
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 48/2021**

Precautionary Measure No. 479-21

Jhovanny Alexander Tenorio Urbina regarding Nicaragua

June 13, 2021

Original: Spanish

I. INTRODUCTION

1. On May 28, 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 Human Rights Collective Nicaragua Never Again and Claudia del Carmen Tenorio Rizo (“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 and personal integrity of Mr. Jhovanny Alexander Tenorio Urbina (“the proposed beneficiary” or “Mr. Tenorio Urbina”). According to the request, the proposed beneficiary has been missing since May 2, 2021, when he was detained at the Hacienda La Aurora, Matagalpa municipality, by four persons dressed in civilian clothes and armed, who introduced themselves as police officers. Since then, his whereabouts or fate remain unknown.

2. On June 2, 2021, the IACHR requested information from the State, pursuant to Article 25(5) of its Rules of Procedure. To date, no response has been received.

3. Upon analyzing the submissions of fact and law furnished by the requesting party, the Commission considers that the information presented shows *prima facie* that Mr. Tenorio Urbina is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Consequently, the IACHR requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Jhovanny Alexander Tenorio Urbina. In particular, report whether the beneficiary is in the custody of the State and, where appropriate, the circumstances of his deprivation of liberty, or else, adopt the measures aimed at determining his whereabouts or fate; b) consult and agree upon the measures to be adopted with the beneficiary’s representation; and c) implement the actions aimed at investigating the events that led to the granting of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected several testimonies on human rights violations committed in the framework of the protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018,

¹ 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.

² IACHR. [Press Release No. 135/18](#). IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. [Press Release No. 274/18](#). Press Release about Nicaragua. December 19, 2018. See also: IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

confirming the IACHR findings.³ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁴

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.⁵ In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.⁶ On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁷ In the same regard, on November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”⁸

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,⁹ noting that the serious human rights crisis in the country extended during 2019, due to the *de facto* installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government, the search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power 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 serious human rights violations that have taken place.¹⁰

7. 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 be opponents of the Government.¹¹ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urgently called on the State to implement them.¹² In October 2020, the IACHR again called upon the State to immediately cease persecution of people who have been identified as dissidents and reestablish the democratic guarantees in Nicaragua.¹³ Similarly, the IACHR and its Special Rapporteurship for Freedom of Expression (SRFoE) expressed concern over the escalation of repression in Nicaragua marked by the submission to the National Assembly of two bills that seriously threaten the

³ Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua. [Report on the violent events that took place in Nicaragua between April 18th and May 30th](#). December 2018. [In Spanish.]

⁴ IACHR. Annual Report 2018. [Chapter IV.B Nicaragua](#).

⁵ See in this regard: IACHR. [Press Release No. 6/19](#). IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua. January 10, 2019; IACHR. [Press Release No. 26/19](#). IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua. February 6, 2019; IACHR. [Press Release No. 90/19](#). IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks. April 5, 2019.

⁶ IACHR. [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.

⁷ 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.

⁸ 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.

⁹ IACHR. Annual Report 2019. [Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020.

¹⁰ IACHR. Annual Report 2019. [Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020.

¹¹ 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.

¹² 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.

¹³ 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.

exercise of freedom of expression, the imposition of tax penalties against media outlets, and judicial harassment against journalists.¹⁴ Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2020.¹⁵

8. More recently, in 2021, the Commission condemned the increasing 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,¹⁶ as well as the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁷

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the requesting party

9. Mr. Tenorio Urbina is a resident of the Matagalpa municipality, where he worked at the Hacienda La Aurora. He was a volunteer policeman in 2014 and 2015. After that, he became a security guard and worked in the fields. His nuclear family is made up of his mother Angélica Rizo, his father Claudio Tenorio Ruiz, and his two sisters Ligia and Claudia del Carmen Tenorio Rizo (“Ms. Tenorio Rizo” or “Claudia Tenorio”).

10. According to the request, the proposed beneficiary’s sister, Claudia Tenorio, is a human rights activist, who has participated for more than 20 years in different mobilizations, marches, and sit-ins against human rights violations in Nicaragua. From the protests in April 2018, she started to become involved in multiple mobilizations and demonstrations in Matagalpa. After this, both she and her relatives began to receive threats and to suffer harassment and surveillance allegedly carried out by police and parapolic actors. The proposed beneficiary accompanied his sister on at least three marches in Matagalpa. As a result of Ms. Tenorio’s participation in the protests, an arrest warrant was issued against her on June 26, 2018, for which she forcibly had to flee to Costa Rica, where she requested refuge on July 24 of the same year.

11. The requesting party indicated that, even though Ms. Tenorio Rizo had to leave the country, the threats and harassment against her relatives have persisted. As an example, it was reported that an anti-riot officer, who is a neighbor of her parents in the “Barrio 25 de Abril” in Matagalpa, had been threatening them frequently, by stating that when “Claudia” returned, they would arrest her and kill her for being a “coup leader.” At the end of 2020, the proposed beneficiary moved with his parents, where he allegedly witnessed and was subjected to death threats and imprisonment threats made by the anti-riot officer. In that sense, the requesting party indicated that, on April 17, 2021, the officer in question took up position outside the residence of the proposed beneficiary’s parents. Not only did he begin to shout death threats and imprisonment threats again against Ms. Tenorio Rizo when she returned to the country, but also against the proposed beneficiary when he defended her.¹⁸

12. Following that incident, Mr. Tenorio Urbina returned to the Hacienda La Aurora, where he was working. On May 2, 2021, four unidentified persons, dressed in civilian clothes and armed, who introduced themselves as police officers, told the proposed beneficiary that a complaint against him had been lodged with the Jinotega Police Delegation and that he should go with them. Mr. Tenorio Urbina told them that he had not committed any crime or hurt anyone, that he was innocent, but that he would not oppose the

¹⁴ IACHR. [Press Release No. R246/20](#). The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua. October 7, 2020

¹⁵ IACHR. Annual Report 2020. [Chapter IV.B Nicaragua](#), February 2021.

¹⁶ IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

¹⁷ 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.

¹⁸ Artículo 66. [Brother of opposition woman leader has been missing for 16 days, but the Ortega police deny having him in custody](#). May 18, 2021. [In Spanish.]

detention. However, these persons purportedly took him by force and beat him, loading him violently in a private pickup truck. From that moment on, the proposed beneficiary's family members have not heard from him and are unaware of his whereabouts.

13. On May 3, the proposed beneficiary's mother, Angélica Rizo ("Ms. Rizo"), went to the Matagalpa Police Station to request information about his detention. There, she was told that they had not registered him as a detainee. They further told her that they cannot control armed people in the fields.¹⁹ That same day, Ms. Rizo went to the Jinotega Police Delegation, the morgue, and different hospitals in both municipalities. There was no record of his son in any of them.

14. On May 4, Ms. Rizo lodged a complaint with the Matagalpa Police regarding the proposed beneficiary's disappearance. However, she did not receive a copy of it. According to the requesting party, there has been no progress in the investigation so far. In view of this situation, acquaintances, friends, and relatives of Mr. Tenorio Urbina have been looking for him in coffee plantations, paddocks, and other places within the municipality, as well as the Directorate of Judicial Assistance ("El Chipote"), without obtaining any information about his whereabouts or the detention center where he might be.

15. The proposed beneficiary's relatives continued going to the police delegations in Matagalpa and Jinotega. However, after hours of waiting, they were told that "they are investigating and still have no answer." Therefore, on May 8, a press conference was held in which, according to the applicants, they denounced the forced disappearance of Mr. Tenorio Urbina.²⁰ A week later, his sister, Ligia Tenorio, again lodged a disappearance complaint with the National Police and she has not received a response either.

16. On May 21, police officers appeared at the residence of the proposed beneficiary's parents, reportedly with the aim of making them desist from their public complaint. Moreover, lawyers who have contacts within the police have "suggested" to Ms. Claudia Tenorio that it is better for her to desist from the public complaint and that a Matagalpa police officer wants to speak with her. Ms. Claudia Tenorio has publicly stated: "The disappearance of my brother is, somewhat, a reprisal for my participation from exile, for the complaints concerning human rights violations occurring in Nicaragua."

17. On another note, the requesting party undertook search efforts in the National System in the municipalities of Managua, Matagalpa, and Jinotega, without finding any accusation or open judicial process against Mr. Tenorio Urbina.

B. Information provided by the State

18. On June 2, 2021, the IACHR requested information from the State regarding this matter, without obtaining a response to date.

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

19. The precautionary measures mechanism is part of the Commission's 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

¹⁹ Artículo 66. [Brother of opposition woman leader has been missing for 16 days, but the Ortega police deny having him in custody](#), May 18, 2021. [In Spanish.]

²⁰ 100% Noticias. [Tenorio Family denounces the forced disappearance of Jhovanny Tenorio](#), May 8, 2021 [in Spanish]; La Prensa. [Matagalpino farmer has been missing for 17 days. Police refuse to investigate the case, relatives denounce](#), May 19, 2021 [in Spanish]; República 18. [Exiled activist calls for her brother's release](#), May 10, 2021 [in Spanish].

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.

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.²¹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²² To do this, it is necessary to 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.²³ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while it is 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. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.²⁴ 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.

21. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie* standard to determine whether a serious and urgent situation exists.²⁵ Similarly,

²¹ See in this regard: I/A Court H.R. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Resolution of July 6, 2009, considerandum 16.

²² See in this regard: I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

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

²⁴ See in this regard: I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

²⁵ 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 [in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged.²⁶ Moreover, it is not appropriate, in this proceeding, to rule on violations of rights enshrined in the American Convention or other applicable instruments.²⁷ The analysis performed herein is exclusively related to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.²⁸

22. Regarding the seriousness requirement, in cases of disappearance, the Commission has taken into account indications of possible participation, and awareness, of state authorities with respect to the events.²⁹ This, because although the rights to life and personal integrity may be anyway at risk in case of kidnapping³⁰ or other cause of disappearance,³¹ the above aspects affect the specific analysis carried out when assessing the seriousness. According to existing precedents, examples of possible involvement of state officers are the presence of army members in the area where the disappearance occurred,³² the deprivation of liberty by paramilitary or armed groups operating jointly with state authorities,³³ or testimonies claiming to have last seen them boarding a vehicle on the orders of police officers,³⁴ among other things suggesting an alleged connection between the event and the State through the participation of a State officer. Taking the above into account, even though an eventual forced disappearance could directly affect the assessment of the procedural requirements,³⁵ given the potential impact on the rights of the proposed beneficiaries and the situation of vulnerability in which they would find themselves,³⁶ the Commission reiterates that on this occasion it is not called upon to determine whether there was a forced disappearance, as this is better suited to the petition and case system.³⁷

²⁶ IACHR. [Resolution 5/2014](#). Precautionary Measure No. 374-13. Gustavo Francisco Petro Urrego regarding Colombia. March 18, 2014, para. 13 [in Spanish]; IACHR. [Resolution 41/2021](#). Precautionary Measure No. 382-21. Ovidio Jesús Poggioli Pérez regarding the Bolivarian Republic of Venezuela. May 13, 2021, para. 14.

²⁷ IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33 [in Spanish].

²⁸ In this regard, the Court has indicated that “[w]hen dealing with a request for provisional measures, [it] cannot consider the merits or any argument that is not strictly related to the elements of extreme gravity, urgency, and need to avoid irreparable harm to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of the Barrios family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [in Spanish].

²⁹ Forced disappearance is, in accordance with Article II of the Inter-American Convention on Forced Disappearance of Persons, “the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.” See: [Inter-American Convention on Forced Disappearance of Persons](#). Adopted at Belém do Pará, Brazil on June 9, 1994, at the twenty-fourth regular session of the OAS General Assembly.

³⁰ See in this regard: IACHR. [Resolution 25/2018](#). Precautionary Measures Nos. 309-18 and 310-18. Javier Ortega Reyes, Paúl Rivas Bravo, and Efraín Segarra Abril regarding Colombia. April 12, 2018 [in Spanish].

³¹ See in this regard: IACHR. [Resolution 24/2018](#). Precautionary Measure No. 81-18. Náthaly Sara Salazar Ayala regarding Peru. April 8, 2018 [in Spanish].

³² See in this regard: IACHR. [Resolution 37/2014](#). Precautionary Measure No. 455-14. Dubán Celiano Díaz Cristancho regarding Colombia. December 24, 2014 [in Spanish].

³³ See in this regard: IACHR. [Resolution 4/2013](#). Precautionary Measure No. 301-13. Buenaventura Hoyos Hernández regarding Colombia. October 4, 2013 [in Spanish].

³⁴ See in this regard: IACHR. [Resolution 24/2016](#). Precautionary Measure No. 29-16. Margarita Marín Yan et al. regarding Mexico. April 15, 2016 [in Spanish].

³⁵ See in this regard, in a context similar to the one at hand: I/A Court H.R. [Matter of Alvarado Reyes et al. regarding Mexico](#). Provisional Measures. Order of the Inter-American Court of Human Rights of May 26, 2010, para. 16.

³⁶ See in this regard: I/A Court H.R. [Matter of Alvarado Reyes et al. regarding Mexico](#). Provisional Measures, para. 9.

³⁷ See in this regard: I/A Court H.R. [Case of Alvarado Espinoza et al. v. Mexico](#). Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 370, para. 165; I/A Court H.R. [Case of Gelman v. Uruguay](#). Merits and reparations. Judgment of February 24, 2011. Series C No. 221, para. 74; IACHR. [Resolution 41/2021](#). Ovidio Jesús Poggioli Pérez regarding the Bolivarian Republic of Venezuela. May 13, 2021, para. 21.

23. In the matter at hand, the Commission deems that the seriousness requirement has been met given that, as from May 2, 2021, the proposed beneficiary's whereabouts or fate are reportedly unknown. According to the available information, the last time his relatives knew of his location, the proposed beneficiary had been detained by four unknown persons, dressed in civilian clothes and armed, who introduced themselves as police officers, with the aim of taking him to the Police Delegation of Jinotega due to the existence of an alleged complaint against him, in circumstances that, as indicated, have not been clarified so far. In this regard, the Commission notes the seriousness of the allegations mentioning that some state officers were involved in or may be aware of his disappearance. Upon having lodged two complaints in May 2021, there is purportedly no information on the circumstances in which Mr. Tenorio Urbina finds himself. In the same vein, the IACHR notes that the State did not disprove or offer a different account of these events, especially considering that the disappearance occurred shortly after the proposed beneficiary was purportedly in the State's custody.

24. In this regard, the Commission regrets the State's lack of response to the request for information made in this matter. In view of the lack of response, the Commission does not have sufficient information to know whether the authorities have implemented actions aimed at protecting the rights of the proposed beneficiary and, therefore, to assess whether the alleged risk has been disproved or not. This is especially relevant considering that, according to the allegations, the proposed beneficiary was detained by persons who identified themselves as police officers, while there is currently no official information on his whereabouts. Based on the above, the Commission notes that this alleged lack of official information on the situation of Mr. Tenorio Urbina prolongs his state of defenselessness and creates uncertainty about his life and the conditions in which he currently is.³⁸

25. In view of the foregoing, from the *prima facie* standard, the Commission deems that the existence of a serious risk to the rights to life and personal integrity of Mr. Tenorio Urbina is sufficiently established, insofar as his whereabouts or fate, as well as the conditions in which he might find himself, are unknown.

26. Regarding the urgency requirement, the Commission considers that it has been fulfilled, inasmuch as the passage of time without knowing the whereabouts of the proposed beneficiary is likely to have a greater impact on his rights to life and personal integrity, while it is noticeable that his relatives have no certainty about his whereabouts or fate since his detention.³⁹ The Commission also does not have information on measures implemented by the State with the aim of determining his whereabouts or reporting on his current situation.

27. 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.

V. BENEFICIARY

28. The Commission declares as beneficiary Jhovanny Alexander Tenorio Urbina, who is duly identified in this proceeding.

VI. DECISION

³⁸ IACHR. [Resolution 54/2020](#). Precautionary Measure No. 698-20. Juan José Gámez Maza regarding Venezuela. September 2, 2020, para. 16.

³⁹ See in this regard: I/A Court H.R. [Case of Gomes Lund et al. \("Guerrilha do Araguaia"\) v. Brazil](#). Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2010. Series C No. 219, para. 103.

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Jhovanny Alexander Tenorio Urbina. In particular, report whether the beneficiary is in the custody of the State and, where appropriate, the circumstances of his deprivation of liberty, or else, adopt the measures aimed at determining his whereabouts or fate;
- b) consult and agree upon the measures to be adopted with the beneficiary's representation; and
- c) implement the actions aimed at investigating the events that led to the granting of this precautionary measure, so as to prevent such events from reoccurring.

30. 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 required precautionary measures and to update that information periodically.

31. 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.

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

33. Approved on June 13, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; and, Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary