



Plenary sitting

B8-0251/2018

28.5.2018

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the situation in Nicaragua
(2018/2711(RSP))

Dita Charanzová, Ali Nedzhmi, Petras Auštrevičius, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Gérard Deprez, Ivan Jakovčić, Petr Ježek, Ilhan Kyuchyuk, Patricia Lalonde, Louis Michel, Javier Nart, Urmas Paet, Maite Pagazaurtundúa Ruiz, Jozo Radoš, Frédérique Ries, Marietje Schaake, Pavel Telička, Ivo Vajgl, Johannes Cornelis van Baalen, Hilde Vautmans

on behalf of the ALDE group

B8-0251/2018

**European Parliament resolution on the situation in Nicaragua
(2018/2711(RSP))**

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular that of 16 February 2017 on the situation of human rights and democracy in Nicaragua – the case of Francesca Ramirez¹,
- having regard to the statement by the Spokesperson of the VP/HR on 19 November 2016 on the final results of the elections in Nicaragua,
- having regard to the statements by the Spokesperson of the VP/HR of 22 April 2018 on the situation in Nicaragua and of 15 May 2018 on the establishment of a national dialogue in Nicaragua,
- having regard to the press release of the Office of the United Nations High Commissioner for Human Rights (OHCHR) of 27 April 2018 citing experts' opinions on the human rights situation in Nicaragua,
- having regard to the statement of 20 April 2018 by UN Human Rights Office spokesperson Liz Throssell on Nicaragua protest violence,
- having regard to the visit of the Inter-American Commission on Human Rights (IACHR) from 17 to 21 May 2018 to investigate the situation in Nicaragua and its preliminary statement of 21 May 2018,
- having regard to the report of the General Secretariat of the Organisation of American States on Nicaragua of 20 January 2017,
- having regard to the Association Agreement between the European Union and the countries of Central America of 29 June 2012, which entered into force in August 2013, including the human rights clauses,
- having regard to the EU Guidelines on Human Rights Defenders of June 2004, and then revised in 2008,
- having regard to the UN Declaration on Human Rights Defenders of December 1998,
- having regard to the International Covenant on Civil and Political Rights of 1966, to which Nicaragua is a party,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to Rule 123(2) of its Rules of Procedure,

¹ Texts adopted, P8_TA(2017)0043.

- A. whereas the state of Nicaragua has seen a decline in democracy and the rule of law in the past decade; whereas the lack of rights to freedom of expression and peaceful protest, acknowledged as the cornerstone of democratic societies, prohibits a peaceful and durable solution to conflicts within the country;
- B. whereas, according to the IACHR preliminary report, at least 76 civilians have been killed, 868 injured and 438 arbitrarily detained, including students, civil society activists and journalists, during the protests opposing the social security reforms announced by President Daniel Ortega on 18 April 2018; whereas the majority of victims showed bullet wounds to the head, neck, chest or abdomen, thus strongly suggesting that the order to security forces was to kill, which has resulted in the IACHR preliminary report flagging the possibility of extrajudicial executions; whereas torture, cruel, inhuman and degrading treatment, campaigns of criminalisation, threats and harassment and other forms of intimidation have also been documented;
- C. whereas on 23 April 2018, President Ortega announced the cancellation of the social security reform, but the demonstrations turned into broader unrest against his government with calls for an interim government; whereas the Nicaraguan authorities have openly stigmatised protestors by calling them ‘vandals’ and accusing them of ‘political manipulation’;
- D. whereas the high number of casualties gives a clear indication of the excessive force used by the state authorities, violating the principles of necessity and proportionality as required under international law and standards setting out limitations to the use of force; whereas groups of civilians linked to the Juventud Sandinista have been acting with total impunity and with the complicity and consent of the police; whereas the head of the National Police of Nicaragua, Aminta Granera, has resigned in view of the excessive use of violence;
- E. whereas a national dialogue was launched on 16 May 2018 under the auspices of the Catholic church, but, according to church officials, it was shut down without consensus between the parties on 23 May;
- F. whereas on 23 May, the head of the Organisation of American States (OAS) Luis Almagro called for a ‘free, fair and transparent electoral process’ as the only solution to the situation in Nicaragua; whereas the Nicaraguan authorities have stated that ‘new elections would dismantle constitutional order and the democratically elected government’; whereas on 19 November 2016 the EU ‘regret[ted] that the electoral process did not provide conditions for an unrestricted participation of all the political forces in the country, as well as the absence of both international and accredited independent local observation’;
- G. whereas media outlets covering the protests were arbitrarily shut down by the government and journalists who expressed any form of opposition were harassed, intimidated and detained;
- H. whereas since 2007, Daniel Ortega has been elected to the office of President on three consecutive occasions despite the fact that the Nicaraguan Constitution prohibits consecutive re-election, demonstrating the corruption and authoritarianism the state has resorted to in order to allow the President and the ruling party to control the state’s

powers and resources as well as the judiciary;

- I. whereas the Nicaraguan authorities' crackdown on free speech and the harassment against opposition leaders has been condemned as an attack on civil liberties; whereas human rights groups have condemned the gradual concentration of power entailed by one-party rule and the weakening of institutions;
 - J. whereas public sector corruption, including cases involving family relatives of the President, remains one of the biggest challenges; whereas bribery of public officials, unlawful seizures and arbitrary assessments by customs and tax authorities are very common; whereas legitimate concerns about nepotism within the Nicaraguan Government have been expressed;
1. Strongly condemns the brutal repression of the demonstrations held in Nicaragua against the social security reforms and expresses its grave concern at the reports of the use of live ammunition to break up the protests, which resulted in at least 76 deaths and almost 900 injured; calls on the Nicaraguan authorities to immediately cease all acts of violence by armed forces, police and paramilitary groups linked to the government towards Nicaraguan people exercising their rights to freedom of expression and assembly, and urges the Nicaraguan authorities to guarantee these freedoms in line with the international agreements the country is party to; expresses its condolences and sympathy to all the families of the victims killed and injured during the demonstrations;
 2. Urges the Nicaraguan authorities to release all those who have been arbitrarily detained and to provide guarantees that no criminal action will be taken against them;
 3. Calls on the Nicaraguan authorities to re-engage in an inclusive national dialogue process in a serious and constructive manner, and stresses the importance of preventing any further escalation of the situation as well as ending the continued authoritarianism, repression and violence in Nicaragua, and that such measures would include the organisation of free, fair and transparent elections with independent international observation to ensure that no electoral fraud takes place, as a solution to the crisis;
 4. Notes the difficulty in resolving this crisis in the long term due to the lack of separation of powers and independent institutions in the country; believes, in this context, that setting up a Truth Commission including the participation of independent national and international actors could help bring about reconciliation at national level; calls for the European Union to be actively engaged in helping to achieve a democratic solution to the crisis;
 5. Welcomes the IACHR visit to Nicaragua and expresses concern over the conclusions of the preliminary report; calls on the Nicaraguan authorities to allow an independent and transparent international investigation to be carried out without delay in order to determine the circumstances of the repression and deaths during the protests, and to prosecute those responsible, as well as those responsible for the torture of, and cases of misconduct against, detainees during detention;
 6. Condemns the smear campaigns carried out by the state as well as the threats and attacks against and intimidation of human rights defenders for their advocacy and monitoring role during the protests; is extremely concerned for the safety of journalists

covering protests, as reports have revealed continuous attacks on journalists and broadcasting agencies, which must end immediately;

7. Reaffirms that freedom of the press and the media are vital elements of democracy and an open society, and calls on Nicaraguan authorities to restore the plurality of the media; calls on the authorities to respect the work carried out by human rights defenders, journalists and media and to guarantee that they are adequately protected; reminds all Nicaraguan security forces of their duty to, above all, defend citizens from harm;
8. Urges the Nicaraguan authorities to provide all actors in society, including opposition forces and civil society with sufficient space to operate freely, under international law, in order to set the stage for all opposing sides to discuss the situation of Nicaragua and uphold human rights in the country; recalls that the depolarisation of the judiciary and putting an end to impunity are essential factors for the success of any democracy;
9. Denounces the illegal steps taken in violation of the judicial system that resulted in constitutional changes to remove presidential term limits, allowing the continuous presidency of Daniel Ortega and thereby breaching the right to free and fair elections; stresses the need for strong democratic institutions, freedom of assembly and political plurality;
10. Is concerned at the collusion and conflicts of interest between members of the High Council of Private Enterprises (COSEP) and the government; calls on these members to resign from and no longer participate in the executive boards of state entities, in particular the participation of members of COSEP in the Nicaraguan Institute of Social Security (INSS);
11. Points out that, in light of the Association Agreement between the European Union and the countries of Central America, Nicaragua must be reminded of the need to respect the principles of the rule of law, democracy and human rights, as upheld and promoted by the European Union;
12. Is concerned about the links between President Ortega and other conflicts in the region, for instance his complicity with the Venezuelan regime, the protection of the narcotics revenue of the Revolutionary Armed Forces of Columbia (FARC), and the country's political dependence on Cuba;
13. 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 Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, and the Government and Parliament of the Republic of Nicaragua.