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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 68/2024**

Precautionary Measure No. 919-24

**Eddie Moisés González Valdivia regarding Nicaragua**

September 30, 2024

Original: Spanish

**I. INTRODUCTION**

1. On August 25, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures from the Human Rights Collective Nicaragua *Nunca Más* (“the applicant” or “the requesting party”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Eddie Moisés González Valdivia (“the proposed beneficiary”). According to the request, he has been deprived of liberty since July 14, 2024 and has been held incommunicado, and without any information on his situation since being taken to the Jorge Navarro “La Modelo” Penitentiary Center in Nicaragua.

2. Pursuant to the provisions of Article 25 (5) of its Rules of Procedure, the IACHR requested information from both parties on August 28, 2024. On September 12, 2024, additional information was requested from the applicant. The applicant submitted information on September 9 and 17, 2024. To date, no response has been received from the State, and the granted period has expired.

3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Eddie Moisés González Valdivia; b) implement the necessary measures to ensure that the beneficiary’s detention conditions are compatible with applicable international standards on the matter, including: i. guarantee regular contact and access to his family members, attorneys, and representatives; ii. officially inform them of the beneficiary’s legal situation in the framework of the criminal process in which he is allegedly involved; iii. immediately carry out a comprehensive medical assessment of his health and guarantee access to adequate medical care; and iv. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting his rights in light of the current detention conditions; c) consult and agree upon the measures to be implemented with the beneficiary 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.

**II. BACKGROUND INFORMATION**

4. Following the beginning of the crisis of the human rights situation in Nicaragua and the working visit carried out 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 the purposes relevant to the mandates of the IACHR.<sup>1</sup> Similarly, the IACHR installed the

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<sup>1</sup> IACHR, Press Release No. 134/18, [IACHR Issues Report on Nicaragua’s Serious Human Rights Situation](#), June 22, 2018; 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.

Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua, which issued a report that analyzed the events that took place in April and May 2018.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

5. In addition to the above, the Commission has consistently released statements expressing concern over the escalating crisis and serious human rights violations in the country, addressing the situation from various perspectives. Among these concerns, the Commission has addressed the persistence of acts of persecution;<sup>5</sup> the intensification of surveillance, harassment, and selective repression against individuals seen as opponents of the government, as well as human rights defenders and independent journalists.<sup>6</sup> It has also highlighted widespread impunity and the prolonged breakdown of the rule of law,<sup>7</sup> the criminalization of opposition leaders,<sup>8</sup> the deportation of political prisoners and loss of nationality,<sup>9</sup> the repressive escalation against members of the Catholic Church,<sup>10</sup> the absence of conditions for free and fair elections,<sup>11</sup> the arbitrary detention of human rights defenders, journalists, and members of the Catholic Church,<sup>12</sup> and the government's repressive strategy to silence critical voices ahead of the 2024 regional elections.<sup>13</sup>

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<sup>2</sup> IACHR, Press Release No. 145/18, [IACHR Announces Establishment of 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.

<sup>3</sup> 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](#), December 31, 2023.

<sup>4</sup> 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.

<sup>5</sup> 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; 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.

<sup>6</sup> 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. Press Release 152/21, [IACHR Condemns the Serious Escalation of Repression in Nicaragua](#), June 18, 2021.

<sup>7</sup> IACHR, Press Release No. 93/21, [Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity](#), April 19, 2021.

<sup>8</sup> 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.

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

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

<sup>11</sup> 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.

<sup>12</sup> IACHR, 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.

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

6. Considering the foregoing, the Commission has urged the State of Nicaragua, among other aspects, to comply with its human rights obligations;<sup>14</sup> to implement the recommendations issued by the IACHR;<sup>15</sup> to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees;<sup>16</sup> to release persons who remain arbitrarily detained in inadequate conditions of detention;<sup>17</sup> to reestablish and give effect to the full enjoyment of civil and political rights;<sup>18</sup> and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.<sup>19</sup> More recently, on June 11, 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (SRFOE, or RELE for its acronym in Spanish) 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.<sup>20</sup>

7. The Commission noted that on September 5, 2024, 135 individuals considered opponents of the regime who were arbitrarily detained in Nicaragua under deplorable conditions and allegations of torture and ill-treatment were released and transferred to Guatemala. However, it condemned the arbitrary deprivation of their Nicaraguan nationality and the confiscation of their assets. On this matter, the IACHR urged Nicaragua to guarantee the right to nationality, to cease repression in the country and to release all persons who continue to be arbitrarily detained.<sup>21</sup>

8. 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.<sup>22</sup>

### **III. SUMMARY OF FACTS AND ARGUMENTS**

#### **A. Information provided by the applicant**

9. According to the applicant, the proposed beneficiary Eddie Moisés González Valdivia, 65 years old, is a retired major of the Nicaraguan Army, university professor, and business consultant in the city of Estelí. On July 9, 2024, police officers reportedly arrested his sister, journalist Nohelia González Valdivia, who, according to reports, was under forced disappearance for two days before being exiled to the United States. The proposed beneficiary reportedly denounced her arrest on his social networks and the media, which

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<sup>14</sup> IACHR, 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

<sup>15</sup> 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.

<sup>16</sup> IACHR, 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.

<sup>17</sup> IACHR, 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.

<sup>18</sup> 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.

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

<sup>20</sup> IACHR, 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.

<sup>21</sup> IACHR, Press Release No. 217/24, [Nicaragua: IACHR repudiates the arbitrary deprivation of nationality of the 135 people released](#), September 13, 2024.

<sup>22</sup> IACHR, Press Release No.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.

allegedly resulted in his arrest as an act of reprisal. The applicant described “a particular malice” against Mr. González Valdivia, given his status as a dissident of the ruling party. In this regard, they pointed out that he had been against the Somoza dictatorship and then became a critic of the current regime.

10. Regarding *his arrest*, the request communicated that, on July 14, 2024, the police command arrived at the proposed beneficiary’s residence without an arrest warrant and without stating the grounds for his arrest. The proposed beneficiary posted the following on his social networks: “The police just came and violently attempted to enter my house...”. Subsequently, through news reports and videos shared on digital platforms, it became known that during the arrest, there were gunshots fired by both the police officers and the proposed beneficiary. While attempting to flee to another house, the proposed beneficiary was shot, beaten, and then arrested. A video reportedly shows police officers carrying the proposed beneficiary by his hands and feet, injured and unconscious. He was reportedly transferred to the emergency room of the San Juan de Dios Hospital in Estelí. According to the information provided, that was the last time Mr. González Valdivia was seen.

11. After his arrest, his family members inquired at the hospital about his health. Hospital staff indicated that he was in isolation in the febrile area and that they were unable to visit the proposed beneficiary. Since July 14, he has remained in detention and his family has been unable to see him and have not been told with certainty where he is being held, his current health, or whether he requires any special medical attention. The penitentiary agents, judicial officials, and hospital staff do not provide any information about the proposed beneficiary. Given the circumstances, they consider him to be “missing.”

12. Furthermore, the request clarified that Mr. González Valdivia was not part of the 135 people released. According to a public interview with a former prisoner, it was stated that two or three months prior, the proposed beneficiary was placed in “Infiernito” [Little Hell] Module 3-1. It was reported that he faces *detention conditions* involving temperatures exceeding 45-50 degrees Celsius, has no clothing, lacks a place to lie down due to the absence of a mattress or blanket to separate him from the concrete, and does not have access to a mosquito net. It was alleged that he is not permitted any benefits due to his recent arrival, resulting in the window being closed and the door window locked.

13. Regarding his *health*, it was indicated that the proposed beneficiary was shot while being arrested and that he has previous health issues. According to a letter dated July 22, 2024, issued by the District Criminal Court Judge of Estelí, the proposed beneficiary was scheduled to be evaluated by a forensic psychologist on July 26. However, it remains unclear whether this evaluation took place, as there is no record of it in the electronic file.

14. Regarding his *judicial process*, it was reported that the preliminary hearing for the proposed beneficiary was held via videoconference before the District Criminal Court Judge of Estelí on July 22, 2024. In this sense, he was not transferred to the Judicial Complex of this Department and no one was able to visit him. The request states the following information from the hearing record is stated below:

- The proposed beneficiary is facing charges for “attempted homicide in conjunction with the manufacture, possession, and use of restricted weapons, explosives, improper use of emblems, uniforms, or equipment of the Nicaraguan Army, as well as aggravated harm and obstruction of functions.”
- Although the judicial proceedings are scheduled to occur in Estelí, he is allegedly detained in the Maximum Security Center in Tipitapa (La Modelo), but there is no confirmation of this since no family member has been able to visit him.
- He is reportedly held in a maximum security cell (allegedly known for being a site where multiple forms of torture are carried out).
- Authorization was granted for the public defender to meet with the proposed beneficiary at the National Police facilities; however, it remains unclear whether he was able to have unrestricted contact with him.

- The public defender did not address the admissibility or inadmissibility of the charges, nor did they comment on the preventive detention measure. However, they did note that “given the circumstances, there are currently no guarantees to ensure the accused’s presence in the proceedings.”
- It is requested that an official letter be sent to the Institute of Legal Medicine of Managua and that the forensic psychological specialty be asked to determine his current state of psychological health.
- The Initial Hearing against the proposed beneficiary is scheduled for August 5.
- Serious concerns were emphasized, including the lack of access to the proposed beneficiary, the uncertainty regarding his location, the inability to select a trusted attorney, and the unknown status of his physical and mental health

15. On July 26, 2024, the proposed beneficiary’s family requested a change of defense counsel to a trusted attorney. This request was subsequently approved by the judge. However, his attorney was not allowed to enter the courtroom, nor was he allowed access to a copy of the physical file or communication with the proposed beneficiary. The applicant alleged that there was manipulation of the online judicial file, claiming that search data was deleted and that the records of the initial hearing and other proceedings were no longer being updated. His relatives are reportedly not made aware of the judicial process and did not have access to the file. On August 2, 2024, an appeal was filed for a writ of habeas corpus (*exhibición personal*) for illegal detention in favor of the proposed beneficiary, but there is allegedly no information on its processing.

16. The initial hearing was held on August 5, 2024, but the minutes of the hearing are allegedly not in the file. It was allegedly carried out through videoconference, but it is not known whether the public defenders filed appeals or appeals in his case. On that day, his trusted attorney submitted a document to the District Criminal Court Judge, reporting irregularities and requesting that the protest of the private defense be noted due to their exclusion from the initial hearing and lack of access to the case file. On August 23, 2024, the file was forwarded to the Estelí Criminal Trial District Court. The process is reportedly still at the trial stage.

17. The proposed beneficiary’s family has reportedly submitted letters to the director of the Jorge Navarro Penitentiary Center “La Modelo”, requesting permission to see Mr. González Valdivia. The letters were sent on August 20 and September 3, 2024; however, they were neither received nor was it confirmed or denied whether he is being held in that prison. Since his arrest, his relatives and lawyers have not been able to see the proposed beneficiary, nor have they been able to obtain information on his current situation. They have also not been able to confirm his place of detention, or have any news of him.

## **B. Response from the State**

18. The IACHR requested information from the State on August 28, 2024. To date, they have not submitted a response.

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

19. 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.

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

have a dual nature, both protective and precautionary.<sup>23</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>24</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>25</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study 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.<sup>26</sup> In the process of reaching a decision and, 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.

21. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>27</sup> 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. This is better suited to be addressed by the Petition and Case system.<sup>28</sup> 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.<sup>29</sup>

<sup>23</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

<sup>24</sup> 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; [Case 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](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

<sup>25</sup> I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order 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).

<sup>26</sup> 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 (Available only in Spanish).

<sup>27</sup> 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 August 23, 2018, considerandum 13 (Available only in Spanish); *Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA*, Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

<sup>28</sup> IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, *Matter of Nestora Salgado regarding Mexico*, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, *Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua*, April 30, 2021, para. 33.

<sup>29</sup> In this regard, the Court has stated 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

22. The Commission observes that the alleged situation of risk that the proposed beneficiary faces is not an isolated event and takes place 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.<sup>30</sup> This context has intensified over time.<sup>31</sup>

23. Taking into account the foregoing, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiary's situation in Nicaragua.

24. Regarding the requirement of *seriousness*, the Commission finds it to be met, given that the proposed beneficiary has been deprived of his liberty in the Jorge Navarro 'La Modelo' Penitentiary, and since his arrest on July 14, 2024, there has been no information available about his current detention status. As a preliminary matter, the Commission notes that the proposed beneficiary is a retired military officer, who identifies himself as a dissident of the governing party and a critic of the current regime. He also reportedly spoke out on social networks about the arrest of his sister, journalist Nohelia González Valdivia.<sup>32</sup>

25. For its part, the Commission identifies that the proposed beneficiary was in his residence when a police commando proceeded to arrest him, allegedly without an arrest warrant. During his arrest, the proposed beneficiary was shot by police officers and then transferred to the San Juan de Dios Hospital in Estelí. According to the information provided, after his hospitalization, the proposed beneficiary was transferred to "La Modelo" Penal Center, where he is reportedly held without being able to contact his relatives or defense attorneys. In this regard, the IACHR highlights that the information provided by the applicant shows that there has not been access to specific information regarding his current status since his arrest. Despite repeated requests to the prison authorities for information regarding his situation and requests to establish contact with him, there has been no response from them.

26. The Commission also notes that, according to the information available, the proposed beneficiary was placed in a maximum security cell, called the "Infiernito", Module 3-1. In that cell, he is allegedly exposed to high temperatures exceeding 45-50 degrees Celsius; has no clothing; no mattress or blanket to separate himself from the concrete; and does not even have a mosquito net. In addition, the proposed beneficiary reportedly has previous health issues. However, his family members are unaware of his current health or whether he requires medical attention and medication. After his arrest, he had no further contact with his family to confirm his current health, and they were not provided any information from health officials or the prison authorities. The IACHR also observes that, according to the judicial authority, the proposed beneficiary was to be evaluated by a forensic psychologist on July 26, 2024. Despite the foregoing, the Commission does not have information on whether this appointment was made.

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persons." I/A Court H.R., Matter of James et al. regarding Trinidad and Tobago, Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); Case of the Barrios Family v. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

<sup>30</sup> 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](#), paras. 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.

<sup>31</sup> 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.

<sup>32</sup> For reference, see: [Journalist Nohelia González was arrested and expelled to the United States, her brother confirms \(despacho505.com\)](#)

27. Furthermore, the Commission understands that, following the proposed beneficiary's arrest and due to his lack of communication, his family members do not have official information regarding his legal situation. In general, both his family and his trusted attorneys are unable to access the corresponding criminal file to file the relevant appeals. In this regard, questions were raised concerning the existing criminal process through a writ of habeas corpus and a complaint submitted to the relevant authorities.

28. Upon requesting an update from the State under the terms of Article 25 of its Rules of Procedure, the Commission did not receive a response. 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 beneficiary faces 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 beneficiary at risk has been mitigated. This is highly relevant, as the proposed beneficiary is in the custody of the State, and the reported incidents are attributable to state agents, who hold a special duty of care.

29. In light of the factual framework presented within the context in Nicaragua, the Commission also considers that there are no domestic avenues available to seek protection for the proposed beneficiary or to facilitate communication with his trusted defense attorneys. In addition to the above, the Commission notes that the relatives are unable to activate internal actions in favor of the proposed beneficiary, given that they are denied access to the judicial files and to the information corresponding to his case. In summary, the Commission believes that the proposed beneficiary is in a state of complete vulnerability regarding the challenges he currently faces as a detainee within the identified context.

30. Under these circumstances, the Commission highlights that the facts alleged by the applicant, 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. Thus, the Commission concludes, based on the applicable *prima facie* standard, that it has been sufficiently shown that Mr. González Valdivia's rights to life, personal integrity, and health are at serious risk.

31. With regard to the requirement of *urgency*, the Commission understands that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. Thus, the Commission warns that, due to his status as a detained individual, the lack of communication with his family and defense attorneys, his detention conditions, and the absence of official information regarding his detention, there is an imminent risk of harm in the current context of the country. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address and mitigate the alleged risk faced by the proposed beneficiary. Therefore, it is necessary to immediately adopt measures to safeguard his rights to life, personal integrity, and health.

32. Lastly, regarding the requirement of *irreparable harm*, 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 irreparability.

## **V. BENEFICIARY**

33. The Commission declares Eddie Moisés González Valdivia, who is duly identified in this proceeding, as the beneficiary.

## **VI. DECISION**



34. 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 Eddie Moisés González Valdivia;
- b) implement the necessary measures to ensure that the beneficiary's detention conditions are compatible with applicable international standards on the matter, including: i. guarantee regular contact and access to his family members, attorneys, and representatives; ii. officially inform them of the beneficiary's legal situation in the framework of the criminal process in which he is allegedly involved; iii. immediately carry out a comprehensive medical assessment of his health and guarantee access to adequate medical care; and iv. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting his rights in light of the current detention conditions;
- c) consult and agree upon the measures to be implemented with the beneficiary 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.

35. 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.

36. 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.

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

38. Approved on September 30, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan and Andrea Pochak, members of the IACHR, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary