
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 44/2021**

Precautionary Measure No. 1105-19
Identified family members of Neyma Elizabeth Hernández Ruiz *et al.*
regarding Nicaragua
May 17, 2021
(Modification and Extension)
Original: Spanish

I. INTRODUCTION

1. On November 24, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for extension of precautionary measures filed by the representation in this matter, urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights of relatives of some beneficiaries¹ (“the proposed beneficiaries”). According to the request, the identified family members are at risk in the current context of Nicaragua.

2. The IACHR requested information from the State on December 11, 2020, in the terms of Article 25. The State did not submit its response. The beneficiary’s representation submitted additional information on December 24, 2020.

3. Upon analyzing the available information in light of the applicable context and the conclusions reached, the Commission finds that the information provided shows *prima facie* that the rights to life and personal integrity of the identified persons are at serious and urgent risk. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua: a) adopt the necessary measures to guarantee the life and personal integrity of the beneficiaries identified in this resolution. For this purpose, the State must ensure that its agents respect the beneficiaries’ rights in accordance with the standards established by international human rights law and protect their rights from acts of risk attributable to third parties. Regarding the individuals that are deprived of their liberty, the State must ensure that their detention conditions are compatible with the applicable international standards on the subject-matter; 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.

II. BACKGROUND INFORMATION

4. On December 24, 2019, the IACHR, through Resolution No. 62/19, decided to grant precautionary measures in favor of Amaya Coppens and 15 persons deprived of their liberty in the Nuevo Chipote prison in Nicaragua. According to the request, the beneficiaries were deprived of liberty after they provided medicines and water to a group of mothers who began a hunger strike to protest the reportedly arbitrary detention of their relatives after they had participated in the demonstrations. The request alleged that the beneficiaries were held in small cells made of concrete, without mattresses or pillows, where they have

¹ The proposed beneficiaries are: (1) Neyma Elizabeth Hernández Ruiz’s family members: her mother Mirna María Ruiz, her brothers and sisters Amanda Guadalupe Hernandez Ruiz, Cristian Javier Hernández Ruiz, Nahomy Rachel Hernández Ruiz, Isaías Ismael Hernández Ruiz, Ana Francela Hernández Ruiz and their grandmother Rosa Amanda Morales Romero; (2) Ivania del Carmen Álvarez Martínez’s family member: her brother Marvin Antonio Álvarez Martínez; (3) Olga Sabrina Valle López’s relative: her brother Marvin Romario Valle López; (4) José Dolores Medina’s Family member: his brother Rodrigo Alejandro Medina Cabrera; (5) Hansel Amaro Quintero Gómez’s family member: his mother Grethel Isabel Gómez, and (6) Amaya Coppens’ family member: her couple Sergio Midence.

remained most of the time. Moreover, they were purportedly allowed only one liter of water every two or three days. This water was reportedly dirty or of poor quality and caused them to be sick. The applicants also emphasized the treatment that prisoners receive, providing detailed descriptions with dates and circumstances surrounding attacks or threats that have allegedly occurred. Lastly, the applicants expressed their concern for the proposed beneficiaries' relatives, as they had also been subjected to intimidation.

5. Upon analyzing the submissions of fact and law provided by the parties, the Commission found that the available information showed *prima facie* that the beneficiaries were in a serious and urgent situation, given that their rights to life, health and personal integrity were at serious risk. Consequently, based on Article 25 of its Rules of Procedure, the IACHR requested that Nicaragua adopt the necessary measures to guarantee the rights to life, personal integrity and health of Ms. Amaya Coppens and the other beneficiaries who are deprived of their liberty in the Nuevo Chipote prison; ensure that their detention conditions are compatible with applicable international standards on the subject-matter; guarantee access to adequate medical treatment, following the recommendations of the corresponding specialists, for those beneficiaries who require it; and 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.²

6. The beneficiaries are (1) Amaya Eva Coppens Zamora, (2) Atahualpa Yupanqui Quintero Moran, (3) Derlis Francisco Hernández Flores, (4) Hansell Amaru Quintero Gómez, (5) Ivania del Carmen Álvarez Martínez, (6) Jesús Adolfo Tefel Amador, (7) Jordán Irene Lanzas Herrera, (8) José Dolores Medina, (9) María Margarita Hurtado Chamorro, (10) Marvin Samir López Ñamendiz, (11) Melvin Antonio Peralta Centeno, (12) Neyma Elizabeth Hernández Ruiz, (13) Olga Sabrina Valle López, (14) Roberto Andrés Buchting Miranda, (15) Wendy Rebeca Juárez Avilés, and (16) Wilfredo Alejandro Brenes Domínguez.

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE BENEFICIARIES' REPRESENTATION REGARDING THE REQUEST FOR EXTENSION OF PRECAUTIONARY MEASURES

7. On December 30, 2019, the 16 beneficiaries were released under "Special Family Living Arrangements" while their criminal proceedings purportedly remain pending. Before leaving the prison, the 16 individuals were asked to sign a "Letter of Commitment for Detainees under Extraordinary Family Living Arrangements," which included the obligations they had to comply with during their release.³ Based on certain testimonies, the representatives noted that the beneficiaries were not in good health when they left, and the belongings that had been taken from them while they were detained were not returned to them. The representatives challenged the legality of their release, claiming that it should be established by a judge and not by authorities of the Executive Branch or the Penitentiary Service.

8. In the context of COVID-19, the representatives asked the IACHR to take into account that it has had limitations in accessing detailed information about each of the aspects and specific circumstances. This is not only a result of the COVID-19 pandemic, but also because family members have not reported threats and harassment for fear of being the target of new incidents. The representatives also reported

² IACHR, Resolution No. 62/19, MC 1105-19 - Amaya Coppens et al., Nicaragua. Available [in Spanish] at <http://www.oas.org/es/cidh/decisiones/pdf/2019/62-19mc1105-19-ni.pdf>

³ The representation referred to 1. Permanently maintain the support of the family member who protects their stay in this Arrangement before the Penitentiary System. 2. Report to the corresponding prison every month or every two months, depending on the distance. 3. Report to the penitentiary facility any change of address or workplace. 4. Not to go to places where alcoholic beverages are sold, gambling houses, not to participate in games of chance, to refrain from going to places that are restricted by the judgement, and not to provoke events that disturb public order or interfamilial violence; 5. Refrain from leaving the country or the department where they live. If they have to move for work reasons, they must inform the corresponding penitentiary facility so that they can grant permission.

that no protection measures have been implemented. Furthermore, there is no information on whether the facts have been investigated.

(1) Wifredo Alejandro Brenes Domínguez

9. Wilfredo Brenes was again arrested on April 30, 2020 while at his chicken stall located in Masaya. The police operation deployed for the arrest included officers from the Directorate of Special Police Operations (DOEP, for its Spanish acronym) and first-line officers who were accompanied by civilians. Inside the chicken stall were Wilfredo, a neighbor, and Wilfredo's 14-year-old niece, who demanded explanations for his arrest. The police officers decided to point an AK rifle to the women's head to allegedly intimidate them and keep them silent. Later, the officers handcuffed Wilfredo and put him in the truck bed of a patrol car.

10. Wilfredo was taken to the entrance of the Masaya Volcano. There they forced him to get out of the patrol. Several officers kicked him all over his body. At approximately 7:00 p.m., Wilfredo was transferred to the Directorate of National Judicial Aid (Dirección de Auxilio Judicial Nacional). That same day, the beneficiary was questioned by two officers who asked him who was financing him. Later, the beneficiary was placed in his cell, where he remained in underwear until May 3, 2020, when they provided him with a sky-blue uniform. He was then transferred to a yard that had weapons and drugs on a table, and police officers began to take photographs that were later disseminated through social media. That same day, he was brought before the Managua Court of the Ninth Criminal Hearing District to hold a preliminary hearing.

11. For six days, Wilfredo was held completely isolated in an entirely closed cell. The representatives raised concerns about the context of COVID-19 for persons deprived of their liberty. On May 6, 2020, the beneficiary was transferred to the Tipitapa "Jorge Navarro" Penitentiary System. Relatives of the beneficiary requested a special visit, which was denied several times. According to the representatives, Wilfredo's mother developed cough, fever, fatigue, and low blood pressure, and later died. They emphasized that this might have been due to contagion of COVID-19. On August 6, 2020, new provisions were established in the prison, which prevented anyone from bringing food and personal belongings for Wilfredo Brenes. According to the available information, Wilfredo Brenes was found guilty of the crimes of drug trafficking and illegal possession of weapons. The representatives questioned the judicial process against the beneficiary.

(2) Marvin Samir Lopez Ñamendis

12. Marvin Samir López Ñamendis was arrested on August 15, 2020 at his home. At approximately 8:40 p.m., six armed National Police officers showed up and searched all the rooms until they found him, then they violently lifted him from his bed and took him away without informing the family of the plans they had for him.

13. On August 16, 2020, Marvin's relatives went to the Police Station of Masaya to bring him food. Police officers informed them that the beneficiary was in District No. 8 of Tipitapa. There, Prison officers informed Marvin's family that the young man was being prosecuted for the crime of aggravated robbery during events that occurred in 2016. The representatives questioned the judicial process against the beneficiary. In August 2020, the beneficiary's relatives publicly denounced that, once the hearing was over, no one notified them of the alleged crimes charged against the beneficiary. The beneficiary remains in pretrial detention until his trial can be carried out.

(3) Amaya Eva Coppens Zamora

14. On December 31, 2019, and January 1, 2020, armed civilians launched attacks against the home of Amaya's family while the beneficiary and her family were inside. On January 1, 2020, at approximately 10:00 p.m., unknown individuals threw black oil mixed with gasoline on the walls of her house. The attacks increased late at night on January 3, 2020, between 11:00 and 12:00 a.m., when unknown persons again threw oil and stones at the house where Amaya's family lived, breaking the glass of two windows.

15. On January 28, 2020, around 11 p.m., again unknown persons threw mortars at Amaya's house and fired shots into the air. These incidents have made Amaya and her family unable to remain freely at home. The beneficiary's family stated that they are very afraid because their house is under surveillance. The beneficiary's parents keep a packed suitcase in case they need to flee their home.

16. Amaya Coppens has been the target of threats through social media. In this regard, the beneficiary indicated that after making a public complaint about the events that occurred on January 1, 2020, civilians sympathetic to the government made derogatory comments with the aim of threatening and damaging her image. After that, Amaya has preferred not to follow up on attacks on social media to avoid negative effects on her mental and emotional health. During February 2020, the owner of the place where the beneficiary lived received comments from unknown persons who said that the young woman was a member of a gang of "chapeadores," or criminals. Amaya understands that these comments are intended to prevent anyone from housing the defender in their home.

17. In March 2020, in the city of León, Amaya and her partner Sergio Midence were permanently harassed by National Police officers who prevented them from moving freely around the city. On March 8 and 22, on different occasions, police patrols parked in front of her house for hours. In April 2020, harassment and surveillance by the National Police continued in the city of León. On April 6, 2020, at approximately 9:00 p.m., two police officers and two individuals cornered the beneficiary. Similarly, on May 2 and 13, 2020, police officers were seen outside the house of Amaya's partner.

18. In the months of June, July and August 2020, Amaya reported that the harassment by police officers and civilians was constant. During September 2020, police presence was registered around the house of Amaya's parents in the city of Estelí. On September 12, 2020, at approximately 11:00 a.m. a police patrol arrived at the house of Amaya's parents. At first, the vehicle was parked on the east side of the house. They stayed there for half an hour and took videos and photographs of the place. Amaya's mother asked the officers why they had come to the house, but none of them responded. Subsequently, the officers went around the block and parked in the north corner of the house, that is, in front of the main door of the house. There were approximately three officers there for 40 minutes. One of the agents got out of the vehicle and approached the house to take photos. The beneficiary's mother once again asked them the reasons they were taking pictures of the house, without obtaining any response. The next day, on September 13, 2020, at 9:00 a.m., the police again arrived at the home of Amaya's family. They stayed there for approximately 30 minutes taking pictures of the place.

(4) Neyma Elizabeth Hernández Ruiz

19. The beneficiary sustained that, ever since her release, the threats made against her mother, Ms. Mirna María Ruiz, and her sister Amanda Guadalupe Hernández Ruíz have been constant. The harassment is carried out mainly from one of the authorities of the Council of Citizen Power (CPC, for its Spanish acronym) –who lives two blocks away from the defender's house– and from other neighbors. The harassment has intensified since they learned that the beneficiary does not live in Tipitapa. For example, these individuals have yelled at Neyma's family: "Let that fucking delinquent come, what is she afraid of?" In addition, the CPC member threatened to burn the house of Neyma's mother, where her four brothers

live, namely Cristian Javier Hernandez Ruiz (8 years old), Nahomy Rachel Hernandez Ruiz (7 years old), Isaías Ismael Hernandez Ruíz (5 years old), and Ana Francela Hernandez Ruiz (14 years old), reportedly telling them: “You are all going to be burned to death,” “tell your daughter to stop being a destabilizer of the country because she might die,” and “you’ll see, we’re going to catch your daughter again.” These threats by the CPC have occurred every time she takes her daughter to school. Furthermore, Neyma’s sister has received threats on Facebook. It has been also noted that the CPC member passes by the house of Neyma’s family in a patrol accompanied by officers, even though he is not an officer of the National Police of Nicaragua.

20. On February 25, 2020, at 9:20 a.m., the Tipitapa National Police raided the residence of the beneficiary’s family, without producing any court warrant. During the raid, the police officers threatened Neyma’s mother with detaining her in front of the beneficiary’s younger brothers and sisters. This has generated a psychological impact on the boys and girls, who cry because of the anguish and nervousness they experience when they see parked vans watching them in front of their house. On February 26, 2020, at 3:46 a.m., National Police officers from the same patrol and others on motorcycles again besieged the home of Neyma Hernández’s family until 5 p.m. On that occasion, the police knocked on the door of the house and asked her mother for her full name, as well as her sons’ and daughters’, including Neyma’s. They also asked her if all the members of the family were in good health.

21. Since June 2020, the siege of the house of Neyma’s mother has been constant. On June 20, Traffic Police arrived at the residence of the beneficiary’s mother. There, they placed cones to prevent Neyma’s family from leaving. This type of siege was also registered in the house of his grandmother, Rosa Amanda Morales Romero, after the death of his grandfather by COVID-19 in June 2020. Neighbors who support the national government and work in the mayor’s office of Tipitapa left a coffin at her grandmother’s house, as a joke. In addition, eight police officers asked for the beneficiary, whom they accused of wanting to burn down the local school.

22. On June 26, 2020, on her way to visit her grandmother, Neyma was detained at a traffic police checkpoint where all her papers were checked. One of the officers contacted another person to ask if they should detain her. The agent, who seemed quite angry, told Neyma to leave the scene. Later, during the week of August 23, 2020, at approximately 7:30 p.m., two individuals with their faces covered, wearing blue-jean jackets and black pants, traveling on a yellow motorcycle without license plate, launched two mortar shells in front of the residence of the beneficiary’s family.

23. In August 2020, Neyma’s sister, Amanda Guadalupe Hernandez Ruíz, was attacked when she was a block away from her home. The young woman was intercepted by three paramilitary officers on bicycles, who pulled her aside, threw her to the ground, and began to kick her all over her body, while telling her: “This is happening to you because of your sister Neyma,” “tell her to stop messing around.” At that moment, neighbors came out and shouted for them to release the young woman, after which the paramilitary officers fled the place, and no one was able to identify any of them. As a result of the attack, the beneficiary’s sister suffered a wound to her left ankle.

24. On September 11, 2020, in the morning, unidentified individuals intercepted her mother, Ms. Mirna Ruiz, who was returning from grocery shopping; they stripped her of her purchases and her money. Moreover, from 10:00 a.m. to 3:00 p.m., three armed civilians aboard two motorcycles, and with their faces covered, approached the defender’s home to take pictures and monitor it. Two of them parked half a block from the house, while the third parked in front of the house, looking in that direction, and taking pictures of the place. That same day, at 9:11 p.m., while driving from Tipitapa to Managua, Neyma was attacked after being stopped on the highway by six persons in civilian clothes on motorcycles, allegedly parastatal actors, who asked for her identity documents. The following day, on September 12, the word

“plomo,” which has a death threat connotation [in Nicaragua], was painted on the front door of Neyma’s home. The was reportedly done around 1:00 a.m. because, that day, workers from the mill next to her house arrived at 1:40 a.m. and realized that the painted word was already there.

(5) *José Dolores Medina*

25. Between April 18 and May 18, 2020, National Police patrols were monitoring the corner of the house of the beneficiary’s grandparents, where he lived before being arrested on November 14, 2019. José considered that his grandparents’ house is in place that is not very busy, and therefore, there is no reason for DOEP officers to park three houses away from his home for months.

26. Between July 14 and August 15, 2020, José’s brother, Rodrigo Alejandro Medina Cabrera, was detained and physically assaulted four times by officers of the National Police. According to the beneficiary, his brother physically resembles him and, therefore, he believes that the police officers have mistaken his brother for him. On all four occasions, Rodrigo was aggressively interrogated to obtain information about whom he was with, where he was going, and who he would meet. They also checked his backpack and his motorcycle. In addition, they asked him whether he used weapons. It should be noted that, in mid-August, Rodrigo was detained for the fourth time by police officers, who insisted on asking the young man whether he had weapons. In addition, the police officers, without any justification, took his wallet with his personal documentation and that of his vehicle, which are still in the possession of the police.

27. During August 2020, the surveillance of the beneficiary’s residence was intensified. Riot police arrived at least once a week in a DOEP patrol to set up in front of the beneficiary’s residence. On August 15, 2020 –the day they recaptured Marvin Samir Lopez Ñamendis– three patrols remained in front of the house. The vehicles stayed from 1:00 p.m. to 5:00 a.m., that is, the time during which José’s brother was at work. Hence, during those days, the young man did not leave his home for fear of being arrested again or being hurt. In addition to the above, José emphasized the death threats made on social media. Although he has lost the records of those threats because he had to change his telephone number, the beneficiary emphasizes that the threats include statements such as: “You, fagot, I wish you had stayed in the chipote, we are going to kill you” and “It would be better if they catch you again,” among others.

(6) *María Margarita Hurtado Chamorro*

28. During January 2020, police and motorized patrols arrived at her house in the city of Managua on several occasions. For example, from December 30, 2019 –the date on which María Margarita was released from prison– until January 1, 2020, a gray car was parked in front of the beneficiary’s house for two days. The persons inside the vehicle took pictures of the house. On January 3, 2020, the same persons with the same vehicle returned to park in front of the house.

29. Similarly, there have been ongoing acts of harassment by National Police officers not only at her home, but also at her workspace, during the first four months of 2020. For example, on January 30, 2020, at approximately 12:50 p.m., the beneficiary left her office located in the ECO building in the city of Managua to pick up her son from school. At the exit of the building, two men with their faces covered, on board a black motorcycle, began to follow her to her son’s school for about 15 minutes. María Margarita mentioned that this generated a lot of stress and concern because she was with her son and feared for his well-being.

30. Subsequently, on February 4, 2020, from 8:00 a.m. to 12:00 noon, three patrol cars were parked outside her office in the ECO building with 16 policemen dressed in sky blue and 12 riot police who took

photos of the vehicles and the people who entered. The police officers also stood around the building and then left. Throughout the month of March, María Margarita along with other members of the Blue and White National Unit (hereinafter, UNAB) who also meet in the ECO building were subjected to harassment, arbitrary detentions, and vehicle searches. Approximately 30 National Police officers were reportedly responsible for harassment. These officers parked daily in front of the ECO building to take pictures of vehicle license plates and monitor people who entered and exited the building.

31. In the above context, Maria was detained on multiple occasions. In these cases, officers confiscated posters, business cards, and other belongings that contained government opposing messages. In the case of María Margarita, the police officers would say “We already know this one” or “We already know who this is,” with a derogatory or mocking tone. The beneficiary told the representatives that the situation generated stress for her and that she feels this way every time she goes to her office. This is because every time police officers searched her vehicle, she feared that they would place false evidence to arrest her again and accuse her of terrorism. On March 18, 2020, armed and motorized civilians entered the parking lot of the ECO building facilities. Therefore, María Margarita, along with other persons who oppose the government, decided to stay in the building after 8:00 p.m. to protect themselves and the facilities.

32. Along with harassment at her workplace, during the first three weeks of April 2020, National Police officers monitored the house in which Maria Margarita used to live. In this regard, neighbors of the condominium informed the beneficiary that police officers arrived every day and asked for the current whereabouts of María Margarita. The beneficiary indicated that the situation generated stress and concern for her as she feared that the harassment would escalate and that the police would find her new home. In a similar sense, in May 2020, the person in charge of guarding the condominium where she lives informed her of a man on a motorcycle parked at the entrance of her house for several days in a row.

33. On June 25, 2020, after María Margarita presided over the presentation of the Civic Alliance at the Holiday Inn Hotel in the city of Managua, two motorcycles followed the beneficiary from the hotel to the Metro center. On August 11, 2020, at 10:30 a.m., Maria Margarita left her home to her son’s school. While driving her vehicle, she noticed that a subject on a motorized vehicle followed her throughout the route. When the beneficiary arrived at the school, the motorcycle parked at 10 meters from María Margarita’s vehicle, who entered the building. On her way back, she again noticed that the motorcycle was following her, so she was driving around on the road to Masaya for 15 minutes until she managed to lose the motor vehicle and reach her home.

34. On August 15, 2020 –the date when Marvin Samir was arrested–, at 11:00 a.m., a subject with their face covered, dressed in civilian clothes, went on a motorcycle to the beneficiary’s house. This man approached the doorman to ask for María Margarita. A worker from Margarita’s house came to the door and the unknown subject told her “Olama lives here” –alluding to María Margarita–, “we already know that she lives here, tell her to stop f**cking around.” In view of the above, the beneficiary decided to sleep outside her home for safety. That same day, at 9:00 p.m., María Margarita received a call from her aunt to tell her that outside her house there were two patrols watching the house. Both vehicles remained there for at least an hour. That same day, police officers approached the home of several beneficiaries of these measures, including Jordán Irene Lanzas Herrera, Ivania Álvarez, and José Medina.

(7) Ivania del Carmen Álvarez Martínez

35. Between January 15 and 16, 2020, Ivania’s brother, Marvin Antonio Álvarez Martínez, was detained by National Police officers while he was having a drink in the Tipitapa park. He was held for several hours and then released that same day. However, he did not want to file a complaint for fear of increased retaliation against his family.

36. On the morning of February 22, 2020, the beneficiary's home was besieged by at least three officers who were traveling in a National Police patrol. On the morning of February 29, 2020, the police again sieged his home. On March 8, 2020, Ivania –who belongs to the Political Council of the UNAB– was parking her vehicle in the parking lot of the ECO building when three male and three female police officers forced the defender and her brother Marvin to get out of the vehicle. The police officers searched the vehicle. Ivania tried to record the situation with her cell phone, but a police officer forced her to turn off the phone and threatened to beat her. The National Police officers seized two blue and white flags, two posters of the blue and white unit that read “Freedom for political prisoners,” and a banner of Father Ernesto Cardenal. Moreover, the police took the personal planner of the beneficiary's brother, in which he had very sensitive information regarding all his work contacts. The police officers refused to hand over a paper listing the seized assets and threatened to arrest the defender if she continued to insist on the documentation of the seized belongings. On that occasion, the police officers asked Ivania, in a threatening tone, whether she was afraid of being arrested again.

37. The beneficiaries' representatives believe that the siege at the UNAB offices is embedded in the framework of a pattern of ongoing and generalized surveillance towards the sectors that oppose the current government. In this sense, heavily armed police officers have been recorded while patrolling the city of Managua, particularly outside hotels where the National Coalition groups hold press conferences, at the homes of the released prisoners and wherever opponents congregate.

38. On March 26, 2020, Ivania traveled to Tipitapa given that a close relative had died. That day, the beneficiary was followed by National Police officers until she left the city. On June 20, 2020, National Police officers once again besieged Ivania Álvarez at her home in the city of Tipitapa. A National Police patrol blocked the road for approximately two hours and then left, while warning that they would return until they find her. According to what Ivania expressed, Police members took photos while there were children inside the home.

39. On September 13, 2020, in the context of the protests carried out in La Colonia of Carretera Sur and surroundings against the murder of two girls in Mulukukú, the National Police detained Ivania Álvarez along with other activists, including Olga Valle, also beneficiary of precautionary measures, and confiscated protest material. As can be seen in video footage, the police officers did not produce any arrest warrant against the beneficiaries. On November 1, 2020, Ivannia Álvarez was beaten out of a hotel room in Matagalpa, where she was with other young activists who were preparing to participate in the launch of the Departmental Committee of the National Coalition. According to the beneficiary, National Police officers forced her to leave the room and, while she was walking, they pushed her and threatened to arrest her if she did not leave the place.

(8) Olga Sabrina Valle López

40. In July 2020, the family car used by the beneficiary was taken to a mechanical overhaul due to a strange noise while driving it, and she realized that all four tires were loose. The mechanic who checked the car indicated that this was strange because not all tires can become loose at once. Olga believes this was an attempt on her life because, since she is constantly under surveillance, both the police and government supporters know that this is the family car that she uses regularly.

41. On August 15, 2020, Marvin Romario Valle, brother of beneficiary Olga Valle, was followed after an event in the Los Robles neighborhood, in the city of Managua, by a subject who was driving a Hilux van. The subject crashed the truck into the rear of her brother's car and fled the scene. Two days later, on August 17, 2020, between 7:00 p.m. and 8:00 p.m., in the Altamira sector in the city of Managua, the

beneficiary's brother was followed again by unknown individuals who were traveling in a gray Hyundai vehicle, perhaps a 1994 or 1995 model, and carried a Sandinista flag. Marvin Romario Valle was chased for five blocks. At one point in the pursuit, the vehicle managed to overtake the beneficiary's brother to block his way. Because of this, her brother stopped his vehicle and the driver of the Hyundai pulled out a gun and pointed it directly at Romario, who quickly managed to flee the scene.

42. On August 23, 2020 in the afternoon, Olga was chased by a police patrol shortly after leaving her house and driving 2 km to the house of Hansel Quintero, also a beneficiary of precautionary measures. Upon arriving at the place, the patrol stopped to wait for the beneficiary to enter Hansel's house. Similarly, on August 29, 2020, police officers aboard a DOEP police patrol once again chased the beneficiary in her car. In September 2020, the police harassment increased significantly, and Olga received direct threats by police officers. On September 13, 2020, within the framework of the protests for the murder of two girls in Mulukuku, an identified National Police patrol led by Chief Commissioner Vladimir Cerda detained Olga Valle along with other activist women for 30 minutes. Police officers threatened to arrest her if they found her on the street again.

43. Finally, Olga indicated that her neighborhood consists of ex-military personnel and people who support the government and, therefore, they are familiar with her usual routes. In addition, the house in front of hers is constantly monitored by the police because it belongs to a person who is "exiled abroad" to escape reprisals for his work as a human rights defender. Consequently, Olga believes that the officers are also watching her.

(9) Atahualpa Yupanqui Quintero Moran

44. On January 3, 2021, following the beneficiary's release from prison, government supporters aboard trucks and motorcycles arrived at his old residence located in Colonia Miguel Bonilla. The subjects tried to enter the house to verify whether Atahualpa was in fact inside. Moreover, a neighbor informed the young man that an officer of the National Police told her that he already knew that the beneficiary was living near the Carretera Sur and that he would soon visit him at that place. This situation occurred again in February 2020, when at least two police patrols would arrive every day, watched the house for an hour and asked the neighbors about Atahualpa's current location.

45. Moreover, since the end of February, the residence of the beneficiary's mother has been permanently under siege by the National Police. The police harassment began with approximately six officers in two police patrol vehicles, who would watch outside the house. During the first two weeks of February the harassment was constant, and the surveillance has been carried out sporadically up to the date herein.

46. Sieges and harassment against the beneficiary intensified during March 2020. Specifically, after finishing a meeting at the Holiday Inn hotel located in the city of Managua, Atahualpa was chased by three civilians in motor vehicles. At one point during the pursuit, he was surrounded by unknown persons, who stood on both sides of the vehicle and began yelling at Atahualpa. The young man was unable to identify what they said to him because the windows of the car were closed. However, the beneficiary noticed that both individuals were armed and, therefore, decided to accelerate and flee the scene.

47. Subsequently, in May 2020, two police patrols remained parked for an hour in front of the beneficiary's home. A line officer tried to enter the house, but the housemaid prevented this. The officer also asked the woman whether Atahualpa's brother lived there and if he was home. Also, during August 2020, surveillance and siege at his mother's house was intensified. In addition to harassment by armed police officers and civilians, Atahualpa stated that he regularly receives threats through social media,

particularly through fake profiles created on Facebook which are later deleted. The threats mention that, since Atahualpa is under surveillance, they have all his information and are only waiting for a moment “to act.”

(10) Wendy Rebeca Juárez Aviles

48. On January 10, 2020, the beneficiary’s former neighbor alerted her of a person who was taking photographs and watching from a red vehicle parked outside the house. In March 2020, the beneficiary recorded incidents of harassment by the police and armed civilians at her home in Matagalpa, which continued in a systematic way over the following months. For example, from April 17 to 21, 2020, in the context of the two-year celebration of the events of April 1978, the police monitored the beneficiary’s home permanently throughout the day. Particularly, on April 17, 2020, from 5:00 to 11:00 p.m., a group of civilians who were armed and in motor vehicles repeatedly passed by her house while accelerating their motorcycles.

49. Later, on April 22, 2020, an activist of the governing party, who lives in the nearby neighborhood El Tambor, yelled at Wendy “coup plotter,” she also sang and danced to the propaganda music of the current president of the country, particularly the song “My commander stays.” According to what was indicated by the beneficiary, this situation happens every time they happen to encounter. On April 23, 2020, at 4:00 a.m., a neighbor called Wendy’s father to notify him that a civilian with their face covered tried to enter his house. His father went out to see, but there was no one there. Two days later, on April 25, 2020, in the afternoon, two hooded civilians arrived at the door of Wendy’s house. They stayed for more than 10 minutes sitting on the sidewalk of the house and then left in a police van parked a few blocks away. On June 20, 2020, in the afternoon, three men and a woman dressed as police officers aboard a patrol car parked in front of Wendy’s house and remained there for approximately 10 minutes.

50. On July 18, 2020, at 1:10 a.m., a police patrol passed by the defender’s house. Two officers were in the vehicle, one of them dressed in a sky-blue uniform and the other in a DOEP uniform. Behind the patrol were approximately 20 individuals in motorized vehicles with their faces covered, wearing hoods, helmets, and masks, both civilians and armed individuals, who drove their motorcycles around the house. This lasted for approximately 10 minutes. On the morning of August 23, 2020, two police patrols were parked for 10 to 20 minutes in front of Wendy’s house. That night, at least 20 armed and hooded men approached the defender’s house and began to make sounds with their weapons, as if they were loading their AK-47 rifles. These acts of intimidation lasted 15 minutes. Then, the police officers who were parked sounded their sirens for more than two minutes and left.

51. On September 7, 2020, five police officers dressed in sky blue and white arrived at the beneficiary’s house and sat with their weapons on the sidewalk for approximately five minutes. According to Wendy, the officers arrived from the north side of the neighborhood, they did nothing but sit while carrying their weapons and one of them leaned against the wall at the entrance of the house in an intimidating way.

(11) Jesús Adolfo Tefel Amador

52. On August 15, 2020, at approximately 9:30 a.m., Jesús Amador was at a meeting organized by UNAB, the Political Council of the National Unity, the Technical Secretariat of Territories, and members of the Municipal Councils in the local cafe Selección Nicaragüense in Estelí. The meeting was besieged from early in the morning by a heavy police deployment. The operation included the presence of “paramilitaries” and motorists at the corners of the city of Estelí. In addition, the National Police kept the place where the meeting was held fenced at least four blocks around. According to the UNAB press chief,

the objective of the police forces was to besiege and arrest opponents to prevent the organization meetings held by the groups who oppose the current Nicaraguan government. Moreover, it was indicated that inside the café there were people exchanging information every time attendees of the meeting left the private room where it was being held.

53. The police arrested nine of the meeting attendants when they tried to return home by taxi. The detained opponents were severely beaten by the officers and questioned about the meeting they held. After approximately three hours, they were released. Furthermore, Jesús and members of the Political Council of the UNAB remained locked up for at least two hours in the place where the meeting was held. This is because the National Police together with civilians prevented them from leaving, threatened to arrest them, just as with the opponents who participated in the meeting in that city. Finally, the beneficiary and the other persons who were in the premises managed to leave after the mediation of the Catholic Church.

54. Simultaneously, individuals in motor vehicles came to his home in Managua to ask for the beneficiary and the persons who live with him. Specifically, on August 15, 2020, on at least three occasions, subjects in motor vehicles were supposedly delivering food or pharmacy products, which happened to be a lie because Jesús was in Estelí, not in Managua.

(12) Hansel Amaro Quintero Gómez

55. In February and March 2020, Hansel received threats through social media that mentioned that he was being watched. Also, in February 2020 he had to change his phone number because he was receiving calls to his cell phone late at night from private numbers, where no one spoke.

56. As of March 2020, every Saturday and some Fridays at different times of the day, a police checkpoint would be set up with Traffic Police and DOEP officers in the corner of the beneficiary's home and lasted hours. According to Hansel, the police officers were there watching his house. The checkpoint continued during April, May and some weekends of June and July 2020. On May 8, 2020, at approximately 8:00 p.m., when Hansel was approaching his house along the main street of the Bello Horizonte neighborhood in the city of Managua, there was a police checkpoint, including two patrols with traffic officers and a patrol with DOEP officers, and a young officer waved a lantern for Hansel to stop. The officer asked the beneficiary for his documents and told him "Be careful Hansel, we are here to protect you."

57. During June 2020, at least three times DOEP patrols stood at the corner of Hansel's home keeping watch. Particularly, on June 15, 2020 between 12:30 p.m. and 12:45 p.m., Hansel was driving in his truck to a family lunch when he stopped at the traffic light of the El Edén bridge in the city of Managua and a civilian in a motor vehicle yelled at him "Shitty coup plotter." In July 2020, Hansel was detained by a police checkpoint made up of approximately 40 male and female DOEP officers and traffic officers, who demanded that the beneficiary get out of the vehicle for a breathalyzer test. At that moment, Hansel heard that one of the officers speaking on the phone said "Boss, we already detained him, what shall we do?" while other DOEP officers were saying "You, assist this terrorist, because I... if he tells me something, I will hit him with the AK." Hansel was held for more than 40 minutes while police officers exhaustively searched his vehicle.

58. Subsequently, on August 23, 2020, unknown persons entered Hansel's house. Therefore, he decided to install security cameras at his home. Since then, the camera has recorded suspicious unknown persons in civilian clothes, on motorcycles, arriving late at night outside his home. On September 13, 2020, at approximately 1:00 p.m. in La Colonia of Carretera Sur and surroundings, Hansel accompanied a group of feminist women, including Olga Valle and Ivania Álvarez –beneficiaries of these measures-. The young

women were holding a protest in repudiation of the murder and rape of two girls in the municipality of Mulukukú. Hansel was documenting the arrest of his female colleagues. To do this, the young man was in a supermarket near the place where the protest was taking place, because from there he could get a better view of the events. According to the account, an Inspector of the National Police entered the supermarket to violently demand that Hansel hand over his phone. The officer hit the beneficiary on his hands and then on his face. Later, two officers arrived and bent the beneficiary's right arm behind his back, grabbed his neck and hair, and hit him on his ribs. Thus, the officers forcibly stole the beneficiary's cell phone and threatened Hansel with arrest if he did not share his cell phone password.

59. Subsequently, General Commissioner Vladimir Cerda arrived and ordered one of the policemen to handcuff Hansel behind his back, causing severe swelling and damage to his wrists. At the same time, they continued to hit the beneficiary in his ribs, back, and hands, and pulled him by his hair. Thus, after Hansel was forced to delete the videos from his cell phone, the police officers returned his documents and a policeman hit Hansel again in his ribs. General Commissioner Vladimir Cerda told the beneficiary "I already know who you are, I recognized you, and the next time I'll take you directly to La Modelo prison."

(13) Melvin Antonio Peralta, and (14) Derlis Hernández

60. Following his release, the beneficiary Melvin has received threats through the social media platform Facebook. Melvin stressed that many of the threats come from a person in his community who lives in the city of Chinandega, whose profile in social media matches a CPC member named Julio Cesar Tinoco from the abovementioned city, who calls the defender a "coup plotter" and threatens him so that he does not go to Chinandega.

61. Both he and Derlis Hernández, who lives with him in the same house, have been under permanent surveillance. This is because next to his house there is an office subcontracted by the Nicaraguan Company of Aqueducts and Sewers (Enacal) that keeps a minibus with speakers and music allusive to the FSLN party in front of his house. In addition, he noted that sometimes National Police officers have come to his home to ask for persons they do not know and to request their names.

62. On February 22, 2020, Derlis and Melvin accompanied a sit-in held at the La Colonia supermarket in Plaza España, in the city of Managua. At approximately 11 a.m. they were surrounded by DOEP officers who physically and verbally assaulted them. Three days later, on February 25, 2020, Derlis and Melvin took part in the call to launch the National Coalition, where they were surrounded by National Police officers.

63. In March 2020, the beneficiaries received death threats through social media. As Melvin indicated, these came from profiles of Sandinista sympathizers. Moreover, in early March 2020, in the framework of the funeral of Father Ernesto Cardenal held in the Cathedral of Managua, Melvin was broadcasting a live video, when an FSLN fan threw himself at him and tried to snatch his cell phone so that he stopped filming.

(15) Jordán Irene Lanzas Herrera

64. After his release from prison, there has been an ongoing harassment by DOEP officers, both at his home and workplace. Furthermore, it was stated that in early January 2020 his state of health deteriorated because, on December 15, 2019, while in prison, he received a blow to his head with the butt of an AK rifle, which caused severe pain in his head and half of his face.

65. The representation stressed that, after the arrest of Marvin Samir Lopez Ñamendis, Jordán Lanzas told the media that the National Police of Nicaragua was looking for him, for which he expressed his fear

that police officers would arrest him –as well as Wilfredo Brenes and now Marvin López– and blame him for non-existent crimes. Therefore, the beneficiary indicated to the newspaper Article 66 that he was forced to leave his house “because he does not want to be caught just for pleasure.”

(16) Roberto Andrés Buchting Miranda

66. Hours after his release, a group of individuals in motor vehicles with their faces covered appeared at Roberto’s house with the aim of besieging and harassing the young man. For this, they shouted “Long live the commander, long live Daniel the president who agrees to release criminals who are committing crimes,” referring to Roberto. Similarly, the unknown persons took photographs of the beneficiary and the persons who were with him. Due to this situation, the beneficiary was forced to leave his home.

67. On the afternoon of February 25, 2020, once again a group of civilians related to the government party arrived at Roberto’s house while unknown subjects tried to enter without his consent. The harassment continued through April 2020. Specifically, on April 18 –within the framework of the two-year anniversary of the start of the protests in Nicaragua–, civilians related to the current government party besieged the beneficiary’s house. The subjects arrived at 2:30 a.m. and later returned at 5:37 p.m. to monitor the young man’s house.

68. On May 16, 2020, Roberto and released prisoner Dilon Ramos were detained by National Police officers who searched the vehicle in which the young persons were traveling in the city of Matagalpa. The siege particularly intensified as of July 2020. For example, on July 15 and 16, the student organization University Coordinating Committee for Democracy and Justice (Coordinadora Universitaria por la Democracia y la Justicia, CUDJ) reported a siege at the beneficiary’s home. The next day, on July 17, 2020, the beneficiary reported through his social media that he was being again besieged by National Police officers. Moreover, on July 23, 2020 at 7:39 p.m., the presence of civilians who remained nearby the residence of Roberto Büschting’s mother was recorded.

69. Throughout August 2020, an increased presence of DOEP officers was noted at Roberto’s home. Thus, on August 2, 2020, DOEP officers besieged him at his home and, on August 15, 16 and 17, it was recorded the presence of patrols with riot police officers stationed outside the house. In particular, on August 17, 2020, Roberto’s neighbors affirmed that the former mayor of Matagalpa arrived there with a threatening attitude to take photos. On September 3, 4, 6, 11 and 12, 2021, National Police officers and anti-riot police officers remained in the surroundings of Roberto’s house with the aim of monitoring the defender’s movements. Specifically, on September 4, 2020, riot police officers arrived at 2:00 a.m. to stay for a long time on the street of the defender’s home. Furthermore, on September 9, 2020, unknown individuals took photographs of Roberto’s house.

70. In September 2020, Roberto’s family members have been harassed by riot patrols. In particular, on September 14 and 15, 2020, a patrol with anti-riot officers parked a few blocks from the house of Roberto’s sister in order to monitor her activities. Subsequently, on September 18, 2020, a patrol with anti-riot officers remained for at least 3 hours outside the residence of Büschting’s grandmother, located in the Solingalpa neighborhood, in the city of Matagalpa. During the month of September, the beneficiary also became aware of the existence of threats posted in the Facebook page “Matagalpa Linda” targeting various persons, including the beneficiary.

Recent information provided by the representation

71. On December 4, 2020, police officers went to the homes of the beneficiaries Ivania del Carmen Álvarez Martínez and Neyma Elizabeth Hernández Ruiz to leave a summons for them to appear at the

police station to testify. In the case of Neyma, that summons was received by her father at her home located in the city of Tipitapa, and she was summoned to appear before the Bismark Pérez Rodríguez Major Command. It should be noted that the police officer who handed it over told her father in a threatening tone, “Tell Neyma that she has to appear before the police immediately, she only has 24 hours to do so, but it is best if she does it now.” Even though they were unaware of the reason for the summons, both Ivania and Neyma decided to appear at the designated police station first thing in the morning the next day. However, that was not possible because both homes were completely surrounded by patrol cars, motorcycles and several police officers, who prevented them from leaving.

72. In the case of Ivania, the entrance to her home located in the city of Managua had been blocked by a police patrol and several officers since 4:00 p.m. on Friday. Similarly, the perimeter of the residence was being watched by traffic police officers who controlled the entry and exit of vehicles in the area. In Neyma’s case, at least four police officers were preventing her from leaving her home.

73. In Ivannia’s case, a police officer approached the front door of her house and told her brother Marvin that he could not leave the house. Similarly, in the case of Neyma, police officers prevented her relatives from leaving, among whom were persons in delicate health status, elderly, and minors.

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

74. The mechanism of precautionary measures is part of the Commission’s function of overseeing the compliance of Member States 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 avoid irreparable harm to persons.

75. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ To do this, an assessment should be carried out regarding the problem posed, the effectiveness of state actions in the face of the situation described, and the level of vulnerability in which the persons for whom measures are requested would be left if they are not adopted.⁶ 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 at safeguarding the rights at risk until the request pending before the inter-American System is resolved. Their objective and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a

⁴ See in this regard: I/A Court H.R. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#) . Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al . v. Guatemala](#) . Provisional Measures. Resolution of July 6, 2009, considerandum 16.

⁵ See in this regard: I/A Court H.R. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#) . Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al . v. Guatemala](#) . Provisional Measures. Resolution of July 6, 2009, considerandum 16.

⁶ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#) . Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital Judicial Confinement Center](#) . Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#) . Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

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, implement the ordered reparations. For purposes of decision making, and 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 injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

76. 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 exists.⁷

77. In this matter, the Commission recalls that the alleged facts are framed in a context that has been followed-up by the Special Monitoring Mechanism for Nicaragua (MESENI), after the events of April 2018. As indicated in Article 25, paragraph 6 of the Rules of Procedure, the Commission will proceed to analyze the specific facts alleged by the representation in the context of the country. In this framework, the Commission recently condemned on January 6, 2021, the intensification of acts of harassment in Nicaragua against persons identified as opponents of the Government, human rights defenders, as well as victims of human rights violations and their relatives.⁸ The Commission urged the State to immediately cease these acts. On April 19, 2021, three years after the beginning of the political, social, and human rights crisis in Nicaragua, the Commission condemned the generalized impunity and the prolonged breach of the rule of law that persists in the country. Moreover, it urged the State to adopt the necessary measures to overcome the crisis and reestablish democratic institutions, especially through processes that guarantee the right to truth, justice, and comprehensive reparation for the victims and their relatives.⁹

78. In this context, the Commission will proceed to analyze the situation of the beneficiaries, as well as the situation of the identified family members with respect to whom the extension request has been submitted. As a preliminary issue, the Commission once again recalls that, in this mechanism, it will not analyze those allegations that would require a decision on the merits. Nor will it assess whether there were violations of rights recognized in the Convention, or other applicable instruments, which should be analyzed in the framework of an eventual petition or case, if the corresponding regulatory prerequisites are met. By its own mandate, the Commission will not determine criminal liabilities for events denounced in the matter at hand. The analysis carried out herein focuses exclusively on the requirements of seriousness, urgency, and irreparable harm, which can be resolved without making determinations on the merits.

(i) Implementation of precautionary measures in favor of the 16 beneficiaries and current situation

⁷ In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess *prima facie* whether an extremely serious and urgent situation exists. IACHR, Matter of Children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

⁸ IACHR, IACHR Condemns Growing Harassment in Nicaragua, January 6, 2021. Available at http://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/002.asp

⁹ Three years after the beginning of the human rights crisis in Nicaragua, the IACHR condemns ongoing impunity. Available [in Spanish] at <http://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/093.asp>

placing them at risk

79. Following the granting of these precautionary measures in 2019, the Commission has not received any communication from the State, despite the requests for information made and having expressly requested, through Resolution No. 62/19, to report periodically. The IACHR regrets the lack of response from the State as it prevents the Commission from learning its observations or the actions implemented in favor of the beneficiaries.

80. 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 situations¹⁰. The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time and the specific, true, current and detailed material reference to the issues on which that obligation falls¹¹.

81. Based on the information provided by the representation, the Commission takes into account the actions undertaken by the State which led to the release from prison of the beneficiaries. Thus, it is observed that the factual circumstances that were assessed in 2019 at the time of granting the precautionary measures have changed (see *supra* paras. 7 and 8). Hence, it is noted that 14 of the 16 beneficiaries are no longer deprived of their liberty, and therefore are not in the custody of the State. However, the IACHR identifies that the beneficiaries have continued to be exposed to risk events, even after no longer being in the custody of the State. In this sense, it is noted that two beneficiaries are once again in the custody of the State and have reported events of violence or aggression against them. Regarding the remaining beneficiaries, the available information shows that they are still subjected to threats, harassment, intimidation and even attacks. As an example of the alleged risk currently faced by the beneficiaries, the Commission identifies the following events reported throughout 2020:

- Acts of violence or aggression by the police against beneficiaries at the time of new arrests or upon being again in the custody of the State (see *supra* paras. 10, 12 and 24).
- Placement of imprisoned beneficiaries in conditions such as cells where they remained isolated (see *supra* para. 10) and limitations for their relatives to bring them food (see *supra* paras. 11 and 13).
- Acts of aggression by armed civilians or unknown individuals against the homes of beneficiaries, causing damage to the structure or firing into the air (see *supra* paras. 14, 15, and 22).
- Siege of beneficiaries' homes, through constant surveillance carried out by unknown persons or armed police officers (see *supra* paras. 15, 18, 20, 22, 25, 27, 28, 32, 34, 36, 43-45, 47-51, 54, 56, 61, 64, 67, 69, 70, and 72)
- Follow-ups of the beneficiaries, carried out by police officers or unknown persons taking photographs of the beneficiaries' homes and workplaces (see *supra* paras. 18, 28-31, 38, 48, 52 and 66).
- Threats and harassment of beneficiaries by various means, either directly through telephone communications (such as messages or calls) or through social media (see *supra* paras. 24, 27, 47, 55, 60, 63 and 70).
- Threats, and in some cases reported assaults, by police officers (see *supra* paras. 36, 42, 58 and 62).
- Harassment by neighbors, some of whom belong to the Council of Citizen Power (CPC) or are

¹⁰ I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2006. Considerandum 16; and Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV). Provisional Measures. Resolution of the Inter-American Court of Human Rights of September 12, 2005. Considerandum 17.

¹¹ Ibid.

related to the Nicaraguan government, who have insulted or threatened them with death (see *supra* paras. 19, 49 and 57).

- Follow-ups by unidentified persons, sometimes in motor vehicles, or armed persons or police officers, during displacement or near the beneficiaries' homes (see *supra* paras. 29, 33, 38, 42, 46, 48, 50-52, 54, 57 and 68).

82. The Commission deems that such alleged facts evidence an ongoing, especially serious situation, which allows sustaining that the risk persists pursuant to Article 25 of the Rules of Procedure, even upon the release from prison of the beneficiaries. With particular concern, the Commission notes that the alleged facts are aimed at limiting the work of the beneficiaries or at having them under constant surveillance, through acts of threats, intimidation, harassment, and attacks against them. In the same way, the fact that several alleged events have been related to police personnel's actions deserves special attention. Although, as indicated, it is not appropriate to attribute the alleged facts to specific persons, the claim that police officers continue to be involved in the risk factors faced by the beneficiaries is worrisome.

83. In addition to the foregoing, the Commission understands that the identified facts are also framed in a context of permanent disqualification and discredit towards people identified as "opponents" of the government, which covers a wide group of people such as those who work in the defense of human rights. This context, for example, can be seen in social media messages that refer to the beneficiaries, whereby threats against them are reportedly replicated (see *supra* paras. 16 and 19). This context creates a space of legitimacy for third parties, either related to the government or who disagree with the actions of the people identified as "opponents," to adopt measures against the beneficiaries. In this sense, the alleged facts show the existence of a wide scope of action on the part of unidentified third parties –some of them armed– against the beneficiaries. Despite the precautionary measures in force, the Commission does not have information indicating what protection measures have been implemented in favor of the beneficiaries. In this regard, the Commission requests that the State refer to the measures implemented to mitigate the risk faced by each of the beneficiaries identified in this Resolution.

84. In view of the assessments carried out and the current situation of the beneficiaries, the Commission decides to modify the requests made to the State in order to address the specific and recent situation of the beneficiaries following their release. In this sense, the Commission reaffirms the existence of the risk faced by the beneficiaries pursuant to Article 25 of the Rules of Procedure and modifies the scope of its recommendations under the terms of this Resolution. Lastly, the Commission requests that the parties, both the State and the representation, refer in the next communications to the situation of each of the 16 beneficiaries. The Commission considers it necessary to keep receiving updated information regarding each of the 16 beneficiaries identified herein, with a view to continue to analyze their situation in light of Article 25 of the Rules of Procedure, regardless of occasional requests for information made by the Commission.

(ii) *Situation of the family members identified in the request for extension*

85. Under the terms of Article 25 of the Rules of Procedure, the Commission observes that the representation requested the extension of these precautionary measures in favor of the following identified family members: (1) Neyma Elizabeth Hernández Ruiz's family members: her mother Mirna María Ruiz, her brothers and sisters Amanda Guadalupe Hernández Ruiz, Cristian Javier Hernández Ruiz, Nahomy Rachel Hernández Ruiz, Isafas Ismael Hernández Ruiz, Ana Francela Hernández Ruiz and their grandmother Rosa Amanda Morales Romero; (2) Ivania del Carmen Álvarez Martínez's family member: her brother Marvin Antonio Álvarez Martínez; (3) Olga Sabrina Valle López's relative: her brother Marvin Romario Valle López; (4) José Dolores Medina's family member: his brother Rodrigo Alejandro Medina Cabrera; (5) Hansel Amaro Quintero Gómez's family member: his mother Grethel Isabel Gómez, and (6)

Amaya Coppens' family member: her couple Sergio Midence.

86. The Commission recalls that for an extension of precautionary measures to be granted, the facts alleged in the request must have a “factual connection” with the events that justified the initial adoption of those measures.¹² In the matter at hand, the Commission notes that the situation of the identified family members is closely related to the situation placing the beneficiaries at risk. At the time of making this assessment, the Commission observes that the family members share similar risk factors because of their filial relationship with the beneficiaries, which makes them the subject of possible reprisals. Also, because they share living spaces, such as the homes where monitoring, intimidation and surveillance towards the beneficiaries have taken place. Therefore, the Commission considers that the requirement of “factual connection” has been met because they share risk factors due to the filial relationship with the beneficiaries, as well as in view of the cohabitation spaces shared, given that they are part of their nuclear families.

87. In view of the foregoing, and with regard to the seriousness requirement, the Commission notes that the persons identified herein have faced the following specific events throughout 2020:

- Police monitoring during the displacement of Amaya's couple or outside her home (see *supra* para. 17).
- Threats towards Neyma Hernández's relatives, such as that they are going to burn down the family's house and that they would burn to death, which have been attributed to neighbors or members of the CPC (see *supra* paras. 19 and 21).
- Police siege of the home of Neyma Hernández's relatives, following a police raid (see *supra* paras. 20 and 21).
- Attacks on Neyma Hernández's sister at the hands of persons identified as “paramilitaries” (see *supra* para. 23).
- Follow-up by unknown persons during displacements of Neyma Hernández's relatives or Olga Valle's brother, the latter being directly pointed at with a gun on one occasion when trying to avoid follow-up (see *supra* paras. 24 and 41).
- Surveillance by armed civilians at the home of Neyma Hernández's relatives, which included taking photographs (see *supra* para. 24).
- Assaults to the brother of José Dolores Medina when being detained on various occasions (see *supra* para. 26).

88. Similarly, the Commission notes that family members have experienced, together with some beneficiaries, situations placing them at risk, as in the case of Ivania del Carmen Álvarez Martínez's brother, due to their filial relationship; or in the case of Hansel Amaro Quintero Gómez's mother, who cohabit with him (see *supra* paras. 35, 36, and 56-58).

89. Having requested information from the State, the Commission did not receive any response either. In this regard, the Commission does not have the State's observations or information to indicate whether measures are being taken in response to the alleged facts with a view to mitigating the alleged risk. The foregoing is especially decisive, given that the State is aware of the risk for the beneficiaries since 2019 when these precautionary measures were granted, and with regard to this particular request for extension, upon having requested its observations in December 2020.

¹²See in this regard: 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 19.

90. In view of the above, the Commission concludes that the information provided by the applicants, assessed in the context previously indicated, is sufficient to consider from a *prima facie* standard that the identified family members' rights to life and personal integrity are at serious risk.

91. Regarding the urgency requirement, the Commission considers that insofar as the beneficiaries continue with their activities and the risk factors continue to appear, the identified family members are exposed to suffer reprisals or be impacted by the risk events to which the beneficiaries are subject. In this regard, the Commission takes into account that there is no information indicating what protection measures have been adopted in favor of the beneficiaries' family members. Therefore, the immediate granting of these precautionary measures is necessary.

92. With regard to the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

93. The Commission reaffirms, in the terms specified in this resolution, the precautionary measures granted in favor of the 16 beneficiaries of these precautionary measures: (1) Amaya Eva Coppens Zamora, (2) Atahualpa Yupanqui Quintero Moran, (3) Derlis Francisco Hernández Flores, (4) Hansell Amaru Quintero Gómez, (5) Ivania del Carmen Álvarez Martínez, (6) Jesús Adolfo Tefel Amador, (7) Jordan Irene Lanzas Herrera, (8) José Dolores Medina, (9) María Margarita Hurtado Chamorro, (10) Marvin Samir López Ñamendiz, (11) Melvin Antonio Peralta Centeno, (12) Neyma Elizabeth Hernández Ruiz, (13) Olga Sabrina Valle López, (14) Roberto Andrés Buchting Miranda, (15) Wendy Rebeca Juárez Avilés, and (16) Wilfredo Alejandro Brenes Domínguez.

94. Furthermore, it declares as new beneficiaries the following persons due to their family relationship with certain beneficiaries: (1) Neyma Elizabeth Hernández Ruiz's family members: her mother Mirna María Ruiz, her brothers and sisters Amanda Guadalupe Hernandez Ruíz, Cristian Javier Hernández Ruiz, Nahomy Rachel Hernández Ruiz, Isaías Ismael Hernández Ruíz, Ana Francela Hernández Ruiz and their grandmother Rosa Amanda Morales Romero; (2) Ivania del Carmen Álvarez Martínez's family member: her brother Marvin Antonio Álvarez Martínez; (3) Olga Sabrina Valle López's relative: her brother Marvin Romario Valle López; (4) José Dolores Medina's Family member: his brother Rodrigo Alejandro Medina Cabrera; (5) Hansel Amaro Quintero Gómez's family member: his mother Grethel Isabel Gómez, and (6) Amaya Coppens' family member: her couple Sergio Midence. All these persons are duly identified in this procedure.

V. DECISION

95. The Inter-American Commission on Human Rights considers that the matter at hand meets *prima facie* the requirements of seriousness, urgency and irreparable harm set forth 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 life and personal integrity of the beneficiaries identified in this resolution. For this purpose, the State must ensure that its agents respect the beneficiaries' rights in accordance with the standards established by international human rights law and protect their rights from acts of risk attributable to third parties. Regarding the individuals that are deprived of their liberty, the State must ensure that their detention

conditions are compatible with the applicable international standards on the subject-matter;

- 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.

96. The Commission also requests that the State of Nicaragua kindly inform the Commission, within a period of 15 days as of the date of this communication, on the adoption of the precautionary measures that have been agreed upon and to periodically update this information.

97. 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.

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

99. Approved on May 17, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary