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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 26/2022**

Precautionary Measure No. 66-22 and No. 135-22

**José Antonio Peraza Collado, Roger Abel Reyes Barrera, and Irving Isidro Larios  
Sánchez, as well as their respective families regarding Nicaragua**

June 20, 2022

Original: Spanish

**I. INTRODUCTION**

1. In January and February 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received two requests for precautionary measures filed by the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos*) and the Legal Defense Unit (*Unidad de Defensa Jurídica*) (“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 José Antonio Peraza Collado, Roger Abel Reyes Barrera, and Irving Isidro Larios Sánchez. According to the applicants, the proposed beneficiaries, who are identified or perceived as political opponents of the current Nicaraguan government, are deprived of liberty in the Directorate of Judicial Assistance known as “El Nuevo Chipote” in inadequate conditions and with no medical attention.

2. On January 27, 2022, the Commission received a request for precautionary measures in favor of *José Antonio Peraza Collado*. Under the terms of Article 25.5 of its Rules of Procedure, the IACHR requested additional information from the requesting organizations on February 7, 2022 and received the requested information on February 21, 2022. The IACHR also requested information from the parties on May 17, 2022, and the requesting organizations submitted information on May 26, 2022. The State did not provide information.

3. On February 25, 2022, the Commission received a request for precautionary measures in favor of *Roger Abel Reyes Barrera and Irving Isidro Larios Sánchez*. The IACHR requested additional information from the applicants on March 14, 2022, and they submitted this information on March 29, 2022. Moreover, the Commission requested information from the parties on May 17, 2022, and the applicants submitted additional information on May 26, 2022. The State did not provide information.

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. Accordingly, the Commission requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the proposed beneficiaries; b) take the necessary measures to ensure that the proposed beneficiaries’ detention conditions are compatible with applicable international standards in this field, including: i) ensuring that they are not subjected to threats, intimidation, harassment, or assault within the prison; ii) guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical assessment of their individual health; and iii) granting the necessary treatments and medications to treat their respective conditions; c) consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

## II. BACKGROUND

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 and 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 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B in accordance with the grounds set forth in its Rules of Procedure.<sup>4</sup>

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.<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 reprimanded 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

<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> 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>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. OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

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 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> Subsequently, 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 Nicaragua. These acts were being perpetuated against persons identified as government opponents, human rights defenders, and the independent press.<sup>15</sup> They also condemned 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 set of state actions 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 this year, as well as the ongoing human rights violations in this context, urging the State to cease repression against people opposed to the Government.<sup>18</sup> On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals 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> Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern regarding the increasing repression against opponents in Nicaragua within the framework of the electoral process, and highlighted the attacks against

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

<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 284/2021. IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua. October 28, 2021.

journalists<sup>21</sup>. On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections. These violations occurred from acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists. The Commission further urged the State to release all those who had been arbitrarily detained in the electoral context since the beginning of the crisis, in addition to ceasing 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 in order to protect those who were 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>

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 organs of the inter-American system.<sup>26</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>27</sup>

12. 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>28</sup> The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of

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<sup>21</sup> IACHR. Press Release 292/21. Four days ahead election day, IACHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua. November 4, 2021.

<sup>22</sup> IACHR. Press Release 300/21. IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

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

<sup>24</sup> IACHR. Press Release 346/2021. IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

<sup>25</sup> IACHR. Press Release 346/2021. IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

<sup>26</sup> IACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

<sup>27</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>28</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

universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.

13. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary arrests and harassment by State agents against human rights defenders, journalists, and lawyers.<sup>29</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 human rights violations that have taken place in the country since April 2018.<sup>30</sup> According to data from the United Nations Refugee Agency (UNHCR), over 150,000 Nicaraguans have requested protection in Costa Rica.<sup>31</sup>

14. On March 23, 2022, the IACHR affirmed that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.<sup>32</sup> Recently, in April 2022, four years after the beginning 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. 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>33</sup>

### III. SUMMARY OF FACTS AND ARGUMENTS

#### A. Information provided by the applicants

##### i. *PM-66-2022 (José Antonio Peraza Collado)*

15. According to the request, the proposed beneficiary is a 55-year-old university professor who also serves as Executive Director of the Movement for Nicaragua (*Movimiento por Nicaragua, MpN*) and is a member of the Electoral Transparency Advisory Council (*Consejo Asesor de Transparencia Electoral*). He is also a former member of the Political Council of the Blue and White National Unity (*Unidad Nacional Azul y Blanco, UNAB*) and was an active member of the National Coalition, working with the Electoral Reform Advocacy Group (*Grupo Promotor de Reformas Electorales, GEPRE*). During the 2018 protests and marches, he called for peaceful demonstrations against the government. Since then, the proposed beneficiary has repeatedly claimed to have been subjected to surveillance, harassment, and persecution. He was also arrested between October 2018 and February 2021 while carrying out civic activities. In the

<sup>29</sup> 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>30</sup> United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April \*\*, 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>31</sup> UNHCR. The number of Nicaraguans displaced in Costa Rica has doubled in less than a year. March 25, 2020. Available [in Spanish] at <https://www.acnur.org/noticias/briefing/2022/3/623d08ed4/el-numero-de-nicaraguenses-desplazados-en-costa-rica-se-ha-duplicado-en.html>.

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

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



context of these arrests, the proposed beneficiary received death threats from police officers. They allegedly told the proposed beneficiary that “if he did not stop messing with ‘the Commander,’ he would show up dead” and that he should stop “destabilizing the country.” He further alleged that he had been the victim of severe beatings and verbal abuse at the hands of his custodians.

16. In the aforementioned context, on July 26, 2021, several officers entered the proposed beneficiary’s apartment without an arrest or search warrant. They then reportedly handcuffed him and took him away. His whereabouts were allegedly unknown for over 30 days after his arrest. Subsequently, on July 28, 2021, and September 7, 2021, hearings were held within the criminal process and it was resolved to maintain the precautionary measure of preventive detention against Mr. Peraza Collado. The proposed beneficiary’s counsel was allegedly unable to obtain a copy of the case file, thereby making it impossible to exercise his right of defense. Subsequently, on February 9, 2022, the trial hearing was held. However, the defense counsel was reportedly unable to see the proposed beneficiary until that very same day. She was only able to see him for two minutes and was able to access to the contents of the indictment and the evidence from the Prosecutor’s Office. The judicial authority found the proposed beneficiary guilty of the crime of “conspiracy to undermine national integrity.”

17. According to the information received by the relatives, in early September 2021 and for the first time since his arrest, they were able to contact Mr. Peraza Collado in “El Nuevo Chipote”. Since that time, they allegedly expressed concern about the appalling detention conditions which he reportedly faces. In addition, they highlighted the deterioration of his health, as he allegedly lost 60 pounds [27 kg] and has allergies. In addition, he also has lacerations in the buttocks due to humidity, poor ventilation, and the cement bed. Mr. Peraza Collado asked his family to provide an ointment to treat his skin infection, in addition to antibiotics. He also reported having a tooth infection, as well as experiencing pain in the prostate, heartburn, and other stomach problems. To date, he has reportedly not been treated. On April 29, 2022, Mr. Peraza Collado indicated that he had a kidney infection. As a result, he has experienced severe pain, fever, and even urinated blood. For these symptoms, he was prescribed Nitrofurantoin during a month and had no further follow-up. In this scenario, the applicants point out that the proposed beneficiary has not received the necessary or specialized medical care in a timely manner to treat his multiple conditions, nor is he being provided with the necessary medicines. He was not medically examined or taken to a health center either.

18. Regarding the detention conditions, the applicants point out that they are subhuman. The proposed beneficiary is allegedly in a very small cell with a cement bunk composed of two tiles that he uses as a bed. The mats placed on top of the tiles that make up his bed are allegedly in poor condition, worn-out, and thin. He allegedly has a handful of plastic bottles that he has collected which he uses as a pillow. He collected them from when he is provided with bottled water. This cell does not have space for the bathroom, so he must perform his bodily functions right there. He is only allowed to go out into the sun once a week during afternoon hours. In addition, the prison authorities are allegedly holding some personal toiletries, which his family provided, from him. He is also reportedly not allowed to bring in sheets or coats to shield himself from the cold. Regarding food, the proposed beneficiary stated that it was insufficient and of poor quality.

19. The request indicates that the proposed beneficiary is taken to interrogations every day. During these interrogations, he is asked about the country’s political situation. His relatives have stated that Mr. Peraza Collado could be subjected to assaults, ill-treatment, and even death threats. This statement is grounded on the fact that, during the visit in January 2022, they noticed a mark on his forehead which looked like a blow. When his relatives asked him about it, and also about the interrogations, the proposed beneficiary seemed evasive and fearful. In addition, the applicants allege that the prison officers

reportedly use stigmatizing language against the proposed beneficiary, they call him a “coup plotter” or a “traitor.”

20. In addition, the relatives have been unable to visit the proposed beneficiary regularly. They have only been able to visit him on six occasions since his detention, and he has been in prolonged solitary confinement. His last family visit took place on April 29, 2022. In addition, they allegedly do not allow his daughter to visit him since they have denied her entry. The same applies to his defense attorney. In this regard, petitions have been submitted requesting permits for family visits, as well as entering food, blankets, sheets, in addition to accessing copies from his judicial file. However, these requests have not been resolved.

**ii. PM-135-22 (Roger Abel Reyes Barrera and Irving Isidro Larios Sánchez)**

- *Regarding the proposed beneficiary Roger Abel Reyes Barrera*

21. According to the request, the proposed beneficiary is a 36-year-old lawyer and member of the Political Council in the Blue and White National Unity (*Unidad Nacional Azul y Blanco, UNAB*). He participated in the April 2018 protests against the Nicaraguan government. He additionally continued his activism by supporting the demonstrations and forms of protest in the department of Carazo in the struggle for freedom and justice in the country. Given his participation in civil movements, he was identified as a leader and in 2019 he founded the Carazo Departmental Union, a social and political aid organization, which joined UNAB. During 2020, he worked with the presidential pre-candidate Félix Maradiaga and was allegedly detained on several occasions by the National Police, who reportedly seek to hinder the exercise of his political rights. Due to his profile, he was allegedly a victim of cruelty and subject to constant sieges and intimidation by police officers. Due to this, since 2021, he had decided to remain sheltered in safe houses.

22. Mr. Reyes Barrera was arrested on August 20, 2021, allegedly without an arrest warrant, in the city of Managua during a police checkpoint. On that occasion, he was reportedly intercepted by a patrol and ordered by police officers to get out of the vehicle indicating “we already know who they are” and was subsequently held by these authorities. Ms. Maria Fernanda Guevara, the proposed beneficiary’s wife, learned of his whereabouts days after his arrest. She then went to the prison known as “El Nuevo Chipote” and delivered water and personal items for her husband.

23. Subsequently, on January 23, 2022, preventive detention was issued against the proposed beneficiary for a period of 90 days. According to the applicants, Mr. Reyes Barrera’s hearing was held in secret and without prior notice to his lawyers or relatives. He therefore was unable to access proper defense. Thus, on March 1, 2022, he was tried and convicted for the crime of “conspiring to commit a breach of national integrity” and was sentenced to 10 years in prison.

24. According to his relatives’ testimonies, the proposed beneficiary is still being held in “El Nuevo Chipote”. He is allegedly in deplorable detention conditions and has shown a substantial deterioration in his physical and mental health, which only continues to decline. Among his ailments, he reportedly has memory loss, anxiety attacks that cause him to pull out the hair from his head, and has stated that he feels chest tightness. In addition, he also reportedly has severe depression. Likewise, the proposed beneficiary also allegedly presents vision problems, insomnia, weight loss, constipation, tooth pain, allergic sinusitis, and skin problems. Recently, he reportedly had a “surprise” medical check-up and the physician indicated that he had vitiligo. His family members have provided him with some medications to treat his multiple conditions such as Cholecalciferol, Vitamin D, Mugaxin, Inmuvit plus, and Melatonin. Despite this, his health situation has continued to worsen as his diseases have not been treated in an adequate and timely

manner. In addition, he was unable to have consultations with medical specialists despite repeated requests from both his relatives and the proposed beneficiary himself.

25. Regarding the proposed beneficiary's detention conditions, the provided information indicates that they are precarious and unsanitary. During a visit on March 17, 2022, it was found that his cell has a cement bunk composed of two tiles that he uses as a bed. These only have two sponge mats that are in poor condition, worn-out, and are very thin. He is not allowed sheets, pillows, or anything that shields him from the cold. This makes it very difficult for him to fall asleep. He only leaves his cell once a week to go into the sun for a few minutes and when he is taken for questioning. In addition, he reportedly receives a scarce food ration. The proposed beneficiary stated that he has been transferred to an isolation or "punishment" cell in subhuman and unsanitary conditions on repeated occasions. He allegedly remained there for several months before being transferred to another cell. According to his description, this cell is allegedly 2x2 meters, completely airtight, and reportedly has the light turned on 24 hours a day. In addition, it does not have a toilet and he must perform his bodily functions in a hole.

26. In addition to the above, the applicants report that the proposed beneficiary is questioned daily in the early hours of the morning. He is asked, for example, about his involvement in politics as a government opponent, about the UNAB funding sources, the names of people from Jinotepe which are of interest to the Government, among other issues. On April 30, 2022, the interrogations allegedly intensified as they now last longer, and are carried out several times a day. In particular, he mentioned that they ask him "what he would do if they sent him home" and "if he will continue to be in politics."

27. Mr. Reyes Barrera stated that during the early hours of the morning (between 1:00 a.m. and 4:00 a.m.), he is awoken to wash his clothes. When they see him asleep, they reportedly wake him up on purpose, so he is unable to rest. On November 19, 2021, police officers allegedly entered his cell and seized some hidden beverages that he was storing. For this reason, he was taken to the "punishment" cell where he remained for three months.

28. Lastly, the applicants indicated that the proposed beneficiary's family members are not given visits on a regular basis. When these visits are permitted, they are photographed and constantly watched by two police officers who stay in the same room and listen to the conversations. The proposed beneficiary's wife indicated that, on October 13, 2021, she showed up for the family visit and the captain indicated that "Roger does not have a visit at that time, I think you heard wrong," despite the fact that she previously reaffirmed the time. Likewise, during a visit on March 17, 2022, the proposed beneficiary alleged that he was not given the personal toiletries or the beverages that his relatives brought him. According to the available information, visits were carried out on six occasions, the last one was carried out on April 30, 2022.

- *Regarding the proposed beneficiary Irving Isidro Larios Sánchez*

29. The proposed beneficiary is a 63-year-old economist and member of the Articulation of Social Movements (part of UNAB). He was also president of the Institute of Research and Social Management (*Instituto de Investigaciones y Gestión Social, INGES*). Their mission was to implement social projects on sustainable development; however, his legal personality was canceled. Likewise, in the framework of his work, he made strong statements on the illegitimacy of the November 2021 electoral process. This reinforced the State's cruelty against them, making him the target of threats on social networks, as well as discrimination and stigmatization.

30. On September 20, 2021, Mr. Larios Sánchez was arrested by eight police officers. They violently entered through different parts of his home, allegedly raiding the property without a court order. The



proposed beneficiary was taken to the penitentiary known as “El Nuevo Chipote”. However, his relatives were not informed of his whereabouts until October 13, 2021. On September 24, 2021, the home of Raity Larios, Mr. Larios Sánchez’s daughter, was also raided as part of the investigation process against her father. The applicants also report that police officers, dressed in civilian clothes have repeatedly harassed the proposed beneficiary’s daughter in her home. In addition, they have asked about her regular routine, the visits she receives, among other details. The harassment against her allegedly continues and she was informed that she is allegedly regarded “a person of interest”.

31. Subsequently, on January 22, 2022, preventive detention was issued against the proposed beneficiary for a period of 90 days. According to the request, Mr. Larios Sánchez’s hearing was held in secret and without prior notice to his lawyers or relatives. He was therefore unable to access proper defense. On February 28, 2022, he was convicted of the crimes of “conspiring to undermine national integrity” and “spreading false news,” and was therefore sentenced to 13 years in prison.

32. According to his relatives, the proposed beneficiary is reportedly in precarious detention conditions. This has resulted in a deterioration and aggravation of his physical and mental condition. Mr. Larios Sanchez has high blood pressure, uric acid conditions, weight loss, fluid retention, insomnia, and anxiety. As a result of these conditions, he has allegedly suffered several health crises. In October 2021, he even had to be hospitalized in the prison clinic for three days due to increases in his blood pressure. In addition, he has had gout attacks which reportedly mainly affect his feet due to joint crystallization. He has also had claustrophobia attack due to the limited space and insufficient ventilation in his cell.

33. The proposed beneficiary reported that, in mid-March 2022, he was infected with COVID-19. He presented a fever, cough, weakness, body pain, loss of appetite, and difficulty breathing. Despite repeated requests for medical care, he was only taken to the prison physician after six days since the onset of symptoms, despite having high blood pressure. Subsequently, he was sent to his cell where he continued to feel asphyxiated and was forced to wear a face cover. On that occasion, his relatives were requested Ivermectin and Colchicine to treat Mr. Larios Sánchez. Despite his symptoms improving, the proposed beneficiary allegedly still presented sequelae from COVID-19. The applicants consider that the proposed beneficiary is reportedly not receiving adequate or specialized medical care, despite being an elderly person. In addition, they are unaware of his current health and are not provided written medical indications, despite repeated requests. His family continues to provide him with some medicines to treat his conditions such as Nifedipine, Irbesartan, Carvedilol, and Hydrochlorothiazide. Likewise, the applicants point out that Mr. Larios Sánchez is allegedly receiving scarce food rations and of poor quality. This has reportedly aggravated health.

34. As for the detention conditions, the proposed beneficiary states that they are precarious. He is currently in a cell with bars and has not been allowed to go out into the sun even once in over 41 days. Before being transferred to his current cell, Mr. Larios Sánchez was in a “punishment” cell for five months. This cell is completely airtight, sealed, measures 2x2 meters and has a small window through which food is delivered and a bit of oxygen enters the cell. In addition, the electric light remains turned on 24 hours a day. As indicated by Mr. Larios Sánchez, he sleeps in a cement tile on a thin and poor-quality mat. He does not have blankets or sheets to shield himself from the cold at night. The request also mentioned that police officers took the proposed beneficiary to daily interrogations, however, these ceased after his trial.

35. Lastly, according to testimonies of Mr. Larios Sánchez’s relatives, they are not allowed to visit regularly. He has only been seen six times since his arrest, the last visit being on April 30, 2022. To date, his defense attorney has not been allowed to visit, and he is prohibited from making any kind of call or contact the outside world in any way. In addition, the authorities are allegedly not providing him the

parcels that his relatives brought him during the last visits. Some of his belongings have also been confiscated.

## **B. Information provided by the State**

36. In both matters, the IACHR requested information from the State in the requests for precautionary measures on May 17, 2022. However, the State has not submitted any information to date.

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

37. 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. 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.

38. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "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>34</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights<sup>35</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>36</sup>. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations<sup>37</sup>. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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<sup>34</sup> See in this regard: I/A Court H.R. 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. Resolution of July 6, 2009, considerandum 16.

<sup>35</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. Bámaca Velásquez Case. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Case of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Milagro Sala Case. Request for Provisional Measures regarding Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

<sup>36</sup> See in this regard: I/A Court H.R. Milagro Sala Case. 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].

<sup>37</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.

- 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.

39. 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>38</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged. Likewise, in this proceeding, it is not called upon to pronounce on violations of rights enshrined in the American Convention or other applicable instruments,<sup>39</sup> nor to determine whether the criminal sentences imposed on the proposed beneficiaries violate these international instruments. The analysis performed herein 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>40</sup>

40. In addition to the foregoing, in this matter, the Commission notes that the proposed beneficiaries’ alleged situations of risk are framed in the current context that Nicaragua is experiencing. In addition,<sup>41</sup> there is a repressive context towards people<sup>42</sup> considered government opponents which has intensified over time in the context of the presidential elections of November 2021. Thus, the proposed beneficiaries’ alleged situation are not isolated events, but rather inserted in a context that has been observed in Nicaragua which is characterized by the practice of arresting and criminalizing human rights defenders and opponents.<sup>43</sup>

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<sup>38</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 the children and adolescents deprived of their 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>39</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>40</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, 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>41</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.

<sup>42</sup> See in this regard: IACHR. 2020 Annual Report. 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>43</sup> See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Solís 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.

41. In the context of the foregoing, the IACHR has also granted several precautionary measures to persons deprived of liberty in Nicaragua.<sup>44</sup> In this context, in its report on “Persons Deprived of Liberty in Nicaragua,” the IACHR has gathered testimonies that show practices in line with the allegations in this request.

42. Along those lines, 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, integrity, health and other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.<sup>45</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>46</sup> More specifically, and in light of the facts described by the applicants, 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>47</sup>

43. Considering the above context that Nicaragua is currently experiencing, the Commission will proceed to analyze the particular situation of José Antonio Peraza Collado, Roger Abel Reyes Barrera, and Irving Isidro Larios Sánchez.

44. With regard to the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the IACHR observes that the risk situations alleged regarding proposed beneficiaries are related to their profiles as persons identified or perceived as opponents of the government. In particular, the Commission observes that the proposed beneficiaries were detained between July and September 2021. They are currently in poor detention conditions, are being subjected to acts of intimidation and harassment, and are not receiving the necessary medical attention for their ailments.

45. Thus, the Commission observes that the proposed beneficiaries’ imprisonment has been preceded by multiple facts and incidents against them. This demonstrates the seriousness of their allegations, as well as the visibility and exposure they had when they were identified or perceived as opponents of the current Nicaraguan government. In this sense, the applicants have reported that Mr. Peraza Collado has suffered from acts of surveillance, persecution, harassment, and threats between 2018 and 2021. This was due to his participation in the peaceful demonstrations and protests during 2018, as well as his role within the different civic movements such as the Movement for Nicaragua (*Movimiento por Nicaragua*), the

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<sup>44</sup> See in this regard: IACHR. Resolution 95/21. Precautionary Measure No. 444-20 Denis Antonio García Jirón and Carmen Jirón regarding Nicaragua November 27, 2021; Resolution 82/2021. Precautionary Measure No. 206-20. Jaime José Arellano Arana regarding Nicaragua October 12, 2021; Resolution 49/2021. Precautionary Measure No. 480-21. Cristiana María Chamorro Barrios et al. regarding Nicaragua. June 24, 2021; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 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>45</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>46</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>47</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.

Electoral Transparency Advisory Council (*Consejo Asesor de Transparencia Electoral*) and UNAB (see *supra* par.11). In Mr. Reyes Barrera’s case, the applicants have informed that he has suffered from acts of siege and intimidation even in the framework of arrests on several occasions by the National Police. This has been due to his political activism as a member of the Political Council in UNAB and for work as a lawyer of the presidential pre-candidate Félix Maradiaga (see *supra* par.17). The applicants have also reported that, regarding Mr. Larios Sánchez, he has suffered threats, intimidation, discrimination, and stigmatization for his participation with UNAB and for his statements questioning the legitimacy of the electoral process. In addition, even his relatives have suffered harassment at the hands of state agents, particularly his daughter (see *supra* par. 25 and 27).

46. However, as for his current situation, the Commission observes that, in relation to Mr. Peraza Collado, it was pointed out that he has been reportedly detained since July 26, 2021 and is in alleged deplorable detention conditions in the Directorate of Judicial Assistance known as “the New Chipote” (see *supra* par. 13 and 14). Despite having health problems such as allergies and skin lacerations, pain in the prostate, weight loss, tooth infection, kidney infection and stomach problems, he is reportedly not receiving the necessary and specialized medical care or the necessary treatments to treat his various conditions, nor is his clinical condition monitored (see *supra* par. 13). Likewise, Mr. Peraza Collado is allegedly subject to constant interrogations, which are reportedly carried out daily (see *supra* par. 15). Recently, in January 2022, Mr. Peraza Collado presented a blow to his forehead, evidencing possible aggressions. In addition, prison officers would use stigmatizing language and refer to him as a “coup” or “traitor” (see *supra* para. 15). To date, the visits are reportedly irregular, and their relatives have only been able to see the proposed beneficiary on six occasions. To date, he has not been able to be visited by his daughter or his defense attorney (see *supra* par. 16).

47. Regarding Mr. Reyes Barrera’s situation, it was noted that he was arrested on August 20, 2021 in a police hold in the city of Managua (see *supra* par. 18). He is currently being held in the “Nuevo Chipote” penitentiary in precarious conditions of detention, including several months in a “punishment” cell in subhuman and unsanitary circumstances (see *supra* para. 20 and 21) Since his arrest, the proposed beneficiary’s health has worsened over time. He has memory loss, severe anxiety attacks, insomnia, depression, weight loss, vision problems, constipation, allergies, skin problems, and tooth pain. Regarding these conditions, he has not received adequate medical attention, despite having repeatedly requested it (see *supra* par. 20). In addition, Mr. Reyes Barrera is reportedly subject to interrogations on a daily basis which allegedly intensified since April 2022, and are even carried out several times a day (see *supra* par. 22). Likewise, the items his relatives brought him for personal use was reportedly not delivered to him. In addition, prison officers allegedly entered his cell to requisition his beverages (see *supra* par. 23 and 24). So far, Mr. Reyes Barrera’s relatives have only been able to visit by him six times since his arrest and they are reportedly prohibited from visiting him on a regular basis (see *supra* par. 24).

48. Regarding Mr. Larios Sánchez’s situation, it was indicated that police officers violently arrested him on September 20, 2021 during a search of his home (see *par.* 25). He is reportedly held in very poor conditions in the “Nuevo Chipote” penitentiary and was placed in a “punishment” cell before being transferred to his current cell (see *supra* par. 30). In addition, the proposed beneficiary reportedly has high blood pressure, uric acid problems, fluid retention, weight loss, insomnia, and anxiety. As a result of his health conditions, he has suffered several crises and was even hospitalized in October 2021. Recently, in March 2022, he got COVID-19 and allegedly continues to have sequelae. To date, Mr. Larios Sánchez has not received the necessary or specialized medical attention to treat his conditions, which have aggravated over time (see *supra* par. 28 and 29) In addition, the proposed beneficiary has only been visited six times by his family members due to the irregularity with which family visits are allowed. He is also prohibited from making any phone calls or having any contact with the outside world, including with his defense



attorney. Likewise, his parcels are reportedly not delivered to him and some of his belongings have even been confiscated (see *supra* par. 31).

49. Considering the foregoing, the Commission observes that the allegations presented by the applicants confirm the seriousness of proposed beneficiaries' situation, particularly those related to the inadequate detention conditions. In addition, the request mentions their respective particularly serious health conditions, which continue to worsen over time due to the lack of necessary or timely medical attention to treat their health conditions, despite having requested it from the state authorities. The aforementioned is even more concerning as the alleged acts of intimidation and harassment persist, in addition to prison guards possibly attacking the proposed beneficiaries. These include constant interrogations, transfers to the "punishment" cell, confiscation of their personal belongings, and the use of stigmatizing language (see *supra* para. 15: 21-31).

50. The IACHR also notes with concern that the seriousness of the proposed beneficiaries' situation has significantly affected their families. In this regard, it is observed that in the case of Mr. Reyes Barrera's relatives, they have suffered acts of intimidation by being photographed and constantly monitored by prison officers during family visits (see *supra* par. 24). In this same regard, as for Mr. Peraza Collado's relatives, it should be noted that his daughter was denied entry during the visits and is being prevented from seeing her father due to his imprisonment (see *supra* par. 16). Likewise, Mr. Larios Sánchez's relatives, in particular his daughter, have been subject to surveillance and harassment by State agents since her father's arrest (see *supra* par. 26).

51. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission regrets the lack of response regarding the proposed beneficiaries. This does not allow the Commission to verify that the situation alleged by the applicants has been mitigated or that measures have been taken to safeguard their rights. The Commission also observes that the proposed beneficiaries are in the custody of the State, which has the information on their current situation and detention conditions. Likewise, although the Commission is not called upon to attribute the corresponding responsibilities, it is particularly concerned by the allegations that police or prison officers are allegedly involved in the facts of risk presented, which places the proposed beneficiaries in a vulnerable situation.

52. In view of the foregoing, and based on the analysis carried out, the Commission considers, from the *prima facie* standard and in Nicaragua's current context, that it is sufficiently proven that the rights to life, personal integrity, and health of the proposed beneficiaries are at serious risk. Similarly, the Commission considers that the families of the persons identified are at risk in the light of the alleged facts involving them in relation to the proposed beneficiaries, as well as their relationship with the proposed beneficiaries.

53. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiaries continue to face the situation described, they are likely to be imminently exposed to a greater impact on their rights. Furthermore, the Committee observes that, given their status as prisoners, coupled with the lack of access to medical care and their health, these circumstances prevent their families and representatives from intervening in time and ensuring that their detention conditions and health are adequate, thus requiring immediate action. The Commission therefore takes into account that since their arrest, approximately from six to eleven months ago, the proposed beneficiaries reportedly continue to be in a critical state of health and lack timely medical assessment, in addition to being under the detention conditions described by the applicants. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiaries.

54. 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, and health, by their very nature, constitutes the maximum situation of irreparability.

## **V. BENEFICIARIES**

55. The Commission declares as beneficiaries José Antonio Peraza Collado, Roger Abel Reyes Barrera and Irving Isidro Larios Sánchez, and their respective families, who are identifiable.

## **VI. DECISION**

56. 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 proposed beneficiaries;
- b) take the necessary measures to ensure that the proposed beneficiaries' detention conditions are compatible with applicable international standards in this field, including: i) ensuring that they are not subjected to threats, intimidation, harassment, or assault within the prison; ii) guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical assessment of their individual health; and iii) granting the necessary treatments and medications to treat their respective conditions;
- c) consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

57. 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.

58. 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.

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

60. Approved on June 20, 2022, by Julissa Mantilla Falcón, President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido  
Assistant Executive Secretary