

Statement by Jan Simon, Chair of the Group of Human Rights Experts on Nicaragua

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The situation of human rights that require the Council's attention, Report of the Group of
Experts on Human Rights on Nicaragua.*

29 February 2024

Distinguished President,
Excellencies,

Together with Ms. Buitrago and Ms. Peralta Distefano, and pursuant to resolution 52/2 of this Council, I am pleased to present the results of the investigations conducted over the past year.

We continue not receiving permission to access Nicaraguan territory, nor have we received responses to our communications by the Government of Nicaragua.

We regret that this continues to be the path chosen by the Government and remain open to possible channels of cooperation and dialogue.

Despite the lack of cooperation from the Government and increasing concerns for the safety of victims and witnesses, we have been able to move forward with our investigation.

Since April 2023, we conducted more than 600 interviews both remotely and during 8 field missions.

We also reviewed hundreds of secondary sources to corroborate and contextualize the information gathered.

Mr. President,

Last March, in our first report to the Council, we concluded that we had found facts that constitute, prima facie, the crime against humanity of persecution on political grounds.

These are acts that President Ortega, Vice President Murillo and others, have been carrying out since April 2018.

We also concluded that the crimes enjoy total impunity and the entire State apparatus is put at the service to this end.

Since our report, this situation has continued.

Mr. President,

Today, the overall human rights situation has worsened.

We have noted a perpetuation of the increasingly widespread persecution of any dissident voice in the country.

This is combined with a total centralization of State powers in the hands of the President and the Vice-President, particularly regarding the judiciary.

This situation has resulted in total impunity, which has even extended de facto beyond the territory of Nicaragua.

Relatives of victims of human rights violations are themselves victimized for the sole reason of being relatives of persons opposed to the government or perceived as such.

These “violations by association” are particularly serious when they affect children.

We have also been able to reconfirm and deepen the information in our first report on torture.

The violations, abuses and crimes are being perpetrated not only for the purpose of dismantling active opposition efforts.

They are also being perpetrated to eliminate all critical voices and to deter any new initiative to organize or mobilize any political opposition in the long term.

Mr. President,

Today, as we move more and more closer to achieving the goal of the total destruction of any space for critical voices in Nicaragua, the pattern of violations of the right to life, security and integrity of the person is no longer the prevailing one.

In 2023, this was replaced by an exponential increase in patterns of violations focused on incapacitating any kind of long-term opposition.

The current prevalent patterns of violations consist of: the expulsion of nationals and foreigners; the deprivation of the Nicaraguan nationality; the denial of entry into or leaving the territory of Nicaragua; the creation of a coercive environment; and the accumulation of repressive acts that have forced many people to leave the country and that, therefore, constitute a form of expulsion.

All Nicaraguans who have left the country since April 2018, and who were interviewed by us, have suffered one or more of the documented violations and abuses.

The victims of all of these violations have been - and are being - deprived of their means of living, be it their work and income, their bank accounts and other assets, their pensions, their academic and professional records, their birth certificates, and even, their family life.

Mr. President,

We conclude that the human rights situation in Nicaragua has deteriorated to the point that it will take many years - and resources - to establish a situation governed by the rule of law and respect for human rights.

We also conclude that President Daniel Ortega, Vice President Rosario Murillo and identified senior state officials must themselves face judicial investigations for their possible responsibility in the crimes, violations and abuses.

Likewise, the Republic of Nicaragua itself must be held accountable for its possible State responsibility.

In our report we also offer recommendations for measures that we believe the State and the international community should implement.

Your Excellencies,

In particular, and with a view to improving the human rights situation in Nicaragua, we recommend to the international community:

To hold the State of Nicaragua accountable for its obligations under the 1984 Convention against Torture and the 1961 Convention on the Reduction of Statelessness.

With respect to Nicaraguan persons deprived of their nationality, forced to leave or denied entry into Nicaraguan territory, and/or who have fled Nicaragua, we recommend: using our findings and conclusions to ensure fair and effective access to identification, referral and refugee status determination procedures; and applying the broader criteria of the 1984 Cartagena Declaration on Refugees.

We also recommend that the international community ensure that our reports are taken into account in its policies and international relations with respect to security, financial and trade matters, in particular: when assessing Nicaragua's compliance with anti-money laundering, anti-terrorist financing and anti-proliferation financing standards, in relation to the Financial Action Task Force Recommendations, applying the "do no harm" principle; we also recommend that our reports be taken into account in bilateral consultations between the International Monetary Fund and Nicaragua, when assessing the quality of Nicaragua's governance in the supervision and use of IMF resources, as well as when assessing the relationship between emigration, remittances, GDP growth and labor force participation in Nicaragua.

We also recommend using our reports when assessing whether Nicaragua is meeting non-trade policy objectives to obtain preferential market access, and/or when assessing the impact of trade relations on Nicaragua's human rights performance.

Finally, we recommend strengthening the capacity of independent Nicaraguan media and civil society organizations.

Mr. President,

To improve the human rights situation, we also recommend that Nicaragua cooperate with the Office of the High Commissioner for Human Rights, treaty bodies, and other bodies and mechanisms established by this Council and the General Assembly.

In particular, we recommend that Nicaragua submit its national report under the fourth cycle of the Universal Periodic Review by August of this year.

All bodies and mechanisms are complementary and have a role to play in improving the human rights situation in Nicaragua.

It is our sincere hope that the results of this independent investigation can serve this purpose and, in particular, bring victims closer to justice.

Thank you for your attention.