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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 64/2022**

Precautionary Measure No. 693-18  
Katya Milady Reyes Ortiz regarding Nicaragua  
(Extension)  
November 14, 2022  
Original: Spanish

**I. INTRODUCTION**

1. On July 30, 2020, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for the extension of Precautionary Measures 693-18 (Aníbal Toruño Jirón and other members of Radio “Darío” regarding Nicaragua) filed by the International Institute on Race, Equality, and Human Rights in favor of Katya Milady Reyes Ortiz (“the proposed beneficiary”). According to the information received, the proposed beneficiary is at risk due to the threats and sieges to which she is subjected in retaliation for her activity as a journalist for the media “Radio Darío”, in Nicaragua.
2. The IACHR forwarded information between the parties. Recently, on October 18, 2022, the Commission forwarded the request for extension of precautionary measures to the State and requested it to submit information in this regard. The State did not submit a response within the granted deadline. On October 18, 2022, the Commission requested the representatives to present information with details of time, manner, and place on the risk which the proposed beneficiary reportedly faces. The representatives provided this information on November 1, 2022.
3. Upon analyzing the available information, in light of the applicable context, the Commission considers that the information presented shows *prima facie* that the rights to life and personal integrity of Katya Milady Reyes Ortiz are in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that the State of Nicaragua: a) adopt the necessary measures to guarantee the rights to life and personal integrity of Ms. Katya Milady Reyes Ortiz. In particular, the State must ensure that its agents respect the beneficiary’s rights in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties; b) adopt the necessary measures so that Ms. Katya Milady Reyes Ortiz can carry out her work as a journalist without being subjected to acts of intimidation, threats, or other acts of violence in the exercise thereof; 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 the precautionary measures at hand.

**II. BACKGROUND INFORMATION**

4. Between May 17 and 21, 2018, the Commission visited Nicaragua. During this visit, it collected numerous testimonies on human rights violations committed in the framework of 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.<sup>1</sup> In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI, for its acronym in Spanish) was created. It remained in Nicaragua until the State suspended its presence on December 19, 2018.<sup>2</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its acronym in Spanish) for Nicaragua issued a report that analyzed the events that took place between April 18

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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, para. 1.

<sup>2</sup> 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.

and May 30, 2018, thereby confirming the IACHR findings.<sup>3</sup> In its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B in accordance with the grounds established in its Rules of Procedure.<sup>4</sup>

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, and urged the State to comply with its obligations in matters related to human rights.<sup>5</sup> 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.<sup>6</sup> In 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.<sup>7</sup> Similarly, in 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.”<sup>8</sup>
6. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,<sup>9</sup> 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.<sup>10</sup>
7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by intensified acts of surveillance, harassment, and selective repression against people considered to be government opponents.<sup>11</sup> Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.<sup>12</sup> In October 2020, the IACHR again called on the State to immediately cease persecution of persons identified as dissidents and to reestablish democratic guarantees in Nicaragua.<sup>13</sup> Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.<sup>14</sup>
8. In 2021, the Commission condemned the increasing acts of harassment in Nicaragua. These acts were against persons identified as government opponents, human rights defenders, and the

<sup>3</sup> Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes*, GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#), December 2018. [Available only in Spanish]

<sup>4</sup> IACHR. [2018 Annual Report. Chapter IV.B Nicaragua](#).

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</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>8</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>9</sup> IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

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

<sup>11</sup> 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.

<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. [2020 Annual Report. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

independent press.<sup>15</sup> They also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>16</sup> On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.<sup>17</sup> Moreover, on August 11, 2021, the Commission condemned the systematic set of state actions carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of this year, as well as the ongoing human rights violations in this context, urging the State to cease repression against people opposed to the Government.<sup>18</sup> On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.<sup>19</sup>

9. On October 25, 2021, the IACHR published the report “Concentration of Power and the Undermining of the Rule of Law in Nicaragua”. In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.<sup>20</sup> Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern regarding the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, and emphasized the attacks against journalists.<sup>21</sup> On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists; and urged the State to release all those arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.<sup>22</sup>
10. On November 20, 2021, the IACHR made a statement in which it looked unfavorably upon the State of Nicaragua’s decision to denounce the Charter of the Organization of American States on November 19, 2021, during the context of crisis that the country has been experiencing in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.<sup>23</sup> On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of people forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of persons deprived of liberty, and persons identified as political opponents.<sup>24</sup> According to data from the United Nations Refugee Agency

<sup>15</sup> IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 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 No. 145/21](#). IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. June 9, 2021; IACHR. [Press Release No. 171/21](#). Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua. July 9, 2021.

<sup>18</sup> IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election. August 11, 2021.

<sup>19</sup> IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021.

<sup>20</sup> IACHR. [Press Release 284/2021](#). IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua. October 28, 2021.

<sup>21</sup> IACHR. [Press Release 292/21](#). Four days ahead election day, IACHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua. November 4, 2021.

<sup>22</sup> IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

<sup>23</sup> IACHR. [Press Release 312/2021](#). The IACHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua’s Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations.

<sup>24</sup> IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

(UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.<sup>25</sup>

11. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions while they suffer ill-treatment and are subject to the arbitrary application of maximum security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents are beneficiaries of protective measures granted by the bodies of the inter-American system.<sup>26</sup> In February 2022, the IACHR condemned the manipulation of criminal law and criminalization of persons identified as opponents due to the lack of judicial independence and separation of powers. These acts have seriously affected the judicial guarantees for political prisoners in Nicaragua.<sup>27</sup>
12. On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that the National Assembly of Nicaragua had decided to cancel the legal capacity of 16 universities and civil society organizations, considering it an act within the overall practice to limit freedom.<sup>28</sup> The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect with their respective missions.
13. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary detentions and harassment against human rights defenders, journalists, and lawyers at the hands of State agents.<sup>29</sup> On March 31, 2022, at the 49th session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an independent investigation into human rights violations that have taken place in the country since April 2018.<sup>30</sup> According to data from the United Nations Refugee Agency (UNHCR), over 150,000 Nicaraguans have requested protection in Costa Rica.<sup>31</sup>
14. On March 23, 2022, the IACHR affirmed that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.<sup>32</sup> Recently, in April 2022, four years after 2018 social protests began, the Inter-American Commission reaffirmed its commitment to the Nicaraguan population in the search for justice, reparation, the reconstruction of its democracy, and a national reconciliation based on the right to memory and truth. Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.<sup>33</sup>
15. On May 13, 2022, the IACHR urged the State to guarantee the regular and dignified direct contact

<sup>25</sup> IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

<sup>26</sup> IACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022.

<sup>27</sup> IACHR. [Press Release RD026/22](#). REDESCA condemns the cancellation of the membership of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua. February 10, 2022.

<sup>28</sup> IACHR. [Press Release 027/2022](#). IACHR Condemns Manipulation of Criminal Law and Lack of Safeguards in Trials of Political Prisoners in Nicaragua. February 11, 2022.

<sup>29</sup> OHCHR. Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council. Available [in Spanish] at <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

<sup>30</sup> United Nations Human Rights Council. [Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions](#). April 1, 2022.

<sup>31</sup> UNHCR. [The number of Nicaraguans displaced in Costa Rica has doubled in less than a year](#). March 25, 2020.

<sup>32</sup> IACHR. [Press Release 065/2022](#). The Ambassador's statements to the OAS, McFields, and his subsequent dismissal confirm the serious violations in Nicaragua. March 29, 2022.

<sup>33</sup> IACHR. [Press Release 081/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.



of political prisoners with their families. According to information received by the MESENI, deplorable conditions of detention, ill-treatment, isolation, incommunication, and lack of access to timely, adequate, and specialized medical care for persons detained in “El Chipote” persist.<sup>34</sup> In July 2022, the Rapporteurship for Freedom of Expression (SRFoE) condemned the authorities’ repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who fled or are in forced exile.<sup>35</sup> On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to its critical role in denouncing human rights violations.<sup>36</sup> On September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are held in deplorable conditions in Nicaragua.<sup>37</sup> Recently, on September 28, 2022, the rapporteurs of the ONU and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.<sup>38</sup>

### III. PRECAUTIONARY MEASURES IN FORCE IN FAVOR OF ANÍBAL TORUÑO JIRÓN AND OTHER MEMBERS OF RADIO DARÍO

16. On July 2, 2018, the Inter-American Commission granted precautionary measures in favor of the members of Radio Darío, upon being subject to threats, harassment and acts of violence in the context of the protests that had taken place in Nicaragua since April 18, 2018. In light of the information available, the applicable context and the verifications carried out in the working visit, carried out in Nicaragua between May 17 and 21, 2018, the Commission considered that the information showed that *prima facie* the rights of: (3) Aníbal Enrique Alonso Toruño, (4) Audberto Jose Gallo Solís, (5) Eduardo Patricio Amaya, (6) Henry Blanco, (7) Eladio Canales, (8) Elmer Cano, (9) Leo Cárcamo, (10) Gary Castillo, (11) Marcelino Osorio, (12) Alexander Quiroz Vargas, (13) Francisco Torres, and (14) Jorge Fernando Vallejos, members of Radio Darío, were in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that the State of Nicaragua: (a) adopt the necessary measures to guarantee the life and personal integrity of the members of Radio Darío. For this purpose, the State must both ensure that its actors respect the life and personal integrity of the beneficiaries in accordance with the standards established by international human rights law, and protect their rights in relation to acts of risk that are attributable to third parties; b) adopt the necessary measures so that the proposed beneficiary can carry out her journalistic work without being subjected to acts of intimidation, threats, or other acts of violence in the exercise thereof. The foregoing includes, for example, the measures that may be necessary to provide protection in favor of the radio facilities; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure.<sup>39</sup>
17. As part of the follow-up to this matter, the Commission requested information from the parties.<sup>40</sup> It has also convened two public hearings. The first took place on September 25, 2019, during its 173rd Regular Session;<sup>41</sup> and the second was on December 14, 2021, during its 182nd Regular

<sup>34</sup> IACHR. [Press Release 103/2022](#). IACHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

<sup>35</sup> IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

<sup>36</sup> IACHR. [Press Release 184/22](#). IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022.

<sup>37</sup> IACHR. [Press Release 197/2022](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022.

<sup>38</sup> IACHR. [Press Release R218/22](#). Faced with serious complaints about the closure of civic spaces in Nicaragua, UN and IACHR rapporteurs urge the authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022.

<sup>39</sup> IACHR. Resolution 47/2018. Precautionary Measure No. 693-18- Aníbal Toruño Jirón and other members of Radio “Darío” regarding Nicaragua. July 2, 2018, para. 2.

<sup>40</sup> The Commission requested information from both parties on June 10, 2019; April 25, 2022; and September 12, 2022. In addition, information was requested from the State on October 6, 2019; August 19, 2020; January 7, 2021; and October 18, 2022.

<sup>41</sup> IACHR. [Public hearing: compliance with precautionary protection measures for independent journalists in Nicaragua](#). September 25, 2019 [Available only in Spanish].

Session.<sup>42</sup> Both hearings discussed the situation that the independent journalists in Nicaragua face, especially in the context of the state and the lack of implementation of precautionary measures. The Commission regretted the absence of the State of Nicaragua.<sup>43</sup>

18. On March 18, 2019, the representatives stated that the State did not take actions to reduce the risk that the members of Radio Darío faced, and they were therefore still at risk. In that regard, the following was reported:
  - (i) on November 23, 2018, two Radio Darío workers were allegedly arbitrarily detained while megaphone advertising in the city of León. The individuals were detained in the León Police Delegation until 10:00 p.m. the following day. The vehicle they were driving, owned by Radio Darío, was confiscated and investigated for information or evidence to allegedly incriminate journalists;
  - (ii) on December 3, 2018, at approximately 5:00 p.m., Radio Darío's facilities in León were besieged by four police patrols with at least 40 heavily armed officers. The officers reportedly entered the Radio without a warrant, confiscated cell phones and computers, ordered the radio to be shut down, and arrested some of the journalists who were present;
  - (iii) on January 23, 2019, at about 8:00 a.m., unidentified persons entered the Radio and stole a power plant and radio transmission equipment, which reportedly is of high economic value. It was alleged that, due to the country's context and the persecution of independent journalists, some of the beneficiaries had left the country and others had resigned from their work on Radio.
  
19. On June 14, 2019, the representatives stated that on June 12, 2019, four patrols with about twenty members of the Directorate of Special Operations of the National Police (*Dirección de Operaciones Especiales de la Policía Nacional*, DOEP) surrounded the Radio. On September 23, 2019, the representatives stated that:
  - (i) the only concerted initiative by the State was to invite 8 beneficiaries to go to the Office of the Attorney General of the Republic in July 2018, to convene a meeting. This initiative was allegedly unsuccessful, as the beneficiaries had no assurance that they would not be subject to reprisals;
  - (ii) police harassment of the radio and journalists has been continuous. It was particularly relevant on November 23 and December 3, 2018; and in January 23 and 29, 2019, as well as June 12, 2019;
  - (iii) Mr. Aníbal Toruño and the members of the Radio in general are reportedly subject to a smear campaign;
  - (iv) Mr. Aníbal Toruño's residence in the city of León is allegedly under surveillance by police authorities and parastatal groups; and
  - (v) on September 7, 2019, there was a motorized attack to the facilities of Radio Darío. There was an attempt to force open the door, as well as destroy the windows and security cameras. Due to some beneficiaries' situations, they allegedly left the country and others even abandoned their work at the Radio. The Radio is reportedly currently operating underground.
  
20. On September 24, 2019, the State presented information on the measure informing that, in general, the State of Nicaragua considers freedom of expression as a societal and humanitarian asset, protected by the Political Constitution of the country. Regarding the specific facts against Radio Darío, the State stated that the damage to the Radio in 2018 was carried out by groups of criminals, vandals, and armed and hooded terrorists in a period of violence between April 18 and May 15, 2018. As a result, the National Police initiated investigation proceedings, which were administratively closed under Act No. 996, the Amnesty Act. This law granted amnesty to all persons who participated in the events that took place from April 18, 2018 until the law entered into force. In addition, it stated that the National Police had not received complaints about crimes against Mr. Aníbal Toruño and that no police arrest warrants, search warrants, orders for the seizure of property, or arrest warrants had been issued against the beneficiaries. In this regard, they observe that none of the beneficiaries were arrested, and mention that the State did not take the vehicles or assets of Radio Darío. In conclusion, the State reaffirmed its complete willingness

<sup>42</sup> IACHR, [Public hearing: PM-693-18, 1606-18, 399-19, 366-21 – Radio Darío, Confidencial y la Costeñísima vs. Nicaragua](#), December 14, 2021 [Available only in Spanish].

<sup>43</sup> IACHR, [Press Release 344/21](#), The IACHR Completes 182<sup>nd</sup> Period of Sessions, December 17, 2021

and readiness to fully comply with the precautionary measures adopted by the Commission.

21. On July 30, 2020, the representatives stated that, on July 25, 2020, the police installed three roadblocks near the Radio's facilities and remained there for approximately 10 hours. The Radio workers were allegedly unable to leave as they feared being assaulted or arrested. On July 27, 2020, Mr. Aníbal Toruño reportedly received a message telling him that the government and its security forces were planning to raid the Radio. Two hours after receiving the message, a patrol car parked next to the Radio building. The patrol included four DOEP members carrying shields and weapons. The representatives requested the extension of measures in favor of Katia Milady Reyes Ortiz and Rudy Emelit Ramos Reyes, individuals who work at the Radio. On September 9, 2020, the representatives reported that:
  - (i) on August 31, 2020, as well as on September 1 and 2, 2020, Aníbal Toruño observed an unusual police presence in the vicinity of his home;
  - (ii) on September 3, 2020, a motorcycle without a license plate stopped behind his vehicle upon arriving at his home and reportedly made a call to report that Mr. Toruño arrived at his home; and
  - (iii) in the morning of September 5, 2020, Mr. Toruño's house garage appeared painted with the word "vijilado" [sic.; watched]. In the afternoon, police presence was observed near the house. The representatives reiterated the request for precautionary measures in favor of two employees of the Radio.
22. On January 8, 2021, the representatives reported the following:
  - (i) on December 4, 2020, two police officers and five members of the Directorate of Special Operations of the Police (DOEP) stood in front of Mr. Aníbal Toruño's house for approximately 45 minutes;
  - (ii) on December 17, 2020, Mr. Aníbal Toruño was arrested by police while traveling to southern Nicaragua, the police allegedly took photographs of the vehicle and requested Mr. Aníbal and his companions to provide their identification;
  - (iii) on January 4, 2021, members of the National Police of the city of León, police agents, and civilians illegally raided Mr. Aníbal Toruño's residence in the city. The troops allegedly removed one of the iron doors from the main entrance and forced the wooden door open;
  - (iv) on January 6, 2021, eight heavily armed members of the DOEP were in front of the Radio Darío facilities, which frightened the Radio workers inside; and
  - (v) on January 7, 2021, about 20 police officers once again raided Mr. Aníbal Toruño's residence in León, the officers searched all the rooms and took a cellphone that belonged to Mr. Aníbal's wife. The officers reportedly left an hour and 45 minutes after breaking into the house. Lastly, the representatives reiterated the request for extension of precautionary measures.
23. On February 23, 2021, the Commission received a report from the State in which it stated that it offered protection to persons that benefitted from precautionary measures. On April 1, 2021, the representatives reported the following:
  - (i) on February 1, 2021, Mr. Audberto Gallo Solís was detained when returning to his home in the city of León, the officers searched his vehicle and then handed him a property seizure receipt and a fine for "reckless driving". Mr. Gallo Solís went to the transit delegation to retrieve his vehicle, but he was given excuses and was not returned his car. The vehicle was held until February 9, 2021, his driver's license was suspended for one month and he was ordered to perform 40 hours of community service;
  - (ii) on February 3, 2021, Mr. Audberto Gallo Solís' house was besieged by the Police who remained there for about three hours, similar events took place on February 15 and 24, as well as on March 4, 2021;
  - (iii) on February 4, 2021, the police raided Aníbal Toruño's home for the third time, the police allegedly checked all the rooms and damaged the surveillance system located in the home. On February 12, 2021, the police reportedly returned to Mr. Toruño's home and damaged cables and elements necessary for an internet connection;
  - (iv) on February 14, 2021, Jimmy Alexander Quiroz Vargas was detained by two traffic police and two riot police while driving Radio Darío's mobile unit. The police allegedly confiscated the mobile unit

- and other property that was within the vehicle. Mr. Quiroz Vargas' license was reportedly cancelled and he was ordered to perform 40 hours of community service; and
- (v) on March 4, 2021, 9 civilians on motorcycles passed in front of Aníbal Toruño's home and, when they saw a security camera, proceeded to destroy it.
24. On November 17, 2021, the State submitted a report in which it stated that it did not accept the precautionary measures as they disrespect and represent interference towards its national authorities and legal system. On December 9, 2021, the representatives stated that the State had not agreed or adopted any measures to protect the beneficiaries. The representatives submitted the following information:
- (i) on May 27, 2021, Mr. Aníbal Toruño was summoned for an interview with the Public Prosecutor's Office in the framework of the criminal proceedings against members of the Violeta Barrios de Chamorro Foundation. Mr. Toruño's attorney allegedly sent a letter excusing his absence as he was on a business trip abroad. Due to the fear of being detained like other government opponents, Mr. Toruño decided not to return to Nicaragua;
- (ii) on September 21, 2021, Mr. Toruño's wife was detained by the traffic police for "reckless driving". The van she was driving was seized and held for a month and a half. His wife received a fine;
- (iii) on September 23, 2021, police detained Juan José Toruño in front of Radio Darío. The officers allegedly retained the motorcycle he was driving on the grounds that "Mr. Juan José Toruño's motorcycle is being seized because he works at Radio Darío." The retention lasted about 30 days and he had to cover a payment of approximately 228 USD to recover it;
- (iv) on August 25, 2021, Audberto Gallo Solís was detained by Foreigners and Immigration agents (*agentes de Migración y Extranjería*) when he was attempting to travel to Costa Rica with his family. The officers took his passport, stating that the Director of Immigration had not authorized his departure from the country;
- (v) on November 4, 2021, traffic police seized a van owned by Mr. Toruño's uncle because he is a "tranquero, terrorist";
- (vi) on November 8, 2021, at approximately 11:00 p.m., a caravan of government-affiliated persons circulated in front of the Radio's facilities detonating mortars; and
- (vii) throughout 2021, Nicaragua's telecommunications regulator, TELCOR, allegedly forced Radio Darío to interrupt its programming to broadcast national channels called by the president. TELCOR reportedly threatened the Radio administration with suspending its operations license if they did not join the national networks.
25. On January 24, 2022, the representatives presented a report stating the following:
- (i) on December 28, 2021, five civilian agents aboard a motorcycle and a double cab pickup truck stopped Jorge Fernando Vallejos when he was 50 meters away from the Radio's facilities. Mr. Vallejos was forced into the patrol car and transferred to the police district of León. Police officers used Mr. Vallejos' phone to harass other Radio workers and then destroyed the phone screen;
- (ii) on January 6, 2022, a patrol was stationed in front of Jorge Fernando Vallejos' house. After an hour, the officers knocked on the door and told the family that if they didn't open the door, they were going to break in. Due to the acts of intimidation, Mr. Vallejos was forced to move;
- (iii) on January 19, 2022, two police units showed up in front of the office that belongs to the attorney who advises Radio Darío, and they threatened to break into the office. Mr. Audberto José Gallo Solís, who was inside the office, decided to leave the premises to avoid any trouble. However, at the time of leaving, he was handcuffed and had to wait half an hour in the patrol to be released; and
- (iv) on January 6, 2022, police and paramilitary presence was recorded in the Radio Darío facility vicinity during three hours. The siege was repeated on January 7, 8, 9, and 10, 2022.
26. On September 29, 2022, the representatives stated the following:
- (i) on August 11, 2022, TELCOR, the telecommunications regulator in Nicaragua, issued a resolution ordering the suspension of Sky radio transmissions, which operated in the same facilities as Radio Darío;
- (ii) on August 12, 2022, TELCOR authorities, along with the National Police, notified a resolution to



- cancel Radio Darío's license. When notifying the resolution, the official allegedly expressed that: "violating the decision to cancel the license can lead as a consequence to jail for you, do not attempt it because the law is clear in the sense that you no longer have a license to operate, even secretly";
- (iii) on August 15, 2022, the cancellation of the operating license of Radio "La Guarachera", the third radio owned by the family of Aníbal Toruño Jirón, was reported;
  - (iv) since August 15, 2022, the police have been present at the facilities of Radio Darío, Radio Sky and Radio "La Guarachera";
  - (v) Companies that paid advertising to the three broadcasters have not been allowed to fulfill their debts. The authorities have instructed them that, in order to pay Aníbal Toruño, they must require the corresponding solvencies, both from the General Revenue Office and the municipal offices;
  - (vi) Mr. Aníbal has allegedly been unable to recover the equipment from the radios, nor has he been able to comply with the credit obligations he has with the national bank;
  - (vii) the beneficiaries Leo Cárcamo, Alexander Quiroz Vargas, and Audberto Gallo Solís have continued to be subjected to siege, persecution, harassment, of their homes and those of their families by police and parastatal elements;
  - (viii) Mr. Francisco Torres was forced to move to protect his life, as he had received death threats from the Chief of Police of the Department of León; and
  - (ix) Aníbal Toruño reportedly attempted to travel to Nicaragua on June 12, 2022, but was unable to board as his entry into Nicaragua was reportedly not authorized by Foreigners and Immigration agents.
27. Lastly, information was provided to support the request for extension of precautionary measures in favor of Katya Milady Reyes Ortiz.

#### **IV. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE REPRESENTATIVES REGARDING THE REQUEST FOR EXTENSION IN FAVOR OF KATYA MILADY REYES ORTIZ**

28. The representatives reported that Katya Milady Reyes Ortiz is a journalist and has been part of the Radio Darío team since 2016. In this sense, Ms. Reyes Ortiz has been the subject of threats and harassment in the context of repression of independent journalism in Nicaragua. In particular, the representatives indicated the following:
- (i) In the first months of 2019, due to the constant siege of the Radio Darío facilities, the proposed beneficiary was forced to move to a safe house every week. However, the building reportedly begun to be guarded by men dressed in civilian clothes. On March 5, 2019, as Katya was leaving the safe house, two men on motorcycles approached her. While one was trying to take the backpack she was carrying, the other hit her on the head. Before leaving, he threatened her by saying: "keep messing around";
  - (ii) Katya was reportedly found on Radio Darío's premises on several occasions when the police stalked the premises. One of the most problematic incidents took place on September 7, 2019, when a hundred paramilitaries on motorcycles surrounded the Radio's facilities;
  - (iii) on September 23, 2019, Ms. Reyes Ortiz reportedly went to the San Isidro bridge to cover the events that occurred a few days prior on September 21. However, a mayoral worker ordered the police to detain her, remove her from the premises, and prevent her from doing her job;
  - (iv) on November 7, 2021, when Ms. Reyes Ortiz was preparing to document the environment in voting centers in Chinandega, a police officer recognized her as a journalist for Radio Darío. Noting that she was not at her polling station, he demanded that she leave the polling station to avoid news coverage; and
  - (v) on April 16, 2022, a police patrol parked in front of Ms. Reyes Ortiz's house. A police officer gave the proposed beneficiary's mother a request for her to appear before the police a few hours later. Ms. Reyes Ortiz reportedly appeared before the officer Ángela Vilchez who questioned her about her work and the media in which she worked. After giving general answers, she was instructed to withdraw.
29. Lastly, the representatives reported that on November 1, 2022, at approximately 6:40 a.m., the proposed beneficiary was approached by two men on a motorcycle when she was waiting for a taxi. One of the men demanded that she give him her cell phone. At first Ms. Reyes Ortiz said she did not

have a mobile device, so one of the subjects got off the motorcycle with the intention of hitting her. Ms. Reyes Ortiz tried to protect herself and the individual saw her cell phone in her pant pocket. At that time, the motorcycle driver threatened her with a firearm and mentioned her work as a journalist and her work at Radio Darío. The driver told his colleague to take Ms. Reyes Ortiz's backpack. Just as they were preparing to take her backpack, two taxi drivers parked next to the proposed beneficiary. The assailants fled the scene.

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

30. 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 18(b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.
31. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>44</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>45</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 are not adopted.<sup>46</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>47</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:
- "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;
  - "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
  - "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration, or adequate compensation.

<sup>44</sup> See in this regard: I/A Court H.R. 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>45</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. Bámaca Velásquez Case. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Case 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].

<sup>46</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>47</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.

32. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>48</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>49</sup> This is better suited to be addressed by the Petition and Case system. 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>50</sup>
33. To the extent that the representatives have requested the “extension” of these precautionary measures, the Commission recalls that one of the requirements is that the alleged facts have a “factual connection” with the events that called for the initial adoption of the precautionary measures.<sup>51</sup> In this regard, the representatives requested the extension of provisional measures in favor of Rudy Emelit Ramos Reyes and Katya Milady Reyes Ortiz. However, the most recent allegations of fact, as well as the representatives’ reiteration, have focused on Ms. Reyes. In this regard, the Commission will focus on analyzing her situation. If new facts about Mr. Ramos are presented, the Commission will be able to analyze his individual situation in a new request in his favour, which would be analyzed in accordance with Article 25 of its Rules of Procedure, and additional information must be submitted for that purpose.
34. The Commission notes that the proposed beneficiary is part of the Radio Darío team, and that some members of this team have had precautionary measures since 2018. The Commission also observes that Ms. Reyes’ situation is related to the factual elements that the Commission considered when granting the precautionary measures in 2018, as well as to facts alleged during the time they were in force. In this regard, a situation of harassment, intimidation, and violence against members of the Radio Darío team has been alleged, and specific allegations have been made regarding the situation that Ms. Reyes faced. When analyzing these allegations, the Commission observes that the proposed beneficiary, as a journalist for Radio Darío, was present on its premises when certain risk events occurred. She has also been subjected to certain acts of intimidation, harassment and violence against her, including during or in connection with her journalistic activities. Therefore, the Commission considers that the “factual connection” requirement is met and proceeds to analyze its situation under the terms of Article 25 of its Rules of Procedure. The Commission understands that Ms. Reyes, along with the other beneficiaries of Radio Darío, share common risk factors.
35. The Commission also notes that Ms. Reyes’ situation is part of an adverse and hostile context towards the people who carry out independent journalism in the country. In this regard, the IACHR, through the Office of the Special Rapporteurship for Freedom of Expression (SRFoE), has condemned the authorities’ escalation of repression against journalists and the media in Nicaragua. As was presented in 2022, the SRFoE has received information regarding an increase in police operations in journalists’ residences and media facilities, searches, confiscation of media, confiscation of work equipment, as well as the displacement and forced exile of journalists. As indicated at the time, the actions undertaken by the State reportedly sought to silence the press and

<sup>48</sup> 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 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. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

<sup>49</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 family regarding Nicaragua. April 30, 2021, para. 33.

<sup>50</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].

<sup>51</sup> I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico](#). Provisional Measures. Order of the Inter-American Court of Human Rights of November 23, 2010, considerandum 11.

control any discourse that questions or contradicts official voices, undermining the basic guarantees for the exercise of fundamental freedoms.<sup>52</sup> In this regard, the representatives have indicated that, to date, various radio operating licenses of the Toruño family have been cancelled or suspended.

36. As for the requirement of seriousness, the Commission considers that it has been met. When analyzing the seriousness of the situation, the Commission takes into account as a background the risk faced by the other members of the Radio Darío team since 2018, which motivated the granting of the precautionary measures. The Commission also notes that overall safety was reportedly concerning to the beneficiaries, and that some of them allegedly had to leave the country or resign their journalistic work in Nicaragua. The aforementioned situation reflects the intimidating context in which the independent press in the country has been carrying out their work. Furthermore, it shows that, despite the precautionary measures being in force since 2018, the State has not adopted concrete protection measures in favor of the current beneficiaries. The Commission also emphasizes that the State has not presented detailed and recent information on the measures that may have been adopted during the time the precautionary measures were in force, which could have mitigated the risk assessed by the IACHR since 2018. In this regard, more recently, the State presented assertions about its domestic system and assessments of the IACHR actions. However, the Commission does not notice any concrete actions implemented in favor of the members of Radio Darío.
37. In this regard, the Commission recalls that failure to comply with the State duty to report on all the measures adopted in compliance with its decisions is especially serious, given the legal nature of these measures that seek to prevent irreparable harm to persons in serious and urgent situations.<sup>53</sup> The duty to report constitutes a dual obligation that requires, for its effective fulfilment, the formal presentation of a document in due time and the specific, true, current and detailed material reference to the matters related to this obligation.<sup>54</sup>
38. The lack of protection measures in favor of the current beneficiaries, despite the fact that precautionary measures have been in force since 2018, is a factor to be considered when analyzing the safety of the current proposed beneficiary. The foregoing, to the extent that the proposed beneficiary works for Radio Darío and exercises independent journalism in the country, having been the subject of risk events against her while she carried out such work under the current context. The Commission is aware that, since 2018, the year in which the precautionary measures of the Radio Darío team were notified to the State, the members of the work team have been carrying out their work in adverse safety conditions and without security guarantees to carry out such tasks. Thus, the Commission observes that, despite the precautionary measures being in force, acts of threat, harassment, intimidation, and violence have continued over time. The Commission identifies with particular concern that the competent authorities allegedly did not carry out an investigation into the facts reported during the time the precautionary measures have been in force after 2019. This is despite the fact that, in certain cases, the representatives identified law enforcement personnel of the country as responsible for the risk events.
39. Regarding the proposed beneficiary's current situation, the Commission understands the independent journalistic work carried out by the proposed beneficiary in the country's current context. In this regard, the Commission notes that the representatives alleged that the proposed beneficiary has been subject to harassment since 2019. Moreover, the representatives reported that on March 5, 2019, Ms. Reyes Ortiz was harassed by two men on motorcycles when she left the safe house to which she had been obligated to move in order to continue her journalism work. It has been alleged that this harassment reportedly continued to date. More recently, on November 1, 2022, the proposed beneficiary was approached by two men on a motorcycle who planned to steal

<sup>52</sup> IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

<sup>53</sup> I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2006. Considerandum 16, and Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV). Provisional Measures. Order of the Inter-American Court of Human Rights of September 12, 2005. Considerandum 17.

<sup>54</sup> *Ibidem*



her work equipment. One of the men allegedly threatened her with a firearm and particularly mentioned her job as a journalist and worker for Radio Darío. This allows the Commission to understand that the proposed beneficiary is in a situation of vulnerability in an adverse context previously identified by the Commission and consider that her current situation is related to her identification as an independent journalist and her relation to Radio Darío.

40. The Commission regrets the lack of response from the State of Nicaragua after having requested its comments on the request for extension. Although the State's lack of response does not imply per se the granting of the precautionary measures, it does prevent the Commission from obtaining information from its side regarding the proposed beneficiary's situation. Hence, it is not possible to challenge the representatives' allegations or identify information on measures taken by the authorities to mitigate the alleged risk. On another note, although it is not for the Commission to determine the perpetrators of the events of risk, or if these are attributable to state actors from Nicaragua, at the time of assessing this request the IACHR does take into account the seriousness of the possible participation of State actors, according to the allegations furnished, as this would place the proposed beneficiary in a situation of greater vulnerability. To the same extent, the Commission notes that, in certain allegations, reference was made to the actions of individuals, while the State did not activate protective measures in her favor.
41. In view of the foregoing, and based on the analysis carried out, the Commission considers, from the *prima facie* standard and in Nicaragua's current context, that it is sufficiently proven that the rights to life, personal integrity, and health of Katya Milady Reyes Ortiz are at serious risk.
42. 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 risk imminently coming to fruition, it is necessary to immediately adopt measures to safeguard her rights to life and personal integrity, as well as guarantees for the exercise of her right to freedom of expression. In this regard, the Commission observes that the State has not reported on the implementation of protection measures in her favor, as with the other beneficiaries of Radio Darío in Nicaragua.
43. Regarding the requirement of irreparable harm, the Commission considers that it has been met since the potential impact on the rights to life and personal integrity constitutes, by its very nature, the maximum situation of irreparable harm. The Commission emphasizes its concern given that the described situation is reportedly aimed at intimidating and thereby silencing the proposed beneficiary with a view to hinder the exercise of her journalistic work which directly impacts the exercise of her right to freedom of expression, which in turn is allegedly having a chilling effect on other persons trying to express themselves freely in the current context.

#### **IV. BENEFICIARY**

44. The Commission declares Ms. Katya Milady Reyes Ortiz beneficiary, who is duly identified in these proceedings.

#### **V. DECISION**

45. The Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparability contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that the State of Nicaragua:
  - a) adopt the necessary measures to guarantee the rights to life and personal integrity of Ms. Katya Milady Reyes Ortiz. In particular, the State must ensure that its agents respect the beneficiary's rights in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties;
  - b) adopt the necessary measures so that Ms. Katya Milady Reyes Ortiz can carry out her work as a

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- journalist without being subjected to acts of intimidation, threats, or other acts of violence in the exercise thereof;
- 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 the precautionary measures at hand.
46. The Commission requests that the State of Nicaragua report, within 15 days as from the day after the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.
47. 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 under the applicable instruments.
48. The Commission instructs the Executive Secretariat to notify this resolution to the State of Nicaragua and the representatives.
49. Approved on November 14, 2022, by Julissa Mantilla Falcón, President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Jorge Meza Flores  
Assistant Executive Secretary