violent assemblies", the use of firearms must be restricted by the principles of exceptionality and proportionality. Additionally, the restriction stipulated in Principle 9, which specifically refers to the use of firearms against persons and the use of lethal weapons, must also be observed, in the sense that they can only be used "*when strictly unavoidable in order to protect life.*"

Similarly, the Special Rapporteur Extrajudicial Executions observed that: "*The 'protect life' principle demands that lethal force may not be used intentionally merely to protect law and order or to serve other similar interests (for example, it may not be used only to disperse protests, to arrest a suspected criminal, or to safeguard other interests such as property). The primary aim must be to save life. In practice, this means that only the protection of life can meet the proportionality requirement where lethal force is used intentionally, and the protection of life can be the only legitimate objective for the use of such force.*"[11]

In the same document, the Special Rapporteur details special provisions regarding the use of force during demonstrations: "*It is widely accepted that it is the task of the police to facilitate and, if necessary, manage peaceful protest. In addition to the general provisions outlined above, three principles deal with the specialized case of policing of assemblies in the Basic Principles. In the case of lawful and peaceful assembly, no force may be used. If there is good reason to disperse an unlawful assembly that is peaceful, only the minimum force necessary may be used. Lethal force clearly has no role to play. The mere fact that some protesters in the crowd are violent does not turn the demonstration as a whole into a non-peaceful assembly. In violent assemblies (that are both unlawful and not peaceful) minimum force should also be used, and firearms may be used only in accordance with Principle 9. Indiscriminate fire into a crowd is never allowed.*"[12]

These considerations are particularly important, since they make it clear that it is never allowed to fire into a collective demonstration or protest. Not even if there are some protesters in the crowd carrying out violent actions. Any intervention in these exceptional cases must abide by the aforementioned principles (necessity, proportionality, the protect life principle, etc.).[13]

11 United Nations. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, 1 April 2004, para. 72.

12 Id., para. 75.

13 In addition to these clear restrictions on the use of force, it is worth noting that, if a given circumstance permits the use of force, the State has the obligation to act gradually and give due notice to the protesters, before proceeding (see, in this regard, Principle 10 of the Basic Principles).

With regard to Nicaraguan legislation on this subject, Law No. 872 of the National Police recognizes the respect for human rights,[14] among other fundamental principles, and establishes that law enforcement agents shall observe the "Code of Conduct for Law Enforcement Officials" and includes restrictive principles to the use of force and firearms for very exceptional cases, with due respect to the principles of congruence, opportunity and proportionality.

In 2015, the State of Nicaragua informed the IACHR about the prohibition of the use or firearms and lethal weapons during public demonstrations. The Commission's Annual Report for that year indicates that:

> "108. Nicaragua indicated in its response that 'in the police interventions [in social demonstrations], the police of Nicaragua are strictly prohibited from using firearms or other lethal weapons, thus they are only authorized to use non-lethal riot control techniques.' Nicaragua reported that the police forces involved in reestablishing public order in social protests and demonstrations 'have been equipped with personal protection equipment (helmet, mask, shield, and anti-trauma suit).' As a deterrent technique 'they have tear gas, with a less intrusive and non-lethal irritant chemical component that does not put persons' lives in danger. This technique is used to re-establish public order in response to grave alterations, and its purpose is to disperse the persons who are provoking the incident.' The State did not report the existence of specific protocols for police action in such matters."[15]

In line with the foregoing, the Disciplinary Regulations of the National Police include, among "very serious" offences, "the excessive use of force or technique, using unnecessary violence, without justification or without observing due graduality and proportionality, upon carrying out arrests or other police activities."[16]

In a sum, the pattern of conduct carried out by the State during the protests that began on April 18th, consisting of the use of firearms with lethal capacity or that may cause serious injuries, directly aimed at persons who were participating in demonstrations, is manifestly contrary to any admissible practice, according to international or domestic standards.

2. Formal structure of the repression: the National Police

Since April 19th and 20th, various areas of the National Police joined the repression of the protests by means of the disproportionate use of firearms against the civilian population, and their actions, far from being isolated incidents, repeated themselves at different moments and places in Nicaragua.

These actions of the National Police were carried out both by the forces in Managua or the departmental units of those places where the events occurred, and by specialized units of the central structure of the PN. The magnitude of the repression determined that they used practically all the resources of the National

14 Article 5.2. Respect for human rights. The human person is the center and the reason for the existence of the police activity, thus the respect for the human person and its integrity shall be a transversal element in our police model; the protection and defense of its inalienable rights, life, security, liberty and other guarantees enshrined in the Constitution and, in particular, the defense and protection of the rights of women, children and adolescents.

15 IACHR. Annual Report 2015, Chapter IV.A – The Use of Force, para. 108. Despite several requests for information, the GIEI has not been able to obtain information regarding whether Law No. 872 of the National Police (2014) has been regulated. The previously law in force (Law No. 228) included regulations that established standards of conduct regarding the use of force. These regulations were revoked by Law No. 872, and it is possible that new regulations were never enacted or, at least, those are not public. See, in this regard, the section about normative framework in the website of the National Police.

16 National Police. Disciplinary Regulations of the National Police. Approved by Decree No. 572/2012, Article 10.5. As explained later, although this offence was evidently perpetrated, there is no information about disciplinary inquiries to investigate the events or punish those responsible.



DOEP disparando al interior de la Universidad

Police, including the traffic police.

Both the testimonies and the images indicate that there was coordination among the various areas of the Police in the repression, basically between the police officers of each region or department and the agents from the Special Operations Unit (DOEP), which is an organ that played a fundamental role in the repression throughout the national territory.

The Special Operations Unit (DOEP), which is one of the "National Specialties" provided for in the Organic Law of the National Police of Nicaragua (Articles 16 and 17 of Law No. 872)17, has the mission to "intervene to restore public order during serious disturbances, participate in special operations against drug trafficking, terrorism, organized crime and other grave illicit activities, support the protection and security of the President of the Republic and other national and international personalities, support the civilian population during catastrophes and natural disasters, and in any other critical situation that might affect public order, stability, and human and citizen security."[18]

Within the DOEP, there are the Anti-riot and Disturbances Brigade, and the Brigade of Police Arms and Tactics of Intervention and Rescue (TAPIR), which are special forces for the intervention in crisis situations, such as hostages, or operations against organized crime.[19] It is an elite force that uses highly specialized equipment and armaments, including high caliber weapons and snipers.[20]

The presence of special units in all the territory and their protagonism in the events confirm the interaction between national and local authorities to design and perform the repressive actions. In some cases, high level authorities participated in the actions. For instance, General Commissioner Ramón Avellán in Masaya.

Thus the actions of repression required coordination between the National Direction, the leaders of the specialized units of DOEP and the leaders of various Departmental and Regional Delegations which, in the

17 National Police. *Law No. 872 on Organization, Functions, Career and Special Social Security Regime of the National Police*. Published on July 7th, 2014. According to its Article 16: "The National Specialties are substantial police organs that are destined to counter illegal activity and guarantee human and citizen security; exercise guiding prerogatives in their particular fields, on the basis of the legal provisions and regulations; draft and submit for approval manuals and normative instructions, and also plan, assist, supervise, control, analyze, evaluate and make recommendations to the highest police authority for the improvement of the respective activities, and execute, if appropriate, the operative activities under their competence. **They may exist within territorial units, in which case they are functionally subordinate" (emphasis added).**

18 Article 17 of Law No. 872.

19 About TAPIR, see: National Police, *TAPIR – Fuerzas Especiales de la Institución Policial, in Visión Nacional – National Police Magazine. Year XIII, No. 95, March 2012, pp. 22 and ss.*

20 One case where TAPIR snipers were involved is known and "Las Jagüitas massacre", in 2015: La Prensa, *Siete "Tapir" lideraban operativo Las Jagüitas, July 22nd*, 2015.

case of Managua, is named General Adjunct Direction of the Metropolitan Delegation of Managua.[21]

In this regard, it is certain that such level of involvement of various areas of the National Police in the actions of repression that took place in multiple parts of the country for many months – which go beyond the temporal jurisdiction of the GIEI – can only be explained by a decision taken by the highest authorities and maintained over time.

The hierarchy of the National Police is established, firstly, in the Constitution, and also in Law No. 872 on Organization, Functions, Career and Special Social Security Regime of the National Police, published in July 2014.[22]

According to Article 97 of the Constitution: "The National Police is a civilian armed force. Its mission is to secure internal order, the security of citizens, the prevention and investigation of crime, and other activities established by law. The National Police is professional, apolitical, not involved with any political party, obedient and does not deliberate. The National Police shall strictly abide by the Constitution, respect and obey it. It shall be under civilian authority, which shall be exercised by the President of the Republic through the respective Ministry."[23]

Article 9 of Law No. 872 establishes that the "institutional hierarchy" of the police is as follows: 1) Supreme Chief; 2) National Chief; 3) Chief of National Specialties and Support Organs; and 4) Chief of Police Districts

According to Article 10 of Law No. 872, the Supreme Chief is "the President of the Republic, as Commander in Chief." Among the functions of the Supreme Chief is "to command the forces and resources of the National Police in accordance with the Constitution and the law."

The Supreme Chief is also in charge of appointing the main authorities down the hierarchical line: the General Director of the National Police among the members of the National Direction, the General Deputy Directors, and the General Inspector.

The aforementioned law, in turn, determines that the Supreme Chief is competent to remove the General Director for "disobedience of the President's orders as Commander in Chief of the National Police in the exercise of his functions", and to remove the General Deputy Directors, and the General Inspector, for disobedience of the General Director's orders.

In a sum, the law grants the President of the Nation the highest power in the institutional hierarchy of the National Police, and ensures that through the prerogative of appointing the leaders of the National Direction and removing them in case his orders are not complied with.

The functions and composition of the National Direction and others spheres of the institutional hierarchy of the National Police are laid out in Articles 11 to 21 of Law No. 872.

Taking into account, on one hand, the hierarchical structure of the police and, on the other hand, the responsibility, reiteration and duration of the violent events perpetrated by the National Police, a serious investigation must necessarily examine the responsibility of President Daniel Ortega for the events, as Commander in Chief of the National Police, and the responsibility of General Directors (Aminta Granera and Francisco Díaz)[24], General Deputy Directors Ramón Avellán and Adolfo Marenco, who were in charge of

21 The General Adjunct Direction of the Metropolitan Delegation of Managua is expressly provided for in Law No. 872 of the National Police, which is not the case of the Departmental and Regional Delegations, whose creation is a prerogative of the National Chief.

22 Law No. 872. Passed on June 26th, 2024. Published on July 7th, 2014 in the Official Gazette no. 125.

23 The previous law of the National Police (Law No. 228) established that: "The National Police is under civilian authority, which shall be exercised by the President of the Republic through the Ministry of Governance. Law No. 872 eliminated the ministerial interference.

24 Francisco Díaz was appointed General Director after the events under the GIEI's jurisdiction. From April 18th until May 30th, he was General Deputy Director, see *CV de Francisco Díaz Madriz*. Nevertheless, according to all accounts, including those divulged by means of communication, his role within the Police was extremely powerful, to the point that some say he was the real director, and the one who had direct contact with the Supreme Chief of the National Police, Daniel Ortega. See, inter alia, La Prensa, *Francisco Días, el operador de Daniel Ortega en la Policía*, June 1st, 2018.

operational and intelligence units within the National Direction; the authorities of various Departmental and Regional Delegations; the authorities of the Police of Managua, Commissioners Sergio Gutiérrez, Fernando Borge and Juan Valle Valle, of the Department of Vigilance and Patrol, the Chief of DOEP, Justo Pastor Urbina, and the chiefs of the specialized units that compose DOEP.

In addition, other police authorities should be considered, such as those in charge of assigning material resources, carrying out gun control, and the General Inspector – General Commissioner Jaime Antonio Vanegas Vega – among others.[25]

3. Parallel structure of the repression

The information gathered by the GIEI profusely shows that the National Police was not the only perpetrator of the repression against protests. In addition to the formal intervention of the Police in the events, there is plenty of information regarding the participation of a network of actors, including parapolice groups, Mayor's Offices and civil servants from State institutions. Moreover, the coordination between these actors and the National Police in different cities and moments is evident. These were not isolated events, rather they clearly responded to a decision adopted at the highest level and simultaneously executed at various places, which is a particularity of the repression in Nicaragua.

Even though this coordination is explained in the previous chapter, which described the events between April 18th and May 30th, it is worth mentioning a few examples:

• On April 18th, the PN supports the actions of shock groups at Camino de Oriente (Managua) while the latter assault protesters and steal the camera of a journalist. The events occurred before the eyes of the National Police who did not identify or arrest the assailants. There are images showing some members of shock groups carrying communications equipment, which confirms that it was not a spontaneous action.

• On April 18th, after the events that took place at Camino de Oriente, shock groups composed of individuals with shirts of the Sandinista Youth Movement, and others in civilian clothes throw rocks and sticks at students who were by the main entrance of Centro Americana University. They are later escorted by the police while they harass buses that were parking in front of UNI

• On April 19th, there was a peaceful demonstration at the main square in Estelí. There are images showing one individual from the Mayor's Office firing his gun before everyone's eyes, including police officers who failed to intervene. This individual unabashedly walks away afterwards. On the following day, April 20th, there are several coordinated actions between the National Police, shock groups and employees of the Mayor's Office. Among these actions, there are joint attacks perpetrated by the PN and parapolice groups against protesters, and police vehicles are seen bringing and unloading rocks for the shock groups. Images show police officers removing a youth and handing him over to a group of civilians who then beat him. The repressive actions in Estelí reflect such a level of coordination that it is possible to see the PN receiving orders from individuals in civilian clothes. Three victims were killed by gunshot wounds in front of the Mayor's Office. Due to the position of the victims, it is highly probable that the shots came from the Mayor's Office. There are scenes of shock groups moving the

25 The General Inspector is a member of the National Direction, and his functions include: guarantee the permanent respect for human rights, and deal with human rights organizations, both national and international; carry out inspections, investigations and supervision of the various units of the National Police, in order to verify their adequate functioning and ensure that proper service is provided to the populace; care for the prestige of the institution, including opening the respective inquiries about the conduct of police officers due to eventual complaints formulated by authorities or private individuals or other actions that may come to his/her attention, which could amount to the violation of rights or guarantees enshrined in the Constitution or other laws; issue decisions based on those inspections and regarding those inquiries about the conduct of the personnel, with a view to promptly and duly correcting eventual faults and infractions; immediately punish any infraction that may be so serious as to substantially affect the institutional discipline and prestige, according to an extraordinary procedure established in the disciplinary regulations (Article 15 of Law No. 872).



Local civil servant firing shots in Estelí



Estelí: Police provides rocks

body of one of the victims and leaving a trail of blood at Central Park.

• In León, shock groups were in action since April 18th, right before the eyes of the National Police. Among the former, there were members of the Centro Universitario of the National Autonomous University of Nicaragua (CUUN). On April 19th, the protesters were publicly threatened by governing party representative Filiberto Rodríguez: "we are going to destroy you, you can record, take pictures of me, but today we are going to destroy you." On the next day, a peaceful demonstration was attacked in a coordinated manner by DOEP officers, followed by the National Police "in blue", and thirdly by a shock group. Later, parapolice groups set fire to the building of Radio Darío, during the broadcast, while there were 12 individuals inside.

• Another absolutely clear example of coordination among various actors of the repression was the event at UNI on April 20th. Students had occupied the university the day before. The available images show that the National Police acted alone on that first day. On the following day, it is clear that there was a decision to strengthen the repression and force the students to leave the building. In order to do that, shock groups arrived, and they were the ones who invaded the building in the afternoon. The succession of events is well documented by multiple testimonies and images. The base of the operation was Dennis Martínez National Stadium, which belongs to the Managua Mayor's Office. There are photographs and videos that show the shock groups inside the stadium, waiting for their turn to intervene. Others show them as they leave the Stadium, and others showing them invading UNI with police support. By then, at least three young victims had died from gunshot wounds by the police. A fourth victim died when the shock groups came into the building shooting.

• In Masaya, the repression was carried out by a joint action between shock groups, employees of the Mayor's Office and the National Police. The presence of high authorities such as Ramón Avellán confirms that this methodology was decided at the national level. There are images showing groups of civilians who, along with the police, attack a group of protesters who tried to proceed on the main street of the Monimbó neighborhood.

• Matagalpa: during various and successive events in Matagalpa, it became clear that there was a parallel structure of the repression. Shock groups intervened since April 21st using mortars and rocks against the protesters who participated in a demonstration. Some civil servants – including a municipal judge and a municipal delegate from the Ministry of Education – directly took part in the events. On May 10th, after the first roadblock was set up near El Rastro, shock groups tried to ambush the protesters, who were eventually escorted back to the city by priests. On the following day, shock groups again attacked the protesters who were participating in a march. The Mayor's Office and the Mayor himself participated in the repression. The audiovisual material shows the moment when members of these groups received instructions and organized the distribution of mortars and ammo through an audio system which – according to testimonies received by the GIEI – belonged to the Mayor's Office. The Mayor himself was seen surrounded by civilians who were carrying cans, and it is possible to hear them talking about Molotov bombs and gasoline. Finally, on May 15th, shock groups acted in coordination with the National Police to violently repress the protesters that day. It is worth noting the moment when



UNI: Police with shock groups at Stadium

these groups arrive at the National Police Headquarters in the city center, as well as the coordination revealed by audiovisual records which show them crossing through the UNAN building to get to the Administrative Office of the Police, near where the main violent events took place.

• March of the Mothers: as indicated, the initial incidents included the intervention of snipers and the presence of shock groups amidst the part of the march which was in the vicinity of UNI and the National Stadium. Two protesters died during this initial incident from gunshot wounds. Later that day, civilians acted with police officers during the violent attack perpetrated just before 5:30pm against protesters who were seeking refuge behind the barricades. Some assailants were using private motorcycles and vans without identification, which were together with official motorcycles of the National Police. These individuals were using pistols and at least one used a high caliber weapon similar to an AK-47. Three protesters were murdered at this moment, two of them by gunshot wounds in the head. A sixth protester died on that day during an operation which, according to the testimonies received by the GIEI, was perpetrated by armed groups in the vicinity of UCA.

The aforementioned events are just examples of a pattern that could be observed throughout the country during an extended period of time.

Since the beginning of the repression, the parapolice groups displayed different degrees of violence: there were the groups who acted in a more "traditional" manner, basically using blunt force, or even mortars, and there were groups who used firearms. The highest level of organization and firepower could be observed in the groups which used high caliber weapons and showed a level of organization similar to police or military institutions and, for that precise reason, were known as "paramilitary" or "parapolice". The actions of these more organized groups were particularly noticeable in the months following the end of the GIEI's mandate, when they even started wearing uniforms in colors for identification (generally blue).[26]

The composition of all these pro-government groups who led the repression must be investigated to determine, in each case, how they were recruited, financed, and the way in which they received material resources, such as high caliber weapons and weapons of war, that is to say, types of weapons which are exclusively carried by State agents, according to the law.[27]

The information gathered by the GIEI, which includes interviews with security experts and former military, indicates that there were several forms of recruitment of civilians for participation in the repression: civil servants from various institutions of the National Government, Mayor's Offices, militants from the Sandinista Youth Movement and the governing party, members of youth gangs, youth with criminal records or at risk of

26 There are antecedents regarding the conformation of a special security group for the President, whose clothing included blue shirt: La Prensa, *La Vida en El Carmen, August 18th*, 2018.

27 Law No. 510 for the control and regulation of firearms, ammunition, explosives and other similar materials.



March of the Mothers



Matagalpa: pickup truck with shock groups in from of the Police District



Masaya: Mr. Avellán with shock groups



Parapolice in green shirts bearing weapons of war

conflict with the law, who were associated with the State through rehabilitation programs administered by the National Police, low-income individuals who were informally paid or received promise of land benefits, and also former military officers and former combatants of the mandatory military service in the 1990s.

The participation of civil servants in violent groups who acted against protesters was also corroborated by video footage, and it is a piece of information that was invariably mentioned in multiple interviews of individuals who work or used to work until very recently for State entities.

It was widely disseminated through social media and in the press that an employee of the Ministry of Transportation and Infrastructure appears in several pictures bearing a high caliber weapon with a telescopic viewfinder, as well as the fact that a payroll from that Ministry shows that said individual was paid 150 hours of overtime during the month of April.[28] This case became public when the GIEI was already working in Nicaragua, and it had already received information about the participation of civil servants in the repression. Even though said example came to light after May 30th, it confirms the previously received information.

The recruitment of individuals by Mayor's Offices or by persons holding local political power due to their connection with the government was repeatedly referred to during testimonies received by the GIEI. For instance, in the cases of Matagalpa and Estelí. Some testimonies mention that individuals were brought from the countryside (several witnesses refer to these individuals as "peasants").

The recruitment of individuals to participate in the repression in exchange for promise of land can be confirmed by video footage which shows some of those individuals receiving their land titles.29 Those videos show several individuals explaining how they were awarded the land title, they report that they received them in exchange for support for the government and actions against the protesters, and show surprise when the same government displaces them shortly thereafter. This distribution of land organized by the government, other than being a form of – temporary – reward to participants in the repression, seems to have aimed at pressuring the private sector to intervene in the negotiations of the Dialogue Table.[30]

The information received by the GIEI also indicates that the programs run by the National Police and included in the national budget were used for the same purposes. In particular, the program for "youth at risk", which is run by the Direction of Juvenile Matters of the National Police, and had an annual budget for 2018 to include nine thousand youths.[31]

28 Confidencial, *Identifican como paramilitar a un empleado del MTI*, September 19th, 2018. See also: La Prensa, Señalan a trabajador del Ministerio de Transporte como supuesto paramilitar, September 18th, 2018.

29 For example: YouTube, 100% Noticias, *Policía sandinista desaloja a precaristas que participaron en levantamiento de tranques*, September 21st. 2018. See also, La Razón, *Ortega paga con tierras el apoyo de los paramilitares*, August 2nd, 2018.

30 YouTube, Confidencial, *El impacto de las invasiones de fincas, tierras y propiedades en Nicaragua*, July 5th, 2018.

31 National General Budget, National Police, Program 012,

The information about this type of recruitment of youths for shock groups is not new, and was mentioned in several press articles about the topic or related to actual events. According to the available information, a large part of these youths were included in the payroll of State institutions, particularly at Mayor's Offices, TELCOR, INSS, and the Ministry of Youth, among others; while others returned to their neighborhoods and were kept on call by the police or the leaders of each neighborhood, district or municipality.

There is a multipart structure in Nicaragua that branches into the neighborhoods, and combines formal institutions (such as the CPCs) with local political power entities (such as the Sandinista Leadership Committee), which results in a significant level of territorial and populational control, both in terms of intelligence and recruitment of individuals for pro-government activities.

Although this is known for a fact and can be corroborated by different sources, the GIEI was able to interview individuals who referred to this phenomenon due to first-hand knowledge, among which, a youth from Managua who has been a member of the Sandinista Youth Movement for years, and decided to leave the country due to a fear of reprisal for his decision to not intervene in actions of repression related to these protests.[32] This individual, whose identity is kept confidential in this report, explained the role of the CPCs[33] in his neighborhood, and their participation in arming the shock groups, the power of the leaders of the governing party – particularly the "political secretary", the Sandinista Youth Movement, structures that have information on each individual in the neighborhood and haver decision-making power, for instance, to provide government jobs or benefits from the State: "without a letter from the CPC, you cannot get a job, much less with the State." This territorial power favors asymmetric power relations, a relation of dependence, and even coercion.

According to the interviews with security experts and former military officers, among other sources, former combatants of former military were recruited to form the groups which showed a higher level of organization and firepower, and many of those have or have had a historical connection with the FSNL. Several sources point out that a group of government aides spent their time traveling around the country to summon former combatants, by means of a discourse about a common history, and also offering monetary compensation.

The role of the Army in the events has been a topic of public discussion. Officially, the authorities denied their intervention in the repression.[34] The GIEI has found no evidence regarding the intervention of the Army in the events investigated herein. Some images show their participation in safeguarding public spaces, but

32 GIEI interview C1.

33 Although they later became the *Councils for Family, Community and Life, many individuals still refer to them as "CPC".*

34 YouTube, Nicaraguan Army, *Posición del Ejército de Nicaragua ante la actual situación del país*, April 22nd, 2018. See also, Nicaraguan Army. *Comunicado 01/2018; and YouTube, Nicaraguan Army, Nota aclaratoria, July 10th, 2018.*

without actively participating in the repression of protests, the occupation of universities or the dismantling of roadblocks.[35] However, the individual participation of members of the Army in the pro-government armed groups or in their training cannot be discarded, as suggested by some versions of the events. This must be further investigated.

All these types of recruitment mentioned above should be investigated when there are conditions to do so, as well as the origin and the management of the resources utilized in the repression, which were presumably sponsored by the State.

At first, the government denied any relation with these groups. Nevertheless, the government later asserted that these were "voluntary police"[36] – probably because of the evidence indicating that they acted in coordination with the National Police.

The Voluntary Police is a force recognized by the organic law for many years.

According to Law No. 872 of the National Police, the Voluntary Police is "an auxiliary force to support the National Police, and shall be composed of Nicaraguan citizens who provide their service voluntarily and provisionally."[37] Said law explicitly mentions that "the members of the Voluntary Police shall be duly identified with their own uniforms and badges during the fulfilment of their duties," and they "shall only carry out tasks of support in terms of prevention, such as: 1) Assist the Police in surveillance, patrolling, traffic regulation, and in cases of natural disasters. 2) Assist the authorities upon learning about the perpetration of illicit actions, securing the crime scene, providing assistance to the victims as needed, and duly reporting the facts to the competent authorities."[38]

The gap between what the law provides regarding the Voluntary Police and what took place is evident, particularly with regard to the participation of armed groups, in civilian clothing and without any type of identification.

The GIEI requested information from the State about the composition of this alleged "voluntary police", its membership, its plan of action, etc., but has received no response whatsoever.

Despite the fact that the parapolice groups who carried out violent actions cannot be deemed "voluntary police" in the meaning established by law, it is clear that they acted in coordination with the National Police and with guarantees of impunity.

In a sum, the information indicates that the State used a parallel structure of repression which visibly participated in most of the events of repression since April 18th and onwards. A global examination of the events allows the GIEI to assert that its existence and actions stem from a policy determined by the national government (even though its concrete structure, at least in part, may be organized at the local level). There is no other way to explain the participation of these groups at the same time, in various departments throughout the country, and their coordinated actions with the National Police, which responds to the national government and whose Supreme Chief is the President of the Republic, the intervention of various Mayor's Offices, all belonging to the governing party, the direct participation of Sandinista political leaders

35 There is also a series of images of May 30th which show vans and individuals who were seen in the repression during the March of the Mothers entering and leaving the Military Hospital. The Nicaraguan Army issued a communiqué in which it clarified that they were merely providing medical assistance. See: Nicaraguan Army, *Nota de Prensa No. 066*, May 31st, 2018. See also: YouTube: Nicaraguan Army, *Nota de Prensa No. 066 Ejército de Nicaragua*, June 1st, 2018.

36 Diario Las Américas, *Ortega asume acciones de "policías voluntarios" contra las protestas en Nicaragua*, July 30th, 2018; Euronews, *Ortega admite la acción de parapolicías enmascarados en la entrevista con Euronews*, July 31st, 2018.

37 Law No. 872 on Organization, Functions, Career and Special Social Security Regime of the National Police, Article 23. Passed on June 26th, 2014. Published on July 7th, 2014 in the Official Gazette No. 125. Similar provisions were included in Articles 43 to 45 of Law No. 228 of the National Police, published on August 26th, 1996.

38 Law No. 872 on Organization, Functions, Career and Special Social Security Regime of the National Police, Article 25. Passed on June 26th, 2014. Published on July 7th, 2014 in the Official Gazette No. 125.



Parapolice group

and employees of various entities, the use of State resources, and the guarantee of impunity observed in their actions.

During its months of work in Nicaragua, the GIEI received several testimonies about the role of Vice-President Rosario Murillo in the management of these structures, and the role of a group of aides and political secretaries of the FSLN in the coordination of the actions and instructions. Although the GIEI could not find elements to corroborate the foregoing, this possibility must be mentioned and investigated when there are conditions of independence and autonomy within the justice system to do so.

In addition to that, a declaration provided on September 27th, 2018 by Ligia Gómez before the Tom Lantos Human Rights Commission of the United States Congress was recently made public. Ms. Gómez was until recently manager of Economic Research for the Central Bank, and Political Secretary of the FSLN in the Sandinista Leadership Committee (CSL) within the bank between 2014 and 2018,[39] and she made reference about the political structure managed by Rosario Murillo, whose orders were allegedly transmitted by the General Secretary of the Managua Mayor's Office, Fidel Moreno Brioles.[40]

Ms. Gómez explained that, "*[…] on April 19th, all the political secretaries, the coordinators of the Sandinista Youth Movement, and the union secretaries were summoned to the auditorium at the Japanese park. At the entrance, the ID badges of all participants were scanned, and Fidel Moreno Brioles prohibited any recordings of the meeting, so we all put away our cell phones. The purpose of the meeting was to organize the response to the street protests. Mr. Moreno Brioles had a clear message: 'We must defend the revolution, we will do everything, we will not allow them to jeopardize the revolution.' This meant that all forms of repression would be implemented.*"

Ms. Gómez also talked about the measures adopted to secure certain parts of the city in order to avoid demonstrations. This policy of occupation of public spaces is a very well-defined characteristic and was observed in several images, and in some instances meant that State forces tried to arrive first at the venue of a demonstration, while in others it took the shape of "counter-protests", invariably with the participation of shock groups. Such was the case, for example, of what took place in Managua and León during the early days of the protests, as previously mentioned.

39 The statement can be found here: Tom Lantos Human Rights Commission of the United States Congress. Hearing about the "Evolution of the human rights crisis in Nicaragua". September 27th, 2018. Ligia Gómez also provided statements to the press: Confidencial, *Habla exsecretaria política del FSLN en el Banco Central 18th*, 2018.

40 Fidel Antonio Moreno Brioles punished according to Law Magnitsky, for commanding violent actions perpetrated by pro-government groups. See Infobae, *Estados Unidos anunció sanciones contra tres funcionarios nicaragüenses por violaciones a los derechos humanos*, July 5th, 2018; United States Embassy in Nicaragua, *El Tesoro sanciona a tres nicaragüenses por graves violaciones a los derechos humanos y actos de corrupción*, July 5th, 2018.

In conclusion, the elements gathered by the GIEI indicate that there existed a structure formed by an array of actors who carried out repressive actions of varying intensity, while acting in coordination with the National Police. The composition of this complex structure and its management system must be investigated in the future in order to identify all those responsible. Notwithstanding who these individuals may be, there is strong evidence that this structure exists, and the actions of these groups, in a time-extended reiterated fashion, and in coordination with the National Police, cannot be explained but for decisions adopted by the national government.

4. Arbitrary detentions, treatment of detainees and torture complaints

The GIEI verified that, during the period of its mandate, the National Police carried out a policy of massive and indiscriminate detention of men, women and adolescents during police raids.

These events, which are particularly serious, occurred due to an arbitrary and illegitimate use of legal prerogatives regarding detentions by the National Police[41], which are related to procedural regulations in cases of misdemeanors.[42] This practice also had an impact on dozens of adolescents who were deprived of liberty in this context. In addition, there was also disproportionate and illegitimate use of force in relation to detainees, and complaints about inhuman conditions of detention in penitentiary and police places of deprivation of liberty. Moreover, there were torture complaints about various forms of torture which must be investigated when there are adequate institutional conditions to do so. The situation of detainees was further aggravated by the ineffectiveness of the writ of *habeas corpus* and the lack of judicial control over said abusive practices.

4.1 Arbitrariness of the detentions

The GIEI received abundant information – including official statistics provided by the State, despite its refusal to cooperate – which indicates that hundreds of individuals were deprived of their liberty as a result of the violent actions perpetrated by the police forces; these individuals were placed in police cells or prisons; and they were later released without being charged of illicit activities. The following considerations stem from this official information. However, it is not certain that these statistics comprise the entirety of the deprivations of liberty which took place. In this regard, the GIEI notes that the statistics published by the State are contradictory.

In fact, according to the list of "Detainees for various motives, from April 20th to June 27th, 2018",[43] there were 500 detentions up until May 30th. Nevertheless, according to the Commission for Truth, Justice and Peace, between April 18th and May 30th, 2018, there were 690 detentions related to the protests, as follows: 491 in April, and 199 in May.[44]

41 Article 231 of the Nicaraguan Code of Criminal Procedure (CPP) allows deprivation of liberty by the National Police without a judicial order in three hypotheses: i) when the alleged criminal is caught *in flagrante delicto; ii) when the alleged criminal is chased as they flee the crime scene; iii) when the alleged criminal is caught at the crime scene or near it with firearms, instruments or other objects that somehow might indicate that they participated in the illicit act. Moreover, the CPP determines that, "the National Police chiefs, on their personal capacity, may issue orders of detention, provided that they are strictly necessary, against those against whom there is a reasonable suspicion of criminal responsibility for a misdemeanor punished with deprivation of liberty, within twelve hours after receiving notice about the fact."*

42 Article 235 of the Nicaraguan CPP grants the National Police the prerogative of presenting an indictment before judicial authorities for misdemeanors, without the interference of the Public Prosecutor's Office. To that end, the defendant should be presented before the competent judicial authority within 48 hours (Article 231). It is true that said detentions carried out by the National Police in compliance with Article 231 must be informed to the Public Prosecutor within 12 hours, but the institutional practice is to give said notice in case of crimes, and not misdemeanors. That is so because the Public Prosecutor does not intervene in case of misdemeanors.

43 List of "Detainees for various motives, from April 20th to June 27th, 2018", provided by the State of Nicaragua to the IACHR.

44 Commission for Truth, Justice and Peace, Second Preliminary Report, pp. 61 and 62. Moreover, according to the statistics of this official body, there were 558 additional detentions up until August 16th, and they fit the same pattern as those examined herein (Second Preliminary Report, pp. 62, 63 and 64).

As pointed out, the official statistics provided by the State differ in terms of the number of detainees during the period under investigation. The GIEI repeatedly requested information from the State about the detentions, but has not received a response.

Despite the foregoing, the official information and the data gathered by the GIEI indicate that most detentions – primarily carried out against young males – took place on those dates when public demonstrations occurred, particularly between April 19th and 22nd, May 7th, between May 12th and 14th, May 25th, and between May 25th and 30th; and during some of those events, hundreds of detentions were carried out.

Moreover, the massive nature of the detentions coincides with the large number of release orders issued on the dates immediately thereafter, during the period between April 18th and May 30th. Therefore, the generalized outcome of those detentions was the release of the detainees within 24 or 48 hours.

A key aspect must be considered in this regard: the absolute predominance of the alleged perpetration of the misdemeanor of "public scandal" (Article 573 of the Penal Code) as a reason for the detention. This excuse "justified" the detentions for acts allegedly perpetrated *in flagrante delicto*, which dismissed the requirement of a prior judicial order or a notification to the Public Prosecutor's Office. The information made available to the GIEI indicates that none of these individuals were charged by the police before competent judicial bodies for allegedly perpetrating said misdemeanor. This initial pattern differs from the pattern that was observed in July and August, for example, regarding the selective detention of student leaders, rural workers and other social leaders, or individuals who participated in the protests, who have been formally charged and remain in prison (see Chapter X).

During the first few months, the methodology applied indicates that the goal of those detentions was to dismantle the social mobilization against the National Government. In this regard, the GIEI considers that during its temporal jurisdiction, the deprivation of liberty was not a result in itself, but was rather a mechanism to disperse the protests and a form of punishment and intimidation against the participants – thus the short duration of almost all deprivations of liberty included in the aforementioned official list.[45]

The effectiveness of that initial pattern was facilitated by the prerogatives of the National Police regarding detentions, combined with provisions related to judicial processes for the perpetration of misdemeanor. Thus the abusive use of the provision regarding "public scandal". Accordingly, the Police was able to carry out deprivations of liberty for the commission *in flagrante* of said misdemeanor, and maintain that detention for up to 48 hours, without the requirement of notifying the Public Prosecutor or a judicial authority. Therefore, the immediate fate of more than 500 detained individuals remained at the sole discretion of the police authority, for the duration of the period in which the police can archive an inquiry or formally charge someone.[46]

In conclusion, it is obvious that the State carried out a practice of conducting police raids[47] related to

45 It is possible to conclude that this arbitrary exercise of legal prerogatives by the Police had a two-fold purpose: i) a personal one, since the victims of the police raids who provided testimony before the GIEI mentioned the indelible impression left on them by their deprivation of liberty, and also the terror experienced by them at the thought of going through that again; and ii) a collective one, because of the chilling effect caused on those who might participate in social protests.

46 The lack of judicial control over police detentions has preoccupied the international community for over a decade. In fact, in 2006, the United Nations Working Group on Arbitrary Detentions recommended that Nicaragua "should make sure that the National Police strictly complies with the requirement of presenting every detainee before a judicial authority within 48 hours after their arrest" (Recommendation a). Moreover, it observed that, ""the authorities should substantially improve the record-keeping system at police stations", and formulated specific instructions about how to go about that (Recommendation b).

47 It is worth mentioning that the I/A Court H.R. has indicated that "raids are incompatible with the respect for fundamental rights, among others, the presumption of innocence, the requirement of a judicial order for detentions – except in cases of *flagrante delicto – and the obligation to notify those responsible for persons under the age of 18." I/A Court H.R. Case of Bulacio Vs. Argentina. Merits, Reparations and Costs. Judgment of 18 September 2003. Serie C, No. 100, para. 137.*

the exercise of the right to protest.[48] This is clearly shown by a global examination of the facts: the massive nature of the detentions, the coincidence between those detentions and the dates of the protests, and the justification thereof being the alleged perpetration of "public scandal".

It is undeniable that these detentions were arbitrary, since they stem from an illegitimate use of legal prerogatives regarding detentions.[49] What is more, their unlawfulness was explicitly acknowledged by the Commission for Truth, Justice and Peace, which – additionally – pointed out that those individuals suffered a violation of conventional and constitutional rights.[50] Notwithstanding the foregoing, there is no information regarding investigations aimed at determining eventual criminal responsibility for those actions.

4.2 Deprivation of liberty of adolescents

The practice of conducting police raids also had a particular impact on youth: there were dozens of adolescents – between the ages of 14 and 17 – deprived of their liberty during these operations.

These events infringed both domestic law and international human rights law. Both normative frameworks recognize the specialization as a guiding principle of the juvenile justice systems.[51] This means, among other questions, that the intervention and the treatment of adolescents in conflict with the law must be executed by specialized State bodies, in a differentiated and separate manner to the one used for adults.[52] However, there is evidence that the legal provisions regarding their transfer to a provisional detention center for adolescents within 24 hours was not respected.[53] According to official data, with regard to at least 25 adolescents, this legal maximum period was exceeded, and they were not presented before the specialized bodies.[54]

The police conduct regarding these cases constitutes a blatant disregard for the right of special guarantee imposed on the State for the deprivation of liberty of adolescents,[55] particularly as it relates to the principle of last resort for the deprivation of liberty of children and adolescents, and the international prohibition against illegal and arbitrary detention of them.[56]

4.3 Excessive use of force during arrests and transfers

The arbitrariness of the detentions carried out by the National Police was aggravated due to the excessive use of force and other acts of institutional violence perpetrated both during the arrests and the transfers to or between detention centers.[57]

In fact, the testimonies and the audiovisual material analyzed indicate that the actions of the police officers upon carrying out the arrests were characterized by an absolutely disproportionate and unnecessary use of force. In particular, testimonies of individuals who were victims of these police raids and multiple videos show police officers deliberately and unnecessarily assaulting the protesters – including punching, kicking, shoving, hairpulling, and other means, the use of blunt instruments, such as nightsticks or the butt of high caliber weapons – on various body parts – including the head, face, testicles, back – and ending up, in some cases, with detainees being dragged on the streets by the security forces. This illegitimate exercise of police force was also mentioned during the transfers that occurred after individuals were arrested.

4.4 Inhuman conditions of detention and torture complaints

In addition to the foregoing, other acts of institutional violence were observed in relation to the inhuman conditions of detention experienced by individuals deprived of their liberty at police facilities[58] and penitentiaries.[59] In particular, the use of physical and psychological violence, threats, solitary confinement in isolation cells, overcrowding, duress during interrogations, forced nudity – with the exception of underwear, forced hair shaving, and forced physical exercises, among others, which illustrate the inhuman and degrading treatment experienced by the detainees. Testimonies also attested to the seizing of the detainees' property by the security forces, lack of adequate food and water, and their collective release on roads in the outskirts of the city of Managua. Moreover, there were complaints about cruel and degrading practices which disproportionately impacted women deprived of liberty, among which were forced nudity, and forced squatting under the vigilance and verbal abuse of police personnel.[60]

The GIEI received testimonies of individuals who denounced being victims of possible acts of torture and crimes against sexual integrity perpetrated during the course of its mandate.

As a matter of fact, the GIEI learned about the cases of Humberto Antonio Parrales Reyes and Noel Ramón Calderón Lagos, who were severely tortured and murdered on May 15th, 2018. They were father and son who participated in the student protests. According to the testimonies received by the GIEI, both victims were subjected to various forms of duress before dying: Humberto Antonio presented multiple bruises on his body, broken bones and a bullet lodged in his lung, while Noel Ramón received so many electric shocks that his feet and hands blackened and his heart stopped. According to the information, their tortured bodies, lifeless in the case of Humberto and agonizing in the case of Noel Ramón – who died shortly thereafter –

48 There are also statements by individuals who assert that they had not participated in the protests, but ended up being arrested in the vicinity thereof.

49 "A detention is arbitrary and illegal when not carried out for the reasons, and according to the formalities, established by law; when carried out without adherence to the standards established by law; and when it involves misuse of the authority to arrest--in other words, when carried out for purposes other than those envisaged and stipulated by law" (IACHR, Case 10.286, Manuel Mónago Carhuaricra and Eleazar Mónago Laura. Peru, April 13th, 2000, para. 29). Similarly, the Inter-American Court has determined that, "the Convention prohibits the arrest of imprisonment by methods that although qualified as legal, may in practice result unreasonable or out of proportion" (I/A Court H.R. López Álvarez, para. 66; García Asto, para. 105, and Palamara Iribarne, para. 215).

50 The *First Preliminary Report of the Commission for Truth, Justice and Peace* includes the following conclusion: *"(9) There were 505 individuals detained by the National Police until June 2nd*. Out of those, 204 were transferred to the Prison System of Tipitapa. All these citizens suffered irregular detentions, since the reasons thereof were not explained, and they remained under detention for longer than the maximum period established by Article 33, 2.2 of the Constitution, thus these detentions were arbitrary, which clearly violates their human right to personal liberty and the guarantees enshrined in Article 34 of the Constitution.

51 The Code of Childhood and Adolescence – Law No. 287 regulates the specialty in terms of juvenile justice. In particular, it establishes that the criminal responsibility of adolescents of between the ages of 13 and 18 shall be determined by a specialized body for the subject, namely the Juvenile Justice Criminal Courts (Article 111 and ss.).

52 Another relevant aspect is that the GIEI has not had access to detailed information about the places of detention where women deprived of liberty were taken. In this regard, the State must remember its obligation to make arrangements to separate men and women. IACHR, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Principle IXI: separation of categories. March 2008; and United Nations. UN Standard Minimum Rules for the treatment of prisoners (Mandela Rules), Rule 8: separation of categories. 17 December 2015; and "The Bangkok Rules" – United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. 16 March 2011.

53 Code of Childhood and Adolescence – Law No. 287, Article 111.

54 The First Preliminary Report of the Commission for Truth, Justice and Peace expressed its preoccupation about the detention of adolescents and considered that it resulted in a violation of Book III of Law No. 287 (Conclusion No. 11).

55 The special duty of guarantee imposed on the State regarding persons deprived of liberty should be understood in light of the provisions of Article 19 of the American Convention, in cases of adolescents in conflict with the law. Given the double condition of vulnerability of this group, said general duty is strengthened.

56 Convention on the Rights of the Child. November 20th, 1989, Article 37.

57 The information herein stems from interviews, audiovisual material gathered by the GIEI, and testimonies received and systematized during the IACHR's on site visit to Nicaragua.

58 The testimonies included information about the "El Chipote" National Direction of Judicial Support, and the Police Station of the Department of Chinandega.

59 With regard to prison facilities, there is only information related to prison complex "La Modelo", located in Tipitapa, which is destined for the deprivation of liberty of adult males.

60 According to the testimonies of female detainees, these practices were carried out during the GIEI's temporal jurisdiction, or else afterwards but were aimed at punishing their participation in the public demonstrations of April and May 2018.



Detainees with scratches and injuries



Detainees

were rescued from the gates of UPOLI after being abandoned there by the perpetrators.[61]

The GIEI also received the testimony of one individual who was illegitimately deprived of liberty at the "El Chipote" police station, where they were physically and psychologically tortured. According to the testimony, this individual suffered sexual violence with blunt objects for seven days, electric shocks, violent punches – to the point that this individual's jaw was broken and teeth were lost – death threats and threats against personal integrity. This individual also reported hearing another individual, supposedly a student, being tortured. This testimony also mentions the use of plastic bags in the head, deprivation of liberty in tiny cells where one had to sleep while standing, mock executions and lack of adequate food during the period of detention.[62]

The GIEI also learned about another individual deprived of liberty at the same police station. According to the testimony, the victim was subjected to interrogatories during which they received death threats and threats against personal integrity, such as the threat to use pincers to remove their nails.[63]

Moreover, other individuals told the GIEI that they had been kidnapped – apparently by civilians and police – and taken to private houses where they were tortured.[64] One of them, who was allegedly deprived of liberty for two days, mentioned being victim of a form of torture known as *piñata* – where a person receives blows with blunt instruments and has their blood circulation cut, in regular intervals, while hooded;[65] and another one reported being hung from the neck and having the sole of the feet burned[66] during their detention of almost eight days. The GIEI also heard about sexual violence using blunt objects such as mortars.[67] According to the information, in these private houses the captors also used a type of "torture roulette", whereby random forms of torture were chosen.[68]

According to the testimonies, some forms of torture were inflicted in order to force the victims to record videos incriminating themselves or others, whereby they had to read through a script provided by their captors while, behind the camera, they were held at gunpoint.[69]

61 GIEI interview E306.

62 GIEI interview E58.

63 Information provided by the IACHR to the GIEI, 2018.

64 GIEI interviews E50 and E60. These accounts coincide, in turn, with a public complaint presented by another individual.

65 GIEI interview E50.

66 GIEI interview E60.

67 Marcos Novoa's public testimony.

68 GIEI interview E111.

69 KENNET Romero Aburto's public testimony. Marcos Novoa's public testimony.

The GIEI stresses that these allegations describe extremely serious facts;[70] and although there is not enough information to establish systematic patterns of torture, it must be kept in mind that the complexity of reporting these crimes is heightened when they are perpetrated under a climate of persecution and distrust in the State institutions in charge of investigating and punishing those responsible.

In light of the foregoing, the GIEI considers it imperative to carry out serious criminal investigations in accordance with international standards included in protocols for the investigation of torture and crimes against sexual integrity, particularly the United Nations Istanbul Protocol.

4.5 Denial of access to justice for detainees

According to the information available to the GIEI, there was a pattern of denial of access to justice for victims of the massive arbitrary detentions carried out by the National Police. This systematic obstruction in the exercise of rights took place both in the processing and in the resolution of personal exhibition appeals (*habeas corpus*) which were lodged in relation to the detentions that occurred until May 30th, as well as with regard to those which were filed due to subsequent detentions by the same individuals.

In fact, after examining the judicial files to which the GIEI had access, it is possible to note that most writs of *habeas corpus* lodged by those detainees were fruitless, and they were invariably archived.[71] The judicial argument utilized in those decisions focused, in all cases, on an alleged "lack of public interest" of the appellant, which supposedly stemmed from the lack of procedural activity. The judicial authority responsible for those decisions was the Criminal Chamber of the Court of Appeals of Managua, specifically its Chambers 1 and 2.

Another argument used to reject those writs of *habeas corpus* – which was less frequently used – was based on the constitutional period of detention (48 hours) before the judicial authorities may examine a case. With regard to the cases which were examined, the judicial decision was issued on the same day that the writ *habeas corpus* was lodged, or on the following day. This indicates that, in the meantime, there was no diligence to examine its legitimacy.[72]

Another instance of denial of justice had to do, once again, with the actions of the police. Concretely speaking, the few decisions in favor of these appeals contained a report by an Execution Judge which listed severe obstructions by the police in fulfilling his/her duties, which resulted in the impossibility of contacting the beneficiary and consulting police authorities about their situation. In a sum, the appeal was then granted due to these inconveniences.[73]

Finally, a novel element was used to distort the figure of the "Execution Judge"; since the unpredictability of the professional availability of those individuals assigned with said task may cause inadmissible delays in processing a recourse which, by its own nature, must be prompt.[74]

70 The testimonies received by the GIEI coincide with the information gathered by the UNHCHR in its report Human rights violations and abuses in the context of protests in Nicaragua 18 April – 18 August 2018, (Title III.1.f) torture and mistreatment, pp. 32 and ss.), August 2018; and by the IACHR in its report Gross Human Rights Violations in the Context of Social Protests in Nicaragua, (Chapter 3.C.3 and cc.), June 2018.

71 Such was the case regarding the following matters: Process 00627-ORM4-2018-CN. Judgment of May 28th, 2018. Court of Appeals, Criminal Chamber 2, Managua; Process 00633-ORM4-2018-CN. Judgment of May 28th, 2018. Court of Appeals, Criminal Chamber 1, Managua; Process 00649-ORM4-2018-CN. Judgment of June 8th, 2018. Court of Appeals, Criminal Chamber 1, Managua; Process 00763-ORM4-2018-CN. Judgment of July 2nd, 2018. Court of Appeals, Criminal Chamber 2, Managua; Process 00663-ORM4-2018-CN. Judgment of May 25th, 2018. Court of Appeals, Criminal Chamber 1, Managua; Process 00799-ORM4-2018-CN. Judgment of July 2nd, 2018. Court of Appeals, Criminal Chamber 2, Managua; Process 00728-ORM4-2018-CN. Judgment of June 8th, 2018. Court of Appeals, Criminal Chamber 2, Managua; Process 00753-ORM4-2018-CN. Judgment of June 8th, 2018. Court of Appeals, Criminal Chamber 1, Managua; Process 00730-ORM4-2018-CN. Judgment of June 29th, 2018. Court of Appeals, Criminal Chamber 1, Managua; and Process 00645-ORM4-2018-CN. Judgment of June 8th, 2018. Court of Appeals, Criminal Chamber 1, Managua.

72 This could be observed in Process 00798-ORM4-2018-CN. Judgment of July 1st, 2018. Court of Appeals, Criminal Chamber 2, Managua.

73 This could be observed in Process 00829-ORM4-2018-CN. Judgment of July 2nd, 2018. Court of Appeals, Criminal Chamber 2, Managua.

74 These deficiencies were observed in the following: Process 00763-ORM4-2018-CN, processed by the Court of Appeals, Criminal Chamber 2, Managua. The appointment of Execution Judge had to be renewed, which caused a 5-day delay from the lodging of the appeal until the actual decision.

In a sum, the State practice consisting of arbitrarily detaining individuals in the context of the protests benefitted from the denial of access to justice which, in practice, left those individuals under the exclusive control of the National Police.

5. Stigmatization of the protests and political support for the repression

The facts under examination in this report occurred in the context of an intense campaign to stigmatize the protests and clear political support for the repression, which clearly demonstrates the stance of the State's highest authorities regarding the violent events perpetrated by the State.

Since April 19th at noon, on the second day of the protests and before any deaths occurred, the Vice-President and coordinator of the Council of Communication and Citizenship, Rosario Murillo, referred to the protesters as follows:

> "It is sad to observe the political manipulation exerted by the same people as always, these minuscule beings who incite and destabilize in order to destroy Nicaragua. We have come a long way as a society, as a people, as a government, as a political model of permanent dialogue, in order to build a country in harmony, tranquility, work, prosperity, and non-violence. These efforts are under attack and violence by those who promote destruction, destabilization; these insignificant groups assault our peace and development due to a political agenda and toxic, selfish interests filled with hate."[75]

That same evening, when the information about the first deaths was already circulating, the Vice-President addressed the country once again:

> "Good evening [...] dear families of our Nicaragua. This Nicaragua has suffered the loss of many sons today. This Nicaragua is being tainted by some bad sons. As I mentioned earlier today at noon, these tiny beings, petty individuals, who forget how much we have worked to secure peace; for which we thank God every day, because now there is peace in Nicaragua, after the Nicaraguan families endured so much suffering, pain and conflict. These petty souls do not take into account the pain of the mothers, or the pain of the children who will wake up tomorrow asking about their dad."
>
> "Unfortunately there are people like that. And we ask God to remove this toxicity from their hearts; remove the envy, the ambition from their hearts. Those hearts have thorns, and as a result of their work full of hatred, they poison us all, or they want to fill our Nicaragua with hate [...]. They are like vampires, claiming for blood, to advance their political agenda, to feed themselves, because the vampires feed on blood and believe that it advances their political agenda."

Upon mentioning the deaths of Darwin Manuel Urbina – about whom she asserted that "was shot with a shotgun, according to the police, fired from UPOLI"[76] – and of police officer Hilton Rafael Manzanares, the Vice-President confirmed the need to investigate the crimes and punish those responsible. This task was to be performed by the police: "The National Police must investigate how they died and must punish the perpetrators."[77]

The police and parapolice violence notoriously escalated on the following day, April 20th, and murders multiplied in various parts of Nicaragua, such as Ciudad Sandino, Estelí, Managua, Masaya, Sébaco and Tipitapa.

On April 21st, when there were already at least 28 deaths, the President of the Republic issued his first statement. This message also evidentiates a clear stigmatization of the protests – according to which the students were being manipulated, and the organizers of the protests included delinquents and gang members – while no questioning was made about the use of lethal force by the State:

> "What is happening right now in our country leaves us speechless. I understand that groups of students are mobilizing, they possibly do not even know who or which party is behind all of this, but we do know. They are using manipulation through social media and, obviously, they have influenced the students who think that this law is harmful, so they go out to protest.
>
> This can be explained and it is understandable by the way in which youth can be manipulated, and social media is used to manipulate these days. This is not only a problem in Nicaragua, but a global issue, and when those who organize these protests mobilize youths, boys or adults who have experienced criminality, they are criminals, we have the records, the Police has the record of these criminals, those who have been arrested, they are gang members... When the protests incorporate these gang members, then they are criminalizing the protests, and putting those well-intentioned youth protesters at risk, and why? Because gangs are sadly a scourge of the world, an indication of a fractured society."[78]

The number of similar statements is quite large, particularly coming from the Vice-President, and we only included a few examples here to evidentiate how, since the beginning of the protests, the official discourse aimed at creating an enemy: those who protest mean to destabilize, are filled with hatred, are minuscule beings, who attack peace and development, and they have their own interests and political agenda, which are toxic, selfish, or they are being manipulated, etc.

Several statements are also filled with religious innuendo, and they even mention the need to exorcise evil.[79]

Moreover, while the governmental discourse often stressed the occurrence of injuries and deaths among police officers, it never acknowledged the existence of victims of police or parapolice violence.

In that regard, one of the strategies used, in certain occasions, was to point out that the murdered youths were "sandinistas", as if that circumstance alone could determine that they were victims of violence perpetrated by the protesters.

In other occasions, labeling the victims as "sandinistas" seemed like an attempt by the government of political appropriation of the deceased and, above all, aimed at disseminating the idea that they had been victimized by the protesters or violent groups who opposed the government. Several families of the deceased who were interviewed by the GIEI identified themselves as sandinistas, or observed that the deceased had voted for the FSLN, and in some cases even presented copies of their political party registration cards. Notwithstanding the foregoing, the families asserted that the victims had participated in the protests, or mentioned that they knew that the latter had been murdered by the police. The interviews carried out by the GIEI demonstrated that the political affiliation of the victims and their families was not uniform, and that many individuals who participated in the protests were or had been supporters of the FSLN.

Some families went as far as publicly contradicting this government strategy, and specifically responded to this attempt of portraying the victims as being victimized by oppositionist groups. There were also cases when alleged family members of the victims presented themselves as such, but they were impostors. Accordingly,

75 El 19 Digital, *Rosario: Hemos hecho un esfuerzo como sociedad, como pueblo, como gobierno para instalar un país en armonía, tranquilidad, trabajo, prosperidad y no violencia*, April 19th, 2018.

76 This was denied on the following day by the victim's family. They blamed the police for his death, and said that, at the Forensic Medicine Institute, the police tried to convince them to blame the student protesters. Confidencial, *Familiares de Darwin Urbina: No era delincuente, venía de trabajar*, April 20th, 2018. See also, El Nuevo Diario, *Vio morir a su hijo en las redes sociales*, May 1st, 2018.

77 La Voz del Sandinismo, *Declaraciones de la Compañera Rosario Murillo, Vicepresidenta de Nicaragua en Edición Especial de la Noche (19/04/2018) (Texto íntegro)*, April 20th, 2018.

78 La Voz del Sandisnimo, *Mensaje del Presidente-Comandante Daniel al Pueblo Nicaragüense (21/4/2018) (Texto íntegro)*, April 21st, 2018.

79 La Voz del Sandinismo, *Presidente-Comandante Daniel Ortega y Compañera Rosario Murillo, Vicepresidenta de Nicaragua, en el Acto del 39 Aniversario del Triunfo de la Revolución Popular Sandinista (19/07/2018) (Texto íntegro)*, July 19th, 2018.

the family of Carlos Alberto Bonilla López, a 17-year-old murdered in Ciudad Sandino on April 20th, 2018, had to publicly deny an interview divulged by a pro-government media channel, in which a lady who claimed to be his mother said that he was alive and asked "not to use her son to harm the government."[80] Likewise, the family of Richard Pavón Bermúdez, who was murdered on April 19th in Tipitapa, had to contradict the government's attempt to label him as sandinista,[81] and publicly explain that he no longer participated in the Sandinista Youth Movement, and had joined those who opposed the social security reforms.[82]

The State's refusal to acknowledge that there were victims of State-sponsored violence not only constituted a form of revictimization, but should also be understood as a form of support for and protection to the National Police: it there is no victim of State-sponsored violence, the State had no responsibility.

Another form of political support for the State's actions during the repression of the protests had to do with appointments and promotions within the National Police, which were awarded in the context of violence, when there were already many complaints and public evidence about abuses related to the use of force.

For instance, on August 23rd, 2018, the Official Gazette published the appointment of General Commissioner Francisco Díaz – an in-law of the President – as General Director of the National Police, who was to replace Aminta Granera. Ms. Ganera had resigned at the end of April. Several sources assert that Mr. Díaz was the *de facto* leader of the police forces prior to said appointment, which was just a formal measure. The fact is that his appointment served as an endorsement for the repressive actions of the National Police and sent a clear message to both the police institution and the populace in general, that the government supported the police's actions.

That same edition of the Official Gazette of August 23rd, 2018 also included the appointments of Adolfo Joel Marrenco Correa, Ramón Antonio Avellán Medal and Jaime Antonio Vanegas for higher echelon positions within the National Position. The curious fact about these appointments is that they date back to 2015 and 2017. Mr. Marenco and Mr. Avellán were appointed as Deputy Directors, effective September 1st, 2015, and Mr. Vanegas was appointed as General Inspector, effective April 1st, 2017. These three individuals held high positions within the National Police during the violent events. Therefore, the publication of these old appointments during the violent events can only be understood as a stamp of approval for the performance of these individuals, who were, precisely, the most institutionally responsible for the actions of the police.

In September 2018, many officers of the National Police were promoted, including many members of DOEP and several individuals who were allegedly responsible for attacks against civilians in various parts of the country.

For instance, the chief of the Direction of Judicial Support (DAJ), Luis Alberto Pérez Olivas, who was in charge of the prison known as "El Chipote" – regarding which there were several complaints – was promoted to General Commissioner.[83]

Expert sniper Zacarías Salgado was also surprisingly awarded a medal and promoted. Mr. Salgado had been previously convicted and sentenced to 11 years in prison for the so-called "Las Jagüitas Massacre", which occurred in 2015, when he acted as chief of the DOEP patrol that was responsible for the events.[84]

80 YouTube, 100% Noticias, *Padres de Carlos Bonilla denuncian a madre impostora*, May 22nd, 2018. See also, La Prensa, *Familiares de uno de los asesinados durante las protestas desmienten a una mujer que asegura ser su madre*, May 22nd, 2018.

81 YouTube, Vivanicaragua13, *Gobierno brinda acompañamiento a familias de joven asesinado*, April 20th, 2018. This includes statements by the Minister of Health, Sonia Castro.

82 YouTube, El Nuevo Diario, *Richard Pavón, el primer muerto de las protestas en Nicaragua*, November 18th, 2018; 100% Noticias, *Padres de Richard Pavón reclaman justicia por su muerte*, April 30th, 2018.

83 These promotions can be verified in National Police, *Revista Visión Policial*, September 2018. According to the information, General Commissioners Luis Alberto Pérez Olivas, Douglas Manfredo Juárez Solís, Sergio Gutiérrez Espinoza and Olivio Hernández Salguera received promotions. Also 13 Major Commissioners, 959 Commissioners, 73 Subcommissioners, 175 Capitans, 237 Lieutenants and 394 Police Inspectors.

84 La Prensa, *Un francotirador entre 14 policías homicidas*, July 20th, 2015.

According to the official magazine of the police "*Visión Policial*", Zacarías Salgado was promoted to Second Chief of the Brigade of Police Arms and Tactics of Intervention and Rescue (TAPIR).[85] There is no additional information about the aforementioned conviction or sentence.[86]

Despite all the complaints about murders and injuries caused by the excessive use of force, these demonstrations of support for the actions of the Police took place while no information was provided about internal inquiries to determine accountability for the abusive and disproportionate use of force.

The demonstrations of political support for the repression also included public appearances of the President with higher echelon authorities of the Police after violent events, and even with members of parapolice or irregular armed groups.

Additionally, authorities and members of the National Police have appeared, in the midst of these violent events, in images where they display their euphoria about their actions, and dance to a slogan song of the governing party, with the following lyrics: "Although hurt it may, although hurt it may, Daniel, Daniel, Daniel is here to stay."[87]

In a sum, since the very beginning of the protests, the government has maintained an inflammatory discourse aimed at creating an enemy and stigmatizing the protests. The protesters were labeled as manipulated youth, vandals, agitators filled with hatred, coup-plotters, terrorists, among other descriptions which imply that they are not real citizens or capable to autonomously decide to participate in social protests. Simultaneously, the government has failed to publicly acknowledge the existence of victims of State-sponsored or parapolice violence. The government even tried political appropriation in order to portray some victims as being victimized by oppositionist groups. At the same time, the government displayed public support for the actions of the National Police, not only when it utterly denied the abuses, but also through concrete gestures such as appointments and promotions for those individuals who were mainly responsible for the repression against the protests.

6. The role of the public health system

The climate of persecution against protesters, which was created by the policy of repression and the stigmatizing discourse of the State's highest authorities, also had repercussions in the role of the public health system, to the point that it became a recurring topic during the testimonies received by the GIEI.

The public repercussion of testimonies of victims, families, and health professionals who witnessed these events led the Nicaraguan Medical Association to issue a statement, just over one month after the repression against the protests began, in which it condemned the manipulation of the health system:

> "Nicaragua is going through a difficult situation in the last few weeks, and young students and citizens have been murdered, tortured and mistreated, because they dared to use their voices to peacefully protest against some measures taken by the current government. These demonstrations are being repressed with violence by the national police and paramilitary groups such as pro-government shock groups, in an effort to completely suppress at any cost the right to freedom of expression of youths and the populace in general. The health system has been compromised, and medical attention is being denied in cases of emergency, which has resulted in the loss of human lives at various institutions. This goes against domestic laws and all ethical norms that must be

85 National Police, *Visión Policial*, September 2018, p. 36.

86 Hoy, *Premian al responsable de la masacre Las Jagüitas, September 21st, 2018.* See also, La Prensa, *Francisco Días premia al policía responsable de la masacre de Las Jagüitas*, Spetember 21st, 2018.

87 YouTube, Concepción Pérez G, *"Aunque te duela Daniel se queda"*, July 19th, 2018.



Ortega, Avellán and a masked man

observed at public and private hospitals."[88]

During many months of work, the GIEI gathered plentiful and diversified information which evidentiates severe irregularities and denial of medical assistance by the State to individuals who were injured during the violent events which took place in the context of the social protests that began in Nicaragua on April 18th.

Nevertheless, the Commission for Truth, Justice and Peace asserted, in its preliminary report of June 2018 observed that, both the Ministry of Health (MINSA) and the INSS "gave explicit instructions to provide medical attention and services to those individuals who came to hospitals, health centers, medical posts and provisional facilities. These circumstances were duly verified on site and corroborated by a review of the lists with hundreds of patients."[89] This Commission, which was championed by representative Porras – closely linked to the health sector due to his union activism – observed that the director of the Red Cross stressed "in a statement" that during the transfer of injured patients there was no denial "from any private or public hospital, from the closest place, or wherever they asked us to take them."[90]

Despite that assertion by that Commission, the GIEI heard multiple accounts which indicate that medical services were not duly ensured by the Ministry of Health of Nicaragua.[91]

On one hand, there were concrete cases of denial of medical attention, for instance, Álvaro Conrado Dávila, 15 years old, who was shot at UNI on April 20th, was first transferred to *Cruz Azul* Hospital,[92] where he was denied admission despite his critical condition. The GIEI interviewed two eyewitnesses, who provided coinciding testimonies. One of them reported that, upon arriving at *Cruz Azul* Hospital: "[…] they would not let the boy in [….], the on-call security guard and two more individuals, one inside an office and another who just kept looking at the glass door, from the emergency gate of said hospital, were indifferent, and the security guard only picked up his radio and talked to someone but I could not hear it. The others who were inside were indifferent, one went back into an office and the other turned his back to me…" [93] There is audiovisual footage showing the exact moment when they refuse to open the door of the hospital, despite the protests of those who carried the injured boy, who was still alive. After the denial at *Cruz Azul* Hospital, Álvaro was taken to Bautista Hospital where he died after an emergency surgery.

88 Nicaraguan Medical Association, Communiqué, May 25th, 2018.

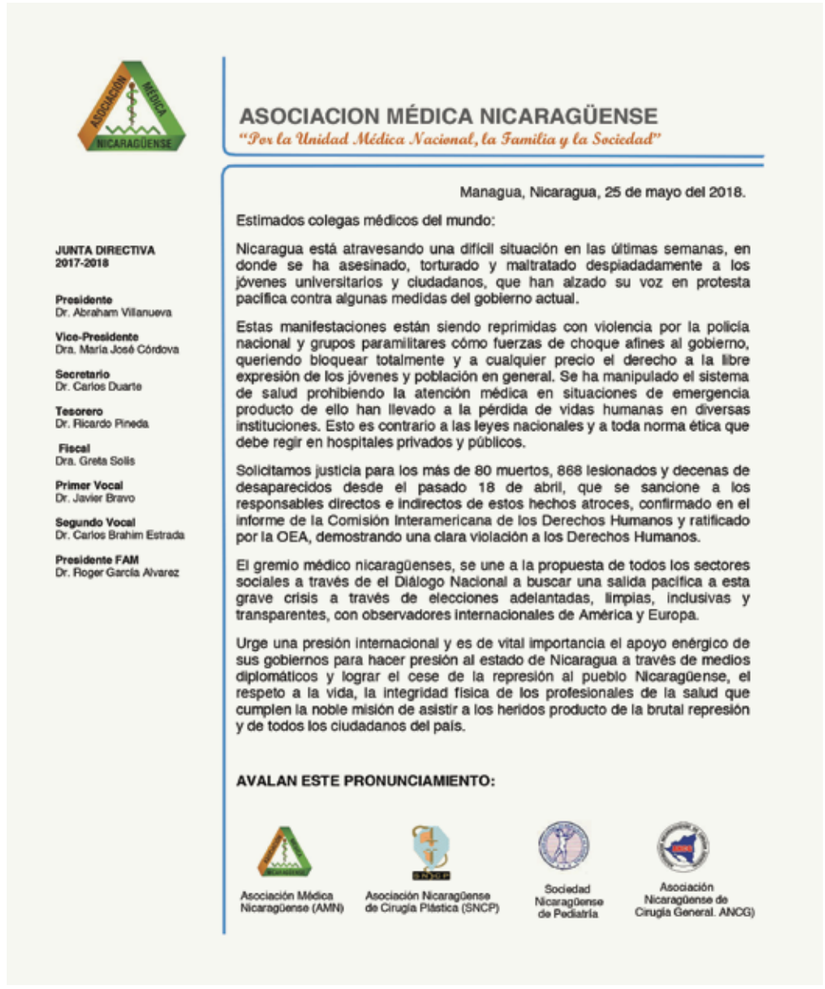
89 Preliminary report of the Commission for Truth, Justice and Peace, July 2018. Preliminary conclusions. Number 3.

90 Preliminary report of the Commission for Truth, Justice and Peace, July 2018. Preliminary conclusions. Number 5.

91 This report only includes identification in cases that were divulged by means of communication. In other cases, no details regarding place, date or identity will be provided, for reasons of confidentiality.

92 This hospital was incorporated into the INSS system in 2013. See La Prensa, *Cruz Azul pasó al INSS*, February 4th, 2018.

93 Information provided to the GIEI by the IACHR, 2018; and GIEI interview C201.



ASOCIACION MÉDICA NICARAGÜENSE

"Por la Unidad Médica Nacional, la Familia y la Sociedad"

Managua, Nicaragua, 25 de mayo del 2018.

Estimados colegas médicos del mundo:

Nicaragua está atravesando una difícil situación en las últimas semanas, en donde se ha asesinado, torturado y maltratado despiadadamente a los jóvenes universitarios y ciudadanos, que han alzado su voz en protesta pacífica contra algunas medidas del gobierno actual.

Estas manifestaciones están siendo reprimidas con violencia por la policía nacional y grupos paramilitares cómo fuerzas de choque afines al gobierno, queriendo bloquear totalmente y a cualquier precio el derecho a la libre expresión de los jóvenes y población en general. Se ha manipulado el sistema de salud prohibiendo la atención médica en situaciones de emergencia producto de ello han llevado a la pérdida de vidas humanas en diversas instituciones. Esto es contrario a las leyes nacionales y a toda norma ética que debe regir en hospitales privados y públicos.

Solicitamos justicia para los más de 80 muertos, 868 lesionados y decenas de desaparecidos desde el pasado 18 de abril, que se sancione a los responsables directos e indirectos de estos hechos atroces, confirmado en el informe de la Comisión Interamericana de los Derechos Humanos y ratificado por la OEA, demostrando una clara violación a los Derechos Humanos.

El gremio médico nicaragüenses, se une a la propuesta de todos los sectores sociales a través de el Diálogo Nacional a buscar una salida pacífica a esta grave crisis a través de elecciones adelantadas, limpias, inclusivas y transparentes, con observadores internacionales de América y Europa.

Urge una presión internacional y es de vital importancia el apoyo enérgico de sus gobiernos para hacer presión al estado de Nicaragua a través de medios diplomáticos y lograr el cese de la represión al pueblo Nicaragüense, el respeto a la vida, la integridad física de los profesionales de la salud que cumplen la noble misión de asistir a los heridos producto de la brutal represión y de todos los ciudadanos del país.

AVALAN ESTE PRONUNCIAMIENTO:

Asociación Médica Nicaragüense (AMN)

Asociación Nicaragüense de Cirugía Plástica (SNCP)

Sociedad Nicaragüense de Pediatría

Asociación Nicaragüense de Cirugía General. ANCG)

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With regard to this case, the Commission for Truth observed that it demonstrated an "inconsistency between the institutional instruction of generalized attention and the individual response of an employee of that hospital."[94] Moreover, this Commission added that this individual response resulted from fear of the security personnel that they would suffer "verbal aggressions" by the individuals who were demanding the boy's admission into the hospital. However, the audiovisual footage shows that it was not only one individual who refused entry, but other individuals who were inside the hospital also noticed what was happening, and did nothing to open the door for the victim. The video also does not indicate that there was a situation of risk or danger for the guard or other hospital personnel.[95]

94 Preliminary report of the Commission for Truth, Justice and Peace, July 2018. Preliminary conclusions. Number 4. There is no information about an investigation about this event to reach this conclusion, nor is there information about punishment to the individual who is allegedly the only one responsible.

95 See video: *Hospital Cruz Azul niega atención a Álvaro Conrado.*

In the case of Luis Ramón Cruz Alvarado, 39 years old, the GIEI also corroborated that he was denied medical attention. On May 23rd, he was shot in the chest and received several blows to the head during the protests which took place at the *Plaza de Encuentros*, in the city of Chinandega. According to individuals interviewed by the GIEI, he was taken to España Hospital, where they refused to provide him with medical assistance and left him agonizing until his death in the following early morning.[96]

Another hospital that was mentioned was Oscar Danilo Rosales Arguello de León Teaching Hospital (HEODRA). According to testimonies received by the GIEI, on April 20th, 2018, protesters who were injured during the protests were denied medical attention. "On April 20th, the director of the hospital in León, Yudith, instructed that the emergency be closed for the students who had been wounded by the anti-riot forces, and the Minister of Health, Ms. Castro was at that hospital in León since 11am...,"97 reported one witness. There were also complaints about violent actions perpetrated by personnel from the Ministry of Health and the hospital in León against the student protesters on April 20th.

Another example of denial of medical assistance at HEODRA in León was the case of Cristian José Pineda Martínez, 28 years old, who went to that hospital on May 7th, 2018, due to a health concern. According to the available information, the victim was denied entry into the hospital because they thought he was a student who had participated in the protests, and he died right there.[98]

These incidents were condemned by a communiqué issued by university professors of various colleges from the city of León, and were also reported by health professionals who had to flee the country and seek asylum in Costa Rica, because they suffered persecution and were expelled or had to resign from their jobs. Many of these professionals provided testimonies about the role of the health system in the context of the repression. According to their accounts, HEODRA authorities altered patients' medical history, patients would have double files: one with the real medical history, and another one that was modified. Moreover, they denounced that hospital personnel administered a saline solution instead of dextrose solution, and water instead of serum to patients.[99]

In Ciudad Sandino, Juan Carlos López Martínez, 24 years old, was injured by a gunshot wound, and denied medical attention when he was taken to the local hospital known as *Hospitalito*.[100] "We will not assist these vandals", was the response of the staff, according to an individual interviewed by the GIEI, who took Mr. López Martínez to that hospital.[101] After that denial, the victim was taken to *Monte España* Hospital, where he died that same day.

"We almost had to burst open the doors of the hospital so they would admit him, I asked them to move him to another hospital, but they ignored me. My son died because of that, because of them", a parent of Alejando Tomás Estrada Hernández, 20 years old, told the press, after the health center of Ciudad Belén refused to provide medical attention to the victim, who was shot in the neck on May 25th.[102]

The GIEI verified that some patients were prematurely discharged despite their serious medical condition. This was also reported by several doctors interviewed by the GIEI, who confirmed that they knew about cases of superficial attention or premature discharge.[103]

"They sent him home with Ibuprofen", observed one witness about the case of César Noé Castillo Castillo, who was seriously injured by a gunshot wound that perforated one of his lungs on April 20th, and taken to San Juan de Dios Hospital in Estelí, where he was hospitalized until April 29th. He was discharged on that day, despite his critical condition, and had to return after having a heart attack two hours later. He was then discharged again after a few days, despite his critical condition, and died on May 12th at home.[104]

In the case of Manuel Antonio Montes, 44 years old, something similar occurred. On April 22nd, 2018, in Ciudad Sandino, he suffered a gunshot wound that punctured his lung and his spine. He was taken to *Hospitalito* in a police vehicle, and subsequently transferred to Lenin Fonseca Hospital. One testimony about this case indicated that Manuel Montes complained that he "was not feeling his feet", at the hospital they only took X-rays, but he did not receive the results, they drew his blood, but he did not receive those results either, and they injected his hands with a painkiller. He asked the doctor if he would operate to remove the bullets, to which the doctor replied that he would not, because that only happened in the movies. On April 23rd, 2018, despite his critical condition, Mr. Montes was discharged between 5 and 6pm, after being administered Ibuprofen and antibiotics for the infection. He agonized at home for two days, and returned to Lenin Fonseca Hospital on April 25th, when a female doctor seemed surprised that he had been discharged. He died on April 29th, 2018 from internal hemorrhage, with the bullet still in his body.[105]

The case of Manuel Montes was not the only one that the GIEI received about irregularities in the medical assistance provided at Lenin Fonseca Hospital. This hospital, particularly its brain surgery department, was questioned by other family members of the wounded and the deceased, as well as doctors who were interviewed by the GIEI.[106] With regard to the deaths of Kevin Dávila López and Jaime José Reyes Tellez, there were complaints about that department. Accordingly, in the case of Kevin Roberto Dávila López, one testimony indicated that he victim was operated twice, but "they did not give any information" about the victim's condition. Later on, they said that the victim had to undergo another surgery because he was in a coma. According to this testimony, some doctors and nurses observed that "this is what happens to those who decided to participate in the protests."[107]

Aside from these illustrative examples, the GIEI also registered other cases which constitute inadequate or irregular medical attention to those wounded during the protests. For example, there was an 18-year-old youth who suffered two gunshot wounds, one in his arm and one his back, during a demonstration in Managua, at Rene Polanco neighborhood, on April 21st. He complained that he could not feel his legs. He was taken to Alemán Hospital, where, according to a witness, he was going to be discharged, since they told him that he only had one bullet in his arm.108 When they tried to sit him up, however, the doctors noticed that he had also been shot in the back. The doctors told him that they had not seen that wound. To date, this youth's legs remain paralyzed.

One wounded victim provided a testimony to the GIEI which portrays a particularly gruesome case. According to the victim, after being shot in the leg, which caused a fracture of the tibia and fibula, they were operated at a private clinic that provided free services. During the surgery, a metal plate was placed to help with the recovery. This was all done for free, despite the cost of the metal plate. After this emergency

96 GIEI interview E312. There is a report from the Forensic Medicine Institute that corroborates this event, although it indicates that the time of death was 11pm, while the testimony received by the GIEI indicates that it occurred two hours later, at 1am of the following day.

97 GIEI interview C31,

98 GIEI interview E5. See also, Facebook, *Joven muerte en las afueras del HEODRA cuando le negaron el acceso..., May 8*th,2018.

99 Confidencial, *Convirtieron el sistema de salud en un arma represiva, November 5th, 2018.*

100 *Hospitalito* refers to Nilda Patricia Velazco de Zedillo Health Center, in Ciudad Sandino, Managua.

101 GIEI interview E330.

102 Confidencial, *"¡Malditos, mataron a mi niño!", el grito de Ciudad Belén*, May 27th, 2018

103 See also references in *Confidencial, Convirtieron el sistema de salud en un arma represiva*, November 5th, 2018.

104 GIEI interview E8. See also, La Prensa, *Muere hombre herido en protestas de hace 22 días en Estelí*, May 12th, 2018.

105 GIEI interview E96.

106 GIEI interview C92.

107 GIEI interview E15.

108 GIEI interview E116.

surgery, this individual continued treatment at a public hospital. At the public hospital, without providing details, the doctors performed another surgery, and later discharged the patient. At home, this victim felt like the leg was not recovering adequately and was bending where it had been fractured, so they set up an appointment at another health center. Then, after an X-ray, it was confirmed that the metal plate had been removed. According to the victim, this was a deliberate action carried out at the public hospital, because they knew that the wound had occurred during the protests.

The GIEI also heard testimonies which indicate that the police, along with pro-government shock groups, obstructed the victims' admission into hospitals. For instance, one witness told the GIEI that when they tried to reach the mortuary at Alemán Hospital, they found a human cordon composed of police, "some in blue shirts, others in black, accompanied by a civilian who looked paramilitary."[109]

Many family members of the deceased victims reported obstruction and denial of information by the public health system, not only about whether their relative had been admitted into a hospital, but also about their clinical condition.

For instance, Kevin Roberto Dávila López, 23 years old, was taken to Alemán Hospital after being shot in the head, then transferred to Bautista Hospital, then to Lenin Fonseca Hospital, where they performed two surgeries on him. According to the available information, the victim's family suffered hindrance upon arriving at the hospital and, at first, they were denied information: "Upon arriving at Antonio Lenin Fonseca hospital, we asked if my son was there, but at the reception they told us that he was not there." However, after they were helped by a hospital employee, the family could reach the intensive care unit where Kevin was "... still with a lot of blood in his head."[110]

The GIEI also documented obstruction of access to the victim by family members in the case of one protester who was shot in the chest and taken to a public hospital. One testimony regarding this case indicated that the security personnel of the hospital would not let the family in, and one of the guards observed that the victim had been "wounded by a bladed weapon", to which they responded that it was a lie, because the victim had been admitted "with a bullet in the chest". This witness also mentioned that, at first, they could see the victim on a stretcher, but the security personnel told them to leave the premises. Then, they tried to enter the hospital again, but found a "human cordon" formed by the security guards of the hospital, who would not let them in.[111] There was another similar case of a protester who was shot, then taken to a public hospital where he died a few hours later. According to testimonies, when the family arrived at the hospital, security personnel tried to block their entry into the establishment.[112]

The distrust in the health system and the severe irregularities led many individuals who were wounded during the protests to refrain from seeking assistance at public hospitals or health centers.

In view of this situation, the GIEI gathered numerous testimonies of individuals who were assisted at improvised medical posts or health centers, by voluntary doctors, medicine students and other protesters, who started collecting medical supplies to help the wounded. These facilities were set up on the streets, at private houses, churches, among other places. In an interview carried out by the GIEI with a group of doctors and medicine students, they observed that these improvised facilities were set up as early as April 19th: "On that day, we started gathering supplies and divided ourselves in three groups, UNI, UNAN and UCA,

109 GIEI interview E74. Similar accounts are included in other interviews and doctors' testimonies in *Confidencial, Convirtieron el sistema de salud en un arma represiva*, November 5th, 2018.

110 Diario Crónica, El padre que se vino a la casa de una sobrina en Córdoba para que Daniel Ortega no le asesinara, August 11th, 2018. See also, Diario Hoy, Balas quitan otra vida: Kevin Roberto Dávila López fue herido en protestas de abril, May 8th, 2018.

111 GIEI interview E74.

112 GIEI interview E68.

and also set up a medical post at Santa Marta church. This was the first time that doctors openly supported the protests. There was a large number of doctors and medicine students in these early meetings. Santa Marta was the central station of supplies, it was like the central hospital for the medical posts."[113]

These medical posts multiplied throughout the country. "We set up a large number of medical posts, almost 15 throughout Managua, 7 in Monimbó/Masaya, etc."[114], according to a testimony. The GIEI was able to interview individuals who worked at these improvised facilities in various departments of the country. Accordingly, one individual who worked in one of them at San Miguel de Masaya neighborhood pointed out that, in that department, "we had 7 clandestine medical posts [...], we had coordination meetings [...]. Most of them were in Monimbó, outside of Monimbó there were two or three. At one point, we started setting up more." Additionally, in León the GIEI also received testimonies about improvised medical posts: "The boys were injured by rocks and glass shards. On the corner of the hospital [...] we found boys who had cuts in their hands... so we set up a medical post at the fire station, with a resident pediatrician and many others, I was one of them [...], and we went to search for the wounded... we found some [...], the most serious cases were a boy with many cuts and another who had injured the sole of his foot."[115]

At first, these improvised facilities focused on providing primary assistance, tending to those suffering from gas poisoning and minor injuries. However, after a few days, the medical assistance was amplified to more serious injuries. Sometimes, "the informal medical posts were overwhelmed, so those seriously injured had to be directly taken to proper hospitals", said one individual interviewed by the GIEI.[116]

The large number of injured individuals surpassed the capacity of the improvised centers. Since there was no trust in the assistance provided at public hospitals, the wounded started seeking assistance at private hospitals. Therefore, some private hospitals started offering services free of cost through volunteers to tend to those injured during the protests.

One doctor who was a volunteer observed that this began "... with a group of volunteer doctors *ad honorem*, who offered free services of human assistance. Society responded to our gesture with donations of medical supplies to alleviate some of the hardship that we were facing in order to deal with so many critical patients."[117] He also observed that there were more than 800 emergency care cases between April and June 2018, and out of those, approximately 150 required surgery. They treated all kinds of injury: gunshot wounds in vital body parts (head, neck, chest and abdomen); patients who had swallowed bananas with pins inside of them;[118] trauma due to blunt force; limb injuries by firearms or mortar explosions; among others. Moreover, he stressed that they treated patients who had previously been to public hospitals, but received no assistance or inadequate treatment there,[119] and that they removed "AK 47 high caliber bullets, as well as pistol projectiles."

Many of these doctors and volunteers who provided emergency voluntary services also worked at public hospitals. Due to the voluntary work performed, several of them were fired from their jobs and even had to leave the country because of fear of retaliations. Some doctors were also fired or displaced because, although they did not volunteer at the emergency posts, they fulfilled their Hippocratic oath and did not

113 GIEI interview C51.

114 GIEI interview C51.

115 GIEI interview C30.

116 GIEI interview C51.

117 GIEI interview C37.

118 According to various testimonies, some of the food items that were "donated" to protesters had been poisoned or were inserted with sharp objects.

119 Some cases included in the official list of injured victims depict this situation. One of the health professionals included in a report about doctors in exile in Costa Rica mentions that she recommended to a family of a patient at HEODRA in León that they should leave the hospital and seek medical assistance elsewhere. See *Confidencial*, *Convirtieron el sistema de salud en un arma represiva*, November 5th, 2018.

deny medical attention to those injured during the protests, against superior orders, or else they were considered dissidents or oppositionists. According to the Nicaraguan Medical Association, as of August 2018, approximately 200 doctors were arbitrarily dismissed from various hospitals in the country,[120] among whom were specialists of different areas. The expulsion of such a large number of doctors cannot be understood but as an act of political persecution against oppositionists.[121]

The State informed that the Ministry of Health provided medical assistance at public hospitals to more than 1400 individuals between April 18th and May 30th. However, as previously mentioned, this figure represents only a portion of the wounded, since it does not include those injured individuals who were treated at emergency posts, volunteer centers or private hospitals. Also, the GIEI verified that it does not even include the total number of patients who received treatment at public hospitals.

The events mentioned above are examples of the difficulties experienced by several injured individuals during the protests. If they occurred due to an order issued by the Ministry of Health, due to the intervention of pro-government sectors within the health system or the pro-government union (FETSALUD)[122], which manages most hospital resources, or whether it was a consequence of the existing climate of persecution against protesters, is something that must be investigated. The fact is that there is consistent information about multiple situations of denial of assistance, inadequate medical attention, and mistreatment of family members of injured or deceased patients, which constitute new forms of State-sponsored violence against the protesters.

All these situations, which imply a serious violation of medical obligations, must be investigated and prosecuted when there are conditions to do so. The investigations must determine the dimension of this phenomenon, which orders came from the Minister of Health, Sonia Castro, and from the Direction of each hospital, what the role of FETSALUD was regarding these events, and which measures were taken or not to ensure public health in critical cases.

7. Guarantee of impunity

One distinct characteristic of most processes involving gross human rights violations perpetrated by the State is that they occur in impunity. The recent experience in Nicaragua in not an exception. The available information indicates that the judicial system and the internal mechanisms of the National Police did not act with due diligence regarding obvious abuses and crimes.

Although this will be dealt with in more detail in another chapter, as of the approval of this report, it is worth mentioning that there is no investigation by the Public Prosecutor's Office inquiring about the criminal responsibility of members of the National Police, political authorities or individuals who participated in shock groups or parapolice armed groups that acted in coordination with the State.

Despite the State's reiterated refusal to provide information to the GIEI, other sources offered information which indicates that, regardless of the obligation of the State to *sua sponte* initiate actions, many families of victims have filed criminal complaints to investigate the murders committed and, in several of them, have

120 El Nuevo Diario, *Mayoría de médicos despedidos son especialistas*, August 8th, 2018.

121 These dismissals were condemned by medical associations from various countries (see the website of the Nicaraguan Medical Association).

122 Many testimonies, some of them from doctors, mention that these pro-government groups were implicated in these events. See ***Confidencial,*** *Convirtieron el sistema de salud en un arma represiva:* Dr. Ricardo Pineda, from the Nicaraguan Medical Association, reports that the participation of these groups went beyond the denial of medical attention, since some hospital personnel, particularly from FETSALUD, also participated in armed attacks. For instance, at the Estelí Hospital, the guards shot at the students, threatened many doctors, and the institution served as a base for parapolice groups. He also mentions similar situation in Masaya and Jinotepe.



Doctors who were fired during a demonstration

indicated the responsibility of State officials and, in particular, the National Police. In more than one case, the families provided photos and videos which would allow the Public Prosecutor to formulate indictments against members of the National Police.

The treatment of families who sought assistance from the Public Prosecutor's Office has been described in several testimonies received by the GIEI. These testimonies also mentioned that they were asked to provide witnesses and evidence, as if that was a duty of the victims and not a State obligation. As already mentioned, even when the families complied with that request through their own investigations, the cases have not moved forward.

In other occasions, the testimonies indicate that several families did not even try to lodge complaints, because they were certain that the current justice system would not conduct serious and reliable investigations and, what is more, lodging complaints might imply the risk of putting themselves or the proposed witnesses under investigation.

The testimonies invariably show an obvious distrust of the victims' families and others in the institutional system, and even the certainty that both the Judiciary and the Office of the Public Prosecutor are totally dependent on political power. This perception can be observed both in the families that presented complaints and in the ones that decided against it.

Some elements that justify this notion have already been mentioned, and they relate to previous institutional history. The events that began on April 18th took place in a context where democratic institutions are being seriously questioned, and this also includes – particularly – the justice system.

There are some events that occurred after the April protests and the State-sponsored repression which validate this idea.

Some of these events directly involve the GIEI. The denial of the Public Prosecutor's Office to provide information about the investigations and meet with the GIEI in order to allow it to fulfill its mandate, despite the State obligation arising from the Agreement between the OAS and the State, evidentiates that there is no intention to clarify the facts. The lack of independence of the Public Prosecutor's Office can also be noted when, during the few meetings that took place, this institution had no objection to the government's contention that the communication between the MP and the GIEI must be done through the Executive branch, especially because one of the most obvious lines of investigation has to do with the conduct of officials from this branch of government. The same can be said about the Supreme Court of Justice, whose Chairperson committed to facilitating the GIEI's access to hearings and informing about their schedule, during the second meeting with the State. However, the schedule of hearings was never informed, and when the GIEI members arrived at supposedly public hearings, they were denied entry, with the explicit approval of the Supreme Court.

In the last few months, prosecutors have resigned and judges have been removed, which further

consolidates a judicial system more and more in line with the interests of the Executive branch.[123]

Moreover, the judicial system has played a significant role with regard to the criminalization of individuals who are perceived by the government as oppositionists. The GIEI received information from different sources which indicates that there is a group of prosecutors and employees within the MP, who are very close to the Attorney General, and are in charge of "fabricating" indictments against selected individuals. In particular, the information makes reference to the specialized unit against organized crime.[124]

With regard to internal mechanisms of the National Police, there is no information about any investigations either.

Law No. 872 and Decree No. 51/2012 define the authorities, procedures, type of infractions and corresponding penalties.

"Excessive use of force or technic, by means of unnecessary violence, without justification or due regard for graduality and proportionality, upon carrying out arrests or other police activities" (Article 10.5 of Decree No. 50/2012) is one of the "very serious" offences included in those provisions. It is a major offence punishable with dishonorable exoneration (Article 17).

The decree establishes that this offence should be investigated by the Direction of Internal Affairs and the General Inspector, which is a higher echelon position and a member of the National Direction of the National Police.

In order to open an inquiry, Article 27 of said decree requires several elements, among which, complaints from citizens, organs and institutions, verbally or in writing. In addition, it determines that, "if one suspects that a very serious disciplinary offence has occurred, due to a complaint or if one has learned about it, Internal Affairs shall open an inquiry, in order to determine the perpetrators and clarify the circumstances under which it occurred." Investigations must also be initiated when "the General Director of the National Police, the General Inspector or General Deputy Directors so order" (Article 27.1.).

Therefore, even in the absence of an external complaint, an inquiry must be initiated "if one learns about" something that might amount to a very serious offence, or when superior authorities order so.

These violent events are public knowledge and they include, among other things, a disproportionate and unjustified use of force, without due regard for graduality or proportionality, so the Direction of Internal Affairs, the General Director of the National Police, the General Inspector and the General Deputy Directors should have initiated inquiries.

There is no information about internal investigations, and there is a reason for that: the conducts of abusive use of force were not isolated actions of one or more police officer, but rather were part of a policy which was organized and supported by the highest authorities of the National Police and of the State.

In a sum, the facts were perpetrated with absolute guarantee of impunity, both by the judicial system and the authorities of the National Police.

In fact, from the institutional viewpoint, there has been a concerted behavior by the highest authorities of the Executive branch, the Office of the Public Prosecutor, the Judiciary and the National Police. This can be demonstrated by their actions which exceed or fail to fulfill their legal obligations, as well as by public

123 For instance, the case of judge Indiana Gallardo, who was dismissed from the Supreme Court of Justice after she announced that she would ask the prison system for explanations about the situation of three young members of the *19 de abril Movement who were being criminally prosecuted.* See La Prensa, *Corte Suprema de Justicia descalifica a la juez destituida Indiana Gallardo*, July 21st, 2018. See also, Hoy!, *Ensucian nombre de juez Indiana Gallardo*, July 21st, 2018; and YouTube, El Nuevo Diario, *Sacan a la fuerza de los juzgados a jóvenes del Movimiento 19 de Abril,* July 18th, 2018. The Supreme Court argues that the reasons for her dismissal are unrelated to that incident, and are based on other elements.

124 This can be inferred from at least 3 unrelated sources, who vehemently mention that. They also explain that the group in charge of preparing the indictments does not sign them or show up in court, but assigns the cases to other prosecutors. Some employees have resigned because they do not feel comfortable behaving accordingly. For a more detailed analysis, see Chapter XI.

gestures that unmistakably make that clear.

Accordingly, for example, despite the non-political nature of the National Police established in Law No 872 and in the Constitution, there are images of a higher echelon police officer at a stadium dancing to a governing party slogan song, in the midst of the violence and the pain of so many families.[125]

In another display of the foregoing, after four months of extreme violence, while the international community expressed alarm and concern about the situation in Nicaragua, and the National Police clearly appeared as the main perpetrator of the violence, the highest authorities of the judicial system in charge of investigating and punishing those attended a ceremony of the National Police, along with the President of the Republic and Supreme Chief of that institution, and applauded the speeches and promotions awarded to several alleged perpetrators. The official magazine of the National Police transcribed the speech of the President of the Republic, in which he addressed the highest authorities of the judicial system as follows": "Comrade Alba Luz Ramos, Chairperson of the Supreme Court of Justice, [...] Comrade Ana Julia Guido, Attorney General of the Republic."[126]

B. VIOLENT ACTIONS LAUNCHED DURING THE PROTESTS

Regardless of the specific nature of all the events examined by the GIEI, the protests were, at first, peaceful. The marches, the gatherings at universities and their occupation, and even the roadblocks were initially non-violent scenarios.[127] Nevertheless, they were violently repressed from the beginning by the National Police and pro-government shock groups. This occurred in Managua, León, Masaya, Matagalpa and other places.

Gradually, some of the individuals participating in the protests started carrying mortars and rocks to defend themselves from the attacks that were happening, in the context of an escalated repression which, on April 19th and 20th, had already produced a large number of dead and injured protesters by gunshot wounds.

From then onwards, the protests became more heterogeneous. As a general rule, there was a large number of individuals participating without any kind of defensive or offensive instruments, along with some individuals who were bearing such items.

Although mortars have a festive purpose in cultural and religious celebrations in Nicaragua, they can also be loaded with marbles, little rocks, nails and broken glass, etc. In some cases, these artifacts can produce serious injuries, if fired from a short distance. In this regard, the case of police officer Damaris de Jesús Martínez Hernández is illustrative. She suffered wounds from mortars in the vicinity of UNI on April 20th, 2018, including serious burns in the legs and genitals, with loss of tissue and serious abrasions.[128] According to the available information, however, including 25 autopsies and some investigation files to which the GIEI had access, there were no cases of deaths caused by mortars.

While the violence of the repression increased, protesters started using, other than mortars, Molotov bombs, artisanal weapons and, in some cases, industrialized firearms. With regard to the latter, the abundant audiovisual material examined by the GIEI, corresponding to the whole period under its jurisdiction, indicates that the protesters carrying firearms did not amount to one dozen. In the videos that were examined, only

125 See video uploaded to a Twitter account: *Las represión policial y paramilitar ha dejado 317 muertos. El Poder Judicial criminaliza la protesta (132 personas en juicio) y los desaparecidos van en aumento. Pero eso no importa para el Comisionado Avellán, subdirector de la PN, quien baila alegremente "Daniel se queda"*

126 National Police, *Revista Visión Policial*, September 2018, p. 15.

127 This is not to say that the protests do not cause nuisance, such as blocking traffic. Many roadblocks were intermittent, not permanent nor complete.

128 Report of the Ministry of Health about injured individuals assisted at health facilities (18 April – 28 June 2018).

one individual is seen shooting a firearm at the National Stadium during the March of the Mothers. This is not to say, obviously, that this was the unique case, it is merely the only one caught on camera. The GIEI repeatedly requested from the State information about these incidents, and even asked for the video footage which – according to other videos – was recorded by police officers or related personnel.[129] That evidence could provide more information about this topic. However, the GIEI did not receive any response.

Notwithstanding the absence of audiovisual recordings, there are other elements to infer that, during some of the events under examination, some individuals participating in the protests might have concretely used firearms against members of the National Police or the pro-government groups.

Even though it has not been possible to determine with certainty, it is possible to assert with a high degree of probability that, at least during the events which took place on May 30th, in the La Trinidad Municipality (Department of Estelí), the individuals behind the roadblock or local residents who were supporting the former used firearms during the confrontation that took place with police forces and participants in the FSLN convoy which meant to break the roadblock and head towards Managua to participate in a pro-government ceremony that day. In fact, testimonies received by the GIEI indicate that the local residents were carrying firearms, which they effectively used to repeal the attempt by the Police to dismantle the roadblock.

> "There were casualties among the paramilitary, because the locals are cowboys, they were all armed, with shotguns. On that day, a pro-government convoy was trying to get to Ortega's ceremony in Managua, […] passing through the roadblock, the protesters would not let them pass. Commissioner Ruiz from Estelí showed up and gave them some time to free the passage, or else he would "eliminate them". There were buses filled with 'sandinistas' and a confrontation was inevitable. The local farmers joined the protesters and crossfire began, the farmers firing their shotguns, and the police their AK rifles"[130]

Other elements seem to confirm this version. Two out of the three individuals who died during this incident were members of the convoy heading towards Managua. They were Dariel Stiven Gutiérrez Ríos and Jairo Antonio Osorio Raudales, who, according to various news media, were young sandinista activists who were in the convoy.[131] The third dead victim was Darwin Alexander Salgado Vilchez. According to the press, he was a local resident who was returning home from work when he was shot.[132] According to the National Police, 11 police were hospitalized that day due to gunshot wounds during this confrontation.[133] Some videos examined by the GIEI show individuals who were presumably at the roadblock celebrating the withdrawal of the police, and saying "they could not handle the people of Matagalpa,"[134] whereas others show images of the confrontation in which members of the convoy are running away, while shouting that they are firing at them.[135] The National Police can be seen in some of those images.[136] There is an ongoing judicial investigation about this, but the Government has not allowed the GIEI to have access to the files, despite the reiterated requests submitted, so that the GIEI could examine all cases related to the violent events which began on April 18th.

129 Many videos show images of members of the National Police or individuals presumably linked to them video recording the incidents during the repression of many protests, such as the ones in Masaya, Bluefields and Managua, at various times, including the March of the Mothers on May 30th.

130 GIEI interview.

131 The latter was specifically mentioned by the National Police in Communiqué No. 32-2018 regarding these incidents, on May 31st, 2018.

132 See La Voz del Sandinismo, *Fallece joven que recibió impacto de bala en Estelí*, June 2nd, 2018. For its part, the Commission for Truth merely concluded that he died at the roadblock, without any additional details.

133 National Police, Communiqué No. 32-2018, May 31st, 2018

134 YouTube, Que hubo Nicaragua, *Así fue el enfrentamiento en La Trinidad, Estelí*, May 30th, 2018.

135 YouTube, Canal 4 Nicaragua, *La Trinidad, Estelí: delincuentes de la derecha agreden a caravana sandinista*, May 31st, 2018.

136 YouTube, Radio ABC Stéreo, *ENFRENTAMIENTO EN LA TRINIDAD DEJA UN MUERTO Y VARIOS HERIDOS*, May 30th, 2018.





Images of the Chairperson of the Supreme Court during FSLN ceremonies

There is also the case of José David Oviedo Martinez, who died from a gunshot wound. According to the information obtained by the GIEI, on May 25th, 2018, at around 9pm, José David, who was a private security guard, arrived on a motorcycle at one of the roadblocks set up in the vicinity of UNAN, drew his gun and fired at the protesters. Then, he was shot in the chest by one of the individuals who was behind the barricade. According to the available information, he received medical assistance at an improvised medical post on the UNAN campus, and was already dead when transferred to a hospital. The students at the roadblock confiscated his belongings, including his firearm, and later delivered them to a human rights organization as evidence.[137]

The National Police and other sources related to the Government (pro-government media or civil servants) have publicly attributed the responsibility for some deaths under the GIEI's jurisdiction to participants in the protests. However, most of these accusations were generic, and typically used general language such as "delinquents", "oppositionists" or "groups of individuals", without concretely identifying the perpetrators or any other details that might make it possible to analyze their veracity. In many of these cases, there are elements that cast doubts about the official version, whereas in others it has been proven that they are simply false.

The doubtful incidents include, for instance, the public accusations by the Mayor of Matagalpa regarding the May 15th deaths of two victims who were labeled as sandinista sympathizers, which is a point under controversy due to other versions received by the GIEI – as previously examined in the section about that event.[138]

Other examples of cases regarding which there is insufficient evidence refer to Juana Francisca Aguilar Cano and Douglas José Mendiola Viales, members of the National Police who died from gunshot wounds supposedly perpetrated by protesters, according to the official public version. Inspector Aguilar Cano was shot in the head near the *Cristo Rei* traffic circle, on April 21st, 2018. The pro-government media immediately reported that this death was caused by the protesters.[139] However, it is curious to note that the National Police did not issue any official communication with its version about the circumstances of the event. In the case of Mr. Mendiola Viales, who died from a head gunshot wound on May 28th, the Police specifically attributed responsibility for his death to groups of hooded individuals who were in the vicinity of Radio *Ya*

137 GIEI interviews C14 and C45. See also, La Prensa, *Universitarios entregan pertenencias del motorizado que murió cerca de la UNAN-Managua*, May 27th, 2018; Hoy!, *Confusa muerte de vigilante que irrumpió perímetro de seguridad en la UNAN-Managua*, May 27th, 2018.

138 These are the cases of Wilder David Reyes Hernández and José Alfredo Urroz Jirón, which were examined in the section about the incidents in Matagalpa. As previously mentioned, although the Mayor publicly attributed responsibility to the protesters for their deaths, some versions indicate that the perpetrators may have been police officers or members of pro-government shock groups.

139 El 19 Digital, *Grupos delincuenciales de la derecha disparan en la cabeza a una oficial de la Policía Nacional*, April 21st, 2018.



Youth with a mortar





Youth with a pistol



Police injured by a mortar

when the building was set on fire (press releases No. 29-2018[140] and 30-2018[141]), but the GIEI has not had access to any corroborating evidence.

These cases cast some doubts about the public accusations formulated against "groups of protesters". What is worse, there are other cases in which – contrary to the official sources – it has been demonstrated that the perpetrators were actually police forces or members of shock groups. In this regard, it is exemplary to mention the police's version regarding the incidents surrounding the March of the Mothers, when the police publicly attributed responsibility for the death of many victims to "groups of delinquents" who allegedly attacked the participants of the pro-government parallel event. On the contrary, it has been confirmed that, at least three victims included in that communiqué were protesters against the government who died as a result of actions perpetrated by the National Police or pro-government shock groups. One of these victims is Francisco Javier Reyes Zapata, who was murdered during a violent attack directly perpetrated by police forces and civilians acting in coordination with the police.

In addition to the aforementioned examples, in which the attribution of responsibility was generic and without details, there are other cases in which individuals were concretely charged in criminal proceedings for certain deaths. In most of these cases, despite several requests for information from the State, the lack of access to the records makes it difficult to draw conclusions about the perpetrators of these crimes. Nevertheless, there are cases regarding which the GIEI examined the files or part of them – through alternate sources – and these were divulged as examples of violence perpetrated by the protesters, but the available information is inconclusive as to whether those responsible for the deaths were participants in the protests.

One example is the case of Hilton Rafael Manzanares Alvarado, deputy inspector of the Direction of Special Operations of the National Police (DOEP), who was shot on April 19th, 2018, in the vicinity of UPOLI. The National Police immediately issued a press release attributing responsibility to "groups of vandals who came from the Polytechnic University (UPOLI)"[142], and the Vice-President mentioned this victim, among other cases, in a statement on the same day of the event when she condemned the "hate crimes […] that had been perpetrated"

140 National Police, Press Release No. 30-2018, May 29th, 2018.

141 National Police, Press Release No. 30-2018, May 29th, 2018.

142 National Police, Press Release No 13-2018, April 19th, 2018.

on that date in the country.[143] A while later, the President of Nicaragua, Daniel Ortega, also mentioned this case, among others, in relation to the protests, as follows: "pay attention, they say that their struggle is legitimate; so, ¿who killed Major Commissioner Luis Mayor Emilio López Bustos, from the National Police? ¿Who killed Captain Hilton Rafael Manzanares Alvarado, from the National Police? ¿Who killed […]"[144]

Even if one disregards the possibility that – due to the angle of the shot and other pieces of evidence – the victim was killed by a gunshot (possibly accidental) coming from his own colleagues,[145] the fact is that even a limited examination of the judicial records related to the defendant in this case is enough to discredit the public attribution of this death to oppositionist demonstrators.

As a matter of fact, on October 2nd, 2018, Carlos Alberto Bonilla López was convicted for this murder. Other than the serious deficiencies laid out about this case in another chapter (the investigation was plagued with irregularities, and the conviction was solely based on the testimonies of two police who accompanied Mr. Manzanares during the operation)[146], the judgment noticeably does not mention at all that the defendant was participating in the protests against the government. The judgment indicates that the group of police was trying to displace individuals who "were blocking traffic through roadblocks", but it placed the defendant at a place other than the roadblock, and indicates that he attacked the police from the back precisely when they managed to force the protesters to retreat. On top of that, one of Mr. Bonilla's neighbors – the only defense witness allowed during the trial – mentioned that he was a member of the Sandinista Youth Movement. His defense also presented a certificate granted to the defendant by District 7 of the Sandinista Council – "a political stamp of approval on behalf of the defendant," according to the judgment. After his conviction, some media outlets divulged statements from individuals who allegedly were relatives of Mr. Bonilla, which claimed that he was convicted because he refused "to be paramilitary" and serve the government.[147]

143 La Voz del Sandinismo, *Declaraciones de la Compañera Rosario Murillo, Vicepresidenta de Nicaragua en Edición Especial de la Noche (19/04/2018) (Texto íntegro)*, April 20th, 2018.

144 La Voz del Sandinismo, *Presidente-Comandante Daniel Ortega y Compañera Rosario Murillo, Vicepresidenta de Nicaragua, en el Acto del 39 Aniversario del Triunfo de la Revolución Popular Sandinista (19/07/2018) (Texto íntegro)*, July 20th, 2018.

145 See Chapter IX about this case.

146 As it will be explained *infra, these statements contain improbable and even contradictory elements.*

147 YouTube, 100% Noticias, *Se negó a ser paramilitar y le impusieron 90 años de cárcel*, October 19th, 2018.

In a sum, without detriment to other aspects of this process that might be questioned, it is worth mentioning that not even the judgment issued by the judicial system of Nicaragua was able to attribute the victim's death to a protester, contrary to the early public attempts.

Similarly, the circumstances of the death of Christian Emilio Cadenas at least cast some doubts about the official version, which was divulged by pro-government media and publicly attributed responsibility to students of León who were protesting against the government. As indicated in a previous section, many young members of the 19 *de abril* Movement were charged with causing the fire at CUUN and also this victim's death. The indictment included serious contradictions,[148] and even the victim's family members discredit that version.

With regard to the events which took place at UPOLI, some of them also resulted in formal charges against individuals who were presumably participating in the protests against the government. In that regard, there is evidence that many violent events took place inside the university, including acts of torture against at least two individuals. The victims were protesters. The GIEI received information which indicates that the students – or most of them – abandoned the premises precisely because of those incidents, since the groups who took control were unrelated to the protests.[149]

It is also worth mentioning the case of Pánfila Alvarado Urbina who, according to her family's statement before the press, was being removed in an ambulance to José Nieborowski Hospital due to high blood pressure and cardiac failure, on May 24th, 2018. When the ambulance tried to pass through the roadblock at *Empalme de Boaco* – on the road between Teustepe and Boaco – protesters blocked the passage and assaulted the elderly woman and those who accompanied her. According to her family, due to the foregoing she could not receive adequate medical assistance upon arriving at the hospital, and she died in the afternoon. The GIEI requested information about this case, as all others, and asked to interview her family, but the State denied the requests. Thus it is impossible to draw conclusions about the circumstances of her death.[150]

Lastly, the GIEI was able to document other types of violence actually perpetrated by the protesters. In this regard, it is worth mentioning the destruction of some "trees of life", the various arson incidents at pro-government Radio *Ya*, and the fire at CARUNA Co-op, which were previously examined in this report. The attack against *El Comandito*, at the Monimbó neighborhood in Masaya, was also already examined. Upon examining the incidents that took place in Matagalpa on May 15th, the GIEI also observed that the *Comisionato* premises were partially destroyed by fire after the police and shock groups tried to disperse the nearby roadblocks.

In a sum, it is clear that some expressions of violence were gradually observed during some of the protests. Also, they occurred in the context of violent repression against protests that were initially peaceful. As a general rule, those actions were perpetrated by certain individuals in the midst of massive crowds which included an immense majority of peaceful demonstrators.

Therefore, whatever specific nature of the protest, they were all composed of this nonuniform mixture and, although they gradually displayed violent actions as the repression became more violent, the protests always preserved a majority participation of individuals who were peacefully demonstrating.

It is also possible to assert that the violent actions perpetrated by individuals linked with the protests invariably occurred during the repression thereof or during incidents related to the repression – when marches were repressed, when occupied universities were invaded, or when there was an attempt to disperse the roadblocks. It is revealing that the GIEI did not detect violent events against pro-government marches or ceremonies.[151]

In line with the foregoing, the GIEI notes that the violent actions perpetrated by protesters were not organized or planned. It is evident that even the arson incidents against Radio *Ya* or CARUNA Co-op, or the destruction of *Comandito* (Monimbó) or of *Comisariato* (Matagalpa), were not planned actions or attacks against government property, but rather took place during scenarios of violence related to the repression of protests.

Lastly, it must be noted that the violent actions launched by the National Police and the parapolice groups was not a response to the violent actions which were gradually perpetrated by certain individuals participating in the protests. On the contrary, the State-sponsored violence against the legitimate exercise of the right to protest was what triggered some violent actions by certain protesters. Nevertheless, these violent actions must also be investigated and their perpetrators punished. To that end, there must be objective and impartial investigations and trials with due process of law.

148 See Chapter IX about this case.

149 GIEI interviews C8 and C14.

150 TNB, *Boaco: Anciana fallece tras ser retenida la ambulancia en la que era trasladada*, May 24th, 2018.

151 With regard to the events of May 30th, the National Police tried to misleadingly present the events this way – as if groups of delinquents had attacked individuals participating in the pro-government ceremony – however, it was established that this was false and, at least until now, there is no indication that an attack of such nature actually occurred.







Youths protesting

VIII. CRIMES AGAINST HUMANITY

The characteristics of the violent actions perpetrated by the State since April 18th, 2018 raise the question of whether they can be considered crimes against humanity according to international law. The relevance of this question lies in the fact that the determination that a conduct constitutes a crime against humanity has certain legal consequences, both domestically and internationally. This chapter will examine whether the actions of repression perpetrated by the State can be considered crimes against humanity.

It is worth remembering that the category of crimes against humanity was created to prosecute atrocities perpetrated by States against their own citizens or against persons within their jurisdiction.[1] The creation of a category such as crimes against humanity implied the recognition of the international relevance of the treatment bestowed by States upon their own population. Thus the commission of certain egregious acts by a State against its own people is no longer an "internal matter" of that State, but concerns the entire international community.

The prohibition against crimes against humanity has been crystalized into customary international law and is enshrined in imperative norms of international law (*jus cogens*). This affords it universal value, regardless of whether or not the State in question has formally recognized those norms or ratified treaties on the subject. The signature of a certain treaty or lack thereof by a State might influence the determination of which mechanisms could be applicable in a concrete case – for instance, the International Criminal Court –, but it is irrelevant for the characterization of certain acts as crimes against humanity, which is defined by international norms that do not depend on the will of a particular State.

The development of international criminal law to date has translated into the adoption of various normative instruments and institutions, such as the international criminal tribunals for specific situations, and the creation of the International Criminal Court. These tribunals, which prosecute crimes of international law (genocide, crimes against humanity, war crimes and, more recently, the crime of aggression), are living proof of the development of international criminal law in recent decades. However, these courts are meant to act when States are not capable of prosecuting those crimes according to international standards. They are complementary organs and, normally, subsidiary vis-à-vis domestic jurisdictions. The mainly responsible parties to prosecute those crimes are the States themselves.

1. Core elements of "crimes against humanity"

The category of crimes against humanity is included in customary international law and obligates all States, regardless of whether or not they ratified treaties on the subject. The definition of crimes against humanity has achieved undoubtable consensus, and its core elements have been elaborated upon through the jurisprudence of international criminal tribunals and the Rome Statute of the International Criminal Court. The definition included in the Rome Statute precisely expresses the existing consensus regarding their core elements.

The category of crimes against humanity encompasses a contextual element, and a series of underlying components which need to coexist within that context, and include murder, torture, rape, enforced disappearance of persons, imprisonment or other severe deprivations of physical liberty, as well as persecution, among others.

1 In fact, when the possibility of prosecuting the crimes committed during the Nazi regime was suggested, the category of war crimes only included acts perpetrated against an enemy army, but not egregious acts committed against a State's own citizens or populations under its control. In order to prosecute these, a new category had to be created. Therefore, the Charter of the International Military Tribunal of Nuremberg included, on top of war crimes and crimes against peace, the category of "crimes against humanity". The Charter of Nuremberg defined crimes against humanity in its Article 6.c as, "[…] murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

The contextual element refers to the existence of "a widespread or systematic attack directed against any civilian population."[2] The notion of "attack" is not restricted to armed attacks, but also includes "any kind of mistreatment of a civilian population", and "a course of conduct involving the commission of violent acts."[3] Accordingly, the Rome Statute of the International Criminal Court (ICC) defines attack as a "course of conduct involving the commission of multiple acts."[4] The term "commission of multiple acts" does not mean that these acts must all be of the same nature (multiple murders, for instance), instead they can be acts of different nature, with various levels of gravity, which jointly constitute an attack.[5]

For a determination that crimes against humanity were committed, the attack must also be "widespread or systematic". It is not required to fulfill both requirements (widespread and systematic), only that it satisfies one or another.[6]

The terms widespread and systematic refer to the "attack", and not to each type of crime. In other words, this international definition does not require that each type of crime (murder, torture, etc.) be committed in a widespread or systematic manner, but that the specific crimes be part of a "widespread or systematic attack."

The term "widespread" refers to the "nature of large scale of the attack and the number of victims."[7] There is no required minimum number of victims; this examination should generally be made according to the specific circumstances of each case. One of the Chambers of Preliminary Examinations of the International Criminal Court (ICC) considered it sufficient that the attack was "massive, frequent, carried out collectively with considerable seriousness and directed against a large number of civilian victims."[8] One relevant element to verify the widespread nature of the attack was whether it was perpetrated in various geographical zones of the country.[9]

For an attack to be systematic, in turn, it must convey "organized action, following a regular pattern, on the basis of a common policy and involves substantial public or private resources."[10] The International Tribunal for the Former Yugoslavia (ICTY) defined "systematic" in terms of the existence of a plan or goal, the commission in large or continuous scale of related crimes, the assignation of substantial resources and the involvement of authorities.[11] For instance, the Chamber of Preliminary Examinations of the ICC, in the case of Muthaura, Kenyatta and Ali understood that "the precise identification of targets by the attackers is indicative of the planned and systematic nature of the violence." [12] This requirement has also been more succinctly defined by "a methodic plan or pattern", the "organized nature of the acts" or "an organized pattern of conduct".[13]

Regardless of whether it is systematic, for something to be considered as an "attack", the acts require a certain degree of scale and organization.[14] On one hand, the course of conduct must involve the commission of multiple acts. Accordingly, for instance, the decision to perform one or two criminal acts, although in a planned fashion, would not be enough to characterize an attack in the sense of crimes against humanity. On the other hand, there must be some sort of preconceived plan or policy, even if it has not been formally adopted.[15] The Chamber of Preliminary Examinations of the ICC considered that, "the implementation of a policy can consist of a deliberate failure to take action, which is consciously aimed at encouraging such attack."[16] In sum, this requirement excludes from the category of crimes against humanity those acts that are not related to one another, or if they randomly occurred.[17]

The widespread and systematic attack must be directed at any "civilian population", which has been understood as individuals who are not members of the Armed Forces or, more precisely, who do not have combatant status according to international humanitarian law.[18] This requirement implies that the civilian population must be the primary target of the attack, regardless of whether the attack was directed against the whole civilian population. In that regard, the Chamber of Preliminary Examinations of the ICC acknowledged that the civilian population "can include a group defined by its (perceived) political affiliation."[19]

The category of crimes against humanity requires, on top of the contextual component, the commission of one or more acts included in the catalogue of specific crimes to be part of a widespread or systematic attack. These specific crimes are laid out in the subsections of Article 7.1 of the Rome Statute of the International Criminal Court (murder, torture, arbitrary detention, etc.). It is not necessary that an individual perpetrates multiple acts to be responsible for crimes against humanity. Even only one criminal act can be considered a crime against humanity, provided it is committed as part of a widespread or systematic attack directed against the civilian population.[20]

2 Article 7.1 of the Rome Statute of the International Criminal Court, 18 July 1998 (hereinafter "Rome Statute"). Although Nicaragua is not a party to the Rome Statute, its Article 7 codifies the international custom regarding the definition of crimes against humanity. Accordingly, more than 120 States have ratified the Rome Statute, which validates this definition of crimes against humanity as international customary law. See also, the decision of the International Criminal Tribunal for the Former Yugoslavia (hereinafter "ICTY") *in Prosecutor v. Kunarac, Kovac and Vukovic, Appeals Judgment, IT-69-23-1, 12 June 2002, para. 85, among others.*

3 See, for instance, ICTY, Prosecutor v. Perisic, Trial Chamber Judgement, IT-04-81-T, 6 September 2011, para. 82; ICTY, Prosecutor v. Gotovina *et al., Trial Chamber Judgment, IT-06-90-T, 15 April 2001, para. 1702; International Criminal Tribunal for Rwanda (hereinafter "ICTR"), Prosecutor v. Semanza, Trial Chamber Judgment, ICTR-97-20-T, 15 May 2003, para. 327; and ICTR, Prosecutor v. Nahimana et al., Appeals Judgment, ICTR-99-52-A, 28 November 2007, paras. 916 and 918.*

4 Article 7.2.a of the Rome Statute.

5 ICTR, Prosecutor v. Kayshema, Trial Chamber Judgment, ICTR-95-1-C, 21 May 1999, para. 122.

6 See, *inter alia, ICTY, Prosecutor v. Kordic and Cerkez, Trial Chamber Judgment, IT-95-14/2-T, 26 February 2001, para. 178; and ICTR, Prosecutor v. Ntakirutimana, Trial Chamber Judgment, ICTR-96-17-T, 21 February 2003, para. 439.*

7 See, *inter alia, ICTY, Prosecutor v. Tadic, Trial Chamber Judgment, IT-94-1-T, 7 May 1997, para. 206; ICTY, Prosecutor v. Kunarac et al., Trial Chamber Judgment, IT-96-23-T, 22 February 2001, para. 428; ICTR, Prosecutor v. Nahimana et al., Appeals Judgment, ICTR-99-52-A, 28 November 2007, para. 920; International Criminal Court (hereinafter "ICC"), Situation in Darfur (arrest warrant for Al Bashir), Chamber of Preliminary Examinations, ICC-02/05-01/09, 4 March 2009, para. 81.*

8 ICC, Prosecutor v. Ruto, Kosgey and Sang, "Confirmation of charges", ICC-01/09-01/11, 23 January 2012, paras. 176-177.

9 *Id. See also, ICC, Prosecutor v. Bemba, Case No. ICC-01/05-01/08, Decision in accordance with Article 74 of the Statute, Trial Chamber, 21 March 2016, paras. 688-689.*

10 ICTR, Prosecutor v. Musema, Trial Chamber Judgment, ICTR-96-13-T, 27 January 2000, para. 204; ICTR, Prosecutor v. Ntakirutimana *et al., Trial Chamber Judgment, ICTR-96-10/ICTR-96-17-T, 21 February 2003, para. 804; and ICTR, Prosecutor v. Niyetegeka, Trial Chamber Judgment, 7 March 2014, para. 439.*

11 ICTY, Prosecutor v. Blaskic, Trial Chamber Judgment, IT-95-14-T, 3 March 2000, para. 203.

12 ICC, Prosecutor v. Muthaura, Kenyatta and Ali, "Confirmation of charges", ICC-01/09-02/11. 23 January 2012, para. 176

13 See Robert Cryer and others, "Introduction to International Law and Procedure" (Cambridge University Press, 3rd ed., 2015), 235, making reference to the ICTY decisions *in Tadic, op. cit., para. 648; Kunarac et al., op. cit., para. 429; and ICTR, Prosecutor v. Ntakirutimana et al., Trial Chamber Judgment, ICTR-96-10/ICTR-96-17-T, 21 February 2003, para. 804.*

14 See, for instance, ICTY, Prosecutor v. Haradinay *et al., Trial Chamber Judgment, IT-04-48-T, 3 April 2008, para. 122.*

15 ICTR, Prosecutor v. Musema, Trial Chamber Judgment, ICTR-96-13-T, 27 January 2000, para. 204. See also, ICTR, Prosecutor v. Ntakirutimana *et al., Trial Chamber Judgment, ICTR-96-10/ICTR-96-17-T, 21 February 2003, para. 804; and ICTR, Prosecutor v. Niyetegeka, Trial Chamber Judgment, 7 March 2014, para. 1113.*

16 ICC, Prosecutor v. Ruto, Kosgey and Sang, "Confirmation of charges", ICC-01/09-01/11, 23 January 2012, para. 210.

17 ICTR, Prosecutor v. Nahumana *et al., ICTR-99-52-A, 28 November 2007, para. 920.; ICC, Prosecutor v. Al Bashir, Chamber of Preliminary Examinations, ICC-02/05—02/09-15, 4 April 2009, para. 81, among others.*

18 See, for instance, ICTY, Prosecutor v. Martic, Appeals Judgment, IT-95-II-A, 8 October 2008, paras. 291-302; and ITSL, Prosecutor v. Brima *et al., Trial Chamber Judgment, ITSL-2004-16-T, 20 June 2007, para. 219.*

19 ICC, Prosecutor v. Muthaura, Kenyatta and Ali, "Confirmation of charges", ICC-01/09-02/11. 23 January 2012, para. 110.

20 In this regard, see ICTY, Prosecutor v. Tadic, 7 May 1997, para. 649.

The determination about whether a single specific act – for instance, a murder – is part of such an attack will depend on the existence of a significant connection between the concrete act and the attack, insofar as said act, due to its characteristics, is an expression of the attack, or was facilitated by the existence of the attack.[21]

2. Were crimes against humanity perpetrated in Nicaragua?

¡According to the available information, the State of Nicaragua has carried out conducts which must be considered as crimes against humanity according to international law.

First of all, the events examined in this report constitute a "widespread and systematic attack directed against the civilian population". This conclusion is based on the geographical and temporal extension of the facts, the large number of victims, the severity of the repressive actions, as well as the existence of certain patterns of conduct carried out with State resources, which complied with a defined policy that was supported by the highest authorities of the State.

The events reported in the previous chapters of this document, and the considerations detailed upon examining the characteristics of State-sponsored violence in Nicaragua, demonstrate that there was a State decision to adopt a course of conduct which resulted in the commission of multiple criminal acts directed against protesters and political dissidents, and occurred at various times and places in the country.

There are multiple evidences to indicate that these acts were decided and supported by the State's highest authorities, including the President of the Republic: the occurrence of similar events in different parts of the country, the continuity of these conducts over time, the use of public resources, the intervention of practically the entire structure of the National Police, of which the President is the Supreme Chief, the public discourse of stigmatization and demonization of the protesters, the institutional and political support from the head of the Executive branch through several actions, among which, promotions granted to police authorities, the omissions regarding inquiries related to public and notorious episodes of lethal use of firearms against the protesters, despite the fact that the number of deaths and injured victims was clear and notorious. All these circumstances lead to the conclusion that there undeniably was a well-defined plan devised by the State's highest authorities for the commission of these crimes.[22]

According to chapters VI y VII, the most clear and serious pattern of conduct consisted of using firearms, including weapons of war, directed against individuals who were participating in the protests. Among the weapons used by the State against the population are, at a minimum, the following weapons of war: AK-47 assault rifles, AK-74 assault rifles, Dragunov sniper rifles, PKM machine guns, M16 rifles. The GIEI also confirmed the use of pistols (revolvers) and 12.70 shotguns. On top of that, there is evidence that those weapons were effectively loaded with magazines of bullets and lead pellets. This pattern of conduct caused a large number of deaths and injuries, as previously described, and put at risk the lives and physical integrity of an undetermined number of individuals who were protesting when they suffered the attacks. These actions were commanded by the National Police, invariably with the support of armed parapolice groups, and local political authorities.

21 A criterion that might be useful to determine when an act can be considered part of an attack is proposed by Kai Ambos and Steffen Wirth. They suggest that the type of relation between the act and the attack has to do with the *raison d'être* of the crime against humanity: the protection against the special risk involved in the commission of multiple crimes supported or tolerated by the authorities. If the dangerousness of a crime is increased because the conduct of the perpetrator occurs in a context like the one described, the act can objectively be considered as part of an attack. They provide the following example: if a person, due to the attack of support thereof, cannot count with the help of the police, and suffers the specific risk created by the attack. If that person is murdered, the murder is part of the attack. On the contrary, if the murder victim during an ordinary robbery, the person is not victim of a crime against humanity, since the police was ready to assist the person (but arrived too late, for instance). This person suffered the general risk of being the victim of a crime, but the risk was not particularly created by an attack. See "The Current Law of Crimes Against Humanity. An analysis of UNTAET Regulation 15/2000", in "Criminal Law Forum", Kluwer Law International, Netherlands, Volume 13, No. 1, 2002, p. 236.

22 The jurisprudence is clear about the existence of a plan from an examination of the facts themselves. See, for instance, ICC, Prosecutor v. Ruto, Kosgey and Sang, "Confirmation of charges", ICC-01/09-01/11, 23 January 2012, paras. 176-177. The same reasoning was followed in 1985by the Federal Chamber that tried the commanders of the 1976-1983 military dictatorship in Argentina, and it was later confirmed by the Supreme Court of Justice of the Nation. It is the standard in Argentina to date.

The use of firearms with lethal capacity of that may inflict serious bodily injuries was not the only type of conduct carried out by the State against the protesters, but it was the distinctive pattern during the phase under the GIEI's jurisdiction. There were various types of assaults in the context of persecution for political reasons. These included massive arbitrary detentions with various degrees of violence, the deprivation of the right to medical assistance for injured protesters, and the denial of judicial guarantees by the judicial authorities and the Office of the Public Prosecutor.[23]

A global examination of the facts leads to the conclusion that the State devised a course of conduct involving the commission of multiple crimes against the civilian population of Nicaragua and, therefore, must be considered as an "attack". In addition to that, the characteristics of the events, due to both their territorial and temporal scopes – there were large scale murders in many Departments in Nicaragua: Managua, Estelí, Masaya, Matagalpa, León, Chinandega and Boaco;[24] the number of affected victims; the coordination observed between State actors and parapolice throughout the country; the existence of defined patterns of conduct and the political incentive regarding these events satisfy the contextual requirement related to the *attack* in both its variables: it was *systematic* and *widespread*.

There is no doubt that the acts were directed against the "civilian population", in the sense of crimes against humanity, and they basically targeted a specific sector: the population who was participating in protests. The "civilian population" requirement is not problematic in this case, since it is not controverted that, during the period under scrutiny, there was no internal armed conflict in Nicaragua.[25]

It is worth mentioning that, according to its mandate, the work of the GIEI focused on violent events which took place between April 18th and May 30th, 2018; however, upon examining the juridical repercussions of a phenomenon of violence prolonged over time, the analysis must be comprehensive. Therefore, when there are conditions to implement independent processes of accountability, the examination of the elements included in the definition of crimes against humanity must also include repressive actions which occurred after May 30th, 2018. Such an examination will surely identify other patterns of conduct embedded in the same context of violence and persecution directed against individuals labeled as political enemies.

The examination of facts occurred after May 30th is significant in order to understand and characterize the events that took place until that date. Indeed, the State conduct after that date is relevant, to the extent that it demonstrates the level of decision and commitment of the State authorities with the policy of repression against protesters and political oppositionists since the beginning. A comprehensive analysis of the process of violence in this case reveals that the early events up to May 30th constitute the initial phase of an attack against the population which continued well beyond that date.

After that initial phase characterized by the repression against demonstrations (corresponding to the period within the GIEI's jurisdiction), there were other phases which ratified and deepened the repressive policy of the State.

In fact, during June and July, the State security forces along with pro-government armed groups carried out acts with excessive violence in order to disperse barricades and roadblocks, which resulted in a large number of deaths and injured victims, arrested protesters – many times these arrests were executed by parapolice groups – and intimidated entire communities.[26] During this period, there was an increase in the number of victims murdered by gunshot wounds caused by the National Police and parapolice groups. In

23 See chapters VII and X of this report.

24 There was also a murder in the Autonomous Region of the Southern Caribbean Coast (RACS), but the information available to the GIEI does not clarify any circumstances about it.

25 See common Article 3 of the Geneva Conventions (12 August 1949), and Article 1 of Additional Protocol II related to the protection of victims of internal armed conflicts.

26 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua (18 April – 18 August 2018), paras. 24 and ss.

this second phase, the attack intensified especially in the period immediately prior to July 19th, which is the national holiday celebrating the anniversary of the 1979 Sandinista Revolution. These attacks occurred in various parts of the country (such as the Departments of Boaco, Carazo, Granada, Jinotepe, La Trinidad, León, Managua, Masaya, Matagalpa, RACS and Rivas, among others) and were directed against a clearly defined group of individuals, primarily composed of protesters who opposed the government, including students. There were also violent confrontations in rural areas, such as San Pedro Lóvago, in Chontales, and Muelle de los Bueyes, in the southern Caribbean region.[27]

Finally, there was a third stage, which is ongoing, characterized by the search, arrest and criminal prosecution of political and social leaders, human rights activists, and persons linked to the protests.[28] This part of the attack was carried out by the same actors, namely the police forces and parapolice groups, but the judicial system has also actively participated. The hostility towards public demonstrations continued during this phase, which also included the issuance of administrative orders aimed at prohibiting the exercise of the right to protest peacefully.[29]

With regard to the number of deaths since April to date, the GIEI is unable to provide its own statistics, since its mandate ended on May 30th, 2018. According to October 2018 statistics, the IACHR estimated that 325 deaths occurred in the context of the protests since the protests began in April.[30]

Hundreds of individuals who participated in the protests or are considered oppositionists are being criminally prosecuted. According to the Chairperson of the Supreme Court of Justice, as of November 2018, 546 persons had been charged in 146 criminal cases.[31] According to the information available, in line with the examination included in Chapter IX of this report, these criminal processes are plagued with serious violations of judicial guarantees, including arrests and searches without judicial order in contradiction with the law, violation of the 48-hour term established by the Constitution for presentation before a judge, the automatic and unmotivated use of pre-trial detention, the formulation of vague indictments, biased investigations without basic guarantees, unreasonable evaluation of evidence, omission to consider versions or evidence favorable to the defense, violation of the public nature of hearings established by law, among others.

As a result, thousands of individuals have fled the country seeking asylum, most of them to Costa Rica. The UNHCR noted a substantial increase of requests for asylum by Nicaraguans in Costa Rica, totaling 23.000 requests between April and July 2018.[32] The IACHR recently observed that there was an 1.376% increase in the number of asylum seekers between 2017 and 2018, most of them in the period between June and August 2018.[33]

The three phases mentioned above comprise a continuous context of violence which varied in its forms, but was, in all cases, ordered by the highest State authorities and directed against individuals who protested against government policies or were defined as political enemies.

27 *Id., paras.25 and 26.*

28 *Id., para. 26.*

29 In its Press Release No 116-2018, of October 13th, 2018, the National Police determined that, "any mobilization in any part of the country must be preceded by a request for authorization before the competent authorities, and can only occur if a permit was granted." Despite the presentation of many such requests, the National Police has not allowed any demonstrations. And many individuals were arrested for protesting, as can be observed in information provided by the PN itself, for example, Press Release No. 117-2018. Other demonstrations were cancelled because organizers decided not to put people at risk. This implies that, as of the approval of this report, the right to peaceful demonstrate is not guaranteed in Nicaragua.

30 IACHR, Press Release No. 273/2018, "IACHR denounces aggravation of the repression and the closure of democratic spaces in Nicaragua", December 19th, 2018.

31 Judicial branch, *Presidenta CSJ: en Nicaragua no hay presos políticos*, November 29th, 2018. According to the statistics included in this note, 261 individuals are deprived of liberty, and the rest of the defendants is free, at large or pending compliance with arrest warrants.

32 UNHCR, Press Release, "UNHCR steps up its response as thousands flee violence in Nicaragua", 31 July 2018.

33 IACHR. Press Release No. 233/20-18, "Preliminary observations on the working visit to monitor the situation of Nicaraguans forced to flee to Costa Rica, November 1st, 2018.

As previously explained, one of the characteristics of these actions is that some of them were carried out by parapolice groups who were acting along with police forces, but did not identify as State actors. The acts of these groups, however, is attributable to the State, since they acted with its consent and under its control, and must be considered as part of the attack according to international law.[34]

Finally, for an act to be considered a crime against humanity, the "perpetrator" must satisfy a subjective requirement related with knowledge of the attack against the civilian population, and their concrete acts must be part of that attack.[35] Nevertheless, this does not require that the accused needs to have knowledge of all the characteristics of the attack, or all the details about the plan or policy of the organization. The ICTY implied that this requirement is satisfied if "his acts comprise part of the attack, or at least [that he took] the risk that his acts were part of the attack."[36] It is neither required that the perpetrator personally shares the objectives of goals that motivate the attack.[37] In this regard, and in view of the information and documentation gathered by the GIEI, it is possible to conclude that the immense majority of those involved in the crimes committed had knowledge of the attack against the civilian population, even if they did not know all the details, and even in those cases when they may have had personal motivations of another kind – such as purely economic interests.

3. Specific crimes against humanity

Upon examining concrete facts regarding crimes against humanity, on top of the contextual element ("widespread or systematic attack directed against the civilian population"), one must also verify the commission of specific crimes. Here are some of the specific crimes that might be considered for future investigations which, according to the available information, were committed in this context. With regard to other crimes, their occurrence needs to be determined by eventual future investigations that will not be limited to the temporal jurisdiction of the GIEI, and must be carried out under conditions that ensure the access to information from the State and, above all, an adequate treatment of victims and witnesses, which is not currently the case.

One of the crimes against humanity repeatedly committed in Nicaragua, according to the information gathered, is murder. This crime includes any act resulting in the death of one or more persons as part of the attack.[38] There is no need for premeditation.[39] A Trial Chamber of the ICTY held, in that regard, that, "it can be said that the accused is guilty of murder if he or she, engaging in conduct which is unlawful, intended to kill another person or to cause this person grievous bodily harm, and has caused the death of that person."[40] With regard to the events examined herein, there is ample evidence about police and members of

34 ICJ, Case regarding the military and paramilitary activities in Nicaragua and against Nicaragua (Nicaragua vs. United States of America), Merits, 17 June 1986, paras. 62-64 and 109; and ICJ, Case regarding the application of the convention for the prevention and punishment of the crime or genocide (Bosnia Herzegovina vs. Yugoslavia), Merits, 26 February 2007, para. 397. See also, ICTY, Prosecutor v. Tadic, Appeals Judgment, IT-94-1-A, 15 July 1999, para. 117. Along the same lines, the International Law Commission's Draft Articles on State Responsibility for International Wrongful Acts, which establish that, "the conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct" (Article 8).

35 See Article 7.1 of the Rome Statute and, specifically Elements of Crimes, Article 7.

36 ICTY, Prosecutor v. Kunarac, Appeals Judgment, IT-96-23 & IT-96-23/1-A, 12 June 2002, para. 102.

37 ICTY, Prosecutor v. Kunarac, Appeals Judgment, IT-96-23 & IT-96-23/1-A, 12 June 2002, paras. 248 and 252; ICTY, Prosecutor v. Blaskic, Appeals Judgment, IT-95-14-A, 29 July 2004, para. 124.

38 See, for instance, Elements of Crimes.

39 ICTY, Prosecutor v. Kordic and Cerkez, Trial Chamber Judgment, IT-95-16-T, 26 February 2001, para. 235; and ICTY, Prosecutor v. Blaskic, Trial Chamber Judgment, IT-95-14-T, 3 March 2000, para. 216.

40 ICTY, Prosecutor v. Kupreskic *et al., Trial Chamber Judgment, IT-95-16-T, 14 January 2000, para. 560.*

parapolice groups directly shooting at persons during demonstrations, university occupations, and attempts to dismantle roadblocks. In many cases, they used weapons with strong lethal capacity, including weapons of war, which were fired directly at persons. This information confirms that these acts constitute the crime against humanity of murder. It is worth noting that one should also look into the acts that did not result in death, but had the intention to inflict serious bodily harm in reckless disregard of human life. In other words, attempted murders are also relevant.

The events examined also included the arbitrary deprivation of liberty of hundreds of persons because they were protesting or considered oppositionists. These acts, according to the available information, constitute the crime against humanity of imprisonment or other severe deprivation of physical liberty. This crime requires that "the perpetrator imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty." In this regard, the elements of the crime indicate that the severity of the conduct has to be such that it infringes fundamental norms of international law. The ICTY observed that this is the case, for instance, when the imprisonment is arbitrary, that is to say, when there is "deprivation of liberty of the individual without due process of law."[41] Therefore, some of the defining elements of this crime have to do with persons being arrested without a valid arrest warrant, or without being informed orally of the reasons for their arrest.[42]

The severity of the deprivations of physical liberty verified in Nicaragua during the first months of the repression against protests is confirmed, as previously explained in Chapter VII, by the fact that they occurred in the context of police raids and without any judicial oversight. In fact, the corresponding judicial remedies were neutralized by the State, and the victims were left to the exclusive mercy of the National Police and, in addition to that, these detentions were carried out under inhuman conditions in many cases, which included various forms of mistreatment. The policy of imprisoning protesters and persons identified as oppositionists of the regime continued, particularly through the criminalization and the pre-trial detention of hundreds of persons subjected to irregular procedures. Additionally, many of these deprivations of liberty were executed by parapolice groups, or by police forces without a valid arrest warrant, and without informing the reasons for their arrests and, at times, their families were also denied information about their whereabouts.[43]

There are also clear evidences about the crime against humanity of persecution, which requires that "the perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights," that said conduct was executed by reason of the identity of the group or collectivity, and that it was directed against these persons on grounds that are universally recognized as impermissible under international law, such as political motives.[44] Although the acts regarding murder, torture, imprisonment and rape could constitute the crime of persecution, they are not limited to those.[45] Other similar severe deprivations of fundamental rights could also constitute this crime against humanity. Accordingly, for instance, the lack of medical attention for protesters and other victims of attacks by police forces and parapolice groups could constitute an act of persecution in terms of crimes against humanity. The GIEI also received information about violations of the right to integrity, liberty and security of persons, freedom of expression, assembly, and judicial guarantees, as well as serious infringements of the right to property, among others.[46] An important element of this crime against humanity is the discriminatory intent. On this point, various Special Rapporteurs of the Human Rights Council described some of these events as a "witch-hunt", and warned about "patterns of repression of dissent [...] indicative of a policy implemented by the authorities to eradicate the structural conditions which support opposition voices and critics."[47]

On top of that, as indicated in Chapter VII, there are complaints that must be investigated when there exist adequate institutional conditions, which refer to acts that, if proven true, would constitute other specific crimes against humanity. Some of those complaints fall within the jurisdiction of the GIEI, but there are also later events outside of its jurisdiction, thus they were not examined or considered, and they should also be included in eventual prosecutions.

For instance, there are complaints about alleged rape which might constitute crimes against humanity. The crime against humanity of rape has been defined as an act in which "the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body."[48] It also requires that the penetration was executed "by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power [...], or by taking advantage of a coercive environment, or the invasion was committed against a personal incapable of giving genuine consent."[49] As previously detailed in Chapter VII, there are complaints about this type of conducts occurring both prior to and after May 30th, 2018. They must then be adequately investigated. It must be reiterated that the requirement regarding the widespread or systematic nature has to do with the attack and not each specific crime. One single rape, or any other conduct proscribed according to the definition will be considered a crime against humanity, as long as it has a significant relation with the attack to be considered a part of it. It is neither necessary that the perpetrator committed various crimes.

Likewise, the torture complaints must also be investigated. The GIEI received some complaints mentioned in Chapter VII, but it has not had access to the necessary information, nor has it been able to collect evidence, pursuant to its mandate, in order to verify each situation. It is also public knowledge that there are similar complaints about this type of conduct occurring after May 30th. If proven true, these acts could constitute the crime against humanity of torture. According to the Rome Statute of the International Criminal Court, for an act to be considered torture in terms of crimes against humanity, the requirements are as follows, "the perpetrator inflicted severe physical or mental pain or suffering upon on one or more persons", "such person or persons were in the custody or under the control of the perpetrator," and the suffering "did not arise only from, and was not inherent in or incidental to, lawful sanctions."[50] The ICTY observed that the expression "severe pain or suffering" expresses the idea that only acts of significant gravity could be considered torture.[51] Although the jurisprudence has not established the precise degree of pain or suffering required for an act to constitute torture,[52] there are complaints, detailed in Chapter VII, which undoubtedly satisfy that requirement. The UNHCHR has also reported about testimonies which mention that some detainees have been subjected to physical torture – including burns with Taser guns and/or cigarettes, use of barbed wire, beatings with fists and tubes and attempted strangulation – as well as psychological torture, including death threats.[53]

Future investigations must also contemplate whether the crime against humanity of enforced

41 See ICTY, Prosecutor v. Kordic and Cerkez, Trial Chamber Judgment, IT-95-16-T, 26 February 2001, paras. 301-302.

42 See, for instance, ICTY, Prosecutor v. Krnojelac, Trial Chamber Judgment, IT-97-25-T, 15 March 2002, paras. 119-120.

43 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua (18 April – 18 August 2018), paras. 74-78.

44 Elements of Crimes, Article 7.1.h.

45 ICTY, Prosecutor v. Krstic, Trial Chamber Judgment, IT-98-33-T, 2 August 2001, para. 535; ICTY, Prosecutor v. Kvocka *et al.*, Trial Chamber Judgment, IT-98-30-T, 2 November 2001, para. 185; ICTY, Prosecutor v. Krnojelac, Trial Chamber Judgment, IT-97-25-T, 15 March 2002, para. 433; ICTY, Prosecutor v. Naletilic and Martinovic, Trial Chamber Judgment, IT-98-34-T, 31 March 2003, para. 635; ICTY, Prosecutor v. Vasiljevic, Trial Chamber Judgment, IT-98-32-T, 25 February 2004, para. 247.

46 See UNHCHR, *op. cit.*

47 UN. Human Rights Council. Press Release, "Nicaragua must end 'witch-hunt' against dissenting voices, say UN experts", 9 August 2018.

48 Elements of Crimes, Article 7.1.g-1.

49 Elements of Crimes, Article 7.1.g-6.

50 Article 7.2.c of the Rome Statute; and Elements of Crimes, Article 7.1.f.

51 ICTY, Prosecutor v. Krnojelac, Trial Chamber Judgment, IT-97-25-T, 15 March 2002, para. 181.

52 ICTY, Prosecutor vs. Kunarac, Kovac and Vukovic, Appeals Judgment, IT-96-23/1-A, 12 June 2002, para. 149; and ICTY, Prosecutor v. Kvočka *et al.*, Trial Chamber Judgment, IT-98-30/1-T, 2 November 2001, para. 143.

53 See UNHCHR, *op. cit, paras.* 79-81.

disappearance of persons was committed, in those cases when there is no information about the whereabouts of persons deprived of liberty by the State or by parapolice groups. Enforced disappearance as a crime against humanity is characterized by the arrest, detention or abduction of one or more persons, and the refusal to acknowledge that deprivation of liberty, or to give information on the fate or whereabouts of such person or persons.[54] Nevertheless, the requisites commonly required to establish this crime against humanity include that "the perpetrator intended to remove such person or persons from the protection of the law for a prolonged period of time."[55] The GIEI was not able to verify this situation during the period within its jurisdiction. It is something that must be determined in the future through comprehensive investigations in an adequate environment.

4. Legal consequences of the characterization

The determination that certain acts constitute crimes against humanity entail some concrete legal consequences which have domestic and international repercussions. As it will be elaborated upon further in Chapter X.C of this report, upon prosecuting these crimes, States must apply their own domestic legislation – which include both internal and international norms – and must provide responses compatible with certain basic universal rules, since they deal with crimes that affect the international community as a whole.

Inapplicability of statutes of limitations: first of all, crimes against humanity do not permit the application of statutes of limitation according to customary international law.[56] Their inapplicability is enshrined in Article 1 of the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968), and in the European Convention on the Non-applicability of Statutory Limitation to Crimes Against Humanity and War Crimes (25 January 1974).[57] This understanding has also been confirmed by the ICTY in the case of Furundžija, in relation to the crime of torture, by the Inter-American Court of Human Rights in the case of Barrios Altos,[58] by the European Court of Human Rights in the case of Kononov vs. Latvia,[59] and by several national tribunals, including the Supreme Courts of Chile and Argentina, the French Court of Appeals, as well as by the legislation of numerous States.[60] The Rome Statute also establishes that crimes against humanity shall not be subject to any statute of limitations.[61]

54 Elements of Crimes, Article 7.1.i. In this regard, it is worth noting that Nicaragua has not ratified the Inter-American Convention on Forced Disappearance of Persons (1994) or the International Convention for the Protection of All Persons against Enforced Disappearances (2007).

55 Elements of Crimes, Article 7.1.i, para. 6.

56 See, for instance, A. Cassese and others, Cassese's International Criminal Law (OUP, 2013), p. 314, on crimes against humanity, particularly the crime of torture.

57 The International Law Commission observed that currently there seems to be no State with legislation about crimes against humanity which prohibits prosecution after the passage of time. On the contrary, numerous States passed specific legislation against these statutory limitations. See UN, Report of the International law Commission about its work during its 69th period of sessions. A/72/10. 1 May to 2 June and 3 July to 4 August 2017, comment 35 to article 6 of the Draft Articles on Crimes Against Humanity, p. 76.

58 I/A Court H.R., Case of Barrios Altos vs. Peru, Judgement of 14 March 2001 (Merits), para. 41.

59 European Court of Human Rights (ECHR), Case Kononov vs. Latvia, 17 May 2010, paras. 231-233.

60 See case Sandoval (17 November 2004), and case Arancibia Clavel (2004), respectively, among others.

61 Article 29, Rome Statute.

Therefore, the tribunals with jurisdiction over conducts that, according to international law, constitute crimes against humanity shall not apply statutes of limitations with regard to those conducts.[62]

Impermissibility of amnesty laws or similar provisions to prevent prosecution: States also have the obligation to investigate and punish those responsible for crimes against humanity. To that end, they may not apply general or blanket amnesty laws, or provisions that prevent the prosecution and punishment of the perpetrators.[63] This has been the long-standing and reiterated position of the Inter-American Court of Human Rights in its jurisprudence.[64] Likewise, the European Court of Human Rights concluded that amnesties are generally incompatible with the European Covenant in cases of torture.[65] Along the same lines, the African Commission on Human and Peoples' Rights observed that the "clemency order" in Zimbabwe was incompatible with the African Charter on Human and Peoples' Rights.[66] Lastly, the UN Human Rights Committee, in its General Observation No. 20, determined that, "amnesties are generally incompatible with the duty of States to investigate such acts; to guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future," in accordance with the International Covenant on Civil and Political Rights, of which Nicaragua is a party.[67] The practice of the United Nations, particularly since the 1990s, has clearly been contrary to accepting amnesty laws or pardons for crimes against international law.[68]

Possibility of prosecution by tribunals of third States: the characterization of a certain conduct as a crime against humanity also opens the possibility for universal jurisdiction. In conformity with customary international law, international crimes can be prosecuted by judicial bodies of any State, regardless of whether they occurred within its territory, were perpetrated by one of its nationals, or against one of its nationals, and regardless of State sovereignty. That is to say, regardless of whether the act in question is within the jurisdiction of a particular State by virtue of traditional principles about criminal jurisdiction enshrined in domestic law.

Moreover, this exercise of jurisdiction by foreign judicial authorities could occur, at least regarding the launch of an investigation, regardless of whether the accused is present in the territory of the State that

62 Domestic legislations do not always contain criminal definitions coinciding with international ones. The relevant issue is that they be compatible with international law (not contradict its principles), since it is an obligation to adjust the domestic legislation accordingly. Faced with an act which constitutes a crime against humanity according to international law, the State will prosecute using its own criminal law, and these descriptions might not coincide with those of international criminal law. This is not a problem, insofar as the State duly applies its domestic legislation and imposes sanctions, and as long as the State does not apply rules incompatible with international laws, such as amnesties or statutes of limitations in relation with those crimes. For example, many States do not proscribe the crime against humanity of persecution, but have criminal legislation about acts which constitute persecution, such as the destruction of property, arbitrary judgments, etc. The State will comply with its obligations to the extent that it duly applies its domestic legislation, with due regard to the fact that, since it is a crime against humanity according to international law, amnesty laws or statutory limitations are impermissible. That is, for instance, what tribunals in Argentina have been doing upon prosecuting crimes perpetrated by the State between 1975 and 1983, as well as some other countries in the region. See Ambos, Kai and others, Latin American Jurisprudence on International Criminal Law, 2008.

63 Regardless of whether or not these laws are denominated "amnesties". The relevant issue is whether they prevent the investigation, trial and punishment of the perpetrators.

64 See Barrios Altos, *op. cit.; I/A Court H.R. Case Gelmán vs. Uruguay. Merits and Reparations, Judgment of 24 February 2011, Serie C No. 221; I/A Court H.R. Case Almonacid Arellano et al. vs. Uruguay. Preliminary Exceptions, Merits, Reparations and Costs, Judgment of 26 September 2006, Serie C No. 154; I/A Court H.R. Case Gomes Lund et al. ("Guerrilha do Araguaia") vs. Brazil. Preliminary Exceptions. On the position of international human rights bodies on this topic, see also, Alexandra Huneeus, "International Criminal Law by Other Means: The Quasi-Criminal Jurisdiction of the Human Rights Court", AJIL (2013) 107, 1.*

65 Ould Dah vs. France, ECHR, 17 March 2009, para. 17.

66 Zimbabwe Human Rights NGO Forum vs. Zimbabwe. ACHPR (2006), para. 215.

67 Human Rights Committee, General Observation No. 20 (1992), para. 15. See also, case of Hugo Rodríguez vs. Uruguay, Communication No. 322/1998, para. 12.4.

68 See, for example, the Report of the Secretary General about the creation of an special tribunal for Sierra Leone, Doc. S/2000/915, 4 October 2000, para. 24.

decides to prosecute. In fact, in their separate opinion in the case of an Arrest Warrant, judges Higgins, Kooijmans and Buergenthal of the International Court of Justice argued that the exercise of universal jurisdiction could occur even when the accused for the crime in question is not in the territory of the State at the beginning of the investigation.[69]

Even though there are not sufficient elements to establish that the universal jurisdiction is subsidiary of other traditional forms of jurisdiction, such as the one based on territoriality, nationality of the author, personality of the victim or protection, the fact is that no criminal investigations have been initiated in Nicaragua regarding the conduct of State authorities or members of parapolice groups. Therefore, the exercise of universal jurisdiction for crimes against humanity is clearly an option regarding these events in Nicaragua.[70]

Eventual intervention of the International Criminal Court: crimes against humanity are included in the material jurisdiction of the International Criminal Court.[71] Although Nicaragua has not ratified that treaty to date, there are two mechanisms which could trigger the intervention of the ICC. Firstly, the UN Security Council could refer the situation to the Prosecutor. Secondly, the State of Nicaragua could eventually accept the exercise of jurisdiction by the ICC, according to Article 12.3 of the Rome Statute. This acceptance could have retroactive effects and, accordingly, include the violent events analyzed herein within the temporal jurisdiction of the Court.[72] The Statute of the ICC expressly establishes this possibility. In case the State accepts the exercise of jurisdiction by the ICC, those individuals accused of a crime will not be exempt from criminal responsibility, since sovereign immunity or official capacity is irrelevant before the ICC.[73]

69 International Court of Justice, Case related to the Arrest Warrant of 1 April 2000 (Democratic Republic of Congo v. Belgium). Judgment of 14 February 2002. Separate opinion, para. 65. In this case, the Court decided 6 to 4 in favor of the application of universal jurisdiction by Belgium.

70 According to a 2012 study, 147 countries had legislation which included certain provisions related to universal jurisdiction for crimes against international law. See Amnesty International, Universal Jurisdiction. A Preliminary Survey of Legislation Around the World -2012 Update. 2012. Nicaragua is among these countries (Article 16 of the Penal Code). Nicaragua is also a party to the UN Torture Convention, which includes provisions about extraterritorial jurisdictions and universal jurisdiction (Article 5). Thus it is not a novel rule for the State.

71 Articles 5 and 7 of the Rome Statute.

72 Article 11.2 of the Rome Statute.

73 Article 27 of the Rome Statute. This provision not only applies to State Parties, but also to those that accept the jurisdiction of the Court in conformity with Article 12.3.



IX. ROLE OF THE CRIMINAL JUSTICE SYSTEM

This Chapter will examine how the State of Nicaragua failed in its obligation to investigate, prosecute and punish the human rights violations committed in the context of the protests. For instance, out of the 109 deaths, 100 have not been judicially prosecuted, that is to sat, they remain in impunity. And the few cases prosecuted present serious deficiencies.

On top of that, instead of complying with its obligation to protect, the judicial system of Nicaragua has been one more part of the scheme of human rights violations, through the criminalization of citizens who participated in the protests. The few proceedings initiated to investigate or prosecute individuals accused of infringing the law in this context "do not satisfy basic standards of fair trial."[1] Citizens have been prosecuted and convicted for conducts which at times correspond to the exercise of fundamental rights.

A. INVESTIGATION INTO THE VIOLENT DEATHS AND PUNISHMENT OF PERPETRATORS

The GIEI arrived in Nicaragua on July 2nd, 2018, with a clear mandate to assist in the investigations conducted by the Office of the Public Prosecutor (MP) about the violent events that took place between April 18th and May 30th, 2018. The Agreement signed between the OAS General Secretariat, the IACHR and the Government of Nicaragua established among the functions of the GIEI: "Technically assess lines of investigation and recommend actions regarding the various levels of legal responsibility according to Nicaraguan legislation" (point 1.A). Said analysis included the examination of whether "all the lines of investigation are being correctly exhausted" and whether "the appropriate legal figures are being used according to Nicaragua legislation," with regard to the possible illicit acts and their perpetrators.

The Agreement entrusted the GIEI with making recommendations about actions to be implemented with a view to exhausting all lines of investigation, "in conformity with the highest international standards and the best regional practices."

Unfortunately, the work of the GIEI was severely limited, since the Attorney General, Dra. Ana Julia Guido Ochoa refused to establish a direct relationship with the GIEI, and proposed that all communications be made through the Ministry of Foreign Affairs.[2] This proposal violates minimum standards for an independent investigation,[3] and jeopardizes the independence of the Office of the Public Prosecutor.[4] The State of Nica-

1 UNHCHR, Human rights violations and abuses in the context of protests in Nicaragua (18 April – 18 August 2018), p. 30.

2 In meetings that took place at the Ministry of Foreign Affairs, on July 2nd and 20th, 2018, the Minister, the Attorney General and the Chairperson of the Supreme Court of Justice demanded that every communication from the GIEI addressed to any State authorities be submitted through that Ministry. This position did not change, even though the GIEI experts warned that it would be impossible to assist in the criminal investigations if that work depended on the Executive branch.

3 The Principles on the effective prevention and investigation of extra-legal, summary and arbitrary executions stress that the individuals in charge of investigating alleged extra-legal or arbitrary executions "shall be independent of any institution, agency or person that may be the subject of the inquiry." Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989. According to the Minnesota Protocol, the investigation of potentially unlawful deaths must be independent and impartial: "Investigations must be independent of any suspected perpetrators and the units, institutions or agencies to which they belong." Minnesota Protocol on the investigation of potentially unlawful death (2016). UNHCHR, New York and Geneva, 2017.

4 According to Law No. 346, the Organic Law of the Office of the Public Prosecutor, that office is an independent institution, with organic, functional and administrative autonomy (Article 1), which shall act with independence and without subordination to any State power (Article 6).

ragua also failed to ensure "access to all records of the investigations conducted by the Office of the Public Prosecutor about cases related to the events."[5]

These conditions represented a serious limitation to the work with which the GIEI was entrusted by the Agreement. For that reason, it is not possible to make an exhaustive determination about all the investigations conducted in relation to the violent deaths that occurred during the protests between April 18th and May 30th, 2018.

Notwithstanding the foregoing, through alternate sources, the GIEI was able to document that, with regard to 109 violent deaths related to social protests, there are seven judicial cases which represent 9 victims, as described in the following Table:

TABLE 1

Judicial cases regarding violent deaths
18 May – 30 May 2018, Nicaragua

#	DATE AND FILE NUMBER	PLACE	VICTIM	DEFENDANTS	STATUS
1	4/19/18 011393-ORM4-2018PN	Managua, Managua	Hilton Manzanares Alvarado	Carlos Alberto Bonilla López	Convicted. Appeal pending.
2	4/20/18 13521-ORM4-2018PN	León, León	Cristian Emilio Cadenas	Byron Jose Corea Estrada, Cristopher Nahiroby Olivas Valdivia	Trial pending, scheduled for 01/28/19
3	4/21/08 008138-ORM4-2018PN	Bluefields	Ángel Eduardo Gahona López	Brandon Cristofer Lovo Tayler, Glen Abraham Slate.	Convicted. Appeal pending.
4	4/23/18 007559-ORM4-2018PN	Managua, Managua	Roberto Carlos García Paladino	Juan José López Oporta, Michael Enrique Peña González, Fernando José Ortega Alonso, Rommel Fabián Guillén, Kevin Antonio Martínez Mejía	Convicted. Appeal pending.
5	5/13/18 009333-ORM4-2018PN	Managua, Managua	Erick William Espinoza.	Ezequiel Gamaliel Leiva García, Néstor Enmanuel Molina Tiffer, Juan Ramón Mena	Fugitive. The first two defendants died. The MP has not requested to archive of the case.
	26/05/18	Ciudad Sandino, Managua	Keller Steven Pérez Duarte	Cristhian Josué Mendoza Fernández, Alejandro Moisés Arauz Cácerez and Manuel Largaespada.	Convicted.
6	5/25/18 009278-ORM4-2018PN	Boaco, Boaco	Jorge Gastón Palacios Vargas.	Cristopher Henríquez Ampie, charged with other crimes in the same process 4 promoters of CPDH, Jaime Ramón Ampie Toledo, Julio José Ampie Machado, William Efraín Picado Duarte and Reynaldo Antonio Lira Luqués.	Fugitive.
7	5/30/18 015021-ORM4-2018PN	La Trinidad, Estelí	Dariel Steven Gutiérrez Ríos Jairo Antonio Osorio Raudales	Nelson Mairena, Francisco Dávila, Byron Molina, et al.	Trial pending.

Source: own production

5 Communication No. 17/2018, of October 17th, 2018.

With regard to 100 deaths, the investigations have not moved forward and the authorities have not determined who perpetrated the criminal acts. The GIEI does not have information about any case in which a member of the security forces is charged with violent deaths that occurred between April 18th and May 30th, 2018.

1. Patterns of selectivity

The judicial prosecution of the few cases mentioned above follows patterns of selectivity which are incompatible with the State obligation to investigate each violent death perpetrated during this period. What is more, the notorious deficiencies observed in these sporadic investigations – which will be explained in the following section – corroborate that the reason these cases progressed was not a truthful attempt to elucidate those cases, rather it served other purposes. As a result, most deaths that deserve the same attention were not investigated. And those deaths that were investigated were not truly clarified.

It is not a coincidence that the profiles of 6 out of the 9 victims whose deaths were judicially prosecuted are similar, insofar as they are linked to the State of Nicaragua or the governing party. Hilton Manzanares, whose violent death occurred on April 19th in the vicinity of UPOLI, was a police inspector. Cristhian Emilio Cadenas, whose carbonized body was found on April 21st inside the burned building that housed Lezama Billiards in León, was a member of CUUN. Roberto Carlos García Paladino, who was shot to death on April 23rd, was the stepson of Francisco López, a treasurer for the FSLN.[6] Jorge Gastón Palacios Vargas, who was fatally wounded on May 25th at the *El Quebracho* roadblock, in Boaco, was a civil servant.[7] Dariel Steven Gutiérrez Ríos and Jairo Antonio Osorio Raudales, both fatally wounded on May 30th at the Trinidad roadblock,[8] were FSLN sympathizers.[9] Unfortunately, despite multiple requests, the State of Nicaragua did not provide the judicial files of these cases.

It is possible to infer that the State, through the National Police and the authorities and institutions belonging to the system of administration of justice, tried to express to pro-government sectors its commitment to punish crimes perpetrated against individuals linked to the government, or else, alternately or simultaneously aimed at showing concrete results regarding the public and general accusations uttered by the highest government authorities – including the President and the Vice-President, about egregious crimes allegedly committed by protesters or dissident groups.

The latter goal, which relates to the need to demonstrate alleged criminal actions perpetrated by individuals who protested against the government, also seems to explain the judicial prosecution of the case of Erick William Espinoza, a security guard who was shot on May 13th, 2018, during a robbery aimed at seizing his gun. The fact that two deceased students were charged with the crime after a seriously flawed investigation – which will be explained later – endorses this theory. This assumption is further reinforced since one of those students, Ezequiel Gamaliel Leiva, was also accused of causing the death of an American citizen, which took place while Ezequiel was hospitalized.[10]

The goal to demonstrate criminal actions perpetrated by individuals who opposed the government and, ultimately, delegitimize and criminalize protests, also seems to be the reason for the quick evolution in the

6 https://confidencial.com.ni/mataron-a-familiar-de-chico-lopez-en-disturbios/ .

7 Confidencial, *Mataron a familiar de 'Chico' López en disturbios,* April 28th, 2018.

8 They were injured while traveling to Managua with the convoy headed to the official celebration sponsored by the government. Jairo died on the spot, and Daniel died at the hospital on July 31st.

9 TN8, Capturan a delincuentes que atacaron caravana del FSLN en Estelí, September 24th, 2018.

10 El Nuevo Diario, Joven acusado de matar a estadounidense, está hospitalizado, dice su familia, June 6th, 2018.

investigation about the death of Keller Steven Pérez Duarte, a UNA student murdered in Managua on May 26th. This case is part of a broader scenario, according to which Cristhian Josué Mendoza – a.k.a "Viper – and other individuals were charged with multiple crimes. These cases served as a validation of the contention that various anti-government protesters committed criminal acts.

Lastly, the investigation into the death of Ángel Eduardo Gahona López, a journalist murdered in Bluefields on April 21st, 2018, also seems to be plagued by selectivity criteria which lead one to question the real purpose behind it. In fact, the serious deficiencies in the investigation – which will also be later explained – lead to the conclusion that the judicial proceedings aimed at rapidly showing results regarding a death that had national and international repercussions.

2. Lack of due diligence in the investigation of violent deaths

In several cases, the Inter-American Court of Human Rights (I/A Court) stressed the obligation to investigate any human rights violation. Accordingly, the Court observed that the State has the duty "to *ex officio* and promptly begin a serious, impartial and effective investigation, that must not be undertaken as a mere formality destined beforehand to be fruitless."[11]

The reason behind this obligation lies in the duty to ensure, which is included in Article 1.1 of the American Convention, and establishes that States undertake to respect and protect the rights and freedoms recognized therein.[12] Specifically with regard to the right to life, the Court observed that, "any deficiency or fault in the investigation affecting the ability to determine the cause of death or to identify the actual perpetrators or masterminds of the crime will constitute failure to comply with the obligation to protect the right to life."[13]

Likewise, the Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions clearly establish a State obligation to conduct a "thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions."[14]

This report will next examine the proceedings related to the criminal investigations to clarify the cases and identify the perpetrators of the violent deaths that took place between April 18th and May 30th, 2018 in the context of social protests. In particular, whether the State authorities complied with the international standards regarding the investigation of this type of cases, specifically the guidelines contained in the Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions,[15] and in the Minnesota Protocol on the investigation of potentially unlawful death (Minnesota Protocol).[16]

11 I/A Court H.R. Case of the Mapiripán Massacre Vs. Colombia. Merits, Reparations and Costs. Judgment of 15 September 2005. Serie C No. 134, paras. 219 and 223; and Case of the Moiwana Community Vs. Surinam, Preliminary Exceptions, Merits, Reparations and Costs. Judgment of 15 June 2005. Serie C No. 124, para. 145. See also, I/A Court H.R. Case Kawas Fernández Vs. Honduras, Merits, Reparations and Costs. Judgment of 3 April 2009. Serie C No. 196, para. 75; Case Ríos *et al.* Vs. Venezuela, Preliminary Exceptions, Merits, Reparations and Costs. Judgment of 28 January 2009. Serie C, No. 194, para. 283; and Case Perozo *et al.* vs. Venezuela. Preliminary Exceptions, Merits, Reparations and Costs. Judgment of 28 January 2009. Serie C No. 195, para. 298.

12 I/A Court H.R. Case Velásquez Rodríguez Vs. Honduras, Merits, Reparations and Costs. Judgment of 29 July 1988. Serie C No. 4, para. 166. See also, I/A Court H.R. Case of Juan Humberto Sánchez Vs. Honduras, Preliminary Exception, Merits, Reparations and Costs. Judgment of 7 June 2003. Serie C No. 99, para. 184; and I/A Court H.R. Case of Bulacio Vs. Argentina. Merits, Reparations and Costs. Judgment of 18 September 2003, Serie C No. 100, para. 100.

13 I/A Court H.R. Case of Baldeón García Vs. Peru. Merits, Reparations and Costs. Judgment of 6 April 2006, Serie C No. 147, para. 97.

14 UN Economic and Social Council resolution 1989/65 of 24 May 1989.

15 UN Economic and Social Council resolution 1989/65 of 24 May 1989.

16 The Minnesota Protocol on the investigation of potentially unlawful death (2016). UNHCHR, New York and Geneva, 2017. This is an updated version of the original UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions of 1991, which supplements the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989). They were updated in 2017, and include the international legal standards for the investigation of potentially unlawful deaths.

Since the GIEI did not have access to the investigation records, the following analysis is based on the scarce information provided by the State,[17] and also on interviews with the families of deceased victims and defendants, in relation to the 7 cases regarding which the GIEI obtained information from other sources or there was public information.

2.1. Crime scene investigations

The adequate investigation of crime scenes is fundamental for the clarification of violent deaths. The crime scenes can provide material evidence that enables the reconstruction of the circumstances of the crime, as well as the identification of the perpetrators. The Minnesota Protocol underscores the importance of adequate crime scene investigations: "Every important physical location in the investigation should be located and identified, including the site of encounters between the victim(s) and any identified suspects, the location of any crimes, and possible burial sites."[18]

Since the GIEI did not have access to the judicial files, it is impossible to carry out a detailed examination of the way in which crime scenes were investigated. Notwithstanding the foregoing, there is public information indicating that the crime scenes were not properly investigated. For instance, social media disseminated several photographs and audiovisual material,[19] which attest that ballistics evidence (shells, bullets, cartridges, capsules) was copiously left at the scenes, without being properly identified, catalogued, collected, conditioned or examined.

The GIEI also heard about cases in which the crime scene was contaminated or not examined, even though the lethal victim was found on the streets. One such case relates to the event of April 20th, 2018, which took place in front of the Estelí's Mayor's Office, when Franco Alexander Valdivia Machado, Francisco Orlando Pérez Corrales and César Noé Castillo Castillo were murdered. In this case, the GIEI had access to video footage that shows how the crime scene was "contaminated" on April 21st.[20] On May 1st, that is to say, almost 10 days after the events, police officers showed up at the Central Park of Estelí to conduct the crime scene investigation. The families were never notified about this investigation and found out about it through neighbors who saw forensic experts working on the crime scene.[21]

In the cases of Celso José Díaz Sevilla, 19 years old, who was murdered in Mateare[22] on April 21st, 2018, and Carlos Antonio Flores Ríos, 19 years old, who was murdered in Managua[23] on April 22nd, their corpses remained on the streets for hours, even though their families insistently called the National Police to ask them to investigate the facts, and the Forensic Medicine Institute to ask them to conduct the corresponding autopsies. In the case of Carlos Antonio, a sketch to reconstruct the events was drawn three weeks after the facts.

17 The GIEI did not receive any information from the State, but it had access to information provided by the State to the IACHR during the May 2018 on-site visit.

18 Minnesota Protocol, para. 56.

19 See video: Indicios de la represión – UPOLI.

20 See *supra,* Events in Estelí.

21 GIEI interview E56.

22 According to interviews carried out by the GIEI, the police fired shots from a motorcycle at Celso José Díaz Sevilla. Then, when he was already down, the police allegedly fired one more time, this time in his face. GIEI interview E16.

23 Photographs received by the GIEI show the victim on the street. One individual who recognized him called the Police and the Forensic Medicine Institute to have him removed, but they did not show up. Finally, he was taken to the *Nueva Vida* Health Center in Ciudad Sandino, where his family retrieved the body. The sketch of the crime scene was only done three weeks later. GIEI interview E78.



Bullet shells that were not collected at UPOLI



Washing a crime scene in Estelí

A similar situation occurred in the case of Marlon José Orozco Largaespalda, who was murdered on May 24th, 2018, at around midnight, on the road towards Sabana Grande, Managua. His corpse remained at the scene for hours, even though the Forensic Medicine Institute was duly notified, but the forensic experts never arrived at the scene. Hence after a few hours, his next-of-kin decided to remove his body.[24]

The information provided by the State of Nicaragua to the IACHR also indicates that the crime scenes were not properly ascertained. The "Report on deceased individuals as of June 6th, 2018"[25] only mentions the possible location of the events where deaths or injuries took place with regard to 7 victims. With regard to the remaining cases, the report only included the Hospitals where the victims were assisted as the place of death, or those where the victims arrived already deceased. In two cases, not even that information is provided.

The criminal processes to which the GIEI had access also present serious deficiencies regarding crime scene investigations.

With regard to the death of Hilton Manzanares, which occurred in Managua on April 19th, the crime scene investigation was conducted at 3am on April 20th, 2018. According to the information included in the trial and in the judgment, the only evidences related to the crime scene were potential blood stains on the wall against which the victim was positioned.[26] No ballistics evidence was collected to clarify the case.[27] Likewise, a shirt collected as evidence was decomposed when the trial took place, due to improper conditioning and conservation.[28]

With regard to the death of Roberto Carlos García Palladino, the crime scene investigation took place on the day of the event, April 23rd, 2018, at 4:30am.[29] However, no evidence was collected. They supposedly did not find any blood stains, although the victim was shot five times with pellets. They supposedly did not find perforations which might reveal the bullet trajectories, even though the ammunition of the gun used (a shotgun)[30] should have left traces of pellets – which did not hit the victim. One witness told the press that the police was at the crime scene and collected ballistics evidence.[31]

24 GIEI interview E40.

25 Information provided by the State of Nicaragua to the IACHR.

26 Statement during the testimony of Jean Luc Mejía Flores, National Police officer, on September 27th, 2018. 13th Criminal Court, Managua.

27 Although a DOEP officer, Paulo Francisco Martínez Valdivia, declared during the trial that he had seen the defendant "holding the revolver", in which case there would be no shells at the scene, the ballistics report presented by Omar Antonio Bustamente Meza during the trial indicates that the projectile lodged in the victim's body came from a 9mm caliber pistol. This type of gun leaves traces or shells at the scene. Trial records of September 18th, 2018.

28 Report of April 24th, 2018.

29 Report by Saúl Castillo Baldelomar, presented during trial on September 20th, 2018.

30 *Post-mortem* forensic medical report, No. F-147-18, of April 25th, 2018.

31 100% Noticias, Fiscalía Miente en Primera Acusación de Muertes en Protestas, April 27th, 2018.

In the case of the death of Ángel Eduardo Gahona López, the crime scene investigation was performed in the same evening of the event, April 21st, 2018. During the trial, it became clear that there were deficiencies in packaging the evidence. The evidence collected was also "confiscated"[32] without recording the date or time, or with an erroneous date.[33] There was also evidence collected at the crime scene which was not in its respective container, upon its presentation during the trial, without any explanation thereof.[34] These irregularities cast doubts about the procedures and techniques for collecting evidence, storage, chain of custody and transportation to forensic labs (guns, shells, projectiles, videos and samples taken from suspects).[35]

With regard to the death of Jorge Gastón Palacios Vargas, on May 25th, 2018, at around 4pm, at *Puente Quebracho*, in Boaco, during a roadblock where many individuals were injured by gunshots, it is not clear whether there was a crime scene investigation. Given the circumstances of the events, which are shown in video footage, the number of injured victims, and the death of one person, it is possible to assume that there should be plentiful ballistics evidence, but none was collected or identified.

2.3. Autopsies

Autopsies are fundamental to clarify a violent death. Autopsies provide crucial information to identify the victims (in case their identity is unknown), and to determine the cause, manner, place and time of death, and all of the surrounding circumstances. According to international standards[36] and Nicaraguan legislation,[37] the performance of an autopsy is required in cases of potentially unlawful deaths.

In Nicaragua, the Forensic Medicine Institute (IML) is the institution in charge of performing autopsies on cadavers and related evidence. It is a State organ which depends on the Supreme Court of Justice, and abides by the parameters established in Nicaraguan legislation and in its Technical Norms, which detail the protocol of action and best practices that must be followed during forensic examinations.[38]

The Technical Norms define the personnel who must abide by the precepts: "forensic experts from the Forensic Medicine Institute and MINSA doctors, duly skilled and trained, shall perform autopsies and issue the corresponding autopsy report about the cases provided for by law, in all national territory, as well as

32 Article 216 of the Nicaraguan Code of Criminal Procedure refers to the evidence collected as "legally confiscated or sequestered" items.

33 Statement by police officer Francisco Javier Walter Castellón, during the trial on August 14th, 2018. When asked by the defense counsel about the receipt of evidence related to the pellet which does not include the time, he replied that, "this receipt does not include the time, but I remember that it was at 11 on the 22nd. The collection of evidence report has a typo. The typo relates to informing that it was on the 22nd, and not on the 23rd."

34 *Id.*

35 According to the Minnesota Protocol, the preservation of the "chain of custody" or "chain of evidence" is fundamental to ensure the integrity of the evidence. Paragraph 65: "Every stage of evidence recovery, storage, transportation and forensic analysis, from crime scene to court and through to the end of the judicial processes, should be effectively recorded to ensure the integrity of the evidence."

36 Principle 12 of the Principles on the effective prevention and investigation of extra-legal, summary and arbitrary executions establishes that: "The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology."

37 Article 340 of the Nicaraguan Code of Criminal Procedure establishes that: "When a violent death occurs, there is a corpse and there is no certainty about the cause of death or it is suspected that a person died as a result of a crime, the National Police shall conduct an inspection at the place of the events, and request the removal of the body and the corresponding forensic medical examination to determine the cause of death and the identification of the victim."

38 Technical Norms for performing Autopsies. NT/IML-008/02/16. Second version, February 2016. The same norms detail that the performance of autopsies in Nicaragua is also regulated by: Decree No. 63-99, Regulations of the Organic Law of the Judicial branch, Official Gazette No. 104, June 2nd, 1999; Law No. 260, Organic Law of the Judicial branch, Official Gazette No. 137, July 23rd, 1998; Law No. 641, Penal Code, Article 138; Law No. 406, Code of Criminal Procedure, Articles 114 and 115; Law No. 423, General Law on Health, Title XVI, Forensic medical activities: Chapter I, General considerations, Articles 37, 372 and 373; and Decree No. 001-2003, Regulations of the General Law on Health, Official Gazette No. 7 and 8, January 10th and 13th, 2003.

auxiliary and administrative personnel (such as secretaries, nurses, nursing assistants, among others), who participate in the respective procedure."[39]

The aforementioned norms also expressly establish that autopsies must be performed, in all national territory, in the following cases: "a) violent death; b) sudden or unexpected death; c) suspicious death; d) death under custody; e) death possibly involving professional responsibility; f) other deaths if the authorities so request."[40]

On this topic, according to the analysis of the GIEI about the 109 violent deaths reported between April 18th and May 30th, 2018, all of them entail an autopsy, due to their characteristics and circumstances. The information that 95 out of these 109 deaths occurred due to gunshot wounds is sufficient to ascertain the foregoing.

Nevertheless, not all deaths in that context were properly investigated in forensic terms. Upon concluding this report, and after months of waiting, the GIEI never received the requested information about eventual autopsies, thus it is difficult to make considerations about the role of the IML in this regard.

According to the information provided by the State of Nicaragua to the IACHR on May 19th, 2018, there were only 23 autopsy reports until that date. That same day, the State also provided a list including 41 deceased victims until May 18th. That list also expressly indicates that at least 17 of those corpses never reached the IML, and regarding 8 of them, there was only a report based on the medical history submitted by the respective hospital, so an autopsy was not performed.[41] This conduct seriously undermines the possibility of clarifying the events, due to the limitations of those medical documents and the absence of crucial information.[42]

Curiously, these 8 reports solely based on the medical history were produced in record time during the visit of the IACHR to the IML on those days.[43]

That is to say, out of the 79 deceased victims during the violent events that took place between April 18th and May 18th, the IML only reported 41 deaths and had only performed 23 autopsies. The number of victims of violent deaths increases if one considers those who died between May 18th and May 30th, and whose bodies were buried by their families without an autopsy, as the GIEI was able to verify. Therefore, the number of victims of violent deaths in this context, whose deaths were not properly investigated in forensic terms, is alarming.

This is a serious omission regarding the clarification of the events, and it violates both Nicaraguan law and international obligations of the State related to the duty to investigate.

Among those violent deaths regarding which an autopsy was not performed, there are at least 7 cases recorded by the GIEI in which complaints were lodged before police authorities, as well as before the Office of the Public Prosecutor, but despite the formal notification to the State, no autopsy was performed. There was also a large number of violent deaths regarding which local and international media reported that no

39 Technical Norms for performing Autopsies. NT/IML-008/02/16. Second version, February 2016, p.9.

40 Technical Norms for performing Autopsies. NT/IML-008/02/16. Second version, February 2016, p.9.

41 Forensic Medical Institute of Nicaragua. Admission of deceased individuals since April 20th, 2018. Information provided by the State to the IACHR.

42 "The medical exam and the forensic examination have clearly different purposes. The information contained in the clinical history exclusively relates to the diagnosis and the treatment aimed at improving the health and saving a patient's life. Therefore, it will not include information that is specific to forensic medical examinations and that, in the event of death, can only be collected after the performance of an autopsy, which shall be complemented with the information that the forensic examiner might obtain directly from the health personnel who treated the patient and might not have been reflected in the clinical history." Report requested by the GIEI from forensic experts Mercedes Doretti (Argentina), José Luis Prieto (Spain) and Jorge Pachón Mora (Colombia). See Annex 5 of this report.

43 La Prensa, Así te contamos la segunda jornada del diálogo en Nicaragua, May 18th, 2018.

autopsy was performed either, despite the time elapsed and regardless of the international and domestic obligation to do so.

In addition to these irregularities, the GIEI learned about at least 11 cases in which the families were compelled to sign "resignation forms" so the corpses would not be taken to the IML, and they "acquiesced" to no criminal investigation being conducted into the death of their next-of-kin, which is inadmissible in legal terms, especially in relation to violent deaths. Given the circumstances of these violent deaths, many families did not trust the system of administration of justice in general, and the IML in particular, so they preferred to bury their loved ones without a previous autopsy.

The State tolerated and encouraged that practice, and in some cases, even stimulated it. For instance, the GIEI received information that, at Manolo Morales Hospital, a family was told by the authorities that "we had to sign a resignation form at (Police) District 5, this document would indicate that we did not blame anyone for the death, we were told by the Head of the hospital that they would not hand the body over to us if we did not do that [...], and if we did so, we would not be able to present a complaint about it." After 15 days, the family sought the assistance of the Public Prosecutor's Office and requested that an autopsy be performed, but the prosecutor in charge at the time told them that, "no, it would not be possible, because that is something painful, and disrespectful to the family."[44]

Accordingly, the authorities formalized this mechanism of issuing resignation forms which should be signed by family members so that they could remove the mortal remains of the victims from hospitals. Hence it was the State that ultimately created a series of conditions which, supposedly out of respect for the families, led to the violation of clear duties related to the investigations of these deaths, and promoted impunity.

However, the infringement of State obligations was not restricted to the cases in which no autopsy was performed, but it also encompassed serious deficiencies when the State authorities actually performed an autopsy and produced the respective autopsy report.

The GIEI had access to 25 autopsy reports from the Forensic Medicine Institute. After examining these 25 reports, the GIEI noted that 2 of them belonged to the group of 8 reports which were solely based on the medical records, so no autopsy was actually performed. These actions by the State are distressing and paradigmatic, since the State blatantly ignored its obligations regarding the investigation of known violent deaths, and did not conduct exhumations or the corresponding forensic examinations. There are no excuses to justify this behavior from the State authorities, which violated the right of the families to know the truth and access to justice on the basis of crucial scientific evidence that would be useful to determine the circumstances of the facts and the eventual identification of the perpetrators.

With regard to the other 23 autopsy reports, where a forensic examination of the cadaver was actually carried out, the GIEI observed a noticeable carelessness and lack of detail in relation to the internal protocol recommended by the Forensic Medicine Institute in its aforementioned manual of Technical Norms.

The inconsistency of terminologies, the indistinct use of terms and references, the diversity in format from one report to another, were striking features of those reports, especially since all experts belonged to the same institution and should abide by the same protocol.

There were deficiencies and lack of uniformity in the graphic records contained in the autopsy reports; there was no clear pattern in relation to photographs and their use; the descriptions of the injuries were

44 GIEI interview E52.

usually confusing and incomplete, and the reports included indistinct terms to describe the ballistic evidence and its relation to the injuries. There is no clear pattern related to the analysis of clothing, and the eventual relation between damage in the clothes and the injuries found on the bodies. There is no indication in the reports that the clothing items were packaged, labeled and examined, for the purpose of preservation of trace evidence, such as gunshot residue.

Although most autopsy reports specifically mention the submission of ballistics evidence to the National Police present at the time of the examination, the purpose of surrendering said evidence to the police is not clear, since it is a duty of the forensic expert to collect, record and secure that evidence, so that a ballistics expert may conduct an analysis. The reports only indicates that said evidence was handed over to the police, with no further details. Ballistics evidence was not properly analyzed in any of the cases.[45]

In some cases, the omission went as far as not removing the projectile that caused the death of the victim. Such was the case of Ángel Eduardo Gahona López. His autopsy report concluded that the main cause of death was "severe and irreversible brain trauma". During the forensic examination, a projectile was removed from his chest. However, the bullet lodged in his skull was never removed, although it had caused his death. Therefore, to date there is no information about the type of bullet that caused his death or the gun used.

Also noticeable was the absence of information regarding the analysis of gunpowder residue on the hands of the victims, which is expressly required by the IML norms. The swabbing of hands of cadavers for firearm discharge residues might be useful to determine the general context surrounding the death, whether there was self-defense, or if the deceased was carrying a firearm, or any other information that might be crucial for resolving the case.

All the aforementioned considerations regarding the evidence collected must also ensure the chain of custody. The Technical Norms specifically require documentation of the chain of custody to secure the integrity of the evidence. Nevertheless, in the autopsy reports examined by the GIEI, there is no reference, for instance, about individuals present at the autopsy room, their expertise, the identity of members of the National Police who were present nor the purpose thereof. There is only reference to the surrendering of ballistics evidence to them for complementary analyses. The chain of custody is a crucial element to ensure the transparency of forensic procedures, since the removal of the body and related evidence, until the request and receipt of all complementary analyses.

Most of the autopsy reports lacked the required toxicological analyses. The Technical Norms establish that the forensic examiner must request complementary examinations, but there is no indication in the reports about whether those results were ever received. This jeopardizes not only the chain of custody, but also the thoroughness of the examination for a better scientific support for the autopsy, its contents and the transparency of the procedures.

This section does not purport to list all the deficiencies in the autopsy reports according to the IML's own Technical Norms,[46] but it is important to stress that these procedural deficiencies, the inconsistency in the records described and the disregard for those Technical Norms had a direct impact in the analysis and interpretation of the circumstances surrounding the deaths of the victims. Thus there are fundamental limitations in the conclusions about cause and manner of death, which prevent a detailed and complete evaluation about the facts.

45 See *infra*, next section.

46 For a more detailed analysis of these aspects, see Annex 5 of this report.

Those aspects, however, which might result from concrete negligence or lack of adequate training, are superseded by the aspects of this process that seem to distort the very essence of forensic examinations.

Moreover, the deficiencies in the autopsy reports reveal lack of cooperation and coordination between various experts and complementary analyses, and also a constant lack of coordination between the relevant institutions, particularly between the National Police and the IML.

According to Nicaraguan legislation, the National Police plays a fundamental role in criminal investigations, since it is entrusted with securing the crime scene and preserving the body, recording related contextual elements and providing those details to the forensic experts. They also participate in complementary analyses, such as ballistics examinations. Accordingly, the police requested all the autopsies examined by the GIEI. Only two of them were requested by the Office of the Public Prosecutor.

An interesting detail lies in the fact that the National Police played a double role in this context. There is a clear conflict of interests since, on one hand, it is in charge of initiating the investigations and, on the other hand, it might be involved in most of the crimes committed, since police were accused by multiple sources as the perpetrators of the murders that they had to investigate.

The norm is clear regarding the preservation of the crime scene and the removal of the body, which are fundamental aspects of the forensic examination, but were completely disregarded in many of the cases examined. There is no explanation for the absence of the National Police or IML experts at the crime scenes, including in situation where the families of the victims expressly requested so, upon reporting the crimes to the police or to prosecutors. As previously detailed, in many cases the crime scene investigations were conducted days and even weeks after the event, or were never performed, although there no contextual impediments. The most emblematic cases in this regard are those in which the corpses of the victims were removed by their own families from hospitals, without any kind of intervention by the justice system.

Therefore, it is possible to conclude that the deficiencies observed in relation to the autopsies, the absence of contextual information and evidence from the scenes, the lack of coordination and cooperation between the IML and the National Police were part of a scheme of impunity, which prevented any possibility of collecting scientific evidence to seek justice and clarify the events, and possibly identify the perpetrators.

3. Other irregularities in the collection of evidence

In cases of potentially unlawful deaths, the State has the duty to conduct investigations that must be "prompt, effective and thorough, independent and impartial, and transparent."[47] For an investigation to be effective and thorough, investigators should "collect and confirm [...] all testimonial, documentary and physical evidence."[48] They must take all reasonable steps to "determine the cause, manner, place and time of death, and all the surrounding circumstances."[49] In addition to that, they must "determine who was involved in the death and their individual responsibility for the death."[50]

47 Minnesota Protocol, para. 22.

48 *Id.*, para. 24.

49 *Id.*, para. 25.d.

50 *Id.*, para. 25.e.

In the cases under examination, there were important omissions in the collection of evidence, especially with regard to digital evidence. In none of the cases mobile telephone data were examined. The information related to the geographical location of the cell phones of possible perpetrators would have been fundamental to establish their presence in certain places, particularly, where they were prior, during, and after the death took place.[51]

At least in one of the cases – regarding the death of Roberto Carlos García Paladino – the mobile phone of one of the possible perpetrators was apprehended,[52] but the records do not indicate that any information was obtained from it, where there might be pictures or videos to help clarify the facts.

In the case of the death of Keller Steven Pérez Duarte, for which Cristhian Josué Mendoza (a.k.a. Viper) and others were convicted, the cell phones are essential elements of the description of the facts in the indictment: "The defendant immediately [...], upon receiving information that one of the members of his group was betraying him and intended to kill him, ordered that [...] all cell phones be confiscated, in order to examine them and find the traitor, then they brought all cell phones into one of the rooms of the house [...], and the defendant [...] was the one who extracted all the information from all cell phones. Then, the phones were all returned, except that of the victim KELLER ESTEVEN PEREZ DUARTE." Nevertheless, said cell phones were not seized during the arrest, nor was there any investigative effort to find them through, for instance, searches at the homes of the defendants. During the trial, no information indicated that mobile telephone data were requested from service providers, etc.

Similarly, an analysis of the respective call logs would have been crucial to establish the relation between the alleged perpetrators, in this case and others. In particular, when there is an accusation related to organized crime. However, the prosecutor did not include such evidence in any of the court records examined.

Videos can also be fundamentally important for the clarification of the facts. In some of the cases, no video footage was collected. For instance, in the case of the death of Roberto Carlos García Paladino, whose murder occurred on April 23rd, 2018, in the early morning, when the victim, along with other individuals, was apparently trying to prevent a looting in front of Palí supermarket. There are security cameras at and around the area where he was attacked, but nothing in the file indicates that any footage was collected or examined.

In the investigation for the death of Eric William Espinoza,[53] video evidence was collected but it was incomplete. Eric, a security guard, was murdered on May 13th, 2018, in the early morning, by individuals who stole his service weapon. During the trial, the prosecution showed video footage from security cameras at the place of the murder. The videos show several individuals arriving in a white van, then they get off, shoot the victim and steal his gun. During the trial, the prosecution presented statements from other security guards who worked at nearby establishments, who also had their guns stolen. However, the video footage from these other places was not included as evidence, nor was there any effort to reconstruct the events, and identify the route taken by this white van that night, or identify this vehicle.

In the case of the death of journalist Ángel Eduardo Gahona López, video evidence was also collected,

51 Mobile telephone data would have allowed the authorities to determine the location of a person at the time of the events. Minnesota Protocol, para. 78.

52 In the prosecution of Michel Enrique Peña for the murder of Roberto Carlos García Paladino, his telephone was apprehended during his arrest, but the data were never requested from the service provider or analyzed. Receipt of apprehension 168-18, April 23rd, 2018.

53 In this case, the prosecution accused Ezequiel Gamaliel Leiva, Néstor Emmanuel Molina Tiffer and Juan Ramón Mena as alleged members of the criminal organization led by Cristian Josué Mendoza (a.k.a. Viper). The first two are dead and the latter is at large.



Camera at the place where Mr. García Paladino was murdered

but it was again incomplete. The GIEI was able to verify that there are many businesses around the place of death, which have security cameras, but their video footage was not collected as evidence. Given the location of these security cameras, their footage would have been crucial for the elucidation of the case.

In all the cases examined, testimonial evidence was presented. However, there were significant omissions in the identification and presentation of key witnesses, and most of the testimonies were from members of the National Police or, in one of the cases, from civil servants. For instance, in the case of Mr. García Paladino, the prosecution only presented the arresting officers as witnesses, although the crime occurred in front of a crowd who was trying to stop the looting of Palí supermarket.[54]

Likewise, in the case of the death of Hilton Manzanares, although the prosecution indicated that he was accompanied by nine police officers, only two of them were heard during the investigation, the other seven were not even heard, even though they allegedly were eyewitnesses. Nor did the records include statements from residents of the area who might have seen or heard something. In the case of the death of Gastón Palacios, there were 18 witness statements, 12 of them from civil servants. Many defense witnesses did not show up at the trial because they had been threatened.[55]

In five of the seven cases examined by the GIEI, firearms were used. In three of them, the investigative efforts necessary to identify and locate the murder weapon were not carried out. In the case of the murder of Hilton Manzanares Alvarado, for instance, no search was conducted at the house of the defendant to look for this crucial evidence or others. With regard to the death of Eric William Espinoza, only testimonial evidence was collected. The investigators did not request that ballistics evidence from the crime scene be compared to the firearms that were stolen minutes prior, in order to determine whether they were used in the murder.

Likewise, in the case of Gastón Palacios, the crime weapon was not identified. One of the defendants had three guns registered under his name, and at least two persons injured during the same event still have projectiles lodged in their bodies.[56] However, the bullets were not removed for comparison with any weapons,

54 The case investigator himself (Officer Damacio Raúl Arias Martínez) stated during the trial that, "there were around 300 individuals at the scene." Trial records of September 20th, Second Criminal Court.

55 Trial records of August 28th, 2018, Thirteenth Criminal Court of Managua.

56 Trial records of August 31st, 2018, Tenth Criminal Court of Managua.

particularly those registered by the defendant. The evidence was not collected at the crime scene either, so it could not be used.

Finally, in three of the judicial files examined by the GIEI, regarding the deaths of Roberto Carlos García Paladino, Ángel Eduardo Gahona López and Jorge Gastón Palacios Vargas, among the investigative measures, the National Police collected samples to determine whether individuals or objects presented gunshot residue. The results regarding this type of evidence are only relevant if samples are collected within five hours after the facts, depending on the weapon and the environmental circumstances, since after that period, trace evidence disappears and the results might reflect false positives or false negatives.[57]

In two of the cases where the result of said analysis was positive, the surrounding circumstances cast serious doubts. In the case of the murder of Ángel Eduardo Gahona López, the sample from an artisanal firearm was collected at least 15 days after the facts, and after parts of the weapon had been immersed in water for 24 and 48 hours. Despite that, the result was positive for gunshot residue.[58] In the case of the murder of Jorge Gastón Palacios, the samples were collected five days after the fact, and the result also came out positive for gunshot residue.[59]

These results are troublesome for the reasons explained above, yet they were considered as evidence in the respective judgments.

4. Biased investigations

The international standards about the investigation of potentially unlawful deaths establish that, "investigators must be impartial and must act at all times without bias. They must analyze all evidence objectively. They must consider and appropriately pursue exculpatory as well as inculpatory evidence."[60] Along the same lines, the domestic legislation of Nicaragua enshrines the principle of objectivity regarding the Office of the Public Prosecutor: "The Office of the Public Prosecutor, with the support of the National Police, must seek to clarify the facts in a criminal procedure, and duly comply with the object of criminal prosecution."[61]

Prosecutors did not act with impartiality and objectivity in the seven cases that were examined by the GIEI. In none of the cases all lines of investigation were exhausted, the evidence presented at trial contradicted the version of the prosecution or was insufficient to demonstrate the culpability of the defendants. In two cases, the criminal prosecution was used to criminalize human rights defenders, without sufficient inculpatory evidence.

4.1. Hilton Manzanares

In the case of the death of Hilton Manzanares, the prosecution's case theory indicated that: "at 9:30pm [...] Hilton Rafael Manzanares Alvarado [and other police officers] managed to move forward [...] while shielding themselves from the attack, at the eastern end of the platform [...] next to the wall on the northeastern side of the

57 INACIF, Residuos de Disparo.

58 Expert report No. QUI-00679-01280-2018.

59 Expert report No. QUI-00760-01421-2018.

60 Minnesota Protocol, para. 31.

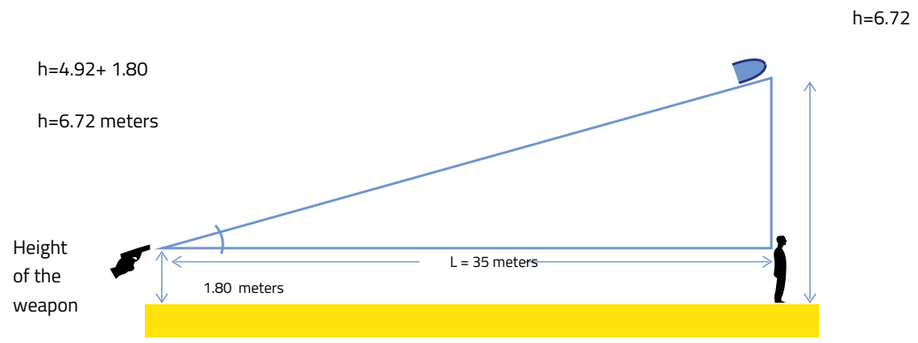
61 Code of Criminal Procedure, Article 90. Nicaraguan legislation also requires the presentation of: "5. Exculpatory evidence obtained by the National Police or the Office of the Public Prosecutor." Code of Criminal procedure, Article 269.

Pentecostal Ministry Church "*Cristo Viene*", the victims were facing east, since the attack was coming from the main street which runs north to south and vice-versa. At the same time, defendant Carlos Alberto Bonilla López, a.k.a. the Rabbit, was behind the victims, on the same platform, about 30 meters to the west, [...] he surprisingly attacked them from behind, shooting them with a 9mm x 19 weapon, [...] thus when the victims [...] heard the shots, turned back, and saw the defendant, then they quickly tried to hide behind the church's eastern wall [...], while they escaped the defendant kept shooting, and managed to strike the victim with gunshots twice, once in the right side of his scalp and once in the back, precisely above the right scapula [...] which caused his death."[62]

In fact, the forensic doctor who testified during the trial indicated that the victim was shot twice, once in the head scratching his scalp, and the other hit him in the right scapula, "the direction of the projectile through the body was upward, forward [...] entering from the back to the left and upward."[63] That is to say, the shooter was behind the victim when the shot was fired.

In his statement, Paulo Francisco Martínez Valdivia, lieutenant of the National Police, placed the victim on the platform, on the left side of the street, facing east with his back to the west: "I told Hilton to go left while I went right. There were ten of us, divided in two groups of five [...]. I heard some shots and we retrieved, from the church we were facing east and with our backs to the west, when Hilton told me he had been shot, I turned to him and saw the man who shot him [...]."[64] This statement coincides with the bullet trajectory specified in the forensic report which indicates that it came forward and to the left. And places the shooter on the right side of the street.

Both that witness and Miguel Ángel Picado, a DOEP officer, place the shooter approximately 30 meters away to the west. The ballistics expert, Carlos Alberto Berroteran, based his report about bullet trajectory on these statements, which was then presented at trial by Inspector Omar Antonio Bustamante Meza. In his statement, Mr. Bustamante Meza observes that, "the defendant shot from the western wall towards the northwest, transversal [...]. He was 1.8 meters above the ground. He shot from 8 degrees higher [...] The victim was 35 meters away from the shooter."[65]



Bullet trajectory: Case of Hilton Manzanares

62 On the day of the event, the National Police's Public Relations Officer, Major Vilma Rosa González informed that: "at approximately 9:29pm, in the city of Managua, Sub-inspector Hilton Rafael Manzanares Alvarado, 33 years old, was murdered 200 meters south from the traffic lights at Villa Rafaella Herrera ... by a group of vandals who came from the Polytechnic University (UPOLI), in disruption of public order, building roadblocks and barricades, and assaulting bystanders and families from the surrounding neighborhoods. The event occurred when a DOEP team ... established the order and arrived on the scene to ensure the free movement of individuals and vehicles."

63 Statement from Alejandro José Martínez Acevedo, September 18th, 2018. Thirteenth Criminal Court.

64 Statement of September 18th, 2018. Thirteenth Criminal Court.

65 Statement of September 27th, 2018. Thirteenth Criminal Court.

At that height from the ground, in the described angle, 30 meters away, the projectile would have reached a height of approximately 6,72 meters from the ground at the time of the impact (See INACIF, expert report, Annex 6). The GIEI also had access to the memorial about evidence, and observed significant incongruities, since this document indicates that the shot was fired from 1.18 meters from the ground and 36 meters away from the victim, so the height of the impact would be 6,23 meters. In neither case it is possible that such a shot hit Mr. Manzanares Alvarado, given the distance, height and level of inclination.

This inquiry did not explore other lines of investigation, nor was an alternate version formulated. The projectile recovered from the body of the victim was not compared with the weapons assigned to other DOEP police officers participating in the operation that night. It was necessary to do so, with regard to all police officers who were armed that night. Neither were samples taken from the police to determine if there was gunshot residue indicating that they had shot their firearms.

4.2. Roberto Carlos García Paladino

In the case of the death of Roberto Carlos García Paladino, the prosecution's case theory indicated that: "[…] defendant FERNANDO JOSE ORTEGA ALONSO, with full knowledge about his criminal actions, got off a black Serpento 125 motorcycle, plate number M-150-018, illegally carrying a gun, without the authorization of the National Police, and shot the victim from a 10-meter distance with that artisanal firearm, (made of two metal tubes, one T-shaped which serves as the barrel; and the other L-shaped which serves as the trigger and grip), using a shotgun cartridge, hitting him five times, one pellet in the right side of the neck to the left, one pellet in the right arm to the left, two pellets in the middle of his back with entry wound but no exit wound, and one pellet in the right buttock, causing his death […]."

This theory implies that the perpetrators were never in direct contact with the victim, since the shots were fired from a distance of 10 meters.

However, the forensic medical report indicates that, "we took photographs of skin lesions, bruises on the left nipple shaped as rail tracks, which means that the victim was hit there with a large blunt object, there is also another lesion on the left arm, and abrasions on the left side of the hip, there is a bruise on the lips."[66] That is to say, Roberto Carlos García Paladino was hit on the left side of his body with a blunt object before being shot and killed.

The only defense witness presented at the trial declared that: "the youths had blocked the road with some logs, there were two trucks, at around two-thirty in the morning, other trucks arrived, maybe three trucks and one bus with anti-riot police inside, they parked […] when the police arrived, they immediately removed the trucks which were placed to the left of Santa María Clinic, they came shooting, when I was on the corner, people ran inside their houses, the other trucks took off, then a youth named Paladino was shot, he could not hide in any house, he was running from P to H (where Palí Supermarket is) towards the lake where I was, he was running but he turned back to try to hide inside a house, then the truck came, I believe it belonged to Carlos Salinas [sic] [Sarria], he was against the wall, kneeling down, I could see him from 30 meters away, one police officer gets off the truck and starts beating him with a bat, he was running towards the wall, he was hit in the left side, someone in the truck shoots at him, but he did not fall there, he raised his arm and said 'Carlos, do not do it, we are the same', then they took him wounded and put him in the truck."[67]

66 Forensic Medical Statement, trial records, September 26th, 2018.

67 Statement, trial records, October 2nd, 2018.

The testimony of this witness entirely coincides with the scientific evidence, the autopsy report, and the statement of the forensic doctor during the trial. Notwithstanding its consistency, the judgment did not consider it as exculpatory evidence in favor of the defendants; on the contrary, the judgment was based on the statement of a witness who did not appear in court, and convicted the defendants.

The prosecution also did not investigate the possible participation of Carlos Sarria, who was probably at the place and time of the crime with his vehicle.[68]

4.3. Ángel Eduardo Gahona López

The prosecution's case theory indicated that: "on Saturday, April 21st, 2018, at around 6:30pm, defendants BRANDON CRISTOFER LOVO TAYLER and GLEN ABRAHAM SLATE met in the municipality of Bluefields, RACCS, central neighborhood, on a platform 1.05 meters from the western wall of the building where *El Bacu* nightclub used to be. Then, defendant GLEN ABRAHAM SLATE, who owns an artisanal weapon made up of two colored metal tubes, handed over the artisanal weapon to defendant BRANDON CRISTOFER LOVO TAYLER. When defendant BRANDON CRISTOFER LOVO TAYLER saw that towards the south at a distance of about sixty-nine meters there were several National Police officers trying to restore the order, defendant BRANDON CRISTOFER LOVO TAYLER, with the clear intentions to hurt the officers of the National Police with the artisanal weapon that was given to him by defendant GLEN ABRAHAM SLATE, fired a shot and the pellets, due to their expansion, power, strength, speed and ability to cause serious injury and death, hit the left side of the chest, right forearm and right side of the head of the victim, journalist Ángel Eduardo Gahona López (Q.E.P.D.), who was covering the confrontations. The victim was in front of the Bluefields Mayor's Office, on the street, and died from severe and irreversible brain trauma caused by the shot […], likewise, one of the pellets fired by defendant BRANDON CRISTOFER LOVO TAYLER hit the abdomen of another victim, officer of the National Police, inspector CARLOS ANSELMO RODRIGUEZ LOPEZ […]" (See Sketch #1).

However, the ballistics report about bullet trajectory presented during the trial by Pedro Rafael Gutiérrez Morales69 established that, "we were asked to determine the possible location of the shooter and the victim, and the bullet trajectory at the place of the event […]. We established the bullet trajectory, so you can see the place where the victim was hit, indicated with a yellow arrow, and the place where the shots came from, which was from the south towards the north, and we determined the distance between those two points, which is 5.67. Also with evidence collected at the scene, we located the position of the shooter, since we found the peg and piston used, which were 25 meters from where we located the shooter" (See Sketch #2).

Thus the accusation described that the shooter fired the shot towards the south, while the ballistics expert described the trajectory being the opposite, from the south towards the north. This contradiction is crucial and should have been considered in the judgment.

With regard to the position of the shooter, the ballistics report indicates that: "With all these elements, we located the shooter at Dr. Law's house, previously discotheque Bacun [*sic*] [Bacu]. We were able to determine the distance between the shooter and the victim Carlos Anselmo, the first one who was hit, which is 69 meters, and the distance between the shooter and Ángel Gahona, which is 74.90 meters, and then established the distance between the gap of the shots which is 100.2 meters."[70]

68 See *supra*, defense witness.

69 Statement, trial records, August 20th, 2018.

70 *Id.*

Nevertheless, the videos used as evidence during the trial do not show any individual at the place identified as the position of the shooter at the time of the shot. The GIEI had access to one video,[71] which shows a beam of light a few seconds prior to Anselmo Rodríguez being shot during these events, then he squats due to the pain, and an explosion is heard. Those three circumstances, the blaze, the sound and the gesture of pain by the victim correspond to a firearm shooting a bullet, which comes from a different place than the one indicated by the prosecution and the ballistics report as the position of the shooter.

With regard to another video presented during the trial by the prosecution, where one can supposedly see the defendants, one of them carrying two tubes in his hands, the expert who included it as evidence did not record the date and time when it was taken, whether it was prior to or after the shot that injured Anselmo Rodríguez and killed Ángel Gahona, nor does it show the backpack where the weapon was supposedly hidden, which was also incorporated as evidence. Moreover, they are seen at a different place than the one indicated by the prosecution as the position of the shooter and the place of the beam of light seen in the previously mentioned video[72] (See Sketch #3).

Despite the omission regarding the date and time of the video, and the inconsistencies between the audiovisual evidence and the prosecution's case theory (the place where the defendants are seen is about 12.7 meters from the alleged position of the shooter), the judgment concluded that, "the case theory of the prosecution was sufficiently proven by videos incorporated as evidence, including the video identified as number three, which is crucial, credible, indubitable and irrefutable, and proves through detailed appreciation, pausing, slow motion, and unedited content that the shooter, defendant Brandon Cristofher Lovo Tayler was precisely on the line of fire described by ballistics expert Lieutenant Pedro Rafael Morales, and after the blast there was a little blaze upwards to the right."[73]

The GIEI was able to verify that, around the crime scene, there were other security cameras, but their footage was not requested or presented during the trial. Likewise, it is possible that other shots were fired when Ángel Eduardo Gahona López was hit.

In view of the foregoing considerations, it is clear that the prosecution's case theory was not proven, on the contrary, the evidence presented during the trial indicates that defendants Brandon Cristofer Lovo Tayler and Glen Abraham Slate are innocent. In this case, all lines of investigation were not exhausted either.

4.4. Eric William Espinoza

The prosecution's case theory charging Cristhian Josué Mendoza Fernández, a.k.a. Viper for murder indicated that he: "continued the execution of his terrorist plan by giving instructions to defendants Néstor Emanuel Molina Tiffer (a.k.a. Tiffer), Ezequiel Gamaliel Leiva García (a.k.a. the 8), Juan Ramón Mena (a.k.a. Satan) and other unidentified individuals, members of this criminal organization, to seize firearms, thus on May 13th [...]." That is to say, the prosecution considered Christian to be the leader of the criminal organization who organized the robbery of the weapons.

With regard to the death of Eric William Espinoza, the prosecution argued that, "defendants Néstor Em-

71 See video: Disparo que mata a Ángel Gahona. See also, video: Ángel Gahona asesinado en Bluefields.

72 See video: Brandon y Glen condenados por asesinato de Ángel Gahona.

73 Judgment of August 27th, 2018.

SKETCH N°1
Thesis of the accusation



SKETCH N°2
Expertise trajectory of the shot





Beam of light



Carlos Anselmo is hit



No one is in front of Bacu when the shot is fired



Brandon and Glen walking
in front of Bacu

manuel Molina Tiffer (a.k.a. Tiffer), Ezequiel Gamaliel Leiva García (a.k.a. the 8), Juan Ramón Mena (a.k.a Satan), and other unidentified individuals, on May 13th, 2018, at around 3:53am, arrived at the Human Resources building of SINSA, at Residential Altamira, half block west from BDF, in the city of Managua; where the victim Eric William Espinoza was working (Q.E.P.D.) as a security guard. They immediately intimidated and threatened the victim with their firearms to seize his service weapon (Taurus revolver, 38 caliber), which belonged to the security company (S.P.T.); However, the victim resisted, so defendant Ezequiel Gamaliel Leiva García (a.k.a. the 8) shot him with a firearm (the characteristics of which are unknown) in the right eye, thus seizing the victim's service weapon, while defendants Néstor Emmanuel Molina Tiffer (a.k.a. Tiffer), Ezequiel Gamaliel Leiva García (a.k.a. the 8), Juan Ramón Mena (a.k.a. Satan) and the other still unidentified individuals escaped, the victim was assisted and urgently removed to Manolo Morales Hospital, then to Alejandro Dávila Bolaños Hospital, where he died on May 15th, 2018 [...]."

During the trial, a video from a street security camera was presented as evidence, which shows a white truck arriving with several individuals, approximately eight, who suddenly get off carrying firearms, the victim leaves the security booth and fires at them. Immediately thereafter, those individuals open fire and the victim falls. These individuals then escape, one of them comes back and touches the victim. The assailants leave the scene.[74]

It is impossible to identify the perpetrators in this video, since it was dark and some were hiding their faces. Similarly, other security guards who were robbed prior to and after this incident described some

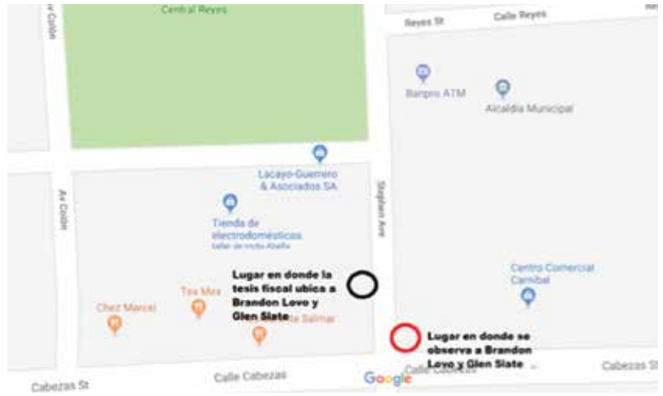
74 YouTube, El Viper suma más pruebas en su contra interpuestas por Fiscalía, October 11th, 2018.

SKETCH N°3

Position of the defendants according to the video

Position of the shooter according to the prosecution

Place where Brandon Lovo and Glen Slate are seen



physical features of the assailants, but they did not recognize any of the defendants.[75] No additional evidence or scientific proof was presented in order to link the defendants to the events. The judge decided to acquit, since "there is no evidence regarding the culpability of the defendants for the crime of robbery of weapons."[76] In this case, the prosecution did not exhaust all lines of investigation to clarify the death of Eric William Espinoza. It accused the alleged criminal organization led by Cristhian Josué Mendoza Fernández without any evidence demonstrating the participation of said group in the robberies and murder of the victim. It did not carry out efforts to collect evidence from other security cameras around the scene in order to identify the escape route of the assailants or the origin of the vehicle. It also did not request eventual mobile phone data to identify numbers used during the period in question.

In other words, the prosecution presented an indictment with no evidence and failed to make efforts to truly elucidate the case.

4.5. Jorge Gastón Palacios Vargas

In this case, four human rights activists from the *Comisión Permanente por los Derechos Humanos* (CPDH) were indicted and convicted for the victim's death: Jaime Ramón Ampie Toledo, Julio José Ampie Machado,

75 Trial records of October 11th, 2018.

76 Judgment of October 19th, 2018.

William Efraín Picado Duarte and Reynaldo Antonio Lira Luqués. The main suspect of the murder of Jorge Gastón Palacios, Christopher Enríquez Ampie is at large.

"When they were returning, they were ambushed at the *El Quebracho* roadblock. They managed to identify Jaime Ampie, Cristopher Enríquez, Julio Ampie and William Picado, who shot at them with firearms from the left side of the truck, Christopher Enríquez shot directly at Jorge Gastón, who was seriously injured in the abdomen by a gunshot, [...] the other defendants who were shooting were Julio Ampie, Jaime Ampie and William Efraín Picado Duarte. Julio Ampie shot Norman Roberto Rodríguez, who was wounded by a gunshot which penetrated the left axillary region downward, injuring the diaphragm, spleen and left kidney, and now objectively requires basic medical care and subsequent care for his health [...]."

With regard to the murder of Jorge Gastón Palacios, the prosecution based its case theory exclusively on testimonial evidence, namely 18 testimonies, 12 of which were from civil servants. These statements present crucial contradictions, for instance, regarding the location of Jaime Ampie at the time of the shots. One witness places him on the right side of the road, while another says that he was on the left side of the road, and a third one places him at a church.

Ballistics evidence would have been essential to elucidate the case, but none was collected at the crime scene. There were no projectiles recovered to compare with the guns registered by defendant Cristopher Enrique Ampie, in order to confirm or discard that they were used in the crime.[77]

Ten defense witnesses were heard during the trial. Five of them presented a case theory completely different from the prosecution's version, and indicated that the perpetrators were Obed Ortega, Daniel Fuentes, Emilio (Emigdio) Sequeira (Vice-Mayor). Two of these witnesses were injured during the incident, José Antonio Cuadra Solano and Alberto Antonio Jarquín Solano, however, the prosecution did not investigate these events. The only video presented during the trial[78] supports the version of the defense. It shows Jaime Ampie running towards the left side of the road while detonations are heard, and being blocked twice with a black truck.

Finally, Jaime Ramón Ampie Toledo, Julio José Ampie Machado, William Efraín Picado and Reynaldo Antonio Lira Luqués, all of them activists from CPDH,[79] were arrested on May 30th due to an arrest warrant issued by the police (Police Chief of the Department of Boaco) five days after the events. According to the law, the police can only issue such warrants up to twelve hours after the fact. During the trial, the defense presented testimonial and documentary evidence which confirmed that these arrest warrants were issued by officers from the Direction of Judicial Support of the National Police, in the Department of Managua, who had no information regarding the events and were not the competent authorities for the arrests.[80]

4.6. Cristhian Emilio Cadenas

In the case of the death of Cristhian Emilio Cadenas, the prosecution's case theory indicated that: "on April 20th, 2018, at around 3pm, a group of individuals, among whom were the defendants [...] arrived [...] at the premises of the *Centro Universitario de la Universidad Nacional* (CUUN) of UNAN-León [...] and aggressively kicked the main doors of CUUN, threw rocks, mortars, Molotov bombs against the building and the students of CUUN [...]. Defendant Cristofer Nahiroby approached the main door of CUUN with about fifteen individuals, four of these unidentified individuals were carrying canisters of gasoline, and one of them started splattering gasoline on the wall adjacent to the student well-being section. [...] As a result of these attacks [...] CUUN students were injured, Cristhiam Emilio Cadenas was wounded in the head. [...] A few minutes later, the victim Christiam Emilio Cadenas climbed onto the roof, [...] and ran through the roofs of CUUN, *Hay D'licias*, *Lotería Nacional*, until he reached the roof of Billiards Lezama, where he broke the skylight in the ceiling, and entered the establishment through a vent, approximately four meters long by two wide, once inside the Billiards, he hid inside the bathroom of said establishment. [...] The defendants, after splattering gasoline in the internal part of CUUN, set it on fire. [...] Defendants Lester Alberto Rubó Olivares, a.k.a. LA FOCA, Byron José Correa Estrada and Cristofer Nahiroby Olivas Valdivia set fire to Billiards Lezema, knowingly and with the intention to deprive of life those persons who were at the place, especially the students, the fire caused by the defendants destroyed a little room located in the back which was used as a bathroom, with a wooden door and no windows, the urinals for men were located to the right, and to the left there was a sink filled with water, on the floor of this bathroom, youth Christiam Emilio Cadenas was murdered in the arson attack caused by defendants Lesber Alberto Rubí Olivares, a.k.a. LA FOCA, Byron José Corea Estrada and Cristofer Nahiroby Olivas Valdivia, [...] the victim died due to the explosion of toxic gases caused by the fire and asphyxia with carbon monoxide, and the cause of death was toxic anoxia."[81]

The GIEI did not have access to the entire judicial file and the trial has yet to take place. It has been scheduled for 2019, so it is not possible to make considerations about the evidence presented during the trial. However, the way in which the events are narrated in the indictment makes it difficult to characterize the conduct of the defendants as murder.

Rosa María González Social Security Officer	Walter Antonio Sobalvarro Loasiga Market employee	Jeffry Sevilla Saravia INSS employee
"Jaime was about 25 meters to the right [...], it was around 5:30, Jaime was wearing a beige vest [...], he was carrying a pistol [...], little and black [...], I have worked at the INSS for eleven years [...], I saw a bunch of people, but I do not know if they were wearing masks."	*"I saw Jaime on the left side of the road, the incident occurred at 5:20. Cristopher was further behind, the two of them (Julio and Jaime) were on the left side of the road."*	*"There was another vehicle in front of us. The shots were coming from the sides. Jaime Ramón Ampie Toledo was near the church [...], he was wearing a white shirt and a vest... it was 4:30 or 5pm [...]."*

According to the case theory presented by the prosecution, Christian Emilio Cadenas entered Billiards Lezama through a vent on the roof, and hid in the bathroom, because he was running from an alleged aggression, that is to say, he entered the building unnoticed. Therefore, the individuals who set the place on fire could not know that there was someone inside, in this case the victim, since, according to the indictment, he entered the building surreptitiously. Moreover, the indictment does not explain why Christian did not leave the place. There is no indication that he was stuck inside or tied up, so it is difficult to fathom why he remained there as the fire advanced.

Even if one assumed that the defendants set the place on fire, they could not have committed murder. This crime requires knowledge of the risk or the intention to kill. That is to say, for their alleged conduct to characterize murder, the defendants had to set the place on fire, knowing that the victim was inside, and

77 Prosecution's Memorial about interchange of evidence, May 14th, 2018.

78 See video, Incidente en el tranque de El Quebracho Boaco

79 According to documentary evidence presented during the trial, the defendants were volunteer coordinators of the CPDH. May 31st, 2018..

80 Statement by one of the arresting officers: "They were going to hand him over to the department of operations in Managua, the Chief, Commissioner Silvia Beltrán, surrendered him." August 17th, 2018

81 The spelling of the names is presented as included in the indictment.





Moment when Jaime Ampie is being harassed

would not be able to get out; with said knowledge, they set fire to the building with the intention to cause death (direct intent), or at least, taking the risk that this could happen (negligence). This was not the case according to the case theory presented by the prosecution.

Moreover, additional sources consulted by the GIEI indicate that furniture was removed from the Billiards before it caught on fire . This indicates that the fire was not sudden, but instead it progressed gradually. This piece of information makes the prosecution's case theory even more improbable.

The GIEI also received information that the fire caused by the protesters on a street corner in front of CUUN was quickly put out by firefighters. The fire that destroyed the CUUN building and nearby establishments was originated from the roof.[82]

4.7. Process against the criminal organization led by Cristhian Josué Mendoza Fernández and others

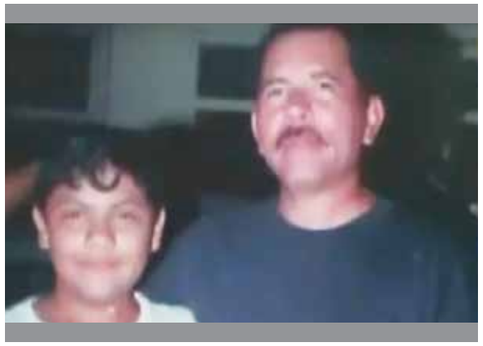
On May 26th, 2018, at 7am, the corpse of Keller Esteven Pérez Duarte was found at kilometer 11 of the new road towards León, with signs of strangulation and burns on the body. On October 19th, 2018, Cristhian Josué Mendoza Fernández, Alejandro Moisés Arauz and Manuel Largaespalda were convicted for this crime. According to the case theory of the prosecution, Cristhian and his comrades were forced to leave UPOLI, asked Douglas Castillo for help, and he took them to a house in Ciudad Sandino, two blocks from *Hogar Pájaro Azul*. Cristhian suspected that one of the members of his organization had betrayed him, so he gathered everyone, took their cell phones away, examined the phones, and returned them after half an hour. Except for Keller's. It was then that they decided to kill him: "CRISTHIAN JOSUE MENDOZA FERNANDEZ, a.k.a. Viper, tried to strangle the victim with an arm wrench, but the victim fought back, so he ordered the individuals known as NICA and COMANDO to kill him; [...] these individuals used a white electrical wire, and tied it around the victim's neck and pulled from both sides, Nica from the left and Comando from the right, until they asphyxiated him. These acts were supervised by defendant KENNETT ISRAEL ROMERO ABURTO, a.k.a RASTA or RASTITA, along with HUMBERTO JOSE ARIAS ROMERO, a.k.a. H." Then, they disposed of the body at kilometer 11 of the new road to León.

One eyewitness, Douglas Castillo, reported these events as described. Although he was also a member of this alleged criminal organization, he was never criminally prosecuted.

During the trial, the prosecution presented new evidence, namely a statement from "Officer Code 5". This

82 See Event in the city of León, Chapter VI.





Jorge Gastón Palacios Vargas, as a boy, with President Daniel Ortega Saavedra

evidence was not previously presented with the others, on June 11th, 2018, prior to the trial. It was presented only on October 3rd, 2018, during the trial. The witness is an intelligence agent, who claimed to monitor since 2009 members of various transnational criminal organizations connected to drug trafficking and acts of political destabilization in the country. During the trial, this witness explained the relation of Félix Maradiaga with these groups: "we have been investigating the financing related to Félix Maradiaga in three ways, two of them through drug trafficking, in connection with Colombian drug lord Julio Cesar Paz Varela, who was the individual providing money to promote an attempted coup. Julio Cesar is known as the king of synthetic drugs. He also has relations with a Mexican drug trafficker. The history dates back to 2007, when commander Daniel becomes President, drugs were a problem, and he dealt with it as a State priority, so operational costs increased and profits declined, [...] so they decided to create terror, and finance and support eventual candidates who might be sworn into office in the future, and allow their criminal operations to occur freely. Using this argument and assuring that when these regime overthrowers gain power, they will allow the free flow of drugs, in my investigation of Félix Maradiaga, I have a video about his relationship with drug lord Paz Varela."[83]

Félix Maradiaga was never indicted in relation to this case. Thus it is inappropriate to present a witness to declare about facts that are unrelated to those described in a criminal case. The statement of this witness was reproduced by several means of communication, in the sense of implying the alleged participation of Félix Maradiaga in criminal acts related to Cristhian Josué Mendoza Fernández' criminal gang.[84]

Cristhian Josué Mendoza Fernández also mentioned Félix Maradiaga and other human rights defenders twice during the trial, implying that they were members of his criminal organization, without providing any evidence.[85] The investigation of the death of Keller Esteven Pérez Duarte has been manipulated to create the conditions to criminalize Félix Maradiaga.

5. Conclusion

The State of Nicaragua has violated its obligation of due diligence in relation to the investigation of violent deaths that took place between April 18th and May 30th, 2018. Out of 109 violent deaths registered by the GIEI, only nine have been criminally prosecuted. That means that 100 deaths remain in impunity. With regard to

83 Trial records, October 10th, 2018.

84 La Voz del Sandinismo, Más pruebas inculpan al Viper y sus cómplices, October 8th, 2018; TV8, Pruebas hunden a Félix Maradiaga, "Viper" y compinches por diversos delitos en Nicaragua, October 10th, 2018; El 19 digital, *El Viper:* El Viper: "Félix Maradiaga y Luciano García entregaban las armas a Pio Arellano para crear caos en Nicaragua", December 14th, 2018.

85 YouTube, Ellos financiaron los actos delincuenciales": Viper revela nombres de promotores del terrorismo, July 11th, 2018.

the nine deaths that have been judicially prosecuted, six of them relate to victims who are somewhat linked to the State of the governing party. There have been no prosecutions against State security forces, despite all the evidence pointing to their probable responsibility.

There have been deficiencies in the investigation of those 109 cases, such as the failure to conduct crime scene investigations or inadequate collection of evidence from the scene, the failure to perform autopsies or autopsies carried out in violation of international standards on the subject. These deficiencies were observed despite the State obligation to duly investigate potentially unlawful deaths.

With regard to the seven judicially prosecuted cases, the information available to the GIEI indicates that there have also been serious deficiencies related to the duty of the State of Nicaragua to conduct an exhaustive investigation: essential evidence was not collected, for instance, in relation to digital evidence (phone data and videos), identification and presentation of witnesses, expert reports, such as the ones about ballistics. In other cases, although expert reports were presented, their results contradict common sense, especially as regards bullet trajectory and gunshot residue.

The investigations have not been impartial either, and in the seven cases to which the GIEI had access, the prosecution did not act objectively, and did not exhaust all lines of investigation. Additionally, the evidence presented during trials was either insufficient to result in convictions, or else contradicted the prosecution's case theory. The GIEI also observed the use of criminal law as a tool to criminalize human rights defenders, without proper incriminating evidence.

B. TRIALS AND DEPRIVATION OF LIBERTY WITHOUT DUE PROCESS

In its 1978 "Report on the situation of Human Rights in Nicaragua", the Inter-American Commission concluded, with regard to the physical liberty of persons and the administration of justice that, "the most elemental constitutional principles were ignored, such as the one stating that no one can be arrested without a previous written order from the appropriate authority; that every person arrested must be released or turned over to the appropriate judge within 24 hours after arrest; that every person has the right to file a writ of *habeas corpus*; that the trial must be public; that, in the case of arrests for the purpose of investigation, the detainees must be set free or sent to prison within ten days from the time that he has been placed under the jurisdiction of the appropriate judicial authority; that a decree for imprisonment cannot be issued without first fully examining the *corpus delicti*; that no one can be removed from the jurisdiction of the appropriate judge nor submitted to a special jurisdiction; that every person has the right to a defense."[86]

Forty years later, those concerns are at stake again. The GIEI conducted several interviews with various sources and had access to 14 judicial files related to the criminal prosecution of students, social leaders, human rights defenders and citizens, who have been deprived of liberty due to their participation in social protests between April 18th and May 30th, 2018, that is to say, within the GIEI's jurisdiction. Seventy-six persons were prosecuted in those 14 processes, including 12 women. Since the State did not provide information, the GIEI cannot precisely assess the total number of persons being prosecuted for acts allegedly perpetrated between April 18th and May 30th. The methodology developed took into account the findings of facts that affect the rights of the persons subjected to prosecution, the exemplary character of the behavior of the authorities and the scope of the impact on the bases and foundations of a democratic system.

86 IACHR, Report on the situation of Human Rights in Nicaragua, 17 November 1979.

The situation of adolescents deprived of liberty will not be examined in this report, since the GIEI did not have access to any judicial files in that regard. However, it is important to note that the Commission for Truth, Justice and Peace reported that, since the beginning of this crisis until July 2018, 64 adolescents (between the ages of 14 and 17) had been arrested.[87] Moreover, reports from human rights organizations assert that 15 adolescents are being criminally prosecuted for participating in demonstrations.[88] They are charged with crimes such as aggravated robbery, illegal possession of firearms, and one of them is being prosecuted for terrorism, organized crime and illegal possession of firearms. These organizations stress that the National Police commonly ignores the writs of *habeas corpus*, or decides that the defendants are over 18 years old and prosecute them before ordinary courts for adults.[89]

The GIEI has identified patterns of conduct related to the criminalization of protesters, according to which there is no congruence between the facts and the criminal charges. Additionally, there is an excessive application of the crimes of terrorism and organized crime in the prosecution and punishment of acts of opposition against the government. Also, there are notorious restrictions regarding the public nature of the trials and the right to an adequate defense. It is worrisome that pre-trial detention has been excessively used, on the basis of "the rule of law", without taking into account that the facts do not match the elements of the crimes, the necessity and proportionality of that measure, as well as the lack of evidence to verify the facts attributed to them; or else, the use of evidence that does not comply with standards of legality and relevance. Lastly, the writ of *habeas corpus* or personal exhibition appeal has been ineffective.

1. Violation of the principles of legality and adequacy

1.1 Criminalization aimed at undermining the exercise of fundamental rights

> "Since they started with this habit of asking the government for things, claiming for their rights, all this confusion and uncertainty, insecurity began. We all felt unsafe, because as a Nicaraguan, I have children, family. A lot of people were unhappy with these roadblocks because they were used for robberies."[90]

Articles 20 of the Universal Declaration of Human Rights, 21 of the International Covenant on Civil and Political Rights, XXI of the American Declaration of the Rights and Duties of Man, 15 of the American Convention on Human Rights, and 15 of the Convention on the Rights of the Child, all recognize the right of peaceful assembly, and the only admissible restrictions are those which are necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals, or the rights or freedom of others.

As the IACHR has asserted, "in balancing, for example, freedom of movement and the right to assembly, it should be borne in mind that the right to freedom is not just another right, but one of the primary and most important foundations of any democratic structure: the undermining of freedom of expression directly affects the central nerve of the democratic system."[91] Along the same lines, it has stressed that, "human rights defenders

87 Commission for Truth, Justice and Peace, Preliminary Report, July 2018.

88 CODENI (2018), Report of perceptions about the impact and effects of the sociopolitical crisis on children and adolescents.

89 *Id.*

90 See *infra*, statement by a police inspector.

91 IACHR, 2005 Annual Report of the Special Rapporteurship for Freedom of Expression, Chapter V "Public demonstrations as an exercise of freedom of expression and freedom of assembly, para. 93.

are often systematically subject to baseless criminal proceedings with the aim of hindering their work and delegitimizing their causes."[92]

It is worth stressing that the IACHR has held that it is not possible to restrict those rights merely because they generate nuisances or disruptions for the rights of other persons. In this regard, the IACHR "is mindful of the fact that the exercise of this right can sometimes be disruptive to the normal routine of daily life, especially in large urban centers; it may even cause problems or affect the exercise of other rights that the State has an obligation to protect and ensure, such as freedom of movement. However, such disruptions are part of the mechanics of a pluralistic society in which diverse and sometimes conflicting interests coexist and find the forums and channels in which to express themselves."[93]

With regard to the misuse of criminal law, the IACHR has stressed that deprivations of liberty "are carried out both during and after the development of the demonstration, blockade, sit-down, or mobilization for the simple fact of having peacefully participated in it and exercised the right to peaceful social protest. In general, the arrests and the initiation of criminal proceedings are based on the protection of public order and national security, and the criminal offenses the defenders are accused of range from 'attacks', 'rebellion', 'obstruction of roads', to 'terrorism'."[94]

Specifically as regards the definition of terrorism, the four rapporteurs for freedom of expression have observed that, "the definition of terrorism, at least as it applies in the context of restrictions on freedom of expression, should be restricted to violent crimes that are designed to advance an ideological, religious, political or organized criminal cause and to influence public authorities by inflicting terror on the public."[95]

The European Court of Human Rights has concluded that, "an individual does not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others in the course of the demonstration, if the individual in question remains peaceful in his or her own intentions or behavior."[96]

The motivations and basis of the criminalization processes examined by the GIEI lead to the conclusion that there has been an unwarranted use of criminal law, which undermines freedom of expression and erodes the foundations of a democratic system.

In one of the cases studied, in which 12 individuals were charged with terrorism, upon convicting them to sentences between 15 and 24 years in prison, the judge observed that, "the evidence indicated how the defendants acted, causing serious alteration of public order, destruction of roadways, streets, blocking access to schools, health centers, public transportation, private and international (upon blocking access and exit to roads towards Masaya and Managua). Both their physical actions (violence, intimidation, retention) and the instruments used were or particular forcefulness and dangerousness, orderly executed by this terrorist group, who used typical and atypical weapons according to plan; and surveillance rotation."[97]

92 IACHR, Criminalization of Human Rights Defenders, 2015, para. 41.

93 IACHR, Report on Citizen Security and Human Rights, 2009, para. 198.

94 IACHR, Criminalization of Human Rights Defenders, 2015, para. 46.

95 Joint Declaration on Defamation of Religions, and Anti-Terrorist and Anti-Extremism Legislation of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information. Athens, December 9th, 2018. Similarly, IACHR, 2002 Annual Report, Volume III: Annual Report of the Special Rapporteurship for Freedom of Expression.

96 European Court of Human Rights, Ziliberberg v. Moldova, Application No. 61821/00 (2004).

97 Second Criminal Court of Managua, Process: 010338-ORM4-2018-PM. Defendants: Wilmer Martínez Días *et al.*

According to that judgment, "blocking access and exit to roads" is considered, by itself, an act that causes "serious alteration of public order, destruction of roadways and streets," thus criminalizing social protests, since it did not consider that, at the very least, the conduct of those individuals should aim at causing the results of effects attributed to them.

Another striking aspect is the inclusion of victims in the abstract, without proof of their existence or individualization, such as in the case against Wilmer Martínez Díaz and others, in which the participation in roadblocks is deemed as a "criminal act" which "is totally incompatible with rules of coexistence, thus each victim was attacked in their basic rights, to send a message of coercion, which they used as an instrument for their goals – they concretely endangered the community and delivered their coercive message, by restricting the freedom of movement and expression of each victim."[98]

In this particular case, it is worth noting the absence of a factual description that may verify that the conduct of the defendant aimed at restricting the "freedom of movement and expression of each victim." Additionally, it must be observed that, in this case, it is not possible to determine which basic rights of the victims were affected; or how the message of coercion might constitute and "instrument" to achieve their goals. In sum, the actions described do not correspond to the necessary elements of the crime of terrorism.

In the criminal case initiated against human rights defender Mathil Alexander Pérez Amador, the prosecution argued that, "they arrived together in trucks of different colors (white or gray) at the roadblock that they had helped set up, in the south exit of Estelí, to make contact, plan and execute the criminal acts, this contact was personal, with the head of the criminal group, to whom they delivered prepared meals in disposable containers and cash to share with the rest of the defendants, in order to sustain the roadblock and carry out criminal actions, such as stealing firearms from homes or security guards of nearby businesses and companies in the city of Estelí."[99] That is to say, acts which in themselves do not entail violence, such as providing food or financial support to persons who are primarily exercising their right to freedom of expression,[100] end up being equated to criminal behavior such as organized crime, or association for criminal purposes, which stipulate from one to seven years of imprisonment, respectively.

With regard to actions carried out during demonstrations, the prosecution concluded in the aforementioned case that, "the criminal organization took advantage of the situation faced by the country to influence and maintain the roadblock located at the southern exit of Estelí, which prevented and seriously obstructed the normal operation of public transportation, and prevented access to and provision of public services. They carried out their criminal acts in small groups, wearing dark civilian clothing, paint, sports shoes or boots, sometimes partially hiding their faces and others without any cover."[101] Although these actions could restrict the right to freedom of movement of others, the judge should consider that the protesters were also exercising their right to freedom of expression and assembly, which are essential for the defense of democ

98 Second Criminal Court of Managua, Process: 010338-ORM4-2018-PM. Defendants: Wilmer Martínez Días *et al.*

99 Sixth Criminal Court of Managua. Hearing presided by Judge Henry Antonio Morales Olivares. As Prosecutor: Gisel Vanessa Morales Urbina and Cesar Augusto Rodríguez. Process No. 012540-ORM4-2018-PN. Defendants: Mathil Alexander Pérez Amador (human rights defender) *et al.*

100 With regard to conducts related to the exercise of the right to freedom of expression which might restrict freedom of movement, both rights must be considered, taking into account that, in cases of extremely arbitrary actions by the State and generalized outrage of most of the populace, freedom of expression is especially important for the defense of democracy. See IACHR, 2005 Annual Report of the Special Rapporteurship for Freedom of Expression, Chapter V "Public demonstrations as an exercise of freedom of expression and freedom of assembly, para. 93.

101 Sixth Criminal Court of Managua. Hearing presided by Judge Henry Antonio Morales Olivares. As Prosecutor: Gisel Vanessa Morales Urbina and Cesar Augusto Rodríguez. Process No. 012540-ORM4-2018-PN. Defendants: Mathil Alexander Pérez Amador (human rights defender) *et al.*

racy in the context of serious and widespread human rights violations perpetrated by the State through an arbitrary use of its powers.[102]

The testimony of police inspector Alberto Gonzalo Arcaica Porras, during the trial of UNAN students who were charged with terrorism, is illustrative of this attack against the exercise of fundamental rights. He asserted that, "since they started with this habit of asking the government for things, claiming for their rights, all this confusion and uncertainty, insecurity began. We all felt unsafe, because as a Nicaraguan, I have children, family. A lot of people were unhappy with these roadblocks because they were used for robberies."[103]

In the cases examined, the State has used the crime of terrorism, among others, to punish the exercise of fundamental rights enshrined in international instruments, such as the right of assembly, expression and participation. Thus acts of opposition are associated with serious criminal behavior.

1.2 Misuse of criminal law

"Their ingenuity represents a weapon for terrorism."
Nicaragua's Office of the Public Prosecutor

The misuse of the crime of terrorism, which is defined by Article 394 of the Penal Code of Nicaragua, is evident.[104] The definition of that crime comprehends:

> "[…] acts against persons, goods, public services and means of transportation, as a means to produce alarm, fear or terror in the population, in a group or sector thereof, alter the constitutional order, seriously alter public order or cause panic in the country […]."

As the legal definition explains, it is not enough that the perpetrator "carries out acts against persons, goods, public services and means of transportation;" it is also necessary that those acts be used "as a means to produce alarm, fear or terror in the population, in a group or sector thereof, alter the constitutional order, seriously alter public order or cause panic in the country."

On top of that, the definition of the crime requires, concurrently, that those acts are carried out "[…] at the service of or in collaboration with armed groups, organizations or gangs […];" and that they use "[…] explosives, toxic substances, arms, fire, inundations, or any other instrument of massive destruction […]."

Therefore, in order to characterize this crime, in keeping with the criminal law principle of legality, it is necessary that, concurrently with the criminal actions, the perpetrator acts at the service of or in collaboration with armed groups, organizations or gangs, which implies that these structures must preexist, whereas the acts performed and the means used by the perpetrator must be "suitable" to produce alarm, fear or terror.

Despite the normative definition, the Office of the Public Prosecutor has recurrently formulated indictments against protesters for the crime of terrorism, without the elements described in that definition. One case examined by the GIEI refers to Olesia Auxiliadora Muñoz Pavón (a church choir singer) and several other individuals, in which the indictment asserted that, "on April 19th, 2018, the National Police of the Department of Masaya, through its intelligence division, initiated investigations into a criminal organization in the city of Niquinohomo, Department, and found that, from April to July 16th, 2018, they organized a complex criminal structure with an operational center located in the Calvario neighborhood, in Niquinohomo, Department of Masaya; this criminal structure aimed at executing acts of organized crime, drug consumption, robbery, kidnapping, arson and destruction of private and public property, in order to damage and alter public order."[105]

In this case, it is evident that what is characterized as a "criminal structure", given the date of the beginning of the alleged investigation, does not respond to criteria of continuance of criminal activities over a certain period of time. Rather, this circumstance denotes that what is characterized as a "structure" refers to a spontaneous response related to social demands expressed through the exercise of the right of demonstration or social protest.

The same is true regarding the prosecution against Amaya Coppens and six other individuals, including students, for the crime of terrorism, in which the facts in the indictment are absolutely unrelated to the definition of terrorism. In the indictment, the prosecution asserted that, "since April 20th, 2018, defendant Amaya Eva Coppens started to organize and recruit a group of individuals including the defendants […], to set up a roadblock at the exit towards Managua, precisely where U*no* gas station is located, in San Benito."[106]

This factual formulation evidentiates that the perpetrator "started to organize" the structure, thus it does not comply with the standard of permanence over time for the commission of criminal acts, rather it refers to spontaneous reactions related to the exercise of the right to protest, which is recognized in international human rights instruments.

With regard to the illicit nature of their actions, the prosecution charged the defendants with "blocking and seriously obstructing the normal operation of public transportation, thus limiting the constitutional right of citizens to freedom of movement."[107] In relation to the degree of participation, the prosecution explained that, "the defendants set up and maintained a roadblock during the estimated period from April 20th until the end of July 2018, causing fear, panic and intimidation in the population, with a view to seriously altering public and constitutional order. Moreover, the defendants colluded with antisocial groups so that these would join the roadblock, in order to not only impede free circulation, but also carry out robbery and assaults against civilians with any type of weapon."[108]

The analysis of this case evidentiates the nonexistence of the "criminal organization", and the conduct described does not coincide with the elements of the crime of terrorism defined in Article 394 of the Penal Code.

A similar situation occurred in the criminal process against university professor Ricardo Humberto Baltodano Marcerano and Emmanuel Salvador Fonseca, who were also charged with terrorism. According to the indictment, on May 11th, 2018, at around 4:30 pm, the defendants, "along with a group of unidentified individuals, who were carrying artisanal and industrial weapons, as well as mortars and Molotov bombs,

102 IACHR, 2005 Annual Report of the Special Rapporteurship for Freedom of Expression, Chapter V "Public demonstrations as an exercise of freedom of expression and freedom of assembly, para. 93.

103 Seventh Criminal Court of Managua, Process: 011099-ORM4-2018-PN. Defendant: Fredrych Eliseo Castillo Huete *et al.* Alleged crimes: Terrorism and illegal possession of firearms or ammunitions.

104 Article 394 of the Penal Code was reformed by Law No. 977, Law against money laundering, financing of terrorism, and financing of the proliferation of weapons of massive destruction, which came into force on July 20th, 2018, after the period within the GIEI's jurisdiction.

105 Fifth Criminal Court of Masaya, Enrique William Larios, Process: 012211-ORM4-2018-PN. Defendants: Olesia Auxiliadora Muñoz Pavón *et al.* Alleged crimes: robbery with intimidation, physical assault, obstruction of public services, damage to property, terrorism, organized crime, hostage taking.

106 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

107 *Id.*

108 *Id.*

gathered in the vicinity of the District 6 Delegation of the Mayor's Office of Managua, where they positioned themselves 20 meters away from the northern gate of that institution, with a view to causing chaos, alarm and intimidation in the population."[109]

The prosecution equated a gathering of persons to a criminal organization, which constitutes a misuse of criminal law to repress the exercise the right to protest.

A similar situation was also observed in the case of the occupation of the National Autonomous University of Nicaragua – UNAN by students, who were convicted of terrorism. According to the indictment against them, the defendants "collectively erected barricades with paving stones that they removed from the adjoining roads to the university, blocking all the roads near the university campus, thus preventing the free circulation of vehicles and pedestrians. For the commission of serious crimes, they acted as a terrorist operative group, all this as part of a common criminal plan, whose main objective was to carry out illicit acts to alter the constitutional and public order, and execute robberies with intimidation, destroy university property (such as the burning of CDI Arlen Siu), and use university pavilion number 68 to torture alleged infiltrators."[110]

In this criminal process, similar to the others that were analyzed, there was no evidence of destruction of property, robberies, fires or acts of torture, instead, these were mere enunciations in the indictment without supporting evidence or facts. Despite the foregoing, the mere occupation of a public university was enough for a conviction for terrorism.

Furthermore, the UNAN students received the maximum sentence. According to the prosecution, this was warranted because "they took advantage of the helplessness of the State itself and of its citizens, with abuse of superiority, the defendants occupied UNAN, taking advantage of being young and having free access to the premises, which provided security to them, since it is a center of higher education, a place for personal growth, without discrimination, this situation has a political impact, since the discrimination occurs against persons for their ideology or political opinion, even more so because they supposedly were persons pursuing a career, more prepared, which was not the case. For that reason, the prosecution request the maximum penalty of twenty years in prison for terrorism."[111] This association between the exercise of fundamental rights with criminal acts denotes the level of respect (or lack thereof) for democratic standards, particularly opposition, free expression and participation.

In order to justify the risk that those students represented for society, the prosecution expressed during the trial, on November 6th, 2018, that "the problem is that it is not necessary to have sixteen guns, each one of the defendants is a weapon, their ingenuity represents a weapon for terrorism."[112]

In the indictment formulated against Edwin José Carcache Dávila, he is charged with three acts connected in time: firstly, in April 2018, "in common agreement with other unidentified individuals, he promoted the erection of barricades;" secondly, on September 1st, 2018, "under the command" of the defendant and other unidentified individuals, they "planned to cause serious alterations to public order, during an assembly of persons who were summoned in the morning of September 2nd, 2018;" and lastly, on that date, the gathering and a subsequent march took place, and the defendant had "planned" the events the day before, according to the indictment.[113]

The temporal distinction of the events cannot be considered as a "permanent" structure, but a form of expression encompassed in the right to demonstrate and protest. Nevertheless, given the characteristics of the charges, they would imply the manifestation of two modalities of the crime of terrorism, according to the legal reform regarding this crime, which was published on July 20th, 2018.

The reform of July 20th, 2018 regarding the elements of the crime of terrorism further violates the principle of legality, especially because it does not specify "in strict sense" the proscribed conduct.

2. Various forms of violation of the right to liberty

2.1. The privatization of the deprivation of liberty: delegation of this State obligation to private actors

Article 33 of the Constitution of Nicaragua establishes that, "no one shall be subject to arbitrary arrest or imprisonment, or deprived of their liberty, except for the reasons and under the conditions established by the law." The GIEI learned of cases in which this obligation was not complied with, to the extent that civil servants have taken advantage of the collaboration of parapolice groups to carry out deprivations of liberty.

In one of the cases examined, the GIEI was able to verify that the accused were arrested by parapolice groups. As denounced in the preliminary hearing: "on that day, all of those who are here were abducted from their homes, had their belongings stolen, were assaulted, they even took homemade curd from one of them, and these arrests were not carried out as they say, by the police and a support group from special operations, otherwise these barbarities would not have occurred, that day the police and DOEP were accompanied by hooded paramilitaries carrying firearms to get these people out of their homes, endangering their lives, the lives of children and older persons."[114]

During public hearings, the lawyers providing legal counsel for the defendants have mentioned this practice: "in the case of LENIN SALABLANCA, the arrest was carried out by paramilitaries along with police officers,"[115] and this defendant was only brought before a judge 29 days after the arrest, in violation of Article 122 of the Code of Criminal Procedure.

Even though these statements were made before judges and prosecutors, these authorities have remained silent about them. The GIEI does not know of, nor has it seen anything in the judicial files about any order demanding that these allegations presented in court be investigated in order to identify the perpetrators.[116]

109 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

110 Seventh Criminal Court of Managua, Process: 011099-ORM4-2018-PN, Defendants: Fredrych Eliseo Castillo Huete *et al.* Alleged crimes: Terrorism and illegal possession of firearms or ammunitions.

111 Seventh Criminal Court of Managua, Process: 011099-ORM4-2018-PN, Defendants: Fredrych Eliseo Castillo Huete *et al.* Alleged crimes: Terrorism and illegal possession of firearms or ammunitions.

112 Seventh Criminal Court of Managua, Process: 011099-ORM4-2018-PN, Defendants: Fredrych Eliseo Castillo Huete *et al.* Alleged crimes: Terrorism and illegal possession of firearms or ammunitions.

113 Sixth Criminal Court of Managua, Hearing presided by Judge Henry Morales Olivares, Process: 1542-240-2018JD. Defendants: Edwin José Carcache Dávila *et al*. Alleged crimes: Terrorism, aggravated robbery, facilitating an escape, attempted murder, illegal possession of firearms, and obstruction of public services.

114 Ninth Criminal Court of Managua, Hearing presided by Judge Armando Mejía Somarriba, Process: 001573-ORR1-2018PN, Preliminary hearing of July 20th, 2018. Defendants: Rogerio Adrián Ortega Franco *et al.* Alleged crimes: organized crime, obstruction of public services, illegal possession of firearms, manufacturing, trafficking, possession and use of restricted weapons, explosive substances or artifacts, and attempted murder.

115 Seventh Criminal Court of Managua, Process: 014334-ORM4-2018-PN. Defendants: Francisco Antonio Sequiera *et al.* Alleged crimes: Terrorism, aggravated robbery, kidnapping, manufacturing, trafficking, possession and use of restricted weapons, explosive substances or artifacts.

116 Seventh Criminal Court of Managua, Process: 014334-ORM4-2018-PN. Defendants: Francisco Antonio Sequeira *et al.* Alleged crimes: Terrorism, aggravated robbery, kidnapping, manufacturing, trafficking, possession and use of restricted weapons, explosive substances or artifacts.

2.2. Detention orders issued by incompetent authorities

> "As a general rule, in ordinary times the prisoners are at the disposition of the chiefs of police who act as judges and may order arrests, through summary procedures."[117]

Article 7 of the American Convention on Human Rights states that every person has the right to personal liberty and security, and no one shall be deprived of their physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned. Nicaraguan legislation also acknowledges that deprivation of liberty shall only be carried out "by virtue of a written order from a competent judge or from the authorities expressly authorized by law."[118] The Inter-American Court has determined that, "no person may be deprived of his or her personal freedom except for the reasons, cases or circumstances expressly defined by law (material aspect) and, furthermore, subject to strict adherence to the procedures objectively set forth in that law (formal aspect)."[119]

During the period within the jurisdiction of the GIEI, it verified the recurring use of police detention, which is ordinarily ordered by chiefs of police from the Direction of Judicial Support or from the Departments, outside of their attributions and competencies. These deprivations of liberty have been based on Article 231.3 of the Code of Criminal Procedure (CPP), which states that, "they may issue a detention order, expressing the reasons that make it necessary, against those who are likely to be guilty of the commission of an offence punishable by deprivation of liberty, within twelve hours of having knowledge about the fact."

From the letter of the aforementioned domestic law, it appears that for the application of the prerogatives established in Article 231.3 of the CPP, three elements are concurrently necessary, namely: a) deprivation of liberty within twelve hours of having knowledge of the fact; b) founded probability of the commission of an offence punishable by deprivation of liberty; and, c) a reasoned decision expressing the reasons that make detention indispensable. The absence of one of these elements implies that the arrest warrant becomes illegal.

The violation of those precepts is evident in the case of the detention of Ricardo Humberto Baltodano Marcenaro and Emmanuel Salvador Fonseca Espinoza, which took place at 8pm on September 15th, 2018. Their arrest was ordered by General Commissioner Luis Alberto Pérez Olivas, in his capacity as Chief of the Direction of Judicial Support, on May 21st, 2018, for the alleged commission of the crimes of terrorism, organized crime, obstruction of public services and aggravated damage, in relation to facts that occurred on April 28th, May 10th and May 11th, 2018.[120] It was public knowledge and notorious that the acts attributed to them took place from 10 to 15 days before the detention order was issued, not within twelve hours of having knowledge of the fact, as established by law, hence without any reason to justify their arrest and authorize the lack of judicial review. This was a blatant violation of the aforementioned objective legal requirements.

117 IACHR, Report on the situation of Human Rights in Nicaragua, 17 November 1979.

118 Article 33.1 of the Constitution: "No one shall be subject to arbitrary detention or imprisonment, or be deprived of their physical liberty except for the reasons and under the conditions established by law. Consequently: 1) deprivation of liberty shall only be carried out by virtue of a written order from a competent judge or from the authorities expressly authorized by law, except in cases of *flagrante delicto*."

119 I/A Court H.R., Case of Cesti Hurtado Vs. Peru. Judgment of 29 September 1999. Serie C No. 56, para. 140; "Street Children", para. 131; Case of Durand and Ugarte Vs. Peru. Merits. Judgment of 16 August 2000. Serie C No. 68, para. 85; Case of Cantoral Benavides Vs. Peru. Merits. Judgment of 18 August 2000. Serie C No. 69, para. 69; Bámaca Velásquez, para. 139; Juan Humberto Sánchez, para. 78; Maritza Urrutia, para. 65; Gómez Paquiyauri Brothers, para. 83; "Juvenile Reeducation Institute", para. 224; Tibi, para. 98; Acosta Calderón, para. 57; Case of Palamara Iribarne Vs. Chile.

120 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

On September 13th, 2018, Amaya Eva Coppens Zamora and Sergio Alberto Midence Delgadillo were deprived of liberty, by virtue of a detention order issued on the previous day by the Chief of the National Direction of Judicial Support. This arrest warrant was issued because of facts that took place in the context of roadblocks between April 20th and June 3rd, 2018, for the alleged commission of the crimes of terrorism and obstruction of public services, which evidentiates the non-compliance with the time limit or terms required by law to issue a detention order without judicial review.[121]

Other examples of non-compliance with the time limit required by law include: the deprivation of liberty of Gregorio Ramón Reyes Flores and Lester Braudillo Reyes Pastrán, on September 10th, 2018, by virtue of police arrest warrants issued on September 6th, 2018, by the Chief of Police of León, for the alleged commission of the crime of obstruction of public services, which occurred "during the period from April 20th to the end of June 2018."[122] That is to say, it is untenable that the police authorities could issue detention orders 70 days after the alleged commission of crimes related to barricades, as if they only had knowledge about them 12 hours prior.

These situations have been condemned by various sources as a problematic and recurring aspect of the context in Nicaragua, to the extent that the necessary judicial review of those deprivations of liberty has been overlooked, and detentions ordered by chiefs of police have been permitted, in violation of the legal requirements, which implies a systematic violation of the right to personal liberty, as well as a tool used to control and punish those considered as political dissidents.

2.3. Deprivation of liberty without a hearing before the competent authority within a reasonable time established by law

Article 33 of the Constitution of Nicaragua and Article 95.9 of the Code of Criminal Procedure recognize the right of any person detained or indicted to be brought before a competent judicial authority, within forty-eight hours after their arrest, and prohibit incommunicado detention.

In the case of Jonathan Andrés Lacayo, Carlos de Jesús Lacayo and Edwin Padilla Rivera, they were reportedly arrested on September 3rd, 2018. In the case of Oscar Danilo Rosales Sánchez and Edwin Carcache Dávila, they were reportedly arrested on September 6th, 2018. Nevertheless, they were only brought before a competent judicial authority on September 11th, that is to say, respectively, 192 and 120 hours after their arrest.[123]

Lenin Antonio Salablanca was reportedly arrested on August 19th, 2018, while Francisco Sequeira was reportedly arrested on September 9th, 2018. In the case of the former, he was brought before a judge 840 hours after his arrest, whereas in the case of the latter, he was brought before a judge 216 hours after his arrest.[124]

Sergio Alberto Midence and Amaya Eva Coppens Zamora were arrested on September 10th, 2018, and charged with illegal possession of firearms. On September 12th, 2018, their release was ordered by the Chief of Police of León, on the basis of the expiration of the respective time limit. On that same day, September 12th, the Chief of Police from the National Direction of Judicial Support once again ordered their detention,

121 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

122 Seventh Criminal Court of Managua, Process: 014463-ORM4-2018-PN, Judge Wilfredo Ramírez Lacayo. Defendants: Gregorio Ramón Reyes Flores and another. Alleged crime: obstruction of public services.

123 Sixth Criminal Court of Managua, Hearing presided by Judge Henry Morales Olivares, Process: 1542-240-2018JD. Defendants: Edwin José Carcache Dávila *et al*. Alleged crimes: Terrorism, aggravated robbery, facilitating an escape, attempted murder, illegal possession of firearms, and obstruction of public services.

124 Seventh Criminal Court of Managua, Process: 014334-ORM4-2018-PN. Defendants: Francisco Antonio Sequeira *et al.* Alleged crimes: Terrorism, aggravated robbery, kidnapping, manufacturing, trafficking, possession and use of restricted weapons, explosive substances or artifacts.

before they were released, and this time charged them with terrorism, so they continued deprived of their liberty. During a hearing, their legal counsel observed that, "the National Police carried out an illegal detention against my client, their release was ordered by the authorities of León when the time limit expired, and then they did what is called in our country 'give and take away', so they later charged them with other crimes such as terrorism."[125]

2.4. Custodial measures without motivation

Article 9.3 of the International Covenant on Civil and Political Rights establishes that, "it shall not be the general rule that persons awaiting trial be detained in custody,"[126] hence its exceptional nature. The Inter-American Court has decided that, the application of pre-trial detention must "be exceptional, since it is limited by the principles of lawfulness, presumption of innocence, necessity, and proportionality, indispensable in a democratic society,"[127] with due regard for the presumption of innocence.[128]

The Inter-American Court has also concluded that, pre-trial detention "cannot be based on general preventive or special preventive purposes, which could be attributed to the punishment, but [...] based on a legitimate purpose, which is: to ensure that the accused does not prevent the proceedings from being conducted or elude the system of justice;"[129] thus it can only be applied "when it is the only way to ensure the purposes of the proceedings, after demonstrating that other less restrictive precautionary measures would be unsuccessful in securing those goals;"[130] and it should not be admissible to "restrict the detainee's liberty beyond the limits strictly necessary;"[131] mindful that, "the personal characteristics of the alleged author and the seriousness of the crime that he is charged with are not, in themselves, sufficient justification for the preventive detention."[132]

A custodial measure shall be considered arbitrary when "it is essentially determined, for instance, by the type of crime allegedly committed, the expectation of a penalty in the abstract, or the mere existence of sufficient evidence to charge the defendant." Moreover, it is also prohibited "when the application of pre-trial detention on the basis of the aforementioned criteria is mandatory according to the law, the situation is even more serious, since that would imply a legislative disregard for the judicial debate; therefore, it would limit the ability of judges to assess the necessity of the measure according to the characteristics of each case."[133]

Also, pre-trial detention shall only be considered legitimate if there is "a judgment of proportionality between said measure, the evidence to issue it, and the facts under investigation. If the proportionality does not exist, the measure will be arbitrary,"[134] and "in all cases, the need for this guarantee has to be duly justified in accordance with the circumstances of the case."[135] For its part, the Inter-American Court has established that, "for the presumption of innocence to be respected when ordering restrictive measures to liberty, the State shall support and provide evidence of the existence of the requirements established in the Convention in a clear and motivated manner in each specific case."[136]

The GIEI was able to verify that it is a common practice among prosecutors and judges to request or impose custodial measures, without reasoning and without an analysis of proportionality, and instead merely take into consideration the legal mandatory application due to the seriousness of the offence, the expectation of a penalty in the abstract, or the mere existence of sufficient evidence to charge the defendant. The lack of motivation has been notorious, as illustrated by the following examples.

"Based on the provisions of Articles 166, 167.1.k, 173, 174 and 175 of the CPP, also according to Article 565 of the Penal Code, as amended by Law No. 952, the prosecution requests as appropriate by law, that the defendants be subject [...] to the personal precautionary measure of pre-trial detention, since only the deprivation of liberty will ensure the effectiveness of the proceedings and the verification of the procedural truth, all of which will be substantiated at the public hearing."[137]

"Due to the nature and seriousness of the alleged facts, the prosecution requests the pre-trial detention of the defendants as a precautionary measure, since we are dealing with a serious offence punishable by deprivation of liberty, and there are sufficient elements to infer the criminal responsibility of the suspect for the alleged crime, all in conformity with Article 167.1.k, in conjunction with Articles 173, 174 and 175 of the CPP."[138]

"The prosecution requests that pre-trial detention be decreed as a precautionary measure, in conformity with Article 1 of Law No. 952 of July 5th, 2017, which reforms Article 565 of the Penal Code."[139]

"With regard to the custodial measure, this is a serious fact and, by virtue of the law, I decide to impose the precautionary measure set forth in Article 167.1.k, in conjunction with Articles 173, 174 and 175 of the Code

125 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

126 Article 9.3 of the International Covenant on Civil and Political Rights. Also, Article 7.3 of the American Convention on Human Rights states that, "no one shall be subject to arbitrary arrest or imprisonment," which confirms the exceptional nature of the deprivation of liberty.

127 I/A Court H.R. Case of Barreto Leiva Vs. Venezuela. Merits, Reparations and Costs. Judgment of 17 November 2009. Serie C No. 206, para. 121; I/A Court H.R. Case of Bayarri Vs. Argentina. Preliminary Exception, Merits, Reparations and Costs. Judgment of 30 October 2009. Serie C No. 187, para. 69; I/A Court H.R. Case of Yvon Neptune Vs. Haiti. Merits, Reparations and Costs. Judgment of 6 May 2008. Serie C No. 180, para. 107; I/A Court H.R. Case of Servellón García *et al.* Vs. Honduras. Judgment of 21 September 2006. Serie C No. 152, para. 88; I/A Court H.R. Case of López Álvarez Vs. Honduras. Judgment of 1 February 2006. Serie C No. 141, para. 67; I/A Court H.R. Case of García Asto and Ramírez Rojas Vs. Peru. Judgment of 25 November 2005. Serie C No. 137, para. 106; I/A Court H.R. Case of Acosta Calderón Vs. Ecuador. Judgment of 24 June 2005. Serie C No. 129, para. 74; and I/A Court H.R. Case of Tibi Vs. Ecuador. Judgment of 7 September 2004. Serie C No. 114, para. 106.

128 Article 14.2 of the International Covenant on Civil and Political Rights; Article 8.2 of the American Convention on Human Rights; and Article 11 of the Universal Declaration of Human Rights.

129 Case of Barreto Leiva vs. Venezuela, para. 111. See also, I/A Court H.R. Case of Bayarri Vs. Argentina. Preliminary Exception, Merits, Reparations and Costs. Judgment of 30 October 2009. Serie C No. 187, para. 74; and I/A Court H.R. Case of López Álvarez Vs. Honduras. Judgment of 1 February 2006. Serie C No. 141, para. 69.

130 IACHR, Report on the Use of Pretrial Detention in the Americas, 2013, para. 159.

131 I/A Court H.R. Case of López Álvarez Vs. Honduras. Judgment of 1 February 2006. Serie C No. 141, para. 69.

132 I/A Court H.R. Case of Bayarri Vs. Argentina. Preliminary Exception, Merits, Reparations and Costs. Judgment of 30 October 2009. Serie C No. 187, para. 74; and I/A Court H.R. Case of López Álvarez Vs. Honduras. Judgment of 1 February 2006. Serie C No. 141, para. 69.

133 *Id.* Article 37 of Law No. 735 establishes that, "pre-trial detention shall be the only precautionary measure applied, when dealing with the following crimes included in this law, trafficking in illegal migrants, money laundering, trafficking in persons for purpose of slavery, sexual exploitation or adoption, illegal arms trafficking, trafficking and extraction of human organs and tissue, terrorism, crimes related to drugs and other restricted substances, and organized crime. This norm is related to Article 3 which defines the crime of organized crime.

134 I/A Court H.R. Case of López Álvarez Vs. Honduras. Judgment of 1 February 2006. Serie C No. 141, para. 68.

135 IACHR. Report No. 86/09, Case 12.553, Merits, Jorge, José and Dante Peirano Basso, Uruguay, 6 August 2009, para. 109.

136 I/A Court H.R. Case of Usón Ramírez Vs. Venezuela. Preliminary Exception, Merits, Reparations and Costs. Judgment of 20 November 2009. Serie C No. 207, para. 144.

137 Second Criminal Court of Managua, Judge Adela Auxiliadora Cardozo Bravo, Process: 010338-ORM4-2018-PN, acting as Prosecutor: Félix Ramón Hernández Muñoz. Defendants: Wilmer Martínez Díaz *et al.*

138 Fifth Criminal Court of Masaya, Enrique William Larios, Process: 012211-ORM4-2018-PN. Defendants: Olesia Auxiliadora Muñoz Pavón *et al.* Alleged crimes: robbery with intimidation, physical assault, obstruction of public services, damage to property, terrorism, organized crime, hostage taking.

139 Sixth Criminal Court of Managua, Hearing presided by Judge Henry Morales Olivares, Process: 1542-240-2018JD. Defendants: Edwin José Carcache Dávila *et al*. Alleged crimes: Terrorism, aggravated robbery, facilitating an escape, attempted murder, illegal possession of firearms, and obstruction of public services.

of Criminal Procedure, and also in accordance with Article 44 of Law No. 745 and Article 565 of the Penal Code, namely the pre-trial detention of the defendants."[140]

The judicial decisions have also been characterized by the absence of motivation.

"As one of the purposes of the present hearing, whether to apply the custodial measure: Law No. 745 in its Article 44, Law No. 952 "reform of Law No. 641 Penal Code of the Republic of Nicaragua", which reformed Article 565 of the PENAL CODE and established that, in all these crimes regarding which the penalty is classified as serious by their nature, pre-trial detention shall be applied for the duration of the process until a judgment is handed down, one of the crimes included in that law is precisely the crime of TERRORISM, thus any other measure would be expressly against the law, and I impose on defendants RICARDO HUMBERTO MALDONADO MARCERANO and EMMANUEL SALVADOR FONSECA ESPINOZA the precautionary measure of pre-trial detention, making them aware that the measure imposed should not be considered as anticipated punishment, and that they are presumed innocent until otherwise proven by means of a final judgment."[141]

"With regard to custodial measures, I shall impose the precautionary measure of pre-trial detention on the defendants [...], as set forth in Article 167.1.k, in conjunction with Articles 173, 174 and 175 of the Code of Criminal Procedure, in accordance with Article 44 of Law No. 976 Law on financial analysis."[142]

"In relation to custodial measures, this is a serious fact and, by virtue of the law, I shall impose the precautionary measure set forth in Article 167.1.k, in conjunction with Articles 173, 174 and 175 of the Code of Criminal Procedure, also in accordance with Article 44 of Law No. 745 and Article 565 of the Penal Code, namely the pre-trial detention of the defendants."[143]

On top of that, the GIEI has verified the existence of cases in which the motivation of the decision to impose pre-trial detention was established in advance. In these cases, the judge in charge of the Sixth Criminal Court of Managua has been conducting his work as a mere formality, which constitutes a denial of justice, since the decisions are identical with regard to different defendants, facts and offences, and the only modifications made relate to the use of singular and/or plural, in view of the number of defendants. Said situation will be corroborated *infra*, by Table No. 2.

3. The ineffectiveness of the writ of *habeas corpus* or exhibition appeal

> "According to Article 195 of the Nicaraguan Constitution, the President of the Republic may order the arrest of those presumed to have threatened public order, interrogate them, and hold them up to ten days, after which they must be set free or presented to the appropriate judge. Nevertheless, the Commission could attest to the fact that there have been, and that there still are, numerous cases of persons arrested by order of the President and held beyond ten days without having been set free, without having been allowed the right to habeas corpus, and without having been placed before any court whatsoever."[144]

140 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

141 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

142 Seventh Criminal Court of Managua, Process: 011099-ORM4-2018-PN, Defendants: Fredrych Eliseo Castillo Huete *et al.* Alleged crimes: Terrorism and illegal possession of firearms or ammunitions.

143 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

144 IACHR, Report on the situation of Human Rights in Nicaragua, 17 November 1979.

Article 9.4 of the International Covenant on Civil and Political Rights and Article 7.6 of the American Convention on Human Rights both determine that every person has the right to recourse to a competent court or judge, in order that they decide without delay on the lawfulness of his/her right or detention and, if unlawful, order his/her release. The Inter-American Court has established that, "protection of the individual against arbitrary exercise of public authority is a fundamental objective of international human rights protection. In this regard, non-existence of effective domestic remedies places the individual in a state of defenselessness."[145] The Court has also reiterated that the existence of these guarantees "is one of the basic mainstays, not only of the American Convention, but also the rule of law in a democratic society, in the sense set forth in the Convention."[146]

At the domestic level, Articles 45 and 189 of the Constitution institute the personal exhibition appeal, which has been regulated by Law No. 49, and is applicable to those persons whose liberty, physical integrity and security have been violated or are at the risk thereof. According to Article 33 of the Constitution, every detainee has the right to be released or presented before the competent judicial authority within 48 hours after their arrest, and this right is reasserted in Article 95.9 of the Code of Criminal Procedure.

The GIEI has verified the manifest ineffectiveness of the personal exhibition appeal, through interviews and examination of judicial files, either because of the inertia of the authorities in charge of processing them, or else due to the blatant contempt of National Police officers for that norm. The GIEI has had no information regarding actions or decisions against those who incur in contempt of court and disregard the Constitution, the law and international human rights law.

On September 15th, 2018, Ricardo Humberto Baltodano Marcerano was deprived of liberty, and he was not brought before a competent authority, within the legal deadline. Due to the foregoing, a personal exhibition appeal was lodged on his behalf before the Court of Appeals, on September 17th. The appeal was admitted and assigned to an Execution Judge.

The Execution Judge went to Direction of Judicial Support of the National Police (DAJPN) four times (11:10am, 2:00pm, and 3:30pm on September 21st; and 10:30am on September 22nd), in order to request information about the detainee from the Chief of that institution, which is also known as "*El Chipote*". Due to the foregoing, the Execution Judge observed, in writing, that "the unidentified officers in charge of the admission, after consulting their unidentified superiors, denied me access and informed me that there were no officers who could report on the citizen Ricardo Humberto Baldotano Marcerano, detained in those premises, because they were not there at the moment, so they requested this authority to return on Monday (September 29th) to be assisted [...], I was denied the exhibition of the detainee, and no explanation was given to me about the reasons for his detention, despite multiple demands uttered by me, in my capacity as Execution Judge."[147]

A few minutes before the Execution Judge was denied access to the detainee in order to fulfill his duties,

145 I/A Court H.R. Case of Tibi Vs. Ecuador. Judgment of 7 September 2004. Serie C No. 114, para. 130.

146 I/A Court H.R. Case of Maritza Urrutia Vs. Guatemala. Judgment of 27 November 2003, para. 117; Case of Juan Humberto Sánchez Vs. Honduras, para. 121; Case of Cantos Vs. Argentina, para. 52; Case of the Mayagna (Sumo) Awas Tingni Community Vs. Nicaragua. Merits, Reparations and Costs. Judgment of 31 August 2001. Serie C No. 79, para. 111; Case of Bámaca Velásquez Vs. Guatemala, para. 191; Case of Cantoral Benavides Vs. Peru, para. 163; Case of Durand y Ugarte Vs. Peru, para. 101; I/A Court H.R. Case of the "Street Children" (Villagrán Morales *et al.*) Vs. Guatemala, para. 234; I/A Court H.R. Case of Cesti Hurtado Vs. Peru. Merits. Judgment of 29 September 1999. Serie C No. 56, para. 121; Case of Castillo Petruzzi *et al.* Vs. Peru, para. 184; Caso of the "White Van" (Paniagua Morales *et al.*). Vs. Guatemala. Merits. Judgment of 8 March 1998. Serie C No. 37, para. 164; Caso of Blake Vs. Guatemala. Merits. Judgment of 24 January 1998. Serie C No. 36, para. 102; Case of Suárez Rosero Vs. Ecuador, para. 65; and Case of Castillo Páez Vs. Peru. Merits. Judgment of 3 November 1997. Serie C No. 34, para. 82.

147 First Criminal Chamber of the Appeals Court of Managua (Exhibition Appeal), Process: 001701-ORM4-2018CN (File no. 460/18).

Byron Antonio López García, a municipal promoter of the Mayor's Office of Managua, was allowed access to identify the detainees, while Mr. Baltodano was incommunicado and without legal counsel.[148]

The GIEI also learned about the situation of Edwin Carcache Dávila, who was arbitrarily deprived of liberty. During the preliminary hearing, on September 11th, his defense counsel alleged the absolute nullity of his detention, due to a violation of the right to personal liberty which caused his defenselessness. In this regard, the argued that, "I filed an exhibition appeal on September 7th, 2018, and the Second Criminal Chamber of the Appeals Court issued an order to the Execution Judge, Zoila Sánchez, but she has been in the United States of America since the beginning of May, according to her mother, Ms. Margarita Sánchez, thus time goes by and persons remain in detention. Therefore, I presented another similar appeal. When the father of defendant Edwin Carcache visited the newly assigned Execution Judge, he found out that she is now working as an attorney, and is unable to perform those duties, thus another Execution Judge would have to be appointed and, as a result, my client has been illegally detained for eight days."[149]

The decision of the Trial Judge, similar to other decisions by other judges in cases examined by the GIEI, was to reject the request for nullity, since "this procedural provision makes reference to the power that the judicial authority has to declare the nullity of procedural acts; which should not be confused with actions performed prior to the exercise of judicial functions, e.g. in this case in particular, actions of the National Police within a police inquiry, such as the act of arresting a person."[150]

Even though the judge knew about the violation of the right to liberty and, on top of that, heard that detainees "have been mistreated, beaten, and have suffered a kind of psychological abuse," he did not order any measures in order to have these acts investigated and their perpetrators punished.

The lack of guarantees for the right to personal liberty is not limited to the ineffectiveness of the personal exhibition appeal, according to what the GIEI was able to verify. The blatant disrespect for judicial decisions that restore the right to liberty ruptures the balance between powers. For instance, human rights activist Reynaldo Antonio Lira Luqués was arrested in the city of Rivas on May 30th by National Police officers from that city, and transferred to the Direction of Judicial Support of the National Police. He was charged with the crime of threat with a firearm, and presented before the Tenth Criminal Court of Managua. During a preliminary hearing on June 4th, the judicial authority ordered his immediate release, due to the absence of sufficient evidence; however, he was not released and remained in prison.[151] While still detained, he was later convicted.

On June 8th, 2018, the Second Criminal Chamber of the Appeals Court admitted an exhibition appeal on behalf of Reynaldo Antonio Lira Luqués, and appointed an Execution Judge, who informed the Court that, "I went to the Direction of Judicial Support and was received by the captain of the national police who was at the gate, but he refused to receive the appeal and deliver it to the chief of that police district. I insisted a lot, and after three hours of waiting there, he again refused to receive the appeal, and told me that he was not authorized to do so, and that his boss was not there and he did not know when he would be there. The name of this officer is Jorge Sánchez, badge number 1844."[152]

148 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

149 Sixth Criminal Court of Managua, Hearing presided by Judge Henry Morales Olivares, Process: 1542-240-2018JD. Defendants: Edwin José Carcache Dávila *et al*. Alleged crimes: Terrorism, aggravated robbery, facilitating an escape, attempted murder, illegal possession of firearms, and obstruction of public services.

150 *Id.*

151 Second Criminal Chamber of the Appeals Court of Managua. Process: 000829-ORM4-2018-CN.

152 *Id.*

Finally, on July 2nd, 2018, the Second Criminal Chamber of the Appeals Court of Managua decided to address "a request to the Supreme Court of Justice, so that the highest judicial authority notifies the Executive branch to execute the judicial order of this Criminal Chamber in order to review the legal situation of citizen Reynaldo Antonio Lira Luqués."[153] One month after the order of release, it still had not been complied with, despite the existing orders from judicial authorities, and there were no consequences for that lack of compliance. The defendant remained deprived of liberty, and was later convicted.

4. Violations of the right to a fair trial

4.1. Right to be informed of the reasons for detention and to be assisted by legal counsel

Articles 9.2, 14.3.a and 14.3.d of the International Covenant on Civil and Political Rights, as well as Articles 7.4, 8.1 and 8.2.e of the American Convention on Human Rights enumerate the rights of every person who is deprived of their liberty, including the right to be informed of the reasons for their detention and to be promptly notified of the charge or charges against them. Also, the right to have adequate time and means for the preparation of their defense, and to communicate with and be assisted by counsel of their choice.

During interviews and the review of judicial files, the GIEI has verified that, in fact, persons deprived of their liberty have not been able to communicate with their defense counsel, unless there is an order from the competent judge, and this situation continues even after the preliminary hearing, which additionally violates their right to have adequate time for the preparation of their defense.

Prison system employees repeatedly impose obstacles for the interviews with detainees. For instance, defense attorneys reported difficulties such as the following: "Today I went to DAJPN, and at the entrance gate they confirmed that my clients are detained at that police district in their custody. Then, I requested to interview the detained youths, as their defense counsel; an officer responded that this type of request should be submitted in writing, and I intend to submit said petition in writing, so that I am duly authorized to communicate with them, in conformity with Articles 34.4 and 34.5 of the Constitution, and Articles 102 and 103 of the Code of Criminal Procedure."[154]

The right to be informed of the reasons for the detention has not been fully respected. In one of the cases examined, the GIEI verified that, upon describing the reasons for the detention, the arrest warrants referred to "organized crime, terrorism, aggravated robbery, obstruction of public services and other crimes."[155] This kind of language violates the rights of persons deprived of liberty, insofar as it omits some of the reasons for the arrest, and includes unspecified crimes for which the individual will be prosecuted.

Another practice documented by the GIEI relates to investigative acts aimed at identifying detained persons that are carried out by other detainees, in order to incriminate the former; and the recording of statements in which detained persons incriminate other detainees who are then criminally prosecuted. These investigative acts are carried out without due respect for the inalienable right to be assisted by counsel; also, in other cases, Execution Judges proceed to carry out the personal exhibition without the presence of the legal counsel of the beneficiary of the personal exhibition, as in the cases of Ricardo Humberto Baltodano, Amaya Eva Coppens Zamora, and Sergio Alberto Midence Delgadillo.

153 *Id.*

154 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

155 Fifth Criminal Court of Masaya, Enrique William Larios, Process: 012211-ORM4-2018-PN. Defendants: Olesia Auxiliadora Muñoz Pavón *et al.* Alleged crimes: robbery with intimidation, physical assault, obstruction of public services, damage to property, terrorism, organized crime, hostage taking.

It is troubling to follow hearings with defendants who are not assisted by legal counsel. In one of the cases examined by the GIEI, during the preliminary hearing, the judicial authority asserted that, the defendants "are not assisted by defense counsel, so this judicial authority informs the defendants that the absence of legal counsel does not invalidate this hearing according to Article 260 of the Code of Criminal Procedure, and that in the next hearing, the defendants should make sure that they are accompanied by defense counsel representing them."[156]

Said hearing had the purpose of deciding about the admissibility of the indictment, and whether or not the custodial measure of pre-trial detention should be imposed on the defendants. Nothing in the file indicates that the defendants (who did not have legal counsel) were allowed to speak on their own behalf, in order to inquire about their understanding of the charges, and their position regarding the application of pre-trial detention; nevertheless, the judge asserted that, "having heard both parties," he decided to admit the indictment and impose pre-trial detention. It was not until after this hearing that a request for counsel provided by the State was submitted.

4.2. Variations regarding jurisdiction and procedure, without motivation

Article 4 of Law No. 952, which reformed Article 22 of the CPP, establishes that, "when the crime has social relevance or impact, such as the ones in which there are several victims, offenders or conducts, the competent authority shall be the one from the capital of the Republic."

On the basis of that norm, the Office of the Public Prosecutor has requested that the cases dealing with roadblocks be processed in the jurisdiction of Managua. These requests and the subsequent decisions completely lack motivation, and the indictments usually request that, "this jurisdiction shall declare itself competent to prosecute these facts, which have national relevance, in conformity with Articles 22.7.c and 22.7.d of the Code of Criminal Procedure, as reformed by Article 4 of Law No. 952."[157] Often they do not explain what constitutes the social relevance or the national impact, and leave it to the discretion of the judicial authority, which further undermines the right to a defense, since witnesses have to travel from other cities, among other aspects.

A similar situation occurs with regard to the decision to determine that the processing of a particular case is complex, which results in duplication of terms and extension of precautionary measures. Article 135 of the CPP states that, "when cases deal with facts related to terrorist activities, money laundering, international drug trafficking, financial crimes or trafficking in persons and human organs, the judge may, upon a reasoned request by the prosecution in its indictment, and after a hearing with the defendant, declare with motivation that the processing of the case is complex."

The GIEI found that these requests are commonly made in the following terms:

"According to Article 40 of Law No. 735 and Article 135 of the Code of Criminal Procedure, mindful of the nature of the facts, I request a declaration of COMPLEX PROCESSING, since this case deals with a crime set forth in Article 3 of Law No. 735."

156 Fifth Criminal Court of Masaya, Enrique William Larios, Process: 012211-ORM4-2018-PN. Defendants: Olesia Auxiliadora Muñoz Pavón *et al.* Alleged crimes: robbery with intimidation, physical assault, obstruction of public services, damage to property, terrorism, organized crime, hostage taking.

157 Seventh Criminal Court of Managua, Process: 014334-ORM4-2018-PN. Defendants: Francisco Antonio Sequeira *et al.* Alleged crimes: Terrorism, aggravated robbery, kidnapping, manufacturing, trafficking, possession and use of restricted weapons, explosive substances or artifacts.

"Since this is a relevant case, not due to the penalty, but rather because the crime has an impact on Nicaraguan society."[158]

"In conformity with Articles 135 of the CPP, and Articles 3 and 40 of Law No. 735 of November 2010, I request a declaration of complex processing."[159]

The same arguments used by the prosecution are used by the judicial authority upon issuing its decision. In some instances, the declaration of complex processing aims at remedying some deficiencies in the investigations, such as when it duplicates terms "because the indictment presents charges against two individuals, but it indicates that approximately one hundred individuals participated in the criminal events under the command of those."[160] Therefore, the determinations about jurisdiction and complex processing are not in accordance with law, since the corresponding prosecutorial requests and the judicial decisions lack reasoning. In the cases regarding complex processing, additionally, there is no previous hearing with the defendants, which deprives them of the right to an adequate defense.

It is worth mentioning that the normative framework instituted for complex processing of cases has been mainly utilized for processes against individuals considered as political dissidents, in order to monitor, prosecute and punish social protests, which violates the principle of an independent and impartial judge.

4.3. Searches without judicial order

Article 17 of the International Covenant on Civil and Political Rights, and Article 11 of the American Convention on Human Rights determine that no one may be the object of arbitrary or abusive interference with their private life, their family, their home, or their correspondence. Article 217 of the CPP establishes that search and seizure shall require a previous judicial order, and the judge must decide about such requests from the prosecution or the police authority in charge of the investigation within an hour.

Article 246 of the CPP determines that, in order to carry out investigative actions which might affect rights enshrined in the Constitution, a duly reasoned judicial authorization is required. It also indicates that, in urgent cases, those actions may be performed, but their validity depends on a subsequent endorsement by a judge, which shall be requested within 24 hours after they were carried out.

With regard to the cases examined, the GIEI has verified that the National Police has circumvented the necessary judicial control or review regarding the inviolability of homes. On August 9th, 2018, the police requested the judicial validation of a house search, arguing that, "the Department of Judicial Support of Masaya is conducting investigations about an alleged KIDNAPPING that took place on May 30th, 2018 [...]. Given that it is an extremely serious fact, it was necessary to conduct a house search without judicial order."[161] Even though the facts were not so recent, the victim was not deprived of liberty, and the urgency of the measure was not properly explained, the judge validated the search.

158 Seventh Criminal Court of Managua, Process: 014463-ORM4-2018-PN, Judge Wilfredo Ramírez Lacayo. Defendants: Gregorio Ramón Reyes Flores and another. Alleged crime: obstruction of public services.

159 Sixth Criminal Court of Managua, Hearing presided by Judge Henry Morales Olivares, Process: 1542-240-2018JD. Defendants: Edwin José Carcache Dávila *et al*. Alleged crimes: Terrorism, aggravated robbery, facilitating an escape, attempted murder, illegal possession of firearms, and obstruction of public services.

160 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

161 Fifth Criminal Court of Masaya, Enrique William Larios, Process: 012211-ORM4-2018-PN. Defendants: Olesia Auxiliadora Muñoz Pavón *et al.* Alleged crimes: robbery with intimidation, physical assault, obstruction of public services, damage to property, terrorism, organized crime, hostage taking.

With regard to the investigation of facts that took place on May 11th, 2018, the home of professor Ricardo Alberto Baltonado Marcerano was searched without a judicial order on Septemper 15th,[162] that is to say, more than four months after the investigations began. In this case, once again, the reasons for an alleged urgency or the motives that made it impossible to wait for one hour to obtain a judicial order were not explained.

4.4. Serious and impartial investigation

The GIEI is concerned about the seriousness (or lack thereof) with which the investigations about the events under its jurisdiction are being conducted. In addition to the aspects previously mentioned, it is conspicuous that there are indictments against unidentified individuals, in which the victims are unknown.

The Office of the Public Prosecutor presented an indictment against "Ricardo Rafael Sanarruza Calderón, Byron José Guevara Gallegos, Domingo Javier Palacios Rodríguez and other hooded individuals as perpetrators, for the crimes of threats with firearms and hostage taking to the detriment of Karen Katiuska López, José Luis Meléndez Ponce, Elieth Valentina Mora López, Emilin López Monjarrez, Marlene del Socorro Ordoñez Sánchez, and twenty-nine unidentified persons."[163] The fact that the indictment includes unidentified hooded individuals, as alleged perpetrators of acts against unidentified victims, constitutes an abusive use of criminal law which is untenable, since it violates the principle of individual criminal responsibility.[164]

Another worrisome aspect is the lack of transparency and impartiality in the search, collection and processing of evidence. The GIEI has examined certificates of photographic identification related to individuals subject to detention and processing. One of them, carried out at 11:30am on May 20th, 2018, indicates that a witness arrived to carry out a photographic identification of an individual. Oddly, since the identification was supposed to be done through photographs, the records indicated that, "the identified individual stated that his name was Emmanuel Fonseca Espinoza, 001-071093-0011E, Villa Venezuela neighborhood, 1 block east and 120 vrs north from Don Bosco Clinic."[165]

The GIEI also notes that the certificates of photographic identification do not include the photo album used for the recognition. In this regard, the format of those certificates simply state that, "after the initial questions, the witness was shown a Photo Album with several pictures of individuals of various sexes, who were detained for various reasons and present similar features." It would be essential for an adequate defense to have access to the respective photo albums, and be able to controvert that piece of evidence.

4.5. Secretive trials

Article 8.5 of the American Convention on Human Rights acknowledges as a basic judicial guarantee of every person that criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice. Article 14 of the International Covenant on Civil and Political Rights also establishes that everyone has the right to a fair and public hearing, and notes that the press and public may be excluded from all or part of a trial only in the following instances: 1) for reasons of morals, public order or national security in a democratic society; 2) when the interest of the private lives of the parties so requests; 3) to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

The GIEI has confirmed that the public nature of the trials and hearings has been repeatedly undermined, without due regard to those international obligations. In one of the cases analyzed, upon examining the nullity of a procedural act invoked by the defense regarding the undue restriction of publicity, the judge ruled that, "firstly, the six juridical requirements enshrined in Article 163 of the Code of Criminal Procedure are exhaustive. The first requirement refers to the infringement of rights and guarantees that might render a defendant defenseless, and the possibility of limiting the publicity of these proceedings does not cause defenselessness, since the press and public are not parties in this process, they cannot intervene and their presence is limited to the observation. Article 163.1 refers to restrictions of the right to a defense for the defendants, and the equality of arms required in relation to the other parties."[166]

The transparency of a trial is ensured by its public nature. The secrecy of hearings and trials creates a favorable environment for the violation of judicial guarantees, to the extent that it deprives society of the possibility to scrutinize the proceedings, presentation of evidence and judicial decisions.

In several occasions, the GIEI requested access to observe the trials and hearings about the violent events that took place between April 18th and May 30th, 2018.[167] After its members directly arrived at judicial facilities to observe a supposedly public hearing,[168] the Supreme Court of Justice issued a press release indicating that the attendance of hearings should be preceded by "a request addressed to the Ministry of Foreign Affairs.169 Said request was then submitted, on August 22nd, 2018, although the GIEI considers that this is an unwarranted restriction to the public nature of trials set forth in the Nicaraguan Constitution,[170] and no response was ever received.

5. Violations of personal integrity

The GIEI is particularly worried about the attacks against personal integrity and acts that might constitute torture to the detriment of persons deprived of liberty. These acts have been carried out for such purposes as obtaining confessions or self-incriminating evidence, or in some cases, obtaining evidence against third persons, in order to formulate criminal indictments.

During the interviews carried out by the GIEI with families of detainees, defense attorneys and, in some cases, with individuals who have been released, it received complaints about violations of personal integrity. This situation is facilitated by the frequent incommunicado detention of persons, and the prolonged periods used by the National Police prior to bringing detainees before a judicial authority.

The *Iniciativa Nicaragüense de Defensoras/Iniciativa Mesoamericana de Defensoras* recently published a

162 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

163 Fifth Criminal Court of Masaya, Enrique William Larios, Process: 012211-ORM4-2018-PN. Defendants: Olesia Auxiliadora Muñoz Pavón *et al.* Alleged crimes: robbery with intimidation, physical assault, obstruction of public services, damage to property, terrorism, organized crime, hostage taking.

164 Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, La Habana (Cuba), 27 August to 7 September 1990, ONU Doc. A/CONF.144/28/Rev. q p. 189 (1990), Principle 13.

165 Tenth Criminal Court of Managua, Process: 015391-ORM4-2018-PN. Defendants: Ricardo Alberto Baltodano and another. Alleged crimes: Terrorism and arson.

166 Fifth Criminal Court of Managua, Process: 014338-ORM4-2018-PN. Defendants: Amaya Eva Coppens Zamora *et al.* Alleged crimes: Terrorism, kidnapping, serious physical assault, aggravated robbery, illegal possession and use of firearms.

167 Communications no. 1 and 10 addressed to the State of Nicaragua, on July 2nd and August 22nd, 2018, respectively.

168 The GIEI arrived at judicial facilities to observe hearings on August 14th and 27th, but Judge Ernesto Rodríguez Mejía denied access to observe proceedings related to the murder of journalist Ángel Gahona. See *supra*, Chapter III.

169 https://www.poderjudicial.gob.ni/prensa/notas_prensa_detalle.asp?id_noticia=8947.

170 Article 34 of the Constitution of Nicaragua: ""Criminal proceedings shall be public."

report about the use of torture against women who participated in the demonstrations or were deprived of liberty, and reported alarming figures about the use of sexual torture as an interrogation technique, and as a means to dissuade and impede the exercise of the rights of assembly and freedom of expression.

The report stresses that there have been cases where "female defendants and activists deprived of liberty suffered sexual violence consisting of forced nudity and being forced to squat naked in front of their male captors, lewd touching, threats of rape, and rape with penetration. In some cases, these practices were executed as a form of torture, for the purpose of obtaining information and forcing victims to record videos incriminating other opposition leaders."[171]

Additionally, the GIEI notes with concern the inhuman conditions of detention. In the cases of "Olesia Muñoz Pavón and Brenda Muñoz, they were denied medical assistance, despite multiple requests, both verbally during hearings and in writing, for transfers to health centers for a medical evaluation regarding various ailments, some of which might even require surgery, but they have not received medical attention, in violation of an order in that sense."[172] At the moment of their arrest, they were captured along with family members, including children.[173]

6. Conclusion

The examination of judicial files obtained by the GIEI from unofficial sources has led to the conclusion that criminal law has been misused in processes of criminalization of protesters, where the congruence between the facts and the alleged crimes is nonexistent. Moreover, the State has illegitimately applied the crimes of terrorism and organized crime, among others, to prosecute and punish legitimate acts of opposition against the government in a democratic society. All these criminal processes are plagued with serious violations of personal liberty, including arbitrary detentions, the excessive use of pre-trial detention, without the necessary reasoning, and non-compliance with the terms for judicial review of the legality of deprivations of liberty. The rights to an adequate defense and to public hearings and trials have also been violated, including cases in which the defendants were not assisted by legal counsel during crucial hearings. Finally, the writ of *habeas corpus* (or personal exhibition appeal) has been absolutely ineffective.

In view of the foregoing considerations, these criminal processes must be revised by an independent and impartial authority in order to ensure, within the shortest possible time, the restitution of the rights that were violated, especially the right to personal liberty, presumption of innocence and the right to an adequate defense. Said revision must firstly review the legality of the deprivations of liberty and suspend them, while conducting a comprehensive analysis of the legitimacy of these criminal prosecutions. In other words, this revision must be preceded by the release of all defendants and convicted individuals.

171 *Iniciativa Nicaragüense de Defensoras/Iniciativa Mesoamericana de Defensoras*, Assaults against female defenders in Nicaragua, November 2018.

172 *Iniciativa Nicaragüense de Defensoras/Iniciativa Mesoamericana de Defensoras*, Assaults against female defenders in Nicaragua, November 2018.

173 *Iniciativa Nicaragüense de Defensoras/Iniciativa Mesoamericana de Defensoras*, Assaults against female defenders in Nicaragua, November 2018.

TABLE 2

Decisions about custodial measures issued by the Judge of the Sixth Criminal Court of Managua

DEFENDANT:	**DEFENDANT:**	**DEFENDANT:**
Mathil Alexander Pérez Amador	Edwin José Carchache Davila *et al.*	Brandon Cristofer Lovo Tayler *et al.*
ALLEGED CRIMES:	**ALLEGED CRIMES:**	**ALLEGED CRIMES:**
Organized crime; Manufacturing, trafficking, possession and use of restricted firearms, substances or explosive artifacts; Illegal possession of firearms or ammunitions; Association for criminal purposes; Obstruction of public services	Terrorism; Attempted murder; Facilitating an escape; Aggravated robbery; Illegal possession of firearms or ammunitions; Obstruction of public services.	Murder; Attempted murder; Abandonment and exhibition of persons; Illegal possession of firearms or ammunitions.
DATE:	**DATE:**	**DATE:**
17 August 2018	11 September 2018	8 May 2018
PROCESS:	**PROCESS:**	**PROCESS:**
012540-ORM4-2018-PN	1542 -240-2018JD	008138-ORM4-2018-PN
JUDGE:	**JUDGE:**	**JUDGE:**
Henry Morales Olivares, Sixth Criminal Court of Managua	Henry Morales Olivares, Criminal Court of Managua	Henry Morales Olivares, Sixth Criminal Court of Managua
After listening to the arguments of the parties regarding the application of custodial measures, and mindful of the provisions set forth in Article 166 of the CPP in relation to the purposes and criteria that must be considered in order to establish precautionary measures, taking into account the suitability thereof, the nature of the alleged offence, as well as the magnitude of the damage caused, this judicial authority considers appropriate and proportional to impose on defendant **MATHIL ALEXANDER PEREZ AMADOR** the personal custodial measure set forth in Article 167.1.k of the CPP, namely PRE-TRIAL DETENTION,	After listening to the arguments of the parties regarding the application of custodial measures, and mindful of the provisions set forth in Article 166 of the CPP in relation to the purposes and criteria that must be considered in order to establish precautionary measures, taking into account the suitability thereof, the nature of the alleged offence, as well as the magnitude of the damage caused, this judicial authority considers appropriate and proportional to impose on defendants **EDWIN JOSÉ CARCACHE DAVILA, OSCAR DANILO ROSALES SANCHÉZ, JEFFERSON EDWIN PADILLA RIVERA, CARLOS DE JESÚS LACA-**	After listening to the arguments of the parties regarding the application of custodial measures, and mindful of the provisions set forth in Article 166 of the CPP in relation to the purposes and criteria that must be considered in order to establish precautionary measures, taking into account the suitability thereof, the nature of the alleged offence, as well as the magnitude of the damage caused, this judicial authority considers appropriate and proportional to impose on defendants **BRANDON CRISTOFER LOVO TAYLER and GLEN ABRAHAN SLATE** the personal custodial measure set forth in Article 167.1.k of the CPP, namely PRE-

since it meets the requirements established by Article 173 of the CPP, for the following reasons.

The first requirement in the aforementioned norm refers to the existence of a serious punishable act that warrants a penalty of deprivation of liberty; this first requisite is fulfilled by virtue of the fact that the Public Prosecutor's Office has presented an indictment against the defendants for an act that, according to the characteristics, circumstances, nature and gravity must obviously be considered a serious punishable act, which is defined as an offence in our criminal law system, punishable by deprivation of liberty (prison sentence), and the statute of limitations does not apply.

The second requirement refers to the prosecution's presentation of sufficient evidence to reasonably sustain that the defendant is probably responsible for or guilty of the alleged crime; this second requisite is also fulfilled in the case in question, due to the examination that this court has made of the evidence included in the indictment against the defendant. After reviewing the pieces of evidence contained in the indictment, I consider that they allow me to reasonably assert that the defendant is probably the author of the facts attributed to him.

Finally, the third requirement set forth in Article 173 of the CPP refers to the reasonable presumption that the conduct of the defendant could characterize any of the three hypotheses indicated in Article 173.3 of the CPP. It is the opinion of this court that it fulfills the third condition, since, based on the circumstances, characteristics, nature and seriousness of the facts attributed to the suspect, one can reasonably presume that, if preventive detention is not imposed, he could evade justice, could obstruct the investigations by intimidating the victim

YO and JONATHAN ANDRÉS LACAYO the personal custodial measure set forth in Article 167.1.k of the CPP, namely PRE-TRIAL DETENTION, since it meets the requirements established by Article 173 of the CPP, for the following reasons.

The first requirement in the aforementioned norm refers to the existence of a serious punishable act that warrants a penalty of deprivation of liberty; this first requisite is fulfilled by virtue of the fact that the Public Prosecutor's Office has presented an indictment against the defendants for an act that, according to the characteristics, circumstances, nature and gravity must obviously be considered a serious punishable act, which is defined as an offence in our criminal law system, punishable by deprivation of liberty (prison sentence), and the statute of limitations does not apply.

The second requirement refers to the prosecution's presentation of sufficient evidence to reasonably sustain that the defendant is probably responsible for or guilty of the alleged crime; this second requisite is also fulfilled in the case in question, due to the examination that this court has made of the evidence included in the indictment against the defendant. After reviewing the pieces of evidence contained in the indictment, I consider that they allow me to reasonably assert that the defendants is [sic] probably the authors of the facts attributed to them.

Finally, the third requirement set forth in Article 173 of the CPP refers to the reasonable presumption that the conduct of the defendants could characterize any of the three hypotheses indicated in Article 173.3 of the CPP. It is the opinion of this court that it fulfills the third condition, since, based on the circumstances, characteristics, nature and seriousness of the facts attributed to the suspects,

TRIAL DETENTION, since it meets the requirements established by Article 173 of the CPP, for the following reasons.

The first requirement in the aforementioned norm refers to the existence of a serious punishable act that warrants a penalty of deprivation of liberty; this first requisite is fulfilled by virtue of the fact that the Public Prosecutor's Office has presented an indictment against the defendants for an act that, according to the characteristics, circumstances, nature and gravity must obviously be considered a serious punishable act, which is defined as an offence in our criminal law system, punishable by deprivation of liberty (prison sentence), and the statute of limitations does not apply.

The second requirement refers to the prosecution's presentation of sufficient evidence to reasonably sustain that the defendant is probably responsible for or guilty of the alleged crime; this second requisite is also fulfilled in the case in question, due to the examination that this court has made of the evidence included in the indictment against the defendant. After reviewing the pieces of evidence contained in the indictment, I consider that they allow me to reasonably assert that the defendants is [sic] probably the authors of the facts attributed to them.

Finally, the third requirement set forth in Article 173 of the CPP refers to the reasonable presumption that the conduct of the defendants could characterize any of the three hypotheses indicated in Article 173.3 of the CPP. It is the opinion of this court that it fulfills the third condition, since, based on the circumstances, characteristics, nature and seriousness of the facts attributed to the suspects, one can reasonably presume that, if preventive detention is not imposed, they could evade justice, could obstruct the

and witnesses, or there is a concrete risk that he would commit serious crimes.

In view of the foregoing, I impose the precautionary measure of pre-trial detention on the defendant, according to the law, specifically Article 44 of Law No. 745, which establishes that, for this type of crimes, the defendant shall remain in pre-trial detention for the duration of the process until a judgment is issued, in conjunction with Law No. 952, Law No. 779 that reformed Law No, 641, and Law. No. 406.

In compliance with Article 177 of the CPP, I must note that the facts for which this court has deemed appropriate and proportional to impose the pre-trial detention are the same facts described in the indictment. This court considers that the requisites set forth in Article 173 of CPP are fulfilled, as previously explained and substantiated. According to Articles 166, 167, 168, 173, 174, 177 and 178 of the CPP, the defendant is remanded in custody of the penitentiary system authorities.

In view of the foregoing, I impose the precautionary measure of pre-trial detention on the defendants, according to the law, specifically Article 44 of Law No. 745, which establishes that, for this type of crimes, the defendants shall remain in pre-trial detention for the duration of the process until a judgment is issued, in conjunction with Article 565 of Law No. 952, and Article 37 of Law No. 735.

In compliance with Article 177 of the CPP, I must note that the facts for which this court has deemed appropriate and proportional to impose the pre-trial detention are the same facts described in the indictment. This court considers that the requisites set forth in Article 173 of CPP are fulfilled, as previously explained and substantiated. According to Articles 166, 167, 168, 173, 174, 177 and 178 of the CPP, the defendant [sic] is remanded in custody of the penitentiary system authorities.

In view of the foregoing, I impose the precautionary measure of pre-trial detention on the defendants, according to the law, specifically Law No. 952 of reform to the Penal Code, Law No. 779 about violence against women, and the Code of Criminal Procedure which establishes that, "for this type of crimes where the nature of the penalty is considered serious, the defendants shall remain in pre-trial detention for the duration of the process until a judgment is issued."

In compliance with Article 177 of the CPP, I must note that the facts for which this court has deemed appropriate and proportional to impose the pre-trial detention are the same facts described in the indictment. This court considers that the requisites set forth in Article 173 of CPP are fulfilled, as previously explained and substantiated. According to Articles 166, 167, 168, 173, 174, 177 and 178 of the CPP, the defendant [sic] is remanded in custody of the penitentiary system authorities.

Fuente: Elaboración propia.

X. RECOMMENDATIONS FOR THE INVESTIGATION OF CRIMES

In the previous chapters, the GIEI described the gravity of the crimes perpetrated, particularly those committed by the State as part of a widespread and systematic against the civilian population. It also demonstrated how the response from the justice system has been completely partial, and lacked objectivity and professionalism. Moreover, the structure of the judicial system has been part of the State's repressive apparatus and must be held accountable someday.

The investigation and prosecution of these crimes are pending tasks. In order to concretize them, it will be necessary to carry out institutional reforms to achieve adequate conditions. Additionally, in view of the type of criminal phenomenon, it would be convenient to adopt some methodological agenda to facilitate dealing with the complexity of the events and the various levels of responsibility.

In this chapter, the GIEI formulates some recommendations related to those actions which, for the purpose of clarifying the events and punishing those responsible, must be executed by those entrusted with institutional responsibilities about the system of administration of justice, by those who participate in the design and execution of criminal policies and, obviously, by those immediately in charge of eventual investigations. The proposals formulated below are mere guidelines by no means exhaustive. However, they require inevitable minimum conditions if the investigations are supposed to achieve certain levels of efficiency and quality.

A. NEED TO CARRY OUT COMPREHENSIVE INVESTIGATIONS

The events examined by the GIEI demonstrate a widespread criminal phenomenon – in terms of the quantity of events perpetrated, their continuation during a period of time and territorial extension – which is also systematic – since it is clear that the events are not isolated and unrelated, rather they are crimes that follow clear patterns in their *modus operandi* and circumstances. This clearly stems from the examination done to characterize the violence perpetrated during the mandate of the GIEI, and the categorization of the illicit acts perpetrated by State agents and parapolice groups as crimes against humanity.

An investigation that purports to be efficient must take that into consideration, and necessarily adjust to the characteristics, nature and extension of the entirety of crimes, which requires – as a fundamental starting point – the need to carry out comprehensive investigations in a systematic and coordinated manner regarding the various crimes committed in this context. Firstly, that would prevent the dispersion of evidence and also the rupture of an investigative logic that would require the processing of multiple sealed and unconnected files. Secondly, and evidently, the overall vision directly impacts the delimitation of the eventual criminal responsibilities which – in scenarios like this – cannot be duly clarified if there is no global understanding about the events. Lastly, this kind of investigation will also be essential to prevent the revictimization of victims and their families.

With regard to the first point, it is obvious that the investigation must adjust to the characteristics of the phenomenon that is being examined. At times, when judicial systems deal with massive crimes, they tend to do the opposite: instead of adjusting the methodology of the investigation according to the phenomenon under scrutiny, they review this unique and complex phenomenon in several separate pieces – many isolated inquiries – in order to accommodate the level of scale usually dealt with by the individuals in charge of the

administration of justice. The investigation of crimes committed as part of a system demands, contrarily, an adjustment in the methodology so that there is a joint configuration and analysis of the evidence and their examination is done as a whole. The articulated management of various pieces of evidence and the implementation of investigative measures that are relevant for the set of crimes under investigation – as opposed to just one isolated fact – not only avoids the unnecessary jurisdictional weathering that would imply the reproduction of some similar or even identical measures in more than one judicial proceeding, but also exponentially enhances their value as proof. In this regard, just as an example, the value given to a single statement from one witness about the death of a person in a hospital for inadequate assistance – which cannot go beyond the statement itself – has a much different value than the joint analysis that could be made about this statement in a joint analysis with other statements from multiple individuals, all of which indicate that there were many similar episodes and that, additionally, might include corroborating documentation. Obviously, the latter allows for the reconstruction of a pattern in which every single testimony and the other evidence become more meaningful and gain strength.[1]

But above all, the dispersion of the evidence substantially contradicts the investigative logic that must be adopted when dealing with a criminal phenomenon like the one described in this report. Evidently, the relation between the criminal investigation and the related scenario is inseparable and reciprocal. In this case, the systematic characteristics of the criminal phenomenon should also lead to the adoption of investigative measures to verify, concretely, the expressions thereof and, additionally, the evidence collected according to this logic would permit the reconstruction of the functioning and scope of that system. In sum, the investigation cannot be exclusively destined to establish the circumstances of a certain crime, but also – and necessarily – verify the system in which said crime was executed, which is impossible in an atomized procedure.

One fundamental measure for the investigation of the facts is the use of a database to store and compare the pieces of evidence gathered. In order to carry out its mission, the GIEI was able to create a database that allowed it to organize and compare the information. This tool will be transferred to the IACHR for safekeeping, with the consent of the GIEI so that it can be made available to those who, when conditions are adequate, lead a genuine process of justice in Nicaragua.

Avoiding the fragmentation of the investigations is not only important for the collection of evidence, it also directly affects the determination of possible criminal responsibilities.[2] When faced with criminal phenomena of this magnitude, this is particularly important, since it is precisely a systematic investigation that will not only increase the possibilities of individualizing the material perpetrators but, above all, the one that will lead to the determination of the intermediate and superior responsibilities which resulted in the commission of certain crimes. In this last case, for instance, even when it is not possible to determine who was the police that – as a member of a group of police who were hiding their faces – personally executed the fatal shot at a certain victim, the joint analysis of various testimonies – which, for instance, managed to identify the group's badges, characteristics of the uniforms, patrol numbers, etc. – and the documentary or audiovisual evidence that might be collected – e.g. related to the structure of a certain division, or the territorial jurisdiction of the police forces, etc. – could permit the determination of who was in command of this action, or else, the members of the group that directly executed it. According to the case, as will be explained below, everyone could be held accountable on a certain level for that death – including who has the highest responsibility – despite the lack of determination of who – directly – pulled the trigger against that victim.

Finally, the joint processing of the investigations becomes imperative in order to avoid revictimization. If not, witnesses – victims or victims' families who possess relevant information – of a certain event – which generally includes multiple victims – are at risk of being summoned to testify several times in various proceedings, with the presumed emotional impact of each statement.

Accordingly, the GIEI sent the State and the Attorney General several communications proposing various evidentiary measures which result from this systematic understanding of the criminal phenomenon – not to mention that some of them even constitute basic measures that must take place regarding any violent deaths.

In this regard, and despite the impossibility of reviewing the investigation files, access to which was continuously denied, said review would have led to the formulation of a series of other measures specifically related to each individual case. Nevertheless, as a minimum, the GIEI recommended the following measures to the State:

1. Precise determination about the date, time and place of death.

2. Conduct a crime scene investigation, in order to identify, register and collect evidence of the crime.

3. In case there were public and private security cameras near the area, obtain their footage on the date and time of the fact, as well as the moments prior to and after the crime.

4. In case there is ballistics evidence, determine the trajectory of the bullet/s.

5. In case ballistics evidence is found, register and compare it.

6. Perform an autopsy report documenting the origin and cause of death, the existence of previous injuries and other relevant aspects. In case an autopsy was not performed, the State was informed about the need to perform the procedure with the participation of international experts, observers, technical consultants or any other figure who ensures that the exhumations and examinations are carried out in accordance with international standards and do not damage the evidence, taking into account the principles enshrined in the Minnesota Protocol on potentially unlawful deaths of the United Nations. The GIEI offered to suggest international experts for said job.

7. Determine which police force intervened at the time and place of the events, and the person in charge of the police operation.

8. Determine which members of the police forces identified in the previous item might have discharged their firearms.

9. Verify the procedures and records in place at the National Police (PN) to control arms and ammunitions, obtain a list of those and identify the persons to which each weapon was assigned between April 18th and May 30th, 2018.

10. Taking into consideration the multiplicity of events, obtain the ballistics records of all firearms of the PN.

11. Verify the existence – and, if so, obtain it – of a daily register of the members of the PN who used their firearms during the period from April 18th to May 30th, 2018, and the internal investigations initiated about it.

12. Identify internal proceedings for alleged abuses or misuse of firearms instituted by the PN to verify if said use was lawful or not.

13. Obtain the command orders issued for members of the PN in each one of the operations launched within the GIEI's jurisdiction, including demonstrations in public spaces or universities.

1 In Argentina, for instance, the verification of a pattern of extermination during the last military dictatorship – coupled with the passage of time without the determination of the victims' whereabouts – allowed the cases of forced disappearance to be treated as homicides, even without the body of the victim being found. In this regard, see, for example: SANCINETTI, M./FERRANTE, M., *El derecho penal en la protección de los derechos humanos,* Hammurabi, Buenos Aires, 1999. The jurisprudence about this is abundant.

2 This was one of the recommendations of the GIEI-Mexico created to investigate the Ayotzinapa case. GIEI-Mexico, Ayotzinapa Report. Investigation and preliminary conclusions about the forced disappearances of the students of Ayotzinapa, Mexicom, 2015, pp. 198 and ss and 348.

14. Compare the ballistics evidence collected in each case with the firearms used by the police forces.

15. Obtain the reports from the police districts and internal inquiries regarding the police actions related to each event.

16. Taking into consideration the multiplicity of events, determine the chain of command of the National Police – from the highest authority in each region of the country – between April 18th and May 30th, and establish whether this chain of command was maintained or modified during the operations or actions related to public demonstrations, in universities and violent events related to the conflict.

17. Request reports from phone companies about all telephone lines activated at the place, date and time of the events.

18. Request the names of the members of the so-called "voluntary police" and the operational orders received in relation to the violent events that took place between April 18th and May 30th, 2018

19. Taking into consideration the common or related context among the multiple violent events, conduct a joint analysis of the information obtained in each investigation, with a view to establishing patterns or similarities about the type of weapons used, characteristics of the injuries and body part affected, probable perpetrators, among other elements.

20. Obtain a list of the totality of vehicles used by the PN between April 18th and May 30th, 2018 at the places where violent deaths occurred.

21. Request information from hospitals and the PN about police personnel who might have been injured or killed during these events.

22. Determine whether there were orders for the police to cover their faces and, if so, who gave those orders.[3]

In addition to those recommendations, in other communications the GIEI requested the State to provide information about various topics, some of which required other measures of investigation. In this regard, the GIEI requested the following information:

1. The autopsy reports of the deceased victims and forensic reports of the injured victims, and medical reports about the detainees.

2. A description of the proceedings, lists of detainees, the reasons thereof, the judicial authority and prosecutor in charge of each case. Also, information about whether the individual remains deprived of liberty or was released.[4]

3. Information about whether the civilians who carried firearms during the events related to the March of the Mothers on May 30th were identified.

4. If during the police operations carried out on that date, members of the National Police participated without their official uniform and, if so, specify the identities of those officers, the operations in which they participated and detail the tasks assigned to them.

5. Complete records regarding the medical assistance (including photographs, X-rays, CTs or any other exams performed) provided on that date for individualized officers of the National Police.

3 Items 3 to 22 were included in the GIEI communication No. 12 addressed to the State. Annex 4 of this report.

4 Items 23 and 24 were included in the GIEI communication No. 1 addressed to the State. Annex 4 of this report.

6. Whether the National Police recorded images or possesses any other graphic or audiovisual records of the violent events that took place on that date.[5]

7. Specify the period from and until when the order or instruction for the National Police to be quartered was into force, and which authority ordered it.

8. The number and identity of individuals taken to morgues in the country between April 19th and May 30th, or afterwards but in relation to events that took place during that period.

9. The list of all injured individuals who received assistance at public hospitals during the period between April 19th and May 30th, 2018, or afterwards for reasons related to the events during that period, with the identity of the patients, ailments and treatment received.[6]

10. Contact the State-run means of communications both written and televised, in order to obtain all graphic records and videos, as well as articles published during the violent events within the GIEI's jurisdiction.[7]

Unfortunately, the lack of response from the State made it impossible for the GIEI to find out if these basic measures, at a minimum, were carried out. On the contrary, as indicated in the previous chapter about the State's response to the violent events, the GIEI notes that not even these basic measures were properly carried out in those investigations to which it had access. In a sum, these are evidentiary measures that must be carried out when there are institutional conditions for objective and professional proceedings.

B. VARIOUS TYPES OF CRIMINAL CONDUCT THAT MUST BE INVESTIGATED

As indicated in various parts of this report, the characteristics of the events examined by the GIEI – which lead to their categorization as crimes against humanity – necessarily presume the intervention of multiple subjects with different levels of responsibility in each crime committed.

Without elaborating here on the legal conceptualization of these diverse conducts, it suffices to at least indicate that the material authors of certain crimes are only a part of the subjects whose responsibility must be determined. Within this universe, no crime can be conceived as if it were executed by a lone perpetrator and disconnected from the context.

In this type of criminal phenomena, along with the individual who personally and directly performed the illicit conduct – e.g. the individual who discharged the weapon that killed the victim – there are necessarily other subjects who executed conducts that complemented the foregoing – e.g. those who provided cover for the shooter, who provided them with weapons and ammunition, etc. In some cases, these conducts imply a more or less relevant support for the criminal action – which relates to various forms of criminal complicity – whereas others indicate such a close connection that they make up one single collective and articulated action, in which each subject plays a particular role – pursuant to a common plan – for the perpetration of

5 Items 25 to 28 were included in the GIEI communication No. 19 addressed to the State on November 16th, 2018.

6 Items 23 to 31 were included in the GIEI communication No. 9 addressed to the State on August 22nd, 2018.

7 GIEI Communication No. 11 addressed to the State on August 28th, 2018.

the crime – which leads to their liability as co-authors or other similar forms of participation. The criminal law in Nicaragua expressly provides for co-authorship, necessary cooperation and complicity, among other forms of authorship and participation (Articles 41 to 44 of the Penal Code).

On top of that, a criminal enterprise such as the one described requires, as a general rule, that above these direct authors there exists an extensive chain of intermediate and superior command through which the criminal plan is designed and executed, either by means of express or tacit orders, or through actions of promotion and acquiescence of these criminal conducts. Depending of the degree of involvement, characteristics and level of responsibility encompassed in these scenarios, these subjects must be held accountable and, in some cases, to the highest degree of responsibility, either by functional co-authorship or by mediate authorship, which are elements set forth in most national legislations, including the Penal Code of Nicaragua (Title II of the Penal Code).

These considerations are particularly relevant for the analysis about the responsibility of the National Police. As indicated in Chapter VII about the characterization of the violence, both regional and departmental authorities, as well as specialized unit of the central structure of the National Police are implicated in the violent events. Taking into consideration that the structure and command of this institution is set forth in Law No. 872, at least some aspects of the "formal" repression – expression that implies a differentiation vis-à-vis the actions of parapolice groups – do not entail major difficulties.

Accordingly, the responsibility of each echelon of this structure must be defined, from the Supreme Chief – who is the President of the Republic, Daniel Ortega – to those who directly commanded the operations of groups directly responsible for the violent acts. This requires an examination of the responsibilities of the other chiefs in that institutional chain of command – the National Direction, the National Chief of Specialties and Support Organs, and the Chiefs of Police Districts, the General Direction, the General Sub-direction, the General Inspector, the Chief of DOEP and the chiefs of its Specialized Units, the authorities from various Departments and other areas that might have different levels of control over the facts – e.g. the chief of Vigilance and Patrol, and others related to the assignation of material resources, control of arms, etc. – and all other intermediate structures that might have had any kind of influence in this criminal phenomenon.

Moreover, the necessary coordination between areas of the central structure and the regional and department organization necessarily requires the determination of the responsibility of the authorities of the various Departmental and Regional Districts; which obviously includes the authorities of the Managua police.

Notwithstanding the greater difficulty in the investigations that this will necessarily entail, those determinations will also be relevant for the delimitation of the responsibility of parapolice actors who deployed those actions that were described in this report as a "parallel structure of repression". In these cases, those responsible for different levels of intervention in these crimes must also be investigated, either in terms of the coordination between material authors, or according to the vertical structure from which the respective orders were issued, as well as the origins of the weapons, the resources used and the forms of recruitment.

These concepts will also be useful to examine the conduct of authorities and public officials from other institutions who participated in the events, in order to determine their level of involvement. Some examples include the presence of armed groups leaving the General Direction of Admissions (DGI) in Estelí, or the direct intervention of the Mayor of Matagalpa in the actions of shock groups, which illustrate the diversity of actors and institutions somehow implicated in this criminal universe. It is highly improbable to think that, at least the highest authorities, would not be implicated.

Those subjects who provided other kinds of collaboration must also be taken into account. In this regard, one must consider the intervention of certain actors related to the public health system. As previously examined, the irregularities related to public health services were recurring in several cases examined by the GIEI. Multiple complaints about denial of assistance were received, as well as inadequate forms of assistance

and mistreatment towards families of injured or deceased victims. The scope of these conducts and the context in which they occurred should be adequately investigated, in order to determine if these events responded to a certain level of planning, if there were orders and if the actions were discriminatory for political reasons. In this regard, not only should the conducts within the various medical institutions – State-run hospitals and health centers – be examined, bus also – particularly – the role that the Ministry of Health may have played in these events, as well as the possible involvement of the pro-government union FETSALUD.

Lastly, the authorities form the system of administration of justice may have some level of criminal responsibility related to the crimes included in this criminal phenomenon, which must also be investigated. In fact, conducts that might involve infringement of duties, crimes against the administration of justice or even behavior that may range from the concealment of certain crimes to more relevant levels of criminal complicity must be considered. As indicated in Chapter IX, the omission to investigate the crimes perpetrated by members of the National Police or parapolice groups may have serious implications regarding criminal responsibility. The fact that no member of that institution – particularly none of its authorities – has even been indicted, despite the number of victims murdered during actions in which the National Police had a crucial participation, must be the object of a special investigation. This is by no means a novelty; there are current examples, for instance, in Argentina, of ongoing criminal prosecution and convictions against magistrates that were accomplices of crimes against humanity. In the Province of Mendoza, for instance, some former magistrates were convicted to life in prison as primary participants – accomplices – precisely because their systematic omission in investigating crimes about which they had knowledge – perpetrated both during and after the last military dictatorship – implied that they tacitly or explicitly ensured impunity, which turned them into essential participants in those crimes.[8]

The investigations that must be carried out regarding the system of administration of justice needs to not only examine the omission to investigate the National Police, parapolice groups and authorities, but also their intervention in the irregular criminalization of protesters and social leaders, rural workers, journalists and other individuals considered oppositionists. As stated in Chapter VIII, these conducts might be considered included in the context of persecution for political reasons as part of the widespread and systematic attack against the civilian population.

C. QUESTIONS TO CONSIDER IN RELATION TO THE NATURE OF THE CRIMES

The criminal categorization of the criminal conducts performed in the context of the violent actions perpetrated within the jurisdiction of the GIEI will depend, to a large extent, on the scenario in which prosecution and trials actually take place. For example, if prosecuted before the International Criminal Court, the facts would have to be categorized according to the Rome Statute of the ICC.[9] If a third State were to intervene, by virtue of the principle of universal jurisdiction, it would apply its own domestic law. However, it is expected that Nicaragua's own courts will prosecute and decide the fate of all the perpetrators, when there are adequate institutional conditions to do so.

Even when the acts in question constitute crimes against humanity according to international law, national courts shall use various categories of crimes set forth in domestic law. The applicable law within a State – which

8 Judgment No. 1718 in Process 076-M and Ac., Case of "Menéndez Sánchez and Luciano B. *et al.* s/inf. Art. 144" and appended. Verdict of July 26th, 2017 and reasoning of September 20th, 2017.

9 As explained in Chapter VIII, although Nicaragua is not a State Party to the Rome Statute, there are two mechanisms that would confer jurisdiction upon the ICC. If the situation is submitted to the ICC by the UN Security Council. And if Nicaragua makes a declaration in conformity with Article 12.3 of the Rome Statute, which could have retroactive effects, thus apply to these violent events, as expressly set forth in the Rome Statute.

normally is composed of domestic laws and international norms – is usually how crimes are prosecuted. If a State applies its criminal law regarding the definition of the crimes and the related punishment, this could be an adequate response, as long as the decisions do no contradict certain principles related to, for instance, the fact that we are dealing with crimes against humanity. As explained in Chapter VIII, no statutes of limitation can apply, or amnesty laws or similar provisions that pose obstacles for prosecutions, convictions or sentencing.

In this regard, the methodology to adopt might be similar to the one applied in other countries of the region (e.g. Argentina, Chile, Uruguay) to prosecute crimes against humanity. These crimes are prosecuted as the corresponding criminal offences defined in domestic legislation – murder, rape, sexual abuse, torture, arbitrary detention, etc. – but norms of international law are also considered, in terms of recognizing that these are not ordinary crimes, but crimes against humanity. This categorization implies, for instance, the inapplicability of statutes of limitation – which is the reason why these cases remain open after more than 40 years since the commission of the crimes – or declaring that amnesties or similar provisions are not applicable.

The violent events that took place in Nicaragua during the mandate of the GIEI – and also, obviously, the ones that continued to occur after May 30th, 2018 – can fit the criminal definition of various offences in domestic legislation. For instance, the arbitrary detentions, torture, crimes against sexual liberty and integrity, crimes against the administration of justice, forced disappearances, forced displacement, and murder are all conducts that are punishable according to the Penal Code. It is obvious that any of these conducts could constitute crimes against humanity, as long as the other requirements are present, as explained in Chapter VIII, if the crimes were committed as part of a widespread and systematic attack against the civilian population.

Although those conducts are defined as crimes in various sections of the Penal Code of Nicaragua, it also contains a specific section for crimes against humanity (Chapter II), which only includes torture, apartheid and force disappearance of persons. It is obvious that this discrepancy should not be interpreted as a limitation for the scope of the definition according to international law. This chapter not only includes conducts that do not necessarily constitute crimes against humanity in all cases – e.g. not every act of torture nor every forced disappearance, as serious as they may be, constitutes a crime against humanity (unless they are part of a widespread and systematic attack) – but also, and above all, crimes against humanity are not limited to the conducts expressly recognized as such by domestic legislation. Indeed, many other crimes contemplated in the Penal Code of Nicaragua could also be considered crimes against humanity, provided that they fulfill the other requirements established in international law, such as the contextual one: widespread and systematic attack against the civilian population – in which case they could be classified as crimes against humanity, with the inherent consequences to crimes of that nature.

Moreover, upon prosecuting conducts perpetrated in the context of a criminal enterprise, the implication of the rules on authorship and participation should be taken into account, in terms of the relevance of the contributions made by the subjects involved in said crimes, as indicated in the previous section. This is particularly relevant in the case of civil servants – including officials in the administration of justice or in the public health system, among others. The investigations should precisely determine how relevant their involvement was, since that will, to a great extent, be essential to define of which crime they should be accused. In the case of the previously mentioned example, about former Argentinian magistrates who were convicted for dictatorship-era abuses, actions that are usually considered as infringement of duties or crimes against the administration of justice, might amount to participation in substantially more serious crimes, provided some elements are verified. Accordingly, for instance, if it is proven that the absence of an investigation – despite the hundreds of crimes committed by police officers and parapolice groups – was systematic and planned, these unlawful omissions that would traditionally characterize – in the case of Nicaraguan criminal law – the crime defined by Article 468 (omission in the duty to prosecute crimes) or other similar norms, could be classified, according to the rules on authorship and participation (e.g. co-authorship, necessary cooperation or complicity, as set forth in the domestic Penal Code), as the more serious crimes that were not investigated (murder, etc.), precisely because they served as guarantees of impunity for their execution. Similarly, with regard to the conduct of public servants in the health system, for instance, the failure to perform an autopsy could characterize lack of execution of an obligation (Article 434 of the domestic Penal Code) or other crimes against public administration, or even concealment of murder (Article 470). And if said omissions can be considered part of a plan according to which, the absence of an autopsy was planned as a guarantee of impunity for the main crime, they might constitute participation or co-authorship in the murders in question, particularly if the direct perpetrators were aware of said guarantee, either by an express or tacit agreement, or else by the reiteration of these conducts regarding similar events.[10]

Another question that must be taken into account upon classifying these conducts and, especially, upon sentencing – and the execution thereof – with regard to eventual convictions, refers to standards derived from the "Principle of proportionality". The Inter-American Court has asserted that, "with regard to the principle of proportionality of the punishment**,** [...] the punishment which the State assigns to the perpetrator of illicit conduct should be proportional to the rights recognized by law and the culpability with which the perpetrat[or] acted, which in turn should be established [according to] the nature and gravity of the events."[11] In the case of Manuel Cepeda Vargas, the Court stressed that, "under the rule of proportionality, in the exercise of their obligation to prosecute such serious violations, States must ensure that the sentences imposed and their execution do not constitute factors that contribute to impunity, taking into account aspects such as the characteristics of the crime, and the participation and guilt of the accused."[12]

In conclusion, the way in which these crimes are classified will depend, to a great extent, on the context in which trials finally take place, whether in Nicaragua, by a third State or before the International Criminal Court. However, regardless of the particular circumstances, the consequences inherent to their characterization as crimes against humanity must necessarily be considered. That is to say, these crimes do not permit the application of statutes of limitations, amnesties, pardon or other norms that may hinder their prosecution or punishment, they can be tried before any court in the world, and the punishment should comply with the aforementioned principle of proportionality.

D. INSTITUTIONAL CONSIDERATIONS

None of the aforementioned recommendations could be truly fulfilled unless certain institutional reforms are implemented to confer credibility, independence and efficiency on the system of administration of justice.

The possibilities are varied, hence the specific nature of these reforms will depend, to a great extent, on the concrete will of the State of Nicaragua to combat impunity and create conditions to seriously and truthfully carry out those efforts of institutional transformation.

10 Thus the failure to investigate a potentially unlawful act could constitute lack of execution of an obligation and concealment, but the reiterated omission to investigate a particular type of crime could, additionally, imply that the eventual perpetrators of similar acts believe that their crimes will not be prosecuted. Then, the reiterated lack of an investigation not only has retroactive effects but also future impact: eventual perpetrators may take that into account when resolving to commit a crime because of this guarantee of impunity.

11 I/A Court H.R. Case of the Rochela Massacre Vs. Colombia, Judgment of 11 May 2007, para. 196. Similarly, see, *inter alia*, I/A Court H.R. Case of Vargas Areco Vs. Paraguay, Judgment of 26 September 2006, para. 108; I/A Court H.R. Case of Raxcacó Reyes Vs. Guatemala, Judgment of 15 September 2005, paras. 70 and 133.

12 I/A Court H.R. Case of Manuel Cepeda Vargas Vs. Colombia, Judgment of 26 May 2010, para. 150.

Some reforms are structural and must involve the whole system of administration of justice, insofar as they relate to standards of independence, objectivity and suitability that must be guaranteed. Whatever form they may take, it is necessary to ensure mechanisms of appointment and control for judges and prosecutors, according to high standards of transparency and active participation of civil society.

In addition to these general reforms – and others that will be elaborated upon in Chapter XII related to guarantees of non-repetition included in the plan for full reparations, it is clear that some institutional mod

ifications are also necessary in order to specifically ensure the effective investigation of the violent events that took place since April 18th, 2018.

In its press release of October 26th, 2018, the GIEI expressed that, in view of the absence of guarantees for an independent and objective examination by the criminal justice system, the State must urgently create a Special Prosecutorial Unit to investigate these violent events. In that occasion, the GIEI indicated that this special unit should be created by law or in accordance with Article 19 of the Organic Law of the Office of the Public Prosecutor, as a means "to ensure the independence of prosecutors in charge of the investigations and prosecutions". It also asserted that this special unit should be autonomous and independent according to international standards, and be composed of duly selected prosecutors who enjoy undeniable moral authority and the consensus of most sectors of Nicaraguan civil society. The GIEI also made itself available and offered its technical assistance to facilitate the creation of this special unit.

It is obvious that such an organ with those characteristics would notably facilitate the systematic and articulated investigation of multiple crimes perpetrated in this context. It is clear that the creation of a collection of documentary evidence, a well-defined criminal policy and priorities in the investigation, the possibility of dealing with and managing the procedural or institutional challenges that may arise, the creation of a database linking all the facts and evidence, among other aspects, would be greatly facilitated in an institutional setting as the one proposed. Comparative law provides interesting examples of initiatives of this nature, for instance, in Argentina and Uruguay. In Argentina, for example, the creation of the Prosecutor for crimes against humanity[13] within the Office of the Public Prosecutor; and in Uruguay, the creation of a specialized unit within the Office of the Public Prosecutor to investigate crimes against humanity.[14] There are also specialized divisions in Colombia[15] and Peru, where there are special prosecutorial units.

Obviously, this mechanism – which is already provided for in Nicaraguan legislation – would be an adequate option to genuinely investigate the crimes perpetrated. Nevertheless, it is an alternative that does not exhaust the possibilities of institutional reforms with that purpose.

Depending on the circumstances, it would also be possible to create institutional structures with some degree of international participation or collaboration. This, in turn, would depend on the credibility of the national institutions. Hybrid mechanisms, which involve international experts and national authorities – selected according to the highest standards of suitability and transparency – could also be useful when the trust of civil society in traditional actors of the system of administration of justice is as weak as observed

13 See, Procuraduría de Crímenes de Lesa Humanidad.

14 See, Fiscalía Especializada en Delitos de Lesa Humanidad.

15 *Dirección especializada contra las violaciones a los Derechos Humanos y la Dirección de Justicia Transicional*, which are subsections of the Delegada contra la Criminalidad Organizada.

in Nicaragua, and even more so when some of the latter could be responsible on some level for the facts that must be investigated. The establishment of international mechanisms is a tool that has been helpful in strengthening these processes, such as the International Commission against Impunity in Guatemala (CICIG)[16], the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH)[17], or the ongoing process to investigate disappearances of 43 students in Ayotzinapa, Mexico.

Lastly, although this will be further examined with regard to the guarantees of non-repetition included in the plan for full reparations, it is evident that providing mechanisms such as the ones mentioned above is not only indispensable to ensure adequate investigations, but also to afford victims, their families and witnesses of the violent events, with appropriate institutional channels to present their complaints. Moreover, it is an inseparable and reciprocal relationship, since the investigations depend to a great extent on the testimonial evidence, which can only be adequately received if the witnesses are ensured the ideal conditions to provide their testimonies.

16 Comisión Nacional contra la Impunidad en Guatemala.

17 Comisión Nacional contra la Impunidad en Guatemala.

XI. "I JUST WANT THIS NIGHTMARE TO BE OVER SOON": THE EXPERIENCE OF THE VICTIMS AND THEIR FAMILIES

A. INTRODUCTION

In order to fulfill its mandate, since the beginning of its activities in Nicaragua, the GIEI held a series of meetings with civil society, including groups of victims and their families, and human rights organizations. These meetings served to build a relationship of trust with them, which ended up being invaluable to allow them to share their experiences, feelings, and report the actions taken to search for truth and justice.

The GIEI also interviewed victims and their families, thus gathering, other than relevant elements for its investigation, vital information about the consequences of the events. These individual or group meetings with family members of the victims allowed it to deepen its understanding about the personal and social impacts of the violations.

Finally, the GIEI also held 23 workshops and informative meetings about the right to reparation, in which 410 affected individuals shared their views about which measures would be essential for a process of reparation. These consisted of long and productive opportunities for collective analysis, definition of a theoretical framework, listening to their aspirations, and establishment of tools to facilitate the State duty to create programs and public policies necessary to provide reparations for the victims. In other words, these workshops consisted of spaces to collectively build the Plan that is presented in Chapter XII.

It is worth mentioning that the GIEI invited several organs of the State of Nicaragua to an informative meeting in order to present the contents that would be included in the process of consultation with victims and their families, as well as with civil society. However, the State did not respond to this invitation or attend the meeting.

As already explained in this report, Nicaragua's somewhat recent history has been plagued with particularly gruesome armed confrontations. These incidents have left scars in the lives of many individuals, which were not remedied or resolved as a society. The consequences of these conflicts have left their mark in the memories of survivors, and have now resurfaced due to the violence experienced in the country, which exacerbates the suffering of persons, families, and society as a whole, and might even have repercussions for future generations.

In view of the foregoing, this chapter aims at revealing the psychosocial impact of the human rights violations suffered since April 18th by victims and their families, through their own voices. It is important to point out that every contact with victims or their families took place at the same time that gross human rights violations continued to occur, within a context of strong repression, as previously examined in this report. All the meetings with victims, their families and human rights organizations were held under fear of persecution, arbitrary arrests, torture or death. In addition to the ensuing difficulties for the work of the GIEI, the continuation of violations brought about a constant process of revictimization: the gravity and persistence of the violent events through time amplify and perpetuate their harmful consequences. This is a testament not only about the violations in Nicaragua, but also about the resilience of its citizens.

1. History repeats itself

"I had the same feeling from my adolescence and I never imagined that I would ever experience the same. I was paralyzed."[1] The experiences of human rights violations in the current context reactivate the unresolved pain and suffering from other times in the history of Nicaragua. Moreover, for some persons, the fact that the crimes of the past have remained in impunity due to amnesties, makes them feel like history is repeating itself. For instance, one person who participated in one of the activities organized by the GIEI expressed that: "This is a personal matter to me, because my Dad was murdered in the 80s, and that crime remains in impunity, although we knew who killed him. Thus helping others now helps me deal with my pain."[2]

Those feelings refer to something that was dormant in those persons, and is suddenly awakened, bringing back unresolved conflicts from the past. It is as if, in an instant, all the burden of the history of Nicaragua collapsed once again onto their shoulders, bringing back memories and experiences that they considered resolved: "I felt an unexpected emotional impact. I never thought I would again have to live through what I lived during the Somocista dictatorship."[3]

The comparisons with the dictatorship of Somoza are frequent and eloquently expressed in relation to the violent repression sponsored by the government of Daniel Ortega. One example of association between the two is the commonly used expression: "Ortega and Somoza are two peas in a pod." The similarity with the Somoza-era also has to do with the group most affected by the repression: youths. "In Nicaragua, it is forbidden to be young, just like it was before 1979 with the [National] Guard."[4]

The GIEI has heard, however, that the repression carried out by the current government has even more cruel expressions than the one exerted by the dictator who was overthrown by the people in 1979: "Somoza does not compare to the level of cruelty of this government."[5]

Some people have observed that the current strategies of control and terror are more sophisticated than during the Somocista dictatorship. "No one would be arrested for listening to the Sandino radio in that era. There are things happening today that did not happen back then."[6]

Moreover, the repression and the conflicts in the current context trigger what some victims have mentioned as a characteristic of Nicaragua, namely, to resort to weapons for the resolution of political conflicts: "Nicaragua has been plagued by armed conflict for centuries. There has not been one generation that did not go through a conflict of this nature. We are a generation that is still licking the war wounds or our parents, our grandparents. We never thought it would happen again. They said that they did it so that we would not have to live through this. And now I say the same thing to my son."[7]

The context also sparked the interest of children and youths about the country's past. Accordingly, boys and girls at the roadblocks ask their parents about their war experiences, making them relive memories – including tactics of resistance – that seemed dormant. The use of traditional masks by the population of Masaya in the conflicts against the repressive forces is an example of updated strategies of confrontation that come from another era.

1 GIEI workshop TR7.
2 GIEI workshop TR6.
3 GIEI workshop TR4.
4 GIEI workshop TR7.
5 GIEI meeting RR3.
6 GIEI workshop TR4.
7 GIEI workshop TR3.

2. The force of nature

"This is like a big earthquake, but even more destructive."[8] Just like other facts in the history of Nicaragua are remembered, the connection and close relation of persons with nature in Nicaragua is a constant reference to express the impact of the political events, as well as the resources and resistance of the people.

With its big lakes, volcanos and a history filled with hurricanes and earthquakes that caused major material and human losses, the population of Nicaragua is strongly connected with nature, which then becomes a reference in their daily life.

During the work of the GIEI, the comparison between "natural disasters" and "political disasters" was very present: "When Hurricane Mitch hit us, we got a lot of donations. But now, nothing. […] The families are alone."[9]

Nevertheless, according to the narrative of the persons interviewed, the same destructive force can revert into strength to fight and resist the State-sponsored repression. That was the reason why one of the marches was called "Together we are a volcano", which expresses the potential of the Nicaraguan people.

According to the people, in Nicaragua they are always waiting for something sudden, something to shake things up, which changes the scenery and causes powerful consequences in persons' lives and in the social and political arenas.

3. The people woke

The dissatisfaction that part of the Nicaraguan population felt with the government was intensified by the delay of public authorities to react to the fire at the Índio-Maíz Reserve and, then, by the proposed reforms on social security. As observed during the interviews and other activities carried out by the GIEI, grandparents are very important figures in Nicaragua, so the possibility of reforming the social security system, which would harm them, troubled many persons: "he always cherished the elderly,"[10] told the mother of one victim. For this person, youths had the obligation to support the elderly in the defense of their rights. The situation further aggravated with the images of injured elderly persons in the first days of the protests.

"¿Why don't the people rise? The government is stealing from the elderly, it is killing the people,"[11] one of the dead victims told his Mom about his incentive to participate in the protests. Likewise, that outrage stimulated many persons to take to the streets to protest in those first few days. For other persons, in addition to the care with the elderly, the proposed reforms also represented a threat to their own future.

Then came the violent repression, and other persons joined to support the youths who were occupying the universities, and other protesters on the streets. The wife of a deceased victim stated that her husband decided to support the students because they were fighting for a just cause and, at the same time, being violently repressed: "The students were helpless, and did not know if people would support them."[12]

The outrage with the development of the repression and, also, the solidarity with the mothers who lost their sons during the protests prompted many persons to participate in the March of the Mothers, in honor of the victims. "Today is Mother's day, these women lost their sons, and I am going to give them a hug,"[13] a youth told his mother before leaving the house to participate in the march and take a fatal gunshot.

8 GIEI workshop TR1.
9 GIEI meeting RR3.
10 GIEI interview E32.
11 GIEI interview E54.
12 GIEI interview E20.
13 GIEI interview E1.

For those persons who were interviewed by the GIEI, the solidarity with the elderly, with other protesters, and also with the families of victims, was the reason why their loved ones were participating in the protests that took over the country. This point is important for the memory of the victims, and also reflects the feeling of justice that resurfaces from other historical moments of the country, which came strong in the period since April 18th.

B. PSYCHOLOGICAL EFFECTS OF THE VIOLATIONS

1. "I am terrified to see them again": The fear, the suspicion, the threats

"When I see police and paramilitaries, I am terrified. It is worse when I see hooded ones, because there is great insecurity on the streets. We can see hooded paramilitaries in the city. I am terrified to see them again. It is not normal to cover one's face. ¿What are they hiding? I do not know."[14]

Since April 18th, the repressive practices have created an atmosphere of fear and terror that affects the entire Nicaraguan society to date. This is a common component in all testimonies received, and it affects the lives of persons, their families, neighborhoods and communities.

Citizens are on permanent alert. There are many accounts about the presence of individuals belonging to the Councils of Citizen Power (CPCP)[15] of the neighborhood who monitor the political attitude of their neighbors. They observe that, "they cannot leave [their homes] at ease, because there's government personnel watching them day and night."[16] Some mentioned lists of persons who participated in demonstrations or claimed for justice for the death of a family member and, since then, have been monitored and threatened by FSLN sympathizers.

The fear of being out is even stronger for males, since they are the group most affected by murders and detentions. This permanent surveillance in neighborhoods results, according to the testimonies, in fear of doing daily chores, such as going to the market, to church or other basic activities: "The whole family is afraid of going out, especially the males. They cannot even go to Palí [supermarket]. The boys are stuck at home."[17]

The presence of "*danielistas*", as the President's supporters are called, often prevents people from tending to their basic needs or seeking help outside their family. Therefore, they stay indoors with their family, unable to share their pain, sadness and fears, or seek help and politically organize, which isolates them and causes the internalization of pain and suffering.

Due to the scope of the repression – which even included public health services – there are cases of persons who miss a doctor's appointment or interrupt treatment "because I am the mother of a murdered protester and I do not accept the psychological assistance from the Ministry of Health,"[18] that is to say, because they could suffer retaliations from public health officials. In fact, as indicated in Chapter VII of this report, the denial of medical assistance was a central element of the repression and caused deaths and serious consequences, thus that distrust is understandable.

14 GIEI interview E47.

15 Although they later became the *Councils for Family, Community and Life*, many individuals still refer to them as "CPC".

16 GIEI interview E22.

17 GIEI interview E22.

18 GIEI interview E1.

Although the protests continued to occur while the GIEI was carrying out its activities, the fear of being arrested, injured or killed, led to a decrease in people's participation in the marches. Notwithstanding the foregoing, many persons continued to protest, while threatened by government supporters: "They call all of us coup-plotters, terrorists."[19]

The persons who were interviewed find it particularly significant that there was repression against the March of the Mothers on May 30th, known as "the mother of all marches", in honor of the deceased and in support of the mothers who claimed for justice: "No one thought that they would attack the march of the mothers. I never expected that. I never thought that after that day I would also mourn my son."[20]

The sensation that the cruelty and the repression had no limits caused great fear and insecurity in the populace. This greatly affected their daily lives, especially for young people: "This whole situation causes me distress. I cannot go outside, have a social life, talk to my friends."[21]

2. "No part of society was left untouched": The impact on families and community life

Nicaragua has a tradition of extended families, composed of grandparents, parents, sons and daughters, uncles and aunts, cousins. The family unit often lives on the same property or in adjoining houses. It is also common for aunts or grandmothers to raise their nephews/nieces and grandchildren. Due to the characteristics of Nicaraguan families, the extension of the damage caused by deaths, serious injuries and other human rights violations is very substantial.

"I miss him, and my whole family misses him too."[22] During interviews and workshops held by the GIEI, other than the parents or siblings of the victim, it was often heard that the nephews, cousins, uncles and aunts were also suffering for the death of the person, or that the grandmother fell ill after her grandson's murder: "Grandma is also traumatized, because she raised him since he was a baby. She cries a lot. He visited her often because he loved her very much. She could never imagine that they were going to kill her little boy. She is 98 years old and lives by herself. He helped her, bought buying tortillas, cleaning the house. He was very close to her."[23]

Taking into account the populational features of Nicaragua – where people from the same municipality or neighborhood often know one another – the absence of dead, detained or displaced victims is also collectively felt by neighbors and others in the community, which implies a greater impact of the repressive actions.

The violations were not limited to one specific social group, they also affected the daily activities of the whole country, businesses, public services, etc.: "No part of society was left untouched."[24] Schools suspended classes, stores were closed and the streets were deserted because people were afraid to leave their houses.

There are cases of families who do not know the fate or whereabouts of their loved ones, who might have escaped to save their lives, be detained or not accounted for by the authorities, or dead and their bodies have not been found. These families live in doubt, in despair for an absence without explanation, worrying that their son might be suffering. Their whole lives are paralyzed while there is no answer about what happened.

19 GIEI interview E24.

20 GIEI interview E1.

21 GIEI interview E41.

22 GIEI interview E42.

23 GIEI interview E47.

24 GIEI meeting RR6.







1/ Protesters wearing a traditional mask
2/ Monimbó, Masaya
3/ Radio graffitied by government supporters

The forced displacement of Nicaraguans, often caused by fear and insecurity, has separated many families. This, in turn, implies the loss of affective ties with other family members, friends and persons in the community.

In conclusion, the violence had a destructive impact on families and communities, due to the irreparable loss of life of one or several of its members. In many cases, the family was dismembered, and also scattered all over Nicaraguan territory and in other countries.

3. "You have a criminal record for rising against the government": A divided society

The affinity of part of society with the FSLN, and the outrage that led persons to rise against the government, have resulted in a divided society, which is also reflected within families and communities.

During the various activities of the GIEI, it was possible to observe conflicting situations among neighbors with opposing views. "The *tranqueros* live there,"[25] said a neighbor about a family that is against the repressive policies of the government, although they used to support the FSLN.

The tension can be felt on the streets and seen on houses graffitied with expressions such as "coup-plotters", "vandals", "terrorists" or "agitators". This polarizations is related to the distrust among people, the rupture of family and social ties in Nicaragua. "¿How do we rebuild the social fabric when it was my neighbor who tortured my son or another neighbor?"[26], asks a professional who works with victims.

"The leader of the Sandinista Youth Movement asked me why I had called her commander a murderer, and told me that my brother died for nothing."[27] In another instance, a lady from the neighborhood's CPC told a relative of a deceased victim that, due to his political mobilization: "You have a criminal record for rising against the government."[28] These cases illustrate how the threats were commonplace in the neighborhoods and community life, and came from public organs and services that are supposed to assist the populace. This chilling presence caused divisions and conflicts among neighbors and persons in the same community.

The human rights violations also affected family ties, especially in cases of families divided between government supporters and oppositionists. The divergence is so great that not even the death of a family member brings them close together.

The GIEI also observed the distancing and distrust between family members who support the government and those who oppose it: "I lost my family, because unfortunately they are siding with the government."[29]

There are even more extreme cases of persons who had to flee Nicaragua to protect themselves from relatives that support the government and were threatening them: "My [relatives] arrived, they came to pick me up, and told me that if I continued [to protest], I was going to end up dead. […] And said that they did not care that I was their [relative], if they saw me during some conflict, they would not think twice about taking action."[30]

Lastly, there are cases of family members who were indirectly involved in the death of a relative, due to their participation in groups who joined the repression, which further damages family ties.

The polarization is sponsored, to a great extent, by the official discourse disseminated through pro-government media since the beginning of the protests. The narrative infringes the free exercise of the right to freedom of expression, since it disapproves every person who protests against the government, and calls them "terrorists", "coup-plotters", "somocistas" and "right-wing".

Daniel Ortega's message of April 21st, 2018 is an example of a discourse that criminalizes dissent, and instigates social polarization: "There will always be a minority who will disagree with consensus, but if we are democratic, we have to respect and support consensus, otherwise it means that the minority is forcefully imposing its views through a line of questioning, and confrontational and destructive attitudes. Then opposition is no longer healthy, rather it turns into an element of subversion. They have the right to criticize, we cannot force them to think differently; but they do not have the right to conspire, destroy, and even worse, seek help from the most extremist political groups in the United States, who are racist and exterminators; they pursue extermination. ¿Why do they seek such help? To present complaints and ask for funding, since the complaints involve plots to destabilize us and requests for funds."[31]

Hence the official discourse creates an "external" enemy that must be defeated, erased, according to the words of Vice-President Murillo: "There are 197 [dead victims], let us not forget that! They killed them… so they must pay for their crimes. They thought that they could destroy Nicaragua; they momentarily disrupted the peace in Nicaragua: they planted hatred! That is unforgivable! A deadly sin, the dissemination of hate in Nicaragua! We do not forget, and will not forget! Justice… They must pay for their crimes!"[32]

Since this discourse emanates from the highest spheres of the government, namely the President and the Vice-President, it has a strong impact on the polarization of society.

Another effect of the social polarization has to do with what persons interviewed by the GIEI refer to as the "sequestration" of national and historical symbols by the government. In this regard, some persons mention the need to reclaim the FSLN flag for its meaning of struggle and resistance against the oppression by Somoza and the United States of America; others observe that some words, such as "comrade", "organization" and "peace" had their historical meaning distorted by the official discourse, which uses them inadequately and misrepresents their political power.

4. Stigmatization

The division in society is a result of the process of stigmatization of persons who participated in social protests or fought for the rights of their loved ones. By using the stigmatizing terms "coup-plotters" or "terrorists", for instance, the official discourse aims at generating a reaction from society and consolidating the rejection of social protests and democratic demands by public opinion.

This context led to the distrust among members of the community, who doubt others: ¿who provided the information? ¿Which information? ¿What did they do to be murdered?

The foregoing is illustrated by assertions that tend to justify the repressive actions, such as: "for some reason" or "they must have done something to cause that". These effects are one of the objectives of the violence: fear, silence, paralysis, denial regarding the violence, which reinforce previously existing stereotypes or new ones created due to the context.

The stigmatization and social division have even reached the imagination of children: "The country is divided. […] This has affected children, because now they say 'you are red and black and I am blue and white'.

25 *Tranquero* is used to refer to people participating in roadblocks or demonstrations.

26 GIEI workshop TR8.

27 GIEI interview E30.

28 GIEI interview E41.

29 GIEI workshop TR3.

30 GIEI interview E60.

31 La Voz del Sandinismo, Mensaje del Presidente-Comandante Daniel al Pueblo Nicaragüense (21/4/2018) (Texto íntegro), April 21st, 2018.

32 El 19 Digital, Declaraciones de Rosario Murillo, Vicepresidenta de Nicaragua en Edición del Mediodía de Multinoticias Canal 4, 8 de Agosto del 2018, August 8th, 2018.

Or 'you are evil and I am good', and we never used to play like this. [...] I feel that the [political] situation has also influenced the children."[33]

According to this process, assertions disseminated by means of communication reinforce identities that are divisive, such as "the people" or "the Nicaraguan family", which means that some persons are worthy of enjoying their rights, while others, "they", must be accused, excluded and punished.

5. "I feel like each dead is my loved one all over again": Mourning

"I am so traumatized that I do not want to hear about anything. I do not want to watch the news. Seeing so many dead persons affects me very much. When I was watching the mothers, I felt like I would not be able to deal with such pain, without knowing what would happen to myself. When you are near this pain, it hurts. And hurts. I never imagined that I would live through something like this. I know that God is going to give us some justice one day."[34] Grief is a central element of human existence, an experience of pain and suffering over the loss of someone or something significant, which needs to be elaborated. The context of violence experienced in the country since April 18th deeply affects the grieving process of family members and friends of the deceased, not only due to the death itself, but also because of the circumstances in which the deaths occurred, which make them more difficult to explain.

The families live in an atmosphere of fear in the neighborhoods, with the constant presence of pro-government shock groups on the streets and the existence of lists of persons at risk for claiming for justice or participating in demonstrations. It is worth remembering that the murders also intended to spread fear in the population and dissuade them from protesting, so the struggle for the truth about the murders and the ensuing mourning were profoundly affected.

In addition to that, the deaths continued occurring for several months, which makes those in grief relive and prolong their pain: "I feel like each dead is my loved one all over again."[35] Each death notice in the context of the protests implies more difficulties to deal with the grief: "I have not cried only for my son, but also for all the boys and their families."[36]

Children also seem deeply traumatized by the deaths that took place in this context, as it will be later explained. Many of them are more quiet, they cry and miss the deceased person.

Moreover, these violent acts are perpetrated by those who are supposedly in charge of protecting the right to life: the State. The intense suffering for the loss is intensified by the despair and the deeply unsettling notion that the death was caused or validated by State organs or agents. That makes those deaths even more senseless.

Finally, in addition to the suffering for the death, the families have to face the indifference, the stigma that the dead person was a "terrorist" or a "coup-plotter", which tarnishes the public image of the deceased or disappeared relative, and also affects their mourning.

33 GIEI interview C25.

34 GIEI interview E47.

35 GIEI interview E35.

36 GIEI interview E46.

5.1. "What hurts the most is to hear the President and the Vice-President insist that these deaths are fake"

"What hurts the most is to hear the President and the Vice-President insist that these deaths are fake. ¿How can they say that if we lived through it?."[37] The mother of a murdered person expressed that the outrage shared with many mothers and wives about the way in which their loved ones were murdered, is exacerbated by the denial of the facts and shows disdain for their lives.

For instance, in an interview for CNN *en Español*, on July 30th, 2018, President Daniel Ortega observed that, "the human rights organizations [in Nicaragua] are politicized, [...] they have a systematic agenda against the government, and encourage people to present complaints. It is all made up."[38]

Likewise, State agents and members of public institutions deny the facts and the existence of the victims, which, on top of the unlawful deaths, the context of violence and the circumstances of the murders, deeply influences the grieving process, increases the suffering of families, and causes feelings of outrage, anger and wrath.

These feelings are expressed, for instance, vis-à-vis symbols of the government or the governing party. In this regard, one relative told the GIEI: "these two individuals [the presidential couple] have no heart, they are evil. [...] When I see them on TV it gives me wrath. When I see the red and black flag or the police, I feel the same way."[39]

5.2 "I cannot sleep, and when I wake up I see the face of the deceased"

"I cannot sleep, and when I wake up I see the face of the deceased, I see how he bled, was taken away and put in a truck."[40] The brutality of the murders, and the absence or omission of the public institutions in charge – e.g. the Forensic Medicine Institute and some hospitals – meant, for many families, that they had to directly take care of the injured person or the corpse of the deceased victim.

The precision of the shots, the weapons used in the repression, the lack of or inadequate medical attention caused extremely serious bodily harm to the victims, which meant that friends and families – adults and children – not only had to witness the violence, but also observe open wounds and the damage to the victims, remove their bodies and take them to the hospital. "My Dad was shot from here to there. There was a lot of blood. My Mom wanted to help him, but she could not. There was blood all over the floor."[41]

In the midst of the repression, volunteers, acquaintances or family members had to take the injured persons to the hospital, where the doors would be closed, or employees formed human cordons to impede their admission. Thus they had to wait for assistance with the bleeding victims, or move to another health center to seek assistance. In addition to the consequences already mentioned in this report, the denial of medical attention caused intense desperation on the persons who were tending to the wounded, and harsh memories about those moments.

Even more serious are the scars left by those events in the families of victims who died due to inadequate medical assistance, such as the case of persons that were discharged and sent home, where their families had to care for them until they died a few days later. These people not only have to deal with the pain for

37 GIEI interview E22.

38 CNN en Español, Daniel Ortega dice que organizaciones de DD.HH. "inventan muertos" que luego aparecen vivos, July 31st, 2018.

39 GIEI interview E22.

40 GIEI interview E60.

41 GIEI workshop TR5.

their loss, but also with the anger caused by the involvement of medical personnel in those deaths that could have been avoided. Denying a person medical assistance is so unthinkable that it triggers extremely painful feelings in the families.

In many cases, the families had to wait for long periods of time at hospitals for the performance of an autopsy, so they could remove the corpse of their loved ones from the hospital and bury them. In several cases, they had to mourn the bodies of the deceased for many hours, until the harassment by police and pro-government shock groups outside their homes ended, and they could bury their loved ones in peace.

Due to the widespread use of electronic equipment during the protests, such as cell phones, there are plentiful records of the facts and the dead and wounded victims. The images and videos were shared on social media, message groups and stored in the personal telephones of family members. Thus their contact with the image that causes their pain persists well beyond the victim's burial and remains present in the daily routine of the family and the community.

Accordingly, it is more difficult to overcome the grieving process for these persons who lost their loved ones to the violence, since they not only have to face the pain for their loss, but they also had to face said death in a very direct and raw manner, with the participation or omission of public officials and institutions.

5.3 "I cannot even mourn my deceased loved one": The funeral rituals

Funeral rituals that are so important for the families and community to deal with death, were also targets of actions of terror and threats that disrupted them. As observed in many cases, the family had to mourn the deceased person at home behind closed doors, while pro-government shock groups harassed them by firing shots outside. There were also cases in which the police invaded the venue where the funeral was being held and threatened those attending.

Some funerals had limited attendance of family and friends because those persons feared attending and being attacked there. This hindered, or else impeded, the family from having the necessary social support to process their grief. After the funerals, there are reports about desecrated graves, so many family members visit the respective cemeteries often, in order to verify whether the tomb is damaged: "I visit the cemetery often because I am afraid that they will unearth my nephew's corpse."[42] Posthumous ceremonies are also under surveillance, so some families stopped placing plaques in the tombs, as well as Nicaraguan flags, for example, out of fear that they will be removed.

It is worth mentioning that many families chose to bury their relatives without an autopsy, because they did not trust the Forensic Medicine Institute. This not only means that they bury the victim without knowing what really happened, but also that they perform the funeral ceremony knowing in advance that someday the body will have to be exhumed for the purpose of performing a reliable autopsy. As a result, the grieving process sort of remains pending, stalled due to the absence of an answer about the events, and in the expectation of an exhumation that will surely revive the suffering for the family.

In many cases, the families of the victims could not afford the coffin and the vault in the cemetery. These families had to resort to neighbors, friends, social organizations and movements for financial support to cover the costs of the funeral rituals. "Even dying is expensive. But people helped us with money. I had to buy a little piece of land [in the cemetery] to bury him. Thank God I got that support. We also had to buy the coffin,"[43] said one mother.

For the indigenous population, as later explained in this chapter, the impossibility of performing funeral

42 GIEI workshop TR2.

43 GIEI interview E1.

rituals according to their traditions, caused by the presence of police and pro-government shock groups harassing the people, meant that the deceased persons would not be able to rest in peace: "we could not honor our fallen ones according to our customs."[44]

Therefore, funeral rituals are fundamental for the grieving process of the deceased's next of kin: the dead person must rest in a sacred place where they can pray for him, bring flowers, candles, sing; also, the presence of family members, friends and neighbors is necessary, and they must be respected.

5.4 "There is not one moment when I do not think of my son"

The circumstances surrounding these deaths caused extremely painful experiences and sadness, which is expressed in the daily lives of those left behind. One person described, for instance, that the thoughts and the pain about the deceased victim stay with them all the time: "It hurts, it hurts that my son was taken away from me. This sadness does not go away. There is not one moment when I do not think of my son."[45]

The brutal manner in which the victims died also brings a surreal feeling to their families, as if what happened was a product of their imagination, a phantasy: "Sometimes I cannot fathom."[46] The relatives of murdered victims assert that, "when someone is sick, you start preparing yourself. But this way, it is not so easy to process it."[47]

In addition to this surreal feeling, they also have a weird sensation, as if the dead person were still there: "Time stopped right then. I keep hoping that he will come home at night, but he does not."[48] Family members describe how they live as if their loved one could come home at any moment: "I feel like he is here, he is coming;"[49] "I feel like [he] is about to arrive, that he will open the gate."[50]

One mother whose son went to the March of the Mothers and ended up murdered, observes that she is one more mother who lost her son: "The mothers were not celebrating mother's day, they were marching in pain for the loss of their sons, and when they killed my son that day, I became one more of them. I no longer celebrate mother's day. Now it means the day my son died."[51]

The continuity of the violations, as well as the lack of clarification about what happened, the threats, the accusations, the stigmatization suffered, all of that makes people remain anchored to the traumatic experience, not able to process, understand or overcome it.

5.5 "Even sleeping hurts"

44 GIEI interview C25.

45 GIEI interview E22.

46 GIEI interview E83.

47 GIEI interview E22.

48 GIEI interview E35.

49 GIEI interview E83.

50 GIEI interview E1.

51 GIEI interview E62.







1/ Coffin carried by locals
2/ GIEI workshop about the right to reparations
3/ Mother praying for her son detained at El Chipote

In moments of solitude, especially at night, the relatives indicate that it is when the pain is more intense. As a result, many of them report that they start crying when they go to bed, or wake up in tears in the middle of the night. Those who consider themselves stronger cry during the night when they are alone. For them that is the moment to express their pain: "Sometimes I cry when I go to bed, it is when I let myself go."[52]

Persons who were interviewed or participated in the GIEI workshops mentioned that they have trouble sleeping, have nightmares or oversleep, and feel tired all the time. Their sleep is also interrupted by tears and the memories of their dead sons: "I get up, see his bed and cry through the night, because I know I will never see him again."[53]

They also complain about recurring physical ailments among family members of the deceased, as well as loss of appetite and weight loss: "The grandmother, who is 95 years old, sometimes faints, has stomach disorders and cries a lot. She is very depressed."[54]

Other physical effects include headaches and high sugar levels, high blood pressure, worsening of preexisting conditions, and there are also reports about persons who relapse in their alcoholism.

6. "I have lost my project of life": The university students

The consequences of the violent events since April 18th also include losses for the future of Nicaragua, since many victims were young students and young professionals, who had their whole lives ahead of them.

The university students were at the frontline of the protests and the confrontations against repressive forces. Consequently, they were the group most affected by murders and detentions, and also had to flee the country to protect their lives. The youth of the victims is a factor that affects the families of the deceased, since no loss is expected at this stage of life: "I never thought that I would bury my brother at such a young age."[55]

With regard to the detained persons, also mostly young, one person expressed: "the future of Nicaragua is in prison."[56] In fact, detention deeply affects persons, since their studies and professional plans are interrupted. The uncertainty about the duration of trials and the period of detention makes their future unclear. Convictions can also mean restrictions for their professional future, and greatly impact the lives of these young persons.

With regard to displaced youths, many of them will fail their studies for "abandonment", since they stop attending classes. Others would like to continue their studies in other countries, but are unable to do so because they do not possess the required documentation that they left back in Nicaragua. Hence displaced students also have their projects of life interrupted, and have no chance to pursue their chosen career.

The GIEI also received testimonies which indicate that some student records were deleted from university databases, as if those students had never studied there. This situation deeply angers them and makes them feel helpless regarding this injustice, and what is worse, their limited career options.

The threats and persecution against youths were so intense during the mandate of the GIEI that many of them had to hide in safe houses for months in order to protect their lives. Accordingly, they had to interrupt their studies even when they were not detained or out of the country. One young female who hid in a safe house observed that: "I do not know what to do with my life. I have lost my project of life."[57]

The children of the deceased victims also had their studies affected or interrupted due to the financial difficulties that befell their families. Either they had to take over the duty of providing for the family, or else the family could no longer pay for their studies. Thus the damage in terms of lack of professional qualification affected a larger number of persons.

Finally, many teenagers who are high school seniors observed that they prefer to pursue university studies abroad next year, instead of waiting around to see what will happen in Nicaragua.

The actions of repression aimed at demobilizing university students and directly harming their careers also ended up affecting an entire generation of students and young professionals in the country.

7. "My son could be dead": The wounded

The intensity of the repression, as well as the precision of the gunshots fired by repressive forces, resulted in a large number of dead victims, but also left a great toll of injured persons during the protests in Nicaragua. In this regard, not only is the number of wounded victims high, but their injuries are also very serious and caused long term damages that will remain with the survivors for their entire lives.

Since the first moments, right after the fact, wounded persons and their families faced many hurdles in relation to the right to medical assistance, the possibility to have someone trustworthy with the patient during hospitalization and, also, all the consequences in terms of long term damages, rehabilitation and life changes.

Many relatives of victims had to wait outside of the hospitals while their loved ones were hospitalized: "If not for the assistance of some persons who helped us and other families… We would have slept on the floor, outside, in the rain."[58]

With regard to long term damages, many persons lost limb movements, were left paralyzed in a wheelchair or need the help of canes to walk. Others suffered injuries that affected one or both eyes, and were left partially or totally blind.

These persons now need constant help from relatives, friends or acquaintances, since they cannot perform basic daily tasks by themselves, such as showering, eating, cooking, using the restroom, shaving or drinking water. Thus someone else always needs to be with them to help.

These transformations due to long term damages cause great suffering to the families and the injured persons themselves, since they mean radical changes in their daily routine and in themselves as persons: "when I see him, it is very painful for me to notice the difference between how he used to be and how he is today."[59]

Since many injured victims were young, they had to stop going out with their friends to chat, drink and have fun due to their long term damage or the required treatment. Their lives became much more restricted and now aim at an uncertain recovery: "We do not know if he will be able to keep studying, or work. His future in uncertain."[60]

52 GIEI interview E22.

53 GIEI interview E42.

54 GIEI interview E39.

55 GIEI interview E41.

56 GIEI workshop TR3.

57 GIEI meeting RR2.

58 GIEI interview E36.

59 GIEI interview E97.

60 GIEI interview E36.

Their relatives, in turn, had to adjust their routines and schedules to ensure that someone will be there to take care of the injured person. The treatment also entails significant costs, be it for medical attention – appointments, medicine, etc. – or private transportation, for instance: "our lives have changed."[61]

In addition to treating their long term damages and seeking their rehabilitation, families of victims also have to face fear on a daily basis: because they are survivors of violent events, and often witnessed those events, the families fear that something might happen to them. Some people mention their desire to participate in protests, demonstrations, but they are very afraid, so they stay home. In many cases, the families have received threats, such as individuals in trucks asking about the wounded victim.

The gravity of the long term consequences of the injuries and the ensuing suffering brings up feelings of pain and anger to the victims and their families. Several months after the first violent events, the wounded victims and their families still live as if everything occurred a little while ago: "The truth is that it is not easy to remember, because these wounds will not heal quickly, [...] and although we have him here with us today, it feels like he was almost gone just a week ago."[62]

8. "We are poor, but we have dignity": Revictimization

In the context examined by the GIEI, there are several examples of revictimization experienced by the victims and their families. One of them relates to the consequences of their struggle for justice and search for the truth. In this regard, presenting a complaint before the competent authorities, politically organizing, speaking to the media, to mention a few examples, meant suffering new forms of violence, such as threats against their integrity, stigmatization, etc.: "They call us terrorists because we claim for justice. We are left completely vulnerable."[63]

Another example involves the home visits by public officials to offer them psychological assistance, monetary compensation or a new home. To begin with, they do not trust State agents, and these services were sometimes contingent on them signing a resignation form to relinquish their right to an investigation: "you can get a new house, just sign this form and the State will help you."[64]

It is also worth mentioning that, at first, the Minister of Health personally paid visits to some families, which was perceived as a form of intimidation. Likewise, there were visits by public officials from the Ministry of Family and Mayor's Offices, who offered money in exchange for "not going forward with the complaint, and letting the dead rest in peace."[65]

Later on, public officials from the health system, such as psychologists, also paid home visits to offer assistance. What should have been a gesture of reparation and acknowledgment of the State's responsibility for the violations, became one more instance of threat and harassment to the families. "The government wanted exoneration for the murder committed at its orders. That is why it sent those people. As if the government was trying to preserve lives. ¿Is that not what the Minister of Health says, that they protect lives?, but the hospitals denied assistance to the boys."[66]

It is important to point out that, in these cases, the revictimization targets certain actors and groups, and aims at weakening and subduing them, defeating their willpower and making them surrender their rights,

61 GIEI interview E36.

62 GIEI interview E97.

63 GIEI interview E102.

64 GIEI interview E29.

65 GIEI interview E6.

66 GIEI interview E46.

and in the worst cases, silencing those individuals or groups who do not agree with the government.

In conclusion, victims and their families suffered revictimization in many occasions, which sparked even more outrage: "We are poor, but we have dignity."[67]

9. The economic impact on the families

Since most of the deceased were young males or young adults, they had a relevant share in the family income. Moreover, many families affected were underprivileged, and lived in precarious or humble homes. Due to this circumstance, their deaths caused economic hardship, and even food insecurity for the family. In some more serious cases, the deceased was the family's breadwinner, so the female spouse who, for instance, was a housewife, had to start working to support the family, selling goods on the streets or performing other informal jobs, in addition to taking care of the children.

Due to the pain of losing a son, many mothers spent some time at home in mourning, not being able to work or not working as often, which resulted in a precarious financial situation and, in many cases, starvation. These families had to resort to the help from neighbors, bosses and other acquaintances who financially supported them. The loss of a child was aggravated by the need to find means of survival.

The families of the deceased often did not even have the means to pay for the coffin and the vault in the cemetery, which entailed extraordinary costs for them. These families had to resort to neighbors, friends, social organizations and movements for financial support to cover the costs of the funeral rituals. "Even dying is expensive. But people helped us with money. I had to buy a little piece of land [in the cemetery] to bury him. Thank God I got that support. We also had to buy the coffin,"[68] said one mother.

The displacement of family members also causes financial hardship, since escaping to other countries depends on means of transportation and additional costs. These costs affect those who escape – because they arrive at their destination with little or no means – and also those who stay in Nicaragua, since they used all their savings or took loans to send their relative away to protect their life. The relatives who stay often have to support the one who fled, periodically sending them money, since they cannot work in another country due to their irregular situation.

The reduction in the family income also jeopardizes or impedes the continuation of the studies of children and youths, as some interviewees observed. University or language studies, for example, are no longer a priority for the families when lives are at risk, or when there is no money for food. The GIEI heard stories about youths who were about to obtain their degree, but had to quit studying due to financial hardship.

In the case of the detainees, traveling to visit them or attend their trials, bringing them food and other necessary items during their imprisonment, and supporting them in other ways, imply heavy economic costs for families that come, in many cases, from other cities.

Thus the economic impact on the families is yet another consequence of the violations that took place in Nicaragua since April 18th, 2018.

10. The detentions: Scars on the body and soul

"Maybe you will see me crying, I am going through a very psychologically tough situation. I have not

67 GIEI interview E67.

68 GIEI interview E62.

been able to sleep day and night, or be at peace in my personal life because of the situation in Nicaragua."[69] That is how one interview began. The person interviewed was detained, tortured, and is currently displaced because of the violations and the threats received.

As explained in Chapter VII of this report, the detentions in the period from April 18th to May 30th were used to discipline, and targeted persons who participated in the demonstrations. Those detentions were one of the strategies used to cause terror and dissuade people from protesting against the government. In addition to the immediate demobilization, the detentions often resulted in cruel, inhuman and degrading treatment. The GIEI was able to observe the effects of detention in persons who were deprived of their liberty and in their families.

The main characteristic of the detentions, from the viewpoint of the families and the detainees themselves, is the arbitrariness that marks the moment of the arrests, the duration of the investigation and the entire criminal proceeding. These detentions do not comply with the minimum conditions of respect for human rights and dignity, and do not follow legal procedures either, which generates feelings of hatred and injustice.

We can also assert that the early moments of the detention, in general, are characterized by forced nudity, intimidation, torture and humiliations practiced on the streets or at houses where the detainees were irregularly held or, even, at *El Chipote*. These practices aimed at overwhelming the detainees, in order to dissuade their political participation, and force them to identify other persons involved in the protests, or crush them subjectively and then declare them guilty of a criminal offence.

The conditions of detention described included dirty cells in precarious conditions, with no mattress and no ventilation. Additionally, persons were detained in their underwear – not being able to change them – for months.

As a result, according to many accounts of family members, the detainees got sick during and after their deprivation of liberty, but received no medical assistance. With regard to women deprived of liberty, there are reports of gynecological diseases caused by the lack of minimum conditions of hygiene. There are also cases of persons who have illnesses that require them to take medications regularly, but the prison facilities did not provide the medicine or let the families bring it to them.

The GIEI was also informed about the practice of solitary confinement under precarious conditions, insults and threats, which cause significant psychological damage.

Moreover, judicial hearings often took place behind closed doors, at unusual times – or the time would suddenly change – so the families generally could not attend them. The detainees also did not have enough time with legal counsel or the proper facilities to prepare an adequate defense.

The lack of information about the detainee and the limited contact during family visits also cause them extreme anguish. For the person deprived of liberty, not being able to communicate with their family, talk about their conditions of detention, ask for health assistance and other needs is extremely difficult.

On the other hand, when the family does not have information about the detainee, they face constant institutional challenges to find out about the conditions of their loved one and their needs.

Most families were not able to have direct contact with the detainee, since the visits were restricted and short, usually carried out in parlors through glass windows with telephones. Families also reported that food items and clothing brought by them were not delivered to the detainees.

What is worse, due to the lack of information, the limited visits, the threats received, many relatives, especially those who live in other parts of the country, would sleep for nights on the street in front of the detention centers, in hopes of finding out something about the detainee.

69 GIEI interview E58.

This situation generated additional costs for the families – who had to travel to Managua or Tipitapa, where *El Chipote*, *La Modelo* and *La Esperanza* prisons are located, in order to bring food items, clothing and other items to the detainees. Their mothers and wives, in general, are also responsible for raising the children. Therefore, in addition to visiting them, making sure that they receive their package and fighting for their rights, these women also become the breadwinners of the families.

Some persons also reported frequent psychosomatic disorders, such as acute headaches, insomnia, stomach pain, among others. In terms of psychological effects, many persons mentioned in the interviews and workshops that they had been suffering, almost permanently, from persistent fear and feeling of danger and persecution.

11. "Other than Managua, the largest city of Nicaragua is San José": The forced displacement

Since April 18th, 2018, the atmosphere of insecurity and threat forced thousands of persons to abandon their homes and move to other neighborhoods, municipalities, regions and even other countries in search of refuge to protect their lives and their families. Displacement was the only solution that they could find: "¿What can be worse than leaving your country?"[70]

Hundreds of Nicaraguans were forced into internal displacement and thousands had to flee the country to protect their life, personal integrity and liberty: "They would either kill us or arrest us."[71] As previously mentioned, just the statistics of persons who escaped to Costa Rica are daunting, tens of thousands.[72] According to the IACHR, "at the time of the visit [in October], there were a total of 40.386 people who had expressed a need for international protection in Costa Rica."[73]

In many cases, displaced persons feel guilty for abandoning their country during such a difficult situation, which exacerbates the emotional impact of displacement: "This feeling of abandoning a bleeding nation is immoral to me. [...] When my name appeared in an arrest warrant, I went to a safe house, then I had to escape. I decided to come, but I had to leave my granddaughter and my son."[74]

The process of leaving Nicaragua and arriving in another country was extremely painful and excruciating. Due to the threats during displacement, people had to leave only with the clothes that they were wearing, hide during the day and travel during the night, avoiding checkpoints, crossing rivers, paying fees and, at all times, they feared being detained or killed: "Our trip was very hard, we had to cross over the hill, we endured hunger, thirst, sunburn, some people got sick. We crossed over the hill, some of us had to walk for 8 days, others 12 days. We were forcedly displaced, the police and paramilitaries were chasing us, but we arrived. We made contact with people who knew the border, because we had to avoid official checkpoints and Nicaraguan authorities, so that cost us a lot of money. Some were in large groups, others in small groups, some of us were arrested by the police."[75]

The displaced persons also report that there are persons linked to the Nicaraguan government walking around San José and other parts of Costa Rica, in search of those who escaped. Thus even the displaced persons do not feel safe. They often stay indoors most of the day and do not go outside at night. Some do not trust other displaced Nicaraguans, so they isolate themselves. In the direst cases, they use fake names to hide their identity.

70 GIEI workshop TR3.

71 GIEI workshop TR1.

72 According to the United Nations High Commissioner for Refugees (UNHCR), as of July 2018, Nicaraguan citizens had presented 23.000 requests for asylum just in Costa Rica. Press Release: UNHCR, Press Release, "UNHCR steps up its response as thousands flee violence in Nicaragua", 31 July 2018.

73 IACHR. Press Release 233/18 – Preliminary observations on the working visit to monitor the situation of Nicaraguans forced to flee to Costa Rica. November 1st, 2018.

74 GIEI workshop TR3.

75 GIEI workshop TR1.







1/ Roadblock in Monimbó, Masaya
2/ Children playing at a roadblock
3/ Drawing made by children during a GIEI workshop

11.1 "My life has been shattered": Life in exile

Many persons and families who had to relocate lost what little they had, and sought refuge, mainly in Costa, in precarious conditions because of their scarce financial resources.

In some cases, they found support in shelters or religious centers that offered them a safe place to live, food, productive activities and psychological care. Costa Rican non-governmental organizations have also provided support for them. However, those resources are not enough to offer emergency humanitarian assistance for thousands of persons who are still living on the streets.

They are unable to work because they do not have legal refugee status, so they cannot find stable jobs and must resort to looking for informal work every day, which causes them intense anguish: "The doors are closed because we cannot work in our profession."[76] Thus displaced persons feel out of place and do not have the necessary references to lead a normal life: "We feel like stray dogs."[77]

Consequently, hunger is a constant in their lives, and many times they do not have enough money to eat three times a day: "Yesterday I did not have breakfast. I only ate at 7pm. [Today] I came [to the GIEI workshop in the morning] without breakfast."[78]

As previously mentioned in this chapter, in the case of university students, many could not continue their studies because they do not possess the required documentation, or they have not been able to work in their field of choice because they cannot certify their previous studies. This leads them to work in anything just to survive, with scarce resources for their basic needs.

Living through the loss of everything that is important for them, such as their loved ones, land, housing and customs, deeply affects their emotional life, and they have to rebuild from scratch in very precarious and unfavorable conditions.

11.2 "We all want to and we will return"

Displaced persons are emotionally affected by all the aforementioned reasons. One of them related, concisely, how he suffers due to the conditions: "My mental health is critical because I do not sleep, I cannot stop thinking about my family, the wasted time, the lack of information about my family, not knowing if this struggle was worth it, and the uncertainty about what will happen. [...] I am afraid to go back to my beautiful Nicaragua. [...] I cry every day. Every day, day in, day out. Not because I am a child, but because I miss my home, my family, my freedom of movement, everything that was taken away from me, my freedom."[79]

The abrupt departure to guarantee their life, and the arrival in another country where they live in precarious conditions have forced these persons to create a social support network, and count on people that they meet along the way. The challenges faced by them increase their desire to return to their country of origin, which they did not want to leave. But the risk is too great: "Survival is very difficult here. But it is even harder to know that we cannot return to our homes, because they will kill us if we do.[80]

Another person who participated in one of the GIEI activities succinctly described the desire to return, and also the unfeasibility of doing so: "I wish to grab my little bag and return, but it is not convenient."[81]

76 GIEI workshop TR3.

77 GIEI workshop TR 1.

78 GIEI workshop TR1.

79 GIEI interview C28.

80 GIEI interview C28.

81 GIEI workshop TR1.

While they are unable to return, the displaced persons find ways to survive and deal with the hardships. Many of them previously participated in civil society organizations and movements; but even in these cases, they now feel the need to be more organized and strengthen their movement. Reuniting with other Nicaraguans is seen as an important element of strengthening and solidarity, since it allows them to identify common needs and find shared solutions. They have been able to find means and conditions to denounce from abroad what is happening in Nicaragua and also in exile. Accordingly, they have built support networks among Nicaraguans and Costa Ricans, shared security measures, information and developed strategies to, ultimately, return to Nicaragua.

C. DIFFERENTIATED IMPACTS OF THE VIOLENCE

1. Monimbó: The rebellious community

The violations within the temporal jurisdiction of the GIEI affected indigenous peoples in a particular way. For instance, the impossibility of performing funeral rituals according to their tradition, due to the presence and harassment of police and pro-government shock groups means, for the people of Monimbó, in Masaya, that the decease person cannot rest in peace.

"The funeral rituals also affected us because, as of May, we were unable to perform the rituals the way we usually do. That is to say, we have certain activities at night, some in the morning, and prayers throughout the week, but we could not do that because we were being harassed. Some people would not even come to the wakes, since they last from 6pm until 2 or 3 in the morning, we call a spiritual guide, but they would not come out of fear. And we suffered attacks, such as the attack on May 10th. We could not perform [the wake]. So many people believe that these spirits, these souls, have not been put to rest, they are still haunting around. [...] We believe that these spirits are not resting in peace, but they insist on having peace, they want to rest, and we have to give them that."[82]

The presence of the police and pro-government shock groups also affected the agricultural activities of this indigenous population. In addition to the cultural impact, due to the impossibility of performing traditional rituals, there may be consequences related to their food security:

"We could not carry out the celebration of San Isidro, which is on May 15th and initiates our farming cycle, our farming calendar. We could not celebrate it, we just performed a mass. The procession and other celebrations were not possible. We did not perform the nocturnal wake, the wake of the seeds and the other rituals. Thus this year there were many storms that damaged our crops. Next year, according to the elderly, we will not have enough food and we will starve. That is the prediction of the elderly."[83]

They were afraid of taking care of the harvest because the police forces and pro-government shock groups conducted surveillance in these zones, and threatened the residents of rural areas: "Some [could harvest], but not all. Some decided that it was better to survive with just what they had. Those who managed to harvest, some lost their crops because they did not care for them properly out of fear, since the paramilitaries would arrive in these rural areas and fire shots in the middle of the corn fields. That scared folks, because they thought 'what if I am on the corn field, and I get hit by a bullet and die...' The paramilitaries were so paranoid that they raked their guns, they thought there were rebellious youths everywhere."[84]

82 GIEI interview C25.

83 GIEI interview C80.

84 GIEI interview C25.

In addition to the threatening presence of police forces and pro-government shock groups, there are prohibitions that impede the performance of some traditional activities, and subject those rituals to political decisions: "[…] just this past November 2nd, we usually have a celebration that starts at 4am, but it was prohibited, the police prohibited any celebrations without their prior authorization. Thus in order to celebrate something, we have to ask the police for authorization, and if it is not endorsed by the political secretary of the neighborhood or by someone from the party [FSLN], they do not allow it. For us, this has been a tremendous setback. We feel trapped."[85]

Finally, the context of violence has particularly affected the elderly, who find themselves trapped, although some of them have participated in the mobilization: "Many of the elderly have been confined, they only stay indoors. Only the younger ones, between the ages of 60 and 70, have participated [in the demonstrations], but those older than 70 do not go out, out of fear."[86]

Similar to the rest of the Nicaraguan population in general, this context reminds the indigenous population about the events during the revolution and war in the 1980s. For the elderly, however, these memories bring along worries: "The elderly are very frustrated because they feel like history is repeating itself, only this time it is going to be worse, they feel frustration because they thought that there would be no more war, but now they think there could be war again. They also worry that starvation might also happen again."[87]

Some Monimbó residents observed that this context also reactivated the strategies of resistance and solidarity among peoples that were previously very close: "We used to call the reunion of all indigenous peoples of the region '*La Manquesa*,' […] we were very united: Monimbó, Niquinohomo, Masatepe, Nandasma and Diriamba, all of these […] were called *La Manquesa*, since we speak *mangue*, and it was curious to see [in the first weeks of the repression] *La Manquesa* resuscitated for everything […], we received help from these brothers here in Monimbó. They supported us a lot during the confrontations, bringing supplies, food items, because many families are in poverty."[88]

Moreover, this context is helping to strengthen the indigenous identity and recapture traditional culture through the generational interchange in the trenches and demonstrations: "The trenches allowed, in my opinion, a closer contact between the elderly, the older person, and the youth. […] Starting from 6pm, the elderly would arrived in the trenches, they would cook right there in the trenches, and that was something very peculiar, how we lived in community, and there were many conversations about culture, tradition, about what happened during the war, how they also used cultural objects to fight. […] I feel that these conversations helped the youths to incorporate our own elements, of our community, and also understand how we experienced the 80s revolution. […] The old market was looted and many [traditional] masks were left on the ground, so they picked them up and put on these masks during confrontations against the police, as if to defy power. […] In our community, women cannot hold the rod [symbol of leadership among the indigenous persons] or play the drum. For me it was like a cultural revolution, both internally and in the eyes of Nicaragua, to see women playing the drum and holding the rod. People always say that […] 'Monimbó is the indigenous community, the rebellious community,' and they were talking about Monimbó again. [The youths] like the fact that they are talking about Monimbó again, […] now everybody feels like a true Monimbó resident, so I believe that […] this promoted the pride of the youths to say 'I am from Monimbó, I am indigenous.'"[89]

85 GIEI interview C80.

86 GIEI interview C25.

87 GIEI interview C25.

88 GIEI interview C80.

89 GIEI interview C80.

2. "I have no one with whom to play soccer": Impact on children and adolescents

The violent events that recently took place in Nicaragua specifically affected children, who experienced everything directly and closely, since the human rights violations targeted members of their family and their communities.

With regard to children who lost a loved one to the violence, that loss is felt daily and conveyed through requests for pictures, drawings that express pain, and questions about the deceased: "[…] he locks himself in his room, takes his brother's stuff and starts to cry. They shared many things together. They used the internet, watched television together, talked. Now they can't do that […] anymore."[90]

These losses psychologically damaged the children and deprived them of their most important ties. Their emotional development was affected because they now lack their reference and identification figures: "Her uncle used to teach [the girl]. [Now] she does not have her uncle anymore to help her. This brings up a psychological consequence to her life due to her tender age, it is not the same as an adult. It is harder for a child."[91]

Some children were eyewitnesses to murders and other violent acts, which is an experience that will remain in their memories and influence their future. They were in the middle of the repression, had to dodge bullets and saw their relatives dead on the streets, with serious injuries, waiting for medical assistance, for example.

This impact can also be observed in the games they play, which reflect social division, arms and conflicts. During the interviews and workshops carried out by the GIEI, we heard that many boys, girls and adolescents play with sticks that look like mortars, imitating what they see daily. "In my youth, as a child, I did not play like that. And to see children, my cousins' children, my neighbor's children play with guns made of sticks, pretending to be mortars, or guns, and saying that 'you are the police, you are murderers', and that 'we are blue and white', that is to say, this will have serious consequences in the development of these children."[92]

Children's lives are also tainted by fear, which is expressed when they hear noises on the street, for instance, especially at night. As a result, children have lost interest for everyday activities, school, games and walks in the park. Their families also fear that something might happen to them on the way to school so, many times, they prefer that the child misses school than take the risk.

Moreover, the participation of police and pro-government shock groups in the violent events makes children fear those persons when they walk by specific places, or hide when they see someone in uniform. This makes them live in a paradox, since the threats and assaults come precisely from the institutions that should protect the people. There are even reports about how the children used to feel safer when there were roadblocks around the city and neighborhood than after the "cleaning" operations were carried out, and the presence of the police and pro-government shock groups was intensified: "It is curious, the children used to play on the streets when there were roadblocks, but now they do not play anymore. In other words, the children felt safer with the trenches than now that they are gone. Hearing the children say 'the police kills' is something that might have long term effects for future generations."[93]

As described in this chapter, the escalation of the repression led to the forced displacement of many persons. Many families are now exposed to terrible environmental and hygiene conditions, lack of water and sanitary services. It is worth mentioning that displacement causes particularly negative effects on children and adolescents, especially under such precarious conditions.

90 GIEI interview E46.

91 GIEI interview E107.

92 GIEI interview C25.

93 GIEI interview C80.

According to information provided by the *Federación Coordinadora Nicaragüense de* OSC that works with children and adolescents, an indeterminate number of children and adolescents have been physically and psychologically affected not only because they lost their loved ones, but also because they were injured by rubber bullets, lead bullets, mortars, bullet fragments and war projectiles; they were exposed to tear gas and fire smoke in their homes; and were subject to intimidation for months.

These traumatic experiences of violence, as indicated, when it comes to children, can harm their healthy development. The damage or consequences caused by the violence in the population is expressed not only by persons who lived through it directly or indirectly, but it is also reproduced in future generations. Thus the effects are simultaneously felt by various generations, translate into conflicts between generations, and reappear in different ways in future generations.

2.1 Violated schools

In the first three months of the political crisis, the insecurity and the presence of pro-government shock groups on the streets forced families to refrain from sending their children to school, and at times the authorities ordered the schools to suspend classes: "There are still [hooded individuals] searching for protesters, so I would rather they lose the school year and start again next year."[94] Even the children interviewed by the GIEI expressed that they did not want to attend classes, out of fear of "the men in blue", who might pick them up at school. Families indicated that, when faced with Hilux trucks, for instance, children have strong reactions, such as screaming from fear and peeing themselves.

In many schools, teachers had to reduce school hours for security reasons. Moreover, they developed strategies so the children would not lose the school year, through virtual classes online. In these cases, only teachers would go to school, despite the fear and insecurity, and teach classes online in order to avoid greater damage to the kids.

These changes in schools and the fear to walk around changed the routine of children and adolescents. They started spending a lot of time at home, bored and not being able to see their friends. Not allowed to leave, they did not know what to do with their time: "I feel like a prisoner."[95]

At schools, there were children whose parents or siblings are or were in jail, while others had to leave the country. These experiences deeply affected them, and made it seem like their world had crumbled.

Additionally, they used to have friends whose parents had political opinions that differed from their parents'. That was no longer possible with the political polarization. The children thus felt like they had lost friends.

Although one might think that children do not understand what is going on in the country, in reality they are aware of the situation and the gravity of the events: "People think that I do not, but I understand what is happening,"[96] a child told a school employee. They also express a lot of frustration and anger towards the events, and feel powerless: "I am very angry and I do not know what to do."[97] They are also worried about the well-being of the country and their families: "Mom, we love you, [we do not want] you to suffer anymore. We want to see you happy, and want peace in Nicaragua."[98]

The school students also feel that their future is uncertain: "¿Am I going to study next year or not? ¿Is

94 GIEI interview E107.

95 GIEI meeting RR1.

96 GIEI meeting RR1.

97 GIEI meeting RR1.

98 Drawing made by children. GIEI workshop TR5.





1/ Demonstration against the repression named "Asociación de Mujeres Pico Rojo"
2/ March organized by the Mothers of April
3/ A boy's drawing



Nicaragua going to change or not?"[99] Above all, the adolescents suffer with the uncertainty about the future, which makes them think about other options, including going abroad. They do not know if they will finish high school in 2018, and if they will be able to enter university next year, which harms their plans and projects of life.

On the other hand, the experience of violence triggered feelings of solidarity in them and the ability to resist: "Teacher, ¿what are we going to do? We want to help the roadblocks."[100] The death of Álvaro Conrado, in particular, saddened and disgusted them, but also prompted the desire to do something about it: "¿He went out there to defend me so what am I going to do?"[101]

3. "Women always end up having to step up after violence in Nicaragua"

The feminist movement in Nicaragua has a long history of defense of women's rights. It consists of a diverse group of organizations that work at different levels, but with the same perspective of the rights of women. They have worked as a consolidated network, with the ability to act jointly when the circumstances so require, and have become a political actor both in the struggle for women's rights and in the defense of civil rights. Therefore, they have been able to lead important mobilizations in recent years to question the government and society as a whole, particularly with regard to the control over their bodies, such as Law No. 779[102] and the decriminalization of abortions.

Women have also been active in the defense of territories. Rural workers, for instance, have been very active in relation to the fight against the Great Transoceanic Canal of Nicaragua, the titling of ancestral lands and mining and petroleum explorations in legally protected areas. The indigenous defenders from the *Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua* (CEJUDHCAN) have supported leaders of the communities affected by human rights violations in the indigenous territories of the Northern Caribbean Coast.

3.1 "They wanted to see our pain, but we showed them our courage"

In the current context of Nicaragua, women of all ages have also actively participated in social protests: university students, human rights defenders, feminists, health professionals, among others. As a result of their participation, many defenders and students in various parts of the country have received threats or were detained, including both volunteers and historical feminists.

They have suffered the harassment by pro-government shock groups, threats by the National Police, attacks, denigration of character and stigmatizing campaigns on social media, their inclusion in lists of persons who must be repressed for their participation in protests, and have had their pictures taken, among others. Their children and families have also been threatened. These are some of the strategies used to demobilize female militants, especially those who performed a political role before April 18th.

Through the territorial surveillance system, many female defenders were identified and often denounced by their own neighbors and relatives associated with the government. This made them feel monitored and created confusion.

99 GIEI meeting RR1.

100 GIEI meeting RR1.

101 GIEI meeting RR1.

102 Ley integral contra la violencia hacia las mujeres., Law No. 779. Approved on February 20th, 2012. Published in the Official Gazette No. 35 of February 22nd, 2012.

In the current context, women also had to take center stage in various fronts of resistance. Although males are the majority of dead and injured victims, women have also played a fundamental role to support the resistance in terms or organization, logistics and the struggle for justice.

In this regard, women participated in the organization of committees of support for the victims, supplying them with food items, water, medicine and other urgent needs for the youths on the streets, universities and barricades. They also played an important role regarding forced displacements, both in the escape and in the search for support and humanitarian assistance.

When the repression became more selective and persecution and imprisonment intensified, women were also at the forefront, organizing and providing resources for safe houses to ensure that protected persons were not arrested.

In terms of the fight for justice, also, women are the majority in movements, associations and groups that claim for the release of detainees, accountability for the deaths and reparations. Female faces are noticed on the streets, and at the forefront of demonstrations that kept occurring in Nicaragua during the mandate of the GIEI.

The *Iniciativa Nicaragüense de Defensoras de Derechos Humanos* (IND) has been working with mechanisms for integral feminist protection and psychosocial support in the last few years. They work in collaboration with CENIDH and have played a fundamental role in the defense of human rights during social protests since April 18th.

3.2 The work with victims

During the workshops organized by the GIEI, we found out that many female health professionals are providing voluntary assistance for families of murdered and detained victims. This work often creates risks for them and their families, and they are also threatened and intimidated in their workplaces. Therefore, they conduct what they call "a clandestine psychosocial work,"[103] which they acknowledge as a contradiction, since reparation for the victims includes a social process of recognizing the truth.

In some cases, they lost their jobs because they provided medical assistance to protesters – in line with their Hippocratic oath – or expressed a critical position about the government. In other cases, they had to flee the country to protect their lives.

These situations keep them alert, they have to develop security measures, which makes them tired, exhausted, frustrated, permanently worried and distracted.

Their situation is exacerbated because violent events are still happening in Nicaragua, and this intensifies the emotional impact of these facts, and overwhelms those who are working with victims, and persons and institutions that monitor the situation of human rights violations and provide assistance to victims: ¿How many dead persons are there this morning?,"[104] they ask themselves each morning.

They also observed that, due to security concerns, not everything that they do can be shared with their families, and the latter often do not know exactly what they do, which increases their anxiety, fear and outrage for the violent situations that they live through and hear about from persons assisted by them.

103 GIEI workshop TR8.

104 GIEI interview C55.

3.3 "!Exhilaration is rebellious!": Social protagonism

Despite the serious impact caused by the human rights violations and their responsibilities in the defense of life, women have stepped up to confront and resist this difficult situation. This role often has a high cost for them, not only for those directly affected, but also for those in direct contact or working with victims: "All this pain of the mothers, it makes my body hurt to see them lose their children. Tears flow out of my eyes. The image of the strong woman who has to be there suddenly crumbles during the night."[105] According to the persons interviewed by the GIEI, it is a "paradox between the public image [of strength] and their inherent vulnerability."[106]

Therefore, the conditions and the number roles played by the women may convert into factors of risk for their integral health, in case they do not have the necessary spaces and support to process the painful experiences lived day by day: "If we do not take care of ourselves and become stronger, we will end up mentally broken."[107]

In view of the foregoing, they are searching for remedies: "In this context, we are trying to create a network of self-care that used to target outsiders at first, but it is progressively targeting ourselves." Thus they keep looking for, creating and recreating original ways to care for themselves and face the daily demands presented to them. Tears come up in moments of solitude, when they find time for themselves, but in other moments, they dance or exercise to help release those feelings, process them and move forward. "I play Santana at full volume and start to dance. [..] The sensation of power that takes over me is incredible and I take it with me everywhere I go."[108]

These experiences also helped women find strength and abilities that they did not know they had; they were also useful to find a meaning and a social explanation for the experiences, and so they could take over social protagonism, in addition to fulfilling a role of providing reparations for so much pain. According to the persons who participated in the GIEI activities, there are interesting initiatives about healing and memory evolving in some regions, and these may turn into invaluable opportunities to achieve something never before done in Nicaragua.[109]

In addition to the important psychosocial work performed by various professionals in Nicaragua, the organizations of families – despite the harsh circumstances – meet and develop a fundamental work of support, contention, political articulation and strengthening for victims of these events. In this regard, it is worth mentioning the work carried out by the *Asociación Madres de Abril* and by the *Comité Pro Libertad de Presos y Presas Políticas*. These organizations organize and conduct informative sessions, workshops, prison visits, participate in judicial proceedings, and hold press conferences where they claim for truth, justice and reparation.

According to the persons interviewed by the GIEI, the participation in groups or movements of families helps them process their grief and deal with the hardships. Meetings among victims are also a form of mutual support, relief and restraint, given the relationship of trust and empathy that they have developed: "we take care of each other."[110]

Accordingly, the new roles that women have in this context can represent opportunities not only for self-development, but also to contribute for the reconstruction of a more fair country: "We do not want to go back to the same previous sexist situation, instead we want to progress towards a more equal society, one that recognizes our efforts in this context."[111]

Additionally, some consequences in terms of strengthening can be perceived by the women interviewed by the GIEI: "I feel like another person after April 18th. I feel more powerful, really different, more conscious about my rights as a citizen."[112]

105 GIEI workshop TR4.

106 GIEI workshop TR4.

107 GIEI workshop TR6.

108 GIEI workshop TR7.

109 GIEI meeting RR5.

110 GIEI interview E62.

D. CONCLUSION

The violence launched due to the social protests since April 18th has caused great damage to the families, communities and Nicaraguan society. It has affected coexistence, altered daily life and deepened social polarization. It has caused severe pain and outrage, which intertwine with scars from previous conflicts, and lead to the distancing and distrust of many sectors of society vis-à-vis the State institutions. These wounds will be hard to heal, if there is no integral attention to truth, justice and reparation on behalf of the persons who lost their loved ones; the persons who were injured and left with disabilities; the disappeared persons; the detained and displaced persons; and all the persons who have been affected or hurt by the violence, as well as the persons who suffer persecution and threats for being family members of those.

111 GIEI workshop TR4.

112 GIEI workshop TR4.

XII. DRAFT PLAN FOR FULL REPARATIONS

A. INTRODUCTION

Violence is not a recent issue in Nicaraguan history. The violence described in this report, which occurred recently and is still ongoing, denotes a serious human rights crisis that affects the life, personal integrity, health, personal liberty, right of assembly and freedom of expression, and access to justice. The previous chapters detail not only individual cases of human rights violations, but also the psychosocial impacts on the primary victim, their family, neighborhood and community environment, and the social fabric and mainstay institutions of Nicaraguan society, such as the systems of education and health.

The fundamental starting point of this analysis is that it is necessary to face what happened and conduct a social reflection about not only the immediate causes, but also the profound ones regarding the recent violent acts and their consequences regarding individuals, families, communities and the whole Nicaraguan society. The GIEI considers that this is the only way to break the cycle of political crises, internal armed conflicts, dictatorships and widespread and/or systematic violations of human rights, which have plagued Nicaragua in its recent history. In order to ensure non-repetition and face the future in a healthy manner, that is to say, with a view to building a new social agreement that is based on a more equal and democratic society, with due respect for the rule of law, it is essential to holistically deal with the past and the legacy of widespread and/or systematic human rights violations. Only by doing so, would the State of Nicaragua comply with its domestic and international obligations.

1. FACING THE LEGACY OF HUMAN RIGHTS VIOLATIONS BEYOND THE JURIDICAL COMPONENT

The obligation of States to resolve the problems arising from human rights violations is clearly established in customary law, international and regional jurisprudence, international instruments, and State practice.

The channel through which that obligation is traditionally resolved is the judicial system. However, when faced with widespread and/or systematic violations, and the consequent abundance of alleged perpetrators and victims, the criminal justice system, be it domestic or international, has limitations to provide a response within a reasonable time, and much less a comprehensive response.

In 1997, expert Louis Joinet devised a document named "Set of Principles for the protection and promotion of human rights through action to combat impunity", under the auspices of the UN Sub-Commission on Prevention of Discrimination against Minorities, in which he identified the fundamental rights of victims of human rights violations and the ensuing State obligations in these cases:

- the right to know, both as an individual and a collective right (Principles 1-18);

- the right to justice, at the domestic, regional and international levels (Principles 18-35);

- the right to reparations, including the need to include guarantees of non-repetition (Principles 36-50); and the duty to preserve the collective memory and guard against revisionist arguments (Principle 2).

These four principles have become an essential reference and were updated in 2004 through an independent study by Professor Diane Orentlicher's named "Independent study on best practices, including recommendations, to assist States in strengthening their domestic capacity to combat all aspects of

impunity."[1] Likewise, there are two reports of the Secretary-General of the United Nations about "The rule of law and transitional justice in conflict and post-conflict societies" – the first one published in 2004[2] and the second one in 2011[3] – and the creation of a "Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence" by the Human Rights Council,[4] all of which demonstrate the – theoretical and practical – UN support for issues related to this field, and institutionally associate the concepts of "rule of law", "justice", and "transitional justice".

The first report[5] of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, includes an important argument about the importance to adopt a comprehensive approach to address gross violations of human rights and serious violations of international humanitarian law, that combines the elements of truth-seeking, justice initiatives, reparations and guarantees of non-recurrence in a complementary fashion. Moreover, the Rapporteur explains the goals of this comprehensive approach, which can be divided in mediate and final goals. The two mediate goals are: 1) providing recognition to victims. Not only in terms of acknowledging the victims' suffering, but also recognizing that the victims are the holder of rights; 2) fostering trust, both between individuals and trust of the individuals in State institutions. The final goal consists of contributing to reconciliation and strengthening the rule of law.

Acknowledging from the start the limited scope of each of those principles, it is important to note the interrelation between the four elements mentioned – truth, criminal justice, reparations and guarantees of non-repetition – and search for ways in which one can reinforce the other in order to compensate its individual limitations. That is to say, the various measures must be coherent with one another, and not be conceived as separate and independent initiatives, but rather parts of a comprehensive public policy. Thus integral reparation for the victims and their families must begin with the determination of responsibilities, on the basis of truth and justice. These four mechanisms are complementary and must be included in any plan that aims at restituting the rule of law and ensuring human rights in order to secure peace in the country.

2. THE OBLIGATION TO REMEDY HUMAN RIGHTS VIOLATIONS

Public International Law (PIL) has borrowed the private law thesis according to which the juridical consequence of civil responsibility stemming from the violation of an obligation entails the duty to remedy the damage. Accordingly, every action perpetrated by a State which is categorized by PIL as unlawful, generates the international responsibility of said State, and the subsequent State obligation to provide reparation on behalf of the victim of that illicit act.6

1 United Nations. Economic and Social Council. Commission on Human Rights. Promotion and Protection of Human Rights. Impunity. E/CN.4/2004/88. 2004

2 United Nations. Security Council. The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary General. S/2004/616. 2004.

3 United Nations. Security Council. The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary General. S/2011/634. 2011.

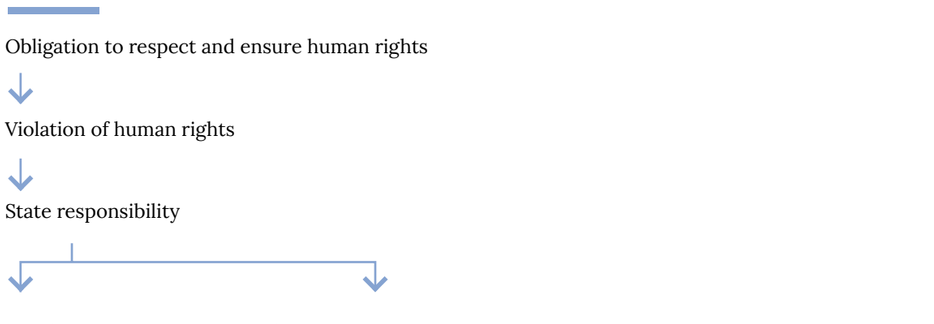
4 United Nations. General Assembly. Human Rights Council. A/HRC/18/L.22. 2011. This resolution was co-sponsored by 75 States from different regions, and approved by consensus, and it is a relevant contribution of the Council based on existing international law (see "Considering" paragraphs), which aims at establishing responsibility for human rights violations through a comprehensive approach.

5 United Nations. General Assembly. Human Rights Council. Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. A/HRC/21/46. 2012.

6 "It is a principle of international law that the breach of an engagement involves an obligation to make a reparation in an adequate form." PERMANENT COURT OF INTERNATIONAL JUSTICE. Judgment of 13 September 1928, *Chorzow Factory* case (Germany v. Poland), Serie A, No. 17. See also: International Court of Justice, Merits Judgment of June 1959, *Corfu Channel* case (United Kingdom of Great Britain and Ireland v. Albania; and International Court of Justice, Merits Judgment, *Military and Paramilitary activities in and against Nicaragua* (Nicaragua v. USA), 1986. This principle devised by the Permanent Court of International Justice and ratified by the international jurisprudence, has been reiterated by the International Law Commission (Report of the International Law Commission – 53rd period of sessions (23 April – 1 June, and 2 July – 10 August 2001), UN Document, Supplement No. 10 (A/56/10), Chapter IV, "State responsibility".

The transition of that obligation from bilateral State relations to the context of human rights has been gradual. International Human Rights Law (IHRL) progressively became the law applicable to intra and inter-State relations, that is to say, it contemplates the relations between States and human beings within their respective jurisdictions.7 Therefore, State obligations arising from IHRL have juridical consequences regarding individuals or groups of persons subject to the jurisdiction of a certain State and the ensuing rights.

State responsibility arises when it violates the primary obligation to respect and ensure internationally recognized human rights. Said obligation includes the duty to ensure, which translates into the legal obligation to prevent human rights violations, carry out serious investigations about the violations committed within its jurisdiction, in order to identify those responsible, impose the appropriate punishment, and provide reparation for the victims.



This obligation to provide reparation is included in multiple international instruments, both universal and regional, such as: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the American Convention on Human Rights, and the Rome Statute of the International Criminal Court. It is also affirmed in the jurisprudential development of international human rights courts.

7 The Inter-American Court emphasized this development, and noted the European jurisprudence on the topic. "The Court must emphasize, however, that modern human rights treaties in general, and the American Convention in particular, are not multilateral treaties of the traditional type concluded to accomplish the reciprocal exchange of rights for the mutual benefit of the contracting States. Their object and purpose is the protection of the basic rights of individual human beings irrespective of their nationality, both against the State of their nationality and all other contracting States. In concluding these human rights treaties, the States can be deemed to submit themselves to a legal order within which they, for the common good, assume various obligations, not in relation to other States, but towards all individuals within their jurisdiction. The distinct character of these treaties has been recognized, *inter alia*, by the European Commission on Human Rights, when it declared 'that the obligations undertaken by the High Contracting Parties in the European Convention are essentially of an objective character, being designed rather to protect the fundamental rights of individual human beings from infringements by any of the High Contracting Parties than to create subjective and reciprocal rights for the High Contracting Parties themselves. (Austria vs Italy, Application No. 788/60, 4 *European Yearbook of Human Rights* 116, at 140).' The European Commission, relying on the preamble to the European Convention emphasized, furthermore, 'that the purpose of the High Contracting Parties in concluding the Convention was not to concede to each other reciprocal rights and obligations in pursuance of their individual national interests but to realize the aims and ideals of the Council of Europe [...] and to establish a common public order of the free democracies of Europe with the object of safeguarding their common heritage of political traditions, ideas, freedom and the rule of law (*Ibid.* at 138)'." I/A Court H.R., *The effect of reservations on the entry into force of the American Convention on Human Rights (Arts. 74 and 75)*, Advisory Opinion OC-2/82, requested by the IACHR, September 24, 1982, (Ser. A) No. 2, para. 29.

The Inter-American System of Protection of Human Rights (ISHR) is particularly rich on the topic.[8] State practice also reinforces this obligation when it complies with decisions of regional and international courts, and due to the fact that there was no opposition regarding the existence of an international right of victims to reparation, during the discussions of the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," which were finally approved in December 2015 by the United Nations General Assembly.[9]

With regard to this obligation of States to provide reparation for victims of human rights violations, it is worth stressing some particularly relevant elements to the context in Nicaragua:

Given that the State incurs in responsibility when it does not comply with its obligation to respect and ensure internationally recognized human rights, the State is responsible both for "acts or omissions by agents of any State branch or organ, irrespective of their rank, committed by virtue of their official status, even if they act beyond their sphere of competence, that violate the American Convention. Indeed, any situation that impairs the human rights recognized in the American Convention that can be attributed, under international law, to an action or omission committed by a public authority constitutes a deed that can be ascribed to the State and for which it is internationally responsible under the provisions of the Convention itself and of general international law." The IACHR asserted the foregoing in its June 2018 report about "Gross Human Rights Violations in the Context of Social Protests in Nicaragua."[10]

The Commission also observed, "that being so, in order to establish whether a violation of the human rights established in the Convention has occurred, it is not necessary to determine, as it is in domestic criminal law, the guilt of the authors or their intention; nor is it necessary to identify individually the agents to whom the acts that violate the human rights embodied in the Convention are attributed."[11]

Moreover, the obligation to provide a remedy arises when the human rights violation is imputable to both State agents (obligation to respect) and private actors (obligation to ensure).[12] In its recent report about Nicaragua, the IACHR asserted that, "as the I/A Court has ruled, assigning responsibility to the State for acts committed by private individuals may be legitimate in cases in which the State, through acts or omissions of its agents that are supposed to be acting as guarantors, fails to comply with the obligations set forth in Articles 1.1 and 2 of the American Convention."[13] Hence, as guarantors of social and public order, States are duty-bound to investigate and punish all acts of violence that occur, punish their perpetrators, and make appropriate reparation to the victims.[14]

Finally, according to the principle of continuity of the State, and since it is a State obligation and an institutional responsibility, new governments are responsible for providing reparations regarding human rights violations committed by previous governments.[15]

Although the traditional channel to determine reparations is a tribunal, "when faced with widespread or systematic violations of human rights, the judicial adjudication regarding reparation becomes problematic, since it was conceived as a means of resolution of isolated individual cases."[16] Additionally, "decisions, as outcome of such a legal process, may be of considerable importance for the applicant victim, but would not in itself have an effect on other victims who may find themselves in similar situations as a result of gross and systematic violations of human rights."[17]

For about thirty years, international doctrine and State practice have been developing a model response related to the obligation to provide reparations in this context: the design and establishment of administrative programmes of reparations that allow for a global response to the consortium of eligible victims through an array of measures of different nature (symbolic, material) and modalities of distribution (individual, collective).

One important element to support the practice of establishing administrative reparations programmes of global scope is that, according to IHRL, and unlike the judicial adjudication regarding reparations, a person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.[18]

Given the context in Nicaragua, it is also important to note that, the condition of victim according to IHRL may be granted regardless of the previous conduct of the person, that is to say, it does not depend on the lawfulness or morality of the previous conduct of the harmed person – it only depends on the existence of a human rights violation – and the principle of non-discrimination prohibits different treatment for reasons such as political opinion.[19] The jurisprudence of the Inter-American System on reparations reinforces the foregoing: once it is found that a violation of the American Convention occurred and the ensuing reparations are determined, the I/A Court only qualifies the conduct of the

8 "As the Court has indicated, Article 63(1) of the American Convention codifies a rule of [customary] law that is one of the fundamental principles of contemporary international law on State responsibility. Thus, when an unlawful act occurs that can be attributed to a State, the latter's international responsibility is immediately engaged for the violation of an international norm, with the resulting obligation to make reparation and to ensure that the consequences of the violation cease." I/A Court H.R. Case of Trujillo Oroza Vs. Bolivia. Reparations and Costs. Judgment of 27 February 2002, para. 60. See also: I/A Court H.R. Case of Cantoral Benavides Vs. Peru. Reparations and Costs. Judgment of 3 December 2001. Serie C No. 88, para. 40; I/A Court H.R. Case of Cesti Hurtado Vs. Peru. Reparations and Costs. Judgment of 31 May 2001. Serie C No. 78, para. 35; I/A Court H.R. Case of the "Street Children" (Villagrán Morales *et al.*) Vs. Guatemala. Reparations and Costs. Judgment of 26 May 2001. Serie C No. 77, para. 62; I/A Court H.R. Case of Bámaca Velásquez Vs. Guatemala. Reparations and Costs. Judgment of 22 February 2002. Serie C No. 91, para. 38.

9 United Nations. General Assembly. Resolution adopted by the General Assembly on 16 December 2005. "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." A/RES/60/147. 2006. This document also stresses, in its Preamble, that "the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law […]."

10 I/A Court H.R. Case of González *et al.* ("*Campo Algodonero*") Vs. Mexico. Preliminary Exception, Merits, Reparations and Costs. Judgment of 16 November 2009. Serie C No. 205, para. 234; I/A Court H.R. Case of Cantoral Huamanï and García Santa Cruz Vs. Peru. Preliminary Exception, Merits, Reparations and Costs. Judgment of 10 July 2007. Serie C No. 167, para. 79; and I/A Court H.R. Case of Kawas Fernández Vs. Honduras. Merits, Reparations and Costs. Judgment of 3 April 2009 Serie C No. 196, paras. 72 and 73.

11 IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua. June 21st, 2018, p. 25.

12 "An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention." I/A Court H.R. Case of Velásquez Rodríguez. Honduras. Merits. Judgment of 29 July 1989. Serie C No. 4, para. 172.

13 I/A Court H.R. Case of the Mapiripán Massacre vs. Colombia. Preliminary Exceptions. Judgment of 15 September 2005, Serie C, No. 134, paras. 111 and 112; I/A Court H.R. Case of the Moiwana Community vs. Suriname. Preliminary Exceptions, Merits, Reparations and Costs. Judgment of 15 June 2005, Serie C, No. 124, para. 211; I/A Court H.R. Case of the Gómez Paquiyauri brothers vs. Perú. Merits, Reparations and Costs. Judgment of 8 July 2004, Serie C, No. 110, para. 91; I/A Court H.R. Case of the 19 Merchants vs. Colombia. Merits, Reparations and Costs. Judgment of 5 July 2004, Serie C, No. 109, para. 183; I/A Court H.R. Case of Maritza Urrutia vs. Guatemala. Merits, Reparations and Costs. Judgment of 27 November 2003, Serie C No. 103, para. 71; I/A Court H.R. Case of Bulacio Vs. Argentina. Merits, Reparations and Costs as. Judgment of 18 September 2003. Serie C No. 100, para. 111.

14 IACHR, Gross Human Rights Violations in the Context of Social Protests in Nicaragua. June 21st, 2018, p. 25.

15 "According to the principle of the continuity of the State in international law, responsibility exists both independently of changes of government over a period of time and continuously from the time of the act that creates responsibility to the time when the act is declared illegal. The foregoing is also valid in the area of human rights although, from an ethical or political point of view, the attitude of the new government may be much more respectful of those rights than that of the government in power when the violations occurred." I/A Court H.R. Case of Velásquez Rodríguez. Honduras. Merits. Judgment of 29 July 1989. Serie C No. 4, para. 184.

16 DE GREIFF, Pablo. "*Justicia y reparación*", *in* Catalina Díaz (editors), *Serie justicia transicional - Reparaciones para las víctimas de la violencia política. Estudios de caso y análisis comparado*. International Center of Transitional Justice, 2008, p. 308.

17 United Nations. UNHCHR. Rule-of-law tools for post-conflict States. Reparations Programmes. New York & Geneva, 2008, p. 7.

18 United Nations. General Assembly. Resolution adopted by the General Assembly on 16 December 2005. "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." A/RES/60/147. 2006, para. 9.

19 This principle of non-discrimination is one of the guiding principles of interpretation and application of IHRL and IHL. With regard to the duty to provide a remedy, it means that the reparation shall adjust to the international human rights norms without distinction for reasons of race, gender, ethnic origin, opinion, religion, economic condition, etc., and that any measure adopted at the domestic level must respect the principle of non-discrimination at all times.

State and its consequences for the affected persons, indeed, it does not suspend or modify its decision in light of the conduct of the victim.[20]

The following recommendations of the GIEI about reparations are based on the aforementioned standards of international law.

2.1 RIGHT TO REPARATION AND THE PRACTICE IN NICARAGUA

The Nicaraguan Constitution establishes the State's civil responsibility to repair the damages and injuries suffered by individuals in their property, rights and interests, as a consequence of the actions or omissions of public officials in the exercise of their functions. Domestic legislation establishes that, "anyone who, by willful misconduct or a malicious act, causes harm to another, is obliged to provide reparation and damages,"21 and that committing a crime as described by law requires to make reparations and pay damages.22 Moreover, the law indicates that reparations are not limited to strictly material damages, in the sense that it does not exclude moral damages. Hence, in theory, there is a domestic legal channel to request reparations for human rights violations.

In addition to that, the Nicaraguan State is a party to various international instruments that recognize the duty to provide reparations, and the Constitution recognizes the full effects of the rights enshrined in those instruments ratified by the State. In this regard, the State must comply with the judgments of the regional system that order reparations for the victims. The Inter-American Court has declared that the American Convention was violated by the State of Nicaragua in five occasions, and ordered reparations for the victims.

Case of Jean-Paul Genie-Lacayo. On October 28, 1990, Nicaraguan youth Jean-Paul Genie-Lacayo, 16 years of age, was shot to death while driving his car on the road to Masaya. His automobile was machine-gunned by weapons from two or more vehicles in a convoy that was escorting Army General, Humberto Ortega Saavedra. At the site, 51 cartridge shells of Ak-47 ammunition were found. The domestic investigations about his death were full of obstructions, which led the case to be presented before the IACHR (1991), and then before the Inter-American Court (1994). The Court declared that Nicaragua had violated the right to a fair trial, with due guarantees and within a reasonable time, to the detriment of Mr. Raymond Genie, Jean-Paul's father, and set at twenty thousand dollars the amount that the State must pay, exempt from tax, as fair compensation to Mr. Raymond Genie within six months of the date of the notification of the judgment. It is worth mentioning that said payment was rejected by the family of the victim Jean Paul Genie.23

Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. In 1996, the Mayagna Awas Tingni Community was affected by a concession granted by the State of Nicaragua to the Solcarsa corporation

20 In various judgments, the Inter-American Court has ordered monetary compensation and other forms of reparations on behalf of victims who were convicted inmates and alleged guerilla members. The precedents in this regard are abundant and very eloquent. The clearest one is possibly the Case of Bámaca Velásquez, Reparations Judgment of 22 February 2002, Serie C No. 91, in which the victim was captured during an armed confrontation between guerilla combatants and Army forces. The victim, along with his family members, received the maximum reparation possible, regardless of his previous actions. Other examples of victims allegedly involved in criminal or subversive activities who, nevertheless, obtained reparations ordered by the Court, include the following cases: Neira Alegría, Reparations Judgment, 19 September 1996, Serie C No. 29; Castillo Páez, Reparations Judgment, 27 November 1998, Serie C No. 43; Loayza Tamayo, Reparations Judgment, 27 November 1998, Serie C No. 42; Castillo Petruzzi, Judgment on Merits, Reparations and Costs of 30 May 1999, Serie C No. 52; Benavides Ceballos, Judgment on Merits, Reparations and Costs of 19 June 1998, Serie C No. 38; Durand and Ugarte, Reparations Judgment, 3 December 2001, Serie C No. 89; Cantoral Benavides, Reparations Judgment, 3 December 2001, Serie C No. 88; Barrios Altos, Reparations Judgment, 30 November 2001, Serie C No. 87.

21 Interpretation of Articles 2509, 1837, 1838, 1865 and 3106 of the Civil Code, and Article 1123.2 of the Code of Civil Procedure.

22 Article 115 of the Penal Code.

23 La Prensa, *Sanción moral para Nicaragua*, October 25th, 2018.

for the utilization of timber and to manage and utilize the forest in the lands of the indigenous community, without carrying out a consultation process or obtaining prior consent. On August 31st, 2001, the Inter-American Court ruled in favor of the indigenous community, and decided that the State must carry out the delimitation, demarcation, and titling of the territory belonging to the indigenous community, according to customary law. The State must also abstain from carrying out exploitation of those lands by agents of the State or third parties. The Court also decided that the State must invest, as reparation for immaterial damages, in the course of 12 months, the total sum of fifty thousand dollars in works or services of collective interest for the benefit of the indigenous community, by common agreement with the community and under the supervision of the Inter-American Commission on Human Rights. Moreover, the Court considered it equitable to grant the sum of thirty thousand dollars for expenses and costs incurred. In 2003, a lawsuit was filed at the domestic level for non-compliance with the Inter-American Court's judgment by the State.

Case of Yatama v. Nicaragua. Members of the indigenous organization YATAMA, who were representatives of the Autonomous Regions of the Northern Atlantic and the Southern Atlantic Coasts of Nicaragua, mainly Miskitus, were excluded from participating as candidates in the November 2000 elections for Mayor, Deputy Mayor, and Municipal Councilor, since the new Electoral Law did not include the category of public subscription associations among the groups that could take part in the elections. A petition was lodged before the Inter-American System. In 2005, the Inter-American Court unanimously ruled in favor of Yatama, declaring that the State of Nicaragua was responsible for violating the rights to judicial guarantees, judicial protection and political rights under general conditions of equality before the law. The Court also ordered the State, among other measures:

- Reform the Electoral Act to ensure that the members of the indigenous and ethnic communities may participate in the electoral processes effectively and according to their traditions, practices and customs.

- Pay Yatama eighty thousand dollars as compensation for pecuniary and non-pecuniary damages, and reimburse the amount of fifteen thousand dollars for costs and expenses arising from legal proceedings.

Approximately thirteen years since that judgment, the State of Nicaragua has yet to comply with the reparations ordered by the Inter-American Court, which represents a complete disregard for its international obligations.

Case of Acosta et al. v. Nicaragua. On March 25th, 2017, the Inter-American Court issued a judgment determining the international responsibility of the State of Nicaragua for the violation of the right to access to justice, right to truth, judicial guarantees and judicial protection to the detriment of Ms. María Luisa Acosta, lawyer and human rights defender, as well as other family members, such as their children. The judgment concluded that there was an inadequate response from the criminal justice system following the murder of her husband Francisco García Valle, which took place in the city of Bluefields, Southern Caribbean Coast, on April 8th, 2002, presumably carried out in retaliation for her work as a human rights defender of the indigenous peoples of the basin of the Pearl Lagoon. The Court ordered the following measures:

- Adopt the necessary measures to seriously and exhaustively investigate the murder.

- Establish protection mechanisms and investigation protocols for situations of risk, threats and attacks against human rights defenders.

- Pay certain amounts for material and moral damages, as well as reimburse costs and expenses.

With regard to compliance with this judgment, the Ministry of Finance and Public Credit published a Ministerial Decree No. 37-17, in which they acknowledge the judgment of the Court and order the payment of compensation to Ms. María Luisa Acosta, her family and the petitioners in the amount of 239.722 dollars. Moreover, the Attorney General of the Republic and the Supreme Court of Justice have published the judgment in their official websites.

Case of V.R.P. and V.P.C. et al. v. Nicaragua. The girl identified as V.R.P. suffered sexual abuse and anal rape perpetrated by her father, and contracted a sexually transmitted disease. Her mother V.P.C. presented criminal complaints against the father. The domestic investigations and legal proceedings resulted in additional violations of the rights of the child and physical and psychological revictimization. On March 8th, 2018, the Inter-American Court issued its judgment and declared that the State of Nicaragua was responsible for violations of the right to personal integrity and the prohibition against cruel, inhuman and degrading treatment; right to judicial guarantees, respect for private and family life, protection of the family, right to judicial protection, in relation with the general obligations to respect and ensure, without discrimination, and special protection for children, as well as violations of the Convention of Belém do Pará. The Court thus ordered the State of Nicaragua the following:

- Determine the responsibilities of the public officials who contribute to the acts of revictimization and institutional violence, to the detriment of the victim.

- Pay for the medical, psychological or psychiatric treatment on behalf of V.R.P. and V.P.C.

- Provide free treatment through its health institutions for the brother and sister of the victim.

- Pay V.R.P. a certain amount of money to cover the remainder of her professional studies where she resides (in this case, Florida, United States of America).

- Offer a scholarship to the victim's sister at a public institution in Nicaragua.

- Adopt, implement and supervise protocols of investigation and conduct of legal proceedings related to children and adolescents victims of sexual violence.

- Create a specialized figure to provide free legal assistance to victims.

- Pay certain amounts for pecuniary and non-pecuniary damages, as well as reimburse costs and expenses.

There is no information about the State's compliance with this judgment to date.

However, there are important domestic precedents, since the State must establish national programs of reparation and assistance to victims when the perpetrator is unable or unwilling to fulfill their obligations. Indeed, the State of Nicaragua has devised and implemented programs of reparations through legislation directly related to different past periods of internal armed conflict and gross human rights violations. For example:

- Law No. 98 of May 22nd, 1990, which guarantees rights and benefits for persons with war disabilities who belonged to the Sandinista Popular Army and the security and internal order forces of the State;

- Law No. 119 of December 17th, 1990, which grants benefits to war victims, including subsidies, compensation, life-long pensions, protheses, rehabilitation, not only for members of the Army, but also others involved in the civil war; and

- Law No. 830 of February 13th, 2013, the Special Law for the attention to former combatants for Peace, Unity and Reconciliation.

The last one is possibly the most relevant precedent, since it contemplates the integrality and complementarity of various types of reparation measures, as well as an inclusive notion of victims, with a gender perspective. Said previous domestic experience will inform, to a certain extent, the recommendations of the GIEI.

B. PLAN OF INTEGRAL REPARATIONS AND ITS PROGRAMMES

1. OBJECTIVES AND GENERAL PRINCIPLES

The Plan of Integral Reparations (PIR) recommended by the GIEI has the general goal of "making reparations for the human rights violations, as well as the social, moral and material damages or losses suffered by the victims of the violent events arising from the social protests that began on April 18th, 2018," and is characterized by its complementarity with other mechanisms regarding the search for the truth, criminal justice and guarantees of non-repetition.

That general objective can be divided in the following specific goals:

- Recognize publicly and administratively the condition of victims to those who suffered violations of their human rights during the violent events arising from the social protests that began on April 18th, 2018, with a view to restoring their dignity before society and contributing to the rebirth of civic trust and social solidarity;

- Contribute to the moral, mental and physical restitution of the victims of human rights violations; and

- Make reparations for the economic and social losses of persons, families, and communities victimized by the human rights violations.

In order to achieve those goals, the Plan detailed in the following section combines measures of symbolic reparation with measures of material reparation and models of individual and collective distribution. Although these measures are complementary and not necessarily concurrent, the GIEI considers them adequate and respectful to respond to the complexity of the damages caused by the violent events arising from the social protests that began on April 18th, 2018, which affected the victims both morally and materially, individually and collectively.

The GIEI also deems it important that the design and implementation of the PIR be accompanied by transversal elements that take into account other dimensions of the exercise of rights, thus enhancing the integral recovery of the victims.

These elements are:

Participative approach. The GIEI considers it fundamental to ensure the participation of the population in decision-making and in the definition of their own social reconstruction and construction processes, and these should include the PIR. This is due to the need to reconstitute the relations between State and society, particularly between the State and the victims, with a view to rebuilding a relationship based on dignity and recognition of both the violation of their rights and their true citizenship. The GIEI has already implemented this approach in its activities, since it held a series of workshops and informative meetings in Managua and San José (Costa Rica), from October 13th to November 1st, with various sectors of Nicaraguan civil society, which were led by the GIEI expert in charge of reparations. During those activities, after explaining the theoretical framework of the processes of truth-seeking, justice, reparation and guarantees of non-repetition, and in more depth the framework about reparations, an initial draft plan of integral attention to the victims was presented for consultation, and comments were received.

Intercultural approach. The GIEI finds it essential to recognize the diversity of the Nicaraguan population in ethnic and cultural terms, with due respect for the existing differences in the country, at all times based on the guiding principles of International Human Rights Law: non-discrimination and equality. In this regard, the GIEI recommends that the PIR be viewed from the victims' own ethnic and cultural references and notions, in order to build a space where these groups can exercise their citizenship according to their concepts, values and expectations.

Gender perspective. The GIEI recognizes that there are differences between men and women in the political, economic and social processes, thus it recommends that they include both men and women, taking into account the existing disadvantage and difference in the access to resources and spaces of decision-making.

Keeping all those considerations in mind, the GIEI considers that the PIR will be an effective instrument for reparations and, by the same token, a tool to obtain justice from a holistic perspective.

Moreover, the programmes, components, measures of reparation, and beneficiary victims that the GIEI recommends below were defined on the basis of international experiences and standards, and also national precedents; and ultimately, took into account the examination of the results of the workshops held by the GIEI.

2. THE VICTIMS

2.1 LEGAL STANDARDS

The recommendation of the GIEI regarding the notion of victim is based on international standards of IHRL, according to which victims "are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law."[24] It also includes "the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization."[25]

According to recent developments in IHRL, particularly in the Inter-American Human Rights System, the definition of family members includes "the immediate family, that is to say, direct ascendants and descendants, siblings, espouses or permanent partners [...],"[26] and also persons who have similarly strong emotional ties with the victim and a relation of mutual dependence and interdependence, although not connected through blood.[27] Hence the meaning of family members is not restricted to a strict or legal concept of the term, rather it incorporates cultural and real-life experiences about the notion of family that are present in Nicaraguan society.

In addition to that, the jurisprudential developments of the Inter-American Human Rights System consider the family of victims of gross human rights violations as autonomous victims of violations of the right to personal integrity, not only in cases of forced disappearances[28] and arbitrary executions,[29] but also in cases of arbitrary detentions, torture and inhuman treatment, even if the direct victim is still alive.[30] According to that understanding, it also awards reparations for both non-pecuniary and pecuniary damages.[31]

2.2 THE VICTIMS TO BE INCLUDED IN THE PLAN OF INTEGRAL REPARATIONS

In view of the foregoing considerations, and the characteristics of the crisis in Nicaragua and the ensuing human rights violations, the GIEI recommends that the following persons be included as victims in the Plan of Integral Reparations:

A. The family unit of persons who suffered:

- Extrajudicial execution.

- Murder.

- Forced disappearance.

B. The survivor and the family unit of persons who suffered:

- Arbitrary detention.

- Kidnapping.

- Torture or cruel, inhuman and degrading treatment that resulted in permanent or total mental or physical disabilities.

- Sexual violence that resulted in permanent or total mental or physical disabilities.

C. The survivor who suffered:

- Forced displacement.

- Torture or cruel, inhuman and degrading treatment that resulted in temporary or partial mental or physical disabilities.

- Sexual violence that resulted in temporary or partial mental or physical disabilities.

- Violation of due process.

- Arbitrary dismissal from public institutions.

- Arbitrary exclusion from educational institutions.

- Loss of housing or productive family infrastructure.

24 United Nations. General Assembly. Resolution adopted by the General Assembly on 16 December 2005. "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." A/RES/60/147. 2006, para. 8.

25 United Nations. General Assembly. Resolution adopted by the General Assembly on 16 December 2005. "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." A/RES/60/147. 2006, para. 8.

26 Rules of the I/A Court, 2.15.

27 I/A Court H.R. *Case of the Pueblo Bello Massacre Vs. Colombia*. Merits, Reparations and Costs. Judgment of 31 January 2006. Serie C No. 140, para. 240; I/A Court H.R. *Case of the "Street Children" (Villagrán Morales et al.) Vs. Guatemala.* Reparations and Costs. Judgment of 26 May 2001. Serie C No. 77, para. 83; I/A Court H.R. *Case of Caracazo Vs. Venezuela.* Reparations and Costs. Judgment of 29 August 2002. Serie C No. 95, para. 91; I/A Court H.R. *Case of Aloeboetoe et al. Vs. Suriname.* Reparations and Costs. Judgment of 10 September 1993. Serie C No. 15, para. 62; also paras. 68-69; I/A Court H.R. *Case of Loayza Tamayo Vs. Peru.* Reparations and Costs. Judgment of 27 November 1998. Serie C No. 42, paras. 90-92; I/A Court H.R. *Case of the la Rochela Massacre Vs. Colombia.* Merits, Reparations and Costs. Judgment of 11 May 2007. Serie C No. 163, para. 268.

28 I/A Court H.R. *Case of Blake Vs. Guatemala.* Reparations and Costs. Judgment of 22 January 1999. Serie C No. 48. This was the first case in which the Court referred to the family members of a victim of forced disappearance as victims. In the Court's first judgment about *Case of Velásquez Rodríguez*, the family members were merely treated as heirs. Since *Blake*, the Inter-American Court has consistently recognized the autonomous violations of various rights of the family members of the disappeared person according to the American Convention (especially Articles 5, 8 and 25).

29 The first instance in this sense was in the *Case of the "Street Children"*, and the Court has confirmed it in other judgments since then.

30 I/A Court H.R. *Case of Tibi Vs. Ecuador.* Preliminary objections, Merits, Reparations and Costs. Judgment of 7 September 2004. Serie C No. 114, paras. 135-136; I/A Court H.R. *Case of De la Cruz Flores Vs. Peru.* Merits, Reparations and Costs. Judgment of 18 November 2004. Serie C No. 115, paras. 119 and 136.

31 The Court has recognized that the violation of the right to physical and mental integrity of the relatives is a direct result of the primary violation, thus it does not require further proof than the primary violation itself.

D. The child who was born as a result of rape.

Given the diverse configuration of families in Nicaragua, the GIEI recommends avoiding restrictions based on a rigid and legalistic notion of family, and including the following in the family unit, according to each case:

- Biological or de facto or de jure adopted children.

- The spouse or life partner in a stable union according to the law.

- The immediate family, that is to say, direct ascendants and descendants, siblings, as well as persons who might have a similarly strong emotional tie to the victim and a relation of mutual dependence and interdependence, although not connected through blood.

2.3 PRIORITIZATION AND VULNERABILITY

The GIEI understands that there is a situation of varied vulnerability within the group of victims. This assumption is based not only on the experience of its members, but also on assertions made by civil society organizations and many direct victims, upon reflecting about who should be prioritized in this Plan of Integral Reparations.

In this regard, the GIEI stresses that, upon determining criteria of vulnerability to prioritize the assistance, it should be kept in mind that this task must be based on a comprehensive understanding of the primary and secondary impacts resulting from the violations – and particularly from sexual violence, torture and mistreatment, detention and displacement – on the family unit. This is essential to ensure that the determinations about vulnerability and prioritization are not gender-biased or reflect patterns of gender discrimination.

2.4 RELATION WITH CRIMINAL PROCEDURES

The GIEI reminds that granting measures of reparation through the Plan of Integral Reparations does not limit the rights of victims to obtain justice through criminal proceedings. The measures granted through the PIR might serve to dismiss civil lawsuits against the State as jointly liable or responsible third party, but they have no effect regarding eventual criminal procedures about the facts.

Likewise, every person who is not included in the PIR or considers that their exclusion violates their rights will have recourse to the courts or the competent administrative organ.

3 THE PROGRAMMES OF THE PLAN OF INTEGRAL REPARATIONS (PIR)

With regard to the various programmes recommended below, the GIEI stipulates that each one of them, and the respective measures thereof, must be developed according to a holistic comprehension of the nature and the primary and secondary damages of each type of violation, the current context of the victims, and the feasible scope of each measure. Domestic precedents in terms of reparations, such as Law No 830 – should help set the parameters in order to avoid inequality of treatment.

Additionally, the GIEI stresses that it is precisely the coherent integration of these different programmes and their measures what can turn the plan into an effective instrument for reparations and justice. The following recommendations by the GIEI combine measures of symbolic reparation with measures of material reparation; and they include measures of individual distribution along with measures of collective distribution. The GIEI recommends that these programmes be complementary, and not necessarily cumulative.

3.1 PROGRAMME OF SYMBOLIC REPARATIONS

A. Specific goal

The specific goal of the Programme of symbolic reparations is to help restore the social fabric that was broken by the violence between the State and the persons, and among persons themselves, through the determination of responsibilities and public apologies for the harm inflicted, with a view to restoring the dignity of victims, rescuing their memory and strengthening a feeling of solidarity for the victims in Nicaraguan society.

B. Victims

The Programme of symbolic reparations should include all victims of human rights violations, who had their rights and dignity affected, as well as the citizens of areas affected by the violent events.

C. Components

The components suggested by the GIEI are recommended for various levels of the government. They include:

Public gesture. The GIEI recommends that the highest authorities of the State, in a meaningful way, acknowledge the veracity of, take responsibility for and support the findings of this report, and incorporate its recommendations in a national public policy. To that end, we recommend the State to hold a special public ceremony with a message to the Nation, which should be simultaneously translated in indigenous languages and disseminated by all means of communication in the country (written, radio, television). The venue of this public ceremony should be emblematic and relate to the violent events that took place as a result of the social protests that began on April 18th, 2018. A special invitation to attend this ceremony should be sent to the persons and organizations that represent the victims, as well as all branches of government. This special occasion must be the place and time to officially acknowledge the facts and their consequences and restore the dignity of the persons who were stigmatized and victimized, with a view to rebuilding the bonds of trust in the citizenry.

Establish a day of commemoration. The GIEI recommends the establishment of a national date of commemoration to instill a sense of national solidarity towards the group of direct victims and the citizenry in general who suffered the direct and indirect consequences of the violence. The GIEI recommends that said date should transcend political party symbols and truly promotes a deeply unifying message for the entire Nation.

Memory sites. Given that cemeteries are privileged places to express grief and individual memory, the GIEI recommends placing memory plaques – or other meaningful elements of memory according to the local cosmovision and traditions – at public cemeteries with the names of the victims murdered in each respective municipality. Additionally, it recommends turning significant public spaces into memory sites, be it due to their strategic location, their specific relation with the events, or their special relevance, and build memorials or monuments to foster collective memory.

Acts to promote coexistence. The GIEI recommends modifications and rebranding for the symbols associated with the violence and human rights violations. Said changes may include the removal of certain physical elements, such as the Trees of Life; or the modification in certain uniforms, especially those used by the institutions responsible for human rights violations that are now associated with violence perpetrated by public officials in the collective memory; the closure or change in purpose of certain places, such as El Chipote or other detention centers, which are also associated with repeated cycles of human rights violations in the collective memory. This type of acts will translate into a tangible expression of the rupture with past cycles of violence.

Historical memorial. The GIEI is convinced that the knowledge of a people about its past of oppression is an important part of its history, and must be preserved through appropriate measures, thus the GIEI recommends that the State create a space for historical memory, including an archive about the events which explains them pedagogically and includes a message of Never Again. The GIEI suggests that the construction of this space be carried out through a dynamic, participative and inclusive process. It will help Nicaraguan society understand its past, and the ways in which this past influences the present time and potentially the future, thus guarding against the development of revisionist and negationist arguments and the recurrence of abuses.

3.2 PROGRAMME OF MONETARY COMPENSATION

A. Specific goal

The specific goal of the Programme of monetary compensation is to provide economically assessable reparations as appropriate and proportional to the non-pecuniary and pecuniary damages suffered by the victims, and contribute to their future project of life with dignity and well-being.

B. Victims

The Programme of monetary compensation should include the family unit of murdered and/or disappeared persons; the survivor and family unit of persons who were arbitrarily detained or kidnapped, and who suffered sexual violence and/or torture and cruel, inhuman and degrading treatment that resulted in permanent or total, temporary or partial, mental or physical disabilities; any child that was born as a result of rape.

C. Components

The components suggested by the GIEI are recommended for various levels of the government. They include:

For the family unit of murdered and/or disappeared persons. The GIEI recommends that the economic reparations include a monetary compensation for the family, and also a monthly life-long pension for the ascendants who depended on the primary victim; and a monthly pension for the descendants who depended on the victim until they turn 18.

For the survivor and the family unit of persons who were arbitrarily detained or kidnapped. The GIEI recommends a monetary compensation for the family based on the duration of the detention and/or kidnapping.

For the survivor and the family unit of persons who suffered sexual violence and/or torture and cruel, inhuman and degrading treatment that resulted in permanent or total, temporary or partial, mental or physical disabilities; any child that was born as a result of rape. The GIEI recommends granting a monthly pension, which shall be life-long if the violation resulted in permanent total or permanent partial mental or physical disabilities. The amounts shall be determined according to the severity and permanent nature of the disability. The GIEI also recommends the consideration of pregnancy or forced abortion as an aggravating element to consider upon determining the value of the pension.

3.3 PROGRAMME OF REPARATIONS REGARDING HEALTH

A. Specific goal

The goal of the Programme of reparations regarding health is to promote the recovery of the mental and physical health of the affected population, and reinstate their autonomy and capacity to rebuild their individual and collective project of life

B. Victims

The Programme of reparations regarding health should include those victims who, from the group of individual victims of the PIR, suffered some kind of physical or mental problem, be it total or partial.

C. Components

The components suggested by the GIEI are recommended for various levels of the government, in order to overcome not only the immediate physical damage, but also mental health issues that may manifest through a state of insecurity, distrust, fear, paralysis, and the exacerbation of problems such as alcoholism, suicidal tendencies, domestic violence, learning deficiencies and difficulties with future plans.

The components include:

Integral clinical recovery of physical health, which shall include the necessary surgical procedures and integral processes of rehabilitation, free of charge.

Integral clinical recovery of mental health. The GIEI recommends free assistance, including exams, analyses, integral treatment (psychotherapy sessions, self-help groups, occupational therapy, etc.), medication - for the victims that require an individualized or familial space to process the psychological effects that totally or partially hamper their daily behavior, be it permanent or temporary.

The creation of support networks for mental health. On the basis of a situational and operational diagnosis, the GIEI recommends the creation of basic modules to work on the integral recovery of the population with a participative methodology of psychosocial approach and techniques of group support, and their subsequent implementation in natural environments of coexistence, such as primary and secondary schools, universities, churches community centers, etc.

3.4 PROGRAMME OF REPARATIONS REGARDING EDUCATION

A. Specific goal

The goal of the Programme of reparations regarding education is to reinstate access to education for persons who, as a result of the violence, lost the possibility of receiving an adequate education or finishing their studies.

B. Victims

The Programme of reparations regarding education should include, from the group of individual victims of the PIR, those survivors who had to interrupt their studies as a result of the violations, with special attention to the situation of persons arbitrarily detained or kidnapped and displaced persons; and the children born as a result of rape.

C. Components

The components suggested by the GIEI are recommended for various levels of the government. They include:

Reinsertion in educational institutions. The GIEI recommends that the State establish the immediate reinsertion in educational institutions, be it primary or secondary schools, universities, higher education institutions, technical centers and all other educational institutions of the State, including acceptance of previous studies, grades, certificates, reinstatement of scholarships, as well as exemption from any payment due for this integral reinsertion.

Integral scholarship programs, for both primary and secondary education, and university or technical studies for the descendants of persons who died and/or disappeared, and for persons who suffered violations that resulted in total or partial disabilities; and for children born as a result of rape.

3.5 PROGRAMME OF REPARATIONS REGARDING WORK

A. Specific goal

The goal of the Programme of reparations regarding work is to reinstate access to work for persons who, as a result of the violence, lost their job.

B. Victims

The Programme of reparations regarding work should include, from the group of individual victims of the PIR, persons who were arbitrarily dismissed from their public jobs as a result of the conflict; as well as persons arbitrarily detained or kidnapped, displaced persons and persons who lost their family productive infrastructure.

C. Components

The components suggested by the GIEI are recommended for various levels of the government. They include:

Job reinsertion for persons who suffered arbitrary dismissals, including lost income, and social security benefits and other associated rights in proportion to the time that they were unemployed.

Preferential access to financial credit and State-run labor programs, for instance, rural credit, cooperatives, development of micro, small and medium companies, or other types of similar programs implemented by the government, for persons arbitrarily detained or kidnapped, displaced persons and persons who lost their family productive infrastructure, if they wish to adhere to them.

3.6 PROGRAMME OF REPARATIONS REGARDING REGULARIZATION OF LEGAL STATUS AND RESTITUTION OF RIGHTS

A. Specific goal

The goal of the Programme of reparations regarding regulation of legal status and restitution of rights is to reestablish the full and effective exercise of their civil and political rights, their citizenship rights, and reinstate their status as a citizens and holders of rights.

B. Victims

The Programme of reparations regarding regulation of legal status and restitution of rights should include persons who suffered arbitrary detention and violations of due process; the family unit of disappeared persons; persons whose lands, homes and property were expropriated; displaced persons; and generally persons who were left undocumented due to the violent events arising from the social protests that began on April 18th, 2018.

C. Components

The components suggested by the GIEI are recommended for various levels of the government. They include:

The annulment and expungement of criminal, judicial and police records. The GIEI recommends that, in order to restore dignity and obtain reinsertion in social and labor life for persons who suffered arbitrary detention and violations of due process, the Judiciary and the National Police must expunge on their own motion the respective criminal, judicial and police records.

Regularization of land and property titles in cases of expropriation. Due to the reiterated practice of the crime of expropriation and illegal occupation of lands and property, the GIEI recommends that the Executive branch create a program of free regularization of land and property titles, with minimum requisites for evidentiary support.

Regularization of the undocumented. The GIEI recommends that the Executive branch create a program of documentation and regularization thereof for persons who, as a result of the violent events, are undocumented, in order to give them access to their rights to identity and citizenship, including the free registration for destroyed, inexistent or lost documents, with minimum requisites for evidentiary support.

3.7 PROGRAMME OF RETURN FOR DISPLACED PERSONS

A. Specific goal

The goal of the Programme of return is to ensure that victims of internal and international displacement can return in safe conditions.

B. Victims

The Programme of return should include all persons who suffered internal or international forced displacement as a result of the violent events.

C. Components

The components suggested by the GIEI are recommended for various levels of the government. They include:

The competent authorities shall establish the conditions and provide the means to permit the dignified, safe and voluntary return of internally or internationally displaced persons to their homes and places of habitual residence, or their resettlement.

Said return shall be voluntary, safe and dignified, and must be free of charge for the displaced persons.

Special efforts shall be made to ensure the full consultation and participations of the displaced persons in the planning and management of their return and resettlement.

The displaced persons shall receive assistance after they have returned or been resettled, so that they can recover, to the extent possible, their property or possessions which they abandoned or were taken from them during displacement. If said recovery is unfeasible, the competent authorities must grant these persons an adequate compensation or another form of just compensation, or must assist them in obtaining said compensation through the other reparations programmes in the PIR.

The displaced shall receive legal assistance and counsel for the registration in Nicaragua of legal acts performed abroad (e.g. birth, marriage, divorce, death).

C. INSTITUTIONALITY

In order for this Plan of Integral Reparations to be established and implemented, the GIEI recommends the creation of an institutional organ of supervision, coordination and execution, assigning deadlines and responsibilities. To that end, the GIEI suggests taking into account the following guidelines:

- Said organ shall have its own juridical personality, functional, organizational and financial autonomy.

- Said organ shall have a national collegial board of directors, with balanced representation of the institutions of the Executive branch involved in the implementation of the various reparations programmes (these representatives shall be recognized for their credibility, impartiality and professional and personal integrity); and a consultative council composed of representatives from organizations of promotion and defense of human rights, including associations of victims of the violent events arising from the social protests that began on April 18th, 2018. Said organ shall adopt an annual plan of activities.

- Said organ shall have a decentralized structure, with a central office in Managua and regional offices in other affected zones.

- Said organ shall be in charge of the Central Registry of Victims for the determination and accreditation of the victims who are entitled to reparations, be provided legal assistance and be permanent in nature.

Moreover, the GIEI recommends the establishment of a National Fund for Reparations destined to provide funds for the programmes and components of the PIR, which shall receive ordinary funds from the national budget, through the granting of a portion of the annual budget and extraordinary funds arising from mismanagement of funds or corruption. Said Fund shall be managed by the administrative organ mentioned above.

GUARANTEES OF NON-REPETITION

Mindful that periods of gross human rights violations tend to intensely weaken the value of public institutions, and even more so when political power uses these institutions to perpetrate or acquiesce in those abuses, the GIEI recommends that the Nicaraguan State promote a comprehensive reform of its institutions aimed at modifying the conditions that brought about and deepened the repression and political persecution. THE GIEI considers this reform necessary to concretize its commitment to change and guarantee the non-repetition of human rights violations, and also seek to eliminate violence as a means to resolve conflicts, and create a new and inclusive social order, which truly expresses the will of all Nicaraguan citizens.

Generally speaking, with regard to the actions of civil servants of various State organs who participated in human rights abuses during the escalation of violence due to social protests that began on April 18th, 2018, the GIEI recommends the following:

1. Investigate and eventually dismiss civil servants who participated in human rights violations. Reform its institutions, and provide public services and democratic order throughout the national territory. Acknowledge social organizations, local identities and cultural diversity, in order to promote citizen participation in line with the plurality of different political options and positions.

2. Immediately disband and disarm parapolice groups and protect all citizens from any illegal or violent actions. Determine the criminal responsibility of members of those groups, through exhaustive, impartial and transparent investigations, especially in cases of threats to life and other fundamental rights, and, if appropriate, prosecute and sentence them.

In relation to the actions of the National Police of Nicaragua, which reveal an array of institutional practices that continuously violated human rights and became increasingly more serious; and taking into consideration the experience of other countries and the urgent need to provide the State with a new and accountable police force that is able to maintain internal order with due respect for human rights, and abides by principles of democratic oversight, the GIEI recommends the following:

3. Separate known perpetrators from the police forces, dismissing those who took part in human rights violations. This dismissal must be carried out after an exhaustive administrative investigation aimed at determining their responsibility and avoiding reprisals, regardless of parallel criminal investigations. Civil society observers could be assigned to guarantee transparency in fulfilling this task.

4. Revise the normative framework applicable to the police forces, simultaneously with the investigations into their actions, and consider the following: reinstate the mandatory retirement of the Director of the National Police every five years, after the end of this term; create mechanisms of civilian and external supervision and oversight; regulate Law 872 in conformity with professional standards that respect human rights; implement a police career that guarantees admission and promotion based on merits, as well as its professionalization; eradicate the presence of volunteer police officers; remove the jurisdiction of the police over the rehabilitation of juveniles; and revise internal administrative norms and procedures that regulate the actions of the police.

5. Reform paragraph 3 of Article 231 of the Code of Criminal Procedure, in order to ensure that any deprivation of liberty must be authorized by a judicial authority, and eliminate police detention orders.

Another aspect which evidentiated the limits of the State response regarding this crisis was the administration of justice. With regard to the justice system, the investigations show that it failed to properly apply the law in the defense of the victims of human rights violations. On the contrary, it was another tool used to criminalize social protests. "The effectiveness of rights and freedoms under a democratic system requires a legal and institutional order in which the law takes precedence over the will of the governing and private parties and in which there is effective judicial oversight of the constitutionality and legality of the acts of government."[32] In relation to the system of administration of justice, the GIEI recommends the following:

6. Investigate the actions and possibly separate judges and other servants from the justice system, if proven that they violated due process or failed to maintain their independence from the governing power. These vetting procedures must comply with international standards.

7. Create a judicial career based on objective criteria and personal merit for the admission, promotion and dismissal of magistrates and judges, including members of the Supreme Court of Justice. This career system must include objective criteria for the selection and appointment of magistrates and judges, that are clearly defined and established by law . These criteria must require that individuals admitted to the judicial branch be of high moral character and recognized competence, juridical ability and independence to fill that position.

8. Appoint magistrates and judges through public competitions based on merits, with appropriate citizen supervision.

9. Taking into consideration the lack of independence demonstrated by the justice system, promote its reform and create necessary mechanisms to ensure that the violent events that occurred from April 18th onwards be put on trial before judicial bodies composed of magistrates that guarantee impartiality and aptitude, with the appropriate resources. In order to do so, various possibilities must be considered, including the participation of international judges and/or support and advice from international actors, particularly from countries that have been faced with transitional periods after violent repression.

10. Considering the lack of independence demonstrated by the Judicial branch, promote its reform and create the necessary mechanisms to guarantee the revision of sentences handed down and of future judgments by the current courts, in order to establish whether those procedures violated constitutional guarantees or legal provisions, and due process of law. While this revision process is being carried out, defendants or convicted individuals must remain in liberty. This effort must be assigned to magistrates that are duly selected on the basis of their personal and professional qualifications, with due regard to their autonomy and independence. The possibility of summoning magistrates from other countries and/or requesting international aid or support should be evaluated in fulfilling this task.

11. Urge the government to ratify the Rome Statute of the International Criminal Court, in order to ensure that the crimes against humanity do not remain in impunity and secure non-repetition; and to accept the jurisdiction of the International Criminal Court over crimes against humanity perpetrated since April 18th, 2018, pursuant to Article 12.3 of the Statute.[33]

32 IACHR. Guarantees for the independence of judicial operators. Towards strengthening access to justice and the rule of law in the Americas, 2013.

33 Rome Statute of the International Criminal Court.



March of the Asociación Madres de Abril (AMA)



Press conference of the Comité Pro Libertad de Presos y Presas Políticas

12. Reaffirm that the essential aim of the prison system is the reform, rehabilitation and social readaptation of prisoners, and improve conditions of detention in terms of access to basic services, such as food and health, especially for women deprived of liberty, and contact with family members and specialized civil society organizations with the prison population.

The Office of the Public Prosecutor, as an independent institution within the executive branch which is in charge of examining and prosecuting criminal cases, has failed to fulfill its duty to represent the victims regardless of their ideology or sociopolitical context, and conduct impartial, independent and exhaustive investigations. Therefore, the GIEI recommends the following:

13. Investigate the actions and eventually dismiss prosecutors and other servants who failed to exercise their functions with independence or obstructed the clarification of the events. These vetting procedures must comply with international standards.

14. Create a prosecutorial career based on objective criteria and personal merit for the admission, promotion and dismissal of prosecutors, including the Attorney General. This career system must include objective criteria for the selection and appointment of prosecutors, that are clearly defined and established by law . These criteria must require that individuals admitted be of high moral character and recognized competence, juridical ability and independence to fill that position.

15. Appoint prosecutors through public competitions based on merits, with appropriate citizen supervision.

16. In order to regain the credibility and the trust of the victims, their families and society in general in the Public Prosecutor's Office, and ensure that there will be a prompt, independent and impartial investigation into the violent events that took place between April 18th and May 30th, as well as those that occurred afterwards, the GIEI recommends the urgent creation of a Special Unit, composed of individuals duly selected on the basis of their personal and professional qualifications, with due regard to their autonomy and independence. To that end, civil society must participate both in the design of the required criteria and the process of selection of prosecutors. Additionally, in order to strengthen its independence and autonomy, and guarantee impartial investigations regarding all those directly and indirectly responsible, as well as the chain of command, the convenience of summoning international prosecutors, along with national ones, to constitute this Special Unit should be evaluated. In this regard, the international community should provide Nicaragua with examples of their required criteria for the adequate selection of prosecutors and support this process.

XIII. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

Since the beginning of its work, the GIEI carried out its activities without the cooperation of the government of Nicaragua, which systematically denied the requested information, as well as any possibility of establishing a relationship with other State institutions. This implied that the GIEI could not, throughout its mandate, properly carry out the complementary work regarding the criminal investigations, as set forth in the Agreement. In addition to that, the fact that violent events continued occurring after the inauguration of the GIEI also represented a serious limitation to the work with which the GIEI was entrusted.

Without the cooperation and collaboration of the Nicaraguan authorities to carry out its complementary task, since it required a close connection with them, the GIEI devised a methodology mainly based on the collection of information from various public sources and the examination of official information provided by the State to the IACHR and also from confidential sources. The GIEI analyzed a large amount of documentation, including videos, photographs, news articles and material from the press and social media, many of which were recorded by citizens who participated in the protests. If one considers only audiovisual material, more than 10 thousand archives were reviewed and analyzed.

Despite these obstacles stemming from the lack of cooperation by State authorities and the risks faced by those who were consulted, the GIEI was able to gather, examine and corroborate a large array of information which allowed it to reach reasonable conclusions in order to reconstruct the facts as they occurred, their circumstances, and identify probable responsible parties.

The GIEI was able to verify that the State resorted to abusive and indiscriminate use of force to repress peaceful demonstrations of protest. One repressive pattern that was observed at various moments and places in Nicaragua was the use of firearms, including weapons of war, directly against the protesters. The GIEI confirmed that State forces used cartridges filled with lead bullets, the arms used were of varied caliber, among which were war assault rifles.

These actions of repression took place in various scenarios where the protests were occurring: demonstrations in public spaces, occupation of universities and street barricades. The GIEI was able to determine that most murders and serious injuries were caused by the National Police, whose agents acted directly and also in coordination with armed parapolice groups. The intervention of the formal structure of the National Police along with parallel structures was another distinctive characteristic of the repression against protests observed in most of the events.

The GIEI also established that the State detained hundreds of persons during police raids during the protests. The detained persons were left under the exclusive authority of the National police and suffered various forms of mistreatment and abuses. Some complaints raise to the level of torture, although the GIEI was not able to verify whether this was a pattern during the months of April and May.

The GIEI also received evidence regarding the discrimination with which injured protesters were treated upon arriving at public hospitals, in an array of situations that include the denial or medical assistance, despite critical conditions, and cases of inadequate attention or mistreatment of family members.

These facts occurred while the highest authorities of the State maintained an inflammatory public discourse that stigmatized the protests and demonstrated political support for the repression.

The GIEI considers that numerous crimes committed in the context of the repression against the demonstrations constitute crimes against humanity. The foregoing conclusion entails certain legal consequences, such as the inapplicability of statutes of limitations, the impermissibility of amnesty laws or similar provisions that intend to prevent criminal investigations or convictions, the possibility of intervention by tribunals of other States pursuant to the principle of universal jurisdiction, as well as the eventual jurisdiction of the International Criminal Court, in the case that the United Nations Security Council submits the situation to the ICC or if the State of Nicaragua accepts its jurisdiction pursuant to Article 12.3 of the Rome Statute.

The GIEI also verified that, although the demonstrations were essentially peaceful, their violent repression by the police and pro-government armed groups prompted a violent response by some protesters against the government, which resulted in deaths, injuries and attacks against private property. The GIEI found no evidence that these violent acts were coordinated or somehow planned.

The State of Nicaragua violated its obligation of due diligence regarding the investigation of the violent deaths that occurred from April 18th to May 30th, 2018. Out of 109 violent deaths registered by the GIEI, only nine have been criminally prosecuted. That means that 100 deaths remain in impunity and, in many of them, there were omissions regarding essential measures of investigation, such as the failure to conduct adequate crime scene investigations or the failure to perform autopsies. With regard to the 9 deaths that have been judicially prosecuted, 6 of them relate to victims who are somewhat linked to the State of the governing party. These investigations were also plagued by serious deficiencies. The prosecution did not act objectively or impartially, did not exhaust all lines of investigation, and indicted persons who may be innocent, some of whom have already been convicted. This situation is not only unfair for the defendants, but also for the victims and their families since there is no right to truth. Strikingly, there have been no prosecutions against State security forces, despite all the evidence pointing to their probable responsibility.

The criminal justice system – comprised of the Office of the Public Prosecutor and the Judiciary – has played an additional role in the scheme of human rights violations observed in Nicaragua, through the criminalization of civilians who participated in the protests. These judicial processes improperly charged students, rural and social leaders with crimes such as terrorism and organized crime, among others, in order to prosecute and punish legitimate acts of opposition against the government. All these processes reveal serious violations of personal liberty, including arbitrary detention orders and the generalized use of pre-trial detention, in blatant disrespect of the necessary motivation and lack of compliance regarding the judicial control over any deprivation of liberty. Moreover, the public nature of these trials and the right to an adequate defense have been restricted. Finally, the GIEI also ascertained the ineffectiveness of the writ of habeas corpus or "personal exhibition appeal".

The violence observed in Nicaragua in the context of recent social protests has caused profound harm to the families of the victims, communities and society as a whole. It has damaged social coexistence, altered daily life and deepened social polarization. It has also produced intense pain and resentment, which add to the scars left by previous conflicts, and has led ample sectors of society to distance themselves from and distrust State institutions. These wounds will not heal easily, unless full assistance, with due regard to truth, justice and reparation, is provided to those individuals who lost their loved ones; to the wounded who were left incapacitated; to the disappeared, detained and displaced individuals; as well as to all those who were victimized or wronged by the violent events, and those who suffer persecution or threats as family members of the victims.

B. RECOMMENDATIONS

Mindful that periods of gross human rights violations tend to intensely weaken the value of public institutions, and even more so when political power uses these institutions to perpetrate or acquiesce in those abuses, the GIEI recommends:

1. That the government guarantee that the right of assembly be fully respected and ensured through due protection of public demonstrations, in conformity with applicable international standards and human rights norms.

2. That the government cease the harassment against human rights defenders, journalists and other social leaders, and ensure the necessary conditions so they can fully exercise their rights and perform their job. In particular, freedom of expression, right of assembly and freedom of association.

3. That the Nicaraguan State promote a comprehensive reform of its institutions aimed at modifying the conditions that brought about and deepened the repression and political persecution. This reform is necessary to concretize its commitment to change and guarantee the non-repetition of human rights violations. This reform must also seek to eliminate violence as a means to resolve conflicts, and create a new and inclusive social order, which truly expresses the will of all Nicaraguan citizens.

4. That the State implement a Plan of Integral Reparations (PIR), which must remedy and compensate human rights violations, as well as the social, psychological and material loss or damage to the victims, taking into account the considerations laid out in Chapter XII.

With regard to the actions of civil servants of various State organs who participated in human rights abuses during the escalation of violence due to social protests that began on April 18th, 2018, the GIEI recommends the following:

5. Investigate and possibly dismiss civil servants who participated in human rights violations. Reform its institutions, and provide public services and democratic order throughout the national territory. Acknowledge social organizations, local identities and cultural diversity, in order to promote citizen participation in line with the plurality of different political options and positions.

6. Immediately disband and disarm parapolice groups and protect all citizens from any illegal or violent actions. Determine the criminal responsibility of members of those groups, through exhaustive, impartial and transparent investigations, especially in cases of threats to life and other fundamental rights, and, if appropriate, prosecute and sentence them.

In relation to the actions of the National Police of Nicaragua, which reveal an array of institutional practices that continuously violated human rights and became increasingly more serious; and taking into consideration the experience of other countries and the urgent need to provide the State with a new and accountable police force that is able to maintain internal order with due respect for human rights, and abides by principles of democratic oversight, the GIEI recommends the following:

7. Separate known perpetrators from the police forces, dismissing those who took part in human rights violations. This dismissal must be carried out after an exhaustive administrative investigation aimed at determining their responsibility and avoiding reprisals, regardless of parallel criminal investigations. Civil society observers could be assigned to guarantee transparency in fulfilling this task.

8. Revise the normative framework applicable to the police forces, simultaneously with the investigations into their actions, and consider the following: reinstate the mandatory retirement of the Director of the National Police every five years, after the end of this term; create mechanisms of civilian and external supervision and oversight; regulate Law 872 in conformity with professional standards that respect human rights; implement a police career that guarantees admission and promotion based on merits, as well as its professionalization; eradicate the presence of volunteer police officers; remove the jurisdiction of the police over the rehabilitation of juveniles; and revise internal administrative norms and procedures that regulate the actions of the police.

9. Reform paragraph 3 of Article 231 of the Code of Criminal Procedure, in order to ensure that any deprivation of liberty must be authorized by a judicial authority, and eliminate police detention orders.

With regard to the justice system, the investigations show that it failed to properly apply the law in the defense of the victims of human rights violations. On the contrary, it was another tool used to criminalize social protests. "The effectiveness of rights and freedoms under a democratic system requires a legal and institutional order in which the law takes precedence over the will of the governing and private parties and in which there is effective judicial oversight of the constitutionality and legality of the acts of government."[1] Therefore, the GIEI recommends the following:

10. Investigate the actions and possibly separate judges and other servants from the justice system, if proven that they violated due process or failed to maintain their independence from the governing power. These vetting procedures must comply with international standards.

11. Create a judicial career based on objective criteria and personal merit for the admission, promotion and dismissal of magistrates and judges, including members of the Supreme Court of Justice. This career system must include objective criteria for the selection and appointment of magistrates and judges, that are clearly defined and established by law. These criteria must require that individuals admitted to the judicial branch be of high moral character and recognized competence, juridical ability and independence to fill that position.

12. Appoint magistrates and judges through public competitions based on merits, with appropriate citizen supervision.

13. Taking into consideration the lack of independence demonstrated by the justice system, promote its reform and create necessary mechanisms to ensure that the violent events that occurred from

1 IACHR. Guarantees for the independence of judicial operators. Towards strengthening access to justice and the rule of law in the Americas, 2013.

April 18th onwards be put on trial before judicial bodies composed of magistrates that guarantee impartiality and aptitude, with the appropriate resources. In order to do so, various possibilities must be considered, including the participation of international judges and/or support and advice from international actors, particularly from countries that have been faced with transitional periods after violent repression.

14. Considering the lack of independence demonstrated by the Judicial branch, promote its reform and create the necessary mechanisms to guarantee the revision of sentences handed down and of future judgments by the current courts, in order to establish whether those procedures violated constitutional guarantees or legal provisions, and due process of law. While this revision process is being carried out, defendants or convicted individuals must remain in liberty. This effort must be assigned to magistrates that are duly selected on the basis of their personal and professional qualifications, with due regard to their autonomy and independence. The possibility of summoning magistrates from other countries and/or requesting international aid or support should be evaluated in fulfilling this task.

15. Reaffirm that the essential aim of the prison system is the reform, rehabilitation and social readaptation of prisoners, and improve conditions of detention in terms of access to basic services, such as food and health, especially for women deprived of liberty, and contact with family members and specialized civil society organizations with the prison population.

16. Urge the government to ratify the Rome Statute of the International Criminal Court, in order to ensure that the crimes against humanity do not remain in impunity and secure non-repetition; and to accept the jurisdiction of the International Criminal Court over crimes against humanity perpetrated since April 18th, 2018, pursuant to Article 12.3 of the Statute.[2]

The Office of the Public Prosecutor, as an independent institution within the executive branch which is in charge of examining and prosecuting criminal cases, has failed to fulfill its duty to represent the victims regardless of their ideology or sociopolitical context, and conduct impartial, independent and exhaustive investigations. Therefore, the GIEI recommends the following:

17. Investigate the actions and possibly dismiss prosecutors and other servants who failed to exercise their functions with independence or obstructed the clarification of the events. These vetting procedures must comply with international standards.

18. Create a prosecutorial career based on objective criteria and personal merit for the admission, promotion and dismissal of prosecutors, including the Attorney General. This career system must include objective criteria for the selection and appointment of prosecutors, that are clearly defined and established by law . These criteria must require that individuals admitted be of high moral character and recognized competence, juridical ability and independence to fill that position.

2 Rome Statute of the International Criminal Court.

19. Appoint prosecutors through public competitions based on merits, with appropriate citizen supervision.

20. In order to regain the credibility and the trust of the victims, their families and society in general in the Public Prosecutor's Office, and ensure that there will be a prompt, independent and impartial investigation into the violent events that took place between April 18th and May 30th, as well as those that occurred afterwards, the GIEI recommends the urgent creation of a Special Unit, composed of individuals duly selected on the basis of their personal and professional qualifications, with due regard to their autonomy and independence. To that end, civil society must participate both in the design of the required criteria and the process of selection of prosecutors. Additionally, in order to strengthen its independence and autonomy, and guarantee impartial investigations regarding all those directly and indirectly responsible, as well as the chain of command, the convenience of summoning international prosecutors, along with national ones, to constitute this Special Unit should be evaluated. In this regard, the international community should provide Nicaragua with examples of their required criteria for the adequate selection of prosecutors and support this process.

Recommendations for other actors:

21. With a view to preventing impunity for crimes against humanity, the GIEI recommends that the Member States of the international (UN) and regional (OAS) systems conduct investigations and, if appropriate, prosecute those responsible for those crimes pursuant to the principle of universal jurisdiction, and according to their national laws.

22. The GIEI recommends that international bilateral and multilateral cooperation entities, as well as international and regional financing agencies, incorporate an examination about the human rights situation of receiving countries and their level of compliance with human rights obligations, so that their contributions focus on overcoming challenges and obstacles identified by treaty-bodies and international mechanisms of human rights protection.

23. Finally, the GIEI considers fundamental that Nicaraguan society in general and, in particular, their more privileged and less vulnerable sectors look after the victims of serious acts of violence and support their efforts for justice and reparations.

XIV.
VICTIMS OF VIOLENT DEATHS

April 18th to May 30th: 109 dead persons

There is too much pain in our hearts, we still cannot believe that they are no longer with us, they did not deserve to die this way, because they were defending the rights of the people, the National Police should not act in such a cruel way against the youths.

Statement of a family member

This section includes a brief description of the main information that the GIEI was able to obtain about the 109 persons who died in the context of violence between April 19th and May 30th, 2018, during the period of its mandate. In order to do that, the GIEI took into account, analyzed and compared information from official documents, documents from the IACHR and the United Nations High Commissioner for Human Rights, reports from civil society organizations, public documents – identification cards, forensic medical reports, autopsy reports, death certificates –, news articles and testimonies received by the GIEI.

It is worth mentioning that this figure of 109 persons corresponds to the number of dead victims verified by the GIEI, but it is a provisional statistic. There is still a lot to investigate in Nicaragua, when the conditions are adequate.

Given the lack of collaboration from the State and its silence regarding the various requests for information and meetings with the families of the deceased, some circumstances have not been explained in depth as the GIEI intended.

The invaluable information provided by the families of the dead victims about how the events unfolded, the personal and family impact thereof, and other circumstances were substantial for the work of the GIEI. Notwithstanding the foregoing, the GIEI avoided using any information that might expose those persons who provided their testimony, with due respect to the confidentiality commitment established with them.



RICHARD EDUARDO **PAVÓN BERMÚDEZ**

04-19-2018

TIPITAPA – MANAGUA
17 years old
STUDENT, ATHLETE, MEMBER OF A FOLKLORIC GROUP.

Richard Eduardo studied at Gaspar García Laviana High school and performed some informal jobs. He played several sports and was a member of a folkloric group. His family described him as a youth with lots of dreams. He wished to work and keep studying.

On April 19th, 2018, approximately between 6pm and 7:30pm, he was shot several times a few meters from the Tipitapa Mayor's Office, during the protests that were taking place there. According to the autopsy report, the bullet entry wounds were in his back and were fired from a shotgun. The available information indicates that the shots might have been fired by the Mayor's Office's personal protection forces (CPF). Bystanders took the victim to the front of BANPRO Bank, where he was assisted by firefighters, and then removed to Yolanda Mayorga Hospital, but he was already dead upon admission.

At first, the National Police and several media outlets reported that Richard was a young Sandinista militant, and attributed responsibility for his death to "groups of vandals who were trying to reach the Mayor's Office." Vice-President Rosario Murillo even mentioned this case in a speech. However, his family publicly denied those assertions and rejected some money that was offered to them by the government.

DARWIN MANUEL **URBINA URBINA**

04-19-2018

MANAGUA – MANAGUA
29 years old
SUPERMARKET EMPLOYEE, THE OLDEST OF FOUR SIBLINGS.

Darwin Manuel worked at a supermarket, and was the oldest of four siblings. Since a young age, he sold pastries at the Polytechnic University of Nicaragua (UPOLI) to help his family.

He was returning home from work on April 19th, and passed by UPOLI. According to witnesses, an acquaintance explained to him that they were protesting against the INSS reforms, so he joined the demonstration. He died on that same day, as a result of severe injuries suffered in the context of the repression carried out by the anti-riot squad of the National Police. According to the autopsy report, an explosive device blasted on his neck and chest, and destroyed his larynx, trachea, and lacerated an artery. Students removed him to a hospital, but he was already dead upon admission. Vice-President Rosario Murillo attributed his death to "bullets from a shotgun, according to the Police, which were fired from UPOLI," but the available information indicates that the injuries were caused by a light and sound bomb fired by the National Police.

According to testimonies, at the Forensic Medicine Institute, individuals in civilian clothes – presumably police – threatened not to hand over his body to his family, unless they signed a resignation form, according to which his death was caused by machete blows by the students. After a doctor arrived, these individuals left the premises. The intimidation continued during his wake, when police officers threatened the family and threw tear gas bombs. They also received threats from members of the Committees of Citizenship Power (CPC).

HILTON RAFAEL **MANZANARES ALVARADO**

04-19-2018

MANAGUA – MANAGUA
33 years old
POLICE, FATHER OF THREE CHILDREN.

Hilton Rafael Manzanares Alvarado was a sub inspector of the Direction of Special Operations (DOEP) of the National Police. He was married and had three underage children.

In the evening of April 19th, 2018, Hilton Rafael died from gunshot wounds, he was hit when he was next to the wall on the northeastern side of the Pentecostal Ministry Church "Cristo Viene", at Américas uno neighborhood, the victim was hit by two gunshots in the chest and in the head, and the latter scratched his scalp. After being shot, Hilton Rafael was transferred to Alemán Hospital, but he was already dead upon admission.

Although the National Police publicly attributed his death to "groups of vandals coming from UPOLI", and this information was then replicated by the Vice-President and the President of Nicaragua, even the judgment that convicted one person for his murder did not ever mention that the defendant was protesting against the government, as explained in this report. Moreover, there were serious deficiencies in the investigation, which the GIEI pointed out above, and they suggest alternate versions to explain his death. A serious, impartial and effective investigation must determine with precision what happened.

Although the GIEI requested support from the State in order to organize meeting with families of deceased police officers, it never got a response.

ÁLVARO MANUEL **CONRADO DÁVILA**

04-20-2018

MANAGUA – MANAGUA
15 years old
STUDENT, ATHLETE, GUITAR AFICIONADO.

Álvaro Manuel, or "Alvarito" as he was affectionately called, is the youngest fatal victim during the period under examination: he had just turned 15 years old. He was a student at Loyola High School and planned to study Law. He played several sports, and was particularly fond of track and field. He took guitar lessons and enjoyed riding a scooter. He was the oldest of three siblings.

On April 20th, 2018, he was participating in demonstrations at the National University of Engineering (UNI) because he wanted to help, despite the advice to the contrary from his father on the previous day. At around 1pm, when he was next to UNI and while the Police repressed the protesters, he was shot with a firearm fired from the area where the Police was on Tiscapa Avenue. As a result, he suffered at least injuries to his neck and mouth. He was immediately assisted by members of the Red Cross and by other protesters: "I can't breathe, it hurts to breathe," he told them. He was urgently transferred to Cruz Azul Hospital, where he was denied admission despite his critical condition. After the denial at Cruz Azul Hospital, Álvaro was taken to Bautista Hospital where he died after an emergency surgery, shortly after 4pm.

After his death, Álvaro's family suffered severe intimidation, threats to their security and destruction of property. This case had ample repercussion, as did the farewell ceremonies held by his family, friends and classmates.

ERICK ANDRÉS **CUBILLO SOLIS**

04-20-2018

MANAGUA – MANAGUA
36 years old
INDUSTRIAL ENGINEER, FATHER OF TWO CHILDREN.

Erick Andrés was an industrial engineer who graduated from UNI. He worked at the Nicaraguan Company of Electricity (ENATREL). He was married and had two children, a 7-year-old boy and a 2-yearl-old girl.

Erick Andrés was murdered on April 20th, 2018, during demonstrations that were taking place at UNI, in the city of Managua. While the National Police repressed the demonstrators, he received several shotgun bullets, which perforated one of his lungs. He was in the northern sector of the university in front of the National Baseball Stadium, and it was around 2pm. After being shot, he fell and hit his head on the ground. Several pieces of evidence indicate that the Police shot him.

He was assisted by university students, who performed first aid. Then, he was handed over to police officers who took him to Roberto Herrera Health Center and left without providing identification. The victim was already dead when left at the hospital. According to the autopsy report, his body had three bullet entry wounds, and two pellets were removed from it.

MORONI JACOB **LÓPEZ GARCÍA**

04-20-2018

MANAGUA – MANAGUA
22 years old
STUDENT, GARDENER AT A CHURCH.

Moroni Jacob was from Ciudad Sandino, and aspired to graduate from college, because he thought that a university degree was the way to advance in life and support his family. He liked Medicine and Biology and had studied at UNAN in León. He was studying English and worked as a gardener at the Mormon church in San Juan. He wished to be a writer.

He was murdered on April 20th, 2018 near the back entrance of UNI, while participating in a protest. He was there with friends who – like himself – had knowledge of first aid, since they knew about several dead and injured persons in previous protests. Moreover, he intended to broadcast live what was happening from his phone. Between 2:45pm and 3:15pm, he was shot twice, once in the chest and once in the right arm. The shots came from the Stadium where the Police was positioned.

After being shot, Moroni was assisted by paramedics who transferred him in a private vehicle to a Red Cross ambulance, but he did not survive the shots that hit his lung and pulmonary artery, according to the autopsy report. His lifeless body was taken to the Forensic Medicine Institute at 5:55pm, and later handed over to his family at night. After that, his family was intimidated by the police and civilians.

Before being shot, Moroni called his mother. The call was interrupted during the explosions.

MICHAEL HUMBERTO **CRUZ SÁNCHEZ**

04-20-2018

MANAGUA – MANAGUA
30 years old
BUSINESSMAN AND FATHER OF ONE CHILD.

Michael Humberto was a businessman. He was studying project management at UNI. He was a caring father of an 1-year-old child and also took care of his grandfather. He liked cars and spending time with friends.

On April 20th, he was participating in the protests near UPOLI, which were repressed by anti-riot police. In this context, at around 3:40pm, he was shot in the chest by a “contact shot” – according to the autopsy – which is when the muzzle of the firearm is in direct contact with the victim’s body. He was looking for shelter near the back wall of UPOLI because police dressed in dark clothing were attacking. Michael was transferred to Alemán Hospital, where he was admitted alive, but died after a few minutes of reanimation attempts at around 4pm.

KEVIN JOSUÉ **RIVAS GONZÁLEZ**

04-20-2018

MANAGUA – MANAGUA
19 years old
YOUNG PROFESSIONAL.

Kevin Josué was a young professional.

On April 20th, he was in the vicinity of UPOLI while the demonstrations were being repressed by the anti-riot forces of the National Police. At around 4pm, Kevin Josué was shot in the abdomen. He was admitted into Alemán Hospital, where he died after a few days, on April 24th, at 3:20am.

His mother publicly told the press that he was just randomly there out of curiosity when the unfortunate event happened, and he was not participating in protests; while his sister asserted on social media that he was shot because he was in the protest, and she blames the Police for his death.

MARLON MANASES **MARTÍNEZ RAMÍREZ**

04-20-2018

MANAGUA - MANAGUA
20 years old
STUDENT.

Marlon Manases was from Ciudad Sandino and had the nickname "El chino". He studied until the 5th year of secondary school. He was an FSLN militant and wanted to be a police officer. He liked to read and draw.

He was murdered on April 20th, when he arrived in the vicinity of UNI to support the university students who were protesting against the INSS reforms, because "the elderly cannot do it by themselves, we will fight for them."

During the repression launched by the National Police with the support of shock groups, at around 5pm Marlon Manases was shot in the head, according to the forensic medical report, which also indicated that he had been repeatedly punched in the head before being shot, and one of these punches caused him to lose three teeth. When he was shot, members of a shock group entered UNI through the northern sector shooting with the police. The victim was inside the back building of UNI when it happened. The available information reveals that he was shot by the group of individuals who invaded UNI, composed of parapolice groups and the National Police.

Marlon Manases was first taken to Vélez Paiz Hospital, then transferred to Lenin Fonseca Teaching Hospital where he died on April 20th, at 8:20pm.

HARLINGTON RAÚL **LÓPEZ GARCÍA**

04-20-2018

MANAGUA - MANAGUA
18 years old
FACTORY WORKER.

Harlinton Raúl was from Siuna, and had arrived in Managua to look for better job opportunities. He worked at a furniture factory. He was the youngest of 4 siblings.

On April 20th, 2018, he was going to the protest in the vicinity of UNI to support the protesters and take pictures and videos of the situation. He was not able to get there, since the protesters had been expelled from the area at 5pm by pro-government shock groups and the police. Harlinton Raúl was shot twice with a shotgun at around 5:30pm, once in the chest and once in the right leg. According to the police inquiry and the ensuing autopsy, Harlinton was injured when he was "three blocks south from the traffic lights on Jonathan González street, on the right lane, walking with family members towards east," an area towards which the students ran after UNI was invaded.

The GIEI obtained information that was presented before the authorities in charge of investigating this death, and it mentions the presence of many police vehicles and motorcycles with agents of the National Police in this area, who were dressed in light blue short-sleeved shirts, dark blue pants, helmets and black boots, and "fired at those who were walking around."

Bystanders helped Harlinton Raúl and removed him in a private vehicle to the Military Hospital in Managua, where he was initially denied admission. Then, after admission, he underwent a surgery, but died in the operation room at around 8pm. His heart and one of his lungs had been punctured by the bullets.

His mother painfully told the press that her son used to say that he would die before her, as it happened.

GERARDO ANTONIO **CASTILLO MENDOZA**

04-20-2018

MANAGUA - MANAGUA
42 years old
CONSTRUCTION WORKER.

Gerardo Antonio, a.k.a. "el gordo", had graduated from high school and worked in construction. He was described as a happy person, who liked to dance and cook. He wished to start a business with his mother after she retired. He had a very close relationship with his nephews.

On April 20th, at 6pm, when he was returning home from work, he approached a barricade that was near the Cruz Azul Hospital, to check what was happening. According to the information gathered, at least three individuals in civilian clothing, who were members of the Communal House of the Youth Sandinista Movement, started shooting at about 40 persons who were there. Gerardo Antonio was shot by a bullet that entered through his shoulder and reached his chest, and another person was also injured. He managed to walk for a while and fell about 30 meters from the aforementioned hospital, where he received first aid. After that, his family members removed him in an ambulance to Sumedico Hospital, where he died at around 7pm. The bullet lacerated an artery and punctured his left lung, which caused his death, according to the respective forensic medical report.

ALVIS YAMIL **MOLINA HODGSON**

04-20-2018

MANAGUA - MANAGUA
35 years old
BASKETBALL PLAYER, PRINT SHOP EMPLOYEE, FATHER OF TWO CHILDREN.

Alvis was the father of two children and worked at a print shop. He liked basketball. He was the breadwinner of his family unit.

In the evening of April 20th, he was participating in the "protest of the pans" at Batahola Norte neighborhood, and broadcasting it through Facebook Live. His last broadcast was at 7:58pm. Alvis was shot in the left hemithorax when he was near the old American embassy. Protesters tried to reanimate him. According to the list of deceased persons provided by the State to the IACHR, he was already dead when admitted into Lenin Fonseca Hospital shortly after 8pm. Nevertheless, the autopsy report indicates that he died at the hospital after a surgery, at 9:50pm

According to the available information, the protesters were ambushed by pro-government shock groups, who initially set fire to tires near the protesters, and then started firing at them, and one of these shots hit the victim.

JONATHAN STEVEN **VALERIO LÓPEZ**

04-20-2018

MANAGUA - MANAGUA
20 years old
DOMESTIC WORKER

Jonathan Steven, a.k.a. "el negrito", dreamed of building apartments in a property that he and his brother inherited from his mother, who died when he was only a few months old. He liked playing soccer with his friends.

He was injured on April 20th, at around midnight, 50 meters away from Roberto Calderón Hospital (former Manolo Morales Hospital), when he was returning home from work. According to the information received, there were altercations between local residents who protested against the government and pro-government shock groups who were composed of members of the Committees of Citizenship Power (CPC) of the neighborhood. Then, suddenly, the shock groups left the area and police forces arrived shooting. The victim was shot twice, once in the neck and once in the right leg, then he fell while trying to run away from the attack. According to the available information, police from district V had an old grudge against Jonathan Steven and had previously harassed him.

He was transferred to Roberto Calderón Hospital, where he died on April 22nd, at 5:45am, as indicated in his death certificate. His family members were forced to sign a resignation form to retrieve his body.

"He was killed because he said: 'I do not agree with this regime'. His murder should not remain unpunished," his brother told the press.

CARLOS ALBERTO **BONILLA LÓPEZ**

04-20-2018

CIUDAD SANDINO - MANAGUA
17 years old
STUDENT, MUSICIAN, THE YOUNGEST OF THREE SIBLINGS.

Carlos Alberto had just finished high school, and was training at a private school to be a bank teller. He planned to start studying English. He played the drums at a band in Ciudad Sandino and liked to play soccer with his friends. He was very popular and always motivated his group of friends. He helped his parents very much, and liked to cook.

He was wounded on April 20th, at around 6:30pm, during the protests that took place in front of the Ciudad Sandino Mayor's Office. Carlos Alberto was returning home from a band rehearsal that had been cancelled, and found himself in the middle of the confrontation when the police started firing shots near the Mayor's Office. He was shot in the head. He was first transferred to Nilda Patricia Velasco Primary Hospital (the "hospitalito" in Ciudad Sandino), and then to Antonio Lenin Fonseca Hospital, where he died that evening, according to his death certificate. His family members faced many obstacles to find out about his condition at the hospital, and later at the police station when they tried to present a complaint about his murder. They had to wait until 5am in the next morning for his body to be released. Given the series of lootings in Ciudad Sandino, they had to anticipate his burial. Nine days later, they were able to honor him during a celebration where his music band played.

In June, pro-government media and social media disseminated a video in which a lady who claimed to be his mother showed a picture of him and said that he was alive. The real family of the victim had to publicly denounce that said video was fake.

NELSON ENRIQUE **TELLEZ HUETE**

04-20-2018

CIUDAD SANDINO – MANAGUA
35 years old
TAXI DRIVER AND FATHER OF FOUR.

Nelson lived in Ciudad Sandino, and worked as a taxi driver. He had four children.

On April 20th, at around noon, he was shot in the chest while participating in a protest against the INSS reform that was taking place in front of the Ciudad Sandino Mayor's Office; there he and another youth who was on the opposite side of the street were shot. According to the available information, the perpetrators could be motorized officers from the National Police who were dressed in civilian clothes.

Nelson was initially assisted at Nilda Patricia Velasco health center, which is close to the municipal market of Ciudad Sandino. On that same day, he was transferred to Lenin Fonseca Hospital where he underwent a surgical procedure. He remained hospitalized until May 2nd, when he died as a result of the gunshot wound. His death certificate indicates, additionally, that he had severe brain trauma. In order to receive his mortal remains, his family had to sign a resignation form relinquishing their right to have his body transferred to the Forensic Medicine Institute for an autopsy and the possibility of presenting any complaint about the facts.

Hundreds of persons attended his burial.

JUAN CARLOS **LÓPEZ MARTÍNEZ**

04-20-2018

CIUDAD SANDINO - MANAGUA
24 years old
CELL PHONE REPAIR TECHNICIAN.

Juan was 24 years old, and worked as a cell phone repair and maintenance technician. His main hobby was tattoos. He wished to have his own cell phone shop.

On April 20th, there were incidents between the police and protesters in Ciudad Sandino, where Juan lived. At approximately 8pm, when he was returning home from work, he stopped at a food stand, and was hit by a bullet in the chest that was fired from a moving motorcycle. The conductor, according to the information gathered, was wearing an uniform of security guard of the Mayor's Office and was accompanied by a police officer who allegedly fired his weapon at Juan. Bystanders removed him to the Hospitalito in Ciudad Sandino and, after he was denied admission there, he was transferred to Monte España Hospital, but he was already dead upon arrival. In order to receive his mortal remains, his family had to sign a resignation form relinquishing their right to have his body transferred to the Forensic Medicine Institute for an autopsy, and indicating that the police from District No. 10 had no responsibility over his death.

His family members, along with human rights organizations, have publicly claimed for justice.

HAMMER JHOEL **GARCÍA SALINAS**

04-20-2018

TIPITAPA – MANAGUA
19 years old
STUDENT, PROFESSIONAL, ONLY CHILD.

Hammer had studied in a technical school, and was in the third year of Engineering at the Polytechnic University of Nicaragua (UPOLI), but had to abandon his studies due to his economic situation and start working. He was an employee of CENTROLAC at a duty free zone.

He was interested in electronics and electricity; he also liked playing soccer with his friends from Jeremias church, which he attended often.

On April 20th, at approximately 9pm, he was shot in the back, in front of La Amistad funeral home, during the protests that were taking place around the Tipitapa Mayor's Office. The available information indicates that two anti-riot police forced him to get down on his knees and shot him. Hi body was left there, and then taken to Yolanda Mayorga Primary Hospital by police and municipal employees. The forensic medical report indicated that Hammer was only shot once, but due to the characteristics of the pellet extracted from his body, it was fired from a shotgun. It also observed that the distance of the shot could not be determined, but one could infer that it was fired from over one meter away. It concluded that the gunshot lacerated his lung and a pulmonary artery. His family only heard about his death at 11:30am on the following day. Their expressions of pain were disseminated on social media. "My son was executed", said his father.

FRANCO ALEXANDER **VALDIVIA MACHADO**

04-20-2018

ESTELÍ - ESTELÍ
24 years old
UNIVERSITY STUDENT, ARTIST, ATHLETE, FATHER OF ONE DAUGHTER.

Franco Alexander was a third year Law student at the International University of Integration of Latin America (UNIVAL), and had excellent grades. He wished to know the law to be able to defend himself. He was a music composer and a rap singer, known in the music industry as "RENFAN". He was also a baseball referee and, additionally, worked as a carpenter aid to pay for his studies. He was married and was the father of a little girl aged 4, who know is learning his songs.

He died on April 20th, 2018, as a result of the repression carried out by police and pro-government shock groups against the demonstration at the Central Park of the city of Estelí. It was the first protest that he attended. His claim about the disproportional use of force against "youth and elderly persons" who were peacefully protesting was reported by the press, while he exhibited the projectiles that had been fired at the latter. The available information, which includes audiovisual material, indicates that the shot was fired from the Mayor's Office. His lifeless body was mistreated and dragged by the aggressors, and later dropped off at San Juan de Dios Hospital in Estelí at 10:30pm. On the following day, the crime scene was violated to hide fundamental evidence for the investigations and the identification of those responsible.

ORLANDO FRANCISCO **PÉREZ CORRALES**

04-20-2018

ESTELÍ – ESTELÍ
23 years old
UNIVERSITY STUDENT, HELPED AT A CHURCH, ATHLETE.

Orlando Francisco was a student at the Regional Multidisciplinary College (FAREM)-Estelí, National Autonomous University of Nicaragua (UNAN). He was about to graduate as an engineer on renewable energy sources. He had a partner and was a member of the youth parochial group of the church in his city. He was a fan of F.C. Barcelona team, and enjoyed playing soccer. His friends describe him as an extremely friendly and sociable youth.

He died on April 20th, 2018, at the Central Park of the city of Estelí while participating in a protest along with his brother and other friends; his mother also participated and met him there. The disproportional use of force against the social protest was orchestrated between the Police and pro-government shock groups, and took his life: at 8pm he was last seen by his family, and then, he was shot in the chest. His friends took him to San Juan de Dios Hospital in Estelí, but he was already dead upon arriving there. According to the available information, including audiovisual records, the fatal shots were fired from the Estelí Mayor's Office. His mother heard about what had happened from other young protesters.

Afterwards, his family members were subject to mistreatment and various forms of persecution by individuals who were in charge of investigating the facts. In view of the foregoing, many members of his family were forced to leave Nicaragua.

CÉSAR NOÉ **CASTILLO CASTILLO**

04-20-2018

ESTELÍ - ESTELI
42 years old
FACTORY WORKER.

César Noé worked at a cigar factory, and liked to play sports, especially basketball and soccer. He and one of his sisters financially supported their parents.

On April 20th, 2018, he participated in the protest against the social security reform at the Central Park in the city of Estelí. At approximately 9pm, he was shot in the chest and, 22 days later, died as a result of that gunshot wound. According to the available information, including audiovisual records, the fatal shot was fired from the Estelí Mayor's Office.

He was taken to San Juan de Dios Hospital, in Estelí, by acquaintances. He remained hospitalized until April 29th, 2018, when he was discharged despite his critical condition: complete spinal injury of the fifth thoracic vertebra. His condition was so critical that he had to return to the hospital two hours after getting home. He was hospitalized again for a few days, and then discharged again on May 4th. He died at home 8 days later, in the evening of May 12th. The bullet that killed him was never removed from his body.

CRISTHIAN EMILIO **CADENAS**

04-20-2018

LEÓN - LEÓN
23 years old
UNIVERSITY STUDENT
AND INFORMAL WORKER.

Cristhian was in the third year of Agroecology at the National Autonomous University of Nicaragua (UNAN)-León. He had some informal jobs, and enjoyed playing soccer. He was a member of the Centro Universitario of the National Autonomous University of Nicaragua (CUUN).

In the afternoon of April 20th, 2018, the CUUN premises were set on fire. On the following day, April 21st, at around 2pm, his carbonized body was found inside Lezama Billiards, one of the buildings next to CUUN that also caught on fire. Although a forensic examination indicated that he died from inhalation of toxic gases, there are doubts about his cause of death. According to the information received by the GIEI, his body was mutilated, without arms, legs, and his teeth were also missing. The clothing that led to his identification consisted of a handkerchief and pants which, according to the information, "were unexpectedly not burned". Moreover, while CUUN authorities accused the students who were protesting against the government, the students indicated that CUUN leaders were responsible for the fire and for his death, following orders from members of the governing party, because he refused to participate in the repression against the protesters.

APOLONIO EZEQUIEL **DÍAZ DELGADILLO**

04-20-2018

LEÓN - LEÓN
44 years old
SECURITY GUARD.

On April 20th, 2018, Apolonio Ezequiel was allegedly a member of the pro-government group that set fire to Radio Darío in the city of León. According to the available versions of the events, the attack started at around 7:30pm and was perpetrated by a group of twelve or thirteen individuals who arrived in two trucks carrying weapons, cans with gasoline and gunpowder. Apolonio Ezequiel was killed in the fire. He was hospitalized, but died as a result of the serious burns suffered.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families, but never obtained a response.

JIMMY JAIME PAIZ **BARAHONA**

04-20-2018

LEÓN - LEÓN
53 years old
SECURITY GUARD.

Jimmy Jaime was allegedly a member of the pro-government group that set fire to Radio Darío, on April 20th, 2018, in the city of León. According to the available versions of the events, the attack started at around 7:30pm and was perpetrated by a group of twelve or thirteen individuals who arrived in two trucks carrying weapons, cans with gasoline and gunpowder. Jimmy Jaime was one of the individuals who splashed gasoline all over the radio building. After members of that group fired a mortar to ignite the fire, there was an explosion, and the blast waves reached Jimmy Jaime. He was hospitalized, but died as a result of the serious burns suffered.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families, but never obtained a response.

JOSÉ ABRAHAM **AMADOR**

04-20-2018

MASAYA – MASAYA
17 years old
STUDENT.

José Abraham was in the fourth year of high school at Rafaela Herrera School, in Masaya. He wished to be a veterinarian. He was a friendly and happy youth.

On April 20th, 2018, he was participating in the protests that took place in Masaya. In the context of the repression launched against the protesters by the National Police in the vicinity of the Market of Handicrafts, at around 8pm José Abraham was shot in the chest, which deadly perforated one of his lungs. The shot was supposedly fired by either police officers or pro-government shock groups. According to the information received by the GIEI, José was shot on Mercado Street in front of Tina Mesa bakery, an area that the police had precisely taken over a few moments prior.

Afterwards, he was taken to Humberto Alvarado Hospital, in Masaya, where his death occurred at 10:20pm on that same day.

JAIRO MAURICIO **HERNÁNDEZ USEDA**

04-20-2018

MASAYA - MASAYA
23 years old
MAQUILA EMPLOYEE.

Jairo worked at a Maquila industry in Masaya, and lived in the same city at 26 de febrero neighborhood.

On April 20th, 2018, he was participating in the protests that took place in Masaya. In the afternoon, he was shot in the head when he was near the Market of Handicrafts during the police repression. He was removed to Humberto Alvarado Hospital, where he died at 8:45pm on that same day.

Means of communication reported that on April 22nd, at a park in Monimbó, a vigil was held in his honor, and a great quantity of persons attended. The priest who officiated the ceremony expressed to the press his family's pain: "his mother could not even speak." The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

ALVARO ALBERTO **GÓMEZ MONTALVÁN**

04-20-2018

MASAYA - MASAYA
23 years old
UNIVERSITY STUDENT.

Álvaro was originally from the indigenous neighborhood of Monimbó, in Masaya, and he was in the fourth year of Banking and Finances at Carlos Fonseca Amador University Center (RUCFA-UNAN). He also worked at a duty free zone in Masaya. He liked playing basketball and electronic music.

He was an FSLN sympathizer, but since the beginning of the protests against the INSS reforms, he decided to support the young protesters. On April 20th, he went to work, and in the afternoon he joined the protesters in Masaya. He was near the Market of Handicrafts when the National Police and pro-government shock groups launched the repression against the protesters. At around midnight, he was shot in the chest, supposedly fired by either police officers or shock groups.

When he was shot, he was close to a bank named "Banpro", which is next to the Market of Handicrafts, 75 meters south, near El Pilar school, on Progreso Avenue, one of the targets of the attacks carried out by the Police on that day. Álvaro was transferred to Humberto Alvarado Hospital, in Masaya, but when he was admitted shortly after midnight, he was already dead.

"My son was carrying a stick, a rock, but his opponent was not the same: they had a rifle, a pistol," observed his father to the press. "I am Sandinista, not Orteguista," he added.

JAVIER **LÓPEZ**

04-20-2018

MASAYA - MASAYA
24 years old

On April 20th, 2018, Javier was participating in the protests against the social security reforms that took place in Masaya, along with other youths. According to witnesses, they "only demanded that the government did not deduct 5% from the pensions of the elderly." In the vicinity of the Market of Handicrafts, during the incidents that occurred involving protesters and the National Police, he was shot in the head. According to press information, the gunshot was fired by a police officer: "a police officer shot him, then he collapsed, unconscious," said a witness. He was taken by friends to Humberto Alvarado Hospital in Masaya.

Javier was one of the four fatal victims in Masaya between the afternoon of April 20th and the early hours of April 21st, 2018.

FRANCISCO GIOVANNY **SOBALVARRO ALTAMIRANO**

04-20-2018

SÉBACO – MATAGALPA
24 years old
LIKED SOCCER AND BASKETBALL.

Francisco Giovanny was raised by his grandparents, and lived at the Nuevo de Sébaco neighborhood. He enjoyed soccer and basketball. He decided to participate in the protests because he thought that the INSS reform would affect his grandmother.

On April 20th, he attended a demonstration in Sébaco that was attacked by pro-government shock groups with firearms. Giovanny was shot several times in the back, which caused perforation of his lungs and kidney, and caused his death. He was removed to the Health Center in Sébaco in critical condition. He died a few minutes after being admitted there.

According to the available information, during his wake, police and FSLN leaders fired their weapons inside his house and injured several attendees. There were demonstrations in Sébaco to claim justice for his death.

KEVIN ROBERTO **DÁVILA LÓPEZ**

04-21-2018

MANAGUA - MANAGUA
23 years old
TECHNICAL SCHOOL STUDENT, PROFESSIONAL AND ATHLETE.

Kevin Roberto worked at a company and had studied to become a veterinarian for three years, but had to quit temporarily due to economic hardship. He then started a technical course on refrigeration and repair of air conditioners. He enjoyed playing soccer and going to the gym. He was a quiet youth, very attached to his father and especially fond of animals.

He participated in the protests in the vicinity of UPOLI since April 19th. He used to record images of the events with his cell phone. According to public information, on April 20th he was shot in the mouth with a rubber bullet, and posted a photograph of this injury on social media with the following caption: "we will continue fighting with no fear. We will not surrender."

On April 21st, at approximately 4pm, he was shot in the head when he was in the vicinity of UPOLI. Kevin was last seen alive on Buenos Aires street (between the traffic lights at Villa Miguel Gutiérrez and Camino Solo street). In this area, there were anti-riot police forces, motorized police and police patrols. According to various pieces of evidence, the strongest possibility is that the gunshot was fired by members of the anti-riot squad.

Kevin was transferred to Lenin Fonseca Teaching Hospital, where he was operated twice. The family faced difficulties to enter the hospital and obtain information about his condition. He died on May 6th, 2018, at 7:10pm, as a result of the brain injury caused by the gunshot, according to his death certificate.

His father was forced to go into exile due to the persecution and intimidation suffered after Kevin's death, and has been outspoken on foreign media outlets about his son's bravery to protest, despite the State-sponsored violence.

JOSÉ ADÁN **BONE DÍAZ**

04-21-2018

MANAGUA - MANAGUA
30 years old
PROFESSIONAL AND FATHER OF ONE DAUGHTER.

José Adán was known as Chayenne, and he was originally from La Cofradía, Masaya. He worked for a company at the duty free zone, but due to budgetary cuts he lost his job shortly before his death. He had a 5-year-old daughter.

On April 21st, at approximately 4pm, he was in the vicinity of La Subasta, when he was shot in the chest. According to the available information, at that time and in that area, there were police carrying out actions of repression against the protesters.

José Adán was taken to Alemán Hospital, where they tried to reanimate him, but were unsuccessful and he died at around 5pm, according to an autopsy report that was issued on May 15th, 2018 on the basis of other documentation.

His family only learned about his death four days after the incident, on April 24th. On that day, they recognized his corpse at the hospital morgue, and in order to retrieve his body they were forced to sign a resignation form indicating that they did not wish to have his cadaver removed to the Forensic Medicine Institute for an autopsy.

MARCOS ANTONIO **SAMORIO ANDERSON**

04-21-2018

MANAGUA - MANAGUA
30 years old
PROFESSIONAL , CONSTRUCTION WORKER.

Marcos, who was also known by the affectionate nickname "Trompeta", worked for a company called "Agrosaco" and also did some construction work in his free time. He did not finish high school, and took a technical course at SEGNA School in the city of Managua. He had one daughter, and he and his partner were expecting another child. Marcos lost one son two years ago.

On April 21st, he was near the Managua Mayor's Office, where a protest was taking place. Between 7pm and 9pm, during the repression carried out by the National Police and armed civilians, Marcos was hit by gunshots when he was in the ZUMEN area. According to the autopsy report, the shots were fired from a single-ammo weapon: one hit his hand, and another one hit him in the chest close to the heart. The first shot was fired from a distance greater than 60 centimeters, while the second one was a "contact shot" (that is to say, when the muzzle of the firearm is in direct contact with the victim's body). Said document mentions that the hand injury is indicative that the victim was trying to defend himself, and also states that he had bruises in his face due to blows with a blunt object. According to the available information, Marcos was taken by two individuals to Vélez Paiz Hospital on a motorcycle. He died at the hospital at 10:30pm on the same day.

His family did not know his whereabouts until April 23rd. When they arrived at the hospital to claim his body, they were informed that it had been sent to the Forensic Medicine Institute.

Marcos' daughter was born at the end of June, three months after his death.

DANNY STALYNG **RIVAS**

04-21-2018

MANAGUA - MANAGUA
25 years old
CONSTRUCTION WORKER AND ATHLETE.

Danny Stalying, a.k.a. "Ronco", worked as a contractor, and liked playing basketball. He was a hard-working youth, and was very close to his grandfather, whom he affectionately called "pops".

He participated in the protests that were taking place in Managua since April 19th. On April 21st, at approximately 2pm, he joined the demonstrations that were taking place in the vicinity of UPOLI. In the context of the repression by the police and the subsequent evacuation by the protesters, he was shot in the abdomen. Several pieces of evidence suggest that the fatal gunshot was fired by the police. At around 5:15pm, Danny Stalyng was near the Villa Rafaela Herrera Monument, 200 meters towards the west. He was assisted by bystanders and taken to the improvised health center set up at UPOLI. Between 10pm and 11pm he was admitted into Alemán Hospital, where he died on April 22nd, at approximately 9pm.

LESTER ADÁN **VINDEL PICADO**

04-21-2018

MANAGUA - MANAGUA
37 years old
SALESMAN AND ATHLETE.

Lester Adán worked as a salesman. He practiced cycling, and participated in activities organized by various cycling groups.

On April 21st, he attended the protests in the vicinity of UPOLI to bring some food items to the students and other protesters who were there. At approximately 8pm, when he was near Iván Montenegro Market, he was shot on the right side of his chest. He was taken to Alemán Hospital, but when he arrived there at around 9pm he was already dead.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

After his death, Nicaraguan cyclists organized an activity in which they read a message of peace and peaceful resistance in honor of the deceased during the protests, including Lester Adán, whose picture they showed along with a special mention.

LESTER JOSE **FLORES BRACAMONTE**

04-21-2018

MANAGUA - MANAGUA
19 years old

Lester was a youth originally from the municipality of Esquipulas, Matagalpa.

On April 21st, Lester was shot in the chest multiple times, and died as a result thereof.

According to testimonies to which the GIEI had access, a police patrol drove by shooting while the victim was at a bus station near the Shell gas station – Waspan. It was around 9pm. He was taken to Alemán Hospital.

JUANA FRANCISCA **AGUILAR CANO**

04-21-2018

MANAGUA - MANAGUA
19 years old
POLICE OFFICER.

Juana was originally from Jinotepe, in the department of Carazo, and joined the National Police in July 2017. She had a 3-year-old son.

On April 21st, 2018, at night, she was shot in the head near the Cristo Rei traffic circle. According to testimonies received by the GIEI, there were incidents in that area between protesters and members of the National Police along with pro-government shock groups. According to the forensic medical report, Juana died at Bautista Hospital on April 22nd, at around 5:30pm.

Even though the pro-government media immediately reported that her death was caused by the protesters, the GIEI has not had access to any corroborating evidence in that regard. It is curious to note that the National Police did not issue any official communication explaining the circumstances of the event.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. It also requested support from the State so that the GIEI could meet with the families of deceased police. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of her death.

GERALD ANTONIO **CAMPOS FAJARDO**

04-21-2018

MANAGUA - MANAGUA
28 years old
CONSTRUCTION WORKER.

On April 21st, 2018, Gerald was coming home from work on foot. The information received indicates that, at around 10pm, he was walking past Andrés Castro neighborhood in Managua, when he was approached by an individual belonging to the Sandinista Youth Movement who hit him in the head with a pipe. Gerald fell on the ground due to the blow, and 8 or 10 other individuals from the same group started punching, stabbing and dragging him around, then left him in the middle of the street. Although the list of deceased victims provided by the State to the IACHR indicates that his cause of death was a bladed weapon injury in the chest, the autopsy report indicates that it was a gunshot wound which perforated his thorax. There are also two death certificates which contain contradictory information along the same lines: one suggests that the death was caused by a bladed weapon, while the other one mentions a firearm.

After he was injured, Gerald was transferred to Vélez Paiz Hospital, where he was admitted at 11pm, but he was already dead. His family was able to retrieve his body on April 22nd, after signing a letter addressed to the Major Commissioner of that Police District, in which they exempted the Police from any responsibility.

EDUARDO ANTONIO **SÁNCHEZ FLORES**

04-21-2018

MANAGUA - MANAGUA
30 years old
UPHOLSTERER.

Eduardo worked as an upholsterer. He enjoyed playing sports, especially soccer. He was married, had three biological children and raised two more children. He was a member of FSLN, but had critical views about the government.

On April 21st, 2018, Eduardo was near the Cristo Rei traffic circle, in Managua, when he was shot at around 10:30pm. According to testimonies received by the GIEI, there were incidents in that area between protesters and members of the National Police along with pro-government shock groups. When the victim was at the entrance of the La Luz neighborhood, next to the Fomento a la Producción bank, in front of Camilo Zapata School, he was shot multiple times in the chest and abdomen. The GIEI had access to reports which suggest that the perpetrators were members of the Sandinista Youth Movement who were wearing their distinctive shirts at the time and drove around in a white Toyota Corolla, they supposedly got off the car and fired at the protesters. After being wounded, Eduardo was taken to Manolo Morales Hospital, where he was operated, but he died at 10pm, on April 22nd. The available information indicates that his family had to sign resignation forms to retrieve his body.

"Do not feel alone, our fear is over," expressed his wife during a press conference organized by the Movement Mothers of April about the violent repression suffered during the March of the Mothers.

ALFONSO JOSÉ **RAMÍREZ GONZÁLEZ**

04-21-2018

MANAGUA - MANAGUA
30 years old
CONSTRUCTION WORKER.

Alfonso was wounded on April 21st, at approximately 11pm, at district No. VI of Managua, in the context of protests against the INSS reforms. According to the available information, Alfonso José was shot twice, one in the back and one in the hip. He was taken to Alemán Hospital shortly after 11pm, and underwent a surgical procedure. When he was admitted into the hospital, he mentioned that he had been injured during a protest. He died at the hospital on April 23rd, at 5:20pm.

Even though no autopsy was performed to determine the cause of death, the Forensic Medicine Institute issued a forensic medical report based on documents. Said report determined that his cause of death was a refractory distributive shock due to a gunshot wound in the abdomen, specifically in the hip. The document also mentions that his family signed a resignation form so that his body would not be sent to the Forensic Medicine Institute for an autopsy.

JOSÉ DAVID **MORALES PÉREZ**

04-21-2018

MANAGUA - MANAGUA
35 years old
CONSTRUCTION WORKER.

On Saturday morning, April 21st, José David left home to do a job. He was on foot, since there is no means of public transportation near his home. Upon leaving, he left his identification card at home. He never returned. His family then started searching for him at hospitals and police stations on the following day, to no avail. On April 25th, after searching for few days, his mother went to the Forensic Medicine Institute, where they showed her pictures of her son for recogniton. He had visible bruises on his face.

The available information indicates that the victim was returning home from work when he was shot in the context of incidents between protesters and police officers. A group of individuals tried to help him, but the Police stopped them. After being injured, José David was placed in a police patrol. According to a note from the Deputy Director of Lenin Fonseca Hospital, which was attached to the autopsy report of the Forensic Medicine Institute, his lifeless body had been left at the hospital by individuals in a van, on April 22nd, at 5:30am.

His corpse was transferred to the Forensic Medicine Institute on April 24th, at night. According to the aforementioned report, a gunshot wound in his abdomen damaged various internal organs and caused his death.

ISMAEL ISAÍAS **PÉREZ MARTÍNEZ**

04-21-2018

MANAGUA - MANAGUA
24 years old
CONSTRUCTION WORKER.

Ismael Isaías was found dead 300 meters south from the traffic lights near La Subasta, on April 22nd. According to the forensic medical report, he died on the previous day, at around 10pm, due to multiple gunshot wounds in the chest and abdomen.

There are different versions about the circumstances of his death. Some sources indicate that he was trying to stop a looting at a Palí Supermarket, while the Commission for Truth, Justice and Peace listed this death as occurring at a roadblock.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

CELSO JOSUE **DÍAZ SEVILLA**

04-21-2018

MATEARE – MANAGUA
19 years old
A.K.A "CHECHO", WORKED AT A BODEGA AND PLAYED SOCCER.

Celso worked at a bodega, and enjoyed playing soccer. He and his life partner were expecting a son.

On April 21st, he was participating in a protest in Mateare with other youths. At 10:30pm, when he was next to the Palí Supermarket, he was shot twice. After collapsing due to the first gunshot in his back, the perpetrators executed him with a shot in the head. The information received indicates that the perpetrators could be Mateare police who arrived in motorcycles and fired their weapons, along with other individuals in Mitsubushi trucks from the Mateare Mayor's Office, in order to disperse the demonstration.

According to the information, his body remained on the pavement for three hours, and the authorities never showed up at the scene, so his family found his lifeless body and took it to a house for the wake. On the other hand, the list of deceased victims that the State submitted to the IACHR notes that his dead body was taken to the Health Center in Mateare at 10:30pm.

His mother lives abroad and was unable to travel for his funeral.

JEISSON ANTONIO **CHAVARRÍA URBINA**

04-21-2018

TICUANTEPE – MANAGUA
24 years old
MOTOTAXI DRIVER AND ATHLETE.

Jeisson Antonio, "Calulo", drove a mototaxi and enjoyed playing sports. He was a fan of the soccer team Real Madrid.

Jeisson participated in the demonstrations against the social security reforms since April 19th. On April 21st, he was participating in the protests that took place in the vicinity of the Ticuantepe traffic circle (in the municipality of Ticuantepe). At approximately 9pm, during the repression by the National Police, he was shot in the head and died immediately, according to his death certificate. He was in front of the Unión Fenosa central electrical plant on the main road. He was immediately assisted and taken to Amistad Mexico-Nicaragua Primary Hospital. He was dead when he arrived there at 10:10pm.

Forty days later, his cousin, Maycol Cipriano González Hernández was also murdered while claiming for justice for Jeisson's death during the March of the Mothers, on May 30th.

CARLOS MANUEL **LÓPEZ**

04-21-2018

MASAYA - MASAYA
42 years old
WORKED WITH FURSKINS AND ATHLETE.

Also known around his neighborhood by the nickname "La Viuda" since he was a little boy, Carlos worked with furskins in Masaya. He enjoyed sports, especially baseball, which he practiced as a hobby.

On April 21st, 2018, after buying food, Carlos and his family were going to visit his mother, who lives at Fátima neighborhood, near where the incidents between the police and protesters were occurring. At around 9:30pm, one block away from his mother's house, exactly on Rudy Vanegas street, half a block west, half a block north, some youths called him and asked him for money, he stopped for a minute while his family kept walking towards his mother's house. At that moment, he was shot in the shoulder, and the bullet perforated both his lungs. According to eyewitnesses of the event, Carlos was shot by members of the anti-riot police forces.

Some youths transferred him to a house which had been improvised as an emergency facility for the wounded. He eventually died on the way to Humberto Alvarado Hospital, at around 10pm.

ÁNGEL EDUARDO **GAHONA LÓPEZ**

04-21-2018

BLUEFIELDS - RACCS
42 years old
JOURNALIST AND STUDENT.

Ángel Eduardo was a journalist. He studied social communication at the University of the Autonomous Regions of the Nicaraguan Caribbean Coast (URACCAN), and was the director of the independent newspaper "El Meridiano". He was married and had two children: a 4-year-old girl and a 14-year-old teenage boy.

On April 21st, Ángel Eduardo was doing live coverage of the repression by the police against protesters in the city of Bluefields – capital of the Autonomous Region of the Southern Caribbean Coast – when he was shot twice. The murder occurred at the ATM of bank BANPRO located in the building of the Bluefields Mayor's Office. Two gunshots resulted in three wounds in his body. One of them in the head; the other one entered through his arm and reached his thorax. He was taken in a taxi to Ernest Siqueira Blanco Hospital. He was still alive, but in shock, upon admission into the hospital. According to the forensic medical report, the cause of death was severe and irreversible brain trauma. He died at around 7pm.

Although the criminal proceedings regarding Ángel's death resulted in a conviction, the investigations were biased and plagued by deficiencies, as explained in this report. Other pieces of evidence, which were included in the trial, suggest other versions for the events. A serious, impartial and effective investigation must be conducted to determine precisely what happened.

Thousands of persons bid farewell to Ángel Eduardo in Bluefields; a few days later his colleagues, family members and other persons participated in a ceremony to honor him in the city of Managua.

IZMAEL JOSÉ **PÉREZ VILCHEZ**

04-22-2018

MANAGUA – MANAGUA
32 years old
PLASTER MANUFACTURER AND FATHER OF TWO CHILDREN.

Izmael José, whose nickname was Lala, was very active and cherished by his neighbors. He worked with plaster and ceramics for a local company.

On April 22nd, there were lootings in one of the Palí Supermarkets of the La Fuente neighborhood, in the city of Managua. Izmael José was returning home from work and tried to protect the supermarket from the looters, because he "used to shop there." In the middle of the confrontation, Izmael found himself in front of some police officers who fired their weapons, and he was shot. His face was destroyed. The police did not assist him. It was around 10am. His companions assisted him and carried Izmael still alive, but visibly wounded, and took him to Roberto Calderón Hospital. His mother found him there, but he had already died at 10:40am, according to the death certificate. In order to take his body, his family had to sign a resignation form and renounce their right to present a complaint.

His funeral was attended by more than 400 persons who were there to comfort his "vieja", which was how he affectionately called his mother.

JESNER JOSUE **RIVAS**

04-22-2018

MANAGUA – MANAGUA
16 years old
STUDENT.

Jesner Josué had the nickname "Pepito". He was in the sixth grade of primary school.

On April 22nd, there were lootings in one of the Palí Supermarkets of the La Fuente neighborhood, in the city of Managua. Shortly after 10am, Jesner was shot in the neck. The gunshot came from an area where many police officers were positioned. Jesner was assisted by neighbors and carried to the place where his brother was, then they took him to Roberto Calderón Hospital. He was still alive upon admission, but died a few hours later, at around 1:30pm. His death certificate indicates that the cause of death was a bladed weapon wound, even though video footage shows that he suffered a gunshot wound. Before claiming his body at the hospital, his family had to sign a resignation form indicating that they did not want the body to be sent to the Forensic Medicine Institute for an autopsy, and renouncing their right to present a complaint.

In addition to his mother, Jesner also had a grandmother who was like a mother to him. Her expressions of grief for his death had ample repercussion in the press.

RAMÓN ANTONIO **RODRÍGUEZ**

04-22-2018

MANAGUA - MANAGUA
43 years old
ORIGINALLY FROM CIUDAD SANDINO.

Ramón Antonio was originally from Ciudad Sandino, and was married.

On April 22nd, he was fatally shot in the head, near the Plantel Batahola Sur, next to the Direction of Infrastructure of the Managua Mayor's Office. The information received indicates that he was boarding a taxi with his wife when he was attacked by pro-government shock groups who came out of a vehicle that was inside the municipal premises. In statements before the press, his family members explained that he and his wife were in the area by accident, when they heard about the lootings occurring in various places, among which were Santa Eduviges (Ciudad Sandino) where they lived, so they tried to haul a taxi, then he was shot.

Afterwards, he was taken by an ambulance to Fernando Vélez Paiz Hospital. He arrived there already dead, shortly after 11am.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

Ramón Antonio's picture – enlarged and printed – was used in a demonstration of government sympathizers to claim for justice on behalf the deceased victims. His family publicly condemned this unauthorized use of his image, since a few days earlier they told individuals associated with the government that they would not provide them with a photograph for said purpose, according to the information.

JERSON ALEXANDER **FLORES MEDRANO**

04-22-2018

MANAGUA - MANAGIA
25 years old
DRIVER.

Jerson Alexander was a truck driver.

He was shot in the head when he was walking past the Maxi Palí Supermarket at Villa Freaternidad, on April 22nd. He received medical assistance at Alemán Hospital, and also at Lenin Fonseca Teaching Hospital, where he died at 2:15pm on that same day. According to public information, the gunshot fractured bones of his head and caused fatal wounds.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

EDWIN BISMARCK **GÓMEZ GÓMEZ**

04-22-2018

MANAGUA – MANAGUA
33 years old
CONSTRUCTION WORKER AND FATHER OF 3 CHILDREN.

Edwin Bismarck was originally from Estelí. He was a construction worker. He was married and had two daughters, one son, and his wife was pregnant.

On April 22nd, at around 7:30pm, there were incidents on the campus of UPOLI. According to information from the press, students were gathered there, when they were surprised by anti-riot forces who came in through the area of Las Américas Shopping Mall and Villa Progreso. The National Police denied ever being in the area, and alleged that this incident was caused by a confrontation between rival gangs.

The information received by the GIEI indicates that Edwin Bismarck was supporting the students when he was shot twice in the chest, when he was on the western side of the first gate of UPOLI. After being shot, he was assisted by the paramedics at an improvised health center inside UPOLI, and then removed to Alemán Hospital. He was operated there, since the bullets perforated his kidney, liver and pancreas. He died on April 25th, at 9pm.

His baby was born a few months after his murder.

DARWIN ELÍAS **MEDRANO PÉREZ**

04-22-2018

MANAGUA – MANAGUA
22 years old
PETROL COMPANY EMPLOYEE AND ATHLETE.

Darwin Elías was originally from León. He had graduated from high school, and worked for Petrobras with gas cylinders. He liked to play baseball, and was a friendly and hard-working youth.

On April 22nd, at around 7:30pm, Darwin Elías was returning home from work, and when he was 600 meters north from the new bridge at Rubena Bo. Georgino Andrade, in front of Ferretería Enabus, he was shot in the head. According to the available information, he was shot by police in motorcycles. He was assisted by bystanders, who took him to Alemán Hospital, but then he was transferred to Lenin Fonseca Teaching Hospital, where he died on April 24th, at 5pm, as a result of the gunshot wound, according to his death certificate.

MANUEL ANTONIO **MONTES**

04-22-2018

CIUDAD SANDINO – MANAGUA
44 years old
WORKED AT A BEVERAGE COMPANY.

Manuel worked at a soft drink distribution company. He was a happy and dynamic man. He lived with his wife and her two children.

On April 22nd, between 9am and 10am – when he was returning home from work – he was shot during the disturbances that were taking place at the market of Ciudad Sandino. According to the information received by the GIEI, the incident occurred half a block from his workplace, two blocks north from the traffic lights by the market. Eyewitnesses indicate that he was shot by an officer from the National Police or a member of the Sandinista Youth Movement.

After he was assisted by his coworkers, Manuel was taken in a police patrol to the Hospitalito on Ciudad Sandino, and then transferred to Lenin Fonseca Hospital. He was discharged, but had to return to the same hospital two days later. He died on April 29th, 2018 from internal hemorrhage due to a gunshot wound that punctured his lung and his spine.

JOSE LUIS **MUÑIZ CORTES**

04-22-2018

CIUDAD SANDINO – MANAGUA
21 years old
CONSTRUCTION WORKER AND FATHER OF A BABY.

José Luis lived in Ciudad Sandino. He had a 9-month-old baby boy with his partner. He was a construction worker.

According to information received by the GIEI, on April 22nd, there were a series of confrontations in Ciudad Sandino. These were related to both the context of social protests and existing disputes between groups of residents from the first and second phases of the Nueva Vida neighborhood, which were exacerbated after the violent events began on April 18th.

Testimonies received by the GIEI indicate that in the morning, José Luis and other neighbors were trying to prevent lootings and attacks by residents of the first phase of the aforementioned neighborhood against the bus terminal, homes, and commercial establishments, which were located in the second phase. He was then shot in the head. According to the information received, the gunshot was fired by individuals who were in a blue bus, and supposedly were residents of the first phase of Nueva Vida, among whom were militants of the Sandinista Youth Movement. This group allegedly received support and weapons from the Police, and even the bus might belong to them.

José Luis was removed to Nilda Patricio Velasco Primary Hospital (Hospitalito), in Ciudad Sandino, where he died at noon. The hospital personnel did not want to provide medical attention to him, since they claimed that his condition was too critical and he would die soon.

CARLOS ANTONIO **FLORES RÍOS**

04-22-2018

CIUDAD SANDINO - MANAGUA
19 years old
STUDENT.

Carlos Antonio lived in the second phase of the Nueva Vida neighborhood, in Ciudad Sandino. He helped out at the local Mayor's Office, and was a member of the Sandinista Youth Movement. He studied at Mil Colores School and worked sporadically.

According to information gathered by the GIEI, on April 22nd, there were a series of confrontations in Ciudad Sandino. These were related to both the context of social protests and existing disputes between groups of residents from the first and second phases of the Nueva Vida neighborhood.

Testimonies received by the GIEI indicate that in that morning, which was his birthday, Carlos Antonio and other neighbors were trying to prevent lootings and attacks by residents of the first phase of the aforementioned neighborhood against the bus terminal, homes, and commercial establishments, which were located in the second phase. According to the information received, the aggressors were in a blue bus, and supposedly were residents of the first phase of Nueva Vida, among whom were militants of the Sandinista Youth Movement. This group allegedly received support and weapons from the Police, and even the bus might belong to them.

Carlos Antonio was with some friends trying to escape from the attacks of that group, when they were ambushed. He was subject to torture, had his hands destroyed and was murdered. His body was left on the pavement covered in blood until a neighbor recognized him, and removed his body under threats that they would burn it otherwise. The body was taken to the Nueva Vida Health Center in Ciudad Sandino, where his family retrieved it to bury him on the following day. Previously, they were forced to go to the police station and sign a resignation form, renouncing their right to present a complaint, in order to obtain a provisional death certificate.

NESKEN ELIEZER **VELÁSQUEZ**

04-22-2018

MANAGUA - MANAGUA
27 years old
CONSTRUCTION WORKER.

Nesken Eliezer was a construction worker.

On April 21st, Nesken was participating in the protests against the reforms promoted by the government that were taking place in Mateare. According to various sources of information, between that evening and the early morning of April 22nd, he was shot at least once in the head. Some sources indicate that the event occurred near the Mayor's Office, and the gunshot might have been fired by a guard of that institution, while others suggest that the shots came from an FSLN local office in Mateare.

He was taken to Lenin Fonseca Hospital where he died at noon, on April 22nd, due to the gunshot wound in his head, according to official information. In order to retrieve his body, his family had to sign a resignation form addressed to the Chief of Police District II, and relinquish their right to have his body transferred to the Forensic Medicine Institute for an autopsy and the possibility of presenting "any complaint" about his death.

ROBERTO CARLOS **GARCÍA PALADINO**

04-23-2018

MANAGUA – MANAGUA
40 years old
PROFESSIONAL.

Roberto Carlos was a foster child of Francisco López, who is the treasurer of FSLN.

On April 23rd, 2018, in the context of the lootings that were taking place at Palí Supermarket "P del H", Roberto Carlos was shot a few times. The fact allegedly occurred at around 3am., by the traffic lights of Santa Maria Clinic, one block east, at El Paraisito neighborhood, exactly in front of the Palí Supermarket "P del H". He was already dead when they took him to Francisco Buitrago Health Center.

Although the criminal proceedings regarding Roberto's death resulted in the conviction of five young men, the investigations were biased and plagued by deficiencies, as explained in this report. Other pieces of evidence, which were included in the records, suggest that the fatal gunshots were fired by members of pro-government shock groups, who attacked the persons guarding the supermarket from looters. This evidence also indicate that the victim was hit with a blunt object before being shot and killed. A serious, impartial and effective investigation should determine with precision what happened. The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families, but never obtained a response.

CRISTIAN JOSÉ **PINEDA MARTÍNEZ**

05-07-2018

LEÓN - LEÓN
28 years old
UNIVERSITY GRADUATE.

Cristian José lived with his wife in León. He was a university graduate. According to his family, he was not participating in the protests, since his job did not permit that. He was married.

In the evening of May 7th, Cristian José arrived at Oscar Danilo Rosales Argüello Teaching Hospital (HEODRA), in León, due to a serious allergic reaction. According to the available information, the victim was denied entry into the hospital, and this delay in providing him medical attention caused his death. According to various sources, this occurred because the hospital personnel thought that he was a student who had participated in the protests against the government. Nevertheless, due to the insistence of his family members he was admitted into the hospital, where they tried to reanimate him, but it was too late. Contrary to that, the death certificate indicates that he was already dead when he arrived at the hospital, thus no medical assistance was provided.

ALEJANDRO **ESTRADA VEGA**

05-08-2018

MANAGUA – MANAGUA
52 years old
KITCHEN REPAIR TECHNICIAN AND FATHER OF FOUR CHILDREN.

Alejandro was a technician in kitchen repairs. He was a very dedicated father to his children.

On May 8th, he was shot in the neck near UPOLI. He was walking home and was shot while walking past the Los Amigos de Villa Progreso Park. He was taken to Alemán Hospital, where he remained hospitalized until May 11th, 2018. He died that morning at 6:30am.

News articles suggest that the shot was fired from an artisanal weapon that was used by those who took over UPOLI. The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

JAIME JOSÉ **REYES TELLEZ**

05-09-2018

MANAGUA – MANAGUA
22 years old
REFRIGERATION TECHNICIAN.

Jaime José was a refrigeration technician. He lived with his family in Managua, and was in a relationship.

According to the information gathered, on May 9th at night, he was walking with a relative near the Ministry of Labor carrying a Nicaraguan flag. They were suddenly approached by a pro-government shock group that also included members of the Sandinista Youth Movement wearing distinctive shirts and yelling propaganda slogans from the governing party. Some sources indicate that this group was coming back from a demonstration on behalf of the government, and demanded that Jaime and his relative joined them. Since they refused to do so, the members of that group started throwing rocks at them. One of the rocks hit Jaime in the head, and after he fell down he was again assaulted with a sharp object in the head.

He was taken to Lenin Fonseca Hospital and operated. He died on may 25th, at approximately 1:50pm.

KEVIN JOEL **VALLE AGUILAR**

05-10-2018

MANAGUA – MANAGUA
18 years old
STUDENT.

Kevin Joel was originally from La Gateada, Chontales, but he lived in Managua. He was in the fifth year of high school.

On May 10th, at 10:05pm, Kevin was admitted into Alemán Hospital with a gunshot wound in his abdomen. He underwent an emergency surgery, but did not survive.

The information received by the GIEI indicates that he had been with some friends on the corner outside of República de Argentina School, about one kilometer from UPOLI, when someone shot him from a truck that was transporting members of a pro-government shock group. "They shot at us with machine guns," said eyewitnesses who also spoke to the press, and attributed responsibility for the event to pro-government shock groups.

His mortal remains were taken in a small truck and buried in his hometown. On the way there, they passed by a roadblock near la Váscula and Empalme de Lóvago. As they drove past, the protesters at the roadblock opened the way for them and put flowers in the truck. Carlos Alberto Miranda, another victim, died a few moments later. The information received indicates that he died nearby, also shot by individuals in a truck. With regard to both cases, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of these deaths.

CARLOS ALBERTO **MIRANDA**

05-11-2018

MANAGUA - MANAGUA
19 years old
PROFESSIONAL.

Carlos Alberto worked at a duty free zone. He was an only child.

On May 11th, between 1:30am and 2am, he was shot in the chest. When he arrived at Alemán Hospital at 2:15am, he was already dead.

The information received by the GIEI indicates that Carlos Alberto was supporting the protesters since May 9th, specifically in the building VI of the Managua Mayor's Office, which is about one kilometer from UPOLI. According to the information, in the early hours of May 11th, a group of individuals who opposed the government drove by in a truck and machine gunned them. On the other hand, and according to press reports, members of the M-19 gang alleged that these assertions meant to incriminate them in an attack which, according to them, was carried out by pro-government shock groups.

Kevin Joel Valle Aguiar, another victim, died a few moments earlier. The information received indicates that he died nearby, also shot by individuals in a truck. With regard to both cases, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of these deaths. The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied.

JIMMY JOSÉ **PARAJÓN GUTIÉRREZ**

05-11-2018

MANAGUA- MANAGUA
35 years old
MECHANIC AND MOTORCYCLIST.

Jimmy worked as a motorcycle mechanic. He used to compete in motorcycle competitions, since this was his passion. He liked history and had a critical viewpoint about the current government. He had five children.

He started participating in the protests since April 20th, including some barricades, until May 9th. On May 10th, when he heard that the government was going to take over the Polytechnic University of Nicaragua (UPOLI), he decided to join that protest. He arrived at UPOLI when the National police was repressing the demonstrators. A period of tranquility followed, but when night fell, many police divisions and pro-government shock groups started surrounding the protesters. At approximately 1:30am, on May 11th, Jimmy was shot in the chest near his heart, when he was two blocks from the traffic lights at Manuel Gutiérrez street, near Juri Jean Hotel Restaurant. The information received indicates that the shot might have been fired by snipers who were positioned at the restaurant terrace.

He was initially assisted at an improvised health facility at UPOLI, and then transferred to Vivian Pellas Hospital. He died there at 2:20am, according to the preliminary autopsy report issued by the Forensic Medicine Institute.

HERIBERTO ANTONIO **RODRÍGUEZ CANALES**

05-12-2018

MASAYA - MASAYA
49 years old
DRIVER. FATHER OF ONE SON.

Heriberto was a truck driver. He was married and had one son.

Between May 11th and 13th, there were incidents in Masaya involving protesters, the National Police and pro-government shock groups. Many commercial establishments were looted and destroyed. In this context, at around 3:30pm on May 12th, 2018, Heriberto Antonio was shot in the head when he was near González movie theater, about 400 meters from the Market of Handicrafts of Masaya. According to eyewitnesses' statements that were disseminated on social media, he was with someone else at the time, and when he heard gunshots, he told this person to find cover; then he fell injured. The gunshot was allegedly fired by members of the anti-riot squad of the National Police, who were positioned on the corner of the bank located at the Central Park of Masaya. He was taken to Humberto Alvarado Hospital by motorcycle, but he arrived there already dead, at 5:45pm.

There was a flower ceremony in his honor, according to images disseminated on social media, which was organized by residents of Masaya where he was shot, and there were still blood stains from his wounds.

WILMER JOSÉ **ZÚÑIGA GARCÍA**

05-12-2018

MASAYA - MASAYA
33 years old
CARRIER.

Wilmer carried goods around the Market of Handicrafts of Masaya.

Between May 11th and 13th, there were incidents in Masaya involving protesters, the National Police and pro-government shock groups. Many commercial establishments were looted and destroyed, including the Market of Handicrafts where a fire damaged part of its premises.

Wilmer José was admitted into Humberto Alvarado Hospital on May 12th, with a gunshot wound in the head. He was later transferred to Lenin Fonseca Hospital, where he died at 6am, on May 13th. According to the police report attached to the autopsy report, a relative of the victim reported that Wilmer José was working at the Market when there was a looting incident. According to this source, he was shot in the head during this incident by the looters. The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Wilmer's death.

ERICK WILLIAM **ESPINOZA MENDOZA**

05-13-2018

MANAGUA - MANAGUA
49 years old
SECURITY GUARD.

Erick William was 49 years old, and worked as a security guard at Altamira Residential, in the city of Managua.

According to the security camera footage of his workplace, on May 13th, at 3:52 am, Erick was working when he was attacked by at least six individuals who arrived in a white truck. These individuals were hooded, shot him in the head, and took his gun. Erick William was taken to the Military Hospital, where he died on May 16th, due to the destruction of brain matter.

The criminal proceedings regarding his murder charged two deceased students and other defendants linked with the occupation of UPOLI. These proceedings were biased and plagued by deficiencies, as explained in this report. A serious, impartial and effective investigation must determine with precision what happened. The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families, but never obtained a response.

JOCSAN ADBEL **GUTIÉRREZ HUECK**

05-13-2018

MANAGUA - MANAGUA
26 years old
PETROL COMPANY EMPLOYEE.

Joecsan Adbel worked for PETROBRAS. He was the oldest sibling.

On May 13th, on the Carretera Norte road, in front of Camino Real Hotel, protesters destroyed a "tree of life" – a symbol of the Ortega-Murillo government. Jocsan Adbel was driving his car, and had a serious accident when his vehicle hit the fallen giant metal structure, which caused his death.

After the crash, he was removed to Alemán Hospital.

JOSÉ ISRAEL **CUADRA AGUILAR**

05-14-2018

MANAGUA - MANAGUA
49 years old
SECURITY GUARD.

José Israel worked as a security guard at the Oriental Market in Managua. He had a wife and two children.

On May 14th, 2018, José Israel was in the vicinity of the Veracruz Gardens when he was shot in the head. It was between 2:30am and 3am. According to statements from family members published by the press, he was returning home in a car when it was attacked by pro-government shock groups. He was taken to Vivian Pellas Hospital, but died shortly after his admission. His central nervous system was destroyed by the bullet, according to the preliminary autopsy report issued by the Forensic Medicine Institute.

"These guys shoot to kill," his relatives told the press.

HOLMAN ELIEZER **ZELEDON**

05-14-2018

SÉBACO - MATAGALPA
26 years old
ORIGINALLY FROM SÉBACO.

Holman Eliezer supported the FSLN. He was shot in the abdomen on May 14th, in Sébaco. He was then taken to César Amador de Molina Hospital in Matagalpa, where he died at around 6:30am, on May 16th. According to press reports, on May 14th, he and a group of individuals were trying to dismantle the roadblock on the bridge of Sébaco, Matagalpa. The same sources indicate that, in this context, he was shot by individuals at the roadblock. For its part, the Commission for Truth, Justice and Peace indicated that he died in a "crossfire."

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Holman Eliezer's death.

HUMBERTO ANTONIO **PARRALES REYES**

05-15-2018

MANAGUA - MANAGUA
40 years old
"EL VENADO", WORKED FOR PEPSI-COLA, PLAYED SOCCER.

Humberto Antonio worked for Pepsi-Cola. He played soccer. And his nickname was "Venado" because he ran very fast. He also supported social organizations that helped youths at risk.

Humberto Antonio was helping the students who occupied UPOLI, bringing them food, medicine, and other supplies. His stepson was participating in the occupation of the university.

Although the list of deceased victims provided by the State to the IACHR indicates that in the evening of May 15th, Humberto was "tortured by the vandals inside UPOLI," and "was shot in the chest;" the information received by the GIEI indicates that, in reality, on that day at 11pm, the victim went to pick up his stepson Noel on his motorcycle, because the latter had a stomachache and they were going to buy medicine. When they were driving past Pio X church and Don Pez restaurant, a taxi driver intentionally hit them.

After that, said driver made a phone call, and a pickup truck filled with armed hooded men arrived, and they started shooting those near the area. After torturing them, both Humberto and Noel were left at the entrance gate of UPOLI, after midnight. Humberto was dead. Noel was taken to Vivian Pellas Hospital, where he died.

Their family faced serious hurdles to obtain Humberto's death certificate. During this period, they managed to have his cadaver examined by doctors of Vivian Pellas Hospital, who issued a document stating that he had died from a gunshot wound that hit his lung, and his body presented burns and multiple bruises on his body.

Humberto Antonio had begun the proceedings to adopt Noel, but could not complete them.

NOEL RAMÓN **CALDERÓN LAGOS**

05-15-2018

MANAGUA - MANAGUA
19 years old
"EL FLACO", FROM MANAGUA.

Noel lived in Managua with his stepfather, Humberto Antonio Parrales Reyes, and other family members.

He decided to participate in the occupation of UPOLI to support the protests. Although the list of deceased victims provided by the State to the IACHR indicates that the victim was admitted into Vivian Pellas Hospital in the evening of May 15th after suffering "electrocution, lethal arrhythmia, and being tortured by the vandals inside UPOLI," and died in the hospital after midnight; the information received by the GIEI indicates that, in reality, on that day at 11pm, the victim left UPOLI with his stepfather Humberto, because the former had a stomachache and they were going to buy medicine. When they driving past Pio X church and Don Pez restaurant, a taxi driver intentionally hit them.

After that, said driver made a phone call, and a pickup truck filled with armed hooded men arrived, and they started shooting those near the area. After torturing them, both Noel and Humberto were left at the entrance gate of UPOLI, after midnight. Humberto was dead. Noel was taken to Vivian Pellas Hospital, where he died. According to the available information. Noel's body presented burns from electric shocks, and his hands and fingertips were blackened.

Humberto Antonio had begun the proceedings to adopt Noel, but could not complete them.

LUIS ALBERTO **SOBALVARRO HERRERA**

05-15-2018

MATAGALPA - MATAGALPA
34 years old
SALESMAN AND FATHER OF ONE SON.

Luis Alberto, a.k.a "Aguacate", was a salesman and also drove a truck. He was the father of a 7-year-old son, and his wife was 7 months pregnant. He had a Sandinista background, but questioned the measures of the government and the events that took place since April 18th, 2018.

On May 15th, Luis Alberto was participating in the protests in Matagalpa that were repressed by the National Police and pro-government shock groups, who were trying to dismantle a barricade on the main road, near the Administrative Office of the National Police. In the afternoon, around that area, he was shot in the neck. The information received by the GIEI indicates that a police officer shot him. After being wounded, he was taken to many health institutions, and ended up hospitalized in the intensive care unit at Vivian Pellas Hospital. He died in the hospital on July 12th, as a result of the gunshot wound.

WILDER DAVID **REYES HERNÁNDEZ**

05-15-2018

MATAGALPA - MATAGALPA
36 years old
MUNICIPAL EMPLOYEE.

Wilder David worked at the Matagalpa Mayor's Office.

On May 15th, the social protests in Matagalpa were repressed by the National Police and pro-government shock groups, who were trying to dismantle a barricade on the main road, near the Administrative Office of the National Police. In the afternoon, around that area, he was shot in the abdomen. There are contradictory versions about the events and surrounding the circumstances. Although some sources attribute the responsibility for his death to protesters, other testimonies received by the GIEI indicate that the perpetrators could be police officers or members of pro-government shock groups. He was later admitted into Cesar Amador Molina Hospital, and died at around 6pm due to the gunshot wound.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Wilder David's death.

JOSÉ ALFREDO **URROZ JIRÓN**

05-15-2018

MATAGALPA - MATAGALPA
29 years old
TEACHER. FATHER OF ONE SON.

José Alfredo was a teacher at Carlos Fonseca School. He had a 4-year-old son and his partner was pregnant.

On May 15th, the social protests in Matagalpa were repressed by the National Police and pro-government shock groups, who were trying to dismantle a barricade on the main road, near the Administrative Office of the National Police. During these incidents, he was shot in the head. The document issued by César Amador Molina Hospital indicates that the bullet entered through the occipital region and came out through the front of the cranium (from back to front). There are contradictory versions about the events and surrounding circumstances. Although some sources attribute the responsibility for his death to protesters, other testimonies received by the GIEI indicate that the perpetrators could be police officers or members of pro-government shock groups.

After being wounded, José Alfredo was admitted into César Amador Molina Hospital, and then transferred to Lenin Fonseca Hospital, where he arrived at approximately 10:40pm with brain stroke. He died at 5am on May 16th. According to his brother's statement, the barricades delayed the transportation to the first hospital and from one hospital to another.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of José Alfredo's death.

ELIEZER DEL CARMEN **ESPONIZA AGUIRRE**

05-15-2018

SÉBACO - MATAGALPA
20 years old
STUDENT.

Eliezer del Carmen was a youth from Sébaco, Matagalpa.

On May 15th, in Sébaco, there were conflicts involving protesters positioned on Panamericana road, the National Police and pro-government shock groups. In this context, Eliezer del Carmen was shot in the head. According to press statements, the gunshot was fired from a moving vehicle driven by members of the pro-government shock groups. Eliezer was on the street adjacent to Panamericana road, in Sébaco.

After being shot, he was admitted into César Amador Molina Hospital, in Matagalpa. Then, he was transferred to Lenin Fonseca Hospital, where he died at around 9:26pm. The bullet fractured his skull bones. According to press reports, hospital personnel tried to force his family to sign a resignation form renouncing the possibility of presenting a complaint about his murder, but they did not accept it.

EDUARDO JESSI **SPIEGLER SZEJMER**

05-16-2018

MANAGUA - MANAGUA
34 years old
DOCUMENTARY AND FILMMAKER.

Eduardo Jessi was from Guatemala, and made films and documentaries He also taught workshops about his craft. He had been living in Nicaragua for many years, and was married.

In the evening of May 16th, Eduardo Jessi was filming the protests that were taking place at the Metrocentro commercial center. In this context, the protesters toppled a "tree of life", which is a giant metal structure that symbolizes the Ortega-Murillo government. The victim was near the tree, and ran away as it was collapsing, but could not escape. His body was taken to Vivian Pellas Hospital, but he was already dead.

His family issued a statement of grief, in which they expressed their pain, but acknowledged that his death was an accident so they could not blame anybody. Additionally, they asked that his death "not be manipulated in any way" and asked for respect. "He carried out [his work] with a commitment towards justice and freedom of the peoples of the world," read the statement. His last film was a documentary in which he interviewed the mother of Izmael José Pérez Vilchez, one of the victims of the police repression.

GILBERTO DE LOS ÁNGELES **SÁNCHEZ GARCÍA**

05-17-2018

MANAGUA - MANAGUA
16 years old
STUDENT

Gilberto de los Ángeles was a student of the sixth grade at Rigoberto López Pérez Institute.

Gilberto de los Ángeles supported the protests that were taking place at the Polytechnic University of Nicaragua (UPOLI). On May 17th, 2018, he was hit by a bus in the vicinity of that university, near a barricade that was set up there, and died as a result of that. According to press reports, the individuals who occupied UPOLI publicly declared that the event occurred when members of the Sandinista Youth Movement highjacked a bus with a view to blaming the protesters for it, and drove the bus at great speed towards the barricade, hitting the victim.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

CARLOS BALBINO **GONZÁLEZ ULLOA**

05-20-2018

TICUANTEPE – MANAGUA
35 years old
SALES EXECUTIVE, ATHLETE AND FATHER.

Carlos Balbino was affectionately called "Carlitos, and was a sales executive, and also worked as a waiter, bartender and other tasks related to social events. He was the coach of a soccer team, and played soccer with his team named Deportivo González, in Estelí. He was the father of one son and two daughters, and was in a relationship.

In the early hours of May 20th, 2018, Carlos Balbino was traveling from Ticuantepe to Managua, coming back from an event in that city. He died under unclear circumstances, on road 175, in the vicinity of the Golf Country Club. According to the National Police, Carlos Balbino died after hitting a tree while driving his motorcycle. However, according to the information received by the GIEI, there was police presence in the area because of a roadblock set up near the place where he crashed. Moreover, some individuals heard explosions and shots that could be related to the victim's death and, according to this information, he might have been escaping a pursuit.

The GIEI specifically requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

KELLER ESTEVEN **PÉREZ DUARTE**

05-23-2018

MANAGUA - MANAGUA
22 years old
UNIVERSITY STUDENT. ORIGINALLY FROM CARAZO.

Keller Esteven was in the second year of Engineering on agrobusiness at the National Agrarian University. According to press reports, he had been a member of the Sandinista Youth Movement, but decided to join the protests of the UNAN-Managua students because he agreed with their plea. He had been entrenched at this university since May 7th.

In the afternoon of May 23rd, Keller Esteven left UNAN in his motorcycle and was never seen again. His family started searching for him. On May 26th, at around 8:30am, a tortured body was found at Cuesta del Plomo. After the Forensic Medicine Institute issued a press release about it, his family went to recognize the body. According to the forensic medical report, he was strangled on May 16th, and his body presented signs of self-defense, burns and bruises on the back as if he had been dragged around.

Although the criminal proceedings regarding Keller Esteven's death resulted in the conviction of individuals who participated in the occupation of UPOLI, the investigations were biased and plagued by deficiencies, as explained in this report. A serious, impartial and effective investigation must be conducted to determine precisely what happened. The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families, but never obtained a response.

LUIS RAMÓN **CRUZ ALVARADO**

05-23-2018

CHINANDEGA - CHINANDEGA
39 years old
MECHANIC.

Luis Ramón, a.k.a "Oliver", worked as a mechanic of heavy equipment and financially supported his parents.

Luis Ramon was a militant of the 19 de abril Movement. On May 23rd, 2018, he and other protesters set up a barricade at the Plaza de Encuentros, in the center of Chinandega, in order to support the students and protest against the State-sponsored violence. In the evening, during the repression carried out by the National police and pro-government shock groups against the protesters, he was shot in the chest. Then, he received several blows to the head by hooded police officers until he was rescued by other protesters. According to individuals interviewed by the GIEI, he was taken to España Hospital, where they refused to provide him with medical assistance and left him agonizing until his death in the following early morning. According to a document issued by the Forensic Medicine Institute, the gunshot reached his heart and lungs, and caused his death.

MANUEL DE JESÚS **CHÁVEZ RAMÍREZ**

05-23-2018

LEÓN - LEÓN
31 years old
STUDENT, WORKED AT A CYBER CAFÉ.

Manuel lived in León and worked at a cyber café. On the weekends, he attended Ruben Darío School. He was in the ninth grade.

On May 23rd, he was shot in the head and died. According to the information received by the GIEI, Manuel was shot by individuals belonging to pro-government shock groups during confrontations that took place near a barricade in León. According to official information, he was admitted into HEODRA Hospital, underwent a surgery, then was removed to the intensive care unit. He died on the same day at 11:30pm due to severe brain trauma.

According to press reports, the event occurred in front of the monument in honor of Ruben Darío, at around 5pm, on May 23rd. After being shot, before he was taken to HEODRA, he received first aid from Red Cross personnel on the spot. Other injured victims were also assisted by the Red Cross. The incidents started when shock groups arrived to try and dismantle the roadblock.

"Like all Nicaraguans, I participated in the war against a dictator named Anastasio Somoza Debayle, until we freed Nicaragua so that every Nicaraguan could dream of a free nation, and now, today I am burying [Manuel de Jesús]," said a family member of the victim to the press.

MARLON JOSÉ **OROZCO LAGAESPADA**

05-24-2018

MANAGUA - MANAGUA
48 years old
MASON.

Marlon José, who was affectionately called "Pipoca", worked as a mason. He was married and had two sons and one daughter. He enjoyed cheering for one of them when he played soccer.

On May 24th, 2018, at around midnight, Marlon José was in a car waving a Nicaraguan flag with two other individuals – one of them was his brother. When they approached a barricade, his car started being chased by several individuals in three motorcycles. During the pursuit, he crashed the car, so those in the motorcycles caught up with them. After that, according to the information received by the GIEI, the individuals in the motorcycles forced him to get off the car, beat him, and shot him in the head. His corpse remained at the scene for hours, until his next-of-kin removed his body.

According to the information received, in the absence of an autopsy, his death certificate indicates that the cause of death was "severe brain trauma" due to a "car accident."

PÁNFILA **ALVARADO URBINA**

05-24-2018

BOACO – BOACO
80 years old

On May 24th, 2018, Pánfila was being removed in an ambulance to José Nieborowski Hospital due to high blood pressure and cardiac failure. When the ambulance tried to pass through the roadblock at Empalme de Boaco – on the road between Teustepe and Boaco – protesters blocked the passage. According to the available information, Pánfila and those accompanying her were assaulted. Due to the alleged assault and the delay in reaching the hospital, she died in the hospital, at 4:25pm.

The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of her death.

TOMÁS ALEJANDRO **ESTRADA HERNÁNDEZ**

05-25-2018

MANAGUA - MANAGUA
20 years old
SALESMAN.

Tomás Alejandro worked as a door-to-door salesman, had a partner and a son aged 1 year and a half.

He died on May 25th, 2018, due to a gunshot wound, in Ciudad Belén. There are different versions about the events. The National Police and the Commission for Truth, Justice and Peace attribute his death to private conflicts related to the right to property. On the other hand, press reports indicate that, at around 1:30pm, hooded members of shock groups – who were led by a known figure associated with the government and notorious for participating in shock groups – , or police dressed in civilian clothing, entered Ciudad Belén in trucks and motorcycles shooting at random, and some residents decided to confront them. Tomás was allegedly watching the incidents when he was shot. He was then taken to the health center known as "Hospitalito" in Ciudad Belén, where they denied him medical assistance. According to testimonies received by the GIEI, that individual associated with government was trying to recruit members for the shock groups, and the residents rejected that, which led to the incidents that resulted in the murder of Tomás Alejandro.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Tomás Alejandro's death.

YADER **CASTILLO**

05-25-2018

MANAGUA - MANAGUA
17 years old
ORIGINALLY FROM MANAGUA.

Yader Castillo died on May 25th, 2018, due to a gunshot wound, in Ciudad Belén. There are different versions about the events. The National Police and the Commission for Truth, Justice and Peace attribute his death to private conflicts related to the right to property. On the other hand, press reports indicate that, at around 1:30pm, hooded members of shock groups – who were led by a known figure associated with the government and notorious for participating in shock groups – , or police dressed in civilian clothing, entered Ciudad Belén in trucks and motorcycles shooting at random, and some residents decided to confront them.

According to testimonies received by the GIEI, that individual associated with government was trying to recruit members for the shock groups, and the residents rejected that, which led to the incidents that resulted in Yader's murder. According to press reports, Yader was a member of the shock groups, and was shot in the head during the incidents. His body was thrown from one of the trucks by other members, and abandoned at the scene.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Yader Castillo's death.

JOSÉ DAVID **OVIEDO MARTÍNEZ**

05-24-2018

MANAGUA - MANAGUA
27 years old
SECURITY GUARD.

José David worked as a security guard at a private company. He was married and had a 3-year-old son.

According to the information received by the GIEI, on May 25th, 2018, at around 9pm, José David arrived on a motorcycle at one of the roadblocks set up in the vicinity of the National Autonomous University of Nicaragua (UNAN), pulled his gun and fired at the protesters. Then, he was shot in the chest by one of the individuals who was behind the barricade. According to the available information, he received medical assistance at an improvised medical post on the UNAN campus, and was already dead when transferred to a hospital. Afterwards, his body was sent to the Forensic Medicine Institute.

The students at the roadblock confiscated his belongings, including his firearm, and later delivered it to a human rights organization as evidence.

JORGE GASTÓN **PALACIOS VARGAS**

05-25-2018

BOACO – BOACO
30 years old
PROFESSIONAL.

Jorge Gastón was a Business Economics graduate, and worked for the National Institute of Technology (INATEC). He was a Sandinista militant.

On May 25th, 2018, at around 2pm, Jorge Gastón was shot in the chest during incidents that took place near a roadblock in the department of Boaco. He was taken to José Nieborowsky Hospital, and after a surgery he was placed in the Intensive Care Unit (ICU). He died on May 26th, at 4:10pm. Although the criminal proceedings regarding Jorge Gastón's death resulted in the conviction of human rights defenders from the Comisión Permanente por los Derechos Humanos, the investigations were biased and plagued by deficiencies, as explained in this report. Other pieces of evidence, which were included in the records, suggest other versions for the events. A serious, impartial and effective investigation must determine with precision what happened.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families, but never obtained a response.

ERICK EDUARDO **PACHECO**

05-27-2018

MANAGUA - MANAGUA
19 years old

Erick Eduardo was married and expecting his first son. His mother was the President of the Ciudadanos por la Libertad (CxL) political party, in District V of Managua.

According to press reports, on May 27th, at approximately 8pm, Erick Eduardo was at Enrique Gutiérrez neighborhood, on the way back from Bertha Calderón Hospital, where he had taken his wife who was about to give birth. Pro-government shock groups in trucks and motorcycles started randomly shooting at the residents of that neighborhood. At that moment, Erick Eduardo was shot in the chest and immediately died.

Also according to press reports, Erick Eduardo had been actively participating in the protests of April and May, supporting the protesters at the Polytechnic University of Nicaragua (UPOLI), and had been to many marches in Managua.

GERARDO ANTONIO **ABURTO MENDOZA**

05-28-2018

MANAGUA - MANAGUA
27 years old
SALESMAN.

Gerardo was a salesman at the Oriental Market. He enjoyed playing basketball and boxing. He was the youngest of six siblings.

On May 28th, 2018, at around 3:30pm, Gerardo was returning from his work at the Oriental Market when he found himself in the middle of an anti-riot police attack against protesters, near the Metrocentro traffic circle. According to the available information, he was assaulted by a group of police, who threw him on the ground. Then, as he was trying to run away, one of the anti-riot agents shot him in the chest, and the gunshot perforated his lung. He was taken to Bautista Hospital by firefighters, but his condition was too critical and he died later that day, at 6:55pm.

The press articles that highlighted the case mentioned the pain of his family members: "he was coming home after selling his goods [...], his crime consisted of carrying a bag [...], he was carrying what he was not able to sell," said his sister.

DOUGLAS JOSÉ **MENDIOLA VIALES**

05-28-2018

MANAGUA - MANAGUA
26 years old
NATIONAL POLICE.

Douglas José was a member of the Direction of Special Operations (DOEP) from the National Police of Nicaragua.

In the morning of May 28th, pro-government shock groups were repressing students who had occupied the National University of Engineering (UNI). Then the National Police joined the repression, and also intervened to put out the fire at Radio Ya. At around 4pm, Douglas José was shot in the head, near the radio station. He was taken to Carlos Roberto Huembes Hospital, where he died in the evening after a surgical procedure.

As explained in this report, the Police attributed responsibility for his death to "groups of hooded individuals" who assaulted the police forces during the aforementioned incidents, but the GIEI has not had access to any corroborating evidence.

The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. Additionally, the GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Douglas José's death.

EZEQUIEL GAMALIEL **LEIVA GARCÍA**

05-28-2018

MANAGUA - MANAGUA
26 years old
REFRIGERATION TECHNICIAN, SALESMAN, PLAYED BASKETBALL.

Ezequiel, the "8", as his friends liked to call him, was a refrigeration repair technician, and door-to-door salesman. He had studied mechanics and welding at Rivas technical school, in Managua. He enjoyed playing basketball with his friends.

He was a member of the 19 de abril Movement, and participated in the occupation of UPOLI, In this context, during the initial days of the conflict, he had a grazing gunshot wound from a bullet fired by the National Police, but the injury was minor.

On May 28th, he decided to join the protests at UNI, where there was police presence along with pro-government shock groups. Once there, at 7pm, he was shot in the left side of the chest. According to the available information, the gunshot was fired by a sniper. Ezequiel was taken by students to Vivian Pellas Hospital, and then, when he was about to be transferred to Manolo Morales Hospital, he decided to leave out of fear that he might receive inadequate attention at a public hospital. He returned to UPOLI, and his parents picked him up on the following day, May 31st, to take him to Bautista Hospital. He was later transferred to the Hospital for Integral Health, where he was hospitalized for almost four months, and died on September 7th as a result of the gunshot wound.

On June 4th, during a press conference, the National Police accused Ezequiel of murdering one person and committing other crimes on June 2nd, and he was even indicted in criminal proceedings. However, on that date, Ezequiel was at the hospital under intensive care.

While hospitalized, Ezequiel's daughter was born, but he only saw her in pictures.

FREDDY JOSUE **GONZÁLEZ OLIVAS**

05-29-2018

MANAGUA - MANAGUA
18 years old

According to the available information, in the evening of May 29th, 2018, Freddy Josué was going home on Carretera Norte road, when he was shot in the chest. Although some official sources, such as the Commission for Truth, Justice and Peace, and some news outlets indicated that the event occurred during a robbery attempt, the GIEI received information that suggest that he might have been shot by police in civilian clothes or paramilitaries, who were driving around in motorcycles and a white van.

The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Freddy Josue's death.

ORLANDO DANIEL **AGUIRRE CÓRDOBA**

05-30-2018

MANAGUA - MANAGUA
15 years old
STUDENT, SOCCER PLAYER AND DRUMMER.

Orlando Daniel, "Orlandito" as his friends called him, was in the sixth grade of primary school. His hobbies included playing soccer, and he played the drums at the church he attended. He had rehearsals every Thursday. He was a member of the Soccer Academy of the Department of Managua, and had a great musical talent. Despite being shy, he was very happy and sociable.

On May 30th, 2018, he attended the March of the Mothers with friends to support the women who had lost their children in the context of the protests. During the incidents that occurred near Dennis Martínez National Stadium and UNI, at around 4pm, he was shot in the chest: "They shot me, they shot me!," he shouted. Testimonies attribute his death to snipers, and coincide with other pieces of evidence to corroborate this version, which must be adequately investigated. He was removed on a motorcycle by other protesters to Vélez Paiz Hospital, where he died at around 6:30pm. His family retrieved his body from the hospital, after signing a resignation form indicating that his body would not be sent to the Forensic Medicine Institute.

MAYCOL CIPRIANO **GONZÁLEZ HERNÁNDEZ**

05-30-2018

MANAGUA - MANAGUA
34 years old
UNIVERSITY STUDENT AND CONSTRUCTION WORKER.

Maycol Cipriano majored in English at the university, and was a construction worker. Learning that language was his professional project of life. He was the oldest sibling, and was building a house for his mother in his free time, at nights.

After the death of his cousin Jeisson Antonio Chavarría Urbina – on May 27th during the protests in Ticuantepe – Maycol joined the demonstrations with his family and, because of that, decided to attend the March of the Mothers. During the incidents that occurred near Dennis Martínez National Stadium and UNI, at around 5pm, he was shot in the abdomen. Testimonies attribute his death to snipers, and coincide with other pieces of evidence to corroborate this version, which must be adequately investigated. A group of protesters took him to Vivian Pellas Hospital, still alive. He died at 7:12pm on the same day.

FRANCISCO JAVIER **REYES ZAPATA**

05-30-2018

MANAGUA - MANAGUA
34 years old
SALESMAN

Francisco Javier, "El zurdo", was a Computer Science graduate. He worked as a door-to-door salesman with his mother. He liked playing soccer.

A police officer's son, Francisco attended the protests since the beginning. He was murdered on May 30th, 2018, while participating in the March of the Mothers, in the city of Managua. During the repression by the police and civilians at the entrance of UNI, just before 5:30pm, he was shot in the head. The gunshot came from the sector of the repression. He agonized while his friends tried to urgently take him to a hospital. He was already dead when he arrived at Bautista Hospital.

Francisco Javier and his mother were supposed to meet and go to the March together. They never met, and she had to go to the hospital to find her son already dead. His father allegedly asked for dismissal from the Police.

JONATHAN EDUARDO **MORAZAN MEZA**

05-30-2018

MANAGUA - MANAGUA
21 years old
UNIVERSITY STUDENT.

Jonathan studied graphic design at del Valle University, and attended the Mormon church in Managua. He did not belong to any political association, but sympathized with the protesters and started participating in the demonstrations after the events related to the Indio-Maíz Reserve.

On May 30th, 2018, he attended the March of the Mothers with friends. Shortly before 5:30pm, during the repression by uniformed police and civilians, he was shot in the head.

Jonathan was taken on a motorcycle by protesters to an ambulance, which took him and Daniel Josías Reyes Rivera to Vivian Pellas Hospital. He was placed in the intensive care unit. He remained hospitalized for two days, and died on June 1st, 2018, at 10:05am, after a series of surgeries.

After his death, his family retrieved his body from the hospital after signing a resignation form indicating that his body would not be sent to the Forensic Medicine Institute.

DANIEL JOSIAS **REYES RIVERA**

05-30-2018

MANAGUA - MANAGUA
25 years old
UNIVERSITY STUDENT.

Daniel was in the third year of veterinary medicine and zootechnic at the University of Commercial Sciences (UCC). He was looking for a job. He was a shy youth, but had a sense of humor and was affectionate with his close friends. He liked to cook and spend time with the animals at his home. He enjoyed going out with friends and visiting his relatives. He used to be a member of the Sandinista Youth Movement, but left the organization about five years before his death.

On May 30th, 2018, he attended the March of the Mothers with his friends. At around 5:30pm, during the repression by uniformed police and civilians, he was shot in the abdomen.

Daniel was taken on a motorcycle to an ambulance, which took him and Jonathan Eduardo Morazán Meza to Vivian Pellas Hospital. He died on the same day, due to massive internal bleeding, at 7pm.

His family received in July his Veterinary Medicine and Zootechnic degree in memorian, as a post-mortem honor granted by UCC.

EDGAR ISAAC **GUEVARA PORTOBANCO**

05-30-2018

MANAGUA - MANAGUA
38 years old
UNIVERSITY STUDENT AND FREELANCER.

Edgar was unemployed, and sporadically drove a taxi to make ends meet. He was also in the fourth year of Law at de las Américas University. He used to be an FSLN affiliate, but left the party about two years before his death, since he did not agree with their policies of repression against social demonstrations. He liked playing baseball and dancing, usually on Sundays. He was cheerful and talkative.

On May 30th, 2018, Edgar was not planning to attend the March of the Mothers, but after hearing about the attacks against it, decided to participate in it. At around 5:30pm, when he was driving his motorcycle on Bolívar Avenue, near the traffic lights by ENEL Central towards the Lake, he was shot in the chest, supposedly three times. The perpetrators were allegedly members of shock groups. In this area, according to the information, these groups had acted along with the National Police. He was taken to Bautista Hospital in an ambulance, but arrived there unconscious. He died on the same day, at 9:08pm.

KEVIN ANTONIO **COFFIN REYES**

05-30-2018

MANAGUA - MANAGUA
22 years old
ATHLETE AND MUNICIPAL EMPLOYEE.

Kevin was an FSLN militant, and a well-known athlete, specialized in sambo, a martial art. In 2017, he won the gold medal in the 90-kilogram category at the Central American Games that took place in the city of Managua. He worked for the Ciudad Sandino Mayor's Office.

On May 30th, 2018, at 5:30pm, he was admitted into Alejandro Dávila Bolaños Military Hospital, but he was already dead from a gunshot wound in his chest.

The press release issued by the National Police indicated that Kevin died during an alleged attack perpetrated by "a group of delinquents" against the "participants of the Cantata in honor of Nicaraguan mothers… [near] the area surrounding Dennis Martínez National Stadium up until Jhonatan [sic] González traffic lights," the GIEI strongly questions this information. The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Kevin Antonio's death.

HERIBERTO MAUDIEL **PÉREZ DÍAZ**

05-30-2018

MANAGUA - MANAGUA
25 years old
BLUE COLLAR WORKER.

Heriberto was a blue collar worker, and a member of the Sandinista Youth Movement for over six years. He had a two-year-old son.

On May 30th, 2018, at 5:30pm, he was admitted into Alejandro Dávila Bolaños Military Hospital, but he was already dead from a gunshot wound in his chest.

The press release issued by the National Police indicated that Heriberto died during an alleged attack perpetrated by "a group of delinquents" against the "participants of the Cantata in honor of Nicaraguan mothers… [near] the area surrounding Dennis Martínez National Stadium up until Jhonatan [sic] González traffic lights," the GIEI strongly questions this information. The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Heriberto's death.

MARVIN JOSÉ **MELENDEZ NÚÑEZ**

05-30-2018

CHINANDEGA - CHINANDEGA
49 years old
MUNICIPAL EMPLOYEE, FIREFIGHTER AND FATHER.

Marvin José, an FSLN militant, worked in the field of civil defense at the Old Chinandega Mayor's Office. He was a member of the Risk Management Unit.

In the afternoon of May 30th, 2018 a protest related to the March of the Mothers started to take shape in Chinandega. In this context, there were incidents involving protesters, National Police officers and pro-government shock groups.

On that day, Marvin José was shot at least once, which caused wounds in his chest and abdomen. He was taken to España Hospital, where he was admitted at around 10pm. He died there at 1:35am, on May 31st.

The press release issued by the National Police indicated that the victim, along with other persons, died in front of the Chinandega Mayor's Office, when "a group of delinquents" attacked the place and assaulted those guarding the building. A similar version was disseminated by pro-government media outlets, which attributed his death to oppositionist groups.

The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

JUAN ALEJANDRO **ZEPEDA ORTIZ**

05-30-2018

CHINANDEGA – CHINANDEGA
18 years old
STUDENT.

Juan Alejandro, "el Gastón", as his friends called him, was in the fifth year at the Polytechnic Institute, in Chinandega.

In the afternoon of May 30th, 2018 a protest related to the March of the Mothers started to take shape in Chinandega. In this context, there were incidents involving protesters, National Police officers and pro-government shock groups.

On that day, Juan Alejandro was shot in the head. He was taken on a motorcycle to España Hospital, where he was admitted past midnight. He died there at around 3:30am, on May 31st.

The press release issued by the National Police indicated that the victim, along with other persons, died in front of the Chinandega Mayor's Office, when "a group of delinquents" attacked the place and assaulted those guarding the building. However, statements of his family members in the press indicate that he was participating in the protests when he was wounded near AMOCSA Clinic at 10:30pm, then he was dragged and beaten by police. These sources also observe that, one week before his death, on May 23rd, also in the context of the protests, Juan Alejandro suffered a minor gunshot wound in his arm. Since then, and up until his death, the victim was allegedly harassed by the National Police, whose officers would occasionally show up at his home in official patrols and motorcycles.

RUDDY ANTONIO **HERNÁNDEZ ALMENDAREZ**

05-30-2018

CHINANDEGA - CHINANDEGA
34 years old
CONSTRUCTION WORKER

Ruddy Antonio, a.k.a. "El Alacrancito", was a construction worker.

In the afternoon of May 30th, 2018, during a protest related to the March of the Mothers, there were incidents involving protesters, National Police officers and pro-government shock groups, in Chinandega.

On that day, at 11:34pm, Ruddy Antonio was admitted into España Hospital. He was already dead. According to the information provided by the State to the IACHR, his wounds were caused by "multiple shots in the chest". Press reports indicated that he was "shot many times", and his body presented shotgun pellets.

The press release issued by the National Police indicated that three persons, one of whom had yet to be identified, had died in front of the Chinandega Mayor's Office, when "a group of delinquents" attacked the place and assaulted those guarding the building. Rudy Antonio was the unidentified victim.

In statements before the press, his mother that, upon returning from the pro-government event in Managua – "Cantata in honor of the Nicaraguan Mothers" – she saw on TV that there was a dead unidentified victim, and thought that it might be her son. She went to the morgue and recognized the body on May 31st. She indicated that Ruddy Antonio was probably shot because he inadvertently got close to the confrontations.

The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of his death.

DARWIN ALEXANDER **SALGADO VILCHEZ**

05-30-2018

LA TRINIDAD - ESTELÍ
18 years old
WORKED AT AN ATELIER.

Darwin Alexander was originally from San Juan del Río Coco, and worked in an atelier.

On May 30th, there were confrontations at the roadblock on Panamericana Norte road, kilometer 124 (La Trinidad – Estelí), involving protesters, police officers and members of a convoy of government sympathizers who were heading to Managua to participate in a pro-government demonstration. As previously indicated in this report, it is highly probable that the protesters at the roadblock or local residents used firearms during these incidents.

According to statements of family members before the press, Darwin Alexander was accidentally passing by the area, on his way home from work, when he was shot in the head. He was admitted into San Juan de Dios Hospital, where he died on June 1st, at 7pm.

The GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. Additionally, the GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of Darwin Alexander's death.

DARIEL STIVEN **GUTIÉRREZ RÍOS**

05-30-2018

LA TRINIDAD - ESTELÍ
20 years old

Dariel Stiven was a young FSNL militant originally from Japala, Nueva Segovia. His grandmother had been a Vice-Mayor for the FSNL.

On May 30th, there were confrontations at the roadblock on Panamericana Norte road, kilometer 124 (La Trinidad – Estelí), involving protesters, police officers and members of a convoy of government sympathizers who were heading to Managua to participate in a pro-government demonstration.

Dariel Stiven was in said convoy, and was shot in the head. He was firstly taken to the Hospital of Estelí, then transferred to Lenin Fonseca Hospital. He died there on July 31st. His funeral was attended by dozens of individuals.

There is evidence indicating that he was shot by individuals participating in the roadblock. The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. Additionally, the GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. The State never replied, so it is difficult to properly determine the circumstances of Dariel Stiven's death.

JAIRO ANTONIO **OSORIO RAUDALES**

05-30-2018

LA TRINIDAD - ESTELÍ
39 years old
AGRICULTURIST AND FATHER OF ONE SON.

Jairo Antonio was originally from Teotecacinte, Jalapa. He worked on a small farm. He was married and had a 10-year-old son.

On May 30th, there were confrontations at the roadblock on Panamericana Norte road, kilometer 124 (La Trinidad – Estelí), involving protesters, police officers and members of a convoy of government sympathizers who were heading to Managua to participate in a pro-government demonstration.

Jairo Antonio was in said convoy, and was shot in the chest. He was already dead when he arrived at San Juan de Dios Hospital (Estelí), at around 1pm.

There is evidence suggesting that he was shot by individuals participating in the roadblock. The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. Additionally, the GIEI expressly requested the State for the contact information of his family members, or else support in setting up a meeting with them, as well as with other victims' families. The State never replied, so it is difficult to properly determine the circumstances of Jairo Antonio's death.

DODANIM JARED **CASTILBLANCO BLANDON**

05-30-2018

ESTELÍ - ESTELÍ
26 years old
UNIVERSITY STUDENT AND ATHLETE.
FATHER OF TWO SONS.

Dodanim Jared was in the third year of agricultural engineering at UNI-North, Estelí campus; he was a good student. He was also a talented athlete, had represented Nicaragua in several international Taekwondo tournaments and won many medals. He was married, and a very dedicated father to his 10-month-old baby girl and 10-year-old son. He liked playing percussion instruments.

In the morning of May 30th, there were confrontations at the roadblock in La Trinidad (Estelí), and three persons died as a result thereof. Two of them were in a convoy of government sympathizers who were heading to Managua to participate in a pro-government demonstration. The convoy could not pass through the roadblock. According to testimonies received by the GIEI, part of this group went back to Estelí, where they joined paramilitaries summoned by the Mayor of the city. In the afternoon, the protesters who participated in the March of the Mothers were attacked by these groups.

Dodanim participated in the protests against the government since April 19th. He attended the march in Estelí in the afternoon of May 30th. When the protesters were near the General Direction of Revenue (DGI), they were attacked by armed shock groups that left from that public building. Dodanim was shot in the chest, when he was in front of Ferretería Monterrosa. He was taken to a Red Cross vehicle which took him to San Juan de Dios Hospital. He died there during a surgical procedure, at around 7:30pm

Nevertheless, the National Police issued a press release indicating that the victim, along with other persons, was killed when "hooded men" attacked the DGI building, the Mayor's Office and commercial establishments.

CRUZ ALBERTO **OBREGÓN LÓPEZ**

05-30-2018

ESTELÍ - ESTELÍ
23 years old
UNIVERSITY STUDENT.

Cruz Alberto was originally from El Regadío, he worked and was in the last year of Civil Engineering at UNAN-FAREM, in Estelí. He had already finished his graduation thesis. He also majored in Renewable Energy. He was an FSLN sympathizer, but the repression launched since April, and the murder of his friend and classmate Orlando Francisco Pérez affected his political views, so he decided to participate in the protests.

In the morning of May 30th, there were confrontations at the roadblock in La Trinidad (Estelí), and three persons died as a result thereof. Two of them were in a convoy of government sympathizers who were heading to Managua to participate in a pro-government demonstration. The convoy could not pass through the roadblock. According to testimonies received by the GIEI, part of this group went back to Estelí, where they joined paramilitaries summoned by the Mayor of the city.

In the afternoon, the protesters who participated in the March of the Mothers were attacked by these groups. Cruz Alberto attended that march. At around 7:45pm, half a block from Domingo Gadea square, in front of the Western Union booth, he was shot multiple times, mostly in the chest. According to the forensic medical report, he was shot with shotgun ammunition. He was taken on a motorcycle to a Red Cross facility, and then to Adventista Hospital. He died there at 8:20pm.

Nevertheless, the National Police issued a press release indicating that the victim, along with other persons, was killed when "hooded men" attacked the DGI building, the Mayor's Office and commercial establishments. The GIEI received evidence indicating that armed shock groups left the DGI building and attacked the protesters.

MAURICIO RAMÓN **LÓPEZ TORUÑO**

05-30-2018

ESTELÍ - ESTELÍ
42 years old
SALESMAN.

Mauricio Ramón worked as a salesman to financially support his family.

In the morning of May 30th, there were confrontations at the roadblock in La Trinidad (Estelí), and three persons died as a result thereof. Two of them were in a convoy of government sympathizers who were heading to Managua to participate in a pro-government demonstration. The convoy could not pass through the roadblock. According to testimonies received by the GIEI, part of this group went back to Estelí, where they joined paramilitaries summoned by the Mayor of the city. In the afternoon, the protesters who participated in the March of the Mothers, which began at 4pm, were attacked by these groups.

Mauricio Ramón was shot. He was assisted at San Juan de Dios Hospital, where he was operated. He died during the surgery at 10:30pm. His family members told the press that he did not participate in the protests, and that he had been shot by protesters. Accordingly, the National Police issued a press release indicating that the victim, along with other persons, was killed when "hooded men" attacked the DGI building, the Mayor's Office and commercial establishments. The GIEI received evidence indicating that armed shock groups left the DGI building, among other places, and attacked the protesters, as described in the account about Dodanim Jared Castiblanco Blandón.

JOSÉ MANUEL **QUINTERO**

05-30-2018

ESTELÍ - ESTELÍ
28 years old

José Manuel died on May 30th, in Estelí. He was already dead upon arriving at San Juan de Dios Hospital in that city.

According to the GIEI records, there were two conflicts in Estelí on that day, in which violence and firearms were used: one at the roadblock on Panamericana Norte road, kilometer 124, La Trinidad, in the morning; and another one specifically in the city of Estelí, during the afternoon.

The Commission for Truth, Justice and Peace associates his death to the context of social protests related to the roadblock in La Trinidad, without providing further details. The GIEI repeatedly requested information from the State about the deaths that occurred within its mandate and about the respective investigations. The State never replied. In this case, the lack of information and the absence of alternate sources do not allow for a determination regarding the circumstances of José Manuel's death.

CARLOS MANUEL
DÍAZ VÁZQUEZ

05-30-2018

MASAYA - MASAYA
25 years old
PROFESSIONAL AND FATHER
OF TWO DAUGHTERS.

Carlos Manuel was from Monimbó (Masaya). He had a 6-month-old baby girl and a 6-year-old daughter. He worked at the duty free zone.

On May 30th, 2018, during a protest related to the March of the Mothers, there were incidents involving protesters, National Police officers and pro-government shock groups, in Masaya.

In the early hours of May 31st, Carlos Manuel was taken by the Red Cross to Humberto Alvarado Hospital, but he was already dead when he arrived there at 00:15am. He had been shot in the chest.

Nevertheless, the National Police issued a press release indicating that the victim was killed in that evening, when "hooded men" attacked police facilities and other commercial establishments at Central Park. His mother, on the other hand, told the press that Carlos Manuel was at Central Park because he fell asleep there before the incidents; and when he woke up, at around 11:30pm, on May 30th, he was shot by a sniper. He was immediately taken by young protesters to an improvised health center at La Placita, in Monimbó, for medical assistance. Then, he was transferred by the Red Cross.

ANNEXES

ANNEX 1

Agreement signed on May 30 th , 2018, between the General Secretariat of the Organization of American States, the Inter-American Commission on Human Rights and the government of Nicaragua.

ACUERDO ENTRE LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS, LA COMISION INTERAMERCANA DE DERECHOS HUMANOS (CIDH) Y EL GOBIERNO DE NICARAGUA PARA APOYAR LA INVESTIGACIÓN DE LOS HECHOS DE VIOLENCIA ACAECIDOS EN EL PERIODO DEL 18 DE ABRIL DE 2018 HASTA LA FECHA EN NICARAGUA

Conforme a la decisión del Gobierno de la República de Nicaragua de investigar y esclarecer los hechos violentos que tuvieron lugar del 18 de abril a la fecha para la obtención de justicia para todos y reparación del daño a las víctimas y en seguimiento a la visita de trabajo de la Comisión Interamericana de Derechos Humanos (CIDH) a Nicaragua, la cual tuvo lugar del 17 al 21 de mayo de 2018.

Las Partes acuerdan:

1. Constituir un Grupo Interdisciplinario de Expertos Independientes (GIEI) de Derechos Humanos, integrado por cuatro personas propuestas por la CIDH designadas por el Secretario General, con la finalidad de coadyuvar y apoyar las acciones iniciadas por el Estado de Nicaragua, el cual contará con un equipo técnico propio para el desempeño de sus funciones. Asimismo, tendrá las siguientes atribuciones:

A. Analizar técnicamente las líneas de investigación y hacer recomendaciones de acciones respecto de los distintos niveles de responsabilidad jurídica, de conformidad con la legislación nicaragüense.

a. Analizar si en la investigación se están agotando correctamente todas las líneas de investigación y si se están empleando las figuras legales adecuadas, de conformidad con la legislación nicaragüense, para el encuadre de los posibles ilícitos y sus responsables.

b. De ser el caso y conforme a los más altos estándares internacionales y a las mejores prácticas regionales, recomendar qué acciones deben implementarse para garantizar que se agoten las líneas de investigación.

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c. El Grupo Interdisciplinario de Expertos Independientes estará facultado para coadyuvar y apoyar las investigaciones que las autoridades nicaragüenses lleven a cabo.

d. El Grupo Interdisciplinario de Expertos Independientes estará facultado para proponer a las autoridades nicaragüenses la adopción de medidas adicionales que garanticen la seguridad de las personas que colaboren en las investigaciones que se desarrollen, ya sea en calidad de testigos, peritos o colaboradores, de conformidad con la normativa nicaragüense vigente.

B. Análisis técnico del Plan de Atención Integral a las Víctimas de los hechos ocurridos en el periodo del 18 de abril de 2018 a la fecha.

a. Analizar la intervención del Estado para desarrollar un Plan de Atención Integral a las víctimas y sus familiares.

b. De ser el caso y conforme a los más altos estándares internacionales, y a las mejores prácticas regionales, recomendar qué acciones deben implementarse para brindar la atención y reparación integral necesaria a las víctimas y sus familiares.

c. El Estado reitera su disposición que, a partir de las recomendaciones emitidas para este caso por el Grupo Interdisciplinario de Expertos Independientes con motivo de la asistencia técnica solicitada, se continúen fortaleciendo sus capacidades institucionales.

C. Para el desarrollo de los trabajos de asistencia técnica el Estado garantizará a los expertos:

a. El acceso a los expedientes tramitados por el Ministerio Público de las investigaciones y causas penales iniciados con motivo de los hechos, de conformidad con la normativa nicaragüense vigente.

b. El acceso a la información pública relacionada con los hechos.

c. Las instalaciones, infraestructura, recursos y medios necesarios para realizar su trabajo.

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d. La seguridad para el desarrollo de su trabajo.

e. La formalización de la asistencia técnica mediante el instrumento normativo que corresponda.

2. Las Partes al suscribir el presente acuerdo autorizan al GIEI a dar inicio al desempeño de sus funciones.
El mandato del Grupo Interdisciplinario de Expertos Independientes será de seis meses, y podrá extenderse por acuerdo de las Partes, por el tiempo necesario para el cumplimiento de su objetivo. En los primeros tres meses, el Grupo podrá elaborar recomendaciones operativas continuas sobre los aspectos referidos en el presente Acuerdo.

3. La Secretaría General de la OEA cubrirá, por medio de fondos específicos, todos los gastos en que incurra el Grupo.

4. La CIDH dará seguimiento a los trabajos y las recomendaciones proporcionadas por el Grupo Interdisciplinario de Expertos Independientes. Lo anterior, sin perjuicio de las facultades de la Secretaria General, así como de las conferidas por la Convención Americana sobre Derechos Humanos y el Reglamento A la Comisión Interamericana de Derechos Humanos, así como otros instrumentos internacionales en materia de derechos humanos vinculantes para Nicaragua establecen.

5. Las Partes convienen que el Ministerio de Relaciones Exteriores será el canal permanente de comunicación del Estado nicaragüense con el GIEI. El GIEI dará a conocer al Estado nicaragüense los resultados parciales y finales de su gestión y las recomendaciones que se estimen convenientes y elaborará un informe público final de su trabajo.

6. Las Partes convienen que tanto el Ministerio de Relaciones Exteriores como el Grupo Interdisciplinario de Expertos independientes brindarán información referida a la asistencia técnica del Grupo.

7. El Estado garantizará los privilegios e inmunidades que sean necesarios para el desempeño de las funciones del Grupo Interdisciplinario de Expertos Independientes y de su equipo técnico, conforme al derecho internacional

aplicable, incluyendo la inmunidad contra toda forma de detención o arresto personal y embargo de equipaje personal y la inmunidad contra todo procedimiento judicial, legislativo y administrativo en relación con los actos ejecutados y las expresiones emitidas en el desempeño de sus funciones, así como la inviolabilidad de sus documentos y correspondencia. Sin perjuicio de dichos privilegios e inmunidades, el Grupo deberá respetar las leyes y reglamentos del Estado receptor.

8. Ninguna de las disposiciones de este Acuerdo constituye una renuncia expresa o tácita a los privilegios e inmunidades que goza la OEA, sus órganos, su personal y sus bienes y haberes, de conformidad con la Carta de la OEA, los acuerdos y las leyes sobre la materia, y los principios y prácticas que derivan del derecho internacional aplicable.

9. Sobre las bases del presente Acuerdo se suscribirá un Protocolo de Actuación una vez que las Partes cumplan con sus respectivas facilidades legales y procedimientos internos.

Suscrito el día treinta de mayo del dos mil dieciocho.

Por el Gobierno de Nicaragua

Denis Moncada Colindres
Ministro de Relaciones Exteriores
Managua, Nicaragua

Por la Secretaría General de la Organización de los Estados Americanos (OEA)

Luis Almagro Lemes
Secretario General de la OEA
Washington, D.C.
Estados Unidos de América

Por la Comisión Interamericana de Derechos Humanos

Paulo Abrão
Secretario Ejecutivo, CIDH
Washington, D.C.
Estados Unidos de América

ANNEX 2

Curriculum Vitae **of the GIEI's Independent Experts**

Amérigo Incalcaterra worked in the Office of the United Nations High Commissioner for Human Rights as Regional Representative for South America, Representative in Mexico and Guatemala and Deputy Director in Colombia. He also served as Deputy Commissioner of the International Commission against Impunity in Guatemala (CICIG). He participated in peacekeeping operations in Central America, served as an Advisor to the Department of Political Affairs and the UN Department of Peacekeeping, advised the Special Representatives of the Secretary General. He held protection and program positions with the United Nations High Commissioner for Refugees, in Guatemala, Mexico, Belize, Cuba and Angola.

Sofía Macher is a sociologist, with a Master's Degree in Gender Studies and a PhD in Sociology. She has been Commissioned in two Truth Commissions (Peru and Solomon Islands), a consultant in five other transition processes (Colombia, Yemen, Libya and Tunisia), and participated in several more. He was part of the OAS Dialogue Roundtable on the return to democracy in Peru, on behalf of civil society. He chaired the Reparations Council of the Peruvian State, which produced the Single Registry of Victims (2006-2014). He has held positions in several human rights organizations (National Coordinator of Human Rights-Peru, Amnesty International and others).

Claudia Paz y Paz holds a doctorate in criminal law and human rights from the University of Salamanca, Spain. Academic, judge, litigant, I work for more than 25 years for the strengthening of justice in Guatemala. He was Attorney General of the Public Ministry of Guatemala (2010 to 2014). He worked for the IACHR as part of the Interdisciplinary Group of Independent Experts (GIEI) of Ayotzinapa, Mexico. She was Secretary of Multidimensional Security of the OAS (2017-2018).

Pablo Parenti is a lawyer (University of Buenos Aires, 1995), Master in International Criminal Jurisdiction (Universidad Internacional de Andalucía, Spain, 2004). He is a federal prosecutor in Argentina and has worked for almost 20 years in cases of crimes against humanity. He was coordinator of the Fiscal Unit for Coordination and Follow-up of cases of Human Rights violations during the State terrorism of the Public Prosecutor's Office of the Nation (2007-2012) and since 2012 is in charge of the specialized unit in cases of appropriation of children during state terrorism of the Attorney General's Office (MPF), currently in use of license.

ANNEX 3

Note from the GS of the OAS addressed to the Permanent Mission of Nicaragua to

CIDH Comisión Interamericana de Derechos Humanos

Organización de los Estados Americanos

29 de junio de 2018

REF: GIEI – Nicaragua

Señor Secretario General:

Tengo el agrado de dirigirme a usted con el objeto de informarle que, en el marco del ítem 1 del acuerdo firmado el 30 de mayo pasado para investigar los hechos de violencia ocurridos desde el 18 de abril de 2018 en Nicaragua, la Comisión Interamericana de Derechos Humanos ha decidido someter a su consideración la designación de las siguientes personas para integrar el Grupo Interdisciplinario de Expertos Independientes para Nicaragua:

1. Amerigo Incalcaterra
2. Sofia Macher
3. Claudia Paz y Paz
4. Pablo Parenti

Mucho agradeceremos que su decisión sea puesta en conocimiento de la Misión Permanente de Nicaragua ante la OEA por los conductos oficiales correspondientes.

Aprovecho la oportunidad para renovar a usted mi más alta consideración y estima.

Mario López Garelli
Por autorización del Secretario Ejecutivo

Señor
Luis Almagro Lemes, Secretario General
Organización de los Estados Americanos
Washington, D.C.

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ANNEX 4

GIEI. Press Release.

Comunicado de Prensa

Managua, 16 de Agosto de 2018

El Grupo Interdisciplinario de Expertos Independientes (GIEI) en su primera conferencia de prensa informó que iba a mantener la opinión publica informada. Por ello, y en aras de la transparencia, a un mes y medio de iniciadas sus labores comunica a la opinión pública nacional e internacional lo siguiente:

1. El GIEI inició sus trabajos en Nicaragua el día 2 de Julio de 2018, y como se comunicó en la rueda de prensa de ese mismo día, viene sosteniendo reuniones con autoridades del Estado de Nicaragua, con las víctimas y familiares de los hechos de violencia ocurrida entre el 18 de abril al 30 de mayo de 2018, con organizaciones de la sociedad civil nacionales e internacionales establecidas en el país, con medios de comunicación de prensa escrita y televisiva, con personalidades académicas y sociales, asimismo con el cuerpo diplomático residente en el país.

2. El GIEI ha priorizado en un primer momento la recopilación de información sobre los fallecidos comprendido entre el 18 de abril y el 30 de mayo mediante entrevistas directas con los familiares. La labor realizada hasta el momento corrobora la necesidad de contar con información sustancial, la que se encuentra en poder de las instituciones nacionales.

3. El GIEI, en ese sentido, en fecha 2 y 20 de julio de 2018 sostuvo reuniones en el Ministerio de Relaciones Exteriores de Nicaragua, en las que participaron altas autoridades del Estado entre las que se encontraban el Ministro de Relaciones Exteriores, la Presidenta de la Corte Suprema, la Fiscal General, el representante de la Policía Nacional entre otros, y en las cuales solicitamos y reiteramos la necesidad de acceder a los expedientes de las investigaciones llevadas adelante por parte de las instituciones nacionales, a los informes de medicina legal y al listado de personas detenidas, así como del plan de reparaciones.

4. El GIEI reitera que esta información no solo es necesaria sino es imprescindible para poder cumplir con la función de coadyuvancia a las autoridades nacionales, así como para presentar el análisis técnico del Plan Integral de Atención a las víctimas y sus Familiares, conforme lo acordaron las partes signatarias del "Acuerdo entre la Secretaria General de la Organización de Estados Americanos, la Comisión Interamericana de Derechos Humanos (CIDH) y el gobierno de Nicaragua para la investigación de los hechos de violencia acaecidos en el periodo del 18 de abril a la fecha en Nicaragua".

5. El GIEI insta al Gobierno de Nicaragua para que disponga a la brevedad el acceso, sin condiciones, a los expedientes de las investigaciones y causas penales iniciados por las autoridades, el plan de reparación y la demás información solicitada oportunamente.

6. El GIEI quiere dejar asentada su preocupación por esta situación la cual repercute negativamente en las tareas que nos han sido encomendadas y reitera su disposición y compromiso para cumplir con su labor.

Comunicado GIEI 16 de agosto de 2018

GIEI

GRUPO INTERDISCIPLINARIO DE EXPERTOS INDEPENDIENTES

Comunicado de Prensa

Managua, 26 de octubre de 2018

El Grupo Interdisciplinario de Expertos Independientes (GIEI), en el marco del "*Acuerdo entre la Secretaría General de la Organización de Estados Americanos, la Comisión Interamericana de Derechos Humanos (CIDH) y el gobierno de Nicaragua para la investigación de los hechos de violencia acaecidos en el periodo del 18 de abril a la fecha en Nicaragua*", suscrito el 30 de mayo de 2018, desea poner en conocimiento de la opinión pública nacional e internacional una actualización de las labores que viene desarrollando en el país desde el 2 de julio de 2018, fecha de instalación del GIEI.

Durante estos cuatro meses el trabajo del GIEI ha sido complejo y difícil. El hecho de que la violencia haya continuado después de la instalación del GIEI y continúe a la fecha, representa una seria limitación para el trabajo que le ha sido encomendado, así como el miedo reinante entre las víctimas, sus familiares y personas de la sociedad en general a sufrir represalias y criminalización por expresarse y ejercer sus derechos. Muchas familias han optado por salir del país al sentirse inseguras. Todo esto forma parte del contexto en el que operó y opera hoy día el GIEI.

La metodología de trabajo del GIEI tuvo que adecuarse por la falta de cooperación de parte del Estado de Nicaragua. El GIEI no recibió ni la colaboración, ni la facilitación de las autoridades nicaragüenses para el ejercicio de la coadyuvancia que implicaba una labor estrecha con éstas, especialmente con el Ministerio Público[1]. Frente a ello, el GIEI tuvo que implementar una metodología de trabajo que se basó principalmente en recopilar información de fuentes abiertas y en el análisis de la documentación oficial provista por víctimas y familiares y otras fuentes reservadas. El GIEI examinó un gran número de documentos, videos, fotografías, artículos periodísticos, material de los medios y de las redes sociales. La información fue recopilada por el GIEI en Nicaragua, Costa Rica, Honduras, Estados Unidos de Norteamérica, México y España, mediante entrevistas directas a víctimas, familiares y otras personas que estuvieron presentes en el lugar de los hechos.

Las secuelas de la violencia han afectado significativamente la vida cotidiana de las víctimas y sus familiares. Para analizar la respuesta y el alcance de la responsabilidad del Estado frente a esta situación y para elaborar un plan integral de reparaciones, el GIEI invitó al gobierno para presentarle los contenidos que serían parte de un proceso de consulta con víctimas y familiares, así como con organizaciones de la sociedad civil. Sin embargo, el Estado no respondió a la invitación ni se presentó a las reuniones.

[1] La falta de colaboración del gobierno de Nicaragua ha sido manifestada en comunicaciones enviadas los días 2, 24 y 26 de julio; 19, 22 y 28 de agosto; 3 y 10 de septiembre; 9 y 12 de octubre, en la conferencia de prensa del 16 de agosto y en comunicaciones del 2 de agosto y del 17 de octubre de 2018 dirigidas al Ministro de Relaciones Exteriores de Nicaragua, al Secretario General de la OEA y al Secretario Ejecutivo de la Comisión Interamericana de Derechos Humanos (CIDH). En toda ellas, el GIEI instó al Gobierno de Nicaragua para que disponga a la brevedad el acceso, sin condiciones, a los expedientes de las investigaciones y causas penales iniciados por las autoridades, el plan de reparación y la demás información solicitada oportunamente. Además, advertía que de persistir este incumplimiento ello repercutiría negativamente en la tarea encomendada.

1

Comunicado GIEI 26 de octubre de 2018

relación con los compromisos adquiridos en el citado Acuerdo", al evidenciar que el Gobierno: "*no ha colaborado con el GIEI a los efectos de dar acceso a los expedientes; no ha brindado ninguna respuesta a las comunicaciones enviadas; no le ha permitido reunirse con las instituciones del Estado con competencia en las investigaciones y causas penales con motivos de los hechos comprendidos en el mandato del GIEI; no ha podido reunirse con la Comisión de la Verdad, Justicia y Paz de Nicaragua; no se le otorgó copias ni se ofreció un mecanismo alternativo para acceder a los expedientes. El Gobierno de Nicaragua, tampoco ha entregado información sobre Plan de Atención Integral a las Víctimas de los hechos ocurridos entre el 18 de abril y el 30 de mayo de 2018*".

Una muestra de la falta de cooperación, fue la ausencia de las 19 instituciones del Estado invitadas a una Reunión Informativa sobre el concepto de reparaciones, estándares internacionales y prácticas comparadas sobre la materia para el día 15 de octubre de 2018. El GIEI tampoco ha recibido respuesta a sus reiterados pedidos para reunirse con las autoridades del Ministerio Público.

El GIEI considera que, ante la demostrada ausencia de garantías de una actuación independiente y objetiva del sistema penal, el Estado debería establecer de forma urgente una Fiscalía Especial para investigar los hechos de violencia. La Fiscalía Especial debería ser creada mediante una ley o conforme lo contempla el artículo 19 de la Ley Orgánica del Ministerio Público, como forma de "*garantizar la independencia de los Fiscales en la investigación y ejercicio de la acción penal*". La Fiscalía Especial debe reunir las condiciones de autonomía e independencia necesarias conforme los estándares internacionales y ser dotada de fiscales debidamente seleccionados que gocen de un prestigio indudable y del consenso de la mayor parte de los sectores de la sociedad civil nicaragüense. El GIEI ofrece su disponibilidad y asesoría técnica para facilitar la creación de dicha Fiscalía Especial.

Finalmente, el GIEI, pese a todas las limitaciones impuestas por el Estado y por el contexto de violencia que aún persiste, ha podido reunir una importante cantidad de información que le permitirá concluir su mandato presentando un informe final en el que plasmará sus conclusiones y recomendaciones y que, esperamos, sea de utilidad para que Nicaragua encuentre el camino de la justicia que las víctimas merecen.

El 30 de mayo de 2018 el Gobierno de Nicaragua, la Secretaría General de la Organización de los Estados Americanos y la Comisión Interamericana de Derechos Humanos suscribieron un acuerdo con el objeto de apoyar la investigación de los hechos de violencia ocurridos en Nicaragua entre el 18 de abril hasta el 30 de mayo de 2018. Para ello, las partes acordaron constituir un Grupo Interdisciplinario de Expertos Independientes (GIEI), integrado por Amerigo Incalcaterra, Sofía Macher, Claudia Paz y Paz y Pablo Parenti, todas personas de alto nivel técnico y reconocida trayectoria en la protección de los derechos humanos. Los miembros del GIEI fueron seleccionados por la CIDH y designados por el Secretario General de la OEA.

Los principales mandatos del GIEI consisten en 1) Coadyuvar y aportar en las investigaciones que las autoridades nicaragüenses lleven a cabo, con el objeto de analizar técnicamente las líneas de investigación y hacer recomendaciones de acciones respecto de los distintos niveles de responsabilidad jurídica y; 2) Realizar un análisis técnico del Plan de Atención Integral a las Víctimas de los hechos ocurridos entre el 18 de abril y el 30 de mayo de 2018. El mandato tiene una duración de seis meses, contado desde la suscripción del acuerdo. Por ello, el GIEI comenzó su trabajo el 1 de julio, acompañado de un equipo técnico con experiencia en investigación penal y reparación de víctimas.

ANNEX 5

Report requested by the GIEI to the forensic experts of the EAAF, Mercedes Doretti (Argentina), José Luis Prieto (Spain) and Jorge Pachón Mora (Colombia).

EAAF EQUIPO ARGENTINO DE ANTROPOLOGÍA FORENSE

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INFORME MÉDICO FORENSE Y BALISTICO RELATIVO A LOS CASOS DE CADÁVERES INGRESADOS EN EL INSTITUTO DE MEDICINA LEGAL (IML) DE MANAGUA ENTRE LOS DÍAS 20 DE ABRIL Y 15 DE MAYO DE 2018

José L. Prieto – Médico Forense y Jorge Pachón Mora, Balístico, ambos consultores del Equipo Argentino de Antropología Forense (EAAF)

El presente informe fue realizado por solicitud del Grupo Interdisciplinario de Expertos Independientes de (GIEI) Nicaragua al Equipo Argentino de Antropología Forense (EAAF). El informe fue realizado por un médico forense de España y un experto en balística de Colombia, con colaboración de personal del EAAF. El número de muertes investigadas por el GIEI dentro del periodo correspondiente a su mandato – 18 de abril del 2018 a 30 de mayo del 2018- se eleva a 109 individuos. En el presente informe sólo se analizan 24[1] de ellos en función del número de autopsias disponibles para su estudio. Es decir, las autopsias disponibles al GIEI sólo representan un 20% aproximadamente de los homicidios investigados por este grupo y el presente análisis se realizó sobre material pericial y no sobre los restos. Además de las 24 autopsias, el presente informe analizó materiales normativos de Nicaragua complementarios incluyendo: la Ley Orgánica del Poder Judicial de la República de Nicaragua (LOPJ). La Gaceta nº137 (Ley No. 260 7-julio-1998), el Reglamento de la Ley Orgánica del Poder Judicial (RLOPJ), La Gaceta nº104 (Decreto Nº 63-99 2-julio-1999), el Código Procesal Penal de la República de Nicaragua (CPP) (Ley 406 – 18-diciembre-2001) y la Norma Técnica para la realización de las autopsias médico-legales (NTAML) (IML-008-02-16). Finalmente, los autores del informe también tuvieron acceso a material audiovisual de los eventos en donde fallecieron los individuos cuyas autopsias se analizan en este informe recolectado por el GIEI-Nicaragua proveniente de medios de comunicación y de particulares. Las conclusiones del análisis de estas 24 autopsias se presentan a continuación.

EAAF Dirección Centro y Norteamérica

INTRODUCCIÓN. -

De acuerdo con las recomendaciones internacionales[2,3] la autopsia médico legal o forense tiene por objeto la investigación de muertes violentas o sospechosas, con especial consideración en casos de homicidio, suicidio, muerte inesperada, accidentes de todo tipo,

[1] Tardíamente, el GIEI tuvo acceso a una 25va autopsia que no fue ya considerada por los autores por falta de tiempo.
[2] Council of Europe. Recommendation Nº R(99)3 of the Committee of Ministers to Member States on the Harmonisation of Medico-Legal Autopsy Rules (*Adopted by the Committee of Ministers on 2 February 1999 at the 658th meeting of the Ministers' Deputies*)
https://www.coe.int/t/dg3/healthbioethic/texts_and_documents/RecR(99)3.pdf
[3] United Nations Human Rights Office of the High Commissioner. The Minnesota Protocolo on the Investigation of Potentially Unlawful Death (2016). *The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.*
https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf

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muerte en custodia o asociada a actividades militares o policiales, cuerpos no identificados y violación de derechos humanos.

El objetivo de la misma en todos estos casos, es establecer la causa y circunstancias de la muerte y la identidad del fallecido, con el propósito de aportar datos objetivos para la investigación judicial, obtenidos acorde con procedimientos científicos estandarizados, y ayudar a la familia a conocer lo sucedido y recuperar el cuerpo de su ser querido.

El uso de procedimientos estandarizados, acordes con las recomendaciones aceptadas por la comunidad científica, asegura una mejor calidad de la pericia y protege la independencia e imparcialidad de los profesionales forenses al trabajar conforme a lo que se reconoce como las reglas a seguir.

DOCUMENTACIÓN CONSULTADA. -

La documentación consultada para la elaboración del presente informe es la siguiente:

- Normativa legal reguladora de la autopsia y actuación médico forense en Nicaragua[4].
- Copia de los dictámenes médico legales postmortem de los casos ingresados en el Instituto de Medicina Legal de Managua correspondientes a los siguientes números de registro:

Tabla I. Códigos de Autopsias Analizadas en el presente informe.

F -132-18	F-138-18	F-145-18	F-166-18 *
F -133-18	F-139-18	-146-18	F-172-18
F -134-18	-140-18	F-147-18	F-177-18 *
F -135-18	-141-18	F-149-18	FC-009-18
-136-18	F-142-18	-151-18	FC-10-18
-137-18	-144-18	-162-18	BL0505-PM-RMM

**Dictamen preliminar*

- Fotocopia de libro de registro con la leyenda "INGRESO DE CADÁVERES 2018" consistente en la portada y doce páginas correspondientes a los asientos registrados desde el 23-3-2018 (F-095-18) al 18-5-2018 (F-183-18)
- Copia del registro electrónico con la leyenda "INSTITUTO DE MEDICINA LEGAL INGRESO DE FALLECIDOS A PARTIR DEL 20 DE ABRIL DE 2018" consistente en cinco

[4] En particular, Normas Técnicas para la Realización de Autopsias Medico Legales, Instituto de Medicina Legal, NT/IML -008/02/16, Corte Suprema de Justicia, Nicaragua.

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páginas correspondientes a los asientos registrados desde el 20-4-2018 (F-132-18) al 16-5-2018 (f-2018-071)

- Material audiovisual obtenido por el GIEI tanto de fuentes periodísticas como de particulares sobre los eventos en donde fallecieron las personas sobre las que se cuenta con autopsia.

Las autopsias analizadas corresponden a homicidios ocurridos entre el 19 de abril y el 14 de mayo del 2018. Veintiuno de las veinticuatro[5] autopsias disponibles corresponden a homicidios ocurridos en Managua y sus alrededores; los otros tres homicidios ocurrieron uno en Masaya, uno en Chinandega y otro en Bluefields. Las fechas y lugares de fallecimiento de cada uno de ellos se indican en la Tabla II. Adicionalmente, cuando el fallecimiento ocurrió en el lapso de evento codificado con un nombre en particular por la investigación del GIEI, dicho nombre se incluye también en la tabla.

Tabla II. Número de homicidios bajo mandato del GIEI por fecha y lugar y relación con numero de autopsias

Fecha	# de Muertos en esa fecha	# de Autopsias	Lugar fallec. Caso con autopsia
19-abr-18	03 muertos	03 autopsias	Managua
			Tipitapa
20-abr-18	25 muertos	8 autopsias	Managua
			Tipitapa
21.abril-2018	16 muertos	8 autopsias	Managua
			Bluefields
22-abr-18	10 muertos		
23-abr-18	1 muerto	1 autopsia	Managua
7-abr-18	1 muerto		
8-may-18	1 muertos	1 autopsia	Managua
9-may-18	1 muerto		
10-may-18	1 muerto		

[5] Recientemente, el GIEI tuvo acceso a una autopsia adicional, pero que ya los autores de este informe no llegaron a analizar.

11-may-18	2 muertos	1 autopsia	Managua
12-may-18	2 muertos	1 autopsia	Masaya
13-may-18	2 muertos		
14-may-18	2 muertos	1 autopsia	Managua
Del 15 al 30-mayo 2018	42 muertos	No hay autopsias disponibles al GIEI para la realización de este informe	Sin referencia.

REGULACIÓN DE LA AUTOPSIA MÉDICO LEGAL EN NICARAGUA. –

La intervención del Instituto de Medicina Legal (IML) y del médico forense en los casos anteriormente mencionados, sus objetivos y funciones, en relación con la práctica de la autopsia médico legal se encuentra regulada en Nicaragua por la siguiente normativa:

- Ley Orgánica del Poder Judicial de la República de Nicaragua (LOPJ). La Gaceta nº137 (Ley No. 260 7-julio-1998)
- Reglamento de la Ley Orgánica del Poder Judicial (RLOPJ). La Gaceta nº104 (Decreto Nº 63-99 2-julio-1999)
- Código Procesal Penal de la República de Nicaragua (CPP) (Ley 406 – 18-diciembre-2001)
- Norma Técnica para la realización de las autopsias médico-legales (NTAML) (IML-008-02-16)

De acuerdo con dicha normativa, los médicos forenses se definen como un cuerpo al servicio de la Administración de Justicia a las órdenes inmediatas de los Jueces y Tribunales (Art.184 LOPJ) quienes desempeñan funciones de asistencia técnica a los Juzgados y Tribunales.

Orgánicamente, el IML se encuentra adscrito a la Corte Suprema de Justicia (Art.87-RLOPJ), estableciendo como misión de éste el auxilio a los Juzgados y Tribunales, a la Policía Nacional, a la Procuraduría General de la República y a la Procuraduría de los Derechos Humanos (Art.88-RLOPJ), mediante la práctica de pruebas periciales, entre otras, las tanatológicas y la emisión de informes 'de acuerdo con las reglas de la investigación científica pertinentes'.

Cuando para esclarecer un delito o falta cometido en cualquier parte del territorio nacional sea necesaria o conveniente la práctica de dictámenes o informes periciales médicos para conocer o apreciar un elemento de prueba, la Policía Nacional, el Ministerio Público y la defensa **a través del fiscal o del juez**, podrán solicitar la intervención del Instituto de Medicina Legal o de cualquier miembro del Sistema Nacional Forense (CPP Art.114).

Se disponen, entre otras, las siguientes funciones del IML y de los médicos forenses (Art.88 RLOPJ – Art.115 CPP):

- Elaborar los diagnósticos médicos legales que contribuyan al esclarecimiento de los hechos y posibiliten una adecuada tipificación del ilícito penal, **basados en los indicios o rastros encontrados en el lugar de los hechos.**
- Participar en el estudio y análisis de casos médicos legales relevantes en coordinación con autoridades judiciales, policiales y del Ministerio Público.
- **Velar por la seguridad de las pruebas objeto de su estudio.**
- Determinar la causa y hora de muerte y **ayudar a establecer las circunstancias** en que ésta se produjo, en todos los casos en que legalmente se requiera, así como **ayudar en la identificación del cadáver**.

Para ello, el IML se organiza en los servicios de:

- Clínicas forenses
- Patología Forense
- Laboratorios
- Administración

NORMA TÉCNICA PARA LA REALIZACIÓN DE LAS AUTOPSIAS MÉDICO LEGALES (IML-008-02-16). -

De acuerdo con lo dispuesto en la actual Norma Técnica para la realización de las autopsias médico-legales (IML-008-02-16)[6] de la Corte Suprema de Justicia de Nicaragua, **la misma debe ser cumplida por parte de los médicos forenses** de las áreas de atención post mortem y los laboratorios forenses del Instituto de Medicina Legal (IML), así como médicos del Ministerio de Salud (MINSA) que deban rendir informe pericial en todo el territorio nacional. Así mismo es de aplicación al personal auxiliar y administrativo del área técnica, de transporte, de secretaría y de recepción de familiares, involucrados en el proceso de atención y que tengan contacto con los elementos materiales probatorios o evidencia física que puedan ser de utilidad en el desarrollo de la investigación.

Se proponen como objetivos de carácter general auxiliar a las autoridades competentes a través en la investigación de casos de muerte violenta, muerte sospechosa de criminalidad y muerte bajo custodia, entre otras. Y como objetivos específicos, además de los ya mencionados anteriormente, **recuperar evidencias materia de prueba para la investigación** y **brindar consideraciones médico legales sobre las circunstancias de la muerte**.

Para ello, la norma técnica dispone un determinado procedimiento que incluye la cumplimentación de formularios específicos para las distintas actividades y tipo de información a recabar.

El procedimiento descrito respecto a las diferentes fases de tratamiento del cadáver es el siguiente:

Recepción del caso

Es responsable de la recepción del caso, el auxiliar de autopsia o el perito a quién se le haya asignado la práctica de la autopsia médico legal. Si bien la escena del crimen o del

[6] Norma Técnica para la realización de las autopsias médico legales (IML-008-02-16) https://www.poderjudicial.gob.ni/pjupload/iml/pdf/normas_autopsias_dontolog%C3%ADa.pdf

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lugar de hallazgo de cadáver está a cargo del investigador policial asignado, el perito forense en compañía del personal auxiliar de turno, **realizará el levantamiento del cadáver** en todos los casos cuando el cuerpo se encuentre aún en el lugar del hallazgo, salvo caso fortuito o fuerza mayor. Dicha cobertura se considera **esencial en el caso de muertes violentas o muertes inesperadas para la localización de indicios o evidencias** que ayudarán a determinar las circunstancias de la muerte.

En Managua, todo cadáver sobre el que se haya solicitado una autopsia médico legal **será transportado debidamente embalado** desde la escena de los hechos **por una ambulancia del Instituto de Medicina Legal**, en los casos de los distritos de policía 2, 3, 4, 5 y 6 y desde los diferentes hospitales, siempre y cuando cuente con vehículo apropiado y el camino sea accesible. Los distritos de policía 1, 7 y 8 deberán trasladar por sus propios medios los cuerpos fallecidos debidamente embalados, para la protección de las evidencias.

Cuando el cadáver ingresa a la delegación, **el técnico de autopsia** donde exista, **o el médico forense, lo anotarán en el libro de registro de ingreso de cadáveres y le asignará el número correspondiente al caso**. Este número será único para todos y cada uno de los documentos y evidencias generadas durante el procesamiento y llevará los siguientes componentes:

F de fallecido, Número cronológico correspondiente y Año en que ocurre el ingreso.

Los documentos requeridos para el ingreso serán el **oficio o solicitud de la autoridad solicitante** acompañado, en su caso, por **copia del acta de inspección de la escena,** documentación médica y/o medicamentos si hubiese recibido atención médica previa. Dicha información debe quedar recogida documentalmente en el denominado Registro de Admisión del caso (manual o sistematizado).

Realización de la autopsia médico legal

Los médicos forenses del IML son los **responsables de la realización de autopsias,** así como **de la recolección, manejo y cadena de custodia de los** respectivos **elementos de convicción**. Adicionalmente todos aquellos profesionales médicos que estén facultados por la Ley.

Según la norma técnica los **puntos básicos que deben atenderse de manera cuidadosa durante la realización de una autopsia médico legal y que deben quedar registrados en el expediente** son los siguientes:

Antecedentes del caso: Incluye datos de la escena del crimen y/o hallazgo de los restos, su levantamiento y transporte.

Identificación del cuerpo: El médico forense debe tener en cuenta durante el procedimiento de autopsia la siguiente información:

Si el cuerpo fue identificado técnicamente durante la diligencia de inspección, mediante qué tipo de procedimiento, por quién y si consta en el oficio o solicitud.

Si la autoridad dispone de información aportada por familiares y/o testigos o si la identidad se infiere de documentos encontrados en el cuerpo y/o en la escena.

Precisar cuando la autoridad no se haya manifestado al respecto.

Durante la autopsia el médico forense debe realizar actividades básicas generales y/o especiales o complementarias, encaminadas a documentar la identidad

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del cadáver. Su despliegue depende del estado del cuerpo y si éste ingresa como no identificado o desconocido (Anexo No. 5 - Manejo de cadáveres desconocidos). **En todos los casos de cadáveres no identificados se debe documentar el archivo básico de identificación** constituido por los siguientes elementos:

Necrodactilia
Muestras para genética forense
Ficha dental
Fotografías

Registro completo de los datos de edad, sexo, talla, y datos de individualización como prendas específicas y cicatrices, tatuajes, lunares, tintes, prótesis etc...

Cadena de custodia: El técnico de autopsia, donde exista, o el médico forense es el responsable de **almacenar, y custodiar, los diferentes documentos y evidencias, así como de su entrega tanto a la policía, como a los laboratorios correspondientes**. (Página 24 de texto general de la norma técnica y Anexo 2 hoja de entrega de evidencias).

Los documentos generados durante la autopsia son:

Solicitud u oficio escrita, por autoridad competente, para realización de autopsia médico legal y documentos asociados (Copia de la historia clínica, exámenes de laboratorio etc...

Expediente forense que contenga los exámenes médico-legales anteriores (si los hubiere)

Protocolo para la realización de la autopsia médico legal. (Anexo 1)

Dictamen médico legal post mortem.

Registro fotográfico del examinado, calcos, diagramas.

Solicitudes de interconsultas y análisis de laboratorio. (Si aplica)

Una vez finalizado el procedimiento de autopsia y liberado el cuerpo por el médico forense, el mismo **podrá ser entregado a los familiares** o reclamantes debidamente autorizados de manera escrita por autoridad competente. El reclamante del cadáver deberá presentar cédula de identificación ciudadana y completar la documentación requerida para el retiro del cadáver. ...en caso de no ser reclamado, el cuerpo quedará bajo resguardo del Instituto de Medicina Legal según normativas vigentes."

Recomendaciones Generales: El médico forense debe analizar e interpretar los hallazgos del examen en el contexto del caso específico, el cual está enmarcado por la información disponible que incluyen los antecedentes, así como la información aportada en los documentos enviados por el solicitante (oficio o solicitud, copia de la denuncia, acta de inspección de la escena, entre otros) y la realización de la autopsia médico legal.

En su dictamen médico legal, el médico forense debe indicar el tipo de arma o elemento causal a partir del examen y descripción de las lesiones (Formulario IML-PM-019) señalando características de clase y características individuales si las hay, mencionando si ostenta o no un patrón, caso en el cual debe documentarlo adecuadamente.

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Documentos por generar:

Dictamen médico legal post mortem preliminar.
Dictamen médico legal post mortem conclusivo.

El dictamen médico legal post mortem preliminar será entregado a la mayor brevedad posible después de concluida la autopsia médico legal.

El dictamen médico legal post mortem conclusivo debe ser entregado en un término no mayor de diez días hábiles y remitido a la autoridad correspondiente a más tardar en el onceavo día posterior a la fecha de realización de la autopsia, excepto en aquellos casos en los que por razones justificadas se requiera un menor o mayor tiempo de resolución.

Cuando el médico forense remita evidencia física para su envío a los laboratorios forenses, el responsable del envío las recibirá de manos de éste y sin desempacarla de su embalaje, ni levantar las cintas y/o sellos de seguridad, verificará la concordancia entre lo anunciado en el registro de cadena de custodia y los elementos recibidos. A continuación, tramitará el respectivo registro de cadena de custodia **dejando constancia escrita de la fecha y hora de la recepción del elemento; nombre completo, identificación, calidad en la que actúa y firma de quien recibe; cantidad y descripción del(los) elemento(s) recibido(s), y observaciones sobre su estado y condiciones al recibirlo(s)**.

PROTOCOLO ESTANDARIZADO DE ACTUACIÓN PARA AUTOPSIAS MÉDICO-LEGALES SEGÚN CAUSA BÁSICA DE MUERTE. MUERTES DEBIDAS A LESIONES POR PROYECTIL DE ARMA DE FUEGO. -

Según lo dispuesto en dicho protocolo, el peritaje médico forense en estos casos tiene por objeto, entre otros:

- La **recuperación de los proyectiles si éstos permanecieran dentro del cadáver.**
- Proporcionar **información sobre el tipo de arma, distancia de disparo.**
- Si las lesiones causadas por el proyectil son la causa básica de la muerte.

Para cada herida se deben realizar examen y documentación detallados (Formulario IML-PM-019). Se le **asignará una numeración**, en la cual **el primer número se refiere al conjunto de lesiones causadas por un proyectil y el segundo a la secuencia según** el siguiente criterio:

Orificio de entrada
Orificio de salida o proyectil alojado y recuperado
Trayectoria: dirección del proyectil en los tres planos anatómicos
Lesiones: estructuras comprometidas y lesiones ocasionadas

En caso de múltiples heridas por arma de fuego de carga múltiple (municiones de escopeta) se puede considerar la posibilidad de describir las lesiones de forma "agrupada,..., siempre que no sea posible una descripción más precisa".

En caso de **ausencia de orificio de salida, debe localizarse el proyectil** ... y si es **posible describir el tipo** ... (blindado, semiblindado, fragmentos metálicos, ... **incluyendo la medida en milímetros de la base del proyectil**.

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Se debe hacer un **examen detallado de las prendas de vestir describiendo las rasgaduras presentes en éstas y relacionándolas con las heridas**. Posteriormente deben ...ser embaladas ... para **hacer entrega a los investigadores para su envío al departamento de balística del laboratorio de criminalística de la Policía Nacional**.

Se recomienda en estos casos realizar los siguientes exámenes complementarios: **radiología, balística** (incluyendo proyectiles y fragmentos y otros materiales asociados y prendas de vestir), **fotografía** (con escala métrica y rótulo de identificación), **toxicología, cortes de tejido** (para documentación de la distancia de disparo) y **análisis físico-químico** para determinar residuos de disparo **en manos** (**procedimiento** a realizar por el perito de balística de la Policía Nacional).

CONSIDERACIONES.-

Las presentes consideraciones se basan exclusivamente en el contenido de la información suministrada, especialmente los dictámenes de autopsia de los 24 casos examinados, cuyo resumen se adjunta en forma de anexo, desconociendo otros elementos que hayan quedado incorporados al expediente completo del caso. No obstante, ha de observarse que el dictamen médico forense debería recoger tanto la información disponible para cada uno de los apartados requeridos por la norma técnica, como la falta de la misma y en este caso el motivo, y la derivada de las actividades que no siendo propias del médico forense es función de éste su indicación o supervisión (por ejemplo, la solicitud de análisis complementarios o la supervisión en la toma de huellas dactilares). Es decir, que ha de considerarse que aquella información que no se describe en el dictamen es porque se desconoce o no se recogió durante la autopsia.

Tal como queda acreditado por la información recopilada de los 24 casos examinados puede considerarse que, en términos generales, **se ha incumplido reiteradamente el procedimiento establecido en las diferentes normas legales que regulan la actuación médico forense**.

En ninguno de los casos examinados se recoge la intervención de un fiscal o juez en la solicitud dictamen de autopsia de los fallecidos. Todos los casos tienen entrada en el IML a solicitud, habitualmente por vía telefónica, de miembros de la Policía Nacional, sin que los dictámenes conclusivos refieran su posterior formalización a través de la autoridad fiscal o judicial. Las dos únicas excepciones las registran los casos FC-009-2018 y FC-10-2018 en los que el Fiscal Auxiliar de Managua solicitó el dictamen médico legal post-mortem en base a la documentación presente en la historia clínica hospitalaria, al no haberse practicado la autopsia por el denominado "desistimiento" de los familiares, es decir su negativa a que la misma se lleve a cabo. Dicho "desistimiento" se formaliza en un documento firmado por familiares y un miembro de la Policía (ver analisis detallado sobre esta práctica en informe del GIEI).

Ambos procedimientos son claramente contrarios a la normativa legal y a las buenas prácticas forenses que requieren la realización de la autopsia médico legal en todos los casos de muerte violenta.

El examen médico clínico y el médico legal tienen objetivos claramente diferentes. La información recogida en el expediente clínico es la derivada exclusivamente de la actuación diagnóstica y terapéutica que tiene como objetivo mejorar el estado de salud o salvar la vida del paciente. Por lo tanto, no incluirá información que es propia de la actuación médico forense y que, en caso de fallecimiento, solo puede ser recogida tras la práctica de la autopsia

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complementada con la información que el médico forense pueda obtener directamente del personal sanitario que trató al paciente y que pudiera no haber quedado reflejada en la historia clínica. En lesiones por proyectil de arma de fuego, el examen directo de las heridas, y de las estructuras internas afectadas, si bien limitado por la actuación quirúrgica, puede potencialmente aportar valiosos datos al médico forense que no son referidos en el historial clínico tales como la trayectoria del disparo o el tipo de proyectil. Así mismo el examen de lesiones adicionales que no son objeto de descripción ni tratamiento pero sí de valoración médico forense a fin de determinar evidencias de agresión física, lucha o defensa por parte de la víctima sin olvidar la información aportada por todos los elementos y evidencias asociadas, tales como la ropa y eventuales defectos en la misma que puedan relacionarse con las lesiones corporales y la indicación de análisis complementarios de tipo criminalístico para la determinación de residuos de disparo y de los elementos balísticos. Se pierde por tanto información esencial que permitiría establecer ciertos aspectos circunstanciales relacionados con la muerte. **Especialmente irregular es el caso FC-10-2018**. La muerte se produjo el 21 de abril en el Hospital Alemán Nicaragüense, donde el cadáver había ingresado como desconocido, permaneciendo en el mismo, sin que conste justificación alguna durante cuatro días, hasta el día 25 de abril en que fue identificado en base a reconocimiento visual por sus familiares quienes se hacen cargo del cadáver tras firmar un documento de "disentimiento" por carecer de recursos para su traslado al IML. No es hasta el día 15 de mayo, es decir 25 días más tarde que se solicita por parte del Fiscal Auxiliar el dictamen post-mortem. Cabe resaltar que en este caso, a diferencia del FC-009-2018, no hubo actuación quirúrgica alguna que pudiera haber influido en el examen forense del cadáver, el cual presentaba una herida por arma de fuego en el tórax anterior sin orificio de salida, lo que hubiera permitido en la autopsia recabar toda la información necesaria en relación con las cuestiones de interés médico legal para la investigación (causa cierta de muerte, tipo de proyectil y arma, distancia y trayectoria del disparo…), algo que se insinúa en el propio dictamen post-mortem en base a documentos.

Es evidente la **ausencia de la necesaria comunicación, coordinación y cooperación entre Policía Nacional (PN) e IML en la investigación de los casos.** Si bien en la mayoría de los casos las víctimas fueron trasladadas a centros sanitarios a fin de intentar procurarles asistencia médica, hay un número de casos (F-132-18/F-141-18/F-144-18/F-162-18) en que aparentemente el cuerpo fue directamente trasladado desde el lugar de los hechos al IML. Incluso uno de ellos (F-141-18) por miembros de la propia PN. **No se llevaron a cabo, sin embargo, los preceptivos levantamientos de cadáver por parte de personal del IML**, sin que se justifique la causa. Es cierto que podrían esgrimirse motivos de seguridad, pero en estos casos la norma técnica prevé la espera a que la PN garantice dicha seguridad, no eximiendo por ello de su cumplimiento. Siendo el caso que, cualquiera que fueran los motivos, no se llevaron a cabo los levantamientos de los cadáveres, cobra especial importancia la **falta de cumplimentación por parte de la PN de la hoja de investigación de la escena en el** expediente médico legal (IML-PM-003) al ser ésta el órgano investigador a cargo de la escena de los hechos. Es necesario resaltar que incluso tras varios días de la práctica de la autopsia a la emisión del dictamen conclusivo (casos F-134-18 a F-140-18) **los dictámenes o bien carecen de la información relativa a los hechos o la información disponible es muy escasa e imprecisa,** llegando a desconocerse por completo los antecedentes del caso (F-166-18 / F-177-18).

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Adicionalmente, en la mayoría de los dictámenes se hace alguna indicación que permite inferir la presencia de miembros de la PN en la autopsia, como la entrega de evidencia balística, e incluso en algunos casos (F-135-18) se incluye de forma explícita la recogida de elementos de prueba (raspado de uñas y muestra de cabello) y la toma de fotografías del cadáver (F-135-18/F-137-18) por parte de miembros de la PN. Sin embargo, contrariamente a lo dispuesto en la norma técnica y a las recomendaciones internacionales en casos de posibles violaciones a los derechos humanos, **los dictámenes no incorporan la relación de personas que se encontraban presentes durante la autopsia.**

En el presente contexto de confrontación entre las fuerzas policiales y grupos de civiles, todas estas carencias en la investigación podrían evidenciar un claro conflicto de intereses. La confrontación entre las fuerzas policiales y grupos de civiles actuando en coordinación con ella, y los manifestantes, producto de la cual se produjeron la mayoría de las o todas las muertes cuyas autopsias se analizan en esta sección, originó un claro conflicto de intereses entre el papel de la policía como principal institución investigadora de los hechos, particularmente en la escena del crimen, en estos casos de muerte violenta y las acusaciones recibidas como ente agresor y potencial violador de derechos humanos. **En estas situaciones se recomienda el nombramiento, a través de la correspondiente instancia judicial, de una institución diferente a aquélla cuya actuación está en entredicho con el fin de acometer una investigación imparcial.**

Como se indicó al principio de este informe, la autopsia médico legal tiene como objetivos determinar, no sólo la causa y manera de muerte, algo que en general recogen de forma correcta los dictámenes examinados, sino las circunstancias de la muerte en relación al esclarecimiento de los hechos, de **gran relevancia en muertes por proyectil de arma de fuego y especialmente trascendente en casos de posible violación a los derechos humanos**. La propia norma técnica reconoce la importancia de que el médico forense conozca toda la información disponible con carácter previo a la práctica de la autopsia y la necesidad de que la autoridad provea dicha información lo antes posible, a fin de procurar un abordaje adecuado de la misma y una correcta interpretación de los hallazgos.

Adicionalmente se observan una serie de **irregularidades en la recepción y registro de entrada de los casos en el IML**. Aunque la norma técnica establece que "los fallecidos serán transportados debidamente embalados… por una ambulancia del Instituto de Medicina Legal" al menos en tres casos (F-135-18/ F-138-18/ F-140-18) fueron trasladados directamente por la policía y sin el adecuado embalaje que garantice la preservación de posibles elementos de prueba. Adicionalmente en un caso (F-139-18) el cadáver no fue trasladado al IML por negativa de la familia, practicándose tan solo el reconocimiento externo del mismo por parte de la médico forense en las dependencias del centro hospitalario en el que se encontraba. Al margen de la irregularidad que supone en sí dicho procedimiento, el mismo consta registrado en la misma fecha, con su número correspondiente, en la fotocopia presentada a las autoridades del CIDH con carátula de "Libro de ingreso de cadáveres del IML".

El procedimiento relacionado con la identificación de los cuerpos muestra en términos generales serias deficiencias. En la mayoría de los casos, la identidad es reportada por la PN, si bien no consta habitualmente el procedimiento utilizado para dicha identificación, algo que incumple lo dispuesto en la norma técnica. De los 24 casos analizados, 12 ingresan en el IML ya como identificados, 8 como no identificados siéndolo posteriormente a través del

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reconocimiento por familiares en las dependencias del IML y en los restantes 4 casos la información disponible no es clara al respecto.

Adicionalmente, al menos diez de las identificaciones (F-135-18/F-136-18/F-137-18/F-138-18/F-139-18/F-140-18/F-141-18/F-147-18/F-151-18/F-172-18/FC-009-18) se basan en el reconocimiento visual por parte de familiares. Si bien éste es un procedimiento llevado a cabo universalmente y habitualmente fiable cuando el cuerpo se encuentra en buen estado, puede conllevar a errores, especialmente en situaciones de violencia en que se produce un número variable de víctimas en un corto espacio de tiempo e incluso en un mismo evento. La propia norma técnica recoge como "actividades básicas de identificación" que **en todos los casos de cadáveres no identificados se debe llevar a cabo la cumplimentación del denominado *archivo básico para identificación.*** Dicho archivo básico incluye la descripción de las características básicas, señales particulares, la reseña necrodactilar (verificación por el médico forense de si se tomó por parte del funcionario encargado de la PN), las fotografías de filiación, la ficha dental (solicitud de autopsia oral en todos los casos), y la recogida de muestras para análisis genéticos. En un solo caso (F-147-18) se efectuó la autopsia oral con fines identificativos y en ninguno consta la toma de fotografías de filiación, impresiones necrodactilares ni la recogida de muestras biológicas para un análisis genético. Dado que la norma establece que aún en casos en que los restos **ingresan ya identificados** debe tomársele al menos huellas dactilares y fotografías de filiación, y ante el buen estado de conservación de los cadáveres, la reseña necrodactilar hubiera sido un método rápido y fiable para una rápida confirmación de la identidad. Adicionalmente, **la toma de muestras biológicas y su conservación bajo la preceptiva cadena de custodia**, aunque no se estime obligatorio en la norma técnica, **se debería considerar** a fin de resolver futuras dudas o reclamaciones por errores en la identificación que pudieran subsanarse a partir del análisis genético

El examen del cuerpo se adapta, en términos generales, a lo estipulado en la norma técnica (Formulario IML-PM-019) en lo relativo a la descripción de las lesiones (orificios de entrada y salida, trayectorias, lesiones adicionales…) y causa y manera de muerte, con excepción del caso BL-0505-PM-RMM) autopsiado en la Delegación de Bluefields, el cual incumple manifiestamente la norma técnica del IML y las recomendaciones internacionales en lo relativo a la práctica de autopsias en casos de muerte por la acción de proyectiles de arma de fuego. A tenor del contenido del dictamen post-mortem, no se efectúa una adecuada descripción de los orificios ni en las ropas ni en el cuerpo (presencia o ausencia de elementos de disparo, tales como quemadura, depósito de negro de humo o tatuaje) ni se procede a la apertura de las cavidades, por lo que no se recupera el proyectil alojado en el cráneo, ni se describen las características observadas en la radiografía de cráneo efectuada. No se determinan trayectorias, ni se documenta gráficamente ninguno de los hallazgos, ni se solicita ningún tipo de estudio complementario.

De los 22 casos con causa de muerte por lesiones de arma de fuego, 16 de ellas interesan el tórax, 5 el cráneo y 1 la región cervical. De 17 casos en que se determinó la trayectoria, 7 corresponden a trayectorias postero-anteriores y 10 a trayectorias antero-posteriores.

Tabla III. Causa y Manera de Muerte

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Causa de Muerte	Número de Casos	Manera de Muerte
Lesión/es por proyectil de Arma de Fuego	22	Homicidios
Lesiones por Artefacto Explosivo	01	Homicidio
Estrangulamiento	01	Homicidio
Total	24	24

Sobre los 22 casos en que la causa de muerte se debió a lesiones por proyectiles de arma de fuego, los dictámenes de autopsia reportaron haber recuperado proyectiles en 15 de ellos, con la siguiente localización de las lesiones:

Tabla IV: Ubicación Anatómica de lesiones por proyectil de arma de fuego

Ubicación principales lesiones de arma de fuego reportadas en autopsias	Número de casos
Tórax	10
Tórax y abdomen	03
Tórax y miembro superior derecho	02
Abdomen	02
Cráneo	05
Total	22

No obstante, **la descripción de los proyectiles es muy limitada e incluso confusa** en algún caso en el que se describe un mismo elemento simultáneamente como propio de munición de carga única ("ojiva") y de carga múltiple ("perdigón") (F-137-18/F-138-18) y **sólo excepcionalmente se aporta información respecto a las características (aún generales) del arma**. Ello tiene especial importancia en los casos en que no se solicitó estudio balístico, y limita de forma importante las investigaciones al efecto al no poderse relacionar eventuales versiones sobre los hechos con los hallazgos objetivos derivados de la autopsia, siendo éste uno de los objetivos de la misma.

No se realizan tampoco, de forma general, consideraciones acerca de las lesiones no directamente derivadas de la acción de los proyectiles de arma de fuego, (salvo las relacionadas con la propia caída del cuerpo al ser abatido) y que revelarían una violencia accesoria, también de gran relevancia en casos de posibles violaciones a los derechos humanos. Por ejemplo, es de resaltar el caso (F-138-18) en el que se relatan una serie de lesiones contusas en la región facial con intensidad suficiente para causar incluso la pérdida de

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tres piezas dentarias a las que, tras la descripción no se hace ninguna consideración respecto de sus posibles causas.

La documentación gráfica de los hallazgos de autopsia es una parte indispensable del procedimiento de investigación forense, con valor probatorio. Las fotografías de las lesiones incluidas en los dictámenes postmortem **son por lo general deficientes (falta de detalle) y la nomenclatura no se adapta a lo dispuesto en la norma técnica** para la secuencia de las lesiones, lo que en los casos más complejos con múltiples lesiones por arma de fuego dificulta establecer la relación entre ellas. Resalta el hecho de que en 4 casos no hay fotografías ni de los orificios ni de los proyectiles extraídos (F-132-18/F-133-18/F-145-18/F-146-18) y en ninguno de los casos se han documentado gráficamente los orificios presentes en las ropas asociados a proyectiles.

En los casos de muertes debidas a lesiones por proyectil de arma de fuego las principales cuestiones circunstanciales a resolver en la autopsia son la distancia a la que se efectuó el disparo y la trayectoria. Para ello **es importante complementar la valoración macroscópica de las lesiones corporales y defectos en la ropa, con el estudio analítico de residuos de disparo y el análisis balístico**. Así lo expresa la norma técnica, al indicar que las ropas deben removerse cuidadosamente para evitar la pérdida de evidencia física y embalarse para hacer entrega al departamento de balística del laboratorio de criminalística de la PN, al igual que los proyectiles y fragmentos recuperados. A pesar de ello, tan solo en un caso (F-137-18) consta la "sugerencia" a la PN para el análisis de las ropas y en ningún caso se realizó toma de muestras para análisis de residuos de disparos en los tejidos cutáneos de los orificios. Tampoco consta que se haya llevado a cabo la toma de muestras de las manos de los fallecidos a fin de valorar la posible manipulación de armas de fuego por parte de éstos, algo fundamental, por ejemplo, en caso de que se alegue defensa propia por parte de un futuro encausado.

La recogida y entrega de los elementos balísticos para su estudio por el servicio de criminalística de la PN, imprescindible en estos casos, **es claramente irregular.** En un caso (F-140-18) no se procedió a la recogida de los proyectiles por la PN a pesar de la solicitud del médico forense. En la mayoría de los casos tan solo se deja constancia de la entrega sin identificar al receptor y sin precisar el tipo de análisis requerido. Y en tres casos (F-137-18/F-146-18/F-151-18) aunque se recogen los proyectiles no queda constancia de que se hayan entregado para su análisis.

Todo ello supone una importante limitación adicional a las derivadas de la carencia de información relativa a los hechos, para esclarecer en la medida de lo posible, los elementos circunstanciales asociados a las muertes.

ANÁLISIS BALÍSTICO.-

La CIDH y el GIEI no recibieron ningún dictamen o informe de balística, ni ningún documento relacionado con informes de balística. Por lo tanto, los comentarios que se realizan aquí se basan en lo observado en los protocolos de las necropsias analizadas, y es de vital importancia correlacionar eventualmente estas descripciones con los respectivos informes de balística.

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i.- Formatos de registro de evidencia balística y lesiones por arma de fuego. La Norma Técnica establece un formato único para consignar los hallazgos de las heridas ocasionadas por proyectil arma de fuego y se debe utilizar el formato: *"Anexo para heridas por proyectil arma de fuego"*, el cual no fue utilizado en ninguna de las veintidós (22) necropsias analizadas que presentaban lesiones por proyectil arma de fuego. La información de las características para cada uno de los Orificios de Entrada (O.E), presencia, o no, de residuos de disparo periorificiales (1.1), orificios de salidas (O.S) o proyectiles alojados (1.2), trayectoria del mismo en los tres planos (coronal-sagital-transverso) (1.3) y las lesiones (1.4) que ocasiona el proyectil en su recorrido desde que ingresa al cuerpo hasta que sale o se aloja, se encuentra diseminada en varios procesos de la información del protocolo de necropsia, lo cual dificulta su análisis y comprensión.

El uso de la hoja de trabajo del formato ayuda a controlar el inventario de orificios – orificios de entrada (O.E), orificios de salida (O.S) - y el(os) elemento(s) causal(es) de la(s) lesión(es) recuperado(s) en el transcurso de la necropsia médico legal. En los casos con protocolos de autopsia Nos. F-132-18, F-144-18, F-147-18, en un análisis inicial parecería que el número de orificios de entrada, es mayor al que realmente presentan las víctimas. No se encuentra una observación primero si corresponden a heridas ocasionadas por munición de carga múltiple (perdigón o posta) o de carga única (proyectil único); lo deducen al final de la exploración de las lesiones y fundamentalmente de los elementos balísticos recuperados, y no como ejercicio práctico antes de comenzar la necropsia de las diferentes hipótesis que se hagan a partir de la información consignada en el acta de levantamiento y del contexto del caso.

ii.- Registro fotográfico y radiológico de elementos balísticos. En cuanto a los registros de las tomas fotográficas en el desarrollo de la necropsia como soporte de hallazgos, así como las radiografías, ambas actúan también como control de la cadena de custodia de evidencias recuperadas. Se encontró documentado que en trece casos se realizaron dichas actividades. (Ver: F-132-18, F-134-18, F-135-18, F-136-18, F-137-18, F-138-18, F-139-18, F-140-18, F-144-18, F-145-18, F-146-18, F-147-18, F-149-18); en los otros nueve protocolos de autopsia, no hay información si se tomaron, o no. (Ver: F-133-18, F-141-18, F-142-18, F-149-18, F-162-18, entre otros).

Adicionalmente, si bien con las imágenes radiológicas y los elementos radio-pacos que se ven en ellas, no se puede determinar el calibre del elemento balístico, estas imágenes sí nos aportan una información valiosa de la munición empleada o evidencia a recuperar, trayectoria del proyectil y son la base de la cadena de custodia que vale cuando se va a comprara por la forma misma del elemento balístico recuperado.

iii.- Relación entre orificio de entrada en piel y elementos balístico recuperado en autopsia. Revisadas las dimensiones de los orificios de entrada en algunos protocolos de autopsia, estas no concuerdan con las características de las evidencias recuperadas y genera confusión del arma involucrada. Si bien es cierto que por dimensiones de heridas por proyectil arma de fuego en piel, no podemos inferir el posible calibre del proyectil que dio origen a la lesión, si podemos correlacionar su dimensión-orificio con su diámetro-evidencia. En el evento de recuperar "perdigones" durante la autopsia, donde su diámetro oscila +/- entre 0,3 cm. a 0,6 cm., el mismo debe ser acorde a los diámetros de los orificios en piel y deducir que ambos elementos de análisis tienen correlación directa, sin dejar por fuera del examen las otras variables: anillo de contusión, lesiones, trayectoria y elementos recuperados.

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En el protocolo de autopsia F-144-18, se indica que presenta las características de siete (7) orificios de entrada, cinco (5) orificios de salida, lesiones, roseta de dispersión de 35cm por 15cm y una sola trayectoria: Atrás hacia Adelante/Izquierda a Derecha /Abajo hacia Arriba. Número totales de orificios: doce (12). La necropsia señala que hay cuatro "perdigones" a recuperar e interpreta las heridas por proyectil de arma de fuego como de carga múltiple-escopeta y como si correspondiera a un sólo disparo.

Los autores de este informe al observar las fotografías de las lesiones y lo escrito en el protocolo de necropsia de este caso F-144-18, encuentran que por las características de los orificios de entrada, la localización topográfica anatómicamente de ocho (8) orificios de entrada (dos en brazo tercio superior cara posterior, dos en escapular, dos en espalda, uno en axilar y uno en tórax lateral , todos de lado izquierdo) y de cuatro (4) orificios de salida (dos en brazo y dos en tórax), en su defecto se deberían de recuperar cuatro (4) proyectiles.
En este caso, no puede descartarse la posibilidad de que se trate de : a) disparos realizados por proyectil de arma de fuego de carga única, b) dos disparos distintos de carga múltiple de perdigones ; c) una combinación de armas de carga única y de carga múltiples; d) armas de carga múltiple utilizando munición diferente de perdigones y postas.
Es decir, no se podría dejar por fuera la posible utilización de dos armas de fuego de cargas diferentes utilizadas simultáneamente: una de carga única y otra de carga múltiple, o solo de carga múltiple, además, utilizando munición diferente: ya sea "perdigones" que son de diámetros pequeños o postas que corresponden a un diámetro mayor al del perdigón. Cabe mencionar que las cargas comúnmente utilizadas en la fabricación de los cartuchos de carga múltiple para ser disparos en escopetas son: Primero "Perdigones" de diámetro pequeño y contienen entre 80 a 120 dentro del cartucho y el otro elemento balístico es la "Posta" de diámetro más grande y contienen entre 9 a 12 dentro del cartucho, lo anterior depende del calibre de la escopeta (Calibre 12, 16, 20, .410, entre otros.) y de la casa fabricante de la munición. Por último, el diámetro de algunas postas puede ser similar a los diámetros de algunas municiones de armas de carga única. Las imágenes de los radiográficas de los proyectiles, un análisis interno de las lesiones más profundo, análisis más detallado de las prendas de vestir más el informe de balística habría podido proveer más luz sobre el análisis de casos como estos.

iv.- Distancia. Igualmente, las dimensiones de los orificios de entrada nos aportan información de la distancia de disparo y posible tipo de arma de fuego involucrada. En las autopsias analizadas, en varios casos, no se correlaciona o menciona este hallazgo. Por ejemplo, en protocolo F-145-18, llama la atención las dimensiones del O.E: 3.0 x 1.5 cm.; éstas son muy grandes, al igual que las lesiones que produce el proyectil típicamente causando un daño altísimo, con orificio de salida y podría pensarse en arma de fuego de alto calibre-fusil, no hay una interpretación y correlación entre lo anterior, y tampoco menciona nada respecto a la prenda de vestir que portaba la víctima.

Sobre los 22 casos con lesiones de arma de fuego, la distancia de disparo consignada en las autopsias es en catorce (14) casos: Larga Distancia (ver F-132-18, F-135-18, F-137-18, F-141-18, F-144-18, F-146-18, F-147-18, F-151-18, entre otros.); en dos (2) casos es: CONTACTO FIRME F-139-18 y F1-149-18 y seis casos, no hay información al respecto (F-166-18, F-177-18, FC-010-18, FC-009-18, F-138-18 y BL-0505-18).

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Llaman la atención las características y hallazgos de las lesiones por Hx.PAF en dos de los casos analizados: F-139-18 y F-1-149-18. Estas lesiones fueron hechas con disparos realizados a *CONTACTO FIRME* (donde la boca de fuego del arma se encuentra apoyada firme sobre la región impactada al momento de realizarse el disparo) y estarían por fuera del contexto típico de los otros hechos analizados en estas autopsias, donde predomina el disparo a larga distancia en el marco de la manifestación pública.

v.- Relación entre descripción de proyectiles de arma de fuego y la descripción de su trayectoria interna: Igualmente las características de los anillos de contusión (banda contusiva perioficial o alrededor del orificio producto del paso del proyectil al erosionar y romper la piel) presentes en los orificios de entrada, nos ayudan a corroborar la posible trayectoria del proyectil al interior del cuerpo. Sin embargo, se encuentran descripciones tanto de O.E. como de anillos de contusión que no se correlacionan con las evidencias recuperadas. (Ver F-132-18, donde las dimensiones de los orificios de entrada en espalda, son muy grandes para ser de origen "perdigones" como señala la autopsia y los anillos de contusión de estos orificios sugieren diferentes trayectorias, más para inducir que son de carga única y no de carga múltiple, o que haya más de un arma involucrada. En vista de Radiología se refiere la presencia de un perdigón pero en realidad, se recuperan dos perdigones durante la autopsia. Imperioso ver Informe de Balística).

vi.-Revisión de Prendas de vestir. Tal como se ha señalado con anterioridad, en eventos en donde está involucrada un arma de fuego y la víctima presenta heridas por proyectil de arma de fuego-Hx.PAF, una actividad que no se puede dejar de hacer es la revisión exhaustiva de las prendas de vestir que portaba la víctima al momento de recibir los disparos y luego las posibles perforaciones correlacionarlas anatómicamente con los orificios presentes en el cadáver, más cuando las lesiones están ubicadas en regiones anatómicas provista de prenda(s) de vestir. El examen de las ropas ayuda a corroborar orificios de entrada (donde posiblemente quedan depositados los residuos de disparo, más cuando estos son realizados a corta distancia o para confirmar una larga distancia) y los orificios de salida. Se encontró en siete casos que no hay descripción de la prenda de vestir; en otros casos, se describe la prenda y las perforaciones, pero se determina la distancia de disparo en función de las características físicas del orifico de entrada en piel, obviando el análisis de pruebas químicas sobre la prenda de vestir para determinar la posible distancia de disparo.

vii.- Individualización de elemento balístico. La falta de pericia para identificar los elementos balísticos pertenecientes a un cartucho de arma de fuego carga única: revólver, pistola, fusil ó carga múltiple: escopetas -cuando hacemos referencia de fabricación industrial-, es posible sobrelleve a una mala interpretación de los hallazgos y la conclusión no sea acorde al contexto de los hechos. La descripción detallada del elemento balístico que se recupera en la autopsia, causal de la lesión, como son: forma, color, deformaciones aportan una información para comparar y van alineadas con otras variables a tener en cuenta entre lesiones, trayectorias u otras evidencias recuperadas como son esquirlas o fragmentos.

Al describir los proyectiles recuperados en las autopsias No. F-137-18 y F-138-18, se observa el empleo indistintamente de: "Ojiva-(Perdigón)-Proyectil arma de fuego, deformados, color plateado" y "Ojiva-(Perdigón)-Proyectil arma de fuego, deformados, color dorado", respectivamente.

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Cuando se menciona "ojiva" de proyectil arma de fuego corresponde a que fue disparado por un arma de fuego, tipo pistola, revólver o fusil (carga única) y cuando se menciona "perdigón", corresponde a que fue disparado por un arma de fuego, tipo escopeta (carga múltiple). Con estas ambigüedades no se puede identificar el elemento causal a que se hace referencia: si es un proyectil de carga única ó de carga múltiple; al mismo tiempo, esto también hace improbable tener un conocimiento y control de la evidencia y soporte de la cadena de custodia de lo recuperado.

viii.- Descripción de proyectil recuperado en autopsia. Como se mencionó anteriormente, por lo general las características y constitución de los proyectiles donde la forma y el color son indicativos de pertenecer a una u otra arma de fuego y de forma indiciaria, pendiente de correlacionar con los informes emitidos de balística, ayudan a corroborar lo recuperado y lo analizado en la necropsia médico legal. Se recuperaron elementos balísticos en 15 de los 22 casos en los que las autopsias describen heridas por proyectil de arma de fuego. Es así como cinco protocolos de autopsia mencionan respecto a la evidencia recuperada lo siguiente: F-133-18: *"Proyectil, color* ***Bronce****, deformado en la punta"*, F-135-18: *"Proyectil deformado, color* ***dorado****"*, F-139-18: *"Proyectil de color dorado deformado"*, F-140-18: *"Ojiva de Proyectil, color dorado"*, F-149-18: *"Proyectil, color dorado deformado en forma de hongo"*, con esta información se puede hacer una inferencia de la posible arma involucrada (**pistola).** En el protocolo de autopsia No. F-136-18, se encuentra información relevante a las características de los proyectiles recuperados como son forma-color e indican su correlación con lo evidenciado en toma de Rx-Radiologia, como es: *"Proyectil –ojiva- deformado, color* ***plateado****"*. Con esta información, se puede hacer una inferencia de la posible arma involucrada (**revólver**), lo anterior, pendiente a corroborar con los informes de balística. En cinco casos, el elemento balístico recuperado se describe como: ***"Perdigón"*** (en número de uno a cuatro) que correspondería a armas de fuego, carga múltiple, tipo escopeta. En dos casos se describe con **"ojiva"** sin descripción de color o forma; y en dos casos, en donde se consigna " **Ojiva/perdigón"** (ver punto 6) .

La ausencia de la descripción detallada de las evidencias recuperadas, como se observa en los dos protocolos F-146-18 y F-151-18 en donde sólo se menciona: "Ojiva de arma de fuego", solo se puede inferir en el mecanismo de muerte causa por proyectil arma de fuego, pero no nos ayuda a descartar o inferir dentro de la población de armas de fuego a qué tipo corresponde.
Al no consignar en forma detallada esta información, se impide tener otras variables que son determinantes para análisis y aproximarse a cómo sucedieron los hechos o ayudar a dar conclusiones más firmes y concluyentes en el contexto forense.

ix.- Tipo de Armas de fuego intervinientes. De todo lo anterior y lo visto en videos de las manifestaciones se puede inferir y correlacionar la utilización de diferentes tipos de armas de fuego: escopeta, pistola, revólver, además, de fabricación industrial, sin descartar el uso del fusil-alta velocidad , y armas hechizas no convencionales. Sin embargo, es importante señalar que en las autopsias analizadas no hay evidencia diferente a lesiones ´producidas por disparos por armas de fuego de fabricación industrial.

x.-Victimas policiales. Entre las víctimas se encuentran dos funcionarios públicos-de ocupación policías, cuyas autopsias describen heridas por proyectil arma de fuego (F-133-18 en espalda y

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cabeza-roce y F-146-18 en cabeza). En el caso de los restos F-133-18, la autopsia señala en uno de sus acápites que se recupera un proyectil de color dorado y luego lo describe "un proyectil con punta deformada de color **bronce".** La distancia de disparo en F-133-18 se establece en la autopsia como "un disparo a larga distancia", haciendo referencia sobre los hallazgos en piel y no sobre lo evidenciado en prenda de vestir. En el caso de los restos F-146-16, la autopsia también señala que se recuperó un proyectil de arma de fuego en este caso en cráneo y lo describe como "ojiva de arma de fuego"; no hay nada relacionado a la presencia o no de residuos de disparo periorificiales, además, tuvo atención médica. Típicamente, en asepsia y manipulación de la herida, que es rasurada y los tratamiento quirúrgico se llevan los posibles residuos de disparo del orificio de entrada. La distancia en este caso se indica en la autopsia como proyectil de arma de fuego " disparado a larga distancia". En ambos casos, las trayectorias de los disparos son: posterior-anterior (también en ambos casos, de arriba hacia abajo y derecha a izquierda). Se hace imperioso revisar informes de balística, imágenes radiológicas y fotografías de los proyectiles y descartar en lo posible "fuego amigo" ya que en función de la descripción de los proyectiles recuperados en la necropsia, parecería inferirse que posiblemente fueron disparados por armas de fuego, tipo pistola, armas de dotación militar y parapolicial que se vieron en videos eran portadas y accionadas sin ninguna precaución y control de la línea de tiro por fuerzas policiales y para policiales.

xi.- Trayectorias. De acuerdo a las evidencias recuperadas y lo consignado en varios de los protocolos se evidencia las siguientes trayectorias: marcada como es la de ATRÁS-ADELANTE en ocho casos; y marcada de ADELANTE/ATRÁS en diez casos. En los 4 casos de los 22 de PAF no se menciona trayectoria.

xii.- Informes de balística. No se contó con informes de balística para las autopsias en donde se recuperaron proyectiles de arma de fuego ni tampoco informes de prendas que presentaran el paso de proyectil de arma de fuego. Los resultados de los informes de balística, entre otros, serian determinantes como elementos de análisis a comparar con los hallazgos consignados en: protocolos de necropsia, fotos del proceso de la misma, fotos de radiología y fotos de las diferentes evidencias recuperadas, incluidas las prendas de vestir comprometidas con orificios de arma de fuego, salvaguardando la cadena de custodia de todo el material de análisis desde su recepción hasta su disposición final.

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CONCLUSIONES.-

1.- El presente informe fue realizado por solicitud del Grupo Interdisciplinario de Expertos Independientes de (GIEI) Nicaragua al Equipo Argentino de Antropología Forense (EAAF). El informe fue realizado por un médico forense de España y un experto en balística de Colombia, con colaboración de personal del EAAF. El número de muertes investigadas por el GIEI dentro del periodo correspondiente a su mandato – 18 de abril del 2018 a 30 de mayo del 2018- se eleva a 109 individuos. En el presente informe sólo se analizan 24[7] de ellos en función del número de autopsias disponibles para su estudio. Es decir, las autopsias disponibles al GIEI sólo representan un 20% aproximadamente de los homicidios investigados por dicho grupo y el presente análisis se realizó sobre material pericial y no sobre los restos. Además de las 24 autopsias, el presente informe analizó otros materiales normativos de Nicaragua complementarios incluyendo: la Ley Orgánica del Poder Judicial de la República de Nicaragua (LOPJ). La Gaceta nº137 (Ley No. 260 7-julio-1998), el Reglamento de la Ley Orgánica del Poder Judicial (RLOPJ), La Gaceta nº104 (Decreto Nº 63-99 2-julio-1999), el Código Procesal Penal de la República de Nicaragua (CPP) (Ley 406 – 18-diciembre-2001) y la Norma Técnica para la realización de las autopsias médico-legales (NTAML) (IML-008-02-16). Finalmente, los autores del informe también tuvieron acceso a material audiovisual de los eventos en donde fallecieron los individuos cuyas autopsias se analizan en este informe recolectado por el GIEI-Nicaragua proveniente de medios de comunicación y de particulares. Las conclusiones del análisis de estas 24 autopsias se presentan a continuación.

2.- De acuerdo con las recomendaciones internacionales, la autopsia médico legal o forense tiene por objeto la investigación de muertes violentas o sospechosas, con especial consideración en casos de homicidio, suicidio, muerte inesperada, accidentes de todo tipo, muerte en custodia o asociada a actividades militares o policiales, cuerpos no identificados y violación de derechos humanos. La normativa en Nicaragua establece que debe realizarse autopsia médico legal en todos los casos de muerte violenta, súbita o inesperada sospechosa de criminalidad, y bajo custodia entre otras.

3.- Levantamiento y Análisis de Escena del crimen y/o hallazgo de restos. La normativa en Nicaragua establece que la autopsia debe incluir antecedentes del caso, donde se explicite la información sobre análisis de escena del crimen, levantamiento del cadáver, dando especial atención a la información contexto. El Instituto de Medicina Legal (IML) no participó en ninguno de los levantamiento de cadáver contrario a lo que indica su normativa y las autopsias carecen de información relativa a los hechos o la misma es escasa e imprecisa. Esta información típicamente se extrae de la Hoja de investigación de los hecho que confecciona la Policía Nacional (PN), quien está también a cargo de la escena.

4.- De los 24 casos analizados, 22 corresponden a autopsias realizadas analizando los restos y dos corresponden a autopsias realizadas sólo con documentación sobre la historia clínica producida por el hospital en donde murieron estas dos personas, sin tener a disposición ni analizar los cuerpos. Esta es una mala práctica forense por que el accionar del médico en el hospital está dirigido a salvar la vida del paciente y por lo tanto se concentrara en las lesiones que interesan al respecto y no en otras que pueden ser de importancia médico forense.

[7] Como se mencionó al comienzo del presente informe, el GUIEI tuvo acceso a una 25ava. autopsia tardíamente.

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5.- La existencia de la posibilidad de "desistimiento" de autopsia por parte de familiares de las victimas con aprobación por escrito de la Policía Nacional observada en al menos dos casos contraviene la norma técnica de Nicaragua y la normatividad internacional sobre la obligación de investigar toda muerte violenta, muerte sospechosa etc.

6.-Contrariamente a lo dispuesto en la norma técnica y a las recomendaciones internacionales en casos de posibles violaciones a los derechos humanos, los dictámenes no incorporan la relación de personas que se encontraban presentes durante la autopsia. La presencia de miembros de la PN durante las autopsias se infiere en varias de las autopsias al recepcionar evidencia balística u otros elementos de prueba.

7.- Irregularidades en el ingreso de cadáveres al IML. Las copias entregadas como Libro de ingreso de cadáveres" en realidad sólo contienen cuerpos identificados siendo que las autopsias señalan que 12 de los cuerpos analizados en este informe ingresan como no identificados.

8.- Deficiencias en cumplimiento de la norma en materia de identificación. En ningún caso consta la toma de fotografía de filiación, toma de huellas dactilares procedimientos indicados en la normativa de Nicaragua tanto para cuerpos que ingresan identificados al IML como para los no identificados. Según las autopsias analizadas, tampoco se realizaron tomas de muestras para análisis genéticos con fines identificatorios. Sobre los 24 casos analizados, 20 de ellos fueron identificados y en todos los casos se realizó por identificación visual de sus familiares. Aunque el mismo es un método valido en determinadas circunstancias también, puede conducir a errores.

9.- De las 24 autopsias analizadas, en 22 de ellas la causa de muerte se debe a lesiones producidas por proyectil de arma de fuego, en un caso se debe a estrangulamiento y en el último caso, se debe a lesiones por artefacto explosivo. Sobre estos 22 casos, 16 interesaron tórax y/o abdomen, 5 a cráneo y 1 a cuello.

10.- Recuperación de proyectiles en Autopsias. Sobre los 22 cadáveres que fallecieron por lesiones producidas por proyectil de arma de fuego, las autopsias señalan la recuperación de proyectiles en 15 de ellos durante este examen. Lamentablemente, no se tuvo acceso a los dictamenes de balística de los mismos que fueron entregados todos o su mayoría a la Policía Nacional, quien por norma técnica debe realizar este peritaje.

11.- Distancia. En 14 de los 22 individuos que, según las autopsias fallecieron por lesiones de proyectil/es de arma de fuego, el/los disparo/s se produjo/produjeron a larga distancia; en dos (2) casos, corresponden a heridas de contacto y en seis casos no se tiene información al respecto.

12.- Análisis de Prendas. La ausencia del análisis químico de la ropa para observar residuos del paso del disparo de armas de fuego disminuyó la información sobre distancia y tipo general de proyectil y la posibilidad de correlacionar los hallazgos de las autopsias sobre los restos.

13.- La descripción de los proyectiles encontrados en las autopsias en algunos casos ha sido imprecisa o contradictoria, dañando la posibilidad de deducir tipo de arma y otros datos importantes en términos de determinación de responsabilidades.

14-Si bien, en términos generales, puede afirmarse que la causa y manera de muerte ha quedado adecuadamente establecida en los dictámenes postmortem de los casos examinados,

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ajustándose a la norma técnica, las carencias observadas inciden negativamente de manera notable en la adecuada valoración de los elementos circunstanciales vinculados con las muertes, los cuales tienen una especial relevancia en casos de posibles violaciones a los derechos humanos.

15.- El estudio de la documentación consultada ha permitido observar una serie de carencias en la investigación forense de los casos examinados que derivan de dos elementos principales:

- Falta de comunicación, cooperación y coordinación entre los miembros de la Policía Nacional y el personal del Instituto de Medicina Legal, especialmente en lo relativo al hallazgo del cadáver e investigación de la escena del crimen.
- Falta de observancia del procedimiento establecido en la norma técnica para la realización de las autopsias médico legales del Instituto de Medicina Legal de Nicaragua (IML-008-02-16), especialmente en lo relativo a la presencia durante la autopsia de miembros de la Policía Nacional y tipo de actividad realizada, al deficiente procedimiento de identificación, la carencia de información detallada sobre los elementos balísticos y la falta de pruebas analíticas complementarias para la investigación de la distancia y trayectoria de disparo.

En el contexto de confrontación entre las fuerzas policiales y grupos de civiles en que se produjeron estos homicidios, todas estas carencias en la investigación podrían evidenciar un claro conflicto de intereses. La confrontación entre las fuerzas policiales y grupos de civiles actuando en coordinación con ella, y los manifestantes, origen de la mayoría de las o todas las muertes cuyas autopsias se analizan en esta sección, supone un claro conflicto de intereses entre el papel de la policía como principal institución investigadora de los hechos, particularmente en la escena del crimen, en estos casos de muerte violenta y las acusaciones recibidas como ente agresor y potencial violador de derechos humanos. **En estas situaciones se recomienda el nombramiento, a través de la correspondiente instancia judicial, de una institución diferente a aquélla cuya actuación está en entredicho con el fin de acometer una investigación imparcial.**

ANNEX 6

Report requested by the GIEI to the National Institute of Forensic Science of Guatemala (INACIF).

INACIF
INSTITUTO NACIONAL DE CIENCIAS FORENSES DE GUATEMALA

Oficio No. DG-0652-2018
Guatemala, 17 de diciembre de 2018

Doctora
Claudia Paz y Paz
Grupo Interdisciplinario de Expertos Independientes (GIEI)
Nicaragua
Su Despacho

Doctora Paz y Paz:

Con un cordial y respetuoso saludo me dirijo a usted, dando respuesta a oficio de fecha 05 de diciembre y oficio de ampliación de fecha 17 de diciembre ambos del presente año, en los cuales solicitó realizar un análisis técnico sobre los antecedentes del caso de la muerte del señor HILTON RAFAEL MANZANARES ALVARADO.

En tal sentido, me permito trasladar, en forma electrónica el documento escaneado que reproduce el original del análisis técnico emitido por el grupo de profesionales que fueron designados para realizar las verificaciones y análisis correspondiente del caso antes descrito. El documento adjunto está identificado como Oficio DTC-2018-567, de fecha 17 de diciembre del año en curso, contenido en siete folios.

En caso de requerirse el documento en original, queda a su disposición cuando lo consideren oportuno.

Sin otro particular, me es grato suscribirme.

Deferentemente,

MSc. Fanuel Macbanal García Morales
Director General

OFICIO-DTC-2018-567

Guatemala, 17 de Diciembre de 2018

M.Sc.
Fanuel Macbanai García Morales
Director General
Instituto Nacional de Ciencias Forenses de Guatemala
Su Despacho

INSTITUTO NACIONAL DE CIENCIAS FORENSES DE GUATEMALA RECIBIDO 17 DIC 2018 DIRECCIÓN GENERAL Hora: 04:14

Señor Director General:

Respetuosos nos dirigimos a Usted en respuesta a Providencia con número de referencia DG-0068-2018, de fecha 13/12/2018 en el que solicita emitir opinión técnica del caso No. 011393-ORM4-2018-PN relacionado con Carlos Alberto Bonilla López, detenido en el Sistema Penitenciario Nacional Tipitapa, Nicaragua. Dado que fuimos designados para atender el caso, manifestamos:

1. **DATOS DE REFERENCIA DEL CASO**
   - **1.1. Referencia:** Providencia DG-0068-2018
   - **1.2. Fecha:** 13 de Diciembre de 2018

2. **OBJETIVOS**
   - **2.1.** Establecer si la trayectoria balística determinada por el perito Carlos Alberto Berroteran en el Juicio Oral y Público tiene congruencia con las leyes de la física de acuerdo a la distancia, altura y grados de inclinación con que se ejecutó el disparo y si es congruente con las heridas que presenta la víctima, según la declaración del médico forense que consta en los documentos enviados. En caso que hubiera alguna incongruencia se agradecería señalar y explicar" (cita textual)

3. **ANTECEDENTES**
   Se tuvo a la vista para análisis, fotocopia simple no certificada de acta de Juicio Oral y Público Técnico asunto No.011393ORM4-2018-PN, la fotocopia simple no certificada del acta de continuación de Juicio Oral y Público Técnico No.011393ORM4-2018-PN.

4. **PROCEDIMIENTOS**
   - Revisión de documentos
   - Análisis de Mapa Satelital
   - Determinación de variables
   - Obtención de valores de las variables
   - Aplicación de las fórmulas matemáticas
   - Interpretación de resultados
   - Identificación de incongruencias en declaraciones
   - Identificación de incongruencias en peritajes

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Jefe de Servicio de Patología Forense Metropolitana
-INACIF-

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Perito Profesional IV
Experto en Trayectoria de Disparo y Vehículos
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Maestro Mynor Geovanni Golón Valenzuela
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OFICIO-DTC-2018-567

5. **ANÁLISIS**

De la lectura de los documentos referidos en el acápite anterior, se establece:

- Que los hechos ocurrieron el diecinueve de abril de dos mil dieciocho.
- Que el lugar de los hechos estaba localizado en "Barrio Américas 1, del Colegio Edgard Arbizú, tres andenes al sur" (Ciudad de Managua, Nicaragua)
- Se acusa a Carlos Alberto Bonilla López de haber dado muerte a Hilton Rafael Manzanares Alvarado y "por ser autor directo del delito de Asesinato agravado en grado de frustración, en perjuicio de Paulo Francisco Martínez Valdivia, a Miguel Ángel Picado, Roberto Carlos Robleto Rivas y Fimer Joel Jiménez Castellón" (cita textual)
- Que el modo de darle muerte a Hilton Rafael Manzanares Alvarado fue con el uso de un arma de fuego.
- De las declaraciones del Médico Forense Alejandro José Martínez Acevedo se establece:
  - Que la muerte de Hilton Rafael Manzanares Alvarado fue "I. Causa Directa: Parálisis de los centros nerviosos de la respiración por destrucción de la médula espinal de región cervical. II. Causa Inmediata: fractura de la tercera vértebra cervical; III. Causa Básica: Trauma contuso por proyectil de arma de fuego penetrante en región cervical." (cita textual)
  - Que el cadáver presentaba una herida penetrante producida por proyectil de arma de fuego en región tóraco cervical derecha y, un "refilón" (rozón) producida por proyectil de arma de fuego en región occipital superior derecha.
  - Que el orificio de entrada de la herida producida por proyectil de arma de fuego que causó la muerte tiene características de disparo de larga distancia.
  - Que el trayecto balístico en el cuerpo de la víctima es de atrás hacia adelante, de abajo hacia arriba y de derecha a izquierda.
  - El tiempo estimado de muerte es de dos a tres horas, con hora de inicio de necropsia a las 21:00 horas.
- Tomando como referencia la dirección del lugar en el que ocurrieron los hechos, proporcionada en el documento, se procedió a ubicar la locación en un mapa satelital. Del análisis de la imagen electrónica de dicho mapa satelital, se puede considerar que en el escenario de los hechos la superficie está nivelada, es decir, que la altura del plano de sustentación, tanto del agresor como de la víctima, era aproximadamente la misma.



Localización del escenario de los hechos según la dirección proporcionada en declaraciones

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Ampliación de la zona marcada como escenario de los hechos

- De las declaraciones del Perito en Trayectoria balística, Carlos Alberto Berroteran, se determinó
  - Que la altura del disparo fue de 1.80 metros.
  - Que la trayectoria balística fue de una distancia de 35 metros.
  - Que el ángulo de disparo fue de más 8°

En el presente caso, para la estimación de la trayectoria balística se incorporan como variables efectivas:

- el ángulo de disparo y
- la distancia entre la boca de fuego del arma y la superficie de impacto.

Se excluye:

- En las variables:
  - gravedad,
  - humedad relativa,
  - velocidad y dirección del viento,
  - masa y velocidad del proyectil de arma de fuego.

Habida cuenta que, para la distancia referida de 35 metros de trayectoria balística, estas variables no afectan el comportamiento del proyectil de arma de fuego.

- De los agraviados:
  - Paulo Francisco Martínez Valdivia,
  - Miguel Ángel Picado,
  - Roberto Carlos Robleto Rivas y
  - Fimer Joel Jiménez Castellón

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En virtud que no son parte del objetivo de análisis para la emisión de la opinión técnica solicitada.

Fórmulas matemáticas (Teorema de Pitágoras, Trigonometría):

Para determinar la altura a la que se encontraba el proyectil de arma de fuego luego de 35 metros de trayectoria, con un ángulo de disparo de más 8°, con una altura inicial de disparo de 1.8 metros, se utilizó la siguiente fórmula:

$\tan \beta^{\circ} = h/L$

En donde

- β es el ángulo de disparo
- h es la altura del proyectil de arma de fuego a la distancia determinada (L).
- L es la distancia de recorrido de la trayectoria balística

Reemplazando las variables con la información aportada por el Perito en Trayectoria Balística, Carlos Alberto Berroteran:

$\tan 8^{\circ} = h/35$

entonces, despejando h, la fórmula queda así:

$h = 35 * \tan 8^{\circ}$

$h = 35 * 0.1405$

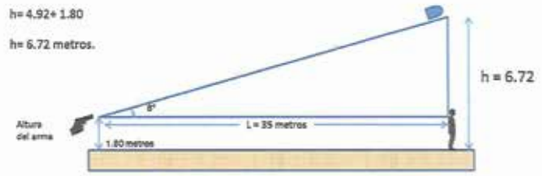
$h = 4.9175$

aproximado h= 4.92

A ésta altura hay que agregar la altura en la cual se describe se encontraba el arma de fuego al momento de dispararla

h= 4.92+ 1.80

h= 6.72 metros.



6. **INCONGRUENCIAS ENCONTRADAS**
   - **6.1. Se estableció que existe incongruencia en la determinación del lugar y hora de la muerte.**
     - **6.1.1.** Folio 651: "Lic. Fabiola Mercedes Mendoza Busto... posteriormente trasladaron a la víctima Hilton Rafael Manzanares Alvarado al Hospital Alemán Nicaragüense donde llegó fallecido"
     - **6.1.2.** Folio R-652: "Alejandro José Martínez Acevedo ... lo apoyaron y lo llevaron al Hospital y falleció, a las 10 y 30 minutos de [illegible] devó a la morgue...

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determinando que tenía de dos a tres horas de muerto...Éste tipo de herida es grave. La muerte es inmediata si no se recibe socorro inmediato"

6.1.3. Folio 7 de 11 del acta de continuación de Juicio Oral y Público Técnico: "Alejandro José Martínez Acevedo... que realizó el examen a las 9:00 de la noche... que falleció a las 9-35 de la noche, y que el cadáver fuera recibido a las nueve de la noche en el Instituto de Medicina Legal,... y que el tiempo de haber fallecido era de 2 a tres horas..."

6.1.4. Folio 655: "William José Zeledón Castiblanco... El diecinueve de abril de dos mil dieciocho, llegamos al Hospital Alemán Nicaragüense, vimos que aún estaba con vida el oficial Hilton Manzanares, y lo único que vi fue que me saludó, luego falleció"

6.1.5. Folio R-656: "Luxana del Socorro Dávila... El diecinueve de abril de año dos mil dieciocho, a las ocho y diecinueve minutos de la noche, un grupo de oficiales se encontraba por el sector de la Upoli y allí falleció un oficial de la policía"

6.2. Existe incongruencia en la descripción del arma homicida.

6.2.1. Folio R-653 "Carlos Alberto Bonilla López... Yo lo observé y otros compañeros también lo observaron al acusado con el ***revólver***"

6.2.2. Folio 656: "Miguel Ángel Picado... Como primera instancia vi que disparaba parecía un arma 9 mm."

6.2.3. Folio R-657: "Omar Antonio Bustamante Meza, en sustitución y como supervisor del perito Carlos Alberto Berroteran... Nos remiten un proyectil... luego lo analizamos con el microscopio, y presenta dos de sus seis estrías con micro líneas no bien definidas y la inclinación es a la derecha y es de 9 mm tipo pistola"

6.3. Incongruencias en la identificación del agresor en la escena

6.3.1. Folio 653 "Paulo Francisco Martínez Valdivia... vi al sujeto que le estaba disparando, vi que le dio un disparo en la cabeza... y el ciudadano nos seguía disparando. La persona que disparaba estaba como a treinta metros... su rostro no se me va a olvidar."

6.3.2. Folio R-655 "Miguel Ángel Picado... Yo era el último del grupo, el estaba aproximadamente como a 30 metros... Recuerdo que el que disparaba tenía un tatuaje en el pecho."

6.3.3. Folio 656 "Miguel Ángel Picado... la parte de atrás donde nos disparaban era bastante oscura... Cómo voy a observar a alguien si no hay luminarias, claro que lo observé porque había luz, él estaba allí ocultándose por un poste de luz, pero al momento que nos va disparando él iba caminando y yo caigo y lo veo que me iba disparando... Yo lo reconocí porque él se burlaba como nos atacaba... Luego le dije a gritos, Q (sic) nunca se me iba a olvidar. Él tenía tatuaje en el pecho"

6.3.4. Folio R-653 "Paulo Francisco Martínez Valdivia... Había como mil personas manifestándose y agrediéndonos. Nos lanzaban morteros, piedra, portaban hechizas y armas militares... VALORACION... y que logró ver al sujeto que disparaba; que observó que le dio un disparo en la cabeza a Hilton y que el ciudadano era el único que andaba en la calle..."

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7. CONCLUSIONES

7.1. Valorando las declaraciones periciales se establece los siguiente:

7.1.1. La altura en la que se podría encontrar el proyectil de arma de fuego, luego de 35 metros de trayectoria balística, con un ángulo de disparo de más 8° es aproximadamente de 6.72 metros, de tal manera que, para que dicho proyectil pudiera impactar en el cuerpo de la víctima, ésta debía encontrarse sobre una estructura que le permitiera estar a esta altura y no de pié sobre el plano de sustentación (suelo), como se refiere en las declaraciones testimoniales.

7.1.2. La altura estimada es aproximada debido a que el resultado depende del número de decimales de la tangente del ángulo que se emplee para la realización de los cálculos. En el presente caso se emplearon hasta cuatro decimales.

7.1.3. Es criterio de los suscritos que es incongruente la afirmación del perito en trayectoria balística, Carlos Alberto Berroteran, en el sentido que, con los datos aportados, el proyectil se hubiese encontrado a una altura en la que fuera capaz de impactar en la humanidad de Hilton Rafael Manzanares Alvarado, a 35 metros de distancia, sobre el mismo plano de sustentación en el que se encontraba el agresor, según las declaraciones testimoniales, salvo que dicho proyectil haya colisionado con un blanco primario que cambiara la trayectoria; sin embargo está última posibilidad no fue contemplada por el perito y por ende se considera descartada.

7.1.4. Derivado de la altura, establecida por los integrantes de ésta mesa técnica, para la trayectoria balística, contrastado con el plano de sustentación de la víctima, relatado en las declaraciones testimoniales, el proyectil no pudo provocar la herida que causó la muerte a la víctima, descritas en la declaración del Médico Forense Alejandro José Martínez Acevedo.

7.2. Valorando las declaraciones testimoniales se logra determinar lo siguiente:

7.2.1. No es congruente que a una misma persona se le determine la hora de muerte con tanta discrepancia en el tiempo en que ingresó al centro hospitalario, su examen forense y la hora de fallecimiento. Adicionalmente las declaraciones testimoniales son contradictorias en el sentido del lugar en donde acaeció la muerte.

7.2.2. No es posible que una persona en la nocturnidad con multitud de personas presentes y a treinta metros de distancia, pueda identificar los rasgos faciales de un individuo, tipo de arma y características individualizantes, tales como las de un tatuaje y, que a éstas indicaciones se les de valor probatorio de coherencia por parte de la judicatura, argumentando que el agresor era el único que se encontraba en la calle, contradiciendo la versión de los testigos.

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7.2.3. Es incongruente que el tipo de arma de fuego sea identificada de forma cambiante (revolver versus pistola). Así mismo que el proyectil de arma de fuego extraído del cadáver de la víctima no fue correlacionado con el arma homicida, misma que no fue recuperada.

7.2.4. No existe sustento científico objetivo, imparcial y reproducible, que demuestre que de todos los disparos efectuados por el agresor, el que se realizó con un ángulo de mas ocho grados fue el que impactó en la espalda de la víctima.

La presente opinión técnica consta de siete hojas escritas en su anverso

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ANNEX 7

Report requested by the GIEI to NarrativeTech (Mexico).



Índice / Consideraciones

- Resumen Actividades
  - Metodologia Bots
  - Perfil de usuarios
- Conclusiones
- Hallazgos
  - Protestas por el incendio de la reserva Indio Maíz
  - Persona muerta durante las protestas del 18 de abril
  - Fuera Ortega
  - Paramilitares
  - El Carmen
  - Protestas INSS

2

Nota Metodológica

En el periodo que comprende del 1° de marzo al 10 de junio de 2018, se extrajeron:

- Los publicaciones de cuentas públicas de Facebook que hablaron sobre las protestas en nicaragua.
- Los tweets públicos relacionados con las protestas en Nicaragua.
- Los videos de YouTube relacionados con las protestas en Nicaragua.

Para realizar las búsquedas en Twitter, Facebook y YouTube se utilizaron las siguientes palabras clave:

Violencia	Posturas	Seguridad	Movilizaciones	Entidades	Hashtags
crisis	fascismo	paramilitar	universitario	Rosario Murillo	fueraortega
violencia	fascista	paramilitares	estudiante	Daniel Ortega	sosnicaragua
terrorista	sandinista	policia	mu19a	Leopoldo Brenes	gritopornicaragua
represion	orteguista	parapoliciales	manifestante	José Adán Aguerri	nicaraguaquierepaz
genocida	Somoza	Grupo de choque	manifestantes	Telémaco Talabera	dialogopornicaragua
muerto			manifestaciones	CEN	JuntosSomosUnVolcan
saqueo			revolucion	CIDH	SOSIndioMaíz
Enfrentamiento			protesta	CENIDH	
Tranque			bloqueo	ANPDH	

Tipos de usuarios

Tipo	Bot	Usuario Verificado	Usuario Normal	Medios	Atipicos
Definición	Algoritmo que, de forma automática, produce contenido e interactúa con humanos	Cuentas de interés público autenticadas por Twitter	Cuentas que presentan un comportamiento típico	Cuentas relacionadas con medios de comunicación o con influencers	Cuentas que emiten contenido diverso y entre grupos publican contenido similar
Ejemplo					
Datos					

Metodología Bots

- "Un **Robot** es un algoritmo que, de forma automática, produce contenido e interactúa con humanos en los medios sociales, tratando de emular y posiblemente alterar su conducta" (Ferrara et. al 2014, 96).
- Los **robots o 'bots'** son usados de forma negativa al contribuir a difundir información sin sustento o rumores, por ejemplo, los bots son capaces de incrementar el apoyo a candidatos políticos, lo que podría influenciar el resultado de las elecciones (Ferrara et. al 2014).
- Los bots pueden dar la impresión de que cierta información es popular y aprobada por una mayoría, lo que ejerce cierto tipo de influencia sobre el resto de la conversación en los medios sociales.

Metodología Bots

Para identificar a los usuarios que son bots se analizan:

- La antigüedad en la plataforma. Los bots tienden a tener una fecha de creación reciente (Ferrara et. al 2014; Medium 2017).
- El número de tuits emitidos. Cuentas con más de 50 tweets por día tienden a ser bots (Silva 2016; Wenzke 2016).
- El tipo de tuit que emiten. Generalmente los bots producen menos tweets originales (Ferrara et. al 2014; Silva 2016).
- La imágen de perfil. Los bots tienden a tener imágenes no genéricas y la imagen de default de Twitter (Silva 2016).
- Sincronización de actividad. Generalmente los bots tienen sincronizadas sus actividades, las redes de bots twittean casi al mismo tiempo (Ferrara et. al 2014).
- Mismos Tweets. Los bots tienden a enviar el mismo mensaje que los demás bots (Silva 2016).

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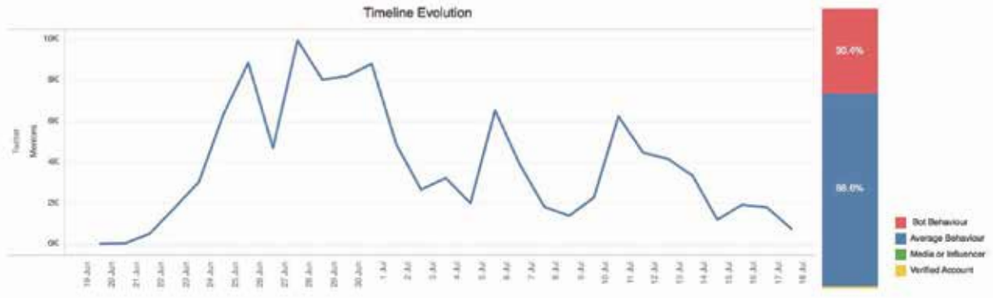
Perfiles de cuentas Protestas Nicaragua

En la conversación sobre las protestas en Nicaragua, en el periodo que comprende del 1 de marzo al 10 de junio destacan:

- Se encontró que el 29.3% de las cuentas participando en la conversación tienen un comportamiento tipo bot.
- Sólo el 1% de las cuentas están verificadas por Twitter.
- En su gran mayoría, las cuentas presentan un comportamiento típico de un humano (70.2%).
- Los usuarios de las 21 comunidades encontradas tienen una proporción de cuentas con comportamiento tipo bot de entre el 25% y el 38%.
- Comparados con otros acontecimientos sociales, la proporción de cuentas con comportamiento tipo bot es similar:
  - En el caso de las manifestaciones sucedidas en El Salvador, la proporción de bots es del 30.4%.
  - En el caso del Sismo de México del 19 de septiembre de 2017 es del 32%.
  - En el caso de la Caravana Migrante que va de Honduras a Estados Unidos la proporción es de 33.8%

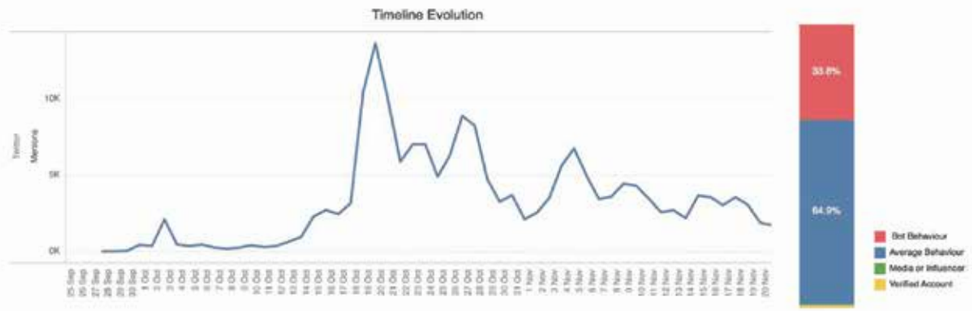
Referencia: El Salvador Protestas

- En el periodo que comprende del 19 de junio al 18 de julio de 2018, para las publicaciones relacionados con las manifestaciones sucedidas en El Salvador, se observa que existe un incremento en el número de menciones en los días en que se realizaron protestas en las calles.
- La proporción de cuentas con comportamiento tipo robot es del 30.4%.



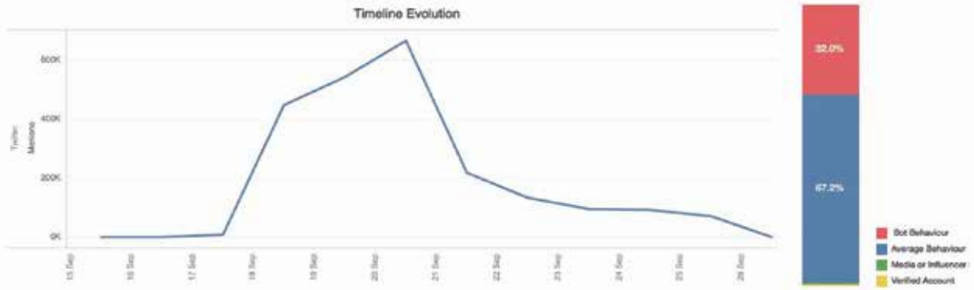
Referencia: Caravana Migrante Honduras

- En el periodo que comprende del 26 de septiembre al 20 de noviembre de 2018, para las publicaciones relacionados con la caravana migrante de Honduras, se observa que existe un incremento en el número de menciones en los días en que los migrantes hondureños entraron a territorio mexicano.
- La proporción de cuentas con comportamiento tipo robot es del 33.8%.



Referencia: Sismo 19SMéxico 2017

- En el periodo que comprende del 16 al 26 de septiembre de 2017, para las publicaciones relacionados con el terremoto en México del 19 de septiembre, se observa que existe un incremento en el número de menciones luego de presentarse el sismo.
- La proporción de cuentas con comportamiento tipo robot es del 32%.





Pregunta: ¿Cuál fue el impacto de las redes sociales durante las protestas de Nicaragua?

Durante las protestas en Nicaragua, las redes sociales ejercieron su rol como medio de comunicación adicional o alterno para informar a la sociedad sobre lo sucedido durante las diversas manifestaciones. Asimismo, permitieron dar visibilidad internacional a lo sucedido mediante la publicación y diseminación de notas de medios de comunicación de diversas partes del mundo.

Para los habitantes de Nicaragua, las redes sociales permitieron compartir y diseminar información sobre las convocatorias a las marchas, la represión, la inseguridad, la presencia de grupos de choque y grupos armados. Además, permitieron que los asistentes a las manifestaciones compartieran imágenes y videos sobre el desarrollo de las mismas, en muchas ocasiones solicitando auxilio.

Por otro lado, las redes sociales facilitaron el involucramiento de activistas sociales, defensores de derechos humanos y grupos de personas que se encuentran fuera de Nicaragua, entre ellos Luis Almagro, Secretario General de la OEA, y periodistas como Jorge Ramos.

Asimismo, en los mensajes emitidos a través de las redes sociales, los ciudadanos Nicaragüenses expresaron su punto de vista sobre la respuesta por parte del Gobierno de Nicaragua ante el incendio en la Reserva Indio Maíz, sobre las reformas a la Seguridad Social, las acciones de Gobierno durante las marchas y los diversos llamados a la paz en Nicaragua.

Pregunta: ¿Cuál fue el impacto de las redes sociales durante las protestas de Nicaragua?

También, las redes sociales permitieron la acción colectiva por parte de los ciudadanos mediante la distribución de mensajes convocando a las protestas en Nicaragua y han sido un medio de presión hacia el Gobierno de Daniel Ortega.

Por otra parte, los Nicaragüenses han usado las redes sociales para identificar a las víctimas de las marchas y para compartir contenido, imágenes y videos, como prueba de quiénes provocaron la violencia en las mismas.

Parte de la información que emitieron los usuarios fue retomado por medios de comunicación de diversas partes del mundo.

Por lo tanto, las Redes Sociales facilitaron el involucramiento por parte de los ciudadanos en el discurso público y han sido una herramienta para comunicar el descontento social generado por los cambios institucionales y las acciones tomadas por el Gobierno durante, dentro y fuera de las marchas.

Pregunta: ¿Hubo interferencias o intento de desinformar?

Dentro de la conversación, diversos grupos intentaron dirigir la comunicación en favor y en contra del Gobierno de Nicaragua. Sin embargo, estos intentos no tuvieron éxito, puesto que la gran mayoría de las personas han expresado su punto de vista y han compartido los diversos sucesos que han vivido.

Mediante el análisis de los mensajes y comportamiento de las cuentas, en específico de aquellas con comportamiento tipo bot, se constató que los diversos grupos que intentaron influir en la conversación no tuvieron éxito.

En las 21 comunidades relevantes encontradas en la conversación sobre las protestas en Nicaragua, todas tienen una proporción de alrededor del 30% de cuentas con comportamiento tipo bot. Sin embargo, el grueso de la conversación no sigue la tendencia de conversación marcada por las cuentas tipo bot; por el contrario, estas cuentas siguen la tendencia del grueso de la conversación y difunden la información emitida por otros usuarios sobre lo que sucede en Nicaragua.

Por otro lado, la comunidad más activa, Comunicadores Protesta, tiene una proporción de cuentas con comportamiento tipo bot del 25%, quienes han emitido el 20% de los tweets de esa comunidad. Por lo que, la proporción de tweets emitidos por cuentas genéricas supera cuatro veces la proporción de tweets emitidos por cuentas tipo bot.

Pregunta: ¿Hubo manipulación de las diferentes partes?

Por otra parte, se ubicaron varias cuentas con comportamiento atípico, las cuales no tienen las características propias de los bots, pero que se encuentran constantemente activas, emiten contenido diverso pero que entre este grupo publican el mismo contenido o contenido similar. Sin embargo, las publicaciones emitidas por estas cuentas atípicas no tuvieron un impacto mayor dentro de la conversación sobre las protestas en Nicaragua.

La conversación se incrementó cuando las cuentas genuinas comenzaron a publicar su opinión sobre los sucesos registrados y cuando compartieron imágenes y videos de lo que estaba sucediendo durante las marchas.

Por lo tanto, las redes sociales no influyeron en forma deliberada en los acontecimientos.

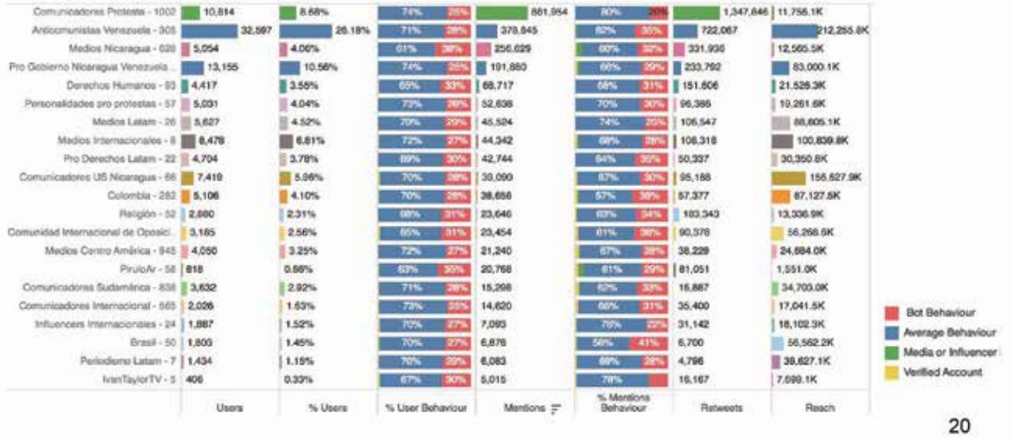
Las redes sociales fueron claves en mantener a la población informada de los sucesos en Nicaragua, en permitir la participación de la ciudadanía en el discurso público y en la comunicación hacia el exterior de lo acontecido.

Observaciones Protestas Nicaragua

En la conversación sobre las protestas en Nicaragua, en el periodo que comprende del 1 de marzo al 10 de junio destacan:

- Usuarios que llaman a protestar por la respuesta del gobierno de Nicaragua ante el incendio de la Reserva Indio Maíz y por las reformas a la Seguridad Social.
- Grupos de usuarios que difunden mensajes en contra del gobierno de Nicaragua, quienes utilizan técnicas de difusión en redes, como arrobar a cuentas de medios, utilizar hashtags y pedir retweets.
- Usuarios que piden la salida de Daniel Ortega de la presidencia de Nicaragua.
- Usuarios que comparten información sobre los acontecimientos sucedidos dentro de las protestas en Nicaragua. Comparten fotografías y videos de los diversos hechos en las manifestaciones.
- Usuarios que difunden mensajes a favor de las acciones del Gobierno de Daniel Ortega, que diseminan la información emitida por el Gobierno y que llaman a la paz en Nicaragua.
- Medios de comunicación que difunden las noticias más relevantes de las protestas en Nicaragua. La proporción de cuentas pertenecientes a comunidades de medios de comunicación es del 30% del total.

Comunidades Protestas Nicaragua

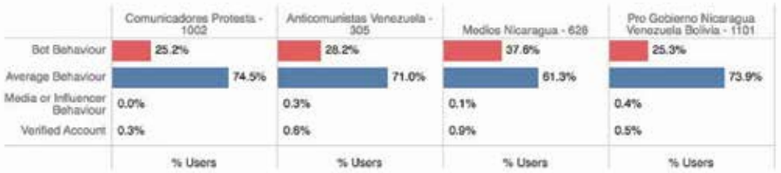


Comunidades Protestas Nicaragua

En la conversación sobre las protestas en Nicaragua, en el periodo que comprende del 1 de marzo al 10 de junio se encontraron 21 comunidades importantes:

- El 29.3% de las cuentas participando en la conversación tienen un comportamiento tipo bot.
- En su gran mayoría, las cuentas presentan un comportamiento típico de un humano (70.2%).
- Las comunidades encontradas tienen una proporción de cuentas con comportamiento tipo bot de entre el 25% y 38%.
- La comunidad de Comunicadores Protesta fue la que menor proporción de tweets emitidos desde cuentas tipo bot tuvo (20%). La proporción de tweets emitidos desde cuentas tipo bot en las demás comunidades oscila entre el 25% y el 38%.
- La proporción de cuentas pertenecientes a comunidades de medios de comunicación es del 30% del total.
- Los Anticomunistas Venezuela cuentan con el mayor número de usuarios participando con el 26% del total.

Definición Comunidades Principales

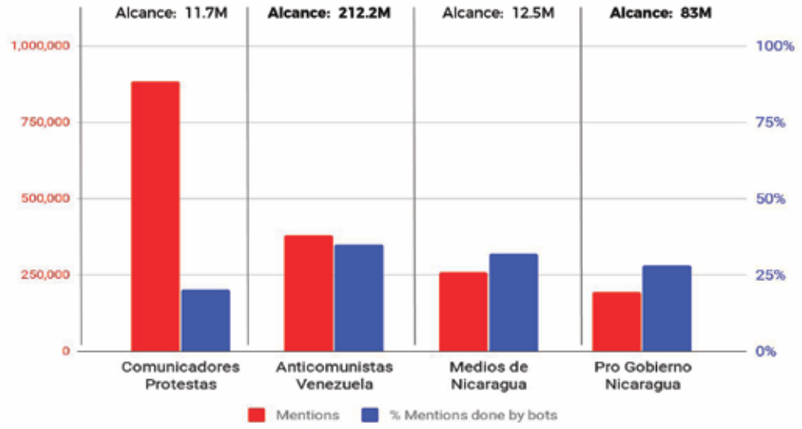


Comunidad	Características
Comunicadores Protestas	Usuarios que llaman a protestar por la respuesta del gobierno de Nicaragua ante el incendio de la Reserva Indio Maíz y por las reformas a la Seguridad Social, comparten fotografías y videos de los diversos hechos en las manifestaciones.
Anticomunistas Venezuela	Estos usuarios relacionan al gobierno de Daniel Ortega con el Gobierno de Nicolás Maduro y emiten mensajes en contra del comunismo.
Medios de Nicaragua	Difunden noticias sobre los acontecimientos en Nicaragua y están relacionados con medios de comunicación del país.
Pro Gobierno Nicaragua	Usuarios que difunden mensajes a favor de las acciones de Gobierno de Daniel Ortega, que diseminan la información emitida por el Gobierno y que llaman a la paz en Nicaragua.

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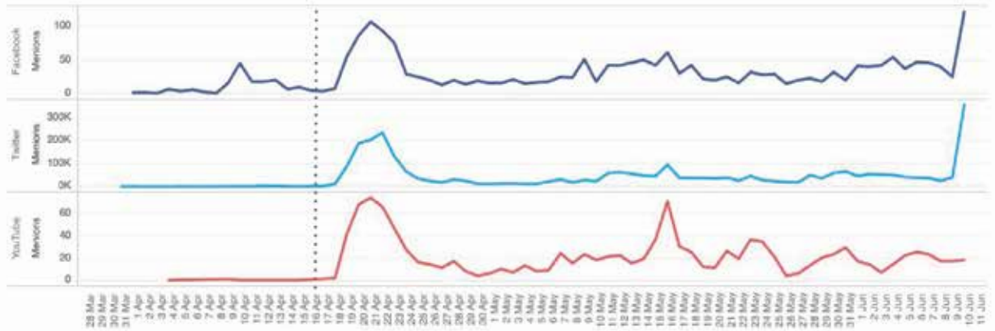
Resumen Protestas Nicaragua

Se encontraron 21 comunidades de Nicaragua, 4 de ellas engloban la mayoría del volumen de la conversación.



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Timeline Protestas Nicaragua



Se observa que, antes del 16 de abril, hubo mayor proporción de publicaciones en Facebook que en las otras plataformas, debido al Incendio Indio Maíz.

Posterior al 17 de abril, las publicaciones en las tres plataformas tienen una tendencia similar, teniendo picos en los días en los que se llevaron a cabo las diversas protestas.

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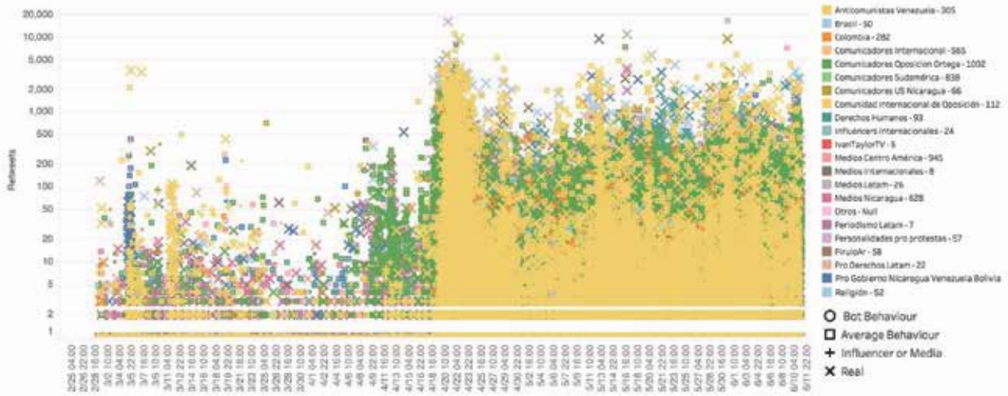
Timeline Comportamiento Protestas Nicaragua



En la conversación en Twitter, se observa que el tipo de cuentas con comportamiento tipo bot guardan la misma tendencia de publicaciones que las cuentas promedio. Las publicaciones de cuentas promedio son 2.7 veces más que las de publicaciones de las cuentas con comportamiento tipo bot.

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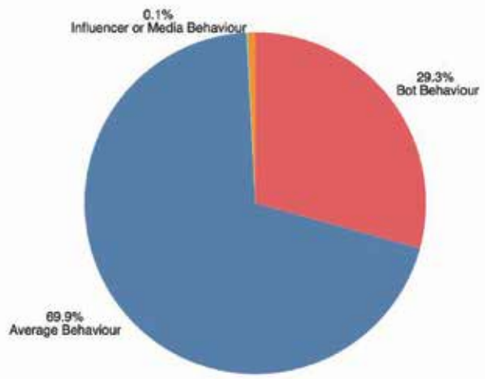
Timeline Comunidades Protestas Nicaragua



Protestas Nicaragua Red de retweets



Protestas Nicaragua Usuarios reales y bots



En el periodo de análisis del 1ro. de marzo al 10 de junio de 2018, se identificó que la proporción de cuentas que publicaron sobre las protestas en Nicaragua y que cuentan con comportamiento tipo robot es del 29.3%.

Algunas características comunes al perfil y comportamiento de estos.

- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de twiteo (min, max, deciles).
- Proporción de seguidores y seguidos



Preguntas Indio Maíz

- ¿Cómo se convocaron las protestas?
- ¿Cuáles fueron los actores que convocaron dentro de Nicaragua?
- ¿Cuáles fueron los actores que convocaron desde el extranjero?
- ¿Cuántos de los actores y participantes en la conversación desarrollada sobre Twitter fueron usuarios reales (no bots)?
- Con los datos anteriores ¿es posible identificar a un núcleo de actores convocantes?

Resumen Indio Maíz

- "Salvemos la Reserva Indio Maíz" advierte sobre la posible quema de árboles en la Reserva.
- Cuentas pro derechos humanos reportan el incendio y culpan al gobierno por la mala reacción.
- Usuarios llaman a protestar contra el gobierno utilizando técnicas de difusión, como arrobar@ cuentas de medios, utilizar hashtags y pedir retweets.
- Usuarios críticos del gobierno destacan la falta de respuesta y piden cambiar a Daniel Ortega.
- Cuentas con comportamiento atípico difunden mensajes de inconformidad hacia el gobierno.
- Usuarios publican que el gobierno llama a sus fuerzas de seguridad para reprimir.
- La proporción de cuentas con comportamiento tipo robot que hablaron sobre Indio Maíz es del 14.5%.

¿Cómo se convocaron las protestas? Indio Maíz

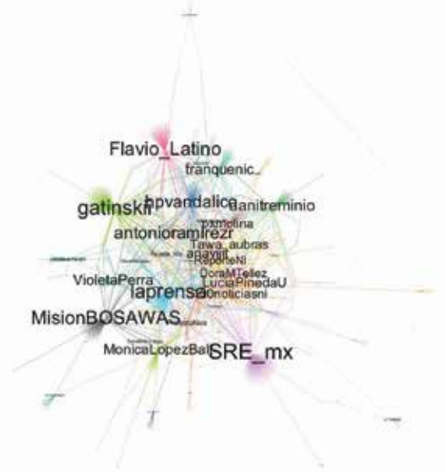
La convocatoria para la protesta sobre el Indio Maíz se desarrolló:

- En un inicio la cuenta en Facebook de "Salvemos la Reserva Indio Maíz" reportó que habría quema de árboles dentro de la reserva.
- Posteriormente, cuentas pro derechos humanos y de protección al medio ambiente reportan el incendio; además, la noticia es retomada por un medio de comunicación español (À Punt NTC).
- Usuarios críticos del gobierno destacan la falta de respuesta y piden cambiar a Daniel Ortega. Entre ellos el Jefe de Información del diario La Prensa y defensores de derechos humanos.
- Ambientalistas llaman a protestar contra el gobierno por su reacción ante el incendio.
- Usuarios difunden las diversas convocatorias para protestar por la reacción ante el incendio.
- Usuarios llaman a la acción en redes sociales utilizando técnicas de difusión, como arrobar@ cuentas de medios, utilizar hashtags y pedir retweets.
- Por otro lado, usuarios publican que el gobierno llama a sus fuerzas de seguridad para reprimir las marchas.

Timeline Indio Maíz



Red de retweets Indio Maíz



En la red de conversación sobre Indio Maíz se aprecian diversas comunidades que participaron en proporciones similares.

La comunidad de MisionBosawas es de las más grandes por las primeras publicaciones que realizó sobre el incendio en la Reserva de Indio Maíz

Primeras Publicaciones Indio Maíz

La primera publicación sobre Indio Maíz fue emitida por la cuenta de Salvemos la Reserva Indio Maíz, quien reportó tala de árboles con el propósito de quema, el día 2 de abril de 2018.

El 3 de abril se reportó el incendio a través de cuentas relacionadas con la protección del medio ambiente, los derechos humanos, críticos sociales y un medio de comunicación de España.

Las cuentas más activas en el tema de Indio Maíz son las que pertenecen a la comunidad de Comunicadores Protesta, quienes difunden las convocatorias a las protestas y reclaman la falta de reacción ante el incendio por parte del gobierno.

Descontento Indio Maíz



Cuenta	https://twitter.com/BiancaJagger
Liga	https://twitter.com/BiancaJagger/status/983585908485222400
Fecha Nicaragua:	2018/04/10 00:02 horas

Primeras Publicaciones Indio Maíz



Cuenta	https://www.facebook.com/salvemoslareservaindiomaiz/
Liga	https://www.facebook.com/salvemoslareservaindiomaiz/videos/2272100213016551/
Fecha Nicaragua:	2018/04/02 12:23 horas



Cuenta	https://twitter.com/pxmolina
Liga	https://twitter.com/pxmolina/status/982017711919288321
Fecha Nicaragua:	2018/04/05 18:10 horas

Convocatorias y difusión Indio Maíz



Ambientalistas llaman a protestar contra el gobierno por su reacción ante el incendio.

Comunicadores críticos y defensores de derechos humanos culpan al gobierno por el hecho.

Usuarios llaman a saturar las redes y utilizan técnicas de difusión en redes, como arrobar a cuentas de medios, utilizar hashtags y pedir retweets.

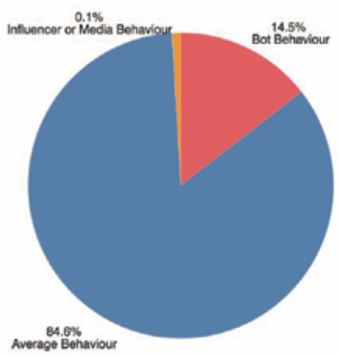
Cuentas con comportamiento atípico (siguen para ser seguidas, #followback) difunden mensajes de inconformidad contra el gobierno.

Publicaciones Medios Indio Maíz



Medios de comunicación y periodistas difunden imágenes de su detención mientras se dirigían a la Reserva Indio Maíz.

Usuarios reales y bots Indio Maíz



En el periodo de análisis, 25 de marzo al 20 de abril de 2018, se identificó que la proporción de cuentas con comportamiento tipo robot que hablaron sobre Indio Maíz es del 14.5%.

Algunas características comunes al perfil y comportamiento de estos.

- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de twiteo (min, max, deciles).
- Proporción de seguidores y seguidos



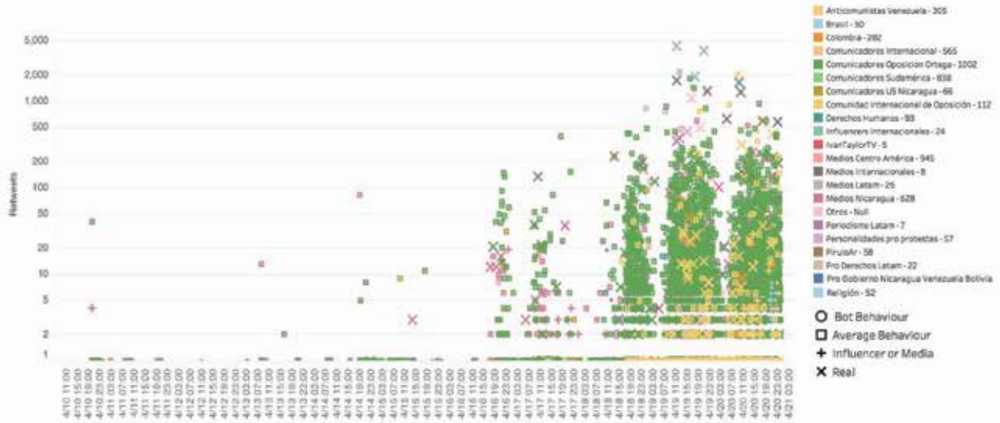
Preguntas Protestas INSS

- ¿Cómo se convocan las protestas?
- ¿Cuántos de los actores y participantes en la conversación desarrollada sobre Twitter son usuarios reales (no bots)?
- Con los datos anteriores ¿es posible identificar a un núcleo de actores convocantes?

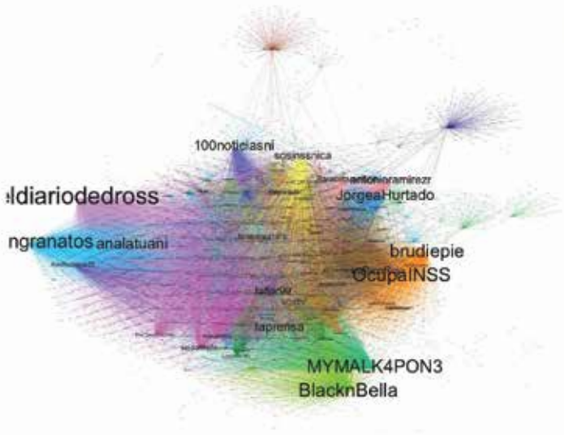
Resumen Protestas INSS

- En días previos a las protestas por las reformas al INSS, usuarios comenzaron a difundir mensajes sobre la represión en OcupaINSS de años atrás.
- Usuarios difunden mensajes de descontento hacia el gobierno de Daniel Ortega.
- Usuarios llaman a protestar contra el gobierno de Daniel Ortega y a difundir las acciones realizadas contra su gobierno. Estos usuarios pertenecen, en su mayoría, a la comunidad de Comunicadores Protesta y a la comunidad de Anticomunistas Venezuela.
- La proporción de usuarios con comportamiento tipo robot en la conversación sobre el INSS es de 23.4%

Timeline Protestas INSS



Red de retweets Protestas INSS





La red de retweets tuvo una participación mayor que la de Indio Maíz.

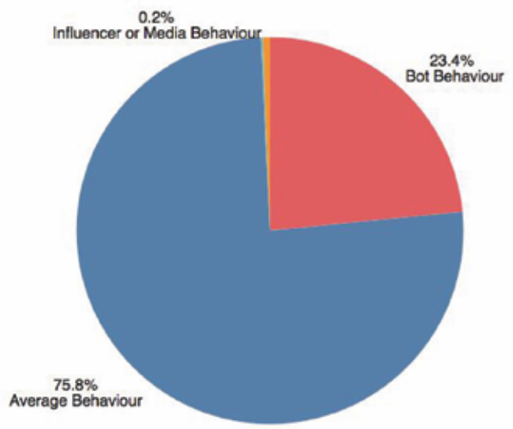
En ella se aprecian diversas comunidades, como los Comunicadores protestas y Medios de Nicaragua.

Primeras menciones Protestas INSS



Cuenta	https://twitter.com/NestorArce
Liga	https://twitter.com/NestorArce/status/986035443119640576
Fecha Nicaragua:	2018/04/16 18:15 horas

Usuarios reales y bots Protestas INSS



En el periodo de análisis del 5 al 20 de abril de 2018, se identificó que la proporción de cuentas que publicaron sobre el Instituto Nicaragüense de Seguridad Social y que cuentan con comportamiento tipo robot es del 23.4%.

Algunas características comunes al perfil y comportamiento de estos.

- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de twiteo (min, max, deciles).
- Proporción de seguidores y seguidos



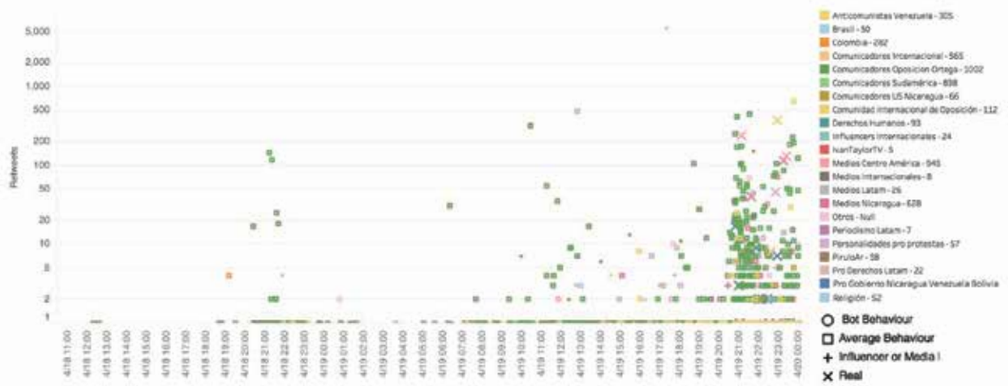
Preguntas 1er Muerto

- ¿Qué actor produce la noticia?
- ¿Cómo se replica la noticia?
- ¿Cuál fue el alcance que tuvo la noticia?
- ¿Cuándo pierde relevancia?
- ¿Es utilizada para justificar acciones represivas?

Resumen 1er Muerto

- El día 18 de abril de 2018, alrededor de las 21:00 horas se identificaron los primeros mensajes sobre una persona muerta durante las protestas contra las Reformas del INSS.
- Estas primeras publicaciones fueron realizadas por cuentas con comportamiento atípico: dos cuentas distintas twittearon las mismas frases en el mismo minuto, una de esos mensajes fue borrado.
- Los mensajes sobre un muerto y mensajes desmintiendo la noticia se concentran en la noche del 18 de abril, sin tener mucho impacto.
- La noche del 19 de abril se difunden más mensajes sobre muertos en las protestas, principalmente porque medios de comunicación publican la noticia, tomando relevancia después de las 9 de la noche. En días subsecuentes, los mensajes sobre personas muertas continuaron sin perder relevancia dentro de la conversación sobre las protestas.
- La publicación del muerto no justificó la represión hacia las protestas. La represión se dió en un primer momento y después se publicaron mensajes sobre un muerto; los mensajes generaron mayor descontento social contra el gobierno de Daniel Ortega.
- % Cuentas con actividad Bot: 18.4%

Timeline 1er Muerto



Primeras menciones 1er Muerto

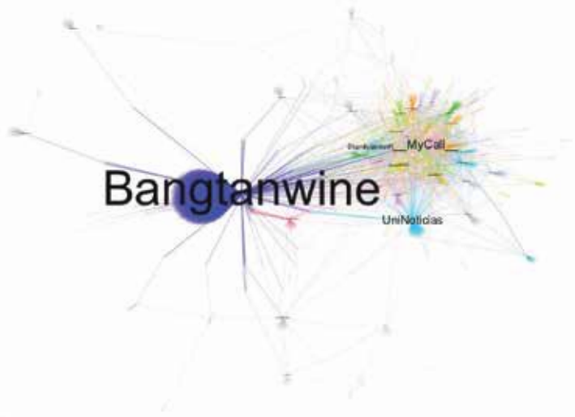
Cuenta de @KarenCarrion50 (borrada) realiza primera mención sobre un muerto.

@pobrelamaria_ publica el mismo texto en el mismo minuto 21:11 horas del 18 de abril de 2018, sin dar algún tipo de prueba o mayor información.

Minutos más tarde le informan que nadie había muerto.



Red de retweets Primer Muerto



En la red de conversación se aprecia una comunidad grande que rodea al usuario Bangtanwine, quien realizó tres publicaciones durante el 18 y 19 de abril de 2018.

La publicación aquí mostrada es la que mayor número de respuesta obtuvo.

Difusión Medios 1er Muerto

La tarde del 19 de abril usuarios difunden la noticia de que hubo un muerto en las protestas.

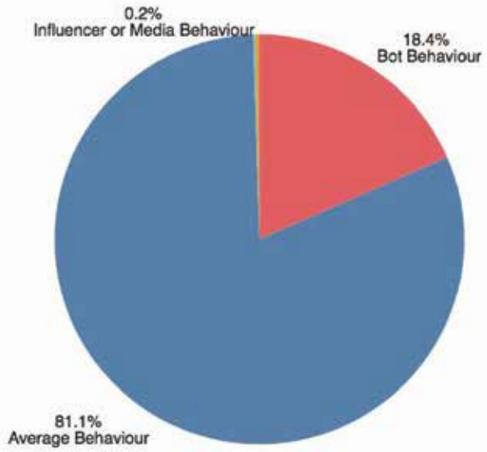
El diario La Prensa realiza una cronología sobre que la Vicepresidenta culpó a los manifestantes por la muerte de Darwin Urbina.

Minutos más tarde, Canal 4 Nicaragua también presenta la noticia.





Usuarios reales y bots Primer Muerto



En el periodo de análisis, 18 y 19 de abril de 2018, se identificó que la proporción de cuentas con comportamiento tipo robot que hablaron sobre la primera persona fallecida es de 18.4%.

Algunas características comunes al perfil y comportamiento de estos.

- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de twiteo (min, max, deciles).
- Proporción de seguidores y seguidos



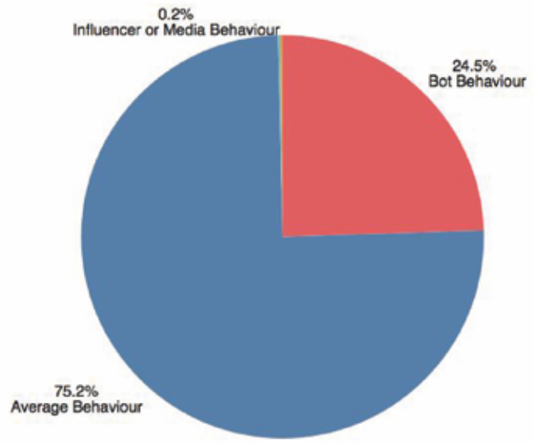
- Usuarios con comportamiento atípico comenzaron a criticar la corrupción del Gobierno de Daniel Ortega durante la protestas por Indio Maíz. Las críticas durante estas protestas no tuvieron un impacto fuerte en las redes sociales.
- Días más tarde, durante las protestas por las reformas al INSS, un grupo de usuarios con comportamiento atípico retoman la salida de Daniel Ortega; esta vez relacionándolo con una dictadura y criticando la represión a las marchas. Estas críticas comienzan a ser difundidas por los usuarios.
- Usuarios con comportamiento promedio retoman el hashtag #FueraOrtega y continúan con su difusión.
- % Cuentas con actividad Bot: 24.5%

- ¿Cuándo se empieza a hablar de "paramilitares" o "parapoliciales"?

Timeline Fuera Ortega



Usuarios reales y bots Fuera Ortega



En el periodo de análisis, del 10 al 22 de abril de 2018, se identificó que la proporción de cuentas con comportamiento tipo robot que promovieron la salida de Ortega es del 24.5%.

Algunas características comunes al perfil y comportamiento de estos.

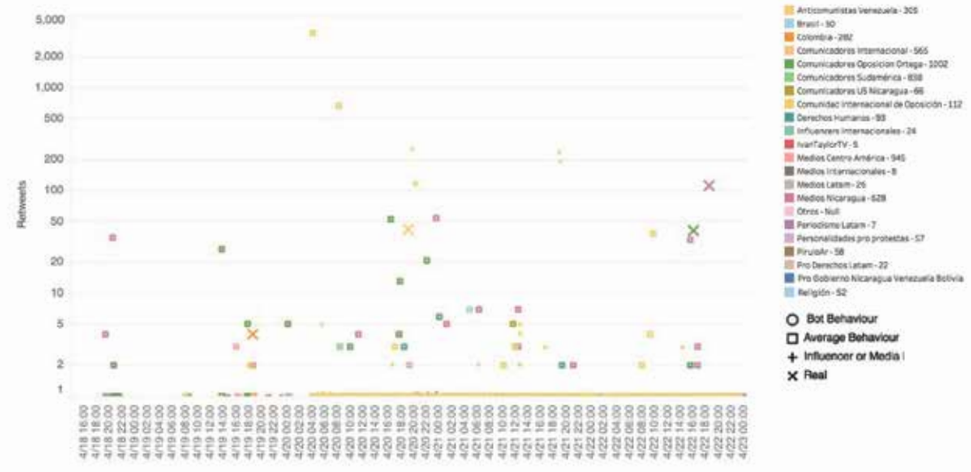
- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de twiteo (min, max, deciles).
- Proporción de seguidores y seguidos



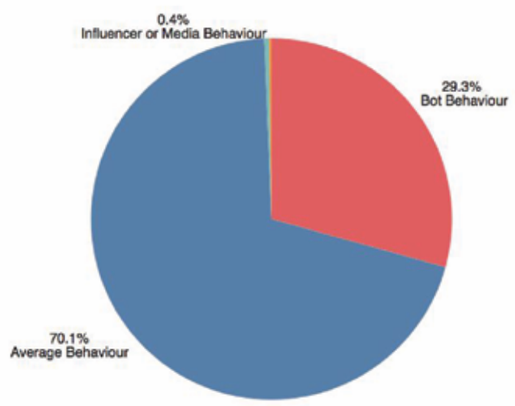
- Durante las protestas por las reformas al INSS, usuarios y activistas compartieron información sobre la presencia de paramilitares o parapoliciales que golpearon a los asistentes a las marchas.
- Usuarios difundieron estos mensajes, entre ellos un video donde se aprecia a una persona disparando.
- La proporción de usuarios con comportamiento tipo bot es del 29% en el periodo que comprende del 10 al 22 de abril de 2018 y que hablaron sobre paramilitares o parapoliciales.

- ¿Cuándo se empieza a hablar de "paramilitares" o "parapoliciales"?

Timeline Paramilitares



Usuarios reales y bots Paramilitares



En el periodo de análisis del 10 al 22 de abril de 2018, se identificó que la proporción de cuentas con comportamiento tipo robot que comentaron la presencia de paramilitares o parapoliciales dentro de las protestas es del 29.3%.

Algunas características comunes al perfil y comportamiento de estos.

- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de twiteo (min, max, deciles).
- Proporción de seguidores y seguidos

65



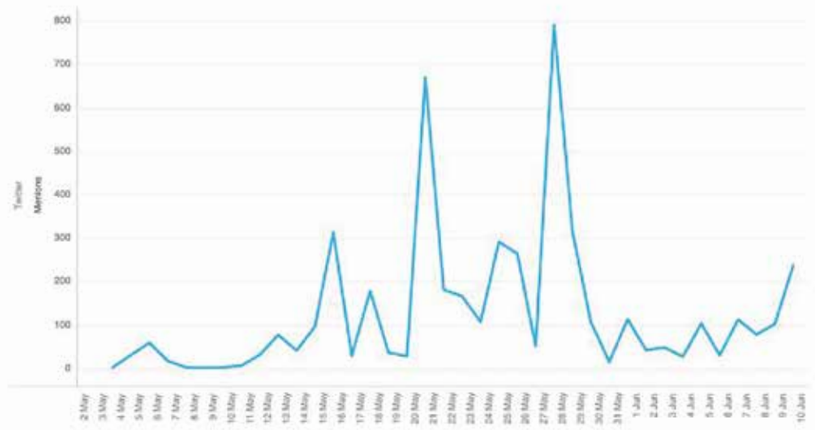
- ¿Cuándo se empieza a hablar de marcha hacia El Carmen?

Resumen El Carmen

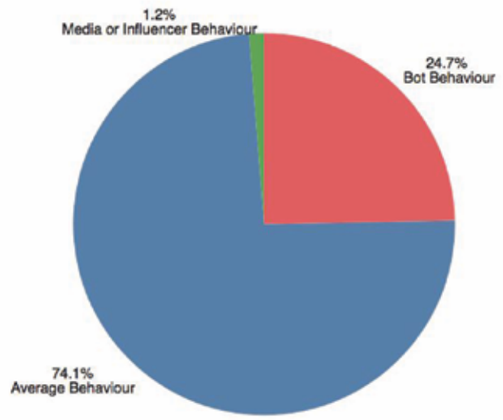
- Los primeros días de mayo comienza a difundirse la información sobre que El Carmen había reforzado su seguridad.
- Alrededor de las 19 horas del 13 de mayo, usuarios reportan que les ha llegado información sobre un marcha que se dirija a El Carmen. Los usuarios llaman a no protestar hacia El Carmen porque podría ser peligroso.
- El 15 de mayo, usuarios llaman a marchar hacia El Carmen, sin obtener una respuesta considerable.
- La conversación para marchar hacia El Carmen tiene picos los días 21, 25, 28; sin embargo, estos mensajes están relacionados con juicios que emiten los usuarios en contra de los habitantes de El Carmen por las muertes en Nicaragua.
- No se encontraron mensajes sobre El Carmen y Francotiradores.
- % Cuentas con actividad Bot: 24.7%

68

Timeline El Carmen



Usuarios reales y bots El Carmen



En el periodo de análisis del 1° de mayo al 10 de junio de 2018, se identificó que la proporción de cuentas que publicaron sobre El Carmen y que cuentan con comportamiento tipo robot es del 24.7%.

Algunas características comunes al perfil y comportamiento de estos.

- La antigüedad en la plataforma.
- El número de tuits emitidos
- La distribución de la frecuencia de tuiteo (min, max, deciles).
- El número de seguidores, seguidos y listas
- Proporción de seguidores y seguidos

70

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