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NICARAGUA

Open letter to presidential candidates in 20 October 1996 election



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Open letter to presidential candidates in 20 October 1996 election

General elections will be held in Nicaragua on 20 October 1996 when a new president and vice-president will be elected as well as the National Assembly. The elections will take place under the new electoral law approved on 5 December 1995 that introduced, among other things, a second round of voting if none of the candidates to the post of president and vice-president obtained 45 per cent of the valid votes cast.

Through this open letter Amnesty International calls on the presidential candidates to commit themselves to protecting and promoting the human rights of all Nicaraguans. It also urges whoever the electorate chooses as leader for the next five years to respect unconditionally those rights.

Amnesty International is a worldwide movement, independent of all governments, political affiliation or religious creed, which works to promote the principles enshrined in the United Nations Universal Declaration on Human Rights, as well as other international human rights instruments. The main focus of its work includes:

- the immediate and unconditional release of prisoners of conscience, who are people detained anywhere for their political or religious beliefs, their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status, provided they have not used or advocated violence;
- ensuring fair and prompt trials for political prisoners;
- abolition of the death penalty;
- prevention of torture and other cruel, inhuman or degrading treatment of prisoners;
- ending extrajudicial executions and “disappearances”.

Amnesty International also opposes human rights abuses by armed opposition groups and national security forces and their agents that violate the basic principles derived from humanitarian law covering internal or international armed conflicts. Among such abuses are deliberate and arbitrary executions of non-combatants and members of the armed forces who are *hors de combat*, the torture of prisoners and the taking of hostages.

VIOLATIONS OF HUMAN RIGHTS AND IMPUNITY

Human rights abuses were committed by the authorities and armed groups during the war between the Sandinista government and the armed opposition, which ended in 1990. Reports of human rights violations were also recorded between 1990 and 1995. During 1995, at least nineteen people died in circumstances suggesting that they may have been extrajudicially executed: In one incident, known as La Marañososa, 13 *recontras* (ex-members of the armed opposition Nicaraguan Resistance, or *contra*, which regrouped after the war under this name) and two soldiers were killed in Cuesta La Marañososa, Wiwili, department of Jinotega, on 6 January 1995, in a massacre that appears to have been perpetrated by members of the army. Moreover, on 17 May 1995 police shot dead two members of a cooperative which were participating in a demonstration at *Semáforos de Rubenia* (traffic lights at Rubenia), in Managua and in December two students, who were demonstrating for university funding, were killed by the security forces.

In the case of La Marañososa, for example, local human rights organizations and the Commission for Human Rights and Peace of the National Assembly concluded that the investigations carried out had been superficial. The judge of the Criminal Court, Jinotega district, absolved 23 soldiers because she concluded that the evidence was not enough to prove criminal intent. Despite calls for a thorough investigation of the case in order to identify those responsible for the deaths, impunity still prevails.

The level of violence in the area most afflicted by conflict in the 1980s (a stretch of land running east-west along the middle of the country) has again increased, creating unease and fear among inhabitants who are being targeted by armed groups. The victims include people from across the political spectrum - members and sympathizers of the *Frente Sandinista de Liberación Nacional*, FSLN and of the *recontras* - as well as leaders of peasant cooperatives.

It is vital that the authorities take the necessary measures to end the climate of violence in which human rights violations are committed against those who live in the affected area. Amnesty International is aware that in the area (as in other parts of the country) politically motivated actions and criminal acts can be difficult to distinguish. However, the organization considers that the authorities must investigate all acts of violence and ensure that human rights violations do not go unpunished.

The National Police is also responsible for serious human rights violations, including the right to life. Many individual cases have been documented in which people who posed no threat to law enforcement officials were killed when they could have been apprehended. It is crucial that members of the National Police are given the necessary training, including knowledge of human rights issues and how to apply such knowledge in the course of their duties. Essential elements in training should be the study of the *Code of Conduct for Law*

Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The authorities must also take the necessary measures to investigate any human rights violations by members of the National Police, and ensure that those found responsible are brought to justice.

PRISON CONDITIONS

Prison conditions in Nicaragua, according to reports, frequently amount to cruel, inhuman or degrading treatment. The same deplorable conditions are found in police cells. Prison conditions are the result of the lack of political will over the years to ensure that the basic rights of those in detention or prison are guaranteed, despite numerous recommendations by the national and international human rights organizations regarding the need to reform the penal and judicial systems.

Conditions in the country's eight penal institutions are particularly severe. Many of the cells house three times the number of prisoners they were designed for, creating unacceptable overcrowding. In some places, prisoners have to sleep standing up owing to the lack of space. There are reports that overcrowding has reached such levels that prison authorities have refused to admit new inmates unless the judicial authorities issue an order to that effect. Overcrowding is exacerbated by, among other things, the slowness of the judicial process; some people remain in detention for months, even years, before determination of innocence or guilt.

About 70 per cent of prisoners sleep on the floor without any bedding. In many institutions the cells are dark and without ventilation. Sanitary facilities, drinking water and other basic services are bad or do not exist at all. Personal and cell hygiene are extremely poor since the elements to maintain them are practically non-existent.

The provision of food for prisoners had reached a critical state. According to reports, the budget for 1996 provides five córdobas (around US\$0.60) per prisoner per day. This does not provide the minimum levels of calories or proteins, which inevitably affects prisoners' health. Moreover, it appears that there is no budgetary provision for health care. The lack of proper hygiene and insufficient food cause various illnesses, especially contagious diseases that then spread quickly through the prison population.

Amnesty International acknowledges that the economic situation in Nicaragua is reflected in the penitentiary system. However, the government must bear responsibility for the conditions of imprisonment of those who have broken the law. Such responsibility is outlined in the Constitution, which states: "In Nicaragua the prison service is humanitarian and has, as its fundamental principle, the transformation of the prisoner in order to re-integrate him back to society." These conditions also fall abysmally short of

international standards including the United Nations Standard Minimum Rules for the Treatment of Prisoners.

RATIFICATION OF HUMAN RIGHTS TREATIES

Nicaragua has ratified most of the main international treaties and instruments on human rights. However, the following have been signed but not yet ratified:

- United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty
 - Inter-American Convention to Prevent and Punish Torture
 - Inter-American Convention on the Forced Disappearance of Persons
- Protocol to the Inter-American Convention on Human Rights to Abolish the Death Penalty

Amnesty International urges the prompt ratification of these instruments.

APPOINTMENT OF HUMAN RIGHTS PROCURATOR

Amnesty International acknowledges the decision of the National Assembly, published in the official Gazette of 10 January 1995, which created the office of the Human Rights Procurator (*Procuraduría para la Defensa de los Derechos Humanos*), and urges the prompt appointment of the person to fill this important function.

To summarize, Amnesty International calls on the candidates to the presidency of the Republic of Nicaragua to commit themselves to:

- **ensure that impunity does not rule in Nicaragua in terms of past or future human rights violations**
- **improve prison conditions to a level where they comply with the UN Standard Minimum Rules for the Treatment of Prisoners**

- **ratify those international instruments that previous governments have signed but not ratified**
- **proceed with the appointment to the post of Human Rights Procurator.**

I hope that the new President of Nicaragua will give priority to the concerns expressed in this open letter and will actively support policies to protect and promote human rights.

Yours sincerely

Derek Evans
Deputy Secretary General