
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 39/2024**

Precautionary Measure No. 553-24
**Nine persons deprived of their liberty
regarding Nicaragua**
June 17, 2024
Original: Spanish

I. INTRODUCTION

1. On May 11, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by the Legal Defense Unit (“the requesting party” or “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 nine persons who were deprived of their liberty (“the proposed beneficiaries”). According to the request, they are deprived of liberty and do not have access to adequate medical care to address their health issues and are being held in inadequate detention conditions. They are also reportedly being subjected to violence by the prison officers.

2. Pursuant to the provisions of Article 25.5, the IACHR requested information from the State on May 20, 2024. To date, the State has not responded to the Commission’s requests, and the granted deadline has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information provided showed *prima facie* that the proposed beneficiaries were in a serious and urgent situation, given that their rights to life, personal integrity, and health were at serious risk of irreparable harm. Therefore, Nicaragua is required to: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State; b) take the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and acts of aggression within the prison; ii. take appropriate measures in response to the allegations of torture presented in the request; iii. guarantee access to adequate and specialized medical care, treatment, and medication, and immediately carry out a comprehensive medical assessment of the beneficiaries’ health; iv. grant immediate access to adequate food and water; and v. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring, particularly with regard to the allegations of torture presented by the applicants.

II. BACKGROUND INFORMATION

4. Following the onset of the crisis of the human rights situation in Nicaragua and the working visit conducted in May 2018, the Commission formed the Special Follow-up Mechanism for Nicaragua (MESENI), in order to follow up on the recommendations made to the State, as well as to maintain the respective

monitoring for purposes relevant to the mandates of the IACHR.¹ Similarly, the IACHR installed the Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua, which issued a report that analyzed the events that took place in April and May 2018.² For its part, the IACHR decided to include Nicaragua in its Annual Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.³ In parallel, the Commission, under its monitoring mandate, has issued reports on the human rights situation in Nicaragua. These reports include a series of recommendations to the State aimed at ensuring the respect and protection of individuals' rights in accordance with its international obligations.⁴

5. Furthermore, the Commission has consistently issued press releases expressing its concern about the growing crisis and severe human rights violations in the country. These releases highlight various issues, including persistent acts of persecution;⁵ intensified surveillance, harassment, and selective repression against individuals perceived as government opponents, human rights defenders, and the independent press;⁶ widespread impunity and the prolonged breakdown of the rule of law;⁷ the criminalization of Nicaraguan opposition leaders;⁸ the deportation of political prisoners and the revocation of their nationality;⁹ the escalation of repression against members of the Catholic Church;¹⁰ the lack of conditions for holding free and fair elections;¹¹ the arbitrary arrests of human rights defenders, journalists, and members of the Catholic

¹IACHR, Press Release No. 134/48, [IACHR Presents Report on Serious Human Rights Situation in Nicaragua](#), June 22, 2018; IACHR, Press Release No. 135/18, [IACHR Launches Special Monitoring Mechanism for Nicaragua \(MESENI\)](#), June 24, 2018; Press Release No. 274/18, [Press Release about Nicaragua](#), December 19, 2018; 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.

² IACHR, Press Release No. 145/18, [IACHR announces the installation of the Interdisciplinary Group of Independent Experts for Nicaragua](#), July 2, 2018; GIEI, [Report on the events of violence that occurred between April 18 and May 30, 2018](#), December 21, 2018.

³ IACHR, 2018 Annual Report, [Chapter IV.B Nicaragua](#); 2019 Annual Report, [Chapter IV.B Nicaragua](#), February 24, 2020; 2020 Annual Report, [Chapter IV.B Nicaragua](#), February 2, 2021; 2021 Annual Report, [Chapter IV.B Nicaragua](#), May 2022; 2023 Annual Report, [Chapter IV.B Nicaragua](#), April 1, 2023.

⁴ [IACHR Report: Closure of Civic Space in Nicaragua](#), OEA/Ser.L/VIII.Doc.212/23, September 23, 2023; [Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018](#), OEA/Ser.L/V/II. Doc.285, October 5, 2020; [Report on Forced Migration of Nicaraguans to Costa Rica](#), OEA/Ser.L/V/II. Doc.150, September 7, 2019; [Report on Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#), OEA/Ser.L/V/II.Doc.86, June 21, 2018.

⁵IACHR, 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; Press Release No. 26/19, [IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua](#), February 6, 2019; Press Release No. 90/19, [IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks](#), April 5, 2019.

⁶IACHR, 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. Press Release 152/21, [IACHR Condemns Growing Harassment in Nicaragua](#), June 18, 2021.

⁷IACHR, Press Release No. 93/21, [Three years after the beginning of the human rights crisis in Nicaragua, the IACHR condemns the persistence of impunity](#), April 19, 2021.

⁸ 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; Press Release No. 172/21, [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. Press Release 238/21, [IACHR and OHCHR Condemn Criminalization, Failure to Enforce Due Process, and Serious Conditions of Detention for Individuals Who are Perceived to Be Government Critics in Nicaragua](#), September 10, 2021; 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.

⁹ IACHR, Press Release No. 021/23, [IACHR Welcomes Release of Political Prisoners in Nicaragua and Rejects Arbitrary Deprivation of Nationality](#), February 13, 2023.

¹⁰IACHR, Press Release No. 184/22, [IACHR condemns acts of repression and the detention of members of the Catholic Church in Nicaragua](#), August 19, 2022.

¹¹IACHR, Press Release No. 248/22, [IACHR warns of lack of conditions to hold free and fair municipal elections in Nicaragua](#), November 4, 2022.

Church;¹² and the repressive strategy employed by the Executive to silence critical voices in preparation for the regional elections which are scheduled for 2024.¹³

6. Considering the foregoing, the Commission has urged the State of Nicaragua, among other aspects, to comply with its human rights obligations;¹⁴ to implement the recommendations issued by the IACHR;¹⁵ to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees;¹⁶ to release persons who remain arbitrarily detained in inadequate conditions of detention;¹⁷ to reestablish and give effect to the full enjoyment of civil and political rights;¹⁸ and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.¹⁹ On June 11, 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (RELE) expressed concern over the dire situation of individuals arbitrarily deprived of their liberty in Nicaragua. They urged that their lives and integrity be guaranteed, and called for their immediate release.²⁰

7. Lastly, the Commission reaffirmed its jurisdiction over Nicaragua and continues to fulfill its monitoring mandates through MESENI, as well as through the analysis and processing of cases, petitions, and precautionary measures.²¹

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

8. The proposed beneficiaries were reportedly arrested amid a campaign of persecution and criminalization targeting government opponents and critics. They were charged with alleged crimes related to conspiracy to commit undermining national integrity in real competition with the crime of propagation of false news through information and communication technology. The request alleged that due process was not respected, detailing the following points: i) their arrests were reportedly made without a prior arrest warrant; ii) they allegedly had no communication with their attorneys or public defenders, and in some cases, were even

¹²IACHR, Press Release No. 123/23, [IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua](#), June 16, 2023; 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; Press Release No. 218/23, [IACHR Urges the State of Nicaragua to Cease Persecution against the Catholic Church](#), September 15, 2023.

¹³IACHR, Press Release No. 243/23, [IACHR and RELE: Nicaragua must cease repression against indigenous communities of the Caribbean Coast](#), October 10, 2023.

¹⁴IACHR, Press Release No. 6/19, [IACHR Denounces the Weakening of the Rule of Law in the Face of Grave Human Rights Violations and Crimes against Humanity in Nicaragua](#), January 10, 2019; Press Release No. 26/19, [IACHR Denounces Escalation of Attacks on the Press and Persistence of Human Rights Violations in Nicaragua](#), February 6, 2019; Press Release No. 90/19, [IACHR Condemns Persistence of Acts of Repression in Nicaragua in the Context of the Negotiating Table](#), April 5, 2019.

¹⁵IACHR, Press Release No. 113/20, [Two years after its visit to Nicaragua, the IACHR warns and condemns the non-compliance with its recommendations and urgently calls on the State to implement them](#), May 16, 2020.

¹⁶IACHR, Press Release No. 249/20, [IACHR Calls for the Immediate Cessation of Acts of Persecution against Persons Identified as Opponents of the Government and the Reestablishment of Democratic Guarantees in Nicaragua](#), October 10, 2020.

¹⁷IACHR, Press Release No. 145/21, [IACHR and OHCHR Categorically Condemn the Criminal Prosecution of Presidential Pre-candidates and Urge the State of Nicaragua to Immediately Release Them](#), June 9, 2021; Press Release No. 171/21, [IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua](#), June 9, 2021; Press Release No. 197/2022, [IACHR and REDESCA: Urge immediate release of political prisoners in deplorable conditions in Nicaragua](#), September 5, 2022.

¹⁸IACHR, 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.

¹⁹IACHR, Press Release No.24/2023, [IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#), February 17, 2023.

²⁰IACHR, Press Release No.132/2024, [Nicaragua: IACHR Urges to Guarantee the Life and Integrity of Persons Arbitrarily Detained and to Immediately Release Them](#), June 11, 2024.

²¹IACHR, Press Release 312/2021, [IACHR reaffirms its competence over Nicaragua following decision to denounce the OAS Charter in a context of grave human rights violations](#), November 20, 2021.

unaware if appeals were being filed on their behalf; ²² iii) their attorneys and/or family members were denied access to court file documentation (including the indictment and conviction), thus hindering an adequate defense; iv) during the hearings, the proposed beneficiaries were not taken to the courtroom with the judicial authorities, but rather participated via video conference. The applicants referred to the non-existence of defense attorneys and obstacles for private attorneys to exercise the defense of persons deemed “political prisoners”.

9. Below is the information available on the situation of the proposed beneficiaries in their respective detention centers:

- “La Modelo” Prison

10. Generally speaking, detention conditions were deemed inadequate and unsanitary. The prison cells are reportedly plagued by mosquitoes, have extreme temperatures, and poor ventilation. The proposed beneficiaries were reportedly carrying out their biological needs in holes that emit foul odors, consequently contaminating the air in the entire area. The food supply is allegedly insufficient, with reports indicating that it often contains bicarbonate and sometimes worms or cockroaches. The water supply is reportedly scarce and contaminated with green worms (mosquito larvae). It has also been reported to have an unpleasant taste and odor. They are allegedly allowed one visit per month which lasts less than 45 minutes. They reportedly have access to the sun courtyard two or three times a week for 20 minutes, but sometimes are not allowed out in the whole week.

(1) Alberto José Centeno Ruiz: Arrested on April 3, 2023, by police officers reportedly who kicked him in the abdomen and placed their feet on his face. It was alleged that his detention was due to the fact that he is a Sandinista dissident and shared anti-government publications on social networks. He was reportedly taken to District III, where he was subject to constant interrogation between 3:00 and 4:00 a.m. during which he was repeatedly asked who his “coup leader” was. Furthermore, he is not allowed access to the sun courtyard nor is he provided with any medication for his skin condition. On June 9, 2023, he was transferred to “La Modelo”, where his relatives were able to visit him on June 12. He is reportedly currently held in Gallery 16 and, as of March 2024, the guards allegedly wake him up between 2:00 and 3:00 a.m. to count the detainees and thereby interrupt their natural sleep cycle. Regarding *his health*, he is reportedly asthmatic and has had a rash for months. The prison authorities allegedly do not allow him to have an inhaler for his asthma, which he needs to have easily accessible in case he experiences an asthmatic episode.

(2) Eduhbin Sebastián Bermúdez Sevilla: Arrested on April 5, 2023, reportedly due to his opposition. It is also believed that he is the owner of a Facebook page that criticizes the government. He was taken to Managua Police District III, where he was provided limited water and minimal food. They reportedly wake him up in the early morning and ask him where his relatives work. In addition, he was allegedly denied access to a sun courtyard and was not provided any type of medical care. He was allegedly transferred to La Modelo in June 2023. Prison officers reportedly knocked on his cell bars or shone lights in his eyes at dawn to interrupt his sleep. On December 1, 2023, he was reportedly punished for singing the national anthem and trying to start a hunger strike with other people deemed “political prisoners”. Up until December 21, 2023, he was being held in a maximum security punishment cell and was not provided the food that his relatives delivered. In February 2024, he was transferred to Gallery 31 with common prisoners. Regarding *his health*, it is noted that he does not receive any medical attention, nor have any medical examinations been performed to verify his current health. He reported having headaches, in addition to high cholesterol and triglycerides. His relatives allegedly bring him medicines, since the authorities refuse to provide it themselves.

(3) Julio José García Guevara: Arrested on April 18, 2023. He is considered a critic of the leaders of the Sandinista National Liberation Front (FSLN), and member of the Communist Party of Nicaragua (PCDN). He was allegedly arrested for distributing stickers and posters with messages against the government. During his detention in

²² In the matters of Julio José García, Marcos Sánchez, and Lester Solís, their relatives filed writ of habeas corpus (*exhibición personal*) alleging the illegal nature of their detention, but were dismissed by the Court of Appeals of Managua. In the matter of Mr. Isaías Ruiz and Mr. Maycol Herrera, their public defender filed appeals, declared inadmissible by the Court of Appeals of the Western District.

Managua Police District III, he was reportedly held in an unsanitary underground cell, plagued with rats. He was constantly interrogated to state which organization he belonged to and who funded him. He reportedly did not receive comprehensive medical care or checkups, nor was he provided any medication. On June 16, 2023, he was transferred to La Modelo. On December 1, 2023, he was transferred to Gallery 1 as punishment for participating in a hunger strike with other “political prisoners”, who were protesting to call attention to their cases and to demand adequate food supply. That day, a police officer reportedly beat him up and put a gun to his head. He was told to confess that he had organized the hunger strike. From that date forward, he was denied access to the sun courtyard. Regarding *his health*, he allegedly has diabetes, hypertension, high uric acid levels, stage III prostate problems, osteoarthritis, mobility problems due to knee wear, blood circulation issues, and has a reported history of depression. Recently, his glucose levels repeatedly dropped; he stated having repeated headaches; his hands shake; his skin looks very pale; and he reported having a pimple on his left nipple that causes back pain. These health issues continue unaddressed. A physician reportedly only examines him superficially to check his blood pressure and glucose levels. The prison authorities allegedly allow the delivery of medicines. In some cases, only partial medication is administered, thus leaving the treatment incomplete.

(4) Marcos Antonio Sánchez Hidalgo: Arrested on June 13, 2023. It was claimed that his arrest was due to the fact that he posted on his Facebook page comments in opposition to the government (e.g. “long live free Nicaragua”, “God will liberate Nicaragua”), and pictures of the national flag. During his imprisonment in Managua Police District III, he was allegedly held in complete isolation, did not have access to sun courtyard, and was not provided medical attention. On June 23, 2023, he was transferred to La Modelo. He added that the guards frequently knocked on his cell bars at night. Regarding *his health*, he allegedly has hypertension and experiences severe headaches caused by sleep interruptions. He reportedly does not receive any medical attention and did not undergo any medical examinations to determine his current health. His relatives deliver reported hypertension medication and vitamins every month, which are received by the prison officers.

(5) Lester Antonio Solís Paniagua: Arrested on August 2, 2023. He allegedly actively participated in the 2018 anti-government protests. In 2010, he was a member of the organization Members of the Youth Resistance for National Dignity (REJUDIN), and was reportedly monitored and besieged by the Citizen Power Council (CPC), which forced him to leave the country between 2012 and 2016. After his arrest, he was held in District III in Managua. He reported that he was subjected to torture and inhuman treatment in this center. They reportedly tied his hands and held up so that only the tips of his toes were on the floor while they beat him. This allegedly later caused him pain when sitting and walking. It is also suspected that he has fractured ribs as a result. The proposed beneficiary also alleged that the authorities hit him in the face with a notebook and asked him “where the rockets and missile launchers that he had posted on his social networks were.” They allegedly often woke him at midnight to interrogate him. The police officers also threatened him by saying: “you’ll see what will happen to your children, we already know the route your boy takes, so talk”; or threatened to shoot him in front of his children if he did not talk. He was denied access to the sun courtyard and was not provided any medical attention. They also alleged insufficient supplies of water and food. A few days later, he was transferred to La Modelo prison. There, he was held for three days in a maximum-security cell known as “El Infiernillo”. This cell is reportedly a tiny space with two small windows. It is described as unsanitary, extremely hot, and has almost no ventilation or sunlight. He was allegedly taken out of his cell in the early hours of the morning for interrogation. He was then moved to Gallery 16. On December 1, 2023, he was allegedly beaten once again after attempting to start a hunger strike. At night, the guards reportedly knocked on the cell bars and/or yelled at him to interrupt his sleep and intimidate him. Regarding *his health*, he alleged that he experienced toothaches, stomachaches, headaches, earaches, and general discomfort. He allegedly does not receive medical or dental care. He has also not received any medical examinations, despite the beatings he has endured. In February 2024, he was reportedly examined by a prison physician due to a stomach infection caused by poor diet and unsanitary water, but did not receive any treatment. He is allegedly only provided medicines brought by his relatives via parcels every 15 days.

(6) Edgardo Antonio Cárcamo Díaz: Arrested on August 8, 2023. He states that his arrest occurred after he printed an image of a priest imprisoned for political reasons. While held in District III, he was questioned early in the morning about who had ordered him to print photos of priests, whether he had ties to left-winged politics, whether he was sponsoring and conspiring against the government, and who else was involved. They kept him in handcuffs the whole time. On August 11, 2023, he was transferred to La Modelo in Gallery 16. During the first months, the guards reportedly knocked on his cell bars with their batons to interrupt his sleep. After a hunger strike demanding adequate food and medical care, on December 1, 2023, the food and supplies brought by his relatives were taken away from him. As for his *health*, he allegedly has diabetes, toothaches, and an ingrown

toenail. In March 2024, he had diarrhea due to poor water quality and his glucose levels were altered, but the authorities reportedly gave him a pill to regulate it. However, he has not been thoroughly examined by physicians or dentists, nor has he undergone medical examinations to acquire more information on his current health and determine his medication and appropriate treatment. His relatives allegedly deliver medication for him every month.

(7) Isaías Javier Ruiz: Arrested on October 17, 2023. He is affiliated with the Sandinista Renewal Movement party, whose members were persecuted by the ruling party for being considered “traitors”. He was taken to the Directorate of Judicial Assistance “Evaristo “Vásquez”. He was interrogated in the early hours of the morning about who was sponsoring him to destabilize the government. On October 19, 2023, he was transferred to Managua Police District III. There, he did not have access to the sun courtyard, nor did they provide him with medical care, and was given almost no food or water. He was subjected to interrogations in the early morning, thus preventing him from sleeping. On October 23, 2023, he was transferred to La Modelo and was held in Gallery 16. During the first days of his transfer, a custodian told him that “he was going to make him a man.” In January 2024, the guards allegedly constantly knocked on his cell bars to interrupt his sleep. In March 2024, a guard reportedly told him that if he kept trying to see sunlight through a window at the top of his cell, he would take him to the punishment cell “El Infiernillo”. In April 2024, a guard allegedly told him and other people deemed “political prisoners” that “they are going to put them somewhere else where they will not be allowed to see their families and that they would never leave.” Moreover, hooded and armed officers reportedly stood outside his gallery to intimidate him and his prison mates. Regarding *his health*, he reportedly has gastritis, tachycardia, chest pain, ear pain, dizziness, and chronic spine problems which cause severe back pain. In addition, he allegedly has blisters on his feet due to the heat and a lump on his shoulder. In December 2023, he reportedly fainted due to tachycardia and was superficially assessed by a physician, but no medical tests have been conducted to determine his health or provide appropriate medication. He has allegedly been experiencing flu-like symptoms since March 2024, with fluid leaking, which could indicate an infection. In addition, he reportedly forgets the names of people close to him and his hands often tremble. At present, he reportedly does not have access to adequate medical care. His relatives allegedly bring him monthly medications for his various health issues.

- Waswali National Penitentiary System in Matagalpa

(8) Misael de Jesús Escorcía Rugama: Arrested on May 8, 2021 and taken to the police station in Sébaco. On May 9, 2021, he was transferred to the Matagalpa police station. At both stations, he was subjected to constant questioning in the early hours of the morning regarding his participation in the 2018 protests and his activism against the government. He reportedly was not allowed to go out into the sun courtyard and was isolated from other inmates. A week later, he was transferred to the Waswali National Penitentiary System. In April 2022, he was allegedly beaten by guardians after being told that his sister had been arrested. Regarding *his health*, he allegedly experiences constant headaches and stomach problems. In May 2022, he became ill with a severe foot infection caused by the unsanitary conditions of the cell he was held in. In mid-2023, he had a kidney infection that allegedly caused blood loss. On both occasions, he only received superficial medical attention. To date, he has not had thorough medical examinations to accurately determine his health following his arrest. His relatives are also unaware of his current health, as they have not been able to visit him for the last five months due to personal and economic reasons. Regarding *the detention conditions*, it was indicated that his cell is unsanitary. Food supply is allegedly insufficient and often had whole insects, insect wings, or cockroach legs in his meal. Water supply is reportedly limited, and it has an alleged foul smell and taste. He is allegedly only allowed to access the sun courtyard twice a week for 30 minutes, and is allowed one family visit per month. This visit lasts less than one hour.

- León Penitentiary System

(9) Maycol Jhon Herrera Gutiérrez: Arrested on March 3, 2021 and taken to the Nagarote police station, where he was beaten and interrogated about his alleged involvement in the burning of state property in the protests. He reportedly participated in anti-government protests in Nagarote in April 2018 and is one of the 38 prisoners left in Nicaragua after the mass release in February 2023. He was transferred to the Chinandega Penitentiary System, where he was held for two years and two months until he was transferred to the León Penitentiary System in 2023, where he is currently held. In recent months, he was reportedly intimidated and besieged by a prison guard. Regarding *his health*, he allegedly has diabetes, gastrointestinal problems, headaches, and allergies. He reportedly does not receive any medication nor has he been formally examined. He reported only having access

to the medication brought to him by his family members. He further alleged being evaluated by a physician in a superficial manner. Regarding *his detention conditions*, he alleged that he receives family visits once a month. He has reported access to the sun courtyard for about an hour, one or two days a week. His food supply is described as insufficient and has excess bicarbonate. The water is reportedly unsanitary and has allegedly caused him diarrhea, which has gone untreated. His cell has conditions of extreme heat and is unsanitary.

11. Lastly, with respect to *the complaints* filed, the applicants added that only letters regarding Mr. Julio José García Guevara were submitted to the judge requesting that he be sent to the Institute of Legal Medicine, to a hospital, or that he be given alternative measures. According to the information, three letters were filed on July 23 and August 7 and 16, 2023 in which they demand an urgent and exhaustive medical evaluation given his serious health situation. In the letter dated August 7, 2023, his extraordinary conditional release was requested due to being an adult over 70 years of age with chronic health issues. To date, none of the requirements have been met. He has also not been provided with hospital medical care or screenings.

B. Response from the State

12. The IACHR requested information from the State on May 20, 2024. To date, they have not replied to the Commission.

IV. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY

13. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 41 (b) of the American Convention on Human Rights, also included in Article 18 (b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

14. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, one being protective and the other being precautionary.²³ As regards the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.²⁴ To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the described situation and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.²⁵ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are being considered by the IACHR. Their precautionary nature aims to safeguard the rights at risk until the request under consideration in 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 allow the State

²³ 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 March 30, 2006, considerandum 5; I/A Court H.R. [Matter of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16 [Available only in Spanish].

²⁴ I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Matter of Bámaca Velásquez](#). Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 [Available only in Spanish].

²⁵ 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 [Available only in Spanish]; [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 [Available only in Spanish].

concerned to comply with the final decision and, if necessary, implement the ordered reparations.²⁶ Regarding the process of decision making and, according to Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;
- b. “urgency of the situation” is determined by information indicating that the risk or threat is imminent and may materialize, thus requiring 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.

15. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The purpose of the assessment of the information provided should be to determine *prima facie if a serious and urgent situation exists*.²⁷ The Commission also recalls that, under its own terms of reference, it is not responsible for establishing criminal liability for the acts complained of. Similarly, it is not appropriate in this proceeding to adjudicate on violations of rights enshrined in the American Convention or other applicable instruments,²⁸ as these matters are better suited to the jurisdiction of the Petitions and Cases System. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.²⁹

16. The Commission notes that the alleged risk that the proposed beneficiaries face is not an isolated event and is framed within the current context that Nicaragua is experiencing, which is particularly hostile towards persons considered, perceived, or identified as opponents of the government and, in general, towards any person critical of the current Nicaraguan government.³⁰ This context has intensified over time.³¹

17. Taking into account the foregoing, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiaries’ situations in Nicaragua.

²⁶ I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19.

²⁷ I/A Court H.R., Matter of the Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Region regarding Nicaragua. Extension of Provisional Measures, Order of August 23, 2018, considerandum 13; Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA, Provisional Measures regarding Brazil. Order of July 4, 2006, considerandum 23.

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

²⁹ In this regard, the Inter-American 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 August 29, 1998, considerandum 6; Matter of Barrios Family Vs. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2.

³⁰ IACHR, Report: Closure of Civic Space in Nicaragua, OEA/Ser.L/VIII.Doc.212/23, September 23, 2023, paras. 6, 20 and 62; Annual Report 2022, Chapter IV.B Nicaragua, para. 35-65, 177; Press Release No. 123/23, IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua, June 16, 2023; 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; Press Release No. 218/23, IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church, September 15, 2023; Press Release No. 152/21, IACHR Condemns Growing Harassment in Nicaragua, June 18, 2021; Press Release No. 2/21, IACHR Condemns Growing Harassment in Nicaragua, January 6, 2021; Annual Report 2023, Chapter IV.B Nicaragua, December 31, 2023, paras. 5, 36, and 138.

³¹ 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. Paras. 46 to 52.; 2023 Annual Report, Chapter IV.B Nicaragua, December 31, 2023, para. 19.

18. Regarding the *seriousness* requirement, the Commission considers that it has been met. According to the applicants, the proposed beneficiaries are being held in three prisons in Nicaragua, and their detentions are allegedly linked to their participation in anti-government protests or their critical stance against the current government. Along these lines, the Commission observes that the proposed beneficiaries are in the following situations:

- i. They have been subjected to assaults and acts of violence attributed to the state agents who are responsible for their custody. In this regard, it was reported that they were subjected to violent interrogations or threats against them or their families. For example, in the matter of Julio José García Guevara, it was added that, on December 1, 2023, he was punished in a Gallery. He was then beaten and a gun was put to his head.
- ii. The proposed beneficiaries' individualized detention conditions in their detention centers are allegedly inadequate. In this regard, they state that they are subjected to reported constant sleep interruptions, lack regular access to the sun courtyard, and experience limited or unsanitary conditions regarding water and food supplies. They also report not receiving food or medicine that family members deliver to state agents, and being placed in alleged punishment cells (or threatened with transfer to punishment cells) or held in unsanitary cells. In addition to the foregoing, the Commission identifies that the applicants qualified certain events as possible torture.
- iii. The proposed beneficiaries reportedly do not receive adequate and specialized medical care for their health issues and do not have access to their medications. In this regard, they pointed out that no medical examinations have been performed to verify their current health; and they do not receive medical attention or, when they do, it is superficial or not specialized. The lack of official information regarding their health situation means that family members are not aware of their current condition.

19. Upon requesting an update from the State under the terms of Article 25 of its Rules of Procedure, they did not respond to the Commission's request. The Commission regrets the lack of communication from Nicaragua. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of a response from the State prevents the Commission from knowing the measures adopted that are being implemented to address the risk that the proposed beneficiaries face and to dispute the facts alleged by the applicant. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiaries at risk has been mitigated. This is especially relevant, given that the proposed beneficiaries are in the custody of the State and the facts reported are attributable to State agents, who have a special position of guarantor.

20. The Commission also observes that there are no internal possibilities to request protection in favor of the proposed beneficiaries. In this regard, it is noted that they are unable to communicate with their defense attorneys or designated public defenders. In this second scenario, the applicants indicated that they are not made aware of the actions taken in favor of the proposed beneficiaries. In addition to the above, the Commission notes that the relatives are unable to activate internal actions in favor of the proposed beneficiaries, given that they were denied access to the judicial files. In summary, the Commission considers that the proposed beneficiaries are in a situation of complete lack of protection concerning the circumstances they currently face as prisoners in the identified context.

21. Taking into account the foregoing, the Commission finds that, from the applicable *prima facie* standard, it is sufficiently verified that the rights to life, personal integrity, and health of the proposed beneficiaries are at serious risk.

22. With regard to the requirement of *urgency*, the Commission considers that it has been met. The situation described in the request is likely to continue if immediate measures are not taken in favor of the

proposed beneficiaries. As stated above, the State has not issued a response that would allow the Commission to assess the actions being taken to address or mitigate the situation identified.

23. Regarding the requirement of *irreparability*, the Commission finds that it is also met, to the extent that the potential impact on the rights to life, personal integrity, and health constitutes the maximum situation of irreparable harm.

V. BENEFICIARIES

24. The Commission declares the following nine persons to be beneficiaries: (1) Alberto José Centeno Ruiz, (2) Eduhbin Sebastián Bermúdez Sevilla, (3) Julio José García Guevara, (4) Marcos Antonio Sánchez Hidalgo, (5) Lester Antonio Solís Paniagua, (6) Edgardo Antonio Cárcamo Díaz, (7) Isaías Javier Ruiz, (8) Misael de Jesús Escorcía Rugama, and (9) Maycol Jhon Herrera Gutiérrez, who are duly identified in this proceeding.

VI. DECISION

25. The Inter-American Commission on Human Rights considers that the present matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure. Accordingly, Nicaragua is requested to:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State;
- b) take the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and acts of aggression within the prison; ii. take appropriate measures in response to the allegations of torture presented in the request; iii. guarantee access to adequate and specialized medical care, treatment, and medication, and immediately carry out a comprehensive medical assessment of the beneficiaries' health; iv. grant immediate access to adequate food and water; and v. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;
- c) consult and agree upon on the measures to be implemented with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring, particularly with regard to the allegations of torture presented by the applicants.

26. The Commission also requests that the State of Nicaragua report, within 15 days from the date of notification of this resolution, on the adoption of the precautionary measures requested and to update that information periodically.

27. 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 in the applicable instruments.

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

29. Approved on June 17, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary