Resolution on the instrumentalisation of justice as a repressive tool in Nicaragua

2022/2701(RSP) - 09/06/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 524 votes to 17, with 29 abstentions, a resolution on the instrumentalisation of justice as a repressive tool in Nicaragua.

The text adopted in plenary was tabled by the EPP, Renew and ECR groups.

In recent years, the Ortega-Murillo regime in Nicaragua has applied an increasingly repressive regulatory framework. To date at least 182 political opponents are being held in prison in inhumane conditions that do not comply with international human rights obligations. Seven of these political prisoners were presidential pre-candidates for the 2021 elections. Critics of the Nicaraguan regime have been subjected to systematic abuses during detention, including inhumane, humiliating and degrading treatment amounting to torture, which has led to the death of political prisoner and former rebel leader Hugo Torres, among others.

The lack of separation of powers and the complete control of the institutions by the Nicaraguan regime has resulted in the subjugation of the judiciary and the Office of the Public Prosecutor to the regime's will, obliterating the rule of law, judicial independence and civil society organisations, and therefore democracy, in order to establish a dictatorship in Nicaragua.

The resolution condemned in the strongest possible terms the systematic crackdown on political opposition parties, the suppression of civil society actors, human rights defenders and media, other media workers, journalists, as well as their family members, students and members of the Catholic Church, among others, and the persistent corruption of Nicaraguan regime officials. Members denounced the death of opposition politician Hugo Torres in detention and the arrest of Father Manuel Salvador García and called for his immediate release.

Parliament urged the Nicaraguan authorities to:

- restore guarantees for the full exercise of the civil and political rights of all Nicaraguans, cease the persecution of the democratic opposition, the press and civil society, immediately and unconditionally release those detained since April 2018, annul the legal proceedings against them and allow the safe return of all refugees and exiles to their homes;

- re-establish the rule of law, the separation of powers and the independence and impartiality of the judiciary;

- stop unduly closing NGOs and restore the legal personality of all organisations, political parties, universities and media outlets that have been arbitrarily shut down, as well as returning all the assets, documents and equipment that were illegally seized.

Members urged the EU to hold the Nicaraguan regime accountable, in particular its judges, for repression in the country and the judicial proceedings initiated against opposition figures and other critics. They called on the Member States and the UN Security Council to open a formal investigation through the International Criminal Court into Nicaragua and Daniel Ortega for crimes against humanity under Article 7 of the Rome Statute.

Lastly, Member States should use all available instruments to increase their support for human rights defenders' work, to facilitate the issuing of emergency visas where appropriate, and to provide temporary shelter in the EU Member States for humanitarian reasons.