



Plenary sitting

B9-0306/2022

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

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on behalf of the S&D Group

B9-0306/2022

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

The European Parliament,

- having regard to its previous resolutions, in particular that of 6 December 2021 on the situation in Nicaragua,
 - having regard to the framework for restrictive measures adopted by the Council on 14 October 2019,
 - having regard to the statement by the Spokesperson of the HR/VP of 14 March 2022 on the sentencing of political prisoners,
 - having regard to the statement by the UN Human Rights Office spokesperson of 9 May 2022 on Nicaragua’s crackdown on civil society and the report of the UN High Commissioner for Human Rights A/HRC/49/23 published on the situation of human rights in Nicaragua as well as her statement before the 49th Session of the Human rights Council of 7 March 2022,
 - having regard to the International Covenant on Civil and Political Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the Vienna Convention,
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas since 2018, the Nicaraguan Government has carried out systematic incarceration, harassment and intimidation of presidential pre-candidates, opposition leaders, student and rural leaders, journalists, human rights defenders and business representatives;
- B. Whereas in recent weeks, Nicaraguan courts have handed down guilty verdicts and harsh sentences to political prisoners, after closed-door trials lacking transparency and violating all basic rights of defendants;
- C. Whereas the judges and prosecutors in these trials have consistently violated due process and Nicaragua’s own penal code; the presumption of innocence was violated by the Office of the Prosecutor in a public note, calling those detained “criminals” and “offenders”;
- D. Whereas as mentioned by the UN Office of the High Commissioner for Human Rights and by the UN Human Rights Council’s Special Procedures mandate holders, those imprisoned were detained on grounds incompatible with international human rights standards and with Nicaragua’s Constitution. Many of the political prisoners have been kept incommunicado for over eight months, some of them facing daily interrogations or extended solitary confinement. They have seen their families on rare occasions only,

they have been denied access to medical care and have not been given medication when needed not have they been allowed to receive food or clothing delivered by their families to the prison's authorities;

- E. Whereas as the UN has repeatedly noted, such conditions of detention pose real risks to the prisoners' physical and mental integrity and may amount to cruel, inhumane and degrading treatment, or even torture;
 - F. Whereas the prison conditions reported by the detainees fall below the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and, in the case of female detainees, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);
 - G. Whereas up to June 2022 over 181 persons remain arbitrarily detained according to the Special Follow-up Mechanism for Nicaragua (MESENI);
 - H. Whereas more than 373 civil society organisations have been deprived of their legal status and the process continues. The regime has already destroyed the separation of state powers, the political party system and now it is destroying civil society organisations and therefore democracy in order to build a totalitarian state in Nicaragua; whereas the Catholic church has also been the victim of Daniel Ortega's regime, as have members of indigenous and other minority groups;
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- 1. Strongly condemns the Nicaraguan regime for the systematic persecution of dissent voices, the abuses targeted at human rights defenders, opposition figures, journalists, students and members of the Church among others, their arbitrary detention for solely exercising their fundamental freedoms, their inhumane and degrading treatment and their deteriorating health condition.
 - 2. Calls on the Nicaraguan Government to immediately and unconditionally release all political prisoners and to annul all legal proceedings against them, including their sentences, and allow a safe return of all refugees and exiled to their homes;
 - 3. Holds the Government responsible for ensuring that conditions of detention comply with its international human rights obligations and with standards such as the UN Standard Minimum Rules for the Treatment of Prisoners -the Mandela rules;
 - 4. Urges Nicaragua to repeal legislation passed since 2018 that unduly restricts the civic and democratic space, in particular the Special Law on Cybercrimes (Law 1042); Law 1040 on the Regulation of Foreign Agents; and Law 1055 on the defence of the rights of the people to independence, sovereignty and self-determination for peace. I also recommend harmonizing criminal and electoral legislation in line with international human rights norms and standards.
 - 5. Expresses its deepest concerns over the judicial rulings that only confirm the repressive drift of the Nicaraguan regime and that the judges have become the arm of repression and are therefore responsible for human rights violations, deepening further the alteration of Nicaragua's constitutional order and non-compliance with the principles of the inter-American democratic charter and the OAS charter, among others;

6. Stresses that there is a subjugation of the Nicaraguan Judiciary and the Public Prosecutor's Office, with no respect for judicial independence and separation of powers leading to a clear instrumentalisation of justice as a repressive tool in Nicaragua.
7. Urges the European Union to hold accountable the Nicaraguan regime, in particular its judges, for the repression in the country, and the judicial proceedings initiated against opposition figures and other critics; calls on the Council to urgently expand the list of individuals sanctioned by the EU.
8. Urges the Government of Nicaragua to put an end to the use of cruel and inhuman treatment, and to respect the physical integrity, dignity and liberty as well as the right to access to medical care of those imprisoned as well as their families, in compliance with its international human rights legal obligations and with standards such as the UN Standard Minimum Rules for the Treatment of Prisoners -the Mandela rules; deeply regrets the death of Mr. Hugo Torres during his detention.
9. Calls on the Nicaraguan authorities to stop unduly closing NGOs and CSOs and restore the legal charter of all organizations, political parties, universities, human rights organisations, and media outlets that have been arbitrarily shut down as well as returning all property, assets, documents and equipment that were unduly seized and re-establish their legitimate legal status;
10. Reiterates its call for the immediate extradition of Alessio Casimirri to Italy.
11. 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 working group on Nicaragua of the OAS permanent Council, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Lima Group, and the Government and Parliament of the Republic of Nicaragua.