

MONITORING THE HUMAN RIGHTS SITUATION IN NICARAGUA MONTHLY BULLETIN N. 11 - JULY 2019

Introduction Based on information received by OHCHR through remote contacts with relevant stakeholders, the National Police reportedly continued to prevent attempts of protests perceived as anti-Government from being staged. During Catholic ceremonies, organized in commemoration of the victims of the July 2018 protests, participants in the ceremonies were reportedly harassed, and some arbitrarily detained, by members of security forces. The majority of those detained were released within a few hours without any charges. In the border area between Nicaragua and Honduras, Government opponents were allegedly selectively killed. Perpetrators are still to be identified and held accountable.



The United Nations Deputy High Commissioner for Human Rights delivered an oral update to the Human Rights Council on the situation in Nicaragua. 10 July 2019

Oral update of the United Nations Deputy High Commissioner for Human Rights. On 10 July, as mandated by the Human Rights Council resolution 40/2,¹ the United Nations Deputy High Commissioner for Human Rights delivered an oral update to the Human Rights Council on the situation in Nicaragua.² While acknowledging the release – between February and June 2019 – of most of the people detained in the context of the 2018 protests, she stressed that one year after, peaceful demonstrations and dissent continued to be repressed. She highlighted that the Law on Comprehensive Care for Victims and the Amnesty Law does “*not guarantee the victims’ right to truth and*

reparation”³ and urged the authorities to engage in a “*genuine, meaningful and inclusive dialogue to address people’s legitimate demands for justice and reparation*”.⁴ She further expressed concern over the attacks, threats, harassment and continuing surveillance that human rights defenders and community leaders were facing, as well as violations of the right to freedom of expression that affected journalists, media workers and media outlets.

In reply, the representative of the Government of Nicaragua, the Minister Adviser of the President of Nicaragua, Valdrack L. Jaentschke, flagged that “*after the attempt of breakdown of constitutional order*”, domestic tranquility, law and order had been reestablished and authorities had been working to achieve peace and reconciliation. He further stressed that the adoption of laws on amnesty and

¹ Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/40/2, last accessed on 31 July 2019.

² Available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24814&LangID=E, last accessed on 31 July 2019.

³ *Ibidem*

⁴ *Ibidem*

integral victims' care constituted positive steps forward and denied there was any persecution of human rights defenders or any unlawful restriction of the right of peaceful assembly.⁵

National dialogue and diplomatic efforts. On 13 July, OHCHR and the above-mentioned Minister Adviser to the President of Nicaragua met to discuss the human rights situation in Nicaragua and the communication between the Government and the Office.



Reply of the Minister Adviser to the President of Nicaragua during the 41st session of the Human Rights Council. 10 July 2019

On 18 July, the Civic Alliance for Justice and Democracy (hereinafter Civic Alliance) called on the Government to resume negotiations by 31 July.⁶ However, on 19 July, during a speech for the celebration of the 40th anniversary of the *Sandinista* revolution, President Ortega stated that the Government would only engage in a dialogue "with peasants, artisans, small producers, [...] "with those who are willing to work for peace and the economic and social development of the country", indicating "this is the only dialogue that makes sense". In the same speech, he stated that international sanctions against Nicaragua were not admissible, "because for a sanction to be applied, it must be based on international law, otherwise no State has the power to sanction another State."⁷ Subsequently, on 30 July, the Government reportedly informed the Holy See and the Organization of American States (OAS) that the dialogue with the Civil Alliance had ended, blaming the failure of the negotiations on its counterpart for having abandoned the table on 20 May 2019.⁸

On 31 July, the regional coordinators of the OAS Permanent Council gathered to work on the constitution of a commission responsible for undertaking diplomatic efforts at the highest level, pursuant to the OAS General Assembly resolution AG/CG/doc.6/19⁹ adopted on 28 June.¹⁰

The Amnesty Law. On 3 July, approximately 30 members of the "Mothers of April Association" filed a motion before the Supreme Court of Justice, challenging the constitutionality of the Amnesty Law (Law 996), adopted on 8 June, arguing that the law would prevent the right to truth of victims' families about the circumstances in which their children were killed. They also claimed it would

⁵ See: <https://www.youtube.com/watch?v=uB3is4rECks>, last accessed on 7 August 2019.

⁶ See: <https://www.alianzacivicanicaragua.com/carta-para-el-restablecimiento-de-la-mesa-de-negociacion/>, last accessed on 1 August 2019.

⁷ See: <https://www.el19digital.com/articulos/ver/titulo:92298-presidente-daniel-y-vicepresidenta-rosario-en-acto-del-19-de-julio>, last accessed on 5 August 2019.

⁸ See: https://elpais.com/internacional/2019/08/02/america/1564764603_759135.html, last accessed on 7 August 2019.

⁹ See: <https://www.alianzacivicanicaragua.com/carta-enviada-a-la-oea-por-resolucion-sobre-nicaragua/>, <https://www.alianzacivicanicaragua.com/segunda-carta-enviada-a-la-oea-para-reanudar-negociacion/> and <https://www.alianzacivicanicaragua.com/carta-al-consejo-permanente-de-la-oea/>, last accessed on 1 August 2019.

¹⁰ See: OHCHR Monthly Bulletin No. 10, June 2019, available at: <http://www.oacnudh.org/wp-content/uploads/2019/07/Nicaragua-Monthly-BulletinN.10-June2019.pdf>, last accessed on 1 August 2019

ensure impunity for the perpetrators of gross human rights violations.¹¹ On 5 July, in support of the mothers' organization, the Social Movements Articulation also filed a similar motion of unconstitutionality against Law 996.¹²



Photo: Article 66 *Victims' relatives claim for justice without impunity.*

Since the entry into force of Law 996, on 10 June, dozens of judicial resolutions have been issued in favor of individuals who had been prosecuted or convicted for their participation in the 2018 protests. According to the Government, all the people who benefited from the Amnesty Law were immediately released from prison and their criminal records were cancelled.¹³ However, defense lawyers and the Civic Alliance have expressed concern about the effects of the Amnesty Law, as judges have been issuing resolutions instead of “dismissal rulings” to close cases. According to the Civic Alliance, this could effectively allow reopening proceedings against the demonstrators within a year.¹⁴ This method has been challenged by defense lawyers, who asked judges to pass dismissal rulings instead; yet these petitions were allegedly not accepted.¹⁵ In addition, the Civic Alliance indicated that, as of 28 July 2019, 118 men and two women were still detained, following their arrest in connection with the protests, including two individuals who had previously been released under the Amnesty Law.¹⁶

On 15 July, Law 996¹⁷ was also applied to the individual sentenced, in November 2018, to 15 years in prison for the homicide of a Brazilian, university student on 23 July 2018. OHCHR sent a communication to the Government requesting more information. OHCHR reiterates the High Commissioner’s statement on the eve of the adoption of Law 996, stressing the duty of the Government to ensure accountability for the victims and the prohibition of amnesties for gross human rights violations.¹⁸

¹¹ See: <https://www.efe.com/efe/america/sociedad/madres-de-abril-presentan-recursos-contra-ley-ampnestia-en-nicaragua/20000013-4014608>, last accessed on 1 August 2019.

¹² See: <https://www.hoy.com.ni/2019/07/06/otro-recurso-contra-la-ley-de-ampnestia-esta-vez-fue-la-articulacion-de-movimientos-sociales/>, last accessed on 1 August 2019.

¹³ Communication of the Government of 5 July 2019.

¹⁴ See: <https://www.alianzacivicanicaragua.com/poder-judicial-evidencia-su-falta-de-independencia/>, last accessed on 1 August 2019.

¹⁵ *Ibidem.*

¹⁶ Civic Alliance press release, 29 July 2019, available at: <https://www.alianzacivicanicaragua.com/informe-y-listas-de-personas-presas-politicas-y-desaparecidas-al-28-de-julio-de-2019/>, last accessed on 6 August 2019.

¹⁷ Article 1 of Law 996 provides, *inter alia*, for the closing of criminal proceedings of all individuals investigated, prosecuted and convicted for the 2018 events, their immediate release from prison and the cancellation of their criminal records.

¹⁸ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24684&LangID=E>, last accessed on 1 August 2019



Freedom of expression and right to peaceful assembly. Throughout July, OHCHR received reports of police harassing people participating in various Catholic ceremonies that celebrated the release of prisoners or were held in commemoration of the first anniversary of the people killed during the July 2018 protests. The massive presence of the police outside churches produced an intimidating effect on those attending the ceremonies, especially those who were released after being previously detained in relation to the protests and their relatives.

OHCHR was informed that, on 4 July, during the celebration of a Catholic mass in the church of San Pedro, in the city of León, police forces surrounded the church. Following the ceremony, police officers reportedly searched some of the churchgoers and followed others on their way back home.

On 8 July, police officers, riot police and supporters of the ruling party allegedly surrounded the San Antonio parish in the city of Jinotepe, where a mass was being celebrated in memory of protesters killed on 8 July 2018. Some parishioners remained inside the church and others formed a picket line at the main entrance, waving Nicaraguan flags, singing the national anthem, and shouting slogans calling for justice. The police eventually dissolved the picket line; no violent incidents were reported.

On 15 July, seven police patrols surrounded the office of the Permanent Commission for Human Rights (CPDH by its Spanish acronym) in Managua for a few hours, after a small group of students staged a picket line in the street in front of the office and then entered inside the premises.

On 25 July, reportedly riot police surrounded the San Miguel parish in Masaya with an intimidating effect on more than one hundred people were attending a religious celebration. On the same day, about 20 police officers and a group of pro-Government elements surrounded a group of people peacefully demonstrating in the atrium of the cathedral of Matagalpa.¹⁹

Sustaining a pattern observed since September 2018, OHCHR received information regarding the restriction of the right to peaceful assembly, through the systematic denial of authorizations by the National Police to stage protests. On 22 July, some students requested authorization to hold a public demonstration in Managua on 25 July, in commemoration of the National Day of the Student. On 24 July, the National Police issued a resolution denying the authorization, arguing that the written request did not comply with the requirements established by law and that some of the petitioners had previous criminal record.²⁰ On 25 July, due to the massive deployment of security forces, protesters held pickets lines, instead of rallies, in several places of Managua, Masaya and Matagalpa. OHCHR received reports of more than 10 people detained and released within few hours, as well as two men injured, including a journalist.

Right to life. OHCHR received reports of alleged violations of the right to life of people identified by different sources as participants in the 2018 protests. Between 27 June and 13 July, three selective killings and one attempted killing took place in the border area comprised between the municipalities of Wiwilí-Jinotega and Wiwilí-Nueva Segovia²¹ in Nicaragua, and the municipality of Trojes in Honduras.

¹⁹ See: <https://www.laprensa.com.ni/2019/07/25/nacionales/2572561-policia-se-toma-las-calles-de-managua-previo-la-marcha-convocada-por-universitarios>, last accessed on 1 August 2019.

²⁰ National Police, Resolution 05-2019 of 24 July 2019, available at: <https://www.policia.gob.ni/?p=35675>, last accessed on 2 August 2019.

²¹ A river divides the town centres of Wiwilí-Nueva Segovia and Wiwilí-Jinotega



On 27 June, Edgar Montenegro Centeno²² (56 y.o.), former member of the “Contra-guerrilla” during the 1980s, and his foster son, Jalmar Zeledón Olivás (31 y.o.), were killed in the rural area of the municipality of Trojes, Honduras. According to various sources, both took part in the road blockade staged in “La Marañosá”, Wiwilí-Jinotega, Nicaragua, during the 2018 protests. Moreover, the National Police published a press release on 15 September 2018, in which the “terrorist Edgar



Montenegro Centeno” was blamed for the killing of a “police volunteer” that had occurred two days before in Wiwilí-Jinotega.²³ On 13 July, the body of Francisco Sobalvarro (54 y.o.), also former member of the “Contra-guerrilla”, was found in the municipality of Trojes, Honduras. All three victims had fled Nicaragua in the previous months to seek protection. Additionally, on 11 July, in the urban area of Wiwilí-Nueva Segovia, Nicaragua, José Martínez Vasquez (27 y.o.) was seriously injured by gunshots after an armed man attacked him near his house. He was amongst the 40 men and nine women released by the Government on 15 March 2019. He was also the only person from Wiwilí-Nueva Segovia deprived of liberty under charges in connection with his participation in the 2018 protests. OHCHR is currently collecting more information on these allegations; so far, competent authorities in Nicaragua and Honduras have opened investigations but reportedly not yet identified those responsible.

Edgar Montenegro Centeno (56 y.o.) killed on 27 June 2019, in the municipality of Trojes, Honduras

On 17 July, at approximately 5 am, police officers raided a house in the city of León and opened gunfire against four men, leaving one dead and three injured. The National Police issued a press release²⁴ indicating that law enforcement agents were attacked with machetes

when executing arrest warrants against alleged robbers. However, the victims’ relatives and civil society organizations have challenged the official version claiming that police resorted to excessive use of force. They also denied that the four men had committed any crime and stressed that Bryan Murillo López (24 y.o.), one of the individuals killed in this operation, had participated in 2018 protests.

Freedom of association. The seized assets of the nine civil society organizations shut down by the Government in November and December 2018 have still not been returned to their owners. This does not comply with the second agreement signed between the Government and the Civic Alliance on 29 March, which stipulates that the cancellation decisions imposed on those entities would be

²² On 27 January 2019, Oliver Montenegro Centeno, brother of the victim, was also killed in the rural area of the municipality of El Cuá, Nicaragua.

²³ See: National Police, press release No. 111-2018 of 15 September 2018, available at <https://www.policia.gob.ni/?p=22862>, last accessed on 6 August 2019.

²⁴ See: National Police, press release No. 26-2019 of 17 July 2019, available at: <https://www.policia.gob.ni/?p=35372>, last accessed on 6 August 2019.

reviewed in order to return to the organizations their legal registration and properties.²⁵ On 5 July, the Government informed OHCHR that six of the nine affected organizations filed petitions to the Supreme Court of Justice, which are still under review and pending decision.²⁶ Pro-Government elements have allegedly occupied the facilities of, at least, one of these organizations, while authorities have refrained from taking action in this regard.

Conclusions and recommendations

Persistent restrictions to the full enjoyment of the rights to freedom of expression, association and peaceful assembly continue to be reported and raise significant concern that civic space is being unduly restricted in violation of applicable international human rights norms and standards. The decision of the Government of Nicaragua to not resume negotiations with the Civic Alliance also represents a worrying development in that regard.

As mentioned in the United Nations Human Rights Council in its resolution 40/2 of 21 March 2019,²⁷ as well as by the OAS General Assembly in its resolution AG/CG/doc.6/19 of 28 June 2019,²⁸ and the High Commissioner for Human Rights in several public statements,²⁹ a credible, representative, inclusive and transparent dialogue is crucial to overcome the ongoing socio-political crisis that affects the Nicaragua's population.

²⁵ See: OHCHR Monthly Bulletin No. 7, March 2019, available at: <http://www.oacnudh.org/wp-content/uploads/2019/04/Nicaragua-Monthly-Bulletin-March-2019.pdf> and the Agreement on the Strengthening of Citizens' Rights and Safeguards, available at: <https://www.alianzacivicnicaragua.com/acuerdo-para-fortalecer-los-derechos-y-garantias-ciudadanas/>, last accessed on 1 August 2019.

²⁶ Communication sent by the Government on 5 July 2019 to the Regional Office.

²⁷ See: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/40/2, last accessed on 7 August 2019.

²⁸ See: <http://scm.oas.org/ag/documentos/>, last accessed on 7 August 2019.

²⁹ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24684&LangID=E>, last accessed on 7 August 2019.