



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture Seventy-fourth session

Summary record of the 1916th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 14 July 2022, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 1915th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Second periodic report of Nicaragua (CAT/C/NIC/2; CAT/C/NIC/Q/2)

1. **The Chair** (Country Rapporteur) said that the State party had chosen not to send a delegation to the meeting, nor had it submitted replies to the Committee's list of issues prior to reporting (CAT/C/NIC/Q/2) or responded to inquiries about its participation in the review. On 30 June 2022, a letter, dated 29 June, had been received from the Minister of Foreign Affairs of Nicaragua, in which he expressed his dismay at the Committee's lack of impartiality and objectivity and what he felt were imperialist, abusive and dishonest tendencies, in attacking Nicaragua, a sovereign State, without the authority or right to do so. He stated that torture was not practised in Nicaragua, but that acts of torture and other ill-treatment committed by imperialist countries were ignored under the double standards of the Committee and other bodies. The Minister further wrote that Nicaragua refused to be subjected to superfluous requirements to cover up the crimes against humanity committed by other countries, and rejected any attempt to interfere in its domestic policies and legislation.
2. The Minister's letter contained unacceptable statements that challenged the integrity of the Committee, its members and international human rights instruments more broadly, as well as revealing a lack of knowledge of the Convention and the Committee's working methods. The State party had made a sovereign decision to adopt and ratify the Convention and remained bound by it; the Committee would therefore put its questions in the absence of delegation.
3. Consideration of the second periodic report of Nicaragua (CAT/C/NIC/2), which had been submitted late and distributed in late 2019, had been delayed by the coronavirus disease (COVID-19) pandemic, and much of the content was now out of date. Reports from recognized international institutions indicated that 355 people had lost their lives between April 2018 and July 2019 in connection with protests owing to the indiscriminate use of force by police and vigilante groups; more than 1,300 people had been injured and 1,614 had been deprived of their liberty. Allegations of torture and other forms of cruel, inhuman and degrading treatment in government and covert detention centres had been made. The State party had justified its response by claiming that the protests had been linked to an attempted coup financed by social organizations and human rights defenders; no evidence substantiating those claims had been found.
4. The State had been accused of implementing and arbitrarily applying a detention policy intended to dissuade protestors and other opposition groups. The country's 2021 elections had led to excessive use of force in detention, with victims subjected to ill-treatment, isolation, a lack of adequate medical care and violations of due process, among other abuses. Nicaraguan organizations reported that 190 people were currently deprived of their liberty for political reasons.
5. Such actions should be considered the result of a gradual concentration of power and progressive weakening of democratic institutions that had intensified in 2007 with the re-election of the current President. That process had been made possible through the adoption of measures that violated constitutional norms by allowing a President to be re-elected for an indefinite period, and granting complete control to the executive branch. The absence of independent monitoring bodies or any separation of powers and the subordination of State and government-controlled security institutions were also key.
6. The definition of torture given in the State party's Criminal Code was not in line with the definition in article 1 of the Convention, nor did it establish a means of punishing perpetrators, accomplices or public officials committing acts of torture. Moreover, cases of torture were not investigated owing to the lack of an investigative mechanism. The relevant recommendations made by the Committee in its previous concluding observations (CAT/C/NIC/CO/1) had not been implemented. The State had indicated that it would apply administrative measures against public officials engaged in torture, and that allegations of torture were treated as complaints and were not subject to criminal prosecution. The State party's comments on the issue would be welcomed.

7. It would be useful to know why the recommendations made by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights and both the Commission's Special Monitoring Mechanism for Nicaragua and its Interdisciplinary Group of Independent Experts for Nicaragua had not been followed up; indeed, actions counter to those recommendations had been taken. He wondered why the Special Monitoring Mechanism and the Interdisciplinary Group had been expelled from the country.

8. Under the Act on Enforcement, Privileges and Judicial Oversight of Criminal Sanctions (No. 745), sentence enforcement and prison supervision judges were required to conduct unimpeded visits to places of deprivation of liberty at least twice a month to inspect the conditions, engage in discussions or hold interviews and then produce a report on their findings specifying the corrective measures to be taken. The Committee would welcome data on the disaggregated number of such visits and the impact of the corrective measures, especially since 2018.

9. The reform of the Code of Criminal Procedure had led to the procedural guarantees and constitutional rights of sentenced and convicted political prisoners not being respected. The State had indicated that, during the reporting period, no formal charges had been filed before the courts for torture or ill-treatment allegedly perpetrated by law enforcement officials, and that the Supreme Court had thus not issued any judgment or ordered any measures of reparation, rehabilitation or compensation in favour of victims.

10. In June 2019, the Amnesty Act (No. 996) had been adopted, without consultations, to grant immunity to State agents and persons who had acted on their behalf during the events of 2018. At no time had investigations been conducted into those events to identify the persons responsible for the serious human rights violations committed.

11. The Act was applied in violation of procedural legislation as, in the limited cases in which political prisoners had been released, the judicial authorities had ruled by means of procedural orders without issuing a sentence, ordering the cases to be closed; the majority of the prisoners concerned had been released without receiving any corroborating document. The releases had begun in February 2019 as a result of pressure from the public and the international community; 91 prisoners had been released initially, but much smaller numbers had been released in subsequent years. There was reportedly a "revolving door" system, whereby the number of prisoners released was equal to the number of new detainees.

12. The release of ordinary prisoners was decreed at the discretion of the President without any regulation; among those who had been released were persons who had committed homicide, femicide and sexual offences. Official figures indicated that over 26,000 prisoners had benefited from the family reunification programme since 2016, and that an average of 4,812 persons per year had been released under a presidential pardon between 2014 and 2022. During the COVID-19 pandemic, persons detained for political reasons who had displayed symptoms of COVID-19 had not been released, unlike ordinary prisoners, and had not received adequate medical care. Comments would be appreciated on the criteria used for prisoner release and on the degrading treatment of persons deprived of their liberty for political reasons.

13. The State party had increasingly resorted to arbitrary detention as a means to suppress social unrest, particularly in the contexts of the April 2018 protests and the November 2021 elections, and the practice of rearresting political prisoners who had continued to condemn human rights violations had become commonplace. The Committee had learned of allegations concerning excessive use of force during arrests carried out in April 2018 by the National Police, the Directorate of Special Operations, agents in civilian clothing and, in some cases, paramilitary groups. Once they had been placed in the custody of the National Police and the National Prison Service, the accused persons had been subjected to a variety of acts of torture while under interrogation, including beatings, sexual assault, sleep deprivation and electric shocks. The victims had reported that most of the acts of torture and ill-treatment had taken place in police facilities that had been serving as provisional detention centres or at the premises of the Legal Cooperation Directorate in Managua, known as "El Chipote", where acts of torture were known to have taken place in the twentieth century. It was also alleged that acts of torture and ill-treatment had been committed at the new premises

of the Legal Cooperation Directorate, known as “El Nuevo Chipote”, which had been inaugurated in February 2019. The Committee urged the State party to launch investigations in relation to those allegations and, if proven, to hold the authorities in charge to account.

14. There was much evidence to suggest that the State party did not respect fundamental safeguards against arbitrary detention. It had repeatedly failed to comply with interim and protective measures granted by the Inter-American Court of Human Rights and, on 22 November 2021, had been declared in contempt of the Court for refusing to follow three separate orders to release persons who had been detained in the context of the elections. As things stood, 30 political prisoners in Nicaragua had been granted interim measures that the State party had failed to respect. The Committee would welcome an explanation as to why the Government refused to respect the binding rulings of the Inter-American Court of Human Rights. In doing so, it demonstrated blatant contempt for the international principle under which States were required to fulfil their treaty obligations in good faith.

15. In February 2021, the State party had adopted Act No. 1060 amending the Code of Criminal Procedure and extending, to 90 days, the legal period within which State authorities were required to complete their preliminary investigations and charge detainees or justify the necessity and length of their deprivation of liberty. As a direct result of the amendment, persons detained for political reasons between May and October 2021 had faced prolonged periods of judicial detention. Furthermore, the State party often refused to provide information regarding the whereabouts of detainees and the grounds on which they were being held and failed to respect the presumption of innocence and the right of accused parties to choose their own lawyer. The Committee would appreciate a response from the State party to allegations that it had repeatedly violated the right of detainees to due process.

16. The State party’s national preventive mechanism, the Office of the Human Rights Advocate, had been downgraded to B status by the Global Alliance of National Human Rights Institutions in 2019, owing to a lack of operational independence and its unwillingness to investigate allegations of serious human rights violations. The State party had indicated in its report that the Office was empowered to conduct visits to police stations, prisons, special protection centres for children and adolescents, facilities providing psychosocial assistance and military detention centres. It would be useful to know how many such visits had been carried out in the previous four years and what recommendations had been issued as a result.

17. The Committee had received reports suggesting that the justice system was being used by the State administration as a means to persecute and repress those considered to be enemies of the Government. Owing to an appointment process characterized by nepotism and the overbearing influence of the ruling political party, Nicaragua could no longer be considered to have an independent judiciary. The same was true of the Public Prosecution Service, which was disproportionately made up of people with affiliations to the ruling party and others who had previously occupied senior positions within the National Police. Prosecutors who were not affiliated with the Sandinista National Liberation Front had been relocated and independent prosecutors who had resigned from their public posts had been subjected to political persecution. The Inter-American Commission on Human Rights had indicated that the lack of independence of the justice administration system had facilitated the criminalization of opponents of the Government, who had been prosecuted on unfounded and disproportionate charges including money laundering, terrorism and treason.

18. The Government pursued a policy of systematic suppression of all forms of social protest, a practice that had intensified in the context of the events of April 2018. To do so, the National Police – often acting with the support of armed paramilitary groups – frequently resorted to coercive methods in violation of the Convention against Torture. The State had failed to condemn, disband or disarm pro-Government armed groups that, since 2007, had played a prominent role in the violence and intimidation experienced by political opponents, social protesters and other sections of the population. Indeed, so-called “historic combatants” of the Sandinista movement had been actively recruited to join paramilitary groups tasked with suppressing social protests in 2018. He invited the State party to comment on reports that those same paramilitary groups had subsequently been incorporated into the State machinery that had been put in place to keep the Sandinista National Liberation Front in power.

19. Despite the allegations of serious human rights violations perpetrated since April 2018, no measures had been taken to reform the State party's police force. Following a legislative amendment in 2014, the President of the Republic had assumed command of the National Police and, with it, the power to appoint and dismiss the Director General of the force, to extend the terms of service of officers and to summon retired officers to fulfil specific missions in extraordinary circumstances. Disturbing practices had been observed within the organization of the National Police, including the extension of the mandates of senior figures beyond their maximum terms in office, the premature promotion of officers in exchange for loyalty and the appointment of a family relation of President Ortega Saavedra as Director General. According to State party's report, the disciplinary regulations of the National Police provided for severe penalties in the event of excessive use of force by officers or ill-treatment of persons who were the object of their intervention, in their custody or under their protection. The Committee would welcome further information about the number of complaints that had been lodged against the National Police and the penalties that had been handed down to those found responsible, including the number of officers who had been punished with dishonourable discharge from the force.

20. Since 2018, a legal framework had been put in place in Nicaragua to allow State interference in the activities of opponents, political leaders, activists, human rights defenders and civil society organizations. In July of that year, a law had been enacted to enable the gathering of information on national or international transactions made by persons engaged in so-called "terrorist activities". The following year, a law against money laundering, financing of terrorism and financing of the proliferation of weapons of mass destruction had been introduced. That piece of legislation specifically targeted the activities of not-for-profit organizations and allowed the State arbitrarily to classify social protests and activities in defence of human rights as terrorist acts. It would be helpful to understand what the State party meant by "weapons of mass destruction" in that context. A total of 32 people had been found guilty of breaking a law on the defence of the people's right to independence, introduced under Act No. 1055 of 2020, which had been used to discredit well-known political opponents and civil society figures by accusing them of being traitors to Nicaragua. The Committee would welcome further information on the evidence that had been used to justify the accusations, arrests and sentences in those cases. Civil society organizations had brought an appeal against the law on the defence of the people's right to independence before the Supreme Court, which had yet to issue a ruling.

21. As a direct result of the aforementioned legislative reforms, seven persons who had intended to stand as candidates in the November 2021 elections had been arrested, put on trial and sentenced. Between May and November 2021, 59 people had been arbitrarily arrested, mainly on grounds of treason or money laundering. A total of 34 people had been prosecuted, convicted and sentenced without due process, including for the simple act of posting a message on Twitter. Their lawyers had not been given prior access to their files and had only been able to speak briefly at hearings. At least seven people had been found guilty of a special law on cybercrime for posting messages declaring the elections to be illegitimate or criticizing the ineffectiveness of the vaccine against COVID-19.

22. The Committee was concerned that the law on cybercrime was being used arbitrarily to suppress freedom of expression with the aim of defending the interests of the State, without consideration for the concerns of civil society and of special rapporteurs of the United Nations and the Organization of American States. In his speeches, President Ortega Saavedra used references to the Constitution to accuse human rights defenders, demonstrators and political opponents of provoking hatred and being cowards. On 12 November 2021, the General Assembly of the Organization of American States had adopted a resolution in which it declared that the Nicaraguan elections had not been free, fair or transparent. In response, the Government had announced that Nicaragua would withdraw from the Organization.

23. Despite the improvements to detention conditions and the national prison infrastructure detailed in the State party's report, the Committee had received information suggesting that human rights violations and acts of ill-treatment remained commonplace. According to the testimony of former political prisoners at three of the State party's main places of deprivation of liberty, the facilities were overcrowded and the hygiene, health and nutrition standards were deplorable. As a result of events surrounding the elections in 2021,

at least 29 political leaders, journalists and human rights defenders were still being detained in inhuman, cruel and degrading conditions in the El Nuevo Chipote detention centre. They had been placed in prolonged solitary confinement, where they were subjected to extreme temperatures in cells that were not equipped with mattresses or blankets. They received neither appropriate medical attention nor adequate food and had no regular contact with their families.

24. In the Jorge Navarro prison, known as “La Modelo”, political prisoners were reportedly held in small solitary confinement cells with no access to sanitation and only limited access to drinking water. In other prisons, the cells were seriously overcrowded. Political prisoners were not permitted to speak to their lawyers or receive any type of legal assistance.

25. Reports of deaths of political prisoners included that of Eddy Montes Praslin, detained during the 2018 protests, who had been killed by a prison official in the La Modelo prison. Complaints had been lodged with the Public Prosecution Service against the director of the national penitentiary system and the director of the Tipitapa penitentiary system on 31 May 2019. Hugo Torres Jiménez had also died in state custody in February 2022. At the time of his death, he was being detained in the El Nuevo Chipote detention centre, despite having been diagnosed with a serious illness. The Committee would like information on the investigations into those two cases and the status of the complaints lodged against prison officials.

26. Reports from non-governmental organizations suggested that at least 11 persons were presumed to have committed suicide in police facilities between April 2018 and March 2022. Information on the number of such cases, the causes of death and the investigations undertaken would be welcome.

27. According to reports from OHCHR, journalists were subject to intimidation, threats and smear campaigns. The offices of the newspaper *La Prensa* had been raided and five journalists had been arbitrarily detained. In 2022, trials that had been suspended without explanation in late 2021 had been resumed, with three journalists sentenced to between 9 and 13 years in prison. Several members of the Violeta Barrios de Chamorro Foundation had been forced to flee the country as they were facing threats of prosecution from the Public Prosecution Service. The Committee would like the State party to comment on those reports.

28. OHCHR had documented 26 cases of human rights defenders being detained in 2021, and at least 4 cases of arbitrary detention. Violence against human rights defenders was being institutionalized by government officials, with constant harassment, intimidation, surveillance and reprisals. Human rights defenders had been prevented from leaving or returning to the State party. The Government had also closed down hundreds of civil society organizations, including many working on human rights issues. He would welcome the State party’s comments on that matter.

29. He would also welcome comments from the State party in respect of violence against indigenous peoples and the population of African descent. The massacre on 2 August 2021 of 11 indigenous Miskito and Mayangna villagers and the attacks by settlers on 4 October 2021 on indigenous territory were of particular concern.

30. It would be interesting to learn why the State party had removed the visa requirement for Cuban nationals, following which tens of thousands of Cuban nationals had travelled to the State party with the clear intention of passing through Central America and Mexico to enter the United States of America in an irregular manner. Such migration was highly dangerous.

31. The Committee was concerned about the deliberate policy of the Government that had led to systematic violations of human rights, including those protected under the Convention. For the full legitimacy of the State to be restored, a national dialogue must be established and the State party’s obligations under the Convention respected.

32. **Mr. Iscan** (Country Rapporteur) said that, while he welcomed the progress made in the State party towards the achievement of some of the Sustainable Development Goals, the Government’s continued failure to ensure accountability for human rights violations committed since April 2018 was a source of concern. In the absence of any information from

the Government, he had based his remarks on the State party's second periodic report, the related list of issues drawn up by the Committee and the presentations made by the United Nations High Commissioner for Human Rights to the Human Rights Council. His questions would cover matters to which the State party had failed to respond.

33. With regard to article 3 of the Convention, he would like to know whether the State party had amended its legislation to include the principle of non-refoulement in the laws on applications for asylum, expulsion, deportation and extradition. He would like the State party to: indicate whether it was possible to appeal an expulsion, deportation or extradition decision; explain how asylum seekers were guaranteed access to legal aid; provide statistical information on the number of applications for asylum and the number of persons who had been expelled, deported or extradited; and indicate the number of refoulements, extraditions and expulsions carried out on the basis of diplomatic assurances.

34. Concerning the State party's obligations under article 10 of the Convention, he would welcome details on training programmes for police officers, members of the armed forces, prison officials and immigration and border personnel and clarify whether it had developed a method for assessing their effectiveness and their impact on reducing the incidence of torture and ill treatment. He would like information on the training programmes on identifying and documenting the physical and psychological effects of torture offered to judges, prosecutors, medical examiners and other medical personnel who worked with persons deprived of their liberty and to the staff of the Special Ombudsman for Prisons.

35. With regard to article 11 of the Convention, he would like the State party to comment on the poor conditions in the La Modelo and La Esperanza prisons, which included restricted access to sunlight and insufficient access to water, and indicate whether any measures had been taken to address those problems. He would appreciate information on any steps taken to ensure that persons in detention, in particular those who had chronic diseases or were HIV-positive, received adequate medical care. Statistical data would be welcome on any measures taken to reduce overcrowding in the prison system and police lock-ups, including to eliminate the practice of holding convicted and accused persons in police lock-ups, together with an assessment of the impact of initiatives to promote the use of alternatives to pretrial detention and imprisonment. The State party might helpfully indicate the criteria used to authorize release from detention through the family reunification programme, including for sex offenders and perpetrators of femicides; indicate whether it was planning to make the necessary legislative amendments to eliminate mandatory pretrial detention for certain crimes and ensure that pretrial detention was imposed only if it was deemed necessary and proportionate, given the personal circumstances of the accused person; and clarify whether it intended to establish additional separate correctional facilities for women and adolescents, as required under domestic law.

36. He would appreciate a response to reports of inmates being held in solitary confinement for more than 15 days in cells with inadequate detention conditions in the La Modelo and La Esperanza prisons. He wished to have information on the monitoring mechanisms and accountability measures intended to eliminate the collective punishment of inmates and on preventive measures to ensure that procedures for body searches and entry to detention facilities were regulated, monitored and not degrading for inmates or visitors.

37. It would be helpful to have statistics on the number of deaths of persons deprived of their liberty, including in mental health institutions and police lock-ups, and on the number of such cases in which investigations into the possible responsibility of public officials had been conducted and independent forensic medical examinations performed. He would like to know the outcomes of any investigations, whether relatives of the deceased persons had received compensation and the measures taken to prevent the occurrence of similar cases. In particular, he wished to hear about the outcome of investigations into the death of a person at the hands of a police officer on 16 May 2019 during protests in the La Modelo prison.

38. He wondered whether the State party was considering amending its legislation to allow victims of torture to make civil claims for redress even in the absence of a criminal conviction, and what criminal and civil remedies and reparation measures were available to alleged victims of torture and ill-treatment committed since April 2018 by police or prison officers or with the consent of law enforcement officials.

39. He wished to understand how the status of victim was allocated and whether alleged victims of abuses committed by public officials and government supporters during the protests which had started in April 2018 were eligible for assistance on that basis. He would be interested to hear about any cases in which such victims had received assistance and the nature of the support provided. He would also like to hear about any planned measures to ensure rehabilitation for victims of torture and access to justice and reparation for all victims of human rights violations committed since April 2018, regardless of their political affiliation.

40. He wished to know whether, given the increase in femicides and reports of reprisals by perpetrators following mediation settlements since the adoption of Act No. 846 of 2017, which had introduced a more restrictive definition of femicide and provided for mediation in some domestic violence cases, the State party would consider repealing that legislation. He would like to know what had been done to stamp out the torture and ill-treatment of women during police operations, in view of reports of sexual violence against women in police lock-ups.

41. He would welcome statistics on the number of complaints, investigations, prosecutions and convictions relating to gender-based violence and violence against children, including femicide, domestic violence, trafficking in persons and violence or abuse in educational institutions, the redress provided to victims and the number of State agents involved in gender-based violence, trafficking in persons or violence against children. He would like to know whether the State party planned to amend its Criminal Code to guarantee legal, safe and effective access to abortion when the life or health of the pregnant woman or girl was at risk, especially when the pregnancy was the result of rape or incest or was not viable, and why the Supreme Court had not ruled on the many constitutional challenges to the Criminal Code provisions that criminalized therapeutic abortion. He wished to have information on the steps taken to eliminate femicide, given reports of an alarming increase in the number of cases. He would like to know what had been done to address the high rate of teenage pregnancy in the State party.

42. He would appreciate comments on reports of an upsurge since April 2018 of harassment of those critical of the Government by State agents and pro-government groups, including threats, arbitrary detention and torture and ill-treatment in detention. The Committee wished to know whether the State party planned to publicly condemn and ensure punishment for the perpetrators of such attacks and to work with civil society to introduce measures to reduce the risks faced by journalists and human rights defenders.

43. He wondered what steps had been taken to apply the measures requested by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights since April 2018. He wished to know how many complaints of violence and intimidation had been filed by human rights defenders, journalists and other media workers and persons considered opponents of the Government and how many of the perpetrators in such cases were State agents.

44. He would like to receive information about the outcome of the investigations and any reparations awarded in the cases of the harassment of the Reyes Alonso family by police officers in León, the “express kidnappings” of persons seen as critical of the Government, including the kidnapping of Leonardo José Rivas Guevara, the burning of the Radio Darío station while its employees were inside, the attacks on employees of the media outlet Confidencial, allegedly by riot police, the attacks on the journalists Armando Amaya and Wilih Narváez and the death of the journalist Ángel Eduardo Gahona.

45. He wondered whether the State party was considering reforming the police, including by recruiting police officers in accordance with criteria established by law and checking police officers’ records for evidence of past human rights violations, and condemning, disbanding and disarming pro-government armed groups. He wished to have data on cases of excessive use of force and improper use of firearms, including homicides and extrajudicial killings, by State agents or pro-government armed groups acting with the tacit approval of a public official. Specifically, he would like to know the numbers of investigations, prosecutions, convictions and sentences in relation to such offences.

46. The Committee would like the State party to comment on the worsening trend in forced displacement since the 2021 electoral process, which had led to unprecedented numbers of Nicaraguans living in neighbouring countries. He wished to know whether any progress had been made in ending impunity for violent attacks on indigenous peoples.

47. He would like to have information on the measures taken during the COVID-19 pandemic to ensure that the State party's emergency response policies and actions were compatible with its obligations under the Convention. In addition, he wished to know what measures had taken in relation to persons deprived of their liberty, including in homes for older persons, hospitals and institutions for persons with intellectual or psychosocial disabilities. Lastly, the Committee invited the State party to provide information on any other legislative, administrative, judicial or other measures that had been taken to give effect to the provisions of the Convention or the Committee's recommendations since the submission of the periodic report.

48. **Mr. Touzé** said that the Committee was facing a clear case of lack of cooperation by a State party to the Convention. Unfortunately, such failure to cooperate was not unprecedented and would likely reoccur in the future. However, the combination of a lack of cooperation with an aggressive attack on the Committee was new. Nicaragua was denying the legitimacy of the treaty body system in order to evade responsibility for violating the commitments it had freely made when it ratified the Convention. The allegation that the Committee members' conception of law was "imperialist" was nonsensical.

49. The Committee must respond strongly to such insults to both its own experts and the representatives of civil society who had contributed to the review of the periodic report. The Committee's response would include carrying out its usual tasks of reviewing alleged violations of the Convention, considering ways in which the State party could meet its treaty obligations and making recommendations in its concluding observations. However, it would also have to adopt a clear position, jointly with other treaty bodies that had received similar letters, on the unacceptable nature of the comments made. The current unprecedented situation must not be allowed to become normal.

50. **The Chair** said that, in accordance with rule 68 of the Committee's rules of procedures, it would adopt provisional concluding observations, based on information gathered from the State party's periodic report, non-governmental organizations, OHCHR and the regional human rights system. The provisional concluding observations would be submitted to Nicaragua for comments, although it seemed unlikely any would be provided, and final concluding observations would be adopted at the Committee's next session. He had been in contact with the Chairs of other treaty bodies scheduled to review reports of Nicaragua in the coming months, to ensure a consistent response from the entire system. Since the State party had shown no sign of willingness to participate, the meeting scheduled for the second part of the dialogue would be cancelled.

The meeting rose at 12.10 p.m.