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Help for American Victims of Crime in Nicaragua

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Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in Managua is ready to help. We are very concerned about violent crimes committed against U.S. citizens in Nicaragua. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime victims abroad and in the United States. This office can assist you to find appropriate medical care, contact family or friends on your behalf, and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Nicaragua, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Nicaragua is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Nicaraguan laws should be addressed to legal counsel licensed to practice law in Nicaragua. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

REPORTING CRIMES: If you decide to pursue a criminal prosecution the first step is to file a police report (*denuncia*) at the nearest police station or public ministry office (*Ministerio Público*), the latter of which is the governmental entity responsible for prosecuting crimes. There is also an option to file a denuncia online at: <https://ministeriopublico.gob.ni/denuncia-en-linea/>
In emergency cases, on-duty prosecutors can provide you with assistance in filing your police report; you may reach them by telephone at 505-2255-6800 or 505 2255-6828. It is unlikely any English-speaking staff will be available at this number.

The process for filing a *denuncia* in Nicaragua may take several hours, and most police stations will not have an English-speaking officer available to assist you. Although consular personnel at the U.S. Embassy in Nicaragua may assist you with informal interpretation, as resources allow, they cannot act as official translators. They can, however, assist you in finding an English-speaking attorney who can provide legal counsel, should it be required.

The statute of limitations varies according to the possible sentence. When the maximum prison sentence for a crime is more than 15 years, a *denuncia* must be filed within 20 years if criminal charges are to be pursued. When the maximum prison sentence is between 10 and 15 years, the *denuncia* must be filed within 10 years. The statute of limitations for lesser felonies is five years. To pursue criminal charges in most misdemeanor cases, the *denuncia* must be filed within three years. Terrorism, money laundering, sexual abuse of minors, and a few other serious crimes can be prosecuted at any time.

The person filing the police report has the right to receive a copy. Anyone can file a police report, but in order to file charges the police or *Ministerio Público* must interview the victim. You cannot file a police report at the Nicaraguan Embassy or Consulates in the United States. Although anyone can file a

police report on the victim's behalf in Nicaragua at a police station or the *Ministerio Público*, the investigation will be extremely difficult if the victim is not present. Nicaraguan courts tend to drop charges against assailants when the victim is not present and not actively engaged in pushing the prosecution of the case.

While consular personnel at the U.S. Embassy in Nicaragua are prohibited from filing police reports on behalf of victims, they can report the crime to the Nicaraguan National Police for informational purposes if you request that they do so.

In the rural areas of Nicaragua it is common for the police to show up several hours late or not at all to the scene of a crime. Occasionally police officers do not have enough fuel in their vehicles. Some do not have vehicles at all. There is a possibility that the police officer offers to come to your location, but only if you will cover the costs of transportation.

If you have difficulties filing your police report with an official, please contact the U.S. Embassy immediately. You may need a police report to file for crime victim compensation in the United States (see <https://www.ovc.gov/>) or insurance reimbursement. If you do decide to file a report please send a copy to us, along with your mailing address, email address, and phone number in the event we need to communicate with you. While we are not authorized to act as your legal representative, prosecutor, or investigator, our office may, in certain circumstances, help you track the progress of your case and advise you of any developments.

INVESTIGATIONS: Many crime investigations never result in the arrest of a suspect. The Nicaraguan National Police is responsible for investigating crimes in Nicaragua. Victims can expect the police to collect forensic evidence, but in some cases this is not done promptly or in accordance with U.S. standards for evidence collection. DNA testing is not commonly used as evidence in court trials. If you would like DNA testing to be conducted, you or your attorney will need to request that the judge issue an order for DNA testing. In some cases, Nicaraguan authorities have asked victims and their families to share the expenses of DNA testing.

To receive information on the progress of a criminal investigation, the victim must contact the *Ministerio Público*. Police investigators send their reports directly to the *Ministerio Público*, not to the victim. The U.S. Embassy can also assist in tracking the case and requesting updates.

Victims should report threats, harassment, or intimidation by assailants and/or their family or friends at the *Ministerio Público*. All victims have the right to request security protection for themselves and their family. In most cases this protection consists of a court-ordered restraining order, not physical around-the-clock police protection.

In cases where an arrest is not made, the case will remain open for a specific period of time. For example, if the maximum sentence for the crime is 15 years or *more* and a suspect has not been arrested, the case would remain open for 20 years.

ARRESTS: Upon arresting the suspect, the police will make an initial determination as to whether an offense has been perpetrated and whether there are grounds to believe that the arrestee is the person who committed it. After a suspect is taken into custody, the victim may be asked to identify the suspect through photographs or in a line up (*reconocimiento en rueda*) at the police station.

At this point, the case is turned over to the prosecutor (*fiscal*) of the *Ministerio Público*, who is the equivalent of a district attorney. The *fiscal* will conduct a preliminary investigation to determine the merits of the case. If the *fiscal* decides to proceed with prosecution, the case will be turned over to a judge. The police and the *fiscal* have up to 48 hours from the time of arrest to make this determination and present evidence before the judge at a preliminary hearing. If they do not make such a determination within that time frame, the defendant generally will be released.

If the *fiscal* decides not to file charges, the victim will have the option of presenting the accusation before the judge. The basic procedures do not differ should the victim or his/her attorney, rather than the prosecutor, make the accusation.

Inquiries as to progress on the case must be addressed to the *Ministerio Público*. The level of follow-up on a case in Nicaragua tends to be proportional to the amount of interest expressed by the victim and/or victim's family and representatives. Many Nicaraguans interested in pursuing charges hire an attorney to represent them. If you decide to hire an attorney, please provide the U.S. Embassy with your attorney's contact information.

PRETRIAL PERIOD: Felonies are defined as crimes with prison sentences longer than five years. Rape, murder, armed kidnapping, and hostage taking are all considered felonies. Misdemeanors are those crimes with penalties of less than five years in prison and crimes that impose correctional measures (i.e., a fine or mandatory community service). Pick pocketing, for example, is considered a misdemeanor.

Local penal judges have primary jurisdiction over misdemeanor cases. District penal judges cover felony cases. The court location is determined by where the crime took place and its severity.

The *Ministerio Público* usually decides if charges will be filed. If the *Ministerio Público* declines to file charges, a victim may file charges before a judge at the preliminary hearing with or without the assistance of a private attorney. At this hearing the judge will determine if there are sufficient grounds to take the case to trial. If the judge orders that the suspect be held in custody, the initial hearing will – in most cases – be held not more than ten days following the preliminary hearing.

If the judge decides to bring the case to trial, the *fiscal* at the *Ministerio Público* will be primarily responsible for prosecuting the case. However, some Nicaraguans also hire personal attorneys to assist in the prosecution.

The Nicaraguan equivalent to plea bargaining in the United States is an *acuerdo*. An *acuerdo* is an agreement whereby the accused pleads guilty to the charge(s), or lesser charge(s), in exchange for a lighter sentence.

TRIAL: The trial should not take longer than ten days. However, judges often allow exceptions to this rule at the request of the defense attorney.

Nicaraguan judges generally require that victims who are physically present in Nicaragua testify in court. If the victim wishes to depart Nicaragua and not return for the trial, a *prueba anticipada* can be requested. A *prueba anticipada* allows the victim to register his or her testimony with the *Ministerio Público* before the trial takes place. The Nicaraguan Embassy and Consulates in the United States will not accept written statements or depositions from victims for use in a trial.

Trials for adults are generally public and oral, while trials for minors are oral but private. In sensitive cases, the judge may choose to limit the access of the media and the public to the trial. Depending on the circumstances and nature of the crime, the victim may request a private trial, and the judge will decide whether to honor this request. Consular officials at the U.S. Embassy in Nicaragua will attempt to attend hearings and trials involving U.S. citizens as staffing and other resources allow.

The court is responsible for providing a translator when one of the parties does not understand the local language. In order to avoid unnecessary delays, you should advise the court as soon as possible if you will need a translator.

Individuals accused of felonies have the right to trial by jury, except if the crime involves narcotics or money laundering. Trial by jury is not employed in misdemeanor cases. Individuals eligible for trial by jury may decide to give up this right in favor of one which allows the judge to decide if the defendant is to be acquitted or convicted. The accused has up to ten days before the scheduled trial date to relinquish his or her right to trial by jury.

Protocol requirements in Nicaraguan courtrooms are not substantially different from those employed in the United States. One should follow the same norms as one would expect in a U.S. courtroom. This includes standing when the judge enters the room, and wearing professional attire.

When the possible sentence for a crime is less than three years or if the suspect has been arrested, the judge has up to three months to reach a verdict. Cases with harsher penalties can take up to six months. Please note that if either party decides to appeal the verdict, the judge has thirty days within which to issue a final resolution. However, some appellate cases have taken several months to resolve. If the accused is incarcerated, the law mandates that the judge must issue a resolution within two months.

SENTENCING: If a judge or jury finds the suspect guilty, then sentencing must take place within three days. The judge will determine the sentence, and the perpetrator will start serving the sentence immediately.

While the *Ministerio Público* will be notified when the perpetrator is transferred and/or released, there is no requirement under Nicaraguan law to inform the victim. It is important to keep in contact with the *Ministerio Público* should you want to track the whereabouts of the assailant.

APPEALS: Both parties can appeal the decision after the judge's ruling. The appeals process in Nicaragua is slow moving. The victim will not be expected to testify in an appellate case. It is very common for appeals to languish several months in the courts before a final resolution is reached.

The appellate court verdict can be appealed before the Nicaraguan Supreme Court in a process called *casación*. Either party can file a *casación* up to ten days following the issuance of the appellate court resolution. The Nicaraguan Supreme Court has up to three months to issue a final decision. It is not uncommon, however, for Supreme Court decisions to be delayed by several months.

ATTORNEYS: You may want to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures differ from those in the United States. Although the *Ministerio Público* is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available on the Internet at <https://ni.usembassy.gov/u-s-citizen-services/local-resources-of-u-s-citizens/attorneys/>

VICTIM COMPENSATION IN NICARAGUA: The *Ministerio Público* has an office that provides crime victims assistance. Given resource constraints, this assistance may only be available in Spanish. This office will listen to the victim's story, explain the investigation and legal process, and prepare the victim for the trial. If the victim has experienced considerable psychological trauma, they will also refer the victim to a mental health practitioner or to *Medicina Legal* (Institute of Legal Medicine). The telephone number for this office is 505-2255-6800. The Nicaraguan National Police emergency telephone number is 118. It is unlikely either phone number will have English-speaking staff available.

Medicina Legal is a public institution attached to the Supreme Court of Justice, which provides forensic, medical and forensic laboratory services to the population, with the objective of documenting scientific evidence for the justice system to contribute to the clarification of crimes or offenses against the life, health and integrity of the people, committed in any part of the national territory.

It is important to keep in mind that resources in Nicaragua are limited and assistance will be provided as resources allow, not necessarily as needed by the victim.

Nicaragua does NOT have a crime victim's compensation program: The Nicaraguan government does not provide monetary compensation to crime victims. A civil suit can be filed in the penal court once a criminal sentence has been confirmed. The court may order the perpetrator to pay restitution and damages to the victim. However most perpetrators do not pay restitution or damages –because they lack the ability to pay or because there are few legal structures in place to garnish wages, seize assets, and enforce the collection of payments.

ADDITIONAL INFORMATION: International financial fraud is not prevalent in Nicaragua. Victims of consumer or financial fraud (*estafa*) may press charges if they believe they were scammed into buying something different than what was offered or something that did not belong to the person selling it.

EMBASSY LOCATION: Americans living or traveling in Nicaragua are encouraged to register with the U.S. Embassy through the [State Department's travel registration website](https://travel.state.gov) so that they can obtain updated information on travel and security within Nicaragua. Americans without Internet access may register directly with the nearest U.S. Embassy or Consulate. By registering, American citizens make it easier for the Embassy to contact them in case of emergency. The U.S. Embassy is located at Kilometer 5 ½ Carretera Sur, Managua. Our telephone number is 505-2252-7100, our fax number is 505-2252-7304, and our email address is ACS.Managua@state.gov. Please visit our website at <https://ni.usembassy.gov/>

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE:

Sexual assault is defined as the act of touching a person in a sexual way against their will or forcing a person to perform certain sexual (non-penetrating) acts using force, intimidation, or any other means that deprives a person of their free will or reasoning or takes advantage of a person's inability to resist. Rape is defined as the act of sexually penetrating a person with an organ or object by using force, intimidation or any other means that deprives a person of their free will or reasoning or takes advantage of a person's inability to resist.

Physical evidence is very important in sexual assault and rape cases, and can deteriorate as time passes. As such, victims should not change clothes, should avoid bathing if possible, and should have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police.

Please note that if you wish to pursue charges, your ability to do so effectively may be diminished if you have not received a forensic sexual assault exam following the alleged sexual assault or rape. It is important to go to the police station or *Ministerio Público* to obtain an order (*oficio*) to have *Medicina Legal* perform a sexual assault exam. The order will detail the type of exam needed. The Nicaraguan government covers all of the costs associated with this exam.

All forensic sexual assault exams for crimes committed in and around Managua are performed at the Institute of Legal Medicine (*Medicina Legal*) in Managua. Requests for exams at *Medicina Legal* can only be initiated by the Nicaraguan police, *Ministerio Público*, or court. If the sexual assault or rape took place in the rural areas of Nicaragua, the victim should go to the police station to file a report and to get an *oficio* to get a medical evaluation at the nearest forensic delegation of *Medicina Legal*.

The victim has the right to demand that a relative or associate be present during the exam, as well as a nurse from *Medicina Legal*. If requested, a consular or on-duty Embassy official may accompany you to the exam.

When the exam takes place within three days following the sexual assault or rape, physical collection of body specimens is performed for evidentiary purposes. You can find a description (in Spanish) of the different services provided by *Medicina Legal* on the following webpage: http://www.poderjudicial.gob.ni/iml/serv_clinicas.asp

As mentioned above, DNA testing is not routinely performed in sexual assault and rape cases in Nicaragua; however DNA testing can be performed if ordered by the court.

The victim has the right to refuse a sexual assault exam and still file charges against an assailant. It may be difficult, however, to press charges without physical evidence.

You should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. Emergency contraception, such as the morning-after pill or *píldora del día siguiente*, is available in most Nicaraguan pharmacies. HIV prophylaxis is not widely available. The U.S. Embassy can provide you with a list of local doctors and you also can find it at https://ni.usembassy.gov/u-s-citizen-services/local-resources-of-u-s-citizens/medical-information/?_ga=2.35443942.655143880.1503930309-1075746049.1466191481

Victims in the urban areas of Nicaragua are generally interviewed by professionals who have received specialized training to work with sexual assault and rape victims. In these areas, sexual assault and rape cases are taken very seriously without distinction as to the gender of the victim or the relationship between the victim and the accused. Such specialized training in the rural areas of Nicaragua, however, is almost non-existent. The level of sensitivity and care in dealing with sexual assault and rape victims in these areas tends to suffer as a result.

Spousal rape is treated like any other rape, except in cases where the defense argues that the accused merely took advantage of the authority-trust relationship in the home that the couple shares, in which case the crime is seen as aggravated rape (*violación agravada*).

There are no specific laws in Nicaragua that protect the identity of sexual assault or rape victims, except when the victims are minors. Victims are generally expected to testify against their attackers, sometimes even in their presence. Sexual assault and rape victims should expect media attention; in fact, it is very common for police and court information to be released to the press. Sometimes the press attempts to obscure the identity of the victim by use of initials or vague descriptions. Victims can, however, request anonymity during the process and the trial itself through the prosecutor. The judge is allowed to limit access of the public and the media to court hearings and the trial in certain cases.

The on-duty Gender Crimes Unit of *Ministerio Público*, which specializes in cases of rape, sexual assault, domestic violence, and child abuse of victims of any gender, can be reached at 505 2255-6800 ext. 6900 or 6855. The emergency telephone number for the police is 118. English-speaking police officers are not available.

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE: Up until recently, the laws only punished the perpetrator once a violent crime had been committed. The approved Nicaraguan penal code now includes domestic violence as a crime in and of itself. The law will allow judges to take emotional and psychological damages into consideration, not just physical injuries. Victims of domestic violence may request protective restraining orders for them and/or their family members at the police station or *Ministerio Público*. A few police stations have an office (*La Comisaria de la Mujer y la Niñez*) that specializes in protecting women and children. A judge can issue a restraining order that prohibits the perpetrator from getting close to the victim, his or her family and home and that temporarily terminates the perpetrator's parental rights. If the perpetrator defies the restraining order, the victim may request stronger protective measures, including incarceration.

The Nicaraguan government does not run shelters for adult victims of domestic violence.

Stalking is only considered a crime when the intent and motivation for stalking is sexual (*acoso sexual*).

The telephone number for the office at the *Ministerio Público* specializing in domestic violence and child abuse is 505-2255-6800, extension 6900 or 6855. English-speaking officials are generally unavailable or non-existent.

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE: The Ministry of the Family (*MIFAMILIA*) has sole authority and responsibility for the protection of children in Nicaragua. They have the authority to investigate allegations of child abuse and usually work with the Nicaraguan National Police on these investigations. U.S. citizen children in Nicaragua are under the jurisdiction of *MIFAMILIA*.

If you know about or suspect that child abuse is taking place, you should report it to the police; you can report it anonymously over the phone (call 118) or by filing a police report at the nearest police station or by calling the *Ministerio Público* at 505 2255-6800, extension 6900 or 6855. You can also file a report with *MIFAMILIA* directly at their information office (*Centro de Orientación e Información*) at 505 2278-1620 or 505 2278-1842. This office will provide you with information on how to get appropriate assistance for the abused child. However, English-speaking officials and assistance are unlikely to be available.

If removing a child from his or her home is necessary, *MIFAMILIA* will make every effort to place the child in the home of a relative, but under no circumstances will they place the child in the home of the perpetrator's immediate or extended family. If no relative is able to take the child, the child will be placed in a foster home or in a shelter operated by *MIFAMILIA*.

Medicina Legal conducts forensic examinations in cases of suspected physical or sexual abuse of a minor. The exam should be conducted in the presence of the child's parents or legal guardians – if appropriate – after signing an authorization form.

If *MIFAMILIA* or the *Ministerio Público* decides to bring criminal charges against the perpetrator, it can be expected that the child will have to testify at the trial. All trials involving minor victims are private. *MIFAMILIA* and the *Ministerio Público* will attempt to prepare the child for trial, but generally no special accommodations will be made at the court to minimize the potential psychological trauma.

SPECIAL INFORMATION FOR CASES OF KIDNAPPING: Kidnapping of foreigners is rare in Nicaragua but the possibility does exist. Please refer to the [Country-specific information for Nicaragua](#).

SPECIAL INFORMATION FOR CASES OF HOMICIDE: *Medicina Legal* generally conducts autopsies in all homicide cases. It is expected in Nicaragua that surviving family members will testify as victims in the murder trial of the accused. Nicaragua has no special requirements for securing and handling estates in homicide cases. When the deceased is a U.S. citizen without family or legal representation in Nicaragua, U.S. Embassy officials will attempt to secure the estate. You can also file a report at the *Ministerio Público* at 505 2255-6800 extension 6921 or 6839. English-speaking officials are unlikely to be available.

VICTIMS ASSISTANCE RESOURCES

There are local resources providing assistance to foreign citizens residing or traveling in Nicaragua, as outlined below. Please be aware that the organization may or may not be able to provide services in English. The Department of State assumes no responsibility or liability for the professional ability or reputation of, or the quality of services provided by, the entities or individuals whose names appear on the following lists. Inclusion on this list is in no way an endorsement by the Department or the U.S. government. Names are listed alphabetically, and the order in which they appear has no other significance.

* Abbie Shepard Fields
Psychologist, Victim's Advocate, Interpreter and Translator (English and Spanish)
Tel: (505) 2278-4129, (505) 8882-8696

* Casa Alianza
505 2228-6771 <http://www.casa-alianza.org.ni/> (minors between 13 to 17 years old)

* Movimiento Autónomo de Mujeres de Nicaragua
505 2266-2237 <http://www.movimientoautonomodemujeres.org>

There are also resources in the United States that provide assistance to victims of sexual violence who are in another country:

* It Happened to Alexa <http://ithappenedtoalexa.org/>

* Office of Victims of Crime (OVC) <https://www.ovc.gov/welcome.html>

* RAINN (Rape, Abuse, & Incest National Network) <https://www.rainn.org> or 800.626.HOPE

* SASHAA (Sexual Assault Support & Help for Americans Abroad) 866.879.6636
<https://sashaa.org/>