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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination, Union of Arab Jurists, United Towns Agency
for North-South Cooperation, non-governmental
organizations in special consultative status, International
Educational Development, Inc., World Peace Council, non-
governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.



Nicaragua: Detained Human Rights Defenders at Risk during COVID-19

Introduction

In many countries, human rights defenders are exposed to high risks associated with opposing their government, yet their advocacy work and engagement is critical for the promotion of human rights across the world. Recently, some governments have taken advantage of the restrictive measures put in place to fight the COVID-19 pandemic, to further discriminate, condemn and restrict human rights defenders and freedom of expression. This has been observed in, among others, State of Palestine, Iraq, Islamic Republic of Iran, China and Nicaragua.

This written statement will focus on the situation in Nicaragua. Hundreds of human rights defenders in Nicaragua have been imprisoned following the April 2018 protests against the government, for exercising their right to freedom of expression and their right to peaceful assembly. On 2 July 2020, the United Nations (UN) High Commissioner for Human Rights expressed her concerns regarding the rise of COVID-19 cases in Nicaragua, and the number of political prisoners detained there. She called on the Nicaraguan government to be more open to dialogue with civil society and to ensure cooperation with the United Nations.

As of August 2020, human rights activists in the country continue to be unlawfully detained for participating in peaceful demonstrations, and for expressing their disagreement with the current political establishment. In addition to being victims of human rights violations, political detainees have now become even more vulnerable due to the COVID-19 pandemic, which aggravated the overcrowding of prisons and the discrimination against political prisoners.

Human Rights Defenders in Nicaragua

In April 2018, protests led by students and environmentalists started in the capital city of Nicaragua, Managua, following the government's late response to a forest fire in a Nicaraguan protected biological reserve. This was followed by mass protests starting 18 April 2018, against a reform of the social security system. Peaceful protesters were attacked by national police forces, university facilities were set on fire, and several of the protesters were detained. Despite the withdrawal of the social security system reform a few days later, protests against the government in general intensified and spread over the country.

In view of the numerous arbitrary detentions and other reported human rights violations, the Inter-American Commission on Human Rights (IACHR) appointed a special investigation committee to observe the situation in Nicaragua on the ground. During its working visit in May 2018, the IACHR reported State repression of civilians protesting against the Nicaraguan government, with 438 human rights defenders arbitrarily detained at the time¹. Later, released detainees reported discrimination against political prisoners in the form of extreme isolation, ill-treatment, and lack of access to basic healthcare. Some former political detainees reported inhumane conditions in the prisons, with fewer time to walk outside, as well as smaller cells.

At the end of 2018, the Special Monitoring Mechanism for Nicaragua (MESENI), sent by the IACHR to report on the human rights situation, was expelled from Nicaragua. Since then, an interdisciplinary group called "Unidad Nacional Azul y Blanco" (UNAB) has been reporting human rights violations in the country. They have reported a total of 3,511 arbitrary detentions in Nicaragua since July 2018².

¹ The Organization of American States (OAS), Gross Human Rights Violations in the Context of Social Protests in Nicaragua, 21 June 2018.

² Unidad Nacional Azul y Blanco (UNAB), 8 June 2020.

Although Nicaraguan civilians possess a constitutional right to freedom of expression and of peaceful assembly, in practice, this right is often violated, and the persecution of human rights activists remains common practice.

Freedom of Expression and Peaceful Assembly

The right to freedom of opinion and expression and the right to peaceful assembly and association are established in Article 19 and Article 20 of the International Covenant on Civil and Political Rights (ICCPR), which was signed and ratified by the Nicaraguan government, thus creating an international obligation for the country to comply with these rights. These rights are vital in order to ensure a well-functioning political system and must thus be protected at all costs.

However, since April 2018, hundreds of civilians have been continuously and arbitrarily detained for taking part in peaceful anti-government demonstrations, and for expressing their opinion about the current government. These arrests made by the national police forces had no legal grounds and were contradictory to the Nicaraguan constitution, as well as, constitute a violation of international human rights treaties.

The Nicaraguan government seems to continuously use a system based on arresting and releasing, more or less, the same number of people around certain times. This allows the government to continue using arrests of political opponents as a strategic tool to inhibit political opposition, while regularly releasing political detainees in an effort to maintain its public image. As such, while 10 political prisoners were released at the beginning of August 2020, 13 new incarcerations of political opponents were reported in the first half of the same month, amounting to a total of 99 political prisoners in Nicaragua, as of 15 August 2020.

In addition to the numerous arbitrary detentions, national police officers have stigmatized human rights defenders, shut down peaceful protests, injured and killed political opponents, as well as, discriminated against political detainees by subjecting them to ill-treatment in comparison to other prisoners.

Nicaraguan Prisons during COVID-19

Since the beginning of the COVID-19 pandemic, the Nicaraguan government has been ignoring the health recommendations and preventive guidelines of the World Health Organization and other medical authorities, including national ones, to take appropriate measures in order to contain the spread of the virus in prisons. To the contrary, it has failed, to transparently report, the number of cases, as well as, the number of tests administered. In fact, while the government has reported roughly 3,500 cases in general until the end of July in Nicaragua, the COVID-19 Citizen Observatory suggests the real number of cases to be around 9,000 as of August 2020.³ In addition, several health professionals who expressed their concerns for the public health policy of the government, have been arbitrarily dismissed.

The lack of response of the government has put at risk the health of Nicaraguan citizens, especially that of political prisoners, who receive discriminatory treatment in detention. Prisons are facilitators of the spread of communicable diseases, thus presenting high-risk areas in times of the COVID-19 pandemic. This is especially the case in overcrowded prisons, where close contact between inmates is unavoidable, and timely medical care is difficult to ensure.

Particularly in Nicaragua, the prison overcrowding level is alarming. Between 2016 and 2018, it has been reported that the prison population rate has increased by 61% in the country. As a result, in 2018, the prison population was 20,918, for an official capacity of the national carceral system of 11,781 individuals⁴. This means that the occupancy level of prisons in the country stands at roughly 178%. As an example, “La 300”, an annex building of one of the largest Nicaraguan prisons, “La Modelo”, offers cells with enhanced security, officially

³ Observatorio Ciudadano COVID-19 en Nicaragua, August 2020.

⁴ Ministerio de Gobernacion, October 2018.

designed for particularly dangerous detainees. In practice, this building mainly hosts detained political opponents. There, former detainees have reported that 40 prisoners would have to stay in cells initially designed for 15 individuals. In this prison, numerous detainees with COVID-19 symptoms have been reported, following which no changes have been made in the prison's sanitary conditions. The availability of cleaning products and water is also restricted, which makes it impossible for detainees to stop the spread of the virus inside the premises. This puts detainees at heightened risk.

These figures show the urgency of relieving the Nicaraguan carceral system, starting with the release of arbitrarily detained individuals, which will help, along with other appropriate measures, to contain the spread of the COVID-19 virus.

Recommendations

The non-governmental organizations signatories of this statement are concerned about the continuous cases of incarcerations of human rights defenders reported in Nicaragua, especially in times of a pandemic, when the government's efforts should be focused on ensuring public health for its citizens. We therefore recommend:

- The Nicaraguan government to immediately release political prisoners, especially in times of a pandemic, where overcrowding prisons is particularly harmful;
- The Nicaraguan government to end the criminalization of human rights defenders and political opponents in Nicaragua and put an end to their arbitrary arrests;
- The Nicaraguan government to improve the prisons conditions of political detainees and to end discrimination against them;
- The UN Special Rapporteur on the situation of human rights defenders to look into the situation of human rights defenders in Nicaragua.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.