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Tom Lantos Human Rights Commission Hearing
The Perilous State of Religious Freedom in Nicaragua
December 15, 2022

Introduction

Co-Chair McGovern, Co-Chair Smith, and Members of the Tom Lantos Human Rights Commission, the crimes against humanity, human rights violations, and violent attacks against the Catholic Church in Nicaragua are deeply troubling and reaffirm the importance of documenting and bringing to light these horrific atrocities. Just earlier this month, Secretary of State Anthony Blinken designated Nicaragua as a Country of Particular Concern under the International Religious Freedom Act of 1998.² However, the human rights abuses occurring under the regime of Daniel Ortega and Rosario Murillo do not stop at attacks on religious freedom and the church. All Nicaraguans are living under an illegitimate regime that is constantly violating their human rights and denying them basic freedoms. The Ortega-Murillo regime is currently holding more than 235 political prisoners who face torture, degrading treatment, weight loss, human rights abuses, and lack of access to basic necessities including adequate medical attention. Additionally, they have been denied due process rights and have faced sham trials. They have been held *incommunicado* for 84 days, without any phone calls, and no access to reading and writing materials – not even Bibles.

Ortega destroyed democracy in Nicaragua under his rule. Ever since returning to power in 2006, Ortega has manipulated the system to control all aspects of the government and its institutions to gain power and maintain his hold on the country. Ortega uses democratic levers to violate the Nicaraguan constitution, manipulate the rule of law, and use his puppet-control over the Nicaraguan Congress to pass laws that favor his dictatorship.

What happens in Latin America impacts the United States directly. Whether for democratic reasons or security reasons, more attention must be paid to the Nicaragua crisis, as it is vital for U.S. foreign policy and national security interests. Migration is just one example on how the current predicament in Nicaragua impacts the U.S. directly. The people of Nicaragua, in addition to Cubans and Venezuelans, are speaking out using their feet. Even though many of these individuals have migrated throughout the region for over a decade, now those numbers are reaching the U.S. southern border in record numbers.

According to reports, “in fiscal year 2022, U.S. border officials said there were 220,908 encounters with Cubans, 187,716 with Venezuelans and 163,876 with Nicaraguans, the vast majority of whom were allowed to seek asylum... The record arrivals of Cubans, Venezuelans and Nicaraguans were partly responsible for pushing the overall number of migrant encounters along the southern border to nearly 2.4 million in fiscal year 2022, an all-time high that exceeded the record set in 2021, CBP figures show. ³” It is clear that Nicaraguans, Cubans, and Venezuelans are being driven out of their countries due to ruthless dictatorships.

¹ The views expressed in this testimony are those of the author and does not reflect an official position of the Wilson Center.

² <https://www.state.gov/religious-freedom-designations-2/>

³ <https://www.cbsnews.com/news/cuba-venezuela-nicaragua-migrants-processed-record-us-border-2022/>

When the United States Congress passed the International Religious Freedom Act (IRFA) and it became law, it institutionalized the significance of protecting and advancing religious freedom around the world as part of our foreign policy. In addition, the Universal Declaration of Human Rights reaffirms that religious freedom is a universal human right for all. This Declaration has been signed and ratified by more than 170 countries, including Nicaragua. However, authoritarian regimes, such as the one led by Ortega, see religious freedom as a threat to their staying in power and orchestrate attacks against the faith communities, faith leaders and of course the Catholic Church.

The rise in violence, persecution and discriminations against religious liberty is a clear indication of the ability and positive role that international religious freedom can play in communities. The advancement and protection of religious liberty is critical to the political and economic stability and prosperity of societies. For the United States, religious freedom is a bipartisan priority that is engraved in the American story and in accordance with the International Religious Freedom Act which emphasized the importance of religious freedom to our national security and the way we conduct our foreign policy.

To reaffirm and put to practice America's commitment and policies to religious freedom, President Trump signed Executive Order 13926 on Advancing International Religious Freedom. The E.O. directed U.S. Chiefs of Mission to develop action plans to promote international religious freedom in Countries of Particular Concern, Special Watch List countries, countries with Entities of Particular Concern, and any other countries that have engaged in or tolerated violations of religious freedom and directed foreign assistance funds to promote international religious freedom to the extent feasible.

Recent History

In 1990, Nicaraguans had unchained themselves from Ortega's rule and brought democracy back to their country when they elected Violeta Chamorro and her National Opposition Union (UNO) as the President of Nicaragua. After losing the 1990 election, Ortega continued to look for ways to return to power and learned his lesson not to allow free and fair elections in the future. Former U.S. Ambassador to Nicaragua Robert Callahan once recalled a story told to him that a piece of advice Fidel Castro gave Ortega was that "under no circumstances, no matter how intense the pressure, allow free and fair elections."⁴

Due to an electoral reform law from 2000, Ortega changed the requirement needed to win a presidential election. Prior to 2000, candidates needed 45 percent of the vote to win an election. After the reform law, the percentage dropped to 40 percent outright or 35 percent with a five percent margin from the second-place candidate. This change, along with Ortega's control of the Supreme Electoral Council, enabled him to manipulate the system enough to come back to power in 2006.

Fraudulent Elections

Once Ortega returned to power and with the support from Venezuela and Cuba, corruption prevailed to undermine and manipulate institutions in Nicaragua, including the Supreme Electoral Council (CSE). In 2008, with the help of the CSE and without international observation, Ortega conducted the first electoral fraud, stealing 25% of the local municipalities, allowing him to seize two-third of the territory. Although it was unconstitutional Ortega ran for a third presidential term in 2011.

⁴ <https://www.miamiherald.com/opinion/op-ed/article95670662.html>

To achieve that, Ortega used his kangaroo court he controlled to give him “permission” to run again. However, the court did not have the constitutional authority to make such a ruling. The constitution clearly stated that only the legislative branch could amend the constitution and grant such authority. At the time, Ortega lacked control of Congress to make such reforms so instead he used the court in this manner as cover which was ultimately unconstitutional. Both of these electoral frauds allowed him to secure the executive power, but also two-third of the legislative and local governments.

In November 2011, former House Foreign Affairs Committee Chairman, Rep. Ileana Ros-Lehtinen (R-FL), convened a [congressional hearing, Democracy Held Hostage in Nicaragua](#). Robert Callahan, a former U.S. ambassador to Nicaragua, testified before Congress that, “Daniel Ortega’s candidacy was illegal, illegitimate and unconstitutional; second, that the period leading to the elections and the elections themselves were marred by serious fraud; third, that Daniel Ortega and his Sandinista party have systematically undermined the country’s fragile governmental institutions. ⁵” The State Department also noted then that the elections were not transparent and that “international and unaccredited domestic observers have publicly stated that the electoral process was marred by significant irregularities. The major opposition candidates have rejected the results. ⁶”

Three years after the 2011 presidential elections, Ortega attained full control of the Congress. In 2014, Ortega put forth a legislation that abolished term limits allowing him to be president for life as well as eliminating the need for certain percentages to win an election. Instead, only a majority is now needed. There have been two fraudulent so-called elections since these changes.

In 2016, the Department of State referenced “the flawed presidential and legislative electoral process in Nicaragua, which precluded the possibility of a free and fair election. ⁷” In 2021, a press statement from Secretary of State Anthony Blinken stated, “The Ortega-Murillo government has deprived Nicaraguans of any real choice by dissolving all genuine opposition parties and imprisoning all the principal presidential candidates. This repression and electoral manipulation, widely decried by Nicaraguans and the international community, stripped the November 7 vote of any real significance. The Ortega-Murillo government denied Nicaraguans their right to vote in free and fair elections and wrongfully deprived nearly forty individuals of their freedom. ⁸”

In order to be successful in multiple fraudulent legislative and presidential elections, Ortega relied upon Roberto Rivas, the former President of Nicaragua’s Supreme Electoral Council. During many of these fraudulent elections from previous years, Rivas was at the helm ensuring that Ortega got the outcome he wanted. Later in 2017, the Department of Treasury sanctioned Rivas for perpetrating “electoral fraud undermining Nicaragua’s electoral institutions ⁹.”

⁵ <https://www.govinfo.gov/content/pkg/CHRG-112hhrg71401/html/CHRG-112hhrg71401.htm>

⁶ <https://2009-2017.state.gov/r/pa/prs/ps/2011/11/176992.htm>

⁷ <https://www.reuters.com/article/us-nicaragua-election/u-s-expresses-concern-over-nicaraguas-flawed-election-idUSKBN13108W>

⁸ <https://www.state.gov/nicaraguas-undemocratic-election/>

⁹ <https://home.treasury.gov/news/press-releases/sm0243>

Catholic Church Past History in Nicaragua

While the Catholic Church in Nicaragua today is facing intense persecution, it is important to remember the troubling role a few local church leaders played in Ortega's rise to power.

One controversial figure was Miguel D'Escoto. Appointed as Ortega's Foreign Minister in 1979, D'Escoto simultaneously held public office while maintaining his role as a Catholic priest. This led Pope John Paul II to suspend D'Escoto from the Catholic Church in 1985 but then Pope Francis reinstated him in 2014.

Another divisive individual was Cardinal Miguel Obando y Bravo, the former Archbishop of Managua. Even though he initially opposed the Sandinista movement, he later became a close ally of Ortega. Consequently, Ortega was able to use Cardinal Obando to legitimize his dictatorial rule within the Catholic clergy system, even propagandizing to the Catholic church-going community. Importantly, it was also Cardinal Obando who allegedly convinced Ortega to put Roberto Rivas in charge of the Supreme Electoral Council.

In summation, it is inexplicable that Rivas had been guaranteeing Ortega and his cronies electoral victories for years through irregularities and electoral fraud. This caused the United States to apply sanctions against him, but it is important to note that Rivas was appointed to his position due to the urging and recommendation of Cardinal Obando.

April 2018 Massacre

The Catholic Church and the *Conferencia Episcopal de Nicaragua* (CEN) under the leadership of Auxiliar Bishop for Managua Silvio Jose Baez, and Bishop of Matagalpa Rolando Jose Alvarez, has been a critical voice to the corruption and human rights violations regime, which have caused persecution, exile, and incarceration.

In May 2014, when debates about constitutional reforms were taking place in Nicaragua, the members of the CEN and Daniel Ortega concluded the first dialogue meeting during which they addressed institutional, socioeconomic, human rights and public liberties issues. During these discussions, the possibility of opening a national dialogue was raised and the Catholic Church proposed the need of a "Social Contract", but then the Ortega regime did not return to the dialogue and dismissed completely the proposal of the church.

After several fraudulent elections and with the national dialogue concept reaching a dead end, opposition to Ortega's rule grew and led thousands of Nicaraguans to protest publicly and demand democracy, freedom, and a respect for human rights. In April 2018, Nicaraguans went into the streets to protest against social security reforms that Ortega drafted. While the protests led Ortega to cancel these planned reforms, a growing number of young students and everyday Nicaraguans were demanding more reforms, and upholding democratic principles. Marches were organized throughout the capital and elsewhere in the country. Ortega responded with brute force. The Ortega regime used the police, military, and even paramilitary forces to murder protestors and injure thousands. According to the Inter-American Commission on Human Rights, "the number of people killed in the crisis is at least 355 during the repression of social protests over the period April 18, 2018–July 31, 2019."¹⁰

¹⁰ https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/302.asp

As an example of the escalation of the danger in the country, in 2018, Cardinal Leopoldo Jose Brenes Solorzano, Bishop Silvio Baez, and apostolic nuncio Archbishop Waldemar Sommertag were all surrounded and physically attacked as they were trying to enter San Sebastian Basilica in the town of Diriamba, Nicaragua. The clergy were trying to reach Nicaraguans and medics who had sought refuge in the basilica for fear of being attacked by Ortega's forces.

Bishop Baez expressed concern regarding the situation in the country after he was attacked and became a fierce supporter of the people yearning for freedom and the respect of human rights. Later, Pope Francis called Bishop Baez to Rome so he had to leave Nicaragua. Even though Bishop Baez had received threats against his life, he made it very clear that he did not ask to leave the country but instead was departing at the request of Pope Francis.

During this turmoil, the Nicaraguan civil society and the Ortega regime attempted to initiate a dialogue regarding the crisis. Since the church is a trusted institution in the country, the CEN agreed to mediate the talks in hopes of restoring democracy back to Nicaragua. The Catholic Church, once again, played a central role calling for a national dialogue to end protest and violence, but unfortunately the agreements were not honored by the regime. As expected, the dialogue yielded no results.

The 2019 Nicaragua section of the State Department's International Religious Freedom report stated that Ortega and Murillo "used hateful rhetoric condoning and inciting harassment, intimidation, and physical attacks targeting Roman Catholic clergy, worshippers, and places of worship. These reports stated the Nicaraguan National Police (NNP), along with progovernment groups and ruling party (Sandinista National Liberation Front, or FSLN) activists, routinely harassed and intimidated religious leaders and desecrated religious spaces. Catholic leaders reported physical attacks and verbal insults, death threats, and intimidation campaigns by the NNP and groups associated with Ortega and Murillo, such as the Sandinista Youth."¹¹

Recent Cases of Human Rights Violations

Ortega continues to quash any form of dissent within the Nicaraguan population. It is clear that he fears opposing voices that may disagree with his decisions. This fear extends to the influence and credibility of the church. This year alone, Ortega has closed several Catholic radio stations, expelled the nuns from Mother Teresa's Missionaries of Charity, expelled the Religious Sisters of the Cross, and expelled out of Nicaragua the apostolic nuncio, Archbishop Waldemar Stanislaw Sommertag. The regime has also detained Father Enrique Martínez Gamboa and put Matagalpa's Bishop Rolando Álvarez under house arrest. According to recent press reports, at least 11 priests have been arbitrarily arrested¹².

The Ortega-Murillo regime has made a conscious effort to not only target the church, but also the youth, non-governmental organizations, the private sector, and civil society. According to press reports from *Confidencial*, the Ortega regime has closed approximately "3,106 Non-Governmental Organizations, equivalent to 42.9% of the 7227 NGOs that existed in the country before the [regime] began their push for massive cancellations."¹³

¹¹ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/nicaragua/>

¹² <https://www.catholicnewsagency.com/news/252567/another-catholic-priest-has-been-kidnapped-by-nicaraguas-ortega-regime-says-exiled-churchman>

¹³ <https://www.confidencial.digital/english/canceled-ngos-in-nicaragua-now-number-in-the-thousands/>

Influence of Nefarious Actors

Once Ortega came back into power in 2006, many nefarious actors have played a role in Nicaragua. Cooperation between repressive authoritarian regimes, including Venezuela, Cuba, Iran, China and Russia, has risen in recent years. Iran and Nicaragua continue to explore new ventures for increased collaboration throughout many sectors. Nicaragua even hosted former Iranian dictator Mahmoud Ahmadinejad in 2007 and again in 2012. Most recently, Nicaragua also hosted the so-called “Vice-President” of Iran, Mohsen Rezaei, who is currently wanted by Interpol for his role in the AMIA Jewish Center bombing in Argentina.

In December 2021, Ortega broke off relations with Taiwan and instead recognized China. Following this announcement, the Chinese and Nicaraguan Foreign Ministers met to discuss the Belt and Road Initiative as well as to explore a potential free trade agreement between both nations.

Ortega has also opened his arms and rolled out the red carpet for Vladimir Putin, who personally visited Nicaragua for a state visit in 2014. At that time, in 2014, then Commander of U.S. Southern Command General John Kelly testified before Congress that “it has been over three decades since we last saw this type of high-profile Russian military presence: a visit by a Russian Navy Interfleet Surface Action Group to Cuba, Nicaragua, and Venezuela, and the deployment of two Russian long-range strategic bombers to Venezuela and Nicaragua as part of a training exercise.”¹⁴

Nicaragua is one of the few countries in the world who wrongly recognizes Crimea as part of Russia instead of rightfully under Ukraine and also recognized South Ossetia and Abkhazia even though they are Georgian territories. It is worth noting that Nicaragua is also one of only four countries that voted against condemning Russia for its unprovoked war against Ukraine.

Ortega has also allowed Nicaragua to be a staging ground for Russian military activity. Nicaragua has hosted many of Putin’s military hardware including T-72 tanks and even hosted Russia’s Tu-160 Blackjack bombers. In June 2022, Ortega went a step further and had his National Congress pass legislation authorizing the presence of Russian troops, warships, and military equipment in the country. Russia has also installed a global positioning satellite system in Nicaragua, which many believe is a front to conduct surveillance and spy on the United States.

More recently in 2020, Admiral Craig Faller who was also in charge of U.S. Southern Command during this time, stated that “beyond Venezuela, the sanctuary of cozy relationships with authoritarian governments in Cuba and Nicaragua provide Russia with footholds close to our homeland, giving Putin strategic options.”¹⁵

¹⁴ https://www.armed-services.senate.gov/imo/media/doc/Kelly_03-13-14.pdf

¹⁵ https://www.southcom.mil/Portals/7/Documents/Posture%20Statements/SASC%20SOUTHCOM%20Posture%20Statement_FINAL.pdf?ver=2020-01-30-081357-560

Development Assistance

During my time at the U.S. Agency for International Development (USAID), advancing religious freedom and Nicaragua was a top priority for former Administrator Mark Green and the Agency. Through the generosity of the American people and with the bipartisan support from Congress, we invested new funds into supporting religious freedom work in Cuba and Nicaragua within the Western Hemisphere.

Regarding Nicaragua, funding went to create new programs supporting civil society organizations to raise international awareness of the Nicaraguan regime's repression of religious leaders. Specifically, the support went into helping document human rights violations, including cases of persecution of religious leaders. Lastly, the program helped Nicaraguan youth form faith-based organizations, receive training regarding leadership, consensus-building, digital security, and fostering civic consciousness at the grassroots level and received seed funding for social impact projects that addressed community issues.

On the Cuba front, funding went to support programs who aimed on shedding light on the harassment and repression against religious groups and leaders. The programs helped monitor and report on religious freedom violations, especially since in recent years the Havana regime has continued curtailing religious freedom in a systematic, on-going and egregious way, for instance there is a religious freedom survey which results illustrated that: 1) 67% of those interviewed admit to having been or knowing someone who professes a religion and has, to some extent, been harassed, repressed, threatened, or hindered in their daily life for reasons related to their faith and 2) over 60% of people who profess a religious faith consider it a risk to discuss matters related to faith in written forms, such as blogs or Facebook, as well as talking about their faith with people who are not family members or meeting with other religious people.

Recommendations

The United States government has tools available to bring about change, protect human rights, block financing to a dictatorial regime, and help Nicaraguans bring peace, stability, and economic prosperity back to their country. Below are some recommendations that may be helpful to restore democratic order.

1. As of July of 2022, the Ortega-Murillo regime withdrew its previous approval of the U.S. Ambassador. Even after the nominee was confirmed by the Senate in September 2022, the regime made it clear that Nicaragua will not allow the new Senate confirmed U.S. Ambassador to Nicaragua to enter the country. This is par for the course as Ortega followed up this decision by also expelling the European Union's Ambassador in the country. Meanwhile, Ortega's Ambassador to the U.S. remains in Washington. **The U.S. should reciprocate and respond to Ortega's actions by expelling Ambassador Francisco Campbell from the U.S. immediately.**
2. Congress, in a bipartisan manner, has worked hard to hold the Ortega regime accountable. Thanks to congressional efforts, two bills have been passed and signed into law. The Nica Act (P.L. 115-335) and the RENACER Act (P.L. 117-54) are laws that aim to support the people of Nicaragua and give authorization to apply targeted sanctions against the Ortega regime and its accomplices. The NICA Act specifically states that the United States Executive Director at each international financial institution use its voice, vote, and influence to block loans to Nicaragua unless the loans promote democracy.

The RENACER Act later reaffirmed the prohibition of loans through the IFIs and added new language to ensure there was proper oversight and scrutiny against any loan for Nicaragua and called to ensure that any assistance be administered independently from the regime. Congressman Albio Sires (D-NJ), current Chairman of the House Foreign Affairs Subcommittee on the Western Hemisphere, recently wrote an opinion editorial where he states that “international financial institutions including the International Monetary Fund, World Bank, and Inter-American Development Bank have loaned at least \$1.2 billion”¹⁶ to the Ortega regime since 2018. **Regardless of both of these provisions in law, it is clear that the U.S. has failed in blocking loans from arriving in Managua so we need better enforcement by U.S. agencies to stop the flow of funds to Ortega’s coffers.**

3. For many years, I have been advocating to impose targeted sanctions against Ortega and those in the private sector who help the regime launder its money and fuel the corruption in Nicaragua. At the same time, the United States must consider expelling Nicaragua from the Central America Free Trade Agreement (DR-CAFTA). While this may be a difficult task, the administration has come up with a unique way to implement similar restrictions. On October 2022, President Joseph Biden made changes to Executive Order 13851 by authorizing the United States to be able to prohibit imports from Nicaragua to the U.S., exports from the U.S. to Nicaragua, and to prohibit new investments into the Nicaraguan economy¹⁷. This is a positive step forward. **These authorities should be executed and utilized immediately against sectors that Ortega, his family, or his private sector collaborators control.**

Conclusion

To summarize, stability, prosperity, and restoring democratic order in Nicaragua and throughout the region is in our national security and foreign policy interests. Today, Nicaraguans live under an illegitimate tyrannical regime that uses violence, fear, intimidation, unjust incarcerations, and state sponsored killings to maintain its iron grip on the country. We should continue to work in a bipartisan manner with an international coalition to help Nicaragua. The people are crying out for freedom and have put their lives at risk to demand democratic order and liberty.

¹⁶ <https://english.elpais.com/opinion/2022-10-17/lets-stop-funding-nicaraguas-dictatorial-regime.html>

¹⁷ <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/24/executive-order-on-taking-additional-steps-to-address-the-national-emergency-with-respect-to-the-situation-in-nicaragua/>