



Plenary sitting

B9-0313/2022

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 Renew Group

B9-0313/2022

**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 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 resolution 49/L.20, on the promotion and protection of human rights in Nicaragua, adopted on 31 March 2022 by the UN Human Rights Council
 - 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 April 2018, a framework of state repression is installed in Nicaragua, marked by the systemic impunity of human rights violations, the institutional and rule of law deterioration and the implementation of a strategy orchestrated by the Nicaraguan executive which aims at silencing any dissenting voices with a clear connivance of the judiciary;
- B. whereas the Nicaraguan government and judiciary, since December 2021, has gone from passing laws that go against the Nicaraguan Constitution and international law to applying them indiscriminately against human rights defenders, opposition figures, journalists and students among others;
- C. whereas Nicaraguan courts have handed down guilty verdicts and harsh sentences to any dissenting voices, after closed-door trials and failing to uphold basic fair trial guarantees; whereas the presumption of innocence was violated by the Office of the

Prosecutor in a public note, calling those detained “criminals” and “offenders”;

- D. whereas critics of the Nicaraguan regime have experienced systemic abuses during detention, as well as daily interrogations, solitary confinement, insufficient food resulting in severe weight loss, lack of drinking water, inhumane, cruel, humiliating, and degrading treatment, amounting to torture, which has led among others to the death of political prisoner and ex-rebel leader Hugo Torres; whereas the harassment by the Nicaraguan authorities has also extended to the families and relatives of political prisoners, who have suffered persecution and threats;
 - E. whereas up to April 2022 over 171 persons remain arbitrarily detained according to the Special Follow-up Mechanism for Nicaragua (MESENI); whereas the Ortega and Murillo regime violates the Mandela’s rules of deprivation of liberty;
 - F. whereas since 2018 the Nicaraguan regime arbitrarily ordered the annulment of the legal status of over 344 civil society organizations, several political parties and at least 12 universities; whereas 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; whereas, despite the numerous risks they face, journalists and other human rights defenders continue to perform an essential role in monitoring the situation of human rights and freedoms in Nicaragua;
 - G. whereas, following a strong impetus from civil society through - among others - the consortium Colectivo 46/2, the Human Rights Council established a Group of Human Rights Experts to conduct thorough and independent investigations into all alleged human rights violations and abuses since April 2018, including the possible gender dimensions;
 - H. whereas the Ortega regime is violating international law, especially the Vienna Convention, by storming and appropriating the property and headquarters of the Organisation of American States, which was expelled from Nicaragua on 25 April 2022;
1. Strongly condemns the Nicaraguan regime for the systematic persecution of dissent voices, the abuses targeted at human rights defenders, opposition figures, peasants, journalists, students and religious and indigenous people, their arbitrary detention for solely exercising their fundamental freedoms, their inhumane and degrading treatment and their deteriorating health condition; condemns the arrest of Padre Manuel Salvador Garcia on 1st June 2022 who remains in pre-trial detention and calls for his immediate release.
 2. Expresses its deepest concerns over the illegitimate judicial rulings that only confirm the repressive drift of the Nicaraguan regime and that the judges have become the arm of repression and responsible for human rights violations.

3. 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.
4. 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 critiques; calls on the Council to immediately include the following judges to the list of individuals sanctioned by the EU: Nadia Camila Tardencilla, Angel Jeancarlos Fernández González, Ulisa Yaoska Tapia Silva, Rosa Velia Baca Cardoza, Veronica Fiallos Moncada, Luden Martin Quiroz García, Karen Vanesa Chavarría, Felix Ernesto Salmerón Moreno, Nancy Aguirre Gudiel, William Irving Howard López, Erick Ramón Laguna Averzuz, Melvin Leopoldo Vargas García, Irma Oralia Laguna Cruz and Rolando Sanarrusia.
5. Reiterates its call on the EU to continue supporting civil society organizations, human rights defenders and relatives of political prisoners both in Nicaragua and in exile.
6. Calls on the EU to support the mandate of the three independent members of the Group of Human Rights Experts on Nicaragua recently established by the UN Human Rights Council and to closely collaborate with them with a view to promote accountability for human rights violations and abuses in Nicaragua.
7. Calls on the Nicaraguan Government to immediately and unconditionally release all political prisoners and to annul all legal proceedings against them, including their sentences;
8. Urges the President to put an end to the use of cruel and inhuman treatment, and to respect the physical integrity, dignity and liberty as well as access to medical care and their families for all the detainees in compliance with its international human rights 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. Condemns that more than 344 NGOs have been forced to stop working in Nicaragua including the Nicaraguan Academy of Language following the request of the Nicaraguan regime; calls on the Nicaraguan authorities to stop unduly closing NGOs and restore the legal personality of all organizations, political parties, universities and media outlets that have been arbitrarily shut down, as well as to return all the assets, documents and equipment that were unduly seized.
10. Strongly urges Nicaragua to repeal legislation passed since 2018 that unduly restrict the civic and democratic space.
11. Calls for the review of the Association Agreement between the European Union and Central America, towards the suspension of Nicaragua from the agreement; recalls that under the agreement, Nicaragua must respect and consolidate the principles of the rule of law, democracy and human rights; reiterates its immediate demand that, in the light of the current circumstances, the democratic clause of the Association Agreement be triggered;

12. Deeply regrets Nicaragua voted against expelling Russia from the United Nations Human Rights Council over atrocities committed by its forces during the war in Ukraine and that Nicaragua abstained on the United Nations General Assembly Resolution ES 11/1 of 2 March 2022 deploring Russia's invasion of Ukraine and demanding a full withdrawal of Russian forces.
13. Reiterates its call for the immediate extradition of Alessio Casimirri to Italy.
14. 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, the Lima Group, and the Government and Parliament of the Republic of Nicaragua.