



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

***“An International Response to  
Ortega’s Destruction of Democracy in  
Nicaragua.”***

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

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

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

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

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

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

### **Constructing an Authoritarian Edifice**

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

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

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

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

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

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

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

### **Dramatic Escalation: The “Months of the Long-Knives”**

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

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

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

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

## **Characterizing the International Response**

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

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

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

## **Extra-Hemispheric Actors and A Serious National Security Threat**

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

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

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

### **Policy Recommendations**

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

#### Short-Term

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

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

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

### Medium-Term

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

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

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

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

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

### Long-Term

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

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

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

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

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

## NOTES

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