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CRUSHING DISSENT: THE ONGOING CRISIS IN NICARAGUA

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE, CIVILIAN SECURITY, AND TRADE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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CONTENTS

Page

OPENING STATEMENT FROM CHAIRMAN SIRES

Hon. Albio Sires, Chairman of the subcommittee 3

WITNESSES

Vivanco, Jose Miguel, Executive Director, Americas Division, Human Rights Watch 9
Maradiaga, Felix, Executive Director, Institute for Strategic Studies and Public Policies 16
Ponce, Carlos, Director, Latin American Programs, Victims of Communism Memorial Foundation 22

APPENDIX

Hearing Notice 42
Hearing Minutes 43
Hearing Attendance 44

INFORMATION SUBMITTED FOR THE RECORD

Amnesty International letter submitted for the record from Representative Rooney 45

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Responses to questions submitted for the record from Representative Espaillat 49

CRUSHING DISSENT: THE ONGOING CRISIS IN NICARAGUA

Tuesday, June 11, 2019
House of Representatives
Subcommittee on Western Hemisphere, Civilian Security and Trade
Committee on Foreign Affairs

Washington, DC

The committee met, pursuant to notice, at 10:04 a.m., in room 2172 Rayburn House Office Building, Hon. Albio Sires (chairman of the subcommittee) presiding.

Mr. SIRES. This hearing will come to order. This hearing, titled, "Crushing Dissent: The Ongoing Crisis in Nicaragua," will highlight the human rights situation in Nicaragua and the United States policy options to address the ongoing political crisis there.

Without objection, all members may have 5 days to submit statements, questions, extraneous materials for the record, subject to the length limitation in the rules. I will now make an opening statement and then turn it over to the ranking member for his opening statement.

Good morning, everyone. Thank you to our witnesses for being here today to discuss the deeply concerning crisis in Nicaragua.

Since April 2018, protests against the government of President Daniel Ortega have been met with brutal oppression. While the protests began in response to a proposed social security reform, they came to represent much broader discontent with Ortega's authoritarian leadership. Security officials and armed thugs under the command of Ortega responded by shooting at unarmed protesters, leaving more than 320 people dead with 2,000 injured and hundreds arbitrarily detained.

Civil society groups estimated there were over 700 political prisoners earlier this year. I understand that this morning, more than 50 political prisoners were released and as many as 520 have been freed in recent months. However, we must remember that these individuals should never have been jailed in the first place. Moreover, many remain under house arrest and are being denied the right to participate in politics and continue speaking out against this repressive regime.

An independent panel of experts appointed by the Inter-American Commission on Human Rights conducted a field visit following the protests last year. These experts concluded that Ortega's government intentionally used lethal weapons against protesters in what amounted to crimes against humanity. I have heard firsthand from Nicaraguan activists including some Nicaraguan Americans who told me they were tortured while in government custody. Some

say they were tortured by Cuban officials working in coordination with the Ortega regime.

On May 16th, an American citizen, Eddy Montes, was shot and killed in a prison near Managua. We should demand accountability for the killing of Mr. Montes and for all those Nicaraguans who have been victims of human rights violation. Unfortunately, the blanket amnesty bill passed by Nicaragua's Congress over the weekend represents a huge step in the wrong direction as it would formally absolve the worst human rights violators of their crimes.

While the last year has seen an increase in State violence, it is important to highlight that the situation in Nicaragua has been deteriorating for many years. I have been working with colleagues here to sound the alarm about the authoritarian slide taking place under Ortega and increase awareness about what is happening in Nicaragua.

Last Congress, I co-sponsored a bill with my good friend from Florida, Chairman Emeritus of the Foreign Affairs Committee, Ileana Ros-Lehtinen, to pass the Nicaragua Human Rights and Anticorruption Act of 2018. The NICA Act requires the United States to vote against loans from international financial institutions to Nicaragua. It also authorizes the President to impose visa restrictions and block the foreign assets of individuals responsible for human rights violations or acts of corruption.

We must send a clear message that we stand shoulder to shoulder with the people of Nicaragua. Nicaragua is the second poorest country in the Western Hemisphere and the political crisis has only worsened the suffering of many Nicaraguans. The people of Nicaragua deserve far better than this. I hope that today we can explore ways for the U.S. Congress to do more to support the Nicaraguan people in their quest for dignity, economic opportunity, and fundamental human rights.

Thank you, and I now turn to the ranking member for his opening statement.

[The prepared statement of Mr. Sires follows:]

House Committee on Foreign Affairs
Western Hemisphere Subcommittee

Chairman Albio Sires (D-NJ)

Opening Statement –
"Crushing Dissent: The Ongoing Crisis in Nicaragua"
Tuesday, June 11, 2019

- **Good Morning everyone and thank you to our witnesses for being here today to discuss the deeply concerning crisis in Nicaragua.**
- **Since April 2018, protests against the government of President Daniel Ortega have been met with brutal repression.**
- **While the protests began in response to a proposed social security reform, they came to represent much broader discontent with Ortega's authoritarian leadership.**
- **Security officials and armed thugs under the command of Ortega responded by shooting at unarmed protesters, leaving more than 320 people dead, over 2,000 injured, and hundreds arbitrarily detained.**
- **Civil society groups estimated that there were over 700 political prisoners earlier this year.**
- **While some have been released, hundreds of Nicaraguans are still being denied their freedom simply because they have spoken out against the policies of this repressive regime.**
- **An independent panel of experts, appointed by the Inter-American Commission on Human Rights, conducted a field visit following the protests last year.**
- **These experts concluded that Ortega's government intentionally used lethal force against protesters in what amounted to crimes against humanity.**
- **I have heard firsthand from Nicaraguan activists, including some Nicaraguan-Americans, who told me they were tortured while in government custody.**
- **Some said they were tortured by Cuban officials working in coordination with the Ortega regime.**
- **On May 16th, an American citizen, Eddy Montes, was shot and killed in a prison near Managua.**
- **We should demand accountability for the killing of Mr. Montes, and for all those Nicaraguans who have been victims of human rights violations.**

- **Unfortunately, the blanket amnesty bill passed by Nicaragua's Congress over the weekend represents a huge step in the wrong direction, as it would formally absolve the worst human rights violators of their crimes.**
- **While the last year has seen an increase in state violence, it is important to highlight that the situation in Nicaragua has been deteriorating for many years.**
- **I have been working with colleagues here to sound the alarm about the authoritarian slide taking place under Ortega and increase awareness about what is happening in Nicaragua.**
- **Last Congress, I cosponsored a bill with my good friend from Florida, Chairman Emeritus of the Foreign Affairs Committee Ileana Ros-Lehtinen, to pass the Nicaragua Human Rights and Accountability Act of 2018.**
- **The NICA Act requires the United States to vote against loans from international financial institutions to Nicaragua.**
- **It also authorizes the President to impose visa restrictions and block the foreign assets of individuals responsible for human rights violations or acts of corruption.**
- **We must send a clear message that we stand shoulder to shoulder with the people of Nicaragua.**
- **Nicaragua is the second poorest country in the Western Hemisphere and the political crisis has only worsened the suffering of many Nicaraguans.**
- **The people of Nicaragua deserve far better than this.**
- **I hope that today we can explore ways for the United States Congress to do more to support the Nicaraguan people in their quest for dignity, economic opportunity, and fundamental human rights.**
- **Thank you and I now turn to the Ranking Member for his opening statement.**

Mr. ROONEY. Well, thank you, Mr. Chairman. And I would like to thank Chairman Sires for calling this very important hearing and to bring attention to what is going on in Nicaragua. I know much attention has been focused on Venezuela, but we need to let people know that a similarly destructive climate exists in Nicaragua.

Last year, public anger over President Daniel Ortega's rule led to widespread protests that left over 300 civilians dead. Recent attempts by local groups like the Alianza, the United States, the OAS, and the broader international community to mediate a transition to democracy are struggling to yield results. I am concerned that the recent discussions to release political prisoners are delay and distracting moves, and the releases of today prove that because these people are not free, they are released to house arrest as the chairman mentioned.

After being elected in 2006, Ortega used his corruption and intimidation to consolidate power for himself and the Sandinistas. He has eliminated Presidential term limits, removed the 35 percent vote threshold required to win the presidency, and has made it illegal for lawmakers to vote against their own party, thus paving the way to a complete and indefinite control over the Sandinista Party.

Obliterating democratic norms, Ortega has made moves to shore up his own support among the public. Over time, he has implemented social welfare programs to benefit the country's poor, ostensibly, policies he claims are reducing poverty and raising incomes by providing government subsidies and services to the Nicaraguan public—sure sounds like Venezuela to me—nonetheless, Nicaragua remains the second poorest country in the hemisphere.

While at one point, Ortega recognized the importance of accommodating the business sector and nurturing the economy in Nicaragua, he has backtracked on this now and many, many jobs have been taken away and unemployment is rising. Ortega's antidemocratic rule has created a crisis plaguing Nicaragua. Until a few years ago, he was content, like I said, to let business operate, but once he moved to insulate his rule and bring his wife, Rosario Murillo, his vice president, into the 2016 election process, he reversed course.

In 2018, public discontent came to a head after Ortega planned to reduce social welfare benefits. Additional social reforms sparked protests throughout Nicaragua and have led to complaints of government mismanagement and corruption. Ortega responded with violence and intimidation, leaving over 300 dead and hundreds of peaceful protesters in prison. In August 2018, the annual United Nations High Commissioner for Human Rights Report outlined widespread human rights abuses by the Nicaraguan Government. Those include extrajudicial killings, forced disappearances, torture, and the suppression of the rights of peaceful assembly and free expression. The OAS further reported in December 2018 that these violations by government forces constituted crimes against humanity.

Despite coordinated efforts by the United States and a host of regional and international bodies to mediate the conflict, the Ortega regime has been able to maintain its control over Nicaragua. Talks between the government and the opposition have yet to bring any

progress. The Trump administration and Congress have both responded strongly to the crisis with the implementation of personal sanctions and visa restrictions against Ortega, his family, and various Nicaraguan officials responsible for the violations of human rights. These are important maneuvers, and my understanding is they have had some significant, positive results.

We need to do more. Moving forward, we must present a clear strategy in coordination with our partners and allies to exert maximum pressure on the Ortega regime, while also trying to alleviate the suffering of the Nicaraguan people. The United States must continue to show leadership within the OAS, and the OAS has passed resolutions condemning the government's use of violence and reaffirming the Hemisphere's collective concern over the deterioration of democratic institutions and human rights in Nicaragua.

We must do more to pressure the Ortega regime to adopt electoral and judicial reforms and to bring about free and fair elections. The United States must maintain support for democratic actors in Nicaragua and encourage them to somehow or another become more effective than they may have been recently. We face unprecedented challenges in the Western Hemisphere. Among the most critical is the ongoing crisis in Nicaragua.

These challenges, including the crisis in Venezuela, show corrupt leaders like Daniel Ortega that the United States will not stand by while legitimate regimes crush democracy and enrich themselves at the expense of their own people. We need to expand and strengthen the personal sanctions, limit Ortega's ability to exert influence in the rest of Central America and support opposition groups and try to help them become more effective in countering the Ortega regime within the country.

Once again, I want to thank Chairman Sires for holding this important hearing and look forward to hearing from these important witnesses today.

Mr. SIRES. Thank you very much, Ranking Member Rooney.

Let me introduce, first, Mr. Jose Miguel Vivanco, director of Human Rights Watch Americas Division and an expert on Latin America. He previously worked as an attorney for the Inter-American Commission on Human Rights. In 1990, he founded the Center for Justice and International Law.

We will then hear from Mr. Felix Maradiaga, executive director at the Institute for Strategic Studies and Public Policy. In 2007, he founded the Civil Society Leadership Institute which trains leaders in Central America on nonviolence and civic engagement. In 2018, he was accused, without evidence, by the Nicaraguan government of financing terrorism under a new law that has been used repeatedly by Ortega's government to silence activists and dissidents.

Finally, we will hear from Dr. Carlos Ponce, director of Latin American programs at the Victims of Communism Memorial Foundation. Dr. Ponce has 28 years of experience in the field of governance, rule of law, civil society and development, advocacy for human rights, and democracy empowerment in Latin America. Most recently, he was regional director of Latin America and the Caribbean at the Freedom House.

Thank you all for being here. I ask the witnesses to please limit your testimony to 5 minutes. Without objection, your prepared

written statements will be made a part of the record. Thank you so much for being here today.

And, Mr. Vivanco, I will turn to you for your testimony.

STATEMENT OF JOSE MIGUEL VIVANCO, EXECUTIVE DIRECTOR, AMERICAS DIVISION, HUMAN RIGHTS WATCH

Mr. VIVANCO. Thank you very much, Mr. Chairman. Thank you, Ranking Member Rooney and members of this committee for inviting me, the subcommittee for inviting me to testify on Nicaragua's human rights record.

In April 2018, massive antigovernment protests broke out across Nicaragua. Police, in coordination with armed, pro-government groups brutally repressed protesters. In the context of demonstrations, more than 300 people were killed and more than 2,000 were seriously injured. Many of the people detained during the crackdown were subject to serious abuses that in some cases amounted to torture, including electric shocks, severe beatings, nail removal, asphyxiation, and rape.

Authorities' abuses of protester remain unpunished. Moreover, President Ortega promoted top officials who bear responsibility for the abuses. The government has also threatened, harassed, expelled, jailed those who expose its abuses including independent journalists, human rights defenders, international monitors, and NGO's. Several of the human rights defenders and journalists targeted during the crackdown have been longstanding critics of Ortega and have already been victims of harassment before the protest started.

Since the beginning of the protest, Nicaragua's police and armed pro-government groups have operated jointly to detain hundreds of demonstrators. Armed pro-government groups have also abducted many people, at times holding them in secret detention facilities. On March 20, 2019, the Nicaraguan Government agreed to release all people detained in the context of the protests by June 18 and to drop the charges against them in an effort to persuade international community, and particularly the U.S. Government, to lift sanctions against them.

Human rights defenders and other critics of the government have increasingly become the targets of death threats, harassment, judicial persecution, and even expulsion from the country. Between November 29 and December 13, 2018, Nicaragua's Congress has stripped nine non-governmental organizations of their legal registration, effectively forcing them to shut down. Congressman Filiberto Rodriguez of the ruling party introduced the motions of stripping them of registration at the request of Interior Ministry.

On the night of December 13, the national police raided five of these organizations, confiscating many documents and computers. The NGO shutdowns were followed by criminal charges against prominent human rights defenders and the expulsion of Inter-American Human Rights Commission and previously the representatives of the High Commissioner for Human Rights. Since April 18 of last year, police and armed pro-government groups have harassed, intimidated, assaulted, and detained journalists.

Two foreign journalists reporting on the crackdown were deported in August and October of last year. The government has

shut down critical news channels. Since April 2018, 56 Nicaraguan journalists have gone into exile. According to United Nations High Commissioner for Refugees, more than 60,000 Nicaraguans have fled the country since the protest began in April 2018, with the majority, 55,000 of them, seeking refuge in Costa Rica.

We support the application of the Global Magnitsky Act in July 2018 and December 2018, when the U.S. Treasury Department imposed sanctions on five Nicaraguans implicated in human rights abuses and corruption, including national police commissioner Francisco Diaz and also Vice President Rosario Murillo. The Nicaraguan Human Rights and Anticorruption Act, NICA Act, passed on December 20th of 2018, expanded on the Global Magnitsky Act to allow the U.S. Government to take additional action against egregious human rights abuses taking place in Nicaragua. We urge Congress to consider its immediate implementation against human rights abusers in Nicaragua who have yet to be held accountable and look forward to working with you on these efforts.

My last remarks are going to be related to the amnesty legislation, amnesty law that was passed this week in Nicaragua. On June 8, the Nicaragua National Assembly passed a broad amnesty law for crimes committed in the context of antigovernment protest. The recent release of over 150 people who were arrested during the protest shows that the law is not necessary to release the political prisoners who are still behind bars. On the contrary, the law could be used to benefit officers responsible for abuses.

The law indicates that crimes, "regulated in international treaties, ratified by Nicaragua," will be excluded by the amnesties. Yet, given lack of judicial independence in Nicaragua, there is a serious risk that the law will be used to consolidate impunity that officers responsible for serious abuses in the country have enjoyed today.

According to the Office of the U.N. High Commissioner for Human Rights, the available information indicates that only one member of the armed pro-government groups, only one member of those kinds of groups has been convicted for crimes documented by the High Commissioner Human Rights Office of United Nations, and not a single police officer is being investigated for these atrocities. Not a single police officer of the Nicaraguan police has been investigated, prosecuted, or charged for atrocities committed in violation of human rights last year and the current year.

The law provides, finally, that people who engage in new crimes will have their amnesty revoked. Given the government's record of prosecuting critics, there is a risk that this provision will be misused to persecute former political prisoners who continue to criticize the government, the dictatorship of Ortega, after they are released.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Vivanco follows:]

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Written Testimony of José Miguel Vivanco, Executive Director of the Americas Division, Human Rights Watch

United States House of Representatives

Subcommittee on the Western Hemisphere, Civilian Security, and Trade
House Committee on Foreign Affairs

June 11, 2019

Crushing Dissent: The Ongoing Crisis in Nicaragua

Mr. Chairman, Ranking Member Francis Rooney, other members of the subcommittee:

Thank you for the invitation to appear before the House Committee on Foreign Affairs' Subcommittee on the Western Hemisphere, Civilian Security, and Trade on behalf of Human Rights Watch (HRW) to discuss our assessment of the human rights abuses taking place in Nicaragua under President Daniel Ortega.

In April 2018, massive anti-government protests broke out across Nicaragua. Police, in coordination with armed pro-government groups, brutally repressed protestors. In the context of the demonstrations, more than 300 people were killed and more than 2,000 were injured, according to the Inter-American Commission on Human Rights (IACHR). Many of the people detained during the crackdown were subject to serious abuses that in some cases amounted to torture—including electric shocks, severe beatings, nail removal, asphyxiation, and rape.

Authorities' abuses of protestors remain unpunished. Moreover, President Ortega promoted top officials who bear responsibility for the abuses.

The government has also threatened, harassed, expelled, and jailed those who expose its abuses, including independent journalists, human rights defenders, international monitors, and NGOs. Several of the human rights defenders and journalists targeted during the crackdown had been longstanding critics of Ortega and had already been victims of harassment before the protests started.

Political Prisoners

Since the beginning of the protests, Nicaragua's police and armed pro-government groups have operated jointly to detain hundreds of demonstrators. Armed pro-government groups have also abducted many people, at times holding them in secret detention facilities. At other times, these gangs immediately handed detainees over to police for further investigation.

On March 20, 2019, the Nicaraguan government agreed to release all people detained in the context of the protests by June 18, and to drop the charges against them, in an effort to restart stalled talks with the opposition and to persuade the international community to lift sanctions. As of March 2019, at least 647 people arrested during the crackdown on protests and anti-government activity remained in detention, according to the Inter-American Commission on Human Rights (IACHR). Until February 15, 407 were being prosecuted and 138 had been convicted, according to information provided by civil society groups to the IACHR.

Between February 27 and March 18, 2019, the Ortega administration released 154 people who were arrested during the protests, according to the government's own figures. Charges remained filed against them, however, and the vast majority were only released to house

arrest. Between April 5 and May 30, the Interior Ministry announced the release of an additional 200 people on the same terms.

Human Rights Defenders

Human rights defenders and other critics of the government's human rights record have increasingly become the targets of death threats, harassment, judicial persecution, and even expulsion from the country.

Between November 29 and December 13, 2018, Nicaragua's Congress stripped nine non-governmental organizations of their legal registration, effectively forcing them to shut down. Congressman Filiberto Rodríguez of the ruling party introduced the motions stripping them of registration at the request of the Interior Ministry. On the night of December 13, the National Police raided five of these organizations, confiscating many documents and computers.

The NGO shutdowns were followed by criminal accusations against prominent human rights defenders and the expulsion of the IACHR Special Monitoring Mechanism for Nicaragua (MESENI). Previously, the office of the High Commissioner of Human Rights (OHCHR) was expelled following the publication of a scathing report.

Freedom of Expression

Since April 2018, police and armed pro-government groups have harassed, intimidated, assaulted, and detained journalists. Two foreign journalists reporting on the crackdown were deported in August and October. The government has shut down critical news channels for days at a time, and independent online outlets have accused the government of subjecting them to cyber-attacks.

For example, in May 2018, police assaulted two *EFE* reporters in Managua. In June, armed pro-government groups detained reporters from TV channels *100% Noticias* and *Channel 12* while they attempted to cover the crackdown on protestors in Managua.

In December 2018, the Attorney General's Office charged a prominent, independent news channel's owner and its press chief of "inciting terrorism." Police raided the channel's office in December and arrested them. They remained in detention as of May 2019. Three journalists working for the channel fled the country after their colleagues were jailed, two of which had also been indicted with "inciting terrorism." All three had consistently provided critical coverage of the government response to protests.

Since April 2018, 56 Nicaraguan journalists have gone into exile, according to a journalists' association.

Asylum Seekers

According to the UN High Commissioner for Refugees, more than 60,000 Nicaraguans have fled the country since the protests began in April 2018, with the majority (55,000) seeking refuge in Costa Rica. Thousands more fled to Mexico, Panama, and the United States. Human Rights Watch has found that the list includes doctors threatened for providing care to protests victims, as well as activists and journalists harassed and threatened for criticizing the government.

Key Mechanisms to Promote Accountability

Human Rights Watch supports the Global Magnitsky Human Rights Accountability Act and its corresponding executive order, which are important authorities for the U.S. government to impose targeted sanctions, including visa bans and asset freezes, against individual human rights abusers without punishing entire countries.

We support the successful application of the Global Magnitsky Act in July 2018 and December 2018, when the US Treasury Department imposed sanctions on five Nicaraguans implicated in human rights abuses and corruption, including National Police Commissioner Francisco Diaz, leader of the Sandinista Youth party Fidel Moreno, president of the state-owned oil company Petronic and vice-president of ALBANISA Jose Lopez, Vice-President Rosario Murillo, and presidential aide Nestor Moncada Lau.

The Nicaragua Human Rights and Anticorruption Act (NICA Act), passed on December 20, 2018, expanded on the Global Magnitsky Act to allow the US government to take additional action against the egregious human rights abuses taking place in Nicaragua. We urge Congress to consider its immediate implementation against human rights abusers in Nicaragua who have yet to be held accountable and look forward to working with you on this effort.

In a forthcoming report, Human Rights Watch documented egregious abuses committed by the Nicaraguan National Police and armed pro-government groups working in coordination with police against protesters and detainees, including cases of abuse that amount to torture. The report recommends that the international community redouble the pressure on the Nicaraguan government, and specifically that the US government impose targeted sanctions against key individuals who bear responsibility for these abuses.

Recommendations:

We believe Congress should:

- Press the executive branch to make good use of the current sanctions authorities it has and impose targeted sanctions, including travel bans and asset freezes, against senior Nicaraguan government officials responsible for abuses.
- Press the executive branch to refrain from any transfer of weapons or equipment to Nicaraguan security forces that risks being used in the commission of violent abuses against government opponents.
- Urge Nicaragua to create a special unit that—acting together with the Interdisciplinary Group of Independent Experts of the IACHR—will oversee investigating the most atrocious crimes that have occurred in the context of the protests.
- Meet regularly with human rights defenders, activists, journalists and the opposition from Nicaragua who come to Washington, D.C., to maintain balance in its contextual understanding.

Mr. Chairman and subcommittee members, thank you for your attention to this critical issue.

For more Human Rights Watch reporting on Nicaragua, please visit:
https://www.hrw.org/americas/nicaragua

Mr. SIRES. Thank you.

Mr. Maradiaga, you are now recognized for testimony.

STATEMENT OF FELIX MARADIAGA, EXECUTIVE DIRECTOR, INSTITUTE FOR STRATEGIC STUDIES AND PUBLIC POLICIES

Mr. MARADIAGA. Good morning, Mr. Chairman and members of this subcommittee, it is an honor to be here today. Chairman Sires, thank you for paying a special attention to the very serious situation in Nicaragua.

Since his return to power in 2006, Daniel Ortega has taken over Nicaragua's institutions to remain in power, causing widespread corruption, human rights abuses, and a collapsing economy. Ortega and his inner circle constitute the clear and present danger not only to the people of Nicaragua, but also to the entire hemisphere. In the face of this, Nicaraguans have joined together to restore liberty, justice, and democracy.

In April 2018, Nicaraguans from all walks of life joined pro-democracy protest demanding respect for human rights, the resignation of Ortega, and early, free, and internationally monitored elections. The response was a brutal government crackdown on protesters that caused the death of over 300 civilians. Talks between the regime and the opposition have repeatedly failed.

In May of this year, negotiations were suspended as a result of the assassination of political prisoner Eddy Montes, a U.S. Navy veteran with dual citizenship who was retired in Nicaragua. His killing inside the notorious La Modelo prison outraged Nicaraguans because he was shot by prison guards with an AK–47 while unarmed.

Ortega has violated preliminary agreements. Instead, his regime continues to perpetrate human rights violations including extrajudicial killings, torture, sexual abuse of prisoners, arbitrary detention, and other crimes against humanity. These violations make it increasingly difficult for the opposition to resume negotiations. The regime continues to persecute citizens who actively participated in the protests, causing an unprecedented exodus of refugees not seen since the Nicaraguan civil war of the 1980's.

Over 100,000 people have fled the country since the conflict began. The vast majority remains in Costa Rica under dire conditions. Although the response of the Government of Costa Rica has been admirable, the international community has ignored that there is a humanitarian crisis of Nicaraguan refugees in Costa Rica. We have also seen an increase of Nicaraguans escaping from political persecution and seeking asylum in the United States. Their need for asylum is legitimate and they will face certain death or incarceration if they return.

At least 2,000 people have been imprisoned for participating in anti-Sandinista protest, and while most of them have been released on house arrest due to national and international pressure, many remain in arbitrary detention. The regime continues to use human beings as bargaining chips. An additional 200 activists, myself included, have arrest warrants under bogus charges.

Ortega controls the national police who report directly to him and his wife. In the case of the military, once Ortega rose to power,

he sent generals that were considered professional into early retirement and promoted those that were loyal to him.

Despite immense personal risks, the people of Nicaragua continue to struggle for democratic change. All forms of peaceful protest have been prohibited. Sandinista paramilitary constantly intimidate members of the opposition, all major cities are militarized, Nicaragua is now a police State. We, the Nicaraguan people, are fighting for our freedom. We are not asking the international community to solve our problems, but since our struggle is nonviolent, we need robust, international support in the form of targeted sanctions against human rights violators.

We also need the swift implementation of the Nicaragua Human Rights and Anticorruption Act, the NICA Act. Without such support, Nicaragua is doomed to become another Venezuela. Effective international pressure requires coordinated action by key allies in the Western Hemisphere. It is unacceptable that some member States of the Organization of American States are supporting the tyranny of Ortega. The application of the Inter-American Democratic Charter is imperative to achieve democracy in Nicaragua.

Ortega is a relic of the cold war and just like the Communist Party of Cuba and Nicolas Maduro in Venezuela, he embodies a legacy of oppression against dignity. The Nicaraguan people are ready for a new path. Last year, over 40 organizations from civil society and diverse political movements agreed on a common manifesto of national unity. This pro-democracy movement is ready to build a new Nicaragua. Your democratic solidarity will be instrumental in helping us achieve the freedom Nicaraguans deserve.

Thank you.

[The prepared statement of Mr. Maradiaga follows:]

Name:	**Felix Maradiaga Blandon** **Executive Director of the Institute for Strategic Studies and Public Policies (IEEPP) and member of the Political Council of "Unidad Nacional Azul y Blanco" (UNAB, Blue and White National Unity)**
Committee:	**House Committee on Foreign Affairs** **Subcommittee on the Western Hemisphere, Civilian Security, and Trade**
Hearing:	**Crushing Dissent: The Ongoing Crisis in Nicaragua** **Washington DC, June 11, 2019.**

Crushing Dissent: The Ongoing Crisis in Nicaragua

1. Good morning, Mr. Chairman and members of this sub-committee. It is an honor to be here today. My name is Felix Maradiaga. I am a Nicaraguan citizen and human rights defender. I thank you for the opportunity to give a voice to the voiceless who are suffering under the tyranny of Daniel Ortega.

2. Since his return to power in 2006, Ortega has systematically taken over Nicaragua's institutions to remain in power, causing widespread corruption, grave human rights abuses and a collapsing economy. Ortega and his inner circle constitute a clear and present danger not only to the people of Nicaragua, but also to the entire hemisphere. In the face of this, Nicaraguans have joined together in pursuit of a common goal: to restore liberty, justice and democracy in our country.

3. In April 2018, Nicaraguans from all walks of life joined anti-government protests, with demonstrators calling for democracy, respect for human rights, the resignation of Daniel Ortega and free and fair elections. The response was a brutal government crackdown on peaceful protesters that caused the deaths of over 300 people.

4. Talks between the Ortega regime and the opposition have repeatedly failed. In May, negotiations were suspended as a result of the cold-blooded assassination of Mr. Eddy Montes, a political prisoner with dual citizenship from Nicaragua and the United States. Mr. Montes was a US Navy Veteran who was retired in Nicaragua. His murder inside the notorious "La Modelo" prison outraged Nicaraguan society, not only because he was shot with an AK-47 while unarmed by prison guards, but because he was illegally detained.

5. Ortega has repeatedly broken the agreements. Instead his regime continues to perpetrate a wide range of human rights violations, including extrajudicial killings, torture, sexual abuse of prisoners and arbitrary detentions. The regime has ignored multiple points that were agreed upon in the negotiations, such as the right to peaceful assembly, the freedom of speech, and the freedom of the press. These violations of basic civil liberties make it increasingly more difficult for the opposition to come back to the negotiating table.

6. The regime continues to politically persecute people who have played any role in the protests, causing an unprecedented exodus of refugees never seen since the civil war of the 1980s. Based on recent estimates using official data from the government of Costa Rica and other credible sources, over the last ten months over 100 thousand people have left Nicaragua. The vast majority remains in Costa Rica. However we have seen unprecedented numbers of Nicaraguans escaping from political persecution and seeking protection in the United States.

7. Since May of last year, at least 2000 people have been imprisoned for participating in the protests. Whilst many have been released due to substantial international pressure, many grassroots leaders and protesters remain in arbitrary detention. Other 200 activists, including myself, have received arrest warrants by criminal courts controlled by Ortega, using bogus charges.

8. Ortega controls the National Police through his co-father in law, Chief Francisco Diaz who reports directly to Ortega and his wife Rosario Murillo. As far as the military is concerned, shortly after Ortega rose to power in January 2007, he sent all the Generals that were considered neutral and professional into early retirement and promoted those that were loyal to him.

9. Despite immense personal risks, the people of Nicaragua continue to struggle for democratic change. All type of peaceful protests has been banned. Sandinista loyalists constantly intimidate members of the opposition, small businesses whose owner's only crime is wanting a free country are having their shops shut down. All major cities are militarized. Nicaragua is now a police state.

10. The people of Nicaragua want freedom and are willing to take major sacrifices to achieve our dream of a free society. We, Nicaraguans, are not asking the international community to solve our problems but we believe that the internal civic resistance has to be supported by individual targeted sanctions against perpetrators of human rights abuses. Without substantial international support, Nicaragua is at the risk of becoming another Venezuela.

11. We also believe that for the international pressure to be effective, it needs coordinated action by key actors of the free world, mainly by member states of the Organization of American States and the European Union. For this to happen, US leadership as a beacon of light in the rule of law is essential. In this regard, I would like to take a moment to thank the US Delegation at the OAS headed by Ambassador Carlos Trujillo as an example of such diplomatic leadership. However, we would like to recommend greater foreign policy coordination with vital strategic Asia/Pacific Allies such as South Korea, and Taiwan, who this year alone approved a 100 million dollar lifeline to the regime, which is counterproductive to the efforts of our democratic friends.

12. Moreover, we believe the US can play a more active role in stopping the disbursement of certain loans, and denying any future requests for access to international funds such as the Bank of Central American Integration which just last month transferred over half a million dollars to the Ortega Regime.

13. The opposition coalition is broad and pluralistic, and such diversity is certainly a challenge. However, in October 2018 over 40 organizations from civil society and political movements agreed on a common manifesto of National Unity. We believe that Nicaragua also requires a comprehensive electoral reform that can allow free, fair and competitive elections. This diverse pro-democracy movement is the most comprehensive civic coalition in recent Nicaraguan history. This coalition is ready to rebuild a new Nicaragua under the principles of an inclusive, free and open society with justice for all. Your democratic solidarity is a cornerstone for the prosperous future Nicaraguans deserve.

Mr. SIRES. Thank you.

Dr. Ponce, you are now recognized.

STATEMENT OF CARLOS PONCE, DIRECTOR, LATIN AMERICAN PROGRAMS, VICTIMS OF COMMUNISM MEMORIAL FOUNDATION

Mr. PONCE. Thanks, Mr. Chairman Sires and Ranking Member Rooney and other members. Thanks for keeping an eye on Nicaragua. Nicaragua is also on the map. It is not only about Venezuela, it is also Nicaragua, and the solution needs to set Nicaragua, Cuba, and Venezuela free. The massive popular uprising with youth/peasant/autoconvocados claiming democracy in Nicaragua last year was not a random political situation. The crisis has been in the making for decades. Daniel Ortega's failed Sandinista revolution, corruption, and economic disaster from 1971 to 1990, along with the negotiation of the international community that forced the autocrat to organize the first democratic election in 1990. That was the first time in 58 years that Nicaragua had a democratic elected government. Finally, Daniel Ortega was defeated after 11 years in power at that time.

But Daniel Ortega continued his obsession with power. He was the candidate at the election in 1990, 1996, 2001, and he received only 30 percent of the votes in each one of those elections. But he became a major force behind an obstruction for the democratic government to rule the country. The corruption also from some of the governments that rule Nicaragua, particularly Aleman, drove Daniel Ortega into power again. The division of the principal political party allowed Daniel Ortega to win in 2006 only with 38 percent of the vote. Then the pact became in force between Aleman and Daniel Ortega allowing Daniel Ortega to control all the institutions, and to control the parliament. Only with 30 percent of the vote, Daniel Ortega controlled the parliament, controlled the judiciary, and became the force of change in Nicaragua. He controlled all the institutions and he began a process to re-elect himself. After numerous pressures against the regime, it agreed to have some negotiation for changing electoral rules in 2016, but he never fulfilled that commitment.

So Daniel Ortega continued with his obsession with power. He has been ruling Nicaragua for 24 years and he has been in the opposition and ruling the country directly for four decades. After 30 years of in power, Daniel Ortega, dismantled the institutions, some groups began to organize themselves. Daniel Ortega's obsession with power led him to take control of some of the land to promote the inter-oceanic Canal. That forced the campesinos movement to begin a movement against Daniel Ortega, a revolt that became popular among Nicaraguans, and Daniel Ortega simply crushed the movement at that time.

But the youth begins to feel there was no alternative for Nicaragua, and last year, after a major environmental crisis with the Parque el Indio and then with Daniel Ortega's effort to dismantle the social security, increasing social security tax and reducing benefits, Daniel Ortega created a major crisis. That crisis forced the youth movement to go to the streets and begin a massive demonstration and Daniel Ortega just crushed the demonstrations and

began to kill students, youth, campesinos, and demonstrators using his militias and the police directly engaged in violence in the rest of the country.

By that time, Ortega felt that he needed to negotiate and he called for a negotiation with the youth and the campesinos and he failed in his word for change in the situation in the country. Daniel Ortega has been manipulating the country and offering negotiations for many years. None of the opportunities in which Daniel Ortega offered negotiation has been working. Now Daniel Ortega is seeing 2021 as an opportunity. But if we allow Daniel Ortega to manipulate a negotiation and run again, Daniel Ortega will win the next election in 2021.

Daniel Ortega has been supported by the business chamber (COSEP) and by the members of the private sector, so they need to get on board for a change, a real change in Nicaragua. We need to increase the pressure against the regime in Nicaragua. Even though the U.S. administration has been imposing sanctions against some of the members of regime, the family of Daniel Ortega, it has been only eight sanctions in all this time. And the NICA Act is not being implemented, waiting for some negotiation with Daniel Ortega.

Unless we increase the pressure against Daniel Ortega's inner circle and his family, unless we begin to put pressure in the police and the military to increase the sanctions against them to motivate them to be a force of change, unless we create a major commitment from the rest of the country and the region to also impose sanctions against the regime, and also monitor the situation with the Organization of American States to prevent a bad negotiation with the regime, they are not going to bring an electoral change.

But an electoral change is not going to bring a change into the country because the country will not change unless Ortega is taken out of power. And for an open, free, and democratic election, Ortega cannot be a candidate and cannot be in place when that election happen. We need to implement the NICA Act. I believe that Congress has an opportunity right now to force a change in Nicaragua with more sanctions and put in pressure for the regime to open the doors, not for a house arrest. It is time for Nicaragua to be free. Thank you.

[The prepared statement of Mr. Ponce follows:]

VICTIMS OF COMMUNISM
MEMORIAL FOUNDATION

U.S. House of Representatives
Committee on Foreign Affairs
Subcommittee on the Western Hemisphere, Civilian Security, and Trade
Subject: Crushing Dissent: The ongoing Crisis in Nicaragua
Date: Tuesday, June 11, 2019

Witness: Dr. Carlos Ponce
Senior Fellow and Director for Latin American Programs, Victims of Communism Memorial Foundation
Lecturer at Northeastern University
Senior Lecturer Columbia University

Daniel Ortega obsession with power

The massive popular uprising -with youth/peasants/autoconvocados claiming for democracy in Nicaragua last year- was not a random political situation, the crisis had been in the making for decades.

Daniel Ortega's failed "Sandinista" revolution, corruption and economic disaster from 1979 to 1990, along with the negotiation of the international community, forced the autocrat to organize an election in 1990. This opened the door for a democratic process in Nicaragua for the first time in 53 years after the Anastasio Somoza Garcia, Luis Somoza Debayle, Anastasio Somoza Debayle and Daniel Ortega dictatorships. By that time, Daniel Ortega was part in power for 11 years. Violeta Chamorro, wife of the journalist Pedro Joaquin Chamorro, killed by the Somoza regime (with alleged complicity from Ortega's FSLN) won the first democratic election with 54.74% of the votes, defeating the eternal candidate Daniel Ortega. Chamorro inherited a dysfunctional government, a hyperinflated war-torn economy and a communist corrupt model. She was able to end the war's hyperinflation, re-establish international banking credit, improve the relationship with the US, recover the economy and install a workable constitutional government.

Daniel Ortega has been obsessed with power and been an eternal candidate since 1990. He was defeated in 1996 by Arnoldo Aleman from the PLC party who won with 50.99% of the votes and defeated once again in 2001 by Enrique Bolaños who won with 56.28% of the votes. In 2006, Daniel Ortega took advantage of the division in the main political party and won the presidency with 38.07% of the votes. From 1990 to 2006 Daniel Ortega with his Sandinista National Liberation Front (FSLN), conspired against all the governments, by organizing demonstrations and blocking any institutional changes.: making it difficult for them to operate efficiently. After the 2006 election, having barely won it and obtaining a minority in Congress (National Assembly), he reached an agreement with former president Arnoldo Aleman to control all the institutions in exchange for immunity for his crimes (corruption, racketeering, and money laundering). "The Ortega-Aleman Pact", allowed Ortega to control Congress, appoint new justices for the Supreme Court (among his closest collaborators), select and appoint members of the Supreme Electoral Council; control all the institutions and start a time of massive corruption and impunity. Thanks to his contribution to Ortega's absolute power, the Supreme Court absolved Aleman in 2009 from his 20-year sentence.

Although the constitution had banned the re-election of a sitting president and explicitly prohibits re-election, the Constitutional Court, composed by Ortega's loyal appointees, some of them with expired mandates, ruled in 2009 to lift the ban allowing Ortega to run for one additional term. In those years Daniel Ortega also began his efforts to control the independent media, persecuted civil society, and eliminated all the institutional independence. Ortega also learned the lesson and instead of combating the elites, he became partner in crime with several major business owners. He also transformed the government in a massive structure of corruption. Daniel Ortega also found a major supporter for his electoral campaigns and corruption schemes, Hugo Chavez Frias from Venezuela. Hugo Chavez allowed Ortega to established major corruption and money laundering rings with Albanisa, partnership between the government of Nicaragua and PDVSA and other "commercial" and political agreements. In 2007, Ortega's government started receiving hundreds of millions of dollars in oil cooperation from Venezuela, the latest number is $4,950 million dollars. Ortega's absolute control of the electoral authority and fraudulent elections, plus the support of his friend Aleman, allowed Daniel Ortega to "win" the 2011 election, this time his supporters allocated him 62.46% of the votes.

Controlling the main opposition party, banning other parties, persecuting candidates/leaders, crushing the independent media, controlling the security forces and supporting corrupt members of the opposition (Ortega's own opposition that will be useful to divide and conquer) and controlling all the institutions, Ortega and his cronies applied the Dictator's Manual; strong government and weak/divided opposition.

With total control of the National Assembly and the institutions, Daniel Ortega reformed the Constitution in 2013 to established new electoral rules and indefinite re-election, designed to keep the Sandinista leader in power for life. Four months before the elections, the Nicaraguan Supreme Court gave the opposition Independent Liberal Party (PLI) control to Ortega's cronies, removed 16 deputies/parliamentarians from the PLI and its Sandinista Renovation Movement from the National Assembly, banned numerous candidates from running and Ortega announced that international observers would not be allowed to oversee the elections. After numerous pressures against the regime for the fraudulent election, the regime tricked the Organization of American States (OAS) and offered an electoral reform in 2016, but never fulfilled its promises.

Ortega easily secured his fraudulent "victory" in the 2016 general elections and violating the Constitution once again, he imposed his wife as Vice-President. In January 2017, Daniel Ortega assumed office as President for a third consecutive term. Rosario Murillo, his wife, assumed office as Vice-President for the first time.

Ortega has ruled the impoverished nation for much of the past four decades, as head of the Junta of National Reconstruction or as president for 24 years and as head of the opposition in Congress and as main opposition candidate for another 16 years.

Nicaragua Backlash to Fundamental Freedoms

After 13 years continuously in power, Daniel Ortega has been efficiently dismantling all the institutions, including the once efficient National Police, and has been ruling as a ruthless dictator. Before 2018, allowing the business sector and some parts of the faith-based movements to be part of his power-structure, and exploiting the divisions of the Nicaraguan political actors, allowed him to go unnoticed by

the international community. At the same time, during those years the regime persecuted journalists and human rights defenders. Attacks against women`s human rights defenders increased because of the claims against Daniel Ortega's systematic rape of minors, including his own stepdaughter. Women's civil society organizations reported receiving death threats as well as being arbitrarily detained and attacked with the complicity or acquiescence of state officials. All the reports from Human Rights Watch, Amnesty International, Freedom House, Reporters Without Borders, Victims of Communism Memorial Foundation, Wola, among others, continuously showed the exponential human rights deterioration in Nicaragua from 2006 to 2017, aggravated by the massive crimes against humanity perpetrated by the regime in 2018.

I have been denouncing the corruption and human rights violations in Nicaragua for the last two decades, even for a foreigner that had a price tag, in February 2, 2016, when I traveled to Nicaragua to meet with local civil society organizations, and diplomatic officials. The regime detained me at the airport denied entry to the country, held overnight, and forced to return to Washington the next day.

The regime also was effective threatening any potential leader and controlling the universities, by brutal violence; the hard grip to power was effective in a combination of briberies, corruption and repression.

Nicaragua now is a criminal family business runs by Ortega, his family and close collaborators; a brutal corrupt dictatorship.

International Partners in Crime

One of the key partners to Nicaragua regime has been the Venezuelan dictatorship. Chavez and now Maduro have been supporting the regime with several corruption rings, money laundering, weapons and technical support to control the opposition. Same applies for Cuba's expertise torturing and security forces training. Russia also played a major role, providing the regime with weapons and expertise. Some sources indicate that Nicaragua also entered in the money laundering and drug trafficking rings. Communist Cuba's influence is also unmistakable. As one of Cuba's two primary client states in the Western Hemisphere, Nicaragua has long leaned on the Castros for training and support, stretching back to when Daniel Ortega himself trained in Cuba for guerilla warfare. In my conversations with Nicaraguan protestors and exiles over the past year, they often described the Cuban-like tactics used by police and paramilitary gangs, showing Havana's influence on training. Former prisoners also report hearing Cuban accents in Nicaragua's prisons, where torture is all too common. Rape, sexual abuse and human and moral degradation, as part of their physical and psychological torture, have been the same methods used in Venezuela and Nicaragua; a clear pattern of the Cuban training. A behavior supported by Daniel Ortega, denounced as a perverse rapist by his stepdaughter and other Nicaraguan underage girls whose lives were destroyed by the monster.

Uprising in the Making

Daniel Ortega appetite continue growing and in 2013 he proposed the construction of the Grand Interoceanic Canal, a shipping route through Nicaragua to connect the Caribbean Sea and the Pacific Ocean; Nicaragua's National Assembly approved a bill to grant a 50-year concession to finance and manage the project to a Chinese "investor" close to Ortega and also the expropriation of extensive

portions of land in the whole country. The Canal was a clear attempt by Daniel Ortega to take control of the land and benefit his inner-circle.

In 2014, when the construction of the Nicaragua Canal was moving forward, land-owners' peasants/campesinos began a movement to oppose the construction of the Canal and defend their land; hundreds of protesters blocked roads and clashed with police during weeks. That was the birth of the Movimiento Campesino and the struggle to reestablish r Democracy in Nicaragua. The Campesinos achieved numerous successful demonstrations in the country-side and in Managua. Tens of thousands of Nicaraguans thus began to join the Campesinos and also to protest against President Ortega's canal, but also against repression, corruption, lack of freedoms and the corrupt electoral system. The government responded with police brutality and the use of pro-government militias to intimidate the protesters. Up to that moment, the allegedly fight against drug-trafficking and economic stability of Nicaragua prevented the international community to pressure the regime.

The combination of a corrupt and violent regime with the 2016 massive electoral fraud motivated other groups to demonstrate against the regime. On April 13, 2018, several youth groups began a demonstration against lack of action from the regime to control the environmental disaster at the Indio de Maiz Park. Other groups joined the demonstrations and the government stopped the situation with violence.

The sentiment of frustration due to the lack of democratic spaces, massive corruption and lack of opportunities continued. The government made a mistake reforming the social security, increasing the contributions and reducing the benefits; retired people demonstrated against the decision forcing the government to use brutal force against defenseless old retired people. That was the ignition to youth demonstrations on April 18. Instead of negotiation, the regime and the pro-government militias used massive force to stop the demonstrations and went against the universities; violence instead of deterrent motivated more students to join the demonstrations as well as the Campesino Movement and common citizens self-named Autoconvocados. Clashes against the police and pro-government militias extended in the whole country and several demonstrators blocked numerous streets and chaos spread from April to June 2018.

After the 2018 upraise

For the people of Nicaragua, hope for democracy is fading fast. The nationwide protests that began one year ago on April 18th, 2018 captured America's attention and put pressure on its communist-trained president, Daniel Ortega, and his wife, Vice President Rosario Murillo. Despite the subsequent murder of more than 500 protestors, the imprisonment and disappearance of more than 1,200 others, and the flight of more than 50,000 Nicaraguans, the couple still clings to power over their impoverished nation, even as protests continue.

Deteriorating conditions led to widespread protests that threatened to topple the regime. While the protests captured headlines, the dictator cracked down and was determined to outlast the crisis. He promised dialogue and vague reforms, winning optimism and modest praise from the international community. using time as an ally to remain in power until 2021 and beyond. Finally, the regime turned to its allies, communist Cuba and Venezuela, to bolster its rule and repression.

The dictator playbook, developed by Cuba and Venezuela, has worked well for Ortega and his wife, if not for the Nicaraguan people. While the protests originally began over social-security reforms, they quickly morphed into a general revolt against Ortega's authoritarian rule. The crisis peaked last spring, when hundreds of thousands of people took to the streets. The regime responded with police and military brutality. It also empowered paramilitary gangs, funded and provided sophisticated Russian weapons, to target pacific demonstrators, students, doctors, journalists and Catholic bishops and priests without the appearance of state involvement. In my conversations with some members of the Nicaraguan military, under anonymity, they claimed that Venezuelan and Cuban experts trained those paramilitary pro-government forces.

At the same time, Ortega called for a national dialogue with the "Civic Alliance," a group of students, civic, and business groups that represents the protestors. The first round of dialogue occurred last spring and summer, collapsing without any agreement. The second round began in February but fell apart in late March after Ortega refused to agree on political reforms, call an early election, or allow international organizations like the Inter-American Commission on Human Rights or the United Nations to monitor progress. The regime, which earlier tried to buy goodwill by releasing under house arrest roughly 200 political prisoners, says it will "continue working toward national understanding." But the dialogue is a delaying tactic. Ortega's real goal is to tighten his and his wife's grip on power – no matter how long it takes and by any means necessary. Time is in his side.

Behind the headlines, the regime has driven democratic advocates into hiding and responds to continued protests with more violence and brutality. Earlier this year, new police officers were seen training with Russian military equipment, including submachine guns and rocket-propelled grenades.

Compared to a year ago, the protest movement has lost steam – largely due to the brutal effectiveness of the regime crackdown. But the desire for reform, accountability, and democracy remains strong, especially as Nicaragua's economy crumbles. Already the Western Hemisphere's second-poorest country; its economy is now expected to shrink by 5% this year. We can also expect the citizen exodus to grow. In my recent visit Central America, I witnessed how Nicaragua's southern neighbor, Costa Rica, is already straining under the refugee burden.

What to do?

To its credit, the United States initially responded to Nicaragua's crisis with a show of strength and support for the protestors. The Trump administration issued sanctions in June and November, including on Vice President Murillo. Congress then passed the "NICA Act" to allow further sanctions and use U.S. influence to block finance support for Nicaragua at the World Bank, the IMF, and Inter-American Development Bank. These sanctions also targeted the Venezuelan regime funds through the Ortega-Maduro business scam called Albanisa, more scrutiny is necessary to the corruption between Venezuela and Nicaragua. But apart from few sanctions to few individuals last year, the US government has been playing the negotiation card with the regime, supporting a false dialogue between the autocrat and the business driven Alianza, freezing the sanction process.

Despite these actions, Ortega and his wife show no signs of supporting real reform, much less stepping down. That's why President Trump and Congress must take even stronger steps. The regime shows sings of concerns due to the sanctions against Ortega's family, but more credible threats need to be in place.

To start, the United States must remain vigilant in international forums, especially the Organization of American States. Just as it did in 2017 when the Ortega's regime signed an agreement to reform the electoral system to avoid sanctions before the fraudulent elections, now Nicaragua's rulers want the OAS to rubber-stamp fake electoral reforms, thereby restoring the country's international legitimacy. Fake and incomplete electoral reforms or an election without a real transition which should exclude Ortega and his cronies in power will be a disaster, Ortega and his wife will find a way to participate and manipulate the election. Instead, the Trump administration should rally the region to keep Nicaragua isolated and push for the departure of the dictatorship. The European Union needs to review the bilateral agreement with Nicaragua, CAFTA, to address the lack of rule of law and human rights violations and contribute with sanctions against the regime. Other Latin American countries needs to join the US applying sanctions to the regime.

It is not only about reforming the electoral authority or some cosmetic changes or some basic commitments by the autocrat, the whole system is rigged. The judiciary, parliament, security forces and media controlled by the regime will be counterproductive to any possibility of change in Nicaragua, no matter how many agreements you reach with Ortega to reform the electoral laws.

Long-term, however, Daniel Ortega must go. To that end, the United States should enact even harsher financial, political and trade sanctions, visa restrictions and court indictments – starting with Daniel Ortega himself and his family members. The Trump administration could also sanction active and retired military officials and entities responsible for – or complicit in – the violence against protestors, journalist and opposition leaders. IRS needs to review the retirement funds in the US from the Nicaraguan military and their family members. Finally, sanctions are warranted against many of Nicaragua's business leaders, who enjoy wide latitude under Ortega and Murillo and therefore support them. The Ortega regime would struggle to survive if the US and the Nicaraguan business community withdrew its support. I have been maintaining a close contact with leaders from different movements and faith-based groups in Nicaragua and they agreed in the need for thought sanctions to elevate the political and financial cost t to the regime.

The US and the international community need to pay more attention to the internal struggle and provide more technical, financial, political, communicational and strategic support to territorial movements, including the Campesinos, youth/student, auto-convocados, indigenous and faith-based movements, current projects are DC-based approaches with minimum impact. The Civic Alliance strategically reduced the influence of those movements to benefit the behind doors negotiations between the private sector and the government. It is time to combine the effect of the streets, effective sanctions and ultimate pressure against the regime.

Now several members of the opposition, business leaders and "potential" presidential candidates have been negotiating behind doors for a possibility of a 2021 election with better electoral conditions. The Ortega's regime has been allowing them to believe that he is willing to concede some changes in the electoral system. Numerous contacts between the Ortega's regime and the OAS and numerous rumors of potential concessions. For a person obsessed with power, who has been controlling the government for 24 years and has been in the spotlight since he was 15 years old, the idea of losing power is impossible, so we can presume that Ortega is simply manipulating the ambitions of the rest of the sectors.

Sadly 2021 looks like it's on the plan of our administration. That is not the best approach.

The regime announced a plan to release all the political prisoners by June 18, but it is part of the plan to win time. The regime also approved an Amnesty Law, giving free ride to all the murderers, torturers and pro-government militia killers.

Without stronger action by the United States, Nicaragua will likely fall into an even worse dictatorship and Cuban domination, just as Venezuela has over the past half-decade. We know what's coming. For the sake of the Nicaraguan people, we can't just wait for it to happen.

Meanwhile, the United States has shifted its attention from Nicaragua to Venezuela. But Nicaragua deserves renewed attention – and action – too. Otherwise, Daniel Ortega may yet ruin his country just as Nicolas Maduro ruined his, and in the 2021 election Mr. Ortega or his wife will win again.

Mr. SIRES. Thank you, Dr. Ponce.

Now we will go to questions. You know, I was one of the sponsors, with Ileana Ros-Lehtinen, of the NICA Act, and obviously this effort was to reduce Ortega's access to foreign finance and impose sanctions on Nicaraguan officials responsible for human rights violation.

I guess, Dr. Ponce, you do not believe that the NICA Act has been effective or—I wonder, what do you think, Dr. Ponce?

Mr. PONCE. Yes. I believe that the NICA Act is effective, but we need to implement the NICA Act in full, not only eight sanctions. I believe we need to increment the pressure against the regime. We need to bring, also, members of the police into our sanction process. We need to include members of the military and some of the members of the business sector that have been collaborating with the Ortega regime.

My view is that the Ortega regime has been using the negotiation to stop the sanction, trying to negotiate, liberating some—well, house arrest of some prisoners, and leaving the situation. Remember that Daniel Ortega has a close relationship also with Venezuela. Venezuela gave Daniel Ortega five billion dollars with Albanisa and other charities, so it is a country with all this problem involved.

Mr. SIRES. Mr. Vivanco?

Mr. VIVANCO. Mr. Chairman, the regime in Nicaragua is, I think, is fair to characterize, today, the government as a dictatorship and it is run by Mr. Ortega and his wife, the vice president. Based on the record of Ortega, it seems to me that Nicaragua is run today by a politician who is essentially a transactional one, somebody who might change his record based on the pressure exercised on him and his government, locally as well as by international community.

I do believe that the Global Magnitsky law is a fantastic instrument to exercise pressure, not only on Nicaragua but a global level. And the fact that few members of that administration has been targeted last year is extremely important. Now last year, also, you passed a specific Magnitsky, or NICA Act for Nicaragua and that one is the law that is still pending for application. We do believe that the only way to make some meaningful progress in terms of transition to democracy in Nicaragua and respect for fundamental freedoms and human rights depends on in many ways on the international pressure and particularly the implementation of the specific NICA Act. Thank you.

Mr. SIRES. Mr. Maradiaga?

Mr. MARADIAGA. Mr. Chairman, one of the lessons learned from nonviolent movements around the world is that they can only be effective with robust international support. In this regard, the NICA Act is a fantastic example of how the international community can support such movements. And as Mr. Vivanco and Dr. Ponce has emphasized, this is a fantastic tool that has not been fully implemented.

In addition to the NICA Act, it is important to emphasize the importance of coordination in the Western Hemisphere. I would like to highlight the fact that countries such as Honduras and Guatemala, for example, have been, in effect, blocking many of the activi-

ties inside the Organization of American States. We have other examples, the Government of Taiwan, for example, have provided a lifeline to the regime of Ortega of over $100 million.

So it is not only the action of the United States, but we request the coordinated action of those countries that regard themselves as part of the free world; however, their actions are not compatible to what they are doing toward the Ortega regime.

Mr. SIRES. Thank you.

Ranking Member Rooney.

Mr. ROONEY. Thank you, Chairman Sires. I appreciate that.

I would like to ask Dr. Ponce first about your assessment. Given the fact you noted the need for more effective sanctions, what is your assessment of the opposition, their unity, their ability to bring about a democratic transition? Start with Dr. Ponce and then the others.

Mr. PONCE. What we see in Cuba, Venezuela, Nicaragua is a dictatorship manual. They apply the same. They divided opposition by the opposition because some of the members of COSEP has been in bed with the regime, just because there is a golden opportunity or was a golden opportunity with $5 billion from Venezuela, with all the corruption, so it was a good opportunity.

And some of the members of the opposition has been divided and some of them, the success with the pact with Aleman gave power to Daniel Ortega again. Daniel Ortega learned the lesson and he has been applying that. He even became Catholic, Evangelical, whatever. He has been transforming himself. He is a powerful guy and he will not leave power.

The thing with the opposition, they need—yes, they are going to be divided. They are going to need to help also to consolidate the power in the countryside. We need to help the campesinos movement to become a major force. We need to help the youth to be more active again in Nicaragua and consolidate power in the countryside. We need to help the opposition also to consolidate political parties that are going to defeat all the forces behind Daniel Ortega in 2021. Daniel Ortega is organizing everything for 2021, but opposition is fighting against themselves. So it is an opportunity to strengthening.

Mr. ROONEY. If I might, you make an interesting point. I have heard from some people that I know there that the popularity of Ortega is much less outside of Managua and maybe Granada, and maybe is there an opportunity to exploit that?

Mr. PONCE. We have several tools. Congress has been increasing the budget for Nicaragua, for democracy in Nicaragua. We have the sanctions in our hands. So is it time to implement those tools to support political parties, to support Alianza, to support the campesinos, to support the faith-based groups and the youth and the autoconvocados to begin a force in Nicaragua in the whole country.

Mr. ROONEY. OK.

Professor Maradiaga? Also, can you also comment about this Taiwan thing? Imagine, if anybody needs a friend like the United States, you would think it would be Taiwan. I mean we need to just focus on that one more time if they gave all that money to Nicaragua.

Mr. MARADIAGA. Indeed. And that is an example of the double standards. It is very unfortunate. And with this Taiwan loan and some other similar support from the inter-American bank of integration, and also from the support of South Korea, basically Mr. Ortega has a liquidity for the rest of this year. So many of the efforts that the OAS is doing, that the U.S. Government is doing in a way are affected by this double standard. So that is why my emphasis on coordination, it is important.

A comment on the opposition and I agree with Dr. Ponce, the manual is the same. These regimes have the mechanisms to make it close to impossible for the opposition to participate and that is why opposition, it is, I wouldn't say divided, but it is very difficult to function under political persecution, under arbitrary arrest, so there are some opposition members that pick tactics that are low risk in order to remain in the country.

There are some other members of the opposition, myself included, that have taken some other risks and that is why we are in exile. Some of us are in prison. And the only solution to move toward a new path is to restore basic freedoms so a robust opposition can organize in Nicaragua.

Mr. ROONEY. OK.

Dr. Vivanco?

Mr. VIVANCO. I am sorry. I do not have any comments about the unity of the opposition in Nicaragua.

Mr. ROONEY. Here, in the last couple of seconds then that I have, does anyone have any comment about the realistic opportunities we may have to strengthen this opposition then and the risk, the odds of their success?

Dr. Ponce or Dr. Maradiaga?

Mr. MARADIAGA. The people of Nicaragua see Ortega as a tyrant of the past. And some people do not believe in the polls, but Ortega was quite popular some years ago, precisely because of five billion dollars is an amount that is unprecedented in Nicaragua history for a country of six million people, so he was able to do some stuff that brought a lot of people in Nicaragua.

But going back to the polls, about one of every two Nicaraguans are waiting for a new path. Ortega has about 20 percent support. If we believe polls by, say, Gallup, and Victor Borge is another service in Nicaragua, so he is at his lowest point right now and the opposition has a fair chance. But the only way for the opposition to be effective is for the opposition to have the ability to move in the country, to organize. For the last 11 years, Daniel Ortega has declared any effective opposition group illegal. Many political parties have been declared illegal.

So it is important to not only to have a snapshot of the opposition right now, but to understand that for 11 consecutive years being a true opposition in Nicaragua has been regarded a crime by Ortega.

Mr. ROONEY. Thank you very much. Thank you.

Mr. SIRES. Thank you.

Congressman Levin.

Mr. LEVIN. Thank you so much, Mr. Chairman. Thanks for holding this really important hearing.

I want to take a longer view. So far, I think we have gone back to 2018 here, but I want to ask you about how the U.S. can best be helpful here given our history. The U.S. occupied Nicaragua for over two decades a century ago, and then we supported the Somoza dictatorship which ruled Nicaragua completely undemocratically for over 40 years.

And I, as I think a 19-year-old or 18-year-old college student, I remember when the Sandinistas overthrew the dictatorship, and in my office, I have a T-shirt quilt that includes one little T-shirt celebrating 1 year of freedom in Nicaragua, which feels like a very bittersweet T-shirt today. And then of course the United States supported the Contras in the 1980's, so the United States has not always been a friend of democracy in Nicaragua. And here we are today, with Ortega acting like a transactional, as you said, Mr. Vivanco, you know, strong man. It is so, so troubling.

So I want to ask you, in particular—well, and let me say one more thing. You know, when I was a law student, Mr. Vivanco, I worked for your organization during my summer, first summer of law school in Haiti after Aristide was overthrown the first time, and wrote with one other researcher sort of a book-length report on the destruction of civil society in the aftermath of that overthrow. And so, I am not so interested in the opposition as, you know, my question is, how can the U.S. strengthen, sort of deal with this very problematic regime in a way that actually builds democracy and how can we support human rights organizations that are working there? I do not think you have said much about that. Maybe in your, you know, your testimony you submitted.

But how can we provide support and resources to assist human rights defenders in civil society organizations that are obviously under threat, people being tortured and killed for their work, what can we do more to help them?

Mr. VIVANCO. Thank you very much, Congressman Levin, for your question. And, look, on the first point that you raise, which is the record of the U.S. in Nicaragua, and I will argue, in the whole region.

Mr. LEVIN. Yes.

Mr. VIVANCO. Is not—is far from perfect, and on the contrary. Given the relationship of the government, of the U.S. Government, for instance, with the governments in South America like Chile, you know, and others, obviously it is a record that deserve obviously a serious scrutiny. And I agree with you about your assessment of the intervention in Nicaragua, historically, by the U.S. Government.

Now we are in the 21st century and we are looking at the respect and promotion of fundamental freedoms and rights. We believe that those rights and freedoms are universal and they should be defended and promoted all over the world. I do believe that the U.S. Government today and this Congress in particular has a responsibility and leadership to play in coordination with other democracies in the world, particularly Europe and in Latin America. A multilateral approach to the case of Nicaragua could be much more effective.

Mr. Maradiaga insisted about this point and I think he has a point in terms of urging this administration, ideally, the Trump ad-

ministration, the State Department, to work multilaterally in terms of pressing the government for change and protecting civil society and NGO's and journalists who are trying to do their work.

Mr. LEVIN. Well, my time is expired, but I just want to ask you before I end if you can share with me later particular ideas about how to, you know, which vehicles and which countries are active and, you know, I would be very much like to help in that effort.

Mr. VIVANCO. Delighted, thank you very much.

Mr. LEVIN. Thank you very much.

Thank you, Mr. Chairman.

Mr. SIRES. Congressman Guest.

Mr. GUEST. Thank you, Mr. Chairman.

Dr. Ponce, in your written testimony on page 3, under a couple different subheadings, one entitled, "International Partners in Crime," and the other entitled, "Uprisings in the Market," you list three countries that have a close relationship with Nicaragua, one being Cuba which you describe as "Communist Cuba's influence is unmistakable." You talk about Russia providing the regime with weapons and expertise, and then you also talk about China and the Grand Interoceanic Canal. Could you expand on the role those three governments are playing in the Nicaragua Government at this time?

Mr. PONCE. Yes, thank you, Congressman. In the case of Venezuela, five billion dollars, and Venezuela has been involved directly in the process of supporting the corruption in Nicaragua. Part of the payments to the public sector has been paid with money from Venezuela, Albanisa, and the U.S. has been sanction Albanisa for corruption, money laundering, and involvement in drug trafficking in Nicaragua.

With China, China has been supporting, and China—well, it was a Chinese planning with Daniel Ortega major corruption with the Interoceanic Canal. And that there are information about Russia operating in Nicaragua, they have a building in Nicaragua and the people in Nicaragua say there are more than 200 Russian operating in Nicaragua, and there are some concerns about the weapons distributed by the Russians in Nicaragua. Russia has been providing for military arm and military weapons for the last five to 6 years to Nicaragua.

Some of the people that I talk that have been in prison have been telling me that some of the people that are in—the older prisoners claim that they hear Cuban voices when they have been tortured in prison. And it makes sense because it is the same model of torture. If you see the torture in Venezuela, it is rape, it is sexual abuse, and different kind of structure that it is the same model implemented in Venezuela and in Nicaragua.

The level of response of the management of the forces they have been repressing the civilians at the streets, it is this a military training. And some of the people have been saying that the Russian and the Cuban and the Venezuelan has been trained in military, but they bought a military, the groups who bought it that support Daniel Ortega directly with weapons. The weapons, when they began the repression, came to Nicaragua in matter of days. Several planes, some people in Nicaragua claim that Cuban planes

and Venezuelan planes arrived to Nicaragua with weapons to a rainforest. They put all government violent groups in Nicaragua.

Mr. GUEST. And just very briefly also about the Chinese investment and Nicaragua. We have got and we have seen in the past and had hearings on the Belt and Road Initiative where China is investing in developing countries, and we are seeing that in Venezuela, are we not? Excuse me, in Nicaragua, are we not?

Mr. PONCE. In Nicaragua, China is not so active apart from the Canal because Taiwan has been supporting more the Government of Nicaragua. Taiwan has been a major provider of support of Nicaragua. The Chinese has been acting in Nicaragua, but not as active as in Venezuela.

Mr. GUEST. And then, finally, you talked about if Ortega is allowed to run he will be re-elected, and you talk about the need for additional sanctions. Do you believe if additional sanctions are imposed that we will see someone else step forward and run for president, if, in fact, those sanctions were, in fact, imposed by our government?

Mr. PONCE. The problem with the sanctions right now is we only impose sanctions to the inner circle of Daniel Ortega, Daniel Ortega's wife, Daniel Ortega kids, also and the people that work with Daniel Ortega. We are not expanding the sanctions to members of the police that were part of the repression, member of the military who were part for inaction or direct action against the civilians in Nicaragua.

And we feel and we see that how the regime has been reacting to the sanctions. They are desperate every time that the U.S. impose any sanctions, they asking for lifting the sanctions. In the negotiation with the alliance that is one of the first topic in the negotiation, lifting the sanction. Yes, I do believe that more sanctions in Nicaragua will be effective. Listen, we are not asking, any of the witness, nobody is asking for intervention. Nobody is asking for anything. We are asking for sanctions and economic support and technical support to the opposition to be more effective in terms of getting rid of this regime, this terrible regime.

Mr. GUEST. Thank you, Mr. Chairman. I yield back.

Mr. SIRES. Congressman Espaillat.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Mr. Maradiaga, you told us that there are nation-States in the Organization of American States that are clearly supportive of Nicaragua and what is going on right now. Could you tell us who they are for the record?

Mr. MARADIAGA. Yes, sir. Most of these are Caribbean States who remain very close to the Petrocaribe arrangement, so——

Mr. ESPAILLAT. Can you tell us their names?

Mr. MARADIAGA. With all due respect, I do not have the name of particular eight Caribbean islands that—but they are part of the CARICOM, you know, and I apologize for not having precisely the names of those States.

But if I may add, what is particularly worrisome is neighboring States, particularly Honduras and Guatemala because many of these island States of the Caribbean have argued that if neighboring States are not taking concrete actions, it is difficult for them—and of course this is an excuse—it is difficult for them to

take action. So we believe it is important to emphasize that Honduras and Guatemala should be on the right side of history by supporting the OAS.

Mr. ESPAILLAT. So, please, if you can give us that list for the record, whenever you can on who those——

Mr. MARADIAGA. I will immediately do so after the hearing, yes.

Mr. ESPAILLAT. OK.

Dr. Ponce, you said that the problem has been that we have only applied Magnitsky Act sanctions on the immediate Ortega clan, right. Are you willing to give us a list of names of some of those other folks that you feel should get Magnitsky Act sanctions, with some level of background on why they should?

Mr. PONCE. Yes, of course. I have been providing names for the last 3 years, even for the first one, Rivas, and some proof about some of these people. I believe that some other people from close to the regime need also to be included in the sanction, and knowing that we can lift the sanctions as soon as they collaborate with a democratic solution in Nicaragua. I can provide that.

Mr. ESPAILLAT. My next question is, although there has been a major crisis in Nicaragua, there has not been a migration crisis that have shown up at our southern border, like, for example, the number of Hondurans or the numbers of Guatemalans that show up at our borders due to violence and situations impacting Central America.

Is there a migration crisis in Nicaragua and where are they showing up? Anybody?

Mr. MARADIAGA. If I may, historically, Nicaragua are an exception in terms of migration patterns. In comparison to neighboring Honduras, El Salvador, and Guatemala, Nicaraguans tend to migrate to Costa Rica.

So yes, there is——

Mr. ESPAILLAT. How many have gone to Costa Rica?

Mr. MARADIAGA. Officially, over 80,000, which it is unprecedented numbers for a country of the size of Nicaragua. However, for the very first time in many, many years, we are seeing significant numbers of Nicaraguans at the U.S. border seeking for asylum.

Mr. ESPAILLAT. Thank you.

TPS, I am supportive of TPS for Nicaraguans. The Trump administration has not been as supportive as the courts have weighed in. Given the crisis which is further aggravated by the shutting down of hotels, restaurant, stores, even like street vendors, right, which has led to a substantial number of folks being unemployed further fueling the crisis, first, could you tell me what you feel about the crackdown or the shutdown of these small businesses and what you also feel about the Trump administration's hardcore stance on extending TPS for Nicaragua? Anybody from the panel.

Mr. MARADIAGA. If I may, the TPS is a fundamental need for Nicaragua for various reasons.

Mr. ESPAILLAT. So you support it?

Mr. MARADIAGA. Yes, yes. And I will also add my appreciation to the Nicaraguan diaspora, to Nicaraguan Americans who have been fundamental to the struggle of democracy for Nicaragua. In the case of Nicaragua, there is an interesting and very substantive

characteristic of Nicaraguan migrants. Most of Nicaraguan migrants want to return to Nicaragua. And we have done research on this. This is an exception to other migrant groups. So if we reestablish democracy in Nicaragua, also the immigration issue will be tackled.

Mr. ESPAILLAT. What about small businesses, anything?

Mr. MARADIAGA. In the terms of small businesses, this is a clear example of the violations of human rights. About 35 small businesses have been closed recently including pharmacies, including supermarkets because they closed their shops in protest to the Ortega regime as part of the nonviolent struggle.

Mr. ESPAILLAT. Thank you so much.

Thank you, Mr. Chairman.

Mr. SIRES. Congressman Yoho.

Mr. YOHO. Thank you, Mr. Chairman.

Appreciate you all being here. Mr. Vivanco, the crimes you highlighted at the beginning are hideous in nature. Those that committed the horrendous charges of violence, did they act independent of Ortega's government or could they have acted independently and survived Ortega's authoritarianism?

Mr. VIVANCO. No. According to the—our evidence and evidence that we are actually going to include in a forthcoming report about atrocities committed by security forces as well as pro-government groups that works jointly with those security forces, there is no chance that those atrocities could have been committed without the approval and endorsement of the government at the highest level.

Mr. YOHO. OK. And I think we can conclude the crimes could not have been orchestrated or carried out without the direct involvement of Daniel Ortega's knowledge and/or approval. That would be correct with all of you, right?

Mr. MARADIAGA. Yes.

Mr. YOHO. All right. I have a report here from the U.N. High Commissioner of Human Rights. The Ortega administration repressed these demonstrators back when, they repressed the demonstrators before the elections. In August 2018, then United Nations High Commissioner of Human Rights, Zeid Ra'ad Al Hussein, asserted the violence and repression seen in Nicaragua since demonstrations began in April are products of the systematic erosion of human rights over the years and highlighted the overall fragility of the institutions and rule of law.

The U.N. comes out and says that, but nothing gets done. The OAS still trades with Nicaragua. We entered an FTA with the Caribbean nations, Dominican Republic and the Central American nations. My question is, why are we still trading with somebody like this? Why in the heck do the civilized free world tolerate people like Daniel Ortega? I mean we are all against what he does. We are all against what he says. We see these actions. The U.N. goes down there and they talk about all these atrocities, yet everything goes on. Human trafficking is going on, smuggling and drugs, the repression, the torture that you guys brought up.

In the civilized world we do not tolerate these things. What can we do different? We have invested hundreds of millions of dollars since, you know, over the decades in Nicaragua. And it goes for good governance, rule of law, economic development—I want to

know where in the hell it is for my American taxpayers. I want to know where it is for the people of Nicaragua. That 80,000 that you said fled to Costa Rica, what time period was that?

Mr. MARADIAGA. That was since May of last year and now numbers have been probably much higher.

Mr. YOHO. Sure, they are going to go up higher.

Mr. MARADIAGA. But if I may, sir, go back to your question, you are absolutely correct. The generosity of the United States after the civil war in Nicaragua has been tremendous in building civil society, helping build a human rights community. And when you ask where are those people, most of them are in prison or in exile. And that is why Mr. Ortega labels these people as terrorists because they are sending investment in terms of training in human rights, civil society that has been disregarded by Ortega.

Mr. YOHO. But we in the free world need to wake up, because what we have is—we have got Nicaragua. You have got the failed regime of Hugo Chavez carried out through Maduro. We have got what is going in Cuba. We have got Russian interference in the Western Hemisphere. And, basically, they are all Communist nations that are operating in the Western Hemisphere and there was a time in this country where we would not tolerate that and I think we need to go back.

If we are serious about what we said and if we really want to bring an end to this and get some stability and empower the people of those countries—China is over there doing whatever they are doing.

I am over time, are not I? No, it is still going. I am on yellow. I looked at the wrong one.

And China is over there. And if we are going to do this, let's do it right. And I want to know and I would love to have an hour conversation with all of you, what do we need to do different that we have not done? I mean, we know what causes good societies. It is rule of law, honoring human rights and things like that and we all talk about it, but we do not do it. I, for one, recommend that we get rid of trade with Nicaragua. Let them trade with China. That will work out well for them. Maybe they can build a dam like they did in Ecuador.

I think we just need to have some strong talk and follow through with it and stop playing the games and having—and God bless you for coming up here talking about human rights and all that. We agree in that. We believe in that. And we need to come together as civilized nations and say enough is enough.

I do not have any other questions. I just appreciate you all being here.

Mr. SIRES. Thank you, Congressman.

Congressman Meeks.

Mr. MEEKS. Thank you, Mr. Chairman.

Let me start out by with what Mr. Levin said, because our hand and how we have dealt in the Western Hemisphere, particularly in Central and South America, is not clean where we have supported dictators and others when it was in our interests. So in listening and I do have concerns about what is taking place there, but if we were to withdraw all of the aid and everything else that we give

to Nicaragua, will that make things better for the people of Nicaragua? That is my first question. Mr. Vivanco?

Mr. VIVANCO. Congressman Meeks, no, I am not advocating for some broad sanctions that might have an impact on the conditions, living conditions of the Nicaraguans. What I am advocating for and I am a strong believer is on targeted sanctions. And everything else in my experience, working for over 30 years on human rights issues in Latin America, is that what usually works is engagement not isolation. Engagement, but with conditions, with strings attached.

Mr. MEEKS. So I am with you on that. So what puzzles me at times with where we go, I am trying to think of a time in the Western Hemisphere where unilateral sanctions worked. There was not an engagement on that, you know, working with other countries and in the area. Has there been a time where unilateral sanctions worked which is, I think, being advocated here?

Any one of you, in the Western Hemisphere has there been any time that you can recall, because I am trying to——

Mr. MARADIAGA. I will argue that Nicaragua is a perfect example in the 1980's. We saw one of the most bloody civil wars in Nicaraguan and Latin American history and we actually saw how U.S. sanctions brought Nicaragua back to democracy in 1990. I will also argue that the fact that Nicaragua and Ortega in particular was outside of the radar for many, many years made the problem to emerge again.

Mr. MEEKS. OK, because I was trying to see, you know, I know that when you talk about Nicaragua and you talk about a number of the scenarios, particularly back when President Reagan was around, we did some unscrupulous things there. And I, you know, and so we are still paying for that to a large degree.

And so I was straining to think of where is, can you tell me where the other countries are like, you know, folks from the OAS, are they, you know, agreeing in the same methods, you know, or is this still just a unilateral sanctions area for the United States of America? Because and the other piece is, what I am trying to—because I am for democracy also, not just for regime change. So I want to know where is, where the U.S. has required regime change has resulted in a democratic government with human rights, et cetera, when it is just the United States particularly by itself.

Mr. MARADIAGA. Please allow me to say that Nicaraguans believe that the mistakes of the past cannot be an impediment for the current exercise of the U.S. leadership in promoting human rights. And I will also insist on the importance of multilateral actions. In this regard I would like to publicly appreciate, first of all, the leadership of Ambassador Carlos Trujillo, U.S. Ambassador to the OAS, but also other missions to the OAS such as the mission of Colombia, Argentina, Chile, and many others who are with us in this collective effort.

Mr. MEEKS. And that is, you know, tremendously important, I think, to make sure that when I am talking, when I hear conversations about sanctions, et cetera, that has got to be a multilateral level. The one time that I know when sanctions was very strong was in South Africa. The United States was last to come on board, but it was multilateral. It was everybody. But if you just do it in an individual basis, it does not seem to me to be quite as effective.

Also, what my concern is—I guess I am out of time—is someone, I do not know, one of you has said that if there was elections that happened today that Ortega would get reelected. That is a concern because I do want to make sure that, you know, though, that the people's voices are heard and that we just do not overturn an election because the people voted for someone that we did not want to vote unless we are talking about an election that was committed under fraud. I am out of time, so I yield back.

Mr. SIRES. Congressman Phillips.

Mr. PHILLIPS. Thank you, Mr. Chair. And thank you to our witnesses.

Since the Trump administration we are seeing a massive decline in our foreign assistance around the world, particularly in the Western Hemisphere. I think that compromises both our national security and certainly the security and safety of the residents of the countries in question. The administration is proposing a 40 percent reduction in assistance this year to only $6 million. Money is not always the answer alone.

My question for each of you, starting with you, Mr. Vivanco, is what are the best practices as you have seen our country practice around the world in similar circumstances and what level of funding, in your estimation, is appropriate to effect what is in our best interest?

Mr. VIVANCO. Congressman Phillips, I think the key is to make sure that there is always enough resources available to support civil society, to strengthening the rule of law, the independence of the judiciary, to press, press countries that have an undemocratic structure and record to reform its legislation to allow for real checks and balance on the executive. So all of those goals should be always be present in the U.S. foreign policy and should be supported with sufficient resources.

Mr. PHILLIPS. And, sir, where you have seen us effect that effectively?

Mr. VIVANCO. Well, there are many examples in Latin America. I think the U.S., you know, across, you know, we are looking into the—from the 1990's up today, there are good examples of—in Chile, for instance, in Peru, reforms that allows for more transparency and it strengthens rule of law, including Colombia, I think, is a good example. Colombia is not a perfect example. There are many problems there, still, but there have been some, I would say, conscientious effort to support the rule of law and the independent judiciary in that country.

I wish that we could have better examples, let's say, in Central America and including Mexico, but unfortunately the record is pretty poor.

Mr. PHILLIPS. I appreciate it.

Mr. Maradiaga?

Mr. MARADIAGA. I will emphasize in five key best practices. These are not all, but just a quick summary. Funding the strengthening of civil society particularly independent human rights organizations; supporting the free press; civic education of youth particularly of underrepresented minorities such as indigenous communities and women; technical support to electoral systems; and anticorruption and transparency initiatives.

Mr. PHILLIPS. And where do you think we have effected those initiatives well?

Mr. MARADIAGA. I think that the work particularly of agencies such as USAID in the case of Nicaragua has been fantastic. Precisely what we see when we saw hundreds of students asking for democracy, women asking for democracy, and something impressive which are faith-based organizations working along leaders of the LGBT community, for example, working together for the same objectives. That does not come out of magic. That is the result of many, many years building inclusive civil society.

And I will take also time to appreciate the support of U.S. taxpayers in supporting civil society in Nicaragua.

Mr. PHILLIPS. And do you have a sense of what is an appropriate level of funding? Six million dollars, I trust, cannot accomplish that.

Mr. MARADIAGA. I think it is of course a very, very small number in comparison to what the U.S. has invested in other nations of the world. That was about—that is less than 25 percent of the support that Nicaragua used to have in the early 1990's.

Mr. PHILLIPS. Thank you.

Doctor?

Mr. PONCE. Yes. I disagree. I believe that some of the assistance that has been going to the region has been plagued by rent seeking, 50, 60 percent of the money stay here in the U.S. to pay for the organizations. Organizations charge 20, 30 percent. It is about fighting for the foreign assistance to maintain a high level, but also begins to request also from the implementers to fulfill some impact and measure by impact.

Six million dollars in Nicaragua can be a good amount of money, but the problem if we take away 50 percent, 60 percent of the money to maintain the organizations here in Washington, DC, we are not making a major favor to the assistance that we are providing for democracy and human rights in the region.

Mr. PHILLIPS. Thank you, sir.

I am out of time, I yield back.

Mr. SIRES. Thank you, Congressman.

I have one question. You know, I always read about the power behind the presidency which is supposed to be Ortega's wife. Is that accurate? How much say does she have in the country?

Mr. MARADIAGA. That is absolutely accurate and there is a very sad episode that really explains part of that and this is in the public record and has been widely documented, the rape of Ortega's stepdaughter. And when Ms. Zoilamerica came out publicly to denounce the rape, Rosario Murillo supported Daniel Ortega; then Daniel Ortega would be absolute history if that particular crime would have been taken into justice. But Rosario Murillo supported Daniel Ortega clearly in exchange for a piece of the pie. And that is how the Ortega family sees Nicaragua, as a pie that they share among their inner circle.

Mr. SIRES. Anybody else have any other——

Mr. PONCE. Yes, I was detained and I was expelled from Nicaragua by a direct order of Rosario Murillo. And when the Ambassador tried to negotiate, Rosario Murillo directly say, "I am the one who rules the country here."

So it is also a problem that Daniel Ortega manage some of the negotiations, the peak negotiation, but she is in control of the operation of the government. She is in control of the violence. She is in control of major things in the country and she sees herself as a major power behind Daniel Ortega. And as Felix said, talking with Zoilamerica, Zoilamerica talks about the corruption and how she maintained the whole structure of corruption behind Daniel Ortega too.

Mr. SIRES. So if Daniel Ortega steps down, do you think she runs for president?

Mr. PONCE. I believe that Daniel Ortega will try to run again. And if not, she will try to run. They will maintain—they want immunity, impunity, and also maintain control. This couple has been in power directly or indirectly for four decades in Nicaragua, so they are not going to leave as easy as we want.

Mr. SIRES. Well, this has been a very interesting hearing and I want to thank you for coming. We keep reading about Nicaragua. We keep reading about some other countries in the region, but Nicaragua is now standing out. And I was hopeful that other countries, like Guatemala, were going in the right direction, but now they seem to have taken a step back. And it is very disheartening when you push as I do for the Western Hemisphere that they take a step forward and then they take two or three steps back, and you have to constantly defend that we have to get more involved in the Western Hemisphere.

Ladies and gentlemen, thank you all for being here today for this important hearing. The crisis in Nicaragua continues at the hands of the Ortega regime. I want to reiterate my support for the Nicaraguan people and their tireless effort to fight for democracy. I thank our witnesses for being here today and with that I adjourn the hearing.

[Whereupon, at 11:21 a.m., the subcommittee was adjourned.]

APPENDIX

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Albio Sires (D-NJ), Chairman

June 11, 2019

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on the Western Hemisphere, Civilian Security, and Trade in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at https://foreignaffairs.house.gov/):

DATE: Tuesday, June 11, 2019

TIME: 10:00 am

SUBJECT: Crushing Dissent: The Ongoing Crisis in Nicaragua

WITNESS: Mr. Jose Miguel Vivanco
Executive Director
Americas Division
Human Rights Watch

Mr. Felix Maradiaga
Executive Director
Instituto de Estudios Estratégicos y Políticas Públicas

Carlos Ponce, PhD
Director of Latin American Programs
Victims of Communism Memorial Foundation

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON WESTERN HEMISPHERE, CIVILIAN SECURITY, AND TRADE HEARING

Day TUESDAY **Date** JUNE 11, 2019 **Room** 2172

Starting Time *10:04 am* **Ending Time** *11:21 am*

Recesses [*0*] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)
Chairman Albio Sires

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:
Crushing Dissent: The Ongoing Crisis in Nicaragua

SUBCOMMITTEE MEMBERS PRESENT:
See attendance sheet.

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Steve Chabot, OH

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

SFR - Amnesty International Submitted by Chairman Sires
QFR - Espaillat

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:21am*

Subcommittee Staff Associate

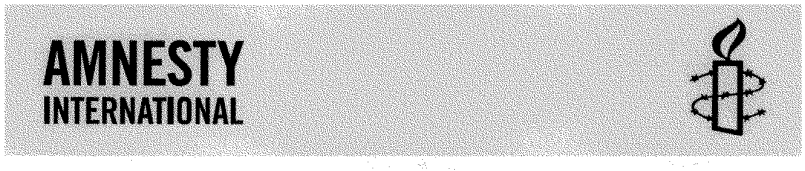
HOUSE COMMITTEE ON FOREIGN AFFAIRS

WHEM SUBCOMMITTEE HEARING

PRESENT	*MEMBER*
X	Albio Sires, NJ
X	Gregory W. Meeks, NY
	Joaquin Castro, TX
X	Adriano Espaillat, NY
X	Dean Phillips, MN
X	Andy Levin, MI
X	Vicente González, TX
X	Juan Vargas, CA

PRESENT	*MEMBER*
X	Francis Rooney, FL
	Christopher Smith, NJ
X	Ted Yoho, FL
	John Curtis, UT
	Ken Buck, CO
X	Michael Guest, MS
X	+ Steve Chabot, OH

INFORMATION SUBMITTED FOR THE RECORD



June 10, 2019

Rep. Albio Sires
Chair

Rep. Francis Rooney
Ranking Member

House Foreign Affairs Committee
Subcommittee on Western Hemisphere, Civilian Security, and Trade

Re: Amnesty International Statement for Hearing on "Crushing Dissent: The Ongoing Crisis in Nicaragua"

On behalf of Amnesty International USA and our over two million members and supporters in the United States, we hereby submit this statement for the record. Amnesty International is an international human rights organization with national and regional offices in more than 70 countries, including in the United States. Our organization has undertaken multiple research missions to Nicaragua in the wake of widespread repression of political protests in April 2018. In this statement, we wish to share our grave concerns with the Subcommittee regarding human rights violations in Nicaragua as well as our recommendations to ensure that survivors of these violations can access lasting justice.

I. Following widespread repression of political protests in Nicaragua in April 2018, the human rights situation in Nicaragua continues to deteriorate.

In April 2018, a series of reforms to the social security system triggered widespread social protests in Nicaragua. In response to these protests, the Nicaraguan government adopted a strategy of violent repression. At least 325 people were killed in the protests, primarily by state security forces and pro-government armed groups. More than 2,000 people were injured and hundreds arbitrarily detained.

Amnesty International has documented the **widespread use of lethal force** by pro-government armed groups against people taking in part in public demonstrations. These groups have also used military-grade weapons in an indiscriminate, excessive and disproportionate manner. These weapons include machine guns, AK-type rifles and sniper rifles. Most of the 325 people who died during the protests were killed by state security forces and pro-government armed groups. Some of these killings may be tantamount to extrajudicial executions, which constitute crimes under international law.

Amnesty's research also demonstrated that **state authorities used torture and widespread arbitrary detention** as forms of punishment for political dissidence, as well as to extract information about how protests are organized and who is leading them. As of December 2018, more than 2,000 individuals had been injured and hundreds of people arbitrarily detained. The

Inter-American Commission on Human Rights (IACHR) has reported that at least 550 people were detained and prosecuted in the context of the repression of protests. Though the government pledged in March 2019 to release all individuals whose detentions were politically motivated by mid-June, a reported 200 such individuals remain detained as of this writing.

There is reason to believe that human rights violations committed in Nicaragua since the beginning of the protests were carried out not merely with the knowledge or consent of the state authorities, but on their orders, including at the highest levels of government. In December 2018, the Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua, created by the Inter-American Commission on Human Rights (IACHR) with the agreement of the State of Nicaragua, concluded that "the State of Nicaragua perpetrated actions that amount to crimes against humanity" on numerous occasions in the context of the repression of protests.

The human rights situation in Nicaragua continues to deteriorate day by day. Amnesty International continues to receive reports of arbitrary detentions and information about the torture of detainees. Since December 2018, when Nicaraguan authorities further intensified their repression of civil society organizations by making it illegal for them to do their work and seizing their premises and assets, organizations are still unable to work freely in the country. Journalists and media workers critical of the Ortega regime also continue to face particular risks of harm: Amnesty International has been informed of the arbitrary detentions of two journalists, attacks on premises of newspapers and TV programs, and near-constant harassment of journalists and media managers working at independent outlets. Since the onset of the political crisis, an estimated 60,000 Nicaraguans have fled the country because of threats to their lives, freedom and security and sought protection abroad, mainly in neighboring Costa Rica, as well as in the United States.

II. Survivors of human rights violations do not have access to truth, justice, or effective remedies at the national or regional levels.

In the wake of these mass human rights violations, victims are unable to access justice: a truth exemplified by the passage last week in the Nicaraguan congress of a sweeping amnesty law that could potentially exculpate security forces and other participants from crimes committed during the 2018 crackdown.

In three of the six possible cases of extrajudicial executions documented in Amnesty International's October 2018 report "*Instilling Terror: From Lethal Force to Persecution in Nicaragua*," families of the victims did not file complaints out of fear of reprisals and lack of confidence in the authorities. In all cases, the families stated that they had no knowledge of any official investigation having been initiated. Repression and fear of reprisals have made survivors of human rights violations reluctant to file complaints with the Public Prosecutor's Office. Amnesty International's research found that some families did not even officially register the deaths of their relatives, much less attempt to file official complaints.

Similarly, in its December 2018 report, the GIEI raised serious concerns regarding the judicial system because of the lack of independence of the judiciary and the Attorney General's office in Nicaragua; the extremely limited number of prosecutions for homicides that have taken place to date; and improper use of the criminal law against journalists, human rights defenders and

people who take part in demonstrations. As a result, as both the GIEI and Amnesty International have highlighted, it is impossible for victims to access justice at the national level.

Though the IACHR formally established, in agreement with the Nicaraguan state, two mechanisms to observe and investigate the human rights situation in the country, the government has since halted both. The Special Follow-Up Mechanism for Nicaragua (MESENI), which was established to follow up on the recommendations based on the IACHR's visit, including extensive recommendations it made in a June 2018 report, was suspended in December 2018. That same month, the Nicaraguan government announced the end of the mandate and mission of the other IACHR-supported mechanism, the GIEI, which had been established to investigate the violent attacks that took place between April and May 2018. As a result, no national or regional mechanism currently operates to promote access to truth and justice for victims of Nicaragua's brutal crackdown on political dissent.

III. Recommendations

Given the lack of effective remedies available at the national level and the expulsion of two critical regional mechanisms, the international community must work collectively to adopt measures that will promote truth, justice, and reparation for survivors of widespread human rights violations in Nicaragua, as well as to ensure ongoing accountability for the Nicaraguan government's compliance with its human rights obligations in the future.

Amnesty International therefore recommends that Congress:

- Continue to robustly fund and support the efforts of the Organization of American States and the IACHR in ensuring that the protection bodies of the Inter-American System can continue to monitor the situation and that Nicaragua implements the detailed recommendations of the IACHR as well as its MESENI and GIEI mechanisms;
- Adopt a resolution condemning the government's use of extrajudicial executions, arbitrary detentions, and torture as reprisal for political dissidence and reiterating the importance of access to justice and independent oversight mechanisms to ensure redress for these actions;
- Call on the Nicaraguan government to:
    - Cease arbitrary detentions and politically motivated arrests and immediately release all individuals detained solely for peacefully exercising their right to freedom of expression;
    - Promptly allow for impartial, independent, and thorough investigations of extrajudicial executions, torture, and other human rights violations committed by agents of the state or by pro-government armed groups acting with state acquiescence;
    - Disband and immediately disarm pro-government armed groups and ensure that police forces act in accordance with international standards on the legitimate, proportionate, and necessary use of force;
    - Halt all forms of repression, attacks, harassment, and criminalization of media workers for doing their job, and ensure that journalists and human rights defenders can carry out their work without fear of reprisal;

- Guarantee access to justice, truth, and reparations as a durable and sustainable solution to the crisis (in line with GIEI recommendations);
- Cease avoiding international scrutiny and comply with its international human rights obligations, including ensuring that the MESENI is afforded all necessary conditions to enable to carry out its work.

For more information, please contact Charanya Krishnaswami, Americas Advocacy Director, at (202) 675-8766 or ckrishna@aiusa.org.

Sincerely,

Charanya Krishnaswami
Americas Advocacy Director
Amnesty International USA

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record Submitted to Mr. Felix Maradiaga

Rep. Adriano Espaillat

HFAC WHEM Hearing: Human Rights in Nicaragua

June 11, 2019

Question

1. In your testimony you mentioned there are nation-states and organizations in the Caribbean that are supportive of the Nicaraguan government and the perpetuation of the ongoing crisis there. Can you provide a list of the names of these countries, organizations and individual actors?

Mr. Felix Maradiaga did not submit a response in time for printing.

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