FIFTY-FOURTH REGULAR SESSION OEA/Ser.P

June 26 to 28, 2024 AG/doc.5861/24 rev. 1

Asunción, Paraguay 27 June 2024

 Original: English

 Item 31 on the agenda

RESOLUTION

FOLLOW UP TO THE SITUATION IN NICARAGUA[[1]](#footnote-1)/

(Adopted at the first plenary session, held on June 27, 2024)

THE GENERAL ASSEMBLY

RECALLING that the promotion and defense of democracy for the peoples of the Americas is an obligation established in the Inter-American Democratic Charter, which also establishes that "essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms"; and that the American Convention on Human Rights determines that the States Parties thereto "undertake to respect the rights and freedoms recognized therein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition" and that these obligations fall on the States Parties, individually and collectively;

DEEPLY CONCERNED by the continued deterioration of the human rights situation in Nicaragua since 2018, characterized by the persistence of impunity of State agencies in cases involving at least 355 fatalities and 2,000 injuries, as well as more than 2,000 complaints of arbitrary detention on political grounds[[2]](#footnote-2)/ as noted in the latest communiqué from the Inter-American Commission on Human Rights dated April 18, 2024; noting further the displacement of more than 270,000 Nicaraguan who have sought asylum globally, driven by the need to protect their personal integrity and freedom[[3]](#footnote-3)/, deeply concerned by the suppression of civic spaces through the cancellation of more than 3,000 civil society organizations[[4]](#footnote-4)/, including religious institutions such as the Catholic Church and other Christian churches[[5]](#footnote-5)/; alarmed also by the deprivation of nationality[[6]](#footnote-6)/ and political rights[[7]](#footnote-7)/ of more than 300 persons, often accompanied by the confiscation of their property, the denial of economic and socialrights[[8]](#footnote-8)/, and the removal of their identities from the civil registry[[9]](#footnote-9)/ as detailed in the report of the Group of Experts on Human Rights on Nicaragua, dated February 29, 2024 (A/HRC/55/CRP.3), and at least 54 media outlets closed or confiscated and more than 250 journalists forced into exile[[10]](#footnote-10)/;

NOTING that the human rights violations pertaining to the situation in Nicaragua have been amply documented numerous reports of the Interdisciplinary Group of Independent Experts for Nicaragua of the OAS (GIEI Nicaragua), the IACHR's Special Follow-up Mechanism for Nicaragua (MESENI), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Group of Experts on Human Rights in Nicaragua (GHREN);

NOTING WITH CONCERN that the reports of international bodies on the situation in Nicaragua highlight the persistent impunity in cases of serious human rights violations, which could constitute crimes against humanity, such as persecution, imprisonment, murder, torture and rape, as reported by GIEI Nicaragua in its Report on the events of violence that occurred between April 18 and May 30, 2018, of December 2018 and the report of the GHREN of March, 2023 (A/HRC/52/CRP.5), created by A/HRC/RES/49/3 on March 31, 2022 ; and that, instead of investigating these violations, the situation has devolved into intensified persecution against the victims or their families;

REITERATING ITS CONCERN at the particular situation of defenselessness of persons vis-à-vis the State, principally the victims of grave human rights violations and their families, Nicaragua's disregard of its international obligations, and its unwillingness to comply with international law;

REITERATING its strong condemnation of the unlawful entry into the premises of the OAS and the seizure of its property in Managua, Nicaragua, on Sunday April 24, 2022, in violation of the Government of Nicaragua’s legal obligations, as stated by the OAS Permanent Council Resolution CP/RES. 1196 (2377/22);

CONCERNED by the worsening of repression against the indigenous and Afro-descendant communities of the Caribbean Coast in the framework of the regional elections held on March 3, 2024, without fair and competitive conditions, as well as in a context of closure of civic space, the arrest of leaders - including indigenous leaders Brooklyn Rivera and Nancy Elizabeth Henríquez[[11]](#footnote-11)/ - the closure of radio stations and the cancellation of an indigenous political party, according to the Inter-American Commission on Human Rights;

DEEPLY ALARMED by the persistent non-compliance of Nicaraguan authorities with the decisions and resolutions of the Inter-American Court of Human Rights, as reported by the regional jurisdictional body for the second consecutive year, concerning orders aimed at protecting organizations whose legal personality has been cancelled and whose members have faced persecution and rights deprivations, as well as individuals subjected to imprisonment and other rights deprivations for political reasons;

CONSIDERING the resolutions, mandates, and actions adopted by the General Assembly, the Permanent Council, the General Secretariat, and the member states of the Organization of American States, since the beginning of the crisis in 2018, to engage constructively with the State of Nicaragua and to support both the reestablishment of democratic institutions and the protection of human rights in the country and in that context, the possibility of Nicaragua’s deciding to rejoin the OAS in the future;

TAKING INTO ACCOUNT that, although Nicaragua ceased to belong to the Organization of American States, as of November 18, 2023, it continues to be bound by the provisions of the American Convention on Human Rights, and other instruments and norms, as recorded in Permanent Council resolution CP/RES. 1234 (2466/23) of November 8, 2023;

BEARING IN MIND that the Permanent Council, by virtue of the competencies vested in it by the Charter of the Organization of American States, and from the mandate of resolution AG/RES.3006(LIII-0/23), continues to pay special attention to the situation in Nicaragua, making its best efforts to promote and encourage full respect for the human rights and fundamental freedoms of all citizens of the country;

REITERATING the willingness of the General Assembly, as well as of all the organs of the Organization and its member states, to engage constructively with the State of Nicaragua in pursuit of the objectives of this resolution, and;

RECALLING, that the democratic and human rights crisis in Nicaragua affects the stability and security of other countries in theregion;

RESOLVES:

1. To urge the Government of Nicaragua to ensure all violations of human rights are ceased and to take effective measures for the restoration of democratic institutions, especially their obligations to uphold the rule of law and human rights.
2. To call on the Government of Nicaragua to restore the exercise of the rights of those persons deprived of such rights including, but not exclusively, the deprivation of their nationality and their right to enter or leave Nicaragua. And further to insist on the immediate end to the impunity of State institutions and other actors that perpetrate grave human rights violations.
3. To urge the Government of Nicaragua to immediately and unconditionally release all persons who have been deprived of their liberty for political or religious reasons.
4. To further urge the Government of Nicaragua to respect all the precautionary measures granted by the IACHR, particularly those issued on April 25, 2024; to refrain from repressing and arbitrarily detaining evangelical church leaders, and to provide information on the physical and psychological health of the 11 religious leaders of "Puerta de la Montaña", who are being held in maximum security facilities.
5. To call upon the Government of Nicaragua to engage constructively with the Inter-American human rights system, facilitating international scrutiny within the framework of international law, allowing the entry into its territory of the Inter-American Commission on Human Rights and its Special Follow-up Mechanism, as well as other competent international bodies.
6. To instruct the Permanent Council to remain apprised, within the framework of Inter-American instruments, of the situation in Nicaragua, facilitating and articulating initiatives of dialogue, negotiations and visibility in pursuit of the objectives of this resolution, and within the bounds of international law.
7. To request the Inter-American Commission on Human Rights to continue to closely monitor and follow up on the human rights situation in the country, keeping the relevant organs of the OAS regularly informed.
8. To urge the states of the hemisphere to redouble their efforts to facilitate, through individual or collective actions, the cessation of human rights violations, the end of ideological persecution for political or religious reasons, the recovery of democratic institutions and the rule of law in Nicaragua, through constructive dialogue, for Nicaragua’s compliance to its human rights obligations, including accountability by State institutions for failures to uphold human rights, always within the framework of international law, with adherence to the principle of non-intervention in internal affairs.

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1. . The Republic of El Salvador reaffirms its principled position in matters of international law, in the sense of not intervening or interfering in the internal affairs of another. [↑](#footnote-ref-1)
2. . IACHR, “Nicaragua: Six years after social protests, IACHR urges reestablishment of democracy, end to repression and impunity”, press release April 18th 2024, see at <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/075.asp> [↑](#footnote-ref-2)
3. . GHREN, Report of the Group of Human Rights Experts on Nicaragua, March 15, 2024 (A/HRC/55/27); pars. 45-46; see at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-27-aev.docx> [↑](#footnote-ref-3)
4. . GHREN, Id.; pars. 53-58 [↑](#footnote-ref-4)
5. . GHREN, Id.; pars. 72, 94 [↑](#footnote-ref-5)
6. . GHREN, Id.; pars. 18, 37-44 [↑](#footnote-ref-6)
7. . GHREN, Id.; par. 81 [↑](#footnote-ref-7)
8. . GHREN, Id.; pars. 18, 54-55, 59 [↑](#footnote-ref-8)
9. . GHREN, Id.; pars. 18, 39, 81 [↑](#footnote-ref-9)
10. . IACHR Special Rapporteurship for Freedom of Expression, Press Release R218/22 (September 28, 2022) [↑](#footnote-ref-10)
11. . IACHR, Press Release: IACHR Request that IA Court Grant Provisional Measures in Favor of Indigenous YATAMA Representatives in Nicaragua (December 19, 2023) <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/300.asp> [↑](#footnote-ref-11)