

MONITORING THE HUMAN RIGHTS SITUATION IN NICARAGUA BULLETIN N. 16 - APRIL- MAY 2020

Introduction This bulletin, which covers the period from 1 April to 31 May 2020, describes an increasing number of reported human rights violations, including those related to the second anniversary of massive protests in Nicaragua, as well as the intensification of adverse impacts on the enjoyment of human rights due to the COVID-19 pandemic.

International response to the socio-political crisis The 43rd session of the Human Rights Council (HRC) was suspended on 13 March due to COVID-19. On 12 March, a group of eight States had tabled a new draft resolution on Nicaragua that will be considered for adoption at the end of the week of 15 June, following the resumption of the 43rd HRC session.

During the reporting period, various States have enforced new financial sanctions against individuals allegedly responsible for serious human rights violations in Nicaragua. On 4 and 5 May, respectively, the European Union (EU) Council¹ and the United Kingdom² imposed sanctions on six Nicaraguan senior officials, including four police chiefs, a former Minister of Health and a leading Government advisor.³ All of these individuals had also previously been sanctioned by both the United States of America and Canada between July 2018 and March 2020. On 22 May, the United States Department of the Treasury's Office of Foreign Assets Control (OFAC) imposed financial sanctions on Ivan Adolfo Acosta Montalvan, Minister of Finance and Public Credit, and Julio Cesar Aviles Castillo, Commander-in-Chief of the Nicaraguan Army.



Photo: CPDH *Police patrol outside of the premises of the Permanent Commission on Human Rights. Managua 20 May 2020.*

Persecution against Government opponents Due to COVID-19, several sectors of the political opposition decided to only convene virtual events for the second anniversary of the massive

¹ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:139:FULL&from=EN>, last accessed on 22 May 2020.

² See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/883241/Nicaragua.pdf, last accessed on 22 May 2020.

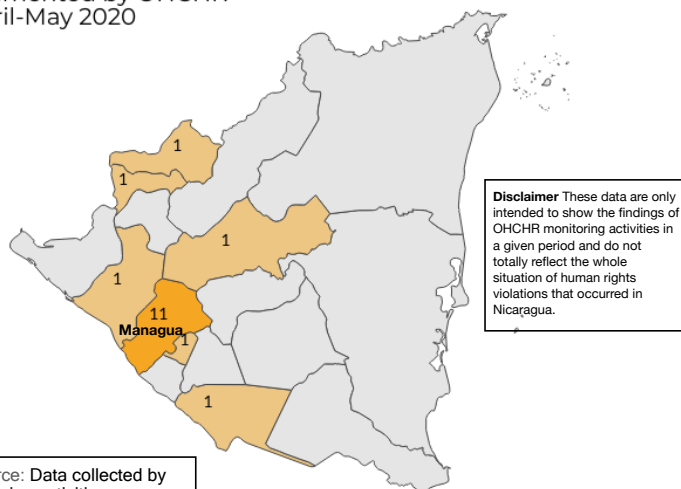
³ Police chiefs Francisco Díaz, Ramón Avellán, Luis Pérez and Justo Pastor Urbina; the former Minister of Health Sonia Castro, and the Advisor to the President Nestor Moncada Lau.

protests that erupted in Nicaragua in April 2018 and during the Mothers' day march on 30 May 2018. Nevertheless, OHCHR received information about some protests ("piquetes express") staged by small groups in the cities of Estelí, Matagalpa and Rivas.

During the period covered by this bulletin, OHCHR documented 17 cases of alleged human rights violations, including through interviews with 32 victims and witnesses (19 men and 13 women). Moreover, from 15 to 20 April, civil society organizations reported at least 11 house raids without warrant and 39 arbitrary arrests and detentions, as well as more than 100 threats and acts of harassment and intimidation, carried out either by police officers or pro-Government elements against people perceived as opponents. Most of those who were arbitrarily detained were released

within 24 hours. Such incidents occurred in Managua and throughout the country, including the Departments of Madriz, Nueva Segovia, Masaya, Río San Juan, Chontales, Matagalpa, Jinotega, Granada, Estelí, Boaco, Carazo, León and the South Caribbean Coast Autonomous Region. This represents an overall increase of alleged human rights violations compared with the period covered by the previous bulletin.⁴

Cases documented by OHCHR
April-May 2020



Disclaimer These data are only intended to show the findings of OHCHR monitoring activities in a given period and do not totally reflect the whole situation of human rights violations that occurred in Nicaragua.

Creation Date: 31 May 2020. Source: Data collected by OHCHR through its remote monitoring activities

The most violent incidents took place on 19 and 20 April in the community of Esquipulas, municipality of Moyogalpa, on the island of Ometepe. According to the information available to OHCHR, the incidents reportedly occurred after the police committed use of force violations and arbitrarily arrested three individuals. Various residents of Esquipulas reportedly reacted against the alleged abuses, clashed with the police and took a police officer hostage during few hours, while demanding the release of those arrested. However, in a press statement issued immediately after the event, the National Police⁵ indicated that on 19 April, at approximately 11p.m., a group of individuals attacked a police patrol, leaving three police officers injured, and that five of the alleged perpetrators had been detained.

⁴ See: <http://www.oacnudh.org/nicaragua/>, last accessed on 4 June 2020.

⁵ See: <https://www.policia.gob.ni/?p=49095>, last accessed on 2 June 2020.

Between 19 and 21 April, the police arrested five men and three women, including a transgender person. At the time of drafting this bulletin, seven of them⁶ remained deprived of their liberty and charged with attempted homicide, kidnapping, grievous bodily harm, aggravated damage and obstruction of the functions of legally constituted institutions.

In response to OHCHR's request for additional information, on 20 May the Ministry of Foreign Affairs reported that eight police officers had been injured, as well as two residents of the Esquipulas community, who had both been detained, and one of whom had suffered a gunshot wound. OHCHR also received accounts that two other detainees had been beaten while in custody at the Moyogalpa police station. According to the information provided by the Ministry of Foreign Affairs, they had not had a medical examination.

Preventive measures adopted to tackle the COVID-19 pandemic and access to information

OHCHR noted with concern the lack of transparency by the Government when publicly sharing official information about the State response to COVID-19, including on the number of cases, deaths and the tests undertaken, as well as the transmission patterns of the virus in the country. The authorities have been using unclear language when referring to cases, including vague terminology such as “responsible and careful monitoring” of people and stressing that the death of some people who were “being monitored” occurred due to underlying health conditions – e.g. diabetes, high blood pressure, heart disease or atypical pneumonia, among others. OHCHR is also concerned about the frequency in which the information is provided. Since 5 May, the Ministry of Health only reports on the situation of the pandemic once a week, during a brief press conference.

OHCHR noted that the data shared by the Government related to confirmed COVID-19 cases differs from the information regarding cases of people with symptoms compatible with COVID-19 collected by the Citizen's Observatory, a group formed by different civil society experts. As of 26 May, the Government reported 759 confirmed cases of COVID-19, and 35 deaths.⁷ As of 27 May, the Citizen's Observatory counted a total of 3,725 suspected cases of COVID-19 (including the 759 cases reported by the Government) and 805 deaths of people from pneumonia or suspected

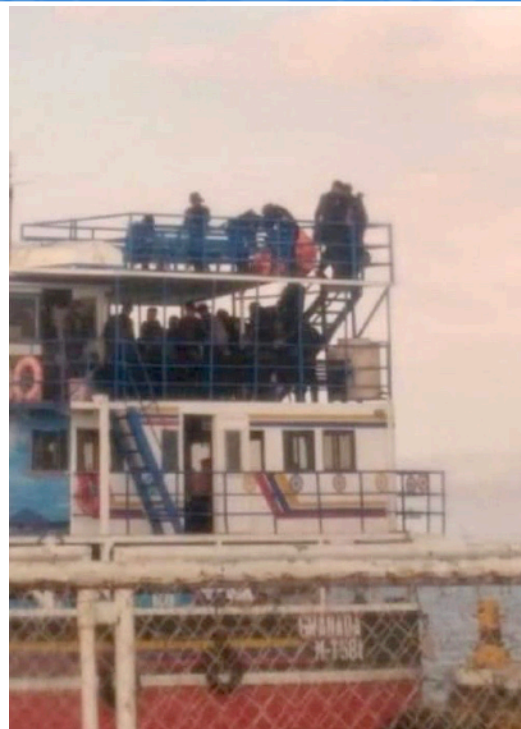


Photo: Yonarki Martinez *Mobilization of police anti riot units to the Island of Ometepe. Department of Rivas, 20 April 2020.*

⁶ A pregnant woman was released.

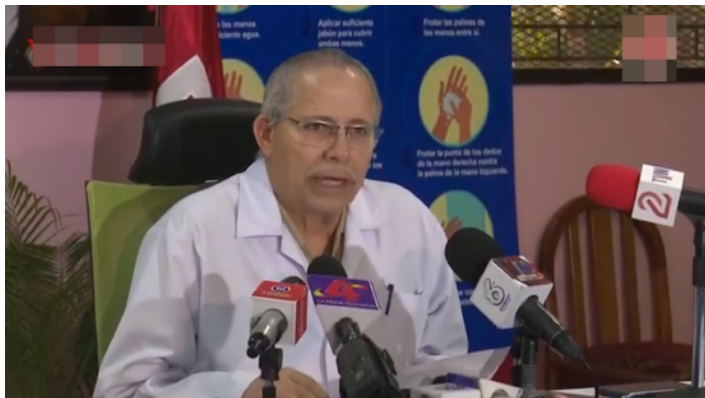
⁷ See: <https://www.el19digital.com/articulos/ver/titulo:103741-nicaragua-conozca-en-detalle-el-ultimo-informe-de-covid-19->, last accessed on 28 May 2020.

COVID-19, indicating that the cities of Managua, Masaya, Matagalpa and Chinandega were the most affected by the pandemic.⁸

On 25 May, the Government released the “White Book”, a report on COVID-19 and the strategy undertaken by the Government to tackle the pandemic. In this report, the authorities explain that Nicaragua’s health model implies “a strategy of balance between the [p]andemic and the [e]conomy, fighting vigorously against [...] COVID-19 without closing our economy”. It also flags that more than 90,000 volunteers carried out 4.6 million home visits to promote healthcare, 19 hospitals had been designated for care of COVID-19 patients, and disinfection programs were regularly implemented on public transit, and in marketplaces and public buildings, among other measures.⁹

However, the Government stance prompted criticism, which was also fueled by the lack of trust in official statistics on COVID-19 cases. On 30 April, 543 health workers warned about the lack of

measures undertaken by the Government in a written statement and urged national authorities to “immediately implement social distancing measures and restriction of massive meetings”.¹⁰ On 18 May, a second statement was endorsed by 716 health workers.¹¹ Similarly, on 11 May, five former Ministers of Health of Nicaragua raised similar concerns, noting that the lack of strong actions will have a negative impact across Central America.¹² At publication of this bulletin, 34 of 36 medical associations operating in the country have called on the population to undertake a “voluntary quarantine” in light of the spread of COVID-19.¹³



Delegate of the Ministry of Health held a brief press conference on the COVID-19 situation in the country. Managua, 22 April 2020.

⁸ See: <https://observatorioni.org/wp-content/uploads/2020/05/21-al-27-mayo-OCC-19-Semanal.pdf>, last accessed on 2 June 2020.

⁹ See: <https://www.el19digital.com/articulos/ver/titulo:103696-al-pueblo-de-nicaragua-y-al-mundo-informe-sobre-el-covid-19-y-una-estrategia-singular-libro-blanco>, last accessed on 25 May 2020.

¹⁰ See: <https://confidencial.com.ni/wp-content/uploads/2020/05/Pronunciamiento-de-profesionales-de-la-salud-30-abril-firmado-543.pdf>, last accessed on 29 May 2020.

¹¹ See: <https://www.laprensa.com.ni/2020/05/28/politica/2679042-mas-de-700-profesionales-de-la-salud-respaldan-pronunciamiento-denunciando-amenazas-a-medicos-y-estudiantes-de-medicina>, last accessed on 29 May 2020.

¹² See: https://www.abc.es/internacional/abci-ministros-salud-denuncian-manipulacion-cifra-muertos-covid--19-nicaragua-202005111758_noticia.html?ref=https%3A%2F%2Fwww.google.com%2F, last accessed on 29 May 2020.

¹³ See: <https://confidencial.com.ni/asociaciones-medicas-de-nicaragua-urgen-cuarentena-voluntaria-ante-contagio-masivo-de-covid-19/>, last accessed on 2 June 2020.

Since early May, OHCHR has received alarming reports that vehicles have been allegedly transporting bodies of those deceased who had had symptoms compatible with COVID-19 in the middle of the night and/or for “express burials”.

On 24 May, the Pan American Health Organization (PAHO) listed Nicaragua as one of the countries where there was “community transmission”.¹⁴ During a press conference held on 26 May, PAHO indicated that it had requested the Ministry of Health to provide “detailed information on all the variables needed to make an adequate analysis of the pandemic”, but that the information received was insufficient.¹⁵

According to international human rights standards, relevant information on the COVID-19 pandemic and response should reach all people, without exception. States should ensure that statements by senior members of the government, concerning COVID-19 are transparent and imparted in a timely way and that accurate and verified information on the pandemic is disseminated regularly, with robust public messaging against COVID-19 related hate speech, disinformation, misinformation, and conspiracy theories.¹⁶ Likewise, international experts stress that it is essential that governments robustly implement their freedom of information laws to ensure that all individuals, especially journalists, have access to information.¹⁷

In April, OHCHR was informed that a group of 160 Nicaraguan citizens could not return to their country from the Cayman Islands allegedly due to the closure of the international airport in Managua. Similarly, another group of about 50 Nicaraguan citizens travelling from El Salvador was prevented from entering Nicaragua, and were in precarious conditions on the Guasaule bridge, on the border between Honduras and Nicaragua. According to unofficial sources, the latter group eventually managed to cross the border. OHCHR sent a letter to the Government requesting information on these cases, which remained unanswered at the time of drafting. The High Commissioner has stressed that “[u]nder international law, everyone has the right to return to their home country – even during a pandemic,” and that “Governments have an obligation to receive their own nationals, and to ensure that they have access to health care and other rights.”¹⁸

Rights to freedom of opinion and expression During April and May 2020, OHCHR documented six cases of acts of intimidation, threats and smear campaigns against journalists or media

¹⁴ See: <https://ais.paho.org/phis/viz/COVID19Table.asp>, last accessed on 25 May 2020.

¹⁵ See: <https://www.youtube.com/watch?v=kljkpiKx2IE> min. 27”, last accessed on 2 June 2020.

¹⁶ OHCHR’s COVID-19 Guidance, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx> and United Nations Guidance Note on Addressing and Countering COVID-19 related Hate Speech, available at: <https://www.ohchr.org/Documents/Issues/HateSpeech/UNGuidanceHate.pdf>.

¹⁷ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>, last accessed on 2 June 2020.

¹⁸ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25795&LangID=E>, last accessed on 24 May 2020. Article 12.4 of the International Covenant on Civil and Political Rights states that “no one shall be arbitrarily deprived of the right to enter his own country.”

professionals, who had been covering the COVID-19 pandemic or shared comments on social media. These violations coupled with the lack of reliable information provided by the Government, may obstruct the free flow of information, which is vital in the context of the COVID-19 pandemic.

Between late April and May, OHCHR also registered an increase of stigmatizing and inflammatory speeches delivered at the highest levels of Government. People who spoke out or were considered as opponent to the Government were labelled as “laggards”, “deforming brains”, “ill people”, “mean and perverse”, or who were accused of “slander” and “defamation”, of “[wanting] to cause harm [and] damages” and “playing with the truth”, *inter alia*.¹⁹

In addition, in the “White Book”, the Government accuses “the coup mongering opposition” of “[having] undertaken a massive disinformation campaign”.²⁰ The Government also claimed to defend “the recovery of an economy weakened by the attempted coup d’état of April 2018, which continues to be under attack by fake news and disinformation”.

The COVID-19 pandemic may further exacerbate the restrictions to the enjoyment of fundamental freedoms, including the right to freedom of expression and access to information, in a context in which the population should receive reliable information, in a timely manner, to take appropriate protection measures. It is worrying that authorities continue to use inflammatory speech, particularly as it may put at risk people perceived as opponents of the Government, and may incite members of the population to use discriminatory, hostile or violent language or to act violently against them.

Journalists and the media should be able to report on the pandemic, including coverage that is critical of government responses, without fear of censorship, nor face criminal prosecution or harassment. Similarly, medical professionals and relevant experts must be able to speak freely and share information with each other and the public, and people have a right to participate in decision-making that affects their lives.²¹

Situation of people deprived of their liberty in the context of the protests On 8 April²² and 13 May²³, the Ministry of the Interior released two groups of inmates from prisons, under alternative measures to detention (family cohabitation). A total of 4,228 men and 287 women were released. The group released in May also included older persons with chronic diseases. These are positive

¹⁹ See Rosario Murillo’s speeches of 30 April, 5, 7, 11, 13, 14, 15 and 21 May, available at <https://www.el19digital.com/articulos/vertodos?categoria=discursos>, last accessed on 24 May 2020, as well as Juan Carlos Ortega’s statement of 18 May available at <https://www.instagram.com/tv/CAWuK-KBC9X/?igshid=1xlms2dtczouc>, last accessed on 19 May 2020.

²⁰ See: <https://www.el19digital.com/articulos/ver/titulo:103696-al-pueblo-de-nicaragua-y-al-mundo-informe-sobre-el-covid-19-y-una-estrategia-singular-libro-blanco>, last accessed on 25 May 2020.

²¹ OHCHR’s COVID-19 Guidance, available at: www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx, and United Nations Guidance Note on Addressing and Countering COVID-19 related Hate Speech, available at: www.ohchr.org/Documents/Issues/HateSpeech/UNGuidanceHate.pdf.

²² See: <https://www.migob.gob.ni/nota-de-prensa-26/>, last accessed on 24 May 2020.

²³ See: <https://www.migob.gob.ni/2815-personas-otra-vez-con-sus-familias/>, last accessed on 24 May 2020.



Photo: articulo66.com *Relative demands the release of Mauricio Valencia, deprived of his liberty in the context of the protests since July 2019.*

steps taken by the Government under the current circumstances of the COVID-19 pandemic and the general and targeted appeals to Nicaragua to diminish prisons' overcrowding,²⁴ made by the High Commissioner²⁵ and various UN agencies²⁶, and emphasized in OHCHR's official guidance on COVID-19.²⁷

None of the 86 “political prisoners” registered by civil society organizations as of 4 May²⁸, were among the 4,515 detainees that were released. In this regard, we recall the High Commissioner's recommendation in her 2019 report²⁹, to release all persons arbitrarily deprived of their liberty in the context of the protests or for expressing views critical of the Government.

OHCHR is deeply concerned by reports indicating that, as of 31 May, approximately 40 detainees included in the list prepared by organizations of victims' families have presented symptoms compatible with COVID-19 and/or suffer chronic health conditions that enhance the risk of suffering more acute symptoms in case of infection. One detainee was transferred to a hospital in Managua, without notice to his family, who only located him four days later after having search at several hospitals. At the time of drafting this bulletin, he was receiving medical attention. On 6 May, OHCHR sent a communication to the Ministry of Foreign Affairs requesting information on 14 of these cases, at the time of drafting it remained unanswered.

²⁴ According to the Government, based on the information shared with the Office on 3 April 2020, the Nicaraguan prison system can hold 11,781 inmates. However, as of 1 April, there were 18,645.

²⁵ See: Urgent action needed to prevent COVID-19 “rampaging through places of detention” – Bachelet. Available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E, last accessed on 24 May 2020.

²⁶ See: UNODC, WHO, UNAIDS AND OHCHR Joint statement on COVID-19 in prisons and other closed settings JOINT, available at: www.ohchr.org/Documents/Events/COVID-19/20200513_PS_COVID_and_Prisons_EN.pdf, last accessed on 24 May 2020.

²⁷ See: Interim Guidance COVID-19: Focus on persons deprived of their liberty, March 2020, OHCHR and WHO. Available at: <https://interagencystandingcommittee.org/other/iasc-interim-guidance-covid-19-focus-persons-deprived-their-liberty-developed-ohchr-and-who>, last accessed on 24 May 2020.

²⁸ 86 persons, according to the last updated list published by the Civic Alliance for Justice and Democracy on 4 May 2020. See: <https://www.alianzacivicnicaragua.com/lista-informe-preliminar-de-personas-presas-politicas-en-carceles-al-4-de-mayo-2020/>, last accessed on 24 May 2020.

²⁹ See: <https://undocs.org/en/A/HRC/42/18>, last accessed on 30 May 2020.

On 23 April and 11 May, the judiciary issued circulars on institutional COVID-19 prevention measures,³⁰ rendering use of masks mandatory for all staff. Nevertheless, OHCHR received reports that the judges allegedly prevented the persons deprived of their liberty in the context of the protests to wear protective masks during judicial hearings.

Conclusions and Recommendations

After two years of the socio-political and human rights crisis in Nicaragua, OHCHR continues to register an increasing number of human rights violations, such as arbitrary detentions, threats and harassment that target people perceived as opponents of the Government. Such violations, also observed throughout previous months,³¹ have escalated during emblematic dates such as the anniversary of the 2018 events, as was the case in mid-April. The spread of the COVID-19, which has also affected a wide range of human rights, has contributed to the intensification of stigmatizing speech by the authorities to discredit those perceived as opponents of the Government, including journalists.

OHCHR urges 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 participation in every stage of the response to the COVID-19 pandemic and the full enjoyment of the right to health by all. The Government, and in particular the National Human Rights Institution (*Procuraduría para la Defensa de los Derechos Humanos*),³² should take full advantage of the cooperation offered by OHCHR to place human rights at the centre of its response to the pandemic.

OHCHR also stresses the importance of implementing all recommendations made by WHO/PAHO, including the offer for international experts to visit the country to assess the situation of health services.

OHCHR highlights that Nicaraguan authorities are bound to respect and guarantee the full enjoyment of the right to freedom of opinion and expression, which encompasses the right to seek, receive and impart information and ideas of all kinds. To this end, it is paramount that they make relevant and reliable information regarding the State response to the COVID-19 pandemic, in an open and transparent manner, to all people, including indigenous peoples and persons with specific needs.

OHCHR reiterates its call to the Human Rights Council and the broader international community to monitor developments in Nicaragua and to continue taking measures to prevent a further deterioration of the human rights situation in the country.

³⁰ See: https://www.poderjudicial.gob.ni/pjupload/sgc/pdf/circular_covid-19.PDF, last accessed on 25 May 2020.

³¹ See: www.oacnudh.org/nicaragua/, last accessed on 29 May 2020.

³² See: High Commissioner's letter to National Human Rights Institutions dated of 21 April 2020, available at: www.ohchr.org/Documents/Press/HCCOVID19lettertoNHRIs.pdf, last accessed on 28 May 2020.