
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 37/2024**

Precautionary Measure No. 509-24
Walner Antonio Ruiz Rivera regarding Nicaragua
June 3, 2024
Original: Spanish

I. INTRODUCTION

1. On April 30, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by *Unidad de Defensa Jurídica* (“the applicants” or “the requesting party”) 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 Walner Antonio Ruiz Rivera (“the proposed beneficiary”). According to the request, he is deprived of his liberty and does not have access to adequate medical care to treat his health issues. In addition, he is reportedly being held in inadequate detention conditions. He is also being subjected to alleged acts of violence by prison officers.

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure, the IACHR requested information from the applicants and the State on May 10, 2024. The applicants responded on May 13, 2024. To date, the State has not replied to the Commission, and the granted period has expired.

3. Upon analyzing the submissions of fact and law, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Accordingly, the Commission requests that Nicaragua: a) implement the necessary measures to protect the rights to life, personal integrity, and health of Mr. Walner Antonio Ruiz Rivera. In particular, officially report on his current situation while he is in the custody of the State; b) adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards on the matter, including: i. guaranteeing that he is not subjected to violence, threats, intimidation, and aggression; ii. taking the appropriate measures in response to the allegations of torture presented in the request; iii. guaranteeing access to adequate and specialized medical care, and that a specialized medical assessment of his health situation is carried out immediately; iv. ensuring access to the necessary treatments and medications to treat his medical issues; and v. evaluating the possibility of granting alternative measures to the deprivation of liberty, given the impossibility of protecting his rights in light of the impossibility of protecting his rights in the light of his medical conditions; c) consult and agree upon the measures to be implemented with the beneficiary and its representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to this resolution so as to prevent such events from reoccurring, particularly regarding the allegations of torture raised by the applicants.

II. BACKGROUND INFORMATION

4. Following the beginning of the crisis of the human rights situation in Nicaragua and the working visit carried out in May 2018, the Commission formed the Special Follow-up Mechanism for Nicaragua (MESENI) in order to follow up on the recommendations made to the State, as well as to maintain the respective

monitoring for the purposes relevant to the mandates of the IACHR.¹ Similarly, the IACHR installed the Interdisciplinary Group of Independent Experts (GIEI) in Nicaragua, which issued a report analyzing the events that occurred in April and May 2018.² For its part, the IACHR decided to include Nicaragua in its Annual Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.³ In addition, in the framework of its monitoring mandate, the Commission has issued reports on the human rights context in Nicaragua. In it, it also makes a series of recommendations to the State, in order to guarantee respect and safeguard the rights of individuals in accordance with its international obligations.⁴

5. In addition to the foregoing, the Commission has consistently issued press releases expressing its concern regarding the escalating crisis and serious human rights violations in the country from various perspectives, including the persistence of acts of persecution;⁵ the intensification of acts of surveillance, harassment, and selective repression against persons considered to be government opponents, human rights defenders, and the independent press;⁶ the widespread impunity and the prolonged breakdown of the rule of law;⁷ the criminalization against leaders of the Nicaraguan opposition;⁸ the deportation of persons deprived of liberty for political reasons and the loss of their nationality;⁹ the escalation of repression against members of the Catholic Church;¹⁰ the lack of conditions to carry out free and fair elections in the country;¹¹ the arbitrary detentions of human rights defenders, journalists, and members of the Catholic Church;¹² and the repressive

¹ IACHR, Press Release No. 134/48, [IACHR Presents Report on Serious Human Rights Situation in Nicaragua](#), June 22, 2018; IACHR, Press Release No. 135/18, [IACHR Launches Special Monitoring Mechanism for Nicaragua \(MESENI\)](#), June 24, 2018; Press Release No. 274/18, [Press Release about Nicaragua](#), December 19, 2018; Press Release No. 113/20, [Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them](#), May 16, 2020.

² IACHR, Press Release No. 145/18, [IACHR announces the installation of the Interdisciplinary Group of Independent Experts for Nicaragua](#), July 2, 2018; GIEI, [Report on the events of violence that occurred between April 18 and May 30, 2018](#) December 21, 2018.

³ IACHR, 2018 Annual Report, [Chapter IV.B Nicaragua](#); 2019 Annual Report, [Chapter IV.B Nicaragua](#), February 24, 2020; 2020 Annual Report, [Chapter IV.B Nicaragua](#), February 2, 2021; 2021 Annual Report, [Chapter IV.B Nicaragua](#), May 2022; 2023 Annual Report, [Chapter IV.B Nicaragua](#), April 1, 2023.

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

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

⁶ IACHR, Press Release No. 80/20, [Two Years into Nicaragua's Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression](#), April 18, 2020. Press Release 152/21, [IACHR Condemns Growing Harassment in Nicaragua](#), June 18, 2021.

⁷ IACHR, Press Release No. 93/21, [Three years after the beginning of the human rights crisis in Nicaragua, the IACHR condemns the persistence of impunity](#), April 19, 2021.

⁸ IACHR, Press Release No. 145/21, [IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately](#), June 9, 2021; Press Release No. 172/21, [Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua](#), July 9, 2021; Press Release 238/21, [IACHR and OHCHR Condemn Criminalization, Failure to Enforce Due Process, and Serious Conditions of Detention for Individuals Who are Perceived to Be Government Critics in Nicaragua](#), September 10, 2021; Press Release RD026/22, [REDESCA Condemns the Cancellation of the Membership of 26 Universities and Associations for Academic and Social Purposes by the National Assembly of Nicaragua](#), February 10, 2022.

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

¹⁰ IACHR, Press Release No. 184/22, [IACHR condemns acts of repression and the detention of members of the Catholic Church in Nicaragua](#), August 19, 2022.

¹¹ IACHR, Press Release No. 248/22, [IACHR warns of lack of conditions to hold free and fair municipal elections in Nicaragua](#), November 4, 2022.

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

strategy deployed by the Executive to silence voices critical of the government, in view of the regional elections scheduled for 2024.¹³

6. Considering the above, the Commission has urged the State of Nicaragua, among other things, to comply with its human rights obligations;¹⁴ to implement the recommendations issued by the IACHR;¹⁵ to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees;¹⁶ to release those persons who remain arbitrarily detained in inadequate detention conditions;¹⁷ to reestablish and make effective the full enjoyment of civil and political rights;¹⁸ and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public liberties.¹⁹

7. Lastly, 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.²⁰

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

8. The proposed beneficiary has reportedly been deprived of his liberty since November 11, 2021, after being extradited from Costa Rica to Nicaragua. Upon arriving in Nicaragua, his relatives were allegedly not informed about his place of detention, health, or the grounds for his detention. In late November 2021, police authorities from the Judicial Assistance Directorate (DAJ), known as “el Nuevo Chipote”, reportedly told them that the proposed beneficiary was under investigation.

9. Since April 2018, the proposed beneficiary had been participating in the anti-government protests in Masaya. On July 25, 2022, the Tenth Criminal District Trial Court of Managua sentenced him to twenty-five years in prison for the crime of aggravated murder; nine years in prison for the crime of organized crime; and ten years in prison and five hundred days fines for the crime of international trafficking in narcotics, psychotropics, and controlled substances.

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

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

¹⁵ IACHR, Press Release No. 113/20, Two years after its visit to Nicaragua, the IACHR warns and condemns the non-compliance with its recommendations and urgently calls on the State to implement them, May 16, 2020.

¹⁶ IACHR, Press Release No. 249/20, IACHR Calls for the Immediate Cessation of Acts of Persecution against Persons Identified as Opponents of the Government and the Reestablishment of Democratic Guarantees in Nicaragua, October 10, 2020.

¹⁷ IACHR, Press Release No. 145/21, IACHR and OHCHR Categorically Condemn the Criminal Prosecution of Presidential Pre-candidates and Urge the State of Nicaragua to Immediately Release Them, June 9, 2021; Press Release No. 171/21, IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua, June 9, 2021; Press Release No. 197/2022, IACHR and REDESCA: Urge immediate release of political prisoners in deplorable conditions in Nicaragua, September 5, 2022.

¹⁸ IACHR, Press Release R218/22, In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms, September 28, 2022.

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

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

10. On October 17, 2022, Criminal Chamber Two of the Court of Appeals of Managua dismissed the appeal filed by the proposed beneficiary's public defender. On November 21, 2022, an appeal for annulment was admitted. The applicants believe that the Criminal Chamber of the Supreme Court of Justice declared it inadmissible.²¹ The proposed beneficiary's relatives stated that they are unable to communicate with the public defender who represented him in the criminal proceedings.

11. Regarding *the detention conditions*, the request stated that the proposed beneficiary was held in "el Nuevo Chipote" during the first days of 2022. On January 12, 2022, he was transferred to the Jorge Navarro Penitentiary System, known as "La Modelo", to a maximum-security cell, known as "el Infiernillo" or "la 300". It was alleged that the purpose was to isolate him completely so that he would be unable to communicate with other inmates, thereby causing a progressive deterioration of his mental health. His cell is reportedly extremely small (2.2 meters front with 3-meter depth) and has two small windows (15x15 centimeters, located two meters from the ground). It is reportedly semi-dark, has conditions of extreme heat, and almost no ventilation or sunlight. He allegedly must eat next to the hole where he performs his bodily functions, and from where fetid odors and worms emanate. In addition, the proposed beneficiary allegedly sleeps on a concrete tile.

12. For the past year, the proposed beneficiary has reportedly been unable to go out in the sun courtyard and is not allowed to engage in recreational activities. His diet is allegedly marked by a 'nutrient deficiency' as it consists mainly of rice and beans. As for water consumption, for the last few months, he has only been provided a reported bucket of water every three days to bathe, clean his cell, and drink from. His water consumption is allegedly insufficient to keep him hydrated, considering the extreme heat. Since his transfer to "La Modelo", he is reportedly allowed family visit of less than 40 minutes which are carried out through a glass and by telephone. His calls are reportedly recorded and monitored by the prison authorities. He is allowed one alleged conjugal visit per month and it lasts less than an hour. He is also reportedly not allowed to communicate privately with his lawyer.

13. Regarding *the acts of violence*, the applicants alleged that, in early 2022, the proposed beneficiary was subjected to the following acts of violence by prison agents at the "Nuevo Chipote": daily interrogations at dawn during which he was taken out of his cell with a hood over his head and with handcuffs on his hands and feet, chained up to his neck; his hands were allegedly handcuffed to a pipe so that he was left hanging and was unable to touch the ground with his feet (which caused severe pain in his wrists); his feet were reportedly tied so that he was face down while he was beaten; he was not taken out into the sun courtyard; he was allegedly forced to remain naked in his cell; the food he was given was reportedly scarce and he therefore experienced hunger; he was reportedly not allowed to use towels or sheets which left him vulnerable to the cold, heat, and insect bites; and ice water was thrown on him while he was naked. He was also allegedly beaten on his ribs and had his fingernails pulled out. His relatives denounced the mistreatment and described it as torture.

14. In November 2023, an unknown prisoner accessed the proposed beneficiary's cell and unsuccessfully tried to stab him. The proposed beneficiary managed to dodge him and run from his cell. The request alleges that the prison officials incited and facilitated the prisoner's entry into the cell, because they are the only ones who can open the cell door. In January 2024, the proposed beneficiary was allegedly beaten by custodians after requesting that the parcels provided by his relatives be delivered in full. In February 2024, he was reportedly held for a few days in a cell with a common prisoner, known as "Furia y Toro", who is known for his serious and serial crimes. It was reported that, since February, a common prisoner has intimidated and extorted the proposed beneficiary by telling him that "he is going to beat him soon if he does not get money." In late March 2024, one of the maximum-security commanders reportedly hit the proposed beneficiary in the face while he was in his cell. The official allegedly accused him and stated that "he is trying to raise people in

²¹ According to the applicants, Judgment No. 170-2022 was confirmed.

Masaya to destabilize the government”. On April 19, 2024, guards also reportedly beat him inside his cell without any provocation. However, the applicants considered that it could be due to the fact that it was the sixth anniversary of the 2018 protests.

15. Regarding *his health*, the request reported that, during his confinement in the “Nuevo Chipote”, his relatives saw he was “extremely emaciated, underweight, and disoriented”. The proposed beneficiary allegedly underwent a medical examination due to severe pain. According to the request, the pain was caused by beatings received by Costa Rican agents on the day of his deportation and by police agents while he was in the penitentiary. The applicants alleged that the proposed beneficiary was not exhaustively evaluated nor did he receive any medical examinations. A physician diagnosed him with three fractured ribs, attributing his pain to the beatings, which resulted in blood in his stool. Although a physician reportedly examined him very briefly on a few occasions, the request indicated that the proposed beneficiary has never had access to comprehensive, specialized, quality care.

16. To date, he has had constant dry cough, constant headaches, and fungi for a few months. These conditions have still not been properly examined or treated by a physician. There is no information on his current health or medication. Family members allegedly bring him medications to alleviate these symptoms. To treat his cough, he receives Loratadine; for headaches, he is given Ibuprofen 800 mg gel, along with Zepol and Sargenor vitamins; and for fungal infections, he is provided with Fluconazole pills and/or *Pomada Roja* ointment.

17. Lastly, the proposed beneficiary’s relatives reported that they have not filed internal appeals to request his medical care, since they do not have the necessary financial resources to hire a private lawyer. They stated that private lawyers in Nicaragua do not usually represent people identified as “political prisoners” for fear of reprisals. For his part, the proposed beneficiary’s public defender did not file a request for a medical evaluation.

B. Response from the State

18. In this matter, the IACHR requested information from the State on May 10, 2024. However, no response has been received to date.

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

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

20. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.²² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²³ To do this, the IACHR shall assess the

²² I/A Court H.R., Matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison), Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Matter of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16.

²³ I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; Matter of Bámaca Velásquez, Provisional Measures regarding Guatemala, Order

problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.²⁵ In the process of reaching a decision and, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

21. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.²⁶ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.²⁷ This is better suited to be addressed by the Petition and Case system. The following study relates to the requirements exclusively set forth in Article 25 of its Rules of Procedure, which can be resolved without determining the merits.²⁸

22. The Commission observes that the alleged situation placing the proposed beneficiary at risk is not an isolated event and takes place within the current context that Nicaragua is experiencing, which is particularly hostile towards persons considered, perceived, or identified as opponents of the government and,

of January 27, 2009, considerandum 45; Matter of Fernández Ortega et al., Provisional Measures regarding Mexico, Order of April 30, 2009, considerandum 5; Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5.

²⁴ I/A Court H.R., Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5; Matter of Internado Judicial Capital El Rodeo I and El Rodeo II, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6.

²⁵ I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19.

²⁶ I/A Court H.R., Matter of the Members of the Miskitu Indigenous Peoples of the North Caribbean Coast Region regarding Nicaragua, Extension of Provisional Measures, Order of August 23, 2018, considerandum 13; Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA, Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

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

²⁸ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago, Provisional Measures, Order of August 29, 1998, considerandum 6; Matter of the Barrios Family vs. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2.

in general, towards any person critical of the current Nicaraguan government.²⁹ This particularly hostile context has intensified over time.³⁰

23. Taking into account the foregoing, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiary's situation in Nicaragua. In this regard, the Commission recalls that Mr. Ruiz Rivera allegedly participated in the anti-government protests in Masaya in 2018, and was subsequently convicted under several criminal charges. He is currently deprived of his liberty in the Jorge Navarro "La Modelo" Penitentiary System. In this regard, it has been alleged that the events he has been facing are linked to the critical position he assumed at the time.

24. Regarding the *seriousness* requirement, the Commission considers that it has been met. The Commission identifies the following:

- The proposed beneficiary reportedly does not have access to adequate medical care or the necessary medications for his health issues (constant dry cough, constant headaches, and fungal infections). Although he was briefly examined by a physician, the Commission understands that this medical care is allegedly insufficient to address his medical issues. Furthermore, it is unknown whether he is provided the medicines and treatments he requires. The Commission reaches this understanding based on the information presented. For example, at the beginning of his detention, it was alleged that he had fractured three ribs and blood in his stool, but did not receive a comprehensive medical evaluation, nor had he undergone medical examinations to determine his health.
- He is allegedly not receiving the complete parcels that are sent to him by his family. In that sense, he may not be receiving the medication his relatives obtain outside of the public health system.
- During his imprisonment, the proposed beneficiary has been reportedly the target of several assaults, attributed to prison officers and other inmates. For example, in 2022 he was allegedly handcuffed by his hands and feet to a tube suspended from the ground or left face down; he was reportedly beaten repeatedly; he allegedly had ice water thrown on him while he was naked; and his fingernails were allegedly pulled out. In 2023, an inmate allegedly tried to stab him. In 2024, it was reported that guards reportedly beat him and one of the maximum-security commanders hit him in the face and stated that "he is trying to raise people in Masaya to destabilize the government". Recently, guards entered his cell to beat him. In addition, it was alleged that a common prisoner was intimidating and extorting money from him.
- He is reportedly held in a small maximum-security cell known as "el Infiernillo" and in total isolation with almost no ventilation and sunlight. He is allegedly denied time outside of his cell and not allowed to engage in recreational activities. He is also allegedly subject to extreme temperatures. He reportedly sleeps on a concrete tile.

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

³⁰ IACHR, Press Release No. 113/20, [Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them](#), May 16, 2020; Annual Report 2020, [Chap. IV.B Nicaragua](#), paras. 46 a 52; Annual Report 2023, [Chap. IV.B Nicaragua](#), December 31, 2023, para. 19.

- He has an alleged insufficient diet and insufficient water intake to stay hydrated. He is subject to degrading conditions by allegedly having to eat next to the hole where he performs his bodily functions and from where fetid odors and worms emanate.
- His family visits are reportedly being recorded and monitored by the prison authorities.
- He is allegedly not allowed to communicate privately with his lawyer.

25. Considering the allegations referred to in this matter, the IACHR recalls the information gathered from MESENI regarding the “La Modelo” penitentiary center.³¹ In this regard, the serious detention conditions of persons deprived of liberty were reported.³² Among other aspects, the complaints alleged “prolonged deprivation of liberty under even more deplorable and unsanitary conditions, persistent acts of mistreatment, isolation, incommunicado detention, constant interrogations, the lack of adequate and sufficient food, as well as the lack of access to timely, adequate, and specialized medical care”.³³ In this context, it is of particular concern that the proposed beneficiary is under the reported detention conditions, and that he is also being subjected to acts of violence with inadequately treated medical issues.

26. Upon requesting information from the State pursuant to the provisions of Article 25 of its Rules of Procedure, the State has not replied to the Commission. The Commission regrets the lack of response from Nicaragua. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, it prevents the Commission from knowing the measures that the State has reportedly implemented to address the situation that places the proposed beneficiary at risk dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated. The foregoing is particularly relevant, given that the proposed beneficiary is in the custody of the State, and that the alleged facts are attributable to state agents.

27. In addition to the above, the Commission observes that the proposed beneficiary’s public defender did not initiate any internal protection action in his favor. This is relevant in view of his relatives’ allegations which indicated that they do not have the economic resources to acquire for legal representation and that, even if they did, private attorneys in Nicaragua do not take on cases of people who have a profile similar to that of the proposed beneficiary, under the current context. The impossibility of triggering any internal action is relevant insofar as it reveals that the proposed beneficiary is totally unprotected.

28. Under these circumstances, the Commission assesses that the facts alleged by the applicants, which were not challenged by the State, and in light of Nicaragua’s current context, are likely to seriously affect the proposed beneficiary’s rights. In particular, it is observed that, in addition to the lack of medical care and treatment to address his health issues, the proposed beneficiary is allegedly subject to unsanitary and inadequate detention conditions. Moreover, he is an alleged victim of acts of violence by prison officials and third parties inside the prison. Thus, the Commission concludes, based on the applicable *prima facie* standard, that it has been sufficiently shown that his rights to life, personal integrity, and health are at serious risk.

29. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently

³¹ IACHR, Report: Closure of Civic Space in Nicaragua, OEA/Ser.L/VIII.Doc.212/23, September 23, 2023; Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018, OEA/Ser.L/V/II. Doc 285, October 5, 2020; Press Release No. 197/2022, IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed, September 5, 2022; Press Release No. 103/22, IACHR Urges Nicaragua to Guarantee that Political Prisoners Have Regular and Dignified Contact with Their Families, May 13, 2022; Press Release No. 23/2022, IACHR Urges the State of Nicaragua to Release All Persons Arbitrarily Detained, January 31, 2022; Annual Report 2023, Chap. IV.B Nicaragua, December 31, 2023, paras. 56 y 70.

³² IACHR, Press Release No. 197/2022, IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed, September 5, 2022.

³³ *Ibidem*.

exposed to a greater impact on his rights. Thus, the Commission warns that, given that he is being deprived of liberty, his current health, the lack of access to adequate medical attention, the detention conditions he faces, added to the acts of violence reported since their detention, allow this Commission to understand the imminent possibility of the risk materializing. Additionally, the Commission does not have specific information from the State that allows it to assess the actions that are being taken to address or mitigate the situation that places him at risk. Thus, in view of the imminent materialization of the risk, it is necessary to immediately adopt measures to safeguard the proposed beneficiary's rights to life, personal integrity, and health.

30. As it pertains to the requirement of *irreparable harm*, the Commission finds that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

V. BENEFICIARY

31. The Commission declares as beneficiary Mr. Walner Antonio Ruiz Rivera, who is duly identified in this proceeding.

VI. DECISION

32. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Nicaragua:

- a) implement the necessary measures to protect the rights to life, personal integrity, and health of Mr. Walner Antonio Ruiz Rivera. In particular, officially report on his current situation while he is in the custody of the State;
- b) adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards on the matter, including: i. guaranteeing that he is not subjected to violence, threats, intimidation, and aggression; ii. taking the appropriate measures in response to the allegations of torture presented in the request; iii. guaranteeing access to adequate and specialized medical care, and that a specialized medical assessment of his health situation is carried out immediately; iv. ensuring access to the necessary treatments and medications to treat his medical issues; and v. evaluating the possibility of granting alternative measures to the deprivation of liberty, given the impossibility of protecting his rights in light of the impossibility of protecting his rights in the light of his medical conditions;
- c) consult and agree upon the measures to be implemented with the beneficiary and its representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to this resolution so as to prevent such events from reoccurring, particularly regarding the allegations of torture raised by the applicants.

33. The Commission requests that the State of Nicaragua report, within 15 days as from the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.

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

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

36. Approved on June 3, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary