
NICARAGUA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, human rights defenders and organisations continued to be subjected to slander campaigns, attacks and harassment in a climate of political polarisation in Nicaragua. Furthermore, assaults of defenders committed in previous years continued to be treated with impunity. Although the criminal charges against nine women's rights defenders were dismissed, women human rights defenders remained in a vulnerable situation.

Political context

In 2010 and 2011, the climate of political polarisation driven by President Daniel Ortega and the faction of the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional* - FSLN) still supporting him, continued against opponents and critics of his Government, including human rights organisations and independent journalists. This polarisation came to a head in April 2010 when the Nicaraguan Supreme Court confirmed that Mr. Daniel Ortega could run for re-election. The Court's decision was seriously questioned by several civil society organisations that reported irregularities in the proceedings and manipulation of the judiciary by the Executive¹. Intolerance of dissidence and diverse political views became apparent when a peaceful demonstration held by opponents of the re-election was violently repressed, injuring several people, on April 2, 2011. The Executive was also criticised for usurping upon legislative functions. In 2010, numerous decisions were taken through decrees instead of acts debated and adopted by the legislature².

At the international level, the United Nations Human Rights Council examined Nicaragua in the framework of the Universal Periodic Review (UPR) in February 2010. The Council made several observations and recommendations on the situation of human rights defenders and independent journalists, urging the Government to investigate and try threats against them, establish effective protection mechanisms to allow them

1/ When the decision was taken, the Court consisted of two Magistrates whose mandate had expired, while the Magistrates linked to the Liberal Party (*Partido Liberal*), who did not approve the presence of the Magistrates whose terms had expired, were replaced.

2/ For example, Decree 3-2010 by which President Ortega prorogued the terms of the Magistrates of the Supreme Court of Justice and Supreme Electoral Council, and of the members of the High Council of the Office of Comptroller General of the Republic, as they are not elected by the National Assembly.

to do their work without encountering obstacles, and legitimise and acknowledge the work of these defenders through statements of support. The Council also asked Nicaragua to protect freedoms of expression, association and assembly and to avoid restrictions on international law. Several recommendations focused on the need to guarantee the independence of the judiciary, which should not be subject to political interference, and the need to effectively fight gender-related violence and fully implement laws protecting women, as well as to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also recommended that the Nicaraguan Government ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Rome Statute of the International Criminal Court and International Labour Organisation (ILO) Convention No. 169³. Regarding the regional system of human rights protection, the Inter-American Commission on Human Rights (IACHR) reiterated its request to visit Nicaragua during its 140th and 141st period of ordinary sessions, in November 2010 and March 2011⁴. However, as of April 2011, Nicaragua had not set date for this visit.

Furthermore, the rights of indigenous and Afro-descendent communities were not yet fully respected. In June 2010, the Government finally gave the title deeds of a territory to the Rama indigenous people and the Kriol and Afro-descendent communities of Corn River and Graytown, in the autonomous region of the south Atlantic. However, despite having the title deeds to their lands, the communities were not consulted about various projects planned to be built on their territory⁵. Furthermore, in May 2010, the Inter-American Court of Human Rights (IACtHR) decided that Nicaragua had not fully implemented the ruling on the Yatama case⁶, as it has not adopted the measures needed to ensure the effective participation of the autonomous regions' indigenous and ethnic communities in electoral procedures, taking into account their traditions, usages and customs.

3/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, United Nations Document A/HRC/14/3, March 17, 2010. In August 2010, Nicaragua ratified ILO Convention No. 169 in accordance with the recommendations of the Human Rights Council.

4/ See IACHR Press Releases, November 5, 2010 and April 1, 2011.

5/ The communities asked to be consulted about the Tourism Development Master Plan of the municipality of San Juan de Nicaragua and its possible repercussions, such as the construction of an airfield in Old Graytown.

6/ The IACtHR found Nicaragua guilty of excluding candidates from the Yapti Tasba Masraka Nanih Asia Takamka (YATAMA) indigenous group from municipal elections held in 2000. See IACtHR Judgment, *Case of Yatama vs. Nicaragua*, June 23, 2005.

Slander campaigns against, assault and harassment of human rights organisations and defenders

In 2010 and 2011, the slander campaign against the work of human rights defenders continued. In January, March and May of 2010, and in January 2011, several offensive articles aiming at discrediting the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos - CENIDH*) and its Chairwoman, Ms. **Vilma Núñez de Escorcía**, were published in various media outlets linked to the Government⁷. Furthermore, in an article published in the May 14, 2010 edition of the newspaper *El 19 digital*, there were pejorative references to members of the World Organisation Against Torture (OMCT) and to the International Federation for Human Rights (FIDH), which went on a mission to Nicaragua in May 2010. Likewise, statements were made about Mr. **Eric Sottas**, OMCT Secretary General, trying to discredit his work promoting human rights in Nicaragua. These statements were uttered by the Presiding Judge of the Constitutional Division of the Supreme Court of Justice of Nicaragua and by the delegation of the Nicaraguan Government during a meeting at the IACHR's 141st period of sessions.

In addition to the ongoing slander campaign, the work of defenders was hindered due to the constant harassment against them. For example, on March 8, 2011, a hundred members of Sandinista Youth (*Juventud Sandinista*), accompanied by journalists from the official media, surrounded the CENIDH's facilities for three hours. Although the police were asked to come protect the integrity of the institution and its members, no one ever came. A few days later, on March 15, 2011, the CENIDH was once again besieged and surrounded by members of Sandinista Youth and Government supporters, who stood in front of the organisation's doors for two hours spreading Government propaganda. Four policemen came to the CENIDH's facilities, but did not help to effectively break up the siege. The IACHR ordered precautionary measures for Ms. Núñez de Escorcía and other members of the CENIDH in 2008⁸ but, as of April 2011, these measures had not been implemented. On April 13, 2011, the IACHR sent a letter to the Nicaraguan Government asking it to arrange the precautionary measures with the CENIDH within twenty days, but the Government expressly refused to do so.

⁷ Several of the articles criticising the CENIDH were published in the newspaper *El 19 digital*, which belongs to the Ortega family. *Facebook* and the radio station *Nueva Radio Ya* were also used in the slander campaign against the CENIDH.

Impunity of the assaults against human rights defenders committed in 2008 and 2009

Past assaults against human rights defenders continued to be treated with impunity. As of April 2011, investigations into the case of Ms. **Leonor Martínez**, a member of the Nicaraguan Youth Coalition (*Coalición de Jóvenes de Nicaragua*)⁹ who was assaulted by Government-affiliated groups on October 22, 2009 after attending a Civil Coordinating Committee (*Coordinadora Civil*)¹⁰ meeting, were suspended. During the assault, three strangers broke her arm and threatened her with a gun and a knife, telling her “not to get involved in this”, referring to her work with the Youth Coalition. As of April 2011, the physical assault of the Spokesman for the Civil Coordinating Committee, Mr. **Mario Sánchez**, during a peaceful demonstration on August 8, 2009, also continued to be treated with impunity. The protesters were assaulted by 200 or so members of Sandinista Youth, FSLN activists and individuals who had been hired to carry out the attacks. Mr. Mario Sánchez was seriously beaten when he took out a camera to take photographs during the demonstration. Furthermore, as of April 2011, the investigations into the damage done to Ms. Núñez de Escorcia’s home on September 26, 2008, still had not produced any findings.

Dismissal of the charges against nine women’s rights defenders

Finally, the criminal charges laid in October 2007 against Ms. **Ana María Pizarro**, Ms. **Juana Antonia Jiménez**, Ms. **Lorna Norori Gutiérrez**, Ms. **Martha María Blandón**, Ms. **Luisa Molina Arguello**, Ms. **Martha Mungía Alvarado**, Ms. **Mayra Sirias**, Ms. **Yamileth Mejía Palma** and Ms. **Violeta Delgado Sarmiento**, leaders of organisations and networks for the protection of human rights such as the Network of Women Against Violence (*Red de Mujeres contra la Violencia*), the Feminist Movement (*Movimiento Feminista*), the Autonomous Women’s Movement (*Movimiento Autónomo de Mujeres - MAM*), the Nicaraguan Children and Adolescents Committee (*la Coordinadora de la Niñez y Adolescencia en Nicaragua*) and the September 28 Campaign (*Campaña*

9/ The Nicaraguan Youth Coalition is made up of individuals, organisations and social movement representatives, and works toward the integrated development of youth and strengthening the rule of law, including defending young people’s rights.

10/ The Civil Coordinating Committee is an agency that coordinates, arranges and articulates the organised sectors of civil society in Nicaragua. The Civil Coordinating Committee works on human rights, among other issues. In June 2010, Mr. Félix Armando Tercero Arróliga, aka “El Gato”, an employee of the Mayor’s office in Managua and a member of the shock troops who organises and funds President Ortega’s party, and Mr. Erick Armando Mairena Rojas were accused of the assaults against Ms. Leonor Martínez. However, in July 2010, the judicial authority decided to suspend the proceedings for a year after the prosecution said that it did not have sufficient evidence of the assault.

28 de Septiembre), were dropped in February 2010. However, the prosecution service did not inform the defenders of this dismissal until April 28, 2010. The nine defenders had been reported to police by a leader of the antiabortion movement in Nicaragua and charged with “crimes against public administration”, “concealment of rape”, “conspiracy to commit a crime” and “incitement to commit a crime”. Charges were pressed against the nine defenders after they accompanied a nine-year-old girl, who was impregnated after being raped and whose life was at risk, to an abortion clinic¹¹. The decision to dismiss the criminal charges did not provide for any sort of public apology to the nine defenders. On the contrary, it ruled that organisations offering services to women and children who are victims of domestic violence should be watched more closely, which may increasingly hinder the work of defenders who work in these organisations.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Ana María Pizarro, Ms. Juana Antonia Jiménez, Ms. Lorna Norori Gutiérrez, Ms. Martha María Blandón, Ms. Luisa Molina Arguello, Ms. Martha Mungía Alvarado, Ms. Mayra Sirias, Ms. Yamileth Mejía Palma and Ms. Violeta Delgado Sarmiento	Dismissal of charges	Press Release	April 8, 2010
Ms. Vilma Núñez de Escorcía / Nicaraguan Centre for Human Rights (CENIDH)	Assault	Press Release	March 11, 2011
		Open Letter to the authorities	March 17, 2011

11/ Therapeutic abortions were legal in Nicaragua for 169 years until they were prohibited in 2006. Various appeals concerning the unconstitutional nature of the law penalising therapeutic abortions were brought to the Supreme Court in 2007, but as of April 2011, the court had not yet reached a verdict.