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FEATURED Q&A

Is Nicaragua's Government Guilty of Rights Violations?



The government of longtime Nicaraguan President Daniel Ortega is accused of human rights violations. // File Photo: Nicaraguan Government.

Q A United Nations report published in February detailed human rights abuses in Nicaragua, describing arbitrary arrests, attacks on journalists and illegal searches. Nicaragua's attorney general rejected the report, calling it biased, unobjective and a throwback to former colonial powers' interventionist policies. Almost three years since social protests broke out across Nicaragua in 2018, how has the human rights environment evolved, and what are the implications of recent arrests, attacks and restrictive legislation for the 2021 elections? What should the United Nations and other international actors, including the new administration in the United States, do to hold Nicaragua's government accountable for alleged human rights violations?

A Geoff Thale, president of the Washington Office on Latin America: "Both the United Nations and the Organization of American States have criticized Nicaraguan human rights abuses, with more than 100 political prisoners, harassment of political opponents and persecution of journalists. Now, in the run-up to November elections, the Ortega government is seeking to institutionalize restrictions on civil society groups and potential political opponents. Among other measures, the National Assembly restricted the activities of NGOs with international funding, made the distribution of ill-defined 'false information' a crime, and banned 'traitors' from running for public office. The government is stalling electoral reforms that the international community and the political opposition endorse; without reforms by early June, there will not be transparent elections on a level playing field.

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The administration of U.S. President Joe Biden has ordered the Federal Emergency Management Agency to help shelter and transfer child migrants who are entering the United States at record numbers.

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The Spanish firm had filed suit over Colombia's seizure of its subsidiary, Electricaribe.

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Former Interim Bolivian President Áñez Arrested

Former interim Bolivian President Jeanine Áñez was arrested on charges of terrorism and sedition over what her predecessor, Evo Morales, has called a "coup" against him.

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Áñez // File Photo: Bolivian Government.

POLITICAL NEWS

Former Interim Bolivian President Áñez Arrested

Former interim Bolivian President Jeanine Áñez was arrested on Saturday on charges of terrorism and sedition over what her predecessor, longtime former President Evo Morales, called a “coup” that ended his presidency, Agence France-Presse reported. At least two of Áñez’s former ministers, Álvaro Coimbra and Rodrigo Guzmán, were also arrested, local newspaper El Diario reported. After a hearing that lasted more than 10 hours, a judge ordered all three to be jailed for as long as four months. Prosecutors had requested that they be placed behind bars for six months on concerns that they might flee or influence people who might testify in their trials, but the judge called that amount of time excessive and shortened it, the newspaper reported. The arrests came four months after Morales returned to Bolivia after his ally, Luis Arce, won and was sworn in as the country’s president. The Movement Toward Socialism, or MAS, party of Morales and Arce also secured control of the country’s legislature in last October’s election. Morales resigned under pressure by the military and other groups in November 2019 amid several days of protests following the country’s disputed election the previous month. Morales was accused of rigging the election in his favor, claims he has denied. Áñez was arrested in her hometown of Trinidad and was flown to La Paz, the Associated Press reported. “This is an abuse,” she told reporters. “There was no coup d’ état, but a constitutional succession.” From a cell at a police station, Áñez called on the Organization of American States and the European Union to send representatives to Bolivia to investigate what she called an illegal detention,” the AP reported. Former President Carlos Mesa, whom Morales defeated in several elections, also criticized Áñez’s arrest. “This is not justice,” said Mesa. “They are seeking to decapitate an opposition by creating a false narrative of a coup to distract from a fraud.” However,

Morales tweeted his support for Áñez’s arrest. “The authors and accomplices of the dictatorship should be investigated and punished,” he said. Authorities issued arrest warrants for more than a dozen former Bolivian officials, the AP reported. They included several other former cabinet members, former military leader William Kaliman and the police chief who urged Morales to resign, the AP reported. Bolivia’s new justice minister, Iván Lima, said Áñez faces charges that related to her actions as an opposition senator, not as a former president. Additionally, Interior Minister Eduardo del Castillo denied the current government is persecuting Áñez, saying the case against her arose from criminal complaints of sedition and conspiracy that were filed against her last November. [Editor’s note: See related [Q&A](#) in the Oct. 20 issue of the Advisor.]

FEMA Ordered to Aid Child Migrants at U.S.-Mexico Border

The administration of U.S. President Joe Biden has ordered the Federal Emergency Management Agency, or FEMA, to help shelter and transfer child migrants who are entering the United States in record numbers, Homeland Security Secretary Alejandro Mayorkas said Saturday, NBC News reported. The Biden administration has acknowledged an increased number of “encounters” at the U.S.-Mexico border since last April. Mayorkas said FEMA would work to avoid children at the border being treated as detainees of Customs and Border Protection, or CBP, and move them more swiftly into the care of the Department of Health and Human Services, as well as find and expand the number of suitable facilities for the children, DHS added. Meanwhile, adults and accompanied minors will continue to be returned to Mexico, the department added. More than 3,200 unaccompanied migrant children are currently being housed in CBP facilities, NBC News reported. As part of his response to the influx of migration from Central American nations, Biden has committed to providing \$4 billion in development aid for the

NEWS BRIEFS

Brazil Surpasses India in Covid-19 Infections

Brazil on Friday surpassed India as the country with the world’s second-highest number of Covid-19 infections, after only the United States, Bloomberg News reported. Brazil reported 85,663 new cases of the disease on Friday. Its total number of cases now stands at more than 11.4 million. Brazil also has the world’s second-highest death toll, after the United States, at more than 278,000.

Asfura, Castro Lead Exit Polls Following Honduras’ Presidential Primary

Hondurans went to the polls on Sunday in the country’s primary presidential vote, with no official results available as of Monday morning but with Nasry “Tito” Asfura of the ruling National Party and Xiomara Castro of the Free Party leading in the exit polls, La Prensa reported. The winning candidates will face off in the presidential election scheduled for November. The primaries came days after a Honduran drug trafficker testified against President Juan Orlando Hernández in U.S. federal court in New York. [Editor’s note: See related [Q&A](#) in the March 5 issue of the Advisor.]

Morgan Stanley Revises View of Argentine Economy to the Upside

Morgan Stanley has revised its long-held neutral view on Argentina sovereign credit to “like,” with risks edging to the upside after pricing bad signals into bonds, including an expected delay to the country’s \$46 billion restructuring deal with the International Monetary Fund, Reuters reported Friday. Morgan Stanley economist Fernando Sedano said in a research note that the investment bank’s outlook, with no IMF program expected through 2021, was playing out. [Editor’s note: See related [Q&A](#) in the Feb. 25 issue of the Advisor.]

Northern Triangle countries of Guatemala, El Salvador and Honduras. “The plan’s crucial aim is the integration of projects resulting in better functioning governments, strengthening democratic institutions and providing security and stability to citizens,” Mari Carmen Aponte, a former U.S. ambassador to El Salvador, told the Advisor in a [Q&A](#) published last Friday. “This entails prioritizing difficult, tough issues, such as corruption,” she added.

BUSINESS NEWS

Naturgy’s Suit Against Colombia Dismissed: Gov’t

An international court has dismissed a lawsuit of 4.8 trillion Colombian pesos (\$1.3 billion) that Spanish firm Naturgy filed against the Andean nation over the seizure of its subsidiary Electricaribe, Colombia’s government said last Friday, Reuters reported. Colombia’s Superintendency of Domiciliary Public Services in late 2016 seized Electricaribe from Naturgy, which was previously known as Gas Natural, citing risks that the company would default and its inefficiency in providing services across a broad region in the north of the country. The move prompted Naturgy to begin arbitration proceedings in 2017 in a bid to recover Electricaribe or receive compensation. The firm argued that the superintendency’s intervention had expropriated the company’s rights in the country and did not comply with parts of Colombia’s investment protection agreement with Spain, *El Tiempo* reported. A United Nations international arbitration tribunal on Friday ruled in favor of Colombia in the case, entirely rejecting Naturgy’s claims. “Thanks to this decision, Colombia will not have to pay a single peso,” the country’s Ministry of Mines and Energy said in a statement. Naturgy was not immediately available to Reuters’ request for comment. Colombia’s government last September provided control of Electricaribe to Empresas Públicas de Medellín and the Energía de la Costa consortium.

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Meanwhile, the Ortega government has sought diplomatic dialogue with the United States and the European Union, likely hoping the Biden administration will ease existing targeted sanctions without pursuing human rights and electoral reforms. In Nicaragua, where the opposition spans the political spectrum, from activist women’s groups, students and small-scale farmers to sectors of the business community, opposition political groups are talking, but they have not unified behind a single candidate or a common platform. The United States and international actors can’t impose solutions on Nicaragua. But they should make clear to the Ortega government that an end to political repression and electoral reforms are priorities, so that the November elections allow the Nicaraguan people to express their will. The Biden administration’s strategy should involve consistent multilateral pressure, support for civil society actors and engagement with the broad opposition that encourages dialogue and unity, backed by targeted sanctions directed at the individuals and institutions in the Ortega government, their allies in the military and some sectors of the business community, which are responsible for human rights abuses.”

A Richard Feinberg, professor at the School of Global Policy and Strategy at the University of California, San Diego and nonresident senior fellow at the Brookings Institution: “Despite the repressive autocratic rule of Daniel Ortega and his wife and vice president, Rosario Murillo, Nicaragua is not Cuba or Venezuela. In Managua today, active campaigning is underway for the November presidential elections, and several attractive, capable pre-candidates have tossed their hats into the ring. As to be expected, there are opposition fractures based upon competitive personal ambitions, intergenerational tensions and traditional party affiliations. Candidates are openly debating critical tactical matters: whether to treat the regime

as illegitimate and criminal and hence deserving of commensurate retributions, or whether to negotiate a compromise ‘soft landing’ that recognizes the regime’s political assets and seeks a post-election modus operandi. Correctly, the U.S. Embassy is supporting calls for opposition unity. However, it should avoid the old pro-consul arrogance of playing personal favorites. In collaboration with the international community and the Organization of American States, the United States can also leverage its still-significant influence and existing sanctions against the government and senior officials to press for the pre-election restoration of civil liberties and for reforms of the electoral system. Such efforts may not ultimately lead to a fully level playing field, but they would create sufficient conditions for the opposition, if it is unified behind an appealing ticket, to triumph at the ballot box. To this equation, the United States can add certain assurances that encourage regime cooperation so that its leading figures do not fear that defeat at the ballot box would imply long jail sentences and financial ruin. Negotiations among the international community, the Ortega-Murillo government and the opposition can also look beyond the elections toward ushering in a more inclusive, tolerant and functional Nicaraguan political economy.”

A Marc Becker, professor of history at Truman State University: “The United Nations report is an unfortunate reflection of a growing tendency to politicize and weaponize human rights issues. In Central America, neighboring Honduras has a worse track record, but that has not led the United States to sanction that government. Nicaragua has no counterpart to the assassination of Goldman prizewinner and leading environmentalist Berta Cáceres, nor have its leaders been implicated in functioning as drug kingpins, as is the case with President Juan Orlando Hernández, who is accused of vowing to flood the United States with co-

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caine. A similar observation could be made with Colombia, which leads the Americas in the assassinations of social movement leaders and the number of massacres, yet it is neighboring Venezuela that comes in for intense criticism even though it has no such problems. This raises the question of why Nicaragua and Venezuela are selected for criticism when their neighbors are just as bad, if not worse; the answer is all too obvious. Leftists govern those countries (even while their policies are at best center-left), while their neighbors have hard-right governments closely aligned with U.S. economic interests. The purported concern with human rights violations has little to do with human rights and everything to do with regime change operations. That was the role Biden played as vice president during the Obama administration, and there is no indication that his new administration will break from the heavy interventionist hand that the United States has had over Latin America for the past century."

A **Ricardo Trotti, executive director of the Inter American Press Association:** "Daniel Ortega's regime has always been restrictive of individual and social freedoms, particularly freedom of the press and expression. However, he graduated to repression in April 2018. That repression against popular demonstrations was followed by a total censorship of journalism and the opposition, transforming Nicaragua into the country with most closures of media organizations and expulsion of journalists in the Western Hemisphere. The regime has been legalizing its attacks on freedom of the press and expression through administrative decrees and the October 2020 Special Law on Cyber-crime (a gag law), as well as through fiscal harassment, intimidation and mockery of independent media that have been forced to

report from underground. Last December, he also added the crime of organizing independent institutions through the Foreign Agents Act, which prohibits civil organizations from receiving donations from abroad. The legislation wiped out many important and active NGOs in favor of human rights and independent journalism, such as the Violeta Chamorro Foundation. The full range of legalized censorship and shameless oppression paves

“ It is easy to see that the regime's strategy is to make fraudulent elections appear free.”

— Ricardo Trotti

the way for a regime that takes advantage of its impunity and total lack of transparency. If all the political and oppressive actions of now are added to the experience of the past elections, it is easy to see that the regime's strategy is to make fraudulent elections appear free. The international community and free and democratic governments must be more energetic against the regime's allies and in their preaching for human rights and democratic restoration in Nicaragua. Until pressure and sanctions do not force the regime to be transparent, forcing it to allow the entry of human rights monitors and electoral surveillance missions, the Ortega regime will continue to shut down the country, dodge dialogue and condemn Nicaraguans."

[Editor's note: The Advisor made repeated requests for a commentary for this issue from Nicaragua's ambassador to the United States but received no response.]

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at gkuleta@thedialogue.org.

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