

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 52/2024**

Precautionary Measures No. 611-24 and 726-24

Three persons deprived of their liberty regarding Nicaragua

August 17, 2024

Original: Spanish

I. INTRODUCTION

1. On May 31, 2024 and July 3, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission”, or “the IACHR”) received two requests for precautionary measures filed by *Unidad de Defensa Jurídica* (“the applicants”) urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of three persons deprived of liberty (“the proposed beneficiaries”). According to the requests, they are deprived of liberty, held in inadequate detention conditions, and do not have access to medical care to address their health issues. They are also reportedly being subjected to violence by prison officers.

2. Pursuant to the provisions of Article 25(5), the IACHR requested information from the parties on July 24 and 26, and August 1, 2024. The applicants submitted additional information on July 30, 2024. To date, no response has been received from the State, and the granted period has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information provided shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life, personal integrity, and health are at serious risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State; b) implement the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health; and iii. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

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

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

events that took place in April and May 2018.² For its part, the IACHR decided to include Nicaragua in its Annual Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.³ In parallel, the Commission, under its monitoring mandate, has issued reports on the human rights situation in Nicaragua. These reports include a series of recommendations to the State aimed at ensuring the respect and protection of individuals' rights in accordance with its international obligations.⁴

5. Furthermore, the Commission has consistently issued press releases expressing its concern about the growing crisis and severe human rights violations in the country. These releases highlight various issues, including persistent acts of persecution;⁵ intensified surveillance, harassment, and selective repression against individuals perceived as government opponents, human rights defenders, and the independent press;⁶ widespread impunity and the prolonged breakdown of the rule of law;⁷ the criminalization of Nicaraguan opposition leaders⁸; the deportation of political prisoners and the revocation of their nationality;⁹ the escalation of repression against members of the Catholic Church;¹⁰ the lack of conditions for holding free and fair elections;¹¹ the arbitrary arrests of human rights defenders, journalists, and members of the Catholic Church;¹² and the repressive strategy employed by the Executive to silence critical voices in preparation for the regional elections scheduled for 2024.¹³

6. Considering the foregoing, the Commission has urged the State of Nicaragua, among other aspects, to comply with its human rights obligations;¹⁴ to implement the recommendations issued by the

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

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

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

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

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

⁷ IACHR, Press Release No. 93/21, Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity, April 19, 2021.

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

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

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

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

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

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

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

IACHR;¹⁵ to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees;¹⁶ to release persons who remain arbitrarily detained in inadequate conditions of detention;¹⁷ to reestablish and give effect to the full enjoyment of civil and political rights;¹⁸ and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.¹⁹ On June 11, 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (RELE) expressed concern over the dire situation of individuals arbitrarily deprived of their liberty in Nicaragua. They urged that their lives and integrity be guaranteed, and called for their immediate release.²⁰

7. Lastly, the Commission reaffirmed its jurisdiction over Nicaragua and continues to fulfill its monitoring mandates through MESENI, as well as through the analysis and processing of cases, petitions, and precautionary measures.²¹

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

- *PM-611-24 (Frank Kevin Laguna Guevara and Óscar Danilo Parrilla Blandón)*

8. The proposed beneficiaries are reported Nicaraguan artists and painters. They reportedly express their criticism of the government through art, by means of drawings and/or allusive murals against high-ranking state officials and in support of the protesters. They have been allegedly deprived of their liberty since November 21, 2023. They are currently held in the “Jorge Navarro” National Penitentiary System (known as “La Modelo”) in Tipitapa, Managua, in retaliation for their artistic manifestations.

9. On November 21, 2023, both proposed beneficiaries were painting a mural when five police officers arrived and detained them, but subsequently freed them. That same day, Mr. Parrilla Blandón posted a story on his WhatsApp with an image of the incomplete mural and wrote: “That’s as far as we got. We wanted to finish, we kept our word, but the authorities did not let us continue.” On WhatsApp, Mr. Laguna Guevara published a message stating, “And from me, a public mural—among the many we created with our own resources, affection, and effort in Estelí (the mural city)—you will never see again.” In alleged retaliation to these posts, the police carried out an operation to arrest them in their respective residences at night and without a warrant. The following day they were transferred to the “Jorge Navarro” National Penitentiary

on the Press and Persistence of Human Rights Violations in Nicaragua, February 6, 2019; Press Release No. 90/19, IACHR Condemns Persistence of Acts of Repression in Nicaragua in the Context of the Negotiating Table, April 5, 2019.

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

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

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

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

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

²⁰ IACHR, Press Release No.132/2024, Nicaragua: IACHR Urges to Guarantee the Life and Integrity of Persons Arbitrarily Detained and to Immediately Release Them, June 11, 2024.

²¹ IACHR, Press Release No.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.

System, where they were held incommunicado for 15 to 17 days. They stated that they could not receive visits from family members and did not have the right to telephone calls or communication with a lawyer.

10. The requests raised concerns about the *criminal proceedings* against the proposed beneficiaries, citing alleged arbitrariness such as the rapid progression of the judicial process, limited access to the case file, and procedural irregularities in the hearings. It referred to the imposition of public defenders, who reportedly do not communicate with the proposed beneficiaries or their families, and do not file legal appeals. According to reports, the public defense lawyers mentioned that they were also unable to access the case files. The proposed beneficiaries were reportedly sentenced to five years in prison. However, it was unclear which crimes they are being sentenced for, as they were informed that the charges were for 'hatred and rebellion against the homeland,' which are not recognized as criminal offenses under the Penal Code.

11. The requests indicate that the proposed beneficiaries are only allowed a family visit once a month and for less than an hour. They are also reportedly not allowed to communicate with relatives by any other means. Although they have not experienced physical violence in recent months, they have reported being held without adequate medical care; without adequate food; with an infestation of mosquitoes in their cells; and reduced access to prison yard since June 2024, as they receive less than 30 minutes a week. Lack of drinking water was also mentioned. Between June and July 2024, their water supply was reportedly cut off for up to three days, thereby limiting them to consuming less than "15 liters" of water per day. The water is allegedly dirty and brown. According to the applicants, the proposed beneficiaries are subjected to nightly acts of intimidation in order to interrupt their sleep, including dozens of guards marching with dogs and guns outside their cells, shouting partisan slogans, and being told that they will never leave the prison. These acts are reportedly carried out with the intention of repressing, humiliating, and politically subduing the proposed beneficiaries.

12. In addition, the following information is provided on the proposed beneficiaries' current situation:

- **Frank Kevin Laguna Guevara:** Regarding his *detention conditions*, it was reported that his diet is characterized by a lack of nutrients, since he is only given rice and beans, rather than food rich in protein and micronutrients. In addition, the food has reported excess bicarbonate, which causes his body to swell. Regarding his *health*, it was indicated that his skin is pale and he allegedly does not receive medical attention or thorough examinations to evaluate his health. Although he reports not having any previous illnesses and is physically stable, his mental health has allegedly significantly deteriorated. This has led him to have suicidal thoughts since March 2024 and states he feels disoriented, anguished, and distressed (white torture). The proposed beneficiary is also experiencing alleged memory loss. To date, he has not received psychological or psychiatric care. In addition, the guards also allegedly wake him up at dawn with van lights that shine directly into his cell. Since March 2024, approximately 20 police officers have allegedly stationed themselves outside his cell to intimidate him by displaying their rifles.
- **Óscar Danilo Parrilla Blandón:** Regarding his *detention conditions*, he is reportedly held in a 'very confined' cell with conditions of extreme heat, and no access to water between 8:00 a.m. and 4:00 p.m. Since March 2024, his meals, which were once rich in protein, have been limited to just rice or beans. Due to his irritable bowel, he consumes limited food and water from the prison. As for his *health*, he reportedly developed hypertension during his incarceration. In March 2024, his glucose levels were altered and he fainted due to severe intestinal pain and alterations in his glucose and blood pressure. Reports indicate that his skin has taken on a pale complexion. The applicants believe that his blood pressure could be affected by the high temperatures. In early April, he reportedly experienced severe stomach pains again. In July, he reportedly had severe fevers, vomiting, diarrhea, and bone pain. Despite the fact that these symptoms correlate with dengue fever, he did not receive any medical attention.

In January 2024, he had two basic blood tests, and a physician occasionally conducts very superficial examinations. However, he is reportedly never informed of the results of these health assessments. They stated that the physician allegedly takes pictures of the proposed beneficiary during the consultations. In addition, they noted that a physician who examined him briefly gave him an injection to treat the pain,

attributing it to abdominal distension (irritable bowel syndrome) due to stress. Despite his medical issues, the proposed beneficiary has not undergone exhaustive examinations to evaluate his health in a comprehensive manner and to determine the appropriate medication for his treatment. He does not receive any psychology and/or psychiatrist attention to treat his severe mental health deterioration either.

- *PM-726-24 (Evelyn Susana Guillén Zepeda)*

13. The proposed beneficiary, a 52-year-old woman, reportedly joined the 2018 anti-government protests by providing support to young protesters. In retaliation, and due to her dissent, between May and June 2018, she was a victim of alleged sexual torture which has impacted her mental health (schizophrenia and bipolar II disorder). In June 2018, paramilitaries fired bursts of gunfire at her beauty salon. On August 1, 2023, Ms. Guillén went to the Santo Domingo procession in Managua and held a banner that read “Monsignor we are with you”, referring to the situation of Monsignor Rolando Álvarez, who was detained at the time.

14. On August 5, 2023, she was arrested by plainclothes police officers who did not present a warrant nor declare the grounds for her arrest. She believes this arrest was an act of retaliation. She was taken to the *Dirección de Auxilio Judicial* (known as “El Chipote Nuevo”) in Managua, where she was interrogated. Hours later, she was transferred to Police District III in Managua, where she was held for five days without access to a prison yard and without any medical attention. On August 10, she was imprisoned in the *Establecimiento Penal Integral de Mujeres* (Integral Penitentiary Establishment for Women, EPIM), also known as “La Esperanza”, where she is currently being held. Her relatives were able to visit her up until August 12, 2023.

15. Regarding the *legal proceedings* initiated against the proposed beneficiary, the file number, indictment, sentences, and courts that heard the case are not known. This information is also not available in the Online Attention and Information System of the Judiciary (Sistema Nicarao). These limitations prevent a private attorney from representing the proposed beneficiary. It is not known whether the public defender has appealed the case or if there was even any communication with them. From the information available, the proposed beneficiary reportedly had three hearings, two of which were via video call. In the first two hearings she was being prosecuted for her participation in the protests and her Facebook posts against the government. However, at the last hearing, the respective authorities allegedly modified the entire factual narrative to sentence her to eight years in prison for a crime related to drug trafficking.

16. Regarding her current situation, the following information is provided:

- Regarding the *detention conditions*, it was reported that the proposed beneficiary is held in an isolated cell with no protection from sunlight on the upper part of the cell walls, which increases the heat in the cell. This situation is reportedly in retaliation for having been on a hunger strike for four days. She also reported that there are many mosquitoes. She is allegedly never allowed to access the prison yard, and the few times she was allowed access she was allegedly handcuffed, guarded, and was only allowed out for a few minutes. Like other female political prisoners, the prison authorities reportedly do not let her purchase anything at the prison’s food stand. The authorities allegedly only allow her a monthly family visit of less than 40 minutes, and do not allow any other type of communication with the outside world.
- Regarding her *health*, in November 2018 the proposed beneficiary was diagnosed with bipolar II disorder and schizophrenia as a result of what she describes as sexual torture. Since 2018, she has been provided medication and even hospitalized at the National Psychosocial Hospital. In October 2023 and April 2024, she had mental health relapses since she was not given medication in time to treat her crisis. Whenever she relapses, the proposed beneficiary screams, becomes violent, and may convulse. For example, at the trial hearing, Ms. Guillén hit a female guard during a crisis episode. In retaliation, she was severely beaten by several other guards. The proposed beneficiary reports that she must take her psychiatric medications when she feels unwell. The authorities allegedly allow her relatives to deliver medication after her mental crisis in October. The medication reportedly consists of 250 mg valproic acid, ½ tablet every 12 hours; and Psychodol tablets. According to reports, the dose administered is consistent with what she received in past

years, but it is deemed inadequate to treat her current medical issues. Due to the lack of psychological and psychiatric care, and the lack of medical examinations, the exact correct dosage is unknown. In addition, she has chronic obstructive pulmonary disease (COPD), which causes breathing difficulties and requires her to use a Salbutamol inhaler when she feels unwell. This medication is allegedly provided to her in prison. Since May 2024 she has alleged dry skin and fungus on her feet, but the authorities only give her an acetaminophen pill. In June 2024 she had a fever. She reportedly does not receive adequate or specialized medical attention for these issues, only a superficial assessment by a general practitioner. She alleges that she does not have any gynecological care or check-ups despite having a vaginal infection, and her relatives therefore deliver her medication (Canesten V ovules).

B. Response from the State

17. The IACHR requested information from the State on July 24 and August 1, 2024. To date, they have not submitted a response.

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

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

19. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.²² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.²⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.²⁵ In the process of reaching a decision and, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

²² I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

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

²⁴ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

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

- 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.

20. 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 analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.²⁸

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

22. Taking into account the above, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiaries’ situation in Nicaragua.

23. Regarding the *seriousness* requirement, the Commission considers that it has been met. According to the applicants, the proposed beneficiaries are deprived of their liberty in the Integral Penitentiary Establishment for Women (EPIM) and in the “Jorge Navarro” National Penitentiary System. Their arrests were reportedly linked to their participation in anti-government protests and critical stance against the current government. In this regard, the Commission observes that the proposed beneficiaries face the following situations:

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

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

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

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

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

- i. They reportedly do not receive adequate and specialized medical care to treat their medical issues and are not given access to necessary medications. The proposed beneficiary Evelyn Susana Guillén Zepeda, who reportedly has bipolar II disorder and schizophrenia, allegedly experienced a mental crisis on two occasions during her detention. These crises reportedly stem from the fact that she was not provided the proper medication. Regarding proposed beneficiary Óscar Danilo Parrilla Blandón, he recently reported having symptoms of dengue fever but did not receive any medical care. Although their relatives occasionally provided medication and they received a superficial assessment from a physician, the IACHR recognizes that this medical care is insufficient, lacks specialization, and is inadequate to properly address their medical issues. The foregoing, considering that they have not received a comprehensive medical evaluation nor have they undergone the necessary medical examinations to determine their current health. The lack of official information on their health prevents us from knowing with certainty what their current condition might be.
- ii. The individualized detention conditions of the proposed beneficiaries in the detention centers are allegedly inadequate. In this regard, they report that they are subject to constant sleep interruptions; they have limited access to the prison yard; water and food is limited and unsanitary; the cells (even in isolation) are subjected to extreme heat, lack sun protection; and are plagued by mosquito infestations.
- iii. They have alleged being subject to intimidation and aggression attributed to state agents responsible for their custody. In this regard, it was reported that the guards march with dogs and guns outside their cells while shouting partisan slogans and telling them that they will never leave the prison. They also allegedly wake them up at dawn by shining their van lights directly into their cells. In the case of proposed beneficiary Evelyn Susana Guillén Zepeda, she was allegedly subjected to a beating during her trial hearing after experiencing a mental breakdown.
- iv. Family visits are reportedly limited to less than one hour and only take place once a month. The proposed beneficiaries reportedly do not have any type of communication with the outside world or their families.
- v. They are allegedly not allowed to communicate with their defense attorney and do not have access to official information about their court case.

24. Upon requesting an update from the State under the terms of Article 25 of its Rules of Procedure, they did not respond to the Commission's request. The Commission regrets the lack of communication from Nicaragua. Although the foregoing is not sufficient per se to justify the granting of a precautionary measure, the lack of a response from the State prevents the Commission from knowing the measures adopted that are being implemented to address the risk that the proposed beneficiaries face and to dispute the facts alleged by the applicant. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiaries at risk has been mitigated. This is especially relevant, given that the proposed beneficiaries are in the custody of the State and the facts reported are attributable to State agents, who have a special position of guarantor.

25. Given the factual framework presented and the current context in Nicaragua, the Commission also notes that there are no internal possibilities available to seek protection in favor of the proposed beneficiaries. In this regard, it is noted that there are no possibilities for them to communicate with their defense attorneys or designated public defenders. In addition to the above, the Commission observes that the relatives are unable to activate internal actions in favor of the proposed beneficiaries, given that they were denied access to the judicial files and the information corresponding to their case. In summary, the Commission considers that the proposed beneficiaries are in a situation of complete lack of protection in relation to the situations they are currently facing as prisoners in the identified context.

26. Taking into account the foregoing, the Commission finds that, from the applicable *prima facie* standard, it is sufficiently verified that the rights to life, personal integrity, and health of the proposed beneficiaries are at serious risk. The IACHR also considers that the proposed beneficiary, Evelyn Susana Guillén Zepeda, is in a different situation of greater vulnerability and risk, as she has a mental illness after being a victim of sexual violence. Additionally, in its 2023 Annual Report, the Commission highlighted that the imprisonment of women in Nicaragua carries a unique dimension, leading to specific violations of their rights due to their gender and the intersectionality with other factors. The Commission therefore urged the State to adopt all necessary, comprehensive measures, with due diligence, to ensure that all their rights are effectively respected and guaranteed.³¹

27. With regard to the requirement of *urgency*, the Commission considers that it has been met, given that the facts described suggest that the risk is likely to continue and to be exacerbated over time if immediate measures are not adopted in favor of the beneficiaries. As stated above, the State has not issued a response that would allow the Commission to assess the actions being taken to address or mitigate the situation identified.

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

V. BENEFICIARIES

29. The Commission declares as beneficiaries (1) Frank Kevin Laguna Guevara, (2) Óscar Danilo Parrilla Blandón, and (3) Evelyn Susana Guillén Zepeda, who are duly identified in this proceeding.

VI. DECISION

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

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while they are in the custody of the State;
- b) implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including: i. guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii. guarantee access to adequate and specialized medical care and to the necessary treatments and medicines, and immediately carry out a comprehensive medical assessment of their health; and iii. evaluate the possibility of granting alternative measures to deprivation of liberty, given the impossibility of protecting their rights in light of the current detention conditions;
- c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

³¹ IACHR, 2023 Annual Report, Chapter IV.B Nicaragua, para. 72.

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

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

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

34. Approved on August 17, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Jorge Meza Flores
Assistant Executive Secretary