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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 58/2021**

Precautionary Measure No. 480-21  
**Pedro Salvador Vásquez regarding Nicaragua**  
August 3, 2021  
(Extension)  
Original: Spanish

**I. INTRODUCTION**

1. On June 30, 2021,<sup>1</sup> the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”), received a request for extension of precautionary measures filed by the Nicaraguan Center for Human Rights (CENIDH) and the Legal Defense Unit (UDJ), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) protect the rights to life and personal integrity of Pedro Salvador Vásquez (“the person proposed as beneficiary”). According to the request, the proposed beneficiary is at risk and shares risk factors with the persons who are already beneficiaries.

2. In accordance with Article 25 of the Rules of Procedure, the IACHR requested information from the State on July 9, 2021. The IACHR reiterated its request for information on July 22, 2021. The State responded on July 26, 2021.

3. Upon analyzing the information available in light of the applicable context and the findings made, the Commission considers that the information provided shows, *prima facie*, that the rights to the life and personal integrity of Pedro Salvador Vásquez are in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Pedro Salvador Vásquez. 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 and in relation to acts of risk attributable to third parties; b) officially report on his place of detention and adopt the necessary measures to ensure that the detention conditions of the beneficiary comply with the applicable international 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 events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**II. RELEVANT CONTEXTUAL BACKGROUND**

4. The Commission visited Nicaragua in May 2018 and collected several testimonies on human rights violations that allegedly occurred since the beginning of a series of protests in April, later publishing a report that included recommendations.<sup>2</sup> To verify compliance with these recommendations, the Special Monitoring Mechanism for Nicaragua (MESENI) was created and was present in the country until December 19, 2018, when the State temporarily suspended its operations.<sup>3</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI) issued a report that analyzed the events taking

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<sup>1</sup> Previously, the applicants submitted information on the situation of the proposed beneficiary on June 23, 2021. The communication was forwarded to the State prior to the granting of precautionary measures on this matter.

<sup>2</sup> IACHR, *Gross Human Rights Violations in the Context of Social Protests in Nicaragua*. OEA/Ser.L/V/II. Doc. 86, June 21, 2018.

<sup>3</sup> IACHR, *Press Release about Nicaragua*, December 19, 2018.

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place between April 18 and May 30, 2018, confirming the IACHR findings.<sup>4</sup>

5. During a presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by the MESENI, according to which from April 2018 to January 10, 2019, there were 325 deaths and over 2000 injured, 550 detained and processed, 300 health professionals were dismissed, and at least 144 students were expelled from the National Autonomous University of Nicaragua.<sup>5</sup> For its Annual Report 2018, the IACHR included Nicaragua in Chapter IV-B in accordance with the grounds set forth in its Rules of Procedure.<sup>6</sup>

6. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations. On June 25, the Commission shared the performance report and the results achieved by the MESENI, which continued to monitor the country from Washington, D.C.<sup>7</sup> Between February and June, the State passed the Law on Dialogue, Reconciliation and Peace, the Comprehensive Care for Victims Act, and an Amnesty Law, all of which generated public statements by the IACHR for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.<sup>8</sup> During the last months, the Commission continued registering serious incidents. For instance, in August it voiced its concern regarding the State's decision to cease the "Negotiating Table for Understanding and Peace" between the government and the Civil Alliance for Justice and Democracy, which started on February 27, 2019.<sup>9</sup> On September 6, the IACHR reported an increasing harassment against human rights defenders and persons who, despite having been released from prison, continued to be threatened.<sup>10</sup>

7. On November 19, 2019, 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>11</sup>

8. During 2020, the IACHR verified the intensification of acts of surveillance, harassment, and selective repression against people considered to oppose the Government and identified a fifth stage of repression in the context of the crisis implemented since mid-2019, which it described as "the most intense and systematic attack on public liberties to have occurred in the country since the beginning of the crisis."<sup>12</sup> In May, 2020, the IACHR noted and condemned the non-compliance with its recommendations and urgently called on the State to implement them.<sup>13</sup> In October 2020, the IACHR again called upon the State to immediately cease persecution of people who have been identified as dissidents

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<sup>4</sup> GIEI, [Report on the Acts of Violence occurred between April 18 and May 30, 2018](#). December 2018 [only in Spanish].

<sup>5</sup> IACHR, [CIDH denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua](#), January 10, 2019.

<sup>6</sup> IACHR, [IACHR Annual Report 2018, Ch. IV. B](#).

<sup>7</sup> IACHR, [IACHR Presents Performance Report and Results for the Special Follow-Up Mechanism for Nicaragua \(MESENI\)](#), June 25, 2019.

<sup>8</sup> IACHR, [IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua](#), June 3, 2019. See also: IACHR, [IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua](#), June 12, 2019; [IACHR Considers that the Law on Dialogue, Reconciliation and Peace in Nicaragua is Incompatible with International Standards Regarding Truth, Justice and Reparation](#), February 1, 2019.

<sup>9</sup> IACHR, [IACHR Expresses Concern over Nicaragua's Announcement That It Will Not Continue Dialogue and Calls on the State to Comply with Its Obligations to Guarantee and Respect Human Rights](#), August 6, 2019.

<sup>10</sup> IACHR, [IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison](#), September 6, 2019.

<sup>11</sup> IACHR, [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>12</sup> IACHR, [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.

<sup>13</sup> IACHR, [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.

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and to reestablish the democratic guarantees in Nicaragua.<sup>14</sup>

9. In 2021, the IACHR condemned the increasing harassment in Nicaragua.<sup>15</sup> As reported to the IACHR, these acts are manifested in the deployment of police teams including civilians outside targeted homes during whole days. This is carried out to prevent these persons or their relatives from leaving, or otherwise identify and search any person who enters or leaves the place. In other cases, they are purportedly subjected to monitoring, detentions, threats, and house searches.<sup>16</sup> In a similar way, more recently, the IACHR condemned the intensive, growing repression against opponent individuals and organizations, human rights defenders, and the independent press,<sup>17</sup> and the generalized impunity and prolonged violation of the rule of law that persists in Nicaragua.<sup>18</sup>

### **III. PRECAUTIONARY MEASURES IN FORCE IN FAVOR OF CRISTIANA MARÍA CHAMORRO *ET AL.***

10. On June 24, 2021, the IACHR decided to grant precautionary measures in favor of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga. According to the request, as a result of the potential candidacy of Ms. Cristiana María Chamorro Barrios for the presidency of the Republic, both she and the remaining beneficiaries began to be persecuted and harassed, while some of them are even deprived of their liberty and their locations and conditions of detention are unknown.

11. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga. In particular, the State must both ensure that State actors respect the rights of the beneficiaries in accordance with the standards established by international human rights law and in relation to acts of risk attributable to third parties; b) adopt the necessary measures to ensure that the detention conditions of the beneficiaries who are deprived of their liberty comply with the applicable international standards; c) consult and agree upon the measures to be adopted with the beneficiaries and their representation; and d) report on the actions taken to investigate the events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.<sup>19</sup>

12. Upon granting the precautionary measures, the State responded on July 9, 2021. According to the State, the State institutions act in strict compliance with the constitutional order and the domestic legal system and guarantee social protection measures and that there exists an intention to discredit the State or falsify the truth. The State indicated that the beneficiaries have been subjected to criminal investigation processes that derive from the alleged commission of common crimes. Their current situation allegedly is in line with the previously established legal procedures, which is purportedly in accordance with the principles of due process and effective judicial protection, in addition to being inspired by different international instruments ratified by Nicaragua. Lastly, the State indicated that the rights of the beneficiaries are respected and that they are not at risk.

### **IV. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES**

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<sup>14</sup> IACHR, [IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua](#), October 10, 2020.

<sup>15</sup> IACHR, [IACHR Condemns Growing Harassment in Nicaragua](#), January 6, 2021.

<sup>16</sup> *Idem*.

<sup>17</sup> IACHR, [IACHR Condemns the Serious Escalation of Repression in Nicaragua](#), June 18, 2021.

<sup>18</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>19</sup> IACHR, [Cristiana María Chamorro Barrios \*et al.\* regarding Nicaragua](#) (PM-480-21), Resolution 49/21, June 24, 2021.

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## **1. Information provided by the beneficiaries' representation**

13. Pedro Salvador Vásquez worked as a driver for presidential candidate Cristiana Chamorro (beneficiary of precautionary measures). According to the representation, on June 14, 2021, at 8:30 a.m., he appeared, accompanied by his female lawyer, to testify at the central offices of the Public Ministry in Managua, upon a summons from this entity in the framework of investigations against former members of the Violeta Barrios de Chamorro Foundation (FVBCH).

14. According to the testimony of the proposed beneficiary's wife, Ms. Norma Vega, on that same day, Mr. Pedro Vásquez finished work at 7:00 p.m., and by 10:00 p.m., he arrived at his house of residence. The security guard of the house declared that he had left the house on foot at 10:30 p.m. and that he did not return that night. His wife added that he was detained in the residential sector of Las Palmas. The following day, Tuesday, June 15, 2021, Cristiana Chamorro Lacayo, daughter of Cristiana Chamorro, upon noticing that he had not arrived, proceeded to look for him. She found the vehicle that he used to drive as part of his job. His cell phone was found inside the car. Since that day, he has been missing.

15. Subsequently, through a public statement dated June 15, 2021, the Public Ministry informed that it interviewed Pedro Vásquez about the investigations in the case against the FVBCH but did not report that the Police had detained him. On June 16, 2021, Ms. Norma Vega appeared in District 2 of the National Police to file a complaint about the disappearance of her husband. However, the authorities who attended to her refused to receive her and replied: "Go look for him in El Chipote." That same day, he appeared at the Directorate of Judicial Aid known as "El Chipote." According to the representation, his wife added: "In El Chipote, they do not allow us to bring him food, they only allow us to bring him water, he is incommunicado and does not have a lawyer."

16. To date, the proposed beneficiary's relatives have not been able to visit him, nor have they established contact with him. According to the representation, the physical and mental status of the proposed beneficiary is unknown. The representation indicated that the prolonged isolation to which he is subjected is worrisome, as well as that the food that his relatives bring him is now allowed, only water.

17. Lastly, the representation indicated that it had not been possible to obtain from Ms. Norma Vega other details about the complaint, given that she is very affected from the emotional point of view. For the representation, it is "alarming" that the Public Ministry has not issued any public statement confirming his detention, as has happened in recent similar cases. According to Ms. Norma Vega, officers who work at "El Chipote" confirmed that her husband was held there. Moreover, according to the representation, his relatives consider as an indication that the proposed beneficiary is held in this center, the fact that they receive the water they bring him.

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

18. The State argued that the requirements for the granting of precautionary measures were not met and requested that the extension of precautionary measures not be admitted. The State indicated that CENIDH does not have legal capacity in accordance with the provisions of Article 23 of the Statute of the IACHR. According to the State, the National Assembly of Nicaragua cancelled its legal personality in 2018. The State stressed that it ensures the principles, guarantees, and human rights recognized in the Constitution and ratified international instruments.

19. In this vein, the State indicated that it guarantees people's rights without discrimination. The State asserted that the application of laws against persons who have injured legal interests protected by the State should not be seen as an act of aggression against persons. With regard to the proposed beneficiary,

the State indicated that he is being investigated for the commission of common crimes previously classified in the legal system and is therefore being subjected to the corresponding legal proceedings. Such investigations and proceedings are purportedly carried out respecting the corresponding guarantees of legality, due process, and judicial protection. There has been allegedly no treatment against the dignity or physical integrity of the proposed beneficiary, and thus, his life and health have been ensured.

20. Lastly, the State stressed that the nature of the precautionary measures does not imply conditions of impunity in the face of acts that violate or undermine the legal system. The State emphasized Article 24 of its Constitution and Article 32 of the American Convention on Human Rights.

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

21. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth 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 irreparable harm to persons.

22. 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.<sup>20</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>21</sup> 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.<sup>22</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. Their precautionary nature aims at safeguarding 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>23</sup> In the process of reaching a decision, and in accordance with Article 25(2) of the Rules of Procedure, the Commission considers that

<sup>20</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.

<sup>21</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>22</sup> See in this regard: 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>23</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; 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.

23. The Commission recalls that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine, *prima facie*, if a serious and urgent situation exists.<sup>24</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged.<sup>25</sup> Moreover, in this proceeding, it is not called upon to find any violation of rights enshrined in the American Convention or other applicable instruments.<sup>26</sup> The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>27</sup>

24. As a *preliminary matter*, as regards the legal capacity of CENIDH, the Commission recalls that Article 25(1) of the Rules of Procedure establishes that precautionary measures may be requested “at the request of a party” and Article 25(6) of the Rules of Procedure indicates that “when the request is presented by a third party,” it shall consider “the consent of the potential beneficiaries [...] unless the absence of consent is justified.” Although the State indicated that the legal personality of the organization had been cancelled at the domestic level, the Commission observes that the request at hand was filed by natural persons who indicate to be members of the CENIDH organization and not only by the said organization. The Commission also notes that the request contains information from a close relative of the proposed beneficiary, as well as information about the proposed beneficiary that could only be obtained by having contact with relatives of the proposed beneficiary. Consequently, the Commission considers that the request at hand was filed at the “request of a party” and that Article 25(6) of the Rules of Procedure has been complied with. Therefore, the Commission will proceed to analyze the request for extension of precautionary measures.

25. Similarly, the Commission recalls that in a request for extension it is necessary that the alleged facts have a “factual connection” with the events that justified, at the time, the adoption of precautionary measures. In this regard, the Commission recalls that the precautionary measures currently in force include, among others, Ms. Chamorro Barrios and several persons who have been publicly associated with her, mainly because of their work in the Foundation that she leads. Thus, the Commission observes that

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<sup>24</sup> In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. IACHR, Matter of Children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

<sup>25</sup> IACHR. [Resolution 5/2014](#). Precautionary Measure No. 374-13. Gustavo Francisco Petro Urrego regarding Colombia. March 18, 2014, para. 13 [only in Spanish]; IACHR. [Resolution 41/2021](#). Precautionary Measure No. 382-21. Ovidio Jesús Poggioli Pérez regarding the Bolivarian Republic of Venezuela. May 13, 2021, para. 14.

<sup>26</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].

<sup>27</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].

the risk factors that the proposed beneficiary has faced are in turn similar to those shared by the current beneficiaries, mainly due to their close relationship with Ms. Chamorro, as he has served as her driver. Therefore, the Commission considers that the requirement of factual connection has been met.

26. With regard to the requirement of seriousness, the Commission takes into account Nicaragua's current context, which, as above-mentioned, was verified by the Commission and is being monitored by its MESENI, as well as the special situation of exposure faced by the persons who have demonstrated against the repressive actions of the current government. In this regard, the Commission observes that the situation of the proposed beneficiary is coherent with the aforementioned context and is related to the situation of Ms. Chamorro, who is currently the beneficiary of precautionary measures in this matter.

27. According to the information available from the representation, the proposed beneficiary worked as Ms. Chamorro's driver, and was being investigated as part of a process that involved people close to the FVBCH. In this regard, the Commission observes that, after being summoned by the Public Ministry on June 14, 2021, and having continued with his activities for the day, the relatives of the proposed beneficiary were not aware of his whereabouts. The Commission understands the seriousness of the proposed beneficiary's situation based on the following alleged facts:

- i. Given the lack of information on the whereabouts of the proposed beneficiary, his wife was allegedly not able to file a complaint for missing person before the National Police, who reportedly refused to take her complaint.
- ii. Although the Public Ministry made an announcement on June 15, 2021, the entity just informed about the summons of the proposed beneficiary but did not inform whether the proposed beneficiary was held, and if so, on what grounds.
- iii. Unofficially, the wife of the proposed beneficiary was informed that he was allegedly held in "El Chipote."
- iv. Assuming that the proposed beneficiary is in "El Chipote," the wife has informed that they do not allow him to enter food, but only water.
- v. The proposed beneficiary is allegedly incommunicado and cannot interact with his relatives or attorneys.

28. For the Commission, the arguments of the representation are especially serious since to date there are reportedly no official pronouncements by the competent authorities that prove, or account for, the place in which the proposed beneficiary is actually held or information on his current condition. Even though his wife wanted to file a complaint for missing person, the police reportedly refused to receive it. According to the representation, the extra-official information points out that the proposed beneficiary is in "El Chipote." However, there is no official information on his whereabouts. The Commission also emphasizes that, according to the representation, the proposed beneficiary is not allowed to interact with his relatives and attorneys, despite the actions taken by the representation or his relatives to know his current situation. According to public information, it is observed that a "writ of habeas corpus" was filed in favor of the proposed beneficiary, which was rejected by the Nicaraguan authorities.<sup>28</sup> Thus, to date there is no accurate or official information on the current situation and location of the proposed beneficiary.

29. Regarding the State's response, the Commission observes that the State initially sent a response in relation to the beneficiaries, mainly questioning the facts of the initial granting of precautionary measures (see *supra* para. 12). Subsequently, the State sent a response and questioned the allegations made by the representation (see *supra* paras. 18-20). Although the State informed about its legal system

<sup>28</sup> LA PRENSA, [Regimen imposes 90 days in prison on Pedro Vásquez, driver of Cristiana Chamorro](#), July 8, 2021 [in Spanish].

and that the proposed beneficiary is involved in a criminal proceeding, the Commission does not have any information on the situation of the proposed beneficiary. The Commission recalls the need for the State to provide specific, detailed, and current information, providing support documents it deems pertinent in order to properly analyze both the situation of the beneficiaries and that of the proposed beneficiary. Given the above situation, the Commission reiterates the precautionary measures in favor of Cristiana María Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, and Lourdes Arróliga. The Commission urges the State of Nicaragua to report on the actions taken to implement these precautionary measures.

30. With regard to the proposed beneficiary, the State has not provided any specific information to indicate the actions taken so far. In this sense, the Commission does not have elements to disprove the allegations of the representation. Particularly, it is especially serious that the proposed beneficiary still cannot communicate with his relatives and attorneys and there is no official pronouncement on his legal situation. In this regard, the Inter-American Court has indicated in the *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua* in 2021 that

[...] extensive isolation and coercive lack of communication symbolize forms of cruel and inhuman treatment, which are harmful to the mental and moral integrity of the person and the right to duly respect the inherent dignity of the human being. The States must also guarantee that persons deprived of liberty can contact their relatives. In effect, the 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 also it implies a curtailment of the procedural guarantees of all arrested persons.<sup>29</sup>

31. In these circumstances and given the lack of information from the State that disputes the serious allegations presented, the Commission concludes, from the applicable *prima facie* standard, that the existence of a situation presenting a serious risk to the rights to life and personal integrity of Pedro Salvador Vásquez is sufficiently proven.

32. With regard to the requirement of urgency, the Commission considers that it is also fulfilled since, if he remains in the situation described, the proposed beneficiary's rights are likely to be exposed to an imminently greater impact. This is in view of the lack of information on his current condition and the lack of protection measures by the competent authorities.

33. With regard to the requirement of irreparable harm, the Commission finds that it has been met, given that the possible impact on the rights to life and personal integrity, by their very nature, constitutes the maximum situation of irreparability.

## **VI. BENEFICIARY**

34. The Commission declares Pedro Salvador Vásquez beneficiary, being duly identified in the matter at hand.

## **VII. DECISION**

35. 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 Nicaragua:

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<sup>29</sup> I/A Court H.R. [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua](#). Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021. Considerandum 36 [only in Spanish].

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- a) adopt the necessary measures to protect the rights to life and personal integrity of Pedro Salvador Vásquez. 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 and in relation to acts of risk attributable to third parties;
  - b) officially report on his place of detention and adopt the necessary measures to ensure that the detention conditions of the beneficiary comply with the applicable international 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 events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

36. The Commission also requests that the Government of Nicaragua kindly inform the Commission within 15 days, as from the date of this resolution, on the adoption of the precautionary measures agreed upon and update that information periodically.

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

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

39. Approved on August 3, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay, Esmeralda Arosemena de Troitiño, Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary