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NICARAGUA

Submission by:

ADF International

On behalf of:

CAP Liberté de Conscience
Corporación Comunidad y Justicia
Jubilee Campaign

Introduction

1. This joint submission highlights systematic patterns of harassment against the Catholic Church and its members in Nicaragua, including the targeting of churches, clergy members, and other religious figures by both state and non-state actors. It also draws attention to the practice of arbitrary arrests and detentions, followed by expulsions and the revocation of citizenship of clergy members.

(a) Freedom of Religion or Belief and Freedom of Expression

Legal Framework

2. Article 29 of Nicaragua's Constitution guarantees "the right to freedom of conscience, thought and whether or not to profess a religion". It also states that "No one may be subject to coercive measures that may undermine these rights or be forced to declare his or her creed, ideology or belief".¹
3. Article 30 affirms that "Nicaraguans have the right to freely express their thoughts in public or private, individually or collectively, orally, in writing or by any other means".²
4. Articles 33 and 34 guarantee protection against arbitrary arrest and detention, alongside the right to a fair trial.³
5. Article 69 further secures that "All people, individually or collectively, have the right to manifest their religious beliefs in private or public, through worship, practices and teaching".⁴
6. Despite these constitutional protections, certain provisions of the Nicaraguan Criminal Code, as well as other laws, such as the Special Cybercrime Law, pose significant threats to the enjoyment of human rights and fundamental freedoms.
7. In particular, Article 410 of the Nicaraguan Criminal Code criminalizes "impairment of national integrity", imposing a penalty of up to 15 years imprisonment for anyone who "carries out acts that tend to undermine or fragment the territorial integrity of Nicaragua".⁵
8. Article 30 of the Special Cybercrime Law, adopted in October 2020, punishes the spread of "false and/or distorted information that causes alarm, fear, anxiety in the population, or to a group or sector of it, to a person or to his family", with sanctions including up to four years in jail and a fine.⁶
9. Both Article 40 of the Criminal Code and Article 30 of the Special Cybercrime Law have been employed to investigate, detain, and imprison clergy members perceived as threats to the government.

Targeting of the Catholic Church and Other Religious Communities

¹ Political Constitution of the Republic of Nicaragua (last revised September 2022), art. 29.

² *Id.*, art. 30.

³ *Id.*, arts. 33&34.

⁴ *Id.*, art. 69.

⁵ Criminal Code of the Republic of Nicaragua (May 2008), art. 410.

⁶ Special Cybercrime Law No. 1042 (October 2020), art. 30.

10. During the protest crisis of 2018, the Catholic Church played a key role as a mediator and sanctuary provider for student protesters facing violence and harassment at the hands of government actors.⁷
11. Since then, Catholic clergy, churches, radio stations, charities, and universities have been subject to significant government interference and targeting.⁸ This period also saw a dramatic rise in mob violence and acts of vandalism against church properties and congregants, reportedly instigated by government actors.⁹
12. From April 2018 to August 2023, there were 667 recorded attacks on Catholic churches, as well as 70 on Evangelical non-Catholic churches.¹⁰
13. Notable incidents included the revocation in February 2022 of the legal status of the Catholic University of Tropic Seco, along with a number of other Catholic educational and charity organizations, on the basis of alleged failure to disclose financial records.¹¹ In June 2023, two more schools run by Catholic nuns were confiscated by the government and their occupants evicted.¹²
14. In March 2022, Archbishop Waldemar Stanislaw Sommertag, the ecclesiastic representative of the Holy See to Nicaragua, was expelled and declared “persona non grata”.¹³
15. In July 2022, a group of nuns of the Missionaries of Charity were expelled from the country, being driven to the border by police and forced to walk into neighboring Costa Rica.¹⁴ In April 2023, two more nuns who had worked at a nursing home were likewise expelled.¹⁵
16. August 2022 saw the closure of at least 17 radio stations and other media outlets were shut down for allegedly not meeting “the technical requirements to be on the air”. The majority of these were owned and operated by members of the Catholic church,

⁷ G. Selser; M.T. Hernandez ‘Explainer: Tension between Nicaragua and the Catholic Church’ (14 August 2022) AP News, <https://apnews.com/article/religion-caribbean-nicaragua-daniel-ortega-a445a59fd605f8089c5e661cb66c2773>.

⁸ I. Bonnet ‘Nicaraguan President Daniel Ortega goes after the Catholic Church in his latest effort to stop criticism of the government’ (25 August 2022) NBC News, <https://www.nbcnews.com/news/latino/nicaraguan-president-daniel-ortega-goes-catholic-church-latest-effort-rcna44618>.

⁹ M. P. M. Montenegro “Nicaragua: ¿una iglesia perseguida?” (September 2023)

<https://iglesiaperseguidani.com/wp-content/uploads/2023/10/Nicaragua-Iglesia-Perseguida-IV-Entrega.pdf>.

¹⁰ Id.

¹¹ D. Agren ‘Nicaragua revokes legal status of Catholic charities, educational projects’ (4 February 2022) National Catholic Reporter, <https://www.ncronline.org/news/people/nicaragua-revokes-legal-status-catholic-charities-educational-projects>.

¹² L. Bordoni ‘Nicaraguan Police confiscate and occupy Catholic schools’ (2 June 2023) Vatican News, <https://www.vaticannews.va/en/church/news/2023-06/nicaragua-catholic-church-crackdown-nuns-schools-occupied-police.html>.

¹³ I. San Martin ‘Ortega regime expels Vatican representative from Nicaragua’ (10 March 2022) CRUX, <https://cruxnow.com/church-in-the-americas/2022/03/ortega-regime-expels-vatican-representative-from-nicaragua>.

¹⁴ V. Buschschlüter ‘Nicaragua expels Mother Teresa’s nuns in latest crackdown’ (7 July 2022) BBC News, <https://www.bbc.com/news/world-latin-america-62076784>.

¹⁵ F. Trucco; M. Rios ‘Nicaragua expels two nuns in latest crackdown on Catholic church and opposition’ (13 April 2023) CNN, <https://edition.cnn.com/2023/04/13/americas/nicaragua-nuns-expelled-costa-rica-catholic-intl-latam/index.html>.

including Matagalpa Bishop Rolando José Álvarez Lagos, who was placed under house arrest in the same month.¹⁶

17. In February 2023, the government of Nicaragua banned public religious processions for Easter, accusing Catholic bishops of “grave crimes and horrors”.¹⁷
18. In August 2023, the government of Nicaragua shut down the Jesuit-run Central American University in Managua, labeling it a “center of terrorism”. Shortly afterward, the community of Jesuit priests operating the university was expelled from their private residences.¹⁸
19. As a result of the increasing repression of the Catholic Church, in September 2023 the Inter-American Commission on Human Rights (IACHR) publicly urged the Nicaraguan government “to stop repressing religious freedom and persecuting the Roman Catholic Church”, also calling for the release of all political prisoners.¹⁹
20. According to a December 2023 report released by the Nicaragua Never Again Collective, among the around 3,500 civil society organizations shut down by the government in the past two years, over 340 were religious organizations. The majority of these belonged to evangelical churches, which, unlike the Catholic Church, depend on such organizations for their religious activities.²⁰
21. In December 2023, the eleven leaders of an Evangelical Christian missionary group were arrested on alleged money laundering charges. Three months later, in March 2024, a trial hearing was held on the imprisoned pastors’ cases. While lawyers were appointed to represent the Nicaraguan pastors, they were denied the opportunity to meet with the accused nor were they provided with necessary documents for defense preparation. The pastors were also prevented from meeting with their families. Ultimately, each of the 11 individuals received sentences between 12 to 15 years, alongside fines equivalent to 80 million US dollars per person.²¹
22. A request for precautionary measures was filed with the IACHR, aiming to safeguard their life, health, and physical integrity while incarcerated.²²

Arbitrary Detention, Imprisonment and Revocation of Citizenship of Clergy Members

¹⁶ Committee to Protect Journalists ‘Nicaraguan government suspends at least 17 local radio and TV stations’ (20 September 2022) <https://cpj.org/2022/09/nicaraguan-government-suspends-at-least-17-local-radio-and-tv-stations/>.

¹⁷ L. Zengarini ‘Nicaraguan president bans Easter processions and attacks bishops’ (27 February 2023) Vatican News, <https://www.vaticannews.va/en/church/news/2023-02/nicaragua-ortega-bans-easter-processions-and-attacks-bishops.html>.

¹⁸ L. Zengarini ‘Nicaragua: Jesuit community expelled from Managua residence’ (21 August 2023) Vatican News, <https://www.vaticannews.va/en/church/news/2023-08/jesuit-community-expelled-from-its-residence-in-managua.html>.

¹⁹ Organization of American States ‘IACHR Urges State of Nicaragua to End Repression Against Roman Catholic Church’ (15 September 2023) https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/218.asp.

²⁰ Nicaragua Never Again Collective, ‘Closure of civil space in Nicaragua’ (December 2023) <https://colectivodhnicaragua.org/cierre-del-espacio-civico-en-nicaragua/>, 24.

²¹ ADF International ‘11 Nicaraguan pastors and ministry leaders convicted in sham trial; ADF International takes case to the Inter-American Commission on Human Rights’ (27 March 2024) <https://adfinternational.org/news/mountain-gateway-nicaragua>.

²² Id.

23. Numerous religious figures have faced arbitrary arrest or detention without fair trial, with some prisoners also being deprived of their citizenship and deported.
24. In August 2022, Matagalpa Bishop Rolando Alvarez, a prominent advocate for human rights and reconciliation in Nicaragua, was investigated for allegedly “trying to organize violent groups and inciting them to carry out acts of hatred against the population”. This led to a 15-day house siege involving the Bishop and seven other Church members, followed by his house arrest until his initial trial hearing in December 2022.²³
25. In February 2023, 222 prisoners of conscience, including clergy, were released from prison, stripped of citizenship, and deported to the United States.²⁴ Bishop Alvarez, who was included in this group, refused deportation and was consequently re-arrested. After a rapid, clandestine trial conducted in his absence, he was sentenced to 26 years and four months for treason, undermining national integrity, spreading false information, as well as “disobedience of contempt for authority”, citing his sermons.^{25,26} An appeal against this conviction was dismissed on procedural grounds.²⁷
26. Following his conviction, Bishop Alvarez was transferred in a maximum-security prison cell at “El Infiernillo” (tr: “The Hell”), where he faced extremely severe conditions in solitary confinement, without access to legal representation.²⁸
27. Public expressions of solidarity with Bishop Alvarez were repressed. On 11 September 2023, Father Osman José Amador Guillen, from the diocese of Estelí, was arrested after publicly praying for the bishop.²⁹ By 1 January 2024, Bishop Isidoro des Carmen Mora Ortega, as well as 14 more priests and two seminarians had also been arrested, many for showing support for Bishop Alvarez.³⁰
28. On 18 September 2023, 12 more members of Catholic clergy were released from prison and transferred to Rome.³¹ On 15 January 2024, Bishop Alvarez, Bishop Mora and 17 other clergy members were eventually released and deported to the Vatican,

²³ Vatican News ‘Nicaragua: Bishop Alvarez ordered to remain under house arrest’ (14 December 2022) <https://www.vaticannews.va/en/church/news/2022-12/nicaragua-house-arrest-bishop-rolando-alvarez.html>.

²⁴ Organization of American States ‘IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Liberty’ (13 February 2023) https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/021.asp.

²⁵ ADF International ‘Imprisoned for the Faith’ (2023) <https://adfinternational.org/cases/bishop-rolando-alvarez>.

²⁶ L. Zengarini ‘Nicaragua: Bishop Álvarez sentenced to 26 years’ imprisonment’ (11 February 2023) Vatican News, <https://www.vaticannews.va/en/church/news/2023-02/bishop-alvarez-sentenced-to-26-years-imprisonment.html>.

²⁷ ADF International ‘CASE FILED: Plea for justice for wrongfully imprisoned Nicaraguan Bishop Rolando Álvarez submitted to international human rights body’ (14 September 2023) <https://adfinternational.org/news/bishop-alvarez-case-filed>.

²⁸ Confidencial ‘Christmas in “El Infiernillo” of Monsignor Rolando Alvarez, 500 days after being deprived of liberty’ <https://confidencial.digital/nacion/la-navidad-en-el-infiernillo-de-monsenor-rolando-alvarez-mas-de-500-dias-despues-de-estar-privado-de-libertad/>.

²⁹ E. Berdejo ‘Dictatorship in Nicaragua Arrests Priest Who Prayed for Imprisoned Bishop Álvarez’ (11 September 2023) National Catholic Register, <https://www.ncregister.com/cna/dictatorship-in-nicaragua-arrests-priest-who-prayed-for-imprisoned-bishop-alvarez>.

³⁰ Vatican News ‘Priest arrested in Nicaragua following Mass on New Year’s Eve’ (1 January 2024) <https://www.vaticannews.va/en/church/news/2024-01/priest-arrested-in-nicaragua-following-mass-on-new-year-s-eve.html>.

³¹ OHCHR ‘Nicaragua: UN experts urge freedom for Bishop Álvarez after 12 Catholic priests were released’ (7 November 2023) <https://www.ohchr.org/en/press-releases/2023/11/nicaragua-un-experts-urge-freedom-bishop-alvarez-after-12-catholic-priests>.

over a year after their imprisonment.³² Despite their release, Bishop Alvarez and others still remain deprived of their citizenship and are barred from returning to Nicaragua.

29. A petition to the IACHR was filed on behalf of Bishop Alvarez in September 2023, citing violations of his rights to freedom of religion and belief as well as to freedom of expression. The case is currently pending.³³

Incompatibility with Nicaragua's Human Rights Obligations

30. The sweeping government-imposed restrictions and targeting of Catholic and other religious figures and organizations, along with the suppression of their freedom of expression as well as assembly, flagrantly breach Nicaragua's international human rights obligations, including with regard but not limited to the protection of freedom of religion and freedom of expression. Additionally, the government of Nicaragua's inability to protect churches and their congregants from assaults, vandalism, and other human rights abuses by non-state actors further exacerbates the grave human rights situation on the ground.
31. The dramatic increase in the arrest and detention of members of the clergy on vague charges, coupled with clandestine and rushed trials, raises serious concerns about the rule of law in the country. Although the recent release of numerous prisoners of conscience is noteworthy, the subsequent revocation of their citizenship and deportation represents a further violation of their human rights.
32. During the last Universal Periodic Review cycle in 2019, Nicaragua received several of recommendations addressing unwarranted restrictions on freedom of expression, along with arbitrary detentions of members of civil society, including religious figures.³⁴ The government of Nicaragua dismissed these recommendations, claiming that "they lack basis and misrepresent the reality".³⁵
33. Given the worsening human rights situation on the ground, the government of Nicaragua must be called upon to fulfill its obligations under international human rights law. This includes ensuring full respect for and protection of human rights and fundamental freedoms for members of the Catholic Church and other religious communities.

³² S. Cernuzio 'Holy See receives Bishops Álvarez, Mora, 15 priests after Nicaragua frees them' (15 January 2024) Vatican News, <https://www.vaticannews.va/en/vatican-city/news/2024-01/nicaraguan-bishops-alvarez-mora-and-priests-freed.html>.

³³ ADF International 'CASE FILED: Plea for justice for wrongfully imprisoned Nicaraguan Bishop Rolando Álvarez submitted to international human rights body' (14 September 2023) <https://adfinternational.org/news/bishop-alvarez-case-filed>.

³⁴ UN Human Rights Council 'Report of the Working Group on the Universal Periodic Review - Nicaragua' (5 July 2019) UN Docs A/HRC/42/16.

³⁵ UN Human Rights Council 'Report of the Working Group on the Universal Periodic Review – Nicaragua, Addendum' (13 September 2019) UN Docs A/HRC/42/16/Add.1, VII.

(b) Recommendations

34. In light of the aforementioned, we suggest the following recommendations be made to Nicaragua:

- a. Guarantee full respect for the human right to freedom of religion or belief, including by ceasing any unjustified interference and restrictions on its free and full exercise, including access to places of worship;
- b. Ensure full respect for the freedom of expression for all persons, including clergy members and other religious actors, in conformity with its international obligations;
- c. Immediately lift all undue restrictions on the operations of civil society actors, such as humanitarian and media organizations affiliated with the Catholic Church and other religious communities;
- d. Take all necessary measures to ensure the safety of clergy members and the security of places of worship;
- e. End the arbitrary arrest and detention of clergy members, and promptly release all religious figures who have faced such arrest and detention without conditions;
- f. Ensure that everyone without distinction is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- g. Cease the expulsion and stripping of citizenship of political prisoners and prisoners of conscience, including clergy members, and ensure their ability to return to their country of origin without fear of reprisal.