



CONTRIBUTION FOR THE FOURTH CYCLE OF THE UNIVERSAL PERIODIC REVIEW ON NICARAGUA

REPORT ON THE SITUATION OF FREEDOM OF EXPRESSION IN NICARAGUA

This report is a contribution submitted by the coalition of subscribing organizations represented by International PEN. It was edited by Periodistas y Comunicadores Independientes de Nicaragua (PCIN), la Fundación por la Libertad de Expresión y Democracia (FLED), PEN Nicaragua in exile, la Asociación Mundial de Radios Comunitarias para América Latina y el Caribe (AMARC-ALC), IFEX-ALC, ARTICLE 19 México y Centroamérica, Artists at Risk Connection (ARC)-PEN America, the Committee to Protect Journalists (CPJ), the Inter American Press Association (IAPA) and PEN International.

Executive Summary

- 1. This is a joint report submitted by the organisations mentioned above. The report aims to present information and make visible to the United Nations Human Rights Council (UNHRC) in Geneva during the Universal Periodic Review (UPR) of Nicaragua in 2024, the continuous violations of freedom of expression and the right to access to information in the country which continue with impunity and have resulted in the lack of guarantees for the exercise of this right.
2. The findings of this report are based on the collection and analysis of information from the reports issued by those signatory to this report.

What Is The Raison D'être Of This Report?

3. During the third cycle of the Universal Periodic Review (UPR), Nicaragua received 259 recommendations, of which 135 were accepted and 124 were rejected. One hundred recommendations were related to the human rights crisis that began in 2018. During the UPR cycle, Member States made 48 recommendations on freedom of expression, of which the State accepted only 14.¹
4. To bring the situation of freedom of expression in Nicaragua to the attention of the UNHRC, so that the facts documented can be examined as part of the UPR process and specific recommendations made regarding the existing limitations on freedom of expression and press freedom in Nicaragua.
5. Since 2018, in the context of civil protests against the Daniel Ortega government, the state, and its officials have intensified and increased targeted aggressions against journalists,² activists, artists, media, students, clergy, political opponents, etc., reaching egregious levels. Acts of censorship such as arbitrary detentions, forced exile, withdrawal of nationality, and stripping of property and basic rights are becoming common place.
6. Since 2018, it has become evident how Nicaragua has instituted persecution against critical voices at various levels, and that the panorama has worsened to the point where freedom of expression has reached a critical, practically non-existent state.
7. The persecution and criminalisation of journalists as a means of silencing them has taken various forms over the years documented as part of the fourth cycle of the Universal Periodic Review (2019-2023). Press freedom has found itself cornered through the closure of media outlets, the confiscation of the properties where they once operated, and the silencing of independent journalistic practices.
8. During this period, legislations has been implemented in Nicaragua, as well as the approval of laws that have allowed for the restriction of civic spaces and freedom of expression in the country. Furthermore, in addition to electoral reforms that guarantee the re-election of Daniel Ortega, president of Nicaragua for three consecutive terms: 2011, 2016 and 2021, there is concern about the Nicaraguan state's non-compliance with international standards that undermines freedom of expression and freedom of the press.

I. LEGAL FRAMEWORK ON FREEDOM OF EXPRESSION AND PRESS FREEDOM

9. On April 24, 2022, the Nicaraguan authorities announced the withdrawal of Nicaragua from the Organisation of American States (OAS) and the withdrawal of its diplomats from the country.³ On March 23, 2022, Nicaragua's ambassador to the OAS, Arturo McFields,

¹ IFEX. Organizaciones de la sociedad civil preocupadas por el rechazo del Estado a recomendaciones sobre la libre expresión. 23 de septiembre de 2019. Available at: <https://ifex.org/es/organizaciones-de-la-sociedad-civil-preocupadas-por-el-rechazo-del-estado-a-recomendaciones-sobre-la-libre-expresion/>

² CPJ. In Nicaragua, TV channels blocked, journalists injured while covering pension protests, April 20, 2018, available at: <https://cpj.org/2018/04/in-nicaragua-tv-channels-blocked-journalists-injur/>.

³ OAS, Press Release of the OAS General Secretariat, 24 April 24, 2022, available at https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-023/22 .

left his post after denouncing his country's government, headed by Daniel Ortega, as a "dictatorship."⁴

10. Despite the government's attempts to continue systematically violating human rights in the country, Nicaragua must adhere to all ratified Inter-American treaties in accordance with existing procedures.
11. Despite the denunciation of the Inter-American human rights treaties, the Nicaraguan state continues to be bound by Article 5 of the Constitution to the American Convention on Human Rights and the Inter-American Convention to Prevent and Punish Torture.
12. Nicaragua has also ratified various international instruments that protect freedom of expression and freedom of the press, such as the Universal Declaration of Human Rights (in 1948), the International Covenant on Economic, Social and Cultural Rights (ratified in 1980)⁵, and the International Covenant on Civil and Political Rights (ratified in 2007).⁶
13. Article 30 of the Nicaraguan Constitution establishes the right to freedom of expression: "Nicaraguans have the right to freely express their thoughts in public or private, individually or collectively, orally, in writing, or by any other means".⁷
14. Regarding freedom of the press, Article 68 of the Constitution states: "[t]he public, corporate and private media may not be subject to prior censorship. In no case may printing presses or their accessories, or any other means or equipment intended for the dissemination of thought, be confiscated as an instrument or corpus delicti."⁸
15. Despite the fact that Nicaragua has a Constitution that guarantees freedom of expression and freedom of the press, these rights have been subject to abuse in which executive power has been used without the relevant checks and balances, forcing journalists and communication professionals to face self-censorship, censorship, persecution, imprisonment, and/or exile.

RESTRICTIVE LAWS

16. **Law 977 Against Money Laundering, Financing of Terrorism and Proliferation of Weapons of Mass Destruction.** On July 16, 2018, the National Assembly of Nicaragua adopted the Law Against Money Laundering, Financing of Terrorism and Proliferation of Weapons of Mass Destruction.⁹ Law 977, as amended, expanded the criminalisation of terrorism and terrorist financing offences, and the penalties associated with them.¹⁰

⁴ BBC. El embajador de Nicaragua ante la OEA denuncia públicamente al gobierno de Ortega antes de dejar el cargo, March 23, 2022. Available at: <https://www.bbc.com/mundo/noticias-america-latina-60853568#:~:text=Arturo%20McFields%20is%20ambassador%20of,%2C%20is%20a%20%20%22dictatorship%22.>

⁵ UN, Ratification, Reporting & Documentation for Nicaragua, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?Lang=en

⁶ UN, Ratification, Reporting & Documentation for Nicaragua, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?Lang=en

⁷ Constitución Política de Nicaragua, available at: https://www.oas.org/juridico/spanish/mesicic3_nic_const.pdf

⁸ Constitución Política de Nicaragua, available at: https://www.oas.org/juridico/spanish/mesicic3_nic_const.pdf

⁹ La Gaceta, Diario Oficial No. 165 of August 19, 2019 (Text as amended by Law No. 1000). Available at: <https://www.poderjudicial.gob.ni/dgqip/pdf/Ley-977-Ley-contralavado-activos.pdf>.

¹⁰ OHCHR Human Rights Council, Detailed Conclusions of the Human Rights Expert Group on Nicaragua, March 7, 2023, para. 297, p. 66, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/A-HRC-52->

17. **Law No. 1040 on the Regulation of Foreign Agents.** On October 15, 2020, the National Assembly adopted Law No. 1040 on the Regulation of Foreign Agents,¹¹ which limits the ability of Non-Governmental Organisations and other entities to operate in the country, while also stifling journalists and independent media¹² who do not have access to foreign support programmes or funding.¹³
18. **Law No. 1042 Special Law on Cybercrimes.**¹⁴ On October 27, 2020, the National Assembly adopted the Special Law on Cybercrime, also known as the Gag Law,¹⁵ which establishes penalties for the publication or dissemination of false news that may cause "alarm, fear or anxiety."¹⁶ Within the law itself there is no legal certainty as to when something is considered as constituting false news, which has led to arbitrary arrests and convictions, such as that of journalist Víctor Ticay.¹⁷
19. **Law No. 1055 on the Defence of the People's Rights to Independence, Sovereignty and Self-Determination for Peace.** In December 2020, the National Assembly passed Law No. 1055 on the Defence of the People's Rights to Independence, Sovereignty and Self-Determination for Peace, declaring as "traitors to the homeland" people whose actions "harm the supreme interests of the nation."¹⁸

[CRP-5-ES.pdf](#) Banco Central de Nicaragua, Texto de Ley N°. 977 Ley Contra el Lavado de Activos, el Financiamiento al Terrorismo y el Financiamiento a la Proliferación de Armas de Destrucción Masiva, available at: https://www.bcn.gob.ni/sites/default/files/marco_juridico_financiero/12_Ley_No_977_Ley_contra_el_Lavado_de_Activos.pdf. p. 32.

¹¹ Its application, like that of the other restrictive laws mentioned here, has eroded democratic space and has curtailed freedom of expression, assembly, and association. OHCHR Human Rights Council, Detailed Conclusions..., March 7, 2023, para. 297, p. 66; IACHR, Report 2022, Chapter IV.B-Nicaragua, para. 72, p. 751, available at: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/8-IA2022_Cap_4B_NI_EN.pdf, and IACHR, Report on the Closure of civic space in Nicaragua, November 9, 2023, para. 22, p. 14, available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/262.asp.

¹² CPJ, Nicaraguan ruling party legislators propose law requiring some media outlets, journalists to register as "foreign agents", September 24, 2020, available at: <https://cpj.org/2020/09/nicaraguan-ruling-party-legislators-propose-law-requiring-some-media-outlets-journalists-to-register-as-foreign-agents/>.

¹³ Not unusually, the implementation of this law against the Violeta Barrios Chamorro Foundation and its members marked the second wave of repression against critical and independent press after 2018. Fundación por la Libertad de Expresión y Democracia, Sistematización a las Violaciones a la Libertad de Prensa en Nicaragua (April 2018 - April 2023), p. 58. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

¹⁴ CPJ, Nicaraguan Congress proposes cybercrime legislation criminalizing false news, October 1, 2020, available at: <https://cpj.org/2020/10/nicaraguan-congress-proposes-cybercrime-legislation-criminalizing-false-news/>.

¹⁵ Divergentes, Ley de Ciberdelitos: un hacha contra la libertad de expresión, January 19, 2022, available at: <https://www.divergentes.com/ley-de-ciberdelitos-un-hacha-contra-la-libertad-de-expresion/>.

¹⁶ Asamblea Legislativa de Nicaragua, Ley No. 1042 Especial sobre Ciberdelitos, published in La Gaceta, Diario Oficial N°. 201 of October 30, 2020, Article 30, p. 67, para. 304, available at: [http://legislacion.asamblea.gob.ni/normaweb.nsf/\(\\$All\)/803E7C7FBCF44D7706258611007C6D87?OpenDocument](http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/803E7C7FBCF44D7706258611007C6D87?OpenDocument).

¹⁷ Article 19, Nicaragua: La condena de 8 años contra el periodista Víctor Ticay se suma a la lista de violaciones a los derechos humanos, August 18, 2023, available at: <https://articulo19.org/nicaragua-la-condena-de-8-anos-contra-el-periodista-victor-ticay-se-suma-a-la-lista-de-violaciones-a-los-derechos-humanos/>.

¹⁸ CPJ, CPJ condemns 8-year sentence for Nicaraguan journalist Victor Ticay, August 17, 2023, available at <https://cpj.org/2023/08/cpj-condemns-8-year-sentence-for-nicaraguan-journalist-victor-ticay/>;

OHCHR Human Rights Expert Group on Nicaragua, Detailed Conclusions, para. 304, p. 67. Available at: <https://reliefweb.int/report/nicaragua/conclusiones-detalladas-del-grupo-de-expertos-en-derechos-humanos-sobre-nicaragua-ahrc52crp5> | At least two cases of journalists who have been affected by Law No. 1055 can be mentioned, first there is the case of owner and director of the newspaper 100% Noticias, Miguel Mora. Mora was arrested on June 20, 2021. On February 4, 2022, he was sentenced to thirteen years in prison and disqualified from holding public office on charges of "carrying out acts that 'undermine independence, sovereignty and self-determination.'" Four days after Mora's conviction, sports journalist Miguel Mendoza was sentenced to nine years in

20. **Law No. 1145, Special Law Regulating the Loss of Nicaraguan Nationality.** In February 2023, the National Assembly passed a law which arbitrarily facilitates the deprivation of its citizens nationality, a measure we believe to be unprecedented in the modern history of international law. The suppression of nationality violates, first and foremost, the 1961 Convention on the Reduction of Statelessness, to which Nicaragua acceded with effect from July 29, 2013, with Daniel Ortega himself as president.¹⁹
21. **Reform of Article 21 of the Constitution on offences provided for in Law 1055.** Between February 9 and 15, 2023, the Nicaraguan state, through the National Assembly, stripped more than 300 Nicaraguans of their nationality, including 22 journalists, directors, and media executives. This measure, taken by the authorities, is contrary to articles 8 and 9 contained in the Convention on the Reduction of Statelessness, which Nicaragua ratified in 2013²⁰.
22. Some of these individuals were accused of committing "criminal acts to the detriment of peace, sovereignty, independence, and self-determination of the Nicaraguan people, inciting the destabilisation of the country, promoting economic, commercial and financial blockades, all to the detriment of peace and the well-being of the population." After being exiled, the individuals were stripped of their civil and political rights through the revoking of their nationality. This disproportionate sanction was achieved through the first approval of a reform to Article 19 of the Constitution.²¹
23. On January 19, 2024, the reform to Article 19 was approved by the second legislature, so that people "sentenced under the provisions of Law 1055" (known as the Sovereignty Law) will be considered "traitors to the homeland and will lose their Nicaraguan nationality."²² The sanctioned persons have also had their assets and pensions confiscated.

II. PERSECUTION AND CRIMINALISATION OF JOURNALISTS AND ARTISTS

PERSECUTION AND ATTACKS

24. The organisation Periodistas y Comunicadores Independientes de Nicaragua (PCIN) has documented the attacks on Nicaraguan journalism since 2019, the year in which the third

prison for his critical stance against the Daniel Ortega regime | CPJ, Nicaraguan journalist Miguel Mendoza convicted on conspiracy, false news charges, February 9, 2022, available at: <https://cpj.org/2022/02/nicaraguan-journalist-miguel-mendoza-convicted-on-conspiracy-false-news-charges/>.

¹⁹ Asamblea Legislativa de Nicaragua. Ley No. 1145, Ley Especial que Regula la Pérdida de la Nacionalidad Nicaragüense, February 10, 2023. Available at: <http://legislacion.asamblea.gob.ni/SILEG/Gacetitas.nsf/5eea6480fc3d3d90062576e300504635/5b64d73abfc8dd4e06258952005496da?OpenDocument#:~:text=1145%2C%20LEY%20ESPECIAL%20QUE%20REGULA,del%2002%2F10%2F2023>. Almacén De Derecho, Nicaragua: la expatriación como forma agravada de persecución política, February 22, 2023, available at: <https://almacenederecho.org/nicaragua-la-expatriacion-como-forma-agravada-de-persecucion-politica>.

²⁰ Asamblea Nacional Nicaragua, Asamblea Nacional Aprueba Ley De Reforma al Artículo 21 de la Constitución Política de la República de Nicaragua, 9 February 9, 2023, available at: <https://noticias.asamblea.gob.ni/asamblea-nacional-aprueba-ley-de-reforma-al-articulo-21-de-la-constitucion-politica-de-la-republica-de-nicaragua/>.

²¹ Andrés Cañizales, El régimen de Nicaragua reforma la Constitución para despojar de la nacionalidad a opositores, ADN Cuba, January 22, 2024, https://diariodecuba.com/internacional/1705934745_52340.html.; OHCHR Human Rights Expert Group on Nicaragua, Report on Violations of the Human Rights to Freedom of Movement and Nationality, February 29, 2024, para. 65-67, p. 19.

²² Nicaragua: Parlamento legaliza retirada de nacionalidad a quienes considera "traidores a la patria," available at: <https://www.sandiegouniontribune.com/en-espanol/noticias/story/2024-01-19/nicaragua-parlamento-legaliza-retirada-de-nacionalidad-a-quienes-considera-traidores-a-la-patria>.

Universal Periodic Review (UPR) was presented. The report presented by the state assures that, in Nicaragua, the full exercise of the right to freedom of expression is guaranteed, "given that there is no prior censorship, nor any restriction on this right." It also assures that the government's policy has been to not restrict any media.

25. Acts of persecution,²³ attacks, and censorship against journalists increased dramatically in Nicaragua during the period presented in this report. According to the Foundation for Freedom of Expression and Democracy, in 2019, 202 violations were recorded; in 2020, 218; in 2021, 98;²⁴ and in 2023, 86.²⁵ The types of violations recorded in this period involved assaults and attacks; stigmatising speech; restrictions on access to information and the internet; civil and criminal proceedings; arbitrary detention; torture; abuse of state power; kidnapping; attacks deliberately targeted at individuals because of their gender identity; and murder.²⁶
26. Between 2019 and 2023 more than 50% of the documented cases were aggressions and attacks on journalists²⁷. The types of attacks included: a) attacks on the physical integrity of journalists; b) raids on journalists' homes; c) destruction or confiscation of equipment and materials during press coverage; d) forced displacement: exile, temporary or permanent seeking of refuge, deportation; e) explicit, implicit, or symbolic threats on social media; f) intimidation, harassment, siege,, espionage, and threats against journalists; g) attacks, attempted kidnapping, and torture. h) sexual violence, groping.²⁸ In 2023, exile, confiscation, illegal detention, harassment, and surveillance of family members were added to the list of attacks.²⁹
27. On average, it was recorded that between 2019 and 2023, 61.6% were attacks perpetrated by state agents, 23.3% by parastatal groups, and 9% by groups identified as

²³ CPJ. Nicaragua: A crackdown in four parts, August 5, 2019, available at: <https://cpj.org/2019/08/nicaragua-journalists-protests-jailed-attacked-surveilled/>.

²⁴ Foundation for Freedom of Expression and Democracy (FLED). Sistematización de las violaciones a la libertad de prensa en Nicaragua, quinquenio abril 2018-abril 2023, September 8, 2023. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

²⁵ Foundation for Freedom of Expression and Democracy (FLED). Informe Violaciones a la libertad de prensa en Nicaragua 2023, January 9, 2024. Available at: <https://fled.org/informe-anual-violaciones-a-la-libertad-de-prensa-en-nicaragua/>.

²⁶ Foundation for Freedom of Expression and Democracy (FLED). Sistematización de las violaciones a la libertad de prensa en Nicaragua, quinquenio abril 2018-abril 2023, September 8, 2023. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

²⁷ Foundation for Freedom of Expression and Democracy (FLED). Sistematización de las violaciones a la libertad de prensa en Nicaragua, quinquenio abril 2018-abril 2023, September 8, 2023. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

²⁸ Foundation for Freedom of Expression and Democracy (FLED). Informe Violaciones a la libertad de prensa en Nicaragua 2023, January 9, 2024. Available at: <https://fled.org/informe-anual-violaciones-a-la-libertad-de-prensa-en-nicaragua/>.

²⁹ Foundation for Freedom of Expression and Democracy (FLED). Informe Violaciones a la libertad de prensa en Nicaragua 2023, January 9, 2024. Available at: <https://fled.org/informe-anual-violaciones-a-la-libertad-de-prensa-en-nicaragua/>.

paramilitary.³⁰ In 2020, there were public death threats, as was the case on July 25 with reporter Gerall Chavez.³¹

28. In 2023, Kalúa Salazar, a reporter for *La Costeñísima*,³² was forced into exile after being systematically attacked. During 2020, Salazar was the victim of legal harassment, convicted for the crime of slander for reporting on corruption.³³ In March 2021, at least ten agents of the Directorate of Special Police Operations (DOEP) raided her home in the city of Bluefields, and, in April 2021, the National Police harassed, beat, and prevented her from leaving her home to go to work.³⁴
29. During 2021 and 2022, there were various registered instances of international journalists being expelled from Nicaragua, as well as reports of foreign correspondents being prevented from entering the country, and the cancellation of licences to international television channels.³⁵
30. Since May 2021, there has been an upward trend in the criminalisation of journalistic work, immigration detention and stripping of one's passport and smear campaigns on social media against critical journalists and writers.³⁶

³⁰ Foundation for Freedom of Expression and Democracy (FLED). Sistematización de las violaciones a la libertad de prensa en Nicaragua, quinquenio abril 2018-abril 2023, September, 8 2023. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

³¹ DW, Denuncian escalada contra prensa independiente de Nicaragua, August 8, 2020, <https://www.dw.com/es/amenazas-de-ejecuci%C3%B3n-y-asedio-a-periodistas-agrava-situaci%C3%B3n-de-prensa-en-nicaragua/a-54493295>; CPJ. Nicaraguan journalist Gerall Chávez and family receive death threats, July 28, 2020, available at: <https://cpj.org/2020/07/nicaraguan-journalist-gerall-chavez-and-family-receive-death-threats/>.

³² *La Costeñísima* radio station suffered constant attacks as part of the harassment and intimidation against independent journalism in Nicaragua. From threats on social media, police presence in front of the radio station, or power cuts during the hours of the newscast to prevent its transmission. The Inter-American Commission on Human Rights (IACHR) issued [precautionary measures](#) in favour of the media workers. PEN International, Case List 2020, available at: <https://static1.squarespace.com/static/628f9ae10b12c8255bd8814d/t/63e6658e0885c25ee0e53cd4/1676043673974/PEN+International+Case+List+-+2020.pdf>

³³ PEN International. PEN condemns indictment against Kalúa Salazar for the crime of slander, September 2020, available at: <https://www.pen-international.org/news/pen-condena-acusacin-en-contra-de-kala-salazar-por-el-delito-de-calumnia?rq=Nicaragua> | CPJ. Nicaraguan journalist Kalúa Salazar faces criminal slander suit over corruption reporting, August 13, 2020, available at: <https://cpj.org/2020/08/nicaraguan-journalist-kalua-salazar-faces-criminal-slander-suit-over-corruption-reporting/>.

³⁴ PEN International, World Press Freedom Day 2021, May 2021, available at: <https://www.pen-international.org/our-campaigns/lq93qnaqy2np95rkc5gmtqb64gyx4b>

³⁵ On October 25, 2021, a news team from the Honduran newspaper *El Herald* was expelled from Nicaragua. In June 2021, journalist Anatoly Kurmanaev of *The New York Times* was notified of the cancellation of his flight to Nicaragua, while in October 2021, *Le Monde* correspondent Frédéric Saliba was denied entry. In 2022, reporter Tifani Robberts was denied entry and the authorities suspended CNN's Spanish-language broadcasts on all cable channels. Human Rights Watch, World Report 2023, available at: <https://www.hrw.org/es/world-report/2023/country-chapters/nicaragua>; IFEX, Organisations urge Nicaraguan government to guarantee free exercise of independent press, November 3, 2021, available at: <https://ifex.org/es/organizaciones-istan-al-gobierno-de-nicaragua-a-garantizar-el-libre-ejercicio-de-la-prensa-independiente/>.

³⁶ IFEX, Organisations urge Nicaraguan government to guarantee free exercise of independent press, November 3, 2021, available at: <https://ifex.org/es/organizaciones-istan-al-gobierno-de-nicaragua-a-garantizar-el-libre-ejercicio-de-la-prensa-independiente/>.

31. In October 2022, at least 39 mobile surveillance³⁷ devices capable of intercepting telephone communications were discovered³⁸ as part of state efforts to surveil journalists and critical voices.
32. The detention of opposition members' family members became a means of repression, as evidenced in September 2022, when police broke into the home of Andrea Margarita Del Carmen, Director of international programmes at PEN Nicaragua, to arrest her. When they failed to find her, they arrested her son, charging him with the crime of "conspiracy" and imprisoning him. Del Carmen was charged with conspiracy, forced into exile in 2022, and her son deported to the USA in February 2023.³⁹

COVID-19 AND THREATS TO THE PRESS

33. Restrictions on news coverage related to the Covid-19 pandemic,⁴⁰ limitations on public information, and threats to critical journalists at their work and to access public health undermined freedom of expression in Nicaragua and showed the state taking action against human rights.⁴¹
34. In May 2020, PEN Nicaragua warned that at least six journalists critical of the government who had Covid-19 did not go to public hospitals for fear of reprisals⁴² and journalists reported attempts by the state to limit their coverage of the health crisis.⁴³
35. Journalist Sergio León was summoned to court in May 2020 to answer for a libel suit, allegedly for reporting on Covid-19. He was subsequently subjected to threats from

³⁷ CPJ. Nicaraguan journalist Emiliano Chamorro faces police harassment and surveillance, March 11, 2020, available at: <https://cpj.org/2020/03/nicaraguan-journalist-emiliano-chamorro-faces-poli/>.

³⁸ DW. Nicaragua: detectan 39 falsas antenas que espían celulares. October 18, 2022. Available at: <https://www.dw.com/es/nicaragua-detectan-39-falsas-antenas-que-esp%C3%ADan-celulares/a-63468522>.

³⁹ IFEX. Nicaraguan police raid 'La Prensa' journalists' homes, detain 2 media workers, July 20, 2022, available at: <https://ifex.org/nicaraguan-police-raid-la-prensa-journalists-homes-detain-2-media-workers/>.; PEN International, Nicaragua: Exigimos la libertad inmediata de Gabriel López del Carmen, hijo de la directora de Programas de PEN Nicaragua, Andrea Margarita Del Carmen, October 23, 2022, available at: <https://www.pen-international.org/news/nicaragua-exigimos-la-libertad-inmediata-de-gabriel-lpez-del-carmen>. El País, Lista completa de los presos políticos desterrados difundida por el régimen sandinista, February 9, 2023, available at: <https://elpais.com/internacional/2023-02-09/asi-es-la-lista-de-los-presos-politicos-desterrados-a-estados-unidos-difundida-por-el-regimen-sandinista.html>.

⁴⁰ CPJ. Álvaro Navarro on covering COVID-19 in Nicaragua, Central America's center of virus denial, April 29, 2020, available at: <https://cpj.org/2020/04/alvaro-navarro-on-covering-covid-19-in-nicaragua-c/>.

⁴¹ PEN International, Resolution on Freedom of Expression in the Time of COVID-19, November 2020, available at: <https://static1.squarespace.com/static/628f9ae10b12c8255bd8814d/t/63f4f51d321fb95df30d31a6/167699791793/Resolution+on+Freedom+of+Expression+in+the+Time+of+COVID.pdf>

⁴² PEN International, Nicaragua: double censorship, COVID-19 and threats to journalists, May 2020. Available at: <https://www.pen-international.org/news/nicaragua-double-censorship-covid-19-and-threats-to-journalists?rq=Nicaragua>.; PEN Nicaragua. Periodistas De Nicaragua Indefensos Frente A La Pandemia, May 27, 2020, available at: https://web.facebook.com/story.php?story_fbid=1914997175297662&id=298781190252610&paipv=0&eav=AfYW5qInTFmNWuU-Gyn3-06ZvtoKezVx25Rlrh7fZgi8OpefUxdr4J-E4y6OaZMJp7w&_rdc=1&_rdr.

⁴³ PEN International, Nicaragua: double censorship, COVID-19 and threats to journalists, May 2020, available at: <https://www.pen-international.org/news/nicaragua-double-censorship-covid-19-and-threats-to-journalists?rq=Nicaragua>.

government agencies. Sergio León died of complications from Covid-19 on June 14, 2020.⁴⁴

FREEDOM OF ARTISTIC EXPRESSION

36. Another area affected by repression has been freedom of artistic expression, targeting major organisations and artists promoting dialogue and cultural rights.
37. In March 2020, during a mass in memory of the poet Ernesto Cardenal, who died on March 1, 2020, supporters of Daniel Ortega disrupted the homily,⁴⁵ accused the poet of being a traitor, and assaulted those present, including two journalists⁴⁶ and the president of PEN Nicaragua, the writer Gioconda Belli, who was forced into exile in 2022. In 2023 she was declared a traitor and stripped of her nationality, property, and all rights as a Nicaraguan, along with other writers and journalists found guilty of "spreading false news," "conspiracy to undermine national integrity," and declared "fugitives".⁴⁷ On September 12, 2023, the authorities confiscated the writer's home and that of her son Camilo Castro Belli, a journalist and documentary filmmaker, also in exile.⁴⁸
38. On September 8, 2021, Sergio Ramírez Mercado, prominent writer and former vice-president of Nicaragua (1985-1990), was accused of "carrying out acts that encourage and incite hatred and violence," according to the Public Prosecutor's Office⁴⁹ and an arrest and search warrant was issued. Ramírez was outside Nicaragua when he received the arrest warrant and was forced into exile, subsequently stripped of his nationality and rights.
39. On April 17, 2022, Nicaraguan immigration authorities prevented Nicaraguan musician Carlos Luis Mejía Rodríguez, son of singer-songwriter Carlos Mejía Godoy, from entering the country.⁵⁰
40. Josué Monroy, a musician, was detained on April 12, 2022 for 48 hours.⁵¹ Days before, Monroy gave a concert where he sang "En el ojo del huracán," a song about the 2018

⁴⁴ 100 Noticias, DIRAC cita al Director de Radio Costeñísima Sergio León por supuestas "Injurias y Calumnias." May 28, 2020, available at: <https://100noticias.com.ni/nacionales/101256-dirac-radio-costenisima-sergio-leon/>; PEN International, Nicaragua: double censorship, COVID-19 and threats to journalists, May 2020, available at: <https://www.pen-international.org/news/nicaragua-double-censorship-covid-19-and-threats-to-journalists?rq=Nicaragua>.

⁴⁵ El País. Simpatizantes de Ortega invaden el funeral del poeta Ernesto Cardenal para gritarle "traidor," March 3, 2020, available at: <https://elpais.com/internacional/2020-03-03/ortega-despliega-fuerzas-policiales-en-el-velatorio-del-poeta-nicaraguense-ernesto-cardenal.html>.

⁴⁶ PEN International. Nicaragua: aggression towards journalists threatens free expression, March 2020. Available at: <https://www.pen-international.org/news/cgk82gymp79pgmn1nbc3tp2vx60b8c>.

⁴⁷ IACHR condemns violence by pro-government civilians over the death of Ernesto Cardenal. March 4, 2020. Available at: <https://twitter.com/CIDH/status/1235301624291131394>.

⁴⁸ PEN International. Nicaragua: PEN International condemns the confiscation of Gioconda Belli's property and the ongoing harassment against her, September 20, 2023, available at: <https://www.pen-international.org/news/nicaragua-pen-international-condemns-the-confiscation-of-gioconda-bellis-property>.

⁴⁹ DW. Sergio Ramírez acusado en Nicaragua por "incitar al odio." September 9, 2021, available at <https://www.dw.com/es/sergio-ram%C3%ADrez-acusado-en-nicaragua-por-incitar-al-odio/a-59128584>.

⁵⁰ PEN International. Case List 2022. Available at: <https://static1.squarespace.com/static/628f9ae10b12c8255bd8814d/t/642aeaf122ea805c75dc52ff/1680534303813/PEN+International+Case+List+2022.pdf>.

⁵¹ At the same time as the arrest of Josué Monroy, his colleagues Leonardo Canales, Salvador Espinoza, and Xóchitl Tapia, the latter two members of Saxo Producciones, were arrested. The arrests were not immediately confirmed by

protests. In April 2022, Monroy was sent to the border with Honduras, forced to sign a paper banning him from entering Nicaragua, and forced into exile.⁵²

41. Writer, sociologist, philosopher, and academic Freddy Quezada was arrested at his home on November 29, 2023, hours after writing posts, articles, and essays critical of the Nicaraguan authorities on social media. In 2018, Quezada was reportedly dismissed from his academic position at the National Autonomous University of Nicaragua due to his outspoken criticism of the violent repression of student protests. On November 21, 2023, two young men attempted to paint a mural honouring Miss Universe winner, Sheynnis Palacios from Nicaragua, in the city of Estelí. The National Police arrested the artist Vink Ark and removed the work.⁵³

III. FORCED EXILE AND DISPOSSESSION OF NATIONALITY

42. Among the repressive mechanisms implemented by the Nicaraguan government in the period documented for this report, the stripping of nationality and the exile of people critical of the authorities are particularly noteworthy. According to the UN Refugee Agency (UNHCR), between 2018 and June 2023, Nicaragua reached a record number of at least 440,260 displaced people - 6.5% of its population - due to the socio-political crisis that the country has experienced since April 2018,⁵⁴ and the stripping of nationality from at least 317 people. These measures have been promoted through actions that imply serious violations of the fundamental and constitutional rights of Nicaraguans.
43. On February 9, 2023, 222 people⁵⁵ who were being held as political prisoners in "El Chipote"⁵⁶ prison and other facilities in the National Penitentiary System were exiled on a special flight to Washington D.C., United States.⁵⁷
44. On February 16, 2023, a list was subsequently released of a further 94 other people who were also to be stripped of their nationality for alleged treason. This list was composed of

the police, but photos and videos of the incident circulated on social media. Canales was deported to Costa Rica in April 2022, while Espinoza and Tapia were released and expelled from Nicaragua on April 21, 2022.; PEN International, Observatorio "Ojo en Nicaragua", 2022, available at: <https://www.pen-international.org/news/eye-on-nicaragua-es>.

⁵²Confidencial. Josué Monroy sobre su destierro: "Un policía me consoló: 'vas a estar libre.'" January 25, 2023, available at: <https://confidencial.digital/nacion/josue-monroy-sobre-su-destierro-un-policia-me-consolo-vas-a-estar-libre/>.

⁵³ PEN International Case List 2023/2024, available at: <https://www.pen-international.org/case-lists>. PCIN. Report "Informe de ataques a la libertad de prensa y expresión 2023." Available at: <https://media.sipiapa.org/adjuntos/185/documentos/001/856/0001856326.pdf> | El Observador. Miss Universo: artista que intentó pintar mural en honor a Sheynnis Palacios en Nicaragua está desaparecido, November 28, 2023. Available at: <https://observador.cr/miss-universo-artista-que-intento-pintar-mural-en-honor-a-sheynnis-palacios-en-nicaragua-esta-desaparecido/>

⁵⁴Group of Human Rights Experts on Nicaragua. Violations of the human rights to freedom of movement and nationality - Group of Human Rights Experts on Nicaragua (A/HRC/55/CRP.3), February 29, 2024, available at: <https://www.ohchr.org/en/hr-bodies/hrc/ghre-nicaragua/index> and https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/A_HRC_55_27_UnofficialSpanishVersion_1.docx.

⁵⁵ CPJ. Nicaragua releases, sends hundreds of political prisoners, 2 journalists to US, February 9, 2023, available at: <https://cpj.org/thetorch/2023/02/nicaragua-releases-sends-hundreds-of-political-prisoners-2-journalists-to-us/>.

⁵⁶ CPJ: Nicaragua political prisoner release brings 'sense of relief', February 9, 2023, available at: <https://cpj.org/2023/02/cpj-nicaragua-political-prisoner-release-brings-sense-of-relief/>

⁵⁷ Confidencial. Dictadura excarcela a 222 presos políticos en la madrugada y los destierra hacia EE.UU., February 9, 2023, available at: <https://confidencial.digital/confidencialtv/dictadura-excarcela-a-222-presos-politicos-en-la-madrugada-y-los-destierra-hacia-ee-uu/>.

journalists, diplomats, media directors, opposition members, writers, and civil society individuals, including human rights defenders and activists.

45. The 94 defendants were penalised on various grounds including absolute and special disqualification from holding public office, exercising public functions in the name or service of the state of Nicaragua, as well as holding elected office, and the loss of their rights as citizens for life, respectively. They were ordered to forfeit their Nicaraguan nationality and their real estate assets, and companies were immobilised and confiscated in favour of the state of Nicaragua; but, furthermore, they were declared fugitives from the law.⁵⁸
46. The repressive actions of denationalisation and exile have however also been applied to others, including religious groups.
47. According to public reports, the Nicaraguan Directorate General of Migration and Foreigners' Affairs exercises repression by withholding passports, not renewing passports, preventing nationals and foreigners from entering the country, exile, and expulsion of foreigners.⁵⁹
48. According to the UN Human Rights Council's Group of Human Rights Experts on Nicaragua,⁶⁰ the Human Rights Committee has considered freedom of movement as an "indispensable condition for the free development of a person."⁶¹ Freedom of movement consists of the right to move without difficulty within the territory of a country in which the person is located.
49. The right to leave the country is a manifestation of this right at the international level and is also enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the American Convention on Human Rights (Articles 13(2), 12(2), and 22(2), respectively). These instruments also recognise the right of everyone to enter their own country (Articles 13(2), 12(4), and 22(5), respectively). The Universal Declaration further prohibits arbitrary exile (Article 9).
50. The right to nationality is a fundamental human right.⁶² While states have the power to decide who are their nationals, this power is not absolute and is limited by their international obligations.⁶³

⁵⁸ France 24. Nicaragua despoja de su nacionalidad a 94 exiliados, entre ellos Sergio Ramírez y Gioconda Belli, February 16, 2023. Available at: <https://www.france24.com/es/minuto-a-minuto/20230216-nicaragua-despoja-de-su-nacionalidad-a-94-exiliados-entre-ellos-sergio-ram%C3%ADrez-y-gioconda-belli>.

⁵⁹ Divergentes, País por cárcel: así secuestra el régimen de Ortega los pasaportes de los nicaragüenses, December 6, 2022, available at: <https://www.divergentes.com/pais-por-carcel-asi-secuestra-el-regimen-de-ortega-los-pasaportes-de-los-nicaraguenses/>.

⁶⁰ Group of Human Rights Experts on Nicaragua. Violations of the human rights to freedom of movement and nationality - Group of Human Rights Experts on Nicaragua (A/HRC/55/CRP.3), February 29, 2024, available at: <https://www.ohchr.org/en/hr-bodies/hrc/ghre-nicaragua/index>.

⁶¹ Human Rights Committee, general comment No. 27 (1999), para. 1.

⁶² The international legal framework on the right to nationality was elaborated upon in the session document that accompanied the first report of the Group of Experts, A/HRC/52/CRP.5, paras. 481 et seq.

⁶³ See International Law Commission, "Report on the work of its fifty-first session (3 May-23 July 1999)," A/54/10, para. 48 (text of the draft articles on nationality of natural persons in relation to the succession of States, preamble, comment No. 3, p. 26).

51. The Group of Experts has documented serious and systematic violations of the rights to nationality and freedom of movement as yet another mechanism used by President Daniel Ortega and Vice President Rosario Murillo to persecute and silence anyone seen as a real or perceived voice of criticism or opposition to the government, and thus ensure their stay in power.⁶⁴
52. In most cases, repressive measures seek to neutralise critical voices that consistently point out the abuses committed by authorities and include in their actions the dispossession of all property of the affected persons and, in some cases, of their relatives.⁶⁵
53. These violations have led to multiple additional human rights violations, including violations of the rights to recognition as a person before the law, to participate in public affairs, to work, to social security, and other economic and social rights, the impacts of which are impossible to quantify.⁶⁶

IV. DETENTION AND SPEEDY TRIALS OF JOURNALISTS

54. On December 21, 2018, the police arrested Miguel Mora,⁶⁷ journalist and owner of 100% Noticias, and Lucía Pineda Ubau, head of press for the same outlet, following an order to cancel the channel's broadcasts, which included the arbitrary closure and confiscation of the media outlet. Both were charged with crimes of "provocation, proposition and conspiracy to commit terrorist acts."⁶⁸ Mora and Pineda were released from prison on June 13, 2019, through an Amnesty Law approved by the National Assembly.⁶⁹
55. Arbitrary arrests and judicial persecution of journalists and media executives intensified from 2021 onwards, as the general "elections"⁷⁰ of that year approached.
56. In May 2021, judicial harassment worsened following the arbitrary prosecution and violation of due process against the Violeta Barrios de Chamorro Foundation (FVBCH) for

⁶⁴ Group of Human Rights Experts on Nicaragua. Violations of the human rights to freedom of movement and nationality - Group of Human Rights Experts on Nicaragua (A/HRC/55/CRP.3), February 29, 2024, available at: <https://www.ohchr.org/en/hr-bodies/hrc/ghre-nicaragua/index>.

⁶⁵ La Prensa. Dictadura desaloja de su casa a la mamá de Rafael Solís y confisca negocio a su hermana, en Managua. February 28, 2024, available at: <https://www.laprensani.com/2024/02/28/politica/3285570-dictadura-desaloja-de-su-casa-en-managua-a-la-mama-de-rafael-solis/>.

⁶⁶ Group of Human Rights Experts on Nicaragua. Violations of the human rights to freedom of movement and nationality - Group of Human Rights Experts on Nicaragua (A/HRC/55/CRP.3), February 29, 2024, available at: <https://www.ohchr.org/en/hr-bodies/hrc/ghre-nicaragua/index>.

⁶⁷ CPJ. Nicaraguan police raid independent news station, December 2018, available at: <https://cpj.org/2018/12/nicaraguan-police-raid-independent-news-station-ar/>; CPJ. Locked in 'small graves': Nicaraguan journalists Mora and Pineda describe their ordeal, July 16, 2019, available at: <https://cpj.org/2019/07/nicaragua-journalists-miguel-mora-lucia-pineda-jailed-ipfa/>.

⁶⁸ Confidencial. Régimen aísla en prisión a Lucía Pineda y Miguel Mora. December 31, 2018. Available at: <https://confidencial.digital/nacion/regimen-aisla-en-prision-a-lucia-pineda-y-miguel-mora/>.

⁶⁹ Onda Local Nicaragua. Journalists and Independent Communicators, applaud release of political prisoners. June 13, 2019, available at: <https://ondalocalni.com/noticias/699-periodistas-y-comunicadores-independientes-aplauden-excarcelacion-de-presas-y-presos-politicos/>.

⁷⁰ CPJ. Eight press freedom threats to watch ahead of Nicaragua's presidential elections, October 27, 2021, available at: <https://cpj.org/2021/10/eight-press-freedom-threats-nicaraguas-presidential-elections/>.

the alleged crime of money laundering.⁷¹ Walter Gómez and Marcos Fletes, workers of the FVBCH, were arrested on May 28, 2021.⁷² On June 2, 2021 the director of the Foundation and former presidential candidate, Cristiana Chamorro Barrios (arrested in June 2021 and sentenced to eight years in prison for the crime of money laundering and misappropriation) was placed under house arrest.⁷³

57. Also arrested were Pedro Vásquez and Pedro Joaquín Chamorro, the latter, Cristiana's brother and a member of the board of the newspaper *La Prensa*. On March 12, 2022, the aforementioned were found "guilty" of the alleged offences of abusive management, ideological falsehood, misappropriation and improper retention, and laundering of money, goods, and assets. Cristiana Chamorro was sentenced to eight years in prison, Marcos Fletes and Walter Gómez to 13, Pedro Joaquín Chamorro to nine, and Pedro Vásquez to seven.⁷⁴
58. On June 21, 2021, sports journalist Miguel Mendoza was arrested.⁷⁵ On the same day, for the second time since 2018, the owner of 100% Noticias, Miguel Mora, was arrested. On February 8, 2022, Mendoza was convicted of "undermining national integrity" and "disseminating false news" and sentenced to nine years in prison.⁷⁶ Miguel Mora was sentenced to 13 years imprisonment for the alleged crime of "conspiring" to "undermine national integrity."⁷⁷
59. Political commentator Jaime Arellano was arrested on July 24, 2021, after attending an interrogation requested by the Public Prosecutor's Office. On March 7, 2022 he was sentenced to 13 years imprisonment for "conspiring to undermine national integrity."⁷⁸ In August 2021, Nicaraguan authorities charged journalist Carlos Fernando Chamorro, from Confidential, with financial crimes.⁷⁹

⁷¹ Voice of America. Nicaragua: Acusan a Cristiana Chamorro, hija de expresidenta Violeta Barrios de lavado de dinero, May 20, 2021, available at: https://www.vozdeamerica.com/a/centroamerica_senalan-cristiana-chamorro-hija-de-expresidenta-lavado-de-dinero/6074037.html.

⁷² Divergentes. Walter y Marcos, los presos electorales que ya cumplen 90 días en el Chipote, August 22, 2021, available at: <https://www.divergentes.com/walter-y-marcos-los-presos-electorales-que-ya-cumplen-90-dias-en-el-chipote/>.

⁷³ Nación, Régimen de Daniel Ortega impone arresto domiciliario a líder opositora Cristiana Chamorro en Nicaragua, June 2, 2021, available at: <https://www.nacion.com/el-mundo/conflictos/regimen-de-daniel-ortega-ordena-captura-de/VA2WWPTIOBBY7N5AZQIVFLE6L4/story/>.

⁷⁴ DW. Opositora en Nicaragua es condenada a 8 años de prisión, March 22, 2022, available at: <https://www.dw.com/es/expresidenciable-opositora-en-nicaragua-es-condenada-a-8-a%C3%B1os-de-prisi%C3%B3n/a-61207262>.

⁷⁵ CPJ, Nicaraguan police detain journalist Miguel Mendoza, June 21, 2021, available at: <https://cpj.org/2021/06/nicaraguan-police-detain-journalist-miguel-mendoza-for-alleged-treaso>.

⁷⁶ Régimen de Daniel Ortega declara culpable al periodista deportivo Miguel Mendoza. <https://ondalocalni.com/noticias/1568-periodista-miguel-mendoza-declarado-culpable/>.

⁷⁷ 100% Noticias. Dictadura de Daniel Ortega condena a 13 años de cárcel al periodista Miguel Mora, February 8, 2021, available at: <https://100noticias.com.ni/politica/113173-miguel-mora-condena-trece-anos-carcel-periodista/>; CPJ. Miguel Mendoza convicted on conspiracy, February 9, 2022, available at: <https://cpj.org/2022/02/nicaraguan-journalist-miguel-mendoza-convicted-on-conspiracy-false-news-charges/>.

⁷⁸ Condenan a nueve y trece años de cárcel a Noel Vidaurre y Jaime Arellano, respectivamente. <https://confidencial.digital/politica/condenan-a-nueve-y-trece-anos-de-carcel-a-noel-vidaurre-y-jaime-arrellano-respectivamente/>

⁷⁹ CPJ. Nicaraguan authorities charge journalist Carlos Fernando Chamorro with financial crimes, August 27, 2021, available at: <https://cpj.org/2021/08/nicaraguan-authorities-charge-journalist-carlos-fernando-chamorro-with-financial-crimes/>.

60. The publisher of the newspaper La Prensa, Juan Lorenzo Holmann Chamorro,⁸⁰ was found "guilty" on March 23, 2022, for the alleged crime of "money laundering." He was sentenced to nine years in prison. Holmann was arrested in August 2021,⁸¹ after police raided the premises of La Prensa. The newspaper was confiscated by the Nicaraguan authorities and its entire editorial staff had to go into exile.⁸²
61. The arrests continued in 2022. Sergio Cárdenas, a cameraman from TV Merced in Matagalpa, joined the list,⁸³ arrested in August 2022. Journalist Manuel Obando of the Diocese of Matagalpa and Wilberto Artola, also a journalist with TV Merced, were arrested on December 12 of the same year.
62. This group of journalists and media executives were released from prison on February 9, 2023 and exiled to the United States.
63. At the time of writing, two journalists are in detention for political reasons. Sergio Catarino, who worked for Radio Stereo Libre in the Jinotega department, was arrested on April 22, 2023, following their participation in the fifth anniversary of the April 2018 protests. A few days earlier, around April 6, 2023, journalist Víctor Ticay was arrested after covering a religious activity in the municipality of Nandaime, part of the Granada department. On May 19, 2023, he was sentenced to eight years in prison for the alleged crimes of "propagation of false news" and "conspiracy to undermine national integrity."⁸⁴

BRIEF DETENTIONS

64. On May 3, 2023, on World Press Freedom Day, the state set in motion a new pattern of repression. Several journalists and other groups of human rights defenders were arbitrarily detained and transferred to the Dirección de Auxilio Judicial for their work. The most well-known cases are those of journalists William Aragón, Hazel Zamora, and Brisa Bucardo.⁸⁵
65. The journalists were released the following day on the condition that they sign a daily attendance book at the relevant court or police station. However, all three went into exile.

V. CLOSURE AND CONFISCATION OF MEDIA

⁸⁰ CPJ, Nicaraguan publisher Juan Lorenzo Holmann convicted on money laundering charges, <https://cpj.org/2022/03/nicaraguan-publisher-juan-lorenzo-holmann-convicted-on-money-laundering-charges/>.

⁸¹ La Mesa Redonda, Declaran "culpable" a Juan Lorenzo Holmann, gerente del diario La Prensa, <https://www.lamesaredonda.net/declaran-culpable-a-juan-lorenzo-holmann-gerente-del-diario-la-prensa/>.

⁸² CPJ. Four staff members of Nicaragua's La Prensa charged with conspiracy, two in detention, October 14, 2022, available at: <https://cpj.org/2022/10/four-staff-members-of-nicaraguas-la-prensa-charged-with-conspiracy-two-in-detention/>.

⁸³ Sacerdotes y laicos matagalpinos arrestados por el régimen Ortega Murillo reciben visita, tras 13 días de detención. <https://www.laprensani.com/2022/09/01/nacionales/3038321-sacerdotes-y-laicos-matagalpinos-arrestados-por-el-regimen-ortega-murillo-reciben-visita-tras-trece-dias-de-detencion>.

⁸⁴ IFEX. Nicaragua: 8-year sentence against journalist Víctor Ticay adds to list of human rights violations August 22, 2023. Available at: <https://ifex.org/nicaragua-8-year-sentence-against-journalist-victor-ticay-adds-to-list-of-human-rights-violations/>

⁸⁵ DW. Arrestan en Nicaragua a otra periodista. May 6, 2023, available at: <https://www.dw.com/es/arrestan-en-nicaragua-a-otra-periodista-la-tercera-en-tres-d%C3%ADas/a-65534151>.

66. Between 2018 and 2023, 49 media outlets have been closed down.⁸⁶ Five of them were raided and their offices were subsequently closed and confiscated: Radio Darío, Confidencial, Canal 100% Noticias, La Prensa, and Radio Vos de Matagalpa.
67. Independent media have also been victims of attacks, such as the theft of production and transmission equipment, police harassment and siege, withholding of supplies,⁸⁷ economic embargoes, raids, and arbitrary closure of their licences. This has included the confiscation, destruction of their transmission antennas and cancellation of frequencies; acts against the media documented between 2019 and 2023 are: 128 aggressions and attacks; 101 violations through the abuse of state power; 40 speeches aimed at stigmatising; 6 civil and criminal proceedings; 21 acts of internet restriction and 13 restrictions on access to information.⁸⁸
68. Local television channels are most affected by the cancellation of their frequencies by the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR), they have also been victims of harassment. As a result they have been forced to link to national networks to broadcast party activities among other attacks. Canal 100% Noticias⁸⁹ is one of the most affected television stations: in addition to the closure and confiscation of the station, two of its journalists were imprisoned for their reporting (see paragraph 58 of this report).⁹⁰
69. Radio stations have been banned covering and have reported constant interference on their frequencies by pro-government stations. Similarly, their broadcasting licences have been cancelled by the service regulator on the grounds that they were operating irregularly. It should be noted that the notifications issued by TELCOR lack valid technical

⁸⁶ Foundation for Freedom of Expression and Democracy (FLED). Sistematización de las violaciones a la libertad de prensa en Nicaragua, quinquenio abril 2018-abril 2023, September 8, 2023. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

⁸⁷ In 2019, allegations were made public of arbitrary and unjustified withholding of materials such as paper, ink, and other supplies for printing newspapers. In January 2019, the newspaper *La Prensa* denounced the withholding of imported printing material, forcing the newspaper to reduce its edition for years until it disappeared in August 2021 due to a lack of supplies. In July 2019, *El Nuevo Diario* announced the reduction of its print edition. As supplies were withheld by customs in September 2019, its definitive closure was announced. Source: *El Tiempo*, Prensa nicaragüense denuncia retención de papel por régimen de Ortega, January 15, 2019, available at: <https://www.eltiempo.com/mundo/latinoamerica/diario-la-prensa-de-nicaragua-reduce-paginas-por-retencion-de-papel-y-tinta-314382>.; LATAM Journalism Review, La Prensa deja de circular en papel por falta de insumos, dejando a Nicaragua sin diarios impresos, August 12, 2021, available at: <https://latamjournalismreview.org/es/articles/la-prensa-deja-de-circular-en-papel-por-falta-de-insumos-dejando-a-nicaragua-sin-diarios-impresos/>.; PEN International, Nicaragua: control of paper distribution confirms dire situation for journalism, August 27, 2019, available at: <https://www.pen-international.org/news/in6y346ks2imwzvf6tk4ov0mj5craq?rq=Nicaragua>.; CNN en Español, Tras casi 40 años, cierra el periódico El Nuevo Diario en Nicaragua, September 27, 2019, available at: <https://cnnespanol.cnn.com/2019/09/27/alerta-nicaragua-cierra-el-periodico-el-nuevo-diario/>.

⁸⁸ Foundation for Freedom of Expression and Democracy (FLED). Sistematización de las violaciones a la libertad de prensa en Nicaragua, quinquenio abril 2018-abril 2023, September 8, 2023. Available at: <https://fled.org/wp-content/uploads/2023/09/InformeFled-2.pdf>.

⁸⁹ CPJ. YouTube censors independent Nicaraguan news outlets after copyright complaints from Ortega-owned media, May 6, 2020, available at: <https://cpj.org/2020/05/youtube-censor-nicaragua-outlets-100-noticias-confidencial-ortega/>.

⁹⁰ Voice of America. Periodistas nicaragüenses enviados a juicio por “terroristas,” January 30, 2019, available at: <https://www.vozdeamerica.com/a/periodistas-nicarag%C3%BCenses--juicio-terroristas-miguel-mora-lucia-uribe/4765924.html>.

criteria and contradict the legal provisions of the General Law on Telecommunications and Postal Services (Law 200) in force in the country.⁹¹

70. During 2022, 31 media outlets were closed down, three media outlets (Canal Católico de Nicaragua, Canal 51 and CNN en Español) were taken off cable TV, and eight news and/or opinion programmes were taken off the air. Most of them did not speak out in order to avoid reprisals.
71. In August 2022, the government closed Catholic and community media outlets through its repressive bodies. In an unprecedented act, 19 media outlets were closed, most of which were Catholic and belonging to the Diocese of Matagalpa. This action is part of an ongoing campaign of religious persecution that targets the Catholic Church in Nicaragua for its criticism of government actions that violate human rights.

NICARAGUA WITHOUT CIVIL SOCIETY ORGANISATIONS

72. Currently Nicaragua lacks organisations that defend fundamental freedoms, through the National Assembly of Nicaragua, the state has promoted and approved since 2018 the cancellation of legal entities on various grounds, including the refusal to update the information of their boards of directors and financial statements.
73. Since 2018, more than 3,500 NGOs have been cancelled, according to different human rights organisations and media outlets.⁹² The first NGOs to be cancelled were represented by opponents and/or critics of Daniel Ortega's regime. The annihilation of organisations, especially those working for fundamental freedoms, affects democracy, reduces civic space, and facilitates the silencing of critical and dissident voices.
74. During the first quarter of 2022, the State intensified its targeting of non-governmental and non-profit organisations, including journalism and media organisations.
75. Organisations such as PEN Nicaragua⁹³ and the Violeta Barrios de Chamorro Foundation⁹⁴ decided to suspend operations at the beginning of 2021 in order to not be subject to the Foreign Agents Regulation Law.⁹⁵ In 2022, Daniel Ortega's government, through the National Assembly and by decree, disqualified the legal status of both entities.

⁹¹ Ley General de Telecomunicaciones y Servicios Postales, available at: <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/034102153a876c160625861c0077c276?OpenDocument>.

⁹² La Prensa. Ministerio del interior cancela 9 ONGs, la mitad religiosas, February 27, 2024, available at: <https://www.laprensani.com/2024/02/27/politica/3285013-ministerio-del-interior-cancela-9-ong-la-mitad-religiosas>.

⁹³ Swiss Info. Gioconda Belli anuncia cierre de PEN Nicaragua por ley de agentes extranjeros, February 4, 2021, available at: <https://www.swissinfo.ch/spa/gioconda-belli-anuncia-cierre-de-pen-nicaragua-por-ley-de-agentes-extranjeros/46346484>.

⁹⁴ Swiss Info. Fundación de expresidenta de Nicaragua cierra por ley de agentes extranjeros, February 5, 2021, available at: <https://www.swissinfo.ch/spa/fundaci%C3%B3n-de-expresidenta-de-nicaragua-cierra-por-ley-de-agentes-extranjeros/46349108>.

⁹⁵ Ley de regulación de agentes extranjeros, available at: <http://legislacion.asamblea.gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/3306286cd4e82c5f06258607005fdf6b>

76. On March 17, 2022, the legislature approved the cancellation of the legal status of the Asociación de Periodistas de Nicaragua Dr. Pedro Joaquín Chamorro Cardenal (APN)⁹⁶ (Nicaraguan Journalist Association, Pedro Joaquín Chamorro) under the justification of failing to comply with the required detailed breakdown of income, expenditure, balance sheet, and details of donations (origin, provenance, and final beneficiary)."
77. All these arbitrary actions have been pointed out and condemned by international organisations such as the Office of the United Nations High Commissioner for Human Rights and the Office of the Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, without the Nicaraguan state showing any openness to change.⁹⁷

VI. Recommendations

- Cease judicial, police, and institutional harassment against critical voices and those exercising their right to free expression and peaceful demonstration.
- Stop the arbitrary use of administrative, legislative, judicial, financial, and law enforcement mechanisms that prevent the exercise of freedom of expression and other fundamental rights in the country.
- Take immediate steps to release all arbitrarily detained opponents and critics, including journalists, activists, artists, and other political prisoners imprisoned for exercising their right to free expression, artistic expression, and peaceful demonstration.
- Guarantee freedom of the media by allowing journalists, media workers, and other communication professionals to carry out the full extent of their informative work, security of their assets and investments, and an enabling environment where they can work without fear of reprisals.
- Return the equipment and infrastructure confiscated from the media outlets, journalists, and other opposition members, as a sign of commitment to fundamental freedoms and democracy in the country.
- Take immediate steps to restore the nationality of journalists, writers, activists, human rights defenders, political dissidents, and other opponents who have been arbitrarily stripped of their nationality in retaliation for exercising their right to freedom of expression.
- End the campaign of religious persecution, especially against the media of the Catholic Church, and guarantee that they operate with equal opportunities as those of other churches or religious currents.
- Repeal the restrictive laws outlined in this report that are in violation of the rights to freedom of expression, freedom of association, freedom from arbitrary arrest and detention, freedom of movement, and other fundamental human rights under international law.
- Repeal the restrictive laws described in this report that operate contrary to international law concerning freedom of expression, artistic freedom, and freedom of demonstration.

⁹⁶ La Mesa Redonda. Gremio periodístico rechaza la cancelación de dos ONG dedicadas a la defensa de la libertad de expresión en Nicaragua, March 17, 2023, available at: <https://www.lamesaredonda.net/gremio-periodistico-rechaza-la-cancelacion-de-dos-ong-dedicas-a-la-defensa-de-la-libertad-de-expresion-en-nicaragua/>.

⁹⁷ <https://documents.un.org/doc/undoc/gen/g22/265/89/pdf/g2226589.pdf?token=N1Oxmbcdal7Tt73Ryw&fe=true>

- Guarantee the exercise and promotion of human rights and fundamental freedoms of those residing in the country by showing openness to dialogue, implementation of the Political Constitution, and commitment to an enabling environment for democracy, free expression, and other human rights in the country, in accordance with international human rights treaties signed by the State of Nicaragua.
- Revoke the decision to denounce the Charter of the Organization of American States (OAS) and restore membership to show commitment to the protection and promotion of human rights in accordance with regional standards and mechanisms.
- Abide by the legally binding obligations under the Inter-American Conventions, including the American Convention on Human Rights, and international human rights treaties, including the International Covenant on Civil and Political Rights, which the State of Nicaragua has ratified.

Information about signatory organizations

ARTICLE 19 Mexico and Central America is an independent, non-partisan organisation that promotes and defends the progressive advancement of the rights of freedom of expression and access to information for all people, in accordance with the highest international human rights standards, thus contributing to the strengthening of democracy. Its work is based on 5 thematic axes: protection and defence, civic space, digital rights, transparency and access to information, and media. <http://www.articulo19.org/>

Fundación por la Libertad de Expresión y Democracia (FLED) is a civil society organisation that works for the defence and promotion of freedom of expression, press and access to public information, encouraging a plurality of independent journalistic voices, supporting the production of quality information and monitoring aggressions and attacks against fundamental freedoms. www.fled.org

PEN International is the foremost and largest association of writers that stands at the intersection of literature and human rights to protect free expression around the world. Founded in London in 1921, PEN operates across five continents through 130 centers in over a hundred countries. PEN International works to promote the PEN Charter to ensure that people everywhere have the freedom to create literature, to impart information and ideas, to express their views, and to access the views, ideas, and literatures of others. We champion the freedom to write, recognizing the power of literature to transform the world. In 2021, PEN International celebrated its centenary. More than a hundred years since its founding, it is recognized as a leading international charity and expert on freedom of expression. www.pen-international.org

PEN Nicaragua in exile. PEN Nicaragua was established in September 2000 and suspended activities on February 4, 2021, due to threats to its work by the authorities in the country. PEN staff was forced into exile. PEN Nicaragua continues to work through PEN's international network and to support fellow writers, artists, and journalists at risk.

Periodistas y Comunicadores Independientes de Nicaragua (PCIN), founded on December 1, 2018, is a non-profit, non-partisan, secular and independent Nicaraguan trade organisation. It emerged as a response to state violence to defend freedom of the press and freedom of

expression. Our mission is to guarantee the safety and protection of our members in the face of high levels of risk in the practice of journalism. To this end, we document and denounce aggressions against journalists and media workers, and we promote continuous training as the vehicle that leads us to continue practising journalism with quality. PCIN is made up of one hundred Nicaraguan professionals inside and outside the country, dedicated to the independent practice of journalism and communication. More than 70 percent of our members are in exile, mainly in Costa Rica, the United States, Spain and other Central American countries. www.pcinnicaragua.org

IFEX- ALC is a regional alliance that is part of the IFEX global network, created in 2009 under the need for different organisations to join capacities and experiences with the common goal of defending freedom of expression in Latin America and the Caribbean. The network has currently 24 members in 14 countries in Latin America and the Caribbean dedicated to defending and promoting freedom of expression and press freedom. <https://ifex.org/alc/>

The Committee to Protect Journalists (CPJ) is an independent, nonprofit organization that promotes press freedom worldwide. CPJ defends the right of journalists to report the news safely and without fear of reprisal. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. The organization also provides comprehensive, life-saving support to journalists and media support staff through up-to-date safety and security information and rapid response assistance. <https://cpj.org/>

Artists at Risk Connection (ARC) is a project of PEN America that defends the right to freedom of artistic expression and is committed to enabling artists to live and work without fear. Our global network of 800 organizations, which provide critical resources to artists and cultural managers at risk, ARC plays a vital liaison role between threatened artists and the organizations that support them. ARC raises visibility and awareness about threats to freedom of artistic expression and the work of persecuted artists, while urging arts and cultural institutions to play a greater role in assisting the most vulnerable members of these communities. Since its inception, ARC has helped more than 500 artists in 63 countries receive direct support from partner organizations for grants and residencies, emergency funding, legal assistance and advocacy, among others. For more information, visit artistsatriskconnection.org.

Inter American Press Association (IAPA) is a US-based non-profit organization dedicated to defending and promoting freedom of the press and expression in the Americas. It comprises more than 1,300 publications from the western hemisphere. <https://www.sipiapa.org/>

Asociación Mundial de Radios Comunitarias para América Latina y el Caribe (AMARC) was founded in Managua, Nicaragua, in 1984. It is an institution that has a horizontal communication structure that allows any associate to express themselves freely, respecting national and regional internal structures. Its purpose is to promote the democratization of communications in order to support freedom of expression and contribute to the equitable and sustainable development of our peoples. In other words, democratizing the word to democratize society. <https://amarc-alc.org/>