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ORAL STATEMENT

Item 2: Enhanced Interactive Dialogue on Nicaragua

HUMAN RIGHTS COUNCIL MUST RESPOND TO GRAVITY OF OHCHR REPORT ON NICARAGUA

UN Human Rights Council
Forty-Second session
9 September – 27 September 2019

Thank you, Mr. President.

Amnesty International thanks the High Commissioner for Human Rights for her report on Nicaragua. We remain concerned by the human rights situation in the country, and the failure of the Government to take adequate steps to improve it.

We share many of the concerns raised in the report, including regarding the Amnesty Law,¹ which may pose an obstacle to freedom of expression and peaceful assembly due to its “non-recurrence clause”,² and endangers victims’ right to an effective remedy.

We are further concerned by the continued systematic denial of permits for peaceful demonstrations by the National Police,³ reports of arbitrary arrest of protesters and excessive police presence during demonstrations as a form of intimidation.

The Government has failed so far to fulfil its commitment to release all those detained during protests.⁴ Local groups report that at least 120 people remain imprisoned for political reasons, with at least two individuals being re-arrested after being released who are now accused of common crimes.⁵ We urge the Government to cease harassment of those released, and of journalists and human rights defenders.

We call on the competent authorities to undertake thorough, prompt and impartial investigations into recent reports of possible targeted killings against people identified as participants of the protests.

¹ The Amnesty Law was approved by the National Assembly on 8 June 2019.

² Article 3 of the Amnesty Law establishes the following non-recurrence clause: “The persons benefited by the present Law must abstain to perpetrate new acts that engage in repetitive behaviours that generate the crimes contemplated here. Non-observance of the principle of Non-Repetition results in the revocation of the benefit established by this Law”. Concerns therefore exist regarding the possible re-apprehension of released individuals who continue to exercise their right to freedom of expression and peaceful assembly.

³ On October 2018 the National Police issued a press released that stated that any demonstration or mobilization should be previously authorized by police authorities. See: National Police. Press Note No.116-2018. 13, October 2018.

⁴ The commitment was made in March 2019. More information available at: <https://www.alianzacicivicanicaragua.com/acuerdo-para-la-facilitacion-del-proceso-de-liberacion-de-personas-privadas-de-libertad-de-conformidad-al-ordenamiento-juridico-del-pais-y-las-respectivas-obligaciones-internacionales-de-nicaragua-en/>

⁵ Civic Alliance for Justice and Democracy, see more information at: <https://www.alianzacicivicanicaragua.com/informe-y-listas-de-personas-presas-politicas-y-desaparecidas-al-28-de-julio-de-2019/> and the Committee Pro-liberation of Political Prisoners, see more information at: <http://presospolicosnicaragua.com/listado-de-presos-politicos-al-29-de-julio/>

We urge the authorities to take swift and concrete measures to resolve the human rights crisis including by: ending repression, harassment and arbitrary detention against people involved in anti-government protests; guaranteeing the rights to freedom of expression and peaceful assembly; initiating prompt, impartial, independent and thorough investigations into all cases of possible extrajudicial executions, torture and other crimes under international law and human rights violations; and ensuring that civil society organizations are able to freely carry out their work. Specifically, we urge the authorities to cooperate fully with the Office of the High Commissioner for Human Rights, including through full implementation of the recommendations presented in the report. Failing this, we call on the Council to take further action when it meets for its 43rd session.

Thank you, Mr. President.