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Nicaragua: Criminalisation and ill treatment of Medardo Mairena

On 13 July 2018, human rights defender **Medardo Mairena** was detained in Managua. On 15 August 2018, Judge Henry Morales held the second hearing on the defender's case. Medardo Mairena and two other land rights defenders face seven charges and the judge ordered preventive detention for the duration of their criminal proceedings. Medardo Mairena's lawyer was not permitted to talk privately with him until the hearing, when he reported that Medardo Mairena has been subjected to cruel, inhumane and degrading treatment in pre-trial detention.

[Medardo Mairena Sequeira](#) is the national coordinator of the **Consejo por la Defensa de la Tierra, Lago y Soberanía** (Council for the Defence of the Land, Lake and Sovereignty). The organisation defends land rights by seeking to repeal Law 840 (2013), which granted concession of lands to the privately held Hong Kong Nicaragua Canal Development Investment Company. More recently, the defender has participated in the National Dialogue in Nicaragua on the current political crisis that the country is facing. In the National Dialogue, Medardo Mairena has been very critical of President Daniel Ortega's administration regarding the protection of *campesino* groups and demanded his resignation.

On 13 July 2018, agents of the Judicial Assistance Directorate (*Dirección de Auxilio Judicial*) arrested Medardo Mairena. He was detained at the International Airport Augusto C. Sandino in Managua. On 15 August 2018, Judge Henry Morales held a second hearing on Medardo Mairena's case, during which the human rights defender was charged with the following crimes: terrorism, organised crime, murder, kidnapping, aggravated theft, blocking public services, aggression and damages against 23 victims. Judge Morales ruled that Medardo Mairena must remain in preventive detention at "El Chipote" prison for the duration of criminal proceedings.

From the moment of the human rights defender's detention, the procedure has been characterised by irregularities: four days after his detention, a public defender was assigned to Medardo Mairena's case, despite the efforts of the Permanent Human Rights Commission (*Comisión Permanente de Derechos Humanos*) to represent the human rights defender. This severely hinders the defendant's right to a fair trial as recognised by [domestic legislation](#) and [international human rights instruments](#). Moreover, an excessive number of police officials at the courtroom prevented the general public and press from attending the preliminary hearing of Medardo Mairena. Since his detention, Medardo Mairena has had no contact with his family. The only time his lawyer was able to talk to him was ten minutes before his second hearing. On this occasion, the defender reported ill treatment of him and other activists in prison, including threats, being forced to spend hours on his knees and frequent kicks and insults.

Authorities have also carried out a smear campaign against Medardo Mairena. On 13 July 2018, an official press release concerning his arrest accused him of being "the direct mastermind of the massacre and murders of four comrade police officers and a primary school teacher" that occurred in Morrito, in the department of Río San Juan, on the afternoon of 12 July 2018.

Since 18 April 2018, demonstrators opposing social security reforms and President Daniel Ortega's administration have been facing increasingly violent repression. Human rights defenders and journalists in [Nicaragua](#) have reported multiple human rights violations in the context of the demonstrations: murders, disappearances, arbitrary detentions, physical aggressions involving the use of stones, sticks, rubber bullets, and tear gas, threats and acts of intimidation.

In June 2018, the Inter-American Commission on Human Rights (IACHR) launched a Special Monitoring Mechanism for Nicaragua (MESENI) and deployed its technical staff to follow up on the recommendations based on the IACHR's visit to Nicaragua, including the Commission's Preliminary Observations and its [report](#) "*Serious human rights violations in the context of social protests in Nicaragua*". [MESENI](#) has expressed concern about the attacks against human rights defenders in Nicaragua and urged the local authorities to refrain from stigmatising their work. MESENI has also noted the existence of a pattern of repression characterised by arbitrary detentions, persecution by the courts and criminalisation of activists who oppose the government, demonstrators, students and human rights defenders.

Front Line Defenders is deeply concerned about the criminalisation of human rights defender Medardo Mairena, as it is believed that it is solely motivated by his legitimate and peaceful work in defence of land rights. Front Line Defenders urges the authorities of Nicaragua to immediately and unconditionally release Medardo Mairena and drop all charges against him.

Front Line Defenders urges the authorities in Nicaragua to:

1. Immediately and unconditionally release Medardo Mairena, and drop all charges against him;
2. Ensure that the treatment of Medardo Mairena, while in detention, adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
3. Take all necessary measures, in consultation with Medardo Mairena, to guarantee his physical and psychological integrity and security;
4. Take measures to ensure that public officials refrain from making statements or declarations stigmatising the legitimate work of human rights defenders;
5. Guarantee in all circumstances that human rights defenders in Nicaragua are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.