

### JUBILEE CAMPAIGN USA ECOSOC Special Consultative Status (2003)

### United Nations Human Rights Council Universal Periodic Review - FOURTH CYCLE

Submission to the 47th session of the Human Rights Council's Universal Periodic Review Working Group
October - November 2024

## Republic of Nicaragua

A Vital Voice for Those Suffering in Silence 9689-C Main Street • Fairfax, VA 22031-3746 • TEL: (703) 503-2260 • FAX: (703) 503-0792 EMAIL: jubilee@jubileecampaign.org

P.O. Box 700 • Addlestone • Surrey, KT15 9BW • United Kingdom JUBILEE CAMPAIGN IS A NON-PROFIT, TAX EXEMPT, CHARITABLE ORGANIZATION IN THE UNITED STATES

# United Nations Human Rights Council Universal Periodic Review of the Republic of Nicaragua

### I. Background.

- Jubilee Campaign is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom and human rights in the Republic of Nicaragua as a contribution to the Universal Periodic Review.
- II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

We urge the Republic of Nicaragua to:

- Ratify the Convention for the Protection of All Persons from Enforced Disappearance and the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.
- III. Violations of human rights obligations, considering applicable international human rights legislation.
  - A. Freedom of thought, conscience, and religion.
    - 3. There are numerous articles in the Nicaraguan Constitution of 1987 that appear to protect freedom of religion or belief. Article 14 states that the nation has no official religion, and Article 29 expounds further, stating that "everyone has the right to freedom of conscience and thought and to profess or not profess a religion". Article 29 explains that "no one shall be the object of coercive measures which diminish" an individual's right to freedom of religion, and Article 69 reiterates that "all persons, either individually or in a group, have the right to manifest their religious beliefs in public or private, through worship, practices and teachings". 1
    - 4. The contemporary wave of religious intolerance and persecution in Nicaragua can be traced back to early 2018, when peaceful anti-government protests broke out and the Catholic Church began to offer support to individuals engaged in such initiatives; more specifically, the Church would offer lifesaving aid to demonstrators injured by state actors' use of excessive force to quell protests, and even noteworthy leaders of the Church became openly critical of the government's expanding human rights violations and attempts to limit the democratic rights and influence of the public.<sup>2</sup>
    - 5. In late August 2022, Nicaraguan authorities raided the residence of and arrested Rolando Álvarez, Roman Catholic Bishop of Matagalpa on charges of "organizing violent groups" and inciting "acts of hate against the population". Previously, Bishop Álvarez was a vocal critic of the government and the president, especially state efforts to shut down Catholic news outlets; he also was a leading voice of the pro-democracy movement.<sup>3</sup> In February 2023, the Nicaraguan government expelled 222 political prisoners and claimed to have given Bishop Álvarez the choice to join the group in leaving the country; the government claimed that Bishop Álvarez chose to remain in prison, however, it has been speculated that "this chance for exile was presented in an unclear, potentially incriminating fashion"<sup>4</sup>. Subsequently, he was sentenced to 26 years' imprisonment for "treason"<sup>5</sup>; however in January 2024 he was fortunately released early from detention and exiled to the Vatican among 15 other priests and seminarians.<sup>6</sup>

<sup>&</sup>lt;sup>1</sup> Oxford University Press, Inc., Nicaragua's Constitution of 1987 with Amendments through 2014, Constitute Project.

<sup>&</sup>lt;sup>2</sup> Eduardo Berdejo, "The history behind the persecution of the Catholic Church in Nicaragua", Catholic News Agency (CNA), 12 August 2022.; Gabriela Selser & María Teresa Hernández, "EXPLAINER: Tension between Nicaragua and the Catholic Church", Associated Press, 14 August 2022.

<sup>&</sup>lt;sup>3</sup> Ismael Lopez, "Nicaraguan anti-Ortega bishop under house arrest after pre-dawn raid", Reuters, 19 August 2022.; Gabriela Selser & Christopher Sherman, "Nicaraguan police detain Catholic bishop, other priests in raid", PBS, 19 August 2022.

<sup>&</sup>lt;sup>4</sup> Victoria Beharry, "Daniel Ortega's Crusade against the Catholic Church in Nicaragua", International Relations Review, 13 February 2024.

<sup>&</sup>lt;sup>5</sup> Lisa Zengarini, "Nicaragua: Bishop Álvarez sentenced to 26 years' imprisonment", Vatican News, 11 February 2024

<sup>&</sup>lt;sup>6</sup> David Agren, "Bishop Rolando Álvarez released, exiled from Nicaragua after over 500 days of detention", Catholic Review, 15 January 2024.

- 6. In August 2022, the Diocese of Siuna reported that Nicaraguan authorities arbitrarily detained Father Óscar Benavides, pastor of Holy Spirit Parish in Mulukuku, after leading an evening Mass during which he "denounced the injustices committed by the [government]". In January 2023, Father Benavides was sentenced to 10 years' imprisonment for "conspiracy to undermine national security and sovereignty"; he was released and exiled to the United States one month later in February.<sup>7</sup>
- 7. On 14 August 2022, Father Fernando Isaías Calero Rodríguez, pastor of Nuestra Señor de Fátima Church in Matagalpa reported that authorities restricted him from leaving his municipality of Rancho Grande to travel to visit the pilgrim statue of Our Lady of Fatima in the municipality of El Tuma, La Dalia. Father Rodríguez also revealed that the police seized his vehicle title, registration, and other documents and even confiscated his driver's license.<sup>8</sup> Father Rodríguez was one of the 15 priests and seminarians released from prison and exiled to the Vatican in January 2024.<sup>9</sup>
- 8. On 1 August 2022 during one of its operations to shut down Catholic radio stations and news outlets, Nicaraguan authorities surrounded the Divina Misericordia Church and the Infant Jesus of Prague Chapel in Sébaco, forcing Father Uriel Vallejos to take shelter in a nearby parish house. On the morning of 4 August, it was reported that the police had eventually withdrawn, allowing Father Vallejos to leave the parish house. <sup>10</sup> Father Vallejos soon escaped to Costa Rica. <sup>11</sup>
- 9. In May 2022, Nicaraguan authorities surrounded the San Juan Bautista Church in Masaya for a period of ten days during which they threatened to arrest its pastor, Father Harvin Padilla. During this monitoring period, authorities questioned local residents regarding the church's activities, dates and times of worship, and when Father Padilla usually leaves the church. Following the week-and-a-half-long cordon, Father Padilla reported still being followed and watched by security agents while he was visiting his personal, paternal, and maternal homes. In late May, in light of the harassment, Father Padilla explained that he would not be going into exile but would instead be relocating to another parish, La Purisima Seminary in Managua.<sup>12</sup>
- 10. In December 2023, authorities arrested Bishop Isidoro del Carmen Mora Ortega while he was on his way to officiate a mass confirmation of 230 parishioners. The day prior, Bishop Ortega publicly called for prayers for Bishop Álvarez.<sup>13</sup>
- 11. In March 2022, President Ortega expelled Archbishop Waldemar Stanislaw Sommertag, the ecclesiastical representative to Nicaragua, deeming him a "persona non grata", or an unwelcome or unwanted guest for having referred to those detained for their government opposition as "political prisoners" and increasing mediation work between the government and prisoners' families for their release.<sup>14</sup>
- In September 2022 the government prohibited faith leaders from returning to Nicaragua after making trips abroad.<sup>15</sup>
- 13. In February 2024, three Christian missionaries of Mountain Gateway ministry were charged with "money laundering and organized crime in connection to eight mass evangelistic gospel campaigns". The ministry had been operating in Nicaragua for a decade at the time of the

<sup>&</sup>lt;sup>7</sup> CNA, "[Redacted] Nicaragua sentences priest critical of the [redacted] to 10 years in prison", 6 February 2023.; CNA, "Meet the priest the Nicaraguan [redacted] wants to put away for eight years", 21 January 2023.

<sup>8</sup> Artículo 66, "Policía orteguista quita licencia de conducir al padre Fernando Calero, párroco de Rancho Grande", 14 August 2022.

David Ramos, "Nicaraquan [redacted] releases Bishop Álvarez, brother bishop, and priests", CNA, 14 January 2024.
 Christian Solidarity Worldwide, "Covernment targets Poman Catholic leaders", 5 August 2022, World Nation News

Ohristian Solidarity Worldwide, "Government targets Roman Catholic leaders", 5 August 2022.; World Nation News, "Nicaragua: Police surround the parish after shutting down radio stations", 2 August 2022.; The Latin American News, "Priest Uriel Vallejos manages to leave the parish house where he was locked up for three days due to the police siege", 5 August 2022.

<sup>11</sup> CNA, "Exiled priest says bishop on trial in Nicaragua created secret human rights office", 30 January 2023.

The Latin American News, "Police surround the church of the parish priest Harvin Padilla in Masaya", 15 May 2022. ; David Ramos, "Nicaraguan bishop charges police, government persecution", CNA, 20 May 2022. ; Noel Pérez Miranda, "Padre Harving Padilla descarta exilio. será reubicado en otra parroquia", Artículo 66, 25 May 2022.

<sup>&</sup>lt;sup>13</sup> Wilfredo Miranda, "Exiles, arrests and 740 attacks: Nicaragua redoubles its persecution of the Catholic Church", El País 23 December 2023.; Eduardo Berdejo, "UN Calls on Nicaragua to Disclose Where It Is Holding Abducted Bishop Isidoro Mora", National Catholic Register, 8 January 2024.

<sup>14</sup> Inés San Martín, "Ortega [redacted] expels Vatican representative from Nicaragua", Crux Now, 10 March 2022.

<sup>15</sup> CNA, "Priest prevented from returning to Nicaragua: It's 'not a crime' to criticize government", 3 October 2022.; Confidencial, "Daniel Ortega Iredacted bans priest and feminist from returning to the country", 16 September 2022.

crackdown and had in previous years fundraised and hosted similar annual events with government permission. 16

- 14. In November 2021, the Inter-American Commission on Human Rights (IACHR) officially extended protective measures to Bishop Abelardo Mata who had been on the receiving end of consistent harassment and death threats by state actors and pro-Ortega non-state actors; Bishop Mata has been historically critical of President Ortega's governments since the outset of the protests in 2018.<sup>17</sup> The IACHR has similarly been providing protective measures for Father Edwing Roman since 2018; however, unfortunately Father Roman was harassed to the point that he fled Nicaragua to Miami, United States, in August 2021 and has since not returned to his home nation. He had initially expressed that his trip to Miami was to be temporary, but he was dissuaded from returning when Nicaraguan Vice President Rosario Murillo referred to him as a "criminal".<sup>18</sup>
- 15. In February 2021, Nicaraguan immigration authorities denied the entry of two El Salvadorian Franciscan friars who have worked in Nicaragua for many years without incident, Priest Jose Lemus Aguilar of the Immaculate Heart of Mary Church Matagalpa and Priest Santos Fabian Mejia of the Saint Francis of Assisi Parish in Juigalpa. When Mejia was denied entry on the grounds that he had "gotten involved in politics", Aguilar who had not left El Salvador yet for travel was recommended to reapply for entry to Nicaragua, though he believed it was unnecessary as he had been traveling to and from Nicaragua for years with no complications. However, when he attempted to enter the country, Nicaraguan authorities informed him that his name was placed on a list of individuals whose re-entry statuses had been revoked.<sup>19</sup>
- 16. The Presidency and Vice Presidency have deplorably castigated the Catholic Church and its leaders over the past few years. In early October 2021, President Ortega referred to Nicaragua's council of bishops who submitted a pro-democracy plan as "terrorists". Ortega has also called Catholic bishops "coup mongers" and falsely accused them of using their churches and houses of worship to store weapons and to meet and plan attacks against the government. In August 2021, Vice President Murillo referred to bishops and priests as "sons of the devil" and "fake shepherds"; specifically in regards to the Catholic Church's involvement in pro-democracy rhetoric, she claimed that bishops were engaging in "satanic rites" and performing "witchcraft" to oust the government. More recently, during the ceremony for the 43rd anniversary of the nation's police, Ortega accused bishops and priests of being "killers", "coup plotters", operating a "dictatorship" on behalf of "American imperialism".
- 17. In October 2023, the Nicaraguan government reported that it had released from prison 12 priests representing the various Dioceses of Granada, Matagalpa, Siuna, Estelí, Jinotega, and Bluefields.<sup>24</sup>
- 18. In May 2023, a group of unidentified individuals vandalized the Church of Our Lady of Fatima, forcing open the doors of the chapel, confiscating the tabernacle and ciborium before disposing of them elsewhere on the property.<sup>25</sup>
- 19. In the months following Hurricanes Hilary and Idalia in August 2023, the Nicaraguan government forcibly shut down numerous church-associated and Catholic-operated humanitarian assistance organizations providing emergency aid to natural disaster victims. One Christian association, Mountain Gateway, had its ten churches forcibly closed and eleven pastors arrested by state authorities.<sup>26</sup>

<sup>&</sup>lt;sup>16</sup> International Christian Concern, "American Missionaries Face Charges in Nicaragua", 5 February 2024.

<sup>&</sup>lt;sup>17</sup> Organization of American States & Inter-American Commission on Human Rights, Resolution 87/2021, 5 November 2021.

<sup>18</sup> Inés San Martín, "Exiled Nicaraguan priest says Ortega regime is attacking Church", Crux Now, 9 June 2022.

<sup>19</sup> Cinthya Torrez, "Two Franciscans Denied Entry to Nicaragua 'for Denouncing Injustices", Confidencial, 19 February 2021.

<sup>&</sup>lt;sup>20</sup> Associated Press, "Nicaragua's President Ortega calls bishops 'terrorists", 4 October 2021.

<sup>&</sup>lt;sup>21</sup> Deutsche Welle, "Ortega slams bishops as allies of 'coup plotters", 20 July 2018.

<sup>&</sup>lt;sup>22</sup> Inés San Martín, "Nicaragua's vice president calls priests and bishops 'devils", Crux Now, 17 August 2021.

<sup>&</sup>lt;sup>23</sup> Al Jazeera, "Nicaragua leader calls Catholic Church a 'dictatorship'", 29 September 2022.

<sup>&</sup>lt;sup>24</sup> Walter Sanchez Silva, "Nicaragua claims that it freed 12 priests after an agreement with the Vatican", CNA, 19 October 2023.

<sup>&</sup>lt;sup>25</sup> David Ramos, <u>"Ciborium stolen and Eucharist desecrated in chapel in Nicaragua"</u>, CNA, 26 May 2023.

<sup>&</sup>lt;sup>26</sup> Hernán Restrepo, "Amid Catholic Crackdown, Nicaragua Closes 250 Evangelical Ministries", Christianity Today, 26 February 2024.

- 20. In late 2023, the Inter-American Commission on Human Rights identified 3,900 non-governmental organizations shut down by government forces on false allegations of "money laundering", in addition to the closure of 20 evangelical churches.<sup>27</sup>
- 21. In early August 2022, it was reported that Nicaraguan authorities ordered the closure of six radio stations operated by the Catholic Church and known for their open critiques of the government. In some of these raids, authorities would confiscate technological equipment and fire tear gas and gunshots into the air to disperse any Catholic congregants or leaders who attempted to interfere with the closures.<sup>28</sup>
- 22. In August 2022, the Nicaraguan Congress excluded that Catholic and Jesuit-operated Central American University (UCA) from the National Council of Universities, likely in retaliation for the school's allowance of 2018 anti-government protestors to seek refuge on its campus.<sup>29</sup> One year later in August 2023, the government accused UCA of being a "center of terrorism" and formally seized the entirety of the university's assets including buildings, land, and bank accounts.<sup>30</sup>
- 23. In July 2022, President Ortega stripped the Missionaries of Charity of its legal status and ordered police to expel 18 of the organization's nuns by escorting them across the border by foot into neighboring Costa Rica.<sup>31</sup>
- 24. In February 2022, the national assembly revoked the legal status of Universidad Católica del Trópica Seco as well as numerous other Catholic charitable services in the Diocese of Estelí. Targeted projects included an organization of parochial schools, a Church-run agricultural learning facility, a local Catholic cultural association, and the diocesean chapter of Caritas Internationalis, a global federation of Catholic organizations providing aid, relief, and social services.<sup>32</sup>
- 25. In April 2024, the government seized the Monastery of Saint Mary of Peace of the Trappist Nuns in San Pedro de Lóvago and transferred its ownership to the Instituto Nicaraguans de Tecnología Agropecuaria.<sup>33</sup>
- 26. In mid-August 2022, Nicaraguan police in Managua restricted a Catholic procession and pilgrimage which would be a ceremony to close the Marian Congress and send off the statue of Our Lady of Fatima which was to be returned to Portugal. When Father Erick Diaz and Father Fernando Calero attempted to travel to the Managua Cathedral to receive replica statues of Our Lady of Fatima they were turned away by authorities.<sup>34</sup>
- 27. Nicaraguan authorities have even expanded their harassment to family members of slain pro-democracy protestors. In April 2021, when the Church of Saint Michael in Masaya attempted to hold a Mass in memory of 23-year-old university student and anti-government protestor Alvaro Gomez, authorities surrounded the church and attempted to restrict local residents from attending the memorial service. Also in April 2021 during commemorative Mass of Franco Valdiva who was shot and killed during the protests, authorities "burst violently" into the service, at which point they physically assaulted Franco's female relatives, arrested them, and transported them to a local police station where they were stripped, groped, and interrogated. In April 2020, while mother Eva Ruth Campos was attending a memorial service at San Antonio Church in Jinotepe for her deceased son Jose Manuel who was killed by government forces during the 2018 protests, police surrounded the church during the service. They then "harassed us, they threatened us, they stole

<sup>&</sup>lt;sup>27</sup> Comisión Interamericana de Derechos Humanos & Organización de los Estados Americanos, Cierre del espacio cívico en Nicaragua, 2023.

<sup>&</sup>lt;sup>28</sup> CNA, "Ortega [redacted] in Nicaragua violently shuts down Catholic radio stations", 2 August 2022.; Reuters, "Nicaragua's government shutters one of last opposition radio stations", 12 August 2022.; National Catholic Register, "Ortega [redacted] Shuts Down Another Catholic Radio Station in Nicaragua", 25 August 2022.

<sup>&</sup>lt;sup>29</sup> David Agren, "Nicaragua strips funds from Catholic university, ups government control", Crux Now, 4 April 2022.

<sup>30</sup> Kata Karáth, "Government seizure of Nicaraguan university a blow to science, researchers say", Science, 25 August 2023.; National Catholic Reporter, "Nicaraguan government seizes University of Central America from Jesuits", 17 August 2023.

<sup>31</sup> Mike Gonzalez, "Christianity Under Siege in Nicaragua", The Heritage Foundation, 8 August 2022.; Vanessa Buschschlüter, "Nicaragua expels Mother Teresa's nuns in latest crackdown", BBC News, 7 July 2022.; Inés San Martín, "Ortega [redacted] expels Missionaries of Charity from Nicaragua", Crux Now, 30 June 2022.

<sup>32</sup> David Agren, "Nicaragua revokes legal status of Catholic charities, educational projects", National Catholic Reporter, 4 February 2022.

<sup>33</sup> Massimo Introvigne, "Trappist Nun Monastery Confiscated by the [redacted] in Nicaragua", Bitter Winter, 24 April 2023.

<sup>34</sup> Ismael Lopez, "Nicaragua police ban Catholic procession in Church crackdown", Reuters, 12 August 2022.; CNA, "Ortega [redacted] continues attacks on the Church in Nicaragua", 15 August 2022.

- the commemorative books from some of the mothers', all before following them to the bus stop after the memorial Mass. $^{35}$
- 28. In September 2022, authorities prohibited the National Council of Evangelical Pastors in Nagarote from holding a celebration to commemorate the 453rd anniversary translation of the Bible into Spanish.<sup>36</sup>
- 29. In November 2022, police interrupted a Catholic procession of four women and a priest carrying a large cross down a street in Masaya, forcing them to stop their activities and return to their parish.<sup>37</sup>
- 30. In March 2023, President Ortega formally declared illegal all public Easter processions.<sup>38</sup>

#### Recommendation(s).

We urge the Republic of Nicaragua to:

- 31. Cease the practice of monitoring, sequestering, and detaining leaders and notable figures of the Catholic Church who are involved in providing essential humanitarian services to anti-government protesters and who are exercising their right to freedom of expression by vocally criticizing the government and its actions towards peaceful activists;
- Allow the reentry into and temporary residence within Nicaragua of foreign missionaries and priests who have previously freely traveled into and out of the country and who have historically engaged in work and service in Nicaragua;
- 33. Cease publicly denigrating and castigating the nation's Catholic leaders and followers, as such remarks can be incendiary and indirectly encourage persecution;
- 34. Provide universities and other educational institutions with funding in a non-discriminatory manner. Along that same vein, cease the practice of withdrawing funding from Catholic universities and other schools which have either directly or indirectly participated in pro-democracy initiatives or otherwise offered material and nonmaterial support to individuals engaged in pro-democracy and anti-government activities;
- 35. Acknowledge the Catholic Church's tremendous contributions to the welfare of Nicaraguan society by providing social services schools, aid distribution, nurseries, shelters, and community centers and therefore ensure their equitable funding and state support;
- 36. Return the operation licenses of Catholic-run organizations, associations, and radio services;
- 37. Permit safe and uninterrupted religious worship services, observations of holy days, pilgrimages, and memorial Masses;
- 38. Investigate and prosecute perpetrators of physical attacks on Catholic houses of worship and other infrastructure.

### IV. Non-compliance with UPR recommendations.

- 39. The Nicaraguan government's above-listed activities show disregard towards or failure to fulfill the Universal Periodic Review Working Group's 2019 recommendations<sup>39</sup>, including:
  - Allowing access into the country for United Nations special procedures and mechanisms to review the condition of human rights;

<sup>&</sup>lt;sup>35</sup> Yader Luna, <u>"Relatives of the Murdered in 2018: 'They Won't Let Us Grieve"</u>, Confidencial, 24 April 2021.

<sup>&</sup>lt;sup>36</sup> Confidencial, "Ortega and Murillo prohibit Catholic and evangelical celebrations", 22 September 2022.

<sup>37</sup> Octavio Enriquez, "[Redacted] cancels procession in Masaya and forces faithful to return to the parish", Confidencial, 20 November 2022.

<sup>&</sup>lt;sup>38</sup> Lisa Zengarini, "Nicaraguan president bans Easter processions and attacks bishops", Vatican News, 27 February 2023.; Ambassador Mark A. Green, "[Redacted] Daniel Ortega Makse Public Easter Processions Illegal in Nicaragua", Wilson Center, 21 March 2023.

<sup>&</sup>lt;sup>39</sup> United Nations Human Rights Council, Report of the Working Group on the Universal Periodic Review: Nicaragua, A/HRC/42/16, 5 July 2019.

- Safeguarding the rights to freedom of expression, association, and assembly;
- "Allow[ing] all independent media, religious institutions, and civil society organizations to operate without undue coercion, restrictions, legal threat or threat to personal safety".