

## NICARAGUA: NO FREEDOM OF EXPRESSION

### Executive Summary

Nicaragua ranks for the third consecutive year among the three countries in the region where freedom of expression is absent for its citizens (17.20 out of a scale of 100 as maximum to exercise this right). This is due to the appalling treatment perpetrated by the branches of government that prevents citizens from being able to express themselves freely, also affecting the exercise of independent journalism.

### Introduction

The exercise of free speech and freedom of the press in Nicaragua has had a remarkably deep deterioration in the last three years, following the people's uprising that began on April 19, 2018, when the Sandinista government led by Daniel Ortega quelled the protests by using violence. In these events, journalist from the Caribe Sur coast Ángel Gahona was killed, and other journalists were injured while covering the protests.

The government has ever since tightened censorship, the siege of the media and attacks and aggressions against journalists. This is evidenced in the monitoring of freedom of expression carried out by the Violeta Barrios de Chamorro Foundation (Fundación Violeta Barrios de Chamorro, FVBCH) until it was forcefully closed down. The monitoring was taken over by newspaper La Prensa, which now is only issued in digital format because of government repression.

In February 2021, the Violeta Barrios de Chamorro Foundation (Fundación Violeta Barrios de Chamorro FVBCH), which promoted freedom of the press and strengthening the media, had to close operations because of the enacting of new bills passed by the Legislative by the end of 2020, among which is the Special Bill on Cybercrime (Ley Especial de Cibercrimitos, # 1042, passed on October 27, 2020), the Foreign National Agents Act (Ley de Agentes Extranjeros, # 1040) and the Act on the Defense of People's Rights (Ley de Defensa de Derechos del Pueblo, # 1055).

On the closing day, former President Violeta Barrios de Chamorro's daughter Cristiana Chamorro, who until a few weeks before had [time sequence] performed duties as head of the organization that advocates for the rights of journalists, called this Friday "*un día de luto cívico*" (a mourning day for the citizens) "because Ortega is legally assassinating Nicaraguan society with the Foreign Nationals Act" (Castillo, H. February 5, 2021. Luto en Nicaragua por el cierre de la Fundación Chamorro. Voice of America).

The government's persecution on the FVBCH continued throughout the year, and on May 2, 2021, dozens of police officers raided Mrs. Chamorro's home and held her under house arrest; then the driver, the chief administrator and the accountant were arrested, as arrest warrants were

issued at three more female workers. They are all indicted of various crimes, such as money laundering, which has been denied by the foundation's former workers.

Journalist and former Nicaraguan President Violeta Barrios de Chamorro's daughter Cristiana Chamorro has been under house arrest since last Wednesday, May 2. Chamorro had announced her intention to run against Daniel Ortega in the upcoming November elections; but a court banned her and ordered her arrest for alleged money laundering. Chamorro and her inner circle assure that this indictment is politically motivated by Ortega's fear of losing the elections. (Sedano, R. June 5, 2021. Nicaragua: Cristiana Chamorro, un mal recuerdo del pasado para Daniel Ortega.)

On May 20, the police also raided for the second time the facilities of digital newspaper Confidencial, run by Cristiana's brother Carlos Fernando Chamorro, so attacks against the media have not ceased in Nicaragua.

Newspaper La Prensa also was subjected to a police raid of its facilities on August 13, 2021, after complaining that the government was preventing them from importing paper. The facilities have been taken by the police ever since, and the newspaper has stopped printing; additionally, the chairman of the board of directors was arrested and indicted with several offenses related to the so-called repressive laws (Bills 1040, 1042 and 1055).

In this scenario, at least 269 aggressions on and threats to journalists and 103 attacks on media outlets, mostly perpetrated by agents from the government, have been accounted for during the surveyed August 2020-June 2021 period.

Likewise, consultations with experts in communications and journalism disclosed that the Legislative, Judicial and Executive environments –above 7.51 out of a maximum influence of 10– have a very strong influence on obstructing the exercise of freedom of expression and press freedom in Nicaragua.

## **Results Analysis**

### **Executive Environment: Hindering Free Speech**

Per results of the influence of the environments analysis in situations not favoring free speech, we find that the Executive environment shows a strong unfavorable influence (7.16) in obstructing the exercise of free speech and freedom of the press in Nicaragua via different harmful actions against journalists and citizens who want to express themselves.

The Executive environment also exhibits a mild influence (4.62) regarding the realm of Informed Citizens Free to Express Themselves. The idea is to give an impression that citizens are able to freely access the news in the country through a large number of media outlets and, at the same time, express themselves on what they are getting informed about. In real life, there are a great deal of pro-government media going over and over the same narrative again and, at the same time, restrictions are implemented on media not aligned with the government.

Regarding the free Exercise of Journalism, the Executive environment is very strongly influential (8.71), which indicates that it is behind all actions to control free speech and freedom

of the press in Nicaragua, to such an extent that through the Cybercrime Act and other actions carried out by the Attorney General's Office, it is sought that journalists are intimidated about what they are reporting, so they are prevented from influencing citizen's critical judgments on the government's administration.

### **Legislative Environment: Passing of Acts That Are Harmful to Freedom of Expression.**

Per results for Nicaragua, the Legislative environment is the one that seems to be the most highly influential on freedom of the press, with an overall – speech register score ranging from 7.33 to 8.57. During the period surveyed, this branch of government has turned itself into a tool available to the Executive branch.

Accordingly, the Legislative has closed ranks in favor of the Executive, passing quickly, without consultation, and as a matter of urgency, the so-called repressive laws combo. In addition, it keeps passing bills that intensify control over freedom of expression and the media.

The Legislative has played a key role in all this repressive context in Nicaragua, because it has granted the legal basis for every single abuse the government commits against free speech and freedom of the press. Based on the rationale of such laws, sports journalist Miguel Mendoza is imprisoned for the sole reason of posting on social media his opinions on what he considered abuses by the government, and other journalists have been frightened by the Attorney General's Office inquiries.

Journalists and media outlet owners indicate that free speech has been attacked on different fronts. They explain that one of the most recent is a string of bills that place even more pressure on the media, already suffocated due to siege, threats, revocation of licenses and reduction of advertising. (100 % Noticias. May 3, 2021.)

### **Judicial Environment: Abusive Laws Applying to Those Who Exercise Their Freedom of Expression**

According to the results, the Judiciary environment shows strong and very strong levels of influence ranging from 4.52 to 8.71 in almost all realms, because it is the body that enforces the laws and immediately hears government proceedings against people who use their free speech or freedom of the press.

Between May and June 2021, Nicaraguan Attorney General's Office, in coordination with judicial authorities, summoned 23 journalists and some other opponents for questioning aimed against the FVCH and other civil society organizations. As a consequence, some were arrested immediately and others were days later.

Four journalists have been imprisoned since that date: siblings Cristiana and Pedro Joaquín Chamorro, as well as Miguel Mora and Miguel Mendoza. Additionally, an arrest warrant was issued for journalist Carlos Fernando Chamorro for making use of his free speech and freedom of the press. Consequently, a new flock of journalists has fled for protection: at least 100 are in exile, according to the observatory of the organization PEN International.

## **The realms**

### **Dimension A: Nicaraguan Citizens Unable to Express Themselves**

This realm is in the area Without Freedom of Expression through a 2.71 index out of a theoretical maximum of 23, showing that citizens can neither express themselves freely nor appropriately access to information by themselves because the plurality of media is nonexistent; on the contrary, almost all of them communicate the same official or pro-government message.

This result also indicates how the branches of government's environments make it impossible for citizens to exercise this right, which is threatened by the new repressive laws. The effect of the aforementioned is noticeable by the number of the imprisoned, among opponents and journalists; definitely, everything responds to a sort of warning to make people refrain from expressing their opinion.

In fact, many citizens in Nicaragua consider this as a “blackout of voices”, because those who speak their mind about the reality of the country are either risking jail time –as it happened to journalist Miguel Mendoza– or summoned by the Attorney General's Office, institution that has conducted 43 inquiries on Nicaraguan journalists.

### **Realm B: Imprisonment and Intimidation to Anyone Willing to Exercise Free Journalism**

In Nicaragua, Exercise of Journalism scored 3.79 out of the maximum scale of 10, reflecting the low score of Nicaragua's global Chapultepec Index, and showing how journalists feel restrictions to do their job in the aggressive and repressive atmosphere from the government.

The National Police, a State institution whose mission is to keep citizens safe, took on the task of barring citizens from showing solidarity and from covering the news of damages caused by Hurricane Eta and Iota, and showed a continued failure to comply with the injunctive relief granted by the Inter-American Committee on Human Rights (IACHR). (November 2020 Monthly Report. Violeta Barrios de Chamorro Foundation).

In this socio-political scenario, the ability to exercise journalism in Nicaragua has been hindered mainly by the governments's intimidating actions; among others, we highlight the summons by the Attorney General's Office at journalists, inquiries to intimidate, investigations, and indictments against journalists and opposition supporters.

“This new wave of repression expressed in judicial processes against journalists is another repressive method against the independent press, in an attempt at intimidating them and silencing their informative work”. (August 2020 Monthly Report. Violeta Barrios de Chamorro Foundation).

Accordingly, nearly 100 journalists had to flee the country for protection, mainly to neighboring nations. Those who stand and remain as newsmen are exposed to lawsuits for libel and slander, which happened to journalist David Quintana, taken to a hearing and found guilty in a trial during which his lawyer complained about a series of supposed irregularities.

In the year under survey, at least three journalists were prosecuted for libel and slander: David Quintana, Kalua Salazar, and Elsa Espinoza. These people claim they have only done their job.

### **Realm C: Violence from Institutions against Journalists**

The Violence and impunity realm scored an 8.70 index out of a theoretical maximum of 42. This realm surveys the level of protection, violence, impunity and persecution experienced in the country when it comes to exercising the right to free speech and freedom of the press.

Although it seems to be an index scoring better than the rest of the realms, perhaps this is because in the country violence by organized crime gangs is less when compared to other countries, and there are no records of journalists being murdered or kidnapped by these gangs.

When the topic is violence, the institutional environment remains its source rather than organized crime; however, we gradually notice how pro-government zealots have attacked journalists. This is the case of those referred to as government's paramilitary or clash groups.

In December 2020, journalist Jacdiel Rivera, a Channel 10 correspondent in the department of Madriz, north of Managua, reported threats from the police; so did journalist Georgina Vargas, also a correspondent from that TV station, in Bilwi, Region of Northern Caribbean.

The IACHR informed this Tuesday that it granted injunctive relief measures in favor of journalist Georgina Roxana Vargas Clarens, from Nicaraguan region of Caribe Norte, upon deeming that she is at serious and urgent risk of irreparable damage to her rights in Nicaragua. (La Prensa. September 01, 2021.

### **Realm D: The Government Subjugates the Media to Its Message; Otherwise, Shuts Them Down.**

This realm scored 2.0 out of a theoretical maximum of 25, evincing government branches' direct and indirect control over the free speech that citizens are able to exercise. The government tells citizens that they have the right to freely express themselves in theory; in reality, direct penalties are imposed on those who make use of this right, with more serious consequences if the opinion is on politics.

The media in Nicaragua are first and foremost controlled by a couple of powerful groups: those run by the government through Rosario Murillo, which comprise five broadcast TV stations, several cable (pay TV) stations, and about ten radio stations; another media group managed by Mexican Ángel González; and, lastly, some other minor media outlets.

In general, Ortega's government controls the media with an iron fist through state-owned Nicaraguan Telecommunications Institute (Instituto Nicaragüense de Telecomunicaciones y Correos TELCOR), a body that in previous years has revoked frequencies from TV and radio stations and also pushes national mandatory broadcasts in all media when President Ortega addresses the nation with no national emergency to justify so.

The government enforces the most direct control over the media by a reward-and-punishment tactic as they are supporters or not, as well as threats of closure, customs withholding of supplies –as in the case of the newspaper La Prensa, monitoring and fiscal penalties on political grounds.

## Conclusions

This report's period surveyed indicates that in Nicaragua citizens do not enjoy free speech; this is noticed in the several obstructions and limitations –in all realms and environments– affecting the Nicaraguan people and journalism not aligned with the government.

Aggressions, threats and intimidations by government agents supported by a government-tailored legal framework are the order of the day. Consequently, there has been the “apagón [blackout – consistency, as you used this term on page 4]” of newsmen's voices, the closedown of slots in television and radio media, and most seriously, the persecution on journalists.

Between May and June 2021, at least 14 journalists went into exile in neighboring countries due to the Attorney General's Office's threats to arrest them, after they were summoned to testify in the case against the FVBCH that is still open.

Journalists have stated that during the inquiries they were questioned about the provenance of funds used to carry out their news-related duties, their sources, and the type of publications they share in their respective media. Additionally, according to their statements, special mention was made of **Act 1042** and the charges they could be indicted for when not complying with it. (La Prensa, June 2021. Report on violations to freedom of the press)

During this period, indictments and prosecutions have been issued and conducted against opponents and journalists who are currently under arrest. They are being indicted for several serious offenses; according to some political analysts in exile, this serves the purpose of intimidating and sending a clear message to any other journalist who dares to make use of free speech and freedom of the press.

In the period surveyed, it is clear that being a journalist or expressing oneself freely in Nicaragua exposes journalists and citizens to retaliation from the government. These range from siege, persecution, aggressions, and even arrests. Therefore, as a conclusion, there is no such thing as freedom of expression in the country.

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