
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUCIÓN 77/2024**

Precautionary Measure No. 1133-24
Steadman Fagot Muller regarding Nicaragua
October 28, 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 from the International Institute on Race, Equality and Human Rights (“the applicant” or “the requesting party”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of Steadman Fagot Muller (“the proposed beneficiary”).¹ According to the request, the proposed beneficiary is indigenous Miskito, a politician and human rights defender of the indigenous communities of the Caribbean Coast of Nicaragua. His current whereabouts have not been known since he was arrested by the army on September 14, 2024.

2. In accordance with Article 25(5) of the Rules of Procedure, the IACHR requested information from the State on October 16, 2024. To date, no response has been received from the State, and the granted period has expired.

3. Upon analyzing the submissions of fact and law furnished by the applicant, 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, and personal integrity are at risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity; b) inform whether the beneficiary is in the custody of the State, the circumstances and conditions of his detention. In particular, report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care, and ensure that he is brought before judicial authorities to review and monitor any continued detention; c) ensure the corresponding measures to guarantee that the beneficiary can continue to carry out his activities in defense of the rights of indigenous peoples without being subjected to threats, harassment, or acts of violence in the exercise of these activities; and d) 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.² Similarly, the IACHR installed the

¹The request also identifies his immediate family members as proposed beneficiaries. However, they requested that their identities not be informed to the State. Considering that this information was not forwarded to the State, the analysis will focus on the situation of Steadman Fagot Muller. Notwithstanding, the obligations of the State regarding the respect and protection of persons under its jurisdiction under the terms of Article 1(1) of the American Convention are recalled.

² IACHR, Press Release No. 134/18, IACHR Issues Report on Nicaragua’s Serious Human Rights Situation, June 22, 2018; Press Release No. 135/18, [IACHR installs the Special Follow-up Mechanism for Nicaragua \(MESENI\)](#), June 25, 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.

Interdisciplinary Group of Independent Experts (GIEI) of Nicaragua, which issued a report that analyzed the events that took place in April and May 2018.³ 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.⁴ 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.⁵

5. In addition to the above, the Commission has consistently released statements expressing concern over the escalating crisis and serious human rights violations in the country, addressing the situation from various perspectives. Among these concerns, the Commission has addressed the persistence of acts of persecution⁶; the intensification of surveillance, harassment, and selective repression against individuals seen as opponents of the government, as well as human rights defenders, and independent journalists⁷. It has also highlighted the widespread impunity and the prolonged breakdown of the rule of law⁸, the criminalization of opposition female and male leaders⁹, the deportation of people deprived of liberty due to political reasons and the loss of nationality¹⁰, the repressive escalation against members of the Catholic Church¹¹, the absence of conditions for free and fair elections¹², the arbitrary detention of human rights defenders, journalists, and members of the Catholic Church¹³, and the government's repressive strategy to silence critical voices to the government ahead of the 2024 regional elections.¹⁴

³IACHR, Press Release No. 145/18, [IACHR Announces Establishment of Interdisciplinary Group of Independent Experts for Nicaragua](#), July 2, 2018; GIEI, [Report on the Acts of Violence occurred between April 18 and May 30, 2018](#), December 21, 2018.

⁴ IACHR, Annual Report 2018, [Chapter IV.B Nicaragua](#); Annual Report 2019, [Chapter IV.B Nicaragua](#), February 24, 2020; Annual Report 2020, [Chapter IV.B Nicaragua](#), 2 February 2021; Annual Report 2021, [Chapter IV.B Nicaragua](#), May 2022; Annual Report 2023, [Chapter IV.B Nicaragua](#), December 31, 2023.

⁵ 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 8, 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.

⁶ 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.

⁷IACHR, Press Release No. 80/20, [IACHR, 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. 152/21, [IACHR Condemns the Serious Escalation of Repression in Nicaragua](#), June 18, 2021.

⁸IACHR, Press Release No. 93/21, [Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity](#), April 19, 2021.

⁹ 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. 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](#), July 9, 2021; Press Release No. 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 status of 26 universities and associations for academic and social purposes by the National Assembly of Nicaragua](#), February 10, 2022.

¹⁰ IACHR, Press Release No. 021/23, [IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#), February 13, 2023.

¹¹ IACHR, Press Release No. 184/22, [IACHR Condemns Repression and Arrests of Members of Roman Catholic Church in Nicaragua, August 19, 2022](#).

¹² 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.

¹³ 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 of Nicaragua to Release Monsignor Rolando Álvarez and Guarantee His Human Rights](#), August 18, 2023; Press Release No. 218/23, [IACHR Urges State of Nicaragua to End Repression Against Roman Catholic Church](#), September 15, 2023.

¹⁴ IACHR, Press Release No. 243/23, [IACHR and Its Special Rapporteurship for Freedom of Expression Urge Nicaragua to End Repression Against Indigenous Communities in Its Caribbean Coast](#), October 10, 2023.

6. Considering the foregoing, the Commission has urged the State of Nicaragua, among other aspects, to comply with its obligations regarding human rights¹⁵; to implement the recommendations issued by the IACHR¹⁶; to cease acts of persecution against people identified as opponents of the government and to reestablish democratic guarantees¹⁷; to release individuals that remain arbitrarily detained in inadequate conditions of detention¹⁸; to reestablish and give effect to the full enjoyment of civil and political rights¹⁹; and to put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.²⁰ 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.²¹

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 seizure 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 people who continue to be arbitrarily detained.²²

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.²³

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

9. According to the applicant, the proposed beneficiary is a 71-year-old Miskito indigenous person. It was indicated that he suffers from diabetes and requires regular medical attention and daily doses of insulin.

¹⁵ 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.

¹⁶ 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.

¹⁷ IACHR, Press Release No. 249/20, [IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua](#), October 10, 2020.

¹⁸ IACHR, Press Release No. 145/21, [IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately](#), June 9, 2021; Press Release No. 171/21, [Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua](#), July 9, 2021; Press Release No. 197/2022, [IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua](#), September 5, 2022.

¹⁹ IACHR, Press Release No. 218/22, [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.

²⁰ IACHR, Press Release No. 24/2023, [The IACHR and OHCHR condemn the escalation of human rights violations in Nicaragua](#), February 17, 2023.

²¹ IACHR, Press Release No. 132/2024, [Nicaragua: IACHR urges to guarantee the life and integrity of arbitrarily detained persons and their immediate release](#), June 11, 2024.

²² IACHR, Press Release No. 217/24, [IACHR condemns arbitrary revocation of nationality of 135 recently released prisoners in Nicaragua](#), September 13, 2024.

²³ IACHR, Press Release 312/2021, [IACHR Stresses Its Competent Jurisdiction Concerning Nicaragua and laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations](#), November 20, 2021.

10. After presenting his records,²⁴ it was reported that, during the 1980s, the proposed beneficiary held public positions from which he objected the “policy of cohabitation” between the so-called settlers and indigenous people from different indigenous territories in Nicaragua. Notably, in 2017 he was appointed presidential advisor for policies on indigenous peoples, a position to which he was reappointed on August 16, 2024. It was added that he accepted the nomination, while maintaining an independent position, as a strategy to mediate conflicts and intercede between the indigenous peoples and the government.

11. On September 13, 2024, within the framework of his work as presidential advisor, Mr. Fagot Muller summoned indigenous leaders to a meeting to discuss the issue of invasions of their territories. Based on what was discussed there, the proposed beneficiary called radio stations and virtual media outlets for a conference in which he denounced the situation and pointed at certain people and institutions that are allegedly responsible. Especially, he said that the so-called settlers had war weapons and were acting under the consent and complicity of the Police and the Army. He also reported the destruction of the forests and the Bosawás Biosphere Reserve. On September 14, 2024, the proposed beneficiary reported that, in retaliation, people close to the government had initiated a smear campaign against him with the alleged objective of having his properties in indigenous territory invaded by settlers.

12. The request indicated that, later, on September 14, Mr. Fagot Muller was arrested by approximately 50 army officers in Waspán, a municipality in the Autonomous Region of the Caribbean Coast of Nicaragua, at the hotel where he was staying. He added that he was immediately transferred by helicopter towards Managua. In a press release the Army confirmed his arrest and claimed to be aware of plans allegedly made by the proposed beneficiary “to carry out activities outside the law with elements linked to drug trafficking and organized crime, coming from Honduras that intended to steal weapons from the institution at the military posts located on the shore of the Coco River.”²⁵ The Army also stated that they turned Mr. Fagot Muller in to the National Police for the corresponding investigations.

13. The applicant declared that they purportedly have no information about the state or whereabouts of the proposed beneficiary since his arrest. He has reportedly not being in contact with relatives or with a trusted representative. The State has not disclosed any information on the investigation proceeding, for instance, if he has appeared before a competent court or if a formal accusation has been lodged. The situation has been labeled as an “enforced disappearance.”

14. Some days after his arrest, police officers allegedly paid a visit to a relative of the proposed beneficiary to confiscate, without a warrant, the cellphone of Mr. Fagot Muller, as well as several documentations on the invasion of ancestral lands and violent attacks of the settlers against indigenous communities. Since then, several relatives have notified about the regular presence of army and national police officers near their properties, with the alleged aim of intimidating them. The alleged harassment of indigenous communities by the State has purportedly worsened since Mr. Fagot Muller publicly reported the alleged invasions of their territories. In particular, it was reported that the government is cutting off electricity to pressure them and, to prevent the disclosure of what is happening in such communities.

²⁴ It is noted that, in the 1980s, the first Sandinista government identified Mr. Fagot as an alleged former Somoza security agent who allegedly tried to invade Nicaragua from the Honduran moskitia. This is because Mr. Fagot allegedly denounced to international human rights organizations the massacre of 35 people in the community of Leimus in December 1981 during the forced mobilization known as “Red Christmas.” At the time, the proposed beneficiary claimed that, in total, around 400 Miskitos were killed during the transfer. In the 1980s, the Sandinista government requested that the Government of Honduras extradite Mr. Fagot on the grounds that he was allegedly an agent of the Central Intelligence Agency (CIA) of the United States. At that time, Mr. Fagot was leader of the indigenous organization MISURAKISAN and Brooklyn Rivera was leader of the indigenous organization MISURASATA. In 1987, the two organizations united to give rise to the Yatama indigenous party, of which only Rivera was consolidated as leader.

²⁵National Army of Nicaragua, [Press Release No. 196/2024](#), undated.

15. Ultimately, the requesting party indicated that they had not filed complaints with the national authorities due to the fear of possible reprisals against Mr. Fagot and his relatives. The request recalled, among other issues, what happened to two other indigenous leaders (Brooklyn Rivera and Nancy Henríquez).

B. Response from the State

16. The IACHR requested information from the State on October 16, 2024. To date, no response has been received.

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 an irreparable harm to people.

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.²⁶ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁷ 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.²⁸ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding 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.²⁹ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

²⁶I/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).

²⁷I/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.

²⁸I/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).

²⁹I/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.

- 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; rather, the information provided should be assessed from a *prima facie*³⁰ standard. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the alleged facts. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.³¹ 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 the Rules of Procedure, which can be resolved without making any determination on the merits.³²

20. The Commission observes that the alleged situation placing the proposed beneficiary at risk is not an isolated event and corresponds to the current context of Nicaragua, which is particularly hostile towards individuals considered, perceived, or identified as opponents of the government and, in general, towards any person critical of the current Nicaraguan government³³. This context has intensified over time³⁴.

21. Taking into account the foregoing, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiary’s situation in the current matter.

22. Regarding the requirement of *seriousness*, the Commission finds that it has been met, given that, according to the request, there has been no news about the proposed beneficiary’s whereabouts and detention conditions since his arrest by State agents on September 14, 2024.

23. Although the Army issued a press release indicating that the proposed beneficiary was allegedly turned over to the National Police to carry out investigations about plans orchestrated by him outside the law, the Commission understands that the State has not shared information about the existence or opening of an investigation against him. There is also no information on any considerations regarding the public office he held. For example, if he was formally dismissed from it. In this sense, there is no minimum official information on the eventual procedural stage of the investigation, the existence of an arrest warrant, whether there was judicial review of the situation of the proposed beneficiary, among others. Likewise, there is no

³⁰ I/A Court H.R., Matter of the Members of the Communities of the Miskitu Indigenous People 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.

³¹ 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.

³² 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 in this regard: 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 Barrios Family v. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

³³ IACHR, Report: Closure of Civic Space in Nicaragua, OEA/Ser.L/VIII, Doc. 212/23, September 23, 2023, paras. 6, 20, and 62; 2022 Annual Report, Chapter IV.B Nicaragua, paras. 35-65 and 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 of Nicaragua to Release Monsignor Rolando Álvarez and Guarantee His Human Rights, August 18, 2023; Press Release No. 218/23, IACHR Urges State of Nicaragua to End Repression Against Roman Catholic Church, September 15, 2023; Press Release No. 152/21, IACHR Condemns the Serious Escalation of Repression 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.

³⁴ 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, Chapter IV.B Nicaragua, paras. 46-52; 2023 Annual Report, Chapter IV.B Nicaragua, December 31, 2023, para. 19.

information on whether the proposed beneficiary has appeared before competent courts for an eventual assessment of his health state.

24. Since the applicant states that it has failed to establish any type of communication with the proposed beneficiary, the Commission observes that the situation presenting a risk is aggravated by the impossibility of knowing his location and verifying his current state. 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 state of the proposed beneficiaries, the conditions of their detention, and their health status, but it also implies a curtailment of the procedural guarantees of all detainees.”³⁵ The Commission understands that the representatives and family members allegedly have no way to request information from the State on the legal situation of the proposed beneficiary, since they do not have the data of the court case, if any, to file such a request. In any case, the Commission considers that, if they continue to lodge complaints about the situation of the proposed beneficiary, they could be subject to reprisals under the current context.

25. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information. Although the foregoing is not sufficient per se to justify the granting of a precautionary measure, the lack of response from the State prevents the Commission from knowing the measures that have been reportedly implemented to address the situation that places the proposed beneficiary at risk and contest 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. This is specially relevant in the case of people under the State’s custody and when the facts are attributable to state agents, such as in the instant matter, given that the last time the proposed beneficiary was seen, he was arrested based on the Army’s arguments, who confirmed his arrest through a press release and claimed to have turned him over to the National Police. This situation places him at greater vulnerability.

26. 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 beneficiary are at serious risk to the extent that, to date, there has been no official information about his fate or whereabouts, as well as about his current situation.

27. Regarding the requirement of *urgency*, the Commission understands that it has been met. If the situation described continues, the proposed beneficiary is exposed to an imminent impact on his human rights. Indeed, given that his legal status and conditions of detention are unknown, as well as whether he is receiving the corresponding health care, the Commission notes that the possibility of materialization of the risk increases imminently in the current context of the country. In addition, the Commission does not have sufficient information from the State to assess the actions taken to address or mitigate the situation presenting a risk; hence, it is necessary to adopt measures promptly to safeguard the rights to life and personal integrity of the proposed beneficiary.

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

V. BENEFICIARY

³⁵ 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.*

29. The Commission declares beneficiary Steadman Fagot Muller, who is 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. Consequently, it requests that Nicaragua:

- a) adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity;
- b) inform whether the beneficiary is in the custody of the State, the circumstances and conditions of his detention. In particular, report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care, and ensure that he is brought before judicial authorities to review and monitor any continued detention;
- c) ensure the corresponding measures to guarantee that the beneficiary can continue to carry out his activities in defense of the rights of indigenous peoples without being subjected to threats, harassment, or acts of violence in the exercise of these activities; and
- d) 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.

31. 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.

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 under 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 October 28, 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.

Jorge Meza Flores
Assistant Executive Secretary