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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 57/2022**

Precautionary Measure No. 660-22  
José Santos Sánchez and his family unit regarding Nicaragua  
October 24, 2022  
Original: Spanish

**I. INTRODUCTION**

1. On August 25, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Human Rights Collective *Nicaragua Nunca Más* (“the applicants”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of José Santos Sánchez. According to the request, the proposed beneficiary is at risk as he is deprived of liberty under severe detention conditions and lacks health care in the current context in Nicaragua.
2. Pursuant to Article 25(5) of its Rules of Procedure, the Commission requested information from both parties on September 27, 2022, and received information from the applicants on October 14, 2022. The State has not provided information to date.
3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information presented shows *prima facie* that Mr. José Santos Sánchez is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Accordingly, the IACHR requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. José Santos Sánchez and the members of his family unit; b) adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the international standards applicable in the matter, *inter alia*: i. guarantee that he is not subjected to threats, intimidation, harassment, or attacks within the prison; ii. guarantee access to adequate and specialized medical care, and that a specialized medical evaluation is immediately performed to assess his health; iii. grant the necessary treatments and medicines to treat his health issues; iv. grant adequate food; and v. assess alternative measures to deprivation of liberty in light of the beneficiary’s detention conditions and health; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions undertaken in order to investigate the alleged facts 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. During this visit, it collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.<sup>1</sup> In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the

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

country until the State suspended its presence on December 19, 2018.<sup>2</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its acronym in Spanish) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.<sup>3</sup> In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.<sup>4</sup>

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, and urged the State to comply with its obligations in matters related to human rights.<sup>5</sup> In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.<sup>6</sup> In September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.<sup>7</sup> Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”<sup>8</sup>
6. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,<sup>9</sup> noting that the serious human rights crisis in the country extended during 2019, due to the de facto installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government; the search, closure and censorship of media outlets; the imprisonment or exile of journalists and social leaders; the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.<sup>10</sup>
7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by intensified acts of surveillance, harassment, and selective repression against people considered to be government opponents.<sup>11</sup> Thus, in May 2020, the IACHR condemned the non-

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

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

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

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

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

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

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

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

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

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

compliance with its recommendations and urged the State to implement them.<sup>12</sup> In October 2020, the IACHR again called on the State to immediately cease persecution of persons identified as dissidents and to reestablish democratic guarantees in Nicaragua.<sup>13</sup> Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.<sup>14</sup>

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,<sup>15</sup> in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>16</sup> On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.<sup>17</sup> Moreover, on August 11, 2021, the Commission condemned the systematic acts that the State has 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 the same year. It further condemned the ongoing human rights violations in this context, and urged the State to cease repression against those who express opposing views towards the Government.<sup>18</sup> On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.<sup>19</sup>
9. On October 25, 2021, the IACHR published the report “Concentration of Power and the Undermining of the Rule of Law in Nicaragua”. In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.<sup>20</sup> Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern regarding the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, and emphasized the attacks against journalists.<sup>21</sup> On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists; and urged the State to release all those arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.<sup>22</sup>

<sup>12</sup> IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

<sup>13</sup> IACHR. [Press Release No. 249/20](#). IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua. October 10, 2020.

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

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

<sup>16</sup> IACHR. [Press Release No. 93/21](#). Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021.

<sup>17</sup> IACHR. [Press Release No. 145/21](#). IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. June 9, 2021; IACHR. [Press Release No. 171/21](#). Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua. July 9, 2021.

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

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

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

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

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

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.<sup>23</sup> On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of people forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of persons deprived of liberty, and persons identified as political opponents.<sup>24</sup> According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.<sup>25</sup> The IACHR once again included Nicaragua in Chapter IV.B of its 2021 Annual Report, when it referred to the severe deterioration of democratic institutions in Nicaragua in the context of the 2021 general elections.<sup>26</sup>
11. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They reportedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents are beneficiaries of protective measures granted by the bodies of the inter-American system.<sup>27</sup> In February 2022, the IACHR condemned the manipulation of criminal law and criminalization of persons identified as opponents due to the lack of judicial independence and separation of powers. These acts have seriously affected the judicial guarantees for political prisoners in Nicaragua.<sup>28</sup> On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that the National Assembly of Nicaragua had decided to cancel the legal capacity of 16 universities and civil society organizations, considering it an act that is framed within the overall practice to limit freedom.<sup>29</sup> The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.
12. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary detentions and harassment by State agents against human rights defenders, journalists, and lawyers.<sup>30</sup> On March 31, 2022, at the 49<sup>th</sup> session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an

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

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

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

<sup>26</sup> IACHR. [2021 Annual Report, Chapter IV.B Nicaragua](#), May 2022, paras. 4 to 21.

<sup>27</sup> IACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

<sup>28</sup> IACHR. [Press Release RD026/22](#). REDESCA condemns the cancellation of the membership of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua. February 10, 2022.

<sup>29</sup> IACHR. [Press Release 027/2022](#). IACHR Condemns Manipulation of Criminal Law and Lack of Safeguards in Trials of Political Prisoners in Nicaragua. February 11, 2022

<sup>30</sup> OHCHR. Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council. Available (in Spanish) at: <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

independent investigation into the human rights violations that have taken place in the country since April 2018.<sup>31</sup>

13. On March 23, 2022, the IACHR stated that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.<sup>32</sup> In April 2022, four years after the onset of the 2018 social protests, the IACHR reaffirmed its commitment to the Nicaraguan population for the search for justice, reparation, the reconstruction of its democracy, and a national reconciliation based on the right to memory and truth.<sup>33</sup> Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.<sup>34</sup>

14. On May 13, 2022, the IACHR urged the State to guarantee the regular and dignified direct contact of political prisoners with their families. According to information received by its MESENI, deplorable detention conditions, ill-treatment, isolated detention, and lack of access to timely, adequate, and specialized medical care for persons detained in "El Chipote" persist.<sup>35</sup> In July 2022, the Rapporteurship for Freedom of Expression (SRFoE) condemned the authorities' repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who flee or are in forced exile.<sup>36</sup> Recently, on September 5, 2022, the IACHR and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) urged the immediate release of the political prisoners who are in deplorable conditions in Nicaragua.<sup>37</sup> In this regard, they expressed concern about the lack of access to health care and the poor detention conditions that political prisoners are held in.<sup>38</sup>

### III. SUMMARY OF FACTS AND ARGUMENTS

#### A. Information provided by the applicants

15. According to the applicants, the proposed beneficiary allegedly joined the public protests of April 2018. His neighbors therefore allegedly began to consider him an "opponent" and he began to receive threats of detention. However, Mr. Santos Sánchez reportedly continued to go to protests and to support the roadblocks in the city of Masaya. The applicants stated that the proposed beneficiary was present during the last attack of the "Operation Cleanup" (*Operación Limpieza*), which occurred on

<sup>31</sup> 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>.

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

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

<sup>34</sup> IACHR. [Press Release 081/2022](#). Four years since the beginning of the human rights crisis: IACHR reaffirms its commitment to the people of Nicaragua. April 18, 2022.

<sup>35</sup> IACHR. [Press Release 103/2022](#). IACHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

<sup>36</sup> IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

<sup>37</sup> IACHR. [Press Release 197/22](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

<sup>38</sup> IACHR. [Press Release 197/22](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

June 17, 2018. After this attack, he was forced to leave his residence, allegedly due to the constant surveillance to which he was subjected.

16. According to the applicant, on February 18, 2019, the proposed beneficiary was detained for the first time. As he was detained, he was reportedly brutally beaten, dragged across the floor, and forced to dig his own grave. Furthermore, the police authorities allegedly simulated his execution. They shot in his direction, aiming at Mr. Santos Sánchez's chest with a firearm that had no bullets or that was locked at the time of shooting.
17. Subsequently, the proposed beneficiary was transferred to the "Nuevo Chipote", where he reportedly spent almost 15 days defecating blood due to the blows he had received. This attack allegedly resulted in two fractured ribs and a dislocated shoulder. Even though Mr. Santos Sánchez's relatives reportedly went to the detention center, the authorities did not authorize them to contact the proposed beneficiary. On February 20, 2019, the authorities allegedly admitted having detained the proposed beneficiary. His relatives therefore filed a writ of habeas corpus (*exhibición personal*) for Illegal Detention or Habeas Corpus before the Second Criminal Chamber of the Appellate Court. On March 28, 2019, the judicial authority reportedly filed the appeal stating that the matter was "under investigation".
18. On May 2, 2019, a preliminary hearing was reportedly held, in which the proposed beneficiary was charged with the crime of terrorism. The applicants claimed that, although Mr. Santos Sánchez's defense stated that the proposed beneficiary was beaten by police officers, the judicial authority "only ordered that an official letter be sent to the Institute of Legal Medicine", which was reportedly not complied with. On June 10, 2019, the proposed beneficiary was reportedly released as a result of the Amnesty Law.
19. The applicant stated that, since his release, the proposed beneficiary and his family members were subjected to "constant siege". On September 9, 2019, Mr. Santos Sánchez reportedly publicly denounced the torture he suffered during his detention. On September 22, 2019, police officers allegedly arrived at the proposed beneficiary's house, violently entered the property, and put Mr. Santos Sánchez in a police van while beating him. On that occasion, the proposed beneficiary was allegedly taken with another opponent of the current government, Edder Muñoz Centeno, to the Masaya volcano crater, where they allegedly "put a gun to his temple, [...] and made him believe that they were going to throw him into the volcano. When they took him home, they told him not to be in any 'political' meetings".
20. On November 13, 2019, the proposed beneficiary was allegedly once again arrested, beaten, and transferred to the "Nuevo Chipote". On November 16, 2019, the proposed beneficiary was allegedly charged with the crime of drug trafficking. Mr. Santos Sánchez relatives were reportedly able to visit Mr. Santos Sánchez a month later. He reportedly told them that "he had been tortured again" and was allegedly "kicked in the anus" which had "reportedly injured him and made it difficult for him to defecate." A month after that visit, they allegedly managed to see the proposed beneficiary again and reported that the proposed beneficiary told them that "they tied him to a rope and had him tied hanging with his head upside down", in addition, they allegedly "put him in a barrel of water".
21. On February 27, 2020, Mr. Santos Sánchez's relatives allegedly reported that he was in a "fragile state of health". They added that "his temple was inflamed", he was experiencing "intense headaches" and "multiple fainting spells in his cell, and the custodians did not medically treat him". On July 2, 2020, attorney María Oviedo allegedly publicly denounced that "the evidence presented against Mr. Sanchez was insufficient. The evidence only mentioned police officers with protected identities who, without any evidence, affirmed that he sold drugs", in addition to denouncing the acts of torture that

the proposed beneficiary reportedly suffered. However, the aforementioned was reportedly not taken into account and, on July 14, 2020, the proposed beneficiary was allegedly found guilty.

22. After Mr. Santos Sánchez's conviction, his relatives continued to suffer sieges and threats. According to the applicants, on September 1, 2020, his wife publicly reported having received "hostile messages", saying, "you know, if you continue messing around, you fat, we will get you and your daughter, and we will lock you up in the last cell. You are warned, anyone who is screwing with the government will suffer the consequences" (sic). On September 30, 2020, the proposed beneficiary was reportedly transferred to the "Directorate of Maximum Security of the Jorge Navarro National Penitentiary System" in Tipitapa, known as "La Modelo".
23. In October 2020, the proposed beneficiary allegedly joined a hunger strike along with other inmates considered "political prisoners". He sewed his mouth shut along with two other people considered "political prisoners". On October 20, 2020, a group of relatives reportedly travelled to the outskirts of the Jorge Navarro Prison, "after the President of the Republic denied the practice of torture in the country and said that the prisons in the country were open." However, the proposed beneficiary's mother reportedly stated that, at that date, "over a month had elapsed without being able to see him". The applicant stated that since the October 2020 hunger strike, the proposed beneficiary was transferred to a complete isolation cell, "where his pain continued to increase due to the lack of medical attention."
24. According to the applicants, in December 2020 the proposed beneficiary's relatives publicly denounced that he "continues to suffer from the torture he experienced", he allegedly had "fractured ribs, trauma to the skull, and injuries to the spine". In addition to the above, Mr. Santos Sánchez's family members allegedly had to move within the country due to threats they received. The applicants stated that they do not have "much information about what happened in 2021" due to the measures that his family took for fear of reprisals. However, the applicant stated that throughout 2021, Mr. Santos Sánchez "remained in constant isolation, with no medical attention, and his family was subjected to harassment".
25. In addition, at the beginning of 2022, the proposed beneficiary reportedly presented symptoms related to COVID-19. Moreover, he was reportedly confined in an isolation cell, "usually with a 'common inmate', who is constantly rotated and is allegedly forced to "get information out of him". In addition, from May 2022, they were reportedly prohibited from sharing food with the proposed beneficiary. On June 20, 2022, Mr. Santos Sánchez's relatives reportedly found that he "was still detained in an isolation cell and his health had deteriorated." One family member reportedly reported the following:

[...] several times, I found him with severe headaches, thinner, one of his molars was quite damaged, which has caused him to be quite swollen in recent months they (the custodians) there say that they give him medical attention but it is not true, but he tells us that they treat him at their discretion [...] During the last visit, he had a headache and was poorly nourished because the prison food is not enough for all the prisoners [...], he is not allowed to enter any more vitamins or more pills [...] he is not at all well and we are afraid that he will get neuralgia. When he was last detained, he weighed 190 pounds [86 kg], but he has lost almost 80 pounds [36 kg].
26. On July 18, 2022, during a visit to the proposed beneficiary, a relative reportedly told the applicant that "what concerns them most is his mental state," because Mr. Santos Sánchez allegedly needs vitamins to "oxygenate the brain". The relative also stated that he was allegedly "sleeping on a piece of sponge on the floor due to heat, with almost no clothes at all, since he is on a second floor, and he

is practically locked up there all the time.” In addition to the above, his family member reported that “food has become scarcer”, since he is “given half a tablespoon of Gallo Pinto [rice and beans] and that on weekends, they manage to get him toast” provided by his family. On August 18, 2022, the proposed beneficiary’s relatives allegedly visited Mr. Santos Sánchez, noting “the ongoing inhuman conditions and his fragile state of health.” In this sense, Mr. Santos Sánchez allegedly continues to not receive any medical attention for his tooth infection, which causes his mouth to remain swollen. He also reportedly has severe constant headaches, body aches “due to all the tortures received”, as well as the lack of food and basic conditions in his cell.

27. On September 17, 2022, the proposed beneficiary’s relatives reportedly made their last visit. In this sense, they allegedly identified that the proposed beneficiary had uncontrolled blood pressure, which allegedly caused severe migraines, loss of vision in the left eye, numbness on the left side of his entire body, in addition to epidermal lesions (fungi and skin lesions), bone pain and “cockroach bites throughout his body”. Despite all this, “he has not received any medical attention”. The applicants stated that “the treatment towards the proposed beneficiary continues to be differentiated, the searches to the cell in which he is held are constant”. Visits with family members allegedly continue to be monitored at all times by a custodian, and at the beginning and end of each visit they reportedly continue to be photographed and filmed without their consent.
28. According to his relatives, the cell where he is held is “a fairly small space” which is sealed. In the cell, “there is only a hole where they defecate” and a space where they keep water. The applicants stated that the detention conditions that Mr. Santos Sánchez faces “are extremely concerning”: he is allegedly detained in a maximum-security cell, with less ventilation than the regular cells; he is more isolated and is allowed less frequent family visits. When allowed, the visits are through a glass which separates them at the time of speaking. The proposed beneficiary reportedly does not have access to the kitchen or regular outings to the sun patio. There is also a reported cockroach infestation in the prison, as there are cockroaches on cooking utensils, food, fruits, and vegetables.

#### **B. Information provided by the State**

29. The IACHR requested information from the State on September 27, 2022. However, the State has not submitted any information to date.

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

30. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.
31. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>39</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human

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<sup>39</sup> 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.

rights.<sup>40</sup> 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.<sup>41</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>42</sup> 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
- c. “irreparable harm” refers to a violation of rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

32. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>43</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>44</sup> This is better suited to be addressed by the Petition and Case system. The

<sup>40</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [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].

<sup>41</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

<sup>42</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>43</sup> See in this regard: I/A Court H.R. [Matter of the inhabitants 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.

<sup>44</sup> IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14 [only in Spanish]; 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].

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.<sup>45</sup>

33. Under the terms of Article 25 (6) of its Rules of Procedure, the Commission observes that the proposed beneficiary's alleged situation is framed within Nicaragua's current context,<sup>46</sup> which is particularly hostile towards people considered, perceived, or identified as opponents of the government.<sup>47</sup> Thus, the alleged situation that the proposed beneficiary faces is not an isolated event. Rather, it is inserted in a context previously observed in Nicaragua, characterized by the practice of arrests and criminalization of human rights defenders and opponents.<sup>48</sup>
34. In addition to the above, the IACHR and its SRESCER recently expressed concern regarding the health and detention conditions of those considered "political prisoners" in Nicaragua, and demanded their immediate release.<sup>49</sup> In this regard, they demanded that Nicaragua take appropriate measures to guarantee the health, adequate and sufficient food, life, and integrity of all detained persons. Specifically, MESENI and SRESCER have received persistent information on the lack of access to health, the exacerbation of diseases, inadequate and poor-quality food, and the arbitrary application of isolation or punishment regimes in the different facilities of the National Prison System.<sup>50</sup>
35. Taking into account the particular context Nicaragua is experiencing and the situation of confinement faced that the proposed beneficiary, the Commission will proceed to analyze the regulatory requirements regarding Mr. José Santos Sánchez.
36. With regard to the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the IACHR notes that it observes that the risk that the proposed beneficiary faces is allegedly related to his profile as a person identified or perceived as an opponent of the government. Furthermore, the Commission observes that the proposed beneficiary is detained in inadequate detention conditions and does not receive the medical care necessary to treat his health issues.
37. The Commission observes that the proposed beneficiary's confinement has been preceded by multiple facts and incidents against him. This demonstrates the seriousness of his allegations, as well as the visibility and exposure he had when he was identified or perceived as an opponent of the current Nicaraguan government. In this regard, the applicant has reported that Mr. José Santos Sánchez was detained in February 2019, due to his participation in the 2018 protests (see *supra* paras. 15 and 16) and had been subjected to surveillance and harassment since his first detention

<sup>45</sup> In this regard, the Court has indicated that "[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>46</sup> See in this regard: IACHR. Press Release No. 93/21. Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021; IACHR. Press Release No. 80/20. Two Years into Nicaragua's Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020; IACHR. Press Release No. 220/19. IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>47</sup> 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.

<sup>48</sup> See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Soli on 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.

<sup>49</sup> IACHR. Press Release 197/22. IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

<sup>50</sup> Ibidem

(see *supra* para. 19). The Commission observes with extreme concern that Mr. Santos Sánchez was allegedly the victim of various acts of physical and psychological torture by agents of the Nicaraguan State (see *supra* paras. 16 and 19).

38. As for his current situation, the Commission observes, from the information provided, that the proposed beneficiary was detained again with extreme violence on November 13, 2019 (see *supra* para. 20) and transferred to the “Nuevo Chipote”, where he was allegedly tortured while in the custody of the State (see *supra* para. 20). He is currently reportedly detained at Jorge Navarro Prison, known as “La Modelo”, in a maximum-security cell (see *supra* para. 28), that has less ventilation than regular cells, in greater isolation, with less frequent family visits and only through a glass that allegedly separates them when speaking. He also has no access to a kitchen or regular outings to the sun patio (see *supra* para. 28).
39. According to the information available, Mr. Santos Sánchez is allegedly detained in subhuman and unsanitary detention conditions (see *supra* paras. 26, 27, and 28). There was also a reported cockroach infestation in the prison (see *supra* para. 28), the proposed beneficiary is allegedly “sleeping on a piece of sponge on the floor due to heat”, (see *supra* para. 26) and the cell where he is located is reportedly a rather small and sealed space. In it, “there is only the hole to defecate” and the space where they keep water (see *supra* para. 28). In addition to the above, his relative reported that “food has become scarcer”, since they are “given half a tablespoon of Gallo Pinto [rice and beans] and that on weekends, he manages to get toast” provided by his family (see *supra* para. 26). In addition, the authorities are allegedly coercing their cellmates to “extract information” from him and have also reportedly been forbidden to share food with the proposed beneficiary (see *supra* para. 25).
40. Furthermore, when analyzing the instant matter, the IACHR highlights the allegations regarding his health issues. The proposed beneficiary allegedly has uncontrolled blood pressure, which is the cause of severe migraines, loss of vision in the left eye, numbness on the left side of his entire body, in addition to epidermal lesions (fungi and skin lesions), bone pain, and “cockroach bites throughout his body” (see *supra* para. 27), “one of his molar teeth is quite damaged” and he has allegedly lost nearly 80 pounds [36 kg] since his detention (see *supra* para. 25). In addition to the above, the Commission notes that the proposed beneficiary reportedly presented health consequences which were allegedly caused by the torture he underwent when in State custody (see *supra* para. 24), which is related to his current symptoms. However, he is allegedly not receiving medical attention for any of his conditions (see *supra* para. 27). Moreover, authorities reportedly do not allow his family to enter the prison with vitamins or pills (see *supra* para. 25).
41. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information issued in this matter on September 27, 2022. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of response from the State prevents the Commission from knowing the measures that would have been reportedly implemented to address the situation that places the proposed beneficiary at risk dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the alleged situation that places the proposed beneficiary at risk has been mitigated. This is particularly relevant considering that the proposed beneficiary is reportedly deprived of liberty, in State custody, and is allegedly not receiving necessary and timely medical care for his health issues.
42. Due to the foregoing, the Commission considers, from the *prima facie* standard and in the current context of Nicaragua, that it is sufficiently proven that the rights to life, health, and personal integrity of José Santos Sánchez are at serious risk. Similarly, the Commission considers that Mr. Santos Sánchez’s family unit is allegedly at risk given the possible reprisals, and considering the harassment

to which they have been subjected, according to the information available (see *supra* paras. 22 and 24).

43. 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. The Commission takes into account that the proposed beneficiary has been deprived of liberty since November 13, 2021, which means that almost three years have already elapsed since the detention. Despite suffering from a series of diseases, he has allegedly not received adequate medical attention to date. In addition, the Commission did not receive information from the State to assess the actions that are being taken to address the alleged risk that the proposed beneficiary is facing.
44. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, since the potential impact on the rights to life, personal integrity, and health constitutes, by its very nature, the maximum situation of irreparability.

#### **V. BENEFICIARIES**

45. The Commission declares Mr. José Santos Sánchez beneficiary, who is duly identified in these proceedings. Furthermore, the Commission considers as beneficiaries the members of his family unit, who can be identified in the terms of Article 25 of its Rules of Procedure.

#### **VI. DECISION**

46. 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 Mr. José Santos Sánchez and the members of his family unit;
  - b) adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the international standards applicable in the matter, *inter alia*: i. guarantee that he is not subjected to threats, intimidation, harassment, or attacks within the prison; ii. guarantee access to adequate and specialized medical care, and that a specialized medical evaluation is immediately performed to assess his health; iii. grant the necessary treatments and medicines to treat his health issues; iv. grant adequate food; and v. assess alternative measures to deprivation of liberty in light of the beneficiary's detention conditions and health;
  - c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
  - d) report on the actions undertaken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent such events from reoccurring.
47. The Commission requests that the State of Nicaragua report, within 15 days as from the day after the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.

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48. 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.
  49. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicants.
  50. Approved on October 24, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary