
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 49/2022**

Precautionary Measure No. 652-22

Juan Lorenzo Holmann Chamorro and his family unit regarding Nicaragua
(General Manager of “Diario La Prensa”)

September 29, 2022

Original: Spanish

I. INTRODUCTION

1. On August 23, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures from the Nicaraguan Center for Human Rights (“the applicants”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights of Juan Lorenzo Holmann Chamorro and his family unit. According to the request, the proposed beneficiary is at risk as he is deprived of liberty under severe detention conditions and lacks health care in the current context in Nicaragua.
2. In accordance with Article 25(5) of the Rules of Procedure, the IACHR requested information from the State on September 7, 2022. The State has not provided information to date.
3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that Mr. Juan Lorenzo Holmann Chamorro is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Accordingly, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. Juan Lorenzo Holmann Chamorro and the members of his family unit; b) adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the international standards applicable in the matter, including the following: i. ensuring that he is not subject to threats, intimidation, harassment, or attacks within the prison; iii. guaranteeing access to adequate and specialized medical care, and that he receives an immediate specialized medical assessment of his health; iv. providing the necessary treatments and medicines to treat his conditions; and, v. assessing, in light of the proposed beneficiary’s detention conditions and health, the granting of alternative measures to the deprivation of liberty; c) take the necessary measures so that Juan Lorenzo Holmann Chamorro can carry out his activities without be subjected to acts of violence, intimidation, threats, or harassment in the performance of his duties. The foregoing includes the adoption of measures so that he can duly exercise his right to freedom of expression; d) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and e) report on the actions undertaken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the

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.

State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish acronym) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.³ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁴

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, 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 Similarly, in 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 over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.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

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.

³ Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes, GIEI*) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#), December 2018.

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

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

⁶ IACHR. [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. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

¹⁰ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

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.

condemned the non-compliance with its recommendations and urged the State to implement them.¹² In October 2020, the IACHR again called on the State to immediately cease persecution of persons identified as dissidents and to reestablish democratic guarantees in Nicaragua.¹³ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹⁴

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁵ in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁶ On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.¹⁷ Moreover, on August 11, 2021, the Commission condemned the systematic acts that the State has carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of the same year. It further condemned the ongoing human rights violations in this context, and urged the State to cease repression against those who express opposing views towards the Government.¹⁸ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.¹⁹
9. On October 25, 2021, the IACHR published the report “Concentration of Power and the Undermining of the Rule of Law in Nicaragua.” In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.²⁰ Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern about the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks against journalists.²¹ On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists; and urged the State to release all those arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.²²

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.

¹⁴ IACHR. [2020 Annual Report, Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹⁵ IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁶ 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.

¹⁷ IACHR. [Press Release No. 145/21](#). IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. June 9, 2021; IACHR. [Press Release No. 171/21](#). Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua. July 9, 2021.

¹⁸ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election. August 11, 2021.

¹⁹ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021.

²⁰ IACHR. [Press Release 284/2021](#). IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua. October 28, 2021.

²¹ IACHR. [Press Release 292/21](#). Four days ahead election day, IACHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua. November 4, 2021.

²² IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

10. On November 20, 2021, the IACHR made a statement in which it looked unfavorably upon the State of Nicaragua's decision to denounce the Charter of the Organization of American States on November 19, 2021, during the ongoing context of crisis that the country has been experiencing in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.²³ On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of people forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of persons deprived of liberty, and persons identified as political opponents.²⁴ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.²⁵ The IACHR once again included Nicaragua in Chapter IV.B of its 2021 Annual Report, when it referred to the severe deterioration of democratic institutions in Nicaragua in the context of the 2021 general elections.²⁶
11. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They allegedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents are beneficiaries of protective measures granted by the bodies of the inter-American system.²⁷ In February 2022, the IACHR condemned the manipulation of criminal law and criminalization of persons identified as opponents due to the lack of judicial independence and separation of powers. These acts have seriously affected the judicial guarantees for political prisoners in Nicaragua.²⁸ On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that the National Assembly of Nicaragua had decided to cancel the legal capacity of 16 universities and civil society organizations, considering it an act that is framed within the overall practice to limit freedom.²⁹ The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.
12. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary arrests and harassment by State agents against human rights defenders, journalists, and attorneys.³⁰ On March 31, 2022, at the 49th session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an

²³ IACHR. [Press Release 312/2021](#). The IACHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations.

²⁴ IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

²⁵ IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

²⁶ IACHR. [2021 Annual Report, Chapter IV.B Nicaragua](#), May 2022, paras. 4 to 21.

²⁷ IACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

²⁸ IACHR. [Press Release RD026/22](#). REDESCA condemns the cancellation of the membership of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua. February 10, 2022.

²⁹ IACHR. [Press Release 027/2022](#). IACHR Condemns Manipulation of Criminal Law and Lack of Safeguards in Trials of Political Prisoners in Nicaragua. February 11, 2022

³⁰ OHCHR. [Address by the High Commissioner on the situation of human rights in Nicaragua](#) to the 49th session of the Human Rights Council. Available (in Spanish).

independent investigation into the human rights violations that have taken place in the country since April 2018.³¹

13. On March 23, 2022, the IACHR stated that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.³² Recently, in April 2022, four years after the onset of the 2018 social protests, the Inter-American Commission reaffirmed its commitment to the Nicaraguan population for the search for justice, reparation, the reconstruction of its democracy, and a national reconciliation based on the right to memory and truth.³³ Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.³⁴
14. On May 13, 2022, the IACHR urged the State to guarantee the regular and dignified direct contact of political prisoners with their families. According to information received by his MESENI, deplorable detention conditions, ill-treatment, isolated detention, and lack of access to timely, adequate, and specialized medical care for persons detained in "El Chipote" persist.³⁵ In July 2022, the Rapporteurship for Freedom of Expression (SRFoE) condemned the authorities' repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who fled or are in forced exile.³⁶ Recently, on September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are in deplorable conditions in Nicaragua.³⁷ In this regard, they expressed concern about the lack of access to health care and the poor detention condition that political prisoners are held in.³⁸

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

15. According to the request, there is a context of arbitrary arrests, threats, and harassment against members of the Chamorro family, their close family members, and officials of the Violeta Barrios de Chamorro Foundation (*Fundación Violeta Barrios de Chamorro, FVBCH*), which allegedly took place in the framework of Cristiana Chamorro Barrios' potential presidential candidacy. Furthermore, there is a reported context of pressure, delays, and retention of materials of the "Diario La Prensa" newspaper, along with "a series of repressive acts against freedom of the press and expression."

³¹ United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April 1, 2022. Available at <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-concludes-forty-ninth-regular-session-after-adopting-35?sub-site=HRC>.

³² IACHR. [Press Release 065/2022](#). The Ambassador's statements to the OAS, McFields, and his subsequent dismissal confirm the serious violations in Nicaragua. March 29, 2022.

³³ IACHR. [Press Release 081/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.

³⁴ IACHR. [Press Release 081/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.

³⁵ IACHR. [Press Release 103/2022](#). IACHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

³⁶ IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

³⁷ IACHR. [Press Release 197/22](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022 (Available only in Spanish)

³⁸ IACHR. [Press Release 197/22](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022 (Available only in Spanish)

16. The proposed beneficiary, Juan Lorenzo Holmann Chamorro, is the reported cousin of Cristiana Chamorro Barrios and general manager of the independent media outlet Diario La Prensa. On June 4, 2021, Juan Lorenzo Holmann, who at that time was secretary of the board of directors and general representative of the newspaper's administration, was reportedly summoned to the Public Prosecutor's Office to give a statement on an investigation being carried out by the police. He was allegedly asked about the relationship between the newspaper "Diario La Prensa" and FVBCH, if at any time he received money, from where "Diario La Prensa" received funds, etc.
17. The applicant stated that on August 12, 2021, "Diario La Prensa" newspaper reported that its publication was suspended due to the fact that the customs services had confiscated almost 100 tons of paper from them. On August 13, 2021, the president allegedly affirmed that the "Diario La Prensa" newspaper was spreading falsehoods by saying that it had no more paper to continue printing the newspaper. Furthermore, it asserted that by deceiving in that way "the State is being slandered, a crime is being committed, and in any part of the world, the perpetrator goes to jail."
18. On August 13, 2021, the proposed beneficiary was reportedly present in the "Diario La Prensa" newspaper facilities. According to the applicant, on the same day, the Judicial Assistance Directorate (DAJ) of the National Police accompanied by officials of the Directorate General of Customs (DGA), Public Defender's Office (PGR) and the Public Prosecutor's Office (MP) carried out a raid and search of the warehouses of "Diario La Prensa." Members of the newspaper reportedly posted videos showing at least five patrols in their headquarters parking lot. During the police operation, "the police allegedly prevented the journalists who were present from leaving or entering, and also prevented them from using telephones to communicate with the outside world. They cut off Internet services and disconnected the servers that allow access to the newspaper." In the following days, according to the information provided, vans and other vehicles entered the newspaper facilities and took computers, accounting files, boxes of documents, and an undetermined amount of goods."
19. On August 14, 2021, at 2:45 a.m., Mr. Holmann Chamorro allegedly sent his wife a message telling her that he was going to the facilities of the Judicial Assistance Directorate (DAJ), known as "Nuevo Chipote." The officers who carried out the search in the "Diario La Prensa" premises "had asked him to sign a document in this detention center."
20. The proposed beneficiary's wife reportedly went to the detention center with a bag full of medicines that Mr. Holmann Chamorro was taking. According to the request, at the date of the events, three months had elapsed since the proposed beneficiary had undergone cardiac surgery to repair his mitral valve. He reportedly also had surgery three times in each eye due to retinal detachment. In addition to the above, his medical diagnosis allegedly indicates that the proposed beneficiary has systemic arterial hypertension, dyslipidemia, benign prostatic hypertrophy, thyroiditis, and bicuspid aortic valve. For these health issues, he was reportedly instructed to take "Benicar amló 40 mg, Crestor 20 mg, Carvedi denk 12.5 mg, Aldactone 25 mg, Cardioaspirin 81 mg, Clopidenk 75 mg, Teglinil 8 mg, Momentix 5 mg." His general practitioner reportedly recommended a creatinine, BUM, sodium, potassium, lipid profile, lipids, and liver examination every two months. He was also reportedly diagnosed with secondary cataract in his right eye. His physician therefore indicated that he should have an eye check-up every three months and to maintain treatment. Additionally, he planned to schedule surgery due to heart problems in his aortic valve.
21. On August 15, 2021, a closed hearing was reportedly held and the lawyer that the family proposed was not permitted to speak. At that special hearing, the proposed beneficiary was reportedly given 90 days of investigation and declared to be in a complex case.

22. On August 22, 2021, Mr. Holmann Chamorro's wife was allegedly able to see him. On this date, the proposed beneficiary reportedly told her that he was isolated for eight days in a cell. He was allegedly completely alone and subjected to interrogations at dawn. Between September and December 2021, Mr. Holmann Chamorro allegedly remained in a prison cell with other people considered "political prisoners." According to the applicant, during this time, the guards went to their cell to wake them up. They forced the inmates to remain naked for a short period of time and interrogated them three times a day. The proposed beneficiary allegedly stated that the interrogation always concerned the Violeta Barrios de Chamorro Foundation, Cristiana Chamorro, what the Foundation was doing, where the Foundation's funds was kept, and what its relationship was with "Diario La Prensa."
23. On September 22, 2021, an initial hearing was reportedly held in the Managua courts. According to the applicant, the private defense requested by the relatives was not accepted at that hearing either. On September 24, 2021, the authorities allegedly accepted the proposed beneficiary's private defense counsel, after a letter requesting the change of representation was presented for a second time.
24. On October 21, 2021, Mr. Holmann Chamorro was allegedly seen by a forensic cardiologist due to a fainting and loss of consciousness that he reportedly experienced that same day in the courtyard. The physician allegedly stated that he considered that the fainting was due to the isolation, the stress he was subjected to during interrogations, and the sleep interruption that he suffers. He was also allegedly checked by an ophthalmologist as a brown spot was developing in his left eye, near the iris. The ophthalmologist reportedly told him that he required an orbit CT scan. However, the tomography indicated by the physician was allegedly not performed.
25. In January 2022, the proposed beneficiary told his wife that a lump had appeared in the lower part of his lower pelvis, and that it was growing. In mid-January 2022, he was reportedly taken to the Judicial Aid clinic where an ultrasound was performed. This procedure indicated that Mr. Holmann Chamorro has a hernia. However, he was not prescribed any medication or scheduled surgery for this issue. In addition, the applicant stated that, during the first months of detention, Mr. Holmann Chamorro was taken to the clinic where he was weighed and his blood pressure was taken. However, since February 2022, he has no longer been taken out to be in the sun, nor is he taken to the clinic. Currently, a nurse passes by his cell to supply the medicines, takes his blood pressure, and asks him if he feels any pain.
26. On February 22, 2022, the proposed beneficiary's procedural representation allegedly filed a brief of discontinuance of criminal proceedings due to expiration of terms, presented to the Office of Reception and Distribution of Judicial Cases and Requests (*Oficina de Recepción y Distribución de Causas y Escrito, ORDICE*). On March 21, 2022, the preparatory trial hearing was reportedly held at the request of the defense. The applicant stated that the trial began on March 21, 2022. His procedural representation participated, but it was suspended because "the Prosecutor did not have sufficient evidence". The second trial session was reportedly held on March 22, 2022, however, his lawyer did not show up as she was allegedly forced to leave the country due to threats and police persecution. The trial allegedly resumed on March 23, 2022, with Mr. Holmann Chamorro's new procedural representation.
27. On March 31, 2022, the Managua district trial criminal district judge allegedly issued a guilty verdict against Juan Lorenzo Holmann Chamorro for the crime of money, property, or asset laundering to the detriment of the State of the Republic of Nicaragua and Nicaraguan society. They imposed a sentence of nine years in prison and a fine. According to the applicant, the evidence for the trial concerned the FVBCH. However, none of the witnesses could recognize the proposed beneficiary.

28. Regarding his detention conditions, the proposed beneficiary is reportedly detained in a 2x2 m2 punishment cell since December 2021 because his custodians had found an empty bottle that Mr. Holmann Chamorro used as a pillow in his cell. From April 2022 to June 2022, the proposed beneficiary was allegedly left in the cell in complete isolation and terrible detention conditions. The cell is reportedly constantly wet and completely dark. It has a metal, airtight door with a small window-like opening through which food passes, and two concrete planks where he sleeps on a worn-out mat.
29. In July 2022, he was reportedly transferred to another punishment cell with a cellmate. In this cell, they lights are allegedly turned on 24 hours a day, seven days a week. Interrogations allegedly continue once a day, but “are no longer so aggressive.” The food from the day of his arrest up until May 2022 is reportedly a small portion of *gallopinto* (mixture of rice and fried beans) at breakfast, lunch, and dinner. At lunch, he also received meat and, at breakfast, a banana. As of July 3, 2022, the quantity of food reportedly improved, but the quality did not, as it remains very unappealing.
30. In addition to the above, only nine visits to the proposed beneficiary have been authorized in over a year of detention. According to the applicant, the proposed beneficiary’s wife reportedly stated that, ever since her first visit, the authorities allegedly frisked her. During this search, they allegedly “lifted up her blouse; lowered her pants; patted around her underwear and around her bra; searched her hair; and checked her mask and shoes”. In addition, after the visits, the proposed beneficiary is reportedly transferred to a small room where they allegedly “undress him, search him, and make him squat to ensure that he does not have anything hidden”.
31. On July 23, 2022, during her latest visit to Mr. Holmann, his wife allegedly observed that, while his normal weight is approximately 190 pounds [86 kg], he was weighing an approximate 145 pounds [65 kg]. He had therefore reportedly lost about 30 pounds [13 kg] since his arrest. The proposed beneficiary was reportedly ill with a stomach infection in June 2022. For 21 days, he reported having diarrhea. He was therefore transferred to the clinic and received four liters of IV fluids due to his state of dehydration. Mr. Holmann Chamorro’s wife said he “managed to recover from the infection, but is still weak.” The applicant stated that the medical assistance they have in the Police Complex of Judicial Assistance is reportedly limited and not suitable for chronic patients such as Mr. Holmann.
32. Furthermore, the applicant organization indicates that, at the date of submission of the request for precautionary measures, “the facilities of Diario La Prensa, as well as its goods and assets, remained under illegal occupation by state authorities”. In this sense, on August 22, 2022, the “Diario La Prensa” reportedly denounced the “de facto confiscation” of its facilities, due to the alleged progress of construction works inside the newspaper building, “without any official explanation of what the building will become or the fate of the equipment it contained”.

B. Information provided by the State

33. The IACHR requested information from the State on September 7, 2022. However, the State has not submitted any information to date.

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

34. 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, while 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.

35. 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, protective and precautionary.³⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴⁰ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁴¹ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁴² In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:
- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
 - b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
 - c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.
36. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent

³⁹ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16. (Available only in Spanish).

⁴⁰ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 (Available only in Spanish)

⁴¹ 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 (Available only in Spanish); I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6. (Only Available in Spanish).

⁴² See in this regard: I/A Court H.R., Inter-American Court of Human Rights. [Matter of Capital El Rodeo I and El Rodeo II](#). Provisional Measures regarding Venezuela. Judgment of the Court of February 8, 2008, Considerandum 7; I/A Court H.R., Case of “El Nacional” and “Así es Noticia” Newspapers. [Matter of “El Nacional” and “Así es la Noticia” Newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, Considerandum 23 (Available only in Spanish); I/A Court H.R., Case of Luis Uzcátegui. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, para. 19.

situation exists.⁴³ Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁴⁴ This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.⁴⁵

37. Under the terms of Article 25 (6) of its Rules of Procedure, the Commission observes that the proposed beneficiary's alleged situation is framed within Nicaragua's current context,⁴⁶ which is particularly hostile towards people considered, perceived, or identified as opponents⁴⁷ of the government such as members of independent media. This context has intensified over time in the context of the presidential elections in 2021. Thus, the alleged situation that the proposed beneficiary faces are not isolated events, but are rather inserted in a context observed in Nicaragua which is characterized by the arrest and criminalization of opponents, human rights defenders,⁴⁸ journalists, and communicators.⁴⁹
38. In this regard, the IACHR and its REDESCA recently expressed concern regarding the health and detention conditions of those considered "political prisoners" in Nicaragua, and demanded their

⁴³ See in this regard: I/A Court H.R., Inter-American Court of Human Rights. Matter of the Inhabitants of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast Region regarding Nicaragua. Extension of Provisional Measures. Resolution of the Inter-American Court of Human Rights of August 23, 2018, Considerandum 13 (Available only in Spanish); I/A Court H.R., Matter of Children and Adolescents Deprived of Liberty in The Complexo Do Tatuapé of Febem. Request for extension of provisional measures. Provisional Measures regarding Brazil. Judgment of the Inter-American Court of Human Rights of July 4, 2006, Considerandum 23.

⁴⁴ IACHR. Resolution 2/2015. Precautionary Measures No. 455-13. Case of Nestora Salgado regarding Mexico. January 28, 2015, para. 14 (Available only in Spanish); IACHR. Resolution 37/2021. Precautionary Measures No. 96/21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33. (Available only in Spanish)

⁴⁵ In this regard, the Court has indicated that it "cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R., James et al. Case. Provisional Measures. Judgment 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. Case of the Barrios Family v. Venezuela. Provisional Measures. Resolution of the Inter-American Court of Human Rights of April 22, 2021, Considerandum 2.

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

⁴⁷ See in this regard: IACHR. Annual Report 2020. Chapter IV.B Nicaragua, paras. 54-77; IACHR. Press Release No. 152/21. IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. Press Release No. 2/21. IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

⁴⁸ See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Soli regarding Nicaragua. April 22, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua. December 24, 2019.

⁴⁹ See in this regard: IACHR. Resolution No. 101/21. Precautionary Measure No. 505-21. María Lilly Delgado Talavera regarding Nicaragua. December 8, 2021. IACHR. Resolution 82/21. Precautionary Measure No. 206-20. Jaime José Arrelano Arana regarding Nicaragua. October 12, 2021; IACHR. Resolution 70/21. Precautionary Measure No. 1061-20. Georgina Roxana Vargas Clarens regarding Nicaragua. August 28, 2021; Resolution 31/2021. Precautionary Measure No. 1606-18. Javier Iván Olivares regarding Nicaragua. (Extension), April 5, 2021; IACHR. Resolution 27/2020. Precautionary Measure No. 399/20. Eduardo Walter Montenegro Chavarría et al. regarding Nicaragua (Identified members of the NOTIMATV journalistic team), June 17, 2020; IACHR. Resolution 11/2020. Precautionary Measure No. 399-19. Carlos Edy Monterrey regarding Nicaragua. (Extension), February 5, 2020; IACHR. Resolution 10/2020. Precautionary Measure No. 1606-18. María Waleska Almendares Cruz et al. regarding Nicaragua. (Extension), February 5, 2020; IACHR. Resolution 32/2019. Precautionary Measure No. 399-19. Sergio Warren León Corea and members of his family regarding Nicaragua (Director General of "La Costenima" in the Autonomous Region of the South Caribbean), June 15, 2019; IACHR. Resolution 5/2019. Precautionary Measure No. 873-18. Lucía Pineda Ubau and her family unit regarding Nicaragua (Extension), February 11, 2019; IACHR. Resolution 96/2018. Precautionary Measure No. 698-18. Álvaro Lucio Montalván and his family unit regarding Nicaragua, December 29, 2018; IACHR. Resolution 90/2018. Precautionary Measure No. 873-18. Miguel Mora Barberena, Leticia Gaitán Hernández, and their family unit regarding Nicaragua (100% Noticias Journalists), December 13, 2018.

immediate release.⁵⁰ They therefore demanded that Nicaragua take appropriate measures to guarantee the health, adequate and sufficient food, life, and integrity of all detained persons. Specifically, MESENI and REDESCA have received disturbing information regarding persons detained in the Judicial Assistance Directorate (DAJ). They are reportedly held in deplorable and unsanitary conditions. They suffer alleged ongoing acts of ill-treatment, isolated detention, constant interrogations, the lack of adequate and sufficient food. In addition, they also lack access to timely, adequate, and specialized medical care.⁵¹

39. In addition to the above, in July 2022 the IACHR RELE condemned the authorities' escalation of repression against journalists and the media in Nicaragua.⁵² The RELE has received information regarding an increase in police operations in journalists' residences and media facilities, searches, confiscation of media, confiscation of work equipment, as well as the displacement and forced exile of journalists.⁵³ Specifically, the RELE has highlighted the information reported by the newspaper "Diario La Prensa", regarding acts of persecution against its journalistic team, including drivers, photographers, and reporters. It also mentioned the arrest of two of its reporters who were later transferred to the prison of Nuevo Chipote.⁵⁴ According to the RELE, the actions undertaken by the State of Nicaragua seek to "silence the press and control any discourse that questions or contradicts official voices, undermining the basic guarantees for the exercise of fundamental freedoms."⁵⁵
40. Taking into account the particular context Nicaragua is experiencing and the situation of confinement faced by the proposed beneficiary, the Commission will proceed to analyze the regulatory requirements regarding Mr. Juan Lorenzo Holmann Chamorro.
41. With regard to the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the IACHR observes that the situation that placed the proposed beneficiary at risk is allegedly related to his job as general manager of the independent media outlet "Diario La Prensa". This situation is also reportedly related to the complaints he issued regarding the violations of the freedom of the press in the country, particularly of the newspaper he oversees. Furthermore, the Commission observes that the proposed beneficiary is detained in inadequate detention conditions and does not receive the medical care necessary to treat his health issues.
42. The Commission observes that Mr. Holmann Chamorro's imprisonment has been preceded by incidents against him, which demonstrates the seriousness of his allegations, as well as the visibility and exposure he had in Nicaraguan society and in the independent media. According to the applicant, on the same day that the President issued stigmatizing statements against "Diario La Prensa" newspaper, (see *supra* para. 17) police authorities carried out a raid on the media outlet's premises (see *supra* para. 18).
43. In this regard, the Inter-American Court has indicated that the Chamorro family unit faces a special situation of risk due to its role in Nicaraguan society. The Commission and the Inter-American Court have already evaluated the risk that the members of this family unit face, and

⁵⁰ IACHR. Press Release 197/22. IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022 (Available only in Spanish)

⁵¹ *Ibidem*

⁵² SRFoE. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

⁵³ *Ibidem*

⁵⁴ *Ibidem*

⁵⁵ *Ibidem*

have decided to adopt international protection measures.⁵⁶ The applicant has stated that Mr. Juan Lorenzo Holmann Chamorro has been summoned to testify about his work as general manager of the “Diario La Prensa” newspaper and his alleged relation to the FVBCH (see *supra* para. 16). He also stated that the content of the interrogation was always about the FVBCH (see *supra* para. 22) and that the evidence of the trial that sentenced the proposed beneficiary also concerned the FVBCH (see *supra* para. 27). However, according to the applicant, none of the witnesses were able to recognize the proposed beneficiary (see *supra* para. 17). The Commission notes that the State’s actions have been similar to those of other relatives of the Chamorro family, who currently have provisional measures before the Inter-American Court.⁵⁷

44. As a background and to contextualize the proposed beneficiary’s current situation, the Commission takes into account that Mr. Holmann Chamorro is in an aggravated situation of vulnerability, due to his role in Diario La Prensa (see *supra* para. 16), due to being part of the Chamorro family (see *supra* para. 15), and upon being deprived of his liberty for the crime of money, property, or asset laundering in a trial allegedly focused on the FVBCH (see *supra* para. 27). In this regard, the Commission has considered that the people involved in the process against former FVBCH workers, and people linked to this foundation, have been exposed to continuous risk events.⁵⁸ As indicated, the IACHR and the Inter-American Court have granted precautionary and provisional measures, respectively, regarding Cristiana María Chamorro Barrios and other former members of the FVBCH, most of whom are currently deprived of their liberty.⁵⁹
45. Regarding Mr. Juan Lorenzo Holmann Chamorro’s current situation, the applicant stated that he was arrested in the early morning of August 14, 2021. That morning, the proposed beneficiary went to the facilities of the Judicial Assistance Directorate (DAJ), at the request of the authorities who carried out the search in the facilities of Diario La Prensa (see *supra* para. 19). He is currently being held in the Judicial Assistance Directorate (DAJ) known as “El Chipote”, in reported precarious detention conditions. He has even been allegedly held in a “punishment” cell in subhuman and unsanitary circumstances for several months (see *supra* paras. 28 and 29). Furthermore, the authorities reportedly only authorized nine visits for the proposed beneficiary at the date of submission of the request for precautionary measures (see *supra* para. 30).
46. In addition to the foregoing, when analyzing this matter, the IACHR highlights the allegations regarding his health issues. The proposed beneficiary reportedly has multiple health issues: systemic arterial hypertension, dyslipidemia, benign prostatic hypertrophy, thyroiditis, bicuspid aortic valve, and secondary cataract (see *supra* para. 20). Since his detention, his health has been declining – Mr. Holmann Chamorro is allegedly developing a spot in his left eye and a hernia in his lower pelvis (see *supra* paras. 24 and 25), he reportedly had a stomach infection and allegedly lost 30 pounds [13 kg] to date (see *supra* para. 31). The proposed beneficiary is reportedly awaiting medical examinations and the possibility to schedule surgeries (see *paras.* 20, 24, and 25). However, available medical assistance is reportedly limited and not adequate for chronic patients

⁵⁶ I/A Court H.R. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of November 22, 2021, para. 9. (Available in Spanish)

⁵⁷ *Ibidem*

⁵⁸ IACHR. [Resolution No. 101/21](#). Precautionary Measure No. 505-21. María Lilly Delgado Talavera regarding Nicaragua. December 8, 2021.

⁵⁹ See in this regard: IACHR. Resolution 49/2021. Precautionary Measure No. 480-21. Cristiana María Chamorro Barrios et al. regarding Nicaragua. June 24, 2021. I/A Court H.R. I/A Court H.R. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of November 22, 2021, (Available only in Spanish). IACHR. Resolution No. 101/21. Precautionary Measure No. 505-21. María Lilly Delgado Talavera regarding Nicaragua. December 8, 2021.

such as the proposed beneficiary (see *supra* para. 31). In this sense, since February 2022, authorities allegedly no longer take him out into the sun or to the clinic (see *supra* para. 25).

47. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information issued in this matter on April 22, 2022. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of response from the State prevents the Commission from knowing the measures that would have been reportedly implemented to address the situation that places the proposed beneficiary at risk dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the alleged situation that places the proposed beneficiary at risk has been mitigated. This is particularly relevant considering that the proposed beneficiary is reportedly deprived of liberty, in State custody, and is allegedly not receiving necessary and timely medical care for his health issues.
48. Due to the foregoing, the Commission considers, from the *prima facie* standard and in the current context of Nicaragua, that it is sufficiently proven that the rights to life, health, and personal integrity of Juan Lorenzo Holmann Chamorro are at serious risk. When making this determination, the Commission takes particular account of the fact that the risk events reported by the applicants are reportedly related, and would be presumed reprisals with the exercise of their journalistic activity and the exercise of their right to freedom of expression. The Commission also considers that Mr. Holmann Chamorro's family unit is at risk given the possible reprisals, and considering the harassment his wife has faced, according to the information available.
49. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. The Commission takes into account that the proposed beneficiary has been deprived of liberty since August 14, 2021, which means that over a year has already elapsed since the arrest. Despite suffering from a series of ailments, he has allegedly not received adequate medical attention to date. Although the applicant has indicated that medical care is reportedly provided, the Commission observed that it has denounced that this health care is not constant and that it is not specialized care, considering the proposed beneficiary's health issues and the indications on the medical reports presented. In addition, the Commission did not receive information from the State to assess the actions that are being taken to address the alleged risk that the proposed beneficiary is facing.
50. Regarding the requirement of *irreparability*, the Commission considers that it has been met, on the one hand, since the potential impact on the rights to life, personal integrity, and health constitutes, by its very nature, the maximum situation of irreparable harm. On the other, the Commission emphasizes its concern given that the aforementioned situation is allegedly intended to intimidate and thereby silence the proposed beneficiary. This affects his exercise of his right to freedom of expression, which would in turn daunt other journalists who wish to express themselves freely in the current context. The foregoing is particularly relevant given that this matter addresses with the situation of the general manager of an independent media in the country who, due to his high rank, has decision-making powers in the media. The information that Mr. Holmann Chamorro's detention occurred along with a series of events against the "Diario La Prensa", in a context of "pressure, delays, and material retention" (see *supra* para. 15). This has culminated in a current "de facto confiscation" of the facilities of the "Diario La Prensa" (see *supra* para. 32).
51. Lastly, the Commission would like to point out that this request takes place within a context that is severely hostile and repressive towards freedom of expression, which gives special relevance

to the three regulatory requirements when analyzing the proposed beneficiary's situation. As indicated by the Commission's Rapporteurship for Freedom of Expression (RELE) in July 2022, "the evidence gathered indicates that there is currently no guarantee whatsoever to exercise the right to freedom of expression in Nicaragua."⁶⁰ As indicated by the RELE on that occasion, it is the duty of the State to promote, respect and guarantee the right of all persons to express their opinions or ideas by any means and without fear of being persecuted, punished or stigmatized for it; to participate in the public debate to encourage and enrich it; and to access relevant information to exercise the political control that makes a true democracy possible.⁶¹

V. BENEFICIARIES

52. The Commission declares Mr. Juan Lorenzo Holmann Chamorro as beneficiary, who is duly identified in these proceedings. Furthermore, the Commission considers as beneficiaries the members of their family unit, who can be identified in the terms of Article 25 of its Rules of Procedure.

VI. DECISION

53. The Inter-American Commission considers that this matter meets, prima facie, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Nicaragua:
- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. Juan Lorenzo Holmann Chamorro and the members of his family unit;
 - b) adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the international standards applicable in the matter, including the following:
 - i. ensuring that he is not subject to threats, intimidation, harassment, or attacks within the prison; iii. guaranteeing access to adequate and specialized medical care, and that he receives an immediate specialized medical assessment of his health; iv. providing the necessary treatments and medicines to treat his conditions; and, v. assessing, in light of the proposed beneficiary's detention conditions and health, the granting of alternative measures to the deprivation of liberty;
 - c) take the necessary measures so that Juan Lorenzo Holmann Chamorro can carry out his activities without be subjected to acts of violence, intimidation, threats, or harassment in the performance of his duties. The foregoing includes the adoption of measures so that he can duly exercise his right to freedom of expression;
 - d) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
 - e) report on the actions undertaken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

⁶⁰ SRFoE. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

⁶¹ *Ibidem*

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54. The Commission requests that the State of Nicaragua report, within 15 days as from the day after the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.
 55. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.
 56. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicants.
 57. Approved on September 29, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary