

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 11/2020**

Precautionary Measure No. 399-19

Carlos Edy Monterrey regarding Nicaragua

February 5, 2020

(Extension)

Original: Spanish

I. INTRODUCTION

1. During the business visit carried out by the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission,” or “the IACHR”) from May 17 to 21 of 2018, various precautionary measures were requested, urging the IACHR to request that the State of Nicaragua (“the State”) protect the life and personal integrity of the persons who are reportedly at risk due to the violent events since April 18, 2018. The Commission has continued monitoring the situation and the requests for precautionary measures that were received during and after the visit. The applicants requested the extension of the current precautionary measures in favor of Mr. Carlos Edy Monterrey, Editorialist of the radio “La Costeñísima”, as they claim he is currently at risk in Nicaragua¹.

2. On January 17, 2020, the IACHR requested information from the State in order to provide its observations on the request of the extension. To date, no communication has been received from the State.

3. Having analyzed the information available, in light of the applicable context and the findings made, the Commission considers that the information proves *prima facie* that the rights to life and personal integrity of Carlos Edy Monterrey are currently in a serious and urgent situation. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests that the State of Nicaragua: a) take the necessary measures to guarantee the life and personal integrity of Carlos Edy Monterrey. To this effect, the State must both ensure that its actors respect the life and personal integrity of the beneficiary in accordance with the standards established by international human rights law, and protect their rights in relation to acts of risk attributable to third parties; b) adopt all necessary measures to ensure that Carlos Edy Monterrey can carry out his tasks as journalist without being subject to acts of harassment, threats, stigmatizations by high authorities, or other violent acts when performing his duties; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the measures adopted in order to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent their reoccurrence.

II. CONTEXTUAL INFORMATION

4. The Commission visited Nicaragua in May 2018 and compiled several testimonies on the violation of human rights which have allegedly started since a series of protest began in April. The Commission then published a Report including recommendations. To verify that these recommendations were being complied with, the Special Monitoring Mechanism for Nicaragua (*MESENI* by its Spanish acronym) was established in the country until the State temporarily suspended its stay on December 19, 2018. In addition, the Interdisciplinary Group of Independent Experts (GIEI, by its Spanish acronym) issued a report that analyzed the events that took place between April 18 and May 30, 2018,

¹ The request was filed on November 11, 2019

which confirmed the findings of the IACHR².

5. On the occasion of the presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by MESENI according to which, from April 2018 to January 10, 2019 there were: 325 deceased and more than 2000 injured; 550 arrested and indicted; 300 health care professionals were dismissed and, at least, 144 students from the National Autonomous University of Nicaragua were expelled³. For the annual report of 2018, the IACHR included Nicaragua in Chapter IV-B of its annual report in accordance with the grounds established in its Rules of Procedure.

6. During 2019, the Commission continued to condemn the continuance of the acts of persecution and urged the State to comply with its obligations. On April 25, the Commission shared the assessment and the results gathered by MESENI, which continued to monitor the country from Washington, D.C. In June, the State passed a Comprehensive Care for Victims Law and an Amnesty Law which gave rise to much criticism as these did not comply with the international standards of truth, justice, reparation and guarantees of non-recurrence⁴. During these last few months, the Commission continued to registered serious incidents, for instance, in August, when the Commission expressed its concern when the State announced it would not continue with the “Negotiating Table for Understanding and Peace” initiated on February 27, 2019 between the Government and the Civic Alliance for Justice and Democracy⁵. On September 6, the IACHR reported the escalation of the harassment against human rights defenders and persons who, despite being released from prison, were still being intimidated⁶.

7. On November 19, the Commission once again addressed the ongoing repression, observing that “[...] upon closure of democratic outlets that characterizes the human rights’ crisis which persists in Nicaragua, the families of those deprived from liberty in the context of the crisis have become an ever-growing focus of persecution by means of monitoring and hindering their peaceful actions”⁷.

III. INFORMATION OBTAINED IN THE CONTEXT OF FOLLOW-UP OF THE PRECAUTIONARY MEASURES

8. On June 15, 2019, the IACHR decided to grant precautionary measures in favor of Sergio Warren León Corea and members of his family, in Nicaragua. According to the request, Sergio Warren León Corea and identified members of his family were at risk because of the journalistic work he was doing as an independent media outlet through *La Costenísima* in Nicaragua’s context. After analyzing the presented allegations, the Commission requested that the State of Nicaragua adopt the necessary measures to protect the life and personal integrity of Sergio Warren León Corea, his son S.Y.L.F., and his daughter K.J.L.A. To this effect, the State must both ensure that its agents respect the life and personal

² GIEI, Report on the Violence Events between April 18 and May 30, 2018. December 2018. Available (in Spanish) at: http://gieinicaragua.org/giei-content/uploads/2018/12/GIEI_INFORME_DIGITAL.pdf

³ 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.

⁴ IACHR, IACHR and OHCHR: 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

⁵ 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

⁶ 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. Available at: http://www.oas.org/en/iachr/media_center/PReleases/2019/220.asp

⁷ 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. November 19, 2019. Available at: http://www.oas.org/en/iachr/media_center/PReleases/2019/297.asp

integrity of the beneficiaries in accordance with the standards established by international human rights law, and protect their rights in relation to the acts of risk attributable to third parties; adopt all necessary measures to ensure that Sergio Warren León Corea can carry out his tasks as journalist without being subjected to acts of harassment, threats, stigmatizations by high authorities, or other violent acts when performing his duties; consult upon the measures to be adopted with the beneficiaries and their representatives; and report on the measures to be adopted to investigate the alleged facts that led to the adoption of this precautionary measure and thus prevent their reoccurrence.

9. Following the granting of the precautionary measures, the Commission has been monitoring the matter via requests for information from the parties. In addition, on Wednesday, September 25, 2019, the IACHR called a public hearing regarding the “Implementation of Protective Precautionary Measures in Favor of Independent Journalists in Nicaragua” in the framework of the 173^o Period of Sessions of the IACHR⁸. On the day of the hearing, the State did not attend; however, it submitted its answer on September 24, 2019. The applicants subsequently sent additional information, which was duly forwarded to the State.

10. *Radio La Costeñísima*, as an independent media, will continue to have coverage in all of the Southern Caribbean, where the government reportedly has six radio programs to broadcast their propaganda, namely: *Bluefields Stereo*, *Radio Zinica*, *Radio Única*, *Radio Isleña* (Corn Island), *Radio Kukra Hill* and *Caribbean Pearl* (Laguna de Perlas). In the rural communities of the Southern Caribbean *Radio Ya*, *Radio Corporación* and *Radio Maranatha* are also available, but they do not reach Bluefields. Due to the aforementioned, the representatives highlighted that the intimidation, retaliation, threats and police harassment aim to silence *La Costeñísima*, the only independent media in the South Caribbean of Nicaragua for which the authorities allegedly have diverse media which include, *inter alia*, perks and benefits for the State, and the State and other institutions restricting publicity guidelines.

11. The representatives mentioned that many opinion formers have refrained from making statements for *La Costeñísima* because when the government is criticized, there is retaliation and, therefore, they would rather not expose themselves. In addition, public officials have reportedly been ordered not to listen to them because they are considered “coup plotters”. Listeners must tune in to the radio station in their own homes, as they are monitored by the Family Cabinet, the Citizen Power Councils (CPC) and the Sandista Leadership Council (*CLS* by its Spanish acronym) at their workplaces. These groups inform their superiors if workers are caught listening to the radio. The representatives stated that there is no longer only a police, but also a political, siege.

12. On July 27, 2019, the representatives reported that non-identified persons had tried to attack and destroy their website. According to the representatives, a technical inspection of the website revealed that they had had a massive attack of 36,153 persons who tried to block their page, but the security systems stopped them from succeeding. Mr. León stated that “it is obvious that the goal is to destroy our website and keep us out of the cybernetic system, or at least our website.”

13. On September 28, 2019, the day Mr. León returned to the country after having participated in the hearing called to address the Precautionary Measures granted by the IACHR for the current matters in the 173^o period of sessions of the IACHR, when he went to get his luggage at approximately 1:00 p.m. in Augusto César Sandino International Airport upon arriving to Managua, he allegedly observed that his only piece of luggage was circulating on the baggage carousel, totally destroyed. According to the representatives, the national personnel of the airport has access to the suitcases that enter the country, therefore, Mr. León cannot rule out that the damage was caused maliciously.

⁸ See calendar for period of sessions: <https://www.oas.org/en/iachr/sessions/docs/Calendario-173-audiencias-en.pdf>

14. In its response to a hearing being called, the State indicated that it is "completely willing and able to fully comply" with the precautionary measures adopted by the IACHR. In this sense, the State indicated that, through the National Police, it is unilaterally implementing actions to ensure respect for the rights of the beneficiaries to precautionary measures, as well as in relation to risk events which can be attributable to third parties. In this regard, the State referred to the following actions:

- Domicile police surveillance for the purpose of protecting the beneficiary and family members;
- Protection of their lives and physical integrity when they are at risk, evacuating them with a due police escort to a place of security;
- Transfer as soon as practicable to medical care centers when they are harmed as a result of physical aggression;
- Immediate and prompt attention upon receiving complaints at the nearest police stations, following the necessary procedures and investigation and in accordance with the procedures of law;
- Study and analysis situations and risk factors in homes, places of mobilization and places where they carry out their activities;
- For the implementation agreed upon with the beneficiaries, the State indicated that, through the Attorney General's Office, it has invited the beneficiaries to meet and agree on the protection measures they consider necessary.

15. In the particular case of *La Costeñísima*, the State indicated that, after the attempted coup, Mr. León has used his media outlet to deliberately and maliciously broadcast news programs that air fake news, completely biased political and social opinions, and have slandered public officials, promoted civil disobedience, hate and violence in the region. The State added that it does not register any complaints filed by Mr. León, his family, or any of the radio workers on the grounds of alleged offenses of threats, siege or any other action. The State declared that there is no arrest warrant either from the police or the court for the arrest of Mr. León, and that there are no complaints in the police precinct of Bluefields or any other police agency, nor are there accusations against him by the Public Ministry. The State declared that there are no signs that permit the assumption that there are limitations to his right to free exercise of the profession of journalist or to his right to freedom of expression in any media outlet, or demonstration in the region or any location of the country. The State also declared that the national police indiscriminately protects the beneficiary, his family and the personnel of the radio, as well as all Nicaraguan.

16. On October 7, 2019, the representatives provided observations to the State's declaration, and expressed that there is an intention to criminalize the freedom of expression that the journalist exercises through the radio. The applicants mentioned that the State's declaration is groundless and seeks to intimidate the beneficiary. The lack of complaints reflects the beneficiary's lack of trust as regards the authorities. Lastly, the representatives declare that no actions have been adopted to implement protection measures.

IV. SUMMARY OF FACTS AND ARGUMENTS PRESENTED BY THE REPRESENTATIVES REGARDING THE REQUEST FOR EXTENSION

17. According to the request, the authorities reportedly continue to drastically influence the radio news platform. In recent months, *La Costeñísima* has been the only media outlet in the South Caribbean that includes an editorial line on its news platform, written and commented by Journalist Carlos Edy

Monterrey, in which he addresses the sociopolitical and economic crisis, the regional autonomy, the weakening of the institutions, along with other topics of regional and local interest. In regards to the protection measures adopted by the State, the representatives stated that the State has not undertaken any action whatsoever to implement or adopt protection measures, on the contrary, police harassment towards the radio and its Director, as well as threats and retaliation, continue.

18. The applicants stated that on October 1, 2019 at approximately 7:30 a.m., Carlos Edy Monterrey editorialist of *La Costeñísima* radio was reportedly insulted by Manuel Herrera, former Political Secretary of the Sandinista National Liberation Front (*FSLN* by its Spanish acronym) in the municipality of El Tortuguero when he shouted: “Coup plotter! Terrorist!” and accused him of having sold himself to the “empire”, meaning the United States. That same day, at approximately 11:00 a.m., it was alleged that Monterrey Duarte was verbally harassed by an individual identified as Agustín Soza, a pro-FSLN. This reportedly took place in front of the hardware store Balto Amador in the Barrio Central, in the city of Bluefields.

19. On November 11, 2019, the applicants informed the Commission that for about a week, approximately ten officers of the Department of Special Operations of the National Police, known as anti-riots, along with other police forces with the institutional blue uniform, had been stationed in front of Mr. Carlos Edy Monterrey’s house. The officers were reportedly armed with AK rifles and the police siren lights were tuned on. They stayed in front of Mr. Monterrey’s house for about two hours, from 5:00 a.m. to 7:00 a.m. during weekdays and a bit longer during the weekend:

- On October 31, 2019, the police recorded his house and took several photographs of the property. One of the police officers went up to the house shouting: “Get out, son of a bitch!” In order to protect himself, the journalist has decided to not exit his house where there were police forces present. That day, the radio broadcasted a video exposing the police harassment.
- On November 1, 2019, Mr. Monterrey took photographs that show the presence of police forces in front of his house at the crack of dawn.
- On November 2, 2019, the police appeared and was stationed in the early hours of the morning. The journalists believe that the police were present that day as it was the All Souls’ Day and the police probably thought that there was going to be an event they would have to repress.
- On November 3, 2019, the police once again surrounded the house in the early hours of the morning. That day, the journalist had planned to attend a farewell mass for a clergyman at 7:00 a.m., but was not able to do so due to police presence.
- On November 4 and 5, 2019, the police once again was stationed in front of Mr. Monterrey’s house with an intimidating approach. On November 6, 2019, officers were observed in the corner of the building where the Regional Electoral Council (currently uninhabited) used to operate. It is on the opposite corner of the journalist’s house.
- On November 7, 2019, no police authorities appeared in front of the journalist’s house. However, on November 8, 2019 at about 4:50 a.m. when the journalist was getting ready to leave his house and get into the car that the director of the *La Costeñísima* radio had sent for him to go to the radio station, approximately 7 police officers appeared, both from anti-riot and normal police forces. The police presence forced the journalist to close the gate and stay in his house for his safety.

- On November 10, 2019, approximately 7 police officers once again was stationed in front of the journalist's house from about 5:00 a.m. to 7:00 a.m.

20. The representatives indicated that the weekdays when the siege of the journalist's house was registered were days in which he had to leave his house at 5:00 a.m. to go to the radio station *La Costeñísima* since he participates in the news program *Tras la Noticia* which is aired in the radio station from Monday to Friday, from 5:30 a.m. to 7:00 a.m. Therefore, it is clear that the intention of the authorities was to prevent him from carrying out his journalistic work and expressing himself through the aforementioned news program. Only on November 1 and 4 did the journalist manage to leave his house before the police showed up. On the other days (October 31 and November 2, 3, 5, 6, and 8 of 2019) he had to keep his safety by staying at home and present his editorial from there using his telephone, which is not as effective in terms of communication as there is no interaction with the radio listeners.

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

21. The precautionary measures mechanism is part of the Commission's functions of supervising compliance with human rights obligations established in Article 106 of the Charter of the Organization of the American States. These general supervision functions are in turn 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, while the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. Pursuant to this Article, the Commission grants precautionary measures in serious and urgent situations, and when these measures are necessary to prevent an irreparable harm to persons.

22. 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 preserve the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations while they are being considered by the IACHR. The objective and purpose of the precautionary nature is to preserve the rights potentially at risk until the petition under consideration in the Inter-American System is decided upon. 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. Regarding the process of decision making and, 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" is determined by means of the information provided and 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.

23. 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 exists⁹.

24. As a preliminary matter, the Commission recalls that one of the requirements for precautionary measures to be extended is a “factual relation” with the events that justified the granting of the initial precautionary measures¹⁰. In this regard, the Commission understands that Mr. Carlos Edy Monterrey, as an editorialist for the radio station *La Costeñísima*, shares the same risk factors as Mr. Sergio Warren, director of the same radio station. Due to their presence in that media, both are reportedly subjected to risk events involving police officers or persons close to the current Nicaraguan Government who allegedly seek to prevent them from continuing their independent journalistic activity on the Nicaraguan Caribbean Coast. Considering these elements, the Commission understands that the requirement of factual relation has been met.

25. As it pertains to the requirement of seriousness, the Commission notes that the alleged facts occur in a context which represses independent journalistic activity in Nicaragua¹¹. In this framework, the Commission recalls that it has granted precautionary measures regarding journalists who were subjected to threats, intimidations and acts of violence which have been attributed by the applicants to state agents or third parties who support the current government, presumably with the aim of changing their editorial line or to stop them from informing the public on the events which are taking place in the country, such as Miguel Mora Barberena, director of the media outlet “Canal 100% Noticias”; his wife, Verónica Chávez, journalist and executive director of the channel; and Leticia Gaitan Hernandez, host and journalist of the channel¹²; workers of the media outlet “Confidencial”¹³; Alvaro Lucio Montalván, owner of the independent media outlet named “Radio Mi Voz”¹⁴; and Lucia Pineda, Head of Press at 100% Noticias”, and her nuclear family¹⁵. In the same way, at that time, the Inter-American Court had also granted precautionary measures in favor of Miguel Mora and Lucia Pineda, while they were deprived of their liberty¹⁶.

26. As it pertains to the requirement of seriousness, the Commission highlights that the proposed beneficiary is the editorialist of *La Costeñísima*, media outlet in the Autonomous Region of the South

⁹ In this regard, for example, referring to the provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess *prima facie* a situation of extreme seriousness and urgency. I/A Court HR, Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the CASA Foundation. 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.

¹⁰ See IACHR Resolution 10/17, Precautionary Measure No. 393-15 Persons Deprived of Liberty in “Punta Coco” regarding Panama, March 22, 2017, para. 28; and I/A Court, *Fernández Ortega and others regarding the United States of Mexico*. Precautionary Measures Resolution of November 23, 2010, considerandum 19.

¹¹ IACHR, Nicaragua: Must stop reprisals against journalists, say human rights experts, August 26, 2019. Available at: <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1152&IID=1>

¹² IACHR, Resolution 90/2018. PM 873-18. Miguel Mora Barberena, Leticia Gaitán Hernández and their immediate families regarding Nicaragua, (Journalists of 100% Noticias), December 13, 2018. Available (in Spanish) at: <http://www.oas.org/es/cidh/decisiones/pdf/2018/90-18MC873-18-NI.pdf>

¹³ IACHR, Resolution 91/2018. PM 1606-18. Carlos Fernando Chamorro Barrios and others regarding Nicaragua (“Confidencial” personnel), December 21, 2018. Available (in Spanish) at: <http://www.oas.org/es/cidh/decisiones/pdf/2018/91-18MC1060-18-NI.pdf>

¹⁴ IACHR, Resolution 96/2018. PM 698-18. Álvaro Lucio Montalván and his family regarding Nicaragua, December 29, 2018. Available (in Spanish) at: <http://www.oas.org/es/cidh/decisiones/pdf/2018/96-18MC698-18-NI.pdf>

¹⁵ IACHR, Resolution 5/2019. PM 873-18. Lucia Pineda Ubau and her family Nicaragua (Extension), February 11, 2019. Available (in Spanish) at: <http://www.oas.org/es/cidh/decisiones/pdf/2019/5-19MC873-18-NI.pdf>

¹⁶ I/A Court. Matter of seventeen persons deprived of liberty regarding Nicaragua. Provisional Measures. Adoption of Urgent Measures. Resolution of the President of the Inter-American Court on Human Rights from May 21, 2019. Available at: http://www.corteidh.or.cr/docs/medidas/diecisiete_personas_se_01.pdf The measures were subsequently lifted. I/A Court. Matter of seventeen persons deprived of liberty regarding Nicaragua. Precautionary Measures. Inter-American Court on Human Rights Resolution of October 14. Available at: http://www.corteidh.or.cr/docs/medidas/diecisiete_personas_se_02.pdf

Caribbean, and has an editorial line that criticizes the current government of Nicaragua. According to the information provided, the role of the proposed beneficiary in *Tras la Noticia* news and its coverage of the events has given him a more visible place in society. In this sense, the Commission notes with concern that, according to information provided by the representatives, the authorities have used several means to limit the informative work of *La Costeñísima*, as it is the only independent media in Nicaragua's South Caribbean, which highly exposes the journalists of that media and puts them at greater risk.

27. The available information also indicates that the proposed beneficiary, like the beneficiary Sergio Warren, is continuously and closely monitored by police officers - some armed - who reportedly stand near his house for long periods of time and take photos and record whatever is happening in the property. It is particularly noted that, due to this presence, the proposed beneficiary was unable to freely leave his house to go to the radio station and carry out his informative duties during recent months. In some cases, the proposed beneficiary has had to broadcast from his own home using his phone. In addition, the Commission notes that persons close to the current government allegedly described the proposed beneficiary as a "coup plotter," a "terrorist," and "bought by the empire". The Commission believes that this reflects a campaign seeking to disqualify him and undermine the credibility of his journalistic work in the Caribbean region of Nicaragua.

28. The Commission regrets the lack of response from the State of Nicaragua after having requested their observations to the request for extension. While the aforementioned does not imply *per se* the extension of a precautionary measure, it does prevent the Commission from receiving more information on the situation of the proposed beneficiary, so that it is not possible to distort the allegations of the representatives or identify information regarding measures that the authorities have actually adopted in order to reduce the alleged risk. On another note, although it is not for the Commission to determine the authorship of the risk events, nor whether they are attributable to agents of the State of Nicaragua, at the time of assessing this request, it does take into account the seriousness of the possible participation of State agents, in accordance with the allegations presented, as this would place the proposed beneficiary in a situation of greater vulnerability.

29. Similarly, although the State declared that it sought to comply with the present precautionary measures by providing a list of measures that it reportedly adopted, to date, the available information does not indicate that the identified situation of risk regarding Mr. Sergio Warren has been effectively mitigated or has been eliminated. In this regard, the Commission notes that the State itself has indicated that it has unilaterally adopted measures, while the representatives have indicated that no measures have been agreed upon. Despite the fact that a list of protective measures that the State reportedly adopted was mentioned (see *supra* para. 14), the available information does not show details or specific information on how they have been adequately implemented in the present case to date. On the contrary, it is observed that the State has mainly denied the allegations of the representatives (see *supra* para. 15), but has not provided information indicating that the risk factors initially analyzed, and which gave rise to the granting of the precautionary measures, no longer exist.

30. In particular, the Commission notes that no specific or detailed information regarding the actions which have been initiated to investigate the alleged risks, which gave rise to the granting of the initial precautionary measures, has been provided. Therefore, no substantive progress has been proven in identifying or sanctioning those responsible for the risk events, which is a relevant aspect when establishing the risk that the proposed beneficiary currently faces and the possibilities of their

reoccurrence, especially considering the impact it would have on the exercise of their right to freedom of expression in the current context of Nicaragua¹⁷.

31. In view of the aforementioned, the Commission considers that from the applicable *prima facie* standard and in the context which Nicaragua is going through, it is sufficiently evidenced that the rights of Mr. Monterrey are at serious risk. Consequently, the Commission considers that the requirement of seriousness has been met.

32. As it pertains to the requirement of urgency, the Commission considers that it has been met as the described events suggest a situation of risk which prone to continue and worsen with time, since it is related with the journalistic activity carried out by the proposed beneficiary, in such a way that upon the imminent materialization of risk it is immediately required to adopt measures to protect the rights to life and personal integrity, and implement guarantees for the exercise of the right to freedom of expression.

33. As it pertains to the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact to the rights to life and personal integrity constitute a maximum situation of irreparable harm. The Commission highlights its concern in light of the described situation of risk that reportedly has the aim of silencing the proposed beneficiary and hindering the exercise of his journalistic duties, which directly affects the exercise of his freedom of speech. In turn, this has an intimidating effect on other journalists who would like to freely express themselves in the current context.

IV. BENEFICIARIES

34. The Commission hereby declares that the beneficiary of this precautionary measure is Mr. Carlos Edy Monterrey who has been duly identified within this procedure.

V. DECISION

35. The Inter-American Commission on Human Rights considers that the present case *meets prima facie* the requirements of seriousness, urgency and irreparability contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that the State of Nicaragua:

- a) take the necessary measures to guarantee the life and personal integrity of Carlos Edy Monterrey. To this effect, the State must ensure that its actors respect the life and personal integrity of the beneficiary in accordance with the standards established by international human rights law, and protect their rights in relation to acts of risk attributable to third parties;
- b) adopt all necessary measures to ensure that Carlos Edy Monterrey can carry out his tasks as journalist without being subject to acts of harassment, threats, stigmatizations by high authorities, or other violent acts when performing his duties;
- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives;

¹⁷ See: IACHR, Silenced Zones: Highly Dangerous Areas for the Exercise of Freedom of Expression, 2017, para. 261. Available at: http://www.oas.org/en/iachr/expression/docs/publications/zonas_silenciadas_eng.pdf; I/A Court, CASE OF VÉLEZ RESTREPO AND FAMILY v. COLOMBIA. Preliminary objection, merits, reparations and costs. Judgement of September 3, 2012 C Series No. 248, para. 215.

d) report on the measures adopted in order to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent their reoccurrence.

36. The Commission requests that the State of Nicaragua kindly inform the Commission, within 15 days as from the date of notification of this resolution, regarding the adoption of the precautionary measures requested and to update this information periodically.

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

38. The Commission instructs its Secretariat to notify the present resolution to the State of Nicaragua and the representatives.

39. Approved on February 5, 2020 by: Esmeralda Arosemena de Troitiño, President; Joel Hernández García, First Vice President; Antonia Urrejola Noguera, Second Vice President; Margarete May Macaulay; Flávia Piovesan, and Julissa Mantilla Falcón, members of the IACHR.

Paulo Abrão
Executive Secretary