

Nicaragua: Government Crackdown

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Social Welfare Reform

In early April of 2018, a protest in Nicaragua broke out due to a social security proposal by the president, Daniel Ortega. The reform called for a stop in the widening deficits in the welfare system. These changes would have increased the contributions into social security by workers and employer, however, this would have reduced the pension of those who are retired workers. The aftermath of the announcement issued a student led movement that look over the streets of Nicaragua. Students, initially, peacefully occupied university campuses and neighborhoods practicing their right to protest, while demanding Ortega to step down from office after eleven years in office. However, the situation intensified when the president ordered a crackdown on demonstrators to end the protest. According to reports on the Wall Street Journal, the crackdown caused severe political turmoil between anti-government and pro-government groups, killing over 300 people and disappearing hundreds of people (WSJ, Diao). Media outlets have shown protesters blocking streets and setting material items on fire while riot police approach protester with tear gas and rubber bullets. Protesters have demalted two of out the many metal structures placed by the first lady/ vice president Rosario Murillo, Ortega's wife, called the "Trees of Life" to symbolize the discontentment with the consistent political manipulation in the country.

The Ortega administration was not expecting a the uprising of its people because he has proceed to implement popular policies. s As a report from The Wall Street Journal mentioned , Ortega has increased economic growth and has decreased drug violence in the country (WSJ, Cordoba). Although, Nicaragua is among one the poorest country region, evidence has shown that it has had the stronger economic growth compared to other countries in Latin America. "Its

economy has expanded an annual average of nearly 5.2% in the past five years, and annual output has doubled in the past decade to about \$13 billion. The country's inflation of 3.1% and budget deficit of 1.6% in 2015 were so low that the International Monetary Fund closed its office there in August" (WSJ, Montes, Cordoba). Therefore, these are numbers showing, Ortega has had made an impact in the Nicaraguan economy. However, the presidents' authoritarian tendencies have made the citizens leery of how he manages the country, and the recent social security reform was the last straw for the people of Nicaragua. Anti-government groups have argued that he has mismanaged the social security system for several years for his finance housing projects benefiting his corporate allies.

Nevertheless, the leading representative of private corporations The Council for Private [Cosep], has had long-term formal relationship with the president. Leaders of the companies have played a critical role in creating laws favoring the public's interests while ignoring how Ortega was slowly climbing to the top of authoritarianism. However, in spite of the violent crackdown on protesters, leaders of these business have started to resentment toward their alliance with the president. The Cosep has suggested the country should hold early elections to have a working democracy and place more political power to the average citizens not just corporate holders. Jose Aden, president of Cosep, stated in an interview " I never thought Nicaragua would see these levels of barbarity" (WSJ, Otis). Even with Ortega losing his corporate allies, he is still unwilling to hold early election before his term is over in 2020. Stating in an interview "you can not just change the [electoral] rules overnight because of a group of coup-plotters" (WSJ, Otis). Yet, leaders of the private-sector have not gone out to protest.

Students who have been leading the demonstrations are worried that business leaders will eventually get tiresome of the ongoing conflict and the president will maintain in power.

On the 30th of May, Nicaragua Mother's Day, protesters and people took part in a march to Managua in support of the mother's who have lost their children during the protest. The march was invaded by pro-government groups whom were armed with weapons, which took place near the National Engineering University. There were many other marches happening in other cities who also attacked by pro-government groups. In a report, it indicated there were 15 death and almost 200 whom were injured on Mother's Day (UNHCR). The systematic repression by government authorities and pro-government groups gives room for people to freely exercise their right to protest.

The ongoing political violence continue to take the streets of Managua but the president is repressing the protesters of the civil rights. In a report by the Interdisciplinary Group of Independent Experts, (GIEI-Nicaragua) stated that the administration under Daniel Ortega has indeed committed crimes against humanity (Amnesty International, Rosas). There has been a detailed investigation by the organization showing crimes under international law and human rights violation administered by the government itself. The president has deliberately ordered public institutions and pro-government groups to create a repressive state against anyone who is opposed to his rule, this includes killing and persecuting, calling this operation "clean-up"(Amnesty International, Rosas).

Ortega has been stripping away people's freedom of expression and their freedom to protest. One of the main human rights violations done by state authorities has been the right to freedom of peaceful assembly. Early on in the protest, students faced widespread use of

excessive force such as unlawful killings or attacks by pro-government. While some of the protesters have resorted to violence to combat authorities, majority of demonstrators were protesting peacefully before the crackdown. This resulted in high level crimes committed by both opposition in the months of May and September. The government has discredited their duty as state to protect the rights of their citizens to peacefully assemble, from individuals to group members and counter- protester, Ortega is suppressing individual and trying to induce fear to protesters. He has criminalized protesters and called them “coup-plotters” who are going against the government. Through strategic use of repression, he has continued to oppress protesters, advocates, and anyone who gets in the way of his power.

1.0- Repression By the State: Arbitrary Arrest

One element of repression the Nicaraguan government has used against Nicaraguans has been arbitrary arrests. After 100 days of unrest, the UN Human Rights Special Rapporteurs and Independent Experts, urged the Nicaraguan government to terminate repression tactics against civilians. State government and paramilitary forces want to induce fear with the goal of weakening the opposition against the government (UN). As the report by UN Human Rights Experts suggest, “ there has been an increase in targeted repression, criminalisation and alleged arbitrary detention, which is creating an atmosphere of fear and uncertainty.” While the protesters have decreased in size because of the violent repercussions, many groups who are still voicing their concerns are being targeted and even blacklisted. These people include but are not limited to “rural community leaders and health professionals, students, independent journalists, representatives of the Catholic Church and members of the Civic Alliance” (OHCHR). These groups are the most vulnerable to intimidation, persecution, and even death. The Office of the

United Nations High Commissioner for Human Rights, OHCHR, has reported that Arbitrary arrests have continued past the month of July with the arrests being most often carried out by police and pro-government forces. The report also suggest that what has classified the arrest as arbitrary have been the lack of: search warrants in time of arrest, official documentation or report about the arrest, availability to meet with their lawyer or family, of notifying families of the arrest, and inhumane cruel treatment following their arrest. The OHCHR has highlighted that these claims have been supported by family testimony but not from the government itself due to its refusal to cooperate with the OHCHR. The OHCHR has persistently requested this information from the Nicaraguan government but has yet to received any reply as of August 18, 2018. The government has been able to dismiss these claims due to the high number of pro-government forces acting as the perpetrator via government instruction. Additionally, the government has tried to undermine protest efforts by labeling protestors as ‘radical’ and ‘dangerous’ in order to justify government actions.

The OHCHR reports the main human rights violations by state authorities have been violations of, freedom, of peaceful assembly, of the rights to life, and of physical integrity. The act of protecting human rights has been an inconsistent because the government capriciously decides to protect human rights based on what is convenient for him in power. Many protesters felt helpless with no access to real change;thus, they opted to show their opposition through discontent.

1.2- Repression By the State: Kidnapping

Unfortunately, arrests are not the only element Ortega has used to repress, for there has also been elements of kidnapping and killings. José Miguel Vivanco the director of Américas de

Human Rights Watch and Juan Pappier lawyer for the same division, defined kidnappings as, “enforced disappearances” which is when the government refuses to report the location of those arrested or to even acknowledge that they have been arrested in the first place. This term could be traced back to the 1980s when there were high government kidnappings in Argentina and Chile (Pappier and Vivanco). It is astonishing to see how that term is applicable now under the Ortega presidency in Nicaragua. While the government began targeting only those physically participating in the protest, violent measures were quickly taken to extreme measures by the commencement of arbitrary arrest and kidnappings. Protesters are being charged for terrorist crimes which is considered one of the most serious crime in Nicaragua. On August, 16 2018, a few months after the initial protest, The National Assembly changed its definition of terrorism by adopting a law “against money laundering, terrorist financing and proliferation of mass destruction weapons 47” (OHCHR). Not only did it expand the definition of terrorism itself but it also added the new crime of financing terrorism. Many believe such laws will be detrimental towards those have solely expressed disagreement with the government or those who have aided in any way financially towards protest efforts. The Human Rights Watch interviewed a student who experience kidnapping by the government. He described that the police:

held him for eight days, blindfolded, with his hands and feet tied. They eventually took him before a camera, he said, threatening to kill him unless he confessed to acts of vandalism. . . The authorities did not take him before a judge or allow him to see a lawyer. His mother repeatedly asked the El Chipote authorities if he was being held there, but they denied it” (Pappier and Vivanco).

Fortunately for the student, he was released, but only after a week of embracing torture He is not the only one being attacked, for it has been reported that at least 50 people have claimed to being kidnapped and forced to confessed on acts of terrorism (Pappier and Vivanco).

1.3- Repression By the State: Killings

Additionally, government repression has escalated to the point of perpetuating killings. As of June 2018, there has been around 300 deaths and over 1,000 people wounded due to the altercations (“Nicaragua: Zero Tolerance for Scrutiny”) Although Ortega’s government blames the protesters for violently attacking his supporters, reports have shown otherwise. The Human Rights Watch has received information that it has been a collective action of government forces, National Police of Nicaragua, and para-police forces. These international findings only prove that human rights have been violated despite government efforts to hide their elements of repression.

1.4- Repression By the State: Migration

Another human rights consequence of the ongoing crisis is migration. Many Nicaraguan have migrated and seeked asylum in Costa Rica. Besides migrating because of the turmoil, many are fleeing because they have been targeted by the government. The government has developed a blacklist of people to arrest due to their involvement in anti government ‘behavior’ (“Nicaragua: Zero Tolerance for Scrutiny”). Among 100,000 families have migrated to Costa Rica with 6,000 to 7,000 Nicaraguan asylum applications being submitted every day to Costa Rica. Many Nicaraguans hope to escape the turmoil and repressive government under Ortega (Spindler).

Involvement of Organizations

There has been outside efforts from NGOs to cede the repressive violence. Worldwide organizations that have been involved are the United Nations [UN], the Human Rights Watch, Amnesty International, Council of the Organization of American States [OAS], and the Inter-American Commission on Human Rights. However, they are unable to enter the country, so

helping Nicaraguans locally has become infeasible (Pappier and Vianco). Local human rights defenders have also become targets of government since they have received death threats, been intimidated, harassed, surveilled, assaulted, and judicially persecuted. A human rights defender, who remained anonymous, disclosed in an interview with the Office of the United Nations High Commissioner for Human Rights [OHCHR] that:

“I am no longer able to work as a human rights defender. I became scared when I saw my photo hanging on the walls of the building of the Sandinista party in my city. Everyone knows that in that building they hang the photos of the people that they’re going to arrest.”

Ortega pro-media have done everything possible to undermine the credibility of defenders and so has the Nicaraguan Congress by removing nine civil organizations of their legal registration. So far, the police have raided five of their offices to confiscate documents and computers (“Nicaragua: Zero Tolerance for Scrutiny”). The repression by Ortega is very complex and has continued to unravel even after the initial protest. It is important to understand and examine the underlying elements that led to the state Nicaragua is in today.

1.0- Historical Context: Somoza

It is clear that Daniel Ortega’s leadership has proven to be that of a violent suppressor. However, one question that is commonly asked by people looking into the issue is why/how he became the entity that he fought against four decades ago. Since the country’s birth, Nicaragua has been stuck in an ongoing struggle of war and political violence between powerful families, factions, political parties, and gangs. One important group that is historically recognized in Nicaraguan history is the Somoza family, the previous autocratic rulers of the country. The Somoza family harvested power as wealthy coffee planters in Nicaragua generations before their

introduction to Nicaragua's political realm. However, they secured their position in politics when Anastasio Somoza Garcia worked his way up the military ranks, eventually becoming the general of the National Guard in the 1930s.

1.1- U.S. Involvement

The United States has always played a role in Nicaragua's violent history. According to a Humboldt State University Timeline of US involvement in Nicaragua, it began with the use of southern Nicaragua to trade between New York and San Francisco. Ships would sail down the Atlantic, enter Nicaragua's San Juan River, then cross Lake Nicaragua. From there, cargo was transported via stagecoach, west to the Pacific, then sailed up to San Francisco. This was before there was the Transcontinental Railway. This route was permitted by Nicaragua and used by Cornelius Vanderbilt's Accessory Transit Company in the 19th century (Ogayle, Hist 111, Humboldt). This system of exploitation was affected by the Civil War that erupted in the 1850s between the legitimist party of Granada and the democratic party of Leon. The Democratic party hired William Walker, an American, slavery-expansionist/mercenary to dismantle and take out the party of Granada. Walker's army was victorious in defeating the Granada party and made Patricio Rivas his puppet president, but he was the true ruler of Nicaragua since he was the general of a loyal army and his government was recognized by the US as the legitimate regime of Nicaragua. His actions caused fear in Central America, eventually leaving El Salvador, Honduras, and Guatemala with no choice, but to invade Nicaragua and defeat his regime (Ogayle, Hist 111, Humboldt).

1.2- Somoza In Power and the Rise of Sandinistas

In a paper, breaking down the Somoza and Ortega rule, Richard E. Feinberg mentions how the United States returned to Nicaragua in 1912 to intervene with more internal conflict, but left in 1933 as a result of the beloved Augustine Cesar Sandino's insurgency against US imperial domination. With the departure of US forces, Sandino still expressed his distrust for the National Guard because of their ties with the US. In 1934 Anastasio Somoza Garcia ordered the assassination of Sandino, which was successfully executed (Feinberg, Nicaragua: Revolution and Restoration, 2018). Sandino's death marked a new era, where the Somoza family became the ruling regime of Nicaragua. However, his life also left a legacy for the proletariat of Nicaragua, creating a cause known as the Sandinista National Liberation Front (FSLN), founded by Carlos Fonseca, Silvio Mayorga, and Tomas Borge in the 1960s. A Britannica timeline of the FSLN gives a historical account of the revolution. By the 1970s, the group was launching small military initiatives against the Somoza government. A 6.2 magnitude earthquake struck Managua in December of 1972, allowing the Sandinistas to take advantage of the Somozas' inept handling of the disaster to legitimize their cause and gain public support. Anastasio Somoza Debayle forces embezzled international aid that was sent to the country, which was used to reconstruct properties of the family and inner circle of elites. A series of bank robberies, ransoms, guerilla attacks, and demonstrations against the Somoza regime is what helped the Sandinistas make a name for themselves. Somoza responded with violence, ordering a complete state of siege over the country. Communities and individuals who were labeled suspects were being killed, captured, tortured, and imprisoned by the national guard. Carlos Fonseca was killed by 1976. Aside from violence, the government censored media outlets as a form of suppression. At the

same time, 14 guerilla prisoners were released, including Daniel Ortega, a survivor who would soon make his debut as a leader of the FSLN. The Sandinistas found themselves in a dilemma where they began to split into factions. The third faction to split was known as “The Third Way”, led by Daniel Ortega and his brother, Humberto Ortega. They sought to coexist and work with the right-wing opposition of the government. Their strategy was centered at attacking the national guard, exposing their weaknesses, and using that as a way to get more civilians to join the fight. They would eventually amass more support from businessmen, the church, and Costa Rica. This allowed them to engage in large, unarmed riots against the Somozas. By July of 1979, the FSLN had raided Managua in the final battle, dismantling the Somoza regime and assuming power (Sandinistas, Encyclopedia Britannica).

1.3- FSLN in Government

Over a billion dollars in debt, with poor infrastructure, they created five-member-council, known as a junta: the core foundation of their early government. According to Encyclopedia Britannica’s website article on the Early FSLN government, the goal of the junta was to help redevelop the country’s economy and infrastructure by passing legislation that revolved around a mixture of socialistic and capitalistic ideals (The Sandinista Government, Encyclopedia Government). However, early signs of autocracy were prevalent at this time. Three members of the junta had to be members of the FSLN, including Daniel Ortega. The other two were chosen to represent the interests of capitalism and big business in an effort to create a balance of interests. The Sandinistas had a state council, subordinate to the Sandinista Junta. In this council, there were only 47 seats, 12 reserved for political parties and the rest for Sandinistas only. Also, nine of the political party seats had to represent and protect the interests

of the Sandinistas. By 1982, the entire Junta and Council seats were filled by Sandinista members due to the implementation of a national emergency and the pressure to make the other parties resign (The Sandinista Government, Encyclopedia Britannica). Although their early organization of government lacked democracy, it is critical to understand that the FSLN, with good intentions, envisioned a grassroots movement that sought to bring land reform; improve working conditions in all industries; legal universal unionization; price-fixing; the abolition of torture, political assassination, and the death penalty; the National Guard would be replaced with a populist army and more.

1.4-The Contras Rise

The overthrow of the Somoza regime posed a threat to the Ronald Reagan administration because of Nicaragua's shift to socialism, the enemy of US capitalism. As a result, Reagan authorized that the US fund and train ex Nicaraguan National Guard personnel and anti-Sandinistas to wage war against the government. This counter-revolution army would be known as the Contras. Aside from the guerilla violence from the Contras, Reagan enacted a full Embargo on Nicaragua as well. The U.S engaged in arms deals with Iran; imported Cocaine from Central America to California; and took money from foreign allies to fund the Contras since Congress turned down funding (Ogayle, Hist 111, Humboldt).

By 1985, Ortega was elected president but was met with the refusal of recognition by the U.S., who claimed that the elections were unfair. When the 1990 election came, Ortega lost to Violetta Chamorro, whose campaign revolved around economic growth, peace, and the eradication of the military draft (Encyclopedia Britannica, Nicaragua from 1990-2006). One important factor to recognize is that the US promised to lift the Embargo if Chamorro won.

1.5- Ortega's Presidency

In 2006, Ortega returned to Presidency. However, since then, he has shifted Nicaragua further and further away from the socialistic, progressive state that it envisioned for itself. Upon his return, the economy has grown about four percent. This growth is respectable, which according to The Committee of Abolition of Illegitimate Debt, he has exploited to create a system of passing laws where he passes polar opposite laws at the same time. On one side, he is passing laws that foster social assistance programs to secure popular support. However, behind closed doors, he is passing laws that benefit big banks and big business. This is reflected in the high price of exported raw materials; dealing materials with Venezuela, such as meat, earning about 500 million annually; foreign investment from deals with private companies; and most importantly, Nicaragua's ties with the International Monetary Fund and World Bank (CADTM, Toussaint). The International Monetary Fund (IMF) is an international financial institution, based in Washington DC. Their goal is to foster economic growth, free market, international trade, and more. Essentially, the IMF and World Bank provide Ortega with monetary support in exchange for neoliberal reforms in Nicaragua. The IMF canceled 206 million dollars in debts in 2007 and had lent Nicaragua 120 million dollars between 2007 and 2011 (CADTM, Toussaint). In 2005, a free trade agreement was ratified with the United States. It received criticism from FMLN members such as Monica Baltodano, who called it "in contradiction with the public discourse of Sandinista organizations,". Other free trade agreements have been passed, one with Central America and Mexico in 2011; and another with Central America and the European Union in 2012 (CADTM, Toussaint). In the article, Toussaint also mentions how Nicaragua has just granted a Canadian Company, B2Gold access over a surface of about 18,000 hectares for

mining. Also, they mention that a canal project was underway, hoping that it can foster trade with global powers from Europe, China, and the U.S. However, the project was abandoned when the Chinese investor went bankrupt. Indigenous groups organized against the Canal and its construction was proven to be environmentally and socially hazardous by scientists (Nicaraguan daily El Confidencial on 8 July 2016, Salvador Monténégro).

1.6- Ortega in Present Day

In April of 2018, students engaged in protests against Ortega's plan to build a Canal; his social security bill; and also as a result of anger and discontent with his regime for almost a decade. This was met by the government with violence against demonstrators, killing over 300 and injuring thousands. The reason being is that these demonstrations pose a threat to the interests of Ortega's regime. Since then, the government has been "cracking down" on protests, media outlets, activists, and organizations whose interest are not in line with the government. According to the Human Rights Watch organization, foreign affairs personnel were expelled from Nicaragua, linked with the UN on December 19, 2018. That same day, Vilma Nunez, founder of the Nicaraguan Human Rights Center (CENIDH) was accused of being involved with and covering up for a fire that killed six people in Managua in June. This accusation was swiftly undermined by a video posted by a firefighter, showing that police and pro-government people were firing at first responders when they tried to stop the fire. Vilma Nunez is Nicaragua's most prominent human rights advocate, who even worked to help the daughter of ex-president Murrillo, who accused Ortega of raping her as a child.

On December 12, 2018, the CENIDH was stripped of its legitimacy and its headquarters were raided by police. As previously mentioned, this was possible with a new system that Ortega

has been using to dismantle organizations who pose a threat to his regime. All it consists of is accusing the organization of conspiring against the government, therefore, labeling it a terrorist group. Once that is done, the government has the right to strip the organization of its legal registration and practice. This same tactic was used to raid and shut down nine prominent human rights organizations and media outlets (HRW.org). The importance of this tactic is that enables Ortega to place a curtain over his country, keeping media and activists from speaking out, against him.

A clear question is why has Ortega shifted into an autocratic ruler, but the simple truth is that he showed signs of it from the start. It was evident with the way he handled organizing the juntas and council. Many point to his past as a potential answer to the question. As a teenager, he joined the resistance and was part of the band of individuals who would rob banks and ransom people to fund the cause. He was eventually arrested, imprisoned, and tortured for his acts against the Somoza regime. (Washington Post, Partlow) Many have pointed to his secretive nature and bureaucratic style of governance, arguing that trauma from his experience, as a prisoner led to him having trust and control issues. Also, some argue that his war with the Contras played a major role in the shaping of who he is today. However, it is very clear that he is abusing his power as president, using his political platform to amass wealth for his family and his inner circle. Ortega is constantly being compared to Somoza's ruling given their use of violence against their own people, yet both presidencies had a disregard for human rights. Analyzing the

historical contexts, aids towards the understanding of human rights and the reasons why they are being violated.

1.0- Understanding Human Rights

The case of Nicaragua's government crackdown challenges our understanding of human rights violations by focusing on the government system. Daniel Ortega, ironically, created himself into the man he once was fighting against. His rise to power, shows how heads of states with such high levels of authority can easily turn away from the values they entered into power with. The people of Nicaragua elected Daniel Ortega in 2006 knowing he's history in getting the regime of Somoza, corrupting the country's economy and its citizens, out of power after decades of not having a true democracy. Ortega has created mirroring image of Somoza by abusing his power given to by the people. He is doing his people unjust by repressing them of their basic human rights, and ordering crackdowns stop the protest. Ortega is manipulating government into his favor by changing the term of presidency, and placing people in legislature favoring his views. The Nicaraguan people want to be heard overthrow him and have a working democracy. Their efforts have not gone completely unnoticed, for there has been international intervention.

1.2- The Pursuit for Justice

There has been pressured posed against the Nicaraguan government in order to detain the ongoing repression. The OAS responded by creating a committee to investigate the situation while the UN has imposed sanctions with the intention of pressuring the Nicaraguan government (Vivanco, Pappier). A recommendation has been for the OAS to work with local groups to monitor the human rights situation in Nicaragua in hopes to prevent the continuation of forced disappearances (Vivanco, Pappier). Recently, efforts from international sanctions have resulted

in the Nicaraguan government giving a public statement affirming the release of current prisoners while also implementing electoral reforms for the upcoming presidential election of 2021 (Reuters). However, their main focus has been to bring halt to the repression while seeking justice has not been discussed.

1.3- New Forms of Activism

People have felt helpless in a time where they have been attacked and targeted solely for exercising their rights. In spite of limited help from NGO, many students have been outspoken about the situation through social media. A group named, [Free Nicaragua with no Political Prisoners] advocates for activist and students by building a support network online. The #SOSNicaragua was created for individuals to show their support and solidarity (Marvena).

1.4- Challenging the Understanding of Human Rights

Nicaragua's crisis is often overlooked by many due to the ongoing crises in other Latin American countries. Nevertheless, Nicaragua also deserves to have its rights protected especially because they have been disregarded. Once people forget about a country's crisis, human right violations will persist expanding to other countries who determined they will not be held accountable for violating human rights either. People should care about the rights of others because if they wait too long, one day their own human rights could be violated with no one left to protect them.

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