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HEARING ON NICARAGUAN CRISIS: NEXT STEPS TO ADVANCING DEMOCRACY AND MARKUP ON H. RES. 981, CONDEMNING THE VIOLENCE, PERSECUTION, INTIMIDATION, AND MURDERS COMMITTED BY THE GOVERNMENT OF NICARAGUA AGAINST ITS CITIZENS

HEARING AND MARKUP

BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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THURSDAY, JULY 12, 2018

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:03 p.m., in room 2172, Rayburn House Office Building, Hon. Paul Cook (chairman of the subcommittee) presiding.

Mr. COOK. A quorum being present, the subcommittee will come to order.

I would like to now recognize myself for an opening statement.

For too long, Daniel Ortega has ruled Nicaragua through fear and intimidation, undermined democracy, and enriched himself through systemic corruption. Today, hundreds of thousands of Nicaraguans from all sectors of society have said no more.

In response, over the last 2 months, Ortega has fought to maintain his control, unleashing his security forces on unarmed citizens and violently suppressing the protests in which he has left close to 300 people dead, including one U.S. citizen.

The crisis in Nicaragua is also threatening regional trade, business operations, and the safety of Americans living in Nicaragua. Attempts by the Catholic Church to mediate a peaceful solution to the conflict have failed. Ortega continues to suppress the people, and Ortega announced over the weekend that he will not hold early elections as many protesters had urged.

Just this weekend, masked government supporters attacked Roman Catholic priests who were seeking to help protesters trapped inside a church.

Yesterday, Felix Maradiaga, the executive director for a leading think tank in Nicaragua, an important pro-democracy advocate, was attacked and physically beaten by Ortega's thugs in Leon. I believe his wife is in the audience today. In fact, I just met her. I complimented her husband and herself on her courage.

And most of all, I wish your husband a speedy recovery, and thank you very, very much for being here. I just want to say the U.S. stands in support and solidarity with you and the Nicaraguan people who are seeking to reclaim their freedoms.

While some have expressed surprise by the outbreak and violence in what was previously known as the most stable country in Central America, this crisis did not occur overnight. In my view, it is the result of more than a decade of Ortega's authoritarian rule and built-up resentment from the Nicaraguan people who have seen the Ortega family enrich themselves at the expense of the country.

Today, Nicaragua remains the second poorest country in the Western Hemisphere after Haiti, and Transparency International ranks Nicaragua as one of the region's most corrupt countries, along with Venezuela and Haiti.

In addition, Ortega and his wife, Rosario Murillo, have undermined democratic institutions in Nicaragua, stacked the courts and electoral body with political allies, illegally changed the constitution, eliminated presidential term limits, stripped the opposition parties of their legal registration, dismissed the opposition lawmakers from the National Assembly, held fraudulent elections, and co-opted many of the country's television and media outlets to restrict information from reaching citizens.

In view of these actions and today's crisis in Nicaragua, we were holding this subcommittee hearing and markup of House Resolution 981 to examine recent developments and conduct oversight of the administration's policy to Nicaragua.

The Trump administration has rightly responded with strong statements condemning the Ortega regime for committing violence and human rights abuses. The State Department has taken important action to protect U.S. Embassy personnel and their families and issue visa restrictions on Nicaraguan Government officials. The Treasury Department also recently announced sanctions against three top Ortega officials for human rights abuses and corruption.

I strongly applaud all these actions, but I want to note my concern over an Organization of American States, OAS, resolution jointly introduced by the United States and Nicaragua that seemed to downplay the crisis and deaths, and could have more strongly supported the democratic actors on the ground.

The U.S. must do more. I urge the State Department and the Treasury Department to issue additional visa restrictions and Magnitsky sanctions on Ortega regime officials to send a clear message that the United States will not allow government officials who exploit Nicaraguan people or who commit human rights abuses to visit U.S. destinations or access the U.S. banking systems.

The U.S. must also do more to support the democratic actors in Nicaragua. Also, U.S. funding to support the Nicaraguan people is strongly welcomed by this subcommittee. It is essential the U.S. respond to the crisis with a clear strategy and that we consider the needs of the actors on the ground in their capacity to manage money effectively to achieve results as we consider any additional funding.

Finally, I strongly believe that the U.S. will be most effective if we work together to support the Nicaraguan people through, not only the Organization of American States and its member states, but also with the European Union, Canada, and the Lima Group countries to coordinate a united response to the Nicaraguan crisis.

I look forward to hearing from our witnesses on how the Trump administration is engaging with all these different actors to support the Nicaraguan people.

And with that, I turn to our Ranking Member Sires for his opening remarks.

[The prepared statement of Mr. Cook follows:]

Chairman Paul Cook
Opening Statement
Foreign Affairs Committee's Subcommittee on the Western Hemisphere
"Nicaraguan Crisis: Next Steps to Advancing Democracy"
Thursday, July 12, 2018 in Rayburn Room 2172

For too long, Daniel Ortega has ruled Nicaragua through fear and intimidation, undermined democracy, and enriched himself through systemic corruption. Today, hundreds of thousands of Nicaraguans from all sectors of society have said no more. In response, over the last two months Ortega has fought to maintain his control, unleashing his security forces on unarmed citizens and violently suppressing the protests, in what has left close to 300 people dead, including one U.S. citizen. The crisis in Nicaragua is also threatening regional trade, business operations, and the safety of Americans living in Nicaragua. Attempts by the Catholic Church to mediate a peaceful resolution to the conflict have failed, Ortega continues to suppress the people, and Ortega announced over the weekend that he will not hold early elections, as many protestors have urged.

Just this week, masked government supporters attacked Roman Catholic priests who were seeking to help protesters trapped inside a church. Yesterday, Felix Maradiaga, the Executive Director for a leading think tank in Nicaragua and important pro-democracy advocate, was attacked and physically beaten by Ortega's thugs in León. I believe his wife is in the audience today, and I just want to say that the U.S. stands in support and solidarity with you and the Nicaraguan people who are seeking to reclaim their freedoms. While some have expressed surprise by the outbreak in violence in what was previously known as the most stable country in Central America, this crisis did not occur overnight. In my view, it is a result of more than a decade of Ortega's authoritarian rule and built-up resentment from the Nicaraguan people who have seen the Ortega family enrich themselves at the expense of the country.

Today, Nicaragua remains the second-poorest country in the Western Hemisphere after Haiti, and Transparency International ranks Nicaragua as one of the region's most corrupt countries along with Venezuela and Haiti. In addition, Ortega and his wife, Rosario Murillo, have undermined democratic institutions in Nicaragua, stacked the courts and electoral body with political allies, illegally changed the constitution, eliminated presidential term limits, stripped opposition parties of their legal registration, dismissed opposition lawmakers from the National Assembly, held fraudulent elections, and co-opted many of the country's television and media outlets to restrict information from reaching citizens.

In view of these actions and today's crisis in Nicaragua, we are holding this Subcommittee hearing and markup of House Resolution 981 to examine recent developments and conduct oversight of the Administration's policies related to Nicaragua. The Trump Administration has rightly responded with strong statements condemning the Ortega regime for committing violence and human rights abuses. The State Department has taken important action to protect U.S. embassy personnel and their families and issue visa restrictions on Nicaraguan government officials. The Treasury Department also recently announced sanctions against three top Ortega officials for human rights abuses and corruption. I strongly applaud all of these actions, but I want to note my concern over an Organization of American States (OAS) resolution jointly introduced by the U.S. and Nicaragua last month that seemed to downplay the crisis and the deaths and could have more strongly supported the democratic actors on the ground.

The U.S. must do more. I urge the State Department and Treasury Department to issue additional visa restrictions and Magnitsky sanctions on Ortega regime officials to send a clear message that the U.S. will not allow government officials who exploit the Nicaraguan people or who commit human rights abuses to visit U.S. destinations or access the U.S. banking systems.

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The U.S. must also do more to support the democratic actors in Nicaragua. Additional U.S. funding to support the Nicaraguan people is strongly welcomed by this Subcommittee. However, it is essential that the U.S. respond to the crisis with a clear strategy and that we consider the needs of the actors on the ground and their capacity to manage money effectively to achieve results as we consider any additional funding.

Finally, I strongly believe that the U.S. will be most effective if we work together to support the Nicaraguan people through not only the Organization of American States (OAS) and its member states but also with the European Union, Canada, and the Lima Group countries to coordinate a united response to the Nicaraguan crisis. I look forward to hearing from our witnesses on how the Trump Administration is engaging with all these different actors to support the Nicaraguan people and with that, I turn to Ranking Member Sires for his opening remarks.

###

Mr. SIRES. Thank you, Chairman, and thank you for holding such a timely hearing. And thank you to our witnesses for being here.

But before I begin, I would also like to recognize Berta Valle. Thank you for being here. I wish your husband well. I hope he has a speedy recovery, and tell him that we appreciate his courage and his determination. So thank you for being here.

You know, as we know, Nicaragua is currently in the throes of a civil conflict as Ortega's government continues to oppress its citizens for pursuing greater democratic rights.

Since Ortega came to power, he has gradually consolidated power in the hands of his family and his cronies at the expense of the Nicaraguan citizens.

The peaceful protests that began in April initially opposed the proposed government's reform to Social Security. However, as violent attempts by government security forces to quash the protests failed, the demonstration gradually became a call for a more democratic Nicaragua.

The Catholic Church attempted numerous times to mediate dialogue between Ortega and the opposition groups, but Ortega's regime has repeatedly failed to uphold its end of the agreement.

Over the course of the last several months, as negotiations over dialogue has evolved, hundreds of Nicaraguan citizens are estimated to have been killed, with thousands more injured.

Recently, international observers from the International Commission of Human Rights, the United Nations Commission of Human

Rights, and European Unions have finally arrived in Nicaragua to begin investigating the violence, despite Ortega's reluctance.

Now, many Nicaraguans are demanding political reforms and the resignation of Ortega and his wife before the scheduled elections in 2021.

The United States cannot stand idly by and ignore the demands of the Nicaraguan people while the Ortegas and his confidantes push the country undoubtedly toward a civil war.

That is why my colleagues, Representative Ros-Lehtinen, Ranking Member Engel, Chairman Cook, and I have introduced a bipartisan resolution condemning the ongoing violence in Nicaragua and urging the administration to impose sanctions on individuals who qualify under the Global Magnitsky Act.

I have also worked with my friend, Ileana Ros-Lehtinen, to pass a Nicaraguan Investment Conditionality Act to hold the regime accountable for its misuse of international loans. This bill will direct the U.S. to not support international loans to Nicaragua until the government increases transparency and has free and fair elections.

Unified pushback from the international community shows the courageous Nicaraguans on the ground that the world stands shoulder-to-shoulder with them. It is the only way to help Ortega see the writing on the wall. He has to give up his grip and enact long overdue and meaningful political reforms people are fighting for.

I am eager to hear from the administration's view the potential outcomes of the Nicaraguan crisis, and look forward to hearing how they plan on standing up for the protesters and promote democratic reforms to Nicaragua moving forward.

Thank you, Chairman, for holding this hearing.

Mr. COOK. Thank you very much.

My able staff always passes me notes here. And I didn't have my right glasses on. I thought it said IRS. And I said, I paid my taxes, but it was to remind me that Ileana Ros-Lehtinen is going to make an opening statement.

So, Ms. IRS, you are up.

Ms. ROS-LEHTINEN. I have been called worse, but that is pretty low.

But thank you so much, Mr. Chairman, thank you to Ranking Member Sires for putting together this very important hearing as the Nicaraguan people march through the streets today on a national strike to demand Ortega's exit from power.

And like Albio Sires, I also have a wonderful constituent, Nora Sandigo, who is there in the audience.Nora, please stand up. And she has been such a valiant fighter for the people of Nicaragua and all of Central America. Mucha gracias, Nora.

And I especially want to commend the wonderful work that USAID Administrator Green, who is a dear friend of this subcommittee, for what he has been doing to assist the people of Nicaragua and Venezuela. I have to say that I am relieved that this administration, unlike the previous administration, is paying close attention to the Western Hemisphere and has shown a willingness to lead on many fronts, including Ortega's escalating repression in Nicaragua.

I have already led two letters urging sanctions on Ortega's cronies for their roles in corruption and human rights violations against the Nicaraguan people. And the administration has responded by including all of these individuals on the Global Magnitsky list, that we should build on that list, which is why I intend to send another letter in the near future with all of our colleagues here, because we know that these despots will do anything to cling to power, and they only respond to pressure.

Ortega is the sole individual responsible for the ongoing violence and the rising death toll in Nicaragua today, but it is not something that just happened overnight. It is not like we didn't know what to expect when Ortega reclaimed power in Nicaragua.

I came to Congress in 1989. And at that time, democracy was sort of looming in Nicaragua after Ortega's first reign of terror, which took the lives of over 100,000 Nicaraguans. Due to his repression, thousands of Nicaraguans had already fled their native homeland to seek refuge in our great country, and we are so proud in South Florida to have a growing Nicaraguan-American community.

And as a political refugee myself, just like Mr. Albio Sires, we fled Castro's grip on power in our native homeland of Cuba, so we can relate to the hardships that the Nicaraguan people face in a new country. So that is why, Mr. Chairman and Ranking Member, it pains me so much to see Nicaragua go down this path again.

He has pulled off many tricks to position himself in the place he is now with the help of his wife and so-called vice president, Rosario. And you know, she is wicked. He is bad and she is a great partner in terror. He has been able to systematically weaken and dismantle democratic institutions in Nicaragua. What a pair.

He and his family control every institution, every aspect of the country. He has co-opted and coerced the private sector. He has unleashed his thugs to violently crush any and all dissent, all of which has caused angst, frustration, despair among the Nicaraguan people.

And that brings us to the tragic situation that we have today. In April, the Nicaraguan people said "basta ya," enough is enough, took to the streets in opposition to Ortega and his corrupt policies. And in just 2 short months, almost 400 Nicaraguans' lives, and the life of at least one U.S. citizen, have been taken at the bloody hands of the murderous Ortega regime.

Thousands of people have been injured, hundreds mysteriously disappeared, while hundreds of thousands from all ages and all socioeconomic backgrounds continue to be intimated, repressed, and threatened on a daily basis.

The violence is escalating, and the advanced technical weapons being used is alarming. Ortega has doubled down on his repressive tactics.

In just this week, he has ruled out early elections, sent henchmen to fire shots near the residence of the U.S. Ambassador to Nicaragua. Just this week, killed more than 30 people, sent more of his mobs to physically attack priests and ransack churches.

These are not the actions of someone who wants to work in good faith to reach a peaceful resolution. These are not the actions of someone who truly wants a national dialogue. These are the ac-

tions of a thug who wants to stay in power no matter what the cost. And to that end, Ortega has expanded his cooperations with regimes across the region and beyond.

Just last week, several reports indicated that Maduro had sent a shipment of weapons to Ortega. And there are reports that suggest the Cubans have shipped in their military personnel and snipers to Nicaragua as well. And we have known for years about Ortega's coziness with Putin.

So there are a lot of alarming trends, Mr. Chairman. None of them good. But at least the people of Nicaragua know where the U.S. stands, and we stand with the people of Nicaragua.

Thank you, Mr. Chairman. Thank you, Mr. Ranking Member.

Mr. COOK. Thank you, Ms. IRS.

Before I recognize you to provide your testimony, I am going to explain the lighting system in front of you.

You will each have 5 minutes to present your oral statement. When you begin, the light will turn green. When you have a minute left, the light will turn yellow. And when your time is expired, the light will turn red.

I ask that you conclude your testimony once the red light comes on. I will gently tap. Sometimes I come down hard. I haven't got the right glasses, and I might hit my colleague to the right by mistake.

After our witnesses testify, members will have 5 minutes to ask questions. I urge my colleagues to stick to the 5-minute rule to ensure that all members get the opportunity to ask questions.

Our first witness to testify will be Ambassador Carlos Trujillo, the U.S. Permanent Representative to the Organization of American States, OAS. Prior to this, the Ambassador served as a State representative in the Florida House, special adviser at the U.S. Mission to the United Nations, assistant State attorney in Miami, and has been a member of three real estate holding companies in Florida.

He earned a BS in business administration from Spring Hill College and a JD from Florida State College of Law.

Our second witness is Ambassador Michael Kozak, a senior adviser and senior bureau official in the Bureau of Democracy, Human Rights, and Labor at the U.S. Department of State. Prior to this, the Ambassador served in numerous senior positions in the executive branch, including senior director on the National Security Council, principal deputy assistant secretary of state, Ambassador in Minsk, U.S. negotiator with Cuba, special Presidential envoy to negotiate the departure of General Noriega, assistant negotiator for the Panama Canal treaties, and staff of the Middle East peace negotiator.

He earned his JD and BA from the University of California at Berkeley.

Our last witness to testify will be Ms. Barbara Feinstein, the deputy assistant administrator in the Bureau for Latin America and the Caribbean at the U.S. Agency for International aid, USAID. Prior to this, Ms. Feinstein served as USAID's senior deputy assistant administrator for Legislative Affairs, in the Office of USAID Administrator, on the professional staff of the House Appropriations Subcommittee on State and Foreign Operations and

the House International Relations. She has also served in various capacities at the Department of State and Defense.

She earned a BA from the University of California at Berkeley and a master's from Princeton University. I would like to mention to staff, obviously Berkeley is—what about my alma mater?

Ms. ROS-LEHTINEN. Which one is your——

Mr. COOK. No, I am only kidding. I won't tell you. I don't want to embarrass my alma mater for graduating me.

Ambassador Trujillo, you are recognized.

STATEMENT OF THE HONORABLE CARLOS TRUJILLO, U.S. PERMANENT REPRESENTATIVE, ORGANIZATION OF AMERICAN STATES

Ambassador TRUJILLO. Thank you.

Chairman Cook, Ranking Member Sires, members of the subcommittee, thank you for conducting this hearing and for allowing me the opportunity to come before you to address the most urgent matter and the critical need to work together to uphold freedom, democracy, and respect for human rights for the people of Nicaragua.

On June 4, at the 48th Regular Session of the General Assembly of the Organization of American States, Secretary Pompeo underscored that "we join with the nations around the world in demanding that the Ortega government respond to the Nicaraguan people's demand for democratic reform and hold accountable those responsible for violence."

The Secretary's remarks echoed those of Vice President Pence during the May 7 visit to the OAS headquarters in which he also stressed the United States will continue to stand with all Nicaraguans peacefully exercising their fundamental freedoms in the face of tremendous repression, and the will to continue to press for democracy and accountability in Nicaragua.

Let me begin today by underscoring that the United States condemns the Nicaraguan Government's ongoing violence and intimidation campaign against its own citizens, and more recently, church officials.

The United States is under no illusion as to who is responsible for this violence. The United States condemns the attacks in Diriamba and surrounding areas over the last several days, including the heavy-handed tactics against the mediators of the national dialogue, such as Cardinal Brenes, who recently returned from Rome.

The United States has backed up our words of condemnation with actions. Last week, we announced the designation of three Nicaraguan officials for human rights abuses and corruptions under the Global Magnitsky Human Rights Accountability Act.

The strategic designation targeted those who gave shoot-to-kill orders that have resulted in the deaths of Nicaraguans who were exercising their constitutional rights to oppose their government. The designations also targeted facilitators of who those who strive to enrich themselves off of the backs of the Nicaraguan people.

These targeted sanctions, plus earlier and continuing visa revocations, show the United States will expose and hold accountable

those responsible for the Nicaraguan Government's ongoing violence and intimidation campaign against its own people.

Let me be clear. It is Ortega's government that every day renews its directive to kill its people in order to remain in power. Local human rights groups and international media report that 38 people were killed just between July 8 and July 10 in a government offensive that also injured the church officials. Between April 19 and July 20, over 300 people have died. More than 2,000 have been injured and over 200 are still reported missing.

Just yesterday, the Inter-American Commission on Human Rights briefed the OAS Permanent Council on its ongoing efforts on the ground in Nicaragua and recounted a variety of systematic and disturbing human rights abuses. Furthermore, it again made clear the Nicaraguan Government's responsibility for the ongoing violence and repression.

According to Inter-American Commission, the Nicaraguan NGO Center For Human Rights and Amnesty International, there is substantial evidence that the government is directing the national police as well as Sandinista Youth and government-controlled gangs to repress protesters violently.

There are credible reports of extrajudicial killings, forced disappearance, and torture in custody. Furthermore, citizens have been unable or unwilling to access healthcare for their injuries.

People have distrust to government-run hospitals that they have reportedly forced families to sign certificates that falsifies the cause of death in order to retrieve the bodies of their deceased or loved ones.

The United States supports the Commission's new mechanism to investigate human rights abuses and believes strongly that we must hold those accountable for human rights abuses, accountable for their actions.

We welcome, in particular, the efforts of the international Interdisciplinary Group of Independent Experts. I am pleased that the Group of Independent Experts is in Nicaragua as we meet today investigating the ongoing acts of violence taking place in Nicaragua. It is imperative that OAS member and observer states provide the Commission the support necessary to ensure it can carry out its important mission effectively and remain on the ground as long as necessary, while performing its vital work unimpeded by the Nicaraguan Government.

For its part, the Government of Nicaragua had indicated its willingness to cooperate with the Commission's effort, but so far, it appeared to have impeded the work of the Commission, and just yesterday, rejected the IACHR's finding when presented to the OAS Permanent Council.

It is for this reason that the OAS must continue to shine the spotlight on the human rights crisis unfolding before our eyes in Nicaragua and hold the Nicaraguan Government accountable.

Esteemed members of the subcommittee, let me also be clear that while these mechanisms and visits are a necessary step toward greater accountability and enhanced citizen security, they nonetheless are insufficient to resolve the ongoing crisis of governance and democratic backslide in Nicaragua. The violence and loss of life in Nicaragua reflects the need for urgent democratic reforms

now, consistent with the purpose, practice, and principles of the OAS, especially those articulated in the Inter-American Democratic Charter.

Simply put, the Nicaraguan people deserve far better from their government. We strongly support the proposal by many sectors of the Nicaraguan societies for free, fair, and early elections with credible domestic and international electoral observations in line with the terms and spirit of the Inter-American Democratic Charter.

There is no apparent way to resolve this political crisis. We have urged the OAS secretary general to promote and support the reform of democratic institutions in Nicaragua, especially the electoral system, who was manipulated by the government in recent years and spark the Nicaraguan people's demand for fair and transparent process.

Thank you.

[The prepared statement of Ambassador Trujillo follows:]

TESTIMONY OF
AMBASSADOR CARLOS TRUJILLO
U.S. PERMANENT REPRESENTATIVE TO THE ORGANIZATION OF AMERICAN STATES
U.S. DEPARTMENT OF STATE
BEFORE
THE SUBCOMMITTEE ON THE WESTERN HEMISPHERE
HOUSE COMMITTEE ON FOREIGN AFFAIRS
JULY 12, 2018

Chairman Cook, Ranking Member Sires, and Members of the Subcommittee, thank you for conducting this hearing and for allowing me this opportunity to come before you to address this most urgent matter and the critical need to work together to uphold freedom, democracy, and respect for human rights for the people of Nicaragua.

On June 4, at the 48th Regular Session of the General Assembly of the Organization of American States (OAS), Secretary Pompeo underscored that "we join with the nations around the world in demanding that the Ortega government respond to the Nicaraguan people's demands for democratic reforms and hold accountable those responsible for violence."

The Secretary's remarks echoed those of Vice President Pence during his May 7 visit to OAS headquarters in which he also stressed that the United States will continue to stand with all Nicaraguans peacefully exercising their fundamental freedoms in the face of tremendous repression, and will continue to press for democracy and accountability in Nicaragua.

Esteemed members of the subcommittee, let me begin today by underscoring that — as the Vice President has also stated — the United States condemns the Nicaraguan government's brutal actions and ongoing violence and intimidation campaign in the strongest terms, and assure the Nicaraguan people who suffer repression that they are not forgotten. The United States is under no illusion as to who is responsible for this violence. The world is watching, and these attacks and threats against peaceful protestors and the general population are unacceptable. They must cease immediately. It is critical that the Government of Nicaragua protect all its citizens. Human rights abusers and violators must be held accountable, and it is imperative that the OAS take a leadership role in addressing this situation.

To that end, the visit by the Inter-American Commission on Human Rights (IACHR) to Nicaragua from May 17 to 21, just prior to the OAS General Assembly, proved vital. The Commission's important and timely report — entitled "Gross Human Rights Violations in the Context of Social Protests Nicaragua" — received formally by the OAS Permanent Council on June 22, recounts a variety of systematic and disturbing human rights abuses and violations carried out by the Nicaraguan government. The report also indicates the clear role of the Nicaraguan government in the ongoing violence and repression.

Based on its observations, the IACHR has stressed that Nicaragua has the obligation to dismantle repressive structures, para-police groups and other armed third-party structures operating in the country. The Commission has insisted upon the immediate end to repression of demonstrators and arbitrary arrests, and respect for the lives, personal integrity and safety of all persons who exercise their rights and liberties in a context of extreme repression. Since its May working visit, the IACHR has also adopted twelve resolutions requesting precautionary measures to protect the lives and personal integrity of 69 people on various issues, including their families.

Among its various recommendations, the Commission's comprehensive report called for the creation of a follow-up mechanism to assess implementation of the report's findings. The IACHR's Special Monitoring Mechanism for Nicaragua (MESENI) was installed in Nicaragua on June 25 to follow up on implementation of the IACHR's recommendations.

On July 2, the IACHR also announced the establishment of the Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua, with the objective of contributing to and supporting investigations of violent acts that have taken place in the country since April 18. The members of GIEI were selected by the IACHR and appointed by the Secretary General of the OAS. The GIEI arrived in Managua on July 1 to begin their work.

These mechanisms are now operating on the ground, engaging with a broad array of stakeholders in Nicaragua in compliance with their mandates.

The IACHR has stated the MESENI will remain in the country as long as necessary. We will reiterate our calls for the Nicaraguan authorities to ensure the IACHR has full access to investigate human rights violations and abuses against

Nicaraguans. We will also continue to press the government to implement fully and immediately the recommendations of the IACHR report.

These efforts demonstrate the important value of the role of the Inter-American system in Nicaragua, and I am pleased to share that the United States supports the Commission's efforts and our assistance is making a difference in this area. We are pleased that many OAS member states have welcomed the new efforts on the part of the Commission. To this end, we are urging all member and observer states before the OAS to provide necessary funds to ensure their effective and continued operation for as long as required.

We also want to acknowledge the invitations extended to the Office of the United Nation's High Commissioner for Human Rights (OHCHR) and the European Union to visit Nicaragua. It is important that all of these groups immediately begin their work. The OHCHR arrived in the country on June 26 and met with church officials, the Civic Alliance, human rights organizations, and the government. The EU has confirmed it has received the government's invitation to visit the country and stated it would consult with its member states on the request.

Let me also be clear that while these mechanisms and visits are necessary and helpful steps toward greater accountability and enhanced citizen security, they nonetheless are insufficient to resolve the ongoing crisis of governance and democratic backsliding in Nicaragua.

Democratic reforms to allow early, free, and fair elections must move forward simultaneously with efforts to address human rights violations and abuses. This is the only way for democratic institutions to grow and be responsive to the will of the Nicaraguan people.

The Nicaraguan government must commit to strengthen democratic processes and institutions and to respect human rights and fundamental freedoms. We strongly support the proposal by many sectors of society for early, free, and fair elections with credible domestic and international electoral observation in line with the terms and spirit of the Inter-American Democratic Charter signed in 2001.

With this in mind, the United States welcomes efforts by the OAS to support the national dialogue process. We continue to encourage all parties to resolve the current crisis peacefully, with respect for human rights and the rule of law, and in support of an inclusive democratic future for the Nicaraguan people. We have urged the OAS Secretary General to promote and support the reform of democratic

institutions in Nicaragua, especially the electoral mechanisms necessary so as to allow for early, free, and fair elections

We recognize that this is a significant challenge, but it is a necessary one if the OAS is to respond effectively to the region's collective commitment to promote and defend democracy. Simply put, the government-sponsored violence and loss of life in Nicaragua reflects the need for immediate democratic reforms, consistent with the purposes, practices, and principles of the OAS — especially those articulated in the Inter-American Democratic Charter.

We will continue to support the Episcopal Conference of Nicaragua's (CEN) commitment to advance the national dialogue and negotiations to resolve the ongoing crisis. In this manner, we strongly reaffirm our unwavering support for the Nicaraguan people.

On June 20, I joined our ambassador in Managua, Laura Dogu, in a meeting with President Ortega and the leaders of the CEN. We also met with the Episcopal Conference and parties to the dialogue it sponsors, including the Civic Alliance and the government.

Throughout our visit, I heard widespread calls among Nicaraguans for early, free, and fair elections. The United States firmly believes that early elections represent the best way to resolve the political crisis. There is no other apparent way to resolve the political crisis. For its part, the OAS has an important role to play in this effort through the promotion of electoral reforms, electoral monitoring, and technical support, given the right conditions and guarantees.

In response to the human rights violations and abuses committed by the police and other government aligned groups, it is imperative we continue pressing the Nicaraguan government to halt the violence, respect human rights and fundamental freedoms, revive its democratic institutions, and work with the church-led dialogue toward a peaceful resolution of the crisis. The United States continues to support this dialogue process and recognizes the centrality of this Nicaraguan people's initiative.

In that regard, let me also touch on some of the steps we have taken with respect to visas. On June 7, the Department of State adopted visa restrictions on Nicaraguans responsible for or complicit in human rights abuses or undermining democracy in Nicaragua, barring their entry into the United States under Section 212 (a)(3)(c) of the Immigration and Nationality Act. This action targets certain

government officials responsible for or complicit in these abuses, and is not directed at the Nicaraguan people. The Department may seek to implement additional appropriate visa restrictions and revocations of Nicaraguan officials as the situation requires. Aside from visa restrictions, the Department is exploring a variety of options for this purpose.

On July 5, the U.S. announced the imposition of sanctions on three individuals for conduct related to human rights abuse and/or acts of corruption pursuant to Executive Order (E.O.) 13818, which implements the Global Magnitsky Human Rights Accountability Act. These include National Police Commissioner Francisco Javier Diaz Madriz, Secretary of the Mayor's Office of Managua Fidel Antonio Moreno Briones, and Jose Francisco Lopez Centeno (Lopez), Vice President of ALBA de Nicaragua (ALBANISA) and President of Petronic. As a result of these actions, all of these individuals' assets within U.S. jurisdiction are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. This followed our action in December of imposing such sanctions on Roberto Rivas, then head of Nicaragua's Supreme Electoral Council.

Mr. Chairman, members of the committee, the United States will continue to work in Managua, in other capitals, and at the OAS especially, to ensure the Ortega government is held accountable for meeting its commitments to the CEN dialogue, complying with its international legal obligations, and halting its violations and abuses of human rights of the people of Nicaragua. We will also support the work of the IACHR in Nicaragua and will continue engaging with OAS leadership to ensure that its programming in Nicaragua is appropriate and responsive to the current context.

It is also vital that OAS efforts be carried out in a timely and credible timeframe and that OAS engagement is not manipulated by the government simply to buy time and prolong the process to maintain its undemocratic grip on power.

Let me close by underscoring that the United States will continue to stand with the international community and partners throughout our hemisphere in support of the Nicaraguan people, and that we will work to uphold their right to have a voice in their government. We are also committed to engaging with Congress and the NGO community throughout this process.

This reflects our belief that every Nicaraguan deserves a government that upholds and protects his or her human rights and fundamental freedoms, respects the rule of law, and provides a democratic future for all. This holds just as true for

Nicaraguans as it does for the people of Venezuela and Cuba. Let the suffering we have heard about today end, and let us uphold our region's commitment to the principles of freedom and democracy, which remain at the core of our hemispheric union.

Thank you very much. I look forward to your questions.

Mr. COOK. Thank you, Mr. Ambassador.

Ambassador Kozak, you are now recognized.

STATEMENT OF THE HONORABLE MICHAEL KOZAK, SENIOR ADVISOR AND SENIOR BUREAU OFFICIAL, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

Ambassador KOZAK. Thank you, Mr. Chairman, Ranking Member Sires, and members of the subcommittee. It feels like old times, Congresswoman Ros-Lehtinen. I was acting assistant secretary for WHA the last time we were talking about Daniel Ortega and Nicaragua, and here we go again. Let's hope it turns out the same way. But thank you for holding this timely hearing.

On June 14, Vice President Pence called on Daniel Ortega to end his government's crimes and answer his nation's cry for democracy and human rights. The way to do this is to answer their call for early, free, and fair elections.

Our message is simple: Allow the Nicaraguan people to resolve this crisis through democratic means.

The continued campaign of violence against protesters is self-defeating. More than 300 people have died since protests started on April 18, and that number is increasing.

The reason the Ortega-Murillo regime faces these protests is precisely because they have responded to legitimate grievances with violence. More of the same will not end the crisis. Daniel Ortega should know better than most. This did not work for Somoza. It will not work for him.

There is substantial evidence that the government is directing national police, Sandinista Youth, and government-controlled gangs to suppress protests violently. There are credible reports of extrajudicial killings, forced disappearances, and torture, and there is evidence of the use of snipers. Citizens have been unable to obtain healthcare for their injuries. Government-run hospitals have reportedly forced families to sign certificates that falsify the cause of death.

This crisis has been years in the making. It is the product of the hollowing out of democratic institutions under Daniel Ortega and Rosario Murillo. Their regime has disregarded the rule of law, basic tenets of democracy, and international commitments to protect human rights. Instead, the family has governed through pacts, where they allocated the political and economic spoils of dictatorship with other groups.

The ruling party controls the legislative and judicial branches of government. The Ortega-Murillo family controls eight of the nine major television stations. And when the violence broke out, the Ortegas ordered five independent television stations off the air.

Since the 2008 elections, Ortega has consistently blocked opposition party candidates from the ballot. Before the 2016 general elections, Ortega had the supreme court disqualify a principal opposition leader, and the Supreme Electoral Council was ordered to remove 16 of 27 opposition members from the National Assembly.

The United States has consistently called on the Government of Nicaragua to respect peaceful protest, human rights, freedom of expression, and democratic norms. We are pleased that we have been

joined by many others in calling out these abuses. A European Union statement condemned the May 30 Mother's Day violence. It urged that the government implement all Inter-American Human Rights Commission recommendations and permit the entry of relevant U.N. bodies. U.N. Secretary-General Guterres said that it was essential that those responsible for such serious human rights violations are held to account.

U.N. High Commissioner for Human Rights has called for the creation of international commission to investigate the violence. And as OAS Secretary General Almagro indicated yesterday, early, free, and fair elections are imperative if Nicaragua is to solve this crisis.

Now, we have called on other elements of the Nicaraguan Government who have admirably not involved themselves in these abuses to live up to the hemisphere's shared commitment to democracy. We admire the many in Nicaraguan public service who do not allow their professional loyalty to be abused by a corrupt family seeking to cling to power through brutal means.

As my colleagues have indicated, we have used visa revocations and restrictions under section 6 of 212(a)(3)(C) of the Immigration and Nationality Act, to restrict the visas of people who are responsible for these crimes, and we have—most recently, used the Global Magnitsky Act. These are the beginnings of an effort to support the efforts of the Nicaraguan people through using the tools that you in Congress have provided us.

Those who continue to collaborate with the Ortega-Murillo regime in abusing the human rights of the Nicaraguan people and preventing them from exercising their democratic rights will find themselves and their families in the same situation as those who just had their visas and economic activities restricted. But those who respect human rights and democratic institutions have our respect, and more importantly, they have the respect of their own people.

The subcommittee is wise to shine a spotlight on this crisis brought about by the insistence of one family in clinging to power through violence. The Nicaraguan people deserve a government that respects their vote and respects human rights. This is why we support the dialogue under the auspices of the Catholic Church, so long as it is aimed at implementing the call for early, free, and fair elections.

We will work closely with this committee to support the efforts of the Nicaraguan people to bring about a democratic end to their suffering.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Kozak follows:]

Testimony of
Ambassador Michael Kozak
House Foreign Affairs Committee
Subcommittee on the Western Hemisphere
July 12, 2018

Chairman Cook, Ranking Member Sires, and Members of the Subcommittee, thank you for holding this timely hearing focused on the political and human rights crisis in Nicaragua. At OAS Headquarters on June 4, Secretary Pompeo said, "*We join with nations around the world in demanding that Ortega Government [respond] to the Nicaraguan people's demands for democratic reform and hold accountable those responsible for violence.*" On June 14 at the Hispanic Prayer Breakfast, Vice President Pence re-emphasized that Daniel Ortega has plunged his proud country into a spiral of violence and despair. On behalf of President Trump, Vice President Pence called on Daniel Ortega to end his government's crimes and answer his nation's cry for democracy and human rights. And as we have made clear, the way to do this is to answer their call for early, free, and fair elections. Our message is simple: Allow the Nicaraguan people to solve this crisis through democratic means.

The continued government campaign of violence and intimidation against protesters and widespread violations of human rights in Nicaragua is self-defeating. We will continue to stand with the Nicaraguan people peacefully exercising their fundamental freedoms in the face of this repression. More than 220 people have died since protests started on April 18 over proposed reforms to the Nicaraguan Social Security Institute, and that number is increasing daily. More than 1,500 Nicaraguans have been injured. The reason the government faces these protests is precisely because it has responded to legitimate concerns and grievances with violence. More of the same will not end the crisis. Daniel Ortega should know better than most. This did not work for Somoza; it will not work for him.

Human Rights Abuses

According to Nicaraguan NGO Center for Human Rights (CENIDH), the Inter-American Commission on Human Rights (IACHR), Amnesty International, and our own observation, there is substantial evidence that the government is directing the National Police, the Sandinista Youth and government-controlled gangs (turbas and motorizados) to suppress protests violently. There are credible reports of extrajudicial killings, forced disappearances, and torture in custody. Witnesses provided videos documenting National Police involvement in violence against

peaceful protestors. Amnesty International reported that the state has authorized a shoot-to-kill policy. Several testimonies given to the IACHR, as well as evidence of bullet wound angles, suggested the use of snipers in the National Stadium and elsewhere in the country. Journalist Angel Gahona was shot and killed on April 21st while recording on Facebook Live the protests in the coastal city Bluefields. Gahona's widow implored me, when she was in Washington in early June, to speak out on the Nicaraguan Government's abuses—which we have done consistently and will continue to do. She herself received precautionary measures from the IACHR on June 12 to protect her from continued threats and intimidation. Government-backed paramilitary groups are behaving more aggressively and in larger, more coordinated groups. Shots killed at least two individuals and wounded 11 on June 30 at protests dubbed the "March of the Flowers," held to honor children who had been killed since April 18.

Citizens have been unable to access health care for their injuries; government-run hospitals have reportedly forced families to sign certificates that falsified the cause of death in order to retrieve the bodies of their loved ones, increasing distrust among the general public.

After initially resisting, regime leader Ortega permitted the independent Inter-American Commission on Human Rights (IACHR) to visit the country May 17 – 21 to observe the human rights situation since the onset of April protests. The IACHR's preliminary report issued May 21 recounts systematic human rights abuses including those I just described. The report issued 15 recommendations, including the creation of a follow-up mechanism to assess implementation of the recommendations, and the establishment of an International Interdisciplinary Group of Independent Experts (GIEI), to be overseen by the IACHR. The Government indicated it would cooperate on these efforts but so far it has impeded the work of the GIEI.

Retreat from Democracy

While the violence that has shaken the country took many by surprise, this crisis has been years in the making and is the product of the hollowing out of democratic institutions and separation of powers under President Daniel Ortega and Vice President Rosario Murillo. Ortega's regime has disregarded the rule of law, basic tenets of democracy, and international commitments to protect human rights and fundamental freedoms in favor of "pacts" where they allocated the political and economic spoils of dictatorship with other groups. The legislative and judicial branches of government are controlled by the ruling Sandinista National Liberation

Front (FSLN) party – at least those members of the party subordinate to Mrs. and Mr. Ortega. The Ortega family or their business associates control eight of nine major television channels as well as other media outlets. When the violence broke out, Ortega ordered five independent television channels off the air.

Since the 2008 elections, Ortega has consistently blocked opposition party candidates from the ballot. Four months before the 2016 general elections, at Ortega's demand, the Supreme Court disqualified Eduardo Montealegre, a principal opposition leader. When opposition National Assembly members objected, Ortega had the Supreme Electoral Council remove 16 of 27 opposition members from the National Assembly.

U.S. Policy

The United States has consistently called on the Government of Nicaragua to respect peaceful protest, human rights, freedom of expression, and democratic norms. Since the current crisis began, we have been working with like-minded nations in multilateral fora such as the Organization of American States, to condemn the violence and press the government of Nicaragua to negotiate in good faith to end the crisis via a democratic process.

We are pleased that we have been joined by many others in calling out these abuses. For example, the OAS General Assembly approved by consensus on June 5 a Declaration of Support for the People of Nicaragua, in which it called for "strengthening of democratic institutions and the holding of timely, free and fair elections, held in an environment free of fear of intimidation, threats or violence." The Inter-American Commission on Human Rights condemned the "increased use of force by the State and the persisting attacks by parapolice actors and other armed third parties." The European Union issued a statement condemning the May 30 Mothers' Day violence and urged that the Government implement all IACHR recommendations and permit entry of relevant UN bodies. On June 1st, UN Secretary General Guterres stated it was "essential that those responsible for such serious human rights violations are held to account, and that victims and their relatives are accorded effective remedy, including equal and effective access to justice." The UN High Commissioner for Human Rights has called for the creation of international commissions to investigate Nicaraguan political violence.

It is useful that the Interdisciplinary Group of Independent Experts is back in Nicaragua as we meet here today, investigating further the acts of violence taking place in the country. We support the IACHR's efforts to create a mechanism to

investigate abuses. At the same time we feel strongly that any such mechanism must not lead to delays in moving the country toward desperately-needed democratic reform. This crisis can only be resolved by allowing the Nicaraguan people to express their choice for the future through early, free, and fair elections. We continue to urge the OAS Secretariat under the leadership of Secretary General Almagro to advance credible efforts to do so. We recognize that this is no small task, but it is critical work.

We will continue to work closely with other governments in the region and elsewhere to support an early return to democracy and respect for human rights in Nicaragua. And we call on other elements of the Nicaraguan government who have admirably not involved themselves in these abuses of human rights to live up to the hemisphere's shared commitment to democracy, as articulated in the OAS Charter, the Inter-American Democratic Charter, and other fundamental instruments related to democracy and human rights. There are many in public service in Nicaragua who are democrats with a bright future in the life of their country. We admire those who do not allow their professional loyalty to be abused by a corrupt leadership seeking to cling to power through brutal means.

Visa Designations and other Sanctions

We have responded to the abuses using the legal tools Congress has provided us. On June 7, under Section 212(a)(3)(C) of the Immigration and Nationality Act, the Secretary of State imposed visa restrictions and revocations on a number of Nicaraguan government officials believed to be responsible for or complicit in committing human rights abuses or undermining democracy. These initial actions included senior police officials and a senior member of the Ministry of Health. Since then, the Department has revoked visas and entered look outs for additional government officials and family members of targeted individuals as well. We will continue to use these tools and others, as long as it is necessary.

On July 5, under Executive Order 13818, which implements the Global Magnitsky Human Rights Accountability Act, we imposed financial sanctions on three high-level Nicaraguans officials responsible for human rights violations and corruption: National Police Commissioner Francisco Javier Diaz Madriz, Secretary of the Mayor's Office of Managua Fidel Antonio Moreno Briones, and Jose Francisco Lopez Centeno (Lopez), the Vice President of ALBA de Nicaragua (ALBANISA) and President of Petronic. This followed our action in December of imposing such sanctions on Roberto Rivas, then head of Nicaragua's Supreme Electoral Council, who had done more than most to subvert any semblance of democratic process.

This will not be the end. Those who continue to collaborate with the regime in abusing the human rights of the Nicaraguan people and in preventing them from exercising their democratic rights to elect a legitimate government will find themselves and their families in the same situation. Those who respect human rights and democratic institutions have our respect and more importantly that of their own people.

Conclusion

This subcommittee is wise to shine a spotlight on this human rights and political crisis unfolding in our hemisphere. The Nicaraguan people deserve a government that respects their vote, respects and protects their human rights, and governs under the rule of law. It is for these reasons that we support the dialogue under the auspices of the Catholic Church now underway to find a peaceful solution. And we join the calls of many Nicaraguans for early, free, and fair elections as the only viable means to do so. We will work closely with this subcommittee to support the efforts of the Nicaraguan people to bring a democratic end to their suffering.

Mr. COOK. Thank you, Mr. Ambassador.

Before I introduce our next speaker, it is somewhat of an anomaly that 2 days in a row we have a witness from USAID. And I am delighted, very impressed with my visit down there and other places. So obviously, everybody on the staff loves you, I guess.

So, Ms. Feinstein, you are now recognized. Thank you for being with us.

STATEMENT OF MS. BARBARA FEINSTEIN, DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR LATIN AMERICA AND THE CARIBBEAN, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. FEINSTEIN. Thank you.

Chairman Cook, Ranking Member Sires, and members of the subcommittee, thank you for this invitation to testify today and for holding this hearing at such a critical time.

On behalf of the United States Agency for International Development, I want to thank the subcommittee for its unyielding commitment to advancing human rights and democracy in our hemisphere and for your support of USAID's work in Nicaragua.

As many of you know, the United States is the only remaining donor working on democracy, governance, and human rights in the country. And it is thanks to your support that we have been able to maintain a crucial lifeline for civil society organizations, human rights defenders, emerging leaders, and independent media, all of whom remain under grave attack.

At no time has that lifeline been more critical than in the last few months, as the Ortega government has sustained a brutal crackdown against the Nicaraguan people, censoring media and unleashing a reign of terror against any who challenge its repression, including the recent brutal attacks against the clergy as well as Felix Maradiaga.

According to the latest figures, more than 300 people have been killed since the protests began in April 2018, most at the hands of the national police, pro-government youth groups, and/or para-police.

In early June, I had the privilege of joining Administrator Green in meeting with some of the courageous student leaders, independent journalists, and human rights defenders who came to Washington, D.C., to shine a light on the atrocities underway in their country. We heard firsthand how students are putting their lives on the line to protest injustice, peacefully demand their rights, and condemn the killings, torture, and disappearances of their friends and fellow students.

Human rights defenders spoke of jail sentences and other threats that both they and their families are facing—punishment for daring to speak the truth. And journalists shared stories of the perilous environment within which they are operating—some murdered in cold blood for chronicling the government-sanctioned brutality we continue to witness to this day.

Administrator Green has added his voice to that of Vice President Pence and Secretary of State Pompeo in condemning the atrocities committed by the Ortega regime.

USAID commends the bravery of the students, journalists, human rights defenders, civil society, religious leaders, and indigenous groups who have united their voices in a call for justice, rule of law, and a return to democratic order. We also recognize and respect that any meaningful change must be led by the Nicaraguan people themselves. This is their movement, and we will provide appropriate support when requested and warranted.

Indeed, as this crisis has unfolded, USAID has provided rapid assistance to scores of civil society groups, human rights organizations, independent media, and others involved in peaceful protests.

To ensure reporting of independent and accurate information at a time when government-controlled forces are systematically censoring independent media, either through cyber attacks, destruction of physical infrastructure, online slander campaigns, or unfounded criminal charges, USAID is providing critical assistance to journalists from 14 different independent media outlets. This assistance, which builds upon longer term efforts to strengthen independent media in the country, is helping to combat disinformation and disprove the distorted narrative promoted by the Ortega government.

USAID has also mobilized technical expertise to provide on-the-spot assistance with digital security for USAID partners working in civil society and media who have seen an increase in online attacks, heightened online surveillance, and attempts by the government to take websites off-line.

To ensure human rights protections, USAID has awarded multiple, small grants to Nicaraguan human rights and civil society organizations. These funds are enabling these groups to provide short-term legal aid for those detained, injured, or for the families of those killed in the protests. Our resources are also helping to coordinate and support networks of human rights defenders, to document violations, and to elevate cases of human rights abuses to the Inter-American and U.N. systems.

USAID continues to recalibrate our approach to assist those in need and to position the agency to respond to opportunities as they emerge.

The United States will continue to respond as appropriate, and we express our solidarity with the courageous protestors, journalists, and other democratic actors in civil society seeking a better future for themselves and their families.

Mr. Chairman, members of the subcommittee, thank you for shining a spotlight on this crisis and for your commitment to advancing the freedom and human rights of citizens throughout the hemisphere.

I look forward to your questions.

[The prepared statement of Ms. Feinstein follows:]

Prepared Testimony of Barbara A. Feinstein
Deputy Assistant Administrator for Latin America and the Caribbean
United States Agency for International Development (USAID)
Before the House Foreign Affairs Subcommittee on the Western Hemisphere
Thursday, July 12, 2018

Chairman Cook, Ranking Member Sires, and members of the Subcommittee, thank you for the invitation to testify today and for holding this hearing at such a critical time in Nicaragua's history. On behalf of the United States Agency for International Development (USAID), I want to thank the Subcommittee for its unyielding commitment to advancing human rights and democracy in our hemisphere, and for your support of USAID's work in the region, including Nicaragua.

As many of you know, the United States is the only remaining donor working on democracy, governance, and human rights in Nicaragua, and it is thanks to your support that we have been able to maintain a crucial lifeline for civil society organizations, human rights defenders, emerging leaders, and independent media -- all of whom remain under grave attack. At no time has that lifeline been more critical than in the past few months, as the Ortega government has sustained a brutal crackdown against the Nicaraguan people, censoring media, and unleashing a reign of terror against any who challenge its repression.

According to the latest figures, more than 300 people have been killed since the protests began in April 2018 -- most at the hands of the national police, youth groups, or government-led gangs, targeting any who dare raise their voices to peacefully and legitimately protest government actions, human rights violations, or continued repression and violence.

In early June, I had the privilege of joining USAID Administrator Mark Green in meeting with some of the courageous student leaders, independent journalists, and human rights defenders who came to Washington, DC, to shine a light on the atrocities underway in their country. We heard first-hand how students -- most of them in their early to mid-twenties -- are putting their lives on the line to protest injustice, peacefully demand their rights and condemn the killings,

torture, and disappearances of their friends and fellow students. Human rights defenders spoke of jail sentences and other threats both they and their families are facing -- punishment for daring to speak the truth. And journalists shared stories of the perilous environment within which they are operating -- some murdered in cold blood for chronicling the government-sanctioned brutality we continue to witness to this day.

Administrator Green has added his voice to that of Vice President Pence and Secretary of State Pompeo in "condemn[ing] the atrocities committed by the Ortega regime." He has also expressed his grave concern over "spurious allegations against civil society activists, students, and independent journalists, and the jailing of human rights defenders."

USAID continues to acknowledge and commend the bravery of the students, journalists, human rights defenders, civil society, religious leaders, and indigenous groups who have united their voices in a call for justice, rule of law, and a return to democratic order.

We also recognize and respect that any meaningful change must be led by the Nicaraguan people themselves. This is *their* movement, and we will provide appropriate support when requested and warranted.

Indeed, as this crisis has unfolded, USAID has provided rapid assistance to scores of civil society groups, human rights organizations, independent media, and others involved in peaceful protest.

To ensure reporting of independent and accurate information, at a time when government-controlled forces are systematically censoring independent media -- either through cyber attacks, destruction of physical infrastructure, online slander campaigns, or unfounded criminal charges -- USAID is providing critical assistance to journalists from 14 different independent media outlets. This assistance, which builds upon longer-term efforts to strengthen independent media in the country, is helping to combat disinformation and disprove the distorted narrative promoted by the Ortega government.

USAID has also mobilized international technical expertise to provide on-the-spot assistance with digital security and resilience for USAID partners working in civil society and media, who have seen an increase in online attacks, heightened online surveillance, and attempts by the government to take websites offline.

To ensure human rights protections, USAID has awarded multiple small grants to Nicaraguan human rights and civil society organizations. These funds are enabling these groups to provide short-term legal aid for those detained, injured, or for the families of those killed in the protests. Our resources are also helping to coordinate and support networks of human rights defenders; to document violations; and, to elevate cases of human rights abuses to the inter-American, and UN systems.

USAID continues to recalibrate our approach to assist those in need and to position the Agency to respond to opportunities as they emerge.

We call on the Ortega government to cease the repression of protesters immediately, and to heed the proposal by many Nicaraguans for early, free, and fair elections with credible domestic and international electoral observation.

As Vice President Pence said at the Organization of American States: "[W]e join with nations around the world in demanding that the Ortega government respond to the Nicaraguan people's demands for democratic reform and hold accountable those responsible for violence. The people of Nicaragua deserve better than the worsening repression of Daniel Ortega's government."

The United States will continue to respond as appropriate, and we express our solidarity with the courageous protesters, journalists, and other democratic actors in civil society seeking a better future for themselves and their families. As we have for many years, we seek to empower civil society so that all people in Nicaragua can have their voices heard by a government that responds to their needs and respects their rights.

Mr. Chairman, members of the Subcommittee, thank you for shining a spotlight on this crisis and for your commitment to advancing the freedom and

human rights of citizens throughout the hemisphere. I look forward to your questions.

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Mr. COOK. Thank you very much.

I am going to forego my remarks at the time. I am very pleased with the number of members that we have here. And we got a busy afternoon, multiple committees, so I am going to come back later on. But right now, I do want to turn to the ranking member Sires for his questions.

Mr. SIRES. You have to go? Go ahead. I will go after you.

Mr. SMITH. Thank you very much, Albio, Ranking Member Sires.

Mr. COOK. This is the way everybody should get along.

Mr. SMITH. New Jerseyans. I am chairing a hearing at 3 o'clock on tuberculosis, so I will have to leave.

But I want to thank, first of all, our three highly distinguished witnesses who are incredibly effective, just have done yeoman's work for human rights. And I just want to thank all of you for what you are doing now, particularly during this crisis. I do have just a couple of comments and questions, and I will be brief.

And, Ambassador Kozak, as you said, here we go again. It was 36 years ago that I first met with Daniel Ortega in Managua. I went down on a trip. It was Frank Wolf, Tony Hall, Bob McCune, and I. We met with him and Tomas Borge. It was a contentious set of meetings. And we brought up one issue after another with regards to human rights abuse, the systematic use of torture, and here we go again.

So, you know, it is the same person, Comandante Ortega, as he even preferred to be called then.

And I guess my first question would be about—and thank you for those three designations under the Magnitsky Act. Hopefully, there will be more. And I am sure that is under very active consideration.

But, you know, as Mark Green and you, Ambassador Kozak, heard from students just about a month ago, some of those students who got food and sustenance during their crisis with the government got sick, fell ill. Because the belief is that they were intentionally—they ate intentionally tainted food.

When Frank Wolf and I and the other two met with Daniel Ortega, three of us drank the drink that was given to us by Daniel Ortega. One did not. Tony Hall did not. He didn't get sick. We got violently ill for about 14 days.

Can't say for sure, but what a terrible indicator, now these wonderful students have gotten sick from that. And if you might want to speak to that, because you know, we know what Cuba has done to our diplomats. You know, these other ways, you know, the billy clubs and the torture and the bullets are one way, and the beatings. Another way is to kill people or hurt them severely through poison. And, of course, what they do in Cuba was outrageous.

Secondly, very quickly, the prelates, including the nuncio, who is an ambassador. And certainly, when you mistreat an ambassador, that crosses a line internationally. What is being done, if you could speak to that.

You know, the church over and over again, as we all know so well, whether it be in DR Congo—and I am going there in about a month—we see it in South Sudan—the church steps up. It did it in Nicaragua for so many times, years under Obando y Bravo.

My question is what could be done with regards to our governance accounts to further fortify the church's incredible role in mediating and trying to bring peace and reconciliation?

I have many other questions, but, again, having been given this opportunity to go first because of my hearing, I will forego that and submit those questions for the record.

Ambassador KOZAK. Thank you, Mr. Smith. It is a pleasure to see you again.

The poisoning issue that you mentioned, unfortunately, I have seen that in too many places, that it all went to the same spy school. So I don't have anything specific on this one, but it wouldn't surprise me. We have seen it before in too many places.

And, again, there seems to be no respect there for what you do to diplomats, but more importantly, what they are doing to their own people.

On the nuncio, I think it would be up to the Vatican to, you know, make a protest over mistreatment of their envoy.

And Barbara can talk too—but I think we are in a position to be supportive of mediation efforts. And, you know, if we are successful and we are trying to plan for success here, if we are able to get agreement to an early election, you know, there is a whole string of things that will come with that. Observers, both international and domestic, reformation of the electoral machinery and so on. So I think we are very cognizant of that in trying to set stuff aside.

I would make one request to you and the other members of the committee, which is, we are getting near the end of the fiscal year. And the gap we always run into is that, at the beginning of the year, all money gets frozen, sometimes for like 6 months while we do all the negotiations. And if we are lucky enough that we are moving on this, we may be coming back to you and saying, can we get an early release of funds next year to try to deal with that.

Mr. SMITH. Thank you so very much. I do have other questions, but I will wait.

Mr. COOK. Thank you, Ambassador.

Ranking Member Sires.

Mr. SIRES. Thank you, Chairman.

You know, I am always amazed at the audacity of these people like Ortega. He goes and puts his wife as vice president. You have the second poorest country in the region. He goes and buys $80 million worth of tanks from Russia. I assume that he is going to turn those tanks on his people.

To me, if anybody continues to deal or work or invest with this Ortega thug, we have to find a way of stopping that, because he is just getting richer and richer and richer. I understand his brother is rich, his wife is very rich, he is very rich. And I am concerned that it is going to lead to a civil war in that country again.

They went through a civil war once before, which was really devastating to the country. I don't know if they ever have recovered from it. And I am afraid that the way he is behaving, with the support of some of these other countries, it is going to head that way.

So what more pressure can we put on this thug from Nicaragua that we are not doing now? I know that there was $10 million in the budget for Nicaragua. I hope that we don't go through with

that. I hope that we can get the NICA bill through the Senate. I think that would send a strong message to the international community not to deal with this thug.

So what else can we do as a Congress here? We have a resolution condemning the Ortega regime.

Ambassador, can you think of anything else that we can——

Ambassador TRUJILLO. Thank you for your question. I think one thing from the multilateral perspective, Representative, having friends and allies also lend support from a financial perspective and also from a diplomatic perspective.

Inside of the OAS, we are pursuing a resolution which, hopefully, we will take up either tomorrow or the following week. Like all resolutions, it is important for its passage. In order to receive its passage, we need 18 votes. Without revealing our vote count here in public, I will be happy to sit down with you and go over some of the countries that diplomatic pressure would be very, very important in a multilateral setting in getting their support.

Getting financial support for the Commission on Human Rights, having as many people as we can on the ground, supervising, taking notes of the violations of human rights is also very, very important.

To date, the missions run about $1.4 million. The U.S. mission has contributed $500,000, with a willingness to do more. Unfortunately, a lot of other countries have not contributed any resource whatsoever to supporting—to supporting those efforts. And I think acts like the NICA Act and other bilateral pressure that does exist, the Global Magnitsky sanctions, individual visa revocations, is something that could take place.

I think a variety of not only multilateral, but bilateral pressure, and that combination and that timing, that systematic approach and that coordination, could really lead to create the conditions for true, earnest diplomatic solutions to this problem.

Mr. SIRES. Well, I will be happy to work with you on any of those, because—you know, when you have the killings—and I understand now they have snipers trying to kill the most active members of these demonstrations. It seems that they are going by the same way Venezuela is going. I think they got the idea from Venezuela. And I wonder where Venezuela got the idea from.

So it is really disheartening that they were going on a path that everybody was looking up to Nicaragua, and now we are just taking a step backwards. And sometimes it bothers me that we don't see this coming here in America. I think that we have to really start focusing more on the Western Hemisphere and what is going on in the Western Hemisphere, because every time we look the other way, Russia seems to be stepping in. You have seen China to be stepping in. And now, we have places where Iran is starting to set up these schools throughout the Western Hemisphere. And I just worry that we are always a step behind some of these people and some of these countries.

I mean, Ortega was known to be a no-good crook for years. And yet we have people investing money with the regime, investing money with the clan from Ortega. You know, it just boggles my mind that we always seem to be a step behind some of the things that go on in the Western Hemisphere.

Thank you.

Mr. COOK. Yes.

I would like to recognize the gentleman from Florida, Mr. Yoho.

Mr. YOHO. Thank you, Mr. Chairman. I appreciate it. I appreciate the panel being here.

I want to build off of what Albio Sires says, and I agree with his sentiment that the West, the Western Hemisphere, the democracy is falling down.

And, Ms. Feinstein, I would like to have from you, what do we need to do different? I mean, we have invested $194 million in 10 years in Nicaragua, and a lot of that goes to good governance. It is obviously not working.

What is the major impediment that you run into when we are spending the American taxpayers money on what we claim to be democracy, what they are doing is nothing near a democracy? I want to know what we have to do on the ground different.

Ms. FEINSTEIN. Thank you, Congressman, for that question. Ultimately, the solution to what happens in Nicaragua, as has been the case to this point, and will be the case going forward, rests with the people of Nicaragua, including the Government of Nicaragua. And the situation that we are seeing today is a product of actions taken by Daniel Ortega, by Rosario Murillo, and the various actions that we are responding to right now. It is very clear that the responsibility lies with——

Mr. YOHO. Okay, let me interrupt you there.

Ms. FEINSTEIN. Yes.

Mr. YOHO. Because we agree, Ortega is a bad player. And the people can't respond because of the form of government he has. When did we see this starting to deteriorate? And could we have intervened earlier or done something different, putting more pressure on the Ortega government, gone in there and maybe pulled back trade or pulled back support earlier on?

Ms. FEINSTEIN. I would defer to my colleagues in terms of diplomatic initiatives. I would say, broadly speaking, at this point in time, and this is also to the ranking member's question, I think there is an important role that other countries in the region can also play, and I think that Congress can have a very important role in leaning on other actors, including in Central America, in Mexico, in the region, since instability in this country is not in their interest, in addition to its economic implications.

I would say at this very point in time, we are well-positioned, since we have been a lifeline to civil society in Nicaragua. We have been the only actor in this space in recent history, which has allowed us to undertake interventions in four key areas. In human rights, independent media, legal assistance, and digital security, which are keeping people alive, allowing them to document human rights violations. And going forward, as hopefully a greater accountability can be brought to bear, whether it is within Nicaragua, ideally, one day, but certainly in Inter-American fora, and in international fora, the kind of documentation that is taking place on the ground right now will be absolutely essential to that.

Mr. YOHO. I agree with all of what you are saying, and we are documenting that, but yet it is getting worse, the whole situation. And it is not just Nicaragua. It is Honduras. It is all these other

countries. There has got to be a paradigm shift. We have got to do something different. And we can work with civil society, but if you have got a corrupt government, it is not going to change.

What do we have to do? I mean, the only way I can see it happening is empowering the people to change government, because empowered people can change government. But if they don't have the rule of law and the honoring of human rights, you are never going to have it.

They will tolerate it, the dictators, or the Ortegas of the world, they will tolerate a certain amount of human rights—if we come in there and we demand these things, they will tolerate us with a little bit of that, but they are doing a whole lot of corruption, and a decay of what we believe as democracy, the best way to live in the world, free people.

Is there anything else? I mean, where do you begin, I mean, without changing governments or the people in there? And certainly, we have been down that road and we don't want to do that. What about having a coalition of other governments? The OAS, to have them come in there and put more pressure on them as an organization, or are they as inept as the U.N.?

Does anybody want to——

Ambassador TRUJILLO. I think, Congressman, the OAS, from a multilateral perspective, could put pressure, multilateral pressure with some of the other countries, but sometimes I don't feel like that is even enough.

I think if the real problem here is corruption, we need to attack the individual corrupt actors. Congress, the U.S. Government has multiple tools in order to attack these individual corrupt actors. Once you show that these actors don't have impunity before the law, they have to move those assets, whether it is——

Mr. YOHO. We have been talking about this for 20, 30 years, but we are not getting the results. So what was your suggestion on how do you hold them accountable? Who is going to hold them accountable, besides the——

Ambassador TRUJILLO. So I think the Global Magnitsky Act hold those three people accountable, but we know that they are not the only ones. There are other people who are stealing and looting the riches of the Nicaraguan people. They need to be held accountable. The banks that do business with these individuals need to be held accountable. These individuals have the impunity of being able to travel to the United States. Their visas should be held——

Mr. YOHO. I have got to cut you off because I am out of time. And I thank you for your time.

Thank you, Mr. Chairman.

Mr. COOK. Thank you very much.

I now recognize the gentleman from York, Mr. Espaillat.

Mr. ESPAILLAT. Thank you, Mr. Chairman, Ranking Member.

Just in a few weeks, our President will be meeting with Vladimir Putin. Vladimir Putin has long sought to deepen ties with allies that share a resentment of the U.S. leadership, both locally in the Western Hemisphere as well as across the world.

With Nicaragua and Russia increasingly deepening their relationship, and Russian weapons being used by the Ortega regime against opposition demonstrators—as was previously stated by one

of my colleagues, Russian tanks were bought—what are we doing to help our country? What are we doing to help resolve this situation?

If we have a hunky-dory relationship with one of the main actors disturbing and creating havoc in Nicaragua, what do you suggest for our government to do vis-a-vis Russia with regards to the situation in Nicaragua?

Ambassador Kozak, if you can.

Ambassador KOZAK. Thank you for that question, sir. I would say that I wouldn't characterize our relationship with Russia as hunky-dory. We have got more sanctions and pressure on them now than we have had in a long time. Unfortunately, the relationship between Russia and the Ortegas goes back to the times we were talking about——

Mr. ESPAILLAT. But I would say our relationship——

Ambassador KOZAK [continuing]. The late 1970s.

Mr. ESPAILLAT. I would say our relationship with Russia right now is better than with NATO, given what transpired in the last couple of days.

Ambassador KOZAK. I am not going to characterize broad relationships, but I would say, with respect to Nicaragua and Russia—I happened to be in Nicaragua talking to the Ortegas when that first report of the sale of the tanks came up, and asked him about it. He was evasive. In fact, almost lied saying, oh, no, they were just armored vehicles.

For the life of me, I can't figure out what he is going to do with $80 million worth of T72 tanks. They aren't very good at battling your own people in the streets, and he doesn't have any enemies with tanks.

But the thing that is really hurting that regime right now is what he is doing to himself. They have effectively destroyed the economy much better than anything we could have done.

So I think we want to keep warning Russia against adventurism in this region, just as we are against some of their bad activities in Eastern Ukraine, Croatia—or Crimea and in Georgia. But, you know, that is not going to be the solution to the problem in Nicaragua. The solution to the problem there is for the Ortegas to step down and get out of the way and let the country get on with its future. But it is, unfortunately, a longstanding problem of the Russians providing support to these kinds of regimes.

I think it is not only founded in the old days, it was founded somewhat in ideology. Now it is founded heavily in just anti-Americanism and corruption. These are corrupt oligarchs on both sides, and it is no good for anybody else.

Thank you, sir.

Mr. ESPAILLAT. One last quick question is, Congress appropriated $10 million in development assistance to Nicaragua for fiscal year 2018, although the White House requested zero funding.

In your opinion, Mr. Trujillo, what kind of resources are needed on the ground there to help promote democracy? Are there any specific programs, initiatives that could be funded? And do you have an idea, a ballpark figure of what kind of moneys is necessary to keep the process moving forward for these pro-democratic forces on the ground?

Ambassador TRUJILLO. Well, Congressman, I think our immediate concern from the OAS perspective is ground support for the International Commission on Human Rights and technical experts that prevent human right abuses.

We know that their request initially was $1.4, $1.5 million. That request, obviously over time as conditions worsen, will continue to go up. That would be an immediate area in which the United States could have an influence in protecting human life.

For a recommitment to democratic institutions, the OAS has worked on that in the past, but part of that is there has to be a commitment from the government to engage in the recommitment to democratic institutions. And that could range from a couple of million dollars—the OAS had a budget for $30 million—it could go up into the hundreds of millions of dollars, depending on how much commitment we have to rebuilding a democratic institution, an electoral institution, an independent judiciary.

So it could be extensive, it could be exhaustive, but I think the one thing we have to focus on is if the government lacks the willingness to negotiate and to cooperate and to rebuild the democratic institutions, no amount of money will be necessary—will be sufficient.

Mr. ESPAILLAT. Thank you. Thank you, Mr. Chairman.

Mr. COOK. Thank you very much. I guess it gives new meaning to the old saying, a chicken in every pot and a tank in every garage.

I want to turn to my good friend, the gentleman from Texas, Mr. Castro.

Mr. CASTRO. Thank you, Chairman.

The situation in Nicaragua is dire. And I appreciate the President and the administration's actions in designating certain individuals in Nicaragua complicit in violence against civilians under the Global Magnitsky Act.

And in the past weeks, hundreds of civilians have been killed by the government of Daniel Ortega. Elections are scheduled for 2021, and President Ortega has denied early elections. But 2021 is a long time away. And Nicaraguans now exist in a very hostile political environment.

Are you pressuring the Nicaraguan Government to hold elections earlier than scheduled?

Ambassador KOZAK. Yes, sir. I think as we have all testified, that is what we have been calling for. We are standing with the call of the Nicaraguan people for early elections, as that seems to be the only available option for solving the crisis.

Nobody is going to be able to reconcile with the regime in power, and so it is really important for them to get out of the way and let the country make a future for itself. But, you know, it is how do you make that happen mechanically. How do you put enough pressure on the family, basically, to make that choice and get out of the way.

Mr. CASTRO. Let me ask you, what American businesses are very active in Nicaragua? Which ones come to mind?

Ambassador KOZAK. It has been a while, but I think Walmart, you said? Cardel, Walmart. I mean, Walmart was building a place to sell their products. But, again, I don't know that there is any-

thing we need to do about that. The deterrent now on anyone investing anything in that place is the behavior of the government. They are doing a dandy job of creating sanctions against themselves, and that is actually increasing pressure on them. The people in the streets is a huge pressure that is being generated by Nicaraguan people themselves. The flight of capital out of the country, the lack of investment, is a direct reaction to the behavior of the government. And, you know, we are a supporting player in this and, as we have all discussed, trying to take the measures that we can with the tools you have given us.

And just to follow up, I would say why have we not used Global Magnitsky before? Well, it came into force about a year ago, and it is a tremendous tool, because it allows us to go after corrupt and human rights abusing officials in other countries without imposing sanctions on the entire country. We are able to be much more targeted, so we really appreciate that.

Mr. CASTRO. And let me ask you a question about OAS. As you know, there has been widespread condemnation in the Americas of our government's policy of separating young children from their parents, including at OAS. And, you know, how is this affecting our ability to deal through OAS on these other issues like Nicaragua?

Ambassador TRUJILLO. Thank you, Congressman, for the question. We did host a hearing on the border issue on the separation of families, and obviously it was a unique issue that was addressed at that one particular hearing. Since then, there has been absolutely no push back.

I think we have realigned with our allies and focusing on the issues that all of us are concerned about in the Western Hemisphere, mainly the deteriorating situation in Nicaragua, also the continuing deteriorating situation in Venezuela. I have personally had multiple meetings with a host of different OAS member states, a lot of countries we have traditionally aligned with, and we are continuing in a very good working relationship.

Mr. CASTRO. Good. I yield back.

Mr. COOK. Thank you.

I would like to recognize the gentlewoman from California, Mrs. Torres.

Mrs. TORRES. Thank you, Mr. Chairman. And thank you, Ambassador Kozak and Trujillo and Ms. Feinstein for being here with us to talk about the instability in Nicaragua, which has been very alarming to us and our constituents. I am quite a fan of the Global Magnitsky Act, and I want to encourage you to continue to use that, you know, to the extent that we can, in other regions too, including Guatemala. Some of these very corrupt individuals, specifically Members of Congress, need to know that they just can't come to the U.S. to visit Disneyland when they are treating their people so badly.

I want to talk to you about TPS. I want to talk to you about the ongoing unrest, and the State Department has told some of U.S. Government employees and their families to leave Nicaragua, and are now telling U.S. citizens to reconsider their travel into Nicaragua. So are you also looking at maybe getting the Trump administration to reevaluate the temporary protective status that is re-

quiring some 5,300 Nicaraguans to return by January 5 of 2019? Has there been any conversations around that issue?

Ambassador KOZAK. I have not been part, but my bureau would not normally be part of TPS.

Mrs. TORRES. But as you are assessing the situation down there, I am hoping that there would be some commonsense communication between, you know, the right hand and the left hand to advise the White House that maybe this is a policy that we should revisit to send people back to a country that is in such disarray and civil unrest.

Ambassador KOZAK. We can certainly carry your recommendation back.

Mrs. TORRES. Thank you.

Ambassador KOZAK. I would make the distinction, though, that when we draw down the staff in embassies, it is largely because the Embassy is a particular target.

Mrs. TORRES. I understand that.

Ambassador KOZAK. It is not just because of generalized violence in the society, it is a very particular target, and we are trying to narrow the size of the target for the bad guys to get at.

Mrs. TORRES. I understand, but your safety——

Ambassador KOZAK. But we will happily take your recommendation to my colleagues.

Mrs. TORRES. Thank you. And just for the record, your safety is very important to me also.

Ambassador KOZAK. Yes.

Mrs. TORRES. Let's talk about the region and the impact that this instability in Nicaragua is maybe having in Costa Rica, El Salvador, Honduras, that are already, you know, having their own issues. Can you talk a little bit about that? What are you seeing? Are you seeing folks crossing the border into these countries?

Ambassador KOZAK. Yes. My sense is we haven't seen a huge outflow at this point. Nicaraguans tend to migrate more to Costa Rica than to the other places.

Mrs. TORRES. How can we engage our partners there, Chile, Costa Rica, some of our, you know, more affluent partners to help mitigate this situation there?

Ambassador KOZAK. Well, I think—and I will turn to my colleague, and certainly in the OAS, they are being engaged and engaged bilaterally. I mean, one of the things that is important, though, that you alluded to in your question is, you know, up until recently, Nicaragua was sort of the island of stability, and it was the other countries around, but it was a false stability. And, you know, we did see this coming, not the flash point that set off the latest violence, but you could just see this building up over years that the more the Ortegas have squashed out any kind of political alternatives to themselves, they have even split their own movement. The fact that she was made the vice president over the objections of, I think, most of the Sandinista Party is pretty apparent. So they were creating this powder keg all along. It finally got lit off with the Social Security protest.

But it is concerning, because we have had enough trouble with the countries that have had instability because of gang violence and narcotraffickers and so on and now you have got this to boot.

Mrs. TORRES. Thank you. Mr. Trujillo?

Ambassador TRUJILLO. As far as the migration issue, Congresswoman, in the OAS context, it hasn't really come up. I think the one thing we do see in Costa Rica is Nicaraguans who have some sort of legal recognition trying to adjust that recognition or trying to extend that recognition, but from a migration issue of Nicaraguans leaving Nicaragua and either heading north or heading south——

Mrs. TORRES. China—can I ask? Sorry, I only have 15 seconds. China, what are you seeing? We have talked about Russia, but is China also—what are their activities there in Nicaragua, and are we concerned?

Ambassador TRUJILLO. I haven't seen any from my perspective.

Mrs. TORRES. Okay. Thank you. I yield back.

Mr. COOK. Thank you very much.

I am going to recognize the gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you very much, Mr. Chairman. And I had two hearings going on here at the same time, so I apologize for being a little bit late. And if I would ask some of the questions that have already been asked for that, I apologize.

Although I don't serve on the subcommittee, I am very interested in the deteriorating situation in Nicaragua, and have been on the Foreign Affairs Committee for 22 years now and have chaired the Middle East and the Asia committee, but not this one.

Over years of corruption and illegal and democratic behavior, the murderer, Daniel Ortega, has consolidated his power and uprooted democracy in Nicaragua. Since the latest crisis began in April, the situation in Nicaragua has pretty much gone off the cliff, from what I understand. The Ortega regime has resorted to extreme and disproportionate force to attack protestors, many of them women. This includes gangs of pro-government Sandinista thugs used to terrorize and kill innocent people. Even Nicaraguan bishops were attacked recently.

So far, approximately, my understanding is approximately 300 people have been killed and anywhere from 1,000 to 1,500 or more injured. And we must not let this crisis create a trend in Latin America by allowing Nicaragua to follow the path of authoritarian governments like Cuba and Venezuela who continue to squander their resources and oppress their own people.

Lastly, as a cosponsor of H.R. 981, I want to thank Chairman Cook for his leadership and for a holding markup for the resolution. I support that passage of that legislation. And I have been contacted by some folks back in my district who have family in Nicaragua and have been on the phone with them, you know, multiple times, sometimes daily over the week, you know, quite a lot, and religious folks in my district who support the folks who have family down there and have seen what is going on firsthand.

And so my question would be initially, and again, having not had the benefit of having heard everything that you already said about this, but what is the best thing that our government can do in working with our folks on the ground there to protect both American citizens that are there, their families? What influence, if any, do we have with the Ortega government? What is happening that I can take back to my constituents to let them know that we are

doing everything possible to help those folks who really need our help right now?

Ms. FEINSTEIN. Thank you, Congressman, for that question. Just to let you know in terms of what you can take back to your constituents with regard to what the U.S. Government is doing on behalf of the Nicaraguan people. Thanks to the generosity of this Congress and this committee in particular, we have been a longstanding presence in Nicaragua working side-by-side, shoulder to shoulder with civil society there, which is playing an absolutely critical role in getting out the narrative about what is going on, including the horrific atrocities that you have referenced in your testimony. And we think it is important that a light is shone on that for the people of Nicaragua—to take away from the distorted narrative that the government is putting forward, as well as to shine a light on it in the international community to document the human rights violations that are going on so that they can be prosecuted at some point in time.

We are undertaking a series of interventions, as I said, related to human rights. Also, independent media, legal assistance to victims and their families who are being brutally attacked at this point in time, and also digital security as the government perpetrates a very systematic campaign to try to delegitimize civil society actors through malign information that is placed online through pulling down their accounts on Facebook, Twitter, et cetera. We are providing support to those actors as well. And I defer to my colleagues to speak to American citizens.

Mr. CHABOT. I would welcome any comments by the other gentlemen. Mr. Ambassador?

Ambassador KOZAK. Thank you. And I would just add, with respect to American citizens, I would advise your constituents, stay in close touch with the Embassy. There is a counselor warden system, so the Embassy is constantly trying to monitor, you know, what are the danger zones, what are the trip points and so on and warn people against that. So having that good communication. Also, there is like a phone tree that they set up, and you want to be sure that if somebody does get in trouble, that that gets back quickly to the Embassy.

Yes, we have some influence with them. I think if they were rational actors, they would understand that messing with Americans would not be healthy, but, you know, they are not all rational actors. So it is something people should be very, very careful, pay very close attention to the warnings and the advice that the Embassy provides them.

Mr. CHABOT. Thank you. And, of course, some of it is, you know, there are American citizens who have family on the ground who are not American citizens, so it is not only the American citizens that I am concerned about or my constituents are, but it is the Venezuelans who are not necessarily citizens but have American connections. And being America, we care about not just Americans but others who are, you know, people who aren't causing the problems here, which is obviously people outside the Ortega government. Thank you very much.

Thank you, Mr. Chairman. And thank you for letting me ask questions even though I am not on the committee. Thank you.

Mr. COOK. Thank you very much.

I am going to recognize Ileana Ros-Lehtinen for questions, comments, et cetera, et cetera.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. Thank you to excellent panelists.

Ambassador, is it time we revisit Nicaragua's participation in CAFTA?

And, Ambassador Trujillo, you were recently in Nicaragua where you met with Ortega. How will you ensure that Ortega meets the commitments made on the CEN dialogue, and please tell us more about the meeting and how it went.

Ambassador Kozak.

Ambassador KOZAK. Well, I would say we should be looking at, you know, all the different points of pressure, but as I indicated earlier, on anything on the economic side, they are doing such a good job of harming themselves that, you know, they almost don't need any help from us. And you need to, you know, look beyond the Ortegas too as to what you want to see for the country and the future. But, again, good thought to take a look at that point of pressure as well as the many others that we have and see what we can do.

Again, always in the role of we are the supporting players. We are trying to back the play of the people of Nicaragua themselves and not to have an agenda of our own. Thank you.

Ms. ROS-LEHTINEN. Ambassador Trujillo?

Ambassador TRUJILLO. Thank you, Congresswoman. In my meeting, I think the U.S. message is that the violence must stop immediately. I think before there is any dialogue, before there is any conversation, you can't have a week in which 20, 30, 40 people perish based on acts of violence perpetrated by the government. So our message is very clear that the violence must stop immediately.

I think furthermore, there is a dialogue process, but the dialogue has to be kept in earnest. And what I mean by that is that people sit down, but there is no commitment to really advance an agenda. And in order for an agenda to advance that leads to a commitment to democracy for the government, there should be some sort of written game plan that is executed and which both parties commit to.

So part of our conversation was, besides stopping the violence and committing to protect the citizens, which is a fundamental duty of government, there should also be a written game plan in which all the concern from all sides were addressed, both parties are bound by that agreement mediated by the church, and that agreement is further carried out, which was at first initially well received. Unfortunately, in the last 2½ weeks, we have not had a written response as to the agreement that would create the conditions for real earnest dialogue. And I think one thing that further deteriorated the dialogue is when you invite the church to be the mediators of the dialogue and then you proceed to attack and beat them, torture them, humiliate them, it makes it very difficult for them to continue to want to participate.

Ms. ROS-LEHTINEN. Thank you, Ambassador Trujillo, and keep encouraging the OAS to do the right thing in Nicaragua. They have acted on Venezuela, but very poor when it comes to the horrific at-

tacks on democracy in Nicaragua. Their silence is deafening. Yes, sir.

Ambassador TRUJILLO. Thank you, Congresswoman. And I think that is changed. June 30 we passed our first resolution to capture the space. And part of the problem at the OAS is if it is a difficult conversation, we always default to the path of least resistance, which is doing absolutely nothing. So just capturing the space was very important to have the conversation as to Nicaragua. Since then, we have had a report from the commission, the International Commission on Human Rights, which addressed and held the government responsible for the violation of human rights. We had a follow-up hearing yesterday as to all the violations in which the majority of the larger population countries in the Western Hemisphere opined condemning the government for the violations of human rights, which is a very important step for people to recognize that Ortega and Murillo are responsible for the crimes against humanity that are currently taking place.

And our next step is to pass a resolution condemning the violence and calling for free, fair, and early elections. That is the next process that we are currently working on, but I think just creating a space in which the Nicaraguan people know that, not only the United States, but the international community is supporting their cause and is keeping account of the violators of human rights, and one day we will seek justice for all those people who violate human rights is a very, very important message to send, not only to the government, but a lot of the government actors we are still deciding which side to pick.

Mr. COOK. Mrs. Torres, one more question.

Mrs. TORRES. Thank you so much for the opportunity to do the followup.

On the Chinese investment in Nicaragua, specifically related to the canal that they had envisioned, and there was an agreement that was made, although I understand that in that agreement, there is no requirement to actually have identified funding for it. It might not be the Chinese Government, but there is a Chinese billionaire, people with a lot of money that are investing in this project. What are you seeing there?

Ambassador TRUJILLO. Congresswoman, I personally, from the OAS perspective, have not seen it. I have heard the rumblings of a competing Panama Canal, but I haven't seen anything. Obviously, I was only there for less than 24 hours, so I didn't have the opportunity to see anything specifically related to that.

Mrs. TORRES. My concern again is because it would require a relocation of many villages and many people within the area that has been identified around the lakes and rivers that have been identified for the purpose of building this canal. You know, this is the time to take advantage of moving those people by force out of the way, right? Please continue to look out for those issues as we move forward.

Thank you, Chairman, for the opportunity again.

Mr. COOK. Thank you very much.

I have a couple of quick questions, and I am going to apologize in advance for speaking up on the OAS, but I am very, very concerned about the influence of Venezuela on the OAS and some of

the nations that are in close proximity to the Caribbean. In terms of the voting power, each one of them has one vote. And I think it is not a secret that some of the rebates for oil and things like that influence the voting patterns of certain states, which obviously affects how the OAS might vote on Venezuela but also Nicaragua. It becomes kind of a calculus problem in that each state has one vote, and I have always thought the OAS had a very, very strong influence and I see this influence being diluted by those things that are happening.

Ambassador, would you like to comment on that or am I delusional?

Ambassador TRUJILLO. Thank you, Chairman. I think that was the case for many, many years until recently. The last OAS General Assembly, the United States was able to lead a resolution on Venezuela that passed 19 to 4, with a few abstentions. This is the first time in recent history that we are able to advance a resolution that condemns the government and that doesn't recognize the elections, the sham elections that just took place in Venezuela. I thought that was an important turning point in the U.S.-OAS leadership in the organization, the ability of the organization to stay relevant and get things done.

But I think, furthermore, looking forward, we have to create an alternative, not a financial alternative or a competing Petrocaribe program, but why is the U.S. a better alternative than China, than Russia, than Venezuela for the U.S. interests? And I think it is incumbent upon all sectors of the U.S. Government to really advocate on why our partnership is much more important to a lot of these countries than some of the partnerships that they have sought.

To that end, we have tried to work with some of the other partners in creating energy alternatives, plugging them into the right people, whether it is OPEC, whether it is Energy, whether it is Treasury, and finding ways in which we can help advance their personal interests and help advance their lack of reliance or less reliance on some of these foreign actors.

But it is a very challenging environment, and the most challenging thing is a country with 60,000 or 80,000 people has the same exact vote as the United States of America. The country that puts in tens of thousands of dollars has the same vote as the country who puts in tens of millions. It is a very challenging environment. Obviously, we are trying to overcome those challenges as best we can, but I think it is also important on Congress to stay attuned as to who some of these countries are, because they oftentimes come and they will vote one way in the OAS and they will come here to Congress and ask for unlimited resources and unlimited projects, and sometimes there is not enough coordination and not enough communication in which we all know that they have to help advance the U.S. taxpayer and the American interests.

Mr. COOK. Thank you. The other thing I just wanted to throw, and it goes back to many, many years ago when you had a situation in the communist government in Poland, and there was an individual, a cardinal who went on to Rome. I think we all know the history, and I think he was the one that the communist regime at the time feared most for good reason.

And I look at the role of the Catholic church in Nicaragua. I know it is a very, very strong influence. And I am just wondering, as a variable, I am not going to preach to the Ortegas, but I think when they turn against the Catholic church, strange things might happen.

Any comment on that viewpoint? I say my prayers, I have to, I am in Congress, but I know a lot of people pray and so——

Ambassador TRUJILLO. I think, Chairman, that was a turning point. At least in the OAS, the majority of the countries are Roman Catholic, predominantly Roman Catholic, and just the affinity toward the clergy in general and the government's lack of respect toward the clergy they invited into the dialogue really sent shockwaves across the organization. I think any time the government engages in violent acts against the clergy that is just trying to be a peaceful mediator for college students and people protesting for freedom and democracy, it is very, very difficult to overcome. And I think going forward, the credibility of the government as an institution is always going to be second to that of the church, especially in Nicaragua, and it is going to be very, very difficult for them to navigate that water.

Mr. COOK. Thank you.

First of all, I want to thank our witnesses for speaking today. I want to thank the members. You know, they are not here anymore, they are tired of listening to me, but we actually had a great turnout, considering there is multiple meetings and things going on, because they know how important this is.

And to our two visitors that have gone through so much, once again, I underscore your courage for being here, your inspirations. This is a tough, tough, tough issue, but obviously, I think you see the bipartisan interest in this. We are all concerned. And not just from—but the humanitarian aspects of it and what goes on, and you have to live with it all the time.

So great panel. I thought we had a great discussion, and thank you for being here.

So I have to do, pursuant to committee rule 7, the members of the subcommittee will be permitted to submit written statements to be included in the official hearing record. Without objection, the hearing record will remain open for 5 business days to allow statements, questions, extraneous materials for the record subject to the length limitation in the rules.

There being no further business, the subcommittee is adjourned.

Now where do I go?

Thank you again.

We are not done yet for anybody that wants to hang around.

[Hearing adjourned.]

Mr. COOK. The subcommittee will come to order.

Pursuant to notice, we meet to mark up House Resolution 981, a bipartisan measure, condemning the violence committed by the Government of Nicaragua against its own citizens.

Without objection, the resolution is considered read and open for amendment at any point, and all members may have 5 days to submit statements and materials for the record.

[The information referred to follows:]

IV

115TH CONGRESS
2D SESSION

H. RES. 981

Condemning the violence, persecution, intimidation, and murders committed by the Government of Nicaragua against its citizens.

IN THE HOUSE OF REPRESENTATIVES

JULY 3, 2018

Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. COOK, Mr. SIRES, Mr. CURBELO of Florida, Mr. DIAZ-BALART, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. DEUTCH, and Mrs. TORRES) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

Condemning the violence, persecution, intimidation, and murders committed by the Government of Nicaragua against its citizens.

Whereas Daniel Ortega has taken systematic steps to weaken democratic institutions in Nicaragua since 2006, including by violating the Nicaraguan Constitution through actions such as ignoring presidential term limits;

Whereas Daniel Ortega selected his wife, Rosario Murillo, as his vice-presidential candidate in 2016;

Whereas domestic and international observers have repeatedly documented and criticized irregularities in the 2011 and 2016 presidential elections as well as the 2012 and 2017 municipal elections in Nicaragua;

Whereas, on April 18, 2018, students in Nicaragua began to protest the unilateral decision of the Government of Nicaragua to impose reforms on the Nicaraguan Social Security Institute;

Whereas the protests were met with a violent and brutal response from the Nicaraguan National Police, subsequently resulting in a widespread call by the Nicaraguan people for freedom, democracy, electoral reforms, and respect for human rights;

Whereas since April 18, 2018, the Nicaraguan government, the Nicaraguan National Police, or militias controlled by the Nicaraguan government have been responsible for escalating violence, committing murders, and many cases of torture and disappearances;

Whereas to block the dissemination of reports of violence and repression committed against peaceful protesters, the Nicaraguan government shut down the signal of media stations throughout Nicaragua;

Whereas according to press reports, the Nicaraguan government has denied basic medical care to and attempted to poison the food and water of those protesting oppression under the Ortega administration;

Whereas, on the night of April 20, 2018, a pro-government mob set fire to the offices of independent radio station Radio Darío in the city of León;

Whereas, on April 20, 2018, Ambassador Michael Kozak, the Acting Principal Deputy Assistant Secretary of the Bureau of Democracy, Human Rights, and Labor of the Department of State, said, "Nicaragua is going in the wrong direction on many fronts and that is one of them, of media freedom. But also on all the basics, I mean, it's

a long litany of torture, extrajudicial killing, the elections were a sham . . . the Ortega government has basically shut down a lot of the opposition, a lot of the independent civil society organizations as well as the free media";

Whereas, on April 21, 2018, Nicaraguan journalist Ángel Gahona was shot and killed by pro-government security forces while broadcasting live on Facebook;

Whereas, on April 21, 2018, the Department of State issued a travel advisory for Nicaragua and since then has continued to advise travelers to reconsider travel to Nicaragua due to ongoing violence;

Whereas, on April 22, 2018, the Department of State issued a statement that "we condemn the violence and the excessive force used by police and others against civilians who are exercising their constitutional right to freedom of expression and assembly";

Whereas, on April 23, 2018, the Department of State ordered the departure of family members accompanying United States Government personnel in Nicaragua and also authorized the departure of such personnel;

Whereas, on Mother's Day in Nicaragua, May 31, 2018, press reports stated that peaceful marches to support the mothers of the victims of the earlier protests encountered violence from "the repressive police and shock forces", leaving 15 dead and nearly 200 injured in the cities of Managua, Estelí and Masaya;

Whereas, on May 31, 2018, the Department of State issued a statement saying that "those individuals responsible for human rights violations will be held accountable by the

international community in international fora" in response to the violence during the Mother's Day protests;

Whereas, on June 4, 2018, Secretary Pompeo, participating in the Organization of American States General Assembly in the District of Columbia, stated, "In Nicaragua police and government-controlled armed groups have killed dozens, merely for peacefully protesting";

Whereas, on June 7, 2018, the Department of State announced visa restrictions against individuals involved in human rights abuses or undermining democracy in Nicaragua;

Whereas, on June 20, 2018, the Department of State announced, "The United States condemns the ongoing government-sponsored violence and intimidation campaign in Nicaragua, including the June 16 arson attack against the home and business of a family in Managua, killing six, and the further intimidation of the family during the wake";

Whereas a report from the Asociación Nicaragüense Pro Derechos Humanos (Nicaraguan Association for Human Rights) states that as of June 25, 2018, at least 285 people have been killed, over 1,500 people have been injured, and 156 people continue to be disappeared;

Whereas the Catholic Church has played an important role serving as a mediator between protesters and the Government of Nicaragua, and Catholic bishops and priests have risked their lives trying to prevent more massacres; and

Whereas the United States House of Representatives has sought to reestablish democracy and the rule of law in Nicaragua by passing H.R. 1918, the Nicaraguan Invest-

ment Conditionality Act, on October 3, 2017, by unanimous consent: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the violence, persecution, intimidation, and murders of peaceful protesters by the Government of Nicaragua;

(2) supports the people of Nicaragua in their pursuit for democracy, including their call for free and fair elections overseen by credible domestic and international observers;

(3) urges the international community to stand in solidarity with the people of Nicaragua;

(4) calls on the United States to continue to condemn the atrocities in Nicaragua, demand the release of individuals wrongfully detained, and identify those individuals whose involvement in this violence qualifies for the imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of the National Defense Authorization Act for Fiscal Year 2016; 22 U.S.C. 2656 note); and

(5) affirms that—

(A) the rights to freedom of assembly, association, and expression, the freedom of the press, and freedom from extrajudicial detention

and violence, are universal human rights that apply to all persons; and

(B) countries that fail to respect these rights jeopardize the security and prosperity of all of their citizens.

○

Mr. COOK. I now recognize myself to speak on this measure.

We have just concluded a subcommittee hearing on the crisis in Nicaragua with administration officials, and we meet now to consider House Resolution 981 to publicly condemn the Ortega regime's violent oppression and human rights violations against the Nicaraguan people.

I am an original cosponsor of this resolution, and I want to applaud the leadership of Chairman Emeritus Ros-Lehtinen and the bipartisan efforts of this subcommittee to move this resolution forward.

I have heard from many Nicaraguans in the United States who are concerned about the crisis in Nicaragua and the nearly 300 people who have died since the unrest broke out in April.

The continued violence and oppression by the Ortega regime is reprehensible. Unfortunately, Daniel Ortega and his wife, Rosario Murillo, have chosen to inflict greater oppression rather than work through dialogue to achieve a peaceful resolution to this crisis.

On Sunday, 38 people were killed, making it the deadliest day in Nicaragua since the protests began. The United States will not stand idly by while the Ortega regime continues to oppress its people with impunity.

This resolution condemns the Ortega regime's violence, supports the Nicaraguan people in their pursuit of democracy, and calls for more U.S. sanctions. I also believe the United States should work more closely with the other democratic partners in the Organization of American States, European Union, Canada, and the Lima Group to work toward a peaceful resolution of the crisis.

With that, I will now recognize the ranking member for his comments on the resolution.

Mr. SIRES. Mr. Chairman, I support this resolution, and I will be speaking more on this resolution when we have the full committee.

Mr. COOK. Thank you, sir.

Do any other members seek recognition to speak on the resolution?

Yes, sir.

Mr. CASTRO. Thank you, Chairman.

I support the resolution condemning the violence and persecution and intimidation by the Ortega government in Nicaragua. Let it be

known to all that the United States will stand up to left wing and right wing dictators who oppress their people, deny people human rights, and stifle democracy. And I believe this resolution is a condemnation of those actions by the Ortega government.

I yield back.

Mr. COOK. Thank you, sir.

Any other members wanting to speak?

Are there any amendments?

Hearing no further recognition or request for recognition, the chair moves the subcommittee favorably report the resolution to the full committee.

All those in favor, say aye.

All opposed, say no.

In the opinion of the Chair, the ayes have it. The motion is approved and House Resolution 981 is reported favorably to the full committee.

With that, no more business, this meeting is now adjourned.

[Whereupon, at 3:37 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Record

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

Subcommittee on the Western Hemisphere
Paul Cook (CA-08), Chairman

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

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

DATE: Thursday, July 12, 2018

TIME: 2:00 p.m.

SUBJECT: Nicaraguan Crisis: Next Steps to Advancing Democracy

WITNESSES: The Honorable Carlos Trujillo
U.S. Permanent Representative
Organization of American States

The Honorable Michael Kozak
Senior Advisor and Senior Bureau Official
Bureau of Democracy, Human Rights, and Labor
U.S. Department of State

Ms. Barbara Feinstein
Deputy Assistant Administrator
Bureau for Latin America and the Caribbean
U.S. Agency for International Development

MARKUP OF: H. Res. 981, Condemning the violence, persecution, intimidation, and murders committed by the Government of Nicaragua against its citizens.

By Direction of the Chairman

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

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *the Western Hemisphere* HEARING

Day *Thursday* **Date** *July 12th* **Room** *2172*

Starting Time *2:00 p.m.* **Ending Time** *3:32 p.m.*

Recesses *n/a* (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)

Chairman Cook

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☐

Electronically Recorded (taped) ☐
Stenographic Record ☐

TITLE OF HEARING:

Nicaraguan Crisis: Next Steps to Advancing Democracy

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Cook, Ranking Member Sires, Rep. Ros-Lehtinen, Rep. Smith, Rep. Brooks, Rep. Yoho, Rep. Rooney, Rep. Castro, Rep. Torres, Rep. Espaillat

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

Rep. Chabot

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.)*

Chairman Cook QFR's

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *3:32 p.m.*

Subcommittee Staff Associate

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON *the Western Hemisphere* MARKUP

Day *Thursday* **Date** *July 12th* **Room** *2172*

Starting Time *3:32 p.m.* **Ending Time** *3:37 p.m.*

Recesses [*n/a*] (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)

Chairman Cook

Check all of the following that apply:

Open Session [√]
Executive (closed) Session [ ]
Televised [ ]

Electronically Recorded (taped) [ ]
Stenographic Record [ ]

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.Res.981, Condemning the violence, persecution, intimidation, and murders committed by the Government of Nicaragua against its citizens

COMMITTEE MEMBERS PRESENT:

Chairman Cook, Rep. Sires, Rep. Ros-Lehtinen, Rep. Castro

NON-COMMITTEE MEMBERS PRESENT:

N/A

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

N/A

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

See Markup Summary

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *3:37 p.m.*

Subcommittee Staff Associate

7/12/18 Subcommittee on the Western Hemisphere Markup Summary

The Chair called up the following measure, previously provided to Members:

1. H. Res. 981 (Ros-Lehtinen), Condemning the violence, persecution, intimidation, and murders committed by the Government of Nicaragua against its citizens;

The measure was agreed to by voice vote. By unanimous consent, the measure was ordered favorably reported to the Full Committee.
The Subcommittee adjourned.

Questions for the Record
WHEM Hearing: "Nicaraguan Crisis: Next Steps to Advancing Democracy"
July 12, 2018 at 2:00 p.m. in Rayburn Room 2172

Chairman Paul Cook

TO: All Witnesses

(1) Early Elections / State of Opposition: There have been calls from Nicaraguans and the Secretary General of the OAS for early elections, but President Ortega has reputed the idea of holding early elections. There are also legitimate concerns about the limited capacity of Nicaraguan institutions and political parties to participate and ensure that elections are free and fair. Does the State Department and USAID have the resources it needs to immediately assist the Nicaraguans in implementing needed reforms if the opportunity presents itself?

Kozak: The State Department and USAID are coordinating closely to respond to the immediate needs of local partners during the current crisis, and to prepare for an eventual democratic transition when the people of Nicaragua succeed in their calls for early, free, and fair elections. As I said in my statement, we have called for early, free, and fair elections. Our message is simple: allow the Nicaraguan people to solve this crisis through democratic means. When early elections are called, the State Department and USAID will communicate to Congress if additional funding could potentially be identified to address this issue.

Feinstein: Should conditions in Nicaragua allow for a political opening to re-establish democratic order, USAID would be positioned to support free, fair and transparent elections. The Agency has reoriented existing mechanisms to provide political party assistance, as needed, and has identified additional resources to support reforms to the electoral process, should that opportunity arise. Illustrative activities under existing mechanisms could include engagement of traditional and emerging political leaders in Nicaragua, the Catholic Church, political parties, private sector, and civil society to rebuild the electoral process, including political party reform, and activities to improve citizen confidence in a new government. As to longer term reforms and opportunities, USAID will work closely with Congress to evaluate the Agency's needs and capabilities should circumstances arise.

(2) Democracy and Governance Programming: What is the stated objective of all ongoing USAID-funded Nicaragua democracy and governance programs? How does the USG ensure that all programs are coordinated and working towards the same objective?

Kozak: USAID-funded democracy programs are designed to increase the ability of Nicaraguan citizens to engage in democratic governance. This is achieved by strengthening the capacity of civil society, human rights defenders, independent media, youth to promote and defend democracy and transparent and accountable governance. Cross-cutting themes for the portfolio focus on youth, digital security and human rights. The State Department and USAID are communicating closely to ensure coordination and avoid program duplication. We also convene periodic stakeholder meetings with non-governmental organizations implementing programs to facilitate coordination among implementers and identify potential areas for collaboration. Additionally, USAID participates in State Department proposal review panels, which also guards against duplication and works to ensure impactful support for local civic groups.

Feinstein: USAID remains committed to supporting the Nicaraguan people, including civil society, as they demand a more open, transparent, and accountable government. This is achieved by strengthening the capacity of civil society and youth leaders to promote and defend democracy and transparent and accountable governance at the local and national levels and assisting independent media to report truthful information against a backdrop of oppression and censorship. Cross-cutting themes for the portfolio include the engagement of youth, digital security and human rights. USAID sponsors digital security experts and local trainers to assist civil society leaders, new stakeholders, and independent media on safe practices for secure communications and data storage. USAID also supports local organizations in the documentation and elevation of human rights abuses to regional and international platforms. USAID, the Department of State, and the National Endowment for Democracy collaborate closely to ensure coordination and avoid program duplication. We also convene periodic stakeholder meetings with non-governmental organizations implementing programs to facilitate coordination among implementers and identify potential areas for collaboration. Additionally, USAID participates in State Department proposal review panels, which also guards against duplication and ensures more impactful support for local civic groups.

(3) Potential of Increased Transnational Crime: To what extent are you concerned that instability could lead to the increased presence of transnational criminal organizations in Nicaragua who may seek to exploit the lawlessness and violence to their benefit?

Kozak: The instability the Ortega/Murillo regime has inflicted upon Nicaragua, should it continue, could lead to a number of negative outcomes, including an increase of transnational criminal organizations operating in the country. This is another reason it is imperative that there be free, fair, early elections to resolve the crisis and allow the Nicaraguan people to start building a stable, prosperous, and democratic future for their country.

Feinstein: USAID is deeply concerned by the increasing violence and lawlessness in Nicaragua, including the role of government-controlled parapolice groups currently brutalizing the citizenry. Analysts warn of significant risk if authorities lose control over parapolice groups that have been trained to work in an organized fashion and use heavy caliber weapons. In addition, while police authorities turn their focus to repressing the opposition and stamping out anti-government protests, anecdotal evidence shows robberies, sex crimes, land invasions, non-crisis homicides, and drug trafficking are increasing. Citizen security analysts have expressed concerns that the current state of lawlessness will make Nicaragua more like its Northern Triangle neighbors. USAID continues to monitor events on the ground and assess their impact on our personnel, implementing partners, beneficiaries, and programs in-country and throughout the region.

TO: Ms. Feinstein

(1) Democratic Governance: One of USAID's objectives in Nicaragua is to increase citizens' ability to engage in democratic governance. However, USAID in Nicaragua has been criticized in the past for not utilizing resources to support critical democratic actors. How has the current situation in Nicaragua affected USAID's strategy for democracy and governance programming?

Feinstein: Since the beginning of the recent crisis, USAID has adjusted programming within the limitations of current budgets and existing mechanisms to offer immediate assistance to civil society to advocate domestically and internationally for democratic change; provide legal aid to victims and their families; and furnish support in the form of equipment and funding to independent media. These adjustments have been vital to helping existing and newly emerging civil society groups operate in an increasingly closed political space. On July 20, 2018, Administrator Green announced additional rapid and adaptable programming for Nicaragua to support civil society, human rights defenders, media and

victims of violence during the political crisis. The addition of this programming, through the Office of Transition Initiatives, will provide adaptive and agile capacity necessary for USAID to continue supporting groups and individuals seeking democratic and peaceful change in Nicaragua. On July 16, 2018, a new law passed by the National Assembly of Nicaragua expanded the Ortega regime's ability to regulate external funding to Nicaraguan organizations, under the guise of combatting the international financing of terrorism through money-laundering. USAID is analyzing the potential impact this new law could have on our existing posture, programs and beneficiaries.

(2) USAID Results: What would you say were the top results of democracy and governance programming over the last ten years since the return of Ortega to power?

Feinstein: Over the last decade, USAID's democracy, human rights and governance programming in Nicaragua has equipped a critical mass of independent media and journalists, human rights defenders and emerging youth leaders, and traditional civil society organizations with the skills necessary to advocate for their rights against a backdrop of repression by the Ortega regime. Today, these leaders, journalists, and civil society organizations are on the front lines of the battle to return Nicaragua to a functioning democracy.

Over the past ten years, USAID has invested in bridging the divide between venerable civil society organizations and youth, supporting more than 4,000 young democratic leaders to mobilize their communities and advocate for their interests. These youth have led approximately 400 community-based projects to inform the broader public about their rights and organized national-level campaigns to raise awareness about major issues in the country. In addition, nearly 850 citizens who have benefited from USAID programs have been elected to key leadership positions in political parties and civil society organizations. Many of these young people are playing a key role in Nicaragua's struggle for democratization.

As venerable civil society organizations have fought to survive under the Ortega regime, USAID has helped them to modernize their approaches, linked them to a new generation of leaders, and strengthened their capacity to represent citizens. USAID supported 240 organizations to effectively advocate for democratic principles, processes, and institutions. Many of these organizations learned best practices in the documentation of human rights and elevating abuses through the international and inter-American system. Today, these same organizations are documenting and elevating egregious abuses committed by the regime to regional and international fora. Other civil society organizations have formed coalitions to expose electoral abuses committed by the regime since it returned to power in 2007. Through USAID-supported domestic electoral observation, Nicaraguans now have access to a decade worth of reports that illustrate electoral abuses since 2007.

USAID has also invested in keeping independent media alive against a backdrop of state crackdowns and nearly 80 percent of the country's outlets being controlled by the Ortega family. USAID programming has provided independent media with modern equipment and technical assistance to transform them into multimedia outlets with expanded audiences. When the regime initiated its brutal crackdown on protesters, it immediately moved to shut down four USAID partner media outlets. Thanks to USAID's support to build out their digital capabilities, these outlets continued their reporting via social media, broadcasting abuses to the world via Facebook Live, Twitter, Youtube and other digital platforms.

USAID has also supported more than 30 investigative journalists to expose corrupt practices to the Nicaraguan people, particularly in national and municipal budgeting and contracting processes. Additionally, USAID has strengthened the capacity of over 140 citizen journalists, who have been actively covering recent human rights abuses on social media.

(3) Safety of U.S. Implementers: As much as you can share in a public setting, what steps does USAID take to ensure the safety of USG program implementers on the ground in Nicaragua, both local and U.S.-based.?

Feinstein: The safety and security of implementing partner personnel is of paramount importance to USAID, and we recognize the increasing threats to operating in Nicaragua. USAID has experience working in high-threat environments around the world, and we work closely with partners to understand and assess risks to our programs and to implement appropriate measures to mitigate those risks. The Agency maintains regular contact with each of our partners, including staff on the ground, and leadership at headquarters, to share lessons learned, and best practices, and to make adjustments, as necessary, to awards, to better respond to threats on the ground. For example, USAID has authorized partners to upgrade physical security measures; facilitate situational telework for staff in or out of country; and offered enhanced flexibility in branding or marking requirements. USAID also sponsors digital security experts and local trainers to assist civil society leaders, new stakeholders, and independent media on safe practices for secure communications and data storage. To complement these measures, USAID will host a roundtable discussion with U.S.-based partners who work in Nicaragua in August 2018 to discuss security procedures and lessons learned operating in a rapidly changing and deteriorating environment.

[NOTE: No responses were received from the Honorable Carlos Trujillo prior to printing.]

