

# Flash Report N.7

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

## 3 PRACTICES THAT CONTRAVENE HUMAN RIGHTS

Since the beginning of the socio-political and human rights crisis in Nicaragua in April 2018, the Government has applied a series of practices contrary to human rights against dissidents and political opponents or persons perceived as such. Their recurrence has turned some of these practices into patterns that have spread geographically and temporally. In 2022, three of these practices - some of them new - have escalated to **extremely serious levels**.



## 5 persons have been detained to pressure their relatives, opponents of the Government, to surrender themselves to the authorities.

OHCHR has documented that five persons were detained between 13 and 15 September when the police sought to capture their relatives, political opponents and members of UNAMOS party. When the latter were not found, **the police detained their relatives** (spouse, daughter, brother, son-in-law). In some cases, the police allegedly communicated that the release of the detainees depended on the wanted person surrendering to the authorities.

It was only on 3 October that the [State publicly](#) announced that these persons are being held in pretrial detention, accused of conspiracy to undermine national integrity and/or dissemination of false information to the detriment of the State and Nicaraguan society. Furthermore, it also announced that, together with them, eight other persons are also being investigated for the same crimes. These persons would be members of UNAMOS, six of them arrested since the beginning of September.

These detentions would be arbitrary for not complying with legal procedures and for lacking a legal basis. Different human rights bodies and mechanisms have observed the incompatibility of the crimes for which these persons are being investigated with international human rights standards. In the case of the 5 persons who were detained so that their relatives would surrender to the authorities, the Nicaraguan Criminal Code punishes the authors of such reprehensible acts.

### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Art. 9 (1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

### NICARAGUA'S CRIMINAL CODE

Art. 164. Whoever kidnaps a person to obtain something in exchange for their freedom or for political purposes shall be liable to imprisonment.  
Art. 165. Aggravating circumstances: that the deprivation of liberty should be extended for more than 10 days; a public servant commits the crime; the abductor fails to account for the person abducted.  
Art. 166. Anyone who orders or executes detention without a court order shall be punished with imprisonment. The same penalty shall be incurred by the person in charge of a detention centre who admits a detainee illegally.

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### 9 Nicaraguans who left their country have been prevented from returning

The Office has documented or received information that since July, 9 persons have been unable to return to Nicaragua due to an alleged arbitrary decision by the Government. These cases differ from previous cases in which the affected Nicaraguan citizens were residing abroad and intended to arrive in Nicaragua to meet their families or for other personal or work-related reasons. The Government also prevented them from entering the country.

In the case of the 9 persons, they left Nicaragua - where they live - for a short period to obtain specialized medical attention, visit family members, comply with work commitments or participate in official meetings. However, when they finished their trips and tried to return to their country, they were not allowed to board the planes that would take them back to Nicaragua;<sup>1</sup> they were stuck abroad while making a connecting stopover.

[The president of the Human Rights Council](#) characterized one of these cases as an act of reprisal. Several of the other cases could also be qualified in the same way given that the individuals concerned were critical of the Government's policies from their academic or professional positions or provided support persecuted persons.

#### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Art. 12.4. No one shall be arbitrarily deprived of the right to enter his own country.

#### UNIVERSAL DECLARATION OF HUMAN RIGHTS

Art. 13.2. Everyone has the right to leave any country, including his own, and to return to his country.

#### UNIVERSAL DECLARATION OF HUMAN RIGHTS

Art. 9. No one shall be subjected to arbitrary arrest, detention or exile.

#### 9 persons prevented from returning to Nicaragua between July and September



### 18 children cannot see their mothers and fathers deprived of their liberty at El Chipote

Since their detention, the authorities have prevented persons deprived of their liberty in the context of the 2021 elections from having direct contact with their children under 18, including receiving letters and drawings, or having contact by telephone or any other means.

Only on 20 August 2022, the Government authorized two 30-minute visits when a mother and a father deprived of liberty began a hunger strike to see their children after 14 months of detention in El Chipote. None of these visits would have been repeated.

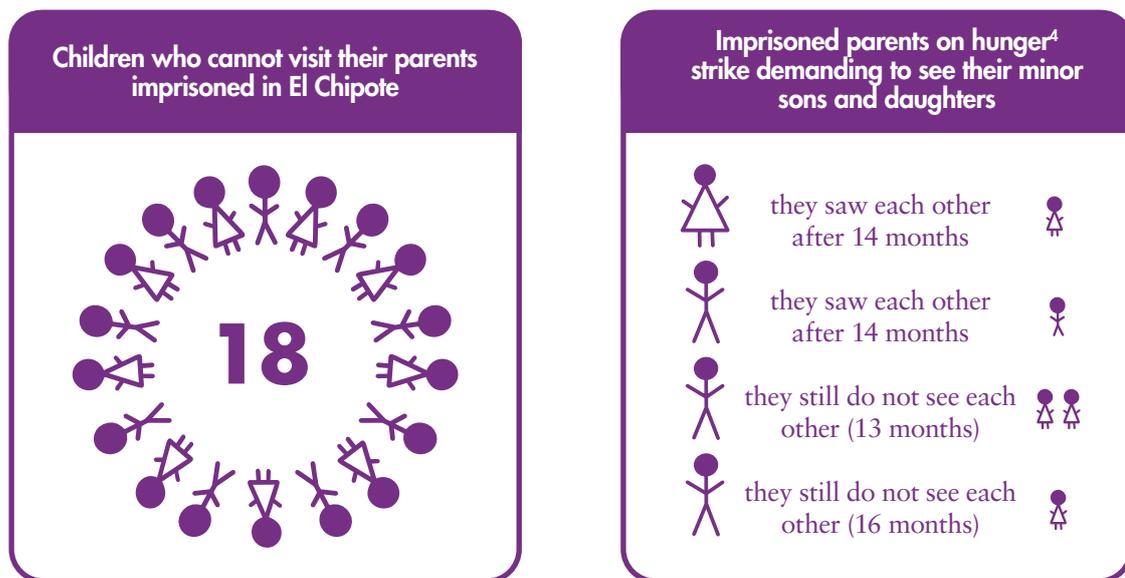
Other prisoners, two of them also on hunger strike, have not yet been able to receive visits from their children.

These restrictions violate the rights of persons deprived of liberty according to [international human rights standards](#), as well as under Nicaraguan law.<sup>2</sup>

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The situation must also be approached from the perspective of the affected children's rights. Nicaragua is a State party to the Convention on the Rights of the Child, and in that framework, children have the [right to visit](#) their parents deprived of their liberty. Nicaraguan legislation itself recognizes the principle of the best interests of the child.<sup>3</sup>



### NOTES

<sup>1</sup> One of these persons was refused to renew his passport abroad.

<sup>2</sup> [https://www.poderjudicial.gob.ni/pjupload/spenal/pdf/2003\\_ley01.pdf](https://www.poderjudicial.gob.ni/pjupload/spenal/pdf/2003_ley01.pdf)

<sup>3</sup> [https://www.oas.org/dil/esp/codigo\\_de\\_la\\_ninez\\_y\\_la\\_adolescencia\\_nicaragua.pdf](https://www.oas.org/dil/esp/codigo_de_la_ninez_y_la_adolescencia_nicaragua.pdf)

<sup>4</sup> At the time of writing, another 22 prisoners (including one woman) are reportedly on hunger strike in El Chipote (2) and La Modelo (20), demanding better conditions of detention.