

# Political repression of religious leaders' manifestations of faith in Nicaragua

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## Abstract

This article analyzes the increasing restrictions on freedom of religion and freedom of expression in Nicaragua since 2018. It explores church-state relations and concludes that expressions of faith have become a risk for religious leaders and for the church as an institution if they contradict the political interests of the Nicaraguan dictatorship. There has been violence against religious leaders. Over 200,000 people have left Nicaragua, including religious leaders and Christians in general.

**Keywords** Nicaragua, freedom of religion, freedom of expression.

## 1. Introduction

Since the 2018 social crisis in Nicaragua, the tension between the state and the church has been escalating, especially as religious leaders have demonstrated their disagreement with the authoritarian and repressive tendency of the government.

After the November 2021 elections, which consolidated the Sandinista dictatorship in power and therefore also the abuses against opposition voices, the Church has found itself exposed to various types of harassment because its position – in accordance with its religious principles – contradicts the guidelines of the Sandinista party.

For this reason, we will analyze how both the right to freedom of religion and freedom of expression have been violated at the same time. We will then present various scenarios to illustrate how religious expression has motivated political reprisals. The information has been obtained from research done by both the World Watch Research Unit (WWR) of Open Doors International and the Observatory of Religious Freedom in Latin America (OLIRE).

## 2. The role of religious leaders since the 2018 social outburst

A series of civil society claims against the pension system in April 2018 culminated in anti-government protests demanding the president's resignation. The manifesta-

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tions of citizen dissatisfaction were and still are violently repressed by the authorities. Along the way, various actors have been involved, either on the government's side, justifying the regime's violent reactions, or as part of the so-called "opposition" calling for respect for democracy and human rights. Among the latter, we can include the Catholic Church, one of the last institutions that enjoys credibility and legitimacy in the country, and which has suffered all kinds of hostilities that have affected the viability of its projects and activities, the integrity of its churches, and the human security of its members.

To understand the reason behind these reprisals, we must understand the role the church has played during the social crisis<sup>2</sup> and how it has been perceived by the Ortega-Murillo regime. From our point of view, the church, especially the Catholic Church, has fulfilled three roles.

### **2.1 Mediator and witness**

From the beginning of the crisis, the Catholic Church participated in attempts at dialogue convened by various civil society organizations, political and business coalitions. However, since the beginning of the negotiations, the government's refusal to comply with the demands of these groups was evident. Among the demands were respect for the rule of law, new elections, a return to democracy, and the separation of powers to achieve peace and national reconciliation, as well as the release of political prisoners and the abandonment of the use of paramilitaries as agents of repression.

In addition, given the continuation of violent repression against protesters and any dissident voices, the Episcopal Conference of Nicaragua made known in March 2019 its decision not to accept the invitation to participate in a new dialogue process. It instead chose to focus on accompanying the people by exercising its pastoral mission. The Apostolic Nuncio Waldemar Stanislaw Sommertag, representing the Vatican, remained as the only witness on behalf of the Catholic Church at the Dialogue Table, which was definitively suspended in 2019.

### **2.2 Shelter and agent of humanitarian assistance**

In this aspect, a distinction must be made. In the case of the Catholic Church, most leaders directed their efforts toward assisting the people not only with material but also with spiritual care. Bishops and priests mingled with the demonstrators to help the injured or to prevent police or paramilitary groups from continuing with the violent attacks. From the churches, the priests rang bells as a form of warning,

<sup>2</sup> In Nicaragua, the relationship between the government and the various religious groups has undergone changes over time. In this article, we will focus on the political tension that has influenced the church-state relationship since the social crisis of 2018.

so that the people would be protected from the violence of the police, paramilitary, and regime sympathizers. They also acted as intercessors in the liberation of missionaries and students stationed in sanctuaries besieged by paramilitaries. As a result, the Catholic Church was accused of not really being a mediator, but of being committed to supporting the coup plotters.<sup>3</sup>

With respect to other Christian denominations, such as Protestants and Evangelicals, the relationship with the government is far from homogeneous. Some have been wrongly labeled as party sympathizers due to the regime's attempt to create a false image of its close relationship with them. Some evangelical church leaders pointed out that, due to this misconception, many of the participants in the 2018 protests felt afraid to come to them and accept their help. Unlike the Catholic Church, their church buildings did not serve as shelters because in many cases these denominations do not have permanent staff, which did not allow them to open their buildings during the most critical moments of the protests. In many cases, young people attending evangelical churches went to the homes of friends who were members or leaders of the church. In these instances, help was provided on an interpersonal level rather than an institutional one.<sup>4</sup>

During the 2018 crisis, members of the evangelical church also were accused by paramilitaries of collaborating with enemies of the government. Even the young volunteers distributing food were harassed and accused of participating in the protests. Some evangelical groups also faced challenges due to the government's repression, although the extent of their vulnerability is not clear due to their uneven structure and lack of information. Clearly, the religious sector has expressed opposition and has therefore suffered reprisals. It is threatened with losing its status to operate legally in the country, as is the case with other civil society organizations.

In both cases, any work of care for the needy and material and/or spiritual attention that the Church provided to the demonstrators and their families was interpreted by the government as a challenge to its authority and a declaration of opposition to its political interests, so that religious leaders (mostly Catholics) were labeled and dealt with as if they were coup plotters, terrorists and/or enemies.

### **2.3 Defender of human rights and critic of the government**

The Catholic Church – through the Episcopal Conference of Nicaragua (CEN) and the Episcopal Commission for Justice and Peace of the Archdiocese of Managua, as well as through the voices of many other bishops and priests – has directly and

<sup>3</sup> Carlos Salinas Maldonado, "Ortega Attacks the Church and Calls the Bishops of Nicaragua Coup Plotters," *El País*, 21 July 2018. Available at: <https://bit.ly/3SoGoE6>.

<sup>4</sup> Open Doors International World Watch Research Unit, "Nicaragua: Full Country Dossier" (2022). Available at: <https://opendoorsanalytical.org/?s=nicaragua> (password: freedom).

openly called for peace and justice and has severely questioned the undermining of state institutions and democracy, the multiple violations of human rights (including the limitations on the social, civil, and political rights of citizens), and the violent repression against anyone perceived as a dissident or opponent.<sup>5</sup> Even during the presidential electoral process of November 2021, members of the Catholic clergy warned about the lack of conditions for democratic elections; on the other hand, they also encouraged the people to fulfill their civic duties while following their conscience and tried to discourage non-participation.<sup>6</sup>

As described in this section, during the 2018 social outburst, the Church (both Catholic and some evangelical groups) supported the protesters and endorsed their petitions, urged the government to stop the unbridled violence, and denounced human rights violations. Nonetheless, due to the increasingly critical stance of church authorities, since June 2018 and especially after Daniel Ortega's disputed electoral victory in November 2021, pressure and attacks on sanctuaries and clergy, especially of the Catholic Church, have increased.

Along the way, the Catholic Church became the institution with the greatest support and legitimacy in the country, which is why the government began a campaign to weaken the sense of unity against the regime, delegitimize the civil dissent, and, above all, intimidate the Church.<sup>7</sup> In general, repressive actions against religious groups, although they have mainly targeted priests and church leaders, have also impacted committed lay people and parishioners who publicly defend them.

### **3. Politically motivated religious freedom violations due to religious leaders' expressions against the regime**

We will now reflect on the tensions between the protection of the right to freedom of expression and the right to religious freedom in Nicaragua, taking into consideration the interconnection between both rights and how reprisals against speech, expressions, or manifestations of faith, especially when they are not in line with

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<sup>5</sup> Christian Alvarenga, "Nicaragua: Church Advocates 'Respect for Human Rights,'" Exaudi Catholic News, 8 July 2021. Available at: <https://bit.ly/3Sr9gvo>; Diario Las Américas, "Nicaragua: Catholic Church Calls for the Release of Political Prisoners," 22 December 2021. Available at: <https://bit.ly/3z08Q8g>.

<sup>6</sup> Swiss Info, "In Nicaragua There Are No Conditions for Democratic Elections, Says the Diocese," 10 August 2021. Available at: <https://bit.ly/3gtAILC>; El Diario AR, "The Church of Nicaragua Leaves 'to the Conscience of Each Citizen' to Vote or Not in the Elections," 22 October 2021. Available at: <https://bit.ly/3F1W1hC>.

<sup>7</sup> Álvaro Augusto Espinoza Rizo, "Las Iglesias ante la violencia estatal en las protestas contra el gobierno sandinista en Nicaragua (desde abril de 2018 hasta la actualidad)," in *¿Latinoamérica y paz? Propuestas para pensar y afrontar la crisis de la violencia*, edited by Christine Hatzky, Sebastián Martínez Fernández, Joachim Michael and Heike Wagner (Buenos Aires: Teseo, 2021), 351–394.

the interests of the government, become politically motivated forms of violation of religious freedom.

At the national level, among the constitutional provisions that protect freedom of conscience, thought, and religion in Nicaragua are Articles 14, 29, 49, 69 and 124. The Constitution establishes that the state has no official religion, and it recognizes that Christian values are principles of the Nicaraguan nation, but also socialist ideals. It indicates that everyone has the right to freedom of conscience, thought, and religion, but it also states that no one can evade observing the laws or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs. In most cases, the national interest is thereby placed above the observance of the right to religious freedom under the terms of Article 18 of the Universal Declaration of Human Rights (UDHR).

Article 18 of the UDHR, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), and General Comment 22 on Article 18 of the ICCPR illustrate the multidimensional nature of the right to religious freedom. The full exercise of this right to practice and express one's faith also involves the exercise of other rights, such as freedom of expression, freedom of assembly, freedom of association, and the right to education, among others.

On the other hand, Article 19 of the UDHR states that everyone has the right to freedom of opinion and expression. This includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of borders. According to the Inter-American Commission on Human Rights, freedom of expression has a three-part function in any democratic system: (1) it is an individual right without which the right to think for oneself and to share one's thoughts with others would be denied; (2) it strengthens the functioning of pluralistic and deliberative democratic systems through the protection and promotion of the free flow of information, ideas, and expressions of all kinds; and (3) it is a key tool for the exercise of other fundamental rights.<sup>8</sup>

In this sense, it is legitimate to make use of free forms of opinion and expression to manifest one's faith. Under the concept of interdependence and multidimensionality of human rights, in this way both the right to freedom of expression and the right to religious freedom are exercised.

Moreover, the possibility for religious leaders to express their opinions regarding public affairs, including political affairs, cannot be considered a violation of the principle of separation of Church and State. Rather, given the important role of religious communities in democratic societies and in the construction of the com-

<sup>8</sup> Inter-American Commission on Human Rights (IACHR), Office of the Special Rapporteur for Freedom of Expression, "Inter-American Legal Framework on the Right to Freedom of Expression," (2010). Available at: <https://bit.ly/3BUJeSE>.

mon good, especially in scenarios that include a humanitarian crisis, such opinions are recognized to encourage discussion and dialogue, in order to contribute to the restoration of peace. These expressions must be not only respected but guaranteed, even more so if one considers that in the case of religious leaders, the possibility of denouncing injustices and acting in favor of those most in need is a duty inspired by their religious doctrine.

However, in Nicaragua, the legitimate exercise of the right to freedom of expression based on one's religious principles by religious leaders, especially the Catholic clergy, has been constantly limited, resulting also in limitations of the multiple dimensions of the right to religious freedom. In recent years, the Church has become one of the institutions most critical of abuses of power, human rights violations, and the lack of democratic guarantees. For this reason, with the strengthening of the Ortega regime in its fifth term in power, there has been an increase not only in threats against the Church, but also in the materialization of harassment against its religious leaders, its church buildings, and its affiliated institutions or organizations. The regime's objective is to establish a culture of terror in which censorship and intimidation take effect not only among religious leaders, but also among their followers. The level of politically motivated religious freedom violations has worsened over time.

Based on the review of the WWR weblog "The Analytical," the Violent Incident Database (VID), and the OLIRE database, we will present a summary of the various scenarios identified in which this right has been limited from October 2021 (one month previous to the last national presidential elections) to August 2022 (date when the article was written).<sup>9</sup> As of the date of the publication of this article, it is most likely that the cases have increased, given the spiral of repression in the country.

### 3.1 Arrests

According to the Mechanism for the Recognition of Political Prisoners, since April 2018, there are approximately 200 political prisoners of the regime. Since the beginning of the crisis, opponents have been subjected to arbitrary imprisonment.<sup>10</sup>

Through the National Assembly, reform of the criminal code has been promoted to toughen the penalties for the crimes of "treason against the fatherland" and "undermining national integrity." As a first step to finalize this reform, the Justice and Legal Affairs Commission submitted to the Assembly a report on the "Analysis of the Legal Norms Applicable to People Who Commit Crimes That Undermine National

<sup>9</sup> To obtain more detailed information about the incidents mentioned in this section, visit the following links: <https://opendoorsanalytical.org/?s=nicaragua> (password: freedom) and <https://bit.ly/3CZpkP1>.

<sup>10</sup> Mechanism for the Recognition of Political Prisoners, "List of Political Prisoners: Nicaragua." Available at: <https://bit.ly/3DUJnZx>.

Integrity – Hate Crimes, among Others.” The reform proposal bases its justification on the need to have measures to “generate trust and hope for the people’s demands for justice.” In the working document presented, the “contributions” to the reform proposal are detailed, among which there is talk of a consultation carried out with the “victims of the coup.”<sup>11</sup>

Among these alleged victims are deputies of the National Assembly, members of the Sandinista party, and police agents who claim to have been injured and even tortured in one case by coup leaders. Religious leaders, priests, and other defenders of human rights have been designated as coup participants.

The victims who participated in the consultation conducted by the commission stated that the penalties should be more severe for the religious leaders and directors of human rights organizations who were involved in the coup attempt as leaders. Through this proposal, the regime makes the representatives of the Catholic Church an explicit object of its measures of repression and censorship. In this sense, the exercise of the right to freedom of expression has become a reason for arrest, not only of leaders in civil society, but also of representatives of the Catholic Church, especially those most critical of the government.

From May to August 2022, about 12 priests and 12 parishioners were arrested by the National Police. Among them, the case of Monsignor Rolando Álvarez is perhaps the most emblematic since the security forces, after more than 15 days of besieging the Episcopal Curia, entered the building by force to arrest him. As of this writing, he is under house arrest, while the rest of the priests and parishioners are still in the “El Chipote” center, which is known for the constant abuse and violation of the civil and political rights of detainees, especially political and/or Christian prisoners known or perceived to be opponents of the regime. In most cases, arrested priests and parishioners are not afforded any of the guarantees of due process.<sup>12</sup>

### 3.2 Restrictions on freedom of the press

Freedom of expression and freedom of the press are fundamental components of the exercise of democracy. In a democratic society, the press has the right to freely inform the public and criticize the government, just as the people have the right to

<sup>11</sup> National Assembly of Nicaragua, “Report on the Analysis of the Legal Norms Applicable to People Who Commit Crimes That Undermine National Integrity – Hate Crimes, among Others,” 2022. Available at: <https://bit.ly/3shNyPB>.

<sup>12</sup> CNN, “Police put Catholic Bishop under house arrest after raid on diocese in Nicaragua,” 19 August 2022. Available at: <https://cnn.it/3CUz6SQ>; Nathali Vidal, “Trasladaron a centro de torturas a Oscar Benavidez, sacerdote detenido el 14Ago,” Punto de Corte, 16 August 2022. Available at: <https://bit.ly/3TsfIsD>; 100% Noticias, “Police monitor the town in Sébaco with drones, Father Uriel Vallejos is kidnapped by the regime,” 2 August 2022. Available at: <https://bit.ly/3TL3oOZ>.

be informed of what is happening in the community.<sup>13</sup> Expressions, information and opinions relating to matters of public interest, including all matters concerning the state and its institutions and its officials, including denunciations of human rights violations, have a special level of protection under the American Convention.

According to the organization Nicaraguan Independent Journalists and Communicators (PCIN), between April and June 2022 alone, 48 complaints of attacks on journalists and independent media in Nicaragua were registered.<sup>14</sup> During 2021, the organization registered 205 complaints, which translated into 1,520 attacks on press freedom.<sup>15</sup> Reporters Without Borders indicated that, with the re-election of President Ortega in November 2021, independent media continue to be censored, harassed, and threatened. Journalists are constantly stigmatized and subjected to harassment campaigns, arbitrary arrests, and death threats, which is why many journalists have had to flee the country.<sup>16</sup> These and other measures, including arrests of journalists and closures, raids, or confiscations of media facilities, limit the right to freedom of expression. In Nicaragua, the state makes use of criminal law, the most severe and restrictive resource, to punish protected forms of expression, since legislative reforms have been implemented that seek to “legalize” the repressive enforcement actions.<sup>17</sup>

Among the media sources that are not pro-government, Catholic radio and television outlets have been sanctioned for broadcasting events concerning the Catholic Church in the country, especially when they refer to the regime’s attacks against it or have been reprimanded in retaliation against the religious leaders who manage them.<sup>18</sup> Thus, it has become common practice for the Nicaraguan Institute of

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<sup>13</sup> Inter-American Court of Human Rights, *Caso Ivcher Bronstein vs. Peru*, judgment of 6 February 2001, clause 143.

<sup>14</sup> Nicaraguan Independent Journalists and Communicators Organization, “Report of the Observatory of Aggressions against the Independent Press of Nicaragua,” April-June 2022. Available at: <https://bit.ly/3MYxSdU>.

<sup>15</sup> Nicaraguan Independent Journalists and Communicators Organization, “Report of the Observatory of Aggressions against the Independent Press of Nicaragua,” 2021. Available at: <https://bit.ly/3ToU7M9>.

<sup>16</sup> Reporters without Borders, “World Press Freedom Index: A new era of polarisation: Nicaragua.” Available at: <https://rsf.org/en/country/nicaragua>.

<sup>17</sup> As part of the persecution of independent media, dissident journalists or journalists perceived as opponents have faced difficulties due to the Foreign Agents Regulation Law that aims to prevent “crimes against the security of the state” and obliges any person or entity that receives funds from abroad (including journalists working for the international media) to register as a “foreign agent” with the Ministry of the Interior. The Cyber Crimes Law (Law 1042 of 2020) includes four types of crimes in relation to damage to systems and data and seeks to sanction certain actions carried out on the internet or through electronic means, affecting freedom of expression.

<sup>18</sup> Artículo 66, “The Ortega regime harasses the Nicaraguan Catholic press,” 22 August 2018. Available at: <https://bit.ly/3TtYaXK>.



Telecommunications and Postal Services (TELCOR), the regulator of telecommunications and postal services in Nicaragua, to shut down Catholic radio stations, as well as to order cable companies to stop transmitting Catholic channels. The government agency usually bases the order on a series of alleged irregularities that disqualify them from operating. Even reporters who have covered stories on cases of violence, raids, or any situation that involves denouncing acts against the church by the government have been detained. For various religious denominations, the use of social networks and independent media that have not yet been shut down is the only means by which they can share and receive truthful and timely information.

From November 2021 to August 2022, the police, by order of TELCOR, seized and closed around seven Catholic radio stations, most of them managed by Monsignor Rolando Álvarez. Similarly, the official channel of the Episcopal Conference of Nicaragua was removed from cable television programming, in addition to other two Catholic channels, the latter also administered by Monsignor Álvarez. We should further note the cancellation and suspension of the frequency of one non-Catholic Christian channel directed by the former presidential candidate Pastor Guillermo Osorno.

### **3.3 Refusal of visas, impediments to enter the country, forced displacement and exile**

As a result of the social and political crisis, around 200,000 people have chosen to flee the country.<sup>19</sup> In many cases, the repression has led to the exile of politicians, young protesters, journalists, directors, or members of civil society organizations, among others. In recent months, this phenomenon has also affected the Nicaraguan church. Similarly, impediments to the entry of religious leaders have been verified.

Considering the role they play, not only through their ministry in their respective congregations but also through the social work they carry out, the exile of religious leaders or their inability to enter the country also has a direct impact on the social welfare of entire communities. Beyond this, the removal of a religious leader from a diocese or specific territory also constitutes a practical limitation of the right to congregate in connection with a faith or the right of each religious group to choose its own religious leaders.

From November 2021 through August 2022, three priests were transferred from their parishes for security reasons, 18 nuns and the Apostolic Nuncio Waldemar Stanislaw Sommertag have been expelled from the country, and one priest was prevented from leaving the country. Meanwhile, two pastors were prevented from entering the country, while another two sought refuge in Costa Rica.

<sup>19</sup> UN Refugee Agency. "Desplazamiento en Centroamérica." Available at: <https://bit.ly/3D2rUnG>.

### 3.4 Closure and/or confiscation of institutions, confessional civil society organizations or those related to faith ministers

In recent months, many civil society organizations have been shut down. Although it is difficult to determine an exact number, various national and international sources indicate that approximately 900 organizations have been prevented from operating since 2018.<sup>20</sup> Some report more than 1,500 closures.

Catholic institutions and civil society organizations continue to be monitored and watched, especially through the legislation passed to harass and prevent any kind of opposition voice.<sup>21</sup> The legal framework aims to attack these organizations through legal complaints regarding actions against the sovereignty of the state or alleged coups. In recent years, the executive branch enacted laws that would oblige all natural or legal persons to declare to the government the economic funds they receive from abroad and would exclude them from participating in the political life of the country if they are part of or related to the opposition. The legislation seeks to sanction those who receive financing from international cooperation. This has put at risk not only the finances of many organizations, but also the legality of their operations in the country. The restrictive regulatory framework means that civil associations – the main legal status adopted by non-Catholic religious groups – with members linked to the opposition face heavy registration procedures, permits or authorizations.

On the other hand, those associations related to the Catholic Church have faced discrimination and challenges that have hindered their functioning. Christian non-profits and NGOs are generally not seen as fit to work with the government or are unable to freely provide aid to the most vulnerable or show support for protesters.

The government is imposing different oversight, through the Ministry of the Interior, on evangelical, Catholic, civil society, and even humanitarian organizations. The legal scrutiny can include requesting account statements, transaction histories, and details on collaborative alliances with other organizations. In the end, the suspension of the organization's license is determined, with the consequence of preventing them from providing their services. It is apparently a common practice that the assets and shares belonging to associations should become state property. The serious limitations on the right of association, the right to property, non-discrimination, and equal treatment before the law, among others, are evident.

From December 2021 to February 2022, the cancellation of the registration and legal status of eight organizations has been reported, including universities, techni-

<sup>20</sup> Human Rights Watch, "Nicaragua: Government Dismantles Civil Society," 19 July 2022. Available at: <https://bit.ly/3MSdnPW>.

<sup>21</sup> See Annex A for a list of relevant legislation.

cal institutes, an association of parochial schools, cultural centers, associations that promote educational programs, justice and peace commissions, and seminars. Other forms of pressure have included the defunding of the Jesuit-run Central American University and the expropriation of assets donated to the church.

### 3.5 Police siege inside and outside church buildings

Other common reports describe the monitoring, by officials, paramilitaries and party sympathizers, of religious leaders and of the activities carried out at worship sites. This includes the surveillance and monitoring of people in attendance. Some of these situations have hindered liturgical celebrations, as parishioners are prevented from entering the churches.

From October 2021 to May 2022, various situations have been reported involving regime sympathizers, the national police and other shock groups monitoring and guarding the surroundings of Catholic churches, and undercover agents inside houses of worship listening attentively to sermons or identifying attendees. Sometimes this surveillance has also led to physical attacks and threats (in the context of the last presidential elections) against priests and laity. This type of hostility is difficult to document because it is a permanent strategy of the government.

### 3.6 Smear campaigns

There are official media in the country, in charge of reporting everything that coincides with the political interests of the regime. These media outlets are financed by Daniel Ortega and his closest circle.<sup>22</sup> Since the April 2018 crisis, the construction of a communication strategy in support of the president and to justify the government's repressive actions has intensified. During the most recent election, according to the organization Urnas Abiertas, only the official media were accredited to cover the voting process.<sup>23</sup>

In general, the content transmitted by the media aligned with the Sandinista National Liberation Front party aims not only to exalt the regime but also to manipulate the facts, delegitimizing the information presented by the opposition and launching defamation campaigns against opponents of the government and their integrity.

In this scenario, due to its firmness in denouncing the injustices committed by the regime, one of the most recurrent targets of the official media is the Catholic Church, represented by priests and bishops, especially the most critical ones.

<sup>22</sup> Nicaragua Investiga, "More money allocated to official media for 'communication strategies'" 4 October 2021. Available at: <https://bit.ly/3MYAijw>.

<sup>23</sup> Urnas Abiertas, "Ninth Report: Study of an electoral farce," 1 November 2021. Available at: <https://bit.ly/3TsMx3a>.

Since the April 2018 protests, government discourse has frequently referred to such church leaders as “coup plotters,” “demons,” and “terrorists,” describing them as agents who seek to destabilize the government and as enemies of peace.<sup>24</sup> Also, lay people close to Catholic leaders have been depicted as subversive and undesirable, with the aim of presenting them as responsible for the country’s crisis. On the other hand, journalists have also been pressured and sanctioned when they have not agreed to contribute to smear campaigns or accusations against religious leaders.<sup>25</sup> During the arrests or trials of detained priests, the pro-government media always portray these individuals as conspirators and/or terrorists.

Among the aggravating circumstances of these actions, we must note the criminal nature of the attributed conduct, which generates greater social devaluation, along with the use of mass media such as radio and television to cause great damage to the image of religious leaders and of the church as an institution.

#### **4. Conclusion**

The relationship between the right to religious freedom and the right to freedom of expression is unique in the Nicaraguan case, as Christian believers’ attempts to exercise freedom of expression have led to infringements of their religious freedom. Thus, the legitimate exercise of expressions of faith has become a risk for religious leaders and for the church as an institution if they contradict the political interests of the Nicaraguan dictatorship. Politically motivated violations of both religious freedom and freedom of expression are the regime’s response when manifestations of faith take the form of political statements. If dissident positions are expressed, they become the trigger of repressive actions from the government.

Nevertheless, we find that despite the substantial adversities they have faced and the hostile treatment received from both state and non-state agents, religious communities (1) are not losing hope, still believing that a better future is yet to come; (2) have not renounced their faith; and (3) are continuing to accompany the most vulnerable and persecuted populations in the country, even though they themselves are a target under permanent siege.

We encourage religious communities and invite other civil society actors, not just Christian ones, to make known the violations to which they are exposed, including situations that affect them directly or that affect other denominations. Not everyone has the same opportunity, means, or confidence to share their concerns

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<sup>24</sup> Despacho 505, “Rosario Murillo: ‘Killing, besieging and kidnapping is not for Christians,’” 4 December 2019. Available at: <https://bit.ly/3SFPEB>.

<sup>25</sup> Nicaragua Investiga, “Journalist denounces that they searched for him to falsely accuse Monsignor Álvarez,” 17 August 2022. Available at: <https://bit.ly/3F5EGED>.

or challenges; it is the task of the entire community to protect the fundamental rights of their peers, whether they share the same religious beliefs or not.

Even when it seems that documentation, denunciation, and advocacy actions are not effective in generating international concern about the human rights situation affecting faith communities in Nicaragua, especially the right to religious freedom, these efforts must not stop. On the contrary, this situation demands firm stand and dedication from those concerned about it. Our calling is not to abandon the Nicaraguan church but to trust and to accompany it spiritually and materially as it courageously resists the Sandinista dictatorship in unarmed fashion.

Finally, it is essential for the international community, including academics, human rights defense organizations, and the global church, to recognize the real vulnerability of religious leaders in these circumstances. The Nicaraguan church's leaders and members deserve the same guarantees of and respect for their fundamental rights as any other citizens, and even more so when the risks they are facing result from actions motivated by their faith.

## **Annex A: Relevant legislation in Nicaragua**

Amnesty Law. 1985. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3F2iHhp>.

Law against Money Laundering, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction, with its incorporated reforms. 2019. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3VQmJQg>.

Law of the Financial Analysis Unit, with its incorporated reforms. 2019. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3MYE2L4>.

Foreign Agents Regulation Law. 2020. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3D00jmO>.

Special Cybercrime Law. 2020. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3eXVbba>.

Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace. 2020. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3gtQKoL>.

Law amending Article 37 of the Political Constitution of the Republic of Nicaragua. 2021. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3z62LXT>.

Law of Amendment and Addition to Law No. 406, Criminal Procedure Code of the Republic of Nicaragua. 2021. Nicaragua: National Assembly of the Republic. Available at: <https://bit.ly/3F5vFeI>.

General Law for the Regulation and Control of Non-Profit Organizations. 2022. National Assembly of the Republic. Available at: <https://bit.ly/3D01ra2>.

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# Grievous Religious Persecution:

A Conceptualisation of Crimes against  
Humanity of Religious Persecution

*shall be equal before the law*

VKW Religious Freedom Series (IIRF) 5

Foreword by Heiner Bielefeldt

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