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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

July 10, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520

Dear Secretary Pompeo:

We write to express our continued concern about Nicaraguan President Daniel Ortega's ongoing efforts to silence his critics and promote impunity for human rights abuses. It has been more than a year since Ortega ordered a brutal crackdown on protesters that killed more than 320 people and six months since his security forces raided media outlets and civil society groups, undercutting their ability to hold him accountable.

On June 18, the Ortega regime failed to release all of the political prisoners remaining in its custody, violating an agreement it had made with Nicaragua's political opposition under the mediation of the Organization of American States (OAS). Although the regime released more than 100 prisoners this month, the Alianza Civica, the opposition coalition involved in negotiations, says there are still 84 political prisoners detained arbitrarily, many of whom the government denies having in custody. During its General Assembly meeting in late June, the OAS acknowledged as part of a broader resolution on the Nicaragua crisis that political prisoners remain in government prisons.

Equally troubling, on June 8 the Nicaraguan Congress passed an amnesty law that, given the lack of judicial independence in the country, could entrench impunity for the police and paramilitaries who participated in last year's crackdown. It is important to note that to date, not a single member of the security forces has been prosecuted for their participation in the regime campaign of repression, which includes documented cases of torture and widespread human rights abuses.

We applaud the steps the Administration has taken thus far to address the Ortega regime's brutality, including the sanctions on four regime officials announced on June 21 under the NICA Act (Public Law No: 115-335) and Executive Order 13851. We urge you to expand such measures and work with Congress on additional efforts to hold Nicaraguan officials accountable.

On December 20, 2018, the NICA Act became law, in support of a peaceful outcome to the Nicaragua crisis that includes early elections, as well as a range of tools to apply necessary pressure on the Ortega regime in order to facilitate a negotiated solution. The NICA Act also requires the State Department's Bureau of Intelligence and Research (INR), in coordination with

the Secretary of the Treasury and the Director of National Intelligence, to provide Congress with a classified report on the role of Nicaraguan officials in human rights violations and corruption.

This report – which the State Department did not submit by the June 19 deadline – is essential to our efforts to promote justice and accountability for the victims of Nicaragua’s ongoing crisis, and it will help inform decisions about how to best implement targeted sanctions on Nicaraguan government officials, as required under the NICA Act.

Meanwhile, on June 19, Human Rights Watch (HRW) published a comprehensive report highlighting the torture and ill-treatment of detainees, abusive prosecutions against regime opponents, and attacks against civil society and the free press. In the report, HRW recommends that, given their command responsibility, the U.S. Government sanction the following officials:

1. President Daniel Ortega, supreme chief of the National Police
2. Retired General Aminta Granera, former Director General of the National Police;
3. General Ramon Avellán, National Police deputy chief;
4. General Jaime Vanegas, National Police inspector general;
5. General Luis Pérez Olivas, chief of the El Chipote prison; and
6. General Justo Pastor Urbina, chief of the Department of Special Operations.

We request that the INR report required under the NICA Act include information about the six individuals mentioned above, and their role in human rights violations and corruption. We further request that the INR report include information about the following three individuals suspected of complicity in the murder of U.S. citizen Eddy Montes while he was a political prisoner in the La Modelo prison:

1. Julio Guillermo Orozco, Director General of the National Penitentiary System;
2. Darling Morales Duarte, Director of the Tipitapa “Jorge Navarro” Penitentiary, known as “La Modelo”;
3. Donald Perez Garay, Director of the Maximum Security Area at La Modelo prison.

It is critical that the United States reinforce efforts by the international community to maintain pressure on the Ortega regime and ensure it respects the rights of the Nicaraguan people, prosecutes those responsible for human rights violations, and restores democratic processes.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,



Robert Menendez
United States Senator



Ted Cruz
United States Senator