

NICARAGUA

Violence against **indigenous peoples and Afro-descendants** on the Caribbean coast



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Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua

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Inter-American Commission on Human Rights

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

1. This report of the Inter-American Commission on Human Rights (hereinafter referred to as the “Commission,” “Inter-American Commission,” or “IACHR”) analyzes the situation of violence faced by indigenous and Afro-descendant tribal peoples on the Caribbean coast of Nicaragua and its impact on human rights.
2. The situation of violence on Nicaragua's Caribbean coast is a complex phenomenon with multiple and interrelated historical causes, linked to other contexts of discrimination, racism, social exclusion, and poverty to which indigenous and Afro-descendant tribal peoples have been subjected since colonial times. Added to this is the total absence of the rule of law and persistent state repression, within a framework of structural impunity.
3. The IACHR recognizes that the autonomous regime of the Caribbean Coast, approved in 1987, represented a historic advance in the vindication of the rights of indigenous and Afro-descendant tribal peoples in Nicaragua. However, since 2000, it has been undermined to favor the centralization of power in the executive branch, weakening the mechanisms of representation and self-determination of indigenous and Afro-descendant tribal peoples, to the point of imposing parallel governments.
4. In this report, the IACHR identifies parallel governments as structures that have functioned in line with the Executive's designs and have facilitated direct control and exploitation of the territories and natural resources of the Caribbean Coast for the benefit of Daniel Ortega's regime, as well as the livestock, monoculture, logging, and mining industries, among others. The imposition of these parallel structures has caused deep fragmentation in the social and community fabric, eroding the internal cohesion of communities and their ability to defend their territorial rights.

5. In addition, the IACHR observes that violence on the Caribbean coast is closely linked to the historical lack of effective recognition of the territorial rights of indigenous and Afro-descendant tribal peoples. In particular, since 2014, the absence of a comprehensive and effective land titling process has allowed for the illegal occupation of their territories, facilitating the violent dispossession and exploitation of their natural resources.
6. In this context, this report highlights a pattern of violence characterized by: a) the continuity and frequency of armed attacks perpetrated by groups of settlers and organized crime with the tolerance and acquiescence of the State; b) the murder and criminalization of traditional authorities, community leaders, and defenders of the territory; c) threats, harassment, and extortion of communities; d) acts of torture and sexual violence; and e) structural impunity in a context of absolute concentration of power in the executive branch.
7. Between 2020 and 2024, the escalation of violence led to at least three large-scale armed attacks that are identified as massacres by the communities themselves, due to their magnitude, the intensity of the violence, and the number of fatalities. In addition, indigenous leaders, land defenders, and forest rangers have been killed for their work in protecting their territories and ancestral lands. Since 2015, the Commission and the Inter-American Court of Human Rights (IACHR) have granted protective measures to more than 15 communities that have been victims of violent attacks, as well as to indigenous rights defenders who are at risk, but these measures have not been implemented by the State.
8. The IACHR warns that settler groups and other individuals are acting with the acquiescence and tolerance of the Nicaraguan State. In this regard, violence against indigenous and Afro-descendant tribal peoples is the result of a series of state actions and omissions that have favored the violent invasion, dispossession, and exploitation of their lands, territories, and natural resources. It also warns that the

militarization of the region, the permissiveness of the security forces in the face of violence, and their participation in acts of repression contribute to this pattern of state acquiescence.

9. The IACHR observes that impunity for acts of violence against indigenous and Afro-descendant tribal peoples is structural and widespread. Far from adopting effective measures to investigate or punish these acts, the State of Nicaragua maintains a climate of terror and repression, using the invasion of settlers as yet another mechanism of control and subjugation against these peoples, who have historically been stigmatized by the Daniel Ortega regime as political opponents.
10. In this context, the Inter-American Commission reiterates that Nicaragua does not have an impartial and independent justice system. On the contrary, after the onset of the crisis in April 2018, the concentration of power in the executive branch made it possible to use the justice system to criminalize people considered to be opponents of the government and to guarantee impunity for human rights violations.
11. In this report, the IACHR observes that the human rights crisis that began on April 18, 2018, and the establishment of a regime of absolute concentration of power in the executive branch have deepened the situation of extreme vulnerability of indigenous peoples and Afro-descendant tribes. In particular, the adoption of constitutional reforms in 2024, which eliminated democratic checks and balances and dismantled the autonomous regime, represent the consolidation of a context of setbacks in the historical gains achieved in favor of the rights of indigenous and Afro-descendant tribal peoples in Nicaragua.
12. In light of this situation, the IACHR concludes that the physical and cultural existence of the indigenous and Afro-descendant tribal peoples of the Caribbean coast of Nicaragua is at risk. The violence perpetrated by armed settlers and other groups with the aim of dispossessing them of their ancestral lands, territories, and natural

resources seriously threatens their cultural and collective survival. These territories are not only their living space, but also the essential basis for the development of their knowledge, ways of life, traditions, and spirituality, as well as for the continuity of their culture.

13. The IACHR recognizes the courage and commitment of the indigenous leaders, traditional authorities, forest rangers, human rights defenders, and defenders of the territory who remain in Nicaragua, working under conditions of persecution, harassment, and even in hiding. It also highlights the work and solidarity of indigenous and Afro-descendant people who were forced to leave their ancestral lands and families and work in exile, and who continue to denounce the serious situation of violence affecting all the peoples of the Atlantic Coast.

INTRODUCTION

I. INTRODUCTION

A. Purpose of the report

14. The purpose of this report by the Inter-American Commission on Human Rights is to analyze the situation of violence faced by indigenous and Afro-descendant tribal peoples¹ on the Caribbean coast of Nicaragua and its impact on human rights².
15. Historically, the indigenous and Afro-descendant tribal peoples of the Caribbean Coast have been affected by a context of structural discrimination, racism, and violence due to structural and interrelated problems, such as the lack of recognition and effective guarantee of the right to self-determination, collective property, and the dispossession of their lands, territories, and natural resources. At the same time, these peoples' struggle to defend their cultural identity and their resistance to the cultural assimilation policies imposed by various governments have been factors that have deepened exclusion, violence, and state repression, especially as they have been stigmatized as historical opponents of the Daniel Ortega regime.

¹ In line with the jurisprudence of the Inter-American Court, the IACHR considers that tribal Afro-descendant peoples and their members are entitled to the same rights as indigenous peoples. The IACHR has recognized the limitations that may arise from the use of the terms “tribal peoples” or “tribal communities” when referring to Afro-descendant persons. However, it notes that these are technical terms that, within the framework of international human rights law, have allowed for the recognition of their collective property rights, in accordance with the provisions of ILO Convention No. 169. Furthermore, given the structural and historical racial discrimination to which the Afro-descendant population has been exposed, these groups found the guarantee of their territorial rights by invoking the recognition of “tribal peoples,” without this implying abandoning their self-identification as Afro-descendant. IACHR, [Economic, social, cultural, and environmental rights of Afro-descendant persons](#), OEASer.LV/II, March 16, 2021, para. 17. In Nicaragua, the Constitution defines Afro-descendant peoples as ethnic communities.

² The IACHR prepared this report and formulated the relevant observations to the State of Nicaragua by virtue of the competence and functions established in Article 18 of its Statute and Article 41 of the American Convention on Human Rights.

16. Over the years, these issues have been the subject of attention by the organs of the Inter-American Human Rights Protection System (IAHRS). In 1982, the Inter-American Commission on Human Rights (IACHR) conducted an *on-site* visit to the Atlantic Coast of Nicaragua³. Subsequently, in 1983, it published the report *Situation of the Human Rights of a Sector of the Nicaraguan Population of Miskito Origin*, which addressed the serious human rights violations committed against the Miskito peoples in the context of the armed conflict with the Sandinista National Liberation Front (FSLN)⁴.
17. In 1987, the FSLN government reached a peace agreement with the indigenous peoples within the framework of the friendly settlement process and compliance with the recommendations made by the IACHR, which culminated in the recognition of the rights of indigenous and Afro-descendant peoples in the Political Constitution and the creation of the Autonomous Regions of the North Caribbean Coast (RACCN) and the South Caribbean Coast (RACCS), based on Law No.° 28 ("Statute of Autonomy of the Atlantic Coast Regions of Nicaragua").
18. Furthermore, in 2001, the Inter-American Court of Human Rights, in its judgment in the case of the *Mayangna (Sumo) Awas Tingni Community v. Nicaragua*, ordered the State to delimit, demarcate, and title the lands of that community, which resulted in the approval of the Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities (Law No. 445) and the recognition of the rights of indigenous and Afro-descendant communities through the titling of the 23 territories of the Atlantic Coast (See *below*, Chapter II.B.2. Lack of effective recognition and regularization of territories).

³ See IACHR, [Report on the Situation of the Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.LV/II.62, doc. 10 rev. 3, November 29, 1983.

⁴ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.LV/II.62, doc. 10 rev. 3, November 29, 1983.

19. Despite these advances, since 2000, the gradual process of concentration of power and the weakening of democratic institutions in Nicaragua has hindered the effective implementation of the laws passed and the full exercise of the rights to collective property and self-determination. As documented by the IACHR, with the so-called "German-Ortega Pact"⁵, a series of actions were carried out to ensure the FSLN's control of power through the co-optation of institutions and the silencing of critical voices, including indigenous and Afro-descendant communities⁶.
20. Since then, the autonomous regime has been progressively undermined and dismantled, weakening the mechanisms of representation and self-determination of indigenous and Afro-descendant peoples, including through the imposition of parallel governments. These structures operate in line with the executive branch's agenda, facilitating direct control and exploitation of the Caribbean Coast's territories and natural resources for the benefit of the regime itself, as well as the livestock, monoculture, logging, and mining industries, among others.
21. At the same time, territorial dispossession took place through armed invasions by groups of settlers (non-indigenous people from outside the communities) promoted by the Nicaraguan State, exacerbating a climate of violence that has put the cultural and physical survival of these communities at risk. In particular, the settlers allegedly acted with the acquiescence and tolerance of state authorities in carrying out armed attacks, assaults, kidnappings, murders, sexual assaults, threats, arson, robberies, ambushes, and armed attacks. Since 2015, the Commission and the Inter-American Court have granted

⁵ This pact established a two-party system in the structures of democratic representation and in the institutions of public administration, which facilitated a series of constitutional and legal reforms and political actions of collaboration through modifications to the institutional framework of the Nicaraguan State. IACHR, [Nicaragua: Concentration of Power and Weakening of the Rule of Law](#), OEASer.LV/II. Doc. 288, October 25, 2021, para. 33 et seq.

⁶ IACHR, [Nicaragua: Concentration of power and weakening of the rule of law](#), OEASer.LV/II. Doc. 288, October 25, 2021, para. 11.

protective measures in favor of more than 15 communities that have been victims of violent attacks, as well as in favor of indigenous rights defenders who are at risk. However, these protective measures have not been implemented by the State.

22. Since the crisis began on April 18, 2018, violence against indigenous and Afro-descendant communities has intensified in a context of widespread impunity and the increasing closure of civic space. The establishment of a regime of absolute concentration of power in the executive branch has deepened the extreme vulnerability of these peoples. In particular, Daniel Ortega's regime has sought to consolidate total control over the territories and natural resources of the Atlantic Coast through state repression, the criminalization of community leaders, the closure of spaces for political participation and community media, the persecution of indigenous organizations, and the adoption of a new Constitution that eliminated democratic checks and balances.
23. As analyzed in this report, the situation of violence on Nicaragua's Caribbean coast is the result of systematic practices of territorial dispossession, through the violent invasion of indigenous territories, the lack of territorial reform, the imposition of parallel governments, and corrupt practices. In turn, these patterns are part of an internal colonization policy promoted by the Nicaraguan State with the aim of dispossessing indigenous communities and peoples of their ancestral territories, putting their physical and cultural survival at risk.
24. With this report, the Inter-American Commission, through its Special Follow-up Mechanism for Nicaragua (MESENI), reiterates its commitment to the promotion and protection of human rights in Nicaragua, as well as its support and accompaniment to Nicaraguan civil society in the search for the restoration of human rights and democracy, through the guarantee of the right to truth, justice, and comprehensive reparation.

25. This report also falls within the framework of complementarity and coordination between the inter-American and universal human rights systems. Since the beginning of the human rights crisis in Nicaragua, the sustained work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, subsequently, the creation of the Group of Experts on Human Rights in Nicaragua (GHREN) have been fundamental in advancing the documentation of violations and promoting international justice processes. The IACHR calls on the international community to continue reinforcing these efforts.

B. Methodology and structure

26. Among the powers recognized by the American Convention on Human Rights ("American Convention") for the exercise of its mandate to promote the observance and defense of human rights is that of "preparing such studies and reports as it considers appropriate for the performance of its functions," enshrined in Article 41.c of the ACHR⁷. This power is provided for, in the same terms, in Article 18 of the Statute of the IACHR. For its part, the Rules of Procedure of the IACHR establish in Article 58 that "the Commission shall prepare such studies and reports as it deems appropriate for the performance of its functions and shall publish them in the manner it deems appropriate"⁸.
27. This report is based on primary and secondary sources of information. With regard to primary sources, the Commission analyzed the information provided in part by the State of Nicaragua during the early stages of the human rights crisis, as well as the testimonies received through the Special Monitoring Mechanism for Nicaragua (MESENI). The IACHR also used information available in

⁷ American Convention on Human Rights, Article 41.c.

⁸ Regulations of the IACHR approved by the Commission at its 137th regular session, held from October 28 to November 13, 2009; and amended on September 2, 2011, and at its 147th regular session, held from March 8 to 22, 2013, to enter into force on August 1, 2013, Article 41.c.

cases, petitions, and precautionary and provisional measures in the inter-American system; information presented in seven specific public hearings on the situation of indigenous peoples and Afro-descendants in Nicaragua⁹. Furthermore, information available in the Commission's press releases, as well as in its annual and thematic reports, was taken into account¹⁰.

28. In order to expand the primary sources of information, in 2024, the IACHR conducted a working visit to Costa Rica to meet with members of Nicaraguan indigenous and Afro-descendant communities who have been displaced in that country, indigenous organizations, and human rights defenders on the ground, as well as to gather testimonies from victims of human rights violations, community leaders, and indigenous and Afro-descendant authorities. The IACHR appreciates Costa Rica's openness to this visit, the support of the Institute on Race, Equality, and Human Rights and the Fundación del Río, as well as all the indigenous and Afro-

⁹ IACHR, Thematic Hearing, [“Nicaragua: Indigenous Peoples of the North Caribbean Coast and Violations of Freedom of Religion,”](#) 190th Session, July 11, 2024; Thematic Hearing, [“Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,”](#) 179th Session, March 18, 2021; Hearing Case 13.615, [Miskitu Indigenous Community of Tasbapounie; Afro-descendant Community of Monkey Point; Rama Indigenous People, Black Creole Indigenous Community of Bluef, Nicaragua,](#) 175th Session, March 5, 2020; Thematic hearing, [Situation of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua,](#) 172nd Session, May 8, 2019; Thematic hearing, [“Human Rights Situation of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua,”](#) 156th Session, October 20, 2015; Thematic hearing, [“Human rights situation of indigenous peoples in Nicaragua,”](#) 150th session, March 25, 2014; Thematic hearing, [“Human rights situation of indigenous women in Nicaragua,”](#) 153rd session, October 28, 2014.

¹⁰ The situation of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua has been addressed in other thematic reports of the IACHR, including: IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System,](#) OEA/Ser.LV/II, December 30, 2009; IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples,](#) OEA/Ser.LV/II, December 28, 2021; IACHR, [Indigenous Peoples, Afro-descendant Communities, and Natural Resources: Protection of Human Rights in the Context of Extraction, Exploitation, and Development Activities,](#) OEA/Ser.LV/II. Doc. 47/15, December 31, 2015; IACHR, [Northern Central America and Nicaragua. Economic, Social, Cultural, and Environmental Rights of Indigenous and Afro-descendant Tribal Peoples,](#) OEA/Ser.LV/II. Doc. 52/23, March 21, 2023.

descendant individuals and organizations that met with the IACHR and provided testimonies¹¹.

29. With regard to secondary sources, the report took into account: official public information obtained from state sources, including official acts and statements by state authorities; conclusions of other international human rights bodies, including treaty bodies, rapporteurs, working groups, the Human Rights Council, and other United Nations bodies such as the Group of Experts on Human Rights in Nicaragua (GHREN); relevant legal and academic research; articles and press information. The IACHR analyzed the reports provided by civil society organizations, indigenous organizations, and Afro-descendant organizations, some of whom remain in Nicaragua, working under conditions of persecution, harassment, and secrecy.
30. Furthermore, in this report, the IACHR employs an intersectional, intercultural, and gender perspective to analyze the situation of violence faced by indigenous peoples and Afro-descendants on the Caribbean coast. This is the result of multiple factors of discrimination and historical exclusion that, in turn, exacerbate human rights violations against these groups, which are in a particularly vulnerable situation in Nicaragua.
31. In terms of content, this report consists of five chapters. In the first chapter, the IACHR identifies the purpose, methodology, and structure of the report. In the second chapter, it elaborates on the State's obligations toward indigenous peoples and Afro-descendants under international human rights law. In the third chapter, the IACHR addresses the historical context of these groups and the underlying causes of the phenomenon of violence. The fourth chapter reviews the main patterns of violence documented; finally, in the fifth chapter,

¹¹ IACHR, Press Release No. 121/24, "[IACHR concludes visit of the Special Follow-up Mechanism for Nicaragua to Costa Rica](#)," Washington, D.C., May 31, 2024.

the IACHR presents its conclusions and recommendations to the State of Nicaragua.

32. This report was approved by the Inter-American Commission on August 25, 2025.

C. Competence of the IACHR with respect to Nicaragua

33. On numerous occasions, the IACHR has expressed its rejection of Nicaragua's denunciation of the Charter of the Organization of American States (OAS), which entered into force on November 21, 2023. However, it reiterates that Nicaragua's withdrawal from the Organization does not exempt the State from complying with its international obligations under the international treaties to which it is still a party, in particular those that grant jurisdiction to the organs of the Inter-American Human Rights System (IAHRS)¹².
34. Nicaragua ratified the American Convention on September 25, 1979, and, in accordance with Article 62 thereof, recognized the contentious jurisdiction of the Court on February 12, 1991. Nicaragua is also a party to other inter-American human rights treaties, such as the Inter-American Convention to Prevent and Punish Torture; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, or the Belém do Pará Convention; and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities. In addition, Nicaragua approved the American Declaration of the Rights and Duties of Man in 1948.

¹² In this regard, the Inter-American Court has indicated that a State that withdraws from the OAS remains subject to full compliance with other human rights instruments that have been ratified and not individually and autonomously denounced, which are in force. "In this sense, although in general, ratification of the treaty is conditional on membership in the OAS, such condition is not required for the continuity of obligations. In accordance with the foregoing, the denunciation of the OAS Charter has no effect on the American Convention on Human Rights, and therefore its provisions are binding on Nicaragua." See Juan Sebastián Chamorro et al. and 45 persons deprived of their liberty in eight detention centers in Nicaragua, Provisional Measures, Judgment of the Inter-American Court of Human Rights of November 22, 2022, Considerances 28 to 30.

35. In light of the foregoing, the IACHR reaffirms its jurisdiction over the State of Nicaragua and the full exercise of its conventional and regulatory mandates, which include: monitoring through MESENI; following up on compliance with the recommendations issued in its various mechanisms; the analysis and processing of cases and petitions; the supervision of its recommendations issued in its substantive reports; and the analysis and active supervision of compliance with the precautionary measures in force.

**INTERNATIONAL OBLIGATIONS
OF THE STATE OF NICARAGUA
WITH RESPECT TO INDIGENOUS
AND AFRO-DESCENDANT
PEOPLES**

II. INTERNATIONAL OBLIGATIONS OF THE STATE OF NICARAGUA WITH RESPECT TO INDIGENOUS AND AFRO-DESCENDANT PEOPLES

36. Within the framework of the Inter-American Human Rights System (IAHRS), both the IACHR and the Inter-American Court have indicated that indigenous and Afro-descendant tribal peoples, bound together by their particular ways of life and identity, exercise some of the rights recognized by the American Convention from a collective dimension. For decades, the jurisprudence of both bodies of the IAHRS has contributed to developing these rights in accordance with the standards of the ACHR and other relevant treaties and sources of law, forming a *corpus iuris* for the protection of the rights of indigenous and Afro-descendant tribal peoples¹³.
37. At the regional level, the *American Declaration on the Rights of Indigenous Peoples*, adopted on June 4, 2016, by the General Assembly of the Organization of American States (OAS), is the most specific instrument on the subject. In this regard, Article VI recognizes that indigenous peoples are holders of the collective rights indispensable for their existence, well-being, and integral development¹⁴.
38. With reference to other international instruments, the organs of the inter-American human rights system have considered Convention No. 169 concerning Indigenous and Tribal Peoples (hereinafter "ILO Convention No. 169" or "Convention No. 169"), adopted on June 27, 1989, by the International Labor Organization (ILO), as the main normative reference for interpreting the content and scope of the

¹³ See Inter-American Court of Human Rights. Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment of June 27, 2012, Series C No. 245, para. 231; Case of the Rama and Kriol Peoples, the Indigenous Black Creole Community of Bluefields, et al. v. Nicaragua, Merits, Reparations and Costs, Judgment of April 1, 2024, Series C No. 522, para. 113.

¹⁴ OAS, AG/RES. 2888 (XLVI-O/16), [American Declaration on the Rights of Indigenous Peoples](#), adopted at the second plenary session, June 14, 2016.

provisions of the ACHR¹⁵. This treaty was ratified by Nicaragua on August 27, 2010¹⁶. That same year, by decree, the National Assembly ruled that the legal provisions of Convention No. 169 were "extensive to Afro-descendant Peoples and Communities (Garífunas and Creoles)"¹⁷.

39. Finally, the *United Nations Declaration on the Rights of Indigenous Peoples*, adopted by the General Assembly on September 13, 2007, reaffirmed the recognition of indigenous peoples as subjects of all rights recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, and international norms¹⁸. On numerous occasions, the State of Nicaragua affirmed that its provisions were "mandatory" for national authorities¹⁹.

A. GENERAL OBLIGATIONS

40. Below, the IACHR highlights the general obligations of the State of Nicaragua enshrined in the American Convention, which encompass respect for and guarantee of the effective exercise of the human rights of indigenous peoples and Afro-descendants, including in relation to acts committed by third parties.

¹⁵ See Inter-American Court of Human Rights, *Case of the Kichwa Indigenous People of Sarayaku v. Ecuador*, Merits and Reparations, Judgment of June 27, 2012, Series C No. 245, para. 231; and *Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields et al. v. Nicaragua*, Merits, Reparations and Costs, Judgment of April 1, 2024, Series C No. 522, para. 113.

¹⁶ ILO, ILO Convention, "[Nicaragua ratifies the Convention on Indigenous and Peoples Tribal](#)," 1989 (No. 169), August 27, 2010.

¹⁷ National Assembly, "[Decree Approving the Convention on Indigenous and Peoples Tribal](#)," 1989, Legislative Decree No. 5934, approved on May 6, 2010, published in *La Gaceta*, Official Gazette No. 105, June 4, 2010, article 2.

¹⁸ United Nations General Assembly, [United Nations Declaration on the Rights of Indigenous Peoples](#), adopted at the 107th plenary session, September 13, 2007.

¹⁹ National Assembly, "[United Nations Declaration on the Rights of Indigenous Peoples](#)," Declaration A.N. No. 001-2008, adopted on March 11, 2008, published in *La Gaceta*, Official Gazette No. 68, April 11, 2008.

1. General obligations to respect and guarantee

41. Article 1.1 of the American Convention establishes the general obligations to respect and guarantee the human rights of all persons within its jurisdiction, without discrimination of any kind. As the Inter-American Court has affirmed since its earliest judgments, Article 1.1 is fundamental for determining whether a violation of the human rights recognized by the Convention can be attributed to a State Party²⁰.
42. The obligation to respect is defined by the duty of the State not to interfere with, hinder, or prevent access to the enjoyment of the goods that constitute the object of the right. According to the jurisprudence of the Inter-American Court, "in any circumstance in which an organ or official of the State or a public institution unduly infringes one of these rights, there is a failure to observe the duty to respect"²¹. Similarly, the Court has stated that "the protection of human rights includes the notion of restriction on the exercise of state power"²².
43. For its part, the obligation to guarantee implies the duty of States to organize the entire government apparatus and, in general, all structures through which the exercise of public power is manifested, in such a way as to ensure the free and full exercise of human rights"²³. As part of this duty, States have a legal obligation to prevent, reasonably, human rights violations, to investigate seriously and with the means at their disposal violations that have been committed within their jurisdiction in order to identify those

²⁰ Inter-American Court of Human Rights, Case of Baena Ricardo et al. v. Panama, Merits, Reparations and Costs, Judgment of February 2, 2001, Series C No. 72, para. 178.

²¹ Inter-American Court of Human Rights, Case of the "Mapiripán Massacre" v. Colombia, Merits, Reparations and Costs, Judgment of September 15, 2005, Series C No. 134, para. 108.

²² Inter-American Court of Human Rights, Case of González et al. ("Campo Algodonero") v. Mexico, Preliminary Objection, Merits, Reparations and Costs, Judgment of November 16, 2009, Series C No. 205, para. 235.

²³ Inter-American Court of Human Rights, Case of Vélez Restrepo et al. v. Colombia, Preliminary Objection, Merits, Reparations and Costs, Judgment of September 3, 2012, Series C No. 248, para. 126.

responsible, to impose appropriate sanctions on them, and to ensure adequate reparation for the victim.²⁴ . Thus, "this obligation is not exhausted by the existence of a normative order aimed at making its fulfillment possible but also shares the need for government conduct that ensures the existence, in reality, of an effective guarantee of the free and full exercise of human rights"²⁵.

44. It is important to note that the obligation to guarantee implies a duty of means or conduct, not of results, to prevent human rights violations, which extends beyond the relationship between state agents and persons subject to their jurisdiction, encompassing the duty to prevent, in the private sphere, third parties from violating protected legal rights²⁶.
45. Finally, the general obligations of the State to respect and guarantee the human rights enshrined in the ACHR take on additional meaning in the case of indigenous and tribal peoples. In particular, the IACHR has recognized that States must adopt special and specific measures aimed at protecting, promoting, and improving the exercise of human rights by these peoples. The relevance of such special protection stems from the greater vulnerability of these populations, given their historical marginalization and discrimination, which is accentuated in the case of indigenous children and women²⁷.

²⁴ Inter-American Court of Human Rights. Case of González et al. ("Campo Algodonero") v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205.

²⁵ Inter-American Court of Human Rights, Case of Velásquez Rodríguez v. Honduras, Merits, Judgment of July 29, 1988, Series C No. 4, para. 167.

²⁶ See Inter-American Court of Human Rights, Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of May 21, 2013, Series C No. 261, para. 129.

²⁷ IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American System of Human Rights](#), OEASer.LV/II, December 30, 2009, para. 49.

2. Obligation to adapt domestic law

46. Article 2 of the American Convention imposes on States the general obligation to adapt their domestic law to the standards of the ACHR itself, in order to ensure the effective enjoyment of rights²⁸. The State of Nicaragua must therefore review its laws, procedures, and practices to ensure that the rights of indigenous and Afro-descendant tribal peoples and individuals are defined and determined in accordance with the rights established in inter-American human rights instruments²⁹. Likewise, in accordance with this obligation, it is obliged to refrain from adopting legislative or administrative measures of a regressive nature that may affect the enjoyment of the rights of indigenous peoples and Afro-descendants³⁰.

3. State obligations with respect to acts of private individuals

47. The organs of the inter-American human rights system have extensively developed the obligations of States with respect to human rights violations committed by private individuals.
48. First, as follows from the American Convention, when acts are committed solely by third parties, the obligation to guarantee, in its various forms of preventing, investigating, punishing, and remedying human rights violations, is primarily applicable. In this regard, the Court has indicated that a violation of the human rights protected by the Convention may engage the international responsibility of a

²⁸ Article 2. Duty to Adopt Domestic Legal Provisions. “If the exercise of the rights and freedoms mentioned in Article 1 is not already guaranteed by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional procedures and the provisions of this Convention, such legislative or other measures as may be necessary to render those rights and freedoms effective,” American Convention on Human Rights, Article 2.

²⁹ See Inter-American Court of Human Rights, Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs, Judgment of August 31, 2001, Series C No. 79, para. 138.

³⁰ IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American System of Human Rights](#), OEA/Ser.LV/II, December 30, 2009, paras. 43 to 46.

State, either because the violation is perpetrated by its own agents or because it has not been possible to determine who the perpetrator is due to the State's failure to exercise reasonable diligence to prevent human rights violations, to investigate seriously in order to identify and punish those responsible, and to adequately compensate the victim or their relatives³¹.

49. Furthermore, the State may also be responsible for human rights violations committed by individuals or groups when they act with its approval, acquiescence, or tolerance³². In particular, with regard to the concept of "acquiescence," in general, the Inter-American Court has indicated that this generates a more direct level of responsibility than that derived from the analysis of risk in the context of determining the duty to prevent, inasmuch as it involves the State's consent to the actions of the individual, whether through deliberate inaction or through its own actions in creating the conditions that allow the act to be carried out³³.
50. As analyzed in this report, in Nicaragua, groups of settlers act with the acquiescence and tolerance of the Nicaraguan State. This is due to a series of actions and omissions by state authorities at different levels that facilitate the commission of acts of extreme violence against indigenous and Afro-descendant peoples, as well as the creation of an environment conducive to impunity for those responsible.

B. RIGHT TO SELF-DETERMINATION

51. Indigenous peoples are original societies that existed prior to colonization and the establishment of current state borders and have

³¹ Inter-American Court of Human Rights, Case of Velásquez Rodríguez v. Honduras, Merits, Judgment of July 29, 1988, Series C No. 4, para. 175.

³² IACHR, Report No. 37/00, Case 11.481, Merits, Monsignor Óscar Arnulfo Romero y Galdámez, El Salvador, April 13, 2000, para. 71.

³³ Inter-American Court of Human Rights, Case of López Soto et al. v. Venezuela, Merits, Reparations and Costs, Judgment of September 26, 2018, Series C No. 362, para. 146.

been subject to marginalization and discrimination for centuries³⁴. International law has recognized that these peoples have the right to freely determine their economic, social, and cultural development in a manner that allows them to ensure their existence and well-being as distinct peoples³⁵.

52. In this regard, the United Nations Declaration on the Rights of Indigenous Peoples expressly recognizes the right of indigenous peoples to self-determination, by virtue of which they "freely determine their political status and freely pursue their economic, social, and cultural development"³⁶. For its part, ILO Convention 169 recognizes the aspirations of indigenous and tribal peoples to control their own institutions, ways of life, and economic development within

³⁴ See IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II, December 28, 2021, para. 55 et seq.

³⁵ IACHR, [Rights of Indigenous and Tribal Peoples over their Ancestral Lands and Natural Resources. Standards and jurisprudence of the Inter-American Human Rights System](#), OEA/Ser.LV/II.Doc.56/09, December 30, 2009, paras. 165-166; IACHR, [Report on Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas](#), OEA/Ser.LV/II.Doc. 47/13, December 30, 2013, paras. 21-23; Inter-American Court of Human Rights, Case of the Saramaka People v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28, 2007, Series C No. 172, paras. 93-94; Case of the Kichwa People of Sarayaku v. Ecuador, Merits and Reparations, Judgment of June 27, 2012, para. 217, footnote 288; Case of the Massacres of Río Negro v. Guatemala, Preliminary Objection, Merits, Reparations, and Costs, Judgment of September 4, 2012, Series C No. 250. para. 160, footnote 250; IACHR, [Indigenous Peoples, Afro-descendant Communities, and Natural Resources: Protection of Human Rights in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.LV/II. Doc. 47/15, December 31, 2015, para. 237; and IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II, December 28, 2021, para. 67 et seq.

³⁶ National Assembly, ["United Nations Declaration on the Rights of Indigenous Peoples,"](#) Declaration No. 001-2008, adopted on March 11, 2008, published in La Gaceta, Official Gazette No. 68, April 11, 2008, Articles 3 and 4.

the framework of the States in which they live³⁷. Similarly, the American Declaration affirms that "indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development"³⁸.

53. For their part, based on Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the committees responsible for monitoring and interpretation have also ruled on the right of indigenous peoples to self-determination. In particular, the Committee on Economic, Social and Cultural Rights has stated that, by virtue of this right, people may provide for their economic, social, and cultural development and freely dispose of their natural wealth and resources so that they are not deprived of "their own means of subsistence"³⁹. In addition, there are statements by United Nations

³⁷ In this vein, the cornerstone of Convention 169 consists of provisions that establish consultation and the full and effective participation of indigenous peoples as rights through which they can exercise their self-determination. In particular, Articles 2 and 33 provide for the obligation of States to institutionalize participation processes, and Articles 6, 7, and 15 establish the general framework for consultation and participation of indigenous peoples. See also: IACHR, [Indigenous Peoples, Afro-descendant Communities, and Natural Resources: Protection of Human Rights in the Context of Extraction, Exploitation, and Development Activities](#), OEASer.LV/II. Doc. 47/15, December 31, 2015, para. 238.

³⁸ OAS; General Assembly; American Declaration on the Rights of Indigenous Peoples, AG/RES. 2888 (XLVI-O/16), Article III.

³⁹ UN, Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant. Concluding observations on the Russian Federation (thirty-first session). UN Doc. E/C.12/1/Add.94, December 12, 2003, para. 11.

mechanisms for the rights of indigenous peoples and other declarations recognizing this right⁴⁰.

54. At the inter-American level, the IACHR has reaffirmed that indigenous and Afro-descendant tribal peoples have the collective right to self-determination, the exercise of which implies defining their political status and freely pursuing their economic, social, and cultural development in such a way as to ensure their existence and well-being in accordance with their culture, as distinct peoples⁴¹. This right must be understood as a prerequisite for building a new relationship between indigenous and tribal peoples and States, so that specific arrangements can be reached to enable these peoples to decide on their economic, social, and cultural development, their political organization, and other aspects of self-determination⁴².

⁴⁰ The three United Nations mechanisms for the rights of indigenous peoples—the Special Rapporteur on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues, and the Expert Mechanism on the Rights of Indigenous Peoples—have considered that the most important right for indigenous peoples is the right to self-determination, “since without the enjoyment of this right, other fundamental human rights of indigenous peoples cannot be enjoyed,” UN, Permanent Forum on Indigenous Issues, Consolidated report on extractive industries and their impact on indigenous peoples, E/C.19/2013/16, February 20, 2013, para. 19; IACHR, [Indigenous Peoples, Afro-descendant Communities, and Natural Resources: Protection of Human Rights in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.LV/II. Doc. 47/15, December 31, 2015, para. 238.

⁴¹ IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II, December 28, 2021, para. 41.

⁴² See IACHR, [Indigenous Peoples, Afro-descendant Communities, and Natural Resources: Protection of Human Rights in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.LV/II. Doc. 47/15, 2016, para. 237; IACHR, [Indigenous Women and Their Human Rights in the Americas](#), OEA/Ser.LV/II. Doc. 44/17, 2017, para. 43; IACHR, [Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region](#), OEA/Ser.LV/II. Doc. 176/19, para. 23; IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II, December 28, 2021, para. 41; IACHR, [Northern Central America and Nicaragua. Economic, Social, Cultural, and Environmental Rights of Indigenous and Afro-descendant Tribal Peoples](#), OEA/Ser.LV/II. Doc. 52/23, March 21, 2023, para. 42.

55. The IACHR emphasizes that self-determination is a precondition for the full realization of other individual and collective rights, such as the right to cultural identity, to territory and collective property, to free, prior, and informed consultation and consent, to development, to political rights, to justice, among others⁴³. In particular, in exercising this right, indigenous and Afro-descendant tribal peoples are guaranteed autonomy or self-government in matters relating to their internal affairs, as well as the means to finance their autonomous functions, with full respect for the territorial integrity and political unity of sovereign States⁴⁴.
56. In this regard, the IACHR warns that an essential element of the right to self-determination is the relationship with their lands, territories, and natural resources, which are a source of cultural identity, knowledge, and spirituality for indigenous peoples. This is, in accordance with the Inter-American Court, "a necessary condition for the reproduction of their culture, for their own development, and for carrying out their life plans"⁴⁵.

⁴³ See IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEASer.LV/II, December 28, 2021, para. 209.

⁴⁴ IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEASer.LV/II, December 28, 2021, para. 6; OAS; General Assembly; American Declaration on the Rights of Indigenous Peoples. AG/RES. 2888 (XLVI-O/16); June 9, 2016; IACHR, [Northern Central America and Nicaragua. Economic, social, cultural, and environmental rights of indigenous and Afro-descendant tribal peoples](#), OEASer.LV/II. Doc. 52/23, March 21, 2023, para. 44.

⁴⁵ IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEASer.LV/II, December 30, 2009, paras. 160-161; also: IACHR, Pleadings before the Inter-American Court of Human Rights in the case of Yakye Axa v. Paraguay, referred to in: Inter-American Court of Human Rights, Case of the Yakye Axa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of June 17, 2005, Series C No. 125, para. 157(c); Case of the Indigenous Community of Xákmok Kásek v. Paraguay, Merits, Reparations and Costs, Judgment of August 24, 2010, Series C No. 214, paras. 171-182; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment of June 27, 2012, Series C No. 245, para. 217; Case of the Yakye Axa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of June 17, 2005, Series C No. 125, para. 146; and Case of the Saramaka People v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28, 2007, Series C No. 172, para. 159.

C. RIGHT TO COLLECTIVE PROPERTY

57. Territory is of singular importance to indigenous and Afro-descendant tribal peoples, as it is a fundamental requirement for the development of their culture, spiritual life, integrity, and economic survival. Likewise, in accordance with their worldview and traditions, these peoples consider certain places, phenomena, or natural resources to be sacred⁴⁶.
58. In this context, the spiritual relationship of indigenous and Afro-descendant tribal peoples with the lands and territories they inhabit is protected by Article 21 of the ACHR and other international human rights instruments. In this regard, the Inter-American Court has established that the lands of indigenous and tribal peoples are the "fundamental basis for the development of their culture, spiritual life, integrity, and economic survival"⁴⁷; and, therefore, the right to their

⁴⁶ IACHR, Pleadings before the Inter-American Court of Human Rights in the case of Sawhoyamaya v. Paraguay. Referred to in: Inter-American Court of Human Rights, Case of the Sawhoyamaya Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of March 29, 2006, Series C No. 146, para. 113(a); IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEA/Ser.LV/II, December 30, 2009, para. 150; and IACHR, [Northern Central America and Nicaragua. Economic, social, cultural, and environmental rights of indigenous and Afro-descendant tribal peoples](#), OEA/Ser.LV/II. Doc. 52/23, March 21, 2023, para. 53.

⁴⁷ See Inter-American Court of Human Rights, Case of the Indigenous Communities Members of the Lhaka Honhat Association (Our Land) v. Argentina, Merits, Reparations and Costs, Judgment of February 6, 2020, Series C No. 400, para. 92.

lands and territories is indispensable for the exercise of the right to self-determination and cultural identity⁴⁸.

59. In accordance with inter-American jurisprudence on the right to collective ownership of the lands and territories of indigenous and tribal peoples: i) the traditional possession of these peoples over their lands has effects equivalent to the title of full ownership granted by the State; ii) traditional possession grants indigenous peoples the right to demand official recognition of their ownership and the corresponding registration; (iii) members of indigenous and tribal peoples who, through no fault of their own, have left or lost possession of their traditional lands retain the right to ownership of those lands, even in the absence of legal title, except where the lands have been legitimately transferred to third parties in good faith; (iv) the State must delimit, demarcate, and grant collective title to the lands to the members of indigenous and tribal communities; v) members of indigenous and tribal peoples who have involuntarily lost possession of their lands, which have been legitimately transferred to third parties in good faith, have the right to recover them or to obtain other lands of equal size and quality; vi) the State shall guarantee the effective ownership of indigenous and tribal peoples and refrain from acts that may lead to the agents of the State itself, or third parties acting with its acquiescence or tolerance, affecting the existence, value, use, or enjoyment of their territory; vii) The State shall guarantee the right of indigenous and tribal peoples to effectively control and own their territory without any external interference from third parties; and viii) The State shall guarantee the

⁴⁸ IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American System of Human Rights](#), OEA/Ser.LV/II, December 30, 2009, para. 55; Inter-American Court of Human Rights, Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs. Judgment of August 31, 2001, Series C No. 79, para. 148; IACHR, Pleadings before the Inter-American Court of Human Rights in the case of Sawhoyamaya v. Paraguay, Referred to in: Inter-American Court of Human Rights, Case of the Sawhoyamaya Indigenous Community v. Paraguay, Merits, Reparations, and Costs. Judgment of March 29, 2006, Series C No. 146, para. 113; IACHR, [Northern Central America and Nicaragua. Economic, social, cultural, and environmental rights of indigenous and Afro-descendant tribal peoples](#), OEA/Ser.LV/II. Doc. 52/23, March 21, 2023, para. 54.

right of indigenous and tribal peoples to control and use their territory and natural resources⁴⁹.

1. Protection against invasion by third parties and colonization

60. As a reinforced guarantee of the right to collective property, the IACHR considers that indigenous and Afro-descendant tribal peoples have the right to protection from conflicts with third parties over land⁵⁰, through the prompt granting of title by the state, to property and the delimitation and demarcation of their lands without delay, in order to prevent conflicts and attacks by third parties⁵¹. Likewise, when conflicts arise, indigenous and tribal peoples have the right to obtain protection and redress through adequate and effective procedures; to be guaranteed the effective enjoyment of their right to property; to have those responsible for such attacks effectively investigated and punished; and to have special, rapid, and effective

⁴⁹ Inter-American Court of Human Rights, *Indigenous People of Xucuru and Members Thereof v. Brazil*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of February 5, 2018. Series C No. 346, para. 117; IACHR, [Northern Central America and Nicaragua. Economic, social, cultural, and environmental rights of indigenous peoples and Afro-descendant tribal peoples](#), OEASer.LV/II, Doc. 52/23, March 21, 2023, para. 55; Inter-American Court of Human Rights. *Case of Indigenous Communities Members of the Lhaka Honhat Association (Our Land) v. Argentina*. Merits, Reparations, and Costs. Judgment of February 6, 2020. Series C No. 400, para. 95.

⁵⁰ See IACHR, *Democracy and Human Rights in Venezuela*. Doc. OEASer.LV/II, Doc. 54, December 30, 2009, para. 1137 – Recommendation 2; IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEASer.LV/II, December 30, 2009, para. 152

⁵¹ See IACHR, [Rights of Indigenous and Tribal Peoples over their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), 2009, para. 73.

mechanisms established to resolve legal conflicts over the ownership of their lands⁵².

61. In this same area, the IACHR has recognized that indigenous and Afro-descendant peoples have the right to have their territory reserved for them, without the presence of settlements or non-indigenous third parties or settlers on their lands⁵³. In particular, the State has a correlative obligation to prevent the invasion or colonization of indigenous or tribal territory by other persons and to

⁵² IACHR, Democracy and Human Rights in Venezuela, OEA/Ser.L/V/II, Doc. 54, December 30, 2009, paras. 1062-1066, 1071, 1137 – Recommendations 1 to 4. Indigenous peoples have the right to effective land titling, that is, to the effective enjoyment of ownership of their ancestral territories (IACHR, Democracy and Human Rights in Venezuela, OEA/Ser.L/V/II, Doc. 54, December 30, 2009, paras. 1062, 1071, 1137 – Recommendation 1). As a specific manifestation of this guarantee, indigenous and tribal peoples have the right to enjoy effective control over their lands and to be free from "interference by persons seeking to maintain or take control of those territories by violence or by any other means, to the detriment of the rights of indigenous peoples" (IACHR, Third Report on the Situation of Human Rights in Colombia, OEA/Ser.L/V/II.102, Doc. 9 rev. 1, February 26, 1999, paras. 21-27 and Recommendation 3), and States are obliged to adopt measures to ensure such effective control and to protect indigenous peoples from acts of violence or harassment. In this same vein, indigenous and tribal peoples have the right to the prevention of conflicts with third parties over land ownership, particularly in cases where delays in demarcation or the lack of demarcation have the potential to generate conflicts (IACHR, Democracy and Human Rights in Venezuela, OEA/Ser.L/V/II, Doc. 54, December 30, 2009, para. 1137 – Recommendation 2). In particular, indigenous and tribal peoples have the right to protection by the State from attacks by third parties, among others, when such attacks arise in the context of conflicts over land ownership (IACHR, Democracy and Human Rights in Venezuela, OEA/Ser.L/V/II, Doc. 54, December 30, 2009, paras. 1065, 1071, 1137 – Recommendation 2). The failure to demarcate ancestral lands, or delays in demarcation, can cause serious territorial conflicts between indigenous and tribal peoples and third parties, which are often violent. Similarly, the absence or delay in the titling and demarcation of the ancestral territories of indigenous and tribal peoples can exacerbate the impact of natural resource exploration and exploitation projects in those territories, as well as give rise to violent conflicts between those peoples and third parties because of such projects (IACHR, Democracy and Human Rights in Venezuela, OEA/Ser.L/V/II, Doc. 54, December 30, 2009, para. 1066).

⁵³ See IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEA/Ser.L/V/II, December 30, 2009, para. 113.

take the necessary steps to relocate non-indigenous inhabitants who are settled there⁵⁴.

62. The IACHR has classified illegal invasions and intrusions by non-indigenous settlers as threats, usurpations, and reductions of the rights to property and effective possession of the territory, which the State is obliged to control and prevent⁵⁵. Similarly, Article 18 of ILO Convention No. 169 provides that “[t]he law shall provide for appropriate penalties for unauthorized intrusion on the lands of the peoples concerned or unauthorized use of such lands by persons other than members of the peoples concerned, and governments shall take measures to prevent such infringements”⁵⁶.

2. Protection against forced displacement

63. The Commission considers that indigenous and Afro-descendant tribal peoples have special protection under international law against forced displacement, derived from the State's enhanced obligations regarding their right to collective property. This is because it breaks the fundamental relationship of indigenous and Afro-descendant tribal peoples with their territories and therefore

⁵⁴ See IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American System of Human Rights](#), OEA/Ser.L/V/II, December 30, 2009, para. 114.

⁵⁵ IACHR, *Report on the Situation of Human Rights in Brazil*. Doc. OEA/Ser.L/V/II.97, Doc. 29 rev. 1, September 29, 1997, Chapter VI, paras. 33, 40; IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American System of Human Rights](#), OEA/Ser.L/V/II, December 30, 2009, para. 114.

⁵⁶ International Labour Organization (ILO), Convention 169 concerning Indigenous and Tribal Peoples, 1989, adopted on June 27, 1989, ILO General Conference, Geneva, entered into force on September 5, 1991.

directly threatens their existence, both in terms of physical survival and cultural survival⁵⁷.

64. Specifically, the IACHR has recognized that indigenous peoples have the right to be protected from forced displacement from their territories due to violence. If they are displaced because of violence, they have the right to receive special attention from the State. The forced displacement of indigenous or tribal villages, groups of families, communities, or peoples from their lands because of armed violence means that in many cases they lose their sociocultural integrity and their habitat⁵⁸.
65. For its part, the Inter-American Court of Human Rights has stated that the forced displacement of indigenous peoples from their communities or of members of those communities can place them in a situation of particular vulnerability which, "due to its destructive effects on the ethnic and cultural fabric, creates a clear risk of cultural or physical extinction of indigenous peoples"⁵⁹; it is therefore essential that States adopt specific protection measures taking into account the particular characteristics of indigenous peoples, as well as their customary law, values, customs, and traditions, in order to prevent and reverse the effects of such a situation⁶⁰.

⁵⁷ IACHR, [Indigenous Peoples, Afro-descendant Communities, and Natural Resources: Protection of Human Rights in the Context of Extraction, Exploitation, and Development Activities](#), OEASer.LV/II. Doc. 47/15, December 31, 2015, para. 312; Cf. Inter-American Court of Human Rights. Case of Members of the Village of Chichupac and Neighboring Communities of the Municipality of Rabinal v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 30, 2016. Series C No. 328, para. 176.

⁵⁸ IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEASer.LV/II, December 30, 2009, para. 152

⁵⁹ Inter-American Court of Human Rights. Case of Members of the Village of Chichupac and Neighboring Communities of the Municipality of Rabinal v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 328, para. 176.

⁶⁰ Inter-American Court of Human Rights. Case of Chitay Nech et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 25, 2010. Series C No. 212, para. 147.

66. The foregoing should be understood without prejudice to the responsibility of States to take all necessary measures to enable indigenous peoples to return to their traditional territories in safety and with dignity; which, in the case of forced displacement caused by situations of violence, includes the duty of the State to take measures to combat impunity for those responsible for such violence⁶¹.

D. RIGHT TO CULTURAL IDENTITY AND PROTECTION AGAINST EXTERMINATION AND ASSIMILATION

67. As emphasized by the IACHR, the full recognition and guarantee of the right to cultural identity is fundamental in contemporary international human rights law and implies overcoming historical legacies of discrimination, racism, and colonialism⁶². Cultural identity is an essential right of both an individual and collective nature. In its collective dimension, it is the cross-cutting interpretation for the conception, respect, and guarantee of the other rights of indigenous and tribal peoples protected by inter-American instruments⁶³.
68. This right is expressly enshrined in ILO Convention 169 (Article 5) and the UN Declaration on the Rights of Indigenous Peoples (Articles 9, 11, 12, 13, and 34). In the inter-American system, it was explicitly included in Article XIII of the American Declaration on the Rights of Indigenous Peoples. In paragraph 1, it establishes that indigenous peoples have "the right to their own cultural identity and

⁶¹ Inter-American Court of Human Rights, Case of the Moiwana Community v. Suriname. Preliminary Objections, Merits, Reparations, and Costs. Judgment of June 15, 2005, Series C No. 124, para. 120.

⁶² IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEASer.LV/II, December 28, 2021, para. 107.

⁶³ Inter-American Court of Human Rights. Case of Chitay Nech et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 25, 2010, para. 147; IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources. Standards and Case Law of the Inter-American Human Rights System](#), OEASer.LV/II.Doc.56/09, December 30, 2009, para. 152.

integrity and to their tangible and intangible cultural heritage, including their historical and ancestral heritage, as well as to the protection, preservation, maintenance, and development of that cultural heritage for their collective and individual life and for the transmission of that heritage to future generations"⁶⁴.

69. The traditional knowledge and wisdom of indigenous and tribal peoples, as well as the diverse manifestations of their sciences, technologies, and cultures, are key elements of this identity and the basis of their expressions of autonomy and self-determination⁶⁵. Likewise, territory is an integral part of their worldview, religiosity, and, consequently, their cultural identity. In this regard, both the IACHR and the Inter-American Court have emphasized the importance of the right of indigenous and tribal peoples to live freely in their own territories in order to preserve and transmit to future generations their culture, spiritual life, integrity, and economic survival, given their close relationship with the land, which goes beyond a matter of possession or production⁶⁶.
70. Similarly, the IACHR has reaffirmed that indigenous and Afro-descendant tribal peoples have the right to "the State's effective guarantee of their right to live in their ancestral territory and thus

⁶⁴ OAS; General Assembly; American Declaration on the Rights of Indigenous Peoples. AG/RES. 2888 (XLVI-O/16), Article XIII.

⁶⁵ IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II, December 28, 2021, para. 110.

⁶⁶ IACHR, [Northern Central America and Nicaragua. Economic, social, cultural, and environmental rights of indigenous and Afro-descendant tribal peoples](#), OEA/Ser.LV/II. Doc. 52/23, 21 de marzo de 2023, para. 60; Inter-American Court of Human Rights, Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs, Judgment of August 31, 2001. Series C No. 79, para. 149.

preserve their cultural identity"⁶⁷. By failing to guarantee the right to territorial property, the State deprives them "not only of the material possession of their territory but also of the fundamental basis for developing their culture, spiritual life, integrity, and economic survival"⁶⁸. Indeed, the lack of guarantee of the right to collective property undermines the preservation of their particular ways of life and entails a risk of irreparable ethnic and cultural loss⁶⁹. For their part, the non-consensual interference of non-indigenous settlers in their territories can seriously disrupt their traditional ways of life and cause real damage to their identity. This is aggravated by the fact that the disappearance of certain cultural and spiritual practices can jeopardize the very existence of the community as a distinct group⁷⁰.

71. Finally, the IACHR has emphasized that the above provisions are complemented by express provisions prohibiting assimilationist practices and establishing special protection for indigenous peoples against any attempt at extermination⁷¹.

⁶⁷ IACHR, Pleadings before the Inter-American Court of Human Rights in the case of Yakye Axa v. Paraguay. Referred to in: Inter-American Court of Human Rights. Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of June 17, 2005. Series C No. 125, para. 157(c); IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEA/Ser.LV/II, December 30, 2009, para. 161.

⁶⁸ IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources: Standards and Case Law of the Inter-American Human Rights System](#), OEA/Ser.LV/II, December 30, 2009, para. 161.

⁶⁹ Inter-American Court of Human Rights. Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of June 17, 2005. Series C No. 125, para. 216.

⁷⁰ Inter-American Court of Human Rights. Case of the Yakye Axa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of June 17, 2005, paras. 135 and 146; IACHR, [Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region](#), OEA/Ser.LV/II. Doc. 176/19, para. 295; IACHR, [Rights of Indigenous and Tribal Peoples over Their Ancestral Lands and Natural Resources. Standards and jurisprudence of the Inter-American Human Rights System](#), OEA/Ser.LV/II.Doc.56/09, December 30, 2009, footnote 117; IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II. Doc. 413, December 28, 2021, para. 112.

⁷¹ IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.LV/II, December 28, 2021, para. 108.

72. In this regard, the American Declaration on Indigenous Peoples recognizes that they "have the right not to be subjected to any form of genocide or attempted extermination"⁷². Furthermore, Article X states that "they have the right to freely maintain, express, and develop their cultural identity in all its aspects, free from any external attempt at assimilation"⁷³. For its part, the United Nations Declaration on the Rights of Indigenous Peoples provides for the prohibition of forced assimilation in similar terms in Article 8.1, namely: "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or to the destruction of their culture"⁷⁴. Furthermore, this Declaration provides for the duty of States to prevent any act, policy or practice of assimilation, which includes "any act intended to or resulting in the deprivation of their integrity as distinct peoples or of their cultural values or ethnic identity, any act intended to or resulting in the dispossession of their lands, territories or resources, and any form of forced assimilation or integration"⁷⁵.

⁷² OAS, AG/RES. 2888 (XLVI-O/16), [American Declaration on the Rights of Indigenous Peoples](#), adopted at the second plenary session, June 14, 2016, Article XI.

⁷³ OAS, AG/RES. 2888 (XLVI-O/16), [American Declaration on the Rights of Indigenous Peoples](#), adopted at the second plenary session, June 14, 2016, Article X.

⁷⁴ United Nations General Assembly, [United Nations Declaration on the Rights of Indigenous Peoples](#), adopted at the 107th plenary session, September 13, 2007, Article 8.1.

⁷⁵ United Nations General Assembly, [United Nations Declaration on the Rights of Indigenous Peoples](#), adopted at the 107th plenary session, September 13, 2007, Article 8.2.

**SITUATION OF
INDIGENOUS PEOPLES
AND PEOPLE OF AFRICAN
DESCENT IN THE
CARIBBEAN COAST**

III. SITUACIÓN DE LOS PUEBLOS INDÍGENAS Y AFRODESCENDIENTES DE LA COSTA CARIBE

73. In this chapter, the IACHR analyzes the historical context of the indigenous peoples and Afro-descendants of the Caribbean Coast and the underlying causes of the violence they face today. These include the undermining of the autonomy regime, the lack of effective recognition of collective property, and the implementation of colonization and extractive policies that have prioritized economic and political interests to the detriment of the cultural integrity and physical survival of these peoples.

A. Context and historical background

74. Nicaragua is a multi-ethnic and multicultural nation, characterized by the coexistence of different indigenous peoples and Afro-descendant communities⁷⁶. According to the latest Population and Housing Census, conducted in 2005, the indigenous population in Nicaragua represented 9% of the national total⁷⁷. In 2023, the United Nations Committee on the Elimination of Racial Discrimination expressed concern about the lack of an updated census and reliable, disaggregated data that takes into account Afro-descendant peoples and other ethnic groups⁷⁸.

75. According to available information, most of the indigenous and Afro-descendant population is concentrated in the Autonomous Regions of the Caribbean Coast, which cover more than 43% of the national

⁷⁶ In 1987, the Political Constitution recognized the multi-ethnic nature of the country, the existence of indigenous peoples and Afro-descendants, and their right to maintain and develop their identity, culture, and organization. Political Constitution of the Republic of Nicaragua, adopted on November 19, 1986, published in La Gaceta, Official Gazette No. 05, January 9, 1987, Articles 5 and 8.

⁷⁷ National Institute of Statistics and Census, Third Population Census and Fourth Housing Census (2005 Census), "Population: General Characteristics," Nicaragua, p. 184.

⁷⁸ United Nations (UN), Committee on the Elimination of Racial Discrimination, Concluding observations on periodic reports, Concluding observations on the combined 15th to 21st periodic reports of Nicaragua, CERD/C/NIC/CO/15-21, December 22, 2023, para. 10.

territory⁷⁹. This region is home to the Miskitu, Sumu-Mayangna, Ulwa, and Rama peoples, as well as the Afro-descendant Creole or Kriol⁸⁰ and Garífuna communities. In the Pacific, Central, and Northern regions of Nicaragua, there are the indigenous peoples of the Chorotega, Nahoa (Náhuas, Niquiranos, or Nicaraos), Xiu-Sutiaba, and Matagalpa (Chontal-Matagalpa or Cacaooperas)⁸¹. The indigenous and Afro-descendant peoples of the autonomous regions are markedly different from the peoples of the rest of the country in ethnic, historical, cultural, linguistic, and religious terms, due to the fact that they underwent different processes of colonization⁸².

76. On the one hand, the peoples of the Pacific, Central, and Northern regions of the country were colonized by the Spanish in the 16th century, who imposed political, economic, and cultural structures and

⁷⁹ National Council of Indigenous Peoples of the Pacific, Central and Northern Nicaragua, URACCAN, APRODIN, Indigenous Peoples and Afro-descendants of Nicaragua: Ethnography, Natural Ecosystems and Protected Areas, 2019, page 12.

⁸⁰ Creole is a form of Nicaraguan Creole English that initially emerged among people of African and Jamaican origin who arrived in the area in the 17th century. Subsequently, the process of miscegenation between Afro-descendants and indigenous peoples, as well as labor relations and subordination in certain historical cycles, made Creole the second language of the Miskito and Rama indigenous peoples. In this regard, it should be noted that there is a historical Creole community of Afro-descendant origin, but with indigenous participation. Likewise, people living in the Bluefields area identify more as Creole, while those in more rural areas further north identify as Kriol. See Pérez-Sales, P., et al., Torturing Environment in the Documentation of Human Rights Violations in the Case of the Indigenous Rama-Kreol Communities in Nicaragua, International Journal of Transitional Justice, forthcoming, 2024, in the IACHR archive.

⁸¹ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.LV/II.62, doc. 10 rev. 3, November 29, 1983; also National Council of Indigenous Peoples of the Pacific, Central, and Northern Nicaragua, URACCAN, APRODIN, Indigenous Peoples and Afro-descendants of Nicaragua: Ethnography, Natural Ecosystems, and Protected Areas, 2019, pages 17 et seq.

⁸² IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 3.

achieved the almost total integration of the indigenous population into the dominant colonial society⁸³.

77. In contrast, on the Atlantic coast, British colonizers formed alliances with indigenous leaders to establish the Kingdom of Mosquitia in 1687, which remained under British influence and protection until the end of the 19th century⁸⁴. This enabled the peoples of that region to preserve their worldview to a greater extent, as well as the forms of tenure and communal use of virtually all of their territory during that period⁸⁵.
78. On April 19, 1905, with the signing of the Altamirano-Harrison Treaty, the United Kingdom recognized Nicaragua's sovereignty over the Caribbean Coast⁸⁶. At the same time, throughout the 20th century, various governments, including the dictatorial regime of the Somoza family (1936-1979), focused state policies on the development of the Pacific region, which completely marginalized and excluded the peoples of the Atlantic Coast⁸⁷.
79. In 1979, the indigenous and Afro-descendant peoples of the Caribbean Coast lacked electricity, drinking water, transportation services, communications, and hospital services⁸⁸. In addition, they

⁸³ IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 3.

⁸⁴ IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 4.

⁸⁵ See Jonathan Renshaw, *Nicaragua: Discussion Paper on Indigenous Peoples and Afro-descendants*, Inter-American Development Bank, Environmental Safeguards Unit, Discussion Paper, October 2007.

⁸⁶ IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 8.

⁸⁷ IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 10.

⁸⁸ IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 10.

faced the increasing arrival of foreign companies to exploit their natural resources⁸⁹, as well as the impact of state policies to resettle peasant or mestizo populations in their territories⁹⁰. These threats led to the resurgence of collective movements in defense of cultural identity and, in particular, to the creation of new indigenous organizations⁹¹. Among others, the MISURASATA organization (Miskitus, Sumos, Ramas, Sandinistas Aslatakanta, and Tawira), founded by indigenous leaders such as Brooklyn Rivera and Steadman Fagoth, would eventually become one of the main counterrevolutionary forces⁹².

80. As documented by the IACHR, the triumph of the FSLN revolution in 1979 did not bring about any change for the better in the living conditions of indigenous and Afro-descendant peoples⁹³. On the contrary, in 1980, relations between these communities and the government reached a critical point when indigenous peoples joined the counterrevolutionary war in response to Sandinista policies that sought to control their territories and impose changes

⁸⁹ See Jonathan Renshaw, *Nicaragua: Discussion Paper on Indigenous Peoples and Afro-descendants*, Inter-American Development Bank, Environmental Safeguards Unit, Discussion Paper, October 2007.

⁹⁰ See The Oakland Institute, *Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation*, 2020, p. 17.

⁹¹ IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, para. 12.

⁹² As documented by the Group of Experts on Human Rights in Nicaragua (GHREN), MISURASATA became a counterrevolutionary force due to a series of factors, including the clash between the Sandinista government's centralizing policies and the indigenous organization's demand for autonomy and territorial control, the militarization of the border with Honduras, and allegations of human rights violations committed by the Sandinista army against indigenous communities. Human Rights Council, [Violations and abuses of the human rights of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights in Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 106.

⁹³ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEASer.LV/II.62, doc. 10 rev. 3, November 29, 1983, Part I. Origin and Development of the Controversy.

on their ways of life and political and social organization⁹⁴. The Sandinista government, for its part, responded violently to what it considered a "separatist" movement, resulting in fatalities, the forced displacement of communities to Honduras, and the militarization of indigenous territories⁹⁵.

81. In this context, in 1982, the Commission conducted an *on-site* visit to the Atlantic Coast of Nicaragua⁹⁶. In 1983, the IACHR published the *Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin*, in which it observed human rights violations and other acts that threatened the worldview and survival of these peoples, including forced displacement from their ancestral territories, arbitrary detentions, disappearances, and extrajudicial executions⁹⁷.
82. In its report, the IACHR noted that, although international law did not recognize a right to political autonomy at that time, there was special legal protection for the use of their language, the practice of their religion, and, in general, the preservation of their cultural identity,

⁹⁴ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983, Part I. Origin and Development of the Dispute.

⁹⁵ This includes the events related to the so-called "Red Christmas" in December 1981, when the army executed a considerable number of Miskito civilians in their communities. See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983. Part I. Origin and Development of the Controversy.

⁹⁶ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983.

⁹⁷ In 1982, at the request of the Government of Nicaragua, the IACHR offered its services to reach a friendly solution through dialogue and compliance with the recommendations made following its visit. See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983. Part III: Conclusions and Recommendations.

including ancestral and communal lands⁹⁸. The IACHR noted that failure to respect these rights and cultural values would lead to "forced assimilation"⁹⁹. The IACHR therefore emphasized the need to establish a legal framework that recognized the rights of indigenous peoples in order to overcome historical antagonisms and promote respectful coexistence with the Nicaraguan State¹⁰⁰.

83. In 1987, the FSLN government reached a peace agreement with the indigenous peoples, which culminated in the recognition of the rights of indigenous and Afro-descendant peoples in the Political Constitution of the Republic. Likewise, that year, Law No.28, "Statute of Autonomy of the Atlantic Coast Regions of Nicaragua," was enacted, establishing the Autonomous Regions of the North Caribbean Coast (RACCN) and the South Caribbean Coast (RACCS)¹⁰¹, composed of a system of government that included both traditional indigenous authorities and state institutions made up of elected officials¹⁰².

⁹⁸ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983. Special protection of the Miskitos as an ethnic group.

⁹⁹ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983. Special protection of the Miskitos as an ethnic group.

¹⁰⁰ See IACHR, [Report on the Situation of Human Rights of a Sector of the Nicaraguan Population of Miskito Origin](#), OEA/Ser.L/V/II.62, doc. 10 rev. 3, November 29, 1983. Special protection for the Miskitos as an ethnic group.

¹⁰¹ National Assembly of the Republic of Nicaragua, Statute of Autonomy of the Atlantic Coast Regions of Nicaragua, Law No. 28, adopted on September 2, 1987, published in La Gaceta, Official Gazette No. 238, October 30, 1987.

¹⁰² The autonomy regime established four levels of government on the Caribbean Coast: regional government and municipalities; as well as indigenous and ethnic territorial and communal governments. The latter were formed on the basis of the community democracy of the traditional social structures that have been maintained by the indigenous and Afro-descendant communities on the Caribbean Coast. These include the *Whta*, Síndico, Consejo de Ancianos, as well as communal and territorial governments that are organized according to the 24 indigenous and Afro-descendant territories.

84. For the current government regime in Nicaragua, "the First Stage of the Sandinista Popular Revolution and, in particular, the Political Constitution of the Republic of Nicaragua, demonstrated the commitment and real will of the Nicaraguan nation to respect the right to self-determination of peoples, both externally, respecting the sovereignty of States, and internally, recognizing the right of peoples to freely determine their political status and freely pursue their economic, social, and cultural development without any interference"¹⁰³.
85. However, as analyzed below, the process of concentration of power and weakening of democratic institutions in Nicaragua since 2000 has had a direct impact on the Caribbean Coast. The autonomous regime has been progressively undermined through the weakening of the mechanisms of representation and self-determination of indigenous and Afro-descendant peoples. At the same time, land dispossession has intensified through invasions promoted with state acquiescence, exacerbating a climate of violence that has once again threatened the cultural and physical survival of these communities.

B. Factors contributing to violence against indigenous peoples and Afro-descendants on the Caribbean coast

86. In this section, the IACHR analyzes the main factors that have exacerbated violence against indigenous peoples and Afro-descendants on the Caribbean coast in recent years, including: the undermining of the autonomy regime, the imposition of parallel governments, the lack of effective recognition and regularization of territories, the exploitation of natural resources, and the invasion of their territories.
87. The Commission warns that this is a complex phenomenon with multiple and interrelated historical causes. This is compounded by

¹⁰³ Office of the Human Rights Ombudsman of the Republic of Nicaragua (PDDH), Contribution to the Report on Self-Determination and the Rights of Indigenous Children, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, in compliance with Resolution 33/25 of the Human Rights Council, March 19, 2021, on file with the IACHR.

other contexts of discrimination, racism, social exclusion, and poverty to which indigenous peoples and Afro-descendants have been subjected since colonial times. Added to this is the total absence of the rule of law and widespread repression, within a framework of structural impunity.

1. Undermining of the indigenous and Afro-descendant autonomy regime

88. In its *report on the concentration of power in Nicaragua*, the IACHR recognized that the autonomous regime of the Caribbean Coast, approved in 1987, represented a significant advance in the vindication of the rights of indigenous peoples and Afro-descendants. However, as it was approved under the exceptional circumstances of war and indigenous insurgency, it did not fully reflect the communities' aspirations for self-determination. Furthermore, despite some progress, this regime was progressively undermined by the State to favor the centralization of power and control of the territories by the executive branch¹⁰⁴.
89. As documented by the IACHR, beginning in 2000, through the "German-Ortega Pact," the Sandinista National Liberation Front (FSLN) and the Constitutionalist Liberal Party (PLC) consolidated a two-party system in democratic representative bodies and institutions, including autonomous and municipal structures. Among these are the political representative bodies established by Law No. 28, such as the Autonomous Regional Councils¹⁰⁵.

¹⁰⁴ IACHR, [Nicaragua: Concentration of Power and Weakening of the Rule of Law](#), OEA/Ser.LV/II. Doc. 288, October 25, 2021, para. 108.

¹⁰⁵ IACHR, [Nicaragua: Concentration of Power and Weakening of the Rule of Law](#), OEA/Ser.LV/II. Doc. 288, October 25, 2021, para. 33 et seq.

90. Another measure adopted under the German-Ortega Pact was the approval of Electoral Law No. 331 in 2000, which restricted participation in electoral processes exclusively to political parties, a form of organization that was not appropriate for indigenous and ethnic communities¹⁰⁶. In addition, it imposed disproportionate restrictions on the formation of political parties, their membership, and their ability to obtain legal status¹⁰⁷. As a result, municipal elections that same year were characterized by a lack of indigenous representation and the exclusion of organizations such as YATAMA, a high abstention rate, and social protests that were violently repressed by the state. For their part, the Constitutionalist Liberal Party and the FSLN won 94 and 52 mayoral seats, respectively, out of a total of 151 municipalities, consolidating the control of the "Aleman-Ortega Pact"¹⁰⁸.

¹⁰⁶ IACHR, [Nicaragua: Concentration of Power and Weakening of the Rule of Law](#), OEA/Ser.LV/II. Doc. 288, October 25, 2021, para. 108.

¹⁰⁷ See OAS, [Electoral Observation Mission to Nicaragua, 2000. Municipal Elections](#), OAS/Ser.D/XX SG/UPD/II.27, March 8, 2001.

¹⁰⁸ Envío magazine, ["Nicaragua: A divided country: relative defeats and victories,"](#) Central American University (UCA), Issue 224, November 2000.

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(Preliminary Objections, Merits, Reparations, and Costs)**

In 2001, the organization YATAMA filed a petition with the Inter-American Commission for these events. In 2005, the Inter-American Court held Nicaragua internationally responsible for violating the political right to be elected of the candidates proposed by YATAMA, among other rights. In this regard, the Inter-American Court determined that the legal reforms had imposed on YATAMA "a form of organization alien to its customs and traditions as a requirement for exercising the right to political participation."

Furthermore, it concluded that this exclusion affected "the members of the indigenous and ethnic communities that were represented by that organization in the municipal elections of November 2000, by placing them in a situation of inequality in terms of the options from which they could choose when voting, since those persons who, in principle, deserved their trust because they had been directly elected in assemblies, in accordance with the customs and traditions of those communities, were excluded from participating as candidates.

The Inter-American Court ordered the State of Nicaragua to take the necessary measures to ensure that indigenous and ethnic communities could participate effectively in electoral processes, taking into account their traditions, customs, and practices. However, since then, the State of Nicaragua has failed to comply with this ruling and has been found in contempt by the Inter-American Court itself.

91. In 2007, with the start of Daniel Ortega's second term as president, new constitutional and legal reforms were carried out aimed at establishing a model of absolute control in the executive branch¹⁰⁹. In the following years, regional and municipal elections were marked by irregularities, allegations of fraud, repression, and persecution of the political opposition through the use of state and paramilitary forces, as well as the growing lack of independence of the Supreme Electoral Council¹¹⁰. In this way, municipal authorities were co-opted by the two national political parties, the FSLN and the PLC. In

¹⁰⁹ IACHR, [Nicaragua: Concentration of Power and Weakening of the Rule of Law](#), OEASer.L/VII. Doc. 288, October 25, 2021, para. 47.

¹¹⁰ On the municipal elections held in 2008, 2012, 2017, and 2022, see OAS, ["Insulza expresses concern over difficulties arising in Nicaragua,"](#) November 11, 2008; Nicaraguan Center for Human Rights (CENIDH), [Final Report on the 2012 Municipal Electoral Process](#), November 13, 2012; OAS, ["OAS Accompaniment Mission in Nicaragua recommends comprehensive reform of the electoral system,"](#) December 20, 2017.

particular, after the 2012 municipal elections, the FSLN significantly expanded its political control by winning 135 of the country's 153 mayoral seats, a result that was confirmed in the 2017 elections¹¹¹.

92. In its *2022 Annual Report*, the IACHR noted that the municipal elections that year were held in a climate of fear, repression, and accelerated closure of democratic spaces, which intensified during the 2021 general elections due to the cancellation of opposition political parties and the arrest of all those who publicly expressed their interest in running for president¹¹². Prior to the elections, seven municipalities that were not governed by the FSLN were taken over by the National Police, using force. Local authorities were also arbitrarily dismissed¹¹³. On November 7, 2022, the CSE announced that all 153 municipalities in the country had been awarded to the FSLN, in an unprecedented event in Nicaraguan electoral history¹¹⁴.
93. Simultaneously with the process that resulted in the control of municipal authorities, the Regional Councils and their Coordinating Bodies were also co-opted in the various elections held since 2000, through allegations of fraud and state repression¹¹⁵. In 2024, the IACHR noted that regional elections were held without the necessary

¹¹¹ Envío magazine, [“2012 Municipal Elections: Chronicle of a foregone conclusion”](#), No. 368, November 2012; Supreme Electoral Council (CSE), [2017 Municipal Election Results](#).

¹¹² IACHR, [Annual Report 2022, Chapter IV.B Nicaragua](#), OEASer.LV/II., April 1, 2023, para. 31.

¹¹³ Divergentes, [“Dictadura Ortega-Murillo da golpe a todas las alcaldías gobernadas por CxL”](#), July 4, 2022; Urnas Abiertas, [Boletín de Coyuntura no. 1](#), July 4, 2022; Divergentes, [“Coup against opposition mayors destroys November municipal election process”](#), July 4, 2022.

¹¹⁴ La Gaceta, Official Gazette, [“First results of the 2022 Municipal Sovereign Elections in Nicaragua”](#), November 7, 2022.

¹¹⁵ On the regional elections held in 2006, 2010, and 2014, see The Carter Center, [Electoral Observation Nicaragua 2006](#), p. 42; Institute for Development and Democracy (IPADE), [“Autonomous Regional Elections in the Caribbean 2010”](#), Central American Journals Online, Wani, No. 60, pp. 18-41; Envío magazine, [“Costa Caribe: elecciones entre la conspiración y las responsabilidades”](#) (Caribbean Coast: elections between conspiracy and responsibility), Central American University (UCA), No. 386, May 2014.

conditions for participation due to the serious context of state repression and militarization in the autonomous territories¹¹⁶. Among other events, the IACHR denounced the arbitrary detention of National Assembly deputy and YATAMA president Brooklyn Rivera, who remains in a situation of enforced disappearance, as well as that of his legal representative, Nancy Elizabeth Henríquez. In addition, on October 4, 2023, the Supreme Electoral Council revoked the legal status of the YATAMA party and its facilities were raided¹¹⁷. For the first time since 1990, no indigenous or Afro-descendant party headed an electoral ticket¹¹⁸. As a result, on March 4, 2024, the FSLN won 100% of the elected positions¹¹⁹.

94. Based on the results of these elections, the executive branch further strengthened its undue control over the autonomous regions of the Caribbean Coast, which until then had been the last areas where independent political activity had not been completely suppressed in the public sphere¹²⁰. As a result, the Regional Councils and their Coordinating Bodies, which under the Statute of Autonomy were supposed to be spaces for effective and multi-ethnic representation, formally became yet another instrument of control for the ruling party. However, in recent years, they had already facilitated the

¹¹⁶ IACHR, [Annual Report 2023, Chapter IV.B Nicaragua](#), OEA/Ser.LV/II. Doc. 386 rev. 1, December 31, 2023, para. 81.

¹¹⁷ IACHR, [Annual Report 2023, Chapter IV.B Nicaragua](#), OEA/Ser.LV/II. Doc. 386 rev. 1, December 31, 2023, para. 81.

¹¹⁸ Urnas Abiertas, [“Regional Election Report,”](#) 2024, page 6.

¹¹⁹ El 19 Digital, [“Nicaragua: Sandinista Front wins with 88.95% of votes in the 2024 Caribbean Elections,”](#) March 4, 2024.

¹²⁰ United Nations (UN), Human Rights Council, [Situation of human rights in Nicaragua, Report of the United Nations High Commissioner for Human Rights](#), AHRC/57/20, General Distr., September 2, 2024, para. 10.

dispossession of indigenous territories through corruption and the weakening of traditional authorities, as explained below¹²¹.

a. Weakening of traditional authorities and the imposition of parallel governments

95. The IACHR observes that the co-optation of regional and municipal authorities by the FSLN facilitated the progressive undermining of traditional indigenous and Afro-descendant governments. This was achieved through three patterns that were clearly identified over time.
96. First, the IACHR observes that indigenous and Afro-descendant authorities were subject to coercion and manipulation by the mayors' offices, as well as by the Regional Councils and their Coordinating Bodies, which had previously been co-opted by the FSLN, in order to force them to respond to the interests of the Executive Branch. This was done through practices such as the arbitrary withholding of budget allocations to which they were entitled by law, the exclusion of social and economic development projects, and intimidation and harassment through the use of police and paramilitary forces¹²².
97. Secondly, there is the instrumentalization or distortion of traditional electoral systems in favor of the government's interests¹²³. For example, according to GHREN, in the Mayangna territories, FSLN political secretaries restricted the participation of the population in

¹²¹ For example: CENIDH, ["Complaint filed by Dr. Elizabeth Enríquez on the situation of the indigenous peoples of the Nicaraguan Mosquito Coast and the YATAMA organization,"](#) February 21, 2018; Connectas, ["Corruption and death in Miskito territory,"](#) June 6, 2016; Connectas, ["The dance of illegal deeds in Nicaragua,"](#) June 2016.

¹²² See CEJUDHCAN, "Indigenous peoples resist," in the IACHR archives, undated; Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua 2018-2020: "Under internal colonization and in danger of extermination," December 2020, p. 37.

¹²³ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 181.

the *Asanglawana* (the traditional Mayangna assembly), limiting it to people affiliated with the government¹²⁴. In addition, it allegedly replaced the traditional method of voting by a show of hands with a ballot box system, favoring the imposition of Mayangna leaders with political ties to the FSLN. Similarly, in 2016, the FSLN allegedly manipulated the elections of the Miskitu territorial government of Twi Yahbra, replacing the traditional territorial assembly, in which all community members participated, with a restricted electoral process, which guaranteed the election of candidates aligned with the interests of the FSLN¹²⁵.

98. Finally, the imposition of "parallel" authorities is the most obvious pattern of undermining the free determination of peoples. In fact, since 2015, the attacks on the autonomous regime culminated in the imposition of "parallel" governments that replaced the authorities legitimately elected by the indigenous and Afro-descendant communities. In other words, when FSLN members were not elected, municipal authorities or the Regional Council intervened to invalidate the results by refusing to certify the elected authorities, organizing new assemblies made up of people affiliated with the FSLN, or directly certifying people from party structures such as the Citizen Power Councils and Cabinets (CPC and GPC)¹²⁶.

¹²⁴ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 181.

¹²⁵ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 181.

¹²⁶ See CEJUDHCAN, "Pueblos Indígenas resisten," in the IACHR archives, undated; Alliance of Indigenous and Afro-descendant Peoples of Nicaragua; Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), Report to the United Nations Committee on Economic, Social and Cultural Rights, August 2020; APIAN, Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua 2018-2020: "Under internal colonization and in danger of extermination," December 2020, p. 37; The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 52.

99. This practice led to the coexistence of two government structures: a government "certified" by the Nicaraguan state, aligned with the interests of the FSLN, and the legitimate government, elected in accordance with the traditions and norms of the communities¹²⁷. According to CEJUDHCAN, in 2021, there were more than 27 parallel governments, corresponding to more than 80% of indigenous territories¹²⁸. The IACHR has been informed that this is a problem that affects all indigenous and Afro-descendant tribal peoples in the autonomous regions of the South and North Caribbean Coast¹²⁹.
100. According to information received by the IACHR, the imposition of parallel governments has caused deep fragmentation in the social and community fabric, eroding the internal cohesion of communities. Furthermore, by stripping traditional authorities of their legitimacy, the State has weakened communal governance structures and the capacity of communities to defend their territorial rights¹³⁰. In turn, as analyzed below, this has created an environment conducive to land occupation by settlers and the expansion of extractive activities,

¹²⁷ As established in Chapter II of Law No. 445, communities designate their communal and territorial representatives in accordance with their customs and traditions, who are then certified by the Secretary of the Board of Directors of the Regional Council within a maximum period of eight days. Once this period has expired, the President of the Regional Council must extend this certification as a matter of right. This administrative step has been transformed, according to the organizations, into a tool used by regional authorities to refuse to recognize certain elected officials and to promote actions aimed at promoting other representatives. IACHR, [Northern Central America and Nicaragua: Economic, social, cultural, and environmental rights of indigenous and Afro-descendant tribal peoples](#), OEA/Ser.LV/II. Doc. 52/23, approved on March 21, 2023, para. 350.

¹²⁸ See Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), Report to the United Nations Committee on Economic, Social and Cultural Rights, on file with the IACHR.

¹²⁹ See Report on Violence, Extractivism, and Impunity: Ethnocide of Indigenous Peoples on the Caribbean Coast of Nicaragua, on file with the IACHR, October 31, 2024.

¹³⁰ See Report on Violence, Extractivism, and Impunity: Ethnocide of Indigenous Peoples on the Caribbean Coast of Nicaragua, on file with the IACHR, October 31, 2024.

which has intensified the social and economic crisis in the indigenous communities of the Caribbean coast of Nicaragua¹³¹.

2. Lack of effective recognition and land titling

101. The IACHR observes that the persistence of violence on the Caribbean coast is closely linked to the historical lack of effective recognition of the territorial rights of indigenous and Afro-descendant peoples. In particular, the absence of a comprehensive and effective land regularization process has allowed for the illegal occupation of their territories, facilitating dispossession, exploitation of their natural resources, and the consolidation of a model of internal colonization.
102. As background, in 1987, the Statute of Autonomy formally recognized the rights of indigenous and ethnic communities to communal lands. However, since then, its implementation has been limited and weakened by the political context that followed the 1990 elections. During the transition from Sandinista rule to various conservative governments, which remained in power until 2006, disregard for the Statute became entrenched. In fact, during this period, the State created agencies responsible for managing the region's natural resources, excluding the participation of autonomous governments and communities¹³². For example, during the term of Violeta Barrios de Chamorro, the Institute for the Development of Autonomous Regions (INDERA) was established to administer the exploitation of natural resources on the Caribbean Coast without consultation or participation of representative communities¹³³. In addition, projects were promoted to resettle rural populations and ex-combatants, as

¹³¹ See Report on Violence, Extractivism, and Impunity: Ethnocide of Indigenous Peoples on the Caribbean Coast of Nicaragua, on file with the IACHR, October 31, 2024.

¹³² The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 52.

¹³³ The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 52.

well as forestry and mining activities in indigenous and Afro-descendant territories¹³⁴.

103. In this context, in 1995, the Mayagna (Sumo) Awas Tingni community denounced before the IACHR the violation of their rights to property, cultural integrity, and others, arising from the granting of a 30-year concession on their traditional lands to the SOLCARSA company for the management and exploitation of 62,000 hectares of forest, without the community having been consulted. In 1998, the IACHR referred the case to the Inter-American Court, and in 2001, the State was found responsible for violating the right to communal property and other rights¹³⁵.
104. In its ruling, the Inter-American Court warned that, although Nicaragua recognized the communal property rights of indigenous peoples, it had not regulated the specific procedure for giving effect to that recognition, which meant that no titles of this nature had been granted since 1990. At the time, there was also no procedure for demarcating and titling indigenous lands, particularly in the communities of the Atlantic Coast¹³⁶. Consequently, it ordered the State to adopt legislative and administrative measures to create an effective mechanism for the delimitation, demarcation, and titling of the properties of indigenous communities, in accordance with their customary rights, values, and customs¹³⁷.

¹³⁴ The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 52.

¹³⁵ See Inter-American Court of Human Rights. Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations, and Costs. Judgment of August 31, 2001. Series C No. 79.

¹³⁶ Inter-American Court of Human Rights. Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations, and Costs. Judgment of August 31, 2001. Series C No. 79, para. 152.

¹³⁷ Inter-American Court of Human Rights. Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations, and Costs. Judgment of August 31, 2001. Series C No. 79, para. 164.

**Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua.
Merits, Reparations, and Costs. Judgment of August 31, 2001.**

In 2001, the Inter-American Court declared Nicaragua responsible for violating the right to private property by granting a concession on lands that had been ancestrally occupied by the Mayagna Awas Tingni community.

In its judgment, the Inter-American Court specified that the community's property rights over this territory are based on customary norms and practices, which transcend formal recognition by the State. Furthermore, "indigenous peoples, by virtue of their very existence, have the right to live freely in their own territories; the close relationship that indigenous peoples have with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival." Therefore, it stated that "the customary law of indigenous peoples must be taken into account," and that "possession of land should be sufficient for indigenous communities to obtain official recognition of such ownership and the consequent registration." It also indicated that in order for communities to exercise their right to use and enjoy their property, they also have the right to have the State "adopt the legislative, administrative, and any other measures necessary to create an effective mechanism for the delimitation, demarcation, and titling of the properties of indigenous communities, in accordance with customary law, values, and customs."

The Inter-American Court ordered the State to adopt measures to create effective mechanisms for the delimitation, demarcation, and titling of indigenous communities' properties, in accordance with customary law and the values, customs, and traditions of these communities.

105. This decision set a historic precedent, both nationally and internationally, in the recognition of the territorial rights of indigenous peoples. In Nicaragua, it influenced the approval of Law No.º 445 on the communal property regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Bocay, Coco, Indio, and Maíz, which established five stages for the effective recognition of indigenous communal property, including the titling and regularization of lands in relation to third parties who are on them¹³⁸.

¹³⁸ This law established that this procedure has five stages: 1) submission of the application; 2) resolution of the conflict; 3) measurement and demarcation; 4) titling; and 5) clearing of the land in relation to third parties. National Assembly of the Republic of Nicaragua, Law on the Communal Property Regime of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio, and Maíz Rivers, Law No. 445, approved on December 13, 2002, published in La Gaceta, Official Gazette No. 16, January 23, 2003, art. 45.

106. According to official information, the State of Nicaragua has implemented concrete actions to restore the right to communal property of indigenous communities, in compliance with this legislation, particularly since Daniel Ortega returned to power in 2006. As indicated to the IACHR, as of 2020, the Nicaraguan State had approved and delivered 23 titles to indigenous and Afro-descendant territories corresponding to 314 communities covering an area representing 31% of the national territory¹³⁹. Of the 23 territories titled, 16 are in the North Caribbean Autonomous Region, 4 are in the South Caribbean Autonomous Region, and 3 are in the Special Regime Zone. Of the 31.4% of the national territory that has been titled, 28.26% belongs to the Caribbean Autonomous Regions and 3.14% to the Special Regime Zone of Alto Wangki and Bocay. In total, the titling process would cover 304 communities, with a population of 205,317 inhabitants and 3,819,340 hectares¹⁴⁰.
107. However, during the thematic hearing on "Indigenous peoples of the North Caribbean Coast and violations of freedom of religion," organizations once again reported that the final stage related to remediation, namely the restitution of land to third parties, has not been fully implemented and, in fact, has been suspended since 2014¹⁴¹. This has encouraged the illegal and violent occupation of indigenous and Afro-descendant territories by powerful economic

¹³⁹ State of Nicaragua, Report to the Inter-American Commission on Human Rights regarding the hearing convened on "The situation of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua" during its 172nd special session in Kingston, Jamaica, on file with the IACHR; also: EI 19 Digital, [Remarks by the Representative of the State of Nicaragua at the hearing on "Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,"](#) 179th regular session of the IACHR, March 18, 2021.

¹⁴⁰ State of Nicaragua, Report to the Inter-American Commission on Human Rights regarding the hearing convened on the "Situation of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua" during its 172nd extraordinary session in Kingston, Jamaica, on file with the IACHR; also: EI 19 Digital, [Remarks by the Representative of the State of Nicaragua at the hearing on "Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,"](#) 179th regular session of the IACHR, March 18, 2021.

¹⁴¹ IACHR, Thematic Hearing, ["Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion,"](#) 190th session, July 11, 2024.

interests, cattle ranchers, and settlers¹⁴². Furthermore, in the context of the crisis that Nicaragua has been facing since 2018, violence has continued to escalate, especially against any person or community exercising the right to defend the human rights of peoples, the environment, and the territory¹⁴³.

3. The exploitation of territories on the Caribbean coast and the policy of internal colonization

108. The extensive exploitation of the territories and natural resources of the Caribbean coast is another of the main factors contributing to the worsening violence against indigenous and Afro-descendant communities on the Caribbean coast. As indicated to the IACHR, this exploitation forms part of an internal colonization policy promoted by the State, which has facilitated the systematic dispossession of ancestral territories for the benefit of the government regime, as well as the livestock, monoculture, logging, and mining industries, among others.

109. At the thematic hearing on "The impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua," civil society organizations reported that extensive cattle ranching is one of the main factors of colonization on the Caribbean Coast¹⁴⁴. According to the report, Nicaragua is the largest livestock producer in Central America, and these regions account for much of the expansion of livestock farming. As a result, land has been progressively occupied by settlers and subsequently sold illegally or illicitly deforested for

¹⁴² IACHR, Thematic Hearing, [“Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion,”](#) 190th session, July 11, 2024.

¹⁴³ CEJIL, Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua: Brief Report on the Serious Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua Benefiting from Protection Measures before the Inter-American System for the Protection of Human Rights, November 2022.

¹⁴⁴ IACHR, Thematic hearing, [“Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,”](#) 179th session, March 18, 2021.

cattle grazing, even affecting protected areas such as the Indio-Maíz Biological Reserve and the Bosawás Biosphere Reserve¹⁴⁵.

110. Gold mining has also been identified as another factor contributing to land dispossession and violence on the Caribbean coast¹⁴⁶. In particular, in recent years, the State has allegedly encouraged a boom in this sector by relaxing regulations, offering tax incentives, and even offering 7.1 million hectares for potential mining concessions, equivalent to almost 60% of the country's land area¹⁴⁷. According to reports, many of the active legal mines are located near indigenous and Afro-descendant territories, while a significant portion of exploration concessions are located within those territories¹⁴⁸. In most cases, mining concessions were reportedly granted without consulting indigenous and Afro-descendant communities¹⁴⁹.

¹⁴⁵ IACHR, Thematic Hearing, [“Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,”](#) 179th session, March 18, 2021; Report on illegal cattle ranching linked to the meat and cheese chain and its impact on three Miskito territories, on file with the IACHR, January 2024.

¹⁴⁶ IACHR, Thematic Hearing, [“Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,”](#) 179th session, March 18, 2021. Furthermore, in February 2024, in a new report, the *Oakland Institute* states that, despite international sanctions on Nicaragua's gold mining sector, the industry has grown dramatically, thanks to foreign companies, with the US being the main destination for the product, importing up to 79% of all gold exported from Nicaragua. See Oakland Institute, “Nicaragua’s Gold Rush: Unrestricted Land Grabbing by Indigenous Peoples Due to US Sanctions,” February 2024.

¹⁴⁷ CALPI, CEJIL, CEJUDHCAN, Race & Equality, Oakland Institute, and OMCT, Additional information for the thematic hearing on the impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua, within the framework of the 179th session of the IACHR, April 6, 2021, 15 and 16.

¹⁴⁸ CALPI, CEJIL, CEJUDHCAN, Race & Equality, Oakland Institute, and OMCT, Additional information for the thematic hearing on the impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua, within the framework of the 179th session of the IACHR, April 6, 2021, 15 and 16.

¹⁴⁹ IACHR, Thematic Hearing, [“Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,”](#) 179th session, March 18, 2021.

111. The IACHR was informed that at least 41% of the territory of the Mayagna Sauni As people has been concessioned to foreign mining companies, such as Calibre Mining Corp., of Canadian capital, and Hemco-Nicaragua S.A., of the MINEROS Group, of Colombian origin¹⁵⁰. According to reports from the Oakland Institute, other prominent mining corporations and investment firms based in the United States and Canada would also be the main financiers of foreign gold mining companies in Nicaragua. These investors include U.S. firms such as BlackRock Inc., Van Eck Associates Corp., Invesco Ltd. and Wexford Capital LP; and Canadian mining corporations such as B2Gold Corp. and Agnico Eagle Mines Ltd¹⁵¹. For its part, the Fundación del Río denounced that, between 2023 and 2025, the Executive granted more than 20 mining concessions to Chinese companies for more than 250,000 hectares, including new open-pit exploitations on the North Caribbean Coast¹⁵².
112. Furthermore, the autonomous regions of the Caribbean Coast contain most of the country's primary forests, representing more than 43% of the national total, and therefore play a fundamental role in the lives of indigenous and Afro-descendant peoples. However, the expansion of the agricultural frontier, mining operations, livestock farming, and the timber industry have accelerated deforestation in the region in recent decades¹⁵³. In this regard, civil society organizations have denounced

¹⁵⁰ IACHR, Thematic Hearing, "[Impact of Colonization on Indigenous Territories of the Atlantic Coast in Nicaragua](#)," 179th Session, March 18, 2021; Cf. Oakland Institute, "Nicaragua's Gold Rush: The Theft of Indigenous Lands Unfettered by U.S. Sanctions," February 2024.

¹⁵¹ It was also indicated that a large number of these investors would receive financing from other U.S. firms. Among them: BlackRock Inc., Vanguard Group Inc., Van Eck Associates Corp. and Massachusetts Mutual Life Insurance Co; Cf. Oakland Institute, "Nicaragua's Gold Rush: The Theft of Indigenous Lands Unfettered by U.S. Sanctions," February 2024.

¹⁵² Confidential, "[Delivery of mining concession to Chinese company condemned in the Río San Juan Biosphere Reserve](#)", July 29, 2025.

¹⁵³ The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 6; IACHR, Thematic Hearing, "[Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua](#)," 179th session, March 18, 2021.

illegal logging and timber trading by settlers, as well as the granting of illegal concessions for large-scale corporate logging¹⁵⁴. In addition, they indicated that the official state investment agency has promoted Nicaragua as a country with an almost infinite supply of land "suitable" for forestry projects, with more than 3.5 million hectares available for use¹⁵⁵. In this regard, it would offer significant incentives for the exploitation of the forestry and mining sectors¹⁵⁶. Between 1969 and 2018, Nicaragua's forest cover was drastically reduced from 76% to 25%, with estimated deforestation rates of between 50,000 and 70,000 hectares per year¹⁵⁷.

¹⁵⁴ The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 6; IACHR, Thematic Hearing, ["Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,"](#) 179th session, March 18, 2021.

¹⁵⁵ The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 6.

¹⁵⁶ According to research by *the Oakland Institute*, the Forest Incentives Law allows any business with investments in forest plantations to deduct 50 percent of the amount invested for "income tax" purposes, as well as exemption from property taxes. In addition, in 2003, investment in forest plantations became more attractive thanks to Law 462 on Conservation, Promotion, and Sustainable Development of the Forestry Sector, which allows a 100 percent deduction from income tax when land is designated for reforestation or forestry projects. The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020, p. 35.

¹⁵⁷ Onda Local, La Prensa, and CONNECTAS, ["Costa Caribe: The invasion of settlers forcing indigenous people to flee their homes,"](#) 2024.

Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields, and Others v. Nicaragua. Judgment of April 1, 2024.

In 2014, the Rama and Kriol peoples of the Indigenous Black Creole Community of Bluefields filed a petition with the Inter-American Commission regarding these events. In 2024, the Court declared the State responsible for violating political rights and the right to participate in cultural life, among others.

In this regard, the Court determined that the judicial intervention that removed the community-elected authority "had an undue impact on the exercise of acts proper to community autonomy." Likewise, the community's participation in the use and exploitation of natural resources in its traditional territory was denied by failing to conduct prior consultation. In this regard, the Court mentioned that the political rights recognized in Article 23 of the Convention "include the right of indigenous and tribal peoples to participate in the use or exploitation of natural resources in their traditional territory, for which they must be adequately consulted through their own representative institutions and procedures."

Along these lines, it emphasized that participation "is necessary in order for indigenous or tribal peoples or communities to exercise their right to decide on their own priorities in the development process, as recognized by Article 7 of Convention 169, which is carried out within the framework of the right to self-determination." Furthermore, it pointed out that, "in the case of large-scale development or investment plans that would have a major impact within the territories of indigenous or tribal peoples, the State not only has an obligation to consult, but also a duty to obtain the free, prior, and informed consent of the affected communities, in accordance with their customs and traditions."

Furthermore, the State also violated the right to collective property by granting a title deed to indigenous territories, reducing their size by 92%, which impacted the use and enjoyment of their property. The Court specified that "the administrative processes of delimitation, demarcation, titling, and regularization [...] are mechanisms that guarantee legal certainty and protection [of the right to collective property]." These mechanisms "must provide a real possibility for communities to defend their rights and exercise effective control over their territory, without external interference." To this end, it is essential that "States grant effective protection that takes into account the specific characteristics and economic and social characteristics of indigenous or tribal peoples, as well as their situation of special vulnerability, their customary law, values, customs, and traditions."

The Court ordered the State to adopt measures to grant a new community property title to the Indigenous Black Creole Community of Bluefields and to carry out the corresponding processes of delimitation, demarcation, and land titling. It also ordered a free, prior, and informed consultation process on any project, work, or activity that may have an impact on the Rama and Kriol territories and/or on the territory of the Community.

113. The IACHR observes that the exploitation of natural resources and the internal colonization policy on the Caribbean coast have been made possible primarily due to widespread corruption. These include the illegal sale of land, illegal timber trade, fraudulent granting of logging permits, issuance of illegal deeds to settlers, and falsification of documents and titles¹⁵⁸. These practices allegedly involve public officials loyal to the ruling party, as well as families linked to the FSLN, who have maintained control of the area, guaranteeing impunity and illicit enrichment for certain powerful groups¹⁵⁹. In February 2025, a journalistic investigation revealed a network of notaries public issuing illegal deeds in favor of settlers to allow them to enter indigenous territories, with the acquiescence of the authorities¹⁶⁰.
114. Furthermore, in its report on *the economic, social, cultural, and environmental rights of indigenous and Afro-descendant tribal peoples in Northern Central America and Nicaragua (2023)*, the IACHR also warned of systematic non-compliance with standards on

¹⁵⁸ Various investigative reports and reports have documented these practices, for example: Confidencial, [“Saña contra \(Cruelty against Miskitos\)miskitos”](#), August 31, 2016; CENIDH, [“Complaint filed by Dr. Elizabeth Enríquez on the situation of indigenous peoples in the Nicaraguan Mosquito Coast and the YATAMA organization,”](#) February 21, 2018; Connectas, [“Corruption and death in Miskito territory,”](#) June 6, 2016; Connectas, [“The dance of illegal deeds in Nicaragua,”](#) June 2016; Divergentes, [“A network of lawyers who fabricate illegal deeds negotiates with indigenous lands in the Caribbean region of Nicaragua,”](#) February 19, 2025.

¹⁵⁹ Civil society organizations have denounced that public officials from regional and municipal structures such as Carlos Alemán Cunningham, Regional Coordinator of the RACCN; Alexander Alvarado Lam, former mayor of Bonanza; Noel Omar Medina, secretary of the FSLN in Bonanza; Elvin Luquez Urbina, regional councilor; and Rolando Devis Jacobo, member of the GTI imposed by the FSLN; National Police Commissioner Óscar José Alemán Márquez, among others, are involved in the invasion of settlers, land trafficking, and the organization and protection of criminal groups. Confidencial, [“Saña contra miskitos”](#) (Vengeance against the Miskitos), August 31, 2016; CENIDH, [“Complaint filed by Dr. Elizabeth Enríquez on the situation of the indigenous peoples of the Nicaraguan Mosquita and the YATAMA organization,”](#) February 21, 2018; Connectas, [“Corruption and death in Miskito territory,”](#) June 6, 2016; Connectas, [“The dance of illegal deeds in Nicaragua,”](#) June 2016; Divergentes, [“A network of lawyers fabricating illegal deeds negotiates indigenous lands in the Caribbean region of Nicaragua,”](#) February 19, 2025.

¹⁶⁰ Divergentes, [“A network of lawyers producing illegal deeds negotiates indigenous lands in the Caribbean region of Nicaragua,”](#) February 19, 2025.

prior consultation due to the simulation of consultation processes and the granting of illegitimate consent by parallel governments at the regional, communal, and territorial levels for the massive deforestation of native forests, the expansion of the agricultural and livestock frontier, mining activities, and the development of megaprojects¹⁶¹. Similarly, in 2021, the UN Committee on Economic, Social and Cultural Rights highlighted that the State had not carried out prior consultation procedures prior to the approval of large investment projects and that there were no adequate mechanisms to guarantee the right of indigenous peoples to be consulted in decision-making that could affect their rights, including their rights to the territories they have traditionally occupied¹⁶².

115. In 2024, the Inter-American Court of Human Rights declared Nicaragua internationally responsible for approving the Inter-Oceanic Grand Canal project. In this regard, the Inter-American Court determined that the State did not carry out a free, prior, and informed consultation on the project and allowed undue interference in the appointment of territorial authorities, favoring the imposition of representatives aligned with the Executive. It also found that the State failed to guarantee the protection of communal property by facilitating the invasion of settlers and the uncontrolled exploitation of natural resources, which has led to territorial disputes, massive deforestation, and forced displacement¹⁶³. For the IACHR, this ruling once again highlights the consequences of the systematic failure to fulfill state duties regarding land titling, demarcation, and

¹⁶¹ See IACHR, [Northern Central America and Nicaragua: Economic, social, cultural, and environmental rights of indigenous peoples and Afro-descendants](#), OEA/Ser.LV/II. Doc. 52/23, adopted on March 21, 2023, para. 354.

¹⁶² Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Nicaragua, E/C.12/NIC/CO/5, October 15, 2021, para. 11.

¹⁶³ Cf. Inter-American Court of Human Rights. Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields et al. v. Nicaragua. Merits, Reparations, and Costs. Judgment of April 1, 2024. Series C No. 522.

remediation, as well as the model of dispossession that threatens the cultural and physical survival of communities.

4. Invasion of territories

116. Violence on the Caribbean Coast has intensified as a result of the invasion of indigenous and Afro-descendant territories by non-indigenous people, known as “settlers”¹⁶⁴ or third parties. This phenomenon has been encouraged by the expansion of the livestock, monoculture, and mining industries and facilitated by the executive branch's interest in appropriating the region's natural resources, in a context of corruption and impunity. According to the GHREN, the State uses settlers “to reconfigure, take control of, and exploit communal lands”¹⁶⁵; in many cases, these are demobilized ex-military personnel and ex-combatants to whom the State offered land after the conflict of the 1980s¹⁶⁶. Most settlers lack title deeds,

¹⁶⁴ According to the findings of the GHREN, indigenous people refer to them as “colonists” because they find that the purpose and manner of invading and occupying communal lands are akin to a process of colonization, which is characterized by the physical occupation of territory, the use of violence, and the indiscriminate exploitation of natural resources, putting at risk the environment, livelihoods, and way of life of the peoples. Human Rights Council, [Violations and abuses of the human rights of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 143.

¹⁶⁵ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 143.

¹⁶⁶ In many cases, the settler groups are demobilized ex-military personnel and ex-combatants who were offered land and work by the state during the demobilization process or as a reward for having served the country during the conflict of the 1980s. Among them were members of the Organization of Former Combatants COPAMAR, the Nicaraguan Resistance Association Israel Galiano, “Comandante Franklin” (ARNIG), and the Association for the Development of Former Combatants of the Atlantic Coast Autonomous Region of North Atlantic (DECARAAN) Association of Retired Military Personnel (AMIR) of Siuna. Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants of the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 145.

as revealed by various studies in the area, and occupy land registered in the names of other people¹⁶⁷.

117. Throughout history, various governments have promoted the resettlement of peasants, ex-combatants, and mestizo populations in indigenous and Afro-descendant territories on the Caribbean coast¹⁶⁸. Since 2009, the invasion has increased dramatically and intensified even further following the suspension of the land titling process. In 2012, the Indigenous Territorial Governments (GTI) reported that the failure to implement this stage had facilitated the occupation of their territories by third parties and land traffickers, causing the destruction of natural resources and seriously affecting the life and culture of indigenous communities¹⁶⁹.
118. In the same year, the communities and organizations implemented measures to protect their territories. These included the development of a Land Titling Manual, requests to settlers to leave their territories, and the formation of forest ranger groups to protect the lands¹⁷⁰. However, the settlers responded with violence, launching armed attacks against the communities to force them to leave¹⁷¹.

¹⁶⁷ See Inter-American Court of Human Rights. Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields et al. v. Nicaragua. Merits, Reparations and Costs. Judgment of April 1, 2024. Series C No. 522, para. 49.

¹⁶⁸ See The Oakland Institute, Nicaragua: A Failed Revolution. The Indigenous Struggle for Sanitation, 2020.

¹⁶⁹ Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua 2018-2020: "Under internal colonization and in danger of extermination," December 2020, p. 36.

¹⁷⁰ CEJIL, Miskitu Resistance: A Struggle for Territory and Life, March 2019, p. 30; IACHR, Thematic Hearing, "[Human Rights Situation of Indigenous Peoples and Afro-Descendants on the Caribbean Coast of Nicaragua](#)," 156th session, October 20, 2015.

¹⁷¹ IACHR, Thematic Hearing, "[Human Rights Situation of Indigenous Peoples and Afro-Descendants on the Caribbean Coast of Nicaragua](#)," 156th session, October 20, 2015; Thematic hearing, "[Human rights situation of indigenous peoples in Nicaragua](#)," 150th session, March 25, 2014; Thematic hearing, "[Human rights situation of indigenous women in Nicaragua](#)," 153rd session, October 28, 2014.

119. In this context, the IACHR learned of the installation of new military detachments in the region¹⁷², as well as the creation of the Nicaraguan Army's "BOSAWAS" Ecological Battalion, with the purpose of "restricting access and settlement by settlers, land traffickers, and predators in protected areas"¹⁷³. However, over the last decade, the intense militarization of the region has further fueled the resurgence of armed violence and land invasions, particularly in light of allegations of repression and violence by members of the Army, as well as the lack of protection for communities¹⁷⁴.
120. The IACHR has received information about the alarming illegal occupation of indigenous territories in the Bosawás Biosphere Reserve as one of the most serious cases of land dispossession in Nicaragua¹⁷⁵. Between 2011 and 2014, more than 600 settler families moved into the reserve, accelerating the destruction of natural resources essential to the subsistence of indigenous communities¹⁷⁶. In 2014, the Indigenous Territorial Government (GTI) of the Mayangna Sauni As Territory reported that these groups had devastated

¹⁷² Hora Cero, "[Military occupation on the Caribbean coast of Nicaragua](#)," March 5, 2021.

¹⁷³ See: [Nicaraguan Army](#)

¹⁷⁴ Seminar of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) on the impact of militarization on the rights of indigenous peoples, María Luisa Acosta, Participation in the panel "Remediation and prevention of the impact of militarization on the rights of indigenous peoples: international and constitutional courts, conflict prevention, peace and demilitarization, and the use of indigenous laws and customs," December 6, 2022; also Current Situation, "[The Indio Maíz Biological Reserve: a natural treasure we are losing](#)," January 21, 2021.

¹⁷⁵ The Bosawás Biosphere Reserve is located in the Mosquitia region that stretches along both sides of the border between Honduras and Nicaragua and comprises one of the largest contiguous tropical forest regions in Latin America north of the Amazon basin. Bosawás covers some 2.2 million hectares. Volckhausen, T., "Indigenous peoples and wildlife endangered by cattle ranchers' invasion of Bosawás reserve | Nicaragua," Mongabay, September 24, 2019.

¹⁷⁶ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous peoples of the Musawas, Suniwas, and Wilú communities of the Mayangna Sauni As Territory in the North Caribbean Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 8.

approximately 40% of the reserve¹⁷⁷. In addition, it is estimated that some 11,000 settlers have caused the deforestation of more than 150,000 hectares of forest. According to information received by the IACHR, since 2010, the State has been aware of an investigation that documented 339 cases of invasion and illegal land titling in the Mayangna Sauni As and Mayangna Sauni Bas territories, without effective measures being taken to halt this process¹⁷⁸.

121. According to information received by the IACHR, the invasion of settlers has severely restricted indigenous communities' access to their natural resources, as the armed presence in the territories prevents the gathering of fruits and medicinal plants, hunting, and fishing. Furthermore, violence against the communities, in the form of armed attacks, has resulted in the burning of homes, the destruction of crops, and the killing of livestock, as tactics to dispossess and forcibly displace entire families. In turn, illegal logging and the expansion of extensive cattle ranching by these groups has resulted in the deforestation of traditional lands, pollution, and erosion of ecosystems, among other impacts¹⁷⁹. Indigenous and Afro-

¹⁷⁷ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 8.

¹⁷⁸ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 8.

¹⁷⁹ IACHR, Thematic Hearing, [“Human Rights Situation of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua,”](#) 156th session, October 20, 2015; Thematic hearing, [“Human rights situation of indigenous peoples in Nicaragua,”](#) 150th session, March 25, 2014; Thematic hearing, [“Human rights situation of indigenous women in Nicaragua,”](#) 153rd session, October 28, 2014.

descendant communities have reported to the IACHR that they are facing a serious humanitarian crisis and "ethnocide"¹⁸⁰.

122. In its ruling on *the Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields et al. v. Nicaragua*, the Inter-American Court highlighted the 2022 "patrol report" prepared by community forest rangers from Indian River, Corn River, and Graytown, which reports an increase in incursions and invasions by settlers in areas belonging to these communities, as well as in other localities within the Indio Maíz Reserve and the Afro-descendant Rama and Kriol territory¹⁸¹. Similarly, the Court considered the expert opinion of Mr. Pérez Sales, which reports on the "acceleration" in the "process of mass arrival of non-indigenous settlers, mostly cattle ranchers or [engaged in] extractive industries," such that they outnumber the indigenous population and settle in most of the traditional territory, over which they exercise both economic and "military" control¹⁸².
123. On September 13, 2024, Stedman Fagoth, then Presidential Advisor on Policy toward Indigenous Peoples and former leader of YATAMA, publicly denounced the complicity of authorities in the dispossession of indigenous lands and the illegal sale of ancestral territories¹⁸³.

¹⁸⁰ IACHR, Thematic Hearing, ["Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua,"](#) 179th session, March 18, 2021. IACHR, Thematic Hearing, ["Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion,"](#) 190th session, July 11, 2024; ASLA Foundation, ["Territorial dispossession and state negligence, Miskito and Mayagna communities of Nicaragua, in danger of ethnocide,"](#) p. 21; Report on Violence, Extractivism, and Impunity: Ethnocide of Indigenous Peoples on the Caribbean Coast of Nicaragua, on file with the IACHR, October 31, 2024.

¹⁸¹ See Inter-American Court of Human Rights. *Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields et al. v. Nicaragua*. Merits, Reparations, and Costs. Judgment of April 1, 2024. Series C No. 522, para. 51.

¹⁸² See Inter-American Court of Human Rights. *Case of the Rama and Kriol Peoples, Indigenous Black Creole Community of Bluefields et al. v. Nicaragua*. Merits, Reparations, and Costs. Judgment of April 1, 2024. Series C No. 522, para. 51.

¹⁸³ See Stedman Fagoth, [Statement at the hearing on September 13, 2024](#).

Fagoth warned of the indiscriminate devastation of natural resources on the Caribbean coast, pointing to the expansion of the agricultural frontier and logging as key factors in the destruction of ecosystems and the disappearance of indigenous and Afro-descendant communities¹⁸⁴. He also noted that these activities are carried out with the approval of local authorities, including Regional Council officials, who have allegedly facilitated the illegal sale of communal lands to third parties, ignoring the territorial rights of the communities¹⁸⁵. The presidential advisor warned that if this process of colonization and land sales continues, the Miskitu and Mayangna nations could disappear in less than 15 years. He also referred to the presence of armed groups that have usurped indigenous territories with the consent of state security forces¹⁸⁶. Following these statements, Fagoth was arbitrarily detained by the Nicaraguan Army and, at the time of writing, there was no official information about his whereabouts or state of health¹⁸⁷.

124. In short, the IACHR warns that the invasion of indigenous and Afro-descendant territories on the Caribbean coast is a consequence of structural impunity, corruption, lack of land reform, the imposition of parallel governments, and the state's colonization policy. These dynamics, in turn, have facilitated the exploitation of the territories, benefiting the livestock, agro-industrial, and extractive sectors, while communities are stripped of their livelihoods and displaced from their ancestral lands. Furthermore, as analyzed in the following chapter, within the framework of the establishment of a regime of power concentration in Nicaragua, invasions have become increasingly violent, with state complicity or acquiescence, putting the physical and cultural survival of indigenous and Afro-descendant peoples at risk.

¹⁸⁴ See Steadman Fagoth, [Statement at the hearing on September 13, 2024](#).

¹⁸⁵ See Steadman Fagoth, [Statement at the hearing on September 13, 2024](#).

¹⁸⁶ See Steadman Fagoth, [Statement at the hearing on September 13, 2024](#).

¹⁸⁷ IACHR, Press Release No. 27024, [“IACHR grants precautionary measures to Steadman Fagoth Muller in Nicaragua,”](#) Washington, D.C., October 30, 2024.

C. Concentration of power in the executive branch and closure of civic space

125. The violence, discrimination, and exclusion faced by indigenous peoples and Afro-descendants have historical roots that predate the human rights crisis that began on April 18, 2018. However, the establishment of a regime of absolute concentration of power in the executive branch has deepened their situation of extreme vulnerability.
126. In recent years, the regime has sought to consolidate total control over territories and natural resources through repression, the criminalization of leaders, the closure of spaces for political participation and community media, the persecution of indigenous organizations, and the adoption of a new Constitution that eliminated democratic checks and balances, putting the autonomous regime at risk, among other things.
127. As documented by the IACHR, the social protests of April 2018 reflected accumulated social discontent with the process of democratic weakening and the concentration of power in the executive branch¹⁸⁸. The state's response to this expression of social dissent was the use of violence against the population, followed by the progressive imposition of a police state to silence any opposition. Since April 2018, the IACHR has documented the different phases of

¹⁸⁸ IACHR, [Annual Report 2023, Chapter IV.B Nicaragua](#), OEA/Ser.LV/II. Doc. 386 rev. 1, December 31, 2023, para. 3.

state repression that resulted in the consolidation of an authoritarian model and the degradation of democratic space in the country¹⁸⁹.

128. Indeed, in 2023, the Commission concluded that the closure of civic spaces in Nicaragua constituted one of the most serious situations in the region¹⁹⁰. Specifically, the IACHR observed the radicalization of repression to completely suppress fundamental rights and freedoms through the massive closure of civil society organizations and restrictions on access to foreign cooperation funding, criminalization, arbitrary deprivation of nationality, exile, as well as the confiscation of property, bank accounts, pensions, and other economic reprisals as a form of punishment and violence against those perceived as opponents of the regime¹⁹¹.
129. Regarding the situation on the Caribbean coast, the IACHR noted the intensification of persecution, threats, and criminalization of defenders of the rights of indigenous peoples and Afro-descendants, as well as traditional leaders and authorities. In 2018, the IACHR granted precautionary measures to Miskito defender Juan Carlos Ocampo, Creole leader Daisy George West, and Reverend Marvin Hodgson, after they received threats for their participation in the

¹⁸⁹ The Commission revealed that state violence followed a common pattern, characterized by: excessive and arbitrary use of police force, including lethal force; the use of parapolice groups or shock troops with the acquiescence, tolerance, and collaboration of state authorities; intimidation and threats against leaders of social movements; arbitrary arrests of young people and adolescents participating in protests; irregularities in the initiation of investigations into the killings and injuries that occurred in this context; obstacles to access to emergency medical care for the wounded, as a form of reprisal for their participation in the demonstrations; the dissemination of propaganda and stigmatization campaigns, and direct and indirect censorship measures. IACHR, [Serious human rights violations in the context of social protests in Nicaragua](#), OEA/Ser.LV/II, Doc. 86, June 21, 2018, para. 2.

¹⁹⁰ IACHR, [Closure of civic space in Nicaragua](#), OEA/Ser.LV/II. Doc. 212/23, September 23, 2023, para. 3.

¹⁹¹ IACHR, [Closure of Civic Space in Nicaragua](#), OEA/Ser.LV/II. Doc. 212/23, September 23, 2023, para. 20.

National Dialogue¹⁹². That same year, the Inter-American Court granted provisional measures to indigenous defenders Lottie Cunningham and José Coleman, members of CEJUDHCAN, due to increased threats against them linked to their work in defense of the territories¹⁹³. In 2020, the IACHR documented the arbitrary restriction of entry into Nicaragua against Anexa Alfred Cunningham, a member of the UN Group of Experts on the Rights of Indigenous Peoples, following her participation in the sessions of this mechanism in Geneva, Switzerland¹⁹⁴.

130. In the context of the human rights crisis, the IACHR has extensively documented a systematic pattern of arbitrary detentions and criminalization against individuals identified as opponents of the regime¹⁹⁵. This pattern has also spread to the Caribbean coast, where it has been used to repress those who denounce invasions by settlers and the illegal exploitation of natural resources, especially in the Mayangna Sauni As and Wangki Li Aubra territories. Between April 2018 and March 2024, GHREN recorded up to 124 arbitrary arrests of leaders, forest rangers, defenders, and activists, including protesters, indigenous people, and Afro-descendants¹⁹⁶. For their

¹⁹² IACHR, Resolution 60/2018, [Precautionary Measure No. 981-18: Daisy Reymunda George West, Juan Carlos Ocampo Zamora, Reverend Marvin Hodgson, and their families regarding Nicaragua \(Coastal Delegation of the Caribbean Coast in the National Dialogue and members of the Civic Alliance for the Defense of the Constitution\)](#), August 10, 2018.

¹⁹³ IACHR, [Precautionary Measure No. 505-15: Lottie Cunningham regarding Nicaragua \(Expansion\)](#), June 11, 2017.

¹⁹⁴ UN, [Acting High Commissioner: Addressing the Legacies of Colonialism Can Contribute to Overcoming Inequalities Within and Among States and Sustainable Development Challenges of the Twenty-First Century](#), September 28, 2022; Article 66, Anexa Alfred Cunningham suffers exile "for her work in favor of the rights of the Miskito people," October 4, 2022; 100% NOTICIAS, Dictatorship exiles Anexa Cunningham, UN expert on indigenous peoples in Nicaragua, September 28, 2022.

¹⁹⁵ IACHR, Persons deprived of liberty in Nicaragua in the context of the human rights crisis that began on April 18, 2018, OEA/Ser.LV/II., October 5, 2020, p. 5.

¹⁹⁶ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights in Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 398.

part, in the first half of 2024, indigenous organizations recorded up to 37 cases of forest rangers criminalized by the government¹⁹⁷. At the time of writing, at least 11 traditional authorities and forest rangers from the Mayangna people remained arbitrarily detained and under even more severe conditions than the rest of the people identified as political prisoners¹⁹⁸. Four of these persons have protection measures from the inter-American system¹⁹⁹. Likewise, historic indigenous leaders Brooklyn Rivera²⁰⁰ and Steadman Fagoth²⁰¹ remain in a situation of enforced disappearance following their arrest. Nancy Elizabeth Henríquez, deputy representative of YATAMA and legal representative of the party, also remained in detention²⁰².

131. The pattern of attacks against pluralism resulted in the elimination of any space for civic, social, or religious participation in the Caribbean Coast that was not under government control. Since 2018, the State has revoked the legal status of more than 75 civil society organizations dedicated to defending the rights of indigenous and

¹⁹⁷ IACHR, Thematic Hearing, [Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion](#), 190th Regular Session, Washington, DC, United States, July 16, 2024.

¹⁹⁸ IACHR, Thematic Hearing, [Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion](#), 190th Regular Session, Washington, DC, United States, July 16, 2024.

¹⁹⁹ IACHR, [Resolution 20/2023, Precautionary Measure No. 738-22: D.R.Z., D.A.B.A., A.C.L., and I.C.L. regarding Nicaragua](#), April 13, 2023.

²⁰⁰ Voice of America, [Detention of Nicaragua's only indigenous congressman denounced, September 29, 2023](#); Despacho 505, Police arrest Congressman Brooklyn Rivera after four months of evading a banishment order, September 29, 2023; Confidential, Regime police capture indigenous congressman Brooklyn Rivera, September 29, 2023.

²⁰¹ IACHR, Press Release No. 270/24, [IACHR grants precautionary measures to Steadman Fagoth Muller in Nicaragua](#), Washington, D.C., October 30, 2024.

²⁰² Confidential, [Regime police arrest Yatama deputy Nancy Henríquez](#), October 2, 2023; 100% Noticias, [Nicaraguan police arrest Yatama deputy Nancy Elizabeth Henríquez](#), October 1, 2023; Despacho 505, [The dictatorship launches an attack against Yatama: deputy and party president Nancy Elizabeth Henríquez arrested](#), October 2, 2023.

Afro-descendant peoples²⁰³. Among them, in 2022, the IACHR rejected the closure of CEJUDHCAN²⁰⁴, whose closure severely weakened the communities' ability to report human rights violations and deepened their vulnerability to the invasion of their territories, land dispossession, and systematic violence by settlers²⁰⁵. Similarly, the Foundation for the Autonomy and Development of the Atlantic Coast of Nicaragua (FADCANIC), the Egdolina Thomas Foundation for the Defense of the Rights of the Inhabitants of the Caribbean Coast of Nicaragua, the Coordinating Association of Chorotega Indigenous Peoples of the Departments of Madriz and Nueva Segovia, and the Foundation for the Conservation and Development of Southeast Nicaragua (Fundación del Río), among others²⁰⁶.

132. In addition to the above, on October 4, 2023, the Supreme Electoral Council revoked the legal status of the YATAMA party, considering that its representatives had publicly expressed views that "distort the reality of the country," in violation of the Law on the Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace²⁰⁷. This measure prevented the party from participating in the March 2024 elections. It also constituted retaliation against its work and its historic opposition to the policies of

²⁰³ See Fundación para la Conservación y el Desarrollo del Sureste de Nicaragua, Alternative report to the Committee on the Elimination of Racial Discrimination (CERD), Managua, Nicaragua, July 2022.

²⁰⁴ IACHR, Press release no. 67/22 - IACHR, RELE and REDESCA reject the conviction of Cristiana Chamorro and the cancellation of the legal status of organizations in Nicaragua, Washington, D.C., March 30, 2022.

²⁰⁵ Divergentes, ["The Miskitos already resent the closure of Cejudhcan: 'it was revenge.'" March 22, 2022.](#)

²⁰⁶ See Fundación para la Conservación y el Desarrollo del Sureste de Nicaragua, Alternative report to the Committee on the Elimination of Racial Discrimination (CERD), Managua, Nicaragua, July 2022.

²⁰⁷ Infobae, [Persecution in Nicaragua: After arresting the leaders of the indigenous party YATAMA, Daniel Ortega's regime declared it illegal](#), October 4, 2023; Article 66, [Ortega orders the imprisonment of Nancy Henríquez, deputy representative of Yatama](#), October 1, 2023; Vos de América, [Nicaragua: Denuncian la cancelación de la personería jurídica del partido indígena Yatama](#), October 4, 2023; Confidencial, Poder Electoral elimina la personería del partido indígena Yatama, October 4, 2023.

the FSLN²⁰⁸. In 2024, the Ministry of the Interior even revoked the legal status of the Moravian Church²⁰⁹, which is predominant on the Caribbean Coast²¹⁰.

133. Since 2018, the IACHR has observed an increasingly intense escalation of attacks and harassment against independent journalists and media outlets on the Caribbean Coast, with the aim of silencing critical voices²¹¹, including in the digital environment²¹². Among other cases, the IACHR has been monitoring the situation

²⁰⁸ Coyuntura, “The death of YATAMA: Ortega’s ‘coup de grâce’ against the indigenous communities of the Caribbean,” November 1, 2023; also Violations and abuses of the human rights of leaders, members, and supporters of the YATAMA political party, Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 398.

²⁰⁹ Voice of America, [“Moravian Church victim of persecution in Nicaragua,”](#) July 25, 2024; La Prensa, [“Dictatorship seeks to exterminate religious expression: Moravian Church in Nicaragua and 168 other NGOs shut down ,”](#) August 29, 2024; Confidencial, [“ Interior continúa con la ‘barrida’ de oenegés evangélicas y gremiales”](#) (The Interior Ministry continues its crackdown on evangelical and trade union NGOs), , August 29, 2024.

²¹⁰ The Moravian Church has been one of the most important influences on the Caribbean Coast. The first Moravian missionaries arrived in Bluefields in 1849. Until the 1980s, the Moravian Church practically replaced the state in the provision of education and health services: the Church built schools, clinics, and hospitals, and American and European missionaries worked as teachers, nurses, and doctors. In 1972, the Church ceased its missionary activity and the Moravian Church of Nicaragua was established. See Jonathan Renshaw, Nicaragua: Discussion Paper on Indigenous Peoples and Afro-descendants, Inter-American Development Bank, Environmental Safeguards Unit, Discussion Paper, October 2007.

²¹¹ IACHR, Special Rapporteur for Freedom of Expression, December 14, 2018, [UN and Inter-American experts on freedom of expression condemn attacks and threats against journalists and media outlets in Nicaragua](#), press release R267/28; IACHR, Special Rapporteur for Freedom of Expression, March 2, 2021, [Joint statement by OACNUDH for Central America and RELE CIDH on Journalist Day in Nicaragua](#), press release R47/21; IACHR, Special Rapporteur for Freedom of Expression, July 15, 2022, [Nicaragua must cease persecution of independent press and account for its actions](#).

²¹² Freedom House, [Nicaragua: Freedom on the Net 2022 Country Report](#), 2022; Nicaraguan Human Rights Collective Nunca +; CEJIL; IM-Defensoras. March 18, 2022. Communication on the Situation of Human Rights Defense and Freedom of Expression in the Digital Space in Nicaragua.

of the team at La Costeñísima, a community radio station based in Bluefields, who have been victims of surveillance, intimidation, stigmatization campaigns, death threats, and harassment. On March 22, 2023, the Inter-American Court granted provisional measures to the team after determining that they were in a situation of extreme gravity and urgency due to the imminent risk of irreparable harm to life and integrity²¹³.

134. On September 28, 2023, the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR) ordered the closure and confiscation of the headquarters of the indigenous community radio stations Yapti Tasba Bila Baikra Bilwi and Waspam, administered by the YATAMA party²¹⁴. The stations covered 17 Mayangna and Miskitu indigenous territories and reported on issues of general interest, serving as a channel for reporting violence experienced by indigenous communities and problems related to the environment and climate change and its effects on indigenous communities²¹⁵. Since its founding in 2001, its content has been considered a benchmark for the vindication, promotion, and dissemination of the culture of indigenous peoples' rights²¹⁶.
135. As a result of intensified state repression, the IACHR documented an increase in the forced displacement of indigenous and Afro-descendant persons in the Caribbean Coast, particularly in the

²¹³ See Inter-American Court of Human Rights. Case of Members of the Journalistic Team of Radio La Costeñísima v. Nicaragua. Provisional Measures. Judgment of the Inter-American Court of Human Rights of March 22, 2023.

²¹⁴ Confidential, [Telcor strips Yatama of two community radio stations, police take over facilities](#), September 30, 2023; La Prensa, [Telcor closes community radio stations in Bilwi and Waspam that were administered by Yatama](#), September 30, 2023; Confidential, [Telcor strips Yatama of two community radio stations, police take over facilities](#), September 30, 2023.

²¹⁵ Nicaragua Investiga, [Regime closes two radio stations run by the Yatama party](#), September 30, 2023.

²¹⁶ Despacho 505, [Telcor orders closure of two Yatama radio stations after arresting Brooklyn Rivera](#), September 30, 2023.

context of the 2024 regional elections. During its working visit to Costa Rica in March 2024, the IACHR received information and testimonies from indigenous and Afro-descendant members of regional and community autonomous governments, as well as traditional leaders and authorities, who reported being forced to flee Nicaragua, including through blind spots, due to persecution, threats of arrest, impersonation by parallel governments, and harassment²¹⁷.

136. Finally, on November 22, 2024, the IACHR rejected the approval of the initiative for the Partial Reform of the Political Constitution of the Republic of Nicaragua, which amended more than 100 articles of the constitutional text in order to modernize and update "the Revolutionary State to continue strengthening the fight against poverty and guaranteeing new times of security, prosperity, and peace with well-being²¹⁸." It also established a model of "direct democracy" that centralizes power to the Presidency of the Republic, headed by a Co-President and a Co-President²¹⁹.

137. This reform not only constitutionalizes and consolidates the absolute control of the executive branch by eliminating the checks and balances of the rule of law but also dismantles the autonomous regime²²⁰. In particular, Article 132 of the reform granted the Presidency the power to "coordinate" regional and municipal bodies, a power that, according to Law 28, belonged exclusively to the Regional Councils and Governments of the Autonomous Regions of the North and South Caribbean Coast (RACCN and RACCS). This imposed a hierarchical relationship that eliminates the political and

²¹⁷ Testimonies received by MESENI during its visit to Costa Rica in 2024, on file with the IACHR.

²¹⁸ National Assembly of the Republic of Nicaragua, ["We approve partial reform of our Political Constitution in the first legislative session,"](#) November 22, 2024.

²¹⁹ See National Assembly of the Republic of Nicaragua, Law on Partial Reform of the Political Constitution of the Republic of Nicaragua, published in La Gaceta, Official Gazette No. 218, Managua, November 25, 2024.

²²⁰ IACHR, press release no. 29524, [Nicaragua: IACHR condemns the approval of constitutional reform that eliminates democratic checks and balances,](#) Washington, DC, November 27, 2024.

administrative autonomy of the different levels of the autonomous regime²²¹. Likewise, Article 181 provides for the drafting of a new Statute of Autonomy for the Caribbean Coast regions²²². Consequently, the IACHR observes that the replacement of Law No. 28, which represented a historic achievement for indigenous and Afro-descendant peoples in the recognition of their rights, formalizes the elimination of the autonomous regime and, based on all the considerations set forth in this section, represents a serious setback for their cultural survival.

138. Similarly, the IACHR observes that the process of closing civic space and dismantling the autonomous regime not only seriously violates the collective and cultural rights of indigenous peoples and Afro-descendants, but also severely limits their ability to participate and deliberate on other structural problems that affect the exercise of their rights. Through the imposition of a model of total control, the State of Nicaragua eliminated all channels of dialogue and effective participation, as well as spaces for the legitimate representation of these peoples, in order to silence their voices in the face of the dispossession of their territories and the progressive elimination of their cultural identity.

²²¹ National Assembly, [Certification of the approval in general and in particular in the first discussion of the initiative for the "Law for Partial Reform of the Political Constitution of the Republic of Nicaragua,"](#) published in La Gaceta, Official Gazette No. 218, Managua, November 25, 2024.

²²² See Article 181. The State shall organize, by means of a constitutional law, the Regime of Autonomy for the Caribbean Coast Regions of Nicaragua, which shall contain, among other provisions, the powers of their communal and territorial bodies and governments, as well as their relationship with the Central Government and municipal governments in the exercise of their rights. National Assembly, [Certification of approval in general and in particular in the first discussion of the initiative for the "Law for Partial Reform of the Political Constitution of the Republic of Nicaragua,"](#) published in La Gaceta, Official Gazette No. 218, Managua, November 25, 2024.

**FORMS OF VIOLENCE AGAINST
INDIGENOUS PEOPLES AND
PEOPLE OF AFRICAN DESCENT
ON THE CARIBBEAN COAST**

IV. FORMS OF VIOLENCE AGAINST INDIGENOUS PEOPLES AND PEOPLE OF AFRICAN DESCENT ON THE CARIBBEAN COAST

139. In this chapter, the IACHR analyzes the different forms of violence against indigenous and Afro-descendant persons, with special attention to the Miskitu and Mayangna peoples in the North Caribbean Coast Autonomous Region²²³. In this region, violence aimed at dispossessing communities of their territories has reached alarming levels due to a pattern characterized by: i) the continuity and frequency of armed attacks perpetrated by groups of settlers and organized crime with the tolerance and acquiescence of the State; ii) the murder and criminalization of traditional authorities, community leaders, and defenders of the territory; iii) threats, harassment, and extortion of communities by armed settler groups; iv) acts of torture and sexual violence; and v) structural impunity in a context of absolute concentration of power in the executive branch.
140. The IACHR highlights that, since 2015, the extreme levels of cruelty, the intensification of violence, and the lack of response by the Nicaraguan State have resulted in the Inter-American Court of Human Rights granting protective measures to more than 15 communities that have been victims of violent attacks, as well as to

²²³ There are nine Mayangna indigenous territories on Nicaragua's Caribbean coast: eight in the North Caribbean Autonomous Region (RACCN) and one in the South Caribbean Autonomous Region (RACCS), comprising 78 communities, most of which are settled on the banks of the region's largest rivers: Waspuk, Wawa, Uliwas or Prinzapolka, Umrawás, Walakwás or Lakus, Bam-bana, and Amak-Bocay. Most of the Mayangna population is concentrated in the so-called "mining triangle" of the Bosawás Biosphere Reserve, which consists of three territories: Mayangna Sauni Bas, Mayangna Sauni Bu, and Mayangna Sauni As. This reserve is shared with Miskito communities. In 1991, Nicaragua declared Bosawás a protected area and, in 1997, UNESCO recognized it as a biosphere reserve.

indigenous rights defenders, leaders, and private forest rangers who have been arbitrarily deprived of their liberty in Nicaragua²²⁴.

141. In this regard, in its report *Violations and abuses of the human rights of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua*, the GHREN concluded that the continuity, frequency, and patterns of violent crimes committed by settlers have created a context of real and immediate risk to the lives of people belonging to indigenous and Afro-descendant communities in the autonomous regions on the Caribbean coast²²⁵. Furthermore, it noted that the State of Nicaragua has been aware of this violence, based on specific complaints made by indigenous and Afro-descendant persons to the National Police and official sources that confirmed such violence²²⁶. However, "through its agents and institutions, it has systematically failed to fulfill its obligation to investigate and prosecute the perpetrators of these crimes in a prompt, effective, thorough, and impartial manner, creating an environment of widespread impunity"²²⁷. According to the GHREN, the creation of an environment of impunity for the settlers, together with the documented violations of the right to land and territory and to self-

²²⁴ See Inter-American Court of Human Rights. Case of four Mayangna indigenous persons deprived of liberty in Nicaragua. Provisional Measures. Judgment of the Inter-American Court of Human Rights of March 27, 2025; Inter-American Court of Human Rights. Case of Brooklyn Rivera Bryan and Nancy Elizabeth Henríquez James and their families v. Nicaragua. Provisional Measures. Resolution of the Inter-American Court of Human Rights of February 1, 2024; Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast with respect to Nicaragua. Extension of Provisional Measures. Resolution of the Inter-American Court of Human Rights of June 27, 2023.

²²⁵ Human Rights Council, [Violations and abuses of the human rights of Indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 378.

²²⁶ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 379.

²²⁷ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 374.

determination, are fundamental factors from which the risk stems, "since they constitute the cause for the illegal presence of settlers in the autonomous regions"²²⁸.

142. For its part, at the hearing on the "Situation of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua," held during the 172nd extraordinary session of the IACHR, the State of Nicaragua maintained that "the violence experienced in the community areas of indigenous peoples"²²⁹, was in fact the result of "land conflicts between settlers and community members"²³⁰, as well as "conflicts between community members and groups engaged in common crime"²³¹. In addition, it blamed indigenous leaders for inciting "self-cleansing" of lands, arguing that this would not contribute to the pacification efforts that the Government had implemented through its institutions, the National Police, and the Army²³².

A. IMPACT ON THE RIGHT TO LIFE

143. The IACHR considers that the right to life provided for in Article 4 of the ACHR and in Article I of the American Declaration constitutes the

²²⁸ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 380.

²²⁹ State of Nicaragua, Report to the Inter-American Commission on Human Rights regarding the hearing convened on "The situation of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua" during its 172nd extraordinary session in Kingston, Jamaica.

²³⁰ State of Nicaragua, Report to the Inter-American Commission on Human Rights regarding the hearing convened on "The situation of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua" during its 172nd extraordinary session in Kingston, Jamaica.

²³¹ State of Nicaragua, Report to the Inter-American Commission on Human Rights regarding the hearing convened on "The situation of indigenous and Afro-descendant peoples on the Caribbean coast of Nicaragua" during its 172nd extraordinary session in Kingston, Jamaica.

²³² State of Nicaragua, Report to the Inter-American Commission on Human Rights regarding the hearing convened on "The situation of indigenous and Afro-descendant peoples on the Caribbean coast of Nicaragua" during its 172nd extraordinary session in Kingston, Jamaica.

essential basis for the exercise of all other rights²³³. Likewise, the Inter-American Court of Human Rights has stated that the right to life plays a fundamental role in the American Convention because it is the essential corollary for the realization of other rights; when it is not respected, all rights are meaningless²³⁴.

144. According to inter-American jurisprudence, observance of the right to life in relation to the general obligations enshrined in Article 1.1 of the American Convention not only presupposes that no person shall be arbitrarily deprived of life, but also requires that States adopt all appropriate measures to protect and preserve that right, in accordance with their duty to guarantee it²³⁵. The active protection of the right to life involves all State institutions, including those responsible for safeguarding security, whether they be police forces or armed forces. To that extent, deprivation of life resulting from the unlawful, excessive, or disproportionate use of force is contrary to the Convention²³⁶. In other words, on the one hand, the obligation to respect presupposes the duty of States to refrain from acts that result in the violation of the right to life, whether through the direct intervention of their agents or through their collaboration, support, or acquiescence in acts committed by others aimed at violating that right. In turn, the obligation to guarantee entails the duty of the State to prevent such actions, as well as to investigate, punish, and remedy any harm caused²³⁷.

²³³ See IACHR, [Serious human rights violations in the context of social protests in Nicaragua](#), OEA/Ser.LV/II, Doc. 86, June 21, 2018, para. 77; IACHR, Report on Honduras: Human Rights and the Coup d'État, OEA/Ser.LV/II. Doc. 55, December 30, 2009, para. 236.

²³⁴ Inter-American Court of Human Rights, Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, Reparations and Costs, Judgment of June 17, 2005, Series C No. 125, para. 161.

²³⁵ Inter-American Court of Human Rights. Case of the Miskito Divers (Lemonth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432, para. 54.

²³⁶ Inter-American Court of Human Rights. Case of Coc Max et al. (Xamán Massacre) v. Guatemala. Merits, Reparations, and Costs. Judgment of August 22, 2018. Series C No. 356, para. 107.

²³⁷ Inter-American Court of Human Rights. Case of Asociación Civil Memoria Activa v. Argentina. Merits, Reparations, and Costs. Judgment of January 26, 2024. Series C No. 516, para. 119.

145. Finally, the IACHR recalls that in order to establish that a violation of this right has occurred, it is not necessary to determine the guilt of the perpetrators or their intent, nor is it necessary to individually identify those responsible for the violations. According to the jurisprudence of the Inter-American Court, it is sufficient to demonstrate that actions or omissions have been verified that have allowed the perpetration of such violations²³⁸.
146. Furthermore, despite the fact that violence has been widespread for more than a decade, the IACHR notes that there is no exact figure for the total number of indigenous and Afro-descendant persons killed in Nicaragua, due to the lack of official and disaggregated information. In addition, the closure of civic space, state repression, the criminalization of those who denounce these attacks, and restrictions on access to territories hinder the monitoring and documentation of these cases, contributing to the underreporting of victims.
147. In this regard, in its report *Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua*, GHREN documented a total of 68 Indigenous people killed in the North Caribbean Coast Autonomous Region between 2015 and 2024²³⁹. For their part, in the context of the thematic hearing "Indigenous peoples of the North Caribbean Coast and violations of freedom of religion," civil society organizations informed the IACHR that, between 2013 and 2024, at least 79

²³⁸ Inter-American Court of Human Rights. Case of the Garífuna Community of San Juan and its members v. Honduras. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 29, 2023. Series C No. 496, para. 263.

²³⁹ Of these, 22 indigenous people were killed in various violent incidents between 2015 and 2018, while 46 murders occurred between 2018 and 2024, that is, after the start of the human rights crisis in the country. Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, paras. 186 and 245.

indigenous people have been killed in the context of invasions and attacks by settlers²⁴⁰.

148. Beyond the total number of victims recorded, the IACHR reiterates that the lethal violence directed against indigenous peoples and Afro-descendants on the Caribbean Coast has been perpetrated with extreme cruelty, in a sustained manner over time, and with the purpose of dispossessing communities of their ancestral territories. To that extent, and in line with the conclusions of the GHREN, the Commission recalls that there is no precise quantitative threshold for establishing the serious nature of human rights violations²⁴¹, but rather that factors such as the nature and systematic nature of the violations, their link to territorial dispossession, their impact on the physical and cultural survival of the peoples, and the context of structural impunity must be taken into account²⁴². As analyzed, taken together, these elements allow us to affirm that the documented events constitute serious human rights violations²⁴³.

²⁴⁰ IACHR, Thematic Hearing, [Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion](#), 190th Regular Session, Washington, DC, United States, July 16, 2024; other records indicate that between 2013 and 2022 at least 66 indigenous people were killed. CEJIL, Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua: Brief Report on the Serious Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua Benefiting from Protection Measures before the Inter-American Human Rights System, on file with the IACHR, November 2022, p. 4.

²⁴¹ See Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, Definition of serious human rights violations, p. 7 et seq.

²⁴² According to the legal analysis of the GHREN and the practice of treaty bodies, the threshold for serious human rights violations must consider the aggravating effect of the scale of violations in conjunction with their prevalence, nature, interrelationship, and impact. Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 15 et seq.

²⁴³ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 380.

1. Murders in the context of armed attacks

149. The IACHR observes that, according to the information received, some of these murders have occurred in the context of systematic armed attacks perpetrated by groups of settlers and organized crime with the tolerance and acquiescence of the State, with the aim of dispossessing the peoples of their territories, destroying their means of subsistence such as crops, and instilling a climate of fear in the region. In many cases, these attacks have been reported as "ambushes," in which indigenous people were attacked while carrying out subsistence activities in their own territories. The IACHR has also identified a pattern of kidnappings that culminated in the murder of the victims²⁴⁴.

150. In particular, since 2015, the IACHR has observed an increase in violence on the Caribbean coast as a result of a series of attacks and murders that follow these patterns²⁴⁵. Due to the seriousness of the situation, on October 14, 2015, the IACHR granted the first precautionary measures in favor of the communities of Esperanza, Santa Clara, Wisconsin, and Francia Sirpi of the Miskitu people of Wangki Twi-Tasba Raya²⁴⁶. Among other cases, on May 18, 2015, the IACHR was informed of the murder of a member of the Wisconsin community by a group of ten settlers as he was on his way to work

²⁴⁴ See Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua 2018-2020: "Under internal colonization and in danger of extermination," December 2020; CALPI, Grave violations of the human rights of the Miskito and Mayangna indigenous peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, June 21, 2021; Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua, Nicaragua, December 2017; Asla Foundation, Territorial dispossession and state negligence: Miskitu and Mayangna communities in Nicaragua at risk of ethnocide, 2023; OPIA, "Exclusion, complicity, and colonization," November 2023.

²⁴⁵ IACHR, Thematic Hearing, ["Human Rights Situation of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua,"](#) 156th session, October 20, 2015.

²⁴⁶ See IACHR, Resolution 37/15, Precautionary Measure No. 505-15: Miskitu Indigenous People of Wangki Twi-Tasba Raya regarding Nicaragua, October 14, 2015, and the sources cited in this resolution.

on his family's plot of land²⁴⁷. On June 25, 2015, six people from the community of Francia Sirpi were attacked with firearms by seven settlers²⁴⁸. On September 3, 2015, a group of Miskitos conducting patrols was ambushed with high-caliber rifle fire, resulting in the death of two community members²⁴⁹.

151. According to the GHREN, between 2015 and 2018, there were 41 serious incidents of violence perpetrated by settlers in the Miskitu and Mayangna territories of the North Caribbean Coast. These resulted in at least 22 people being killed, 20 of them by gunshot wounds²⁵⁰, and three showed signs of cruelty due to possible torture practices. Likewise, 44 people were injured, of which 39 suffered injuries from firearms²⁵¹. In the following years, civil society organizations denounced a new escalation of generalized violence on the North Caribbean Coast²⁵². Between April 2018 and March

²⁴⁷ See IACHR, Resolution 37/15, Precautionary Measure No. 505-15: Miskitu Indigenous People of Wangki Twi-Tasba Raya v. Nicaragua, October 14, 2015, and the sources cited in this resolution.

²⁴⁸ See IACHR, Resolution 37/15, Precautionary Measure No. 505-15: Miskito Indigenous People of Wangki Twi-Tasba Raya v. Nicaragua, October 14, 2015, and the sources cited therein.

²⁴⁹ See IACHR, Resolution 37/15, Precautionary Measure No. 505-15: Miskitu Indigenous People of Wangki Twi-Tasba Raya v. Nicaragua, October 14, 2015, and the sources cited therein.

²⁵⁰ Human Rights Council, [Violations and Abuses of the Human Rights of Indigenous Peoples and Afro-descendants of the Caribbean Coast of Nicaragua](#), Group of Human Rights Experts on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 185.

²⁵¹ According to the GHREN report, the weapons used in these attacks included shotguns, AK rifles, Uzi pistols, 22-caliber carbines, and 9mm caliber pistols. Human Rights Council, [Violations and Abuses of the Human Rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Human Rights Experts on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 186.

²⁵² Cf. CENIDH, CALPI and CEJUDHCAN, "Nicaragua: A Year of Violence Against Those Defending the Rights of the Mayangna and Miskitu Indigenous Peoples," January 9, 2021; IACHR, Thematic Hearing, ["Impact of Colonization on Indigenous Territories of the Atlantic Coast in Nicaragua"](#), 179th Period of Sessions, March 18, 2021.

2024, the GHREN documented 67 new violent assaults²⁵³ that resulted in the deaths of an additional 46 indigenous people²⁵⁴, a total of 68 people killed between 2015 and 2024²⁵⁵. According to information provided to the IACHR, the most violent years were 2020 and 2021, with at least 13 and 18 murders respectively²⁵⁶.

152. Among other cases, on March 26, 2020, three young Mayangnas were murdered in the community of Wasakin, in the Tuahka territory, in the municipality of Rosita, by armed settlers who entered their territories. Two days later, at least two indigenous youths were killed while cleaning up the community of Ibu, following a new invasion by a group of settlers²⁵⁷. On July 10, 2020, the IACHR condemned the attack by armed settlers against the Ahsawas community, in the Mayangna Sauni Bu territory, in the Bosawás Biosphere Reserve,

²⁵³ Human Rights Council, [Violations and Abuses of the Human Rights of Indigenous Peoples and Afro-descendants of the Caribbean Coast of Nicaragua](#), Group of Human Rights Experts on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 361.

²⁵⁴ Human Rights Council, [Violations and Abuses of the Human Rights of Indigenous Peoples and Afro-descendants of the Caribbean Coast of Nicaragua](#), Group of Human Rights Experts on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 345.

²⁵⁵ Cf. Human Rights Council, [Violations and Abuses of the Human Rights of Indigenous and Afro-descendant Peoples of the Caribbean Coast of Nicaragua](#), Group of Human Rights Experts on Nicaragua, AHRC/55/CRP.7, September 10, 2024, paras. 186 and 245.

²⁵⁶ These records include five murders that occurred in 2018; one in 2019; 13 in 2020; 18 in 2021; three in 2022, six in 2023, and four in 2024. Cf. IACHR, Thematic Hearing, [Nicaragua: Indigenous Peoples of the North Caribbean Coast and Violations of Freedom of Religion](#), 190th Regular Session, Washington, DC, United States, July 16, 2024.

²⁵⁷ CALPI, report “Grave Violations of the Human Rights of the Miskito and Mayangna Indigenous Peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua.” Center for Legal Assistance to Indigenous Peoples, 2020; La Prensa, [“Three Miskitos murdered in the community of Ibu, in Rosita,”](#) March 28, 2020.

where a group of community members were ambushed while working on their plots, resulting in one person killed²⁵⁸.

153. On July 5, 2023, the IACHR learned of the kidnapping and murder of Serato Juwith Charly as he attempted to flee an armed attack in the Mayangna Sauni As Territory²⁵⁹. On September 12, 2023, four Mayangna indigenous people were intercepted on their plots of land by a group of six settlers who shot at them, seriously injuring the young Clen Dixon Fernández, who died hours later²⁶⁰.

154. Furthermore, the IACHR notes that between 2020 and 2024, the escalation of violence led to at least three large-scale armed attacks that were classified as massacres by the communities themselves, due to their magnitude, the intensity of the violence, and the number of victims²⁶¹. These attacks highlighted the impunity and lack of response by the Nicaraguan State to the violence in the region, as well as the extreme vulnerability of the indigenous peoples of the Atlantic Coast.

²⁵⁸ CALPI, report “Serious Violations of the Human Rights of the Miskito and Mayangna Indigenous Peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua.” Legal Assistance Center for Indigenous Peoples, 2020; La Prensa, [“Three Miskitos murdered in the community of Ibu, in Rosita,”](#) March 28, 2020; on the IACHR’s condemnation, see “The #IACHR urges the State to protect the lives and integrity of members of indigenous and Afro-descendant communities in #CostaCaribe, #Nicaragua, who have been affected by the intensification of attacks by settlers in recent months. #IndigenousPeoples #Afrodescendants,” IACHR Twitter account (@CIDH), [post dated July 12, 2020](#).

²⁵⁹ Dispatch 505, [Another indigenous person murdered in the Caribbean in less than a week](#), July 6, 2023. Calpi, Legal Assistance Center for Indigenous Peoples, [“Second murder in the same week in the Mayangna Sauni As territory in the Bosawás Biosphere Reserve,”](#) July 6, 2023.

²⁶⁰ Mawarat, [Mawarat Statement](#), September 12, 2023; Despacho 505, [Violence against Caribbean indigenous people continues: settlers murder another Mayagna](#), September 15, 2023; Confidential, [Murder of another Mayangna indigenous person in the Sauni Bu territory reported](#), September 15, 2023.

²⁶¹ ASLA Foundation, [“Territorial dispossession and state negligence, Miskito and Mayagna communities in Nicaragua, in danger of ethnocide,”](#) p. 21; Report on Violence, Extractivism, and Impunity: Ethnocide of Indigenous Peoples on the Caribbean Coast of Nicaragua, on file with the IACHR, October 31, 2024.

155. As described below, these attacks were carried out by organized groups of settlers, of up to 200 people, mostly non-indigenous individuals from outside the communities, including demobilized ex-military personnel²⁶². In several cases, the communities reported the participation of groups linked to organized crime, as well as the presence of members of the Army and the Tactical and Armed Police Intervention and Rescue Troops (TAPIR)²⁶³. The IACHR also received extensive documentation on the use of shotguns, pistols, and revolvers, as well as AK-47 assault rifles, .22 caliber carbines, 9mm pistols, and hand grenades, which demonstrates the magnitude of the violence and a high level of organization and planning²⁶⁴.

a. Attack against the Mayangna community of Alal

156. On January 29, 2020, the Commission received testimonies about attacks carried out by a group of up to 80 armed settlers against the

²⁶² See Alliance of Indigenous Peoples and Afro-Descendants of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous peoples and Afro-descendants in Nicaragua 2018-2020: “Under internal colonization and in danger of extermination,” December 2020; CALPI, Serious violations of the human rights of the Miskito and Mayangna indigenous peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, June 21, 2021; Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua, Nicaragua, December 2017; Asla Foundation, Territorial dispossession and state negligence: Miskitu and Mayangna communities in Nicaragua at risk of ethnocide, 2023.

²⁶³ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, C. Violations and abuses of the human rights of Indigenous persons and Afro-descendants. 2. Profile of the perpetrators.

²⁶⁴ See Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Autonomous Region of Nicaragua \(Extension\)](#), February 13, 2022; IACHR, Resolution 37/15, Precautionary Measure No. 505-15: Miskitu Indigenous People of Wangki Twi-Tasba Raya with respect to Nicaragua, October 14, 2015; also: Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 186.

community of Alal, in the Sauni As Territory, located 30 kilometers from the mining town of Bonanza, in the Bosawás Biosphere Reserve²⁶⁵. During the attack, at least four people were killed and ten were reported missing²⁶⁶. More than 16 homes were burned down and property and supplies essential to the community's survival were looted, causing the displacement of 79 families²⁶⁷.

157. In the days that followed, civil society organizations denounced the dissemination of a campaign to cover up these events, both in pro-government media outlets and by the National Police²⁶⁸. In particular, on January 30, 2020, the news portal *El 19 Digital* published statements by indigenous public officials aligned with the regime that downplayed the intensity of the attack²⁶⁹. They also indicated that the National Police issued contradictory versions of the events and the

²⁶⁵ IACHR, [Annual Report 2020, Chapter IV.B Nicaragua](#), OEA/Ser.LV/II., March 30, 2021, para. 181 and the sources cited in that report; See also: Cultural Survival, “Indigenous leaders denounce massacre in Mayangna Territory,” January 31, 2020, available at <https://www.culturalsurvival.org/news/lideres-indigenas-denuncian-masacre-en-territorio-mayangna>

²⁶⁶ See CENIDH, CALPI, and CEJUDHCAN, “Nicaragua: A year of violence against those defending the rights of the Mayangna and Miskito indigenous peoples,” January 29, 2021.

²⁶⁷ Deutsche Welle, [“Six indigenous people killed after attack in the Caribbean region of Nicaragua,”](#) January 30, 2020; La Prensa, [“Six indigenous people killed and 10 missing in attack by settlers in a community in Bosawás,”](#) January 29, 2020; also: IACHR [CIDH], “#IACHR condemns attack by settlers on Mayagna community, Bosawás, #Nicaragua: six community members killed and ten missing. The State is failing to comply with its international obligations to protect the integrity, life, and territories of indigenous peoples if it does not prevent, investigate, and punish these acts. (1/2),” January 30, 2020, available at: <https://x.com/CIDH/status/1222904449720442890?s=20>

²⁶⁸ See CENIDH, CALPI, and CEJUDHCAN, “Nicaragua: A year of violence against those who defend the rights of the Mayangna and Miskito indigenous peoples,” January 29, 2021.

²⁶⁹ El 19 Digital, [“Leaders of the Mayangna Nation highlight the investigative work of the National Police on events in the Ala Community,”](#) January 30, 2020.

number of victims²⁷⁰. Finally, the attack was attributed to an organized crime gang made up of settlers, known as the "Kukalón gang." In February 2020, one of its members was arrested for murder, grievous bodily harm, arson, and illegal possession of weapons against the residents of the community of Alal but was released in June of the same year²⁷¹.

b. Kiwakumbaih massacre

158. On August 23, 2021, the IACHR learned of the massacre perpetrated against Miskitu indigenous residents at an artisanal mine on the sacred hill of Kiwakumbaih, located in the Suniwas area, Mayangna Sauni As territory, Bosawás Biosphere Reserve²⁷². According to the information received, the attack was carried out by a

²⁷⁰ According to a report provided by CALPI, the National Police issued three press releases between January 30 and February 1, 2020. the first acknowledged two people killed by gunfire in the Bonanza area but took the incident out of context by failing to mention the armed attack; the second, issued the following day, denied the killings despite community members reporting that they had buried two of the bodies of the indigenous people who had been attacked; and on the third day, it acknowledged finding four bodies of indigenous people in the area near Alal. CALPI, Serious violations of the human rights of the Miskito and Mayangna indigenous peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, June 21, 2021, p. 12.

²⁷¹ See CENIDH, CALPI, and CEJUDHCAN, "Nicaragua: A year of violence against defenders of the rights of the Mayangna and Miskito indigenous peoples," January 29, 2021. CALPI, Serious violations of the human rights of the Miskito and Mayangna indigenous peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, June 21, 2021, p. 12.

²⁷² CALPI, ["No Mayangna should come here because they will be killed."](#) August 28, 2021; FIDH. Nicaragua: ["New massacre against indigenous defenders in the Bosawás Reserve."](#) September 3, 2021; Document on the Kiwakumbaih massacre provided by civil society to the IACHR, September 28, 2021, on file with the IACHR, p. 10; as a result of these events, in 2023, the Inter-American Court granted provisional measures in favor of the communities, see Inter-American Court of Human Rights. Case of the Residents of the Miskito and Mayangna Indigenous Communities of the Northern Caribbean Coast Region against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023.

group of more than 30 mestizos armed with machetes, pistols, shotguns, and AK-47 rifles, some dressed in camouflage clothing²⁷³.

159. According to reports, the attackers fired without warning, killing at least 11 people, including a teenager and a six-year-old boy. During the attack, two indigenous women were also raped and tortured; one of them was found with her arm mutilated²⁷⁴. The attackers left the naked bodies in the mine, preventing the families from recovering the remains of their loved ones for more than a month so they could be buried²⁷⁵.
160. According to information provided to the IACHR, a child who was accompanying one of the victims was forced by the settlers to witness the massacre. The child told his relatives that he was forced to watch his stepfather being murdered and tortured: "He told us that they tied his father up as if he were Christ crucified, that they shot him in the abdomen, that they beat and tortured him to death"²⁷⁶. He

²⁷³ According to information provided to the IACHR, the massacre was allegedly perpetrated by a gang led by a man identified as Isabel Padilla (Chabelo or Chavelo). IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Extension\)](#), February 13, 2022.

²⁷⁴ Statement by the Government of Mayangna Women of Nicaragua on the New Massacre of Indigenous People of the Mayangna Sauni-As Territory, Ciudad del Bonanza, in the Mining Triangle of Nicaragua, Amazonas Magazine, August 27, 2021; AP News, ["NGOs report 12 dead in attack on community in Nicaragua."](#) August 25, 2021; Additional information provided by civil society to the IACHR. September 28, 2021, p. 10; Also: IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous peoples of the Musawas, Suniwas, and Wilú communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 14.

²⁷⁵ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous peoples of the Musawas, Suniwas, and Wilú communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 15, and the sources cited in the resolution.

²⁷⁶ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 17 and the sources cited in the resolution.

added that, before the attackers completed the murders, he saw the men forcing the indigenous people to hand over the gold they had washed: "They took a lot of gold from each one and then finished them off, beating them, cutting them or shooting them"²⁷⁷. The boy also told his relatives that the attack lasted at least two hours. One of the settlers released him at around 5 p.m. and told him that "now that he had seen the movie (the murders), he should disappear from sight"²⁷⁸. The boy reportedly walked for about seven hours before reaching his home²⁷⁹. The IACHR was also informed that "a woman from Musawas who was fishing in the area was tied up and her husband and two sons-in-law were murdered in front of her." She was then released with a message: "No Mayangna should come here because they will be killed"²⁸⁰.

161. In the following months, the National Police blamed 14 Mayangna indigenous people for the attack, many of them volunteer forest rangers and defenders of indigenous lands²⁸¹. At the same time, the Public Ministry issued an arrest warrant against human rights defender Amaru Ruiz, accusing him of spreading false news with the aim of "creating a climate of instability and insecurity that

²⁷⁷ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 17 and the sources cited in the resolution.

²⁷⁸ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Extension\)](#), February 13, 2022, para. 17 and the sources cited in the resolution.

²⁷⁹ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 17 and the sources cited in the resolution.

²⁸⁰ Document on the Kiwakumbaih massacre provided by civil society to the IACHR, September 28, 2021, on file with the IACHR, p. 12.

²⁸¹ 19 Digital, ["Police present perpetrators of homicides on Pukna hill in Bonanza,"](#) September 8, 2021.

endangers national security"²⁸². This version was rejected by the community and indigenous organizations, who denounced the criminalization of land defenders²⁸³.

162. On April 13, 2023, the IACHR granted precautionary measures in favor of four indigenous people convicted of these acts in a context of violations of due process and judicial guarantees, after finding that they were being held in serious conditions of detention and had been victims of physical and sexual assault²⁸⁴. Given the seriousness of the situation, on June 27, 2023, the Inter-American Court ordered their immediate release, as well as the adoption of urgent measures to guarantee their life, personal integrity, health, and freedom²⁸⁵.

²⁸² According to the Public Prosecutor's Office, "charges were brought against Amaru Ruíz Alemán for the crime of spreading false news through information and communication technologies, as provided for and punishable under Article 30 of Law 1042, the Special Law on Cybercrimes." who provided false information about events that occurred in 2020 and 2021 in communities on the northern Caribbean coast, where indigenous people were killed, stating that 'the State and its institutions have deliberately failed in their duty to investigate these crimes,' which is completely false, since there is a police investigation, a prosecutor's indictment, and a judicial process against the criminals who committed such acts in 2020. With regard to the recent events of August 2021, on Kiwakumbaih Hill, since the facts became known, the National Police has appointed a chief, investigators, and experts to go to the scene and investigate these crimes in order to identify and locate the criminals and bring them to justice in Nicaragua. El 19 Digital, "[Statement 075-2021 from the Nicaraguan Public Prosecutor's Office](#)," press release, September 8, 2021.

²⁸³ Among the inconsistencies identified are that no third party has been identified as the alleged perpetrator of the attack, that two of the detainees are brothers of one of the victims of sexual violence, that untimely raids were carried out in search of weapons in the days prior to the press conference, and that the attacks were in response to previous invasions of their territories. See CALPI, [Press Release](#). The Mayangna indigenous people demand protection, not repression, from the Nicaraguan authorities, September 2, 2021; InterTextual, [Press Conference](#). Indigenous massacre, September 9, 2021; Document on the Kiwakumbaih massacre provided by civil society to the IACHR, September 28, 2021, in the IACHR archive, p. 10.

²⁸⁴ IACHR, Resolution 20/2023, [Precautionary Measure No. 738-22: D.R.Z., D.A.B.A., A.C.L., and I.C.L. regarding Nicaragua](#), April 13, 2023.

²⁸⁵ Inter-American Court of Human Rights. Case of the Residents of the Miskitu and Mayangna Indigenous Communities of the North Caribbean Coast Region against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023.

c. **Attack on the community of Wilú**

163. Between March 11 and 12, 2023, the indigenous community of Wilú, belonging to the Mayangna Sauni As territory, was attacked by a group of settlers heavily armed with AK-47s, Uzis, and shotguns. During the attack, at least five Mayangna community members were killed, including young forest rangers²⁸⁶.
164. According to the information received, most of the inhabitants present in the community at the time of the attack were elderly people, women, and children, who managed to flee amid the gunfire²⁸⁷. In addition, the attackers set fire to "all the homes," destroying much of the community and forcing the displacement of at least 70 families²⁸⁸. After the attack, the assailants left a letter addressed to the Mayangna leaders justifying the attack as part of the territorial conflict and threatening future violent incursions. Following the events, a National Police and Army operation was deployed in the community for at least 25 days. This operation was considered intimidating by the community²⁸⁹. In June 2023, the Inter-

²⁸⁶ ASLA Foundation, "[Territorial dispossession and state negligence, Miskito and Mayagna communities of Nicaragua, in danger of ethnocide](#)," p. 21; IACHR, [Annual Report 2023, Chapter IV.B Nicaragua](#), OEASer.LV/II. Doc. 386 rev. 1, December 31, 2023.

²⁸⁷ Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

²⁸⁸ Cf. Inter-American Court of Human Rights. Case of the Indigenous Miskitu and Mayangna Communities of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Resolution of the Inter-American Court of Human Rights of June 27, 2023, para. 16.

²⁸⁹ Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

American Court issued provisional measures for these communities in light of the imminent risk of new attacks²⁹⁰.

165. Finally, GHREN documented cases in which the bodies of murdered indigenous people showed signs of torture and mutilation²⁹¹. In 2022, a Mayangna indigenous man was found seven days after his disappearance with "a broken skull, part of his face skinned, no hair, his ears and fingers on his left hand mutilated, a fractured spinal cord and right hand, as well as two shotgun-wound bullet holes in his back near the spine and the toes of his right foot cut off ²⁹². In another incident, allegedly perpetrated by settlers in the Mayangna Sauni As territory, the victim had multiple marks from blows, had been beheaded, was missing an eye, and had a broken leg²⁹³.

2. Murders of indigenous leaders and land defenders

166. In the context of widespread violence on the Caribbean coast of Nicaragua, the IACHR notes that indigenous leaders, land defenders, and forest rangers have been murdered for their work

²⁹⁰ Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023. para. 8.

²⁹¹ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 346.

²⁹² Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 346.

²⁹³ Human Rights Council, [Violations and abuses of the human rights of Indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 346.

protecting their ancestral territories and lands, for example while patrolling the forests of the Bosawás and Indio Maíz reserves²⁹⁴.

167. Of the total 46 murders recorded between 2015 and 2024²⁹⁵, according to data from *Front Line Defenders*, at least 15 environmental defenders were killed on Nicaragua's Caribbean coast²⁹⁶. During this period, *Global Witness* reported that 2020 was one of the most violent years, with 12 land defenders killed²⁹⁷; while in 2023, 10 new cases were recorded²⁹⁸.
168. According to available information, most of these acts have been perpetrated by settlers and other actors linked to mining, illegal logging, and agricultural expansion, in the context of the invasion and dispossession of indigenous territories in the region. Among the first cases recorded in the last decade, on April 13, 2013, civil society organizations reported the murder of Elías Charlie Taylor, an

²⁹⁴ See Alliance of Indigenous Peoples and Afro-Descendants of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous peoples and Afro-descendants in Nicaragua 2018-2020: "Under internal colonization and in danger of extermination," December 2020; CALPI, Serious violations of the human rights of the Miskito and Mayangna indigenous peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, June 21, 2021; Alliance of Indigenous and Afro-descendant Peoples of Nicaragua (APIAN), Report on the situation of the territorial rights of indigenous and Afro-descendant peoples in Nicaragua, Nicaragua, December 2017; Asla Foundation, Territorial dispossession and state negligence: Miskito and Mayangna communities in Nicaragua at risk of ethnocide, 2023; OPIA, "Exclusion, complicity and colonization," November 2023.

²⁹⁵ Taking into account for this total the conclusions of the GHREN. See Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, AHRC/55/CRP.7, September 10, 2024, para. 345.

²⁹⁶ See Front Line Defenders, [Global Analysis 2022](#), April 4, 2023.

²⁹⁷ Global Witness, ["Last Line of Defense"](#), September 13, 2021.

²⁹⁸ Global Witness, ["Silenced Voices: Violence against land and environmental defenders,"](#) September 10, 2024; more broadly, *Global Witness* estimates that between 2012 and 2023, at least 69 recorded killings on the Caribbean coast were related to land defense. Global Witness, "In numbers: Lethal attacks against defenders since 2012," available at <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/in-numbers-lethal-attacks-against-defenders-since-2012/>.

indigenous leader and forest ranger in the Bosawás Reserve, who was attacked by settlers after demanding that they stop illegal logging in their territory²⁹⁹.

169. Another representative case of this pattern of violence is the murder of Nacilo Macario, a Mayangna indigenous leader, by a group of unknown individuals near the Wiwina River on November 14, 2020. Mr. Macario worked against illegal gold mining and logging in his community and, days before his murder, had received death threats from individuals allegedly linked to the gold mining company Exportadora de Metales S.A. (EMSA)³⁰⁰. In this regard, the *Special Rapporteur on the situation of human rights defenders* and the *Special Rapporteur on human rights and the environment* of the United Nations condemned these acts and urged the State to investigate and punish any attacks against human rights defenders and community leaders³⁰¹.
170. Furthermore, on March 15, 2022, the IACHR documented the murder of Salomón López Smith, an indigenous leader of the Mayangna Sauni Arungka Territory, whose body was found with signs of torture after he had been missing for seven days³⁰². On February 21, 2023, the IACHR received information about the murder of Alexander Urbina Mora, a Miskito official, in the context of a dispute with armed settlers in Alto Wangki, within the Bosawás

²⁹⁹ CEJIL, Situation of indigenous communities on the northern Caribbean coast of Nicaragua: Brief report on the serious situation of indigenous communities on the northern Caribbean coast of Nicaragua benefiting from protection measures before the Inter-American Human Rights System, on file with the IACHR, November 2022.

³⁰⁰ FIDH, [“Nicaragua: Murder of indigenous rights defender Nacilio Macario,”](#) November 19, 2020.

³⁰¹ UN Special Procedures, [“Nicaragua: UN expert urges improved protection for environmental rights defenders,”](#) February 1, 2021.

³⁰² La Prensa, [“Uncle of Congressman Noe Coleman brutally murdered. His body was mutilated, according to local authorities,”](#) March 16, 2022.

Biosphere Reserve³⁰³. Subsequently, on July 2, 2023, the IACHR learned of the murder of Sergio Julián Juan, trustee and forest ranger of the community of Betlehem, who was killed by armed settlers in the community of Musawas³⁰⁴.

B. Rights to personal integrity and freedom

171. Article 5.1 of the American Convention enshrines the right to personal, physical, mental, and moral integrity. Article 7 recognizes the right to personal freedom and protection of personal liberty and the right to protection of personal freedom.

172. With regard to the right to personal integrity, the Inter-American Court has established that the violation of this right "is a type of violation that has various connotations of degree and ranges from torture to other types of cruel, inhuman, or degrading treatment, which physical and psychological consequences vary in intensity depending on endogenous and exogenous factors that must be demonstrated in each specific situation." In other words, the personal characteristics of an alleged victim of torture or cruel, inhuman, or degrading treatment must be taken into account when determining whether personal integrity has been violated and, therefore, whether the suffering and sense of humiliation have been increased when they are subjected to certain treatments³⁰⁵. It has also held that the mere threat of conduct prohibited by Article 5 of the Convention, when sufficiently real and

³⁰³ Onda local, [Miskito police officer murdered](#), February 23, 2023; Reliable sources, [Miskito police officer murdered by settlers highlights the level of violence experienced by communities](#), February 23, 2023. Confidencial, [Genocide with impunity: 70 indigenous people in Nicaragua murdered in the last decade](#), April 25, 2023.

³⁰⁴ Despacho 505, [Another indigenous person murdered in the Caribbean in less than a week](#), July 6, 2023; Calpi, Legal Assistance Center for Indigenous Peoples, ["The second person murdered in the same week in the Mayangna Sauni As territory in the Bosawás Biosphere Reserve"](#), July 6, 2023; La Vanguardia, [Denuncian el asesinato de dos indígenas en el Caribe de Nicaragua \(Murder of two indigenous people in the Caribbean region of Nicaragua reported\)](#), July 8, 2023.

³⁰⁵ See Inter-American Court of Human Rights. Case of Gutiérrez Navas et al. v. Honduras. Merits, Reparations, and Costs. Judgment of November 29, 2023. Series C No. 514, para. 152.

imminent, may in itself be in conflict with the right to personal integrity. In this regard, creating a threatening situation or threatening to take an individual's life may constitute, in some circumstances, at least inhuman treatment³⁰⁶. With regard to sexual violence and rape, the Court has recognized that these can constitute cruel, inhuman, or degrading treatment, and even acts of torture³⁰⁷.

173. In this context, the IACHR warns that violence against indigenous peoples on the Caribbean coast includes patterns of physical assaults, kidnappings, sexual violence, and threats. Such acts are mostly perpetrated by armed groups of settlers in the context of the armed attacks described and the invasion of indigenous territories.
174. With regard to attacks and assaults against personal integrity, the IACHR observes that these have been committed with firearms, knives, and beatings in the context of armed incursions or ambushes by settlers. In these cases, the magnitude or intensity of the violence was intended to cause death. Some indigenous persons have suffered permanent sequelae, including amputation of limbs, gunshot wounds, and the presence of projectiles in their bodies that, in some cases, could not be removed, resulting in permanent physical and psychological impacts³⁰⁸.
175. Between April 2018 and March 2024, the GHREN identified at least 35 people injured in 67 violent incidents committed in the Miskitu and Mayangna territories on the northern Caribbean coast, 20 of them with gunshot wounds. For their part, civil society organizations reported to the IACHR that between 2011 and 2022, the number of

³⁰⁶ Inter-American Court of Human Rights. Case of Viteri Ungaretti et al. v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023. Series C No. 510, para. 162.

³⁰⁷ Inter-American Court of Human Rights. Case of Bedoya Lima et al. v. Colombia. Merits, Reparations, and Costs. Judgment of August 26, 2021. Series C No. 431, para. 101.

³⁰⁸ International Work Group for Indigenous Affairs (IWGIA), *The Indigenous World 2024*, April 2024.

people seriously injured as a result of violence perpetrated by settlers would exceed 50³⁰⁹.

176. Through its various mechanisms, the IACHR has received abundant information and testimonies documenting this pattern of violence. Among other cases, on January 22, 2021, it was informed of an attack by settlers armed with high-caliber firearms against the Karah Wilú community in the Mayangna Sauni As territory, which resulted in three indigenous forest rangers being wounded by gunfire³¹⁰. On March 6, 2023, a group of five settlers entered farmland in the Sabakitang area with axes and chainsaws with the intention of cutting down trees. During the raid, they attacked six community members from Musawas; one of them was shot in the chest and another had four fingers on his right hand cut off³¹¹. On July 6, 2024, in the Kahkah sector, an indigenous Mayangna community member was attacked with firearms while returning to his community after attempting to dialogue with settlers about the illegal occupation of his plot of land. The attackers, claiming to have a guarantee and a letter with no legal validity to claim the land, shot him in the back, leaving the bullet lodged in his chest³¹².

³⁰⁹ CEJIL, Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua, Brief Report on the Serious Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua Benefiting from Protection Measures before the Inter-American Human Rights System, p. 10, on file with the IACHR.

³¹⁰ La Prensa, [“Attack by settlers on indigenous territory leaves three wounded by gunfire. Organizations confirm,”](#) January 22, 2021; Confidencial, “Three wounded by gunfire in attack by settlers in Wilu, Bosawás.” January 24, 2021; CALPI, Press Release. [“Mayangna people in Bosawás attacked with machine guns and shotguns,”](#) January 25, 2021; CALPI. Serious Violations of the Human Rights of the Miskito and Mayangna Indigenous Peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua, June 21, 2021, p. 15

³¹¹ Inter-American Court of Human Rights. Case of the Indigenous Miskito Communities of the Northern Caribbean Coast of Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

³¹² Observatory of Indigenous and Afro-descendant Peoples (OPIA). [Sixth incident with injuries reported in the TMSA in 2024.](#) July 2024.

177. Another pattern of violence that seriously threatens life and integrity is the kidnapping of indigenous people. According to GHREN, these kidnappings generally occur when the victims are working on their plots or traveling through their territories³¹³. During their captivity, the victims have been interrogated, threatened, and beaten, in many cases to extract information about their community or to send warnings of new attacks. They have also been forced to perform forced labor, such as cultivating land usurped by settlers or feeding their captors³¹⁴.
178. Between 2018 and 2024, GHREN recorded at least 39 cases of kidnappings of indigenous people, 37 of which were perpetrated by armed settlers. Five of the victims were found dead, while in the other cases, the kidnappings lasted between two hours and more than a week³¹⁵. In these cases, twelve victims were women and four of them were minors³¹⁶.
179. Among other cases, on July 13, 2020, the IACHR learned of the kidnapping of the minor daughter of Apolinar Taylor García, a community leader in Sagnlilaya, in the Twi Yahbra territory. This leader had already received previous threats and his home had been

³¹³ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 344.

³¹⁴ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 344.

³¹⁵ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 344.

³¹⁶ Human Rights Council, [Violations and abuses of the human rights of Indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 344.

set on fire³¹⁷. On September 21, 2020, two members of the Sangnilaya indigenous community were kidnapped by armed settlers who also burned five houses³¹⁸.

180. On January 2, 2023, community member S.F.S. was kidnapped for two days while on his way to fish and hunt. After his release, the settlers sent videos containing threats to the Wilú community members, telling them that the same thing could happen to them "if they came near their areas"³¹⁹. Similarly, on January 19, 2023, a group of settlers kidnapped a community member who, upon being rescued, was found to have been stabbed in the right hand and severely beaten³²⁰. On March 10, 2023, three community members from Musawas were kidnapped by armed settlers while on their way to work in their fields³²¹.

³¹⁷ Article 66, "[Denunciation of the kidnapping of a girl by settlers in a community in Puerto Cabezas](#)," July 14, 2020; Nicaragua Investiga, "Community members fear that the father of a girl kidnapped by settlers in the municipality of Bilwi will disappear," July 16, 2020; CALPI, report "Grave Violations of the Human Rights of the Miskito and Mayangna Indigenous Peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua." Legal Assistance Center for Indigenous Peoples, 2020, p. 9.

³¹⁸ Article 66, "[Kidnapping of a girl by settlers in a community in Puerto Cabezas reported](#)," July 14, 2020; Nicaragua Investiga, "Community members fear that the father of a girl kidnapped by settlers in the municipality of Bilwi has disappeared," July 16, 2020; CALPI, report "Serious Violations of the Human Rights of the Miskito and Mayangna Indigenous Peoples in the North Caribbean Coast Autonomous Region (RACCN) of Nicaragua." Legal Assistance Center for Indigenous Peoples, 2020, p. 9.

³¹⁹ Inter-American Court of Human Rights. Case of the Residents of the Miskitu Indigenous Communities of the North Caribbean Coast Region v. Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

³²⁰ Mayangna Sauni As Autonomous Territorial Government, [Communiqué No. 200123](#), January 23, 2023.

³²¹ Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023.

181. Finally, the IACHR notes with concern that the attacks perpetrated by settler groups have had a disproportionate impact on indigenous children and adolescents, who have been killed or seriously injured by firearms. For example, on February 16, 2020, during an attack by armed settlers on the community of Santa Clara, in the municipality of Waspán Río Coco, a 14-year-old girl was shot in the jaw³²². On June 14, 2021, brothers Bonifacio Dixon Francis, 19, and Jafeth Dixon Francis, 17, were ambushed by eight settlers. Bonifacio died after being shot, while Jafeth was seriously wounded while trying to flee. According to reports, to avoid being killed, he remained motionless on the ground, holding his breath, until one of the settlers shouted, "He's dead"³²³. On March 4, 2021, 17-year-old Antonio López Rufus was shot five times and risked having his leg amputated after an attack in the community of Kimakwas, in the Mayangna Sauni Arungka Territory³²⁴.

1. Violence against women

182. The IACHR notes that indigenous women and girls on the Caribbean coast of Nicaragua have been disproportionately victims of gender-based violence in all its forms, in the context of attacks perpetrated in their ancestral territories, including serious acts of sexual violence. According to OHCHR, the lack of state institutions in indigenous territories, mistrust and fear of the authorities, as well as impunity in the country, exacerbate this violence³²⁵.

³²² IACHR, [Press Release No. 61/20 - IACHR urges the State of Nicaragua to cease violations of the rights of indigenous persons and communities](#), Washington, D.C., March 23, 2020.

³²³ Article 66, ["Ambush by alleged armed settlers in Miskito territory leaves one peasant dead."](#) June 15, 2021; Prilaka Community Foundation, [Public denunciation of the events of June 14](#), June 15, 2021; Inter-American Court of Human Rights. [Extension of Provisional Measures with respect to Nicaragua](#). Case of the residents of the communities of the Miskitu indigenous people in the North Caribbean Coast region, October 14, 2021, paras. 8 and 16

³²⁴ OMCT, ["Nicaragua: Imminent risk of attack against indigenous defender communities,"](#) February 11, 2022.

³²⁵ United Nations High Commissioner for Human Rights, "Situation of human rights in Nicaragua," A/HRC/57/20, Distr. General, September 2, 2024.

183. Between 2018 and 2024, GHREN identified at least nine indigenous women who were victims of rape by settlers, seven of whom were minors. In three cases, the attacks occurred during the kidnapping of the victims³²⁶. Indigenous organizations have documented up to 35 cases of rape against indigenous women between 2018 and 2023³²⁷. However, they indicate that there is a high level of underreporting due to victims' fear of reporting³²⁸.
184. The IACHR notes with concern that indigenous women environmental defenders and leaders have been disproportionately targeted by sexual, physical, and psychological violence perpetrated against them because of their gender. As mentioned above, among the victims of the Kiwakumbaih hill massacre, civil society organizations reported that two women indigenous rights defenders were raped before being killed, one of them found with a mutilated arm³²⁹.
185. The IACHR warns that violence against indigenous women has been used as a mechanism of control and colonization of indigenous territories. According to the information received, in some cases, women and girls have been victims of forced pregnancies by settlers and non-indigenous third parties in order to claim rights over

³²⁶ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 349.

³²⁷ IACHR, Thematic Hearing, “Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion,” 190th session, July 11, 2024.

³²⁸ IACHR, Thematic Hearing, “Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion,” 190th session, July 11, 2024.

³²⁹ Statement by the Government of Mayangna Women of Nicaragua on the New Massacre of Indigenous People of the Mayangna Sauni-As Territory, Ciudad and Bonanza, in the Mining Triangle of Nicaragua. Amazonas Magazine, August 27, 2021; AP News. [“NGOs report 12 dead in attack on community in Nicaragua.”](#) August 25, 2021; Additional information provided by civil society to the IACHR. September 28, 2021, p. 10.

communal lands³³⁰. Furthermore, when they are victims of kidnapping and sexual violence, the perpetrators have used their victims to send threatening messages to specific individuals or their entire community³³¹. In other cases, women have been forced to work on their own land when it has been occupied by settlers, and to provide lodging and food³³². The IACHR notes that cases of violence against indigenous women and girls remain unpunished (see Impunity and lack of access to justice below).

186. Finally, the IACHR has been informed that acts of sexual violence and the generalized context of violence against indigenous women also have the effect of limiting their role within traditional community governance structures and in decision-making spaces by creating a climate of terror and intimidation in the territories. Therefore, in addition to affecting their lives and integrity, these acts have impacted the autonomy and exercise of the collective rights of their communities³³³.

C. Threats, harassment, and extortion

187. The IACHR has documented threats, harassment, and extortion perpetrated by armed settlers with the aim of instilling a climate of fear and anxiety in the communities and forcing the displacement of indigenous peoples and Afro-descendants. This is done through death threats, the constant presence of armed groups in indigenous

³³⁰ See Fundación Asla, Territorial dispossession and state negligence: Miskito and Mayangna communities in Nicaragua at risk of ethnocide, 2023.

³³¹ See Fundación Asla, Territorial dispossession and state negligence: Miskito and Mayangna communities in Nicaragua at risk of ethnocide, 2023.

³³² See Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 344.

³³³ CEJIL, Situation of Indigenous Communities on the Northern Caribbean Coast of Nicaragua, Brief report on the serious situation of Indigenous communities on the Northern Caribbean Coast of Nicaragua benefiting from protection measures before the Inter-American Human Rights System, p. 10, on file with the IACHR.

territories to restrict the movement of the population, and violent and intimidating raids.

188. The IACHR observes a pattern of death threats against indigenous leaders and residents. These threats sometimes precede organized armed attacks in their territories. For example, on November 5, 2020, an indigenous leader from the community of Musawas, who was leading the opposition to illegal mining and logging, received death threats from settlers if he did not cede his lands³³⁴. In 2021, after the massacre on Kiwakumbaih hill, the perpetrators warned the survivors: "No Mayangna should come here because they will be killed"³³⁵. Similarly, on February 9, 2022, a group of settlers attacked members of the communities of the Mayangna Sauni As territory with the intention of kidnapping them. Although they managed to escape, the settlers threatened: "We will soon meet on the road"³³⁶.
189. Furthermore, the IACHR has received information about extortion and intimidation by settlers. In this regard, in 2022, the community of Santa Fe reported the constant presence of armed groups seeking to impose a monthly "tax" of up to 40,000 córdobas in exchange for allowing free transit through the territory³³⁷. Although this was rejected by the community, the threats persisted and the presence of the settlers deprived the population of their freedom of movement

³³⁴ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 17 and the sources cited in the resolution.

³³⁵ IACHR, Resolution 9/2022, [Precautionary Measure No. 505-15: Indigenous People of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region of Nicaragua \(Expansion\)](#), February 13, 2022, para. 17 and the sources cited in the resolution.

³³⁶ OPIA, "Exclusion, complicity, and colonization," November 2023; OMCT, ["Nicaragua: Imminent risk of attack against indigenous defender communities,"](#) February 11, 2022.

³³⁷ OPIA, "Exclusion, complicity and colonization," November 2023, p. 142.

and of carrying out agricultural work "without fear of dying"³³⁸, turning them into "prisoners in their own land"³³⁹.

190. In addition, the presence of armed settlers in the vicinity of indigenous territories has been used to maintain a climate of permanent unrest. On several occasions, this practice was carried out through armed raids to burn houses, crops, or destroy livestock. For example, on March 25, 2022, ten armed settlers stormed the community of Sangnilaya in the early morning, firing into the air for more than two hours to intimidate its inhabitants³⁴⁰.
191. In this same context, in 2023, the Commission brought to the attention of the Inter-American Court a series of acts against the Musawas and Wilú communities, consisting of death threats, kidnappings, and the presence of heavily armed third parties seeking to take over community lands³⁴¹. The Commission warned that the presence of the settlers would generate strong territorial pressure on the communities, as they would be prevented from accessing areas that are key to their subsistence³⁴². On this issue, the IACHR emphasized that in indigenous communities, the plots of land used for planting crops are located far from the communities' residential areas, so the presence of armed settlers in indigenous territories constitutes in itself a limitation on the ability of the Miskitu and Mayangna peoples to carry out their

³³⁸ OPIA, "Exclusion, Complicity, and Colonization," November 2023, p. 142.

³³⁹ OPIA, "Exclusion, complicity, and colonization," November 2023, p. 142.

³⁴⁰ OPIA, "Exclusion, Complicity, and Colonization," November 2023, p. 136.

³⁴¹ Inter-American Court of Human Rights. Case of the Residents of the Miskitu and Mayangna Indigenous Communities of the Northern Caribbean Coast Region v. Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 6.

³⁴² Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8 et seq.

productive activities³⁴³. For its part, the Inter-American Court of Human Rights granted the extension of the provisional measures requested on June 27, 2023³⁴⁴.

192. Finally, the IACHR has documented the use of kidnapping as another mechanism of intimidation. On January 2, 2023, a group of settlers kidnapped a community member as he was on his way to fish and hunt³⁴⁵. During his detention, the attackers recorded videos "in which they boasted about the act" and threatened the Wilu community members telling them that the same thing could happen to them "if they came near their areas"³⁴⁶. On January 20, 2023, residents of the communities of Kauhmakwas, Wilú, Alal, and Musawas were threatened with death and kidnapping by the leader of the armed settlers in the community of Santa Rosa. He also prohibited them from using the roads connecting their community with the municipality of Bonanza. These threats forced many families, especially the elderly, women, and children from the communities to take refuge in the mountains and in the community of Musawas³⁴⁷.

³⁴³ Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

³⁴⁴ Inter-American Court of Human Rights. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

³⁴⁵ Inter-American Court. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

³⁴⁶ Inter-American Court. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

³⁴⁷ Inter-American Court. Case of the Residents of the Communities of the Miskitu and Mayangna Indigenous Peoples of the Northern Caribbean Coast against Nicaragua. Extension of Provisional Measures. Judgment of the Inter-American Court of Human Rights of June 27, 2023, para. 8.

D. Impunity and lack of access to justice

193. The right of access to justice is enshrined in Articles 8 and 25 of the American Convention³⁴⁸. According to inter-American jurisprudence, for the State to comply with the provisions of Article 25 of the American Convention, "it is not enough that remedies exist formally, but they must also be effective"³⁴⁹. For the Inter-American Court, "Article 25 of the Convention is linked to the general obligation of Article 1.1, which attributes functions of protection to the domestic law of States, from which it follows that they have the responsibility to design and enshrine in law an effective remedy, as well as to ensure the proper application of that remedy by their judicial authorities"³⁵⁰.
194. The Inter-American Commission observes that impunity for acts of violence against indigenous peoples and Afro-descendants is widespread, including acts of sexual and gender-based violence. According to the information received, the State of Nicaragua has not taken effective measures to investigate and punish the crimes reported. Nor is there any official information on the number of investigations conducted, their current status, or the results obtained³⁵¹.
195. For its part, the Group of Experts concluded that it has reasonable grounds to believe that the State of Nicaragua has generally failed to fulfill its obligation to investigate the crimes committed by the settlers.

³⁴⁸ Inter-American Court of Human Rights. Case of Lagos del Campo v. Peru. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2017. Series C No. 340, para. 174.

³⁴⁹ Inter-American Court of Human Rights. Case of the Xákmok Kásek Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of August 24, 2010. Series C No. 214, para. 140.

³⁵⁰ Inter-American Court of Human Rights. Case of the Indigenous Community of Xákmok Kásek v. Paraguay. Merits, Reparations, and Costs. Judgment of August 24, 2010. Series C No. 214, para. 141.

³⁵¹ See Report on Violence, Extractivism, and Impunity: Ethnocide of Indigenous Peoples on the Caribbean Coast of Nicaragua, on file with the IACHR, October 31, 2024, also: IACHR, Thematic Hearing, "[Nicaragua: Indigenous Peoples of the Northern Caribbean Coast and Violations of Freedom of Religion](#)," 190th session, July 11, 2024; Thematic hearing, "[Impact of colonization on indigenous territories on the Atlantic Coast of Nicaragua](#)," 179th session, March 18, 2021.

"Consequently, the perpetrators of these crimes have not been identified or punished. Instead, the authorities have publicly denied the settlers' responsibility for the crimes alleged and have even prosecuted members of the affected communities in trials that did not respect the minimum guarantees of due process and the right to a fair trial. The investigations carried out in preparation for these proceedings did not meet the criteria of impartiality and effectiveness"³⁵².

196. In its report, the GHREN found that in at least 35 of the 67 incidents of violence analyzed, the victims filed complaints with the National Police. For their part, civil society organizations recorded up to 42 complaints filed between 2018 and 2023 for the crimes of murder (25), kidnapping (6), and attacks on personal integrity (11). However, according to the information received, in most cases the investigations did not advance. In other cases, those arrested were released after the intervention of municipal authorities³⁵³. The Group of Experts also indicated that "the systematic lack of investigations by the Nicaraguan State has created an environment of impunity for settlers who commit crimes against members of indigenous communities"³⁵⁴.

197. Furthermore, the IACHR was also informed about the use of criminal law against the victims themselves and their communities. In this regard, the case of the Kiwakumbaih hill massacre stands out, which resulted in the criminalization and conviction of four Mayangna indigenous people, including volunteer forest rangers and indigenous land defenders. Although the victims and witnesses

³⁵² Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean Coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 383.

³⁵³ Human Rights Council, [Violations and abuses of the human rights of Indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 361.

³⁵⁴ Human Rights Council, [Violations and abuses of the human rights of Indigenous Peoples and Afro-descendants on the Caribbean coast of Nicaragua](#), Group of Experts on Human Rights on Nicaragua, A/HRC/55/CRP.7, September 10, 2024, para. 384.

repeatedly stated that the massacre was perpetrated by a group of armed settlers, the National Police attributed the attack to the Mayangna people themselves³⁵⁵.

198. According to available information, the indigenous youths were not only arbitrarily detained, but also victims of serious violations of due process. They did not have official Mayangna interpreters during their statements, which allowed for the manipulation of their testimonies³⁵⁶. Furthermore, the forensic doctor reportedly issued his opinion based solely on photographs of the bodies, without conducting exhumations or adequate forensic analyses to clarify the causes of death³⁵⁷. At the trial hearing, the Public Prosecutor's Office did not present any witnesses, limiting itself to the statements of police experts. After the verdict, the hearing records and the recording were not made available, while the case file was not accessible on the Nicaraguan Judicial System's online service³⁵⁸.

199. In this context, the Inter-American Commission has pointed out that Nicaragua does not have an impartial and independent justice system. On the contrary, after the start of the crisis in April 2018, the concentration of power in the executive branch made it possible to use the justice system to criminalize people considered to be opponents of the government and to guarantee impunity for human rights violations and crimes committed³⁵⁹.

³⁵⁵ See IACHR, Resolution 20/2023, [Precautionary Measure No. 738-22: D.R.Z., D.A.B.A., A.C.L., and I.C.L. regarding Nicaragua](#), April 13, 2023.

³⁵⁶ IACHR, Resolution 20/2023, [Precautionary Measure No. 738-22: D.R.Z., D.A.B.A., A.C.L., and I.C.L. regarding Nicaragua](#), April 13, 2023, para. 24.

³⁵⁷ IACHR, Resolution 20/2023, [Precautionary Measure No. 738-22: D.R.Z., D.A.B.A., A.C.L., and I.C.L. v. Nicaragua](#), April 13, 2023, para. 26.

³⁵⁸ IACHR, Resolution 20/2023, [Precautionary Measure No. 738-22: D.R.Z., D.A.B.A., A.C.L., and I.C.L. regarding Nicaragua](#), April 13, 2023, para. 26.

³⁵⁹ See: IACHR, [Annual Report 2018, Chapter IV.B Nicaragua](#), OEA/Ser.LV/II. Doc. 30, March 17, 2019; para. 86 et seq.; and [Annual Report 2023, Chapter IV.B Nicaragua](#), OEA/Ser.LV/II. Doc. 386 rev. 1, December 31, 2023, para. 32, and the sources cited in these reports.

200. In turn, with the entry into force of the *Law on Partial Reform of the Political Constitution*, the principle of separation of powers was formally eliminated, thereby formalizing the subordination of the judiciary to the executive branch³⁶⁰, thus consolidating the lack of independence of the judicial system and granting the government of President Daniel Ortega "practically unlimited power over the nation's population"³⁶¹.
201. Ten years after the adoption of the first precautionary measure for the protection of indigenous peoples on the Caribbean Coast, the IACHR observes that the absence of effective state measures to address the serious situation of violence has created an environment conducive to the invasion of their territories by armed settlers or third parties seeking to settle in the area by violent means and at any cost, resulting in an environment of impunity that exacerbates the situation of extreme vulnerability of the indigenous and Afro-descendant peoples of Nicaragua, putting their lives and physical and cultural integrity at risk.

³⁶⁰ IACHR, press release no. 29524, [Nicaragua: IACHR condemns the approval of constitutional reform that eliminates democratic checks and balances](#), Washington, DC, November 27, 2024.

³⁶¹ United Nations, ["Nicaragua: UN Group of Experts alarmed by extensive changes to the Constitution,"](#) November 25, 2024.

CONCLUSIONS AND RECOMMENDATIONS

V. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

202. The Inter-American Commission has closely monitored the situation of indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua. Since the 1980s, the IACHR has deployed all of its available mechanisms to protect their rights, through the processing of individual petitions, the granting of precautionary measures, the request for provisional measures before the Inter-American Court, the holding of public hearings, working visits, and the preparation of thematic and country reports.
203. Based on this longitudinal perspective, the IACHR observes that the patterns of violence, territorial dispossession, and cultural assimilation documented in this report are part of a process of historical discrimination and exclusion against indigenous peoples and Afro-descendants, which has worsened under the Daniel Ortega regime.
204. In particular, the IACHR's findings show that patterns of violence against indigenous and Afro-descendant communities on the Caribbean coast are characterized by: i) the continuity and frequency of armed attacks perpetrated by groups of settlers and organized crime, which occur with the tolerance and acquiescence of the State; ii) murders and criminalization of traditional authorities, community leaders, and defenders of the territory; iii) threats, harassment, and extortion of communities by armed settler groups; iv) acts of torture and sexual violence; and v) structural impunity in a context of absolute concentration of power in the executive branch. Under international law, these acts would constitute serious human rights violations.
205. In this context, the physical and cultural existence of the indigenous and Afro-descendant tribal peoples of the Caribbean coast of Nicaragua is at risk. The violence perpetrated by armed settlers and other groups with the aim of dispossessing them of their ancestral lands and territories and displacing them seriously threatens their

cultural and collective survival. These territories are not only their living space, but also the essential basis for the development of their knowledge, ways of life, traditions, and spirituality, as well as for the continuity of their worldview. In this sense, territorial dispossession and forced displacement violate the right to cultural identity and collective property of these peoples.

206. The IACHR observes that settler groups and other third parties are acting with the acquiescence and tolerance of the State of Nicaragua. Violence against indigenous peoples and Afro-descendants is not an isolated phenomenon but is part of a series of state actions and omissions that have favored the dispossession and exploitation of their territories and natural resources for the benefit of the government regime and private industries. Widespread corruption, the imposition of parallel governments, and the dismantling of the autonomy regime, among other factors, promote and facilitate the invasion of settler groups and the forced occupation of indigenous and Afro-descendant lands. The militarization of the region, the permissiveness of the security forces—under the command of the Ortega-Murillo regime—in the face of violence, and their participation in acts of repression also contribute to this pattern of state acquiescence.
207. The absence of an effective land titling process has facilitated the expansion of armed actors and the illegal occupation of indigenous territories, deepening insecurity and dispossession. Indeed, since the suspension of the land reform process in 2014, the IACHR has observed an alarming increase in the magnitude and intensity of violence in this region, including armed attacks, massacres, physical assaults, kidnappings, selective killings, sexual violence, threats and harassment, as well as the burning of homes and the destruction of these communities' livelihoods.
208. In 2024, the adoption of constitutional reforms—which eliminated democratic checks and balances and dismantled the autonomous regime of the Caribbean Coast that had existed since 1987—

consolidated the context of setbacks in the historical gains achieved by the State in favor of the rights of indigenous peoples and Afro-descendants. In this regard, the IACHR recalls that, under international human rights law, indigenous peoples and Afro-descendants have the right to self-determination, which implies the right to freely decide on their political, economic, social, and cultural development and to guarantee their existence as distinct peoples. This right is directly linked to autonomy, self-government, and effective participation in matters that affect them. The elimination of the autonomous regime on the Caribbean coast constitutes a serious violation of this right.

209. Since 2015, extreme levels of cruelty and intensified violence have resulted in the granting of protective measures by the IACHR and the Inter-American Court of Human Rights in favor of more than 15 communities that have been victims of violent attacks, as well as in favor of indigenous rights defenders, private forest rangers arbitrarily deprived of their liberty, and media leaders and workers who are at risk. The granting of these measures, which were not complied with by Nicaragua, reflects the seriousness and urgency of the situation, as well as the persistence of attacks in the region.
210. The IACHR concludes that the intensity and systematic nature of the violence perpetrated on the Nicaraguan Caribbean coast is intended to impose a climate of terror and repression as a mechanism for territorial control and the weakening of the social and community fabric. Furthermore, the violence has had a disproportionate impact on indigenous and Afro-descendant women, children, and adolescents. In particular, sexual violence perpetrated by mestizo settlers has been used as an instrument of subjugation, humiliation, and cultural assimilation against these groups.
211. The State of Nicaragua has failed to comply with its obligation to adopt effective measures to investigate or punish these acts. Consequently, the IACHR observes that impunity for acts of violence against indigenous peoples and Afro-descendants on the Caribbean

coast is structural and widespread, resulting in a climate conducive to the repetition of such acts and violent territorial dispossession.

212. The human rights crisis of April 18, 2018, and the establishment of a regime of absolute concentration of power in the executive branch deepened the situation of extreme vulnerability of indigenous peoples and Afro-descendants. The Daniel Ortega regime has consolidated a model of total control that has spread over territories and natural resources through state repression, the criminalization of indigenous leaders, and the closure of spaces for political participation, community media, and indigenous organizations.
213. The IACHR reaffirms that the protection of indigenous and Afro-descendant tribal peoples from processes of colonization, cultural extermination, or forced assimilation is a binding legal obligation derived from international treaties and declarations to which Nicaragua is a State party, including ILO Convention 169, the American Declaration, and the United Nations Declaration on the Rights of Indigenous Peoples.
214. In this regard, the State of Nicaragua must guarantee the right of these peoples to live freely in their territories, in accordance with their own worldviews, forms of organization, and culture, as an indispensable condition for their survival as collective subjects of rights. It must also allow them to return to their traditional territories in safety and with dignity, which, in the case of forced displacement caused by violence, includes the State's duty to take measures to combat impunity for those responsible for such violence. Indigenous peoples and Afro-descendants represent Nicaragua's cultural diversity. Their disappearance or forced assimilation under Daniel Ortega's regime would represent an irreparable fracture in the memory, social fabric, and pluralistic project of the Nicaraguan nation.
215. Based on the findings of this report, the IACHR calls on international financial institutions to require, prior to granting loans and other development financing mechanisms, the adoption of measures

aimed at restoring the rule of law in Nicaragua. This is in accordance with international human rights obligations and the institutions' own sustainability policies, such as social and environmental safeguards, which include ensuring the protection of the rights of the populations in which the projects to be implemented will have an impact³⁶².

216. Similarly, the IACHR calls on the States of origin of cattle, monoculture, logging, and mining companies to adopt measures to supervise and regulate the activities of their national companies abroad, in line with international standards on the matter.
217. For the IACHR, international financing cannot be separated from the context of impunity and serious human rights violations in Nicaragua, particularly against indigenous peoples and Afro-descendants on the Caribbean coast, which have been widely documented by the inter-American human rights system and the universal human rights system.

B. RECOMMENDATIONS FOR THE STATE OF NICARAGUA

218. In light of the foregoing observations, and in accordance with the powers conferred upon it by Article 41(b) of the American Convention on Human Rights, the IACHR issues the following recommendations to the State of Nicaragua:
1. Adopt legal reforms that restore the checks and balances inherent to the rule of law and guarantee the separation of powers and democratic institutions.
 2. Adopt a national plan aimed at restoring indigenous and Afro-descendant authorities, guaranteeing traditional electoral systems, and eradicating "parallel" authorities or governments that supplant the authorities elected by indigenous and Afro-descendant communities.

³⁶² See IACHR, Annual Report of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, OEA/SER.LV/II, Doc. 50, March 6, 2023, para. 1369.

3. Complete the process of demarcation, titling, and regularization of the territories of indigenous and Afro-descendant peoples on the Caribbean coast of Nicaragua, prioritizing territories with a large presence of settlers. This process must be carried out in accordance with customary law, the values, customs, and traditions of these peoples and communities, and include measures to protect them from actions by third parties that affect their lands, territories, and natural resources.
4. Adopt urgent and effective measures to halt the process of dispossession, violence, and forced assimilation that threatens the cultural continuity and existence of indigenous and Afro-descendant peoples in Nicaragua.
5. Suspend the approval and granting of mining, forestry, livestock, and monoculture concessions in indigenous and Afro-descendant territories, as well as those currently in process, until prior, free, and informed consultation processes are guaranteed, in accordance with international standards.
6. Review and revoke concessions already granted in indigenous and Afro-descendant territories—including those that have been titled, are in the process of demarcation, or are traditionally occupied—that have been granted without a legitimate process of free, prior, and informed consultation, in accordance with international standards.
7. Establish a general and immediate moratorium on extensive exploitation of natural resources on the Caribbean coast of Nicaragua—including livestock farming, monoculture, logging, and mining—until the State completes the processes of demarcation, titling, and sanitation of indigenous and Afro-descendant territories, and guarantees free, prior, and informed consultation.
8. Order the immediate eviction of third parties or companies illegally occupying indigenous or Afro-descendant territories, guaranteeing protective measures for the peoples and communities.

9. Take effective measures to investigate, prosecute, and punish those responsible for the structural context and patterns of violence against indigenous peoples and Afro-descendants. These acts include murder, physical assault, gender-based violence, kidnapping, torture—including sexual violence—threats, intimidation, acts of dispossession and territorial invasion, and corrupt practices such as the illegal sale of land, illegal logging, the fraudulent granting of logging permits, the issuance of illegal deeds to settlers, and the falsification of documents and titles.
10. Adopt effective measures with a gender and intercultural approach to prevent, investigate, and punish violence against indigenous and Afro-descendant women human rights defenders and defenders of territory.
11. Adopt a comprehensive process of truth, justice, and reparation for acts of violence against indigenous peoples and Afro-descendants, including environmental restoration and collective reparation for environmental damage caused by mining, logging, livestock, and monoculture activities. This process must include specific actions that apply a gender and intercultural approach.
12. Immediately release indigenous and Afro-descendant persons—including their authorities and leaders—as well as journalists, media workers, and forest rangers who have been arbitrarily detained for promoting, exercising, or defending the rights of these peoples.
13. Rescind all decrees and acts of authority relating to the cancellation of the legal status of civil society organizations that have been approved without guaranteeing due process. In the corresponding cases, return to their members the facilities and all property confiscated, in the same condition in which they were found at the time of the raid on the organization's facilities.
14. Effectively comply with the precautionary measures granted by the Inter-American Commission and the provisional measures of the Inter-American Court of Human Rights in relation to the indigenous

and Afro-descendant peoples of the Caribbean Coast. This implies facilitating and guaranteeing the participation of representatives of the beneficiary communities and their defenders in the framework of their implementation.

15. Create conditions that guarantee the safe return of displaced indigenous and Afro-descendant families.

C. RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY

To the States

16. Demand an end to repression and the adoption of concrete measures for the restoration of democracy in Nicaragua.
17. Adopt a response based on the principles of solidarity and shared responsibility for the protection of Nicaraguans who have been forced to leave the country.
18. Maintain support for international efforts aimed at documenting human rights violations and seeking justice in Nicaragua, in particular the mandate of the Group of Experts on Human Rights in Nicaragua (GHREN) and the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

To international financing institutions

19. Insist on compliance with the obligations of international law and the human rights situation in Nicaragua in decisions on the financing of projects in the country. In this regard, incorporate safeguards to promote minimum conditions for the re-establishment of the rule of law and the cessation of repression.

20. Take measures to monitor and review current projects and credits and their impact on the rights of indigenous peoples and Afro-descendants, in light of the findings of this report and the conclusions of other international organizations.

