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*Plenary sitting*

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**B9-0298/2022**

7.6.2022

## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 144 of the Rules of Procedure

on on the instrumentalisation of justice as a repressive tool in Nicaragua,  
(2022/2701(RSP))

**Marisa Matias**

on behalf of The Left Group

**B9-0298/2022**

**European Parliament resolution on on the instrumentalisation of justice as a repressive tool in Nicaragua,  
(2022/2701(RSP))**

*The European Parliament,*

- having regard to the Charter of the United Nations,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the International Covenant on Economic, Social and Cultural Rights of 1966,
- having regard to the Constitution of the Republic of Nicaragua,
- having regard to the annual report of the High Commissioner for Human Rights on the situation of human rights in Nicaragua (A/HRC/49/23),
- having regard to Rule 144 of its Rules of Procedure,

A. Whereas the use of judicial measures for repressive purposes in Nicaragua remains a matter of concern; whereas since December 2018, Nicaraguan authorities have outlawed at least 336 NGOs, of which 253 have been closed so far in 2022; whereas between 4 and 31 May 2022, the Nicaraguan National Assembly approved four Legislative Decree Initiatives cancelling the legal status of 177 NGOs, including several women's rights organisations; whereas on 1 June 2022, a new initiative was presented to cancel the legal status of other 96 NGOs; whereas the new law in Nicaragua is considered "contrary to the country's human rights obligations" by the spokesperson for the UN OHCHR, and she fears its potential to "curtail the freedom of expression and association of any organization that may attempt to voice criticism of the Government"<sup>1</sup>;

B. Whereas the UN High Commissioner for Human Rights has documented arbitrary detentions, intimidation and harassment against political opponents, -notably in the context of elections-, human rights defenders, lawyers and journalists; whereas the Commissioner also expressed her concern about the lack of progress with regards to accountability for human rights violations committed since April 2018<sup>2</sup>;

C. Whereas the annual report on of the High Commissioner on the situation of human rights in Nicaragua notes cases of prisoners being subjected to treatment and prison conditions contrary to the prohibition of torture, cruel, inhuman or degrading treatment or punishment; whereas the report also records cases of criminal procedures not following due process or respecting fair trial rights; whereas several detainees were denied contact with their

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<sup>1</sup> <https://news.un.org/en/story/2022/05/1117802>

<sup>2</sup> <https://www.ohchr.org/en/press-releases/2022/03/human-rights-council-discusses-situation-human-rights-nicaragua-and-sudan>

families, were held in police custody for long periods exceeding the maximum limits allowed by the Nicaraguan Constitution, and had restricted access to their lawyers; whereas a number of trials were not public and were held in absence of the defence lawyers chosen by the detainees;

- D. Whereas the Human Rights Council, with its resolution 49/L.20 adopted on 31 March 2022, decided to establish a group of three human rights experts on Nicaragua; whereas the Group of Human Rights Experts was mandated to “conduct thorough and independent investigations into all alleged human rights violations and abuses committed in Nicaragua since April 2018” and to “make recommendations with a view to improving the situation of human rights, to provide guidance on access to justice and accountability, and to ensure a victim-centred approach”; whereas the investigative body was also requested to engage with all relevant stakeholders, including the Government of Nicaragua, the Office of the High Commissioner for Human Rights and civil society;
- E. Whereas both the EU and the US have imposed sanctions on Nicaragua; whereas the EU prolonged its sanctions for another year on 11 October of 2021, and have imposed a new pack of sanctions on January of 2022; whereas the US administration increased its sanctions after the elections on 15 November, and have imposed more sanctions on January of 2022;
1. Calls on the Nicaraguan authorities to ensure that their legislation on civil society organisations, freedom of expression and political rights is in line with their international human rights obligations;
  2. Calls on the Nicaraguan Government to release those arbitrarily detained, and to ensure prompt and fair trials of all prisoners, according to international standards, notably of political opponents, human rights defenders, lawyers and journalists; calls for OHCHR visits to detainees to be facilitated;
  3. Calls on the Nicaraguan authorities to assure an effective separation of powers; urges the relevant Nicaraguan authorities to refrain from initiating criminal proceedings with generic or disproportionate charges based on political reasons;
  4. Is concerned by the increasing tendency worldwide to misuse the legal and judicial systems to prosecute and silence political opponents, trade unionists and environmental and human right activists, which is known as lawfare;
  5. Calls on the Nicaraguan authorities to ensure that prisoners are treated and live in conditions that respect their freedom from torture, cruel, inhuman or degrading treatment or punishment and to secure all guarantees of defence and procedural rights, in particular by allowing them access to their lawyer;
  6. Calls on the Nicaraguan Government to make every effort to ensure accountability of human rights violations perpetrated since April 2018, and to cooperate with the Group of Human Rights Experts in this regard;
  7. Calls on Nicaraguan authorities to ensure that its citizens can fully exercise civil and political

rights, and to end the persecution of political opponents, human rights defenders, journalists and lawyers; urges the relevant Nicaraguan authorities to create and maintain, in law and in practice, a safe and secure environment for civil society organisations, political opponents, protesters and media outlets, enabling them to carry out their legitimate and useful work without undue interference; stresses the need to guarantee efficient legal recourse procedures for protesters, civil society organisations and journalists whose human rights have been violated;

8. Recalls that the people of Nicaragua have the right to self-determination, and that “by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”, as enshrined in Articles 1 of the International Covenant on Civil and Political Rights, as well as in the International Covenant on Economic, Social and Cultural Rights;
9. Calls on the VP/HR and the Member States to engage in constructive dialogue with the Nicaraguan Government and base bilateral relations on international law and human rights; highlights that mutually beneficial relations between the EU and Nicaragua can have a positive impact on many aspects, including the achievement of the 2030 Agenda for Sustainable Development Goals;
10. Calls on the Nicaraguan Government to initiate a meaningful national dialogue, as announced by the President in January 2021;
11. Instructs its President to forward this resolution to the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Government of Nicaragua, the Euro-Latin American Parliamentary Assembly, and Latin American regional bodies, including the Bolivarian Alliance for the Peoples of Our America and the Community of Latin American and Caribbean States.