

AMNESTY INTERNATIONAL - PUBLIC STATEMENT

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NICARAGUA: DENUNCIATION OF OAS CHARTER HEIGHTENS LACK OF PROTECTION FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS, THEIR FAMILIES AND NICARAGUAN SOCIETY IN GENERAL.

The denunciation of the Charter of the Organization of American States (OAS), issued on 19 November by the Foreign Minister of Nicaragua, Denis Moncada, puts victims of human rights violations, their families, human rights defenders and Nicaraguan society in general in a state of greater defencelessness.

Article 143 of the OAS Charter, invoked by the Nicaraguan government, confers the power to OAS Member States to denounce the Charter, the constituent treaty of the organization. However, said article also establishes that its effects are **not immediate**. Two years after the date on which the General Secretariat of the OAS receives notification of the denunciation of the Treaty, the Charter shall cease to have effect for the denouncing State and it shall no longer form part of the Organization.

Denouncing the OAS Charter not only implies withdrawal from a very important multilateral forum, but also from its regional mechanism for the protection of human rights. **In this sense, the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR Court) will only be able to continue monitoring the observance of the human rights situation in the Central American country through the processing of cases, petitions, precautionary and provisional measures for situations occurring prior to November 2023.**

In short, **Nicaragua, by denouncing the OAS Charter, not only distances itself from the OAS, a multilateral body that has followed the human rights crisis with special attention since April 2018, but also from the robust human rights mechanism that has allowed justice, truth and reparation to be provided to thousands of victims, relatives, and human rights defenders in the continent, when States have been unable or unwilling to investigate such human rights violations in their jurisdictions.**

In its Advisory Opinion 26-20 of 9 November 2020, the IACHR Court established, regarding Article 143 of the OAS Charter, that “[the] aforementioned clause establishes a two-year transition period, during which other Member States of the OAS, as collective guarantors of its efficacy in relation to the observance of human rights, have an opportunity to express any observations or objections deemed pertinent in a timely manner, using institutional channels, regarding denunciations that do not withstand scrutiny under the democratic principle and which undermine the inter-American public interest, so as to activate the collective guarantee” given that **“a State’s denunciation of the OAS Charter and its withdrawal from the Organization would otherwise leave those persons under its jurisdiction entirely unprotected by the regional organs of international protection”**.

In this regard, Amnesty International regrets the decision of the Nicaraguan authorities to withdraw from the OAS and **calls on its authorities to reconsider this measure. At the same time, the organization urges the rest of the OAS Member States, and the international community in general, to be vigilant concerning the human rights situation in Nicaragua, under the shared obligation to guarantee and promote such rights.**