

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 16/2021**

Precautionary Measure No. 907-20

Kevin Adrián Monzón Mora and his nuclear family regarding Nicaragua

February 22, 2021

Original: Spanish

**I. INTRODUCTION**

1. On September 22, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”), received a request for precautionary measures filed by Gonzalo Carrión Maradiaga, Wendy Flores Acevedo (coordinator), and Salvador Lulio Marengo Contreras, from the Human Rights Group “Nicaragua Nunca +”, and Kevin Adrián Monzón Mora, urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) protect Kevin Adrián Monzón Mora. The request indicates that Kevin Adrián Monzón Mora and his nuclear family<sup>1</sup> are at risk because of threats, harassment, intimidation and attacks due to a series of posts on the social network “Tik Tok” where he denounces human rights violations in Nicaragua.

2. In accordance with Article 25 of the Rules of Procedure, the IACHR requested information from the State on January 27, 2021. To this date, the State has not provided a response.

3. Upon analyzing the information available, in the light of the applicable context and findings made, the Commission considers that the information provided shows *prima facie* that Kevin Adrián Monzón Mora’s rights to life and personal integrity, as well as his family’s, 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 necessary measures to protect Kevin Adrián Monzón Mora’s and his nuclear family’s rights to life and personal integrity. In particular, the State must ensure that the beneficiaries’ rights are respected in accordance with the standards established by international human rights law, both by state actors and in relation to acts of risk attributable to third parties. The foregoing includes the adoption of measures so that they can exercise their freedom of expression freely without being subjected to threats, intimidation, harassment or aggression; b) consult and agree upon the measures to be adopted with the beneficiary and their representatives; and c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**II. BACKGROUND INFORMATION**

4. 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 a report that included recommendations was published. To verify compliance with these recommendations, the Special Monitoring Mechanism for Nicaragua (MESENI) was created. It was present in the country until December 19, 2018, when the State temporarily suspended its operation. 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 of 2018, verifying the findings made by the IACHR.<sup>2</sup>

<sup>1</sup> Adrián Benjamín Monzón Jarquín (father), María Isabel Mora Ramírez (mother), and Belky Elizabeth Monzón Mora, Hazel Margarita Monzón Mora, Nayeli de los Ángeles Monzón Mora (all sisters of the proposed beneficiary).

<sup>2</sup> GIEI, Report on the acts of violence that occurred between April 18 and May 30, 2018. December 2018. Available [in Spanish] at [http://gjeinicaragua.org/gjei-content/uploads/2018/12/GIEI\\_INFORME\\_DIGITAL.pdf](http://gjeinicaragua.org/gjei-content/uploads/2018/12/GIEI_INFORME_DIGITAL.pdf)

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 2,000 injured, 550 detained and processed, 300 health professionals were dismissed, and at least 144 students were expelled from the National Autonomous University of Nicaragua.<sup>3</sup> For its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV-B, in accordance with the grounds set forth in its Rules of Procedure.

6. During 2019, the Commission continued to condemn the continuous acts of persecution, urging the State to comply with its obligations. On April 25, the Commission shared the performance report and results achieved by MESENI, which continued to monitor the country from Washington, D.C. In June, the State approved a Comprehensive Victim Care Law and an Amnesty Law that drew criticism for not complying with the international standards in matters of truth, justice, reparation and guarantees of non-repetition.<sup>4</sup> Over the last few months, the Commission continued to record serious incidents, such as when in August it expressed its concern over the State's announcement not to continue with the "Negotiating Table for Understanding and Peace," which began on February 27, 2019 between the Government and the Civic Alliance for Justice and Democracy.<sup>5</sup> On September 6, 2019, the IACHR denounced the intensification of harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.<sup>6</sup>

7. On November 19, 2019, the Commission once again brought up how the repression continued, observing 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."<sup>7</sup>

8. During 2020, the IACHR verified the intensification of acts of monitoring, harassment, and selective repression against persons considered to be opponents of the Government.<sup>8</sup> In May 2020, the IACHR warned and condemned the non-compliance with its recommendations, and urged the State to implement them.<sup>9</sup> In October 2020, the IACHR again called for an immediate end to the acts of persecution against persons identified as opponents of the government and the restoration of democratic guarantees in Nicaragua.<sup>10</sup>

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<sup>3</sup> 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.

<sup>4</sup> IACHR, IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua, June 3, 2019. Available at [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/137.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/137.asp)

See also: 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](http://www.oas.org/en/iachr/media_center/PReleases/2019/145.asp)

<sup>5</sup> 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 [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/194.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/194.asp)

<sup>6</sup> 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. Available at [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/220.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/220.asp)

<sup>7</sup> 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 Non-repetition, November 19, 2019. Available at [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/297.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/297.asp)

<sup>8</sup> 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](http://www.oas.org/en/iachr/media_center/PReleases/2020/080.asp)

<sup>9</sup> 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](http://www.oas.org/en/iachr/media_center/PReleases/2020/113.asp)

<sup>10</sup> IACHR, IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua, October 10, 2020. Available at [https://www.oas.org/en/iachr/media\\_center/PReleases/2020/249.asp](https://www.oas.org/en/iachr/media_center/PReleases/2020/249.asp)

9. In 2021, the IACHR condemned the intensification of harassment in Nicaragua.<sup>11</sup> As reported to the IACHR, these acts are manifested in the deployment of police teams of civilians outside homes throughout the day. This is carried out in order to prevent these persons or their relatives from leaving, or otherwise to identify and register any person who enters or leaves the place. In other cases, they are purportedly subjected to monitoring, arrests, threats, and house searches.

### **III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE APPLICANTS**

10. The proposed beneficiary identifies himself as an “opponent” of the Government, born in Managua. He allegedly joined the demonstrations that occurred since April 2018. Currently, he is purportedly a famous “Tik Toker” that posts videos with messages against corruption and complaints against human rights violations in the country.

11. On August 1, 2019, the proposed beneficiary was detained by the national police. The request indicates that the proposed beneficiary was not informed of his rights or the reason for this detention. When he was being detained, the officers allegedly pushed his head down against the ground with their boots and got him into the back of a patrol car. While he was being transferred to the Judicial Assistance Directorate (known as El Chipote) he was allegedly struck on his back. Upon arriving, he was allegedly forced to undress and do squats, as the enforcers made fun of him and made foul comments about his sexual orientation. Afterwards, he was checked in.

12. During his 7-day detention, the proposed beneficiary was allegedly placed in an unhealthy and overcrowded cell. He was not allowed out to receive any sunlight at all. During 7 interrogations, the proposed beneficiary was allegedly threatened with death if he continued protesting, and was also told that he would be placed in a punishment cell if he sang the national anthem. He claims to have requested medical attention for his migraine, but this was without avail. According to the request, he was instead given a capsule which caused him to hallucinate. During his detention, he did not receive visits from his family, and he was not taken to any judicial authority.

13. On the last day of his detention, the proposed beneficiary was transferred to a clandestine center with a cell that had “*un minuto de silencio*” (“one minute of silence”) written in paint. There, he was allegedly handcuffed with “plastic cuffs” and his mouth was covered. At the spot, he was told to undress and bathe. According to the proposed beneficiary: “They forced me to shout my name 4 times and if I got it wrong, they would beat me...”.

14. Days after his release, the proposed beneficiary stated that he had been harassed, monitored and intimidated by police officers in his home. Sometimes they prevented him from leaving his home. These events continued throughout 2019. Most of the time, two police cars reportedly remained parked by his house and officers allegedly made threatening gestures whenever the proposed beneficiary tried to leave. On Sundays, they purportedly put orange cones by his garage, and the proposed beneficiary had to remove them given that his father is a taxi driver and needed to go out for work.

15. During 2020, the proposed beneficiary allegedly had a more active participation in social media as a “Tik Toker,” with great acceptance from his followers. As a result, he purportedly received threats and harassment from the police at least thrice, with direct threats also directed at his family, and asking him to stop posting on his social networks. They allegedly claimed that if he did not, his father would be punished. According to the applicants, the proposed beneficiary has received death threats by unknown profiles on social networks and has been harassed by officers of the national police at his home.

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<sup>11</sup> IACHR, IACHR Condemns Growing Harassment in Nicaragua, January 6, 2021. Available at [https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2021/002.asp](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/002.asp)

According to the request, in January and February 2020, patrols of the national police arrived, placing themselves in front of his house as a form of intimidation.

16. On July 31, 2020, while walking in the street after reporting the burning of the Managua Cathedral chapel, at approximately 5:30 p.m., some officers reportedly told him to sit down. The officers allegedly made a call in which they indicated, according to the proposed beneficiary, “that I was indeed the person they were looking for.”

17. Afterwards, persons in civilian clothes who were in a van, and others in police uniforms, allegedly held his hands tightly with “plastic bridles.” He was purportedly not informed of his rights or the reason for his detention. According to the request, they allegedly used aggressive language with him and made fun of him because of his sexual orientation. He was imprisoned in a cell in District 1 of the National Police, which had a plague of insects and bacteria, which has allegedly affected his skin to this day; no measures have been taken against COVID-19.

18. Subsequently, he was informed that he was being charged with the crime of threats with a weapon. On August 4, 2020, the judicial authority accepted that the proposed beneficiary be defended by Yonarqui Martinez. That same day, Kevin’s release was ordered under a house arrest (“*casa por cárcel*”) precautionary measure. The order was executed three days later. The applicants raised objections against the criminal process. Outside the court where the hearing of October 27, 2020 was being held, relatives of the proposed beneficiary were threatened by police officers: “we already have you located, stop screwing around, you traitors, we already know where you live.”

19. In those last months, it was reported that the proposed beneficiary received threats on social media, indicating that his house is going to be burned down, that he be careful because “they are going to catch him” (“*le van a caer*”), and that he will pay for saying things against the government. A police officer reportedly went to his house and asked for several persons with unknown names. However, he later asked for the proposed beneficiary in other neighboring houses.

20. The neighborhood Citizen Power Council purportedly also inquired other young people about “the terrorist,” referring to the proposed beneficiary, in order to find out if they had seen him engage in protest activities, and asked them to let them know about anything he does so that they can report him to the party. Throughout the criminal process, the proposed beneficiary was harassed and threatened by members of the Citizen Power Council who live near his house.

21. On November 18, 2020, he was found not guilty by the judicial authority. Since the ending of the process, threats against the proposed beneficiary have allegedly increased on social media. The proposed beneficiary had reportedly posted videos on Tik Tok, where he criticizes and satirizes the government, as well as supports causes related to the release of so-called “political prisoners.” For instance, the campaign “A Christmas without political prisoners” (“*Una navidad sin presos políticos*”) promoted in December 2020 was stressed.

22. On December 16, 2020, as the proposed beneficiary was leaving his home towards the Managua Shopping Center, a group of police officers —some in civilian clothes and others in uniform— approached him and took his cell phone. Upon finding “memes” and Tik Tok videos, they proceeded to beat him and grab him violently, injuring his neck and knocking out a tooth. Afterwards, the proposed beneficiary was detained and transferred in a patrol to the District 5 station of the National Police in Managua. According to the applicants, that same day, the Inspector General of the National Police beat the proposed beneficiary and ordered other officers to further beat him and threaten him while he was detained at the police station. The proposed beneficiary was reportedly not informed of the reasons for his detention nor was he allowed contact with his family, despite the requests he allegedly made.

23. The next day, the proposed beneficiary was purportedly placed in cell number 6, where 23 prisoners were sleeping on the floor. The applicants reported overcrowding, given the size of the cell, and unsanitary conditions, as there were no functioning toilets. The proposed beneficiary also requested medical attention due to pain from the loosening of his tooth. However, it was denied. The request indicates that, although the proposed beneficiary was receiving food, he did not ingest it for fear that it was poisoned. According to his family, he was missing until the fifth day of detention, when an officer loaned him a cell phone, allowing him to send a message. According to the applicants, he received degrading treatment from police officers, who made fun of him and treated him with severe offenses.

24. The request states that, during his detention, he was taken several times to interrogatories, where different police officers were present. He was told that he was being offered a “presidential pardon” in exchange for reporting on people who were carrying out protest or opposition activities, and to report on presidential candidacies, including Felix Maradiaga (an opposition politician). However, due to the lack of knowledge of the information requested, the proposed beneficiary allegedly refused to answer those questions, maintaining his critical stance towards the government. Consequently, he was allegedly threatened. On the seventh day of his detention, he was reportedly released. During all that time, the proposed beneficiary was not brought before the competent authority.

25. The applicants indicate that the proposed beneficiary continues to be under strict surveillance. For instance, a National Police van with several officers allegedly parked in front of his house. He is purportedly also persecuted and followed to any place he visits, especially when he meets with people opposed to the Government. Moreover, he has received threats from police officers, who said that they were going to take him to “*El Chipote*.” Members of the neighborhood Citizen Power Council allegedly threatened to set fire to the house where the proposed beneficiary and his family live. Furthermore, they have thrown stones at the house several times and told him that they are watching him. The proposed beneficiary reportedly continues to receive threats through social media, which allegedly come mainly from journalists from one of the pro-government channels.

26. Finally, the applicants indicated that the proposed beneficiary does not have any protection detail. The events he has faced in police custody were classified by the applicants as torture.

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

27. The mechanism of precautionary measures is part of the Commission’s function of overseeing Member States 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 on Human Rights, as well as in Article 18 (b) of the IACHR’s 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.

28. The Inter-American Commission and the Inter-American Court of Human Rights (“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 protect the exercise of human rights. 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 to safeguard the rights at risk until the request pending before the Inter-American System is resolved. Their 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 *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, in accordance with 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.

29. The Commission recalls that the alleged facts that motivate a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie*<sup>12</sup> standard. Similarly, the Commission recalls that, by its own mandate, it is not called upon to make a determination on the criminal liability of the persons involved in the matter at hand. Similarly, the analysis is carried out exclusively based on the requirements of Article 25 of the IACHR Rules of Procedure, which can be assessed without making determinations on the merits.

30. As a preliminary matter, the IACHR indicates that it is not within its powers, in this proceeding, to rule on the compatibility, in light of the Convention, of the judicial processes in which the proposed beneficiary is involved in Nicaragua. Given the substantive analysis that is required, the Commission recalls that such allegations can be assessed as part of an eventual petition or case. In this sense, on this occasion, the analysis is carried out exclusively regarding the requirements of Article 25 of the Rules of Procedure.

31. As regards the seriousness requirement, the Commission considers that the alleged facts are framed in a particular context that Nicaragua is going through. As reported by its MENEI, the Commission has identified that over the years there has been increasing harassment towards any person perceived or identified as an opponent of the current Nicaraguan government. In this regard, the Commission notes that the proposed beneficiary is identified as an “opponent” of the current Nicaraguan government, mainly following his publications on the social media platform *Tik Tok*. Through this platform, he makes complaints on events that occurred in the country, along with criticisms and satires (using “memes,” for example) against the Nicaraguan government, and provides support in favor of detainees identified as “political prisoners” (see *supra* paras. 10, 20 and 21). In this particular matter, the Commission notes that the proposed beneficiary has acquired special visibility and media exposure as a result of the criminal process in which he has been involved in the last year, and he is also known in Nicaragua as “Tik Toker” due to the great acceptance by his followers. (see *supra* para. 15).

32. The Commission takes note of the information available, which indicates that, between 2019 and 2020, the proposed beneficiary has faced the following specific events: i) the use of violence as part of his detentions in August 2019, July 2020 and December 2020. For instance, by December 2020, the available information indicates that he was beaten, injured in his neck and had a tooth dislodged as a result of actions of the police; ii) in the case of the detention in December 2020, the family considered that the proposed beneficiary was missing, as his whereabouts were unknown for approximately five

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<sup>12</sup> For instance, in relation to provisional measures, the Inter-American Court has considered that this standard requires a minimum of detail and information that allow for the *prima facie* assessment of an extremely serious and urgent situation. IACHR, Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

days until he was able to communicate with his family; iii) while he was detained at the police station, the police allegedly beat the proposed beneficiary and other officers were ordered to further beat him and threaten him; iv) the police interrogations were accompanied by death threats and threats regarding the possibility of being placed in a punishment cell, while the proposed beneficiary was transferred to a “clandestine center” where he was beaten; v) refusal to provide adequate medical care to the proposed beneficiary during his detentions; vi) the detention conditions in which the proposed beneficiary was placed were described as unhealthy and overcrowded; vii) there have been alleged assaults during his detentions, while on one occasion, there was reported that his head was pressed against the floor, he was beaten on his back, and forced to undress; viii) the threats continued upon he was released, with surveillance and intimidation by police officers at his house, even trying to surround his house with orange cones; ix) the threats purportedly include his relatives. For instance, on October 27, 2020, relatives of the proposed beneficiary were threatened by police officers: “We have already located you, stop screwing around, traitors (*vendepatria*), we already know where you live”; x) monitoring actions by members of the Council of Citizen Power, who are allegedly related to the government, with a view to obtaining information on the proposed beneficiary, labeling him as a “terrorist,” who reportedly also harass his family at home and have threatened to burn down their house; among other things.

33. Although the proposed beneficiary is currently at liberty, the Commission notes the seriousness of the various events that the proposed beneficiary faced while in State custody until just a few months ago (December 2020). In particular, the Commission notes that such acts have been classified as torture or cruel treatment and have been attributed to police officers. On one occasion, the applicants also indicated that the person who holds the position of Inspector General struck the proposed beneficiary and gave orders to further beat him. In this sense, it is identified that, upon being released, according to the available information, police officers have continued to carry out acts of intimidation and surveillance towards the proposed beneficiary, which have persisted to date.

34. In addition to the seriousness that the facts as a whole reflect by themselves, for the Commission it does not go unnoticed that the events reported, particularly those that occurred while the proposed beneficiary has been in State custody, have been accompanied by severe offenses and mocking about his sexual orientation. Moreover, the MESENI was informed on February 10, 2021 that in recent days the proposed beneficiary has received death threats explicitly referring to his sexual orientation. In the Commission’s opinion, such events place the proposed beneficiary in a situation of special vulnerability. As the Inter-American Court has indicated, in the case of LGBTI persons the violence they face refers to prejudices based on sexual orientation, gender identity or gender expression.<sup>13</sup> This type of violence may be driven by “the desire to punish those who are seen as defying gender norms.”<sup>14</sup> In this regard, the IACHR recalls that, in the *Case of Azul Rojas Marín et al. v. Peru*, the Inter-American Court stressed the following:

“93. Violence against LGBTI persons has a symbolic end, the victim is chosen for the purpose of communicating a message of exclusion or subordination. On this issue, the Court has indicated that violence exercised for discriminatory reasons has the effect or purpose of preventing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms of the person subjected to that discrimination, regardless of whether that person identifies themselves or not with a specific category. This violence, fueled by hate speech, can lead to hate crimes.”<sup>15</sup>

<sup>13</sup> I/A Court H.R. Case of Azul Rojas Marín and another v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 12, 2020. Series C No. 402, para. 92

<sup>14</sup> *Ibidem*

<sup>15</sup> I/A Court H.R. Case of Azul Rojas Marín and another v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 12, 2020. Series C No. 402, para. 93

35. It is also relevant to note that the most serious events, such as those related to beatings and acts of violence, have occurred after the proposed beneficiary has posted videos on *Tik Tok*. In this sense, the Commission deems that there is a link between his posts on the aforementioned social media platform and the events of risk that he has been facing, given that as long as he carries out his reporting activities through that platform, events of risk will continue to take place and persist over time. A proof of this is, for instance, that the acts of violence have occurred in the detentions to which the proposed beneficiary has been purportedly subjected between 2019 and 2020.

36. Such specific events have been accompanied by messages on social media, through which threats are made, such as mentioning that they will burn his house, that he better take care because “they are going to catch him” and that “he will pay for having said things against the government.” These messages represent a smear campaign against him that seeks to discredit him in a context that is particularly hostile towards the activities he promotes in the country. In this vein, it is noted that such messages permeate Nicaraguan society and leave the proposed beneficiary particularly exposed, which predisposes him to attacks from individuals who might seek to cause him harm.

37. The Commission regrets the lack of response from the State of Nicaragua to the request for information made on January 27, 2021. Although the lack of response from the State does not imply *per se* the granting of the precautionary measures, it does prevent the Commission from obtaining information from its part about the situation of the proposed beneficiary, hence it is not possible to disprove the allegations of the applicants or identify information on measures effectively taken by the authorities to mitigate the alleged risk. On another note, although it is not for the Commission to determine the perpetrators of the events of risk, or if these are attributable to state actors of Nicaragua, at the time of assessing this request the IACHR does take into account the seriousness of the possible participation of State actors, according to the allegations furnished, as this would place the proposed beneficiary in a situation of greater vulnerability. Similarly, the Commission is particularly concerned about the allegations that purportedly classify the acts suffered by the proposed beneficiary, while under State custody, as torture or cruel treatment.

38. In view of the circumstances, the Commission considers that from the applicable *prima facie* standard, and in the context that the State of Nicaragua is going through, it is sufficiently accredited that the rights to life and personal integrity of Kevin Adrián Monzón Mora are at serious risk. Taking into account the elements of risk exposed, the Commission considers that this situation also extends to his nuclear family identified in the file, whose members purportedly share the sources of risk, both because of their filial relationship with the proposed beneficiary and for the events they have faced along with him, particularly in their own residence, as well as those acts directly targeting them, in Nicaragua.

39. With regard to the urgency requirement, the Commission considers that it is met, given that the facts described suggest an ongoing risk which is likely to continue and be exacerbated over time, so that in the face of the risk imminently coming to fruition it is necessary to take immediate measures to safeguard their rights to life and personal integrity. At the time of making such assessments, the Commission notes that the proposed beneficiary does not have any type of protection measures in place despite the seriousness of the events reported in this proceeding.

40. 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, due to their own nature, constitutes the maximum situation of irreparability.

#### **IV. BENEFICIARIES**

41. The Commission declares that the beneficiaries are Mr. Kevin Adrián Monzón Mora and his



nuclear family composed of Adrián Benjamín Monzón Jarquín (father), María Isabel Mora Ramírez (mother), and Belky Elizabeth Monzón Mora, Hazel Margarita Monzón Mora, Nayeli de los Ángeles Monzón Mora (sisters). All these persons are duly identified in this procedure.

## V. DECISION

42. The Commission 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:

- a) adopt the necessary measures to protect Kevin Adrián Monzón Mora's and his nuclear family's rights to life and personal integrity. In particular, the State must ensure that the beneficiaries' rights are respected in accordance with the standards established by international human rights law, both by state actors and in relation to acts of risk attributable to third parties. The foregoing includes the adoption of measures so that they can exercise their freedom of expression freely without being subjected to threats, intimidation, harassment or aggression;
- b) consult and agree upon the measures to be adopted with the beneficiary and their representatives; and
- c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

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

44. The Commission emphasizes 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 prejudgment regarding the possible violation of the rights protected in the American Convention on Human Rights and other applicable instruments.

45. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Nicaragua and the representatives.

46. Approved on February 22, 2021 by: Joel Hernández, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay, Esmeralda Arosemena de Troitiño, Edgar Stuardo Ralón Orellana and Julissa Mantilla Falcón, members of the IACHR.

María Claudia Pulido  
Acting Executive Secretary