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Situation in Nicaragua

European Parliament resolution of 15 June 2023 on the situation in Nicaragua (2023/2743(RSP))

(C/2024/491)

The European Parliament,

— having regard to its previous resolutions on Nicaragua, in particular those of 16 December 2021 on the situation in Nicaragua ([1]), of 9 June 2022 on the instrumentalisation of justice as a repressive tool in Nicaragua ([2]) and of 22 September 2022 on Nicaragua, in particular the arrest of the bishop Rolando Álvarez ([3]),

— having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and his spokesperson about Nicaragua, in particular the statements of 4 August 2022 on the closure of radio stations and shutdown of civil society organisations, of 10 February 2023 on the release of political prisoners, of 16 February 2023 on the revocation of the citizenship of political opponents and of 18 April 2023 on the fifth anniversary of the nationwide protests,

— having regard to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other ([4]),

— having regard to the Council regulations and decisions concerning restrictive measures against serious human rights violations and abuses in Nicaragua and to the Council decision of 13 October 2022 renewing these sanctions until 15 October 2023 ([5]),

— having regard to the report of the UN Group of Human Rights Experts on Nicaragua (GHREN) of 2 March 2023,

— having regard to the statements by the spokesperson for the UN High Commissioner for Human Rights of 9 May 2022 and 2 June 2023,

— having regard to the decision of 8 February 2023 by the First Criminal Chamber of the Managua Court of Appeals on the deportation of 222 traitors to the homeland and the statement of 15 February 2023 by the presiding magistrate of the Managua Court of Appeals on the accusation of 94 traitors to the homeland,

— having regard to the statements of the Inter-American Commission on Human Rights, in particular those of 13 February 2023 welcoming the release of political prisoners in Nicaragua but rejecting the arbitrary deprivation of nationality, of 17 February 2023 condemning the escalation of human rights violations in Nicaragua and of 18 April 2023 marking five years since the start of the human rights crisis in Nicaragua,

— having regard to the reports by the Special Monitoring Mechanism for Nicaragua,

— having regard to the International Covenant on Civil and Political Rights of 1966, the United Nations Standard Minimum Rules for the Treatment of Prisoners of 2015 (the Nelson Mandela Rules), the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders of 2010 (the Bangkok Rules) and the Vienna Convention of 1969,

— having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,

([1]) OJ C 251, 30.6.2022, p. 134.
([2]) OJ C 493, 27.12.2022, p. 100.
([3]) OJ C 125, 5.4.2023, p. 76.
([4]) OJ L 346, 15.12.2012, p. 3.
([5]) OJ L 268, 14.10.2022, p. 22.

— having regard to the Universal Declaration of Human Rights of 1948 and the American Convention on Human Rights of 1969 (the Pact of San Jose),

— having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas since 2018, the Nicaraguan regime has systematically, repeatedly and arbitrarily incarcerated, harassed and intimidated presidential pre-candidates, opposition leaders and religious leaders, as well as student and rural leaders, indigenous people, LGBTI persons, journalists, human rights defenders, civil society organisations, business representatives and all other critical voices in the country; whereas the situation in Nicaragua continues to deteriorate;

B. whereas the human rights violations and abuses perpetrated since April 2018 are not an isolated phenomenon, but rather the product of a dynamic process of dismantling the separation of powers and democratic guarantees and of thoroughly concentrating power in the figures of the President and Vice-President of the Republic of Nicaragua;

C. whereas on 9 February 2023, the Ortega-Murillo regime deported 222 arbitrarily detained political prisoners to the United States, including political figures, pre-candidates in the 2021 presidential elections, journalists, human rights defenders and demonstrators in the 2018 protests; whereas all of them were declared 'traitors to the homeland' and stripped of their nationality;

D. whereas Bishop Rolando Álvarez refused to be exiled from Nicaragua and, as a punishment, was sentenced on 10 February 2023 to 26 years' imprisonment and the deprivation of his nationality and political rights following his conviction on charges of 'treason', 'undermining national integrity' and 'spreading fake news'; whereas Rolando Álvarez is currently in La Modelo prison and has not been permitted any visits since 25 March 2023; whereas the crackdown on the church continues, despite its mediator role in the 2018 national dialogue, with the expulsion of nuns and the arrest of several priests and church employees; whereas in April, the Vatican closed its embassy in Nicaragua after the country's regime proposed suspending diplomatic relations;

E. whereas in addition to Rolando Álvarez, as of 30 April 2023, at least 46 political prisoners, including some who have been detained since 2018, remain imprisoned in unacceptable conditions, following closed-door trials that failed to uphold basic fair trial guarantees; whereas this framework of state repression has been installed with the clear connivance of the judiciary;

F. whereas on 15 February 2023, 94 additional political opponents were stripped of their nationality and had their property seized after being accused of conspiring to undermine national integrity and of spreading misinformation; whereas about a third of them remain in Nicaragua;

G. whereas several countries have offered nationality, citizenship or temporary protection to the Nicaraguan citizens made stateless by the regime of Daniel Ortega and Rosario Murillo; whereas Spain has offered citizenship to the 222 exiles;

H. whereas in May 2023, 63 people throughout the country were reported to have been arbitrarily detained and charged with 'conspiring to undermine national integrity' and 'spreading fake news', charges that the regime is using to silence its critics;

I. whereas on 9 and 11 May 2023, the Nicaraguan Supreme Court ruled that 26 lawyers and notaries critical of the regime, including some of the country's most prominent human rights defenders, could no longer practise law in Nicaragua;

J. whereas since April 2018, the Nicaraguan government has shuttered more than 3 300 non-profit organisations and foundations, including women's organisations and organisations related to the Catholic Church, leaving countless people without access to their services or assistance; whereas the legal status of several universities has been revoked in order to quash student dissent; whereas media outlets have also been forced to close;

K. whereas on 9 June 2023, the Government of Nicaragua confiscated properties belonging to the 222 political prisoners who had been forced into exile that February after being convicted of 'committing acts against the nation's sovereignty, independence and self-determination';

L. whereas, as stated by the UN High Commissioner for Refugees, the revocation of the citizenship of human rights defenders and dissidents on arbitrary grounds breaches international law, specifically Article 15 of the Universal Declaration of Human Rights, as well as the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; whereas Nicaragua is a party to all of the above-mentioned instruments;

M. whereas the GHREN has published its first report on the situation in Nicaragua, describing how agents of the police and the National Penitentiary System and members of pro-regime armed groups committed extrajudicial executions, arbitrary detention and acts of physical and psychological torture, including sexual and gender-based violence among others, in the context of the apprehension, interrogation, and detention of political opponents;

N. whereas on 28 September 2022, the Nicaraguan regime took the unjustified decision to expel the Head of the EU Delegation to Nicaragua and cut diplomatic ties with the Kingdom of the Netherlands; whereas the EU responded reciprocally by declaring the Head of the Mission of the Republic of Nicaragua to the EU *persona non grata*;

O. whereas in 2022, the flow of Nicaraguans migrating to other countries as a consequence of the political, social, human rights and economic crises increased; whereas more than 192 000 Nicaraguans have fled to Costa Rica since 2018, either as asylum seekers or as refugees; whereas this trend could undermine the Costa Rican asylum system and overburden support networks in the country;

P. whereas since the illegal, unprovoked and unjustified Russian war of aggression against Ukraine began, the Ortega-Murillo regime has systematically supported the Russian regime in UN resolutions; whereas Russia has supported Nicaragua with military equipment and continues to host a Russian military presence in the country; whereas the several memoranda signed between Russia and Nicaragua reinforce the clear evidence of the strong relationship and common support between the Ortega-Murillo regime and Putin's regime;

1. Strongly condemns the Nicaraguan regime's widespread perpetration of systematic and deliberate human rights violations against its population for purely political reasons; stresses that these violations amount to crimes against humanity, as stated by the GHREN; condemns the practices used by the regime to silence the population; reaffirms its solidarity with and continuous and unwavering support for the Nicaraguan population;

2. Takes note of the release of 222 political prisoners, but condemns the Nicaraguan regime's decision to deport them, strip them of their nationality and their civil and political rights, freeze their assets and confiscate their property; reminds the Nicaraguan authorities that the arbitrary deprivation of nationality is prohibited by international law and calls on the Nicaraguan authorities to immediately reverse these steps and to cease their politically motivated persecution of and reprisals against dissidents and human rights defenders;

3. Expresses its concern about the state of civil death endured by those who have been deprived of their nationality but have remained in Nicaragua; calls on the Nicaraguan government to guarantee the life and integrity of human rights defenders who remain in Nicaragua, including, among others, Vilma Nuñez de Escorcia;

4. Expresses its concern about the situation of the relatives in Nicaragua of those who have been deported and the situation of those who remain in the country and are being persecuted, as well as their families; underlines the need to facilitate family reunification processes; stresses, furthermore, the importance of monitoring the wellbeing of the 222 Nicaraguans who were initially deported to the US and of those who were stripped of their nationality;

5. Calls for proof that Bishop Rolando Álvarez is alive; reiterates its call for his immediate and unconditional release and that of all arbitrarily detained political prisoners, opposition activists, human rights and environmental defenders, members of the Catholic Church and journalists, and for the annulment of the proceedings conducted and sentences pronounced against them, as well as the safe return of all refugees and exiled persons;

6. Condemns the continued psychological and physical abuse that all detainees face at the hands of police and prison authorities, of which women and members of the LGBTI community are particular targets, and the situation of incommunicado detention in which some of them are being held, without access to their lawyers, families or medical care; requires that families be kept informed of the state of health of their loved ones who are in detention; reminds the Nicaraguan regime of its responsibility to ensure that detention conditions comply with its international human rights obligations and with standards such as the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

7. Expresses concern about the manipulation of criminal law and the use of the justice system as a tool to criminalise the exercise of civil and political rights, as well as the freedom of religion and belief; calls for the repeal of the restrictive laws passed since 2018 that unduly encroach on civic and democratic space; calls on the Nicaraguan authorities to uphold and respect human rights and to allow the Nicaraguan people to exercise their civil and political rights; urges the Nicaraguan authorities to allow international organisations and civil society organisations unrestricted access to the country;

8. Calls on the Nicaraguan regime to stop arbitrarily closing down non-governmental and civil society organisations and to reinstate the legal charter of all organisations, political parties, religious organisations, media associations and outlets, universities and human rights organisations that have been shut down arbitrarily, as well as to return all their property, assets, documents and equipment that have been unduly seized and to re-establish their legitimate legal status;

9. Calls for the EU and its Member States to include specific guarantees of compliance with human rights regarding European funds allocated, including where these funds are allocated through multilateral and financial institutions such as the Central American Bank for Economic Integration, and to carry out strict monitoring to ensure that these funds do not contribute to strengthening the Nicaraguan regime;

10. Highlights and commends the key role played by civil society, human rights and environmental defenders, the Catholic Church and journalists in Nicaragua; asks the European External Action Service and the Commission to reinforce their regular dialogue with them, to strengthen mechanisms to support their vital work and to closely monitor the situation on the ground, including by monitoring trials and visiting opposition leaders and government critics in prison or under house arrest; calls for the EU and its Member States to use all the tools at its disposal, including visas, to facilitate the mobility of human rights defenders and other persons at risk and ensure the continuity of their work;

11. Calls on the Commission, the European External Action Service and the Member States to increase support for members of the Nicaraguan opposition currently in exile, as well as to maintain their close collaboration with and support for countries receiving substantial numbers of migrants fleeing the Nicaraguan regime, in particular Costa Rica; requests that the Commission and the Member States establish and facilitate, through their development cooperation agencies, specific programmes to support the educational development of Nicaraguan young people and students who have been deprived of their right to education;

12. Calls for the EU to support and actively engage in any prospect of meaningful national dialogue and to further insist on *sine qua non* conditions for dialogue, including the release of arbitrarily detained political prisoners, the restoration of the rule of law and freedoms, the cessation of repression and fear, the re-establishment of the legal status of the political parties and organisations that were arbitrarily outlawed, the return of exiles without exception and with full guarantees, the return of international human rights bodies to the country and the holding of free, fair and transparent elections;

13. Calls on the Nicaraguan regime to implement the recommendations issued by the GHREN in its report, as well as those issued by the UN High Commissioner for Human Rights; urges the Nicaraguan institutions to stamp out impunity for the serious violations and abuses of human rights and to provide the victims with access to justice and full reparations; welcomes the renewal of the GHREN's mandate and requests that the EU and its Member States continue to support its vital work;

14. Draws attention to the continued instrumentalisation of the judicial system and the complicity of the judges in this; reiterates its call for judges and prosecutors to be swiftly included on the list of individuals sanctioned by the EU and for the list of sanctioned individuals and entities to be expanded to include Daniel Ortega and his inner circle;

15. Stresses that the upcoming summit between the EU and the Community of Latin American and Caribbean States (CELA) is an opportunity to uphold the principles of the rule of law, democracy and human rights, and calls that all participants abide by these principles; points out that this will not be possible without the truly transparent, comprehensive and meaningful inclusion of civil society; calls on the EU-CELAC summit to issue a statement demanding due respect for human rights in both regions, in particular in Nicaragua; recalls that, in the light of the Association Agreement between the EU and Central America, Nicaragua must respect and consolidate these principles; reiterates its demand that, in the light of the current circumstances, the democratic clause of the Association Agreement be triggered;

16. Calls on the Member States to build on the evidence collected by the GHREN regarding the crimes against humanity committed by the Nicaraguan authorities and to support the end of impunity in Nicaragua, including by opening formal investigations and taking legal action against those responsible through the exercise of universal jurisdiction; encourages the Member States to bring Nicaragua before the International Court of Justice for violating the UN Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, to which Nicaragua is a party;

17. Condemns the Nicaraguan regime's unconditional support for Russia's war of aggression against Ukraine and express its concern over the Russian military assistance to further repress the Nicaraguan population; deplores the increasing isolation of Nicaragua from the international community; condemns the aggressive rhetoric of the Nicaraguan authorities; reiterates that the principle of universality of human rights is the cornerstone of international law;

18. Reiterates its call for the immediate extradition of Alessio Casimirri to Italy;

19. Asks its Conference of Presidents to authorise a fact-finding mission to monitor the situation in Nicaragua;

20. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the Organization of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Presidency Pro Tempore of the Community of Latin American and Caribbean States, the Vatican and the Government and Parliament of the Republic of Nicaragua.