

# Flash Report N.6

## Crisis in Nicaragua: **figures** **facts** **rights**

The Catholic Church is experiencing a new wave of violent repression by the Government of Nicaragua. However, police harassment against the clergy and the members of the Catholic Church is not new, as it has taken place since the outbreak of the socio-political crisis in 2018, with periods of greater or lesser intensity.

**43%**  
of Nicaraguans  
are Catholic

Since May 2021, when the arrests of political, business and social leaders began in the electoral context, until today, critical and dissident voices within Nicaragua are being again repressed through persecution, exile and threats of reprisals. Some of the few voices that could still question the Government and denounce human rights violations were those of Catholic priests in different regions of the country.

In recent years, members of the clergy have been assaulted by pro-government elements,<sup>1</sup> threatened and defamed through the media and social networks, or even besieged by the police inside their parishes,<sup>2</sup> which led several of them to go into exile for protection. However, only in 2022 the authorities have decided to persecute them by using the justice system, focusing, in August, on the Diocese of Matagalpa.

On August 1,<sup>3</sup> the police raided the parish of Jesús de la Divina Misericordia, in the municipality of Sébaco, department of Matagalpa, in the context of the closure of a dozen of the Diocese's media outlets by the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR)<sup>4</sup>. Dozens of police, including anti-riot units, violently stormed the parish facilities without a known court order, allegedly with the aim to seize Radio Católica's broadcast equipment. Inside the parish house, the priest, accompanied by six other people, asked for help through social media. The police used force and teargas against those who gathered around the parish responding to the priest's call. At least one citizen allegedly suffered a serious injury in one of his eyes. The seven people inside the parish were held captive with the electricity cut off and without access to food for three days.

The Apostolic Nuncio  
was expelled by  
the Government

On August 4,<sup>5</sup> the National Police, including anti-riot units, prevented the Bishop of Matagalpa from reaching the Cathedral of San Pedro to officiate a mass. They also restricted free movement around the Cathedral. The Bishop, six priests, two seminarians and four lay people have been held inside the facilities of the Episcopal Curia of the city of Matagalpa for over a week, with a massive police presence and surveillance drones.<sup>6</sup>

According to the National Police,<sup>7</sup> the members of the Diocese "attempted to organize violent groups, inciting them to carry out acts of hatred against the population, provoking an atmosphere of anxiety and disorder, disturbing the peace and harmony in the community, with the purpose of destabilizing the State of Nicaragua and attacking the constitutional authorities."<sup>8</sup>

The images broadcasted on 1 and 4 August contradict the police version. In the 4 August videos, it can be seen that the Bishop prayed on the street without inciting hatred or violence. Neither his interventions nor those of the people who gathered there, according to the same images, would have had a destabilizing purpose.<sup>9</sup>

The National Police announced that it had initiated criminal investigations and that the persons under investigation "will be kept in their homes,"<sup>10</sup> restricting the individual liberty and freedom of movement of 12 persons, and, apparently, assuming a power that belongs to the judiciary as a precautionary measure in a criminal procedure. The forced confinement of 12 persons in the Episcopal Curia could constitute a de facto, arbitrary and illegal house arrest.<sup>11</sup>

**18**  
Missionaries of  
Charity expelled  
from Nicaragua

According to the information available to OHCHR, the harassment acts described above would constitute a violation of freedom of expression,<sup>12</sup> a right that also protects speech that can be interpreted as adverse to a government.<sup>13</sup> The Government's closure of the media, in order to prevent the dissemination of ideas with which it does not agree, would also constitute a violation of freedom of expression.<sup>14</sup>

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Freedom of religion would be another human right being violated, as it obliges authorities to allow activities such as worship and ceremonial acts,<sup>15</sup> which are currently being obstructed by the police; as well as the freedom of religious groups to choose their religious leaders and priests,<sup>16</sup> which would be violated as several of them are forced into exile.

**12**  
media outlets of the  
Catholic Church closed

As for individual liberty and freedom of movement, these cannot be restricted except in accordance with legal procedures and formalities. The deprivation of liberty, even if it is under home arrest, does not constitute due state response to the legitimate exercise of the freedoms of expression and religion.<sup>17</sup> Acts contrary to this standard constitute arbitrary detention.<sup>18</sup>

**+1077** civil society organizations have had their legal status cancelled since 2018

Nicaragua has continued to cancel the legal personality of more than a thousand national and international civil society organizations at an accelerated pace. The suppression of the public life of these organizations further erodes civic space in the country. In its Flash Report No. 3,<sup>19</sup> OHCHR counted at least 87 organizations closed in the first four months of 2022; as of August, that number has increased 12-fold to 1,011<sup>20</sup> in only 8 months.<sup>21</sup>

**4**  
fundamental freedoms  
unduly restricted

The latest cancellations applied Law 1115, in force since May 6, which OHCHR<sup>22</sup> and a group of UN Special Procedures mandate holders<sup>23</sup> found incompatible with international human rights standards, particularly with regard to freedom of association. Despite the call by these experts to conduct a careful review of Law 1115<sup>24</sup> and to "abstain from further closures and immediately reverse these severe restrictions on associations,"<sup>25</sup> the State has not taken steps in that direction. On the contrary, the president of the National Assembly and member of the governing party, Mr. Gustavo Porras,<sup>26</sup> has proposed a legislative initiative that, instead of aligning the norm with international standards, furthers its incompatibility.

The new proposed law concentrates the registration, operation and dissolution of all non-profit organizations in the Ministry of the Interior, without granting an independent entity any powers in this matter, let alone empowering the judicial body to decide on the forced dissolution or cancellation of the legal status organizations, which is not in line with international standards on freedom of association.<sup>27</sup>

**1011**  
civil society  
organizations had their  
legal status cancelled  
in 2022

According to recent pronouncements by States,<sup>28</sup> human rights mechanisms<sup>29</sup> and bodies,<sup>30</sup> the Nicaraguan State continues to fail to comply with its human rights obligations. On 12 August, the Permanent Council of the Organization of American States approved a resolution condemning the forced closure of non-governmental organizations and the harassment and arbitrary restrictions against religious organizations and Government critics.<sup>31</sup>

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**Crisis in Nicaragua: figures facts rights**

## NOTES

- <sup>1</sup> <https://www.oacnudh.org/wp-content/uploads/2019/10/nicaragua-boletin-bimensual-n13-octubre-noviembre-2019.pdf>
- <sup>2</sup> <https://www.oacnudh.org/wp-content/uploads/2019/08/Nicaragua-Boletin-Mensual-N11-Julio-2019.pdf>; <https://www.oacnudh.org/wp-content/uploads/2019/10/Nicaragua-Bulletin-Bulletin-Bimensual-N12-August-September-2019.pdf>; <https://www.oacnudh.org/wp-content/uploads/2019/10/nicaragua-boletin-bimensual-n13-octubre-noviembre-2019.pdf>
- <sup>3</sup> [https://www.youtube.com/watch?v=kl498\\_hskd4](https://www.youtube.com/watch?v=kl498_hskd4); <https://www.youtube.com/watch?v=6xKAUa78Dls>
- <sup>4</sup> TELCOR is subjected to international sanctions.
- <sup>5</sup> <https://www.youtube.com/watch?v=UKDhADKz2GM>; <https://www.youtube.com/watch?v=rDi38FFrTkY>
- <sup>6</sup> A laywoman left on August 7.
- <sup>7</sup> The National Police is subjected to international sanctions.
- <sup>8</sup> <https://www.policia.gob.ni/?p=90164>
- <sup>9</sup> OHCHR has been informed of at least one person who tried to appease police agents and was later summoned by the National Police.
- <sup>10</sup> <https://www.policia.gob.ni/?p=90164>
- <sup>11</sup> Human Rights Committee. General Comment 35, para. 13; communication 1460/2006, *Yklymova v. Turkmenistan*, para. 7.2 y 7.3.
- <sup>12</sup> "All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature. It is incompatible with paragraph 1 [International Covenant on Civil and Political Rights, article 19] to criminalize the holding of an opinion. The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1." Human Rights Committee, General Comment 34.
- <sup>13</sup> "The Inter-American Court, citing a decision of the European Court, has declared that protection of freedom of expression must encompass not only favorable information or ideas, but also those that 'offend, shock or disturb' because "such are the demands of pluralism, tolerance and broadmindedness without which there is no democratic society." Background and Interpretation of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights.
- <sup>14</sup> "A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society." Human Rights Committee. General Comment 34, para. 13.
- <sup>15</sup> Human Rights Committee, General Comment 22, para. 4.
- <sup>16</sup> *Ibidem*.
- <sup>17</sup> Human Rights Committee. General Comment 35, para. 17.
- <sup>18</sup> According to the Working Group on Arbitrary Detention, the deprivation of liberty resulting from the exercise of rights or freedoms proclaimed in articles 18 and 19 of the International Covenant on Civil and Political Rights constitutes arbitrary detention, at: <https://www.ohchr.org/en/about-arbitrary-detention>
- <sup>19</sup> [http://www.oacnudh.org/wp-content/uploads/2022/05/Flash\\_Report\\_Human\\_Rights\\_Nicaragua\\_May2022.pdf](http://www.oacnudh.org/wp-content/uploads/2022/05/Flash_Report_Human_Rights_Nicaragua_May2022.pdf)
- <sup>20</sup> According to public information issued by the National Assembly.
- <sup>21</sup> As this Flash Report was being drafted, it became known that another 100 organizations were about to be cancelled.
- <sup>22</sup> <https://www.ohchr.org/en/statements/2022/05/nicaraguas-crackdown-civil-society>
- <sup>23</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27262>
- <sup>24</sup> *Ibidem*.
- <sup>25</sup> <https://www.ohchr.org/es/press-releases/2022/07/nicaragua-un-experts-denounce-arbitrary-shutdown-civil-society-organisations>
- <sup>26</sup> Mr. Porras is subjected to international sanctions.
- <sup>27</sup> A/HRC/20/27, para. 100, at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/135/86/PDF/G1213586.pdf?OpenElement>
- <sup>28</sup> [https://www.eeas.europa.eu/eeas/nicaragua-declaraci%C3%B3n-del-portavoz-sobre-el-cierre-de-siete-emisoras-de-radio-y-el-cierre-de-es?s=189&page\\_lang=en](https://www.eeas.europa.eu/eeas/nicaragua-declaraci%C3%B3n-del-portavoz-sobre-el-cierre-de-siete-emisoras-de-radio-y-el-cierre-de-es?s=189&page_lang=en)
- <sup>29</sup> <https://www.ohchr.org/es/press-releases/2022/07/nicaragua-un-experts-denounce-arbitrary-shutdown-civil-society-organisations>
- <sup>30</sup> <https://www.ohchr.org/en/press-releases/2022/07/committee-against-torture-considers-situation-nicaragua-absence-delegation>
- <sup>31</sup> [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fscm.oas.org%2Fdoc\\_public%2Fenglish%2Fhist\\_22%2Fcp46327e03.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fscm.oas.org%2Fdoc_public%2Fenglish%2Fhist_22%2Fcp46327e03.docx&wdOrigin=BROWSELINK)