

NICARAGUA:

An unresolved human rights crisis

Analysis of arbitrary detentions,
judicial processes without guarantees,
and political persecution



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The International Institute on Race, Equality and Human Rights (Race and Equality) was motivated to conduct this study by the grave human rights crisis that gripped Nicaragua in April 2018, when hundreds of students, activists, human rights defenders, women, indigenous people, Afro-descendant people, and LGBTI people took to the streets, exercising their right to protest against reforms to the national social security system. The Nicaraguan government responded with brutal force, carrying out extrajudicial killings, torture, arbitrary detentions, and unfair trials in order to silence dissent.

We dedicate this report to the Nicaraguan people, especially the activists, journalists, and rights defenders – women, men, young, old, LGBTI, Afro-descendant, and indigenous – who have paid the price to bring about the dream of a democratic Nicaragua. In particular, we dedicate it to the political prisoners who have suffered imprisonment, torture, cruel and inhumane treatment, and unjust prison sentences, all in blatant violation of the Nicaraguan State's regional and international human rights treaty obligations.

We hope that this report will spark reflection in our region about the need for international standards to recognize the existence of political prisoners in Nicaragua and the human rights violations they have suffered during their trials and imprisonment. Recognizing the existence of political prisoners will allow us to strengthen the existing international mechanisms that protect their rights.

Race and Equality thanks all those who contributed to this report, under the leadership of Ana Bolaños, our Legal Program Officer who leads the organization's work on Nicaragua.

Finally, I wish to reiterate our commitment to defending and promoting human rights in Nicaragua. Race and Equality will continue to offer technical assistance to Nicaraguan civil society organizations so that they can carry on their efforts to denounce the atrocities of Daniel Ortega and Rosario Murillo's government, with the goal of preventing impunity for these crimes.

A handwritten signature in black ink that reads "Carlos Quesada". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Executive Director

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Executive summary

I

Since April 18, 2018, Nicaragua has confronted a political and social crisis characterized by a general context of grave human rights violations that has led to a complete closure of civic space and a profound deterioration of democracy and the rule of law. Since then, 328 individuals have been assassinated as a consequence of governmental repression, 150 students have been expelled from educational institutions as a reprisal for their participation in social protests,¹ and more than 100,000 persons have been forcibly displaced to other countries.² In addition, hundreds have been detained for political reasons since the beginning of the crisis, 115 of whom continue to be imprisoned.³ The present report provides an exhaustive analysis of the violations committed against political prisoners within the framework of their detentions, as well as during their legal proceedings.

II

While the current overall situation has its immediate antecedents in the protests begun in April 2018 resulting from the approval of reforms to the social security and pension system, for years diverse reforms of the institutions have been eroding democracy and the rule of law. This has generated a repressive political system sustained by the concentration of power.

III

Since 1999, the Alemán-Ortega Pact (whose objective was to establish a bipartisan system in the country) has generated electoral, institutional, constitutional, and legal reforms aimed at restricting the political participation of social groups that oppose the two parties that dominate the country's political map: the Partido Liberal Constitucionalista [Constitutionalist Liberal Party] (PLC) and Frente Sandinista de Liberación Nacional [Sandinista National Liberation Front] (FSLN).⁴ As a result of the electoral reforms, in 2007 the FSLN returned to power, while in parallel fashion political reforms and decisions continued to be implemented that have served to close democratic spaces. In addition, persistent human rights violations continue to be committed against the Nicaraguan people, especially against those persons and groups that oppose the government of Daniel Ortega and Rosario Murillo.

IV

The reforms implemented ensured that all State branches and institutions, including the judicial system, would be subordinate to governmental power. The latter, despite the fundamental role it should perform in any democratic system (guard and guarantee the rights and freedoms of the citizenry), has functioned as one more element of governmental repression of political dissidents, especially since April 2018. The partisan elections of members of the Supreme Court of Justice, repeated extension of expired judicial terms, and participation of judicial actors in political-partisan activities, among others, demonstrate the strong links between the justice system and government, and leads us to conclude that there

¹Mecanismo de Seguimiento a Nicaragua [Special Monitoring Mechanism for Nicaragua] (MESENI). Situación de los derechos humanos en Nicaragua: Boletín junio 2020 [State of Human Rights in Nicaragua: June 2020 Bulletin]. June 2020.

²UNHCR. Más de 100.000 personas forzadas a huir de Nicaragua tras dos años de crisis política y social [More Than 100,000 People Forced to Flee Nicaragua After Two Years of Political and Social Crisis]. March 10, 2020.

³Mecanismo para el reconocimiento de personas presas políticas [Mechanism for Recognizing Political Prisoners]. Lista-informe preliminar de personas presas políticas al 5 de marzo de 2021 [Preliminary List-Report of Political Prisoners As of March 5, 2021] March 5, 2021.marzo 2021.

⁴GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on Violent Incidents that Transpired between 18 April and 30 May, 2018]. December 2018. Pp. 43-47

is a complete lack of judicial independence in Nicaragua, as has been noted by diverse international institutions.⁵

V

While Nicaragua has signed various international treaties related to the protection of human rights, and to a significant degree has a constitutional and legal framework that guarantees rights (including those of imprisoned persons and those being tried), the lack of judicial independence, modification or creation of punitive laws, and lack of response by judicial authorities has enabled the detention and imprisonment of hundreds of political prisoners, as well as the repeated violation of a broad array of their rights, such as judicial protection and due process, among others.

VI

As a result of all of the foregoing, between April 18, 2018 and February 13, 2020, a total of 657 political prisoners have been identified, 92 of whom were imprisoned for periods of time ranging from six days to four months, despite never having been formally charged or brought before a judge. The 565 remaining people were brought before a judge and charged within the framework of 279 criminal proceedings, which also included 361 persons who have not been detained.

VII

The overwhelming majority of the political prisoners are social leaders of the opposition to the government, such as students, laborers, campesinos, indigenous people, journalists, [and] human rights defenders, among others. They are primarily adults between the ages of 18 and 35 who were detained without corresponding arrest warrants. Likewise, the detentions transpired in all of the country's departments, demonstrating that governmental repression extends throughout the entire country. Even so, Managua is the place with the highest number of recorded detentions.

VIII

Of all criminal proceedings initiated by the judicial authorities, 51% ended in guilty verdicts for 288 political prisoners, 192 of whom (67%) received sentences of from five to 216 years in prison. The remaining criminal proceedings ended in guilty verdicts without sentences, were dismissed, received exculpatory sentences, were not tried, or are currently involved in proceedings.

IX

The legal proceedings against political prisoners have been based on a broad variety of accusations of criminality, such as aggravated murder, hinderance of public services, or bearing weapons, to which should be added the extensive application of the crimes of terrorism, financing terrorism, [and] organized crime, among others covered by Law 977 against Money-Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction, approved in expedited fashion by the National Assembly controlled by the governmental party during the 2018 social upheaval.

⁵UN. Informe de la relatora Especial sobre la independencia de los magistrados y abogados, Gabriela Knaul [Report by the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul]. A/HRC/23/43/Add.4. April 2, 2013, para. 66.
IACHR. Informe anual 2018. Capítulo IV [2018 Annual Report, Chapter

IV]. 2019. Para. 18.

OHCHR. Violaciones de derechos humanos y abusos en el contexto de las protestas en Nicaragua [Human Rights Violations and Abuses Within the Context of the Protests in Nicaragua]. August 2018. Para. 82 - 90 and Recommendation 7.

X

The judicial proceedings against political prisoners are characterized by a broad variety of irregularities and actions in opposition to national as well as international law. In particular, the proceedings are marked by grave violations of detainees' judicial guarantees, such as for example the lack of disclosure regarding the detainees, hinderance of imprisoned persons' defense, use of false witnesses and victims, [and] excessive and generalized use of pre-trial detention, among others. All of this has transpired from coordinated actions by the National Police, Public Ministry, judges, penitentiary system, and parapolice groups related to the government, which in practice have been a comprehensive part of the institutional schema of repression and persecution of all political dissidence.

XI

Likewise, as a result of the detentions and imprisonments, political prisoners have been victims of a wide variety of cruel, inhuman, and degrading treatment, as well as physical and psychological torture. In particular, they have been subject to beatings, prolonged isolation, threats, lack of access to food, potable water, and medical services, as well as sexual violence during their confinement in the country's penitentiary and detention centers.

XII

While the majority of political prisoners were released in 2019, their situation outside the detention centers is characterized by legal insecurity with regard to the criminal proceedings being pursued against them, as in no case have the lawsuits been definitively closed, partly as a consequence of the ambiguity established by the Amnesty Law approved in June 2019 by the National Assembly.

XIII

In addition to the above, they continue to be victims of new detentions, constant spying, tracking, and threats, as well as physical and verbal assaults by the National Police and parapolice groups related to the government, which in many cases have forced them to leave the country to protect their lives and personal integrity.

XIV

Due to the foregoing, and after confirming the grave violations to which political prisoners in Nicaragua have been and currently are subject, the grave challenges confronted by institutions in fulfilling their role of guaranteeing and upholding rights become even more evident, as well as the urgent need for profound reforms and actions on the part of the Nicaraguan government to make progress toward achieving a democratic law-based State and prevent the repeated commission of grave human rights violations in the future.

Introduction



1. Since April 18, 2018, Nicaragua has confronted a sociopolitical and human rights crisis that has increased violations of Nicaraguans' civil and political rights. Since that date, the country has been plunged into massive social protests that the government of Daniel Ortega and Rosario Murillo dealt with by deploying their security forces, provoking situations of violent, generalized repression against the population, particularly students, youth, journalists, and human rights defenders. This repression has been accompanied by the involvement of parapolice groups that act with the guarantee of the government, contributing to an escalation in the violence at the national level.⁶
2. According to the Mecanismo Especial de Seguimiento para Nicaragua [Special Monitoring Mechanism for Nicaragua] (hereinafter, MESENI), installed by the Inter-American Commission on Human Rights (hereinafter, IACHR), through February 2021, 328 people had been assassinated as a result of the repression. More than 405 professionals had been fired for attending to persons injured in the protests, 150 students had been expelled as a reprisal for their participation in acts of a political nature, 103,600 Nicaraguans had been forcibly displaced to other countries,⁷ and hundreds of persons had been detained for political reasons, 115 of whom remain in prison.⁸
3. Within the framework of this context and concerned about the situation, the Instituto sobre Raza, Igualdad y Derechos Humanos [Institute on Race, Equality, and Human Rights] (hereinafter, Race and Equality) proposed drafting a report containing evidence of the multiple human rights violations that have been committed by the Nicaraguan State starting in April 2018. Essentially, Race and Equality hopes to provide an exhaustive analysis of the human rights violations committed within the framework of arbitrary detentions, paying particular attention to acts of torture; cruel, inhuman, and degrading treatment; and violations of judicial guarantees and due process to which the political prisoners have been subject.
4. To that end, this report is divided into chapters, with the first one been the Introduction.
5. Following that, Chapter II discusses the methodology employed for drafting the present report. It focuses particularly on the process of constructing a database used in the analysis, which was substantiated through the compilation of information from secondary sources such as judicial dossiers provided by former civil servants, public information obtained from the website of the Nicaraguan Judicial Branch (hereinafter, PJ) – specifically the Online Consultation System – as well as news articles and interviews of political prisoners performed by media outlets upon their release from prison. Similarly, information was obtained from primary sources, by interviewing former prisoners, political prisoners' defense lawyers, and former civil servants.
6. Chapter III presents, as background, an analysis of the actions that preceded the current crisis. They were carried out by the government and enabled the President to take absolute control of State institutions and branches. In particular, this report makes reference to the processes of cooptation of the Nicaraguan justice system on the part of the Executive Branch and the various reasons for which said branch demonstrates a clear lack of independence, a situation that has facilitated and

⁶Amnesty International. Disparar a matar. Estrategias de represión de la protesta en Nicaragua [Shoot to Kill: Strategies for Suppressing Protest in Nicaragua]. May 2018.

⁷Special Monitoring Mechanism for Nicaragua (MESENI). Situación de los derechos humanos en Nicaragua: Boletín febrero 2021 [Situation of

Human Rights in Nicaragua: February 2021 Bulletin]. February 2021.

⁸Mecanismo para el reconocimiento de personas presas políticas [Mechanism for Recognizing Political Prisoners]. Lista-informe preliminar de personas presas políticas al 5 de marzo de 2021 [Preliminary List-Report of Political Prisoners As of March 5, 2021] March 5, 2021.

promoted the criminalization and imprisonment of protesters. That same section alludes to the actions that unleashed the protests which began in April 2018.

7. Chapter IV discusses the various international human rights instruments that have been signed and ratified by the State of Nicaragua and later recognized in its internal legislation. Likewise, we present a detailed analysis of Nicaraguan criminal proceedings and various regulations that have been implemented to justify the arbitrary actions of the National Police (hereinafter, PN) and Prosecutor's Office [Fiscalía], actions that have led to the prosecution and imprisonment of political prisoners. Lastly, we make reference to writs of habeas corpus, which have been ineffective with the framework of the current context.

8. Next, Chapter V presents the principal findings of the analysis and study of 279 criminal proceedings related to the detention and imprisonment of 565 political prisoners. To that end, we first present some general considerations regarding the concept of political prisoners at the international level. Secondly, we provide some quantitative data regarding the number of political prisoners, as well as the profile of the detainees. Additionally, we provide information regarding the ways in which the 279 documented proceedings were resolved, the resolutions obtained with regard to the political prisoners who were ultimately tried, and the measures employed by the State to justify the jailing of the persons indicted in the aforementioned 279 proceedings. Lastly, this section makes reference to the role and profile of the witnesses presented by the Prosecutor's Office, as well as the various obstacles imposed on defense lawyers to carrying out their work defending the political prisoners, such as death threats, assaults, harassment, and criminalization, among others.

9. The report's Chapter VI analyzes the role that has been deliberately performed by the various

institutions that are key to accessing justice, such as the PN, Public Ministry (hereinafter, MP or Prosecutor's Office [Fiscalía]), PJ, and National Penitentiary System (hereinafter, SPN). Based on this analysis, we will identify a series of human rights violations committed by the aforementioned institutions in light of international standards.

10. Chapter VII presents a detailed analysis of the grave violations to the right to physical integrity, established in Article 5 of the American Convention on Human Rights (hereinafter, ACHR), as a consequence of acts of torture [and] cruel, inhuman, and degrading treatment that took place during police detention and in particular during political prisoners' time in detention centers: Dirección de Auxilio Judicial de la Policía [Directorate of Judicial Assistance to the Police], known as 'El Chipote,' the departmental local offices of diverse municipalities in the country, the Jorge Navarro National Penitentiary System, known as 'La Modelo' [The Model] and the Establecimiento Penitenciario Integral de Mujeres [Women's Comprehensive Penitentiary Establishment] (EPIN), known as 'La Esperanza' [The Hope].

11. Chapter VIII provides an analysis of the legal situation of the 58 political prisoners that as of February 13, 2020 were still detained. In addition to this, we provide an analysis of the legal situation of the political prisoners who were released as a result of the agreements reached between the Alianza Cívica por la Justicia y la Democracia [Civic Alliance for Justice and Democracy] (hereinafter, ACJD) and representatives of the government, as well as by the Amnesty Law approved on June 8, 2019. We also detail various acts of persecution, assaults, recapture, and forced displacement suffered by released prisoners following their release.

12. Lastly, Chapters IX and X offer conclusions based on the findings of the present report, as well as some recommendations, with an eye to contributing to the victims and their families obtaining justice, truth, reparations, and due guarantees of non-repetition.

13. This report seeks to contribute to understanding the grave human rights violations of which hundreds of political prisoners in Nicaragua have been victim as a result of exercising their civil [and] political rights and in particular, exercising their freedom of expression and protest.

14. It is important to note that Race and Equality has accompanied many organizations and victims in their tireless search for justice and reparations since the start of the grave crisis confronted by the country. Therefore, we wish to extend our appreciation for that trust and reaffirm through this report our commitment to justice and truth regarding the incidents that have represented a turning point in Nicaragua's recent history. We hope this document contributes to ensuring those incidents are never repeated.



Methodological aspects utilized to identify and document governmental repression and human rights violations

15. The present report was developed based on the compilation of information derived from primary and secondary sources.
16. In order to develop the database using secondary sources, we compiled lists of political prisoners according to information issued by the ACJD, Comité de Prisioneros Políticos de Nicaragua [Committee of Political Prisoners of Nicaragua] (hereinafter, CPPN), and the official lists of released prisoners issued by the Ministry of Government (hereinafter, MIGOB), as well as public denunciations made on social media, digital platforms, and independent media outlets' news bulletins, including Canal 10 [Channel 10] and 100% Noticias [100% News].
17. The foregoing enabled us to verify and determine the identity of the political prisoners in order to later complement it, both through documentary information provided primarily by former civil servants (charges, statements of evidence, minutes of hearings, [and] sentences), as well as information obtained through the official PJ website and its online consultation service.⁹ For security reasons, we are maintaining the identity of those civil servants confidential. Furthermore, the analysis of the documented cases was complemented by reports in the press, as well as interviews published by journalists in independent media outlets regarding situations that had been directly denounced by the political prisoners or their families. Similarly, we utilized reports produced by national and international human rights organizations, including the Centro Nicaragüense de Derechos Humanos [Nicaraguan Human Rights Center] (hereinafter, CENIDH); Comisión Permanente de Derechos Humanos [Permanent Commission on Human Rights] (hereinafter, CPDH); IACHR and its MESENI; Grupo Interdisciplinario de Expertos Independientes [Interdisciplinary Group of Independent Experts] (hereinafter, GIEI); and the United Nations Office of the High Commissioner for Human Rights (hereinafter, OHCHR).
18. Likewise, we obtained information from primary sources and by interviewing detained persons, former prisoners, former civil servants, [and] defense lawyers for political prisoners.
19. Lastly, in order to analyze the human rights violations, we used various treaties in that field, as well as principal constitutional, ordinary, and special laws that were employed by the administrators of justice to pursue and criminalize the political prisoners. Therefore, in light of the dossiers gathered, we analyzed the way in which Nicaraguan criminal proceedings are structured, the violations that have transpired, and the Nicaraguan State's international obligations.

⁹Judicial Branch of Nicaragua. Consultas en Línea [Online Consultation]. Accessed May 21, 2020.

**Background and
context: regarding
the reforms to
institutions in order
to concentrate the
power of repression**



A. Constitutional reforms and the Alemán-Ortega Pact

20. In 1999, the PLC, represented by then-President of the Republic Arnoldo Alemán Lacayo, and the FSLN, represented by the current President, Daniel Ortega Saavedra, began negotiating the political agreements that later became what is known as the “Alemán-Ortega Pact.” The goal was to profoundly modify institutions, with an eye to establishing a bipartisan system in structures of democratic representation and other institutions of public administration.¹⁰
21. The political pact materialized with the constitutional reforms carried out between 1999 and 2000¹¹ which, among other aspects, decreased the percentage of the vote required for winning elections from 45% to 40%, or 35% if the difference with second place was greater than 5%. In addition, it increased the number of judges on the Supreme Court of Justice (CSJ), from 12 to 16, as well as on the Consejo Supremo Electoral [Supreme Electoral Council] (CSE), from five to 10 judges: seven full members and three alternates.¹²
22. In practice, the CSE was comprised of four persons with connections to the FSLN and three with connections to the PLC. So, too, the CSJ, with eight members related to the FSLN party and eight to the PLC. Similarly, the Attorney General [Fiscal General] was proposed by the PLC and the Deputy Attorney General [Fiscal Adjunta] by the FSLN.¹³
23. In the words of the GIEI, “these institutional changes meant in real terms distributing power between the FSLN and PLC and closing the doors to opposition political movements by limiting the right to political participation.”¹⁴ This additionally significantly weakened the independence of State institutions, while simultaneously favoring the concentration of power in the hands of the FSLN, by virtue of the control the reforms granted to the electoral branch, investigation organ, and PJ.¹⁵
24. Furthermore, new legal instruments were developed, such as Electoral Law No. 331, which restricted political participation in elections by establishing limits on the creation of new political parties, thereby increasing the grounds for suspending and nullifying parties.¹⁶ This legislation was utilized to prevent the electoral participation of regional and opposition parties, as was the case with the YATAMA indigenous party, which was preventing from participating in the elections of 2000 by its inability to gain recognition as a registered political party. This denial provided the grounds for a sentence that was handed down by the Inter-American Court of Human Rights (hereinafter, IAHR Court) regarding the violation of political rights¹⁷ in 2005, or the nullification of the legal status of the Movimiento Renovador Sandinista [Sandinista Reformist Movement] (MRS) in 2008.¹⁸
25. As a result of the reforms of 2007, the FSLN won the elections, obtaining 38% of the votes, thereby enabling Daniel Ortega to regain the Presidency of the Republic.¹⁹

¹⁰GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between 18 April and 30 May, 2018]. December 2018. P. 43.

¹¹Nicaraguan National Assembly. Ley de reforma parcial a la Constitución de 2000, Ley 330 [Law to Partially Reform the 2000 Constitution]. January 19, 2000.

¹²GIEI, op. cit., p. 43.

¹³EEstrategia y Negocios [Strategy and Business]. Nicaragua: el pacto entre Alemán y Ortega facilitó la crisis, según Funides [Nicaragua: The Pact between Alemán and Ortega Facilitated the Crisis, According to FUNIDES]. February 5, 2019.

¹⁴GIEI, op. cit., p. 44.

¹⁵Ibid., pp 43-47.

¹⁶Ibid., p. 44.

¹⁷IAHR Court. Case of YATAMA v. Nicaragua. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Expenses]. Sentence of June 23, 2005. Series C No. 127, para. 212.No. 127, párr. 212.

¹⁸GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on Violent Incidents that Transpired between 18 April and 30 May, 2018]. December 2018. P. 43.

¹⁹Nexos. Nicaragua: el regreso de Ortega al poder [Nicaragua: Ortega's Return to Power]. January 1, 2007.

26. In parallel fashion, political pluralism was progressively eroded due to continuous decisions, such as the authorization by the Constitutional Court in 2009 permitting Daniel Ortega's reelection to the Presidency, despite being expressly prohibited by the CP.²⁰
27. Likewise, a new constitutional reform entered into force in 2014 that reduced the new electoral percentage required for the presidential election through a simple-majority system. It also suppressed the second round of voting and established party defection as grounds for cancelling Congressman credentials²¹. In addition, that reform established successive and indefinite reelection, eliminated the mediation between the Ministries of Defense and Government and armed groups, and established a direct relationship between the President, in his capacity as Commander-in-Chief, and the Army and Police, stipulating the participation of the Army in civilian functions.²²
28. That same year, reforms were made to the PN, wherein:
- . . . the indefinite permanence of the post of director was stipulated, [permitting] the reincorporation of retired or active officials to hold civilian posts . . . at the pleasure of the President.²³**
29. In 2016, the CSE employed the 2014 constitutional reforms related to party defection to remove 28 National Assembly Congressmembers from office. Among them, 16 were full members and 12 were alternates who had been elected in the 2011 elections by the Alianza del Partido Liberal Independiente [Alliance of the Independent Liberal Party].²⁴
30. In short, since the beginning of the century institutional and legal changes have been carried out enabling the concentration of power in the governmental party, in particular following its return to power in 2007 in the figures of President Daniel Ortega and Vice President Rosario Murillo. These changes have led to the closure of democratic spaces and consequent violation of human rights, primarily of those persons who openly oppose the government.
31. As has already been noted, since 2000 the reforms that progressively deteriorated the country's democratic institutions have been accompanied by actions that in practice restricted the Nicaraguan people's exercise of civil and political rights. Such actions have increased feelings of dissent and rejection on the part of the population toward the government represented by Daniel Ortega and Rosario Murillo. This context, together with a series of more recent incidents, triggered massive protests on April 18, 2018 throughout Nicaragua.
32. During this year, two situations served as flashpoints that led to the social discontent. Firstly, the deficient response of the government in the face of the fires in the Indio Maíz Biological Reserve that began on April 3²⁵ and secondly, the repression of a group of persons, primarily older adults, who were protesting on April 18th against the reforms to the Social Security Law that sought an increase in the contributions and reductions in the pensions.²⁶

B. Incidents that provoked the April 2018 protests throughout Nicaragua

²⁰RTVE. La justicia permite la reelección de Daniel Ortega en un fallo que agudiza la división de Nicaragua [Justice System Permits Reelection of Daniel Ortega in Ruling that Heightens the Divisions in Nicaragua]. October 21, 2019.

²¹GIEI, op. cit., p. 45.

²²IIEPP. Novena reforma constitucional 2014: el cambio de las reglas del juego democrático en Nicaragua [Ninth Constitutional Reform, 2014: Changing the Rules of the Democratic Game in Nicaragua]. 2015. Pp. 6-7.

²³GIEI, op. cit., p. 48.

²⁴El Faro. El Consejo Electoral de Nicaragua destituye a 28 diputados

opositores y refuerza el poder de Ortega [The Electoral Council of Nicaragua Removes 28 Opposition Congressmembers from Office, Reinforcing Ortega's Power]. July 28, 2016.

²⁵OHCHR. Violaciones de derechos humanos y abusos en el contexto de las protestas en Nicaragua [Human Rights Violations and Abuses within the Context of the Protests in Nicaragua]. August 2018. Para. 12.

²⁶GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between April 18 and May 30, 2018]. December 2018. P. 59.

33. The State responded to the protests by deploying its security forces and parapolice groups that acted with the backing of the government, generating situations of violent repression nationally against the populace, in particular against students, young persons, journalists, and human rights defenders.²⁷

34. According to the GIEI, the PN implemented a policy of massive, indiscriminate detentions, arbitrarily using the police's legal powers of detention.²⁸ Furthermore, it stated that patterns of disproportionate and illegitimate use had been detected against political prisoners, with denunciations made regarding the inhuman detention conditions and diverse forms of torture, a situation that was aggravated by the ineffectiveness of the habeas corpus appeal.²⁹

35. As of this writing, the result of the repression is demonstrated by the assassinations of 328 persons; firing of more than 405 healthcare professionals for attending to injured persons during the protests; expulsion of 150 students as reprisals for their participation in acts of a political nature;³⁰ forced displacement of 103,600 Nicaraguans to other countries;³¹ and detention of hundreds of persons for political reasons, 115 of whom remain in prison.³²

36. It is worth noting that the government declared nationally and in the presence of international organizations that the purpose of the protests was to attempt to overthrow Daniel Ortega through a 'coup d'état,' seeking to justify the unprecedented levels of violence.³³ Since then, in order to achieve such repression, the State has made use of human and logistical resources in State institutions, most of them workers in Municipal City Halls held by the FSLN, retired members of the military, and young members of the Juventud Sandinista [Sandinista

Youth]. It also promotes territorially-organized mechanisms of social oversight and control, such as 'family cabinets' ['gabinetes de familia'] and Sandinista leadership committees belonging to the FSLN's partisan structures.³⁴

C. The state of justice and judicial independence in Nicaragua

37. The aforementioned reforms were successful in subordinating State institutions to political power. In particular, the autonomy of the PJ and its agencies was severely affected. It was thus that the GIEI warned in its report that "... the lack of independence within the jurisdictional organ does not derive from a lack of regulatory precepts but rather, the pressure exerted by various interest groups to distort the operation of the judicial system."³⁵ The United Nations Special Rapporteur for the Independence of Judges and Lawyers made a similar comment in 2013 when she noted that in Nicaragua

... judges [are] strongly influenced by politics, above all within the current context, where the governmental party has a majority, enabling it to reform the Constitution and appoint State officials without the need to hold a referendum or get the approval or backing from other political representatives in the National Assembly.³⁶

38. This lack of independence was also recognized by the IACHR in 2018 when it included Nicaragua in

²⁷Ibid., p. 60.

²⁸Ibid., p. 194.

²⁹Ibid., p. 194.

³⁰Special Monitoring Mechanism for Nicaragua (MESENI). Situación de los derechos humanos en Nicaragua: Boletín febrero 2021 [Situation of Human Rights in Nicaragua: February 2021 Bulletin]. February 2021.

³¹UNHCR. Más de 100.000 personas forzadas a huir de Nicaragua tras dos años de crisis política y social -More than 100,000 People Forced to Flee Nicaragua After Two Years of Political and Social Crisis]. March 10, 2020.

³²Mecanismo para el reconocimiento de personas presas políticas [Mechanism for Recognizing Political Prisoners]. Lista-informe preliminar de personas presas políticas al 5 de marzo de 2021 [Preliminary

List-Report of Political Prisoners As of March 5, 2021] March 5, 2021.

³³VOA Noticias. Daniel Ortega acusa a obispos de formar parte de un golpe de Estado. [Daniel Ortega accuses bishops of taking part in a coup]. July 20, 2018.

³⁴GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between April 18 and May 30, 2018]. December 2018. pp.53-57.

³⁵Ibid., p. 46.

³⁶UN. Informe de la relatora Especial sobre la independencia de los magistrados y abogados, Gabriela Knaul [Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul]. A/HRC/23/43/Add.4. April 2, 2013, para. 66.

Chapter IV of its Annual Report.³⁷ The Commission noted that there exists in the country “an arbitrary exercise on the part of the State, in its three branches, as a consequence, among other issues, of a lack of independence of the judicial branch and of other public organs.”³⁸ In particular, it pointed out that “. . . the State of Nicaragua does not have an independent judicial branch due to appointment processes impacted by factors such as nepotism as well as influence and manipulation of the official party.” Other factors deriving from the reforms adopted since 2000 include the presidential decree approved in 2010 by Daniel Ortega that enabled CSJ judges to remain in their posts despite their terms having expired; the strong influence exerted by the National Assembly appointed by the FSLN in the election processes; and the fact that by 2014, judges close to the President held three of the four courts of the PJ.³⁹

39. Together with the foregoing, the OHCHR maintained in 2018 that the arbitrariness of criminal proceedings carried out to criminalize and sentence protesters within the framework of the current context “lays bare the absence of essential guarantees of judicial independence and impartiality.”⁴⁰ For these reasons, it recommended that Nicaragua “take urgent measures to guarantee the independence and impartiality of the Judicial Branch, abstaining from exercising any undue interference, pressure, or influence.”⁴¹

40. In this scenario, 11 of the 16 judges comprising the CSJ have links to the FSLN⁴² and serve as Chief Judges of the Civil⁴³, Criminal,⁴⁴ Constitutional⁴⁵, [and] Contentious Administrative⁴⁶ Courts, wherein they in turn constitute absolute majorities. The remaining five judges have been members of second-tier political parties.⁴⁷ Currently, the Supreme Court of Justice operates with 12 judges, as the vacancies stemming from the death,⁴⁸ term expiration, and resignation of some judges have not been filled.⁴⁹

41. Since June 14, 2010, this imbalance of power in the CSJ has enabled Judge Alba Luz Ramos Vanegas, who has links to the government,⁵⁰ to be reelected as Chief Judge and under whose leadership the PJ has been transformed into an essential element of the political machinery of the governmental party by promoting the PJ’s participation in political-partisan activities conducted by the President of the Republic, particularly those of a religious nature.⁵¹ It is also worth noting the CSJ’s installation of daises for participating in the political celebration of the FSLN known as the “Retreat Toward Masaya” [‘Repliegue a Masaya’] and other partisan activities in which the Chief Judge and other members personally participate.⁵² Judge Ramos has even positioned herself against political prisoners by denoting them as members of criminal syndicates.⁵³

42. It is also important to note that the processes of electing judges and magistrates of appeals courts

³⁷ CIACHR. Informe anual 2018. Capítulo IV [2008 Annual Report, Chapter IV]. 2019. Para. 18.

³⁸ Ibid., para. 19.

³⁹ Ibid., para. 99.

⁴⁰ OHCHR. Violaciones de derechos humanos y abusos en el contexto de las protestas en Nicaragua [Human Rights Violations and Abuses Within the Context of the Protests in Nicaragua]. August 2018. Para. 82 – 90 and Recommendation 7.

⁴¹ Ibid., para. 82 – 90 and Recommendation 7.

⁴² Confidencial. Los magistrados cómplices del dictador [The Judges Who are Accomplices of the Dictator]. November 12, 2018.

⁴³ Judicial Branch. Sala de lo Civil de la Corte Suprema de Justicia [Civil Chamber of the Supreme Court of Justice]. Accessed July 6, 2020.

⁴⁴ Judicial Branch. Sala de lo Penal de la Corte Suprema de Justicia [Criminal Chamber of the Supreme Court of Justice]. Accessed July 6, 2020.

⁴⁵ Judicial Branch. Sala Constitucional de la Corte Suprema de Justicia [Constitutional Chamber of the Supreme Court of Justice]. Accessed July 6, 2020.

⁴⁶ Judicial Branch. Sala de lo Contencioso Administrativo de la Corte Suprema de Justicia [Administrative-Contentious Chamber of the Supreme Court of Justice]. Accessed July 6, 2020.

⁴⁷ Confidencial. Los magistrados cómplices del dictador [The Judges Who are Accomplices of the Dictator]. November 12, 2018.

⁴⁸ Judicial Branch. CSJ lamenta fallecimiento del Magistrado José Antonio Alemán Lacayo [CSJ Laments the Death of Judge José Antonio Alemán Lacayo]. August 28, 2016.

⁴⁹ Confidencial. Magistrado Solís renuncia a CSJ y al FSLN [Judge Solís Resigns from CSJ and FSLN]. January 10, 2019; La Prensa. Se formaliza renuncia de Carlos Aguerri Hurtado como magistrado de la Corte Suprema de Justicia [Resignation of Carlos Aguerri Hurtado as Supreme Court of Justice Judge Formalized]. January 17, 2019; La Prensa. Magistrado José Adán Guerra sale de la Corte Suprema de Justicia [Judge José Adán Guerra Steps Down from Supreme Court of Justice]. April 11, 2019.

⁵⁰ GIEL. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired from April 18 to May 30, 2018]. December 2018. p. 214.

⁵¹ Judicial Branch. Magistrados visitan el Altar del Poder Judicial erigido a la Virgen María [Judges Visit the Judicial Branch’s Altar Erected to the Virgin Mary]. December 1, 2017.

⁵² Judicial Branch. Poder Judicial activo en El Repliegue [Judicial Branch Active in the Retreat]. June 23, 2014.

⁵³ PJ Judicial Branch. Claudia Esmeralda Miranda Baltodano, Presidenta de la CSJ: En Nicaragua no hay presos políticos [Claudia Esmeralda Miranda Baltodano, Chief Judge of the CSJ: There Are No Political Prisoners in Nicaragua]. November 29, 2018.

and tribunals are permeated by the decisions of those comprising the CSJ. As such, Article 152 of the Organic Law of the PJ provides that the appointment to each judicial career post “. . . shall be done by [the CSJ] from a shortlist of three candidates for each elected post, with each one being voted on in the order of the scores obtained in the corresponding course.”⁵⁴

43. Thus, given the predominance of CSJ judges with links to the FSLN, judges and magistrates have been appointed in a discretionary manner to appeals courts that are aligned with the government’s party, with no consideration of elements of suitability, integrity, or other qualities that are necessary for exercising the post. Thus, the following examples confirm this:

- In February 2019, the CSJ appointed Mr. Ernesto Leonel Rodríguez Mejía as a judge in the Second Civil Chamber of the Managua Court of Appeals.⁵⁵ He is known for being the first criminal judge to initiate the criminalization of the protests by arbitrarily sentencing two young people from the Caribbean Coast who were accused of the murder of journalist Ángel Gahona.⁵⁶ Similarly, he sentenced diverse university leaders, campesinos, and the ‘autoconvocados’ [self-assembled or self-organized] within the context of the protests that began in April 2018. The appointment would have been carried out without complying with the usual process of competition: according to information in media outlets, Rodríguez was not on a list of candidates for the post, while those who were on the list were disqualified from the process.⁵⁷

- In a similar manner, in January 2019 Ms. Rosario Peralta was appointed as a judge to the

⁵⁴Organic Law of the Judicial Branch. Ley N° 260, publicada en Diario Oficial La Gaceta N°137 [Law No. 260, published in The Gazette Official Newspaper No. 137]. July 23, 1998. Art. 152.

⁵⁵La Prensa. La Corte Suprema de Justicia paga fidelidad al orteguista Ernesto Rodríguez Mejía [Supreme Court of Justice Repays the Loyalty of Ortega Supporter Ernesto Rodríguez Mejía]. February 15, 2019.

⁵⁶Confidencial. Declaran culpables a los primeros presos políticos [First Political Prisoners Declared Guilty]. August 28, 2018.

⁵⁷La Prensa. La Corte Suprema de Justicia paga fidelidad al orteguista Ernesto Rodríguez Mejía [Supreme Court of Justice Repays the Loyalty of Ortega Supporter Ernesto Rodríguez Mejía]. February 15, 2019.



Granada Appeals Court. She had been the chief of the Third District Criminal Trial Court of Managua and sentenced several leaders of the Masaya protest movement, as well as campesinos and students who participated in the protests.⁵⁸

44. The links between the various judicial actors and the government party is additionally demonstrated by their participation in activities organized by the FSLN. For example, in July 2019, Managua Appeals Court Magistrates Gerardo Rodríguez [and] Octavio Ernesto Rothsuh and Judges Edgar Orlando Altamirano, Abelardo Alvir Ramos, [and] Karen Chavarría, among other PJ civil servants, participated in the FSLN's partisan party, dubbed "The Tactical Retreat to Masaya,"⁵⁹ despite the fact that criminal cases against political prisoners were underway.⁶⁰

45. These actions demonstrate the links between judicial civil servants involved in criminal proceedings against political prisoners and the government party. It also demonstrates the irregularities in the election processes, which compromises the independence and impartiality of PJ civil servants.

46. It is important to mention that both the Interamerican Human Rights System (IHRs) and United Nations Human Rights System have developed a series of principles and regulations that must be respected in order to guarantee the independence of the administrators of justice. It is thus that the IAHR Court has noted that judicial independence constitutes one of the fundamental pillars of the guarantee of due process and is essential to protecting human rights.⁶¹ Therefore, taking into account the United Nations Basic Principles Related to the Independence of the Judiciary (Basic Principles of Independence), the IAHR Court has indicated that in order to guarantee

judicial independence it is essential to have "an appropriate appointment process, job security in the post, and a guarantee against external pressure."⁶² To that end, the process should consider "the integrity, suitability, and appropriate legal training or qualifications"⁶³ of the candidates for legal posts.

47. Therefore:

...[A]ll appointment processes should have as their purpose not only selecting according to the merits and qualities of the candidate but rather, the assurance of equality of opportunity in access to the judicial branch. Accordingly, judges should be exclusively selected based on their personal merit and professional capacity, by employing objective selection and maintenance mechanisms that keep in mind the singularity and specificity of the duties that are to be performed.⁶⁴

48. With this in mind:

... [N]ot just any procedure [for appointing judges] satisfies the conditions demanded by the [ACHR] for appropriately implementing a truly independent system. If basic parameters of objectivity and reasonableness are not respected, it would be possible to design a system that permits a significant degree of discretion in the selection of career judicial personnel, though the persons chosen would not necessarily be the most suitable.⁶⁵

49. These elements are essential for guaranteeing that the administrators of justice resolve the matters they hear in light of the facts and the law, without being subject to any type of pressure, threat, or

⁵⁸La Prensa. Premian a orteguista nombrándola magistrada [Ortega Supporter Rewarded by Being Named Judge]. February 6, 2019.

⁵⁹"Repliegue" [retreat]: A partisan party the is currently held in the form of a vehicular caravan led by the President and Vice President of the Republic that travels between the city of Managua to the city of Masaya, where Daniel Ortega sends a message to his supporters.

⁶⁰La Prensa. Jueces, Fiscales y Magistrados celebran a Daniel Ortega en El Repliegue [Judges, Public Prosecutors, and Magistrates Celebrate Daniel Ortega in the Retreat]. July 8, 2019.

⁶¹IAHR Court. Case of Reverón Trujillo v. Venezuela. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Expenses]. Sentence of June 30, 2009. Series C No. 197, para. 68.

⁶²Ibid., para. 70.

⁶³Ibid., para. 71.

⁶⁴Ibid., para. 72.

⁶⁵Ibid., para. 74.

interference.⁶⁶ As the IAHR Court has affirmed, “all persons subject to a trial of any nature before a State organ must have the guarantee that said organ will be impartial and act according to the terms of the legally provided procedure to hear and resolve cases brought before it.”⁶⁷

50. In accordance with this court and from the perspective of international standards, impartiality has subjective as well as objective dimensions. Thus, to ensure a court is impartial, it

... should lack, subjectively, personal prejudice. Secondly, it should also be impartial from an objective point of view; that is, it should provide sufficient guarantees to ensure there is no legitimate doubt about that. According to an objective analysis, it must be determined if, other than the judges’ personal behavior, there are verifiable facts that could raise doubts regarding their impartiality. In this sense, even appearances could have a certain amount of importance. What is in play is the trust that must be inspired by the courts in the citizenry of a democratic society and, above all, in the parties to the case.⁶⁸

In short, there is no judicial independence in Nicaragua. That has generated direct effects on the rights of political prisoners who, as we will see below, have been submitted to proceedings that violate judicial guarantees and due process.

52. **Having set forth the background and context of the present report, we will make reference to the national and international legal frameworks that have been considered for the analysis of the criminal proceedings employed against the political prisoners.**

⁶⁶Ibid., para. 80.

⁶⁷Ibid., para. 169

IAHR Court. Garantías Judiciales en Estados de Emergencia [Judicial Guarantees in States of Emergency (Arts. 27.2, 25, and 8 of the American Convention of Human Rights)]. Advisory Opinion OC-9/87 of October 6, 1987. Series A No. 9, para. 20.

⁶⁸IAHR Court. Case of López Lone et al v. Honduras. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Expenses]. Sentence of October 5, 2015. Series C No. 302, para. 233.

IAHR Court. Case of Herrera Ulloa v. Costa Rica. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Expenses]. Sentence of July 2, 2004. Series C No. 107, para. 170;

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National and international frameworks for processing criminal proceedings



A. International human rights obligations

53. Article 46 of the Nicaraguan Political Constitution (hereinafter, CP) recognizes that “all persons enjoy State protection and the recognition of the rights inherent to the human person, the limitless respect for the promotion and protection of human rights, and the full validity of the rights enshrined in the Universal Declaration of Human Rights (hereinafter, UDHR), American Declaration of the Rights and Duties of Man (hereinafter, American Declaration), International Covenant on Economic, Social, and Cultural Rights, International Covenant on Civil and Political Rights of the United Nations, and the ACHR.”⁶⁹

54. As recognized by the CP, Nicaragua has ratified a series of treaties within the framework of the IHRS. In particular, and for the purposes of the present analysis, it is important to point out that the ACHR was ratified on September 25, 1979, and since 1991 Nicaragua has fallen within the jurisdiction of the IAHR Court.⁷⁰ Similarly, the State signed the American Declaration in 1948, as an active member of the Organization of American States (hereinafter, OAS). Additionally, on November 23, 2009, Nicaragua ratified the Inter-American Convention to Prevent and Punish Torture.⁷¹ By doing so, the Nicaraguan State committed to respecting the human rights of all persons residing within its territory and complying with the resolutions of the bodies comprising the IHRS.

55. Moreover, within the framework of the Universal Human Rights Protection System, on July 5, 2005, Nicaragua ratified the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter, Convention against Torture), adopted by the UN General Assembly in 1984.⁷² Later, on February 25, 2009, the State ratified the Optional Protocol for that convention.⁷³ By ratifying both instruments, Nicaragua committed to creating a National Mechanism for Preventing Torture, whose purpose is to periodically examine the treatment of incarcerated persons in places of detention and make recommendations to the competent authorities with the goal of improving the treatment and conditions of these persons and preventing torture and other cruel treatment or punishment. To that end, the State must guarantee access by the Mechanism to information and to the detention centers.⁷⁴ It is worthwhile noting that Nicaragua designated the Office of the Public Prosecutor for Human Rights Defense [Procuraduría para la Defensa de los Derechos Humanos] (PDDH), a national human rights institution, as the agency responsible for the National Mechanism. Unfortunately, the PDDH has issued statements on diverse occasions in favor of governmental actions and has done nothing to support political prisoners’ rights.⁷⁵

56. While Nicaragua has signed and ratified other international human rights instruments, we believe it is important to place particular emphasis on these, as they are fundamental to understanding the grave human rights violations to which the political prisoners have been subjected, which we will

⁶⁹Nicaraguan National Assembly, Constitución Política de Nicaragua [Nicaraguan Political Constitution]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition N°32. February 18, 2014. Art. 46.
⁷⁰IACHR. Histórico de ratificaciones CADH [Log of ACHR Ratifications]. Accessed: May 25, 2020.

⁷¹OAS. Histórico de ratificaciones Convención Interamericana para prevenir y sancionar la tortura [Log of Ratifications of Inter-American.

⁷²UN. Histórico de ratificaciones Convención contra la tortura [Log of Ratifications of Convention against Torture]. Accessed: May 25, 2020.

⁷³UN. Histórico ratificaciones Protocolo contra la tortura [Log of Ratifications of Protocol against Torture]. Accessed: May 25, 2020.

⁷⁴UN. Protocolo Facultativo de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment]. Arts. 3, 17-22. Accessed: May 25, 2020.

⁷⁵El Diario. Procuraduría de Defensa de DD.HH. de Nicaragua respalda al Gobierno de Ortega [Office of the Public Prosecutor for Human Rights of Nicaragua Backs Ortega Government]. December 28, 2018.

detail later in the report. Likewise, it is important to point out that we have utilized the standards developed by the IAHR Court for our analysis, in particular because the Court, in its jurisprudence, has interpreted and applied the aforementioned instruments.

B. National legislation

1) Constitutional framework

57. With regard to national regulations, the CP establishes that the branches of the State have specialized, separate⁷⁶ functions that are subordinate solely to the supreme interests of the nation and to what is established by the Constitution.⁷⁷ In this sense, the principle of independence of the branches governing democratic societies is guaranteed, as well as public posts not having more duties than those conferred by the CP and laws. Therefore, their actions must respect the principles of constitutionality and legality.⁷⁸
58. In light of the foregoing, with regard to the administration of justice, judges as well as magistrates must act independently and be subject only to the Constitution and the law; additionally, they must act according to the principles of equality, disclosure, and guarantee of the right to present a defense.⁷⁹ That is, the CP mandates that the PJ guarantee access to justice, for which purpose it must protect and act as a guardian of human rights by applying the law.⁸⁰
59. To sum up, constitutional regulations mandate that judges and magistrates serve as guardians of the human rights of not only those persons who turn to the courts for justice, but also of those who are being

tried for a crime and been incarcerated. To that end, the administrators of justice must guarantee due process and the right to judicial guarantees, as well as the rights to physical integrity, life, personal freedom, and equality before the law, among others. In addition, they must protect detainees from any acts of torture [and/or] cruel, inhuman, or degrading treatment.

2) Criminal procedure in Nicaragua

60. The Nicaraguan Code of Criminal Procedure (hereinafter, CPP) establishes that criminal procedure is governed by the constitutional principles of presumption of innocence, respect for human dignity, judge of original jurisdiction, and the right to a defense, as well as the procedural principles of orality, disclosure, immediacy, gathering of the parties, [and] lawfulness of evidence, among others.⁸¹
61. Criminal procedure can commence in two ways: first, when a defendant is detained and a preliminary hearing begins⁸² and second, when the defendant remains free and the process is launched through an initial hearing that serves as a preliminary hearing.⁸³
62. Now then, regardless which of these two ways launches a criminal procedure, the goal of both hearings is to guarantee the right of the defendant to legal representation, make known the acts with which he/she is charged, discuss the imposition of precautionary measures, and determine if sufficient evidentiary elements exist to refer the case to oral proceedings,⁸⁴ or otherwise suspend the hearing for a maximum period of five days to enable new evidentiary elements to be produced. If during this new hearing the evidentiary elements produced are still insufficient, the judge will shelve the case for lack of merit and order the release [of the prisoner].⁸⁵

⁷⁶Nicaragua National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition N°32, dated February 18, 2014. Art. 7, first paragraph: Nicaragua is a democratic republic. Democracy is exercised in a direct, participatory, and representative manner. The duties delegated by the Sovereign Power are manifest through the legislative, executive, judicial, and electoral branches. They have specialized and separate duties, [and] collaborate harmoniously amongst themselves in order to achieve their goals.

⁷⁷Ibid., Art. 129.

⁷⁸Ibid., Art. 130.

⁷⁹Ibid., Art. 165.

⁸⁰Ibid., Art. 160.

⁸¹Code of Criminal Procedure. Ley N° 406 [Law No. 406]. Arts.1-17. Accessed: May 26, 2020.

⁸²Ibid., Art. 255.

⁸³Ibid., Art. 265.

⁸⁴Ibid., Art. 255 and 265.

⁸⁵Ibid., Art. 268, para. 2.

63. Once the case is referred to oral proceedings, a period of 15 days is granted to the defense lawyers to present a document containing a list of appropriate evidence they wish to contribute to clearing up the facts, or they may limit themselves to indicating that they will only refute the evidence of the Prosecutor's Office. In cases regarding less serious crimes, this period is of five days.⁸⁶

64. Within a period of no less than 10 days prior to the start of oral proceedings, the parties can supplement the evidence.⁸⁷ In a period no less than five days prior to the trial, if they deem it relevant, the parties can request a pre-trial hearing in order to exclude some of the types of evidence presented by the counterpart, whether because they are repetitive, illegal, or irrelevant with regard to the facts of the charge.⁸⁸

65. In the actual stage of the oral and public proceedings, the initial allegations are set forth in order to then proceed with the incorporation of the evidence. There, the prosecutor initiates by presenting his/her evidence and then continues with the evidence of the defense. Lastly, each of the parties issues its closing allegations.⁸⁹ Immediately thereafter, the judge must issue his/her sentence with grounds, declaring the guilt or innocence of the defendant.⁹⁰

66. If the judge issues a not-guilty verdict, he/she must render the precautionary measures null and void and order the immediate release of the defendant(s).⁹¹ If the judge issues a guilty verdict, he/she must convene the parties immediately, or within three days, to a hearing to debate the punishment to impose. In said hearing, the parties request the punishment they believe should be handed down. Within three days following the hearing in which the punishment is discussed, the judge must render a sentence in oral proceedings and notify the parties.⁹²

67. The CPP establishes that for less serious crimes, the criminal procedures that already have a detainee

should last a maximum of one month, and those in which the person remains free must last a maximum of two months. In terms of grave crimes, if the defendant is detained, the criminal proceedings should not extend longer than three months, while if the person is free, the process should last no longer than six months.⁹³

68. Nonetheless, the CPP permits that, when dealing with cases of serious crimes related to terrorist activities, money laundering, international drug trafficking, banking crimes, [or] organ or human trafficking, the complex processing of the case can be decreed in a justified manner.⁹⁴ The request for case complexity is made by the MP in the indictment and resolved in the preliminary hearing prior to the hearing of the defendant. The declaration of case complexity means the automatic doubling of the time periods of the proceedings; thus, the period in which precautionary measures last can be extended for up to 12 months prior to the sentence in first instance, and up to six months more following a guilty verdict.⁹⁵ This means that although in a case dealing with grave crimes a sentence should be issued within a period of three months counted as of the first hearing, in the event a ruling of complexity is issued, this period is automatically doubled, extending for up to six months until a sentence is issued.

69. It is worth noting that a declaration of complexity of cases against political prisoners was a constant and automatically applied without due grounds, as set forth below.

3) Complementary laws to the Code of Criminal Procedure utilized arbitrarily to criminalize antigovernmental protests

3.1) Law 745: Law on the Execution, Benefits, and Jurisdictional Control of Criminal Punishment

70. This law has the goal of regulating the jurisdictional control over the execution of criminal punishment,

⁸⁶ Ibid., Art. 271.

⁸⁷ Ibid., Art. 275.

⁸⁸ Ibid., Art. 279.

⁸⁹ Ibid., Art. 314.

⁹⁰ Ibid., Art. 281-292.

⁹¹ Ibid., Art. 321.

⁹² Ibid., Art. 322-323.

⁹³ Ibid., Art. 134.

⁹⁴ Ibid., Art. 135.

⁹⁵ Ibid., Art. 135.

penitentiary security, security measure monitoring, and guaranteeing the goal of reeducation of the imposition of the punishment.⁹⁶

71. However, this law, as well as eliminating the constitutional right to popular participation in the organization and operation of justice that is recognized in the Constitution,⁹⁷ has the principal objective of exercising greater control over criminal proceedings.

72. It is for that reason that legislators incorporated into the cited Law 745 situations corresponding to criminal procedural matters. For example, when dealing with certain crimes classified by their nature as being grave, such as those denoted as being of great complexity, Article 44 of this law provides that they will be processed in prison while the proceedings last and until a sentence is handed down.⁹⁸

73. As detailed below, this provision has been employed as an argument by criminal judges to impose the measure of incarceration in the 279 cases against political prisoners analyzed, thereby affecting the personal freedom of 565 detainees.

3.2) Law 952: Law to Reform the Criminal Code of the Republic of Nicaragua (Law 641) to the Comprehensive Law against Violence against Women (Law 779) and the Code of Criminal Procedure (Law 406)

74. Law 952 reforms aspects typical of the substantive part, as well as adds procedural elements.⁹⁹ To that end, its enactment had two fundamental objectives. First, the law expanded the number of types of criminal offenses that can be processed by a judge

under the implementation of the precautionary measure of imprisonment until a sentence is issued. Thus, for example, among the types of criminal offenses that were added to the existing list in Article 44 of Law 745 are the crimes of financing terrorism and the possession, trafficking, and storage of weapons, ammunition, explosives, and other dangerous materials, as well as crimes related to fraud, cutting and taking during a forest closed season.¹⁰⁰

75. The addition of these types of criminal offenses enabled the Prosecutor's Office and judges to undertake criminal proceedings against protestors by incarcerating them, especially in those cases in which the political prisoners were linked to the crime of possessing gunpowder, mortar launch tubes, or handcrafted weapons, as will be detailed below.

76. The second goal of the law was the addition made to Article 22 of the CPP, which expanded the limits of the territorial competence of the criminal court judges in the capital. In this manner, it was established that the judges in the capital have the power to hear cases dealing with grave crimes related to organized crime, drugs, terrorism, human organ and tissue trafficking, vehicle trafficking, carrying or possessing restricted arms, and crimes against the banking system, which can be committed in any part of Nicaraguan territory. That, when additionally it is deemed to deal with crimes of social relevance, national transcendence, and those with a diversity of affected persons, defendants, or behaviors.¹⁰¹

77. This provision enabled the authorities who administer criminal proceedings and the criminal court judges in the capital to appropriate the competence to hear and resolve cases related to social protests. Said cases,

⁹⁶Ley de Ejecución, Beneficios y Control Jurisdiccional de la Sanción Penal [Law on the Execution, Benefits, and Jurisdictional Control of Criminal Punishment]. Ley N°. 745 [Law No. 745]. Published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°16 on January 26, 2011.

⁹⁷Nicaraguan National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition N°32, dated February 18, 2014. Art. 166, second paragraph: The administration of justice shall be organized and function with popular participation that shall be determined by the law.

⁹⁸Ley de Ejecución, Beneficios y Control Jurisdiccional de la Sanción Penal [Law on the Execution, Benefits, and Jurisdictional Control of Criminal Punishment]. Ley N°. 745 [Law No. 745]. Published in La Gaceta Diario Oficial [The Gazette

Official Newspaper] N°16 on January 26, 2011. Art. 44.

⁹⁹Ley de Reforma a la Ley 641 Código Penal de la República de Nicaragua, a la Ley 779, ley Integral contra la Violencia hacia las Mujeres y de Reforma a la ley 641 Código Penal y Ley N°406 Código Procesal Penal de la República de Nicaragua. Ley No 952 [Law to Reform Law 641, the Criminal Code of the Republic of Nicaragua, to Law 779, the Comprehensive Law against Violence against Women and Law 406, the Code of Criminal Procedure of the Republic of Nicaragua. Law No. 952]. Approved on June 20, 2017, published in La Gaceta Diario Oficial [The Gazette Official Newspaper] N°126 on July 5, 2017.

¹⁰⁰Ibid., Art.1.

¹⁰¹Ibid., Art. 4.



for that purpose, were considered to be of political interest.

78. It is important to note that the legislation does not establish what should be understood by ‘national transcendence,’ ‘social relevance,’ or ‘diversity of affected persons, defendants, or behaviors.’ As such, the article grants significant room for discretion to determine the assumptions that are applicable to said aspects.

79. In addition, while the law clearly indicates that its application is exclusive to grave crimes¹⁰² whose punishments are longer than five years in prison,¹⁰³ in the cases of organized crime, drugs, terrorism, financing terrorism, human organ and tissue trafficking, vehicle trafficking, possession of restricted arms, and crimes against the banking system, the discretion mentioned enabled judges and prosecutors to employ the regulation to centralize in the capital all of the cases linked to persons incarcerated for political reasons.

80. This discretion was even extended to less-grave crimes,¹⁰⁴ as was done in the case of the CPDH human rights defender, María Oviedo, who was charged with the crime of obstructing the duties of a PN official in the department of Masaya. Despite the fact that

the actions would have taken place in Masaya, she was charged before a court of justice in the capital: the Third Local Court of Managua. The Prosecutor’s Office argued that it dealt with a case of national relevance.¹⁰⁵

81. This unusual practice materialized in the cases of political prisoners who were arbitrarily incarcerated and tried for less serious crimes such as carrying weapons, hinderance of public services for having participated in a march, or flying blue- and white-colored balloons, incidents that occurred in other departments in the country. In the majority of the cases, the Prosecutor’s Office and judges justified their requests and decisions, respectively, indicating they dealt with cases related to social protests and therefore, were of national relevance.

82. Thus, out of a total of 49 criminal proceedings for less severe crimes processed before the Local Criminal Courts of Managua, 14 should have been processed before the local criminal court judges of the respective municipalities in the country where the crimes allegedly occurred, among them the local criminal court judges of León,¹⁰⁶ Masaya,¹⁰⁷ Rivas, Estelí,¹⁰⁸ Tipitapa,¹⁰⁹ Chinandega,¹¹⁰ and Ticuantepe.¹¹¹

¹⁰²Criminal Code. Ley 641 [Law 641]. Art. 24 section “a” and 49 section “a.”

¹⁰³Code of Criminal Procedure. Ley N°. 406 [Law No. 406]. Art 20 second paragraph.

¹⁰⁴Criminal Code. Ley 641 [Law 641]. Art. 24 section “b” and 49 section “b.”

¹⁰⁵La Prensa. Remiten a juicio sin pruebas a la activista de la CPDH, María Oviedo [CPDH Activist María Oviedo Sent to Trial without Evidence]. August 8, 2019.

¹⁰⁶Judicial Matter N° 014463-ORM4-2018PN, processed before the Seventh Local Criminal Court of Managua against Gregorio Reyes Flores and Lester Reyes Pastran for the crime of hinderance of public services. According to the account of the facts described in the guilty verdict, the defendants, together with other individuals, placed paving stones on a public road, obstructing vehicular and pedestrian circulation on El Calvario Street in the department of León.

¹⁰⁷Judicial Matter N° 016657-ORM4-2018PN, processed before the Third Local Criminal Court of Managua against Danilo Alvarado Guillen for the crimes of hinderance of public services and making threats with weapons. According to the account of the facts described in the guilty verdict, the defendant, bearing an AK firearm, and a group of persons armed with mortar launch tubes, were in charge of guarding a roadblock in the city of Masaya, obstructing a public road.

¹⁰⁸Judicial Matter N° 015988-ORM4-2018PN, processed before the Fourth Local Criminal Court of Managua against David Alejandro Ortez Rivera, Roboan Scott Ruiz Centeno, Kevin Pérez Valdivia, Kitzel Pérez Valdivia, and Tobías Rafael Gadea Fonseca for the crimes of exposure and abandonment

of persons and obstruction of functions. According to the account of the facts described in the guilty verdict, the defendants, together with a group of 15 persons, were on a public road carrying mortar launch tubes and exploding handmade bombs, disturbing public order.

¹⁰⁹Judicial Matter N° 015197-OEM4-2018PN, processed before the Seventh Local Criminal Court of Managua against Yupanke López, Dorian Castillo, José Montalván, Marvin Parrales, and María Cárcamo for the crime of hinderance of public services. According to the account of the facts described in the guilty verdict, the defendants were on the streets of the municipality of Tipitapa bearing blue and white flags, calling on people to protest and then placed paving stones on the public road, obstructing the free flow of vehicles and pedestrians.

¹¹⁰Judicial Matter N° 018313-ORM4-2018PN, processed before the Eighth Local Criminal Court of Managua against Gerson Suazo Báez, Claudia Indira Campos, and another person for hinderance of public services. According to the charge by the Office of the Prosecutor, it is for having placed roadblocks in the Chichigalpa junction; however, their detention transpired for having launched blue and white balloons from the atrium of the Chichigalpa Catholic Church.

¹¹¹Judicial Matter N° 014467-ORM4-2018PN, processed before the Third Local Criminal Court of Managua against a professor from Ticuantepe, Juan Bautista Guevara, charged with the crimes of hinderance of public services and carrying illegal weapons. The Prosecutor’s Office imputes having found on him mortars, mortar launchers, and handmade bombs. morteros, lanza morteros y bombas artesanales.

3.3) Law 735: Law on Preventing, Investigating, and Pursuing Organized Crime and Managing Seized, Confiscated, and Abandoned Assets

83. The goal of this law is to regulate State functions to prevent, detect, investigate, pursue, and try criminal activity related to organized crime and manage and dispose of the assets, products, equipment, and instruments utilized in the commission of these crimes.¹¹²

84. It is worth noting that this law defines the offense of organized crime as “an organized, structured, national or international criminal group or gang of two or more persons that exists for a certain period of time and acts methodically with the goal of obtaining an economic benefit.”¹¹³

85. This crime was extensively utilized to criminalize protesters. Thus, as a result of the revision of criminal proceedings, it was verified that the charges attributed to the political prisoners charged with the offense of organized crime did not fit the regulatory elements of the type of criminal offense, in particular due to the fact that there was no confirmation of the existence of a criminal structure having a hierarchy whose goal is obtaining economic benefits in an illegal manner.

86. Faced with the lack of evidentiary elements, the Prosecutor’s Office turned to arbitrary and unfounded writings that would uphold these types of charges against the political prisoners. An example is the attribution of the coordination of groups of more than 200 people during protests with the goal of them committing illicit acts.

87. Such is the case of former Congressman Nardo Sequeira and Mr. Benjamín Franklin Siles, who were charged with the offenses of organized crime, hinderance of public services, and facilitating the carrying of illegal weapons. According to the facts described in the statement of charges:

... [T]hese defendants convened residents to a march from the Central Park of Acoyapa to Lóvago Junction, which they took advantage of to order a group of persons to set up a roadblock in the Lóvago Junction, providing them with mortars and handmade weapons, telling the residents not to leave the place due to it being a measure for applying pressure to the government.¹¹⁴

88. From the text it can be deduced that there exists no relationship between the facts narrated and the requirements of the type of criminal offense. That is, it did not identify the existence of a supposed criminal structure, hierarchy list, length of existence of same, and economic ends it pursued. Despite that, Sequeira and Siles were charged and sentenced to seven years in prison for organized crime, two years in prison for the crime of hinderance of public services, and one year in prison for facilitating the bearing of arms, for a total of nine years in prison.

89. It is important to highlight that Law 735 contains innovative elements that are adjusted to the international obligations assumed by the State of Nicaragua, such as controlling and regulating precursors, imposing precautionary measures during the investigation stage, and defining special mechanisms for persons subject to protection, among them victims, witnesses, experts, and all others involved in the investigation. In addition, this law

¹¹²Ley de Prevención, Investigación y Persecución del Crimen Organizado y de la Administración de los Bienes Incautados, Decomisados y Abandonados. Ley N°. 735 [Law on Preventing, Investigating, and Pursuing Organized Crime and Managing Seized, Confiscated, and Abandoned Assets, Law No. 735]. Published in La Gaceta Diario Oficial [The Gazette Official Newspaper] Nos. 199 and 200 on October 19 and 20, 2010. Article 1.

¹¹³Ley de Prevención, Investigación y Persecución del Crimen Organizado y de la Administración de los Bienes incautados, Decomisados y Abandonados. Ley N°. 735 [Law on Preventing, Investigating, and Pursuing Organized Crime and Managing Seized, Confiscated, and Abandoned Assets, Law No.

735]. Published in La Gaceta Diario Oficial [The Gazette Official Newspaper] Nos. 199 and 200 of October 19 and 20, 2010. Art. 2. Definitions. Organized Crime: an organized, structured national or international criminal group or gang of two or more persons that exists for a certain period of time and acts methodically with the goal of directly or indirectly obtaining an economic benefit or of any other kind, with the purpose of committing one or more grave crimes established in the law.

¹¹⁴Sentence N° 147-2018, issued at 11:52 a.m. on December 10, 2018, by the Sixth Criminal District Trial Court.

orders the creation of the Unidad Administradora de Bienes Incautados, Decomisados y Abandonados Provenientes de Actividades Ilícitas [Administrative Unit for Seized, Confiscated, and Abandoned Assets from Illegal Activities]. Nonetheless, these legal advantages have been utilized to criminalize social protest and justify the anticipated plunder of real estate, vehicles, bank accounts, and businesses.

90. Such is the case of journalist Miguel Mora Barberena: initially his registered, banking, and commercial accounts were frozen; then the building where Canal 100% Noticias [100% News Channel] operated was seized and the program's television transmission cancelled; and subsequently he was criminally charged.¹¹⁵ These are just a few examples of how the regulations were utilized to criminalize individuals who were protesting in some manner against the government.

3.4) Law 977: Law against Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction

91. Among the overall goals of Law 977 is to protect the national economy and the integrity of the financial system from the risks associated with money laundering and the financing of terrorism. Among its specific objectives are to promote and strengthen the prevention of money laundering and financing of terrorism and decrease the operational capacity of national and international criminal organizations.¹¹⁶ Prior to Law 977 entering into force, the criminal offenses of terrorism and financing terrorism were already being regulated by Law 641, "Criminal Code".¹¹⁷

92. APreviously, the governing language for the criminal offense of terrorism was aimed at penalizing persons who acted in the service of or in collaboration with armed gangs, organizations, or groups employing explosives, toxic substances, weapons, fire, floods, or any type of act of massive destruction, against "persons," "public services," and "means of public transport," with the sole aims of "causing terror to the populace," "disturbing the peace," or "causing panic in the country."

93. Notwithstanding the foregoing, with the entrance into force of Law 977, the criminal offense of terrorism was modified and aspects were added, such as committing the crime individually without needing to be a member of a criminal organization, performing any act aimed at causing death or grave physical injury to any person, or destroying public or private assets with the objective, among others, of "intimidating a population," "disrupting the constitutional order," or "forcing a government or international organization to perform an act or abstain from doing so".¹¹⁸

94. It is worthy of note that this law was approved in July 2018, in the midst of the country's crisis. In that regard, on 17 July of that same year, the OHCHR noted its concern due to the fact that the definition of terrorism contained in the law, as well as the new type of criminal offense dubbed "financing of terrorism" allow individuals who are exercising their right to protest to be included under these definitions.¹¹⁹ As such, it stressed that the gravity of approving this law in the midst of the crisis derives from its possible use against persons or organizations that express their opposition to the government.¹²⁰

¹¹⁵Acusación Fiscal [Fiscal Charge] 2263-240-2018 and Judicial Charge 020017-ORM4-2018PN.

¹¹⁶Ley Contra el Lavado de Activos, el Financiamiento al Terrorismo y el Financiamiento a la Proliferación de Armas de Destrucción Masiva [Law against Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction]. Ley 977 [Law 977]. Published in La Gaceta Diario Oficial [The Gazette Official Newspaper] N°138 on July 20, 2018. Arts. 1-2.

¹¹⁷Criminal Code. Law 641. Arts. 394 and 395.

¹¹⁸Ley Contra el Lavado de Activos, el Financiamiento al Terrorismo y el Financiamiento a la Proliferación de Armas de Destrucción Masiva [Law against

Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction]. Ley 977 [Law 977]. Published in La Gaceta Diario Oficial [The Gazette Official Newspaper] N°138 on July 20, 2018. Art. 394.

¹¹⁹Noticias ONU [UN News]. La nueva ley antiterrorista en Nicaragua podría usarse para criminalizar protestas pacíficas [The New Antiterrorism Law in Nicaragua Could Be Used to Criminalize Peaceful Protests]. July 17, 2018.

¹²⁰OHCHR. Violaciones de derechos humanos y abusos en el contexto de las protestas en Nicaragua [Violations of Human Rights and Abuses within the Context of the Protests in Nicaragua]. August 2018. Para. 34.

95. In that same vein, the IACHR's Special Rapporteur on the Rights of Persons Deprived of Liberty declared that the new classification of the crime of terrorism does not fit international standards and that the crimes included therein should not be allowed to be extrapolated to completely different situations. To that end, the Rapporteur called on the PJ to exercise greater scrutiny of the charges of terrorism, "above all when an element of a criminal offense related to the disrupting of constitutional order is extremely subjective and not part of the international practice for repressing terrorism."¹²¹

96. For its part, as regards the crime of financing terrorism, prior to the reform the Criminal Code punished the collection of funds and assets from illegal sources with an eye to committing terrorism or financing terrorist organizations.¹²²

97. With the reform of Law 977, some of these elements were changed for more open, vague concepts that provide discretion. For example, Article 395 of the Criminal Code in force regarding financing terrorism indicates that punishments will be meted out "with sentences of from 15 to 20 years in prison for anyone who by any means, directly or indirectly, illicitly and deliberately, collects, gains, channels, deposits, transfers, moves, ensures, administers, shields, intervenes, lends, provides, [and/or] delivers assets, be they licit or illicit, with the intention that they be utilized or with the knowledge that they will be utilized¹²³ to commit acts of terrorism, even if the resources are not intended for that purpose.

98. Thus, according to this new classification, those who provide housing to protect opposition protesters or those who facilitate an airplane ticket or finance a training abroad or nationally for someone who is

openly critical of the government could be prosecuted for financing terrorism. In addition, those who obtain and provide foodstuffs, drinks, or money to support protests or marches against the government could be considered to have committed [this crime].

99. It is thus that GIEI confirmed "the existence of patterns of behavior in the processes of criminalization, where the congruence between the incidents and fit of the type of conduct is nonexistent. . . . [T]he criminal offenses of terrorism and organized crime have been abusively employed to pursue and sanction actions of opposition to the government".¹²⁴

100. It is worth noting that faced with said regulation, several civil society actors and human rights organizations filed appeals of unconstitutionality, which were admitted for study and resolution by the Constitutional Chamber of the CSJ; however, to date they have not been resolved.¹²⁵

101. In short, Law 977 grants extraordinary powers to the PN's organs, Prosecutor's Office, and especially criminal court judges to enjoy discretion in classifying conduct in such a way that it fits [the definitions of] the crimes of terrorism or financing terrorism, with the goal of pursuing and criminalizing social protest. We go into greater depth later in the report regarding its arbitrary use.

C. Inefficiency of writs of habeas

102. The administrators of justice should protect and act as guardians over human rights and constitutional guarantees through diverse mechanisms of protection established in the law, among them

¹²¹IACHR. Comunicado de Prensa No. 210/18 [Press Communiqué No. 210/18]. September 26, 2018.

¹²²Criminal Code. Ley 641 [Law 641]. Art. 395..

¹²³Ley Contra el Lavado de Activos, el Financiamiento al Terrorismo y el Financiamiento a la Proliferación de Armas de Destrucción Masiva [Law against Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction]. Ley 977 [Law 977]. Published in La Gaceta Diario Oficial [The Gazette Official Newspaper] N°138 on July 20, 2018. Art. 44 that reforms 395 of the Criminal Code.

¹²⁴GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril

y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between 18 April and 30 May, 2018]. December 2018. P. 265.

¹²⁵CENIDH. CSJ admite recurso por inconstitucionalidad contra la Ley 977 Ley Contra el Lavado de Activos, el Financiamiento al Terrorismo y el Financiamiento a la Proliferación de Armas de Destrucción Masiva [CSJ Admits Appeal of Unconstitutionality against Law 977, Law against Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction]. October 11, 2018.

the habeas corpus appeal provided for in the Constitutional Justice Law.¹²⁶

103. This mechanism has the goal of guaranteeing freedom, physical integrity, and other related rights when they are threatened or violated by an action or omission on the part of a governmental authority.¹²⁷

104. Habeas corpus appeals are lodged by the affected or offended party before the Criminal Chamber of the Court of Appeals. They can also be lodged by any person in the name of another person whose rights are at risk or by the Public Prosecutor's Office. Appeals are lodged before the Appeals Court corresponding to where the person in question is being held. Once an appeal is admitted, an executor is named from a list of lawyers accredited with the CSJ. The court must not appoint civil servants of the PJ, active members of the PN, Office of the Attorney General of the Republic, or prosecutors of the Public Prosecutor's Office of the Republic [Procuraduría General de la República].¹²⁸

105. Once named, the executor then addresses the authority against whom the writ of habeas corpus was issued to demand that it provide a report on the reasons for having detained the affected person or order his/her immediate release in cases classified under Article 20 of the Law of Constitutional Justice. From the results obtained, the executing judge furnishes a report to the Court of Appeals that named him/her. With this report, the Criminal Chamber of the Court of Appeals issues its sentence, declaring the detention on the part of the public authority to be illegal or resolving the habeas corpus appeal as being without merit.¹²⁹

106. In the event the situation deals solely with the threat of detention, the affected party can lodge a habeas

corpus appeal before the Criminal Chamber of the Court of Appeals in the corresponding district. Once the denunciation has been received, the Chamber orders the public authority that has been denounced to present a report within 24 hours.¹³⁰

107. With or without the report, the Chamber of the Court of Appeals proceeds to issue a resolution finding the appeal from the affected party to be with or without merit. If it is found to have merit, the authority must cease its threats and any manifestation of incomppliance on its part or on the part of an individual citizen shall be the object of disciplinary sanctions and the responsibility established by the respective regulations.¹³¹

108. In the current context, the habeas corpus appeal has not been effective; in the majority of the cases there was no will on the part of the executing judge or administrative authority to carry out the orders resulting from the lodging of the appeals.

109. Another aspect noted during the present investigation were the mean-spirited actions on the part of the judges of the Criminal Chamber of the Court of Appeals, who during the detentions of some of the political prisoners, appointed deceased lawyers as executing judges.¹³²

110. Similarly, the cases analyzed demonstrate complete contempt on the part of police authorities regarding complying with orders. In the best of cases, they received judicial orders designating the various executing judges, though they were refused the ability to know the reasons for the detainees' detention. Nor were they provided information regarding the prisoners' legal situation, detention conditions, or health. According to some civil servants, the order to not provide any type of information regarding the

¹²⁶Ley de Justicia Constitucional [Constitutional Justice Law], Ley N° 983 [Law No. 983]. Published in La Gaceta Diario Oficial [The Gazette Official Newspaper] N° 247 on December 20, 2018. Art. 1.

¹²⁷Ibid., Art. 14.

¹²⁸Ibid., Chapter II, Art. 19 para.2.

¹²⁹Ibid., Chapter II, Art. 19-22.

¹³⁰Ibid., Chapter II, Art. 21.

¹³¹Ibid., Chapter II, Art. 30.

¹³²La Prensa. Tribunal asignó un ejecutor muerto a Yubrank Suazo, líder de Masaya [Court Appointed a Dead Executing Judge for Yubrank Suazo, Masaya Leader]. September 18, 2020.

political prisoners was sent to the PN and SPN by higher-ups in the Executive Branch.¹³³

111. Thus, the habeas corpus appeals that were lodged to guarantee the rights of the prisoners were not effective, as evidenced previously by the GIEI.¹³⁴ Below we provide some timely examples of the foregoing based on the proceedings analyzed in the present report.

- Professor Sergio Putoy from Masaya, Monimbó was illegally recaptured by the police, the reason for which his relatives lodged an ‘amparo’ appeal [seeking the protection Constitutionally-granted fundamental rights and freedoms] before the judges of the Masaya Court of Appeals regarding illegal detention, who first appointed Auxiliadora Baca as executing judge; she refused, claiming an alleged illness. Then the Court appointed José Miguel Martínez, who on two occasions appeared at the Masaya Police Office, though no one attended to him.¹³⁵

- In the case of university professor Ricardo Baltodano, detained in September 2018 in his home, the PJ named the lawyer Carlos Eduardo Taboada as executing judge. The judge performed his work; however, on two occasions no one attended to him at the Dirección de Auxilio Judicial Nacional [Directorate of National Judicial Assistance], a detention center known as ‘El Chipote.’ He alleged that the persons responsible for attending to executing judges were not there.¹³⁶

- Another example was the case of the leader of the April 19 Movement of Masaya, Yubrank

Suazo, who was arbitrarily detained by the PN in the department of Chinandega and transferred to Managua. Mr. Suazo was charged with terrorism for supposedly supplying the Masaya roadblocks with weapons. In the face of the illegality of the detention, Mr. Wilfredo Suazo, Yubrank’s father, lodged a habeas corpus appeal¹³⁷. Said appeal received a response from the judges comprising Criminal Chamber One of the Managua Court of Appeals, who appointed the lawyer Francisco José Boza, who had died a number of years prior, as the executing judge.¹³⁸

112. In addition, we learned that some of the executing judges appointed had incorrect telephone numbers, incorrect home addresses, or did not accept their appointments out of fears of reprisals or due to the advanced age of the lawyer.¹³⁹ The lack of response on the part of the police, together with the mean-spirited actions of the judges who appointed inappropriate persons or those with the abovementioned errors, became obstacles to the guarantee of rights to the political prisoners and their families.¹⁴⁰

113. Thus, for example, according to declarations furnished by lawyer Karla Sequeira of the CPDH, out of 40 executing judges appointed by the Court of Appeals, only five of them were accepted, who at the end of the day did not receive a response from police authorities.¹⁴¹ In that vein, the IACHR Court has indicated that the protection granted by Article 25 of the ACHR.

... is the real possibility of having access to a judicial appeal so that the authority that is competent and capable of issuing a binding

¹³³ El Nuevo Diario. Algunos protestantes tienen órdenes de libertad, pero llevan meses presos [Some Protesters Have Been Ordered Released, Though Continue Imprisoned for Months]. December 30, 2018.

¹³⁴ GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between April 18 and May 30, 2018]. December 2018. P. 265.

¹³⁵ La Prensa. Policía orteguista de Masaya se niega a recibir a ejecutor [Ortega-Sympathizing Police Officer from Masaya Refuses to Receive Executor]. August 12, 2019.

¹³⁶ 100% Noticias [100% News]. Policías del chipote no atendieron a ejecutor en caso de Ricardo Baltodano [Police in ‘El Chipote’ Did Not Attend to Executing Judge In Case of Ricardo Baltodano]. September 21, 2018.

¹³⁷ Judicial Matter N° 001671-ORM4-2018CN, processed by the Criminal Chamber One of the Managua Court of Appeals, led by Reporting Judge Ángela Dávila Navarrete.

¹³⁸ La Prensa. Tribunal asignó ejecutor muerto a Yubrank Suazo, líder de Masaya [Court Appointed Dead Executing Judge for Yubrank Suazo, Masaya Leader]. September 18, 2018.

¹³⁹ El Nuevo Diario. Jueces ejecutores, otra tortura contra detenidos [Executing Judges, Another Form of Torture of Detainees]. July 12, 2018.

¹⁴⁰ Ibid.

¹⁴¹ El Nuevo Diario. Jueces ejecutores no cumplen Recurso de Exhibición Personal [Executing Judges Do Not Comply with Habeas Corpus Appeal]. September 22, 2018.

decision can determine if there has or has not been a violation of a right the claimant deems he/she has and which, in the event a violation is found, the appeal is useful to restituting to the interested party the enjoyment of his/her right and providing reparations.¹⁴²

114. **In this vein, “the State is obligated to provide effective appeals that enable individuals to challenge those actions by the authorities which they believe to violate their human rights as set forth in the Convention, Constitution, or law.”¹⁴³**

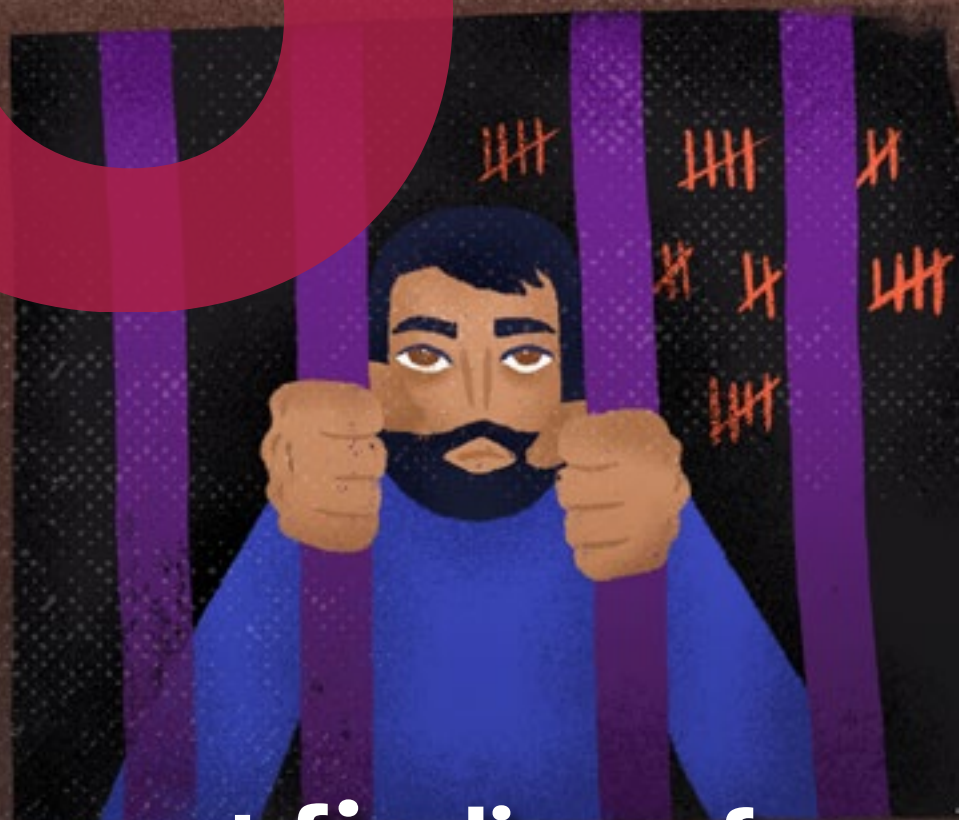
115. **By virtue of the systematic actions taken by police and jurisdictional authorities, the State of Nicaragua violated the right to a simple, rapid, and effective appeal established by Article 25 of the ACHR.¹⁴⁴**

¹⁴²IAHR Court. Case of Castañeda Gutman v. Mexico. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Expenses]. Sentence of August 6, 2008. Series C No. 184, para. 100.

¹⁴³Ibid.

¹⁴⁴ACHR, Art. 25.1.

5



**Relevant findings from the
review and analysis of the
279 criminal proceedings
against political prisoners**

A. General considerations regarding persons imprisoned for political reasons

116.

Firstly, it is important to note that the human rights protection organs, both regional as well as international, have not precisely defined the concept of ‘political prisoner.’ Despite this, in 2001 the Council of Europe adopted a definition by which it was determined that for a person deprived of his/her freedom to be considered a political prisoner, one of the following circumstances must be present:

(i) that the detention has been imposed in violation of one of the fundamental guarantees established by the European Convention on Human Rights; (ii) that the detention has been imposed for purely political reasons unrelated to any crime; (iii) that for political reasons, the duration of the detention or its conditions are manifestly disproportionate with respect to the crime for which the person has been declared guilty or which he/she is suspected of having committed; (iv) that for political reasons, the detention is imposed in a discriminatory fashion in comparison with other persons; or (v) lastly, that the detention is the result of clearly irregular proceedings and that this appears to be related to political reasons of the authorities. (bold added by this report’s authors).¹⁴⁵

This definition was reaffirmed in 2012 by said Council’s Parliamentary Assembly.¹⁴⁶ In addition, the Venezuelan Criminal Forum has noted that, for example, in Venezuela, political prisoners can be identified based on the goal pursued by their

detention and to that end, three categories have been defined:

Category 1: Those persons who have been detained or convicted for individually representing a threat to the government, for being political or social leaders. In these cases, the objective of the detention is to exclude the person from the political world, neutralize him/her as a factor of social or political mobilization, by isolating him/her from the rest of the population. Category 2: Those persons who have been detained or convicted, not for representing an individual political threat to the regime but rather, for being part of a social group which it is necessary to intimidate. Of special note in this group are students, human rights defenders, communicators, judges, soldiers, [and] social and political activists, among others. Category 3: Those persons who, without the government considering them an individual political threat or part of a social group, are utilized by the government to nourish a campaign or particular political narrative of power with respect to certain situations of national transcendence.¹⁴⁷

118. Amnesty International has chosen to refer to political prisoners as imprisoned persons “whose cases contain a significant political element, be it the motivation for their acts, the acts in and of themselves, or the motivation of the authorities.”¹⁴⁸ The organization understands the term ‘political’ as any aspect of human relations having a relationship with politics; that is, with the mechanisms of society and public order, including the organization [and/or] management of government or public affairs.¹⁴⁹

¹⁴⁵Parliamentary Assembly of the Council of Europe, Resolución 1900, 2012 [Resolution 1900, 2012]. October 3, 2012.

¹⁴⁶Ibid.

¹⁴⁷Website of the Foro Penal Venezolano [Venezuelan Criminal Forum],

Categorías [Categories]. Accessed: May 27, 2020.

¹⁴⁸Amnesty International. Manual de Amnistía Internacional [Amnesty International Manual]. May 2002. P. 47.

¹⁴⁹Ibid., p. 47.

- ¹¹⁹. At the national level, CENIDH has classified the prisoners of the repression in Nicaragua as political prisoners, for having been detained and released in a massive and arbitrary manner for having exercised their rights to freedom of expression, association, and protest.¹⁵⁰
- ¹²⁰. Despite the lack of consensus regarding this concept, both the IACHR and Secretary-General of the OAS have recognized the existence of political prisoners in Nicaragua within the framework of the current context. In this vein, on March 15, 2019, the Commission declared that it positively valued the release of political prisoners so as to advance the country's dialogue.¹⁵¹ Following that, it noted in its 2019 Annual Report that despite the release of some individuals as a result of the negotiations of the dialogue roundtable, on 31 December of that same year, at least 65 persons remained imprisoned in the capacity of political prisoners.¹⁵² For its part, the OAS High-Level Commission on Nicaragua, created in June 2019 to address the crisis, and the Secretary-General of that same organization, have expressed their concern about the situation of political prisoners in the country.¹⁵³
- ¹²¹. Similarly, United Nations High Commissioner for Human Rights Michelle Bachelet expressed her concern on May 22, 2020 regarding the persistence of political prisoners in the country and indicated that "although the authorities released a significant number of prisoners, there are still 86 political detainees who have not been freed, despite the pleas of [OHCHR]."¹⁵⁴
- ¹²². In addition, since the outset of the crisis the State has categorically denied the existence of political prisoners in Nicaragua. It did so in May 2019, within the framework of a request for protective measures in favor of 17 political prisoners; in that case, the State assured the IACHR Court that "in Nicaragua there is no one persecuted [or] charged, nor are there any political prisoners, and that the actions committed by the 17 individuals who have requested Provisional Measures constitute common crimes previously established in the Criminal Code."¹⁵⁵
- ¹²³. The analysis below shows not only the existence of political prisoners in Nicaragua, but also the grave violations of human rights to which they have been subject during detentions and imprisonment within the framework of the judicial proceedings pursued against them.
- B. Quantification of the political prisoners**
- ¹²⁴. In order to determine the number of political prisoners and identify the criminal proceedings pursued against them, we analyzed a series of press articles issued by MIGOB between February 27, 2019 and December 30, 2019 granting the release of 597 political prisoners.¹⁵⁶ In addition, we analyzed the lists published by ACJD and CPPN, updated through February 13, 2020.¹⁵⁷
- ¹²⁵. As a result of the analysis, we were able to confirm that between April 18, 2018 and February 13, 2020,

¹⁵⁰CENIDH. Seis meses de resistencia cívica frente a la represión gubernamental. Derechos Humanos en Nicaragua 2018 [Six Months of Civic Resistance against Governmental Repression: Human Rights in Nicaragua, 2018]. December 10, 2018. P. 43.

¹⁵¹IACHR. Comunicado por twitter [Tweet]. "La #CIDH valora la liberación de presos políticos para el avance del diálogo en #Nicaragua. Además, la Comisión recuerda al Estado que debe aclarar el estatus de estas excarcelaciones y liberar a todos los presos políticos reclusos en el sistema penitenciario nicaragüense" [The #IACHR values the release of political prisoners to advance the dialogue in Nicaragua. Additionally, the Commission reminds the State that it must clarify the status of these prisoner releases and free all of the political prisoners jailed in the Nicaraguan penitentiary system]. March 15, 2019.

¹⁵²IACHR. Informe anual 2019 [2019 Annual Report]. Chapter IV. 2020 para.5.

¹⁵³OAS. Informe de la Comisión de Alto Nivel de la Organización de los Estados Americanos sobre Nicaragua [Report from the Organization of American States High-Level Commission on Nicaragua]. Conclusions of the Commission. November 19, 2019. P. 4.

¹⁵⁴OAS. Comunicado de prensa sobre la situación de presos políticos en Nicaragua [Press Communiqué on the State of Political Prisoners in

Nicaragua]. 20 de abril de 2020.

¹⁵⁴OHCHR. Comunicado a través de twitter [Communiqué via Tweet]. May 22, 2020.

¹⁵⁵IACHR Court. The matter of 17 people deprived of their freedom with regard to Nicaragua. Provisional Measures. Adoption of Urgent Measures. Resolution of the President of the Inter-American Court of Human Rights on May 21, 2019, para. 10.

¹⁵⁶Ministry of Government. Nota de Prensa [Press Release]. February 27, 2019; Ministry of Government. Nota de Prensa [Press Release]. March 15, 2019; Ministry of Government. Nota de Prensa [Press Release]. April 5, 2019; Ministry of Government. Nota de Prensa [Press Release]. April 16, 2019; Ministry of Government. Nota de Prensa [Press Release]. May 20, 2019; Ministry of Government. Nota de Prensa [Press Release]. May 30, 2019; Ministry of Government. Nota de Prensa [Press Release]. June 10, 2019; Ministry of Government. Nota de Prensa [Press Release]. June 11, 2019; Ministry of Government. Nota de Prensa [Press Release]. December 30, 2019.

¹⁵⁷Alianza Cívica por la Justicia y la Democracia [Civic Alliance for Justice and Democracy]. Lista preliminar de personas presas políticas al 13 de febrero de 2020 [Preliminary List of Political Prisoners As of February 13, 2020]. February 13, 2020. .



the State of Nicaragua apprehended 657 individuals considered to be political prisoners. As of the latter date, 58 political prisoners still remained in detention centers.

¹²⁶In addition, of the 657 political prisoners, 92 were not brought before a competent judicial authority within 48 hours of being detained, as established by the CP in its Article 33, numeral 2.2, nor after that period.¹⁵⁸ That is, 92 people were never formally charged or brought before a judge.

¹²⁷Likewise, upon reviewing the legal status of the 565 remaining political prisoners who were formally charged, we found that their cases were processed in 279 criminal proceedings, 202 of which were transpiring in the department of Managua.

¹²⁸There was also evidence that, in addition to the 565 political prisoners identified in the 279 criminal proceedings, the Prosecutor's Office made accusations against an additional 361 individuals. However, while search warrants and detention orders were produced, these were not executed.

¹²⁹In this sense, by February 13, 2020 926 individuals had been tried for political reasons in the 279 criminal cases analyzed, 565 of whom faced charges while in prison and 361 of whom had not yet been arrested.

¹³⁰Based on the aforementioned in-depth information, we provide details below regarding the profiles of the political prisoners.

¹⁵⁸A Nicaraguan National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition N° 32, dated February 18, 2014. Art. 33 numeral

2.2: All detainees have the right to be freed or remanded to a competent authority within a period of 48 hours following their detention.

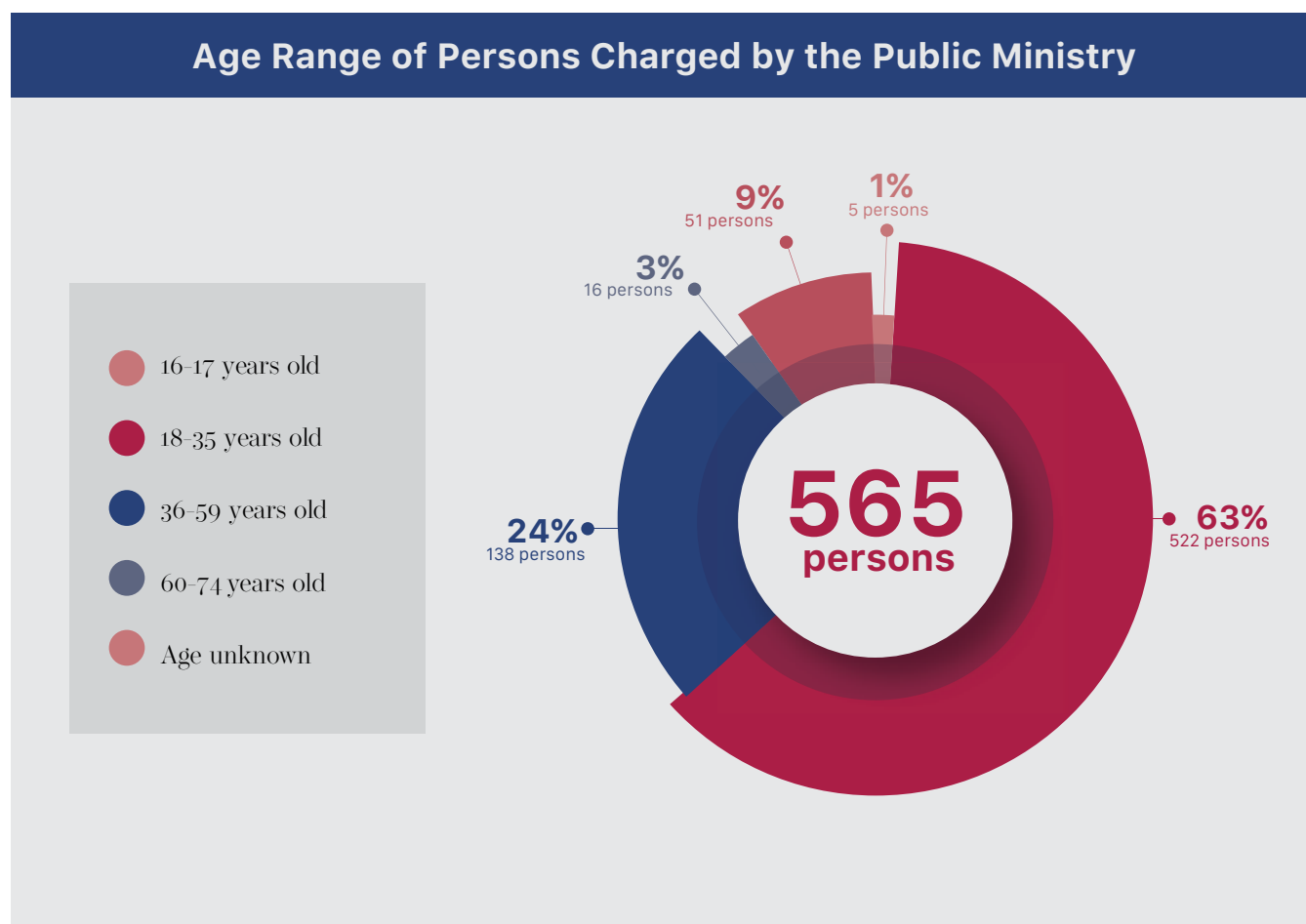
C. Characterization of the political prisoners

¹³¹.As a result of the analysis performed, it was determined that the population most affected by the repression and criminalization has been the social leaders opposing the government, among them students, workers, campesinos, indigenous peoples, journalists, human rights defenders, Afro-descendants, and LGBTI persons. The above is in accordance with what has been noted by the GIEI in its report.¹⁵⁹

¹³².Thus, of the 565 political prisoners, 80 were women – among them three trans women – and 485 men. In addition, 89 of them were students, 34 were campesinos, four journalists, three human rights

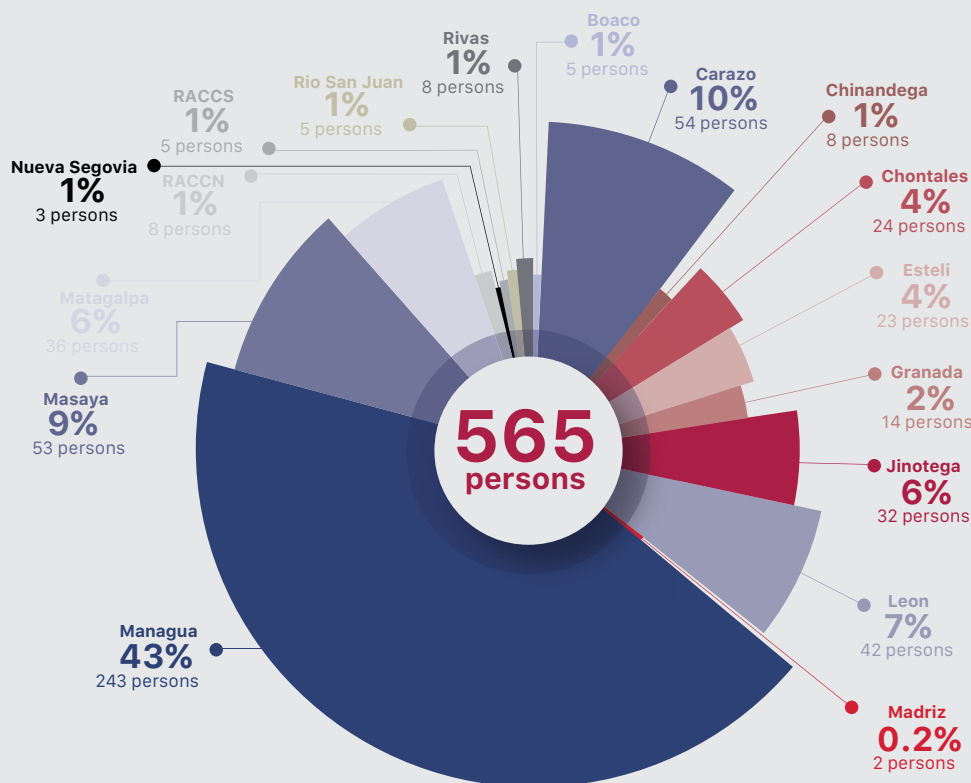
defenders, three Afro-descendants, five LGBTI persons, 57 professionals and technicians, and 240 workers, businesspersons, drivers, operators, barbers, sales promoters, [and] security agents, among others. Of the 130 remaining who were charged, it was not possible to obtain data related to their profession or work

¹³³.In addition, in terms of age groups, the repression mainly affected people between the ages of 18 and 35, as can be seen in the following graph:



¹⁵⁹GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between April 18 and May 30, 2018]. December 2018. P. 59.

Political Prisoners by Departament



¹³⁴Likewise, we confirmed that the persons who were formally charged by the MP are natives of the departments of Managua (243), Masaya (53), Carazo (54), Granada (14), Rivas (8), León (42), Chinandega (8), Matagalpa (36), Estelí (23), Jinotega (32), Chontales (24), Boaco (5), Río San Juan (5), Nueva Segovia (3), and Madriz (2), as well as the autonomous regions known as Costa Caribe Sur [Southern Caribbean Coast] (5) and Costa Caribe Norte [Northern Caribbean Coast] (8).¹⁶⁰

¹³⁵The foregoing illustrates that the detentions occurred in all of the country's departments and autonomous regions. This demonstrates that the repression was carried out by the government throughout the territory, and that Managua was the most-impacted locality with the greatest number of persons arrested. It is noteworthy that the greatest population concentration in the country is in Managua.¹⁶¹

¹³⁶In addition, of the 657 detentions executed by the PN and parapolice, 473 individuals were detained without arrest warrants having been previously issued.

¹³⁷In the particular case of the 92 political prisoners who were not charged, it was recognized that the length of their arbitrary detentions ran from six days to four months and their goal was to hinder the detainees from continuing to exercise their rights to protest, freedom of expression and association, or served as a form of punishment for their participation in marches and roadblocks. Examples of that are the following cases:

- In the afternoon of November 19, 2018, citizen José Gonzalo Hernández Cáceres, President of the National Chamber of Tourism of the department of Madriz, and teacher Ana Cecilia Hooker Bermúdez,

¹⁶⁰In accordance with the political-administrative divisions, Nicaragua is comprised of 15 departments and two autonomous regions on the Caribbean Coast.

¹⁶¹Managua, the capital of the Republic, based information from the National

Institute of Statistics and Censuses (INEC), has a population of 1,374,025 residents. The smallest population concentration is found in the Autonomous Regions of the Northern and Southern Caribbean, with 626,848 residents.

together with a group of persons, carried out a civic sit-in on one of the public avenues of the municipality of Somoto to sing the National Anthem. Meanwhile, they were photographed by Sandinista sympathizers. At night on that same day they were captured and in the early morning of the next day were transferred to Managua to Directorate of Judicial Assistance to the Police, ‘El Chipote,’ to be investigated.¹⁶² They remained illegally in that detention center as detainees without being formally charged; nor were they brought before any judicial authority. They remained in that condition of illegal detention until February 27, 2019, the date they were released due to agreements struck between the government and ACJD.¹⁶³

- On February 1, 2019, Wilmer Antonio Useda Brenes and Francisco Cerda Pavón¹⁶⁴ were captured in the municipality of Nindirí and taken to the Masaya Police Station, where the young man Useda Brenes was brutally beaten in the ear while being threatened that he would be left deaf.¹⁶⁵ Five days later, they were both transferred to ‘El Chipote,’ where they were threatened with being charged and sentenced to 30 years in prison as terrorists.¹⁶⁶ Subsequently, on April 22, 2019, they were transferred to the Jorge Navarro National Penitentiary System, ‘La Modelo,’ where they were illegally admitted without any criminal proceedings transpiring against them.¹⁶⁷ In the ‘La Modelo’ prison, the young men Useda Brenes and Cerda Pavón remained illegally detained until June 10, 2019, when they were released by the Amnesty Law.¹⁶⁸

¹³⁸. In addition to the profile of political prisoners, patterns were identified regarding the manner in which the criminal proceedings were resolved. We make reference to that below.

D. Manner in which the 279 criminal proceedings documented were resolved

¹³⁹. Of the 279 judicial proceedings analyzed through February 13, 2020, 18 were still being processed, while the rest had been resolved according to the following patterns identified:

- 147 proceedings ended in guilty verdicts for the entirety of the defendants
- 8 proceedings ended with some of the defendants being declared innocent and others guilty
- 12 proceedings ended in oral proceedings with guilty verdicts, though the judges did not issue the respective sentences
- 2 proceedings were shelved for lack of merit in the initial hearing
- 2 proceedings wherein the criminal proceedings were never formally initiated
- 68 proceedings in which only the hearings prior to the start of the trials were held, or the trials were not initiated due to the release of the political prisoners
- 22 proceedings in which rulings to dismiss were issued for the following reasons:
 - 9 cases resolved due to early termination of the trial for “not having proven the facts, or because the witnesses did not appear at trial”
 - 6 cases with “rulings of not-guilty due to clear contradictions among the witnesses”
 - 1 case with “a not-guilty verdict issued by a jury trial”
 - 2 cases were resolved by being shelved, due to a lack of merit in the initial hearing

¹⁶² La Prensa. Secuestrados por policía orteguista fueron trasladados al centro de torturas el Chipote [Those Kidnapped by Ortega Police Were Transferred to the El Chipote Torture Center]. November 20, 2018.

¹⁶³ Ministry of Government. Nota de Prensa [Press Release]. February 27, 2019.

¹⁶⁴ TEAM ADNIC. 58: Javier Francisco Cerda Pavón | Presos Políticos Nicaragua [58: Javier Francisco Cerda Pavón – Political Prisoners,

Nicaragua]. March 3, 2019.

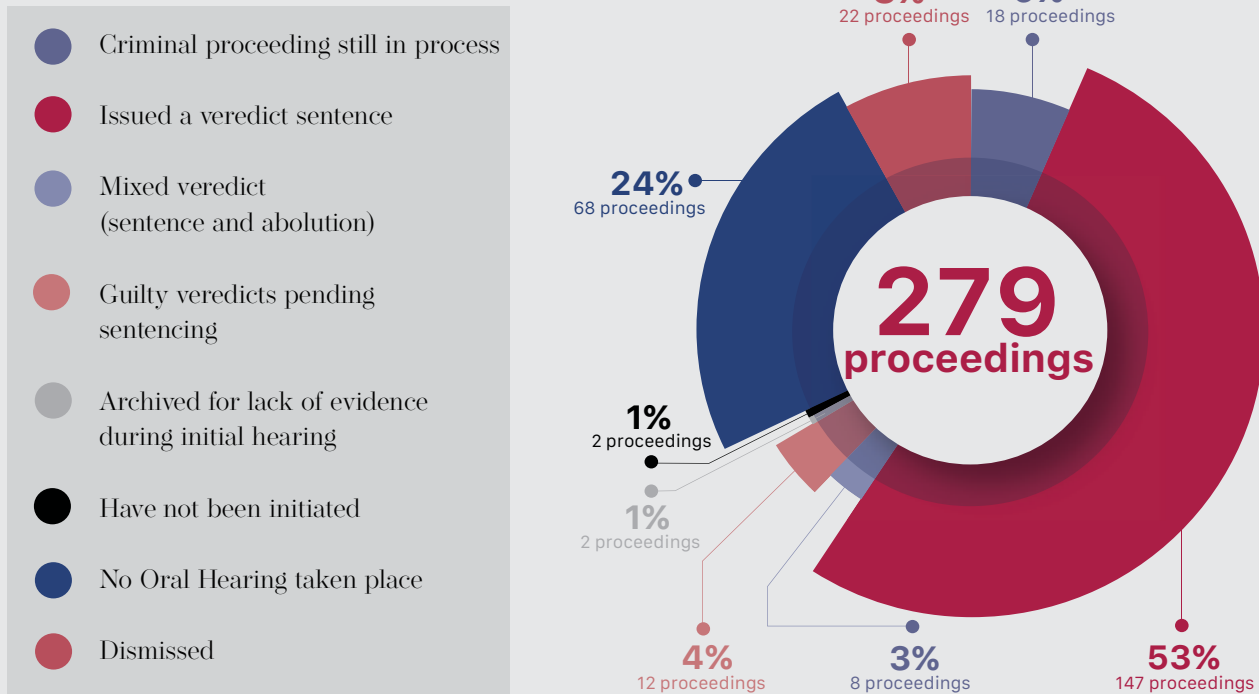
¹⁶⁵ Article 66. Entrevista exclusiva con Wilmer Antonio Useda Brenes [Exclusive Interview with Wilmer Antonio Useda Brenes]. June 10, 2019.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ministry of Government. Nota de Prensa [Press Release]. June 10, 2019.

The 279 criminal proceedings were resolved as follows:



- 2 cases for having reached “agreement with the Prosecutor’s Office”
- 2 cases due to the fact that “the police never presented the defendant to enable the trial to commence”

of from five to 216 years in prison, while 96 were sentenced to from six months to four years in prison

- 46 political prisoners received sentences to dismiss, of whom:

140. The next section alludes in detail to the resolutions obtained, with respect to each of the political prisoners who were eventually tried.

E. Political prisoners who were tried and the resolutions that were obtained

141. According to the information compiled and analyzed on the political prisoners who were tried, we determined that:

- 288 political prisoners were declared guilty when being sentenced, 192 of whom received sentences

- 20 had their cases dismissed due to early termination of the trial for “not having proven the facts,” or because the witnesses did not appear
- 13 received not-guilty verdicts due to clear contradictions among the witnesses
- 2 received not-guilty verdicts
- 2 were resolved by being shelved due to a lack of merit in the initial hearing
- 7 had their cases dismissed due to agreements reached with the Prosecutor’s Office
- 2 had their cases dismissed due to the fact that the police never presented the defendants to enable the trial to commence.

142. Despite the favorable rulings or sentences for these 46 political prisoners, only 27 were released in compliance with the judicial order. The rest were

freed through agreements reached between the government and ACJD or by the Amnesty Law.

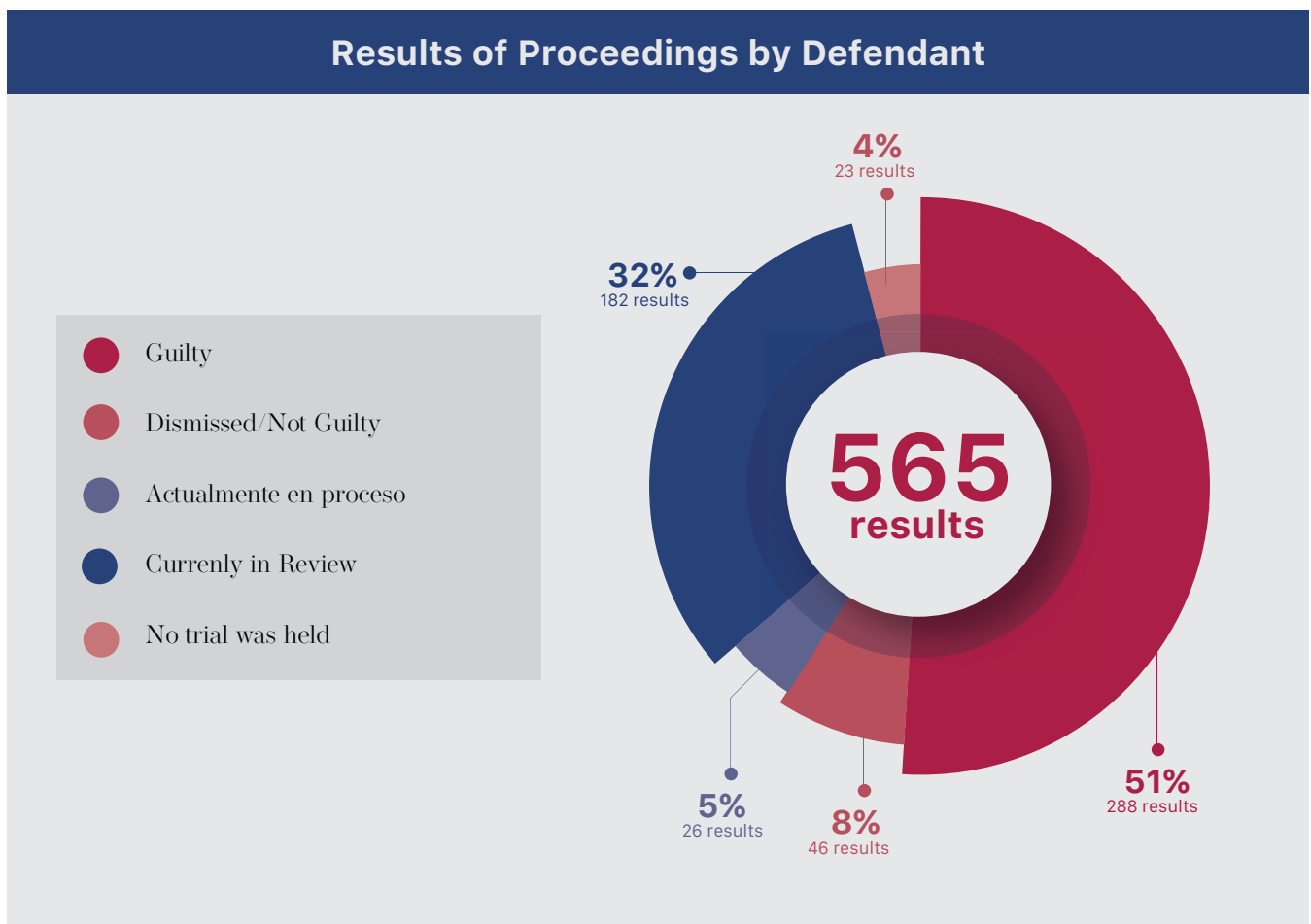
- 26 political prisoners were in process (stage of oral or pre-trial proceedings)
- 1182 political prisoners were not subject to public oral proceedings, in clear violation of due process and the right to swift justice. Despite being freed,

to date there exists a sentence to dismiss that orders the proceedings to be permanently shelved.

- 23 political prisoners received guilty verdicts without sentences.

143.

The aforementioned data are detailed in the following graph:



F. Measures utilized to justify and guarantee the arbitrary detentions in the 279 criminal proceedings

144. Reviewing and analyzing the cases enabled us to see patterns in the actions committed by the institutions that make up the accusatorial system (police, judges, prosecutors), as well as the figures employed to criminalize social protest and through that, judge, sentence, and jail the persons who have demonstrated against and oppose the government. These actions were carried out to the detriment of due process and judicial guarantees, with an eye to intimidating and reducing the participation of persons in the protests.

145. Some of these actions entailed arbitrarily applying and interpreting the law, such as utilizing ambiguous types of criminal offenses to justify charges, automatically applying pre-trial detention to restrict the freedom of demonstrators, and arbitrarily doubling procedural time periods so as to extend detention times indefinitely. We provide details about this below.

1) Use of ambiguous types of criminal offenses

146. Of the 279 proceedings analyzed, the Prosecutor's Office presented charges in 67 of them for the crimes of terrorism, financing terrorism, organized crime, kidnapping, and extortion in light of what is established by Law 977.

147. On that subject, the IAHR Court has indicated that, while States can establish limitations on the rights of individuals, all restrictions must observe the principle of legality.¹⁶⁹ Thus, with regard to determining a crime, the Court has indicated that:

The development of types of criminal offenses supposes a clear definition of the

incriminating conduct by establishing its elements and enabling it to be delimited from non-punishable behavior or illegal conduct that can be sanctioned through non-criminal measures. It is necessary that the scope of application of each type be delimited in the clearest and most precise manner possible, in an express, precise, restricted, and prior manner.¹⁷⁰

148. When it comes to typifying crimes related to terrorism, the principle of legality imposes a necessary distinction between said crimes and ordinary types of criminal offenses:

... such that every person as well as criminal court judge has sufficient legal elements to anticipate if a particular form of conduct is sanctionable under one or another type of criminal offense. That is particularly important in relation to terrorist crimes, because regarding them, the tendency is to . . . impose graver punishments entailing depriving people of their freedom and additional punishments and disqualifications that have important effects on the exercise of other fundamental rights.¹⁷¹

149. In addition, the investigation of terrorist crimes has procedural consequences, such as restrictions on certain rights, such as for example personal freedom during the investigation and trial stages.¹⁷² Therefore, several international organs and experts of the United Nations have emphatically noted "the need for internal classifications and definitions related to terrorism to not be formulated ambiguously, such that it facilitates broad interpretations with which

¹⁶⁹IAHR Court. Case of Yatama v. Nicaragua. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Expenses]. Sentence of June 23, 2005. Series C No. 127, para. 206.

¹⁷⁰IAHR Court. Case of Norin Catrimán et al (Leaders, Members, and Activists of the Mapuche Indigenous People) v. Chile. Fondo, Reparaciones

y Costas [Merits, Reparations, and Expenses]. Sentence of May 29, 2014. Series C No. 279, para. 162.

¹⁷¹Ibid., para. 163.

¹⁷²Ibid., para. 163.

conduct is sanctioned that would not have the gravity and nature of those types of crimes”.¹⁷³

150. As we have noted earlier, Law 977 reformed the crimes of terrorism and financing terrorism and maintains an extremely wide margin of interpretation enabling the criminalization of any person who is part of a civil society organization, or merely a participant in the protests carried out in public spaces. The reform enables the classification as terrorist acts not only of actions that do not correspond to the gravity and intention of the crimes as defined, but also those that are characteristic of persons exercising their right to protest.

151. Thus, the alleged criminal acts of terrorism and financing terrorism attributed to the political prisoners do not fit the legal concepts, given that the active subjects of these types of criminal offenses are by their very nature transnational criminal organizations or those of international transcendence. The actions attributed to the 67 criminal proceedings identified were carried out within the framework of public protests in which legitimate complaints were lodged against the government regarding the systematic violation of human rights [and] deterioration of the country’s democratic institutions, among others.

152. In that same vein, the 212 remaining criminal proceedings accuse the defendants of crimes such as aggravated murder, hinderance of public services, threats, psychological harms, bearing weapons and robbery in its various modalities, and drug possession.

153. We should note that the use of common crimes to criminalize protesters began with the government’s ineffective strategy of seeking to label political prisoners as terrorists, which was extensively criticized by international instances.

154. In that regard, it is important to highlight that the IACHR has expressed its concern regarding the arbitrary use of criminal law to detain persons who

peacefully demonstrate and exercise their right to take part in social protest. In general, detentions and initiation of criminal actions “would have as grounds the protection of public order and national security, and the types of criminal offenses that would be imputed to defenders would be attacks, rebellion, [and] obstructing public roads,” among others.¹⁷⁴

155. In this sense, the lack of precision on the part of the Nicaraguan authorities when determining a crime can have irreparable consequences on people’s rights, as was noted by the IAHR Court:

...[T]he ambiguity in how criminal offenses are worded generates questions and opens the door to the discretion of the authority, which is particularly undesirable when establishing the criminal responsibility of individuals and sanctioning it through punishments that severely affect fundamental assets, such as life or freedom.¹⁷⁵

156. In short, the actions carried out by the Nicaraguan authorities, by not complying with the requirements set forth in international standards, violate the principle of legality established in Article 9 of the ACHR.

2) Automatic application of pre-trial detention

157. Furthermore, in the 279 proceedings analyzed, pre-trial detention was applied indiscriminately, to the detriment of the political prisoners’ personal freedoms. Based on our analysis, we determined that the Prosecutor’s Office had not performed any type of prior oversight of police actions and requested the precautionary measure of pre-trial detention, even when 49 proceedings corresponded to less-grave crimes, such as threats, bearing illegal weapons (mortars and mortar launch tubes), or

¹⁷³UN Doc. CCPR/C/CHL/Co/5, April 17, 2007, Human Rights Committee, Examination of the Reports Presented by the States Parties in Accordance with Article 40 of the Pact, Final Observations of the Human Rights Committee, Chile, para. 7, and UN Doc. A/HRC/6/17/Add.1, November 28, 2007, Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Martin Scheinin, Addition, para. 20.

¹⁷⁴IACHR. Criminalización de la labor de las defensoras y los defensores de derechos humanos [Criminalization of the Work of Human Rights Defenders]. OAS/Ser.L/V/II. Doc. 49/15. December 31, 2015. Para. 46.

¹⁷⁵IAHR Court. Case of Castillo Petruzzi et al v. Peru. Fondo, Reparaciones y Costas [Merits, Reparations, and Expenses]. Sentence of May 30, 1999. Series C No. 52, para. 121.

hinderance of public services, regarding which the law permits proceedings to be pursued through the use of measures other than prison.¹⁷⁶

¹⁵⁸Pre-trial detention is regulated by Article 173 of the CPP and measures other than prison by Article 180 of the same legal instrument. Article 173 of the CPP establishes a series of factors that must coincide and be analyzed in order to apply pre-trial detention, such as:

. . . 1. The existence of a grave punishable incident that merits pre-trial detention and whose criminal action is not mandated;

2. Sufficient inculpatory elements to reasonably maintain that the defendant is probably the author of this punishable incident, or was a participant therein; and

3. Reasonable suspicion, due to an assessment of the particular circumstances, regarding one of the following three situations:

a) That the defendant will not submit to the proceedings, because he/she has evaded or plans to evade justice;

b) That he/she will obstruct the search for truth by intimidating persons who must testify, hiding inculpatory elements, or in any other manner affecting the course of the investigation; and

c) When, due to the specific modalities and circumstances of the incident as well as the personality of the defendant, there exists concrete danger that he/she will commit grave crimes through the use of weapons or other means of intimidation or personal violence or directed against the constitutional order, or crimes of organized crime or of the same type as that for which there are proceedings, or that the defendant will continue performing the criminal activity.

¹⁵⁹In that vein, the IACHR Court has established that

From the provisions of Article 8.2 of the Convention derives the State obligation to not restrict a detainee's freedom beyond the limits that are strictly necessary for ensuring that he/she will not impede the efficient performance of the investigations and that he/she will not escape the actions of justice, as pre-trial detention is a precautionary measure, not a punitive one.¹⁷⁷

¹⁶⁰This is known as the principle of exceptionality ['excepcionalidad']; in this sense, the Court has been emphatic in observing that, while no exhaustive list exists of circumstances for depriving someone of his/her freedom, States should keep in mind that freedom is always the rule and its limitation the exception.¹⁷⁸ In addition, Article 7.5 itself of the Convention "imposes temporary limits on the duration of pre-trial detention and consequently, on the powers of the State to ensure the goals of the process by means of this precautionary measure".¹⁷⁹

¹⁶¹By virtue of the foregoing, when the State does not establish the legal basis for, or prove in a clear and justified manner (according to each concrete case) the existence of, the valid requirements to legitimate the pre-trial detention, this shall constitute a violation of the principle of presumption of innocence.¹⁸⁰

¹⁶²To that end, the IACHR has indicated that:

[...] . . . [P]re-trial detention shall not be used in cases of minor criminal infractions, when just a mere suspicion exists regarding the criminal responsibility of the defendant, when the possibility exists to employ other different precautionary measures to ensure the defendant's appearance at trial, for reasons of "social unrest" ['alarma social'], or when based on vague or indeterminate

¹⁷⁶Code of Criminal Procedure. Ley N°. 406 [Law No. 306]. Articles 166, 167, and 173. Accessed: May 26, 2020.

¹⁷⁷IACHR Court. Case of Suárez Rosero v. Ecuador. Fondo [Merits]. Sentence of November 12, 1997. Series C No. 35, para. 77.

¹⁷⁸IACHR Court. Case of Chaparro Alvarez and Lapo Íñiguez v. Ecuador. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Expenses]. Sentence of November 21,

2007. Series C No. 170, para.53.

¹⁷⁹IACHR Court. Case of Barreto Leiva v. Venezuela. Fondo, Reparaciones y Costas [Merits, Reparations, and Expenses]. Sentence of November 17, 2009. Series C No. 206, para. 119.

¹⁸⁰IACHR Court. Case of Usón Ramírez v. Venezuela. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Expenses]. Sentence of November 20, 2009. Series C No. 207, para. 144.

legal concepts, or in response to the prospect of punishment.¹⁸¹

163. From an analysis of the 279 criminal proceedings, it follows that neither the Prosecutor's Office nor the judges in various instances perform an exhaustive analysis to determine if pre-trial preventive detention would satisfy the minimum requirements established by law, with an eye to safeguarding the criminal proceedings. On the contrary, as we have shown, the judicial authorities utilized vague and indeterminate legal concepts to automatically apply pre-trial prevention to political prisoners.

164. For such reasons, by not complying with the requirements established in international standards, not only was the principle of exceptionality violated, but also the principle of innocence, both of which are protected by Articles 8 and 7, respectively, of the ACHR.

3) Unfounded and arbitrary doubling of procedural time periods

165. In addition, from an analysis of the 279 criminal proceedings, we find that in 67 of them the Prosecutor's Office asked to apply the legal concept of "complex processing of cases" [*tramitación compleja de casos*]. As was noted in the foregoing sections, a declaration of case complexity means the automatic doubling of a proceedings' timeframes; thus, the duration time of precautionary measures – understood as pre-trial detention – was extended for up to 12 months prior to the sentencing in the first instance.¹⁸²

166. In that regard, the IACHR Court has emphatically noted that a detainee's freedom may not be restricted beyond what is necessary, and that in light of the principle of reasonableness, "depriving a person of his/her freedom beyond a period of time that is reasonable for accomplishing the goals that justify his/her detention would be equivalent, in practice, to an advance punishment."¹⁸³ In this sense,

"the Convention is violated when a person whose criminal responsibility has not been established is deprived of his/her freedom during an excessively prolonged, and thus disproportionate, period, [as] this is equivalent to imposing punishment in advance".¹⁸⁴

Thus, the decision to process the cases in the complex manner as a result of the requests made by the Prosecutor's Office affected 250 political prisoners. One of the arguments employed to require the complex processing and doubling of procedural periods was that the police were still performing investigations of other individuals, or because the types of criminal offenses of which the political prisoners were accused were on the list of crimes included in the Law on Organized Crime. Based on this reasoning, the judicial authority ordered the cases to be processed in the complex manner, as can be seen in the following examples:

- In the case against the young people Amílcar Cortez Báez and Karla Vanessa Matus charged with aggravated murder for the death of a family as a consequence of their house being set on fire in the Carlos Marx neighborhood, the Prosecutor's Office requested in the preliminary hearing held on December 23, 2018 before the Sixth Hearings Judge of Managua that the matter be processed in the complex manner due to the "relevance and connotation of the facts." To that end, Judge Henry Morales resolved that same day "with grounds in what is established by Article 40 of Law 735, as per Article 135 CPP . . . to decree the complex processing of the present case, by virtue of said request from the Public Ministry being duly substantiated by the crime of terrorism, which according to the regulations affects public tranquility and the State of Nicaragua".¹⁸⁵
- In the preliminary hearing held on December 6, 2018 before the Tenth Hearings Judge of Managua in the case against Alfonso José Morazán Castillo and Hamilton Hernández Montalván for the alleged

¹⁸¹IACHR. Criminalización de la labor de las defensoras y los defensores de derechos humanos [Criminalization of the Work of Human Rights Defenders]. OAS/Ser.L/V/II. Doc. 49/15. December 31, 2015. Para. 205.

¹⁸²Criminal Procedure Code. Ley N°. 406. Art. 135.

¹⁸³IACHR Court. Case of López Álvarez v. Honduras. Fondo, Reparaciones y Costas [Merits, Reparations, and Expenses]. Sentence of February 1, 2006.

Series C No. 141, para. 69..

¹⁸⁴IACHR Court. Case of Suárez Rosero v. Ecuador. Fondo [Merits]. Sentence of November 12, 1997. Series C No. 35, para. 77.

¹⁸⁵Judicial Matter N°020038-ORM4-2018PN, lodged before the Sixth District Criminal Hearings Court of Managua. Minutes of the Preliminary Hearing on December 23, 2018 at 10:50 a.m..

crimes of terrorism and others, Prosecutor Heysell Reyes Caballero requested complex processing, in light of the facts attributed to the defendants being related to terrorist activity. To that end, Judge Celso Antonio Urbina agreed to “complex processing . . . by virtue of the incidents that are attributed to the defendants being related to terrorist activities”.¹⁸⁶

168. Furthermore, the remaining 212 criminal proceedings were begun on the basis of the common time periods granted by the law; however, these periods were not respected. We verified that the majority of the hearings established in the proceedings were rescheduled several times due to reasons of force majeure, according to the judges, which prolonged the amount of time the political prisoners were held in pre-trial prevention.¹⁸⁷

169. In short, the decisions that led to the cases being processed in the complex manner, as well as the constant rescheduling of hearings, became in practice undue and arbitrary restrictions of political prisoners’ freedom.¹⁸⁸

4) Characterization of the witnesses presented by the Prosecutor’s Office

170. From an analysis of the 279 proceedings, we verified the participation of a total of 1,300 witnesses presented by the Prosecutor’s Office. Of importance is that the witnesses were police officers from all of the country’s departments, forensic doctors, experts from the Institute of Criminology and Forensic Sciences, public servants from mayoralties held by the FSLN, and primarily, sympathizers of the FSLN.

171. The majority of the sympathizers issued declarations in the trials that followed the same patterns, given that when identifying some of the political prisoners at trial they referred to them as “persons who had taken their peace.”¹⁸⁹ This is rhetoric that has been shifted from the government to its base to thereby justify the crimes against humanity committed by the State.¹⁹⁰

172. Furthermore, in 56 of the 279 criminal proceedings studied, police officers they referred to as ‘codes’ and/or ‘undercover police’ were utilized as witnesses, identifying them with the pseudonyms of ‘Code 1,’ ‘Code 2,’ ‘Code 3,’ ‘Code 4,’ ‘Code 5,’ ‘Delta 1,’ and ‘Omega 2.’ Said witnesses issued their declarations anonymously, while wearing hoods that covered their faces. Likewise, the testimonies provided by the witnesses coincided in the following assertions:

- Declaration made by the witness ‘Code 1’: “I am an intelligence agent from the National Police, and in this capacity was monitoring a criminal structure that was involved in the roadblocks set up in the municipality of Diriamba as a product or the beginning of the coup d’état that was being carried out, which began as protests and marches”.¹⁹¹

- Declaration made by the witness ‘Code 1’: “I am an intelligence agent from the National Police, and in this capacity was monitoring the defendants through an operation targeting criminal gangs, [as] the defendants are persons who showed up to build roadblocks in various departments.”¹⁹²

¹⁸⁶Judicial Matter N°018964-ORM4-2018PN, lodged before the Tenth District Criminal Hearings Court of Managua. Minutes of the Preliminary Hearing on December 6, 2018 at 10:28 a.m.

¹⁸⁷Judicial Matter N°017139-ORM4-2018PN, lodged before the Seventh District Criminal Hearings Court of Managua, wherein José Luis Ortega Briceño and José Javier Díaz Arauz were charged with torturing police officer Jorge Inés Canizales Sevilla. The oral proceedings were set to commence on February 23, 2019, but the Penitentiary System did not bring forward the defendants. The delay was attributed to “force majeure” and the date was reset to March 26, 2019. On that day, the trial did not commence due to the Penitentiary System for a second time failing to present the defendants; the judge once again attributed the delay to “force majeure” and rescheduled the new date as May 10, 2019. On this third occasion, once again the Penitentiary System did not present the defendants, nor did the representative of the Public Ministry attend or justify his absence. In response, the judge once again attributed the delay to “force majeure” [and] rescheduled the trial for June 24, 2019. Nonetheless, the defendants were released on June 11, 2019 by the Amnesty Law.

¹⁸⁸Idem.

¹⁸⁹Judicial Matter 013617-ORM4-2018PN, Sentence. Numeral IV, entitled ‘evidence dismissed at trial.’ Witness Walter Suarez Pérez, proposed by the Prosecutor’s Office in the case against former Congressman Nardo Sequeira and Benjamín Siles for the crimes of organized crime and others, indicated that “these men taken the peace from the community in which I live and are the cause of this, because these men began a campaign process and urged the populace to participate in a march, and the entire disaster followed therefrom.”

¹⁹⁰El 19 Digital. Rosario: La defensa de la paz es la defensa de la vida [Rosario: Defending Peace is Defending Life]. May 30, 2018.

¹⁹¹Guilty Verdict issued by the Sixth Criminal District Trial Court of Managua, as per Judicial Matter N°016084-ORM4-2018PN, against Pedro José Flores, Vidal Canizales Hernández et al. The part related to ‘proven facts and grounds for rights,’ Chapter V.

¹⁹²Guilty Verdict issued by the Seventh Criminal District Trial Court of Managua, as per Judicial Matter N°010793-ORM4-2018PN, against university leaders Kevin Rodrigo Espinoza, Marlon José Fonseca, and Hansel Manuel Vásquez, for the crimes of terrorism and others. Part related to ‘grounds for the evidence,’ Chapter VIII.

173. It even became evident when hooded persons were used, who in addition to serving as witnesses, presented themselves as “victims.” Such is the case known as the Mulukukú Case, wherein the mayor of the municipality of Mulukukú, Apolonio Fargas, was jailed and charged. During these proceedings, the Prosecutor’s Office identified ‘Code 2’ and ‘Code 3’ as victims.¹⁹³

174. With regard to this matter, the IACHR Court declared, with regard to the use of witnesses whose identities are not disclosed, its incompatibility with Article 8 of the ACHR that concerns procedural guarantees. In that vein, it noted that:

. . . [A]mong the guarantees recognized for those who have been charged is that of examining the witnesses who are against them and in their favor under the same conditions, with the goal of exercising their defense. The failure to disclose the identity of a witness limits this exercise [of the right to defense], given that it impedes the defense from posing questions related to the possible enmity, prejudice, and trustworthiness of the witness him/herself as a person, as well as other questions that permit the argument to be made that the declaration is false or mistaken.¹⁹⁴

175. This practice violates the right to a defense and due process, as the defendant does not even know who the person is who declares the defendant committed a crime. Thus, the systematic use by the State of witnesses whose identities are not disclosed violated the political prisoners’ judicial guarantees.

5) Hindering the work of and harassing defense lawyers

176. The exercise of the defense of political prisoners has been affected by numerous threats, harassment, imputations of crimes, assaults, and stigmatization to which defense lawyers have been subject.¹⁹⁵

177. In that vein, the IACHR Court has indicated that the right to a defense is an essential element of due process that obligates the State to treat the individual at all times as a true subject, and not merely an object, of the proceedings. Therefore, this right should be guaranteed “from the moment a person is identified as a possible author of or participant in a punishable act, and it only ends when the proceedings end, including, as the case may be, the stage of carrying out the punishment.”¹⁹⁶

178. When dealing additionally with human rights defenders, such as the lawyers who defend political prisoners in Nicaragua, States should adopt measures to ensure their protection. To that end, the Court has noted that:

. . . [I]n particular contexts, States have the obligation to adopt all necessary and reasonable measures for guaranteeing the right to life, personal freedom, and physical integrity of those persons who are in a situation of particular vulnerability, especially as a consequence of their work, as long as the State has knowledge regarding a real and immediate risk against them and whenever there exists a reasonable chance of preventing or avoiding that risk.¹⁹⁷

¹⁹³Escrito de Intercambio de Información y Pruebas [Document on the Exchange of Information and Evidence], drafted by Prosecutor Blanca Rosa Calero Calero, in representation of the Public Ministry, according to Prosecution Dossier 1142-240-2018/JD. UECDO, submitted in the Oficina de Recepción y Distribución de Causas del Complejo Judicial Managua [Office for Receiving and Distributing Cases from the Managua Judicial Complex], August 23, 2018.

¹⁹⁴IACHR Court. Case of Norín Catrimán et al (Leaders, Members, and Activists of the Mapuche Indigenous People) v. Chile. Fondo, Reparaciones y Costas [Merits, Reparations, and Cost]. Sentence of May 29, 2014. Series C No. 279, para. 242.

¹⁹⁵IACHR. CIDH denuncia la persistencia de la represión y expresa su preocupación por incremento de hostigamiento contra personas defensoras

de derechos humanos y excarceladas en Nicaragua [IACHR Denounces the Persistent Repression and Expresses Its Concern Regarding the Increased Harassment against Human Rights Defenders and Released Prisoners in Nicaragua]. September 6, 2019.

Confidencial. Los defensores de los presos políticos [The Defenders of Political Prisoners]. March 3, 2019.

¹⁹⁶IACHR Court. Case of Ruano Torres et al v. El Salvador. Fondo, Reparaciones y Costas [Merits, Reparations, and Cost]. Sentence of October 5, 2015. Series C No. 303, para.153.

¹⁹⁷IACHR Court. Case of Human Rights Defender et al v. Guatemala. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions. Merits, Reparations, and Cost]. Sentence of August 28, 2014. Series C No. 283, para. 141.de agosto de 2014. Serie C No. 283, párr. 141.

179. Thus, “. . . the defense of human rights can only be freely exercised when persons who do so are not victims of threats or any kind of physical, psychological, or moral attacks or other acts of harassment”.¹⁹⁸
180. In Nicaragua, several lawyers denounced death threats [they had received] for having defended political prisoners; some even had to flee the country in search of refuge. Such is the case of lawyer Amy Curtis, the lawyer of the young Afro-descendant man Glen Slate, convicted in the case of the assassination of journalist Ángel Gahona, who denounced that in the middle of the trial she was sent a text message on her phone that read “remember that life is borrowed.”¹⁹⁹ Furthermore, she denounced having been chased by civilians and police officers in cars while she was involved in the proceedings.
181. Another example of reprisal and harassment was denounced by the lawyer of the Unidad de Defensa Jurídica [Unit of Legal Defense] (UDJ), Mr. Elton Jean Ortega Zúñiga, who was exposed in social media by a Facebook user under the name of ‘Comandante Plomo’ [Commander Lead], in a publication in which he suggests assassinating him for his role as a lawyer defending political prisoners. In addition, he was described as having led, together with his brothers, the roadblocks located in the municipality of Diriá in the department of Granada. Lastly, the lawyer denounced that judicial civil servants urged him to “cease representing political prisoners, due to the fact that the FSLN does not forgive those who oppose it.”²⁰⁰
182. The actions taken against the lawyers escalated until they got to the point of criminalization. In that vein, the Prosecutor’s Office initiated criminal actions against the defense lawyers as occurred with lawyer Yonarqui Martínez, who represented several political prisoners. She was denounced by a civil servant of the PJ; nonetheless, the charge was shelved during the first hearing due to a lack of evidence.²⁰¹
183. The lawyer Yonarqui Martínez also denounced police persecution and death threats. In relation to that, in the case of the death of the son of former police officer María Teófila Arauz, who had been fired from the PN for using as her WhatsApp status “Long live the students,” during oral proceedings Yonarqui received a message on her phone that read, “Your death will be the same as or worse than Teófila’s son’s death”²⁰² A few days after receiving the death threats, the lawyer was attacked near her home.²⁰³
184. As another means of intimidation, the lawyer was detained by agents of the Transit Police, who had invented a fine pending payment to seize her vehicle and take it to the vehicle pound.²⁰⁴
185. María Oviedo, a CPDH lawyer, was also the victim of these types of actions when she provided accompaniment to former prisoner Cristhian Fajardo, the leader of the Movimiento 19 de Abril de Masaya [April 19 Movement of Masaya]. María Oviedo was verbally and physically attacked by Oscar Danilo López López, lieutenant and chief of the Directorate of Weapons, Explosives, and Other Ammunition in the Masaya Police Office.²⁰⁵
186. Oviedo was arrested and charged before the courts of justice of the capital with the crime of obstructing functions and sentenced to six months in prison, though was then released through the benefit of a suspension of punishment conditioned on house arrest.²⁰⁶ In parallel, the Supreme Court of Justice, in an expedited manner, processed a complaint lodged by the police alleging it was a victim of the human rights defender. The judges, who additionally administer the CSJ’s Disciplinary Regimen and those

¹⁹⁸Ibid., para. 142.

¹⁹⁹La Prensa. Envían amenazas de muerte contra abogada en caso del periodista Ángel Gahona [Death Threats Sent to Lawyer in the Case of Journalist Ángel Gahona]. August 15, 2018.

²⁰⁰Interview with lawyer Elton Jean Ortega Zúñiga, December 2019.

²⁰¹Confidencial. Abogada de presos políticos amenaza judicial “no me iré” [Lawyer of Political Prisoners In Response to Judicial Threat: ‘I Won’t Leave’]. March 3, 2019.

²⁰²Confidencial. Los defensores de los presos políticos [The Defenders of Political Prisoners]. March 3, 2019.

²⁰³Havana Times. Abogada de presos políticos en Nicaragua enfrenta

persecución [Lawyer of Political Prisoners in Nicaragua Faces Persecution]. February 28, 2019.

²⁰⁴La Prensa. Policía orteguista traslada el carro de la abogada Yonarqui Martínez hacia el depósito vehicular [Ortega Police Transfers Lawyer Yonarqui Martínez’s Car to Car Pound]. July 20, 2019.

²⁰⁵La Prensa. Este es el video de la agresión policial a la abogada María Oviedo [This is the Video of Police Aggression against Lawyer María Oviedo]. July 30, 2019.

²⁰⁶Confidencial. Ordenan juicio contra defensora María Oviedo [Trial Ordered against Lawyer María Oviedo]. August 8, 2019.

personally linked to the FSLN (as is the case with Alba Luz Ramos, Juana Méndez, and Marvin Aguilar) resolved to suspend the defender for six months from her work as a lawyer on September 19, 2019.²⁰⁷

187. The criminal proceedings against the lawyer reveals one of the strategies employed by governmental authorities to criminalize and thereby prevent lawyers from continuing to defend political prisoners.
188. Another case that was denounced relates to CPDH lawyer Leyla Prado, who has received death threats aimed at her and her children on social media.²⁰⁸ The lawyer also was besieged by PN agents who constantly parked their cars outside her home to intimidate her, the reason for which she decided to emigrate to the United States.²⁰⁹

189. **Similar actions were taken against lawyer Aura Estela Alarcón, a member of the UDJ and lawyer for political prisoners. She publicly denounced being a victim of assaults and her personal belongings seized in the presence of PN agents. She also denounced that after being mugged, the author spoke with police agents who had witnessed the robbery, which demonstrates the acquiescence of the PN toward those who threaten the lawyers of political prisoners.**²¹⁰

190. **For his part, lawyer Julio Montenegro, a member of the group of lawyers dubbed "Defenders of the People," ['Defensores del Pueblo'], denounced to the media that officials of the PN continuously laid siege to the outside of the building in which the group's offices are located.²¹¹ The officials had been refusing entry to said building to relatives of political prisoners and members of the general public who came to denounce arbitrary detentions or request information about the cases.**

²⁰⁷El Nuevo Diario. Corte Suprema suspende por seis meses abogada María Oviedo [Supreme Court Suspends Lawyer María Oviedo for Six Months]. September 19, 2019.

²⁰⁸Canal 12. CPDH denuncia amenazas de muerte en contra de la abogada Leyla Prado [CPDH Denounces Death Threats against Lawyer Leyla Prado]. August 6, 2019.

²⁰⁹La Prensa. "Sentí el peligro real de la muerte". El relato de la abogada Leyla Prado, desde el exilio ["I Felt Real Fear of Death": The Story of Lawyer Leyla Prado Told from Exile]. November 13, 2019.

²¹⁰EFE. Defensora de DDHH denuncia que la Policía de Nicaragua dirige el acoso a los abogados [Human Rights Defender Denounces that Nicaraguan Police Directs the Harassment of Lawyers]. August 26, 2019.

²¹¹La Prensa. Policía orteguista asedia instalaciones del gremio de abogados defensores del pueblo [Ortega Police Lay Siege to Facilities of the 'Defenders of the People' Lawyers Group]. July 16, 2019.

6

An illustration of a person in a blue suit with three gold buttons, holding a gavel over a scale of justice. The background is a textured, reddish-brown surface with some yellow spark-like effects. The text is overlaid on the lower part of the illustration.

**Participation of the
administrators of justice
and their direct impact on
international human rights
violations, constitutional
guarantees, and due
process**

191.

We have noted that the Executive Branch has exercised total control over the other branches of the State, as well as over institutions with functional autonomy. Since the eruption of the social and political crisis in April 2018, the degree of control became more evident due to the fact that the MIGOB, PN, MP, and PJ have generally exercised a decisive role in the detentions, charges, and trials against political prisoners. Similarly, these institutions have been key elements in the system of repressing and violating the human rights of detained persons. Below we describe the roles these institutions have played, based on our analysis of the 279 criminal proceedings.

A. Role of the National Police

1) Legal framework for actions

192. According to the law, the PN is an armed entity of a civilian, apolitical, nonpartisan, obedient, and non-deliberative nature that is subject to civilian authority exercised by the President of the Republic in his/her capacity as supreme commander of the PN.²¹²

193. Pursuant to what is established in its Organic Law, its operations must be governed by respect for human rights, in particular the respect for the rights to life, physical integrity, and security of persons, dignity, freedom, respect for their assets, the free exercise of their freedoms, and all other guarantees enshrined in the CP, as well as the special protection of the rights of women, boys, girls, and adolescents.²¹³

194. Its actions should be performed with absolute neutrality and impartiality, with no discrimination whatsoever, with complete dedication and no delay, in compliance with the principles of hierarchy and subordination, without this entailing obeying orders or actions that constitute crimes or run contrary to the law.²¹⁴

195. Despite its mandate, numerous reports exist issued by national and international human rights organizations that recognize the excessive use of force by the PN during the protests. For example, the GIEI indicated in its report that:

. . . [V]arious areas of the National Police contributed to suppressing the protests through the disproportionate use of firearms against the civilian population, in actions that, far from being isolated, were repeated at different times and places in Nicaragua. These actions by the National Police were carried out both by the police of Managua or the departmental sections corresponding to the places where the incidents occurred, as well as the special units of the central structure of the PN. The dimensions of the repression established that virtually all of the resources of the National Police, including the Transit Police, have been utilized.²¹⁵

196. Similarly, a review and analysis of the dossiers and verification of the public denunciations made by the political prisoners and their family members, enabled us to identify the modus operandi of the PN in suppressing the protests at different times and in different places around the country, as well as the in compliance with international obligations to which the State of Nicaragua has committed itself, as addressed below.

197. It should also be noted that the PN repression was carried out with support from parapolice groups, regarding which we will also make reference in this section.

²¹²Ley de Organización, Funciones, Carrera y Régimen Especial de Seguridad Social de la Policía Nacional [Law on the Organization, Duties, Career, and Special Social Security Regimen of the National Police]. Ley N°. 872 [Law No. 872]. Published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°. 125 on July 7, 2014. Art. 1. o.

²¹³Ibíd., Art. 5, numeral 2: Respeto a los derechos humanos [Respect for

Human Rights].

²¹⁴Ibíd., Art. 5, numeral 6, inc. 2: Profesionalismo [Professionalism].

²¹⁵GIEI. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Report on the Violent Incidents that Transpired between April 18 and May 30, 2018]. December 2018. P. 43.

2) Presidential order to dismantle the roadblocks

198. Firstly, it is important to mention that the repressive actions of the PN have transpired since the beginning of the protests in April 2018 and became more acute due to guidance issued by the President of the Republic to the political ministers of the public institutions and structures of the governing party, to implement the plan dubbed 'Let's Use It All' ['Vamos con todo'], consisting of dismantling the "roadblocks"²¹⁶ and/or barricades that the population had erected on the principal highways in the country.

199. Thus did Ligia Gómez, a former civil servant at the Banco Central de Nicaragua [Central Bank of Nicaragua] and former political secretary of that institution, publicly denounce it, stating that the presidential order, transmitted through the FSLN Organizational Secretary and Managua City Hall Secretary Fidel Moreno in a partisan meeting with all of the political secretaries, was: "Let's use it all, let's not let them steal the revolution from us" ["vamos con todo, no vamos a dejar que nos roben la revolución"].²¹⁷ This version was verified by Sandinista Commander Edén Pastora on a television channel wherein he indicated that "the President [referring to Daniel Ortega] brought us together and said, 'let's remove the roadblocks,' and the roadblocks were removed".²¹⁸

200. In order to comply with this order, the PN implemented the operation dubbed 'Operation Cleanup' jointly with armed civilians referred to as parapolice agents by the CIDH.²¹⁹ The majority were soldiers in retirement, workers from mayoralties

[and] public entities and young people belonging to 'strike/clash groups' ['grupos de choque'] comprised of the ranks of the Sandinista Youth.²²⁰

201. Initially, the President of the Republic, Daniel Ortega, hoped to deny the existence of parapolice groups, describing them as "paramilitaries [were] organized by political forces on the right that were in opposition to the government."²²¹ Later, he referred to them as "armed groups linked to drug-trafficking financed by the US, specifically by extremists based in Miami."²²² Nonetheless, he subsequently acknowledged that they operated jointly with the PN and as such, identified them as "citizens defending themselves." Shortly thereafter, he dubbed them "volunteer police officers".²²⁴

202. Now then, if hypothetically it were the case that they were 'volunteer police officers,' the actions carried out by these armed civilians would run contrary to the powers established by the Law of the PN, given that according to that legislation, they can only: 1) assist the police in surveillance, patrols and transit regulation, and natural disasters and 2) assist the authorities when criminal acts are committed by securing the location, providing the necessary assistance to the victims, and reporting in a timely manner to the corresponding authorities;²²⁵ that is, these are supporting tasks provided to the exclusive role held by police authorities.

203. Lastly, sufficient evidence exists that during the execution of Operation Cleanup, the PN and parapolice agents utilized weapons of war²²⁶ that were also employed to attack university students who were barricaded in the various universities in

²¹⁶ 'Tranques' [roadblocks]: colloquial word utilized to refer to closures or blockings of streets and highways with the goal of preventing the circulation of cars and pedestrians, also known as 'barricadas populares' [people's barricades].

²¹⁷ Confidencial. Habla exsecretaria política FSLN en el Banco Central [Former Political Secretary of the FSLN Speaks in the Central Bank]. November 18, 2018.

²¹⁸ Izquierda Visión. Entrevista a Edén Pastora [Interview with Edén Pastora]. December 9, 2018. Minutes 34:13 - 37:50.

²¹⁹ IACHR. CIDH urge a Nicaragua a dismantlar grupos parapoliciales y proteger derecho a protesta pacífica [IACHR Urges Nicaragua to Dismantle Parapolice Groups and Protect the Rights Peaceful Protest]. June 1, 2018..

²²⁰ Op. Cit., GIEI. P. 55.

²²¹ Euronews. Entrevista realizada por el periodista Oscar Valero al Presidente Daniel Ortega [Interview by Journalist Oscar Valero of President Daniel Ortega]. July 31, 2018.

²²² DW Español. Entrevista realizada por la Periodista Carolina Chimoy al Presidente Daniel Ortega [Interview by Journalist Carolina Chimoy of

President Daniel Ortega]. September 9, 2018.

²²³ CNN. Daniel Ortega sobre presunta foto de paramilitares: Son ciudadanos defendiéndose [Daniel Ortega on Alleged Photo of Paramilitaries: They Are Citizens Defending Themselves]. July 31, 2018.

²²⁴ Euronews. Ortega niega querer perpetuarse en el poder [Ortega Denies Wanting to Perpetuate Himself In Power]. July 30, 2018. Minute 8:50 - 9:30

²²⁵ Nicaraguan National Assembly. Ley de Organización, Funciones, Carrera y Régimen Especial de Seguridad Social de la Policía Nacional, Ley N.º 872 [Law on the Organization, Duties, Career, and Special Social Security Regimen of the National Police, Law No. 872]. Published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N.º. 125 on July 7, 2014. Art. 25.

²²⁶ IACHR. CIDH denuncia el deterioro, profundización y diversificación de la represión en Nicaragua y expresa preocupación por la situación de los niños, niñas y adolescentes en el país [IACHR Denounces the Deterioration, Deepening, and Diversification of the Repression in Nicaragua and Expresses Concern Regarding the State of Boys, Girls, and Adolescents in the Country]. July 11, 2018.

the country, as well as to attack the mass marches carried out.²²⁷

3) Incompliance of the State of Nicaragua with international human rights law, as evidenced by police and parapolice actions during and after the execution of Operation Cleanup

²⁰⁴The State of Nicaragua is obligated to respect the rights and freedoms [of individuals] and guarantee their free and full exercise without any discrimination whatsoever. Therefore, the actions directly committed by the PN and armed civilians who acted with the acquiescence of the State constitute grave human rights violations and consequently are Nicaragua's international responsibility. Below we provide greater detail about the violations committed by the PN and parapolice groups.

3.1) Violation of the right to personal freedom, Article 7 of the ACHR and Articles 3 and 9 of the UDHR

²⁰⁵The repression exercised by the PN resulted in the arbitrary detention of 657 people, in detriment to their personal freedom.

²⁰⁶The IAHR Court has indicated in its jurisprudence that Article 7 of the ACHR generally and specifically refers to personal freedom. The general reference is found in numeral one, which states that "all persons have the right to personal freedom and security," while the specific reference:

...is comprised of a series of guarantees that protect the right to not be illegally (Article 7.2) or arbitrarily (Article 7.3) deprived of one's freedom, to be apprised of the reasons

for the detention and charges filed against the detainee (Article 7.4), to judicial control over the loss of freedom (Article 7.5), and to challenge the legality of the detention (Article 7.6). Any violation of numerals 2 through 7 of Article 7 of the Convention will necessarily result in the violation of Article 7.1 of said Convention.²²⁸

²⁰⁷Thus, the States must keep in mind that freedom is always the rule and its limitation is the exception. Therefore, the States are internationally responsible when illegal detentions occur. In that vein, as regards the illegality of the detentions, the IAHR Court has indicated that Article 7.2 of the ACHR:

...recognizes the primary guarantee of the right to physical liberty: statutory law, according to which solely through a law can the right to personal freedom be altered. Statutory law must unavoidably be accompanied by the principle of typification.²²⁹ **In this way, Article 7.2 of the Convention automatically refers to the internal regulations. Therefore, any requirement established by national law that is not satisfied when depriving someone of his/her freedom, would make that privation illegal and contrary to the American Convention.**²³⁰

²⁰⁸Likewise, the prohibition against arbitrarily depriving someone of his/her freedom that is established in Article 7.3 of the ACHR is an irrevocable right that cannot be suspended and is applicable even in cases in which the person is detained for reasons of public security.²³¹ Therefore, the IAHR Court

²²⁷Amnesty International. Sembrando el terror: de la letalidad a la persecución en Nicaragua [Sowing Terror: The Lethality of the Persecution in Nicaragua]. October 18, 2020. P. 49.

²²⁸IAHR Court. Case of Female Victims of Sexual Assault in Atenco v. Mexico. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 28, 2018. Series C No. 371, para. 229.

²²⁹IAHR Court. Case of Chaparro Álvarez and Lapo Íñiguez. v. Ecuador. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 21, 2007. Series C No. 170, para. 53.

²³⁰IAHR Court. Case of Yvon Neptune v. Haiti. Fondo, Reparaciones y Costas [Merits, Reparations, and Cost]. Sentence of May 6, 2008. Series

C No. 180. Para. 96. IAHR Court. Case of Chaparro Álvarez and Lapo Íñiguez vs. Ecuador, Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 21, 2007. Series C No. 170. Para. 57.

²³¹IAHR Court. Case of Female Victims of Sexual Assault in Atenco v. Mexico. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of November 28, 2018. Series C No. 371, para. 231; IAHR Court. Case of Rodríguez Vera et al (The Disappeared from the Palace of Justice) v. Colombia. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 14, 2014. Series C No. 287.

has indicated that in order for a detention to not be illegal or arbitrary, it must comply with the following parameters:

i) that its purpose is compatible with the Convention; ii) that it is appropriate for accomplishing the goal pursued; iii) that it is necessary – that is, absolutely essential for achieving the desired goal and that no other less burdensome measure exists as regards the intervened right; iv) that it is strictly proportionate, such that the inherent sacrifice of restricting the right to freedom is not excessive or disproportionate in the face of the advantages obtained from such a restriction and the achievement of the objective pursued; and v) any restriction of a person's freedom that does not contain a sufficient motivation that enables an evaluation as to whether it is adjusted to the conditions indicated, shall be deemed arbitrary and as such, shall violate Article 7.3 of the Convention.²³²

209. On a related note, the IAHR Court has noted in this vein in reference to collective detentions that:

...[A] massive, planned detention of persons without legal cause, wherein the State

detains massive numbers of persons whom the authorities imagine might represent a risk or danger to the security of the rest of the populace, that is executed without well-founded signs of a crime, constitutes an illegal and arbitrary detention.²³³

210. Thus, collective detentions are incompatible with respect for human rights, as they violate the principle of presumption of innocence and the guarantee that a judicial arrest warrant has been issued.²³⁴ In that same vein, the IAHR Court has indicated that Article 7.4 of the ACHR mentions two guarantees for detained persons: “ i) information provided in oral or written form regarding the reasons for his/her detention and ii) notification regarding his/her charges, which must be provided in writing”.²³⁵

211. Thus, “the information regarding the ‘causes and reasons’ of the detention must be provided ‘when it is produced,’ which constitutes a mechanism for preventing illegal or arbitrary detentions from the actual moment a person is deprived of his/her freedom, while at the same time guaranteeing him/her the right to present a defense.”²³⁶ These rights and guarantees are equally protected in the Constitution²³⁷ as well as in the Nicaraguan Code of Criminal Procedure.²³⁸

²³²IAHR Court. Case of Female Victims of Sexual Assault in Atenco v. Mexico. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of November 28, 2018. Series C No. 371, para. 251.

Corte IDH. Caso Servellón García y otros Vs. Honduras. Sentencia de 21 de septiembre de 2006. Serie C No. 152, párr. 92 y 93.

²³³Ibid., para. 239.

IAHR Court. Case of Servellón García et al v. Honduras. Sentence of September 21, 2006. Series C No. 152, para. 92 and 93.

²³⁴IAHR Court. Case of Pacheco Teruel et al v. Honduras. Fondo, Reparaciones y Costas [Merits, Reparations, and Cost]. Sentence of April 27, 2012. Series C No. 241, para. 108.

²³⁵IAHR Court. Case of Female Victims of Sexual Assault in Atenco v. Mexico. Excepción preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of November 28, 2018. Series C No. 371, para. 246.

²³⁶Ibid., para. 246.

²³⁷Constitution of the Republic of Nicaragua, Art. 33: No one can be subject to arbitrary detention or imprisonment, nor can they be deprived of their freedom, save for causes established by law pursuant to legal proceedings. Therefore: 1. Detention may only be performed by virtue of a written order issued by a competent judge or by the authorities expressly empowered by law, save in the case of being caught red-handed [‘in flagrante delicto’]. 2. All detainees have the right: 2.1. To be informed without delay in a language or tongue they understand and in detailed fashion regarding the causes of their detention and the charge(s) lodged against them; to be informed regarding their detention by the police and themselves inform their families or those they deem advisable; and also, to be treated with due respect in light of

the inherent dignity of human beings. 2.2. To be freed or remanded to the custody of a competent authority within 48 hours following their detention. 3. Once the punishment imposed has been served, no one shall continue in detention following the issuance of the release order by the competent authority. 4. All illegal detentions result in civil and criminal liability to the authority that orders or executes them. 5. The corresponding bodies shall ensure that those who are being tried and those who are sentenced shall be imprisoned in different venues.

²³⁸Code of Criminal Procedure. Ley Nº. 406 [Law No. 406]. Art 232.- Duties. The National Police shall, in addition to other duties established by law, do the following: 1. Inform the person at the moment of his/her detention: a) regarding the causes of his/her detention in a detailed manner and in a language or tongue he/she understands; b) that he/she has the right to not be forced to self-incriminate or to incriminate one's spouse or common-law partner or his/her relatives within four degrees of consanguinity or two degrees of marriage; and c) that he/she has the right to receive counsel from a lawyer of his/her choice, with an eye to designating him/her; 2. inform any relatives or other persons related to the detainee who demand to know the police unit where the person was taken; 3. record the place, date, and time of the detention in an immutable registry; 4. inform the detainee's family or person whom he/she deems best regarding his/her detention and permit the detainee to do so; 5. enable the detainee to communicate with his/her lawyer; and 6. request an evaluation of the detainee to be performed by a medical examiner or the person who fills in as such, after he/she is brought before the jurisdictional authority, or in the case he/she is in a grave state of health. The police report must leave a record of the practice of all of these actions and of having transmitted information in a timely manner regarding the detainee.

212. Our analysis showed that none of these guarantees was upheld in the 279 criminal proceedings' detentions. Thus, based on our analysis, we determined that in addition to the goal of clearing the roads and highways so as to guarantee vehicular and pedestrian circulation, the execution of Operation Cleanup entailed the massive capture of all of the leaders of or collaborators in the roadblocks, without the existence of any prior denunciations or charges and with no arrest warrants having been issued by the competent authorities.

213. Likewise, we determined that during the detentions, the individuals were not informed as to the reasons for their detention or regarding the charges attributed to them. Furthermore, the individuals denounced that from the moment they were detained they were beaten with fists, hit with the butts of AK47 rifles, kicked, insulted, undressed, and their faces covered with black hoods so they would not know where they were being taken.

214. With regard to this, it was clear that regardless the department that executed the illegal detentions, they transferred the detainees with no justification whatsoever from their [respective] department or city of origin to the capital, in particular the Dirección de Auxilio Judicial de la Policía [Directorate of Judicial Assistance to the Police], known as 'El Chipote'.²³⁹

215. A group of detained opposition protesters were imprisoned in the cells of 'El Chipote' and others were transferred to cells in 'La Modelo,' while each detainee's participation in protests or roadblocks was determined and evidence fabricated to fill in the investigative dossiers in order to be able to sentence them in court.

216. In this manner, from the moment they were detained until the start of their respective criminal proceedings before the courts of justice, or until

being released without being charged, periods of no less than six and up to 90 days elapsed. It is important to note that during the detentions, the detainees' relatives were denied any information regarding the state of the detainees and their places of detention,²⁴⁰ which in practice constituted the forced disappearance of persons, according to the attendant and constitutive elements determined by the IACHR, such as: a) being deprived of freedom; b) the direct intervention of State agents or their acquiescence; and c) the refusal to recognize the detention and reveal the fate or whereabouts of the interested person.²⁴¹

217. In addition, it was verified that the political prisoners, during the first days of their detention, were not permitted to receive food, medicine, or medical attention from outside, nor were they allowed to communicate with or be represented by a lawyer. Similarly, as was noted above, they [the authorities] did not fulfill their duty to receive the executing judges named by the Appellate Court as a result of the numerous habeas corpus appeals filed, who upon presenting themselves in said facilities could not get their court orders received or be furnished with any information on the prisoners.

218. For example, Ms. Delmis María del Socorro Portocarrero Quijano indicated, with regard to her arbitrary detention and delay in being brought before the judge, that:

... [T]hey detained me in the vicinity of my home on a public thoroughfare. I was on my way to the market when a pickup truck suddenly parked very quickly, some heavily-armed individuals in civilian dress got out, grabbed me, and called me an "assassin, roadblock-maker ['tranquera']" and threw me in the pickup like a sack of potatoes. They then took me to the Carazo Police District

²³⁹As of June 2018, the Directorate of Judicial Assistance to the Police, known as 'El Chipote,' has new facilities that have been utilized to imprison citizens who continue to protest. However, the prior facilities have not been abandoned by the National Police or utilized for other purposes.

²⁴⁰The World News. Familiares de los detenidos en El Chipote exigen justicia

y la liberación de sus parientes [Families of Those Detained in El Chipote Demand Justice and Freedom for their Relatives]. June 20, 2018.

²⁴¹IACHR Court. Case of Radilla Pacheco v. Mexico. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 23, 2009. Series C No. 209.

and nearing nightfall transferred me to ‘El Chipote’ in Managua. In ‘El Chipote,’ prior to being taken to cell 37, they interrogated me, and throughout the morning that day they would take me out to interrogate me. After 45 days in ‘El Chipote,’ they brought me to court.²⁴²

²¹⁹The same happened to Ms. Claudia Campos, who stated that:

On 28 October, a mass was to be held in support of Silvio Báez. At 3:00 p.m., my husband and I were on our way to the mass. We were riding a bike to the church, when a patrol car stopped, grabbed us, beat us, and immediately transferred us to Chinandega. From the moment they hauled me aboard the patrol car they beat me, put an AK to my head, kicked me. There has never been an arrest warrant issued for our arrest or anything like it; never in my life had we been imprisoned. I was in the Judicial Assistance Office in Chinandega for nine days without seeing any relatives [or] a lawyer, without any rights to anything. On 5 November, they sent us to ‘El Chipote.’ They called us terrorists, they called us roadblock-makers [‘tranqueros’], they violated all of our rights as they wished. The only time they interrogated me was in Chinandega, they asked me where they had grabbed me; in ‘El Chipote’ they didn’t interrogate me. They would take my husband out at 2, 3 in the morning, they would show him a tablet with [photos of] people from the west to see if he recognized anyone. They also beat him. My first hearing was on 26 November and on the 28th they transferred me to ‘La Esperanza’.²⁴³

²²⁰Based on the prior analysis, we conclude that the State of Nicaragua violated the personal freedom of 657 political prisoners as a consequence of their illegal and arbitrary detention, wherein they were not informed regarding the reason for their detention or the charges imputed to them.

3.2) Violation of the right to the protection of one’s honor and dignity, Article 11 of the ACHR

²²¹The actions executed by the Nicaraguan authorities led to the violation of the protection of the detainees’ honor and dignity, due to the manner in which the detainees’ privacy was violated.

²²²The ACHR provides in its Article 11 that all persons have the right to have their honor respected and their dignity acknowledged, and that no one can be the object of arbitrary or abusive interference in their private life, in that of their family, in their home, or in their correspondence; nor can they be the object of illegal attacks on their honor or reputation.

²²³To that end, the IAHR Court has indicated that the ACHR:

“...[S]aid article recognizes that there exists a personal sphere that must be safe from interference on the part of strangers, and that personal and familial honor, as well as one’s home, must be protected from such interference.”²⁴⁴

²²⁴Thus, privacy is characterized by being exempt from arbitrary assaults or invasions by third parties or by public authorities. In this sense, “the home and private life are intrinsically linked, as the home becomes a space wherein one can freely develop one’s private life”; thus, the respect for private space is also protected by the ACHR.²⁴⁵

²⁴²Interview of former political prisoner Delmis María del Socorro Portocarrero Quijano, a resident of the department of Carazo in the municipality of Jinotepe. March 2019.

²⁴³Interview of former political prisoner Claudia Campos, a resident of the

department of Chinandega. March 2019.

²⁴⁴IAHR Court. Case of The Massacres of Ituango v. Colombia. Sentence of July 1, 2006. Series C No. 148, para. 193.

²⁴⁵Ibid., párr. 194.

225. For its part, the CP of Nicaragua establishes that all persons have a right to the inviolability of their home [and] their correspondence and communications of all kinds, and establishes that the home may only be raided with a written order from a competent authority.²⁴⁶
226. In response to the foregoing, based on an analysis of the criminal proceedings, we identified that the Sandinista sympathizers belonging to the Consejos del Poder Ciudadano [Citizen Power Councils] (hereinafter, CPC) furnished lists of persons who participated in the roadblocks,²⁴⁷ as well as actively participated in the execution of Operation Cleanup by accompanying the PN and parapolice in identifying the homes of the persons who participated in roadblocks and protests.²⁴⁸
227. Based on said information, the police and parapolice executed massive raids on private homes and businesses in the different departments of the country, including safe houses utilized by opponents to safeguard their rights to life and freedom²⁴⁹. During the raids, the PN destroyed and plundered the possessions in the homes and arbitrarily detained the persons they found therein.²⁵⁰
228. Another factor identified that affected the detainees' right to privacy was the manner in which the police high command, among others the Deputy Director of the Directorate of Judicial Assistance, Senior Commissioners Farle Roa Traña and Vilma Reyes, General Commissioner Jaime Vanegas, and second-in-command of the Directorate of Judicial Assistance Commissioner Victoriano Ruiz, directed the government's stigmatization campaign against the political prisoners by exhibiting them in front of pro-government media.²⁵¹
229. In that vein, prior to presenting the political prisoners in public, the authorities forced them to dress in blue uniforms and stand next to weapons of war and improvised devices such as mortars and mortar launch tubes, in order to then classify them as terrorists, participants in a coup d'état, roadblock-makers, assassins, [and] torturers, and label them as members of organized crime gangs and kidnappers, among other criminal conduct, even when they had not been charged by the Prosecutor's Office for said crimes.²⁵²
230. These actions were carried out against the majority of the political prisoners; however, in the case known as La Banda de los Aguadores [The Water Carrier Gang], the police arbitrarily arrested 16 individuals who were taking water to a group of mothers of political prisoners who were in the San Miguel Arcángel Church in Masaya on a hunger strike.²⁵³
231. During the public exhibition of this group of former political prisoners, the PN convened pro-government media to a press conference in which it presented the 16 detainees wearing blue uniforms and publicly accused them of being a criminal gang that planned to criminally target public buildings. In addition to the foregoing, during the presentation, they mentioned that at the time they were arrested, firearms were found in their vehicles. Likewise, the

²⁴⁶Nicaraguan National Assembly. Constitución Política de Nicaragua [Nicaraguan Political Constitution]. Diario Oficial La Gaceta [The Gazette Daily Newspaper], edition N°32, dated February 18, 2014. Art. 26, numeral 4, first paragraph: "All persons have the right to the inviolability of their home, their correspondence, and their communications of all kinds."

²⁴⁷IACHR. Informe Anual 2018. Capítulo IV B [2018 Annual Report, Chapter IV B]. Nicaragua. March 21, 2019. Para. 65.

²⁴⁸IACHR. Informe Anual 2018. Capítulo IV B [2018 Annual Report, Chapter IV B]. Nicaragua. March 21, 2019. Para. 7.

²⁴⁹La Prensa. Policía allana vivienda y roba pertenencias a jóvenes [Police Raid Home and Steal Young People's Belongings]. February 28, 2020. .

²⁵⁰El Nuevo Diario. Los allanamientos de la Policía durante crisis en Nicaragua [Police Raids During Nicaragua Crisis]. January 9, 2019.

²⁵¹100% Noticias. Policía sandinista asalta casa y detiene a padre del líder universitario Max Jerez [Sandinista Police Rob Home and Detain Father of

University Leader Max Jerez]. December 21, 2018.

²⁵²El 19 Digital. Policía presenta a terroristas que cometieron delitos en León y Masaya [Police Present Terrorists Who Committed Crimes in León and Masaya]. September 11, 2018.

El Nuevo Diario. Policía presenta a dos nuevos sospechosos por terrorismo en Nicaragua [Police Present New Nicaraguan Terrorism Suspects]. September 13, 2018.

²⁵³Canal 4 Nicaragua. Policía Nacional presenta armamento incautado y terroristas capturados en la UNAN-Managua [National Police Present Seized Weapons and Terrorists Captured in UNAN-Managua]. July 16, 2018.

²⁵⁴BBC. Crisis en Nicaragua: el gobierno libera a 91 presos opositores, incluida "la banda de los aguadores" [Crisis in Nicaragua: Government Frees 91 Political Opponents Including 'The Water Carrier Gang']. December 31, 2019.



police referred specifically to Amaya Coppens and Wilfredo Brenes as being criminals who already had criminal records comprised of terrorism and other grave crimes.²⁵⁴

232. In short, the Nicaraguan police authorities systematically violated the 657 political prisoners' right to have their honor and dignity protected.

3.3) Violation of the right to not be forced to self-incriminate or plead guilty, Article 8, section 2, paragraph "g" of the ACHR

233. Article 8, section 2, paragraph "g" of the ACHR states that the "right to not be forced to self-incriminate or plead guilty" is an element of judicial guarantees.

234. In that vein, the IAHR Court has held that "the confession of an accused person is only valid if it is made without any kind of coercion,"²⁵⁵ including cruel, inhuman, and degrading treatment, including torture. Therefore:

". . . [T]he declarations obtained through coercion do not tend to be truthful, as the person attempts to assert what is necessary so that the cruel treatment or torture will cease. Therefore, . . . accepting or lending probative value to declarations or confessions obtained through coercion that affects the person or a third party, likewise constitutes an infraction of a just trial."²⁵⁶

235. Within the framework of the present investigation, we confirmed through videos leaked by the PN to pro-government media and social media webpages related to the FSLN that the State forced the political prisoners to self-incriminate or incriminate the leaders of the protests.

236. The declarations made in the videos by the political prisoners were obtained through trickery and promises of release, as well as diverse forms of coercion, as occurred in the case of Cristhian Josué Mendoza Fernández, known as 'El Viper,' who, in declarations recorded in the cells of 'El Chipote,' incriminated civil society leader Félix Maradiaga, for supplying weapons to the students who were barricaded in the Universidad Politécnica de Nicaragua [Polytechnic University of Managua] (UPOLI).²⁵⁷

237. Likewise is the case of student leader Elsa Valle, who in a video recorded in the cells of 'El Chipote' was forced to incriminate university leaders such as Edwin Carcache and others for having supplied weapons to the university students barricaded in the Managua campus of the National Autonomous University of Nicaragua (UNAN).²⁵⁸ In the video, one sees the student reading what she had to declare with her hands clearly tied.

238. For her part, journalist Lucía Pineda, detained on December 21, 2018 and imprisoned in 'El Chipote,' was subject to more than 30 interrogations in which they demanded she record a video asking to be pardoned by the President of the Republic.²⁵⁹ The journalist declared to the media that as a form of coercion, they refused her access to food and personal hygiene supplies, in this way seeking to break her will so that she would self-incriminate. This constitutes a clear violation of the prohibition contained in the ACHR.

239. The same thing transpired with the arbitrary arrest of a member of the Movimiento 19 de Abril de Masaya [April 19 Movement of Masaya], Mr. Santiago Fajardo, who was forced to incriminate himself as well as incriminate his brother Cristhian Fajardo

²⁵⁴ Despacho 505. Policía presenta como delincuentes a activistas y miembros de la UNAB [Police Present Activists and Members of the UNAB as Criminals]. November 18, 2019.

²⁵⁵ IAHR Court. Case of Cabrera García and Montiel Flores v. Mexico. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of November 26, 2010. Series C No. 220, para. 166.

²⁵⁶ Ibid., para. 167.

²⁵⁷ Confidencial. Trama policial del Viper y compañía repleta de contradicciones [Police Conspiracy of Viper and Company Replete with Contradictions]. June 9, 2018.

²⁵⁸ La Prensa. Ortegaísmo repite guion del somocismo con los presos políticos [Ortega Movement Repeats Somoza Script with Political Prisoners]. October 1, 2018.

²⁵⁹ CCConfidencial. Lucía Pineda enfrenta un interrogatorio policial al día [Lucía Pineda Faces Daily Police Interrogations]. January 24, 2019.

(Deputy Coordinator of the April 19 Movement of Masaya) in alleged incidents that occurred in Masaya; in addition, he was forced to ask to be pardoned by Daniel Ortega.²⁶⁰

240. The examples provided represent systematic actions carried out by the State to force the political prisoners to self-incriminate regarding acts they did not commit. This represents a clear violation of the right to not self-incriminate or plead guilty, by virtue of what is established by the ACHR.

3.4) Violation of the general obligation to guarantee rights with no discrimination whatsoever, Article 1, section 1 of the ACHR

241. From our analysis, we conclude that the Nicaraguan police authorities have carried out discriminatory practices against the political prisoners as a result of the latter's expression of their opposition to governmental policies.

242. Article 1.1 of the Convention is a regulation of a general nature that extends to all ACHR provisions. According to the IAHR Court, this article "lays out the obligation of the States Parties to respect and guarantee the full and free exercise of the rights and freedoms recognized therein with no discrimination whatsoever."²⁶¹ That is, "regardless the origin or form it takes, any treatment that may be considered discriminatory with regard to the exercise of any of the rights guaranteed by the Convention is per se incompatible with it".²⁶²

243. Thus, the present investigation confirmed that police behavior, especially the inquiries carried out by the authorities, were not aimed at clarifying the facts but rather, criminalizing and judicializing the incidents of social protest. To that end, the goal of the actions was to find incriminating evidence through the use

of false witnesses, most of them police officers, State employees, members of mayoralties held by the FSLN, and undercover agents, as previously noted.

244. It is thus that the witnesses referred to as undercover agents issued anonymous declarations and were responsible for providing confirmation of the entire factual theory based on which crimes were attributed to the political prisoners: this was confirmed by the police captain with the alias 'Leonardo,' who denounced the fabrication of dossiers containing false and incoherent evidence.²⁶³

245. In addition, we were able to verify that the PN only investigated the cases in which the victims were police agents, civil servants, FSLN sympathizers, and damaged governmental entities, while omitting the cases of abuses of power against political prisoners who were savagely beaten or struck by bullets shot by agents of the PN or parapolice.

246. For example, cases were tried in which the political prisoners were brutally attacked by the PN and were not referred to the Instituto de Medicina Legal [Institute of Legal Medicine] for an assessment. Such was the case of political prisoner Max Cruz, a resident of Ometepe Island, who during his arrest was shot four times, after which he was dragged from his home and thrown into a police car, where they continued beating him. He was confined for 55 days in a public hospital in Managua under police custody; upon his release, he was immediately transferred to the cells of Directorate of Judicial Assistance to the Police, 'El Chipote'.²⁶⁴

247. Similarly, we verified that the coercion of relatives of homicide victims or opponents of the government injured while protesting (when said relatives would go to police stations) was a systematic practice, whose goal it was to get them to sign a cease-and-

²⁶⁰La Prensa. Policía obliga a reo Santiago Fajardo pedirle perdón a Daniel Ortega [Police Force Prisoner Santiago Fajardo to Request a Pardon from Daniel Ortega]. August 29, 2018.

²⁶¹IAHR Court. Propuesta de modificación a la Constitución Política de Costa Rica relacionada con la naturalización [Proposal to Modify the Political Constitution of Costa Rica Regarding Naturalization]. Advisory Opinion OC-4/84 of January 19, 1984. Series A No. 4, para. 53.

²⁶²Ibid.

²⁶³Confidencial. Capitán de la Policía: Juicios son fabricados en El Chipote [Police Captain: Trials are Fabricated in El Chipote]. March 7, 2019.

²⁶⁴Confidencial TV. Entrevista realizada por Maynor Salazar, Max Cruz, preso político de la isla de Ometepe: "volvería a protestar" [Maynor Salazar's Interview with Max Cruz, Political Prisoner on Ometepe Island: 'I Would Protest Anew']. April 8, 2019.

desist document in which they agreed to not bring any kind of criminal suit against police agents or FSLN supporters. They also had to agree to not perform any kind of autopsy on the bodies of the deceased victims.²⁶⁵ Based on these actions, the authorities would then shelve the denunciations without taking any investigatory action to clarify the incidents, thereby preventing them from accessing justice. This was corroborated by the IACHR.²⁶⁶

²⁴⁸ In conclusion, the actions carried out by the PN to criminalize, persecute, and sentence the political prisoners and ensure the acts committed against them remained shrouded in impunity constitute discriminatory actions with regard to the treatment received and in light of what is established by Article 1.1 of the ACHR. Said actions resulted in grave human rights violations.

3.5) Violation of the right to freedom of expression, Article 13 of the ACHR

²⁴⁹ Since the beginning of the crisis in April 2018, it has been evident that the right to freedom of expression, protected by Article 13 of the ACHR, has been one of the rights most violated by the State of Nicaragua as a result of the actions carried out by the PN and parapolice. This has been verified within the framework of the present investigation.

²⁵⁰ In that vein, the IAHR Court has recognized the fundamental role of freedom of expression, indicating that said freedom:

... is inserted into the primary, radical public order of democracy, which is inconceivable without free debate and without dissidence enjoying the full right to manifest itself.

... It is also of interest to the democratic public order, as conceived by the American Convention, that the right of each human being to express him/herself and of society as a whole to receive information be scrupulously respected.²⁶⁷

²⁵¹ Consequently, enabling the population to generally express its opinion, and in particular its discontent and dissidence, is one of the fundamental duties of States. According to what has been established by the IAHR Court:

[Freedom of expression] should not only be guaranteed with regard to the dissemination of information or ideas that are favorably received or considered inoffensive or unimportant but rather, those that offend, are disagreeable, or disturb the State or any sector of the populace. Such are the demands of pluralism, tolerance, and the spirit of openness, without which no democratic society can exist.²⁶⁹

²⁵² In this manner, freedom of expression, particularly when dealing with matters of public interest, constitutes a “cornerstone in the very existence of a democratic society”.²⁷⁰

²⁵³ The present investigation provided evidence that the State of Nicaragua systematically violated freedom of expression. For example, with an eye to silencing all critical discourse regarding the suppression of the April protests and other matters of national interest – such as the lack of democracy, justice, and respect for human rights – not only were numerous national and international journalists physically attacked and had their work instruments seized, but in addition Miguel Mora and Lucía Pineda, journalists at the

²⁶⁵ ACHR. Graves violaciones a los Derechos Humanos en Nicaragua en el marco de las protestas sociales [Grave Human Rights Violations in Nicaragua within the Framework of the Social Protests]. OAS/Ser.L/V/II. Doc.86/18, June 21, 2018. P. 80.

²⁶⁶ ACHR. Informe anual 2018 [2018 Annual Report]. Chapter IV, p. 428.

²⁶⁷ IAHR Court. La Colegiación Obligatoria de Periodistas [Compulsory Membership in a Journalist Association] (Arts. 13 and 29 ACHR). Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5. Para. 69. IAHR

Court. Case of Ivcher Bronstein v. Peru. Competencia [Competence]. Sentence of September 24, 1999. Series C No. 54, para. 151.

²⁶⁸ IAHR Court. Case of López Lone et al v. Honduras. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Costs]. Sentence of October 5, 2015. Series C No. 302, para. 165.

²⁶⁹ Ibid., para. 165.

²⁷⁰ Ibid., para. 165.

100% Noticias Channel, were criminalized [by being charged] for crimes related to terrorism, as a way to send a message to the journalist community.²⁷¹

254. Thus, with regard to the crimes of incitement, proposal, and conspiracy to commit terrorist acts attributed to both journalists, we see that the recounting of the incidents in the charges and their expansion is ambiguous and completely subjective. The sentence declares that the journalists fostered and incited hatred toward members of the FSLN and police authorities, relying on “media terrorism” and utilizing the 100% Noticias Channel as the medium.²⁷²

255. Despite this, we see that the definition of the crime of terrorism established in the law does not include the elements of hatred or media terrorism.²⁷³ Nor did the charge issued by the Prosecutor’s Office identify the criminal individual or organization to which the journalists belonged, or the alleged “radical extremists” whom journalist Miguel Mora had requested to kill for being FLSN sympathizers and police officers.

256. The actions of the State make evident that the purpose of both the detention and prosecution of the journalists, as well as the police occupation and confiscation of the facilities and equipment of the 100% Noticias Channel was to limit the exercise of freedom of expression and the right to inform. It is worthy of note that both journalists were freed as a result of the passage of the aforementioned Amnesty Law,²⁷⁴ though despite that, to date their confiscated assets have not been returned to them.

257. To sum up, our analysis of the criminal proceedings pursued against the political prisoners demonstrates that the State of Nicaragua has systematically and continuously violated the freedom of expression of any person expressing opinions critical of the government.

3.6) The right of assembly, Article 15 of the ACHR

258. The repression and subsequent detention of political prisoners in Nicaragua also constituted a grave violation of the right of assembly protected by Article 15 of the ACHR. Thus, in reference to what is contained in this freedom, the IAHHR Court has established that this right “. . . does not necessarily imply the creation of or participation in an entity or organization but rather, can be manifested in sporadic meetings or gatherings to pursue diverse ends, so long as they are peaceful and conform to the Convention. . . .”²⁷⁵

259. Therefore, the Court indicated that the right of assembly is of such importance that “a person may not be sanctioned, even by a minor disciplinary sanction, for participating in a protest that had not been prohibited, as long as he/she does not commit blameworthy acts therein.”²⁷⁶ In addition, it indicated that:

The right protected by Article 15 of the American Convention recognizes the right to peaceful assembly without weapons and covers both private meetings as well as those held on public thoroughfares, be they static

²⁷¹La Prensa. Acusan a Lucía Pineda Ubau de los mismos delitos que a Miguel Mora: provocar y conspirar “para cometer actos terroristas” [Lucía Pineda Ubau Accused of the Same Crimes as Miguel Mora: Inciting and Conspiring to Commit Terrorist Acts]. December 23, 2018.

²⁷²Escrito de Acusación Fiscal [Document of Prosecution Charges], signed by Assistant Prosecutor Liliam Beatriz Soza Mairena, according to Prosecutor’s Office Dossier N°2263-240-2018JD, for the crime of inciting, proposing, and conspiring to commit terrorist acts. “Relato de los Hechos” [Recounting of the Facts].

²⁷³Criminal Code, Art. 394. Terrorism: Anyone acting in the service of or in collaboration with armed gangs, organizations, or groups [and] utilizing explosives, toxic substances, weapons, fires, floods, or any other act of massive destruction, who carries out actions against persons, assets, public services, or means of transport as a means to produce alarm, fear, or terror in the populace [or] in a group or sector therein, alter the constitutional

order, gravely alter public order, or cause panic in the country, shall be sanctioned with a sentence of 15 to 20 years in prison.

²⁷⁴El Nuevo Diario. Lucía Pineda Ubau y Miguel Mora, liberados un día después de llegada de la SIP [Lucía Pineda Ubau and Miguel Mora Freed One Day After Arrival of the SIP]. June 11, 2019.

²⁷⁵IAHR Court. Case of López Lone et al v. Honduras. Excepción Preliminar, Fondo, Reparaciones y Costas [Interpretation of the Sentence of Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 20, 2009. Series C No. 208. Para. 169.

²⁷⁶IAHR Court. Case of López Lone et al v. Honduras. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of October 5, 2015. Series C No. 302, para. 167; see TEDH. Öllinger v. Austria. no. 76900/01. §36, June 29, 2006. TEDH. Stankov and The United Macedonian Organization Ilinden v. Bulgaria. no. 29221/95 y 29225/95. §86, October 2, 2001.

or containing movement. The possibility of protesting peacefully in public is one of the most accessible ways of exercising the right to freedom of expression, by which means people can demand the protection of other rights.²⁷⁷

260. Likewise, it is important to remember that:

. . . [T]he violation of the rights of the participants of a meeting or assembly by the authorities has a grave chilling effect on the holding of future meetings or assemblies, in that individuals may choose to abstain [from such participation] in order to protect themselves from these abuses, as well as it being contrary to the obligation of the State to facilitate and create favorable environments in which individuals can effectively enjoy their right of assembly.²⁷⁸

261. From the beginning of the crisis, the PN, together with the parapolice forces, has developed actions to prevent and repress Nicaraguans' right of assembly.

262. While the IAHR Court has indicated that the exercise of the right to peaceful assembly is not absolute and can be subject to the restrictions set forth in the law, these restrictions should pursue a legitimate goal and comply with the requirements of suitability, necessity, and proportionality.²⁷⁹ Despite this, the PN insisted at every turn on refusing to authorize the holding of marches requested by students,²⁸⁰ the private sector,²⁸¹ and human rights organizations. The police consistently argued that the individuals requesting authorization supported

the supposed coup d'état, or that they were under police investigation.²⁸²

263. It is important to note that currently, in order to avoid being detained, individuals who protest, including former prisoners, relatives of political prisoners, and members of the Asociación de Madres de Abril [Association of the Mothers of April] (AMA), among others, carry out protest actions in catholic churches. Despite this, when protests are underway, police agents and parapolice groups lay siege to those places. On occasion, the PN has fenced in the perimeters of the churches and prevented parishioners from attending mass, as has occurred in the San Miguel Church in Masaya and the Managua Cathedral.²⁸³

264. In addition, in order to prevent any type of protest, the PN maintains permanent surveillance and patrols in all cities throughout the country, primarily in the capital, where it has established police martial law by stationing permanent police officers and riot police on the principal roads and highways. These actions are augmented during dates on which an activity related to the protests is commemorated, as occurred on 18 April, a day the public spaces in the capital and all other departments throughout the country are occupied by riot police bearing weapons of war, primarily AK47 rifles.²⁸⁴

265. In short, the State of Nicaragua has systematically violated freedom of assembly by ordering the massive detention of persons during protests. It has additionally violated human rights and the rights to freedom of expression and association by illegally closing media outlets and civil society organizations.

²⁷⁷IAHR Court. Case of Female Victims of Sexual Assault in Atenco v. Mexico. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of November 28, 2018. Series C No. 371, para. 171.

²⁷⁸Ibid., para. 172.

²⁷⁹IAHR Court. Case of López Lone et al v. Honduras. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of October 5, 2015. Series C No. 302, para. 168.

²⁸⁰La Prensa. Policía orteguista prohíbe marcha convocada por estudiantes [Ortega Police Prohibits March Convened by Students]. July 24, 2019.

²⁸¹La Prensa. Policía Orteguista prohíbe marchas a empresarios y los señala de participantes en fallido golpe de estado [Ortega Police Prohibits Marches by Businesspersons and Labels Them Participants in Failed Coup d'État]. January 23, 2019.

²⁸²National Police Resolución 030-2018 [Resolution 030-2018]. December 9, 2018.

²⁸³IACHR. Informe Anual 2019. Capítulo IV Nicaragua [2019 Annual Report: Chapter IV, Nicaragua]. April 6, 2020. Para. 170.

²⁸⁴Nicaragua Investiga. Allanamientos y detenciones: Policía inicia jornada de asedio en vísperas de la "rebelión de abril" [Raids and Detentions: Police Begin a Day of Siege on the Eve of the 'April Rebellion']. April 17, 2020.

B. Role of the Office of the Attorney General of the Republic

1) Legal framework for actions

266. The Organic Law of the Public Ministry grants organic, operational, and administrative autonomy to the MP, with allegiance only to the Constitution and the law.²⁸⁵ This organ holds prosecutorial power and in exercising it, must guarantee due process and respect for the fundamental rights and dignity of persons,²⁸⁶ autonomously and independently, without any form of subordination whatsoever to State organs.²⁸⁷

267. The MP must adhere to the principles of objectivity, impartiality, and the correct execution of criminal proceedings,²⁸⁸ following a review of the results of the investigation performed by the PN. According to its Organic Law, it is incompatible for civil servants of the Prosecutor's Office to actively participate in meetings, protests, and other events of a political, electoral, or partisan natures.²⁸⁹

268. For its part, international standards dictate that the investigations and activities related to the prosecution of a crime must be independent and impartial as a means of guaranteeing access to justice for the victims of a crime. Thus, both the IAHR Court as well as UN Rapporteur have highlighted the importance of the investigations into human rights violations carried out by Prosecutor's Offices being, in addition to immediate and exhaustive, also independent and impartial.²⁹⁰

269. By virtue of the foregoing, we believe it to be relevant to frame the MP's illegal actions in the following manner.

2) Denunciations regarding the preparation of evidence and fabrication of charges together with the PN

270. Race and Equality interviewed a former MP civil servant, whom for reasons of security we will refer to as 'Witness One.'²⁹¹ Witness One stated that, by direct orders of the Attorney General of the Republic, Ana Julia Guido Ochoa (former General Commissioner of the PN), and Deputy Attorney General Julio César González (former Senior Commissioner of the PN), a board of prosecutors ['*junta de fiscales*'] was formed that was coordinated by the Inspector General of the Public Ministry, Mr. Douglas Roberto Vargas (former Captain of the PN) and Javier Morazán Chavarria (Directing Prosecutor of the Unit against Organized Crime).

271. The board's purpose was to bring together all of the departmental prosecutors, directors, deputy directors, and assistant prosecutors linked to the FSLN to prepare, jointly with the PN, evidence and the respective charges against the political prisoners. These charges would have police, FSLN sympathizers, municipal mayoralties held by the FSLN, and government entities as the victims.

272. What was recounted by the former civil servant coincides with an investigation performed by the media outlet Confidencial [Confidential], which asserted that

. . . [T]he cases were cooked up in the Unit against Organized Crime by orders of Attorney General Ana Julia Guido Ochoa [and] Inspector General Douglas Vargas; they sent 'Ortega-ized' prosecutors to work in secret in two hotels in the capital with all of their expenses paid (lodging, transport, and meals), where they met with investigators

²⁸⁵ Organic Law of the Public Ministry. Ley N° 346 [Law No. 346]. Passed on May 2, 2000 and published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°196 on October 17, 2000. Art. 1: "Creación" [Creation].

²⁸⁶ Ibid., Art. 5: "Principio de legalidad y objetividad" [Principle of Legality and Objectivity].

²⁸⁷ Ibid., Art. 6: "Principio de independencia" [Principle of Independence].

²⁸⁸ Ibid., Art. 1: "Creación" [Creation].

²⁸⁹ Ibid., Art. 29.3: "Incompatibilidades" [Incompatibilities].

²⁹⁰ IAHR Court. Case of Cantoral Huamani and García Santa Cruz v.

Peru. Excepción Preliminar; Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Costs]. Sentence of July 10, 2007. Series C No. 167, para. 132 and 133.

United Nations Human Rights Council. Informe de la Relatora Especial sobre la independencia de los magistrados y abogados. A/HRC/20/19 [Report by the Special Rapporteur on the Independence of Judges and Lawyers], June 7, 2012, para. 26.

²⁹¹ Interview performed by Race and Equality of a witness identified with the number 1. November 2019.

from the Dirección de Auxilio Judicial de la Policía [Directorate of Judicial Assistance to the Police] (DAJ) ('El Chipote'). These prosecutors were coordinated by Javier Morazán, Guisele Borge, Lilliam Soza, Alejandro López, and Sandra Dinarte.²⁷²

273. This was also confirmed by the declarations provided by Rafael Solís Cerda, a former CSJ judge, who stated that the PN, MP, and PJ have been used as tools to follow the direct orders of the President of the Republic.²⁹³ The former judge said that to date no form of investigation has been carried out into the human rights violations committed by the State against opposition protesters; only cases in which the victims have been police or Sandinista sympathizers have been prioritized for investigation.²⁹⁴

274. In line with the foregoing, the only time the Prosecutor's Office took action against a parapolice agent was the case of the assassination of Raynéia Lima, a young Brazilian student in her sixth year of medical studies at the Universidad Americana [American University] (UAM). Despite this, the Prosecutor's Office favored him by charging him with the crime of manslaughter,²⁹⁵ whereas it was legally appropriate to charge him with the crime of murder,²⁹⁶ given that when the incident occurred, the author incurred in two circumstances which aggravated his conduct, such as premeditation²⁹⁷ and extreme cruelty.²⁹⁸

275. It is important to point out that the defendant admitted to the facts in the first hearing and the Prosecutor's Office requested the minimum punishment of 15 years in prison,²⁹⁹ while the Prosecutor's Office sought the maximum sentences for the 301 political prisoners who were declared guilty, without distinction as to the type of crime. Despite the sentence imposed, the parapolice agent was released by the government through the Amnesty Law, even though it is not applicable due to the fact that it deals with an isolated incident not linked to the social protest.³⁰⁰

276. Therefore, as was noted in the GIEI report and previously indicated, the human rights violations committed in Nicaragua in the current context are guaranteed impunity³⁰¹ due to the government's control of the criminal justice system. For her part, in February 2019 United Nations High Commissioner for Human Rights Michelle Bachelet declared her concern regarding the apparent lack of due process and increase in the criminalization of dissidence in Nicaragua and urged the government to release the political prisoners.³⁰² In that same vein, the IACHR in its 2018 Annual Report stated that the country's criminal proceedings lack effective judicial protection and are marked by serious irregularities with regard to access to justice, the right to a defense, and due process for defendants; it additionally expressed concern regarding the grave violations of the human rights of incarcerated persons and their families.³⁰³

²⁹²Confidencial. Usaron fiscalía para fabricar casos contra presos políticos [Prosecutor's Office Used for Fabricating Cases against Political Prisoners]. August 22, 2019.

²⁹³Confidencial. Entrevista con el exmagistrado Rafael Solís: La ruptura política con la dictadura (I parte) [Interview with Former Judge Rafael Solís: The Political Rupture with the Dictatorship (Part I)]. June 21, 2019. See minute 11:35 through minute 13:40.

El Diario Hoy. Magistrado renuncia a Corte en Nicaragua y reacciona la represión a Ortega [Judge Resigns From Court in Nicaragua and Reprimands Ortega for Repression]. January 10, 2019.

²⁹⁴Confidencial. Entrevista con el exmagistrado Rafael Solís: La ruptura política con la dictadura (I parte) [Interview with Former Judge Rafael Solís: The Political Rupture with the Dictatorship (Part I)]. June 21, 2019. See minute 18:17 through minute 27:58.

El Diario Hoy. Magistrado renuncia a Corte en Nicaragua y reacciona la represión a Ortega [Judge Resigns From Court in Nicaragua and Reprimands Ortega for Repression]. January 10, 2019.

²⁹⁵100% Noticias. Fiscalía acusa por homicidio el caso de la estudiante brasileña [Prosecutor's Office Issues Charge of Manslaughter in Case of Brazilian Student]. August 2, 2018.

²⁹⁶Criminal Code. Ley 641 [Law 641]. Art. Art.140.

²⁹⁷Ibid., Art. 36.1.

²⁹⁸Ibid., Art. 36.6.

²⁹⁹La Prensa. Fiscalía de Nicaragua relata una inverosímil historia sobre el asesinato de la estudiante brasileña por un exmilitar [Nicaraguan Prosecutor's Office Relates Unlikely Story of Assassination of Brazilian Student by Former Soldier]. August 3, 2018.

³⁰⁰La Prensa. Régimen libera al paramilitar que asesinó a la estudiante brasileña Reyneia Gabriella Da Costa Lima Rocha [Regime Frees Paramilitary Who Assassinated Brazilian Student Reyneia Gabriella Da Costa Lima Rocha]. July 23, 2019.

³⁰¹La Prensa. Sistema de Justicia Penal es verdugo de autoconvocados en Nicaragua [Criminal Justice System is Executioner for Self-Assembled Persons in Nicaragua]. January 8, 2019.

³⁰²Notimex. Bachelet pide liberar presos políticos para diálogo genuino [Bachelet Requests Freedom for Political Prisoners to Ensure Genuine Dialogue]. February 22, 2019.

³⁰³IACHR. Informe anual 2018 [2018 Annual Report]. Chapter IV, pp. 406-407.

277. There is no doubt that the actions of the MP, based on the creation of evidence and prosecution of persons who have protested against the government, has been an essential element of the repression. These actions have resulted in a series of grave violations of Nicaraguans' human rights, in particular as regards due process.

3) Prosecutors' partisan political participation

278. The prosecutors implicated in the repression have strong links to the FSLN, as well as with other aforementioned civil servants of the justice system.

279. Thus, in the partisan FSLN activity dubbed the "Repliegue táctico hacia Masaya" [Tactical Retreat To Masaya] held on July 6, 2019, the media confirmed the participation of the principal prosecutors who led the proceedings against the political prisoners.³⁰⁴

280. Among the principal prosecutors were Giscard Antonio Moraga Guillén, who processed the case of Medardo Mairena and Edwin Carcache; prosecutor Félix Ramón Hernández, who processed the cases of the former retired soldiers from Jinotepe and the case against the 'autoconvocados' [self-assembled or self-organized] of La Concha; prosecutor Félix Pedro Cárcamo Jiménez, who processed the cases of the "Mayor of Mulukukú," "Case of Those Barricaded in UNAN Managua," and the "Ometepe Island Protesters" case; prosecutor Jorge Luis Rubí Velásquez, who processed the cases of Cristhian Fajardo and María Adilia Cerrato and the case of student leader Amaya Coppens; and lastly, prosecutor Martha Carolina Cruz, who processed the case of the university leaders of Matagalpa, wherein Solange Centeno and others were convicted.

281. The intervention of the Public Ministry prosecutors is not limited to their participation in partisan acts, but also the establishment of partisan political

structures within the institution. These prosecutors created the "Pedro Aráuz Sandinista Leadership Council" (hereinafter, CLS), with Inspector General Douglas Vargas serving as its institutional political secretary and prosecutor Lenin Rafael Castellón Silva serving as Coordinator of the Council's Sandinista Youth. Both serve as liaisons between the MP and Executive Branch, with an eye to implementing the political guidance issued by the Executive Branch.

4) Absence of prosecutable official investigations

282. On a related note, our analysis of the cases confirmed that the Prosecutor's Office refused to comply with its obligation to prosecute crimes *sua sponte*; that is, without there having existed a prior denunciation as should transpire when dealing with the crime of murder. Hence, as of the date this report closed, no investigations had been ordered initiated to clarify the various murders that have occurred in the country within the context of the social protests, which in large part committed by the PN and parapolice.

283. On the contrary, we see that through the month of August 2018, more than 69 denunciations had not progressed and no type of investigation had been begun.³⁰⁵ In that vein, the IACHR stressed its concern regarding the lack of investigation, access to justice, and violation of the right to life of the victims and their relatives.³⁰⁶

284. In short, by the closing date of this report, we have no knowledge of any investigation by the MP in which members of the PN, political authorities, members of 'strike/clash groups' ['grupos de choque'], or armed parapolice agents have been declared responsible within the context of the April protests and subsequent crisis.

³⁰⁴La Prensa. Jueces, fiscales y Magistrados orteguista celebran a Daniel Ortega [Ortega Judges, Prosecutors, and Judges Celebrate Daniel Ortega]. July 8, 2019.

³⁰⁵El Nuevo Diario. Fiscalía Engaveta 69 denuncias de asesinatos de protestantes [Prosecutor's Office Shelves 69 Denunciations of Murders of

Protesters]. August 26, 2018.

³⁰⁶IACHR. Informe "Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua" [Report: "Grave Human Rights Violations within the Framework of the Social Protests in Nicaragua"]. June 21, 2018. Executive Summary, para. 17 and 18.

5) Abuses and illegalities in order to include new defendants or expand or modify charges

285. Our analysis of the charges enabled us to identify the method of writing used to narrate the alleged incidents attributed to the political prisoners in the charges.
286. It is important to remember, as noted earlier, that “it is necessary that the scope of application of each type [of criminal offense] be delimited in the clearest and most precise manner possible, in an express, precise, restricted, and prior manner,”³⁰⁷ so as to guarantee the principle of legality.
287. Thus, one can glean from the narrations criminal accusations based on generalities, such as “groups of individuals of unknown identities or individuals who have yet to be identified.” This was done in a malicious and arbitrary manner in order to include several opposition protesters of police or governmental interest in a single case to ensure they would be detained arbitrarily after the start of criminal proceedings.
288. This practice permitted the Prosecutor’s Office to present “expansions” of or “modifications” to the charges, so as to include new detainees or just to include new victims or new illegal incidents, in order to increase the number of crimes or aggravate the criminal conduct, thereby ensuring enormous criminal sanctions.
289. Of all the proceedings analyzed, we present two examples below:
- The case of campesino leaders Medardo Mairena and Pedro Mena, charged on July 17, 2018 together with eight campesinos, even though at that time Medardo and Pedro were the sole detainees. In the charges against both of them, the Prosecutor’s

Office related the facts in the following manner: **“MEDARDO MAIRENA SEQUEIRA and PEDRO MENA AMADOR, with support from other members of their criminal organization – without as of yet having identified the entirety of its membership – have planned and guided criminal activities”** (emphasis is our own).

According to this argument, on October 3, 2018 – two and one-half months after the first charges were issued – the Prosecutor’s Office presented a “Modification of Charges” including Mr. Luis Orlando Pineda Icabalzeta as a new defendant.³⁰⁸ It stated that, **“together with as-of-yet unidentified individuals”** (the emphasis is ours), he had attacked the Morrito Police Station, assassinated five police officers, and stole their weapons.

• Another situation in which the Prosecutor’s Office did not adhere to the principle of objectivity³⁰⁹ in its actions was in the case known as “The Roadblock of the Municipality of Dirí.” On July 18, 2018, the Prosecutor’s Office charged Rogelio Adrián Ortega Franco, César Augusto Fernández Castillo, Johana Auxiliadora Espinoza Delgado, Cyndi María Castillo Gonzalez, Franklin José López Ruiz, Brenda María Muñoz Martínez, and José Miguel Castro Espinoza with being the alleged authors of organized crime, hinderance of public services, weapons possession, possession of restricted weapons, and attempted murder of three workers in the Dirí Municipal Mayoralty (at the time governed by the FSLN), including its Deputy Mayor. However, on September 10, 2018, the Prosecutor’s Office submitted a “modification of charges” in which it included new victims and added other types of criminal offenses, such as aggravated robbery to the detriment of the Dirí Municipal Mayoralty and the FSLN headquarters in that municipality.³¹⁰ This was done with an eye to ensuring a greater number of years in prison.

³⁰⁷IAHR Court. Case of Norín Catrimán et al (Leaders, Members, and Activists from the Indigenous Mapuche People) v. Chile. Fondo, Reparaciones y Costas [Merits, Reparations, and Costs]. Sentence of May 29, 2014. Series C No. 279, para. 162.

³⁰⁸Modification of Charges. Prosecutor Dossier N°1143-240-18JD. Signed by

Prosecutor Giscard Moraga Guillén.

³⁰⁹Code of Criminal Procedure. Ley N° 406 [Law No. 406]. Art. 90.

³¹⁰Modification of Charges. 0118-18JD. Signed by Prosecutor Dallys Victoria Uriarte Quesada.

290. In light of the foregoing, we conclude that the MP was utilized as a tool to criminalize and convict political prisoners. By virtue of that, the MP, jointly with other instances of justice, violated a series of human rights protected by due process and judicial guarantees, such as those that have been noted throughout this report.

C. Role of criminal court judges

1) Legal framework for actions

291. The administrators of justice must apply the laws, international treaties, regulations, and all other legal provisions or other sources of law, as stipulated by constitutional principles.³¹¹

292. Thus is the PJ obligated to exercise its duties independently, subordinate only to the supreme interests of the nation. Consequently, the judges and magistrates must observe due process in all judicial actions (regardless the nature of the proceedings) and provide the necessary guarantees to the parties to ensure their rights are appropriately defended.³¹²

293. Based on our analysis of the 279 criminal proceedings, we confirmed that there exists a high degree of politicization of the judges who were in charge of the proceedings, and that by virtue of their lack of independence they committed grave violations of both due process and judicial guarantees for the political prisoners. We provide detail about our findings below.

2) Politicization of the judges and their influence over the criminal proceedings against the political prisoners

294. As we have noted throughout this report, the Nicaraguan institutions of justice are closely linked to the government party. Therefore, to understand

the magnitude of this problem, it is necessary to first know who the judges were who were in charge of prosecutions and convictions in the cases against the political prisoners.

295. With regard to that, we find that the majority of the cases were processes in the department of Managua, the place where the PJ has a system for receiving and distributing cases where in theory it selects the judges randomly. However, in order to hold the first “**preliminary**” and “**initial**” hearings of “**oral proceedings**,” the cases were assigned to judges who were members of the FSLN, specifically in the following courts:

- The **Fifth Court of Hearings** led by Judge Julio César Áreas, a former soldier and former Political Coordinator of the FSLN in the Complejo Judicial Central Managua [Central Judicial Complex of Managua] and his alternate, Enrique William Larios, who processed 25 cases. Among the cases heard by this court are the one regarding the university leaders of León, the case of Olesia Muñoz, and the Case of the Water Carriers.

- The **Sixth Court of Hearings** led by Judge Henry Antonio Morales Olivares, a member of the FSLN who heard a majority of the cases having social and political transcendence, processed 25 cases, including, among others, the cases regarding student leader Edwin Carcache; journalists Miguel Mora and Lucía Pineda; campesino leaders Medardo Mairena, Pedro Mena, Lenner Fonseca, and Fredy Navas; the Mayor of Mulukukú; [and] former liberal Congressman Nardo Sequeira.

- The **Seventh Court of Hearings** led by Judge Abelardo Antonio Alvir Ramos, the nephew of Alba Luz Ramos, Chief Judge of the CSJ. He processed 24 cases, including the cases of the Juigalpa Roadblock; retired ex-soldiers; Kisha López; and the murder of Lenín Mendiola, the son of well-known union leaders and campesinos in Matagalpa. In the latter, his death was used to charge citizens who were eyewitnesses to Mendiola’s murder, who that very day had declared that the shots had come from parapolice groups stationed inside the Sandinista Mayoralty of Matagalpa.

³¹¹Organic Law of the Judicial Branch. Ley N° 260 [Law No. 260]. Published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°137 of July

23, 1998. Art. 4.

³¹²Ibid., Art. 14.

- The **Ninth Court of Hearings** led by Judge Karen Chavarría, standing in for fired Judge Indiana Gallardo Fonseca.³¹³ This substitution occurred because Gallardo permitted the political prisoners in the ‘Leaders of Matagalpa’ case to converse for five minutes with their relatives³¹⁴. This court processed 17 cases, which included the case of Cristhian Fajardo and María Adilia Cerrato as well as the case of the roadblocks in the Diriá municipality.

- The **Tenth Court of Hearings** led by Judge Celso Antonio Urbina Orozco, a member of the FSLN and former soldier, who stood in for Judge Carlos Solís Solís, due to the fact that the latter had decided to shelve for lack of evidence the case against the CPDH human rights defenders. This court processed 17 cases, including the assassination of Denis Madriz and one lodged against journalist Miguel Mora which did not end up proceeding.

296. Similarly, the majority of the cases requiring oral proceedings were lodged in courts whose principals are also FSLN members, among which are the following:

- The **First Trial Court**, led by Judge Irma Oralya Laguna Cruz, a member of the FSLN, processed only seven cases, [including] the ‘Carazo Roadblock’ case against the Lesage siblings and Nahomi Marcenaro, known as ‘Comandante Masha’ [Commander Masha] and against the ‘Ometepe Island Protesters.’

- The **Second Trial Court**, led by Judge Adela Auxiliadora Cardoza, a former activist linked to the FSLN, processed 17 cases, including the following significant ones: the case of ‘Ruth Matute from Masaya’; the ‘Nagarote Roadblock’ case; and the ‘Tipitapa Roadblock’ case. This judge was noteworthy for imposing the maximum sentences for each crime with which the political prisoners were charged, without taking into consideration

any extenuating circumstances that might reduce the convicted persons’ punishment. Thus, she sentenced university student Jhon Cerna Zuñiga to up to 12 years in prison for the crime of drug trafficking³¹⁵ and imposed maximum sentences of 20 and 24 years in prison on the political prisoners of the Tipitapa-Managua municipality for the crimes of terrorism and illegal possession of weapons.³¹⁶

- The **Third Trial Court** led by Judge María del Rosario Peralta, treasurer of the FSLN within the judicial complex, who was in charge of said political party’s fundraising efforts. Twelve cases were lodged with this court, among the most relevant being the ‘Case of the Muñoz Sisters, Olesia and Tania,’ who were sentenced to 33 and 26 years in prison, respectively.³¹⁷ As set forth above, due to her sua ponte action and political obedience, the judge was appointed as a magistrate of the Granada Court of Appeals.³¹⁸

- The **Sixth Trial Court** led by Judge Ernesto Rodríguez, a member of the FSLN, wherein 19 cases were lodged; it was among the first courts to convict opposition protesters. Among the most relevant indictments are the ‘Case of Journalist Ángel Gahona,’ wherein the Afro-descendant youths Brandon Lovo and Glen Slate were convicted; the case of “the dentist barricaded in the UNAN”; [and] the case of “former Congressman Nardo Sequeira.” As referenced earlier, he was appointed as a magistrate of the Managua Court of Appeals for Civil Matters due to his political commitment and antagonistic actions in the conviction of political prisoners, even though he did not compete for this post, nor did he have the necessary competence for holding a judgeship in civil matters, given that his specialty was in the criminal sphere.³¹⁹

- The **Seventh Trial Court** led by Judge Melvin Vargas García, a member of the FSLN, wherein 20 cases were lodged, including, among the most

³¹³El Nuevo Diario. CSJ destituye a Indiana Gallardo [CSJ Dismisses Indiana Gallardo]. July 19, 2018.

³¹⁴La Prensa. Corte Suprema de Justicia descalifica a la destituida Indiana Gallardo [Supreme Court of Justice Disqualifies Indiana Gallardo]. July 21, 2018.

³¹⁵Guilty Verdict issued by the Second Criminal District Trial Court in Managua, as per Judicial Matter N°004911-ORM4-2020PN, against Jhon Cerna Zuñiga, for the crime of drug trafficking.

³¹⁶Guilty Verdict N°149-2018, issued by the judge of the Second Criminal District Trial Court, as per Judicial Matter N°010338-ORM4-21018PN, against Wilmer Martínez Díaz, Erwin Zamora Peña, Daniel Zamora Peña, Juan Carlos Bermúdez, and others, for the crimes of terrorism and illegal

possession of firearms.

³¹⁷Guilty Verdict N°07-2018, issued by the judge of the Third Criminal District Trial Court, as per Judicial Matter N°012211-ORM4-21018PN, against Tania Muñoz and Olesia Muñoz, for the crimes of organized crime, terrorism, hinderance of public services, illegal carrying or possession of arms, threats, and aggravated robbery.

³¹⁸La Prensa. Régimen premia a la orteguista María del Rosario Peralta, nombrándola magistrada [Regime Rewards Ortega Supporter María del Rosario Peralta By Appointing Her As a Judge]. February 6, 2019.

³¹⁹La Prensa. CSJ nombra de dedo a orteguista Ernesto Rodríguez, como magistrado de Apelaciones [CSJ Hand-Picks Ortega Supporter Ernesto Rodríguez as Appellate Court Judge]. February 15, 2019.

relevant, the cases against the “retired ex-soldiers,” “Esteli-Banda Los Chapulines Roadblock,” and “university leaders from León, Byron Estrada, Nairobi Olivas, and others.”

- The **Ninth Trial Court**, led by Judge Edgar Altamirano, the current political secretary of the FSLN in the Managua judicial complex and coordinator of the CLS. One of his duties is to guide all of the Sandinista sympathizers in the PJ, with an eye to accomplishing the FSLN’s political plans and agenda³²⁰. This court processed 25 cases, among which the most common and relevant is the case of campesino leaders Medardo Mairena and Pedro Mena, for whom the Prosecutor’s Office requested 73 and 63 years, respectively. Nonetheless, Altamirano exceeded his authority by imposing jail sentences on Mairena of 216 years, on Mena of 210 years, and on Luis Orlando Icabalceta of 159 years.³²¹

- The **Tenth Trial Court** led by Judge Nancy Aguirre Gudiel, a member of the FSLN, wherein 11 cases were lodged, among which the most relevant are the one against the “CPDH human rights promoters,” who were sentenced to more than 10 years in prison,³²² as well as the case of the “riot policeman who refused to repress,” who was sentenced to 15 years for the crime of terrorism.³²³

- The **Thirteenth Trial Court** led by Judge Fátima del Socorro Rosales, a member of the FSLN, wherein 11 cases were lodged, among which the most relevant are the case of Carlos Alberto Bonilla, who was convicted and sentenced to 90 years in prison for the alleged murder of anti-riot police officer Hilton Rafael Manzanares Alvarado.³²⁴

²⁹⁷ These judges, together with the magistrates of the Courts of Appeals and CSJ, actively participate in politically partisan celebrations of the FSLN, such

as the ‘Tactical Retreat Toward Masaya’ and ‘July 19’ celebration. In both celebrations, the judges wore clothing and hats referencing the FSLN party, President Daniel Ortega, or Vice President Rosario Murillo, as well as identifying themselves by carrying banners referencing the institutional CLS of the Managua judicial complex dubbed “Inspector Juana Francisca Aguilar,” who received this sobriquet in honor of the police inspector who died at the start of the crisis in April 2018.³²⁵

²⁹⁸ In short, it is very clear that there exist significant links between the judges who processed the non-stop cases against the political prisoners and the government party, producing direct impacts on detainees’ rights to judicial guarantees, as detailed below.

3) Violation of judicial guarantees, Article 8 of the ACHR

²⁹⁹ Article 8.1 of the American Convention establishes that:

All persons have the right to be heard, with due guarantees and within a reasonable period of time, by either a competent, independent, and impartial court that has been previously established by law, in the proceedings regarding any criminal charge made against them, or in order to determine their rights and obligations of a civil, labor, tax, or any other nature...³²⁶

³⁰⁰ With regard to this right, the IACHR Court has indicated that in order that there may exist judicial guarantees in proceedings:

... it is essential for all requirements that serve to protect, ensure, or assert ownership

³²⁰ Artículo 66. Edgar Altamirano, el operador judicial de la dictadura para condenar a líderes de la protesta [Edgar Altamirano, Judicial Operator of the Dictatorship for Convicting Protest Leaders], February 19, 2019.

³²¹ Sentence N°02-2019, at 10:00 a.m. on January 10, 2019, issued by the Ninth Criminal District Trial Court of Managua, Dr. Edgar Altamirano.

³²² Sentence N°106-2018, at 9:00 a.m. on September 7, 2018, issued by the Tenth Trial Court, Dr. Nancy del Carmen Aguirre Gudiel.

³²³ Guilty Verdict N°196-2018, issued by the Tenth Criminal District Trial Court of Managua, as per Judicial Matter N°012359-ORM4-2018PN. THEREFORE: The defendants, Wilmer Baltodano Salinas, Reymundo Gutiérrez López, and Julio Cesar Espinoza Gallego, are hereby sentenced to 15 years in prison for the crime of terrorism.

³²⁴ Guilty Verdict N°130-2018, issued by the judge of the Thirteenth Criminal

District Trial Court of Managua, as per Judicial Matter N°011393-ORM4-2018PN. THEREFORE: The defendant, Carlos Alberto Bonilla, is hereby sentenced to a total of 90 years in prison, broken out as follows: 30 years in prison for the murder of Hilton Rafael Manzanares; 15 years in prison for attempted murder to the detriment of Paulo Martínez; 15 years in prison for attempted murder to the detriment of Miguel Picado; 15 years in prison for attempted murder to the detriment of Carlos Robles; and 15 years in prison for attempted murder to the detriment of Fimer Jiménez.

³²⁵ La Prensa. Jueces, fiscales y magistrados orteguistas celebran a Daniel Ortega en el “Repliegue” [Ortega Judges, Prosecutors, and Magistrates Celebrate Daniel Ortega in the ‘Retreat’]. July 8, 2019.

³²⁶ OAS. American Convention on Human Rights (Pact of San José). November 22, 1969.

over or exercise of a right be observed; that is, the conditions that must be met so as to ensure the adequate defense of those whose rights or obligations are under judicial consideration.³²⁷

301. Despite its constitutional obligation,³²⁸ the State of Nicaragua has performed a role contrary to protecting and guarding the political prisoners' human rights. In particular, judicial guarantees have been violated, primarily due to the judicial authorities' lack of independence, as has been noted throughout this report.³²⁹ Based on our analysis of the criminal proceedings, we identified a series of patterns of violations of these guarantees committed by judges against detainees. We discuss the violations committed below.

3.1) Violation of the principle of disclosure, Article 8, numeral 5 of the ACHR

302. With regard to the principle of disclosure, the IAHR Court has indicated it:

. . . has the duty to proscribe the administration of justice in secret, submitting it for scrutiny by the parties and public, and this is related to the need for transparency and impartiality of the decisions made. In addition, it is a means by which trust is fostered in the courts of justice. Disclosure makes specific reference to access to information regarding the proceedings by the parties and even by third parties³³⁰

303. Of the criminal proceedings analyzed, we see that the judges pushed for and determined that the

various oral proceedings would be held behind closed doors in private, inappropriate spaces, without guaranteeing access to lawyers, family members, or independent media outlets.³³¹ In this sense, they incurred in an illegality, given that by law, these hearing had to be public, under penalty otherwise of being nullified.³³²

304. In the cases of greatest relevance, the judges decided to take their phones from the defense lawyers so as to prevent them from recording the hearings or taking photographs of the physical condition or health of the political prisoners.

305. Likewise, another measure for restricting the publicity of the proceedings was to hold the preliminary or initial hearings on weekends, through which they guaranteed few journalists, lawyers, and general public would be present.

306. The purpose of the foregoing was to ensure there was no evidence of the physical or health conditions of the political prisoners. Despite this, in some cases civil servants in a judicial support role leaked photos. This occurred in the case involving journalist Miguel Mora Barberena, who on December 22, 2018 was brought before the Sixth Criminal District Hearings Court of the capital, Henry Morales Olivares. The journalist was presented handcuffed, dressed in the blue suit provided to prisoners, with a bruise on his right eye resulting from being punched by an official of the National Police.³³³

307. Similarly, the judges made decisions, such as that of presenting the political prisoners on holidays, so as to avoid the presence of journalists and general public. This transpired in the case of the journalist from Masaya, Marlon Gerónimo Powell Sánchez, who was arrested on March 7, 2019 by PN intelligence agents who raided the building where he had taken refuge for months in Managua's Barrio San Judas without

³²⁷IAHR Court. Case of Herrera Ulloa v. Costa Rica. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of July 2, 2004. Series C No. 107, para 147.

³²⁸Nicaraguan National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], Edition N°32, of February 18, 2014. Art. 160.

³²⁹GIEI. Resumen Ejecutivo. Informe sobre los hechos de violencia ocurridos entre el 18 de abril y el 30 de mayo de 2018 [Executive Summary of Report on the Violent Incidents that Transpired between 18 April and 30 May, 2018]. December 21, 2018. P. 5.

³³⁰IAHR Court. Case of Palamara Iribarne v. Chile. Fondo, Reparaciones

y Costas [Merits, Reparations, and Cost]. Sentence of November 22, 2005. Series C No. 135, para. 168.

³³¹El Nuevo Diario. Juicios sin garantías contra manifestantes [Judges Without Guarantees against Protesters]. July 6, 2018.

³³²Code of Criminal Procedure. Ley N° 406 [Law No. 406]. Art. 13: Under sanction of nullity, the various criminal appearances, hearings, and trials set forth in this Codes hall be oral and public. este Código serán orales y públicas".

³³³El Nuevo Diario. Fiscalía acusa a Miguel Mora de "incitar al odio" [Prosecutor's Office Charges Miguel Mora with "Inciting Hatred"]. December 23, 2018.



a judicial warrant or prior charges.³³⁴ The journalist was not presented until May 1, 2019 (a national holiday) before the judge of the Ninth Criminal Hearings Court, Karen Vanessa Chavarria Morales.

308. In that hearing, the judge imposed pre-trial detention on the journalist and ordered the procedural time periods to be doubled. Immediately following the preliminary hearing, the journalist was sent to the National Penitentiary System, where he was put the first day in the punishment cells known as ‘El Infiernillo’ [The Furnace].³³⁵

309. With regard to the foregoing, we can conclude that the judges involved in the criminal proceedings pursued against the political prisoners systematically violated the principle of disclosure protected by the ACHR.

3.2) Violation of the right to defense, Article 8, numeral 2, points (c), (d), and (f) of the ACHR

310. As indicated above, the IAHR Court has noted that the right to defense is an essential element of due process, and that this right must be guaranteed “from the moment the process commences through to its end, including the stage of fulfilling the punishment.”³³⁶

311. Within the framework of the criminal proceedings analyzed, the defense lawyers of the political prisoners have publicly denounced the constant obstructions driven by the judges of the hearings to prevent the exercise of the right to defense during said hearings. Thus, for example, on some occasions they were not provided information regarding the chambers wherein a hearing was being held; the internal security agents even performed bureaucratic practices to slow down the entrance of the lawyers into the judicial complex facilities.³³⁷

All of this is done so as to ensure that the lawyers do not arrive on time to the hearings and are then substituted by public defenders, even against the will of the political prisoners,³³⁸ as well as to declare the cases abandoned and justify referring the reports of complaints to the CSJ, requesting sanctions against the lawyers for not having presented themselves at trial. This was publicly confirmed by defense lawyer Julio Montenegro.³³⁹

312. Race and Equality interviewed one of the lawyers, who for reasons of security we have will refer to as “Witness Number Two.” The lawyer noted that the PJ’s customer service office did not provide them with information regarding the dates, hours, and corresponding chambers where the hearings were to be held.³⁴⁰ On many occasions, the information was provided after the hearing had already concluded.

313. In addition to that, “Witness Number Two” affirmed that the judges themselves hindered the defense lawyers from submitting evidence in favor of the political prisoners. According to his/her testimony, the judges in the majority of the cases, and by unfounded request of the MP, exclude the evidence provided by the defense lawyers, leaving the defendants completely defenseless.

314. For example, in the case of Cristhian Fajardo and María Adilia Cerrato, the judge, in a pre-trial preparatory hearing³⁴¹ and by request of the Prosecutor’s Office, dismissed all of the evidence presented by the technical defense under the following argument:

“Cristhian Fajardo and his wife are not charged with protesting, but rather with common crimes, and it is obligatory that we all pay for [our] illegal acts; nobody can

³³⁴Nicaraguan National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition N°32, of February 18, 2014. Art. 33.1: “Detention may only transpire by virtue of a written warrant issued by competent authorities or those expressly empowered by law, save in the case of flagrancy.”

³³⁵Infobae. Un periodista crítico con el régimen de Daniel Ortega fue trasladado al peor calabozo de Nicaragua [A Journalist Critical of the Daniel Ortega Regime Was Transferred to the Worst Prison Cell in Nicaragua]. May 13, 2019.

³³⁶IAHR Court. Case of Ruano Torres et al v. El Salvador. Fondo, Reparaciones y Costas [Merits, Reparations, and Cost]. Sentence of October 5, 2015. Series C No. 303, para.153.

³³⁷Despacho 505. Intimidan y bloquean a defensores de presos políticos, denuncia la CPDH [The CPDH Denounces that Lawyers of Political

Prisoners Intimidated and Blocked]. February 5, 2019.

³³⁸Acta de Audiencia Preliminar de fecha 01 de mayo de 2019 [Preliminary Hearing Act dated May 1, 2019], issued by the Ninth Criminal District Hearings Court, as per Judicial Matter N°007195-ORM4-2019PN, which indicates “that the defendants, Marlon Jerporino Powell and Humberto Pérez, are assisted by public defender Jeisell Martínez Suares, B.A.”

³³⁹Público, de fecha 29 de noviembre de 2018, emitida por el Juez Noveno del Distrito Penal de Juicios de Managua.

³⁴⁰El Nuevo Diario. Denunciarán internacionalmente a jueces por falta de transparencia [Judges Will Be Internationally Denounced for Lack of Transparency]. February 6, 2019.

³⁴¹Interview performed by Race and Equality of a witness identified with the number 2. October 2019.

³⁴²Code of Criminal Procedure. Ley N° 406 [Law No. 406]. Art. 13: “Pre-Trial Hearing.”

plead ignorance of the law and nobody in this country can commit a crime and not be liable for it, regardless who it is. As such, this judicial officer considers all evidence presented by the defense to be impertinent, as it has nothing to do with the charge. This judicial officer shall not take into account the evidence put forward by the defense, in light of its inappropriateness.”³⁴²

³¹⁵Also evident were the malicious actions taken by the judges when they scheduled oral proceedings or the sessions for their continuation against political prisoners at simultaneous times and dates in multiple courts, so as to ensure that the defense lawyers would not be able to attend all of the hearings. An example is provided by the case of lawyer Julio Montenegro, who was declared to have abandoned the defense on more than three occasions, in light of having arrived late to the hearings. Notwithstanding, the delay was due to his participation in another trial or another hearing of other political prisoners. This transpired in December 2018, when the start of the trial against university student Edwin Carcache was set to commence though could not, due to the defense lawyer’s participation in the trial against campesino leader Medardo Mairena.³⁴³

³¹⁶On a related note, as the trials were progressing, the judges favored actions taken by the prosecutors, enabling them to freely perform their questioning, while the defense lawyers were obstructed in performing their own questioning, as the judges constantly acknowledged unfounded objections put forward by the Prosecutor’s Office. This was evident in the trial against campesino leader Medardo Mairena, in which the prosecutor was permitted to pose all types of questions, whereas his defense attorney’s right to ask questions about the facts was repeatedly limited.³⁴⁴

³¹⁷In short, the judges played a fundamental role in impeding the exercise of the right to defense of the political prisoners, not only through the various actions carried out, but also those that were permitted to third parties which resulted in the obstruction of the work of the defense attorneys.

3.3) Violation of the right to be tried by a judge of original jurisdiction, Article 8, numeral 1 of the ACHR

³¹⁸Article 8.1 of the ACHR guarantees the right to be tried by “a competent court . . . established prior to the law.” To that end, the IAHR Court has indicated that:

This implies that persons have the right to be tried by ordinary courts, in accordance with legally established procedures, the reason for which the State should not create courts that do not apply the duly established procedural regulations for substituting the jurisdiction that would normally correspond to ordinary courts. This seeks to prevent persons from being tried by special courts created for the case or on an ad hoc basis.³⁴⁵

³¹⁹Based on our analysis of the criminal proceedings, we determined that the judges overseeing the hearings and trials in the capital city of Managua agreed to process 214 criminal proceedings which, pursuant to what is established by the CP,³⁴⁶ should have been heard by the judges in the places where the illegal acts allegedly took place.

³²⁰Thus, hearings judges systematically admitted the charges that were directly presented to the judge of the capital city and ordered the cases that were already underway against the political prisoners in

³⁴²Acta de Audiencia Preparatoria a Juicio y Audiencia de Juicio Oral y Público [Preliminary Trial and Hearing Act for Oral and Public Proceedings], dated November 29, 2018, issued by the Ninth Criminal District Trial Court of Managua.

³⁴³La Prensa. Ortegaísta bloquea a abogado de líderes estudiantiles para argumentar abandono [Ortega Supporter Blocks Student Leaders’ Lawyer, So As to Argue Abandonment]. December 10, 2018.

³⁴⁴Guilty Verdict N°02-2019, dated January 10, 2019, issued by the Ninth Criminal District Trial Court, as per Judicial Matter N°010872-ORM4-2018PN. “Valoración de la Prueba de Cargo” [Assessment of Prosecution’s Evidence].

³⁴⁵IAHR Court. Case of Apitz Barbera et al (First Contentious-Administrative Court) v. Venezuela. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of August 5, 2008. Series C No. 182, para. 50.

³⁴⁶Nicaraguan National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition No 32 of February 18, 2014. Art. 34, numeral 2: All persons have the right to have their matters tried without delay by the competent court established by law. There is no ancillary jurisdiction. No one can be removed from his/her competent judge, nor taken to an exceptional/special jurisdiction

other departments such as Jinotega,³⁴⁷ Masaya,³⁴⁸ Carazo,³⁴⁹ Juigalpa, and Granada,³⁵⁰ among others, to be transferred to the capital.

^{321.}For example, in the case of Ronald Iván Henríquez, a campesino leader in the department of Rivas who was captured on October 28, 2018 in that locality and charged by the Sole Local Judge [‘Juez Local Único’] of the municipality of Buenos Aires in the department of Rivas, his proceedings were transferred to the capital with no justification provided. Mr. Henríquez was charged with the minor crime of illegally carrying firearms and put in pre-trial detention. Despite the fact that the incidents had transpired in Rivas, the Sole Local Judge sua ponte declared himself incompetent, as he deemed the proceedings against the campesino to be of national relevance; as such, on January 26, 2019 he referred the judicial procedures to Managua.

^{322.}That same day, the case was assigned to the Seventh Local Court of Managua and the proceedings were restarted from the first (preliminary) hearing, resulting in his being newly charged for the same incidents. In that hearing, the Prosecutor’s Office asked the judge to declare himself competent and maintain the pre-trial detention.³⁵¹

^{323.}In a surprising and contradictory manner, on February 7, 2019 the MP asked the judge to declare himself incompetent and once again refer the case to the local judge of Buenos Aires in the department of Rivas. According to this dynamic, the defendant

was incarcerated for approximately eight months without public oral proceedings transpiring, and with the time periods of his trial having completely expired.³⁵²

3.4) Violation of the principle of presumption of innocence, Article 8, numeral 2 of the ACHR

^{324.}The judges also performed actions that were contrary to the principle of presumption of innocence contained in the ACHR. According to what has been noted by the IAH Court:

The principle of the presumption of innocence, as can be gathered from Article 8.2 of the Convention, demands that a person cannot be convicted while no conclusive evidence exists of his/her criminal responsibility. If incomplete or insufficient evidence exists against him/her, it is not admissible to convict, but rather, to absolve him/her.³⁵³

^{325.}With the framework of the trials analyzed, we established that the judges actively participated in the campaigns carried out by the official news media aimed at stigmatizing and blaming the political prisoners. To that end, the judges only permitted journalists from the government’s media outlets into the hearings and trials. During those proceedings, these journalists took photographs and recorded

^{347.}Matter 001163-ORN2-2018PN, lodged before the Hearings Judge of Jinotega, [who] admitted charges and evidence presented by the Prosecutor’s Office against Jeisi Juniet Lagos [and] scheduled oral proceedings for October 27, 2018; however, unexpectedly, illegally, and sua ponte, on October 25, 2018 issued a resolution declaring that “on October 23, 2018 Lieutenant Lester Castiblanco, Second Chief of Operations of the Jinotega Police Station, presented a report indicating that the defendants had been transferred to the National Penitentiary System in Managua. In light of that, he considers the case to be of social relevance and national transcendence and as such, separates himself from hearing the case by virtue of his lack of competence.” Despite the fact that the dossier was referred to Managua, oral proceedings were never held and the case was illegally halted for nearly 11 months.

^{348.}Matter 016081-ORM4-2018PN, the proceedings began before the judge of the Criminal District Hearings Court of the municipality of Diriamba regarding the crimes of organized crime, carrying weapons, and hinderance of public services, the venue where the preliminary and initial hearings were held, resulting in the imposition of the precautionary measure of pre-trial detention. However, the Criminal Trial District of Diriamba declared itself sua ponte incompetent, referring the dossier to the judge in the capital, assigning it to the Ninth Criminal Trial District of Managua.

^{349.}Matter 014334-ORM4-2018PN: in these proceedings, the Prosecutor’s Office charged Lenin Antonio Salablanca and others in the capital of the crimes of terrorism [and] robbery, among others, even though the illegal incidents described in the charges allegedly transpired in the department of Chontales.

^{350.}Judicial Matter 001572-ORR-2018PN, lodged before the Granada Hearings Court, the venue where the preliminary hearing was held on July 20, 2018 and the initial hearing on July 30, 2018 against political prisoners of Diriá. However, prior to scheduling the date of the trial, the Prosecutor’s Office asked the judge to declare himself incompetent and refer the dossier to the capital. In this way was the case lodged before the Ninth Hearings Judge of Managua, as per case 014448-ORM4-2018PN. Said judge restarted the process illegally by once again holding the preliminary hearing against the political prisoners on October 9, 2018, wherein she imposed complex proceedings measures against the defendants.

^{351.}Matter 001513-ORM4-2018PN, lodged with the Seventh Local Criminal Court of Managua. Act for Preliminary Hearing held on January 26, 2019.

^{352.}Acta de Audiencia Inicial (Incompetencia) [Act for Initial Hearing (Incompetence)], at 9:40 a.m. on February 7, 2019, issued by the Seventh Local Criminal Court of Managua, Matter N°001513-ORM4-2019PN. Prosecutor’s statement: “We find ourselves in the presence of the crime of carrying weapons, whose incidents were committed in the Buenos Aires Comarca [region] in the department of Rivas; as such, I will ask you to declare yourself incompetent.” Judicial Resolution: “After analyzing the Prosecutor’s request, and as part of the rights of the defendants to be tried by the judge of original jurisdiction, I declare myself incompetent by reason of territory.”

^{353.}IAHR Court. Case of Cantoral Benavides v. Peru. Fondo [Merits]. Sentence of August 18, 2000. Series C No. 69, para. 120.

the detainees; those materials were later employed in the stigmatization campaigns. The messages broadcast through those media outlets blamed the persons for incidents which they had not committed and labeled them as terrorists, roadblock-makers, [and] murderers, among other epithets³⁵⁴.

326. These violations of the presumption of innocence not only manifested themselves through the campaign to stigmatize the political prisoners, but also through judicial rulings issued a priori, before the start of criminal proceedings, as occurred with the judicial ruling ordering the detention of Miguel Mora, closure of the channel, [and] freezing of bank accounts [and] memorandum accounts, among others. This situation violated the principle of the presumption of innocence, given that with no legal grounds whatsoever, it ordered the seizure of all of the assets and net worth of Miguel Mora and Canal 100% Noticias [100% News Channel]³⁵⁵.

327. In addition, the automatic application of pre-trial detention in all of the cases, as noted previously, constituted a violation of this principle. It is worth remembering that, according to the IACHR Court, when the authorities do not provide justification and confirmation, clearly and with cause, according to each concrete case, for the existence of the valid requirements meriting pre-trial detention, this shall constitute a violation of the principle of the presumption of innocence³⁵⁶.

328. In short, the judges systematically violated the presumption of innocence established in the ACHR, to the detriment of the political prisoners.

3.5) Failure to comply with controls of legality, Article 7, numeral 6 of the ACHR

329. The principle of legality was systematically violated by the judges, who interpreted the regulation arbitrarily, to the detriment of the political prisoners.

330. The IACHR Court has already established that “the principle of legality in civil service that governs the actions of civil servants . . . obligates their work in the exercise of their duties to transpire according to regulatory grounds defined in the Constitution and in the law³⁵⁷. To that end, it should be considered that:

. . . [T]he [criminal or administrative] sanctions [are] an expression of the punitive power of the State and have, on occasion, a nature similar to them. Each entails harm, privation, or disturbance to the rights of persons as a result of illicit behavior. As such, in a democratic system it is essential to maximize precautions to ensure said measures are adopted with strict respect for the basic rights of persons, following a careful verification of the effective existence of criminal conduct³⁵⁸.

331. Based on our analysis of the cases, we determined that the judges deliberately acted contrary to what is established in the CP, by affirming the illegal detentions of the opposition protesters who were detained from 15 to 90 days without being brought before a judicial authority.

332. During the hearings, the defense attorneys put forward numerous motions to dismiss the proceedings due to the violation of constitutional guarantees for having arbitrarily detained [the political prisoners] and not brought them [before judicial authorities] within the 48-hour period, as stipulated in the Constitution. These motions were supported by the habeas corpus appeals for illegal detention that had been presented in favor of the political prisoners, with reports and newspaper reporting that confirmed the detention dates.

³⁵⁴Viva Nicaragua Canal 13. Remiten a juicio a Yubrank Suazo acusado de terrorismo en Masaya [Yubrank Suazo Sent to Trial, Charged with Terrorism in Masaya], September 26, 2018.

³⁵⁵Auto Resolutivo [Judicial Resolution Decree] dated December 21, 2018, at 5:30 p.m., issued by the Sixth Criminal District Hearings Court of Managua, led by Judge Henry Morales Olivares, as per Judicial Matter N°020017-ORM4-2018PN.

³⁵⁶IACHR Court. Case of Usón Ramírez v. Venezuela. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of November 20, 2009. Series C No. 207, para. 144.

IACHR. Informe sobre el uso de la prisión preventiva en las Américas [Report Regarding the Use of Pre-Trial Detention in the Americas]. OAS/Ser.L/V/II. Doc. 46/13. December 30, 2013. Para. 137.

³⁵⁷IACHR Court. Case of Anzualdo Castro v. Peru. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of September 22, 2009. Series C No. 202, para. 133.

³⁵⁸IACHR Court. Case of Baena Ricardo et al v. Panama. Fondo, Reparaciones y Costas [Merits, Reparations, and Cost]. Sentence of February 2, 2001. Series C No. 72, para. 106.

333. The judges did not acknowledge any of the motions to dismiss put forward by the defense, alleging they had no proof of such violations having been committed by the police, but that irrespective of the amount of time they [political prisoners] had been in illegal detention, they as the judicial authorities had to impose the precautionary measure of pre-trial detention in light of the cases dealing with criminal offenses, the majority of which were terrorism.³⁵⁹

334. As an example, we cite the case of Kisha Cristelia López, a transgender woman, resident of the municipality of Diriamba in the department of Carazo, who together with her partner, Eddy Gertrudis González, and brothers Harry and Orlando Valverde Ortiz, were arrested in Operation Cleanup carried out in the department of Carazo, and later taken to ‘El Chipote.’ After five days in arbitrary detention, the Prosecutor’s Office presented charges for the crimes of terrorism and financing of terrorism against Kisha Cristelia López, attributing to her the alleged role of the person in charge of paying diverse citizens to build roadblocks in strategic points of the department of Carazo.³⁶⁰

335. In the preliminary hearing, the judge of the Seventh Criminal District Hearings Court, Abelardo Antonio Alvir Ramos, recognized in his resolution that he has in his hands a habeas corpus appeal regarding illegal detention, which indicates that Kisha Cristelia López and other defendants are being detained illegally, given the 48-hour period had already passed. Nonetheless, the judge declared it was not his duty as a hearings judge to take a stance on illegal detention, claiming that “I as a hearings judge do not [have] anything to do with that illegal detention, given that I have complied with [my duty that requires] holding the hearing for the defendants when they were remanded to its custody; it will be the responsibility of the Court of Appeals to resolve the matter of that illegal detention.”³⁶¹

336. These actions violated the CP’s Article 33.2.2, which provides that detainees can be freed or remanded to the custody of the judicial authority within a period of 48 hours following their detention.³⁶² Nevertheless, in the 279 cases analyzed, the imposition of the most extreme precautionary measure was widespread, even in those cases with less-grave crimes, in which some type of different precautionary measure could have been implemented.

337. Another example of the violation of the principle of legality is the resolution issued by Judge Karen Vanessa Chavarría, who in the initial hearing on December 5, 2018 in the lawsuit in which José Lázaro García López and Ruth Esther Matute were charged with the crimes of terrorism, conspiracy, and others, she resolved the motion to dismiss lodged by the defense for violation, illegal detention in the following terms:

Given that the defendants were remanded to the custody of the undersigned, I consider myself competent to try this matter, and each civil servant is responsible for his/her acts; as such, the defense can lodge denunciations before the Prosecutor’s Office or lodge habeas corpus appeals regarding illegal detentions before the Court of Appeals, in light of those being the authorities that can determine if there was or was not illegal detention committed by the police. In addition, at no time does the law indicate that I must free the defendants, and for its part, Sentence N°10 of the CSJ provides that it does not prevent the undersigned from imposing the precautionary measure of pre-trial detention.”³⁶³

338. In short, the restrictions endorsed by the judges to the detriment of the human rights of the political

³⁵⁹Acta de Audiencia Inicial [Initial Hearing Record] with qualities of a Preliminary Hearing to Expand and Modify Charges, of October 12, 2018, before the Ninth Hearings Court of Managua, led by Judge Karen Chavarría, as per case N°014448-ORM4-2018PN. Sentence 10 of May 25, 2004, in its third recital, states “that the defendants who are presented following the 48-hour constitutional period do not prevent a judge from imposing the precautionary measure of pre-trial detention.”

³⁶⁰Guilty Verdict N°186-2018, issued by the judge of the Second Criminal District Trial Court of Managua, as per Judicial Matter N°010739-ORM4-2018PN. “Relatos de los Hechos” [An Accounting of the Facts].

³⁶¹Acta de Audiencia Preliminar [Preliminary Hearing Record], dated July 12, 2012, at 12:40 p.m., issued by the Seventh Criminal District Hearings

Court of Managua, as per Judicial Matter N°010739-ORM4-2018PN, lawsuit against Eddy Gertrudis González, Richard Sebastián López, and others.

³⁶²Nicaraguan National Assembly. Constitución Política de Nicaragua [Political Constitution of Nicaragua]. Diario Oficial La Gaceta [The Gazette Official Newspaper], edition N°32. February 18, 2014. Art. 33.2.2: All detainees have the right to be freed or remanded to the custody of the judicial authority within a period of 48 hours following their detention.

³⁶³Acta de Audiencia Inicial [Initial Hearing Record] dated December 5, 2018 at 10:20 a.m., issued by the Ninth Criminal District Hearings Court of Managua, as per Judicial Matter N°018287-ORM4-2018PN, “Resolución sobre Incidente de Nulidad” [Ruling Regarding Motion to Dismiss] at 12:00 p.m. on December 5, 2018.

prisoners, particularly the right to personal freedom, did not obey the principle of legality, as they did not pay attention to the periods of detention established in the regulations and in accordance with the assumptions demanded by the law to detain a person.

3.6) Violation of the principle of immediacy and assessment of evidence

³³⁹.Based on our analysis, we confirmed that the hearings judges systematically violated the principle of immediacy in oral proceedings³⁶⁴ and assessment of the evidence, which requires the trial judge to have direct contact with the evidence presented by the parties in order to comprehensively assess it.

³⁴⁰.The IAHR Court has indicated that “in a democratic system the evaluation of the evidence must be rational, objective, and impartial, so as to prove unfounded the presumption of innocence and generate certainty in criminal responsibility.”³⁶⁵

³⁴¹.The proceedings analyzed demonstrated that the hearings judges, in an irregular manner and clearly abusing their role, systematically accepted “pre-trial disclosure of evidence,” without complying with the requirements demanded by the CPP, such as that “the witness is in imminent danger of death” or “that the witness is not a resident and his/her stay in the country cannot be extended to the date of the trial.”³⁶⁶

³⁴².Nonetheless, by request of the Prosecutor’s Office, they acted in an expedited fashion within a period no greater than three days following the initial hearing, so as to hold the hearings for “pre-trial disclosure of evidence,” wherein the witnesses from the Prosecutor’s Office, brought under pressure and threats from the police, made their appearance to issue their declarations.

³⁴³.These types of actions were verifiable in the case of the leaders of the April 19 Movement of Masaya, María Adilia Cerrato and Cristhian Fajardo. This was confirmed thanks to the declaration made by María Adilia, who stated that the witnesses brought by the police for the pre-trial disclosure of evidence were youths who had been arrested in Masaya and beaten in the ‘El Chipote’ cells. She noted that one of the supposed witnesses had even appeared with a tooth missing due to the beatings he had received to ensure he would declare against the political prisoners in the case during the special hearing for the pre-trial disclosure of evidence³⁶⁷.

³⁴⁴.The same thing happened in the case of Walter de Jesús Cerrato Rodríguez and other young people in the municipality of Diriamba, whom the Prosecutor’s Office charged with organized crime [and] torture, among others, to the detriment of the Sandinista sympathizers Gamaliel Baltodano and Jhony Jarquín. In this case, Judge Karen Chavarria of the Ninth Hearings Court of Managua, five days after having held a preliminary hearing, held a hearing for pre-trial disclosure of evidence wherein she only accepted interviews of police witnesses³⁶⁸. It was clear the speed with which the judge convened the hearing for pre-trial disclosure of evidence, without at least waiting for the initial hearing so the Prosecutor’s Office could present the list of evidence. Despite having convened this hearing for pre-trial disclosure of evidence, it was not held due to the fact that the Prosecutor’s Office demanded the pre-trial disclosure of evidence for all proposed witnesses; in the face of this proposal, the judge decided to postpone the hearing so as to guarantee all of the witnesses.

³⁴⁵.In addition, said hearing was not held by request of the Prosecutor’s Office, because it was not possible to locate the witnesses and thus, was rescheduled for the following month. Furthermore, the Hearing

³⁶⁶Code of Criminal Procedure. Ley N°. 406 [Law No. 406]. Art. 281 and 282.

³⁶⁵IAHR Court. Case of Zegarra Marín v. Peru. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Costs]. Sentence of February 15, 2017. Series C No. 331, para. 125.

³⁶⁶Code of Criminal Procedure. Ley N°. 406 [Law No. 406]. Art. 102.

³⁶⁷Confidencial. María Adilia Peralta, 10 meses en la cárcel: Seguimos luchando por liberación de todos los presos [María Adilia Peralta, 10 Months in Jail: We Continue Fighting for the Release of All Prisoners]. May 23, 2019. See from minute 4:25 to minute 4:45.

³⁶⁸Acta de Reprogramación de Audiencia de Anticipo Jurisdiccional de Prueba [Record for Rescheduling the Hearing for the Jurisdictional Pre-Trial Disclosure of Evidence], dated August 30, 2018, signed by the judge

of the Ninth Criminal Hearings District of Managua, as per Judicial Matter N°013010-ORM4-2018PN. “This judicial authority, having verified, both in the physical dossier as well as systematically, that no express provision exists that states that the Public Ministry has nominated the witnesses that it would present in this pre-trial hearing, for which it would have the obligation to collaborate with their presentation, and the undersigned cannot interpret that all of the witness would come to testify who can be confirmed in the indictment statement, which only motivates their request without mentioning the names of the witnesses, given that it is not until today that I will learn who the witnesses are who will come to testify.”

Record stated that the defense was opposed to holding the hearing, due to the fact that it did not satisfy the requirements demanding the pre-trial disclosure of evidence. Despite that, the judge, without providing grounds for her decision, ordered that a hearing for pre-trial disclosure of evidence be held.³⁶⁹

³⁴⁶. Based on these decisions, the trial judge saw his possibilities limited with regard to directly receiving declarations from the witnesses and directly assessing the evidence in such a manner as would enable him to issue an objective, impartial, and rational decision that was not based on the records of the illegally-convened hearings for pre-trial disclosure of evidence.

³⁴⁷. In short, the decisions adopted by the judges systematically violated the principle of immediacy and assessment of evidence, to the detriment of the political prisoners.

3.7) Violation of the principle of procedural swiftness, Article 8, numeral 1 of the ACHR

³⁴⁸. The judges violated the principle of procedural swiftness and the human right to be tried without unjustified delays.

³⁴⁹. To that end, the IAHR Court has indicated that:

. . . [T]he “reasonable period of time” mentioned in Article 8.1 of the Convention must be assessed with regard to the overall duration of the proceedings that transpire until a final sentence is issued. The right to access to justice implies that the solution to a controversy is produced in a reasonable period of time, given that a prolonged delay can come to constitute, in and of itself, a violation of judicial guarantees.³⁷⁰

³⁵⁰. As a result of our analysis, we confirmed that of the 279 criminal proceedings we examined, 68 did not entail oral proceedings against the political prisoners, due to the fact that only the first preliminary hearings were held with the purpose of accepting charges and imposing pre-trial detention, initial hearings to admit evidence from the Prosecutor’s Office, and some special hearings for pre-trial disclosure of evidence, expand charges or evidence from the Prosecutor’s Office, or exclude evidence from the defense, prior to the trials.

³⁵¹. Due to the fact that proceedings were unjustifiably not sent to trial, they lasted longer than what is legally established, while the pre-trial detention was automatically prolonged without a sentence having been issued.

³⁵². The judges justified these anomalies in their resolutions by arguing that the delays due to the suspensions of the proceedings were attributable to causal agents of force majeure, when in reality they were due to other reasons, be it the lack of will on the part of the PN and Penitentiary System to transfer political prisoners to courtrooms or because the political prisoners were transferred from cells or penitentiary systems in the various departments to cells in the Directorate of Judicial Assistance in order to later be subject to intense interrogation.

³⁵³. Below we cite two examples that demonstrate the aforementioned judicial arbitrariness.

³⁵⁴. Firstly, we have the case of released political prisoner Ronald Fernando Avilés, who was charged with the crimes of organized crime, torture, and kidnapping for ransom in detriment to Bismarck Martínez, by the Fifth Hearings Judge of Managua, Julio César Arias. In this case, the proceedings began on October 11, 2018.³⁷¹ Once the procedures were lodged before the trial judge, constant rescheduling transpired that was attributed to causal agents of force majeure. The released political prisoner was detained for approximately seven months and the oral proceedings for his case were never held,³⁷²

³⁶⁹Acta de Audiencia de Anticipo Jurisdiccional de Pruebas [Record of the Hearing for the Jurisdictional Pre-Trial Disclosure of Evidence], at 11:40 a.m. on September 18, 2018, Judicial Dossier 013010-ORM4-2018PN, “Parte resolutive” [Resolution Part].

³⁷⁰IAHR Court. Case of Favela Nova Brasília v. Brazil. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of February 16, 2017. Series C No. 333, para. 217.

³⁷¹Acta de Audiencia Preliminar [Record of Preliminary Hearing] on October 11, 2018, issued by the Fifth Criminal Hearings District of Managua, as per Judicial Matter N°012220-ORM4-2018, against Ronald Fernando Avilés, for the crimes of kidnapping for ransom, torture, and others.

³⁷²Auto resolutive [Resolution Decree] on April 29, 2019, issued by the Ninth Criminal District Trial Court of Managua, as per Judicial Matter N°012220-ORM4-2018, against Ronald Fernando Avilés for the crimes of kidnapping for ransom, torture, and others, in which trial is set for May 26, 2019.

and he was later released as a consequence of the Amnesty Law.³⁷³

355. Secondly, we have the case of political prisoner José Alejandro Martínez Ponce, charged with the crime of aggravated robbery by the District Criminal Trial Court in Ocotal. The trial for those proceedings was scheduled to commence on October 29, 2018, though the police did not bring him. This same dynamic was repeated four more times, until in the hearing held on January 21, 2019 the judge ruled that he was unaware of what had happened to the defendant and the reasons for which the police refused to bring him forward and therefore, would resolve it through the sentence.³⁷⁴

356. Faced with this situation, the judge was obligated to shut down the trial. Nonetheless, he did the exact opposite: he issued a sentence in which, without having held the trial and without the victim and witnesses having testified, he convicted the defendant José Alejandro Martínez Ponce, imposing a punishment of three years in prison for the crime of aggravated robbery.³⁷⁵

357. The foregoing leads us to conclude that the systematic actions of the judges prolonged the criminal proceedings, thereby violating the principle of procedural swiftness, to the detriment of the detainees.

3.8) Violation of the principle of proportionality of punishment, Article 7 of the ACHR

358. We have noted that in light of international standards and what has been indicated by the IAHR Court,

restrictions on human rights must not be arbitrary or abusive, [but rather], be established by law, pursue a legitimate goal, and comply with the requirements of necessity, suitability, and proportionality.³⁷⁶

359. In this sense, we have determined that that supposes that any “restriction should be set forth in a law, not be discriminatory, be based on reasonable criteria, address a useful and timely purpose that makes it necessary for satisfying an imperative public interest, and be proportional to that objective.” This means that “the one that least restricts the protected right should be chosen.”³⁷⁷ That is to say, proportionality refers to the restrictive measure being adjusted to the achievement of the objective pursued through the restriction imposed.³⁷⁸

360. As a result of the analysis we performed, we determined that of the 279 proceedings, there were guilty verdicts handed down in 147 cases, while another eight of them received mixed sentences; that is, some of the defendants were declared guilty while others were acquitted.³⁷⁹

361. However, it is important to focus on the political prisoners who were declared guilty, whether for grave or not-so-grave crimes. In this sense, we find that the punishments imposed on the political prisoners were the maximum punishments for each type of crime.

362. Therefore, we see that the judges, when performing their assessments to determine the punishment to impose, did not consider any attenuating circumstances that might result from the imposition of the minimum punishment, even when the majority

³⁷³Cédula Judicial de Notificación [Judicial Notice Card], at 11:32 on June 28, 2019, issued by the Ninth Criminal District Trial Court of Managua, as per Judicial Matter N°012220-ORM4-2018 against Ronald Fernando Avilés for the crimes of kidnapping for ransom, torture, and others, wherein it is indicated that according to the effects of the Amnesty Law, the defendant is ordered immediately released.

³⁷⁴Constancia de Inasistencia a Juicio Oral [Proof of Non-Attendance at Oral Proceedings], dated January 21, 2019 at 10:20 a.m., issued by the District Criminal Trial Court of Ocotal, as per Judicial Matter N°000036-1521-2018PN, resolves: “This hereby serves as proof that on four occasions official letters were sent to the Penitentiary System; they never brought him; we are completely ignorant regarding what happened to the defendant and why they do not bring him. I will resolve this through the sentence.”

³⁷⁵Guilty Verdict 048-2019, issued at 9:30 on January 23, 2019 by the Criminal District Trial Court of Ocotal against José Alejandro Martínez for the crime of aggravated robbery. Evidence presented at trial: the evidence presented by the Public Ministry was not examined, as the trial was suspended on four occasions in which the order was remitted to bring forward the defendant; we even sent a letter and even then, the defendant was not brought. Ruling: The defendant is sentenced to three years in prison for the crime of

aggravated robbery.

³⁷⁶IAHR Court. Case of López Lone et al v. Honduras. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of October 5, 2015. Series C No. 302, para. 168; IAHR Court. Case of Women Victims of Sexual Assault in Atenco v. Mexico. Excepción Preliminar, Fondo, Reparaciones y Costas [Preliminary Exception, Merits, Reparations, and Cost]. Sentence of November 28, 2018. Series C No. 371, para. 174.

³⁷⁷IAHR Court. Case of Yatama v. Nicaragua. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of June 23, 2005. Series C No. 127, para. 206.

³⁷⁸IAHR Court. Case of Castañeda Gutman v. Mexico. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of August 6, 2008. Series C No. 184, para.180.

³⁷⁹The rest of the cases were resolved in varying manners or are currently underway. For detailed information, see Chapter VI, Relevant Findings Found in the Review and Analysis of the 279 Criminal Procedures against Political Prisoners.

dealt with ‘primary inmates’ [‘reos primarios’]. The Criminal Code establishes that the personal circumstances of the defendant must be considered and the greater or lesser gravity of the incidents, as well as the existence of one or more extenuating circumstances.³⁸⁰

363. Notwithstanding the foregoing, the punishments were severe and characterized by being significantly greater than what the Prosecutor’s Office requested, as occurred with the punishments imposed by Judge Edgar Altamirano. As mentioned earlier, the judge imposed punishments of 216 years in prison on campesino leader Medardo Mairena, 210 years on Pedro Mena, and 56 years on Luis Icabalceta;³⁸¹ and additionally, the punishment imposed by Judge Fátima Rosales of the Thirteenth Trial Court against Carlos Alberto Bonilla, sentencing him to 90 years in prison.

364. By virtue of the foregoing, we can conclude that the judges imposed disproportionate punishments, which in principle did not address the principal objective of the punishment, all the more so because the cases deal with persons who were detained in highly questionable circumstances and subjected to proceedings without judicial guarantees. As such, the judicial authorities violated the principal of proportionality, to the detriment of the political prisoners.

D. Role of the National Penitentiary System (SPN)

1) Legal framework for actions

365. Pursuant to its Organic Law, the SPN is an armed entity of a civilian, professional, apolitical, nonpartisan, and non-deliberative nature³⁸², whose

actions must be grounded in the recognition of the dignity of persons and respect for human rights, in accordance with the Constitution, laws, treaties, codes of conduct, and international human rights instruments.

366. The SPN has, amongst its principal duties, regulating the activity of executing punishments and imprisonment with an eye to the person who has been deprived of his/her freedom being reincorporated into the daily activities in society.³⁸³

367. In this sense, the Law on the Penitentiary System and Execution of Punishments determines that “inmates under no circumstance shall be subject to torture, cruel, inhuman, or degrading treatment, physical [or] psychological abuse, or any other procedure that threatens inmates’ dignity”;³⁸⁴ similarly, discrimination against inmates based on sex, age, language, opinion, origin, social class, and financial capacity is prohibite.³⁸⁵

368. Within this context, it is important to highlight that the correctional facilities are exclusively meant for those persons who are sentenced and subject to criminal proceedings under the precautionary measure of pre-trial detention.³⁸⁶ They should be guaranteed the necessary physical spaces, as well as basic sanitary conditions, adjustments to permit sufficient air circulation, and natural and artificial light in all areas.³⁸⁷

369. In addition, the regulation permits that within the correctional facilities there may exist maximum-security cells which should only be utilized for inmates who due to their degree of adaptation or danger place at risk the security of the prison [or] the life and physical integrity of the staff or other inmates.³⁸⁸

³⁸⁰Ley No. 779, Ley integral contra la violencia hacia las mujeres y de reformas a la Ley no. 641, Código Penal, con sus reformas incorporadas [Law No. 779, Comprehensive Law against Violence against Women and Reforms to Law No. 641, Criminal Code with its reforms included]. Approved on January 20, 2014, published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°19 on January 30, 2014. Art. 59, which reformed Art. 78 of the Criminal Code. ‘Rules for the Application of Punishments.’

³⁸¹La Prensa. Orteguita condena a Medardo Mairena a 216 años de cárcel [Ortega Sympathizer Sentences Medardo Mairena to 216 years in prison]. El Nuevo Diario, February 18, 2019. La Prensa, February 18, 2019.

³⁸²Law on the Penitentiary System and Execution of Punishments. Ley N° 473 [Law No. 473]. Published in Diario Oficial La Gaceta [The Gazette Official Newspaper] 222 on November 21, 2003. Art. 4.

³⁸³Ibid., Art. 1.

³⁸⁴Ibid., Art. 7.

³⁸⁵Ibid., Art. 8.

³⁸⁶Ibid., Art. 36.

³⁸⁷Ibid., Art. 34.

³⁸⁸Ibid., Art. 84.

2) Irregular actions

370. From the beginning of the crisis in April 2018, the SPN actively participated in the repression, which was reflected in the first detentions of groups of protesters, who after being arbitrarily detained by the PN and parapolice, were made available to the SPN.

371. Based on our analysis, we confirmed that many of these detainees were arrested, directly transferred to SPN cells, and admitted to diverse correctional facilities without having been charged or brought before a judge, as has already been noted.³⁸⁹

372. Similarly, we verified that the persons were imprisoned in dark, hot cells as well as being physically and verbally attacked.³⁹⁰ Thus, the detainees were systematically subject to various cruel, inhuman, [and] degrading treatment, including torture.

373. In particular, of the proceedings analyzed for this report, we verified numerous denunciations of beatings during detention or prolonged confinement without the ability to see the sun, read a book, have leisure time, or communicate with others.

374. From December 2018 through May 2019, frequent denunciations were made by political prisoners' relatives and human rights organizations regarding the beatings inflicted by SPN civil servants.³⁹¹

375. The political prisoners were beaten because they sang the national anthem, demanded better ventilation in their cells, produced video recordings, or complained about the abuse they received.³⁹²

376. Similarly, 15 female political prisoners in the 'La Esperanza' women's jail were brutally beaten the night of October 26, 2018.³⁹³

377. These human rights violations and the excessive use of force were even more evident with the assassination of political prisoner Eddy Montes Praslin. He was inside his cell when he became aware of the presence of International Red Cross officers in the correctional facility and, together with a group of political prisoners, initiated acts of protest to push the government to comply with the commitment it signed on March 27, 2019 with the ACJD³⁹⁴ to release all political prisoners within a period of 90 days. The authorities reacted by violently suppressing the protest, employing PN riot police bearing weapons of war to contain all of the political prisoners who were demanding their rights.³⁹⁵

378. During this act of repression, the SPN civil servants shot from far away a group of political prisoners who were protesting, with one of the shots catching Mr. Montes in the back; he later died due to a lack of medical attention in the jail.³⁹⁶ Regarding this incident, MIGOB issued a communiqué stating that the death was due to a struggle between the political prisoner and an SPN guard. Nonetheless, the legal medical ruling indicated that the shot was made from a long distance away: an open contradiction to what was stated by the authorities.³⁹⁷

379. Furthermore, we verified that the SPN's decision to imprison the principal leaders in maximum-security cells, in addition to being arbitrary, had the primary goal of decreasing the physical and mental capacity of political prisoners who were renowned leaders.

³⁸⁹La Prensa. Trasladan más de 90 detenidos del Chipote a la Modelo [More Than 90 Detainees Transferred from 'El Chipote' to 'La Modelo']. July 13, 2018.

³⁹⁰Confidencial. Presos políticos revelan cómo son las cárceles orteguistas [Political Prisoners Describe Ortega Jails]. June 10, 2019.

³⁹¹NotiVosTV. Denuncian más golpizas contra presos políticos [Denunciations of More Beatings of Political Prisoners]. February 21, 2019.

³⁹²Confidencial. Seis palizas contra reos políticos en las cárceles de la dictadura [Six Beatings of Political Prisoners in the Dictatorship's Jails]. April 1, 2019.

³⁹³100% Noticias. Denuncian golpiza a presas políticas en "La Esperanza" [Denunciations of Beatings of Political Prisoners in 'La Esperanza']. October 29, 2018.

³⁹⁴Agreement to facilitate the process of releasing persons deprived of their freedom, in accordance with the country's legal regulations and Nicaragua's respective obligations in this sphere, wherein it was established that the

maximum period in which all political prisoners and detainees could be held was 90 calendar days, as of March 20, 2019.

³⁹⁵IACHR, 131st Ordinary Period of Sessions, held March 3-14, 2008. IACHR. Principles and Best Practices for the Protection of Persons Deprived of Their Freedom in the Americas. Principle XX, third paragraph: "Members of the police or armed forces shall be prohibited from exercising custodial duties in the facilities holding persons who have been deprived of their freedom."

³⁹⁶La Prensa. Hubo negligencia en la atención a Eddy Montes, según análisis de médicos independientes [There Was Negligence in the Attention Given to Eddy Montes, According to Analysis Performed by Independent Doctors]. June 3, 2019.

³⁹⁷La Prensa. Forenses independientes desmienten a Ministerio de Gobernación sobre autopsia de preso político Eddy Montes Praslin [Independent Medical Examiners Refute Ministry of Government Regarding Autopsy of Political Prisoner Eddy Montes Praslin]. May 21, 2019.

380. On a related note, we confirmed that SPN authorities implemented measures that increased the suffering of the political prisoners, such as for example refusing them permission to receive visits or making it harder for their family members to visit them. In addition, during visits the guards violated the privacy and unfettered communication between the family members and political prisoners, in that it was common for them to stand near the political prisoners and listen in on their conversations.

381. **Similarly, it was learned that during the visits of family members, or when they would come to the correctional facilities to deliver packets of food or hygiene products for the political prisoners, SPN agents would take photos and record videos which were later broadcast by various media outlets allied with the government, that referred to these actions in their headlines as “terrorists receive food” or “terrorists receive visitors”.**³⁹⁸

382. We will provide greater detail about these grave violations in the next chapter.

³⁹⁸Canal 4 Nicaragua. Gobierno de Nicaragua respeta derechos humanos de terroristas presos en el sistema penitenciario [Government of Nicaragua Respects the Human Rights of Terrorists Imprisoned in the Penitentiary System]. September 21, 2018.

7

**Violation of the right to
physical integrity,
Article 5, numeral 2 of
the ACHR**



The IAHR Court determined that:

... [V]iolating individuals' right to physical and psychological integrity is a type of violation with diverse connotations in terms of degree and covers the gamut, from torture to other types of humiliation or cruel, inhuman, or degrading treatment, and whose physical and psychological consequences vary in intensity, according to the endogenous and exogenous factors demonstrated in each concrete situation.³⁹⁹

384. Therefore:

There exists an international legal system that absolutely prohibits all forms of torture, both physical as well as psychological, a system that today falls within the domain of ius cogens. The prohibition of torture is complete and peremptory, even in the most difficult of situations, such as war, the threat of war, [and] the fight against terrorism and any other crimes.⁴⁰⁰

385. The IACHR has indicated that “. . . all persons deprived of their freedom have the right to be treated humanely. . . . The State not only has a special duty to respect and guarantee their lives and physical integrity, but must also ensure the minimum conditions that are compatible with their dignity.”⁴⁰¹ Likewise, it has indicated that consideration must be given to “the cumulative effect or impact of the conditions of imprisonment to which a person has been subject, so as to determine if as a whole they

have constituted a form of cruel, inhuman, and degrading treatment”.⁴⁰²

386. For its part, the IAHR Court has emphasized that the State exercises a position of guarantor with regard to persons deprived of their freedom, and that “the injuries, suffering, damage to health, or harms suffered by a person while he/she is deprived of his/her freedom can come to constitute a form of cruel treatment or punishment when the conditions of imprisonment generate a deterioration of [the person's] physical, psychological, or moral integrity”.⁴⁰³

387. In that sense, the Court has recalled that, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), they must satisfy minimum criteria,⁴⁰⁴ and that the variety of combined circumstances arising from not complying with these criteria can come to constitute cruel, inhuman, or degrading treatment, for example:

. . . the lack of adequate infrastructure; imprisonment in conditions of overcrowding; without ventilation or natural light; in unhealthy cells; without beds (sleeping on the floor or in hammocks); without adequate medical attention or potable water; without classification by category (for example, between children and adults, or between accused and convicted); without adequate toilet facilities (having to urinate or defecate in containers or plastic bags); without minimum conditions of privacy in the dormitories; with scarce or bad-quality food; with little opportunity

³⁹⁹ IAHR Court. Case of Loayza Tamayo v. Peru. Fondo [Merits]. Sentence of September 17, 1997. Series C No. 33, para. 57.

⁴⁰⁰ IAHR Court. Case of Tibi v. Ecuador. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Cost]. Sentence of September 7, 2004. Series C No. 114, para. 143.

⁴⁰¹ IACHR. Informe sobre los derechos de las personas privadas de libertad en las Américas [Report on the Rights of Persons Deprived of Their Freedom in the Americas]. OAS/Ser.L/V/II. Doc. 64. December 31, 2011, para. 430.

⁴⁰² Ibid., para. 433.

⁴⁰³ IAHR Court. Asunto del Complejo Penitenciario de Curado Respecto de Brasil [Matter of the Curado Penitentiary Complex of Brazil]. Medidas Provisionales [Provisional Measures]. Resolution of the IAHR Court of November 28, 2018. Recital 30.

⁴⁰⁴ Ibid., Recital 31: “The venues for lodging, and especially dormitories,

must comply with all hygiene regulations, particularly as regards weather conditions and concretely, the volume of air, minimum area, lighting, heating, and ventilation (Rule 13). The foregoing includes sufficiently large windows to permit the entrance of fresh air; the guarantee of artificial light (Rule 14), sanitation facilities (Rule 15), and a toilet and shower (Rule 16) that are adequate and clean (Rule 17). In addition, prisoners shall be provided with water and essential cleaning supplies for their health and hygiene (Rule 18), as well as individual bed linens (Rules 19 and 21), good-quality food (Rule 22), medical attention (Rule 24), and appropriate treatment of contagious diseases during the infection period (Rule 30, d). Likewise, the Principles and Best Practices for the Protection of Persons Deprived of Their Freedom in the Americas of the Inter-American Commission on Human Rights mandates that all persons deprived of their freedom shall have the right to health (Principle X) and to sufficient and hygienic space and health facilities (Principle XII).”

to exercise; without educational or sports activities, or with very limited opportunities to take part in such activities; with wrongful restrictions on the rules for visitors; with the periodic application of forms of collective and other punishments.⁴⁰⁵

A. Torture [and] cruel, inhuman, and degrading treatment during detention and imprisonment

³⁸⁸In addition, the IACHR Court has indicated that prolonged isolation and coercive solitary confinement are, in and of themselves, “forms of cruel and inhuman treatment that are injurious to the psychological and moral freedom of the person and to the right of all detainees to respect due to the dignity inherent to being a human being.”⁴⁰⁶ Furthermore, the IACHR has recognized that when the State intentionally subjects a person to conditions of particularly harmful imprisonment with a particular goal, that can come to constitute torture, such as in the case of political prisoners.⁴⁰⁷

³⁸⁹With regard to this, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment establishes that:

The term ‘torture’ shall be understood as any act by which grave pain or suffering is intentionally inflicted, be it physical or mental, with the goal of obtaining from the person or from a third party information or a confession, to punish him/her for an act he/she has committed or is suspected of having committed, or to intimidate or coerce that person or others for any reason based on any type of discrimination.⁴⁰⁸

³⁹⁰Below we reference diverse actions committed during the detentions that constituted grave violations of the physical integrity of political prisoners, in that they amount to cruel, inhuman, and degrading treatment, including torture.

³⁹¹Since 2008, the State of Nicaragua has received observations from the UN Human Rights Committee on cruel treatment and torture in correctional facilities. Said organ expressed its concern regarding the continuing cases of abuse of detainees on the part of law enforcement, and urged the State to take immediate and efficacious measures to put an end to the abuse committed in the jails and, as appropriate, prosecute and sanction the agents who commit these acts, as well as compensate the victims.⁴⁰⁹

³⁹²The OHCHR, in its report on the human rights violations committed within the context of the protests in Nicaragua in April 2018, highlighted the accounts of possible acts of torture and abuse perpetrated by the police or jail authorities during the arrest or in the days immediately thereafter. The accounts indicate the detention center known as ‘El Chipote’ as the principal place where acts of torture transpired, as well as some police stations “where burns were inflicted with tasers, barbed wire was used, there were beatings with fists and pipes and attempts to strangle, as well as psychological torture, such as for example death threats”.⁴¹⁰

³⁹³During the 41st Period of Sessions of the Human Rights Council in July 2019, Deputy High Commissioner [for Human Rights] Kate Gilmore expressed her profound concern to the States regarding the denunciations received of possible acts of torture and cruel treatment committed against persons deprived of their freedom within the current context, and especially the murder allegedly committed by a police official of a prisoner under

⁴⁰⁵IACHR. Informe sobre los derechos de las personas privadas de libertad en las Américas [Report on the Rights of Persons Deprived of Their Freedom in the Americas]. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 434.

⁴⁰⁶IACHR Court. Case of Velásquez Rodríguez v. Honduras. Fondo [Merits]. Sentence of July 29, 1988. Series C No. 4. para. 156.

⁴⁰⁷CIACHR. Informe sobre los derechos de las personas privadas de libertad en las Américas [Report on the Rights of Persons Deprived of Their Freedom in the Americas]. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 435.

⁴⁰⁸Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment, adopted and open for signing, ratification, and adherence by the General Assembly in its Resolution 39/46 of December 10, 1984. Art. 1.

⁴⁰⁹Human Rights Committee. 94th Period of Sessions. Final Observations of the Human Rights Committee, Nicaragua. Document CCPR/C/NIC/CO/3. October 30, 2008, para. 14, point a).

⁴¹⁰OHCHR. Violaciones de Derechos Humanos y abusos en el contexto de las protestas en Nicaragua [Human Rights Violations and Abuses Within the Context of the Protests in Nicaragua]. August 2018. Para. 79-80.

protection, guarded by the prison authorities,⁴¹¹ whose action continues to be shrouded in complete impunity.

³⁹⁴For its part, since 2008 the Committee against Torture (CAT) has expressed concern due to the lack of information in the State report on data from cases of torture. The State, in mid-May 2019 – six years late – submitted a report to the CAT that was completely removed from the truth, denying any type of torture. This is contradicted by the reports of human rights violations in Nicaragua that have extensively documented the abuse and torture suffered by the political prisoners.⁴¹³

³⁹⁵As an example, the report issued by Human Rights Watch confirms the patterns of attacks such as “protesters beaten during their arrests and in some cases refused medical attention,” “detainees were raped, including with the use of metal tubes and firearms or threats of rape,” “subjecting detainees to simulated drowning, electrical charges, burning with acid, simulated executions, forced nudity, and removal of nails,” and “forcing detainees to declare and self-incriminate under coercion”.⁴¹⁴

³⁹⁶With regard to this point, the administrators of justice not only have not exercised control over the treatment of persons deprived of their freedom, but have also been responsible for officially denying the numerous public denunciations.

³⁹⁷It is thus that the judge of the Fifth Criminal Hearings District of Managua, Dr. Julio César Áreas Roque, denied that those indicted for the April protests were brought before the courts with obvious traces or signs of torture, “as was asserted by the right-wing media and organizations that play politics with human rights”.⁴¹⁵

³⁹⁸The declarations of Judge Áreas stick to the governmental discourse, by stating that torture is not practiced in Nicaragua, there are no political prisoners, and the parapolice do not exist⁴¹⁶. The President of the Supreme Court of Justice, Alba Luz Ramos, issued similar statements in an interview with the international media outlet Sputnik in November 2018, wherein she denied the existence of political prisoners.⁴¹⁷

³⁹⁹It should be noted that by the close of the present report, neither the PN nor Prosecutor’s Office had begun any actions with the goal of determining the grave violations committed against political prisoners, identify those responsible, and initiate the correct proceedings for trying and, as appropriate, sanctioning them.

⁴⁰⁰Below we provide concrete examples of acts of torture, as well as cruel, inhuman, or degrading treatment committed against the political prisoners.

1) In the Directorate of Judicial Assistance to the Police, ‘El Chipote’:

• Three of his nails were yanked out to obtain a confession.

⁴⁰¹Former prisoner **Lenín Rojas Contreras** was detained for eight months and three days and freed on March 15, 2019. In an interview⁴¹⁸ upon leaving the jail, he recounted the abuse and torture to which he was subject during his detention in the cells of ‘El Chipote.’

⁴⁰²Lenín stated that on July 12, 2018, he participated in a march and that upon his return home he asked

⁴¹¹El Nuevo Diario. ONU pide rendición de cuentas [UN Requests Accountability]. July 11, 2019.

⁴¹²Committee against Torture. Informe 41° Período de Sesiones, (3 al 21 de noviembre de 2008) 42° período de sesiones (27 de abril al 15 de mayo 2009) [Report, 41st Period of Sessions (November 3-21, 2008), 42nd Period of Sessions (April 27-May 15, 2009)]. Study of the Reports Presented by the States Parties By Virtue of Article 19 of the Convention. Nicaragua, paragraph 51, page 147, point (c): Principal Reasons for Concern and Recommendations, “obligation to investigate and the right to present denunciations.” The Committee notes with concern the complete absence of cases and sentences related to the crimes of torture and abuse, which can resemble impunity.

⁴¹³La Prensa. Régimen orteguista le miente a Naciones Unidas y asegura que “no hay torturas en el país” [Ortega Regime Lies to United Nations, Assuring “There Is No Torture In the Country”]. July 3, 2019.

⁴¹⁴Human Rights Watch. Brutal represión, torturas, tratos crueles y juicios

fraudulentos contra manifestantes y opositores en Nicaragua [Brutal Repression, Torture, Cruel Treatment, and Fraudulent Trials against Protesters and Opponents in Nicaragua]. June 2019.

⁴¹⁵Judicial Branch. General Directorate of Communication. Nota de prensa: Ningún procesado ha llegado al con señales de tortura [Press Release: No Indicted Person Has Arrived with Signs of Torture]. October 22, 2018.

⁴¹⁶La Prensa. Daniel Ortega multiplica cinismo y mentiras durante entrevistas internacionales [Daniel Ortega Multiplies the Cynicism and Lies During International Interviews]. September 5, 2018.

⁴¹⁷Sputnik. Corte Suprema de Nicaragua: Hay solo 261 detenidos de 546 implicados en violencia [Supreme Court of Justice of Nicaragua: There are Only 261 Detainees of the 546 Implicated in Violence]. November 29, 2018.

⁴¹⁸Nicaragua Investiga. Lenín Rojas “el paramédico”, de El Chipote al que le arrancaron tres uñas [Lenín Rojas, “The Paramedic” from ‘El Chipote,’ Although They Yanked Out Three Fingernails]. April 29, 2019.

for a lift from an unknown individual. However, the pickup truck in which he was riding was quickly intercepted by several police patrol cars. The latter immediately began shooting at the pickup truck and when it stopped they made all of the occupants disembark.

attention due to the complaints made by his cellmates to attend to him.⁴²⁰

• **They isolated him in a cell, despite the fact that his ribs were broken from the beatings he had received.**

403. The driver of the vehicle sustained a bullet injury in his leg as a result of the shots fired, while he [Lenin] was beaten, dragged through the street, and then put in a police car. They then transferred him to ‘El Chipote,’ where he was received by a commissioner whose face was hidden by a balaclava, who threatened to throw him into the Masaya Volcano’s crater.

407. **Francisco Lira Matey**, age 16, was charged by the Prosecutor’s Office of the common crime of aggravated robbery against Delvin José Martínez, a police official, from whom he had allegedly planned to steal the motorcycle on which he was riding.

304. That same day, at night, he was taken from his cell to record his fingerprints and then taken to an office where they brutally beat him. Following that, they confined him in a cell together with two other persons and for four days they were beaten; in addition, he was only given food on the fourth day of his confinement.

308. Francisco was illegally detained on June 15, 2018 and transferred to the ‘El Chipote’ prison, where investigating officials beat him, in the process breaking several of his ribs. He was then detained a second time on November 2, 2018 and once again transferred to the cells of ‘El Chipote,’ in light of the existence of an arrest warrant that had been issued for him because of his tardy arrival at a hearing before the Adolescents Judge.⁴²¹

405. Lenin recounts that he was constantly interrogated, in an effort to get him to say which political party was financing him. During the interrogation, the interrogating official, utilizing pliers, yanked out three nails from one of his hands.⁴¹⁹

409. On December 17, 2018, the judge ordered him released. Despite said order, the SPN authorities did not free him until January 22, 2019. During that time, Francisco was completely isolated and unable to communicate with other people or with his family.⁴²²

• **He went into convulsions due to a beating.**

406. Former prisoner **Heynar Baltodano Escobar** was detained on September 9, 2018 and imprisoned in the cells of ‘El Chipote,’ where for 12 days he was subject to constant interrogations and brutal beatings to obtain his declaration as to who was paying him to participate in the social protests. This situation provoked constant convulsions and he had to be transferred to the SPN, where he continued to experience convulsions. Heyner received medical

• **They undressed her in front of her male colleagues and groped her**

410. Former prisoner **Victoria Obando**, a transgender woman, social activist, and university leader from the department of León, was arrested together with other university leaders in the department of León and transferred to the Directorate of Judicial Assistance to the Police, ‘El Chipote.’⁴²³ Victoria was charged, along with a group of university students,

⁴¹⁹Idem.

⁴²⁰El Nuevo Diario. Denuncian que dos reos convulsionaron y fueron tratados con Diazepam [Denunciations That Two Prisoners Went Into Convulsions and Were Treated with Diazepam]. October 25, 2018.

⁴²¹La Prensa. Liberan a adolescente después de 79 días preso en El Chipote [Adolescent Freed After 79 Days Imprisoned in ‘El Chipote’]. January 25,

2019.

⁴²²Idem.

⁴²³La Prensa. Líderes estudiantiles de León fueron golpeados cuando fueron capturados por la Policía [Student Leaders from León Were Beaten When They Were Arrested by the Police]. August 27, 2018.

of the crimes of kidnapping for ransom, attempted aggravated robbery, bearing illegal weapons, and hinderance of public services. She remained in prison approximately 10 months and was then released on June 10, 2019 as a result of the Amnesty Law.⁴²⁴ After her release, in an interview with the Niú media outlet she declared that “they undressed us when they brought us to court, in front of our male colleagues, they undressed us in the court cells, and also the groping. . . . Many of them [guards] were macabre, machistic, they took advantage to . . . touch our bodies, touch our breasts, our butts. And you couldn’t say anything, because you were under their control, and if you complained, they would beat you”.⁴²⁵

- **They threatened to charge him with drug trafficking if he did not declare against opposition leaders.**

^{411.} Current political prisoner **Manuel de Jesús Sobalvarro** was detained on November 17, 2019 without the existence of an arrest warrant or having been caught red-handed [‘in flagrante delicto’]. According to the public denunciation made by his family members and based on a review of the judicial dossier, Sobalvarro was detained at a police checkpoint in the municipality of Nindirí. They forced him off the bus on which he was riding, seized his backpack in which he carried handicrafts he was going to deliver to a shopping market in the capital, and transferred him to the cells of ‘El Chipote.’ From the moment of his arrival, he was psychologically tortured; they placed a firearm at his temple and threatened to charge him with drug trafficking if he did not incriminate members of the UNAB.⁴²⁶ They even demanded that he record a video stating the UNAB had received external funds to overthrow President Daniel Ortega.⁴²⁷

2) In police stations in other cities and departments:

- **Police shoot a political prisoner, breaking his leg – Granada Department Police Station**

^{412.} Another act of torture was denounced by former prisoner **Carlos José Hernández Bustos**, who participated in marches and roadblocks installed in the city of Granada. In July 2019, during the plan dubbed ‘Operation Cleanup’ carried out by the PN and parapolice in the department of Granada, Carlos José Hernández Bustos’ house was raided. They kidnapped him and while he was in police custody and with both arms in handcuffs, a police official shot him twice in one of his legs, breaking his bones. He was hospitalized in Hospital Amistad Japón [Japan Friendship Hospital] in Granada. He remained handcuffed to his hospital bed and did not receive medical attention while in police custody.⁴²⁸

^{413.} After more than 20 days in the hospital, the Prosecutor’s Office charged him before a judge in the capital for the crimes of aggravated robbery and bearing illegal weapons, even when the alleged incidents were committed and should have been tried in the department of Granada.

^{414.} During the trial, the witnesses were not able to demonstrate the robbery; as such, the judge in the capital was forced to declare him guilty only of the crime of illegally bearing weapons, sentencing him to eight months in prison.⁴²⁹

- **After a brutal beating, political prisoner loses a testicle – Police station in the community of Pueblo Nuevo in the department of Jinotega**

⁴²⁴El Nuevo Diario. Victoria Obando, la mujer trans que está entre los 50 manifestantes liberados [Victoria Obando, Trans Woman Who Is Among the 50 Freed Protesters]. June 10, 2019.

⁴²⁵Niú. Presas políticas trans: Doble discriminación en “La Modelo” [Trans Political Prisoners: Double Discrimination in ‘La Modelo’]. June 19, 2019. See from minute 7:45 to minute 12:12.

⁴²⁶The Blue and White National Unity [Unidad Nacional Azul y Blanco] brings together more than 90 organizations opposing the government.

⁴²⁷La Lupa. Exmilitar denuncia que policía orteguista lo tortura para

involucrar a la UNAB en ‘planes terroristas’ [Former Soldier Denounces that Ortega Police Tortured Him to Involve the UNAB in ‘Terrorist Plans’]. November 20, 2019.

⁴²⁸El Informe. 22 días esposado a la cama sin ser atendido por médico del hospital Amistad Japón de Granada [22 Days Handcuffed to the Bed Without Receiving Medical Attention in Hospital Amistad Japón in Granada]. July 26, 2018.

⁴²⁹Sentence N°163-2018, issued at 9:00 a.m. on November 20, 2018 and notified at 11:28 a.m. on November 26, 2018, as per Judicial Matter N°014453-ORM4-2018PN, issued by the Third Criminal Trial Court of Managua.

⁴¹⁵Relatives of former prisoner **Bryan Cruz Calderón** denounced to the CPDH the acts of torture committed against him by police agents in the police station in the community of Pueblo Nuevo, Jinotega as well as by civilians who acted with the acquiescence of the former.⁴³⁰ Both of Mr. Ortega's testicles were removed during his detention, the reason for which he had to be hospitalized in the capital of Managua.⁴³¹

⁴¹⁶During the family's public denunciation, the police agents threatened them through text messages, telling them that if they continued with their public denunciation they would do the same to one of Bryan's brothers, but that first they would yank out his fingernails.⁴³²

- **Police took him from his cell, undressed him, and tied him up for an entire night to obtain a confession – Estelí Department Police Station**

⁴¹⁷When former political prisoner **Santos Isaac Casco Castellón** left prison, in an interview⁴³³ he stated that on July 16, 2018 he was detained by the PN at the direction of an FSLN sympathizer who identified him as 'Azul y Blanco' [Blue and White]. After being detained, he was transferred to the Estelí Police Station.

⁴¹⁸Casco states that during the night they forced him to undress and beat him with the butt of an AK47 rifle. That night of that same day they took him from his cell completely naked to the police station patio and hung him from his arms in a place near a trashcan filled with mosquitos, keeping him there until a very late hour of the night, and then repeated the same thing the next day.⁴³⁴

3) In the 'La Esperanza' women's jail

- **The university student was not provided with medical attention, resulting in a miscarriage.**

⁴¹⁹University student **Elsa Albertina Valle** suffered a miscarriage while in prison due to mistreatment by the police, violence suffered in custody, and the lack of timely medical attention from jail authorities.⁴³⁵ During her detention, she was in an overcrowded and unhealthy cell filled with cockroaches and ticks.

⁴²⁰Upon leaving prison, she was interviewed by several independent media and said that during the three months she was imprisoned she was forced to do squats naked, they threatened to rape her, all contact with her family was prohibited, and they insulted her by saying her life was worth not worth anything, which harmed her psychologically.⁴³⁶

- **They were given guidance to kill her in the jail.**

⁴²¹Another case is that of businesswoman **Irlanda Jerez**, who was brutally beaten on various occasions in the EPIM and also received death threats. One of the most violent attacks she sustained occurred the night of October 26, 2018, when a group of hooded police officers entered her cell and without giving her any type of information claimed they would take her from her cell and transfer her to an unknown location.

⁴²²Her fellow female cellmates resisted and as a result, they too were brutally beaten, with at least 16 female prisoners being injured.⁴³⁷ Instead of investigating the public denunciation that was made, MIGOB chose to deny the facts, labeling the female political prisoners terrorists.⁴³⁸

⁴³⁰El Nuevo Diario. Denunciarán ante PGR a presuntos torturadores [Alleged Torturers Will Be Denounced to PGR]. September 20, 2018.

⁴³¹Confidencial. Denuncian torturas de la Policía Nacional en Jinotega [Torture by National Police in Jinotega Denounced]. September 18, 2018.

⁴³²Artículo 66. Policías de Jinotega amenazan a familiares del campesino al que torturaron con puñalada en los testículos [Jinotega Police Threaten Family Members of Campesino Whom They Tortured By a Knife Wound to the Testicles]. September 19, 2018.

⁴³³La Prensa. Autoconvocados denuncian torturas en Estelí: Me obligaron a desnudarme y me golpearon con la culata de una AK [Self-Assembled Persons Denounce Torture in Estelí: They Forced Me to Undress and Beat

Me With an AK]. July 21, 2019.

⁴³⁴Ibid.

⁴³⁵El Nuevo Diario. Elsa Valle dice que abortó por maltrato en la cárcel [Elsa Valle Says She Miscarried Due to Abuse in Jail]. October 3, 2018.

⁴³⁶Idem.

⁴³⁷El Nuevo Herald. Feministas condenan cobarde golpiza a presas políticas en Nicaragua [Feminists Condemn Cowardly Beating of Female Political Prisoners in Nicaragua]. November 1, 2018.

⁴³⁸VOA Noticias. Gobierno Nicaragua niega torturas a quienes considera presas políticas [Nicaraguan Government Denies Torturing Those It Considers to be Political Prisoners]. November 7, 2018.

4) In the Jorge Navarro Penitentiary System, "La Modelo"

- **They beat him and cut off his hair.**

423. In the interview the young man **Kevin Joel Loáisiga** gave to an independent media outlet, he stated that on April 20, 2018 as he was protesting the social security reforms, the police captured him and transferred him to the SPN, 'La Modelo.' Upon arriving at said correctional facility, they cut off all of his hair, leaving him completely bald and did not provide him food for two days.⁴³⁹ After six days in detention without being remanded to the custody of a judge, the prison authorities placed Kevin Joel Loáisiga and other prisoners on a bus and then threw them out on the Tipitapa-Managua Highway barefoot, beaten, with their heads shaved, and without returning their belongings to them.⁴⁴⁰

- **Confinement in 'El Infiernillo' [The Furnace]**

424. It was confirmed that from the moment they entered the SPN, the most publicly recognized people, as is the case with **Medardo Mairena, Pedro Mena, Miguel Mora Barberena, Edwin Carcache, Yubrank Suazo, [and] Cristhian Fajardo**, among others, were confined in maximum-security cells in 'La Modelo' known as 'El Infiernillo' [The Furnace]. These are completely closed cells with limited ventilation, completely dark, without hygienic-sanitary conditions, and infested with insects.⁴⁴¹

- **They removed his prosthesis in order to subject him to cruel treatment.**

425. On one occasion, political prisoner **Pedro Gutiérrez**, a person with a motor disability who uses a prosthesis on one of his legs, was handcuffed by the guards to the bars of his cell. They took his

prosthesis from him, keeping him handcuffed and standing on the other leg for an hour. He was also the victim of constant lies as a form of taunting by the guards. They would deceive him, telling him that he should get ready because he was about to be released; as a result, the political prisoner would give away his belongings to others in the jail.⁴⁴²

- **They tied their feet and hung them upside down.**

426. On March 8, 2019, during his imprisonment in the SPN, **Jefry Isaac Jarquín** and **Frederich Eliseo Castillo** had their feet tied with a chord and then were hung upside down. Their hair was cut off and they were punched in several places on their body until they vomited blood. Then they were left in their cells without receiving any form of medical attention. The CPDH lodged a denunciation with the MP against the authorities of the SPN for the crime of torture; nonetheless, the Ministry has not ordered any type of investigation to be performed into the incidents.⁴⁴³

- **They used pepper spray on and beat him.**

427. The same modus operandi of torture was employed against former prisoner **Francisco Sequeira**, the leader of the Juigalpa, Chontales roadblock. In January 2019, he was tied by the feet and brutally beaten by agents of the SPN, 'La Modelo,' until he vomited blood, as a reprisal for having recorded a video that went viral on social media in which political prisoner **Chester Membreño** denounced that the SPN authorities did not inform him regarding the death of his mother.⁴⁴⁴

428. The beating was executed by some six prison agents who upon entering the cell used pepper spray on him and then hit him several times, leaving him

⁴³⁹Confidencial. Pelones y andrajosos fueron liberados los detenidos durante protestas [Those Detained During Protests Released Bald and Shabby]. April 25, 2018.

⁴⁴⁰El Nuevo Diario. Liberan a protestantes que estaban detenidos [Protesters Who Had Been Detained Are Freed]. April 25, 2018.

⁴⁴¹Confidencial. El infiernillo de Medardo Mairena. 18 de agosto de 2018.

⁴⁴²La Prensa. Preso político ha sido burlado dos veces por autoridades penitenciarias [Political Prisoner Has Been Deceived Twice by Prison

Authorities]. September 18, 2019.

⁴⁴³Nicaragua Investiga. Denuncia de la CPDH: "fueron colgados de cabeza y golpeados brutalmente" [The CPDH Denounces: "They Were Hung Upside Down and Brutally Beaten"]. March 23, 2019.

⁴⁴⁴Nicaragua Investiga. Preso que grabó video de Chester Membreño es torturado [Prisoner Who Recorded Video of Chester Membreño Tortured]. January 16, 2019

badly injured in the same cell and receiving no medical attention. This incident was also denounced by the CPDH to the Prosecutor's Office, though nothing has been done in response to it to date.⁴⁴⁵

- **They were imprisoned in dark, isolated cells.**

429. Another notorious example of cruel, inhuman, and degrading treatment is the case of journalists **Miguel Mora Barberena** and **Lucía Pineda Ubau**, who were detained on December 21, 2018 and charged without grounds by the Prosecutor's Office with the crimes of incitement, conspiracy, and proposal to commit terrorism, simply for exercising their rights to freedom of expression and to freely perform their work as journalists.⁴⁴⁶

430. Both journalists were imprisoned in 'El Chipote' in inhuman conditions: in dark cells without electricity and with no appropriate toilet facilities. During their detention they were subject to constant interrogations, without the right to communicate with their lawyers [or] family members and were restricted in terms of how much time they could spend outside

431. **The journalist asserted that while she was in 'El Chipote' she was tortured by Karla Patricia Calderón, who subjected her to countless interrogations while setting the tone by playing the song 'El Comandante Se Queda' [The Commander Remains]. In addition, she took away the journalist's eyeglasses by order of the Chief of Police, despite the fact that she insisted she needed them to see.**⁴⁴⁸

432. **For his part, following the second hearing held on January 30, 2019, Miguel Mora was transferred to the SPN and from the moment of his arrival was imprisoned in an 'El Infiernillo' cell.⁴⁴⁹ As for her, journalist Lucía Pineda Ubau was transferred to the EPIM, where she was isolated from the rest of the female prisoners and treated in a cruel and inhuman manner. She is currently free and has publicly denounced that during her stay in 'El Chipote' she had to grab her own feces with her hands and throw them in a different place due to the fact that the cells did not contain toilet facilities.**

⁴⁴⁵La Prensa. Denuncian paliza a preso político en galería de máxima seguridad del SPN [Denunciation of Beating of Political Prisoner in Maximum-Security Colonnade of SPM]. January 16, 2019.

⁴⁴⁶Criminal Code of the Republic of Nicaragua, Law No. 641, published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°83 on May 5, 2008. Art. 32, second paragraph, last part: "The Exercise of Freedom of Thought, of Expression and the Right to Information Will Not be Considered Justification That Does not Contravene Constitutional Principles and Special Laws."

⁴⁴⁷La Prensa. Abogado de Lucía Pineda y Miguel Mora relata el trato inhumano al que han sido sometidos los periodistas [Lawyer for Lucía Pineda and Miguel Mora Recounts Inhuman Treatment to Which They Have Been Subject]. January 30, 2019.

⁴⁴⁸100% Noticias. Periodista Lucía Pineda identifica a la mujer policía que la torturaba en El Chipote [Journalist Lucía Pineda Identifies the Female Police Officer Who Tortured Her in 'El Chipote']. September 18, 2019.

⁴⁴⁹Nicaragua Investiga. Miguel Mora en huelga de hambre y en condición complicada de salud [Miguel Mora On a Hunger Fast and In Bad Health]. February 25, 2019.

8



**Current situation of political
and former prisoners**

A. Conditions of the political prisoners who remain in prison

^{433.} As of February 13, 2020, according to the list published by the ACJD, a total of 61 political prisoners⁴⁵⁰ still remained in the cells of the SPN and EPIM, three of whom were women. The political prisoners were detained in the cells of the Penitentiary Systems of Tipitapa, Chinandega, and Estelí, the National Directorate of Judicial Assistance, and several departmental stations in the country.

^{434.} These persons are not recognized by the State as political prisoners, according to the argument that they have been prosecuted for common crimes. Nonetheless, sufficient evidence exists that proves that these individuals took part in marches, roadblocks, and demonstrations and that the majority were arrested while they were involved in demonstrations, when leaving them, or when the safe houses [in which they had taken refuge] were raided.

^{435.} Of the political prisoners as of February 13, we found that for 26 of them, their criminal proceedings unfolded unusually slowly, with no justification whatsoever on the part of the authorities and irrespective of the established periods of maximum duration of the proceedings, the majority of which have expired. The other 32 were already serving their sentences.

^{436.} Despite this, in order to maintain the proceedings active, though without making substantive progress, the judges turn to suspending the trials for reasons of force majeure, when in fact these involve refusals by the Penitentiary System to transfer and present

^{437.} the political prisoners in the various hearings, as has been explained.

As regards the prison conditions and inhumane treatment received by the political prisoners, we verified that the ‘El Chipote’ prison and SPN ‘La Modelo’ have been places where the greatest number of abusive practices and torture have been recorded. Below we present two cases that demonstrate the foregoing.

- Political prisoner **Uriel José Pérez**, detained on November 12, 2019 for allegedly exploding ‘contact bombs’ [‘bombas de contacto’] in the department of Masaya. Despite that, he was charged in the courts of the capital city of Managua for alleged drug trafficking. Uriel is imprisoned in the SPN, where he has been continuously harassed and threatened by the guards. According to the denunciation made by his defense attorney, Julio Montenegro, the food they give him contains ground-up glass and animal remains.⁴⁵²

- Political prisoner **Edward Lacayo**, a native of Masaya, was sentenced by a judge in the capital of the crime of drug trafficking. Recently, the Second Criminal Chamber of the Court of Appeals of Managua, led by Judges Ingrid Lazo, Napoleón Pereira, and Martha Quezada, confirmed the prison sentence of 15 years and 800 days, the maximum punishment for this type of crime, based on no cause. Edward Lacayo is imprisoned in a maximum-security cell of the SPN. His mother and sister publicly denounced that on December 23, 2019 an unknown person entered the cell bearing a short, sharp weapon with the intention of physically attacking him,⁴⁵³ though was not able to injure him due to the intervention of a cellmate. For his part, defense attorney Julio Montenegro denounced that the political prisoner receives his

⁴⁵⁰Alianza Cívica por la Justicia y la Democracia [Civic Alliance for Justice and Democracy]. Listado de presos políticos [List of Political Prisoners]. Updated as of February 13, 2020. The difference between the statistic given by the ACJD and this report stems from three cases in which the prisoners’ name could not be shared for lack of authorization/consent.

⁴⁵¹Detentions have continued to transpire after the present report was written; while they are not included herein, they clearly demonstrate that the persecution continues. For more updated information, please visit the

Alianza Cívica website.

⁴⁵²Canal 12 Nicaragua. Reo político Uriel Pérez recibe vidrio molido en alimentos [Political Prisoner Uriel Pérez Given Ground-Up Glass in Food]. March 16, 2020.

⁴⁵³La Prensa. Hermana del preso Edward Lacayo confirma que un hombre quiso agredirlo en la cárcel [Sister of Prisoner Edward Lacayo Confirms That a Man Attempted to Attack Him in Jail]. December 27, 2019.

meals after mealtime has passed and therefore, the food is rotten.⁴⁵⁴

B. State of released political prisoners

⁴³⁸The current situation of those who have been released shall be presented from two points of view. The first relates to their state of legal insecurity, while the second addresses the state of personal insecurity in which they live following their release from prison due primarily to persecution and harassment.

1) Juridical-legal situation

⁴³⁹The release of political prisoners transpired as a result of national and international pressure that led the government to sign a commitment with the ACJD to release them through the Amnesty Law.

⁴⁴⁰It was thus that 597 political prisoners were released between February 27, 2019 and December 30, 2019. Although the government presented these releases as a unilateral decision, they were in fact the result of the agreements ratified on March 27, 2019 by the negotiation roundtable comprised of representatives of the ACJD and the government.⁴⁵⁵ The individuals were released for satisfying court orders under the categories of “change in precautionary measures,” applied to those who were awaiting oral proceedings, and “house arrest,” applied to those who had already been issued guilty verdicts.

⁴⁴¹In the March 27, 2019 agreements, the State of Nicaragua committed to freeing all political prisoners within 90 days, a period that ended on June 11, 2019.⁴⁵⁶ In addition, it committed to definitively closing the [political prisoners’] criminal

proceedings, cancelling [their criminal] records, and returning their assets.

⁴⁴²On a related note, 110 persons were freed through the Amnesty Law (Law 996) that was approved on June 8, 2019,⁴⁵⁷ issued outside of the process of the negotiation roundtable by the majority of FSLN Congressmembers⁴⁵⁸ and unilaterally applied by the government.

⁴⁴³This Amnesty Law, while authorizing and permitting the release of prisoners, presents incompatibilities with Nicaragua’s international obligations regarding access to justice by victims and [their] family members.

⁴⁴⁴The Law’s Article 1 establishes “a broad amnesty for all persons who participated in the events that transpired throughout national territory from April 18, 2018 through the entrance into force of the present Law.”⁴⁵⁹ The content of said article, in addition to serving as a legal instrument for freeing political prisoners, could, as noted by the IACHR, “leave shrouded in impunity the grave human rights violations committed in the country that have been extensively documented by the IACHR and other international and national human right organs.”⁴⁶⁰

⁴⁴⁵With regard to amnesty laws, the IAHR Court has repeatedly indicated in its jurisprudence that:

. . . [A]mnesty provisions, statute of limitations provisions, and the establishment of exemptions from responsibility that aim to prevent the investigation and sanctioning of those responsible for grave human rights violations – such as torture, summary, extralegal, or arbitrary executions, and forced disappearances – are inadmissible,

⁴⁵⁴La Lupa. Defensores del Pueblo envían S.O.S. por la vida del preso político Edward Lacayo [Human Rights Ombudsmen Issue S.O.S. Regarding the Life of Political Prisoner Edward Lacayo]. March 7, 2020.

⁴⁵⁵Alianza Cívica. Acuerdo para la liberación de personas privadas de libertad [Agreement to Release Persons Deprived of Their Freedom]. March 27, 2019. Article Five: “The period for releasing imprisoned and detained persons shall be 90 calendar days as of March 20, 2019.”

⁴⁵⁶Ibid.

⁴⁵⁷Amnesty Law. Ley No. 996 [Law No. 996]. Approved on June 8, 2019,

published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N°108 on June 10, 2019.

⁴⁵⁸EFE. El Congreso de Nicaragua aprueba Ley de Amnistía, propuesta por los sandinistas [Nicaraguan Congress Approves Amnesty Law Proposed by Sandinistas]. June 8, 2019.

⁴⁵⁹Amnesty Law. Ley No. 996 [Law No. 997]. Art.1.

⁴⁶⁰IACHR. CIDH manifiesta preocupación por aprobación de Ley de Amnistía en Nicaragua [IACHR Expresses Concern Regarding Approval of Amnesty Law in Nicaragua]. June 12, 2019.

all of which are prohibited because they are in contravention of irrevocable rights recognized under international human rights law.⁴⁴¹

446. Furthermore, the Law's Article 2 indicates that the crimes that fall within the purview of the amnesty are "all political crimes and related common crimes that are defined by the criminal regulations in force in Nicaragua."⁴⁶² With regard to that, the Commission expressed its concern regarding:

. . . the inaccuracy and ambiguity of the definition of "political crimes and . . . related common crimes" to which the Law applies, given that it leaves its interpretation subject to the discretion of the authorities, in contravention of the principle of legality established in Article 9 of the American Convention.⁴⁶³

447. Likewise, Article 3 of the Amnesty Law establishes the concept of non-repetition, which indicates that the beneficiaries of this Law "must abstain from perpetrating new acts which produce repetitive conduct generating the crimes considered herein," and that in compliance with it "brings with it the consequence of the revocation of the benefit established by this Law".⁴⁶⁴

448. This provision and its ambiguity enables released political prisoners' human rights to freedom of expression, assembly, protest, and demonstration to be limited if they do not abstain from committing repetitive behavior; that is, if they continue protesting against governmental policies, they will be detained anew.

449. Article 1 of the Amnesty Law also ordered the closure of the processes of investigation, ongoing judicial proceedings, and judicial proceedings that have yielded guilty verdicts.⁴⁶⁵ However, of the 279 criminal proceedings we analyzed, we verified that in only 20 of them were rulings issued that "order the shelving of the case," the definitive release of political prisoners, or the cancellation of criminal records, though without handing down sentences with the definitive dismissal that would be appropriate.⁴⁶⁶

450. In addition, none of these resolutions order the definitive dismissal of prosecuted persons, return of their personal and real property, or un-freezing of bank accounts and public registry of the cases that ordered their freezing. This is evidenced by the judicial proceedings against journalists Miguel Mora Barberena and Lucía Pineda Ubau.⁴⁶⁷

451. It is worthy of note that with respect to the return of the assets belonging to Canal 100% Noticias [100% News Channel], the State of Nicaragua, in a report sent to the IACHR on the occasion of the hearing convened during the IACHR's 173rd Period of Sessions – which it did not attend – indicated that the occupation of 100% Noticias transpired within the framework of a criminal investigation and in accordance with legal regulations. It additionally declared that the scope of the Amnesty Law and its generic effects cover the closure of proceedings, immediate freedom, and cancellation of criminal records, though not the return of the assets or instruments with which the crimes were committed.⁴⁶⁸

452. In short, despite what is indicated in the Amnesty Law approved by the National Assembly, there is a lack of will on the part of the government to definitively close the judicial proceedings against

⁴⁴¹IAHR Court. Case of Massacres in El Mozote and Neighboring Places v. El Salvador. Fondo, Reparaciones y Costas [Merits, Reparations, and Costs]. Sentence of October 25, 2012. Series C No. 252. Para. 283.

⁴⁶²Nicaraguan National Assembly. Ley de Amnistía, Ley No. 996 [Amnesty Law, Law No. 996], approved on June 8, 2019, published in Diario Oficial La Gaceta [The Gazette Official Newspaper] N° 108 on June 10, 2019. Art. 2.

⁴⁶³IACHR. CIDH manifiesta preocupación por aprobación de Ley de Amnistía en Nicaragua [IACHR Expresses Concern Regarding the Approval of Amnesty Law in Nicaragua], June 12, 2019.

⁴⁶⁴Amnesty Law. Ley No. 996 [Law No. 996]. Art.3.

⁴⁶⁵Idem., Art.1.

⁴⁶⁶Confidencial. Chantaje y vigilancia en causas abiertas contra presos políticos [Blackmail and Surveillance In Open Cases against Political Prisoners]. June 23, 2019.

⁴⁶⁷La Prensa. Jueces archivan expedientes a presos políticos, pero no regresan bienes [Judges Shelve Dossiers of Political Prisoners, But Do Not Return Their Assets]. La Prensa, July 14, 2019.

⁴⁶⁸La Prensa. Dictadura de Daniel Ortega ratifica a la CIDH la confiscación de 100% Noticias y archiva quema de Radio Darío [Daniel Ortega's Dictatorship Ratifies to the IACHR the Confiscation of 100% Noticias and Shelves the Burning of Radio Darío]. October 3, 2019.



the political prisoners. Based on our analysis of the proceedings, we conclude that the judges are closing dossiers in an anomalous manner, utilizing non-legal concepts such as “shelving the case,” which in practice implies the temporary stasis of the dossier or placing it in temporary custody until it is ordered reopened. For example, the ruling issued by the Ninth Trial Judge of Managua regarding defendants Amílcar Antonio Cortez Báez, Karla Vanessa Matus Méndez, Rolando Leonel Briones Arévalo, David Enrique Bellorini and Oscar Giovanni Jaime for the crimes of terrorism and illegally bearing weapons indicates that “as an effect of the Amnesty Law, it is hereby ordered that the present case 020038-ORM4-2019PN should be shelved; associated records should be canceled; and conditions inherent to the precautionary measure shall be left without effect.”⁴⁶⁹

⁴⁵³The foregoing contravenes the CPP, which clearly indicates: “Amnesty is a cause for extinguishing criminal proceedings;⁴⁷⁰ consequently, in the cases of extinguishment of criminal proceedings, dismissal shall be ruled in favor of the defendants.”⁴⁷¹ Notwithstanding, this decision to shelve [cases] and not issue sentences to dismiss is due to the malicious way in which the aforementioned Article 3 of the Amnesty Law is composed.

⁴⁵⁴Lastly, the Amnesty Law, as has already been indicated, beyond favoring the political prisoners had as its true objective guaranteeing the impunity of the material and intellectual authors responsible for the crimes against humanity committed against the civilian population who began protesting in April

2018, contrary to international standards in the area of access to justice.

2) Former prisoners' state of insecurity

⁴⁵⁵On February 27, 2019, when the government began releasing the first political prisoners from prison, mechanisms of espionage, harassment, threats, and physical and verbal attacks were activated, executed primarily by armed civilians and the PN against the released individuals; this will be addressed in greater detail later in the report.

⁴⁵⁶As a form of intimidation, graffiti was painted on the outside walls of many of the freed political prisoners' homes bearing messages labeling them as “member in/ supporter of a coup d'état” [golpista] and “terrorists,” or saying things like “you are being watched” and “bullet.”⁴⁷²

⁴⁵⁷Likewise, the PN has implemented mechanisms for continuous surveillance that include photographing freed persons' daily activities [and] video-recording the places they visit and those with whom they communicate. In addition, the PN maintains continuous surveillance over the outside of their homes and its officials intimidate and physically and verbally attack the family members. They even perform selective detentions⁴⁷³ in order to obtain information when the freed persons enter their homes.

⁴⁵⁸The government's capacity to still the voices of the released political prisoners has been overtaken; as such, it has had to increase the repression, even

⁴⁶⁹Court Resolution issued July 1, 2019 by the Ninth Trial Court of Managua, as per case N°020038-ORM4-2019PN, against Amílcar Antonio Cortez Báez, Karla Vanessa Matus Méndez, Rolando Leonel Briones Arévalo, David Enrique Bellorini, and Oscar Giovanni Jaime, for the crimes of terrorism, murder, organized crime, and arson.

⁴⁷⁰Code of Criminal Procedure. Ley N° 406 [Law No. 406], Art. 72. Causes. Criminal proceedings are extinguished due to: 1. the death of the defendant or accused; 2. the statute of limitations; 3. the judged matter; 4. the dismissal or abandonment of the particular charges when charges were not presented by the Public Ministry, or the complaint in private-injury crimes; 5. the application of a plea bargain in the assumptions and manners set forth in this Code; 6. the compliance with the compensation agreements obtained through mediation; 7. the fulfillment of the conditional statute of limitations of the criminal prosecution, without it being revoked; 8. expiration of

maximum length of time for the duration of the proceedings; 9. the withdrawal by or pardoning of the victim when it is expressly authorized; and 10. amnesty.

⁴⁷¹Idem. Art. 71, first paragraph. Effects: In cases where the criminal proceedings are extinguished, dismissal shall be ruled in favor of the defendant with regard to whom the extinguishment has transpired.

⁴⁷²El Nuevo Diario. Casas de opositores son pintadas con figura de calavera humana en Nicaragua [Opponents' Homes Painted with Figure of Human Skull in Nicaragua]. April 25, 2020.

⁴⁷³Despacho 505. Policía orteguista aumenta asedio en casas de opositores [Ortega Police Increase Harassment of Opponents' Homes]. February 29, 2020. Confidencial. Estado de sitio policial impone casa por cárcel al opositor Jaime Arellano [Police Martial Law Imposes Home as Prison for Opponent Jaime Arellano]. February 22, 2020.

preventing freed persons from leaving their homes, as has occurred with Kisha Cristelia,⁴⁷⁴ Ivania Álvarez, Yubrank Suazo,⁴⁷⁵ Marlon Powell, Santiago Fajardo, and Juan Bautista Guevara.⁴⁷⁶

459. The foregoing has led to new arbitrary detentions, the opening of criminal proceedings for alleged common crimes, forced exile of former prisoners, and internal displacement to protect their life and freedom. We provide some recorded cases as examples.

3) New cases of arbitrary detentions against released prisoners

460. In this current phase of the crisis, the government has modified its forms of repression against former prisoners who protest. To that end, it selectively detains them and attributes to them the execution of common crimes such as illegally bearing weapons, robbery, or drug possession. Below we provide some examples of cases that demonstrate the foregoing.

461. **Jaime Enrique Navarrete Blandón**, after spending 11 months in prison, was released on June 10, 2019 by the Amnesty Law; however, since then he has been surveilled by police agents and plainclothes citizens.

462. On July 23, 2019, he used his mobile phone to record a denunciation of acts of harassment and persecution on the part of the PN. As a result, the next day plainclothes individuals in a private vehicle intercepted him when he was leaving his home [and] hit him in the face and various parts of his body, breaking his nose. He was then transferred to ‘El Chipote.’

463. Following that, on July 25 of the same year, the PN raided his home without a warrant, damaged his gates, doors, [and] walls, wrought havoc with everything they found inside, and seized a computer. Five days after his

detention, he was charged by the Prosecutor’s Office for the alleged crimes of drug possession and illegally bearing weapons. During the preliminary hearing held on July 28, 2019, according to an interview with his defense attorney Yonarqui Martínez, Navarrete was brought before the judge with his nose broken, experiencing serious difficulty breathing and walking, having been brutally beaten.

464. Despite the violation of the constitutional period of 48 hours in which he should have been brought before judicial authorities, the judge admitted the charge and imposed pre-trial detention on him, ignoring the denunciation of the physical abuse sustained by Jaime Navarrete.

465. Following that audience, Navarrete was transferred to the SPN, arbitrarily imprisoned in the maximum-security cell known as ‘Cell 3,’ and treated as an extremely dangerous prisoner.

466. On September 14, 2019, upon being brought to his first day of trial, he was pushed by an SPN guard down the stairs of the Judicial Complex of Managua and fell, suffering blows.⁴⁷⁸ Jaime Navarrete is currently sentenced to three years and six months in prison.

467. **Wilfredo Antonio Orozco Urbina** was freed on March 15, 2019 and following his release from prison was continuously harassed by the PN and then re-arrested on July 28, 2019 when leaving his home. During his arrest, the police agents placed an AK47 rifle at his head and forcibly transferred him to District VIII in Tipitapa. He is currently being tried for the alleged crime of bearing a firearm and faces criminal proceedings under the precautionary measure of pre-trial detention, which is disproportionate to the minor crime being attributed to him.⁴⁷⁹

⁴⁷⁴ Stereo Romance. Policía a excarcelados caraceños: “No pueden salir, esa es la orden” [Police to Former Prisoners from Carazo: “You Cannot Leave, That Is an Order”]. February 25, 2020.

⁴⁷⁵ Idem.

⁴⁷⁶ 100% Noticias. Denuncian asedio policial contra profesor Juan Bautista Guevara [Police Harassment of Professor Juan Bautista Guevara Denounced]. February 23, 2020.

⁴⁷⁷ Artículo 66. Entrevista realizada a Yonarqui Martínez [Interview with

Yonarqui Martínez]. July 28, 2019.

⁴⁷⁸ Canal 10. CPDH denuncia irregularidades en el juicio del excarcelado político Jaime Navarrete [CPDH Denounces Irregularities in the Trial of Released Political Prisoner Jaime Navarrete]. September 5, 2019.

⁴⁷⁹ La Prensa. Alianza Cívica registra 120 presos políticos en las cárceles del régimen orteguista hasta el 28/07/2019 [Civic Alliance Records 120 Political Prisoners in Ortega Regime’s Jails as of July 28, 2019]. July 30, 2019.

⁴⁶⁸**Yamileth Gutiérrez** was released from prison on May 20, 2019 and since her release has been rearrested three times and then freed. Police agents and civilians come to her home, take photographs, make night rounds, and remain near her home, even sending emissaries who are members of the CPC to force her to stop protesting against the government.⁴⁸⁰

⁴⁶⁹**Edwin Antonio Altamirano** was released from prison into house arrest on March 15, 2019; nonetheless, at night on July 17, 2019, police authorities and riot police burst into his home with no warrant and arbitrarily detained him. During the illegal raid, they beat everyone in the house, [and] demanded they lie on the floor while threatening them with an AK47. Following this, the police agents transferred him to the cells of the Directorate of Judicial Assistance and subjected him to constant interrogations regarding an alleged attack against the President of the Republic. Four days later he was released with no explanation.⁴⁸¹

⁴⁷⁰In March 2020, Edwin Altamirano denounced through social media that the police had once again illegally raided his home without a warrant and attacked his family, including his daughter, who was barely 10 years old, leaving her face severely injured.⁴⁸²

⁴⁷¹Former political prisoner **Wilfredo Alejandro Brenes** was arrested anew on August 22, 2019 by the PN for having allegedly been responsible for exploding a ‘contact bomb’ [‘bomba de contacto’] in a neighborhood of Masaya (near his home) and was transferred to the cells of the Directorate of Judicial Assistance in Managua. During his illegal detention in the department of Masaya, he demanded that an official

tell him the reasons for his detention and told him to be careful with his shoulder, as it was injured; the official then twisted his arm backward, increasing his pain, saying to him, “well, I will break it for real.”⁴⁸⁴

⁴⁷²Once again, on November 15, 2019 Wilfredo Brenes was arrested along with 15 opponents [of the government] for providing water to mothers [of political prisoners] who were on a hunger strike in the San Miguel de Masaya Church. To justify their detention, they were tried for the crime of illegally bearing restricted weapons.⁴⁸⁵

⁴⁷³Wilfredo Brenes was released on December 30, 2019 along with 90 political prisoners who were granted the legal benefit of house arrest or changes in precautionary measures.⁴⁸⁶ His legal proceedings have been suspended pending the judge issuing a ruling to definitively dismiss the case, which has been repeatedly requested by the defense attorneys who participated in those proceedings.⁴⁸⁷

⁴⁷⁴Wilfredo Brenes was again arbitrarily detained on April 30, 2020. That time he was detained in the midst of his work as a businessman, without the police officers informing him of the reason or presenting any arrest warrant from a judicial authority; they entered his business violently and put him in their patrol car.⁴⁸⁸ He was transferred to ‘El Chipote’ and charged with the crime of transporting drugs and illegal possession of weapons.⁴⁸⁹

⁴⁷⁵Former political prisoner **Richard Alexander Saavedra Cedeño** was captured again on August 26, 2019 by a group of hooded civilians who, together with police officials, raided his home without presenting any

⁴⁸⁰La Prensa. Secuestro y persecución. El asedio de la Policía orteguista contra los presos liberados [Kidnapping and Persecution: The Attacks of Ortega Police against Freed Prisoners]. June 27, 2019.

⁴⁸¹VosTV. Liberan a ex reo Edwin Altamirano [Former Prisoner Edwin Altamirano Released]. July 20, 2019.

⁴⁸²Stereo Romance. Policía Nacional golpeó a hija de excarcelado político en Managua. March 6, 2020

⁴⁸³100% Noticias. Excarcelado Wilfredo Brenes denuncia injusta recaptura [Former Prisoner Wilfredo Brenes Denounces Unjust Arrest]. August 26, 2019.

⁴⁸⁴Actualidad con Dino Andino. Así fue la detención de Wilfredo Brenes [This Was How Wilfredo Brenes’ Detention Was]. September 1, 2019.

⁴⁸⁵Acusación Fiscal [prosecution charges], presented in the Office for Receiving and Distributing Cases on November 17, 2019, signed by Prosecutor Julio Cesar Bolaños Meza, as per Prosecution Dossier N°2489-

240-2019/JD against Wilfredo Alejandro Brenes and others for the crime of illicit arms trafficking.

⁴⁸⁶La Prensa. Régimen excarcela a 91 presos políticos, incluidos los de la banda “los aguadores” [Regime Releases 91 Political Prisoners, Including the ‘Water Carrier Gang’]. December 30, 2019.

⁴⁸⁷Reason for being presented in ORDICE (Office for Receiving Documents and Distributing Cases of the Central Judicial Complex of Managua), dated June 16, 2020. Document Reason: second request to convene hearing on exception due to the extinguishing of criminal proceedings.

⁴⁸⁸La Lupa. Policía del régimen de Ortega recaptura a dos excarcelados políticos de Masaya [Ortega Regime’s Police Recapture Two Freed Political Prisoners from Masaya]. May 1, 2020.

⁴⁸⁹La Prensa. Fiscalía acusa a tres autoconvocados más de Masaya por supuesta droga [Prosecutor’s Office Charges Three More Self-Assembled Persons for Alleged Drugs]. May 3, 2020.

kind of warrant and took him away and detained him. He is currently detained in the Penitentiary System, confronting criminal proceedings for the crime of aggravated robbery allegedly committed in August 2018 (one month prior to being detained and tried for acts committed within the framework of the protests).⁴⁹¹

^{476.} In September 2019, released political prisoner **José Santos Sánchez**, a native of the department of Masaya, was arrested by the PN with no arrest warrant. During his detention, instead of taking him to the police station, they drove him around all day in the patrol car without giving him any food or water. He was continuously interrogated in the patrol car and they threatened to throw him into the Masaya Volcano if he did not issue the declaration they wanted.⁴⁹²

^{477.} On November 13, 2019 at approximately 5:30 a.m., the PN violently raided José Santos Sánchez's home without a warrant, producing damage and aiming at their weapons at all of the residents. José Santos Sánchez is currently charged with the alleged crimes of drug trafficking and illegal possession of firearms.⁴⁹⁴

^{478.} **Kevin Roberto Solís** was released from prison on April 4, 2019 into house arrest. On February 3, 2020, the university student participated in a protest held inside the Universidad Centroamérica [Central American University] (UCA), where a group of university students demanded the release of the political prisoners who are currently imprisoned in the country's jails.⁴⁹⁵

^{479.} Due to his active participation in antigovernmental protests, on February 6, 2020, after carrying out his academic activities, he left the UCA and a few meters away was intercepted by a pickup truck in a public thoroughfare from which individuals in civilian dress

got out. Without a word, they violently threw Solís into the pickup truck. It was not until the day after his capture that it became known that he was being detained in the 'El Chipote' prison.⁴⁹⁶ Currently, university student Kevin Roberto Solís is fulfilling a sentence of 5 years and 6 months in prison for the crime of aggravated robbery.

4) Constant harassment

^{480.} From the moment most political prisoners are released, the State, through the PN and parapolice groups, carry out continuous threats, provocations, insults, persecution, [and] physical attacks, while restricting their civil, political, and religious rights.

^{481.} This practice mostly targets the principal imprisoned political leaders, with an eye to preventing them from promoting acts of protest. Below we provide examples that support this assertion.

^{482.} Protesters **Solange Centeno** and **Nelly Marily Roque** were released from prison on March 15, 2019. Later, on April 19, 2019, armed civilians chased them in order to detain them, leading them to take refuge in a store in the department of Matagalpa. Moments later, police officials arrived and entered the store with the intention of detaining them and taking them to the police station, but in the face of the opposition of the persons in the store, the police gave up.

^{483.} **Kisha Cristelia López**, a trans woman who was freed from prison on May 20, 2019, denounced that since she left prison she has been the victim of harassment by police agents.⁴⁹⁷ Officials on motorcycles routinely come and park in the area around her home. This has prevented her from carrying out her daily work, given

⁴⁹⁰100 % Noticias. Preso político lleva tres meses sin programación de juicio [Political Prisoner Has Been Detained for Three Months With No Trial Scheduled]. November 29, 2019.

⁴⁹¹La Prensa. Parecía como si andaban buscando al Chapo Guzmán...Cinco tragedias detrás de los 65 nicaragüenses en las cárceles de Ortega [It Looked Like They Were Searching for El Chapo Guzmán. . . Five Tragedies Behind the 65 Nicaraguans in Ortega's Jails]. January 12, 2020.

⁴⁹²La Prensa. Policía orteguista captura y después libera a dos excarcelados políticos en Masaya [Ortega Police Capture and Then Free Two Political Prisoners in Masaya Who Had Formerly Been Released]. September 22, 2019.

⁴⁹³100% Noticias. Policía secuestra a excarcelado político José Santos Sánchez [Police Kidnap Freed Political Prisoner José Santos Sánchez].

November 13, 2019.

⁴⁹⁴La Prensa. Acusan a un ex reo político y tres autoconvocados de narcos y portación de armas [Former Political Prisoner and Three Self-Assemble Persons Charged with Drug Trafficking and Bearing Weapons]. November 16, 2019.

⁴⁹⁵100 % Noticias. Sandinistas colocan carteles con fotos de estudiantes que protestaron en la UCA [Sandinistas Hang Posters With Photos of Students Who Protested in the UCA]. February 5, 2020.

⁴⁹⁶Canal 12. Confirman la presencia del joven secuestrado Kevin Solís en el Chipote [The Presence of the Young Man Kevin Solís in 'El Chipote' is Confirmed]. February 6, 2020.

⁴⁹⁷Stereo Romance. Kisha denuncia asedio en Carazo [Kisha Denounces Harassment in Carazo]. Radio, July 29, 2019.

that sometimes when she leaves her home she is chased and the police presence increases when she receives visits from her family.⁴⁹⁸

484. **Tania Muñoz**, released from prison on May 20, 2020, denounced through a video that she was constantly harassed by police agents who station themselves in the vicinity of her home, preventing her to freely move around and restricting her right to work, in that they do not allow her to carry out any type of commercial activities in her home.⁴⁹⁹

485. The released political prisoner has carried out acts of protest from inside her home and placed the national flag on her front door, which led the State, through the Empresa Nicaragüense de Acueductos y Alcantarillados Sanitarios [Nicaraguan Company of Aqueducts and Sanitary Sewage Systems] (ENACAL) arbitrarily and with no justification whatsoever to shut off her water, claiming she has unpaid water bills; however, a payment agreement exists that is being fulfilled.⁵⁰¹

486. The last attack suffered by Tania Muñoz was on March 5, 2020, when FSLN sympathizers stoned her house causing minor damage in an attempt to get her to flee her home.⁵⁰²

487. **Tomás Maldonado**, freed on June 11, 2019, denounced to the CPDH that he has been harassed and threatened by a worker in the Judicial Complex of Carazo, who constantly tells him he will kill him.⁵⁰³ He also denounced that FSLN sympathizers have thrown ‘contact bombs’ inside his home.

488. The attack against **José Alejandro Martínez** with a firearm was of a particularly grave nature. He was freed

on March 15, 2019 and on July 11, 2019 was attacked close to his home in Wiwili by a former police officer who participated as a parapolice agent in Operation Cleanup perpetrated by the government.⁵⁰⁴

489. The parapolice shot Martínez several times. The gravest shots hit his spinal cord and another that hit his head. As a consequence of those gunshots, Martínez is now handicapped and unable to walk.⁵⁰⁵

490. During his critical stage, the PN interrogated him, asking him to describe the person who shot him, and when the victim identified him, the PN told him the author is a former police officer who had [illegally] kept his [police] firearm. To date, the person who fired the shots, despite having been identified by the victim, has not been arrested, nor does evidence exist that the PN has initiated an investigative process.⁵⁰⁶

491. Furthermore, **Glen Slate**, charged for his alleged participation in the assassination of journalist Ángel Gahona, was released from prison on June 11, 2019 by the Amnesty Law. On March 4, 2020 he denounced that he left his home to do his shopping and upon his return was intercepted by three officials of the PN who with no justification whatsoever attempted to perform a body search on him. Glen Slate decided to run toward his house, but right then, one of the officials manipulated his weapon with the intention of shooting it and so Slate, fearing he would be shot, threw himself to the ground, multiply injuring himself.⁵⁰⁷

5) Internal displacement

492. Within the framework of this report, we verified cases of released political prisoners who have been forced

⁴⁹⁸ Stereo Romance. Policía asedia vivienda de Kisha López [Police Harass Home of Kisha López]. July 29, 2019.

⁴⁹⁹ Confidencial. Excarcelada exige a Policía frenar el asedio contra su familia en Niquinohomo [Released Prisoner Demands That the Police Stop Harassing her Family in Niquinohomo]. January 16, 2020.

⁵⁰⁰ The Nicaraguan Company of Aqueducts and Sanitary Sewage Systems: State entity responsible for implementing policies on water for human consumption.

⁵⁰¹ La Prensa. Régimen Ortegaísta corta el servicio de agua potable a excarcelada Tania Muñoz [Ortega Regime Cuts Off Potable Water to Released Prisoner Tania Muñoz]. January 17, 2020.

⁵⁰² 100% Noticias. Turbas orteguistas apedrean casa de la excarcelada política Tania Muñoz [Ortega-Supporting Mobs Stone Home of Released Prisoner Tania Muñoz]. March 5, 2020.

⁵⁰³ El Nuevo Diario. Pastor evangélico excarcelado denuncia asedio y amenazas [Released Prisoner, An Evangelical Pastor, Denounces Harassment and Threats]. July 5, 2019.

⁵⁰⁴ La Prensa. Preso político excarcelado que fue baleado en Wiwili, quedará invalido [Released Political Prisoner Who Was Shot in Wiwili Will Remain Handicapped]. July 13, 2019.

⁵⁰⁵ Ibid.

⁵⁰⁶ Canal 10. Ex preso político de Wiwili acusó a un paramilitar de dispararle [Former Political Prisoner from Wiwili Accused a Paramilitary of Shooting Him]. July 15, 2019. See from minute 1:32 to minute 3:05.

⁵⁰⁷ Canal 12. Glen Slate es víctima de persecución política de parte de oficiales de policía en Bluefields [Glen Slate is the Victim of Political Persecution by Police Official of Bluefields]. March 5, 2020.

to flee their homes due to threats against their lives, security, or freedom resulting from actions arbitrarily executed by the PN together with parapolice groups.

493. Thus, the IAHR Court has indicated that the rights to movement and residence can be violated formally or through restrictions when the State has not established the conditions or provided the means that permit their exercise, and that:

. . . said de facto harms can occur when a person is a victim of threats or harassment and the State does not provide the necessary guarantees to enable him/her to freely circulate and reside in the territory in question, even when the threats and harassment come from non-State actors. Likewise, the Court has asserted that the lack of effective investigations into violent actions can foster or perpetuate forced exile or displacement.⁵⁰⁸

494. In addition, it has established that given the complexity of the phenomenon of internal displacement and broad range of human rights it impacts and places at risk, and additionally considering the circumstances of special vulnerability and defenselessness of displaced persons, “their situation can be understood as a de facto lack of protection.”⁵⁰⁹ That situation obligates the States to adopt measures to reverse the effects of the displacement.⁵¹⁰

495. Thus, for example, university leader **Byron Estrada**, freed from prison on June 11, 2019, had to flee his home in the department of León in early July 2019 due to multiple attacks by police and parapolice agents.⁵¹¹

496. As a continuous form of intimidation, the PN stations police patrol cars in the vicinity of his home.⁵¹² At night, groups of armed civilians stone his home or crash their motorcycles and vehicles into his gates, producing structural damage.

497. Due to the nonstop harassment, Byron was forced to move to safe houses. The last attack suffered by the released political prisoner occurred on March 4, 2020 when late at night a group of hooded individuals on motorcycles stoned his home and insulted his mother and grandmother.⁵¹³

6) Exile in order to protect life and freedom

498. On March 10, 2020, the spokesperson for the UN High Commissioner for Refugees (UNHCR) reported in a press conference at the Palace of Nations in Geneva that following two years of grave political and social crisis in Nicaragua, more than 100,000 people have been forced to flee and seek asylum and refuge in other countries due to persecution and human rights violations.⁵¹⁴

499. According to the official, among the principal applicants for asylum and refuge are students, doctors, journalists, human rights defenders, and campesinos.

500. Within the framework of the present report, we verified that as a result of the governmental repression, a significant majority of former political prisoners have fled Nicaragua as the only alternative to protect themselves from the constant death threats, harassment, and attacks by the PN. Below we describe some cases of exile.

501. Former police officer **Jeysi Julieth Lagos Rivera**, arrested on July 25, 2018 in Jinotega for having refused

⁵⁰⁸IAHR Court. Case of Alvarado Espinoza et al v. Mexico. Fondo, Reparaciones y Costas [Merits, Reparations, and Costs]. Sentence of November 28, 2018. Series C No. 370, para. 274.

⁵⁰⁹IAHR Court. Case of Chitay Nech et al v. Guatemala. Excepciones Preliminares, Fondo, Reparaciones y Costas [Preliminary Exceptions, Merits, Reparations, and Costs]. Sentence of May 25, 2010. Series C No. 212, para. 141.

⁵¹⁰Ibid. para. 141.

⁵¹¹El Nuevo Diario. Opositores abandonan casas debido asedio y agresiones [Opponents Flee Homes Due to Harassment and Attacks]. July 4, 2019.

⁵¹²100%Noticias. Byron Estrada denuncia que su casa en la ciudad de León

fue rodeada por varias patrullas policiales [Byron Estrada Denounces That His Home in the City of León Was Surrounded by Several Police Patrol Cars]. October 17, 2019.

⁵¹³Artículo 66. Motorizados atacan a pedradas la vivienda del ex reo político Byron Estrada [Individuals on Motorcycles Stone House of Former Political Prisoner Byron Estrada]. March 5, 2020.

⁵¹⁴ACNUR. Más de 100.000 personas forzadas a huir de Nicaragua tras dos años de crisis política y social [More than 100,000 Persons Forced to Flee Nicaragua Following Two Years of Political and Social Crisis]. March 10, 2020.

to suppress protesters opposing the government, was released from prison on May 20, 2019 due to a change to an alternative precautionary measure to pre-trial prevention, according to the agreement reached by the government and ACJD, was forced to flee the country due to the constant harassment by the PN and threats of death.⁵¹⁵

502. Marathon runner **José Alejandro Vanegas Potoy**, known as Alex Vanegas, was repeatedly imprisoned by the government for running in the streets carrying the national flag. The last time he was captured was on November 2, 2018; he was confined in unhealthy conditions, without the right to receive visitors, receive an attorney's counsel, entertain himself, have a minimum amount of sunlight, or access the outdoors.

503. The PN attributed to him the alleged commission of the offense of public scandal, which according to the legislation does not merit imprisonment. Vanegas was freed on February 27, 2019 due to a change in precautionary measure. Upon leaving prison, he tried to continue running through the streets, though he was harassed, threatened, and chased in attempts to recapture him. This led him to go into exile in Costa Rica,⁵¹⁶ where he has continued running and pressing for the freedom of the Nicaraguan people.⁵¹⁷

504. The former mayor of Mulukukú, **Apolonio Fargas**, was freed by the Amnesty Law on June 11, 2019 and began receiving death threats from FSLN sympathizers. On August 10, 2019, the PN, together with parapolice agents, raided the Mulukukú Mayoralty with no warrant and took computers, employees' cell phones, and several documents.⁵¹⁸ That same day, the PN also raided the home of Fargas, though did not cause significant damage.

505. Fargas was forced to resign from his post as mayor to which he had been elected, due to the death threats and persecution he has suffered. Together with that, as a security measure to protect his life, he fled Nicaragua via unauthorized points on the border.⁵¹⁹

506. The leaders of the April 19 Movement of Masaya, **María Adilia Peralta y Cristhian Fajardo**: the former was released from prison on May 20 after remaining in jail 10 months, while the latter was released on June 11, 2019. They denounced on video the harassment they suffer at the hands of police agent,⁵²⁰ who park near their homes and do not permit vehicular traffic.

507. On July 12, 2019, a police agent threatened to detain Cristhian Fajardo, who took refuge in his home. Nonetheless, the agent stated that "he could enter the house and throw it in disarray if he wanted to."⁵²¹ The police harassment of Fajardo increased and he was verbally summoned to appear on July 26, 2019 to the Masaya Police Station to report about a weapon that was registered under his name. Fajardo was accompanied by María Oviedo, a CPDH attorney. Upon arrival at the police station, he was threatened and treated in a degrading manner. As a result of this summons, the PN detained attorney María Oviedo, an incident to which we have already made reference. Due to the threats and constant harassment, María Adilia Peralta and Cristhian Fajardo were forced to flee the country; the couple is currently in the United States.⁵²²

508. University student **Fredrych Castillo** was released from prison on April 5, 2019, after which he was the victim of constant harassment, persecution, and threats from the PN. On April 21, 2019, while he was circulating with some friends on a public thoroughfare in the department of Managua, he was even surveilled

⁵¹⁵La Prensa. La amenaza fue directa: "La orden es que te desaparezcan" [The Threat Was Direct: "The Order Is To Disappear You"]. June 26, 2019.

⁵¹⁶La Prensa. El maratonista Alex Vanegas se exilia en Costa Rica [Marathon Runner Alex Vanegas Goes Into Exile in Costa Rica]. March 13, 2019.

⁵¹⁷La Prensa. Alex Vanegas el maratonista Azul y Blanco es agredido por pareja en Costa Rica. June 4, 2019.

⁵¹⁸Confidencial. Alcaldía de Mulukukú permanece tomada por policía y parapolicia [Mulukukú Mayoralty Remains In the Hands of Police and Parapolice]. August 10, 2019.

⁵¹⁹El Nuevo Diario. Apolonio Fargas: "Renuncié a la Alcaldía de Mulukukú

para proteger mi vida" [Apolonio Fargas: "I Resigned from the Post of Mayor of Mulukukú to Protect My Life"]. August 31, 2019.

⁵²⁰La Prensa. Excarcelados Cristhian Fajardo y María Adilia Peralta, denuncian asedio de la Policía de Masaya [Released Prisoners Cristhian Fajardo and Maria Adilia Peralta Denounce Harassment by Masaya Police]. July 12, 2019.

⁵²¹Artículo 66. Policía Orteguista Amenazan con Secuestrar a Cristhian Fajardo [Ortega Police Threaten to Kidnap Cristhian Fajardo]. July 12, 2019..

⁵²²Artículo 66. Especial-Exiliados nicaragüenses [Special: Nicaraguan Exiles]. April 19, 2020.

by police agents who immediately intercepted him and arbitrarily detained and transferred him to the cells of the VII Police District in Managua, where he remained for 24 hours.⁵²³ This situation forced him to go into exile in Brazil.⁵²⁴

509. **The former member of the UNAN barricade who survived the attack on the Divina Misericordia Church, Jeffrey Jarquín, was released from prison on June 11, 2019 and has recorded several videos denouncing that he and his family, at their home in the city of Bluefields, have been continuously harassed by police agents coordinated by Bluefields Chief of Police Mayra Quiroz and Commissioner Yuri Valle.⁵²⁵ According to Jarquín, these police agents have orders to kill him and he holds police agents responsible for what might happen to him and his family. As a result, he chose to flee his home and seek refuge outside of Nicaragua.**

510. **Student leaders also fled Nicaragua for the same aforementioned reasons that led the released political prisoners to do so. While some have returned to the country, it has been impossible for others to do so, given the lack of security.**

⁵²³Confidencial. Policía orteguista persiste en persecución y secuestros [Ortega Police Continue Persecution and Kidnappings]. April 21, 2019.

⁵²⁴La Prensa. Fredrych Castillo, otro excarcelado político de Nicaragua forzado a exiliarse por el asedio de la dictadura [Fredrych Castillo, Another Freed Political Prisoner Forced Into Exile Due to Harassment from Dictatorship]. February 8, 2020.

⁵²⁵El Heraldo net. Ex preso político Jeffrey Jarquín denuncia órdenes de matarlo y señala a 2 comisionados ejecutores [Former Political Prisoner Jeffrey Jarquín Denounces Orders to Kill Him and Identifies Two Executing Commissioners]. August 5, 2019.



511. One of the most important social movements in Nicaragua's recent history emerged in April 2018. The popular reaction to a non-consulted decision of the government to move ahead with reforms to social security, together with social discontent due to restrictions imposed on personal freedoms and political rights, led to massive protests throughout the country that were brutally suppressed.
512. Based on our analysis, we verified hundreds of grave human rights violations that have been systematically committed by the State of Nicaragua and continue to date against protesters and those who oppose governmental policies. These individuals were arbitrarily and illegally detained and subject to acts of torture, cruel, inhuman, [and] degrading treatment and to proceedings that are in open contradiction to judicial guarantees. We provide our conclusions below resulting from this analysis.
513. The State of Nicaragua is responsible for the actions of the police authorities, as well as of the parapolice groups and armed civilians who have acted in a coordinated fashion with the authorities, while enjoying complete impunity.
514. The National Police and parapolice were the principal authors of the arbitrary detentions detailed herein which were later illegally affirmed, to the detriment of judicial guarantees, both by the chiefs of the police stations as well as criminal court judges.
515. The armed civilians, civil servants of the Dirección de Auxilio Judicial [Directorate of Judicial Assistance], 'El Chipote,' chiefs of the departmental offices of the National Police, [and] civil servants and guards in the prisons Jorge Navarro, "La Modelo," and the Establecimiento Penal Integral de Mujeres [Comprehensive Penal Establishment for Women] (EPIM) carried out acts of torture and abuse against political prisoners during their time in those jails.
516. The acts of torture denounced by the political prisoners run the gamut from broken ribs, loss of teeth, [and] removal of fingernails, [to] beatings, having their hair cut off, suffocation, and extensive interrogations, even in very early morning hours. They also were abused by being stigmatized and labeled as members of criminal groups, members in/supporters of a coup d'état" ['golpistas'], [and] terrorists, refused food, not permitted to communicate with their attorneys, imprisoned in dark cells with no basic hygiene conditions, and kept in isolation.
517. The legal protection mechanisms, such as the habeas corpus appeal, turned out to be ineffective in the face of the massive number of detentions. In some cases, the appointment of judges to execute them was carried out maliciously by the judges who initially received, with the goal of obstructing the execution of the appeals. In other proceedings, the PN and authorities from the SPN disobeyed the judicial orders that obligated them to bring detainees before a judge and provide information regarding him/her.
518. Our analysis of the 279 cases prosecuted leads us to conclude that the criminalization of social protest was not aimed at a specific sector of society but rather, against [all] sectors of the populace, generally speaking, including campesinos, students, women, adolescents, human rights defenders, journalists, Afro-descendants, and LGBTI persons.
519. The grave human rights violations [committed] against women generated aggravated consequences due to their gender. Those violations included acts of sexual violence such as threats of rape, improper touching, brutal beatings, and other forms of violence that constitute grave manifestations of discrimination.

^{520.}The State of Nicaragua committed grave human rights violations against members of the LGBTI community who were apprehended. In particular, these actions were more frequently directed against members of the trans community who were victims of sexual abuse, as well as being forced to share their cells with men, with no respect for their gender identity.

^{521.}The 279 criminal proceedings that were the object of this study were marked by numerous irregularities from the outset as a result of the illegal detention of protesters; systematic violation of the principle of disclosure, rights to a defense and to a judge of original jurisdiction, [and] the principle of presumption of innocence; the elimination of evidence presented in favor of the defendants; expiration of procedural periods; and the coordinated actions of the administrators of justice who were willing to sentence them with no respect for any type of judicial guarantee, as part of the repression directed by the government.

^{522.}According to our analysis of the documented cases, as of February 2020 there were 18 active criminal proceedings that the government connects with common crimes not linked to the protests. Nonetheless, the defendants actively participated in the various protests that began in April 2018.

^{523.}Despite the fact that the Amnesty Law constitutes a cause for the extinguishment of criminal proceedings, the judges, contrary to issuing sentences to dismiss, only ordered the dossiers shelved. This is understood as temporarily paralyzing the proceedings, which can then be reactivated through guidance issued by the Executive Branch, taking into account what is indicated by Article 3 of the Law.

^{524.}The MP and judges abusively and excessively applied Law 952. This law added content to Article 22 of the Code of Criminal Procedure to empower judges in the capital to try crimes committed in other departments. As per this application, the

prosecutors and judges in the capital guaranteed the competence to carry out criminal proceedings in Managua when such trials should have been led by the judges in the various departments of the country where the supposed crimes allegedly occurred.

^{525.}The MP and judges wrongfully and disproportionately applied Law 735, aimed at organized crime, to make a common practice of receiving pre-trial disclosure of evidence (testimonials) without complying with the requirements of “risk of death” or “when a witness is not available or must leave the country” (situations set forth in the law as being exceptional). These practices violated the principle of immediacy of evidence, as the trial judge never had direct contact with the witnesses. In addition, this law has been wrongfully utilized to confiscate assets, both personal and real (such as the offices of Canal 100% Noticias) [and] freeze political prisoners’ bank, registry, and business accounts that were then not returned following their release from prison.

^{526.}The State of Nicaragua did not fulfill its international human rights obligations, particularly as regards raiding property and detaining persons with a warrant from a competent authority; bringing detainees before a judge within a reasonable period of time; guaranteeing the right to just and impartial proceedings with all guarantees of due process and respect for the life [and] physical and psychological integrity of detainees; [and] preventing all types of torture [and] cruel, inhuman, and degrading treatment. These practices, contrary to being prevented, were systematically carried out against the political prisoners. As of the closure of this report, these grave violations continue to be shrouded in impunity.

^{527.}From our analysis of the 279 cases, we were able to verify that the authorities from the PN, MP, PJ, and SPN propelled these cases with a clear political motivation in benefit to the FSLN. The authorities linked to all dimensions of the proceedings are recognized political activists and members of the

FSLN, all of whom acted in accordance with orders they received from the Executive Branch to arbitrarily process the cases.

528. The MP, in clear violation of the principle of objectivity, autonomy, and independence, formulated arbitrary charges, imputing criminal offenses not tailored to the criminal acts in question, with an eye to justifying the detentions, pre-trial detention measures, and doubling of the time periods. To that end, they utilized biased witnesses, including police officers, employees of public entities and mayoralties held by the FSLN, medical examiners, experts from the Institute of Criminology and Forensic Sciences, and sympathizers of the government's party.

529. The judges systematically violated political prisoners' human rights by having kept them imprisoned in pre-trial detention for periods longer than six months and up to one year without initiating their public oral proceedings, in clear violation of both due process and the right to swift justice. The judges justified the incomppliance of the authorities of the Penitentiary System and PN who repeatedly did not bring the political prisoners to their respective hearings and trials, by alleging reasons of force majeure.

530. **The Nicaraguan justice system lacks independence by virtue of the extreme politicization of its structures, from the CSJ to the PN [and] MP, among others. Thus, the justice system keeps civil servants in the various judicial agencies with the title of 'political secretary' who serve as liaisons with the government and are responsible for implementing the directives issued by the Executive Branch. Among them are judges, magistrates, public defenders, medical examiners, [and] police authorities, among others.**

531. **The Executive Branch's interest in ensuring that its preferences determine the release of political prisoners has resulted in orders for release being evaluated by the MIGOB in consultation with the Public Prosecutor, with these authorities deciding whether or not to honor the judges' orders, with no accountability for delayed proceedings or the lack of compliance.**



A. In matters of judicial independence

I

Adopt urgent measures to guarantee the independence and impartiality of CSJ judges and magistrates. To that end, transparent election processes should be guaranteed that are grounded in reasonable criteria; the goals of integrity, suitability, [and] training, based on merit, professional capacity, and equality of opportunity. In this manner, it can be verified that said judges and magistrates are not affected by factors such as nepotism or influence of the government party, as indicated by international standards in matters of judicial independence.

II

In particular, comply with Law 260, the Organic Law of the PJ of Nicaragua, specifically with regard to judicial independence and the obedience of judicial authorities to the Constitution. To that end, it must eliminate the partisanship in the judicial structure, respect the existing express prohibition against magistrates of the Court and judges from participating in partisan activities. Together with that, eliminate the Consejo de Liderazgo Sandinista [Sandinista Leadership Council] (CLS) that operates within the PJ agencies, through which a percentage of the employees' salary is withheld.⁵²⁶

III

Reform the Constitution by limiting the possibility of reelecting CSJ magistrates to two terms, the Director General of that National Police remaining in office for more than one term, and the Attorney General of the Republic remaining in office for more than the term to which he/she was appointed. To that end, guarantee election processes by considering the criteria mentioned.

IV

Request international accompaniment from institutions such as the United Nations, IACHR, and other regional and international mechanisms in order to develop a process for reforming, purging, and strengthening the judicial system, so as to guarantee its independence and impartiality.

B. In matters of justice, truth, reparations, and non-repetition

I

Exhaustively and independently investigate the human rights violations set forth herein and establish the criminal, civil, and/or administrative responsibilities that correspond to all of those responsible for the incidents detailed in the present report. Said investigations should be performed by taking into consideration that the incidents noted constitute a practice of systematic human rights violations within a context of grave political repression of persons who express their opposition to the government.

⁵²⁶Organic Law of the Judicial Branch. Ley N° 260, publicada en Diario Oficial La Gaceta N°137 [Law No. 260, published in The Gazette Official Newspaper]. July 23, 1998. Art. 144.6: All magistrates and judges in the

Judicial Branch are prohibited from taking an active part in meetings, protests, and other acts of a political, electoral, or partisan nature, even if they are permissible for all other citizens.

II

Abstain from invoking, for exculpatory purposes, its obligation to investigate and sanction the sentences issued in proceedings that do not comply with international standards, as well as any legal figure that enables impunity to shroud the incidents, such as an amnesty or statutes of limitations, in accordance with international standards.

III

Adopt all necessary measures for determining criminal, civil, and administrative responsibility for the illegal detentions, abuses of authority, torture, and other cruel, inhuman, or degrading treatment or punishments committed by police and SPN authorities.

IV

In particular, investigate and establish the responsibility of the Director, Deputy Director, and Wardens of the SPN, of the ‘La Modelo’ and ‘La Esperanza’ jails, as well as other correctional facilities in the country where political prisoners have been imprisoned, especially those civil servants who have been denounced for torture and abuse. Should it turn out they are responsible [for those violations], determine the type of responsibility (administrative and/or criminal).

V

Investigate the degree of interference of the CSJ judges and other Executive Branch authorities in the work of judges and magistrates of the Appeals Court who have overseen criminal cases against political prisoners, and determine their respective responsibilities (administrative and/or criminal).

VI

Investigate the actions of the Attorney General of the Republic, the Deputy Attorney General, Inspector General, and the team of prosecutors who were involved in the cases against the political prisoners, with an eye to determining their individual responsibilities (administrative and/or criminal).

VII

Create a hybrid commission (national/international) to analyze the actions of the PN when investigating the cases against the political prisoners, that helps determine responsibility for the arbitrary detentions, illegal raids, abuse of power, fabrication of dossiers, abuse, and torture, and that those found responsible be tried and sanctioned, guaranteeing access to truth, justice, and reparations.

VIII

Guarantee that the proceedings and directives established in the Istanbul Protocol are observed by the authorities charged with investigating, documenting, and issuing rulings regarding acts of torture.

IX

Comprehensively ensure reparations for the human rights violations it committed against the political prisoners in the cases that have been documented in this and other similar reports, offering victims and their families due guarantees of non-repetition.

X

Release those persons who are still detained for actions linked to the April [2018] protests and even those who were being tried for common crimes as reprisals for their dissidence, and order that sentences to definitively dismiss be issued in the 279 criminal proceedings and in all those that have been opened for political reasons.

XI

Return to the political prisoners their real and personal property, bank accounts, and entries in the commercial registry that were held and cancelled. In addition, return other assets which were arbitrarily de facto confiscated from them.

XII

Cease police and parapolice harassment, as well as any other form of reprisals against persons who were detained, tried, and released from jail as a result of the April 2018 protests, as well any acts of intimidation or reprisal visited upon defense attorneys, the organizations that accompany their defense, and independent journalists who inform about the state of imprisoned persons.

XIII

Keep in mind female prisoners' specific needs and circumstances, by drafting corresponding legislation, procedures, policies, and plans of action, and utilize, as appropriate, the Bangkok Rules.

XIV

Launch training and sensitization programs aimed at penitentiary personnel and all other civil servants in detention facilities on international human rights standards and the principles of equality and non-discrimination, including those dedicated to sexual orientation and gender identity, as provided by the Yogyakarta Principles.

XV

Ensure that detention does not further marginalize persons based on their sexual orientation or gender identity, or expose them to the risk of experiencing violence, ill treatment, or physical, mental, or sexual abuse, as provided by the Yogyakarta Principles.

XVI

Guarantee that to the degree possible, all persons deprived of their freedom participate in the decisions regarding the appropriate location for their detention in accordance with their sexual orientation and gender identity, in accordance with the Yogyakarta Principles.

XVII

Dismantle and disarm parapolice groups to prevent them from continuing to carry out grave human rights violations.

C. Recommendations aimed at improving the legal system and compliance with its provisions

The Constitutional Chamber of the CSJ must comply with its obligation to process and pronounce sentences regarding the appeals of unconstitutionality lodged by representatives and members of human rights organizations, Feminist Movement, and the Observatorio Pro Transparencia y Anticorrupción de Nicaragua [Pro Transparency and Anti-Corruption Nicaraguan Watchdog Organization] against the following laws:

- Law 977: Law against Money Laundering, Financing of Terrorism, and Proliferation of Weapons of Mass Destruction;⁵²⁷
- Law 952: Law to Reform Law 641, Criminal Code, to the Comprehensive Law against Violence against Women and Reform of Law 641, Criminal Code to Law No. 406, Code of Criminal Procedure of the Republic of Nicaragua,⁵²⁸ and
- Law 996, Amnesty Law, utilized by the government to guarantee impunity for the crimes against humanity committed by the police and parapolice during the crisis that began in April 2018.⁵²⁹ The Supreme Court of Justice must declare these laws unconstitutional.

Reform the Criminal Code so as to adapt the definition of torture to the definition set forth in Article 1 of the Convention against Torture, to ensure it includes civil servants as active subjects.

Provide greater sanctions in the Constitutional Justice Law for public servants who disregard the orders of executing judges and the rulings issued by judicial authorities. To that end, we recommend that offending public servants be relieved of their positions, disqualified from occupying public posts, and that the Prosecutor's Office be given a period no longer than 48 hours to bring criminal charges for the crime of disobedience or contempt of authority⁵³⁰ or for the crime of detention and concealment of *in flagrante delicto*.⁵³¹

Reform the Code of Criminal Procedure, specifically what is established by Article 231, so as to eliminate the power of police chiefs to order the detention of persons, ensuring that it is an exclusive power of judicial authorities, save in cases of *in flagrante delicto*.

⁵²⁷El Nuevo Diario. Recurren por inconstitucionalidad nueva ley sobre terrorismo ante CSJ de Nicaragua [Appeal of Unconstitutionality of New Law on Terrorism Lodged at CSJ in Nicaragua]. October 10, 2018.

⁵²⁸La Prensa. Organizaciones defensoras de mujeres presentan recurso contra combo de reformas [Women's Defense Organizations File Appeal against Combination of Reforms]. August 31, 2017.

⁵²⁹El Nuevo Diario. CPDH recurre por inconstitucionalidad contra Ley de Amnistía [CPDH Appeals for Unconstitutionality of Amnesty Law]. August 8, 2019.

⁵³⁰Criminal Code. Ley 641 [Law 641]. Art. 462: Anyone who disobeys a judicial or Public Ministry ruling, save if it deals with detention itself, shall receive a punishment of six months to one year in prison or from 50 to 150 days' fine. A crime shall not exist when the disobeyed ruling is later

complied with voluntarily or by requirement of an authority.

⁵³¹Ibid. Art. 166: Anyone who orders or carries out the detention of anyone without a judicial warrant or a warrant from a competent authority, save in the case of *in flagrante delicto*, shall be sanctioned with the punishment of one to two years in prison and special disqualification of two to four years from holding a public post or duties. Similar punishment shall be meted out to those in charge of detention centers who illegally admit detainees. The same sanction shall be meted out to authorities, civil servants, or public employees who do not obey release orders issued by competent judges, and to individuals, civil servants, or public employees who do not bring detainees before the competent authorities within the periods established by law.

V

Reform Law 952 with regard to the addition of Article 22 of the Code of Criminal Procedure, nullifying the powers of judges in the capital to try criminal cases whose competence corresponds to judges in other territorial districts.

VI

Reform Articles 44 of Law 745 and 1 of Law 952, which reformed Article 565 of the Criminal Code, in order to nullify the provision obligating the automatic imposition of the precautionary measure of pre-trial detention for crimes which that same article mandates must be tried by technical judges and not juries.

D. Regarding the ratification of international human rights instruments

I

Ratify the Statute of Rome for the International Criminal Court, accepting the jurisdiction of the Court retroactively to April 18, 2018, to permit the necessary investigations to be performed and prosecution of the crimes that took place in Nicaragua starting in April 2018, so as to determine individual responsibilities and corresponding sanctions.

II

Ratify the International Convention for the Protection of All Persons from Enforced Disappearances, taking into account that commencing on April 18, 2018, the temporary disappearance of persons was put into practice in Nicaragua, and that to date cases still exist of disappeared person,⁵³² which police authorities refuse to investigate.

III

Ratify the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women. Likewise, make full use of the Beijing Declaration and Platform of Action that reinforces the Convention's provisions.

⁵³²For example: Josué Joel Moraga, disappeared at night on July 4, 2018 in Masatepe, when three trucks of parapolice came to his home in search of him and took him away in the presence of his mother and siblings. According to his mother, the parapolice shot him when he took off running. See La Prensa. Me dijo: mamita perdóneme. Ofendí a un sandinista, nos van a matar. Josué Moraga lleva 15 meses desaparecido [He Said to Me: 'Mommy Dearest, I'm Sorry, I Offended a Sandinista, They Are Going to Kill Us – Josué Moraga Was Disappeared 15 Months Ago]. October 21, 2019.

Another case is that of Ervin Gallo Salgado, a native of León who was disappeared on July 6, 2018 when police and parapolice kidnapped him from the 'La Pintora' roadblock on the León-Chinandega Highway.

E. Regarding the duty to collaborate with international organizations that protect and guarantee human rights

I

Permit the return of international mechanisms for the protection and guarantee of human rights of the IACHR and OHCHR.

II

Contribute detailed statistical data to the CAT, disaggregated by crime, ethnic origin, and sex, regarding the denunciations of acts of torture and abuse allegedly committed by law enforcement, the corresponding investigations, trials held, and criminal sentences or disciplinary sanctions imposed in each case. Additionally, provide information on any kind of reparation, including rehabilitation or compensation, provided to the victims.

III

Permit access to the country for special procedures of the Human Rights Council, pursuant to the open invitation issued by the State in 2006, particularly for the Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Repetition and Special Rapporteur on the Independence of Judges and Lawyers, among others.

IV

Guarantee access for national and international non-governmental organizations and human rights bodies to detention centers to enable them to perform inspections of the detention and treatment conditions of political prisoners as well as persons deprived of their freedom in general.

⁵³²La Prensa. Lo que quiero es que me digan donde está enterrado. El clamor de una madre cuyo hijo lleva más de un año desaparecido en León [What I Want is for Them to Tell Me Where He is Buried: The Cries of a Mother Whose Son Was Disappeared More Than a Year Ago in León]. August 15, de 2019.



List of Abbreviations

A

American Convention of Human Rights (ACHR)
American Declaration of the Rights and Duties of Man (American Declaration)
American University [Universidad Americana] (UAM)
Association of the Mothers of April [Asociación de Madres de Abril] (AMA)

C

Central American University [Universidad Centroamericana] (UCA)
Citizen Power Councils [Consejos del Poder Ciudadano] (CPC)
Civic Alliance for Justice and Democracy [Alianza Cívica por la Justicia y la Democracia] (ACJD)
Committee Against Torture (CAT)
Committee of Political Prisoners of Nicaragua [Comité de Prisioneros Políticos de Nicaragua] (CPPN)
Comprehensive Penal Establishment for Women [Establecimiento Penitenciario Integral de Mujeres] (EPIM)
Constitutionalist Liberal Party [Partido Liberal Constitucionalista] (PLC)
Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention against Torture)

F

Frente Sandinista de Liberación Nacional [Sandinista National Liberation Front] (FSLN)

I

Institute of Legal Medicine [Instituto de Medicina Legal] (IML)
Inter-American Commission on Human Rights (IACHR)
Inter-American Court of Human Rights (IAHR Court)
Interamerican Human Rights System (IHRS)
Interdisciplinary Group of Independent Experts [Grupo Interdisciplinario de Expertos Independientes] (GIEI)
International Institute on Race, Equality and Human Rights (Race and Equality)

M

Ministry of Government [Ministerio de Gobernación] (MIGOB)

N

National Autonomous University of Nicaragua
Universidad Nacional Autónoma de Nicaragua (UNAN)
National Police [Policía Nacional] (PN)
National Penitentiary System [Sistema Penitenciario Nacional] (SPN)
Nicaraguan Code of Criminal Procedure [Código Procesal Penal] (CPP)
Nicaraguan Human Rights Center [Centro Nicaragüense de Derechos Humanos] (CENIDH),
Nicaraguan Judicial Branch [Poder Judicial] (PJ)
Nicaraguan Political Constitution [Constitución Política de Nicaragua] (CP)

O

Office of the High Commissioner for Human Rights (OHCHR).
Office of the Public Prosecutor for Human Rights Defense [Procuraduría para la Defensa de los Derechos Humanos] (PDDH)
Organization of American States (OAS)

P

Permanent Commission on Human Rights [Comisión Permanente de Derechos Humanos] (CPDH),
Polytechnic University of Managua [Universidad Politécnica de Nicaragua] (UPOLI)
Public Ministry [Ministerio Público] (MP or Prosecutor's Office)

S

Sandinista Reformist Movement [Movimiento Renovador Sandinista] (MRS)
Sandinista Leadership Council [Consejo de Liderazgo Sandinista] (CLS)
Special Monitoring Mechanism for Nicaragua [Mecanismo Especial de Seguimiento para Nicaragua] (MESENI)
Supreme Electoral Council [Consejo Supremo Electoral] (CSE)
Supreme Court of Justice [Corte Suprema de Justicia] (CSJ)

U

UN High Commissioner for Refugees (UNHCR)
United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
Unit of Legal Defense [Unidad de Defensa Jurídica] (UDJ)
Universal Declaration of Human Rights (UDHR)

Case No.	First names	Last names		Age	Occupation	Residence	Case Reference	Judge (Local Court)	Judge (Hearings)	Judge (Trial)	Prosecutor	Resolution of the case	Sentence	Form of liberation
1	Rogelio Adrián	Ortega Franco	M	52	Businessman	Diriá, Granada	014448-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Ernesto Leonel Rodríguez Mejía	Manuel de Jesús Reyes Juárez, Gabriela Josefina Espinoza Carranza	No trial was held	N/A	Amnesty Law
	Brenda María	Muñoz Martínez	F	48	Home worker	Diriá, Granada						No trial was held	N/A	Change of measures
	Johana Auxiliadora	Espinoza Delgado	F	40	Home worker	Diriá, Granada						No trial was held	N/A	Change of measures
	Marvin Alexander	Oporta Mora	M	28	Driver's assistant	Diriá, Granada						No trial was held	N/A	Change of measures
	José Miguel	Castro Espinoza	M	36	Laborer	Diriá, Granada						No trial was held	N/A	Change of measures
	César Augusto	Fernández Castillo	M	43	Businessman	Diriá, Granada						No trial was held	N/A	Change of measures
2	Heynar Josué	Baltodano Sánchez/ Escobar	M	23	Student	Ciudad Sandino, Managua	014034-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Alia Dominga Ampié Guzmán	Giscar Antonio Moraga Guillén	No trial was held	N/A	Change of measures
	Edwin José	Carcache Dávila	M	27	Student	Managua, Managua						No trial was held	N/A	Amnesty Law
	Jefferson Edwin	Padilla Rivera	M	26	Student	Managua, Managua						No trial was held	N/A	Change of measures
	Jonathan Andrés	Lacayo Velásquez	M	23	Student	Managua, Managua						No trial was held	N/A	Amnesty Law
	Carlos de Jesús	Lacayo Velásquez	M	30	Student	Managua, Managua						No trial was held	N/A	Change of measures
	Oscar Danilo	Rosales Sánchez	M	30	Student	Nindirí, Masaya						No trial was held	N/A	Change of measures
3	Luis Orlando	Pineda Icabalzeta	M	29	Agriculture (campesino)	Morrito, Río San Juan	010872-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Giscar Antonio Moraga Guillén, Lenin Rafael Castellón Silva	Sentenced	56 years	Amnesty Law
	Medardo	Mairena Sequeira	M	42	Agriculture (campesino)	Punta Gorda, RACCS						Sentenced	216 years	Amnesty Law
	Pedro Joaquín	Mena Amador	M	51	Agriculture (campesino)	Nueva Guinea, RACCS						Sentenced	210 years	Amnesty Law
	Mario Lenner	Fonseca Díaz	M	45	Agriculture (campesino)	El Almendro, Río San Juan						No trial was held	N/A	Amnesty Law
	Silvio Saúl	Pineda Bonilla /y/o Bonilla González	M	28	Agriculture (campesino)	Morrito, Río San Juan						Case dismissed	N/A	Amnesty Law
4	María Adilia	Peralta Cerrato	F	33	Lawyer	Monimbó, Masaya	011442-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Edgar Orlando Altamirano López	Jorge Luis Rubí Velásquez, Jean Dilan Rivas Falcón	Sentence pending	N/A	Change of measures
	Cristhian Rodrigo	Fajardo Caballero	M	40	Business administration	Monimbó, Masaya						Sentence pending	N/A	Amnesty Law
	Washington Ángel y/o Washington Alexander	Martínez y/o Martínez Gómez	M	Unknown	Laborer	Monimbó, Masaya						No trial was held	N/A	Change of measures
	Santiago Adrián	Fajardo Caballero	M	27	Businessman	Monimbó, Masaya						Sentence pending	N/A	Amnesty Law
	Carlos Alberto	Vanegas Gómez	M	29	Merchant	Monimbó, Masaya						No trial was held	N/A	Amnesty Law
5	Yubrank Miguel	Suazo Herrera	M	28	Businessman	Monimbó, Masaya	014227-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	María del Rosario Peralta Mejía	Catalina del Carmen Hernández Picado	No trial was held	N/A	Amnesty Law
6	Tania Verónica	Muñoz Pavón	F	45	Businesswoman	Niquihinomo, Masaya	012211-ORM4-2018PN	N/A	Enrique William Larios	María del Rosario Peralta Mejía	Álvaro José García Hurtado, Patricia del Carmen Díaz Romero	Sentenced	26 years and 2 months	House arrest
	Olesia Auxiliadora	Muñoz Pavón	F	47	Musician	Niquihinomo, Masaya						Sentenced	33 years and 6 months	Amnesty Law

7	Juan Pablo	Alvarado Martínez	M	31	Student	León, León	013549-ORM4-2018PN	N/A	Enrique William Larios	Julio César Dinarte Chacón	Julio César Bolaños Meza	No trial was held	N/A	Change of measures
	Victoria	Obando	Trans woman	27	Student	Managua, Managua						No trial was held	N/A	Amnesty Law
	Levis Josué	Artola Rugama	M	20	Student	San Dionisio, Matagalpa						No trial was held	N/A	Amnesty Law
	Luis Arnulfo	Hernández Quiroz	M	25	Student	Estelí, Estelí						No trial was held	N/A	Change of measures
	Yaritza Judith	Rostrán Mairena	F	24	Student	Managua, Managua						No trial was held	N/A	Change of measures
	Byron José	Corea Estrada	M	24	Student	León, León						No trial was held	N/A	Amnesty Law
	Cristopher Nairobi	Olivas Valdivia	M	19	Student	León, León						No trial was held	N/A	Amnesty Law
8	Gerson Snayder	Suazo Báez	M	22	Student	Chichigalpa, Chinandega	018313ORM4-2018PN	Roxana Katusca Martínez Rosales	N/A	N/A	Mario Samuel Sánchez Rojas	Sentenced	1 year and 6 months	House arrest
	Claudia Indira	Campos Monjarrez	F	33	Businesswoman	Chichigalpa, Chinandega						Sentenced	1 year and 6 months	House arrest
	Cristian Enrique	Meléndez Meléndez	M	29	Student	Chichigalpa, Chinandega						Sentenced	1 year and 6 months	House arrest
9	Kenia María	Gutiérrez Gómez	F	36	Agriculture (campesino)	El Viejo, Chinandega	012625ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Guissel Morales Urbina	Sentence pending	N/A	Change of measures
	Aníbal Iván	Parrales Jarquín	M	36	Agriculture (campesino)	Managua, Managua						Sentence pending	N/A	Change of measures
10	Otoniel Faustino	Espinoza Calderón	M	22	Student	Estelí, Estelí	012996ORM4-2018PN	N/A	Julio César Arias Roque	Melvin Leopoldo Vargas García	Rosario Gioconda Gutiérrez Mayorga, Geisel Geraldine Reyes	Sentence pending	N/A	Change of measures
	Allan Deney	Moreno Benavides	M	23	Laborer	Estelí, Estelí						Sentence pending	N/A	Change of measures
	Rubén Omar	Guido Araica	M	43	Transportation	Estelí, Estelí						Sentence pending	N/A	Change of measures
	Alex Mauricio	Castillo Parrilla	M	21	Shopkeeper	Estelí, Estelí						Sentence pending	N/A	Change of measures
	José Daniel	Álvarez Polanco	M	Unknown	Laborer	Estelí, Estelí						Sentence pending	N/A	Change of measures
	Jairo Samuel	Arauz Martínez	M	25	Cook	Estelí, Estelí						Sentence pending	N/A	Change of measures
	Bryan Alexander	Quiroz	M	26	Laborer	Estelí, Estelí						Sentence pending	N/A	Change of measures
11	Carlos Ramón	Brenes Sánchez	M	63	Retired military	Jinotepe, Carazo	013014ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Félix Ramón Hernández Muñoz, Fabiola Mercedes Mendoza Bustos , Valeska Marcela López Espinoza	Sentence pending	N/A	Amnesty Law
	Tomás Ramón	Maldonado Pérez	M	64	Retired military	Diriamba, Carazo						Sentence pending	N/A	Amnesty Law
12	Walter Danilo	Méndez León	M	47	Mechanic	Masatepe, Masaya	011796-ORM4-2018PN	N/A	Enrique William Larios	José Alfredo Silva Chamorro	Catalina del Carmen Hernández Picado, Ruth Paola Raquel Alemán Bermúdez, Maricela de los Ángeles Rodríguez	No trial was held	N/A	Change of measures
13	Omar Antonio	Avilés Rocha	M	28	Businessman	Matagalpa	012459-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Edgar Orlando Altamirano López	Guissele Tamara Borge Ordóñez	Sentenced	22 years	Amnesty Law
	Noel	Valdez Rodríguez	M	49	Lawyer	Matagalpa						Sentenced	22 years	Amnesty Law
	Abdul	Montoya Vivas	M	60	Businessman	Matagalpa						Sentenced	52 years	Amnesty Law
	Rogelio José	Gámez Martínez	M	53	Businessman	Matagalpa						Sentenced	22 years	Amnesty Law
	John Leonard	Amort Páiz	M	53	Agriculture	Matagalpa						Sentenced	42 years	Amnesty Law

14	Francisco Javier	Dávila Pineda	M	27	Businessman	La Trinidad, Estelí	015021-ORM42018PN	N/A	Karen Vanessa Chavarría Morales	Melvin Leopoldo Vargas García	Xiomara Lourdes López Sarria, Giscard Antonio Moraga Guillén	No trial was held	N/A	Change of measures
	Nelson Ariel	Mairena Castillo	M	40	Unknown	La Trinidad, Estelí						No trial was held	N/A	Change of measures
	Francisco Javier	Dávila	M	56	Businessman	La Trinidad, Estelí						No trial was held	N/A	Change of measures
	Byron de Jesús	Molina Fuentes	M	24	Unknown	La Trinidad, Estelí						No trial was held	N/A	Change of measures
15	Juan Carlos	Baquedano	M	61	Retired military (FSLN)	Jinotega, Jinotega	014163-ORM4-2018PN and 014121-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Adela Auxiliadora Cardoza Bravo	Guissel Morales Urbina, Marcio José Briceño Martínez	Sentenced	47 years	Amnesty Law
	Joel Noé	Blandón Villagra	M	32	Forestry	Jinotega, Jinotega						Sentenced	25 years	Amnesty Law
	Berman Cristhian	Cruz Tórrez	M	49	Unknown	Jinotega, Jinotega						Sentenced	25 years	Amnesty Law
	Orlando y/o Orlando Ernesto	Granados Castro y/o Granados Picado	M	30	Unknown	Jinotega, Jinotega						Sentenced	25 years	House arrest
	Jhony José	Leiva Tinoco	M	24	Unknown	Jinotega, Jinotega						Sentenced	25 years	House arrest
	Greybin José	Leiva Tinoco	M	33	Unknown	Jinotega, Jinotega						Sentenced	25 years	House arrest
	Félix José	Picado Castro	M	53	Unknown	Jinotega, Jinotega						Sentenced	25 years	House arrest
	Juan José	Gómez Medina	M	24	Unknown	Jinotega, Jinotega						Sentenced	25 years	House arrest
16	Miguel de los Angeles	Mora Barberena	M	54	Journalist	Managua, Managua	020017-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Lilliam Beatriz Soza Mairena	No trial was held	N/A	Amnesty Law
	Lucía Agustina	Pineda Ubau	F	46	Journalist	Managua, Managua						No trial was held	N/A	Amnesty Law
17	Jonathan Snayder	Guzmán	M	Unknown	Student	Managua, Managua	011102-ORM4-2020PN	N/A	Celso Antonio Urbina Orozco	Rosa Araceli Rubí Guerrero	María Lucía Sandoval Brenes	Case dismissed	N/A	N/A (Remains in custody)
18	Víctor Manuel	Díaz Pérez	M	26	Publicist	Ciudad Sandino, Managua	015917-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	José Alfredo Silva Chamorro	Heysell Geraldine Reyes Caballero, Ruth Elizabeth Rodríguez	Sentenced	22 years and 6 months	N/A (Remains in custody)
	Franklin José	Quintero Armas	M	Unknown	Graphic designer	Managua, Managua						Sentenced	22 years and 6 months	N/A (Remains in custody)
19	Amílcar Antonio	Cortez Báez	M	28	Mechanic's assistant	Managua, Managua	020038-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Fabiola Mercedes Mendoza Bustos	No trial was held	N/A	Change of measures
	Karla Vanessa	Matus Méndez	F	21	Student	Ciudad Sandino, Managua						No trial was held	N/A	Amnesty Law
20	Nardo Rafael	Sequeira Báez	M	65	Lawyer	Acoyapa, Chontales	013617-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Rodríguez ahora Juez Alía Domínguez Ampié Guzmán	Guisel Vanessa Morales Urbina, Maricela Francisca Rodríguez Ponce	Sentenced	8 years	Amnesty Law
	Benjamín Franklin	Siles Aguilar	M	41	Agronomy engineer	Acoyapa, Chontales						Sentenced	3 years	House arrest
21	Marlon Antonio	Castro López	M	35	Foreman	Mulukukú, RACCN	011319-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	María del Rosario Peralta Mejía	Félix Pedro Cárcamo Jiménez	No trial was held	N/A	Amnesty Law
	Apolonio	Fargas Gómez	M	Unknown	Agronomy technician	Mulukukú, RACCN						No trial was held	N/A	Amnesty Law
	Nicolás	Cienfuegos Alanís	M	Unknown	Security	Mulukukú, RACCN						No trial was held	N/A	Amnesty Law
	Pedro	Lumbí Hernández	M	31	Agriculture	Mulukukú, RACCN						No trial was held	N/A	Amnesty Law

22	Juan Daniel	Corea Corea	M	24	Transportation	Nagarote, León	019981-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Rodríguez ahora Juez Alía Dominga Ampié Guzmán	Lucía Sandoval Brenes, Patricia del Carmen Díaz Romero	No trial was held	N/A	Change of measures
	Edgardo Giovanni	Baltodano Solís	M	35	Laborer	Nagarote, León						No trial was held	N/A	Change of measures
	Franklin Gerónimo	Lampín López	M	39	Business advisor	Nagarote, León						No trial was held	N/A	Change of measures
	Luis Tomás	Fonseca Martínez	M	26	Driver	Nagarote, León						No trial was held	N/A	Change of measures
23	Jorge Guadalupe	Gómez Moraga	M	56	Unknown	Masaya, Masaya	015290-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Adela Auxiliadora Cardoza Bravo	Catalina del Carmen Hernández Picado	Sentenced	18 years	House arrest
24	Francisco Antonio	Sequeira Sequeira	M	33	Engineer	Juigalpa, Chontales	014334-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	María del Rosario Peralta Mejía	José Domingo Rojas Taleno, César Augusto Rodríguez, Elvin Enrique Díaz Reyes	No trial was held	N/A	Amnesty Law
	Lenín Antonio	Salablanca Escobar	M	36	Businessman	Juigalpa, Chontales						No trial was held	N/A	Amnesty Law
25	Vidal José	Canizales Hernández	M	27	Transportation	Diriamba, Carazo	000057-0529-18 PN. Case reassigned in Managua as 016084-ORM4-2018-PN.	N/A	María Auxiliadora Chavarría	Adela Auxiliadora Cardoza Bravo	Catalina del Carmen Hernández Picado	Sentenced	29 years	House arrest
	Pedro José	Flores Álvarez y/o Álvarez Flores	M	60	Unknown	Diriamba, Carazo						Sentenced	22 years	House arrest
	Sergio y/o Hernán de Jesús	González y/o López Vilchez	M	Unknown	Unknown	Diriamba, Carazo						Sentenced	29 years	House arrest
	Allan Enrique	Alemán Castillo	M	21	Unknown	Jinotepe, Carazo						Sentenced	22 years	House arrest
	Ismael Antonio	Álvarez García y/o Calderón	M	28	Unknown	Diriamba, Carazo						Sentenced	22 years	Amnesty Law
26	Jonathan Francisco	López González	M	24	Student	Granada, Granada	017549-ORM4-2018PN	Enrique William Larios y Walter William Vargas	N/A	N/A	Félix Pedro Cárcamo Jiménez, Ruth Paola Raquel Alemán Bermúdez	Sentenced	64 months	House arrest
	Kevin Roberto	Solís	M	20	Student	Managua, Managua						Sentenced	23 months	N/A (Remains in custody)
	Pedro José	Estrada Ortiz	M	20	Student	Managua, Managua						Sentenced	30 months	House arrest
	Franklin Rodrigo	Artola García	M	28	Student	Managua, Managua						Sentenced	64 months	House arrest
	Andrés Eliseo	Cruz Báez	M	19	Student	Managua, Managua						Sentenced	30 months	House arrest
	José Ángel	Ortiz Cuarezma	M	25	Student	La Concha, Masaya						Sentenced	30 months	House arrest
	Julio César	González Parrales	M	29	Student	Managua, Managua						Sentenced	30 months	House arrest

27	Fredrich Eliseo	Castillo Huete	M	22	Student	Estelí, Estelí	011099-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Maria del Rosario Peralta Mejía	José Domingo Rojas Taleno, Guillermo Ramón Alemán Argeñal	Sentenced	16 years and 9 months	House arrest
	Jeffrey Isaac	Jarquín	M	27	Student	Bluefields, RACCS						Sentenced	16 years and 9 months	Amnesty Law
	Emmanuel Antonio	Dávila Largaespada	M	22	Student	Managua, Managua						Sentenced	16 years and 9 months	Amnesty Law
	Justo y/o Justino Antonio	Jarquín	M	22	Businessman	Managua, Managua						Sentenced	16 years	Amnesty Law
	Bryan Alexander	Palma Arauz	M	18	Student	Ticuatepe, Managua						Sentenced	16 years	House arrest
	Jorge Carlos	Zapata Guillén	M	20	Student	Managua, Managua						Sentenced	16 years	House arrest
	Pedro Antonio	Aguilar Sánchez	M	20	Student	Managua, Managua						Sentenced	16 years	House arrest
	Carlos Anuar	Varela Pavón	M	26	Student	Managua, Managua						Sentenced	16 years	House arrest
	Martín Josué	Jarquín Paz	M	18	Laborer	Managua, Managua						Sentenced	16 years	House arrest
28	Irvin Donaldo	Escobar Ortíz	M	29	Medic	Managua, Managua	010995-ORM4-2018PN	N/A	Julio César Arias Roque	Ernesto Leonel Rodríguez Mejía	Judith Monterrey Bolaños	Sentenced	6 years	House arrest
	Crisfer Steven	Bustos Molina	M	21	Student	Managua, Managua						Sentenced	5 years	House arrest
	David Salvador	López Artola	M	20	Driver	Managua, Managua						Sentenced	5 years	House arrest
29	Harry Jonathan	Valverde Ortíz	M	20	Student	Diriamba, Carazo	010739-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Adela Auxiliadora Cardoza Bravo	Guillermo Ramón Alemán Argeñal, Perla de los Ángeles Baca, Catalina del Carmen Hernández Picado	Sentenced	31 years	House arrest
	Orlando Alexander	Valverde Ortíz	M	32	Construction	Diriamba, Carazo						Sentenced	43 years	House arrest
	Eddy Gertrudis	González Padilla	M	26	Construction	Diriamba, Carazo						Sentenced	63 years	House arrest
	Kisha	López	Trans wom-an	28	Businesswoman	Diriamba, Carazo						Sentenced	40 years	House arrest
30	Julio César	Espinoza Gallego	M	29	Businessman	Diriamba, Carazo	012359-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Nancy del Carmen Aguirre Gudiel	Sonia Ruth Méndez Manzanares	Sentenced	15 years	House arrest
	Alejandro	Bermúdez Aguirre	M	31	Businessman	Diriamba, Carazo						Sentenced	15 years	House arrest
	Wilmer Antonio	Baltodano Salinas	M	36	Construction	Diriamba, Carazo						Sentenced	15 years	House arrest
	Reymundo y/o Wilmer Antonio	Gutiérrez López	M	53	Businessman	Telpaneca, Madriz						Sentenced	15 years	House arrest
31	Julio César	Toruño Salazar	M	32	Former police officer	Granada, Granada	014451-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Nancy del Carmen Aguirre Gudiel	Judith Monterrey Bolaños	Sentenced	15 years	House arrest
	Luis Miguel	Ramos Lazo	M	25	Unknown	Granada, Granada						Sentenced	15 years	House arrest
	Carlos Manuel	López	M	23	Unknown	Granada, Granada						Sentenced	15 years	House arrest
32	Carlos Alberto	Bonilla López	M	22	Electrician	Managua, Managua	011393-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Fátima del Socorro Rosales González	Guillermo Ramón Alemán Argeñal, Fabiola Mercedes Mendoza Bustos	Sentenced	90 years	N/A (Remains in custody)
33	Juan Bautista	Guevara Carballo	M	44	Professor	Ticuatepe, Managua	014467-ORM4-2018PN	Nalia Nadezhda Úbeda Obando	N/A	N/A	Dalia Magali Zamora Sánchez	Sentenced	2 years	House arrest
	Karla Patricia	Vanegas Gutiérrez	F	36	Home worker	Managua, Managua						Sentenced	6 months	House arrest

34	Jaime Ramón	Ampié Toledo	M	36	Driver	Boaco, Boaco	009278-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Nancy del Carmen Aguirre Gudiel	Lenín Rafael Castellón Silva, Matilde Raquel Villanueva, María del Socorro Oviedo Delgado	Sentenced	10 years	House arrest
	Julio José	Ampié Machado	M	36	Agriculture	Matiguás, Matagalpa						Sentenced	10 years	House arrest
	William Efraín	Picado Duarte	M	26	Driver	Boaco, Boaco						Sentenced	10 years	House arrest
	Reynaldo Antonio	Lira Luquez	M	42	Driver	Boaco, Boaco						Sentenced	2 years and 6 months	House arrest
35	Hanssel Manuel	Vásquez Ruiz	M	27	Student	Managua, Managua	010793-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Melvin Leopoldo Vargas García	Rosario Gioconda Gutiérrez Mayorga	Sentenced	17 years	Amnesty Law
	Kevin Rodrigo	Espinoza Gutiérrez	M	22	Student	Managua, Managua						Sentenced	17 years	Amnesty Law
	Marlon José	Fonseca Román	M	27	Student	Jinotepe, Carazo						Sentenced	17 years	House arrest
36	Amaya Eva	Coppens Zamora	F	23	Student	Estelí, Estelí	014348-ORM4-2018PN	N/A	Félix Ernesto Salmerón Moreno	Fátima del Socorro Rosales González	Rosario Gioconda Gutiérrez Mayorga, Jorge Luis Rubí Velásquez	No trial was held	N/A	Change of measures
	Sergio Alberto	Midence Delgadillo	M	28	Student	León, León						No trial was held	N/A	Change of measures
	Franklin Javier	Morales García	M	24	Student	León, León						No trial was held	N/A	Change of measures
	Keyling Tatiana	Martínez Pérez	F	23	Student	León, León						No trial was held	N/A	Change of measures
	Reyna Isabel	Varela Silva y/o Silva Varela	F	28	Unknown	León, León						No trial was held	N/A	Change of measures
	María Mercedes	Chavarría	F	51	Typist	Telica, León						No trial was held	N/A	Change of measures
37	Carmen y/o Augusto Antonio	Gutiérrez Mercado	Mujer Trans	35	Home worker	Diriamba, Carazo	011429-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Melvin Leopoldo Vargas García	José Camilo Mercado Arias, José Domingo López Taleno, Fabiola Mercedes Mendoza Bustos	Sentenced	13 years	House arrest
	Alexis Bayardo	Bermúdez López	M	Unknown	Laborer	Diriamba, Carazo						Sentenced	13 years	House arrest
	Marcos Antonio	García López	M	31	Export zone worker	Diriamba, Carazo						Sentenced	13 years	House arrest
	Lester Antonio	Romero Ruiz	M	31	Construction	Diriamba, Carazo						Sentenced	13 years	House arrest
	Carlos Alberto	Cruz Aburto	M	19	Cobbler	Jinotepe, Carazo						Sentenced	13 years	House arrest
	Jeison Joesman	Castro Ortez	M	31	Laborer	Jinotepe, Carazo						Sentenced	13 years	House arrest
	Juan Ramón	García Baltodano	M	55	Merchant	Jinotepe, Carazo						Sentenced	13 years	House arrest
	Manuel de Jesús	Cerda Valerio	M	31	Baker	Jinotepe, Carazo						Sentenced	13 years	House arrest
38	Dulce María	Sánchez Maldonado	F	60	Medic	San Rafael del Sur, Managua	000057-0702-2018PN	Daricelia Dávila	N/A	N/A	Ruth Elizabeth Rodríguez Martínez	Sentenced	2 years	Judge's order
	David	Jirón Pavón	M	61	Unknown	San Rafael del Sur, Managua						Sentenced	2 years	Judge's order
39	Irlanda Ondina	Jerez Barrera	F	39	Businesswoman	Managua, Managua	008010-ORM4-2016PN (017275-ORM4-2016-PN)	N/A	N/A	Edgar Orlando Altamirano López	No aplica	Sentenced	5 years	Amnesty Law
40	Jenifer Maria	Jarquín Laguna	F	20	Student	Managua, Managua	015264-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Rosa Araceli Rubí Guerrero	María Lucía Sandoval Brenes	Case dismissed	N/A	Judge's order
41	María Ángela	Herrera Tercero y/o Gutiérrez García	F	57	Scientise	Ciudad Sandino, Managua	011532-ORM4-2018PN	Walter William Vargas	N/A	N/A	Luis Carlos Mongalo Roblero, Javiera Casco Valle, Roberto de Jesús Rocha Zamora, Ruth Paola Alemán Bermúdez	Sentenced	3 years and 3 months	House arrest
	Heriberto Reynaldo	Pineda Gutiérrez	M	54	Scientist	Ciudad Sandino, Managua						Sentenced	3 years and 3 months	House arrest

42	Nelly Marily	Roque Ordóñez	F	27	Student	Matagalpa	011623-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Aldo Manolo Méndez Manzanares, Roberto Talavera, Guillermo Alemán Argeñal	Sentenced	20 years	House arrest
	Roberto José	Altamirano y/o Cruz Altamirano	M	35	Business administration	Mateare, Managua						Sentenced	20 years	House arrest
	Dilon Antonio	Zeledón Ramos	M	21	Student	Matagalpa						Sentenced	25 years	House arrest
	Hugo	Ríos Castillo	M	48	Construction	Waslala, RACCN						Sentenced	20 years	House arrest
43	Raquel Jesenia	Ruiz González	F	26	Businesswoman	Managua, Managua	015194-ORM4-2018PN	Wilfredo Gabriel Ramírez Lacayo	N/A	N/A	María Adelaida Guido Rocha	Sentenced	3 months	House arrest
	Jefferson Adán	Silva Soza	M	21	Shopkeeper	Managua, Managua						Sentenced	3 months	House arrest
44	Ruth Esther	Matute Valdivia	F	29	Home worker	Masaya, Masaya	018287-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Adela Auxiliadora Cardoza Bravo	Geisel Betania Reyes Sánchez, Heyssel Geraldine Reyes Caballero, Mario Samuel Sánchez Rojas	No trial was held	N/A	Change of measures
	José Lázaro	García López	M	74	Pyrotechnician	Masaya, Masaya						No trial was held	N/A	Change of measures
	Danny de Ángeles	García González	M	31	Pyrotechnician	Masaya, Masaya						No trial was held	N/A	Change of measures
	Hugo Ramón	Aristas López	M	55	Industrial engineer	Managua, Managua						No trial was held	N/A	Change of measures
45	Santana	Mejía Benavidez	F	63	Poultry worker	Managua, Managua	019860-ORM4-2018PN	Ernesto Salmerón Moreno	N/A	N/A	N/A	Sentence pending	N/A	Judge's order
46	Solange Massiel	Centeno Peña	F	20	Student	Matagalpa	010203-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Melvin Leopoldo Vargas García	Martha Carolina Cruz Sánchez, Fabiola Mercedes Mendoza Bustos, Aldo Manolo Méndez	Sentenced	18 years	House arrest
	Francisco Antonio	Castro Jarquín	M	29	Laborer	Matagalpa, Matagalpa						Sentenced	23 years	House arrest
	Eduardo Manuel	Tijerino	M	21	Student	San Ramón, Matagalpa						Sentenced	18 years	House arrest
47	Yolanda del Socorro	Sánchez Moraga	F	29	Home worker	Managua, Managua	010795-ORM4-2018PN	Wilfredo Gabriel Ramírez Lacayo	N/A	N/A	Dalia Magali Zamora Sánchez	Sentenced	6 years	House arrest
	Ana Patricia	Sánchez Moraga	F	32	Home worker	Managua, Managua						Sentenced	6 years	House arrest
	Miguel Ángel	González García	M	21	Unknown	Managua, Managua						Sentenced	8 years	House arrest
	Lenín Ariel	Rojas Contreras	M	36	Unknown	Managua, Managua						Sentenced	6 years	House arrest
	Edwin Antonio	Altamirano	M	39	Administrator	Managua, Managua						Sentenced	8 years	House arrest
48	Ana Gabriela	Nicaragua López	F	25	Student	Managua, Managua	015594-ORM4-2018PN	María José Morales Alemán	N/A	N/A	Gloria Isabel Rivas Moya, Luis Carlos Mongalo	Sentenced	1 year	House arrest
49	Chester Iván	Membreño Palacios	M	45	Lawyer	Masaya, Masaya	012599-ORM4-2018PN and 017420-ORM4-2018PN (combined under the first reference)	N/A	Claudia María Munguía Payán	Adela Auxiliadora Cardoza Bravo	Guisel Tamara Borge Ordóñez	Sentenced	30 years	Amnesty Law
50	Ronald Iván	Henríquez Delgado	M	37	Agriculture (campesino)	Buenos Aires, Rivas, Rivas	001513-ORM4-2018PN	María Lourdes Corea Tijerino	N/A	N/A	María Adelaida Guido Rocha	No trial was held	N/A	Amnesty Law
51	Alfonso José	Morazán Castillo	M	56	Transportation	Matagalpa	018964-ORM4-2018PN	N/A	Claudia María Munguía Payán	Alía Dominga Ampié Guzmán	Heyssel Geraldine Reyes Caballero Giscad Antonio Moraga Guillén	No trial was held	N/A	Change of measures
	Hamilton Francisco	Hernández Montalván	M	30	Laborer	Matagalpa						No trial was held	N/A	Change of measures

52	Ariel Santiago	Calderón Narváez	M	48	Businessman	Jinotepe, Carazo	018954-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Luis Carlos Mongalo Roblero, Guillermo Ramón Alemán Argeñal, Maricela Francisca Rodríguez Ponce	No trial was held	N/A	Change of measures
	Edwar Martín	Navarro	M	52	Driver	Jinotepe, Carazo						No trial was held	N/A	Change of measures
53	Jean Carlos	Esteban Lesage	M	25	Student	Jinotepe, Carazo	011797-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Irma Oralia Laguna Cruz	Catalina del Carmen Hernández Picado, Julio César Bolaños Meza, Heysell Geraldine Reyes Caballero	No trial was held	N/A	Change of measures
	Luis Miguel	Esteban Lesage	M	29	Construction	Jinotepe, Carazo						No trial was held	N/A	Change of measures
	Harvin y/o Jalvini Roberto	Esteban Lesage	M	19	Student	Jinotepe, Carazo						No trial was held	N/A	Amnesty Law
	Josué Santiago	Rojas Álvarez	M	37	Unknown	El Rosario, Carazo						No trial was held	N/A	Change of measures
54	Wilmer Abad	Martínez Díaz	M	24	Unknown	Tipitapa, Managua	010338-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Adela Auxiliadora Cardoza Bravo	Rolando Felipe Zapata Morales	Sentenced	24 years	House arrest
	Erwin Alexander	Zamora Peña	M	26	Unknown	Tipitapa, Managua						Sentenced	20 years	House arrest
	Daniel Alexander	Zamora Peña y/o Sánchez	M	27	Unknown	Tipitapa, Managua						Sentenced	20 years	House arrest
	Junior Alexander	Sánchez	M	21	Unknown	Tipitapa, Managua						Sentenced	20 years	House arrest
	Juan Carlos	Bermúdez	M	27	Export zone worker	Tipitapa, Managua						Sentenced	15 years	House arrest
	José Margarito	García Orozco	M	40	Construction	Tipitapa, Managua						Sentenced	15 years	House arrest
	Wilfredo Antonio	Orozco Urbina	M	33	Unknown	Tipitapa, Managua						Sentenced	15 years	House arrest
	Mauricio Antonio	Paniagua García	M	36	Unknown	Tipitapa, Managua						Sentenced	15 years	House arrest
55	José Ramón	González	M	25	Student	Bluefields, RACCS	019188-ORM4-2018PN	Walter William Vargas	N/A	N/A	Rhina Amelia Martínez Ortega, Gioconda Gutiérrez Mayorga	Case dismissed	N/A	Judge's order
56	Catalino	Rodríguez	M	56	Businessman	Pantasma, Jinotega	020026-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Judith Monterrey Bolaños, Juan Pablo Méndez Gutiérrez	No trial was held	N/A	Change of measures
	Jimmy Jeiller	Rodríguez Méndez	M	27	Construction	Pantasma, Jinotega						No trial was held	N/A	Change of measures
57	Waskar Antonio	Velásquez Báez	M	33	Unknown	Juigalpa, Chontales	000967-ORC1-20108PN (015907-ORM4-2018PN)	N/A	Raquel de Jesús Montiel Díaz	Esperanza Nella Gallardo Ríos	Juan Carlos García Estrada	Case dismissed	N/A	Change of measures
	Roberto Antonio	López López	M	Unknown	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Junior José	Castellón Rueda	M	Unknown	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Agustín Antonio	Dávila López	M	Unknown	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Wilbert Rafael	Flores González	M	25	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Welvin Javier	Suárez Fernández	M	27	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Keyner José	Hurtado Lumbí	M	Unknown	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Oscar Gabriel	Martínez Gutiérrez	M	26	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures
	Minerva	Castellón y/o Castellón Morales	F	42	Unknown	Juigalpa, Chontales						Case dismissed	N/A	Change of measures

58	Jeisi Junieth	Lagos	F	26	Former police officer	Wiwilí, Jinotega	001163-ORN2-2018PN	N/A	Carlos Alexis Molina Rugama	Erick Antonio Carvajal Sandoval	Emmanuel Álvarez, Sergio Daniel Delgado, Carlos Rafael Espinoza Castilla	No trial was held	N/A	Change of measures
	Denis Manuel	Hernández Gutiérrez	M	32	Unknown	Jinotega, Jinotega						No trial was held	N/A	Amnesty Law
59	Sonia María	Paz Munguía	F	52	Home worker	Managua, Managua	00615-ORM4-2019PN	Walter William Vargas	N/A	N/A	Ruth Paola Alemán Bermúdez	Sentenced	6 months	House arrest
60	Marbi	Salazar	F	50	Photographer	Isla de Ometepe, Rivas	000053-0510-2018PN	N/A	Celso Antonio Urbina Orozco	Alia Dominga Ampié Guzmán	Maricela Francisca Rodríguez Ponce, María de los Ángeles Mendoza	No trial was held	N/A	Change of measures
	Max Francisco	Cruz Gutiérrez	M	54	Agriculture	Altagracia, Rivas						No trial was held	N/A	Change of measures
61	Guillermo José	Rodríguez Tinoco	M	30	Unknown	Sébaco, Matagalpa	010336-ORM4-2018PN	N/A	Julio César Arias Roque	Alia Dominga Ampié Guzmán	José Camilo Mercado Arias	No trial was held	N/A	Change of measures
	Erick Antonio	Robleto Rivera	M	30	Unknown	Tipitapa, Managua						No trial was held	N/A	Amnesty Law
	Misael de Jesús	Escorcia Rugama	M	Unknown	Unknown	Sébaco, Matagalpa						No trial was held	N/A	Change of measures
	Mauricio Eliesar	Castillo Cabrera	M	30	Unknown	Sébaco, Matagalpa						No trial was held	N/A	Change of measures
	Julio César	Alvarado Rizo	M	24	Unknown	Sébaco, Matagalpa						No trial was held	N/A	Change of measures
	Modesto José	Machado Urbina	M	Unknown	Unknown	Sébaco, Matagalpa						No trial was held	N/A	Change of measures
	Freddy José	Vega Arancibia	M	27	Unknown	Sébaco, Matagalpa						No trial was held	N/A	Change of measures
	Michael Alexander	Valle Hernández	M	24	Unknown	Sébaco, Matagalpa						No trial was held	N/A	Change of measures
	Oscar Danilo	Mendoza Lanzas	M	32	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
62	Héctor Alberto	Arellano Pérez	M	35	Manager	Managua, Managua	010820-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	N/A	Tania Vanessa Lara Rodríguez	Case archived after initial hearing	N/A	Judge's order
63	Edicio Jordani	García Cárdenas	M	34	Unknown	Jinotega, Jinotega	001164-ORN2-2018PN-Asunto Jinotega. Reassigned in Managua as 004180-ORM4-2019PN.	N/A	Carlos Alexis Molina Rugama	Melvin Leopoldo Vargas García	Carlos Rafael Espinoza Castilla	No trial was held	N/A	Change of measures
	Jeziel David	Chavarría Úbeda	M	21	Unknown	Jinotega, Jinotega						No trial was held	N/A	Change of measures
	Roger	Gutiérrez y/o Gutiérrez Muñoz	F	38	Unknown	Jinotega, Jinotega						No trial was held	N/A	Change of measures
64	Chester Emmanuel	Navarrete Jarquín	M	25	Accountant	Nindirí, Masaya	018748-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Fátima del Socorro Rosales González	Lilliam Beatriz Sosa Mairena, Yubelca del Carmen Pérez Alvarado,	No trial was held	N/A	Change of measures
	José Jafet	Gómez Vanegas	M	25	Agriculture	Masaya, Masaya						No trial was held	N/A	Change of measures
	Gerald Nicolás	López Vásquez	M	27	Businessman	Masaya, Masaya						No trial was held	N/A	Change of measures
	Roger Antonio	Gutiérrez Díaz	M	22	Businessman	Masaya, Masaya						No trial was held	N/A	Amnesty Law
65	Delmi María	Portocarrero Quijano	F	56	Home worker	Jinotepe, Carazo	019965-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Melvin Leopoldo Vargas García	Juana Mariela Vargas Rocha, Gioconda Gutiérrez Mayorga	No trial was held	N/A	Change of measures
	Carlos Alberto	García Suárez	M	45	Cobbler	Jinotepe, Carazo						No trial was held	N/A	Change of measures
	Cristofer Alexander	Palacios Vanegas	M	24	Sign painter	Jinotepe, Carazo						No trial was held	N/A	Change of measures
66	Brandon Cristopher	Lovo Taylor	M	18	Student	Bluefields, RACCS	008138-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Leonel Rodríguez Mejía	Inés del Carmen Miranda Espinoza	Sentenced	23 years and 6 months	Amnesty Law
	Glen Abraham	Slate	M	22	Student	Bluefields, RACCS						Sentenced	12 years and 6 months	Amnesty Law

67	David Alejandro	Ortez Rivera y/o Ortiz Rivera	M	21	Student	Estelí, Estelí	015988-ORM4-2018PN	Alía Domíngua Ampié Guzmán	N/A	N/A	Luis Carlos Mongalo Roblero, Mineth Del Carmen Rivera Espinoza.	Sentenced	4 years	House arrest
	Kevin Serguey	Pérez Valdivia	M	25	Student	Estelí, Estelí						Sentenced	4 years	House arrest
	Kitzel Alexander	Pérez Valdivia	M	23	Student	Estelí, Estelí						Sentenced	4 years	House arrest
	Roboan Scott (Roguan)	Ruiz Centeno	M	19	Student	Estelí, Estelí						Sentenced	3 years and 6 months	House arrest
	Tobías Rafael	Gadea Fonseca	M	19	Student	Estelí, Estelí						Sentenced	3 years and 6 months	House arrest
68	Gregorio Ramón	Reyes Flores	M	66	Agriculture technician	León, León	014463-ORM4-2018PN	María Lourdes Corea Tijerino	N/A	N/A	Mario Samuel Sánchez Rojas	Sentenced	15 months	House arrest
	Lester Braudilio	Reyes Pastrán	M	39	Sales	León, León						Sentenced	15 months	House arrest
69	Daniel Humberto	Rodríguez Pulido	M	29	Unknown	Managua, Managua	017445-ORM4-2018PN	N/A	Julio César Arias Roque	Edgar Orlando Altamirano López	Rosario Gioconda Gutiérrez Mayorga, Perla de los Ángeles Baca, Roberto Guadalupe Talavera López, Lenín Rafael Castellón Silva	No trial was held	N/A	Change of measures
	Santiago Eduardo	Ulloa Cuarezma	M	32	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
	Bismarck Antonio	Castro Morales	M	36	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
	Kelvin y/o Kevin Antonio	Mena Bellorín	M	22	Electrician's assistant	Managua, Managua						No trial was held	N/A	Change of measures
70	Patricio José	Sevilla Izaguirre	M	47	Lawyer	Telica, León	015982-ORM4-2018PN	Wilfredo Gabriel Ramírez Lacayo	N/A	N/A	Rhina Amelia Martínez Ortega, Aura María Urbina Ramos	Sentenced	15 months	House arrest
71	Emmanuel Salvador	Fonseca Espinoza	M	26	Unknown	Managua, Managua	015391-ORM 4-2018PN	N/A	Celso Antonio Urbina Orozco	Edgar Orlando Altamirano López	Mineth del Carmen Rivera Espinoza, Heyssel Geraldine Reyes Caballero, Guillermo Ramón Alemán Argeñal, Giscard Antonio Moraga Guillén	No trial was held	N/A	Change of measures
	Ricardo Humberto	Baltodano Marcenaro	M	29	Professor	Managua, Managua						No trial was held	N/A	Amnesty Law
72	Fenner Antonio	Dávila Gaitán	M	32	Businessman	La Concha, Masaya	013811-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Leonel Rodríguez Mejía	Félix Ramón Hernández Muñoz , Guissel Morales Urbina	Sentenced	12 years and 3 months	House arrest
	Luis Alberto	Matamoros Fuentes	M	36	Businessman	La Concha, Masaya						Sentenced	6 years and 9 months	House arrest
73	Domingo Soriano	Lacayo Campos	M	51	Rancher	Jinotepe, Carazo	015936-ORM4-2018PN	N/A	Martha Regina Escobar Altamirano	Edgar Orlando Altamirano López	Manuel de Jesús Reyes Juárez	Sentence pending	N/A	Change of measures
74	Dwayne Eldrich	Forbes Ruiz	M	22	Student	Managua, Managua	014920-ORM4-2018PN	Alía Domíngua Ampié Guzmán	N/A	N/A	Sonia Ruth Méndez Manzanares, Roberto de Jesús Rocha Zamora, Mario Samuel Sánchez Rojas	Sentenced	9 months	House arrest
75	Luis Enrique	Cuevas Poveda	M	40	Businessman	León, León	014344-ORM4-2018PN	Nalia Nadezhda Úbeda Obando	N/A	N/A	María Adelaida Guido Rocha, Patricia del Carmen Calero Gutiérrez	Sentenced	5 years and 9 months	House arrest
	Oscar Danilo	Alonso Morán y/o Morazán	M	40	Businessman	León, León						Sentenced	34 months	House arrest
76	Uriel José	Picado Lezama	M	31	Driver	Comalapa, Chontales	018772-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Melvin Leopoldo Vargas García	Catalina del Carmen Hernández Picado, Yubelca del Carmen Pérez Alvarado, Luis Carlos Mongalo Roblero.	No trial was held	N/A	Change of measures
77	Mathil Alexander	Pérez Amador	M	51	Lawyer	Estelí, Estelí	012540-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Guissell Morales Urbina; César Augusto Rodríguez, Geisel Benita Reyes Sánchez	Sentenced	11 years and 2 months	House arrest
78	Norwin José	Gutiérrez Álvarez	M	20	Student	Managua, Managua	014866-ORM4-2018PN	Walter William Vargas	N/A	N/A	César Augusto Rodríguez Pineda, Karla Andino Balladares, Ruth Paola Alemán Bermúdez	No trial was held	N/A	Change of measures

79	Rafael Agustín	Sequeira Duarte	M	27	Agriculture (camp-esino)	Acoyapa, Chontales	000002-05006-2019PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Lenín Rafael Castellón Silva	No trial was held	N/A	Amnesty Law
	Fredy Alberto	Navas López	M	54	Agriculture (camp-esino)	Managua, Managua						No trial was held	N/A	Amnesty Law
80	Roger Alfredo	Martínez	M	26	Psychologist	Granada, Granada	014452-ORM4-2018PN (Case reference in Granada: 001566-ORR-2018PN)	N/A	Juan Ramón Jarquin Reyes	Carlos Alberto López Cano	Gabriela Espinoza Carranza. Rosa Emilia Mendoza	Sentenced	4 years and 6 months	House arrest
81	Víctor Manuel	Díaz González	M	35	Agriculture (camp-esino)	San Carlos, Río San Juan	012584-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	María del Rosario Peralta Mejía	Matilde Raquel Villanueva Baltodano, Oscar Benito Reyes Juárez, Belissa del Carmen Guido Mayorga, Elvin Enrique Díaz Reyes	Sentenced	25 years	House arrest
82	Yader Antonio	González	M	33	Unknown	Managua, Managua	000320-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	Yolanda Pía Fletes Cano	Lilliam Beatriz Soza Mairena	No trial was held	N/A	Change of measures
83	Raúl Ernesto	Rojas Bello	M	Un-known	Merchant	Jinotepe, Carazo	000163-0211-2018PN	Maryorie Iveth Breck Ortiz	N/A	N/A	Heysel Mendoza	Sentenced	1 year	Judge's order
84	Alexander Antonio	Cruz	M	38	Graphic designer	León, León	000806-ORM4-2019PN	N/A	Henry Antonio Morales Olivares	Wilfredo Gabriel Ramírez Lacayo	Gisel Vanessa Morales Urbina	No trial was held	N/A	Change of measures
85	Carlos Dubán	Láinez Osejo	M	20	Student	León, León	000502-ORM4-2019PN	Nalia Nadezhda Ŭbeda Obando	N/A	N/A	Rhina Amelia Martínez Ortega	Sentenced	8 months	House arrest
	Gustavo Aníbal	Lanza Crespín	M	26	Student	León, León						Sentenced	8 months	House arrest
86	Junior José	Merlo Álvarez	M	27	Driver	Managua, Managua	012728-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Irma Oralia Laguna Cruz	Guillermo Ramón Alemán Argeñal, Perla de los Ángeles Baca	Case dismissed	N/A	Change of measures
87	Luis Miguel	Díaz Barrios	M	28	Agriculture	Altagracia, Rivas	018214-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Irma Oralia Laguna Cruz	Heyssel Geraldine Reyes Caballero, Félix Pedro Cárcamo Jiménez	No trial was held	N/A	Change of measures
88	Albert Quincel	Bernar Monroe	M	25	Clerk	Managua, Managua	009662-ORM4-2018PN	N/A	Julio César Arias Roque	Nancy del Carmen Aguirre Gudiel	María del Socorro Oviedo Delgado, Delia María Mongalo Correa, Guillermo Ramón Alemán Argeñal	Mixed sentence	N/A	Judge's order
	Guillermo Alberto	Sobalvarro Oporta	M	22	Waiter	Managua, Managua						Mixed sentence	N/A	Judge's order
89	Carlos Raúl	Valle Guerrero	M	61	Unknown	Managua, Managua	021021-ORM4-2019PN	María José Morales Alemán	N/A	N/A	Gloria Isabel Rivas Moya	Sentence pending	N/A	Change of measures
90	Francisco Javier	Hernández Morales	M	32	Unknown	Managua, Managua	010645-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Edgar Orlando Altamirano López	Luis Carlos Mongalo Roblero	Sentenced	11 years	N/A (Remains in custody)
	Ariel de Jesús	Zavala Meza	M	23	Unknown	Managua, Managua						Sentenced	10 years	House arrest
	Juan Carlos	Cienfuegos Mem-breño	M	33	Unknown	Managua, Managua						Sentenced	10 years	House arrest
	Carlos Manuel	Murillo Alvarado	M	38	Businessman	Managua, Managua						Sentenced	5 years	House arrest
91	Yupanke	López López	M	42	Businessman	Tipitapa, Managua	015197-ORM4-2018PN	Wilfredo Gabriel Ramírez Lacayo	N/A	N/A	Rhina Amelia Martínez Ortega, Patricia del Carmen Calero Gutiérrez	Sentenced	15 months	House arrest
	Dorian Moisés	Castillo Picado	M	28	Businessman	Tipitapa, Managua						Sentenced	15 months	House arrest
	José Ramón	Montalván	M	30	Businessman	Tipitapa, Managua						Sentenced	15 months	House arrest

92	Elsa Albertina	Valle Montenegro	F	Un-known	Student	Managua, Managua	010993-ORM4-2018PN	N/A	Félix Ernesto Salmerón Moreno	Melvin Leopoldo Vargas García	Mildred Aguilar Murillo	Mixed sentence	N/A	Judge's order
	Irma Elizabeth	Centeno Rivera	F	Un-known	Student	Managua, Managua						Mixed sentence	N/A	Judge's order
	Yuri Iclea	Valerio Rivera	F	Un-known	Student	Managua, Managua						Mixed sentence	N/A	Judge's order
	Erwin Josué	Ramos Alemán	M	28	Mechanic	Managua, Managua						Mixed sentence	9 months	House arrest
	Endric Alexander	Gaitán y/o Gaitán Moreno	M	27	Businessman	Managua, Managua						Mixed sentence	9 months	House arrest
	Germán Antonio	Martínez García	M	Un-known	Laborer	Managua, Managua						Mixed sentence	9 months	House arrest
93	Hans Josué	Gaitán Sandino	M	18	Kitchen assistant	Managua, Managua	014082-ORM4-2018PN	Roxana Katiusca Martínez Rosales	N/A	N/A	Dalia Magali Zamora Sánchez	Sentenced	10 months	House arrest
94	Pedro Daniel	Figuroa Pastora	M	31	Unknown	Managua, Managua	014848-ORM4-2018PN	Roxana Katiusca Martínez Rosales	N/A	N/A	Dalia Magali Zamora Sánchez	Sentenced	1 year	House arrest
	Edwin Alberto	Juárez Aguirre	M	26	Electrician	Managua, Managua						Sentenced	1 year	House arrest
95	José Alejandro	Vanegas Potoy	M	59	Unknown	Managua, Managua	017254-ORM4-2018PN	Nalia Nadezhda Úbeda Obando	N/A	N/A	No aplica	Never charged	N/A	Change of mea-sures
96	Juan Gabriel	Romero	M	24	Car washer	Managua, Managua	010808-ORM4-2018PN	Wilfredo Gabriel Ramírez Lacayo	N/A	N/A	Patricia del Carmen Calero Gutiérrez	Sentenced	1 year	House arrest
97	José Bayardo	Talavera Martínez	M	31	Unknown	Managua, Managua	009657-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Aldo Manolo Méndez Manzanares	Sentenced	30 years	House arrest
	Juan Mauricio	Villalobos Campos	M	26	Unknown	Managua, Managua						Sentenced	31 years	House arrest
	Jordi José	Silva Márquez	M	33	Unknown	Managua, Managua						Sentenced	30 years	House arrest
98	William Alfredo	Balmaceda Ubieta	M	37	Customs agent	Managua, Managua	015439-ORM4-2018PN	Walter William Vargas	N/A	N/A	Ruth Paola Alemán Bermúdez	Sentenced	9 months	House arrest
99	Alexander Thomas	Téllez Castro	M	18	Laborer	Managua, Managua	009856-ORM4-2018PN	N/A	María Lourdes Corea Tijerino	María del Rosario Peralta Mejía	Jean Dilan Rivas Falcón	Sentenced	13 years	House arrest
	Moisés Javier	Chávez Cárcamo	M	20	Laborer	Managua, Managua						Sentenced	5 years	House arrest
	José Eliezer	Larios Reyes	M	19	Road maintenance	Managua, Managua						Sentenced	5 years	House arrest
	K. A.	O.	M	17	Student	Managua, Managua						No trial was held	N/A	Change of mea-sures
	J.F.	L.M.	M	16	Laborer	Managua, Managua						No trial was held	N/A	Change of mea-sures
100	Carlos Humberto	Silva Rodríguez	M	43	Business adminis-tration	Managua, Managua	015972-ORM4-2018PN	Alía Domíngua Ampíe Guzmán	N/A	N/A	Mineth del Carmen Rivera Espinoza, Heidi Estela Ramírez Olivas	Sentenced	2 years	House arrest
101	Darwin Roberto	Espinoza Campos	M	32	Businessman	Managua, Managua	015583-ORM4-2018PN	Ángel Jancarlos Fernán-dez González	N/A	N/A	Heidi Estela Ramírez Olivas	Sentenced	2 years and 9 months	House arrest

102	Eyner José	López Espinoza	M	26	Unknown	Managua, Managua	018134-ORM4-2018PN		Karen Vanessa Chavarría Morales	José Alfredo Silva Chamorro	Luis Carlos Mongalo Roblero	No trial was held	N/A	Change of measures
	Steven José y/o Misael	Espinoza Marín y/o Espinoza	M	23	Laborer	Managua, Managua						No trial was held	N/A	Amnesty Law
103	Elias Samuel	Calero	M	21	Merchant	Managua, Managua	008370-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Leonel Rodríguez Mejía	Guisel Morales Urbina, Matilde Raquel Villanueva	Sentenced	7 years	House arrest
	William Saúl	Mendoza Aguirre	M	19	Merchant	Managua, Managua						Sentenced	7 years	House arrest
	Jonathan José	López	M	18	Sugar cultivation	Managua, Managua						Sentenced	7 years	House arrest
	Jorge Luis	Herrera Domínguez	M	20	Clerk	Managua, Managua						Sentenced	7 years	House arrest
104	Ángel Sebastián	Martínez Arana	M	22	Laborer	Managua, Managua	013738-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Edgar Orlando Altamirano López	Guillermo Ramón Alemán Argeñal y Patricia del Carmen Díaz Romero	No trial was held	N/A	Change of measures
	Jefry José	Ortega Acosta y/o Ortega Orozco	M	24	Auto painter	Managua, Managua						No trial was held	N/A	Change of measures
105	Danilo José	Alvarado Guillén	M	50	Baker	Monimbó, Masaya	016657-ORM4-2018PN	Nalia Nadezhda Úbeda Obando	N/A	N/A	Patricia del Carmen Calero Gutiérrez	Sentenced	30 months	House arrest
106	Dixon Martín	Rodríguez García	M	25	Disc Jockey	Masaya, Masaya	018746-ORM4-2018PN	María José Morales Alemán	N/A	N/A	Heidi Estela Ramírez Olivas	Sentenced	1 year	House arrest
107	Carlos Andrés	Lumbí Velásquez	M	21	Businessman	La Concha, Masaya	014619-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Álvaro José García Hurtado, Félix Ramón Hernández Muñoz	Sentence pending	N/A	Change of measures
	Ricardo José	Matus	M	45	Driver	La Concha, Masaya						Sentence pending	N/A	Change of measures
108	Ramón Antonio	Palacios Sánchez	M	49	Unknown	Diriamba, Carazo	016081-ORM4-2018PN	N/A	Carol Urbina	Edgar Orlando Altamirano López	Judith Monterrey Bolaños	No trial was held	N/A	Change of measures
109	Danny Javier	Chávez Salazar	M	34	Agriculture	Jinotepe, Carazo	015596-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Guillermo Ramón Alemán Argeñal, José Domingo Rojas Taleno, Lenín Rafael Castellón Silva	No trial was held	N/A	Change of measures
	Cristofer Javier	Castrillo Ramírez	M	25	Student	El Rosario, Carazo						No trial was held	N/A	Change of measures
	Daniel Antonio	Téllez Cruz	M	28	Unknown	El Rosario, Carazo						No trial was held	N/A	Change of measures
	Yader Antonio	Munguía Arias	M	45	Laborer	El Rosario, Carazo						No trial was held	N/A	Amnesty Law
110	José Andrés	Sosa Sotelo	M	37	Construction	Managua, Managua	014471-OR; 4-2018PN	Nalia Nadezhda Úbeda Obando	N/A	N/A	Patricia del Carmen Calero Gutiérrez	Sentenced	3 years and 6 months	House arrest
	William Antonio	Chávez Sobalvarro	M	38	Construction	Managua, Managua						Sentenced	4 years and 2 months	House arrest
	Wilbert Antonio	Prado Gutiérrez	M	34	Driver	Managua, Managua						Sentenced	3 years and 6 months	N/A (Remains in custody)
	Álvaro Fernando	Sánchez López	M	38	Construction	Managua, Managua						Sentenced	3 years and 6 months	House arrest
111	Eddy Antonio	Montes Praslin	M	47	Lawyer	Matagalpa						No trial was held	N/A	Change of measures
	O'Neal Josué	Granados	M	Unknown	Barber	Matagalpa	018210-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Guillermo Ramón Alemán Argeñal, Jorge Luis Rubí Velásquez	No trial was held	N/A	Change of measures
	Gennsy Efrén	Mairena Mairena	M	Unknown	Sales	Matagalpa						No trial was held	N/A	Change of measures
	Moisés Alfredo	Leiva Chavarría	M	22	Laborer	Matagalpa						No trial was held	N/A	Change of measures
112	Cecilio Antonio	Gómez López	M	66	Businessman	Nagarote, León	010384-ORM4-2018PN	N/A	Julio César Arias Roque	Ernesto Leonel Rodríguez Mejía	Martha Ivania Landero	Sentenced	23 years and 9 months	House arrest

113	Bryan Steven	Alemán Olivas	M	19	Unknown	Masaya, Masaya	014237-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Edgar Orlando Altamirano López	Guissel Tamara Borge Ordóñez	No trial was held	N/A	Change of mea- sures
114	José Israel y/o Ismael	Ruiz Artola	M	20	Laborer	Santo Tomás, Chon- tales	013479-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Leonel Rodríguez Mejía	Guissel Morales Urbina, Matilde Raquel Villanueva	Sentenced	6 years	House arrest
	Klefler Antonio	Luna Mendoza	M	33	Laborer	Santo Tomás, Chon- tales						Sentenced	9 months	House arrest
	Wilberto Antonio	Brenes Flores	M	29	Laborer	Santo Tomás, Chon- tales						Sentenced	9 months	House arrest
	Jaiber Bernardo	Díaz Gatica	M	25	Laborer	Santo Tomás, Chon- tales						Sentenced	9 months	House arrest
	Pablo Julián	Chavarría Quintero	M	29	Laborer	Nueva Guinea, RACCS						Sentenced	9 months	House arrest
115	Marlon Gerónimo y/o Marlon	Sánchez y/o Power Sánchez	M	50	Journalist	Masaya, Masaya	007195-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	N/A	Lenín Rafael Castellón Silva	No trial was held	N/A	Amnesty Law
	Humberto de Jesús	Pérez Cabrera	M	55	Businessman	Masaya, Masaya						No trial was held	N/A	Amnesty Law
	Felipe Santiago	Vásquez Hondoy	M	50	Pyrotechnician	Masaya, Masaya						No trial was held	N/A	Amnesty Law
116	Pedro Pablo	García Alvarado	M	27	Unknown	Masaya, Masaya	N/A	N/A	Claudia María Munguía Payán	William Irvin How- ard López	Ismael de Jesús Mayorga Guadamuz	Case in progress	N/A	N/A (Remains in custody)
117	Álvaro Martín	Mayorquin Loáisiga	M	28	Businessman	Managua, Managua	019999-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Wilfredo Gabriel Ramírez Lacayo	Mario Samuel Sánchez Rojas	Sentenced	4 years and 6 months	House arrest
118	María del Socorro	Oviedo Delgado	F	36	Human rights defender	Managua, Managua	013724-ORM4-2019PN	Nalia Nadezhda Ubeda Obando	N/A	N/A	Perla de los Ángeles Baca	Sentenced	6 months	Judge's order
119	Cristhian Josué	Mendoza Fernández	M	26	Student	Managua, Managua	009333-ORM4-2018PN	N/A	Julio César Arias Roque	Edgar Orlando Altamirano López	Jorge Luis Rubí Velásquez	Mixed sentence	53 years	Amnesty Law
	Alejandro Moisés	Arauz Cáceres	M	22	Student	Managua, Managua						Mixed sentence	54 years	Amnesty Law
	Gerald Geovanny	Espinales Lar- gaespada	M	24	Unknown	Managua, Managua						Mixed sentence	N/A	Judge's order
120	Orlando Antonio	Thomas Pérez	M	Un- known	Unknown	León, León	003224-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	N/A	Javier Antonio Rostrán Gadea	No trial was held	N/A	Change of mea- sures
121	Emir Felipe	Ortega Abarca	M	41	Laborer	La Paz Centro, León	001767-ORM4-2018PN	N/A	Cela González Corrales	Sergio Danilo Ber- rios Vallejos	Marling Ucrania Zelaya González	Case dismissed	N/A	Judge's order
122	Jorge Junior	Marenco Rojas	M	20	Mechanic	Managua, Managua	009501-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	José Alfredo Silva Chamorro	Lía Vanessa Flores Bermúdez	Sentenced	3 years	House arrest
123	José Iván	González Irias	M	45	Engineer	Jinotega, Jinotega		N/A	Carlos Alexis Molina Rugama	Fátima del Socorro Rosales González	Carlos Rafael Espinoza Castilla	No trial was held	N/A	Change of mea- sures
	Douglas Antonio	Picado Guido	M	34	Unknown	Jinotega, Jinotega						No trial was held	N/A	Change of mea- sures
124	Misael y/o Steven José	Espinoza	M	22	Sales	Managua, Managua	016733-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Fátima del Socorro Rosales González	Guiselle Tamara Borge Ordóñez	Sentenced	51 years	House arrest
	Erick Antonio	Carazo Talavera	M	18	Unemployed	Managua, Managua						Sentenced	16 years	Amnesty Law
	Christopher Marlon	Méndez	M	23	Kitchen assistant	Managua, Managua						Sentenced	16 years	House arrest
	Ulises Rubén	Toval Ríos	M	23	Unemployed	Managua, Managua						Sentenced	16 years	Amnesty Law
125	Frederich Odaryl	Mena Amador	M	26	Student	Juigalpa, Chontales	013485-ORM4-2018PN (Managua) and 000912-ORC1-2018PN	N/A	Raquel de Jesús Montiel Díaz	Esperanza Nella Gallardo Ríos	No aplica	Case dismissed	N/A	Amnesty Law
126	Randy Josué	Martínez Gutiérrez	M	19	Unknown	Managua, Managua	010996-ORM42018PN	Alía Domíngua Ampié Guzmán	N/A	N/A	Heyssel Geraldine Reyes Caballero, Luisa Verónica Rivera Zapata.	Sentenced	2 years and 3 months	House arrest

127	Oscar de la Cruz	Valle Sequeira	M	57	Agriculture (campesino)	Camoapa, Boaco	007282-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	N/A	Félix Ramón Hernández Muñoz	No trial was held	N/A	Amnesty Law
	Luis Avinel	Halsall Fernández	M	44	Merchant	Managua, Managua						No trial was held	N/A	Amnesty Law
	César Antonio	Ruiz Méndez	M	26	Student	San Jorge, Rivas						No trial was held	N/A	Change of measures
	Camelia Rafael	Arauz Arauz	F	28	Medic	Managua, Managua						No trial was held	N/A	Change of measures
	Julio Francisco	Alvarado Chavala	M	24	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
	Lester Alexander	Ramírez Martínez	M	25	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
128	Bismarck Antonio y/o José	Navarro Gómez	M	40	Laborer	Jinotepe, Carazo	012220-ORM4-2018PN	N/A	Enrique William Larios	Edgar Orlando Altamirano López	Ruth Elizabeth Rodríguez Martínez, Gioconda Gutiérrez Mayorga	No trial was held	N/A	Change of measures
	Ronald Fernando	Avilés Liebol	M	29	Laborer	Jinotepe, Carazo						No trial was held	N/A	Change of measures
129	Walter de Jesús	Cerrato Rodríguez	M	25	Laborer	Diriamba, Carazo	013010-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Fátima del Socorro Rosales González	Inés del Carmen Miranda Espinoza	Sentenced	48 years	Amnesty Law
	Juan José	Cruz García	M	20	Mechanic	Diriamba, Carazo						Sentenced	48 years	House arrest
	Hamilton Bryan	Quintero	M	25	Laborer	Diriamba, Carazo						Sentenced	48 years	House arrest
	Manuel de Jesús	Cerrato Rodríguez	M	22	Laborer	Diriamba, Carazo						Sentenced	48 years	House arrest
130	José Andrés y/o José Alejandro	Minas Urbina	M	20	Agriculture	El Almendro, Río San Juan	017750-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Alía Dominga Ampié Guzmán	Lenín Rafael Castellón Silva	No trial was held	N/A	Change of measures
131	Roberto Mauricio	Pacheco Vanegas	M	60	Retired military/Driver	Jinotepe, Carazo	013310-ORM4-2018PN	María José Morales Alemán	N/A	N/A	Gloria Isabel Rivas Moya, Sonia Méndez	Sentenced	1 year	House arrest
132	Alexander del Socorro	Pérez	M	36	Lawyer	Tola, Rivas	017542-ORM4-2018PN	N/A	N/A	Alía Dominga Ampié Guzmán	Judith Monterrey Bolaños	No trial was held	N/A	Change of measures
133	Hamilton Javier	Sánchez Quiroz	M	33	Laborer	Chinandega, Chinandega	018799-ORM4-2018PN	Wilfredo Gabriel Ramírez Lacayo	N/A	N/A	Mario Samuel Sánchez Rojas y Patricia del Carmen Calero Gutiérrez	No trial was held	N/A	Change of measures
	Terencio de Jesús	Bautista Rivera	M	33	Security	Chinandega, Chinandega						Sentenced	1 year and 6 months	House arrest
134	Ariel Antonio	Icaza Acosta	M	46	Artisan	León, León	0190184-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Wilfredo Gabriel Ramírez Lacayo	Heyssel Geraldine Reyes Caballero	No trial was held	N/A	Change of measures
	Walter José	Mercado Pereira	M	25	Baker	León, León						No trial was held	N/A	Change of measures
	Miguel Ángel	Guerrero López	M	22	Baker	León, León						No trial was held	N/A	Change of measures
135	Edder Oniel	Muñoz Centeno	M	32	Unknown	Masaya, Masaya	003222-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	N/A	Ruth Paola Alemán Bermúdez	No trial was held	N/A	Change of measures
	Sergio	Gutiérrez Pavón	M	59	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
	Maribel del Socorro	Rodríguez Mairena	F	35	Home worker	Managua, Managua						No trial was held	N/A	Change of measures
	Juan José	González López	M	38	Unknown	Managua, Managua						No trial was held	N/A	Change of measures
136	Francisco Homero	Pérez Bucardo	M	44	Driver	Managua, Managua	013483-ORM4-2018PN	Nalía Nadezhda Ubeda Obando	N/A	N/A	Patricia del Carmen Calero Gutiérrez	Sentenced	3 years	House arrest
	Bryan Francisco	Pérez Ampié	M	22	Businessman	Managua, Managua						Sentenced	3 years	House arrest

137	Uriel José	Pérez	M	30	Laborer	Masaya, Masaya	017396-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Adela Auxiliadora Cardoza Bravo	Rhina Amelia Martínez Ortega	Case in progress	N/A	N/A (Remains in custody)
	José Ángel	González Escobar	M	31	Laborer	Masaya, Masaya						Case in progress	N/A	N/A (Remains in custody)
138	Francisco Napoleón	Gutiérrez Matute	M	45	Accountant	El Jicaro, Nueva Segovia	00243-ORS3-2018PN	N/A	Marbeli del Carmen Blandón Alfaro	Erick Ramón Laguna Averruz	José Gabriel Vilchez	Sentenced	5 years	House arrest
139	Kaled Antonio	Toruño Maradiaga	M	39	Waste management	Nagarote, León	001355-ORO1-2018PN	N/A	Julio Daniel González Balladares	Aleyda Susana García Carrillo	Rosa Argentina Rodríguez Pereira	Sentenced	5 years and 6 months	House arrest
140	Carlos Enrique	Bermúdez	M	Un-known	Sales	Managua, Managua	009879-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Ernesto Leonel Rodríguez Mejía	María Lucía Sandoval Brenes	Case dismissed	N/A	Judge's order
141	Norman Cristopher	Terán González	M	26	Businessman	Managua, Managua	015387-ORM4-2018PN	N/A	Julio César Arias Roque	Carlos José Silva Pedroza	Johana Saballos Gaitán, Gioconda Gutiérrez Mendoza y María de los Ángeles Mendoza	Mixed sentence	N/A	Judge's order
142	Miguel Ángel	Gutiérrez Pérez	M	22	Construction	Managua, Managua	010707-ORM4-2018PN	N/A	Julio César Arias Roque	Melvin Leopoldo Vargas García	Jeaneth Guadalupe Canelo Alemán y Gioconda Gutiérrez Mayorga	Sentenced	6 years	House arrest
143	Ezequiel de Jesús	Ortiz Hernández	M	21	Businessman	Managua, Managua	014808-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Irma Oralia Laguna Cruz	Guisel Morales Urbina, Kruchezca Durán, Perla de los Ángeles Baca.	Sentenced	5 years	House arrest
144	Jonathan Joel	Cisneros Murillo	M	Un-known	Unknown	Managua, Managua	015132-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	María Lourdes Corea Tijerino	Rhina Amelia Martínez Ortega	Sentenced	5 years	House arrest
	Ariel Alonso	Orozco Carrillo	M	27	Unknown	Managua, Managua						Sentenced	5 years	House arrest
	Marwin Wilberto y/o Marvin Wilfredo	Rogel Guevara	M	Un-known	Unknown	Managua, Managua						Sentenced	5 years	House arrest
145	Denis Lorenzo	Barrantes López	M	27	Student	Managua, Managua	009273-ORM4-2018PN	N/A	Félix Ernesto Salmerón Moreno	Álvaro José Martínez Espinoza	Lía Vanessa Flores Bermúdez, Roberto Manuel Fúnez Narváez	Sentenced	6 years	House arrest
146	Frederick Humberto	Vega González	M	22	Laborer	Managua, Managua	010542-ORM4-2018PN	N/A	Julio César Arias Roque	Melvin Leopoldo Vargas García	Manuel de Jesús Reyes Juárez, Gioconda Gutiérrez	Sentenced	12 years	House arrest
	Rayan Joao	García Santamaría	M	27	Technician	Managua, Managua						Sentenced	7 years	House arrest
	Wilmer Alfredo	Mendoza Espinoza	M	29	Driver	Managua, Managua						Sentenced	7 years	House arrest
	Alexander	Conde Espinoza	M	39	Driver	Managua, Managua						Sentenced	7 years	House arrest
147	José Alejandro	Martínez Vásquez	M	27	Agriculture	Wiwilí, Jinotega	000036-1521-2018PN	N/A	Marbeli del Carmen Blandón Alfaro	Erick Ramón Laguna Averruz	Víctor Horacio Somarriba Martínez	Sentenced	3 years	House arrest
148	Álvaro Ernesto	Hernández	M	Un-known	Laborer	Managua, Managua	000011-0505-2017PN	N/A	Julio César Arias Roque	Ernesto Leonel Rodríguez Mejía	Hazel Reyes	Sentenced	8 years	Amnesty Law
149	David de Jesús	Lagos	M	46	Artisan	Matagalpa	002799-ORN1-2018PN	N/A	Claudia Nohemí Blandón Centeno	Erick Ramón Laguna Averruz	Ondina Dolores Cano Moreno	No trial was held	N/A	Amnesty Law
150	Elvis José (hijo)	Medrano Obando	M	23	Driver	León, León	001433-OR01-2018PN	N/A	Julio Daniel González Balladares	Aleyda Susana García Carrillo	Fresia del Carmen Hernández Villanueva, Freddy Antonio Hernández Cáceres y Adriana Olimpia Gutiérrez	Sentenced	5 years and 6 months	House arrest
151	Luis José	Soto Miranda	M	22	Driver	La Paz Centro, León	001220-OR01-2018PN	N/A	Cela González Corrales	Aleyda Susana García Carrillo	Freddy Antonio Hernández Cáceres, Adriana Olimpia Gutiérrez Sotelo	Sentenced	7 years	House arrest
	Santiago Patricio	García Corea	M	22	Laborer	La Paz Centro, León						Sentenced	6 years	House arrest
152	Juan José	López Oporta	M	22	Unknown	Managua, Managua	007559-ORM4-2018Pn	N/A	Abelardo Antonio Alvir Ramos	María Lourdes Corea Tijerino	Perla de los Ángeles Baca	Sentenced	25 years	Amnesty Law
	Michael Enrique	Peña González	M	24	Unknown	Managua, Managua						Sentenced	25 years	Amnesty Law
	Fernando José	Ortega Alonso	M	20	Unknown	Managua, Managua						Sentenced	25 years and 6 months	N/A (Remains in custody)
	Rommel Fabián	Guillén	M	21	Unknown	Managua, Managua						Sentenced	25 years	Amnesty Law
153	Max Alfredo	Silva Rivas	M	27	Unknown	Managua, Managua	010986-ORM4-2018PN	N/A	N/A	Irma Oralia Laguna Cruz	Félix Pedro Cárcamo Jiménez	Mixed sentence	6 years	Amnesty Law
154	José Luis	Ortega Briceño	M	34	Unknown	Masaya, Masaya	017139-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Melvin Leopoldo Vargas García	Jorge Luis Rubí Velásquez	No trial was held	N/A	Amnesty Law
	José Javier	Díaz Arauz	M	31	Unknown	Masaya, Masaya						No trial was held	N/A	Change of measures

155	Jefferson Alexander	Barboza Pérez	M	20	Technician	Managua, Managua	001514-ORM4-2019PN	N/A	Celso Antonio Urbina Orozco	Edgar Orlando Altamirano López	César Augusto Rodríguez Pineda	No trial was held	N/A	Amnesty Law
156	José María	Fuentes González	M	40	Agriculture	Altagracia, Rivas	001703-ORRR2-2018PN (Rivas); 016169-ORM4-2018 (main case); 000052-0510-2018PN (separated charges)	N/A	Sandro Francisco Pereira Chávez y Henry Antonio Morales Olivares	Edgar Orlando Altamirano López	Elsy Aryeli Ugarte Quintanilla, Xiomara Lourdes López Sarria	No trial was held	N/A	Change of measures
157	Gabriel Leónidas	Putoy Cano	M	42	Professor	Monimbó, Masaya	016534-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Fátima del Socorro Rosales González	Perla de los Ángeles Baca	Sentenced	27 years and 6 months	Amnesty Law
158	Gerald Enrique	Lovo Cuadra	M	35	Businessman	Jinotepe, Carazo	016534-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Edgar Orlando Altamirano López	Xiomara Lourdes López Sarria, Giscard Antonio Morga Guillén	No trial was held	N/A	Change of measures
159	Etner de Jesús	Sequeira Vásquez	M	30	Driver	Managua, Managua	015961-ORM4-2018PN	Ivette Pineda Gómez	N/A	N/A	Lilliam Elena Rivas Martínez, Heydi Estela Ramírez Olivas	Sentenced	2 years	House arrest
160	Trinidad Agustín	Acevedo Correa	M	35	Businessman	Jinotepe, Carazo	011930-ORM4-2018Pn	N/A	Julio César Arias Roque	Fátima del Socorro Rosales González	Rosario Gioconda Gutiérrez Mayorga	Sentenced	6 years	House arrest
161	Carlos Alberto	Rodríguez Montenegro	M	20	Student	Matagalpa	0022116-ORN1-2018PN	N/A	Maribel Parrilla Castillo	Claudia Angélica Sánchez García	María Daniel Palma Rizo	Sentenced	6 years	House arrest
162	Jonathan	Palacios Sotelo	M	Unknown	Unknown	Managua, Managua	014861-ORM42018PN	Alía Domínguez Ampié Guzmán	N/A	N/A	Mineth del Carmen Rivera Espinoza	Sentenced	4 years	House arrest
163	Jonathan Adolfo	Campos Espinoza	M	Unknown	Unknown	Diriamba, Carazo	000034-2523-2018PN	N/A	Carol Urbina	Juana María Rivera Pineda	N/A	Sentenced	2 years	House arrest
164	Alex Antonio	Pérez Calero	M	26	Unknown	Matagalpa	002091-ORN1-2018PN	N/A	Maribel Parrilla Castillo	Bernardo Morales Mairéna.	Bridgida Lilly Castillo Alvarado, Norma Sabrina Estrada Herrera	Sentenced	4 years and 6 months	House arrest
165	Jorge Luis	López Mendoza	M	19	Laborer	León, León	001068-ORO1-2019PN	N/A	Ángela María Castillo Alaniz	Sergio Danilo Berrios Vallejos	Tania Roa Traña y Mariling Zelaya González	Case dismissed	N/A	Judge's order
166	Darwin Antonio	Hidalgo Pineda	M	34	Driver	León, León	001191-ORO1-2018PN	N/A	Julio Daniel González Balladares	Zulma Ramos Loáisiga	Freddy Antonio Hernández Cáceres	Sentenced	5 years and 10 months	House arrest
	Geovanny Ramón	Zapata Hurtado	M	27	Security	León, León						Sentenced	5 years	House arrest
167	Alexander Antonio	Orozco Quezada	M	38	Unknown	Granada, Granada	001567-ORR1-2018PN	Noelia María Ulloa López	N/A	N/A	Cristhian Katiela Huete Zeledón	Sentenced	10 months	House arrest
168	Evert Antonio	Rivas Gómez	M	23	Unknown	Telica, León	000938-ORO1-2019PN	N/A	Ángela María Castillo Alaniz	N/A	Julissa María Cortez Castillo, Alejandra Martínez, Adriana Olimpia Gutiérrez Sotelo	No trial was held	N/A	Change of measures
169	Edwar Enrique	Lacayo Rodríguez	M	46	Ingeniero	Masaya, Masaya	004896-ORM4-2019PN	N/A	Julio César Arias Roque	Rosa Araceli Rubí Guerrero	Karla del Socorro Andino Balladares	Sentenced	15 years	N/A (Remains in custody)
170	Jaime Enrique	Navarrete Blandón	M	36	Chef	Managua, Managua	013720-ORM4-2019PN	N/A	Celso Antonio Urbina Orozco	Melvin Leopoldo Vargas García	Martha Carolina Cruz Sánchez, Martha Ivania Landero	Sentenced	3 years and 6 months	N/A (Remains in custody)
171	Ariel Geovanny	Maltez	M	Unknown	Unknown	Tipitapa, Managua	000106-1530-2018PN	N/A	Victoria del Carmen López Urbina	Donaldo Ignacio Alfaro García	Carlos Fidel Poveda, Regina Montano	No trial was held	N/A	Amnesty Law
	Jefferson Audiel	Maltez	M	Unknown	Unknown	Tipitapa, Managua						No trial was held	N/A	Amnesty Law
	Fabio Rafael	Castillo Picado	M	Unknown	Unknown	Tipitapa, Managua						No trial was held	N/A	Amnesty Law
	Juan José	Solís Romero	M	Unknown	Unknown	Tipitapa, Managua						Case in progress	N/A	N/A (Remains in custody)
	Juan Carlos y/o Jean Carlos	Solís Romero y/o Ríos López	M	22	Unknown	Tipitapa, Managua						No trial was held	N/A	Amnesty Law
172	Bismarck José	Contreras Herrera	M	28	Technician	Estelí, Estelí	007280-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	N/A	Jean Dilan Rivas Falcón	No trial was held	N/A	Change of measures
	José Santos	Sánchez Rodríguez	M	39	Electrician	Masaya, Masaya						No trial was held	N/A	N/A (Remains in custody)

173	Bismarck Antonio	López Sánchez	M	Un-known	Unknown	Masaya, Masaya	N/A	N/A	Claudia María Munguía Payán	N/A	Ismael de Jesús Mayorga Guadamuz	Sentenced	4 years	House arrest
	José de Jesús	López Sánchez	M	38	Unknown	Masaya, Masaya						Sentenced	4 years	House arrest
	Ariel Geovanny	Flores	M	27	Unknown	Masaya, Masaya						Sentenced	4 years	Amnesty Law
174	Santiago Patricio	García Corea	M	22	Laborer	La Paz Centro, León	000620-ORO1-2019PN	N/A	Julio Daniel González Balladares	Aleyda Susana García Carrillo	Freddy Antonio Hernández Cáceres	Case dismissed	N/A	Judge's order
175	Julio César	Morales Jarquín	M	Un-known	Activist	Managua, Managua	003278-ORM4-2019PN	Nalia Nadezhda Ubeda Obando	N/A	N/A	Lilliam Beatriz Soza Mairena	No trial was held	N/A	Amnesty Law
176	Yamileth del Carmen	Gutiérrez Moncada	F	34	Home worker	Jinotega, Jinotega	001124-ORN2-2018PN	N/A	Erick Antonio Carvajal Sandoval	Francisco José López Fernández	Mary Vannya de Jesús Baltodano Cuadra, Carlos Rafael Espinoza Castillo	Sentenced	14 years	House arrest
177	Alexander Rafael	Martínez López	M	24	Student	Managua, Managua	011648-ORM4-2018PN	N/A	Carlos José Solís Solís	Melvin Leopoldo Vargas García	Jeaneth Guadalupe Canelo Alemán	Sentenced	3 years	N/A (Remains in custody)
178	Juan Ramón	Vílchez Gutiérrez	M	39	Coffee grower	San Juan de Río Coco, Madriz	000417-ORM4-2019PN	N/A	Celso Antonio Urbina Orozco	Rosa Araceli Rubí Guerrero	Aldo Manolo Méndez Manzanares	No trial was held	N/A	Change of measures
179	María Esperanza	Sánchez García	F	51	Accountant	Managua, Managua	002353-ORM4-2020PN	N/A	Karen Vanessa Chavarría Morales	Irma Oralia Laguna Cruz	Luis Carlos Mongalo Roblero	Case in progress	N/A	N/A (Remains in custody)
	Víctor Manuel	Soza Herrera	M	58	Businessman	Managua, Managua						Case in progress	N/A	N/A (Remains in custody)
180	Geovanny Jareth	Guido Morales	M	21	Student	Managua, Managua	015842-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	María Lourdes Corea Tijerino	Elvin Enrique Díaz Reyes	Case dismissed	N/A	N/A (Remains in custody)
181	Carlos José	Flores Rodríguez	M	31	Cycle-taxi	Rivas, Rivas	001112-ORR2-2018PN	Emilio Enrique Chang López	N/A	N/A	Hazel Rojas Mendoza	Sentenced	11 months	House arrest
182	Lesther José	Selva	M	38	Engineer	Jinotepe, Carazo	000009-1543-2020PN	N/A	María Auxiliadora Chavarría	José del Carmen Cortez Domínguez	Yahaira Largaespada Carballo	Case in progress	N/A	N/A (Remains in custody)
183	Juan Aníbal	Zeledón Rodríguez	M	36	Driver	Jinotega, Jinotega	002832-ORM4-2020PN	N/A	Celso Antonio Urbina Orozco	Wilfredo Gabriel Ramírez Lacayo	Félix Pedro Cárcamo Jiménez	Case in progress	N/A	N/A (Remains in custody)
184	Pedro Augusto	Morales Torres	M	31	Unemployed	Matagalpa	000200-ORN1-2020PN	N/A	N/A	Bernardo Morales Mairena.	Maryuri Urcuyo Vanegas	Case in progress	N/A	N/A (Remains in custody)
185	Carlos José	Hernández Bustos	M	31	Unemployed	Granada, Granada	001520-ORR1-2018PN	N/A	Armando Mejía Somarriba	Fátima del Socorro Rosales González	José Domingo Rojas Taleno y Rosa Emilia Mendoza	Mixed sentence	8 months	House arrest
186	Franklin José	Pasos Corea	M	32	Driver	El Sauce, León	000210-ORO1-2019PN	N/A	Cela González Corrales	Sergio Danilo Berrios Vallejos	Alejandra Martínez Rivera	No trial was held	N/A	Change of measures
187	Eduardo Antonio	Mora Arana	M	34	Agriculture (campesino)	Managua, Managua	015631-ORM4-2018PN	N/A	N/A	Nancy del Carmen Aguirre Gudiel	Adelaida Guido Rocha, Judith Monterrey Bolaños	Sentenced	6 months	House arrest
188	Elton David	Lazo Lazo	M	19	Construction	Estelí, Estelí	003079-ORS1-2019PN	N/A	Alma Pino Irías	Elizabeth del Carmen Corea Morales	Valia Yurisma Pasquier Rothschuc	No trial was held	N/A	N/A (Remains in custody)
189	Bryan Rogelio y/o Rogelio Francisco	Cruz Calderón	M	31	Agriculture (campesino)	Pueblo Nuevo, Jinotega	001728-ORN2-2018PN	N/A	Carlos Alexis Molina Rugama	Francisco José López Fernández	Claudia Jilmara Herrera López y Sergio Daniel Meza Delgado	Sentenced	4 years	N/A (Remains in custody)
190	Juan Carlos	Gutiérrez Peña	M	30	Unknown	Granada, Granada	000348-ORR1-2019PN	Noelia María Ulloa López	N/A	N/A	Rosa Emilia Mendoza	Sentenced	6 months	House arrest
191	Roger Alexander	Espinoza Méndez	M	29	Engineer	Tipitapa, Managua	000086-0530-2018PN	Álvaro Antonio Murillo Cruz	N/A	N/A	Ruth Elizabeth Rodríguez Martínez, Maribel de los Ángeles Rodríguez Villegas	Sentenced	1 year	House arrest
192	Elvin Daniel	Pérez Arróliga	M	35	Construction	Tecolostote, Boaco	000086-0521-2018PN	N/A	Aracely Amador Santana	Nilo Salvador Delgado Muñoz	Jasson Xavier Pérez Treminio	Sentenced	2 years and 6 months	House arrest
193	Carlos Isaac	García González	M	32	Driver	Jinotega, Jinotega	000073-ORN4-2019PN	N/A	Álvaro José Martínez Espinoza	Edgar Orlando Altamirano López	Luis Carlos Mongalo Roblero	No trial was held	N/A	Change of measures
194	Denis Antonio	García Jirón	M	33	Veterinarian	Managua, Managua	020269-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	Melvin Leopoldo Vargas García	Carlos Rafael Espinoza Castilla	Case in progress	N/A	N/A (Remains in custody)
	Bernardo José	Ramos Galo	M	66	Unknown	Managua, Managua						Case in progress	N/A	N/A (Remains in custody)

195	Marvin Antonio	Castellón Ubilla	M	17	Student	Managua, Managua	000563-ORM4-2018AD	N/A	Henry Antonio Morales Olivares	Roger Antonio Sánchez Báez.	Xiomara Lourdes López Sarria	Case dismissed	N/A	Change of measures
196	Richard Alexander	Saavedra Cedeño	M	32	Laborer	Managua, Managua	017383-ORM4-2019PN	N/A	Henry Antonio Morales Olivares	Irma Oralia Laguna Cruz	Perla de los Ángeles Baca, Matilde Raquel Villanueva	Case in progress	N/A	N/A (Remains in custody)
197	Marvin Antonio	Castellón	M	Unknown	Transportation	Managua, Managua	012085-ORM4-2018PN	N/A	N/A	Rosa Araceli Rubí Guerrero	María Lucía Sandoval Brenes	Case dismissed	N/A	Change of measures
198	Hugo Leonel	Brenes Sotelo	M	Unknown	Civil engineer and lawyer	Managua, Managua	019857ORM4-2018PN	Nalia Nadezhda Úbeda Obando	N/A	N/A	N/A	Sentenced	3 years	House arrest
199	Denis Ismael	Montiel Arrieta	M	22	Unknown	Managua, Managua	015292ORM4-2018PN	N/A	N/A	Irma Oralia Laguna Cruz	Perla de los Ángeles Baca	Case dismissed	N/A	Change of measures
	Gabriel Eliseo	Sequeira García	M	21	Unknown	Managua, Managua						Case dismissed	N/A	Change of measures
	Kevin José	Paniagua Acevedo	M	22	Unknown	Managua, Managua						Case dismissed	N/A	Change of measures
200	José Rafael	Sánchez Navarrete	M	17	Student	Masatepe, Masaya	015292ORM4-2018PN	N/A	N/A	Miroslava Manova Calero Chamorro.	Juan Pablo Méndez	Sentenced	4 years	House arrest
201	Osman Marcel	Aguilar Rodríguez	M	38	Businessman	Managua, Managua	010221ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	Nancy del Carmen Aguirre Gudiel	Ruth Paola Alemán Bermúdez, Guisel Vanessa Morales Urbina	Sentenced	9 months	N/A (Remains in custody)
202	Melkyssex Antonio	López Ferrey	M	29	Sales	Managua, Managua	019763-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Nancy del Carmen Aguirre Gudiel	Guissel Vanessa Morales Urbina, Judith Monterrey Bolaños	Sentenced	4 years	House arrest
203	Bryan Kesler	Alemán	M	28	Driver	Managua, Managua	009198-ORM4-2019PN	N/A	Celso Antonio Urbina Orozco	José Alfredo Silva Chamorro	Heyssel Geraldine Reyes Caballero, Luis Carlos Mongalo Roblero	Sentenced	3 years	House arrest
204	Marcos Antonio	Campos Garay	M	26	Businessman	Managua, Managua	018913-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	José Alfredo Silva Chamorro	Xiomara Lourdes López Sarria y Guillermo Alemán Argeñal	Sentenced	5 years	House arrest
205	Bryan Vladimir	Cornejo Rivas	M	20	Businessman	Managua, Managua	009858-ORM4-2018PN	Walter William Vargas	N/A	N/A	Ligia Velásquez y María Camila Zambrana Rojas	Sentenced	6 months	House arrest
206	Pedro José	Gutiérrez González	M	37	Industrial mechanic	Managua, Managua	010494-ORM4-2018PN	N/A	Félix Ernesto Salmerón Moreno	Edgar Orlando Altamirano López	Javiera Casco Valle y Heyssel Geraldine Reyes Caballero	Sentence pending	N/A	Change of measures
207	Carlos Sebastián	Cortez	M	Unknown	Welder	Jinotepe, Carazo	008861-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	José Alfredo Silva Chamorro	Valeska Marcela López Espinoza, Fabiola Mercedes Mendoza Bustos, Carlos Rafael Espinoza Castilla	Case in progress	N/A	Change of measures
	Ernesto Antonio	Ramírez García	M	38	Businessman	Jinotepe, Carazo						Case in progress	N/A	N/A (Remains in custody)
208	Eduardo José	Cuba Gadea	M	18	Agriculture	Jinotega, Jinotega	011463-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Irma Oralia Laguna Cruz	José Camilo Mercado Arias, Elvin Enrique Díaz Reyes, Kruchezca Durán	Sentenced	4 years and 6 months	House arrest
209	Eduardo José	Espinoza Sánchez	M	Unknown	Student	Masaya, Masaya	0095-0523-2019PN (Masaya) and 017045-ORM4-2019PN	N/A	Claudia María Munguía Payán	Fátima del Socorro Rosales González	Rosario Gioconda Gutiérrez Mayorga, Luis Carlos Mongalo Roblero	No trial was held	N/A	Change of measures
210	Néstor Eduardo	Montealto Núñez	M	28	Laborer	Managua, Managua	023539-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	Wildaurora Zeledón Castillo	Carlos Rafael Espinoza Castilla	Case in progress	N/A	N/A (Remains in custody)
	Ángel de Jesús	Sequeira Zamora	M	19	Embroiderer	Managua, Managua						Sentenced	12 years	N/A (Remains in custody)
	José Gadiel	Sequeira Zamora	M	18	Embroiderer	Managua, Managua						Sentenced	12 years	N/A (Remains in custody)
211	Leonardo Antonio	Rayo Tórrez	M	32	Security	Managua, Managua	013522-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	Fátima del Socorro Rosales González	Guillermo Ramón Alemán Argeñal, Heyssel Geraldine Reyes Caballeros	Sentenced	5 years and 6 months	House arrest
	Leonardo Alberto	Flores Matus	M	31	Security	Managua, Managua						Sentenced	5 years and 6 months	House arrest
	Roberto Francisco	García García	M	40	Technician	Managua, Managua						Case dismissed	N/A	Change of measures
212	Samuel Enrique	González	M	Unknown	Unknown	Masaya, Masaya	0129-0523-2019PN (Masaya) and 017036-ORM4-2019PN	N/A	Claudia María Munguía Payán	Rosa Araceli Rubí Guerrero	No aplica	Case in progress	N/A	N/A (Remains in custody)
	Ezequiel de Jesús	González Alvarado	M	Unknown	Unknown	Masaya, Masaya						Case in progress	N/A	N/A (Remains in custody)
213	Yader Isaac	Gutiérrez Romero	M	22	Laborer	Managua, Managua	000369-ORM4-2019PN	N/A	Celso Antonio Urbina Orozco	Fátima del Socorro Rosales González	Gloria Isabel Rivas Moya	Sentenced	5 years and 6 months	House arrest

214	Jorge Huáscar	Montenegro López	M	50	Driver	Managua, Managua	010090-ORM4-2018PN	Roxana Katiusca Martínez Rosales	N/A	N/A	Dalia Magali Zamora Sánchez	Case dismissed	N/A	Judge's order
215	Holman Vladimir	Martínez Hernández	M	35	Mechanic	Managua, Managua	000516-ORM4-2019PN	N/A	Karen Vanessa Chavarría Morales	José Alfredo Silva Chamorro	César Augusto Rodríguez Pineda, María de los Ángeles Mendoza	Case dismissed	N/A	N/A (Remains in custody)
216	Gerardo Antonio	Mejía Montoya	M	52	Cobbler	Monimbó, Masaya	0063-0523-2019PN (Masaya) and 017030-ORM4-2019PN (Managua)	N/A	Claudia María Munguía Payán	Edgar Orlando Altamirano López	No aplica	Case in progress	N/A	N/A (Remains in custody)
217	Gustavo Adolfo	Mendoza Beteta	M	35	Laborer	Managua, Managua	008521-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Nancy del Carmen Aguirre Gudiel	Gisel Vanessa Morales Urbina, Judith Monterrey Bolaños	Sentenced	4 years	House arrest
218	Erlin Javier	Obando García	M	31	Unknown	Managua, Managua	014854-ORM4-2018	Nalia Nadezhda Úbeda Obando	N/A	N/A	Rhina Amelia Martínez Ortega	Sentenced	7 months	House arrest
219	Ernesto Isabel	Núñez Conde	M	46	Machine maintenance	Managua, Managua	010007-ORM4-2018PN	Ángel Jancarlos Fernández González	N/A	N/A	Javiera Casco Valle	Case dismissed	N/A	Judge's order
220	Raúl Alejandro	Meza Ramos	M	45	Jeweler	Jinotega, Jinotega	016563-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Carlos José Silva Pedroza	Ruth Elizabeth Rodríguez Martínez, Guillermo Alemán Argeñal, María de los Ángeles Mendoza	Case dismissed	N/A	Change of measures
221	Gerald Rafael	Oporta Calero	M	27	Barista	Managua, Managua	010106-ORM4-2019PN	Ángel Jancarlos Fernández González	N/A	N/A	César Augusto Rodríguez Pineda, Javiera María Casco Valle	Sentenced	7 months	House arrest
222	María Guadalupe	Ruiz Briceño	M	22	Student	Managua, Managua	013062-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	Carlos José Silva Pedroza	Judith Monterrey Bolaños	No trial was held	N/A	Change of measures
	Juan Francisco	Palacio Fernández	M	21	Laborer	Managua, Managua						No trial was held	N/A	Change of measures
	Erikson David	Pinel Altamirano	M	18	Unemployed	Managua, Managua						No trial was held	N/A	Change of measures
223	José Daniel	Pérez	M	19	Businessman	Managua, Managua	008456-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	Meyling del Carmen Soza Hernández	Carlos Rafael Espinoza Castilla, Judith Monterrey Bolaños, Elvin Enrique Díaz Reyes	Sentenced	5 years and 6 months	House arrest
224	Jaime de Jesús	Romero Carrión	M	29	Businessman	Managua, Managua	022871-ORM4-2019PN	N/A	Julio César Arias Roque	Wildaurora Zeledón Castillo	Heidi Estela Ramírez Olivas	Case in progress	N/A	N/A (Remains in custody)
225	Elvis Alexander	Pérez Larios	M	32	Businessman	Managua, Managua	003404-ORM4-2019PN	N/A	Carlos Alberto López Cano	Meyling del Carmen Soza Hernández	Elvin Enrique Díaz Reyes	Sentenced	7 years and 6 months	House arrest
226	Jefry Reynaldo	Pérez Saavedra	M	23	Electrical mechanic	Managua, Managua	009543-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Ernesto Leonel Rodríguez Mejía	Matilde Raquel Villanueva Baltodano	Sentenced	6 years	House arrest
227	Marlon Antonio	Pérez Zamora	M	33	Businessman	Managua, Managua	004901-ORM4-2019PN	N/A	Julio César Arias Roque	Carlos José Silva Pedroza	Yahaira A. López Fonseca	Case dismissed	N/A	Judge's order
228	Francisco Javier	Pineda Guatemala	M	33	Laborer	Managua, Managua	001859-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	Edgar Orlando Altamirano López	Xiomara Lourdes López Sarria	Sentenced	4 years	N/A (Remains in custody)
229	Gabriel Renán	Ramírez Somarriba	M	39	Unknown	Masaya, Masaya	0083-0523-2019PN (Masaya) and 017046-ORM4-2019PN (Managua)	N/A	Claudia María Munguía Payán	William Irvin Howard López	Gema Castillo	Sentence pending	N/A	N/A (Remains in custody)
230	Edwin Alexander	Rodríguez Hernández	M	22	Businessman	Managua, Managua	009998-ORM4-2019PN	Ángel Jancarlos Fernández González	N/A	N/A	Javiera María Casco Valle	Sentenced	9 months	House arrest
231	Rene Asunción	Ruiz Tablada	M	62	Business administration	Managua, Managua	000019-0509-2016PN and 007756-ORM4-2019PN (appeal)	N/A	Karen Vanessa Chavarría Morales	Meyling del Carmen Soza Hernández	Blanca Rosa Calero Calero	Sentenced	4 years	House arrest
232	Roberto Antonio	Soza Zelaya	M	28	Decorator	Managua, Managua	011306-ORM4-2019PN	N/A	Carlos Alberto López Cano	Melvin Leopoldo Vargas García	Jeaneth Guadalupe Canelo Alemán	Case dismissed	N/A	Judge's order

233	Hayder Renes	Salazar Bodan	M	Un-known	Unknown	Managua, Managua	019669-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	Álvaro José Martínez Espinoza	Rhina Amelia Martínez Ortega	Sentenced	5 years and 6 months	House arrest
	Gerardo José	Tórrez	M	18	Driver's assistant	Managua, Managua						Sentenced	5 years and 6 months	House arrest
234	Pilar	Talavera Calderón	M	59	Unknown	Managua, Managua	001949-ORM8-2018PN	N/A	Karen del Socorro López Fuentes	Ana Cecilia Oviedo Núñez	Denis José Aragón Avilés	Sentenced	3 years	House arrest
235	Mauricio Javier	Valencia	M	Un-known	Cobbler	Masaya, Masaya	0103-0523-2019PN (Masaya) and 017043-ORM4-2019PN (Managua)	N/A	Claudia María Munguía Payán	Rosa Araceli Rubí Guerrero	No aplica	Case in progress	N/A	N/A (Remains in custody)
236	Luis Carlos	Valle Tinoco	M	31	Driver	Managua, Managua	010533-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Edgar Orlando Altamirano López	Xiomara Lourdes López Sarria	Sentenced	8 years	N/A (Remains in custody)
237	Kennis José	Vargas Gutiérrez	M	37	Disc Jockey	Managua, Managua	014249-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Nancy del Carmen Aguirre Gudiel	Judith Monterrey Bolaños	Sentenced	5 years	House arrest
238	Julio César	Villalta Cajina	M	38	Tourist guide	Managua, Managua	009880-ORM4-2018PN	N/A	Abelardo Antonio Alvir Ramos	José Alfredo Silva Chamorro	Blanca Rosa Calero Calero	Sentenced	6 years	House arrest
239	Kevin Antonio	Zamora Delgado	M	19	Student	Managua, Managua	017579-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	José Alfredo Silva Chamorro	Mario Samuel Sánchez Rojas	Sentenced	4 years	N/A (Remains in custody)
	Eliseo de Jesús	Castro Baltodano	M	55	Contractor	Managua, Managua						Case in progress	N/A	N/A (Remains in custody)
240	Vigarny Andeliz	Zavala Ortega	M	23	Sales	Managua, Managua	0011642-ORM4-2018PN	N/A	Henry Antonio Morales Olivares	Nancy del Carmen Aguirre Gudiel	Judith Monterrey Bolaños	Sentenced	5 years	House arrest
241	Kevin Orlando	López Arostegui	M	20	Laborer	Estelí, Estelí	001672-ORS1-2019PN	N/A	Alma Pino Irías	Elizabeth del Carmen Corea Morales	Marcela Pichardo	Sentenced	2 years	House arrest
242	Nilson José	Membreño	M	Un-known	Unknown	El Viejo, Chinandega	002699-OR02-2018PN (Chinandega) and 001971-ORM4-2019PN	N/A	Saskia Tamara Carrillo Roque	Melvin Leopoldo Vargas García	Heidi Estela Ramírez Olivas	Sentenced	10 years	N/A (Remains in custody)
243	Walter Antonio	Montenegro Rivera	M	30	Agriculture	Wiwilí, Jinotega	001729-ORN2-2018PN	N/A	Carlos Alexis Molina Rugama	Francisco José López Fernández	Marlon Rolando Leiva Flores	Sentenced	5 years	N/A (Remains in custody)
244	Fausto Antonio	Ruiz Moreno	M	52	Businessman	La Paz Centro, León	000061-0756-2018PN	N/A	N/A	Gunner Briones Ríos	Adriana Olimpia Gutiérrez Sotelo	Sentenced	1 year	House arrest
245	Maycol Antonio	Arce	M	Un-known	Agriculture	Tipitapa, Managua	00041-OR11-2018PN	N/A	Victoria del Carmen López Urbina	Donaldo Ignacio Alfaro García	Regina Paola Montano	Case in progress	N/A	N/A (Remains in custody)
	Julio Humberto	Arce Moreno	M	43	Driver	Tipitapa, Managua						No trial was held	N/A	N/A (Remains in custody)
246	Yuisman Samuel	Altamirano Larios	M	25	Laborer	León, León	001467-ORO1-2019PN	N/A	Julio Daniel González Balladares	Aleyda Susana García Carrillo	Meyber Loáisiga /, Mario Zepeda	Case archived after initial hearing	N/A	Judge's order
247	Oscar Emmanuel	Centeno Altamirano	M	26	Barber	León, León	000493-ORO1-2019PN	N/A	Julio Daniel González Balladares	Aleyda Susana García Carrillo	Alejandra Martínez Rivera	Sentenced	3 years	House arrest
248	Jairo Lenín	Centeno Ríos	M	30	Metalworker	León, León	001571-ORO1-2018PN	N/A	Julio Daniel González Balladares	Aleyda Susana García Carrillo	Alejandra Martínez Rivera	Sentenced	3 years	House arrest
249	Carlos Antonio	López Cano	M	27	Driver	León, León	001238-ORO1-2019PN	N/A	N/A	Luis Felipe Alvarado Palma	Luis Treminio	Sentenced	16 years	N/A (Remains in custody)
250	Norlan José	Cárdenas Ortiz	M	33	Waiter	Masaya, Masaya	024867-ORM4-2019PN	N/A	Henry Antonio Morales Olivares	Alía Dominga Ampié Guzmán	Ismael de Jesús Mayorga Guadamuz	Sentence pending	N/A	N/A (Remains in custody)
251	Jorge Adolfo	García Arancibia	M	48	Unknown	Esquipulas, Matagalpa	002016-ORN1-2018PN	N/A	Maribel Parrilla Castillo	Claudia Angélica Sánchez García	Dimas Cerda Lira	Sentenced	22 years	N/A (Remains in custody)
	Yader Antonio	Polanco Cisneros	M	43	Unknown	Esquipulas, Matagalpa						Sentenced	22 years	N/A (Remains in custody)
252	José Ariel	González Reyes	M	25	Construction	Matagalpa	0018113-ORN1-2018PN	N/A	Maribel Parrilla Castillo	Claudia Angélica Sánchez García	María Daniela Palma Rizo	Sentenced	5 years	House arrest
253	Norvin Esneyder	Reyes	M	17	Unknown	Matagalpa	001844-ORN1-2018PN	N/A	Maribel Parrilla Castillo	Claudia Angélica Sánchez García	María Daniela Palma Rizo	Mixed sentence	N/A	Change of measures
254	Ervin Manuel	Gómez Mena	M	Un-known	Unknown	Jinotepe, Carazo	000001-0530-2018PN	N/A	Socorro López Pérez	N/A	N/A	Never charged	N/A	Change of measures
255	Axel Pao	Valdivia	M	20	Unknown	Matagalpa	003529-ORN1-2018PN	N/A	Maribel Parrilla Castillo	Claudia Angélica Sánchez García	Dimas Cerda Lira	Sentenced	5 years and 6 months	House arrest
256	Nelson Enrique	Guido Zeledón	M	28	Unknown	Matagalpa	001849-ORN1-2018Pn	N/A	Maribel Parrilla Castillo	Claudia Angélica Sánchez García	Dimas Cerda Lira, Claudia Guevara	Sentenced	6 years	House arrest

257	Fanor Alejandro	Ramos	M	48	Former police officer	Managua, Managua	026177-ORM4-2019PN	N/A	N/A	Wilfredo Gabriel Ramírez Lacayo	Félix Pedro Cárcamo Jiménez	Case in progress	N/A	N/A (Remains in custody)
258	Cristopher Joan	García Blandón	M	23	Unknown	Jinotega, Jinotega	001241-ORN2-2019PN	N/A	Carlos Alexis Molina Rugama	Francisco Fernando Blandón Robleto	Anielka Marina Castro Molina Carmen, Francisca Romero Gutiérrez	No trial was held	N/A	Change of measures
259	Leyvin Eliezer	Chavarría	M	Unknown	Unknown	Mulukukú, RACCN	000069-1523-2019PN	N/A	N/A	Felipe Martín Úbeda Prudo	N/A	Sentenced	6 years	N/A (Remains in custody)
260	Teodoro Ramón	Flores Martínez	M	30	Agriculture	Wiwilí, Jinotega	001425-ORN2-2019PN	N/A	Carlos Alexis Molina Rugama	Erick Antonio Carvajal Sandoval	Anielka Marina Castro Molina	No trial was held	N/A	Change of measures
	Santos Harvin	Morales Castro	M	Unknown	Agriculture	Wiwilí, Jinotega						No trial was held	N/A	Change of measures
261	Lester Ariel	López Muñoz	M	Unknown	Unknown	Jinotega, Jinotega	000106-ORN2-2017PN	N/A	Carlos Alexis Molina Rugama	Erick Antonio Carvajal Sandoval	Anielka Marina Castro Molina	Sentenced	3 years	House arrest
262	Charles Jeyson	Palacio Montenegro	M	18	Unknown	San Rafael del Norte, Jinotega	000001-1542-2019PN	N/A	Carlos Alexis Molina Rugama	Erick Antonio Carvajal Sandoval	Anielka Marina Castro Molina	Sentenced	4 years	House arrest
263	Erick Samuel	Rodríguez Duarte	M	21	Unemployed	Wiwilí, Jinotega	000155-ORN2-019PN	N/A	Carlos Alexis Molina Rugama	Erick Antonio Carvajal Sandoval	Anielka Marina Castro Molina	Sentenced	3 years	House arrest
264	Jefrin Rodolfo	Bermúdez Sevilla	F	18	Unknown	Juigalpa, Chontales	001035-ORC1-2019PN	N/A	Alba Marina Báez Espinoza	Esperanza Nella Gallardo Ríos	Emelia Obregón González	Case dismissed	N/A	Judge's order
265	Elyin Eduardo	Morales	M	33	Unknown	Juigalpa, Chontales	001164-ORC1-2019PN	N/A	Alba Marina Báez Espinoza	Esperanza Nella Gallardo Ríos	Emelia Obregón González	Sentenced	4 years	House arrest
266	Lester Eleodoro	Pérez Álvarez	M	22	Unknown	Juigalpa, Chontales	001222-ORC1-2018PN	N/A	Alba Marina Báez Espinoza	Esperanza Nella Gallardo Ríos	Emelia Obregón González	Sentenced	4 years	House arrest
267	Ulises Josué	Rivas Pérez	M	Unknown	Environmentalist	Santo Domingo, Chontales	000781-ORC1-2019PN	N/A	Alba Marina Báez Espinoza	Esperanza Nella Gallardo Ríos	Emelia Obregón González	Mixed sentence	4 years	House arrest
268	Diomedes	Reyes Hernández	M	22	Laborer	Quilali, Nueva Segovia	000866-ORS3-2019PN	N/A	Marbeli del Carmen Blandón Alfaro	Erick Ramón Laguna Averruz	Hannsen Salvador Olivas Urrutia	No trial was held	N/A	Change of measures
269	Lester Jonathan	Rojas Lacayo	M	25	Student	Chichigalpa, Chinandega	001673-ORO2-2019PN	N/A	Ángel Antonio Miranda Arteaga	Rosa Velia Baca Cardoza	María Francis Pérez Mojica	No trial was held	N/A	Judge's order
270	Carlos Alberto	Matus Méndez	M	Unknown	Unknown	Mateare, Managua	001248-ORM8-2018PN	N/A	Karen del Socorro López Fuentes	Ana Cecilia Oviedo Núñez	María Adelaida Guido Rocha, Denis José Aragón Avilés	Case dismissed	N/A	Judge's order
271	Edwin Antonio	Hernández Figueroa	M	33	Former police officer	El Sauce, León	010445-ORM4-2019PN	N/A	Julio César Arias Roque	Alia Dominga Ampié Guzmán	Félix Pedro Cárcamo Jiménez	Sentence pending	N/A	N/A (Remains in custody)
272	Antonio Rolando	Albizua Rivas	M	Unknown	Lawyer	Tipitapa, Managua	0187-0230-2017PN (Tipitapa) and 013929-ORM4-2019PN (executive judge)	Álvaro Antonio Murillo Cruz	N/A	Carmen María Velásquez Lazo	Ruth Méndez Manzanares	Sentenced	2 years	House arrest
273	José Alcides	Zeledón Úbeda	M	55	Businessman	San Rafael del Norte, Jinotega	001850-ORN2-2019PN	N/A	N/A	Engracia Inés Flores	Aura María Estrada Méndez	Sentenced	2 years	N/A (Remains in custody)
274	Gilles Ernesto	Linnet Valenti	M	34	Civil engineer	Managua, Managua	018453-ORM4-2019Pn	N/A	Karen Vanessa Chavarría Morales	Carlos José Silva Pedroza	Heidi Estela Ramírez Olivas	Case in progress	N/A	N/A (Remains in custody)
	José Andrés	Castillo Urbina	M	53	Rancher	Ocotal, Nueva Segovia						Case in progress	N/A	N/A (Remains in custody)
275	Omar Antonio	Luna Pavón	M	29	Laborer	Managua, Managua	016583-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Fátima del Socorro Rosales González	Luis Carlos Mongalo Roblero	Sentenced	5 years	House arrest
276	Carlos Alberto	López Gómez	M	28	Unknown	Managua, Managua	015803-ORM4-2018PN	N/A	Karen Vanessa Chavarría Morales	Nancy del Carmen Aguirre Gudiel	María Lucía Sandoval Brenes	Sentenced	3 years	House arrest
277	Walter José	Juárez Vanegas	M	26	Painter	Managua, Managua	004625-ORM4-2018PN	N/A	Celso Antonio Urbina Orozco	Nancy del Carmen Aguirre Gudiel	Gisel Vanessa Morales Urbina	Sentenced	5 years	House arrest

278	Ivania del Carmen	Álvarez Martínez	F	37	Psychologist	Tipitapa, Managua	022892-ORM4-2019PN	N/A	Cruz Adalberto Zeledón Tórrez	Edgar Orlando Altamirano López	Roberto de Jesús Rocha Zamora, Wilber Eduardo López Martínez.	No trial was held	N/A	House arrest
	Melvin Antonio	Peralta Centeno	M	32	Independent laborer	Managua, Managua						No trial was held	N/A	House arrest
	Marvin Samir	López Ñamendiz	M	25	Construction	Masaya, Masaya						No trial was held	N/A	House arrest
	María Margarita	Hurtado Chamorro	F	39	Real estate	Managua, Managua						No trial was held	N/A	House arrest
	Neyma Elizabeth	Hernández Ruiz	F	25	Activist	Managua, Managua						No trial was held	N/A	House arrest
	Jesús Adolfo	Tefel Amador	M	33	Industrial engineer	Managua, Managua						No trial was held	N/A	House arrest
	Derlis Francisco	Hernández Flores	M	31	Graphic designer	Managua, Managua						No trial was held	N/A	House arrest
	José Dolores	Medina	M	27	Publicist	Managua, Managua						No trial was held	N/A	House arrest
	Atahualpa Yupanqui	Quintero Morán	M	26	Graphic designer	Managua, Managua						No trial was held	N/A	House arrest
	Wendy Rebeca	Juárez Avilés	F	28	Business administration	Managua, Managua						No trial was held	N/A	House arrest
	Olga Sabrina	Valle López	F	28	Industrial engineer	Managua, Managua						No trial was held	N/A	House arrest
	Wilfredo Alejandro	Brenes Domínguez	M	40	Businessman	Masaya, Masaya						No trial was held	N/A	House arrest
	Jordán Irene	Lanzas Herrera	M	26	Kitchen assistant	Masaya, Masaya						No trial was held	N/A	House arrest
	Roberto Andrés	Büschting Miranda	M	32	Student	Matagalpa						No trial was held	N/A	House arrest
	Hansell Amaru	Quintero Gómez	M	30	Industrial engineer	Managua, Managua						No trial was held	N/A	House arrest
279	Manuel de Jesús	Sobalvarro Bravo	M	57	Lawyer	Managua, Managua	023176-ORM4-2019PN	N/A	Abelardo Antonio Alvir Ramos	Adela Auxiliadora Cardoza Bravo	Félix Pedro Cárcamo Jiménez	Case in progress	N/A	N/A (Remains in custody)

NICARAGUA:

An unresolved human rights crisis

Analysis of arbitrary detentions,
judicial processes without guarantees,
and political persecution



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