

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 21/2022**

Precautionary Measure No. 145-22

Yoel Ibzán Sandino Ibarra regarding Nicaragua

May 5, 2022

Original: Spanish

I. INTRODUCTION

1. On March 3, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures presented by the Human Rights Collective *Nicaragua Nunca Más* and by Yamilet del Socorro Ibarra Mairena (“the applicants”), urging the Commission to require the State of Nicaragua (“the State” or “Nicaragua”) to adopt the necessary measures to protect the rights to life, personal integrity, and health of Yoel Ibzán Sandino Ibarra. According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, is at risk as he has been deprived of liberty since November 5, 2022, and has not received timely medical attention.

2. Under the terms of Article 25(5) of its Rules of Procedure, the IACHR requested information from the State and the applicant organizations on March 23, 2022. The State submitted information on March 24, 2022. The applicants sent information on March 31, 2022.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity, and health are at risk of irreparable harm. Accordingly, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Yoel Ibzán Sandino Ibarra; b) ensure that his detention conditions are compatible with applicable international standards in this area, including, inter alia: i) enable him to have contact with his relatives and lawyers; ii. immediately carry an impartial and specialized medical assessment of his current health situation, taking into account the risk to life, personal integrity, and health; iii. grant the treatments and medications that the proposed beneficiary has been reportedly prescribed; c) consult and agree upon the measures to be adopted with the person proposed as beneficiary and his representatives; and d) report on the actions taken 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 and collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the

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

State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish acronym) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.³ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁴

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.⁵ In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.⁶ On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁷ Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”⁸

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

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.¹¹ Thus, in May 2020, the IACHR

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

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

⁴ IACHR. [2018 Annual Report](#). Chapter IV.B Nicaragua.

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

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

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

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

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

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

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

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

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁵ in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁶ In 2021, the IACHR Special Rapporteurship for Freedom of Expression (SRFOE) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) underscored that since April 2018, the international community has been registering a climate of hostility towards the exercise of freedom of expression in the country, marked by criminalization of protests, arbitrary detentions, the seizure and closure of independent media outlets, and persecuting and harassing independent journalists, human rights defenders, and opponents, in addition to their exile.¹⁷ On June 9, 2021, the IACHR and OHCHR condemned the criminal prosecution of leaders of the Nicaraguan opposition and urged the State to release all persons detained in the context of the crisis.¹⁸ Moreover, on August 11, 2021, the Commission condemned the systematic acts carried out by the State in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of this year. It further condemned the ongoing human rights violations in this context and urged the State to cease repression against those who express opposition towards the Government.¹⁹ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.²⁰

9. On October 25, 2021, the IACHR published the report “Concentration of Power and Weakening of the Rule of Law in Nicaragua.” In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.²¹ 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.²² On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment,

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

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

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

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

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

¹⁷ IACHR. [Press Release No. R47/21](#). OHCHR Joint Statement for Central America and IACHR RELAY on Journalist’s Day in Nicaragua. March 2, 2021.

¹⁸ IACHR. [Press Release No. 145/21](#). IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. June 9, 2021; IACHR. [Press Release No. 171/21](#). Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua. July 9, 2021.

¹⁹ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election. August 11, 2021.

²⁰IACHR. [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.

²¹ IACHR. [Press Release 284/2021](#). IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua. October 28, 2021.

²²IACHR. [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.

raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists. The Commission further urged the State to release all those who had been arbitrarily detained in the electoral context since the beginning of the crisis, in addition to ceasing attacks against political opponents.²³

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, in a context of serious crisis in recent years in the country. 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.²⁴ 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.²⁵

11. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention, under unhealthy detention conditions, suffering ill-treatment, subject to the arbitrary application of maximum-security regimes and 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 organs of the inter-American system.²⁶ In February 2022, the IACHR condemned the manipulation of criminal law and criminalization of persons identified as opponents, due to the lack of judicial independence and separation of powers. These acts have seriously affected the judicial guarantees for political prisoners in Nicaragua.²⁷

12. On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that 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.²⁸ The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.

13. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary arrests and harassment by State agents against human rights defenders,

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

²⁴ IACHR. [Press Release 312/2021](#). 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.

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

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

²⁷ IACHR. [Press Release RD026/22](#). REDESCA condemns the cancellation of the membership of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua. February 10, 2022.

²⁸ IACHR. [Press Release 027/2022](#). IACHR Condemns Manipulation of Criminal Law and Lack of Safeguards in Trials of Political Prisoners in Nicaragua. February 11, 2022

journalists, and lawyers.²⁹ On March 31, 2022, at the 49th session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an independent investigation into human rights violations that have taken place in the country since April 2018.³⁰ According to data from the United Nations Refugee Agency (UNHCR), over 150,000 Nicaraguans have requested protection in Costa Rica.³¹

14. On March 23, 2022, the IACHR affirmed that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.³² Recently, in April 2022, four years after the beginning of the 2018 social protests, the Inter-American Commission 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. Since April 2018, serious human rights violations have gone unpunished. Such violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.³³

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

15. According to the request, the proposed beneficiary is a 26-year-old man who has been allegedly subjected to threats and siege by state and parastatal agents since 2018. These acts arose upon expressing his opposing views against the current government on social networks. He is currently being held in the Jorge Navarro Prison without adequate medical care, despite suffering from a chronic illness.

16. The proposed beneficiary is a former employee of the Nicaraguan Sewer and Aqueduct Company (Empresa Nicaragüense de Alcantarillados y Acueductos, ENACAL), a state-owned company. It was alleged that, upon voicing their opinions against state repression, he and his mother were fired in mid-2018. Subsequently, the proposed beneficiary became a digital activist known for his role as admin of the "Mentes Libres" Facebook page, where he reported on the situation of "political prisoners" through social networks.³⁴ He also temporarily joined the Blue and White National Unity and the Civic Alliance for Justice and Democracy (Unidad Nacional Azul y Blanco y a la Alianza Cívica por la Justicia y la Democracia).

17. The request reported that Ms. Ibarra Mairena, the proposed beneficiary's mother, had worked as a legal advisor at ENACAL since 2007, joined political movements in support of the Sandinista National Liberation Front (Frente Sandinista de Liberación Nacional, FLSN) and, in addition, came from a Sandinista family. However, since the protests that took place in Nicaragua in April 2018, she refused to

²⁹ OHCHR. Statement by the UN High Commissioner for Human Rights on the situation of human rights in Nicaragua before the 49th session of the Human Rights Council. Available at <http://www.oacnudh.org/statement-by-the-un-high-commissioner-for-human-rights-on-the-situation-of-human-rights-in-nicaragua-before-the-49th-session-of-the-human-rights-council/>.

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

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

³² IACHR. [Press Release 065/2022](#). Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua. March 29, 2022.

³³ IACHR. [Press Release 065/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022

³⁴ BTN Noticias. Owner of the page Free Minds is kidnapped by the Sandinista Police. Available [in Spanish] at <https://www.btnnoticias.com/2021/11/dueno-de-la-pagina-mentes-libres-es-secuestrado-por-la-policia-sandinista/>.

attend party meetings and “counter-marches,” and was reportedly then deemed a “traitor”. Due to the aforementioned, a repression was initiated against her and her son, the proposed beneficiary.

18. On May 16, 2018, as the national dialogue between the Civic Alliance and the State commenced, ENACAL employees entered Ms. Ibarra Mairena’s office, destroyed the doors, and etched threats onto her desk. The institution reportedly compelled her not to report the facts to the police. It was indicated that, following that event, the Sandinista Leadership Council (Consejo de Liderazgo Sandinista) took to social networks to broadcast where her property is located, and further incited aggression against her due to her “betrayal.” It was indicated that Ms. Ibarra Mairena was fired and, from that moment on, the number of threats against her and her son increased. On social networks, she received messages saying that they were going to make them disappear. On December 29, 2018, Ms. Ibarra Mairena was forced to leave the country.

19. Since 2018, the proposed beneficiary suffered constant threats in retaliation for the reports he published social networks regarding serious human rights violations in Nicaragua. On October 29, 2019, the proposed beneficiary informed the requesting organization that: “What I did was, all these things that the regime was doing, I was reporting them with photographs on social networks and they went viral, and I got more threats from the members of the Sandinista Youth. Since last year, they have been telling me that they were going to kidnap me, they were going to raid our house, our family, people who had contact with the CPC and they heard that they were going to take me prisoner...”.

20. According to the applicants, since the beginning of 2019, a person named “Wálmaro” constantly voiced that Police District II patrols were ready to arrest him. In May 2019, the proposed beneficiary fled his home after learning that, at a meeting of the Council of Citizen Power (Consejo del Poder Ciudadano, CPC), its members reportedly stated that there was already a search and arrest warrant against him. In the early morning of the following day, police officers stationed themselves outside his house and took photos of the property. Likewise, they allegedly had information that the proposed beneficiary was not at that property and said: “Until we get this son of a bitch, we’re not leaving.”

21. The applicants reported that police officers kept constant siege of the proposed beneficiary’s house. In addition, his brothers, aged 20 and 18, were constantly photographed and persecuted to discover the proposed beneficiary’s whereabouts. In August 2019, the “Mentes Libres” Facebook page published the “Mega Boycott App” (Mega Boicot App), which disclosed the businesses that supported the governing party.³⁵ Given the above, on social networks, people related to the government began to call the proposed beneficiary a “terrorist” and “scammer”, in addition to sending threats.

22. On November 5, 2021, at 6:00 pm, the proposed beneficiary was in a gym in Managua when ten state agents reportedly asked about him, told him to accompany them to Police District II and took his cell phone³⁶. Despite not resisting, after placing him in the back of the van, the agents allegedly kicked the proposed beneficiary repeatedly. The officers reportedly monitored the site for three consecutive days prior to their arrest.

23. His brothers visited District II of the Managua Police, where the officers refused to provide any information as they were supposedly “minors.” Likewise, other relatives who arrived later that day, as well as on following days of the same week, have not been provided with information. They were not even given any indication of the proposed beneficiary’s health. The police officers only communicated that “he is under investigation, and we can detain him for three days if we want to.” However, they were allowed to bring food and toiletries. According to the relatives, his arrest was carried out following a publication

³⁵ Despacho 505. Apps to boycott businesses linked to the Ortega regime have been created. August 8, 2019. Available [in Spanish] at <https://www.despacho505.com/crean-app-para-boicotear-negocios-vinculados-al-regimen-orteguista/>.

³⁶ Despacho 505. Police kidnap opponent for sharing content on social networks about imprisoned pre-candidates. November 6, 2021. Available [in Spanish] at <https://www.despacho505.com/policia-secuestra-a-opositor-a-menos-de-24-horas-de-las-elecciones/>.

on the “Mentes Libres” social networks stating that any of the pre-candidates imprisoned by the regime would beat the current president in the elections on November 7, 2021.³⁷

24. The proposed beneficiary was transferred to the Directorate of Judicial Assistance (Dirección de Auxilio Judicial) known as “El Chipote.” In this location, he was allegedly interrogated several times in the morning, during which he was called a “traitor” and a “coup leader” and reported that he was frequently threatened. The petition alleged that he was told that if he did not plead guilty, his brothers and mother “would pay.” Thus, they told him that they were going to take his brothers to the “Chipote,” that they were going to be tortured there, and that they were never going to leave. In addition, they stated that they already knew their mother’s telephone number and that they would send her photos of his brothers’ tortures.

25. On November 21, 2021, the proposed beneficiary was taken to a preliminary hearing before the Sixth Judge of the Criminal District of Hearings (Juez Sexto de Distrito Penal de Audiencias). He was charged with conspiracy and advocacy to undermine national integrity and spread false news³⁸ (Law 1055³⁹ and Law 1042⁴⁰). At the hearing, his relatives were not allowed access and he was assigned a court-appointed lawyer. In addition, after the hearing, his relatives were allegedly threatened by police officers with the following statement: “Be careful publishing something about human rights, he’d be worse off.”

26. On November 25, 2021, the initial hearing was held. The proposed beneficiary was forced to admit the facts due to the threats suffered in the Directorate of Judicial Assistance. The request also stated that the private lawyer hired by the family, who represented the proposed beneficiary in the aforementioned hearing, was probably threatened as, after the hearing, she was very nervous and blocked Ms. Ibarra Mairena from all communication channels.

27. The family members were denied access to any of the hearings, and they were also denied visits to the District II police station or the Directorate of Judicial Assistance. It was also indicated that, since the proposed beneficiary’s arrest, State agents were allegedly monitoring his family members via frequent rounds of vehicles by the house where they currently resided.

28. Subsequently, on December 1, 2021, at 3:00 a.m., the proposed beneficiary was transferred to the Jorge Navarro Penitentiary Center, and his relatives had not received any notice⁴¹. On December 27, 2021, his relatives reported that two months had elapsed with no possibility of seeing the proposed beneficiary: “Yoel has not been seen even for a minute; it is not known what situation he is in...”⁴²

29. Regarding the proposed beneficiary’s health condition, the applicants reported that he has had a chronic condition from birth as he was born with a cyst behind his right eye. As a result of his chronic condition, he should be under constant medical treatment with a neurologist to prevent his health condition from exacerbating. Every six months, an MRI should be performed to evaluate the growth of the cyst. As a result, he suffers from severe headaches, high blood pressure and, on certain occasions, double vision.

³⁷ Despacho 505. Police kidnap opponent for sharing content on social networks about imprisoned pre-candidates. November 6, 2021. Available [in Spanish] at <https://www.despacho505.com/policia-secuestra-a-opositor-a-menos-de-24-horas-de-las-elecciones/>.

³⁸ 100% Noticias. Yoel Sandino is found guilty of cybercrime and conspiracy, the prosecution asks for 12 years in prison. Available [in Spanish] at <https://www.noticias.com.ni/nacionales/113144-culpable-ciberdelitos-conspiracion-yoel-sandino/?mobile>.

³⁹ Law 1055. “Law on the Defense of the Rights of the People to Independence, Sovereignty, and Self-determination for Peace.”

⁴⁰ Law 1042. Special Law on Cybercrime.

⁴¹ La Prensa. Digital activist Yoel Sandino is transferred to La Modelo. December 3, 2021. Available [in Spanish] at <https://www.laprensani.com/2021/12/03/politica/2918942-activista-digital-yoel-sandino-ibarra-trasladado-a-la-modelo>.

⁴² Artículo 66. Political prisoner Yoel Sandino has not been seen by his relatives for two months. December 27, 2021. Available [in Spanish] at <https://www.articulo66.com/2021/12/27/preso-politico-yoel-sandino-dos-meses-cautivo-modelo/>.

30. On January 5, 2022, the family members were able to visit and communicate with the proposed beneficiary for the first time. Since his transfer to the Penitentiary, the proposed beneficiary has not received adequate medical care.⁴³ In this sense, he requires periodic evaluation by a specialist. Ms. Ibarra Mairena stated: “They do not provide him with medical aid, he has high pressure because of the cyst but they do not allow him any medicine” and “They only have consultations to take photos, because the medical exams, examinations, diagnoses, and medicines he needs (...) have not been provided for him at any time, despite being insisted upon.” On January 20, 2022, his brothers were denied a visit. However, they learned that he had not been taken to his appointment at Lenin Fonseca Hospital on December 25, 2021. He had an appointment with a neurologist for the resonance examination for his health issue, and they had not rescheduled the appointment either.⁴⁴

31. The request indicated that, on January 31, 2022, the Public Ministry issued a communication, in which it carried out “attacks” on “political prisoners”, identified as “terrorists and criminals”.⁴⁵ Subsequently, on February 21, 2022, a sentence was issued in which the proposed beneficiary was sentenced to 11 and a half years in prison, based on his alleged “confession” and with a list of four social media posts. As part of his sentence, his cell phone was seized.

32. Lastly, regarding the proposed beneficiary’s inadequate detention conditions, Ms. Ibarra Mairena stated that, in March 2022, he had a strict regime in the prison and did not receive any benefit such as studying, working, or leaving the cell. It was indicated that he only gets 40 minutes of sunshine a week and receives his parcel from his mother. Additionally, there are restrictions on amount of family visits the proposed beneficiary may receive. Since his arrest in November 2021, he has only been able to receive three visits.

B. Response from the State

33. The State highlights that it “ignores, rejects, and does not accept” the alleged adoption of precautionary measures by the Inter-American Commission, due to the “malicious insistence of those who attempt – with false information - to continue their campaign of discrediting our government.” Likewise, the State reported that Mr. Sandino Ibarra, who is currently deprived of his liberty after having been tried and convicted by the competent court, is not in a state of seriousness and urgency.

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

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

⁴³ Nicaragua Investiga. Dictatorship allows family members to visit the Free Mind activist, Yoel Ibzán. Available [in Spanish] at <https://nicaraguainvestiga.com/politica/71483-logran-ver-activista-mentes-libres/>; La Prensa. Yoel Sandino has been deprived of his liberty for 70 days. He has only received one visit from his relatives. January 14, 2022. Available [in Spanish] at <https://www.laprensani.com/2022/01/14/derecho-humano-ni/2936028-yoel-sandino-cumple-70-privado-de-su-libertad-solamente-ha-recibido-una-visita-de-sus-familiares>.

⁴⁴ Nicaragua Investiga. Relatives of political prisoner Yoel Sandino are demanding medical attention. Available [in Spanish] at <https://nicaraguainvestiga.com/politica/73011-familiares-presos-politico-yoel-sandino-demandan-atencion-medica/>.

⁴⁵ Public Prosecutor’s Office of Nicaragua. Communication 001-2022. Available [in Spanish] at <https://ministeriopublico.gob.ni/comunicado-001-2022mp/>.

35. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.⁴⁶ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights⁴⁷. 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 adopted⁴⁸. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁴⁹ 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 injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

36. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁵⁰ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, it is not appropriate, in this proceeding, to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁵¹ This is better

⁴⁶See 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.

⁴⁷See 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].

⁴⁸See in this regard: I/A Court H.R. Matter 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].

⁴⁹See 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.

⁵⁰See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

⁵¹ IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

suited to be addressed by the petition and case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.⁵²

37. The Commission notes that the proposed beneficiary's alleged situation of risk is framed in the current context that Nicaragua,⁵³ as well as in a context particularly hostile towards people considered, perceived, or identified as⁵⁴ government opponents. This context has also intensified over time in the framework of the presidential elections of November 2021. Thus, the proposed beneficiary's alleged risk situation is not an isolated event, but rather takes place within an observed context in Nicaragua characterized by the practice of arresting and criminalizing human rights defenders and political opponents⁵⁵. Therefore, the Commission has already adopted precautionary measures in favor of a person identified as an opponent due to his critical action against the government and published reports through social networks⁵⁶, as it is possible to verify in this case.

38. In addition, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, health, and personal integrity, in addition to other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.⁵⁷ This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment. In these circumstances, prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.⁵⁸ More specifically, and in light of the facts described by the applicants, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.⁵⁹

⁵²In this regard, the Court has indicated that "[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, urgency, and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R. *Matter of James et al. regarding Trinidad and Tobago*. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. *Case of Barrios Family v. Venezuela*. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

⁵³See 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.

⁵⁴See in this regard: IACHR. [2020 Annual Report](#). 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.

⁵⁵See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Solís regarding Nicaragua. April 22, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua. December 24, 2019.

⁵⁶See in this regard: IACHR. Resolution 16/2021. Precautionary Measure No. 907-20. Kevin Adrián Monzón Mora and his nuclear family regarding Nicaragua. February 22, 2021

⁵⁷See in this regard: I/A Court H.R. *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

⁵⁸IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

⁵⁹I/A Court HR. *Matter of seventeen persons deprived of liberty regarding Nicaragua*. Provisional Measures. Adoption of Urgent Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

39. Taking into account the particular context that is currently occurring in Nicaragua and proposed beneficiary's current confinement, the Commission will proceed to analyze the regulatory requirements regarding Yoel Ibzán Sandino Ibarra.

40. With regard to the requirement of *seriousness*, the Commission considers that it has been met. At the time of making this assessment, the Commission considers that the proposed beneficiary is identified as an opponent mainly due to his role as administrator of the Facebook page "Mentes Libres." Through social networks, he criticizes the current Nicaraguan government and reports on the situation of people identified as "political prisoners." In this particular case, the Commission considers that the proposed beneficiary has acquired media exposure as a result of his digital activism since 2018 (*see supra* para. 16). The Commission also notes that the proposed beneficiary has been deprived of liberty since November 5, 2021, during the context of the presidential elections in the country (*vid supra* para. 22) In addition, despite suffering from a chronic disease that requires frequent neurological support, the proposed beneficiary has not received the necessary and adequate medical care to date (*see supra* para. 29).

41. Regarding the acts of threats and harassment before proposed beneficiary's confinement, the request alleged that, after being dismissed from the state company ECANAL in 2018 in retaliation for his political opposition, the proposed beneficiary began to receive threats regarding his arrest and disappearance on social networks. These threats were allegedly the result of his digital activism against the government. Photographs of the proposed beneficiary and the address of his mother's property were broadcasted (*see supra* para. 17 and 18). In addition, it was alleged that, in May 2019, the proposed beneficiary learned that police patrols were allegedly "ready to arrest him" and that CPC members reportedly had an arrest warrant against him. He was therefore forced to flee his house (*see supra* para. 20). In addition, his house was patrolled and his relatives were followed by State agents. Subsequently, in August 2019, due to a publication on the "Mentes Libres" Facebook page in relation to businesses that supported the government regime, he received threats and insults such as "terrorist" or "scammer", on social networks (*vid supra* para. 21).

42. Likewise, the Commission notes that the proposed beneficiary's arrest, in the country's electoral context, has been preceded by a critical statement towards the current government on the Facebook page "Mente Libres." This statement alleged that any of the presidential pre-candidates would beat the President of Nicaragua in the November 2021 elections (*see supra* para. 23). It was also noted that the gym where his detention took place was under surveillance and the proposed beneficiary was kicked by police officers during his detention, despite not having resisted (*see supra* para. 22). In particular, the Committee notes with concern that, in the Judicial Aid Directorate ("El Chipote"), the proposed beneficiary was subjected to multiple interrogations by State agents, in which they threatened his brothers and his mother with arrest and physical harm in order for him to confess to his alleged crimes (*see supra* para. 24).

43. The proposed beneficiary's relatives had not obtained information about his detention conditions or his health until January 5, 2022. That was two months after his detention, when the first visit to the proposed beneficiary was allowed (*vid supra* para. 30). Nor were they informed of their transfer to the Jorge Navarro Penitentiary Center on December 1, 2021 (*vid supra* para. 28). Likewise, the family members did not have access to the proposed beneficiary's hearings and were threatened by a state agent after a hearing (*see supra* para. 27). According to the information provided by the applicants, the private lawyer that the proposed beneficiary's relatives hired was not able to contact him. In addition, she was allegedly threatened after the preliminary hearing, which resulted in her interrupting all communication with the family (*see supra* para. 26).

44. On this occasion, the Commission highlights the allegations regarding the proposed beneficiary's health situation, taking into account that he suffers from a chronic disease from birth. He has a cyst behind his right eye and should therefore receive consistent medical treatment with a neurologist. Due to this disease, he suffers from severe headaches, high blood pressure, and double vision (*vid supra* para. 29). Despite the family members' persistent pleas and his condition, the proposed beneficiary has not received medical evaluation by a specialist to date, does not receive adequate medical care, and does not have access to medicine. Lastly, it was indicated that he was not taken to the appointment at Lenin Fonseca Hospital on December 25, 2021, and that they did not subsequently reschedule the appointment either (*vid supra* para. 30). In view of the family members' obstacles in receiving information about his health and being able to contact the proposed beneficiary, in addition to the lack of medical attention for his chronic illness after five months of detention, it is possible to verify the seriousness of the allegations regarding his health.

45. The Commission also observes that the aforementioned events have significantly impacted the life of the proposed beneficiary's family nucleus. The proposed beneficiary's mother, Ms. Ibarra Mairena, has also been dismissed from the state company ENACAL in retaliation for being identified as a political opponent. As a result of the threats and harassment against her, she was forced to leave the country in December 2018 (*see supra* para. 18). In addition, the proposed beneficiary's siblings were followed by police officers in order to discover the proposed beneficiary's whereabouts (*see supra* para. 21). Since his arrest in November 2021, his siblings and other family members continue to be constantly monitored through vehicle patrols in their homes (*see supra* para. 27).

46. Having requested information from the State under the terms of Article 25 of the Rules of Procedure, the Commission takes note of the response received. However, the Commission notes that, beyond alleging that the facts narrated in the request are manipulations with the intention of discrediting the national authorities, the State did not provide information with specific and detailed elements that controvert the facts alleged by the applicants, or that allow assessing that the alleged situation was mitigated. In this regard, the State expressed, with no further details, that the proposed beneficiary is not at risk. However, the State did not report on the proposed beneficiary's detention conditions or on the measures implemented to safeguard his rights, particularly the health care he is allegedly receiving. This is particularly relevant in view of the seriousness of the allegations, which include reported acts of threats perpetrated by State agents during his detention, in addition to restricting information from, and contact with, family members.

47. 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 and personal integrity of Yoel Ibzán Sandino Ibarra are at serious risk.

48. With regard to the requirement of *urgency*, the Commission deems that it has been met, given that if the proposed beneficiary continues to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. Similarly, the Commission observes that, as the proposed beneficiary's whereabouts are unknown, this prevents his relatives and representatives from being able to intervene in time and ensure that his detention conditions are adequate. He therefore requires the adoption of immediate measures. The Commission takes into account that the proposed beneficiary has been allegedly deprived of liberty since November 5, 2021, and suffers from a chronic disease that requires constant medical attention, which has not been received to date. In addition, the Commission did not receive sufficient information from the State to assess the actions that are being taken to address the alleged risk that the proposed beneficiary is facing.

49. Regarding the requirement of *irreparability*, 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 irreparable harm.

V. BENEFICIARY

50. The Commission declares Mr. Yoel Ibzán Sandino Ibarra as beneficiary, who is duly identified in these proceedings.

VI. DECISION

51. 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 Yoel Ibzán Sandino Ibarra;
- b) ensure that his detention conditions are compatible with applicable international standards in this area, including, inter alia: i) enable him to have contact with his relatives and lawyers; ii. immediately carry an impartial and specialized medical assessment of his current health situation, taking into account the risk to life, personal integrity, and health; iii. grant the treatments and medications that the proposed beneficiary has been reportedly prescribed;
- c) consult and agree upon the measures to be adopted with the person proposed as beneficiary and his representatives; and
- d) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent such events from reoccurring.

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

53. 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.

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

55. Approved on May 5, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary