

Committee: Disarmament and International Security Committee (GA1)

Topic: Measures to reduce paramilitary groups in Nicaragua

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Position: Co-chair

Personal Introduction

Dear delegates,

My name is Modesti Markou, and I am an IB2 student at HAEF-Psychiko College. This year I will be serving as a co-chair in the 10th CSMUN Conference in the Disarmament and International Security Committee. I have been participating in MUN Conferences for two years and ever since I have been able to formulate more complete opinions about political, economic, and diplomatic issues occurring in the world.

The GA1 agenda for this year enables participants to learn about and engage in discussion about important topics about different countries. Nicaragua's paramilitary organizations have been violating human rights for centuries and thus it is of crucial importance to take effective measures to halt their activities.

I hope that this guide provides useful and fundamental information about Nicaragua's paramilitary groups which you will be able to use during the conference. Nevertheless, I strongly encourage you to conduct further research upon the topic as new information emerges every day. Should you have any questions please do not hesitate to contact me via email.

I am looking forward to meeting all of you!modestimarkou@gmail.com

Yours truly,

Modesti Markou

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Topic Introduction

Nicaragua is territorially the largest country located in the Central American Isthmus and its population is estimated to be 6,625 million (2020).¹ It shares frontiers with Costa Rica to the south, Honduras to the northwest, and the Caribbean to the East. In 1821, Nicaragua gained its sovereignty² from the former Spanish Empire and thus became an independent country. Ever since Nicaragua broke away from Spain, Nicaragua has suffered from authoritarian regimes, political turmoil, and fiscal crises.³



Figure 1: A map of Central America, with Nicaragua depicted in yellow

More specifically, after the Nicaraguan Revolution which took place in 1979, the United States of America (US) backed several militaristic right-wing groups that were collectively known as the “Contras”. They performed unconstitutional actions from 1979 to 1990 and strongly detested the left-wing provisional government known as the “Junta of National Reconstruction” (Junta de Gobierno de Reconstrucción Nacional) which held power after the Nicaraguan Revolution.

Daniel José Ortega, leader of the Sandinista National Liberation Front (FSLN), has been in power since 2007. Ever since, his government has allowed for the operation

¹ “Nicaragua Population (Live).” Worldometer, <https://www.worldometers.info/world-population/nicaragua-population/>.

² “REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE REPUBLIC OF COLOMBIA.” *Inter American Commission on Human Rights*, Organization of American States, 30 June 1981, cidh.org/countryrep/Colombia81eng/chap.1.htm.

³ “Central America Map.”, <https://www.infoplease.com/atlas/central-america>.



of pro-government paramilitary groups in Nicaragua, which are responsible for the death of hundreds of civilians each year. According to Rim Rogers, a writer for the Atlantic, "full control of all four branches of government, state institutions, the military, and police"⁴ has been taken over by the ruling party which has distorted the democratic values of the country.

Furthermore, the FSLN has restricted the freedom of speech in Nicaragua even if it granted and protected by the Constitution of Nicaragua. Thus, it is difficult for independent media companies to present opposing viewpoints on society and politics. Since Daniel Ortega was elected president in 2007, there has been a severe reduction in journalistic freedom. Nicaraguan journalists have seen increasing government brutality since Ortega was re-elected. According to the Reporters Without Borders World Press Freedom Index for 2022, Nicaragua is rated 160th out of 180 countries.⁵

In 2018 the violence employed by paramilitary forces intensified when protests against the elected government began. The civil unrest in Nicaragua poses a threat to the region and the US as a new immigration wave of Nicaraguans has initiated. During the first half of 2020, 718,000⁶ Nicaraguans have fled the country mostly to the US, Costa Rica, Panama, and Canada. Thus, it is of crucial importance to take effective measures to reduce the influence of paramilitary groups in Nicaragua.

⁴ Tharoor, Ishaan. "Analysis | Nicaragua Is on the Path to Becoming the next Venezuela." The Washington Post, WP Company, 1 Dec. 2021, <https://www.washingtonpost.com/news/worldviews/wp/2018/07/19/nicaragua-is-on-the-path-to-becoming-the-next-venezuela/>.

⁵ "Index." Bienvenue Sur Le Site De Reporters sans Frontières, <https://rsf.org/en/index>.

⁶ Téllez, Katherine Estrada. "Nicaraguan Migration in Numbers." Confidencial, 22 Sept. 2021, <https://www.confidencial.digital/english/nicaraguan-migration-in-numbers/>.



Definition of key terms

Paramilitary group

“A paramilitary group is organized like an army but is not official and often not legal”.
⁷ Pro-government paramilitary groups in Nicaragua perform illegal actions which lead to the death of thousands of civilians.

Guerrilla Warfare

“Type of warfare fought by irregulars in fast-moving, small-scale actions against orthodox military and police forces and, on occasion, against rival insurgent forces, either independently or in conjunction with a larger political-military strategy”.⁸ In Nicaragua paramilitary troops employ “unorthodox” military strategies and violence to combat a more powerful and immobile conventional military.

Coup d'état

“Coup d'état, also called coup, the sudden, violent overthrow of an existing government by a small group”.⁹ The Sandinista National Liberation Front (FSLN) orchestrated a coup d'état in 1979 to overthrow the Somoza dictatorship.

⁷“Paramilitary.” Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/paramilitary>.

⁸ “Guerrilla Warfare.” Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/guerrilla-warfare>.

⁹ “Coup D'état.” Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/coup-detat>.



Exile

“The condition of someone being sent or kept away from their own country, village, etc., especially for political reason”.¹⁰ In Nicaragua at least 70¹¹ thousand citizens have been exiled as they did not support the policies followed by the Ortega’s government.

Censorship

“A system in which an authority limits the ideas that people are allowed to express and prevents books, films, works of art, documents, or other kinds of communication from being seen or made available to the public, because they include or support certain ideas”.¹² Ortega’s government has enforced strict laws concerning freedom of speech. Thus, on March 1st, a letter with the signatures of 470¹³ journalists from across the world demanded that immediate steps be taken to ensure freedom of speech.

State of Emergency

“A government declaration stating that because of some crisis, the normal workings of political and social life are suspended in the given jurisdiction. A state of emergency may alter government operations, order specific action by individuals, and suspend regular civil rights”.¹⁴ In Nicaragua, Somoza established a state of emergency in

¹⁰“Exile.” Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/exile>.

¹¹ OAS - Organization of American States: Democracy for Peace, Security ... <http://www.oas.org/en/iachr/reports/pdfs/ForcedMigration-Nicaragua-CostaRica.pdf>.

¹²“Censorship.” Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/censorship>.

¹³ “Nicaragua’s Press Freedom Crisis Deepens.” International Press Institute, 24 Feb. 2022, <https://ipi.media/nicaraguas-press-freedom-crisis-deepens/>.

¹⁴ “State of Emergency.” Legal Information Institute, Legal Information Institute, https://www.law.cornell.edu/wex/state_of_emergency.



response to the FSLN attacks. Thus, they managed to create a state of terror with extreme censorship and limitations to basic freedoms.

Economic sanctions

“Economic sanctions are defined as the withdrawal of customary trade and financial relations for foreign- and security-policy purposes. Sanctions may be comprehensive, prohibiting commercial activity with regard to an entire country or they may be targeted, blocking transactions by and with particular businesses, groups, or individuals”.¹⁵

Express Kidnapping

“Criminal groups often kidnap tourists [or citizens], then force them to withdraw money from ATMs. In some locations this is known as 'express kidnapping'... In some cases, victims have been killed resisting kidnapers.”¹⁶ This method became more popular among paramilitary in 2018 and poses a threat to the well-being of the citizens.

Contra

“Member of a counterrevolutionary force that sought to overthrow Nicaragua’s left-wing Sandinista government”.¹⁷

¹⁵“What Are Economic Sanctions?” Council on Foreign Relations, Council on Foreign Relations, <https://www.cfr.org/backgrounder/what-are-economic-sanctions>.

¹⁶“Reducing the Risk of Kidnapping.” Smartraveller, <https://www.smartraveller.gov.au/before-you-go/safety/kidnapping>.

¹⁷ “Contra.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., www.britannica.com/topic/contra-Nicaraguan-counterrevolutionary.



Background Information

Nicaragua before 1979

Nicaragua's authoritarian origins date back to 1937, when it was ruled by the infamous dictator Anastasio Somoza García who seized power from the legally elected president, Juan Sacasa. He stayed in power for 19 years, by taking control of the National Guard which was formed as a militia security service during the US occupation of Nicaragua in 1925. The National Guard was infamous for its corruption, participation in gambling, prostitution, and smuggling. Eventually, Somoza was murdered by a young poet in 1956. Nevertheless, he had arranged for political inheritance, his son Luis took his place almost immediately. Anastasio Somoza Debayle, another son, was in charge of the National Guard and was known for detaining political opponents. The Somoza dynasty stayed in power until it was overthrown in 1979 by the FSLN during the Nicaraguan Revolution. The various corrupt regimes paved the way for the creation of various paramilitary groups.

The Nicaraguan Revolution

The Nicaraguan Revolution was a decades-long effort to free Nicaragua from both US imperialism and the oppressive Somoza government. The FSLN was founded in the early 1960¹⁸, but it was not popular among the people until the mid-1970s. From 1978 to 1979, it engaged in conflict against the Sandinista insurgents-mostly consisting of nationalistic students who were unsatisfied with Somoza's leadership

¹⁸ "Sandinista." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/Sandinista>.



and left-wing rebels- and the National Guard, resulting in the fall of the regime by the FSLN.

The FSLN initiated an abduction campaign in the 1970s, which contributed to national prominence of the group in Nicaraguan media and solidification of the group as an anti-Somoza force. To counteract the FSLN attacks, the Somoza regime, including the Nicaraguan National Guard, proclaimed a state of emergency and employed torture, extrajudicial murders, coercion, and media censorship. As a result of the dictatorship's human rights violations, worldwide condemnation of the regime erupted, and in 1978, President Jimmy Carter's administration terminated funding to the Somoza regime. Somoza responded by lifting the state of emergency in order to continue receiving help. The Nicaraguan administration had argued that guerrilla activities caused the proclamation of the state of emergency, but such conditions suspend constitutional protections like freedom of press. This action was anticipated to lead the way for the signing of a \$2.5 million¹⁹ military contract that had been delayed due to allegations that the Somoza regime was abusing Nicaraguans' rights. Due to the growing contempt for the Somoza dynasty, the Sandinistas rose to power in 1979 and maintained it until 1990.

After the Sandinistas claimed power, they had to face high unemployment rates, 500,000 homeless people, and more than 30,000 deaths due to the revolution.²⁰ In an attempt to solve these problems, they embarked on a democratization campaign which included establishing regional banks and insurance firms, nationalizing mineral and wood resources, and the government assuming charge of food imports and exports. The country's new constitution, the Statutes on

¹⁹Shaw, Terri. "Nicaragua Lifts State of Siege." The Washington Post, WP Company, 20 Sept. 1977, <https://www.washingtonpost.com/archive/politics/1977/09/20/nicaragua-lifts-state-of-siege/5634d76e-834e-4a82-891f-696dda4f751d/>.

²⁰ "The Sandinista Government." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/place/Nicaragua/The-Sandinista-government>.



Rights and Guarantees²¹, granted essential human rights and liberties. The administration denied any involvement in Somoza's killing in Asunción on September 17, 1980. However, these hopeful actions met the resistance of the Contras which posed a threat to Nicaragua's democratization.

The Contras

The Nicaragua Contras attacked Nicaragua's socialist "Sandinista" government from 1979 until 1990. The name "Sandinista" derives from Augusto César Sandino, an important figure of the opposition against the US occupation of Nicaragua in the 1930s who managed to become a national hero. The Contras were composed of various right-wing groups seeking for a counterrevolution. Former National Guardsmen, ex-Sandinista troops hostile to the new administration, and producers dissatisfied with aggressive Sandinista land policy were among the multiple members of these paramilitary groups. Honduran and Costa Rican border regions had been developed as bases of the Contras. By the mid-1980s, the Contra army was said to be comprised of 15,000 troops.²²

The Contras also waged a deliberate campaign to sabotage the government's political and social reform plans. Attacks against schools, health clinics, and the supporters of the Sandinistas were part of this campaign. Murder, rape, and torture were frequent instances of violence, meant to undermine the administration and spread terror within the state to force the public into cooperating with them.

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Nicaraguan

Constitution,

<https://janda.org/politxts/Major%20Democratic%20Documents/nicaragua.htm>.

²²Medina, Benjamin Wyatt, and Betsy Konefal. "The Myth of Unity: The Contra War, 1980-1990." <https://scholarworks.wm.edu/cgi/viewcontent.cgi?article=1133&context=etd>



US involvement

US support of paramilitary groups

Nicaraguan exiles were being trained at Florida camps run by Cuban exiles in 1980. This was possible due to President Reagan's harsh anti-communist stance who provided them with support. Cuba was the name of one of the busiest military bases where Nicaraguan exiles were being trained. Inside were roughly 60 males and a few women dressed in camouflage outfits.²³ One group was listening to a lesson on cleaning weapons, while another was training and two were on the firing range. Despite the fact that the Contras' camps gained more media exposure in 1981 and Nicaraguans publicly expressed their desire to remove the Sandinistas, the US Department of Justice took no action to enforce the Neutrality Act, which barred the US from participating in foreign affairs that didn't involve them. The US State Department expressed that as long as the soldiers in camouflage clothes did not harm anyone or did not plan to invade Nicaragua, they would not be violating the US Neutrality Act.



Figure 2: US President Ronald Reagan meeting Contras rebels

President Ronald Reagan approved a secret directive in December 1981 approving a 19 million United States Dollars (USD) budget for paramilitary activities in Nicaragua. The goal in helping the Contras, according to administration officials testifying before congressional intelligence committees, was to seize guns reportedly transferred by the Nicaraguan government to Salvadoran insurgents. Despite this alleged fact, in June 1984, David MacMichael, a CIA intelligence analyst from 1981 to 1983, said that

²³“American Crime Case #29: Contra War of Terror in Nicaragua 1979-1989.” Revcom.us, 28 Jan. 2019, <https://revcom.us/en/a/580/american-crime-case-29-contra-war-in-nicaragua-en.html>.

the CIA had methodically distorted Nicaraguan supplies to Salvadoran guerrillas. He said there had been no verifiable indications of weapons trafficking from Nicaragua to El Salvador since April 1981. The reason behind these US actions was that the Sandinista administration had strong links to the Cuban and Soviet governments, posing a significant danger to the United States.²⁴ The achievement of democracy and socialism in Nicaragua also alarmed US policymakers, who worried that it might spark uprisings across the continent, undermining US dominance and Western corporate interests. The Sandinistas were constructing a force that was out of relation to the magnitude of Nicaragua at the time, which the US perceived as a Soviet-backed push for control in the region. In 1982, a CIA-trained squad blew up two bridges in Nicaragua and mined the Corinto port. This move was meant to sabotage Nicaragua's economy by shutting down the country's principal shipping port. The major aims were petroleum imports and cotton exports. This later backfired since the Sandinista administration required petroleum imports, and thus pushed the Sandinista government closer to the Union of Soviet Socialist Republic (USSR).

The Nicaraguan government in turn increased its armed personnel, obtained critical weaponry such as military helicopters, and deployed counterterrorist strategies and tactics. This allowed Nicaragua to contain and disempower the Contras in the late 1980s, but not effective enough to eliminate them.

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²⁴ Oberdorfer, Don, and John M. Goshko. "Ex-CIA Analyst Disputes U.S. Aides on Nicaragua." The Washington Post, WP Company, 13 June 1984, <https://www.washingtonpost.com/archive/politics/1984/06/13/ex-cia-analyst-disputes-us-aides-on-nicaragua/d8d27035-1d9f-487a-ac80-85387c0d8688/>.



Nicaragua's appeal to the ICJ

The International Court of Justice (ICJ) in the case of Nicaragua v. United States of America (1986) claimed that the US had broken international law by backing the Contras in their struggle against the Sandinistas and by mining Nicaragua's ports.

On April 9, 1984, the Republic of Nicaragua commenced proceedings against the United States by filing an application with the ICJ Registry. The appeal to the Court said that the US was deploying military action against Nicaragua in order to remove its government or force it to modify its policies.

The verdict was in Nicaragua's favor, allowing for Nicaragua to receive compensation. The lengthy verdict had 291 points, one of which was that the US had engaged in unlawful use of force. Attacks on Nicaraguan installations and warships, port mining, invasion of Nicaraguan air space, and training, arming, equipping, funding, and supplying the Contras in order to defeat Nicaragua's Sandinista administration were among the claimed infractions.

On June 28, 1986, the ruling by the ICJ stated that by supporting the anti-government rebels, the Reagan Administration disregarded international law and infringed on Nicaragua's sovereignty. The ICJ ruled that Washington must stop arming and training the insurgents and reimburse Nicaragua for losses incurred as a result of military strikes, some of which the Court claimed were carried out by the United States itself. After 26 months of court proceedings on Nicaragua's lawsuit, the verdict—which was widely anticipated—was issued.

The US showed no interest in the proceedings, claiming that the ICJ lacked authority to hear the case. A State Department spokeswoman in Washington stated that the United States disagreed with the Court's decision and claimed that it was not qualified to decide on complicated international military matters. Due to the administration's belief that the ICJ had no proper authority to hear matters involving ongoing armed conflicts, the administration declared in January 1985 that it would



disobey the Court and disregard future proceedings in the case. This argument was rejected by the Court in November. The resolution, according to US Ambassador Vernon Walters, would have been a disservice to international law, a pretext for Sandinista acts that violate UN norms, and it would not have contributed to peace in Central America. The United States also prevented the United Nations Security Council (UNSC) from enforcing the ruling by vetoing, prohibiting Nicaragua from receiving any compensation.

Nicaragua, under Violeta Chamorro's post-FSLN government, dropped the case from the court in September 1992, after the law allowing the country to seek for compensation was repealed.

Paramilitary groups after 1986

By 1986, the Contras had been accused of corruption, human rights violations, and military incompetence. Contras troops were mostly limited to sporadic acts of terrorism, resorting to guerilla warfare. However, they held a successful offensive front in southern Nicaragua in October of 1987. The Nicaraguan Democratic Force (FDN) which was the largest paramilitary group at the time, launched attacks on Bonanza, Siuna, and Rosita in Zelaya province on December 21, 1987, resulting in intense combat. The Contras were able to utilize US-supplied missiles against Sandinista helicopter gunships provided by the Soviets, allowing for large-scale operations. Despite this, the Contras were only able to maintain a fragile encampment within Honduras and were unable to retain Nicaraguan territory.

Following the suspension of US military aid and international criticism directed to both parties in Nicaragua for failing to resolve the ongoing issue in the country, the Contras agreed to negotiate with the FSLN. The sides agreed that the consensual disarmament of the Contras should begin in early December 1989, with the support of five Central American presidents.



In February 1990, elections were held in Nicaragua and the FSLN did not manage to retain power as they only gained 41% of the votes while the National Opposition Union (UNO) led by Violeta Chamorro won with 55%. The loss of popularity of the FSLN can be attributed to the excess violence employed by the Contras during the elections as tens of people were brutally murdered. Furthermore, the US had announced that the economic embargo, which was imposed on May 1, 1985, by Ronald Reagan, forbidding any trade between the two countries, would not be lifted unless the UNO gained power. The embargo was used by the US to limit the popularity and power of the Sandinista government which had close ties to the Soviet Union. Ronald Reagan claimed that the Sandinistas were a threat to the international security of the US by mentioning that "I, Ronald Reagan, President of the United States, find that the policies and actions of the Government of Nicaragua constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat".²⁵

Many Sandinista programs were overturned by the Chamorro government, which aimed for national reconciliation, pacification, and state transformation. In June 1990, Chamorro arranged the formal demilitarization of the Contras, reducing the army from over 80,000 to about 15,000 personnel. In 1994, she was able to persuade General Humberto Ortega, the army commander under the Sandinista dictatorship, to quit. His resignation not only signaled more civilian authority over the army, but also strengthened its stability. In order to achieve nationwide unity, Chamorro formed an unofficial parliamentary alliance with the FSLN and a few UNO moderates. The alliance, though, was unable to accomplish genuine reconciliation. Instead, the ideological fragmentation left behind from the Somoza regime persisted, and the civil

²⁵ Weinraub, Bernard. "Reagan, Declaring 'Threat,' Forbids Nicaraguan Trade and Cuts Air and Sea Links." The New York Times, The New York Times, 2 May 1985, <https://www.nytimes.com/1985/05/02/world/reagan-declaring-threat-forbids-nicaraguan-trade-and-cuts-air-and-sea-links.html>.



war between Sandinistas and their opponents continued. Because of these tensions, the legislative body remained fragile for over four years, resulting in civil unrest and recurring outbreaks of violence. Former Contras (named Recontras) took up weapons again, protesting the Sandinista-dominated army's ongoing violence and denouncing Chamorro's administration for failure to fulfill its pledge to redistribute land fairly. To combat the Recontras, armed civilian supporters of the Sandinistas called Recompas, developed. Their name derives from the Spanish verb meaning "recompose", and signifies the recomposition of a civilian alliance to the former ruling party.

By 1995, the Chamorro administration had disarmed the majority of the rebels. The dispute between the Recompas and the Recontras began to fade, and several constitutional policy changes were enacted. Chamorro made the demilitarization process feasible by strengthening and increasing public control of the military and depoliticizing the military and police. Chamorro made legal reforms, personnel changes, and political gestures that contributed to the process of removing Sandinista influence from the military and police force and establishing civilian authority over the military. With General Ortega's resignation in early 1995, Chamorro's appointment of Colonel Joaquin Cuadra – widely regarded as moderate and professional – to replace him, and the removal of "Sandinista" from the army's official name in the constitution, the symbolic affiliation with the Sandinistas was largely removed. More significant reforms were implemented by the August 1994 adoption of a Military Code on Organization, Jurisdiction, and Social Provision²⁶ by the National Assembly, as well as the June 1995 constitutional revisions. Members of the armed services were barred from having political associations or utilizing military information for political reasons under the new code. It provided the President the ability to choose the head of the military for a five-year term from a list of military candidates, or to reject all candidates

²⁶ "Second Round Report On The State Of Nicaragua Inter-American Convention Against Corruption." *Organization of American States*, OAS, 2006, www.oas.org/juridico/spanish/mesicic2_nic_resp.pdf.



and seek a fresh slate. It also gave the President the authority to fire the military chief under specific provisions, such as a breach of the requirement that the army be non-partisan. The legislation further states that military judges must be appointed by the Supreme Court and can only prosecute military offences. The six "national defense" articles of the Constitution, which were fully revised by the 1995 amendments, fortified the military code, and extend some of the code's provisions to the police. The new articles divided the army and the police as professional and non-political institutions, prohibited members of both from participating in political activities or taking up a political office, and granted citizens' courts jurisdiction over simple offenses. The police force was specifically designated as a civilian organization. The reforms also established mandatory military service and coercive recruiting illegal. As the process of reconciliation in Nicaragua progressed, human rights analysts no longer blamed the administration of deliberate human rights breaches since paramilitary organizations stopped operating.

Presidents of Nicaragua 1997-2006

In 1997, Chamorro's political career in Nicaragua ended after her presidential term ended. Her successor was José Arnaldo Alemán Lacayo who served as the President of Nicaragua from January 10, 1997, until January 10, 2002. When his term was completed, his opponents accused him of amassing a fortune of about 250 million USD in foreign assets and banks and was then convicted to 20 years of prison. On 10th of January 2002, Enrique José Bolaños Geyer was elected and stayed in office for exactly five years. After completing his term, he retired from politics. Under Daniel Ortega's leadership, the FSLN regained power in 2006. Unfortunately, he has proven to be more dictatorial and unethical this time around by making constitutional modifications in 2014 to allow him to remain in power. Also, paramilitary forces re-emerged and continuously spread terror in Nicaragua.



Ortega's rule

Ortega's authoritarian rule was evident during the 2008 elections. The Nicaraguan Supreme Court barred the Conservative Party from running in municipal elections in June 2008. Following national and international condemnation for anomalies in municipal elections in November 2008, the Supreme Electoral Council decided to examine results for Managua alone, but the opposition wanted a countrywide review. The Council decided not to permit national or foreign observers to see the election for the first time since 1990. Intimidation and violence against opposition political party members and NGO representatives had been documented. According to the opposition, marked ballots were tossed and destroyed, party members were denied access to some vote counts, and tallies from several polling stations were falsified.

The FSLN-dominated National Assembly enacted constitutional reforms in January 2014 that repealed term limits for the President and permitted a President to run for an infinite number of five-year terms. While the FSLN believed the revisions would provide Nicaragua with the stability it needed to address long-term issues, the opposition claimed they were a danger to democracy. The constitutional amendments also granted Ortega ultimate authority over police and military leaders.

Ortega's family controls three of Nicaragua's nine free-to-air television networks and controls a fourth as of 2016. Four of the remaining five are held by Mexican businessman Ángel González and are widely seen as supporting Ortega's government FSLN party. There are no official limitations on Web usage; the Ortega government sought to seize control of online media in 2015, but was defeated by civil society, political parties, and private groups. The Nicaraguan Supreme Court ordered the deposition of Eduardo Montealegre in June 2016, who is the leader of the largest opposition party, denying the main opposition alliance the right to run in the November



2016 national elections. Ortega nominated his wife, Rosario Murillo, as his running companion for re-election in August 2016.

Intensification of violence

According to security experts and human rights organizations, Nicaragua's paramilitary forces are composed of active and retired troops and policemen, ex-Sandinista warriors from the 1980s, local authorities, neighborhood-level party members, and young and old Ortega sympathizers.

The violence employed by paramilitary groups in Nicaragua persisted throughout the years and intensified in 2018 when massive anti-government protests took place. The protesters demanded Ortega's resignation by constructing roadblocks and barricades. The pro-government paramilitary groups, with the assistance of the police, unleashed a wave of violence known as "Clean-up Operation" which was launched in an attempt to dismantle the barricades and reclaim control of the city, claiming that the blockades were damaging businesses and disturbing Nicaraguans' lives. As a result, over 325 people were murdered, 700 were imprisoned, and 2,000 wound up injured.²⁷ Moreover, churches were vandalized by paramilitary groups due to belief of protesters seeking shelter there.

On July 13, 2018, police and paramilitary fighters raided the UNAN Managua's Rubén Daro University Campus. More than 100 students sought cover in the neighboring Church of Divine Mercy, where they were shot upon by policemen and paramilitary groups. After the youngsters fled the buildings, paramilitaries set fire to the university campus, destroying Child Development Centers (CDI) and one of the college's

²⁷ "Pronouncement: We Embrace the Attempts to Resume Dialogue in Nicaragua, Though with Guarantees That Human Rights Will Be Respected." Race and Equality, 4 Mar. 2019, <https://raceandequality.org/nicaragua-2/nicaragua-attempts-resume-dialogue-human-rights/>.



buildings. The Church of Divine Mercy was then attacked throughout the night of Friday, the 13th and into the early hours of Saturday, the 14th, resulting in the deaths of two students. Blood splatters, gunshot holes in the buildings, windows, and holy items could still be seen days after the incident.

Long after their release, those who were unfairly jailed during the 2018 demonstrations have faced unrelenting prosecution and intimidation. Many have been denied access to higher education, while government-affiliated paramilitary organizations stormed and painted the homes of freed convicts and their families.

For the atrocities committed before, during, and after the disastrous "Clean-Up Operation," no paramilitary group has been detained or is under scrutiny. The government plans to defend them under a self-amnesty statute created with the goal of allowing these crimes to go unpunished. The disarmament of these groups and their surrender to justice is necessary for Nicaragua to have free, transparent, and credible elections, as well as to lay the groundwork for future police reforms.

The government's initial method for demobilizing individuals was to criminalize social protests through a systematic campaign in the official media, which was termed "coup-driven terrorism ". The Law Against Money Laundering, Terrorism Financing, and the Proliferation of Weapons of Mass Destruction (Law 977) establishes a constant atmosphere of fear, putting anyone who participates in public demonstrations in jail on conspiracy charges and disrupting constitutional order. According to the Nicaraguan Center for Human Rights (CENIDH), opposition activists were arrested, subjected to disproportionate use of violence, home inspections, criminalization, intimidation, death threats, vandalism, defamation campaigns, and social media stigmatization in September 2020.

The Amnesty Law (Law 996) is the second step of Ortega's plan, which intends to secure impunity for his crimes. The bill was passed by the National Assembly in June 2019 without any prior discussions. Michelle Bachelet, the United Nations High Commissioner for Human Rights, quickly cautioned that amnesties for significant



human rights crimes are illegal under international law, citing UN record of major human rights breaches in Nicaragua.

"Express kidnappings"²⁸ emerged as a new form of repression in 2019 and 2020. During the fourth quarter of 2019, policemen and paramilitary groups committed an average of ten abductions or unlawful arrests each day.

Forms of repression still continued to terrorize civilians in early 2021, with a series of freedom-restricting legislation going into effect. This new legislation significantly limits society by restricting the freedom to criticize the government and putting impediments in the way of non-governmental organizations' (NGOs) operations and the opposition's participation in the November 2021 elections. Violence is a dominant element used by Nicaraguan paramilitary groups to create a terror state and eliminate opposition. Thus, Ortega's government can maintain power.

During the November 2021 elections, the pro-government paramilitary groups unleashed a wave of violence against the opposition, resulting in at least 20 arrests. Several civil society organizations and movements in Nicaragua have called for a citizen's voting strike in the nation, as well as demonstrations in other countries. Nicaraguans came together around the world, criticizing the catastrophic human rights situation and the inability of exercising political rights in Nicaragua, according to the media. On election day, it was recorded that more than 200 acts of political violence and electoral coercion took place²⁹, by having parapolice forces present near voting stations, and intimidating and coercing state employees to vote. The Inter-American Commission on Human Rights also stated that it had obtained notification on suspected abuses of human rights. Ortega's re-election was inevitable.

²⁸ "Foreign Travel Advice." Foreign Travel Advice - GOV.UK, <https://www.gov.uk/foreign-travel-advice/nicaragua/safety-and-security>.

²⁹ "Motion for a resolution on the situation in Nicaragua" European Parliament, 8 December 2021, https://www.europarl.europa.eu/doceo/document/B-9-2021-0584_EN.html.



A new legislation was passed on May 6, 2022, and poses a threat to Nicaragua's prosperity. The legislation forbids NGOs from "conducting political proselytizing and party politics, without clearly defining what is meant by such activities",³⁰ according to an OHCHR representative. Furthermore, it restricts freedom of speech and national residents in Nicaragua by restricting the percentage of "foreign members" operating for an NGO at 25%.³¹ This law is concerning, as it makes it more difficult for NGOs to be legally registered and requires them to seek government approval for their activities. Also, it imposes new reporting requirements, such as documenting funding sources, income reports, operations, and donations from individuals. Thus, it will be even more difficult to document and halt illegal and inhumane actions carried out by paramilitary forces as operations will be regulated therefore investigations against paramilitary forces will immediately be shut down by the government.

Paramilitary violence continues in Nicaragua and restricts the freedoms of its citizens. Their operation is a breach of international law and thus it is necessary to take efficient measures to restrict and eventually eliminate the ongoing violence and intimidation.

Major countries and organizations involved

United States of America

The US, as mentioned above, has a history of being active in Nicaragua's domestic affairs. On December 20, 2018, former US President Donald Trump signed

³⁰ "Nicaragua: New Law Heralds Damaging Crackdown on Civil Society, Un Warns || UN News." United Nations, United Nations, <https://news.un.org/en/story/2022/05/1117802>.

³¹ "Nicaragua's Crackdown on Civil Society." OHCHR, 9 May 2022, <https://www.ohchr.org/en/statements/2022/05/nicaraguas-crackdown-civil-society>.



the Nica Act, which imposed a range of economic sanctions on the Nicaraguan administration as well as restrictions on travel for authorities implicated in human rights violations. In November 2021, current president Joseph R. Biden stated that “the Inter-American Democratic Charter obligates the hemisphere to stand up for the democratic rights of the Nicaraguan people. We call on the Ortega-Murillo regime to take immediate steps to restore democracy in Nicaragua, and to immediately and unconditionally release those unjustly imprisoned for speaking out against abuses and clamoring for the right of Nicaraguans to vote in free and fair elections”.³² Thus, the US strongly opposes the violence employed by paramilitary groups.

Republic of Panama

The Government of Panama has issued a statement in response to the recent acts of aggression in Nicaragua. It makes a compelling appeal to those responsible for the armed attacks, arson, and crimes to immediately cease their actions and to treat civilians with the utmost respect, while simultaneously ensuring human rights, security, and peace to all within the Nicaraguan borders. The Panamanian Ministry of Foreign Affairs has urged that land shipments of commodities to Nicaragua be halted, while the Central American country's political strife continues.

Russia

Nicaraguan President Daniel Ortega's administration has given permission for Russian troops, airplanes, and vessels to travel to Nicaragua for training, law enforcement, and crisis reaction. Ortega will grant authority to Russian soldiers to embody law enforcement, provide humanitarian relief, rescue, and carry out searching operations in crises or natural catastrophes, according to a decision issued during the

³² “Statement by President Joseph R. Biden, Jr. on Nicaragua's Sham Elections.” The White House, The United States Government, 8 Nov. 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/07/statement-by-president-joseph-r-biden-jr-on-nicaraguas-sham-elections/>.



second week of June 2022 and confirmed by Russia on June 10, 2022.³³ The Nicaraguan government also approved the presence of small Russian military units for the purpose of exchanging training and military education.

European Union (EU)

On April 20, 2018, the European Union delegation in Nicaragua and the Heads of Mission of the Member States' Embassies issued a statement named "Local Declaration of the European Union on the Situation in Nicaragua", condemning ongoing attacks, expressing sympathy to those who have been impacted, and appealing for discussion and "social peace". On May 31, 2018, the European Parliament criticized the Nicaraguan President's persecution of the population, which includes violence and killings of civilians, and asked for elections.

Nicaraguan Center for Human Rights (CENIDH)

In December 2018, CENIDH had its legal recognition nullified by the Nicaraguan National Assembly without reason. Since then, police officers and paramilitary forces have illegally invaded the organization's facilities after brutally breaking in and claiming ownership of a huge proportion of the company's equipment, records, and vehicles. The founder, Dr. Vilma Núñez de Escorcía stated that "we are one more victim of Daniel Ortega's repression. We are no longer just human rights defenders who accompany the victims but rather, we [too] are victims," in an interview with Race & Equality.³⁴

³³ "Nicaragua Gives Permission for Russian Troops to Enter Country." CBS News, CBS Interactive, 12 June 2022, <https://www.cbsnews.com/news/nicaragua-gives-permission-for-russian-troops-to-enter-country/>.

³⁴ "CENIDH and Its Contributions to the Defense of Nicaraguans' Human Rights." Race and Equality, 9 May 2019, <https://raceandequality.org/nicaragua-2/cenidh-defense-nicaraguans-human-right/>.



United Nations Office of the High Commissioner for Human Rights (OHCHR)

In 2018, the OHCHR sent a special team in Nicaragua to monitor the situation and violence initiated by paramilitary groups and proceeded with publishing a report based on the information collected. However, the OHCHR team met challenges in conducting investigations of any sort. The OHCHR continues to call for complete and unrestricted access to Nicaragua as a whole, including detention facilities, and is willing to participate in conversations with the administration, especially on technical collaboration. The OHCHR has made suggestions to Nicaraguan officials, such as the National Human Rights Institution, the Human Rights Council, and the international community, in order to rectify the major human rights breaches detailed in the report and avoid future crimes. These suggestion include the legalization of peaceful protests, the termination of arbitrary arrests and intimidation, the legal persecution of those responsible for the violence and human rights violations in 2018, and the guarantee of the right to education.

Timeline of events

<u>1 January 1937</u>	Anastasio Somoza García seized power and established a dictatorship which lasted until 1979.
<u>1979</u>	Right-wing insurgents emerged and collectively became known as the “Contras” who attacked Nicaragua's socialist "Sandinista" government from 1979 until 1990.
<u>17 July 1979</u>	The Nicaraguan Revolution proved effective in 1979 and Somoza’s dictatorship was overthrown.
<u>18 July 1979</u>	The Sandinista National Liberation Front (FSLN), under Ortega’s rule, rose to power.



<u>1986</u>	The Nicaragua v. the United States of America case was presented in the ICJ, and the judges ruled in favor of Nicaragua. The US vetoed the verdict.
<u>25 April 1990</u>	Elections were held in Nicaragua and the FSLN did not manage to retain power. UNO became the legally elected ruling party in Nicaragua.
<u>1995</u>	The Chamorro administration disarmed the majority of the rebels.
<u>8 November 2006</u>	The FSLN regained power in 2006. However, this time Ortega abused his power and breached international law.
<u>2018</u>	Intensification of violence by pro-government paramilitaries when anti-government protests began.
<u>13 July 2018</u>	Police and paramilitaries raided the UNAN Managua's Rubén Daro University Campus. More than 100 students were shot by policemen and paramilitary groups.
<u>20 July 2018</u>	The Law Against Money Laundering, Terrorism Financing, and the Proliferation of Weapons of Mass Destruction (Law 977) states that any individual participating in protests can be legally prosecuted.
<u>2019</u>	"Express kidnappings" emerged in 2019 and were carried out by the police and paramilitary groups.
<u>8 June 2019</u>	Amnesty Law (Law 996) intended to secure immunity for Ortega's crimes and protect members of pro-government paramilitary forces.
<u>November 2021</u>	Ortega was reelected after a wave of violence which broke out during the election period.
<u>6 May 2022</u>	A new legislation was passed which targeted NGO registration, requiring them to seek government approval for their activities.



Previous attempts to solve the issue

Inter-American Commission on Human Rights (IACHR)

On April 18, 2018, the IACHR emphasized its dedication and sympathy for the Nicaraguan people in their pursuit of justice, restitution, the restoration of democracy, and national unity. The events surrounding this political, socioeconomic, and human rights crisis have been recorded by the IACHR's Special Follow-up Monitoring Mechanism for Nicaragua (MESENI), including the severe human rights abuses and the considerable weakening of the rule of law that have occurred in the nation. MESENI was established by the IACHR, in hopes of implementing the recommendations made after a visit to Nicaragua. Thus, the IACHR's contribution in halting the operation of paramilitary groups in Nicaragua is significant. The creation of MESENI provided data about the human rights violations perpetrated and monitored whether the recommendations were being followed. However, its contribution was limited by the Nicaraguan government six months after MESENI's operation in Nicaragua, by temporarily restricting the IACHR's presence in the country on December 19, 2018. Since that time, MESENI has continued its work from the Commission's offices in Washington, DC, and has kept in daily communication with exiled and remaining civil society organizations in Nicaragua, as well as with victims and their families. Even if the IACHR continues to provide support to Nicaraguan civilians, the contribution of the IACHR has been limited by the Nicaraguan state and is no longer as useful as it was during its first six months of operation.

Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act (RENACER) Act

The RENACER Act extended US sanctions against Nicaragua and gave the President the opportunity to address acts of corruption and human rights abuses



committed by the Ortega administration, including the ability to ban Nicaragua from the Dominican Republic-Central America Free Trade Agreement (CAFTA-DR) and to obstruct multilateral agreements. President Joe Biden ratified the legislation on November 3, 2021. This Act pressures the Nicaraguan government by imposing economic sanctions designed to decrease Nicaragua's economic activity. The ultimate purpose of these sanctions is to encourage the Nicaraguan government to punish paramilitary groups so that the human rights violations decrease. However, these sanctions affect the civilian population of Nicaragua which does not support the violence employed by paramilitary groups, leaving thousands of individuals in poverty. Also, food shortages have been created, leading to malnutrition of the population. Thus, these sanctions imposed by the US are not as effective, as civilians are more affected than the government of Nicaragua and the paramilitary groups responsible.

Amnesty International Report

Amnesty International tries to shed light into the unconstitutional actions perpetrated by the Nicaraguan government. To work towards this goal, they have published a report about the situation in Nicaragua concerning the freedom of expression, human rights defenders, arbitrary detention, enforced disappearances, indigenous people's rights, and the right to health.³⁵ The main contribution of this report the data that it provides about the violence in Nicaragua which in turn may help organizations decide on effective solutions. The organizations are also able to evaluate the effectiveness of measures taken in the past by examining which measures have helped stop the violence and which had little or no effect. Thus, these organizations will be able to decide on targeted measures which can decrease effectively paramilitary violence. Yet, this report does not provide solutions which could

³⁵ "Nicaragua Archives." Amnesty International, <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/nicaragua/report-nicaragua/>.



be followed in Nicaragua to stop the operation of paramilitary groups. Thus, its role is limited and only acts as an informative document without any proposals.

Human Rights Watch Report

Human Rights Watch attempts to raise awareness about the severe consequences of the paramilitary groups in Nicaragua which abuse human rights. Thus, it published a report about the situation in Nicaragua in 2021 discussing extreme violence, censorship, covid-19, women's rights, and political detention.³⁶ As mentioned above concerning the report published by Amnesty International, the role of a report is limited as it does not provide solutions for the situation in Nicaragua.

Relevant UN Resolutions, Events, Treaties and Legislation

United Nations Observer Group in Central America (ONUCA)

ONUCA was created on November 7, 1989, by the UNSC in order to monitor Central American governments' adherence to their commitments: to stop providing support to unauthorized troops and insurgent organizations in the area, and to prevent the use of their territory in assaults against other countries. This mission was decided after the Costa Rican, El Salvadorian, Guatemalan, Honduran, and Nicaraguan governments signed the agreement. ONUCA's operation did not have a significant effect in directly accelerating the demobilization process of paramilitary groups.

³⁶ "World Report 2022: Rights Trends in Nicaragua." Human Rights Watch, 13 Jan. 2022, <https://www.hrw.org/world-report/2022/country-chapters/nicaragua>.



Resolution S/RES/656 (1990)

The resolution was adopted on 8 February 1990 by the UNSC as the demobilization process of all paramilitary groups had not yet been achieved. The demobilization process was encouraged to be maintained and accelerated so that it would be concluded by June 29, 1990. Additionally, it asked the Secretary-General to provide a follow-up report to the council by this time. As mentioned above, in 1995, the majority of paramilitary groups had been disarmed. Yet, this achievement cannot be attributed solely to the resolution adopted by the UNSC, but also to Chamorro's rule, which played an important role in limiting the activity of these groups. However, this resolution certainly helped in halting the operation of paramilitary actions by requesting a report which helped raise awareness about the atrocities committed.

Universal Declaration of Human Rights (UDHR)

The rights and liberties of all people are established by the UDHR, a global statement that was approved by the United Nations General Assembly. It was created by a UN committee led by Eleanor Roosevelt. On December 10, 1948, the General Assembly adopted it as Resolution 217. Some of the main points in the declaration are equality, the right to life, elimination of torture, equality before law, no unfair detainment, and the right to privacy. However, all these points have been breached in Nicaragua against Nicaraguans for decades and thus it does not abide by the terms of this declaration. The main strength of the UDHR makes it possible to recognize human rights and create global peace and stability. However, since the UDHR is not a treaty, it has no enforceable responsibilities. The Declaration, according to Eleanor Roosevelt, the chair of the conference, is "statement of principles setting up a common standard of achievement for all peoples and all nations" and "not a treaty or



international agreement.”³⁷ However, the agreement is a supreme statement of the fundamental ideals that all members of the international community are supposed to embrace. Therefore, Nicaragua’s government is not obliged by international law to protect the lives of its citizens. Thus, the Declaration has little effect and does not protect the lives of Nicaraguans against the violence employed by the government.

Resolution A/HRC/46/L.8 (2021)

On March 23, 2021, a resolution concerning the protection of human rights in Nicaragua was adopted by the UN Human Rights Council (UNHRC).³⁸ The resolution urges Nicaragua to take effective measures which would benefit civilians and limit authoritarianism. More specifically, the Council encourages the Government of Nicaragua to permit lawful, open protests, and to revoke or modify any legislation that might unreasonably restrict the freedoms of expression, association, privacy, and participation in public affairs. Then, a report was published by the UNHRC, including a summary of Nicaragua's human rights situation for all of 2021. The study provides suggestions adding to those made in earlier reports (by the UN High Commissioner for Human Rights) on the state of human rights in Nicaragua. The effect of this resolution is limited, if not none, seeing as it is not legally binding, and merely a suggestion to follow.

³⁷ “Introduction to the Universal Declaration of Human Rights.”, 5 Jan. 2021, <https://ontolerance.eu/en/reading-room/rights/introduction-to-the-universal-declaration-of-human-rights/>.

³⁸ “46/2. Promotion and protection of human rights in Nicaragua”, Human Rights Council, 23 March 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/073/03/PDF/G2107303.pdf?OpenElement>.



Possible solutions

UNSC Contribution

The UNSC is in charge of the preservation of international security. Thus, the UNSC could refer Daniel Ortega to the International Criminal Court (ICC) as it does not abide by international law. Then, the Rome Statute's four crimes (genocide, crimes against humanity, war crimes, and the crime of aggression) may be referred to the ICC by the Security Council, which gives the court the authority to investigate without any further restrictions. The ICC may look into such crimes without the permission of the relevant States according to the authority granted to the UNSC under the UN Charter. If a ruling was made against the Nicaraguan government, Ortega would be held accountable for his actions and the inhumane actions perpetrated in Nicaragua would decrease. However, the ICC lacks a police force or an enforcement body and is therefore dependent on its cooperation with other nations. This poses a limitation to the ability of the ICC to proceed with a trial against Ortega. Also, the UNSC could also impose sanctions on Nicaragua, economic and military wise. To ensure that the government of Nicaragua is obedient to the sanctions, the delegates could consider the creation of a UN monitoring body which could be created solely for this purpose. Otherwise, ONUCA could help by continuing to operate in the broader area. The delegates should note that GA1 can only urge the UNSC for sanctions but not impose them. However, sanctions are not always effective and may burden Nicaragua's economy even more, meaning that innocent citizens would have to deal with a wrecking economic crisis. Thus, it is vital that the sanctions only affect the government of Nicaragua and the people responsible for the atrocities. This could be achieved if the sanctions were targeted towards their savings and businesses.



UN administration in public institutions

Another possible solution is deploying UN officials as members of UN-approved administration teams to assume control of compromised public institutions for a certain time period, while the procedures there are being assessed. If there were progress, with time, UN engagement would become less intrusive. To achieve this, a report would be necessary during each term (e.g., 6 months), demonstrating the amelioration or deterioration of the situation in Nicaragua. This solution could improve the situation in Nicaragua as legitimate measures will be taken and legal reforms will be made. However, it is uncertain whether it would help in the long-term and may prove to be a short-term solution. This is due to the fact that there is no guarantee that the government of Nicaragua will continue to behave in a legal manner after the UN-approved administration teams stop their operation in Nicaragua. Yet, this solution could eventually help Nicaragua recover and potentially pave the way for the restoration of democracy.

UNOHCHR cooperation

Another possible solution could be launching investigation in cooperation with the UNOHCHR to detect human rights violations. This would help avoid inhumane actions perpetrated by the Nicaraguan government, and gradually restore democracy since violence would tone down. Delegates should consider the role and assistance provided by NGOs as they could lay the foundation for future investigations and leverage against law enforcement agents. This solution would be beneficial as the UN and the public would be aware of the atrocities committed. However, there are many unlawful secret actions committed by the Nicaraguan government which would not be detectable and so the statistics may underestimate the true number of human rights violations. However, launching an investigation could help the UN take the appropriate measures to combat paramilitary violence. This could be done as there will be information and statistics available about the violence in Nicaragua in order to evaluate the effectiveness of the UN related measures.



Constitutional reform

Nicaragua can achieve democracy with the aid of constitutional change. A number of factors should be taken into account when suggesting such change, including the release of all political prisoners, an end to all forms of violence against nonviolent protests, concurrent electoral code reform to ensure an open election process, and free and fair presidential and parliamentary elections that meet the requirements of the Declaration on Human Rights. Constitutional reform may be encouraged through a UNGA resolution. This could help restore democracy by making all human rights violations unconstitutional. However, a limitation of this solution is that a constitutional reform can only be encouraged and not enforced. Thus, the government of Nicaragua will have the final say. However, constitutional reforms, if adopted, could help Nicaragua recover from the violence that it has been experiencing.

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