
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 58/2022**

Precautionary Measure No. 367-22
E.A.G.A. and his family¹ regarding Nicaragua
October 26, 2022
Original: Spanish

I. INTRODUCTION

1. On May 19, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Nicaraguan Center for Human Rights (“the applicants”) urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of E.A.G.A. and his family unit. According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, is at risk as he is being subjected to threats, harassment, and surveillance by police and parastatal agents since 2018 to present day.
2. In accordance with Article 25 of its Rules of Procedure, the IACHR requested information from the applicants and the State on August 31, 2022. The applicant submitted information on September 16, 2022. To date, the State has not sent any information and the granted time limits have 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 E.A.G.A. is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Accordingly, the IACHR requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of E.A.G.A. and his family unit. To this end, the State must both ensure that state actors respect the beneficiaries’ life and personal integrity, and protect their rights in relation to acts of risk attributable to third parties, in accordance with the standards established by international human rights law; b) take immediate measures to ensure the beneficiary is safe and can continue his legal defense work on behalf of persons detained in Nicaragua; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. 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.² In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the

¹ At the request of the applicants, the Commission decides to withhold the identities of the beneficiaries, who are nevertheless fully accredited in these proceedings and in the documents forwarded to the State.

² IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OAS/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

country until the State suspended its presence on December 19, 2018.³ 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.⁴ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁵

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, and urged the State to comply with its obligations in matters related to human rights.⁶ 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.⁷ 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.⁸ Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”⁹
6. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,¹⁰ noting that the serious human rights crisis in the country extended during 2019, due to the de facto installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government; the search, closure and censorship of media outlets; the imprisonment or exile of journalists and social leaders; the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.¹¹
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.¹² Thus, in May 2020, the IACHR condemned the non-

³ 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.

⁴ Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes*, GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#). December 2018.

⁵ IACHR. [2018 Annual Report. Chapter IV.B Nicaragua](#).

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, paras.5 and 6.

¹¹ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, para. 19.

¹² IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020.

compliance with its recommendations and urged the State to implement them.¹³ In October 2020, the IACHR again called on the State to immediately cease persecution of persons identified as dissidents and to re-establish democratic guarantees in Nicaragua.¹⁴ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹⁵

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁶ in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁷ 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.¹⁸ Moreover, on August 11, 2021, the Commission condemned the systematic acts that the State has carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of the same year. It further condemned the ongoing human rights violations in this context and urged the State to cease repression against those who express opposing views towards the Government.¹⁹ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.²⁰
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.²¹ 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 in the country, and emphasized the attacks against journalists.²² On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists; and urged the State to release all those arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.²³

¹³ 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.

¹⁴ 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.

¹⁵ IACHR. [2020 Annual Report, Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹⁶ IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁷ 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.

¹⁸ 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.

¹⁹ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election. August 11, 2021.

²⁰ 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.

²¹ 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.

²² 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.

²³ IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

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.²⁴ On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of people 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.²⁵ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.²⁶ The IACHR once again included Nicaragua in Chapter IV.B of its 2021 Annual Report, when it referred to the severe deterioration of democratic institutions in Nicaragua in the context of the 2021 general elections.²⁷
11. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They reportedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents are beneficiaries of protective measures granted by the bodies of the inter-American system.²⁸ 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.²⁹ 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.³⁰ The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.
12. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary detentions and harassment by State agents against human rights defenders, journalists, and attorneys.³¹ 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

²⁴ 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.

²⁵ 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.

²⁶ 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.

²⁷ IACHR. [2021 Annual Report, Chapter IV.B Nicaragua](#), May 2022, paras. 4 to 21.

²⁸ IACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

²⁹ 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.

³⁰ 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

³¹ OHCHR. Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council. Available (in Spanish) at: <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

independent investigation into the human rights violations that have taken place in the country since April 2018.³²

13. On March 23, 2022, the IACHR stated 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.³³ In April 2022, four years after the onset of the 2018 social protests, the IACHR 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.³⁴ 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.³⁵
14. On May 13, 2022, the IACHR urged the State to guarantee the regular and dignified direct contact of political prisoners with their families. According to information received by its MESENI, deplorable detention conditions, ill-treatment, isolated detention, and lack of access to timely, adequate, and specialized medical care for persons detained in "El Chipote" persist.³⁶ In July 2022, the Rapporteurship for Freedom of Expression (SRFoE) condemned the authorities' repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who flee or are in forced exile.³⁷ On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to its critical role in denouncing human rights violations.³⁸ On September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are in deplorable conditions in Nicaragua.³⁹ Recently, on September 28, 2022, the rapporteurs of the UN and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.⁴⁰

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

15. The proposed beneficiary is 52 years old and resides with his family in the city of Managua. Mr. E.A.G.A. is an affiliated member of the Nicaraguan Institute of Development (*Instituto Nicaragüense del Desarrollo*, INDE) and Vice President of his board of directors in the National Executive Council. He is also a member of the Fund of the Nicaraguan Institute of Development (*Fondo del Instituto*

³² United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April 1, 2022. Available at: <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-concludes-forty-ninth-regular-session-after-adopting-35?sub-site=HRC>.

³³ 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.

³⁴ IACHR. [Press Release 065/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.

³⁵ IACHR. [Press Release 065/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.

³⁶ IACHR. [Press Release 103/2022](#). IACHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

³⁷ IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

³⁸ IACHR. [Press Release 184/22](#). IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022.

³⁹ IACHR. [Press Release 103/2022](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

⁴⁰ IACHR. [Press Release R218/22](#). Faced with serious complaints about the closure of civic spaces in Nicaragua, UN and IACHR rapporteurs urge the authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022

Nicaragüense de Desarrollo, FINDE) and Vice President of the Administrative Council of the latter. Both organizations are founding members of the Superior Council of Private Enterprise (*Consejo Superior de la Empresa Privada, COSEP*), and implement projects that develop the micro, small, and medium-sized enterprise market. The request indicates that these organizations have been identified by sectors related to the current government of Nicaragua as financing the “attempted coup d’état” of 2018. In addition, the proposed beneficiary has been a defense attorney for individuals deemed “political prisoners”⁴¹ since 2021.

16. Following an attack in the department of Matagalpa during the Sandinista revolution, the proposed beneficiary’s father died and, consequently, his family went into exile when he was 10 years old. In the early 1990s, the proposed beneficiary returned to Nicaragua. Furthermore, according to the proposed beneficiary, he publicly reprimanded former General Humberto Ortega after he suggested to President Daniel Ortega that the release of the so-called “political prisoners” take place through a pardon or amnesty.
17. On April 19, 2018, the proposed beneficiary participated in the civic protests in the city of Managua. On April 21, 2018, he was protesting with approximately 50 people in the vicinity of the Movistar company building, located in Managua, when they were allegedly attacked by police agents who used tear gas bombs and firearms. The proposed beneficiary managed to run and take refuge in a café, which was surrounded by police officers. He waited about an hour for the police officers to leave the location.
18. Since July 2018, the proposed beneficiary has suffered harassment and stalking in his home, through people with firearms in private vehicles who park in front of his house and take photographs. This incident happened, for example, on July 19 and 30, 2018. In addition, on August 16, 2018, after participating in the presentation of the GIEI report on the situation in Nicaragua, which was held in the facilities of the Intercontinental Managua Hotel, he began to receive calls from an unknown number. During these calls, he was threatened to abide by the consequences if he continued to participate in protests, because they knew where he and his wife lived and worked and where their children studied, so they were going to apply the “lead [material which bullets are made of] of the coup leaders”.
19. The applicant states that the situation which places him at risk been increasing since June and July 2021. Around that time, the proposed beneficiary assumed the legal defense of the so-called “political prisoners”: Mr. José Adán Aguerri, former president of COSEP; the then presidential pre-candidate Félix Maradiaga; the former Chancellor Francisco Xavier Aguirre Sacasa; as well as youths Lesther Alemán and Max Jerez. In addition, the proposed beneficiary is currently also a defense attorney for Michael Healy and Álvaro Vargas.
20. Since June 2021, the proposed beneficiary reportedly receives calls with threats from unidentified people at least once or twice a week. During these calls, the unidentified individuals always repeat: “Attorney, be careful, there is still enough room”. On July 12, 2021, a vehicle with civilians was suspiciously parked in front of the offices of the proposed beneficiary’s law firm. On July 17, 2021, two people dressed in civilian clothes who were riding a motorcycle pursued him after he left his house in the morning. On that occasion, he took refuge in a supermarket and called his wife to pick him up. However, upon arriving at his home, he noticed that the same subjects were outside his home, where they remained for several hours.

⁴¹ The request indicates that the proposed beneficiary is a defense attorney for the following “political prisoners”: José Adán Aguirre, Michael Healy, Álvaro Vargas, Lesther Alemán, Max Jerez, and Francisco Xavier Aguirre Sacasa.

21. On October 21, 2021, upon leaving his room at 6:00 a.m. to drop his children off at school, the proposed beneficiary observed that he was being watched by a motorcyclist. On the same day, at 8:00 a.m., he attended the Public Prosecutor's Office at the appointment requested by the Attorney General's Office as legal advisor to the President of COSEP, Michael Healy. Subsequently, they both left in two vehicles one after the other. After a short drive, the first vehicle, where Michael Healy was being transported, was intercepted and its occupants were arrested by the National Police. The proposed beneficiary, who was being transported in the second vehicle, observed the details of what happened and told the driver of the car to leave him in his firm's office. After dropping off the proposed beneficiary, the driver continued in the direction of the COSEP offices. He was then collided by two vehicles, one in the rear tire, and one in the front left, which prevented him from continuing his route. At that moment, five people in civilian clothes got out of the vehicles and requested he present the car documents. A uniformed person, who turned out to be a lieutenant of the National Police, was also present and repeatedly questioned him about where he had left the other person traveling with him and the identity of that person. A few minutes later, they let the driver leave.
22. On the same day, October 21, 2021, a few hours later, the proposed beneficiary went to the Central Judicial Complex Managua facilities to present a writ of habeas corpus in favor of the deemed "political prisoners": Michael Healy, Álvaro Vargas, and the driver Wilber Alvarado. At that time, two guards arrested the proposed beneficiary at the entrance. They proceeded to escort him to the writ reception counter. They left him with a third guard, who asked him what he was going to do, and ordered him to leave the writings at the counter. He then directed the proposed beneficiary to go to one of the adjoining offices. In that office, he was received by an unidentified man and woman, who requested his lawyer's identification and asked a series of questions, such as: where he worked, with whom he worked, where his offices were located, who were the people he was defending, what was the interest in all the cases he was defending, where he had met the defendants, why he was defending them, what relationship he had specifically with Michael Healy and Álvaro Vargas, etc. After half an hour, they told the proposed beneficiary that he could leave. The request highlighted that these facts were anomalous, since they do not constitute the usual procedure of the Judicial Complex and frightened the proposed beneficiary.
23. Moreover, on August 23, 2021, the director of Radio La Primerísima presented a receipt with which he affirmed that the FINDE and INDE organizations (of which the proposed beneficiary is a managerial member) made deposits as donations to COSEP to finance aid that contributed to the so-called "failed coup attempt of the year 2018". Subsequently, on October 25, 2021, the director of Radio La Primerísima praised the detention of the directors of COSEP, Michael Healy and Álvaro Vargas. He stated that this entity organized protests in the year 2018 and noted that INDE and FINDE were in charge of financing the blockades of the city of Jinotepe of the department of Carazo.
24. According to the applicant, from January 2022, surveillance and harassment at the proposed beneficiary's house was experienced daily. People dressed as civilians in vehicles without license plates were present. Furthermore, since March 2022, follow-up acts have been experienced at least twice a week, especially when the proposed beneficiary goes to the Courts to file proceedings on the cases of the so-called "political prisoners" which he represents.
25. In addition, the applicant indicated that, where the proposed beneficiary's children go to school, San Agustín school, there are allegedly people in charge of monitoring him in the hopes that he would leave his children in school, and they would be able to persecute him. In this sense, police patrols are stationed in the vicinity of the school in the morning, at the time of entry, and after noon, at the time of departure of the children from the school. On one occasion, there was a police presence throughout the school entrance, with a pickup truck carrying approximately eight or ten officers. On other occasions, the officers staked the patrol at the retirement home located adjacent to the school. Workers of the residential area where the proposed beneficiary lives have also warned him that

motorized subjects had entered the parking lot to take photographs his van's license plate. In addition, his gardener has heard motorized subjects asking his neighbors about the proposed beneficiary.

26. In September 2022, surveillance by motorized subjects dressed in civilian clothes continued unchanged, both at the proposed beneficiary's domicile and offices where he works. On June 2, 17 and 24; July 4 and 7; and August 3, 2022, a motorized subject persecuted the proposed beneficiary since he left his home at 6:30 a.m., headed towards his children's school. Once at the destination, the subject waited for the proposed beneficiary's vehicle to leave to continue following him at a certain distance. On these occasions, after leaving the school, the proposed beneficiary continued the route towards the Judicial Complex to present documents relating to the appeals presented for the procedural representation of "political prisoners". After leaving the Judicial Complex, he headed towards his firm's offices. From the offices, he could observe that the motorized subject remained on the outskirts of the parking lot for an hour before leaving. Despite having taken photographs of the subject, the proposed beneficiary preferred to erase this content from his cellphone as he feared that authorities would accuse him of crimes.
27. Given the persistence of the facts narrated, the proposed beneficiary refrains from unnecessarily leaving his home. He has also chosen to stop meeting with the other lawyers who exercise legal representation of other people identified as "political prisoners" and stop attending meetings of the board of directors of the entities of which he is a member. As for the proposed beneficiary's relatives, his wife and 9-year-old son have developed anxiety and insomnia as a result of the acts of threats and harassment. Particularly his child, who is even emotionally affected every time the proposed beneficiary has to leave home. His family unit also refrains from leaving unless necessary. This situation causes them stress and anxiety.

B. Information provided by the State

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

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

29. 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 an irreparable harm.
30. 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.⁴² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human

⁴² See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

rights.⁴³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁴⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁴⁵ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to a violation of rights which, due to their nature, would not be susceptible to reparation, restoration, or adequate compensation.

31. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁴⁶ Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁴⁷ This is better suited to be addressed by the Petition and Case system. The

⁴³ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [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. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

⁴⁴ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

⁴⁵ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

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

⁴⁷ IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. [Matter of Nestora Salgado regarding Mexico](#). January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. [Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua](#). April 30, 2021, para. 33.

following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.⁴⁸

32. In this matter, the Commission observes that the proposed beneficiary's alleged situation is framed within Nicaragua's current context,⁴⁹ which is particularly hostile towards people considered, perceived, or identified as opponents of the government.⁵⁰ This context has intensified over time in the context of the presidential elections of November 2021. In this way, the Commission recalls that it has granted precautionary measures in favor of defenders and dissidents who have been subjected to threats, intimidation, and acts of violence allegedly attributable to state officers or third parties who support the Government.⁵¹ In that sense, the proposed beneficiary participated in protests in April 2018 and is an attorney for the people deemed "political prisoners". He has therefore been identified as a political opponent of the current Nicaraguan government.
33. Considering the aforementioned context that Nicaragua is currently experiencing, the Commission will proceed to analyze the regulatory requirements regarding the situation of Mr. E.A.G.A.
34. When analyzing the requirement of *seriousness*, the Commission considers that it has been met. The Commission observes that the proposed beneficiary has been allegedly subject to acts of threats, harassment, and surveillance from 2018 to date. In this regard, the alleged situation that places him at risk is reportedly related to his profile identified or perceived as a political opponent following his participation in 2018 civic protests, his participation as a managerial member of organizations that were reportedly identified being in charge of the protests' financing, as well as his work as an attorney in the defense of the people called "political prisoners". According to the request, the situation of risk that the proposed beneficiary faces has intensified since June 2021, when he assumed the defense of six people who had been identified as "political prisoners".
35. The Committee notes that available information indicates that police and parastatal officers are constantly staking themselves outside his home and work office, even carrying firearms and taking photographs (see *paras.* 18, 20, and 24). In particular, it was indicated that, on October 21, 2021, Mr. E.A.G.A. was watched when he left his children in school and when he attended the Public Prosecutor's Office for an appointment as legal advisor of Michael Healy, president of COSEP, who

⁴⁸In this regard, the Court has indicated that "[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

⁴⁹See 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.

⁵⁰See in this regard: IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 54-77; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

⁵¹See in this regard: IACHR. Resolution 42/2022. Precautionary Measure No. 485-22 Yolanda del Carmen González Escobar and her family unit regarding Nicaragua August 29, 2022, IACHR. Resolution 8/2022 Precautionary Measure No. 564-11. Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla regarding Nicaragua February 13, 2022, IACHR. Resolution 54/2021. Precautionary Measure No. 324-21. Karla Patricia Ñamendi Mendoza and her family unit regarding Nicaragua. July 22, 2021, IACHR. Resolution 27/2021. Precautionary Measure No. 1067-18 (extension). Daniela Rosario Argument Cano and her family unit regarding Nicaragua. March 14, 2021; IACHR. Resolution 17/2021. Precautionary Measure No. 1076-18. Carlos Ramon Brenes Sánchez and his family unit regarding Nicaragua. February 25, 2021; IACHR. Resolution 16/2021. Precautionary Measure No. 907-20. Kevin Adrián Monzón Mora and his family unit regarding Nicaragua. February 22, 2021; IACHR. Resolution 11/2021. Precautionary Measure No. 664-20. Olman Onel Salazar Umanzor and his family unit regarding Nicaragua. February 4, 2021; IACHR. Resolution 92/2020. Precautionary Measure No. 1149-19. Yonarquí de los Ángeles Martínez García and his family unit regarding to Nicaragua. December 2, 2020; IACHR. Resolution 80/2020. Precautionary Measure No. 590-20. Juana de la Rosa Lesaje Guadamuz et al. regarding Nicaragua. October 28, 2020.

was arrested after leaving the Prosecutor's Office.⁵² On that day, the driver of the vehicle which had transported the proposed beneficiary was intercepted and questioned about the location and identity of the proposed beneficiary. A few hours later, when lodging appeals in favor of his defendants in the Central Judicial Complex Managua, the proposed beneficiary was repeatedly questioned about his activities as an attorney and about his relationship with those deprived of liberty and identified as political opponents, Michael Healy and Álvaro Vargas⁵³ (see *paras.* 21 and 22). In this regard, the Commission observes that the proposed beneficiary acts in the defense of persons deprived of liberty in Nicaragua, who are reportedly protected by precautionary measures granted by the IACHR.⁵⁴

36. The Commission also observes the seriousness of the events described. Since January 2022, the situation has intensified, as surveillance has become daily. This surveillance includes presence of persons in plain clothes in vehicles without license plates outside his residence. These individuals reportedly also asked the proposed beneficiary's neighbours for information about him (see *above* para. 24). Recently, between June and August 2022, on six different occasions, the proposed beneficiary had been followed by vehicles when leaving his children at school, when presenting documents related to his clients' procedural representation in the Central Judicial Complex Managua, and when heading towards his law firm (see *above* para. 26). The Committee notes with concern that follow-up events have also occurred even at his children's schools and during his work activities. On the other hand, the proposed beneficiary allegedly receives frequent threatening calls from unknown people since 2021 (see *above* para. 20).
37. In this line, the proposed beneficiary's family unit has been affected by the events described. Due to constant surveillance at home, his wife and 9-year-old son refrain from leaving their home unnecessarily and have developed anxiety and insomnia as a result of acts of harassment (see *supra* para. 27).
38. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information made in the present matter. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of response from the State prevents the Commission from knowing the measures that would have been reportedly implemented to address the situation that places the proposed beneficiary at risk dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the alleged situation that places the proposed beneficiary at risk has been mitigated. This is particularly relevant, given that the alleged facts are attributable to state and parastatal agents.
39. In view of the foregoing, the Commission concludes that, from the *prima facie* standard and in the context Nicaragua is currently experiencing, it is sufficiently proven that the rights to life and personal integrity of E.A.G.A. are at serious risk. Furthermore, his relatives have been exposed to risk due to acts of harassment and surveillance, on an ongoing basis, at the proposed beneficiary's

⁵² See: <https://elpais.com/internacional/2021-10-21/ortega-arresta-al-presidente-de-la-patronal-de-nicaragua-por-lavado-y-traicion-a-la-patria.html>; <https://www.laprensani.com/tag/michael-healy>.

⁵³ On August 3, 2018, the IACHR granted precautionary measures in favor of Michael Edwing Healy Lacayo and Álvaro Javier Vargas Duarte regarding Nicaragua. See in this regard: IACHR. [Resolution 58/2018](#). Precautionary Measure No. 918-18. Participants by the private sector in the Civic Alliance for Justice and Democracy in the National Dialogue on Nicaragua. August 3, 2018

⁵⁴ IACHR. [Resolution 83/2021](#). Precautionary Measures Nos. 761-21 and 856-21. Mauricio José Díaz Dávila and Max Isaac Jerez Meza regarding Nicaragua. October 12, 2021, IACHR. [Resolution 58/2018](#). Precautionary Measure No. 918-18. Participants by the private sector in the Civic Alliance for Justice and Democracy in the National Dialogue on Nicaragua. August 3, 2018, [Resolution 50/2018](#). Precautionary Measure No. 671-18. Felix Alejandro Maradiaga Blandón regarding Nicaragua. July 9, 2018; IACHR [Resolution 35/2018](#). Precautionary Measure No. 472-18 and others. Bosco René Bermúdez and others regarding Nicaragua (Members of the student movement). May 21, 2018.

domicile and work office. Therefore, the Commission considers that their family unit is exposed to possible reprisals due to the family relationship they have with the proposed beneficiary.

40. With regard to the *urgency* requirement, the Commission also considers that it has been fulfilled, since the facts described suggest that the risk situation is likely to continue and to be exacerbated over time. Thus, in view of the imminent materialization of the risk, it is immediately necessary to adopt measures to safeguard the proposed beneficiary's rights to life and integrity, in addition to that of her family unit. When making these assessments, the Commission takes into account that the proposed beneficiary has been subject to acts of threats, harassment, and surveillance since 2018, which have persisted over time and have intensified since June 2021. Furthermore, the Commission does not have any elements to indicate that the risk factors over time have been adequately mitigated. In this same sense, the Commission does not have specific information from the State sufficient to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiary.
41. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

42. The Commission declares as beneficiaries of the precautionary measure Mr. E.A.G.A. and the members of his family unit, who are duly identified in the terms of Footnote 1 of this Resolution.

VI. DECISION

43. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Nicaragua:
 - a) adopt the necessary measures to protect the rights to life and personal integrity of E.A.G.A. and his family unit. To this end, the State must both ensure that state actors respect the beneficiaries' life and personal integrity, and protect their rights in relation to acts of risk attributable to third parties, in accordance with the standards established by international human rights law;
 - b) take immediate measures to ensure the beneficiary is safe and can continue his legal defense work on behalf of persons detained in Nicaragua;
 - c) consult and agree upon the measures to be adopted 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.
44. 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.
45. 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.

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46. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicants.
 47. Approved on October 26, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary