



Executive summary

On 19 June, the Human Rights Council approved a new resolution on the protection and promotion of human rights in Nicaragua



Photo: 44th session of the Human Rights Council. Geneva 30 June-14 July 2020.

Between June and July, no progress was noted on existing concerns related to the human rights situation, amid continuing reports of threats against persons perceived as opponents to the Government, as well as of violations to the right to life, among others. There were no emerging signs signaling the willingness of State authorities to ease the tensions prompted by the 2018 socio-political crisis nor for implementing the recommendations made by the UN High Commissioner for Human Rights in her 2019 report and oral updates before the Human Rights Council. The State response to COVID-19 continued to need greater transparency, with limited access to information and efforts for dissemination. The international community continued to monitor the situation in Nicaragua, including through the mechanisms of the Human Rights Council.



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International response to the socio-political crisis

On 19 June, the Human Rights Council approved a new resolution on Nicaragua, (1) expressing concern at the persisting restrictions on civic space and the repression of dissent, and urging the Government to respect fundamental freedoms, as well as to take effective measures to guarantee the independence and impartiality of the judicial system.

The United Nations High Commissioner for Human Rights presented an oral update on the human rights situation in Nicaragua on 2 July, as mandated by the Human Rights Council. She insisted on the persistence of human rights violations by police or pro-government elements against persons perceived as opponents, as well as the stronger restrictions on the civic and democratic space in the context of the COVID-19 pandemic.



“The Covid-19 pandemic, has prompted further restrictions on civic and democratic space (in Nicaragua)”.

Michelle Bachelet
United Nations High Commissioner
for Human Rights

She expressed concern that after two years, there are still no investigations or criminal proceedings initiated to identify, prosecute and punish those responsible for serious human rights violations, prevented by the Amnesty Law. (2)

On 24 June and 17 July, the Swiss Federal Council (3) and the United States Department of the Treasury's Office of Foreign Assets Control (OFAC) (4) respectively imposed financial sanctions on individuals allegedly responsible of committing human rights violations or of conducting transactions involving “deceptive practices or corruption”. The US measure targeted, among others, one of President Ortega's sons and two companies reportedly connected to the Government.

Right to life

Reports of violence against women have increased during the pandemic. According to civil society organizations, since the beginning of 2020, there were 42 femicides committed and 55 attempts documented, compared with 40 femicides committed and 39 attempts documented during the same period in 2019.

On 19 July, alleged supporters of the ruling party shot Jorge Rugama Rizo in the neck in La Trinidad, department of Estelí, reportedly for having shouted “Viva Nicaragua Libre” (“Long Live Free Nicaragua”). The incident happened during the celebrations of the 41st anniversary of the Nicaraguan Revolution. The alleged perpetrator, Abner Onell Pineda Castellón, has been held in police custody since shortly after the event.(5)

This incident exemplifies that the recommendation made by the High Commissioner in her 2019 report

on the dismantling and disarmament of pro-Government armed elements (6) remains relevant, and outstanding. The next day, during the victim's funeral, the house of one of the victim's relative located in the same neighborhood was allegedly set on fire by unidentified individuals.

As in previous months, indigenous peoples continued facing threats in their territories, with no particular protection measures put in place by public institutions. OHCHR was informed that on 10 July, an indigenous Mayangna man was killed and another man injured by gunshot in the Sauni Bu Amak territory, inside the Bosawas Reserve Biosphere.

1 A/HRC/43/2. The Council requested the High Commissioner to present a comprehensive written report during the Human Rights Council's 46th session and two oral updates at its 44th and 45th sessions.

2 See: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26027&LangID=S>, last accessed on 26 July 2020.

3 See: <https://www.admin.ch/gov/en/start/documentation/media-releases/media-releases-federal-council.msg-id-79575.html>, last accessed on 26 July 2020.

4 See: <https://home.treasury.gov/news/press-releases/sm1062>, last accessed on 11 August.

5 See: <https://www.youtube.com/watch?v=ERt4Z95O8xY>, last accessed on 26 July 2020.

6 See: A/HRC/42/18, para. 65 (d) (iv)

Persecution against dissenting voices

OHCHR continued to observe the restriction of the civic and democratic space in Nicaragua, exacerbated by the health crisis caused by COVID-19, in which freedoms of opinion, expression and association continued to be particularly affected.

OHCHR documented that two women human rights defenders, six male students who participated in the 2018 protests and a male journalist in exile, received threats, including death threats, or were victims of smear campaigns on social media. In some cases, the threats also targeted family members. In addition, Radio Darío in León was reportedly the object of intimidation by the National Police and unknown individuals reportedly damaged the transmission antenna of Radio Corporación in Managua. Since 2018, OHCHR has documented multiple acts of intimidation targeting Radio Darío in particular, in a wider context of attacks against independent media. The offices of three media outlets remain closed since 2018.

As in 2018, health workers who dissent from the Government remain at risk of being dismissed. The Office received information that 16 doctors, half of them women, working in the public health sector were fired between 4 and 10 June for criticizing the State response to COVID-19. They were dismissed without complying with the applicable legal procedures. This also is likely to have a chilling effect on other health workers to freely express their opinions.

On 25 June, the National Assembly cancelled the legal registration the Asociación de Hermanamiento Municipal (ASODHERMU by its Spanish acronym), a non-profit organisation conducting social activities related to health, education, women's empowerment and environment issues in the municipality of Camoapa since the 1990s. A similar pattern was observed from November to December 2018, when nine other civil society organisations, including prominent human rights organisations, were also sanctioned.

In this regard, we recall the High Commissioner's recommendation to restore their legal personality.⁽⁷⁾

The Office also continued to document acts of intimidation and attacks against the catholic clergy and parishioners. The most recent case relates to an arson attack allegedly perpetrated by an unknown individual, which seriously damaged one sector of the Metropolitan Cathedral in Managua on 31 July. OHCHR urged authorities to conduct an exhaustive investigation in the attack. ⁽⁸⁾ Four days later, the National Police held a press briefing in which they excluded the occurrence of any criminal act, rather attributing the fire to alcohol vapors combined with high temperatures. ⁽⁹⁾ This version was questioned by various clergy members and civil society organizations. ⁽¹⁰⁾

OHCHR notes with concern that in none the above mentioned cases, those responsible have been brought to justice. State authorities have not either publicly condemned the alleged human rights violations. Moreover, based on information available to OHCHR, no disciplinary or criminal investigation has been opened against State agents or private individuals who acted with the complicity, tolerance or acquiescence of State agents for serious human rights violations committed since April 2018. ⁽¹¹⁾



42 interviews with victims and witnesses:



23 men



19 women



8 male doctors and **8** female doctors dismissed



2 radio outlets targeted with acts of intimidation



1 NGO's legal registration cancelled

⁷ See: A/HRC/42/18, para. 65.

⁸ See: <https://twitter.com/oacnudh/status/1289574031159488514?s=12>, last accessed on 4 August 2020.

⁹ See: <https://www.el19digital.com/articulos/ver/titulo:105922-esclarecimiento-de-incendio-en-capilla-de-la-sangre-de-cristo-catedral-de-managua-presentacion> last accessed on 5 August 2020.

¹⁰ <https://www.cen-nicaragua.org/noticias.php?recordID=641> and <https://www.cenidh.org/recursos/94/>, last accessed on 4 August 2020.

¹¹ On 27 January 2020, in response to the communication ADM-NIC-01-2020 sent by OHCHR, the Government informed that "pursuant the amnesty law, all investigations and criminal trials related to the events occurred in the context of April 2018 were closed".

Situation of persons deprived of their liberty in the context of the socio-political crisis



Photo: Artículo 66 Police patrols deployed outside of a hotel, during a political meeting. Managua 25 June 2020.

Civil society organizations recently published a report indicating that there are currently 89 “political prisoners” held in detention. (12) Since May, 13 individuals were detained, and ten others were released. The majority of those who remain in detention have been charged or convicted for common crimes, such as drug trafficking or illicit manufacture, trafficking, possession and use of weapons and explosives. The Government denies any political motive, arguing these pretensions are falsely raised in order to be exonerated. Yet credible reports point to the violation of due process guarantees in these cases, they all took part in the protests, and were perceived as opponents to the Government.

On 20 July, the Working Group on Arbitrary Detention released opinions adopted on the cases of Miguel Mora and Lucía Pineda, both journalists of “100% Noticias”, and of the 16 individuals detained for bringing water and medicine to prisoners' relatives who were on hunger strike inside the San Miguel church, in Masaya, in November 2019. (13) In both cases, the Working Group concluded that these persons were subjected to arbitrary detention and that their rights to liberty, freedom of expression and guarantees of due process had been violated. (14) These opinions coincide with the patterns of arbitrary and unlawful detentions described in the 2019 report of the UN High Commissioner for Human Rights. (15)

Measures adopted to tackle the COVID-19 pandemic and access to information

On 28 of July, the Ministry of Health informed that as of the beginning of the pandemic, it provided health care to 3,080 individuals, of whom 2,720 have recovered. (16) In this regard, OHCHR continued to note a need for greater transparency and clarity regarding the State response to COVID-19, including the sharing of information about the number of cases, deaths, (17) and tests undertaken, as well as the transmission patterns of the virus throughout the country. This was also noted by PAHO. (18)

The Government's stance continued to prompt criticism by some sectors of civil society, including health workers. (19) On 2 July, they released a third public statement, this time without signatures for fear of reprisals.

In this context, OHCHR is especially concerned about the lack of disaggregated data regarding infections among indigenous peoples and Afro descendants, as well as of information about specific measures implemented to protect vulnerable groups from the COVID-19 pandemic.

¹² See: <https://presasypresospoliticosnicaragua.org/wp-content/uploads/2020/08/Personas-Presas-Politic-Nicaragua-Agosto-2020.pdf>, last accessed on 8 August 2020.

¹³ See monthly bulletin n° 13, October-November 2019, available at: <http://www.oacnudh.org/wp-content/uploads/2019/10/nicaragua-monthly-bulletin-n13-octubre-noviembre-2019.pdf>

¹⁴ See: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_17_Advance_Edited_Version.pdf and https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_21_Advance_Edited_Version.pdf, last accessed on 26 July 2020.

¹⁵ See: A/HRC/42/18, para. 63.

¹⁶ See <https://www.el19digital.com/coronavirus/articulo/titulo:105718-situacion-del-coronavirus-en-nicaragua-hasta-el-28-de-julio>, last accessed on 7 August 2020.

¹⁷ As of 28 July, the Government reported 3,672 confirmed cases of COVID-19 and 116 deaths. However, as of 29 July, the Citizen's Observatory reported a total of 9,044 suspected cases of COVID-19 and 2,537 deaths of people from pneumonia or COVID-19.

¹⁸ See: <https://www.youtube.com/watch?v=db2YYDrpMU8> (min 29:30), last accessed on 5 August 2020.

¹⁹ See, <https://100noticias.com.ni/nacionales/101793-medicos-advierten-que-curva-del-covid-19-va-en-asc/>, last accessed on 5 August 2020.

Socio-economic impact of the COVID-19 pandemic on migrants

The negative impacts of the pandemic on the economies of Central American countries continued to foster Nicaraguan migrant workers and asylum seekers to return to their home country.

According to the Ministry of the Interior, between 7 and 31 July, 1,490 Nicaraguan migrants (871 men and 619 women) had returned to Nicaragua, mostly from Panama. (20) Nevertheless, between the end of June and July, some 1,300 Nicaraguan migrants had been blocked at the borders of Panama, Costa Rica and Guatemala for periods that ranged from 10 to 30 days, while waiting for the authorization of the Government to return to their country of origin. Nicaraguan authorities requested a mandatory recent negative COVID-19 test to grant a return, yet the majority of the migrants could not afford it, including approximately 500 Nicaraguans in Peñas Blancas. This situation forced hundreds of migrants, including women, children and older persons, to remain at the border in very precarious conditions without shelters,

sanitation and with limited water and food, in spite of humanitarian assistance and healthcare mostly provided by NGOs.

Various individuals, including some who had tested positive to COVID-19, reportedly crossed the border through irregular crossings due to the delays imposed.

While implementing border controls and stricter border measures in the context of COVID-19, States must fulfill their international obligations by guaranteeing the human rights of people. (21) Under international law, everyone has the right to return to their home country – even during a pandemic – and States should ensure the safe, dignified and voluntary return and sustainable reintegration of their nationals, the High Commissioner said in April. (22)



Photo: Colectivo Nuca Más
Nicaraguans waiting for the authorization to return to their home country. Peñas Blancas, 28 July 2020.

Conclusions and recommendations

Over the reporting period, OHCHR continued to document the persistence of attacks, threats, arbitrary detentions, harassment and intimidation targeting people perceived as opponents to the Government, including the Catholic Church. The pandemic has also continued to limit the rights to freedom of opinion and expression. The lack of accountability for the serious human rights violations committed since April 2018 continue to encourage the repetition of those acts.

²⁰ The Ministry of the Interior informed through 15 press statements - See: <https://www.migob.gob.ni/noticias/>, last accessed on 3 August 2020.

²¹ See: <https://twitter.com/oacnudh/status/1287821412124766208?s=12>d on 4 August 2020.

²² See : Bachelet urges Latin American states to allow their nationals to return home <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25795&LangID=E>, on 15 April 2020.

- ▶ To this end, OHCHR recalls the recommendation formulated in the 2019 report of the UN High Commissioner for Human Rights to the Human Rights Council, (23) to establish a comprehensive action plan towards accountability that is inclusive and victim-centered, which would include among others measures, prompt, thorough and transparent criminal investigations and prosecutions into all allegations of human rights violations and abuses that have occurred since 18 April 2018.
- ▶ OHCHR also urges the Nicaraguan authorities to conduct a thorough and transparent investigation into the killing of Jorge Rugama Rizo on 19 July in La Trinidad, as well as into the alleged arson at the Metropolitan Cathedral in Managua.
- ▶ OHCHR reiterates its urgent appeal to the Government to build bridges with civil society, human rights defenders, the private sector and medical associations, among other actors, with a view to ensuring their full participation in every stage of the response to the COVID-19 pandemic and the full enjoyment of the right to health by all.
- ▶ Following the adoption of resolution 43/2 by the Human Rights Council, OHCHR reiterates its willingness to provide technical cooperation to all actors, including the Government of Nicaragua and the National Human Rights Institution (Procuraduría para la Defensa de los Derechos Humanos), with a view to, inter alia, ensure a human rights based approach of the State response to the COVID-19 pandemic.

²³ See: A/HRC/42/18, para. 63.