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Testimony before the House of Representatives Foreign Affairs Committee: Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Crushing Dissent: The Ongoing Crisis in Nicaragua

June 11, 2019

Jos Miguel Vivanco, Americas Director

Mr. Chairman, Ranking Member Francis Rooney, other members of the subcommittee:

Thank you for the invitation to appear before the House Committee on Foreign Affairs Subcommittee on the Western Hemisphere, Civilian Security, and Trade on behalf of Human Rights Watch (HRW) to discuss our assessment of the human rights abuses taking place in Nicaragua under President Daniel Ortega.

In April 2018, massive anti-government protests broke out across Nicaragua. Police, in coordination with armed pro-government groups, brutally repressed protestors. In the context of the demonstrations, more than 300 people were killed and more than 2,000 were injured, according to the Inter-American Commission on Human Rights (IACHR). Many of the people detained during the crackdown were subject to serious abuses that in some cases amounted to torture including electric shocks, severe beatings, nail removal, asphyxiation, and rape.

Authorities abuses of protestors remain unpunished. Moreover, President Ortega promoted top officials who bear responsibility for the abuses.

The government has also threatened, harassed, expelled, and jailed those who expose its abuses, including independent journalists, human rights defenders, international monitors, and NGOs. Several of the human rights defenders and journalists targeted during the crackdown had been longstanding critics of Ortega and had already been victims of harassment before the protests started.

Political Prisoners

Since the beginning of the protests, Nicaraguas police and armed pro-government groups have operated jointly to detain hundreds of demonstrators. Armed pro-government groups have also abducted many people, at times holding them in secret detention facilities. At other times, these gangs immediately handed detainees over to police for further investigation.

On March 20, 2019, the Nicaraguan government agreed to release all people detained in the context of the protests by June 18, and to drop the charges against them, in an effort to restart stalled talks with the opposition and to persuade the international community to lift sanctions. As of March 2019, at least 647 people arrested during the crackdown on protests and anti-government activity remained in detention, according to the Inter-American Commission on Human Rights (IACHR). Until February 15, 407 were being prosecuted and 138 had been convicted, according to information provided by civil society groups to the IACHR.

Between February 27 and March 18, 2019, the Ortega administration released 154 people who were arrested during the protests, according to the governments own figures. Charges remained filed against them, however, and the vast majority were only released to house arrest. Between April 5 and May 30, the Interior Ministry announced the release of an additional 200 people on the same terms.

Human Rights Defenders

Human rights defenders and other critics of the governments human rights record have increasingly become the targets of death threats, harassment, judicial persecution, and even expulsion from the country.

Between November 29 and December 13, 2018, Nicaraguas Congress stripped nine non-governmental organizations of their legal registration, effectively forcing them to shut down. Congressman Filiberto Rodriguez of the ruling party introduced the motions stripping them of registration at the request of the Interior Ministry. On the night of December 13, the National Police raided five of these organizations, confiscating many documents and computers.

The NGO shutdowns were followed by criminal accusations against prominent human rights defenders and the expulsion of the IACHR Special Monitoring Mechanism for Nicaragua (MESENI). Previously, the office of the High Commissioner of Human Rights (OHCHR) was expelled following the publication of a scathing report.

Freedom of Expression

Since April 2018, police and armed pro-government groups have harassed, intimidated, assaulted, and detained journalists. Two foreign journalists reporting on the crackdown were deported in August and October. The government has shut down critical news channels for days at a time, and independent online outlets have accused the government of subjecting them to cyber-attacks.

For example, in May 2018, police assaulted two *EFE* reporters in Managua. In June, armed pro-government groups detained reporters from TV channels *100% Noticias* and *Channel 12* while they attempted to cover the crackdown on protestors in Managua.

In December 2018, the Attorney Generals Office charged a prominent, independent news channels owner and its press chief of inciting terrorism. Police raided the channels office in December and arrested them. They remained in detention as of May 2019. Three journalists working for the channel fled the country after their colleagues were jailed, two of which had also been indicted with inciting terrorism. All three had consistently provided critical coverage of the government response to protests.

Since April 2018, 56 Nicaraguan journalists have gone into exile, according to a journalists association.

Asylum Seekers

According to the UN High Commissioner for Refugees, more than 60,000 Nicaraguans have fled the country since the protests began in April 2018, with the majority (55,000) seeking refuge in Costa Rica. Thousands more fled to Mexico, Panama, and the United States. Human Rights Watch has found that the list includes doctors threatened for providing care to protests victims, as well as activists and journalists harassed and threatened for criticizing the government.

Key Mechanisms to Promote Accountability

Human Rights Watch supports the Global Magnitsky Human Rights Accountability Act and its corresponding executive order, which are important authorities for the U.S. government to impose targeted sanctions, including visa bans and asset freezes, against individual human rights abusers without punishing entire countries.

We support the successful application of the Global Magnitsky Act in July 2018 and December 2018, when the US Treasury Department imposed sanctions on five Nicaraguans implicated in human rights abuses and corruption, including National Police Commissioner Francisco Diaz, leader of the Sandinista Youth party Fidel Moreno, president of the state-owned oil company Petronic and vice-president of ALBANISA Jose Lopez, Vice-President Rosario Murillo, and presidential aide Nestor Moncada Lau.

The Nicaragua Human Rights and Anticorruption Act (NICA Act), passed on December 20, 2018, expanded on the Global Magnitsky Act to allow the US government to take additional action against the egregious human rights abuses taking place in Nicaragua. We urge Congress to consider its immediate implementation against human rights abusers in Nicaragua who have yet to be held accountable and look forward to working with you on this effort.

In a forthcoming report, Human Rights Watch documented egregious abuses committed by the Nicaraguan National Police and armed pro-government groups working in coordination with police against protesters and detainees, including cases of abuse that amount to torture. The report recommends that the international community redouble the pressure on the Nicaraguan government, and specifically that the US government impose targeted sanctions against key individuals who bear responsibility for these abuses.

Recommendations:

We believe Congress should:

Mr. Chairman and subcommittee members, thank you for your attention to this critical issue.

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