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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 92/2020**

Precautionary Measure No. 1149-19

Yonarqui de los Ángeles Martínez García and her nuclear family regarding Nicaragua

December 2, 2020

Original: Spanish

**I. INTRODUCTION**

1. On August 20, 2019<sup>1</sup>, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by Wendy Valeska Flores Acevedo from the “Colectivo de Derechos Humanos Nicaragua Nunca +” [Collective of Human Rights Nicaragua Never +] (“the applicants”), urging the Commission to require that the State of Nicaragua (“Nicaragua” or “the State”) adopt the necessary protection measures to guarantee the rights of Yonarqui de los Ángeles Martínez García (“the proposed beneficiary”). According to the applicants, the proposed beneficiary is subjected to harassment, intimidation, and threats involving state agents, allegedly related to her work as a defense attorney for persons identified as “victims of political persecution” and former prisoners.

2. On February 11, 2020, the IACHR requested information from the State to provide its observations on this request. To date, the State has not submitted its response.

3. Having analyzed the available information, in light of the applicable context and the findings made, the Commission considers that the information presented shows *prima facie* that the rights to life and personal integrity of Ms. Yonarqui de los Ángeles Martínez García 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. Yonarqui de los Ángeles Martínez García and her nuclear family. In particular, the State must ensure that the rights of the beneficiaries are respected pursuant to the standards established by international human rights law, both by its agents and in relation to acts of risk attributable to third parties; b) adopt the necessary measures so that the beneficiary Yonarqui de los Ángeles Martínez García can carry out her work as a defense attorney without being subjected to acts of intimidation, persecution, harassment, threats or other acts of violence in the exercise thereof; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the measures adopted in order to investigate the facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**II. BACKGROUND INFORMATION**

4. The Commission learned of the protests carried out during April 2018 in Nicaragua in rejection of the announcement of reforms to the social security system in the country, which occurred after a protest that occurred due to a fire that took place at the Indio Maíz Reserve.<sup>2</sup>

5. Between May 17 and 21 of the same year, the Commission made a visit to the country during which it collected numerous testimonies on human rights violations committed in the framework of the

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<sup>1</sup> The initial request for precautionary measures in favor of the proposed beneficiary was registered under PM-806-19, however, said file was closed due to inactivity, and later, when new information was presented, a new file was opened under PM-1149-19.

<sup>2</sup> IACHR. Press Release No. 90/18. [IACHR Expresses Concern over Deaths in the Context of Nicaraguan Protests](#). April 24, 2018.

protests. Subsequently, on June 21, 2018, the IACHR published a report on the seriousness of the human rights situation in Nicaragua, in which it stated that, according to the figures collected, “the repressive action of the State has left at least 212 people dead until on June 19, 1337 people injured; and 507 people deprived of liberty registered until June 6, and hundreds of people at risk after being victims of attacks, harassment, threats and other forms of intimidation”.<sup>3</sup>

6. In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (*MESENI* by its Spanish acronym) was created, with a presence in the country until the State suspended its stay on December 19, 2018<sup>4</sup>. For its part, the Interdisciplinary Group of Independent Experts (*GIEI* by its Spanish acronym) of Nicaragua issued a report that analyzed the events that occurred between April 18 and May 30, 2018, confirming the findings of the IACHR.<sup>5</sup>

7. During a presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by MESENI, according to which, from April 2018 to January 10, 2019, there were 325 deaths and more than 2,000 injured; 550 arrested and indicted; 300 health professionals dismissed; and, at least, 144 students from the National Autonomous University of Nicaragua expelled<sup>6</sup>. In its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Regulations.<sup>7</sup>

8. During 2019, the Commission continued to condemn the persistence of the acts of persecution, urging the State to comply with its obligations<sup>8</sup>. In June, the State approved a Law on Comprehensive Attention to Victims and an Amnesty Law that gave rise to criticism for not complying with international standards in matters of truth, justice, reparation, and guarantees of non-repetition<sup>9</sup>. On September 6, the IACHR denounced the intensification of harassment against human rights defenders and people who, despite having been released from prison, continued to be intimidated.<sup>10</sup>

9. On November 19, 2019, the Commission once again called attention to the continuation of the repression, observing that “[...] upon the closure of the democratic spaces that characterizes the human rights crisis that persists in Nicaragua, it has been added a growing focus of state persecution of the families of people deprived of liberty in the context of the crisis, through surveillance and obstruction of their peaceful actions”.<sup>11</sup>

<sup>3</sup> IACHR: [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OAS/Ser.L/V/II. Doc. 86. June 21, 2018. Para. 1.

<sup>4</sup> IACHR. Press Release No. 135/18. [IACHR installs the Special Monitoring Mechanism for Nicaragua \(MESENI\)](#). June 24, 2018; IACHR. Press Release No. 274/18. [Press release about Nicaragua](#). December 19, 2018. Also see: IACHR. Press Release No. 113/20. [Press Release 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>5</sup> Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua. [Report on the violent events that took place in Nicaragua between April 18th and May 30th, 2018. \(In Spanish\)](#). December 2018.

<sup>6</sup> 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.

<sup>7</sup> IACHR. [2018 Annual Report. Chapter IV.B Nicaragua](#).

<sup>8</sup> See: 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. 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>9</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>10</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>11</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.

10. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its 2019 Annual Report<sup>12</sup>, in which it warned that the serious human rights crisis in the country extended during 2019, due to the *de facto* establishment of a state of exception characterized by the abusive exercise of the public force to repress the dissenting voices of the Government, the search, closure and censorship of communication media, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without the guarantees of due process, as well as the interference and control of the Executive Branch in the other public branches. Furthermore, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has resulted in the perpetuation of the human rights crisis in the country, as well as in the creation of a situation of structural impunity for the serious human rights violations committed.

11. Recently, the IACHR identified the consolidation of a fifth stage of state repression in Nicaragua, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.<sup>13</sup>

12. As of July 31, 2020, it has been verified that the repressive action of the State has resulted in 328 people assassinated; 405 health professionals dismissed; 150 students expelled; 90 journalists and independent media workers exiled; 86 people remain deprived of their liberty; and 103,600 Nicaraguans have fled the country.<sup>14</sup>

### **III. SUMMARY OF FACTS AND ARGUMENTS SUBMITTED BY THE REPRESENTATIVES**

13. The request indicates that Ms. Yonarqui de los Ángeles Martínez is a lawyer with an alleged active role in the technical defense of released prisoners and persons identified as “victims of political persecution”, for which she was purportedly subjected to harassment, threats and intimidation by police agents and non-State actors, mainly when she was to carry out accompaniment and legal representation of her clients.

14. On August 26, 2019, the proposed beneficiary was approached by two police patrols, who threatened to arrest her when she was traveling with the relatives of a political prisoner. The following day, after leaving the District III Police Station, a person with their face covered on a motorcycle without a license plate reportedly followed her all the way to her home. Two days later, she was once again pursued by a police patrol while she was traveling with the mother of a person called a “political prisoner”. In addition, between September and October 2019<sup>15</sup>, the proposed beneficiary was allegedly harassed and besieged by people traveling in private vehicles and on police patrols. Moreover, she continues to receive alleged death threats through text messages<sup>16</sup>. Subsequently, on November 3, 2019, Ms. Martínez was allegedly victim of persecution by several armed motorists. Two days later, on November 5, 2019, the proposed beneficiary purportedly suffered an attempted homicide, being that several subjects of unknown identity fired shots in the direction of her house, having to stay on the floor to protect their lives, along with their minor children.

<sup>12</sup> IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#) . OAS/Ser.L/V/II. Doc. 5. February 24, 2020.

<sup>13</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; IACHR. Press Release No. 249/20. [The IACHR calls for the immediate termination of acts of persecution against persons identified as opponents of the government and the reestablishment of democratic guarantees in Nicaragua](#). October 10, 2020.

<sup>14</sup> IACHR. MESENI Newsletter. [Situation of Human Rights in Nicaragua. July 2020](#).

<sup>15</sup> The request refers to events that occurred on September 27, 2019, October 19, 2019, October 29, 2019 and October 31, 2019.

<sup>16</sup> "We are already looking for you SOB, you are easy to be thrown somewhere" and "I just want to tell you that every dog has his day and you shall not be the exception [...]"

15. The applicants submitted information on February 13, May 27 and June 23, 2020, where they reported on new risk events that occurred to the detriment of the proposed beneficiary. They stated that on January 3, 2020, a young man told Ms. Martinez that he had been kidnapped by non-State actors and tortured by scratching the word "Lead" on his side while they told him "*that it was because he was taking photos with coup leaders*", referring to the publication in which the proposed beneficiary appeared in a photo. Later, on February 8, 2020, the proposed beneficiary indicated that she had received a call from a police officer known to her, who encouraged her to provide information on a client of hers, insinuating that she was hiding them and that she was their accomplice in doing so<sup>17</sup>, a fact that was repeated several times in order to continue with the threats. That same day, a patrol appeared in front of her house and two people dressed as civilians asked about her. The patrol cars were allegedly parked from 6:00 pm that day until the next day at 4:00 pm, and sometimes passing in front of her house. Given the permanence of the patrols, the proposed beneficiary feared that their occupants may proceed to a search or an arrest. According to the applicants, the aforementioned situation repeated on February 12, 2020, as part of the siege and police harassment that the proposed beneficiary is purportedly suffering.

16. In turn, the applicants reported that the authorities had not responded to the complaint filed with the Public Ministry on November 8, 2019 for the crime of attempted murder, referring to what happened on November 5, 2019. Furthermore, it was reported that there is no progress regarding another complaint filed on January 7, 2019 for the crime of aggravated robbery to the detriment of the proposed beneficiary. However, to date she has not filed any further complaints due to her distrust towards the police.

17. On May 5, 2020, the proposed beneficiary was followed and harassed by two men on motorcycles, who followed her from the Courts to the house where she was staying for security reasons. The motorists allegedly remained at the scene for approximately 15 minutes. Then, on May 15, 2020, she was the victim of harassment by two guards from the Central Judiciary Complex. On that occasion, the agents requested authorization from the judge of the case to take the handbag of the proposed beneficiary and take out her cell phone. The proposed beneficiary opposed such a measure and argued that she would proceed to shut it down. However, the guards took her handbag and took out her cell phone. As a result of this event, Ms. Martínez filed a claim with the judge, feeling besieged and persecuted by the security personnel. However, the judicial authority indicated that the reason for such a measure was to prevent the circulation of photographs of the interior of the court and those deprived of liberty.

18. Subsequently, on May 20, 2020, Ms. Martínez alleged having been followed by police agents while she was performing activities related to her duties, in the city of Esquipulas, Ometepe. At that time, the proposed beneficiary was allegedly subjected to surveillance and harassment by two police patrols, which stayed for 25 minutes in front of the main entrance gate of the residence where she was at the moment. The following day, while Ms. Martínez was carrying out interviews, four patrols with more than thirty agents surrounded the vehicle in which she travelled. Afterwards, the agents requested that she get off the car and show them the corresponding documents. Faced with this situation, the proposed beneficiary requested an explanation as to the events occurred, to which the police officer answered: "*what are you doing here? We have already seen that you have been here for a while, that you have been taking pictures.*" The proposed beneficiary replied that she was a lawyer for the prisoners in Ometepe. However, the police agents referred to her as "the lawyer for those who beat police officers" and that she was "disturbing people." Thus, the agents proceeded with her arrest in Moyogalpa Police Unit for approximately one hour. After her arrest, Ms. Martínez reported that her phone was subtracted by the

<sup>17</sup> "You know me, I want to talk to you so that you can help us with the Snyder case, we want you to take him to an interview", and when she refused, he responded aggressively: "You have two options, either you will collaborate or we are going to bring you as an accomplice". He allegedly also have indicated her, "Look, try to collaborate, if you have someone in the house, take them out, because they are going to take everything, Think about your children."

agents. Nevertheless, it was later returned. The applicants noted that, after this event, the proposed beneficiary was informed, by third parties, about the existence of an arrest warrant against her.

19. On June 16, 2020, the proposed beneficiary was once again subjected to death threats<sup>18</sup> by two persons, allegedly as a consequence of a post she made on Twitter denouncing the release of a prisoner convicted by a femicide. Moreover, Ms. Martínez was purportedly a victim of harassment and persecution due to her duties between June 19 and 22, 2020.<sup>19</sup> On September 16, 2020, the applicants claimed that, during August and September, 2020, the threats against the proposed beneficiary allegedly increased. Specifically, they reported that on August 13, 2020, Ms. Martínez was threatened by non-State actors, who allegedly told her they would “*send her to Jinotega Cemetery.*” That same day, the proposed beneficiary was allegedly followed by non-State actors, who took photographs of her car. In addition, on September 30, 2020, she was reportedly harassed by police agents who tried to prevent her from giving a statement to the media outlet *Canal 10*, by trying to take her cell phone away.

20. During the first fortnight of September 2020, the proposed beneficiary was reportedly threatened to death by text messages (via *Messenger*), in which pictures of violently murdered women were shown indicating: “*this is how a coup plotter lawyer was murdered, and the fetus was taken still alive*” or “*pregnant coup plotter lawyers is murdered and fetus is butchered hahaha.*” On September 12, she received another threat stating: “*Pig must not bring more pigs to the world for them to steal the air from us, what did you imagine, that you are going to give birth to the one who has harmed our institutions the most, you will see how nice, and I will make you see how it dies slowly in your damned belly, we all know,*” and “*Who is the damned father of the damned pig that is coming, it will not live, more damned terrorists, coup plotters, we do not want, but she will be pained when she feels how that bastard dies... choose how you want to die.*”

21. The applicants alleged that the proposed beneficiary lacks a protection structure from the State.

#### **IV. ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY**

22. The precautionary measures mechanism is part of the Commission's function of supervising compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general supervision functions are established in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the IACHR Statute, while the mechanism for precautionary measures is described in Article 25 of the Rules of Procedure. In accordance with this article, the Commission grants precautionary measures in serious and urgent situations, and when these measures are necessary to prevent an irreparable harm

23. The Inter-American Commission and the Inter-American Court on Human Rights (hereinafter “the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations while it is being considered by the IACHR. The objective and purpose of the precautionary nature is to preserve the rights potentially at risk until the petition under consideration of the Inter-American System is decided upon. Their objective and purpose are to ensure the integrity and effectiveness of an eventual

<sup>18</sup> One of the “tweets” expressed: “Fatty Murdered Yonarqui... Do not forget that you and your people ARE NOT ETERNAL and are highly vulnerable everywhere.” The other message read: “Maybe you will suffer the consequences.”

<sup>19</sup> According to the information provided, on June 19, the proposed beneficiary, during trial, requested the judge of the case to eat and take her pills to regulate her sugar level and pressure. However, the petition was denied by said authority, and consequently she fainted. On June 20, the proposed beneficiary found shelter in the home of the mother of a person previously incarcerated, and police agents parked at the entrance door of the house for several hours. And on June 22, a press release was allegedly published in the web portal of the Judiciary, under the heading “Omission to lawyer Yonarqui Martínez is Denied” and afterwards, a disqualification against Ms. Martínez was published in pro-government media.

decision on the merits, and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations. For such purposes, according to Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;
- b. “urgent situation” is determined by means of the information provided and refers to risk of 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.

24. The Commission recalls that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.<sup>20</sup> The Commission also recalls that, due to its own mandate, it is not appropriate for it to determine criminal liability arising from the facts denounced. Moreover, it is not for the Commission either, in the present proceeding, to render a decision about violations to rights enshrined in the American Convention. The analysis performed below refers exclusively to the requirements in Article 25 of the Rules of Procedure, which can be done without an assessment on the merits.

25. When assessing the requirement of seriousness, the Commission takes into account the current context that the State of Nicaragua is undergoing, which was verified by the Commission and is supervised by MESENI, as well as the special exposure situation allegedly underwent by the persons who expressed themselves against the acts of repression by the current government. In this context, the Commission takes into consideration the great visibility of the proposed beneficiary as lawyer and legal representative of victims of political persecution and individuals previously incarcerated in Nicaragua.

26. In this specific case, the Commission observes that Ms. Yonarqui de los Ángeles Martínez García was allegedly subjected to harassment, threats and siege by police agents and non-State forces, mainly while she was performing activities related to her duties as legal representative of the persons identified as “victims of political persecution” and former prisoners. More specifically, it is observed that since August 2019, several events were reported in which the proposed beneficiary was subjected to siege and follow-ups by police agents in cars. Particularly, reference is made to continuous patrols in front of her house, as well as to follow-ups by police agents while she carried out her daily activities, including those related to her work. Further, the fact occurred the last May 20, 2020 is noted, when Ms. Martínez was arrested by police agents, who took her cell phone from her for no apparent reason, while she was performing interviews.

27. Additionally, the Commission also observes that, on November 5, 2019, it is claimed that Ms. Martínez was victim of the alleged homicide attempt, a fact that up to this date was not investigated by the corresponding authorities. Moreover, it is observed that, on several occasions, the proposed beneficiary was threatened to death by non-State actors and third parties. In particular, the Commission notes that these threats have been allegedly taking place through several media including text messages,

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<sup>20</sup> In this regard, for example, referring to the provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess *prima facie* a situation of extreme seriousness and urgency. I/A Court HR, Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the CASA Foundation. 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.

social media and even personally. This situation provides evidence of the consistency of the threats and of the visibility for her aggressors. The Commission further observes that the risk situation has reportedly worsened during September of the current year, when she was threatened with murder and her baby, with being butchered. In addition to the foregoing. The IACHR is concerned that the recent information suggests that Ms. Martínez does not have any protection scheme in her favor despite having been a victim of an alleged attempt of murder and that she may be pregnant.

28. Upon having requested the State's observations as regards the present request, the IACHR has not received any response to this date. In this sense, it does not have sufficient elements to disprove or contest the allegations made by the representative in the current matter. Neither does the IACHR have information as to the measures that the State may have adopted to protect the proposed beneficiary. On another note, although the Commission is not called upon to determine the authorship of the risk events, nor whether these events are attributable to agents of the State of Nicaragua, at the moment of assessing the current request, it does take into consideration the seriousness implied by the possible participation of State agents, in accordance with the allegations submitted, since that may place the proposed beneficiary in a vulnerable position.

29. In view of the foregoing, the Commission considers that the information received about the risk situation of the proposed beneficiary, assessed in the contextual framework of the current situation in Nicaragua, suggests that the purpose of the alleged acts of harassment, siege and threats against the proposed beneficiary is not only to intimidate the proposed beneficiary but also to hinder those activities derived from her duties as lawyer defending victims of political persecution and persons who were previously incarcerated. The situation described above is allegedly causing the proposed beneficiary a high degree of vulnerability by increasing the risk she faces. The Commission notes that the facts alleged, in addition to seriously affecting the exercise of her duties, are open to affecting the right of her clients seeking legal representation and support in the defense of her rights, which is essential for the effectiveness and strengthening of a democratic State.

30. In addition to the above, the Commission considers that, in this particular case, the content of the threats suggests that the aggressors have particular animosity towards the proposed beneficiary, both because of her profile as a defender and because of her condition as a pregnant woman, placing her at a greater risk, of particular nature, within the general context of gender violence in the country. In addition to the above, the IACHR also considers that the proposed beneficiary, since she is pregnant, has an increased vulnerability, given the implicit risk for both her and her baby, and therefore, they should receive an special and reinforced protection by the State.

31. In view of the assessments made, the Commission considers, from the applicable *prima facie* standard and in the context underwent by the State of Nicaragua, sufficiently evidenced that the rights to life and personal integrity of Ms. Martínez are at serious risk.

32. As regards the requirement of urgency, the Commission considers it met since the facts described above suggest that the risk situation is likely to continue and worsen with time, to such an extent that upon the imminence of the risk becoming materialized it is immediately necessary to adopt measures to safeguard her rights to life and personal integrity.

33. As regards the requirement or irreparability, the Commission considers it met, since the possible impact of the rights to life and personal integrity, due to their nature, constitutes the greatest situation of irreparability.

## V. BENEFICIARIES

34. The Commission declares as beneficiaries Ms. Yonarqui de los Ángeles Martínez García and her family nucleus, including her children,<sup>21</sup> and who are also likely to be identified under the terms of Article 25(6)(b).

## VI. DECISION

35. The Inter-American Commission on Human Rights considers that the current matter meets *prima facie* the requirements of seriousness, urgency and irreparability included in Article 25 of its Rules of Procedure. Consequently, the Commission requests that the State of Nicaragua:

- a) adopt the measures necessary to guarantee the rights to life and personal integrity of Ms. Yonarqui de los Ángeles Martínez García and her family nucleus. In particular, the State must ensure that the rights of the beneficiaries are respected in accordance with the standards established by international human rights law, both by its agents and in connection with risk events attributable to third parties;
- b) adopt the measures necessary so that the beneficiary Yonarqui de los Ángeles Martínez García can carry out her duties as defense lawyer without being subjected to acts of intimidation, persecution, harassment, threats or other acts of violence in the exercise thereof;
- c) consult upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the measures adopted in order to investigate the alleged facts that led to the adoption of this precautionary measure and thus prevent their reoccurrence.

36. The Commission also requests the Government of Nicaragua to kindly inform the Commission, within 15 days as of the date of this resolution, about the adoption of the precautionary measures adopted and update said information periodically.

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

38. The Commission instructs its Secretariat to notify the present Resolution to the State of Nicaragua and the representatives.

39. Approved on December 2, 2020 by Joel Hernández García, President; Antonia Urrejola, First Vice-President; Flávia Piovesan, Second Vice-President; Esmeralda Arosemena de Troitiño, and Julissa Mantilla Falcón; members of the IACHR.

Maria Claudia Pulido  
Acting Executive Secretary

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<sup>21</sup> Her children were duly identified in the file of PM-806-19 as LPGM, MEGM, YMGM and HEGM.