
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 70/2021**

Precautionary Measure No. 1061-20

Georgina Roxana Vargas Clarens regarding Nicaragua

August 28, 2021

Original: Spanish

I. INTRODUCTION

1. On November 10, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the International Institute on Race, Equality and Human Rights, and the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN) (“the applicants”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of Ms. Georgina Roxana Vargas Clarens (“the proposed beneficiary”). According to the applicants, as a result of her journalistic work in Nicaragua, the proposed beneficiary is at risk because she is being subjected to acts of harassment, threats, and repression by state authorities and third parties.

2. The IACHR requested information from the State and the applicants on November 17, 2020, under the terms of Article 25(5) of its Rules of Procedure. The applicants provided the required information on November 24, 2020. Subsequently, the IACHR reiterated the request for information from the State and requested additional information from the applicants on June 16, 2021. The applicants sent the requested information on June 25, 2021, while the State sent information on July 17, 2021.

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

II. BACKGROUND INFORMATION

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected several testimonies on human rights violations committed in the framework of the protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its

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.

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 consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government, as well as acts of violence in rural areas and against communities of indigenous peoples.¹¹ Thus, it observed ongoing attacks on indigenous communities on the Caribbean Coast, which had worsened in the context of the serious human rights crisis in the country.¹² In May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement

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 Non-repetition. 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.

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. 61/20](#). IACHR Urges the State of Nicaragua to Cease Violations of the Rights of Indigenous Peoples and Communities. March 23, 2020.

them.¹³ In October 2020, the IACHR again called for an immediate end to the acts of persecution against persons identified as opponents of the government and for the restoration of democratic guarantees in Nicaragua.¹⁴ In October 2020, the IACHR again called for an immediate end to the acts of persecution against persons identified as opponents of the government and for the restoration of democratic guarantees in Nicaragua.¹⁵ Similarly, the IACHR and its Special Rapporteurship for Freedom of Expression (SRFoE) expressed concern over the escalation of repression in Nicaragua marked by the submission to the National Assembly of two bills that seriously threaten the exercise of freedom of expression, the imposition of tax penalties against media outlets, and judicial harassment against journalists.¹⁶ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its Annual Report 2020.¹⁷

8. In 2021, the SRFoE of the IACHR and the Office of the United Nations High Commissioner for Human Rights (OHCHR) underscored that the international community has been registering, since April 2018, a climate of hostility towards the exercise of freedom of expression in the country, marked by the criminalization of protest, arbitrary detentions, the seizure and closure of independent media outlets, and the persecution and harassment of independent journalists, human rights defenders, and opponents, and their exile.¹⁸ According to the OHCHR and the IACHR, 2020 and the beginning of 2021 were marked by numerous attacks against journalists and independent media outlets, which have included repeated stigmatizing speeches by high authorities, numerous criminal cases against journalists, harassment against journalists and media outlets, raids, threats, physical attacks, among others.¹⁹ Furthermore, the Commission drew attention to the situation of colonization of indigenous territories and the pattern of attacks that occurred in that context, which continue to cause fatalities, injuries, and displacement of families and communities of indigenous peoples and Afro-descendants in the autonomous regions of the Caribbean, while there is no information so far that indicates truth and justice processes in these cases, or measures to prevent their occurrence.²⁰

9. More recently, in August 2021, the IACHR, its SRFoE, and the OHCHR strongly condemned the growing repeated acts of intimidation by Nicaraguan authorities against the media, journalists, and press workers registered in the framework of the presidential elections of November 2021.²¹ Thus, in the last two months and given the growing repression in the country, the IACHR and the OHCHR have documented that at least 12 journalists from the written press, radio, television and digital media from different regions of the country have been forced to go into exile for fear of reprisals against them.²²

III. SUMMARY OF FACTS AND ARGUMENTS

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

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

¹⁵ IACHR. [Press Release No. 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.

¹⁶ IACHR. [Press Release No. R246/20](#). The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua. October 7, 2020.

¹⁷ IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, paras. 5-29.

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

¹⁹ IACHR. [Press Release No. R47/21](#). Joint statement by the OHCHR for Central America and the IACHR's SRFOE on Journalist's Day in Nicaragua. March 2, 2021; IACHR. [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.

²⁰ 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.

²¹ IACHR. [Press Release No. 216/21](#). The IACHR, its SRFoE and OACNUDH condemn the repeated attacks on freedom of expression in Nicaragua. August 18, 2021 [in Spanish].

²² IACHR. [Press Release No. 216/21](#). The IACHR, its SRFoE and OACNUDH condemn the repeated attacks on freedom of expression in Nicaragua. August 18, 2021.

A. Information provided by the applicants

10. Ms. Vargas Clarens is a journalist. Since 2013, she has worked as a press correspondent for TV channel *Canal 10*²³ in Nicaragua, in the North Caribbean Coast Autonomous Region (RACCN), where she has been carrying out journalistic and investigative reports on the invasions of indigenous territories committed by various groups of settlers with the acquiescence of local and state authorities. She has documented and disclosed the constant aggressions of public authorities against community members and has provided special coverage to the different electoral elections held in recent years on the Caribbean Coast, which has resulted in threats, physical aggression, and other retaliation actions against her.

11. According to the applicants, at the beginning of October 2015, the proposed beneficiary made a report on clashes over land conflicts between indigenous persons and settlers in the communities of Santa Clara and Wisconsin,²⁴ which she broadcast on the news program *“Acción 10 edición medio día,”* on *Canal 10* and on the TV-program called *“El Clamor del Pueblo”* on *Canal TV7*, with a local audience in Puerto Cabezas. This program is a space sponsored and directed by her. In this regard, on October 12, 2015, upon that broadcast, the director of *Canal TV7* informed Ms. Vargas Clarens that the broadcasting of the program *“El Clamor del Pueblo”* was immediately suspended because he had received threats from the Governor of the RACCN “with closing the channel if he did not cancel the program.” In the same way, given the dissemination of this report, the proposed beneficiary learned of the alleged hiring of hitmen to attempt against her life. Therefore, in November of the same year, she appeared at the police delegation of Bilwi-Puerto Cabezas to file a complaint. However, instead of receiving the complaint, the Head of the Police Delegation threatened her with imprisonment for allegedly “manipulating the journalistic report,” and ordered the officer in charge not to receive any complaint from her.

12. In 2017, Ms. Vargas Clarens received insulting and threatening messages from state officers through fake Facebook profiles.²⁵ For this reason, the proposed beneficiary attended the Bilwi-Puerto Cabezas police delegation to file a complaint. However, the applicants indicated that “she was denied the right to report the acts of threats against her.”

13. Subsequently, on June 15, 2018, the proposed beneficiary was carrying out a special coverage of a day of national strike that ended in confrontations, when two government supporters threatened her by saying: *“Coup plotter,” “You’re leaving... yes, you are,”* and *“When President Ortega wins again, you will be removed from Puerto Cabezas.”*

14. On March 4, 2019, after broadcasting some news in the newscast *“Acción 10: edición estelar,”* about the complaint lodged by the Yatama political party upon not agreeing with the results of the regional elections on the Caribbean Coast, Radio Bilwi Estéreo –an officialism’s radio station– published offenses against Ms. Vargas Clarens on its website and pointed out that she was falsifying information.

15. Later, on March 28, 2020, around 1:00 p.m. in the city of Bilwi-Puerto Cabezas, while covering a confrontation between leaders of the Regional Government of the Sandinista National Liberation Front (FSLN)

²³ According to the request, *Canal 10* of Nicaragua is a national, international, entertainment, and sports news channel, at the service of the Nicaraguan population, and has ranked first in preference for the Nicaraguan community for its programs *“Acción 10 en la mañana,” “Acción 10, edición del medio día,” “Acción 10, edición estelar,”* and *“Acción 10 edición de fin de semana.”*

²⁴ It should be noted that these communities have provisional measures granted by the Inter-American Court of Human Rights. See in this regard: I/A Court H.R. Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua. Request for Provisional Measures. Order of the Inter-American Court of Human Rights of September 1, 2016; 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 February 6, 2020.

²⁵ For example, she received messages such as: *“SoB Yorgina Vargas, you say on Canal 10 that everything is normal, what about the looting of businesses, are you blind, fat, ignorant, or what?” “We’ll catch you, dumbass, news should be neutral,” “We’re going to burn down your house and your whole family,”* and *“How far the ignorance of this so-called journalist goes, appearing at Canal 10 and accusing the FSLN, saying that she is the victim of a death threat. All she wants is to act the fool, so that the FSLN gives her a position.”*

and community leaders, two government sympathizers hit Ms. Vargas Clarens on her back. These persons threatened her to death by telling her, *“Next time, you’ll see where you’ll end up,”* and took away the cell phone she was using to record the news. In this regard, the proposed beneficiary went to the municipal police delegation to file a complaint, but the police refused to accept it.

16. On April 28, 2020, the proposed beneficiary was transferred to the community of the Cabo Gracias a Dios to carry out journalistic coverage of a confrontation that had arisen between residents of the community and Nicaraguan Army officers. According to the applicants, during this trip, Ms. Vargas Clarens managed to collect interviews and document a community assembly where the territorial and community authorities denounced and condemned the acts of violence that Army officers committed against her. On May 4, back in Bilwi-Puerto Cabezas, the proposed beneficiary proceeded to spread the news in the first edition of the newscast *“Acción 10: fin de semana,”* reporting in detail the acts of violence and aggressions by Army members to the community members. Thus, on May 6, an Army colonel, who is Chief of Public and Foreign Relations of the Army, said at a press conference: *“There is a journalist in that area, her name is Georgina Vargas, who covers these events, where there exists total manipulation of the facts, measures should be taken, because that affects people’s integrity, it’s necessary to be clear about that.”* In this regard, Ms. Vargas Clarens went to the police delegation of Bilwi-Puerto Cabezas to file a complaint, but the Chief Commissioner of this delegation ordered not to receive any complaint against Army authorities or government sympathizers.

17. In this regard, the applicants reported that, on May 11, 2020, the proposed beneficiary filed a complaint with the Human Rights Ombudsman’s Office (PPDH), located in Bilwi-Puerto Cabezas, against the authorities who have refused to receive her complaints in the police station. However, to date, it is unknown whether the authorities have carried out any investigation in this regard.

18. On November 7, 2020, upon broadcasting information about the situation of the RACCN communities after the passage of Hurricane Eta and the lack of attention from the government, Ms. Vargas Clarens received several threatening messages on Facebook from government supporters, who called her a “liar” and a “terrorist,” in addition to accusing her of “transmitting hateful messages” and “misinforming the population.”²⁶ Moreover, the proposed beneficiary stated that a trusted person told her to be careful, because she would be prosecuted in accordance with the new Cybercrime Law for publishing fake news.

19. A few weeks later, on November 22, 2020, following a post on her Facebook page concerning the fact that the Wawa Bar community had run out of food due to the hurricane crisis, Ms. Vargas Clarens was threatened by a regional government officer. Thus, while she was in the restaurant *Campestre* in Bilwi, the officer, who was meeting with others close to the FSLN authorities, approached her table and with a threatening tone said: *“You, blue and white people who speak ill of the government, I hope you come to speak by my house, I’m going to shoot you with a shotgun. I have bullets and I am going to shoot them at you for publishing false things, our government is doing its job.”* Later, on April 7, 2021, around 12:00 p.m., while entering the same restaurant, the officer was there again and threatened her by saying: *“I know you have a daughter, she studies and looks pretty, and if I touch her, what would you do to me? Will you put me in jail?”*

20. More recently, on June 23, 2021, at approximately 3:00 p.m., Ms. Vargas Clarens was on her way to cover a confrontation between neighbors in the communities of Tuara and Pahra. However, before arriving at the scene, riot police stopped the vehicle in which she was traveling, told her that there was no passage, and asked her to hand over her cell phone, to which she refused, identifying herself as a journalist. The proposed beneficiary preferred to get out of the car and reach the place on foot. After covering the news, when she

²⁶ For example, one user commented: *“This supposedly poorly paid woman, her job is to misinform the population as they have always done, we must prosecute both her and her boss, the other coup plotter Dino Andino, for all the fallacies, because it seems that they’re well abusing the blood money that comes from the empire.”*

returned to the place where the vehicle was, a police officer told her: *“We should shoot this coup plotter, it’s too bad that this riot is not so big.”*

21. On another note, the applicants reported that Ms. Vargas Clarens does not have any protection detail. Similarly, to date, it is unknown whether state authorities have undertaken any investigation in relation to the complaint filed with the Human Rights Ombudsman’s Office (PPDH), located in Puerto Cabezas.

B. Information provided by the State

22. The State of Nicaragua reported that it works hard to guarantee the constitutional postulates and state protection to all people in the national territory without any distinction. However, the rights of each person are limited by the rights of others, by the safety of all, and by the just demands of the general welfare. The State further asserted that the rights to freedom of expression and to inform are enshrined in its fundamental standard and are strictly respected, which is evidenced by the existence of numerous written, oral, digital, and television media outlets, many of them contrary to government policies, which disseminate news without prior censorship. According to the State, these media outlets disclose the information they want, even fake news adapted at their convenience, including criticism of government institutions and officers, according to their own interests and without any kind of restriction.

23. Regarding the situation of Ms. Georgina Roxana Vargas Clarens, the State affirmed that there is no situation presenting a risk to her life, physical or psychological integrity, safety, freedom of expression, opinion and demonstration, or fundamental rights. There is also no arrest warrant or police investigation for the exercise of her journalistic work, given that the proposed beneficiary exercises her work without any impediment, because in Nicaragua there is no policy of persecution of journalists, neither in a general way nor particularly against the proposed beneficiary. According to information from the State, the applicants base their request on several messages in webpages with fake social media profiles, which do not constitute serious or reasonable indications of real threats against the life and physical integrity of the proposed beneficiary. In addition, the State stated that the allegation about a purported allusion against the journalist by a member of the Nicaraguan Army, which reportedly occurred in 2020, has not had any repercussions against her to date. In this regard, the State expressed that the journalists or communicators are public figures, and therefore, they are subject to having their names mentioned or alluded to due to the public tasks they carry out, which does not mean or imply a real, much less direct, impact towards their human rights.

24. The State also reported that Ms. Vargas Clarens does not have a criminal record, there is no complaint, or police or judicial arrest warrant against her, and she is not linked to any action within the context of 2018 in Nicaragua. The State also asserted that there are no complaints in the registry of the National Police in the police delegations or the Directorate of Legal Aid about the alleged acts against the physical integrity and property of the proposed beneficiary. There are also no complaints in the Internal Affairs Directorate about alleged harassment or mistreatment by members of the Bilwi-Puerto Cabezas National Police, in the exercise of her powers and attributions. In relation to the complaint filed by the proposed beneficiary before the Human Rights Ombudsman’s Office (PPDH) in Bilwi-Puerto Cabezas, the State reported that it was in fact carried out, and two officers of the Legal Aid of the municipality’s police delegation were interviewed. These officers stated that they had told Ms. Vargas Clarens that she should exhaust the administrative procedure before the Nicaraguan Army before the National Police could accept the complaint, an action that the proposed beneficiary has not carried out. For this reason, on May 13, 2020, the Ombudsman’s Office [*Procuraduría*] issued a resolution giving administrative closure to the complaint, given that the facts denounced relate to matters pending to be exhausted by administrative and judicial means.

25. Consequently, the State indicated that Ms. Vargas Clarens is not facing any risk to her life, physical or psychological integrity, safety, freedom of expression, opinion and demonstration, or fundamental rights; she is not being threatened or persecuted, nor is there any complaint or arrest warrant against her; she continues

to carry out her journalistic work without any impediment; and there is no imminent risk that her rights will be violated or have been violated. By virtue of the above, the State asked the Commission not to admit this request for precautionary measures.

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 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.

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.²⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁸ 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.²⁹ 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.³⁰ 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;

²⁷ 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.

²⁸ 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].

²⁹ 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].

³⁰ 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.

- 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. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.³¹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the alleged facts.³² Moreover, it is not appropriate, in this proceeding, to find any violations of rights enshrined in the American Convention or other applicable instruments.³³ The analysis performed herein is exclusively related to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.³⁴

29. In addition to this, in the matter at hand, the Commission observes that the alleged risk faced by the proposed beneficiary is framed in the current context of Nicaragua,³⁵ as well as in a repressive context towards independent journalistic activity in the country.³⁶ In this framework, the Commission recalls that it has granted precautionary measures regarding journalists who have been subjected to threats, intimidation, and other acts of violence allegedly attributable to State officers or third parties related to the Government, who reportedly seek that the journalists change their editorial line or stop reporting on the events that have been taking place in the country.³⁷

³¹ 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

³² 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.

³³ 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].

³⁴ 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].

³⁵ 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.

³⁶ See in this regard: IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 54-77; IACHR. [Press Release No. 216/21](#). The IACHR, its SRFoE and OACNUDH condemn the repeated attacks on freedom of expression in Nicaragua. August 18, 2021 [in Spanish]; IACHR. [Press Release No. R47/21](#). Joint statement by the OHCHR for Central America and the IACHR’s SRFoE on Journalist’s Day in Nicaragua. March 2, 2021; IACHR. [Press Release No. R246/20](#). The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua. October 7, 2020; IACHR. [Press Release No. R212/19](#). Nicaragua must stop reprisals against journalists, say human rights experts. August 26, 2019.

³⁷ See in this regard: IACHR. [Resolution 52/2021](#). Precautionary Measure No. 311-21 and 462-21. Willih Francisco Narváez González and Alberto José Miranda Herrera regarding Nicaragua. July 11, 2021; IACHR. [Resolution 47/2021](#). Precautionary Measure No. 366-21. Kalua Salazar and her family regarding Nicaragua. June 10, 2021; IACHR. [Resolution 31/2021](#). Precautionary Measure No. 1606-18. Javier Iván Olivares regarding Nicaragua. (Extension), April 5, 2021; IACHR. [Resolution 3/2021](#). Mariano Valle Peters

30. Furthermore, the Commission notes that the proposed beneficiary, as a woman journalist, faces a noticeable risk due to gender stereotypes, historical discrimination, and prejudices related to the way she should dress and act or the roles that women should play in society.³⁸ Thus, the Commission has observed that the impact of these discriminatory practices is particularly serious in the case of women who actively exercise freedom of expression and maintain a high public profile, such as women who are journalists, human rights defenders, or politicians. These groups of women are doubly attacked for exercising freedom of expression and for their gender. In addition to the risks of threats and violence faced by all journalists in the region, women belonging to these groups are exposed to additional or specific risks. By challenging sexist stereotypes that disapprove of their participation in public life, they face violence and discrimination against women based on their gender, as well as differentiated forms of violence by state and non-state actors. In turn, they face lack of protection and obstacles in access to justice, also differentiated from their male counterparts.³⁹

31. Considering Nicaragua's current context, the Commission will proceed to analyze the procedural requirements regarding Ms. Vargas Clarens.

32. As for the requirement of seriousness, the Commission considers that it has been met. In assessing this requirement, the Commission identifies that the situation placing the proposed beneficiary at risk is directly related to her work as journalist. Indeed, the Commission observes that Ms. Vargas Clarens has been purportedly intimidated, threatened, harassed, and attacked since she began to work as a press correspondent for *Canal 10* in 2013, which has been increasing, particularly from 2018 to date. In addition to the seriousness of these events, the Commission has identified that such threatening events have become more frequent and intense over time. Thus, for example, in June 2018, the proposed beneficiary was reportedly threatened by two government supporters when she was covering a day of national strike. Then, in March 2020 while covering a confrontation between FLSN leaders and community leaders, Ms. Vargas Clarens was allegedly beaten on her back by two persons sympathetic to the government, who threatened her with death and took away the cell phone she was using to record the news.

33. Moreover, it is noted that several of the most recent threats against the proposed beneficiary have purportedly come from state authorities such as the Chief of Public Relations of the Nicaraguan Army and the Police Chief of Bilwi-Puerto Cabezas. Thus, according to the applicants, on April 7, 2021, the proposed beneficiary, while in a restaurant in the city of Bilwi-Puerto Cabezas, was purportedly threatened by a state officer: *"I know you have a daughter, she studies and looks pretty, and if I touch her, what would you do to me? Will you put me in jail?"* Then, on June 23, 2021, when Ms. Vargas Clarens was working as a journalist covering a confrontation in a community, she was threatened by police officers who told her: *"We should shoot this coup plotter, it's too bad that this riot is not so big."*

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

³⁸ IACHR. [Women Journalists and Freedom of Expression. Discrimination and gender-based violence against women journalists for the exercise of their profession](#). CIDH/RELE/INF.20/18, October 31, 2018, paras. 2, 6, 28-50; IACHR. [Towards Effective Integral Protection Policies for Human Rights Defenders](#). OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, paras. 43 and 146; IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II. 66, December 31, 2011, para. 283.

³⁹ IACHR. [Women Journalists and Freedom of Expression. Discrimination and gender-based violence against women journalists for the exercise of their profession](#). CIDH/RELE/INF.20/18, October 31, 2018, paras. 3, 6, 28-50.

34. For the Commission, these acts are framed in a particularly hostile and stigmatizing context against Ms. Vargas Clarens, as shown by the tenor of the threats she has received and the messages posted on social media, as well as the participation in these incidents of state authorities and persons and media who support of the current government. As already stated, on May 28, 2020, a senior Army official declared publicly, referring to the proposed beneficiary, that she is manipulating facts and that it would be necessary to take measures against her. On November 7, 2020, after broadcasting information about the lack of government attention to the communities of the North Caribbean Coast of Nicaragua after a hurricane, the proposed beneficiary received messages on Facebook, for example, from a user who told her: *“This supposedly poorly paid woman, her job is to misinform the population as they have always done, we must prosecute both her and her boss, the other coup plotter Dino Andino, for all the fallacies, because it seems that they’re well abusing the blood money that comes from the empire.”*

35. The aforementioned incidents show that the proposed beneficiary has severe limitations to be able to freely carry out her activities as a journalist in Nicaragua. Similarly, they indicate that there is a certain animosity on the part of state actors towards her, who purportedly also have the objective of keeping her under strict surveillance and control over time. In this regard, the Inter-American Court has observed that frightening posts on social media and public statements by government officers can generate a situation that places human rights defenders at serious risk.⁴⁰ In this regard, the Commission considers that the stigmatization generated by the messages disseminated through social media and the statements of the state officer against her, due to her journalistic work, added to the intimidation, threats, harassment, and attacks, makes the risk to the rights to life and personal integrity of Ms. Vargas Clarens more serious.

36. The Commission also notes that the incidents of violence have reportedly persisted over time, in relation to the proposed beneficiary’s journalistic work, insofar as she suffers more intense threats while or shortly after exercising her work. In this sense, on May 6, 2020, upon broadcasting news about a confrontation between residents and the Army, an Army colonel publicly accused her of spreading fake news. In addition, on November 7, 2020, upon broadcasting information about a hurricane in the North Caribbean Coast region of the country, the proposed beneficiary purportedly received threats on Facebook from government supporters. Also, the proposed beneficiary has been reportedly identified by state authorities and Government supporters as a “liar,” “coup plotter,” and “terrorist.”

37. The Commission takes note of the information provided by the State on Ms. Vargas Clarens’s situation. In this regard, the Commission takes note of the statements made by the State referring to the existence of numerous media outlets in the country with stances contrary to the state policies, as well as that there is no prior censorship of the media or persecution of journalists. However, the IACHR notes that beyond affirming that it recognizes the right to freedom of expression and indicating that the proposed beneficiary is not facing any risk to her life, personal or psychological integrity, the State did not provide further elements to disprove the events alleged by the applicants from the applicable *prima facie* standard. On this point, although the State argued that the request was based on threats on social media which do not indicate a risk and that the alleged public statement by an Army member about the proposed beneficiary did not have any specific consequences, the state report did not mention the numerous events of threats and aggression that Ms. Vargas Clarens has suffered, including by state officers, nor the actions that it has allegedly taken in this regard, such as investigations, determination of those responsible, risk assessments, or protection details.

38. In the same vein, the Commission observes that, although the State reported the absence of records of complaints before the National Police about the alleged events narrated, no reference was made to the allegations of the applicants that, on at least four occasions, the Bilwi-Puerto Cabezas Police Delegation expressly refused to receive complaints from the proposed beneficiary. Furthermore, even after the

⁴⁰ 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 11.

Commission's request for information on this request for precautionary measures, the State did not provide information on the measures adopted in relation to the alleged events committed against the proposed beneficiary. The Commission also observes that, on May 11, 2020, Ms. Vargas Clarens filed a complaint with the Human Rights Ombudsman's Office (PPDH) of Bilwi-Puerto Cabezas, against the police authorities who allegedly refused to receive her complaints. The State reported on this complaint but indicated that it was rejected only two days after it was filed, on May 13, 2020, due to the need to exhaust administrative and judicial proceedings. By virtue of the foregoing, the Commission notes that the State has become aware, at the domestic level and through this proceeding, of the alleged difficulties of Ms. Vargas Clarens in filing police complaints in relation to the situation placing her at risk. However, the Commission considers that the State did not provide specific elements to indicate that the alleged risk for the proposed beneficiary has been adequately assessed by the competent authorities. It is also considered that the State did not provide sufficient information on the actions taken to mitigate the risk for the proposed beneficiary, despite the alleged involvement of State officers in such events.

39. Taking the above into account, the Commission finds that the information provided, analyzed in the context previously indicated, is sufficient to conclude, from the *prima facie* standard, that the rights to life and personal integrity of Ms. Vargas Clarens are at serious risk. The Commission emphasizes its concern given that the situation described is allegedly intended to intimidate and thereby silence the proposed beneficiary, affecting the exercise of her right to freedom of expression, which would have a chilling effect in other persons who want to express themselves freely in the current context of the country.

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, as it is reportedly connected with the proposed beneficiary's journalistic work. Therefore, in view of the imminent materialization of the risk and, above all, the lack of protection measures, the situation calls for the immediate adoption of measures to safeguard her rights to life and personal integrity. At the time of undertaking such assessments, the Commission notes that the incidents that Ms. Vargas Clarens has been facing over time have continued to increase from April 2018 to date, and there are no sufficient elements of assessment to conclude that the risk factors identified over time have been duly mitigated. In this same regard, as indicated above, the Commission lacks specific information from the State to assess the actions that have been purportedly taken to address the alleged risk.

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.

V. BENEFICIARY

42. The Commission declares Ms. Georgina Roxana Vargas Clarens, who is duly identified in this proceeding, as the beneficiary.

VI. DECISION

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Georgina Roxana Vargas Clarens. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiary, as well as protect her rights in relation to threatening acts attributable to third parties, in accordance with the standards established by international human rights law;

-
- b) adopt the necessary measures so that Georgina Roxana Vargas Clarens can carry out her activities as an independent journalist without being subjected to acts of violence, threats, harassment, or intimidation in the exercise of her work. The above includes the adoption of measures so that she can properly exercise her right to freedom of expression;
 - c) consult and agree upon the measures to be adopted with the beneficiary and her representatives;
 - d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

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

45. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected in the applicable instruments.

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

47. Approved on August 28, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary