

Statement by Jan-Michael Simon
Chair of the Group of Human Rights Experts on Nicaragua (GHREN)
54th session of the Human Rights Council

12 September 2023

Distinguished President,
Excellencies,

Together with Ms. Ángela María Buitrago and Ms. Ariela Peralta Distefano, I am pleased to present this oral update, pursuant to this Council's resolution 52/2.

Last March, in our first report to the Council, we concluded that, since April 2018, President Ortega, Vice President Murillo and others, have been carrying out acts that constitute *prima facie* the crime against humanity of persecution on political grounds.

We also concluded that the crimes are met with total impunity and all the State's apparatus is put to use for this purpose. Since our report, this has continued.

Mr. President,

Today, the overall human rights situation has aggravated. We observe an escalation of persecution of dissent by the Government.

The persecution changes depending on the location of those being targeted.

For **persons based in Nicaragua** perceived to dissent or oppose the authorities, we are documenting how the Government harasses them, pressuring them severely to leave the country.

The situation of Doña Vilma Núñez, one of Nicaragua's most prominent Human Rights Defenders, is a case in point. In Nicaragua, where she still resides, she was arbitrarily deprived of her nationality and is being subject to a series of threats.

The conditions of persons arbitrarily detained remain not being verified by independent and neutral entities.

Many of those who have been released following criminalization and arbitrary detentions in the last months face daily threats and surveillance. They need to report daily to the authorities and are being followed, photographed, and harassed in public and private spaces. Pressured to live in constant fear, many have been forced to leave Nicaragua.

Monsignor Rolando Alvarez, who to date remains arbitrarily detained, has also been subject to much pressure to leave the country. His case also illustrates how religious actors, in particular of the Catholic Church, are increasingly being targeted.

We are also documenting the Government's efforts to extend its control over **Nicaraguans outside of its territory**. They are being denied re-entry into their country and deprived arbitrarily of their nationality. We have information relating to more than 300 persons having been stripped of their nationality so far this year.

Other violations include the arbitrary elimination of birth records, confiscation of assets, including their homes, and the suppression of payments of pension entitlements earned. We also have information on how authorities threaten relatives in Nicaragua and arbitrarily deprive them of fundamental rights.

Mr. President,

We have observed the intentional and severe deprivation of economic and social rights, in particular the right to education and academic freedom. Today, the university sector of Nicaragua as a whole no longer has independent institutions.

Nicaragua is being stripped of its intellectual capital and critical voices, leaving the country's prospects and development on hold.

The legal status of 27 private universities, including the Jesuit Central American University, has been cancelled and their assets confiscated.

In our last report we documented how students were murdered, illegally imprisoned, and tortured. Since then and to date, many have been expelled from their universities. They are among those deported, stripped of their nationality, and forced to leave their country.

As additional obstacles, authorities *de facto* refuse to provide them with documents and/or authentications recognizing courses already completed. Many students are unable to carry on with their studies due to the lack of valid paperwork.

Academic staff has been dismissed, had pension payments withheld, and have also been forced to leave their country.

The violations are perpetrated at the highest level of the State, jointly with other government-controlled institutions, such as the Ministries of Education, Youth, and Interior, the National Assembly, educational councils and trade unions.

The seriousness of these violations, in conjunction with the other crimes documented to date, perpetrated by reason of the political identity of the group targeted, lead us to conclude that these constitute *prima facie* the crime against humanity of persecution on political grounds.

As a new line of investigation, we are looking into alleged violations against indigenous and Afro-descendants.

Mr. President,

We have the following **recommendations**:

To the **Government of Nicaragua**, we urge that it immediately allow unconditional access by neutral and independent verification bodies, such as the International Committee of the Red Cross, in particular, to detention centres where real or perceived opponents are being detained.

The Group reiterates its call to the Government of Nicaragua to cooperate with the Group and grant access to the country.

To the **international community**:

1. Relating to those deprived of their nationality or forced to leave Nicaragua, ensure fair and efficient access to identification, referral and status determination procedures. As far as possible, facilitate their assimilation and naturalization.
2. Liaise with higher education authorities to support affected Nicaraguan students seeking to study abroad, including by facilitating adequate and flexible procedures to ensure the continuation of their studies. The integration of affected Nicaraguan academics should also be considered.
3. Extend sanctions against institutions and individuals involved in the commission of human rights violations and international crimes, including against those targeting Nicaragua's university sector.
4. Assess current and future development cooperation to Nicaragua with an aim to strengthen a plural and diverse range of actors in higher education, to ensure the right to education and academic freedom.

Thank you for your attention.