



HUMAN RIGHTS SITUATION OF THE CAMPESINO COMMUNITIES

“PERSECUTION, REPRESSION, CRIMINALIZATION, PROSECUTION AND FORCED DISPLACEMENT OF THE CAMPESINO COMMUNITIES IN NICARAGUA”

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MOVIMIENTO CAMPESINO DE NICARAGUA



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I. INTRODUCTION

This report, which we present to the distinguished members of the Inter-American Commission, deals with the human rights situation of the campesino community of Nicaragua which has suffered governmental repression due to their protests and demonstrations against Law 840, known as the Law of the Interoceanic Canal, as well as their participation in protests initiated in April 2018.

The report contains an analysis of the different forms of repression, including persecution, direct repression, criminalisation and prosecution of the campesino population in Nicaragua, as well as their forced displacement.

Several of the victims have requested us not to reveal their identity when releasing the testimonies they have given to the Human Rights Collective “*Nicaragua Nunca Mas*” and to Acción Penal, so they are only referenced by their initials. In addition, we analyse the selective assassinations which have taken place in rural areas and which have been publicised in the media and where the victims have been identified as politically opposed to the government or as members of the “*autoconvocados*”. (Note: This term “*autoconvocados*”¹. Is widely used in Nicaragua to refer to those people who spontaneously joined the anti-government protests of April 2018 and after, and who were not previously organized in political or civil society organizations.)

II. THE STRUGGLE OF THE CAMPESINO MOVEMENT AGAINST LAW 840

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Historically, the Nicaraguan campesino population has been abandoned by successive governments in matters relating to the promotion of their economic and productive activities, access to health, education and basic services, thus limiting their human and economic development. Following Daniel Ortega's coming to power in 2007; this situation has deteriorated further as he has gained absolute control of all the institutions and powers of the State.

This control stretches to the National Assembly, which unilaterally and unconstitutionally approved the Law of the Great Interoceanic Canal – Law 840 without prior consultation. This Law contemplates the development of the transport infrastructure relating to the canal itself as well as Free Trade Zones and the associated infrastructure¹. There were four objectives:

1. The approval and authorization of the Framework Agreement on Concession and Implementation "MCA" signed by the Authority of the Great Inter-Oceanic Canal of Nicaragua, the Government of Nicaragua, the Commission of the Project of Development of the Canal of Nicaragua, the Large Infrastructure Development Company S.A. and HK Nicaragua Canal Development Investment Co. Ltd, a limited company registered in Hong Kong.
2. The authorisation of the Government to undertake and execute the MCA.
3. The granting of rights to the Concessionary by the Government as outlined in the MCA.
4. The definition and establishment of the basis and judicial fundamentals necessary to guarantee the fulfilment by all government entities of the terms of the existing Law, including the creation of the Commission for the Development of the Canal of Nicaragua and the approval of concessions for each Sub-project, as outlined in the referenced law.

The implementation of these sub-projects and infrastructures included two ports, an oil pipeline, a dry canal to accommodate a railway line, a waterway canal, two Free Trade Zones and an airport. It also included the entire infrastructure which the investor would consider necessary for the development and operation of one or more sub-projects. All this created an atmosphere of serious uncertainty in the zones which would be affected by the project.

The concession was approved for an initial 50 years, renewable for a second period of the same duration. To complete the waterway alone would involve a trench of about 278 kilometres long, with a width ranging between 230 and 520 metres and a depth of 30 metres. In addition to this, the highways, airport, industrial parks, tourist complexes, a deep-water port, an oil pipeline etc. The canal infrastructure alone would require flooding certain existing populated lands, affecting thousands of campesino families and dozens of indigenous communities. These communities, who had not been

¹ <http://legislacion.asamblea.gob.ni/Normaweb.nsf/b92aeea87dac762406257265005d21f7/914d10ad15d09a2f06257b9e004c82e8?OpenDocument>. Law approved on 13th June, 2013 and published in La Gaceta, Official Diary No 110, on 14th June, 2013.

consulted about this project, would be subjected to expropriation of their private and communal lands, arising from the establishment of arbitrary and compulsory appropriation procedures.²

In opposition to the cited Law, 34 appeals on grounds of unconstitutionality before the Supreme Court were lodged before the Inter American Commission of Human Rights (IACHR) during the 154th session, which took place in March 2015. Among these, consideration that it directly violated the environmental rights of at least 119,000 people from 13 municipalities, a fact which was denounced by several environmental, human rights and campesino organisations, among them: CENIDH, Popol Na, The Autonomous Women's Movement, and the Centre for International Law and Justice (CEJIL).³

In 2013 the campesino communities living in the proposed canal zone began to organise themselves in the Campesino Movement to denounce the arbitrary abuses arising from the approval of Law 840 and organised at least 97 demonstrations, 8 of which were national in character. These demonstrations, organised by the Campesino Movement, were joined by a wide variety of organisations which promote and defend human and environmental rights.

Despite the fact that the Nicaraguan Constitution upholds the right to demonstrate, throughout these years the campesinos were subjected to aggressions, threats, attacks, illegal detention and other obstacles to impede their demonstrations. One such attack was that which occurred on the 16th December, 2014.

On this occasion, the campesinos had chosen to rally in the El Tule municipality⁴ and on the Rivas highway⁵ in order to protest against the inauguration of the works which was due to take place on the 22nd December. On the 24th December, the National Police violently repressed the demonstrators, leaving more than 50 wounded⁶. Dozens were illegally detained⁷. Several of them were transferred to the Judicial Assistance Directorate, El Chipote, (main police place where they commit acts of torture and cruel treatment) in Managua. One of those who was injured was José Maria Calderon, who lost an eye when he was hit by a rubber bullet fired by the police.⁸ His was one of the first cases of such injury resulting directly from police repression.

Appeal procedures presented by human rights organisations and the Campesino Movement such as the habeas corpus recourse for illegal detention, imprisonment and concealment of the prisoners, failed to guarantee the individual rights of those who were detained, as there was no official response to the appeals.⁹

Once again, on the 27th October, 2015 the police used diverse tactics to impede the third national rally called by the Campesino Movement. According to a report published by the Nicaraguan Centre for Human Rights (CENIDH), the police employed 14 methods to impede the march, including: "*threats,*

² Regulation in Article 12 of Law 840

³ Construction of the transoceanic canal and its impact on human rights in Nicaragua. Audience UNICHR 2015
<https://www.youtube.com/watch?v=oOxVVwrKnBc>.

⁴ El Tule, Municipality of San Miguelito, Río San Juan, 260 km from Managua

⁵ Kilometre 110 of the Panamerican Highway.

⁶ https://elpais.com/internacional/2014/12/24/actualidad/1419444251_610241.html

⁷ <https://confidencial.com.ni/archivos/articulo/20547/liberan-a-campesinos-secuestrados-por-pn>.

⁸ <https://confidencial.com.ni/la-marcha-campesina-no-89/>

⁹ Denunciation presented by the Nicaraguan Centre for Human Rights (CENIDH) against the First Commissioner Aminta Granera, and against the Commissioner General Juan Ramón Gamez, Head of the Judicial Aid, Commissioner Enrique Salazar, Head of Police in Rivas y against.

police check points, spiked road blocks, detention with delayed release, obstruction of highways with police patrol vehicles, vehicle searches by police, detention or confiscation of private or collective buses, illegal retention of property, detention of people, illegal surveillance, aggression, harassment and violence. This was carried out by a motorized patrol, associated with the Government. Such obstacles prevented the demonstration from reaching the National Assembly, but it did not prevent the campesinos from their main objective which was to arrive as far as Managua”¹⁰

But even having overcome all the obstacles listed above, and having managed to reach Managua, these same groups of campesinos were again attacked as they were leaving the city. The attack was carried out by a group of 50 para-police on motorbikes, firing shots and using physical aggression against “*whoever they found there, acting in a coordinated fashion and in coordination with anti-riot squads who pointed out where the young people were, depending on the cooperation and connivance of the National Police, who were acting under the command of the Sub-Director of the National Police, Commissioner General Ramón Avellán*” As a result of this aggressive behaviour, the campesinos had to protect themselves by running towards their trucks and heading off abruptly towards where they had come from, some 250 kilometres south of the capital.

One week before this third national march, on the 19th October, 2015, members of the Council for the Defence of the Land, Lake and Sovereignty, with some 42 campesinos from Nueva Guinea, Rio San Juan and Punta Gorda were close by the Hotel Frontera in the city of Ocotol, arranging transportation of 800 quintals of grains and other foods (corn, beans, root vegetables, bananas, and cheese) for distribution to hard-pressed communities in the so-called ‘dry corridor’ in the municipalities of Santa Maria, Macuelizo, Dipilto, Mozonte and Ciudad Antigua in the Department of Nueva Segovia. On this occasion, six police vehicles surrounded the caravan, forced them to get down from the trucks, held them for various hours and confiscated the products.¹¹



¹¹ <https://confidencial.com.ni/operativo-policial-decomisa-donaciones-contra-el-hambre/>

One of the leaders of the movement, Francisca Ramirez, said on that occasion *“I cried to see the needs of the people. People arrived asking us to hand out some food (small bags of goods from the trucks). We then asked permission from the police. We threw down bags with cooking oil, sugar and rice, but they were taken by the police. People cried because they wanted us to intervene, but it was impossible. (...) There are people in those communities who don’t even light a fire because they have nothing to eat, because they lost their crops and they have nothing”*¹²

Another campesino, interviewed for this report, remembers the day that *“several patrol squads of the National Police together with officials and with anti-riot police approached to request the documentation of the vehicles, and seeing that everything was in order, began to request a lot of other documentation, such as health and safety statements, SINAPRED permits¹³, permits from local police, among other things. Things got out of control because the police prevented the goods reaching the people most affected, and because the citizens tried to prevent the goods and vehicles being confiscated. Many people were injured by blows and direct attacks by the police officials”*

The demonstrations and demands of the campesino groups did not cease throughout 2016. As well as demonstrations, they undertook other legal methods of protest such as the collection of signatures to support a citizens’ initiative to repeal Law 840. Although this initiative was carried out according to the correct legal procedures, it was rejected by the National Assembly¹⁴, resulting in the submitting of an appeal on the grounds of unconstitutionality to the Supreme Court against the National Assembly¹⁵. The citizens’ initiative had been signed by 28,000 signatures, far in excess of the 5,000 required by the Organic Law of Legislative Branch and Law 475 on Citizen Participation.

In September of that year, Amnesty International carried out an investigation into the Canal mega-project and its impact on human rights. Among the conclusions it pointed out *“... The first months of the concession have resulted in the militarization of the zones where the canal will run, in the criminalization of those campesino leaders who have opposed the project and the repression of numerous demonstrations and marches in opposition to it. Undue pressure was brought to bear on the indigenous and afro-descendent leaders, resulting in a farcical “consultation” which was neither free, timely nor informed. Those municipal authorities which were brave enough to denounce the lack of consultation with the affected municipalities and to express their dissatisfaction with the impact of this project, were themselves put under pressure and in some cases removed from their posts”*¹⁶

In the areas affected by the canal project, the campesino protest movement continued throughout 2017. The National Police continued to repress the protests and to cause difficulties, at times in

¹² <https://confidencial.com.ni/operativo-policial-decomisa-donaciones-contr-el-hambre/>

¹³ National System for the Prevention, Mitigation and Attention to Disasters (SINAPRED).

¹⁴ Bad precedent that the Nicaraguan Assembly did not undertake an initiative to cancel the Canal Law

<https://www.laprensa.com.ni/2016/04/16/politica/2019082-mal-precedente-asamblea-nicaragua-no-acepte-iniciativa-derogar-ley-del-canal>.

Campesinos speak of the rejection by the National Assembly to the initiative to revoke Law 840 <https://confidencial.com.ni/campesinos-hablan-delrechazo-la-asamblea-nacional-la-iniciativa-derogar-la-ley-840/>.

Anti-Canal campesinos reject the Ortega decision.

<https://www.laprensa.com.ni/2016/04/15/nacionales/2018754-campesinos-anticanal-rechaza-decision-del-orteguismo>.

¹⁵ Campesinos resort to protection by the National Assembly <https://confidencial.com.ni/campesinos-recurren-amparo-asamblea-nacional/>

¹⁶ Interoceanic Canal concession in Nicaragua: Serious impact on Human rights.

https://www.cenidh.org/media/documents/docfile/informe_nicaragua_canal_esp1.pdf

coordination with the Ministry of Transport and Infrastructure and with municipal authorities run by the Sandinista Front for National Liberation. For example, repair works would be carried out on the roads on the same date as programmed demonstrations, such as one in Ayote... Other forms of obstruction included digging ditches in the roadways. The following was recorded by a campesino farmer from San Miguelito when he was speaking about a march which was due to pass by Nueva Guinea *“They opened up a ditch about 2 metres deep by 6 metres wide along the roadway, preventing not only the transport for the demonstrators, but also private or commercial vehicles; this plan was carried out by the municipal authorities using official machinery of the municipality.”* He also mentioned that one of the other measures used by the government to prevent these mobilizations was to place roadblocks in traditional gathering places, where anti-riot police would then brutally attack demonstrators with firearms, tear gas and rubber bullets.

On the 23rd April, 2017 the police placed roadblocks throughout the country to prevent planned marches. In Nueva Guinea the population was unable to leave because the police increased the number of anti-riot police¹⁷ and blocked all movement on the public roadways. Similarly they blocked the “La Tonga” bridge in Juigalpa where a significant number of demonstrators from there and from other areas had gathered.

The campesino movement has paid a high price for their protests against the violation of their human rights. They have undertaken sustained and vigorous opposition to a law which would result in massive displacement of the population due to the expropriation of their lands. The brutal government repression has been widely denounced both nationally and internationally.

One such international denouncement was the presentation of a petition to the Inter-American Commission of Human Rights, submitted by Francisca Ramirez Torrez, Juana Maria Juarez Romero, Victor Manuel Diaz González, Henry Alejandro Ruiz Condega and other campesino representatives in relation to the violation of their human rights and their legal rights, in face of the denial of justice by the Supreme Court, which in March 2017 overruled the appeal¹⁸ relating to the Law of Derogation of Law 840 by the National Assembly. At that time the legislative body argued that *“the National Assembly cannot initiate a procedure in the form of a law which seeks to dissolve as unconstitutional a law which the Supreme Court has deemed constitutional”*¹⁹

That same year, the Inter-American Commission on Human Rights held a hearing at the 164th Session to review the issue of the opposition to the canal and persecution of campesino leaders, including the detention of Medardo Mairena on the 30th August 2017, as well as the threats and harassment of Francisca Ramirez and her family, the physical aggression against other campesinos, including the damage to Pedro Guzman’s kidneys, injury of Alexander Hurtado’s arm and the loss of an eye by José Maria Calderon²⁰.

¹⁷ Once more, Ortega represses campesino protest: <https://www.diariolasamericas.com/america-latina/una-vez-mas-ortega-reprime-protestacampesina-n4120359>

¹⁸ The Supreme Court rejects anti-Canal appeal <https://www.laprensa.com.ni/2017/03/28/nacionales/2206253-corte-suprema-justiciarechaza-recurso-anticanal>

²⁰ https://popolna.org/wp-content/uploads/2017/05/I.7.B_INFORME_ASAMBLEA_NACIONAL.pdf Pág. 18

²¹ «It is a pity there is no justice in Nicaragua», says Francisca Ramírez at the ICHR <https://www.laprensa.com.ni/2017/09/06/nacionales/2292521-francisca-ramirez-ante-la-IACHR>

Meanwhile, the campesino population of the Rancho Grande municipality in Matagalpa has been organising for more than eight years specifically in relation to the large mining project, Pavon Rancho Grande, owned by the mining company B2Gold. Due to their opposition to this project, there has been systematic government repression and the persecution and criminalization of campesino leaders, and human rights defenders. For example, Auxiliadora Romero, an activist from the Communal Movement of Matagalpa, was summoned to appear in court in 2014 for “painting a sign” against mining exploitation on the office of the mining company in Rancho Grande. In October 2015, due to sustained popular pressure and the intervention of different social sectors, the government was forced to declare the mining concession it had previously granted to the company, as ‘unviable’. However, 4 years since revoking their licence, gradually and with the support of the local government, small scale mining was allowed to return to this agricultural municipality.

The initial concession to test the financial viability of the interoceanic canal and its sub-projects was for an agreed period of six years. This period expired on 13th June, 2019 and no major advance had been achieved. Despite the fact that this irresponsible folly of a project has been shown to be technically, environmentally and economically unviable, the government has not declared the cancellation of the concession and is opposed to the repeal of Law 840 which has caused so much damage to the country and in particular to the campesino communities.

III. CAMPESINO PARTICIPATION IN THE PROTESTS WHICH STARTED IN APRIL 2018

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While the campesinos were in constant protest to achieve the repeal of Law 840, they were also engaged with other aspects of the social, economic and political realities of the country and took part in various events and activities throughout the country. For example, they showed solidarity to the people of Nueva Segovia who suffered hunger due to the drought of 2015. They also issued statements relating to the repression of local miners who were opposing open-cast mining in Chontales and Leon, and they supported the demands of campesinos in Matagalpa to halt the large scale open-cast mine of Rancho Grande.

So, when protests began in April 2018 against the reforms to the Social Security system, the campesino movement was ready to show solidarity with their fellow citizens and join the protests.

In his testimony to Acción Penal, a campesino leader told of how, on 20th April, 2018, there was a demonstration in Nueva Guinea which was subjected to direct repression by the police, by State workers from the local, and by Sandinista shock troops. He reported how during that demonstration *“we were attacked by those groups... with stones, tear gas, blank bullets, and other weapons such as knives. I found myself trying to separate two men who were brawling and when I managed to get them apart and was speaking to one of them ... I suddenly felt a blow to my back and when I put my hand there, I found I was bleeding heavily and I realised that I had been knifed in the back...”* This incident is indicative of the experience of many more isolated communities at the beginning of the repression; experiences that soon became more widespread throughout the country.

According to the testimony of José Alfredo Mairena Sequeira, during the week beginning 20th April 2018, several barricades sprung up simultaneously in El Almendro in the municipality of San Miguelito in Rio San Juan department, and on the island of Ometepe, in the department of Rivas, as well as in other areas throughout the country. By the 28th April, many campesinos went to Managua because the repression *“against the students and anyone who was protesting was every day more intense”*. As a result of which the National Council of the Campesino Movement²¹ decided that in order to force the dictator to negotiate they would *“organise groups in strategic points throughout the country in order to weaken the repressive forces of the dictator rather than dedicate all its forces to the Managua protests”*.

By that time it was estimated that some 43 young people had been assassinated during the protests.²²

The campesinos set up barricades and road-blocks in several strategic points throughout the country. In Chontales, 140kms east of Managua there were at least 11 barricades, Matagalpa had approximately 9, while in the Southern Caribbean region there were 8. In the town of Rivas, some 25kms from the Costa Rican border, there were at least 4 barricades and together with others throughout the country, it was reported in the media that this caused shortages of some consumer

²¹ According to the testimony of Alfredo Mairena the members of this council included, among others. Medardo Mairena, Pedro Mena, Mario Lenner Fonseca, Freddy Navas, Nemesio Mejía, Juana Juárez

²² FALTABA EN LA VERSION QUE YO TENGO

products in some municipalities.²³ In order to reduce the full impact on the general population, the campesinos made sure that on the barricades for which they were responsible, all emergency traffic could pass without delay, and they allowed general traffic through every 4 hours.

In his testimony one campesino leader, Javier Carmona, referred to his participation on the barricades, and said that “... *police arrived dressed in civilian clothing, filmed with their mobile phones and established how the barricade was organised*”; this was followed by anonymous threats from police, para-police and functionaries of the Sandinista Front. The threats were directed at him and his family and affirmed “*they have him identified, that at any moment he would fall, that there was no escape, and that they knew where he lived and who his family were*”.

As time went on and the repression continued, the campesinos joined the national call for immediate elections as a peaceful and democratic resolution to the conflict.²⁴

As well as participating in the marches, protests, road-blocks and barricades, the campesinos participated alongside the Mediation and Witness Commission in the National Dialogue, which was established on 16th May, 2018. By now the demands had expanded from just the repeal of Law 840, to include demand for an end to the repression, justice for the victims, the departure of Daniel Ortega and the democratization of the country. They opposed the government’s demand to remove the barricades because the repression continued and the barricades acted as a protection mechanism against the constant attacks by the police and the para-police forces.

²³ FALTA EN LA VERSION QUE YO TENGO

²⁴ https://www.teletica.com/194868_campesinos-cierrancarreteras-en-nicaragua-en-protesta-contra-la-violencia-desatada-por-elgobierno.



On the 30th of May 2018 there was a massive mobilization of the people of Nicaragua. Known as “the Mother of all Marches”, the march was called by the Association of the Mothers of April (AMA) to commemorate Mothers’ Day. AMA is a group of women who came together at the height of the crisis to demand justice for their children and family members who had been assassinated. The march was brutally attacked by police and para-police forces, who fired with impunity at the demonstrators, and even had marksmen positioned on the National Baseball Stadium. Sixteen young people were assassinated in Managua, 1 in Masaya and 4 in Esteli²⁵. The government acknowledged just 15 dead and 199 injured²⁶

Given that the repression had continued to increase since the beginning of June 2018 and negotiations were at a standstill, the number of barricades increased throughout the country and by then there were more than 163 barricades manned by the campesinos²⁷. There were barricades in: Juigalpa, La Libertad, Tecolostote, el Tule, Río San Juan, the La Curva turn-off, Camoapa, Comalapa, Muelle de los Bueyes, El Rama, Acoyapa, Morrito, Santo Tomas, Muhan, La Curva en La Gateada, El Coral, El Triunfo, the cross-roads of San Pedro de Lovago, The Boaco turn-off, Las Maderas and San Benito²⁸; also in the Northern Zone, The Caribbean Coast and to the West of the country.

²⁵ <https://www.elnuevodiario.com.ni/nacionales/465955-masacre-dia-madres-nicaragua/>

²⁶ Government recognises 15 dead y 199 wounded in the massacre of Mothers’ Day. <https://www.laprensa.com.ni/2018/05/31/politica/2428114-gobierno-reconoce-15-muertos-y-199-lesionados-en-masacre-del-dia-de-las-madres>

²⁷ <https://www.elnuevodiario.com.ni/nacionales/468111-campesinos-controlan-163-tranques/>

²⁸ <https://www.elnuevodiario.com.ni/nacionales/466653-tranques-encierran-managua/>

On the 16th of June 2018, the first agreements of the National Dialogue were announced. A call was made for the presence of the International Commission for Human Rights (ICHR), the Interdisciplinary Group of Independent Experts (GIEI), the UN Special Monitoring Mechanism for Nicaragua (MESENI), the European Union, and The Secretary General of the OAS. Additional demands included the creation of a Commission of Verification and Security and the end to all forms of violence²⁹

Despite the fact that the international organisations arrived in the country, there was no sign of an end to the violence and the list of dead, detained and disappeared continued to rise. As a consequence, the barricades remained in situ until June 2018 when the government ordered “Operation Clean-up”³⁰. This took place nationwide with the involvement of combined forces of police, anti-riot squads and para-police which left another wave of deaths, detentions, torture and disappearances, as well as other serious human rights violations.

²⁹ <https://www.dropbox.com/s/4e0sc64ddef54s2/Comuni8cado-15junio20185.pdf?dl=0> y: <http://www.aciprensa.com/noticias/obispos-de-nicaraguapresentan-primeros-acuerdos-al-reanudarse-dialogo-nacional-42000>

³⁰ The first person to use this name in Nicaragua was the dictator Anastasio Somoza to justify the removal of the barricades erected by the FSLN insurgents and the general population. Following this clean-up operation, which included bombing, tanks and mechanical diggers, there was a brutal and indiscriminate repression. The second person to use this name was Daniel Ortega.

IV. PERSECUTION, REPRESSION AND PROSECUTION OF THE CAMPESINO POPULATION.

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Following the “Operation Clean-up” there was a ferocious persecution of the demonstrators and of those who were on the barricades; in many cases their families were also persecuted. The attacks by the police and para-police were indiscriminate and lacked even minimal respect for the civil and political rights of the students, young people, campesinos and other members of the population who took part in the protests. A reign of terror was unleashed.

The leadership of the Campesino Movement was subjected to indiscriminate persecution and repression. Many of them were illegally detained for short periods of time; others were imprisoned, tortured and submitted to arbitrary trial, as in the cases of Medardo Mairena, Pedro Mena, Victor Diaz, Lener Fonseca, Ronald Henriquez y Freddy Navas, among others. Others had to flee the country to protect their lives and those of their families, faced with death threats, as in the cases of Francisca Ramirez, Juana Juarez, Javier Carmona, Nemesio Mejia, Henry Ruiz among others; while others like Juan Gabriel Mairena y JZ, who had been injured from gun shots in “Operation Clean-Up”, were forced to remain in hiding and were unable to access the public health system, relying on friends while they recovered.

As part of this report, seven judicial cases were analysed involving 9 campesinos aged between 27 and 57, from the municipalities of San Miguelito, Acoyapa, Nueva Guinea, Morrito, Buenos Aires and Altagracia. All these cases confirm the violation of the right to individual liberty, personal integrity, and the right not to be tortured, mistreated or be subjected to cruel or degrading treatment; as well as the violation of the guarantee of Due Process.

1. Violation of the Right to Individual Liberty, Personal Integrity and the right not to be tortured, mistreated or be subjected to cruel or degrading treatment

The American Convention on Human Rights and the Constitution of Nicaragua establish clearly that every person has the right to their individual freedom³¹, to personal integrity³² and the right not to be subjected to torture; the Nicaraguan State flagrantly violated these rights, provoking general condemnation and a call by the main international human rights organisations such as the Inter-American Commission on Human Rights (IACHR) to rectify this. Some 8 months from the beginning of the protests, The IACHR had registered “325 people dead and over 2,000 injured; more than 550

³¹ ACHR Article 7. Right to Personal Liberty. 1. Every person has the right to personal liberty and security Article 25: Every person has the right to: 1. Personal freedom. 2. Personal security Article 33 of the National Constitution of Nicaragua. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law Therefore: the lawful detention of a person after conviction can only be ordered by a competent court; (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law; 2. Every detained person has the right to: 1. be informed without delay in an idiom or language understandable to him and in detailed manner of the causes of his/her arrest and of the charges brought against him; to be informed of his/her arrest by the police and the same to be notified to his/her family or anyone considered appropriate; and also that he/she be treated with the respect due to the dignity inherent to him; 2.2. To be released or brought before a competent authority within a 48 hour period subsequent to the arrest;

³² ACHR Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.

2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person

detained or prosecuted Some 300 medical personnel sacked and at least 80 students expelled from the National Autonomous University of Nicaragua (UNAN).³³

It was in this context of repression that the leaders Medardo Mairena and Pedro Mena were detained in Managua Airport, as they attempted to travel to the United States to denounce the violations of human rights which were taking place in the country. They were held by members of the Directorate of Migration and Foreign Relations (DGME) and handed over to the National Police of Nicaragua.³⁴ The day before their detention, they had taken part, with other activist campesino leaders, in a march in Managua called “Together We Are a Volcano”.

The detention of Mairena and Mena was a decisive moment in the repression and violence against the Campesino Movement. In the months following their detention, the Sandinista government reinforced the siege and the violation of the human rights of thousands of campesinos who had taken part in the citizens’ protests since April 2018 and who lived in the zone earmarked for the construction of the canal,

In the words of the testimony of Medardo Mairena “...they put hoods on us so we could not recognise anyone, ... they threw us in a patrol car with 5 and 8 police; we arrived at El Chipote, where we remained hooded and any official who was passing by hit us all over with their fists, then they took off the hoods, and the handcuffs they left us naked, they made us do sit-ups. The one who tortured me was one of the witnesses at the trial where he arrived hooded. We were there for 13 days... the torture consisted in asking who was financing us, how did we get around, what was the participation of the Bishop’s Conference, the Civic Alliance, Private Enterprise, they asked me who had organised the Coup d’Etat, they locked me up because I did not want to cooperate, they handcuffed me ... they kicked me in the stomach, I fell to the floor, they hit me in the head, my nose was bleeding, I couldn’t get up, then others arrived to interrogate me ... they said it was clear that I was responsible for the attack on Morrito and the death of the police”. For four days he was given nothing to eat.

They told Medardo Mairena that “they were going to take it out on his family”, his little 3-year-old girl, whom “they were going to video; they were going to remove her fingers, cut off her arms”. On another occasion they changed from the torture and threats and offered him a way out of poverty if he collaborated with them by incriminating certain emblematic leaders (principally the Nicaraguan Bishops’ Conference); when these proposals were rejected, the threats against his family increased, particularly those against his children. During the interrogation, they assumed that “we are a very organised party, in the neighbourhoods and communities” and that “if I did not accept, they would find me guilty (because), the Judge is Sandinista, the Public Prosecutor is Sandinista, we are going to go heavy with you, we are going to pass you up the system and they are going to treat you badly there”.

³³ <https://www.oas.org/es/IACHR/prensa/comunicados/2018/273.asp>

³⁴ Police detain Medardo Mairena and accuse him of the assassinations in Morrito, Río San Juan <https://www.laprensa.com.ni/2018/07/13/nacionales/2448393-migracion-retiene-al-lider-campesino-medardo-mairena-en-el-aeropuerto-demanagua> y <https://www.elnuevodiario.com.ni/nacionales/469523-retienen-medardo-mairena-pedro-mena-aeropuerto-man/>



Pedro Mena also suffered torture during his detention. In his testimony he said that once he was through Migration “... they handcuffed us, they put us in a patrol vehicle, they hit us in the head, in the abdomen, they hooded us, they took us out at night, where one who hit us, in El Chipote, threw me to the ground while I was handcuffed, and ordered me to stand up, he got me with kicks, he grabbed me by the hand, the handcuff was too tight, I got up with one hand and it was purple, my back was paining ... In the organisation, I am the treasurer, the police said to me, you are the one who has the money, it’s you who buys the arms, you move those arms ... I told him if I was given money to buy those arms, tell me where are they and we can start discussing. In there you slept naked”.

Other campesinos who were detained arbitrarily and with excessive use of force and with firearms include Max Cruz, who was detained on 8th October, 2018 by police and riot-squad officials who fired live ammunition and bombs at his house and entered it without showing a warrant; neither did they inform of any cause of his detention nor any accusation: “there was no way of talking to them about the reasons for doing this.”³⁵

The police agents entered his house, firing (He was there himself, together with his partner and his son), and as a result he was wounded in the leg. They handcuffed him, they dragged him roughly to the police vehicle and they transferred him to a police station in Rivas. Due to the severity of the injuries he sustained during his capture, he spent 57 days in the Lenin Fonseca Hospital in Managua. During that time he was handcuffed to the bed and the criminal proceeding went ahead “as if nothing had happened”³⁶.

³⁵ https://www.youtube.com/watch?v=KkSfrD_EbW8

³⁶ Source: Defense Lawyer Lic. Maynor Curtis Lovo.

Another case of arbitrary detention is that of Freddy Alberto Navas Lopez, detained around 7pm on 17th November, 2018, contrary to Art 217 of the Criminal Procedure Code which states that “search procedures should take place between 6am and 6pm”. According to testimony of the son of the detained man, who was with his father at the time of his arrest³⁷ *“The police jumped over the outer wall of the house, broke the padlocks, hit my dad, and dragged him to the patrol car.”*³⁸

2. Violations of the Guarantee of Due Process

In the majority of cases, the campesinos were held illegally in the Judicial Assistance Directorate, El Chipote between 4 and 12 days, without being brought before a competent judicial authority, as in the case of Victor Manuel Diaz, against whom the Public Prosecution presented accusations six days after his detention³⁹ or in the cases of Medardo Mairena and Pedro Mena, which were presented 4 days after detention⁴⁰. As well as being subjected to physical aggression and torture, they were denied contact or visits from either family members or lawyers.

Despite the fact that Nicaraguan legislation allows for a process of appeal in cases of illegal detention or habeas corpus, referred to both in the Constitution and in the Law of Appeal, this process was not effective in this case because the Tribunal did not resolve them adequately⁴¹ or in the Judicial Assistance Directorate, El Chipote, they refused entry to the acting judges; as occurred in the case of Ronald Henriquez, leader of the movement in Rivas.

By analysing the cases, you can see that the campesinos were judged in relation to crimes such as: aggravated robbery, aggravated damages, arson and exposing people to danger, abandoning people, terrorism, organised crime, assassination, kidnapping, obstructing public services, serious injury, financing terrorism, attempted homicide, robbery, carrying and illegal use of firearms; to the detriment of the party of the Sandinista Front of National Liberation, Nicaraguan Society, the State of Nicaragua, the National Police of Morrito, MINSA, INAFOR, Commissioners, non-commissioned officers, Majors, police and civil officials identified as being part of the structures of the FSLN. The common characteristic of all these cases, is that the Office of the Director of Public Prosecution established the general facts without outlining the participation and individual circumstances of each of the accused, despite the requirement⁴² to establish the specific facts for every criminal accusation.

Among the main violations of Due Process which have occurred in the criminal trials to which the campesinos have been subjected, are the following:

- Denial of access to their Natural Judge

Article 11 of the Criminal Procedure Code states that *“no one can be judged other than by those judges designated in accordance with the law prior to the acts for which they are being judged. As a*

³⁷ <https://confidencial.com.ni/policia-captura-con-violencia-a-lider-campesino-de-ometepe/>

³⁸ <https://confidencial.com.ni/policia-captura-con-violencia-a-lider-campesino-de-ometepe/>

³⁹ Acusación Fiscal Asunto 012584-ORM4-2018-PN.

⁴⁰ Acta de Audiencia Preliminar asunto 010872-ORM4-2018-PN.

⁴¹ Sala Penal Número Dos del Tribunal de Apelaciones de la Circunscripción Managua. número de asunto: 001997-ORM4-2018-CN.

⁴² Código Procesal Penal de Nicaragua Arto. 77. Requisitos de la acusación. El escrito de acusación deberá contener:... 3. El nombre y generales de ley del acusado, si se conocen, o los datos que sirvan para identificación; 4. Nombre y generales de ley o datos que sirvan para la identificación del ofendido o víctima, si se conocen; 5. La relación clara, precisa, específica y circunstanciada del hecho punible, la participación del acusado en él, su posible calificación legal, y los elementos de convicción que la sustentan disponibles en el momento...

consequence, no one can be removed from trial by a judge nominated by law nor brought before an exceptional jurisdiction. Special Tribunals are forbidden” given that the territorial competence⁴³ is defined according to where the crime was committed, where the last act was committed or where an extended crime was terminated.

Medardo Mairena and Pedro Mena⁴⁴, Mario Lener Fonseca Diaz⁴⁵, Rafael Agustin Sequeira Duarte and Freddy Navas⁴⁶ were all accused of acts which occurred in the municipality of Morrito, in the Department of Rio San Juan, but charges were brought against them in the city of Managua. Victor Manuel Diaz Gonzalez⁴⁷ and Max Francisco Cruz Gutiérrez⁴⁸ was also charged in Managua, despite the fact that they were accused of acts which occurred in the Municipality of San Miguelito, in Rio San Juan Department and Altagracia, Department of Rivas, respectively.

In cases where the Attorney General’s Office did present their case in the court of the appropriate judge as in the case of José Maria Fuentes González⁴⁹ Max Francisco Cruz Gutiérrez⁵⁰ and Ronald Ivan Henriquez Delgado⁵¹, the presiding judges said they had no competence and referred the case to the Managua Courts.) Meanwhile, in the case of Ronald Henriquez, the judge of the seventh criminal court of Managua, also excused himself and returned the file to the only local Judge of the municipality of Buenos Aires, in the Department of Rivas⁵²

In both cases, the accused campesinos were denied of a natural judge, and the prosecutors and judges argued the finer points of article 4 of Law 952 pointing out that what was at issue were facts of national relevance and social transcendence while in fact there was a plurality of people who were accused and those who were alleged victims/ while in the fact, the people accused, were also allegedly victims. This argument contradicts article 34.2 of the Nicaraguan Constitution, in accordance with Article 11 of the Criminal Procedure Code of Nicaragua, given that such a situation affects the right to a (fair) defence of the campesino population given the difficulty of obtaining means of proof, and given that these could be presented in a future Public Oral Hearing in a remote location far from Managua .

⁴³ Código Procesal Penal. Arto. 22 Competencia territorial. La competencia territorial de los tribunales se determina así:

1. Cuando se trate de delito o falta consumado, por el lugar donde el delito o falta se cometió.
2. Cuando se trate de tentativa de delito, por el lugar en que se ejecutó el último acto dirigido a la comisión.
3. Cuando se trate de delito frustrado, por el lugar previsto para la comisión del hecho.
4. En las causas por delito continuado o permanente, por el lugar en el cual ha cesado la continuidad o permanencia, o se ha cometido el último acto conocido del delito.
5. En las causas por tentativa, frustración o delito consumado cometidos en parte dentro del territorio nacional, por el lugar donde se ha realizado total o parcialmente la acción u omisión o se ha verificado el resultado.
6. En los delitos por omisión, el lugar donde debía ejecutarse la acción omitida.

⁴⁴ Criminal file case principal 010872-ORM4-2018-PN

⁴⁵ Criminal file case number: 000037-0506-2018-PN.

⁴⁶ Criminal file case number : 000002-0506-2019-PN.

⁴⁷ Criminal file Case number 012584-ORM4-2018-PN.

⁴⁸ Criminal file Case number 018214-ORM4-2018-PN.

⁴⁹ Criminal file Case Principal: 000052-0510-2018-PN (Managua) y Asunto: 001703-ORR2-2018-PN (Rivas).

⁵⁰ Criminal file Case Principal No. 000071-0510-2018-

⁵¹ Criminal file Case Principal No. 000017-0777-2019-PN (Buenos Aires, Rivas) y expediente judicial asunto 001534-ORM4-2019-PN (Managua).

⁵² Report of the Initial Hearing which had not taken place and criminal file 001534-ORM4-2019-PN (Managua).

- Failure to observe the Principle of Proportionality

All the trials were characterised by inequality of presentation of proof and evidence. The identity of police witnesses was withheld, and in some cases they produced false declarations⁵³ while pre-trial detention was applied on a regular basis as a precautionary measure, contradicting the fact that this measure should only be used in exceptional cases and as a last resort, thus distorting its objectives and it is seen as evidence of the desire to impose the anticipated penalty. This can be clearly seen in the case of Ronald Ivan Henriquez Delgado, campesino leader in the Department of Rivas, who was illegally detained on the 27th October, 2018 and released again on the 11th June, 2019, having spent seven months and 15 days in prison when the crime he was accused of (carrying illegal weapons and munitions)⁵⁴ carries a minimum sentence of 6 months and a maximum sentence of one year in prison. The courts held him in prison for longer than the minimum, taking advantage of a precautionary measure of pre-trial detention.

Further transgression of this principle can be seen with the imposition of penalties which can be seen to oscillate between the 25 years applied to Victor Diaz and 210 to 216 years applied in cases of Pedro Mena and Medardo Mairena respectively, sentences which are the most excessive in our history and far in excess of the 30 year imprisonment established as the limit in the Criminal Code. All this with the objective to intimidate the campesino population and deter them from organising themselves in the defence of their rights.

- Non-compliance of the Principle of Procedural Celerity.

The judges, at the request of the prosecutors/attorneys, nominated the cases against the high-profile leaders (Medardo Mairena, Pedro Mena, Lener Fonseca, Freddy Navas, Victor Diaz) as ‘complex proceedings’ (thus allowing duplication of the time allowed). None of these requests were approved by the Attorney General’s Office. They were in effect a mechanism to extend the procedures, the angst and the suffering of the detainees and their families, and as a way of deterring further organisation of the leadership of the campesino movement by those who were still free. Technically, none of these cases merited complex processing.

The regular re-programming of hearings was another example of the failure to apply this principle, by either failing to ensure the detainees were present on the appointed day or by restructuring the court agenda. This occurred in the cases of Mario Lener Fonseca, Freddy Navas and Ronald Ivan Henriquez Delgado, whose trial was suspended when they was not present at the initially notified hearing⁵⁵, which was due to take place on 9th April of 2019. In the case of José Maria Fuentes, the trial began with the Preliminary hearing on the 10th October 2018, at which time the case was scheduled to go to trial on the 2nd July, 2019. This violates the right to a resolution within a reasonable time, without formalities which prevent such constitutional guarantees. In addition, in all the cases, from the 22nd February, 2019 the hearings and trials were regularly reprogrammed with no legal fundamental, based on generalised restructuring of the judges agendas, or because the accused had not been transferred in time by the penitentiary system.

⁵³ Report of the Judgement 012584-ORM4-2018-PN.

⁵⁴ Art. 401 of the Nicaraguan Criminal Code.

⁵⁵ Cédula Judicial de Notificación Asunto 000017-0777-2019-PN.

- Failure to adhere to the Principle of Orality and Publicity

In violation of the Criminal Procedure Code, which applies to the trials brought under this principle, , the hearings and trials of all political prisoners, including those of the campesino leaders, were of a private nature, and neither the public, nor the media were allowed access “even though the lawyers always requested it”. No judge ruled in respect of this.

- Inobservance of the Principle of the Right of Defence

The defence lawyers had no access to the court files, despite requesting them in writing, and despite the fact that the accused were latterly permitted the right to a technical defence of their choosing, they were prevented the right to an adequate defence because no attention was paid to their arguments, while the arguments of the Attorney General, no matter how implausible they were, were accepted without further questioning. Such was the case for Medardo Mairena and Pedro Mena, accused to have been involved in the assassination of two policemen in Morrito, when at the time of the events, they were in Managua, 231 kilometres away, and despite the fact that they produced witnesses to testify to this.

- Inobservance of the Principle of Respect for Human Dignity

This principle was violated in the case of the accused campesinos, because following detention, the police authorities presented the detainees to the official media as delinquents, terrorists and coup plotters, in an attempt to stigmatize them and provoke public outcry, thus showing clearly the party political nature of these trials.

Another example is that of Max Cruz, whom we have already mentioned, who was hospitalized for 57 days in the Lenin Fonseca Hospital in Managua, due to the leg injuries he had sustained from the live ammunition which had been used at the time of his arrest. Even when it would have been impossible for him to flee, he was kept handcuffed to the bed. The criminal trial went ahead during his convalescence.

To all of this we can add that, in general, the prison conditions were inhuman, and even though the judges were informed of these conditions, and corrective measures were requested, these requests were ignored.

In summary, we can conclude that, not only was the campesino leadership denied liberty and their human rights violated when they were arrested with violence, but there was also violation of the principles and guarantees of due process outlined in the Criminal Procedure Code of Nicaragua: the Principles of Legality, proportionality, Celerity/Prompt Process, orality and publicity, the right to defence and the right to respect for human dignity.



This pattern of behaviour of illegal, arbitrary and untimely detentions, using excessive force, has become the norm in all cases involving people who are opposed to the government, above all the campesinos when they are captured in remote rural areas. However, we know of hundreds of cases where the families have preferred to remain silent due to a distrust of the judicial system and for fear of reprisals on the family, given that they have received threats which warn them of the consequences that might occur if they denounce these practices.

The testimonies and documents which have been compiled, as well as the analysis of case files used in this report, indicate clearly that within the framework of the socio-political crisis since April 2018, the Executive Power has used the Criminal Justice System as a repressive entity which acts in an arbitrary and coordinated manner. The Police pursued and detained the most visible members of the campesino leadership. The Attorney General, denied of autonomy, accused the campesinos and totally validated the actions of the Police. The judicial system ensured that the cases were given to judges loyal to the FSLN⁵⁶, who saw to it that the cases were slowed down and evidence was disallowed and then applied disproportionate sentences.

Judges and magistrates did not comply with their function of constitutional guarantee which obliges them to act in strict accordance with the Constitution and the Law, *contrario sensu* and did not exercise the Control of Legality and Proportionality of the actions of the National Police and the Attorney General's Office, but rather permitted and facilitated disrespect for constitutional rights and procedural guarantees. They became inquisitor judges by negating the protective function of criminal court procedures, and violating due process, as should be the case in a democratic justice system. They

⁵⁶ The seven judges used by the Ortega regime to repress the demonstrators in Nicaragua.
<https://www.laprensa.com.ni/2018/10/01/nacionales/2479550-los-siete-jueces-que-el-orteguismo-usa-para-reprimir-a-los-manifestantes-en-nicaragua>

processed and condemned campesinos who exerted their individual freedom; they acted as part of a Criminal Law legal system of the Enemy (Günther Jakobs theory), acting under orders of the Sandinista Front and the executive power, embodied by Daniel Ortega and Rosario Murillo.

Finally, we want to mention that the accused were released under the Amnesty Law, which ordered the case records; and while some were still at the stage of the initial hearing, other were awaiting trial, while others were at the stage of appeal. However, this law has been applied in a discretionary manner. An example of this is the case of the campesino José María Fuentes González, from the municipality of Altagracia in the Department of Rivas, who was among those negotiated between the government and the Civic Alliance. He had been accused within the context of the crisis but was then released on 20th May, 2019 without the case being closed. The Judge of the ninth Criminal District Court of Managua, Edgard Orlando Altamirano Lopez, re-opened the case on the 2nd July, 2019. Fearing that he would be unjustly arrested once more, the leader opted to go into exile, and on the 15th July, 2019, as part of the continuation of the oral and public trial, he was declared of rebellion and the order was given for his detention⁵⁷

Despite the fact that the Amnesty Law has allowed for the release of a great many of the leaders of the campesino movement, their legal situation is uncertain, in that their sentences have not been dismissed in accordance with Nicaraguan procedural law, which guarantees that once these sentences are solid, they will not be reopened and they are afforded legal certainty. However, under their current legal status, their cases could be re-opened at the point where they were left off when the Amnesty Law was applied, with the real possibility that they could be imprisoned once more.

3. Sexual aggression as a means of repression

Campesino women were also, and continue to be, subjected to repression, including sexual aggression. One example to illustrate the gravity of this reality is of a rural woman who was active on the barricades in Juigalpa – she has asked us not to use her name as she remains inside the country and therefore in danger – whose case was cited by Acción Penal. She was detained from 6th to 13th May, 2019 and during that week was interrogated and subjected to acts of torture and sexual violence in an attempt to get her to give information about her daughter. They threatened to take her to El Chipote. She testified that during her detention she was held handcuffed, in a darkened room, her clothes were removed, including her underwear, and while some of her captors continually touched her on her breasts, legs, hips and vagina, others interrogated her to find out all she knew.

Even though she pleaded that they would not harm her, on the first night she was stripped of her clothes and violently raped by one of the police agents. At one moment, while touching her intimate parts and smelling her genitals, they said to her “we are going to do the pap smear (PAP test)”

According to her testimony, she was repeatedly raped over the next two nights. In these cases there were other people present, including a woman. They insulted her, telling her that “*they were all going to have her*”. While the woman did not rape her, she touched her on her breasts and genital area, asked her if she had had sex with other woman, and warned her that they were going to try out

⁵⁷ Report of the Oral and Public Trial and the Report of the continuation of same. Criminal file Asunto Principal: 000052-0510-2018-PN (Managua)

everything, including the use of vibrators, so that she would learn not to be a *“terrorist and road blocker”*

In her testimony, she testified that as part of the torture, they forced her to eat rice and beans with cockroaches, as a result of which she still suffers from stomach problems; they tightened the handcuffs until they caused considerable pain; they forced her to do squats while naked, they put a pistol up her vagina and threatened to put bullets in it and to shoot. They warned her that whatever went on there must be kept a secret, because they knew where she lived and they could kill her.

Although she was released, she was unable to go home because the police appeared immediately, proving the existence of spying and involvement of para-police forces.

During the sustained acts of violence (which included hitting and kicking her), they told her that this was because she had been on the barricades, she was a terrorist and enemy of the government. The victim confirmed that this had also been the experience of a friend, but that she had left for Costa Rica. *“You cannot imagine how I feel when I see the police, when I see that uniform”*, while she reconfirms her commitment to formally accuse the police and the government of Nicaragua, once justice returns to the country.

It is well known that the context of war and violence are breeding grounds for social stereotypes around the disputing groups, so that the groups become what they accuse their enemies of being. While compiling these testimonies, it became evident that it has become the custom among the state police and para-police agents to refer to the victims as barricaders, coup-plotters and enemies of the government, and that for this reason they merit any type of torture or punishment, even death. This extreme simplification and dehumanization promoted by the Nicaraguan government against the campesino opposition, transforms them into beings that can be killed, tortured and wounded without any recrimination; because their lives have no value⁵⁸

4. Denial of Medical Attention

The repression of the campesino opposition was also expressed in the denial of medical attention or negligence in the attention given, resulting in serious consequences for the lives and personal integrity of the victims.

One of the campesinos who was wounded by a stab wound in the back in April 1988, said that he was transferred to the hospital in Nueva Guinea where his wound was stitched. However, when his family decided to have him transferred to a private clinic, they were told that the wound had been stitched up without first stopping the internal bleeding. Some days later, in another clinic, an x-ray showed up the presence of internal blood clots, which were impossible to dissolve with medication, and resulted in additional surgery in order to place a drain in his left side.

Another case is that of Juan Gabriel Cordero, who in his testimony to the Human Rights Collective, testified that he had received a bullet wound in his knee while escaping from the army who had come

⁵⁸ The researcher Irene Agudelo develops this argument amply in her book *“Contramemorias Discursos e imágenes sobre/desde La Contra, Nicaragua 1979-1989”* on pages 47 to 59.

to look for him in his house some days after 'Operation Clean-up'. According to Cordero's wife, the soldiers captured his 14 year-old son in the fields, tied him up and forced him to bring them to his house, where she was with their other 7 children, aged between 1 and 14 years old. All of them were threatened at gun-point, forcing them to leave the house, with the exception of a young 7 year-old girl who was in very bad health and who died just 3 days after this incident.

According to the testimony of Juan Gabriel, he himself spent 4 months wounded and hiding in the hills in fear of his life. Other campesinos then carried him for several days in a hammock, until they got him safely across the border to Costa Rica, where he received life-saving medical treatment.

On the 15th July, 2018, in the context of the repression used to dismantle the barricades, there were several cases of violation of the personal integrity of campesinos. One such case reported to the Human Rights Collective is that of Juan Gabriel Mairena Sequeira, who spent three months on the Lovago barricade, until such time as they decided to abandon it due to the threats that the police and army would attack them. That happened just two days after his brother, Medardo Mairena was arrested.

He testified that they were ambushed when the trucks they were travelling in, arrived at Santo Tomas. The shooting began at approximately 09.10 and went on until 16.00⁵⁹. He was wounded by a bullet which lodged in his left shoulder, between his collarbone and his neck and another shot which went through his left arm⁶⁰. He managed to escape over rough terrain and reach Nueva Guinea, where his wounds were treated. Three days later he left again, escaping over rough ground. He walked for one month and seven days until he reached the frontier. In his statement he attested that there were some 200 people who had to flee into hiding to escape that ambush and the repression which followed.

Another victim of that ambush was Jose Manuel Galeano, who received a bullet wound in the stomach, when he was travelling in a truck carrying quarry stone and from which he had 'thumbed' a ride. As he was unable to walk, he was given assistance in a house, using only herbs and local cures. Eventually he was transferred to a private clinic in a nearby city where he stayed for 13 days. Then he went to stay on a farm for about one month. About 3 months later he suffered a hernia and was looked after in a private hospital in Managua.

Another victim, JZ was wounded the same day as Gabriel and José Manuel. In his case they were just pulling back from the Lovago barricade when they were attacked by para-military forces in the town land of Posa Azul, where he was hit by 11 shotgun pellets which pierced the tip of his lung, broke his arm and compromised his bone marrow in between T8 and T9 vertebrae, leaving him an invalid until now. He was rescued by other campesinos and assisted by human rights organisations. He remained in a private hospital in Managua for 2 months. Despite the fact that he underwent a further operation in another private hospital, his health is critical and he has to use a catheter. He has been unable to access all the specialist medical care that he needs. He still has 10 pellets lodged and he will require a third operation. He has three daughters and he cannot work and this is affecting his family

⁵⁹ Juan Gabriel Mairena: escapes death <https://confidencial.com.ni/el-relato-del-campesino-juan-mairena-nos-emboscaron/>.

⁶⁰ The story of the brother of Medardo Mairena, political prisoner held by the dictatorship <https://www.youtube.com/watch?v=2-OOhq8KoXQ>.

situation, and even in this state, the police and the army are looking for him in his community in order to *“speak to him”*.

Meanwhile, NL has reported how she had a motorcycle accident in October 2018 and broke her arm. She was brought to a public hospital, and once the army knew she was there they surrounded the hospital. She decided to escape. She stayed in hiding for two months without getting any treatment for the fracture and only taking some tablets for the pain. In December, when she decided to return home, a neighbour warned her that two armed para-military were waiting for her, and this saved her from being captured.

These testimonies and many others have been documented by international organisations and the media. They show how the Nicaraguan government has had no reservation in converting the public health system into a mechanism of repression and punishment against those people who have used their constitutional rights to protest and demand the democratization of the country; this constitutes a crime against humanity.

5. Threats and Acts of Harassment.

Both Acción Penal and the Human Rights Collective have registered statements of condemnation by campesinos who have witnessed harassment and threats by the authorities in an attempt to prevent them from exercising their right to meet and organise.

At present the Campesino Movement has seen it necessary to step up their security measures in order to be able to continue to meet and organise. Relying on their organisational networks, the police are ready to intervene in whatever meetings are called in the municipalities and communities. They march into venues and take photographs, demand identity documents and take down lists of names. In some cases they search and take photos of notebooks and documents, at other times they wait outside until the meeting is finished. When members of the National Council are visiting municipalities, they are frequently detained, often for several hours and without any justification. All of this is in order to prevent meetings taking place and to intimidate people so that they desist from claiming this right.

One case which received a certain amount of publicity was that which occurred on the 11th and 12th of April, 2019 when there was a training workshop for 23 leaders of the Campesino Movement in Nueva Segovia⁶¹. At 8am on the first morning, police and para-military arrived in patrol vehicles, surrounded the hotel and kept up the surveillance for two days. At dawn on the 13th, the participants left one by one, and managed to avoid being captured by the National Police, the para-military forces or others aligned with the government.

The testimony of JZ is very graphic: *“Since I was shot at, I have not been able to find a safe space for neither my family nor for me because the police have identified me as someone who participated in the struggle. Neighbours and family members tell me they are looking for me, that they are putting people under pressure to say where I am. Three months ago the police and para-military went straight*

⁶¹ The workshop took place in the hotel Sinaí, located from Distribuidora Arma, 2 and a half blocks to the east, in the town of Ocotal, Departament of Nueva Segovia.

to my house to look for me. A fortnight ago they turned up again, under the command of the police chief Oscar Luna. They pulled out the person who is minding the house for us, they took everything out of the house and burnt it. However, they didn't burn, nor did they take a specialised hospital bed that we had been given... but they said they would be back to take it".

To all of this we can add the fact that the families of the leadership of the Campesino Movement have had to go into exile; families of Medardo Mairena, Freddy Navas, Lener Fonseca, Francisca Ramirez, among many others. Others have remained in the country under constant police surveillance and harassment, such as in the case of the families of Pedro Mena and many other national and regional leaders.

V. FORCED DISPLACEMENTS OF THE CAMPESINO POPULATION

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The serious crisis in Nicaragua due to government repression intensified in April, 2018 and provoked a significant wave of displacements both inside the country and abroad. According to the United Nations High Commissioner for Refugees UNHCR, there are more than 80,000 Nicaraguans who have sought refuge throughout the world, fleeing from governmental violence in Nicaragua; of these, slightly more than 75% have sought refuge in Costa Rica⁶²

Although the statistics indicate that there are thousands of campesinos who are exiled in Costa Rica in an attempt to escape governmental violence back home, the Human Rights Collective bases its testament on 65 cases which have been fully documented.

In their testimonies, the campesinos have shared with us the different forms of repression which they suffered before they left the country. These range from threats and illegal detentions, to attempted assassination by state forces. As a result, many of them hid away in the hills and then crossed over into Costa Rica either because it is the nearest country to their place of origin or because it offered the greatest possibility of survival⁶³

The majority of the campesinos left the country after the “Operation Clean-Up” repression in July, 2018. Most of them crossed the border illegally, walking for several days with only their identity card and the clothes they were wearing. Well known is the case of Francisco Reyes, a campesino who walked for 12 days to reach Costa Rica.

Following the lifting of the barricades, Javier Carmona was pursued and surrounded by the National Police and together with 16 other campesinos remained in the hills of Chontales for eight days. They spent this time in the open, without food, sleeping in the fields on tree branches. Then they managed to escape to the municipality of Almendro, where they were given assistance and managed to disperse towards different parts of the country and to Costa Rica.

Family reunification has been slow and complex and for the majority of people it is more than one year since they have seen their family. MLF, for example, is originally from San Miguelito in the department of Rio San Juan. He is an ex-prisoner who at the time of his interview had not seen his wife or young son for more than a year and a half.

His is one of many accounts from displaced campesinos who have not had contact with their families for various reasons. Some have stated that *“I did not want to tell them how bad things were, because I didn’t want to worry them”*. Others have said that *“I have not been able to send my children money, nor speak to my wife because I don’t have the money to call”*. And others recount that *“... my family is divided, there are some who are working for the government and they question why I became involved*

⁶² <https://www.acnur.org/desplazamiento-en-centroamerica.html>

⁶³ It is important to mention that in Honduras, which is the other country bordering Nicaragua, there have been a series of assassinations of campesino leaders and attempts to paralyse the counter-revolutionary movement. These have been denounced by different groups and investigators as contract killings, and linked to the intelligence services of the police and army.

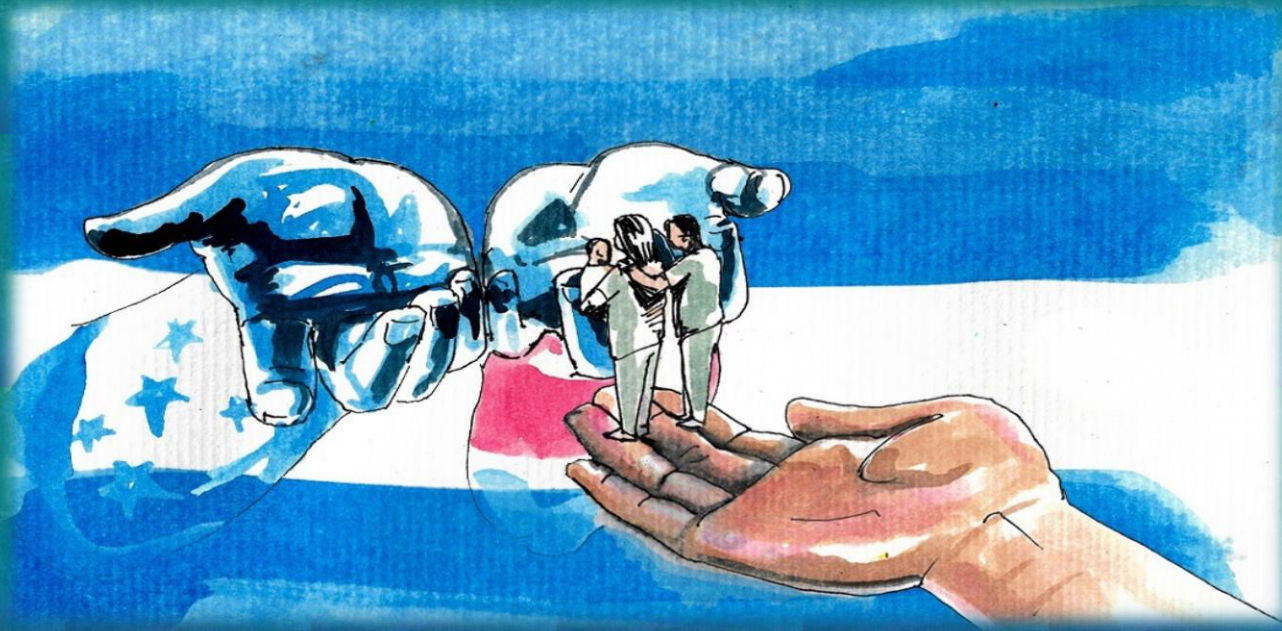
with the barricades". The majority of those interviewed, indicated that it was economically impossible to bring their children with them, to speak to them or to visit family. In many cases they had left them with their mothers or grannies or had to arrange for them to be relocated elsewhere in Nicaragua.

Many of the campesinos referred to the fact that, even though they were already in exile, their family, friends or neighbours told them that the Police and the Army came looking for them in their homes and kept surveillance of properties. They arrive on motorbikes or in pick-up trucks, hooded men dressed in civilian clothing, but well-armed. Sometimes they would only pass by, at other times they would circle the property for hours. At times they would arrive sporadically, at others their visits would be weekly. They want those who are in exile, their family and neighbours to know that they are being watched. This is the reality experienced by those campesino families who have exercised their constitutional right to express their ideas and carry out civil protest: they face harassment, threats and repression.

One of the campesinos now in exile referred to the fact that he had not wanted to leave the country but that he had received death threats, had been called traitor, anti-patriotic, coup-plotter, and been told that traitors would be shot. This same campesino said *"... when I arrived in Costa Rica my body trembled, and to date I am still unable to sleep. Two months ago they threatened my daughter. They put a revolver to her head and said she was no different from her father and therefore she deserved to die..."* Even at the time of finalising this report, the threats to his family continue.

Forced exile due to the political violence of the Nicaraguan government has had a dramatic impact on all aspects of the lives of the campesinos in exile, such that some 40% of those interviewed referred to that fact that housing and food supply were a problem.

Some of them recounted how they had to beg in the street or look for left-over food and that they slept *"wherever I was at nightfall"* or that *"a friend allowed me to stay, to have a shower, but during the day I had to leave the house"*. Some told of how they had been mistreated by the police when they had slept in the park, because it is forbidden to sleep there. Many also told of how they had had to frequently change where they lived. On average, those interviewed had had to change address at least 4 times in twelve months.



In Costa Rica access to health services is limited, priority is given only to urgent medical cases, children and pregnant women. With respect to children, we know of at least 16 children of school-going age who are not attending public schools, nor have access to the free food offered there, because they have no proof of address or utility bills to prove their residence in the country.

We know of two people who have indicated that they need medical attention and rehabilitation following surgery which they had managed to have with the help of their families or of organisations providing assistance to the refugee population. One is the case of someone whose invalidity is the result of torture; in the other case, a prior condition has been further compromised by torture and bad treatment received during detention and imprisonment.

The Costa Rican government was not ready for all these demands, nor do they have the resources to respond to them in the short term without significant international assistance. None of this would have arisen if the Nicaraguan government had not criminalised civil protest and unleashed a wave of repression which has endangered the lives of tens of thousands of people who, to save their integrity, have had to opt for exile either on their own or with their family.

VI. EXECUTIONS CARRIED OUT IN THE RURAL AREAS

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Between 2008 and 2017, the Nicaraguan Police Force and Army intensified their efforts to eliminate the old members of the counter-revolution and campesino leaders who were opposed to the government in the rural areas. In one report published by CENIDH, at least 25 assassinations of opposition leaders or armed campesinos are documented, twelve of which⁶⁴ were carried out on Honduran soil.

Approximately 14 assassinations were reported as *“skirmishes” or operations against supposed delinquent groups, accused of cattle rustling or drug-smuggling*⁶⁵. In this way it wasn’t necessary to acknowledge them as selective assassinations, which would indicate a disproportionate and lethal nature of the government repression, which would only be appropriate in times of war.

One example is the death of José Gabriel Garmendia, alias Yajob, who was ex second-in-command of the specialist counter-revolutionary forces, who in 2010, publicly declared that he would take up arms against the government in protest at the unconstitutional presidential re-election and the electoral fraud which came to light in 2011. In February 2011 he was assassinated by a sharp-shooter when he was on a farm in the Santa Teresa zone of Kilambé in the municipality of El Cua. Both the Army and the Police linked Yajob with a gang known for kidnapping, extortion and assaults, thus justifying his assassination, but with absolutely nothing to shed light specifically on his death.

Mercedes Pérez Torres (70), Josue Ariel Torres (22) y Elmer Torres Cruz (35) were all assassinated on the 8th of November, 2011 in the indigenous community of El Carrizo, in San José de Cusmapa, Department of Madriz. The latter two were district attorneys from the PLI (Independent Liberal Party Alliance). At the same time, Jose Francisco Torres Cruz (18) and Jose Moises Perez Cruz (30) were injured. All this happened when militants of the FSLN, led by the Political Secretary of that party in San José de Cusmapa and the Municipal Delegate to the Supreme Electoral Council (SEC), carried out an attack. They did this with the support of the Head of the Municipality and a squad of Police⁶⁶. They arrived into the community, firing shots and shouting that they would take revenge on those who had not voted for the FSLN candidate.

The judgement against those responsible for this massacre was an insult to the victims who were demanding justice, as the perpetrators only received a three-year prison sentence⁶⁷. This is indeed

⁶⁴ Nicaraguan Centre for Human Rights (CENIDH), cases documented for the period 2008-2017.

⁶⁵ The investigation covers the period between February 2011 and 2017. Lethal army and police systematic attacks against armed civilians resulted in the assassination of opposition leaders. <https://confidencial.com.ni/ejercito-letal-armados/>.

⁶⁶ The Political Secretary of the FSLN in San José de Cusmapa, the Sub-Commissioner Elvis López Aguilera, (who was acting Police Chief in Cusmapa), Mauricio José Jiménez, and police volunteers Martín Ramírez Izaguirre and Pablo Alvarado Espinoza were all detained in the operation. Also, the Political Secretary of the FSLN in San José de Cusmapa, Jesús Herrera Zepeda, Eusebio Cruz Montenegro, delegate from the Supreme Electoral Council, was identified as the person who fired the shots, and although initially he was not included in the police investigation, until such time as the targeted family demanded that his name be included in the accusation <https://www.cenidh.org/media/documents/docfile/Informe>

⁶⁷ Average sentences for killing were for 3 years. Embarrassing condemnation in El Carrizo <https://confidencial.com.ni/archivos/articulo/5887/vergonzosa-condena-en-el-carrizo> and the sentence for the massacre in El Carrizo <https://www.laprensa.com.ni/2012/02/22/opinion/91541-la-sentencia-por-la-masacre-de-el-carrizo>.

evidence not only of the manipulation of the criminal justice system in favour of those supporting the government, but also the disregard for the lives of those who are in opposition. The justification given was that the crimes occurred in the middle of a drunken outburst⁶⁸.

The persecution and harassment carried out by the Police and the Army in the rural areas, led to many campesinos who had been previously armed, taking refuge in Honduras. These included Alberto José Midence Lopez, known as “thin Midence”. He was shot dead on the 22nd December, 2013 in la Colonia San Juan, in the frontier town of El Paraíso, Honduras, having requested asylum in Honduras. Midence (44) was a member of the Nicaraguan Patriotic Command⁶⁹, an organisation defending the right to armed uprising as the only way to stop the consolidation of the dictatorship of Daniel Ortega.

Another serious act was the assassination of 3 people on a farm in the El Portal Community in Santa Maria de Pantasma, Department of Jinotega. Initially two unknown people died as a result of a bomb which exploded in a rucksack which had been sent to them as a message⁷⁰. The third person who was assassinated some hours later was Modesto Duarte Altamirano, the owner of the property where the explosion had happened, who had turned up at the site of the event. He was captured by the army patrol who were there, and later found dead with two bullet holes, a fractured arm and a fractured right foot, as well as a knife wound in his right side. According to witnesses, Modesto was executed by the soldiers, just minutes after the explosion.

Two other people were wounded in this attack, but managed to escape. The Army denied that they were there at all, while the Police claim that there was a skirmish between drug-trafficking gangs. However, they have never published the results of their investigations.

A further case is that of Andres Carrato, a promoter of peace in the community of San Martín de Daca, in the micro-region of Ayapal. Having denounced the army for harassment⁷¹, he was executed at dawn on the 18th April 2016. He had been a member of the contra in the 80s, and he was a militant and leader in the Liberal Independent Party (PLI). His family have testified that at 1 am, a group of armed men arrived at the house and took him away. Later that day, he was found dead about 5 kilometres away. His body showed signs of torture, and his tongue had been cut out.

On the day of national elections, 6th November, 2016, a violent encounter took place on the El Coyol hill, in the Comunidad de la Magdalenas, Ciudad Antigua, Nueva Segovia⁷², in which José Nahum Mendoza Arriola (47),⁷³ Margarito Mendoza Sevilla (35) and Santos Perez Lopez (19) all died. In the case of José Nahum, his wife attested to the fact that six months previously he had decided to take up arms against the government after the army and the police turned up at the farm looking for him, and he had taken to sleeping in the hills out of fear.

⁶⁸ <https://www.laprensa.com.ni/2012/02/17/departamentales/91018-condena-politica-y-aberrante-a-autores-de-matanza-en-el-carrizo>.

⁶⁹ <https://www.laprensa.com.ni/2013/12/23/nacionales/175482-matan-a-tiros-al-flaco-midence>.

⁷⁰ Report from CENIDH concludes: “it was a military action” <https://www.cenidh.org/noticias/746/>.

⁷¹ <https://www.laprensa.com.ni/2016/04/18/politica/2020505-asesinan-productor-ayapal-denuncio-la-prensa-maltrato-del-ejercito>.

⁷² Executions of the 3 campesinos from Ciudad Antigua, Nueva Segovia.

https://www.cenidh.org/media/documents/docfile/Informe_Cenidh_2016_Final2017.pdf Page 21.

⁷³ According to members of his family, José Mendoza, was a member of the Ex Resistance in the ‘80s, brother of Nelda Mendoza Arriola, Deputy Mayor of Ciudad Antigua and had participated since 2012 in the protests about identity cards.

According to local people, these deaths were the direct result of a confrontation with the Army. Following that, the Police secured the area, so that neither journalists nor local people had access to it. Family members and witnesses gave testimony to CENIDH that the bodies seemed to indicate that they had been executed. There were signs of torture, neck wounds with signs of throat-slitting, knife wounds in the feet and other parts of the body. Two of them had their legs and feet broken. There was evidence of bullet holes and grenade shrapnel, which could be clearly seen from the photographs which were produced as evidence

The next day, the Police issued a statement, claiming that they had found the bodies and as part of the evidence they produced AK rifles, ammunition magazines, rucksacks and marihuana, thus establishing links with Honduran drug-smugglers. Locals rejected the police version of events, because the victims were known to the community as honest workers and their deaths were clearly associated with summary execution, accompanied by torture.

On the 12th November 2017 in the community of San Pablo 22, in La Cruz de Río Grande (RACCS) six people were executed in a military operation. Two of the victims were minors, Yojeisel Elizabeth (16) and Francisco Alexander (just 12), who were with their father Francisco Davila Perez, who had taken up arms against the government. The young girl appeared to have been raped. The army claimed that there had been a “confrontation” between “delinquents” and the military. El Coronel Marvin Paniagua, Chief of the Army’s Regional Sixth Command claimed that the head of the gang had died in the combat, and identified him as Rafael Davila Pérez, aka The Curlyhead. He made no mention of the others who had also died.

According to Elea Valle, mother of the children and wife of Davila Perez, her husband had been persecuted by the army as he is the brother of ‘The Curlyhead’. They had removed him forcibly from his community and forced him to get involved with the armed group in which his brother was in. They had been located and ambushed by the military near to La Cruz de Río Grande. At the time they were returning from a festival. The six bodies were buried in a common grave. Until today, the authorities have refused to exhume the bodies and return them to Doña Elea, despite her numerous requests to do so.

It is worth noting that the Nicaraguan Army and the National Police in their “White Book”⁷⁴ justify the extrajudicial executions. In this document they highlight *“the presence of delinquent elements in Nicaragua” in the period 2007-2017*⁷⁵, recounting with pleasure that *“delinquency is not the most serious problem”* of the country and that the drug-trade has not managed to consolidate. In one place it mentions that *“from 2007 people living along the border with Honduras and local producers, particularly in the specific region of Ayapal and in the municipality of La Cruz de Río Grande, went to the authorities to report that they felt threatened and fearful due to the presence of highly dangerous armed delinquents who had committed several criminal acts”*⁷⁶ and they listed more than a dozen people alleged to have been involved in these crimes, including various people who by then had been assassinated.

⁷⁴ The “White Book” was presented to the diplomatic corps in January 2018.

⁷⁵ https://www.policia.gob.ni/LIBRO_BLANCO_DELINCUENCIA_03012018.pdf

⁷⁶ Such as: Assassinations, extortion, cattle-rustling, theft with intimidation, kidnapping, serious injury, aggravated damages, cultivation and commercialization of drugs and organized crime.

It is worth noting that, as well as the afore-mentioned crimes linked to the political violence in the country, the National Police have been accused of committing serious abuses in the use of disproportionate force in cases which are in fact extrajudicial executions.

One of the most alarming situations, and one which has both the campesino population and the wider national community alert and preoccupied is the increase in rural assassinations⁷⁷. The Collective has been monitoring this situation, finding that between the 1st and the 22nd of September of 2019 at least 30 campesinos have been assassinated: Twenty two of these were in Jinotega (Ayapal 1, El Cuá 10, Wiwilí 5, San Rafael 2, San José de Bocay 4); two in the Municipality of Mozonte, Nueva Segovia; one in El Rama, Region Atlantica Caribe Norte; one in the Municipality of El Cacao and another one in the Department of Río San Juan. This persecution has even reached some victims who had sought to flee the country, such as was the case of 3 refugees in Honduras, (Edgard Montenegro, Jalmar Zeledon Montenegro and Francisco Sobalvarro) y 1 in Costa Rica (Pocosol) who, according to the Costa Rican authorities, was shot down by soldiers from the Nicaraguan army.

Of the 30 assassinated people, the majority were linked to the protests: 3 were officials from local councils opposed to the government, who were members of the political party Citizens for Liberty, 4 were traders, one was a lawyer; 11 of the victims were recognisable members of the opposition, including 2 who were family members and 5 people who were recognised members of the ex-Nicaraguan Resistance. Almost all these assassinations were carried out with impunity and only in one case has any perpetrator been detained.

According to the information gathered by the Collective, 28 of the victims have bullet wounds, 2 suffered fatal knife wounds, 3 were slashed with machetes, one was strangled, 2 showed signs of torture (wounded by firearms, and many cut and slashed in the face and the body. According to those reporting on the events, the perpetrators usually worked in groups of 3 to 18 people.



⁷⁷ According to the preliminary results of a study carried out by Elvira Cuadra, there were 29 cases of assassination in the countryside between October 2018 and 15th July, 2019. <https://www.youtube.com/watch?v=CbTiL2fL3-w>.

Among the cases documented by Acción Penal are the testimonies of the families of assassinated campesinos of the Cacao 1 community in the municipality of San Miguelito, Department of San Juan. On the 14th April 2019, around 13.30, Jesus Gregorio Montano Sevilla was repairing some fencing about 500 metres from his house when he was kidnapped by members of a para-military force. Next day he was found dead, assassinated, with four bullet wounds, one in his right chest, one in his forehead, one in his right forearm and one in his abdomen. He showed signs of having been tortured and of having been dragged along. He was 39 years of age and has left six orphaned children.

According to neighbours, some 18 para-military had surrounded the property and taken him *“they were well armed and wore balaclavas”*. They had taken him because they were looking to take his brother, Rito José Montano Sevilla, who had supported the people on the Lovago barricade. The neighbours explained that the authorities had procrastinated regarding the medical report in order to delay returning the body, and there had been no investigation. It was clear that there was no point making a complaint because the police and the para-military and the same.

Another testimony presented to Acción Penal is that of the Montenegro family, regarding the 23rd January 2019, in Caño de la Cruz in the municipality of El Cuá, when their brother Oliver Montenegro (42) was assassinated. He had supported the protests since April 2018 and had been active on the barricades. Once the protests ended, he had returned to his lands, where they kidnapped him while he was working. His brother was killed in a hail of bullets, his face unrecognisable from bullet and blade wounds. According to the family, it was a combination of police and para-military who participated in this crime.

A cousin of his who survived the ambush witnessed the police shooting, but remains in hiding for fear of being assassinated. There is proof that there were 17 police involved in the operation, and the place where they had hidden was uncovered. The family did not report the killing. They just buried their dead in a family cemetery in Kilambé. Many family members did not attend the funeral for fear of being captured.

On the 27th June 2019, Oliver’s brother Edgar (55) and Jalmar, Edgard’s adopted son were both assassinated in Bermania, Trojes, in the Department of Paraíso, Honduras. This occurred about 15 kilometres from the town and about 25 kilometres from the Nicaraguan border. They had been in exile for about 6 months. Edgar and Yalmar came from the Aguas Rojas townland in Kilambé and had participated in both marches and in the barricades in El Cuá and had fled in to exile due to constant harassment and threats.

There was no phone signal on the farm where Edgar was living in exile and so he went every day on a motorcycle to a place where he could use his phone. Witnesses have told how two men on motorbikes were waiting for him. His brother died of 7 bullet wounds in his forehead, and Yalmar died of 3 bullet wounds. The pistol and the mobile phone he was carrying were stolen. Although Edgard’s wife lodged a complaint in Honduras, this was not investigated. Due to the brutality with which this family was treated, their case has been covered by national media on several occasions.⁷⁸

⁷⁸ <https://www.laprensa.com.ni/magazine/reportaje/la-historia-de-los-montenegro-perseguidos-y-cazados-por-pensar-diferente/> y <https://confidencial.com.ni/asesinan-a-otro-miembro-de-la-familia-montenegro/>.

On the 6th July 2019, a campesino, identified as Martín, was found assassinated in a place called “Los Laureles Dos”, in Plan de Grama in the municipality of Wiwili, Jinotega. A few days later, the corpse of Jesús Gregorio Montano Sevilla, riddled with bullet wounds was also found in El Cacao 1 community in the municipality of San Miguelito. His case has already been described above. Family members and neighbours have reported that on the night of the assassination they saw approximately 18 paramilitaries who surrounded the property and took the man by force. *“They were well armed and wore balaclavas”*, informed the victim’s sister. He was assassinated by 4 bullets and showed sign of torture. Despite the numerous complaints regarding rural executions, there have been no official investigations and the deaths continue.

On the 27th August, 2019, Francisco Blandon Herrera was assassinated in the community of San José de Maleconcito in the municipality of Wiwili, in Jinotega. According the journalistic reports, what we know is that *“an unknown person was responsible for the shooting and got away on a black motorbike before he could be identified by anyone. However, no one can be certain that this was not a political crime, given that Blandon was the brother-in-law of the brothers Oliver José and Edgard Montenegro Centeno”*⁷⁹

There are also reports of attempted assassinations; one of them is the case of the political prisoner José Alejandro Martínez Vásquez who recognised the person attacking him, a former policeman from Ocotol, known as “Teardrop”, who was an identified member of the para-military forces. According to members of the victim’s family, the Police admitted that the attacker had been in their ranks, but that he had deserted, taking his officially issued gun with him. However, these events had taken place just 100 metres from the Wiwili police barracks. Resulting from the shots, the victim was wounded in the head and back and is now confined to a wheelchair. He reported in the media *“I was attacked at point-blank range, without any warning, I was attacked for nothing, they ruined my life just for having been a political prisoner ... they dealt me 5 bullets, but only God will help me”*. It is important to point out, that there have been other reports of attempted assassinations.

The majority of these deadly crimes display *“a pattern of arbitrary executions”*, and the National Police have offered no information on the preliminary investigations, limiting their activity to collecting the bodies, asking questions and leaving the scene. This situation is all the more serious because the victims are clearly from the opposition, with previous links to the Nicaraguan Resistance.

It is worth pointing out that, the campesino population in the north of the country, primarily in Jinotega, complain of the growing wave of life-threatening crime, some of which apparently is motivated by theft and criminality; and in other cases by political motivation. However, all these crimes are committed against people who are in the opposition, by men in balaclavas, who appear to be extremely well organised and with serious weaponry and no difficulty getting around from place to place. In addition, neither the Police nor the Army appear to have any interest in investigating these crimes nor in seeking out the perpetrators. All this leads to the suspicion that in reality these are political crimes carried out with the complicity, or perhaps under the orders of the Police and the Army.

There are various common characteristics of these crimes which confirm these suspicions:

⁷⁹ <https://www.laprensa.com.ni/2019/08/28/departamentales/2583484-matan-a-balazos-en-wiwili-a-cunado-de-opositor-asesinado-en-honduras>

1. The victims were linked to armed groups linked to opposition parties or with similar objectives, and exerted influence in this regard in this part of the country – rural areas in the north of the country (Jinotega, Matagalpa, Nueva Segovia, and the Northern Caribbean zone)
2. The assassinations were carried out by the National Police and the Nicaraguan Army, and in at least half the cases, by combined forces. The police justified their actions as part of their clampdown against the drugs trade and common crime linked to victims of cattle-rustling, theft, kidnappings etc. In several cases, the police denied the participation of the Army, despite testimonies of local people and family members to the contrary.
3. The operations were highly effective, with a high percentage of deaths in a short length of time, suggesting that perhaps they were the culmination of coordinated intelligence gathering. It is conclusive that the objective was to kill and not to capture.
4. Due to the form of the assassinations it is assumed that the perpetrators were linked to, or had the support of, para-police forces.
5. The official reports of the Police always discredited and criminalized the victims, while the testimonies of the local population were always the opposite.
6. In the assassinations which occurred between 2018 and 2019, the victims had participated in marches and demonstrations which had taken place in the context of April 2018. The majority of the victims were linked to opposition political parties.
7. No organ of the State has paid attention to the complaints of the victims' families; none of the cases have been investigated. All have remained shrouded in mystery and impunity.

When reviewing the events of the assassinations, we can see that in 28 cases, the victims showed clear evidence of wounds inflicted by firearms, five by knife-blade, one strangulation, and two with signs of torture. These executions reflect in small measure the terrible situation in which the campesinos are living. As expressed in the words of Marlon Rivera, from Santa Maria de Pantasma, who denounced the military operation known as 'the blast' *"we campesinos do not want to continue to die because these campesino hands are what produce food... And why do they kill us..?. We do not want to die anymore."*

For the Collective, these events can be considered as extrajudicial executions in which para-military forces are involved. The executions show a hardening of the repression of the government of Daniel Ortega since he assumed power in 2007; a growing strategy to eliminate the opposition campesino leadership in the countryside, targeting those who have influence in these territories. Until now, there are no open cases of investigation and no member of the security forces has been processed or sentenced for his participation in these operations. The perpetrators have been afforded impunity by the State.

VII. CONCLUSIONS

1. The repression against the campesino population aims to destroy the campesino movement and prevent it from reorganising or making its proposals, demands and complaints heard.
2. The repression against the campesino population has been systematic, selective and lethal. It has taken advantage of the isolation of the campesinos and their limited access to means of communication, in order to be able to act with greater impunity and to leave the victims in a very vulnerable situation.
3. The impunity which surrounds the repression perpetrated by state and para-state forces, as identified in this report, is evidence of the lack of independence and autonomy of the institutions responsible for the administration of justice. Thus the victims are denied the guarantee of rights in accordance with international standards.
4. The State repression has reached such a level that it affects all aspects of the life of the campesino population, to the extreme of denying them their fundamental rights; forcing them to move, and thus breaking up their families, separating them from their way of life and their livelihood, from their lands. The campesino farmers who, to save their lives, had to go into exile in Costa Rica either on their own or with their families, had to abandon their properties which were their only or principal means of earning a living. This has greatly complicated the serious economic difficulties they face in exile.
5. The number of victims of state repression are very much more than those who have been registered to date. Many fail to report their situation for fear of further repression, or that their family members will fall victim also and will be forced to abandon their homes and their communities.
6. The fact that, to date, there has been no investigation into the crimes of assassination and human rights violations committed against the campesino population, confirms a State policy which fails to meet its international obligation to protect and guarantee the life and the rights of the campesino communities.

VIII. PETITIONS

We, the undersigned, request the distinguished Commission to:

1. Guarantee the freedom to exercise the right of peaceful assembly, freedom of expression and of association, all of which have been violated in the case of the campesino population
2. Oblige the Nicaraguan State to cease the persecution, repression and criminalization of the campesino population.
3. Carry out independent and objective investigations which facilitate the search for justice for the campesino population who have been the victims of assassinations, torture, detentions, illegal break-ins, physical injuries and sexual violence.
4. Promote the creation of a Special Prosecutor's office, accompanied and assisted by international bodies, which would undertake the investigative processes in each of these cases, and in others which may arise when the campesino population recovers faith in justice in Nicaragua.
5. Urge the Government of Nicaragua to undertake a significant and inclusive dialogue with the different social sectors, in accordance with its international obligations in respect of human rights, which would allow for a peaceful resolution of the crisis which Nicaragua is living through, and which in particular is affecting the campesino communities.
6. Urge the Nicaraguan State to order the end of the concession to construct of the Interocean Canal and its sub-projects, once the agreed six year period to study the viability of the project has been completed and then to repeal the Law 840. This is a mega-project which would affect, in an irredeemable measure, the eco-systems, and natural resources of both the affected region and all the country, and above all the lives of tens of thousands of campesino families.

Managua and San José 22nd September, 2019