
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 1/2022**

Precautionary Measure No. 1088-21
Edgar Francisco Parrales Castillo regarding Nicaragua
January 12, 2022
Original: Spanish

I. INTRODUCTION

1. On December 3, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures filed by Vilma Nuñez de Escorcia and Georgina Ruiz from the Nicaraguan Center for Human Rights-CENIDH¹ (“the applicants”), urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Edgar Francisco Parrales Castillo. According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, is at risk because he suffers from serious diseases, without receiving timely medical attention, and since November 22, 2021, has been deprived of liberty without contact with relatives or lawyers.

2. On December 20, 2020, in accordance with Article 25(5) of its Rules of Procedure, the IACHR requested information from the State and the applicants. The State submitted information on December 21, 2021. The applicants provided information on December 27, 2021.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information provided shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Consequently, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Edgar Francisco Parrales Castillo; b) ensure that his detention conditions are compatible with applicable international standards on the matter, including, *inter alia*: i. to have contact with his relatives and defense lawyers; ii. taking into account the situation presenting a risk to his life, personal integrity, and health resulting from the circumstances surrounding his current deprivation of liberty and his state of health, immediately carry out an impartial and specialized medical assessment on his current health situation; iii. provide the treatments and medications that the proposed beneficiary has been reportedly prescribed; and iv. assess the possibility of immediately granting alternative measures to deprivation of liberty, based on his state of health, in accordance with its internal regulations and in light of the applicable inter-American standards; and c) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected numerous testimonies on human rights violations committed in the framework of protests that began the previous

¹ The applicants indicated to have express consent in their request. They also extensively referred to the testimony given by the wife of the proposed beneficiary while he is incommunicado after his detention.

month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.² In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.³ For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish acronym) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.⁴ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁵

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.⁶ 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.⁷ On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁸ 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.”⁹

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,¹⁰ 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.¹¹

² 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.

³ 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.

⁴ Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#). December 2018.

⁵ IACHR. [Annual Report 2018. Chapter IV.B Nicaragua](#).

⁶ 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.

⁷ 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.

⁸ 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.

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

¹¹ IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.¹² Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.¹³ 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.¹⁴ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its Annual Report 2020.¹⁵

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁶ as well as the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁷ More recently, 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.¹⁸ 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.¹⁹ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.²⁰

9. On October 25, 2021, the IACHR published the report “Concentration of Power and Weakening 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.²¹ More recently, on November 4, 2021, the IACHR and OHCHR expressed concern about the increasing repression against opposition figures in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks against journalists.²² 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

¹² 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.

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

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

¹⁵ IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹⁶ IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁷ 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.

¹⁸ 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.

¹⁹ 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.

²⁰ IACHR. [Press Release 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.

²¹ 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.

²² IACHR. [Press Release 292/21](#). Four days before 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.

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.²³

10. Recently, on November 20, 2021, the IACHR made a statement regretting the decision of the State of Nicaragua to denounce the Charter of the Organization of American States, on November 19, 2021, in a context of serious crisis in recent years in the country. On the occasion, the Commission reaffirmed its competence over Nicaragua and stated that it will continue to exercise its monitoring mandates through the MESENI, and the analysis and processing of cases, petitions, and precautionary measures.²⁴ On December 20, 2021, the Commission called for international solidarity so that States 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 people deprived of liberty and people identified as political opponents.²⁵ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, more than 110,000 people have been forced to flee Nicaragua.²⁶

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

11. The proposed beneficiary is 79 years old and lives in Managua. The applicants indicated that the proposed beneficiary was a Diocesan priest, Nicaraguan vice-minister of social security and minister of social welfare, ambassador and permanent representative of Nicaragua to the OAS (1982-1986), director general of international relations of the National Assembly (1989-1997), secretary of the Office of the Inspector General [*Procuraduría General*], legal and fiscal representative of the Board of Directors of the Independent Liberal Party (PLI) (2004-2005), and professor at the National Autonomous University of Nicaragua (UNAN), at the Law School for 17 years. Currently, he was working as an international arbitrator, political analyst, and lawyer.

12. According to the request, due to the socio-political crisis that began in April 2018, UNAN had to suspend classes. When classes were resumed, the proposed beneficiary, like all teachers, appeared at UNAN, but they denied him access and told him that they were processing his retirement pension. However, his wife alleged that such an act occurred in retaliation due to his critical position in the face of the government's repression of social protests. Thus, the proposed beneficiary continued to practice his profession independently.

13. Throughout the last three years, the proposed beneficiary is said to have been regularly consulted by the media about the political situation in the country, expressing himself critically to state action. On November 19, 2021, the proposed beneficiary gave an interview to the *Confidencial* media outlet about the latest decision of the government to annul the dean of the diplomatic corps to the Apostolic Nuncio. On November 22, 2021, he gave statements to Nicaragua's *Canal 10* on the consequences of Nicaragua's departure from the OAS and the human rights violations in the country. Due to the above, the house where the proposed beneficiary lives was subjected to police surveillance, which intensified in the days prior to his detention, which is considered arbitrary by the applicants.

²³ IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

²⁴ IACHR. [Press Release 312/2021](#). IACHR reaffirms its competence over Nicaragua after deciding to denounce the OAS Charter in a context of serious human rights violations.

²⁵ IACHR. [Press Release 346/2021](#). The IACHR calls for international solidarity and urges the States to protect those forced to flee Nicaragua. December 20, 2021.

²⁶ IACHR. [Press Release 346/2021](#). The IACHR calls for international solidarity and urges the States to protect those forced to flee Nicaragua. December 20, 2021.

14. On November 22, 2021, the proposed beneficiary was detained outside his home in the afternoon. According to his wife's testimony, when the proposed beneficiary was leaving his house, two men in civilian clothes got out of a car to talk with him. After a few minutes, shouts from the proposed beneficiary were heard saying: "No, you have no rights" and "Help, you are taking me against my will," while they forcefully entered the vehicle. At that moment, some people approached. However, the men reportedly pointed pistols at the people. Similarly, it was reported that the detention was carried out without any arrest warrant and that he was not allowed to notify his relatives.

15. That same day, the wife was informed of the detention by telephone calls from neighbors, who related what had happened. She started to look for the proposed beneficiary at different police stations to verify where he was. The applicants stated that, at the District V Police Station in Managua, at night, an officer denied that the proposed beneficiary was in the cell. The wife tried to file a disappearance complaint, but the officers informed her that the proposed beneficiary was an elderly person who may have run away from home. At the insistence of the wife, a higher-ranking officer ordered to verify if the proposed beneficiary was on a list of recent detainees. Finally, they informed her that her husband was held at the Judicial Assistance Office Evaristo Vásquez Sánchez ("*El nuevo Chipote*"). In that sense, the officers told her that she should appear at 6 am the next day with a pillow, bedspread, medicine, a change of clothes, food, and personal hygiene items.

16. The following day, on November 23, 2021, the wife appeared at the Evaristo Vásquez Sánchez Judicial Assistance Office. However, the officers only allowed him to deliver a bottle of water, medicine, and personal hygiene items, without accepting food, bedspread, change of clothes or sandals from the proposed beneficiary's, to use by medical order. A few hours later, around noon, National Police officers raided the home of the proposed beneficiary, when his wife was not at home. According to the request, she was notified by neighbors and went to her house to witness the raid, which occurred without producing any warrant and lasted for four and a half hours. On the occasion, the police allegedly damaged the roof of the house and the door of a warehouse, in addition to having brought a laptop, 1 CPU and several USB memory sticks. The applicants stated that the officers made the wife sign a document with a list of the things withheld, without giving her a copy.

17. From November 24 to December 22, 2021, relatives of the proposed beneficiary tried to visit him and send him water, food, medicine, among others. However, authorities from the Evaristo Vásquez Sánchez Judicial Assistance Directorate repeatedly denied the entry of food and requested medicines without informing them of the proposed beneficiary's health situation. In that sense, on November 24 and 25, 2021, the authorities purportedly did not accept the food sent by the wife, only the liquids, such as water, milk, and gelatin, without informing her about the health situation of the proposed beneficiary. In the same way, on November 25, 2021, they asked her for underwear and, at the time of delivering it, a custodian forced the wife to spread it out in front of the other relatives of other detainees, which she considered humiliating. On November 26, 2021, the officers asked the relative for a roll of toilet paper and the proposed beneficiary's COVID-19 vaccination card, without giving any explanation about such a request, considering that the proposed beneficiary already has the complete vaccine scheme. On November 27 and 29, 2021, officers accepted liquids and medicine *Rivotril*, informing that they would only pass the medicine to the proposed beneficiary with authorization from the police facility physician, who reportedly also indicated the medicine dose, which is said not to be the one established in his previous treatment.

18. On November 30 and December 1, 2021, officers received water and milk, denying him access to food. Subsequently, on December 3, 2021, the officers requested the proposed beneficiary's medications, but only accepted half of the medications, which constitutes an alteration to his treatment, according to the applicants. On December 18, 2021, relatives left food for the proposed beneficiary, but again only accepted liquids. The next day, December 19, 2021, food and masks were accepted. However, an officer

did not admit underwear, claiming that the wife was not authorized to this. On December 21 and 22, 2021, officers continued to deny entry to solid food, a situation that remains to date.

19. The applicants reported that the proposed beneficiary has undergone two complex operations,²⁷ being left with the use of a colostomy bag and leaving him without large intestine. According to the applicants, due to his delicate health condition, he needs special medication and a balanced diet, and therefore being deprived of liberty without medical attention will worsen his health. Furthermore, it was indicated that he has a hernia in his stomach, for which he had a high-risk operation scheduled for August 2021, which has been rescheduled due to his financial situation and the COVID-19 pandemic for December 2021, given that his abdominal hernia continued to grow. The request indicates that the proposed beneficiary also had a rigorous and urgent colonoscopy scheduled by his GP for the first week of December.

20. The proposed beneficiary is also experiencing severe dizziness, blood pressure problems, a deformed right foot, and severe arthritis in the tailbone and right shoulder. According to the request, on November 24, 2021, his family physician issued a medical certificate stating the health condition of the proposed beneficiary, who has a history of left hemicolectomy and cholecystectomy, and has irritable bowel syndrome with a pattern of constipation, diverticulosis, midline post incisional hernia, and dyslipidemia. On November 27, 2021, a physician issued a clinical update of the proposed beneficiary, where he states that he has performed operations on the right foot due to painful deformations, leaving him with mobility difficulties, therefore he needs special sandals, and also that he had performed surgery on the digestive system.²⁸

21. Finally, it was emphasized that, since the proposed beneficiary's detention, he has been held incommunicado, without receiving visits or phone calls from family members or his lawyer, and no information has been received about his condition of detention or his state of health. It was reported that, on November 26, 2021, the wife filed a writ of habeas corpus (*exhibición personal*) in favor of the proposed beneficiary for illegal detention, requesting his immediate release. The applicants stated that such appeal was received, but was not processed in the legal terms. Due to the foregoing, on December 1, 2021, Ms. Carmen Córdova filed a second appeal for personal defense in favor of the proposed beneficiary, which was archived. On December 2, 2021, the family members of the proposed beneficiary learned, through the Judicial Power System, that the Court of Appeals declared the writ filed on November 26, 2021, inadmissible, arguing that the proposed beneficiary has a case open, and therefore he is not illegally detained. Additionally, through the same system, his relatives learned that the proposed beneficiary had been brought before a judge on November 23, 2021, who ordered him to be held in court for 90 days, for the alleged crime of "conspiracy to undermine to national integrity," under Law No. 1055, which is considered unconstitutional by the applicants. On December 6, 2021, a letter was submitted urgently requesting medical examinations for the proposed beneficiary, as well as his transfer to a hospital and a medical assessment carried out by the Institute of Legal Medicine. However, no response has been obtained to this request to date.

B. Response from the State

22. The State affirmed that "we do not accept that this Commission intends to violate our institutional framework, nor our legal system." In this sense, the State indicated that the requesting organization does not have legal status, therefore it does not have the legitimacy to represent anyone. Moreover, the State indicated that the facts assessed by the Commission are "manipulations and misrepresentations of facts"

²⁷ The request indicates that the proposed beneficiary has undergone an exploratory laparotomy, plus total colectomy, plus ileorectal anastomosis, plus protective ileostomy, leaving him with the use of a 45-mm colostomy bag and without a large intestine.

²⁸ The request indicates that, according to the physicians, currently the proposed beneficiary must receive medical treatment to control his pathologies, and the medicines are: Mugasin bottle, Liposinol tablet, Cinnarizine tablet, Nauseol tablet, Rivotril drops, and Voltaren ointment.

and asserted that the proposed beneficiary is not in a situation presenting a risk to his life or personal integrity.

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

23. 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, while 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.

24. 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, protective and precautionary.²⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³⁰ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.³¹ 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 petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.³² In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

²⁹ 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.

³⁰ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

³¹ 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].

³² 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.

- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

25. In analyzing these 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.³³ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged or to rule on violations of rights enshrined in the American Convention or other applicable instruments.³⁴ 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.³⁵

26. As a preliminary matter, the Commission takes note of the State’s argument regarding the lack of legitimacy of the requesting organization, the Nicaraguan Center for Human Rights (CENIDH), to file a request for precautionary measures, as a result of not having legal personality. Regarding the allegation about CENIDH legal existence, the Commission recalls that Article 25(1) of the Rules of Procedure establishes that precautionary measures may be filed “at the request of a party,” and Article 25(6) of the Rules of Procedure indicates that “whenever the request is filed by a third party,” it will consider “the express consent of the potential beneficiaries [...] unless the absence of consent is duly justified.” In this regard, the Commission recalls that the proposed beneficiary has been deprived of liberty since November 22, 2021, being held incommunicado from his relatives or lawyers, which justifies the impossibility of contacting the proposed beneficiary so that he can express his consent on this request. The Commission also observes that the request contains information from close relatives of the proposed beneficiary, as well as information on the proposed beneficiary that could only be obtained from having contact with his relatives. Furthermore, although the State indicated that CENIDH does not legally exist as an organization at the domestic level, the Commission notes that this request was filed by natural persons who claim to be part of the CENIDH organization and not only by the said organization. Consequently, the Commission considers that this request was filed at the “request of a party” and that Article 25(6) of the Rules of Procedure has been complied with. By way of reference, the Commission also observes that, since July 12, 2019, the members of CENIDH have been beneficiaries of provisional measures of the Inter-American Court, even though the legal personality of the said organization has already been canceled.³⁶

27. Having made the corresponding clarification, the Commission observes that the alleged risk for the proposed beneficiary is framed in the current context of Nicaragua,³⁷ as well as in a particularly hostile

³³ See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

³⁴ 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 [only in Spanish].

³⁵ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, 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.

³⁶ I/A Court H.R. Provisional Measures regarding Nicaragua. Resolution of July 12, 2019. [Matter of the Members of the Nicaraguan Center for Human Rights \(CENIDH\) and the Permanent Commission on Human Rights \(CPDH\)](#), paras. 45 and 48.

³⁷ See in this regard: IACHR. [Press Release No. 93/21](#). Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021; IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its

context towards people considered as, perceived, or identified as opponents of the government,³⁸ which has also intensified over time.³⁹ In this sense, the alleged risk for the proposed beneficiary is not an isolated event, but is part of a context observed in Nicaragua characterized by the practice of detentions and criminalization of human rights defenders and opponents.⁴⁰

28. In this vein, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, health, and personal integrity, as well as other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.⁴¹ This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.⁴² More specifically, and in light of the facts described by the applicants, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.⁴³

29. In addition, the proposed beneficiary is deprived of liberty and his vulnerability is accentuated by being an elderly person, who also suffers from various diseases. This implies, therefore, addressing the situation of the proposed beneficiary from a perspective that conforms to his condition as an elderly person, as well as the differentiated impact that the risk factors faced purportedly have on him, an assessment that the Commission has made in the framework of other situations that require a differentiated analysis in view of the circumstances.⁴⁴ With respect to elderly persons deprived of liberty, the IACHR has indicated that States must provide them with medical care based on their special needs and health. In addition, in accordance with the standards on older persons, States are obliged to take

Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020; IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

³⁸ See in this regard: IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 54-77; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

³⁹ See in this regard: 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; IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 46 to 52.

⁴⁰ See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Solís regarding Nicaragua. April 22, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens *et al.* regarding Nicaragua. December 24, 2019.

⁴¹ See in this regard: I/A Court H.R. *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

⁴² IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

⁴³ I/A Court H.R. *Matter of seventeen persons deprived of liberty regarding Nicaragua*. Provisional Measures. Adoption of Urgent Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

⁴⁴ See in this regard: IACHR. [Resolution 71/2021](#). Precautionary Measures Nos. 593-21, 665-21 and 680-21. Ana Margarita Vijil Gudián *et al.* regarding Nicaragua. August 30, 2021. [Resolution 59/2021](#). Precautionary Measure No. 511-21. Flor de María Ramírez regarding Nicaragua. August 3, 2021.

special measures with respect to the following: i) assessment upon admission, ii) adequate medical records, and iii) continuous check-ups.⁴⁵

30. Considering both the above context in Nicaragua and the situation of deprivation of liberty in which the proposed beneficiary finds himself, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiary.

31. With regard to the requirement of *seriousness*, the Commission considers that it has been met. At the time of making this assessment, the Commission takes into consideration the profile of the proposed beneficiary in Nicaraguan society, as well as the various public and private positions that he has held throughout his career, which purportedly has led to identify or perceive him as a dissident. The Commission also understands that the proposed beneficiary has high visibility in Nicaraguan society, especially considering the high positions that the proposed beneficiary has held in Nicaragua, having served as Nicaragua's ambassador to the OAS.

32. It is further noted that the recent detention of the proposed beneficiary was preceded by a series of statements critical of state action. He provided statements on November 19 and 22, 2021 to media outlets *Confidencial* and *Canal 10*, particularly against the decision of the Nicaraguan government to withdraw from the OAS (vid. *supra* para. 12). It was also emphasized that there was police surveillance at the residence of the proposed beneficiary for months, which allegedly increased in the days before his detention (vid. *supra* para. 12). More recently, the Commission has been informed that, following his detention on November 22, 2021, the applicants have alleged these events:

- The detention was carried out by plainclothes persons pointing guns at the people who were around and in front of their house;
- The family or lawyers of the proposed beneficiary were not notified of the decision to detain him on November 22, 2021, nor were they officially aware of his place of detention or his legal situation;
- As his official whereabouts were not known after his detention, the wife visited different police stations, having been prevented from filing a disappearance complaint with the police on the grounds that because he was an older person, he must have escaped from home;
- Upon learning of the place of detention from a police officer, not through the process, the wife has been delivering supplies, food, liquids, and medicines that have been received at the Evaristo Vásquez Sánchez Judicial Assistance Directorate. The wife and relatives are not certain that such items are being delivered to the proposed beneficiary;
- The proposed beneficiary has been held incommunicado for more than 40 days, without visits or contact with his family or lawyers (vid. *supra* para. 20);
- Lack of official and timely information from the authorities on the criminal process against the proposed beneficiary, to the extent that his relatives only were aware of a bringing before a judge and the decision of judicial detention through the Judicial Power System, following the searches of the proposed beneficiary's family and legal appeals filed.

⁴⁵ IACHR, Observations to Advisory Opinion to the Inter-American Court of Human Rights - Differentiated approaches to persons deprived of liberty, November 14, 2020, para. 123.

33. In this regard, the Commission also understands that the proposed beneficiary is being held in pretrial detention for 90 days as part of a criminal proceeding for allegedly committing the crime of “conspiracy to undermine national integrity” under Law No. 1055. Although it is noted that he is under pretrial detention, the Commission does not identify any elements that explain the reasons why the detention was carried out without the corresponding procedural notifications; without officially informing about his place of detention despite the family’s appeals at the domestic level; and without allowing the family or the defense attorney to obtain official information on the status of the criminal proceeding in which he was involved, particularly in a timely manner. Along these lines, the Commission understands that the factual circumstances raised are similar to those of other persons’ detentions on the eve of Nicaragua’s general elections in November 2021. For instance, the Commission recalls that the Commission has recently granted precautionary measures to Miguel Ángel Mendoza Urbina,⁴⁶ Mauricio José Díaz Dávila, and Max Isaac Jerez Meza,⁴⁷ who were also detained in similar factual circumstances and under the same domestic regulatory framework that is being questioned.

34. Moreover, on this occasion, the Commission notes the seriousness of the allegations regarding the proposed beneficiary’s health situation, considering that he is an elderly person, currently 79 years old. According to the information received, the proposed beneficiary is in a delicate health situation, given that he does not have a large intestine, uses a colostomy bag, and has irritable bowel syndrome, he also presents with an abdominal hernia, blood pressure problems, severe arthritis, and deformation of the right foot, for which he has severe dizziness, mobility difficulties and needs special sandals (vid. *supra* paras. 18 and 19). Due to the foregoing, it has been alleged that the proposed beneficiary needs special medication and a balanced diet. However, no information has been received about his detention or health status since November 22, 2021. In the same way, the judicial appeal filed on December 6, 2021, requesting an urgent medical evaluation for the proposed beneficiary, has not been responded to date (vid. *supra* para. 20).

35. Similarly, it is noted that, although the state authorities have accepted the medicines sent on two occasions, the family has alleged the doses are not the appropriate ones established in the proposed beneficiary’s treatment (vid. *supra* paras. 16 and 17). The Commission also notes that the proposed beneficiary is said to require two surgeries: since August 2021, a high-risk surgery regarding his stomach hernia, which has been rescheduled for December 2021; and a rigorous and urgent colonoscopy surgery, the which was scheduled by his physician for December 2021 (vid. *supra* para. 18). However, since the detention of the proposed beneficiary on November 22, 2021, his relatives have not obtained a response about his current health situation in prison or the measures that may have been taken by state authorities in this regard (vid. *supra* para. 20). Such considerations are relevant insofar as he is an elderly person who requires special care for his health conditions, also considering that he is in pretrial detention under the factual circumstances described.

36. Therefore, the Commission observes with concern the situation of Mr. Edgar Parrales, who is an elderly person, deprived of liberty, incommunicado for more than 40 days to date, suffering from various delicate diseases, without having undergone medical examination. In addition, it is noted that the relatives have not received information about his current state of health.

37. Upon requesting information from the State pursuant to Article 25 of the Rules of Procedure, the Commission takes note of the response received. However, the Commission notes that, beyond stating that the proposed beneficiary is not at risk, the State did not provide information with specific and detailed elements to disprove the facts alleged by the applicants, or sufficient to assess that the reported situation was mitigated. In this sense, the State did not report on the detention conditions of the proposed

⁴⁶ IACHR, Resolution No. 85/21, PM 733-21 - Miguel Ángel Mendoza Urbina and his nuclear family, Nicaragua, October 15, 2021.

⁴⁷ IACHR, Resolution No. 83/21, PM 761-21 and 856-21 - Mauricio José Díaz Dávila and Max Isaac Jerez Meza, Nicaragua, October 12, 2021.

beneficiary or the measures implemented to safeguard his rights, particularly the health care he is receiving. The information that the State could have provided would be relevant given that the family members and lawyers have not had communication with the proposed beneficiary despite the actions taken at the domestic level.

38. Due to the foregoing, the Commission considers that from the *prima facie* standard and in the current context of Nicaragua it is sufficiently proven that the rights to life, personal integrity, and health of Mr. Edgar Francisco Parrales Castillo are at serious risk.

39. As for the requirement of *urgency*, the Commission considers that it has been met, given that, if the situation described above continues, the proposed beneficiary is likely to be imminently exposed to a greater violation of his rights. Similarly, the Commission notes that not knowing the proposed beneficiary's whereabouts prevents his relatives and representatives from being able to timely act and ensure that his detention conditions are adequate, and therefore, he requires the adoption of immediate measures. The Commission takes into account that the proposed beneficiary is an elderly person, who is purportedly deprived of liberty since November 22, 2021, with no information about the medical care he is receiving and held incommunicado from his family and lawyers. Additionally, the Commission does not have specific information from the State to assess the actions that are being taken to address the risk faced by the proposed beneficiary.

40. Regarding the requirement of *irreparable harm*, the Commission upholds that it is complied with, insofar as the potential impact on the rights to life, personal integrity, and health constitutes, by its very nature, the maximum situation of irreparability.

V. BENEFICIARY

41. The Commission declares as beneficiary Mr. Edgar Francisco Parrales Castillo, who is duly identified in this proceeding.

VI. DECISION

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

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Edgar Francisco Parrales Castillo;
- b) ensure that his detention conditions are compatible with applicable international standards on the matter, including, *inter alia*: i. to have contact with his relatives and defense lawyers; ii. taking into account the situation presenting a risk to his life, personal integrity, and health resulting from the circumstances surrounding his current deprivation of liberty and his state of health, immediately carry out an impartial and specialized medical assessment on his current health situation; iii. provide the treatments and medications that the proposed beneficiary has been reportedly prescribed; and iv. assess the possibility of immediately granting alternative measures to deprivation of liberty, based on his state of health, in accordance with its internal regulations and in light of the applicable inter-American standards; and

c) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

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

44. 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.

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

46. Approved on January 12, 2022, by Julissa Mantilla Falcón, President; Margarete May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; Joel Hernández García; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary