

MONITORING THE HUMAN RIGHTS SITUATION IN NICARAGUA MONTHLY BULLETIN N. 7 - MARCH 2019

Introduction In March, the United Nations Human Rights Council and the European Parliament adopted resolutions on Nicaragua expressing concern over the critical human rights situation in the country and calling upon the Government and the Civic Alliance for Justice and Democracy (hereinafter the Civic Alliance) to a meaningful dialogue to overcome the ongoing political, social and human rights crisis. The negotiations between the Government and the Civic Alliance progressed, with the approval of a roadmap, the definition of the main issues to be addressed, and the adoption of two initial agreements.¹ On the other hand, OHCHR continued to receive reports about the National Police using excessive force and resorting to massive arbitrary arrests to prevent demonstrations.

Context On 21 March, the Human Rights Council adopted a resolution on the “*Promotion and protection of human rights in Nicaragua*”,² expressing grave concern at reports of serious human rights violations and abuses committed, since April 2018, and the increasing restrictions on civic space and expressions of dissent. The resolution urges the Government to respect the rights to freedom of peaceful assembly, association and expression, the independence of the media and the judiciary, and to



release all those arbitrarily or illegally detained. It requests, *inter alia*, the High Commissioner to present a comprehensive written report on the situation of human rights in Nicaragua at the Human Rights Council in September 2019, to be followed by an enhanced interactive dialogue. The resolution further requests the High Commissioner to present oral updates to the Human Rights Council on the situation in June 2019 and March 2020. The resolution also calls on the Government to resume cooperation with OHCHR and other international and regional human rights bodies.

On 21 March, the Human Rights Council adopted a resolution on the “Promotion and protection of human rights in Nicaragua”

In its position, circulated among States prior to the adoption of the Human Rights Council resolution, the Government of Nicaragua rejected every point of the draft resolution, stating that it was based on “*subjective, biased, prejudiced and notoriously partial*” reports of OHCHR and the Inter-American Commission on Human Rights (IACHR), and questioning the thoroughness of the methodology applied by both entities. Yet, the Government committed to finding solutions to overcome the “*internal difficulties*”, through the continuation of dialogue with all sectors concerned.

¹ One agreement on the release of detainees in relation to 2018 protests and another on the strengthening of fundamental rights and safeguards.

² Resolution A/HRC/40/2, available at <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Pages/ResDecStat.aspx>, last accessed on 12 April 2019.

It also indicated its availability to continue working with the United Nations system and the High Commissioner for Human Rights. To that end, the Government mentioned it would continue working on a Memorandum of Understanding for a possible return of OHCHR to Nicaragua.³

On 14 March, the European Parliament adopted resolution 2019/2615 (RSP)⁴ condemning the “*generalized repression and restriction of freedom of expression, assembly and demonstration*” by the Government of Nicaragua, and the persecution, arrest and intimidation of people cooperating with the United Nations and other international bodies. The resolution calls on the Government to implement three urgent measures as a sign of good will in the context of the ongoing national Dialogue: to release political prisoners, to put an end to all forms of repression, and to restore the legal personality of national human rights organizations and ensure the return of international organizations to the country. The resolution also requests the European External Action Service and the European Union Member States to implement, without harming the population of Nicaragua, a staggered process of targeted and individual sanctions against the Government and the individuals responsible for human rights breaches. The resolution finally urges to suspend Nicaragua from the Association Agreement between the European Union and Central America.

On 21 March, IACHR issued its 2018 Annual Report which,⁵ for the first time in 25 years, includes Nicaragua as a country where the human rights situation has deeply deteriorated and which deserves special attention.⁶

The negotiations between the Government and the Civic Alliance resumed on 27 February, and on 5 March, the parties approved a roadmap of 16 points, including the requirement that all decisions would be adopted by consensus. The parties agreed to invite representatives of the Catholic and Evangelical Churches of Nicaragua, and of the Holy See, as observers of the negotiations.⁷ On 6 March, in her statement to the Human Rights Council on recent human rights developments worldwide,⁸ the High Commissioner for Human Rights stressed that the resumption of the national dialogue in Nicaragua could constitute a significant step to address the grave problems the country is facing, and called on the Government to ensure that the dialogue would be respectful, safe and inclusive of all political actors and civil society groups. On 8 March, the Episcopal Conference of Nicaragua announced its withdrawal as a national observer.⁹ A few days later, the Special Envoy of the General Secretariat of the Organization of American States for Nicaragua and the Apostolic Nuncio were included as international observers. On 20 March, the parties agreed on a list of topics

³ Note on Nicaragua’s position on all points raised in the project of resolution, circulated to all Permanent Missions in Geneva before consideration of the resolution by the Human Rights Council.

⁴ See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2019-0219+0+DOC+XML+V0//EN&language=EN>, last accessed on 2 April 2019.

⁵ See www.oas.org/es/cidh/docs/anual/2018/indice.asp, last accessed on 1 April 2019.

⁶ Nicaragua figures in Chapter IV. B of the IACHR Annual Report 2018. The four criteria to include a Member State of the Organization of America States in this Chapter are established in Article. 59.6 of IACHR Rules of Procedure. See <http://www.oas.org/es/cidh/mandato/Basicos/reglamentoCIDH.asp>

⁷ See <https://www.alianzacivicanicaragua.com/es/aprobacion-de-la-hoja-de-ruta/>, last accessed on 1 April 2019.

⁸ See <http://webtv.un.org/search/annual-report-by-high-commissioner-for-human-rights-20th-meeting-40th-regular-session-human-rights-council-/6010602281001/?term=&lan=english&page=3>, last accessed on 1 April 2019.

⁹ Press Release of the Episcopal Conference of Nicaragua, 4 March 2019. See <http://www.radiocatolica.org/web/index.php/component/k2/item/1942-cen4marzo19>, last accessed on 2 April 2019.



Acuerdo
ACUERDO DE LIBERACIÓN DE PERSONAS PRIVADAS DE LIBERTAD

Acuerdo para la facilitación del proceso de liberación de personas privadas de libertad de conformidad al ordenamiento jurídico del país y las respectivas obligaciones internacionales...



Acuerdo
ACUERDO PARA FORTALECER LOS DERECHOS Y GARANTÍAS CIUDADANAS

Las partes conscientes que, dentro del Estado Democrático y Social de Derecho, tanto Gobernantes como Gobernados estamos sometidos al imperio de la Ley. Las partes...

THE GOVERNMENT AND THE CIVIC ALLIANCE FOR JUSTICE AND DEMOCRACY REACHED TWO AGREEMENTS.
27/03/2019 - 29/03/2019

SOURCE: [HTTPS://WWW.ALIANZACIVICNICARAGUA.COM/ES/](https://www.alianzacivicnicaragua.com/es/)

On 29 March, the negotiating parties adopted a second agreement, on the strengthening of citizens' rights and safeguards.¹² The Government pledged, *inter alia*, to respect due process guarantees, not to carry out arrests or searches without complying with legal requirements, and to disarm individuals and groups carrying weapons without proper authorization. It also committed to respecting the right to peaceful assembly, in accordance with the legal requirements, without subjecting it to prior authorization, and to freedom of expression, without restrictions.

Repression of peaceful protests Between 16 and 30 March, peaceful demonstrations demanding “the unconditional release of all political prisoners” were held in different parts of the country but were repressed by police. OHCHR received reports indicating that during that period, at least 10 people were injured, including three by gunshot, and that more than 170 protesters were arrested (114 according to press statements by the police) and all released within 24 hours.

On 13 and 14 March,¹³ the Blue and White National Unity (UNAB by its Spanish acronym) called for a demonstration that was scheduled to take place on 16 March, in Managua. The organizers decided not to request authorization from the National Police, reportedly because prior requests

for the negotiation agenda.¹⁰ This included strengthening democracy; reinforcing citizens' rights and safeguards; releasing, within a maximum period of 90 days, all individuals detained in the context of the events that occurred since 18 April 2018; and efforts to obtain international support for the implementation of the agreements.

On 27 March, the negotiating parties reached a first agreement, on the release of persons deprived of their liberty for their participation in the 2018 protests.¹¹ The parties invited the International Committee of the Red Cross (ICRC) to participate as a neutral intermediary in the facilitation and follow up on the release of persons detained and imprisoned.

¹⁰ See <https://www.tercerainformacion.es/articulo/internacional/2019/03/21/nicaragua-comunicado-de-prensa-no-7-y-agenda-de-la-negociacion>, last accessed on 2 April 2019.

¹¹ See <https://www.alianzacivicnicaragua.com/es/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/>, last accessed on 2 April 2019.

¹² See <https://www.alianzacivicnicaragua.com/es/acuerdo-para-fortalecer-los-derechos-y-garantias-ciudadanas/>, last accessed on 2 April 2019.

¹³ Position of the Blue and White National Unity on the resumption of the negotiations announced in UNAB press release No. 6. Managua, 13 March 2019, see <https://www.facebook.com/UnidadNic/photos/a.2156977591182974/2229474697266596/?type=3&theater> See also press conference, on 13 March 2019, at <https://www.facebook.com/UnidadNic/videos/396635457805833/>, last accessed on 2 April 2019.

had been systematically rejected.¹⁴ On 15 March, referring to the call for a demonstration made by UNAB, the National Police, announced it would not authorize “any activity that brings unrest to Nicaraguan families”, qualifying such initiatives as constituting “a continuation of (...) terrorism and coup d'Etat-related crimes”.¹⁵ On that day, in response to the ban, UNAB sent letters to the Civic Alliance,¹⁶ the Special Envoy of the General Secretariat of the Organization of American States, and the Apostolic Nuncio, requesting them to remind the Government that the right to freedom of peaceful assembly should be respected.

Different sources reported to OHCHR that on 16 March, a high number of riot police were deployed in Managua. OHCHR received information about several incidents. For example, in the afternoon, a group of approximately five police officers reportedly arrested a woman waving a Nicaraguan flag. Another group of 8 to 10 riot police officers reportedly assaulted a journalist who was filming the incident, threw his camera on the floor and took it away. Half an hour later, OHCHR was informed that the police began a massive operation to disperse demonstrations in different parts of the capital, particularly in the surrounding areas of the Central America roundabout, the Metrocentro shopping centre, the UNO gas station and the LAFISE bank, where demonstrators and journalists had sought protection, after being surrounded by the police.



DEMONSTRATION IN MANAGUA.
30/03/2019

The police reportedly displayed excessive use of force in the arrest of dozens of individuals, and used tear gas and non-lethal ammunition to repress the demonstration. The repression lasted about three hours, during which approximately 164 individuals, according to various sources,¹⁷ were arrested and transferred to police stations and to the *Dirección de Auxilio Judicial*. Six persons were reportedly wounded by pellets or rubber bullets. Following the intervention of the Apostolic Nuncio, the National Police reported that it had captured 107 people for having disrupted public order and announced it would release them on the same day.¹⁸ The detainees were released at around 10h pm. After their release, some claimed to have been beaten at the time of their arrest and in the detention centres to which they were transferred.

Some of the persons arrested on 16 March were journalists and members of UNAB and the Civic Alliance, including two members of the delegation negotiating with the Government. While most of

¹⁴ See past OHCHR Monthly Bulletins No. 4 and No. 5 available at <http://www.oacnudh.org/nicaragua/>, last accessed on 5 April 2019.

¹⁵ See National Police, Public Relations. Press Release 07-2019 of 15 March 2019, <https://www.policia.gob.ni/?p=30227>, last accessed on 2 April 2019.

¹⁶ See <https://www.facebook.com/UnidadNic/photos/a.217704333110300/2230303780517021/?type=3&theater>, last accessed on 4 April 2019.

¹⁷ Among others, the Permanent Commission on Human Rights in Nicaragua (CPDH by its Spanish acronym), UNAB and several national and international media outlets.

¹⁸ See National Police, Public Relations. Press Release 08-2019 of 16 March 2019, <https://www.policia.gob.ni/wp-content/uploads/2019/03/Nota-de-Prensa-No-08-2019-Referida-a-Personas-trasladadas-a-la-Direccio%CC%81n-de-Auxilio-Judicial-Nacional.pdf>, last accessed on 2 April 2019.

the arrests occurred in Managua, some were reported in Estelí, León and Matagalpa, where small groups also attempted to stage protests. OHCHR also received allegations that a member of the



DEMONSTRATORS NEUTRALIZING AN ARMED AGGRESSOR OUTSIDE THE METROCENTRO SHOPPING CENTRE
30/03/2019

Political Council of UNAB, Mr. George Henríquez,¹⁹ and his partner, were subjected to harassment and violence by approximately 40 riot police officers, a few hours after he reportedly attempted to participate in a gathering in Bluefields, South Caribbean Coast Autonomous Region.²⁰

On 22 March, UNAB called for a demonstration to be held on 23 March.²¹ On 23 March, the National Police stated that *"it would not allow any activity that disturbs public order, threatens or attempts against the constitutional right to work, free mobilization, physical integrity of persons, families and public and private property."*²² During the demonstration that

took place in Managua and other parts of the country, some protesters organized picket lines, honked their car horns, threw blue and white balloons, sang the national anthem and waved Nicaraguan flags. No major incidents were reported on that date.

On 29 March, UNAB called for a national sit-in on 30 March. In the afternoon of 30 March, a group of people demonstrating in and around the Metrocentro shopping centre in Managua was attacked by a man with a firearm. Three men were reportedly injured by gunshots. Some of the demonstrators neutralized the aggressor, took his arm and beat him. They allegedly took his identification card indicating membership to the ruling party.

In the evening, when reporting about the incident, the National Police stated that violent groups of demonstrators had harassed and assaulted women and children in the Metrocentro shopping centre. They indicated that a 70-year-old man had been physically and verbally assaulted by a group of around 40 people (in reference to the person the demonstrators neutralized). The National Police reported that when the individual was assaulted, shots were fired, which wounded three persons who were then transferred to hospitals.²³ The statements by the National Police differ from

¹⁹ Mr. Henríquez is also a human rights activist, advocating for the rights of indigenous peoples and afro-descendants.

²⁰ According to the information collected by OHCHR, he and his partner had reportedly been victims of harassment and threats by alleged supporters of the Government and, of attempts to discredit them on social media.

²¹ Press Release N° 23: Press Release of the Blue and White National Unity, 22 March 2019, see <https://www.facebook.com/UnidadNic/photos/pcb.2234230320124367/2234230283457704/?type=3&theater>, last accessed on 2 April 2019.

²² See National Police, Public Relations. Press Release 09-2019 of 23 March 2019, <https://www.policia.gob.ni/wp-content/uploads/2019/03/Nota-de-Prensa-No-09-2019-referida-a-actividades-no-autorizadas-que-atentan-contra-la-tranquilidad-y-seguridad-ciudadana.pdf>, last accessed on 2 April 2019.

²³ See National Police, Public Relations. Press Release 10-2019 of 30 March 2019, <https://www.policia.gob.ni/wp-content/uploads/2019/03/Nota-de-Prensa-No.-10-2019-referida-a-3-personas-lesionadas-con-arma-de-fuego-en-parqueo-del-Centro-Comercial-Metrocentro-1.pdf>, last accessed on 2 April 2019.

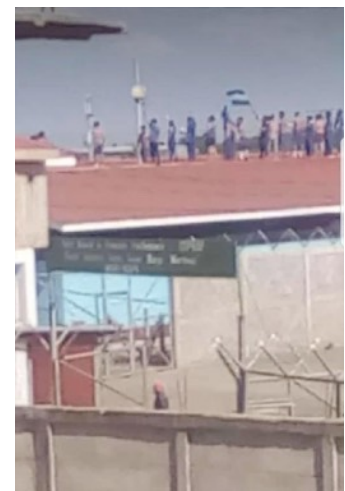
the images taken of the incident,²⁴ which show an individual shooting towards demonstrators before some managed to neutralize him.²⁵ Other images show some people beating the aggressor.

In a second press release issued the same day, the National Police reported that seven persons were detained in Managua for “*being part of violent groups*” .²⁶ OHCHR was also informed about the arrest of four individuals in León and Estelí on that day. All arrested persons were released on the same day.

Situation of individuals deprived of their liberty in relation to the protests In March, a number of persons deprived of their liberty in the context of the 2018 protests staged two demonstrations at *La Modelo* male prison to denounce their arbitrary detention and imprisonment, as well as the severe conditions of detention they faced in comparison with other inmates. They allegedly enjoy very limited access to open air activities and are kept in their cells for longer periods than other inmates.

According to information received by OHCHR, on 5 and 23 March, dozens of prisoners in *La Modelo* climbed onto the roof of pavilion No. 16, waving national flags and shouting slogans. On the first occasion, the National Police reportedly resorted to excessive use of force to quell the movement. IACHR²⁷ reported that the riot police had raided the cells “*attacking inmates with sticks and blows, use of tear gas and trained dogs*”. This incident followed a pattern documented by IACHR on at least five occasions since the beginning of 2019.

The release of all persons deprived of their liberty and prosecuted or convicted for their participation in the 2018 protests remained a priority on the negotiation agenda between the Government and the Civic Alliance. On 15 March, the Government released 42 men and eight women, and put them under house arrest. As on the occasion of the release of 100 people in February,²⁸ the Ministry of Interior publicly revealed the domicile of the persons released, exposing them to risks of reprisals, especially by pro-government armed elements. One of the women released on 15 March addressed a communication to the High Commissioner for Human Rights, which was published in the national media,²⁹ alleging that, at least six women and one transgender woman had been continuously harassed, abused and humiliated by prison staff.



**INMATES PROTEST AT LA
MODELO PRISON**
05/03/2019

²⁴ See <https://www.youtube.com/watch?v=TPM3H414jCM>, last accessed on 5 April 2019

²⁵ See <https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fyoutu.be%2FjZoFhXNjiJs&data=02%7C01%7C%7C87c2da098f034da7b60208d6bae2b082%7C84df9e7fe9f640afb435aaaaaaaaaaaaa%7C1%7C0%7C636901880110277067&data=%2F2USahtpawcJBYT2NwWqJ8dtjRvL1eLG%2Bh4cMJLsoc%3D&reserved=0>, last accessed on 6 April 2019

²⁶ National Police, Public Relations. Press Release 11-2019 of 30 March 2019, see <https://www.policia.gob.ni/?p=30740>, last accessed on 2 April 2019.

²⁷ See <https://twitter.com/cidh/status/1104437419494047744?s=12>, last accessed on 2 April 2019.

²⁸ Available at <http://www.oacnudh.org/wp-content/uploads/2019/03/Nicaragua-Monthly-Bulletin-February2019Annex.pdf>, last accessed on 5 April 2019.

²⁹ See <https://confidencial.com.ni/denuncian-tortura-de-presas-politicas-ante-bachelet/>, last accessed on 2 April 2019.



On 28 February, the National Human Rights Institution (PDDH by its Spanish acronym) shared with OHCHR two reports containing information on the situation of persons deprived of liberty. According to the reports, PDDH conducted visits to prisons from 19 April to 17 August 2018, and scheduled regular visits for 2019. However, the reports do not specify the dates of visits, their frequency, or the detention centres and prisons visited. According to its report, PDDH – which is also the national preventive mechanism for the prevention of torture –,³⁰ has not recorded any violation of rights of inmates since April 2018. PDDH reportedly verified that prison authorities guaranteed health care, adequate food, and protection against discrimination, including based on sexual orientation, among other rights. The report mentions that until "*the last visit*" of PDDH (date not specified), 316 men and 24 women were detained at the National Penitentiary System for reasons related to the 2018 events. Of these, 265 had been charged and 75 had been convicted.

Official figures of persons deprived of liberty in the context of the protests continued to differ from those recorded by some non-governmental organizations, which constitutes a challenge in the context of the ongoing negotiation for the release of such people. The official numbers disclosed on 26 March by the Truth, Justice and Peace Commission³¹ indicate that 261 persons remained in prison for their involvement in the 2018 protests.³² The Committee for the Liberation of Political Prisoners refers to 802 people (including approximately 150 persons placed under house arrest on 27 February and 15 March 2019), and IACHR refers to 647 people. Apparently, these discrepancies stem from divergent interpretations of the grounds for detention, the lack of precise personal data, and the absence of information on a number of individuals not registered as detainees and whose whereabouts remain unknown.

Conclusions and Recommendations

The agenda approved by consensus between the Government and the Civic Alliance covers fundamental issues and could contribute to overcome the political, social and human rights crisis in Nicaragua. The agreements on the remaining topics should aim at respecting the human rights obligations that Nicaragua is bound to comply with as a party to various international human rights treaties. The Government should also honour the agreements already reached with the Civic Alliance, particularly to strengthen of the protection and exercise of human rights and freedoms (including respect for peaceful assembly). It would also be critical for the rights to justice, truth and reparation to be placed on the agenda of the negotiations. A peaceful solution to the crisis, and the reconciliation of the Nicaraguan society, requires ensuring accountability for perpetrators of human rights violations and abuses

³⁰ Within the framework of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Nicaragua in 2009.

³¹ The Truth, Justice and Peace Commission was established by the National Assembly on 27 April 2018. Its mandate is to investigate, analyze and clarify the events that have occurred since 19 April 2018.

³² According to the Truth, Justice and Peace Commission, of the list provided by IACHR, 152 individuals had been released, 61 were not involved in the protests, 54 had not enough information to be verified, seven had been registered twice and 112 were not found in any detention centre. See https://www.cvjp.org.ni/home/press_release, last accessed on 2 April 2019.