



Inter-Parliamentary Union  
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# Nicaragua

*Decision adopted unanimously by the IPU Governing Council at its 214th session  
(Geneva, 17 October 2024)*



© Wikimedia - Brooklyn Rivera Bryan

NIC-32 – Brooklyn Rivera Bryan  
NIC-33 – Nancy Elizabeth Henríquez James

## Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity

### A. Summary of the case

In April 2023, Mr. Brooklyn Rivera Bryan, a Miskitu indigenous leader, prominent member of the YATAMA organization (*Yapti Tasba Masraka Nanih Aslatakanka*, “Children of Mother Earth United”) and elected member of Nicaragua’s National Assembly, participated in the 22nd session of the United Nations Permanent Forum on Indigenous Issues. According to the complainant, during this event, he denounced the treatment of indigenous peoples and Afro-descendants in Nicaragua. Upon attempting to return to his country on 24 April 2023, the Nicaraguan Government allegedly blocked his entry. After a few days abroad, Mr. Rivera Bryan returned to Nicaragua, where he was reportedly persecuted by the national police. According to the information received, on 29 September 2023, state agents forcibly entered his home, beat him up and arrested him without a warrant. His whereabouts have remained unknown since then. According to the complainant, his family has been denied any information, leading to growing concerns about his health and safety, especially given his pre-existing

### Case NIC-COLL-02

**Nicaragua:** Parliament affiliated to the IPU

**Victims:** Two opposition members of parliament (one male and one female)

**Qualified complainant(s):** Section I.(1)(b) of the Committee Procedure (Annex I)

**Submission of complaint:** April 2024

**Recent IPU decision(s):** - - -

**Recent IPU Mission(s):** - - -

**Recent Committee hearing(s):** - - -

#### Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: September 2024
- Communication to the authorities: Letter to the Speaker of the National Assembly (September 2024)
- Communication to the complainant: September 2024

health conditions, which require specialized medical attention. The complainant also states that Mr. Rivera Bryan's family faces continued threats, intimidation and some family members have been forced into exile.

Ms. Nancy Elizabeth Henríquez James, also a Miskitu indigenous leader and member of the YATAMA organization, took over Mr. Rivera Bryan's parliamentary seat in April 2023 as his alternate. The complainant alleges that she was arrested by undercover police officers on 1 October 2023. Her whereabouts remained unknown for approximately two months. On 13 December 2023, Ms. Henríquez James was sentenced to eight years in prison during a trial held within the women's prison "La Esperanza", where she was allegedly denied legal representation, an interpreter, and due process. It appears that the conviction comes in response to Ms. Henríquez James having been charged with the crimes of "undermining national integrity" and "spreading fake news to the detriment of the Nicaraguan State and society". Her family has expressed concern for Ms. Henríquez James' health, considering that she suffers from several chronic health conditions that require specialized medical attention.

The complainant claims that what happened to both parliamentarians is a direct consequence of their actions as indigenous leaders in opposition to the current government and their opposition parliamentary work, and that there is no basis for any criminal charges against them. The complainant also reported that, to date, Mr. Rivera Bryan and Ms. Henríquez James have not been the subject of any procedure for the termination of their term of office in parliament. However, both have been removed from the list of members of the National Assembly.

The IPU formally requested information and official comments from the National Assembly regarding this case in April and September 2024. Parliament has not submitted any information to date.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the present complaint was declared admissible by the Committee on the Human Rights of Parliamentarians, considering that the complaint: (i) was submitted in due form by a qualified complainant under section I.1.(b) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns two incumbent members of parliament at the time of the initial allegations; and (iii) concerns allegations of enforced disappearance; threats, acts of intimidation; arbitrary arrest and detention; inhumane conditions of detention; lack of due process in proceedings against parliamentarians; violation of freedom of opinion and expression; abusive revocation or suspension of the parliamentary mandate; and failure to respect parliamentary immunity, which are allegations that fall within the Committee's mandate;
2. *Regrets* the lack of response from the Nicaraguan parliamentary authorities to the Committee on the Human Rights of Parliamentarians' repeated requests for information and official observations regarding the situation of Mr. Rivera Bryan and Ms. Henríquez James; *recalls* in this regard that, in accordance with its Rules and Practices, the Committee does everything possible to promote dialogue with national authorities, and primarily with parliaments, with a view to reaching a satisfactory settlement in the cases before it; and *encourages* in this regard the National Assembly of Nicaragua to enter into a constructive and continuous dialogue with the Committee in order to ensure a satisfactory and speedy resolution of this case;
3. *Is alarmed* that, on 29 September 2023, state agents reportedly entered Mr. Rivera Bryan's home by force, mistreated him and arrested him without a warrant, that Mr. Rivera Bryan's whereabouts have remained unknown since then and that the Nicaraguan authorities have not provided any official information on the place and conditions of his detention; *considers* that the national authorities have an obligation to spare no effort to shed light on the fate of Mr. Rivera Bryan by means of a thorough investigation, that they should start the search immediately and expeditiously and that the search should continue until his whereabouts have been established with certainty; *stresses*, furthermore, the legitimate right of Mr. Rivera Bryan's relatives to be informed of his fate; and *is deeply concerned* that Mr. Rivera Bryan's arrest appears to be linked to his parliamentary activities as an opposition member of parliament and indigenous leader, and that it took place after he had raised the issue of the situation of indigenous peoples and Afro-

descendants in Nicaragua at the 22nd session of the United Nations Permanent Forum on Indigenous Issues in New York;

4. *Is deeply concerned* about the continued detention of Ms. Henríquez James, given the worrying allegations about her deteriorating health and lack of access to medical care; *recalls* that the State of Nicaragua has a heightened duty of care to take all necessary measures to protect Ms. Henríquez James's life, since by arresting her it has assumed responsibility for her life and physical integrity; *urges*, in this regard, the competent authorities to take all necessary measures to ensure the full enjoyment of Ms. Henríquez James's rights, including the urgent provision of appropriate medical treatment; and *requests* the competent Nicaraguan authorities to keep it informed of any measures taken in this regard;
5. *Expresses concern* at the allegations of serious violations of the right to a fair trial in the legal proceedings against Ms. Henríquez James; and *calls on* the competent authorities to provide official and detailed information on the facts justifying each of the charges brought against Ms. Henríquez James and on the current state of her case;
6. *Stresses* that attacks and threats against the life and security of parliamentarians as well as any reprisals for carrying out their work, if left unpunished, violate, *inter alia*, their rights to life, security and freedom of expression and undermine their ability to exercise their parliamentary mandate, affecting the ability of parliament as an institution to fulfil its role; *considers* that the National Assembly of Nicaragua has a direct responsibility to ensure that every effort is made by all relevant authorities to investigate thoroughly and diligently the many concerns that have emerged in this case and to identify and punish those responsible for the human rights violations allegedly perpetrated against two of its members; and *wishes* to be kept informed of action taken by parliament in this respect;
7. *Is concerned* at the allegation that both Mr. Rivera Bryan and Ms. Henríquez James have been removed from the list of members of the National Assembly without being the subject of any procedure; and *wishes* to receive official information on the steps taken by parliament, if any, to terminate the parliamentary mandate of the two parliamentarians and the legal basis for doing so;
8. *Requests* the Committee to send a delegation to Nicaragua as soon as possible so as to meet with all authorities exercising legislative, executive or judicial powers, as well as the relevant prison authorities and any other institution, civil society organization or individual in a position to provide relevant information in the present case; *tasks* the delegation with visiting Ms. Henríquez James in prison; and *sincerely hopes* that the competent national authorities will cooperate fully and that the mission will help to swiftly find satisfactory solutions to this case in accordance with applicable national and international human rights standards;
9. *Calls on* all national parliaments, IPU permanent observers, relevant human rights organizations and the international community in general to take urgent and concrete action to help resolve this case in a manner consistent with human rights values and within the boundaries of the principle of non-interference in domestic affairs;
10. *Requests* the Secretary General to convey this decision to the National Assembly of Nicaragua, the complainant and any third party likely to be in a position to supply relevant information or contribute to the solution of the case;
11. *Requests* the Committee to continue examining the case and to report back to it in due course.