
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 52/2021**

Precautionary Measure No. 311-21 and 462-21

**Willih Francisco Narváez González and Alberto José Miranda Herrera regarding
Nicaragua**
July 11, 2021
Original: Spanish

I. INTRODUCTION

1. On April 9 and May 24, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received two requests for precautionary measures filed by the Human Rights Collective “Nicaragua Nunca Más” (“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 Mr. Willih Francisco Narváez González and Mr. Alberto José Miranda Herrera (“the proposed beneficiaries”). According to the applicants, the proposed beneficiaries are at risk given that they are being victims of threats, harassment, and surveillance by state authorities and private individuals because of their work as journalists.

2. Regarding the situation of Mr. Narváez González, the IACHR requested information from the State on April 23, 2021, pursuant to Article 25(5) of its Rules of Procedure. It reiterated the request on May 27, without obtaining a response to date. The applicants most recently submitted additional information on May 5, 2021. With regard to the situation of Mr. Miranda Herrera, the Commission requested information from the State and the applicants on June 11, 2021. The State provided the required information on June 14, while the applicants sent information on June 16.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information provided shows, *prima facie*, that Mr. Narváez González and Mr. Miranda Herrera in a serious and urgent situation, given that their 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 Willih Francisco Narváez González and Alberto José Miranda Herrera. 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 Willih Francisco Narváez González and Alberto José Miranda Herrera can carry out their activities as independent journalists, without being subjected to violence, intimidation, harassment, and/or other acts of violence in the exercise of their work. The above includes the adoption of measures so that they can properly exercise their 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.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring

¹ 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.

Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.³ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁴

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.⁵ 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.⁶ 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.⁷ In the same regard, on 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.”⁸

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,⁹ 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 in the generation of a context of structural impunity regarding the serious human rights violations that have taken place.¹⁰

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.¹¹ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urgently called on the State to implement them.¹² In October 2020,

² 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. 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.

³ Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua. [Report on the violent events that took place in Nicaragua between April 18th and May 30th](#), December 2018 [only in Spanish].

⁴ IACHR. [Annual Report 2018. Chapter IV.B Nicaragua](#).

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020.

¹⁰ IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

¹¹ 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.

¹² 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.

the IACHR again called upon the State to immediately cease persecution of people who have been identified as dissidents and to reestablish the democratic guarantees in Nicaragua.¹³ Similarly, the IACHR and its Special 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.¹⁴ Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2020.¹⁵

8. In 2021, the IACHR Special Rapporteurship for Freedom of Expression (SRFoE) 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 seizure and closure of independent media outlets, and the persecution and harassment of independent journalists, human rights defenders and opponents, and their exile.¹⁶ According to the OHCHR and the IACHR, the year 2020 and the beginning of 2021 were marked by numerous attacks against journalists and independent media outlets, which have included repeated stigmatizing speeches by high authorities, numerous criminal cases against journalists, harassment against journalists and media outlets, raids, threats, physical attacks, among others.¹⁷ More recently, between May and June 2021, the Commission has publicly identified the ongoing and increasing attacks on the press and defenders of freedom of expression in the context of the persecution against political opponents.¹⁸

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

1. PM-311-21 (Willih Francisco Narváez González)

9. The proposed beneficiary Willih Francisco Narváez González is a journalist who has worked in “Canal 10.”¹⁹ Since the beginning of the protests in April 2018, for which he allegedly gave journalistic coverage, he began to receive threats through social media and be the target of “police harassment.” By way of example, he indicated that on June 16, 2018, he was providing journalistic coverage of a situation where state and parastate actors set fire to a building with a family inside. This event resulted in the death of four adults and two children, and the proposed beneficiary was present when police officers “fired several shots into the air” to intimidate those who were there. In November 2019, when he was interviewing a representative (*diputado*) and questioning him about the “humiliation and torture” against the family of an opponent of the Government, he was purportedly called a “manipulator” and a “liar.” According to the applicants, the work of Mr. Narváez González has resulted in greater public visibility for him, also among police officers.

10. On January 23, 2020, the proposed beneficiary was attacked by police officers while covering a “*piquete exprés*” (“express protest”) in Managua. He received blows to his head with a police shield, kicks, and shoves,

¹³ 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.

¹⁴ 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

¹⁵ IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021.

¹⁶ 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.

¹⁷ 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.

¹⁸ IACHR. [Statement on Twitter](#). June 2, 2021 [in Spanish]; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁹ In February 2021, the proposed beneficiary allegedly resigned from his post at “Canal 10.”

allegedly in front of the General Commissioner, the second chief of the police. Such events were recorded by the cameraman who accompanied Mr. Narváez González and were disseminated in the press. As a result, the proposed beneficiary has received threats supporting the attacks against him or even expressing the wish that “they would kill him the next time.” The aforementioned police attack was reported to the corresponding Internal Affairs Directorate, which has not acknowledged receipt of the complaint or, where appropriate, reported any progress in the investigation.

11. Between March and April 2020, Mr. Narváez González began to conduct live interviews with civil servants, questioning their work. Such interviews allegedly went viral on social media and led to the spreading of his photo with offenses and arrest threats. On May 31, 2020, after an interview with a state authority, people shouted at him in the street, mainly calling him a “coup plotter.” According to the request, this situation continued for a couple of months and started to decline, but in November 2020 people related to the Government and members of the structure of the “Council of Citizen Power” in the neighborhood of the proposed beneficiary stated harassment actions. In this context, a person purportedly harassed him by calling him a “liar” and threatening him with a machete. Hence, the proposed beneficiary had to take refuge in a house nearby. In January 2021, the same person reportedly harassed him again, telling him that he was “being watched.”

12. On February 24, 2021, a person related to the Government appeared at his home and threatened to kill both him and his family, while referring to his work as a journalist and “crossing his hand over his own neck as a sign that he was going to murder him.” Moreover, in the same month, a radio host from a media outlet that according to the applicants is linked to the Government, referred to Mr. Narváez González as a “coup plotter,” accusing him of being “just another foreign agent.” As a result, the proposed beneficiary received threats on social media. On February 28, at dawn, a person began shouting outside the house where the proposed beneficiary lives, mentioning his work as a journalist and throwing stones. The proposed beneficiary reported such events to the police, who allegedly “ignored it.” Therefore, he reported the situation on social media platforms and on media outlets. Consequently, he allegedly received, at least during March 2021, a new wave of threats, which included expressions such as “*Coup-plotter dog, we have a bullet for each of your family members. Expect a visit soon.*” They also told him he is being “watched” and that they would set fire to his home. Lastly, more recently, the applicants reported an ongoing situation of vulnerability, in the face of a climate of impunity and lack of protection measures implemented by the State.

13. The State of Nicaragua did not respond to the request for information made by the IACHR.

2. PM-462-21 (Alberto José Miranda Herrera)

14. Mr. Miranda Herrera is a journalist. He worked on the digital platform “Al Grano” and on “Trinchera de la Noticia,” and is currently working on “Literal, Periodismo Ciudadano.” He previously worked for the judiciary in the Central Judicial Complex, first as a janitor and then in the press area for a year and a half. However, in 2017, he was forced to resign because his bosses found out that he supports a political ideology contrary to that of the government and he realized that he was going to be fired for it.

15. The proposed beneficiary organized and participated in several protests in April 2018 while studying a bachelor’s degree in Social Communication at the Central American University (UCA). Thus, he participated, on April 10, in a sit-in held in Managua; on April 12, in a march promoted from different communication platforms; on April 18, in a sit-in held in the area of Camino de Oriente in Managua; on April 19, he demonstrated with a group of students at the traffic lights of the National University of Engineering (UNI); and, from April 20 to 22, he participated in protests in Masaya. According to the applicants, he had to take refuge in safe houses as a result of the harassment and threats by officers of the Citizen Power Council and other neighbors because of his participation in the protests.

16. In June 2018, prior to the arrival of the “Operation Cleaning” in Masaya, he received death threats through a Facebook profile that read: *“We already know where you are, you piece of shit, we’ll kill you, we know that your sister is living with you, we already know where you live, who you hang out with, you couldn’t, and you won’t.”* Following these events, he decided to take refuge in safe houses in Managua, until December 2018, when he again received death threats. For this reason, in February 2019, he announced to everyone he knew that he was going to Costa Rica with the aim of misleading. He received messages reading: *“Little Alberto, you ran away, but we are going to find you.”* He decided to go to another safe house where he continued carrying out activism and holding meetings with other persons who had participated in the demonstrations.

17. In June 2019, police officers showed up at that house. The proposed beneficiary was not present that day, but a friend of his, who had participated in the protests of the National Autonomous University of Nicaragua (UNAN), was there. The officers raided the house and took a television, a tablet, money, and a speaker. They also detained Mr. Miranda Herrera’s friend, who was released a week later “in the middle of a public road, where they left him lying, showing signs he had been tortured.”

18. At the end of August 2019, the proposed beneficiary gave journalistic coverage to a detention carried out by police officers to protesters in the Plaza Cuba in Managua. On that occasion, an officer pointed a shotgun at him and threatened him by saying: *“We are going to kill you, you son of a bitch.”* Then, during the first week of September, Mr. Miranda Herrera was again attacked while covering a “express protest” held in Managua. Thus, a police officer ordered a security guard from the company VIPSA to electrocute the proposed beneficiary with a taser.

19. Throughout 2020, the proposed beneficiary, who at that time was working for the media outlet “Trinchera de la Noticia,” suffered threats and body searches when he came to give journalistic coverage to press conferences held by the National Coalition and the National Blue and White Unit. During these searches, they asked for his identity card and took photos of him.

20. At the beginning of January 2021, while he was reporting on the prices of school supplies in the Masaya market, a “volunteer police officer” at the service of the Municipal Market Corporation of Managua (Commema), expelled him from the place and told him that he first had to ask for permission before carrying out journalistic reports. Subsequently, in March –the month in which Mr. Miranda Herrera joined the media outlet “Literal”– he carried out a census in the Roberto Huembes Market in Managua regarding the Lent celebration, when a woman told him that he could not record and that he had to request permission. She took him to the Commema office, where they made him sign a letter and warned him that he would have to send in advance the questions he wanted to ask, in order to decide whether or not they would give him permission. At the end of March 2021, at the time of undergoing a search prior to covering a press conference, a commissioner of the National Police told him and other journalists in a threatening tone, *“Take care guys.”*

21. Later, on April 15, Mr. Miranda Herrera covered a demonstration by an evangelical pastor who was asking the opposition in Nicaragua to join him. After the coverage, the proposed beneficiary went nearby the place of the protest, where he stayed for breakfast. At that moment, police officers recognized him, and two police motorcycles immediately challenged him, threatened to beat him to make him stand up, and asked him for his cell phone, as well as to open his backpack. Parastate actors also came to the scene and forced him to unlock his phone. The patrol of a senior police commissioner came to the place and one of his bodyguards told the proposed beneficiary:

... “What’s your problem? Now you don’t have the balls you had at the Holliday Inn (hotel where they search for him when he does journalistic coverage).” He told me, “Come on, jump...” “damn, it’s your job,” and he started beating me with his fingers, I have a bruise where he hit me with his arms, and he said to me, “Come on, son of a bitch,” and that’s when the commissioner got off and told me “What happened, *chele*? What are you doing here?” I told him I was doing my job. “That is your job, fuck,” and turned to see the riverbed and told me, “The fall is strong” (threatening to throw him into the riverbed) ... He called

me (the police escort), “Son of a bitch,” hit me and hardly slapped me across my face and told me, “Poor son of a bitch, if you complain to the media, I’ll see you at the Holliday and I’m going to blow you up (hit), I’m going to fuck you up.” He beat me again and hit me with his hand on my chest.

22. After that, Mr. Miranda Herrera was followed by parastate agents, who stole an adapter and 400 *córdobas* from him. He attended a press conference by the presidential candidate Cristiana Chamorro, but before entering, a person on a motorcycle photographed him. The following day, he covered a story on relatives of political prisoners and the same officer who attacked him threatened him again, saying: *“Be careful, you already know.”*

23. The request indicates that the proposed beneficiary denounced these events in different media outlets. Therefore, in the following weeks posters were shared on social media, which showed a photo of him and one of his mother’s. In those messages, they labeled him as a creator of fake news and hate spreader, and they made the address of his house “viral.”

24. Since May 25, the proposed beneficiary has been covering presidential candidates and journalists, including Cristiana Chamorro and others from the Violeta Barrios de Chamorro Foundation and the Nicaraguan Foundation for Development. According to the applicants, in all these coverage sessions, Mr. Miranda Herrera has been photographed and recorded by police officers as an intimidating action against him. He has also been threatened by the National Police.

25. More recently, on June 2, the proposed beneficiary was covering the search and house arrest of Cristiana Chamorro, when he was reportedly attacked by police officers. According to Mr. Miranda Herrera:

...I arrived minutes later, I was recording when the National Police attacked us, I was doing a Facebook Live... Us colleagues left in a group, then the Police and paramilitary officers pounced on us again, they travelled 100 or 200 meters more and pounced on us again; the police threw a stone at me, I managed to dodge it, one of those riot police officers told me, “Pray to God we don’t catch you,” relatives of political prisoners arrived, as well as persons from the UNAB and persons from the *pico rojo* [red lips] movement, paramilitary officers and individuals in motorized vehicles threw stones at us, some mobs in cars threw bags of water at us... They (the officers) hit me with a shield... They made us step back...

B. Information provided by the State

26. The State reported that it guarantees and safeguards the human rights of all persons, without any type of distinction or discrimination, within the framework of its domestic legal system and the international treaties it has signed on the matter. In this context, it was asserted that Mr. Miranda Herrera is not in any situation entitling a risk to his life, his physical or psychological integrity, or his fundamental rights.

27. The State further indicated that the rights to freedom of expression and to inform are enshrined in its fundamental standard and are strictly respected, which is evidenced by the existence of numerous written, oral, digital, and television media outlets. It was emphasized that many of these media have stances contrary to the State policies, but that, without prior censorship, they disclose the information they want, even fake news, including criticism of government institutions and officers, based on their own interests and without any kind of restriction. It was also stressed that the State does not have any policy to persecute, harass, or attack journalists.

28. The State further indicated that every person has rights enshrined in the Constitution, but in the same way they have obligations towards the other people and society in general. In this sense, it was pointed out that the use of freedom and the enjoyment of one person’s rights does not imply that, in their behalf, the rights of the other people in the community can be trampled.

29. On another note, the State reported that its institutions work in the exercise of their functions, guaranteeing that all investigative and jurisdictional proceedings comply with the principle of legality, being carried out in a timely manner and with respect for the guarantees and dignity of people. In this sense, the State expressed that the investigative or judicial proceedings have been processed in compliance with international standards and exhausting the lines of investigation, in accordance with Article 15, subparagraph b) of Law 621 “Law on access to public information” relating to not jeopardizing the security of ongoing investigations.

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

30. 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.

31. 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.²⁰ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²¹ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²² Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.²³ In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission considers that:

²⁰ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

²¹ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

²² See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

²³ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

- 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.

32. 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.²⁴ The IACHR recalls that, in this proceeding, it is not called upon to find any violation of rights enshrined in the American Convention or other applicable instruments.²⁵ 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.²⁶

33. In addition, in the matter at hand, the Commission observes that the alleged situation placing the proposed beneficiaries at risk is framed in Nicaragua’s current context,²⁷ as well as in a repressive context towards independent journalism in the country.²⁸ In this context, the Commission recalls that it has granted precautionary measures concerning journalists who have been subjected to threats, intimidation, and acts of violence allegedly attributable to State officers or third parties related to the Government, reportedly seeking that the journalists change their editorial line or stop reporting on the events that have taken place in the country.²⁹ Taking into account Nicaragua’s current context, the Commission will analyze the procedural requirements with regard to the proposed beneficiaries.

²⁴ See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; 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.

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

²⁶ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

²⁷ See in this regard: IACHR. Press Release No. 152/21. IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; 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.

²⁸ 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.

²⁹ See in this regard: IACHR. [Resolution No. 47/2021](#). Precautionary Measure No. 366-21. Kalua Salazar and her family regarding Nicaragua. June 10, 2021; 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

34. As for the requirement of seriousness, the Commission considers that it has been met. In assessing this requirement, the Commission identifies that the situation placing the proposed beneficiaries at risk is directly related to their work as journalists. Indeed, the Commission observes that, following the protests, and as a result of their journalistic work, both of them have begun to receive threats, harassment, and attacks by state officers and third parties.

35. In this regard, in relation to Mr. Narváez González, the IACHR has observed the following allegations of specific facts against him:

- threats on social media since 2018, some of them including explicit phrases wishing his “death” (see *supra* paras. 9-10);
- attacks by the police on January 23, 2020, when he was covering an “express protest” in Managua (see *supra* para. 10);
- acts of harassment by third parties related to the Government, who yelled at him in the street, accusing him, *inter alia*, of being a “coup plotter”³⁰ (see *supra* para. 11);
- in November 2020 and January 2021, respectively, a person close to the Government in his neighborhood threatened him with a machete and told him that he was “being watched” (see *supra* para. 11);
- on February 24 and 28, a third party threatened him and his family with death, and stones were even thrown at his home on the latter date (see *supra* para. 12).

36. Regarding Mr. Miranda Herrera:

- death threats through social media, at least since 2018, which included his relatives and made reference to his home address (see *supra* para. 16);
- a death threat by a police officer in August 2019 while covering a protest in Managua (see *supra* para. 18);
- an assault with a taser, allegedly on a police officer’s orders, while covering a protest in September 2019 (see *supra* para. 18);
- on April 15, 2021, harassment, and attacks by the police, after covering a demonstration; and the following day, threats by one of the police officers involved in the attacks when he arrived to cover a story about relatives of political prisoners (see *supra* para. 21);

(Identified members of the NOTIMATV journalistic team), June 17, 2020 [only in Spanish]; 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 Almendares Cruz *et al.* regarding Nicaragua. (Extension), February 5, 2020; IACHR. [Resolution 32/2019](#). Precautionary Measure No. 399-19. Sergio Warren León Correa and members of his family (Director-General of “La Costeñísima” in the Autonomous Region of the South Caribbean), June 15, 2019 [only in Spanish]; IACHR. [Resolution 5/2019](#). Precautionary Measure No. 873-18. Lucía Pineda Ubau and her nuclear family regarding Nicaragua (Extension), February 11, 2019 [only in Spanish]; IACHR. [Resolution 96/2018](#). Precautionary Measure No. 698-18. Álvaro Lucio Montalván and his nuclear family regarding Nicaragua, December 29, 2018 [only in Spanish]; 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 [only in Spanish].

³⁰ According to information received by the IACHR in the framework of its monitoring functions, people perceived as opponents of the government are often stigmatized as “coup plotters.” The foregoing acquires special relevance in the face of an increasing harassment against people perceived as “opponents.” See: IACHR, [Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018](#), OEA/Ser.L/V/II. Doc. 287, October 5, 2020, para. 7. Also see: IACHR, [Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression](#), April 18, 2020; IACHR, [IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua](#), October 10, 2020.

- on June 2, 2021, attacks and threats, again by the police, when he was covering the search and house arrest of Cristiana Chamorro (see *supra* para. 25).

37. The IACHR observes that such acts of violence have persisted over time, with peak points at a time when the journalistic work of the proposed beneficiaries has gained greater visibility. In this regard, it is further noted that, in the context of interviews carried out, Mr. Narváez González was identified by high authorities and public figures as a “liar” and a “coup plotter” (see *supra* para. 11), which, in addition to the worsening of threats on social media, has generated a situation of animosity against him. For his part, Mr. Miranda Herrera alleged that he was often subjected to searches, and that they took photos of him in news coverage events and hindered his work (see *supra* paras. 18-25), which, given the frequency and context, has led to intimidating situations. For the Commission, such events evidence the risk events that the proposed beneficiaries have been facing, particularly in relation to their journalistic work. The information available shows that the threats, intimidation, and other acts of violence seek that the journalists cease or change the editorial line of their work. In this context, the Commission understands that, despite the complaints filed by them and despite the alleged participation of state officers, the State has not carried out the corresponding investigations or provided any protection measures in their favor.

38. Similarly, the IACHR observes that the risk events faced by the proposed beneficiaries have purportedly increased over time and thus the impact that this may have on their rights to life and personal integrity has increased as well. In this regard, the IACHR notes that the most recent threats against Mr. Narváez González have occurred nearby or in front of his house and have included acts of violence and death threats extended to his relatives (see *supra* para. 12). Regarding Mr. Miranda Herrera, it is observed that he has been attacked and threatened, allegedly by the police, on three occasions since April 2021 (see *supra* paras. 21-25).

39. For the Commission, these acts are framed in a particularly hostile and stigmatizing context against the proposed beneficiaries, as shown by the tenor of the messages posted on social media and the alleged acts of aggression against them by police officers. The aforementioned events reflect that the proposed beneficiaries have severe limitations to their ability to freely carry out their activities as journalists in Nicaragua. The events to which they have been exposed also indicate that there is certain animosity on the part of state actors towards them, who purportedly also aim to keep them under strict surveillance and control over time. The Commission particularly takes into account that several of these acts of harassment, intimidation, and surveillance have involved or occurred in the presence of the relatives of the proposed beneficiaries.

40. The Commission takes note of the information provided by the State on the situation of Mr. Miranda Herrera. In this regard, the Commission notes the statements made by the State referring to the existence of numerous media outlets in the country with stances contrary to the state policies, as well as that there is no prior censorship of the media or persecution of journalists. However, the IACHR notes that, beyond affirming its recognition of the right to freedom of expression and indicating that the proposed beneficiary is not in any situation posing a risk to his life or his physical or psychological integrity (see *supra* para. 26), the State did not provide further elements to disprove, from the applicable *prima facie* standard, the risk events alleged by the applicants. On this point, there was no information, *inter alia*, on investigations carried out, determination of those responsible, risk assessments, or protection measures implemented in favor of Mr. Miranda Herrera, even though, as mentioned above, state officers have allegedly been involved in such events.

41. As for the situation of Mr. Narváez González, the IACHR regrets the lack of response from the State. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, it does prevent the Commission from knowing the State’s observations and, therefore, analyzing whether the allegations of the applicants may be disproved, as well as the actions that, if applicable, are being implemented in order to address the alleged risk.

42. Under these circumstances, the Commission finds that, from the applicable *prima facie* standard and in the context of Nicaragua, it has been sufficiently proven that the rights to life and personal integrity of Willih Francisco Narváez González and Alberto José Miranda Herrera are at serious risk. The Commission emphasizes its concern, given that the situation described is allegedly intended to intimidate and thereby silence the proposed beneficiaries, thus affecting the exercise of their right to freedom of expression, which would in turn have a frightening effect in other persons who want to express themselves freely in the current context of the country.

43. 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 beneficiaries' journalistic work. Therefore, in view of the imminent materialization of the risk and the lack of protection measures, the situation calls for the immediate adoption of measures to safeguard their rights to life and personal integrity, as well as guarantees for the exercise of their right to freedom of expression. At the time of undertaking such assessments, the Commission notes that the risk events that Messrs. Narváez González and Miranda Herrera have been facing have continued to increase since the protests began to date, and there are no sufficient 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 specific information from the State to assess the actions that have been purportedly taken to address the alleged risk.

44. 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, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

45. The Commission declares as beneficiaries Mr. Willih Francisco Narváez González and Mr. Alberto José Miranda Herrera, who are duly identified in this proceeding.

VI. DECISION

46. 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 Willih Francisco Narváez González and Alberto José Miranda Herrera. 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 Willih Francisco Narváez González and Alberto José Miranda Herrera can carry out their activities as independent journalists, without being subjected to violence, intimidation, harassment, and/or other acts of violence in the exercise of their work. The above includes the adoption of measures so that they can properly exercise their 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.

47. The Commission further requests 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.

48. 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.

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

50. Approved on July 11, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; and, Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary