

**ERLÄUTERUNGEN DES STAATES NICARAGUA ZU DEM BERICHT MIT DEM TITEL  
"GEWALT UND VERLETZUNGEN VON MENSCHENRECHTEN IM ZUSAMMENHANG  
MIT DEN PROTESTEN IN NICARAGUA. 18. APRIL - 18. AUGUST".  
ERSTELLT VON OUNHCHR, VOM 24. AUGUST 2018.**

**Nicaraguan government rejects partisan, biased report of the Office of the UN High  
Commission for Human Rights**

Submitted by tortilla on Vie, 31/08/2018 - 18:58

*Unofficial translation* <http://tortillaconsal.com/tortilla/node/4043>

CONSIDERATIONS OF THE STATE OF NICARAGUA ON THE REPORT TITLED  
"VIOLATIONS OF HUMAN RIGHTS AND ABUSES IN THE CONTEXT OF PROTESTS IN  
NICARAGUA. APRIL 18 - AUGUST 18"

PREPARED BY OUNHCHR, DATED AUGUST 24, 2018.

**REFERENCE**

**Note of August 24, 2018, of the Office of the High Commissioner for Human Rights (OHCHR), informing the State of Nicaragua - (hereinafter "the State") -, of its report entitled "Violations of human rights and abuses in the context of the protests in Nicaragua. April 18 - August 18 ", requesting the comments that the State considers pertinent, for which they established a term of 72 hours.**

In this regard, the State expresses its disagreement with the period of 72 hours, which was granted for the State to present our observations to the aforementioned report, because obviously there is no equity, nor equivalence of that period of time with the time used by the OHCHR to prepare it, which leaves the State at a procedural disadvantage, intended to limit our defense; however, despite that intent, and being within the deadline granted by the OHCHR, the State is able to present the following:

**GENERAL CONSIDERATIONS**

**The title of the report prejudices the State's actions by assuming as given alleged human rights violations and incorporates in itself baseless a priori assertions, lacking objectivity. Likewise, the concept of protests is maintained as the context in which those events occurred, negating that what happened in Nicaragua was an attempted coup d'état aimed at breaking the constitutional order.**

The Government of Nicaragua rejects the proposed report submitted by the OHCHR, because it goes beyond the scope of the visit for which it was invited by Note of June 19, 2018, from the Ministry of Foreign Affairs, so that the Office of the High Commissioner of Human Rights might accompany the Verification and Security Commission, created in the National Dialogue.

Nicaragua has not invited OHCHR for an on-site visit for the purpose of observing human rights, nor does the resolution of the General Assembly 48/141 invoked in the aforementioned report grant them this faculty. Therefore, the OUNHCHR breached its

remit in issuing this document, thus violating clause 3 sub-section a) of the aforementioned resolution, which obliges it to "respect the sovereignty, territorial integrity and internal jurisdiction of States."

## LEGAL AND SOCIAL CONTEXT

Nicaragua's Political Constitution establishes that we are an independent, free, sovereign, unitary and indivisible State; constituted in a Democratic and Social State based on Law, which promotes and strengthens freedom, justice, equality, solidarity, social responsibility and the promotion of its people's dignity through its legal system, all of this based on respect for human rights Human and the pursuit of the common good.

All Nicaraguans are obliged to preserve and defend the independence, sovereignty and national self-determination, foundations of the nation and its people's inalienable rights; any foreign interference in the internal affairs of Nicaragua or any attempt to undermine those rights, is a threat the life of the people.

In this regard, we reiterate that, according to Article 144 of the Political Constitution, the Executive Power is exercised by the President of the Republic, who is Head of State and Head of Government; in this same vein, Article 146 of our Constitution mandates that a legitimate Government is established by universal suffrage, equal, direct, free and secret. Through the process of free elections held on November 6, 2016, the President of the Republic and the Vice President of the Republic were elected democratically for a period of five years, currently exercising their constitutional term of office and their legitimate functions, as well as the authorities of the other Powers of the State.

On the matter of Citizen Security, our Political Constitution in its article 97 indicates the nature, model and mission of the National Police, as well as its subordination to the

President of the Republic. This institution is an armed body of a civil nature and its mission is to guarantee internal order, the security of people and their property, the prevention, prosecution and investigation of crime and other legal provisions for which it is regulated by the Political Constitution, its law and other laws that regulate police action.

According to article 138, clause 9, subsection b, of the Political Constitution, the Public Prosecutor's office is an independent institution, with organic, functional and administrative autonomy, is in charge of indictments and the representation of the interests of society and of victims of crime in the criminal legal process.

**As of April 18, 2018, a series of events took place in our country, aimed at creating a situation of chaos and social, economic and political instability, attacking and violating citizen security, life, psychological and physical integrity of the persons, public and private property, the tranquility of families, the normal functioning of the Government and its institutions, private entities and the right to free movement of all the Nicaraguan people, creating terror, fear and intimidation, in an effort to undermine the legitimacy of the Government of Nicaragua and break the constitutional order, attempting a coup d'etat against the Government of President Daniel Ortega, in a de facto way by means of violence.**

In this sense, Article 29 of the Universal Declaration of Human Rights states that: "1. Every person has duties regarding the community, since only within it can they develop their personality freely and fully. 2. In the exercise of their rights and in the enjoyment of their

freedoms, every person shall be subject only to the limitations established by law for the sole purpose of ensuring the recognition and respect of the rights and freedoms of others, and of satisfying the just demands of morality, public order and the general welfare in a democratic society. 3. These rights and freedoms may not, in any case, be exercised in opposition to the purposes and principles of the United Nations. "

In accordance with the above, **Article 24 of our Political Constitution establishes that the rights of each person are limited by the rights of others, by the security of all and by the just demands of the common good; likewise in its article 53, it recognizes the right to peaceful assembly, the right to meet, demonstrate and hold public marches, all in a peaceful manner and in accordance with the law.**

#### ON THE CONTENT OF THE DENOMINATED REPORT

**The Government of Reconciliation and National Unity (GRUN), wholly rejects the report in question submitted by the OHCHR, considering it subjective, partisan, prejudiced and notoriously biased, drafted under the influence of sectors linked to the opposition, and lacking the due care to compose an objective document.**

**The report in question indicates only results, effects and does not analyze causes. On April 18th, there were social protests, in which no one died. However,**

**the media, manipulating information, published a false news report about the death of a university student in the Central American University (UCA), which never happened, information that served as a trigger for the violent events that took place on April 19. Groups interested in destabilizing and breaking up the country's constitutional order, having nothing to do with any social demands, from that day onwards initiated public disorder, which resulted in murders, havoc, arson, looting and riot.**

**The State of Nicaragua categorically expresses its position that the events described by the OHCHR did not occur within the context of social protests, but rather within the context of an attempt to break the constitutional and institutional order so as to change the legitimately elected authorities and overthrow the government (in other words, a failed coup attempt).**

**From that false news, the preconceived plan began of the political unrest with the participation of armed gang members manipulated and financed by groups interested in causing chaos, which on April 19 provoked three deaths; one of a police officer Hilton Rafael Manzanares who was shot dead with a firearm, while he restored public order and freedom of movement near the Polytechnic University of Nicaragua (UPOLI); Darwin Manuel Urbina who died as a result of blunt trauma caused by the firing of an artisanal mortar, a supermarket worker, not involved in the public disturbances; and Richard Eduardo Pavón Bermúdez who was not a university student, but a Sandinista supporter who died near the Tipitapa town hall trying to defend the building and its installations.**

**These events just described were the first deaths that occurred in the context of the violence and demonstrate that the so-called protests were violent from the start, with conventional and artisanal firearms, they were not peaceful, nor were the protestors university students, as the report in question falsely states in paragraph 14.**

Throughout the report in question, OUNHCHR characterizes the so-called protests as peaceful, replicating the discourse of the groups promoting the attempted coup and the media that have served as their spokespersons. Contradicting itself, the same report recognizes the use of non-lethal weapons by demonstrators and in other paragraphs it tries to justify their use of lethal weapons. If the so-called protests had been "peaceful",

how does one explain the death of 22 national police officers, with a pattern of being shot by firearms aimed at the head and thorax.

This criminal pattern of violence was repeated in some of the country's main cities, which revealed the existence of prior planning and organization.

The State of Nicaragua repeats that the results of the events that occurred in our country show that violent actions carried out by groups promoting the attempted coup involved armed individuals who intentionally used violence against police officers,

public officials and the population in general, and caused damage to public and private property, creating destabilization and terror, seeking from the first moment to overthrow the government and break up the constitutional order.

**The State of Nicaragua reaffirms that it is not State Policy to repress peaceful social protests and even less to use excessive and arbitrary force by the National Police; it is enough to mention the many marches that have occurred in the country, in which no one was killed or injured.**

We reject the glib, baseless assertions against the State of Nicaragua and, in particular, against the National Police, founded on simple allegations of confused events still in the process of investigation by the competent authorities of the country.

**We call into doubt the report in question because it lacks truthful information despite the fact that the explicit methodology used, exhibits throughout excessive reliance on questionable and inaccurate sources, citing for example, “available information”, “according to reports”, “lacking other analysis” “could be” “probably” and so on.**

**The report in question without any objective foundation bases its claims on the say-so of non-governmental organizations, news media, anonymous reports and social networks or any other source lacking in objectivity and unverified, and the High Commissioner in the report in question turns them into sources of irrefutable truth, without complying with even minimum standards required by a serious and responsible investigation.**

We have indicated how other reports using non-governmental organizations with a politicized vision of the Government as sources of information thus reduce the credibility of their information and conclusions.

The report in question omits that the expressions of violence had different phases, obeying the strategy of a coup d'etat whose victim has been the people of Nicaragua, through the violation of their rights to life, physical and psychological integrity and, freedom of movement, work, education, safety, health and truthful information.

**The violent events that have occurred have not been at the level of peaceful protests, but have violated the Constitution, the laws and the rights of the population, where the Government has seen the urgent need to re-establish order and restore to society its legitimate rights.**

**The report in question when it refers to the lack of independence of the Powers of the State, does not offer any objective criteria to support such a claim. It should be noted that the Constitution establishes harmonious coordination between the**

**powers of the State, in accordance with the systemic and integral vision of State policies.**

In relation to the supposed limitations that the OHCHR indicates, the Ministry of Foreign Affairs, in its role as a safeguard to the life and integrity of the representatives of

international organizations, has guaranteed security and movement in accordance with the terms and objectives of the visit for which they were invited, in their role of accompaniment to the Verification and Security Committee of the National Dialogue.

**In relation to the context prior to April 2018 indicated in the report in question; The Government of Nicaragua affirms that the wave of terrorism and coup-related violence that struck Nicaragua was the expression of a plan by the extreme right-wing sectors of the country and those who governed in the period from 1990 to 2007, who have always wanted to achieve power, and by failing to achieve this democratically, opted for violent means, in alliance with international actors who financed and supported the actions of these groups.**

**In the last eleven years, Nicaragua has been the safest country in Central America and the second safest in Latin America and the Caribbean; with a police internationally recognized for its work protecting people, families and communities, guaranteeing high levels of security and stability that stand out in the region.**

**The opportunist movement trying to provoke a coup d'état took advantage of the Indio Maíz fire to initiate its violent and destabilizing actions. They launched a massive offensive in news media and on social networks to manipulate information and blame the Government for a supposedly slow and inadequate response, which was totally false, because the Government's response was effective and timely.**

**When their first coup attempt exploiting the Indio Maíz fire failed they used the social security reforms as a new pretext to deploy a previously organized plan, with the participation and financing of some sectors of the United States Government.**

**A fundamental component of the terrorist groups' activity was to set up roadblocks and destroy streets and highways with the clear aim of destroying the country's economy, creating terror and enabling the overthrow of the Government; the roadblocks turned into centers of organized crime, from where criminals mobilized to commit crimes of murder, kidnapping, torture, arson, extortion, assault, rape and other dangerous crimes.**

**The report in question when referring to the dismantling of these roadblocks by members of the National Police, does so in an ill-intentioned way under the name of "clean-up operation", pretending to criminalize, delegitimize and stigmatize the**

**constitutional functions of the National Police. This term of reference is used by various non-governmental organizations and other sectors opposed to the constitutionally constituted Government, to denote alleged extrajudicial executions, excessive use of force and firearms, arbitrary detentions, torture and ill-treatment.**

**The elimination of the roadblocks in different parts of the country was based on the constitutional powers of the National Police, to restore the free movement of people, access to basic services, citizen security and the normal development of productive, commercial and economic activities.**

**Paragraph 26 of the report in question, distorts what really happened in Morrito given that the groups promoting the attempted coup simulated a peaceful march so as to attack Morrito's municipal Police Station in a vile and cowardly manner with firearms, killing four police officers and a primary school teacher, kidnapping 9 police officers and wounding with firearms 5 municipal workers.**

**The State reaffirms that in Nicaragua there is no policy of repression; On the contrary, peace has been restored and consolidated. We assert that the people of Nicaragua demand that justice be done for all the crimes and the damage caused.**

**The State of Nicaragua through the country's judicial institutions is making every effort to see that justice is done and reparation to the victims is assured.**

**The Public Prosecutor's office complying with its constitutional mandate, representing society and the victims of crime, has proceeded to investigate the acts of violence that have occurred since April 18th this year, in faithful compliance with the principles of objectivity, legality and proportionality and has indicted those persons against whom sufficient evidence has been found to demonstrate in court their participation in serious criminal acts.**

**The actions of the Public Prosecutor's office are governed by constitutional and criminal law and the law of criminal procedure and are based solely on the analysis of the evidence gathered during the investigation; complying with international standards for the investigation and the exercise of action against criminals.**

**Every indictment by the Public Prosecutor's office complies with the requirement to indicate the elements of conviction on which it is based and also, for each accusation, it presents a case file to exchange information and evidence with each defendant's lawyer and offers a copy of all the prosecution evidence to the defense, guaranteeing the right to defense, later these elements of evidence are presented to the judge in oral and public hearings.**

In this regard, the State of Nicaragua, through the judicial authorities, has guaranteed to each accused person the appointment of a defender of their choice, failing which a public defender has been appointed. Likewise, defenders and family members have had access to public hearings as required by law.

In all the accusations and exchanges of evidence and in the trials carried out, the Public Prosecutor's Office has presented testimony by witnesses and experts, incriminating items, scientific, laboratory, documentary, audio and video evidence to demonstrate the individual participation of each defendant.

**The report in question aims to make the international community believe that in Nicaragua the authorities have unjustly accused "peaceful protesters" and human rights defenders. The State of Nicaragua repeats that no one has been accused or persecuted for participating in or supporting peaceful protests or for exercising defense of human rights.**

The report in question indicates that the Public Prosecutor's office presents undercover agents as evidence to demonstrate crimes of terrorism and organized crime. In this regard, it is important to clarify that the investigative technique of the undercover agent, is established both in internal legislation and in international instruments of the United Nations in the area of organized crime and terrorism, legitimized by the dangerous nature of these crimes and these Conventions have encouraged countries to use these special techniques.

**It is worth noting the lack of objectivity of the so-called report, reflected in paragraph 34, related to the approval of the Law against Money Laundering, Financing of Terrorism and Proliferation of Weapons of Mass Destruction; trying to make it appear that this law targets critics of the government. On this matter, this law was passed to comply with one of the 40 recommendations of the Financial Action Task Force. In the Mutual Evaluation carried out in Nicaragua by the Financial Action Task Force of Latin America in 2017, it was recommended that the characterization of criminal terrorism and its financing should be adjusted to international standards, and should present advances by July 24th 2018. This law was not promulgated specifically for the events of April 2018 and does not apply retroactively.**

In relation to the alleged resignations of some prosecutors of the Public Prosecutor's office, the so-called report manipulates some routine resignations not related to the context, and that happen in any institution, whether public or private, thus intentionally trying to create confusion among the population and weaken its trust in institutions. The State repeats that none of the prosecutors who have resigned from the Public Prosecutor's office have worked on the investigation of the cases mentioned earlier.

The OUNHCHR states in its document that it coordinates actions with the Inter-American Commission for Human Rights, and in this regard, it replicates the

unfounded assertions of the IACHR in relation to the numbers of the dead, injured and arrested; with regard to this, the State of Nicaragua rejects the irresponsible manipulation by both organizations of the numbers of deaths in the context of the failed coup attempt.

**On the allegations of alleged violations of the right to health, related to the lack of access to medical care in hospitals, clinics and health centers of the Ministry of Health; on this matter, at the request of the Inter-American Commission on Human Rights, the State of Nicaragua provided that body with a detailed list indicating the name and surname, date and place, and procedure practiced on each person attended, in which it proved that the right to health and access to health care centers were guaranteed.**

The State of Nicaragua has denounced the falsehoods expressed by some people in relation to this issue, reproduced by non-governmental organizations, by news media hostile to the government, by the IACHR and, in the report in question, by the OUNHCHR; however, the report in question deliberately omits the effects on the right to health caused by the roadblocks, in particular the deaths resulting from the obstruction of patient transfers to different health units, for example pregnant women, children and elderly people with chronic diseases; for example the young pregnant woman Lilian Jackeline Martínez Valerio, who was being transferred by an ambulance that was held up at the roadblock of San José de los Remates in the Department of Boaco.

In relation to the work of the Institute of Legal Medicine, the report in question does not present any evidence to support the assertion of reported irregularities on the part of the Institute of Legal Medicine and the assertion that the records of victims did not meet the forensic standards. Contrary to these claims, the Institute of Legal Medicine has complied with its legal medical obligations established by the Law even in conditions of insecurity, nor has it been guilty of "irregularities".

Autopsies have been performed with scientific-technical rigor 24 hours a day and immediately, complying with the national technical regulations and laws governing the matter; when the case has required it, the protocols of Minnesota and Istanbul have been applied for the corresponding legal and medical procedures.

The victims assistance office gave assistance, accompaniment and information to relatives of the deceased, to victims, to representatives of human rights organization, to religious representatives and to the general population 24 hours a day. It accompanied and provided care 24 hours a day to family members throughout the process of forensic identification of the dead and the handing over of bodies of the deceased.

**The Institute of Legal Medicine has informed the population daily, through the media, about the deceased it has received, of the bodies unidentified, of those**

**who have been identified, of the corpses of deceased removed by their relatives and of those who still remain in the morgue as unidentified or as people identified but not removed by their relatives.**

**Relatives of the deceased, of people disappeared, victims and representatives of human rights organizations have all recognized the technical and scientific skills, respect for human rights and the quality of the care provided by the Institute of Legal Medicine.**

In order to facilitate access to justice, the Institute of Legal Medicine informed the population via a communique about its readiness to receive at any time the body of any person who died in acts of violence after April 18th, 2018 and subsequently to follow established legal procedures.

**The Institute of Legal Medicine has allowed and facilitated representatives of human rights organizations, family members and private doctors to confirm the veracity of the autopsies, by verifying the injuries present in the corpse; in all these cases, the veracity of the results of the autopsies carried out by the experts of the Institute of Legal Medicine was corroborated.**

**In no case has the Institute of Legal Medicine changed the nature of violent death to natural death. In all the autopsies, the medical legal opinions issued in the context of the acts of violence after April 18, 2018, noted the main cause of death was "Gunshot Wound", a few cases were "Stab Wounds, Strangulation and chemical asphyxia due to exposure to toxic gases by fire "; the manner of death in all these cases was "homicide".**

The assertions by OUNHCHR in its final report on the Institute of Legal Medicine is unacceptable, because they are not true, they are very general statements, glibly formulated, unverified and with no technical component to support them.

**The report in question, with no legal or technical basis, repeats the claim of excessive and arbitrary use of force by the police, indicating the excessive use of non-lethal weapons by members of the National Police to cause injuries and even death.** Likewise, the report constantly alleges the use of conventional weapons resulting in injury or death to dissolve protests or peaceful demonstrations. The report in question is not based on specialized expert investigations, or on the criteria of experts in the use of weapons or control of crowds.

The use of force and of firearms has its legal basis in Law 872, "Law of Organization, Functions, Career and Special Social Security Regime of the National Police", as well as in the "Code of Conduct for Law Enforcement Officers."

**In accordance with the law, the police force used non-lethal neutralizing weapons, weapons with non-lethal ammunition, and use of dissuasive weapons**

**(stun guns, tear gas) in order to minimize the risk of death and injury, in response to the high levels of armed violence, and following the Principles of congruence, opportunity and proportionality.**

**The use of force and of firearms, was proportional to the type of resistance faced, in the most extreme conditions, and we offer some examples:**

**Armed masked groups operating with firearms, lethal artisanal firearms menacing death and injury, and molotov firebombs. They traveled in vehicles mostly stolen from individuals or state entities. These groups besieged and destroyed police units, buildings for services to the public, houses, murdered and seriously injured people, mostly linked to public administration**



**activities or government supporters; likewise, they committed robberies, with intimidation, of vehicles, weapons and other goods.**

Organized crime, drugs traffickers and non-governmental organizations financed criminal groups, such as: Los Mariguanitas, Los Plots, Los Galanes, Los Puenteros, Los Panzones, Las Malvinas, February 26, Los Cajetas, Yeguas Negras, Adiack, Las Tortuguitas, Sabanetas and Boca Negra, among others.

**The local offices of the National Police were subjected to road blocks, barricades, armed attacks, siege, harassment and kidnappings, having been concentrated in their stations by decision of the President of the Republic, at the request of the National Dialogue Table. It should be noted there were armed attacks against the police stations in Matagalpa, Jinotepe, Masaya, Leon, Jinotega, Diriamba, Sébaco, Nagarote, Nindirí, among others; and, too, the massacre and kidnapping of police officers in Mulukukú, El Jicaral and Morrito.**

**Destruction, arson and looting of offices of public institutions, municipal buildings, police units, installations of the Sandinista National Liberation Front and houses of FSLN leaders and public officials; as well as the destruction and looting of ambulances, health centers, mobile clinics, maternity homes, schools, and municipal equipment and machinery.**

**From April 18th to date, 22 police officers were murdered, all as a result of injuries caused by firearms, and hundreds have suffered serious injuries caused by firearms, and artisanal weapons that use lethal ammunition.**

None of these activities could be described as "peaceful", or that the confrontations took place with unarmed people making demands or exercising rights through protests or demonstrations.

A large number of photographs, videos and testimonies exist revealing the truth about these activities that can only be described as criminal or terrorist.

The concentration of the Police in their stations generated a freedom of action for criminals, resulting in an increase in criminal activity.

**The National Police in compliance with its constitutional mandate, and ready to restore public order and citizen tranquility, within the framework of respect and defense of life and physical integrity of people, the protection of their property and freedom of movement, states categorically that it has never been ordered to use conventional firearms against the people who were participating in incidents or at the time the incidents occurred.**

The police forces participating in restoring public order and tranquility for the citizenry are duly educated and oriented, having as their main mission and objective the protection of people's lives and physical integrity, whether or not they are participating in the events, as well as that of their material goods.

The operations or police actions were carried out by police forces specially trained to restore order using techniques of deterrence, defense and protection, crowd control and the dispersion of unauthorized gatherings involving violence, looting, or any other kind of disorder.

**In relation to supposed shock groups, mobs or pro-government armed elements mentioned by the report in question, the State repeats that the National Police is the only armed body in charge of fulfilling its constitutional mission, and is not assisted by civilian personnel, third**

**parties or civil organizations for the restitution of duly constituted order, in accordance with our legislation.**

**The fulfillment of its constitutional mission is reserved exclusively for professional police personnel and volunteer police officers, equipped and trained for those purposes. Civilian personnel working in the institution, are hired for their technical, scientific or professional abilities.**

**In all interventions to restore order and tranquility for people, only professional police forces and volunteers take part, consequently, we deny the existence of alleged para-police groups, pro-government armed groups, mobs or shock forces.**

**The State of Nicaragua reaffirms that in police actions, even in serious and violent disturbances of citizens' tranquility or dispersion of protesters, it does not employ elite shooters or precision shooters, commonly known as snipers, because they are unnecessary and incompatible with the mission of restoring public order and preserving life.**

The State of Nicaragua protests in the most energetic terms to the OUNHCHR for reproducing with no scientific or technical evidence these statements by groups promoting the attempted coup d'état.

The report in question alleges a pattern of arbitrary arrests by police authorities, especially children and adolescents. This statement is baseless, considering that the sources cited are either media publications hostile to the government or opposition supporters anxious to create chaos and misinform the population.

**When they took place, arrests of individuals complied with legal provisions and were made in the context of serious disturbances to public order. All the actions committed are duly qualified as crimes in our Criminal Code: terrorism, murders, homicides, organized crime, destruction of public or private property, looting, arson, robbery in its different forms, kidnapping of people and public transport buses with their passengers, among others.**

**The detention, registration and release of people arrested were in full observance of constitutional rights and applicable norms. The arrests were made of people caught in the act, and even when they were using weapons, like mortars, they received respectful treatment whether they were adolescents, women or adult males.**

In relation to forced disappearances and illegal detention centers, indicated in the report in question, the State only records one complaint about the disappearance of a person named Bismarck de Jesús Martínez Sánchez, an ornamental worker for Managua's municipal authority, who was kidnapped, tortured behind the municipal stadium in Jinotepe, Carazo, and apparently killed by the terrorists on June 29th 2018.

**In Nicaragua there are no illegal or clandestine detention centers. The assertion in the report in question is baseless. The official detention centers are located in the police stations and the national penitentiary system.**

**In Nicaragua, citizens enjoy their rights and constitutional guarantees. There is not a single documented case demonstrating that detainees have been subjected to torture or sexual assault. With respect to the right to freedom of expression, the Government of Nicaragua repeats the existence of full freedom of expression, which is manifest in the actions of multiple written, oral, digital and television social media, many of which are opposed to Government policy, reporting without prior censorship and with no restriction.**

Examples of this are the multiple quotes from local news media in the report's footnotes used by the report in question itself as sources of information.

## CONCLUSIONS

Based on all the above, we express our disagreement and rejection of the report in question by the OUNHCHR, considering it inadmissible for exceeding its remit, taking into account that the OUNHCHR was invited to accompany the Verification and Security Commission created in the National Dialogue Table. Likewise, we express our disagreement for it being partisan and biased, using subjective statements, taking as sources news reports and information published by news media hostile to the government, as well as other sources with a clearly defined political position, information that the report treats as reliable without prior investigation and verification. **The State of Nicaragua does not agree with the content and the recommendations of the report in question, because they are based on partisan and biased assessments and information, which lead, consequently and logically, to needless, baseless recommendations**

**Nowhere in the report in question, does one note any concern for the acts of violence on the part of the groups promoting the failed coup who, in trying to take political power in the country through their failed coup attempt, have violated the constitutional order, disrespecting the rights to life, personal integrity, freedom of movement, the right to work, health, education and public safety of people in general and have damaged the national economy.** The State of Nicaragua, works and will continue to work for peace and stability, so that truth and justice prevail, as well as the constitutional order, the social order and the Human Rights of all Nicaraguans and people who are in our territory.

Managua, 26 de agosto del 2018.