

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 71/2022**

Precautionary Measure No. 873-21
Moisés Alberto Silva González and his family unit regarding Nicaragua
December 11, 2022
Original: Spanish

I. INTRODUCTION

1. On September 20, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by the Nicaraguan Human Rights Collective *Nunca Más* (“the applicant organization” or “the applicant”), urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of Moisés Alberto Silva González and his family unit. According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, has been subject to acts of threats, harassment and surveillance by state and parastatal agents since 2018.
2. Under the terms of Article 25 of its Rules of Procedure, the IACHR requested additional information from the applicant on October 19, 2021. The applicant submitted information on October 28, 2021, April 29, 2022 and November 9, 2022. The IACHR requested information from the State on November 17, 2022. To date, the State has not submitted any information, and the granted time limits have since expired.
3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission considers that the information presented shows *prima facie* that Moisés Alberto Silva González and his family unit are in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of the proposed beneficiaries. To this end, the State must both ensure that state actors respect the beneficiaries’ life and personal integrity, and protect their rights in relation to acts of risk attributable to third parties, in accordance with the standards established by international human rights law; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Between May 17 and 21, 2018, the Commission visited Nicaragua. During this visit, it 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

¹ IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OAS/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

country until the State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its acronym in Spanish) 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, and urged 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 In 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 once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,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 intensified acts of surveillance, harassment, and selective repression against people considered to be government opponents.¹¹ Thus, in May 2020, the IACHR condemned the non-

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 [only in Spanish].

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](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

¹⁰ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/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.

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 In this line, 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 crisis¹⁷. 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 On November 4, 2021, the IACHR and OHCHR expressed concern about the intensification of repression against opposition people in Nicaragua within the framework of the electoral process in the country, noting the attacks against journalists.²¹ Previously, 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

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 No. 284/21](#). 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 No. 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.

who had been arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.²²

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 to protect those who had been 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 reportedly 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 detentions and harassment at the hands of State agents against human rights

²² IACHR. [Press Release No. 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

²³ IACHR. [Press Release No. 312/21](#). 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 No. 346/21](#). 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 No. 346/21](#). 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 No. 023/22](#). 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

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 independent investigation into the human rights violations that have taken place in the country since April 2018.³¹ On March 23, 2022, the IACHR stated that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the Organization of American States (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

13. 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 On May 13, 2022, the IACHR urged the State to guarantee constant direct contact of political prisoners with their families. According to information received by its 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
14. 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 On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to its critical role in denouncing human rights violations.³⁷ On September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are held in deplorable conditions in Nicaragua.³⁸ Recently, on September 28, 2022, the rapporteurs of the ONU and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.³⁹ Furthermore, on November 4, 2022, the IACHR alerted of the lack of conditions to hold free and fair elections in the country, taking into account the resurgence of repression and percussion

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) at: <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

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 No. 065/22](#). 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 No. 081/22](#). 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 No. 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 No. 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 No. 184/22](#). IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022.

³⁸ IACHR. [Press Release No. 197/2022](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

³⁹ IACHR. [Press Release R218/22](#). Faced with serious complaints about the closure of civic spaces in Nicaragua, UN and IACHR rapporteurs urge the authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022

against political opponents through the implementation of measures aimed at preventing their participation in these elections.⁴⁰

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

17. The proposed beneficiary has been involved in political activism since late 2016, when he joined the Broad Front for Democracy (*Frente Amplio por la Democracia*, FAD), an alliance founded on October 8, 2016, with the intention of demanding transparent elections. In April 2018, the proposed beneficiary joined the civic protests from Jinotepe, the municipality where he is from, and joined the April 19 Movement (*Movimiento 19 de abril*). On April 19, 2018, as well as on June 12 and 23, 2018, the proposed beneficiary was allegedly assaulted by state and parastatal agents during the protests.
18. As a result of his participation in the protests, from June 16, 2018, his name and photo began to circulate on social networks of people related to the government, along with statements that he was a “terrorist”. The proposed beneficiary allegedly received threats through social networks. On July 8, 2018, the applicant indicated that state agents and paramilitaries perpetrated an armed attack against the protesting population in the municipality of Jinotepe. In the early hours of the morning, state and parastatal agents entered through various points of the municipality. The proposed beneficiary therefore removed his family from the municipality and took refuge in a friend’s house. At 6:00 a.m. the following day, he and others took refuge inside the Santiago Church. However, at approximately 12:00 p.m., multiple parastatal and state agents violently broke in searching for the protesters, who were sheltered by the priests. The proposed beneficiary decided to leave that location and move to another municipality. Around these days, the proposed beneficiary was told that his name was on a list where it indicated that he was “not detained”.
19. Due to the danger that his life was in, the proposed beneficiary decided to take refuge in Costa Rica. Before leaving the country irregularly, he and others were detained by members of the Army who had him on a “list”. According to the proposed beneficiary, a soldier told him “You are stuck, if you want to get through, you have to pay me”, which he had to agree to for fear of being deprived of his freedom or his life. On August 27, 2018, *El 19 Digital*, an electronic medium identified as being associated to the government party, published a report on alleged protests in Jinotepe. This report accused the proposed beneficiary of being the funder of the protests in the municipality: “[...] and that Moisés Silva were who received the money to pay gang members [...]”. It was indicated that two judicial processes had been opened for his participation in protests, for crimes related to acts of terrorism, obstruction of public roads, kidnapping, among others. On December 5, 2018, an indictment was filed against him in the Seventh Court of the District of Hearing of Managua and in the District Court of the Criminal Court of the City of Jinotepe. Both cases were closed in July 2019 under the Amnesty Law.
20. On February 14, 2020, the proposed beneficiary decided to return to Nicaragua. On that occasion, immigration agents detained him at Augusto César Sandino International Airport and took him to an office to investigate him. However, they let him go when the proposed beneficiary showed them his amnesty. The proposed beneficiary was relocated to the municipality of Managua and joined the Civic Alliance for Justice and Democracy, to which he belonged for approximately six months.
21. In the months of May and June 2020, members of Citizen Power Councils (*Consejos de Poder Ciudadano*, CPCs) began investigating his location, “tracking him down”, and constantly besieging his home in Jinotepe. State agents went to his relatives’ houses in Jinotepe to find out his location and were present

⁴⁰ IACHR, [Press Release No. 248/22](#), IACHR Warns of Lack of Conditions for Free and Fair Municipal Elections in Nicaragua. November 4, 2022.

in the municipality of San Marcos, where his wife was. Upon failing to locate him, they began to besiege his wife for approximately 15 days, while the proposed beneficiary was still under forced displacement in Managua. In September 2020, the proposed beneficiary joined the “Unite” movement and subsequently joined the National Coalition where he represented his political movement via the department of Carazo. He began to participate in meetings with different leaders and activists. It was indicated that these meetings were constantly hampered by the police siege, and on multiple occasions state or parastatal agents threatened to detain the people present at these meetings.

22. In the context of the elections of June 30, 2021, political and social movements met in the municipality of La Conquista, department of Carazo. According to the proposed beneficiary, military agents passed through the premises where the activity was taking place and requested information from the warden about the people who were at the meeting. It was indicated that someone was allegedly “infiltrated” inside the meeting, and that this person shared the photos of those present. Subsequent to this event, the sieges against the proposed beneficiary have increased. Police officers began to do stakeouts outside his house in Jinotepe, where he had moved only months prior. They also did this to his relatives’ house, they even stopped people who passed by to search their bags or backpacks. Additionally, they prohibited people from leaving the besieged houses.
23. On July 8, 2021, 10 police officers arrived at his relative’s home in the municipality of Jinotepe and filed an arrest warrant against the proposed beneficiary, allegedly based on Law No. 1055.⁴¹ The proposed beneficiary had to leave his home despite having COVID-19, and is now reportedly located in a different municipality. Subsequently, on September 10, 2021, at approximately 5:00 p.m., a police patrol was stationed outside the house of B.S.G., the proposed beneficiary’s brother. On that occasion, two officers got out of the patrol car and, despite not presenting an arrest warrant or search warrant, raided his brother’s house, beat him, and told him that he was detained. However, his brother allegedly managed to leave the property without going into police custody. For a month after this incident, his brother was unable to return to his home for fear of being arrested.
24. Since September 2021, the siege and harassment by the police has been constant at the house where the proposed beneficiary’s mother and brother live, in the municipality of Jinotepe, due to the presence of state and parastatal agents in unlicensed vehicles taking photos and videos. It was indicated that the siege on his relatives’ house was reportedly with the aim of obtaining information about Mr. Moisés Silva. In that line, police officers questioned the proposed beneficiary’s wife, asking her for information on where Mr. Moisés Silva is “hiding”. Furthermore, police officers occasionally go to his families to tell them that the police “wants to have a calm chat with him”.
25. On October 4, 2021, the proposed beneficiary received calls from an unknown number. He was threatened by being told: “Look, damn *tranquero*, we have you located, you will pay for all the damage you did”. After that, he has continued to receive calls from unknown numbers. Subsequently, on October 6, 2021, police officers arrested the citizen R.P. in order to obtain information about the proposed beneficiary. During the interrogation, he was asked for information about the location of Moisés Silva. Moreover, on October 15, 2021, the citizen A.L. was arrested with the same intention. According to the testimony of citizen A.L., the chief departmental commissioner of Carazo, and the Commissioner of Intelligence and Public Security, told him that “they want to have a calm chat with him (Moisés Silva).” In addition, on October 21, 2021, police officers repeated to their families that both Commissioners want to talk to Mr. Moisés Silva.
26. In the electoral context in Nicaragua, in November 2021, the constant surveillance of the proposed beneficiary’s family members (brother, mother, wife, mother-in-law, and other relatives) has

⁴¹ Nicaragua Law No. 1055. 1055 “Law on the Defense of the Rights of the People to Independence, Sovereignty, and Self-determination for Peace.”

increased. This has forced the proposed beneficiary to remain displaced. On December 17, 2021, the proposed beneficiary moved near his municipality to spend the holidays with his family unit. He had to leave on January 1, 2022 in the face of persecution and surveillance in the streets where his wife and brother live.

27. During the first four months of 2022, the proposed beneficiary was constantly monitored. After his brother returned to his home, the officers have frequently questioned him about the location of the proposed beneficiary, his work, his activities, and have told him that “Commissioner Julio wants to talk to him.” In the context of the fourth anniversary of the beginning of the protests in Nicaragua in April 2022, repression against the family members and acquaintances of the proposed beneficiary has increased. In this regard, on April 16, 2022, his friend’s house was raided in search of “blankets, pamphlets, or flyers” alluding to the protests in April. During this raid, they again requested information regarding the proposed beneficiary. From April 17 to 20, 2022, police patrols have not ceased surveillance of his brother, his mother-in-law, and other relatives.
28. According to the request, since April 2022, the proposed beneficiary has continued to constantly move within the country to seek shelter. It was indicated that the proposed beneficiary allegedly continued to receive calls from unknown numbers with death threats. On the other hand, between June 26 and 30, 2022, the Chief Commissioners of the Directorate of Intelligence and Public Security, and head of the Departmental Police Delegation of Carazo, summoned Mr. R.P. and E.L., who were interrogated by both police chiefs in relation to his whereabouts.
29. On July 14, 2022, at 10:00 a.m., police officers from the department of Carazo simultaneously harassed the homes of the proposed beneficiary’s family and friends. On July 16, 2022, at 11:00 a.m., police officers allegedly illegally searched the home of his brother B.S.G. His relative received a deep cut on his left hand during the search, and he was repeatedly questioned about the whereabouts of the proposed beneficiary.
30. Subsequently, on October 24, 2022, at approximately 6:00 a.m., the proposed beneficiary received a phone call from an unknown contact, who insisted on knowing if the recipient was the proposed beneficiary. Similarly, on October 31, 2022, at 3:00 p.m., he received a new phone call from a contact with restricted identity, and again the caller insisted on knowing if the receiver was Mr. Moisés Silva. The proposed beneficiary hung up these calls.

B. Information provided by the State

31. The IACHR requested information from the State on November 17, 2022. However, the State has not submitted any information to date.

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

32. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth 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 Commission’s Rules of Procedure. 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.
33. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional

measures have a dual nature, both protective and precautionary.⁴² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴³ 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.⁴⁴ 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 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 enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁴⁵ 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.

34. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁴⁶ 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

⁴² 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.

⁴³ 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 [only in Spanish].

⁴⁴ 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 [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 in Spanish].

⁴⁵ 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 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.

⁴⁶ See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast](#) regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only 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. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

applicable instruments.⁴⁷ 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.⁴⁸

35. 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,⁴⁹ which is particularly hostile towards people considered, perceived, or identified as opponents of the government.⁵⁰ This context has intensified over time in the context of the presidential elections of November 2021. Thus, the Commission considers that the proposed beneficiary's situation is not an isolated event, but rather takes place within the current context of Nicaragua, characterized by the practice of arresting and criminalizing human rights defenders and political opponents.⁵¹
36. Considering the context Nicaragua is currently experiencing, the Commission will proceed to analyze the regulatory requirements regarding the situation of Moisés Alberto Silva González and his family unit.
37. When analyzing the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the Commission observes that the proposed beneficiary has participated in the civic protests in the municipality of Jinotepe in 2018 in Nicaragua (see *para.* 17). On the other hand, Mr. Moisés Silva has joined social movements, such as the April 19 Movement and the Civic Alliance for Justice and Democracy (*Alianza Cívica por la Justicia y la Democracia*), as well as joined the National Coalition for the department of Carazo in Nicaragua (see *above para.* 21). In this regard, the Commission emphasizes that it has previously granted precautionary measures in favor of members of these movements and political organizations.⁵² Due to the above, the proposed beneficiary is identified or perceived as a political opponent of the current Nicaraguan government, and has allegedly been subject to threats, harassment, and surveillance by state and parastatal agents from 2018 to date.

⁴⁷ 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.

⁴⁸ 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. 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 Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

⁴⁹ 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.

⁵⁰ 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.

⁵¹ See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Solis 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.

⁵² See in this regard: IACHR. [Resolution 52/2018](#). Precautionary Measure No. 840-18, 841-18, and 779-18. Leaders of the “19 de Abril Carazo” Movement and family units regarding Nicaragua. July 17, 2018; IACHR [Resolution 58/2018](#). Precautionary Measure No. 918-18. Participants by the private sector in the Civic Alliance for Justice and Democracy in the National Dialogue on Nicaragua. August 3, 2018; IACHR [Resolution 44/2019](#). Precautionary Measure No. 1525-18. Violeta Mercedes Granera Padilla and her family unit regarding Nicaragua. August 23, 2019; IACHR. [Resolution 67/2021](#). Precautionary Measure No. 584-21. José Bernard Pallais Arana regarding Nicaragua August 24, 2021; IACHR. [IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election](#). August 11, 2021.

38. The Commission identifies that the proposed beneficiary has suffered acts of harassment and aggression in 2018 following his participation in civic protests in the municipality of Jinotepe. This includes an armed attack on July 8, 2018 by parastatal agents against opponents (see *above* para. 18). As a result, he was forced to go into exile in Costa Rica for some time, was prosecuted in Nicaragua, and subsequently received amnesty in 2019 (see *supra* para. 19). However, following his return to Nicaragua in August 2020, he has been receiving increased death threats, in addition to being harassed and surveilled by state and parastatal agents as a result of his political activities (see *paras.* 20 to 22).
39. Since 2021, specifically in the electoral context in the country, the proposed beneficiary has frequently been internally displaced, to the extent that all of his relatives' houses are constantly monitored, and they have been repeatedly besieged and interrogated regarding information on the proposed beneficiary (see *above* paras. 23 to 29). In particular, in September 2021 and July 2022, his brother's home was raided. During these occasions, he was interrogated about the proposed beneficiary and beaten. During the most recent incident, this resulted in a deep cut on his left hand (see *supra* paras. 23 and 29). In addition, in October 2021 and June 2022, the proposed beneficiary's acquaintances have been arrested and questioned about his whereabouts. State agents have reportedly indicated that they want to "calmly chat" with the proposed beneficiary (see *paras.* 25 to 29). In July 2022, several of his relatives' homes were simultaneously targeted (see *paras.* 29.) On the other hand, it was indicated that the proposed beneficiary has received telephone calls with threats in October 2021, and reportedly continues to receive calls from strangers insisting on getting information about the proposed beneficiary in October 2022 (see *paras.* 25, 28, and 30).
40. In addition, according to the information provided, Mr. Moisés Silva's situation has also affected his family unit. In this regard, his family members and acquaintances have repeatedly been subjected to acts of surveillance, harassment, aggression, raids, and interrogations about the proposed beneficiary since June 2021 (see *paras.* 22 to 30).
41. Considering the foregoing, the Commission considers that the aforementioned facts reflect a continuity of the risk events against Mr. Moisés Silva over time, from 2018 to the present, which has intensified at the end of 2021. In addition, the Commission emphasizes that he is in reported forced internal displacement since 2021. This is due to the acts of threat, harassment, and surveillance against him as a result of his involvement in political activities. The Commission also notes with concern that the facts described indicate that his family members are also seriously affected, taking into account that they reportedly face surveillance, sieges, and interrogations, due to the connection they have with the proposed beneficiary. In the same sense, the Commission warns that Mr. Moisés Silva allegedly already suffered an attack in 2018. In addition, his brother suffered violent raids, during which he was reportedly beaten by state agents, the last having taken place in October 2022.
42. 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. 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 applicant. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated. This is particularly relevant, given that the alleged facts are attributable to state and parastatal agents.
43. The Commission warns, from the information of the applicant, that there is an alleged "arrest warrant" since 2021, which seeks to arrest the proposed beneficiary under Law No. 1055. Although the Commission is not called upon, in the present procedure, to carry out an analysis of the

compatibility of the alleged “arrest warrant” regarding the American Convention and applicable standards, it is observed that the regulatory framework used as grounds to arrest him are reportedly the same with which other people, identified or perceived as opposition, were detained in the electoral context of 2021. Following these arrests, the Commission is aware that the authorities proceeded to hold people in isolation for various periods of time until they were presented to the judicial authorities in criminal proceedings in which the minimum guarantees of due process were questioned. This context, which has been monitored by the Commission, is relevant when describing the seriousness of the situation that the proposed beneficiary faces, insofar as it reflects the vulnerability in which he finds himself in the current context. It also provides insight, within this context, on the current risk factors they face as a result of threats, intimidation, harassment, and acts of violence in the country.

44. Due to the above, the Commission concludes that, from the *prima facie* standard and in the context that Nicaragua is experiencing, it is sufficiently proven that the rights to life and personal integrity of Moisés Alberto Silva González are in a situation of serious risk. Similarly, members of his family unit have also been exposed to situations that places them at risk.
45. With regard to the *urgency* requirement, the Commission also considers that it has been fulfilled, since the facts described suggest that the risk situation is likely to continue and to be exacerbated over time. Thus, in view of the imminent materialization of the risk, it is necessary to immediately adopt measures to safeguard the proposed beneficiary’s rights to life and personal integrity, in addition to that of his family unit. When making these assessments, the Commission takes into account the continuity of the acts of threats, harassment, surveillance, and searches at the hands of state agents and persons related to the current Nicaraguan government since 2018, as well as the fact that these acts have increased in 2021 and continue to date. In this sense, the Commission does not have specific information from the State sufficient to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiary.
46. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

47. The Commission declares as beneficiaries of the precautionary measures Moisés Alberto Silva González, 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

48. 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 and personal integrity of the proposed beneficiaries. To this end, the State must both ensure that state actors respect the beneficiaries’ life and personal integrity, and protect their rights in relation to acts of risk attributable to third parties, in accordance with the standards established by international human rights law;

- b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.
49. 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.
50. 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.
51. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicant.
52. Approved on December 11, 2022 by: Julissa Mantilla Falcón, President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary