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Report of the Group of Human Rights Experts on Nicaragua*

Summary

The present report, submitted to the Human Rights Council pursuant to its resolution 49/3, sets out the conclusions of the Group of Human Rights Experts on Nicaragua. The report gives an overview of the Group's findings with respect to serious human rights abuses and violations perpetrated in Nicaragua since April 2018, including extrajudicial killings, arbitrary detention, torture and cruel, inhuman or degrading treatment, arbitrary deprivation of nationality and violations of the right to remain in one's own country. The Group finds reasonable grounds to believe that these violations and abuses were perpetrated in a widespread and systematic manner for political reasons and, having verified all elements, that they constitute evidence of crimes against humanity.

* The present report was submitted after the deadline in order to reflect most recent developments.



I. Introduction

1. In its resolution 49/3, the Human Rights Council established the Group of Experts on Human Rights on Nicaragua, for a period of one year, to investigate all alleged human rights abuses and violations committed in Nicaragua since April 2018 and thus contribute to accountability and access to justice for victims.
2. The Council requested the Group of Experts to submit a written report at its fifty-second session. The Group of Experts drafted the present report together with an extended version, issued as a conference room paper, which describes the investigation of the facts, the analysis and the conclusions in more detail.¹
3. The Council urged the Government of Nicaragua to cooperate fully with the Group of Experts, allowing it access to the country, including detention centres, and providing it with the information necessary to carry out its mandate.
4. The Group of Experts sent 11 letters to the Nicaraguan authorities between June and December 2022 but received no response. For its part, the Government of Nicaragua sent a communication to the President of the Human Rights Council in May 2022, with a copy to the Secretary-General of the United Nations, indicating that it did not accept the mandate of the Group of Experts and was therefore disregarding its activities. The Group of Experts regrets the lack of cooperation from the Government of Nicaragua, particularly, the lack of access to the country.
5. On 22 February 2023, the Group of Experts shared a draft of this report with the Government of Nicaragua.

II. Methodology and legal framework

6. Pursuant to resolution 49/3, the Group of Experts applied a gender perspective when gathering and analysing information and examined the impact of the violations and abuses on specific population groups. The Group adhered to a victim-centred methodology that was based on the principle of “do no harm” and prioritized the “best interests” of the victim.
7. The Group of Experts used the following methods to gather information: confidential interviews with victims, family members, witnesses, former officials and other persons with direct knowledge of the functioning of the State; exchanges with national and international human rights organizations; retrieval and analysis of verified digital information (videos, satellite images, photographs and information from social networks); review of court records; and analysis of public statements given by government representatives and of official documents.
8. The Group of Experts investigated 149 individual cases and reviewed secondary sources to corroborate and contextualize the information gathered, including more than 160 confidential documents received and databases shared by international agencies and human rights organizations. The Group of Experts conducted rigorous assessments of these sources to establish their reliability.
9. Owing to the complexity of the situation, the time constraints and the lack of access to the country, the Group of Experts was unable to address all the facts and verify all the alleged human rights abuses and violations reported. In particular, the Group of Experts considers it important to further investigate violations and abuses committed against Indigenous Peoples and campesino communities and allegations of corruption and misuse of the State apparatus, including the appropriation of assets.
10. In line with the general practice of other investigative bodies established by the Human Rights Council, the Group of Experts used “reasonable grounds to believe” as its

¹ A/HRC/52/CRP.5.

standard of proof.² While this threshold is admittedly lower than that required to establish responsibility in criminal proceedings, it is sufficient to justify further investigation.

11. The Group of Experts assessed the facts in the light of international human rights law and customary international criminal law, basing itself primarily on the statutes and case law of the international criminal courts. The Group of Experts also considered the human rights safeguards enshrined in national law and other relevant aspects of Nicaraguan legislation.

III. Legal and institutional factors contributing to violations and abuses

12. The human rights violations and abuses perpetrated since April 2018 are not an isolated phenomenon but the product of an active drive to undo the separation of powers and dismantle democratic guarantees, tightly concentrate power around the President and Vice-President and blur the division between the State and its institutions and the ruling party. These factors have enabled senior government officials to use their executive, legislative, judicial and electoral powers to develop and implement a legal framework within which the exercise of fundamental freedoms is suppressed and real or perceived opponents are persecuted.

13. Significant precedents for these human rights violations and abuses, including extrajudicial killings, excessive use of force, attacks on human rights defenders, attacks on protesters by pro-government groups and arbitrary detentions, already existed prior to 2018. The prevailing impunity for these violations and abuses enabled and facilitated the escalation of violence and the persecution of real or perceived opponents of the Government.

14. The extended version of this report expands on these factors and identifies areas in which additional research is required in order to comprehensively address the structural root causes of the violations and abuses.³

IV. Findings

A. Extrajudicial killings

15. The National Police and pro-government armed groups used violence to suppress the wave of peaceful mass protests that began in April 2018. Acting jointly and in a coordinated manner, police officers and members of pro-government armed groups committed extrajudicial killings during the crackdown on the protests that took place between 18 April and 23 September 2018.

16. The Group of Experts investigated 40 deaths that occurred during the protests and concluded that all of them constituted extrajudicial killings. In order to corroborate the patterns identified in the cases it had investigated, it examined a further 75 deaths that had occurred in the context of the 2018 protests. The Group has reasonable grounds to believe that the cases investigated are representative of broader patterns of conduct that were replicated in a systematic and generalized manner over several months across almost all of the country.

17. The Government of Nicaragua officially acknowledges that 198 deaths occurred in the context of the protests. However, it attributes responsibility for these deaths to those who took part in the protests, which it describes as an “attempted coup”. In the absence of reliable official data, human rights organizations and civil society organizations maintained their own records of the dead and injured.

² A/HRC/48/69, para. 13

³ A/HRC/52/CRP.5.

Number of deaths, according to different sources

<i>Source</i>	<i>Time period</i>	<i>Total deaths</i>	<i>Civilian deaths</i>	<i>Police deaths</i>
Government of Nicaragua ⁴	19 April to 13 September 2013	198	176	22
Interdisciplinary Group of Independent Experts ⁵	April 18 to 30 May 2018	109	106	3
Inter-American Commission on Human Rights ⁶	18 April to 1 October 2018	350	332	23
Truth, Justice and Peace Commission ⁷	18 April 2018 to 15 July 2019	251	229	22
Center for Justice and International Law ⁸	18 April and 1 October 2018	342	319	23

1. Profile of the victims

18. The majority of those who died during the 2018 protests, including in marches and demonstrations, sit-ins in public places such as university buildings, barricades and roadblocks referred to as *tranques*,⁹ were protesters. A number of persons who happened to be the vicinity of the protests as well as sympathizers of the Sandinista National Liberation Front and/or members of pro-government armed groups and 22 police officers also lost their lives.¹⁰ Young men accounted for the highest percentage of fatalities and serious injuries. Some 15 or 16 women, depending on the source, are also reported to have died; however, there is little information regarding the circumstances of these deaths.

19. In the 115 deaths it examined, the Group of Experts was able to establish that 77 of the persons who died were protestors, 24 were persons in the vicinity of the protests, 4 were police officers, 2 were providing humanitarian support to the protestors and 1 was a journalist. In six cases, it was not possible to establish the victim's profile.

2. Pattern of violations

(a) Use of lethal weapons

20. The Group of Experts found that, as of 19 April 2018, firearms including handguns, shotguns, assault rifles, sniper rifles and machine guns were systematically used by the National Police and pro-government armed groups to suppress protests. Multiple credible sources reported having seen armed persons, who they identified as "snipers", on the rooftops of homes and buildings. The positioning of these persons is indicative of an intent to employ combat tactics and cause the death of protesters instead of using crowd control techniques or other appropriate tactics to de-escalate the tension in these situations.

21. Records from various sources attest to a large number of deaths caused by firearms. It is estimated that between 70 and 80 per cent of the deaths were caused by gunshot wounds, the majority of them in vital areas. The cases investigated by the Group of Experts confirm

⁴ Report of the State of Nicaragua on the joint press release issued by the special procedures of the Human Rights Council, November 2018 (available at <https://www.ohchr.org/es/press-releases/2018/11/nicaragua-must-stop-repression-human-rights-un-experts>).

⁵ See http://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf.

⁶ Database of the Special Follow-up Mechanism for Nicaragua shared with the Group of Experts by the Inter-American Commission on Human Rights.

⁷ Truth, Justice and Peace Commission, Fourth Preliminary Report, annex II.

⁸ Records provided to the Group of Experts by the Center for Justice and International Law.

⁹ In Nicaragua, the term *tranque* is used to refer to a common form of protest that involves blocking roads and streets.

¹⁰ The Group of Experts asked the Government to provide information about persons with these three profiles who lost their lives but did not receive a response.

these patterns: in the 40 cases investigated in depth, 39 of the victims died as a result of gunshot wounds, all of them in vital areas.

(b) *Coordination between the National Police and pro-government armed groups*

22. The Group of Experts' analysis of 40 extrajudicial killings found that, in most cases, police officers and members of pro-government groups acted jointly, in a coordinated manner. In four cases, there was nothing to suggest that police officers had been directly involved; however, the pro-government armed groups acted with total impunity.

23. The Government has denied both that the National Police used force arbitrarily and that pro-government armed groups exist. High-ranking government officials justified the actions of non-uniformed armed persons by describing them as "volunteer police officers".¹¹ However, under the Act on the Organization, Functions, Profession and Special Social Security Regime of the National Police, volunteer police officers are permitted only to assist police officers in preventive duties, are required to wear uniforms and are not authorized to use firearms.¹²

24. Numerous sources, including testimonies from former members of pro-government armed groups, indicated that these groups were composed of sympathizers of the Sandinista National Liberation Front, including members of the Sandinista Youth, employees of public institutions, former military officers and gang members, and that they were recruited and coordinated by persons trusted by high-level government officials.

25. Most of the people who took part in the protests did so peacefully. However, the crackdown by police officers and armed pro-government groups led to clashes with protesters. Although the protest movement remained predominantly peaceful, some protesters engaged in acts of violence, including throwing stones and using homemade mortar devices, and in some cases firearms, to repel attacks by police and pro-government armed groups. In some cases, criminal practices such as unlawful toll collections, robbery and even kidnapping were deployed at *tranques*.

26. Such acts do not justify the actions of the police officers who, in a systematic manner and in conjunction with armed groups not authorized to use force, fired on demonstrators. The Group of Experts concluded that, in all the cases investigated, police officers and/or members of pro-government armed groups had perpetrated extrajudicial killings. The Group did not receive any information about any incident in which it might be possible to assert that the death was the result of proportionate or lawful use of force by the police.

27. From the middle of June onwards, a high degree of organization and coordination was observed in the actions of the police force and pro-government groups, as well as high levels of repressive capacity, which culminated in a series of joint operations popularly referred to as "Operation Clean-Up". The aim of these operations, which were carried out in various departments of the country and involved the use of substantial material, logistical and firearm resources and highly specialized, predominantly violent tactics, was to dismantle the barricades and *tranques*.

28. Most of the attacks on barricades and *tranques* took place in the early hours of the morning or during the night. In some cases, they were preceded by power and telephone outages, which made it difficult for the protesters to respond, to communicate and to record photographic and video evidence. The operations carried out in Carazo on 8 July, at the National Autonomous University of Nicaragua and the adjacent church of the Divina Misericordia in Managua on 13 July, in Masaya on 17 July and in Jinotega on 23 July were particularly violent.

29. After these violent operations, which were accompanied by mass arrests, there was a significant decline in acts of social protest. The last mass march was held on 23 September; on 28 September, the National Police declared public protests to be illegal.

¹¹ Interview with the President of Nicaragua, in Euronews, 30 July 2018. Available at: <https://www.youtube.com/watch?v=NiR0R4hYCuA>. See also interview with Francisco Diaz, Chief of the National Police, 30 November 2018, available at: https://youtu.be/zB_VD2JuGG0.

¹² Act No. 872, arts. 23 to 26.

(c) *Refusal of medical care*

30. The Group of Experts has reasonable grounds to believe that, following orders from the Minister of Health, directors of health centres and hospitals throughout the country were instructed to refuse admission and medical treatment to protestors and to report persons arriving at health centres to the police.

31. Injured persons and members of their families suffered discrimination at medical facilities and some were subjected to intentional medical malpractice, including a refusal of assistance and a lack of specialized care and treatment commensurate with the severity of their injuries. Health professionals who defied the instructions suffered reprisals including arrests, threats, harassment and dismissal.

(d) *Impunity and obstruction of access to justice*

32. The Group of Experts asked the Government to provide information on progress in the investigation of killings attributed to members of the police force and pro-government armed groups but had not received a response at the time of writing. The Group of Experts is not aware of any police officers or members of pro-government groups having been convicted for the violations and abuses committed; rather, several high-ranking officials allegedly involved in the repression have been promoted.

33. The authorities have obstructed attempts to clarify the circumstances of death in cases of extrajudicial killing. Medical and police personnel demanded that the victims' relatives sign a declaration waiving their right to report the events and request an autopsy so that they could recover the body of their relative and/or obtain a death certificate. The authorities also tried to falsify death certificates to hide the fact that gunshot wounds were the cause of death.

34. In addition, in several documented cases, the Public Prosecutor's Office has refused to accept complaints related to the death of protestors. In those cases where a complaint was registered, the Prosecutor's Office failed to carry out the formalities necessary to further the investigation. In several cases, civilians proceeded to clear the streets of shell casings, blood and other evidence in the hours immediately following the armed attacks.

35. Lastly, following the adoption of the Amnesty Act (No. 996) on 8 June 2019 all investigations into deaths that occurred during the protests were shelved, guaranteeing impunity for police officers and members of pro-government groups allegedly involved in killings, unlawful arrests and torture.

B. Systematic violations of civil and political rights

36. Since the April 2018 protests, attacks on civic and political pluralism in Nicaragua have accelerated and intensified. In the course of the period under review, the authorities forced a total shutdown of civic and democratic space, persecuting individuals and organizations that expressed or held positions that differed from the Government line.

37. The Group of Experts investigated 109 cases of serious violations and abuses of civil and political rights and identified the main patterns, which revealed that the Government was responding to expressions of social discontent with increasingly coordinated repressive measures. These violations were committed as part of a policy spearheaded by high-ranking State authorities looking to maintain power and suppress any form of dissent.

38. The Group of Experts identified a range of actors and institutions involved in the commission of serious and systematic violations of the right to liberty and physical integrity, the right not to be subjected to torture and ill-treatment, the right not to be arbitrarily deprived of nationality and to remain in one's own country, the right to participate in public life and the right to education and academic freedom as well as of freedom of expression, opinion, association, peaceful assembly, thought, conscience and religion, among others. The extended version of this report provides a detailed analysis of the violations of these rights and freedoms.¹³

¹³ A/HRC/52/CRP.5.

39. The continuing and discriminatory violations of these rights, targeting real or perceived opponents of the Government, created a climate of persecution involving the suppression of dissent in all spheres of social and political life. Thousands of human rights defenders, persons working for non-governmental organizations, activists, journalists, student leaders, religious figures and artists, as well as the main national and regional leaders of the political opposition, were forced to leave the country.¹⁴ Virtually all independent media and human rights organizations now operate from abroad and those who remain in Nicaragua have been forced to practise self-censorship.

40. There were clear gender dimensions in some of the human rights violations and abuses, resulting in differentiated impacts on men, women and persons of diverse sexual orientation, gender identity or gender expression. Certain categories of women were particular targets of victimization, for intersecting reasons including the fact of being women, feminists, leaders, human rights defenders and/or critics of the Government. Relatives of the victims, most of them women, were subjected to violations and abuses owing to their attempts to obtain justice. The shutdown of women's organizations, preceded by stigmatization campaigns, has caused setbacks for women's access to their rights.

1. Profile of the victims

41. The targets of the pattern of human rights abuse and violations identified by the Group of Experts were a heterogeneous group of individuals, leaders, organizations and entities. Some persons were victimized owing to their political opposition to the Government, whether this opposition was real or simply a perception of the authorities. It is for this reason that the Group of Experts refers in this report to violations and abuse committed against "critical voices" or "real or perceived opponents".

42. During and immediately after the 2018 protests, protesters, and especially those who had assumed a leadership role in the protests, were the main target of human rights violations. Over time, the profile of the victims of these violations and abuses evolved and expanded to encompass a wider group of critical voices that included human rights defenders, students, feminists, social organizations, journalists and employees of independent media and members of political parties.

43. Women and women's organizations were a specific target of human rights violations, both in retaliation for their significant contribution to the protest movements and their role as providers of support and advice for victims and their families and because of the critical stance towards the Government they had adopted even before the events of 2018. A pattern of particularly severe violations against persons who had participated in the Sandinista revolution or had at some point in their lives been part of the Sandinista National Liberation Front was also noted.

44. The shutdown of civic and democratic space intensified in the run-up to the 2021 presidential elections, with the registrations of three opposition parties being cancelled and leading figures of the political opposition, journalists and social, business and local leaders facing criminal prosecution.

45. From 2022 until the time of this report's writing, an ever-expanding group of people were being victimized either for expressing critical positions, including on social networks, or being active in organizations and social movements, including persons of faith and members of the Catholic Church and relatives of opponents or victims of human rights violations and abuses. This persecution also entailed the revocation of the legal status of hundreds of civil society organizations.

46. In February 2023, the Nicaraguan authorities arbitrarily deprived 316 persons of their nationality, accusing them of being "traitors to the homeland", and expelled 222, in violation of their right to remain in their own country.¹⁵ The common denominator in all these cases

¹⁴ According to the Office of the United Nations High Commissioner for Refugees, as of June 2022, more than 260,000 Nicaraguans had been forced to flee their country (HCR/PC/NIC/2023/01, p. 34).

¹⁵ See also art. 13 of the Universal Declaration of Human Rights and art. 12 (4) of the International Covenant on Civil and Political Rights. See Human Rights Committee, general comment No. 32 (2007), paras. 27–35.

was that the persons concerned were perceived by the Government to be a threat to its control of the State.

2. Patterns of conduct

(a) *Violent arrests, without a warrant, incommunicado and without due process*

47. A feature of the arrest and detention of real or perceived opponents was the use of violence by police officers and members of pro-government armed groups. In some cases, the arrestees were deprived of their liberty by members of these groups and interrogated and tortured before being handed over to the police. In other cases, large police units were deployed to make the arrests and, on several occasions, violence was used in the presence of the arrestee's family members.

48. The arrests were for the most part made without a warrant being shown and were often followed by raids and searches of property, again without any warrant being shown.

49. The constitutional right of detainees to be brought before a judge within 48 hours of arrest was also systematically violated. In all the cases investigated by the Group of Experts, the victims were not brought before a judicial authority and informed of the reasons for their arrest until several days, or even weeks, after the arrest took place.

50. The Group of Experts also identified a pattern whereby arrestees were systematically held incommunicado and the authorities refused to provide their relatives or legal representatives with information on their whereabouts. The Group also found that the judicial, police and prison authorities impeded or prevented the execution of habeas corpus petitions on behalf of detained persons, denying them their right to appear before a court and challenge the lawfulness of their detention. In several cases, these facts can be technically qualified as enforced disappearances.

(b) *Use of criminal law as an instrument of persecution*

51. The Government of Nicaragua has used criminal law as a means to persecute real or perceived opponents and suppress any criticism or opposition. Unfounded, disproportionate criminal charges brought on the basis of laws that are in violation of human rights and/or false evidence have been used as an instrument of political persecution, with the accused being deprived of their rights to due process and a defence and thus left totally powerless in the face of such charges.

52. The Group of Experts investigated 44 cases of arbitrary arrest and prosecution of real or perceived opponents of the Government. These cases were not isolated or random acts but part of a State policy involving patterns of conduct that are repeated over time and concerted action by multiple institutions including the National Assembly, the National Police, the Judiciary, the Public Prosecutor's Office, the Public Defender's Office, the National Prison Service and the Institute of Forensic Medicine. The officials involved received their instructions from high-ranking State authorities. At the time this report was finalized, 38 persons who self-identified as "political prisoners" were still being detained.

Adoption of laws that restrict and criminalize the exercise of fundamental freedoms

53. The National Assembly adopted a series of laws that were used to cancel the registrations of non-profit organizations and political parties, shut down media outlets and bring criminal charges against real or perceived opponents. The extended version of this report includes a detailed analysis of these laws and their application.¹⁶ Act No. 977, on money-laundering, Act No. 1042, on cybercrime, and Act No. 1055, on protecting the right of the people to independence, sovereignty and self-determination for peace, have been of particular importance in the use of criminal law as an instrument of persecution.

¹⁶ A/HRC/52/CRP.5, paras. 533–552.

Misuse of detention

54. In February 2021, the National Assembly amended the Code of Criminal Procedure to introduce the concept of “judicial detention”, allowing the Public Prosecutor’s Office to request an extension of the period between arrest and the preliminary hearing for up to 90 days “whenever it is considered that [...] they require more time to supplement information or obtain sufficient evidence to substantiate and formulate charges”.¹⁷ Since the amendment, the judicial authorities have systematically authorized judicial detention as requested by the Public Prosecutor’s Office, leaving detainees subject to prolonged police custody.

55. The courts have also resorted to excessive and arbitrary use of pretrial detention, ordering it as a general rule without taking the specific circumstances of each case into account. They have also systematically declared cases to be “complex proceedings”, a status that doubles the maximum duration of the judicial process, thus using a lawful argument to deliberately delay criminal proceedings.

Misapplication of criminal charges

56. The profile of the victims and the charges used in the misapplication of criminal law have evolved over time. During the 2018 demonstrations, protesters were arrested en masse but released without charge 24 to 48 hours later. Additionally, as of June 2018, a pattern of selective criminalization of persons who had assumed a leadership role in the protests, who were faced with charges of obstruction of public services (in relation to *tranques* and barricades) or serious offences such as terrorism, criminal association, organized crime, kidnapping and crimes related to the carrying, possession, trafficking, manufacture and use of weapons, among others, became apparent.

57. Hundreds of persons were released from prison in the first half of 2019 as a result of the efforts of the round table for negotiations between the Civic Alliance for Justice and Democracy and the Government and the adoption of the Amnesty Act, which rendered the investigations and charges against all persons involved “in the events that occurred throughout the country from 18 April 2018 until the date of entry into force of the [...] Act” null and void.¹⁸ However, the releases were followed, as of July of the same year, by new arrests and the reincarceration of persons previously imprisoned for having taken part in the protests.

58. Beginning in the second half of 2019 and continuing until April 2021, the Public Prosecutor’s Office charged real or perceived opponents with ordinary offences such as drug trafficking, trafficking and unlawful possession of weapons and aggravated robbery. During this period, a “revolving door” phenomenon whereby the authorities detained and released a similar number of people, thereby keeping the total number of persons in detention stable, also became apparent, and continued over time.

59. In 2021, the policy of persecution turned to persons linked to the presidential elections, including the seven opposition pre-candidates who had announced their intention to stand for election, many of the main leaders of the political opposition, persons active in political movements and parties, journalists and academics.

60. From the second half of 2021 onwards, most of the arrests carried out were made on the basis of charges of spreading fake news through technology, under the Cybercrimes Act, and/or conspiracy to undermine the country’s national integrity, under the Criminal Code read in conjunction with Act No. 1055. In several cases, the penalties were accompanied by an absolute disqualification from holding public office, from employment in the public sector and from carrying out public duties. Other offences of which real or perceived opponents were charged include money, property or asset laundering, ideological falsehood (analogous to forgery), organized crime and illicit arms trafficking.

61. From August 2022 onwards, the criminalization policy began to target critical voices of a different profile: 12 religious leaders and members of the Catholic Church were detained,

¹⁷ Act No. 1060, amending and supplementing the Code of Criminal Procedure of the Republic of Nicaragua (Act. No. 406), La Gaceta, 5 February 2021, art. 253 bis.

¹⁸ Amnesty Act (No. 996), art. 1.

as well as 1 academic and at least 8 relatives of real or perceived opponents, including relatives of victims of human rights violations and abuses who had demanded justice.

Misuse of criminal proceedings

62. Charges were brought on the basis of laws that were contrary to international human rights standards and unfounded accusations that either did not correspond to the facts described or were supported by false evidence. In most of the cases analysed, the involvement of the persons accused was not established in a clear, specific and substantiated manner; rather, there were obvious discrepancies in relation to the perpetrators, the place and the time of the acts and clear gaps in the supporting evidence. In addition, the charges were based on items of evidence that lacked force, such as falsified documentation and evidence and the testimonies of police officers. Multiple witnesses reported that police officers had planted weapons or drugs in their vehicles.

63. When dealing with charges of this kind, the courts generally failed to comply with due process and the principle of equal treatment of the parties. In most of the cases analysed, the judges accepted all of the evidence presented by the prosecution and systematically dismissed the rebuttal evidence, allegations and objections raised by the defence, including those related to procedural irregularities and the lawfulness of the evidence.

64. The hearings were held behind closed doors, without prior notification, at unusual times and in unusual places in order to avoid public scrutiny and prevent the defendant's attorney of choice from being present. In a number of cases, this resulted in a public defender being appointed during the preliminary hearing.

65. The lack of equality before the courts also meant that there was no equality of arms. In the cases in which the defendants' lawyers of choice were able to assume the defence, the conditions in which they had to work were extremely restricting. They did not have access to the full cases files and were not able to visit their clients to discuss the case and prepare the defence. During the hearings, representatives and clients were denied privacy in their communications as police officers photographed and recorded their conversations. Since 2022, the courts have also failed to provide copies of sentences, preventing the defence lawyers from being able to draft duly substantiated and reasoned appeals.

66. More generally, the defence teams were subjected to humiliating treatment and intimidation by judges, prosecutors and police officers. They were also subjected to reprisals including attacks, threats against their lives and those of their families, criminal prosecution, surveillance, intimidation, smear campaigns and disbarment from practising law.

(c) *Torture and other cruel, inhuman or degrading treatment*

67. During the period under review, police and prison officials and members of pro-government armed groups committed acts of physical and psychological torture, including sexual and gender-based violence, and other cruel, inhuman or degrading treatment, during the arrest, interrogation and detention of real or perceived opponents.

Physical and sexual torture in police custody

68. The use of physical and sexual torture techniques was especially prevalent between April 2018 and June 2019, during extensive interrogations carried out in police custody for the purpose of obtaining information. Torture and ill-treatment were also used as a means to punish persons who had taken part in the protests.

69. Most of the acts of torture and cruel, inhuman or degrading treatment documented between April 2018 and June 2019 were perpetrated in police stations and, in particular, at the Legal Cooperation Directorate known as "El Chipote". Torture techniques documented by the Group of Experts included beatings, various forms of sexual violence (rape, threat of rape, sexual torture and forced nudity), electric shocks, including to the genitals, acid and cigarette burns, asphyxiation, simulated drowning (waterboarding), penetrating injuries with a sharp weapon, nail pulling and stress positions.

70. In several cases, the acts of torture and ill-treatment were committed in the presence of high-ranking police officers who encouraged or permitted the acts. Persons who had

assumed leadership or coordination roles during the protests, high-profile students and those considered “traitors” (former officials and former members of the Sandinista National Liberation Front) were subjected to particularly severe torture and ill-treatment.

71. Pro-government groups also detained some individuals in secret places of detention where they subjected them to torture with the knowledge and acquiescence of the authorities. After periods ranging from hours to days, the individuals were then handed over to the police with visible signs of having endured violence.

Torture and discriminatory treatment in the National Prison Service

72. Real or perceived opponents who were transferred to facilities of the National Prison Service were subjected to discriminatory treatment and detention conditions contrary to international standards that constituted inhuman, cruel or degrading treatment and, in some cases, torture.

73. Between April 2018 and June 2019, most male detainees were taken to the Jorge Navarro prison complex, known as “La Modelo”, while the women were taken to the “La Esperanza” comprehensive women’s prison. In these facilities, they were held in separate cells or corridors of cells in overcrowded conditions and deprived of any interaction with ordinary prisoners. As of July 2019, persons detained for political reasons were placed in facilities of the National Prison Service in various parts of the country, including in La Modelo and La Esperanza.

74. As punishment for their real or perceived political opinions, detainees in La Modelo and La Esperanza were subjected to mistreatment and discrimination including beatings, threats, insults, prohibition of communication with other detainees, isolation in punishment cells, inadequate food in some cases served in smaller portions than those given to ordinary prisoners, water and electricity interruptions in cells and a refusal to deliver the parcels of food and basic supplies brought by their families. Access to medical care was very limited, and was provided only on rare occasions or when the person’s medical situation had deteriorated.

75. Several detainees at La Modelo were subjected to prolonged and indefinite solitary confinement in the maximum security section known as “La 300” and in punishment cells known as “El Infernillo”. The detainees were placed in segregated cells shared by two prisoners or in solitary confinement. The cells were 3 metres long and 2 metres wide, closed with metal doors, dark, unsanitary and lacking ventilation and sufficient natural light, and exposed to humidity, cold and extreme heat. In the El Infernillo cells, the temperature reached 40°C and access to water was limited. Detainees were permitted to leave their cells on an irregular basis only and some were denied any opportunity to leave their cell to go into the yard to get some natural sunlight. They were also denied the opportunity to receive visitors and were forced to go weeks or even months without communication with their families. Some detainees were kept under this regime for more than two years. Starting in 2020, cameras were installed in every cell, preventing even a moment’s privacy.

White torture and cruel, inhuman or degrading treatment at El Nuevo Chipote

76. From May 2021 onwards, many of the main leaders of the country’s political opposition, persons active in political movements and parties, journalists, academics and religious leaders were arrested. Most of the real or perceived opponents detained during this period were held in the Evaristo Vásquez police complex – a new facility of the Legal Cooperation Directorate known as “El Nuevo Chipote” that opened in 2019 and, as a police facility, does not form part of the National Prison Service – although some were detained in La Esperanza and La Modelo and some regional political leaders were placed in facilities of the National Prison Service in other parts of the country.

77. A shift in the methods used against the group of persons detained in El Nuevo Chipote began to be noted, with officers favouring practices such as prolonged and indefinite isolation that in some cases included solitary confinement, sensory irritation, threats, insults and the creation of an “environment of torture”, that is, the creation of a set of situations and combination of methods deliberately designed to inflict pain and mental and physical suffering and entailing limited access to natural light, food restrictions, sleep deprivation and

the prohibition of any recreational activity and all access to reading material, writing, television, radio, correspondence or calls from family members. In some cases, this treatment reached the threshold of torture due to the combination of methods and situations, their prolonged nature, the presence of other stressors or vulnerabilities and the severe psychological damage inflicted on the victims. The intent behind such practices was to punish and break people, and not necessarily to obtain information.

78. In general, medical care was inadequate, insufficient and sometimes even denied, which aggravated the situation of people suffering from chronic diseases. In February 2022, Hugo Torres, one of the emblematic leaders of the Sandinista revolution and a member of Unión Democrática Renovadora (Democratic Renewal Union) died after eight months in detention. There were indications that the precarious conditions and the lack of medical care had accelerated the deterioration of his health. The Inter-American Commission on Human Rights had granted precautionary measures to protect Hugo Torres in August 2021.

79. At El Nuevo Chipote, after a period in solitary confinement ranging from a few weeks to several months, most of the detainees were placed in cells that were shared by two people, but conversation between the two was not allowed. Four women political leaders of Unión Democrática Renovadora suffered particularly harsh treatment, being held in separate cells for the entire duration of their detention, which lasted more than 18 months.

80. Family visits to detainees being held at El Nuevo Chipote were authorized irregularly, at intervals of between 45 and 75 days and by notification only a few hours before the visit. The victims and their families had no possibility of communication outside of these visits and there were many obstacles to the delivery of parcels, a situation that caused stress and anxiety for the victims. At least four of the detainees were banned from all contact with their children for periods ranging from 15 to 18 months.

81. The lack of regulation of prolonged deprivation of liberty in El Nuevo Chipote placed detainees in a position of vulnerability and created a general climate of insecurity. In the absence of regulations, the authorities exercised control arbitrarily, constantly changing the rules, applying punishments and restricting the rights of detainees at will. This situation, combined with the arbitrary nature of criminal proceedings and the difficulties in communicating with the outside world and with their families, caused extreme anxiety for the detainees.

Punishment through relatives

82. Throughout the period under review, in the various places of detention real or perceived opponents were subjected to punishments and threats against the life and integrity of their family members. Psychological torture often had a gender component, entailing sexist insults and threats and blame directed at women through their children.

83. The use of cruel, inhuman or degrading treatment was also extended to family members of detainees. Relatives reported having suffered physical and/or psychological violence at the hands of officers at El Nuevo Chipote, La Modelo and La Esperanza, including humiliating or degrading treatment, sexual and gender-based violence during searches and threats of reprisals against their detained family members if they complained about the conditions of detention.

Sexual violence as a method of torture

84. Police and prison officers and, in some cases, members of pro-government armed groups perpetrated various forms of sexual violence against detainees. Many of these acts constituted torture since their purpose was to punish the detainees and break them physically and psychologically in order to obtain information.

85. The use of rape and other forms of sexual torture, such as the application of electric currents, kicks and blows to the genitals, was more frequent between April and August 2018 and generally occurred during interrogations and while in police custody in police stations or at Legal Cooperation Directorate. In the majority of cases of rape of male detainees, penetration was by objects such as pipes or firearms. Women were generally penetrated by the perpetrator's sexual organ, in some cases repeatedly over several days. The threat of rape

was also frequently used during arrests and interrogations, particularly against women, and was also extended to the family members of the detainees. Cases were reported in which women suffered miscarriages as a result of the treatment received during their detention.

86. The Group of Experts also observed the use of forced nudity in many places of detention, both clandestine and official, including during searches, in cells, during interrogations and in court. Some persons were interrogated and/or photographed naked and/or forced to remain naked for several days. Some forms of sexual violence, such as non-consensual touching and forced nudity during searches, have also been used against family members and lawyers of detainees.

Serious impacts on physical and mental health

87. Detainees have suffered serious physical and psychological sequelae as a result of torture and ill-treatment. Documented sequelae include chronic conditions such as loss of hearing and vision, pain, respiratory, gastrointestinal and dermatological problems, high blood pressure, post-traumatic stress disorder, insomnia, panic attacks, anxiety, suicidal and self-harm tendencies, nightmares, stress, depression and difficulties in interactions with other people.

Impunity

88. The authorities failed in their duty to protect individuals from torture and other cruel, inhuman, or degrading treatment and deliberately and systematically obstructed accountability processes. In order to hide the physical signs of torture, most of the victims were not brought before a judicial authority until several days, or even weeks, after their arrest. Moreover, the victims were prevented from informing their lawyer about their treatment since they were denied access to confidential meeting spaces. Their defence lawyers did in some cases file complaints about the visible signs of torture and mistreatment but their complaints were ignored by the courts and excluded from the record of the hearings.

(d) *Cancellation of registration of political parties and organizations and media shutdowns*

89. As part of its strategy for suppressing dissent, the Government also cancelled the registration of political organizations and parties and arbitrarily shut down media outlets, causing a collapse of civil and political space and seriously compromising the people's right to obtain reliable information.

90. The Group of Experts documented the revocation of the legal status of more than 3,144 national and international non-profit organizations from December 2018 to the date of this report's writing, equivalent to almost half of the 7,227 organizations registered with the Ministry of Interior in 2017. The revocations of legal status were effected either by decree of the National Assembly or by resolution of the Ministry of the Interior.

91. The first organizations to have their legal status revoked in 2018 were nine human rights organizations that had been public in their criticism of the Government.¹⁹ Five of these nine were organizations headed by women. Over time, the authorities developed new legislation, including Act No. 1040, Act No. 977 and Act No. 1115, that imposed overly burdensome requirements on organizations and forced a number of them to close their doors owing to difficulties in complying with such legislation.

92. As of 2021, a spate of mass revocations of the legal status of organizations began. The Group of Experts documented how the Ministry of the Interior either failed to accept documentation or constantly requested additional documents from organizations, forcing them into non-compliance with their legal obligations. In this way, the authorities were able to justify the revocations, their intervention and the subsequent liquidation of the assets of many of these organizations, with the proceeds going to the State.

¹⁹ Health Information and Advice Services Centre, Nicaraguan Centre for Human Rights, Institute for Strategic Studies and Public Policy, the Media Research Centre, Hagamos Democracia (Let's build democracy), the Institute for Development and Democracy, the Popol Na Foundation for Municipal Promotion and Development, the Las Segovias Leadership Institute and the El Río Foundation.

93. The Group of Experts concluded that the cancellation, by the Government, of the registration of civil society organizations is arbitrary, and is intended to reconfigure civic space and guarantee the State's monopoly on community, development and social welfare activities. This action were part of a strategy designed to increase the dependency and vulnerability of citizens to policies of patronage.

94. International organizations' forced departure from the country and the revocation of registration and closure of national civil society organizations not only violate the right of association of the affected organizations but also have a negative impact on the enjoyment of human rights by Nicaraguans. For example, the more than 200 women's organizations whose registration was cancelled had a key role in protecting children, caring for women victims of violence and promoting sexual and reproductive rights. The closure of these organizations has left the women and girls they served unable to file complaints or seek assistance or protection.

95. Act No. 1070, adopted in 2021, also restricted the right to political participation in that it included the prohibitions contained in Act No. 1040 and Act No. 1055 as grounds for disqualification from the registration of candidacies. A few days after the Act's adoption, the Supreme Electoral Council issued resolutions cancelling the legal status of the Partido de Restauración Democrática (Democratic Restoration Party) and the Partido Conservador (Conservative Party). In August, it revoked the legal status of the "Ciudadanos por la Libertad" (Citizens for Freedom) party, the vehicle through which the opposition had chosen to run in the elections as a unified force. The Group of Experts analysed the cancellation resolutions and concluded that they contained errors of substance and/or form.

96. As part of the Government's strategy for silencing journalists and independent media, the authorities shut down dozens of media outlets. It also imposed restrictions that made the work of a number of media outlets impossible, including exercising censorship and preventing the private press from obtaining the materials needed to print newspapers. The Nicaraguan Telecommunications and Postal Institute was instrumental in ensuring the censorship and media shutdowns, issuing threats against media directors, suspending broadcasts and closing outlets. The Group of Experts also documented police raids carried out at three of the country's most important independent media outlets, namely Confidential, 100% Noticias and La Prensa, and the de facto appropriation of their assets, equipment, documents and property.

(e) *Stigmatization, harassment and bullying*

97. Senior government officials, representatives of public institutions, pro-government media and users of social networks have used inflammatory rhetoric that stigmatizes and incites hatred against real or perceived opponents. Such speech was part of a communications strategy that included running disinformation and stigmatization campaigns on social networks, in institutional spaces and through pro-government media. Government officials and pro-government media were issued with instructions on the information to be disseminated in these campaigns and the manner in which it should be articulated.

98. During the 2018 protests, the authorities developed a discursive construction of the enemy, ascribing responsibility for the acts of violence to real or perceived opponents of the Government whom they labelled as "coup plotters" and "traitors". Over time, they expanded this category to encompass an ever-wider group of persons who were the object of defamation, smears and serious accusations by the authorities. Many individuals were also subjected to targeted smear campaigns and harassment through social networks and official and pro-government media. Given the general context of repression and impunity in the face of attacks by government-aligned sectors of the population against real or perceived opponents, the Group of Experts considers that the discourse described above may constitute incitement to violence.

99. Real or perceived opponents have been subjected to intimidation, threats, surveillance and aggression by police officers, members of pro-government groups and local structures linked to the Sandinista National Liberation Front, including the Councils for Citizen Power, Electoral Victory Units and Sandinista Youth. The Sandinista Leadership Committees and

trade unions have kept the activities of those employed by the State under constant surveillance.

100. The Group of Experts documented more than 100 cases in which real or perceived opponents including journalists, feminists, religious leaders, students, artists, members of political parties, political movements and civil society organizations, lawyers and family members of victims of human rights violations and abuses were subjected to intimidation and harassment by police officers, pro-government groups and local structures linked to the Sandinista National Liberation Front.

101. The criminalization, stigmatization, threats and constant harassment of opponents meant that they were not only unable to participate freely in the social and political life of the country but also unable to live their lives normally. Several people interviewed by the Group of Experts stated that they were afraid to leave their homes. Fearing reprisals, some were forced to change their residence several times and many had to flee the country.

102. The pattern of harassment was particularly severe for those who had been released from prison. These persons were subjected to constant surveillance, attacks, threats and loss of employment and access to higher education that prevented them from rebuilding their lives and had a serious impact on their family life.

103. These forms of harassment were also used against persons associated with Government opponents. Relatives of victims of rape and abuse, and the organizations that provided them with support, were specifically targeted. This harassment had a disproportionately severe impact on women, since they often led efforts to demand justice. The lawyers of political detainees were also subjected to reprisals.

(f) *Arbitrary deprivation of nationality and violation of the right to remain in one's own country*

104. The Group of Experts documented violations of the rights of real or perceived Government opponents and members of their families in the context of migration processes or travel outside the country, including unjustified and prolonged detention, interrogations, arbitrary confiscation of passports and denial of the right to leave and/or enter one's own country.

105. The pattern of violations of the rights of real or perceived opponents worsened in February 2023, when 316 persons were arbitrarily deprived of Nicaraguan nationality, in a discriminatory manner and in violation of due process guarantees and their right not to be arbitrarily deprived of nationality, leaving most of them stateless. The authorities also sought to bring about the civil death of the persons concerned by erasing them from birth records and the civil register, confiscating their assets and expelling them from the country.

106. On 9 February 2023, the Government of Nicaragua expelled 222 political prisoners, who were flown to the United States of America in execution of a deportation order issued by the Court of Appeal in Managua, which had declared them to be traitors to the homeland. At the same time, through an expedited procedure, the National Assembly adopted a constitutional amendment and specific legislation that deprives persons declared to be traitors to the homeland of their nationality.

107. In a public statement, Nicaraguan President Daniel Ortega described the departure of these persons as a "banishment". For his part, the President of the National Assembly confirmed that the various State institutions and powers had worked together, in execution with a single order, to deport and deprive the persons concerned of their nationality.

108. On 15 February 2023, the same court declared another 94 persons, some of whom were resident in Nicaragua and others resident overseas, to be traitors to the homeland, stripped them of their nationality and ordered that their assets be forfeited to the State. The forfeiture order, which was executed immediately, was issued without any proceedings at which the individuals concerned might have exercised their right of defence taking place.

C. Crimes against humanity

109. The Group of Experts has reasonable grounds to believe that, since April 2018 and up to the date on which this report was finalized, there has been a widespread, systematic and targeted attack against part of the Nicaraguan population. This attack has been effected through various prohibited or inhumane means and methods that have been developed and extended over time. Far from having ceased, the attack is continuing. The Group of Experts has also concluded that the violations, abuses and crimes documented in this report were committed intentionally as part of this attack, and that the perpetrators of these violations, abuses and crimes, and those who masterminded them, had knowledge of the attack and knew that their acts were a part of it.

110. These conclusions are consistent with various elements of the framework for the international prohibition and international criminal definition of crimes against humanity. Crimes against humanity committed in Nicaragua include murder, imprisonment, torture, forced deportation, rape and other forms of sexual violence of comparable gravity. The Group of Experts has reasonable grounds to believe that these crimes against humanity were committed as part of a discriminatory policy, intentionally implemented from the highest levels of the Government of Daniel Ortega and Rosario Murillo against part of the Nicaraguan population for political reasons, and thus constitute *prima facie* the crime against humanity of persecution.

V. Responsibility

111. The Group of Experts concluded, with reasonable grounds, that, since April 2018, a range of State actors and institutions, following orders issued by the President and the Vice-President, engaged in the commission of crimes and serious human rights violations and abuses as part of a discriminatory policy to systematically persecute and silence any person and dismantle any civic or political organization that hold positions different from, or is perceived as being critical of or opposed to, the Government.

112. The Group of Experts found that police officers and members of pro-government armed groups committed extrajudicial killings while repressing the protests, in most cases acting jointly and in coordination. The pro-government groups acted on instructions from State authorities at the national and local levels and/or from local leaders of the ruling party. The Group of Experts also documented the role played by the Ministry of Health during the protests in refusing care to injured persons. Further investigation is needed to establish the extent to which the Nicaraguan Army was involved in the repression of the social protests.

113. The Group of Experts found that the justice system has become a structured and organized mechanism for detaining, in a concerted and systematic manner, real or perceived opponents, charging and prosecuting them and enforcing sentences issued against them on the basis of proceedings in which evidence was fabricated ad hoc or legislation interpreted and/or designed by the National Assembly to be an instrument for executing instructions from the President of the Republic.

114. The Group of Experts documented the concerted involvement of various government institutions, including the National Police, the Public Prosecutor's Office and the Judiciary, in the commission of arbitrary arrests and violations of due process. The Group also documented the involvement of officers of the National Prison Service and the National Police in the commission of acts of torture and other cruel, inhuman or degrading treatment, including acts of sexual and gender-based violence, against Government opponents.

115. The violations, abuses and crimes investigated by the Group of Experts and described in this report engage both the responsibility of the State of Nicaragua and individual criminal responsibility, whether under international criminal law or in accordance with the criminal offences defined in Nicaraguan or third-country legislation.

A. State responsibility

116. As the principal duty bearer under international human rights law, the State of Nicaragua is responsible for violations of its human rights obligations committed through acts and omissions attributable to the State, as documented in this report. Acts attributable to the State are those committed by the different branches of government and by other public authorities, whether at the national, regional or local level, as well as those committed by non-State actors or groups acting on the instructions or under the effective direction or control of the State, or with the consent or acquiescence of the State.

117. The State of Nicaragua has failed to comply with its obligation to prevent the violations, abuses and crimes documented in this report and to guarantee accessible and effective remedies to victims whenever such violations, abuses and crimes have been committed. The State has also failed in its obligation to investigate such violations, abuses and crimes and punish those responsible.

B. Individual criminal responsibility

118. The Group of Experts has reasonable grounds to believe that officials and authorities of all branches of government, at all levels, participated in human rights violations, and, having verified all their elements, that these violations support the conclusion that the crimes against humanity of murder, imprisonment, torture, rape or any other form of sexual violence of comparable gravity, forced deportation and politically motivated persecution have been committed in Nicaragua.

119. The Group of Experts has not established the individual criminal responsibility that may have been incurred by officials and former officials of the State agencies and institutions mentioned throughout this report. However, the Group has registered in its database the names of the individuals identified by the victims as being directly responsible for the documented violations, abuses and crimes. It has also identified individuals whose contributions within the State machinery could give rise to individual criminal responsibility at both the international and national levels.

120. During the period analysed, high-ranking officials exercised control over the State agencies and institutions identified in this report as being responsible for human rights violations. These include the National Police, the Public Prosecutor's Office, the Judiciary, the National Prison Service, the Ministry of Health, the National Assembly and the Ministry of the Interior. The direct perpetrators of the criminal offences documented, including police officers, members of pro-government armed groups, judges, prosecutors and prison officials, among others, bear responsibility for their actions. Their immediate supervisors and other persons higher up the chain of command also bear responsibility for their criminal conduct.

121. The Group of Experts has reasonable grounds to believe that officials at the highest level of the State structure, including the President, Daniel Ortega, and the Vice President, Rosario Murillo, as well as senior members of the National Police, were involved in the commission of the crimes documented in this report. Furthermore, the Group believes that the superior officers and chiefs of the National Police and the National Prison Service knew or should have known about the existence of the crimes and violations committed by their subordinates and failed to take preventive and punitive measures to address them despite having the effective capacity to do so.

122. The Group of Experts needs to conduct additional investigations in order to reach specific conclusions regarding the responsibility of individual perpetrators. It also needs to investigate further the command structures responsible for the violations, abuses and crimes and the links between the direct perpetrators and others within these structures.

VI. Conclusions and recommendations

123. **The Group of Experts concluded that the President of Nicaragua, Daniel Ortega, the Vice President, Rosario Murillo, agents and officials of various government agencies**

and institutions and non-State actors have carried out, and continue to carry out at the date of this report's writing, serious and systematic violations and abuses of human rights against a part of the Nicaraguan population, including extrajudicial killings, arbitrary detentions, torture and cruel, inhuman or degrading treatment, arbitrary deprivation of nationality and violations of the right to remain in one's own country and the right to participate in public affairs as well as of the freedoms of expression, opinion, association, assembly, conscience and religion.

124. The Group of Experts concluded that such violations and abuses constitute a systematic and generalized attack against the civilian population through a discriminatory policy that includes the commission of human rights violations and crimes under international law and that they have not only resulted in the destruction of civic and democratic space in Nicaragua but also, having been verified in all their elements, give grounds to affirm that crimes against humanity have been committed.

125. The extended report prepared by the Group of Experts contains detailed recommendations for the measures that the Government of Nicaragua and the international community should adopt in order to address the violations, abuses and crimes documented.²⁰

126. The Group of Experts highlights the following key recommendations to the Government of Nicaragua:

- (a) Immediately release all persons arbitrarily deprived of their liberty;
- (b) Immediately cease politically motivated persecution, including through criminalization and arbitrary detention, arbitrary deprivation of nationality and forced deportation;
- (c) Undertake thorough, independent and transparent investigations of documented violations, abuses and crimes so as to hold those involved in their commission accountable, including those who bear a greater degree of responsibility;
- (d) Guarantee full reparation, redress and non-repetition, as well as the right of victims to know the truth;
- (e) Implement legislative and public policy measures to guarantee democratic principles and the separation of the executive, legislative, electoral and judicial branches of government.

127. The Group of Experts recommends that the international community:

- (a) Initiate legal action against persons responsible for documented violations, abuses and crimes, in accordance with national legislation;
- (b) Extend the penalties to institutions and individuals involved in the commission of violations and crimes under international law;
- (c) In the negotiation of development cooperation and investment projects in Nicaragua, governments and multilateral organizations should include human rights guarantees and prioritize actions aimed at improving the situation in Nicaragua.

²⁰ A/HRC/52/CRP.5.