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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Nicaragua

Johannes Cornelis van Baalen, Renate Weber
on behalf of the ALDE Group

European Parliament resolution on Nicaragua

The European Parliament,

- having regard its previous resolution on the Nicaragua, in particular the resolution of 18 December 2008 on the attacks on human rights defenders, civil liberties and democracy in Nicaragua,
 - having regard to the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, of 15 December 2003 and to the Framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama,
 - having regard to the EU guidelines on human rights defenders,
 - having regard to the reports of the EU expert team on the municipal elections of 9 November 2008 in Nicaragua,
 - having regard to the statements of Commissioner Ferrero-Waldner on the events in Nicaragua following the municipal and regional elections of 9 November 2008,
 - having regard to the negotiations under way for the signature of an Association Agreement,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Nicaraguan Centre of Human rights (NCHR) denounced in the Inter-American Court of Human Rights that in Nicaragua there exist bodies linked to the state authorities whose function is to repress the freedom of expression and any form of demonstration against the Government,
- B. whereas the Inter American Press Association (IAPA) expressed concern at a series of actions and views uttered by the government in Nicaragua that are stifling freedom of the press in the Central American country,
- C. whereas in Nicaragua it is not possible according to the Constitution to run for a second consecutive presidential mandate and that in this sense President Ortega is trying to bypass an article in the Constitution, illegally, to allow him to run for a second mandate, above all taking into consideration that only the legislative power is allowed to pronounce on the constitutional reform, where the actual governmental party has not the necessary 2/3 majority,

- D. whereas on 19 October the Supreme Court of Justice met during the night, without the presence nor the invitation of 3 out of the 6 titular magistrates, who were replaced by 3 Sandinista judges, declared non applicable the article 147 of the Constitution,
- E. whereas all the opposition political parties represented in the National Assembly, as well as, many civil society associations and NGOs rejected this judicial decision and agreed to work together in order to ensure democracy and rule of law in Nicaragua,
- F. whereas Liberal International President, MEP Hans Van Baalen was in Nicaragua on the invitation of the Liberal opposition parties in order to reach a cooperation agreement among themselves for the 2011 general elections,
- G. whereas during the press conference Mr. Van Baalen was threatened verbally and physically by Sandinista activists and even expelled from Nicaragua,
- H. whereas there have been a deterioration of democracy in Nicaragua after the fraud in the last local elections, the attacks and acts of harassment which have been inflicted on the human rights organisations and their members as well as on journalists and media representatives, by individuals, political forces and bodies linked to the state authorities,
- I. whereas the development and consolidation of democracy and the rule of law, as well as respect for human rights and fundamental freedoms, must be an integral part of the EU's foreign policy and
- J. whereas the European Union and its partners, when subscribing to agreements with third countries that include a human rights clause, are assuming responsibility for ensuring compliance with international human rights standards, and whereas such clauses are reciprocal by nature,
- K. whereas the Commission should have greater control over the use of funds given to Nicaragua for development projects, to make sure that none of the money from this funds falls in Sandinista hands,
- L. whereas the United Nations, the European Union, the United States and several Nicaraguan non-governmental organisations (NGOs) have expressed concern over the transparency of recent elections,
1. Regrets the numerous attacks and acts of harassment to which human rights organisations and their members and independent journalists have been subjected to by individuals, political forces and bodies linked to the state,
 2. Condemns the institutional alteration that supposes the infringement of the constitutional order in Nicaragua as a result of the fraudulent tactics by the government using Sandinista judges of the Supreme Court of Justice
 3. Calls upon President Ortega to respect the Constitution of Nicaragua which prohibits two successive terms in office and reminds that only the legislative power is allowed to pronounce on the constitutional reform and that in no case a

judicial decision has this power,

4. Supports all those that in Nicaragua are against the violation and break down of the constitutional order perpetrated by the Sandinista authorities and demands its urgent reestablishment and the cancellation of the mentioned decision;
5. Calls upon President Ortega to respect the Constitution of Nicaragua which prohibits two successive terms in office;
6. Condemns and regrets the formal expulsion of MEP Van Baalen from Nicaragua, as well as all the threats, insults and intimidations received by the members of the Liberal International's delegation, by governmental sectors; indicates its solidarity towards its members,
7. Considers that Mr. Ortega's attitude reflects very little understanding and respect of democracy and the exercise of basic fundamental rights such as the freedom of expression and political action,
8. Urges the Nicaraguan government and the state authorities to protect freedom of expression and the independence of the judiciary,
9. Regrets deeply the way in which the local elections of 9 November 2008 were conducted and calls on the Nicaraguan authorities to respect the democratic legitimacy on the 2011 Presidential elections; in this sense calls on the Commission to send an EU Electoral Observation Mission to those elections,
10. Recalls that in the negotiations on the Association Agreement between the European Union and the countries of Central America Nicaragua must be reminded of the need to respect the principles of rule of law, democracy and human rights, as defended and promoted by the European Union;
11. Calls on the EU Member States to ensure that the situation in Nicaragua is placed on the agenda of all meetings with the Nicaraguan authorities, whether bilateral or multilateral;
12. 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, and the Government and Parliament of the Republic of Nicaragua.