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BRIEFING - THE OBSERVATORY, NICARAGUAN CENTRE FOR HUMAN RIGHTS (*Centro Nicaragüense de Derechos Humanos - CENIDH*), The Centre for Legal Assistance for Indigenous Peoples (*Centro de Asistencia Legal a Pueblos Indígenas - CALPI*) and the Centre for Justice and Human Rights of Nicaragua's Atlantic Coast (*Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua - CEJUDHCAN*)

NICARAGUA: A year of violence against those defending the rights of the Mayangna and Miskitu indigenous peoples



Sauni As Territory, Bosawás Biosphere Reserve, January 2021.

Abstract:

As of January 2020, the land conflict and the [pattern of systematic and widespread violence](#) against those defending the rights of the Mayangna and Miskitu indigenous peoples has escalated at an alarming rate. This is due to the impunity of the perpetrators and executors of illegal land trafficking and the usurpation of natural resources and land in general, facilitated and permitted by state authorities in what appears to be a policy of covert internal colonisation by the State.

The Mayangna and Miskitu communities and territories are located in the Coco (Wangki) River basin and the Bosawás Biosphere Reserve, located in the Autonomous Region of the Northern Caribbean Coast (*Región Autónoma Caribe Norte - RACCN*). This Reserve was recognised by the UNESCO "Man and the Biosphere" programme in October 1997 and ratified by the Government of Nicaragua in 2001.

This area is part of the heart of the Meso-American biological corridor and is also the second largest tropical rainforest in the Americas, after the Amazon rainforest. As a result, it is considered a UNESCO World Heritage Site.



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Bosawás is the traditional territory of the Miskitu and Mayangna indigenous peoples, titled as such by the State of Nicaragua in 2005.¹

Since January 2020, at least 13 murders, eight people injured in armed attacks, two kidnappings, the forced displacement of a community, most of them members of the Mayangna indigenous people, and two assaults on two underage Miskitu indigenous girls were reported, compared to a total of 49 Miskitu indigenous people killed, 49 injured, 46 kidnappings and four missing between 2011 and 2020, according to the Centre for Justice and Human Rights of Nicaragua's Atlantic Coast (*Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua - CEJUDHCAN*). In addition, it is estimated that, due to the violence, some [1,000 Miskitu indigenous people](#) are currently forcibly displaced in other communities and municipal capitals, as well as in communities bordering Honduras. These acts are committed by non-State actors with the acquiescence of the State, which, as will be discussed below, does not investigate the facts. CEJUDHCAN has also denounced serious food insecurity among indigenous people deprived of their lands and sources of income, generating imminent [ethnocide](#) due to the extermination that these indigenous peoples of Nicaragua are suffering.

Indeed, the Mayangna and Miskitu communities and defenders of indigenous rights are under constant threat from groups of non-indigenous people (hereinafter "settlers"²), who invade indigenous lands with the aim of forcibly displacing the population and occupying their lands to carry out illegal mining, marijuana planting, livestock production and logging activities. These attacks include a pattern of deliberate assaults on the communities' sources of income, including their natural resources, means of transportation, forests, livestock, and crops. All of this demonstrates the attackers' intention to cause their forced displacement.



Claims of the indigenous communities of the SIPBAA Block (SIPBAA stands for the first letters of the communities that make up this block: Sangnilaya, Iltara, Panua, Butku, Auhya Tara and Auhya Pihny) in the municipality of Puerto Cabezas. © CEJUDHCAN.

1 The Bosawás Biosphere Reserve is located in the municipalities of Wiwilí, El Cuá and San José de Bocay in the department of Jinotega, Wiwilí de Nueva Segovia, Waslala, Bonaza, Siuna and Waspán in the Autonomous Region of the Northern Caribbean Coast of Nicaragua.

2 Non-indigenous persons who invade indigenous territories and intend to remain in these territories forcefully usurping lands and natural resources, without the State authorities fulfilling their duty to protect indigenous peoples and their territories.



The violent acts perpetrated against the Mayangna and Miskitu individuals and communities are part of a context of conflict over the control of land and natural resources in indigenous territories, arising from the lack of implementation of the last stage of demarcation and titling of indigenous lands: clearing of land titles. This fifth stage consists of defining the property rights of third parties in indigenous territories, in accordance with Article 45 of [Law 445/2003](#) of Nicaragua.³

Although there are 23 indigenous territories made up of 304 communities whose traditional lands have been titled as such by the State, the Nicaraguan authorities have failed to implement the clearing of land title phase in all of them. Thus, legal insecurity and the facilitation of the immigration of settlers from the rest of the country have eased the illegal occupation and trafficking of indigenous lands in these territories, expanding the agricultural and livestock frontier over the forest of the indigenous territories and causing their deterioration and destruction. The foregoing accentuates an [increase in extractive activities](#) by forestry, mining and fishing companies, the promotion of African palm monoculture, and the announcement of the [Nicaragua Interoceanic Grand Canal](#) megaproject.

In addition, the vulnerability of those defending Mayangna and Miskitu indigenous rights is exacerbated by the systematic impunity of violence against them. Threats, aggressions, assassinations and forced displacements are not investigated by the Nicaraguan authorities and, therefore, those materially and intellectually responsible are never prosecuted.

All this despite the fact that the rights of indigenous and Afro-descendant peoples are recognised by Nicaraguan domestic legislation,⁴ in accordance with the provisions of regional and international treaties on the protection of indigenous peoples' rights.⁵

Also, the State of Nicaragua has failed to implement the precautionary and provisional measures granted by the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR Court) since 2015 to 12 Miskitu indigenous communities and one Mayangna community.⁶ The State has also failed to fulfil its obligation to develop the protection mechanisms and investigation protocols for cases of situations of risk, threats and aggressions against human rights defenders required by the [IACHR Court in 2017](#).

With the publication of this briefing, the Observatory together with the Nicaraguan Human Rights Centre (*Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua* - CENIDH), the Centre for Legal Assistance for Indigenous Peoples (*Centro de Asistencia Legal a Pueblos Indígenas* - CALPI) and CEJUDHCAN aim to highlight the pattern of systematic violence against individuals and communities defending the rights of the Miskitu and Mayangna indigenous peoples

³ In accordance with the provisions of Law 445/2003 of Nicaragua, the stages of the process of demarcation and titling of indigenous lands are the presentation of the application, conflict resolution, measurement and boundary marking, titling and the clearing of land titles.

⁴ Articles 5, 8, 11, 46, 49, 51, 52, 89, 90, 91, 121, 180 and 181 of the Political Constitution. In addition, Laws 445 and 28 of the Statute of Autonomy of the Regions of the Atlantic Coast of Nicaragua establish a regime of autonomy on the Caribbean Coast.

⁵ ILO Convention No. 169 on Indigenous and Tribal Peoples; United Nations Declaration on the Rights of Indigenous Peoples; American Declaration on the Rights of Indigenous Peoples and the OAS American Convention on Human Rights.

⁶ The communities of Santa Fe, El Naranjal, El Cocal, Olopaywas, in the Miskitu Wanki Li Aubra indigenous territory; the Miskitu indigenous communities of Esperanza, Santa Clara, Wisconsin and Francia Sirpi in the Wangki Twi-Tasba Raya indigenous territory; San Gerónimo, Esperanza Rio Coco and Klisnat, in the Wangki Li Aubra indigenous territory; and the Wiwilak community in the Lilamni Tasbaika Kum indigenous territory in the RACCN.



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of the Bosawás Biosphere Reserve and the Coco (Wangki) River basin, and bring to light the violent attacks that have occurred against them since January 2020.

1. Massacre against the Mayangna community of Alal, Sauni As territory

On January 29, 2020, the Mayangna community of Alal, located in the Sauni As Territory in the Bosawás Biosphere Reserve, was attacked twice by a group of approximately 80 heavily armed settlers.

During the attack four people were killed and three were wounded by firearms. **Jarle Samuel Gutiérrez, Juan Emilio Devis Gutiérrez, Armaru Rener** and **Cristino López Ortiz**, Mayangna Indians, were murdered. Two people suffered serious bullet wounds, **Maynor Will Fernández** and **Marconi Jarquín Rener**, of which the latter was left paraplegic after he was shot in the head.

The forest rangers and members of the Sauni As community government **Navarro Miguel, Efraín Miguel Valle, Víctor Díaz, Transito Mesa Bruno, Navarro Miguel Valle, Carlos Bruno, Econias Miguel Barcio** and **Martian Miguel Dixon** had to remain in hiding outside the community for three days to protect their lives and physical integrity.

In addition, the perpetrators set fire to 16 houses, including the health centre, the parsonage, and the community school. Furthermore, the sources of income of the Mayangna people of Alal were deliberately targeted. The group of attackers set fire to their crops and killed all their animals and livestock.

In the days following the massacre, a campaign for the concealment of the attacks began, both in the media close to the government and by the Nicaraguan Police. On January 30, the news portal *El 19 Digital* published a series of statements in which public officials of indigenous origin denied the seriousness of the events and also denied the seriousness of the facts. In addition, on January 30 and February 1, the Nicaraguan Police issued two press releases with contradictory information about the attack, including the decontextualisation of the circumstances surrounding the murders of two indigenous defenders, and the subsequent denial of the murders.

On February 10, 2020, the Mining Triangle Police, Prinzapolka and Mulukukú arrested a male member of a criminal gang for the attack against the Mayangna community of Alal. However, the Alal authorities and indigenous leaders reported on June 8, 2020 that he had been released without charge. The indigenous authorities also reported that an active sergeant of the Nicaraguan Army was among the members of the gang that perpetrated the attack on Alal.

After the attack on Alal, members of the National Police and the Nicaraguan Army occupied the community for several weeks and violently seized all the machetes they use for field work. This is nothing new, as in previous years, they had been stripped of their firearms, used mainly for hunting. Actions such as these are continually confronted by indigenous communities. For no apparent reason, the armed forces arrive in their territories and forcibly search their belongings. These types of complaints have been constant among the Bosawás and Waspam-Coco River communities.

The organisations signing this briefing stress the fact that the Mayangna community of Alal had been receiving threats since April 2018 which had been publicly and repeatedly reported in the main national media by the leadership of the Sauni As Territory, as well as to the national authorities. However, these threats were never investigated.



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The attack on this community has not been thoroughly investigated and none of those responsible have been prosecuted, so the facts remain in impunity, generating the likelihood of [future attacks](#).

2. Armed attacks on communities in the Tuakha Territory

On March 26, 2020, the Mayangna Community of Wasakin, located in the Tuakha Territory, was attacked by settlers with firearms. During the attack, **Dunis Morales Rodolfo** and **Neldo Dolores Gómez** were killed. **Etlerson Johnny Montiel** and **Ilaiso Saballos Montiel** were also shot and wounded.

On March 27, less than 48 hours after the attack against the Mayangna Community of Wasakin, the young Miskitu native **Federico Perez Gradiz** and the young Mayangna native **Ruben Jacobo Bendles** were killed with firearms by a group of settlers while they were cleaning the boundary markers that delimit the territory in the Ibu Community, also located in the Tuakha Territory.

Although the victims' families have filed reports about what happened, at the time of publication of this briefing, investigations have not yet been opened to clarify the facts.

In addition, in the absence of investigations or official information on the murders, there is a lack of information on the events reported, beyond the testimony given by the victims' relatives and what has appeared in the media. All of this has fuelled a clear pattern of impunity in this area for several years.

3. Threats to force the displacement of communities

3.1 The Miskitu community of Sangni Laya

On September 3, 2020, 30 families from the Miskitu Community of Sangni Laya, located in the Twi Yahbra Territory, were forced to move to other communities in the territory such as Auhyapihni and Bilwi, and to the municipal capital of Puerto Cabezas and headquarters of the Regional Government to protect their lives and physical integrity. Days earlier, they had been threatened by settlers, who blamed the Sangni Laya Community for the death of one of their members.

The signatory organisations emphasise that these events were reported to the Nicaraguan National Police station in Puerto Cabezas by indigenous leaders. However, the police officers responsible for receiving the report told them that the community itself was responsible for the conflict. The threats against the Sangni Laya Community were never investigated.

A week later, on September 10, a group of unidentified indigenous persons attacked a Miskitu indigenous defender from the Sangni Laya Community with a firearm; his name remains anonymous for security reasons. The defender was not injured by the shots. Nonetheless, he had to stay in hiding for fear of being ambushed again. The facts were reported to the police of the city of Bilwi, Puerto Cabezas, who reported that they could not act because the aggressors were unknown. The police also asked the complainant to find the names and information about the attackers himself in order to open the investigations.

On September 21, a group of heavily armed settlers attacked the Miskitu Community of Sangni Laya and their sources of income, burning down five houses serving as warehouses for the recently harvested quintals of rice.

In addition, **Manuel Salvador Hernández González**, and **Félix Yasser Labonte Rojas**, members of the Sangni Laya Community were kidnapped by the group of attackers while they



were working their plots of land. They were held for seven hours, during which time they were subjected to abuse. The defenders were punched in the ribs and kept with their hands tied and eyes covered the whole time.

3.2 The Mayangna community of Mukuswas

On October 11, 2020, at midnight, an armed group of non-indigenous persons stormed the Mayangna Community of Mukuswas, located in the Sauni Arungka territory, aboard three pickup trucks, firing shots into the air and at the community's sources of income, including livestock. These acts remain unpunished.

Once again, the absence of investigations and official information on this attack gives rise to an atmosphere of tolerance and leniency for this type of act or others to be perpetrated again against the Mukuswa Community.

4. Attack on the Ashawas community

On July 10, 2020, two members of the Ashawas Community were on their way to the plot where they were cleaning their crops, when about 300 meters from their house and 600 meters from the so-called Caño de Ashawas, they were ambushed by a group of 3 or 4 settlers, according to a testimony given to the National Police by Ashawas villagers. Young **Simón Palacios Hernández**, 32, was hit by dozens of shotgun pellets in the chest, arms, and face, but it was a shotgun blast at a shorter distance that hit him on the left side of the head causing instant death. Also seriously wounded was **Santos Cosme Pérez**, age 51, who was hit by shotgun pellets in the chest and a 38-mm bullet in one leg.

At the time of publication of this briefing, the facts have not been thoroughly investigated and there is no official information on the attack. This shows the State's failure to fulfil its duty to prevent, investigate and punish those responsible for human rights violations against the Ashawas community.

5. Murder of indigenous Miskitu leader Mark Rivas

On January 3, 2020, unknown persons murdered **Mark Rivas** with a firearm in the city of Puerto Cabezas, capital of the Autonomous Region of the Northern Caribbean Coast (RACCN).

Mark Rivas was a member of Indigenous Youth Movement of Mokitia (*Movimiento Juvenil Indígena de la Moskitia* - MOJIM), an indigenous rights organisation and [had publicly reported](#) Nicaraguan authorities supporting the invasion of indigenous lands, as well as the murders and disappearances of indigenous leaders and attacks on communities. At the time of publication of this briefing, these acts remain unpunished.

6. Murder of Mayanga indigenous leader Nacilio Macario

In the morning of November 14, 2020, **Nacilio Macario**, a Mayangna indigenous leader of the Musawas Community, located in the Sauni As territory, was shot and killed by six individuals near the Wiwina River. At the time of the attack, Nacilio Macario, was on his way home with four men from his community after having carried out protection and security tasks on a plot of land on which eight gold deposits had been identified and which had been assigned to him by his community. The acts were reported to the Nicaraguan National Police.



The Observatory stresses that, days before the murder, Nacilio Macario had received death threats from the six individuals allegedly responsible for the murder, who had urged him to hand over the plot of land.

7. Murder of Michael Rivera Lopez

Michael Rivera Lopez, age 18, was killed on December 6, 2020 in the Nawahwa Community of the Mayangna Sauni Bu Territory, with a machete by a settler who was claiming property matters from the community leadership. The acts have not been investigated.

8. Attacks on indigenous girls

On February 16, 2020, **D.L.W.**, age 15, was [shot and wounded](#) while returning from the river near the Miskitu community of Santa Clara, located in the Wangki Twi Tasba Raya Territory. The bullet pierced her jaw from one side of her face to the other, leaving her scarred for life and making it difficult for her to eat.

On July 14, 2020, **M.C.T.I.**, age 16, was abducted for two days by two settlers in the community of Sagni Laya, where she is from.⁷ Maria del Carmen Taylor Ingram is the daughter of a CEJUDHCAN community promoter and defender.

The signatory organisations emphasise that these types of acts are part of a pattern to sow fear in communities that defend their territorial rights in order to force their displacement. It should also be noted that there is no information regarding these attacks, due, among other things, to a lack of official investigation. Stigma towards women and girls who are victims of sexual or gender-based violence, as well as the lack of a gender perspective in the treatment of these situations, act as barriers to publicly reporting these types of attacks.

9. Armed attack on Wilus community rangers

In the morning of January 22, 2021, **Donald Castillo Felipe**, **Presino Samuel** and **Corino Simeón**, territorial defenders and forest rangers of the Mayangna community of Wilus, located in Sauni As Territory, were attacked with firearms by a group of settlers while carrying out regional surveillance in the Pisba Kalansah sector of Sauni As.

The following day, the authorities of the Wilus community met with members of the Nicaraguan Army and National Police in a community assembly, in which they requested immediate measures to ensure the territorial security and physical integrity of the entire community in the event of possible further aggression. The actions of the officials were limited to a visit to the site of the attack. However, they did not establish any protective measures or ensure the opening of investigations into the attack.

⁷ Chiffman, Geovanny. The kidnapping of a girl by settlers in a community of Puerto Cabezas is reported. Article 66. July 14, 2020. Available at: <https://www.articulo66.com/2020/07/14/denuncian-secuestro-nina-colonos-comunidad-puerto-cabezas/>



Banners at the Wilus community assembly, January 23, 2021.

At the time of publication of this briefing, the three defenders are being treated at the Esteban Jaenz Serrano Primary Hospital in the municipality of Bonanza. Mr. Castillo and Samuel are out of danger. However, Mr. Simeon is in serious condition.

The signatory organisations stress that the Wilus community had been attacked before. In 2017, community members had to move for weeks to the Musawas community, Sauni As Territory, due to harassment and attacks by non-indigenous settlers on their farmlands, forests, and sacred sites.

Finally, the organisations stress that these armed attacks worsen the current humanitarian emergency of the Wilus community, as well as the rest of the communities of the Bosawás territories, due to the impact of hurricanes Eta and Iota in November 2020. In this regard, the destruction of the farmlands of these communities caused by the floods, along with the absence of food aid from the Nicaraguan authorities, and the attacks on the planting areas have placed these communities in a situation of extreme vulnerability.

Conclusions and recommendations

The Observatory, CENIDH, CEJUDHCAN and CALPI emphatically condemn the systematic and violent attacks perpetrated against the Mayangna and Miskitu indigenous rights defenders and communities of the Coco (Wangki) River basin and the Bosawás Biosphere Reserve mentioned above and express their utmost concern for the safety and physical and psychological integrity thereof.

The signatory organisations emphasise that the atmosphere of structural impunity generated by the absence of investigations into the events, along with the lack of mechanisms to prevent violent acts against human rights defenders, legitimise the attacks against the Mayangna and Miskitu indigenous people and communities of the Coco (Wangki) River basin and the Bosawás Biosphere Reserve and expose them to a situation of serious risk and vulnerability.

Furthermore, the legal uncertainty surrounding the titling process of indigenous territories encourages their usurpation, appropriation, and illegal sale by non-indigenous persons. These acts constitute a violation of the collective rights of the Mayangna and Miskitu indigenous peoples to access the land, territory, and natural resources, in accordance with Nicaraguan legislation and regional and international standards on the rights of indigenous peoples.



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Therefore, the Observatory, CENIDH, CEJUDHCAN and CALPI urge the Nicaraguan authorities to:

- i. Immediately take the most appropriate measures to ensure the security and physical and psychological integrity of the Mayangna and Miskitu indigenous rights defenders and communities of the Coco (Wangki) River basin and the Bosawás Biosphere Reserve.
- ii. Conduct independent, immediate, thorough, and impartial investigations into the aforementioned acts of murder, attacks on physical integrity, threats and forced displacement, in order to identify those who are materially and intellectually responsible, bring them before a competent, independent, and impartial court of law and apply the criminal and/or administrative sanctions provided by Law. The investigation should prioritise the hypothesis that these crimes are the result of the victims' human rights activities, as established by international human rights standards;
- iii. Immediately put an end to all attacks, harassment, threats, and intimidation against Mayangna and Miskitu indigenous rights defenders and communities in the Bosawás Biosphere Reserve, including the immediate disbandment and disarming of all non-indigenous groups and individuals operating in the territory;
- iv. Immediately implement, with the participation of human rights defenders and civil society organisations, protection mechanisms and investigation protocols for cases of risk, threats, and aggressions against human rights defenders, in accordance with the provisions of the ruling of the Inter-American Court of Human Rights in the *Acosta et al. vs. Nicaragua* case / March 25, 2017;
- v. Urgently and immediately implement the precautionary and provisional protection measures granted by the IACHR in the interest of 12 indigenous Miskitu and Mayangna communities of the Coco (Wangki) River basin and the Bosawás Biosphere Reserve between 2016 and 2020, in consultation with the individual beneficiaries and communities and their representatives, from a culturally appropriate perspective;
- vi. Promote, with the participation of the Mayangna and Miskitu communities of the Coco (Wangki) River basin and the Bosawás Biosphere Reserve, a public policy to provide legal security in the territories of indigenous peoples, as well as to strengthen the institutional framework to prevent conflicts, particularly in indigenous territories pending the clearing of land titles, in accordance with the provisions of Law 445/2003 of Nicaragua;
- vii. Take all necessary measures to ensure the return of displaced families to their communities of origin and immediately verify their access to adequate services to exercise their rights in terms of health care, education, potable water, food, and housing, among others;
- viii. Allow the United Nations Special Rapporteur on Human Rights Defenders, the OHCHR (Regional Office based in Panama), other Special Mechanisms of the United Nations Human Rights Council and the Inter-American Commission on Human Rights to access Nicaragua in order to investigate the violence and systematic attacks against the Miskitu and Mayangna indigenous rights defenders and communities;
- ix. Ensure the implementation of the provisions of the Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular with regard to Articles 1, 5.a and 12.2, as well as the provisions of the Declaration on the Rights of Indigenous Peoples,



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adopted by the UN General Assembly on September 17, 2007, with the participation of Nicaragua, in particular with regard to Articles 7, 8.2.b, 10 and 19.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and FIDH. The objective of this programme is to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of [ProtectDefenders.eu](https://www.protectdefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.

The Nicaraguan Centre for Human Rights (Centro Nicaragüense de Derechos Humanos - CENIDH) is a non-governmental organisation founded in 1990 whose mission is the promotion and protection of human rights in Nicaragua through active and moral support for people in their self-defence, immediate presence in conflicts, proactive mediation, education, and mobilising communication. CENIDH is a member organisation of OMCT's SOS-Torture Network, as well as of the FIDH.

The Centre for Legal Assistance for Indigenous Peoples (Centro de Asistencia Legal a Pueblos Indígenas - CALPI) is a non-governmental organisation that has been promoting the dissemination and effective enforcement of the rights of ethnic or Afro-descendant communities of the Autonomous Regions of the Caribbean Coast, and of the indigenous peoples of Nicaragua since 1996; through legal counsel for traditional authorities and indigenous and Afro-descendant communities in the defence and preservation of their traditional community lands and other natural resources, in accordance with the rights established in the Political Constitution of the Republic of Nicaragua.

The Centre for Justice and Human Rights of Nicaragua's Atlantic Coast (Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua - CEJUDHCAN) is a non-governmental organisation made up of indigenous professionals that has been working to develop the capacities of indigenous peoples and ethnic communities of the Atlantic Coast of Nicaragua since 2003, to promote actions promote gender equality, the defence of their territorial rights and greater decision-making at the local, regional, national, and international levels.