

State of Civil and Political Rights in Nicaragua

Presented at

“An Urgent Appeal to Let Bishop Alvarez Go”

Subcommittee on Global Health, Global Human Rights and International Organizations

House Committee on Foreign Affairs

Submitted by

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Original Testimony submitted on March 22, 2023

Updated Testimony submitted on November 30, 2023

Chairman Smith, Ranking Member Wild and members of the Subcommittees on Global Health, Global Human Rights and International Organizations, thank you for this opportunity to address the Subcommittees as part of this hearing on “An Urgent Appeal to Let Bishop Alvarez Go,” a follow-on to the March 22 hearing on “The Ortega-Murillo Regime’s War Against the Catholic Church and Civil Society in Nicaragua: Bishop Álvarez, Political Prisoners, and Prisoners of Conscience.”

I have worked for more than 25 years carrying out programs to strengthen democracy and human rights in Latin America and the Caribbean, including living and working in Guatemala, Guyana, Honduras, and Nicaragua.

The organization I represent – the National Democratic Institute (NDI) – is a non-profit, non-partisan, non-governmental organization that works in partnership around the world to strengthen and safeguard democratic institutions, processes, norms, and values to secure a better quality of life for all. NDI’s multinational approach shows that while there is no single democratic model, certain core principles are shared by all democracies, including people’s ability to exercise their political and civic rights and responsibilities freely.

NDI has worked in Latin America and the Caribbean for nearly 40 years, supported by several international assistance organizations, including the United States Agency for International Development, the National Endowment for Democracy, the State Department, the Swedish International Development Assistance Agency, Global Affairs Canada, Norwegian Ministry of Foreign Affairs and the Howard G. Buffett Foundation. Today, NDI has seven national offices in Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, and Mexico. We regularly engage other countries in regional programs on political parties, democratic governance, citizen participation, elections, gender, women and democracy, leadership, and democracy and technology. NDI’s work with civic activists, reform-minded government officials and legislators, and political parties across the democratic political spectrum at national and local levels provides us with diverse perspectives into the challenges facing the region. Our work and partnerships span senior political leaders to grassroots activists and inform the observations that follow.

State of Democracy in Latin America

From NDI’s global experience of working in over 70 countries with more than 55 field offices: when people have the choice, they choose democracy. However, they do not always have a choice. Unfortunately, that is the case in Nicaragua today.

While Latin America “remains the most democratic emerging region globally — scoring below only Western Europe,” according to the International [IDEA’s Global State of Democracy 2022](#)

report, over the past 16 years, prospects for freedoms have dimmed in the Americas. Since then, numerous challenges to democratic governance have emerged, including:

- a rise in authoritarianism and an increased preference for populist leaders who dismantle democratic institutions in their wake,
- efforts to delegitimize election results by corrupt governments that bend the rules of the game in their favor and abuse power to benefit themselves,
- a deepening use of the military and states of emergency to deal with gangs and organized crime,
- a prevalence of false information and illiberal influences like China and Russia,
- the wielding of the judicial system against government critics, and
- migration due to crime, poverty, climate change and other vulnerabilities, resulting in humanitarian crises in the region.

In addition, there are disturbing signs of closing civic and political space in northern Central America, where supporters of democracy are fighting for open and honest governments. They are watching how the international community responds to the repression and orchestrated demise of democracy in Nicaragua.

Nicaragua is ranked by numerous surveys as one of the least free countries in the region. According to Manuel Orozco, Director of the Migration, Remittances, and Development program at the Inter-American Dialogue, more than 800,000 Nicaraguans have fled the country in desperation since 2018 due to economic hardship and political repression caused by the regime of President Daniel Ortega and his wife, Vice President Rosario Murillo. On March 10, [Pope Francis](#) said that “the imprisonment of Catholic Bishop Rolando Álvarez reminds him of Hitler’s dictatorship.” In this regard, it is promising that Latin American democracies have condemned what the [United Nations Group of Human Rights Experts on Nicaragua](#) (GHREN) denounced as “crimes against humanity: murder, imprisonment, torture, including sexual violence, deportation, and politically motivated persecution.” The ongoing expulsion, arbitrary arrests and detentions, restrictions of freedoms, and confiscation of property of hundreds of Nicaraguan critics highlight the seemingly relentless repression in the country.

Current State of Civil and Political Rights in Nicaragua

April 2018 seemed to herald a democratic turning point in Nicaragua’s history when widespread spontaneous grassroots protests began over poor handling of fires in indigenous reserves and later over social security reforms. The moment turned dark, however, as a threatened Ortega-Murillo government responded with an onslaught of repression that resulted in more than 325 deaths. The victims were mostly young men and women who perished at the hands of

the police and pro-regime thugs, according to numerous human rights reports. Violent repression against opponents of the Ortega-Murillo authoritarian regime continues today.

In late 2020, the regime approved draconian laws that undermined fundamental freedoms and eroded Nicaragua's rule of law. The legal system was used to delegitimize the country's civic organizations. According to a [September report by the GHREN](#), the regime has escalated its persecution against dissent, essentially shuttering civic, religious and educational institutions. More than 3,300 national and international civil society organizations, independent media, charities, trade associations, and universities were deregistered and forced to close, including the prestigious Central American University (UCA) and the Central American Institute of Business Administration (INCAE), and international organizations like NDI (with an office registered since 2006).

In November 2021 and 2022, illegitimate presidential and municipal elections took place after opposition candidates were summarily arrested and jailed. Combined, the sham elections completed the country's descent into a one-party state.

On February 9, 2023, the regime released 222 Nicaraguan political prisoners to the U.S. This action likely resulted from high-level U.S. diplomacy, targeted sanctions against Ortega-Murillo's family and their inner circle, and international pressure. While releasing the political prisoners did not provide an immediate solution to the regime's tightening, brutal repression, it did provide Nicaraguans some hope for a U.S.-Nicaragua bilateral dialogue about a democratic future, even if momentarily. However, the Nicaraguan National Assembly subsequently stripped the former political prisoners of their citizenship and assets.

Additionally, after refusing to get on the flight to the U.S., Bishop Álvarez was sentenced to 26 years at *La Modelo*, a maximum security prison. A week later, the Nicaraguan Supreme Court moved to strip an additional 94 Nicaraguans of their citizenship, brand them fugitives, and order their assets confiscated, which not only violates Article 15 of the United Nations Declaration of Human Rights and the Inter-American Human Rights Convention of the right to citizenship but also demonstrates that the dictatorship is willing to continue to provoke by their repression a brain drain and economic disaster.

The choices offered by Ortega-Murillo are simple: silence, prison or forced exile. The 222 political prisoners (including students, journalists, priests, civic activists, and former presidential candidates) who have just emerged from a traumatic, life-threatening experience face enormous personal challenges. These include reuniting with their families, resettling their lives and families, finding employment to make up for lost income or canceled pensions, and taking up their activism from abroad. The release of the civic and political leaders will enable voices

previously silenced by their imprisonment to join with fellow dissidents spread out across Costa Rica, the United States, and other countries to chart the way forward.

However, we must not forget about the remaining 81 political prisoners (jailed since April 2018), including Bishop Álvarez, and the families of those expelled from their country or forced into exile, nor the most vulnerable groups who continue to suffer repression. On October 18, 12 Catholic priests who had been arrested as part of the recent crackdown on the Catholic Church were released and transferred to Rome in an agreement brokered by the Vatican.

NDI also calls attention to Nicaragua's Indigenous communities, who continue to suffer violent attacks over land disputes. Delays in land restoration procedures and the alleged establishment of parallel governments, replacing legitimate Indigenous representatives elected by traditional assemblies, continue to cause uncertainty in the tenure of Indigenous Lands. From August 2022 to June 2023, the GHREN [documented](#) eight cases of violent attacks on Indigenous Peoples, especially in Mayangna Sauni at the core of the Bosawas Biosphere Reserve. In July, the [UN's flagship climate](#) fund suspended payments to a \$117 million forest protection project over escalating violence against Indigenous people. Nicaraguan human rights and environmental activists highlight that many settlers moving onto the lands are former soldiers seeking to raise cattle, as well as partake in illicit logging and mining interests.

The [Inter-American Commission on Human Rights \(IACHR\) granted precautionary measures](#) in favor of regional legislator Brooklyn Rivera, a Miskitu indigenous person and the leader of the YATAMA (*Yapti Tasba Masraka Nanih Aslatakanka*, "Children of Mother Earth United") party. He was arrested on September 29, and is believed to be suffering health issues; his whereabouts have been unknown since then. His substitute representative in Congress, Elizabeth Henríquez was also arrested. On October 3, the regime revoked YATAMA's legal status, bringing to an end a 36-year-old Indigenous movement that served as the only political force in the Caribbean coastal region in the lead-up to the March 2024 regional elections. This is just the latest in a years-long string of assaults on Indigenous communities in the Caribbean Coast of Nicaragua.

The regime's tacit support of settlers through impunity from the law and deregistration of charity groups, including the Catholic group *Caritas*, is part of the regime's broader pattern not just to silence everyday citizens but also to prevent politically neutral activists from helping to ensure basic access to health services, water, and food for low-income, and mostly rural, coastal communities. The Ortega-Murillo regime even views non-partisan social service providers as a threat to their drive for total control of the country, erasing all fundamental freedoms in the process. Even Miss Nicaragua, now Miss Universe Sheynnis Palacios, did not escape retaliation.

On November 11, *Confidencial* reported that Murillo dismissed more than 900 people from the judiciary, equivalent to approximately 10 percent of the government workforce. The removals

included senior judges, appeals judges, area directors, judges in central and local courts, and administrative and service personnel. The sweep has been attributed to divisions among factions of the Sandinista National Liberation Front (FSLN), with those not perceived as sufficiently loyal to Murillo being expelled. Furthermore, as reported by *Confidencial*, on October 31, the National Assembly voted to move the public property records from the Supreme Court's purview to the office of the Attorney General. As such, the Attorney General's office has become the "judge, jury and executioner" of the illegal property confiscations.

Nicaragua's withdrawal from the Organization of American States (OAS), a process initiated by the Ortega-Murillo regime more than two years ago, took effect on November 19. Ahead of its withdrawal, the OAS approved a resolution stating that even if it is no longer an OAS member, Nicaragua "remains bound to respect all human rights reflected in customary norms; all human rights contained in the multilateral human rights conventions to which Nicaragua is a party, as well as those derived from general principles of international law."

Growing Illiberal Influence in Nicaragua

Authoritarian leaders learn from each other and are adept at finding alternative international partners, such as China and Russia, that help them despite their repression and isolation from democratic countries. Nicaragua broke its diplomatic ties with Taiwan in December 2021 after the OAS and the community of democracies rejected the legitimacy of the presidential elections. Since China and Nicaragua resumed diplomatic relations, both countries have signed several trade agreements, according to different media reports. Nicaragua has had long ties with Russia, mostly centered on diplomatic solidarity and military relations. Notably, the Russian Dragunov, also known as the "sniper rifle," was used by the pro-regime thugs against civilians during the 2018 civil protests, according to Amnesty International's report "[Shoot to kill: Nicaragua's strategy to repress protest](#)." The President of the Russian Duma visited Nicaragua the day after Russia invaded Ukraine. In September, Nicaraguans joined congressional delegations from Cuba, Venezuela, and Central America in what was billed by the Russian Duma as the "First Russia-Latin America Parliamentary Conference." In addition, the Russians have built a joint counter-narcotics training center and have installed a land-based satellite station in Managua, which according to US officials, is being used to spy on democratic activists within Nicaragua and likely throughout the hemisphere.

Opportunities to Advance Democracy

NDI applauds actions taken to date against Nicaraguan officials committing human rights violations by the Biden Administration and bi-partisan efforts in the U.S. Congress. Yet, the Ortega-Murillo regime continues to dismantle democratic institutions, erase the rule of law and fundamental freedoms, and consolidate its dictatorial power over all Nicaraguans. Now more

than ever, it is essential to call out the ongoing crimes against humanity and violations of fundamental human rights and freedoms endured by Nicaraguans, particularly those who worked to defend democracy at tremendous personal costs. This includes the 222 released political prisoners, the 94 additionally and subsequently stripped of their citizenship and assets, the 81 remaining political prisoners, including Bishop Álvarez, and all of their family members suffering reprisals. The U.S. and the international community should consider the following additional actions to continue to address ongoing human rights violations in Nicaragua.

- Nicaragua's isolation from regional and international organizations reduces existing checks-on Ortega-Murillo's power. Despite Nicaragua's withdrawal from the OAS, however, the country and government remain bound to several human rights obligations under international instruments, such as the Universal Declaration of Human Rights, to which Nicaragua is a signatory. As such, ongoing investigations and public reporting by the GHREN remain crucial to ensure international scrutiny of the deteriorating crisis and exert pressure on UN member states to provide accountability and justice for victims of atrocity crimes, particularly human rights abuses against women, and the Indigenous and Afro-descendent communities. Reaffirming democratic values and backing with actions will be key as illiberal countries such as China and Russia seek to expand their negative economic, political, and security role in Nicaragua.
- The U.S. should work with Latin American democracies in the region to create "A Friends of Nicaragua Group" and advance high-level regional dialogue toward a democratic transition in Nicaragua. Furthermore, the U.S. should work with Canada, the European Union, and other allies to ensure a coordinated, consistent, and holistic response to the crisis which prioritizes human rights protection and democratic reform, in consultation with Nicaraguan civil society.
- The U.S. Government has diplomatic and economic tools to ensure that international funding and trade are not propping up the Ortega-Murillo regime. In this regard, we applaud the bi-partisan Senate bill introduced in June to reauthorize and amend the 2018 Nicaraguan Investment Conditionality Act (NICA Act) and 2021 Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act (RENACER Act) to "enhance sanctions on sectors of the Nicaraguan economy that generate revenue for the Ortega family." NDI also commends the Biden Administration for Executive Order 14088 "Taking Additional Steps to Address the National Emergency with Respect to the Situation in Nicaragua," which amended Executive Order 13851, to expand Nicaragua sanctions authorities to individuals and entities operating in identified areas, such as the gold sector. The Executive Order also allows for the imposition of future restrictions on

trade with Nicaragua. We urge the Administration to use all tools available to pressure the regime.

- NDI supports the Administration for its recent action to restrict visas for the aviation operators of companies facilitating chartered flights for Cuban and Haitian migrants to Nicaragua from where they seek to travel overland to the United States. The U.S. should also consider sanctioning the Nicaraguan Institute of Civil Aeronautics, which is facilitating the weaponization of migration.
- NDI commends the bipartisan efforts by the Senate Foreign Relations Committee Chairman Menendez and the House Foreign Affairs Committee Chairman McCaul to increase scrutiny of lending by the Central American Development Bank of Economic Integration (CABEI) to the Ortega-Murillo regime. A new investigative project by [The Organized Crime and Corruption Reporting Project](#) raises questions about CABEI's lending practices to "a club of friends who prioritize politics over sound investments and rely on the bank to access cheaper funding from international markets." The U.S. has the opportunity to work with the first woman Executive President of CABEI, Ana Guissella Sánchez Maroto from Costa Rica, to re-consider continued lending to Nicaragua until actions are taken by the regime toward a path to restore democracy in concert with Nicaraguan civic and political activists. This will also send an important message to neighboring governments already demonstrating authoritarian tendencies.
- NDI also highlights the efforts of Nicaraguans – both in the country and in exile – to find common ground on a path for peaceful change when a political opening occurs. These efforts can be bolstered by sustained U.S. democracy assistance that supports independent journalists, and civic, environmental, human rights, and youth activists, and the democratic opposition to 1) shine a light on the crimes against humanity being perpetrated by the Nicaraguan regime; 2) monitor international financial investment bank loans; 3) disrupt information manipulation; and 4) generate a consensus toward a democratic transition. A return to democracy will likely only succeed when there are Nicaraguan efforts bolstered with international support.
- Finally, the U.S. Department of State is to be commended for its considerable efforts to ensure the safe transfer of the 222 former political prisoners to the U.S. and for the partnership that it has developed with the Nicaraguan diaspora and U.S. civil society organizations to meet the legal, housing, health, and mental health needs of the former prisoners of conscience, many of whom come from modest, rural economic backgrounds. While the humanitarian parole for two years allows the former prisoners to remain in the U.S. and obtain work visas, this group's suffering has been compounded by being stateless, the confiscation of their assets, and threats of reprisals against loved

ones left behind. NDI praises the introduction of the bi-partisan “Nicaraguan Political Prisoner Support Act” so that the former prisoners and their immediate family members can have access to mainstream benefits and reduce their day-to-day struggles.

Chairman Smith, Ranking Member Wild and members of the Subcommittees on Global Health, Global Human Rights and International Organizations, thank you again for the opportunity to testify, and I look forward to your questions.