
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 45/2024**

Precautionary Measures No. 697-24, 730-24 and 736-24

Three persons deprived of their liberty regarding Nicaragua

August 2, 2024

Original: Spanish

I. INTRODUCTION

1. On June 26, as well as July 6 and 8, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission”, or “the IACHR”) received three requests for precautionary measures filed by *Unidad de Defensa Jurídica* and *Colectivo de Derechos Humanos Nicaragua Nunca Más* (“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 three persons deprived of liberty (“the proposed beneficiaries”). According to the requests, they are deprived of their liberty, held in inadequate detention conditions, and do not have access to suitable medical care to address their health issues. They are also reportedly being subjected to violence by prison officers.

2. Pursuant to the provisions of Article 25(5), the IACHR requested information from the parties on July 1 and 11, 2024. The applicants submitted additional information on July 8 and 17, 2024. To date, no response has been received from the State, and the granted period has expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State; b) implement the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, aggression, and torture inside the prison; ii. 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; and iii. 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, particularly with regard to the allegations of torture presented by the applicants.

II. BACKGROUND INFORMATION

4. Following the onset of the crisis of the human rights situation in Nicaragua and the working visit conducted in May 2018, the Commission formed the Special Follow-up Mechanism for Nicaragua (MESENI), in order to follow up on the recommendations made to the State, as well as to maintain the respective monitoring for purposes relevant to the mandates of the IACHR.¹ Similarly, the IACHR installed the

¹ 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 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.

Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua, which issued a report that analyzed the events that took place in April and May 2018.² 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.³ 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.⁴

5. Furthermore, the Commission has consistently issued press releases expressing its concern about the growing crisis and severe human rights violations in the country. These releases highlight various issues, including persistent acts of persecution;⁵ intensified surveillance, harassment, and selective repression against individuals perceived as government opponents, human rights defenders, and the independent press;⁶ widespread impunity and the prolonged breakdown of the rule of law;⁷ the criminalization of Nicaraguan opposition leaders;⁸ the deportation of political prisoners and the revocation of their nationality;⁹ the escalation of repression against members of the Catholic Church;¹⁰ the lack of conditions for holding free and fair elections;¹¹ the arbitrary arrests of human rights defenders, journalists, and members of the Catholic Church;¹² and the repressive strategy employed by the Executive to silence critical voices in preparation for the regional elections scheduled for 2024.¹³

² 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.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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. Press Release 152/21, [IACHR Condemns the Serious Escalation of Repression in Nicaragua](#), June 18, 2021.

⁷ 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.

⁸ 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; Press Release No. 172/21, [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. Press Release 238/21, [IACHR and OHCHR Condemn Criminalization, Failure to Enforce Due Process, and Serious Conditions of Detention for Individuals Who are Perceived to Be Government Critics in Nicaragua](#), September 10, 2021; 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.

⁹ IACHR, Press Release No. 021/23, [IACHR Welcomes Release of Political Prisoners in Nicaragua and Rejects Arbitrary Deprivation of Nationality](#), February 13, 2023.

¹⁰ 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.

¹¹ IACHR, Press Release No. 248/22, [IACHR Warns of the Lack of Appropriate Conditions for Holding Free, Fair Municipal Elections in Nicaragua](#), November 4, 2022.

¹² IACHR, Press Release No. 123/23, [IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua](#), June 16, 2023; Press Release No. 184/23, [Nicaragua: IACHR and OHCHR Urge the State to Release Monsignor Rolando Álvarez and Guarantee his Human Rights](#), August 18, 2023; Press Release No. 218/23, [IACHR Urges the State of Nicaragua to Cease Persecution against the Catholic Church](#), September 15, 2023.

¹³ IACHR, Press Release No. 243/23, [IACHR and RELE: Nicaragua must cease repression against indigenous communities of the Caribbean Coast](#), October 10, 2023.

6. Considering the foregoing, the Commission has urged the State of Nicaragua, among other aspects, to comply with its human rights obligations;¹⁴ to implement the recommendations issued by the IACHR;¹⁵ to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees;¹⁶ to release persons who remain arbitrarily detained in inadequate conditions of detention;¹⁷ to reestablish and give effect to the full enjoyment of civil and political rights;¹⁸ and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.¹⁹ On June 11, 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (SRFOE, or RELE for its acronym in Spanish) 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.²⁰

7. 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.²¹

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

- *PM-697-24 (Douglas Acevedo Castillo)*

8. The proposed beneficiary, aged 71, reportedly used Facebook to express his disagreement with the government's actions during the citizen protests that began in April 2018. He also purportedly condemned the attacks against the Catholic Church that occurred in Nicaragua in 2023. A policeman from his municipality reportedly often recorded him with his cell phone, saying that "he had already recorded him blowing up the government." It was alleged that he did not belong to any political party, but "has always considered himself an opponent of the government."

9. On October 10, 2023, police officers arrested him and raided his home. The proposed beneficiary was allegedly loaded into the police van without being informed of his destination. Two weeks later, his relatives were informed that it was "a political case." On the same date, authorities received the food and underwear delivered by his relatives. After his arrest, he was reportedly transferred to District III, where he

¹⁴ IACHR, Press Release No. 6/19, [IACHR Denounces the Weakening of the Rule of Law in the Face of Grave Human Rights Violations and Crimes against Humanity in Nicaragua](#), January 10, 2019; Press Release No. 26/19, [IACHR Denounces Escalation of Attacks on the Press and Persistence of Human Rights Violations in Nicaragua](#), February 6, 2019; Press Release No. 90/19, [IACHR Condemns Persistence of Acts of Repression in Nicaragua in the Context of the Negotiating Table](#), April 5, 2019.

¹⁵ 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.

¹⁶ 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.

¹⁷ 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.

¹⁸ 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.

¹⁹ IACHR, Press Release No.24/2023, [IACHR and OHCHR Condemn Escalation of Human Rights Violations in Nicaragua](#), February 17, 2023.

²⁰ 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.

²¹ 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.

was held incommunicado for three days. He was subsequently transferred to the Jorge Navarro Penitentiary Center, where he was held incommunicado until February 7, when he received his first visit. On November 16, 2023, his relatives were informed that he was being held in the Jorge Navarro Penitentiary Center, known as “La Modelo”, where he is currently located.

10. The proposed beneficiary was not subjected to a trial nor has he been presented before a judge. Despite this, authorities reportedly stated that he is sentenced to five years for the crime of trafficking restricted weapons. In the NICARAO system (the system for accessing judicial case information), there is reportedly no available information on his legal proceedings. His relatives and lawyers allegedly believe that attempting any legal recourse would put them at risk and fear reprisals and leave them vulnerable.

11. The following is information presented about his current situation:

- i. Regarding the *detention conditions*, the proposed beneficiary alleged that he sleeps on a mat on the floor and can only bathe every two or three days due to lack of water supply. The water is reportedly dirty and contaminated, and only one gallon [3,7 liters] of pure water is allowed every 15 days. He said that the food is unhealthy and lacks nutritional value. In this regard, he stated that he was provided a dough with achiote [annatto seeds], beans, and rice with animal feces. This allegedly caused him diarrhea and has stopped eating it to avoid getting sick. He reportedly waits for his family members to deliver parcels to him once at the end of each month. At the beginning of his incarceration, he reported being fed only once a day. However, during the months of April and May 2024, he was allegedly provided with two meals a day. He also indicated that he was held in an overcrowded, small cell with 25 other inmates.
- ii. Regarding *visits and communication*, the request indicated that his relatives were able to see the proposed beneficiary up until February 7, 2024. Since then, he has only received visits on four occasions, each lasting about 30 minutes (February 7, March 6, April 12, and May 15, 2024). The authorities have allegedly refused to ensure regular family visits. During these visits, prison officers reportedly took photos of the family members and cameras to monitor them each time they attended the visits. They are also allegedly controlled and are unable to share information as they did not have privacy.
- iii. Regarding his *health issues*, it was reported that he had two lipomas (tumors) on his back and another one behind his knee. These reportedly cause him pain. He has reported hypertension and memory loss, which sometimes make it hard for him to remember things and make him feel disoriented. He is allegedly sometimes unable to recall conversations with his relatives during previous visits. He also reports having dental cavities that constantly cause him severe pain. He alleges not receiving medical attention or the appropriate medications for his health issues. Although he is allegedly currently receiving medication to treat his hypertension, his other underlying health issues are not being addressed. In addition, he reportedly lost a significant amount of weight, approximately 20 kilograms, due to forgetting to eat, the poor quality of the food provided, and a lack of attention to his health.

- *PM-730-24 (Anner Herrera)*

12. The proposed beneficiary, aged 18, allegedly posted messages on his social media accounts calling for justice and freedom for those considered “political prisoners.” On the day of his arrest, he was reportedly wearing a shirt that read “April 19, fifth anniversary” in reference to the anniversary of the anti-government protests that took place in 2018.

13. He has allegedly been deprived of his liberty since April 19, 2023. He was reportedly detained even before reaching the age of majority. It was stated that police officers arrested him in a violent manner, did not show an arrest warrant, and did not state the grounds for his arrest. At the Jinotega police station, he was reportedly kicked in the ribs and face, and referred to as a “coup leader.” The police reportedly interrogated him about the people he was with in Jinotega and his associations. On April 23, 2023, he was transferred to District III of Managua. On June 9, 2023, he was taken to the Jorge Navarro National Penitentiary System known as “La Modelo”, where he is currently held in Gallery 17. The proposed beneficiary was able to receive visits at “La Modelo” until July 18, 2023.

14. It was reported that no procedural documents of his criminal process appear in the Judiciary online system. Therefore, it is not possible to access the indictment or sentence. Neither the proposed beneficiary nor his relatives have been able to communicate with the public defender. Through news reports, the applicants learned that the proposed beneficiary was tried and convicted, along with six other persons detained for “political reasons” in April 2023. In the latest trial hearing, he was sentenced to eight years in prison for the crimes of conspiracy to undermine national integrity in conjunction with the crime of spreading false information through information and communication technology, to the detriment of the state and Nicaraguan society. The applicants alleged that there is no known remedy filed by the Ombudsperson’s Office in the framework of the criminal proceedings against the proposed beneficiary, nor any remedy to protect his fundamental rights in prison.

15. The following is information presented about his current situation:

- i. Regarding the *detention conditions*, the applicants indicated that they were, in general terms, unsanitary. They referred to the mosquito and cockroach infestations. Additionally, he reportedly has to carry out his bodily functions in a hole that emits foul odors. The proposed beneficiary added that, in recent months, his time in the sun patio has been limited to a few minutes. This is only allowed when he is taken to shave two to three times a week. Moreover, the food he is provided reportedly contains cockroach legs and baking soda. He is allegedly only provided rice, beans, and pasta. The water is also reportedly unsanitary, has an unpleasant taste, and larvae.
- ii. In regard to *family visits*, only one visit per month is reportedly allowed and they last less than 45 minutes.
- iii. Regarding his *health*, the applicants alleged that he has not undergone medical examinations or received medical attention, despite the fact that he has allegedly fallen ill on several occasions. For example, between February and March 2024, he had the flu, cough, and a fever. He was treated with medicine brought by his relatives, since the prison did not provide any treatment. He also stated that his blood pressure was low given that he fainted, was sweating, and felt very weak. In addition, his mental health has allegedly deteriorated, has no appetite, and expressed having suicidal thoughts. According to the proposed beneficiary, the prison guards usually knock on the cell bars in the early hours of the morning to intimidate him and interrupt his sleep.

- *PM-736-24 (Geovanny Jaret Guido Morales)*

16. The proposed beneficiary has been deprived of his liberty since February 14, 2022. On the day of his arrest, he was intercepted by a National Police patrol car two blocks from his house. At the District V police station, he was reportedly assaulted with kicks and punches to various parts of his body. He was placed in isolation for approximately seven consecutive days. In March 2024, he was transferred to a small cell inside the Jorge Navarro Penitentiary Center, known as “La Modelo” and was reportedly assaulted by authorities during his transfer. This is allegedly the third time he has been arrested since the beginning of the 2018 social

protests. He continued to be the victim of siege, harassment, and threats by the police after having regained his freedom on previous occasions.

17. According to the request, the proposed beneficiary's file is reportedly unavailable for consultation of the hearing records. In addition, an ex officio lawyer was allegedly imposed upon him, so his relatives were reportedly unaware of the judicial process.

18. The following is information presented about his current situation:

- i. Regarding *his detention conditions*, it was alleged that he had no drinking water or electricity. In addition, he was reportedly exposed to extreme temperatures and humidity. He also had recurrent threatening insects in his cell. To date, he is reportedly confined in a small punishment cell with five more people. He added that he was in alleged solitary confinement for a prolonged period. In regard to food, it was noted that the food provided contained animal remains and feces (cockroach legs and mice tails) and was in poor condition. Water is allegedly unsanitary and drinking water supply is limited to only 3,7 liters every 15 days
- ii. Regarding the *visits*, it was stated that they took place in June and July 2, 2024. Relatives are allegedly not allowed to take in personal items. Unlike other inmates, the proposed beneficiary receives visits in an enclosed classroom-like space. Since March 2024, prison officials have requested that the proposed beneficiary and his family members provide paint and two sacks of cement. They were threatened that "if they do not provide it, the acts of violence against him will increase and they threaten him with punishments such as: deprivation of conjugal visits, restriction of sunlight, among others."
- iii. As *acts of violence*, the applicants reportedly stated that he was being subjected to constant beatings. Recently, his relatives reported that he was subjected to torture by suspension. He was allegedly hung by his two arms from a window for at least six hours, during which time he screamed to be taken down. He could not feel his arms, which were tingling. When he was lowered, he was attacked by the guards while he was on the floor. On July 7, 2024, he was transferred to another gallery, where he was reportedly beaten and stripped of his mat, canned food, and a container of water. He is reportedly being forced to get up daily at 3:00 a.m. through physical abuse, while officials call him a "traitor" and accuse him of betraying the country.
- iv. During *family visits*, the proposed beneficiary is allegedly taken out of his cell in shackles. While on his way to the visitation area, he is allegedly beaten with a police baton.
- v. Regarding his *health*, the applicants reported that the proposed beneficiary has an ocular prosthesis and has a visual impairment. He is reportedly not receiving the necessary medical attention for his visual impairment, nor the specialized care needed for the maintenance of his eye prosthesis. He is also allegedly not provided access to medication, particularly, he is not receiving a supply of eye drops which are necessary for the daily care of his ocular prosthesis or medication to reduce pain and prevent infections. The poor detention conditions and being held in dark cells are reportedly detrimental to his eye health, especially considering he has only one eye. In lack of proper care of his prosthesis, he reportedly has fever, itching, swelling, and redness around the eye socket. In addition, he is underweight and has rashes, and other skin conditions on his body.

B. Response from the State

19. The IACHR requested information from the State on July 1 and 11, 2024. To date, they have not replied to the Commission.

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

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 an 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 repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.²² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.²⁵ In the process of reaching a decision and, 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.

22. 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.²⁶

²² 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 [only in Spanish].

²³ 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)

²⁴ 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).

²⁵ 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.

²⁶ 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 23.

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.²⁷ 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 its Rules of Procedure, which can be resolved without entering into determinations on the merits.²⁸

23. The Commission notes that the alleged risk that the proposed beneficiaries face is not an isolated event and is framed within the current context that Nicaragua is experiencing, which is particularly hostile towards persons considered, perceived, or identified as opponents of the government and, in general, towards any person critical of the current Nicaraguan government.²⁹ The Commission acknowledges that this context has intensified over time.³⁰

24. Taking into account the foregoing, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiaries' situation in Nicaragua.

25. Regarding the *seriousness* requirement, the Commission considers that it has been met. According to the applicant, the proposed beneficiaries are deprived of liberty in the Jorge Navarro Penitentiary Center known as "La Modelo" in Nicaragua, and their arrests are allegedly linked to their critical stance towards the current government, including their activism through social networks. Given the foregoing, the Commission observes that the proposed beneficiaries are in the following situations:

- i. The individualized detention conditions that the proposed beneficiaries are held in are allegedly not adequate. In this regard, they warn that the water and food provided are reportedly limited and in unsanitary conditions; they do not receive parcels that family members deliver to state agents; they are subject to constant sleep interruptions in the early hours of the morning; and they are reportedly transferred to punishment cells and/or being held in an overcrowded cell. Moreover, during visits, both the proposed beneficiaries and their families are reportedly subject to surveillance by prison officials, and have no privacy during their visits.
- ii. They have reportedly been subjected to assaults and acts of violence attributed to the state agents who are responsible for their custody. In this regard, it was reported that they were subjected to beatings, interrogations, and threats of further punishment. They were also referred to by the authorities as "coup plotters" and "traitors to the homeland." It is highlighted that in the concerning recent case of Mr. Geovanny Jaret Guido Morales, he was reportedly suspended by his

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

²⁸ 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).

²⁹ IACHR, Report: Closure of Civic Space in Nicaragua, OEA/Ser.L/VIII.Doc.212/23, September 23, 2023, paras. 6, 20 and 62; Annual Report 2022, Chapter IV.B Nicaragua, paras. 35-65, 177; Press Release No. 123/23, IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua, June 16, 2023; Press Release No. 184/23, Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights, August 18, 2023; Press Release No. 218/23, IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church, September 15, 2023; Press Release No. 152/21, IACHR Condemns Growing Harassment in Nicaragua, June 18, 2021; Press Release No. 2/21, IACHR Condemns Growing Harassment in Nicaragua, January 6, 2021; Annual Report 2023, Chapter IV.B Nicaragua, December 31, 2023, paras. 5, 36, and 138.

³⁰ 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, paras. 46 to 52; 2023 Annual Report, Chapter IV.B Nicaragua, December 31, 2023, para. 19.

arms for several hours, and was also beaten and stripped of his belongings. The Commission identifies that the applicants described these acts as possible torture.

- iii. The proposed beneficiaries reportedly do not receive adequate and specialized medical care for their health issues and do not have access to their medications. In this regard, they indicated that they have not received the necessary treatments to address their health issues and do not receive basic or specialized medical attention to determine their current health. The lack of official information regarding their health situation means that family members are not aware of their current condition.

26. Upon requesting an update from the State under the terms of Article 25 of its Rules of Procedure, they did not respond to the Commission's request. The Commission regrets the lack of response, which prevents it from knowing the measures adopted by the State that are reportedly being implemented to address the situation that places the proposed beneficiaries at risk. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiaries 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.

27. Given the factual framework presented and the current context in Nicaragua, the Commission also notes that there are no domestic avenues available to seek protection in favor of the proposed beneficiaries. In this regard, it is noted that they are unable to communicate with their defense attorneys or designated public defenders. In addition to the above, the Commission notes that the relatives are unable to activate internal actions in favor of the proposed beneficiaries, given that they are denied access to the judicial files or for fear of possible reprisals. In summary, the Commission considers that the proposed beneficiaries are in a situation of complete lack of protection concerning the circumstances they currently face as prisoners in the identified context.

28. 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. Likewise, the IACHR considers that, in the case of Douglas Acevedo Castillo, he is reportedly facing a situation of greater vulnerability and risk, given his condition as an older adult. In this regard, it recalls that when it comes to persons deprived of liberty belonging to groups at special risk, including the elderly, the States must consider the disproportionate impact they face, adopt special measures that consider a differentiated approach,³¹ as well as guarantee their particular health needs.³²

29. With regard to the requirement of *urgency*, the Commission considers that it has been met. The situation described in the request is likely to continue if immediate measures are not taken in favor of the proposed beneficiaries. 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.

30. Regarding the requirement of *irreparable harm*, 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 irreparability.

V. BENEFICIARIES

³¹ IACHR, Report on the Situation of Persons Who Are Deprived of Liberty in Ecuador, Doc. OEA/Ser.L/V/II, approved by the IACHR on February 21, 2022, Conclusions and recommendations, para. B.8.5. [In Spanish]

³² IACHR, 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. 287, approved by the IACHR on October 5, 2020, para. 138.

31. The Commission declares as beneficiaries the following three persons: (1) Douglas Acevedo Castillo, (2) Anner Herrera, and (3) Geovanny Jaret Guido Morales, who are duly identified in this proceeding.

VI. DECISION

32. 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. Accordingly, it requests that Nicaragua:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State;
- b) implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, aggression, and torture inside the prison; ii. 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; and iii. 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 on 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, particularly with regard to the allegations of torture presented by the applicants.

33. 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.

34. 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.

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

36. Approved on August 2, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary