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

*52nd session of the Human Rights Council (February 27 to April 4, 2023), Agenda item 2, The situation of human rights that require the Council's attention, Report of the Group of Experts on Human Rights on Nicaragua.*

*March 6, 2023*

Speech by the Group of Experts on Human Rights in Nicaragua (GHREN)

Thank you, Mr. President.

Excellencies,

Distinguished Delegates, Ladies and Gentlemen.

The Group of Experts on Human Rights on Nicaragua, established according to resolution 49/3 by this Council, is pleased to present the findings of the investigations it conducted over the past year.

This report is accompanied by a Room Document containing detailed information on the Group's findings and their rationale.

In accordance with the Mandate entrusted to us by this Council on March 31, 2022, we have investigated alleged human rights abuses and violations committed in Nicaragua since April 2018.

This is to ensure accountability and justice for the victims.

To this end, we have adopted a methodology that includes the direct collection of information from victims and witnesses and other sources with direct knowledge of the functioning of the State, as well as the review of court records and other official and unofficial documents, and duly verified audiovisual material.

This methodology is in line with that adopted by other investigative mechanisms created by this Council.

Our work is also in line with good practices established by a variety of United Nations entities for the investigation of human rights violations.

Thanks to technological advances, our team collected information securely and confidentially, including from sources still inside Nicaragua.

The product of this work has been made possible by the courage of all those who were willing to provide information to the Group, together with the valuable work of Nicaraguan civil society.

For the purposes of this investigation, the Group investigated 149 cases, received more than 150 confidential documents, processed and codified almost 1500 documents, and conducted 291 face-to-face and remote interviews.

In addition, 5 missions were conducted to areas close to Nicaraguan territory.

Mr. President,

It has not been possible to carry out research activities in Nicaraguan territory since the Government of Nicaragua has not granted this access.

Between June and December 2022, we have sent 12 communications to the Government of Nicaragua. In them, we requested a visit to the country, as well as to open channels of cooperation and dialogue with various areas of the State.

We also request official data and information on the cases we are investigating.

We also sent our report to the Government for their comments before publishing it.

To date, we have not received any response to these communications.

We deeply regret that this has been the route chosen by the Government.

As established in the Mandate, we have sought and remain open to open channels of cooperation and dialogue with the State of Nicaragua.

Your Excellencies,

Based on the information analyzed, we have concluded that serious and systematic human rights violations and abuses occurred in Nicaragua during the period covered by this report.

Representatives of various government agencies and structures, and non-state actors from pro-government groups, perpetrated these violations.

The violations include extrajudicial executions, arbitrary detentions, torture, and cruel treatment, including acts of sexual and gender-based violence, arbitrary deprivation of nationality, and violations of the right to remain in one's own country, among others.

These violations were perpetrated, and continue to be perpetrated, against real or perceived opponents of the Nicaraguan Government.

Based on an analysis of the individual cases we have investigated, complemented by a legal analysis of the situation and existing policies, we have concluded that the violations investigated and documented were committed as part of a widespread and systematic course of conduct, which has its origin in the State.

These violations constitute crimes against humanity.

We conclude that the crimes against humanity were committed in the context of a discriminatory policy against part of the Nicaraguan population for political reasons, constituting prima facie the crime against humanity of persecution.

The highest levels of Government intentionally organized this policy.

 The Government of Nicaragua used all the powers of the State against real or perceived opponents.

The prevailing impunity for these crimes allowed and facilitated the escalation of violence against opponents or perceived opponents.

Our conclusions are based on the evidentiary standard of other investigative mechanisms, the "reasonable grounds to believe" standard.

While it is true that this threshold is lower than that of a criminal proceeding, it is sufficient to justify further investigation.

Therefore, it is up to the competent authorities to judicially determine individual responsibilities in accordance with the relevant criminal legislation.

Today, the information is available in the report before the Council, complemented by the Room Document.

Your Excellencies,

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

Among others, we recommend that the Nicaraguan authorities immediately release all persons arbitrarily deprived of their liberty.

We also recommend that they put an immediate end to violations, abuses, and crimes and, in particular, to politically motivated persecution.

Furthermore, to investigate and ensure accountability of those responsible for the violations and to guarantee justice for the victims.

And we also recommend that the State implement the necessary measures to guarantee the separation of powers.

Your Excellencies,

We also recommend that the State of Nicaragua cooperate with the Office of the High Commissioner for Human Rights, the treaty bodies, and any other body established by this Council.

All are complementary and have a role in contributing to progress in the human rights situation in Nicaragua.

We sincerely hope that the results of this independent investigation can bring victims closer to justice and accountability.

Thank you very much for your attention.