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International Centre for Trade Union Rights

Centro Internacional para los Derechos Sindicales
Centre International pour les Droits Syndicaux

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

Attn: Señor Daniel Ortega Presidente de la República Casa,
Presidencial Managua, Nicaragua

E-mail: ministro@mitrab.gob.ni, viceministro@mitrab.gob.ni,
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CC: FESITEX trade union, Nicaragua

Valter Sanches, General Secretary;
Suzana Miller, Projects and Rights Officer,
Industriall global union, Geneva, Switzerland

January 2017

Dear President Ortega,

The International Centre for Trade Union Rights is concerned by the sentencing of a group of 12 trade unionists and union leaders to periods of one year house arrest and two years imprisonment, respectively, following their arrests during a peaceful protest in the Tipitapa free trade zone.

ICTUR understands that the 12 workers have lost political rights and that they cannot leave the country. They cannot work, and lose their current employment. The workers were originally arrested in June 2016 and charged with "obstructing the police", after a protest in an export processing zone in Tipitapa when the factory fired union representatives after they raised concerns. We are informed that riot police then stormed the otherwise peaceful protest at the SAE-A Tecnotex factory in the Tipitapa free trade zone, Managua.

We understand that the workers now intend to appeal, and we await news of their appeal with concern. We question the basis for these arrests and urge the government to ensure that international human rights principles are taken into account in reviewing both the convictions and sentences handed down. ICTUR recalls that your administration has previously enjoyed a positive relationship with the majority of the country's trade unions. We are aware of the difficulties faced by the economy, and we recognise the importance placed on attracting and retaining foreign investment.

However, these factors are not sufficient to justify the use of violent force to break up a workers' strike, nor to justify the arrests of trade unionists,

nor to justify the sentencing of trade unionists to terms of house arrest and imprisonment. Indeed, these convictions and sentences constitute very serious violations of the workers' internationally-protected rights, notably the two fundamental International Labour Organisation Conventions safeguarding trade union rights, Conventions 87 and 98. Under these treaties, which Nicaragua has ratified, the government is obligated to respect the principles of freedom of association.

As the ILO's Committee on Freedom of Association (CFA) has made clear, the arrest and sentencing of trade unionists 'may constitute a serious interference with trade union rights, and a violation of the principles enshrined in the United Nations International Covenant on Civil and Political Rights, unless attended by appropriate judicial safeguards' (paras. 72, 75, 93, 97, 106, 109). It is 'incumbent upon the government' to show that the arrest, detention and sentencing of a trade union official are 'in no way occasioned by the trade union activities of the individual concerned' (*ILO Digest*, para. 94). The detention of trade unionists for reasons connected with their activities in defence of the interests of workers 'constitutes a serious interference with civil liberties in general and with trade union rights in particular' (*Digest*, para. 64).

ICTUR calls upon the authorities to take steps to ensure that the fundamental rights of these workers are protected. Specifically, ICTUR calls on the government to:

- take all measures necessary to end acts of harassment, including at the judicial level, against trade unionists;
- comply with the fundamental principles of freedom of association, including all international instruments ratified by Nicaragua by ensuring that trade unionists and others are able to carry out their activities without hindrance or fear of reprisal.

ICTUR is the publisher of the respected journal, *International Union Rights*. This situation will be reported on our website, on social media, and in the pages of *IUR* journal, and it will be distributed to IUR's readers in more than 100 countries worldwide.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director