



INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 42/2022

Precautionary Measure No. 485-22

Yolanda del Carmen González Escobar and her family unit regarding Nicaragua

August 29, 2022

Original: Spanish

I. INTRODUCTION

1. On June 21, 2022, the Inter-American Commission on Human Rights ("the Inter-American Commission," "the Commission" or "the IACtHR") received a request for precautionary measures filed by the Human Rights Collective *Nicaragua Nunca Más* ("the applicants"), urging the Commission to request that the State of Nicaragua ("the State" or "Nicaragua") adopt the necessary measures to protect the rights to life, personal integrity, and health of Yolanda del Carmen González Escobar, in addition to that of her family members. According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, is at risk as a result of threats, harassment, and surveillance at the hands of police and parastatal agents since 2018 to present day.

2. On July 15, 2022, the IACtHR requested information from the State and the applicants, pursuant to Article 25(5) of its Rules of Procedure. The applicants submitted the requested information on August 5, 2022. The State has not provided information to date.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that her rights to life and personal integrity are at risk of irreparable harm. Accordingly, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Yolanda del Carmen González Escobar and her family unit.¹ To this end, the State must ensure both that state actors respect the life and personal integrity of the beneficiaries, and protect their 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 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. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACtHR published a report on the serious human rights situation in the country.² 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

¹ The family unit of the proposed beneficiary is composed of the following persons: Alejandro José García, Zotzil de los Ángeles Martínez González, Linda Katherine García González, and Sharon Esmeralda García González.

² IACtHR. Gross Human Rights Violations in the Context of Social Protests in Nicaragua. OAS/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

State suspended its presence on December 19, 2018.³ For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish acronym) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.⁴ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁵

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.⁶ 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.⁷ In 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.⁸ Similarly, in 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.”⁹

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,¹⁰ noting that the serious human rights crisis in the country extended during 2019. These acts arise from 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 over 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.¹¹

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.¹² Thus, in May 2020, the IACHR

³ 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 about 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.

⁴ Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes*, GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#). December 2018. (Available only in Spanish)

⁵ IACHR. [2018 Annual Report. Chapter IV.B Nicaragua](#).

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras.5 and 6.

¹¹ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

¹² 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.

condemned the non-compliance with its recommendations and urged the State to implement them.¹³ In October 2020, the IACtHR again called on the State to immediately cease persecution of persons identified as dissidents and to reestablish democratic guarantees in Nicaragua.¹⁴ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹⁵

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁶ in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁷ On June 9, 2021, the IACtHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.¹⁸ Moreover, on August 11, 2021, the Commission condemned the systematic acts that the State has carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of the same year. It further condemned the ongoing human rights violations in this context, and urged the State to cease repression against those who express opposing views towards the Government.¹⁹ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.²⁰

9. On October 25, 2021, the IACtHR published the report “Concentration of Power and the Undermining of the Rule of Law in Nicaragua.” In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.²¹ Subsequently, on November 4, 2021, the IACtHR and OHCHR expressed concern about the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks against journalists.²² On November 10, 2021, the IACtHR condemned the human rights violations that occurred in the framework of the elections in the country. These violations occurred as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists. The IACtHR also urged the State to

¹³ IACtHR. [Press Release No. 113/20. Two Years After Visit to Nicaragua, IACtHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them.](#) May 16, 2020.

¹⁴ IACtHR. [Press Release No. 249/20. IACtHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua.](#) October 10, 2020.

¹⁵ IACtHR. [2020 Annual Report. Chapter IV.B Nicaragua,](#) February 2021, paras. 5 to 29.

¹⁶ IACtHR. [Press Release No. 152/21. IACtHR Condemns the Serious Escalation of Repression in Nicaragua.](#) June 18, 2021.

¹⁷ IACtHR. [Press Release No. 93/21. Three Years After the Start of the Human Rights Crisis in Nicaragua, IACtHR Condemns Ongoing Impunity.](#) April 19, 2021.

¹⁸ IACtHR. [Press Release No. 145/21. IACtHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately.](#) June 9, 2021; IACtHR. [Press Release No. 171/21. Nicaragua: IACtHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua.](#) July 9, 2021.

¹⁹ IACtHR. [Press Release No. 238/21. IACtHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua.](#) September 10, 2021; IACtHR. [Press Release No. 209/21. IACtHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election.](#) August 11, 2021.

²⁰ IACtHR. [Press Release No. 238/21. IACtHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua.](#) September 10, 2021.

²¹ IACtHR. [Press Release 284/2021. IACtHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua.](#) October 28, 2021.

²² IACtHR. [Press Release 292/21. Four days ahead election day, IACtHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua.](#) November 4, 2021.

release all those who were arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.²³

10. On November 20, 2021, the IACtHR made a statement in which it looked unfavorably upon the State of Nicaragua's decision to denounce the Charter of the Organization of American States on November 19, 2021, during the ongoing context of crisis that the country has been experiencing in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.²⁴ On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of people forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of people deprived of liberty and people identified as political opponents.²⁵ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.²⁶ The IACtHR once again included Nicaragua in Chapter IV.B of its 2021 Annual Report, when it referred to the severe deterioration of democratic institutions in Nicaragua in the context of the 2021 general elections.²⁷

11. In January 2022, the IACtHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They reportedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents, are beneficiaries of protective measures granted by the organs of the inter-American system.²⁸ In February 2022, the IACtHR condemned the manipulation of criminal law and criminalization of persons identified as opponents due to the lack of judicial independence and separation of powers. These acts have seriously affected the judicial guarantees for political prisoners in Nicaragua.²⁹ On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACtHR condemned that the National Assembly of Nicaragua had decided to cancel the legal capacity of 16 universities and civil society organizations, considering it an act that is framed within the overall practice to limit freedom.³⁰ The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.

12. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same

²³ IACtHR. [Press Release 300/21](#). IACtHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

²⁴ IACtHR. [Press Release 312/2021](#). The IACtHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations.

²⁵ IACtHR. [Press Release 346/2021](#). IACtHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

²⁶ IACtHR. [Press Release 346/2021](#). IACtHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

²⁷ IACtHR. [2021 Annual Report](#). Chapter IV.B Nicaragua, May 2022, paras. 4 to 21.

²⁸ IACtHR. [Press Release 023/022](#). IACtHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

²⁹ IACtHR. [Press Release RD026/22](#). REDESCA condemns the cancellation of the membership of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua. February 10, 2022 at 11:40 a.m.

³⁰ IACtHR. [Press Release 027/2022](#). IACtHR Condemns Manipulation of Criminal Law and Lack of Safeguards in Trials of Political Prisoners in Nicaragua. February 11, 2022.

time, it documented arbitrary arrests and harassment by State agents against human rights defenders, journalists, and lawyers.³¹ On March 31, 2022, at the 49th session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an independent investigation into the human rights violations that have taken place in the country since April 2018.³²

13. On March 23, 2022, the IACtHR stated that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACtHR.³³ Recently, in April 2022, four years after the onset of the 2018 social protests, the Inter-American Commission reaffirmed its commitment to the Nicaraguan population for the search for justice, reparation, the reconstruction of its democracy, and a national reconciliation based on the right to memory and truth.³⁴ Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.³⁵

14. On May 13, 2022, the IACtHR urged the State to guarantee the regular and dignified direct contact of political prisoners with their families. According to information received by MESENI, deplorable conditions of detention, ill-treatment, isolation, isolated detention, and lack of access to timely, adequate and specialized medical care for persons detained in "El Chipote" persist.³⁶ In July 2022, the Rapporteurship for Freedom of Expression (SRFoE) condemned the authorities' repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who fled or are in forced exile.³⁷ Recently, on August 19, 2022, the IACtHR condemned the escalated repression against members of the Catholic Church in Nicaragua. In this regard, it confirmed a systematic context of persecution, criminalization, harassment, police siege, stigmatizing statements by authorities, and repressive acts against members of the Catholic Church due to their critical role in denouncing human rights violations.³⁸

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

15. According to the request, the proposed beneficiary, a resident of the municipality of Masaya,

³¹ OACNUDH. Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council. Available (in Spanish) at: <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

³² United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April **, 2022 Available at: <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-concludes-forty-ninth-regular-session-after-adopting-35?sub-site=HRC>.

³³ IACtHR. [Press Release 065/2022](#). Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua. March 29, 2022

³⁴ IACtHR. [Press Release 081/2022](#). Four years since the beginning of the human rights crisis: IACtHR endorses its commitment to the people of Nicaragua. April 18, 2022.

³⁵ IACtHR. [Press Release 081/2022](#). Four years since the beginning of the human rights crisis: IACtHR endorses its commitment to the people of Nicaragua. April 18, 2022.

³⁶ IACtHR. [Press Release 103/2022](#). IACtHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

³⁷ IACtHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

³⁸ IACtHR. [Press Release 184/22](#). IACtHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022. (Only available in Spanish).

joined the social protests in April 2018. She was therefore identified as a government “opponent” and began to suffer police sieges, consisting of police patrols, towards the end of 2018. Due to these sieges, the proposed beneficiary’s health and finances were reportedly negatively impacted. She began to fear the consequences of the stigma created against her. The request alleges that from 2018 to present date, the proposed beneficiary and her family members have been constantly besieged by police and parastatal agents. Due to these acts, some members of her family were forced to flee the country.

16. On December 15, 2019, police officers allegedly visited Ms. González Escobar’s house and stated that she had to report to Masaya Police Station for a police interview. However, as she did not receive any documents verifying the interview, the proposed beneficiary did not attend. From this moment on, the police patrols continued. Patrols were frequently stationed in front of her house.

17. On October 3, 2020, and after being subjected to siege for 10 months, police agents once again insisted that she go to the police station for an interview. She reportedly complied with it and was questioned on the whereabouts of Benjamin Ernesto Gutierrez Collado,³⁹ as well as about some alleged weapons they used to “attack the Government.” She clarified that she does not use weapons and has no knowledge on weapons. Before letting her leave, state agents allegedly threatened her by saying that if she didn’t tell them the truth, they would take her prisoner. Towards the end of the interview, they allegedly said: “*Sandinismo* is here to stay for quite a while.”

18. After the police meeting, the proposed beneficiary and her relatives reportedly continued to be subjected to siege and harassment by state and parastatal agents. On January 15, 2021, the proposed beneficiary suffered a violent search, allegedly without a court order. On this act, she reported the following:

“At 5:30 in the morning, the riot police violently broke into my house. They broke down the doors and pointed weapons at us. I asked what was wrong, there were many patrols. They spent about three and a half hours interrogating us and asking where the “weapons” were, they searched the whole house and found nothing...

When the police arrived, they took one of my daughters and a five-year-old girl who was unclothed from the bathroom. Another was taken out in a towel and placed into the patrol car, but they then took her out for the car. My husband (Alejandro José García) was thrown onto bed and asked where the weapons were... (Male) police officers touched B.A.C.M., my 14-year-old granddaughter’s, breasts and genital parts. They said she was acting suspicious because she was nervous (obviously due to police violence) and that she was “hiding something.”

They took me, they put me in a Hillux van, they put me in the car face down and they took me through the Coyotepe. They then took me back to Masaya and told me they were going to take me to the Chipote. They kept asking me for weapons... (At the Masaya police station) they violently grabbed me by the forearms, they told me that if I didn’t tell them where the weapons were, they were going to send me to the Chipote to torture me. I told them that I don’t have weapons...

(A police commissioner) told me to cooperate with them so that they wouldn’t bother me anymore. I told him that I would never, and he got angry. He told me that they were not going to let me leave and told me that there is *Sandinismo* for a while... A man from the Special Operations Directorate (DOE, Dirección de Operaciones Especiales) again told me that they were going to take

³⁹ The request alleges that Mr. Benjamín Gutiérrez Collado is reportedly a “political prisoner” and that police officers are allegedly trying to link the proposed beneficiary to him. Mr. Benjamín Gutiérrez Collado is the beneficiary of IACtHR precautionary measures. See in this regard: [Resolution 113/2021](#). Precautionary Measure No. 610-21 and No. 949-21. José Manuel Urbina Lara and Benjamín Ernesto Gutiérrez Collado regarding Nicaragua. December 31, 2021. (Available only in Spanish)

me to the Chipote to torture me... During the search, they stole my cell phones, money, several belongings, they stole even a basket..."

19. According to the available information, the police search was carried out by multiple police officers, including senior officers of the National Police. They marked a perimeter around her house and prevented anyone from leaving or entering the property.⁴⁰ In addition, Ms. González Escobar said that, after the raid, she was held until at the Masaya Police Station until noon. When she was released, she was threatened by being told to "be very careful."

20. The proposed beneficiary alleges that she has reportedly been constantly watched since January 15, 2021, as a patrol car is staked in front of her house every day. On January 18, 2021, the proposed beneficiary went to the Permanent Commission on Human Rights and reported the house raid she had experienced. On January 25, 2021, the proposed beneficiary filed a writ of habeas corpus for the threats of illegal detention before the Criminal Chamber of the Masaya Appellate Courts.⁴¹ However, the appeal was dismissed. On March 30, 2021, the proposed beneficiary publicly denounced the sieges.⁴² Furthermore, she reiterated that the police allegedly have not returned the items that were taken during the raid that took place on January 15, 2021.

21. In June 2021, Ms. González Escobar reported that police and parastatal sieges and harassment continue. It was indicated that they stationed themselves outside her house and looked inside her residence. They allegedly "touched the gun in an intimidating way" and took photos. In addition, from time to time they said in a mocking tone: "We'll come back this afternoon" and mockingly say "bye bye" to their daughter Sharon Esmeralda García González. Additionally, the proposed beneficiary stated that her granddaughters are nervous about the police siege.

22. At the beginning of November 2021, a list of ten people called "Known White Targets" (*Objetivos Blancos Connotados*) of Masaya was circulating on social networks related to the Government.⁴³ The proposed beneficiary was on that list. They released her full name, identity card, exact address, and a photograph of her, in order to encourage attacks against her.

23. In addition, the applicants stated that, at the end of 2021, police agents requested information about Mr. Ricardo Santiago Vega Herrera, the proposed beneficiary's son-in-law in the city of Masaya. They also allegedly linked him with Mr. Benjamín Gutiérrez. On January 10, 2022, Mr. Vega was alerted that police officers were on his property. The police officer "implied" that he was a "political persecute." Due to the above, Mr. Vega left his house. A few days later, a police patrol entered a house and were looking for him. They alleged that he had "Tikay's" weapons, as Mr. Benjamín Gutiérrez is known.

24. In the first week of March 2022, the proposed beneficiary indicated that police officers dressed in civilian clothes went to her residence as "they had been sent" to talk to her. Thus, they said to "celebrate the holiday in peace" and warned her not to get involved in protests. At that time, they offered her to work undercover with them, they would request information about who was at the barricades. They stated that, if she accepted the proposal, they would give her a position in the Government. The proposed beneficiary told them that she did not have any information. They then allegedly told her that it was a "miracle" that she had not taken refuge outside the country. The proposed beneficiary then replied that she had no reason to leave her house. One policeman threateningly asked: "Are you sure? I'm going to come back one of these days to have a little talk."

⁴⁰ 100% Noticias. [Ms. Yolanda González Escobar is Released](#). January 15, 2021.

⁴¹ Appeal for Personal Exhibition filed under file number 000076-0115-2021-CN.

⁴² Artículo 66. [Karla Ñamendi and Yolando González denounce police siege](#). March 30, 2021.

⁴³ According to the applicants, most of the people on the "Known White Targets" list are currently imprisoned or in exile.

25. On April 12, 2022, the proposed beneficiary reported that she suffered another alleged illegal house raid. She stated that a policeman dressed in civilian clothes was watching her house since 5:30 a.m. When she left for work, at approximately 9:00 a.m., she saw that the police were putting street cones in the street corner. A patrol then allegedly arrived and one of the policemen told her that they were going to search her, and they took her back to her house. At that time, the proposed beneficiary heard a policeman say, "It's her." She asked them the grounds on which they were going to take her prisoner. The police officers replied that she was "organizing a mass in the church of San Miguel," of "the allegedly deceased" (in reference to the people killed in the social protests of 2018). The proposed beneficiary denied knowing anything about it. They then allegedly entered her house and began to search it. They reportedly ripped apart several documents and wrecked her house. In addition, a commissioner indicated that she "had taken a photo of the Police" and that "if she uploaded it to Facebook, she would be arrested." In that sense, her cell phone was taken from her. She was then reportedly forced to delete the photos she had taken of the individuals who carried out the sieges. However, as they did not find anything, the police officers left. Ms. González Escobar publicly denounced these acts.⁴⁴

26. Since that date, the proposed beneficiary has continued to undergo daily sieges at the hands of police and parastatal agents. They allegedly take photos of her property, and also photograph the clients that go to buy from her business. In June and July 2022, police officers continued to monitor her on an ongoing basis. These agents reportedly adopted a mocking behavior when they passed by the house with the patrol car, saying "bye bye" or "be right back."

B. Response from the State

27. Despite the request for information from the IACtHR on July 15, 2022, the State has not sent information to date.

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

28. Precautionary measures are one of the mechanisms of the Commission for the exercise of its 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 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACtHR. 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 irreparable harm to persons.

29. 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.⁴⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴⁶ To do this, the IACtHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and

⁴⁴Artículo 66. Masaya police search the house of the opponent Yolando Escobar and threatens her "not to go to Mass". April 12, 2022.

⁴⁵ 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 IACtHR 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. Order of July 6, 2009, considerandum 16.

⁴⁶See 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. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; 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 [only in Spanish].

the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁴⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACtHR. They aim to safeguard 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.⁴⁸ In the process of reaching a decision, according to Article 25(2) of its 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.

30. In analyzing these 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.⁴⁹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁵⁰ This is better suited to be addressed by the Petition and Case system. The following analysis 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.⁵¹

⁴⁷ 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 [only in Spanish]; I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II 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 [only in Spanish].

⁴⁸ 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. Order 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. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

⁴⁹ 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 [only in Spanish]; 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. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

⁵⁰ IACtHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACtHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

⁵¹ 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. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

31. Under the terms of Article 25(6) of its Rules of Procedure, the Commission observes that the proposed beneficiary's alleged situation is framed within Nicaragua's current context,⁵² which is particularly hostile towards people considered, perceived, or identified as opponents of the government.⁵³ This context has intensified over time in the framework of the presidential elections of November 2021. In this sense, the request alleged that the proposed beneficiary participated in protests in April 2018 and was therefore reportedly identified as a political opponent of the current Government.

32. In addition to the above, the Commission notes the context of constant attacks on members of the Catholic Church, which has recently intensified in Nicaragua. On May 27, 2022, the IACHR and its SRFoE called on the State to cease the context of persecution, harassment, and police siege against members of the Catholic Church. They additionally condemned the order to eliminate the Catholic Channel from television programming.⁵⁴ In addition, on August 12, 2022, at a special session of the OAS to analyze the situation in Nicaragua, the Permanent Council adopted a resolution in which it condemned Nicaragua for the harassment and arbitrary restrictions of religious organizations. The OAS called to cease the persecution against the members of the Catholic Church.⁵⁵ Recently, on August 19, 2022, the IACHR condemned the increasing repression against members of the Catholic Church in Nicaragua due to its critical role in denouncing human rights violations in the country.⁵⁶

33. Taking into account the aforementioned particular context in Nicaragua, the Commission will proceed to analyze the procedural requirements regarding Yolanda del Carmen González Escobar.

34. With regard to the requirement of *seriousness*, the Commission considers that it has been met. At the time of making this assessment, the Commission observes that the situation that places the proposed beneficiary at risk is allegedly related to her profile identified as a political opponent after her participation in the protests in 2018 in Nicaragua (see *supra* para. 15). Furthermore, the situation that places the proposed beneficiary at risk is also allegedly related to her participation in religious masses in the city of Masaya, which reportedly prompted the harassment from police officers (see *supra* para. 25).

35. In analyzing this matter, the Commission notes that the proposed beneficiary is allegedly experiencing acts of siege, harassment, and threats of detention and torture from 2018 to present day. In this regard, the available information indicates that police and parastatal agents are constantly stationed outside her residence. They reportedly frequently touch their guns and take photos with the aim of intimidating her and her relatives (see *supra* paras. 15, 21, and 26). These acts have increased since January 2021, when the proposed beneficiary experienced a house raid. The proposed beneficiary account shows that the 2021 search was carried out in a violent manner. According to the available information,

⁵² See in this regard: 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. [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.

⁵³ 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.

⁵⁴ IACHR. [Press Release 119/22](#). IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of Nicaragua to End Persecution of the Church and to Enable a Plurality of Voices May 27, 2022

⁵⁵ OAS. [CP/RES 1203 \(2389/22\)](#). Resolution on "The Situation in Nicaragua". Approved by the Permanent Council at its extraordinary meeting held on August 12, 2022. Available at: <https://www.youtube.com/user/OASVideos>.

⁵⁶ IACHR. [Press Release 184/22](#). IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022. (Available only in Spanish).

there are reportedly daily police sieges in her residence since April 2022, when she underwent a similar search.

36. In addition, the applicants stated that, in November 2021, the proposed beneficiary's name and personal information, including her address and photograph, were included in a list of "Known White Targets" that circulated on social networks (see *supra* para. 22). In March 2022, the applicants alleged that police officers threatened the proposed beneficiary, following her refusal to work for them "undercover" (see *supra* para. 24).

37. The Commission also observes the seriousness of the aforementioned events. It was indicated that the proposed beneficiary has suffered two violent searches without a court order. On January 15, 2021, the proposed beneficiary suffered a search with strong police contingency, allegedly in search of weapons. Police officers have broken their house doors and pointed weapons at the people who were present. They also reportedly took an unclothed 5-year-old girl out of the bathroom and touched the intimate parts of the proposed beneficiary's 14-year-old granddaughter. On that day, the proposed beneficiary was detained for a few hours at the Masaya Police Station and allegedly threatened by State authorities (see *supra* para. 18).⁵⁷ More recently, on April 12, 2022, the proposed beneficiary was subject to a new search. During this search, the police warned her that she would be detained because she "was organizing a mass in the church of San Miguel" on April 13, 2022. In this regard, according to public information, she reportedly replied that she was not organizing a mass, but that she was going to Mass because she was Catholic and it was Holy Week.⁵⁸ On that occasion, the police entered and wrecked her house, as well as threatened the proposed beneficiary because she was taking photos of the search (see *supra* para. 25).⁵⁹

38. In this regard, the Commission notes that the proposed beneficiary's relatives have been affected by the aforementioned events. In particular, her granddaughters and daughter, including two minors, were besieged by police officers during a house raid. In the same vein, the applicant alleged that, due to the constant sieges, some of her relatives were forced to flee the country.

39. As evidenced in the matter at hand, when classifying the situation presenting a risk, the Commission takes into consideration that the events of violence and insecurity against women defenders are influenced by their gender, while they are particularly exposed to various forms of violence, including sexual violence, as well as violence against their families in retaliation for their work, in addition to other obstacles that threaten the work of defenders in general.⁶⁰ The Commission also observes that women defenders are exposed to the use of gender stereotypes to delegitimize their work or even ridicule them.⁶¹

40. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information made in this matter. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of response

⁵⁷ See in this regard: Artículo 66. Police arrested and then released the government opponent after breaking into her house in search of weapons. January 15, 2021; La Prensa Nicaragua. PO searches and detains the self-convened Yolanda González Escobar, from Masaya, for three hours. January 15, 2021; Nicaragua Investigates. Siege intensifies in Masaya. Police imprison an opponent and searches other homes. January 15, 2021.

⁵⁸ See in this regard: Artículo 66. Masaya police search the house of the opponent Yolando Escobar and threatens her "not to go to Mass". April 12, 2022; Nicaragua Actual. "What do you know about a mass?" Sandinista cops asked when they searched the house of a former politician. April 12, 2022.

⁵⁹ See in this regard: Artículo 66. Masaya police search the house of the opponent Yolando Escobar and threatens her "not to go to Mass". April 12, 2022; Nicaragua Actual. "What do you know about a mass?" Sandinista cops asked when they searched the house of a former politician. April 12, 2022.

⁶⁰ IACtHR, Towards Effective Integral Protection Policies for Human Rights Defenders, 2017, para. 303.

⁶¹ Ibidem.

from the State prevents the Commission from knowing the measures that have been reportedly implemented to address the situation that places the proposed beneficiary at risk and dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the alleged situation that places the proposed beneficiary at risk has been mitigated. This is particularly relevant, given that the alleged facts are attributable to state and parastatal agents.

41. Due to the foregoing, the Commission considers that from the *prima facie* standard and in Nicaragua's current context it is sufficiently proven that the rights to life and personal integrity of the identified persons are at serious risk. In addition, her relatives have been exposed to risk due to the constant police siege of the proposed beneficiary's home. Therefore, the Commission considers that her family unit is exposed to possible reprisals due to their family ties with Ms. González Escobar.

42. With regard to the *urgency* requirement, the Commission considers that it is met since, if the aforementioned acts continue, the proposed beneficiary's situation is likely to continue and exacerbate over time. Thus, in view of the imminent materialization of the risk, it is immediately necessary to adopt measures to safeguard the proposed beneficiary's rights to life and integrity, in addition to that of her family unit. At the time of making these assessments, the Commission takes into account that the proposed beneficiary has been allegedly suffering siege, harassment, and threats since 2018. This situation has intensified since 2021, and there are no valuation elements that indicate that the risk factors have been duly mitigated over time. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiary.

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, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

44. The Commission declares Ms. Yolanda del Carmen González Escobar and her family unit, who are duly identified in these proceedings, to be beneficiaries. The proposed beneficiary's family unit is identified in Footnote 1 of this resolution.

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 its Rules of Procedure. Consequently, it requests that Nicaragua:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Yolanda del Carmen González Escobar and her family unit. To this end, the State must ensure both that state actors respect the life and personal integrity of the beneficiaries, and protect their 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 beneficiaries and their representatives; and

c) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent these events from reoccurring.

46. The Commission requests that the State of Nicaragua report, within 15 days as from the day after the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.

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 under the applicable instruments.

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

49. Approved on August 29, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACtHR.

Tania Reneaum Panszi
Executive Secretary