

NICARAGUA

CCPR

DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT

4 June 1980

The Governing Junta for National Reconstruction of the Republic of Nicaragua, by Decree No. 383 of 29 April 1980, rescinded the National Emergency Act promulgated on 22 July 1979 and revoked the state of emergency extended by Decree No. 365 of 11 April 1980.

14 April 1982

Suspension of articles 1-5, 8 (3), 10, 12-14, 17, 19-22, 26 and 27 in accordance with Decree No. 996 of 15 March 1982 (national emergency) from 15 March to 14 April 1982. Extension of the suspension to 14 May 1982.

8 June 1982

Extension of the suspension to 14 June 1982.

26 August 1982

Suspension of the above-mentioned articles of the Covenant in accordance with Decree No. 1082 of 26 July 1982 from 26 July 1982 to 26 January 1983.

14 December 1982

Extension of the suspension to 30 May 1983.

8 June 1984

Extension of the state of emergency for fifty days beginning on 31 May 1984 and derogation from article 2, paragraph 3; articles 9, 12 and 14; article 19, paragraphs 2 and 3; and article 21 of the Covenant.

1 August 1984
(Dated 10 June 1984)

Extension of the state of emergency until 30 May 1984 by Decree 1255 of 26 May 1984 and derogations from articles 1 to 5, article 8, paragraph 3; articles 9, 10, 12, 13, 14, 19 to 22; and articles 26 and 27.

22 August 1984
(Dated 2 August 1984)

Extension of the state of emergency until 20 October 1984 and derogation from articles 2 (3), 9 and 14 of the Covenant by Legislative Decree No. 1477 of 19 July 1984.

(Dated 9 August 1984)

Derogation from the implementation of articles 2 (3), 9 and 14 of the Covenant from 6 August to 20 October 1984, in respect of persons committing or suspected of committing the offences referred to in articles 1 and 2 of the Act concerning the Maintenance of Order and Public Security.

13 November 1985
(Dated 11 November 1985)

... [The] Government [of Nicaragua] has been obliged, as a result of the foreign aggression to which it is being subjected, to suspend the application of certain of the provisions of the Covenant throughout the national territory, for a period of one year starting on 30 October 1985.

The reasons for this suspension are [the following]: the Government of the United States of America, against the express will of the majority of the world's governments and peoples and in violation of the norms of international law, has continued its unjust, unlawful and immoral aggression against the

Nicaraguan people and their revolutionary government.

... The following provisions of the Covenant [are suspended] throughout the national territory for the period of one year, starting on 29 October 1985:

Article 8 (3); article 9; article 10, except paragraph 1; article 12 (2) and (4); article 14, except paragraphs 2 and 5 and subparagraphs (a), (b), (d) and (g) of paragraph 3; article 17; article 19; article 21 and article 22. Article 2 (2) remains in force for those rights that have not been suspended, and paragraph 3 of the same remains in force for all those offences which do not affect national security and public order.

30 January 1987
(Dated 29 January 1987)

Taking into account the continuation and the escalation of the military, political and economic aggressions by the United States of America, the State of National Emergency has been re-established as from 9 January 1987 by Decree No. 245. Accordingly and throughout the territory of Nicaragua and until 8 January 1988 the following provisions of the Covenant are suspended:

Article 2 (3) in respect of acts which undermine national security and public order and of the rights and guarantees set forth in those provisions of the Covenant which have been suspended;

Article 9 (solely for offences against national security and public order).

Article 12 and article 14 (3) (c); article 17, in so far as it relates to home and correspondence, with the other rights remaining in effect;

Articles 19, 21 and 22.

13 May 1987
(Dated 8 April 1987)

By Decree No. 250 dated 23 February 1987, confirming a previous Decree No. 245 of 9 January 1987, the Government of Nicaragua has reinstated the State of emergency for a year as of 28 February 1987, owing to the unjust, unlawful and cruel war of aggression waged against Nicaragua. Accordingly, the following articles of the Covenant are being derogated from:

Article 2, paragraph 3, in which we draw a distinction between administrative amparo which is

suspended in respect of the rights and guarantees provided in the Covenant, which have been suspended, and the remedy of habeas corpus, which is not applicable to offences against national security and public order;

Article 9. It should be understood that the remedy referred to in paragraph 4 is suspended solely in respect of offences against national security and public order;

Article 12, regarding the right of residence, liberty of movement and freedom to enter and leave the country;

Article 14, paragraph (3), regarding the right to be tried without undue delay;

Article 17, in respect of the inviolability of the home and correspondence with the other rights remaining in effect;

Article 19, paragraphs (1) and (2), regarding the right to hold opinions and the freedom of expression.

8 February 1988
(Dated 4 February 1988)

Suspension of the state of emergency in force in the country, thus re-establishing the full enjoyment of all rights and guarantees of Nicaraguans laid down in the Constitution of Nicaragua.

20 May 1993
(Dated 19 May 1993)

Partial suspension for a period of 30 days by Decree 30-93 of 18 May 1993 as from that same date of the rights and guarantees provided for in articles 17 (in respect of the inviolability of the home), 9(1)(2)(3) and (5) within the 14 Nicaraguan municipalities located in the departments of Matagalpa, Jinotega, Estelí, Nueva Segovia and Madriz for the purpose of restoring law and order and public safety in accordance with the needs expressed since criminal offences have been perpetrated continually in certain municipalities in the country threatening public order and personal security. Moreover, some members of armed groups have continued to engage in unlawful rebel activities.

13 August 1993

(Dated 11 August 1993)

Re-establishment of the rights and guarantees provided for in articles 17 and 9 of the Covenant as from 17 June 1993 in the affected municipalities and throughout Nicaragua.

1 June 2005

On 1 June 2005, the Secretary-General received from the Government of Nicaragua a notification signed by the President dated 30 May 2005, made under article 4 (3) of the above Covenant, declaring a state of emergency had been established pursuant to Decree No. 34-2005 to reduce the impact of the socio-economic and political crisis that Nicaragua is undergoing.

The above notification specified that the provisions partially derogated from are article 2, paragraphs 1 and 3 (a), (b) and (c), and article 9, paragraph 3, of the Covenant.

3 June 2005

On 3 June 2005, the Secretary-General received from the Government of Nicaragua a notification made under article 4 (3) of the Covenant transmitting Decree No. 38-2005 dated 2 June 2005, which declared that the economic emergency which had been established by Decree No. 34-2005 was repealed and that the constitutional rights and guarantees have been restored.