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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 47/2021**

Precautionary Measure No. 366-21  
**Kalua Salazar and her family regarding Nicaragua**  
June 10, 2021  
Original: Spanish

**I. INTRODUCTION**

1. On April 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 International Institute on Race, Equality and Human Rights (“the applicants”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of Ms. Kalua Salazar (“the proposed beneficiary” or “Ms. Salazar”) and her nuclear family.<sup>1</sup> According to the request, the proposed beneficiary is at risk because she is being the victim of threats, harassment, and surveillance by state authorities and private individuals given her work as a journalist.

2. On May 10, 2021, the IACHR requested information from the State and the applicants, pursuant to Article 25(5) of its Rules of Procedure. The State submitted the required information on May 13 and the requesting party did so on May 14.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows, *prima facie*, that Ms. Salazar is in a serious and urgent situation, since her rights to life and personal integrity are at risk of irreparable harm. Consequently, the IACHR requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Kalua Salazar and her nuclear family. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law; b) adopt the necessary measures so that Kalua Salazar can carry out her activities as an independent journalist without being subjected to acts of violence, intimidation, and harassment in the performance of her work. The latter should include measures that will allow her to properly exercise her right to freedom of expression; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**II. BACKGROUND INFORMATION**

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected several testimonies on human rights violations committed in the framework of the protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.<sup>2</sup> In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.<sup>3</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI) for

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<sup>1</sup> K.R.M.S., K.A.R.S., W.F.R.S., W.C.S., C.R.S., F.A.R.

<sup>2</sup> IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OEA/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

<sup>3</sup> IACHR. [Press Release No. 135/18](#). IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. [Press Release No. 274/18](#). Press Release about Nicaragua. December 19, 2018. See also: IACHR. [Press Release No.](#)

Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.<sup>4</sup> In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.<sup>5</sup>

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.<sup>6</sup> In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.<sup>7</sup> On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.<sup>8</sup> In the same regard, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”<sup>9</sup>

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,<sup>10</sup> noting that the serious human rights crisis in the country extended during 2019, due to the *de facto* installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government, the search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power on other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has resulted in the perpetuation of the human rights crisis in the country, as well as the generation of a context of structural impunity regarding the serious human rights violations that have taken place.<sup>11</sup>

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.<sup>12</sup> Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urgently called on the State to implement them.<sup>13</sup> In October 2020, the IACHR again called upon the State to immediately cease persecution of people who have been identified as dissidents and reestablish the democratic guarantees in Nicaragua.<sup>14</sup> Similarly, the IACHR and its Special

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[113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

<sup>4</sup> Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua. [Report on the violent events that took place in Nicaragua between April 18th and May 30th](#) [in Spanish], December 2018.

<sup>5</sup> IACHR. [Annual Report 2018. Chapter IV.B Nicaragua](#).

<sup>6</sup> See in this regard: IACHR. [Press Release No. 6/19](#). IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua. January 10, 2019; IACHR. [Press Release No. 26/19](#). IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua. February 6, 2019; IACHR. [Press Release No. 90/19](#). IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks. April 5, 2019.

<sup>7</sup> IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

<sup>8</sup> IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>9</sup> IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

<sup>10</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020. [In Spanish.]

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

<sup>12</sup> IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020.

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

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

Rapporteurship for Freedom of Expression (SRFoE) expressed concern over the escalation of repression in Nicaragua marked by the submission to the National Assembly of two bills that seriously threaten the exercise of freedom of expression, the imposition of tax penalties against media outlets, and judicial harassment against journalists.<sup>15</sup> Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2020.<sup>16</sup>

8. In 2021, the IACHR Special Rapporteurship for Freedom of Expression and the Office of the United Nations High Commissioner for Human Rights (OHCHR) underscored that the international community has been registering, since April 2018, a climate of hostility towards the exercise of freedom of expression in the country, marked by the criminalization of protest, arbitrary detentions, the confiscation and closure of independent media outlets, and the persecution and harassment of independent journalists, human rights defenders and opponents, and their exile.<sup>17</sup> According to the organizations, 2020 and the beginning of 2021 were marked by numerous attacks against journalists and independent media outlets, which have included recurrent stigmatizing speeches by high authorities, numerous criminal cases against journalists, and harassment of journalists and media outlets, raids, threats, physical attacks, among others.<sup>18</sup> More recently, between May and June 2021, the Commission has publicly identified ongoing and more intense attacks on the press and defenders of freedom of expression, as part of the persecution of political opponents.<sup>19</sup>

### III. SUMMARY OF FACTS AND ARGUMENTS

#### A. Information provided by the applicants

9. The proposed beneficiary<sup>20</sup> lives in the city of Bluefields, capital of the Autonomous Region of the South Caribbean Coast of Nicaragua. Since 2013, she works for the independent media outlet La Costeñísima. In March 2019, the proposed beneficiary began to work as press director and host of the news program “Tras la Noticia,” which has given her greater exposure in the media outlet. According to the applicants, since then, acts of reprisal, threats and harassment began against her and have increased to date. It is stated, by way of example, that Ms. Salazar carries out her work amid power cuts, harassment, police intimidation, and death threats because of her critical journalism that includes complaints of corruption and human rights violations in the country,<sup>21</sup> currently in the framework of the COVID-19 pandemic response.

10. During 2019, Ms. Salazar was followed several times by unidentified pickup trucks. On one occasion, one of them even tried to run over her and her companion while they were covering a news story. Furthermore, National Police officers began to besiege her house at least once a week.

11. In addition, unidentified people made calls to the media outlet, even when she was broadcasting live reports. For instance, on May 18, 2019, when the radio reported about a thematic hearing before the IACHR, Mr. Carlos Viales, who works for the officialism’s radio station Bluefields Stereo, called the media outlet to

<sup>15</sup> IACHR. [Press Release No. R246/20](#). The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua. October 7, 2020.

<sup>16</sup> IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021. [In Spanish.]

<sup>17</sup> IACHR. [Press Release No. R47/21](#). Joint statement by the OHCHR for Central America and the IACHR’s SRFOE on Journalist’s Day in Nicaragua. March 2, 2021.

<sup>18</sup> IACHR. [Press Release No. R47/21](#). Joint statement by the OHCHR for Central America and the IACHR’s SRFOE on Journalist’s Day in Nicaragua. March 2, 2021.

<sup>19</sup> IACHR. [Public statement on Twitter](#). June 2, 2021.

<sup>20</sup> On May 3, 2021, PEN International launched a campaign to commemorate the International Press Freedom Day, which exposed the situation of four journalists –among them the case of Kalua Salazar– from different parts of the world who face a situation placing them at risk and censorship for exercising independent journalism. See in this regard: PEN International. [World Press Freedom Day 2021](#), May 3, 2021.

<sup>21</sup> LatAm Journalism Review. [‘La Costeñísima will continue to stand’: Nicaraguan radio journalists persist in the face of threats, intimidation and lawsuits](#), October 1, 2020.

point out that “they were being besieged by the police because of telling lies and inciting the masses,” and that “the people who supported them would suffer the same fate.” Also in the same year, suspicious people came to the radio station very early in the morning, at approximately 5:00 a.m., armed with machetes and sticks, asking for Ms. Salazar to interview them. According to the proposed beneficiary, these people wanted her to leave the radio station and open the front gate in order to take her out of her safety space in the premises.

12. In mid-2019, Ms. Salazar was studying Business Administration and Marketing at night at the University of the Autonomous Regions of the Nicaraguan Caribbean Coast. One night, at the beginning of May 2019, when the proposed beneficiary was heading towards the university, she got into an unknown taxi and the driver began to threaten her by telling her that “he was imprisoned for homicide but was pardoned and, for that reason, he would not allow anyone to speak ill of the government.” The taxi driver told her that he knew where she lived and what she and her family did during the day.

13. In July 2019, the cell phone used by the proposed beneficiary for work was strangely blocked. When that happened, she reported the incident to the commission of Independent Journalists and Communicators of Nicaragua, who told her that her phone might be tapped. In this regard, Ms. Salazar stressed that she uses the phone to conduct reports, store images, audios, and other information, and access different social media to update the news.

14. During 2020, the proposed beneficiary reported on the situation caused by the COVID-19 pandemic on the Caribbean Coast of Nicaragua. Given the Government’s stance, the authorities began to point out to the journalists that “they were instilling fear in the population.”<sup>22</sup> In this sense, in May 2020, after La Costeñísima conducted an interview with the mayor of La Cruz de Río Grande municipality, there was an increase in persecution against the radio station<sup>23</sup> and the proposed beneficiary. According to the request, each of the reports that Ms. Salazar published was a cause of siege in her home and persecution.<sup>24</sup>

15. Thus, on August 10, 2020, the proposed beneficiary was criminally accused by three employees of the Mayor’s Office of El Rama of the crime of insult and slander.<sup>25</sup> The accusation was lodged due to the investigative work published by Ms. Salazar on August 4, 2019, entitled “Corruption in the Mayor’s Office of the El Rama municipality has been uncovered.”

16. On August 11, the proposed beneficiary received a summons to appear before Bluefields’ courts for that complaint. Before being notified by the authorities, Ms. Salazar reported that she was the victim of mockery and accusations by Erwin Espinoza, a journalist from the officialism’s media outlet Bluefields Stereo, who already had information about the accusation.<sup>26</sup> The notice was even shared on social media before the proposed beneficiary had received it.

17. On August 19, 2020, the initial hearing was held, during which the Local Criminal Court of Bluefields admitted the indictment brought by the Prosecutor’s Office against Ms. Salazar. According to the applicants,

<sup>22</sup> Notimérica. [Coronavirus. -The vice president of Nicaragua calls journalists “diabólica” for the information about the coronavirus](#), May 14, 2020. [In Spanish.]

<sup>23</sup> The requesting organization indicated that, as a result of that note, the director of the newscast, Sergio León, was sued in May 2020 for insult and slander. See in this regard: IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), para. 74; *Confidencial. Complaint against journalist Sergio León: “New campaign of pressure against him”*. May 29, 2020.

<sup>24</sup> See in this regard: IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), para. 55.

<sup>25</sup> Committee for the Protection of Journalists. [Nicaraguan journalist Kalúa Salazar faces a judicial process for the crime of slander for denouncing acts of corruption](#), August 17, 2020; IP Nicaragua. [Employees of the Mayor’s Office of El Rama attack journalist Kalúa Salazar](#), August 12, 2020; Mesoamerican Initiative of Women Human Rights Defenders. [\[Warning NI Defenders\] People linked to the government denounce an independent journalist for slander](#), August 17, 2020.

<sup>26</sup> 100% Noticias. [More threats: Sandinistas want to close Radio La Costeñísima denounces Kalúa Salazar](#), August 13, 2020.

the siege at La Costeñísima facilities increased days before the hearing.<sup>27</sup> In addition, during the hearing, the court's facilities were surrounded by police officers as a form of intimidation towards the people who came to the place to express their support for the journalist.<sup>28</sup> In the same vein, the houses of journalists linked to La Costeñísima were besieged.<sup>29</sup>

18. On September 23, 2020, the oral public trial was held, during which the Court declared the proposed beneficiary guilty of slander and insult, and imposed a penalty of 120 days of fine, equivalent to 7,684.58 *córdobas* (approximately 230 USD).<sup>30</sup> The ruling was appealed. On March 9, 2021, the appeal hearing was held, while the final judgment is still pending.<sup>31</sup>

19. According to the applicants, since the proposed beneficiary was criminally accused, there has been daily siege in her house, which has affected both her and her relatives, especially her three daughters and her mother, who is in charge to take care of them. According to Ms. Salazar, "the siege is accompanied by violence to the extent of offending, carrying out weapons and putting the barrel of one of the weapons inside the gates of my house while my daughter was in the corridor, my daughter is two years old, that is totally unfair and a violation of the rights of a minor like my daughter and towards me."<sup>32</sup> These events even occur when the proposed beneficiary is not at home. For Ms. Salazar, the harassment and siege are intended to persuade her to stop carrying out her work as a journalist.

20. In this sense, on April 19, 2021, the proposed beneficiary tried to leave her home to commute to the media outlet, but police officers forcibly prevented her and even beat her in front of her family members. Later, the police officers shoved the proposed beneficiary into her house.<sup>33</sup> That incident gave one of her daughters a "panic attack." The applicants indicated that Ms. Salazar is afraid of suffering an attack on her integrity and life, or even of being arbitrarily detained by state authorities. That fear has meant that, from April 19 to 23, she did not leave her house.

21. On April 29, the proposed beneficiary showed up at 8:00 a.m. at the home of journalist Ileana Lacayo in the city of Bluefields to accompany the family upon the death of Ms. Lacayo. In the entry area to the house there was a civilian who took videos and photographs of those attending the funeral. Upon noticing that he was being filmed, the individual hid repeatedly behind a column in the entrance area of the house. There were also police on the site.<sup>34</sup> Ms. Salazar remained in the house until 2:00 a.m. of April 30.

22. On April 30, police officers came to guard the proposed beneficiary's house, as well as the house of editorialist Carlos Edy Monterrey,<sup>35</sup> also from La Costeñísima radio station. In the case of Ms. Salazar, two police officers stood in front of her home for approximately four hours. That day, the proposed beneficiary was not at home because she attended the funeral. According to the applicants, Ms. Salazar has observed that during the last weeks police officers have been monitoring, from a white van, the block where her house is located.

<sup>27</sup> Onda Local. [PCIN denounces the siege on the eve of the initial hearing against Kalua Salazar, press officer of Radio La Costeñísima](#), August 19, 2020.

<sup>28</sup> Article 66. [Hearing against journalist Kalúa Salazar begins under police siege](#), August 19, 2020.

<sup>29</sup> Article 66. [Hearing against journalist Kalúa Salazar begins under police siege](#), August 19, 2020.

<sup>30</sup> IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), para. 70; República 18. [Bluefields judge imposes a 120-day fine against journalist Kalúa Salazar](#), September 29, 2020.

<sup>31</sup> Article 66. [Journalist Kalúa Salazar will face an appeal hearing for "insults" against three Ortega members](#), January 22, 2021.

<sup>32</sup> República 18. [Kalúa Salazar: "Among the daily functions of riot police and police is coming to besiege my house"](#), April 9, 2021.

<sup>33</sup> Confidencial. [Police beat journalist Kalúa Salazar and imposes house for jail](#), April 19, 2021; Mesoamerican Initiative of Women Human Rights Defenders. [\[Urgent Alert\] Nicaragua / National Police attempt on the life of journalist Kalua Salazar and prevent her from leaving her home, which she keeps under siege](#), April 19, 2021; IACHR. [Statement on Twitter](#), April 19, 2021.

<sup>34</sup> Article 66. [They say goodbye to journalist Ileana Lacayo amid police harassment](#), April 30, 2021.

<sup>35</sup> See in this regard: IACHR. [Resolution 11/2020](#). Precautionary Measure No. 339-19. Carlos Edy Monterrey regarding Nicaragua. Extension. February 5, 2020. [In Spanish.]

23. Then, on May 4, the day the National Assembly elected the community member Leonzo Knight Julian, of Ulwua origin, as incumbent magistrate of the Supreme Electoral Council, the proposed beneficiary interviewed him. The interview was broadcast on La Costeñísima radio station and was published in a journalistic note of the newspaper La Prensa which appears signed by Ms. Salazar and another journalist.<sup>36</sup> When the note was published, the proposed beneficiary received, on her Twitter account and through Facebook, several messages with a mocking tone, from people related to the government. The applicants state that this situation shows the polarization and repression that exists in the country, hindering the exercise of independent, critical journalism.

24. About a week later, on May 10, after having conducted an interview in the neighborhood Barrio 19 de Julio, at approximately 3:00 p.m., the proposed beneficiary was insulted by a young man between 15 and 18 years old, who claims to be a member of the radio station Bluefields Stereo and shouted at her: “the harassed,” “the *puchito*,”<sup>37</sup> and a “sell-out to the right.”

25. The request indicates that the proposed beneficiary has not lodged any complaints because she distrusts the State judicial institutions. She does not have any protection detail in her favor.

#### **B. Information provided by the State**

26. The State reported that it guarantees and protects every person’s human rights, without distinction of birth, nationality, political creed, race, sex, language, religion, opinion, origin, economic position, or social condition, in compliance with its domestic legal system and the ratified international instruments on human rights. The report does not contain any other allegations or arguments.

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

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

28. 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.<sup>38</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>39</sup> To this end, it is necessary to assess the problem raised, the effectiveness of state actions in addressing the situation

<sup>36</sup> La Prensa. [Electoral magistrate proposed by a conservative deputy identifies himself as nominated by the party of the regime](#), May 4, 2021.

<sup>37</sup> According to the requesting organization, it is a derogatory term frequently used by high state authorities to refer to members of the Nicaraguan opposition, suggesting that they are “insignificant, unimportant, reduced in number.”

<sup>38</sup> See in this regard: I/A Court H.R. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). 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.

<sup>39</sup> See in this regard: I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital 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.

described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if measures are not taken.<sup>40</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under the review of the IACHR. Their precautionary nature aims to safeguard 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.<sup>41</sup> For the purpose of reaching a decision, and 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. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard to determine whether a serious and urgent situation exists.<sup>42</sup> The Commission also recalls that, by its own mandate, it is not called upon to determine criminal liabilities for the events denounced.<sup>43</sup> Moreover, it is not called upon, in this proceeding, to find any violations of rights enshrined in the American Convention or other applicable instruments.<sup>44</sup> The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>45</sup>

<sup>40</sup> 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; I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital 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.

<sup>41</sup> See in this regard: I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital 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.

<sup>42</sup> See in this regard: I/A Court H.R. [Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

<sup>43</sup> [Resolution 5/2014](#). Precautionary Measure No. 374-13. Gustavo Francisco Petro Urrego regarding Colombia. March 18, 2014, para. 13; IACHR. [Resolution 41/2021](#). Precautionary Measure No. 382-21. Ovidio Jesús Poggioli Pérez regarding the Bolivarian Republic of Venezuela. May 13, 2021, para. 14.

<sup>44</sup> IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>45</sup> In this regard, the Court has indicated that it “cannot, in a provisional measure, consider the merits of any pertinent argument other than those that are strictly related to the extreme seriousness, urgency and need to avoid irreparable harm 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.

30. In addition to this, in the matter at hand, the Commission observes that the alleged risk faced by the proposed beneficiary is framed in the current context of Nicaragua,<sup>46</sup> as well as in a repressive context towards the independent journalistic activity in the country.<sup>47</sup> In this framework, the Commission recalls that it has granted precautionary measures to journalists who have been subjected to threats, intimidation, and acts of violence allegedly attributable to State actors or third parties related to the Government, purportedly with the objective of changing their editorial line or stopping them from reporting on the events that are taking place in the country.<sup>48</sup> The Commission especially stresses that it has already granted precautionary measures to other persons who work in the independent media outlet La Costeñísima.<sup>49</sup>

31. Moreover, the Commission notes that the proposed beneficiary, as a woman journalist, faces an accentuated risk due to gender stereotypes, historical discrimination, and prejudices related to how women should dress, act, or the roles they should play in society.<sup>50</sup> Thus, the Commission has observed that the impact of these discriminatory practices is particularly serious in the case of women who actively exercise their freedom of expression and keep a high public profile, such as women journalists, women human rights defenders, and women politicians. These groups of women are doubly attacked for exercising freedom of expression and for their gender. In addition to the risks of threats and violence faced by all journalists in the region, women belonging to these groups are exposed to additional or specific risks. By challenging sexist stereotypes that disapprove their participation in public life, they are faced with violence and discrimination against women based on their gender, as well as differentiated forms of violence by state and non-state actors. In turn, they face lack of protection and obstacles in accessing justice that are also different from those faced by their male counterparts.<sup>51</sup>

32. Taking Nicaragua's current context into account, the Commission will proceed to analyze the procedural requirements with regard to Ms. Salazar.

<sup>46</sup> See in this regard: IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua's Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020; IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>47</sup> See in this regard: IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), paras. 54-77; IACHR. [Press Release No. R47/21](#). Joint statement by the OHCHR for Central America and the IACHR's SRFOE on Journalist's Day in Nicaragua. March 2, 2021; IACHR. [Press Release No. R246/20](#). The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua. October 7, 2020; IACHR. [Press Release No. R212/19](#). Nicaragua: Must stop reprisals against journalists, say human rights experts. August 26, 2019.

<sup>48</sup> See in this regard: IACHR. [Resolution 31/2021](#). Precautionary Measure No. 1606-18. Javier Iván Olivares regarding Nicaragua. (Extension), April 5, 2021; IACHR. [Resolution 3/2021](#). Mariano Valle Peters regarding Nicaragua, January 8, 2021; IACHR. [Resolution 27/2020](#). Precautionary Measure No. 399/20. Eduardo Walter Montenegro Chavarría *et al.* regarding Nicaragua (Identified members of the NOTIMATV journalistic team), June 17, 2020; IACHR. [Resolution 11/2020](#). Precautionary Measure No. 399-19. Carlos Edy Monterrey regarding Nicaragua. (Extension), February 5, 2020; IACHR. [Resolution 10/2020](#). Precautionary Measure No. 1606-18. María Waleska Almdares Cruz *et al.* regarding Nicaragua. (Extension), February 5, 2020; IACHR. [Resolution 32/2019](#). Precautionary Measure No. 399-19. Sergio Warren León Korea and his family members regarding Nicaragua (General Director of "La Costeñísima" in the Autonomous Region of the South Caribbean), June 15, 2019; IACHR. [Resolution 5/2019](#). Precautionary Measure No. 873-18. Lucía Pineda Ubau and her nuclear family regarding Nicaragua (Extension), February 11, 2019; IACHR. [Resolution 96/2018](#). Precautionary Measure No. 698-18. Álvaro Lucio Montalván and his nuclear family regarding Nicaragua, December 29, 2018; IACHR. [Resolution 90/2018](#). Precautionary Measure No. 873-18. Miguel Mora Barberena, Leticia Gaitán Hernández and their families regarding Nicaragua (Journalists of 100% Noticias), December 13, 2018.

<sup>49</sup> See in this regard: IACHR. [Resolution 11/2020](#). Precautionary Measure No. 339-19. Carlos Edy Monterrey regarding Nicaragua. Extension, February 5, 2020; IACHR. [Resolution 32/2019](#). Precautionary Measure No. 399-19. Sergio Warren León Korea and his family members regarding Nicaragua (General Director of "La Costeñísima" in the Autonomous Region of the South Caribbean), June 15, 2019.

<sup>50</sup> IACHR. [Women Journalists and Freedom of Expression. Discrimination and gender-based violence against women journalists for the exercise of their profession](#). CIDH/RELE/INF.20/18, October 31, 2018, paras. 2, 6, 28-50; IACHR. [Toward a Comprehensive Policy to Protect Human Rights Defenders](#). OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, paras.43 and 146; IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II. Doc. 66. December 31, 2011, para.283.

<sup>51</sup> IACHR. [Women Journalists and Freedom of Expression. Discrimination and gender-based violence against women journalists for the exercise of their profession](#). CIDH/RELE/INF.20/18. October 31, 2018, paras. 3, 6, 28-50.

33. As for the requirement of seriousness, the Commission considers that it has been met. When assessing this requirement, the Commission identifies that the situation placing the proposed beneficiary at risk is directly related to her work as a journalist. Indeed, the Commission notes that Ms. Salazar has been intimidated, threatened, harassed, and constantly monitored since she began to work as press officer at La Costeñísima. In addition to the seriousness of these events, the Commission has identified that such risk events have become more intense over time. Thus, during 2021, she has suffered daily police sieging of her home. On March 31, 2021, the IACHR and its Rapporteurship on Freedom of Expression witnessed the police surveillance of Ms. Salazar during a remote meeting with organizations promoting freedom of expression.<sup>52</sup> Later, on April 19, police officers prevented the proposed beneficiary from leaving her home, subsequently beating her, and pushing her in front of her daughters.

34. For the Commission, these acts are framed in a particularly hostile and stigmatizing context against Ms. Salazar, as shown by the wording of the messages published on social media, as well as the participation in these incidents by other media related to the Government in office. The aforementioned risk events show that the proposed beneficiary has severe limitations in her ability to freely carry out her activities as a journalist in Nicaragua. The events to which she has been exposed also indicate that there is a certain animosity of state actors towards her. They reportedly also aim to keep her under strict surveillance and control over time. The Commission particularly takes into account that many of these acts of harassment, intimidation, and surveillance have occurred in the presence of the proposed beneficiary's family members, as well as the alleged psychological impacts that these events have had on them.

35. In light of the situation previously analyzed, the Commission takes note of the information provided by the State regarding the protection and guarantee of all persons' human rights. However, the information submitted by the State does not mention the specific situation of the proposed beneficiary, so that it is not possible to analyze whether the requesting party's allegation regarding the existence of a serious risk against her has been disproved.

36. In view of the foregoing, the Commission concludes that the information provided, assessed in the context previously indicated, is sufficient to consider from a *prima facie* standard that Ms. Salazar's rights to life and personal integrity are at serious risk. The Commission emphasizes its concern given that the situation described is allegedly intended to intimidate and thereby silence the proposed beneficiary, affecting the exercise of her right to freedom of expression, which would in turn create a chilling effect in others who wish to express their views freely in the current context of the country.

37. With regard to the requirement of urgency, the Commission considers that it has been met, given that the facts described suggest that the risk is likely to continue and exacerbate over time as it is reportedly connected with the proposed beneficiary's journalistic work. Therefore, in view of the risk that may imminently materialize and the lack of protection details implemented, it is necessary to immediately adopt measures to safeguard her rights to life and personal integrity, as well as guarantees for the exercise of her right to freedom of expression. At the time of carrying out such assessments, the Commission notes that the threatening situations that Ms. Salazar has been facing have increased since March 2019 to date, and it has no elements of assessment to conclude that the risk factors identified over time have been duly mitigated. In this same regard, as indicated above, the Commission lacks sufficient and specific information from the State to identify the actions taken to address the alleged risk.

38. Regarding the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

<sup>52</sup> IACHR. [Public statement on Twitter](#). March 31, 2021.

## V. BENEFICIARIES

39. The Commission declares Ms. Salazar and her nuclear family, integrated by K.R.M.S., K.A.R.S., W.F.R.S., W.C.S., C.R.S., and F.A.R., as beneficiaries, who are duly identified in this proceeding.

## VI. DECISION

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Kalua Salazar and her nuclear family. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law;
- b) b) adopt the necessary measures so that Kalua Salazar can carry out her activities as an independent journalist without being subjected to acts of violence, intimidation, and harassment in the performance of her work. The latter should include measures that will allow her to properly exercise her right to freedom of expression;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) 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.

41. The Commission requests as well that the State of Nicaragua report, within 15 days as from the day after this resolution, on the adoption of the precautionary measures required and to update that information periodically.

42. 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 applicable instruments.

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

44. Approved on June 10, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary