INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 27/2021
Precautionary Measures No. 1067-18
Danelia del Rosario Argüello Cano et al. regarding Nicaragua
March 14, 2021
(Extension)
Original: Spanish

I. INTRODUCTION

1. On February 12, 2021, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for an extension of precautionary measures filed by the Nicaraguan Women Human Rights Defenders Initiative (IND), the Human Rights Collective “Nicaragua Never Again” and the Center for Justice and International Law (CEJIL), urging that the State of Nicaragua (hereinafter “the State or Nicaragua”) protect Danelia del Rosario Argüello Cano (hereinafter “the proposed beneficiary”) and her nuclear family. According to the request, the proposed beneficiary, identified as a human rights defender, is in a situation that places her at risk following a series of threats, intimidation and harassment against her in Nicaragua’s current context.

2. On February 16, 2021, the IACHR requested information from the State to obtain its observations on the extension request. To date, the State has not provided a response. The beneficiary’s representation submitted additional information on February 23, 2021.

3. Upon analyzing the information provided by the representation, the Commission considers that the information submitted shows prima facie that the rights to life and personal integrity of Danelia del Rosario Argüello Cano and her nuclear family are in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that the State of Nicaragua: a) adopt the necessary measures to protect the beneficiary and her nuclear family’s rights to life and personal integrity. In particular, the State must ensure that the beneficiaries’ rights are respected in accordance with the standards established by international human rights law, both by state actors and in relation to acts of risk attributable to third parties; b) consult and agree upon the measures to be adopted with the beneficiaries and their representation; and c) report on the actions taken to investigate the alleged events that led to the adoption of the precautionary measures at hand, so as to prevent them from reoccurring.

II. BACKGROUND

4. The Commission visited Nicaragua in May 2018, and collected several testimonies on human rights violations that allegedly occurred since the beginning of a series of protests in April, later publishing a Report that included recommendations. To verify compliance with these recommendations, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which was present in the country until December 19, 2018, when the State temporarily suspended its operation. For its part, the Interdisciplinary Group of Independent Experts (GIEI) issued a report that analyzed the events taking place between April 18 and May 30, 2018, confirming the IACHR findings.¹

¹ Roberto José Argüello (father), NDBA (daughter), and DBGA (son)
5. During a presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by the MESENI, according to which from April 2018 to January 10, 2019, there were 325 deaths and over 2000 injured, 550 detained and processed, 300 health professionals were dismissed, and at least 144 students were expelled from the National Autonomous University of Nicaragua. For its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV-B, in accordance with the grounds set forth in its Rules of Procedure.

6. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations. On April 25, the Commission shared the performance report and results achieved by MESENI, which continued to monitor the country from Washington, D.C. Between February and June, the State approved a Law on Dialogue, Reconciliation and Peace, the Comprehensive Care for Victims Act and an Amnesty Law, all of which gave rise to pronouncements of the IACHR for not complying with the international standards in matters of truth, justice, reparation and guarantees of non-repetition. During these last months, the Commission continued registering serious incidents. For instance, in August it voiced its concern regarding the State’s decision of ceasing the “Negotiating Table for Understanding and Peace,” which started on February 27, 2019 between the government and the Civil Alliance for Justice and Democracy. On September 6, the IACHR reported an increased harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.

7. On November 19, 2019, the Commission once again called attention to the ongoing repression, noting that “[...] the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, [has in addition the fact that] the families of people who have been deprived of liberty during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”

8. During 2020, the IACHR verified the intensification of acts of surveillance, harassment, and selective repression against persons considered to be opponents of the Government and identified a fifth stage of repression in the context of the crisis, implemented since mid-2019, which it described as “the most intense and systematic attack on public freedoms that has occurred in the country since the beginning of the crisis.” In May 2020, the IACHR noted and condemned non-compliance with its recommendations, and urgently called on the State to implement them. In October 2020, the IACHR again called for an immediate end to the acts of persecution against persons identified as opponents of the

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3 IACHR, IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua, January 10, 2019.
5 IACHR, IACHR expresses its concern at the announcement by the State of Nicaragua not to continue with the dialogue and calls on the State to comply with its obligations to guarantee and respect human rights, August 6, 2019. Available at https://www.oas.org/en/iachr/media_center/PReleases/2019/194.asp
6 IACHR, IACHR denounces the persistence of repression and expresses its concern over increased harassment against human rights defenders and those released from prison in Nicaragua, September 6, 2019. Available at https://www.oas.org/en/iachr/media_center/PReleases/2019/220.asp
8 Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression, April 18, 2020. Available at https://www.oas.org/en/iachr/media_center/PReleases/2020/080.asp
9 IACHR, Two years after its visit to Nicaragua, the IACHR warns and condemns the non-compliance with its recommendations and urgently calls on the State to implement them, May 16, 2020. Available at http://www.oas.org/en/iachr/media_center/PReleases/2020/113.asp
government and for the restoration of democratic guarantees in Nicaragua.10

9. In 2021, the IACHR condemned the increased harassment in Nicaragua.11 As reported to the IACHR, these acts are manifested in the deployment of police teams of civilians outside houses throughout the day. This is carried out to prevent these persons or their relatives from leaving, or otherwise to identify and register any person who enters or leaves the place. In other cases, they are purportedly subjected to monitoring, detentions, threats, and house searches. Recently, the IACHR has rejected the Law on Foreign Agents in Nicaragua and calls on the State of Nicaragua to repeal it,12 and has condemned acts of destruction of the property of civil organizations.13

III. PM-1067-18. PRECAUTIONARY MEASURES GRANTED IN 2018 AND EXTENDED IN 2019 AND 2020

10. On September 17, 2018, the IACHR granted precautionary measures in favor of Yerling Marina Aguilera Espinoza, Jéssica del Socorro Cisneros Poveda, Ana Otilia Quirós Viquez, Francisca Amanda Centeno Espinoza, María Elena Rivera Caliz, Martha Eugenia Munguía Alvarado, Shakira Simmons Obando, María del Carmen Castillo Meneses, Petrona Pérez Varela, Leonila Amparo Arguello Chavarriá, Orélnda Junieth Cruz Ruiz, Jennipher Diana Ellis Williams, Reyna Isabel Rodríguez Palacios, Juana Antonia Jiménez Martínez, Azahalía Isabel Solís Román, Maritza García Sevilla, and Juana Mercedes Reyes Pérez, in Nicaragua.14 On December 24, 2019, the IACHR decided to extend the precautionary measures in favor of Sofía Isabel Montenegro Alarcón, Violeta Vanessa Delgado Sarmiento, María Teresa Blandón Gadea, Mirna del Socorro Blandón Gadea, Luz Marina Torres Velásquez, Martha Cecilia Meneses Mendoza, Sandra Arceda Torres, Yamilet de la Concepción Mejía Palma, Ana Patricia Martínez Corrales, Marlene del Socorro Ponce Espino, Carla Rosa Padilla, Jennifer Esperanza Altamirano Pozo, Ruth María Díaz Domínguez, Xiomara Ibarra Zelaya, Marlen Auxiliadora Chow, Daisy Tamara Dávila Rivas, and María Virginia Meneses Mendoza, in Nicaragua.15 On May 12, 2020, the IACHR decided to expand the precautionary measures in favor of RAF and his nuclear family, in Nicaragua.16

11. The identified women defenders are allegedly part of various groups, collectives, movements, associations and initiatives that play a relevant role in the country’s current context. When classifying the risk faced by the beneficiary, the Commission took into consideration that events of violence and insecurity against women defenders are influenced by their gender, as they are particularly exposed to various forms of violence, including sexual violence and violence against their families in retaliation for their work, in addition to other obstacles that threaten the work of defenders in general. It was alleged that the beneficiaries were women human rights defenders and were being subjected to threats, harassment, intimidation, as well as acts of violence in the context of their work and following the protests of April 18, 2018 in Nicaragua. Moreover, there was no information on protection details being implemented by the State.

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12. Since the precautionary measures at hand have been in force, the State of Nicaragua has not provided information on their implementation.

IV. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE REPRESENTATION WITH REGARDS TO THE EXTENSION REQUEST

13. The request identifies Danelia del Rosario Argüello Cano as a renowned Nicaraguan lawyer, litigant, and human rights defender in the municipality of Somoto, department of Madriz. Her nuclear family is composed of her daughter NDBA and her son DBGA, 16 and 11 years old respectively. The applicants referred to the context currently faced by the State of Nicaragua, including aspects monitored by MESENI.

14. The proposed beneficiary has provided reports of the massacre that occurred in 2011 in the community of El Carrizo, department of Madriz, when farmworkers were allegedly executed and attacked by Sandinista police and militants, in the context of the national elections of that year. Since April 2018, the proposed beneficiary has been involved in supporting activists and women human rights defenders. To date, the proposed beneficiary has assumed and supported the defense of activists and women defenders in her department. Furthermore, she has collaborated in the documentation and report of human rights violations in coordination with the Segovias Leadership Institute17 in the city of Ocotoal, and with the Nicaraguan Initiative of Defenders, both of which are feminist organizations. As of 2020, the defender Argüello has participated in the organizational processes carried out by the opposition movement Blue and White National Unity (UNAB). In February 2020, the proposed beneficiary was appointed as Technical Secretary for the Regional Committee including the departments of Estelí, Madriz (Somoto) and Nueva Segovia. Moreover, on January 31, 2021, the proposed beneficiary was appointed as a member of the National Political Council of UNAB on behalf of the territorial sector.

15. As a result of death threats from the police authorities and “paramilitaries,” the request indicates that, in May 2019, the proposed beneficiary and her family were forced to leave their house when paramilitary groups tried to set it on fire, forcing them to seek refuge in a neighboring house for safety.

16. On the night of May 22, 2020, the proposed beneficiary was allegedly besieged in her house by a police patrol car and a van, which made rounds around her house from 10 pm until 4 am. The following day, in the afternoon, a Toyota Hilux pickup truck of the same type usually used by “paramilitaries” passed in front of her house, tore down a sign on security measures to prevent COVID-19 that was hanging in the entrance, and damaged the front door of her house. Furthermore, on August 15, 2020, her father, an 84-year-old man, was intercepted by police officers as he was leaving the Selección Nicaragüense café in the city of Estelí, along with another citizen, and both were beaten for no apparent reason. As a result of the beatings, the proposed beneficiary's father suffered severe health complications and internal injuries.

17. On September 11, 2020, around 11 am, multiple patrols of the Somoto National Police were again monitoring her house. On September 26, 2020, several motorized police officers remained for more than 3 hours surrounding her house, and prevented the proposed beneficiary from leaving it, without offering any justification. On October 2, 2020, around 11 am, several patrols of the Somoto National Police detained the proposed beneficiary, as she was traveling with her daughter, and confiscated some gallons of paint that they were carrying with them, without offering them any justification. Moreover, from early in the morning the next day, multiple police patrols kept guarding the proposed beneficiary's house.

17According to the request, the Institute's legal status was withdrawn in December 2018.
18. On October 16, 2020, from 8 am, police agents accompanied by special riot and “paramilitary” forces stood outside the proposed beneficiary’s house and remained there until noon. Moreover, the police detained the driver of a dairy and sausage delivery truck, who had made his way to the proposed beneficiary’s house to deliver merchandise. Again, on October 18, 2020, from 7 am to 3 pm, police officers, riot police and “paramilitaries” stood outside the proposed beneficiary’s house.

19. On October 29, 2020, at approximately 4:30 pm, when the proposed beneficiary was walking towards her house, a vehicle tried to run over her, hitting her hard in the leg and causing her to fall. When confronting the driver, he replied in a threatening tone “you are not worth 5 buns, I can kill you and I will not go to jail.” Faced with such a response, the proposed beneficiary confronted him again, and the driver’s response was “a tremendous lawyer only devoted to defending terrorists”, while he continued to laugh out loud, and then added “I hope you don’t end up in my hands because I’m going to destroy you.” The proposed beneficiary identified the responsible individual as the Judge of Execution and Embargos of Nueva Segovia, who was also a Local Civil Judge in Somoto for many years and who lives a few blocks away from where the incident occurred.

20. On November 1 and 6, 2020, the proposed beneficiary noticed the presence of police and riot control special agents outside her house at different times of the day. On November 14, 2020 at 8 am, police and riot police officers were again standing in front of her house, and when the proposed beneficiary tried to leave in order to accompany her father to run some important errands, the officers told her that she was not allowed to leave the house. The proposed beneficiary tried to explain to the officers that she did not have any order prohibiting her from leaving or detaining her; however, they threatened her and said that if she left, they would arrest her.

21. On December 17, 2020, the proposed beneficiary received a phone call, through which she was summoned to the Somoto police station. The caller reportedly threatened to raid her home and look for “stickers” if she did not show up. Thus, they warned her verbatim “be careful, don’t be putting up any stickers”, as they knew that this was going to be done all over Nicaragua. That same day, the proposed beneficiary was detained by special anti-riot agents in Ocotal while she was traveling with her father and daughter, and they confiscated the car.

22. On December 23, 2020, 8 police patrols and 19 police motorcycles stood for 10 minutes in front of the proposed beneficiary’s house, with their sirens and rotating lights on. The following day, on December 24, 2020, the siege by police officers in front of her house continued at different times throughout the day. The same situation took place on December 31, 2020. The proposed beneficiary reported that, as of January 4, 2021, multiple police and riot police officers were standing almost permanently in front of her house, preventing her from leaving and threatening to arrest her if she were to leave. This situation was repeated on January 6, 2021. According to the request, this form of police action began to be implemented after the arrival of a new senior commissioner at the Somoto police headquarters in September 2020.

23. During January 2021, the proposed beneficiary’s son developed severe respiratory symptoms associated with COVID-19. Nonetheless, despite such situation, the police officers did not allow her to leave the house; thus, the proposed beneficiary had to call her father to come and pick up the minor before the officers arrived, and take him to an emergency medical service. In the case of the proposed beneficiary’s daughter, it was also reported that, despite the minor graduated from high school as the best student in the Somoto municipality, the Ministry of Education refused to award her the medal for academic excellence. The applicants described what happened as “political retaliation” against the proposed beneficiary’s nuclear family.

24. On January 31, 2021, around midnight, a group of “paramilitaries” on motorcycles violently
stoned the roof of the proposed beneficiary’s house, located in the department of Madriz. The proposed beneficiary and her nuclear family were inside. On February 16, 2021, at approximately 3:30 pm, the proposed beneficiary was detained, allegedly arbitrarily, by police officers when she was at the house of her friend Gonzalo Hernández Cáceres, who is identified as a “former political prisoner.” The proposed beneficiary was having a cup of coffee outside her house when the police lieutenant, along with 12 police officers and riot police, arrived at the scene to order her to stay inside her house, and told her that said act was an “intimation.” This moment was filmed by the affected people themselves, when the police officer said to them:

“(...)get inside your house, you are being warned, you are being ordered to go inside your house, go into your house and be on your way.”

25. Faced with the proposed beneficiary’s refusal, the officer continued saying “I am not going to repeat it, if you don’t comply, I will take you to the delegation..., that’s why, if you don’t, I’ll take you, you are in charge, you are in charge, I am telling you, in a polite way I am telling you, I am intimating you, get into your house... I am a lawyer... Otherwise I am going to take you to the delegation...” Subsequently, both the proposed beneficiary and her friend were handcuffed and taken afoot to the Somoto police station by at least 7 police officers. The request indicates that the objective was to expose her on the city streets.

26. In this regard, the proposed beneficiary indicated that the lieutenant did not allow them to get into the patrol car. They were reportedly made to walk through the middle of the street “as criminals, as in a process of exhibition so that others are afraid to gather.” The proposed beneficiary expressed that “people laughed in our face because they were taking us into custody.” At the police station, the proposed beneficiary and her friend were not taken to the cells, but to a place called “el corralillo” and they were told that they were going to be left there.

27. The applicants indicated that the proposed beneficiary was detained for at least 30 minutes without being told the reasons for the detention, since at no time was a court order filed against her. Subsequently, the head of the Somoto Police Delegation ordered that the proposed beneficiary’s handcuffs be removed. The police officers reportedly had to break them because they were too tight and they were not able to take them off. The head of the Delegation told the proposed beneficiary that he would arrest her again if she ever left her house or met with her friend. According to the applicants, the head of the Delegation indicated the following: “you know you cannot meet because you are criminals who destabilize the country, who have terrorized the people.”

28. Finally, the request indicated that the proposed beneficiary was detained on the same day the Commission forwarded the extension request to the State, which they considered could be understood as a reprisal for resorting to the Commission for protection. For its part, the beneficiary’s representation has continued to provide information on the specific events that the beneficiaries have been facing.

V. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

29. The mechanism of precautionary measures is part of the Commission’s function of overseeing Member States compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the IACHR’s Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to prevent irreparable harm.

30. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-
American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while it is being considered by the IACHR. Their precautionary nature aims to safeguard the rights at risk until the request pending before the Inter-American System is resolved. Their object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, thus, prevent the alleged rights from being violated, a situation that may adversely affect the useful effect (effet utile) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. For such purposes, in accordance with Article 25(2) of the Rules of Procedure, the Commission considers that:

a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;

b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

c. “irreparable harm” refers to impact on rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

31. The Commission recalls that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine prima facie if a serious and urgent situation exists18.

32. The Commission recalls that a requirement for the extension of precautionary measures is that the facts alleged in the extension request have a “factual connection” with the events that justified the initial adoption of the precautionary measures19. The Commission identifies that the present matter addresses, like the situation of those already beneficiaries of the precautionary measures of 2018, 2019 and 2020, the situation of a woman human rights defender in Nicaragua who continues to face various risk events, which are allegedly linked to the activities of promotion and defense of human rights in feminist movements, or in spaces identified as opponents of the government, in Nicaragua’s current context. Therefore, the Commission considers that the requirement of factual connection has been met.

33. With regard to the requirement of seriousness, the Commission observes that the alleged facts are embedded in the current context of the State of Nicaragua, in which defenders play a fundamental role in the documentation of the events that have been occurring, as well as in the work of defense and accompaniment of the victims of human rights violations. The Commission has granted precautionary measures in favor of human rights defenders for their work in documenting and defending human rights in the country, and in general given the serious situation placing them at risk in which they allegedly are.

34. When classifying the situation that poses a risk to the proposed beneficiary, the Commission took into account that events of violence and insecurity against women defenders are influenced by their gender, as they are particularly exposed to several forms of violence, including sexual violence, and

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18In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to allow a prima facie appreciation of a situation of extreme gravity and urgency. IACHR, Matter of Children and adolescents deprived of liberty in the “Complexo do Tatuape” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.
19In this regard, see: IACHR, Resolution 10/17, Precautionary Measure No. 393-15 Detainees in “Punta Coco” regarding Panama, March 22, 2017, para. 28; and I/A Court H.R., Fernández Ortega et al. regarding Mexico. Resolution of Provisional Measures of November 23, 2010, considerandum 9.
violence against their families in retaliation for their work, in addition to other obstacles that threaten the work of defenders in general. The Commission also observes that women defenders are particularly exposed to the use of gender stereotypes to delegitimize their work or even ridicule them.

35. In the matter at hand, the Commission identifies that the beneficiary’s representation informed that she allegedly works as a litigant and is recognized as such in the department of Madriz, Nicaragua. At the same time, it was reported that, as of January 2021, she holds a position within the National Political Council of the Blue and White National Unity (UNAB), an opposition movement to the country’s current government. The Commission understands that, considering the previous work she had already been carrying out in her department, her recent position at UNAB allegedly increased her exposure in the political sphere of the country, which purportedly also gave her special visibility. Therefore, considering the work and position she allegedly has in the context the country is going through, the Commission emphasizes that the proposed beneficiary has faced the following concrete facts between 2019 and 2021:

i) presence and rounds of the police, riot police, and people identified as “paramilitaries,” near her house at different times and in different periods, be it early in the morning or late at night. According to the request, by January 2021, the presence was “almost permanent”; ii) by December 2020, said presence included sirens and rotating beacons on; iii) prohibitions, or serious impediments, with a view to preventing the proposed beneficiary from leaving her house, after the presence of police and riot police outside her house; iv) retentions of the proposed beneficiary or of people who came to her house, including the confiscation of assets at the hands of state agents, presumably without apparent justification; v) people identified as possible “paramilitaries” damaged her house, being that in May 2020 they tore a sign from her house and damaged the door, and by January 2021, they stoned her house at midnight while the proposed beneficiary was inside with her children; vi) in October 2020, a person identified as a judge tried to run her over, issuing messages stigmatizing her work, saying “I can kill you,” and calling her a defender of terrorists (see supra para. 19); vii) in December 2020, the proposed beneficiary was summoned by the police under pressure to search her house, without knowing about the existence of a judicial decision; viii) in February 2021, after leaving her house, the proposed beneficiary was detained by the police due to her refusal to stay at home, she was taken on foot to the police station, and without being subsequently presented to a judge; ix) on that occasion, after releasing her, the police chief said she was “destabilizing the country” and terrorizing the people; and x) previously, in 2019 she was forced to leave her house to safeguard herself, as a result of death threats received.

36. For the Commission, the alleged facts identified reflect that there is a particular animosity and hostility on the part of state agents, both police officers and even a judge, against the proposed beneficiary. This is reflected in the actions aimed at preventing her from leaving her house, which implies that they want to have her permanently under their control; in the strict registration of the people who show up at her house, with a view to limiting the relationship of the proposed beneficiary with other actors; and in the tenor of the messages received by such authorities.

37. In particular, when analyzing the messages that the beneficiary has received, the Commission observes that she is classified as a person who destabilizes the country or a defender of terrorists. Such understanding, added to the fact that she was detained and walked down the street on her way to the police station, allows the Commission to indicate that a public message of disqualification is being sent both to the proposed beneficiary and to the rest of the people who seek to adopt actions similar to hers. In this regard, it is noted that the proposed beneficiary has already suffered an attempted assault at the hands of a judge, who also threatened to kill her in October 2020. The Commission also notes that persons identified as “paramilitaries” allegedly damaged the proposed beneficiary’s house, going from damaging the entrance of the house to throwing stones at midnight, even while the proposed beneficiary and her

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20IACHR, Towards a Comprehensive Policy to Protect Human Rights Defenders, 2017, para. 303
21Ibid.
children were inside. Thus, it is observed that attacks have allegedly already materialized against the proposed beneficiary. For the Commission, the information available indicates that, as long as the proposed beneficiary continues with her work and exercising the position she holds within the opposition movement, events such as those analyzed will continue to occur, even more so, when there is no information on any protection detail being implemented in her favor.

38. After requesting the State’s observations on this request, the IACHR has not received a response to date. In this sense, it does not have elements that allow it to distort or dispute the allegations of the representation in the matter at hand. Furthermore, the IACHR has no information on the actions that could have been taken by the State to protect the proposed beneficiary. As it is an extension of precautionary measures, the IACHR also warns that the State, to date, has failed to provide information on how it has been complying with the precautionary measures granted in 2018 and extended in 2019 and 2020.

39. In this regard, the Commission recalls, following the Inter-American Court, that failure to comply with the State duty to report on all the measures adopted in compliance with its decisions is especially serious, given the legal nature of these measures that seek to prevent irreparable harm to persons in serious and urgent situations\(^22\). The duty to report constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document in due time and the specific, true, current and detailed material reference to the matters on which said obligation falls\(^23\).

40. On another note, although the Commission is not called upon to determine the perpetrators of the events of risk for the proposed beneficiary, nor whether these are attributable to state actors of Nicaragua, at the time of assessing this request the IACHR does take into account the seriousness of the possible participation of State actors according to the allegations, since this would place the proposed beneficiary in a situation of vulnerability.

41. In view of the assessments made, the Commission considers that, based on the applicable pr\(\text{\textit{ima facie}}\) standard and the current context of Nicaragua, the rights to life and personal integrity of the proposed beneficiary are at serious risk. The Commission further considers that in view of the alleged facts, the situation that poses a risk to the proposed beneficiary is also affecting the identified members of her nuclear family. This is to the extent that they have already been subjected to attacks, in the case of the proposed beneficiary’s father (see supra para. 16). In the case of her children, they were allegedly subjected to reprisals against the proposed beneficiary (see supra para. 23).

42. With regard to the urgency requirement, the Commission considers that it has been met since the facts described suggest that the situation placing the proposed beneficiary at risk is likely to continue and exacerbate over time, so that in view of the imminent materialization of the risk, it is necessary to immediately adopt measures to safeguard the rights to life and personal integrity. At the time of making this assessment, the Commission emphasizes that the State has not implemented any protection detail in favor of the proposed beneficiary.

43. As regards the requirement of irreparable harm, the Commission considers that it has been met, since the possible impact on the rights to life and personal integrity, due to their own nature, constitutes the maximum situation of irreparability.

**IV. BENEFICIARIES**


\(^{23}\)Ibid.
44. The Commission declares Danelia del Rosario Argüello Cano and her nuclear family, constituted by Roberto José Argüello (father), NDBA (daughter), and DBGA (son), as beneficiaries, all of which have been duly identified in this proceeding.

V. DECISION

45. The Inter-American Commission on Human Rights considers that this matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that the State of Nicaragua:

a) adopt the necessary measures to guarantee the rights to life and personal integrity of the beneficiary and her family. In particular, the State must ensure that the rights of the beneficiaries are respected in accordance with the standards established by international human rights law, both by state actors and in relation to acts of risk attributable to third parties;

b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and

c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

46. The Commission also requests the Government of Nicaragua to inform the Commission within 15 days from the date of this resolution, on the adoption of the precautionary measures agreed upon and to update said information on a regular basis.

47. The Commission stresses that, pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

48. The Commission instructs its Secretariat to notify this resolution to the State of Nicaragua and the representatives.

49. Approved on March 14, 2021 by Joel Hernández, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Esmeralda Arosemena de Troitiño, Edgar Stuardo Ralón Orellana and Julissa Mantilla Falcón, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary