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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 33/2021**

Precautionary Measure No. 205-21  
Kevin Roberto Solís regarding Nicaragua  
April 22, 2021  
Original: Spanish

**I. INTRODUCTION**

1. On March 8, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the International Institute on Race, Equality and Human Rights, the Nicaraguan Center for Human Rights (CENIDH) and the Legal Defense Unit (UDJ) (“the applicants”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the measures necessary to protect the rights to life, personal integrity and health of Kevin Roberto Solís (“the proposed beneficiary”). According to the request, the proposed beneficiary is a university student, social activist and government opponent, who is currently being held in the Jorge Navarro penitentiary, also known as “La Modelo,” for “aggravated robbery.” He is reportedly at risk within the framework of his deprivation of liberty as a result of beatings during his detention, as well as the conditions in which he is being held and an alleged lack of medical attention.

2. Under the terms of Article 25(5) of its Rules of Procedure, the IACHR requested information from the State and the applicants on March 17, 2021, who submitted information on March 24.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information submitted demonstrates prima facie that Kevin Roberto Solís finds himself in a serious and urgent situation, given that his rights to life, personal integrity and health are at risk of irreparable harm. Consequently, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity and health of Mr. Kevin Roberto Solís; b) ensure that his conditions of detention are compatible with the applicable international standards; c) taking into account the context of the COVID-19 pandemic and the situation of risk to the life, personal integrity and health of the beneficiary as a result of the circumstances of his detention, immediately evaluate the possibility of granting alternative measures to detention, in accordance with the State’s domestic legislation and in light of the applicable inter-American standards; and, d) report on the actions taken to investigate the alleged events that gave rise to the adoption of this resolution with the aim of preventing their reoccurrence.

**II. BACKGROUND INFORMATION**

4. The Commission learned of the protests carried out during April 2018 in Nicaragua in response to the announcement of changes to the country’s social security system, which occurred after demonstrations due to a fire that took place in the Indio Maíz reserve.<sup>1</sup>

5. Between May 17 and 21 of that year, the Commission visited the country and collected several testimonies on human rights violations committed in the framework of the protests. Subsequently, on June 21, 2018, the IACHR published a report on the seriousness of the human rights situation in

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<sup>1</sup> IACHR. Press Release No. 90/18. [IACHR Expresses Concern over Deaths in the Context of Nicaraguan Protests](#). April 24, 2018.

Nicaragua.<sup>2</sup> In order to follow up on the recommendations issued in this report, the IACHR created the Special Follow-up Mechanism for Nicaragua (MESENI), which remained in the country until the State suspended its presence on December 19, 2018.<sup>3</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI) issued a report that analyzed the events taking place between April 18 and May 30, 2018, confirming the findings by the IACHR.<sup>4</sup>

6. During a presentation before the Permanent Council of the Organization of American States, the Commission shared the data collected by the MESENI. According to this, there were 325 deaths, over 2000 injured, 550 detained and prosecuted, 300 health professionals dismissed, and at least 144 students expelled from the National Autonomous University of Nicaragua between April 2018 and January 10, 2019.<sup>5</sup> In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.<sup>6</sup>

7. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.<sup>7</sup> In June, the State approved a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with international standards in matters of truth, justice, reparation, and guarantees of non-repetition.<sup>8</sup> On September 6, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be threatened.<sup>9</sup> Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, [has in addition the fact that] the families of people who have been deprived of liberty during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”<sup>10</sup>

8. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,<sup>11</sup> warning that the seriousness of the human rights crisis in the country extended during 2019, due to the de facto installation of a state of emergency characterized for the abusive exercise of public force to repress any dissenting voices against the Government, search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society

<sup>2</sup> IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OEA/Ser.L/V/II. Doc. 86. June 21, 2018. Para. 1.

<sup>3</sup> 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.

<sup>4</sup> 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. (Available in Spanish).

<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.

<sup>6</sup> IACHR. [Annual Report 2018. Chapter IV.B Nicaragua](#).

<sup>7</sup> 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.

<sup>8</sup> IACHR. Press Release No. 137/19. [IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua](#). June 3, 2019; IACHR. Press Release No. 145/19. [IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua](#). June 12, 2019.

<sup>9</sup> 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.

<sup>10</sup> IACHR. Press Release No. 297/19. [IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition](#). November 19, 2019.

<sup>11</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020.

organizations without guarantees of due process, as well as interference and control of the Executive Power on other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has resulted in the perpetuation of the human rights crisis in the country, as well as the generation of a context of structural impunity regarding the seriousness of the human rights violations that have taken place.<sup>12</sup>

9. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to oppose the Government.<sup>13</sup> In May 2020, the IACHR noted and condemned the non-compliance with its recommendations and urgently called on the State to implement them.<sup>14</sup> In October 2020, the IACHR again called for an immediate end to the acts of persecution against persons identified as opponents of the government and the restoration of democratic guarantees in Nicaragua.<sup>15</sup> Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2020.<sup>16</sup>

10. More recently, in 2021, the Commission condemned the intensification of acts of harassment in the country against people identified as opponents of the Government, human rights defenders, victims of human rights violations, and their families,<sup>17</sup> as well as the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>18</sup>

### III. SUMMARY OF FACTS AND ARGUMENTS

#### 1. Information provided by the applicants

11. Kevin Roberto Solís –22 years old, university student and social activist– has publicly expressed his continuous criticism against the actions of the Government of Nicaragua and actively denounced the serious human rights violations that have been committed in Nicaragua since April 2018. He is a survivor of the attack on the Divina Misericordia church that took place on July 14, 2018.<sup>19</sup> He is also the nephew of Azahalea Solís, who was a member of the Civic Alliance for Justice and Democracy (ACJD) until October 2020.<sup>20</sup>

12. The request states that, prior to his current detention, the proposed beneficiary and other university students were arbitrarily detained in the context of the protests of April 2018. Thus, it was indicated that he was captured on September 20, 2018, prosecuted and sentenced to 23 months in prison for the crimes of “obstructing public services, and illegally carrying and using firearms.” After over 6 months in prison, he was released on April 4, 2019 through the granting of a family living arrangement.

<sup>12</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020. Para. 19.

<sup>13</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.

<sup>14</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>15</sup> 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.

<sup>16</sup> IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#). February 2021.

<sup>17</sup> IACHR. Press Release No. 2/21. [IACHR Condemns Growing Harassment in Nicaragua](#). January 6, 2021.

<sup>18</sup> IACHR. Press Release No. 93/21. [Three years after the beginning of the human rights crisis in Nicaragua, the IACHR condemns ongoing impunity](#). [In Spanish.] April 19, 2021.

<sup>19</sup> Confidential. [“Ortega launches brutal attack against students.”](#) Julio 14, 2018. (Available in Spanish).

<sup>20</sup> Artículo 66. [“Dr. Tünnermann, Azahálea Solís and priest Idiáquez are officially leaving the Civic Alliance.”](#) October 31, 2020. (Available in Spanish).

13. Subsequently, on February 3, 2020, Kevin Solís and dozens of young people participated in a small protest at the facilities of the Central American University (UCA), near the main entrance. During this protest, they noticed a person who they considered an infiltrator and who was taking photographs of every person in the area. This person, identified as José Leonel Suazo, later told a media outlet related to the Sandinista National Liberation Front (FSLN) that he was attacked by the protesters and that one of them had even stolen his wallet. In this regard, on February 5, the area near UCA was flooded with posters with photographs of those who had participated in the protest, later disseminated on social media. These included the photograph of the proposed beneficiary, with the label “Wanted.”<sup>21</sup> Kevin Solís denounced on social media that someone from the Judiciary had alerted him of an arrest warrant against him due to the incident at the university.

14. On February 6, the proposed beneficiary was detained at approximately 11:30 a.m. while near the entrance of the UCA. According to witnesses, he was forced to get into a pick-up van with people dressed as civilians, alleged to be undercover members of the National Police. At the time of his detention, no warrant was produced; furthermore, the reasons for his detention were not specified, and he was not informed of his right to legal representation of his choice. During the afternoon of the same day, relatives of the proposed beneficiary went to the Judicial Assistance Directorate (DAJ) to confirm whether he was detained there, but they were told that they could not give them any information. Unofficially, members of civil society conducted some inquiries and were able to confirm that Kevin Solís had been detained by the police but that his whereabouts could not be determined. It was not until the day after his detention, at approximately 10:00 a.m., that the DAJ police authorities informed his family that he was being held there.

15. Subsequently, on February 8, the Managua Assistant Prosecutor filed an indictment requesting the opening of a process against Kevin Roberto Solís, and two other people, for being the co-author of the crime of “aggravated robbery” against José Leonel Suazo. That same day, the preliminary hearing was held in the Tenth Criminal Court of the District of Managua, where the judge accepted the indictment and imposed a precautionary measure of pretrial detention for the term of the process, which could not be replaced by other measures. In addition, he ordered the capture of the two other university students accused for the same reason. While leaving the hearing, the proposed beneficiary was allegedly kicked in the face by the police guards who transferred him to “El Chipote.”

16. After the preliminary hearing, the proposed beneficiary was transferred to “El Chipote,” where he remained in an isolated cell for six days. According to the request, Kevin Solís told his lawyer, Aura Estela Alarcón, that he had been tortured by an officer, who took him out of his cell at dawn and threw water at him with a pressure hose while telling him that “*maybe this way the crap in your head will clean off.*”<sup>22</sup> In addition, he stated that he was constantly threatened with food poisoning and simulating his suicide.<sup>23</sup>

17. On February 12, Kevin Solís was transferred to the Jorge Navarro penitentiary, also known as “La Modelo,” where he currently remains in a maximum-security cell at Gallery 300. According to the applicants, the cells in that gallery are known to be suffocating, dark and small spaces. These are cells 3.5

<sup>21</sup> 100% Noticias. “[Sandinistas put up posters with photos of students who protested at the UCA.](#)” February 5, 2020. (Available in Spanish).

<sup>22</sup> La Mesa Redonda. “[Political prisoner Kevin Solís is being tortured in 'El Chipote'.](#)” February 14, 2020. (Available in Spanish).

<sup>23</sup> La Prensa. “[Opponent Azahalea Solís reports that her nephew Kevin Solís is being tortured in El Chipote.](#)” February 10, 2020. (Available in Spanish).

meters long by 2.5 meters wide, and have only a small grid to let a little light and air in. In addition, they only have a 30-centimeter door compartment for meals, to prevent any visibility of the outside.<sup>24</sup>

18. During a meeting with his lawyer on June 11, the proposed beneficiary told her that he was being constantly beaten up and psychologically tortured, adding: *“I am going crazy, they are threatening me and pointing guns at my head.”* He also mentioned that he was unable to leave his cell for his weekly time in the sun.<sup>25</sup> The attorney commented that Kevin had scars and bruises on his head, back and side, and that he was rather sad, crying constantly and feeling withdrawn. When asking the prison authorities on the reasons for Kevin’s confinement in the maximum-security cell, Ms. Alarcón was told that he “is there because he has to adapt, he is a misfit.” The visit lasted 40 minutes under the supervision of prison officers and was recorded with a camera placed directly over them.

19. On June 26, the proposed beneficiary was visited by his couple, who stated that “he seemed quite ill, pale, with a rash on his skin, unable to concentrate, and his head was shaven clean,” so several scars were noticeable. The largest, according to what Kevin said, was due to a blow inflicted on him when he was detained in “El Chipote.”

20. Later, on July 7, Ms. Alarcón went to “La Modelo” to leave a package for the proposed beneficiary; however, after being waiting for over three hours, the authorities refused to receive the package. In addition, they took away the card that allowed her to visit him and bring him packages. On July 28, during a meeting with his mother, the proposed beneficiary had bruises on his sides. When asked about those, he told her that “they would talk another day, because they were being recorded and that if he said anything, it would be worse.”

21. Then, on August 4, Nathaly Nicaragua Alarcón –daughter of Ms. Aura Estela Alarcón– went to the prison to request a card to be able to visit and deliver packages to Kevin Solís. The officers filled out the card but did not give it to her, claiming that she needs to produce a police record before she can be authorized to deliver anything. Thus, on August 19 and 26, Nathaly Alarcón went to “La Modelo” to deliver a package to the proposed beneficiary with the requested police record. However, the officers demanded a judicial record, claiming that it was required before she can visit Kevin. Similarly, on September 1, another package was refused as the person in charge of authorizing the entry of relatives to drop any packages was allegedly not present at the time. The next day, Nathaly Alarcón returned to the prison to deliver the package again. After waiting for 3 hours, they received it as the authorities took several photographs of her. She was also asked to sign a document stating that “as the prison system had a good will and was humanitarian,” the package for Kevin Solís would be accepted. On September 15, another package was also received.

22. Finally, on September 16, 2020, Nathaly Alarcón received the visitor card and was able to speak to the proposed beneficiary for 45 minutes through a telephone line and under the surveillance of two officers. During the visit, Kevin stated that he had been beaten up the week before, and that he had been taken out of his cell to be questioned twice over the last two months, being severely beaten up especially on his sides and ribs. He also reported that he was unable to eat the food that they gave him between August 12 and 16 because it had worms. He also stated that he was not allowed to make phone calls or

<sup>24</sup> El Nuevo Diario. [“Hot, small and dark, like this are the cells in Gallery 300 in the Modelo prison.”](#) May 27, 2019. (Available in Spanish); IACHR. [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. 287. October 5, 2020. Para. 120.

<sup>25</sup> 100% Noticias. [“Political prisoner Kevin Solís’ SOS: ‘I’m going crazy,’ mistreatment and torture in the Modelo.”](#) July 5, 2020. (Available in Spanish).

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leave his cell to receive sun, and that he did not receive medical attention on two times when he had a flu and fever.

23. According to the applicants, all attempted visits by the lawyer and relatives of the proposed beneficiary were refused by the prison authorities between September 16 and December 24, 2020. Thus, on November 16, a family visit and package delivery were scheduled. However, after Ms. Alarcón waited three hours, and having already passed the reviewing process, the chief of Gallery 300 of “La Modelo” arrived and told her to take the package and leave. She was treated with hostility and escorted by officers for over 300 meters until she reached the gate of the penitentiary.

24. Subsequently, on December 22, the mother of the proposed beneficiary appeared at the prison, concerned about the lack of communication with her son. After four hours of waiting, the visit was denied and only the package was accepted. Two days later, on December 24, Kevin’s mother and his attorney were able to visit him for only 10 minutes through glass and over the phone. They were surrounded by three officers who did not allow privacy or free communication between them. Kevin had a bruised eye, a bruise on his temple and others in his face. He said those had been inflicted by the chief of Gallery 300, who took him out of his cell and beat him.

25. On January 1, 2021, the mother of the proposed beneficiary was authorized to see him for 10 minutes, and talk by phone through a glass, under the surveillance of three officers. His mother noticed that Kevin’s left eye was black and that he had a bruise on his right temple. Kevin told her that the chief of Gallery 300 kept beating him up. He also reported that, on December 15, 2020, he was transferred from the maximum-security cells in Gallery 300 to the punishment cells in the same gallery known as “El Infiernillo” (“Little Hell”), where he remains to this date, and that during the transfer he was severely beaten by the chief of the gallery. She also noted that this chief beat him on December 29, telling him to *“get used to it because he will not leave the Infiernillo, that this will be his cell.”* She further noted that Kevin had a bandage on one finger, presumably due to an ingrowing nail; however, she noticed a fearful attitude in Kevin, as he did not speak to her out of fear. According to her, Kevin also expressed that the officers had asked him about his health conditions, and that they were “going crazy” creating a medical record about him, for reasons unknown.

26. According to the applicants, from January 15, 2021 to date, the proposed beneficiary was not allowed visitors. On February 25 and March 4 and 18, Kevin’s relatives were allowed to deliver the packages. In addition, on March 12 and 17, Ms. Alarcón received calls from an ordinary prisoner in Gallery 300 who told her that Kevin was not allowed to register new people on his visitation and package delivery list. In view of the above, the applicants stated that the proposed beneficiary’s current state of health is unknown.

27. The applicants stated that the mistreatment and acts of torture have deteriorated the proposed beneficiary’s physical and emotional health. They emphasized that Kevin has suffered from some allergies, and other health problems that require medical attention such as flu and fever, but that, to date, he has not received any type of attention from the prison authorities. In addition, they noted that Kevin has expressed that “he feels he will go crazy and lose his mind” if he continues to be under his current conditions, and that the restrictions on his visitation regimen have caused severe episodes of nervous breakdowns, making his relatives concerned. Additionally, just like other political prisoners, he is at risk of contracting COVID-19, due to the inhumane conditions in the National Penitentiary System (SPN).

28. In relation to the alleged acts of torture and cruel, inhuman, and degrading treatment suffered by Kevin Solís, the applicants reported that no complaint has been filed with the state authorities, because, as is public knowledge, “the prison and judicial authorities lack the necessary independence to guarantee an adequate assessment of the risks to which the proposed beneficiary is subjected.” However, the request indicates that, on November 17, 2020, Kevin Solís’ attorney filed a brief with the Managua Court of Appeals, requesting: (1) information on the reasons for his transfer to a maximum-security cell; (2) to be informed of the reason why he was being denied visits and delivery of packages; and (3) to be granted authorization to interview Kevin in order to inform him of the progress of his case. This request was denied, alleging lack of jurisdiction.

29. Regarding the proposed beneficiary’s legal situation, the applicants informed that, on April 28, 2020, he was sentenced to 4 years and 6 months in prison, for allegedly being a direct co-perpetrator of the crime of “aggravated robbery in the modality of robbery with intimidation of persons.” On October 7, the appeal hearing of that sentence was held, during which the Public Prosecutor’s Office (*Ministerio Público*) requested the increase of the sentence alleging that “the acts carried out by Kevin Solís represent a danger to the peace and tranquility of Nicaragua,” while the legal representation of the proposed beneficiary appealed for his freedom. Thus, on October 22, 2020, the appeal sentence was notified, which declared that the appeal was dismissed, and increased the sentence requested by the Public Prosecutor’s Office to 5 years and 6 months of imprisonment. In this regard, on November 5, a cassation appeal was filed before the Court of Appeals of Managua, which was admitted on November 12. In this regard, the applicants indicated that, on August 24, 2020, the United Nations Working Group on Arbitrary Detention (WGAD) declared that the proposed beneficiary’s detention is arbitrary and ordered his immediate release.<sup>26</sup>

## **2. Information provided by the State**

30. The State indicated in general terms that, in accordance with its Constitution, the “Penitentiary System is humanitarian and has as its fundamental objective the transformation of the inmate in order to reintegrate him into society,” as well as that “...no one shall be subjected to torture, procedures, punishments or cruel, inhuman or degrading treatment. Any violation of this right is an offence punishable by law.”

31. The State informed that the proposed beneficiary was arrested on February 6, 2020 for the crime of aggravated robbery in the form of robbery with intimidation to the detriment of citizen José Leonel Suazo Gutiérrez. Thus, on February 18, the Tenth Criminal District Judge of Managua held the preliminary hearing during which the indictment brought against Kevin Solís was admitted, and precautionary measures of pretrial detention were ordered. On February 19, the initial hearing was held. Subsequently, on March 26, the Second Criminal District Judge of the Managua District began the oral and public trial, which was resumed on April 3, 15 and 17 of the same year. In this regard, by judgment Number 52/2020 of April 28, 2020, this court sentenced Kevin Solís to 4 years and 6 months of imprisonment for the crime of “aggravated robbery in the modality of robbery with intimidation to persons.” The State indicated that both the Public Prosecutor’s Office and the proposed beneficiary’s legal representation filed appeals. The Criminal Chamber Number One of the Managua District Court of Appeals resolved to partially uphold the appeal, only modifying the sentence from 4 years and 6 months to 5 years and 6 months. The proposed beneficiary’s legal representation appealed for cassation before the Criminal Chamber of the Supreme Court of Justice. This appeal is under study, pending resolution.

<sup>26</sup> United Nations. Human Rights Council. Working Group on Arbitrary Detention. [Opinion No. 39-2020, concerning Kevin Roberto Solís \(Nicaragua\)](#). A/HRC/WGAD/2020/39. October 9, 2020. (Available in Spanish).

32. Regarding Kevin Solís' conditions of detention, the State reported that he is held in a cell without overcrowding, and with adequate ventilation and lighting, eating utensils, a bed, a mattress, access to television, books, and magazines, as well as sanitary devices with individualized separation for privacy, showers, laundry facilities and drinking water, among other services.

33. Moreover, the State indicated that medical care has been guaranteed to the proposed beneficiary since his entry to the National Penitentiary System (SPN), in accordance with the protocols established in the prison regulations. Thus, it was reported that, up until March 24, 2021, the proposed beneficiary received 171 health care visits: 168 by prison medical personnel and 3 visits by the Institute of Legal Medicine (IML), with the accompaniment of the International Committee of the Red Cross (ICRC). Regarding psychological care, it was pointed out that the proposed beneficiary "does not receive it of his own free will, stating that he feels emotionally well."

34. Regarding the alleged blows and wounds that the proposed beneficiary purportedly received, the State reported that, according to the medical evaluations carried out, Kevin Solís is currently in good health, with no history of chronic pathologies, and does not have any blows, wounds, or bruises. At the same time, the State expressed that, in the event of health problems, the proposed beneficiary will be treated immediately, providing medical treatment in a timely manner.

35. The State also reported that Kevin Solís has received 272 prison services and care –another part of the report indicated that they allegedly are 275–, detailing them as follows:

- 37 or 39 scheduled sun and recreational activities. It was indicated that the proposed beneficiary is entitled to three sun activities per week, but that he has not participated in all the planned activities.
- 4 or 18 family visits, the most recent being on January 1 and 14, 2021, by the proposed beneficiary's mother. The State reported that Kevin Solís' relatives have not visited him since January 14. The State further indicated that, for family and conjugal visits, there is a schedule that is made known in writing and signed, and that only persons registered on the visiting control card of the person deprived of liberty may make a visit. In the case of the proposed beneficiary, they are the following persons, among several others: Karen Adilia Solís (mother), Nathali Gabriela Nicaragua Alarcón (friend) and Aura Estela Alarcón González (friend).
- 4 or 7 conjugal visits, the most recent being on June 26, 2020.
- 33 passes of food packages, the most recent being on March 4, 2021 delivered by Mr. Santos Raúl Silva López.
- 4 shaving activities.

36. On the other hand, the State reported that, in the context of the COVID-19 pandemic, the various State institutions have adopted a series of measures for education, prevention, mitigation and containment of the spread of the virus, in accordance with protocols established by the World Health Organization (WHO) and the Pan American Health Organization (PAHO), including: educational talks to inmates, family members and visitors; placement of posters, murals and inductive and educational banners on how to prevent COVID-19; temperature monitoring of inmates, family members, staff and visitors; mandatory hand washing with water, soap and alcohol; mandatory use of masks; use of footbaths to disinfect footwear; physical distancing; disinfection of vehicles upon entering the prisons; and fumigation and disinfection with water, detergent, chlorine and quaternary ammonium in prison facilities (*inter alia*, cells, cellblocks, galleries, visiting rooms).

37. In view of the foregoing, the State requested the Commission not to grant the request for precautionary measures at hand given that there is no evidence of urgency, seriousness, or irreparable harm.

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

38. Precautionary measures are one of the mechanisms of the Commission for the exercise of its function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18 (b) of the Statute of the IACHR, and 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.

39. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both precautionary and protective. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights. 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 at safeguarding the rights at risk until the request pending before the Inter-American System is resolved. The object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, thus, avoid infringement of the rights at issue, a situation that may adversely affect the useful purpose (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. For purposes of decision making, and in accordance with Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

40. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be fully proven. The information provided should be assessed from a *prima facie* standard to determine whether a serious and urgent situation exists.<sup>27</sup> Similarly, the Commission recalls that it is not called upon to make determinations on the criminal liability of individuals, nor to establish through this mechanism any violation of due process in the local investigations or proceedings, since this would incur an analysis on the merits which is specific to a petition or case. The IACHR will only examine whether the proposed beneficiary is at risk, in accordance with Article 25 of the Rules of Procedure.

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<sup>27</sup>See in this regard: I/A Court H.R. [Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua](#), Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018. Considerandum 13. (Available in Spanish); I/A Court H.R. [Matter of Children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23. (Available in Spanish).

41. As a preliminary aspect, and in view of the nature of the facts described by the applicants, the Commission recalls that the Inter-American Convention to Prevent and Punish Torture, to which the State of Nicaragua has been party since its accession on November 23, 2009, includes in the definition of torture “[...] any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person, for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty or for any other purpose”, as well as “[...] the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.”<sup>28</sup>

42. In this regard, the Inter-American Court has indicated that a violation of the protection of the right to integrity encompasses various connotations of degree, such as those ranging from torture to other types of cruel, inhuman, or degrading treatment or humiliation.<sup>29</sup> In this line, there is also the prohibition of torture, cruel, inhuman, and degrading treatment, and the impossibility of suspending this prohibition under any circumstances. The Inter-American Court has indicated that the lack of adequate medical attention to a person deprived of liberty and under the custody of the State may be considered a violation of this prohibition.<sup>30</sup>

43. In view of the above, it should be noted that, in accordance with Articles 1 and 6 of that instrument, the Member States are obliged to prevent and punish torture and cruel, inhuman or degrading treatment or punishment within their jurisdiction. In turn, Article 17 establishes a commitment to “inform the Inter-American Commission on Human Rights of the legislative, judicial, administrative and other measures they have adopted in application of this Convention.”

44. In addition, in the matter at hand, the Commission observes that the alleged risk to the proposed beneficiary is framed in Nicaragua’s current context,<sup>31</sup> as well as by the special situation of exposure in which the persons who have demonstrated against the actions of the government and the persons who have been released from prison are found.<sup>32</sup> In the same vein, it is noted that Kevin Solís’ situation is not isolated, but rather part of a practice of arbitrary detentions, criminalization of human rights defenders and opponents, and the subsequent lack of adequate medical care for persons deprived of liberty for political reasons.<sup>33</sup> Thus, the IACHR has granted several precautionary measures to persons deprived of liberty in Nicaragua.<sup>34</sup>

<sup>28</sup> [Inter-American Convention to Prevent and Punish Torture](#), Article 2.

<sup>29</sup> I/A Court H.R. [Case of Barrios Family v. Venezuela. Judgment of November 24, 2011 \(Merits, Reparations and Costs\)](#). Series C No. 237. Para. 52

<sup>30</sup> I/A Court H.R. [Case of Chinchilla Sandoval v. Guatemala. Judgment of February 29, 2016 \(Preliminary Objection, Merits, Reparations and Costs\)](#). Series C No. 312. Para. 173.

<sup>31</sup> See in this regard: 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.

<sup>32</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; 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.

<sup>33</sup> IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OEA/Ser.L/V/II. Doc. 86. June 21, 2018; 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. P. 194. (Available in Spanish); IACHR. [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. 287. October 5, 2020. Para. 5.

<sup>34</sup> See in this regard: IACHR. [Resolution 82/2020. Precautionary Measures No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua](#). November 2, 2020. (Available in Spanish); IACHR. [Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua](#). December 24, 2019. (Available in Spanish).

45. On the other hand, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life and personal integrity, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.<sup>35</sup> This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.<sup>36</sup> More specifically and in light of the facts narrated by the applicants, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for his human dignity, that the manner and method of exercising the measure does not subject him to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately ensured.<sup>37</sup>

46. Moreover, in the context of the COVID-19 pandemic, the Commission has urged States to adopt urgent measures to guarantee the health and integrity of the population deprived of liberty in the face of the effects of the pandemic, as well as to ensure dignified and adequate conditions of detention in centers of deprivation of liberty, noting that this context may mean a greater risk for those persons who make up groups in situations of vulnerability.<sup>38</sup> In addition, the IACHR called on States to reduce the prison population through the implementation of alternative measures to imprisonment, such as parole, house arrest or early release.<sup>39</sup>

47. In view of Nicaragua's current context, the Commission will proceed to analyze the procedural requirements with regard to Kevin Roberto Solís.

48. As regards the requirement of seriousness, the Commission considers that it has been met. When assessing this requirement, in view of the above context, the Commission observes that Kevin Roberto Solís is deprived of his liberty and that the alleged facts are being attributed to the State authorities responsible for his custody, which is particularly serious. In the same vein, the Commission notes that the alleged risk is also related to the proposed beneficiary's profile as an activist and opponent of the Government, as well as that he was purportedly arbitrarily detained in the context of the April 2018 protests, being subsequently released.<sup>40</sup>

<sup>35</sup> 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](#). OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

<sup>36</sup> IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

<sup>37</sup> 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. Considerandum 23. (Available in Spanish).

<sup>38</sup> IACHR. Press Release No. 66/2020. [The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic](#). March 31, 2020; IACHR. [Resolution 1/2020. Pandemic and Human Rights in the Americas](#). Adopted by the IACHR on April 10, 2020.

<sup>39</sup> IACHR. Press Release No. 66/2020. [The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic](#). March 31, 2020; IACHR. Press Release No. 212/2020. [IACHR concerned about specific risks faced by Persons Deprived of Liberty in the Americas during the COVID-19 pandemic](#). September 9, 2020.

<sup>40</sup> Although it is not for the Commission to determine, on this occasion, whether the detention of the proposed beneficiary complies with the ACHR or other applicable instruments, it takes note of the findings made by the WGAD. See: United Nations. Human Rights Council. Working Group on Arbitrary Detention. [Opinion No. 39-2020, concerning Kevin Roberto Solís \(Nicaragua\)](#). A/HRC/WGAD/2020/39. October 9, 2020. (Available in Spanish).

49. Thus, after being deprived of his liberty on February 6, 2020, the Commission notes that the proposed beneficiary was allegedly beaten and kicked on several occasions by the prison authorities. He was also reportedly interrogated, sprayed with cold water from a hose, and threatened with food poisoning and simulated suicide. According to the applicants, this mistreatment allegedly deteriorated Kevin Solís' physical and psychological health, who reportedly did not receive timely medical attention. Moreover, since December 15, 2020, he has been kept in precarious detention conditions in punishment cells known as "El Infiernillo."

50. Furthermore, the Commission considers that the proposed beneficiary is reportedly facing obstacles in receiving visits from his attorney and relatives. Thus, according to the applicants, between September 16 and December 24, 2020, the prison authorities reportedly rejected these persons' visitation attempts, and since January 15, 2021, Kevin Solís has not been authorized visitors. It is also noted that the visits that did occur were always monitored by officers of "La Modelo." This is particularly relevant, as it prevents his legal representatives and relatives from having access and thus being able to verify the status of his rights.

51. For the Commission, the above facts reflect a serious situation that the proposed beneficiary has been facing as a person deprived of his liberty, given that the specific risk events reported are attributable to state officers responsible for his custody. Moreover, the repeated occasions on which he was beaten, and the lack of medical attention may have irreversible impacts on his health, personal integrity, and life. Although the information available does not make it possible to determine whether the alleged acts of aggression persist to date, or whether the proposed beneficiary continues to present sequelae at present, the Commission notes that the applicants continue to face obstacles to visit him, noting that the last time his mother visited him, he allegedly had a bruise on his eye. Furthermore, taking into account that the proposed beneficiary was already at risk during the first months of his deprivation of liberty, the Commission considers it reasonable to maintain that, at the very least, this risk continues to date, since he is currently in an even smaller detention cell and allegedly in worse conditions, under the authority of an area director who even purportedly attacked him at the time of his transfer.

52. In light of the situation previously analyzed, the Commission takes note of the information provided by the State regarding the conditions of detention and health of the proposed beneficiary. In particular, the Commission observes that the State mentioned that Kevin Solís has received health care 171 times and that, at present, "he does not present with any blows, wounds or bruises." However, the information sent by the State does not contain the proposed beneficiary's medical record, nor does it contain specific information on the nature or conditions treated during the health care provided, even when the State has full capacity to produce such documents.

53. The state report also indicates that the proposed beneficiary participated in various prison activities and services, such as recreational and sun activities, family, and conjugal visits, receiving food packages, and shaving activities. However, the Commission observes that the State in its own report presents different data regarding the number of recreational activities –37 or 39–, and family visits –4 or 18– and conjugal visits –4 or 7–. In the same vein, although the State indicated that Nathaly Alarcón and Aura Estela Alarcón are on the list of persons allowed to visit the proposed beneficiary, the applicants reported that they have been prevented from visiting him and handing him packages on several occasions despite being included in that list.

54. Furthermore, although the information provided by the applicants indicates that prison officers were responsible for subjecting the proposed beneficiary to beatings, kicks, and threats, the State did not respond to these allegations or report on the actions carried out to investigate the possible

participation of these officers. In this regard, although it is not for the Commission to determine the perpetrators of the events of risk, or if they are attributable to state actors, at the time of assessing this request it does take into account the seriousness of the possible participation of State actors according to the allegations furnished, as this would place the proposed beneficiaries in a situation of vulnerability.

55. It should be noted that the IACHR has collected extensive information on the precarious and inhumane conditions of detention in “La Modelo,” particularly the maximum-security areas known as “La 300,” “Infiernillo” and “Chiquita.”<sup>41</sup> According to the information received, “Gallery 300 has small cells, hermetically closed with a metal door, and without light. The persons held in these facilities are subjected to solitary confinement, with visits from family members and telephone calls once a month. Furthermore, contact with family members is reduced and only occurs through glass.”<sup>42</sup> Moreover, the Commission has received information on the implementation of punishment cells or “maximum-security” regimes against opponents, noting that “in maximum-security facilities, prisoners experience differentiated treatment compared to other persons held under the same regime, including food and water provided in amounts and frequency different to those received by other persons. Furthermore, the persons detained in the analyzed context are being punished with the sealing of their windows to the outside of their cells.”<sup>43</sup> Although the above does not necessarily show the specific situation of the proposed beneficiary, the Commission considers that this contextual information is relevant when assessing the plausibility or credibility of the applicants’ allegations, especially upon verifying that the State, under the *prima facie* standard, has not properly disproved the existence of a threat against the proposed beneficiary.

56. The Commission has also observed that “most of the detentions carried out in the context of demonstrations and social protests in Nicaragua have been accompanied by different forms of cruel, inhuman and degrading treatment, with some of the treatments described reaching the threshold of torture at the time of the detentions and while they were deprived of their liberty.”<sup>44</sup> According to the information available to the IACHR, “mistreatment has occurred persistently since the first detentions registered in the context of the social protests of April 2018, to date.”<sup>45</sup>

57. On another note, the Commission takes into account the information provided by the State regarding the measures that have been allegedly adopted in the framework of the COVID-19 pandemic in order to prevent the spread of the virus in the country’s penitentiaries. However, it is observed that the information available is generic and that no specific or detailed information was provided on the measures implemented in the SPN “La Modelo.”

58. Taking the foregoing into account, the Commission concludes that the information provided, assessed in the framework previously indicated, is sufficient to consider from the *prima facie* standard that the rights to life, personal integrity, and health of Mr. Kevin Roberto Solís are at serious risk.

<sup>41</sup> IACHR. [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. 287. October 5, 2020. Paras. 120, 123 & 146; IACHR. Press Release No. 122/2019. [IACHR Condemns Acts of Violence and the Death of One Person at a Nicaraguan Prison](#). May 20, 2019.

<sup>42</sup> IACHR. [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. 287. October 5, 2020. Paras. 146-48.

<sup>43</sup> IACHR. [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. 287. October 5, 2020. Paras. 145 and 147.

<sup>44</sup> IACHR. [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. 287. October 5, 2020. Para. 152.

<sup>45</sup> IACHR. [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. 287. October 5, 2020. Para. 152.

59. Regarding the urgency requirement, the Commission considers that it has been met, given that attacks against the proposed beneficiary have purportedly already materialized and are likely to continue and worsen over time, also because of the consequences caused and given that his relatives or legal representatives are not able to timely intervene and ensure that his detention conditions are adequate. Therefore, he requires the adoption of immediate measures.

60. As it pertains to the requirement of irreparable harm, the Commission finds that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

61. Lastly, having identified compliance with the procedural requirements, the Commission notes that, in the particular case of Nicaragua, in May 2019, at the time of granting urgent measures in favor of 17 persons deprived of their liberty, the Presidency of the Inter-American Court of Human Rights indicated that in the Nicaraguan legal system there are possibilities for granting alternative measures to deprivation of liberty to persons even when they are subjected to criminal proceedings or have already been convicted.<sup>46</sup> On that occasion, given the risk assessment based on the confinement conditions of the persons deprived of their liberty, the Presidency of the Court asked the State to assess, immediately, the granting of alternative measures to deprivation of liberty, in accordance with its internal regulations and the inter-American standards.<sup>47</sup> These provisional measures were subsequently lifted by the plenary session of the Inter-American Court when all the beneficiaries were released.<sup>48</sup>

62. In light of these criteria, the Commission notes that, in the matter at hand, the information sent by the State does not include sufficient elements to dismiss the applicants' submissions and the findings made by the Commission through its monitoring mechanisms with regard to the conditions of detention of the proposed beneficiary, the lack of adequate medical care and the physical and psychological aggressions. In this regard, as already indicated, the Commission considers that the requirements of Article 25 of the Rules of Procedure have been met.

63. Based on the above, the Commission requires that the State assess the possibility of granting alternative measures to deprivation of liberty, considering the proposed beneficiary's particular situation in the current context of pandemic, with a view to protecting his rights to life, personal integrity and health, and in response to the assessments made in this resolution in light of the available information.

## **V. BENEFICIARY**

64. The Commission declares as beneficiary Mr. Kevin Roberto Solís, who is duly identified in this proceeding.

## **VI. DECISION**

<sup>46</sup> 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. Considerandum 30. (Available in Spanish).

<sup>47</sup> 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. Operative Paragraph 3. (Available in Spanish).

<sup>48</sup> I/A Court H.R. [Matter of seventeen persons deprived of liberty regarding Nicaragua](#). Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2019. (Available in Spanish).

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65. The Inter-American Commission on Human Rights 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 Mr. Kevin Roberto Solís;
- b) ensure that his conditions of detention are compatible with the applicable international standards;
- c) taking into account the context of the COVID-19 pandemic and the situation of risk to the life, personal integrity and health of the beneficiary as a result of the circumstances of his detention, immediately evaluate the possibility of granting alternative measures to detention, in accordance with the State's domestic legislation and in light of the applicable inter-American standards; and,
- d) report on the actions taken to investigate the alleged events that gave rise to the adoption of this resolution with the aim of preventing their reoccurrence.

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

67. 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.

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

69. Approved on April 22, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

María Claudia Pulido  
Acting Executive Secretary