

**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 1<sup>st</sup>, 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.