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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 59/2021**

Precautionary Measure No. 511-21

**Flor de María Ramírez regarding Nicaragua**

August 3, 2021

Original: Spanish

**I. INTRODUCTION**

1. On June 9, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by the “Nicaragua Never Again” Human Rights Collective (“the applicant organization”), urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of Mrs. Flor de María Ramírez (“the proposed beneficiary”). According to the applicant organization, the proposed beneficiary is at risk as a result of her political work opposing Nicaragua’s current government. She is reportedly being subjected to threats, harassment, arrests, and acts of violence perpetrated by State and parastate authorities.

2. On June 14, 2021, the IACHR requested information from the State and the applicant organization, pursuant to Article 25(5) of its Rules of Procedure. The State provided the requested information on June 17, while the applicants sent information on June 30.

3. Upon analyzing the submissions of facts and law furnished by the parties, the Commission considers that the available information shows *prima facie* that Mrs. Salazar is facing a serious and urgent situation, given that her rights to life and personal integrity are at risk of irreparable harm. Therefore, Nicaragua is requested to: a) adopt the necessary measures to protect the rights to life and personal integrity of Flor de María Ramírez. In accordance with the standards established by the international human rights law, the State must ensure not only that its officers respect the life and personal integrity of the beneficiary, but also protect her rights when facing risks attributable to third parties, b) consult and agree on the measures to be adopted with the beneficiary and her representatives; and, c) report on the actions taken in order to investigate the alleged facts that led to the adoption of this precautionary measure and prevent its repetition.

**II. BACKGROUND INFORMATION**

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected several testimonies on human rights violations committed in the framework of the protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.<sup>1</sup> In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.<sup>2</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018,

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<sup>1</sup> IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OAS/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

<sup>2</sup> IACHR. [Press Release No. 135/18](#). IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. [Press Release No. 274/18](#). Press Release on Nicaragua. December 19, 2018. See also: IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

confirming the IACHR findings.<sup>3</sup> In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure<sup>4</sup>.

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.<sup>5</sup> In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.<sup>6</sup> On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.<sup>7</sup> In the same regard, on November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”<sup>8</sup>

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,<sup>9</sup> noting that the serious human rights crisis in the country extended during 2019, due to the de facto installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government, the search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power on other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.<sup>10</sup>

7. During 2020, the IACHR identified the strengthening of a fifth stage of State repression in the country, characterized by an increase in acts of surveillance, harassment, and indiscriminate repression against people that reportedly oppose the Government of Nicaragua.<sup>11</sup> Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.<sup>12</sup> In October 2020, the IACHR again called on the State to immediately cease persecution of people identified as government opponents and to reestablish democratic guarantees in Nicaragua.<sup>13</sup> Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its Annual Report 2020.<sup>14</sup>

<sup>3</sup> Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua. [Report on the violent events that took place in Nicaragua between April 18th and May 30](#), December 2018.

<sup>4</sup> IACHR. [Annual Report 2018. Chapter IV.B Nicaragua](#).

<sup>5</sup> See in this regard: IACHR. [Press Release No. 6/19](#). 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; IACHR. [Press Release No. 26/19](#). IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua. February 6, 2019; IACHR. [Press Release No. 90/19](#). IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks. April 5, 2019.

<sup>6</sup> IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

<sup>7</sup> IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>8</sup> IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

<sup>9</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020. 5-6.

<sup>10</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 19.

<sup>11</sup> IACHR. [Press Release No. 80/20](#). 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.

<sup>12</sup> IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

<sup>13</sup> IACHR. [Press Release No. 249/20](#). IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua. October 10, 2020.

<sup>14</sup> IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, para. 5-29.

8. Recently, in 2021, the Commission condemned the intense increase of State repression against people identified as government opponents, human rights defenders, journalists, victims of human rights violations and their families<sup>15</sup>, as well as widespread impunity and the prolonged breach of the Rule of Law that is ongoing in Nicaragua<sup>16</sup>.

### III. SUMMARY OF FACTS AND ARGUMENTS

#### A. Information provided by the applicant organization

9. 65 year-old Mrs. Flor de María Ramírez emerged as a leading figure in the civic protests that began in April 2018; she was named “the lady of the huipil” due to the distinctive blue and white huipil she wore to the protests. Her dances while wearing this attire became her form of protest. According to the proposed beneficiary, she started using the huipil for the following reason:

"I witnessed the arrest of a young woman who was dancing in a folklore dress. They took her into custody and I know she was running away. That day I decided to make a dress for myself and not just any dress, but a blue and white dress, because of my flag's colors. Once I did it I began to walk while wearing the dress as a symbol of protest because this Government dislikes national symbols. They want to force upon Nicaragua a new flag (red and black), the FLSN party flag."<sup>17</sup>

10. Adding to her form of protest, the proposed beneficiary participated in many interviews in which she urged the rest of the population to protest and denounced the multiple violations to human rights. According to the applicant organization, these actions led to acts of repression and siege against them.

11. On September 30, 2018, two days after the National Police declared the protests in Nicaragua illegal, Mrs. Ramírez was arrested as she participated in a protest at the Iván Montenegro Market area. The proposed beneficiary was photographed by a police officer while doing an interview with the news media. When she saw that more police patrols arrived, Mrs. Ramírez began to shout "*Long Live a Free Nicaragua*" and "*freedom for political prisoners.*" It was at that moment when an officer threatened to arrest her. Immediately after, several agents reportedly began to push and pull her in order to arrest her. As a result, Mrs. Doña Coquito, who was then 77 years old, tried to defend the proposed beneficiary. However, both were arrested and taken to District VII of the Managua Police, where they threatened to "take away and burn Mrs. Ramírez's huipil."<sup>18</sup>

12. Later, both ladies were transferred to the Judicial Assistance Directorate, known as "El Chipote." On her way to El Chipote, the proposed beneficiary was threatened with death by an officer who said, "*If you don't shut up, I will shoot you and make you disappear.*" *Although it'd be such a pity to kill you, I'd rather hit you with a rifle and destroy your face*". They were held in custody for nearly one hour in El Chipote. There, they were ordered to leave to their corresponding houses in a specific vehicle. However, before Mrs. Ramírez got out of the vehicle, she was, once again, threatened while emphasizing that she could not protest again.<sup>19</sup>

13. After this arrest, the proposed beneficiary was slandered and belittled on social media, calling her a "usurper" and "conniving" after receiving a food package from the Government of Nicaragua as an alleged compensation for the murder of her brother and adopted son while they served in the Sandinista Popular Army

<sup>15</sup> IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua . January 6, 2021.

<sup>16</sup> IACHR. [Press Release No. 93/21](#). Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021; IACHR. [Statement on Twitter](#). June 2, 2021; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

<sup>17</sup> La Prensa. "[Flor Ramírez, the lady with the blue and white Huipil in every protest](#)." October 7, 2018.

<sup>18</sup> La Prensa. "[Flor Ramírez, the lady with the blue and white Huipil in every protest](#)." October 7, 2018.

<sup>19</sup> La Prensa. "[Flor Ramírez, the lady with the blue and white Huipil in every protest](#)." October 7, 2018; La Prensa. "[Doña Coquito and Doña Flor report situations of harassment and threats from Ortega supporters](#)." October 8, 2018.

in the 1980s. However, according to the applicant organization, Mrs. Ramírez had foregone this package since May 2018, because she considered it "stained with blood."<sup>20</sup>

14. On January 22, 2019, Mrs. Ramírez was attacked by several men whose identities remain unknown in one of the streets of the San Judas neighborhood. She was allegedly insulted and beaten for participating in the protests. She sustained injuries to her face, head, hands, and knees as a result of the attack.<sup>21</sup> The applicant organization indicated that on previous occasions, she had been followed on the street and threatened by unknown men on motorcycles.<sup>22</sup>

15. On March 16, the proposed beneficiary was arrested for the second time during a protest. She was arrested along with more than 200 people, all of whom were transferred to El Chipote. She remained there from morning to midnight until she was released. Two weeks later, on March 30, she participated in a protest at the Metrocentro. At the time of her arrest, she was severely beaten in the stomach by the police and was transferred again to El Chipote. She was released that same day.<sup>23</sup>

16. On June 30, 2019, the proposed beneficiary was threatened again by a police officer as she left the Cathedral of Managua in a bus with a group of protesters. She was told she was being investigated for drug dealing.<sup>24</sup> On July 2019, she reported that she was suffering from police sieges at her home.<sup>25</sup>

17. By the end of August 2019, Mrs. Ramírez was arrested again while she waited for an intercity bus. Two police officers without a police badge got out of a truck and asked her to get into the vehicle because they had to ask her some questions. The proposed beneficiary resisted, but agreed to have her purse searched. One of the police officers called another police patrol upon finding a Nicaraguan flag. Right away, six armed officers arrived. Mrs. Ramírez was handcuffed and beaten on her ribs and legs. She was sent to Police Station IV and was released after three hours of interrogations.<sup>26</sup>

18. On October 3, 2019, during one of the frequent police sieges at Mrs. Ramírez's home, a police officer threatened to "burn her house with her inside" and called her a "dragged old woman". In mid-October, the proposed beneficiary was heading for a "talk" for the freedom of political prisoners. However, she was held in custody for several hours by police agents who told her she had no right to leave her home.

19. In 2020, police sieges continued at her house. According to the applicant organization, police officers on many instances prevented the proposed beneficiary from leaving her home or made her return to her home because she was an "instigator." Thus, in March 2020, the police forcefully made Mrs. Ramírez return to her home, after she attempted to go out to shop for essential items and food.<sup>27</sup> On May 30, 2020, during Mother's Day in Nicaragua, police officers prevented the proposed beneficiary from leaving her home or anyone from entering her house. Moreover, they threatened her by saying that if she left her house, she was going to be arrested.<sup>28</sup>

<sup>20</sup> La Prensa. "[Doña Coquito and Doña Flor reports situations of harassment and threats from supporters of Ortega.](#)" October 8, 2018.

<sup>21</sup> Channel 10. "[Individuals attacked Flor Ramírez, better known as 'The lady in the Huipil'.](#)" January 26, 2019.

<sup>22</sup> Niú. "[What happened to the icons of the civic protest?](#)" February 5, 2019.

<sup>23</sup> Channel 10. "[Mrs. Flor Ramírez reports to the CPDH being victim of police violence in Metrocentro.](#)" April 3, 2019.

<sup>24</sup> VOS TV. "[Anti-government protesters reports siege acts at their houses.](#)" 4 July 2019.

<sup>25</sup> 12 Nicavisión SA "[Flor de María Ramírez, the lady who participates in protests wearing a huipil, said that people must be united to pressure the Government.](#)" July 22, 2019.

<sup>26</sup> La Prensa. "[Mrs. Flor, the lady wearing the huipil, denounces being arrested by the PO because she was carrying the Nicaraguan flag in her bag.](#)" September 1, 2019.

<sup>27</sup> Mesoamerican Women Human Rights Defenders Initiative (IM-Defenders). "[#AlertaDefensoras Nicaragua / Police besiege and prevent activist Flor Ramírez from leaving her home.](#)" March 27, 2020.

<sup>28</sup> 100% News. "[Mrs. Flor Ramírez reports threats of detention by the Sandinista Police.](#)" May 30, 2020.

20. On June 26, Mrs. Ramírez was on the outskirts of her house with other people at around 9:00 p.m. when a police patrol passed by. The police patrol stopped when it saw her outside. Agents began to search all the people who were with her. They tried to force the proposed beneficiary to stand against a wall. However, she refused and sat on the side of the street. One of the officers got out of the patrol and kicked her so hard that she hit her head on the gutter, leaving her unconscious for a while. The applicant organization reported that police sieges at the proposed beneficiary's house continue almost on a daily basis.<sup>29</sup>

21. Furthermore, on December 6, Mrs. Ramírez was, once again, arrested by police agents when she headed to her house in a taxi. The agents requested the proposed beneficiary's, the taxi driver's as well as the other occupants' documents. When they checked Mrs. Ramírez's ID, they told her: "*We already know who you are.*" They were all arrested and sent to Police District I, where she was interrogated. She was released that same day. Two weeks later, on December 21, the proposed beneficiary was visited at her home while she was watched by the Police. However, when her visitor left the house, she was arrested and taken to Police District IV. On December 26, parastatal agents passed by her house at around 2:00 a.m. and dropped a "homemade bomb". It exploded on the porch.

22. In early 2021, the proposed beneficiary reported to "La Prensa" that she was imprisoned in her own home, stating that, on three occasions, police agents forcefully stopped her from leaving her house. Moreover, she recalled that, during her arrest in El Chipote, she was stripped naked and taken out for interrogation at midnight. She also exposed the constant acts of persecution against her by police and parastatal agents.<sup>30</sup>

23. On April 8, an officer allegedly tried to grab the proposed beneficiary and make her go back inside her home. In the words of Mrs. Ramírez:

"The police are there since 3:00 a.m. Sometimes, they leave at noon and stay until 5:00 (in the afternoon), then others come and take turns at 5:00 p.m... There is not a day that the Police are not here. I don't have a normal life. I had a sewing workshop. Nobody comes to buy anymore because the police checks their backpacks. I cannot visit any public places. Every day they come... It is dangerous. I don't take the risk and walk in the street because the police know me. Every time I pass by them, I hide my face away so that they do not recognize me. It is very difficult for me to go out on the street without them seeing me. Here, some of the neighbors are informants. It's been 20 months of sieges and I can't stand it anymore. I've lost friends because of it. I spent a month (March 2021) away from Managua. I kept communication with my son and he told me that the police were there. Whether it is outside or inside the house, my house is guarded. For some time I sought refuge, but without money, it is difficult to remain with a family and be fed."

24. Recently, on June 2, 2021, the proposed beneficiary received a visit from a friend, who was arrested when leaving her home and questioned about their relationship at the District VI Police Station. A few days later, on June 9 at around 2:00 p.m., the proposed beneficiary was in the municipality of Somoto, department of Madriz, for work reasons. On that occasion, police officers searched her and her two colleagues. They were arrested and taken to the nearest police station. A few hours later, they were released.

25. On June 13, the proposed beneficiary returned to her home located in Managua. Immediately, police officers began with acts of intimidation and harassment. For this reason, Mrs. Ramírez had to seek refuge outside of Managua for a few days. According to the applicant party, the police siege remained constant. When she returned to her home on June 27, police officers were, again, present and harassed her for several hours.

26. According to the applicant organization, Mrs. Ramírez has filed multiple public complaints involving police brutality against her. Nonetheless, to this date, it is unknown whether an investigation regarding these

<sup>29</sup> Radio Corporación. "[15 months of siege to the lady of the huipil.](#)" October 18, 2020.

<sup>30</sup> La Prensa. "[The lady of the huipil imprisoned at her own house.](#)" January 1, 2021.

issues was initiated. On the other hand, it was pointed out that the proposed beneficiary has not been provided any type of State security details.

## **B. Information provided by the State**

27. The State reported that its institutions, while fulfilling their functions, guarantee and protect the human rights of all people, without distinction or discrimination, while observing and following the rules of its internal legal system and of the international human rights treaties signed by Nicaragua. Moreover, it was stated that freedom of expression is a fundamental right of the people and reiterated that Nicaragua is a country that respects the full freedom of expression of its people. However, it was also mentioned that this right is not absolute, as it has limitations imposed by social responsibility and its laws. In this regard, the State noted that speech that incites violence and hatred in all its forms is not covered under the right to freedom of expression, given that this right should not be understood as an authorization to infringe the rights of other community members and the established constitution in order to commit crimes, to create chaos or to destabilize and lead the population to uncertainty with misinformation or false information. The people, without distinction, have a right to receive impartial and objective information.

28. Regarding Mrs. Flor de María Ramírez, the State asserted that she and her family do not face any type of risk that endangers their life, physical or psychological integrity or the exercise of their fundamental rights. By the same token, it was pointed out that State institutions ensure that all investigations and jurisdictional steps are linked to the principle of lawfulness, fulfilling each task in a timely manner while respecting the guarantees and dignity of the people. Regarding the proposed beneficiary, the State reported that there is no particular complaint before investigation bodies when it comes to the alleged acts of harassment.

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

29. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18 (b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an 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 repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>31</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>32</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>33</sup> Regarding their

<sup>31</sup> See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Resolution 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.

<sup>32</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Resolution of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Resolution of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Resolution of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

<sup>33</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II](#)

precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. Their precautionary nature aims to protect the rights at risk until the petition pending before the Inter-American system is resolved. Their object 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 situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>34</sup> Para los efectos de tomar una decisión, y de acuerdo con el artículo 25.2 de su Reglamento, la Comisión considera que:

- a. A “serious situation” refers to a serious impact that an action or omission can have on a protected right or on the consequent 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 the violation to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

31. When analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>35</sup> Similarly, the Commission recalls that, following its own mandate, it is not called upon to determine any criminal liabilities for the alleged facts. Moreover, it is not called upon in this proceeding to find any violation of rights enshrined in the American Convention or other applicable instrument.<sup>36</sup> The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>37</sup>

32. In the present matter, the Commission further observes that the alleged risks faced by the proposed beneficiary is framed in the current context that Nicaragua<sup>38</sup> and in a context of repression against people

[Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Resolution 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. Resolution of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

<sup>34</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Resolution of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Resolution of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Resolution of the Court of January 27, 2009, considerandum 19.

<sup>35</sup> See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13; I/A Court H.R. [Matter of Children 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.

<sup>36</sup> IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and his family regarding Nicaragua. April 30, 2021, para. 33.

<sup>37</sup> In this regard, the Court has indicated that it “cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Resolution of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2.

<sup>38</sup> See in this regard: IACHR. [Press Release No. 93/21](#). Three Years After the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021; IACHR. [Press Release No. 80/20](#). 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; IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

considered opponents of the country's current government.<sup>39</sup> In this regard, the IACHR has identified the exacerbation of threats, harassment, surveillance, and selective repression against persons deemed opponents of the Government.<sup>40</sup> These acts come to light with the presence of police officers on the outskirts of the proposed beneficiary and her relatives' houses throughout the day to prevent them from exiting the house, or to identify and keep a record of any person who enters or leaves the place.<sup>41</sup> Furthermore, the IACHR has stressed that women deprived of liberty in the context of the human rights crisis have faced violations of their human rights, which is aggravated by their gender. Such acts include sexual violence, such as rape, overcrowding conditions, lack of access to medical care, inadequate food, punishments and other forms of retaliation.<sup>42</sup> In this context, the Commission recalls that it has granted precautionary measures to persons belonging to opposition parties, who have been subjected to threats, intimidation, and acts of violence. These acts are allegedly attributable to state agents or third parties who support the Government.<sup>43</sup>

33. Furthermore, the Commission notes that Mrs. Ramírez, as a woman who supports the opposition party, faces a noticeable risk due to gender stereotypes, historical discrimination, and prejudices related to the way she should dress and act or the roles that women should play in society.<sup>44</sup> Moreover, in this case, the situation of specific vulnerability of the proposed beneficiary is heightened due to her older age. Therefore, the proposed beneficiary's situation must be addressed through a suitable approach to her condition, taking into consideration the differentiated impact that the risk factors may have on her. The Commission has previously made this assessment in the framework of other situations that required a differentiated analysis in view of the circumstances.<sup>45</sup> In particular, the Commission notes that the proposed beneficiary has been arrested at least six times, as well as physically and psychologically assaulted several times by police officers. Moreover, police officers and parastate agents have not allowed her to leave her house, even through the use of force. Thus, on the night of June 26, 2020, the police forced the proposed beneficiary to stand against a wall and, when she refused, an agent kicked her. She ended up unconscious after her head hit the edge of the sidewalk. Subsequently, on April 8, 2021, a police officer tried to grab the proposed beneficiary and enter her home. These facts show the particularly vulnerable situation of Mrs. Ramírez, who faces an accentuated risk because she is an older woman regarded as a government opponent in the current context of Nicaragua.

<sup>39</sup>See in this regard: IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 54-77; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

<sup>40</sup>See in this regard: IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020; IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 46 to 52.

<sup>41</sup>See in this regard: IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and his family regarding Nicaragua. April 30, 2021, para. 9.

<sup>42</sup>IACHR. [Report on Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018](#). OAS/Ser.L/V/II, Doc. 287, October 5, 2020, para. 181.

<sup>43</sup>See in this regard: IACHR. Resolution 27/2021. Precautionary Measure No. 1067-18 (extension). Danelia Rosario Argüello Cano and her nuclear family regarding Nicaragua. March 14, 2021; IACHR. [Resolution 17/2021](#). Precautionary Measure No. 1076-18. Carlos Ramon Brenes Sánchez and his nuclear family regarding Nicaragua. February 25, 2021; IACHR. [Resolution 16/2021](#). Precautionary Measure No. 907-20. Kevin Adrián Monzón Mora and his nuclear family regarding Nicaragua. February 22, 2021; IACHR. [Resolution 11/2021](#). Precautionary Measure No. 664-20. Olman Onel Salazar Umazor and his nuclear family regarding Nicaragua. February 4, 2021; IACHR. Resolution 92/2020. Precautionary Measure No. 1149-19. Yonarqui de los Ángeles Martínez García and her family nucleus regarding Nicaragua. December 2, 2020; IACHR. [Resolution 80/2020](#). Precautionary Measure No. 590-20. Juana de la Rosa Lesaje Guadamuz et al. regarding Nicaragua. 28 October 2020.

<sup>44</sup>IACHR. [Toward a Comprehensive Policy to Protect Human Rights Defenders](#). OAS/Ser.L/V/II, Doc. 207/17, December 29, 2017, paras. 43 and 146; IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OAS/Ser.L/V/II, Doc. 66, December 31, 2011, para. 283; IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, para. 152; IACHR. [Violence and discrimination against women, girls and adolescents: Good practices and challenges in Latin America and the Caribbean](#). OAS/Ser.L/V/II, Doc. Doc 233. November 14, 2019.

<sup>45</sup>As an example, the Commission has considered the differentiated risk that pregnant women, women in labor and in puerperium allegedly face within the framework of their best interests, as well as the migrant or displaced population, and people with disabilities. See in this regard: IACHR. [Resolution 13/2019](#). Precautionary Measure No. 150-19. Concepción Palacios Maternity Hospital regarding Venezuela. March 18, 2019.



34. Based on these observations, and taking into account the nature of the facts, the Commission recalls that, under the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Convention of Belém do Pará), to which the State of Nicaragua is a party since its ratification on October 6, 1995,<sup>46</sup> “[...] violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere,”<sup>47</sup> including those situations in which violence is perpetrated or tolerated by the State or its agents regardless of where it occurs.<sup>48</sup> In this regard, it is important to recall that, in accordance with Article 7 of the aforementioned Inter-American instrument, the Member States must adopt, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence,<sup>49</sup> taking into account vulnerable situations, such as those that involve elderly women.<sup>50</sup> Similarly, it is recalled that Article 12 of the Convention establishes that “[a]ny person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.”<sup>51</sup>

35. Taking into account Nicaragua's current context, the Commission will proceed to analyze the procedural requirements regarding Mrs. Ramírez.

36. As for the requirement of seriousness, the Commission considers that it has been met. As verified by the Commission, since the beginning of the demonstrations in April 2018, harassment has intensified against any person identified as an opponent of the current Nicaraguan Government. In this regard, the Commission observes that the proposed beneficiary is identified as “an opponent”, mainly after her political activism and participation in the protests that began in April 2018, since she became a representative in these protests and she was named “the lady of the huipil (embroidered blouse).” Furthermore, her risk situation is worsened since she is an elderly woman.

37. Indeed, the Commission observes that Mrs. Ramírez has been subjected to harassment, threats, siege, and acts of violence by police officers and parastatal agents many times for the last several years. Particularly, since September 2018, she has been arrested at least six times. She was also interrogated and threatened with death as a result of her participation in political demonstrations. Moreover, she has been subjected to siege, beatings and acts of surveillance by police officers. Thus, on one occasion, at the end of August 2019, the proposed beneficiary was arrested while waiting for a bus. Two officers without any police badges got out of a van, and when they found a Nicaraguan flag in the proposed beneficiary's bag, they beat her and took her to a police station, where she was interrogated for three hours. In the last months, the proposed beneficiary was not able to leave her home due to the daily presence of police patrols, who ask her to stay at home by detention threats. Although it is not appropriate to rule on the conventionality of the detentions in this procedure, the Commission notes that the reported risk events also occurred while the proposed beneficiary was in the custody of the State. Such situation is completely serious in relation to the events that Mrs. Ramírez faces throughout time and regarding the parastate actors of the country.

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<sup>46</sup>The State of Nicaragua presented the instrument of ratification of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (“Convention of Belém do Pará”) on December 12, 1995. See in this regard: The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”). Done in the City of Belém do Pará, Brazil, on June 9, 1994. [General Information of the Treaty](#).

<sup>47</sup>The [Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women \(“Convention of Belém do Pará”\)](#). Done in the City of Belém do Pará, Brazil, on June 9, 1994. Art. 1.

<sup>48</sup>Convention of Belém do Pará. Art. 2.

<sup>49</sup>Convention of Belém do Pará. Art. 7.

<sup>50</sup>Convention of Belém do Pará. Art. 9.

<sup>51</sup>Convention of Belém do Pará. Art. 12.

38. In addition, the Commission notes that, since 2020, police officers have repeatedly prevented the proposed beneficiary from leaving her home because she was an “instigator.” She was also threatened to be arrested if she left her home. Particularly, it refers to continuous patrols in front of her house, as well as monitoring by police officers while carrying out her daily activities. It even takes note of the event that occurred on April 8, 2021, when an officer tried to grab Ms. Ramírez and enter her home.

39. The Commission warns that the events described had significantly affected the life of the proposed beneficiary. The constant police harassment while she is at home made her feel incarcerated in her house without being able to go out nor receiving visits in the last 20 months. Taking into account the known context with regards to people belonging to opposition parties, the Commission considers that the alleged acts of harassment, harassment, threats, and persecution of the proposed beneficiary reportedly aimed at intimidating her and hindering her participation in political protests.

40. The Commission takes note of the information provided by the State on the situation of Mrs. Ramírez. However, the IACHR notes that the State did not provide further elements to disprove the risk events alleged by the applicant from the corresponding *prima facie* standard and it also indicates that the proposed beneficiary is not facing a risk situation that endangers her life and personal integrity. In this sense, there was no information on investigations carried out, determination of the responsible people, risk assessments carried out, or protection measures implemented in favor of Mrs. Ramírez, although, as mentioned above, the participation of state actors in such events has been alleged.

41. Taking into account the foregoing information, the Commission deems evident, from the *prima facie* standard and in the context that Nicaragua is undergoing, that the rights to life and personal integrity of Flor de María Ramírez are at serious risk.

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 and the lack of protection schemas implemented, it is necessary to immediately adopt measures to safeguard the rights to life and personal integrity of the proposed beneficiary. At the time of undertaking such assessments, the Commission notes that the risk events that Mrs. Ramírez faced have increased since April 2018 to date, while there are no sufficient elements of assessment to indicate that the risk factors identified over time have been duly mitigated. In this regard, as indicated above, the Commission does not have specific information provided by the State sufficient to assess the actions that have been taken to address the alleged risk.

43. Regarding 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, by their very nature, constitutes the maximum situation of irreparability.

## **V. PROPOSED BENEFICIARIES**

44. The Commission declares Mrs. Flor de María Ramírez, who is duly identified in this proceeding, the beneficiary.

## **VI. DECISION**

45. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency and irreparable harm set forth in Article 25 of the Rules of Procedure. Consequently, it requests that Nicaragua:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Flor de María Ramírez. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiary, as well as protect her rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law;
- b) consult and agree upon the measures to be adopted with the proposed beneficiary and her representatives;
- 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 requests as well that the State of Nicaragua report, within 15 days, as from the day after this resolution, on the adoption of the precautionary measures required and to update that information periodically.

47. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected in the applicable instruments.

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

49. Approved on August 3, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay, Esmeralda Arosemena de Troitiño, Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary