

# ECHOES OF FREEDOM: ART AS A VOICE OF RESISTANCE IN NICARAGUA



ARTISTIC  
FREEDOM  
INITIATIVE

Berkeley Law | Pro Bono  
Program



# List of acronyms

- American Convention on Human Rights (ACHR)
- Artistic Freedom Initiative (AFI)
- Centro para la Apertura y el Desarrollo de América Latina (CADAL)
- Civil Society Organizations (CSO)
- Group of Human Rights Experts on Nicaragua (GHREN)
- Inter-American Commission on Human Rights (IACHR)
- Inter-American Court of Human Rights (IACtHR)
- Inter-American Human Rights System (IAHRS)
- International Cities of Refuge Network (ICORN)
- International Covenant on Civil and Political Rights (ICCPR)
- National Social Security Institute (INSS)
- National Sovereignty Defense Army (EDSN)
- Nicaraguan Writers' Center (CNE)
- Nicaraguan Academy of Language (ANL)
- Nicaraguan Center for Human Rights (CENIDH)
- Non-governmental organizations (NGO)
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- Sandinista National Liberation Front (FSLN)
- United Nations (UN)
- Special Follow-up Mechanism for Nicaragua (MESENI)
- UN Educational, Scientific and Cultural Organization (UNESCO)
- UN Secretary General (UNSG)
- United Nations Economic and Social Council (ECOSOC)
- United Nations High Commissioner for Refugees (UNHCR)
- Universal Human Rights System (UHRS)



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## Artistic Freedom Initiative

Led by immigration and human rights attorneys, Artistic Freedom Initiative (AFI) facilitates pro bono immigration representation and resettlement assistance for international artists at risk. Dedicated to safeguarding the right to artistic freedom, AFI was founded on the notion that artists are uniquely situated to positively and powerfully effect change, provided their voices can be heard. As artists are increasingly censored, imprisoned, restricted from moving freely across borders, tortured, or even killed, it is more critical than ever that we safeguard the right to artistic freedom and zealously champion the courageous artists who exercise it.

To this end, AFI directly assists artists who have experienced persecution, censorship, or other restrictions on their freedom of expression and supports artists who have demonstrated a commitment to advancing progressive social change and fundamental human rights. We work with immigrant artists to champion art produced in exile, advance creative cultural exchange, improve conditions for artists in their home countries, and safeguard their ability to express themselves creatively through the arts. Through our advocacy program, AFI produces thematic reports related to the protection of free artistic expression and the expansion of artists' rights around the world. Building on our research, we campaign to create new opportunities for the realization of artistic expression and to strengthen existing protection mechanisms for artistic freedom.

## Centro para la Apertura y el Desarrollo de América Latina

CADAL (Centro para la Apertura y el Desarrollo de América Latina) is a private, non-profit, and non-partisan foundation, established on February 26, 2003, in Buenos Aires, Argentina. Its mission is to promote human rights and international democratic solidarity, especially in authoritarian contexts that repress freedom of association, expression, assembly, and political participation, as well as in democracies that face threats to their institutions, civil and political liberties, and the rule of law. As part of its task of promoting human rights, CADAL is a part of a series of coalitions, forums, and organizations that share the same values: the World Movement for Democracy (WMfD), the International Coalition to Stop Crimes against Humanity in North Korea (ICNK), the International Tibet Network, the Coalition for Freedom of Association, the Network of Think Tanks KAS in Latin America, is a member of TrustLaw (the global pro bono program of the Thomson Reuters Foundation), and is registered as an Organization of Civil Society before the Organization of American States (OAS).

"Exile" (2024) by Pedro X. Molina



## Featured Artworks by Pedro X. Molina

AFI and CADAL are pleased to feature the work of Nicaraguan visual artist Pedro X. Molina throughout *Echoes of Freedom: art as a voice of resistance in Nicaragua*. The five works he created for the report speak to themes of censorship, persecution, and resilience within the context of Nicaragua's political repression.

Pedro X. Molina is a cartoonist and illustrator from Nicaragua with more than twenty years of experience working for international media. Molina's political cartoons offer unique insights on the political situation in Nicaragua and international politics more broadly. Through his work, Molina has become a prominent voice in the Nicaraguan diaspora, advocating for human rights and freedom of expression worldwide. His cartoons, caricatures, editorial illustrations, and comics have been printed or published online in major publications, including *Politico*, *Los Angeles Times*, *The Washington Post*, *Courier International*, and *Confidencial*. He was the recipient of the 2021 Gabo Award for Excellence and the 2023 Václav Havel International Prize for Creative Dissent.

The cartoons displayed in *Echoes of Freedom* highlight Nicaraguan artists' courage and resilience in continuing to create despite the risks. Each cartoon displayed in *Echoes of Freedom* captures a distinct facet of the challenges faced by artists and dissidents under the Ortega-Murillo regime: *Scenario* portrays the imminent danger that artists face when they express dissent through their creative work, becoming immediate targets of the regime's wrath. *Graffiti* serves as both a tribute to and a denunciation of the persecution faced by talented individuals who dared to exercise their right to freedom of expression, resulting in the loss of professional opportunities, arbitrary detention, and/or banishment. *Exile* reflects the sorrow and injustice

of artists being forced to reluctantly leave their homeland for advocating for justice and freedom through their art. With *Censorship* Molina conveys the confrontation between the pressure exerted by the regime to control creative and journalistic expression and the defiance of reporters, artists and activists who refuse to bow to censorship. Finally, *Easel* expresses Molina's hope for a future where exiled Nicaraguan artists can reunite in a liberated homeland. Through these cartoons, Molina communicates the value and importance of all forms of artistic expression and highlights the harsh consequences faced by those who refuse to be silenced in authoritarian regimes.

Although these five cartoons speak to the general situation in Nicaragua, specific cases influenced the artist's creation process such as the forced exile of musicians like Jandir Rodriguez, Mario Ruiz, and Josue Monroy in *Scenario*, the kidnapping and arbitrary detention of street artists Torch Místico and Vink in *Graffiti*, and the resistance of Molina's journalist colleagues in *Censorship*. Additionally, several of the characters portrayed on the canvas of *Exile* are caricatures loosely based on real-life Nicaraguans in exile.

To learn more about Pedro X. Molina's work, please see his website at:

<https://www.pxmolina.com/>



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# Executive Summary

In April 2018, years of Nicaraguan citizens' mounting discontent with the administration of President Daniel Ortega's corruption and human rights abuses came to a head with the outbreak of massive, nationwide protests demanding the administration's removal.

The protests were initially sparked by the announcement of changes to the national social security system that would increase citizen contributions while cutting benefits. In response, tens of thousands of Nicaraguans banded together outside of universities, government buildings, museums, and community centers to denounce the reforms. However, when the protestors were met with aggression by Nicaraguan police and armed pro-government groups who used excessive force to disperse them, they intensified their resistance by forming *tranques*, or roadblocks, across the country and demanding an end to the Ortega-Murillo administration.

The State responded to the growing protests with strategic and violent measures. Throughout 2018 and 2019, protestors encountered brutal repression from security forces, including the use of live ammunition, tear gas, and arbitrary arrests. Unlawful tactics including harassment, extrajudicial killings, torture, and trials without due process were also employed against dissidents, leading to a significant loss of life and widespread fear among the population.

Seeking to exert greater control over public discourse, the government authorized a series of legal and policy reforms that enabled it to target dissidents. From 2020 to 2023, the National Assembly passed a series of laws related to national security, online expression, and the regulation of civil society organizations that undermined

the fundamental rights of Nicaraguan citizens, notably their rights to freedom of expression and association. Today, the government continues to utilize these measures to punish critical voices through prosecution and disproportionate sentences, including enforced denaturalization.

Among the dissident groups directly targeted by the Ortega-Murillo administration were Nicaraguan artists and cultural workers. Aware of Nicaraguan artists' historical involvement in promoting human rights and social discourse through their work and related advocacy, the administration was quick to target influential artists during the crackdowns and subsequent roll out of repressive measures. During the period of repression, many Nicaraguan artists and cultural workers were surveilled, threatened, attacked, and arrested. Many were forced to flee the country and remain in exile today.

Fearing retaliation from the government, few Nicaraguan artists and cultural workers have publicly shared their experiences of persecution by the Ortega-Murillo regime and its security forces. In the present report, several Nicaraguan artists and cultural workers have bravely come forward to share their testimonies with the world for the first time in *Echoes of Freedom: art as a voice of resistance in Nicaragua* with the aim of shedding light on the regime's systematic attacks against the group and its efforts to control the arts and cultural sphere.

Artistic Freedom Initiative (AFI) and the Centro para la Apertura y el Desarrollo de América Latina (CADAL) developed *Echoes of Freedom* to uncover the tactics that the regime used against artists and cultural workers, and to expose specific violations of their fundamental rights. Through our research and recommendations, we aim to center Nicaraguan artists' demands for reform, justice, and remedy for the abuses to which they were subjected by the

Ortega-Murillo administration and its security apparatus. It is also our sincere hope that this report highlights the resilience of Nicaraguan artists and cultural workers and their resolve to keep Nicaragua's arts and cultural community alive, including in the diaspora.

To effectuate our aims, our research team spoke with 13 Nicaraguan artists and cultural workers that were affected during the period of repression. The artists and cultural workers shared their firsthand accounts of the regime's efforts to punish them for their creative works and advocacy between 2018 to 2023, including through surveillance, threats, arbitrary arrest, the seizure of their assets, cancellation of organizations with which they were associated, prosecution under laws that restrict free expression and assembly, banishment, transnational repression, and denaturalization. Their powerful testimonies expose the regime's campaign to undermine artists, arts and cultural organizations, and the cultural sector of Nicaragua more broadly.

*Echoes of Freedom* is split into two parts: in part one of the report, we analyze the regime's use of coercive, unlawful, and punitive measures against artists and cultural workers that participated in protest or other forms of resistance. The first chapter reconstructs the outbreak of the protests and the regime's violent response to them, highlighting several firsthand accounts of artists and cultural workers that attended or supported the protests through music, murals, performances, poetry and direct assistance to protesters who were injured or assaulted. The featured interviews highlight that amidst the ongoing State-led violence, artists and cultural workers organized to create safe spaces for free expression. Using creativity and alternative organizing methods, these artist-led spaces provided a platform for Nicaraguans to come together and resist the government's crackdown on democracy and civic space.

Focusing on the period of 2018 - 2023, the second chapter of *Echoes of Freedom* outlines

eight specific laws and policies used to criminalize expression and suppress artists and cultural groups including through the tactics of surveillance, harassment, financial destabilization, and disenfranchisement. As a group of legal experts, AFI provides analysis on the incompatibilities of these measures with international human rights legal frameworks to which Nicaragua is bound. The chapter analyzes several artists' cases that are emblematic of how the regime uses these laws as punitive measures against artists' legitimate expression.

Six years after the outbreak of the protests, the political situation in Nicaragua continues to deteriorate as Ortega entrenches the state deeper into authoritarian rule. Unable to return to their homes, nearly 300,000 Nicaraguans have fled the country to seek international protection abroad. Within this context, the third chapter of the report documents the experiences of Nicaraguan artists that have been forced to flee the country, and provides insight into how the Ortega-Murillo administration uses imposed exile and denaturalization - in some cases resulting in statelessness - as tools of repression against dissidents. The featured interviews outline several artists' experiences of forced migration and resettlement abroad, highlighting their efforts to reconstitute Nicaraguan civil society and continue the struggle for justice from the diaspora.

The second part of the report centers the hopes that Nicaraguan artists and cultural workers have for the future of the country. Largely told in their own words, this part of the report details the artists' and cultural workers' visions of a Nicaraguan society where all citizens have access to meaningful rights and protections, highlighting their dreams for a thriving arts and cultural space where expression is truly free. The artists provide examples of reform and systemic change that would need to be achieved for them to return to Nicaragua and speak to the hopes they hold for transitional justice, reconciliation, and return to their homeland.

Building on our research findings and the interviewed artists' testimonies, AFI and CADAL conclude *Echoes of Freedom* with concrete recommendations for the Nicaraguan government and other relevant stakeholders, including migrant host countries. We are confident that, if implemented, the recommendations will improve conditions for Nicaraguan artists and cultural workers and fortify protections for all Nicaraguans' rights to freedom of expression and assembly.

Photo: Oscar Navarrete, 2018



# PART I

Protests in Nicaragua (2018) photo by Oscar Navarrete





# CHAPTER 1: USE OF FORCE TO STIFLE DISSENT

Following the outbreak of the protests in April 2018, the Ortega-Murillo administration initiated a period of heavy State-led repression characterized by violence against protestors and the persecution of dissidents. Among the dissident groups directly targeted by the administration were Nicaraguan artists and cultural workers, who reported being surveilled, threatened, attacked, and arrested. The present section details the phases of the state's crackdown and the persecution of individual artists, highlighting the testimonies of artists and cultural workers that were present. Emphasizing their testimonies, it also explores the role that art played as an expression of resistance and hope during this time.

## **The protests of April 2018: the beginning of a new cycle**

Since its independence, the history of Nicaragua has been marked by periods of violence and civil war. From 1937 to 1979, the Somoza family controlled the country through a bloody dictatorship. Fighters from the Sandinista National Liberation Front (FSLN) opposition group managed to overthrow the regime in 1979 after years of armed struggle. During the revolutionary period that followed, the Sandinista government – led by Daniel Ortega – brought important social and economic reforms to Nicaragua, and ushered in a time of freedom and effervescence in the cultural field. However, the construction of a new democratic system based on the separation of powers among independent branches

of government was a slow and challenge-ridden process. Though the subsequent Chamorro administration generated a series of structural reforms for a democratic opening of the country in the 1990s, there were many setbacks under the government of Arnoldo Alemán the following decade.

In 2007, the Sandinistas' return to power – once again under the leadership of Daniel Ortega – resulted in the dismantling of protections for the rule of law. Over time, Ortega's reforms slowly enabled the executive office to co-opt security forces and control the judiciary. The 2018 protests thus emerged in a context in which the democratic state and the independence of powers were already severely weakened.

There were two triggers for the protests of April 2018. The first was the lack of response by the government to a highly destructive wildfire in the Indio-Maíz biological reserve in the southeast, over which environmental groups, farming communities, and student groups mobilized to protest after more than 500 hectares were lost.<sup>1</sup> A few days later, on April 16, a reform was passed by the National Social Security Institute (INSS) without public debate or discussion which authorized an increase in workers' salary contributions to social security and, simultaneously, a reduction of their pensions.<sup>2</sup> Outraged by the reform, labor groups and senior citizens protested in urban centers across the country. The National Police and armed pro-government groups responded to the protests with disproportionate and lethal violence which resulted in the deaths of several protestors as well as numerous injuries. Consequently, the demonstrations multiplied and spread throughout the country.

Despite the revocation of the social security reform and the call for a National Dialogue mediated by the Episcopal Conference of Nicaragua, violence by the government and parastatal groups<sup>3</sup> did not stop. As a result, groups of protestors erected barricades and roadblocks that



Police officers guard a government building in Nicaragua (2018) photo by Oscar Navarrete

“Everyone suspended their activities because things were abnormal, well, the whole situation was almost like a war atmosphere, to be honest.”  
**Culture professional**

opened and closed intermittently in a large part of the country behind which “neighborhoods and entire towns retreated, organizing themselves to collect food and medicine and improvise medical centers.”<sup>3</sup>

*“Everyone suspended their activities because things were so strange. The whole situation was almost like an atmosphere of war, to be honest.”* **Culture professional**<sup>4</sup>

According to the testimonies of the cultural managers and workers that spoke with AFI and CADAL, in the first months, there was a total paralysis of activity in all aspects of daily life in Nicaragua. The roadblocks and barricades made it difficult to move through the country, and fear caused people to stay in their homes.

The period of repression also had a strong impact on the cultural and artistic field in Nicaragua. A cultural worker that spoke with AFI and CADAL shared that the escalation of violence by the government and pro-government groups forced many cultural organizations to cancel their projects and events. They also explained that during this time many arts and cultural organizations were labeled as dissident spaces by the government. As such, those involved in the organizations were surveilled by the police. “At the beginning of the marches [...] many cultural spaces were closed [...]. Police [eventually] began to perform inspections [and] obviously, those who did not belong to the Party, or who were known opponents of the government’s ideology felt the pressure...”<sup>5</sup>

Despite the police inspections and other intimidation tactics, artists and cultural workers continued to participate in demonstrations. Several of the testimonies given to AFI and CADAL recount the interviewees’ direct involvement in the protests throughout the country. Some artists participated in the protests by organizing neighborhoods, assisting the wounded, or

bringing food and drinks to those who were carrying out the roadblocks or supporting the takeover of the universities. “In addition to coordinating artistic activities, [artists also] coordinated the delivery of medicines, bandages, water, food, and alcohol. Groups of friends pooled resources to be able to go and deliver packages to the entrenched young people who were [occupying] the universities.”<sup>6</sup>

*“I can’t imagine the events of that April without the artistic contributions [...] Art was like a kind of symbol, like the pillar that supported - and still supports - the fight.”* **Juan Carlos Arce, Nicaragua Nunca Más**<sup>7</sup>

In addition to aiding protestors, artists also used their creativity to amplify the protestors demands. The cartoonist Pedro X. Molina used his photography skills to capture the vibrant art and cultural expressions that were produced during the period of repression. Speaking to AFI and CADAL about his experience photographing the protests, he noted that police violence was present since the earliest demonstrations. “[T]he first protest began on April 18, in my city, Estelí. I went to cover that first protest as a journalist [...] I was there with the groups of young people that were protesting. The first shot was fired at the end of the protest to disperse the young protesters. A paramilitary officer arrived, fired a gun into the air (...) and everyone ran.”<sup>8</sup> Over the next weeks, Molina continued to document the protests through photography, capturing photos of murals and creative protest artworks that he said began to pop up in his region. As word spread that he was documenting the artworks, others began to send him photographs of the artworks appearing in their cities. “People began to send me photos of murals they were creating in Masaya, of [the art] they were making in

Managua, of [the art they] were making in a lot of cities in Nicaragua, including in Estelí, which I was able to [confirm] with my own eyes [...].”<sup>9</sup>

Music also played a fundamental role during the protests. According to the testimonies collected, several performance stages were improvised during the protests on which both emerging musicians and established artists played concerts to inspire and express their solidarity with the protestors. In his testimony, the lyrical singer and composer Mario Giovanni Rocha, known as Maestro Rocha, shared that many Nicaraguan artists and musicians, like himself, used their creativity to contribute: “[m]ore than anything, artists contributed to the marches and sit-ins. For example, I participated in one that was held in support of the *Madres de Abril*. There, I gave my testimony of what was happening [and the] threats I was receiving. I performed one of my songs at that protest, and then I performed again at the May 30 march where I sang the national anthem. [...] There were [also] many artist-led demonstrations, marches, and sit-ins.”<sup>10</sup>

In a relatively short period of time, a new repertoire of protest songs was created, which replaced or renewed the classics of the revolution. According to Juan Carlos Arce from *Nicaragua Nunca Más*, young people in particular used music to express their dissent, their outrage, and their grief: “Within days, groups of young people from different places created music, [including] raps. One of the first raps that came out was about five days [after the first protest], when there were already 33 dead people, and they mentioned the names [of the deceased], like Darwin Manuel (Urbina). They mentioned all of the [deceased], one by one. Those songs became like hymns or symbols.”<sup>11</sup>

In the months that followed, artists transformed images of the deceased protestors and the details of their deaths into music, poetry, and symbols. The last words of Álvaro Conrado, a young man who was killed for bringing water to the protestors, became the title of a book poetry

on the 2018 protests written by Carlos Alemán Rivas. The renowned singer Luis Enrique Mejía Godoy also memorialized the names of 42 young protestors that were killed during the demonstrations in his song, *Mi patria me duele en abril* (My country hurts me in April). The lyrics of the song speak to the pain and sense of loss shared by Nicaraguans during the period of repression:

“[M]y country pains me in April  
like the pain that a mother feels  
looking in the eyes of her lifeless child  
with a wound in the soul  
my country pains me in April like a river of the  
blood of innocents  
that in the Spring of their youth  
had their lives ended by age nineteen  
How many years have been lost?  
How many lives have been destroyed?”

### Government repression of the protests

According to the 2018 reports of the Inter-American Commission on Human Rights (IACHR) and the OHCHR, the state’s violent crackdown on the demonstrations was meant to discourage citizen participation, stifle dissent, and ultimately eradicate the structural conditions that enable democracy and pluralism.<sup>12</sup> The results of a fact-finding mission performed by human rights experts in the country established a clear pattern of state action characterized by the following elements: the excessive and arbitrary use of police force, including the use of lethal weapons such as snipers; denial of access to medical care, including impeding the movement of ambulances and threatening doctors and health staff; arbitrary arrests of protestors or people suspected of supporting the protests; dissemination of stigmatization campaigns through propaganda; direct and indirect censorship of public and independent media; intimidation, harassment and threats against activists and their families; and failure to complete investigations

regarding the excessive use of force by the police and parastatal groups.<sup>13</sup> According to the Office of the United Nations High Commissioner for Human Rights, repressive practices “sought to eradicate the structural conditions that support the existence of opposition and critical voices.”<sup>14</sup>

Beginning in mid-June of 2018, the government authorized a security initiative that came to be known as “Operation Cleanup,” in which the police and pro-government armed groups acted in coordination to seize and dismantle protestor strongholds. The lack of accountability for the police and security forces enabled extreme state violence during the protests and throughout Operation Cleanup. According to the annual report of Human Rights Watch, the 2018 protests and the period of repression that followed left 324 people dead in Nicaragua, including 23 youths, and more than 2,000 injured. Protestors suffered forced disappearances, arbitrary arrests, and inhuman and degrading treatment, including waterboarding, electric shocks, and sexual violence.<sup>14</sup>

The government’s capacity to exert violence against the protestors was based on political reforms carried out in the 2000s that eroded the division of powers to the benefit of the Executive Branch.<sup>15</sup> For example, a reform passed in 2007 legally bound the General Director of the National Police to guarantee compliance with the orders of the President of the Republic and the Minister of the Interior.<sup>16</sup> The Sovereign Security Law adopted in 2015 had further blurred the lines between national security and internal security, leaving the president a wide margin to interpret which person or behaviors constituted a risk to the security of Nicaragua.<sup>17</sup>

A foreign artist that was in Nicaragua at the time told AFI and CADAL that the level of violence was akin to that of a civil war. The artist was in the city of León throughout the majority of the protests. As a foreigner, she was prohibited from participating in the protests, but she said it was nearly impossible to avoid them or the

violence that ensued during the State’s crackdown. She saw the protestors build trenches and barricades to prevent government forces from advancing. Later, she became aware that the protestors moved to various houses in an effort to hide from security forces who were searching for them: “[i]t was a war, a real war. Snipers were even going to churches [to target people]. They killed many people. I think this went on for around one month.”<sup>18</sup>

The intense government-led violence and repression transformed Nicaragua into a bleak landscape. When one of the interviewees returned to Managua in February 2019, after staying abroad for a few months as a precaution, she found that the city: “was shut down, many stores were closed. [...] [T]he atmosphere was heavy. There was silence.”<sup>19</sup>

Speaking to the state-led violence and repression, María Teresa Blandón, feminist activist and Director of the feminist association *La Corriente*, shared her testimony with AFI and CADAL: “[t]here was a policy of breaking up the protests by opening fire on the protestors, which was followed by a policy of outright censorship, and then [another policy on the] mass closure of the civic spaces.”<sup>20</sup>

The government also used a network of state organizations as surveillance and reporting agents against dissident activities. Among them were the Sandinista Leadership Committees, the Sandinista Youth, unions related to the Sandinista National Liberation Front and the Gabinetes de Familia.<sup>21</sup> According to the testimonies collected by AFI and CADAL, this network of organizations was crucial in disabling the participation of artists and cultural workers in the protests, as well as undermining cultural resistance activities. In one of the testimonies, an artist explained that a cultural group in which they were involved was discussed as if it were a dissident group at a committee meeting of the state organizations. Soon afterwards, the cultural group was denounced by the community and the space where

the group met was vandalized. To the artists involved in the cultural group, the vandalism felt like a warning to dismantle the space and put an end to the activities that took place there.<sup>22</sup>

After completing the violent seizure and removal of protestor strongholds, the government sought to criminally prosecute individuals associated with or suspected of having been involved in the protests. To effectuate this aim, the National Assembly passed Law No. 977 Against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction which significantly expanded the definition of terrorist activities, thereby enabling the State to charge those that supported the 2018 protests.<sup>23</sup> The use of this law against the protestors marked the beginning of the State's strategic effort to weaponize the law against dissidents, a trend that increased sharply in 2020 and has continued to present.

### Persecution of artists

In most of the cases reported to AFI and CADAL, artists and cultural workers who were directly involved in the protests, carried out protest activities, or were simply suspected of supporting the protests reported being targets of harassment, threats, persecution, and arbitrary detentions.

A feminist activist, actress and playwright spoke to AFI and CADAL about several attacks that she was victim of following her involvement in the 2018 protests.<sup>24</sup> "My colleague and I were once followed by people on motorcycles [...] My colleague told me: go hide in this restaurant; so I went in and we waited there. Then some paramilitary officers came in, and they didn't leave, so my colleague confronted them. [She asked] if they had anything to ask us. They said no [...] so we left the restaurant, [] but they kept following us. We walked around the city [...] until they got tired and left us alone. Later, there were paramilitary officers outside of our

organization's headquarters watching us." Soon afterwards, she was harassed at her own home: "I found out that the paramilitaries had been looking for me personally. They had been going around my house [and] asking my neighbors who I was, if I was an upright person, and if I was 'a good neighbor.'"<sup>25</sup> After learning from her neighbors that the authorities were asking these questions about her, she decided to leave the country for her safety.

The cartoonist Pedro X. Molina was also a victim of persecution: he received death threats at his workplace and his home. "At some point [vandals] began to tag peoples' houses with the word 'lead' (colloquial meaning for 'bullet') [in spray paint]. The next day, the police or the paramilitaries would arrive, go to the tagged houses, and take [the inhabitants] away... One night, the neighbor's dogs started barking so I looked out the window to the street to see what was going on and I saw a hooded guy [...] kneeling at the wall of my house. So, I turned on the porch lights and he ran away. But the next day, on the wall of the house across from mine I saw that he had written the word 'lead', which was not there when I went out the previous night. So I thought to myself, 'my poor neighbor had his house marked by mistake!'"<sup>26</sup>

Another of the artists interviewed by AFI and CADAL reported that he was a victim of digital harassment. After the protests, he began to receive threats on his social media profiles. "Many bots and unknown profiles request to add me, and they wrote slanderous and offensive comments on my artist pages."<sup>27</sup> Maestro Mario Rocha also reported having been a victim of harassment on social media and through telephone calls after he participated in the protests and cut professional ties with some cultural projects that had been linked to the ruling party. "The surpris-

ing thing is that after [ending my involvement in the cultural projects], approximately ten days later, I began to receive death threats through fake profiles on Facebook. [I also received] direct written threats, which told me, for example, 'say goodbye to your family... We give you 24 hours to leave.'"<sup>28</sup>

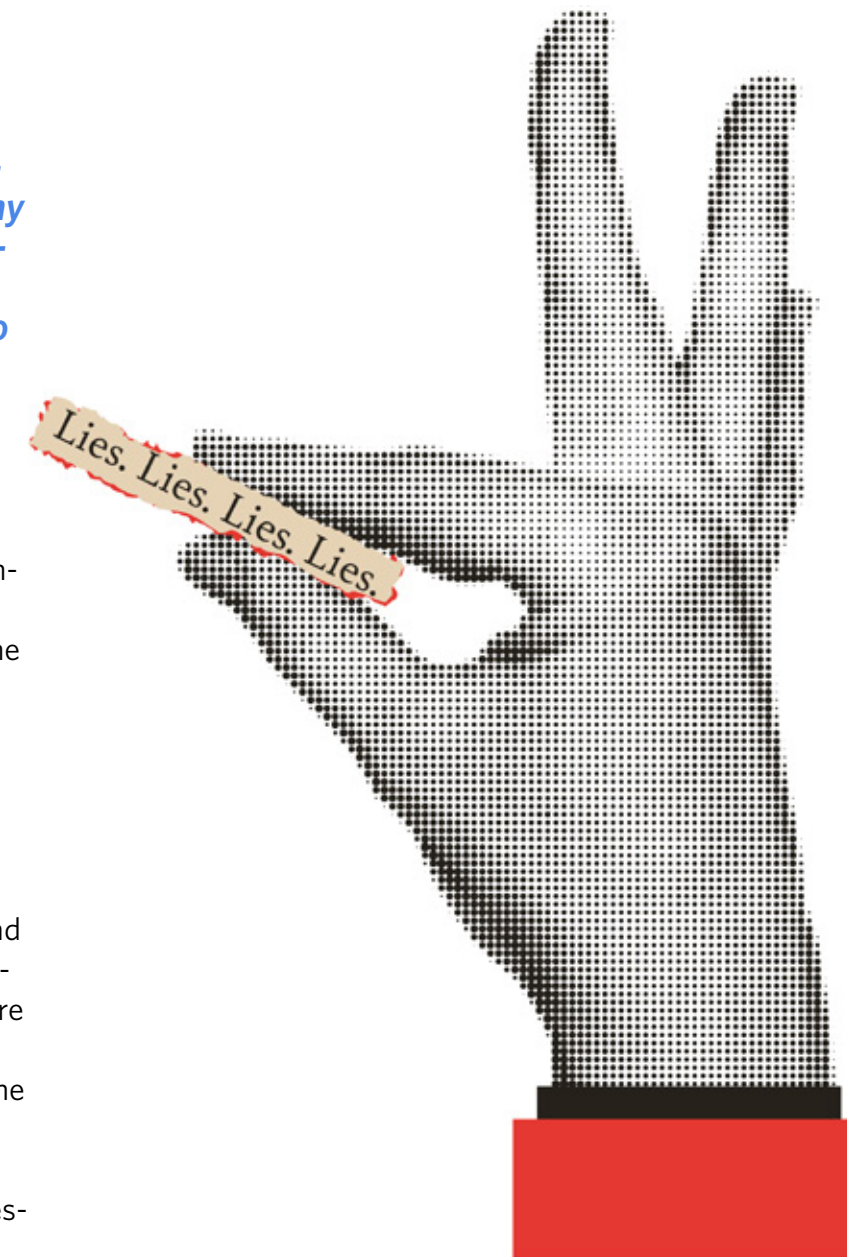
### Art as resistance

*"The protest period of 2018 was an explosion of creativity in all aspects. Many of the pieces [that came out of the protest] had to do with humor, of course. [But many of the pieces] also had to do with [preserving] things from our own native culture." Pedro X. Molina, cartoonist<sup>29</sup>*

Faced with violence from the State and parastatal forces, artists and cultural professionals began to use art as an alternative form of resistance through art forms such as clandestine recitals, performances, poetry readings, and paintings.

In particular, the use of muralism – which was popularized during the revolutionary period<sup>30</sup> – as an expression of cultural protest was reinvigorated. Protesters created murals on cultural centers, university walls, and streets and sidewalks throughout the country. Pedro X. Molina remembers: "the people in my city who were protesting against the regime and who were making new murals were careful not to touch the murals from the [Sandinista] revolutionary era. They did not paint over them. They respected them even though they were against [those messages] because it now represented something different."<sup>31</sup> Conversely, according to Molina, the dictatorship quickly erased or covered up anything that was created during the protests.

Molina also noted that some of the creative forms of protest also incorporated elements of the native Nicaraguan culture: "I remember



\*MOLINA 2024

a photo that someone sent to me: they made a *Cadejo* with paper and cardboard. The *Cadejo* is a local Nicaraguan legend of a black dog that accompanies people and protects them; so they made a *Cadejo* at one of the roadblocks and kept it there.”<sup>32</sup>

The forced closure of arts and cultural organizations and spaces as a result of the ongoing violence created a deep void in the culture, which artists responded to by organizing clandestine activities and spaces. The artists that spoke with AFI and CADAL described the situation as “a pressure cooker, in which there was a strong desire to speak, express, sing, rap, and compose truth, whether through poetry or songs.”<sup>33</sup> In some cases, they organized meeting points where artists with different political positions could talk, discuss, and listen to each other. In other cases, they organized artistic projects – including theater, music, and literature – which were managed remotely and later held in secret locations. Some organizations openly continued their activities using digital platforms. Andrea Del Carmen, Director of Programs for PEN Nicaragua, said that the group continued their activities through Zoom and broadcasted them on their Facebook page. They continued working in this manner until 2022, when Del Carmen and other leaders of the organization were forced into exile.<sup>34</sup>

The artists that spoke with AFI and CADAL emphasized that they had to take particular measures to keep their activities secret, as they would have faced serious risks to their safety if they were caught. They avoided using social media to organize, and did not share photos or memories of the events in order to avoid endangering themselves, other participants, or their families and friends.<sup>35</sup> As the repression progressed, additional security measures were put in place by those organizing cultural spaces. One of the activists and artists interviewed says that they managed to hold one final cabaret theater workshop “to feed [the flame of] hope a little”

but that it was organized with great difficulty.<sup>36</sup> To guarantee the security of all participants, instead of using the usual social media channels, they opted to use only word of mouth invitations. Though the performance was painstakingly planned and discreetly carried out behind closed doors for only a small audience, the artist shared that the production was a powerful and positive experience for everyone involved and gave them needed hope during a particularly dark time.

The testimonies shared with AFI and CADAL highlight the artists and cultural workers’ fierce dedication to the cause of artistic freedom. Their willingness to organize clandestine arts activities for the benefit of the community despite the ongoing threats of harm they face emphasize the vital role that art played as a method to express dissent and resistance against tyranny.

“Easel” (2024) by Pedro X. Molina





## TRAITORS TO THE HOMELAND

## CHAPTER 2: USE OF THE LAW AGAINST ARTISTS AND CULTURAL GROUPS

As dissent continued to spread despite the State's ongoing efforts to repress protestors through police violence, the Ortega-Murillo administration took new measures to stifle it; beginning in 2020, the government passed and enforced a series of heavy-handed laws that have had a direct impact on the fundamental rights of citizens, including the rights to freedom of expression and association and the right to nationality.

The systematic criminalization of critical expression and the further suppression of artists and cultural workers through government surveillance, harassment, financial destabilization, and disenfranchisement has blighted the creative environment in Nicaragua. Moreover, the government's repressive actions go directly against the rights to freedom of expression, association, and the right to a nationality under the American Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR), to which Nicaragua is a party.<sup>37</sup> This section details how the Nicaraguan government has wielded laws under the pretext of protecting public order and national security to silence dissident artists and cultural movements, thereby discouraging future critical speech or expression against the administration.

### Laws restricting freedom of expression

*"We have counted around [...] 17 repressive laws and reforms in total, but perhaps one of the most important has been Law No. 1055, which is known as the Law of Traitors to the Homeland [...]. It is a law with a single article which gives the power to the judiciary to declare you a traitor to the country, which is what they have been doing since 2021." Juan Carlos Arce, Nicaragua Nunca Más<sup>38</sup>*

Since 2020, the National Assembly of Nicaragua has passed several laws that have directly interfered with the right to free expression under Article 13 of the American Convention. The Inter-American Court of Human Rights (IACtHR) has employed a three-part test to ascertain the lawfulness of a restriction on the right to free expression, finding that the state interference in question must be (1) defined precisely and clearly by law; (2) made in pursuit of one of the legitimate aims enumerated in Article 13(2) of the American Convention; and (3) proportionate to the legitimate aim pursued and necessary in a democratic society.<sup>39</sup> Legitimate aims for restricting freedom of expression are limited to the protection of the rights or reputations of others, national security, public order, and public health or morals. As the section will demonstrate, the recent laws passed by the government of Nicaragua are poorly drawn, not made pursuant to a legitimate aim, and wholly disproportionate to the purported aim of the law.

In December 2020, the National Assembly passed **Law No. 1055 (Law for the Defense of the Rights of the People to Independence, Sovereignty and Self-determination for Peace)**. The article authorizes the government to designate individuals as “coup-plotters” or “traitors to the homeland” for committing acts that are “[harmful to] the supreme interests of the nation” and carries potential criminal sanctions.<sup>40</sup>

It is particularly concerning that Law No. 1055 fails to provide a precise definition for “harm” and “the interests of the nation”, leaving unfettered discretion to the State law enforcement authorities to interpret these terms and prosecute individuals the administration considers traitorous. Indeed, several of the acts listed in Law No. 1055 constitute legitimate democratic activity, such as receiving foreign funding or assisting in efforts to garner international support to hold the Nicaraguan government to account politically. In the context of the cultural sector, individuals or groups who receive foreign fund-

ing to create or exhibit art expressing political discontent in the country could conceivably be prosecuted under this law. As such, it is possible that the law could be wielded to violate the rights of expression and association for artists and cultural workers.

The overbreadth of Law No. 1055 violates the requirement under Article 13 of the American Convention that any restriction of free expression must be defined precisely and clearly by law. Further, while the Nicaraguan government certainly would claim that the aim of Law No. 1055 is to protect national security, the text of the statute demonstrates that the law is patently designed to suppress political dissent, clearly not one of the enumerated legitimate aims under Article 13.

In February 2023 the National Assembly passed **Law No. 1145 (Special Law on the Loss of Nicaraguan Citizenship)**,<sup>41</sup> which stipulates that anyone convicted and found to be “traitors to the homeland” pursuant to Law No. 1055 may lose their Nicaraguan citizenship. Days after passing the reform, the government deported and denaturalized more than 300 Nicaraguan political prisoners and dissidents.<sup>42</sup> The text of the law is overbroad, as the phrase “traitors to the homeland” can be interpreted by the government to encompass legitimate political dissent; in practice, it has been arbitrarily applied against Nicaraguans that the government perceives to be opponents of the regime.<sup>43</sup>

Enforced denaturalization has resulted in the exclusion of some of Nicaragua’s most critical voices and dedicated change-makers from civil society. On February 15, 2023, the Managua District Court of Appeals found the internationally acclaimed poet Gioconda Belli and writer Sergio Ramírez, whose works explore themes related to human rights and opposition to tyranny, guilty of treason under Law No. 1055.<sup>44</sup> Both were stripped of their citizenship and remain in exile outside of Nicaragua today.

The National Assembly has also taken concrete action to undermine freedom of ex-

pression online, passing **Law No. 1042 (Special Cybercrimes Law)** in 2020. While the law was purportedly directed towards preventing cybercrime, the text of the law punishes “anyone who, using information or communication technologies, publishes or disseminates false and/or misleading information that produces alarm, fear, or anxiety in the public,” which includes both groups, families and individual persons. Those found guilty under the law face “two to four years in prison and a three hundred to five hundred dollar fee.”<sup>45</sup> Further, the law prescribes a punishment of one to three years in prison for cases in which the publication or the dissemination of said information prejudices “the honor, prestige or reputation” of a person or their family.

A group of UN experts and Special Rapporteurs expressed their concern that the Law No. 1042 was incompatible with the right to freedom of expression as codified under Article 19 of the ICCPR in a 2023 Joint Statement.<sup>46</sup> Their analysis highlighted that the law relies on vague and subjective terms, like “false information,” potentially enabling the government to take action against a wide variety of legitimate expressions, including opinions or interpretations.<sup>47</sup> In effect, the law would inhibit the free exchange of new ideas and social and political discourse online for fear of legal consequences.

Juan Carlos Arce of *Nicaragua Nunca Más* provided AFI and CADAL with analysis on the risks inherent in this broad law and its potential application to social media or online news.

*“The cybercrime law is a vague and quite diffuse law from a legal point of view. It has articles that are really worrying, such as the [articles on the] spread of fake news and those that generate uncertainty, fear in a person, family, or community. For example, the government can say that [information that criticizes the regime] generates*

*anxiety, [...] and that is how they have applied it [in practice].”<sup>48</sup>*

The law poses a particular threat to artists and cultural workers who distribute their works and profiles online. Given the lack of precise definitions for the terms “alarm”, “fear”, and “anxiety”, cartoonists and satirists, for example, whose creative works are often provocative by nature could be perceived as producing “alarm” in a viewer. The requirement that only one individual, group, or family find the work “alarming” is exceptionally low. As satire is an artform that seeks to provoke response or action, it is likely that at least one viewer would be alarmed by the content of a work, leaving the artist vulnerable to arrest or prosecution based on the subjective feelings of a viewer or consumer of that work of art.

Another law passed by the National Assembly in February 2021 inhibits freedom of expression by aiming to stop protestors’ ability to reference or appropriate symbols of the revolution in their calls for change, a widespread trend in the protests of 2018. **Law No. 1066 (The EDSN Heritage Act)** declared the flag, seal, written, graphic, and audiovisual documents, as well as the anthem and songs of the revolutionary National Sovereignty Defense Army (EDSN), as material and intangible cultural heritage of the Nicaraguan nation. During the protests of 2018 and before the 2021 presidential elections, protestors used the Nicaraguan national flag, as well as songs, and iconography from the revolutionary period to contrast the Ortega-Murillo administration’s actions with the original aims of the revolution and to call for a regime change.<sup>49</sup> For example, demonstrators donned blue and white Nicaraguan flags and sang Luis Enrique’s 2018 song in unison, “Let blue and white be our colors, and let the blood of our brothers never run again.”<sup>50</sup> The verse contrasts the flag, a symbol of Nicaraguan democracy, with the human rights atrocities committed by the regime. In response,

police officials confiscated the flags and targeted those who carried them or who participated in protest songs for harassment and arrest.<sup>51</sup>

The language of the new law calls on government officials to participate in the “rescue” of “originals or reproductions of national symbols.”<sup>52</sup> It also calls on officials to “educate the next generation in the wisdom, values, and meaning of these symbols as part of Nicaragua’s cultural heritage.”<sup>53</sup> This wording authorizes police interventions, including the confiscation of symbols from protestors. At present, it is unclear what punishments, if any, may be associated with perceived offenses against the EDSN symbols; however, given the long tradition of Nicaraguan artists and musicians taking inspiration from the revolutionary period, it is likely that artists who use these symbols to criticize or protest against the administration could face repercussions under this law.

The National Assembly’s suppression of free expression extended to the film industry with the passage of **Law No. 1132 (on the National Cinematheque)** in October 2022.<sup>54</sup> The law establishes that any natural or legal person who intends to develop cinematographic or audiovisual activities in Nicaragua must register in the National Cinematheque, a state entity in charge of supervising the preservation and promotion of Nicaraguan films.

While registration and permit requirements are not unusual in the film or audiovisual industry, the level of oversight and authority that Law No. 1132 gives to the National Cinematheque is problematic. The law explicitly authorizes the National Cinematheque to take measures to stop the production or dissemination of films that have not registered with the entity or received an official permit, but the decision criteria by which projects are granted or denied permits is not publicly available.<sup>55</sup> Further, in contemporary Nicaragua, where surveillance and punishment for criticism of the government is at a heightened state, it is highly unlikely that the state entity

will authorize any creative projects that could be perceived as critical of the Ortega-Murillo administration. Human rights advocates are concerned that in practice, the newly mandated oversight and requirement of registration in the National Cinematheque will likely result in the disappearance of independent filmmaking in Nicaragua and the stifling of documentary filmmaking that seeks to expose systematic problems or crises affecting Nicaraguans today. The group of legal and advocacy experts, *Nicaragua Nunca Más*, expressed their concerns with the new law:

*“The Cinematheque Law has the objective of controlling audiovisual production in Nicaragua in such a way that [you cannot], for example, make a documentary about the victims of 2018. That would not be possible. They’re not going to allow you to do that.” Juan Carlos Arce, Nicaragua Nunca Más<sup>56</sup>*

#### **Laws targeting civil society and freedom of association**

*“Along with the censorship of press freedom, a new law was approved that served as a framework to close and confiscate civil society organizations in such a way that, to date, more than 3,500 organizations have been closed [...] The regime was interested in those that were active in the defense of rights, including 160 women’s rights organizations including ‘La Corriente’, whose status was canceled on April 1, 2022; [] their assets were confiscated on July 8 of the same year. The only organizations that remained standing are those that had some links with the regime or that did not take a position against the repression.” María Teresa Blandón, La Corriente<sup>57</sup>*

A key strategy of the Ortega administration to repress and control dissident voices from the first moments of the 2018 demonstrations has been to undermine civil society organizations (CSOs). In 2022, the government intensified their assault on CSOs by using a series of laws aimed at dismantling the civil society altogether. The series of laws authorized the government to cancel the legal identity of groups, seize their funding, and criminalize their activities. By the end of 2022, more than 3,700 organizations were canceled or shuttered under these laws.<sup>58</sup> Among the organizations are universities, medical associations, women’s rights groups, humanitarian aid groups, and arts and cultural groups.<sup>59</sup> The loss of these organizations is a violation of Nicaraguan’s rights to freedom of peaceful assembly and association, and it also represents the loss of opportunities for Nicaraguans to mobilize in support of causes related to human rights and democracy.

The right to freedom of association is protected both under Article 16 of the American Convention and Article 22 of the ICCPR. Restrictions on this right must be (1) prescribed by law; (2) made pursuant to a legitimate aim, namely in interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others; and (3) proportionate to the legitimate aim pursued and necessary in a democratic society.<sup>60</sup>

Despite being a party to the American Convention and ICCPR, the government of Nicaragua has passed extensive legislation curbing the right to freedom of association, beginning on July 16, 2018, when the national assembly passed **Law No. 977 Against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction**.<sup>61</sup> This law imposes several obligations and restrictions on civil society organizations, including stringent activity documentation and financial reporting procedures that Nicaraguan CSOs

may have difficulty complying with.<sup>62</sup> Organizations that fail to adhere to the requirements of the law or are suspected of engaging in “terrorism” are subject to investigation, and pending the results of the investigation, their status may be canceled and their assets confiscated by the government.<sup>63</sup> The potential legal penalties for offenders include a prison sentence of 15 to 20 years, and convicted offenders are banned from running for public office or voting in elections.<sup>64</sup>

Law No. 977 is incompatible with international human rights norms because its definition of terrorism is too broad and includes several acts that are non-violent and clearly not related to terrorism. In particular, the law states that a terrorist may include, “anyone who damages public or private buildings, wishes to alter the constitutional order, or wishes to force the government to take a certain action or refrain from taking certain action.”<sup>65</sup> This definition is concerning because its inclusion of “damage to public or private buildings” is not an offense that rises to the level of terrorism under any international legal instruments.<sup>66</sup> Further, the text implies that even peaceful groups that organize to put pressure on the government or call for change may be considered terrorists under the law.

In January 2021, several Special Procedures Mandate Holders issued a statement to the United Nations Office of the High Commissioner for Human Rights (OHCHR) to share their concern that the overbroad definitions in the text of the law could result in the suppression of Nicaraguans’ rights to freedom of association.<sup>67</sup> Indeed, while the supposed aim of the law is to prevent money laundering and the financing of terrorist activities, the list of organizations and activities to which the law has been applied demonstrates that its application has been arbitrary. For example, among the organizations canceled under Law No. 977 was the *Centro Nicaragüense de Derechos Humanos* (CENIDH). Since the organization’s founding in 1990, the CENIDH has



reported on human rights violations and advocated for change in Nicaragua. They played a key role during the 2018 protests by documenting the number of protesters that were killed by the police.<sup>68</sup> In 2022, the organization's assets were seized by the government for allegedly failing to comply with the requirements of Law No. 977.<sup>69</sup> The founder of the organization, Vilma Núñez de Escorcio, was arrested and convicted the following year as a "traitor to the homeland", and was consequently stripped of her citizenship.<sup>70</sup>

The National Assembly subsequently passed **Law No. 1040 on the Regulation of Foreign Agents** on October 15, 2020.<sup>71</sup> The law requires individuals and organizations that disseminate information or provide public services using foreign grants or other funding to register as "foreign agents" with the Nicaraguan government. Once registered, foreign agents are required to present detailed reports of their activities, finances, and beneficiaries on a monthly basis at the risk of losing their legal registration and ability to continue their operations in Nicaragua.<sup>72</sup> Importantly, under Law No. 1040, registered foreign agents are barred from running for elected office or otherwise participating in any political activities in Nicaragua.<sup>73</sup>

The law imposes onerous reporting requirements with which CSOs may be hard-pressed to comply. Once registration is established with the Interior Ministry, CSOs must file monthly reports detailing the organizations' activities, funding allocation, membership lists, details of beneficiaries, and a list of services rendered to the beneficiaries.<sup>74</sup> The law also authorizes government supervisors to request "additional documentation" when "deemed necessary."<sup>75</sup> CSOs have complained that the requirements are not only excessive, but that the agents of the Interior Ministry have arbitrarily refused to issue certificates of registration, leaving CSOs unable to operate.<sup>76</sup>

While the Ortega administration claims that the aim of Law No. 1040 is to limit for-

ign influence, the text of the law is concerning because it singles out independent media and pro-democracy groups and places excessive restrictions on their activities. It stipulates that registered foreign agents must abstain, under penalty of sanctions, from intervening in "issues, activities or themes of internal and external politics, and that they will not be able to finance movements, political parties, coalitions or political alliances or associations that develop political activities in Nicaragua."<sup>77</sup> Importantly, the law does not define "questions, activities, or themes", giving the court a wide margin of discretion to determine what activities or expressions may be criminalized.<sup>78</sup>

Some of the requirements imposed by the law disincentivize Nicaraguans from seeking out their information or services. For example, it requires foreign agents to record and submit personal details and a list of services received for all their beneficiaries. One of the cultural workers that spoke with AFI and CADAL expressed that, in the current political climate, many Nicaraguans do not feel safe seeking out CSO's services or otherwise associating with them for fear of being put on a government watchlist.<sup>79</sup> In effect, the title of "foreign agent" is a stigma that restricts CSOs effectiveness.

*"In an effort to dismantle civil society, the Ortega-Murillo regime ordered the National Assembly to approve the Law on the Regulation of Foreign Agents (October 2020), and a few months later, the Law on the Regulation and Control of Non-Profit Organizations (March 2022). It was impossible to comply with the absurd requirements established in both laws, which eliminated the non-governmental nature of the organizations, placing them under the control of the Ministry of Government, now called the Ministry of the Interior. Even the few organizations that*

*initially attempted to comply, submitted the required documentation over and over again, but were rejected until they were finally notified of its cancellation. It was all a big, big trap." Maria Teresa Blandón, La Corriente<sup>80</sup>*

For journalists and other media, the law essentially bans reporting on politics, protest, or humanitarian crises in Nicaragua, and in doing so, blocks Nicaraguans' access to key information from independent sources. It also prevents CSOs organized around social issues, such as women's rights groups or environmental advocates, from mobilizing to provide resources to Nicaraguans or press for change related to their causes.

Several arts and cultural organizations have been forcibly disbanded under the Foreign Agents Law (No. 1040) Among the affected organizations was the Association for the Development of Solentiname, the Luisa Mercado Foundation, the Nicaraguan Association of Cinematography, the *Asociación Alforja de Talentos por la Cultura de San Marcos*, and PEN Nicaragua.<sup>81</sup> The Director of PEN Nicaragua, Andrea Del Carmen, shared that the application of the Foreign Agents Law (No. 1040) against PEN Nicaragua in February 2022 under accusations of money laundering had no legitimate basis; rather it represented an attack against the heads of the organization, its staff members, and its associated members for their criticism of the administration and their participation in protests. She indicated that this misuse of the law to attack dissidents is a widespread trend in Nicaragua today affecting many CSOs:

*"It's not that [the administration] really believes there is [money] laundering. If you look, the things that almost all the organizations have been accused of are things that they also say when they accuse someone [of false charges] for*

*[political reasons]. They [accuse them of] 'drug trafficking', they say 'he has weapons', they say 'laundering', they say they are [spies from the United States Central Intelligence Agency]<sup>82</sup>, or a number of other [false claims]. They use the same tactics against everyone [...] The foundation received some funding for its projects from the United States, so they accused it of being a money-laundering front for the CIA." Andrea Del Carmen, PEN Nicaragua<sup>83</sup>*

The government's suppression of the right to association escalated further on March 31, 2022, when the National Assembly passed **Law No. 1115 General Law on Regulation and Control of Non-Profit Organizations of the Republic of Nicaragua.**<sup>84</sup> The regulation and its subsequent implementation imposes a rigorous state-controlled monitoring system on CSOs, authorizing government authorities to cancel the legal status of the entity if they do not comply with the dictates of the law. Article 4, 8, and 10 of Law No. 1115 explicitly prohibit CSOs from participating in political affairs: "[CSOs] cannot carry out any direct or indirect activities that imply political proselytism; the non-profit organizations cannot intervene in matters of party politics, nor violate the objectives with which they were created and registered in the country."<sup>85</sup> CSOs are also restricted from "using their structure to promote destabilization campaigns in the country by supporting, facilitating or inciting anything that affects citizen security and the legitimate exercise of human rights within Nicaraguan families."<sup>86</sup>

While many countries regulate CSOs' activities, Law No. 1115 includes provisions that enable the government to force the cancellation of organizations that are critical of the Ortega-Murillo administration. The dismantling of civil society in Nicaragua under Law No. 1040 and Law No. 1115 has been extensive, and recent figures indicate that more than 3370 CSOs have

been canceled since they passed.<sup>87</sup> The negative impact of the law has been widely denounced by international legal bodies: the IACHR has called on Nicaragua to repeal the law, stating that its requirements are overly restrictive and repress Nicaraguans' rights to freedom of association, expression, and peaceful protest.<sup>88</sup> It cited the cancellation of thousands of human rights and pro-democracy CSOs as evidence of its discriminatory application against critics of the regime.<sup>89</sup>

The arbitrary process of cancellation, closure and confiscation of the assets of civil society organizations starting in 2018 resulted in the total closure of the civic space in Nicaragua. From 2018 to 2022, the Ortega-Murillo regime closed 81 cultural initiatives, effectively forcing out the few remaining independent organizations in Nicaragua's arts and cultural sector.<sup>90</sup> Many artists and cultural workers involved in the organizations have left the country for their safety.

#### Denaturalization and statelessness

*"The denial of your legal personality is a violation of all your rights. If I strip you of your nationality, I am leaving you in such a situation of legal and social vulnerability that I am violating all the rights that are in the [Universal Declaration of Human Rights]."* Juan Carlos Arce, *Nicaragua Nunca Más*<sup>91</sup>

In February 2023, the Ortega-Murillo government stripped the nationality of 94 Nicaraguan citizens who were in exile, including Gioconda Belli and Sergio Ramírez, under Law 1055.<sup>92</sup> In September 2024, the administration used the same law to denaturalize and expel another 135 political prisoners, including the visual artists Kevin Laguna Guevara (aka Vink) and Oscar Danilo Parrilla Blandón (aka Torch Místico), who were left stateless after losing their Nicaraguan citizenship.<sup>93</sup>

The Ortega-Murillo administration's use of enforced denaturalization against dissidents is a violation of the victims' fundamental rights to nationality. Nicaragua recognizes the right to a nationality under Article 20 of its Constitution. It is also bound to protect the right to a nationality under several international legal instruments to which it is a signatory, including Article 20 of the American Convention on Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. The IACHR has held that nationality is a non-derogable fundamental right.<sup>94</sup>

While the cancellation of an individual's nationality may be legally valid under certain circumstances, the States that are a party to the Inter-American Convention are prohibited from arbitrarily depriving citizens of their nationality.<sup>95</sup> The Inter-American Court of Human Rights clarified that denaturalization can be considered arbitrary when it is done on discriminatory grounds, such as political or other opinions, religion, sex, national or social origin, or economic position.<sup>96</sup> Many of those denaturalized in February 2023 were targeted because of their political opinions or associations, possibly making their denaturalization illegitimate under Article 20 of the American Convention.

The government also took additional measures to erase evidence of the identity and legal personality of denaturalized Nicaraguans, including deleting their birth certificates and ordering the Nicaraguan Institute of Social Security (NISS) to erase the information of denaturalized individuals from their system, thereby enabling the NISS to appropriate their pensions.<sup>97</sup> This was especially harmful for those rendered stateless who were living or sought to move abroad. The loss of birth certificates, social security records, and other personal information makes it extremely difficult for an individual to establish their identity, which is a requisite to apply for immigration relief or nationality in another country.



For stateless individuals, the establishment of an identity through the United Nations High Commissioner for Refugees (UNHCR) is a process that could take years to complete, delaying their ability to legally work, receive an education, get married, or access other resources.<sup>98</sup> Further, without a state to ensure the protection of their rights, stateless individuals are vulnerable to other rights violations, such as being placed in prolonged immigration detention or being returned to a country where they are at risk of being harmed.<sup>99</sup>

The above legislation undermines the Nicaraguan arts and cultural space by producing an acute chilling effect on freedom of expression. The overbroad, vague, and subjective nature of the laws make it extremely difficult for artists to ascertain what themes they can explore in their work or share with their audiences without fear of legal consequences that could result in prison sentences or the loss of their citizenship. The inevitable outcome of these restrictive laws and the severe punishments attached to them is that many Nicaraguan artists will self-censor to avoid arrest and prosecution for their work or leave the country to continue their work safely from abroad.

## CHAPTER 3: USE OF REPRESSIVE AND PUNITIVE MEASURES AGAINST ARTISTS

### First exiles: artists at risk flee the country

*“Operation Cleanup,’ ironically, was [an effort by the State to] ‘clean up’ the protest art made by the people, and to censor and persecute artists. Today, all the people who make art [...] are practically outside [of the country]. All of them. Old generations, new generations, everyone! Because the [regime] knows the importance of culture.”*  
**Pedro X. Molina, cartoonist<sup>100</sup>**

*“[My participation in the protests] was impossible to keep hidden. They threatened to kill me and that’s why I’m here now. They took everything from me, everything I ever had... Those sons of bitches took everything from me.”*  
**Musician<sup>101</sup>**

Since the beginning of the period of State-led repression in response to the protests of April 2018, thousands of Nicaraguans have fled the country for their safety. In exile, they have faced several obstacles, including accessing resources, reestablishing their careers, and finding a community. Several of the artists and cultural workers interviewed by AFI and CADAL also expressed a fear of transnational repression from the Ortega-Murillo administration, carrying the anxiety of political repression into the resettlement process.

This section details three distinct waves of forced migration among Nicaraguan artists and cultural workers who were persecuted during the period of repression, including the flight of artists at risk in 2018-19, the arrests and forced expulsion of several artists as a result of the State’s crackdown on expression in 2022, and the enforced denaturalization and statelessness of artists beginning in 2023. The section also speaks to the artists’ and cultural workers’ experiences of forced migration and resettlement, highlighting both the challenges and opportunities that they have faced as they rebuild their lives in exile.

Soon after the protests of 2018 began, artists and cultural workers that supported them were targeted with harassment and threats of violence by the police, paramilitary officers, and pro-government armed groups. Fearing that the threats would be carried out, many decided to flee the country to seek safety abroad. Below, several of the artists and cultural workers that spoke with AFI and CADAL recount the events that drove them to leave Nicaragua.

In August 2018, the singer-songwriters Carlos and Luis Enrique Mejía Godoy left Nicaragua for Costa Rica after being warned that they would likely be targeted by the Ortega-Murillo administration for voicing their support of the protests. The Mejía Godoy brothers are renowned in the music industry for their extensive body of work, and they are beloved in Nicaragua for the iconic songs they wrote in support of the 1979 revolution, including Carlos’s famous anthem *Misa Campesina Nicaragüense*. Moved by the demonstrations of 2018, the brothers composed several songs in support of the pro-



Nicaraguans join a candlelight vigil for those killed during the 2018 protests (2018) photo by Oscar Navarrete

testors, including the aforementioned ballad by Luis Enrique, *Mi Patria Me Duele en Abril*. As the brothers' songs started to become popularized, friends of theirs with connections to the FSLN warned them that they might be in danger as the Ortega-Murillo administration intensified its efforts to target dissidents. Both brothers shared that they were resistant to leaving the country, but ultimately decided to flee for their safety and that of their family. Luis Enrique spoke of his decision in a 2021 interview with France 24, "[In Nicaragua] I have my house, my things, my children, and my grandchildren. I never wanted to leave, but I had to do it to protect my life and to be able to express myself [...] I could have stayed, but I would have had to be silent, or I would have been imprisoned, or even dead, one does not know how far [the Ortega-Murillo administration] will go."<sup>102</sup> Both Carlos and Luis Enrique remain in exile in Costa Rica today.

AFI and CADAL interviewed an artist that decided to leave the country after receiving a direct death threat from a police officer. The artist shared that from the early months of the 2018 protests, he joined an informal aid network that collected donations to assist injured protestors after the government forbade hospitals to attend to them. Soon thereafter, the artist was approached by a police officer who identified him as a member of the informal aid network and threatened to kill him if he continued his work. Fearing that the officer would act on his threat, the artist fled the country that night.<sup>103</sup> While there are no travel restrictions between Nicaragua and Costa Rica, this artist - like several of the other artists interviewed by AFI and CADAL - said that he crossed the border informally, through a blind spot, for fear that Nicaraguan or Costa Rican border officers would not allow him to leave and would take him into custody. Today, the artist keeps his residence in exile a secret out of fear that he could be a target of transnational repression by the Ortega-Murillo administration.

Maestro Mario Rocha shared with AFI and CADAL that he was forced to flee the country after being harassed and threatened by anonymous contacts. In 2018, he was an artistic collaborator of *Fundación Incanto*, which produces lyrical and opera concerts and whose owner, Laureano Ortega Murillo, is the son of the dictator Daniel Ortega. After the State began their violent crackdown on the protestors, Rocha publicly declared himself a dissident and informed Laureano Ortega Murrillo of his decision to resign from his job at *Fundación Incanto*. Ten days later, Rocha said that he began to receive death threats through fake profiles on Facebook and phone calls from strangers. He also received several letters warning him that he would be 'left without his vocal cords' and that he would have to 'say goodbye to his family forever.'<sup>104</sup> Facing such threats of harm, he decided to leave the country soon afterwards and remains in exile today.

Cartoonist, visual artist, and journalist Pedro X. Molina decided to leave the country in 2018 after receiving several threats and being warned by non-governmental organizations (NGOs) of the danger he faced if he stayed in Nicaragua. After the government seized the offices of *Confidencial*,<sup>105</sup> the newspaper for which he worked, representatives from the NGOs International Cities of Refuge Network (ICORN) and Cartooning for Peace encouraged him to leave Nicaragua for his safety and offered to assist him with temporary resettlement. Having obtained a scholarship in another country, Molina left Nicaragua with his family and a few belongings, having only days to prepare for their departure.

Some of the other artists that spoke to AFI and CADAL shared that they fled the country after being threatened with arbitrary arrest. One of them shared that he was questioned and threatened by the police several times, after which he decided to flee.<sup>106</sup> He managed to leave through the Managua international airport after bribing a security official to let him board. In

"Graffiti" (2024) by Pedro X. Molina



September 2022, Andrea del Carmen, the Director of Programs for PEN Nicaragua, was warned that security forces were searching for her. As PEN Nicaragua had been scrutinized and targeted by the government under the anti-CSO laws described in the previous chapter, del Carmen feared that she would be arbitrarily imprisoned for her involvement in the organization. Fearing for her safety, she fled to Costa Rica through the land border with no time to prepare. As a result of her impromptu departure, she was forced to leave behind her eldest son and her mother, who suffers from Alzheimer's disease.<sup>107</sup>

### Second exiles: arrests and forced expulsions

After the inauguration of Daniel Ortega following the fraudulent elections of 2021, the Inter-American Commission on Human Rights noted the deployment of a new repressive strategy aimed at co-opting and controlling the civic space in order to silence all critical voices, stifle dissent, and restrain the power of CSOs. The new wave of repression extended to a number of arts and cultural organizations and events.

In particular, a tribute concert for the fifteen year anniversary of the group *Monroy y Surmenage* held by the Alliance Française in April 2022 drew the ire of the regime and led to the persecution of several artists that were involved in its organization. Eleven performers participated in the event. According to the testimony of an artist that helped with the organization of the festival, the event was an attempt to create a cultural space within the confines of the regime's strict limitations on expression. To the organizers' surprise, the audience for the festival was much larger than anticipated and the performances seemed to have a profound emotional impact on everyone involved. "[Josué] Monroy decided to sing *En el ojo del huracán*, a song that talks about the 2018 protests, and he shouted 'Long live free Nicaragua!' [That phrase is] nothing against the government, nothing against an-

yone... but it hit a nerve [with the crowd]. Many people cried [...] We returned home with that hopeful feeling [...] that made us [realize that] we are not alone in believing that everything the government is doing is wrong."<sup>108</sup>

Ten days after the tribute concert, Josué Monroy was arrested and expelled from Nicaragua by the police, who forced him to sign a document prohibiting him from returning to the country.<sup>109</sup> The police also confiscated Monroy's identification documents. Videos of the arrest were leaked online by friends of Monroy who were present showing officers entering the house with force and confiscating instruments. An artist that spoke with AFI and CADAL was among those present at the time of the arrest. He shared that the officers used force to remove Monroy, himself, and the others from the house, and said that he was bruised badly the next day and felt that he had been beaten.<sup>110</sup>

Some of the performers at the tribute concert reported being threatened and blacklisted in the weeks following the event. The musician Mario Ruiz reported that after his participation in the concert, four of the businesses where he regularly played music told him that government representatives had threatened to remove their business license if they allowed Ruiz to perform there again. As a result of his blacklisting, Ruiz stopped playing at those venues in order to protect the businesses. Ruiz's inability to perform and profit from his music ultimately cemented his decision to leave the country and go into exile.<sup>111</sup>

Several other performers and organizers involved in the tribute concert were also forcibly expelled from the country as a direct result of their participation in the event. On April 12, music producers Salvador Espinoza and Xochilt Tapia were arbitrarily arrested and held in jail for nine days before being forcibly expelled from the country despite being Nicaraguan citizens; they remain in exile today in Germany.<sup>112</sup> The Costa Rican musician Leonardo Canales was also ar-

bitrarily arrested on April 12 and deported to his country of origin several days later.<sup>113</sup>

AFI and CADAL spoke with an artist that participated in the tribute concert and was detained by authorities and forcibly expelled from the country only days later.<sup>114</sup> The artist was a foreign national who had been working at a CSO in Nicaragua for seven years before beginning her career as a musician there. She explained that she had been deeply affected by the protests of 2018 and began to compose songs during this period as a coping mechanism. In time, she discovered a passion for songwriting and began to perform in bars and cafes while it was still possible to do so. In 2021, she released one of her most impactful songs, *Calambre*, a hymn to the life and strength of women, and in 2022 she began working with Leonardo Canales and Arboleda Records. Just as her career was taking off, she was invited to perform at the tribute concert for *Monroy y Surmenage* in April 2022.

Days after performing at the tribute concert, the artist was visited by immigration authorities who told her that the next day she would be summoned to discuss her legal status. Over the course of the next 24 hours, the artist learned through friends that many of the event organizers and performers were arrested or missing. Though she had full Nicaraguan residency and valid immigration documents, the artist said she began to fear that she would be forcibly deported because of her participation in the event.

The next day, immigration officials arrested her at her home and took her to an undisclosed location. Her phone and belongings were taken from her, and she was unable to communicate with her family members. She described the painful experience of being taken into custody without an explanation and without knowing what would happen to her. "The officers entered my house forcefully [...] they almost broke down the gate. I told them that I was leaving but they grabbed me. There were two immigration

cars [waiting for me]. All my neighbors were outside, [and the officers] ordered them [to go back inside their] houses and not watch. When I looked at them I saw that their faces were full of fear. They were silent, and they went back inside and closed their doors. Two women held me. One was a 'comandanta'<sup>115</sup> because she was giving the orders [...] but the other was a girl that looked at me with (a conflicted expression) that I will remember for the rest of my life."<sup>116</sup>

After being held for several hours, the artist was transported to the airport in Managua. She maintains that she was never given an explanation for her arrest nor her deportation. Her partner had been informed of her deportation, and though she was able to see him from a distance at the airport, she was not permitted to speak with him. She was forced onto the plane by the immigration officials and deported to Italy via Panama.

Today, the artist lives abroad and contends with serious mental health problems as a result of the forced expulsion. She receives psychiatric care treatment for panic attacks, anxiety, and dissociative disorders which she says began after her deportation. She discussed the deeply traumatic losses she suffered through the expulsion, emphasizing that the deportation resulted in the loss of her home, family, career, and community.

### Third exiles: denaturalization and statelessness

Since passing the Special Law on Nationality in 2023, the Ortega-Murrillo administration has increasingly used denaturalization as a punitive measure against dissidents. In several cases, denaturalized individuals have been left stateless through the process. Both the arbitrary removal of the victims' Nicaraguan citizenship and their enforced statelessness as a result are violations of their right to a nationality under the UDHR.

Writer and intellectual Sergio Ramírez was one of the first artists targeted under the new

Protest art (2018) Photo by Oscar Navarrete



legislation. Though Ramírez served as Daniel Ortega's Vice President from 1985 to 1990, he has been a staunch critic and political opponent of Ortega since 1995. Ramírez also served as the long-time director of *Fundación Luisa Mercado*, an organization that works on arts and cultural projects, including the renowned festival *Centroamerica Cuenta*, which brings together Spanish speaking authors from Latin America and Spain to celebrate their literary achievements. On June 1, 2021, the Nicaraguan National Prosecutor's office announced that *Fundación Luisa Mercado* was under investigation for the alleged money laundering of funds from international donors to support the presidential campaign of Cristiana Chamorro.<sup>117</sup> On September 8, 2021, the Nicaraguan Public Ministry implicated Ramírez in the case, though they did not provide evidence that substantiated the allegations against *Fundación Luisa Mercado* nor Ramírez's involvement. The office charged Ramírez with "conspiracy to undermine national integrity," through "acts that promote and incite hatred and violence," under Law No. 1050.<sup>118</sup> One day later, an arrest warrant was issued for Ramírez, who was abroad at the time. Facing imprisonment on false charges if he were to return, Ramírez announced that he would not return to Nicaragua and would remain in Spain, where he now holds citizenship.

In February 2021, the multi-award-winning writer and President of PEN Nicaragua, Gioconda Belli, announced that PEN Nicaragua was being forcibly closed after its leadership was charged with money laundering under Law No. 1040 on the Regulation of Foreign Agents, which she and other PEN members said was a baseless charge. Belli also denounced the law more broadly as a repressive measure that was effectively undermining CSOs and repressing freedom of expression in Nicaragua.<sup>119</sup> Belli, who was abroad when PEN Nicaragua came under investigation, decided not to return to Nicaragua to avoid reprisal by the Ortega-Murrillo administration. However,

the writer later became a target of transnational repression: in August 2022, the Nicaraguan Embassy in Spain prohibited Belli's participation in the second edition of the Spanish arts festival, *Celebremos Iberoamérica* after insisting that the writer "does not represent the Nicaraguan people."<sup>120</sup>

Both Belli and Ramírez were forcibly denaturalized by the Nicaraguan government in February 2023 after they were convicted under Law 1050. Though Belli and Ramírez were dual nationals prior to the event – meaning that they still benefit from citizenship elsewhere and are not at risk of becoming stateless – they nonetheless described the loss of their Nicaraguan legal status as traumatic and resent their inability to return safely to Nicaragua and affect change on the ground. However, they continue to influence Nicaragua with their critical work from abroad and assert their identities as Nicaraguans. In response to the news that she had been stripped of her citizenship, Gioconda Belli cut her Nicaraguan passport on camera, declaring: "I'm not going to stop being who I am because of this document."<sup>121</sup>

In 2024, the arbitrary loss of their Nicaraguan citizenship under Law 1055 left two visual artists - Kevin Laguna Guevara (aka Vink) and Oscar Danilo Parrilla Blandón (aka Torch Místico) - stateless, an extremely vulnerable legal status that makes it difficult to access basic services or participate in society. In November 2023, the artists were arrested on unclear charges by law enforcement as they attempted to paint a mural in honor of the first Nicaraguan winner of the 2023 Miss Universe Competition, despite the fact that they had permission from the building's owner to paint it. Their arrest took place after the Ortega-Murrillo administration accused several organizers and high-profile supporters of using the Miss Universe competition as a vehicle to launder money to support a political uprising in Nicaragua, though no evidence was provided to substantiate such claims.<sup>122</sup> After being taken

into custody, Vink and Torch were held as political prisoners for nine months. During their detention, Laguna denounced having suffered psychological torture and inhuman and degrading treatment.<sup>123</sup>

On September 5, 2024 Vink and Torch, along with 135 other political prisoners, were denaturalized after a Nicaraguan judge found them guilty of “conspiracy” and “treason” under Law 1050.<sup>124</sup> The two artists were expelled to Guatemala, where they reside today as their applications for refugee status pend approval. As stateless individuals, it may take them months to several years to establish residency, obtain work permits and travel authorizations, and/or access social benefits, among other necessities.

#### Exile: between fear and opportunities

**“Fear has to do with what can happen to you here [in Nicaragua], but it also has to do with what they can do to you [if you go] abroad and what they can do to your family. That fear is why many people stay silent.” Juan Carlos Arce, Nicaragua Nunca Más<sup>125</sup>**

**“There are around 440,000 Nicaraguans who have requested refuge in Costa Rica and other countries around the world. They are activists, young people, students, human rights defenders, people organized in political groups, and academics. There is a huge diversity of Nicaraguans in exile in Costa Rica, the United States and Spain.” María Teresa Blandón, La Corriente<sup>126</sup>**

The artists and cultural workers in exile that spoke with AFI and CADAL said that the strongest fear they have is that their actions or words could lead to the harm or persecution of their family members who still live in Nicaragua. During the period of repression, several exiled

artists and cultural workers have been the targets of transnational repression meant to punish and silence them, and/or manipulate them into taking certain actions.

In the testimony that she gave to AFI and CADAL, the exiled former Director of Programs at PEN Nicaragua, Andrea del Carmen, explained how transnational repression was used against her in an effort to force her to return. On September 14, 2022, Nicaraguan authorities arrested del Carmen’s son, Gabriel Alfonso Lopez, and charged him with “undermining national integrity” under Law 1050. Upon Lopez’s arrest, the police took his cell phone to send del Carmen messages in an attempt to get her to turn herself in, but at the urging of friends and advisors, del Carmen did not respond. The police later transferred Lopez to a maximum security prison, where he had limited contact with family members and where he was denied access to a lawyer. Del Carmen shared that when their family members went to the prison to gather information about Lopez’s arrest, the police made it clear that he was being held as a political prisoner, and that he would only be released if del Carmen returned to Nicaragua in exchange for his release.<sup>127</sup> On February 9, 2023, the Nicaraguan government released 222 political prisoners who were unjustly arrested by Nicaraguan authorities, including del Carmen’s son.<sup>128</sup> Nevertheless, the arbitrary arrest and extended imprisonment of political prisoners, including del Carmen’s son, demonstrates the Ortega-Murillo administration’s willingness to use transnational repression as a tool to manipulate and/or punish dissidents abroad.

Despite their eagerness to share their stories with the world, most of the artists and cultural workers interviewed by AFI and CADAL for this report gave their testimonies under conditions of anonymity for fear that Nicaraguan authorities would harm their family members who remain in Nicaragua. *“The truth is that [the question of] security, right now, is of the utmost*

*importance, of the utmost relevance to us, because anything that we do that goes against the regime [could result in] an expulsion from the country including [the denaturalization of those who are already in] exile. They will take away your nationality and everything you have in the country, they take everything away from you and you are left with nothing; [They force you out], but they keep your family here and they continue harassing them...”* In sum, the transnational repression of artists, cultural workers, and other dissidents abroad has had a strong chilling effect on Nicaraguans in exile and remains a serious human rights issue for both the artists and their family members.

**“Let’s always look for support networks or try to build them. Networks save lives and offer support.” Singer-songwriter<sup>129</sup>**

**“In the end [getting together to play music] was like an escape for us; it always has been. But back then, meeting, feeling embraced and welcomed in a warm place, with people we knew, with people who came from the same context, also helped us find stability here and connect to a network of support.” Musician<sup>130</sup>**

Though the experience of forced migration and exile came with challenges for many of the artists, including dealing with the traumas of the past, contending with transnational repression, and struggling during the resettlement process, they also emphasized that connecting with Nicaraguan diaspora and support networks gave them renewed hope and courage to continue their careers.

The artists and cultural workers interviewed by AFI and CADAL relayed that the experience of exile differed greatly depending on the country of resettlement. Those who went into exile in countries with bigger cultural differ-

ences to their own and where they lack social contacts, reported feelings of pain, loss, and vulnerability. The emotional burden of leaving Nicaragua seems to weigh more heavily on them and the integration into local professional networks is a more complicated and slow process: “Sometimes I see myself here... With all the leaves of my tree fallen on the ground and I say, I regret getting involved in this, maybe I could have turned deaf and continued working with other theater groups that are doing their own things... But sometimes spring comes back, I am struggling with my ups and downs, visiting a psychiatrist three times a week for post-traumatic stress disorder, without formal employment. But when I start to count everything I lost, everything I worked for after 11 years to become established in Nicaragua, I sometimes feel like I’m not even starting over, but that I’m stuck.”<sup>131</sup>

Though the experience of forced migration was rife with challenges for nearly all of the artists and cultural workers we spoke with, some emphasized that connecting with the Nicaraguan diaspora and finding support from CSOs helped them overcome obstacles and restart their careers abroad. Those that relocated to Costa Rica shared that the Nicaraguan diaspora there worked hard to arrange support and create opportunities for new waves of migrants. For example, while the first Nicaraguan migrants to arrive in 2018 faced housing and job insecurity, the recent wave of migrants in 2021 found a more organized and articulated diaspora network to offer resources and guidance on the steps to follow during resettlement. “By luck or by chance, when we came to Costa Rica, we found a lot of people we knew from Nicaragua. So, it wasn’t so difficult for us to find support. In our first few days here we stayed in a hotel because we had nowhere else to go, but after that we started to make friends and we were able to [find housing with their help].”<sup>132</sup>

Nicaraguan and international human rights NGOs played a fundamental role to support

those in exile. Several of the exiled artists and cultural workers that spoke with AFI and CADAL benefitted from the services of Women's Emergency Fund, *Nicaragua Nunca Más*, Cartooning for Peace, PEN International, and People In Need, who provided them funding and legal support.

Further, though many local Nicaraguan CSOs were forcibly closed under the laws mentioned in the previous chapter, several of these organizations managed to rebuild themselves in exile, where they continue their work of denouncing and defending human rights. María Teresa Blandón, Director of the feminist organization *La Corriente*, shared that after the organization was closed in Nicaragua and many of its workers were forced to flee, the exiled workers managed to open a new headquarters in Costa Rica where they continue to assist both Nicaraguan and local women, young people, and LGBTQ+ communities. Juan Carlos Arce shared that *Nicaragua Nunca Más* was not only able to reconstitute itself abroad, but also that it was able to deepen the impact of its advocacy due to the more secure and free conditions in the host country. The organization continues to call out human rights abuses committed by the Nicaraguan government from exile, and is now able to bring its advocacy to the Inter-American System (IAHRS) and the Universal Human Rights System (UHRS), which their staff was unable to do before because of the risks of harm they would have faced in Nicaragua. In these ways, Nicaraguan CSOs that have reconstituted themselves abroad carry out the vitally important work of offering direct support to Nicaraguans in exile while also continuing to demand that the Ortega-Murillo administration be held to account.

Having found some stability abroad, the artists and cultural workers that spoke with AFI and CADAL say they are now focusing on maintaining their own national artistic identity while also integrating and taking advantage of the new cultural traditions or opportunities that their

host countries have to offer. Artists and cultural workers explain that resuming their own artistic practices, and integrating into local cultural networks has helped them to process some of the grief and trauma related to their forced exile. They also said that it has helped them to maintain their mental health and face the threats and fears of transnational repression that continue to weigh on them.

Support networks for artists and cultural workers who are in exile not only provide a space for support and solidarity, but also constitute an essential factor for their integration in the receiving country. These vital sources of support empower artists and cultural workers at risk to rebuild their personal and professional lives in exile and continue their important work.



"Scenario" (2024) by Pedro X. Molina





2

Nicaraguans gather in protest of the Ortega-Murillo administration's reforms and human rights abuses (2018) photo by Oscar Navarrete



Nicaraguans wear folkloric masks during the protests of 2018” (2018) photo by Oscar Navarrete

## CHAPTER 4: CONFRONTING THE PRESENT AND IMAGIN- ING A BETTER FUTURE FOR NICARAGUA

*from the evils of intolerance and the [desire to impose one’s ideas on everyone else]. So, I think the main thing is that it must become a more tolerant society.” Culture professional<sup>133</sup>*

As they discussed their aspirations for the future, the participants remained hesitant with their comments because they had rarely permitted themselves to contemplate the future of the country before. One of the artists interviewed reflected on how difficult the path to freedom would be, given that Nicaragua has been marked by decades of political manipulation and oppression. He recognized that society would need to undergo an extensive educational and healing process in order for everyone to overcome the divisions and traumas of the past, which would be a major challenge.

The artists and cultural workers that AFI and CADAL interviewed discussed their expectations and conditions for contemplating a possible return to Nicaragua. In this final chapter of the report, we share some of their thoughts about this deeply personal topic. We also share some of the hopes they expressed about the future of Nicaragua and the role they believe that art and culture could play in the reconstruction of the country’s social fabric.

*“It is a little difficult to think of a free Nicaragua. Difficult, but not impossible. So many things have happened, we’ve seen so many things... [The Sandinistas] have been in charge for many years, and they have been embedding these bad ideas into the minds of all their followers since the 80s... We must go through a process of education, there will still be discomfort, but we must overcome it as we did in the 90s. It is not impossible to achieve it later, the problem now is that what is coming is a succession of power. I don’t know if I will ever see Nicaragua free someday. Honestly, I don’t know if I will ever see that.” Musician<sup>134</sup>*

### Imagining the Nicaragua of the future

In an intimate dialogue with artists, cultural workers and activists about the future of Nicaragua, the participants shared their visions and desires for a country where justice, freedom and respect for human rights would be cornerstones of society. Speaking to the stark polarization of political beliefs in Nicaragua, one of the interviewed cultural workers said that she longs for a foundation on which Nicaraguans could build an ethos of coexistence.

One of the exiled artists consulted for this report reflected on the gap between their hopes and the current reality of the country. She longs for a revitalized Nicaragua, full of commitment to challenge the sociopolitical structures that have turned the country into an authoritarian regime marked by corruption and nepotism. However, at present Nicaragua remains fragmented. She desires to return to her country with the aim of rebuilding what has been destroyed and challenging the established paradigms. From an artistic

*“What I hope for the future of Nicaragua is that this society really matures, in the sense of understanding what it means to live together and be more tolerant, because Nicaraguan society suffers*

perspective, she envisions a vast panorama of opportunities, including cultural events, educational film tours and debate forums that could be organized and accompanied with dance, music, and art in general.

*I would like to return to a Nicaragua that has the desire to rebuild everything that was destroyed and try to change the paradigms that have accompanied us until now. My enthusiasm comes from my perspective as an artist, and as an artist [...] I imagine so much that we could do, so many cultural events to organize, so many educational film tours, forums that could be held, places for debate that could be accompanied by dance or accompanied by art in general, or music... There are so many places to fill that were left empty..."* **Culture professional**<sup>135</sup>

Amid these conversations about the future, the group visualized the Nicaragua of the future as a country where the branches of government are reformed and function well, where there is an independence of governmental powers, and where education, culture, and collective healing are top priorities.

*"The Nicaragua of the future would be a start from scratch for the judicial, police, and political system. The division of [governmental] powers and decentralization are necessary. Comprehensive, responsible programs would be needed to facilitate a process of collective healing, memory, dialogue, violence, and trauma recovery. Educational programs for a new political culture and the restructuring of the Ministry of Education and its programs would be needed."* **Singer-songwriter**<sup>136</sup>

*"I have been talking a lot about the Nicaragua of the future, [and] how Nicaragua could be after all this. I feel like I believe in a utopia again... At least,*

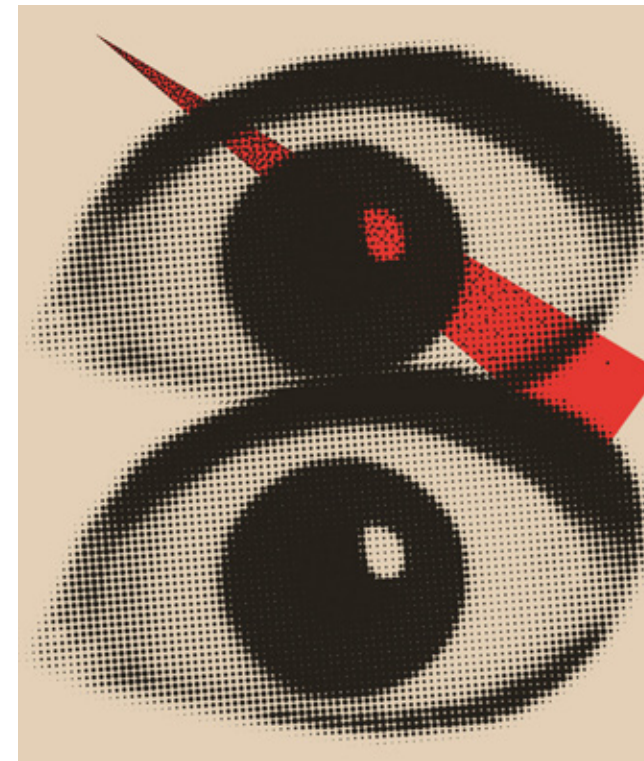
*let's dream a little or let's plan it. [Though] being [idealists] doesn't work either, because many of us put Ortega where he is [and] we believed in and enabled Ortega; we put him there. [...] I think that in the Nicaragua of the future we should focus a lot on culture and education, especially on the mental health of everyone, but especially of the children who saw us fight..."* **Actor**<sup>137</sup>

#### Hopes and conditions to consider return

Amid uncertainty and the desire to return to Nicaragua, the artists, cultural workers, and activists interviewed for this report reflected on the conditions that would need to be met in order for them to consider a return. One artist, who has his sights set on a democratic future, hopes that the current regime will give way to a transition process that guarantees security and safe working conditions for those who decide to return. Aware of the importance of an enabling environment that could lead to progress, he cautiously follows the development of events in Nicaragua, waiting for the right moment to return.

*"Well, definitely, the first condition to reenter is that the regime would cease to exist in the country. If a democratic transition process begins, I would not leave immediately; I would see how the transition process develops, and then based on what I evaluate, if it is really safe to reenter, I would reenter. I would also have to see how the entire cultural framework is put back together, because it is of no use to me to reenter [if that is not there]. [I would have to] see improvements in the security issue, but also in the labor aspect. When you resettle abroad, you have a new infrastructure, and it is difficult to [leave that behind]. So, I think that I would need time to observe how things develop and to find the right moment to return."* **Culture professional**<sup>138</sup>

Between desires and precautions, some dream of a Nicaragua where freedom of expression



is respected and encouraged, where art and culture truly become tools of change and collective reconstruction and cannot be co-opted for political and ideological manipulation.

*"Yes, I would like to return... But I would not like to return if you still have to watch what you say, where you are, who you hang out with. I would not like that. It has to be open, transparent, telling things as they are so that we can eliminate fear. I believe that [protections for] freedom of expression would be a fundamental condition. [We would need to] promote the collective again [...] Those of us who were in one way or another doing things at least in cabaret theater, get back together and renew that collective feeling that we had achieved and that we had fostered so much... So, we are going to continue, and we are going to return... And well, it is going to be our turn to talk. Some of us who have experience organizing, together with the youth, will rebuild that country, because [the Sandinistas] are going to leave it in ruins, and we are going to have to start putting everything back together."* **Dramaturge**<sup>139</sup>

Pedro X. Molina, whose perspective is strongly marked by his experience of exile, longs for freedom and security to continue his art, journalism, and activism once the current regime falls. He recognizes that his return could not be immediate, but he hopes that the minimum conditions will someday be met so that he could have the opportunity to do so.

*"It is clear to me that if the regime falls today, I would not be able to return tomorrow, because when the exile lasts so long, one cannot just go back. I learned this in my first exile. I wish [the regime] would fall today; but I clearly cannot return. I believe that the minimum conditions would obviously be the freedom and the minimum security to continue doing our work."* **Pedro X. Molina**<sup>140</sup>

Speaking of the desire for reconciliation, another artist emphasized the importance of restoring protections for freedom of expression and creating an environment where everyone feels safe to express their ideas without fear of reprisals. They also said that it will be essential to heal the wounds of the past before they could consider a definitive return.

*"Maybe it wouldn't be something immediate, but the conditions that I think would need to exist in Nicaragua for me to be able to return is, more than anything, restored freedom of expression, that people feel that they can express dissent or that they can disagree without fear, right?... I think that's why the issue of healing wounds is also going to take a long while..."* **Musician**<sup>141</sup>

Aware of the risks and challenges faced by exiles, Maestro Mario Rocha said that a key condition is the guaranteed safety of those who decide to return, so that they would not be in any danger.

*"Let's see, I can imagine myself coming back. First, I would visit, I would go, let's say, to sing... I imag-*

*ine myself in that position initially. For me to be able to return definitively, though, the conditions must be secure for all the exiled. So, there must be security.” Maestro Mario Rocha<sup>142</sup>*

### The role of art and culture in the reconstruction of the social fabric

Despite the protracted political instability, repression, and social turmoil that have characterized Nicaragua in recent years, the interviewed artists and cultural workers believe that art and culture can be powerful catalysts for the reconstruction of Nicaragua’s social fabric. From cabaret theater to music, dance, and muralism, various cultural spaces and avenues for artistic expression have facilitated healing in the past. Many of the interviewees believe that art and culture will be able to do so again when time for transition eventually comes.

*“I feel that culture is one of the few things that could help us to naturally rebuild or heal certain wounds; but obviously that process would also need a more structural framework. So yes, I see and have seen the potential influence that art can have. There are oppressive systems, like dictatorships, that are actually afraid of a guitar performance; they are afraid of songs. The [dictatorship] was afraid of [cultural events, like the April 2 tribute concert to Monroy y Surmenage] where nothing [political] happened besides a few slogans. The level of repression that has occurred around [arts and culture]...has been...quite disproportionate; but that is also an indication of the level of fear that they have of that kind of expression.” Culture professional<sup>143</sup>*

Some of the artists recognized the potential of arts and culture to aid reconstructions, but they highlighted they felt that this would be unlikely to happen any time soon. They noted that those who still live in Nicaragua feel like prisoners in their own land, because the atmosphere

of repression and fear is strong and there are no protections for freedom of expression.

*“Music has a strong influence on people, because it is not just beautiful [noise or sounds], but there is something extra that music has that touches your soul; and when a person feels connected with what they are listening to, that is where [change] begins. So, I do consider that change partially comes from the cultural sphere as well. It comes from an artistic sector that can say, ‘ok, we are going to do this to support a new rebirth of the country.’ But as I say, the problem is that right now we cannot even try, because if we try, you already know how it will go for us or our family; so for now we are prisoners.” Musician<sup>144</sup>*

For others, the role of art goes beyond mere expression. It is also a living testimony of history and a means to reach all people, even in times of repression.

*“Culture has always been fundamental, because it is able to reach people of all backgrounds. If you look closely, a song or a poem circulates more than a piece of writing; people circulate [songs and poems] more than a political speech, or [clips of a] politician speaking. We were aware that the cultural exchanges that we promoted were productive and that they are needed now more than ever. Now, there is none of that because now there is absolute repression in Nicaragua and if someone wants to see something, they have to first be alive [to do so].” Andrea Del Carmen<sup>145</sup>*

Some of the artists pointed to a need to move away from mere acts of artistic expression towards concrete cultural actions that could aid the reconstruction of the social fabric after the regime falls. Faced with this reflection, one of the artists highlighted the tendency of Nicaraguans to wait for the government to solve all the problems instead of taking responsibility to actively

participate in the construction of democracy and identifying solutions to challenges.

*“I think it’s a bit naïve, to be honest... Music is important, but it’s not everything. I think that actions count more than anything. The day I can return, if I still have the energy and vitality to be able to do something, I’m not going to limit myself to just writing a song about it. I need to take actions to improve my community, to improve my neighborhood! That has been a problem that I believe Nicaraguans have had, that we want the government to solve it all, and we do not take part in the democracy, which is built by use and participation. [We have been hoping] that someone else will solve this, that someone else will bring the solution to what we are seeing right now.” Musician<sup>146</sup>*

One of the cultural workers interviewed recognizes that cultural managers, cultural promoters and artists have a crucial role in this process, since their work contributes to change and generates a dynamic of tolerance and debate. He advocates for a need to challenge the dogmatic attitudes that are prevalent in Nicaraguan society and emphasizes that cultural agents and non-governmental organizations can play a key role in this process.

*“Cultural managers, cultural promoters and artists are all agents that work for change. All free and self-aware artistic creation contributes to change, because what you are doing is raising a point of view to debate, and well, that is where the dynamic of tolerance is generated, because when you are truly aware of the debate and you know what you are talking about, you can change even your own point of view... In Nicaragua, we must break the [dogmatic attitudes] and then, cultural agents, artists, NGOs and civil society associations will become more important than ever through the development of activities and projects.” Culture professional<sup>147</sup>*

The testimonies of the participant artists, cultural workers, and activists reflect a deep awareness of the transformative power of art and culture in Nicaraguan society, highlighting the regime’s fear of these expressions as evidence. However, they also recognize the need to go beyond mere artistic expression and view citizen participation as a key factor in the construction of democracy and the reconstruction of the social fabric.



Untitled image (2018) photo  
by Oscar Navarrete



## CONCLUSION

Through this report, AFI and CADAL emphasized the powerful role of art as a means to express dissent and resistance to tyranny during the period of government-led repression in Nicaragua that began in April 2018. The testimonies of the 13 Nicaraguan artists and cultural workers featured in *Echoes of Freedom* provided firsthand accounts of the regime's systematic attacks against dissident artists and cultural workers, including through harassment, surveillance, threats, attacks, arbitrary arrests and prosecution, deportation, banishment, denaturalization, and transnational repression.

*Echoes of Freedom* also brought attention to the legal mechanisms that the Ortega-Murillo regime uses to suppress dissenting voices. In particular, we outline several illegitimate laws on national security, online expression, and the regulation of civil society organizations that have been used to punish and silence artists and cultural workers and to close independent arts and cultural organizations. Our analysis of several cases against artists found that these laws are incompatible with human rights standards because they criminalize legitimate forms of expression and association. As such, the punishments associated with these laws - including imprisonment, banishment, and denaturalization - are also illegitimate.

The report also brought attention to the regime's targeting - through threats, arbitrary arrest, and illegitimate prosecution - of the family members of Nicaraguan exiles as a tool to punish and/or manipulate the exiles. Through these cases, AFI and CADAL seek to bring attention to the Ortega-Murillo administration's use of transnational repression against dissidents, emphasizing the strong chilling effect that such measures

continue to have on artists and cultural workers in exile.

*Echoes of Freedom* demonstrates that Nicaraguan artists who remain in the country today continue to be at risk of persecution for exercising their right to freedom of expression. As such, AFI and CADAL call on UN member states to maintain pressure on Nicaragua to cease repressive strategies employed against artists and cultural workers. We also urge governments and civil society organizations to provide necessary humanitarian aid and support to Nicaraguan artists and cultural workers at risk.

AFI and CADAL admire and support the brave artists and cultural workers who shared their experiences of persecution under the Ortega-Murillo regime in . In solidarity with them, AFI and CADAL strongly encourage the international community to turn their attention to the Nicaraguan dissidents facing repression at the hands of the Ortega-Murillo regime and establish protective measures that ensure respect for human rights in Nicaragua.

"Censorship" (2024) by Pedro X. Molina



## RECOMMENDATIONS

After the massive protests of 2018 in Nicaragua, which arose in the context of a democratic state already deteriorated by the reforms of Daniel Ortega's government, the majority of artists and cultural workers who were directly involved in the protests or were suspected of supporting them, reported being harassed, threatened, arbitrarily arrested, and persecuted by State actors.

From 2018, the Ortega-Murillo administration went further in its efforts to undermine democracy by introducing laws that effectively criminalized the exercise of fundamental rights, including the rights to freedom of expression and freedom of assembly. As a consequence of the repression and persecution directed at the artistic and cultural field, many artists and cultural workers were forced to flee the country. Independent artists who still remain in Nicaragua today remain at risk, as the arts and cultural sector is tightly controlled by the repressive regime of President Daniel Ortega and Vice President Rosario Murillo.

AFI and CADAL call on the international community to maintain pressure on the Ortega-Murillo regime to accept the critical recommendations made by the working groups on Nicaragua and the special procedures of the United Nations, as well as the Special Follow-up Mechanism for Nicaragua (MESENI), established by the IACHR. We also call on governments, particularly those in the region, to provide essential humanitarian aid and additional support to artists and cultural workers at risk, including those who have been forced into exile. The below recommendations seek to promote respect for human rights in Nicaragua, and to ensure that affected artists and cultural workers at risk receive needed protective measures.

### I. Recommendations to the State of Nicaragua:

1. Ensure that all human rights and cultural rights defenders, including artists and cultural workers, can safely work and create without fear of government retaliation by taking the following measures:
  - a. Unconditionally release political prisoners, including artists and cultural workers, that are being held in detention for views expressed in their creative works, their activism, or their non-violent protest, and remove pending charges against them;
  - b. Ensure that human and cultural rights defenders receive meaningful due process when their rights are violated, including through thorough investigations of their allegations and prosecution for violations;

c. End the use of harassment, surveillance, arbitrary arrest, and detention as means to silence or intimidate critical voices, including artists and cultural workers, by:

- i. Penalizing the police and state authorities who engage in such practices;
- ii. Providing training to the police and state authorities on best practices to respect and protect citizens' rights;
- iii. Cutting off support to paramilitary groups that operate as informal extensions of state security.

2. Adopt effective measures to prevent and address the forced exile of artists and cultural workers, guaranteeing their right to remain in the country or leave it safely and legally, according to their choice.

3. Collaborate with international organizations, such as the High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR), to protect the rights of artists and cultural workers at risk and facilitate their integration in other countries if they wish.

4. Ensure the conditions for the return of artists and cultural workers who wish to return temporarily or permanently to Nicaragua.

**II. Recommendations to international bodies, including the UN General Assembly, the UN Secretary General (UNSG), UN Economic and Social Council, UN Educational, Scientific and Cultural Organization (UNESCO), UN High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and The Inter-American Commission on Human Rights (IACHR):**

1. AFI and CADAL urge UN member states to call on Nicaragua to affirm its commitments in national and international legal instruments to protect and respect the rights to nationality and mobility. This includes, but is not limited to:

- a. End the use of forced exile, banishment, denaturalization, and other measures to restrict Nicaraguans' mobility;
- b. Removing denaturalization as a possible sentence for criminal offenses and as a condition of release for political prisoners;
- c. Permitting Nicaraguans that have been forcibly expelled to unconditionally return.

d. Offering to unconditionally restore the Nicaraguan citizenship of individuals whose right to nationality was violated through enforced denaturalization and facilitating their safe return.

2. Provide assistance and protection to artists and cultural workers who have been forced to leave Nicaragua due to violence and persecution, ensuring their access to refugee status and other international protection mechanisms.

3. Urge the government of Nicaragua to cooperate fully with the OHCHR and other United Nations human rights mechanisms, allowing unrestricted access to the country and facilitating the conduct of independent investigations into human rights violations.

4. Urge the government of Nicaragua to repeal or modify any legislation that criminalizes or limits artistic freedom or any creative act, in order to protect, respect and promote the rights of all Nicaraguans to freedom of expression and association, including, but not limited to the following laws:

- a. Law No. 1055 (On Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace);
- b. Law No. 1040 (The Foreign Agents Act);
- c. Law No. 1042 (Special Law on Cybercrime);
- d. Law No. 977 (against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction);
- e. Law No. 1115 (on Regulation and Control of Non-Profit Organizations of the Republic of Nicaragua);

**III. Recommendations to migrant host countries adjudicating Nicaraguans asylum, humanitarian protection, or other visa applications:**

1. Consider Nicaraguan artists and cultural workers as *per se* human rights defenders, thereby entitling them to protection and relocation;
2. Increase resources allocated to authorities responsible for processing humanitarian claims for immigration relief, including humanitarian parole, temporary protected status, refugee status and asylum;
3. Ensure that the principle of non-refoulement is respected for all Nicaraguans claiming asylum, or any other form of humanitarian protection.

**IV. Recommendations to national governments (including their respective immigration agencies and officers) that adjudicate asylum and visa applications from Nicaraguan artists and cultural workers:**

1. Continue with efforts to welcome artists and cultural workers expelled or displaced from Nicaragua, including measures to provide them with emergency assistance, access to international protection procedures, family reunification and residence and work permits and rapid access to public health systems, as required.

**V. Recommendations to the international arts and culture community, including arts institutions, galleries, university arts programs, music venues, members of the artist safety housing network, and other stakeholders dedicated to cultural programming and the performing arts:**

1. Support at-risk Nicaraguan artists and cultural workers and demonstrate a commitment to diversity in the arts by:
  - a. Establishing specialized residencies, fellowships, academic placements, internships, and other professional development programs for Nicaraguan artists and cultural workers at risk;
  - b. Facilitate the evacuation and resettlement of at-risk Nicaraguan artists and cultural workers by hosting them for work, residency, and fellowship opportunities, and serving as a sponsor on their visa applications;
  - c. Engaging artists and cultural workers who remain in Nicaragua in virtual opportunities, allowing them to safely participate remotely, including but not limited to: virtual exhibitions, online talks and conferences, educational and professional courses, certificate programs, and workshops.

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## ECHOES OF FREEDOM: ART AS A VOICE OF RESISTANCE IN NICARAGUA