I. INTRODUCTION

1. On March 26, 2024, the Inter-American Commission on Human Rights ("the Inter-American Commission", "the Commission" or "the IACHR") received a request for precautionary measures presented by ADF Internacional ("the applicants") urging the Commission to require that the State of Nicaragua ("the State" or "Nicaragua") adopt the necessary measures to protect the rights to life and personal integrity of eleven persons from the ministry of "Puerta de la Montaña" or who collaborate for the organization of the evangelistic crusades "Buenas Nuevas Nicaragua" ("the proposed beneficiaries"). According to the request, the proposed beneficiaries are members of the "Puerta de la Montaña" evangelical church and are being deprived of their liberty. There is reportedly no information on their current situation.

2. In terms of Article 25(5) of its Rules of Procedure, the IACHR requested information from the applicants on March 27, 2024 and a response was received on April 1 and 6, 2024. Subsequently, the IACHR requested information from the State on April 4, 2024. To date, no response has been received and the granted deadlines have since expired.

3. Upon analyzing the submissions of fact and law offered by the applicants, the Commission considers that the information provided shows prima facie that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at serious risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while in State custody; b) adopt the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, among them: i. guarantee access to adequate and specialized medical attention, and immediately carry out a specialized medical assessment on their health; ii. ensure access to the necessary treatments and medications to treat their health issues, with the corresponding gender perspective; iii. guarantee regular contact and access to their family members and lawyers; and iv. evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting their rights in light of the current detention conditions; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Following the beginning of the crisis of the human rights situation in Nicaragua and the working visit carried out in May 2018, the Commission formed the Special Follow-up Mechanism for Nicaragua (MESENI) in order to follow up on the recommendations made to the State, as well as to maintain the respective
monitoring for the purposes relevant to the mandates of the IACHR.1 Similarly, the IACHR installed the Interdisciplinary Group of Independent Experts (GIEI) in Nicaragua, which issued a report analyzing the events that occurred in April and May 2018.2 For its part, the IACHR decided to include Nicaragua in its Annual Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.3 In addition, in the framework of its monitoring mandate, the Commission has issued reports on the human rights context in Nicaragua. In it, it also makes a series of recommendations to the State, in order to guarantee respect and safeguard the rights of individuals in accordance with its international obligations.4

5. In addition to the foregoing, the Commission has consistently issued press releases expressing its concern regarding the escalating crisis and serious human rights violations in the country from various perspectives, including the persistence of acts of persecution5; the intensification of acts of surveillance, harassment, and selective repression against persons considered to be government opponents, human rights defenders, and the independent press;6 the widespread impunity and the prolonged breakdown of the rule of law;7 the criminalization against leaders of the Nicaraguan opposition;8 the deportation of persons deprived of liberty for political reasons and the loss of their nationality;9 the escalation of repression against members of the Catholic Church10; the lack of conditions to carry out free and fair elections in the country11; the arbitrary

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detentions of human rights defenders, journalists, and members of the Catholic Church; and the repressive strategy deployed by the Executive to silence voices critical of the government, in view of the regional elections scheduled for 2024.

Considering the above, the Commission has urged the State of Nicaragua, among other things, to comply with its human rights obligations; to implement the recommendations issued by the IACHR; to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees; to release those persons who remain arbitrarily detained in inadequate detention conditions; to reestablish and make effective the full enjoyment of civil and political rights; and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public liberties.

Lastly, 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.

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

The proposed beneficiaries reportedly participate in the “Puerta de la Montaña” (PM) ministry and have collaborated in the organization of the “Buenas Nuevas Nicaragua” evangelistic crusades. They are alleged missionaries, evangelists, and evangelical pastors. All of them were accredited by different evangelical churches who devoted themselves full time to preach the Gospel of Jesus Christ.

The request alleged that on December 18, 2023, the indictment was filed against the proposed beneficiaries, accusing them of being alleged co-perpetrators of the crime of money, property, and asset laundering to the detriment of the State of Nicaragua and Nicaraguan society. On the same day, the preliminary hearing was held in Managua, where a pretrial detention measure was ordered. The Nicaraguan Police


18 IACHR. Press Release R218/22. In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022.


reportedly issued a press release about the investigation of the religious leaders of Puerta de la Montaña, “using the Church as a front.” The statement also announced that the police had arrested the proposed beneficiaries and was going to investigate three U.S. citizens involved in this ministry. On December 20, 2023, the legal registration of “Puerta de la Montaña” was allegedly cancelled without official notification to its members or legal representatives. Their assets were seized and two of the lawyers were imprisoned. Through the official national gazette, the Nicaraguan government announced the cancellation of the ministry, along with the cancellation of nine other organizations.

10. Regarding the criminal proceedings, the request considered that the right to judicial guarantees of the proposed beneficiaries has not been complied with, considering the following: i) their arrests were reportedly carried out without a prior arrest warrant; ii) they are in an alleged state of incommunicado detention and are prohibited from meeting or speaking with their legal representation; iii) their lawyers are reportedly denied access to the indictment documents or court files (including the conviction) to prepare an adequate defense, despite repeated requests to the judicial authorities and the Public Prosecutor’s Office; and; iv) during the hearings, the proposed beneficiaries were not brought into the room where the judicial authorities, the accusers, and the lawyers were. They were reportedly visible via video conference call, but they were not heard.

11. On March 19, 2024, a final judgment was issued. On March 22, 2024, an appeal was filed against the judgment, in which irregularities and arbitrariness were alleged. Currently, the matter is awaiting for the competent Court to pronounce on the case and issue a judicial decision.

12. Regarding the detention conditions, the applicants described them as “inhuman, cruel, and degrading” and “incompatible with the standards of international law.” Given the restriction on visits, it has not been possible to directly assess the detention conditions. Regarding their health, it was indicated that, due to the lack of contact with their family members, verifying their current condition is challenging. However, the applicants indicated that they were aware that they are not permitted access to specific medication required for their pre-existing health issues, as they are not allowed to receive medication from family members in the form of parcels. In addition, during the hearings conducted in the judicial process, it was observed that the proposed beneficiaries’ physical conditions “were deplorable.”

13. The relatives were informed that all the male proposed beneficiaries were allegedly being held in “La Modelo” prison. The only female proposed beneficiary is reportedly held in the Women’s Comprehensive Correctional Facility (Establecimiento Penitenciarío Integral de Mujeres). The following is the information available to the applicants:

i. Walner Omier Blandón Ochoa: Arrested on December 12, 2023. He allegedly has high blood sugar levels and, therefore, must follow a strict diet. Being denied any form of communication makes it difficult to determine whether he is receiving the necessary nourishment to manage his medical condition.

ii. José Luis Orozco Urrutia: Arrested on December 17, 2023. The parcels containing medicines that his relatives send him due to his health conditions are allegedly not admitted. He reports having anxiety disorders, trouble breathing, and constant back pain.

iii. Álvaro Daniel Escobar Caldera: Arrested on December 17, 2023. The food parcels sent to him by his relatives are reportedly not admitted. He allegedly has arterial hypertension, a condition that should be treated by specialized medical attention given his medical history. Among the medications he requires to

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21 The request indicated that Mr. Walner Omier Blandón Ochoa and Ms. Maricela de Fátima Mejía Ruiz were sentenced to 15 years in prison, as well as fines. The remaining proposed beneficiaries were sentenced to 12 years of deprivation of liberty and fines.
treat his physical and mental ailments are: Brintellix 10mg, Núcleo CM. Forte, and painkillers on a daily basis. It was also reported that in recent years, he suffered a cerebral hemorrhage on the left side of his head.

iv. **Juan Carlos Chavarría Zapata**: Arrested on December 17, 2023. The parcels containing medicines and food that his relatives send him due to his health conditions are allegedly not admitted. As for his health, despite not having any chronic health issues, he reportedly has back problems and severe recurrent headaches.

v. **Marcos Sergio Hernández Jirón**: Arrested on December 17, 2023. Packages with medicines sent to him by his relatives are reportedly not admitted. He allegedly has chronic health issues that require specialized medical attention, including prediabetes, prostatitis, arterial hypertension, an abscess in the perianal area that requires surgery, and rheumatoid arthritis. Among the medications he requires to treat his physical and mental health issues are: Feximet XR 500 mg, Proseren, Hominus and Tonval, which he should take on a daily basis.

vi. **Juan Luis Moncada**: Arrested December 17, 2023. The parcels containing medicines and food that his relatives send him due are allegedly not admitted. On July 5, 2023, he reportedly had surgery for appendicitis and has been on painkillers since then.

vii. **Orvin Alexis Moncada Castellano**: Arrested on December 17, 2023. The parcels containing medicines and food that his relatives send him due are allegedly not admitted. He reportedly has chronic migraines that require medication on a regular basis in order to relieve the pain. In the past, he was prescribed painkillers to treat these health issues.

viii. **Harry Lening Rios Bravo**: Arrested on December 17, 2023. Packages sent to him by his relatives are allegedly not admitted. He allegedly has several medical conditions such as a partial tear of the tendon of the left quadriceps femoris muscle, previous fracture of the left femur, sepsis, intramedullary femoral nail with pin with antibiotic, gonarthritis grade II on his left knee, rupture of the fixation screw located in the left femur, grade I injury of the anterior cruciate ligament, suprapatellar bursitis, and Osgood-Schlatter disease. These health issues allegedly require ongoing medical attention to alleviate symptoms of pain. The proposed beneficiary used to go to check-ups every two months. Among the medications he has to take to treat his health issues are: Enantium Plus and Intramuscular Ketorolac, both of which he was taking on a daily basis. It was also reported that, as a result of a car accident in 2019, he allegedly experiences lasting health effects.

ix. **Manuel De Jesús Rios Flores**: Arrested on December 17, 2023. The parcels sent to him by his relatives were reportedly not admitted. The proposed beneficiary reportedly has necrosis, and therefore needs ongoing medical care and crutches to walk. The medications he reportedly takes for his health issues are: Tramadol Forte, and an ointment called Dromadol Forte. In addition, he should be receiving an IV on a weekly basis.

x. **Cesar Facundo Burgalín Miranda**: Arrested on December 17, 2023. The parcels with medicines and food that his relatives send him due are allegedly not admitted. He allegedly has medical conditions that require specialized care, including; herniated disc, acute low back pain, type II diabetes, and high blood pressure. He should reportedly be receiving Metformin and Glibenclamide (to regulate blood sugar) and Losartan (to regulate blood pressure).

xi. **Marisela de Fátima Mejía Ruiz** (female religious leader and wife of the proposed beneficiary Walner Omier Blandón Ochoa): Arrested on December 16, 2023. It was reported that she had given birth to her second child two months prior to her arrest. To date, she is still breastfeeding, which was allegedly interrupted upon being deprived of her liberty. Moreover, the relationship with her first daughter, who is two years old, has been interrupted. Prison officials allegedly do not allow her to see her children during her time in prison.

14. Lastly, regarding the filed complaints, the applicants alleged that her lawyers complained to the relevant authorities about the lack of medical attention, her incomunicado detention, and her detention

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22 In this regard, it was argued that, according to the Code of Criminal Procedure, the judge of the case could substitute the preventive detention imposed by house arrest given that she is within the six month period of breastfeeding after the birth of her child.
conditions. However, her matter has not been addressed. They believe that persisting in urging the authorities to address the situation that places the proposed beneficiaries at risk would put both the beneficiaries and their relatives currently residing in Nicaragua in jeopardy.23

B. Response from the State

15. In this matter, the IACHR requested information from the State on April 4, 2024. However, the State has not submitted information to date.

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

16. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations established, for example, in Article 41(b) of the American Convention on Human Rights ("American Convention") and Article 18(b) of the IACHR Statute. Moreover, the mechanism of precautionary measures is described in Article 25 of the Rules and 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 to persons.

17. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.24 Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.25 To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.26 Regarding their precautionary

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23 Between January 8 and February 15, 2024: the legal representative filed at least 26 petitions before the Tenth Criminal Hearing District Court and the Fifth Criminal Trial District Court of Managua, requesting judicial authorization for family visits. No response was provided to the aforementioned requests. On January 25, 2024, a document was filed before the Tenth Court requesting a medical check-up for each of the proposed beneficiaries. The substitution of the preventive measure of pre-trial imprisonment for house arrest was also requested in favor of those who had chronic health issues and in favor of the proposed beneficiary Marisela de Fátima Mejía 24 Offered in Spanish.

25 To do this, the IACHR shall}
nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. These measures aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (effet utile) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.27 In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission considers that:

a) “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;

b) “urgent situation” refers to risk of threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

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

18. 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.28 Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. In addition, this proceeding is not suited to rule on violations of rights enshrined in the American Convention or other applicable instruments,29 as that determination is better suited to 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.30

19. Under the terms of Article 25.6 of the Rules of Procedure, the Commission observes that the alleged situation that places the proposed beneficiaries at risk is framed in the current context that Nicaragua is experiencing, which is particularly hostile towards people considered, perceived or identified as opponents of the government and, in general, towards any person critical of the current government of Nicaragua.31 In

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29 In this regard, the Court has indicated that “[i]t 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].

particular, it notes that the alleged facts are part of an environment of repression against members of religious organizations, already known by the IACHR, in which “the criminalization of religious leaders, the closure of religious media, the confiscation of property and bank accounts, the expulsion of religious orders and other acts of repression and retaliation against members of the Catholic Church due to their role of mediation [...], and their critical role in denouncing human rights violations” have been evidenced. In this context, the Commission has granted precautionary measures to members of the Catholic Church in Nicaragua.

20. Taking into account the above context, the Commission will proceed to analyze the procedural requirements regarding the situation of the eleven proposed beneficiaries in Nicaragua. These individuals were identified as members and leaders of the evangelical church “Puerta de la Montaña” and collaborated in the evangelistic crusades “Buenas Nuevas Nicaragua.” They were reportedly detained and prosecuted for crimes against the State of Nicaragua, after the Police accused them of “using the Church as a front”. In addition, their religious organization was reportedly shut down the same month of the arrests. Given this situation, the Commission understands that the context of repression against religious leaders in Nicaragua is applicable to them. This context influences the assessment of the procedural requirements and the situation of vulnerability that the proposed beneficiaries face.

21. As for the requirement of seriousness, the Commission considers that it has been met. The Commission identifies that the proposed beneficiaries have been deprived of their liberty since December 2023, and have not been able to obtain official information on their situation. In this regard, the applicants reported that they have not been granted access to the court files, nor to the initial conviction sentence, despite filing domestic appeals alleging the arbitrariness of their detentions. The Commission understands that, although the mechanism of precautionary measures is not called upon to analyze the proceedings that are part of the criminal proceedings against the proposed beneficiaries, or their compatibility with the American Convention, it does note that the proposed beneficiaries are reportedly in the custody of the State, and that legal representatives and family members have been denied official information.

22. In addition to the above, legal representatives and relatives cannot visit the proposed beneficiaries in the penitentiary centers where they are allegedly held in a “state of incommunicado detention.” Despite internal actions, including the request for information to the State under the matter at hand, the Commission notes that there is still no official information on the proposed beneficiaries’ situation. In this regard, the Commission recalls that the Inter-American Court has indicated, in the Matter of Juan Sebastián Chamorro et al. v. Nicaragua, that “detention without communication not only makes it impossible to verify the current situation of the proposed beneficiaries, their conditions of detention, and their health status, but it also implies a curtailment of the procedural guarantees of all detainees.”

23. Given that family members indicated the proposed beneficiaries are reportedly being held in the penitentiary centers known as “La Modelo” and the Women’s Comprehensive Penitentiary Establishment, known as “La Esperanza,” the IACHR recalls the information collected by the MESENI. In this regard, the
serious detention conditions of persons deprived of liberty were reported. Among other aspects, the complaints alleged “prolonged deprivation of liberty under even more deplorable and unhealthy conditions, persistent acts of mistreatment, isolation, incommunicado detention, constant interrogations, the lack of adequate and sufficient food, as well as the lack of access to timely, adequate, and specialized medical care.”

In this context, it is of particular concern that the proposed beneficiaries have ongoing health issues and there is no official information from the State indicating that they are receiving the corresponding medical treatment. In line with the above, the applicants stated that, during the trial, it was observed that the proposed beneficiaries’ conditions “were deplorable.” It was also alleged that they were allegedly unable to receive medicines and food from their relatives in parcels.

24. In particular, the Commission notes the different situation of Marisela de Fátima Mejía Ruiz. It was alleged that she was “extremely thin,” having been detained a few months after giving birth. During the postpartum and breastfeeding period, the Commission underscores the critical importance of receiving postnatal health care and maintaining adequate nutrition. Without these essentials, there is a heightened risk of serious health complications that could jeopardize her well-being and even her life. Specifically, state obligations should focus on providing specialized medical care that responds to the needs derived from her current state. This health care should be provided by qualified medical personnel in the detention location and comparable to the care she would receive in the community.

25. In these circumstances, and in light of the foregoing, the Commission considers that the facts alleged by the applicants in the context currently surrounding Nicaragua, and given the lack of basic official information from the State, are likely to seriously affect the rights of the proposed beneficiaries. Therefore, the Commission concludes, from the applicable prima facie standard, that it is sufficiently proven that the rights to life, personal integrity and health of the persons identified in this resolution are at serious risk.

26. As for the requirement of urgency, the Commission considers that it has been met, given that, if the situation described above continues, the proposed beneficiaries are likely to be exposed to a greater imminent impact on their rights. Thus, the Commission observes that, despite the fact that they are in the custody of the State, it has not been possible to obtain official information on their current situation, even after the filing of various domestic remedies. The foregoing, added to the context of the country, allows this Commission to understand the imminent possibility that the risk materializes.

27. As it pertains to the requirement of irreparable harm, the Commission finds that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

V. BENEFICIARIES

VI. DECISION

29. 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 the beneficiaries. In particular, officially report on their current situation while in State custody;

b) adopt the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, among them: i. guarantee access to adequate and specialized medical attention, and immediately carry out a specialized medical assessment on their health; ii. ensure access to the necessary treatments and medications to treat their health issues, with the corresponding gender perspective; iii. guarantee regular contact and access to their family members and lawyers; and iv. evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting their rights in light of the current detention conditions;

c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and

d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

30. The Commission requests that the State of Nicaragua report, within 15 days as from the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.

31. 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.

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

33. Approved on April 21, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Luiz Marcelo Azevedo
By authorization of the Executive Secretary