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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 65/2021**

Precautionary Measure No. 444-21

Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and their son  
regarding Nicaragua

August 23<sup>rd</sup>, 2021

Original: Spanish

**I. INTRODUCTION**

1. On May 19, 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 Never Again (“*Colectivo de Derechos Humanos Nicaragua Nunca Más*”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) protect the rights to life and personal integrity of Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and their son. According to the request, as a result of his work in political opposition to the current Nicaraguan government, the proposed beneficiary Villanueva Sandoval is the target of threats, harassment, and acts of violence by state and parastatal authorities. In this context, his couple, Ms. Mejía Tercero, is also being subjected to harassment and threats.

2. The IACHR requested information from the State on May 28, 2021, pursuant to Article 25 of its Rules of Procedure, and reiterated the request on June 19, 2021. The State replied on July 21, 2021. The applicant recently submitted additional information on August 6, 2021.

3. Upon analyzing the information provided by both parties, in light of the applicable context and the findings made, the Commission considers that the information presented shows *prima facie* that Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and their son are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. 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 Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and their son. In particular, the State must ensure that state actors respect the beneficiaries’ rights in accordance with the standards established by international human rights law, and in relation to acts of risk 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 the precautionary measures at hand, 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.<sup>1</sup> To verify compliance with these recommendations, the Special Monitoring Mechanism for Nicaragua (MESENI) was created and was present in the country until December 19, 2018, when the State temporarily suspended its operations.<sup>2</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI) issued a report that analyzed the events taking

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

<sup>2</sup> IACHR, [Press Release No. 274/18](#), Press Release about Nicaragua. December 19, 2018.

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place between April 18 and May 30, 2018, confirming the IACHR findings.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

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."<sup>10</sup>

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 the crisis."<sup>11</sup> In May, 2020, the IACHR noted and condemned the non-compliance with its

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<sup>3</sup> GIEI, [Report on the Acts of Violence occurred between April 18 and May 30, 2018](#), December 2018 [only in Spanish].

<sup>4</sup> 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.

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

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> IACHR, [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>10</sup> IACHR, [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

<sup>11</sup> 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.

recommendations and urgently called on the State to implement them.<sup>12</sup> 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.<sup>13</sup>

9. In 2021, the IACHR condemned the increasing harassment in Nicaragua.<sup>14</sup> 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.<sup>15</sup> More recently, the Commission condemned the widespread impunity and the extended breach of the rule of law that persists in Nicaragua,<sup>16</sup> and the recent and intensive repression against individuals and organizations who belong to the opposition party, human rights defenders, and the independent press.<sup>17</sup>

10. In August 2021, the IACHR urged the State to cease repression against opponents to the government, emphasizing, among the state actions carried out in recent months aimed at preventing the participation of the opposition: detention and criminalization of leaders, including pre-presidential candidates, by approving and using criminal laws with ambiguous content and/or arbitrarily restricting the political rights of the Nicaraguan population; and, in general, by deepening a police state that keeps public rights and freedoms suspended.<sup>18</sup>

### **III. SUMMARY OF FACTS AND ARGUMENTS**

#### **1. Information provided by the applicants**

11. The request indicated that the proposed beneficiary, Douglas Antonio Villanueva Sandoval, actively participated in the protests that took place in April 2018, organizing and attending marches in opposition to the government in Chinandega, and participating in the Youth Movement for Justice and Freedom. As a result, the proposed beneficiary began to be threatened, harassed, and to be monitored and attacked, both by police and parastatal officers.

12. According to the applicant, on April 13, 19 and 20, 2018, the proposed beneficiary was attacked by police and/or government-related third parties while attending protests. On this last occasion, the proposed beneficiary was intercepted and beaten, and even stones were thrown at him. On August 12, 2018, the proposed beneficiary suffered an attempt on his life in the municipality of El Viejo, Chinandega. During a demonstration, upon being allegedly recognized by a state authority, the latter “sent out two patrols of paramilitary officers,” who fired guns at the proposed beneficiary, thus, hitting his left elbow. Subsequently, in September 2018, the proposed beneficiary’s house was marked with the word “*plomo*,” which he interprets as a death threat. Similarly, he allegedly received threats on his social media, through false profiles, telling him that they were going to kill both him and his family. In September 2018, police and parastatal officers began to watch his home.

<sup>12</sup> IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

<sup>13</sup> IACHR. [Press Release No. 249/20](#). IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua. October 10, 2020.

<sup>14</sup> IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

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

<sup>16</sup> 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.

<sup>17</sup> IACHR. [Press Release 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

<sup>18</sup> IACHR. [Press Release 209/21](#). IACHR condemns the set of state actions that aim to put an end to the participation of the opposition in the next elections in Nicaragua. August 11, 2021 [only in Spanish].

13. During 2019, the proposed beneficiary reportedly continued to receive threats. On September 22, 2019, at approximately 4:00 p.m., he was returning home after participating in an activity of the Youth Movement for Justice and Freedom, when police officers allegedly intercepted him. According to the arguments, police officers threw him into the patrol car and beat him, and transferred him to the Chinandega police station, where they took photographs of him, took his belongings, and put him naked in a cell, while indicating to the other prisoners, *“Here we bring fresh meat for you,”* referring to the proposed beneficiary. On that same day, at 8:00 p.m., they allegedly transferred him to an office where they tied him to a chair and gave him multiple blows, presumably to get him to admit that he had dropped bombs on a bridge. According to the proposed beneficiary’s testimony:

They hit me in my abdomen and back with their fists and feet, then they lifted me from the chair and began to kick my legs, they stretched my arms, they knelt me, and put the gun to my head... At that moment, he told me, “All your friends already blamed you, they said it was you, better admit that it was you, then I’ll send you to El Chipote, and if not, here you’ll die.” Suddenly, he pulled the trigger, which only clicked (the gun), apparently with no bullets, it was just to torture me psychologically.

After that, they sent me to another cell... They took me out at midnight, questioned me again, and told me the same, and I just said that I didn’t know anything, it was the truth, they came once again and hit me and took me to the cell, from there they took me out at about 2 a.m., they simply sat me down and told me, “Will you speak or not?” They grabbed me, put me in the cell until 6 a.m., then enrolled me and put me into the patrol... He told me “This is the last chance I give you, if you don’t tell me, we’ll kill you. Look, you go alone (in the patrol)”... The police said, “This is the journey of silence, if anyone speaks, we’ll blow their brains out”... (They stopped on the way,) and said, “This is where we’re going to kill them,” almost reaching an abyss in Managua, and then said, “Let’s get them off,” and started laughing... We arrived at El Chipote, they took our clothes off...

14. Later, at the Directorate of Legal Aid, known as El Chipote, the proposed beneficiary was purportedly tortured again. According to the request, on September 23, 2019, they twice took him out for questioning, put a plastic strap on him, threw him to the ground and beat him, threatening to kill him with a gun to his head, which reportedly happened with a camera for the proposed beneficiary to plead guilty. He was allegedly held in El Chipote for four days, where he was subjected to interrogations and frequent beatings, and did not receive food or had any contact with his family. On September 26, 2019, the proposed beneficiary was released under the threat of being detained if he participated in protests again.

15. According to the request, on October 18, 2019, the proposed beneficiary received threats again. In the context of a “talk” (*“hablatón”*) against the government, which he allegedly helped to organize, an officer reportedly told the proposed beneficiary, *“Today I’ll do take you.”* Similarly, in November and December 2019, he once again noticed surveillance by state officers in front of his house, including taking pictures and videos outside his house and preventing him from going out.

16. In 2020, the siege, harassment, and threats against the proposed beneficiary purportedly continued. On April 19, 2020, while he was heading to a meeting related to the commemoration of the 2018 protests in the municipality of Corinto, police officers forced those present to leave through the back of the building and the participants were persecuted. On the same day, the proposed beneficiary’s house was surrounded by police officers, and therefore, he had to forcibly travel to the interior of the country for three months. The request also alleged that, in the middle of the year, the proposed beneficiary returned to the municipality of Corinto, this time as a representative of the youth sector of the National Coalition, when the participants were once again besieged by police officers, who surrounded his home for hours. Between November and December, the siege against the proposed beneficiary allegedly increased, and his vehicle was detained by the police whenever he tried to leave the city. Moreover, his couple, proposed beneficiary Cindy Mariana Mejía Tercero, was allegedly exposed on social media as a form of intimidation.

17. According to the request, in March 2021, when Ms. Mejía Tercero was going to give birth, she was denied timely medical attention in a public hospital in the municipality of Chinandega, while proposed beneficiary Douglas Antonio was violently removed from the hospital. Thus, a cesarean section was allegedly not performed on time, which is why their child purportedly had respiratory problems. Later, threats against him were posted again on social media, mentioning that they would kill his family.

18. On April 19, 2021, the proposed beneficiary allegedly appeared at a private mass at the Ermita El Rosario church, in Chinandega, where they would commemorate three years of protests. However, the place was surrounded by three patrols and twenty police officers who prevented many people from entering. At 10 a.m., when the mass was concluding, the proposed beneficiary allegedly took the floor, while multiple uninvited people entered the mass. In this case, several parastatal officers reportedly jumped on him and, when trying to leave the place, the proposed beneficiary was allegedly beaten and chased by four motorists. In addition, his relatives' house was purportedly surrounded by police officers for almost two hours, for which the proposed beneficiary allegedly had to go to another place. The request indicated that, since that day, parastatal officers constantly monitor his home.

19. Furthermore, on April 21, 2021, while the proposed beneficiary was in a training session at the Permanent Human Rights Commission in Chinandega, he was purportedly detained by police officers, who took photographs of him and his identity card, and threatened him by saying, *"Today you'll die, you son of a bitch."* Then, on April 27, while the proposed beneficiary was in a meeting in Chinandega, police officers reportedly arrived at the place, where they had been parked outside for approximately two hours, and they allegedly threatened and removed everyone from the place. On May 19, 2021, the proposed beneficiary was holding a meeting in Chinandega, with the aim of coordinating protests, when the police appeared to detain the participants, including the proposed beneficiary. Additionally, he has purportedly continued to receive threats on social media platforms to date. By way of example, it was indicated that the proposed beneficiary's personal data has been publicly shared, and he had been threatened with writings stating, *"We already have the information of your entire family, so you can see that we have you under surveillance, you bloody instigator of hatred, if we see you in the street, we'll teach you what the damn peace-destroying terror is."*

20. More recently, in the first week of June 2021, the proposed beneficiary was in a meeting with young people, organized by the Blue and White National Union, when they were once again surrounded by the police, who forced them to leave the place, took photographs of them, and then disseminated them on social media. According to the applicant, following this event, harassment against him increased, with events such as police stationing themselves outside his and proposed beneficiary Mejía Tercero's house, while taking photographs. Similarly, he reportedly received another threat through social media, targeting his family, whereby they indicated that they were monitoring proposed beneficiary Mejía Tercero's habits, describing them in detail. She even indicated having noticed on at least two occasions that they had tried to force the doors of her home in the early hours of the morning.

21. The request also alleged that the father of the proposed beneficiary, Mr. Douglas Villanueva, had been detained in the Jorge Navarro Penitentiary since March 22, 2018, due to political repression of dissidents. The judicial process is allegedly full of irregularities, and he has been purportedly subjected to torture and death threats in prison, in addition to being denied medical attention, while they have also prevented the entry of medicines. Moreover, prison officers have told the proposed beneficiary's father, *"As you have a coup plotter son, we won't take you out, we won't take care of you."*

22. Lastly, the request indicated that the proposed beneficiary cannot file complaints about the events alleged, mainly because these directly involve state officers, and he is also being prohibited from entering the National Police. In this context, neither he nor his family have protection measures.

## 2. Information provided by the State

23. The State reported that it recognizes the right to life, and physical, mental, and moral integrity as an essential principle, established in the Political Constitution. The State is reportedly working in the “reestablishment, promotion, and strengthening of the human rights of all Nicaraguans without distinction,” in compliance with the regulations of its domestic legal system and the international human rights treaties ratified by the State.

24. Regarding proposed beneficiary Douglas Antonio Villanueva, it was alleged that he is not facing any risk to his life or physical or psychological integrity. The State argued that the claims in the request are subjective, without sufficient evidence to show the existence of an imminent and real risk to his life, security, or personal well-being. Furthermore, the State affirmed that there is no situation of persecution, threats, harassment, or besiege towards the proposed beneficiary or his nuclear family. Although “isolated situations” may eventually arise, these allegedly do not constitute the factual, legal, or social context of the country, and, in case such situations occur, the country has institutional legal and administrative mechanisms to correct such situations.

25. Lastly, the State asserted that, in contrast to the allegations of the requesting party, the country respects human rights and lives in times of peace. In this sense, all people are free not only to express their opinions openly and publicly, but also to express their perception and dissatisfaction with the policies of government institutions. For these reasons, the State requested that this request for precautionary measures be archived.

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

26. 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.

27. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>19</sup> Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>20</sup> 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

<sup>19</sup> 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.

<sup>20</sup> 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].

are not adopted.<sup>21</sup> 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.<sup>22</sup> 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.

28. 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.<sup>23</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged.<sup>24</sup> Moreover, in this proceeding, it is not called upon to find any violation of rights enshrined in the American Convention or other applicable instruments.<sup>25</sup> The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>26</sup>

29. When assessing compliance with the procedural requirements, the Commission takes into

<sup>21</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [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].

<sup>22</sup> 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.

<sup>23</sup> 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. I/A Court H.R., *Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA*. Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

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

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

<sup>26</sup> 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].

account Nicaragua's current context,<sup>27</sup> 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 allegedly find themselves.<sup>28</sup> In this context, it is observed that the proposed beneficiary Douglas Antonio Villanueva Sandoval participated in the protests of April 2018, carrying out an ongoing work of opposition to the current government, including his activities in the Youth Movement for Justice and Freedom and the National Coalition. In this sense, the IACHR notes that the context is consistent with the alleged situation of Mr. Villanueva Sandoval, 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* paras. 12-13; 15-16; 18-20). In this regard, it should be recalled that the Commission has granted several precautionary measures to persons identified as "dissidents" in Nicaragua,<sup>29</sup> and it has observed over the years an increasing harassment of any person who is so perceived or identified.<sup>30</sup>

30. Taking into account the aforementioned context, regarding the requirement of seriousness, the IACHR observes that, at least since 2018, the proposed beneficiary has allegedly received threats and harassment, and has been subjected to acts of violence, which have continued over time and have recently become more intense and frequent. In this sense, it is noted that while attending protests, Mr. Villanueva Sandoval was attacked at least four times in 2018 by state officers or government-related persons, being even stoned at an event and hit by a gunshot in another. In 2019, the proposed beneficiary was detained upon returning from an activity of the Youth Movement for Justice and Freedom, remaining detained for four days, during which he was threatened, ill-treated, and tortured, and kept in inadequate conditions. The IACHR notes the seriousness of these allegations and notes their alleged connection with the political opposition work carried out by the proposed beneficiary, particularly in view of his release under the purported threat of being detained if he participates in protests again (see *supra* para. 14).

31. According to the request, in 2020 Mr. Villanueva Sandoval continued to be subjected to threats and harassment, including surveillance and persecution by state officers (see *supra* para. 16). Similarly, more recently, the risk faced by the proposed beneficiary has reportedly worsened. In this regard, the applicants indicated, as recent specific events:

- i. In March 2021, he was violently removed from a public hospital where his couple would give birth, which is interpreted as an act of retaliation against the proposed beneficiary.
- ii. On April 19, 2021, he was allegedly beaten after taking the floor at a mass to commemorate the three years of the protests and was later chased by four motorists.
- iii. Even on April 19, 2021, his family's house was allegedly surrounded by police for almost two hours. Thereon, parastatal officers reportedly monitor his house constantly.
- iv. On April 21, 2021, in the context of a training session, he was allegedly detained by police

<sup>27</sup> See in this regard: 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. [Press Release No. 80/20](#). Two Years into Nicaragua's Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020; IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>28</sup> See in this regard: IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), paras. 54-77; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

<sup>29</sup> IACHR. [Resolution 54/21](#). Precautionary Measure No. 324-21. Karla Patricia Namendi Mendoza and her nuclear family regarding Nicaragua. July 22, 2021; 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.

<sup>30</sup> IACHR. [Resolution 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.

- officers, who took pictures of him and his identity card, and threatened him with death.
- v. On April 27, 2021, he was threatened again by police officers, along with other people participating in a meeting.
  - vi. In early June 2021, at a meeting of young people by the Blue and White National Union, the proposed beneficiary and other participants were forced to leave the place and photographed, and their images were disseminated through social media.
  - vii. Threats through social media continue, which are said to extend to his nuclear family, with messages with the following tenor: *"We already have the information of your entire family, so you can see that we have you under surveillance, you bloody instigator of hatred, if we see you in the street, we'll teach you what the damn peace-destroying terror is."*

32. In this regard, the IACHR takes note of the tenor of the threats calling for his death, the nature of the events placing the proposed beneficiary at risk consisting of attacks, and the seriousness of the direct participation of state officers, who were even responsible for a death threat on one occasion. For the Commission, such events evidence an ongoing worsening of the risk faced by the proposed beneficiary, while the information available shows that the threats and intimidation seek to limit his work in opposition to the current government, including in civil society groups and movements.

33. Additionally, the IACHR notes that the alleged risk has purportedly affected the proposed beneficiary's nuclear family. In this regard, it is observed that the threats received include references to his family (see *supra* paras. 12; 17-19) and there are alleged direct indications of risk to his couple, proposed beneficiary Cindy Mariana Mejía Tercero. In this regard, it is observed that in 2020 she was allegedly exposed on social media, and in March 2021 she was reportedly denied timely medical attention in a public hospital at the time of giving birth, which resulted in respiratory complications for her son, both situations allegedly as a form of intimidation. In addition, threats have been recently sent through social media, indicating that her habits have been purportedly monitored. On at least two occasions, she reportedly noticed that they tried to force her home's doors in the early hours of the morning. Moreover, although there is no sufficient information on the current situation of the father of proposed beneficiary Villanueva Sandoval to assess the risk he faces, the IACHR observes that he is being subjected to reprisals while deprived of liberty, due to the work of opposition to the government that the proposed beneficiary carries out.

34. For the Commission, the events Mr. Villanueva Sandoval and Ms. Mejía Tercero have faced indicate certain animosity on the part of state actors and third-party sympathizers of the government towards them, while these persons even aim to keep them under strict surveillance and control over time. In this framework, the proposed beneficiary reportedly does not have protection measures in his favor either.

35. The Commission takes note of the information provided by the State. In this regard, the Commission observes the statements made by the State regarding freedom of demonstration and expression, including perceptions and dissatisfaction with the policies of government institutions. However, the IACHR notes that, although the State affirmed that it recognizes such rights and the right to life and personal integrity and indicated that the proposed beneficiaries are not facing any risk to their life, or their physical or psychological integrity, the State did not provide further elements to disprove the incidents alleged by the applicants from the applicable *prima facie* standard, despite the seriousness of such allegations, which include ill-treatment and torture, attacks by state officers, and repeated death threats. On this point, there was no information, *inter alia*, on investigations carried out, determination of those responsible, risk assessments carried out, or protection measures implemented in favor of Mr. Villanueva Sandoval and Ms. Mejía Tercero, although the State has referred to "legal mechanisms and institutional administrative procedures to correct such situations" (see *supra* para. 24). In this sense, the Commission understands that the State has not deployed any protection measures in favor of the

proposed beneficiary's nuclear family or informed about relevant investigative actions, although the threats against Ms. Mejía Tercero include detailed personal information and indicate possible surveillance and persecution.

36. 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 Douglas Antonio Villanueva Sandoval and Cindy Mariana Mejía Tercero are at serious risk. In the same way, the Commission deems that the son of Mr. Villanueva Sandoval and Ms. Mejía Tercero may be subject to reprisals, and therefore, it also considers him to be at risk.

37. 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, the proposed beneficiaries are likely to be imminently exposed to a greater impact on their rights. 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. To the above, it should be added a context of ongoing risk and increasing events in a short period of time, as well as the tenor of the recent threats against them. Consequently, the Commission concludes that it is necessary to immediately adopt protective measures to safeguard their rights to life and personal integrity.

38. 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**

39. The Commission declares that the beneficiaries of this precautionary measure are Douglas Antonio Villanueva Sandoval and Cindy Mariana Mejía Tercero, who are duly identified, as well as their son.

## **VI. DECISION**

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and their son. In particular, the State must ensure that state actors respect the beneficiaries' rights in accordance with the standards established by international human rights law, and in relation to acts of risk 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 the precautionary measures at hand, so as to prevent such events from reoccurring.

41. 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.

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42. 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 do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention or other applicable instruments.

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

44. Approved on August 23, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-Presidenta Flávia Piovesan, Second Vice-President; Margarete May Macaulay; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Edgar Stuardo Ralón Orellana.

Tania Reneaum Panszi  
Executive Secretary