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NICARAGUA

Immediate end to reprisals against defenders of indigenous peoples' rights: the case of Anexa Alfred Cunningham

Joint statement from IPRI and IWGIA

December 10th, 2022

Throughout 2022, an increasing number of Indigenous Human Rights Defenders who engaged with the United Nations have experienced intimidation, harassment, threats, derogatory media campaigns, travel bans, arbitrary arrests and detention, torture and ill-treatment, disbarment, or dismissal from their posts, amongst other human rights violations. Both the UN Secretary General and the President of the Human Rights Council (UNHRC) have repeatedly expressed their concern about this worrying trend. Most recently, the President of the UNHRC has given particular attention to the reprisals faced by UN independent experts and has directly addressed the Nicaraguan government **concerning the case of Ms Anexa Alfred Cunningham**.

In April this year, Ms Alfred, who is of the Miskitu people of Nicaragua, was appointed as member of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), an advisory body to the UNHRC. Ms Alfred has worked at the Inter-American Commission on Human Rights and was a Senior Indigenous Fellow at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. In Nicaragua, she has worked with Indigenous communities in land-titling processes and has been legal advisor to the Miskito party, YATAMA, amongst other activities. As many in the country have, she has expressed her concern about the current human rights situation in Nicaragua.

In July, Ms Alfred attended the EMRIP session for the first time. Upon returning to Nicaragua, she was prevented from boarding her plane in Amsterdam by the airline as the Government of Nicaragua had informed them they would not allow her to enter the country.¹ This has also happened to other Nicaraguan citizens opposing the current regime. The OHCHR facilitated Ms Alfred's return from Amsterdam to Geneva. The President of the UNHRC addressed a letter to the Government of Nicaragua requesting an explanation

¹ <https://media.un.org/en/asset/k1o/k1oi0npjiam>



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for the incident, calling for Ms Alfred to be able to safely return to her home and family.² The Government of Nicaragua did not respond.

During the 51st session of the UNHRC in September, Mr Francisco Villegas, President of the UNHRC, publicly referred to Ms Alfred's situation, who remained in Geneva. The President explained that he had repeatedly requested clarification from the Government but continues to receive no responses or guarantees for her safe return. He also stated that **her situation can be considered a reprisal for her participation at the EMRIP session.**³

As a result of Nicaragua's refusal to cooperate with the UN human rights system and the deterioration of the respect for human rights in the country have led to the establishment of a special group of three human rights experts on Nicaragua.⁴ The OHCHR has also expressed serious concerns on the situation of Indigenous Peoples in the country.⁵

The reprisal against Ms Alfred is a good indication not only of the deteriorated human rights situation in Nicaragua, but of the increase of reprisals against Indigenous Peoples who cooperate with human rights bodies and institutions. **If this is allowed to happen to an independent expert of the UNHRC, what will happen to Indigenous human rights defenders on the ground?**

The undersigning organizations want to express their concern for and solidarity with Ms Anexa Alfred and request:

- The Human Rights Council and the OHCHR to maintain their efforts to solve the situation faced by Ms Anexa Alfred and to work to develop effective methods to respond to State reprisals against Indigenous Human Rights Defenders;
- The Government of Nicaragua to immediately halt reprisals and the persecution of Indigenous Human Rights Defenders in the country;
- The Government of Nicaragua to respond to the request of the President of the Human Rights Council and the OHCHR regarding the situation of Ms Anexa Alfred; and
- The EMRIP to develop a report on reprisals against Indigenous Peoples, individuals and communities that cooperate with the UN human rights bodies and mechanisms, providing expert advice on measures that could be taken to confront this serious problem.

² Minutes of the Human Rights Council Bureau, 15 July 2022

³ <https://media.un.org/en/asset/k1o/k1oi0npjam>

⁴ Human Rights Council resolution 49/3. Promotion and protection of human rights in Nicaragua. 7 April 2022

⁵ Press briefing note on Nicaragua. OHCHR, 7 February, 2020. At <https://www.ohchr.org/en/press-briefing-notes/2020/02/press-briefing-note-nicaragua>