
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 38/2022**

Precautionary Measure No. 506-22
Rusia Evelyn Pinto Centeno regarding Nicaragua
July 31, 2022
Original: Spanish

I. INTRODUCTION

1. On June 24, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures from the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos*, CENIDH) and the Legal Defense Unit (*Unidad de Defensa Jurídica*, UDJ), (hereinafter “the applicant organizations”) urging the Commission to request the State of Nicaragua (“the State” or “Nicaragua”) to adopt the necessary measures to protect the rights to life, personal integrity, and health of Ms. Rusia Evelyn Pinto Centeno (“the proposed beneficiary”). According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, has been deprived of liberty since November 6, 2021, in inadequate detention conditions and has not received any health care.

2. Under the terms of Article 25.5 of its Rules of Procedure, the IACHR requested information from the State on July 5, 2022. However, to date, no information has been received from the State.

3. Upon analyzing the submissions of fact and law furnished by the applicant organizations, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that her rights to life, personal integrity, and health are at risk of irreparable harm. Accordingly, Nicaragua is requested to: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Rusia Evelyn Pinto Centeno; b) adopt the necessary measures to ensure that the detention conditions of Rusia Evelyn Pinto Centeno are compatible with the applicable international standards in this area, including the following: i. allowing contact with her attorneys and legal representatives; ii. ensuring that she is not subjected to discriminatory and stigmatizing treatment within the penitentiary; iii. immediately carrying out an impartial and specialized medical assessment of her current health, including performing the necessary medical examinations to determine the status of her health; iv. granting the necessary treatments and medicines, prescribed by the competent health personnel; and v. considering the granting of alternative measures to deprivation of liberty, in light of the proposed beneficiary’s conditions of detention and health; c) consult and agree upon the measures to be adopted with the proposed beneficiary and her representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

II. BACKGROUND

4. Between May 17 and 21, 2018, the Commission visited Nicaragua. During this visit, it collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the

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

Special Monitoring Mechanism for Nicaragua (MESENI) was created and remained in the country until the State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its acronym in Spanish) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.³ In its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B in accordance with the grounds set forth 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 In September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁷ Similarly, in November, the Commission once again reprimanded the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”⁸

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

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

²IACHR. 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.

³IACHR. 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.

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

⁵See 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.

⁶IACHR. 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.

⁷IACHR. 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.

⁸IACHR. 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.

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

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

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

compliance with its recommendations and urged the State to implement them.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 Nicaragua. These acts were against persons identified as government opponents, human rights defenders, and the independent press.¹⁵ They also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁶ On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.¹⁷ Moreover, on August 11, 2021, the Commission condemned the systematic set of state actions carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of this year, as well as the ongoing human rights violations in this context, urging the State to cease repression against people opposed to the Government.¹⁸ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.¹⁹

9. On October 25, 2021, the IACHR published the report “Concentration of Power and the Undermining of the Rule of Law in Nicaragua”. In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.²⁰ 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, and highlighted the attacks against journalists.²¹ On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections. These violations occurred from acts of police siege, harassment, 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.²²

¹²IACHR. 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.

¹³IACHR. 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.

¹⁴IACHR. 2020 Annual Report. Chapter IV.B Nicaragua, February 2021, paras. 5 to 29.

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

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

¹⁷IACHR. 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.

¹⁸IACHR. 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.

¹⁹IACHR. 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.

²⁰IACHR. 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.

²¹IACHR. 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.

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

10. On November 20, 2021, the IACHR made a statement in which it looked unfavorably upon the State of Nicaragua's decision to denounce the Charter of the Organization of American States on November 19, 2021 during the ongoing context of crisis that the country has been going through in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.²³ On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of persons 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.²⁴ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.²⁵

11. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They reportedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents, are beneficiaries of protective measures granted by the 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, journalists, and attorneys.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

²³IACHR. 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.

²⁴IACHR. 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.

²⁵IACHR. 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.

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

²⁷IACHR. [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.

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

²⁹[OACNUDH Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council.](#)

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. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.³³

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant organizations

15. According to the request, the proposed beneficiary is a 63-year-old female human rights defender in Nicaragua. She is a member of the Blue and White National Unity (*Unidad Nacional Azul y Blanco*, UNAB) and of the UNAMOS political party. The proposed beneficiary participated in the peaceful demonstrations in April 2018. She collaborated in the humanitarian work of supporting the relatives of those who were injured, killed, or deprived of liberty as a result of the protests of April 2018. She also had an active participation in social networks and private spaces, where she expressed her critical opinion towards the government regarding the management of the socio-political crisis in the country.

16. According to the applicant organizations, on November 6, 2021, the proposed beneficiary was arbitrarily detained in her house in Comarca Altos de Nejapa, Managua. According to a family member's testimony, over 20 police officers entered her house without first filing a court order. She was then taken from inside her residence to the police station. Meanwhile, the police officers who were inside the house looked for phones and forced them to erase the recordings from the security cameras. The proposed beneficiary was not communicated the grounds for her arrest, nor where she was going to be transferred. Her husband, Mr. Silvio Gutiérrez, was subsequently told that she had been transferred to the District III police station.

17. On November 21, 2021, Ms. Pinto Centeno was brought before the judicial authority for the first time since her arrest. At a preliminary hearing in Managua's Sixth Criminal Court District Court, the Public Prosecutor's Office presented its accusation for the crime of "conspiracy to undermine the national integrity in real competition for the crime of spreading false news through information and communication technologies to the detriment of the State of Nicaragua." The judge admitted the charge and ordered pre-trial detention. The proposed beneficiary was allegedly not allowed to communicate or have interviews with her defense counsel. At the time of her transfer to the judicial authority, she was

³⁰United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April **, 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>.

³¹UNHCR. 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>.

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

³³IACHR. [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

obliged to accept the obligation of an ex officio defense counsel. In addition, it was noted that she had been totally isolated from her relatives and attorney until the trial started. On the same day, the court-appointed human rights defender requested the judge to issue an official request for the proposed beneficiary to be assessed by forensic medicine and transferred to a healthcare center. The judicial authority agreed and ordered her to be referred to the Roberto Huembes Police Hospital to receive the required medical care due to her health condition, however, this order was not complied with.

18. On November 25, 2021, the initial hearing was held, but the proposed beneficiary's defense attorney was not notified. The judge admitted the exchange of information and evidence presented by the Public Prosecutor's Office and referred the case to trial. According to the applicant organizations, in both hearings, Court police officers verbally assaulted the proposed beneficiary, reprimanding her for wearing underwear. They forced her to undress, take off her underwear, and do squats. On both occasions, she entered the courthouse without underwear. The request highlights that, on that day, it was again ordered that the proposed beneficiary be transferred to receive medical care. However, the prison authorities have reportedly ignored the judicial office.

19. On December 1, 2021, she was transferred to the Comprehensive Women's Penitentiary Center La Esperanza (*Centro Penitenciario Integral de Mujeres La Esperanza, EPIM*). Subsequently, on March 11, 2022, the judicial authority issued a ruling against the proposed beneficiary. It sentenced her to five years in prison for conspiracy, proposition, and advocacy to undermine national integrity; disqualification for the same period for the performance of a public function, employment, or position; and three years in prison for "propagating false news through information and communication technology to the detriment of the State of Nicaragua and Nicaraguan society."

20. According to the available information, the proposed beneficiary was detained for 25 days at the District III station. At that station, she slept on the prison floor on a stone tile for three nights, without any sheets or pillows. Towels were not allowed in either. She did not have access to any phone calls, visits from her family or attorney, or medical care. After two days of detention, Ms. Pinto Centeno was subjected to interrogations for 20 consecutive days. During these, she was allegedly subjected to verbal abuse by police officers. When she was transferred to the La Esperanza Prison, her husband was finally able to be visit her on December 21, 2021.

21. According to the applicant organizations, during the time she was in detention, Ms. Pinto Centeno has been allowed to receive a total of nine visits from her relatives.³⁴ However, she was not allowed any contact or to receive visits from her defense attorney. The proposed beneficiary is allegedly currently in a maximum-security cell. It was reported that she was subjected to discriminatory and stigmatizing treatment as she was considered a "political prisoner". She allegedly remains guarded by a custodian outside her cell, and she is not allowed to have contact with any persons considered "common prisoners". She is reportedly only allowed to walk out into the sun three times a week unlike the so-called "common prisoners" that go out daily (in the morning and afternoon) for several hours.

22. Regarding her health, the applicant organizations indicated that Ms. Pinto Centeno reportedly has chronic renal failure and hypertension. As she has not received any medical care for her kidney failure, Ms. Pinto Centeno requires systematic examinations to assess her condition. When appropriate, her medication doses must be adjusted. Despite her condition, these examinations were reportedly not carried out. Likewise, the proposed beneficiary allegedly lost 4.5 kilograms [10 pounds] and has difficulty sleeping. Due to cell conditions, she reportedly experiences muscle aches and has respiratory conditions.

³⁴December 21, 2021; January 11, February 1 and 23, March 15, April 5 and 26, May 17, and June 7, 2022.

In previous months, the proposed beneficiary was receiving primary medical care from a general practitioner who allegedly prescribed some medicines. Her relatives are reportedly delivering her medication for her chronic illnesses.³⁵ However, in some cases, these drugs are not provided at the established times.

23. As the proposed beneficiary is a thyroid cancer survivor and reportedly had a thyroidectomy, she also has a constant need for medication, which she has continued to receive. However, the supply of these medicines should be evaluated, and their dosages reviewed (every two, four, and six months), depending on the results of rigorous tests to be performed. This is preventive care to ensure that disease does not return, and to guarantee the proposed beneficiary is in good health. The competent authorities have been alerted to this situation and, despite repeated requests, have not provided an effective response.

24. After the visit on April 5, 2022, Ms. Pinto Centeno's husband learned that she had been assessed by an internist on March 31, 2022. They found that the proposed beneficiary had high blood pressure and ordered her to have her blood pressure checked twice a day for the following 15 days. In this regard, it was reported that she also has headaches and a tingling sensation in her legs and arms. They also alleged that the proposed beneficiary has worn-out knees and cervical. She therefore requires a chair in her cell. However, the chair was reportedly never provided. On the other hand, it was reported that on April 27, 2022 she allegedly had repetitive episodes of high pressure. She even allegedly had to remain under medical observation in the prison clinic for a week. As a result, she requested an increase in the antihypertensive medicine which she was prescribed. However, the proposed beneficiary allegedly continues to have high blood pressure episodes. The last episode was reportedly on June 20, 2022. Her health is unstable as high blood pressure affects the kidneys and vice versa. The applicant organizations believe the aforementioned is relevant given that she was diagnosed with chronic renal failure.

25. The applicant organizations alleged that Ms. Pinto Centeno is not receiving the necessary medical attention. It was indicated that her health status is not reported, and written medical indications are not provided. In addition, she has allegedly not undergone the urgent examinations required to control her chronic conditions, nor is her medication provided, in a timely manner. Among the tests she requires, she must perform evaluations to determine the level of creatinine, potassium, sodium, triglycerides, heart rate, among others. She reportedly also requires a medical assessment by a specialist in the matter. During the visit on June 7, 2022, her relatives also learned that the proposed beneficiary is allegedly experiencing a throat allergy and severe body pain. She is reportedly taking methocarbamol and acetaminophen for these issues.

26. Lastly, according to the information available, on November 21, 25 and 29, 2021; January 19, February 15 and February 21,³⁶ 2022, writs were submitted to the First District Criminal Court of Managua Trial in favor of the proposed beneficiary once again requesting medical-legal attention and assessment for hypertension, hypothyroidism, chronic renal failure, and the necessary monitoring and control. No reply had been received from the judicial authorities or the prison.

B. Information provided by the State

³⁵The medicines given by her family members are Eutyrox, allopurinol, irbesartan, magnesium, calcium + vitamin D, ferrous sulphate, and folic acid (in addition to omeprazole for the number of medicines she takes).

³⁶A request for precautionary measures was filed with the First District Criminal Court of Managua Trial to grant alternative measures to preventive detention in favor of the proposed beneficiary and to be evaluated by an examining medical expert.

27. In this matter, the IACHR requested information from the State on July 5, 2022. However, the State has not submitted any information to date.

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

28. 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 and, in the case of the Member States that have yet to ratify the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with the latter, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

29. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while the bodies of the inter-American system analyze a petition or case. Their objective 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 render moot or disprove the *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. In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission considers that:

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

30. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; The information provided should be assessed from a *prima facie*³⁷ standard of review to determine whether a serious and urgent situation exists. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged. Likewise, in this proceeding, it is not called upon to make statements on violations of rights enshrined in the American Convention or other applicable

³⁷See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of the children and adolescents deprived of their liberty in the "Complexo do Tatuapé" of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

instruments,³⁸ nor to determine whether the criminal sentences imposed on the proposed beneficiaries violate these international instruments. 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.³⁹

31. In this matter, the Commission observes that the alleged situation of risk of the proposed beneficiary is framed in Nicaragua's current context,⁴⁰ as well as in a context particularly hostile towards people considered, perceived, or identified as opponents of the government,⁴¹ which has also intensified over time.⁴² In that regard, the petition alleged that Ms. Rusia Evelyn Pinto Centeno is a human rights defender who reportedly actively participated in the protests against the current government, and was therefore allegedly identified as a political opponent. Considering the above, the Commission observes that, since November 6, 2021, the proposed beneficiary has been deprived of her liberty, and has therefore been in State custody.

32. Furthermore, 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, integrity, health and other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.⁴³ 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.⁴⁴ In light of the facts described by the applicant organizations, 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.⁴⁵

³⁸IACHR. 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.

³⁹In 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 seriousness, 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].

⁴⁰See 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.

⁴¹See 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.

⁴²See in this regard: 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; IACHR. 2020 Annual Report. Chapter IV.B Nicaragua, paras. 46 to 52.

⁴³See in this regard: I/A Court H.R. Case of Mendoza et al. v. Argentina. Preliminary Objections, Merits and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

⁴⁴IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

⁴⁵I/A Court H.R. 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.

33. Considering the particular context in Nicaragua and the situation of deprivation of liberty in which the proposed beneficiary is found, the Commission will proceed to analyze the regulatory requirements regarding Ms. Rusia Evelyn Pinto Centeno.

34. Regarding the requirement of *seriousness*, the Commission considers that it has been met. When assessing these requirements, the IACHR observes that the risk situation of the proposed beneficiary is reportedly related to her profile as a person identified or perceived as opposing the current government. In this regard, Ms. Pinto Centeno not only participated in civic activities of protest against the current government, but also expressed her critical opinion towards it in public (social networks) and private spaces. The Committee observes that, at the time of her arrest, the proposed beneficiary was a member of the Blue and White National Unity (*Unidad Nacional Azul y Blanca*, UNAB) and the UNAMOS political party. (see *above*, para. 15). The Commission also notes that the proposed beneficiary is being held in inadequate conditions as she is subjected to constant surveillance and stigmatizing treatment within the prison. In addition, she does not receive the medical care necessary to treat her health problems.

35. In this context, the Commission observes that the proposed beneficiary has been deprived of her liberty since November 2021, after having been accused, prosecuted, and sentenced for the crimes of conspiracy, proposition, and advocacy to the detriment of national integrity and for the crime of spreading false news through information and communication technology to the detriment of the State of Nicaragua and Nicaraguan society (see *supra* para.19). It was indicated that the proposed beneficiary is allegedly located in the La Esperanza Women's Comprehensive Penitentiary in Managua, in inadequate detention conditions. She does not have adequate or necessary medical care to treat her multiple conditions such as chronic kidney failure, hypertension, hypothyroidism, extreme weight loss, insomnia, muscle aches, throat allergies, respiratory conditions, worn knee, headaches, and tingling in her legs.

36. In addition, Ms. Pinto Centeno is a thyroid cancer survivor and reportedly had a thyroidectomy (see *supra* para. 22-25). In that context, Ms. Pinto Centeno reportedly does not have regular access to medical services, including urgent and routine medical examinations. She also lacks consultations with medical specialists to monitor her health status on an ongoing basis, especially her chronic conditions. This situation is ongoing, despite having submitted several requests to the respective authorities and having judicial mandates to be transferred to a health center. Her recently relatives reported that the proposed beneficiary suffered several health crises, including medical observations at the prison clinic (see *supra* para. 23 and 26). It was reported that while she was allegedly receiving medication for several of her conditions, they were not delivered to her regularly in a timely manner. In addition, in the absence of an adequate medical assessment the corresponding dosages were reportedly not reviewed (see *supra* para. 22, 23, and 25).

37. In addition to the above, the Commission observes that, since her arrest, the proposed beneficiary has been reportedly subject to permanent custody surveillance outside her cell. In addition, she is allegedly subject to discriminatory and stigmatizing acts and is treated differently from other prisoners. For example, she is not allowed to go out into the sun on the days and hours like the rest of the prisoners, nor is she allowed to have any contact with them. The IACHR also emphasizes that Ms. Pinto Centeno is allegedly not allowed to have any contact or visits with her defense attorney (see *supra* para.21).

38. Considering the foregoing, the Commission notes that the allegations presented by the applicant organizations confirm the seriousness of the proposed beneficiary's situation, particularly those related to her detention conditions, as well as her particularly serious state of health given her chronic conditions. With the passage of time, these conditions continue to worsen due to the lack of necessary, timely, and specialized medical care, despite having requested it from the state authorities and having ordered her

transfer to the respective health center. In addition, it is concerning that the proposed beneficiary is constantly being monitored and subjected to discriminatory and stigmatizing treatment by prison officers. Moreover, she is reportedly not allowed to contact with her attorneys and legal representatives. In view of the above context and the facts presented, the Commission observes that the risk situation of the proposed beneficiary is serious and could have irreparable repercussions on her health, physical integrity, and even on her life.

39. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission regrets the lack of response regarding the proposed beneficiary. This does not make it possible for the Commission to verify that the situation alleged by the applicant organizations has been mitigated or that measures have been taken to safeguard her rights. The Commission also observes that the proposed beneficiary is in State custody, which reportedly has information on her current situation, detention conditions, and particularly on her current health. Furthermore, although the Commission is not called upon to attribute the corresponding responsibilities, it is particularly concerned regarding the allegations that the judicial authorities have requested the prison authorities to transfer Ms. Pinto Centeno to a health center for her to be evaluated and the corresponding medical care be provided. However, to date, these mandates have not been complied with, which places the proposed beneficiary in a situation of vulnerability due to this refusal. In other cases, the Commission notes that the competent authorities reportedly did not respond to the proposed beneficiary's requests for medical attention. In any case, it is concerning given that the proposed beneficiary remains in the custody of the State, and the information available reveals that no measures have been taken in her favor to mitigate the alleged situation.

40. In addition to the above, the Commission also considers it relevant to emphasize the differentiated impact that the proposed beneficiary faces due to her gender. In this regard, it is important to note that women who work in human rights defense and, as in the present matter, are identified or perceived as political opponents, often receive discriminatory treatment, and are often questioned on the basis of gender stereotypes based on their traditional position and role in society. This places them in a situation of particular vulnerability. This situation only adds concern to the present matter, given that the differential treatment comes from state agents, who, for example, forced the proposed beneficiary to take off her underwear during the hearings. They also subjected her to continuous and extensive interrogations over time, and verbally assaulted her during these interrogations (see *supra* para. 18 and 20)

41. In the light of the foregoing, from the *prima facie* standard of review and in the context of Nicaragua, the Commission considers that it is sufficiently established that the rights to life, personal integrity, and health of Ms. Evelyn Pinto Centeno are at serious risk.

42. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiary continue to face the situation described, she is likely to be imminently exposed to a greater impact on her rights. Furthermore, the Committee observes that, given her status as prisoners, in addition to the lack of access to medical care and her overall health, these circumstances prevent her family and representatives from intervening in time and ensuring that her detention conditions and health are adequate, thus requiring immediate action. The Commission therefore takes into account the fact that, since she was detained approximately eight months ago, the proposed beneficiary allegedly continues to be in critical health and has not had a timely medical assessment. In addition, this takes place in the detention conditions described by the applicant organizations. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiaries.

43. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, and health, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

44. The Commission declares Evelyn Pinto Centeno, who is duly identified in this procedure, to be the beneficiary of the aid.

VI. DECISION

45. 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 Rusia Evelyn Pinto Centeno;
- b) adopt the necessary measures to ensure that the detention conditions of Rusia Evelyn Pinto Centeno are compatible with the applicable international standards in this area, including the following: i. allowing contact with her attorneys and legal representatives; ii. ensuring that she is not subjected to discriminatory and stigmatizing treatment within the penitentiary; iii. immediately carrying out an impartial and specialized medical assessment of her current health, including performing the necessary medical examinations to determine the status of her health; iv. granting the necessary treatments and medicines, prescribed by the competent health personnel; and v. consider the granting of alternative measures to deprivation of liberty, in light of the proposed beneficiary's conditions of detention and health;
- c) consult and agree upon the measures to be adopted with the proposed beneficiary and her representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

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

47. 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.

48. The Commission instructs its Executive Secretariat to notify the State of Nicaragua and the applicant organizations of this Resolution.

49. Approved on July 31, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitino; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary