



Plenary sitting

B9-0586/2021

8.12.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the situation in Nicaragua
(2021/3000(RSP))

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on behalf of the ECR Group

**European Parliament resolution on the situation in Nicaragua
(2021/3000(RSP))**

The European Parliament,

- having regard to its previous resolutions, in particular those of 8 July 2021 on the situation in Nicaragua¹ and 8 October 2020 on the ‘Foreign Agents’ Law in Nicaragua²,
 - having regard to the declarations on Nicaragua by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the EU, in particular that of 8 November 2021 on the elections in Nicaragua,
 - having regard to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other³,
 - having regard to the Council regulations and decisions concerning restrictive measures against serious human rights violations and abuses in Nicaragua and to the Council decision of 11 October 2021 renewing these sanctions until 15 October 2022⁴,
 - having regard to the resolution of the Organization of the American States (OAS) of 12 November 2021 on the situation in Nicaragua,
 - having regard to the United States of America Presidential Proclamation of 16 November 2021 on Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions that Threaten Democracy in Nicaragua,
 - having regard the statement of the Inter-American Commission on Human Rights (IACHR) of 20 November 2021 reaffirming its competent jurisdiction over Nicaragua and lamenting Nicaragua’s decision to denounce the Charter of the OAS in a context of serious human rights violations,
 - having regard to the Rome Statute of the International Criminal Court, especially Articles 7, 13 and 14,
 - having regard to the report on Accession to the International Criminal Court,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on 7 November 2021, presidential and legislative elections took place in Nicaragua and were strategically orchestrated by Daniel Ortega amid allegations of fraud; whereas the incumbent president, who has ruled the country since 2007, was able

¹ Texts adopted, P9_TA(2021)0359.

² Texts adopted, P9_TA(2020)0259.

³ OJ L 346, 15.12.2012, p. 3.

⁴ OJ L 361, 12.10.2021, p. 52.

to ensure his re-election for a fifth consecutive term, with approximately 75 % of the votes cast and a 65 % turnout, according to the Supreme Electoral Council; whereas observations conducted by Nicaraguan civil society organisations found the turnout to be much lower than the numbers published by the Supreme Electoral Council, with an abstention rate of approximately 81 %;

- B. whereas Daniel Ortega has persistently and strategically eliminated all credible electoral competition by hindering political parties from participation, crushing the integrity of the electoral process by the systematic and arbitrary incarceration, harassment and intimidation of seven presidential pre-candidates, nearly 40 opposition leaders, including student and rural leaders, journalists, human rights advocates and several private business sector representatives, while also putting governmental pressure on the financial sector; whereas the Ortega-Murillo family regime, which has continually been losing credibility and currently does not have a democratic mandate, now rules Nicaragua as autocrats, in a way no different from the Somoza family, which Ortega and the ‘Sandinistas’ fought against four decades ago;
- C. whereas the Nicaraguan government has deprived the people of Nicaragua of its civil and political rights, in particular the freedoms of expression, association and peaceful assembly, outlawing scores of civil society organisations; whereas it has blatantly ignored its own formal commitments on human rights and fundamental freedoms under the Nicaraguan Constitution, the Inter-American Democratic Charter and international covenants to which the country is a signatory party; whereas to maintain impunity, the Nicaraguan dictatorship sustains a strategy of concealing, denying and attempting to justify the widespread human rights violations in the country; whereas those arbitrarily arrested face politically fabricated and ambiguous criminal allegations without any evidence in cases marred by serious violations of procedural guarantees, which illustrates the lack of independence of the judiciary;
- D. whereas on election day there were many reports of restrictions to freedom of the press, including not allowing reporters to approach polling stations; whereas particularly harsh acts of harassment against media outlets and journalists were reported, in addition to temporary arrests and the confiscation of personal property and professional equipment; whereas media outlets were obliged to broadcast to the entire country a speech delivered at noon on election day by Nicaraguan dictator Daniel Ortega; whereas the broadcast of electoral propaganda on pro-government media is in violation of the applicable domestic legislation; whereas deportations and entry bans for international media reporters wishing to cover the election from within the country were among the measures enacted in order to prevent journalists and media outlets from doing their jobs;
- E. whereas the IACHR reported that public sector employees were not only forced to vote for Ortega but also forced to make clear that they had voted by providing photographs or showing their fingers stained with permanent ink as evidence; whereas these public sector employees were threatened with dismissal from their jobs if they did not comply with the aforementioned requirements; whereas there were also reports of the arrest of a student leader and similar acts of retaliation against individuals who could not prove they had voted; whereas several medical students were allegedly banned from entering public and private universities, as well as the hospitals where they were honing their practical skills; whereas the same measures were reported to have been used against

medical staff working in public hospitals, where members of staff were fired;

- F. whereas the Ortega-Murillo government heads an authoritarian and dictatorial regime, with absolute control over all branches of government and particularly the security forces, which arbitrarily persecute, harass, threaten and imprison those who think and express different political opinions; whereas there is evidence of the deployment of targeted operations with the purpose of conducting extrajudicial executions and assassinations of people deemed political opponents by the regime; whereas these serious human rights violations should be regarded as crimes against humanity and be prosecuted as such; whereas Nicaragua has become a republic of fear with a very large number of citizens forced into exile and seeking refuge;
 - G. whereas on 22 November 2021, democratic Nicaraguan opposition organisations sent formal notes to the Foreign Ministers and Governors of the Central American Bank for Economic Integration (CABEI) of Argentina, Belize, Colombia, Costa Rica, El Salvador, South Korea, Spain, Guatemala, Honduras, Mexico, Panama, Dominican Republic and Taiwan, which are all members of CABEI's Board of Governors and its Board of Directors; whereas these notes demand that CABEI conditions any disbursements to the regime to the respect for human rights, the immediate cessation of all repression and attacks against the media and citizens, their property, as well as compliance with OAS resolutions that set forth the minimum conditions for holding free and democratic elections and the re-establishment of the rule of law; whereas democratic Nicaraguan opposition organisations have stressed that CABEI has not only maintained its financing to the Ortega-Murillo regime but has in fact increased it, becoming the main financial support of the dictatorship; whereas other international financial institutions should be informed about the need to support all efforts to restore the rule of law in Nicaragua;
 - H. whereas the IACHR Report of October 2021 stated that in Nicaragua, 'a police state was established' through repression, corruption, electoral fraud and structural impunity designed by the government to achieve its 'indefinite perpetuation in power and maintenance of privileges and immunities';
 - I. whereas Nicaragua and Cuba are the only countries in Latin America that have not ratified the Rome Statute, clearly demonstrating their lack of commitment to peace and security;
- 1. Condemns the undemocratic electoral process that took place in Nicaragua in violation of all international democratic standards for credible, inclusive, fair and transparent elections; rejects the legitimacy of the results of the illegal elections and does not acknowledge any of the institutional authorities emerging from this vote; underlines that the recent elections have completed Nicaragua's transformation into a fully-fledged autocratic regime;
 - 2. Expresses its support to the Nicaraguan nation, which remains a member of the global community committed to democratic principles; strongly believes that the Nicaraguan people deserve to enjoy the freedoms and rights that are respected in a democracy; supports, therefore, all efforts for a return to democracy through free and fair elections in accordance with relevant international standards and accords and the Inter-American

Democratic Charter in order to satisfy the democratic aspirations and civil rights of the people of Nicaragua, as well as allowing international organisations and civil society organisations to enter the country; calls for the restoration of legal status to the opposition parties that were arbitrarily banned and for the immediate release of their illegally imprisoned pre-candidates, as well as the immediate release of all illegally detained political prisoner;

3. deplores the fact that the diplomatic and technical initiatives undertaken since 5 June 2018 by the democratic community and organisations, including the OAS, to promote representative democracy and the protection of human rights in Nicaragua have been unsuccessful because they were ignored or rejected outright by the Nicaraguan government; calls for closer cooperation and coordination between democratic partners and institutions on the use of diplomacy, sanctions and visa restrictions, as appropriate, to promote accountability for those complicit in supporting the Ortega-Murillo government's undemocratic acts;
4. Reaffirms the EU's solidarity with the Nicaraguan people in their struggle to restore democracy and stresses that any form of EU assistance must reach its true beneficiaries and not the incumbent government and authorities; supports the VP/HR's statement that we should consider all instruments at our disposal to take appropriate additional measures, including those that may go beyond individual restrictions, while at the same time avoiding any measures that could potentially add to the hardship of the Nicaraguan people;
5. Recalls that in the light of the Association Agreement between the EU and Central America, Nicaragua must respect and consolidate the principles of the rule of law, democracy and human rights; reiterates that, in light of the current circumstances, the democratic clause of the Association Agreement must be triggered;
6. Condemns the violence and systematic crackdown on political opposition leaders, the oppression of civil society actors, human rights advocates and media, the widespread impunity for crimes committed against them, and the persistent corruption practised by Nicaraguan government officials; recalls that these acts are a clear breach of human rights, democracy and the rule of law, as well as being evidence of the continued failure by President Daniel Ortega, Vice-President Rosario Murillo and Nicaraguan government officials to defend these principles and values and of their lack of intention to do so;
7. Urges the Nicaraguan authorities to put an end to repression and restore full respect for human rights, including for civil and political rights, in particular the repeal of all restrictive laws and the reinstatement of the legal status of human rights advocacy organisations;
8. Reiterates its call for the immediate and unconditional release of all arbitrarily detained political prisoners, opposition activists, human rights advocates and journalists, and the annulment of proceedings against them; condemns the continued psychological and physical abuse they face at the hands of police and prison authorities and incommunicado detention for anyone, where they are held without access to their lawyers, families or medical care; calls on the government to immediately provide all

relevant evidence that those imprisoned are still alive and information about their whereabouts; rejects the Ortega regime's decision to freeze the judicial proceedings against them, resulting in their indefinite pre-trial detention;

9. Demands justice and accountability for all victims through impartial, thorough, and independent investigations and elections, in line with Nicaragua's laws, international commitments, and obligations,;
10. Calls on Member States and the UN Security Council, in accordance with Articles 13 and 14 of the Rome Statute, to open a formal investigation through the International Criminal Court into Nicaragua and Daniel Ortega for crimes against humanity under Article 7 of the Rome Statute, which the Nicaraguan state and Daniel Ortega himself are responsible for: murder, deportation or forcible transfer of people, imprisonment or other deprivation of physical liberty violating fundamental rules of international law, torture, rape or any other form of sexual violence of comparable severity, political persecution, enforced disappearances and other inhuman acts; underlines that these acts are part of a state policy carried out by Daniel Ortega's dictatorship and have been stepped up since April 2018;
11. Calls on the EU and its Member States to closely monitor the situation on the ground through their local representatives and embassies in Nicaragua, to enable the issuance of emergency visas and to provide temporary refuge for political reasons in the Member States;
12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, 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, the Lima Group and the Government and Parliament of the Republic of Nicaragua.