

Open letter to Permanent Representatives to the UN Human Rights Council

4 March 2022

Excellencies,

UN HUMAN RIGHTS COUNCIL SHOULD TAKE MORE ROBUST APPROACH AS HUMAN RIGHTS CRISIS IN NICARAGUA DEEPENS

We, the undersigned human rights organizations, write to urge your delegations to support a strong resolution this UN Human Rights Council (HRC) session, which establishes a robust mechanism for the investigation of crimes under international law and human rights violations committed in Nicaragua. We consider such a mechanism to be necessary, given the refusal of the Government to engage constructively with the HRC process to date, as well as with any other UN and regional human rights mechanism, and the further worsening of the human rights crisis in the country, particularly since May 2021. It would be the logical next step in the incremental approach taken to the crisis at regional and international level since 2019.

Despite UN and regional efforts to address the crisis over the past three years, the situation in Nicaragua continues to worsen, as the Government has refused to implement any of the recommendations made by the OHCHR¹ or the Interdisciplinary Group of Independent Experts (GIEI) established by the Organization of American States², and has stepped up its repression, particularly in the context of last year's elections. Since the last resolution was adopted by the HRC in March 2021, our organizations have been alarmed by the continued arbitrary detention and prosecution of dozens of people perceived as government critics in criminal proceedings that lacked basic due process guarantees, including political opponents, student leaders, campesino representatives, defence lawyers, journalists and activists. Some of these individuals were subjected to forced disappearance for weeks or months; and reports of torture and ill treatment of detainees have arisen.³

In February 2022, the Attorney General's Office announced it would conduct trials against Nicaraguan detainees through a press release calling them "criminals and thieves." So far, they have conducted at least 8 trials all of which resulted in swift convictions for the crime of "conspiracy to undermine national integrity," with the Attorney General's Office requesting prison sentences of 15 years for some detainees. The trials were held in "El Chipote" prison. Authorities have imposed public defenders at initial hearings in most cases, and many detainees have not been allowed a private meeting with their lawyers prior to February's trials.

In addition to last year's arrests, more than 130 people perceived as critics⁴ have remained

¹ OHCHR, [UN Human Rights' bulletin: State of Nicaragua without major progress and some setbacks in compliance with High Commissioner's recommendations](#), 8 February 2021

² IACHR, [Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them](#), May 16, 2020

³ International Institute for Race, Equality and Human Rights, [Nicaragua: an unresolved human rights crisis. Analysis of arbitrary detentions, judicial processes without guarantees, and political persecution](#), July 2021

⁴ Mecanismo para el reconocimiento de personas presas políticas, [lista informe preliminar](#), 31 January 2022

arbitrarily detained for a prolonged period in the context of the human rights crisis in the country.

This alarming worsening of the human rights situation includes attacks on freedoms of expression and association, freedom of the press, as well as other restrictions on the exercise of civil and political rights. Since 2018, the legal registration of at least 61 non-governmental organizations has been cancelled⁵, and raids have continued against independent media outlets. Recently, the National Assembly also cancelled the legal status of several universities in an apparent move to quash student dissent.

The judicial system lacks independence from the Executive branch, which translates into a lack of impartiality in ruling on legal matters and accountability for abuses.⁶ The Inter-American Commission on Human Rights (IACHR) has recently updated its tally of the number of people killed to at least 355 individuals.⁷ The International Federation for Human Rights (FIDH) and the Nicaraguan Centre for Human Rights (CENIDH) have analysed at least 113 of these killings and concluded they amount to extrajudicial executions. In its report the GIEI has concluded that actions against protesters and dissidents amount to crimes against humanity.⁸

The Government has refused to allow international human rights monitors to access the country since it expelled staff members of the IACHR and OHCHR in late 2018. A recent evaluation made by a collective of human rights organizations documents the Nicaraguan government's refusal to implement any of recommendations included in the Human Rights Council Resolution 46/2, contributing to a worsening of the patterns of human rights violations documented over the last three years⁹, including with regards to economic, social and cultural rights.

It is critical at this stage that the HRC takes a more robust approach to address the impunity that continues to fuel grave violations and to send a clear message to Nicaraguan authorities that non-cooperation and disengagement in the face of violations will not be tolerated. This is in line with the High Commissioner's recommendation that the Council should "consider all measures within its power to promote accountability for the serious violations that have occurred since 2018."¹⁰ As the government shows no intention of de-escalating its repression in the short-term, it is vital to start building the ground for future accountability processes at the international or domestic levels. It is critical to ensure that grave violations committed during the 2018 protests – including murder, torture, rape and other acts of sexual violence – as well as other human rights violations committed since then do not go unpunished in the long-run.

Given the continued serious violations and impunity, and the unwillingness of the authorities to cooperate and engage with regional and international mechanisms, it is

⁵ DW, [Parlamento Nicaragua cierra nueve ONG y suman 61 ilegalizadas](#), 15 December 2021

⁶ IACHR, [Nicaragua: Concentration of Power and the Undermining of the Rule of Law](#), 2021

⁷ IACHR, [IACHR Updates Death Toll Records of Human Rights Crisis that Started in April 2018 in Nicaragua](#) November 15, 2021

⁸ FIDH and CENIDH, Report, [Accountability now! Extrajudicial executions and repression in Nicaragua, 2018-2020](#), February 2021, analysed 113 extrajudicial executions committed between April and September 2018, demonstrating their systematic nature and the coordination between state and parastatal agents in their commission.

⁹ Mecanismo para Nicaragua, [Framework of Evaluation](#), January 2021

¹⁰ Human Rights Council, Interactive dialogue on the interim oral update by the High Commissioner on the situation of human rights in Nicaragua, [Statement concerned countries](#), 14 December 2021

essential that the HRC takes a more robust approach to the human rights crisis in Nicaragua at HRC49. It cannot continue as “business as usual” in the face of such flagrant violations. In this regard, we hope your delegations will support and work towards a strong resolution establishing a robust investigative mechanism, with a mandate to closely monitor and report on the situation, conduct thorough and impartial investigations into human rights violations and crimes under international law, and contribute to accountability for international crimes. The situation demands no less than this. Rampant impunity which continues to fuel violations in Nicaragua must be addressed.

Please accept, Excellencies, the assurance of our highest consideration,

Signatories:

Amnesty International

Asian Forum for Human Rights and Development (FORUM-ASIA)

Center for Justice and International Law (CEJIL)

Centre for Civil and Political Rights

Centro de Asistencia Legal a Pueblos Indígenas (CALPI)

Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C. (Centro Prodh)

Centro de Estudios Legales y Sociales

Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN)

CIVICUS: World Alliance for Citizen Participation

Colectivo 46/2*

Colectivo de Derechos Humanos Nicaragua Nunca Más

Hirschfeld-Eddy Stiftung

Human Rights Watch

International Federation for Human Rights (FIDH)

International Institute on Race, Equality and Human Rights

International Service for Human Rights (ISHR)

Lesben- und Schwulenverband in Deutschland

Movimiento Autónomo de Mujeres (MAM)

Peace Brigades International

Red Internacional de Derechos Humanos (RIDH)

Urnas Abiertas

* Colectivo 46/2 is a coalition of 21 national and international human rights organisations that monitor the Nicaraguan State's implementation of the 14 recommendations made to it in the resolution 46/2 adopted by the UN Human Rights Council in March 2021.