
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 25/2022**

Precautionary Measure No. 819-18
Yubrank Miguel Suazo Herrera regarding Nicaragua
(Extension)
June 13, 2022
Original: Spanish

I. INTRODUCTION

1. On May 23, 2022, 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 in favor of Yubrank Miguel Suazo Herrera (“the proposed beneficiary”) and information was provided on the beneficiaries’ situation in this matter. According to the received information, the proposed beneficiary is at risk after his arrest on May 18, 2022, and his transfer to the Directorate of Judicial Assistance known as the Nuevo Chipote, in Managua.

2. On May 23, 2022, the representatives requested an extension of these precautionary measures in favor of Mr. Suazo. On the same day, the request for extension of precautionary measures was transferred to the State and it was requested to submit information in this regard. The State did not submit a response within the granted deadline. On June 6, 2022, the representatives submitted additional information regarding the proposed beneficiary.

3. Upon analyzing the available information, in the light of the applicable context, the Commission considers that the information presented shows *prima facie* that the rights to life and personal integrity of Yubrank Miguel Suazo Herrera 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 Mr. Yubrank Miguel Suazo Herrera. In particular, the State must both ensure that state actors respect the rights of the beneficiary 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) in order to verify his situation, grant Mr. Suazo Herrera access to his legal representatives, in addition to the family visits in accordance with the applicable standards; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure.

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.¹ 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, 2018.² 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 and May 30, 2018, thereby confirming the IACHR findings.³ In its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B in

¹ IACHR. *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*. OEA/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

² IACHR. [Press Release No. 135/18](#). IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. [Press Release No. 274/18](#). Press Release about Nicaragua. December 19, 2018. See also: IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

³ Interdisciplinary Group of Independent Experts (*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. [only in Spanish]

accordance with the grounds established in its Rules of Procedure.⁴

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.⁵ In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.⁶ On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁷ 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.”⁸

6. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,⁹ noting that the serious human rights crisis in the country extended during 2019, due to the *de facto* installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government, the search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.¹⁰

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by intensified acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.¹¹ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.¹² 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.¹³ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹⁴

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,¹⁵ as well as the widespread impunity and the prolonged breakdown of the rule of law that persists

⁴ IACHR. 2018 Annual Report. Chapter IV.B Nicaragua.

⁵ See in this regard: IACHR. [Press Release No. 6/19](#). IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua. January 10, 2019; IACHR. [Press Release No. 26/19](#). IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua. February 6, 2019; IACHR. [Press Release No. 90/19](#). IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks. April 5, 2019.

⁶ IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

⁷ IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

⁸ IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

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

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

¹¹ IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020.

¹² IACHR. [Press Release No. 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.

¹³ 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.

¹⁴ IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹⁵ IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

in Nicaragua¹⁶. 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.¹⁷ 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 that year, as well as the ongoing human rights violations in this context, urging the State to cease repression against people opposed to the Government.¹⁸ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.¹⁹

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.²⁰ Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern about the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks against journalists.²¹ 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.²²

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 ongoing 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.²³ 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, social movement leaders, relatives of people deprived of liberty and people identified as political opponents.²⁴ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.²⁵

¹⁶ 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.

¹⁷ 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.

¹⁸ 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.

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.

²⁰ 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.

²¹ 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.

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

²³ 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.

²⁴ 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.

²⁵ 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.

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. 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.²⁶ 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.²⁷

12. On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that fact 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.²⁸ 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 arrests and harassments against human rights defenders, journalists, and lawyers at the hands of State agents.²⁹ 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 2018.³⁰ According to data from the United Nations Refugee Agency (UNHCR), over 150,000 Nicaraguans have requested protection in Costa Rica.³¹

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.³² 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.³³

III. PRECAUTIONARY MEASURES IN FORCE IN FAVOR OF RELATIVES OF YUBRANK MIGUEL SUAZO HERRERA

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

²⁷ 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.

²⁸ 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

²⁹ OACNUDH 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/>

³⁰ United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April 1, 2022. Available at <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-concludes-forty-ninth-regular-session-after-adopting-35?sub-site=HRC.sub-site=HRC>.

³¹ UNHCR. The number of Nicaraguans displaced in Costa Rica has doubled in less than a year. March 25, 2020. Available [in Spanish] at <https://www.acnur.org/noticias/briefing/2022/3/623d08ed4/el-numero-de-nicaraguenses-desplazados-en-costa-rica-se-ha-duplicado-en.html>

³² 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

³³ 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

15. On July 25, 2018, the Commission granted precautionary measures in favor of Yubrank Miguel Suazo Herrera, a member of the April 19 Movement (*Movimiento 19 de abril*) in Masaya, and also in favor of his family.³⁴ The Commission considered the information presented by the representatives. According to this information, Mr. Yubrank Suazo was a member of the April 19 Movement of Masaya and he had active participation in the civic mobilizations. He therefore had received attacks and repression from the government via the police force and alleged shock groups.³⁵ When assessing the regulatory requirements, the Commission considered the student leadership situation in Masaya, Managua, and Matagalpa. In the 2018 context, they were the subject of acts of repression and violence as they were one of the sectors that led the demonstrations from the very beginning. They acted both in relation to the fire at the Indio Maíz reserve, as well as in relation to the reforms in social security and the demand for justice for deaths and people injured due to acts of serious violence against the civilian population as a result of both the excessive use of force by the police force and the action of armed parapolice groups or armed third parties.

16. After the precautionary measures were granted, the State sent a communication on August 7, 2018 in which it affirmed that it protected the beneficiaries' rights. However, the State did not provide any details. The representatives presented a report on September 13, 2018. It stated that Mr. Yubrank Suazo was arrested on September 10, 2018, and that he was in the Directorate of Judicial Assistance (*Dirección de Auxilio Judicial, DAJ*) "El Chipote". Additionally, they stated that they were aware that Mr. Suazo was reportedly in the hospital, but they did not know which one. On September 26, 2018, the representatives submitted a report reiterating the information presented on September 13, 2018. On February 14, 2019, the Commission requested the State to submit additional information. Due to the lack of response from the State, the Commission requested additional information from both parties on March 13, 2019. Due to the lack of response, the Commission reiterated the request for information on April 26, 2019.

17. On April 26, 2019, the representatives informed the Commission of the following: (i) according to the beneficiaries' testimonies, from the day of Mr. Suazo's capture until March 7, 2019, he was reportedly unable to have physical contact with his relatives as there was an alleged glass that prohibited any contact; (ii) Mr. Yubrank Suazo told his parents, "he was tired of being treated like an animal; that the situations that the political prisoners face will make them go crazy"; (iii) on March 9, 2019 a video that Mr. Suazo recorded circulated, in it the detained persons were seen protesting and, as a result, Mr. Suazo was punished; (iv) on April 7, 2019 Mr. Suazo was allegedly allowed a contact visit with his relatives; (v) Mr. Yubrank Suazo stated that he had been violently beaten by the prison system official, who allegedly hit him in the chest while shouting "I don't care what you feel", then allegedly hung him by his feet with shackles and kicked him in the face; (vi) subsequently, he was allegedly sprayed in the face with pepper spray and as Mr. Suazo did not have any liquid to relieve his pain, he reportedly resorted to scrubbing saliva on his face. After the beating, he was reportedly transferred to the punishment cell known as the "*infernillo*" [little hell], where he was allegedly kept for a month, constantly naked and sleeping on the floor; (vii) Mr. Suazo's relatives questioned the criminal process, as it was reportedly postponed on several occasions and it was indicated that no actions would be taken to request medical attention in favor of Mr. Yubrank Suazo, who reported being constantly dizzy and had blurry vision as a result of the beating.

18. On May 15, 2019, the Inter-American Commission submitted a request for provisional measures before the Inter-American Court of Human Rights in order for the court to require Nicaragua to adopt the necessary measures to protect the health, life, and personal integrity of 17 people who were deprived of their liberty, including Yubrank Miguel Suazo Herrera.³⁶ On May 21, 2019, the Court adopted

³⁴ IACHR. [Resolution 56/2018](#). Precautionary Measure No. 868-18, 819-18, 777-18, 850-18, and 871-18. Cristhian Rodrigo Fajardo Caballero and et al. regarding Nicaragua. July 25, 2018. [only in Spanish].

³⁵ IACHR. [Resolution 56/2018](#). Precautionary Measure No. 868-18, 819-18, 777-18, 850-18, and 871-18. Cristhian Rodrigo Fajardo Caballero and et al. regarding Nicaragua. July 25, 2018. Para. 15. [only in Spanish].

³⁶ IACHR. [Press release 117/19](#). IACHR, IACHR Submits a Request to the Inter-American Court for Provisional Protection Measures for 17 People Who Are Being Deprived of Their Freedom and Are at Extreme Risk in Nicaragua. May 15, 2019.

urgent measures resolution in favor of 17 people who were deprived of their liberty.³⁷ Subsequently, the beneficiaries of urgent measures were released on June 11, 2019 under the Amnesty Law. Lastly, the Inter-American Court decided to lift the urgent measures on October 14, 2019 in view of the change of circumstances that motivated the adoption of the urgent measures.³⁸

19. On November 16, 2020, the Commission requested the parties to submit updated information on the situation of risk. During the time the precautionary measures were in force, the Commission did not receive any information from the State regarding the protection measures in favor of Yubrank Miguel Suazo Herrera's family. The State has not responded the Commission's requests for information.

IV. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE REPRESENTATIVES

20. Mr. Yubrank Miguel Suazo Herrera is reportedly one of the most representative figures of the demonstrations in Nicaragua since April 2018 due to the leadership he exercised in the April 19 Movement (*Movimiento 19 de abril*) in Masaya. After his release in June 2019, Mr. Suazo continued to be part of civic protest groups against the Nicaraguan government and an opponent in civil society organizations. He participated and shared his critical views on Nicaragua's situation through his social media and other platforms. Consequently, he reportedly received threats from people close to the government. Recently, he has been receiving harassment from a person dressed in civilian clothes on a red motorcycle since May 15, 2022.

21. On May 18, 2022, at approximately 5:15 a.m., Mr. Yubrank was arrested by police officers in what the representatives considers an arbitrary arrest. Two patrols with several officers showed up at the proposed beneficiary's home in Masaya and entered the residence without a warrant or judicial authorization. The officers allegedly cut the locks on the doors. Upon entering the house, an officer of the Directorate of Special Police Operations (*Dirección de Operaciones Especiales Policiales, DOEP*) struck the beneficiary, Mr. Wilfredo Suazo, the father of the proposed beneficiary, in the back and threw him heavily to the ground where he remained throughout the police operation. Mr. Yubrank Suazo attempted to defend his father and was violently arrested. They reportedly took him by the hair and pulled his head back, while another officer held him tightly by the arms and aggressively pushed him into the police patrol. The officers did not disclose the grounds for his arrest or the location where he was taken. It was indicated that Ms. Ana Julia Herrera, the proposed beneficiary's mother, suffered a nervous shock and blood pressure problems and had to be helped by her neighbors.

22. Almost three hours after the arrest, the Masaya police informed the proposed beneficiary's relatives that he was allegedly in Judicial Aid Directorate (DAJ), the Nuevo Chipote. They were informed that he would be held under investigation for 48 hours. The Judiciary's online consultations system, "Nicarao", showed that, as of May 19, 2022, the proposed beneficiary is criminally accused before the Fifth Criminal District Court of Hearing (*Juzgado Quinto de Distrito Penal de Audiencia*) for the crime of conspiracy to commit a violation of national integrity. This crime was reportedly charged to most of the people considered "political prisoners" in the country.

23. The representatives further reported that, since Mr. Yubrank Suazo's arrest, his relatives had been unable to contact with him. The preliminary hearing was reportedly secretly held on May 19, 2022. At that hearing, a public defense lawyer was allegedly imposed on the proposed beneficiary and he was denied the right to have a lawyer of his choice. On May 31, 2022, the initial hearing was held and it was the only time the proposed beneficiary's defense attorney was able to see him. The lawyer was reportedly only able to speak to him for two minutes at the behest of the judicial authorities. Due to the short time, Mr. Suazo's lawyer was allegedly unable to determine his detention conditions.

³⁷ I/A Court H.R. [Resolution of the President of the Inter-American Court of Human Rights. Adoption of Urgent Provisional Measures. Matter of seventeen persons deprived of liberty regarding Nicaragua](#). May 21, 2019. [only in Spanish].

³⁸ I/A Court H.R. [Resolution of the Inter-American Court of Human Rights. Matter of seventeen persons deprived of liberty regarding Nicaragua. October 14, 2019](#). [only in Spanish].

24. On May 20, 2022, a personal exhibition appeal was filed for the alleged arbitrary detention of Yubrank Suazo. The Criminal Chamber number one of the Court of Appeals of the District of Managua (*Sala Penal número uno del Tribunal de Apelaciones de la Circunscripción de Managua*) declared it “inadmissible” as, by this date, the preliminary hearing was reportedly already held. Mr. Yubrank was charged with the crimes of “conspiracy to undermine national integrity” and “spreading false news”. At the moment, there is no scheduled trial date and the representatives have no news about possible visits, or about the proposed beneficiary’s physical and mental state. In this sense, the proposed beneficiary’s representatives and relatives fear a repetition of the incidents that took place to Mr. Yubrank Suazo when he was deprived of his liberty in 2019.³⁹

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

25. The precautionary measures mechanism is part of the Commission’s function of overseeing Member States’ compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR, while the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

26. 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.⁴⁰ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴¹ 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.⁴² 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 allow the State concerned to comply with the final decision and, if necessary, to implement the remedies required.⁴³ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

³⁹ It was recalled that on July 25, 2018, the proposed beneficiary was arrested and transferred to the Directorate of Judicial Assistance (DAJ) “El Chipote” and was released on June 11, 2019. The representatives recalled that, during his imprisonment, the proposed beneficiary was subjected to torture and degrading treatment. During the first six months of his imprisonment in 2018, the proposed beneficiary was not allowed physical contact with his relatives and was reportedly beaten by DAJ officials.

⁴⁰ 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.

⁴¹ 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. [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. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5. [only in Spanish].

⁴² See in this regard: I/A Court H.R. Case 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].

⁴³ 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.

- a) “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b) “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c) “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

27. 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 *prima facie* standard of review⁴⁴ to determine whether a serious and urgent situation exists. 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.⁴⁵ This is better suited to be addressed by the Petition and Case system. The following analysis 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.⁴⁶

28. 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.⁴⁷ In this regard, the Commission notes that the proposed beneficiary was the beneficiary of precautionary measures under this registry from 2018 to 2019. In that year, the Commission requested provisional measures before the Inter-American Court based on his situation placing him at risk under the terms of Article 63.2 of the Convention and during a period in which he was temporarily deprived of his liberty. After regaining his freedom, the Inter-American Court lifted the provisional measures in 2019. On this occasion, the presented situation has the same factual elements as the Commission considered when granting the precautionary measures in 2018 and during the time they were in force until 2019. In this regard, harassment and violence by police officers and people related to the government has been alleged. In addition, further elements linked to the recent arrest of the proposed beneficiary in a context of the country that the IACHR has been monitoring very closely through its MESENI. 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.

29. 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 the risk that Mr. Suazo has been facing since 2018, which motivated the granting of the precautionary measures. This is in addition to his situation presenting an extreme risk while he was in detention in 2019, which activated the mechanism of provisional measures as the Inter-American Court granted urgent measures following the request submitted by the Commission that same year. In addition to the foregoing, the Commission emphasizes that the State has not presented any information during the time the precautionary

⁴⁴ 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.

⁴⁵ 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];

⁴⁶ 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].

⁴⁷ 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 [only in Spanish];

measures were in force which would be sufficient to give an account of concrete actions that were implemented, initially, in favor of Mr. Suazo, and subsequently, in favor of his relatives.

30. 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.⁴⁸ The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time, and the specific, true, current, and detailed material references to the issues on which that obligation falls.⁴⁹

31. In regard to the proposed beneficiary's current situation, the Commission understands the proposed beneficiary's profile in Nicaragua's current context. In this regard, the Commission observes that the proposed beneficiary is identified as an opponent mainly due to his leadership in the April 19 Movement in Masaya. According to public information, he was also a member of the Civic Alliance for Justice and Democracy (*Alianza Cívica por la Justicia y la Democracia*, ACJD).⁵⁰ In this regard, the representatives have qualified the proposed beneficiary as one of the most representative figures of the April 2019 demonstrations. Under this profile, the Commission notes that the representatives alleged that the proposed beneficiary continued to be subject to harassment even after the Inter-American Court's urgent measures were lifted. It was reported that he was harassed by a person dressed as a civilian on a motorcycle since May 15, 2022; and that he continued to be subjected to death threats from people related to the government. The aforementioned situation takes place within a particularly concerning context. In this regard, the Commission has observed that Nicaragua is presenting a particularly hostile context towards people considered, perceived, or identified government opponents. This has intensified over time due to the presidential elections of November 2021.

32. More recently, it was reported that the proposed beneficiary was arrested in the morning of May 18, 2022 while he was in his home. Although, in the context of this proceeding, it is not appropriate to analyze the allegation referring to the arbitrariness of the detention or analyze compatibility in the light of the American Convention, the Commission observes the circumstances that surrounded this detention in the terms of Article 25 of its Rules of Procedure, even taking into consideration public information:

- i. There was violence towards the proposed beneficiary during the arrest in his home. Likewise, the police found the proposed beneficiary's father and allegedly beat him;
- ii. It was reported that an arrest warrant had not been filed. On that understanding, the Commission observes that the representatives had no initial knowledge of the grounds for the arrest or the reasons for the police action at the proposed beneficiary's home;
- iii. Following the arrest, the police officers did not immediately report the detention location that the proposed beneficiary was transferred to;
- iv. Subsequently, the relatives found out that he was transferred to the Directorate of Judicial Assistance after a visit to the Masaya police. Through the Judiciary's Online System, they were also informed of the reasons he was arrested. In this regard, they indicated that the State secretly handled the first procedural acts after the arrest. The relatives indicated that the preliminary hearing of May 19, 2022 was held in secret and that the proposed beneficiary was represented by a public lawyer who was not of his choice;
- v. His defense attorney was unable to talk to him until May 31, 2022, 13 days after his arrest, and for only for the two minutes that are available to the judicial authorities. With regard to the family members, it was reported that were allegedly unable to communicate with the proposed

⁴⁸ 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.

⁴⁹ Ibidem

⁵⁰ *Confidencial*. Police arrest Yubrank Suazo in Masaya. May 18, 2022. Available [in Spanish] at <https://www.confidencial.com.ni/nacion/policia-detiene-a-yubrank-suazo-en-masaya/>

beneficiary.

33. In this regard, the Commission is concerned regarding the allegation that the State, through its police authorities, has taken the following actions: (i) The proposed beneficiary and his family were arrested using violence; (ii) The State has refused to report on the proposed beneficiary's whereabouts after his arrest, or the reasons or grounds for his arrest; (iii) The State has refused to provide official information on the detention center where he was detained, the relatives had to search by their own means to determine where the proposed beneficiary was currently located; iv) The State did not provide support so that relatives and lawyers could access information on the proposed beneficiary's situation and initiate the remedies they consider appropriate upon receiving the information; and v) No protection measure had been adopted in the over five years that the precautionary measures were reportedly in force in favor of the proposed beneficiary's relatives, as the father was also allegedly assaulted during the arrest in May 2022.

34. The above considerations are particularly serious considering that the proposed beneficiary is deprived of his liberty under the care of the police authorities. In this sense, 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, in addition to other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.⁵¹ More specifically, and in light of the facts described by the representatives, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured⁵².

35. The aforementioned assessments affect the seriousness of the proposed beneficiary's situation as, unlike during his 2019 detention, on this occasion the representatives are unable to access elements of information on the proposed beneficiary's situation. This is given the State's refusal to provide information about the situation or allow family members and lawyers in visits timely manner, despite the fact that the proposed beneficiary is in state custody. Despite the remedies that were presented internally, the representatives have not been able to access the beneficiary. On May 31, 2022, the defense lawyer was able to speak to the proposed beneficiary for only two minutes, which was insufficient to learn more on his situation. In this regard, relatives have indicated that they have no way of obtaining information from the beneficiary as there are no scheduled visits, and they do not know the upcoming schedules of the judicial process.

36. After requesting information from the State under Article 25 of the Rules of Procedure, the Commission received no response. In this regard, despite the fact that the State reportedly has the proposed beneficiary in custody, it did not report on his detention conditions or on the measures implemented to safeguard his rights. This is particularly relevant given the seriousness of the allegations, which include alleged acts of violence perpetrated by state agents during his detention, as well as the lack of official information after his arrest on May 18, 2022. In the same way, these state agents are allegedly the current persons responsible for the proposed beneficiary's custody while he is deprived of his liberty. In this sense, although it is not for the Commission to identify responsibilities, it does express its concern regarding the allegations involving state authorities in a context that has been closely monitored by its MESENI. Thus, the Commission does not have elements from the State that allow it to dispute the representatives' allegations in these proceedings.

⁵¹ 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](#). OAS/Ser.LJ/V/II. Doc. 64. December 31, 2011. Para. 49.

⁵² I/A Court H.R. Matter of seventeen persons deprived of liberty regarding Nicaragua. Provisional Measures. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

37. 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 and personal integrity of Yubrank Miguel Suazo Herrera are at serious risk.

38. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. Similarly, the Commission observes that, as the proposed beneficiary's situation is unknown, this prevents his relatives and representatives from being able to intervene in time and ensure that his detention conditions are adequate. He therefore requires the adoption of immediate measures. In addition, the Commission did not receive sufficient information from the State to assess the actions that are being taken to address the alleged risk that the proposed beneficiary is facing.

39. Regarding the irreparability requirement, 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.

IV. BENEFICIARY

40. Under the terms of this resolution, the Commission declares Mr. Yubrank Miguel Suazo Herrera as beneficiary, who is duly identified in this procedure. Similarly, the Commission recalls that Mr. Suazo's relatives are beneficiaries of precautionary measures under the terms of Resolution 56/2018 of July 25, 2018 (see *supra* para. 15).

V. DECISION

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

- a) adopt the necessary measures to guarantee the rights to life and personal integrity of Mr. Yubrank Miguel Suazo Herrera. In particular, the State must both ensure that state actors respect the rights of the beneficiary 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) in order to verify his situation, grant Mr. Suazo Herrera access to his legal representatives, in addition to the family visits in accordance with the applicable standards;
- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure.

42. The Commission also 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 required precautionary measures and to update that information periodically.

43. 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.

44. The Commission instructs the Executive Secretariat to notify this resolution to the State of Nicaragua and the representatives.

45. Approved on June 13, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary