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## TEXTS ADOPTED

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### **P8\_TA(2019)0219**

#### **Situation in Nicaragua**

#### **European Parliament resolution of 14 March 2019 on the situation in Nicaragua (2019/2615(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Nicaragua, in particular those of 18 December 2008<sup>1</sup>, 26 November 2009<sup>2</sup>, 16 February 2017<sup>3</sup> and 31 May 2018<sup>4</sup>,
- having regard to the Association Agreement between the EU and Central America of 2012,
- having regard to the EU country strategy paper and multiannual indicative programme 2014-2020 on Nicaragua,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the EU Guidelines on Human Rights Defenders of June 2004,
- having regard to the Nicaraguan Constitution,
- having regard to the Foreign Affairs Council conclusions on Nicaragua of 21 January 2019,
- having regard to the declarations by the High Representative on behalf of the EU on the situation in Nicaragua of 2 October 2018, 15 May 2018, 22 April 2018 and 15 December 2018, and that of 1 March 2019 on the resumption of the national dialogue,
- having regard to the Council conclusions on EU priorities in UN human rights fora in 2019, adopted on 18 February 2019,

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<sup>1</sup> OJ C 45 E, 23.2.2010, p. 89.

<sup>2</sup> OJ C 285 E, 21.10.2010, p. 74

<sup>3</sup> OJ C 252, 18.7.2018, p. 189.

<sup>4</sup> Texts adopted, P8\_TA(2018)0238.

- having regard to the report approved by the Inter-American Commission on Human Rights on 21 June 2018 entitled ‘Gross Human Rights Violations in the Context of Social Protests in Nicaragua’,
  - having regard to the report of the United Nations High Commissioner for Human Rights on human rights violations and abuses in the context of protests in Nicaragua, 18 April – 18 August 2018,
  - having regard to the report of the Interdisciplinary Group of Independent Experts (GIEI) of 20 December 2018 on the violent events that took place in Nicaragua between 18 April and 30 May 2018,
  - having regard to the statement by UN High Commissioner for Human Rights Michelle Bachelet of 22 February 2019 on the criminalisation of dissent in Nicaragua,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the European Parliament adopted a resolution on the crisis in Nicaragua on 31 May 2018, strongly condemning the situation; whereas, as a follow-up to this resolution, a delegation of 11 MEPs visited the country from 23 to 26 January 2019 to assess the situation on the ground;
- B. whereas the delegation was able to follow its own programme, and the Nicaraguan Government granted access to all facilities requested by the MEPs, including two prisons; whereas the Nicaraguan Government gave guarantees that no retaliation would be launched against those who denounced the current situation; whereas the delegation witnessed the harassment, smear and intimidation campaign that targeted the human rights defenders and civil society organisations with which it had held an exchange of views; whereas many organisations rejected invitations to meet the delegation, owing to government-led intimidation and threats; whereas repression has been intensified since the delegation visited the country;
- C. whereas the delegation rejected publicly the official Nicaraguan Government position that they had been victims of a US-led coup d’état and misinformation campaigns; whereas the main reason fuelling the demonstrations has been the deep democratic, institutional and political crisis that has affected the rule of law and restricted basic freedoms, such as those of association, demonstration and assembly, in the country during the last decade;
- D. whereas freedom of expression, assembly and demonstration, including the use of the national anthem, are being seriously restricted for many people; whereas a significant number of political prisoners are imprisoned just for exercising their rights; whereas there have been several worrying reports regarding the worsening situation of detainees, including inhuman treatment;
- E. whereas judicial proceedings against those detainees are in breach of international standards, in particular the procedural and criminal guarantees of the right to a fair trial; whereas the prison conditions also fail to meet international standards adequately; whereas there is a clear lack of separation of powers in Nicaragua;
- F. whereas the right to information is seriously endangered; whereas journalists are being detained, exiled and threatened; whereas audiovisual media outlets are being closed

down or searched without prior judicial authorisation; whereas the publication of newspapers is endangered by the lack of paper and ink, seized by the Nicaraguan Government;

- G. whereas the Government of Nicaragua has expelled from the country international organisations such as the GIEI and the Special Monitoring Mechanism for Nicaragua (MESENI) that sought the peaceful resolution of the conflict and national reconciliation; whereas repression against civil society organisations has intensified by stripping them of their legal status in a country with a poor institutional framework, doubly punishing the victims of repression;
  - H. whereas academic freedom is also being threatened; whereas nearly 200 university students have been expelled from universities for their participation in demonstrations in favour of democracy and greater freedom and human rights;
  - I. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must form an integral part of the EU's external policies, including the Association Agreement between the EU and the countries of Central America of 2012; whereas this agreement includes a democratic clause, which is an essential element of the agreement;
  - J. whereas the national dialogue launched on 16 May 2018 between President Ortega and the Nicaraguan opposition and civic groups, and mediated by the Catholic Church, failed to find a solution to the crisis; whereas on 27 February 2019, exploratory talks for a national dialogue between the Government of Nicaragua and the Alianza Civica were resumed; whereas the Alianza Civica has established its three main objectives to be reached during the negotiations as follows: the release of political prisoners and respect for individual liberties, the necessary electoral reforms, which must culminate in the holding of elections, and justice; whereas the Nicaraguan Government has released 100 political prisoners, accepting that their prison sentences be commuted to house arrest; whereas most of them are being harassed and arrests are continuing; whereas a high number of prisoners (more than 600) remain in jail; whereas a national dialogue was halted on 10 March 2019 after the Alianza Civica withdrew from the negotiations;
1. Underlines that Nicaragua is suffering from a serious breach of democracy, respect for human rights and the rule of law as a result of the events that took place in April and May 2018; reiterates the importance of its resolution adopted on 31 May 2018;
  2. Condemns all repressive actions of the Nicaraguan Government; states that the visit made by its delegation served to establish a true picture of the current situation; further states that it is without doubt that, in recent months, and in particular after its visit, there has been an increase in repression of the opposition and limitations imposed on fundamental freedoms; in this regard, condemns the generalised repression and restriction of freedom of expression, assembly and demonstration, the outlawing of non-governmental organisations and civil society, the expulsion of international organisations from the country, the closure of and assaults against the media, the limitations on the right to information, the expulsion of students from universities, and the worsening situation in prisons and the use of inhuman treatment;
  3. Considers that such actions by the Government, its institutions and its para-political organisations correspond to a planned strategy to destroy the political opposition that

had led the protests last year; believes that this strategy is applied methodically, systematically and selectively against all leaders, NGOs, media and social movements that seek to express their legitimate demands for freedom and democracy;

4. Expresses its concern about the enormous democratic, political and economic risks that the people and the country are facing, and that will increase if urgent action is not taken, taking into account the current internal confrontations, social rupture and economic decline; urgently calls for a meaningful internal dialogue with a view to achieving a sustainable and peaceful solution that would allow all actors in the society to have space to operate and freely express themselves and that would restore their civil rights, such as the right to peaceful protest; reiterates that any solution should render all those responsible for the violations accountable; asks all the political parties, social movements, leaders, students and civil society organisations to maintain and reiterate their unwavering commitment to a peaceful means of resolving the crisis; reiterates its full support for the reform of the judicial system and the electoral law, and requests that the VP/HR act accordingly; asks the VP/HR and the EU Delegation to closely monitor the negotiations that are taking place in the country between the government and the Alianza Civica, and to continue addressing the human problems arising from the situation created in the country in relation to prisoners, students, protesters, journalists, etc.;
5. Deplores the suspension of the MESENI and the termination of the mandate of the GIEI of the Inter-American Commission on Human Rights; strongly condemns the persecution, arrest and intimidation of people cooperating with the UN and other international bodies;
6. Calls on the Nicaraguan Government to implement three urgent measures as a sign of its willingness in the ongoing dialogue: the immediate and unconditional release of political prisoners, the immediate halt of all forms of repression against Nicaraguan citizens, including harassment, intimidation, spying and persecution of opposition leaders, and the subsequent elimination of all restrictions on previously mentioned freedoms, and the restitution of the legal personality and goods of human rights organisations and the return of international organisations to the country;
7. Points out that under these conditions the process must lead to the cancellation of legal procedures against political prisoners and guarantees regarding their physical and moral integrity, their privacy and due process, the return of those exiled, including journalists and students, the demilitarisation of the streets and the disarmament of paramilitary groups, and the establishment of a clear roadmap for free, fair and transparent elections to be organised in the near future, with the presence of international observers;
8. Calls for the immediate extradition of Alessio Casimirri, currently living in Managua under the protection of the Nicaraguan Government, to Italy, where he has been given six definitive life sentences for the kidnapping of Aldo Moro, former leader of the Christian Democracy party, Prime Minister and President of the European Council, and the murder of his guards on 16 March 1978 in Rome;
9. Requests that the European External Action Service and the Member States implement, without harming the domestic population, a staggered process of targeted and individual sanctions, such as visa bans and asset freezes, against the Government of Nicaragua and those individuals responsible for human rights breaches, in line with the Council

conclusions of 21 January 2019, until full respect for human rights and fundamental freedoms are fully upheld and restored in the country as requested in the dialogue; therefore, and under these circumstances, urges that the democratic clause of the Association Agreement between the EU and Central America, of which Nicaragua is a signatory, be triggered by suspending Nicaragua from the agreement;

10. 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 Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Lima Group, and the Government and Parliament of the Republic of Nicaragua.