
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 49/ 2021**

Precautionary Measure No. 480-21

Cristiana María Chamorro Barrios *et al.* regarding Nicaragua

June 24, 2021

Original: Spanish

I. INTRODUCTION

1. On May 29, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Nicaraguan Center for Human Rights (CENIDH), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) protect the rights to life and personal integrity of the former members of the Violeta Barrios de Chamorro Foundation (“FVBC”), including Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga (“proposed beneficiaries”). According to the request, as a result of the potential candidacy of Ms. Cristiana María Chamorro Barrios for the presidency of the Republic, both she and the remaining proposed beneficiaries began to be persecuted and harassed, while some of them have even been deprived of their liberty and their locations and conditions of detention are unknown.

2. On June 4, 2021, the IACHR requested information from the State pursuant to Article 25 of the Rules of Procedure, receiving its response on June 9, 2021. The applicants submitted additional information on June 11, 2021.

3. Upon analyzing the available information, in light of the applicable context and the findings made, the Commission considers that the information provided shows, *prima facie*, that the rights to life and personal integrity of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga are at serious and urgent risk of suffering irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga. In particular, the State must both ensure that State actors respect the rights of the beneficiaries in accordance with the standards established by international human rights law and in relation to acts of risk attributable to third parties; b) adopt the necessary measures to ensure that the detention conditions of the beneficiaries who are deprived of their liberty comply with the applicable international standards; c) consult and agree upon the measures to be adopted with the beneficiaries and their representation; and d) report on the actions taken to investigate the events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

II. BACKGROUND INFORMATION

4. The Commission visited Nicaragua in May 2018 and collected several testimonies on human rights violations that allegedly occurred since the beginning of a series of protests in April, later publishing a report that included recommendations.¹ To verify compliance with these recommendations, the Special Monitoring Mechanism for Nicaragua (MESENI) was created and was

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

present in the country until December 19, 2018, when the State temporarily suspended its operations.² For its part, the Interdisciplinary Group of Independent Experts (GIEI) issued a report that analyzed the events taking place between April 18 and May 30, 2018, confirming the IACHR findings.³

5. During a presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by the MESENI, according to which from April 2018 to January 10, 2019, there were 325 deaths and over 2000 injured, 550 detained and processed, 300 health professionals were dismissed, and at least 144 students were expelled from the National Autonomous University of Nicaragua.⁴ For its Annual Report 2018, the IACHR included Nicaragua in Chapter IV-B in accordance with the grounds set forth in its Rules of Procedure.⁵

6. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations. On June 25, the Commission shared the performance report and the results achieved by the MESENI, which continued to monitor the country from Washington, D.C.⁶ Between February and June, the State passed the Law on Dialogue, Reconciliation and Peace, the Comprehensive Care for Victims Act, and an Amnesty Law, which generated public statements by the IACHR for not complying with the international standards in matters of truth, justice, reparation and guarantees of non-repetition.⁷ During the last months, the Commission continued registering serious incidents. For instance, in August it voiced its concern regarding the State's decision to cease the "Negotiating Table for Understanding and Peace," which started on February 27, 2019, between the government and the Civil Alliance for Justice and Democracy.⁸ On September 6, the IACHR reported an increasing harassment against human rights defenders and persons who, despite having been released from prison, continued to be threatened.⁹

7. On November 19, 2019, 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."¹⁰

8. During 2020, the IACHR verified the exacerbation of acts of surveillance, harassment, and selective repression against people considered to oppose the Government, and identified a fifth stage of repression in the context of the crisis implemented since mid-2019, which it described as "the most intense and systematic attack on public liberties to have occurred in the country since the beginning of the crisis."¹¹ In May, 2020, the IACHR noted and condemned the non-compliance with its

² IACHR, [Press Release about Nicaragua](#), December 19, 2018.

³ GIEI, [Report on the Acts of Violence Occurred Between April 18 and May 30, 2018](#). December 2018 [only in Spanish].

⁴ IACHR, [CIDH denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua](#), January 10, 2019.

⁵ IACHR, [IACHR Annual Report 2018, Ch. IV. B.](#)

⁶ IACHR, [IACHR Presents Performance Report and Results for the Special Follow-Up Mechanism for Nicaragua \(MESENI\)](#), June 25, 2019.

⁷ IACHR, [IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua](#), June 3, 2019. See also: IACHR, [IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua](#), June 12, 2019; [IACHR Considers that the Law on Dialogue, Reconciliation and Peace in Nicaragua is Incompatible with International Standards Regarding Truth, Justice and Reparation](#), February 1, 2019.

⁸ 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.

⁹ IACHR, [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.

¹⁰ 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.

¹¹ 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.

recommendations and urgently called on the State to implement them.¹² In October 2020, the IACHR again called upon the State to immediately cease persecution of people who have been identified as dissidents and to reestablish the democratic guarantees in Nicaragua.¹³

9. In 2021, the IACHR condemned the increasing harassment in Nicaragua.¹⁴ As reported to the IACHR, these acts are manifested in the deployment of police teams including civilians outside targeted homes during whole days. This is carried out to prevent these persons or their relatives from leaving, or otherwise identify and search any person who enters or leaves the place. In other cases, they are purportedly subjected to monitoring, detentions, threats, and house searches.¹⁵ In a similar way, more recently, the IACHR condemned the intensive, growing repression against opponent individuals and organizations, human rights defenders, and the independent press,¹⁶ and the generalized impunity and prolonged violation of the rule of law that persist in Nicaragua.¹⁷

III. SUMMARY OF FACTS AND ARGUMENTS

1. Information provided by the applicants

10. The applicants indicated that the persons proposed as beneficiaries are former members of the FVBCH, which since 2018 has published reports that “compiled and systematized acts of aggression against persons in the exercise of their right to freedom of the press and information.” The organization has purportedly also denounced the alleged negligence of the Government in handling the COVID-19 pandemic and hurricanes Eta and Iota. In February 2021, the FVBCH decided to stop its operations due to changes in the domestic legislation that could “lead to violations of its members’ human rights.”¹⁸ The proposed beneficiary Cristiana María Chamorro Barrios was president of the FVBCH.

11. According to the request, in January 2021, the name of Ms. Cristiana Chamorro Barrios began to spread as a possible candidate for the presidency of the Republic. Since then, she has become the target of smear campaigns on social media, including threats from third parties. By way of example, the applicants referred to the term used by a high government authority –“vendepatria”– [“one who sells their country”], which is allegedly used repeatedly by people who support the current government to disparage those who are part of the opposition or who are identified as such. According to the information received, as a result of these accusations, the smear and violence campaigns against Cristiana Chamorro intensified through official social media, including threats and insults by private sympathizers of the ruling party.

12. On May 20, 2021, Ms. Chamorro Barrios, as well as Mr. Gómez Silva and Mr. Fletes Casco were summoned to appear before the Public Ministry, due to an investigation launched against them for the alleged commission of the crime of money, good and asset laundering. In addition to denouncing alleged

¹² 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.

¹³ IACHR, [IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua](#), October 10, 2020.

¹⁴ IACHR, [IACHR Condemns Growing Harassment in Nicaragua](#), January 6, 2021.

¹⁵ Idem.

¹⁶ IACHR, [IACHR Condemns Growing Harassment in Nicaragua](#), June 18, 2021 [only in Spanish].

¹⁷ 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.

¹⁸ Law for Regulation of Foreign Agents No. 1040, which, according to the applicants “deprives persons considered as ‘foreign agents,’ that is, persons who work with foreign funds, of the right to be elected and participate in Nicaraguan public affairs, and establishes a system of surveillance and excessive control, through intimidating practices and disproportionate sanctions”; Special Law on Cybercrime No. 1042 which “unduly restricts freedom of expression and information, constitutes a serious threat to the human rights of members of organizations that defend freedom of the press and expression such as the FVBCH.”

irregularities within the framework of procedural guarantees, the applicants state that the aforementioned investigation is part of a context of arbitrary detentions, using “causes disguised as legal but that are not based in real facts” as a practice of intimidation against opponents of the Government or persons perceived as such. The applicants added that, since March 2021, the proposed beneficiaries in question have already been “intensively” monitored by the National Police, who parked in front of their homes.

13. On May 28, 2021, the police detained Mr. Gómez Silva, allegedly without having produced any arrest warrant. That same day, Mr. Fletes Casco was reportedly “kidnapped” by unidentified persons while leaving a safe house. On May 29, 2021, through a press release from the Central Judicial Complex, it was learned that both proposed beneficiaries remained held for a period of 90 days, within the framework of the investigation against the FVBCH, due to the “seriousness of the crimes investigated.” In addition to classifying this decision as arbitrary, the applicants reported that, by the date the last information was sent, the State had not provided information about their place of detention or allowed any contact with their relatives or lawyers. Given this uncertainty, their relatives assumed that they were being held in the Judicial Assistance Directorate, known as “El Chipote.” Therefore, they began to bring food to this place hoping to find them; however, the officers reportedly did not allow visits, nor did they confirm their location. Consequently, their relatives indicated that they filed an appeal before the competent judge, seeking to be granted access to the proposed beneficiaries. However, it was rejected on June 8, 2021 because it was reportedly of exclusive competence of the police authorities. On June 7, the prison authorities asked a relative of Mr. Fletes Casco for a mat and, therefore, the applicants assumed that he was sleeping on the floor.

14. As for Ms. Chamorro Barrios, on June 2, 2021, the applicants reported that the state authorities raided her house to comply with an arrest warrant, and took away “all communication devices, such as computers and cell phones, documents, and cut the service of telephone network, cable TV, and internet.” From June 2, until the last communication sent by the applicants, the proposed beneficiary “remains locked in her home, unable to go out to the courtyards of her house and is completely isolated and under full-time surveillance by police officers who remain within the property.” According to the applicants, on June 8, 2021, the proposed beneficiary’s lawyer was able to speak with her for 30 minutes. On that occasion, it was confirmed that a “private preliminary hearing was held at Cristiana’s home, in which she was denied the right to be accompanied by her lawyer and a public defender was assigned to her.” Moreover, access to the case file was not allowed and it is unknown whether there exists any judicial resolution ordering such a “house arrest.”

15. The applicants added that the Public Ministry requested that the judge order a “precautionary measure” against Ms. Chamorro Barrios, consisting of “disqualification from the exercise of public office for not being in full enjoyment of her civil and political rights, given that she is part of a criminal process.” According to the applicants, the foregoing aggravates the risk faced by the proposed beneficiary, as the negative image echoed by the press and social media increases. By way of example, the applicants referred to an alleged “exponential” increase in threats and smear campaigns against them (the case file includes documentary support with a copy of these messages).

16. Regarding the remaining proposed beneficiaries, the applicants alleged that Ms. Lourdes Arróliga, who was also accused in the process against the FVBCH, is at risk. Since 2018, Ms. Arróliga has purportedly been daily monitored by State officers; and from May 20, 2021, National Police patrols allegedly carry out “intensive surveillance” at her workplace. The proposed beneficiary has recently received, from an anonymous account with a skull, a threat consisting of a photo of a man pointing a gun at her. Furthermore, a family member allegedly received a phone call from an unknown number, in which they told that “they were looking for her.”

17. The applicants have stressed the political tenor of the criminal investigations, as well as the arrests and threats directed against the persons proposed as beneficiaries, claiming that “as a maneuver to abolish democracy, the State has used different ‘strategies’ of persecution and intimidation, one of which has been the arbitrary deprivation of liberty and the prosecution of protesters or opponents, in violation of due process” in “retaliation due to their political ideology or freedom of expression.”

18. The request includes, without providing detailed information, other persons proposed as beneficiaries, who purportedly share the alleged risk.

2. Information provided by the State

19. The State alleged that the legal personality of the applicants –that is, CENIDH– has been canceled in accordance with domestic regulations. In this sense, the applicants reportedly do not have the necessary legal power to file this request for precautionary measures, in accordance with Article 23 of the IACHR Rules of Procedure.

20. Moreover, the State added that the IACHR must reject the request on the grounds that the submissions furnished are mere “subjective, repeated, and general assessments that do not support the alleged seriousness and urgency [...]” Similarly, it was added that “any attempt to question the application of our laws constitutes an act of interference that threatens our sovereignty, independence, and self-determination.”

21. Lastly, the State recalled that the rights of a person are “limited by others, by the safety of all, and by the fair demands of the common welfare,” in accordance with the Constitution of Nicaragua and in compatibility with the American Convention on Human Rights (“American Convention” or “ACHR”).

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

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

23. 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.¹⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁰ To do this, it is necessary to assess the problem raised, the effectiveness of state actions to address the situation

¹⁹ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Resolution of July 6, 2009, considerandum 16.

²⁰ 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 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].

described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²¹ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while it is being considered by the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the request pending before the inter-American system is resolved. Their 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 allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.²² For purposes of decision making, and in accordance with 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.

24. The Commission recalls that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine, *prima facie*, if a serious and urgent situation exists.²³ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged.²⁴ Moreover, it is not appropriate, in this proceeding, to rule on violations of rights enshrined in the American Convention or other applicable instruments.²⁵ The analysis performed herein is exclusively related to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.²⁶

25. Additionally, in response to the claim made by the State regarding the alleged lack of legal personality of the applicants as an obstacle to filing requests for precautionary measures, the

²¹ 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]

²² 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.

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

²⁴ IACHR. [Resolution 5/2014](#). Precautionary Measure No. 374-13. Gustavo Francisco Petro Urrego regarding Colombia. March 18, 2014, para. 13 [only in Spanish]; IACHR. [Resolution 41/2021](#). Precautionary Measure No. 382-21. Ovidio Jesús Poggioli Pérez regarding the Bolivarian Republic of Venezuela. May 13, 2021, para. 14.

²⁵ IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. *Matter of Nestora Salgado* regarding Mexico. January 28, 2015, para. 14 [only in Spanish]; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33 [only in Spanish].

²⁶ In this regard, the Court has indicated that “the Court 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].

Commission recalls that, in accordance with Article 25 of the Rules of Procedure, the only requirement for third parties to file a request is that they have “the express consent of the potential beneficiaries.”²⁷

26. With regard to the seriousness requirement, the Commission takes into account Nicaragua’s current context, which was verified by the Commission and is being monitored by its MESENI, as well as the special situation of exposure in which the persons who have demonstrated against the repressive actions of the current government allegedly are. In this regard, the Commission observes that the situation of the persons proposed as beneficiaries is coherent with the aforementioned context. According to the information provided, the intimidation and acts of harassment to which they are subjected are largely due to their profiles as former members of a foundation whose work was mainly focused on defending the exercise of the right to freedom of expression, having also critically positioned themselves against the Government (*vid. supra* para. 10). This has allegedly implied an important visibility for them and being identified as “opponents” of the current government. In this regard, it should be recalled that the Commission has granted several precautionary measures to persons identified as “opponents” in Nicaragua,²⁸ and it has observed over the years an increasing harassment of any person who is so perceived or identified.²⁹

27. The Commission also notes that the proposed beneficiaries’ visibility becomes more relevant inasmuch as the context of animosity against them is likely to be exacerbated during the presidential campaign. According to the information received by the MESENI, there have been acts of harassment and aggression against leaders of the Nicaraguan opposition who made public their intention to run for president in the next general elections called for November 7, 2021.³⁰ As indicated in the applicants’ briefs, Ms. Chamorro Barrios is identified as a possible candidate for the presidency of the Republic, which may increase her risk, in light of her visibility and the possibility that hostile reactions –including those by governmental authorities and persons related to the Government (*vid. supra* para. 11)– may give rise to subsequent incidents placing her rights to life and personal integrity at risk. As already indicated above, although it is not appropriate to assess alleged violations of due process, the circumstances under which the detentions of the proposed beneficiaries have occurred are sufficient to reasonably conclude that there exists hostility against her which can also have an impact in the violation of her rights to life and personal integrity.

28. In this specific matter, the Commission notes that the facts accounted by the applicants have sufficient elements to justify that the rights of Ms. Chamorro Barrios may be exposed to a serious impact. According to the information available to date, the proposed beneficiary has been detained at her residence since June 2, 2021, “totally incommunicado and under full-time surveillance by police officers who remain inside the property,” while her internet access has been interrupted and she has received a visit from her lawyer only once, for about thirty minutes, on June 8, 2021. In this regard, the IACHR notes that the limitations on access to communication specifically prevent her relatives from knowing her current detention conditions, including whether she has suffered ill-treatment or if her rights to life

²⁷ Article 23 of the IACHR Rules of Procedure refers to “petitions” “concerning alleged violations of a human right recognized.” The function of the precautionary measures mechanism is not to establish the existence or not of one or more violations (see Article 25(8) of the Commission’s Rules of Procedure), and the consequent international responsibility of the State; rather, as stated in Article 25 of the Commission’s Rules of Procedure, precautionary measures “[...] shall concern serious and urgent situation presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system.”

²⁸ IACHR, [Kevin Adrián Monzón Mora and his nuclear family regarding Nicaragua](#) (PM 907-20), Resolution 16/2021, February 22, 2021; IACHR, [Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua](#) (PM 96-21), Resolution 37/2021, April 30, 2021 [only in Spanish]; IACHR, [Kevin Roberto Solís regarding Nicaragua](#) (PM 205-21), Resolution 33/2021, April 22, 2021.

²⁹ 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; [IACHR, IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua](#), October 10, 2020.

³⁰ IACHR and OHCHR, [The IACHR and OHCHR categorically condemn the criminal prosecution against presidential candidates and pre-candidates and urge the State of Nicaragua to immediately release them](#), June 9, 2021 [only in Spanish].

and personal integrity are at risk. Similarly, the ongoing presence of officers inside her residence – without the State having provided any reason why– may increase the possibility that the proposed beneficiary be exposed to greater acts of intimidation and harassment, taking into account her profile and the current context.

29. Regarding Messrs. Gómez Silva and Fletes Casco, the Commission observes that they are also at risk, inasmuch as they were allegedly deprived of their liberty on May 28, 2021 and, by the latest information sent by the applicants, their locations and conditions of detention are not certainly known (*vid. supra* para. 13). In a similar way to the above-mentioned, the lack of access by relatives and lawyers to persons deprived of their liberty may increase their vulnerability, inasmuch as that they remain defenseless in the face of possible incidents or circumstances that may place their rights to life and personal integrity at risk. This becomes particularly relevant given that the proposed beneficiaries have been publicly associated with Ms. Chamorro Barrios, in a context of animosity against her. The Commission also recalls the situation verified periodically concerning persons deprived of liberty in Nicaragua, who are often subjected to acts of harassment and attacks, especially when they are perceived as opponents of the Government.³¹ Furthermore, through the MESENI, the Commission has received information and testimonies referring to the disproportionate use of force by National Police officers at the time of the detentions. It was indicated that, in most cases, searches of homes are carried out without any court warrant, in a context of growing repression in Nicaragua.³² In this matter, the Commission notes that although on May 29, 2021 the State confirmed the detention of both proposed beneficiaries through a press release from the Central Judicial Complex, to date their relatives have not been able to have access to them, even despite having filed an appeal for that purpose (*vid. supra* para. 13).

30. As for Ms. Arróliga, the Commission notes that she may also be at risk. According to the information provided, she is being watched at her home and workplace by police patrols, for no apparent reason, and this surveillance has allegedly increased since May 2021. In addition to sharing a context similar to that of the remaining proposed beneficiaries, both due to her profile and her association with the FVBCH and criminal charges, the Commission takes note of the tenor of the threats she has received recently, which mention, in a graphic way, the possibility that Ms. Arróliga be the subject of a firearm attack.

31. The Commission takes note of the response provided by the State and emphasizes that, beyond claiming that the applicants' allegations lack sufficient credibility, the State did not provide further elements to disprove them from the applicable *prima facie* standard. In this regard, the State did not indicate the location of Messrs. Walter Silva and Fletes Casco, or the circumstances in which they are deprived of their liberty, or whether their detention conditions are in line with applicable international standards. Nor did it report the measures that have been purportedly implemented to ensure the protection of the rights of Ms. Chamorro Barrios. Regardless of the reasons for which a person is deprived of their liberty, the Commission recalls that the State has the obligation to ensure their rights to life and personal integrity. Indeed, the inter-American case law is consistent in stating that the State is in a position of special guarantor of the rights of the proposed beneficiary, who is in its custody. This is due to the unique relation and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations [...] by the very circumstances of imprisonment, where prisoners are prevented from

³¹ See, *inter alia*, IACHR, [Amaya Coppens et al. regarding Nicaragua](#), Resolution 62/2019 (PM 1105-19), December 24, 2019 [only in Spanish].

³² IACHR, [IACHR Condemns Growing Harassment in Nicaragua](#), June 18, 2021 [only in Spanish].

satisfying on their own a series of basic needs that are essential for the development of a dignified life.³³ Additionally, despite having requested information in this regard, the Commission notes that the State has not responded to the situation of Ms. Arróliga.

32. In these circumstances, the Commission concludes, from the applicable *prima facie* standard, that the existence of a situation presenting a serious risk to the rights to life and personal integrity of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga is sufficiently proven. As regards the remaining persons proposed as beneficiaries identified in the request, the Commission considers that the information available to date is insufficient to arrive at a similar determination.

33. With regard to the urgency requirement, the Commission considers that it has also been met, given that in case they remain in the situation described, the persons proposed as beneficiaries are likely to be imminently exposed to a greater impact on their rights. The above, mainly in view of the lack of information about their detention conditions, especially because more than two weeks have gone by since their detention and there are reportedly no protection measures by the competent authorities. In these circumstances, the growing smear campaigns against them, joined to the current electoral context, are likely to increase the occurrence of subsequent acts of harassment, threats, and intimidation, thus seriously affecting their rights to life and personal integrity.

34. With regard to the requirement of irreparable harm, the Commission finds that it has been met, given that the possible impact on the rights to life and personal integrity, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

35. The Commission declares that the beneficiaries of this precautionary measure are Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga, who are duly identified in this proceeding.

VI. DECISION

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga. In particular, the State must both ensure that State actors respect the rights of the beneficiaries in accordance with the standards established by international human rights law and in relation to acts of risk attributable to third parties;
- b) adopt the necessary measures to ensure that the detention conditions of the beneficiaries who are deprived of their liberty comply with the applicable international standards;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- d) report on the actions taken to investigate the events that led to the adoption of this

³³ I/A Court H.R. Case of the "Juvenile Reeducation Institute" v. Paraguay, Judgment of September 2, 2004, paragraph 152. Available at https://www.corteidh.or.cr/corteidh/docs/casos/articulos/seriec_112_ing.pdf.

precautionary measure, so as to prevent them from reoccurring.

37. The Commission also requests that the Government of Nicaragua kindly inform the Commission within 15 days, as from the date of this resolution, on the adoption of the precautionary measures agreed upon and update that information periodically.

38. The Commission emphasizes that, in accordance with Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State does not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention or other applicable instruments.

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

40. Approved on June 24, 2021 by: Antonia Urrejola, President; Julissa Mantilla, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay; Joel Hernández; and Stuardo Ralón, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary