



Gobierno de Reconciliación
y Unidad Nacional

El Pueblo, Presidente!

40
2019

**Aquí nos ilumina,
un Sol que no declina
El Sol que alumbra
las nuevas victorias**
RUBÉN DARÍO

#2

**STATEMENT BY THE STATE OF NICARAGUA AT THE
PRESENTATION OF THE WRITTEN REPORT OF THE
HIGH COMMISSIONER DURING THE 42 SESSION OF
THE UN HUMAN RIGHTS COUNCIL**

Geneva, Switzerland, September 10, 2019.

Thank You very much

- Your Excellency Ms. Michelle Bachelet,
United Nations High Commissioner for Human
Rights,
- Your Excellency Mr. Coly Seck, President
of the Human Rights Council,
- Excellencies, Representatives of the Member
States and Observers to this Honorable
Council,
- Dear Representatives of International
Organizations



CONSEJO DE COMUNICACIÓN Y CIUDADANÍA

CRISTIANA, SOCIALISTA, SOLIDARIA!

The State of Nicaragua reiterates its rejection of Resolution No. 40/2 of the Human Rights Council, of March 21, 2019, as well as the report prepared by OHCHR.

The period of the report (from August 19, 2018 to July 31, 2019) must consider the current reality and not refer to events from periods prior to August 19, 2018.

The OHCHR methodology utilized for the collection of information does not attach evidence regarding how it proceeded in order to ensure due diligence. The identification of sources for information collection was based on biased and arbitrary criteria, which does not correspond to a serious report that utilizes a rigorous methodology.

The lack of methodological rigor in the preparation of the report, makes its content, conclusions and recommendations lacking of veracity and credibility.

Context

The State of Nicaragua observes that the OHCHR approach minimizes criminal actions aimed at breaking the constitutional order, referring to them as "peaceful protests." Fake news against the State of Nicaragua, including ill-founded publications are re-transmitted by the report without verification, such as the alleged disproportionate use of force, extrajudicial executions, torture and rape in detention centers, among others. All of which is not true.

In the described context and throughout the report, acts of terrorism, murder, torture, kidnapping, rape, theft with intimidation, arson, extortion and other cases of organized crime, arbitrary and illegal use of weapons of all kinds (including weapons of war), perpetrated by so called "peaceful protesters" from the more than 1,300 roadblocks that paralyzed the country and hampered even the free international transportation of people and vehicles, affecting the population, and in particular the most vulnerable sectors: women, children, and sick people, as well as against members of the National Police, Public Officials and Sandinista sympathizers, are deliberately omitted. Evidence of these

crimes has been presented by the State of Nicaragua.

The OHCHR calls these "tranques" mere "road-blocks or barricades" and the criminal actions committed in and around them "simple abuses", when in fact they were grave crimes.

Subjective affirmations are also made without any foundation, by calling into question the independence, legitimacy and legality of the Legislative Power, elected by universal suffrage. Notes are made without any analysis and rationale for the approval of legislation proposed by the Government, claiming that it does not conform to international human rights standards, without specifying or taking into

account that they adhere to the process of formation of Law in Nicaragua.

In the same way, the OHCHR calls into questions, without foundation, the independence of the Office of the Human Rights Ombudsman (PDDH), which has acted in compliance with the Political Constitution, its Organic Law, the national legal system and International Human Rights instruments, in particular the Paris Principles.

Right of assembly, freedom of expression and association.

In relation to the alleged restriction of the right to peaceful assembly by the National Police of Nicaragua. The National Police has not banned public demonstrations, and moreover in the period under review,

it did not receive any application that met the requirements of the law, which are similar to those that many countries in the world have in place to maintain order.

The Mission of the National Police is to protect the Life, Integrity and Safety of people and their property. Police presence in public places is due to the fulfillment of its mission in favor of all Nicaraguans, without distinction, which has allowed Nicaragua to achieve the best citizen security indexes in the region.

In Nicaragua there is full freedom of expression and association. Journalists carry out their work without censorship or restriction. No journalist has been arrested, persecuted or expelled for exercising their right to report. Of 7,227 registered NGOs,

9 associations lost their legal accreditation by contradicting their aims and objectives, they utilized their associations to manage, receive, channel and facilitate funds for the commission of illegal acts in the context of the attempted Coup d'etat, violating their own statutes.

Right to personal liberty

The paragraphs referring to the alleged arbitrary and illegal detentions and incarcerations are inadmissible, since the data presented are not supported by any demonstrable source. There is no pattern of arbitrary detention. The National Police complied with the requirements and procedures established in the Political Constitution and laws of the Republic.

In Nicaragua there are no forced disappearances. Any detained person is taken to the Police Delegation that has jurisdiction, which corresponds to the place of detention, or the commission of the crime and their relatives are informed of the place of detention.

On June 11, 2019, all prisoners detained for acts of violence which occurred since April 18, 2018, were released according to a list reconciled by the International Committee of the Red Cross (ICRC), in accordance with the Amnesty Law, Law No. 996.

**Right to not to be subjected to torture
and inhuman conditions of detention**

In Nicaragua there is no torture or cruel, inhuman and degrading treatment in detention centers. This has been confirmed by the

visits to these centers by the Apostolic Nunciature in Nicaragua, the Office of the Human Rights Ombudsman, the Inter-American Commission on Human Rights, the Office of the High Commissioner of the United Nations and the International Committee of the Red Cross, who at all times confirmed respect for the human rights of prisoners.

The Penitentiary System of Nicaragua does not have prisons or isolation or punishment cells for prisoners. The cells and pavilions are designed for collective use and are also of recent construction, according to international standards.

In relation to the case of the prisoner who died on May 16, 2019, as a result of a violent mutiny initiated around 2:30 pm by about 40 prisoners at the La Modelo Prison.

The deceased orchestrated an attack on a prison officer who tried to persuade him to return to the galleries. When he rushed the officer, he fired a shot that hit the lower abdomen of the aggressor, who was immediately taken to the hospital and assisted by medical personnel, dying at 4:00 pm. This is the only case of this nature registered in the history of the country.

Right to a fair trial

The OHCHR Report seeks to delegitimize the action of the judicial system by making politicized statements about it. The OHCHR judges and disqualifies the actions of the authorities of the justice system, claiming without any basis, that "they are not perceived as independent or impartial in

the cases in which they acted.” However, OHCHR itself acknowledges in its report that the authorities of the Nicaraguan justice system “acted as allowed by the Criminal Procedure Code.”

The State of Nicaragua reiterates that no person has been accused or persecuted for participating in or supporting peaceful protests, or for exercising work in defense of human rights. All the accused persons committed serious crimes, previously qualified in the Nicaraguan Penal Code.

The actions classified by the OHCHR as “piquetes”, “protests”, “barricades”, “roadblocks” “support for protesters”, “firing of artisanal weapons against the authorities”, among others, resulting in murders, homicides, destruction of public and private property, looting, arson, theft in

its various forms, kidnapping of people and public transport vehicles with passengers, among others, which beside representing crimes, generated terror and anxiety among the population.

The actions of the different authorities integrated in the criminal justice system were in accordance with the Law and were adjusted to the powers granted by the legislation, respecting due process guaranteeing. We reject the OHCHR statement which states that the accusations were disproportionate or devoid of evidence.

Right of victims to file for resources and obtain reparations

As part of the efforts of the State of Nicaragua to consolidate Peace and overcome

the crisis caused by the violent acts of 2018, Law No. 985 "For a Culture of Dialogue, Reconciliation, Security, Work and Peace"; Law No. 994, Law for the Integral Attention to Victims, and Law No. 996, Law of Amnesty were approved. The procedure for the conformation of these laws was determined by the Political Constitution of Nicaragua and its implementation has contributed to Stability and Peace in the Country.

Since January 2019, 6,931 Commissions for Reconciliation, Justice and Peace have been created nationally, those Commissions have strengthen and cement all efforts for peace in the country.

In compliance with the Law for the Integral Attention to Victims, the Office of the Ombudsman for the Defense of Human Rights

has coordinated with the Institutions of the State of Nicaragua in order to ensure that the victims of violent events that have occurred since April 2018, receive specialized attention and reparation at an integral level. Likewise, the Amnesty Law was complied with.

The National Assembly has also renewed the mandate of the Commission for Truth, Justice and Peace, which has issued 3 reports that reflect profound research, contributing to the concept that, uncovering the facts and the knowledge of the truth of what happened, contributes to the reparation of the victims.

On April 15, 2019, by Executive Action, the Program for Voluntary Return of the Nicaraguans Abroad that left the country

in the context of the violent events that occurred since April 2018, was published.

Impact of the crisis on Human Rights.

Despite the effects caused by the failed attempted coup, the Government of Reconciliation and National Unity has maintained macroeconomic stability and public investment levels, ensuring social programs, especially regarding quality education and free public health.

We firmly reject the speculative approach of the report regarding the status of the national economy, since it does not correspond to the reality of the country's economic recovery and the enormous effort and sacrifice of the Nicaraguan population to reconstruct the paths of peace and wellbeing that the

country was building, prior to the attempted coup of 2018.

The report superficially addresses the issue of restoration of rights and wellbeing of the Indigenous and Afro-descendant population.

The report does not recognize that Nicaragua has the most advanced legislation in the Hemisphere in terms of Indigenous and Afro-descendant rights; which has guaranteed the demarcation and effective titling of more than 37,842 square kilometers, equivalent to 31% of the national territory in their favor. Likewise it does not recognize the significant advances in the restitution of rights of all Nicaraguans in the last decade, especially indigenous and Afro-descendants, with the most important public investment in roads, economic, social

and productive infrastructure in the history of Nicaragua.

Mr. President,

The report presented is biased against the People and Government of Nicaragua. The methodology of substantiating assessments based on second and third-hand criteria, without proper verification, privileging information provided by certain media sources, social media and non-governmental opposition organizations, including NGO's whose own managers denounced their Director for inflating the number of dead, injured and detained in order to increase the financial resources they received from abroad and Funds that allegedly were embezzled, proves that the report reflects significant errors in the handling of figures, clearly

aligning with the political intentions of some countries interested in destabilizing and derailing the positive development of Nicaragua.

Let's also look at the example of the gross inaccuracy with which the report addresses data on the Indigenous and Afro-descendant population, saying that 120 thousand square kilometers of land have been titled, when the entire national territory represents a little more than a 134 thousand square kilometers. A mistake we pointed out twice, but they kept it in the final report.

As they say in my country, the day is taken the day before. The report is full of this type of errors and subjective assessments.

On the other hand, the conclusions and recommendations are intended to underpin profound transformations in the superstructure of the State and its legal functioning. It manifests a tendency of direct interference in the internal affairs of the country while trying to subordinate the national institutions to the guardianship of international organizations, which violates the Independence, Sovereignty and Self-determination of the Nicaraguan people, something that we will never be willing to surrender.

Mr. President,

The Government of Nicaragua maintains its commitment to continue working for National Unity, Reconciliation and Peace; deepening democratic, economic, social and cultural conquests and strengthening the indispensable

conditions to continue successfully fighting the battle against poverty and inequality.

We will continue to fulfill the commitments that we have assumed with our People and with the International Community in order to continue on the path of progress and well-being, initiated just over a decade ago.

The Government of Reconciliation and National Unity of Nicaragua reiterates that it maintains close cooperation with the Universal Human Rights System, as well as with its mechanisms. In the third cycle of our Universal Periodic Review, we present the advances of our young democracy in the field of social, political and economic rights, as we did in the previous cycles.

Nicaragua has been recognized internationally as the safest country in the region, the one that has most rapidly reduced poverty and inequality, with greater access to quality health and education, the fastest growing country based on a multi-year average and one of the five countries with the highest gender parity in the world.

This development process was interrupted by violent groups, that in April 2018 sought to alter the constitutional order and strip the people once again, of the rights that we have been restoring.

The Government of Reconciliation and National Unity continues to consolidate peace and continue to promote the welfare of Nicaraguan families.

Thank you very much.