



	Nicaragua
Años	1999-2000



1997



1997 World Press Freedom Review

The climate for the Nicaraguan press became decidedly less certain during 1997, with four journalists caught up in a violent protest by students, the jamming of independent radio transmissions and the indefinite suspension of the allocation of frequencies and operating licences to all potential radio operators.

The four local reporters - two photographers, a television cameraman and a print journalist - were hurt on July 2 during clashes in the capital, Managua, between police and students demonstrating against budget cuts.

Under the Presidency of Violeta Chamorro, private television and radio stations enjoyed a boom. Just seven years ago, there were only two FM radio stations. By the beginning of 1997, this number had risen to 93 (and the TV station had increased from two to five in the same period).

However, Nicaragua now has a new President, Arnoldo Aleman, winner of the January elections, and he does not appear to be as prepared to tolerate the outspoken political views aired on the private stations. When independent radio stations attempted to report on a demonstration on June 26 at which students called for the government to transfer six per cent of the national budget to higher education it was constitutionally obliged to do, the radios' programmes were jammed.

Furthermore, in what appeared to be a blatantly political move designed to stave off overt dissent in the electronic media, the authorities announced that they were suspending their granting of radio frequencies and operating licences.



1998



1998 World Press Freedom Review

Under President Arnaldo Alemán, who took office on January 10, 1997, after defeating his closest competitor, Daniel Ortega of the Sandinista National Liberation Front (FSLN), Nicaragua's journalists have complained of "constant violations, mistreatment, threats of imprisonment and verbal repression" from the Alemán administration. Nicaragua's Sandinista newspaper, *Barricada*, one of the country's four dailies, announced that it was closing indefinitely because of a financial crisis. The publisher, however, accused President Alemán of forcing the paper to shut down by withholding official advertising.

Nicaragua's Sandinista newspaper *Barricada*, one of the country's four dailies, announced on January 30 that it was closing indefinitely, because of a financial crisis. Tomás Borge, the publisher, blamed the paper's woes largely on the administration of President Alemán, who took office in January 1997 promising to put an end to the legacies of the Sandinista rule. Borge accused Alemán of instituting a government advertising embargo against the newspaper that had slowly strangled it. Alemán and Morales Carazo, who was named press secretary of the government on January 10, rejected that the government was at fault, pointing out that the paper was poorly managed and did not adapt to changing times. Upon being named press secretary, Carazo declared that he did not agree with embargoes or monopolies in the placement of official advertisements and promised that the government would change its policy of channelling state advertising through five government agencies.

On May 21, during a press conference he gave on his return from a trip to the United States, President Alemán was reported to be aggressive and violent towards a number of journalists when they asked him questions about a narcotics scandal in which several officials of his government were involved, the SNPN reported. The following day, Alemán continued his diatribe against journalists, calling them "information terrorists" during



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an event at the Ruben Dario National Theatre, in which journalist and historian Ignacio Briones Torrez, received the National Humanities Award.

100% Noticias and *Telenica 8* were the targets of a US\$ 1,250,000 suit by the company Zeta Gas de Nicaragua for alleged financial and moral damages. The company's action came after *Telenica 8* re-broadcast and followed up on a report by the US television news programme "60 Minutes" that linked the multi-national company - which has its headquarters in Ciudad Juarez, Mexico - to international drug trafficking. In spite of the fact that *100% Noticias* gave air-time for clarification of the report - during which a manager from Zeta Gas de Nicaragua declared that, following the report, sales increased by twenty per cent - legal action was nevertheless taken.

Freedom of the press in Nicaragua remains theoretically qualified by several constitutional provisions. The 1987 Constitution stipulates that citizens have the right to "truthful information," thereby providing an exception by which the freedom to publish information that the Government deems inaccurate could be abridged. Although the right to information cannot be subject to censorship, there is retroactive liability established by law, defined as a "social responsibility," implying the potential for sanctions against irresponsibility by the press.

While the National Assembly passed a bill in September 1996, which would have established a professional journalists' guild, it was never signed into law. This was due in part to the journalistic community's sharp division over whether such a law would improve the quality of journalism or merely restrict the freedom of speech. There has been no movement in the National Assembly to revive the proposal.

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The majority of Nicaragua's privately-owned print and broadcast media were able to present a wide variety of political viewpoints and openly report on matters of public concern. However, tension between the media and the conservative government of President Arnaldo Alemán increased in 1999 due to mutual accusations of corruption. Alemán's administration attacked journalists who sold advertising and accused a prominent television commentator of receiving money from the comptroller-general's office, which was investigating the sources of Alemán's wealth. Journalists' organisations accused Alemán of intimidating critical media by, among other things, withholding official information and state advertising.

The National Nicaraguan Journalists' Union (SNPN) called on media workers to participate in a public demonstration outside the Presidential Palace in Managua on February 19 to protest attempts by President Alemán's government to muzzle freedom of speech. In particular, threats to seize and sell at auction equipment belonging to two radio stations, *La Primerísima* and *Ya*, constituted an overt abuse of power by President Alemán aimed at silencing criticism of rising corruption in his administration, the SNPN said.

On March 20, the Nicaraguan Journalists' Union, the Nicaraguan Journalists' Labour Union and the Association of Parliamentary Journalists denounced a campaign launched by President Alemán's government against members of the press who were forced to sell advertising in order to survive. The journalists' organisations said that "many among them are currently selling advertising, as it is the only employment option that they have." On the same day, in the department of Rivas, several journalists were assaulted by President Alemán's bodyguards, the [International Federation of Journalists](#) (IFJ) reported.

The presidential beat reporter of *El Nuevo Diario*, Mario Mariena Martínez, was prevented from entering the site where President Alemán



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was giving a news conference on June 14, the Inter American Press Association (IAPA) said. A statement by the president's communications secretariat said the government had suspended the journalist for his improper attitude and said this did not "infringe the freedom of press of this important daily."

On May 3, a new daily, *La Noticia*, began publishing. According to IAPA, the newspaper was promoted by a group linked to President Alemán and subsidised by 24.98 percent of government-placed advertising, although it accounted for only 1.43 percent of the print media's total circulation in the country.

In July, Vice President Enrique Bolaños stated that there should be more control over the media and advocated modifying Article 68 of the Constitution, which exempts media companies from taxes on importing newsprint, machinery, equipment and spare parts intended for use by the print and broadcast media.

On November 8, Nicaragua's comptroller-general, Agustín Jarquin, was convicted of fraud after his office was found to have secretly paid a prominent television host, Danilo Lacayo, to help investigate a series of corruption charges against President Alemán. Jarquin faced up to three years in prison after a court found that Lacayo received nearly US\$ 30,000 in public funds under a false name for assisting in Jarquin's investigation. Lacayo, who was also convicted of fraud and faced a prison term of up to three years, was the host of "Good Morning," a popular talk show on *Channel 2*, which was taken off the air after reports of the illicit payment surfaced. The scandal divided the country's media, an overwhelming majority of which had backed the work of the comptroller-general in his investigations into the sources of Alemán's wealth.

Press freedom in Nicaragua remains potentially qualified by several constitutional provisions. The Constitution of 1987 establishes the right to "accurate information," thereby providing an exception by which the freedom to publish information that the Government deems inaccurate



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could be abridged. Although the right to information cannot be subject to censorship, there is retroactive liability established by law, defined as a “social responsibility,” implying the potential for sanctions against irresponsibility by the press.

Defamation is both a civil and criminal offence in Nicaragua, although the penalty for criminal defamation is exclusively monetary. However, a draft criminal code is reportedly under consideration by the National Assembly’s Justice Committee that would stiffen penalties for libel and slander. There are also two legislative bills seeking the creation of a journalists’ Colegio. The first was drafted in 1994 by the SNPN and the second, with amended wording, was submitted by the National Assembly’s Committee on Education, Social Communication Media, Culture and Sports in March 1996. Article 5 of the latter bill, which has been strongly opposed as restricting the practice of journalism, would require that only persons who meet certain criteria and are accredited by the journalists’ Colegio may work as journalists.

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Press freedom in Nicaragua exists but it is qualified by a number of constitutional provisions that have a grave impact on the media's ability to report on the news. The constitution, which was enacted in 1987, states that citizens have the right to "accurate information"; although, at first sight, this may appear to be a statement guaranteeing press freedom, in fact, it operates to inhibit the media. This is because the section provides an exception that allows the government to prevent the publication of news items it deems "inaccurate". Furthermore, although the constitution enshrines the notion that information may not be censored, there is a retrospective law which imposes "social responsibility". Such a law implies that journalists and editors may behave "irresponsibly" and are criminally liable for their acts.

Therefore, the question of whether press freedom is an active element of Nicaraguan society is not as clear as it may at first appear. In order to determine the true state of the media in Nicaragua, it is necessary to examine the negative side of every law on press freedom. It is only after such an examination that a true picture begins to emerge.

In early March, IAPA criticised a new law titled, "Law to Protect, Dignify and Encourage the Practice of Journalism" which sets the minimum salary of journalists and provides other benefits for the journalism profession. On the basis of information gathered by IAPA, the new bill establishes a special schedule for journalists that is separate from the national minimum wage bill. It is feared that the enforcement of this law could reduce the news flow to the Nicaraguan people because many media organisations would have to reduce their coverage.

In addition to the new law, there was also concern that the government was continuing to pursue a carrot and stick policy with the media through the allocation of government-sponsored advertising and other financial means. In view of this, it would appear that the government is still



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attempting to introduce self-censorship among the media in Nicaragua by awarding advertising contracts to those media organisations which follow the government's line.

To counteract these developments, the IAPA Board passed a strongly worded resolution which asked the president of Nicaragua to rescind the new act and, furthermore, condemned the government's policy of punishing its critics by denying them access to official advertising.

Elsewhere, according to a report by Reuters, the Sandinista newspaper, Barricada, which closed in 1998 due to financial difficulties, reopened in Nicaragua on 29 March. José Reyes was chosen by the Sandinista leadership as the new director of the newspaper that has a history of championing the leftist cause in the country.

IPI also highlighted the heroism displayed by many journalists in the country by making the Nicaraguan journalist Pedro Joaquín Chamorro, one of its 50 press freedom heroes. Chamorro, a crusading publisher and editor of the newspaper La Pensa, was killed in 1978 by unknown gunmen after a career of questioning the dictatorial government of the Somoza family. His murder helped to ignite a civil war that put another dictator in power. Today, the newspaper continues to advocate democracy under the direction of Chamorro's wife Violeta.