

NICARAGUA: ONCE AGAIN, WITHOUT FREEDOM OF EXPRESSION

Executive Summary

The Chapultepec Index data regarding Nicaragua in the study period from August 2, 2021 to August 1, 2022, shows the absence of freedom of expression for the third consecutive year. Nicaragua ranks last among the 22 American countries [reviewed], based on a theoretical maximum of 100 points to measure the enjoyment of this right. The nation's score at 9.50 denotes a totally non-existing freedom of expression stemming from the hostile environments and realms that prevent its exercise.

Introduction

"It all started when I was reading a headline: León police evicts a humble family from Sutiaba. At that moment, I received a call from the police and they ordered me to suspend the newscast", told journalist Melba Sandino (*Informe Voces del Sur*, June 2022).

The non-existence of free speech in Nicaragua is made evident by monthly reports on violations of freedom prepared by *Voces del Sur*. Therein, more than 60 monthly reports of attacks on freedom of expression and of the press are documented.

In the yearly survey period, 1,126 attacks on freedom of expression and the press, including restrictions on access to information, physical attacks, arbitrary arrests, stigmatizing speech, prosecutions, and abuse of power, went on record.

Only between January and August 01, 2022, 35 exiled journalists, including the entire editorial staff of the newspaper *La Prensa*, composed by 20 people, as reported by said daily in June 2022.

Nearly every single day, the independent media in Nicaragua, all of them on digital platforms and run by journalists from exile, publish complaints about attacks on free speech in the country, shutdown of media outlets ordered by the Ortega administration, journalists displaced abroad, physical and verbal aggressions, censorship on coverage, and harassment of journalists by the police or paramilitary groups.

These conditions make increasingly difficult the ability to exercise the rights to freedom of expression and the press, if we keep in mind that government institutions do not guarantee this right; instead, they undermine and criminalize it.

Independent journalists in Nicaragua are not only censored and prevented from performing their duties, but also, as of 2022, many were banned from leaving the country and, in

the worst-case scenario, others were denied their return home in an abusive manner, on no legal grounds, since the figure of exile is not codified in any law, except for foreign citizens.

Officials from the branches of government and regime supporters continue to blindly follow the presidential couple's directives, thereby pressuring, attacking, censoring, imprisoning, seizing, and committing all kinds of atrocities against citizens and preventing any form of freedom of expression. Even the mere fact of publicly uttering "Long live free Nicaragua" (*viva Nicaragua libre*) is grounds for immediate imprisonment.

Background

The Chapultepec Index results show the non-existence of freedom of expression in Nicaragua, while the entire government structure is designed in such a way that citizens cannot express themselves freely; if people do so, they risk harassment and even imprisonment.

The government structure dominated by the Ortega-Murillo presidential couple exerts control over all the narrative developed from official media, and further monitors any information published from independent spheres; this is how they have closed media outlets, prosecuted and threatened journalists or any person intending to exercise the right to free speech.

For the first time in the country's history, repression pushed the entire editorial staff of newspaper *La Prensa* into exile in June 2022 following the coverage of the eviction of nuns from the Missionaries of Charity, Mother Teresa of Calcutta's religious order.

Just between January and August 2022, the Ortega regime ordered shutting down 30 media outlets, most of which were comprised of television and radio stations owned by the Catholic Church.

In months of 2022 reviewed in the report so far, in addition to outlet closures performed, court convictions, such as the case of journalists Miguel Mora and Miguel Mendoza, sentenced to 13 and nine years in prison, respectively, were issued.

Nicaraguans are coping with a government that gives no respite to any space of freedom of expression, for which it relies on all the government branches and its supporters, who go unpunished when citizens try to publicly voice any kind of discontent over the regime.

About the environments

The Legislative: A factory of restrictive laws

The Legislative scored high (8.58 out of a maximum of 10), showing a very strong influence on the non-existence of freedom of expression in Nicaragua.

In this yearly period under review, the legislative environment has contributed to passing laws that hamper citizens' right to free speech. Over 2,000 civil society organizations that provided space to promote human rights, including freedom of expression and the press, have been outlawed.

The Legislative has encouraged the Ortega regime's absolute control over Nicaraguans' liberties.

All year round, this branch took to devote itself to passing bills introduced by the Executive, for which it only consulted pro-government stakeholders – those who side with the regime – while dismissing others among Nicaragua's civil society.

Judicial environment: The mastermind behind repressive trials

It also exerted a very strong influence (8.75 of the maximum of 10) an indicator of its high degree of influence on the absence of free speech in Nicaragua, a situation that the actions of said branch of government reflect.

During the period under analysis, this branch devoted itself to prosecuting citizens, especially those thinking differently from the regime, as well as journalists forced into exile following the opening of court cases biased toward the regime's ideology.

All the structure of the Judiciary, including the Attorney General's Office, trial and appellate courts, has enabled the regimes' arbitrary enforcement of all the repressive acts passed by the Legislative, whereby they have prosecuted any different-minded citizens.

Executive environment: Spearheading repression

Likewise, the Executive had a high score (8.81 out of 10) ranking as a very strong influence [on situations] unfavorable to freedom of expression in Nicaragua.

The Executive has masterminded all the repressive pieces of legislation and strategies against Nicaraguan citizens who do not adhere to their ideals, consequently triggering a series of direct hurdles to free speech.

Media outlets shut down by the regime, journalists on exile, wiped out civil society organizations, chased and exiled priests, self-censoring voices, are what the Ortega-Murillo partnership has caused. They manage the Executive, exerting absolute control over all the other branches, silencing any dissent, regardless of the right to free speech as established in the Constitution.

Realm A: Silenced citizens

The realm of Informed Citizens Free to Express Themselves also scored a high negative rating for all environments: 9.7 in the Legislative; 9.43 in the Judiciary, and 9.57 in the Executive, all of which shows once again a very strong unfavorable influence on freedom of expression in Nicaragua.

In principle, Nicaraguan citizens can access a wide array of pro-government media and few independent outlets. The former, in their vast majority, disseminate pro-government information. Therefore, citizens only access one narrative on reality.

The closing of independent media outlets, which includes some broadcast TV channels and radio stations of the Catholic Church, as well as the changes in the broadcasting policies for the few remaining independent media outlets in Nicaragua, make it impossible for citizens to be informed and express themselves freely.

Realm B: Underground journalism

Realm B regarding the Exercise of Journalism also achieved highly negative scores, above 9 in all environments: Legislative (9.57), Judicial (9.43), Executive had a high score (9.57), also ranking as a very strong influence [on situations] unfavorable to freedom of expression in Nicaragua.

Reports and testimonies from journalists inside Nicaragua indicate that it is becoming increasingly difficult to exercise a free journalism, which has practically become underground. These media are mostly digital platforms that do their job from abroad, as this would be impossible from Nicaragua.

However, other restrictions are in place, such as the lack of spokespersons or information sources. Voices are completely silenced, as indicated by monitoring from the Inter-American Press Society (IAPA), since independent voices have self-censored to avoid imprisonment for the mere fact of speaking their mind on national interest issues.

The few remaining independent media in Nicaragua changed their broadcasting policy (TV channels 10, 12, and 14; Corporación and Camoapa radio stations). They limit themselves to reporting on events and business issues, and censor any information on human rights, political or social issues likely to be uncomfortable to the regime.

Realm C: No access to justice

Like the other items, Realm C (Violence and Impunity) scored a very negative ranking conducive to the lack of freedom of expression across the nation.

In all [three institutional] environments, there was a very strong influence curbing this right of citizens. The Legislative scored 8.52, the Judiciary 8.43, and the Executive 8.52. This greatly shows the extent of their impact to impair free speech rights in Nicaragua.

We are coping with a regime that relies on the police, the Attorney General's Office, and the courts to imprison anyone voicing their dissent, against whom they deploy all kinds of violence, leaving no opportunities to freely exert this right. For example, in the case against Miguel Mendoza, he is prevented from seeing and talking to his 8-year-old daughter.

Realm D: Media totally under control

This realm regarding Control over the Media also shows a very strong impact on the lack of freedom of expression in Nicaragua, as the Ortega-Murillo regime exerts total control over media outlets.

The data reflect a very strong impact from the three environments, Legislative at 7.14, Judiciary at 7.57 and Executive at 7.57. All of these submit to the media strategy imposed by Communications and Citizenry Coordinator Vice President Rosario Murillo.

The Executive seeks to impose a monolithic national public narrative on a multitude of pro-regime media as well as other independent outlets being forced to align themselves to the government narrative. Otherwise, they are shut down and their journalists imprisoned, as has happened to newspaper *La Prensa*, *Trinchera de la Noticia*, *Radio Voz de Matagalpa*, and a dozen radio stations owned by the Catholic Church.

Conclusions

The Chapultepec Index ranks Nicaragua last among the 22 American countries in the August 2, 2021 - August 1, 2022 period. Out of a theoretical maximum of 100 [points], the country only scored 9.50, which means the non-existence of freedom of expression.

For the third consecutive year of the Chapultepec Index, Nicaragua's rating places it among the three countries where there is no freedom of expression, alongside Venezuela and Cuba; but Nicaragua even has the highest ranking in unfavorable terms, surpassing Venezuela twice and Cuba three times as much in its negative trend.

The non-existence of free speech in Nicaragua originates from the 15 year-long rule of Daniel Ortega and his wife Rosario Murillo, who devised a communication strategy focused on absolute control over the media and the imposition of a monolithic dominant political narrative.

From 2007 to date, there have been no press briefings from government agencies and no interviews granted by government officials to independent media outlets. The yearly period under review turns out to be worse, as the regime has enforced censorship and expropriation upon those media seeking to counter or provide news from a perspective different from the pro-government stance.

The regime's hatred of free speech has escalated since 2018 in the wake of popular protests. Additionally, during this last period under analysis, an increase in hostility has been reported, as occurred on August 13, 2021 when the police raided and took over the facilities of the newspaper *La Prensa*.

Starting in August 2021, a series of violations against freedom of expression and the press have occurred. These included the imprisonment of newspaper *La Prensa*'s CEO Juan Lorenzo Holmann Chamorro, who was denied due process and was even sentenced to nine years in prison on March 31, 2022.

On September 22, 2021, journalist Carlos Fernando Chamorro Barrios was charged, *in absentia*, with laundering money, property, and assets to the detriment of the State of Nicaragua. It was not enough for the regime to have imprisoned Chamorro's siblings, Pedro Joaquín and Cristiana, the latter under house arrest.

The 2021 report by Voces del Sur on violations of press freedom, which covers August to December 2021, puts on record 526 attacks on freedom of expression and the press, to which

we add another 600 attacks between January and July 2022. Additionally, the regime has shut down 30 media outlets between January and August 2022.

This complete hostile environment has triggered the greatest flight of journalists in Nicaragua's history, "... after 4 years, I made one of the most difficult decisions of my life, that of forced exile.", TV Channel 10 correspondent Elba Ileana Molina reported. (*Voces del Sur*, 2022).

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