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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 100/2024**

Precautionary Measure No. 1245-24

Carlos Alberto Vanegas Gómez and Efrén Antonio Vílchez López regarding Nicaragua

December 16, 2024

Original: Spanish

**I. INTRODUCTION**

1. On November 9, 2024, 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 Legal Defense Unit (“the requesting party” 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 Carlos Alberto Vanegas Gómez and Efrén Antonio Vílchez López (“the proposed beneficiaries”). According to the request, the proposed beneficiaries have been deprived of their liberty and are being held in inadequate detention conditions. Furthermore, they are allegedly not receiving medical attention for their health issues in the country.

2. Pursuant to the provisions of Article 25.5, the IACHR requested information from the State on November 12, 2024. To date, the State has not responded to the Commission’s requests, and the granted deadline has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information provided showed *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life, personal integrity, and health were at serious risk of irreparable harm. Therefore, Nicaragua is required to: a) adopt the necessary measures to protect the rights to life, personal integrity and health of the beneficiaries; b) implement the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii. take the measures that are relevant in response to the allegations of torture presented in the request; iii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health; iv. provide immediate access to adequate food and water; and v. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) 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. Following the beginning of the crisis of the human rights situation in Nicaragua and the working visit carried out in May 2018, the Commission formed the Special Follow-up Mechanism for Nicaragua (MESENI) to follow up on the recommendations made to the State, as well as to maintain the respective monitoring for the purposes relevant to the mandates of the IACHR.<sup>1</sup> Similarly, the IACHR installed the

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<sup>1</sup> IACHR, Press Release No. 134/48, [IACHR Issues Report on Nicaragua’s Serious Human Rights Situation](#), June 22, 2018; Press Release No. 135/18; [IACHR Launches Special Monitoring Mechanism for Nicaragua \(MESENI\)](#), June 24, 2018; Press Release No. 274/18, [Press](#)

Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua, which issued a report that analyzed the events that took place in April and May 2018.<sup>2</sup> For its part, the IACHR decided to include Nicaragua in its Annual Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.<sup>3</sup> In parallel, the Commission, under its monitoring mandate, has issued reports on the human rights situation in Nicaragua. These reports include a series of recommendations to the State aimed at ensuring the respect and protection of individuals' rights in accordance with its international obligations.<sup>4</sup>

5. Considering the above, the Commission has urged the State of Nicaragua, among other aspects, to fulfill its obligations in the field of human rights;<sup>5</sup> implement the recommendations issued by the IACHR;<sup>6</sup> cease acts of persecution against individuals identified as opponents of the government and restore democratic guarantees;<sup>7</sup> release individuals who remain arbitrarily detained under inadequate detention conditions;<sup>8</sup> restore and ensure the full enjoyment of civil and political rights;<sup>9</sup> and put an end to the repression and persecution of those seeking the return of democracy in Nicaragua or exercising their public freedoms.<sup>10</sup> On June 11, 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (RELE) expressed concern over the dire situation of individuals arbitrarily deprived of their liberty in Nicaragua. They urged that their lives and integrity be guaranteed, and called for their immediate release.<sup>11</sup>

6. Lastly, the Commission reaffirmed its jurisdiction over Nicaragua and continues to fulfill its monitoring mandates through MESENI, as well as through the analysis and processing of cases, petitions, and precautionary measures.<sup>12</sup> In this regard, the Commission emphasized that the State of Nicaragua continues to be bound by all the international instruments to which it is a party, such as the American Convention on Human Rights.

### III. SUMMARY OF FACTS AND ARGUMENTS

Release about Nicaragua, December 19, 2018; 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>2</sup> IACHR, Press Release No. 145/18, IACHR Announces Establishment of Interdisciplinary Group of Independent Experts for Nicaragua, July 2, 2018; GIEI, Report on the events of violence that occurred between April 18 and May 30, 2018 December 21, 2018.

<sup>3</sup> IACHR, 2018 Annual Report, Chapter IV.B Nicaragua; 2019 Annual Report, Chapter IV.B Nicaragua, February 24, 2020; 2020 Annual Report, Chapter IV.B Nicaragua, February 2, 2021; 2021 Annual Report, Chapter IV.B Nicaragua, May 2022; 2023 Annual Report, Chapter IV.B Nicaragua, December 31, 2023.

<sup>4</sup> IACHR Report: Closure of Civic Space in Nicaragua, OEA/Ser.L/VIII.Doc.212/23, September 23, 2023; Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018, OEA/Ser.L/V/II. Doc 285, October 5, 2020; Report on Forced Migration of Nicaraguans to Costa Rica, OEA/Ser.L/V/II. Doc.150, September 7, 2019; Report on Gross Human Rights Violations in the Context of Social Protests in Nicaragua, OEA/Ser.L/V/II. Doc.86, June 21, 2018.

<sup>5</sup> IACHR, Press Release No. 6/19, IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua, January 10, 2019; Press Release No. 26/19, IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua, February 6, 2019; 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. 113/20, Two years after its visit to Nicaragua, the IACHR warns and condemns the non-compliance with its recommendations and urgently calls on the State to implement them, May 16, 2020.

<sup>7</sup> IACHR, Press Release No. 249/20, IACHR Calls for the Immediate Cessation of Acts of Persecution against Persons Identified as Opponents of the Government and the Reestablishment of Democratic Guarantees in Nicaragua, October 10, 2020.

<sup>8</sup> IACHR, Press Release No. 145/21, IACHR and OHCHR Categorically Condemn the Criminal Prosecution of Presidential Pre-candidates and Urge the State of Nicaragua to Immediately Release Them, June 9, 2021; Press Release No. 171/21, IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua, June 9, 2021; Press Release No. 197/2022, IACHR and REDESCA: Urge immediate release of political prisoners in deplorable conditions in Nicaragua, September 5, 2022.

<sup>9</sup> IACHR, Press Release R218/22, In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms, September 28, 2022.

<sup>10</sup> IACHR, Press Release No.24/2023, IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua, February 17, 2023.

<sup>11</sup> IACHR, Press Release No.132/2024, Nicaragua: IACHR Urges to Guarantee the Life and Integrity of Persons Arbitrarily Detained and to Immediately Release Them, June 11, 2024.

<sup>12</sup> IACHR, Press Release 312/2021, IACHR reaffirms its competence over Nicaragua following decision to denounce the OAS Charter in a context of grave human rights violations, November 20, 2021.

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**A. Information provided by the applicant**

7. The two proposed beneficiaries are deprived of their liberty and the applicant describes their detention as arbitrary. The alleged information regarding each of them is presented below:

- *Carlos Alberto Vanegas Gómez (deprived of his liberty in the Penitentiary System of Granada)*

8. He is 35 years old and works as a builder and baker. He reportedly has no party affiliation. In 2018, he participated in the protests in Masaya. He was arrested in 2018 charged with the crimes of organized crime, murder (of a policeman in protests), desecration of corpse, robbery with intimidation, (assault), extortion, aggravated damages, illegal possession of firearms. He was detained in the Jorge Navarro Penitentiary System, where he was subjected to violence. He was released on June 10, 2018 under the so-called Nicaraguan Amnesty Law.

9. On January 26, 2022, an operative of the Police Special Operations Directorate violently detained him while he was in a barbershop in Masaya. His arrest occurred after the police had been monitoring him for several days beforehand. At the time, he was not shown a warrant or told of the charges against him. He was subsequently presented with the charges. The police officers beat him after branding him as a “cop killer.” The following day, he was transferred to the Grenada Penitentiary System. His mother was able to see him 18 days later, as the prison officers prevented her from visiting earlier. He is currently being held in a punishment cell in the Grenada Penitentiary System.

10. In the criminal proceeding for aggravated robbery, the judgment issued of June 15, 2022 declared the dismissal of the criminal action and ordered his release. On June 6, 2023, the Court of Appeals upheld the release order. In the criminal proceedings for charges of serious injuries, during the hearing on March 29, 2023, the Judiciary recalled that, in accordance with Article 134 of the Criminal Procedure Code, a criminal process involving a detained person for serious offenses cannot exceed three months; otherwise, the accused must face the proceedings while remaining at liberty. As no verdict was known by that date, on March 22, 2024, the private attorney filed a motion requesting the verdict and the issuance of a release order.

11. Since his imprisonment in the Granada prison, his guards have accused him of being the individual who murdered the police officer and, for this reason, he has been beaten many times. In March 2024, he was handcuffed and beaten for requesting to be allowed to bathe. The guards reportedly told him that “there is no one to answer for him if anything happens to him.” The applicant describes it as “psychological torture.” Between January 27, 2022 and August 2024, he was held in Cell 6. In early August 2024, he was transferred to a punishment cell called Cell 18. This cell has an iron door, is extremely hot, and completely dark, making it impossible to tell whether it is day or night. Cell 18 also has mosquitoes and insects. He does not have access to a bathroom, so an officer takes him to a nearby bathroom at a certain time of the day to perform his bodily functions. If he needs to relieve himself during the day, he has to do so in his own cell. Since August 2024, he has not been allowed access to the prison yard or sunlight, and is only permitted one family visit per month.

12. The water and food he receives lack essential nutrients, and is usually only provided rice. The water often smells of mold and is hot. Since he was transferred to Cell 18 in August 2024, he is only allowed to store three liters of water per day in bottles, which he must use for drinking, cleaning his cell (as much as possible), or for any other needs.

13. In the last three years, he has not had adequate medical check-ups nor care, except for a surgical operation he had for a problem with his eyesight in July 2022, the results and medical records of which are not known. Despite this procedure, he continues to experience a burning sensation in his eyes and has blurry vision, in addition to the fact that the authorities have taken away his glasses. The proposed beneficiary often has

intestinal problems due to poor diet; fungus due to the unsanitary conditions of the cell; and currently has frequent headaches and is sensitive to daylight due to the total confinement that took place in August 2024. It was claimed that he feels an increasing sense of desperation and anguish.

- *Efrén Antonio Vílchez López (deprived of his liberty in the Jorge Navarro National Penitentiary System, known as “La Modelo”).*

14. He is 50 years old and is an evangelical pastor and a funeral home worker. As a consequence of his diabetes, two of his toes were amputated from his feet around 2018. Since the protests of April 2018, he has been under siege by Sandinista supporters and national police. Although he did not participate in protests due to his health issues, he was identified as a liberal and published publications criticizing the authoritarian policies of the government. In October 2019, he yelled at the police officers who had been surrounding his house, shouting that he was not a criminal. In retaliation, he was severely beaten by the police, who fractured his hand. It was stated that, prior to 2022, he had vision problems, hypertension, diabetes, and was insulin-dependent.

15. On May 15, 2022, he was working at the funeral home. Upon leaving the premises, he was arrested by police officers who beat him. The officers did not tell him the reasons for his arrest, and transferred him to the San Rafael del Sur police station. He remained at that station for 15 days until he was transferred to the La Modelo Prison System. During the time he was held in the police center, he did not always receive his daily insulin. One day, his glucose levels became unstable and he had to be taken to a health center for stabilization. It was alleged that he was not given medical examinations or further medical attention. During this time, people close to him searched for him, but the agents did not give them any information or allow them to see him until three days after his arrest.

16. The Third Specialized District Court for Violence of Managua issued a judgment on September 21, 2022. In this judgment, he was sentenced to 23 years in prison for the crime of rape of minors under 14 years of age. The Court of Appeals upheld the decision on April 21, 2023. The applicant challenged the fact that certain evidence proving his innocence had not been considered and raised allegations of a violation of due process.

17. As of the end of July 2024, the proposed beneficiary was moved to a maximum security cell in “Gallery 300”, which is even smaller, hotter, and only has a hole to perform his bodily functions. He has no electric kitchen or books in the new cell. He is allowed one family visit per month, and he is only granted access to the prison yard on rare occasions. For example, he has not had access to sunlight in all of 2024. Since August 2024, he has only been given one small container of water per day. Custodians do not provide him with the food packages and basic supplies (e.g. soap) left for him by his relatives every 15 days. Although there is no record of physical abuse, the director of maximum security has been subjecting him to verbal mistreatment since that month. Part of this mistreatment since included the guards taking away his Bible and his glasses.

18. The medical care provided has been scarce. The prison officers only take him to the prison clinic in the mornings and afternoons to have a physician measure his blood pressure and inject his daily NHP insulin while taking pictures of him. It was alleged that he is losing his eyesight, as he is unable to see with his left eye and has very limited vision in his right; his blood pressure is usually constantly elevated; and the nails on his big toes are infected with fungi and nail issues, which is serious because he is diabetic. On this last point, it was alleged that, for similar reasons, two toes of his right foot were amputated in 2018. Since August 2024, the custodians have not given him the full medication left by his relatives every 15 days for his hypertension, neuropathy, cramps, circulation problems, and fungi.

## **B. Response from the State**

19. The IACHR requested information from the State on November 12, 2024. To date, they have not replied to the Commission.

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

20. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 41(b) of the American Convention on Human Rights, also included in Article 18(b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

21. 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>13</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>14</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.<sup>15</sup> As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits, and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>16</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 a risk or threat that is imminent and can materialize, thus requiring 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.

22. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie standard of review to determine whether a serious and urgent situation exists*.<sup>17</sup>

<sup>13</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

<sup>14</sup> I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

<sup>15</sup> I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

<sup>16</sup> I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of "El Nacional" and "Así es la Noticia" newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

<sup>17</sup> 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 August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the "Complexo do Tatuapé" of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum



Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual 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>18</sup> This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of the Rules of Procedure, which can be resolved without making any determination on the merits.<sup>19</sup>

23. Considering the context faced by individuals deprived of liberty in Nicaragua, the Commission will proceed to analyze the procedural requirements regarding the situation of the two proposed beneficiaries. Regarding the *seriousness* requirement, the Commission considers that it has been met. According to the applicant, the proposed beneficiaries are deprived of liberty, and face the following elements that indicate the existence of a serious risk:

- i. They have been subjected to attacks since the first days of their detention in police stations and then in the detention centers of Granada and La Modelo.
- ii. The individualized detention conditions that the proposed beneficiaries face are allegedly inhuman and degrading. It is noted that they do not have regular access to the yard; their cells are insanitary and lacking in bathroom facilities while that of Carlos Vanegas is extremely hot and completely dark; water and food are limited or not in healthy condition; they do not receive the food or medicines delivered by family members to state agents; and they are placed in punishment cells.
- iii. It can be considered that the detention conditions to which the proposed beneficiaries are subjected are and have always been of serious concern, but have worsened in the last period. The foregoing, considering that Carlos Vanegas was sent to a punishment cell at the Granada prison at the end of July 2024, and Efrén Vílchez, at the beginning of August, was transferred to a maximum-security cell at the “La Modelo” prison. Moreover, since August 2024 the police authorities have limited their daily water supply, so that Carlos Vanegas only has access to about three liters per day and Mr. Vílchez is only provided a small container.
- iv. A lack of adequate and nutritious food for the proposed beneficiaries is identified. For example, Efrén Vílchez requires proper nutrition due to his diabetic condition.
- v. The proposed beneficiaries do not receive adequate and specialized medical care for their health issues and do not have access to all their required medications. Neither have they undergone exhaustive medical examinations to accurately diagnose their current health and, therefore, know the appropriate medication they require. This lack of medical care occurs despite the pre-existing conditions that the proposed beneficiary Efrén Vílchez allegedly has which now includes the risk of blindness and irreversible complications from untreated diabetes. In this context, the acute ailments of the proposed beneficiaries, such as gastrointestinal issues due to the poor quality of water and food, headaches, vision problems, and fungal infections, are not being addressed. In addition, they do not receive psychological or psychiatric care to treat the alleged deterioration of their mental health.

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<sup>18</sup>IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measures No. 96/21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<sup>19</sup>In this regard, the Court has stated 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 August 29, 1998, considerandum 6 (Available only in Spanish); Matter of the Barrios Family v. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

24. The Commission takes into account the seriousness of the allegations regarding the detention conditions that the proposed beneficiaries face, which, taken as a whole, reflect a particularly serious situation that is not being addressed by the State. On the contrary, it has been alleged that state agents are allegedly responsible for maintaining them in the current conditions, despite being responsible for their custody and guarantors of their rights. In addition to the above, the Commission notes that the applicant described certain facts as “torture,” which have not been investigated to date. Regarding the legal situation, the Commission understands that Carlos Vanegas reportedly has a judicial decision ordering his release since 2023. However, there is no information regarding the reasons for his continued detention, despite being held in inadequate conditions.

25. Upon requesting an update from the State under the terms of Article 25 of its Rules of Procedure, the Commission did not receive a response. The Commission regrets the lack of communication from Nicaragua. Although the foregoing is not sufficient per se to justify the granting of a precautionary measure, the lack of a response from the State prevents the Commission from knowing the measures adopted that are being implemented to address the risk that the proposed beneficiaries face and to 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 especially relevant, given that the proposed beneficiaries are in the custody of the State and the facts reported are attributable to State agents, who have a special position of guarantor.

26. Taking into account the foregoing, the Commission finds that, from the applicable *prima facie* standard, it is sufficiently verified that the rights to life, personal integrity, and health of the proposed beneficiaries are at serious risk.

27. With regard to the requirement of *urgency*, the Commission considers that it has been met, In particular, the available information reveals that the proposed beneficiaries are already experiencing the consequences of the lack of medical care and the impact of the detention conditions they face. The facts described suggest that the risk is likely to continue and to be exacerbated over time if immediate action is not taken in their favor. As stated above, the State has not issued a response that would allow the Commission to assess the actions being taken to address or mitigate the situation identified.

28. Regarding the requirement of *irreparability*, the Commission finds that it is also met, to the extent that the potential impact on the rights to life, personal integrity, and health constitutes the maximum situation of irreparable harm.

## **V. BENEFICIARIES**

29. The Commission declares Carlos Alberto Vanegas Gómez and Efrén Antonio Vílchez López as the beneficiaries. These persons are duly identified pursuant to Article 25 of the IACHR Rules of Procedure.

## **VI. DECISION**

30. 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 the beneficiaries;
- b) implement the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii. take the measures that are relevant in

response to the allegations of torture presented in the request; iii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health; iv. provide immediate access to adequate food and water; and v. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;

c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and

d) 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.

31. The Commission also requests that the State of Nicaragua report, within 15 days from the date of notification of this resolution, on the adoption of the precautionary measures requested and to update that information periodically.

32. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected in the applicable instruments.

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

34. Approved on December 16, 2024 by Roberta Clarke, Chair; Carlos Bernal Pulido, First Vice-Chair; José Luis Caballero Ochoa, Second Vice-Chair; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Maria Claudia Pulido  
Deputy Executive Secretary