

UN Human Rights Council Again Supports US Regime Change Plans for Nicaragua

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When the United Nations sets up a "commission of inquiry," it can result in a powerful analysis of violations of human rights law, such as the one appointed in 2021 to examine Israel's illegal occupation of Palestinian territories and its Apartheid practices.

But other commissions can become political platforms aimed at demonizing a particular government by crafting narratives that give the semblance of objectivity, while suppressing all evidence that contradicts the prevailing geopolitical consensus.

The ultimate aim of such commissions is *not* to investigate or to provide advice or technical assistance, but to support a campaign of destabilization. They make it plausible to the world at large that the human rights of the population of the targeted country are being grossly violated and that the doctrine of "responsibility to protect" (known as [R2P](#)) should be activated. In other words, regime change, even by force, would be preferable to inaction. This vulgar weaponization of human rights is a favorite device in the tool kit of some hegemonic states. It is aided and abetted by non-governmental organizations financed by the hegemon and disseminated by the echo chambers of the mainstream media.

A case in point is the work of the **UN's "group of human rights experts on Nicaragua" (GHREN), appointed to investigate alleged violations in the country in the period since April 2018.**

The date is chosen because it marked the start of violent protests, which quickly turned into an attempted coup d'état. The violence lasted for three months and left over 250 people dead, including opponents of the government, government officials and sympathizers, and 22 police officers.

The group's first report, in February of 2024, ran to 300 pages. It appeared to be very

detailed: for example, it included a 9-page case study of events in one Nicaraguan city, Masaya, during the period April-July 2018. Yet despite this detail, the GHREN ignored the assignment which had been set for its work, which explicitly required it to investigate “all” relevant events. **The report either omitted completely, or mentioned only very briefly, the many extreme acts of violence by those involved in the coup attempt.** Instead, it focused only on alleged human rights violations by government officials and, in collecting evidence, the group gave preferential access to a number of NGOs which are highly critical of the Nicaraguan government.

The [Nicaragua Solidarity Coalition](#), a group made up of organizations and individuals in the United States and Canada, Europe and Latin America, including Nicaragua itself, responded in detail to the GHREN’s work. Its letter calling for the report to be withdrawn was signed by prominent human rights experts, 85 different organizations and over 450 individuals. Despite the number of people who were in support, the letter and detailed evidence submitted received no response whatever.

Indeed, the GHREN continued its work, and in February of 2024 published a further report, this time without even passing mention of opposition violence. It made no reference to the Coalition’s submissions: it was as if the criticisms of the first report and the evidence substantiating them never existed.

As one of the human rights experts who was critical of the first report by the GHREN, and as one of the organizers of the Coalition response, **we have worked together to produce a second letter, which has been sent to the GHREN and to the President and senior officials of the UN Human Rights Council.** This new [letter](#) says that the latest report is “methodologically flawed, biased and should never have been published.” It contends that “excluding pertinent information submitted to the study group is a breach of responsible methodology, a violation of the ethos of every judicial or quasi-judicial investigation.” The letter is signed by ten prominent human rights experts and activists, 47 organizations and over 250 individuals in Nicaragua, USA and Europe, many with long experience in Nicaragua. (The Coalition is continuing to collect signatures, which will be sent in follow-up at a later date.)

Image: Medardo Mairena at the signing of the proclamation of unity of the National Coalition, February 25, 2020. (Licensed under CC BY 2.0)



What is wrong with the GHREN's latest report?

Many examples of bias and omissions can be found within its 19 pages. One is its reference to the amnesty announced by the Nicaraguan government in 2019 for those detained and found guilty of crimes, including even homicide, during the coup attempt.

The amnesty was an outcome of negotiations with the Catholic Church and others, aimed at achieving reconciliation in the aftermath of the coup attempt. However, the GHREN portrays the amnesty as benefiting only the state itself, when in fact its main beneficiaries were more than 400 opposition figures, including coup organizers, who had been convicted of violent offences.

One of the most prominent beneficiaries, **Medardo Mairena**, had organized several murderous attacks on police stations: the worst, in [the small town of Morrito](#), led to five deaths and nine police officers being kidnapped and beaten. Despite his crimes, Mairena was portrayed as a victim by the GHREN: he was even one of the opposition figures [invited to address the UN Human Rights Council](#) in July of 2023.

A second example is the report's treatment of migration. **Initially, the report claimed that 935,065 people had left Nicaragua, i.e., that one in eight of the population had "fled the country since 2018." This was the figure that received publicity, even though it was absurdly high.**

Within a few days the GHREN realized their mistake and revised their report, so that the version currently on the website says instead that 271,740 Nicaraguans have become asylum seekers and 18,545 Nicaraguans are recognized as refugees worldwide (fewer than 1 in 20 of the population).

But the report still gives no attention to the evidence that most migration from Nicaragua in the past five years has been economic in motivation, given the effects of US coercive measures on the country, and the economic downturns which resulted from the coup attempt itself and from the subsequent Covid-19 pandemic. It also takes no account of the fact that many migrants return to Nicaragua after periods of working abroad. In other words, even the lower figure likely exaggerates the numbers of Nicaraguans who (in the report's original words) "fled the country."

The most egregious bias in the report is its treatment of opposition figures as victims. Yes, it is true that there have been arrests, imprisonments and the expulsion from the country (with US agreement and facilitation) of many of those arrested. But the GHREN's report assumes that those affected are innocent of any crime and are merely being persecuted as opponents of the government. **It feeds the narrative of Washington**, its allies and corporate media that what happened in 2018 was peaceful protest, when in practice the violent coup attempt affected millions of Nicaraguans, with lives lost, public buildings destroyed, homes set on fire and scores of government officials and sympathizers kidnapped, tortured, wounded or killed. The GHREN ignored the plentiful, detailed evidence from the Coalition which presented a more accurate narrative of what happened.

It is vital that the UN Human Rights Council pay attention to these criticisms and thoroughly review its dealings with Nicaragua. It is clear that the current expert group has totally failed in its assignment to consider "all" relevant events since April 2018 and is behaving in a

completely unprofessional manner. Its work should be stopped, and a genuine attempt should be made to work with the Nicaraguan government based on a proper understanding of the needs of its people and of their experience of the 2018 coup attempt. **Above all, it should urge the removal of the unilateral coercive measures (wrongly referred to as “sanctions”, implying that they are legitimate), which are worsening conditions for Nicaraguans, not improving them.**

Coda by Alfred de Zayas

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The dysfunctional situation described above is not without precedent. During my six years as Independent Expert on International Order (2012-18), I myself observed manipulations and double standards, and [duly informed the Office of the High Commissioner for Human Rights](#) (OHCHR) that in my considered opinion some of my colleague rapporteurs were not rigorously observing their independent status and [our code of conduct](#), particularly Article 6, which requires all rapporteurs to give due weight to all available information and to pro-actively seek explanations from all stakeholders, including the government of the state in questions, respecting the over-arching rule of *audiatur et altera pars* (“let the other side be heard as well”).

When in the summer of 2017 I sought an invitation to visit Venezuela on official mission, I encountered opposition within OHCHR, which attempted to dissuade me. When I did receive an invitation, thus breaking a 21-year absence of UN rapporteurs from Venezuela, I was surprised to receive letters from three major NGOs who actually asked me *not* to go, because I was not the “pertinent” rapporteur.

Evidently these NGOs and some officials at OHCHR were “concerned” with my independence, as already demonstrated in 12 reports to the General Assembly and Human Rights Council, and feared accordingly, that I would write my own report on Venezuela, which would not necessarily support the ubiquitous US narrative.

It became clear to me that some officials at OHCHR were nervous that I would actually conduct a fair investigation, speak to all stakeholders on the ground and then make my own judgment. Indeed, I read and digested all the relevant reports of Amnesty International, Human Rights Watch, and the Inter-American Commission on Human Rights. When I was on the ground in Venezuela I fact-checked these and other reports, which I found to be

seriously deficient. I also consulted the reports of local non-governmental organizations in Venezuela, including those of Fundalatin, Grupo Sures and Red Nacional de Derechos Humanos, and read the economic analysis by the Venezuelan Professor Pasqualina Curcio.

When in November/December 2017 I became the first UN rapporteur to visit Venezuela in 21 years, I was subjected to pre-mission, during-mission, and post-mission mobbing. I endured a barrage of insults and even death threats.

Notwithstanding an atmosphere of intimidation, my mission resulted in positive results, including the immediate release of opposition politician **Roberto Picon** (his wife and son appealed to me, I then submitted the case to the **then Foreign Minister Jorge Arreaza**), the release of 80 other detainees, enhanced cooperation between UN agencies and the government, and new memoranda of understanding.

The mission opened the door to the visits of several other rapporteurs including Professors Alena Douhan and Michael Fakhri, as well as by **High Commissioner Michelle Bachelet**. My report to the Human Rights Council in September 2018 addressed the root causes of problems, formulated proposals for solutions, incorporating the information received from all stakeholders, including the opposition parliamentarians, Chamber of Commerce, the press, diplomatic corps, church leaders, university professors, students and more than 40 NGOs of all colors. The report was criticized by mainstream NGOs in the US and Europe, for whom only those rapporteurs are praiseworthy who engage in “naming and shaming” and promote regime change.



Chapters 2 and 3 of my book [The Human Rights Industry](#) document the endemic problems in the functioning of OHCHR and the Human Rights Council that continue to cater to the priorities of the major donors. However, the general perception of OHCHR and the Human Rights Council promoted by the mainstream media gratuitously grants both institutions authority and credibility, without addressing the problems already exposed by a number of rapporteurs, including myself.

This dependence of OHCHR and the Human Rights Council on Washington and Brussels explains some of the abstruse decisions and resolutions adopted by the Council. Part of the problem lies in the ways in which staff members are recruited and in the procedures by which experts, including rapporteurs, independent experts and commission members, are appointed.

For example, it does not advance “geographical representation” simply by hiring someone from Mauritius or Indonesia, if that person has been trained and indoctrinated in US and UK universities. “Geographical diversity” does not necessarily ensure the representation of a spectrum of opinions and approaches to problems. It does not mean much when there are so and so many persons who are ticked off against a particular nationality, e.g. US, French, Russian, Chinese, South African. What is crucial is to ensure that all schools of legal thinking and philosophy, are represented. What is important is that when a candidate from State X is recruited or appointed, that he/she have first and foremost the interests of the United Nations at heart, and that he/she is not *a priori* committed to support the interests of the US or one of the European powers. I do not challenge the competence or expertise of staff members and rapporteurs – I challenge their ethos and independence — their commitment to the values of the UN Charter and their commitment to impartiality.

There are other obstacles to impartiality. Indeed, some OHCHR staff members are penalized if they do their work properly and do NOT follow the orders coming from above, which are mostly US-Brussels friendly. It is a regrettable reality that the donors weigh heavily in setting the agenda.

There is no mechanism to ensure that the code of conduct of rapporteurs is respected, in particular Article 6. The impunity for openly siding with the US and Brussels and ignoring the rest of the world is notorious. In other words, OHCHR and the Human Rights Council have been largely “hijacked” – as indeed the Inter-American Commission on Human Rights, Inter-American Court of Human Rights, European Court of Human Rights have been. This raises the issue that Juvenalis formulated in his sixth *Satire* (verses 346-7): *Quis custodiet ipsos custodes?* – “who will guard over the guardians?”

Experience shows that being a solid professional does NOT facilitate getting a promotion. One is likely to be penalized. Abiding by the “unwritten law” of “groupthink” and supporting the Western narratives does contribute to career development. And, alas, most staffers are first and foremost interested in their careers, and not necessarily in promoting human rights. As elsewhere, it is a job.

Some outside observers have understood what game is being played and what the rules are. Reality at OHCHR and the Human Rights Council is closer to Machiavellianism and Orwellianism than to the spirituality of the Universal Declaration of Human Rights and the ideals of Eleanor Roosevelt, René Cassin, Charles Malik, P.C. Chang and others. Notwithstanding these problems, we are optimistic that the system can be reformed, and we encourage all non-governmental people of good will and good faith to insist on reforming these institutions so that they serve all of humanity and not only the interests of a handful of powerful states. Among the NGOs that are making concrete proposals for reform are the [International Human Rights Association of American Minorities](#) and the [Geneva International Peace Research Institute](#), both in consultative status with the United Nations.

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Featured image: A woman stands near a burning barricade holding Nicaraguan flag, April 2018

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