

INTERVENTION OF THE PRESIDENT OF THE INTER-AMERICAN COMMISSION

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Regular meeting of the OAS Permanent Council

June 23, 2021

Ambassador Sir Ronald Sanders, Permanent Representative of Antigua and Barbuda and Chair of the Permanent Council;

Mr. Luis Almagro, Secretary General of the Organization of American States (OAS);

Ambassador Néstor Mendez, Assistant Secretary General of the Organization of American States (OAS);

Honorable Permanent and Alternate Representatives of Member States and Observers;

Representatives of the Civil Society,

Ladies and Gentlemen:

On behalf of the Inter-American Commission on Human Rights, I have the honor to address this Permanent Council. On this occasion, the Commission expresses its serious concern over the severe escalation of repression in Nicaragua that has occurred in recent weeks, consisting of the intensification of criminal prosecution against well-known leaders of the Nicaraguan opposition, human rights defenders, and independent journalists.

In a period of 20 days, Nicaraguan authorities have detained and criminalized 5 presidential candidates for the next general elections to be held in November of this year: Cristiana Chamorro Barrios, Arturo Cruz Sequeira, Félix Maradiaga, Juan Sebastián Chamorro García and Miguel Mora Barberena.

In the same period, the Commission, through the Special Monitoring Mechanism for Nicaragua (MESENI), has learned about the detention and criminalization of at least 20 people, including leaders of the opposition and business, human rights defenders and independent journalists. According to the information received, some of these arrests have taken place with a disproportionate use of force by agents of the National Police. In most cases, homes were searched without a court order.

In particular, the IACHR expressed concern about the arrests and criminalization of Violeta Granera Padilla, José Adán Aguerri, and José Bernard Pallais, who are not receiving adequate medical care for their ailments; Suyen Barahona, Hugo Torres, Victor Hugo Tinoco, Tamara Dávila, Dora M. Téllez and Ana Margarita Vijil. In these cases, for example, the Commission learned of the violence against Ana Margarita and Dora María Téllez during their detention. Likewise, on June 15, the arrest of Luis Alberto Rivas Anduray, Manager of Banpro, was reported.

On June 22, the IACHR learned of the arrest of journalist Miguel Mendoza, the house arrest of María Fernanda Flores, as well as the search of the home of journalist Carlos Fernando Chamorro, who had to flee the country.

The IACHR also highlights that several of the detained persons are currently beneficiaries of precautionary measures from the Commission.

According to public information issued by the State, these cases, except that of Cristiana Chamorro, who is accused, among others, of alleged money laundering crimes, are investigated under "Law No. 1055 on the defense of the people's rights to independence, sovereignty and self-determination for peace". This law, enacted last year, does not establish criminal offenses, and refers to a set of criminal offenses provided in the Nicaraguan Penal Code for "Acts of Treason", "Crimes that compromise Peace" and "Crimes against the Political Constitution of the Republic of Nicaragua". The lack of information does not allow to know the criminal provisions that are being used in the investigation proceedings. In this context, none of the detained persons has been formally charged by the Public Ministry and, for that purpose, they are detained under a procedural figure of pretrial detention for up to 90 days, by means of a legal reform to the Criminal Procedure Code carried out this year.

The IACHR also warns that the State is not guaranteeing the detained persons the right to an adequate legal defense, restricting access to lawyers and legal representatives, assigning instead public defenders. The majority of the persons detained are being held incommunicado. The IACHR received information on "secret" hearings taking place, without legal representation, held in facilities other than courts and tribunals of Managua. Likewise, the IACHR learned about the ineffectiveness of the habeas corpus or personal exhibition remedies presented.

Family members and civil society organizations have also expressed their concern about the lack of information on the exact place where the detained people are, presumably at the *Dirección de Auxilio Judicial*, as well as information regarding their health situation. The IACHR was informed about the refusal of authorities to provide information as well as restrictions and limitations to family members to provide food. In some cases, the authorities have allowed access of liquids.

This lack of minimum judicial guarantees reflects the arbitrariness in the actions of the Nicaraguan government, in a system without checks and balances, characterized by the lack of judicial independence as well as the lack of independence between the Legislative and the Executive branches.

The IACHR has been documenting a prolonged breach of the rule of law since its Country Report issued after the visit to Nicaragua that took place at the beginning of the crisis in 2018, as well as in Chapter IVB of its Annual Reports, issued from 2018 to 2020. It has also been denouncing the extension of the *de facto* state of exception in the country, in which the closure of democratic spaces is maintained - and now intensified - under a strategy that seeks to prevent and inhibit any form of protest against the Government, and which includes the approval of a series of laws contrary to international human rights law.

The direness of the human rights situation in Nicaragua in recent weeks is reflected in the increase in the number of requests for protection measures received by this international organization. So far in 2021, the IACHR has received 27 requests for protection measures from Nicaraguans, most of them presented in June, compared to the 26 requests received throughout the year 2020. These numbers speak for themselves.

This situation takes place in a context of widespread impunity in the face of gross human rights violations that have been documented. The official narrative ignores the persistence of a human rights crisis.

The IACHR recalls that the GIEI in its final report considered that the State's response to the demonstrations and protests that began in April 2018 took place within the framework of a generalized and systematic attack against the civilian population and that the State of Nicaragua led to carry out conducts, which according to international law, should be considered crimes against

humanity, particularly cases of murder, deprivation of liberty, persecution, rape, torture and forced disappearance.

The events that have taken place in these weeks show a new phase of repression in the face of the next elections, which casts doubt on the will of the Nicaraguan State to hold free, fair, and transparent elections, a situation that was also condemned by this Permanent Council on June 15, 2021, in which Member States urged Nicaragua to adopt measures to ensure free and fair elections in the country, concluding that current conditions do not make them possible.

The human rights crisis in Nicaragua, and the violent response of the State has resulted in at least 328 fatalities to date; more than 2000 people injured; more than 100,000 people who have migrated to other countries, most of them in search of international protection; more than 1600 people deprived of liberty, illegally and arbitrarily at different moments of the crisis. According to the Mechanism for the Recognition of Political Prisoners, articulated by local civil society, to date, more than 124 people remain arbitrarily deprived of liberty.

Faced with this deepening of the human rights crisis in Nicaragua, the Inter-American Commission on Human Rights calls on the international community, and particularly the actors in the American region, to demand that the State put an immediate end to the persecution and detentions of dissident or opposition voices, and immediately release all people who are detained in the context of the crisis that began in 2018, guarantee their integrity and personal security, to restore the rights and guarantees of a democratic State of law and to carry out institutional reforms that ensure an environment of broad democratic participation.

Finally, I want to express a solidarity greeting to all the Nicaraguan people, to reaffirm that, as a regional body for the protection of human rights, the Commission maintains its commitment to continue monitoring the situation

in the country, to ensure the protection of the life and physical integrity of the people, the defense of the victims and the freedom of expression of the Nicaraguan people.