

Open letter to Permanent Representatives of Member and Observer States to the UN Human Rights Council

March 2, 2023

Excellencies,

UN HUMAN RIGHTS COUNCIL SHOULD RENEW THE MANDATE OF THE GROUP OF HUMAN RIGHTS EXPERTS ON NICARAGUA FOR TWO YEARS AND EXTEND THE REPORTING MANDATE OF THE OHCHR

Ahead of the UN Human Rights Council's (HRC) 52nd session, we, the undersigned human rights organizations, write to urge your delegations to support a two-year extension of the mandate of the Group of Human Rights Experts on Nicaragua and the reporting mandate of the OHCHR. Given the worsening human rights situation in the country, the drastic closure of civil society space, and the government's failure to engage with international human rights bodies, increased international scrutiny is needed to protect the rights of Nicaraguans. As the main bodies investigating human rights violations in Nicaragua, the work of the Group of Experts and OHCHR remains crucial to garner global attention to this crisis, document grave human rights violations with a view to support future accountability efforts, and ensure that there continues to be a spotlight on abuses committed in Nicaragua. We also urge your delegations to reinforce the resolution's gender and intersectional approach, giving particular attention to the situation of women, indigenous peoples and persons of African descent, migrants, stateless persons and those forcibly displaced, those detained for political reasons and their relatives, and victims of reprisals for cooperation with the UN.

The [human rights crisis](#) in Nicaragua, which began with the repression of protests in April 2018, is deteriorating even further. Many people have been forced to leave their country due to political persecution, fear of being arbitrarily detained, and the lack of opportunities. Between 2018 and June 2022, [more than 260,000](#) Nicaraguans, roughly 4% of the country's estimated population, have been forced to flee their country, mostly to Costa Rica and the United States.

Our organizations are profoundly concerned by the [findings](#) of the Group of Experts on Nicaragua that the violations and abuses documented amount to the crimes against humanity of murder, imprisonment, torture, including sexual violence, forced deportation, and persecution on political grounds.

In 2022, the government of President Daniel Ortega continued to arbitrarily detain and prosecute people perceived as government critics, including journalists, opposition leaders, human rights defenders, members of the Catholic Church, indigenous and Afro-descendant leaders, leaders of community, business, and student groups and detainees' family members.

On February 9, 2023, the government released 222 political prisoners and expelled them to the United States, labeling them as "traitors," stripping them of their nationality and confiscating their assets. While these releases ended years of suffering for many detainees and their families, the decision to arbitrarily strip them of their nationality is yet another demonstration of the government's open disregard for fundamental freedoms.

Following their release, the government has [stripped the nationality](#) of 95 other government critics, journalists, human rights defenders, writers, political leaders, and bishop Rolando Alvarez, who refused to leave the country and has been recently sentenced to 26 years and 4 months in prison under a range of charges such as “conspiracy to undermine national integrity.” Bishop Alvarez, who was under house arrest, was sent to a maximum-security prison on February 9.

The recent legislative reforms in Nicaragua allowing for citizenship-stripping on arbitrary grounds [run contrary to Nicaragua’s obligations](#) under international and regional human rights law. With these measures, Nicaragua, which is a party to both the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness, is in clear violation of its international obligations to ensure the enjoyment of the right to nationality and to take measures to prevent and eradicate statelessness.

Alvarez and 36 other government critics remain imprisoned, according to local [organizations](#). Many [have been charged](#) with undermining national integrity, and propagating false news, during criminal proceedings that were based on bogus charges and violated basic due process rights. Despite the release of 222 political prisoners, local organizations report further arbitrary detentions reportedly on political grounds.

Some detainees have been subjected to inhumane conditions in detention, including incommunicado detention for weeks or months and some in prolonged solitary confinement at El Chipote facility detention (officially called the Judicial Assistance Directorate) and other detention centers. Former detainees, and those allowed to receive family visits, have reported abusive conditions, including repeated interrogations, inadequate medical attention, and insufficient food, and are often not allowed to read in prison, including the Bible, or to write.

The government has also dramatically restricted civic space. Since early 2022, authorities have cancelled the legal status of over [3,200 nongovernmental organizations](#), including women’s rights groups, religious associations, and medical groups. This figure represents 47% of the non-profit organizations that existed in Nicaragua prior to April 2018, when authorities [reported](#) a total of 6,500 organizations operating in the country. Among the groups stripped of their legal registration are dozens of humanitarian organizations, which played a critically important role in ensuring access to health services, water, and food for low-income, mostly rural communities. Authorities have also [canceled](#) the legal status of 18 universities, stranding thousands of students.

Indigenous peoples from the autonomous regions of the Caribbean Coast continue to face acts of violence, forced displacement, invasion and dispossession of their traditional lands by armed settlers, with the State’s acquiescence.

The November 2022 municipal elections resulted in the absolute control by the ruling party over the country’s 153 municipalities, in a process ‘characterized by repression of dissenting voices and undue restriction of political rights and civil liberties,’ [according to the OHCHR](#).

Despite this abysmal human rights record, the Ortega government has repeatedly refused to cooperate with international human rights bodies. No international human rights monitor has been

allowed to access the country since the government expelled staff members of the IACHR and OHCHR in late 2018.

The government has not implemented the [recommendations](#) of the OHCHR, particularly on ending impunity for grave abuses, ceasing the arbitrary detentions as a means to suppress dissent, releasing all persons detained for political reasons and repealing of a legal framework that violates civil and political rights. Documentation efforts have been hampered by the government's 'refusal to provide information to OHCHR, the Special Procedures and the Treaty Bodies.'

During 2022, Nicaraguan authorities also failed to engage with the UN Group of Experts, OHCHR, and with several [UN human rights treaty bodies](#) in the context of the consideration of its periodic reports, including its reviews by the UN Committee Against Torture in [July](#) and the UN Human Rights Committee in [October](#). The Nicaraguan government also [refused](#) to cooperate with the planned visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment that was scheduled to take place this year.

In March 2022, authorities expelled Apostolic Nuncio to Nicaragua Monsignor Waldemar Stanisław Sommertag, who was seeking the release of political prisoners, and the representative of the International Committee of the Red Cross (ICRC). In September 2022, the government expelled the European Union envoy to Nicaragua days after the EU mission to the UN in Geneva called for the restoration of democracy and the release of political prisoners.

In September 2022, [Anexa Alfred Cunningham](#), UN independent expert and member of the Expert Mechanism on the Rights of Indigenous Peoples, was denied entry to Nicaragua and forced into exile, in retaliation for her collaboration with the UN and her previous work as an indigenous leader and woman human rights defender inside the country. The UN Secretary-General has reported at least [7 cases of reprisals](#) against Nicaraguan activists for cooperation with the UN since May 2020.

Renewing for two years the Group of Expert's mandate and the OHCHR's reporting mandate would allow them to continue gathering evidence of serious and ongoing human rights violations, report on current dynamics in the country, and provide recommendations for necessary action, including by identifying perpetrators and suggesting pathways for international criminal investigations against those most responsible for the repression. The renewal would also send a clear message to the government that abuses committed since the 2018 protests will not go unpunished.

Please accept, Excellencies, the assurance of our highest consideration,

Signatories:

Amnesty International

CIVICUS

[Colectivo 46/2](#), including:

Centre for Civil and Political Rights (CCPR Centre)

Center for Justice and International Law (CEJIL)

Centro Nicaraguense de Derechos Humanos (CENIDH)

Colectivo de Derechos Humanos Nicaragua Nunca Más
International Federation of Human Rights (FIDH)
International Institute on Race, Equality and Human Rights
International Service for Human Rights (ISHR)
Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras)
Unidad de Defensa Jurídica
Urnas Abiertas

Human Rights Watch