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His Excellency Daniel Ortega  
President of Nicaragua  
La casa de los pueblos  
2a Avenida N.E  
Managua 11001  
Nicaragua

02 June 2020

### **Open letter of intervention to President Daniel Ortega of Nicaragua from the International Bar Association's Human Rights Institute**

Your Excellency,

We are writing to you on behalf of the **International Bar Association's Human Rights Institute** (IBAHRI) to express our concern over your administration's denial of the severity the Covid-19 outbreak. Such inaction comes as a consequence of, and exacerbates, ongoing violations of human rights in Nicaragua.

The **International Bar Association**, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights, and the independence of the legal profession worldwide.

The consistent denial of the severity of Covid-19, and complete lack of protection afforded to Nicaragua's citizens, is in disregard of their fundamental human rights. In a country already facing high poverty rates and civil unrest, the refusal to provide accurate information and afford protection to Nicaraguan citizens constitutes a violation of international human rights law. Presently, Nicaragua has 759 confirmed cases of Covid-19 and 35 recorded resultant deaths. However, the rates of death by pneumonia have rapidly risen, as have the number of rushed burials, leading many to consider the government has covered up the number of cases. Despite private hospitals' requests, the government has insisted that all undertaking of testing, and the communication of results, must be centrally controlled with no information about test results officially communicated to doctors or the public. There are no written records of such tests being conducted in the hospitals of Nicaragua and reports received by the IBAHRI confirm that doctors have even received orders to not record cases of Covid-19 in an effort to keep numbers down. Several health professionals, including four authorities from the **Nicaraguan National Autonomous University**, have faced arbitrary dismissal, as part of the administration's efforts to conceal the virus' spread.

Rather than affording protection, the administration has actively promoted social gatherings and spread misinformation about the virus in the country. Now more than ever, access to accurate

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information is crucial for individuals and healthcare professionals. Despite the advice of international health organisations, international and domestic travel is still permitted, and mass gatherings encouraged. In March, the government organised a ‘Love in the Time of Covid-19’ political rally in Managua, clearly breaking social distancing guidance. The IBAHRI has also received reports that the government is discouraging the use of masks by healthcare workers, police officers and airport staff. Whilst flights to and out of Nicaragua have been cancelled, which goes some way to stopping international travel, borders remain open. Last week, thousands of Nicaraguan truckers blocked the border to Costa Rica in protest of virus testing which blocked their entry into the country. This was a move which Your Excellency deemed as a ‘unilateral measure,’ rather than recognising the need for testing between borders to restrict the spread of Covid-19.

Political prisoners detained since 2018 remain in conditions completely unacceptable from the point of view of minimising the spread of Covid-19. These political prisoners lack access to sanitation, despite the **Inter-American Commission on Human Rights** (IACHR) urging that Nicaragua explore options to release prisoners on house arrest. As of 14 May, 2,800 prisoners have been released on home arrest, but these did not include political prisoners detained following the 2018 crackdown. The IBAHRI urges the Government of Nicaragua to release non-violent prisoners to carry out their sentences in house arrest.

April marks two years since the beginning of one of the biggest human rights crises in recent years, as civil unrest sparked in Nicaragua and protestors faced great repression. To date, protests remain illegal, freedom of expression is denied, and human rights activists and journalists face repression. The serious breakdown in the observation of the rule of law in Nicaragua now allows for the Government to spread misinformation around the outbreak of Covid-19 and disregard the rights of Nicaraguans without necessary checks and balances on the government’s power to ensure citizens receive the essential protection. Despite the **Pan American Health Organization’s** (PAHO) concern about Nicaragua’s response to the pandemic, deeming its preventative measures ‘inadequate’ and urging them to follow the organisation’s health advice, action has not been taken. The PAHO has requested to be able to visit the country to analyse the situation and be provided with information on suspected cases, but both requests have presently not materialised. Further, the IACHR stated that Nicaragua must recognise the ‘extreme gravity’ of the Covid-19 situation.

The Government of Nicaragua has a duty to protect its citizens from the coronavirus crisis, but it presently remains in violation of its obligations under international human rights law. Such obligations include: **Article 12** of the **International Covenant of Economic, Social Cultural Rights** (ICESCR), which states that governments should create conditions that will assure to all medical service and medical attention in the event of sickness; and **Article 22** of the **Universal Declaration of Human Rights** which states that everyone has the right to social security. The lack of action to introduce emergency response mechanisms in light of a public health crisis also violates **the Siracusa Principles**, adopted by the United Nations Economic and Social Council

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in 1984, which state that emergency restrictions should be provided for and carried out in accordance with law, based on scientific evidence.

The IBAHRI urges the Nicaraguan government to uphold the rule of law in heeding advice from the IACHR and PAHO, and to abide by international human rights law upholding the right to health and freedom of information.

We would be grateful to receive your assurances that you have received our letter and that our concerns will be addressed as a matter of urgency.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Kirby'.

The Hon Michael Kirby AC CMG  
IBAHRI Co-Chair

A handwritten signature in black ink, appearing to read 'Anne Ramberg'.

Anne Ramberg, Advocate, Dr jur hc  
IBAHRI Co-Chair

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