
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 54/2021**

Precautionary Measure No. 324-21

Karla Patricia Ñamendi Mendoza and her nuclear family regarding Nicaragua

July 22nd, 2021

Original: Spanish

I. INTRODUCTION

1. On April 13, 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 Human Rights Collective “Nicaragua Nunca Más” (“Nicaragua Never Again”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) protect the rights to life and personal integrity of Ms. Karla Patricia Ñamendi Mendoza and her nuclear family.¹ According to the request, as a result of her work in political opposition to the current Nicaraguan government, the proposed beneficiary is being subjected to threats, harassment, and acts of violence by state and parastate authorities. In this context, her family is also reportedly being the target of harassment.

2. The IACHR requested information from the State on April 22, 2021, pursuant to Article 25 of its Rules of Procedure, and reiterated the request on May 17, 2021. The State has not provided a response to date. The applicant recently submitted additional information on June 28, 2021.

3. Upon analyzing the information available in light of the applicable context and the findings, the Commission considers that the information provided shows, *prima facie*, that rights to the life and personal integrity of Karla Patricia Ñamendi Mendoza, Esperanza del Carmen Mendoza Amador, Raquel de los Ángeles Ñamendi Mendoza, C.A.G.Ñ., and A.A.G.Ñ. are at serious and urgent risk. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Karla Patricia Ñamendi Mendoza, Esperanza del Carmen Mendoza Amador, Raquel de los Ángeles Ñamendi Mendoza, C.A.G.Ñ., and A.A.G.Ñ. Particularly, the State must ensure that its agents respect the rights of the proposed beneficiaries, in accordance with the standards established by international human rights law, and in relation to threatening acts attributable to third parties; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. The Commission visited Nicaragua in May 2018 and collected several testimonies on human rights violations that allegedly occurred since the beginning of a series of protests in April, later publishing a report that included recommendations.² To verify compliance with these recommendations, the Special Monitoring Mechanism for Nicaragua (MESENI) was created and was

¹ Nuclear family made up of Ms. Esperanza del Carmen Mendoza Amador (mother), Raquel de los Ángeles Ñamendi Mendoza (sister), C.A.G.Ñ., and A.A.G.Ñ. (nephews).

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

present in the country until December 19, 2018, when the State temporarily suspended its operations.³ For its part, the Interdisciplinary Group of Independent Experts (GIEI) issued a report that analyzed the events taking place between April 18 and May 30, 2018, confirming the IACHR findings.⁴

5. During a presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by the MESENI, according to which from April 2018 to January 10, 2019, there were 325 deaths and over 2000 injured, 550 detained and processed, 300 health professionals were dismissed, and at least 144 students were expelled from the National Autonomous University of Nicaragua.⁵ For its Annual Report 2018, the IACHR included Nicaragua in Chapter IV-B in accordance with the grounds set forth in its Rules of Procedure.⁶

6. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations. On June 25, the Commission shared the performance report and the results achieved by the MESENI, which continued to monitor the country from Washington, D.C.⁷ Between February and June, the State passed the Law on Dialogue, Reconciliation and Peace, the Comprehensive Care for Victims Act, and an Amnesty Law, all of which generated public statements by the IACHR for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.⁸ During the last months, the Commission continued registering serious incidents. For instance, in August it voiced its concern regarding the State's decision to cease the "Negotiating Table for Understanding and Peace" between the government and the Civil Alliance for Justice and Democracy, which started on February 27, 2019.⁹ On September 6, the IACHR reported an increasing harassment against human rights defenders and persons who, despite having been released from prison, continued to be threatened.¹⁰

7. On November 19, 2019, the Commission once again called attention to the ongoing repression, noting that "[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions."¹¹

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

³ IACHR, [Press Release No. 274/18](#). Press Release about Nicaragua. December 19, 2018.

⁴ GIEI, [Report on the Acts of Violence occurred between April 18 and May 30, 2018](#). December 2018 [only in Spanish].

⁵ IACHR, [Press Release No. 6/19](#). IACHR, CIDH denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua, January 10, 2019.

⁶ IACHR, [IACHR Annual Report 2018, Ch. IV. B.](#)

⁷ IACHR, [Press Release No. 160/19](#). IACHR, IACHR Presents Performance Report and Results for the Special Follow-Up Mechanism for Nicaragua (MESENI), June 25, 2019.

⁸ IACHR, [Press Release No. 137/19](#). IACHR, IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua, June 3, 2019. See also: IACHR, [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019; IACHR, [Press Release No. 21/19](#). IACHR Considers that the Law on Dialogue, Reconciliation and Peace in Nicaragua is Incompatible with International Standards Regarding Truth, Justice and Reparation, February 1, 2019.

⁹ IACHR, [Press Release No.194/19](#). IACHR Expresses Concern over Nicaragua's Announcement That It Will Not Continue Dialogue and Calls on the State to Comply with Its Obligations to Guarantee and Respect Human Rights. August 6, 2019.

¹⁰ 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.

¹¹ 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 Non-repetition. November 19, 2019.

the crisis.”¹² In May 2020, the IACHR noted and condemned the non-compliance with its recommendations and urgently called on the State to implement them.¹³ In October 2020, the IACHR again called upon the State to immediately cease persecution of people who have been identified as dissidents and to reestablish the democratic guarantees in Nicaragua.¹⁴

9. In 2021, the IACHR condemned the increasing harassment in Nicaragua.¹⁵ As reported to the IACHR, these acts are manifested in the deployment of police teams including civilians outside targeted homes during whole days. This is carried out to prevent these persons or their relatives from leaving, or otherwise identify and search any person who enters or leaves the place. In other cases, they are purportedly subjected to monitoring, detentions, threats, and house searches.¹⁶ More recently, the Commission condemned the widespread impunity and the extended breach of the rule of law that persists in Nicaragua,¹⁷ and the recent and intensive repression against individuals and organizations who belong to the opposition party, human rights defenders, and the independent press.¹⁸

III. SUMMARY OF FACTS AND ARGUMENTS

1. Information provided by the applicants

10. The request indicated that, since 2000, Karla Patricia Ñamendi Mendoza began participating in local politics, joining the Nicaraguan Liberal Alliance in 2006/2007 and working in Masaya as campaign manager, departmental legal representative, and compute departmental representative, among other roles. On April 20, 2018, she joined the protests and participated in demonstrations, as well as in food donations for the people who were in the trenches located in Masaya. In this scenario, the proposed beneficiary allegedly started receiving threats from government supporters, who told her that “when the commander eliminated the trenches, she would be the first to fall prey.”

11. According to the information provided, on August 20, 2018, Ms. Ñamendi Mendoza was detained by police officers, who violently broke into her house and took her to the police station. Apparently, she was detained as a retaliation for her participation in the protests and because she told her two nephews that she had weapons and stolen motorbikes. On that occasion, she was allegedly attacked by the police, threatened with hurting her family and burning down her house, and questioned about the protests. The proposed beneficiary was purportedly held at the police station for 15 days. On September 4, 2018, she was transferred to the Directorate of Judicial Aid (known as “El Chipote”). In both places of detention, she was allegedly kept in inadequate and unhealthy conditions, and was insulted by state officers. On November 12, 2018, she was released, and she did not get her belongings back, including her passport, which was allegedly held when she was detained.

12. According to the applicant, since her release, the proposed beneficiary has been subjected to police harassment and siege. On December 18, 2018, after villagers reportedly posted flyers against the

¹² IACHR. [Press Release No. 80/20](#). 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.

¹³ 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.

¹⁴ 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.

¹⁵ IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

¹⁶ IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

¹⁷ IACHR. [Press Release No. 93/21](#). Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021.

¹⁸ IACHR. [Press Release 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

government, state officers violently broke into her house again by knocking down the door and threatening: “Stop bothering, you’ll get it once I beat you up.” During 2019, such harassment allegedly continued, mainly as the commemorative dates of the protests approached or when the April Victims Organization (OVA), to which Ms. Ñamendi Mendoza belongs, made a pronouncement.

13. On February 27, 2020, as a result of the participation of the proposed beneficiary in the signing of the National Coalition on February 25, 2020, she was again harassed and threatened. On this occasion, state officers allegedly watched her house for more than two and a half hours. They approached her and threatened her “about being careful,” that from that moment on she would be “under surveillance,” and that if she was detained again, she would not come out this time.

14. The applicant also alleged that the proposed beneficiary was threatened and harassed by people related to the government and parastate actors. On August 17, 2020, a parastate actor reportedly threatened her with burning down her house. According to the case file, Ms. Ñamendi Mendoza received threats about burning down her house on 7 occasions throughout 2020, including on December 13, 2020, when another parastate actor purportedly told her “I will burn down your house at any time” and “We will burn down your little house; you are under surveillance; we follow you; we will arrest you again at any time.” The proposed beneficiary allegedly reported these threats through different media. However, the threats continued.

15. On December 24 and 31, 2020, January 10 and 22, February 26 and March 10, 2021, the proposed beneficiary allegedly noticed there was surveillance at her house. State officers reportedly took photos and made videos. Moreover, on one occasion, they told her to “stop bothering” and that they would arrest her again. However, as of March 2021, the surveillance purportedly increased, she was being monitored almost daily and for a long time. According to the information provided, “they park the van in front of the gate, take photos and make videos, place orange cones, see who enters and who leaves the property, and they watch and check whoever passes by, regardless of their means of transportation.” Furthermore, on the eve of the third anniversary of the protests, on April 18, 2021, the house of the proposed beneficiary had the word “*plomo*,” which [in Nicaragua] allegedly refers to a death threat, painted on it.

16. On May 3, 2021, police and parastate actors purportedly were at her house again. This time, they allegedly threw plastic bottles and stones. On May 23, 25 and 31, 2021, those individuals were allegedly there as well. On June 2, 2021, in the context of the detention of Ms. Cristiana Chamorro, in which several organizations were present, the proposed beneficiary had allegedly represented the OVA. On this occasion, after the state repression to the people attending, when the proposed beneficiary was leaving the premises, she was allegedly surrounded by police officers, who threatened her about not participating again in the protests. In the following days, the police officers reportedly watched her, taking photos and making videos of the property. On June 21, 2021, the police officers reportedly took their weapons and aggressively aimed them at her house. Subsequently, on June 24, 2021, the proposed beneficiary was allegedly attacked when leaving her house by a person who was a government supporter. This person purportedly threatened and harassed her before. The proposed beneficiary reportedly got her elbow injured and, when she fell, she had her face wounded, as well as other parts of her body. She had to be assisted to by the local people in order to “avoid greater damage.”

17. Finally, the proposed beneficiary expressed her fear about the presence of police officers in front of her house, mainly because of her underage nephews. Furthermore, it was pointed out that neither Ms. Ñamendi Mendoza nor her nuclear family allegedly had protection measures, reiterating that the state officers are allegedly responsible for the threats and harassment.

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

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

19. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.¹⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁰ To do this, it is necessary to assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²¹ Regarding their precautionary nature, these measures have the purpose of preserving 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 allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.²² In the process 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

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

²⁰ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

²¹ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

²² See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of "El Nacional" and "Así es la Noticia" newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

20. The Commission recalls that the facts supporting a request for precautionary measures do not need to be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine, *prima facie*, if a serious and urgent situation exists.²³ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged.²⁴ Moreover, 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

21. When assessing compliance with the procedural requirements, the Commission takes into account Nicaragua’s current context, which was verified by the Commission and is being monitored by MESENI, as well as the special situation of exposure in which the persons who demonstrated against the repressive actions of the current government are allegedly found. In this context, it is observed that the proposed beneficiary allegedly participated in the protests of April 2018, performing an opposition role to the current Government, even for her activities in the April Victims Organization (OVA). In this sense, the IACHR observes that the aforementioned context is consistent with the alleged situation of Ms. Ñamendi Mendoza, in which the indicated signs of risk are related to the opposition to the Nicaraguan Government, given its connection with events or facts that express rejection or disagreement (for example, see *supra* para. 13 and 16). In this regard, it should be recalled that the Commission has granted several precautionary measures to persons identified as “opponents” in Nicaragua,²⁷ and it has observed over the years an increasing harassment of any person who is so perceived or identified.²⁸

22. Taking into account the aforementioned context, regarding the seriousness requirement, the IACHR observes that, at least since 2018, the proposed beneficiary has allegedly received threats and harassment, which have been constant and have recently increased in terms of intensity and frequency. In this sense, it is observed that Ms. Ñamendi Mendoza began receiving threats from government

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

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

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

²⁶ In this regard, the Court has indicated that “[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 IACHR, [Resolution 16/2021](#). Precautionary Measure No. 907-20. Kevin Adrián Monzón Mora and his nuclear family regarding Nicaragua. February 22, 2021; IACHR, [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and his family regarding Nicaragua. April 30, 2021 [only in Spanish]; IACHR, [Resolution 33/2021](#). Precautionary Measure No. 205-21. Kevin Roberto Solís regarding Nicaragua. April 22, 2021.

²⁸ 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. 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.

supporters in April 2018, and she was deprived of liberty, in August 2018, apparently as “retaliation” for her participation in the protests. Although it is not the responsibility of the IACHR, by means of the precautionary measures mechanism, to analyze the compatibility of such detention with the American Convention on Human Rights, since this requires a pronouncement through the petition and case system, as it properly constitutes a merits analysis, it is noted that the proposed beneficiary was allegedly questioned about the protests on that occasion, as well as attacked, threatened, and kept in inadequate conditions of deprivation of liberty.

23. Following her release on November 12, 2018, the proposed beneficiary was purportedly subjected to threats, sieges, and harassment, even by state officers. In that sense, according to the request, on December 18, 2018, police officers trespassed Ms. Namendi Mendoza’s house, threatening her with death. One of them said, “You’ll get it once I beat you up.” During 2020, government supporters threatened at least seven times to burn her house down, indicating that they had her under surveillance. Moreover, police officers allegedly monitored the proposed beneficiary at her place of residence on December 24 and 31, 2020, as well as on January 10, January 22, February 26, and March 10, 2021. On these occasions, officers reportedly took photographs and made videos, told offenses to her, and threatened to arrest her. In this regard, the IACHR takes into account the tenor of the threats calling for her death, as well as it notes the seriousness of the direct participation of state officers, who on one occasion were even responsible for a death threat.

24. The IACHR also observes that the events that have put the proposed beneficiary at risk have purportedly worsened since March 2021, while the alleged surveillance has taken place “almost daily” and for long periods. In this regard, the applicants indicated, as recent specific events:

- i. On April 18, 2021, on the third anniversary of the protests, the proposed beneficiary’s house appeared, overnight, with the word “*plomo*,” which [in Nicaragua] allegedly represents a death threat, painted on it.
- ii. On May 3, 2021, police and parastate officers threw plastic bottles and stones at Ms. Namendi Mendoza’s house.
- iii. On June 2, 2021, in the context of Ms. Cristiana Chamorro’s detention, Ms. Namendi Mendoza was surrounded by police officers who told her, in a threatening tone, not to participate in protests again.
- iv. On June 21, 2021, in addition to photographs and videos, officers reportedly came with weapons and manipulated them in an intimidating manner, pointing them at the house.
- v. On June 24, 2021, a person sympathetic to the government allegedly attacked the proposed beneficiary when she was leaving home. Therefore, residents in the area had to help her “to avoid further harm.”

25. For the Commission, such events reflect an ongoing and worsening of the risk that the proposed beneficiary has been facing. The information available shows that the threats and intimidation seek to limit her work in opposition to the current government, including her actions in the OVA. The IACHR particularly notes the recent attacks against her that occurred on June 24, 2021, when she had to be helped “to avoid further harm,” and the impact that this would potentially have on her rights to life and personal integrity. For the Commission, the events to which she has been reportedly exposed indicate that there is certain animosity on the part of state officers towards her. These officers are purportedly seeking to keep her under strict surveillance and control over time. In this context, the Commission understands that, even though state officers have been involved, the State has not deployed any protection measures in favor of the proposed beneficiary.

26. 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 proposed beneficiary's relatives. Thus, it is possible to note that at the time Ms. Ñamendi Mendoza was detained, which purportedly occurred in a violent manner, her nephews, C.A.G.Ñ. and A.A.G.Ñ. were allegedly present. Furthermore, it is noted that the threats against her have reportedly involved "harm to her family" (see *supra* para. 11) and that several of the alleged incidents occurred in front of her home, which is why the proposed beneficiary also expressed fear for her family (see *supra* para. 17).

27. The Commission notes that, even though it requested information from the State on April 22, 2021, and reiterated such a request for information on May 17, 2021, no communication has been received from Nicaragua to date. The Commission regrets the lack of response from the State, and 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. Especially serious are the allegations that state officers are involved in the events that the proposed beneficiary and her nuclear family have been facing, at least since 2018. For the Commission, it is also especially serious that even though, according to the applicants, the events faced by the proposed beneficiary are public knowledge in Nicaraguan society, there is no information about any protection measures that may have been implemented in favor of her or her nuclear family.

28. In view of these circumstances, the Commission considers that from the applicable *prima facie* standard, and in the context of the State of Nicaragua, it is sufficiently proven that the rights to life and personal integrity of Karla Patricia Ñamendi Mendoza, Esperanza del Carmen Mendoza Amador, Raquel de los Ángeles Ñamendi Mendoza, C.A.G.Ñ., and A.A.G.Ñ. are at serious risk.

29. With regard to the requirement of urgency, the Commission deems that it has also been met given that, if they remain in the situation described, it is likely that the proposed beneficiary and her nuclear family will be exposed to a greater impact on their rights in an imminent way. The foregoing is in view of the lack of information on protection measures implemented in their favor, added to the alleged participation of state officers in the indicated events. It should be further noted that there is a context of ongoing risk and increasing events in a short period of time, as well as the recent materialization of acts of violence against them. Consequently, the Commission concludes that it is necessary to immediately adopt protective measures to safeguard their rights to life and personal integrity.

30. As regards the requirement of irreparable harm, the Commission sustains that it has been met, given that the possible impact on the rights to life and personal integrity, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

31. The Commission declares that the beneficiaries of this precautionary measure are Karla Patricia Ñamendi Mendoza and the identified members of her nuclear family: Esperanza del Carmen Mendoza Amador, Raquel de los Ángeles Ñamendi Mendoza, C.A.G.Ñ., and A.A.G.Ñ. All these persons are duly identified in this proceeding.

VI. DECISION

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

Commission requests that Nicaragua:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Karla Patricia Ñamendi Mendoza, Esperanza del Carmen Mendoza Amador, Raquel de los Ángeles Ñamendi Mendoza, C.A.G.Ñ., and A.A.G.Ñ. Particularly, the State must ensure that its agents respect the rights of the proposed beneficiaries, in accordance with the standards established by international human rights law, and in relation to threatening acts attributable to third parties;
- b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

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

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

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

36. Approved on July 22nd, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarete May Macaulay Esmeralda Arosemena de Troitiño; Joel Hernández García y Edgar Stuardo Ralón Orellana.

Tania Reneaum Panszi
Executive Secretary