
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 61/2021**

Precautionary Measure No. 873-18
Miguel de los Ángeles Mora Barberena regarding Nicaragua
(Extension)
August 10, 2021
Original: Spanish

I. INTRODUCTION

1. On November 2, 2020 and July 2, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for an extension of precautionary measures filed by the Nicaraguan Center for Human Rights (CENIDH) and the International Institute on Race, Equality and Human Rights (Race and Equality), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) protect the rights of life and personal integrity of Miguel de los Ángeles Mora Barberena and his son M.A.M.C. According to the request, the proposed beneficiary continues to be at risk given his profile as a journalist and his intentions to participate as a presidential candidate in the next elections. In this regard, the request indicates that he was subjected to attacks and is currently detained and held incommunicado from his family and lawyers.

2. Pursuant to Article 25 of its Rules of Procedure, the IACHR requested information from the State on November 9, 2020. The State did not respond to this request for information. On July 7, 2021, the IACHR again requested information from the State. The State provided a response on July 9, 2021.

3. Upon analyzing the information provided by the parties in light of the country’s context, the Commission deems that the information furnished shows *prima facie* that the rights to life and personal integrity of Miguel de los Ángeles Mora Barberena and his nuclear family are in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua: a) adopt the necessary measures to guarantee the rights to life and personal integrity of the identified persons. In particular, the State must ensure that the beneficiaries’ rights are respected in accordance with the standards established by international human rights law, both by state actors and in relation to acts of risk attributable to third parties; b) report on the official whereabouts of Mr. Mora Barberena, as well as his conditions of detention, bringing them into line with international standards, as appropriate. Similarly, in order to verify his situation, grant Mr. Mora Barberena access to his legal representatives and his family visits in accordance with the applicable standards; c) consult and agree upon the measures to be adopted with the beneficiary and his 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 them 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 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 over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.¹⁰

7. During 2020, the IACHR identified the strengthening of a fifth stage of State repression in the country, characterized by an increase in acts of surveillance, harassment, and selective repression

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.

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 acts of violence occurred between April 18 and May 30, 2018](#), 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, paras. 5-6.

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

against individuals who are believed to oppose the government.¹¹ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.¹² In October 2020, the IACHR again called on the State to immediately cease persecution of people identified as dissidents and to reestablish democratic guarantees in Nicaragua.¹³ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its Annual Report 2020.¹⁴

8. Recently, in 2021, the Commission condemned the intense increase of State repression against people identified as dissidents, human rights defenders, journalists, victims of human rights violations and their families,¹⁵ as well as the widespread impunity and prolonged breakdown of the rule of law that persist in Nicaragua.¹⁶

III. PRECAUTIONARY MEASURES IN FORCE AND PROVISIONAL MEASURES ADOPTED IN RELATION TO THIS MATTER

9. On December 13, 2018, the IACHR decided to grant precautionary measures to Miguel Mora Barberena, Leticia Gaitán Hernández, and their families in Nicaragua. The request for precautionary measures argued that Miguel Mora Barberena, director of the TV channel “100% Noticias”; his wife, Verónica Chávez, journalist and executive director of the channel; and Leticia Gaitán Hernández, host and journalist for the channel, were being threatened, persecuted, and harassed due to their work, especially upon the protests that began on April 18, 2018, in Nicaragua.

10. Upon analyzing the submissions of fact and law, the IACHR considered that the information provided showed, *prima facie*, that the rights to life and personal integrity of Miguel Mora Barberena, Leticia Gaitán Hernández, and their families, including Verónica Chávez and other identifiable persons, are in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission asked the State of Nicaragua to adopt the necessary measures to guarantee the life and personal integrity of the beneficiaries Miguel Mora Barberena, Leticia Gaitán Hernández, and their families. To such ends, the State must both ensure that state actors respect the beneficiaries’ rights in accordance with the standards established by international human rights law and protect their rights in relation to threatening acts attributable to third parties. Furthermore, the IACHR requested that Nicaragua adopt the necessary measures so that Miguel Mora Barberena and Leticia Gaitán Hernández can carry out their work as journalists without being subjected to acts of intimidation, threats, or other acts of violence in the exercise thereof. The foregoing includes, for instance, the measures that may result necessary to provide protection to the facilities of the channel “100% Noticias.” Lastly, the IACHR requested that the State of Nicaragua agree on the measures to be adopted with the beneficiaries and their representatives and report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.¹⁷

11. Subsequently, on February 11, 2019, the IACHR decided to extend the precautionary measures

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.

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. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, para. 5-29.

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

¹⁶ 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; 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.

¹⁷ IACHR. [Resolution No. 90/18. PM 873-18- Miguel Mora Barberena, Leticia Gaitán Hernández, and their families regarding Nicaragua](#). December 13, 2018 [in Spanish].

in favor of Lucía Pineda Ubau, Head of Press at “100% Noticias,” as well as the members of her nuclear family. According to the information available, Lucía Pineda Ubau and her family were at risk in view of the circumstances in which she finds herself upon being deprived of liberty.

12. Having analyzed the available information, in light of the applicable context, the Commission considered that the information presented showed, *prima facie*, that the rights to life and personal integrity of Lucía Pineda Ubau, as well as her identified family members, were in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua adopt the necessary measures to guarantee the rights to life and personal integrity of Ms. Lucía Pineda Ubau and the identified members of her family. In particular, the State must ensure that state actors respect the beneficiary’ rights in accordance with the standards established by international human rights law, and in relation to acts of risk attributable to third parties. The IACHR also requested that Nicaragua ensure that the conditions in which Ms. Lucía Pineda Ubau finds herself comply with the international standards. In particular, provide the corresponding medical care. Moreover, in order to verify her situation, grant Ms. Lucía Pineda Ubau access to her legal representatives and family visits in accordance with the applicable standards. The Commission requested that the State agree on the measures to be adopted with the beneficiary and her representatives; and report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure.¹⁸

13. Lastly, on May 15, 2019, the IACHR requested that the Inter-American Court of Human Rights adopt provisional measures to protect the rights of 17 persons deprived of their liberty, including Miguel Mora Barberena and Lucía Pineda Ubau.¹⁹ On May 21, 2019, the President of the Inter-American Court adopted urgent measures in his favor.²⁰ Subsequently, on October 14, 2019, the Inter-American Court lifted the urgent measures given that the 17 beneficiaries had been released.²¹

IV. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES REGARDING THE REQUEST FOR EXTENSION

A. Information provided by the beneficiaries’ representation

14. Mr. Miguel de los Ángeles Mora Barberena served as director and owner of “100% Noticias.” He recently allegedly adopted an active role in politics upon having joined the National Committee of the National Coalition in July 2020.

15. On September 30, 2020, the police reportedly detained and searched the car in which Miguel Mora was leaving an activity of the National Coalition in Managua. A police officer dressed in a light blue uniform allegedly took pictures of him. On October 10, 2020, the police reportedly besieged the members of the National Coalition, including Miguel Mora, who were gathered in León. The General Commissioner and head of the departmental delegation of León purportedly indicated, “Don’t complain later,” when Miguel Mora was filming with his phone, documenting the police presence. Riot police and paramilitaries allegedly surrounded the house where the Coalition met that day to organize its structures in the department of León.

¹⁸ IACHR. [Resolution No. 5/19. PM 873-18 - Lucía Pineda Ubau and her family regarding Nicaragua](#). Extension. February 11, 2019 [in Spanish].

¹⁹ IACHR. [IACHR Submits a Request to the Inter-American Court for Provisional Protection Measures for 17 People Who Are Being Deprived of Their Freedom and Are at Extreme Risk in Nicaragua](#), May 15, 2019.

²⁰ I/A Court H.R. [Matter of seventeen persons deprived of liberty regarding Nicaragua](#). Provisional Measures. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish].

²¹ I/A Court H.R. [Matter of seventeen persons deprived of liberty regarding Nicaragua](#). Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019 [only in Spanish].

16. On October 11, 2020, at 8:30 a.m., Verónica Graciela Chávez Selva and Miguel de los Ángeles Mora Barberena reportedly appeared at a place in Masaya to participate in a meeting of the National Coalition. Upon arrival at the scene, a group of officers from the National Police dressed in blue and light blue, other officers from the traffic division of the National Police, allegedly appeared, as well as officers from the Directorate of Special Police Operations (DOEP). All these forces were led by the Chief Commissioner and second police chief of Masaya. Such persons allegedly stood with a threatening and intimidating attitude, in front of the entrance to the site where the Coalition meeting would take place, at 10 yards, covering a perimeter of two blocks.

17. Subsequently, a group of thirty civilian motorized vehicles that made up the parastate forces arrived at the site, who received direct orders from one of the police chiefs. The motorists, with faces covered by motorcycle helmets, reportedly positioned themselves behind the police, creating a kind of secured area in front of the place for the meeting. Some of the motorists allegedly approached and, with knives, they punctured a tire of Miguel Mora's truck. Those who were accompanying Miguel Mora's proceeded to change the tire. Minutes after finishing changing the tire, another motorized individual carrying a knife punctured another tire, which was also changed. According to the representatives, the tires of Miguel Mora's car were punctured three times, and he sent them twice to be repaired at the nearest gas station. With this, the motorists allegedly tried to prevent Mora and Chávez from leaving the place at the end of the meeting. All the above purportedly occurred in front of the police, while the opposition meeting was taking place.

18. When Mora and Chávez were preparing to leave the meeting, some thirty motorists, who were riding in pairs on each motorcycle, reportedly broke the perimeter and approached the sidewalk of the place where they were meeting. The companions of the motorcycle drivers got out, and some began to throw stones, others proceeded again to puncture the tires of the car, while another group pushed those who were around. One of the motorized persons approached Miguel Mora, trying to attack him with a dagger. With her right arm, Mora managed to dodge him and asked the Commissioner to stop the aggressor. The Commissioner who was in front of Mora observing everything, made a signal and instantly all the motorists left. The motorized individuals were armed with knives, stones, and nine-millimeter weapons on their waists.

19. While Mora's companions were again changing the tires of the truck that had been punctured for the third time, he told his wife, Verónica, to wait for him inside while he spoke with the Commissioner in charge, to tell him that the assault on his person had happened in his presence and that of some 60 officers from the different departments or specialties of the police. Miguel Mora stated that the Commissioner in charge spoke by radio calling the motorists again and they returned throwing stones, one of which was aimed at Mora's face, which he managed to stop with his right arm, which caused him a bruise and a superficial wound. When the motorists threw the stones, at approximately 2:30 p.m., Verónica Chávez was walking to enter the site of the Coalition meeting, when a motorized man, with his face covered by his helmet, at less than 5 meters, threw her a stone that hit her head, in the upper left part of her temple, and she instantly fell to the ground. Those who were present shouted at the police to stop the attack, but failed, as the motorists continued to throw stones. Later the motorized individuals left. Mora asserts that he requested that the Commissioner stop the attack but that he laughed at the situation of his wife Verónica.

20. According to the representation, Chávez was seriously injured by the stone thrown by the motorized person, which hit her head, in the upper part of her temple, causing a skull fracture and internal bleeding that warranted being taken to the Masaya Hospital. According to Miguel Mora, on the way to the hospital, they were attacked with stones again by the motorized individuals, who continued to monitor them while they were in the hospital. Therefore, faced with the risk of a new attack, Mora

was forced to request the transfer by ambulance to the Metropolitan Hospital in Managua, and Verónica Chávez was admitted to the Intensive Care Unit (ICU) for treatment. Verónica Chávez remained 24 hours in the ICU, and then hospitalized in delicate condition until her discharge on October 16. The CT scan performed revealed a left frontal fracture with extension to the orbit, as well as a subarachnoid hemorrhage at the frontal area and at the right lateral sulcus. The epicrisis issued at discharge reveals an intracranial trauma plus a sutured scalp wound. Traumatic subarachnoid hemorrhage with loss of consciousness lasting 30 minutes or less.

21. According to the request, Miguel Mora filed a complaint with the Masaya Departmental Prosecutor on October 19, 2020, stating that the events had occurred in the presence of numerous Police and DOEP officers who were on site since 8:30 a.m. besieging the meeting in which he and his wife participated along with other people. In his complaint, the proposed beneficiary indicated the following offenses committed by parastate forces: threats with weapons, attempted murder, serious injuries, and offenses committed by the authorities present at the site (abuse of authority, breach of functions, and failure to prosecute crimes). Parastate officers also broke a window of the car owned by Miguel Mora. According to the representation, the police minimized the case and issued Press Release No. 230-2020 dated October 12, 2020.²²

22. Subsequently, the representation reported that Miguel Mora had been detained on June 20, 2021, at 10:00 p.m., without a court warrant, in a violent way, at his house in Managua. The police remained at the scene searching the house for approximately three hours, leaving in the early hours of the morning. At the time of the detention, his wife, and his son, who has a disability, were with him in the house. His wife, Verónica Chávez, described the violence of the police operation and was distressed by the consequences for her son.

23. The representation emphasized that according to the official statement of the National Police, Mr. Mora is being investigated for carrying out acts that undermine independence, sovereignty, and self-determination; incite foreign interference in internal affairs; request military interventions; use financing from foreign powers to carry out acts of terrorism and destabilization; propose and manage economic, commercial and financial blockades against the country and its institutions; demand, exalt, and welcome penalties against the State of Nicaragua and its citizens; and injure the supreme interests of the nation, in accordance with Article 1 of Law No. 1055 “Law on the Defense of the Rights of the People to Independence, Sovereignty, and Self-determination for Peace.”

24. The representation stressed that the proposed beneficiary had left his work as director of “100% Noticias” to dedicate himself to promoting his candidacy in the November 2021 elections. For this reason, during 2021, Miguel Mora became actively involved in the political life of the country and assumed the pre-candidacy for the presidency by the Democratic Renewal Party (PRD), whose legal personality was canceled by the electoral court in May 2021, leaving it unable to participate in the elections on November 7, 2021. According to the representation, Miguel Mora is one of the five presidential candidates detained during the last days of June 2021 in application of the “Law on the Defense of the Rights of the People to Independence, Sovereignty, and Self-determination for Peace.”

²² The representatives stressed the following from the statement: “Yesterday, Sunday, October 11 at 2:20 p.m., the National Police was informed by authorities of the hospital ‘Humberto Alvarado Vázquez,’ in the city of Masaya, that a woman, 43 years old, identified with the initials V.G.CH.S., was treated for presenting with a head injury caused by a stone.” The foregoing, even though, in complicity with the paramilitaries, the police officers allowed the attack on the journalist. The note continues by stating: “That same day, at 3:20 p.m., she was discharged by specialized medical personnel who treated her, who said that she did not have any fracture or altered vital signs, that she was conscious and oriented,” thus, lying about the consequences of the assault, omitting any circumstance regarding the context in which it occurred and ignoring that Chávez was admitted to the ICU for having a “fracture and internal bleeding” caused by the blow she received. In the note, the police also make no reference to investigating the case to identify the aggressor, which shows the impunity under which parastate forces operate.

25. According to the information provided by Mr. Mora's family, he is currently detained and held incommunicado, given that he has not had the opportunity to contact his family or his lawyers. He has not received medical care, water, or food either. Mr. Mora allegedly has a series of medical conditions that demand constant health care, such as skin allergies. His wife has reportedly tried to bring him medicines and medicated creams. At first, the authorities purportedly told her that the physician from the Judicial Assistance Directorate (DAJ) should prescribe medicines to him. On June 24, 2021, they received the pills she brought, but she was told that the physician indicated that the creams were not necessary.

26. The representation indicated that his wife was unaware of his whereabouts for almost 24 hours, given that only in the afternoon of June 21, 2021, the DAJ authorities informed her that he was being detained there. Due to the lack of communication to which he has been subjected and the lack of accurate information provided by prison authorities to his family members, it is unknown whether Mr. Mora remains in the same place. Given that more than 10 days have gone by since his detention and his relatives have not been allowed to see him, the family has not been able to confirm his physical and emotional state, and the food brought for Miguel is not received at "El Chipote." In addition, the representation expressed fear that Mr. Mora may be being subjected to cruel, inhuman, and degrading treatment, including torture by State officers, as happened during his first detention.

27. Lastly, the representatives questioned the collection of a "100% Noticias" tax debt for an amount of 7 million *córdobas*, even though the assets and accounts used by the company to carry out its activities in the country were illegally confiscated by the State of Nicaragua since December 2018 and are currently in its possession.

B. Response from the State

28. The State required that the request for the extension of precautionary measures not be admitted. The State indicated that it respects and promotes the rights of individuals, as established in its Constitution and in international human rights instruments. In that sense, it indicated that it respects the rights of all people without any type of discrimination. The State emphasized that the rights of the proposed beneficiaries are protected and that there is no situation presenting a risk to their rights, except those situations that the Constitution itself establishes as a limit to guarantee the rights of other people and the domestic legal order. The State reported that Miguel Mora is being investigated or prosecuted for the commission of common crimes previously classified in the domestic law. In such proceedings, the State indicated that the corresponding rights and guarantees are respected. The State emphasized that the proposed beneficiary is being investigated for a common crime and that his detention is not political, or of any other kind, including his work as a journalist. Lastly, quoting the Nicaraguan Constitution and the American Convention, the State emphasized that the nature of the precautionary measures does not imply conditions of impunity for acts that violate the legal order.

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

29. 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.

30. 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.²³ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁴ 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.²⁵ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve the rights at risk until the petition 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.²⁶ In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission considers that:

- a) “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b) “urgent situation” 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.

31. When 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 of review to determine whether a serious and urgent situation exists.²⁷ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the alleged facts. Moreover, in this proceeding, it is not called upon to find any violation of rights enshrined in the American Convention or other applicable instruments.²⁸ The analysis

²³ 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.

²⁴ 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].

²⁵ 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].

²⁶ 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.

²⁷ 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. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

²⁸ 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 his family regarding Nicaragua. April 30, 2021, para. 33 [only in Spanish].

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.²⁹

32. As a *preliminary matter*, the Commission recalls that, insofar as this is a request for extension, it is a requirement that the alleged facts have a “factual connection” with the events that justified, at the time, the adoption of precautionary measures.³⁰ In this regard, the Commission recalls that precautionary measures have been requested in favor of Mr. Mora Barberena, who was a beneficiary at the time the precautionary measures were initially granted in 2018. The Commission also notes that the events placing the proposed beneficiary at risk are allegedly linked to actions of the police and pro-Government individuals. Therefore, either because this matter concerns a person who was a beneficiary of precautionary measures, or because the risk factors are purportedly still in force, the Commission understands that the requirement of factual connection has been met. The Commission herein proceeds to analyze compliance with the procedural requirements.

33. As for the requirement of *seriousness*, the Commission considers that it has been met. At the time of undertaking this assessment, the Commission considers the profile of the proposed beneficiary, which has given him high visibility in Nicaraguan society. In this regard, the Commission observes that he served as director and owner of “100% Noticias,” and that he has recently taken an active role in politics and has decided to run as a presidential candidate for the next general elections in the country (see *supra* para. 24). Based on this understanding, the Commission also recalls that, in his capacity as a journalist in Nicaragua, the proposed beneficiary was the beneficiary of precautionary measures in 2018, and subsequently, the beneficiary of urgent measures from the Inter-American Court, whilst he was deprived of his liberty in 2019.

34. The profile of Mr. Mora, as well as the history of risk to which he has been exposed in the Nicaraguan context, make the submissions furnished in this request for extension of precautionary measures especially serious. In this regard, the Commission notes that the representation has described the following alleged events that occurred between September 2020 and June 2021: i) continuous police surveillance, including taking photographs of the proposed beneficiary; ii) siege by the police at events of a political nature in Nicaragua; iii) significant police presence at the entrance to a place where the proposed beneficiary met with other members of the National Coalition to which he belonged; iv) unidentified third parties, allegedly in the presence of the police, stabbed the tires of the proposed beneficiary’s car to prevent him from moving freely after his political meetings; v) attacks by motorized third parties, with police presence, while his wife was “severely” injured in October 2020 (see *supra* para. 20); vi) on the way to the hospital, the proposed beneficiary and his wife were watched by the motorized third parties, and the attacks continued; vii) recent detention of the proposed beneficiary on June 20, 2021, through the use of violence and in an allegedly irregular manner (see *supra* para. 22); viii) the proposed beneficiary is purportedly held in solitary confinement and not receiving medical care or food, despite the medical conditions he allegedly has (see *supra* para. 25); and ix) his relatives were unaware of his whereabouts for approximately 24 hours (see *supra* para. 26).

35. The alleged facts reported by the representation reflect that the proposed beneficiary continues to be monitored, harassed, and intimidated by the police, and unidentified pro-Government individuals, who have been classified as “parastate officers” (see *supra* para. 21). On this occasion, the Commission

²⁹ 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].

³⁰ I/A Court H.R., [Fernández Ortega et al. regarding Mexico](#). Resolution of Provisional Measures of November 23, 2010, considerandum 19.

also notes that the proposed beneficiary and his wife have been purportedly attacked by third parties with motor vehicles in the presence of the police, and the latter did not take measures in the face of the attack occurred in October 2020. This ongoing risk is highly worrying as it reflects that the situation of the proposed beneficiary has remained over a long time, even after being released in 2019. For the Commission, the fact that the proposed beneficiary was detained again in June 2021, and his whereabouts remained unknown for approximately 24 hours, adds special seriousness to his current situation.

36. The Commission notes that, according to the representation, his relatives do not have certainty on the place where he is held, given that the proposed beneficiary has been held incommunicado since his detention, and more than a month has gone by without official information on his current situation. In this vein, the Commission emphasizes that the representation has expressed fear that the proposed beneficiary may be subjected to cruel, inhuman, and degrading treatment, including torture by State officers, as occurred during his first detention.

37. Upon requesting information from the State, the Commission considers that its response does not disprove the several facts alleged in the request for extension. Although the State affirms that it recognizes and promotes human rights, the information presented does not refer specifically or in detail to the situation of the proposed beneficiary. This clarification is relevant mainly because the proposed beneficiary is currently detained, and in the custody of the State, and the latter has, or should have, the necessary information about his detention conditions or health situation, confirming at least the place where he is currently held. The State's response also does not refer to the complaint concerning the attack of October 2020 (see *supra* para. 21), and therefore, there are no additional elements in this regard. The Commission observes that the lack of information on progress in the investigations makes the alleged risk faced by the proposed beneficiary particularly serious. The above assessment is even more relevant insofar as there have been no actions to prevent the alleged events from reoccurring.

38. Thus, the State has not provided any type of specific information that indicates that it has been adopting actions in favor of the proposed beneficiary. In this sense, the Commission does not have elements to disprove the representation's allegations. Particularly, it is especially serious that the proposed beneficiary still cannot communicate with his relatives and lawyers and there is no official statement on his legal situation. In this regard, the Inter-American Court has indicated in the *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua* in 2021 that

“[...] prolonged isolation and coercive lack of communication represent forms of cruel and inhuman treatment, which are harmful to the mental and moral integrity of the person and the right to duly respect the inherent dignity of the human being. The States must also guarantee that persons deprived of liberty can contact their relatives. In effect, the detention without communication not only makes it impossible to verify the current situation of the proposed beneficiaries, their conditions of detention and their health status, but also it implies a curtailment of the procedural guarantees of all detainees.”³¹

39. In view of the 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 Miguel de los Ángeles Mora Barberena are at serious risk. Taking into account the risk elements exposed, the Commission deems that this situation also extends to the proposed beneficiary's identified nuclear family.

³¹ I/A Court H.R. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua*. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021. Considerandum 36 [only in Spanish].

40. 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. Therefore, in view of the imminent materialization of the risk, the situation calls for the immediate adoption of measures to safeguard their rights to life and personal integrity. At the time of undertaking this assessment, the Commission takes into account that, over time, at least since 2018, the State has not adopted protective measures in favor of the proposed beneficiary, although [the risk] has remained even when he was deprived of his liberty in 2019.

41. 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.

42. Lastly, with regard to the arguments concerning the tax debt and the seizure of the media outlet's assets (see *supra* para. 27), the Commission notes that the analysis of the said allegation necessarily calls for an assessment on the merits. For this reason, the Commission will not address it in these proceeding.

VI. BENEFICIARIES

43. The Commission declares Miguel de los Ángeles Mora Barberena as beneficiary of precautionary measures, who is duly identified in these proceeding. Similarly, the Commission recalls that his son M.A.M.C. was already a beneficiary of precautionary measures as part of Mr. Mora Barberena's nuclear family. However, the Commission reaffirms the precautionary measures for both his son, identified as M.A.M.C., and his wife, Ms. Verónica Graciela Chávez Selva, who are duly identified in this resolution.

VII. DECISION

44. 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 the State of Nicaragua:

- a) adopt the necessary measures to guarantee the rights to life and personal integrity of the identified persons. In particular, the State must ensure that the beneficiaries' rights are respected in accordance with the standards established by international human rights law, both by state actors and in relation to acts of risk attributable to third parties;
- b) report on the official whereabouts of Mr. Mora Barberena, as well as his conditions of detention, bringing them into line with international standards, as appropriate. Similarly, in order to verify his situation, grant Mr. Mora Barberena access to his legal representatives and his family visits in accordance with the applicable standards;
- c) consult and agree upon the measures to be adopted with the beneficiary and his 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 them from reoccurring.

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

46. The Commission emphasizes that, pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute prejudgment regarding the possible violation of the rights protected in the American Convention on Human Rights and other applicable instruments.

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

48. Approved on August 11, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda Arosemena de Troitiño, and Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary