



RESOLUTION ON NICARAGUA

Since the outbreak of protests, which began in April 2018, the Nicaraguan authorities have failed to defend its citizens' human rights, including their rights to freedom of expression, peaceful assembly and information.¹ What began as protests against reforms to the country's social security system has developed into calls for the removal of President Daniel Ortega from power, amid violent state repression.

As of mid-July 2018, the Nicaraguan Centre for Human Rights were reporting that at least 275 people have been killed² and thousands more injured, the vast majority of them by pro-government armed groups and police forces. Among the dead are university students, protesters, children, and TV journalist, Ángel Eduardo Gahona López, who was shot dead in Bluefields on 21 April during a Facebook Live broadcast while reporting on the protests.³

During its visit to the country in May 2018, the Inter-American Commission on Human Rights (IACHR) found systematic patterns of violent repression perpetrated by the State aimed at deterring participation in the demonstrations and suppressing political dissent, which included: the excessive and arbitrary use of force; arbitrary arrests; intimidation of leaders and the dissemination of propaganda and stigmatising campaigns. Not only have the police carried out such abuses, but they were also found to have failed to halt abuses carried out by pro-government armed gangs, and in many cases have operated in coordination with them.⁴ While the authorities may argue that their response is justified to maintain peace and public order, public demonstrations and other forms of protest are integral to the proper functioning of a democratic system and "far from being a provocation of violence, [...] deserve maximum protection."⁵

Writers, journalists and bloggers who have sought to be informed and report on the situation have faced intimidation, attacks, harassment, as well as the robbery and confiscation of their equipment.⁶ On 20 April, pro-government groups set fire to Radio Darío's headquarters with several of its team still inside.⁷ In the face of such danger, journalists and their families have sought precautionary measures (a protection order) from the IACHR.⁸

The Nicaraguan authorities' refusal to create a safe and favourable space for peaceful demonstrations and expression has exacerbated tensions and polarisation of positions between protestors, the police

¹ <https://www.hrw.org/news/2018/04/27/nicaragua-protests-leave-deadly-toll>

² <https://twitter.com/cenidh/status/1018645650710425602>

³ https://elpais.com/internacional/2018/04/22/actualidad/1524383327_522603.html

⁴ *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*, Inter-American Commission on Human Rights, 21 June 2018, available at: <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf>

⁵ *Ibid*, paragraph 54.

⁶ <https://pen-international.org/news/pen-nicaragua-demanda-respeto-para-periodistas-que-cumplen-labores-informativas>

⁷ <https://www.laprensa.com.ni/2018/04/22/departamentales/2408093-turbas-orteguistas-quemaron-radio-dario-en-leon>

⁸ <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf>

and pro-government groups, leading to actions that fall outside the scope of peaceful protest in response to the atmosphere of injustice. As a result, pro-government protestors and journalists have also been the target of violence and reprisals, to a much lesser extent.⁹ Although, some protestors may have resorted to violent means, the Nicaraguan state is still required to respect and ensure all of the other rights of the non-peaceful demonstrators, especially their right to life and personal integrity.

Since the beginning of the protests, the Nicaraguan state has opted to employ both direct and indirect forms of censorship, severely limiting the Nicaraguan people's access to information. The Nicaraguan state has moved to block the broadcast of radio and TV stations, as well as prevent unbiased reporting on current events.¹⁰ Such censorship has, in part, been enabled by the concentration of the media in the hands of the Ortega family and supporters of the government, as well as the selective use of public revenue for advertising. Furthermore, the Nicaraguan government have also allegedly made defamatory statements against protestors, human rights defenders and journalists who have supported the protests, accusing them of conducting criminal activities.¹¹

The Assembly of Delegates of PEN International urges the government of Nicaragua to:

- Protect the rights of all to freely express their opinions;
- Immediately investigate the deaths, damage to property and persecution of journalists, bloggers and writers, ensuring that there are sufficient financial, material and human resources to seek and publish the results of such investigations, and bring the perpetrators to justice;
- End the threats, killings and culture of violence and impunity around free expression and free press activists who should be free to express their distinct points of view;
- Ensure respect for the independence of the media and refrain from the use of prior censorship by any state body, as well as any prior conditioning that may entail self-censorship of the right to freedom of expression;
- Refrain from making public statements that stigmatize demonstrators, human rights defenders and journalists, and from using state media outlets to conduct public campaigns that may encourage violence against individuals because of their opinions;
- Comply with its obligations to protect freedom of expression and assembly as a signatory to the International Covenant on Civil and Political Rights.

⁹ <https://cpj.org/2018/05/civilians-attack-set-fire-to-pro-government-radio-phi>

¹⁰ At least 15 journalists working at three of the country's main television channels resigned out of protest against censorship (See, 'Los 5 periodistas y presentadores de medios oficialistas que renunciaron por solidaridad', *La Prensa*, 24 April 2018, available at: <https://www.laprensa.com.ni/2018/04/24/espectaculo/2409277-periodistas-y-presentadores-de-medios-oficialistas-que-renunciaron-por-crisis-politica-en-nicaragua>). In addition, at the beginning of the protests, the Government ordered several television channels to cease transmission, including: Canal 100% Noticias, Canal 12, Canal 23, Canal 51, and cable channel Telenorte Estelí, among others (see: <https://pen-international.org/news/pen-nicaragua-demanda-respeto-para-periodistas-que-cumplen-labores-informativas>).

¹¹ <http://www.oas.org/en/iachr/reports/pdfs/Nicaragua2018-en.pdf>