

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 75/2024**

Precautionary Measure No. 1134-24

Gersom Antonio Zeledón Motta and three other persons regarding Nicaragua

October 24, 2024

Original: Spanish

**I. INTRODUCTION**

1. On October 11, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by *Unidad de Defensa Jurídica* (“the requesting party” or “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 and personal integrity of Gersom Antonio Zeledón Motta, Eveling Carolina Matus Hernández, Lesbia del Socorro Gutiérrez Poveda, and Carmen María Sáenz Martínez (“the proposed beneficiaries”). According to the request, the current whereabouts of the proposed beneficiaries have been unknown since they were arrested between March and August 2024.

2. In accordance with Article 25(5) of its Rules of Procedure, the IACHR requested information from the State on October 16, 2024. To date, the State has not responded to the Commission’s requests, and the granted deadline has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information provided showed *prima facie* that the proposed beneficiaries were in a serious and urgent situation, given that their rights to life and personal integrity were at serious risk of irreparable harm. Therefore, it requires that Nicaragua: a) adopt the necessary measures to determine the situation and whereabouts of the beneficiaries, in order to protect their rights to life and personal integrity; b) inform whether the beneficiaries are in the custody of the State, the circumstances and conditions of their detention. In particular, report on the place of their detention, allowing access to their legal representatives and family members, as well as the necessary health care, and ensure that they are brought before judicial authorities to review and monitor any continued detention; and c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**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.<sup>1</sup> Similarly, the IACHR installed the Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua, which issued a report that analyzed the events that took place in April and May 2018.<sup>2</sup> For its part, the IACHR decided to include Nicaragua in its Annual

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<sup>1</sup> 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.

<sup>2</sup> 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.

Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.<sup>3</sup> 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.<sup>4</sup>

5. In addition to the above, the Commission has consistently released statements expressing concern over the escalating crisis and serious human rights violations in Venezuela, addressing the situation from various perspectives. Among these concerns, the Commission has addressed the persistence of acts of persecution;<sup>5</sup> the intensification of surveillance, harassment, and selective repression against individuals seen as opponents of the government, as well as human rights defenders and independent journalists.<sup>6</sup> It has also highlighted widespread impunity and the prolonged breakdown of the rule of law,<sup>7</sup> the criminalization of opposition leaders,<sup>8</sup> the deportation of political prisoners and loss of nationality,<sup>9</sup> the repressive escalation against members of the Catholic Church,<sup>10</sup> the absence of conditions for free and fair elections,<sup>11</sup> the arbitrary detention of human rights defenders, journalists, and members of the Catholic Church,<sup>12</sup> and the government's repressive strategy to silence critical voices ahead of the 2024 regional elections.<sup>13</sup>

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

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<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

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

<sup>7</sup> IACHR, Press Release No. 93/21, [Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity](#), April 19, 2021.

<sup>8</sup> IACHR, Press Release No. 145/21, [IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately](#), June 9, 2021; 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](#).

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

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

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

<sup>14</sup> 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.

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

7. The Commission noted that on September 5, 2024, 135 individuals considered opponents of the regime who were arbitrarily detained in Nicaragua under deplorable conditions and allegations of torture and ill-treatment were released and transferred to Guatemala. However, it condemned the arbitrary deprivation of their Nicaraguan nationality and the confiscation of their assets. On this matter, the IACHR urged Nicaragua to guarantee the right to nationality, to cease repression in the country and to release all persons who continue to be arbitrarily detained.<sup>21</sup>

8. 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.<sup>22</sup>

### **III. SUMMARY OF FACTS AND ARGUMENTS**

#### **A. Information provided by the applicant**

9. According to the applicant, the four individuals were deprived of their liberty for political reasons. It was indicated that the state authorities are reportedly withholding information on their respective locations. The applicant warned that there is no court case against the proposed beneficiaries. They consider it almost impossible for private legal representatives to take on the legal representation of persons identified as “political prisoners”, as they fear reprisals. Domestic remedies are ineffective, given the barriers to accessing the judicial file and the absence of judicial independence and impartiality.

- ***Gersom Antonio Zeledón Motta***

10. He is a public accountant, and police officers allegedly deprived him of his liberty on March 5, 2024. He was reportedly at a client’s house in Managua when he was intercepted by a National Police operation

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<sup>15</sup> 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.

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> 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.

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

<sup>20</sup> 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.

<sup>21</sup> IACHR, Press Release No. 217/24, Nicaragua: IACHR repudiates the arbitrary deprivation of nationality of the 135 people released, September 13, 2024.

<sup>22</sup> 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.

led by the head of the Judicial Assistance Directorate, known as “El Chipote.” The next day, friends and relatives allegedly inquired about his location at various police stations in Managua, including District III, the Judicial Assistance Directorate, and the National Penitentiary System. They were told that they did not have a person registered under that name and that they were not going to provide any information. When inquiring at the Judicial Complex of Managua about the criminal proceeding against him, judicial agents indicated that they had no information regarding the case, and his name does not appear in the Nicarao System.<sup>23</sup> People close to the proposed beneficiary allegedly received unofficial “messages” from alleged police commissioners of Managua, asking them for various amounts of money in exchange for information or his release. The proposed beneficiary reportedly has chronic lung issues (allergy with a persistent cough).

- ***Eveling Carolina Matus Hernández***

11. Ms. Matus Hernández is an entrepreneur who allegedly owns a parcel delivery agency. She reportedly participated as a protester in the anti-government protests in Nicaragua in 2018. Police officers deprived her of her liberty on June 25, 2024 when she was intercepted by a vehicle with members of the Judicial Assistance Directorate. She was purportedly arrested with her husband, the grounds for the arrests were not reported, and no arrest warrants were filed. Her business was raided by officers from the Directorate of Special Operations of the Police (DOEP), reportedly without a warrant. Police officers questioned the proposed beneficiary about her business and whether she has ever brought bulletproof vests or weapons from Miami. She was transferred to District III of the National Police, where they reportedly continue to interrogate her.<sup>24</sup>

12. On June 27, 2024, Ms. Matus Hernández’ husband was released under the warning that his wife would continue to be detained and that he would be under surveillance. On July 3, the proposed beneficiary was reportedly transferred by bus from the Comprehensive Penitentiary Establishment for Women (*Establecimiento Penal Integral de Mujeres*, EPIM). On July 4, 2024, her husband reportedly went to the EPIM to inquire about her whereabouts, but the prison authorities told him that they did not have anyone registered with her name. Since then, he has inquired about her whereabouts more than 22 times, but information continues to be withheld. In the Judicial Complex and the Nicarao System, no information has been obtained on the existence of a criminal proceeding against her.

- ***Lesbia del Socorro Gutiérrez Poveda***

13. Ms. Gutiérrez Poveda is the administrator of the Urban and Rural Financial Support Program (*Apoyo Financiero Urbano y Rural*, PROAFUR) of the Matagalpa Diocesan Caritas Association, an organization run by the Catholic diocese of Matagalpa. She was reportedly arrested on August 10, 2024, by uniformed and plainclothes police officers. These individuals arrived at a farm in Matagalpa to inquire about the proposed beneficiary and were informed that she had to go with them to Managua to “answer some questions.” They did not indicate the grounds for the arrest or present an arrest warrant.

14. On August 11, 2024, relatives reportedly went to inquire about her whereabouts and reasons for her detention at the Police District III in Managua, the Judicial Assistance Directorate, and the Women’s Integral Penal Establishment (EPIM), but did not obtain any concrete information. In the EPIM, authorities allegedly told them that she was in “El Chipote.” When they went to “El Chipote”, they were told that she is being held in the EPIM. Since early October 2024, deliveries containing basic hygiene products were allowed at EPIM. However, the authorities have neither confirmed her presence there nor permitted them to see her,

<sup>23</sup> Systematization of judicial cases in the country.

<sup>24</sup> The interrogation focused on whether she knew Minister of Finance Iván Costa and the Vice Minister; why she had not voted in elections since 2011; who her friends were; why she had contacts of former opposition presidential candidates in her phone; whether she had received external funding for her business; and why she had liked a post on social media platform X that stated that Monsignor Silvio Báez was her true leader.

despite indications that she is being held at that location. Those close to her continue to search for her to this day.

- ***Carmen María Sáenz Martínez***

15. Ms. Sáenz Martínez is a lawyer and worked in the Judiciary in Matagalpa until 2018. She also served as an advisor in canon law for the Diocese of Matagalpa. She was allegedly deprived of her liberty on August 10, 2024 by police officers, who raided her home, allegedly without a warrant, and interrogated her. They then proceeded to take her to an unknown destination, without providing any information regarding the motives for her arrest or presenting an arrest warrant. Since that date, those close to her went to look for her at the Police District III of Managua, the Chipote, the EPIM, and the Plaza el Sol Police Center. In the initial days following her arrest, they were informed at Plaza el Sol that she was being held in District III; however, officials there stated she had been transferred to the EPIM. In the EPIM, her whereabouts are denied to date. On October 1, 2024, the prison authorities of the EPIM allowed them to leave a parcel with basic supplies, but refused to provide them with a visitor's card. The proposed beneficiary has migraine headaches and experiences fluid retention in her feet, for which she reportedly takes the medication "Hidramide."

**B. Response from the State**

16. The IACHR requested information from the State on October 16, 2024. To date, they have not replied to the IACHR.

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

17. 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 irreparable harm to persons.

18. 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.<sup>25</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>26</sup> 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.<sup>27</sup> 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

<sup>25</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivian 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).

<sup>26</sup> 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)

<sup>27</sup> 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).



the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>28</sup> 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.

19. 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.<sup>29</sup> 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. This is better suited to be addressed by the Petition and Case system.<sup>30</sup> 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.<sup>31</sup>

20. 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.<sup>32</sup> In addition, it understands that this context has intensified over time.<sup>33</sup>

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

<sup>28</sup> 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).

<sup>29</sup> 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.

<sup>30</sup> 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.

<sup>31</sup> 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).

<sup>32</sup> 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.

<sup>33</sup> IACHR, Press Release No. 113/20, Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them, May 16, 2020, paras. 46 to 52; 2023 Annual Report, Chapter IV.B Nicaragua, December 31, 2023, para. 19.

22. Regarding the requirement of *seriousness*, the Commission finds that it has been met, given that, according to the applicant, the whereabouts or destination of the proposed beneficiaries have remained unknown since their respective arrests by state agents between March and August 2024.

23. The Commission observes that the proposed beneficiaries were allegedly detained through searches and/or raids into their homes, and that authorities did not provide any information regarding the reasons for their arrests. Upon questioning the arbitrary nature of the arrests, the Commission has not found any evidence to indicate that they were brought before the relevant courts to verify their circumstances. In this regard, the Commission understands that it is practically impossible for the applicant and those close to the proposed beneficiaries to obtain information on court records, since there is no official record of them, if they exist.

24. The Commission notes that, since the arrest, the proposed beneficiaries' friends and relatives have gone to various penitentiary centers on multiple occasions in order to determine their location and learn about their situation. Despite these efforts, the state authorities did not provide official information on the current whereabouts of the proposed beneficiaries. In some cases, the prison authorities allow the entry of parcels with basic supplies, but refuse to confirm whether these persons are being held in those prisons. Therefore, to date, it has not been possible to confirm their whereabouts or obtain accurate information about their current state.

25. Having requested information from the State under Article 25 of its Rules of Procedure, the Commission regrets the lack of response to the request for information. Although the foregoing is not sufficient *per se* to justify granting a precautionary measure, the lack of response from the State prevents the Commission from learning about the measures that are purportedly being implemented to address the situation that places the proposed beneficiary at risk and to dispute the facts alleged by the applicant. Therefore, the Commission does not have information that would allow it to assess whether the situation that places the proposed beneficiary at risk has been mitigated, nor regarding the actions taken to determine the whereabouts or fate of the proposed beneficiary. The Commission also observes that the proposed beneficiaries could be in custody of the State, which should have information on their location and current situation.

26. The Commission understands that the proposed beneficiaries' friends and family lack any communication regarding their legal situation. This prevents them from knowing, for instance, the existence of an investigation file against them, the procedural status of the investigation, the grounds for their arrest, the existence of an arrest warrant, whether the judicial case is subject to judicial reviews, where they are being held, their detention conditions, and the options for contacting their trusted legal representation, among other details. Since it has not been possible to establish any type of communication with the proposed beneficiaries, the risk they face is aggravated by the impossibility of knowing where they are and verifying their current condition. This prevents their families and friends from being able to activate in a timely manner the internal mechanisms to protect their rights, leaving the proposed beneficiaries in a situation of complete lack of protection. In this regard, the Commission recalls that the Inter-American Court has indicated, in the *Matter of Juan Sebastián Chamorro et al. v. Nicaragua*, that "detention without communication not only makes it impossible to verify the current situation of the proposed beneficiaries, their conditions of detention, and their health status, but it also implies a curtailment of the procedural guarantees of all detainees."<sup>34</sup>

27. In view of the foregoing considerations and in light of the *prima facie* standard, the Commission considers that the rights to life and personal integrity of the proposed beneficiaries are at serious risk to the extent that, to date, there has been no official information about their fate or whereabouts, as well as about their current situation.

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<sup>34</sup> I/A Court H.R., *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Provisional Measures*, Order of the Inter-American Court of Human Rights of June 24, 2021, paragraph 36.

28. Regarding the requirement of *urgency*, the Commission deems that it has also been met, to the extent that the passage of time without establishing their whereabouts is likely to generate greater impact on the proposed beneficiaries' rights to life and personal integrity. In this regard, no information on their whereabouts is known, and it has not been possible to obtain any information on their location. Additionally, the Commission does not have any information from the State regarding the actions that may be taken to address or mitigate the risk faced by the proposed beneficiaries, nor about any measures to locate their whereabouts.

29. 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 and personal integrity constitutes the maximum situation of irreparability.

## **V. BENEFICIARIES**

30. The Commission declares as the beneficiaries (1) Gersom Antonio Zeledón Motta, (2) Eveling Carolina Matus Hernández, (3) Lesbia del Socorro Gutiérrez Poveda, and (4) Carmen María Sáenz Martínez, who are duly identified in this proceeding.

## **VI. DECISION**

31. 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 determine the situation and whereabouts of the beneficiaries, in order to protect their rights to life and personal integrity;
- b) inform whether the beneficiaries are in the custody of the State, the circumstances and conditions of their detention. In particular, report on the place of their detention, allowing access to their legal representatives and family members, as well as the necessary health care, and ensure that they are brought before judicial authorities to review and monitor any continued detention; and
- c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

32. The Commission 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.

33. 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.

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

35. Approved on October 24, 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