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AN INTERNATIONAL RESPONSE TO ORTEGA'S DESTRUCTION OF DEMOCRACY IN NICARAGUA

HEARING

BEFORE THE

SUBCOMMITTEE ON
WESTERN HEMISPHERE, CIVILIAN SECURITY,
MIGRATION AND INTERNATIONAL ECONOMIC
POLICY

OF THE

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AN INTERNATIONAL RESPONSE TO ORTEGA'S DESTRUCTION OF DEMOCRACY IN NICARAGUA

Tuesday, September 21, 2021

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
CIVILIAN SECURITY, MIGRATION, AND INTERNATIONAL
ECONOMIC POLICY,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 2172, Rayburn House Office Building, Hon. Albio Sires (chairman of the subcommittee) presiding.

Mr. SIRES. Good morning, everyone.

Thank you to our witnesses for being here today. This hearing, entitled "An International Response to Ortega's Destruction of Democracy in Nicaragua," will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any point, and all members will have 5 days to submit statements, extraneous materials, and questions for the record, subject to length limitation in the rules.

To insert something into the record, please have your staff email the previously mentioned address or contact subcommittee staff.

As a reminder to members joining remotely, please keep your video function on at all times, even when you are not recognized by the chair. Members are responsible for muting and unmuting themselves, and please remember to mute yourself after you have finished speaking.

Consistent with H. Res. 8 and the accompanying regulations, staff will only mute members and witnesses as appropriate when they are not under recognition to eliminate background noise. I see that we have a quorum, and I now recognize myself for opening remarks.

Over the last 4 months, the Ortega regime has carried out a shameless campaign to eliminate the political opposition and consolidate a one-party dictatorship in Nicaragua. Even at a time when many governments in Latin America are dismantling democratic institutions, the Ortega regime's crackdown stands out for how brazen and sweeping it has been.

The regime has rounded up nearly every potential challenger to Ortega and has not even tried to hide these arrests and forced disappearances under a veneer of legality.

The message from Daniel Ortega is clear. He believes he will lose November's election if they are competitive. Over 150 political pris-

oners are now being held in Nicaraguan jails. Many of them were forcibly disappeared.

And, earlier this month, some family members were finally able to visit these prisoners for the first time since their arrest in June. They reported deplorable conditions and evidence of torture, solitary confinement, and starvation. Some prisoners have lost more than 20 pounds since they were detained.

Today I reiterate the long-standing call for the immediate release of all political prisoners in Nicaragua. I applaud the Biden Administration for its recent sanction against 100 regime officials and 50 family members for their acts of corruption and violations of human rights.

The Administration has been consistent in condemning the Ortega regime's action and has worked to promote a more multilateral approach to Nicaragua. The passage of a resolution in June by the Organization of the American States was a small but positive step forward because it gained the support of additional member States that had previously abstained on issues related to Nicaragua. But much more must be done.

Having written the NICA Act with Congresswoman Ileana Ros-Lehtinen, I am frustrated that the International Monetary Fund recently provided $350 million to the regime. The IMF should not take Ortega's word for it that these funds will be used to address the COVID pandemic.

We must all remember that this is the same regime that spent the first 16 months of the pandemic holding large political rallies, manipulating medical records to deflate the death toll, and firing doctors and nurses who dared to speak.

International financial institutions should not be providing a lifeline to Ortega. The House of Representatives must urgently pass the RENACER Act which will strengthen oversight of funds provided by international financial institutions and increase targeted sanctions against regime officials.

This legislation will encourage the U.S. to continue working more closely with the European Union in implementing a sanctions framework.

We should also begin preparing a number of severe diplomatic consequences assuming Nicaragua's election in November becomes a coronation for Ortega. Nicaragua should be suspended under the International Democratic Charter on November 8, and its participation under the Central American Free Trade Agreement should be reconsidered.

Nicaraguan activists, opposition leaders, journalists, students, and doctors have shown tremendous courage in the face of the Ortega's regime's violation of their most basic rights. We must show that we stand with them in this battle against a brutally repressive dictatorship.

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

Mr. GREEN. Thank you, Chairman Sires, for convening this hearing and bringing attention to the dire situation in Nicaragua, and I want to thank the Deputy Assistant Secretary for being here in person, really appreciate that, with the hope of discussing the policy options that are before the United States.

I also want to thank the witnesses on our second panel, Ms. Valle, Ms. Chinchilla, former President of Costa Rica, and Ryan Berg.

I am deeply saddened and appalled by the repression that is taking place from Nicaragua. There is no question that the Ortega regime has turned Nicaragua into a tyrannical police state.

I and the committee regularly meet with the wives, the relatives, and loved ones of Ortega's political prisoners and victims. Their stories are heartbreaking, including, of course, Ms. Valle's. Her husband Felix has been a political prisoner for over a hundred days. This is unacceptable.

The widespread repression is especially terrifying as victims have no idea if they are on the government's watch list. You can just have the thought that you might run for President and wind up in jail. That is insane.

Some people are detained for challenging the dictatorship, others for daring to think or believe differently than the socialist leader. Right now, over 150 innocent Nicaraguans are held as political prisoners, many of them kept in inhumane conditions and deprived of due process.

There are many credible reports of starvation as well as psychological and physical torture. For instance, there is opposition student leader, Lester Aleman, a 23-year-old—I met his sister this morning—a 23-year-old who cannot even walk due to the brutality he has enduring while illegally detained.

Or Francisco Aguirre Sacasa—I think I am saying that correctly—a 77-year-old whose family the committee met with last week. His health is poor, yet the regime is withholding critical medication from him.

Stories of mistreatment and acts of torture have become far too common in Ortega's Nicaragua. While I appreciate the Administration's targeted sanctions and visa revocations against regime officials, the situation in Nicaragua is continuing to deteriorate.

And, frankly, I am appalled that just last Thursday the U.S. Commercial Service sent an email promoting business opportunities in Ortega's Nicaragua. President Biden needs better coordination of policy and messaging. Clearly Ortega is not taking the Biden Administration seriously, and time is of the essence.

On November 7, a political farce will be held, claiming to resemble elections. No one should be fooled about the outcome. Any hope of unseating the socialist dictatorship is sitting inside of Ortega's prisons.

The United States must condemn this charade and urge our international partners to join us. More should and can be done. To start, the House must pass the bipartisan Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform, also known as the RENACER Act.

I am a proud cosponsor of this bill which unanimously passed the Senate and the House Foreign Affairs Committee this summer.

Congress must support the Nicaraguan people and respond to Ortega's repressive crackdown. I urge Speaker Pelosi to immediately schedule this bill for a vote. We are running out of time. Passing this act will send the Ortega regime a clear message that

its violent and repressive behavior has severe consequences and that America is watching.

Beyond passing the act, the Biden Administration must fully enforce laws that are already in place, like the Nicaraguan Human Rights and Anticorruption Act, also known NICA.

Despite NICA placing strict conditions on loans and assistance from international financial institutions, Daniel Ortega and his regime officials have benefited greatly from national financing, which my esteemed chairman and colleague has just talked about with the loans, the $400 million. Unconscionable and unbelievable.

the Biden Administration must ensure that investment conditions are fully implemented to the letter of the law. International financing must not benefit a despotic socialist regime that continues to commit egregious human rights violations.

I look forward to hearing more about how the Administration plans to address these key challenges and the situations in Nicaragua.

Mr. Chairman, I yield.

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

I will now introduce our first panel. Ms. Emily Mendrala serves as Deputy Assistant Secretary covering Central America and the Bureau of Western Hemisphere Affairs at the Department of State.

She was the executive director of the Center For Democracy in the Americas, promoting U.S. policies of engagement toward the Americas from 2017 to 2021.

Ms. Mendrala's prior government service includes serving as Director of Legislative Affairs, International Security Council, as Special Adviser in the Department of State, and a professional staff member on the Senate Foreign Relations Committee.

Ms. Mendrala, we welcome you to the hearing.

I ask the witnesses to please limit your testimony to 5 minutes.

And, without objection, your prepared written Statements will be made part of the record.

Ms. Mendrala, you are recognized for your testimony.

STATEMENT OF EMILY MENDRALA, DEPUTY ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. MENDRALA. Chairman Sires, Ranking Member Green, distinguished members of the subcommittee, it is an honor to appear before you today as President Biden's Deputy Assistant Secretary for Western Hemisphere Affairs at the Department of State.

I look forward to talking with you today about U.S. policy responses to the increasingly authoritarian steps being taken by the Ortega-Murillo government in Nicaragua.

As you are well aware, the Ortega-Murillo government has carried out a ruthless crackdown over the past several months, canceling the registration of opposition parties, incarcerating journalists, opposition leaders, potential Presidential candidates, students, private sector leaders, and others who defend free and fair elections, attacking the free press, closing long-standing NGO's that provide humanitarian and medical assistance Nicaraguans in need.

While we had hoped that the government would respond to the voices of the Nicaraguan people themselves and U.S. and inter-

national urging to abide by its commitments, we have seen instead an acceleration of Ortega's and Murillo's efforts to consolidate their own power.

As Secretary Blinken stated on August 7th, quote: The United States views the regime's latest undemocratic authoritarian actions, driven by Ortega's fear of an electoral loss, as the final blow against Nicaragua's prospects for a free and fair election later this year. That electoral process, including its eventual results, has lost all credibility, end quote.

In the face of sham elections in Nicaragua, we and our international partners must continue to denounce and push back against the Ortega-Murillo government's antidemocratic rule as well as its use of Russian-inspired laws to carry out repression.

We must demonstrate that these practices have no place in our hemisphere. We have called repeatedly on the Nicaraguan Government to release all political prisoners immediately. We hold President Ortega and Vice President Murillo, and those who carry out their authoritarian orders, responsible for the detainees' safety and well-being.

Every day in August we highlighted on social media the personal profile of one of the recently detained Nicaraguan political prisoners, drawing widespread media coverage in Nicaragua and in international press to their cases and spotlighting the regime's repressive tactics.

These individuals have taken enormous risks and made enormous sacrifices in their efforts to demand genuine democracy in Nicaragua, and none deserves the mistreatment and injustice they are now suffering.

The Department has taken strong actions already to impose consequences on the Ortega-Murillo government. We have worked with the Treasury Department to impose sanctions on those implicated in carrying out the government's crackdown.

As of September 14th, 2021, the United States has sanctioned 31 individuals and eight entities under our Nicaragua and Global Magnitsky sanctions programs, and the Department has applied visa restrictions to 169 Nicaraguans in response to the political crackdown and the application of sham laws that ensure the November election will not be free, fair, transparent, or reflective of the will of the Nicaraguan people.

We are working with the international community urging our neighbors and partners in the region and beyond to join us in multilateral fora to send a clear signal to the Ortega-Murillo government that democracies in the hemisphere will reject these repressive actions.

Following advocacy by the United States and our partners, the OAS issued a strong resolution on June 15th, backed by an overwhelming majority of 26 member States, which condemned the Ortega-Murillo's arrests and calls for the immediate release ofpolitical prisoners.

At the U.N. Human Rights Council, we were pleased to be one of 59 governments that called for the release of prisoners on June 22d. We are also working closely with the EU, Canada, and the U.K. to coordinate additional targeted measures.

We were pleased that Canada announced on July 14targeted sanctions on 15 Nicaraguan individuals, and we welcomed the EU's August 2d announcement of sanctions on eight Nicaraguan individuals, including Vice President Murillo. These joint actions have further isolated the Ortega-Murillo government.

Through USAID, we continue to support Nicaraguan civil society, independent media, and human rights defenders. Our continued support assures Nicaraguans that the outside world has not forgotten them.

In conclusion, the Department of State stands firmly with the Nicaraguan people in their desire for genuine democracy, and we will continue to pursue bold actions in response to the Nicaraguan Government's failure to uphold fundamental freedoms and respect for human rights.

Thank you again for the opportunity to appear before you today, and I am happy to answer your questions.

[The prepared statement of Ms. Mendrala follows:]

Statement of Emily Mendrala
Deputy Assistant Secretary for Western Hemisphere Affairs
Before the House Foreign Affairs Subcommittee on
Western Hemisphere, Civilian Security, Migration, and International Economic Policy

Chairman Sires, Ranking Member Green, distinguished Members of the Subcommittee, it is an honor to appear before you today as President Biden's Deputy Assistant Secretary for Western Hemisphere Affairs at the Department of State. I look forward to talking with you today about U.S. policy responses to the increasingly authoritarian steps being taken by the Ortega-Murillo government.

As you are well-aware, the Ortega-Murillo government has carried out a ruthless crackdown over the past several months, cancelling the registration of opposition parties, incarcerating journalists, opposition leaders, potential presidential candidates, students, private sector leaders, and others who defend free and fair elections, attacking the free press, and closing long standing Non-Governmental Organizations (NGOs) that provide humanitarian and medical assistance to Nicaraguans in need. While we had hoped that the government would respond to the voices of Nicaraguans themselves and U.S. and international urging to abide by its commitments to implement electoral reforms and allow free and fair elections, we have seen instead an acceleration of Ortega and Murillo's efforts to consolidate their own power. As Secretary Blinken stated on August 7, "the United States views the regime's latest undemocratic, authoritarian actions—driven by Ortega's fear of an electoral loss—as the final blow against Nicaragua's prospects for a free and fair election later this year. That electoral process, including its eventual results, has lost all credibility."

In the face of sham elections in November, we and our international partners must continue to denounce and push back against the Ortega-Murillo government's antidemocratic rule as well as its use of Russian-inspired laws and growing Russian presence to carry out its repression. We must demonstrate that these practices have no place in our hemisphere.

We have called repeatedly on the Nicaraguan government to release all political prisoners immediately, including those who have been arrested in the latest wave of repression. We hold President Ortega and Vice President Murillo, and those who carry out their authoritarian orders, responsible for the detainees' safety and well-being. Every day in August we highlighted on social media the personal profile of one of the recently detained Nicaraguan political prisoners, drawing widespread media coverage in Nicaragua and in international press to their cases, and spotlighting the regime's repressive tactics. These individuals have taken enormous risks and made enormous sacrifices in their efforts to demand genuine democracy in Nicaragua; none deserves the mistreatment and injustice they are now suffering.

The Department has already taken strong actions to impose consequences on the Ortega-Murillo government. We have worked with Treasury to impose sanctions on those implicated in carrying out the government's crackdown. As of September 14, 2021, the United States has sanctioned 31 individuals and eight entities under our Nicaragua and Global Magnitsky sanctions programs, and the Department has applied visa restrictions to 169 Nicaraguans in response to the political

crackdown and the application of sham laws that ensure the November election will not be free, fair, transparent, or reflective of the will of the Nicaraguan people. As these actions demonstrate, there are costs for those who are complicit in the undemocratic and repressive acts carried out on behalf of the Ortega-Murillo government. We will continue to use the diplomatic and economic tools at our disposal to support Nicaraguans' calls for greater freedom and accountability.

We are also working with the international community, urging our neighbors and partners in the region and beyond to join us in multilateral fora to send a clear signal to the Ortega-Murillo government that democracies in the hemisphere will not tolerate these repressive actions. Following advocacy by the United States and our partners, the OAS issued a strong resolution on June 15, backed by an overwhelming majority of 26 member states, which condemned the Ortega-Murillo government's arrests and called for the immediate release of political prisoners. We continue to work with the OAS on potential actions at the upcoming OAS General Assembly in November. At the UN Human Rights Council, we were pleased to be one of 59 governments that called for the release of the prisoners on June 22 and are working with international partners to promote accountability. Fifty countries issued another joint statement on September 14 in Geneva that expresses doubt about the credibility of the upcoming elections. We are also working closely with the EU, Canada, and the UK to coordinate additional targeted measures. In addition to these international condemnations, we were pleased that Canada announced on July 14 targeted sanctions on 15 Nicaraguan individuals, and we welcomed the EU's August 2 announcement of sanctions on eight Nicaraguan individuals, including Vice President Rosario Murillo. These joint actions have further isolated the Ortega-Murillo government.

Through USAID, we continue to support Nicaraguan civil society, independent media, and human rights defenders as they fight for a return to democracy, rule of law, and respect for human rights. Our continued support assures Nicaraguans that the outside world has not forgotten them.

In conclusion, the Department of State stands firmly with the Nicaraguan people in their desire for genuine democracy, and we will continue to pursue bold actions in response to the Nicaraguan government's failure to uphold fundamental freedoms and respect for human rights.

Thank you for the opportunity to appear before you today. I'm happy to answer your questions.

Mr. SIRES. Thank you for your statement, and we will now go to questions.

The NICA Act of 2018, which I wrote with Congresswoman Ileana Ros-Lehtinen, was intended to restrict Nicaragua's access to loans from international financial institutions except for funds to address basic human needs.

But the Ortega regime has received more than $400 million in recent months from the World Bank and IDB. I guess my question to you is, are we using our voice? Is the Administration using its voice and vote with international financial institutions to oppose loans and other financial assistance to Ortega?

Because I have to tell you, it is very upsetting to me that we do all this work here, we ask the Administration to put sanctions on different people, and yet the IMF, to which we proudly contribute the largest amounts of money—or if not, one of the largest amounts of money—they seem to just ignore what is going on in Nicaragua.

And I have to tell you, it really is, I intend to write a letter to the IMF, and hopefully we will have them before this committee, because this is not acceptable. I mean, I do not know if there is any transparency with the money that they get. I do not know what they use it for. I do not know if the IMF knows what they use it for.

But there are clear signs that this regime is not interested in going by the law. So my question to you is, are we paying attention to what is going on with IMF in the loans to Nicaragua?

Ms. MENDRALA. Thank you, Mr. Chairman, for the question. Yes is the answer. We are using our voice and our vote in every opportunity in front of multilateral institutions to oppose lending to the Ortega-Murillo government.

We will continue to use our voice, vote, and influence to advocate against lending from international financial institutions to the Ortega-Murillo government, and we will also continue to collaborate with international partners where appropriate—EU, Canada, and others—to do the same.

Mr. SIRES. But how is it that they get such a large loan?

Ms. MENDRALA. The specifics of the IMF loan as I understand, it was an expansion of special drawing rights. It was a global expansion. And I can assure you that, when given the opportunity, the U.S. is using its voice and vote to oppose.

Mr. SIRES. Well, you know, earlier this year, I introduced the RENACER Act, which passed unanimously out of committee. The bill requires targeted sanctions, coordinated with the international community, to advance elections in November. I also will expand oversight of loans from international institutions.

Will passing this legislation provide the Biden Administration with additional tools to address the political crisis in Nicaragua? I mean, if we pass this act, is it going to help you, or is it going to be the same old status quo?

Ms. MENDRALA. First of all, I want to thank you for the partnership that you and others on this committee have demonstrated in collaboration in addressing the authoritarian trends that we are seeing in Nicaragua.

We are familiar with the RENACER Act. We welcome the bipartisanship. We welcome all constructive efforts to hold the Ortega-Murillo government accountable.

And we are committed to continuing to, as we have just discussed in the last question, use our voice, vote, and influence to advocate against lending in international financial institutions.

And we look forward to continuing to work with you, and especially if the RENACER Act is passed in this Chamber, to continue to use the tools that Congress has given us to hold the Ortega-Murillo government accountable.

Mr. SIRES. Do you have any recommendations for us so that we could continue to put more pressure on this government to make sure that, you know, there are free, fair elections, and it does not treat its people like it is treating them?

Do you have any recommendations that we can do here in Congress so that we can support the democratic aspirations in Nicaragua?

Ms. MENDRALA. Thank you for that question. One of the most important measures over the last several months has been an OAS resolution that passed in June, with 26 member States supporting it, that called to account the Ortega-Murillo government for actions that were happening in Nicaragua.

Through U.S. leadership, we were able to secure a very important coalition of 26 member States. The resolution that was adopted stated that the measures adopted by the government of Nicaragua do not meet the conditions for transparent, free, and fair elections, to which all member States have committed under the Inter-American Democratic Charter, which calls into question the legitimacy of the November elections.

This was an important move. It was very important for the OAS to put forward a clear and credible and strong response to the actions that we were seeing. And we continue to work with governments throughout the region, through the OAS and otherwise, to continue those strong Statements and measures of accountability, and we welcome Congress' partnership.

Mr. SIRES. My time is almost up, but I just will urge you and the Department to really put more pressure on the IMF that this is just not acceptable that they get all this money and God knows how they use it or where it goes. Thank you.

Ranking Member Green.

Mr. GREEN. Thank you, Mr. Chairman.

Ms. Mendrala, last week—well, let me start by saying this. Today you have mentioned the Ortega regime—or government, and I would encourage you to say the Ortega regime, because I am not sure that it is really legitimate. In fact, I think it is not. I am convinced it is not a legitimate government that was duly elected.

I think the last several elections since he has been in control have been manipulated, and, therefore, I would recommend calling him a regime.

And so why is that important? Because consistency in words, in what we say, matter.

I will give you an example. Last week, the U.S. Commercial Service sent an email to U.S. private sector partners highlighting

business opportunities in Central America, including those within Nicaragua.

It said, quote: Perhaps most importantly, Nicaragua has a highly organized and sophisticated private sector committed to a free economy that can fully leverage these resources if supported by a responsible government, end quote.

Yet, the State Department's 2021 Investment Climate Report, says, quote: Investors should be extremely cautious about investing in Nicaragua under President Daniel Ortega's authoritarian government, end quote.

These inconsistencies create problems. Maybe that is why the IMF made its bad decision, and your thoughts about these inconsistencies and the importance of the Biden Administration's saying one thing and sticking to it.

Ms. MENDRALA. Thank you, Ranking Member Green, for the question. And thank you also for noting the climate that has been created in Nicaragua for private sector investment. It is something that we are paying attention to in the context of Central America writ large.

The Administration is committed to a new comprehensive approach to address regional migration, as I know you are all aware, and one of the key elements to that approach are targeted efforts to address root causes, to combat the root causes of migration throughout Central America. And there has been a key focus on anticorruption.

Mr. GREEN. If I could just interrupt, though, I meant us to go a little different direction. I am talking about messaging and saying a consistent theme, right?

So one of the things when we sent the nearshoring bill to your Department, very good dialog happened, and they said we need a quiver—we need an arrow in our quiver to be able to leverage these, you know, dictators, folks like Nicaragua, to say: Look, if you are not acting like this, and you act like this, there is a chance you could qualify for some.

So the consistency is what I am asking you to, you know, comment on, and what are you all doing to fix these obvious contrasts?

Ms. MENDRALA. Absolutely. We are committed to consistency. Thank you for bringing some of those cases to our attention, and they are already on our radar. There is a robust interagency discussion on Nicaragua. This is a top priority and a chief concern of the Administration, the erosion—systematic erosion, dismantling of democratic norms and cultures in Nicaragua. And it is something that has the attention at the highest levels, and we are committed to consistency, to continuing to call to account the antidemocratic actions that we are seeing and support the Nicaraguan people.

Mr. GREEN. I think that is good. Just make sure you guys are calling to account when somebody in your Administration sends a message like this email that went out: Hey, think about investing in Nicaragua.

Changing the subject a little bit, migration issues, you sort of mentioned that, so let's go there: 100,000 Nicaraguans now in Costa Rica. What is the impact on Costa Rica, and, you know, how do we address that and help the Costa Ricans address that?

Ms. MENDRALA. Thank you. I was in Costa Rica in early June at a regional migration conference, and it was clear that there are large flows of Nicaraguans arriving to Costa Rica. This has been the case, not just in 2021. It also occurred in the wake of the 2018 political crackdowns in Nicaragua as well.

Costa Rica is a very important partner for us in the region, especially on the topic of regional migration. We are committed to work with them. There are several programs through the Department of State, through our Bureau of Populations, Refugees, and Migration, that are working in close partnership with international organizations and the Costa Rican Government to address these challenges. It is a concern.

And, if I may, to finish my thought on anticorruption and why it is such a chief focus of ours, I think you could have seen a scenario, and we did, in many respects, see a scenario 5, 6 years ago, where some may have given the Nicaraguan Government a pass. They said there is relative security, and it is a relatively stable investment climate.

But we see now that that would have been a very bad bet because of the antidemocratic actions. And it is the reason why anticorruption is such an important underpinning for all of our work in Central America because we have to have that foundation in order to see the efforts to address root causes really prosper.

Mr. GREEN. And you are making my point, if I can, Mr. Chairman, very quickly, about the need for consistency from the Administration. OK.

Ms. MENDRALA. Thank you.

Mr. SIRES. Thank you, Ranking Member.

We will now hear from member Joaquin Castro for 5 minutes.

Mr. CASTRO. Thank you, Chairman and Ranking Member. Thank you for organizing this hearing today.

I want to take this opportunity to express my support for the thousands who have been the victims of Ortega's brutal crackdown on human rights.

In the last few months, he has broken vital norms and institutions of democratic practice, and the upcoming November 7th elections will be neither free nor fair.

I think it is necessary that the United States stands up to this threat to freedom in the region and stands behind those fighting to bring democracy back to Nicaragua.

Since June, the Ortega regime has arrested dozens of political opposition, civil society, and business leaders, including Cristiana Chamorro and Ambassador Aguirre-Sacasa.

Some have been forcibly disappeared for weeks without their families being notified of their whereabouts while others have been forced to flee the country for fear of imprisonment and torture.

So my first question is, what is the U.S. Government doing to push for the safe release of these political prisoners?

Ms. MENDRALA. Thank you, Representative Castro, for the question.

We share your concerns, and we share the concerns of so many that have watched this repression take place and followed the grave humanitarian situation of many of those who are unjustly detained in Nicaragua right now.

We are speaking out in strong terms in condemnation of these political arrests. We are expressing concern at the fact that some of the prisoners are being held incommunicado without the medicine that they need.

We have called for access to the political prisoners by their family members and legal representatives, as well as for needed medication.

We watched a social media campaign in August that highlighted the plight of Nicaraguan political prisoners and their families that garnered media attention in Nicaragua and throughout the international press.

And, more broadly, we are using the diplomatic and economic tools at our disposal to promote accountability for President Ortega, Vice President Murillo, and other actors in Nicaragua who are complicit in this wave of oppression.

Mr. CASTRO. But with every political opponent either imprisoned or forced to flee, the signs point to Ortega being elected for a fourth term on November 7th. Should this election continue to occur under unjust and repressive measures, how will the Administration change its engagement with and public stance on Nicaragua?

Ms. MENDRALA. Thank you for that question. We have long urged Nicaragua to listen to the Nicaraguan people, abide by its commitments to implement electoral reforms, and allow free and fair elections, and it is clear that the Ortega-Murillo government took steps to consolidate its own power instead.

We have already noted, through Secretary Blinken's Statements, that the United States views the regime's latest undemocratic authoritarian actions as the final blow against the prospects for free and fair elections later this year. The electoral process has lost all credibility.

We will continue to work through the OAS, work with our partners in international fora, and we will continue to review the U.S. relationship with the Ortega-Murillo government following those elections.

Mr. CASTRO. Well, thank you. And I have one final question on this very important issue of political prisoners and democracy there. You mentioned multilateral institutions and partners. Have we seen any particular nations step up to be helpful in putting pressure on Nicaragua to release these political prisoners? Who has stepped up?

Ms. MENDRALA. Absolutely. We have had great partnership through the OAS, as I noted. Twenty-six member States joined together in a very important coalition to condemn abuses and stand with the political prisoners, demanding their release.

We have also seen Canada and the EU in particular take actions, targeted sanctions against Nicaraguan individuals in response to actions. And these are actions that we assess have further isolated the Ortega-Murillo regime. And I would draw attention to Canada and EU's efforts in particular.

Mr. CASTRO. Thank you. And then I will just ask one final question, and you will probably have to take it for the record because I am running out of time.

But how, if at all, does Nicaragua fit within the Administration's strategy to address root causes of migration from Central America?

And how does the Administration plan to engage with Nicaragua on root cause issues, given obviously the repression of democracy and human rights?

And I will submit that question for the record, but thank you for your testimony today.

Ms. MENDRALA. Thank you.

Mr. SIRES. Thank you, Congressman.

Congresswoman Maria Elvira Salazar, you are recognized for 5 minutes.

Ms. SALAZAR. Wonderful to see you again, Emily Mendrala, and I want to thank you because you always took my phone calls when I was begging you to give visas to two sick children—Lisa Orlando Rodriguez (ph) and Hector Tujillo (ph)—so I am indebted to you for that.

But I also need to tell you that I am very embarrassed; I am very upset and because the United States is not present in this hemisphere, period. You know I represent Miami, the heart of the Cuban exile community and the heart of the Nicaraguan community.

And when you tell me that you are working through social media to denounce the Ortega Administration, I am only full of anger because of the people that I represent. It burns like acid on our skin, and I just want to share that with you.

Where is the Biden Administration? I just have three names here that I want to share with you. Maybe people do not recognize who this guy is. This is Arturo Cruz, who was Ambassador for Ortega to Washington. He is in jail. He is lost 30 pounds.

This guy, Felix Maradiaga, has been tortured—psychologically tortured.

And here we have Chamorro, but we do not know what is really happening with him.

So, not only we have abandoned these people, the Biden Administration has abandoned these people, but like my colleague said, we are helping them. In August, the IMF gave $353 million to the repressive apparatus. Did you know about that loan, $353 million to Ortega last month? Did the State Department know about this? Just yes or no.

Ms. MENDRALA. We have used our voice, vote, and influence in international financial——

Ms. SALAZAR. No, no, no. I am asking you, did you guys know, did you guys call the United States Representative in the IMF? We give a $100 billion to the IMF. Did you guys call the IMF and say, "No, we cannot do that"? Did you do that, yes or no?

Ms. MENDRALA. We oppose lending through international financial institutions——

Ms. SALAZAR. So that means that the executive director did not pay attention to what the State Department was telling them not to give loans to Ortega for $353 million?

Ms. MENDRALA. Ma'am, I can tell you that, in every instance, we have opposed lending——

Ms. SALAZAR. So that means that our own Representative is not paying attention to the State Department?

Ms. MENDRALA. No, ma'am. I can tell you that we have opposed in international——

Ms. SALAZAR. But it still happened. We opposed it, but they received it, and what do you think they are going to give that money to? Just to put these people in jail and torture them even more.

And, not only that, I just want to share with you something else that is happening. In January of next year, the Commerce Department next year is putting together an event that says that Nicaragua is committed to transparency and the rule of law—our Commerce Department. Did you know about that?

Ms. MENDRALA. We have, through an interagency process, spoken with all of our interagency partners——

Ms. SALAZAR. I am just asking you if you knew about this event specifically. There is one event from the Commerce Department saying that Nicaragua is committed to transparency. Did the State Department know about that?

Ms. MENDRALA. It has been brought to my attention, yes, ma'am.

Ms. SALAZAR. So then what did you say? Yes, let's promote Nicaragua?

Ms. MENDRALA. No.

Ms. SALAZAR. No?

Ms. MENDRALA. In fact, that is not the case. Our——

Ms. SALAZAR. So what did you say?

Ms. MENDRALA [continuing]. Gravely concerned about antidemocratic actions in Nicaragua, and we have made that known throughout——

Ms. SALAZAR. I know you are concerned, but I am asking you if the State Department can make sure that the Commerce Department does not hold that event in favor of Nicaragua.

Ms. MENDRALA. We are absolutely committed to working with the Commerce Department to register our concerns.

Ms. SALAZAR. "Register your concerns" means that it may happen, it may not.

And like Representative Sires just said, we passed a law called RENACER. The Senate passed this law. And Speaker Pelosi is not willing to bring it to the floor. You have nothing to do with that, but I am sure that the Biden Administration could help and call Ms. Pelosi and say: We would like to see RENACER on the floor.

Now, let me just see if I have one more minute if I can get a little bit more time. Cuba, we have had many discussions about Cuba. I always ask you about connectivity. My question is, how many companies on the private sector have you called to ask for due diligence for connectivity for Cuba? How many companies?

Ms. MENDRALA. We have spoken with several. I cannot give you a number off the top of my head, but we are having regular convenings with private sector actors to promote efforts——

Ms. SALAZAR. I am not saying about promoting. I am saying asking for due diligence to figure out who can provide internet to Cuba. How many? Three? Five? Six? How many?

Ms. MENDRALA. It is a chief concern of ours, and we——

Ms. SALAZAR. No, I am not saying it is a chief concern. I am asking, how many people have you asked to do due diligence for connectivity for Cuba?

Ms. MENDRALA. We have spoken with several private sector actors.

Ms. SALAZAR. When are they going to give you a response?

Ms. MENDRALA. Many of them are already engaging through several different means——

Ms. SALAZAR. But you have always told me that it is not that easy. I did my due diligence. I have one company. Have you communicated with them, the one who is most advanced?

Ms. MENDRALA. We have spoken with several companies, yes, ma'am. And I believe I know the company to which you are referencing, and we have had conversations with them.

Ms. SALAZAR. All right. So you think that by next month can you give—can you commit that by next month you can give the Members of Congress a report of what is happening with the due diligence for connectivity for Cuba?

Ms. MENDRALA. We would be happy to brief, yes.

Ms. SALAZAR. So that means that I have your word on the record that, by next month, you are going to give the Members of Congress a report on what is happening with that.

Ms. MENDRALA. We would be happy to brief.

Mr. SIRES. Thank you, Congresswoman.

We now recognize Andy Levin for 5 minutes.

Mr. LEVIN. Thank you so much, Mr. Chairman.

And, you know, it is so upsetting, you know, where things have come to in Nicaragua. I remember when the Somoza dictatorship fell in 1979 and there were hopes for democracy, and today the level of repression and the number of people thrown in prison is just very, very upsetting.

So, Ms. Mendrala, the Biden Administration requested a total of $15 million for the Fiscal Year 2022 for assistance to Nicaragua, all of which was supposed to be for democracy rights and governance programs.

Explain what we have been doing with our democracy assistance in terms of pushing back against Ortega's repression and what could be done better.

Ms. MENDRALA. Thank you, Representative Levin, for the question.

We are, through USAID, supporting Nicaraguan civil society, independent media, and human rights defenders as they fight for a return to democracy, rule of law, and respect for human rights.

It is a tough operating environment, as you can imagine, and our support assures Nicaraguans that the outside world has not forgotten them.

Mr. LEVIN. So basically we are helping to fund organizations that are under attack and whose leaders may be being put in jail and this kind of thing, and we are just kind of doing our best to keep them afloat? Is that what we are doing?

Ms. MENDRALA. There are several organizations in Nicaragua, in civil society, in independent media, that are doing great work. They are taking great risks as well to promote democracy, anticorruption, bringing to—bringing information to the world about what is happening in Nicaragua.

And some of our democracy promotion assistance comes alongside these organizations to support their work. It is, as I said, a very difficult operating environment, especially over the last few months, as we have seen systematic repression and imprisonment

of several of the champions for democracy in civil society, opposition leaders, journalists, private sector leaders, and others——

Mr. LEVIN. Right. I just have a couple more minutes, so let me just ask you, you know, if you can send—share with my office, you know, kind of information about that. I look forward to reviewing it.

But I also want to talk to you about the humanitarian situation. You have mentioned it. It is a real crisis. There have been two hurricanes in November of last year, the COVID–19 pandemic.

My understanding is only two and a half percent of Nicaraguans have been fully vaccinated and at least a third of the country is living in poverty. There are high rates of malnutrition as there have been for years.

Can you describe what our U.S. support is for Nicaragua to respond to the hurricanes and the pandemic or for Nicaraguan people to? And how are we seeking to address the current humanitarian crisis in Nicaragua?

Ms. MENDRALA. Thank you very much for that question. I will note that Nicaragua is the second poorest country in the hemisphere. Their economy contracted 3.9 percent in 2019 and 3 percent in 2020.

We are very concerned about the humanitarian situation on the island in the wake of the hurricanes, as you mentioned, and also because of the mismanagement of the pandemic in the country and its dire impacts.

With respect to vaccines, in early June, President Biden announced that the United States will donate half a billion Pfizer vaccines to 92 low-and middle-income countries in the African Union. It was a historic action that will help supercharge the global fight against the pandemic.

Nicaragua is one of the countries receiving vaccines under the COVAX mechanism, and it is eligible to receive this donation. It is another example of support for the Nicaraguan people.

Mr. LEVIN. OK. How many vaccines have we donated, and how many have been be actually distributed? You called Nicaragua an island a minute ago. I think you were referring to the poorest country in the hemisphere, Haiti, where distribution is a huge problem. And a very small percentage of the 500,000 doses that we sent there have been distributed. What is the situation in Nicaragua, as my time expires?

Ms. MENDRALA. Thank you for that question. I am happy to get back to you with specifics about vaccine distribution. To my knowledge, the vaccines have not yet been distributed, but Nicaragua is eligible to receive the donation that the United States made to COVAX.

Mr. LEVIN. OK.

Thanks, Mr. Chairman. I will yield back.

Mr. SIRES. Thank you, Congressman Levin.

Now we recognize Representative Juan Vargas for 5 minutes.

Mr. VARGAS. Thank you very much, Mr. Chairman.

I appreciate the opportunity, and I, in particular, want to thank the witness here today.

I would at the outset note that, in the RENACER bill, we actually called the Ortega government the "Ortega government." So we

should be consistent ourselves. If we want to call him the "Ortega regime," we should call him the "Ortega regime." But anyways, the only reason I say that is because Deputy Assistant Secretary Emily Mendrala is simply following what we wrote. I am also on that bill.

I am very disappointed with what has happened in Nicaragua. I was a young Jesuit missionary back in 1986, and I went to Nicaragua, and I was there at the UCA, the Universidad of Central America, and stayed for 2 weeks on my way to El Salvador, where I was then stationed for a much longer period of time.

And Nicaragua was very poor. Obviously, it was coming out of what had happened with Somoza, and the tragedy is, it seems to be exactly the same again. I mean, you have a dictator there, and this dictatorship is enriching himself and impoverishing his people.

He is, once again, just like Somoza, using incredible repression, violence against his own people.

I do want to ask you specifically if I could, Ms. Mendrala, about the university there. The rector of the university is a priest by the name of Chepe Idiaquez. I had received information from the Jesuits of Central America that his life was in danger a number of times, that he was out there counter—well, not counter, but protesting and helping some of these students who were being shot. And he was bringing them to the rectory and bringing them to the university. Could you give me more information on that?

Ms. MENDRALA. Thank you very much, Representative. We share your concerns and the devastation for events in Nicaragua, for antidemocratic actions, and the impacts on the people. I think it is really important that we keep centered the human aspect of this, the consequences that Nicaraguan people are facing.

And, on the specific case of the university there, I am familiar with the university but not the specific security concerns of the rector. I would be happy to followup with you after this hearing to get additional information, provide information that we know through our embassy, and also discuss ways that we can be helpful.

Mr. VARGAS. Well, I am very concerned about it, just to be frank. I was in El Salvador after Nicaragua, and, of course, they killed a lot of the Jesuit priests there. They were able to go into the rectory. The name of the university is the same. It is Universidad Central America, although it also has an addition of Simeon Canas in El Salvador as opposed to Nicaragua.

And I am very concerned because the university and this rector have spoken out about the evils of this regime and in doing so I think has put themselves in harm's way. And we certainly need to do all we can to help them.

And again I do look forward to that briefing from you. I am very, very concerned about Chepe and the university there.

Last, I do want to ask, I mean, it does seem to me rather odd that, with all the repression, torture, the murder, the disappearance, that we are giving these guys money through the IMF. That just does not make sense.

I mean, this money was not going specifically going toward the pandemic, was it? I mean, it seems they were using it for other items and other purposes.

Ms. MENDRALA. Thank you for the question. As I understand it, this was an expansion of special drawing rights, and it was a global

expansion. And, as I have noted, we take very seriously our responsibility, and we are at every opportunity using our voice, vote, and influence to advocate against lending through international financial institutions to the Ortega-Murillo government.

We will continue to do so, and we have taken note of strong congressional opposition to the recent IMF loan, and we will certainly through our good offices at the State Department make those concerns known.

Mr. VARGAS. Ms. Mendrala, do we have the ability to veto a drawdown like that from them? As the largest——

Ms. MENDRALA. Sir, I do not know the answer to that off the top of my head. My suspicion is no, but I will take that back and get back to you.

Mr. VARGAS. Thank you very much, and I really do appreciate you being here. And I will look forward to getting back to you about the university. Thank you.

I yield back, Mr. Chairman.

Mr. SIRES. Thank you, Congressman Vargas.

Thank you, Ms. Mendrala, for your testimony, for answering the questions. I look forward to working with you in the coming weeks and months to do everything we can to support the democratic aspirations of the Nicaraguan people.

But we will be following up on this issue of the loans from the IMF because it is really not fair to the people of Nicaragua. It was supposed to go to vaccines. You know, obviously, you are telling me that you do not know much of any type of programs to vaccinate the people of Nicaragua, but where is the money going to?

So I thank you for being here, and I will recess for a few moments for the second panel to take their seats. Thank you very much.

Ms. MENDRALA. Thank you, Mr. Chairman.

Mr. SIRES. All right. The subcommittee will come to order.

I will now introduce our second panel.

Ms. Berta Valle is a prominent Nicaraguan journalist, a human rights defender. She is also the wife of Felix Maradiaga, a leading civil society and opposition political figure who was arbitrarily detained and forcibly disappeared by the Ortega regime.

In her 15 years of experience as an activist, Ms. Valle has focused on issues of children's rights, social issues, and human rights. During her forced exile from Nicaragua, she has worked to raise awareness about the human rights situation in Nicaragua and what is happening to Felix and other political prisoners.

Ms. Valle, we welcome you to the hearing.

We will then hear from President Laura Chinchilla. She was elected the first female President of the Republic of Costa Rica in 2010. President Chinchilla previously served as Minister of Public Security, president of the National Immigration Board and the National Drug Council, and then as a Member of Congress. She currently serves as vice president of the Club de Madrid and co-chair of the board of directors of the international—at the Inter-American Dialogue.

President Chinchilla graduated from the University of Costa Rica, and holds a master's in public policy from Georgetown University.

President Chinchilla, we thank you for joining us today.

And, finally, we will hear from Dr. Ryan Berg, senior fellow in the Americas Program at the Center for Strategic and International Studies.

Previously, Dr. Berg was a research fellow at the American Enterprise Institute, where he helped lead its Latin America studies program. His research focuses on U.S. Latin America relations, authoritarian regimes and armed conflict, strategic competition, and trade and development issues.

Dr. Berg obtained a bachelor's degree in government and theology from Georgetown University and a doctorate in political science from the University of Oxford.

Dr. Berg, thank you for joining us today.

I ask the witnesses to please limit your testimony to 5 minutes. And, without objection, your prepared written Statements will be made part of the record.

Ms. Valle, you are recognized for 5 minutes for your testimony.

STATEMENT OF BERTA VALLE, JOURNALIST AND HUMAN RIGHTS DEFENDER

Ms. VALLE. Good morning, Chairman Sires, Ranking Member Green, distinguished members of this committee. It is an honor to appear before you today. Thank you for the space to discuss the ongoing crisis of democracy and human rights in Nicaragua and for your continual concern for the Nicaraguan people.

My name is Berta Valle, and I am the wife of Felix Maradiaga. Felix is a human rights defender, academic, and candidate for President of Nicaragua. For 105 days, he has been a political prisoner of the regime of Daniel Ortega, simply for speaking out against the human rights violation of the regime. Felix is just one of the more than 140 political prisoners held in Nicaragua.

My husband, Felix Maradiaga, has devoted his life to Nicaragua and its people. As a young boy, he fled Nicaragua because of war and lived in the United States as a refugee. He returned as an adolescent, committed to building a peaceful and prosperous country for all Nicaraguans.

As a teacher, public servant, and activist, he was always emphasizing the importance of nonviolent change, peaceful resistance, and civilian democracy. But this work has made him an enemy of Daniel Ortega.

Indeed, for years, Felix had been speaking out in Nicaragua and abroad that Daniel Ortega posed a severe threat to our democracy. We have seen him consolidate his power and abuse of human rights. Now we are living the nightmare my husband worried about many years ago, including before this same subcommittee in 2019.

On June 8 of this year, Felix was called to the public ministry for an interview. While there, he was interrogated for 4 hours. He left the public ministry, and 15 minutes away, away from the press, his car was pulled over by the police. He was pulled out of the car and beaten and taken away. On the same date, Juan Sebastian Chamorro, another Presidential candidate, was also taken from his home.

The regime has used the same tactics against countless of opposition leaders, including Presidential candidates, party leaders, stu-

dent activists, journalists, businesspeople, labor leaders, and peasants.

For 84 days, Felix and Juan Sebastian were disappeared. They were held in an undisclosed location without any access to their families, their lawyers, or their doctors. For 84 days, we did not even know if their or the other disappeared people were alive.

Since June 8, Juan Sebastian's wife, Victoria Cardenas, and I have been raising our voices and speaking out about the situation of political prisoners in Nicaragua. We know that if we remain silent, Daniel Ortega will win.

In July, Victoria and I traveled here to Washington to meet with officials in the Biden Administration; with Members of Congress, including Chairman Sires and Ranking Member Green; with civil society groups and human rights organizations. Days later, the Ortega regime convicted us traitors of the homeland, just for speaking with a U.S. Government official and advocating for the release of Felix, Juan Sebastian, and the rest of the political prisoners.

On August 31, after 84 days of being disappeared, the regime allowed Felix, Juan Sebastian, and some other prisoners a short visit with a family member. This was the first time that anyone has seen or heard from them since June 8.

Even though Felix has dedicated his life to serving our country, the regime has charged him and others with a conspiracy to undermine national integrity. The government is alleging that Felix and others were part of the global conspiracy to use foreign resources, including from the U.S. Agency of International Development, the International Republican Institute, and the National Endowment for Democracy, to harm the interests of the Nation.

We know that some have been subject to psychological torture. Many have lost substantial weight. Felix and Juan Sebastian have each lost 25 pounds in just 3 months. And we worry especially for the women who have been detained, as we have heard that they had been held in solitary confinement for 3 months. And we worry for the children of all the political prisoners who are living without their parents and suffering from trauma and separation anxiety, like my own 8-year-old daughter.

But while I am here, there are more than 140 families suffering the same pain of having a loved one detained or disappeared. All Nicaraguan people live in fear from this regime that have shown it will do anything to silence opposition and stay in power. And thousands continue to suffer and die from the regime's neglect and mismanagement of the COVID–19 pandemic.

Chairman Sires, Ranking Member Green, members of this committee, we need the urgent assistance of President Biden and the U.S. Congress to work bilaterally and multilaterally to hold Ortega accountable for this assault on our democracy. I implore you to ensure that the United States works with its allies around the world to defend our human rights. We need your support and action now more than ever.

Mr. SIRES. Thank you very much.

Ms. VALLE. Thank you, and I look forward for your questions.

[The prepared statement of Ms. Valle follows:]

House Foreign Affairs Committee
Subcommittee on Western Hemisphere, Civilian Security, Migration and International Economic Policy

"An International Response to Ortega's Destruction of Democracy in Nicaragua"

September 21, 2021 - 10:00 am
Rayburn House Office Building/WebEx
Washington, D.C.

Statement of Berta Valle
Wife of Presidential Candidate and
Political Prisoner Félix Maradiaga

Chairman Sires, Ranking Member Green, distinguished members of this committee, it is an honor to appear before you today. Thank you for the space to discuss the ongoing crisis of democracy and human rights in Nicaragua, and for your continued concern for the Nicaraguan people.

My name is Berta Valle and I am the wife of Félix Maradiaga. Félix is a human rights defender, academic, and candidate for president of Nicaragua. And for 105 days he has been a political prisoner of the regime of Daniel Ortega – simply for speaking out against the human rights violations of the regime. Félix is just one of the more than 140 political prisoners held in Nicaragua.

My husband, Félix Maradiaga, has devoted his life to Nicaragua and its people. As a young boy, he fled Nicaragua because of war and lived in the United States as a refugee. He returned as an adolescent, committed to building a peaceful and prosperous country for all Nicaraguans. As a teacher, public servant, and activist, he has always emphasized the importance of nonviolent change, peaceful resistance, and civilian democracy.

But this work has made him an enemy of Daniel Ortega. Indeed, for years, Félix had been speaking out – in Nicaragua and abroad – that Daniel Ortega posed a severe threat to our democracy. We have seen him consolidate his power and

abuse our human rights. Now, we are living the nightmare my husband warned about many years ago – including before this same Subcommittee in 2019.[1]

On June 8 of this year, Félix was called to the Public Ministry for "an interview." While there, he was interrogated for four hours. He left the Public Ministry, but 500 meters away – away from the press – his car was pulled over by the police, he was pulled out of the car and beaten, and taken away. On the same day, Juan Sebastián Chamorro, another presidential candidate, was also taken from his home. The regime has used the same tactic against countless other opposition leaders including presidential candidates, party leaders, student activists, journalists, businesspeople, labor leaders, and peasants.[2]

For 84 days, Félix and Juan Sebastián were disappeared – they were held in an undisclosed location without any access to their families, their lawyers, or their doctors. For 84 days, we didn't even know if they, or the other disappeared, were alive.

Since June 8, Juan Sebastián's wife, Victoria Cárdenas, and I have been raising our voices and speaking out about the situation of political prisoners in Nicaragua. We know that if we remain silent, Daniel Ortega will win.

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[1] "Crushing Dissent: The Ongoing Crisis in Nicaragua," US HOUSE OF REPRESENTATIVES COMMITTEE ON FOREIGN AFFAIRS, Jun. 11, 2019, *available at* https://foreignaffairs.house.gov/2019/6/crushing-dissent-the-ongoing-crisis-in-nicaragua.

[2] NICARAGUA: ENFORCED DISAPPEARANCE IS THE NEW TACTIC FOR REPRESSION, AMNESTY INTERNATIONAL, Aug. 25, 2021, *available at* https://www.amnesty.org/en/latest/press-release/2021/08/nicaragua-enforced-disappearance-is-the-new-tactic-for-repression/.

[3] Confidencial Nicaragua (@confidencial_ni), TWITTER, Jul. 27, 2021, 6:10 pm, available at https://twitter.com/confidencial_ni/status/1420144539172491271?s=20.

Even though Félix has dedicated his life to serving our country, the regime has charged him and others with "conspiracy to undermine national integrity."[4] The government is alleging that Félix and others were part of a global conspiracy to use foreign resources – including from the US Agency for International Development, the International Republican Institute, and the National Endowment for Democracy – to "harm the interests of the nation."

We know that some have been subjected to psychological torture. Many have lost substantial weight – Félix and Juan Sebastián have each lost 25 pounds in just three months. And we worry especially for the women who have been detained, as we have heard that they have been held in solitary confinement for three months. And we worry for the children of all the political prisoners who are living without their parents and suffering from trauma and separation anxiety, like my own 8-year-old daughter.

But while I am here, there are more than 140 families who are suffering the same pain of having a loved one detained or disappeared. All Nicaraguan people live in fear from this regime that has shown it will do anything to silence opposition and stay in power. And thousands continue to suffer and die from the regime's neglect and mismanagement of the COVID-19 pandemic.

Chairman Sires, Ranking Member Green, members of this committee, we need the urgent assistance of President Biden and the US Congress to work bilaterally and multilaterally to hold Ortega accountable for this assault on our democracy.
I implore you to ensure that the United States works with its allies around the world to defend our human rights. We need your support – and action – now more than ever before.

Thank you, and I look forward to your questions.

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[4] NICARAGUA: TRUMPED-UP CHARGES AGAINST CRITICS, HUMAN RIGHTS WATCH, Sept. 20, 2021, *available at* https://www.hrw.org/news/2021/09/20/nicaragua-trumped-charges-against-critics.

Mr. SIRES. Thank you very much for your testimony.

We will now recognize President Chinchilla for 5 minutes and her testimony.

STATEMENT OF LAURA CHINCHILLA, (FORMER PRESIDENT OF COSTA RICA), CO-CHAIR, THE INTER-AMERICAN DIALOGUE

Ms. CHINCHILLA. Good morning, Mr. Chairman Sires, Ranking Member Green, distinguished members of the subcommittee. Thank you for the invitation.

Nicaragua is at the edge of a precipice with no return. We are only 6 weeks away from the likely consolidation of a ruthless, corrupt, dynastic dictatorship in the heart of the Americas. It will occur despite multiple resolutions approved by the United Nations, Human Rights Council, and the General Assembly and Permanent Council of the OAS.

Beyond the suffering of the Nicaraguan people—and we just heard this testimony—this dismal situation will have a destabilizing impact for the rest of Central America and the entire hemisphere.

Some of the consequences are, first, an increase in forced migration. More than 100,000 Nicaraguans have migrated since April 2018, when the last wave of political repression started. Over 80 percent of this migration has gone to Costa Rica, my country. However, these flows are turning to the United States of America. It is expected that in 2021, at least 60,000 Nicaraguans will be apprehended at the United States-Mexico border.

Second, a disruption in regional trade. A deeper crisis in Nicaragua will hinder the economic reactivation urgently needed by neighboring countries given that the economies of Central America are highly integrated.

Third, an invigoration of undemocratic ruling. Ortega's reelection in a rigged process, particularly after openly defying calls from the international community to correct course, will incentivize other autocratic rulers in Central America and beyond to abandon even the semblance of democracy.

Finally, a threat to regional security. Ortega's military strategy of increasing cooperation with Russia risks altering the reasonable balance of forces in Central America. Nicaragua's territory is also being used to protect Central American fugitives from justice, something which is likely to increase.

To face these major challenges and risks, I respectfully recommend, No. 1, to request relevant national and international organizations, including the OAS, to issue updated and reliable reports as soon as possible documenting the human rights violations and exposing the electoral farce of the regime.

No. 2, to work toward invocation of Article 21 of the Inter-American Democratic Charter to suspend Nicaragua from the exercise of its right to participate in the OAS.

No. 3, to align actions of international financial institutions to define things and recommendations of regional organizations on human rights and democracy in order to stop immediately the external supply of financial oxygen to the Ortega regime.

No. 4, to eliminate all the support to the Nicaraguan army, a key player in the endurance of the regime, including the support via the U.S. Southern Command.

No. 5, to investigate Ortega-Murillo's families, associates, and businesses for money laundering and drug trafficking given prior sanctions on Ortega's son for these kind of crimes.

No. 6, to increase humanitarian aid for Nicaraguans in exile and for countries receiving immigrants, especially Costa Rica and Panama, including COVID–19 vaccine relief.

And, finally, to urgently articulate a more coherent, consistent, diplomatic offensive with allies in the Western Hemisphere and in the rest of the world to avoid the electoral fraud, or, failing that, to deny the legitimacy to the government resulting from it. Ortega must pay a heavy price for installing a North Korean-style regime in our region.

Mr. Chairman, members of the subcommittee, democracy in Nicaragua is perishing in broad daylight. It is dying as the hemisphere commemorates 20 years of the decoration of the Inter-American Democratic Charter. Unless this is stopped, it would call into question the effectiveness of our regional instruments and commitments to protect and defend democracy. Action is needed, and it is urgent now.

I deeply hope that our next steps will live up to our commitments with democracy.

Thank you.

[The prepared statement of Ms. Chinchilla follows:]

Statement of Mrs. Laura Chinchilla

Former President of Costa Rica

Co-Chair of the Inter-America Dialogue

An International Response to Ortega´s Destruction of Democracy in Nicaragua

Before the 117th Congress, House of Representatives

Subcommittee on the Western Hemisphere, Civilian Security, Migration, and International Economic Policy

Honorable members of the House of Representatives,

Nicaragua is at the edge of a precipice with no return. If we do nothing, in only six weeks a ruthless, corrupt, dynastic dictatorship will be consolidated in the heart of the Americas with severe consequences for Central America and the Hemisphere.

The upcoming elections in Nicaragua, on November 7th, are preceded by years of increasing deterioration of democratic standards, weakening of the rule of law and human rights violations. The killings of 325 protesters during the peaceful demonstrations of April 2018, and, more recently, the kidnapping and imprisonment of presidential candidates, civic leaders and journalists, are only the most recent and visible actions of a campaign of brutal political repression by the Ortega-Murillo's regime[1].

In spite of the multiple resolutions approved since 2018 by the United Nations Human Rights Council and the General Assembly and Permanent Council of the OAS[2], democratic guarantees and human rights violations have deteriorated to their worst levels since Nicaragua's transition to democracy in 1990.

This dismal situation reveals the lack of concerted regional and international actions to repair this acute crisis, as well as the limitations of our inter-American mechanisms to match words with deeds to effectively protect democracy. It is also a powerful remainder of the destabilizing impact that the deepening of autocracy in Nicaragua will have for the rest of Central America and the entire Hemisphere. The case of Venezuela works as a precautionary tale.

Some of these consequences are:

- **First, an increase in forced migration.** It is estimated that more than 100,000 Nicaraguans have migrated since the 2018 political crisis started[3]. Most of this migration has gone to Costa Rica: between 2018 and August 2021, more than

[1] According to an oral report presented by the United Nations High Commissioner for Human Rights on 13 September 2021, "between 22 June and 6 September, my Office documented the arbitrary detention of 16 people, including political leaders, human rights defenders, business people, journalists, and peasant and student leaders, in addition to 20 others detained since 28 May."
https://go.microsoft.com/fwlink/?linkid=830196

[2] Since the violent events of April 2018, the United Nations Human Rights Council has approved three resolutions on the promotion and protection of human rights on Nicaragua (Res. 40/2 of 21 March 2019, Res. 43/2 of 19 June 2020, and Res. 46/2 of 23 March 2021), and the OAS has approved one resolution by the General Assembly in October 2020, and six by the Permanent Council, the last two AG/RES.2943 (XLIX-O/19) and AG/doc.5710/20 rev. 1.

[3] UNHCR, https://news.un.org/en/story/2020/03/1059051.

87,000 have requested refuge in this country[4]; however, these flows are also turning to the United States of America. It is expected that in 2021 at least 60,000 Nicaraguans will be apprehended at the United States-Mexico border[5].

- **Second, a disruption in regional trade.** A deeper crisis in Nicaragua will hinder the economic reactivation urgently needed by neighboring countries, given that the economies of Central America are highly integrated, with the Central American Common Market representing more than 20% of the region's commercial activity[6].

- **Third, an invigoration of undemocratic ruling.** Ortega's reelection in a rigged process, particularly after openly defying calls from the international community to correct course, will incentivize other autocratic rulers in Central America and beyond to abandon even the semblance of democracy.

- **Finally, a threat to regional security.** Ortega's military strategy of increasing cooperation with Russia risks altering a reasonable balance of forces in Central America, which is a fundamental part of the Democratic Security Treaty of 1995. Nicaragua's territory has also been used to protect Central American fugitives from justice, something which is likely to increase[7].

To face these major challenges and risks, I respectfully recommend:

1. To request relevant national and international organizations, including the OAS, to issue updated and reliable reports documenting the human rights violations and exposing the electoral farce of the regime, before November 7.

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[4] Costa Rican Goverment, Dirección General De Migración y Extranjería Unidad de Refugio.

[5] Orozco, Manuel. Complex Migration Trends from Latin America and the Caribbean Amidst the Global Pandemic. September 2021. Creative Associates, Washington, DC.

[6] https://www.bcie.org/fileadmin/bcie/espanol/archivos/novedades/publicaciones/informe_de_coyuntura/Centroamerica_en_la_Economia_Global_Oportunidades_de_Desarrollo_a_traves_del_COMERCIO.pdf

[7] Since 2014 Daniel Ortega announced that they were working with the Russian Federation to provide them with military equipment, and in 2016 Russian media confirmed that Nicaragua was obtaining lethal material via bilateral agreements with Russia, including battle tanks, patrol and missile boats, and fighter jets (source: https://www.envio.org.ni/articulo/5266). Other sources confirm the unbalanced correlation of military forces in Nicaragua vis a vis the Central American nations; most of it is due to Russian military cooperation (source: Roberto Samcam Ruiz, Nicaraguan retired military member, interview on the influence and military cooperation of Rusia in Nicaragua, TicaVisión, September 8, 2021).

2. To work towards invocation or Article 21 of the Inter-American Democratic Charter. Failure to do so will condemn the OAS to irrelevance at a time when the region most requires it, and will lose a precious opportunity to stand by those struggling to defend democracy in Nicaragua and in the Hemisphere.

3. To align the actions of multilateral and regional organizations on human rights and democracy, with the actions of financial organizations, to stop the external supply of financial oxygen to the Ortega regime[8], as happened in Honduras in 2008.

4. To eliminate all the support to the Nicaraguan army, a key player in the endurance of the regime, including the support via the US Southern Command.

5. To investigate Ortega-Murillo's families, associates and businesses for money laundering and drug trafficking, given prior US. Sanctions on Ortega's son for these crimes.

6. To increase humanitarian aid for Nicaraguans in exile and for countries receiving immigrants, especially Costa Rica and Panama, including Covid-19 vaccine relief;

7. To support the political mobilization and effectiveness of the diaspora and exiles, considering that the main opposition leaders in Nicaragua have been imprisoned or silenced. Free media should also be backed.

8. To urgently articulate a coherent diplomatic offensive with allies in the Hemisphere and Europe to avoid the electoral fraud or, failing that, to deny legitimacy to the government resulting from it. A combination of diplomatic initiatives and economic sanctions should be pursued to demand the immediate and unconditional release of all prisoners of conscience, the restitution of fundamental freedoms, the abolition of all repressive laws passed in previous months, and the celebration of fair and competitive elections with a clear timetable and close international supervision.

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[8] The US government should immediately enforce its legislation regarding the Nicaragua Human Rights and Anticorruption Act of 2018 (Nica Act). Sections 4 and 5 must be set in motion as per the law. It should also work with the Central American counterparts, to ensure that the Central American Bank of Economic Integration (BCIE) stop financing the regime. In October 2020, this bank reported it had loaned Nicaragua US$2.8 billion in recent years. Most recently US$400 million in assistance has been awarded by financial institutions.

Honorable members of Congress,

Democracy in Nicaragua is not dying in the darkness; on the contrary, it is perishing in broad daylight. It is dying as the Hemisphere commemorates twenty years of the declaration of the Inter-American Democratic Charter. Unless this is stopped, it will call into question the effectiveness of our regional instruments and commitments to protect and defend democracy.

Action is needed and it is urgent now. For the sake of Nicaraguans, for the stability of Central America, and for the future of democracy in the Hemisphere, I call on you as I have called on many others decision makers from other nations and institutions to act now and help us save Nicaragua.

I deeply hope that our next steps will live up to our commitments with democracy.

Thank you.

Mr. SIRES. Thank you, President Chinchilla.

We will now hear from Dr. Berg for his testimony.

STATEMENT OF RYAN C. BERG, SENIOR FELLOW, AMERICAS PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Dr. BERG. Chairman Sires, Ranking Member Green, and distinguished members of the subcommittee, thank you for the opportunity to testify today on this important topic.

Vamos con todo—let's go with everything. The chilling words of vice president and first lady Rosario Murillo, ordering spontaneous protests that began in April 2018 to be crushed, presaged the brutal consolidation of a dynastic dictatorship in the middle of the Americas.

What should have been notable celebrations, the recent 200th anniversary of Central America's Independence Act, and the 20th anniversary of the Inter-American Democratic Charter, were instead marred and overshadowed by the depths of despair wrought by this regime, which has declined through all forms of regime hybridity and is now an undisputed dictatorship.

To your point about nomenclature, Representative Green and Representative Vargas, no normal regime possesses nearly unlimited executive influence over a country's institutions. No normal regime commits crimes against humanity. No normal regime imprisons and brutally disappears every declared political opponent. No normal regime crosses into the territory of foreign countries to assassinate political opponents in exile. I could go on.

November's elections, far from an exercise in democracy, are instead a bitter reaffirmation of the Ortega-Murillo family's plan to consolidate a dynastic dictatorship to replace the one that they overthrew. Ortega and his collaborators have set the stage for a coronation ceremony.

The regime's latest absurdity is notable because it is so indicative of its nature. The regime issued an arrest warrant for Sergio Ramirez, one of the country's most celebrated authors and Ortega's former vice president.

Ramirez' most recent book is set in a country whose people are terrorized by a purported revolutionary government that has long since abandoned whatever principles may have once animated it and is now concerned with maintaining power at any price. Ramirez' real crime appears to have been dropping his normal genre of fiction, and instead engaging in nonfiction.

Old, frightened, paranoid, and therefore erratic, the Ortega-Murillo regime will stop at nothing in its quest to consolidate power and ensure its survival. And it is my firm belief that they have yet to show their entire hand.

The U.S. must lead a strategy of sustained pressure as the cement dries on Nicaragua's consolidated dictatorship. This involves specific policies in the short, medium, and long-term. In the short-term, we must urgently cutoff Ortega's sources of finance.

While Congress has dithered, Nicaraguans have been arrested, disappeared, and tortured. Yet, the U.S. Government has stood by despite valuable laws that could be implemented to a fuller extent. Most importantly, the U.S. must tighten up the interpretation of

the NICA Act, which is critical to cutting of Ortega's ability to access funds at multilateral institutions.

Ortega now sits on billions of dollars in reserves, which, to my understanding, is one of the strongest positions he has ever held throughout this crisis.

Second, we must advocate for political prisoners. The U.S. should push incessantly for the release of political prisoners in Nicaragua, push for better conditions and legal representation, and signs of life for those who have been disappeared. Crucially, it should not reward the regime's hostage-taking strategy and should resist at all costs the siren song of negotiations.

In the medium term, I think we should ignore entirely November 7, 2021. The elections are not an exercise in democracy, as I said, and the U.S. should no longer consider the date a meaningful reference point for any of its policymaking. The Ortega-Murillo regime has strangled the electoral route, and the U.S. Government's theory of political transition must change accordingly.

I think we need to declare Nicaragua's elections illegitimate under current conditions. The U.S. should be entirely clear about the illegitimacy of these elections and the regime that it affirms, and it should work with partners, like Canada, the European Union, and the rest of the countries in Latin America, and encourage them to follow suit.

Others have mentioned some of my other policy recommendations, such as Article 21 of the Inter-American Democratic Charter, as well as specific sanctions targets that we might go after.

I want to mention in the remaining time that I have, CAFTA-DR. The U.S. must review its trading relationship with Nicaragua. Not only is trade with the U.S. a privilege and not a right, but in a country lacking even the semblance of the rule of law, like Nicaragua, it is doubtful that it can comply with its obligations under CAFTA-DR. A review of Nicaragua's participation in CAFTA-DR should include a robust discussion, all the way up to its potential suspension.

Last, I want to recommend to the Congress the support and appointment of a time-limited U.S. special envoy. Quite simply, at the present moment, U.S. policy is unmoored from a strategy of long-term, consistent pressure on the Ortega-Murillo regime. Recent weeks have witnessed the U.S. increase sugar quotas for Nicaragua, and the U.S. Commercial Service organize a trade mission to Managua.

Such policies are entirely inconsistent with the policy of pressure on the regime, and a special envoy would be there to direct interagency coordination and develop the necessary international coalition to pressure the regime.

I will stop there, and I look forward to your questions. Thank you again.

[The prepared statement of Dr. Berg follows:]

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Statement before the
House Foreign Affairs Committee
Subcommittee on the Western Hemisphere, Civilian Security, Migration, and International Economic Policy

"An International Response to Ortega's Destruction of Democracy in Nicaragua."

A Testimony by:

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Perfecting the Dictator's Playbook: The Ortega-Murillo Regime and the Consolidation of a Dynastic Dictatorship

Chairman Sires, Ranking Member Green, and distinguished members of the Subcommittee, thank you for the opportunity to testify on this important topic.

"Vamos con todo!"—"Let's go with everything!" The chilling words of vice president and first lady Rosario Murillo, ordering spontaneous protests that began in April 2018 to be crushed, presaged the brutal consolidation of a dynastic dictatorship in the middle of the Americas.[1] By the time the National Police, Nicaraguan Army, and paramilitary groups finished executing Murillo's order, the regime had killed hundreds, injured thousands, and sent more than one-hundred thousand into exile. The intense repression—Amnesty International has described the situation as a "shoot to kill" strategy—created an environment described by an Organization of American States' human rights body as constituting "crimes against humanity."[2] The regime's crackdown forced doctors to deny care to wounded protestors in contravention of the Hippocratic Oath, witnessed paramilitary groups burn families with infant children alive, and featured snipers who killed more than a dozen people on Mother's Day.[3] What should have been notable celebrations—the recent 200th anniversary of Central America's Independence Act, and the 20th anniversary of the Inter-American Democratic Charter—were marred and overshadowed by the depths of despair wrought by the Ortega-Murillo regime, which has declined through all forms of regime hybridity and is now an undisputed dictatorship.[4]

The regime's latest absurdity is notable because it is so indicative of its nature. The Ortega-Murillo regime issued an arrest warrant for Sergio Ramírez, one of the country's most celebrated authors and Ortega's former vice president. Ramírez's most recent book is set in a country whose people are terrorized by an erstwhile revolutionary government that has long since abandoned whatever principles may have once animated it and is now concerned with maintaining power at any price. *Ramírez's real crime appears to have been dropping his normal genre of fiction for non-fiction.*

There are no remaining avenues for protest in Ortega's police state, much less an electoral escape under these conditions.[5] November's "elections," far from an exercise in democracy, are a bitter reaffirmation of the Ortega-Murillo family's plan to consolidate a dynastic dictatorship to replace the one they overthrew.[6] Instead, Ortega and his collaborators have set the stage for a coronation ceremony. There is a renewed need to find long-term forms of pressure on the regime.[7]

Old, frightened, paranoid, and thus erratic, the Ortega-Murillo regime will stop at nothing in its quest to consolidate power and ensure its survival—and they have yet to show their entire hand. The Nicaraguan people demand democracy in the face of this merciless dictatorship. Meanwhile, the regime is leveraging a tried-and-true dictator's playbook.[8] The U.S. must coordinate a broader international coalition to pressure the regime and augur a political transition in the country.

Constructing an Authoritarian Edifice

Since his ignominious return to power in 2007—aided by the result of a dirty political deal known as "El Pacto," where candidates can win the presidency with as little as 35% of the vote—Ortega

has slowly consolidated power while backsliding on democracy.[9] Any hint of international criticism has been met with caustic diplomatic statements denouncing "Yankee imperialism"—an old bogeyman for the leftist Ortega. Nicaragua has posited that it is developing is own, unique version of revolutionary democracy, but in actuality, Ortega and Murillo preside over a long moribund revolutionary government that is better described as a connubial kleptocracy.[10] The family has managed to wrest control of much of Nicaragua's media landscape and major private sector companies.[11] With the help of Venezuela's oil-based largesse, sometimes to the tune of $500 million per year, the Nicaraguan economy managed to stave off collapse far longer than expected.

With the assistance of a pliant National Assembly dominated by Ortega's Sandinista party, Ortega has ballasted his authoritarian regime. In fact, the National Assembly has been so crucial to amplifying Ortega's authoritarian architecture that its leaders have been designated for U.S. sanctions.[12] First, the Sandinista majority passed a "foreign agents" law requiring journalists and civil society leaders to register as "foreign agents" if they receive foreign sources of funding. Second, the National Assembly passed a "cybercrimes law," establishing it as a crime to "offend" the Ortega government.[13] Third, the Assembly passed a "Law for the Defense of the Peoples," which stripped citizens who had "applauded" sanctions against Nicaragua or requested "interference" from foreign powers of their political rights.[14] In the face of such pressure, much of the country's opposition expressed support for international action; hence, Ortega has devastated the opposition's political leadership by leveraging this piece of legislation with surgical precision. Many of the charges that have felled the political opposition fall under capacious and highly spurious categories, such as "conspiring against Nicaraguan society" and "ideological falseness." Recently, Ortega expanded the definition of "terrorism" and amended Nicaragua's constitution to include life sentences for a range of crimes.[15] These laws have brought Ortega's authoritarian project to its logical conclusion. Vast amounts of executive control over the judiciary ensure the ability to leverage the authoritarian apparatus and fabricate cases against anyone in the country.[16]

The defining features of the Ortega-Murillo regime have been twofold: the right to hold power indefinitely and the right to handpick those who will lose to them in sham elections. In addition to a pliant legislature, Ortega has dominated the country's electoral system by corrupting the electoral authority that administers elections in his favor. In the face of demands from the Organization of American States (OAS) to reform, the regime maneuvered to elect its preferred candidates to the country's Supreme Electoral Council, including individuals sanctioned by the U.S.[17] In turn, not only did the Supreme Electoral Council announce an expedited electoral timeline, where parties had a mere week to register alliances, but it also stripped the only remotely credible opposition party of its juridical status.[18] Effectively, the only parties that will compete in November's "election" are headed by ersatz opponents and known regime collaborators.

To control the streets and paralyze demonstrations, Ortega counts the loyalty of the Nicaraguan Army, 20,000 police, and approximately 3,000 paramilitaries, allegedly armed by the Nicaraguan Army and largely integrated into local Sandinista party apparatuses.[19] Ortega has maintained the loyalty of the country's security apparatus through targeted rewards, made exclusively available to the institutions' top brass. He has also leaned on the support of an old ally specialized in detecting and neutralizing internal opponents: Cuba.

Indeed, the Cuban nexus with Nicaragua dates to the formation of the Sandinista Front in 1961 and made several interventions at critical moments throughout its struggle to overthrow the Somoza regime.[20] Cuba's relationship with Nicaragua never deepened into an economic dependency—as it did with Venezuela—but the Cuban leadership did gain ideological kin capable of advancing its revolution in Central America. In turn, Cuba has ensured Ortega's survival.

Multiple reports from Nicaragua have confirmed the presence of Cuban agents in prisons.[21] *Human Rights Watch* has documented nightmarish conditions and interrogation techniques practiced in these places—asphyxiation, rape, waterboarding, acid burning, and physical torture are commonplace.[22] When Ortega's regime began to feel the squeeze of international pressure, 5,000 Cuban "tourists" arrived in Nicaragua during the first five months of 2019, a marked increase from the 566 who arrived in the country in all of 2018.[23] It is hard to envisage these "tourists" preferring the dusty landmarks of Managua to the sun-kissed beaches of Havana. For some of them, their mission is to shore up the Ortega regime by fortifying the internal security apparatus.

Dramatic Escalation: The "Months of the Long-Knives"

Ahead of presidential elections slated for November, Ortega and Murillo have clamped down and winnowed the field. They have jailed dozens of opposition leaders, including formal pre-presidential candidates and private sector leaders. Their clampdown has encompassed erstwhile Sandinista revolutionaries who dared to question the dictatorial duo's revolutionary credentials or the final destination of the Sandinista revolution. The criminalization of political dissent represents the Ortega-Murillo regime's final blow to the elections scheduled for November 7 of this year.[24]

In its bid to shut down dissent, the Ortega-Murillo regime has set its sights on the country's remaining independent press. The regime has driven dozens of journalists, including some of its most famous, such as Carlos Fernando Chamorro of *Confidencial*, into exile. It has cut off the necessary supplies to sustain a print edition of *La Prensa*, the country's oldest newspaper. On August 13, 2021, the National Police raided and ransacked *La Prensa's* offices, arresting its editor-in-chief, Juan Lorenzo Holmann.[25] These actions represent a grave threat to the ability of Nicaraguans and the international community to acquire reliable information.

Even when in exile, Nicaraguans have had to contend with threats to their life by the Ortega-Murillo regime. The regime's unfathomable crackdown has contributed to a spillover of violence in the region. For instance, Nicaraguan agents have crossed over into Costa Rica on several occasions and attempted to murder "persons of interest."[26] Recently, assassins nearly killed Joao Maldonado, leader of the Union of Exiled Nicaraguans who fled to Costa Rica and was set to partake in protests in San José.[27] With these increasingly brazen acts, the regime wants to project the message that members of the opposition are unsafe wherever they are, and that it will not brook any right to protest the Nicaraguan government—even in free countries.

These developments are part of what has been called the "month of the long knives," which is now in its fourth month and threatens to become a permanent state without concerted action. The Ortega regime has created an environment whereby every Nicaraguan must prepare for their arrest—anytime and anywhere—or have their bags packed to escape the country at a moment's notice.

Characterizing the International Response

The Trump administration seized on Nicaragua early. Alongside Venezuela and Cuba, former U.S. National Security Advisor John Bolton classified the Ortega-Murillo regime in Nicaragua as part of the "Troika of Tyranny." In November 2018, President Trump declared Nicaragua's regime to be a national security threat to the U.S. in Executive Order 13851.[28] Lamentably, Nicaragua has remained more of an afterthought in U.S. foreign policy than a focus befitting its status as a member of the troika.[29] In other words, what should be a torrent of sanctions and diplomatic pressure against the regime has instead been more like a trickle.

Recently, the Biden administration tried to lean on left-leaning governments in Argentina and Mexico, which had abstained from an earlier OAS resolution condemning Nicaragua's crackdown, to corral Ortega; however, this strategy failed when Ortega and Murillo rebuffed them. The administration has leveraged visa cancellations and another round of sanctions on the regime's close family to sustain pressure. To date, the U.S. has 35 sanctions on individuals or entities.

Some in the international community have denounced Nicaragua's recent repression. There have been multiple OAS resolutions condemning the crackdown, demanding tangible reforms to the electoral system. At the U.N. Human Rights Council in Geneva, 59 countries signed a joint statement demanding the release of all political prisoners and countrywide access to technical elections observers.[30] The European Parliament has passed several resolutions and urged the triggering of its "democracy clause" in the E.U.-Central America Association Agreement, which governs trade between the blocs, potentially suspending Nicaragua. Canada has also been a vocal and consistent critic with a list of sanctions that closely approximates that of the U.S.[31] However, diplomatic action from Latin America and the Caribbean has been lackluster and highly wanting. Indeed, it is telling that the region has had very little to say about the consolidation of yet another dictatorship, this time in the heart of Central America.

Extra-Hemispheric Actors and A Serious National Security Threat

SOUTHCOM's Admiral Craig Faller highlighted Nicaragua in his list of "malign regional actors" and singled it out for perpetuating corruption and opening the door to extra-hemispheric actors.[32] There is perhaps no better example of the national security threat posed by the Ortega-Murillo regime than the support provided to it by Russia and Iran. In the case of the former, this includes domestic legislation patterned off laws passed in Russia. For instance, Nicaragua's "foreign agents" law appears to be a carbon copy of Russian President Vladimir Putin's 2012 law. Much as it was intended to do in Russia, in Nicaragua the law is meant to differentiate between "true" Nicaraguans—those who support the Ortega-Murillo regime—and "foreign agents" who must be tarnished, scrutinized, surveilled, and eventually exiled by the regime. In a spectacular example of the phenomena known as "authoritarian learning" and "authoritarian export," which occurs when "authoritarian regimes adopt survival strategies based upon the prior successes and failures of other governments," Ortega has leveraged the "foreign agents" law to disqualify most of his political opponents.[33] Indeed, Vladimir Putin and Daniel Ortega, strongmen who crave power and preside over highly corrupt regimes, have much to teach one another about the tricks of political longevity.

Russia uses Nicaragua to project naval power into the Caribbean and build its anti-access/area denial capabilities.[34] It frequently rotates troops in Nicaragua for training exercises and sells weapons to the country—weapons that have been implicated in several massacres against civilians.[35] On a hillside overlooking the U.S. embassy, Russia has constructed a compound ostensibly for its global positioning system, but more likely for collecting signals intelligence.[36] A major cyber agreement to expand intelligence sharing and digital control using Russian technology will bolster the Ortega-Murillo regime's domestic security apparatus.[37] Similarly, Iran seeks to deepen its presence in Central America by helping Nicaragua circumvent U.S. sanctions.[38]

In general, an important component of the Ortega-Murillo regime's survival plan is the recreation of an environment of enmity akin to the Cold War in Central America. The regime has extended a considerable platform to Russia and Iran to circumvent U.S. sanctions and deepen their military presence on the U.S. doorstep. As authoritarian powers grow more assertive, Ortega has offered Nicaragua as a strategically significant point to project power and challenge U.S. interests.[39]

Policy Recommendations

The Ortega-Murillo regime has strangled the electoral route out of Nicaragua's nightmare. Instead, a strategy of sustained pressure should be developed now as the cement dries on Nicaragua's consolidated dictatorship. This involves specific policies in the short-, medium-, and long-term.

Short-Term

Cut off Ortega's sources of finance. While Congress has dithered, Nicaraguans have been arrested, disappeared, and tortured. Indigenous communities have been slaughtered with total impunity. And religious bodies like the Catholic Church are under siege. Yet, the U.S. government has stood by despite valuable laws that could be implemented to a greater extent. Most importantly, the U.S. must **tighten the interpretation of the NICA Act**, which is critical to cutting off Ortega's ability to access funds at multilateral financial institutions. *Without greater action, the U.S. response to Nicaragua could be interpreted by other autocratic regional leaders as acquiescence.*

Advocate for political prisoners. The U.S. should push incessantly for the release of political prisoners in Nicaragua. Crucially, it should not reward the regime's hostage-taking strategy and should resist the siren song of negotiations. To do so would reward the regime and be an unprincipled approach to policy. Instead, the U.S. should insist that Nicaragua permit family visits to prisoners, demonstrate signs of life for those disappeared, force Nicaragua to allow NGOs and human rights defenders to visit prisons, and push for better conditions and legal representation.

Refer to the Ortega-Murillo regime as a dictatorship. Simply put, nomenclature matters. The Ortega-Murillo regime has benefitted for too long from U.S. inattention and a fleeting hope that elections on November 7, 2021, can serve as a turning point. This reticence to call the regime in Nicaragua a dictatorship has been echoed in international media coverage. No normal regime possesses nearly unlimited executive influence over a country's institutions. No normal regime commits crimes against humanity. No normal regime imprisons and brutally disappears every declared political opponent. No normal regime crosses into the territory of foreign countries to assassinate political opponents in exile. It is high time to call a spade a spade.

Medium-Term

Ignore November 7, 2021. The "elections" in Nicaragua are not an exercise in democracy but a coronation ceremony and the bitter reaffirmation of another hemispheric dictatorship. The U.S. should no longer consider November 7, 2021, a reference point for any of its policymaking. The Ortega-Murillo regime has strangled the electoral route, and the U.S. government's theory of political transition must change accordingly.

Declare Nicaragua's elections "illegitimate" under current conditions. The U.S. should be clear about the illegitimacy of November 7, 2021, as well as the regime that it affirms. Diplomatic language should make clear that the U.S. considers the Ortega-Murillo regime illegitimate. Canada, the E.U., and countries throughout Latin America should be encouraged to follow suit.

Article 21 of the Inter-American Democratic Charter. The U.S. should build on recent OAS resolutions and assemble a group of countries willing to apply Article 21 of the Inter-American Democratic Charter to Nicaragua. The OAS Working Group on Nicaragua, the Inter-American Commission on Human Rights, and countless NGOs have compiled exhaustive evidence of suspension-worthy crimes. If the Western Hemisphere does not move to suspend Nicaragua from the OAS, the Charter risks irrelevance.

Provide humanitarian assistance to displaced Nicaraguans. Nicaraguans have overwhelmed Costa Rica's resources. It is estimated that another 35,000 will flee to Costa Rica, and up to 60,000 could arrive in the United States this year.

Sanctions Targets. The U.S. should sanction the Nicaraguan Army under the same rationale used to sanction the National Police. The Army has been involved in some of the country's gravest human rights abuses and stands accused of arming paramilitary groups. The U.S. should also target the Nicaraguan Army's *Instituto de Previsión Social Militar* (IPSM), its lucrative investment fund that is not only exposed to U.S. markets but helps Ortega to maintain the loyalty of the top brass. While the United States has sanctioned the head of the Army and IPSM already, it could increase pressure by targeting both institutions. It could also target mayors that coordinate repression.

Long-Term

CAFTA-DR. The U.S. must review its trading relationship with Nicaragua. Not only is trade with the U.S. a privilege and not a right, but in a country lacking even the semblance of the rule-of-law, it is doubtful that Nicaragua can comply with its obligations under CAFTA-DR. Only one other country in the world—Bahrain—is classified by Freedom House as "not free" and yet maintains a free trade agreement with the U.S. A review of Nicaragua's participation in CAFTA-DR should include a robust discussion of suspension. It is important to note that there are plenty of measures short of suspension that 1) could increase pressure and 2) be implemented at the executive level since they relate to trade privileges. These have to do with the Generalized System of Preferences.

Support the appointment of a U.S. Special Envoy. The Biden administration ought to appoint, and the Congress ought to fund, the appointment of a time-limited special envoy for Nicaragua. As Nicaragua's dictatorship consolidates, the appointment of a special envoy will be even more

important. *Quite simply, at the present moment, U.S. policy is inconsistent with long-term forms of pressure. Recent weeks have witnessed the U.S. increase sugar quotas for Nicaragua, and the U.S. Commercial Service organize a trade mission to Managua.*[40] *Such policies are entirely inconsistent with a policy of pressure on the Ortega-Murillo regime.* A Special Envoy would direct inter-agency coordination and develop the necessary international coalition to pressure the regime.

Use the Summit of the Americas to Highlight Hemispheric Dictatorships. In 2022, the U.S. hosts the Summit of the Americas for the first time since 1994. It should take advantage of the role of host to elevate the Inter-American Democratic Charter. *Under no circumstances should the guest list include the dictators of Nicaragua, Venezuela, and Cuba.*

Push for and support an investigation at the International Criminal Court. Member states of the International Criminal Court could seek an investigation into crimes against humanity committed by the Ortega-Murillo regime. The statements of Maduro regime officials indicate the ICC's ability to apply pressure by uncovering and investigating their myriad crimes.

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Mr. SIRES. Dr. Berg, thank you for your testimony.

President Chinchilla, I am concerned about Costa Rica. I am concerned about the influx of Nicaraguans obviously leaving Nicaragua.

I wonder if you have any suggestions on how we can corral some of these members in the area, with your experience as a former President, to put pressure on Nicaragua to stop doing what they are doing. How do we accomplish that?

Ms. CHINCHILLA. Well, thank you very much, Mr. Chairman, for being concerned about Costa Rica.

And you are right, because, as I mentioned, Nicaragua is a factor of this destabilization in a region which is going through probably the worst time since the civil wars. The Central American nations are going through many difficult problems. So we have to do something about Nicaragua.

Now, in the case of Costa Rica, I just want to take the opportunity to call your attention on the need to add some additional humanitarian aid so we can be able to respond to all the Nicaraguans that are fleeing to Costa Rica.

Now, concerning the rest of the Central American countries, unfortunately—and this is very sad—I have to recognize that many of the governments are dragging their feet concerning the situation in Nicaragua for many different reasons. There is one government which is about to finish, and its President is just thinking about where to go after that.

There is another President who is following a very concerning authoritarian path. So in certain ways, she does not want to get involved in these discussions.

And there are other governments who are going through many difficult problems. We cannot ignore the situation related to the COVID–19 pandemic and the hurricanes that they suffered some years ago. But, of course, it is necessary to do something.

Let me tell you that one of those institutions that have been lending money to the Nicaraguan Government is the Central American Development Bank and also the Taiwanese Government.

So I think that the United States—and you are working in a bipartisan kind of way—you have the possibility to approach to those governments to call their attention and to try to mobilize a stronger pressure inside those financial institutions and, of course, to keep their commitment at the OAS.

Mr. SIRES. Thank you, President Chinchilla.

Dr. Berg, you stated that Nicaragua has millions and millions of dollars in reserve. Where did that money come from?

Dr. BERG. Thank you very much for the question, Congressman. I share your frustration expressed on the first panel about our inability to leverage to the fullest extent the NICA Act. Much of it has come from multilateral financial institutions that have lent Nicaragua money for a number of reasons. Some of it has been pandemic related. Others have been special drawing rights, as has been mentioned by the deputy assistant secretary.

So it has been for a number of reasons, but by my calculation and what is actually publicly available data, the Nicaraguan regime is currently sitting in the billions of dollars in terms of their reserves.

We talked earlier in this hearing about the little amount of money that has been used on the COVID–19 response in Nicaragua. And Carlos Fernando Chamorro of Confidencial had a very nice report on September 1 of this year where he basically reported that only 10 percent of the funds that have been given by multilateral banks and have been pegged for the COVID–19 response had actually been used by the Nicaraguan Ministry of Health.

So there is a lot of money out there, as we have been hinting at throughout this hearing, that is being used for other purposes, where it is possibly padding the ruling couple's personal bank accounts and their crony networks. It is completely nontransparent where that money actually is.

And so Confidencial says only about 10 percent of that funding is being used. That is very concerning, from my perspective.

Mr. SIRES. How do we bring attention to the IMF this—all these things that you just said to me?

Dr. BERG. Congressman, I think in the RENACER Act, if I am not mistaken, there is an explicit calling for a ramping up of the NICA Act, using the NICA Act to the fullest extent that it can possibly be used. And it is my understanding that, if we were to implement the NICA Act to its fullest extent, we have the tools available to call out the IMF. We have the tools available to use our influence at that institution to make sure that these kinds of loans do not keep the regime afloat.

So I think we have everything that we need. We just need to start using, in some cases, the tools that we have.

Mr. SIRES. Thank you very much.

Ms. Valle, what is the condition of your husband today?

Ms. VALLE. Yes. The only information that we have was the one that we got from her sister during this 20-minute visit. And what she told us is that he looks very skinny, around—I already mentioned—we calculate that he had lost around 25 pounds. And he also mentioned about these continuing interrogations, sometimes three times a day, every day.

They cannot go outside to receive light from the sun. So, I mean, you can tell in their affect that they are not being fed well, and we truly believe that their lives are in dangers. We are afraid of them dying. And I not only mention this because of my husband and my own feeling, but, also, we have learned that some of the political prisoners have lost more than 25 pounds. And because of their age, they have to receive special treatment and medical assistance, which we know they are not getting.

And we also heard from others that the police is asking for another type of medication, which they did not drink before getting into prison, so we can know that their health is deteriorating very fast.

And, I mean, the situation is just horrible, and they are incommunicados right now. After that meeting, we haven't heard from them again. We haven't seen them again. So they just give us that 20 minutes to talk to them, under surveillance, because the police was present there. They have cameras recording the families when they enter. And we know they even have audio recording while they were talking.

So there were not like a space where they can have privacy to really say everything. So we really—we are afraid of their well-being and about their lives. And we are asking the regime to let us know, you know, and to let us get in touch with them, to let us bring them food, because they are not being fed well. We are asking and demanding, because it is a right to have visits, you know, as the law says. And even imagine——

Mr. SIRES. My time is up. I need——

Ms. VALLE. Oh.

Mr. SIRES [continuing]. To move on to the ranking member.

Mr. GREEN. Thank you, Mr. Chairman.

My first question is for Dr. Berg. And are there any foreign governments with interest in Nicaragua that are undermining U.S. and international efforts there? And, if there are, could you describe both in terms their direct involvement with the government as well as through multinational organizations? I am specifically talking about other countries.

Dr. BERG. Thank you, Congressman Green, for the question.

Yes. The two countries that I would point out as extra-hemispheric actors which have come into the hemisphere to shore up the Ortega regime are Russia and Iran. Russia we have seen with a significant presence in Nicaragua for a while. It has increased its presence in the past years to an extent that I think should be very alarming for the U.S. Government. Not only does it have a number of port agreements with Nicaragua and access to the Caribbean, where it can engage in anti-access and area-denial capabilities potentially, but also in cyberspace. We saw recently the Russians and the Nicaraguans sign a major agreement on cyberspace, particularly to help the regime, not only increase its domestic security apparatus, but to spy potentially on the opposition, on Nicaraguan citizens, and indeed potentially on other governments in Central America, depending upon the strength of the equipment transfers that we will see in the future.

So the Russians have a whole range of capabilities that they are developing within Nicaragua. There are signals intelligence stations that are actually quite close to the U.S. Embassy in Managua. Russia has an interest in shoring up this regime on the cheap.

And I think Iran has approached the regime in a number of ways, most specifically in offering partnerships to circumvent U.S. sanctions architecture, at which it excels because of the sanctions architecture that it has been under for so long. And we haven't seen as deep, I would say, as a presence of the Iranians in Nicaragua, but it is there, and it is also concerning.

I think in general, Congressman, part of the Ortega regime's plan for survival is to re-create a situation of rivalry and enmity in Central America again and lend a platform for major geopolitical competitors to the United States to increase their capabilities on the U.S. doorstep. And I think that is a significant aspect of this political, economic, and social crisis that we need——

Mr. GREEN. He very——

Mr. BERG [continuing]. To pay attention to.

Mr. GREEN. Yes. He very clearly sees that as sustaining him against any efforts that we might make. The concern for us, of

course, is that it puts those authoritarians right there, and it brings up my next question for President Chinchilla.

Ma'am, what are your thoughts on Ortega himself exporting this authoritarianism throughout Central and all of Latin America? Do you feel like he is having an impact?

We know Maduro is, but what is—what is Ortega's impact throughout the region with the influence in power of authoritarian government?

Ms. CHINCHILLA. He is coordinating actions with Venezuela and Cuba. And from that point of view, his influence is expanding, of course.

Now, let me give you some examples of what has happened in Costa Rica. He, for example, sent someone about 2 weeks ago to menace some of the people living there. Even one person was hitted by a—you know, a—with a gun by some, you know, persons that are related to the Nicaraguan security forces.

Second, they are trying to destabilize, through the use of social media, some of the nations around them.

And, finally, he was even able to embed Costa Rica when I was in government, because I may remember you that Costa Rica has no army. We have relied on basically our diplomacy and international law to defend ourselves. So he also profits from these kind of specific conditions that we have.

But, certainly, if we allow Ortega to stay in power for more years, he will continue adding his efforts with—along with Cuba and Venezuela, to destabilize our region.

Mr. GREEN. Thank you.

And, Chairman, I yield.

Mr. SIRES. We now recognize Congressman Vargas for 5 minutes.

Mr. VARGAS. Thank you again, Mr. Chairman. I appreciate the opportunity to speak here. And I want to thank all three of our witnesses: Ms. Valle, President Chinchilla, and, of course, Dr. Berg.

You know, when we hear about these dictators—and there is a number of them around the world—we always hear the same thing. These are horrible people—and they are—and that we should do something about it and get rid of them. But they seem to be very resilient.

I mean, we do a whole lot of things to try to get rid of them, and we are not very successful. I will just be frank. I mean, I know that someone will come after me and, you know, chant and rant against, you know, Cuba and, you know, Castro, but he has been there a long time. I mean, we wanted to get rid of him for a long time. We have done lots of things to try to get rid of him, but we cannot get rid of him.

I mean, we, of course—Maduro is destroying his country, in Venezuela, is just absolute destruction of that poor country, which used to be a wealthy country, and there is not much we can do.

And now we have, you know, Daniel Ortega destroying his country, absolutely destroying it. Everybody comes and says, you have got to do something about it, you have got to do something about it and, you know, the United States is not doing anything.

Well, the truth is that these guys seem to be pretty damn resilient.

Dr. Berg, what is it about these autocratic, dictatorial people that they are so damn resilient?

Dr. BERG. Well, thank you for the question, Congressman. I share your sentiment that autocratic and dictatorial regimes are, unfortunately, quite resilient. They do rely, I think, on what I would call a dictator's playbook, a well-worn playbook that many of them follow and, therefore, it is exportable, to Congressman Green's earlier question, for others to follow and for others to mimic and to copy.

I think there are well-worn steps along the way. And, of course, it would have been nice if the U.S. Government had acted sooner against Ortega, but we are here in this moment now, and so we are urging, you know——

Mr. VARGAS. If I can interrupt. Acted sooner how? By doing what? I mean, that is, I think, the whole point. I mean, I think people think we have the magic bullet. If the United States had done this. Well, we did a whole lot of damn things to stall these guys, and they still seemed to survive. That is the point.

Dr. BERG. Well, Congressman, right now, we heard from the deputy assistant secretary that we are going to condemn and express concern. I think those are important things to do, but I think that this regime does not necessarily understand them in the same way that you and I do, and I would urge further.

Look, we have had the NICA Act since 2018. You asked what we can do. That is just a simple example. We have had the NICA Act since 2018, and we haven't been using it to the fullest extent since 2018. That is 3 years of significant amounts of funding that have gone to the Ortega regime.

This is one of the regime's main sources of reserves. There is not a robust economy in Nicaragua, as has been noted in this hearing. Nicaragua is either the second or the third poorest country in the hemisphere, depending upon how you measure it.

So we have tools. They are not silver bullets, like you said. They are not magic wands. And I agree that the regime's——

Mr. VARGAS. But even——

Mr. BERG [continuing]. Dictatorial regime is resilient, but we have tools.

Mr. VARGAS. But it seems to me that even when we use these tools, oftentimes we impoverish the people there, but the regime stays the same. I mean, look at Maduro. I mean, Maduro has destroyed that country. That was a wealthy country. We have done all sorts of things, and we have impoverished the people there, and they have gone all over the damn place. But we haven't gotten him out of there. He is still there.

And, again, I think we have done a lot to try to get rid of him, but, you know, he—he is resilient. These guys are resilient. They do not—I do not think they give a crap about their people. I think they give a crap about themselves, and so they do not care if the people suffer, as long as they are in power.

Dr. BERG. Well, Nicaragua has been running a very poor and impoverished State for a long time. Ortega, rather, has been presiding over a very poor, impoverished State for a long time. He has been in power this go-round since 2007, and so it is not just recently that Nicaragua has descended to either the second or third poorest

country in the hemisphere. For many years, there has been a crony capitalist system there in Nicaragua, and it hasn't been working for the general Nicaraguan.

And so it is well overdue for Nicaraguans to have this conversation among themselves about what makes for the best country. They tried to do that this year. All of the opposition candidates were arrested.

Mr. VARGAS. Dr. Berg, I think that President Chinchilla wanted to answer that. Go ahead, President.

Ms. CHINCHILLA. Thank you. Thank you so much.

No. I just want to mention that, in my opinion, we still have some additional instruments in order to protect democracy in our hemisphere, because basically the instruments that were designed weren't prepared for the kind of abrupt disruption of constitutional order, but we are not prepared for this new kind of gradual deterioration of democracy.

And basically—and I will suggest, for example, to introduce democratic clauses on some important regional instrument so the financial institutions and, for example, the trade agreements can really be suspended when those democratic clauses are not complied——

Mr. VARGAS. My time——

Ms. CHINCHILLA [continuing]. Specifically to the instruments.

Mr. VARGAS. President, thank you. My time has expired, but I appreciate both your answers very much. Thank you. Thank you very much.

I yield back.

Mr. SIRES. Thank you, Congressman.

Again, thank you to our witnesses for joining us today.

As the Ortega regime moves ahead with stealing this November's elections, the international community must come together to impose a very steep price.

I believe we should work urgently with our allies in Latin America and in Europe between now and November, November 7, to lay down clear consequences for Ortega if he continues down this current path. We need to demonstrate that we stand on the side of democracy in full support of the Nicaraguan people.

With that, the committee is adjourned.

Thank you to our witnesses.

[Whereupon, at 11:39 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, Migration and International Economic Policy

Albio Sires (D-NJ), Chair

September 21, 2021

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on the Western Hemisphere, Civilian Security, Migration and International Economic Policy, to be held in Room 2172 of the Rayburn House Office Building. Members who wish to participate remotely may do so via Cisco WebEx. The hearing will be available via live webcast on the Committee website at https://foreignaffairs.house.gov/):

DATE: Tuesday, September 21, 2021

TIME: 10:00 a.m., EDT

SUBJECT: An International Response to Ortega's Destruction of Democracy in Nicaragua

WITNESSES: Panel I:

Ms. Emily Mendrala
Deputy Assistant Secretary
Bureau of Western Hemisphere Affairs
U.S. Department of State

Panel II:

Ms. Berta Valle
Journalist and Human Rights Defender

Ms. Laura Chinchilla
(Former President of Costa Rica)
Co-Chair
The Inter-American Dialogue

Mr. Ryan C. Berg, PhD
Senior Fellow, Americas Program
Center for Strategic and International Studies

By Direction of the Chair

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.

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COMMITTEE ON FOREIGN AFFAIRS

Note: Red boxes with red type will NOT print.

MINUTES OF SUBCOMMITTEE ON *Western Hemisphere, Civilian Security, Migration and International Economic Policy* HEARING

Day *Tuesday* **Date** *September 21, 2021* **Room** *2172 and Webex*

Starting Time *10:03am* **Ending Time** *11:39am*

Recesses *1* (*10:53am* to *10:58am*) (____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 ☑

To select a box, mouse click it, or tab to it and use the enter key to select. Another click on the same box will deselect it.

TITLE OF HEARING:

An International Response to Ortega's Destruction of Democracy in Nicaragua

SUBCOMMITTEE MEMBERS PRESENT:

See attached.

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

None

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.)*

Statement for the Record submitted by Albio Sires- Op-ed by Roberto Aguirre-Sacasa in Time Magazine
QFRs from Rep. Albio Sires
QFRs from Rep. Joaquin Castro

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:39am*

Clear Form

Note: If listing additional witnesses not included on hearing notice, be sure to include title, agency, etc.

Subcommittee Staff Associate

WHEN COMPLETED: Please print for subcommittee staff director's signature and make at least one copy of the signed form. A signed copy is to be included with the hearing/markup transcript when ready for printing along with a copy of the final meeting notice (both will go into the appendix). The signed original, with a copy of the final meeting notice attached, goes to full committee. An electronic copy of this PDF file may be saved to your hearing folder, if desired.

HOUSE COMMITTEE ON FOREIGN AFFAIRS

WHEM SUBCOMMITTEE HEARING

PRESENT	*MEMBER*
X	Albio Sires, NJ
X	Joaquin Castro, TX
X	Andy Levin, MI
	Vicente González, TX
X	Juan Vargas, CA

PRESENT	*MEMBER*
X	Mark Green, TN
X	August Pfluger, TX
X	Maria Salazar, FL

OPENING STATEMENT

House Committee on Foreign Affairs **Chairman Albio Sires (D-NJ)**
Western Hemisphere Subcommittee

Opening Statement – "An International Response to Ortega's Destruction of Democracy in Nicaragua"
Tuesday, September 21, 2021

- **Over the last four months, the Ortega regime has carried out a shameless campaign to eliminate the political opposition and consolidate a one-party dictatorship in Nicaragua.**
- **Even at a time when many governments in Latin America are dismantling democratic institutions, the Ortega regime's crackdown stands out for how brazen and sweeping it has been.**
- **The regime has rounded up nearly every potential challenger to Ortega and has not even tried to hide these arrests and forced disappearances under a veneer of legality.**
- **The message from Daniel Ortega is clear.**
- **He believes he will lose November's elections if they are competitive.**
- **Over one hundred and fifty political prisoners are now being held in Nicaraguan jails.**
- **Many of them were forcibly disappeared.**
- **Earlier this month, some family members were finally able to visit these prisoners for the first time since their arrests in June.**
- **They reported deplorable conditions, including evidence of torture, solitary confinement, and starvation.**
- **Some prisoners have lost more than twenty pounds since they were detained.**
- **Today, I reiterate my longstanding call for the immediate release of all political prisoners in Nicaragua.**
- **I applaud the Biden administration for its recent sanctions against one hundred regime officials and fifty family members for their acts of corruption and violations of human rights.**
- **The administration has been consistent in condemning the Ortega regime's actions and has worked to promote a more multilateral approach to Nicaragua.**
- **The passage of a resolution in June by the Organization of American States was a small but positive step forward because it gained the support of additional member states that had previously abstained on issues related to Nicaragua.**

- **But much more must be done.**
- **Having written the Nica Act with Congresswoman Ileana Ros-Lehtinen, I am frustrated that the International Monetary Fund recently provided three hundred and fifty million dollars to the regime.**
- **The I-M-F should not take Ortega's word for it that these funds will be used to address the COVID-19 pandemic.**
- **We must all remember that this is the same regime that spent the first sixteen months of the pandemic holding large political rallies, manipulating medical records to deflate the death toll, and firing doctors and nurses who dared to speak out.**
- **International financial institutions should not be providing a lifeline to Ortega.**
- **The House of Representatives must urgently pass the Renacer Act, which would strengthen oversight of funds provided by international financial institutions and increase targeted sanctions against regime officials.**
- **This legislation would encourage the U.S. to continue working more closely with the European Union in implementing its sanctions framework.**
- **We should also begin preparing a number of severe diplomatic consequences, assuming Nicaragua's elections in November become a coronation for Ortega.**
- **Nicaragua should be suspended under the Inter-American Democratic Charter on November 8th and its participation under the Central America Free Trade Agreement should be reconsidered.**
- **Nicaraguan activists, opposition leaders, journalists, students, and doctors have shown tremendous courage in the face of the Ortega regime's violations of their most basic rights.**
- **We must show that we stand with them in this battle against a brutally repressive dictatorship.**
- **Thank you, and I now turn to the Ranking Member, Mark Green, for his opening statement.**

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record from Chairman Sires
"An International Response to Ortega's Destruction of Democracy in Nicaragua"
Tuesday, September 21, 2021

Questions for DAS Emily Mendrala

1. **Biden Administration's Strategy to Address Political Crisis in Nicaragua:** Since June, the Ortega regime has arrested dozens of political opposition, civil society, and business leaders, in most instances denying them any semblance of due process. Some have been forcibly disappeared for weeks without their families being notified of their whereabouts. There have been allegations or torture and abuse. Officials in the Biden Administration have repeatedly spoken out against authoritarian and repressive actions from the Ortega regime and sanctioned hundreds of Nicaraguan officials who have taken part in human rights violations and corruption.

- What additional steps is the Administration considering to push for competitive elections in November?

The Secretary of State has stated the electoral process in Nicaragua, and its eventual results, are not credible. We are clear-eyed and know these sham elections in November will not confer a democratic mandate on Ortega and Murillo. The Department continues to work with the interagency to use the diplomatic and economic tools at the U.S. Government's disposal to act multilaterally and independently to pursue actions that show the Ortega-Murillo government that it cannot act with impunity. We are consulting with our OAS partners to take action at the OAS, including at the upcoming OAS General Assembly in November. We will continue to impose costs on those individuals who aid and abet Ortega and Murillo in their repressive efforts to consolidate their power.

- How will the Biden Administration's policy toward Nicaragua change if the November 2021 elections fail to meet international standards, as is currently expected by most observers? Do you believe that sham elections should trigger specific, tangible consequences for the Ortega regime?

Yes, I believe that non-credible elections in November should trigger consequences for Ortega, Murillo, and those who support them. We do not believe the upcoming elections, which appear unlikely to be free and fair, will confer a democratic mandate upon President Ortega and Vice President Murillo. We are working across the U.S. government to develop appropriate consequences for the Ortega-Murillo government. We are also working multilaterally with partners in the region through the OAS to draw attention to the Ortega-Murillo government's actions, and to show that their repressive and anti-democratic actions have no place in our hemisphere.

2. **Migration and TPS:** In 2018, the Trump Administration announced its decision to terminate Temporary Protected Status (TPS) for approximately 5,300 Nicaraguans, most of whom had been residing in the U.S. Since 1999. However, a court injunction prevented the decision from taking effect and earlier this month USCIS announced that Nicaraguan TPS beneficiaries will retain their status while the injunction remains in effect, with their employment authorization documents extended through the end of 2022. Meanwhile, more than 120,000 Nicaraguans have been forced to flee their country since 2018.

- Many members had advocated for a new TPS designation following Hurricanes Eta and Iota. Is that still under consideration?

The Department of State will continue to provide its foreign policy input to the Department of Homeland Security, taking into account developments in Nicaragua with respect to the possibility of a new TPS designation. Meanwhile, beneficiaries of TPS under Nicaragua's prior designation are entitled to retain their TPS documentation while litigation over its termination continues.

- Is the Administration concerned about the potential for increased migration as the political crisis deepens, particularly if elections are not free and fair? How are you preparing for that contingency?

The Ortega-Murillo government's repression has contributed to instability in Central America and a dramatic increase in Nicaraguan refugees, asylum seekers, and migrants fleeing both north and south. The Ortega-Murillo government took actions that increased fear and pessimism across the Nicaraguan population, creating cause for Nicaraguans to migrate. This summer, Costa Rica saw a rise in Nicaraguan asylum seekers and migrants in the wake of increased political repression in Nicaragua. There has also been an increase of Nicaraguan citizens arriving at the U.S. southwest border. The Department of State tracks these increases in irregular migration with great concern. We will continue to work with Costa Rica bilaterally and through our international organization partners to increase their capacity to quickly process asylum claims and provide protection to vulnerable Nicaraguans.

Questions for Ms. Berta Valle

1. **Arrests of Opposition Candidates:** Around 35 opposition figures and potential presidential candidates have been illegally detained over the course of the summer in anticipation of the November 2021 elections, including Félix Maradiaga, husband of Ms. Berta Valle, who testified in this hearing.

- What can the U.S. government, both the Executive Branch and Congress, do to push for the safe release of political prisoners?

Ms. Valle did not respond to questions in time to include for the record.

Questions for President Chinchilla

1. **Organization of American States, the United Nations, and Multilateral Institutions:** The Organization of American States (OAS) has taken various actions in response to the situation in Nicaragua since the deadly protests of 2018. The OAS sent an official mission from the Inter-American Commission on Human Rights to assess the situation in-country, and passed numerous resolutions addressing the political crisis, the most recent in June of this year, which expressed alarm at Nicaragua's deteriorating human rights situation. As far as the United Nations is concerned, other than limited action by the Human Rights Council, including a 2021 report and subsequent meeting calling on the Nicaraguan government to release dissidents, among other measures, the UN has maintained a relatively low profile since the April 2018 protests.

How do you evaluate the response of the OAS and the United Nations to the Nicaragua crisis so far?

- OAS has had a timid, limited and delayed response to the Nicaragua crisis. At its best, the OAS has had an uneven approach and performance, reflecting the changing attitudes from many of its member states and given its own internal crisis - arriving from Mexico's criticisms and the CELA challenge. That dynamic has weekended any decisive attitude from the OAS towards Nicaragua. It is important to note that the October 2020 resolution is a key reference for the electoral process in Nicaragua. However, the OAS has not been able to significantly contribute to a solution of the Nicaraguan crisis.

Despite the limitations in the action of the collective mechanisms such as the Permanent Council and the General Assembly, the technical units (IHRC and the DECO) have performed according to their mandate and duties. It is urgent to ask these units to prepare some technical reports on the electoral environment in the light of the human rights and electoral standards violations. Based on these reports, a diplomatic effort should be put in place to get that the Permanent Council and the General Assembly do not recognize the November 7 farse and that Article 21 be applied to Nicaragua.

- UN: As indicated, the lead has been taken by the High Commissioner of Human Rights and the U.N. Human Rights Council. The Secretary General and the Secretariate in general, have taken a low-profile role. The Secretariat has indicated that they mostly act in response to requests from member states and in the case of Nicaragua, so far no request has been made. This silence from the UN is not acceptable, particularly given Secretary General Guterres' focus on crisis prevention.

How should the United States use its position in the OAS and the UN to advocate for democratic reforms in Nicaragua?
The United States should have a more active role both at the OAS and the United Nations, that augmented role would definitely boost actions related to Nicaragua in both organizations. Democracy is value of the US foreign policy and a priority for the Biden´s administration.

At the OAS:

i. The confirmation of a new U.S. ambassador is needed as soon as possible.
ii. In the meantime, the U.S. Mission could take a more pro-active approach, requesting the Secretary General to present some technical reports prepared by the IHRC and the DECO. Based on these reports, it should call for an urgent meeting of the Permanent Council, fostering a resolution with other key countries that rejects the illegitimate November elections; and strategizing for the November 10 General Assembly that should approve Article 21 against Nicaragua.
iii. That would need to be accompanied by an active U.S. lobbying campaign to gain votes among the Caribbean as well as other countries in the region

iv. The inclusion of the Dominican Republic, Ecuador and Uruguay at the OAS' Nicaragua working group would be welcomed.

At the U.N.:

i. A coherent UN plan should be envisioned towards Nicaragua even without the request from any member State - that is the UN's responsibility.
ii. Consideration should be given for the newly appointed assistant Secretary of State should meet with the UN's Under-Secretary General DiCarlo (a former State Department official), to discuss along with Canada and other key countries from Europe and the LAC region and devise a strategy including the UN.
iii. it should be remembered that several UN agencies present in Nicaragua administrate IFI resources at the convenience of the Ortega Murillo regime, hence there is a degree of complicity as well as an opportunity for leverage.
iv. A priority for the UN is to remain present in the country (the Resident Coordinator, the United Nations Development Programme, and the UNHCHR mission have been expelled and not replaced), hence a UN "quiet diplomacy" approach is under consideration by the Secretariate.

What role can the OAS and the UN play in the aftermath of the November 2021 elections?

OAS:

i. Reports by the IHRC and DECO should be prepared before Nov.7 presenting the human rights and electoral conditions in the country.
ii. Article 21 should have been applied to Nicaragua at the OAS' General Assembly.
iii. Efforts should be geared towards truly democratic elections some time in 2022.
iv. The OAS' Nicaragua Working Group should be reactivated with the inclusion of additional members

UN:

i. A strategy needs to be implemented in close consultation with key member states, including the U.S., Canada, and key European and LAC governments.
ii. A more articulated role of UN agencies with IFI funding needs to be implemented, whereby a Third-Party Monitoring mechanism would be established, closely ensuring that any international funding (IFI and others) is strictly for humanitarian purposes, not deviating funds and not permitting any type of politization of international resources
iii. Human rights considerations are needed to be applied into any decision regarding Nicaragua.

Both the OAS and the UN can play a role in fostering the safe return of the exiled population that was forced to leave the country for security reasons.

What other international and multilateral spaces can the U.S. engage in to push for democracy in Nicaragua?

- As mentioned under the previous question, a Third-Party Monitoring mechanism should be established, closely ensuring that any international funding (IFI and OTHERS) are strictly for humanitarian purposes, not deviating funds and not permitting any type of politization of international resources.

- A platform should be established , whereby key governments should coordinate efforts towards Nicaragua (U.S., Canada, key LAC countries and key European countries).

- A donor platform for Nicaragua should be established (Bilateral donors, IFIs and the UN, including the UN's OHCHR) to coordinate funding strategies in Nicaragua (this could be part of the proposed Platform)
- Actions are particularly need to toward the Central American Bank of Economic Integration (CABEI), that has become the Ortega-Murillo's main source of "legal" funding; the U.S. can contact the members of the CABEI Directorate (Argentina, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Korea, Mexico, Panama, Spain, Taiwan) recommending that any funding should be in line with the respect for human rights and be subject to the revie by the Third Party Monitoring mechanism.

- Efforts should also take place with countries such as Israel, Korea and Taiwan, and key Non-Aligned countries – given that the Ortega-Murillo regime may be seeking support from members of this organization to "legitimize" de November fraud

2. **Sanctions:** The Trump Administration imposed targeted financial sanctions on high-level officials and organizations for corruption and serious human rights abuses. In the aftermath of dozens of arrests of opposition figures this summer, the Biden Administration imposed visa restrictions on 100 members of the Nicaraguan legislature and judiciary. On August 2, 2021, the European Union imposed targeted sanctions on eight Nicaraguans, including Vice President Murillo.

How should these sanctions fit into a broader strategy to push Nicaragua to enact democratic reforms?

Up until now, sanctions have not stopped the Ortega-Murillo regime in its path of madness. That does not mean that sanctions do not work. The problem is the lack of a clear and coherent diplomatic strategy. Diplomatic efforts must be deployed leading to open negotiations with the Ortega-Murillo regimen. A realistic "way out" for the regime needs to be devised

Along with a diplomatic strategy, additional sanctions should be fostered, if necessary, as included under the Renacer Act:

a. Toward the Ortega-Murillo family members: the message should be that by following the present "path of madness" the regime will be more and more isolated - which is not sustainable in time - assuming that the Renacer Act is fully applied by the Administration and other key nations follow a similar approach, particularly:
   i. identifying and freezing of assets;
   ii. further travel restrictions should take place for all family members to LAC and European countries; and

b. Targeted actions are also needed toward key segments of the regime's allies - such as the army and business sector – in order to demonstrate that ties with Ortega affects them directly and that maintaining ties with the regime is counterproductive for their interests in the long run. This should include not only Sandinista business leaders but also members of the so-called "gran capital". A carrot and stick approach is needed, with specific, targeted sanctions that will make them doubts about maintaining ties with Ortega.

How should the United States be coordinating sanctions with other countries?

- As part of the proposed coherent, consistent, and pro-active diplomatic role for the United States towards Nicaragua, as indicated under the Renacer Act, a coordinated effort is required – the proposed platform to coordinate efforts that is mentioned above under question #2.
- A first step should be to meet with close allies – namely Canada, the European Union and key LAC countries to devise a common strategy and establish a coordinated effort, in terms of sanctions, IFI funding and other actions.
- In the case of Europe: the U.S. is in contact with the European External Action Service (EEAS) but coordinated efforts should also be established with the European Parliament

Questions for Dr. Ryan Berg

1. **Organization of American States, the United Nations, and Multilateral Institutions:** The Organization of American States (OAS) has taken various actions in response to the situation in Nicaragua since the deadly protests of 2018. The OAS sent an official mission from the Inter-American Commission on Human Rights to assess the situation in-country, and passed numerous resolutions addressing the political crisis, the most recent in June of this year, which expressed alarm at Nicaragua's deteriorating human rights situation. As far as the United Nations is concerned, other than limited action by the Human Rights Council, including a 2021 report and subsequent meeting calling on the Nicaraguan government to release dissidents, among other measures, the UN has maintained a relatively low profile since the April 2018 protests.

- How do you evaluate the response of the OAS and the United Nations to the Nicaragua crisis so far?

While organizations like the OAS and United Nations have done important work documenting the crisis in Nicaragua, they have failed to recognize the true extent of the country's descent into dictatorship. For instance, the monitoring mission of the Inter-American Commission on Human

Rights offered several harrowing insights into the toolkit of repression used by the Ortega-Murillo regime. These reports gave member states a common set of facts and narrative to deploy in resolutions condemning the action of Nicaragua's government. Establishing basic facts on the ground is a necessary step; however, it should remain a precursor to more forceful measures. Now is the time for stronger action, as the information collection stage has ended. Unfortunately, there has been little movement within the OAS to consider suspending Nicaragua under Article 21 of the Inter-American Democratic Charter, which allows for the suspension of a country from the organization due to an "unconstitutional interruption of the democratic order." The reports established by the Inter-American Commission's experts, as well as the OAS Commission on Nicaragua, provide the basis for the establishment of Nicaragua's dramatic alteration of the constitutional order. Meanwhile, the abstention of Mexico and Argentina from its most recent resolution condemning the erosion of democracy undermines efforts to present a united front against the Ortega-Murillo regime. Moreover, it continues a perturbing Latin American and Caribbean tradition of disinterest in calling out neighbors when they stray on democracy and human rights norms, under the specious idea that silence demonstrates solidarity with "pueblos hermanos."

With respect to the UN response, the Human Rights Council's statements notwithstanding, it appears as though the organization has yet to grasp the true gravity of the situation on the ground. The Council's June 22 joint statement, for instance, expressed concern that the Nicaraguan government's actions would "impede the holding of free and fair elections" rather than recognizing that any chance for competitive elections in 2021 had already been eviscerated by the Ortega-Murillo regime. Language and semantics matter, and the hesitancy of international bodies to outright call the regime in Nicaragua a dictatorship allows Ortega to continue paying lip service to democratic norms. This hesitancy filters down to the media, which refers to the regime as autocratic or backsliding, but never an outright dictatorship. Equivocating on this matter appears to have vitiated its urgency and made it less likely that international bodies will take concrete steps to pressure the regime.

- How should the United States use its position in the OAS and the UN to advocate for democratic reforms in Nicaragua?

Within the OAS, the United States must spearhead formal debate on the invocation of Article 21 of the Inter-American Democratic Charter. To do anything less would be to render the charter a worthless tool. The U.S. may seek to persuade another country, such as Costa Rica, to bring the formal petition under Article 21. Even beginning these discussions would serve as a major step toward isolating the Ortega-Murillo regime within the region. The U.S. could support the opening of investigations by the Inter-American Court of Human Rights into the treatment of political prisoners within Nicaragua. The court has already demanded access to detainees in Nicaragua—requests that have been summarily denied by the regime. An investigation could lay the groundwork for the eventual prosecution of human rights abusers, but also identify more key individuals within the Nicaraguan government for targeted sanctions. At the UN, the United States can shine a spotlight on authoritarianism in Nicaragua by acting as a vocal critic outside the Human Rights Council. The Security Council, which has remained largely silent on Nicaragua since the 2018 protest movement, would be one place to start. With Russian (and potentially Chinese) backing, Ortega likely has support within the Security Council, but exposing

that support is also worthwhile. By speaking out clearly and firmly against Ortega's dictatorial actions, the United States can elevate democracy in Nicaragua on the UN agenda, and potentially galvanize a broader group of countries, especially regional countries, to apply pressure on Managua.

- What role can the OAS and the UN play in the aftermath of the November 2021 elections?

Daniel Ortega's inevitable victory on November 7 should be regarded by the OAS and UN not as an election expressing the democratic will of the Nicaraguan people but as a coronation ceremony. By refusing to recognize the legitimacy of the elections in Nicaragua, these international bodies can signal that they are no longer willing to entertain the legitimacy of the government affirmed by these rigged elections. Following the immediate aftermath of these elections, the international community must gird itself for a long-term struggle to restore democratic norms in Nicaragua. The regime's authoritarian consolidation since 2018 make this a long-term effort. The U.S. should use the OAS and the UN as important platforms to articulate its demands of the Ortega government, especially if sanctions relief is on the table. The first and most important demand must be the unconditional release of all political prisoners in the country, followed by credible elections replate with international observers. Finally, it is essential to consider the humanitarian dimension in this political, social, and economic crisis. Tens of thousands of Nicaraguans have already fled repression and state violence to neighboring countries and the United States; after November 7, out migration from Nicaragua will likely grow. The United States should coordinate with regional governments through the OAS and UNHCR to prepare governments and protect displaced Nicaraguans.

- What other international and multilateral spaces can the U.S. engage in to push for democracy in Nicaragua?

The United States should pay especially close attention to the 2022 Summit of the Americas. This will be the first time in 28 years that the summit will be held in the United States. At the Summit, the U.S. has an ideal platform to elevate the Inter-American Democratic Charter and speak out against the abuses taking place in Nicaragua, Cuba, and Venezuela. International financial institutions, especially the International Monetary Fund and the Inter-American Development Bank, are also areas for greater U.S. engagement. In particular, the United States must strenuously enforce the NICA Act's provisions to cut off Ortega's access to international financial institutions and loans that enrich his regime while the Nicaraguan people continue to suffer. According to a study by *Confidencial*, much of the funding that has been tied to pandemic relief has been misspent or is unaccounted for; the outlet found only 10% of funds pegged to pandemic relief spent by the Nicaraguan Ministry of Health, meaning that a large percentage of the international community's funding could be lining the pockets of the regime and its corrupt networks. The U.S. must encourage regional institutions in which it is not party or does not play a significant role, such as the Central American Integration System (SICA) and the Central American Bank for Economic Integration (CABEI), to raise their voice about abuses in Nicaragua and cease offering financial lifelines to the murderous Ortega regime. Lastly, the U.S. should push for an investigation at the International Criminal Court for "crimes against humanity," much the same way the ICC is investigating the Maduro regime in Venezuela.

2. **Sanctions:** The Trump Administration imposed targeted financial sanctions on high-level officials and organizations for corruption and serious human rights abuses. In the aftermath of dozens of arrests of opposition figures this summer, the Biden Administration imposed visa restrictions on 100 members of the Nicaraguan legislature and judiciary. On August 2, 2021, the European Union imposed targeted sanctions on eight Nicaraguans, including Vice President Murillo.

- How should these sanctions fit into a broader strategy to push Nicaragua to enact democratic reforms?

Current sanctions efforts will likely have limited effect on the Ortega-Murillo regime in large part due to their small number and Nicaragua's international backers. Consider that Venezuela has over 400 individual and sectoral sanctions, while Nicaragua counts slightly under 40 individual sanctions and no sectoral sanctions. The country's international backers, which include Cuba and Venezuela within the hemisphere and Russia and Iran further afield, allow Ortega to maintain his grip on power through a well-resourced army, police force, and paramilitaries—even as Nicaragua remains the second poorest country in Latin America and the Caribbean. Even a comprehensive sanctions architecture is likely to be a long-term commitment against a resilient Ortega-Murillo regime. In the near term, the United States should expand the scope of its sanctions beyond individuals and begin sanctioning entities, such as the Nicaraguan Army and its lucrative investment fund, the *Instituto de Previsión Social Militar* (IPSM). Individual targets could include national level figures but should not exclude mayors who are on the frontlines of coordinating aggressive crackdowns for Ortega (these often include the coordination of paramilitary activity). Focusing on dismantling Nicaragua's repressive apparatus is the most effective course for protecting human rights and getting to free and fair democratic elections. United States' policy has been at odds with itself in many ways, which points to the need for a time-limited Special Envoy for Nicaragua. This position would coordinate action across government agencies, as well as with international partners, to bring the kind of sustained, long-term pressure to bear.

- How should the United States be coordinating sanctions with other countries?

Coordinating sanctions efforts with like-minded partners is essential to cutting off the Ortega-Murillo regime's financial avenues. The United States has been successful at achieving a high degree of coordination in sanctions targets with Canada. More needs to be done to convince the European Union that it should increase its actions. However, the greatest attention must be paid to regional partners that have not done nearly enough to pressure the regime. Ortega has largely rebuffed diplomatic overtures by left-leaning Latin American governments, such as Mexico and Argentina, requiring a more forceful and coordinated approach. The United States should cease relying on these overtures by Mexico and Argentina. It must reach out to governments in the region and encourage them to coordinate on lists of officials to be targeted with sanctions and visa restrictions. Guatemala, Colombia, the Dominican Republic, Ecuador, Chile, Paraguay, and Brazil are all governments likely disposed to do more against Ortega if encouraged by the U.S. to do so. Furthermore, the United States should move to reconsider Nicaragua's membership in the Dominican Republic-Central America Free Trade Agreement (CAFTA-DR), it should encourage the European Union to suspend its Association Agreement, and it should encourage the Canadian

government to retool its trading relationship with Nicaragua as well. This step would reflect the fact that Nicaragua lacks any semblance of the rule-of-law and is unable to comply with its obligations as a member of the trade agreement. It would also send the signal that access to the U.S. market is not a right but a privilege. In any joint effort, the United States must endeavor to be as clear as possible regarding who is to be the target of punitive measures, and what conditions the Nicaraguan government must fulfil before it can even begin a conversation about the removal of those measures.

Congressional Hearing
An International Response to Ortega's Destruction of Democracy in Nicaragua
Subcommittee on the Western Hemisphere, Civilian Security, Migration, and International Economic Policy
House Committee on Foreign Affairs
September 21, 2021
Representative Castro

Questions for the Record for Ms. Emily Mendrala

1. How, if at all, does Nicaragua fit within the administration's strategy to address root causes of migration from Central America? How does the administration plan to engage with Nicaragua on root cause issues given the repression of democracy and human rights?

The Administration is committed to addressing the root causes of irregular migration in Central America and collaboratively managing migration. While the Department focused its Root Causes Strategy on El Salvador, Guatemala, and Honduras, the broader situation throughout Central America, including in Nicaragua, is interconnected. The Collaborative Migration Management Strategy is a whole-of-region approach promoting safe, orderly, and humane migration management. Nicaragua is a prime example of what happens when leaders reject the rule of law, good governance, and transparency. The Department and USAID support Nicaraguan civil society in its efforts to achieve a return to democracy and respect for rule of law and human rights in Nicaragua, since good governance and security are key components to addressing the root causes of irregular migration.

The Secretary of State said the electoral process in Nicaragua, and its eventual results, are not credible. These sham elections in November will not confer a democratic mandate on President Ortega and Vice President Murillo. The Department continues to work with the interagency to use the diplomatic and economic tools at the U.S. Government's disposal to act multilaterally and independently to pursue actions that show the Ortega-Murillo government that it cannot act with impunity. We are consulting with our OAS partners to act at the OAS, including at the upcoming OAS General Assembly in November. We continue to pursue actions that impose costs on those who have supported the suppression of democracy and human rights in Nicaragua.

2. A few weeks ago, Nicaraguan pro-democracy activist and leader of the 2018 protests Joao Maldonado was shot three times and barely survived this attempted assassination. Along with thousands of others, Maldonado had fled Nicaragua for fear of imprisonment, persecution, torture, and murder. How does the United States plan to respond to this influx of asylum seekers and work with regional partners to protect those that have fled these dire situations?

In the case of Joao Maldonado, we offered our support to the Costa Rican government as it investigates. More broadly, the Ortega-Murillo government's repression contributed to

instability in Central America and a dramatic increase in Nicaraguan refugees, asylum seekers, and vulnerable migrants. Additionally, the Ortega-Murillo government took actions that increase fear and pessimism across the Nicaraguan population, creating an incentive for Nicaraguans to migrate. This summer Costa Rica saw a spike in Nicaraguan asylum seekers and migrants in the wake of increased political repression in Nicaragua, coupled with economic uncertainty. There was also an increase of Nicaraguan arrivals at the U.S. southern border. The Department of State tracks this increase with great concern. We work closely with Costa Rica, as the country that hosts the greatest number of Nicaraguan migrants and asylum seekers, and with our international organization partners in Costa Rica to increase their capacity to quickly process asylum applications and provide protection to vulnerable Nicaraguans.

3. Is the State Department still considering providing a new TPS designation following Hurricanes Eta and Iota and the deteriorating political situation? How has the administration's view and policies toward climate refugees changed in the last year as we see hundreds of migrants fleeing climate change-related events and their aftermath?

The Department of State provides foreign policy input to the Department of Homeland Security for any possible TPS designations. Beneficiaries of TPS under Nicaragua's prior designation are entitled to retain their TPS documentation while litigation over its termination continues. The United States is committed to leading global efforts to address climate change and mitigate its impacts. In response to Executive Order 14013, the Biden Administration will release the report "The Impact of Climate Change on Migration" that looks to explore the implications of the climate-migration nexus. The Department of State will act with the urgency the climate crisis requires, working collectively with the full range of stakeholders to respond to the challenges posed by climate-related migration and displacement.

4. How has the US supported vaccine distribution in Nicaragua? How have the recent political developments infringed upon or changed this distribution policy?

The Department of State is closely tracking the COVID-19 pandemic in Nicaragua. As of September 15, less than five percent of the Nicaraguan population had been fully vaccinated. The Nicaraguan government has acquired approximately 2.05 million COVID-19 vaccine doses, sufficient to fully vaccinate approximately 16 percent of Nicaraguans. As President Biden announced, the United States made available 1.1 billion Pfizer COVID-19 vaccine doses to 92 low- and lower middle-income countries, an historic action that will help supercharge the global fight against the pandemic. As one of the countries receiving vaccines through the COVAX mechanism, Nicaragua is eligible to receive these doses. This is another example of our continued support to the Nicaraguan people.

5. Can you provide more information on where our funding for democracy assistance and election capacity is going? How is the State Department supporting civil society and their involvement in the electoral process and in ensuring accountability?

Through USAID and the Department of State, we support Nicaraguan civil society organizations, independent media, and human rights defenders as they fight to restore democracy, rule of law, and respect for human rights. Our continued support assures the Nicaraguan people that the international community has not forgotten them.

Specifically, USAID assistance supports Nicaraguans in their efforts to restore democratic norms and practices, supports a free and independent press, and promotes the rule of law and respect for human rights. Despite increasing harassment and intimidation by the Ortega-Murillo government, USAID maintains the ability to assist about 65 Nicaraguan partners (civil society, human rights, faith-based, media organizations, and social movements) working within and outside of Nicaragua to expose the government's brutality and defiance of international law, as well as informing Nicaraguans about government propaganda. For example:

- USAID supports the exile community to make its international advocacy more effective and to remain engaged with the population in Nicaragua, helping to coordinate the work of over 35 organizations of Nicaraguans in exile. USAID's partners also facilitate dialogue and consensus-building among opposition leaders in exile and the diaspora.
- USAID continues public awareness campaigns to teach citizens how to obtain their ID cards to exercise their right to vote and access other benefits. It is building a citizen network of trusted volunteers who are willing to monitor pre-electoral conditions on the ground.
- USAID has dramatically increased its digital security assistance to civil society, supporting over 100 people from 20 organizations on digital security via webinars, technical assistance, and an emergency help desk.
- USAID has supported 48 independent media outlets and over 150 journalists, even as the Ortega-Murillo government's repression has forced many into exile. USAID partners are launching a Media Hub in Costa Rica, allowing journalists and media organizations to use space and equipment to collaborate on digital journalism projects that provide a fact-based alternative to the government's propaganda machine.

USAID supports human rights defenders to document violations, especially in the electoral context. Partners have prepared in-depth human rights violation case files for litigation in international courts and proposals for reforms to the criminal justice system. It provided rapid, life-saving assistance to 46 individuals who have either gone into hiding or exile, including 33 journalists, six youth leaders, four lawyers, and three democratic actors. Rapid response funds also helped two organizations hire legal counsel in response to false charges brought against them by the Ortega-Murillo government.

Questions for the Record for Ms. Laura Chinchilla

1. Ms. Chinchilla, as you stated in your opening remarks, the majority of migrants fleeing Nicaragua have ended up in Costa Rica. As you also mentioned, we've seen a recent uptick in those traveling to the United States to seek asylum. How can the United States government work with countries in the region to respond to this increase in flows from Nicaragua? What kind of cooperation and coordination among countries is necessary to ensure migrants are protected?

The best way to stop the migration of Nicaraguans is by preventing the Ortega Murillo regime from fraudulently perpetuating itself in power. The largest flows of Nicaraguans that have left their country have done so since April 2018, when the political crisis deepened, and the regime increased its persecution and repression against critics, representatives of opposition political parties, social organizations and journalists.

These migratory flows take place at a time when the United States and the countries of the region already face strong migratory pressures from other nations such as Venezuela, Haiti, and the Northern Triangle of Central America. These compete for scarce resources. Despite this, and until a way out of the political crisis in Nicaragua is reached, the following actions should be activated:

1. Strengthen cross-border cooperation to fight against criminal organizations and groups that profit from the illegal transfer of people.
2. Allocate financial and technical resources through bilateral and multilateral organizations to assist in the handling of refugee and asylum applications. Limited institutional capacities to process applications results in backlogs, generating a large number of migrants with an irregular status; this affects their personal situation and negatively impacts recipient countries.
3. Strengthen humanitarian assistance, including COVID-19 vaccinations, food assistance and shelter arrangements with increased support from the United Nations.

2. How should the United States respond to continuing threats to democracy and rising authoritarianism in the region?

President Chinchilla did not respond to this question in time to include in the record.

3. How should the United States and the international community engage with the Ortego-Murillo regime post-November 7 election, considering it is highly likely they will remain in power under clearly illegitimate circumstances?

   - US should play a pro-active diplomatic role in the Nicaraguan crisis. The Ortega-Murillo regime needs to understand that it will "not get away" with the November 7 fraud; a price needs to be paid for that and the United States should lead efforts in that direction.
   - A carrot and stick effort is required: further sanctions to force the regime to open a national dialogue with the Nicaraguan democratic opposition that would lead to truly democratic elections in 2022, closely complying with the OAS recommendations – if the regime begins to cooperate in a constructive manner, proportionate considerations would be given toward them.

- As a key part of a "coherent, consistent, and pro-active approach" from the Administration towards Nicaragua, it would be important to immediately begin implementing the contents of *The Renacer Act*, given its bipartisan backing. Here are key aspects – I expand my response to this section under questions 2 and 3.

  i. Align U.S. diplomacy and targeted sanctions to promote democratic elections, including a review of key Nicaraguans that have dismantled prospects for free, fair, and transparent elections – *these should take place sometime in 2022 and should be negotiated with the Nicaraguan democratic opposition*

  ii. Review Nicaragua's participation in the DR-CAFTA – *key aspects can be immediately activated, particularly toward groups directly linked to the regime*

  iii. Strict oversight of IFIs lending to Nicaragua contingent on the respect of human rights – *immediate action is needed*

  iv. Coordinate further sanctions with Canada and the European Union – *this also can be done immediately*

  v. Add Nicaragua to the list of Central American countries subject to corruption-related visa restrictions

  vi. Classified reporting on corruption perpetrated by President Ortega's government and family, as well as Russian government activities in Nicaragua

  vii. Begin reporting on Russian military sales to Nicaragua and a review for potential sanctions under the Countering America's Adversaries through Sanctions Act (CAATSA); and

  viii. Reporting on human rights abuses committed by Nicaraguan security forces in the country and abroad, including rural and indigenous communities – *in the case of the detained prisoners at El Chipote detention center, this is an extremely urgent matter; it is totally unacceptable that torture of political prisoners in being performed in broad day light; back in 1945 humanity was outraged when finding out about the crimes committed by the Nazis in the concentration camps, today, at a much smaller scale, torture is taking place in front of the international community, this is a complete failure of all civilized international instruments aimed at avoiding grave human rights violations*

- Those actions are very much in line with my recommendations at the September 21 congressional hearing, particularly the following ones:

  i. It Is important that the illegitimacy of the November 7 fraud be formally recorded by relevant national and international organizations, including the OAS. It would be of outmost importance that the OAS' Permanent Council immediately meet and approve a resolution stating the undemocratic nature of the November 7 process and that when the OAS's General Assembly meets on November 10 - just

a few days after the November 7 fraud - article 21 of the of the Inter-American Democratic is applied to Nicaragua

ii. Investigate for money laundering and drug trafficking, the Nicaraguan army together with Ortega-Murillo's families, associates and businesses, freezing assets in third countries, as well as eliminating all the support to the Nicaraguan army, including from the US Southern Command and other U.S. entities

iii. A coherent diplomatic offensive with allies in the Western Hemisphere and in the rest of the world to deny legitimacy to the government resulting from it. Ortega must pay a heavy price for installing a North Korean-style regime in our region. In addition to the above-mentioned actions, other moves such as withdrawing ambassadors from Managua should be considered and impeding Ortega-Murillo's participation in international organizations and forums

- It is also important to continue supporting the Nicaraguan democratic opposition that is giving signals (please refer to their 7 October Declaration) of working together as well as human rights advocates.
- Support must begiven to the countries that are providing safe heaven to thousands of Nicaraguan exiles and migrants, namely Costa Rica and Nicaragua.
- The Biden's Summit for Democracy (Dec 9 and 10) would be an opportunity to present a new proactive strategy towards Nicaragua. It shouldn´t be ignored what just happened in Nicaragua one month before.

4. Actions by multi-lateral organizations like the OAS and the UN have been unsuccessful in deterring the Ortega-Murillo government from continuing their crackdown on human rights and destruction of democratic institutions. What actions can the United States and Congress take to strengthen the ability of multilateral institutions to hold countries in the region accountable to their democratic commitments?

President Chinchilla did not respond to this question in time to include in the record.

Questions for the Record for Ms. Berta Valle

1. Ms. Valle, thank you for your and your family's commitment to democracy in Nicaragua. As we see the situation unfold, one thing I would like to reflect on is how the country got here. What were some of the warning signs that Ortega was going to take such authoritarian steps? What could the US or international community have done ahead of time to prevent the deterioration of democratic institutions over the last two years?

Ms. Valle did not respond in time to include in the record.

2. What kind of pressure would be best to put on Ortega and Murillo to have political prisoners released?

Ms. Valle did not respond in time to include in the record.

My Father Is Fighting for His Life as a Political Prisoner

By Roberto Aguirre-Sacasa

My father, Francisco Aguirre-Sacasa, turned 77 this month. Normally, my entire family would gather somewhere in the States to celebrate his birthday with a late-summer cookout, a sheet cake and ice cream. This year, though, there wasn't a cookout. It wasn't one of those rare, precious times when we're all together in the same backyard, reminiscing, catching up on each other's lives.

Instead, we spent the day praying for my father's release. He's a political prisoner, fighting for his life, imprisoned 50-plus days ago for being a vocal critic of Nicaragua's Macbeth-like President-despot, Daniel Ortega, and his Lady Macbeth-like wife–and Vice-president—Rosario Murillo.

In late July I was about to board a flight from New York to Los Angeles, where I work as a television writer and producer, when my sister called me with the news. Our parents had been driving to Costa Rica to take a flight to Washington, D.C., where my father was scheduled to have hip-replacement surgery. They'd been stopped at the border and interrogated by immigration officials. Pictures of their car were taken, and my father's passport was confiscated. The officials told my mom if she wanted to continue with their planned trip, she could, but my father would *not* be joining her. My mom decided to stay.

Read More: *'They Think They Can Silence Us.' How Nicaragua is Waging a War on Journalists*

While driving back to Managua, they were pulled over by the national police, who arrested my father and abducted him. When my mom got back to their house, it was being ransacked by men with machine guns.

An hour later, the military police issued a statement saying that my father was being investigated as an enemy of the state. He is not that. He is a husband, a father and a grandfather. A book lover, a movie lover and a horse lover. A graduate of Georgetown University and Harvard Law School. A

proud citizen of Nicaragua, who served as Nicaragua's ambassador to the United States, then as Nicaragua's foreign minister. The last few years, my father's worked as a journalist and political pundit, commenting on Nicaragua's state of affairs, including Ortega's dictatorship. That's what made him a target. His opinions have gotten him in trouble before—there have been warnings, threats, a short detention, but nothing to this extent.

My dad is one of many people who have been arrested by Ortega's police in the months leading up to Nicaragua's election in November. Operating with less subtlety than Hiram Lodge, the mustache-twirling archvillain of my show *Riverdale*, Ortega has been going after his opponents one by one. Those who might've run against him, those who were openly supporting other candidates, those who were calling for a free and fair election—students, politicians, journalists, businesspeople—they've been incarcerated under a bogus law specifically designed by Ortega to quash his detractors.

Our dad is being kept in Managua, in a notorious prison known as El Chipote. Our mother goes there every day, to try to deliver food, water and medicine to him. She is usually denied. She's been allowed one short visit with my father, which was recorded. My father had lost weight; he was somber, confused. He didn't know what was going on in the world or with his case. He told her to stop trying to send him anything, since nothing was getting to him.

Two days after my mother visited him, my dad was formally accused of committing acts of conspiracy and treason. Now that he's been charged, his incarceration is indefinite. Since then, we've heard disturbing stories coming out of El Chipote: Of how it's freezing at night; of how the lights in cells are kept on 24-7 to disorient the prisoners; of how it's infested with mosquitoes; of prisoners being starved; of COVID-19 spreading through the jail's population.

I'm not a political person. When I was growing up, Nicaragua and its troubles were things my parents debated with other adults in the living room, while I read comic books and paperback horror novels in my bedroom. It was an unfolding story on the *CBS Evening News* with Dan Rather, which we watched as a family, before turning (more happily) to *Jeopardy!*

The last few years, when my dad would e-mail me his latest political think piece, I'm ashamed to admit that I often only skimmed it. Since his arrest, I've been missing him acutely—I miss our conversations, our arguments. So I've gone back through my e-mails and read every single one of his articles, over and over. And though I hate that it's taken his illegal imprisonment to get me to this point, I now more clearly understand what he's been fighting for all these years.

It's simple: My father wants Nicaragua to be a free, democratic country. He believes Nicaraguans should be able to elect a representative government, to protest when they disagree with that government, and most of all, to be able to lead full, noble lives without terror or oppression. These are not extreme beliefs. Making such statements should not result in detention or disappearance. Yet here we are—and there he is, in prison, his every human right denied.

What can we do? Our options are limited. But we've chosen to continue beating my father's drum. So my sister, mother, brother and I—and my father's allies, in the U.S. and Nicaragua—are asking for help. A much more forceful and coordinated response from the U.S., the U.K., the E.U. and Canada is needed to secure the immediate and unconditional release of all political prisoners—and to call for free elections in November. It's not too late to stop Nicaragua from sliding off a cliff.

Earlier this year, in March, while my dad was visiting me, I asked him if he thought he'd live out the rest of his days in Nicaragua, if he'd ever move back to the States to be closer to us, closer to his grandchildren. He considered my question and replied: "Well, I was born in Nicaragua. And there is still so much work to be done, I suspect I'll be buried there, too."

That may be true, but not anytime soon. And not like this.

Contact us at letters@time.com.