

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 74/2022**

Precautionary Measure No. 355-22  
Rodrigo José Navarrete Vanegas and his family unit regarding Nicaragua  
December 19, 2022  
Original: Spanish

**I. INTRODUCTION**

1. On May 17, 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 applicants”), urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Rodrigo José Navarrete Vanegas and his family unit. According to the request, the proposed beneficiary, who is identified or perceived as a political opponent, as well as critical of the current Nicaraguan government, has been deprived of liberty since November 2022 in detention without the possibility of contacting his relatives.
2. Under the terms of Article 25 of its Rules of Procedure, the IACHR requested additional information from the applicant on June 28, 2022. The applicant submitted information on July 8, 2022. The IACHR requested additional information from the applicant on October 26, 2022 and reiterated that request on November 23, 2022. Following a request for an extension granted by the IACHR on November 30, 2022, the applicant submitted additional information on December 7, 2022. The IACHR requested information from the State on December 9, 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 Rodrigo José Navarrete Vanegas and his family unit are in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Accordingly, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Rodrigo José Navarrete Vanegas and 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, inter alia: i. guarantee that he is not subjected to threats, intimidation, harassment, or attacks within the prison; ii. guarantee access to adequate and specialized medical care, and that a specialized medical evaluation be immediately performed to assess his health; iii. grant the necessary treatments and medicines to treat his health issues; and iv. assess alternative measures to deprivation of liberty in light of the beneficiary’s detention conditions and health; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent these 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.<sup>1</sup> In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.<sup>2</sup> 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.<sup>3</sup> In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.”<sup>8</sup>
6. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,<sup>9</sup> 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.<sup>10</sup>
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

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

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

<sup>3</sup> 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].

<sup>4</sup> IACHR. [2018 Annual Report. Chapter IV.B Nicaragua](#).

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

<sup>6</sup> IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

<sup>7</sup> IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>8</sup> IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

<sup>9</sup> IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

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

considered to be government opponents.<sup>11</sup> Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.<sup>12</sup> 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.<sup>13</sup> In this line, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.<sup>14</sup>

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,<sup>15</sup> in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.<sup>19</sup>
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.<sup>20</sup> 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.<sup>21</sup> 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

<sup>11</sup> IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020.

<sup>12</sup> IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

<sup>13</sup> IACHR. [Press Release No. 249/20](#). IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua. October 10, 2020.

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

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

<sup>16</sup> IACHR. [Press Release No. 93/21](#). Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021.

<sup>17</sup> IACHR. [Press Release No. 145/21](#). IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. June 9, 2021; 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.

<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup> According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.<sup>25</sup> 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.<sup>26</sup>
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.<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> 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

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

<sup>23</sup> 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.

<sup>24</sup> 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.

<sup>25</sup> 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.

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

<sup>27</sup> IACHR. [Press Release No. 023/22](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

<sup>28</sup> 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.

<sup>29</sup> 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.<sup>30</sup> 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.<sup>31</sup> 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.<sup>32</sup>

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.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup>

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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup> 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

<sup>30</sup> 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/>.

<sup>31</sup> 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>.

<sup>32</sup> 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.

<sup>33</sup> 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.

<sup>34</sup> 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.

<sup>35</sup> 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.

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

<sup>37</sup> IACHR. [Press Release No. 184/22](#). IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022.

<sup>38</sup> 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

<sup>39</sup> 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.<sup>40</sup>

### III. SUMMARY OF FACTS AND ARGUMENTS

#### A. Information provided by the applicant

17. The proposed beneficiary, Mr. Rodrigo Navarrete, is the uncle of Mr. Jaime Navarrete, who has been identified as a “political prisoner” and beneficiary of precautionary measures of the IACHR.<sup>41</sup> The request indicates that the proposed beneficiary and his nephew reportedly participated in the civic protests of April 2018 by helping the youths who were entrenched in the Polytechnic University (UPOLI). As a result, Mr. Jaime Navarrete was deprived of liberty in June 2018 and, subsequently, again in July 2019. He is held in the Jorge Navarro Prison, known as “La Modelo”. The proposed beneficiary said he is Jaime Navarrete’s only relative who is still in Nicaragua.
18. Mr. Rodrigo Navarrete is also a member of the board of directors of the Organization of April Victims (*Organización de Víctimas de Abril, OVA*), where he acts as a spokesperson, through interviews, pronouncements, and reports on the situation surrounding “political prisoners”. In this sense, he has actively participated in the protests and public demands carried out by the OVA. Given his participation in the protests, the proposed beneficiary had been the target of threats on social networks since 2018, as well as direct threats carried out by people from the Nicaraguan government party. Due to his struggle for the freedom of those deemed “political prisoners”, he had also been subject to harassment by police officers and prison system authorities since 2018.
19. In this line, the applicant indicated that the proposed beneficiary received threats after repeated complaints presented in the media about the detention conditions that his nephew, Jaime Navarrete, faces. In addition, he experienced assaults and harassment within the prison system at the hands of officials, following the filing of a remedy of habeas corpus in favor of his nephew, Jaime Navarrete. According to the request, these acts of intimidation against the proposed beneficiary are aggravated in the penitentiary system every time he used a legal remedy or public complaint of violation of human rights in favor of his family member who is deprived of his liberty
20. In September 2019, a group of relatives of the deemed “political prisoners” went to the La Modelo Penitentiary Center. However, they were allegedly not allowed to enter. On the same day, the proposed beneficiary gave an interview on Canal 10 questioning the lack of visits by relatives of those deemed “political prisoners”.
21. Towards the 2019, the prison officers allegedly attacked the proposed beneficiary for the first time when he was taking a parcel to his nephew, Jaime Navarrete. Between September and October 2020, when the proposed beneficiary submitted a letter of procedure to request prison measures for his nephew, Jaime Navarrete, prison agents again allegedly hit him in the chest. Moreover, the proposed beneficiary reportedly receives weekly intimidation in the penitentiary. They wait for him with a camera to record and take photos of him when entering the facilities and delivering the food to his nephew, which the penitentiary agents never give to him.
22. On January 18, 2021, the proposed beneficiary filed a remedy of habeas corpus in his favor before the Criminal Chamber One of the Court of Managua, given the threats that a maximum-security officer perpetrated against him, as well as the harassment he experienced in the prison system when visiting

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

<sup>41</sup> IACHR. [Resolution 82/20](#). Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020.

his nephew. Among the threats, it was highlighted that the head of security of the Jorge Navarro Penitentiary Center allegedly told him that “he was going to rape [him], [his] father, [his] sister and that he was going to take them there...”. It was indicated that he allegedly even attempted tried to assault him and had raised his voice.

23. On the other hand, the proposed beneficiary reported that he has been subject to surveillance by a neighbor, who constantly monitors his arrival and departure times, as well as his permanence in the residence and the people who visit it. In particular, in December 2021, that neighbor was at the location where Mr. Rodrigo Navarrete rents a small business to ask the tenant about the proposed beneficiary and “if meetings were held there or if journalists arrived”. On February 28, 2022, police officers questioned the tenant about Mr. Rodrigo Navarrete’s activities and left written threats, stating that “it would be better if he left to Ukraine that it was for [his] own good.”
24. Moreover, the proposed beneficiary reported the presence of motorized vehicles in the vicinity of his house. He also reported the presence of police officers, who were stationed near his house. He also stated that, upon leaving the prison visits, he was subjected to alleged persecution and threats by motorized person. Around February 10, 2022, when the European Union imposed a set of sanctions on Nicaragua, the proposed beneficiary was allegedly persecuted by motorcycles after visiting the penitentiary. Subsequently, on April 19, 2022, police officers surrounded his house for several hours and prevented Mr. Rodrigo Navarrete from leaving. On April 23, 2022, three patrols were stationed, in an intimidating manner, in front of his house during the afternoon and evening.
25. In July 2022, the proposed beneficiary indicated that he continued to be besieged by police and parapolice agents, who were stationed near his house. On July 5, 2022, people dressed in civilian clothes and police officers passed by his house to take pictures of him. The proposed beneficiary also reported that he had suffered acts of harassment from the director of maximum security. Upon receipt of parcels at the penitentiary, on several occasions, the authorities attempted take the parcel from the proposed beneficiary and leave it in the custody of the officers. The proposed beneficiary expressed his fear that the above is a strategy to incriminate him for attempting to bring illicit substances to prison, taking into account the threats of imprisonment against him communicated by the director of maximum security of the penitentiary.
26. On November 25, 2022, at 5:30 a.m., Mr. Rodrigo Navarrete was arrested. On that occasion, the policemen broke into his house, destroyed the gates and doors of his home, and seized the house. In addition, the proposed beneficiary and his son were placed on their knees on the porch of the property, then were turned upside down, and subsequently separated them. During this raid, they asked their son if he knew “what his father was getting into” and “where the weapons were,” which are allegedly questions commonly asked of people called “political prisoners,” according to the applicant. Despite the fact that his son explained to the officers that the proposed beneficiary had been a member of the National Army and that he had a permit to carry weapons, they continued with the interrogation. In this raid, several cell phones, computers, a camera, the proposed beneficiary’s authorized weapons and a replica of the national flag were also seized. The proposed beneficiary’s son was threatened with arrest, flanged, and left on the porch. The cops beat the proposed beneficiary, his son, and the dog that guarded the house. Several hours later, they took the proposed beneficiary to a police van while handcuffed.
27. Hours after Mr. Rodrigo Navarrete’s arrest, his relatives went to Managua Police Station III to request information. However, they were told that it was past attention hours, so they had to wait until Monday. Furthermore, his relatives attempted to take in food to corroborate if the proposed beneficiary was detained in that police delegation, they therefore went to leave him lunch and this was accepted. The next day, their relatives were allowed to enter medications, since the proposed beneficiary is hypertensive and has prostate problems. Toiletries were also accepted.

28. On November 26, 2022, an appeal was filed for remedy of habeas corpus for illegal detention. However, this appeal was dismissed. On November 27, 2022, Mr. Rodrigo Navarrete was placed under the order of a judicial authority, which accused him of the crime of carrying illegal weapons. According to the applicant, the Public Prosecutor's Office reported that the arrest and search was carried out at 10:30 a.m., with the alleged objective of appearing to be carried out legally. Furthermore, they stated that it was carried out with a search warrant, which his relatives were not shown. The proposed beneficiary's relatives did not have permission to enter the hearing, despite being a public hearing.
29. The proposed beneficiary is currently held in Jorge Navarro Prison. To date, his relatives have not been able to speak to him, nor has he been allowed access to a telephone call or special visit. The applicant argued that it is a matter of concern that the proposed beneficiary is deprived of his liberty in the prison where he has received multiple threats while visiting his nephew. Lastly, it was pointed out that the proposed beneficiary's arrest was preceded by almost four years of constant sieges by state and parastatal agents.

**B. Information provided by the State**

30. The IACHR requested information from the State on December 9, 2022. However, the State has not submitted any information to date.

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

31. 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.
32. 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.<sup>42</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>43</sup> 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.<sup>44</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to

<sup>42</sup> 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.

<sup>43</sup> 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].

<sup>44</sup> 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].

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.<sup>45</sup> 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.
33. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>46</sup> 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.<sup>47</sup> 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.<sup>48</sup>
34. 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,<sup>49</sup> which is particularly hostile towards people considered, perceived, or identified as opponents of the

<sup>45</sup> 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.

<sup>46</sup> 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.

<sup>47</sup> 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.

<sup>48</sup> 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].

<sup>49</sup> 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.

government.<sup>50</sup> And, in general, to anyone critical of Nicaragua's current government. 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.<sup>51</sup>

35. In addition, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, health, and personal integrity, in addition to other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.<sup>52</sup> This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment. In these circumstances, prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.<sup>53</sup>
36. More specifically, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.<sup>54</sup>
37. Considering the context Nicaragua is currently experiencing and the particular situation of deprivation of liberty of the proposed beneficiary, the Commission will proceed to analyze the regulatory requirements regarding the situation of Rodrigo José Navarrete Vanegas and his family unit.
38. When analyzing the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the Commission notes that the proposed beneficiary has participated in the civic protests in April 2018 in Nicaragua. On the other hand, the proposed beneficiary is a member of the board of directors of the Organization of April Victims (OVA), through which he acts in the fight for the rights of the people called "political prisoners". In particular, he is active in efforts in relation to the situation of his nephew, Mr. Jaime Navarrete, deemed "political prisoner" since 2018 and beneficiary of precautionary measures of the IACHR (see *paras.* 17 and 18). Due to the above, Mr. Rodrigo Navarrete is identified or perceived as a political opponent, and critical of the current Nicaraguan government.
39. The Commission identifies that Mr. Rodrigo Navarrete is currently detained in the Jorge Navarro Prison. On November 25, 2022, the proposed beneficiary was arrested for the alleged crime of illegal

<sup>50</sup> 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.

<sup>51</sup> 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.

<sup>52</sup> See in this regard: I/A Court H.R. *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits, and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

<sup>53</sup> IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

<sup>54</sup> I/A Court H.R. *Matter of seventeen persons deprived of liberty regarding Nicaragua*. Provisional Measures. Adoption of Urgent Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

carrying of weapons. This took place at 5:30 a.m., after a violent search of his house and allegedly without presenting an arrest warrant. On that occasion, the proposed beneficiary, his son, and his dog were allegedly subjected to acts of aggression and threats by police officers (see *paras.* 26). After his arrest, his relatives did not obtain information about his detention or health conditions from the prison authorities, nor were they allowed to enter his hearing. The Committee observes with concern that his family members allegedly did not have the opportunity to visit or contact the proposed beneficiary to date, and that he would therefore be in solitary confinement. In addition, the proposed beneficiary is hypertensive and has prostate problems, so he reportedly requires medications. However, there is allegedly no knowledge of access to medical care in this regard (see *paras.* 27 to 29).

40. In addition to the above, since 2018, the proposed beneficiary has received threats and harassment by state authorities. Therefore, his current detention was preceded by risk events that were maintained over time. In this regard, the available information indicates that the penitentiary officers of the Penitentiary Center have assaulted and besieged the proposed beneficiary during his visits to his nephew since 2019 (see *paras.* 18 and 19). In particular, it was indicated that the head of maximum security of the penitentiary reportedly told him that he would be arrested and threatened to rape him, as well as his family. The above had been reported by the proposed beneficiary to the competent authorities (see *para.* 22). In addition, the proposed beneficiary was allegedly subject to surveillance, which intensified towards the end of 2021. In this regard, in December 2021, his neighbor constantly monitored his arrival and departure times from his house and the people who visited it. In February 2022, state agents questioned the tenant of the proposed beneficiary's rented property about his activities. They then left him a written threat which said that it would be "better if he left for Ukraine that it was for [his] own good" (see *above* para. 23). Between June and July 2022, there was a constant presence of state and parastatal agents in the vicinity of his house, taking photos and recording videos. The proposed beneficiary was reportedly subject to persecution when he left his visits to his nephew at the Jorge Navarro Penitentiary Center (see *paras.* 24 and 25).
41. Considering the above, since 2018, following Mr. Rodrigo Navarrete's action of denouncing violations of the rights of people deemed "political prisoners" in Nicaragua, the proposed beneficiary received threats, harassment, and surveillance by state authorities for almost four years, until his arrest on November 25, 2022. The Commission considers that the facts referred to reflect a continuity of the events of risk against him over time, which are allegedly related to his efforts in defending those deemed "political prisoners", in particular his nephew, Mr. Jaime Navarrete. Along these lines, the Commission stresses the seriousness of the allegations regarding his current situation. Since his deprivation of liberty, he has not been able to communicate with his relatives, and there is no information on his detention conditions or health, despite having previous conditions. In addition, he was allegedly previously threatened by the head of maximum security of the Jorge Navarro Prison, where he is being held.
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 applicants. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated. The foregoing is particularly relevant, given that the proposed beneficiary would be deprived of liberty, in the custody of the State, and that the alleged facts are attributable to state and parastatal agents.

43. 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, personal integrity, and health of Rodrigo José Navarrete Vanegas are in a situation of serious risk. Similarly, his relatives are allegedly at risk, given the possible reprisals and taking into account the acts of threat and aggression against their families, according to the information available (see *paras.* 22 and 26).
44. 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. 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, personal integrity, and health in addition to that of his family unit. When making these assessments, the Commission takes into account that the proposed beneficiary has been deprived of liberty since November 25, 2022. He has not communicated with his relatives to date, who do not have information about his detention conditions and health. 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.
45. 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**

46. The Commission declares as beneficiaries of the precautionary measures Rodrigo José Navarrete Vanegas, who is duly identified in these proceedings, as well as the members of his family, who are subject to identification in the terms of Article 25 of the Rules of Procedure.

## **VI. DECISION**

47. 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 Rodrigo José Navarrete Vanegas and 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, inter alia: i. guarantee that he is not subjected to threats, intimidation, harassment, or attacks within the prison; ii. guarantee access to adequate and specialized medical care, and that a specialized medical evaluation be immediately performed to assess his health; iii. grant the necessary treatments and medicines to treat his health issues; and iv. assess alternative measures to deprivation of liberty in light of the beneficiary's detention conditions and health;
  - c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
  - d) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent these events from reoccurring.

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48. 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.
  49. 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.
  50. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicants.
  51. Approved on December 19, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Jorge Meza Flores  
Assistant Executive Secretary