

PEN International Resolution on Nicaragua

Following the civil protests in April 2018, the Nicaraguan government launched a wave of repression against independent journalists, writers and defenders of human rightsⁱ. The authorities have built a system where harassment is perpetrated by the law and by the police in order to threaten, take down and silence critical voices. This censorship and propaganda campaign has been escalated in 2021, with 7 November - the date of the presidential elections - drawing closer.

The persecution and disregard of the law intensified at the end of 2020 and in 2021. The number of journalists forced into exile, news offices broken into, and threats against writers and communicators and their families all increased during this period. To make matters worse, reporters, authors and those critical of the government were victims of more cases of harassment from police and the court system, through short-term detentions, interrogations, raids of homes and offices, and house arrests.ⁱⁱ

Based on public information and reports received by PEN International, at least 15 journalists were exiled between June and July 2021 as a result of threats and harassmentⁱⁱⁱ. At least 90 journalists have been exiled since 2018.^{iv}

The European Parliament declared that Nicaragua was suffering its worst human rights crisis for decades^v. The Nicaraguan government has denied entry to the Office of the UN High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), journalists and international organisations^{vi}.

The legal framework of censorship

At the end of 2020, two laws were passed that curb freedom of expression and political involvement. On 19 October 2020, the 'Foreign Agents Law' was adopted^{vii}. The law sets out fines and penalties, and allows for goods and assets to be seized. It also means that NGOs can have their legal status revoked if they are involved in "activities or matters relating to domestic politics".^{viii} Any organisation or person registered as a "foreign agent" is subject to surveillance and restrictions of their political and civil rights.

In February 2021, a number of organisations suspended their activities, including PEN Nicaragua^{ix} and the Fundación Violeta Barrios de Chamorro. The IACHR emphasised that "the new law seeks to silence individuals and organisations that are deemed to oppose the Nicaraguan government and to prevent the exercise of civil liberties, including freedom of expression and association, freedom to get involved in defining public affairs, the right to protest, and the right to defend rights"^x.

Meanwhile, the Special Cybercrime Law (Ley Especial de Ciberdelitos) came into force on 30 October 2020, and is used to prosecute and sanction crimes committed “using information and communication technology”. It includes penalties of up to 10 years in prison for crimes ranging from obtaining and publishing restricted information, to making dishonourable publications. The law warns that “if false or distorted information is published, leading to hate or to violence, this puts economic stability, public order, public safety and domestic security at risk” and that this is punishable by fines and prison sentences of up to five years.^{xi} Moreover, the Criminal Procedure Code was redrafted to increase the amount of time someone can be detained without charge to 90 days.

Since June 2021, Vice President Rosario Murillo has been warning journalists not to publish ‘fake news’ concerning the COVID-19 pandemic since this is punishable under the Special Cybercrime Law; a portent of further anti-press measures to come.^{xii}

Legal interrogations and raids of homes and news offices

PEN has recorded dozens of examples of journalists who have been interrogated^{xiii} for publishing or participating in independent media organisations, or for working with the Fundación Violeta Barrios de Chamorro. The head of the foundation, Cristiana Chamorro, is a journalist and preliminary presidential candidate, and has been under house arrest since 2 June 2021^{xiv}.

Interrogation is a direct threat to journalists and writers, who accuse the government of using it as a means to implicate them in non-existent crimes and, at the same time, intimidate and silence the press.

On 1 June 2021, the writer Sergio Ramírez was called to testify in his capacity as legal representative of the Fundación Luisa Mercado, which is dedicated to cultural promotion. The Prosecutor’s Office questioned him about the ties between his organisation and the Fundación Violeta Barrios de Chamorro. On 2 June, PEN Nicaragua’s Programme Director Andrea M. Del Carmen was also summoned to explain the activities carried out jointly with the foundation.

On 20 May 2021, the offices of key media outlet Confidencial were occupied for the second time, while on 21 June 2021 journalist Carlos Fernando Chamorro’s house was raided^{xv}, forcing him to exile himself from Nicaragua.

At least 31 more people have been imprisoned and forbidden from external contact, or forced into house arrest. These include seven preliminary presidential candidates and journalists. Restrictions have also been imposed on the movement of people working in communications, writers, businesspeople, and social leaders, with no legal justification^{xvi}.

The PEN International Assembly of Delegates calls on the government of Nicaragua to:

- Respect and protect the right of its citizens to freely express their opinions;

- Put an end to the threats, and the police, legal and judicial harassment against journalists, writers and human rights organisations;

- Unconditionally release members of the press detained for peacefully exercising their right to freedom of expression;

- Ensure that the independence of the press is respected and refrain from the use of any

previous censorship measures by any organ of the state, as well as any prior restrictions that may result in self-censorship of the right to freedom of expression, particularly given the context of the elections and the health crisis caused by COVID-19;

- Immediately repeal laws, such as the Special Cybercrime Law and the Foreign Agents Law, that serve to criminalise free expression and the work of journalists, and that restrict the freedom of Nicaraguan citizens;

- Respect the Constitution of the Republic of Nicaragua and comply with the obligations

imposed by the Inter-American Democratic Charter and other international treaties to which Nicaragua is a signatory, such as the International Covenant on Civil and Political Rights;

- Grant entry to the Office of the UN High Commissioner for Human Rights, the Inter-

American Commission on Human Rights and its various organs, and international human rights bodies;

- Lift the de facto state of siege, and re-establish dialogue and democracy as the sole path towards respecting freedom of expression and the freedom of citizens.

24 September 2021

ⁱ Resolution adopted by the PEN International Assembly of Delegates in September 2018. <https://pen-international.org/app/uploads/RESOLUCIO%CC%81N-SOBRE-NICARAGUA.docx>

ⁱⁱ <https://www.efe.com/efe/america/sociedad/los-periodistas-criticos-con-ortega-se-sienten-en-la-mira-de-cara-a-comicios/20000013-4587834>

ⁱⁱⁱ Eye on Nicaragua, 5 July 2021. <https://pen-international.org/news/eye-on-nicaragua> ^{iv} https://www.europarl.europa.eu/doceo/document/B-9-2021-0401_EN.html ^v Idem

^{vi} <https://www.nytimes.com/es/2021/06/17/espanol/nicaragua-periodista-ortega.html>

vii <https://www.efe.com/efe/america/politica/entra-en-vigor-polemica-ley-de-agentes-extranjeros-nicaragua/20000035-4371848> viii

<http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/3306286cd4e82c5f06258607005fdf6b?OpenDocument>

ix <https://pen-international.org/news/nicaragua-pen-announces-a-regional-alliance-to-continue-its-work-in-nicaragua-with-a-global-impact>

x https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/043.asp

xi [http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/803E7C7FBCF44D7706258611007C6D87?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/803E7C7FBCF44D7706258611007C6D87?OpenDocument)

xii <https://www.efe.com/efe/america/sociedad/la-vicepresidenta-de-nicaragua-advierte-a-periodistas-sobre-noticias-falsas/20000013-4581207>

xiii Eye on Nicaragua - Observatory, dated 31 May, 9 June, 16 June, 5 July and 19 July 2021 <https://pen-international.org/news/eye-on-nicaragua>

xiv <https://www.france24.com/es/am%C3%A9rica-latina/20210604-nicaragua-arresto-domiciliario-opositora-chamorro-secuestro>

xv <https://pen-international.org/es/noticias/organizaciones-defensoras-de-derechos-humanos-exigen-cese-de-la-represion-contra-voces-criticas-y-periodistas-de-nicaragua>

xvi <https://media.sipiapa.org/adjuntos/185/documentos/001/840/0001840252.pdf>