

# State of Civil and Political Rights in Nicaragua

## **Presented at**

“The Ortega-Murillo Regime’s War Against the Catholic Church and Civil Society in Nicaragua: Bishop Álvarez, Political Prisoners, and Prisoners of Conscience”

Subcommittee on Global Health, Global Human Rights and International Organizations and Subcommittee on the Western Hemisphere House Committee on Foreign Affairs

## **Submitted by**

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Chairwoman Salazar, Ranking Member Castro and members of the Subcommittees on Global Health, Global Human Rights and International Organizations and the Western Hemisphere, thank you for this opportunity to address the Subcommittees as part of this important and timely hearing on the “The Ortega-Murillo Regime’s War Against the Catholic Church and Civil Society in Nicaragua: Bishop Álvarez, Political Prisoners, and Prisoners of Conscience.”

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

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

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

## State of Democracy in Latin America

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

While Latin America “remains the most democratic emerging region globally — scoring below only Western Europe,” according to the International [IDEA’s Global State of Democracy 2022](#) report, over the past 16 years, prospects for freedoms have dimmed in the Americas. Growing threats include corruption, questioned elections, profound political polarization, social and political conflict, mis/disinformation, organized crime, and irregular migration. In 2021, Nicaragua joined Cuba and Venezuela as entrenched autocracies in the region. According to the Inter-American Dialogue, more than 600,000 Nicaraguans have fled the country in desperation since 2018 due to economic hardship and political repression caused by the regime of President Daniel Ortega and his wife, Vice President Rosario Murillo.

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In addition, there are disturbing signs of closing civic and political space in northern Central America, where supporters of democracy are fighting for open and honest governments. They are watching how the international community responds to the repression and orchestrated demise of democracy in Nicaragua. On March 10, [Pope Francis](#) said that “the imprisonment of Catholic Bishop Rolando Álvarez reminds him of Hitler’s dictatorship.” In this regard, it is promising that more Latin American democracies have condemned what the [United Nations Group of Human Rights Experts on Nicaragua](#) denounced as “crimes against humanity: murder, imprisonment, torture, including sexual violence, deportation, and politically motivated persecution.”

## Current State of Civil and Political Rights in Nicaragua

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

In late 2020, the regime approved draconian laws that undermined fundamental freedoms and eroded the country’s rule of law. The legal system was used to delegitimize and essentially wipe out Nicaraguan civil society en masse; more than 3,000 national and international civil society organizations, independent media, charities, trade associations, and universities were deregistered and forced to close, including NDI (with an office registered since 2006). In November 2021 and 2022, illegitimate presidential and municipal elections took place after opposition candidates were summarily arrested and jailed. Combined, the sham elections completed the country’s descent into a one-party state.

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

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

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Today, the choices offered by Ortega-Murillo are simple: silence, prison or forced exile. The 222 political prisoners (including students, journalists, priests, civic activists, and former presidential candidates) who have just emerged from a traumatic, life-threatening experience face enormous personal challenges. These include reuniting with their families, resettling their lives and families, finding employment to make up for lost income or canceled pensions, and taking up their activism from abroad. The release of the civic and political leaders will enable voices previously silenced by their imprisonment to join with fellow dissidents spread out across Costa Rica, the United States, and other countries to chart the way forward.

However, we must not forget about the remaining 37 political prisoners, including Bishop Álvarez, and the families of those expelled from their country or forced into exile, nor the most vulnerable groups who continue to suffer repression. In particular, NDI calls attention to Nicaragua's Indigenous communities, who continue to suffer violent attacks over land disputes. On March 12, 2023, at least six members of a Nicaraguan Indigenous group were killed and others wounded in an attack by apparent settlers. This is just the latest in a years-long string of assaults on Indigenous communities in the Caribbean Coast of Nicaragua – particularly in the Bosawás Biosphere Reserve in the Northern Caribbean Coast Autonomous Region. The attacks have left at least 63 persons dead, 46 disappeared, and numerous tortured, along with houses razed and families displaced since 2015, according to the United Nations Human Rights Office of the High Commissioner. Nicaraguan human rights and environmental activists highlight that many settlers moving onto the lands are former soldiers seeking to raise cattle, as well as partake in illicit logging and mining interests.

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

## Growing Illiberal Influence in Nicaragua

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

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## Opportunities to Advance Democracy

NDI applauds actions taken to date against Nicaraguan officials committing human rights violations by the Biden Administration and U.S. Congress. Yet, the Ortega-Murillo regime continues to take unprecedented steps to consolidate its dictatorial power over all Nicaraguans. Now more than ever, it is essential to call out the ongoing repression and violations of fundamental human rights and freedoms endured by Nicaraguans, particularly those who worked to defend democracy at tremendous personal costs. This includes the 222 released political prisoners, the 94 additionally and subsequently stripped of their citizenship and assets, the 37 remaining political prisoners, including Bishop Álvarez, and all of their family members. The U.S. and the international community should consider the following actions to continue to address ongoing human rights violations in Nicaragua.

- ▶ The Second Summit for Democracy on March 29 and 30, co-hosted by the Biden Administration and the leaders of Costa Rica, the Netherlands, South Korea, and Zambia, provides an opportunity for democratic governments in the Latin American region to stand together. This includes showing support for democracy activists, independent media, faith and private sector leaders. In particular, the U.S. can work with Costa Rica and other democracies in the region to expand the Alliance for Development in Democracy and advance high-level regional dialogue toward a democratic transition in Nicaragua.
- ▶ The U.S. must continue to use its voice, vote, and advocacy within the Organization of American States (OAS) and with member nations to hold Nicaragua accountable for violations of the OAS' Democratic Charter. The international community should call for the renewal of the mandate of the UN Group of Experts on Nicaragua to enable continuous monitoring and documenting of Nicaraguan government abuses and to provide recommendations for accountability and justice for victims of repression. This includes the key issues of corruption, human rights abuses against the Indigenous and Afro-descendent communities, and violence against women. Reaffirming democratic values and backing with actions will be key as illiberal countries such as China and Russia seek to expand their negative economic, political, and security role in Nicaragua.
- ▶ The U.S. Government has the diplomatic and economic tools to ensure that international funding and trade are not propping up the Ortega-Murillo regime, including the bipartisan Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act). In this regard, the U.S. should continue to focus sanctions on the gold mining and energy and lumber production, sectors that threaten the economic interests of the regime. It will also send an important message to neighboring governments already demonstrating dictatorial tendencies.
- ▶ NDI commends the bipartisan efforts by the Senate Foreign Relations Committee Chairman Menendez and the House Foreign Affairs Committee Chairman McCaul to urge the presidents of Costa Rica, El Salvador, Guatemala, and Honduras to increase scrutiny of lending by the Central American Development Bank of Economic Integration (CABEI) to the Ortega-Murillo regime. The U.S. should use its diplomatic tools to also urge CABEI Board members to re-consider continued lending to Nicaragua until actions are taken by the regime toward a path to restore democracy in concert with Nicaraguan civic and political activists.

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- ▶ NDI also highlights the efforts of Nicaraguans – both in the country and in exile – to find common ground on a path for peaceful change when a political opening occurs. These efforts can be bolstered by sustained U.S. democracy assistance that supports independent journalists, and civic, environmental, human rights, and youth activists, and the democratic opposition to 1) shine a light on the crimes against humanity being perpetrated by the Nicaraguan regime; 2) monitor international financial investment bank loans; 3) disrupt information manipulation; and 4) generate a consensus toward a democratic transition. A return to democracy will likely only succeed when there are Nicaraguan efforts bolstered with international support.
  - ▶ Finally, the U.S. Department of State is to be commended for its considerable efforts to ensure the safe transfer of the 222 former political prisoners to the U.S. and for the partnership that it has developed with the Nicaraguan diaspora and U.S. civil society organizations to meet the legal, housing, health, and mental health needs of the former prisoners, many of whom come from modest, rural economic backgrounds. While the humanitarian parole for two years allows the former prisoners to remain in the U.S. and apply for expedited work visas, this group’s suffering has been compounded by being stateless, the confiscation of their assets, and threats of reprisals against loved ones left behind. We hope that their refugee/political asylum applications can also be expedited so that the former prisoners, as well as the group of 94 stateless individuals, can access mainstream benefits and reduce their day-to-day struggles. We also urge the U.S. to continue to identify ways to expeditiously reunite families.

Chairwoman Salazar, Ranking Member Castro, and members of the Subcommittees on Global Health, Global Human Rights and International Organizations, and the Western Hemisphere, thank you again for the opportunity to testify, and I look forward to your questions.