

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 51/2020**

Precautionary measure No. 1191-19
Josefa Esterlina Meza *et al.* regarding Nicaragua
(Mothers and relatives of the “April’s Mothers Association”)
September 2, 2020
(Extension)
Original: Spanish

I. INTRODUCTION

1. During the working visit carried out by the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission” or “the IACHR”), between May 17 and 21, 2018, it received various requests for precautionary measures, urging the IACHR to request that the State of Nicaragua (hereinafter “the State”) protect the lives and personal integrity of persons who are at risk as a consequence of violent events that have reportedly taken place since April 18, 2018. The Commission has continued to monitor the situation and the requests for precautionary measures received during and after the visit. According to the request received on May 27, 2020, the women proposed as beneficiaries are members of the April’s Mothers Association (in Spanish, *Asociación Madres de Abril*, AMA) and have been subject to threats, harassment, stalking and intimidation as a result of the advocacy and reporting activities that they allegedly carry out in Nicaragua.

2. Pursuant to Article 25 of its Rules of Procedure, the IACHR requested information from the State on June 4, 2020, which has not provided its response to date.

3. Upon analyzing the available information, in light of the applicable context and the findings, the Commission considers that the information presented demonstrates *prima facie* that the rights to life and personal integrity of Josefa Esterlina Meza *et al.* are in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that the State of Nicaragua: a) adopt the measures necessary to guarantee the rights to life and personal integrity of Josefa Esterlina Meza, Tamara Patricia Morazán Martínez and Lizeth de los Ángeles Dávila Orozco, including their nuclear families. In particular, the State must ensure that the rights of the beneficiaries are respected in accordance with the standards established by the international human rights law, both by its actors and in relation to acts of risk attributable to third parties; b) agree on the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken in order to investigate the incidents that led to the adoption of this precautionary measure and, thereby, avoid its reoccurrence.

II. BACKGROUND

4. The Commission visited Nicaragua in May 2018 and compiled various testimonies on human rights violations that allegedly occurred since April after a series of protests. The IACHR subsequently published a report which included recommendations. The Special Monitoring Mechanism for Nicaragua (MESENI) was created to verify compliance and was in Nicaragua until December 19, 2018 when the State suspended it. In turn, the Interdisciplinary Group of Independent Experts (GIEI) published a report that analyzed the acts that took place between April 18 and May 30, 2018; this report confirmed the

IACHR's findings.¹

5. On the occasion of a presentation to the Permanent Council of the Organization of American States, the Commission shared the data gathered by the MESENI, according to which from April 2018 to January 10, 2019, there have been 325 deaths and more than 2000 injured; 550 arrested and prosecuted; 300 health professionals have been fired and at least 144 students of the National Autonomous University of Nicaragua have been expelled.² In 2018, the IACHR included Nicaragua in Chapter IV-B of its annual report, in accordance with the provisions in its Rules of Procedure.

6. During 2019, the Commission continued to condemn the ongoing acts of persecution and urged the State to comply with its obligations. The MESENI continued to monitor the country from Washington, D.C. and, on April 25th, it shared the assessment and results it had found. In June, the State approved a Comprehensive Care for Victims Act and an Amnesty Law that caused concern for not complying with the international standards in the matters of truth, justice, reparations and guarantees of non-repetition.³ During these last months, the Commission continued registering serious incidents. For instance, in August it voiced its concern regarding the State's decision of ceasing the "Negotiating Table for Understanding and Peace" which started on February 27, 2019 between the government and the Civil Alliance for Justice and Democracy.⁴ On September 6, the IACHR reported increased harassment against the human rights defenders and persons who, despite having been released from prison, were still being intimidated.⁵

7. On November 19, 2019, the Commission once again addressed the ongoing repression, noting that "[...] the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, [has in addition the fact that] the families of people who have been deprived of liberty during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions."⁶

8. Two years after the start of the human rights crisis, the Commission stressed on April 18, 2020 its permanent commitment to victims of human rights violations and to the Nicaraguan population.⁷ Likewise, the Commission confirmed the consolidation of a fifth phase of state repression in the country, characterized by more intense surveillance, harassment, and selective repression against individuals considered to be opponents of the government, as well as acts of violence in rural areas and against indigenous communities of indigenous peoples.⁸ The IACHR urged the State to restore the rule of law

¹ GIEI, Report on the violent events that took place in Nicaragua between April 18th and May 30th. December 2018. Available at https://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME-en.pdf

² IACHR, IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua, January 10, 2019.

³ IACHR, IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua, June 3, 2019. Available at http://www.oas.org/en/iachr/media_center/PReleases/2019/137.asp

Also see: IACHR, IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua, June 12, 2019. Available at http://www.oas.org/en/iachr/media_center/PReleases/2019/145.asp

⁴ IACHR, IACHR Expresses Concern over Nicaragua's Announcement That It Will Not Continue Dialogue and Calls on the State to Comply with Its Obligations to Guarantee and Respect Human Rights, August 6, 2019. Available at http://www.oas.org/en/iachr/media_center/PReleases/2019/194.asp

⁵ IACHR, IACHR Speaks Out Against Ongoing at Increased Repression in Nicaragua and Expresses Its Concern Harassment of Human Rights Defenders and People Who Have Been Released from Prison, September 6, 2019. Available at http://www.oas.org/en/iachr/media_center/PReleases/2019/220.asp

⁶ IACHR, 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. Available at http://www.oas.org/en/iachr/media_center/PReleases/2019/297.asp

⁷ IACHR, Two Years into Nicaragua's Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression, April 18, 2020. Available at http://www.oas.org/en/iachr/media_center/PReleases/2020/080.asp

⁸ Ibid.

and respect for human rights.⁹

9. Two years after its working visit to Nicaragua, which took place between May 17 and 21, 2018, the Commission warned and condemned the lack of compliance with the recommendations made in its Preliminary Observations and in its Country Report: Gross human rights violations in the context of social protests in Nicaragua and urges the State to implement those recommendations.¹⁰ In view of this situation, the Commission has taken into account the non-observance of its recommendations for the inclusion of Nicaragua in Chapter IV.B of its annual reports for 2018 and 2019, in accordance with its Rules of Procedure.

III. PM 1191-19 - ELIZABETH VELÁSQUEZ AND HER NUCLEAR FAMILY, NICARAGUA

10. On January 15, 2020, the IACHR decided to grant precautionary measures in favor of Elizabeth Velásquez and her nuclear family in Nicaragua. The request alleged that Ms. Velásquez lives “under constant siege” since her son’s death, and that her situation is linked to her membership to the April’s Mother Association (AMA).

11. Upon analyzing the submissions of fact and law presented, the Commission considered that the information provided showed *prima facie* that the proposed beneficiary and her family are in a serious and urgent situation, since their rights to life and personal integrity are at serious risk. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua: a) adopt the measures necessary to guarantee the rights to life and personal integrity of Elizabeth Velásquez and her nuclear family. In particular, the State should ensure that the rights of the beneficiaries are respected in accordance with the standards established by the international human rights law, both by its actors and in relation to acts of risk attributable to third parties; b) agree on the measures to be adopted with the beneficiary and their representatives; and c) report on the actions taken to investigate the alleged incidents that led to the adoption of this precautionary measure so as to prevent such incidents from reoccurring.

12. During the time these precautionary measures were in force, the State of Nicaragua did not provided information on the implementation of the measures after they were granted.

IV. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE REPRESENTATIVES

13. Josefa Esterlina Meza,¹¹ Tamara Patricia Morazán Martínez,¹² Lizeth de los Ángeles Dávila Orozco¹³ and their families are part of the April’s Mothers Association (AMA), which includes mothers and relatives of the victims of the events that occurred in April 2018. The proposed beneficiaries have participated actively in the activities carried out by the AMA from the moment their relatives died until the creation, promotion and dissemination of the museum “LOVE and Do Not Forget, Museum of Memory against Impunity.” Likewise, they allegedly support permanent protest and complaint activities against the Nicaraguan government, which includes international advocacy actions before United Nations bodies and the IACHR, among others.

14. The applicants indicated that, since September 30, 2019, the date on which the museum “LOVE

⁹ Ibid.

¹⁰ IACHR, 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. Available at http://www.oas.org/en/iachr/media_center/PReleases/2020/113.asp

¹¹ She is the mother of young Jonathan Eduardo Morazán Meza.

¹² She is a sister on the father’s side of young Jonathan Eduardo Morazán Meza.

¹³ She is vice-president of AMA and is the mother of the child Álvaro Manuel Conrado Dávila.

and Do Not Forget, Museum of Memory against Impunity” was inaugurated,¹⁴ there has been an increase in acts of siege, harassment, intimidation, threats and attacks against the mothers and relatives of those murdered, by the police, individuals described as “paramilitaries,” and persons related to the government, a situation that was denounced by the AMA during a press conference.

15. On June 3, 2018, Josefa Meza and Tamara Morazán reported the death of their son and brother, respectively, to the Office of the Attorney General (*Fiscalía*). The following day, they began to receive “summons”; however, they did not attend due to the fear of being arrested, since during the complaint they highlighted that the Nicaraguan government was responsible. Subsequently, both of them decided to leave their home, for fear of the presence of patrols accompanied by motorized individuals and armed civilians who were threateningly prowling their homes. For her part, Lizeth Dávila filed a complaint on May 2, 2018 with the Public Prosecutor’s Office (*Ministerio Público*) for the death of her son. Following her complaint, she indicated that she observed motorized people who had a vigilant attitude near her home, and that her brother’s “fast food cart” had been destroyed by unknown persons. On May 4, she requested before the Public Prosecutor’s Office an extension of the investigations for the damages aforementioned. Likewise, she requested protective measures, without obtaining a response. On July 4, 2018, the Public Prosecutor’s Office summoned her to tell her that if they did not provide evidence, the case would not move forward. No progress in the investigations have been learned.

16. In the case of *Josefa Esterlina Meza*, the applicants indicated that, on her return to Nicaragua in September 2019, after having participated in advocacy activities at the United Nations, she was detained and questioned by the migration authorities. The same year, when she was returning from Costa Rica, after participating in an AMA activity, the border post officer made her wait on the bus longer than usual. The officer reportedly communicated by phone and indicated “I have one of the AMA’s here, what do I do?” After that, the AMA allegedly continued to publicly denounce that she is “a victim of repression by the police, parapolice, the Interior, Immigration, local party structures, among others.” The proposed beneficiary reported ongoing police presence at her home’s door, intimidation, and attacks on social networks of a permanent nature, mainly after each advocacy action. National and international human rights organizations have been publicly asked to pay attention to the message “SOS Nicaragua Mothers” considering the situation they are allegedly facing. On April 18, 2020, the day that commemorates the start of the protests, her house was reportedly watched all day by police patrols that are accompanied by motorized vehicles. Subsequently, there has been allegedly an ongoing patrolling that frightens her family.

17. In the case of *Tamara Patricia Morazán Martínez*, the applicants indicate that, since April 2018 and after the death of his brother on May 30, 2018, she has been subject to constant harassment by the police and also by persons who are related to the government and travel in Hilux pickups. The applicants also referred to the presence of police patrols accompanied by armed and motorized civilians. The proposed beneficiary indicated that there have been acts of harassment, persecution and threats through social networks, which have remained over time. The events reportedly intensify with each activity related to the AMA. For instance, when the AMA museum was inaugurated, also on important dates, or on anniversaries of the death of the murdered youth. The proposed beneficiary has allegedly had to change her phone number constantly in view of harassing phone calls and messages. The messages reportedly describe her and her family as “coup plotters,” or mention that “the same thing that happened to her brother Jonathan was going to happen to her,” among other death messages such as “be careful because we know where you live and we know what you do as AMA.”

¹⁴ On that occasion, profiles of the victims, information, accounts of the events, photos, audiovisual materials and documents were shown. These are of help to assess the context of social protest in Nicaragua.

18. On January 17, 2019, while she was with her 13-year-old boy at the shopping center, she was followed by a man who was in civilian clothes and wearing a helmet and was behind her all the time. The man reportedly followed her while taking photos with no intention of hiding. For a year, she did not visit his brother's grave, because whenever she tries to go there are people related to the government or paramilitaries who watch her and take photos. The proposed beneficiary is reportedly very afraid of being attacked and that they destroy the grave as they did in November 2019 when they destroyed the graves of several murdered youth. On March 3, 2020, at the mass for the priest Ernesto Cardenal's death, an FSLN activist pushed her and tried to physically attack her, but several journalists covered her. When she managed to get into a pickup, she was hit, but she managed to flee. The group of journalists who tried to help her were reportedly brutally attacked.

19. On March 8, 2020, she received an award for AMA. On that day, when the proposed beneficiaries tried to go out to protest, the police allegedly repressed them. Several women were reportedly injured. Videos were recorded and later published on social networks, as well as on programs and other government pages. In those videos, Tamara is reportedly described as someone who "has created all that chaos" and who "is destabilizing the country." The comments received went in the same direction, as she received death threats on her Facebook profile and messages that allegedly told her that she is under surveillance.

20. In 2020, the proposed beneficiary is reportedly receiving messages that read "you are under surveillance, we are going to kill you," especially on the commemorative days of April 18 or May 30. Other threats allegedly read "bitch, damn feminazi," along with obscene and vulgar words. On May 22, 2020, she received messages reading "you are mothers of murderers," "your dead [relatives] deserved so." Some messages allegedly describe them as "mothers of kidnappers," "mothers of rapists, murderers, torturers." These messages have been reportedly posted on various networks together with the photo of the proposed beneficiary, calling her "destabilizer of peace."

21. In the case of *Lizeth de los Angeles Dávila Orozco*, the applicants indicated that, since her return to the country after participating in the 174th period of sessions of the IACHR in Ecuador, she has suffered a constant siege, with a greater presence of persons related to the ruling party. Even neighbors close to the government keep a permanent watch on her and her family. Every time she gives statements to the media demanding justice for the death of her son, she receives messages directly on her phone and through social networks. The messages she receives describe her son as "lazy" or threaten her while saying that "all of them had to die" and that "their relatives should also be shot to death." The proposed beneficiaries also receive calls about it.

22. As a precedent, the applicants highlighted that in October 2018, at dawn, a hooded man dressed in black entered her house with a gun in his hand. A relative of hers discovered him and tried to stop him, but the hooded man struck him three times in the chest, in the right back, and then fled. In the same way, the request highlights that her 13-year-old daughter was followed by a motorized vehicle when she returned from school; hence, she had to go into a house that had the door open to take refuge. In August 2018, the father of the proposed beneficiary's son was threatened in a bar by a man who told him: "Look, you should be careful, because if you were in another place we would immediately put you in the pickup," and "I know who you are, I'm not going to do anything to you because I'm on my day off, and you're also from the neighborhood, but don't leave the neighborhood, because wherever we see you we are going to make you disappear." Lastly, the man indicated that "I am only warning you as a pal, we are not friends, but we are from the neighborhood, I warn you not to leave the area, because they will hurt you elsewhere."

23. On April 23, 2020, through social networks, there were alleged attempts to question the support that the family receives from artists who tell the story of the son. In the same way, it was indicated that

persons related to the government, who travel on motorcycles and go prowl her house, came to her mother's house to take photos. At the family business they reportedly received several visits from the police; therefore, they decided to close it. A neighbor woman who is sympathetic to the government and a member of the Councils of Citizen Power allegedly always watches her. A relative who is reportedly the driver of the National Assembly's president, Gustavo Porras, mentioned "I hope they kill all those bastards," referring to her family.

24. Lastly, Mss. *Josefa Meza* and *Lizeth Davila*, after their visit to Geneva, where carried out AMA activities, had entered the country in July 2020. Since their return, they fear reprisals that the Nicaraguan government may take against them.

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

25. 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 IACHR. 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 to persons.

26. The Inter-American Commission and the Inter-American Court on Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations while the bodies of the Inter-American System analyze a petition or case. Their objective and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits, and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations. For such purposes, according to Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

27. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.¹⁵

¹⁵ In that regard, for instance, in relation to the provisional measures, the Inter-American Court has considered that this standard requires a minimum of details and information to assess *prima facie* an extremely serious and urgent situation. I/A Court H.R., *Matter of the children and adolescents deprived of their liberty in the "Complexo do Tatuapé" of the Fundação CASA*. Provisional Measures and Request for extension of provisional measures, regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23. Available in Spanish at http://www.corteidh.or.cr/docs/medidas/febem_se_03.pdf

The Commission emphasizes that, within the framework of the precautionary measures mechanism, it is not called upon to determine human rights violations. Likewise, the Commission recalls that, by its own mandate, it is not called upon to determine the criminal liabilities of the persons involved in this matter. This analysis is carried out exclusively in accordance with the requirements of Article 25 of the IACHR Rules of Procedure and these can be assessed without making any determinations on the merits.

28. As a preliminary aspect, the Commission recalls that a requirement for the extension of precautionary measures is that the facts alleged in the request for extension have a “factual connection” with the events that justified the initial adoption of the precautionary measures.¹⁶ The Commission identifies that this matter addresses the situation of three members of the April’s Mothers Association (AMA) who, like the beneficiary Elizabeth Velásquez, identify themselves as mothers and relatives of youth who died in the framework of the protests of April 2018. Similarly, like Ms. Velásquez, the three proposed beneficiaries are reportedly facing events of risk due to their activities within the AMA in Nicaragua. In this regard, be it for its relevance to the AMA or due to shared risk factors, the Commission considers that the requirement of factual connection has been met.

29. Regarding the requirement of seriousness, the Commission considers it relevant to understand the alleged facts in the current context of Nicaragua, in which several episodes of harassment of human rights defenders for the exercise of their work have been recorded. In some cases, precautionary measures were granted in view of the identification of specific situations of risk. According to the information provided, the situation of risk of the proposed beneficiaries is directly related to their participation in the April’s Mothers Association, where they are visible figures like the beneficiary Velásquez. This visibility is due to the actions of national and international reporting that they are allegedly leading, which have contributed to increasing their exposure to Nicaraguan society.

30. The Commission especially understands that the facts faced by the three proposed beneficiaries are intrinsically related to what happened to their children and relatives during the protests in April 2018. The Commission also notes, as a contextual element when assessing the specific facts that they have faced, that the actions they carry out have a special meaning, since they promote not only complaints seeking truth and justice, but also memory spaces about what has happened since April 2018 in Nicaragua.¹⁷ In this regard, the Commission notes that the representatives have indicated that there have been significantly more events of risk since September 30, 2019 when they inaugurated the museum “LOVE and Do Not Forget, Museum of Memory against Impunity.”

31. Considering the contextual elements indicated, the Commission notes that the three proposed beneficiaries are being subject to acts of stalking, intimidation, and surveillance by unidentified persons, armed civilians, state actors, and those identified as “parastatals.” In particular, the Commission has received information indicating that such events are related to the complaints filed for the death of their children and brother before the competent entities in May and June 2018, respectively. This situation has increased after the opening of the AMA museum in 2019, and due to the activities it promotes on the issues of truth and justice after the events of April 2018. In this regard, at the Commission’s discretion, such events will continue inasmuch as the proposed beneficiaries continue to demand justice for the death of their relatives, as well as for the actions carried out to keep their memory alive through the AMA.

32. Additionally, the Commission notes that the stalking and intimidation are so intense and

¹⁶ In this regard, see: IACHR, Resolution 10/17, Precautionary Measure No. 393-15 Detainees in “Punta Coco” regarding Panama, March 22, 2017, para. 28, available in Spanish at <https://www.oas.org/es/cidh/decisiones/pdf/2017/10-17MC393-15-PN.pdf>; and I/A Court H.R., *Fernández Ortega et al. regarding Mexico*. Order of Provisional Measures of November 23, 2010, considerandum 19.

¹⁷ IACHR, The IACHR salutes the memory of the victims of the March of the April’s Mothers and their families in Nicaragua, June 1, 2020. Available in Spanish at <http://www.oas.org/es/cidh/prensa/comunicados/2019/297.asp>

ongoing that, at given times, the proposed beneficiaries have decided to leave their homes or close their own businesses. Such events have remained throughout this year. For example, it was reported that, in April 2020, Ms. Meza's house was watched by patrols and motorized vehicles on the commemoration date of the start of the protests; in March 2020, Ms. Morazán was pushed by a member of the ruling party with the intention of attacking her; and in April 2020 there was an ongoing questioning to Ms. Dávila's family, seeking to discredit her.

33. The Commission notes that these events are framed in a hostile context towards their work, while seeking to stigmatize them, which is reflected in the messages they have been receiving through various media and through different platforms. Furthermore, the information available indicates that the proposed beneficiaries have been described as "coup plotters," "destabilizers," "creators of chaos," also including the threats like "be careful because we know where you live and we know what you do as AMA," that they should be murdered as their relatives, "should be shot" etc. All the factors indicated are exacerbated by the possibility that as long as they continue with their complaints, the graves of their children may be destroyed, as has already happened in the case of the beneficiary Velásquez.

34. The Commission regrets that the State of Nicaragua has not replied to the request for information. Although the State's lack of response does not justify *per se* the extension of the precautionary measures, it does prevent the Commission from obtaining information on its behalf regarding the situation of the proposed beneficiaries. Therefore, the Commission is unable to disprove the submissions of the representatives or identify information on measures effectively taken by the authorities to mitigate the alleged risk. In addition, the Commission deems it especially serious that the State has not provided information on the actions taken to implement the precautionary measures in favor of the beneficiary Velásquez, considering that approximately 6 months have gone by since the granting of those measures was notified.

35. On another note, although it is not for the Commission to determine the perpetrators of the events of risk, nor if they are attributable to actors of the State of Nicaragua, in accordance with the allegations presented, the Commission does take into account at the time of assessing this request the seriousness of the possible participation of State actors, as this would place the proposed beneficiaries in a situation of greater vulnerability. Given the nature of the events denounced by the proposed beneficiaries since 2018, and despite the request for protection filed by Ms. Dávila that year before the relevant authorities, the Commission does not have elements to note that any protection measures have been adopted in favor of the proposed beneficiaries since then, nor is it possible to identify the reasons why it is not appropriate to grant such measures.

36. The Commission deems it important to recall that when an authority becomes aware of a situation of risk to the life of a person, it is for that authority to "identify or assess whether the person subject to threats and harassment requires protection, or refer the matter to the competent authority to do so." That authority should "offer the person at risk timely information on the available measures."¹⁸ The Commission has highlighted the importance of national mechanisms or programs for the protection of defenders, in view of the fact that they can favor a timely and specialized intervention, taking into account the set of both contextual and specific aspects when analyzing the situation of risk of a defender.¹⁹

¹⁸ I/A Court H.R. *Case of Luna López v. Honduras*. Merits, Reparations and Costs, Judgment of October 10, 2013. Series C No. 269, para. 127. Available at https://www.corteidh.or.cr/docs/casos/articulos/seriec_269_ing.pdf

¹⁹ IACHR, "Second Report on the Situation of Human Rights Defenders in the Americas," OEA/Ser.L/V/VII., Doc. 66, December 31, 2011, para. 484. Available at <https://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>

37. In this matter, the Commission notes that the proposed beneficiaries filed complaints in 2018 related to the death of their children and brother in a context of high conflict for their families. Notwithstanding, the Commission does not have specific information indicating that the alleged situation was fully assessed by the competent authorities. Nor was it reported whether the State has established the reasons why such protection is not appropriate. In this regard, when assessing the situation of risk alleged, as it has done in other matters, the Commission takes into account the lack of either protection measures in favor of the proposed beneficiaries or an explanation whereby the competent authorities explain why they deem they would not be appropriate.²⁰

38. Lastly, the Commission notes that, according to the information provided, no substantive progress has been made in the punishment of those who are allegedly responsible for the events of risk. This is a relevant aspect when establishing the risk that the proposed beneficiaries reportedly face and the chances of repetition. In view of the foregoing, the Commission notes that no substantive progress has been reported regarding the investigations on the death of their relatives, even though 3 years have gone by and the proposed beneficiaries continue to demand justice and defend the memory of their relatives through the AMA.

39. Given the circumstances, the Commission considers, from the standard *prima facie* applicable and in the context the State of Nicaragua is going through, be sufficiently accredited that the rights to life and personal integrity of the proposed beneficiaries are at serious risk. Taking into account the elements of risk exposed, the Commission deems that this situation also extends to the nuclear family of each of the proposed beneficiaries.

40. Regarding the requirement of urgency, the Commission considers that it has been fulfilled, since the facts described suggest that the situation of risk is likely to continue and exacerbate over time, in such a way that, given the imminence of the risk coming to fruition, it is immediately necessary to adopt measures to safeguard their rights to life and personal integrity. Likewise, the IACHR notes that two proposed beneficiaries have allegedly returned to Nicaragua and such events are likely to continue given that they are being identified as members of the AMA during immigration controls by the authorities.

41. As regards the requirement of irreparable harm, the Commission considers that it is met, since the possible impact on the rights to life and personal integrity constitute the maximum situation of irreparable harm.

IV. BENEFICIARIES

42. The Commission declares that the beneficiaries of the present precautionary measures are Josefa Esterlina Meza, Tamara Patricia Morazán Martínez and Lizeth de los Ángeles Dávila Orozco, who are duly identified in this proceeding. Similarly, their nuclear families are beneficiaries, who are susceptible to identification pursuant to Article 25 of the Rules of Procedure.

V. DECISION

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

²⁰ IACHR, *Mônica Tereza Azeredo Benício regarding Brazil*, Resolution 57/2018, Precautionary measure No. 767-18, August 1, 2018, available in Portuguese at <http://www.oas.org/es/cidh/decisiones/pdf/2018/57-18MC767-18-BR.pdf>; and IACHR, *Joaquín Mejía Rivera and family regarding Honduras*, Resolution 4/2018, Precautionary measure No. 1018-17, available in Spanish at <http://www.oas.org/es/cidh/decisiones/pdf/2018/4-18MC1018-17-HO.pdf>

- a) adopt the measures necessary to guarantee the rights to life and personal integrity of Josefa Esterlina Meza, Tamara Patricia Morazán Martínez and Lizeth de los Ángeles Dávila Orozco, including their nuclear families. In particular, the State must ensure that the rights of the beneficiaries are respected in accordance with the standards established by the international human rights law, both by its actors and in relation to acts of risk attributable to third parties;
- b) agree on the measures to be adopted with the beneficiaries and their representatives; and
- c) report on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure and, thereby, avoid its reoccurrence.

44. The Commission also requests that the Government of Nicaragua kindly inform the Commission, within a period of 15 days, as from the date of notification of this resolution, regarding the adoption of the precautionary measures that have been agreed upon and to periodically update this information.

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

46. The Commission instructs the Secretariat of the Inter-American Commission to notify the State of Nicaragua and the representatives of this resolution.

47. Approved on September 2, 2020, by: Joel Hernández García, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; and Esmeralda Arosemena de Troitiño, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary