

Internal colonization policy on the Caribbean Coast of Nicaragua: usurpation and violence in the Mayangna Sauni As Territory

UPR Info Pre-sessions

Geneva, August 27, 2024

This is our first participation in the UPR.

No national consultations have been carried out for the preparation of the 4th cycle national report on the UPR.

Data from the field research and monitoring carried out over the last four years in **the Mayangna Sauni As Territory (TMSA)**, shows:

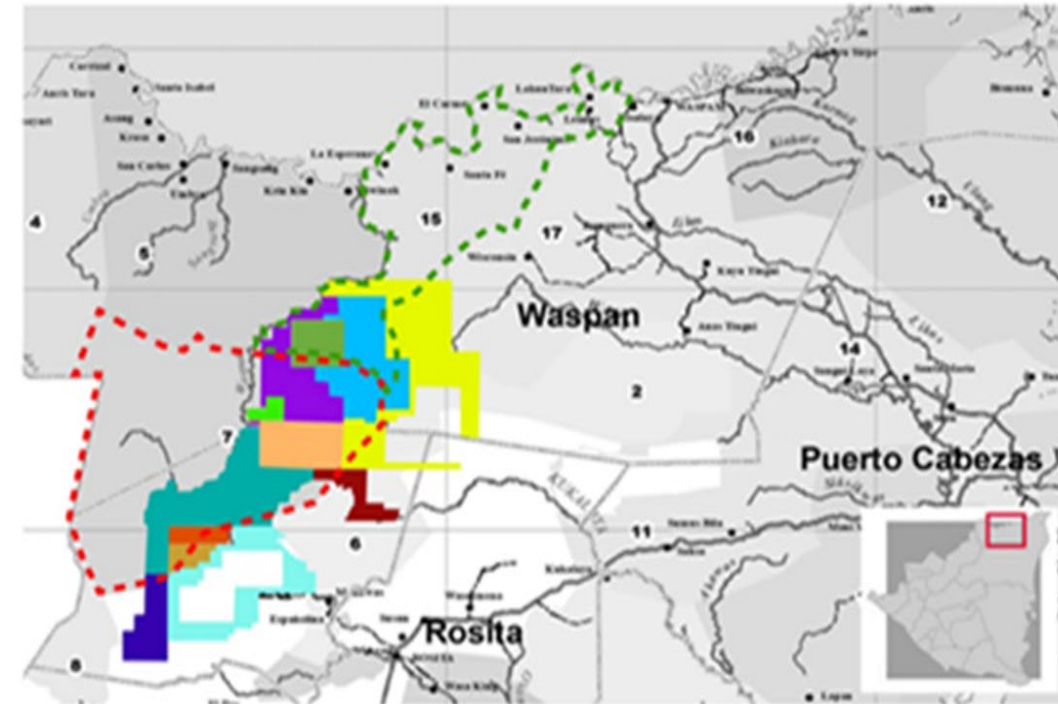
The structural violence against the indigenous and Afro-descendant peoples of the Caribbean Coast.

- ▶ Armed attacks and terror inflicted by settlers to usurp indigenous territory;
- ▶ Lack of self-determination, free mobilization and access to traditional natural assets;
- ▶ Food insecurity and forced displacement;
- ▶ Attacks from settlers occurs in total impunity, in contrast, persecution and criminalization against indigenous defenders of their territories takes place;
- ▶ Differentiated impact of such violence on indigenous women and girls.

Contradicting the recommendations of the Republics of Mozambique and Peru, during the 3rd UPR, the State implemented a policy of internal colonization to the detriment of the collective property and ancestral culture of these peoples.

- ▶ Indigenous and Afro-descendant territories titled have not been “sanitized” lacking legal certainty .
- ▶ The Afro-descendant community of Bluefields, affected by the Grand Interoceanic Canal, *by imposing a parallel government to avoid consultation and to facilitate the usurpation of 93% of their traditional land.*
- ▶ Systematic invasions perpetrated by settlers with training, equipment and weapons of war affecting 60% of the TMSA; exacerbated since 2020 with *the granting, without consultation, of mining concessions in 41% of TMSA.*
- ▶ In contrast with the impunity of the settlers, since 2021, *37 traditional authorities and TMSA rangers have been persecuted and criminalized*, 11 of whom have already been sentenced in violation of due legal process.

MAPA DE CONCESIONES MINERAS EN EL TERRITORIO MAYANGNA SAUNI AS DEL CARIBE NORTE DE NICARAGUA (2021)



LEYENDA

Concesiones Mineras

■ Minerates Matuzalen S.A. CO. (72 km ²)	■ Calibre MC., Jade, CO. (262.48 km ²)	■ Hemco Bonanza H1, CO. (161.84 km ²)
■ Hemco Waspan I, CO. (145.44 km ²)	■ Hemco Bonanza V, CO. (29.96 km ²)	■ Hemco Waspan I, CO. (107.56 km ²)
■ Rio Waspuk S.A., CO. (18.49 km ²)	■ Hemco Bonanza V, CO. (28 km ²)	■ ENIMNAS/MEMCO, Área de Reserva Minera Declarada (200.77 km ²)
■ Rio Waspuk S.A., CO. (1.82 km ²)	■ Calibre MC., Pipia, CO. (77.34 km ²)	
■ Hemco Bonanza IV, CO. (53.95 km ²)	■ Calibre MC., Kakau, SO. (358.34 km ²)	

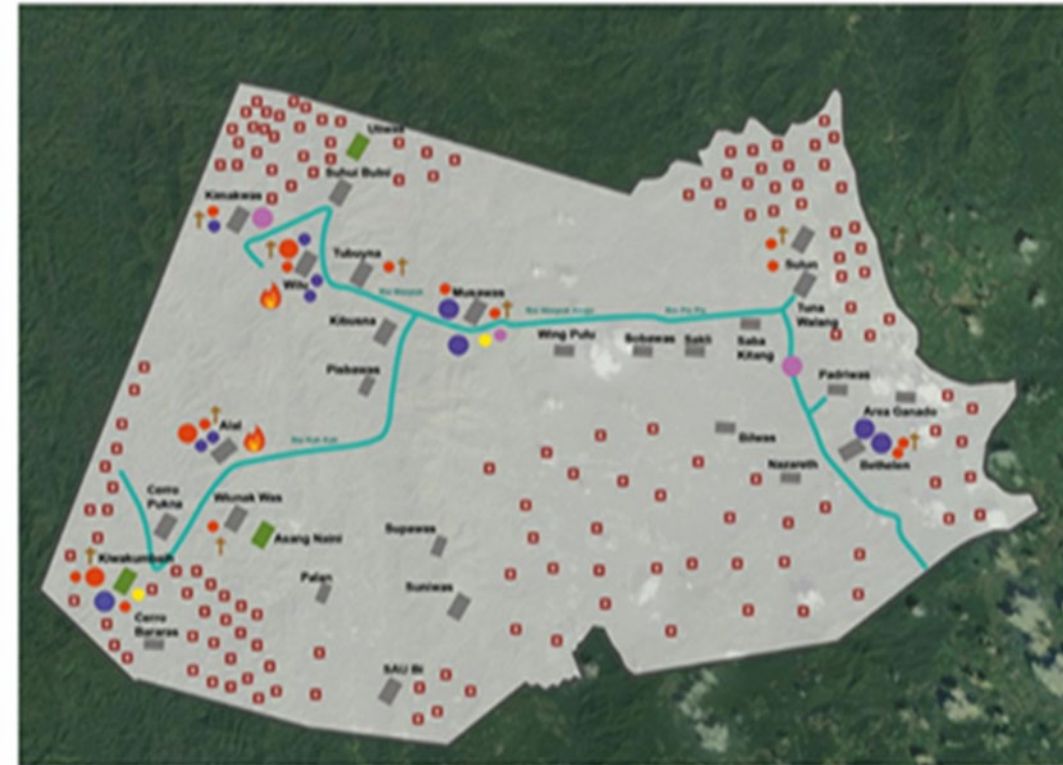
Territorios Indigenas

- - - Territorio Mayangna Sauni As (1628 km²)
- - - Territorio Wangli Li Aubra Tasbaya
- *CO - Concesión Otorgada.
- *SO - Solicitada.

The numbers of the violence:

- ▶ In the Autonomous Regions of the Caribbean Coast of Nicaragua during 2022 and June 2023, **at least 1,291 complaints were filed in 17 of the 23 indigenous and Afro-descendant territories, of which 41% were crimes against the personal integrity of women, children, authorities and territory defenders (OPIA).**
- ▶ In October 2023, the YATAMA indigenous party, was arbitrarily outlawed, had its 2 community radio stations occupied and its main leaders condemned without guarantees of due legal process.
- ▶ During the first half of 2024, in the Northern Caribbean Coast, **4 murders and 682 victims of: home burning, threats, kidnappings, torture and sexual violence** were recorded.
- ▶ **The TMSA between 2013 and August 2024, reports 678 direct indigenous people victims of attacks by settlers-** including minors-, they were: kidnapped, injured and sexually assaulted; **255 were forcibly displaced from their community;** 200 are threatened so they forcibly leave the Sulún gold mine; **the homes of 152 were burned; 29 -including two women- were murdered.**
- ▶ **The Inter-American System** has granted measures of protection in favor of 15 Miskitu and Mayangna indigenous communities **which the State has not implemented.**

Mapa de la Violencia en el Territorio Mayagna Sauni As (2013- 2023)



The differentiated impacts of attacks and violence on women and girls:

Contradicting recommendations of the last UPR made by Portugal, Australia, Austria, Brazil and Costa Rica, to protect women and/or girls from all forms of violence, in this context, women and girls are subjected to:

- ▶ Have increased their dependence on men in the family, they remain isolated in their homes for longer, they limit their activities in Church, territorial governance, planting, harvesting, fishing, collecting: fruits, medicinal plants, water and firewood, and bathing and washing clothes in the rivers;
- ▶ The care of orphaned children and men who are disabled by settlers attacks and violence, falls on women exacerbating their needs and poverty levels;
- ▶ Women and girls suffer *kidnappings and pregnancies by settlers* and offspring are used to demand land rights.

Recommendations:

- ▶ 1.- Guarantee the right to land and territory of indigenous and Afro-descendant peoples by executing the “sanitation” established in Law 445 and their right to Consent and prior, free and informed consultation; and thus guarantee the life, integrity and security of these peoples and their traditional territories.
- ▶ 2.- Take all necessary measures to prevent the invasion of settlers and the usurpation of indigenous and Afro-descendant territories; and refrain from imposing parallel authorities to those legitimately elected by the communities, thus guaranteeing the right to self-determination of these peoples.
- ▶ 3.- Promote independent and exhaustive investigations regarding the attacks and murders perpetrated against people and the usurpation of the lands of indigenous communities, prosecute those responsible, and guarantee reparation for damages to the victims and the protection of women and girls from all forms of violence.
- ▶ 4.- Comply with the protection measures of the Inter-American System in favor of 15 Miskitu and Mayangna indigenous communities; and release the authorities of the YATAMA indigenous party and the authorities and rangers of the TMSA, as ordered by the Inter-American Court of Human Rights, and thus avoid the misuse of criminal law to persecute defenders of indigenous rights.