
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 89/2023**

Precautionary Measure No. 1022-23 and 1025-23
Kevin Emilio Castillo Prado *et al.* regarding Nicaragua
December 30, 2023
Original: Spanish

I. INTRODUCTION

1. On November 18, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received requests for precautionary measures filed by the Legal Defense Unit (“the applicants”) urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity and health of Kevin Emilio Castillo Prado, Víctor Jobelni Ticay Ruiz, Sergio Catarino Castiblanco Hernández, Jacqueline de Jesús Rodríguez Herrera, J. E.C.W. (under PM-1022-23), and Olesia Auxiliadora Muñoz Pavón, Anielka Lucía García Zapata, and Melba Damaris Hernández (under PM-1025-23), who are reportedly deprived of their liberty and without access to medical attention to treat their health issues in Nicaragua.

2. Under the terms of Article 25 of its Rules of Procedure, the IACHR requested additional information from the applicant regarding PM-1022-23, on November 27, 2023. The applicant submitted information on December 3, 2023. In addition, additional information was requested from the applicant on November 29, 2023 regarding PM-1025-23. The applicant submitted information on December 6, 2023. The IACHR requested information from the State, in both files, on December 11, 2023. To date, the State has not submitted any information, and the granted time limits have since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, Nicaragua is requested to: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries; b) adopt the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of their health; iii. provide the necessary treatment and medication to treat their health issues; iv. guarantee regular contact and access to their family and lawyers, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting their rights in light of the current detention conditions; c) consult and agree upon, with the beneficiaries and their representatives, on the measures to be adopted; and d) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

II. CONTEXT WITHIN THE COUNTRY

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 Special Monitoring Mechanism for Nicaragua (MESENI) was created, which 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 Spanish acronym) for Nicaragua issued a report that analyzed the events that took place

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

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.

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, and urged the State to comply with its obligations in matters related to human rights.⁵ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report⁶, 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 branch over other public powers. The Commission also 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.⁷

6. 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.⁸ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.⁹ In October 2020, the IACHR again called on the State to immediately cease persecution of people identified as dissidents and to reestablish democratic guarantees in Nicaragua.¹⁰ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹¹

7. 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. They¹² also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹³ 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.¹⁴ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.¹⁵

8. 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

³ Interdisciplinary Group of Independent Experts (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. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

⁷ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, para. 19.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ IACHR. [2020 Annual Report. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹² IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹³ 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.

¹⁴ 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.

¹⁵ 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.

opponent of the current Government, perpetrated by police and vigilante groups.¹⁶ On November 20, 2021, the IACHR made a statement in which it looked unfavorably upon the State of Nicaragua's decision to denounce the Charter of the Organization of American States on November 19, 2021, during the ongoing context of crisis that the country has been experiencing in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.¹⁷ The IACHR once again included Nicaragua in Chapter IV.B of its 2021 Annual Report, when it referred to the severe deterioration of democratic institutions in Nicaragua in the context of the 2021 general elections.¹⁸

9. In 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.¹⁹ 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 gravely affected the judicial guarantees for political prisoners in Nicaragua.²⁰ On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to their critical role in denouncing human rights violations.²¹ In September 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are in deplorable conditions in Nicaragua.²² In addition, the rapporteurs of the UN and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.²³ On November 4, 2022, the IACHR warned about the absence of conditions to carry out free and fair elections in the country, taking into account the increasing repression and persecution against political opponents implemented through measures aimed at preventing their participation in these elections.²⁴

10. On February 9, 2023, the IACHR learned about the release of 222 people, who are deprived of their liberty in Nicaragua due to political reasons, and who were deported to the United States of America on the same day of their release in compliance with a judgment of Criminal Chamber One of the Managua Court of Appeals. This chamber ordered the immediate deportation of these individuals and the revocation of their Nicaraguan nationality. On the same day, the National Assembly approved reforms to Article 21 of the Nicaraguan Political Constitution establishing the acquisition, loss, and recovery of nationality. It also approved Law 1145 which regulates the loss of Nicaraguan nationality. The IACHR urged the State to release all persons arbitrarily detained in the context of the crisis in Nicaragua, without this implying the loss of nationality and deportation.²⁵ In February 2023, the IACHR and the OHCHR stressed that more than 3,000 national and international NGOs that have been canceled since 2018. Their assets have been confiscated and countless individuals have been left without access to their services or assistance. Therefore, they urged the State to put an end to the incessant repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.²⁶

¹⁶ 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.

¹⁷ 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.

¹⁸ IACHR. [2021 Annual Report, Chapter IV.B Nicaragua](#), May 2022, paras. 4 to 21.

¹⁹ ACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

²⁰ ACHR. [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.

²¹ IACHR. [Press Release 184/22](#). IACHR Condemns Repression and Arrests of Members of the Roman Catholic Church in Nicaragua. August 19, 2022.

²² IACHR. [Press Release 197/2022](#). IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua. September 5, 2022.

²³ IACHR. [Press Release R218/22](#). In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022.

²⁴ IACHR. [Press Release No. 248/22](#). IACHR Warns of the Lack of Appropriate Conditions for Holding Free, Fair Municipal Elections in Nicaragua. November 4, 2022.

²⁵ IACHR, [Press Release No. 021/23](#). IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality. February 13, 2023.

²⁶ IACHR, [Press Release No. 24/2023](#). The IACHR and OHCHR condemn the escalation of human rights violations in Nicaragua. February 17, 2023.

11. In June 2023, the Commission expressed its concern at the new arbitrary detentions of defenders, journalists, and members of the Catholic Church. The information mentioned that the judicial proceedings lacked judicial guarantees and informed of a generalized context of lack of official information on the whereabouts of the detained persons and their legal situation.²⁷ In August 2023, the IACHR and the OHCHR condemned the continuous violations of his human rights, such as the lack of access to medical care and essential medicines, the incommunicado detention since they are in the La Modelo prison system, and the limitation of visits by family members.²⁸ In August 2023, the IACHR and its Special Rapporteurs condemned arbitrary interference with academic freedom, declaring the cancellation of the legal status and arbitrary confiscation of the facilities of the Central American University (UCA), as well as the forced eviction of members of the Society of Jesus from their residence.²⁹

12. On September 15, 2023, the IACHR urged the State of Nicaragua to cease the violations of religious freedom, the persecution of the Catholic Church, and to release all persons who are arbitrarily deprived of their liberty.³⁰ On November 9, 2023, the IACHR published its report on the Closure of Civic Space in Nicaragua³¹. Furthermore, on October 10, 2023, the IACHR Commission indicated having received information on the intensification of repression against the indigenous communities of the Caribbean Coast of Nicaragua. These events are reportedly part of a repressive strategy deployed by the Executive to consolidate a regime of concentration of power and breakdown of the democratic system, by silencing voices critical of the government, particularly in view of the regional elections scheduled for 2024.³²

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

13. On November 18, 2023, the representation filed two requests for precautionary measures: one in favor of Kevin Emilio Castillo Prado, Víctor Jobelni Ticay Ruiz, Sergio Catarino Castiblanco Hernández, Jacqueline de Jesús Rodríguez Herrera, and J.E.C.W. (PM 1022-23); and another in favor of Olesia Auxiliadora Muñoz Pavón, Anielka Lucía García Zapata, and Melba Damaris Hernández (PM 1025-23). The representation stated that the proposed beneficiaries had been deprived of their liberty under the same pattern of persecution and criminalization against opponents and critics of the Government of Nicaragua.³³ All were reportedly arrested without a warrant, prosecuted without providing the minimum guarantees of due process (including communication with their lawyer and knowing the judicial file) and imprisoned in inhuman, cruel and degrading conditions that put their rights to life, personal integrity, health, and adequate food at risk.

a. Kevin Emilio Castillo Prado

14. Kevin Emilio Castillo Prado was allegedly arbitrarily deprived of his liberty on September 3, 2021, sentenced to two years in prison and reportedly deprived of his liberty in the Penitentiary System of León “Santos Bárcenas Centeno”.

15. About the arrest. The representation highlighted that Mr. Castillo Prado was allegedly deprived of his liberty for political reasons between July 6, 2019 and July 14, 2020. The proposed beneficiary was allegedly arbitrarily convicted of the crimes of robbery with intimidation and aggravated robbery in

²⁷ ACHR, [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023.

²⁸ ACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023.

²⁹ ACHR, [Press Release No. 201/23](#). Nicaragua: IACHR and its Special Rapporteurs Condemn Arbitrary Interferences to Academic Freedom, August 29, 2023.

³⁰ ACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023.

³¹ IACHR, [Press Release No. 262/23](#). The IACHR publishes a report on the Closure of Civic Space in Nicaragua. November 9, 2023

³² IACHR, [Press Release No. 243/23](#). IACHR and RELES: Nicaragua must cease repression against indigenous communities on the Caribbean Coast. October 10, 2023

³³ Mechanism for the recognition of political prisoners. [Monthly list of Nicaraguan prisoners and political prisoners. September – October 2023](#). Kevin Emilio Castillo Prado (Nº4), Víctor Jobelni Ticay Ruiz (Nº27), Sergio Catarino Castiblanco Hernández (Nº32), Jacqueline de Jesús Rodríguez Herrera (Nº47), JECW (Nº69), Olesia Auxiliadora Muñoz Pavón (Nº28) and Anielka Lucía García Zapata (Nº26).

retaliation against his active participation in the social protests that took place in Nicaragua in 2018. On July 14, 2020, he was reportedly released under the application of the 2019 amnesty law. However, after the release, the proposed beneficiary and his family unit were reportedly heavily besieged and harassed by the National Police in León. Therefore, they had to move to different safe houses for several months. On September 3, 2021, police and civilians reportedly arrived at Mr. Castillo Prado's home to execute a search warrant to search for a home-made weapon used in anti-government protests called "mortar". Neither the proposed beneficiary nor his family was allegedly able to see or read the alleged order. During this search, Mr. Castillo Prado was reportedly arrested and forcibly removed from his home. The police officers allegedly caused him minor injuries and shouted "coup plotter". While police officers searched his home, a relative of the proposed beneficiary reportedly saw that the police placed a package of drugs in his closet. He was then accused and prosecuted for the crime of possession or possession of narcotics, psychotropics, and other controlled substances. On September 3, Kevin Castillo was reportedly taken to the León police station. Subsequently, he was transferred to the Chinandega Penitentiary System until December 2022. During that month, he was transferred to the "Santos Bárcenas Centeno" Penitentiary System of León, where he is currently held.

16. *About the criminal process.* The representation denounced the process against the proposed beneficiary from the beginning. His detention and interrogation were allegedly based on evidence that had been planted by the same police on the day he was detained, with the alleged purpose of criminalizing him in retaliation for his political stance against the government. The criminal process against Mr. Castillo Prado was allegedly abnormally fast as it reportedly lasted about three weeks from the time of his arrest until the trial. At the end of September, the Criminal District Judge of the León Trial reportedly sentenced Mr. Castillo Prado for the crime of possession or possession of narcotics, psychotropics, and other controlled substances to two years in prison and an accessory penalty of days fines, equivalent to C\$4,950.00 Nicaraguan córdobas (equivalent to US \$134). The defense allegedly never had access to the full sentence, it only had access to the notification of the sentence where only the resolution is read. The sentence allegedly covered the period from his arrest on September 3, 2021 to September 3, 2023. Therefore, his deprivation of liberty allegedly exceeded the time of his sentence.

17. *About the detention conditions.* Mr. Kevin Castillo was allegedly subjected to inhuman, cruel, and degrading treatment during his confinement. It was also reported that the food he received was allegedly unhealthy and would sometimes be delivered to him decomposed. He was also reportedly denied access to the sun patio since December 2022, when he was allegedly transferred to the León Penitentiary System. The proposed beneficiary is allegedly being harassed by prison officials, is under constant surveillance, and other inmates are allegedly asked what the proposed beneficiary says and does during the day.

18. *About his health.* In his current place of confinement, Mr. Kevin Castillo's health reportedly deteriorated. The proposed beneficiary reportedly suffers from hypertension, asthma, and heart problems (tachycardia). The heart problems and asthma allegedly developed during his deprivation of liberty, as a result of the COVID-19 virus that was contracted in 2021 and that was not adequately treated. Between October and November 2023, the proposed beneficiary's respiratory problems reportedly worsened, which reportedly caused him to feel very tired and have a lot of phlegm. The officials of the Penitentiary System reportedly did not provide him with medical care or medication. They reportedly did not even accept the medicines taken by his relatives to relieve asthma attacks. In addition to the above, in October 2023 he allegedly had an outbreak of black welts on his skin, and he reportedly did not receive medical attention to determine their origin and/or treatment.

b. Victor Jobelni Ticay Ruiz

19. Víctor Jobelni Ticay Ruiz is a Nicaraguan journalist for Channel 10 in Nandaime who was reportedly deprived of his liberty on April 6, 2023, and sentenced to eight years in prison. He is reportedly deprived of his liberty in the Tipitapa Penitentiary System "Jorge Navarro" known as "La Modelo".

20. *About his arrest* On April 5, 2023, Mr. Ticay Ruiz allegedly provided journalistic coverage to a procession carried out by parishioners of the Catholic church, despite the prohibition of religious processions issued by the national police. The representation highlighted the illegality of this prohibition and pointed out that it was a reported act of persecution against the Catholic Church. In retaliation for the journalistic coverage,

on April 6 at around 9:30 a.m., people dressed in civilian clothes reportedly arrived to look for the proposed beneficiary at his home. He was then reportedly taken and mounted on a Toyota-Hilux van, which was not a police vehicle, to be taken to the Nandaime police station. The agents reportedly informed him that the detention is due to investigative purposes only. However, on the same day he was reportedly taken under arrest to Police District III in Managua without having been presented with a warrant for his arrest. Mr. Víctor Ticay was reportedly detained in the preventive cells of District III from April 6 to June 9, 2023, until he was allegedly transferred to the La Modelo Penitentiary System, where he is currently held. The representatives stressed that the proposed beneficiary had reportedly been in a situation of enforced disappearance for 68 days due to concealment of his whereabouts. From April 6 to June 13, he had been completely isolated from his relatives. The authorities reportedly did not report his whereabouts, even though the proposed beneficiary's relatives went to District III to leave food at that station for him. The relatives allegedly had unofficial information that judicial hearings were held against him on May 19, June 7 and 9.

21. About the criminal process. Mr. Ticay Ruiz was reportedly forced to accept the a public defender as his legal representation. The Ombudsperson's Office did not provide documentation on the judicial file, so neither the proposed beneficiary nor his relatives have information on the facts surrounding the process. The defense did not communicate with the proposed beneficiary and did not even object to the false criminal accusations. It was reported that on May 19, 2023, after 43 days of detention, Mr. Ticay Ruiz was taken to the judicial complex for the preliminary hearing. He was accused of allegedly committing the crime of conspiracy to undermine the national integrity in real competition with the crime of spreading false news through information and communication technology to the detriment of the State of Nicaragua and Nicaraguan society. The period between the arrest and the preliminary hearing was reportedly 43 days, even though Article 33 of the Political Constitution of Nicaragua establishes that detainees must be placed under the order of a judge 48 hours after being arrested³⁴. In the early hours of the morning of June 7 and 9, 2023, the proposed beneficiary was reportedly transferred to the judicial complex of Managua, where the trial hearings were held against him and behind closed doors. At the hearing he was reportedly convicted of the crimes for which he was accused. The proposed beneficiary is allegedly not aware of his sentence. However, the alleged resolution was given outside the three-day period to issue it after the trial, according to Article 323 of the Code of Criminal Procedure.³⁵ The representation stressed that the judgment of the proposed beneficiary was reportedly not appealed since Mr. Ticay Ruiz is represented by the Public Defender's Office.

22. About the detention conditions. During his detention in Managua Police District III, the proposed beneficiary was reportedly completely isolated and tortured with electric shocks to his feet. Mr. Ticay Ruiz reportedly spent the first week of confinement without eating due to the unsanitary conditions of the cell and was never taken out to the sunny courtyard, which affected his psyche. During the detention, the proposed beneficiary was allegedly interrogated repeatedly in the early hours of the morning, thus preventing a continuous and restorative rest. In addition, a district nurse allegedly told him that no one in his family loved him because no one was going to visit him. The family members were reportedly able to see the proposed beneficiary for the first time on June 13, 2023 at "La Modelo". Mr. Ticay Ruiz was reportedly allowed a family visit once a month. However, he was not allowed a conjugal visit. In "La Modelo", he was reportedly allowed to go out to the courtyard once a week between June and August, and currently two days a week. In the cell where he was held, he was reportedly exposed to extreme temperatures. Despite the number of mosquitoes, he was reportedly not allowed a mosquito net which affected his sleep quality. The food is reportedly still unsanitary because it allegedly has insects, such as cockroaches, in it. The custodians of the Penitentiary System reportedly do not let him sleep because they systematically beat the bars of his cell.

23. About his health. The proposed beneficiary allegedly presented severe diarrheal symptoms in August 2023. However, the prison authorities reportedly did not allow him access to medicines or carry out medical examinations. It was also reported that the proposed beneficiary reportedly has allergies that cause hives all over his body, for which he requires medication with desloratadine. The Penitentiary System is allegedly not providing the medicines or allowing the proposed beneficiary's relatives to take them. Mr.

³⁴ National Assembly of the Republic of Nicaragua. [Political Constitution of the Republic of Nicaragua, consolidated text as of October 27, 2021](#). La Gaceta, Official Gazette. September 28, 2022.

³⁵ National Assembly of the Republic of Nicaragua. [Code of Criminal Procedure, Law No. 406](#). Approved on November 13, 2001, published in La Gaceta, Diario Oficial Nos. 243 and 244 of December 21 and 24, 2001.

Víctor Ticay also reportedly has tension headache, but does not have access to medication to relieve the pain caused.

c. Sergio Catarino Castiblanco Hernández and Jaqueline de Jesús Rodríguez Herrera

24. Sergio Catarino Castiblanco Hernández teacher, journalist, broadcaster, and member of political groups and his wife Jacqueline de Jesús Rodríguez Herrera were reportedly deprived of their liberty on April 22 and 23, 2023, and sentenced to eight years in prison. Mr. Castiblanco is allegedly deprived of his liberty in the Tipitapa Penitentiary System “Jorge Navarro” known as “La Modelo” and Ms. Rodríguez is allegedly deprived of her liberty in the Integral Penitentiary Establishment for Women (EPIM) known as “La Esperanza”.

25. About the arrest On April 22, 2023, at approximately 10:30 am, two police patrols reportedly arrived at the home of the proposed beneficiary’s relatives in Jinotega to ask about him. Since Mr. Castiblanco Hernández was not present, the police officers reportedly instructed his relatives to contact him to report to the address where they could locate him. When the proposed beneficiary appeared, the police officers reportedly informed him that they had an arrest warrant and took him to the Jinotega police station. The representation stressed that at no time was the arrest warrant presented. After the arrest of the proposed beneficiary, the police allegedly asked the relatives of Mr. Castiblanco Hernández to take them to their home in the Linda Vista neighborhood. Upon arriving at the proposed beneficiary’s home, the agents allegedly raided the house without presenting a search warrant. The police officers allegedly took equipment from Mr. Castiblanco Hernández’s Radio, jewelry from his daughters who are minors, masonry work objects, several documents, the testimony of his deceased mother’s will, two tablets, two motorcycles, two computers, around \$2,000.00 US dollars, and a Hyundai Eon vehicle. The police reportedly did not leave a receipt for the occupation of the property or return it to the family. The agents reported that Mr. Castiblanco Hernández would allegedly ride on his motorcycle and place stickers critical of the government around the city, prior to the presidential elections of November 2021. His relatives allegedly understood, at this time, that his arrest was a reprisal for his position and political expression.

26. Ms. Jaqueline de Jesús Rodríguez Herrera, wife of the proposed beneficiary, reportedly appeared on April 22 at the Jinotega police station to ask about her husband. However, at first they did not provide any information. The police officers reportedly summoned Ms. Rodríguez Herrera and her relatives to the station to provide statements. On April 23, 2023, Ms. Rodríguez Herrera, her mother, and her father were reportedly summoned to the Jinotega police station at 7:00 a.m. During the appointment, the agents allegedly stated that Mr. Castiblanco Hernández was being held for investigation, but did not specifying any details or allow them to see him. Ms. Rodríguez Herrera reportedly entered at the aforementioned time. However, at 3:30 pm she was still at the station. Her parents reportedly requested information from the police officers, who reportedly informed them that Ms. Rodríguez Herrera had been detained for investigative purposes. Her relatives were allegedly not informed of the crimes for which she was accused, nor were they presented with an arrest warrant. On April 24, the proposed beneficiary’s relatives returned to the police station to obtain information about her and her husband, however, they reportedly informed them that they did not know anything. Over the next three days, the relatives reportedly returned to the station to obtain information. Months later, the proposed beneficiary’s relatives received information that on April 23, Mr. Castiblanco Hernández and his wife were transferred from the Jinotega police station to Police District III in Managua. From April 27, 2023, his relatives allegedly went to seek information in the preventive cells of Managua, because by context they knew that those arrested for political reasons were transferred to the capital. However, neither District III of the Managua Police nor the Directorate of National Judicial Assistance known as “El Chipote” allegedly provided them with information on the situation of the proposed beneficiaries.

27. On May 19, 2023, police officers from “Chipote” allegedly told their relatives to look for them in District III of the Managua Police. On May 22, the relatives allegedly went to District III and a doctor from that center requested medication for the proposed beneficiary, although they were not allowed to see the proposed beneficiaries. In the following days, their relatives allegedly continued to bring food to District III, in the hope that they were being held there. On June 9, 2023, the police officers reportedly did not accept the meal as they informed that Mr. Sergio Castiblanco was allegedly transferred to the Tipitapa Penitentiary System “Jorge Navarro” and Ms. Rodríguez was reportedly transferred to the Integral Penitentiary Establishment for Women (EPIM) known as “La Esperanza”. On June 12, 2023, his family members went to this center. The authorities

reportedly allowed the proposed beneficiary to see his relatives that day. Mr. Sergio Castiblanco reported that he had been transferred to the Jorge Navarro Penitentiary System without having been convicted. Regarding Ms. Rodríguez, her relatives allegedly went to “La Esperanza” on June 12 to let them see her and indicate: i) the reasons for her arrest; ii) if he was presented before a judge; and iii) to provide them with the number of the judicial file, if any. Her relatives were reportedly able to see her for the first time, since her arrest on June 26, 2023. During this visit, the proposed beneficiary stated that she had not been convicted and did not know anything about her judicial process. The representation stressed that the proposed beneficiaries were allegedly in a situation of enforced disappearance due to concealment of their whereabouts because the authorities did not allow their relatives to confirm their whereabouts. Mr. Castiblanco was in total solitary confinement for 51 days and Ms. Rodríguez for 64 days. From the first visit, the authorities allegedly allowed one family visit per month and they reportedly allowed the entry of parcels every 15 days. However, private communication was not allowed between the proposed beneficiaries, nor between them and their relatives.

28. *About the criminal process.* The relatives allegedly filed several writ of habeas corpus (*exhibición personal*) for illegal detention. The first was allegedly filed on May 23, 2023 before the Court of Appeals of Managua. On June 5, 2023, Criminal Chamber Number Two of the Court of Appeals of Managua reportedly denied this appeal, alleging that the Tenth Criminal District Court of Hearing of the District of Managua had held a preliminary hearing against them on May 19 and that the initial hearing would be held on June 12. The resolution of this Court would have omitted to indicate information corresponding to the number of judicial file, the causes and the crimes for which they are being prosecuted. The proposed beneficiaries deny having a preliminary hearing. On June 23, 2023, a relative of Mr. Sergio Castiblanco allegedly asked the magistrates of Criminal Chamber Two of the Court of Appeals of the District of Managua to urgently share with him the number of the judicial file and the crime (s) for which the proposed beneficiaries are being prosecuted. The judicial authorities did not provide an answer. On June 28, 2023, a second writ of habeas corpus (*exhibición personal*) was filed before the Court of Appeals of Managua, as to date they still do not know any cause for the detention or the crimes charged. They therefore consider that the detention continued to be illegal. Regarding the second appeal for writ of habeas corpus, there was reportedly no court decision. The next day, through unofficial sources, his relatives were able to know the number of the judicial file. In this sense, on June 30, 2023, the Fifth District Judge for Criminal Trials of Managua, Félix Ernesto Salmerón Moreno, was requested to appoint a trusted defender. This request was reportedly resolved favorably by order of July 11, 2023.

29. By order of July 11, 2023, it was learned that the proposed beneficiaries are being accused of the crimes of conspiracy to undermine the national integrity in real competition with the crime of spreading false news through information and communication technologies to the detriment of the State of Nicaragua and Nicaraguan society. However, access to the prosecution, the minutes of the alleged trial hearings, the exchange of evidence between the Prosecutor’s Office and the Public Defender’s office (who were initially in charge of the legal defense), or any of the other pieces of the judicial file were not obtained. The investigative acts against Ms. Jaqueline Rodríguez were allegedly provided by the Public Prosecutor’s Office days later. The proposed beneficiaries were allegedly allowed to communicate with their trusted lawyer. The trial against the proposed beneficiaries were reportedly held on August 21, 2023. Ms. Jaqueline Rodríguez was reportedly transferred to the courtroom of the judicial complex where the trial was held, however, Mr. Sergio Castiblanco allegedly participated in the trial by video call from the SPN “La Modelo”. The proposed beneficiaries were allegedly located in such a way that they did not have eye contact and communication with their trusted lawyer was not allowed. It was stated that in the trial the partiality, political bias in favor of the judiciary and inter-institutional coordination between the judiciary, prosecutor’s office and national police were noted. On October 11, 2023, the proposed beneficiary’s defense was reportedly notified of the operative part of the judgment of September 8, 2023 against her. The notification of the operative part of the judgment against the proposed beneficiary reportedly occurred on October 16, 2023. In the sentence, Ms. Jaqueline Rodríguez and Mr. Sergio Castiblanco were sentenced to eight years in prison and five years of absolute disqualification to perform the function, employment or public office. In addition, they were allegedly given an accessory penalty corresponding to five hundred days fines equivalent to C\$38,517.00 Nicaraguan córdobas, equivalent to \$1,052.27 US dollars, and the confiscation of their assets. The sentence against Ms. Rodríguez was reportedly appealed on October 25, 2023 and the appeal against Mr. Castiblanco’s sentence was filed on November 1. In addition, the proposed beneficiary’s lawyer allegedly filed an incident of nullity against the sentencing act on October 17, 2023.

30. About the detention conditions. The representation was allegedly aware that on April 22, 2023, Mr. Sergio Castiblanco was allegedly locked in a room with three police officers who allegedly gave him a severe beating on different parts of the body, including the groin area. This beating allegedly left him with permanent pain in the groin area and all over his body. While in District III of Managua, between April 23 and June 12, 2023, the proposed beneficiary was allegedly subjected to different acts against his dignity, which the representation considers could constitute psychological torture. The police officers allegedly incited ordinary inmates to rape and beat him; they also allegedly told him that his family did not love him because they were not going to visit him, the agents allegedly threw his food on the ground and he was allegedly beaten again on June 12, 2023. As a result of the beating, Mr. Sergio Castiblanco was reportedly left with swollen legs and bruises for a few days. Mr. Castiblanco Hernández stated that he had never received the medications that his relatives allegedly left in District III on May 22 at the request of a doctor at that station. In “La Modelo” they allegedly did not allow him to have reading material, not even a bible, and his relatives were not allowed to give him certain foods such as cereal, oats, vegetables, fruits, energy bars, soups, etc. despite being diabetic and needing special foods. The proposed beneficiary is reportedly being held in an unsanitary cell.

31. Moreover, it was stated that Ms. Jaqueline Rodríguez allegedly expressed feelings of depression and constant anxiety about the situation (being away from her daughters and her husband) and the confinement allegedly generated claustrophobia. The proposed beneficiary has reportedly lost a lot of weight since her arrest. In District III, the police officers allegedly threatened Ms. Rodríguez Herrera with taking away her material property, expelling her from the country, and not seeing her daughters again. During the 50 days in which the proposed beneficiary was allegedly detained in District III, she was never allowed to go out into the courtyard. In “La Esperanza” they allegedly allow him to go out to the patio, however, it is reportedly only for half an hour on Tuesdays and Thursdays. His cell is reportedly wide and has a window, but is reported to be extremely hot. The proposed beneficiary does not have access to reading material, not even a bible. The custodians allegedly incited the common areas to tell the proposed beneficiary that she is a traitor to the homeland, which causes her concern and anxiety.

32. About their health. It was reported that the proposed beneficiary has lost a lot of weight and his vision since his arrest. He was allegedly only seen by a general practitioner in October 2023, the rest of the time he was seen by medical practitioners. During the check-up, that was allegedly performed by the general practitioner, he was diagnosed with diabetes after his blood sugar rose to 260mg/dl on October 7, 2023. The same doctor also reportedly diagnosed him with neuralgia and fluid retention in his lower limbs in early November. Mr. Sergio Castiblanco allegedly did not receive adequate medication to treat his ailments: reflux, diabetes, hypertension, dental problems, and various pains in his groin and body as a result of the beatings he allegedly received during his detention. Nor does he have medical tests to know exactly the causes of the pains in his body. The general practitioner is reportedly checking on the proposed beneficiary once a month. However, there is no access to more specialized care, despite the fact that his conditions could cause a change in blood sugar and consequently a diabetic coma. The officials of the Penitentiary System allegedly refuse to receive the medicines taken by his relatives, claiming that they need a medical order for this. However, the same doctor of the Penitentiary System requested the medicines. In addition to the physical effects, Mr. Sergio Castiblanco is allegedly psychologically affected by the situation, knowing that his wife is reportedly detained and that his minor daughters are reportedly depressed and one of them is allegedly being bullied at school by being told that she is a criminal like her father, to the point of having to receive psychiatric assistance to treat her depression. Ms. Jaqueline Rodríguez is allegedly not being provided with adequate treatment to treat her ailments: anxiety acquired in prison, hemorrhoids, diabetes, herniated disc, and her pre-existing claustrophobic crises. The officials of the Penitentiary System allegedly allowed the entry of medicines taken by their relatives; however, the representation recalled that no medical check-ups were being carried out.

33. Due to the lack of adequate treatment, on August 14, 2023, it was reportedly requested that Ms. Jaqueline Rodríguez be transferred to the Institute of Legal Medicine (IML). The request regarding the proposed beneficiary was reportedly made on October 25, 2023. The requests were not answered.

d. J.E.C.W.

34. J.E.C.W., a mechanic and motorcycle taxi driver, was reportedly deprived of his liberty on July 26, 2023, sentenced to ten years in prison and allegedly deprived of his liberty in the Tipitapa Penitentiary System “Jorge Navarro” known as “La Modelo”.

35. About the arrest On July 24, 2023, at approximately 10:00 am, Mr. J.E.C.W. was allegedly intercepted by two people in civilian clothes and two agents who were identified as part of the intelligence of the Ticuantepe Police when he was driving his motorcycle taxi. The agents allegedly asked the proposed beneficiary to accompany them to the Ticuantepe police station, without giving him reasons for this. While at the station, the agents reportedly informed him that they would carry out an inspection of his motorcycle taxi as he was being investigated for theft, although they later allegedly changed the justification by telling him that it was a traffic accident investigation. After two hours, he was reportedly released. On July 26, he was reportedly intercepted again by four police officers dressed in civilian clothes and told that they had to take a picture of the motorcycle. Hours later, he was intercepted again two blocks from his home by a police patrol with three agents, a motorcycle with two police officers and the same four plainclothes agents who intercepted him hours earlier. His cell phone was allegedly taken away and he was taken to the Ticuantepe police station as a detainee. They reportedly did not give him reasons for the arrest or present him with an arrest warrant. At 6:30 pm, while the relatives of the proposed beneficiary were reportedly at the police station waiting for answers, they allegedly heard Mr. J.E.C.W. shouting “they are killing me”, so they are relatives who believe that they are beating him. The family was reportedly pushed out of the station and threatened by the police with arrest if they continued talking. At 6:45 pm, a plainclothes police officer reportedly told the proposed beneficiary’s father to accompany him to his home. The address was allegedly searched without a warrant and outside the hours established by law. At the police station, photos were taken with bags of marijuana that did not belong to the proposed beneficiary. The proposed beneficiary was allegedly accused of trafficking in narcotics, psychotropics, and other controlled substances. However, the representation stated that *de facto*, his criminalization is a retaliation for his activism against the Nicaraguan government.

36. On July 27, 2023, relatives of the proposed beneficiary reportedly went to Ticuantepe station to inquire about Mr. J.E.C.W. The police officers reportedly informed them that the proposed beneficiary was not at the station since he had already been transferred to Managua. His relatives reportedly went to the police stations of Managua, they reportedly informed them that Mr. J.E.C.W. was in the police station of District III, where they did not allow the visit, but they received the food and supplies. On July 28, he was reportedly transferred to the “La Modelo” Penitentiary System without charge and without being presented before a judge. On July 29, the proposed beneficiary’s family reportedly went to “La Modelo”, where they were informed that it was not a visitation day and that no one with the proposed beneficiary’s name was in prison. The authorities reportedly did not give information about Mr. J.E.C.W. until August 8, the day on which they allegedly allowed a family visit. The representation considers that the proposed beneficiary was allegedly in a situation of forced disappearance for 14 days, since his whereabouts were not known from his arrest until August 8, 2023.

37. About the criminal process. He was allegedly not allowed to be represented by a lawyer of his choice despite several attempts by his relatives to file a request for a change of defense. Neither the proposed beneficiary nor his relatives would be aware of the reasons for the deprivation of liberty or the existence of a judicial file. In view of the situation, the relatives of Mr. J.E.C.W. allegedly filed two writs of habeas corpus, on August 11 and 18, 2023. On August 21, Chamber One of the Court of Appeals of the District of Managua reportedly dismissed the appeal, alleging that the proposed beneficiary had been placed under the order of the Tenth Criminal District Court of Hearing, that an initial hearing had been held on August 3, 2023 and that he had been referred to an oral and public trial. In this resolution, it was not stated whether a preliminary hearing had been held or whether the number of the judicial file had been provided. Given the refusal of the writ of habeas corpus, a complaint was filed with the Constitutional Chamber of the Supreme Court of Justice on September 1, 2023 to rule on the writ of habeas corpus and order the release of the proposed beneficiary. The Constitutional Chamber did not issue a statement. On September 29 and October 9, 2023, writings were filed to reiterate the complaint filed on September 1. On October 9, the Constitutional Chamber of the Supreme Court reportedly notified a resolution of September 4 declaring the complaint filed on September 1 invalid. On October 10, 2023, an appeal for reconsideration was filed against the September 4 resolution notified 45 days later. The Constitutional Chamber did still not rule on the appeal for reinstatement. Despite the appeals filed, on September 20, 2023, Mr. J.E.C.W. was reportedly taken to the judicial complex of Managua for a trial to be held against him. On the same day, the Tenth Criminal District Court Judge of Managua reportedly sentenced the proposed beneficiary to ten years in

prison for the crime of trafficking in narcotics, psychotropic drugs and other controlled substances. The representation stressed that the Tenth Criminal District Judge did not have competence to issue a ruling in the process against the proposed beneficiary. Neither Mr. J.E.C.W. nor his family members had access to the court file nor had they been notified of the sentence. The representation stressed that the judgment of the proposed beneficiary was reportedly not appealed since J.E.C.W is represented by the Public Defender's Office.

38. About the detention conditions. On the day of his arrest, July 26, 2023, the proposed beneficiary was allegedly severely beaten by police officers at Ticuantepe station. He was also allegedly beaten in early October 2023 by custodians of "La Modelo" in retaliation for his defense of priests who were allegedly imprisoned for political reasons in the same prison. As a result of the beating, Mr. J.E.C.W. reportedly spent three days in a hospital. The relatives were not informed of their stay in a hospital nor were they allowed to take the proposed beneficiary medication. It was also reported that in his first days of detention in "La Modelo" he was reportedly kept with handcuffs on his wrists and was not allowed to go to the service to carry out his bodily functions. They were also allegedly torturing him psychologically by telling him that he is going to rot in jail and that he will never be able to get out. They did not allow him to enter a blanket to protect himself from the cold and mosquito bites. They allegedly only take him out in the courtyard for 20 minutes twice a week, on Tuesdays and Thursdays.

39. About his health. The proposed beneficiary allegedly has insomnia and depression, and is particularly concerned about the situation of his minor daughters. Mr. J.E.C.W's insomnia is allegedly pre-existent to his deprivation of liberty, however it has reportedly intensified because the custodians do not let him sleep. The proposed beneficiary does not allegedly receive psychological and/or psychiatric care or allow his relatives to bring him medicines to sleep and relax his anxiety because the custodians allegedly demand a medical order from the Psychiatric Hospital. In addition, it was reported that after his stay in the hospital, as a result of a beating, he was not given any type of medication or medical care. The proposed beneficiary also reportedly did not receive dental care, after having lost two teeth as a result of the beating.

e. Olesia Auxiliadora Muñoz Pavón

40. Olesia Auxiliadora Muñoz Pavón, chorister and pianist of the Catholic parish of Santa Ana de Niquinohomo in Masaya, was reportedly deprived of her liberty on April 6, 2023. She was sentenced to ten years in prison and reportedly deprived of her liberty in the Integral Penitentiary Establishment for Women (EPIM) known as "La Esperanza".

41. About the arrest. The representation stressed that this is Ms. Olesia Muñoz's second deprivation of liberty for political reasons. The proposed beneficiary was allegedly deprived of her liberty in August 2018, detained for 304 days and accused of terrorism, organized crime, kidnapping, extortion, robbery with intimidation and interference with public services, in retaliation for her leadership in the 2018 proposals. Ms. Muñoz Pavón was reportedly released on July 11, 2019 pursuant to the amnesty law. The proposed beneficiary was reportedly arrested a second time on April 6, 2023. Approximately 15 police officers reportedly showed up at her home in Niquinohomo to ask her to accompany them to an interview at the police station. The policemen allegedly assured her that they would not arrest her. Once at the station, she was reportedly arrested without a warrant and without being informed of the charges against her. The proposed beneficiary's relatives did not know her whereabouts until June 9, 2023, when they were allowed to visit the "La Esperanza" penitentiary, without being prosecuted or convicted. The representation described the situation as incommunicado for 64 days of forced disappearance due to concealment of whereabouts.

42. About the criminal process. The representation presented questions about the judicial process against the proposed beneficiary. On June 30, 2023, the change of defense was reportedly requested so that Ms. Olesia Muñoz was represented by a private lawyer because her relatives were not aware of what happened in the process. On June 9, the proposed beneficiary reportedly informed them that she did not have any hearings and that they only took her to the court to sign a paper that they allegedly did not allow her to read properly. On July 11, the lawyer designated by the proposed beneficiary's relatives was reportedly granted legal intervention. The lawyer was also unable to obtain information about the process in the Fifth Criminal District Court of the District of Managua. On August 17, 2023, an oral trial was reportedly held. Ms. Olesia Muñoz was reportedly transferred to the courtroom but was unable to communicate with her lawyer. The lawyer had filed

motions to be able to communicate with her client, but the judge dismissed them. At the trial, she was accused of the crime of conspiracy to undermine the national integrity in real competition with the crime of spreading false news through information and communication technology to the detriment of the State of Nicaragua and Nicaraguan society, to which she was allegedly convicted. The proposed beneficiary was reportedly sentenced to: i) five years in prison and disqualification from public office for the same period for the crime of conspiracy to undermine national integrity; ii) five years in prison and the payment of 800 days fines equivalent to C\$56,461.15 Nicaraguan córdobas (equivalent to US \$1,569) for the crime of spreading false news; and iii) the confiscation of a Hyundai H100 truck.

43. On August 30, 2023, the proposed beneficiary's lawyer allegedly presented an incident of nullity against the act of notification of the sentence for not complying with the requirements of Article 323 of the Code of Criminal Procedure, however, no response was obtained. On September 18, 2023, an appeal was filed against the conviction. The appeal was allegedly admitted by *the judge* on September 28. The appeal process is allegedly ongoing.

44. About the detention conditions. During her detention in Police District III, according to the representation, Ms. Muñoz allegedly received cruel, inhuman and degrading treatment that could constitute torture. She was totally incommunicado, she was reportedly not allowed to go out in the sun, she was reportedly detained in a small cell, without ventilation, with high temperatures and she was allegedly denied access to medical services despite having chronic diabetes problems. In "La Esperanza", the proposed beneficiary is reportedly confined in a cell without adequate ventilation and in precarious hygiene conditions. The food she is provided reportedly lacks necessary nutrients to cover her health conditions. Ms. Muñoz is reportedly allowed to go out to the patio alone, however, it is only once or twice a week for approximately thirty minutes.

45. About her health. The proposed beneficiary reportedly has hypertension, neuropathy that generates bone pain, gastritis, depressive states, skin infections and complications related to diabetes. The representation stressed that Ms. Muñoz did not receive adequate treatment to treat her health conditions, despite the fact that her technical defense allegedly requested a legal medical evaluation. Ms. Muñoz reportedly lost weight significantly, presented dark circles and pallor, and was in such poor health that she expressed fear of dying. Due to the detention conditions, the proposed beneficiary allegedly suffered hypertensive crises on three occasions in September 2023. The external doctors who were reportedly consulted by their relatives reportedly stated that the hypertensive crises could generate a diagnosis close to a pre-infarction. On September 26, 2023, the Institute of Legal Medicine (IML) requested a review in favor of the proposed beneficiary, but no response was obtained. After the hypertensive crises, the family members of the proposed beneficiary were reportedly allowed to enter medicines to treat her health issues: adiamyl to control sugar; losartan for blood pressure; tinactol for neuropathy; omeprazole for gastritis; and a dermatological cream called Vitiskin for spots that are appearing due to stress in the armpit area.

f. Anielka Lucía García Zapata

46. Anielka Lucía García Zapata, a marketer and entrepreneur of a small printing company, was reportedly deprived of her liberty on April 4, 2023, sentenced to eight years in prison and reportedly deprived of her liberty in the Integral Penitentiary Establishment for Women (EPIM) known as "La Esperanza".

47. About the arrest On April 4, 2023, approximately 20 police and riot police reportedly arrived at the home of the proposed beneficiary in Chichigalpa to arrest her without presenting an arrest warrant and in what the representation considered political reprisal. Days earlier, Ms. García allegedly shared on her social networks designs of a shirt alluding to the fifth anniversary of the April 2018 proposals in Nicaragua. At the time of her arrest, the police officers reportedly informed her that they were only going to interview her at the police station. In addition to the arrest, the police officers allegedly violently raided Ms. García's home, breaking locks and confiscating the machines of the proposed beneficiary's printing press. Ms. García's minor children, one who was six years old and the other who was 13 months old, were with her at the time of the arrest and search. Because the children would have no one to stay with, they were taken to the proposed beneficiary's mother in the police patrol. For weeks after the arrest, three officers reportedly remained at the home of the proposed beneficiary and did not allow anyone to enter, not even to withdraw medical documents from the 13-

month-old child, which were reportedly necessary for the child to be treated in a hospital to treat a kidney problem. The situation reportedly had a psychological impact on Ms. García's 7-year-old son, who reportedly cried every night. On April 4, Ms. García's relatives reportedly went to the Chichigalpa police station to obtain information. The police officers reportedly informed them that the proposed beneficiary had been transferred to Managua Police District Number III. On April 10, the family members of the proposed beneficiary allegedly went to District III of Managua, where they were informed that they should go to the National Judicial Assistance Directorate "Evaristo Vásquez Police Complex" known as "El Chipote". In "El Chipote" they were told that no one by the name of Anielka García was being held and that the proposed beneficiary was being held in District III. It was not until June 12, 2023, that the relatives were able to see the proposed beneficiary in "La Esperanza". The representation stressed that the 69 days in which there was no certain knowledge of the proposed beneficiary's whereabouts would constitute a situation of forced disappearance.

48. About the criminal process. On April 13, 2023, Ms. García's relatives allegedly filed an appeal for personal exposure for the illegality and arbitrariness of her detention. On the same day, the Court of Appeals of Managua reportedly declared the appeal inadmissible, alleging that Mrs. García had been presented to the Fifth Criminal District Court of Hearings of Managua, which reportedly held a Special Hearing on the Protection of Constitutional Guarantees on April 5, 2023. The family members of the proposed beneficiary are reportedly uncertain about the conduct of the hearing. On July 12, she was reportedly notified the lawyer chosen by the family that on July 7, the Thirteenth Criminal Court of Managua granted her procedural representation and, in addition, she was reportedly summoned to trial against the proposed beneficiary on August 9, 2023. Despite the appointment for the trial, the court file was allegedly not shared with the lawyer of the proposed beneficiary. On August 9, 2023, the trial against Mrs. García was reportedly held, in which communication with her lawyer was not allowed and only the evidence presented by the Public Prosecutor's Office was evacuated. On August 23, 2023, the Thirteenth Criminal Court of Trial of Managua reportedly issued a ruling condemning her to a main sentence of eight years in prison and the accessory penalties of absolute disqualification for five years for the performance of a function, employment or public office and five hundred days fines equivalent to C\$38,815.00 Nicaraguan córdobas (equivalent to \$1,079.00 US dollars). On the same day, Ms. García's lawyer filed an exception for termination of the criminal action due to the expiration of the maximum duration of the term when the accused is detained, however, the appeal was not answered. The act of notification was allegedly appealed by nullity incident on August 24. The appeal for nullity has not been answered.

49. About the detention conditions. Between April 4 and June 9, 2023, Ms. García was allegedly detained in Police District III of Managua where she was never allowed to go into the courtyard, they allegedly did not allow her visits and did not deliver the food brought by her relatives. The isolation to which she would have been subjected allegedly generated severe concern because she was allegedly not given any information about her children. In "La Esperanza", the proposed beneficiary was reportedly able to go out to the patio and have access to family visits. The quality of the water was allegedly poor, so her relatives had to bring her drinking water.

50. About her health. Ms. García reportedly has depression, anxiety, migraine headache, insomnia and constant stress, however, in the prison system she is not provided medication but her visiting relatives are permitted to bring her medication. Mrs. García allegedly affirmed that she and the other political prisoners are "living dead". The proposed beneficiary reportedly constantly cries for the separation of her family and reportedly lost a lot of weight. Ms. García was allegedly not psychologically evaluated despite requests for medical evaluation by the Institute of Legal Medicine made on June 8, July 5, and August 23, 2023. In November, the proposed beneficiary allegedly had a black bruise from her elbow to her upper arm. Her relatives fear that it is a blow or that they are symptoms of an untreated disease.

g. Melba Damaris Hernandez

51. Melba Damaris Hernández, a feminist, sociologist and internationalist, was reportedly deprived of her liberty on August 28, 2023 and prosecuted for crimes related to drug trafficking. She reportedly has not received a sentence yet. She is currently deprived of her liberty in the Integral Penitentiary Establishment for Women (EPIM) known as "La Esperanza".

52. About the arrest On August 28, 2023, at approximately 11:30 am, five police officers reportedly went to the home of the proposed beneficiary and allegedly raided it without a warrant. Ms. Hernández was also violently arrested without a warrant and transferred to Managua Police District III. The next day she was

reportedly transferred to “La Esperanza” without a formal accusation against her. The representation considers that Ms. Hernández was arrested for political reasons for her role as a feminist activist and for being part of feminist protests at the Central American University (UCA) in previous years. In addition, state agents allegedly indicated that she supported activists who were hiding from being criminalized for demonstrating against the government.

53. *About the criminal process.* The proposed beneficiary reportedly has no knowledge of what happened in her criminal proceedings. Although she was reportedly transferred to court three times, she was never allowed to communicate and represent a private lawyer and the purpose of the sessions she allegedly attended in court was not clearly indicated. It is reportedly understood that she is being charged with a crime related to drug trafficking, but the exact crime is not clear because the authorities refuse to share information about the judicial process, a copy of the judicial file, or even the number of the judicial file, which are necessary for a private lawyer to request legal representation. In the Online Attention and Information System of the Judiciary, known as the Nicarao System, no proceedings appear against Ms. Hernández. On September 12, 2023, a writ of habeas corpus was filed, which was declared inadmissible by the Criminal Chamber Specialized in Violence and Criminal Justice of Adolescents of the Court of Appeals on September 13. On September 28, a complaint against the inadmissibility decision was filed with the Constitutional Chamber of the Supreme Court of Justice. On October 31, a resolution of September 29 was reportedly notified in which the Constitutional Chamber declared the complaint filed on September 28 inadmissible. The representation considers that the resolution was not issued on the date, but rather days before the notification of the resolution. On October 25, procedural momentum was allegedly filed to obtain a response to the complaint filed on September 28. On October 25, the family members of the proposed beneficiary allegedly went to the Office of the Procurator for the Defense of Human Rights to file a complaint in order to obtain information about the process of the proposed beneficiary. However, the officials of the Office of the Procurator reportedly refused to receive the complaint and its requirements, alleging that they had to wait 90 days from the arrest. The 90-day period is allegedly not based on any provision of Nicaraguan law.

54. *About her health.* The representation affirms that the physical and mental health of the proposed beneficiary has deteriorated because she does not have access to medicines or vitamins for the treatment of her hypothyroidism and anxiety. She reportedly also lacks access to medical care, despite having pre-existing medical orders to her incarceration. The representation highlighted that the lack of treatment for hypothyroidism could cause serious health problems such as impaired breathing, altered heart rate, weight gain, slow digestion, changes in mood and even a heart attack. Ms. Hernandez reportedly spends most of the day crying. Regarding Ms. Hernández, it has allegedly not been possible to request a review from the Institute of Legal Medicine as she does not have private representation, given that her relatives do not have access to the judicial file number which is necessary to request the change of representation.

B. Information provided by the State

55. In these matters, the IACHR requested information from the State on December 11, 2023. However, the State has not submitted information to date.

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

56. The precautionary measures mechanism is part of the Commission’s function of supervising compliance with the human rights obligations established in Article 41(b) of the American Convention on Human Rights and Article 18(b) of the IACHR Statute. Furthermore, the precautionary measures mechanism is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent as well as necessary to prevent irreparable harm.

57. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional

measures have a dual nature, both protective and precautionary.³⁶ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³⁷ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.³⁸ 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.³⁹ 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.

58. 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*⁴⁰ 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 individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁴¹ This is better 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 done without making any determinations on the merits.⁴²

³⁶ See in this regard: I/A Court H.R. Matter of the Yare I and Yare II Capital Region Penitentiary Center. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures. Order of July 6, 2009, considerandum 16.

³⁷ See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

³⁸ See in this regard: I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. Matter of the Criminal Institute of Plácido de Sá Carvalho. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

³⁹ See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. Matter of “El Nacional” and “Así es la Noticia” newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

⁴⁰ See 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.

⁴¹ 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.

⁴² In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons”. See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

59. In addition, the Commission recalls that, in the context of the persons deprived of liberty in Nicaragua and 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, as well as 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

60. More specifically, 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 exceeding 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

61. Pursuant to Article 25.6 of the Rules of Procedure, the Commission notes that the alleged risk facing the proposed beneficiaries is framed in the current context of Nicaragua,⁴⁶ in a particularly hostile context for dissenting or critical voices of the current government, which has also intensified over time.⁴⁷ Similarly, the IACHR recalls the information gathered on detention conditions in Nicaragua, which referred to “the serious detention conditions of persons deprived of their liberty in different facilities of the National Penitentiary System” such as in “La Modelo” and “La Esperanza” where the proposed beneficiaries are reportedly detained.⁴⁸ Among other aspects, the complaints alleged “prolonged deprivation of liberty under even more deplorable and unhealthy conditions, persistent acts of mistreatment, isolation, incommunicado detention, constant interrogations, the lack of adequate and sufficient food, as well as the lack of access to timely, adequate, and specialized medical care”.⁴⁹

62. Taking into account the aforementioned particular context that Nicaragua is going through and the situation of deprivation of liberty which the proposed beneficiaries face, the Commission will proceed to analyze the procedural requirements regarding the persons identified in Nicaragua.

63. Regarding the requirement of *seriousness*, the Commission considers that it is met, since the proposed beneficiaries are reportedly deprived of their liberty in various facilities of the National Penitentiary System, in detention conditions incompatible with the standards of international law and without attention to their health conditions, despite having previous health problems. The Commission notes that two of the proposed beneficiaries⁵⁰ have reportedly been arrested previously due to their participation in the 2018 protests.

64. The Commission identifies that, after their arrest, the proposed beneficiaries allegedly faced situations

⁴³ See 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.

⁴⁴ IACHR. 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.

⁴⁵ I/A Court H.R. Matter of seventeen persons deprived of liberty regarding Nicaragua. Provisional Measures. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

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

⁴⁷ See 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.

⁴⁸ IACHR. [Press Release No. 197/2022](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022.

⁴⁹ Ibidem

⁵⁰ Mr. Kevin Emilio Castillo Prado, from July 6, 2019 to July 14, 2020 and Ms. Olesia Auxiliadora Muñoz Pavón, for 304 days since August 2018.

of total isolation from their families. It is also noted that there were allegations of lack of communication with the technical defense, as well as limitations on contact between the proposed beneficiaries and their attorneys. The IACHR takes note of the serious nature of these allegations and notes that, according to the requesting party, the aforementioned circumstances of the proposed beneficiary are defined by his critical role in denouncing human rights violations in the current context. In this sense, the questions raised by the representation regarding the criminal proceedings against the proposed beneficiaries are highlighted. In particular, it was alleged that proposed beneficiaries were arrested without the existence of a warrant and their homes were searched without the existence of a search warrant. During the development of the criminal proceedings, questions were also raised, such as the lack of opportune spaces to meet with their lawyers, the impossibility of knowing the judicial file, the lack of notification of the sentence in its entirety, and the transfer of a proposed beneficiary to a Penitentiary Establishment without the existence of a formal accusation against her.

65. Regarding their detention conditions, the IACHR observes that, according to the applicant, the proposed beneficiaries are being subjected to inadequate conditions of detention and are not receiving quality medical care despite having pre-existing health conditions and various requests for medical review by the Institute of Forensic Medicine (IML). Most of the proposed beneficiaries were initially transferred to Managua Police District II. In this detention center, the proposed beneficiaries reported acts of torture, such as the application of electric shocks to the feet, beatings by the guards, incommunicado detention, in small cells, without access to sunlight and without ventilation. Currently, the proposed beneficiaries are reportedly in different prison systems in Nicaragua.

66. Regarding the Leon Penitentiary System “Santos Bárcenas Centeno” where Mr. Kevin Emilio Castillo Prado was allegedly found, it was reported that the food was unhealthy, that he was sometimes given spoiled food, that he was denied access to the sun patio, and that he was under constant surveillance by prison officials. Regarding the Tipitapa Penitentiary System “Jorge Navarro” known as “La Modelo” where Mr. Víctor Jobelni Ticay Ruiz, Sergio Catarino Castiblanco Hernández and J.E.C.W. were reportedly found, it was reported that the food is unhealthy because it has insects in it, the cells are exposed to extreme temperatures and are unsanitary, and reading material is reportedly not allowed. In addition, the situation of J.E.C.W. who was allegedly beaten by custodians of “La Modelo” at the beginning of October 2023 stands out. Regarding the Integral Penitentiary Establishment for Women (EPIM) known as “La Esperanza” where Ms. Jaqueline de Jesús Rodríguez Herrera, Ms. Olesia Auxiliadora Muñoz Pavón, Ms. Anielka Lucía García Zapata and Ms. Melba Damaris Hernández are reportedly found, it was reported that there is no access to reading material, the cells are extremely hot, and the hygiene conditions are precarious.

67. Regarding health conditions, it was reported that there were medical conditions that were not being adequately treated because the State did not provide an adequate health service. This lack of medical care was reportedly maintained in a general way, despite the request of family members for medical care. The health problems are not only caused by untreated medical conditions, but also by the conditions of detention. In that sense, the seriousness of the situation of Mr. J.E.C.W. who was allegedly beaten by police officers to the point of having been admitted to a hospital for three days and the situation of Mr. Kevin Castillo who allegedly developed heart problems and asthma as a sequela to the COVID-19 virus that he allegedly acquired during his detention and who allegedly was not adequately treated. The proposed beneficiaries Kevin Castillo, Víctor Ticay and J.E.C.W. reportedly do not have access to medicines, not even those delivered by relatives because the officials would not allow the entry of medicines in the parcel. The lack of treatment would be especially concerning in the situation of Ms. Olesia Muñoz who allegedly had hypertensive crises that could generate a diagnosis close to a pre-infarction and Ms. Melba Hernández to whom the lack of treatment for hypothyroidism could cause health problems such as breathing problems, alteration of heart rate, weight gain, slow digestion, changes in mood and even a heart attack.

68. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, in this case, the lack of response from the State prevents the Commission from knowing the adopted measures that are purportedly being implemented to address the situation that places the proposed beneficiary at risk and to dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated. The foregoing is particularly relevant, given that the

proposed beneficiaries are in the custody of the State, and that the alleged facts are attributable to state actors.

69. Under these circumstances, the Commission considers that the facts alleged by the requesting party, which were not challenged by the State, and in light of Nicaragua's current context, are likely to seriously affect the proposed beneficiary's rights to life, personal integrity, and health. In this way, the Commission concludes, from the applicable *prima facie* standard, that it is sufficiently proven that the rights to life, personal integrity and health of the persons identified in this resolution are at serious risk. In addition, the Commission emphasizes its concern in the matters related to the journalists Víctor Jobelni Ticay Ruiz and Sergio Catarino Castiblanco Hernández, given that the situation described is allegedly intended to intimidate and thereby silence the proposed beneficiaries, affecting the exercise of their right to freedom of expression, which would in turn have a frightening effect in other persons who want to express themselves freely in the current context of the country.

70. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiaries continue to face the situation described, they are likely to be imminently exposed to a greater impact on their rights. Furthermore, the Commission warns that, given their condition of being deprived of liberty, coupled with their current health conditions and lack of access to adequate medical care, such circumstances prevent their families and representatives from being able to intervene in time and ensure that the conditions of their confinement are adequate, thus requiring the adoption of immediate measures. Furthermore, the Commission does not have concrete information by the State that allows it to assess the actions they would be reportedly taking to address the situation that places the proposed beneficiaries at risk.

71. 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 irreparable harm.

V. BENEFICIARIES

72. The Commission declares (1) Kevin Emilio Castillo Prado, (2) Víctor Jobelni Ticay Ruiz, (3) Sergio Catarino Castiblanco Hernández, (4) Jacqueline de Jesús Rodríguez Herrera, (5) J.E.C.W., (6) Olesia Auxiliadora Muñoz Pavón, (7) Anielka Lucía García Zapata and (8) Melba Damaris Hernández beneficiaries, who are duly identified in this proceeding.

VI. DECISION

73. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Nicaragua:

a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries;

b) adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of their health; iii. provide the necessary treatment and medication to treat their health issues; iv. guarantee regular contact and access to their family and lawyers, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting their rights in light of the current detention conditions;

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

d) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

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

75. 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.

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

77. Approved on December 30, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary