

## **Oral Update by:**

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### **Situation of Human Rights in Nicaragua**

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Distinguished President,

Excellencies,

Pursuant to Human Rights Council **resolution 49/3**, it is my honor to present this oral update on the situation of human rights in Nicaragua. It covers the period since the High Commissioner's oral update on 15 December 2022 and is based on monitoring work conducted by the team dedicated to Nicaragua in the Regional Office for Central America in Panama.

On 9 February, 222 persons (32 women and 190 men) who had been arbitrarily deprived of their liberty in the context of the socio-political crisis in Nicaragua were released from their detention centers and house arrest, and taken aboard a flight to Washington DC chartered by the Government of the United States of America which our Office welcomed.

However, on the same day, the judiciary announced that these persons had been "deported", that they breached Law 1055 and were therefore considered "traitors to the homeland". The judicial decision stripped all 222 individuals of their civil and political rights. The same morning, the National Assembly of Nicaragua swiftly approved a constitutional reform and a law establishing that those who are sentenced as "traitors to the homeland" lose their Nicaraguan nationality. In addition, the Office has received reports that their birth certificates are being removed from Nicaragua's civil registry.

The Bishop of Matagalpa, Monsignor Rolando Álvarez, who refused to be deported from the country, was sent to prison along with the 36 other people still deprived of their liberty in the context of the socio-political crisis. On 10 February, Monsignor Rolando Álvarez was sentenced to 26 years and 4 months in prison on charges of treason to the homeland, stripped of his Nicaraguan nationality, and deprived of his political rights for life. His lawyer had not been informed in advance, and apparently the sentence was passed without a trial.

On 15 of February, the State of Nicaragua arbitrarily declared 94 other individuals (67 men and 27 women) "traitors to the homeland" without any trial, thereby stripping them of their nationality and assets, and declared them "fugitives". Those affected include human rights defenders, journalists, activists, and social and political leaders in exile and in Nicaragua.

These arbitrary and disproportionate actions and measures, including those imposed retroactively, violate Nicaragua's international human rights commitments. They have a chilling effect on many Nicaraguans both within the country and in exile. For example, members of the peasant movement fear losing their lands, and retirees fear being deprived of their pensions, as is reportedly occurring with those considered opponents of the Government.

We call on the State of Nicaragua to unconditionally release the 37 persons still arbitrarily deprived of their liberty, including Mons. Alvarez whose health condition is unknown, and to restore the nationality and other civil, political, social, and economic rights to the more than 300 persons affected

by the recent decisions. We also urge Nicaragua to repeal all legislation that impedes the exercise of political participation, freedoms of expression, assembly and association, the right to nationality, and the right to property with legal security.

Excellencies,

These latest events have been preceded by other serious human rights violations since the beginning of the year.

The Office has documented a pattern of violations of due process standards in the January and February trials of dissidents arbitrarily detained since August 2022. This includes hearings in camera, the denial of some defendants of their right to a lawyer of their choice and to meet with them in private, and have access to their full case files. In addition, some of the defendants reportedly did not have timely or full knowledge of the charges or rulings against them and were therefore unable to appeal.

The sentences in these trials amounted to up to 10 years' imprisonment for 5 women and 25 men, including university activists, protesters, journalists and media workers, Catholic priests and lay people related to the diocese of Matagalpa. Four relatives of political opponents in exile were also imprisoned and convicted, allegedly in retaliation for their family members' political activities. The Office has also documented the application of sentences not foreseen in the criminal code of Nicaragua, even retroactively to those sentenced last year.

Since the High Commissioner's update in December, at least 10 people have been arbitrarily detained, and another Nicaraguan priest has been banned from returning to his country. As of today, 40 civil society organizations have reportedly had their legal status cancelled -- totaling more than 3,200 since 2018 -- and two other organizations have had their premises confiscated and are now being used by the State.

The Office has received testimonies about restrictions on economic, social, and cultural rights suffered in Nicaragua by those who do not possess the ruling party's membership card. Without such a document, many Nicaraguans have limited possibilities to obtain or maintain a job in the public sector, to access higher education -- with some individuals denied opportunities for scholarships-- or health services, as in a reported case of a person who was denied surgery until he registered with the party, or social protection. The same restrictions are reportedly affecting people perceived as opponents or critics of the Government, as well as their family members.

Our Office continues to receive reports of violations of indigenous peoples' rights. On 5 January, 14 Mayagna and Miskitu leaders from the Caribbean Coast issued a statement addressed to the Government about the neglect they suffer, the continued impunity for 64 alleged murders of indigenous persons by settlers, the persistent illegal occupation of their territories and the exploitation of natural resources without their free, prior, and informed consent.

Between 19 and 26 January, a group of settlers used violence to occupy forest and traditional agricultural areas of the indigenous community of Musawás on the Northern Caribbean Coast. According to the authorities, 24 settlers have been detained and the Public Prosecutor's Office has initiated a criminal investigation for usurpation of public or communal domain, a practice that indigenous communities have been complaining about for years.

On 30 January, acts of violence were reported against two indigenous communities in the municipality of Waspam, leading to displacement from their ancestral territories. We urge the State of Nicaragua to conduct thorough investigations, ensure that those responsible are brought to justice and provide full reparations to the affected communities.

Excellencies,

As this update demonstrates, the human rights situation in Nicaragua has continued to erode. It is also manifested in the increase in number of people leaving the country: According to UNHCR, more than 260,000 Nicaraguans have been forced to flee their country by mid-2022, especially to Costa Rica and to the United States of America. During my visit to Costa Rica last December, I had the opportunity to meet with exiled persons and Nicaraguan civil society organizations. They shared their experiences and insights regarding the repression in their home country and the challenges faced in exile by thousands of Nicaraguans of all genders, ages, economic status, and ethnicities.

I call on the international community, including the States that in solidarity have received many Nicaraguans since 2018, to effectively protect the right to seek asylum and the right to an individual assessment of protection needs.

We welcome the generous humanitarian gesture of those States that have offered citizenship to Nicaraguans who were stripped of theirs and most of whom are now outside their home country. In these challenging circumstances, I wish to highlight the importance of facilitating these people to reunite with their family members as soon as possible.

Distinguished President,

Excellencies,

In light of the continued socio-political and human rights crisis in Nicaragua, soon entering its sixth year, we call on this Council to closely follow the situation in the country and, especially, to promote all measures conducive to reversing the current crisis. I also call upon the Council to continue to support the work of the Office and the mandates emerging from it to advance accountability for human rights violations in Nicaragua.

In this year when we are all mobilized by the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights, we call on the Nicaraguan authorities to reestablish cooperation with the Office, the Treaty Bodies, the Special Procedures of this Council and the Inter-American Human Rights System. To this end, our Office reiterates its offer of technical assistance to the State of Nicaragua to promote and protect human rights for all.

Thank you.