



## 37th FIDH Congress 6 - 10 April 2010 Erevan

### CIVIL AND POLITICAL RIGHTS VIOLATIONS IN NICARAGUA

The International Federation for Human Rights (FIDH), meeting in Yerevan, Armenia, from 6 to 10 April, 2010 for its World Congress publicly expresses its concerns relative to the repeated civil and political rights violations committed by President Daniel Ortega and his government,

1. **whereas** during the three years that President Ortega's government has been in office, Nicaragua has undergone serious reversals in rights such as the right to vote and to stand for office, citizen participation, freedom of expression, freedom to participate in demonstrations, and freedom of association;
2. **whereas** despite the promise to provide well-being to the majority of the population, the government and the party in power are promoting plans that threaten democratic continuity by blatantly refusing, and as of yet with impunity, to take into account the desires of the people such as they have been expressed in municipal elections and by creating restrictions and obstacles to political pluralism and to the forms of citizen participation provided for by the Citizen Participation Act as well as other legitimate forms of participation that are deemed by the government as an impediment to the model they want to impose;
3. **whereas** the clamour for the reform of the Electoral System Act has gone unheeded, which has allowed for the continuation of the order established by the F.S.L.N. and the P.L.C. , whereby through mutual agreement they have imposed a two-party system that has disregarded citizens for more than a decade;
4. **whereas** the cancellation of the legal status of the Movimiento Renovador Sandinista and the Partido Conservador and the related unresolved legal actions prevent them from taking part into electoral processes;
5. **whereas** the political pact established by political leaders has had detrimental effects on the powers of the State and on the system of checks and balances enshrined in the constitution;
6. **whereas** President Ortega's determination to remain in power could lead to the exclusion of candidates from the 2011 elections and threatens political changeover, which is so advisable given Nicaraguan history;
7. **whereas** in recent years the news media have been submitted to diverse forms of coercion that have been deleterious to freedom of expression -legislative restrictions on the tax exemption status provided for by the constitution in 1995, the closing of operations as is the case with Radio La Ley, interference of the type suffered by radio stations Corporación and 15 septiember, and other forms of threat which have proven to be effective as they have resulted in self-censorship by certain television stations for fear of reprisals;



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8. **whereas** freedom of speech for Nicaraguans as individuals has been discouraged through the use of threats and, in some concrete instances, aggression which was the case of the director of the civil liberties organization Coordinadora Civil, Leonor Martínez who on 22 October 2009 was brutally battered and threatened with death by para-state forces, who operate with impunity, for opposing the re-election, exercising freedom of speech and her right to citizen participation;
9. **whereas** repeated violations of the right to participate in demonstrations, there are numerous cases where participants in marches have been assaulted by para-state forces who benefit from the protection and resources of the party in power and where the police was unable to prevent, stop, duly investigate or refer the investigation to the competent authority;
10. **whereas** the multitude of requests made by the honourable Inter-American Commission on Human Rights asking the State of Nicaragua to invite the IACHR Rapporteur on Human Rights for Nicaragua, Commissioner Felipe González to visit the country have been unsuccessful because the State has failed to set a date for a visit by the honourable Commission;
11. **whereas** the advocacy work carried out by many non-governmental organizations has also resulted in reprisals by the State -they have assaulted and threatened and in certain cases subjected them to unfounded investigations led by the Home Office and the Ministry of Justice who were seeking to interfere with their work, as was the case with CINCO, MAM and other national and international non-governmental organizations;
12. **whereas** the work of human rights advocates has been hindered and threatened due to frequent verbal attacks by government authorities, by acts of physical abuse perpetrated by para-state forces acting on behalf of the party in power, and by reprisals in the form of judicial proceedings, in the case of CENIDH there have been repeated acts of assault and threats made against Doctor Vilma Núñez De Escorcia, the president of CENIDH, and other members of CENIDH that warranted a request from The Inter-American Commission on Human Rights to the State of Nicaragua calling for the adoption of measures to ensure the protection of Dr. Núñez and the other persons working for the CENIDH, to date the State has done nothing to establish with the potential beneficiaries the conditions under which said measures would be applied just as the State has also failed to meet with its duty to investigate and initiate proceedings for the assault against the members of CENIDH on 16 October 2008 while they accompanied the representatives of Coordinadora Civil who were responding to a summons issued by the Ministry of Justice, despite the fact that one of the perpetrators was clearly identified, just as it failed in its duties when the home of Dr. Núñez in the city of Leon was damaged by attackers;



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13. **whereas** the government of Nicaragua has implemented a policy of verbal assault, has used para-state forces to physically assault human rights activists and, on the whole, has adopted a more restrictive position when it comes to initiating judicial proceedings on the basis of the work carried out by human rights activists, proof of this is their refusal to approve visits by human rights organisations to prisons, which is contrary to the recommendation made relative to this matter by the Committee Against Torture;

### **The Congress of the FIDH:**

**Condemns** the repeated and wide range of freedom of expression violations, against individuals and the media, committed by the State of Nicaragua,

**Calls on** the government of Nicaragua to acknowledge freedom of expression and the right to participate in demonstrations and to replace policies of aggression and intolerance towards criticism with greater respect for civil and political rights, **Calls on** the State of Nicaragua to bring to trial and sanction the perpetrators of said violations in accordance with the law, **Encourages** the State of Nicaragua to guarantee the independence of judicial authorities and to put an end to the institutionalized persecution of individuals, radio and television stations and the written press who attempt to exercise the rights provided to them by the constitution, **Calls on** the State of Nicaragua to perform an impartial assessment of the results of the 2008 municipal elections with a view to attribute municipal representative seats to the persons who rightfully won them, **Exhorts** the State of Nicaragua to create the conditions needed to make the 2011 elections transparent and respectful voters' desires, this requires the election of suitable magistrates and timely electoral reform as recommended by the Inter-American Court of Human Rights in its 23 June 2005 decision in the case of Yatama vs. Nicaragua, **Calls on** the State of Nicaragua to allow human rights non-governmental organizations to visit prisons so that they may verify the treatment and detention conditions of prisoners. **Encourages** the State of Nicaragua to adopt all of the legislative and administrative measures and any other type of measure needed to guarantee complete observance of the rights provided for in the Declaration on Human Rights Defenders, UN General Assembly resolution 53/144,

**Exhorts** the State of Nicaragua to adopt precautionary measures as recommended by the Inter-American Commission and investigate and sanction the perpetrators of acts of violence against human rights defenders as these acts lead to increases in crime.