
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUCIÓN 9/2026**

Precautionary Measure No. 209-25

Rodrigo Bruno Arcángel, Olivier Bruno Palacios, Evertz Antonio Bruno Palacios and
Tony Alberto Bruno Smith regarding Nicaragua

February 4, 2026

Original: Spanish

I. INTRODUCTION

1. On February 25¹ and December 9, 2025, and January 15, 2026,² the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Human Rights Collective Nicaragua Nunca Más (“the applicants” 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, personal integrity, and health of Rodrigo Bruno Arcángel, Olivier³ Bruno Palacios, Evertz Antonio Bruno Palacios, and Tony⁴ Alberto Bruno Smith (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are a Mayangna indigenous family from the Musawas community, volunteer park rangers and defenders of their territory. They are currently serving criminal sentences and are deprived of their liberty at the Jorge Navarro Maximum Security Penitentiary since August 2023, accused of having participated in the Kiwakumbah massacre, allegedly held under inadequate conditions of detention and without access to medical care.

2. The Commission requested additional information from the requesting party on June 23, 2025, September 3, 2025, and December 1, 2025. The applicants submitted responses on July 30, September 16, and December 9, 2025. Pursuant to Article 25(5) of its Rules of Procedure, the IACHR requested information from the State on December 10, 2025. To date, the IACHR has not received a response from the State and the granted deadline has expired. On January 15, 2026, the requesting party sent an additional communication.

3. Upon analyzing the submissions of fact and law submitted by the applicants, the Commission considers that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, based on Article 25 of its Rules of Procedure, the Commission requests that Nicaragua: a) take the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries, taking into account their status as members of an indigenous people; b) implement the necessary measures to ensure that the beneficiaries’ conditions of detention are compatible with the applicable international standards on the matter, including: i. guarantee they are not subjected to threats, intimidation, harassment, or aggression within the prison; ii. ensure they are not subjected to reprisals for speaking their indigenous language among themselves or during family visits; iii. ensure immediate access to quality food in sufficient quantities to meet nutritional needs, as well as continuous access to sufficient potable water; and iv. immediately conduct a comprehensive medical evaluation of their physical and mental health, guaranteeing timely and specialized medical care and treatment, and sharing the results with their families and representatives; c) consult and agree upon the measures to be implemented with

¹ Initially, the requesting party sought precautionary measures solely on behalf of Rodrigo Bruno Arcángel, Olivier Bruno Palacios, and Evertz Antonio Bruno Palacios.

² In its most recent communications, the requesting party included Tony Alberto Bruno Smith as a proposed beneficiary. Subsequently, in January 2026, the requesting party confirmed that the consent of Tony Alberto Bruno Smith’s family had been obtained, as well as that of the remaining proposed beneficiaries.

³ In one communication, the requesting party refers to the proposed beneficiary as “Oliver.”

⁴ In certain communications, the requesting party also refers to the proposed beneficiary as “Stony.”

the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

a. Information provided by the requesting party

- Relevant background information

4. Rodrigo Bruno Arcángel is the father of Evertz Antonio Bruno Palacios and Olivier Bruno Palacios. Tony Alberto Bruno Smith is Rodrigo Bruno's nephew and cousin to Evertz and Olivier Bruno. The proposed beneficiaries are Mayangna indigenous persons and community park rangers. They performed surveillance, monitoring, reporting, and eviction activities against settlers on indigenous territories. As background, the requesting party indicated that on the Caribbean Coast of Nicaragua there is an ongoing process of invasion and violence attributed to settlers who have dispossessed indigenous peoples of their ancestral lands. Most of the invaders are allegedly armed former members of the military.

5. On August 23, 2021, the event known as the "Kiwakumbaih Massacre" occurred. On that day, at Pukna Hill in the Mayangna Sauni As Territory, within the Bosawás Biosphere Reserve, Miskitu and Mayangna indigenous persons were surrounded by a group of approximately 30 men. They opened fire on the indigenous persons, killing several of them. The requesting party alleged that two women were also raped and that a 12-year-old boy was forced to witness the murder of a family member. Some survivors stated before the National Police that the attackers were non-indigenous, mestizo or settlers, who spoke Spanish, wore military clothing, and were heavily armed with knives, pistols, shotguns, and even AK-47 rifles.

6. The request emphasized that State authorities accused the same communities, rather than the settlers, of having committed the killings due to alleged family disputes. Based on these accusations, which the requesting party characterizes as false, the National Police began arresting indigenous leaders in September 2021. In September 2024, Steadman Fagoth Müller, in his capacity as Presidential Adviser on Indigenous Peoples, was also detained after making complaints regarding the trafficking of indigenous lands. The request warned that he was charged with serious crimes, including allegedly preparing plans together with organized crime and drug trafficking elements to divert weapons from the Army.

7. As part of these arrests, the request stated that on August 13, 2023, at 2:30 a.m., a police operation took place at the home of the proposed beneficiaries in the Musawas community, the police destroyed the dwelling with sledgehammers and shovels, burned three mattresses, and threw a smoke bomb. It was alleged that police officers violently threw proposed beneficiary Rodrigo Bruno to the ground and struck him, leaving him temporarily deaf. Proposed beneficiaries Olivier and Evertz Antonio were allegedly chained, beaten, and thrown into the river. According to the request, these assaults were intended to force the proposed beneficiaries to confess to their alleged participation in the so-called "Kiwakumbaih Massacre." At the time of the arrest, officers also allegedly struck Rodrigo Bruno's wife and another woman with a weapon and pushed a child from a second floor, injuring him. The proposed beneficiaries were transferred to the Jorge Navarro Penitentiary, known as La Modelo, in Tipitapa, Department of Managua.

8. On August 15, 2023, the National Police allegedly presented the proposed beneficiaries at a press conference as members of a criminal gang known as "Bruno." The proposed beneficiaries, together with the "Chabelo" and "Los Rocha" groups, were linked to 40 murders, six kidnappings, three rapes, the burning of 41 huts, robberies with intimidation, and organized crime. The alleged "Bruno" gang was specifically attributed with the murder of 18 persons, six kidnappings, three rapes, and the illegal possession of firearms.

9. On February 5, 2024, the Fifth District Criminal Court of Managua found the proposed beneficiaries guilty of multiple offenses, including organized crime; joint perpetration of threats with weapons;

illegal carrying or possession of firearms and ammunition; joint perpetration of the manufacture, trafficking, possession, and use of restricted weapons, substances, or explosive devices; coercion; and displacement, to the detriment of two National Police officers, society, public security, and the State of Nicaragua. For this reason, each of them was sentenced to 25 years of imprisonment.

10. The request raised various due process concerns.⁵ The requesting party reported the filing of several domestic remedies during the course of the criminal proceedings.⁶ In September 2025, the requesting party noted that the United Nations Working Group on Arbitrary Detention issued Opinion No. 22/2025 concerning Rodrigo Bruno Arcángel, Tony Bruno Smith, Oliver Bruno Palacios, and Evertz Bruno Palacios. The applicants highlighted that the Working Group emphasized that the four proposed beneficiaries, whose mother tongue is the Mayangna language, faced multiple barriers due to their membership in an indigenous group. The Working Group underscored that the trial was conducted solely in Spanish, which prevented the accused from fully understanding the proceedings and effectively participating in their defense. The Working Group characterized the deprivation of liberty as arbitrary.

- *Information obtained during a visit to the proposed beneficiaries in January 2025*

11. In February 2025, the applicants warned that they had received information from a person who visited the proposed beneficiaries in January 2025. That person undertook long and exhausting journeys from remote communities to Managua. The requesting party warned that some family members of the proposed beneficiaries do not speak Spanish, which has hindered communication between the requesting party and the family. Family members reported that the proposed beneficiaries remain in maximum security cells. They have been deprived of access to outdoor recreation, education, or any activity within the penitentiary. They are also allegedly victims of discrimination for not speaking Spanish fluently.

12. From the moment of his detention, Rodrigo Bruno began to suffer from chronic headaches. He reportedly experienced pain throughout the entire day. Approximately four months prior to the visit, he collapsed inside his cell as a result of severe headaches and a serious ear infection. He had pus in both ears. During the fall, he struck his head, resulting in lasting effects, as at times he was unable even to get up from his bunk and had to be assisted by his son. At times, he reportedly lost his sense of hearing. According to his relatives, during the visit, Rodrigo Bruno appeared visibly swollen throughout his body. He reported that he was not eating because the food was unhygienic. Family members stated that the proposed beneficiary was psychologically affected. He was not receiving any medication.

⁵ The preliminary hearing was conducted without the participation of counsel of their own choosing. Family members were denied information regarding the criminal proceedings. Private attorneys reportedly did not have timely access to the case file in preparation for the oral and public trial (January 22, 2024), and were not permitted to examine witnesses. The oral and public trial was conducted in the absence of the accused and their family members and without interpretation into the Mayangna indigenous language. In addition, the statutory time limit for issuing the judgment was exceeded, and the judicial notice of the judgment did not include the analysis or the weight assigned by the judge to each item of evidence.

⁶ Among the remedies filed by the requesting party on behalf of the proposed beneficiaries are the following: (i) a writ of habeas corpus (exhibición personal) for arbitrary or unlawful detention filed on November 16, 2023, which was ruled upon on November 17, 2023, without any indication of its outcome; (ii) a submission addressed to the Fifth District Criminal Court of Managua, dated March 22, 2024, reiterating requests for access to the case file, recordings, and the defendants, as well as objecting to the lack of interpreters during the oral and public trial given that the accused have the Mayangna indigenous language as their mother tongue rather than Spanish, and noting that the deadline for issuing the judgment had allegedly been exceeded by the judicial authority, to which the defense reportedly received no response; (iii) a motion to nullify the notification of the judgment, filed on April 5, 2024, concerning the judgment issued on February 16, 2024, at 9:00 a.m., on the grounds that a complete copy of the judgment was not delivered and that the notification was improper and incomplete; (iv) an appeal against the conviction judgment dated April 19, 2024, alleging violations of the principles of procedural legality and due process, the failure to apply the standard of reasonable doubt and the rationality criterion, violations of the principle of criminal legality, and the assessment of unlawful or prohibited evidence, which was declared time-barred; and (v) an appeal for reversal against the decision declaring the appeal time-barred, filed on April 26, 2024, with no information provided regarding its final outcome.

13. The request emphasized that Rodrigo and his son Olivier shared a small cell in which temperatures were excessively high. They were under constant surveillance through a camera inside the cell. They complained of a mosquito infestation, which forced them to take turns blowing on each other in order to obtain some rest. Their cell reportedly had limited access to water, as it was only available twice a day for brief periods.

14. Olivier reported suffering from a severe urinary tract infection that caused him to urinate blood. Although his family brought him medication, it was not delivered to him by the custodial staff. Olivier was severely beaten, particularly during the first months of his detention, which caused him to suffer intense headaches for several months. For a period of four months, every time he bent over, his nose would bleed. The requesting party described the assaults as repeated and, at times, carried out with a truncheon or police baton, striking him so many times on the head that he lost consciousness. According to his relatives, Olivier has lost weight and appears pale. He reportedly expressed a desire to die and stated that another person who was a park ranger was threatened with death by custodial staff. These state agents allegedly told him that "a black bag awaits him," as a death threat, that they would not return his body to his family, and purportedly showed him black bags, stating that he would die there, his body would be burned, and no one would be able to identify him.

15. With regard to Evertz Bruno, it was added that he is the youngest member of the family. He reportedly stopped eating due to the unhygienic food. Like Olivier, he would be held in a maximum security cell under extremely poor conditions and without medical care. Approximately four months prior to the visit, he also reportedly urinated blood.

- Information obtained by family members between May and June 2025

16. In May 2025, a family member learned that Rodrigo Bruno continued to suffer from an ear infection and that he was prevented from leaving his cell or speaking by telephone. He was not receiving any type of medical care. Olivier and Evertz Bruno were allowed family visits once a month for 15 minutes. Their access to outdoor recreation was limited to 20 minutes on Saturdays only. The requesting party warned that the proposed beneficiaries had been threatened with the loss of visitation rights if they requested to speak with additional family members.

17. Family members of the proposed beneficiaries were reportedly threatened by police officers from Bonanza, the town from which the proposed beneficiaries come from. The requesting party stated that one of the brothers of the proposed beneficiaries was displaced in order to avoid being detained by the Bonanza police. The applicants described that, during one attempt to detain him, police officers fired at him without causing injury. However, he injured his hand with the machete he was carrying. He treated himself with medication he purportedly "had available," out of fear of seeking care at a health center.

- Information provided in September 2025

18. According to family members, Rodrigo Bruno Arcángel continued to be denied specialized medical care. The proposed beneficiaries reportedly received food only once a day and were exposed to prolonged heat, without access to outdoor recreation and under constant threats from National Police officers, who warned them that they would "die in prison." They did not have access to potable water, and the cells were infested with cockroaches and flies, which caused skin and digestive problems. They reportedly had only a single hole in the cell to use as a toilet. They did not have mattresses and were therefore forced to sleep on the floor, in direct contact with insects and just a few centimeters from the area designated for bodily functions.

19. Family visits have been restricted, and transportation from the community of origin to the Jorge Navarro Penitentiary costs more than USD 150 per visit. This makes it difficult for the only family member who visits them to travel, as that person lives in conditions of extreme poverty.

- ***Information provided by family members on December 1, 2025***

20. The requesting party indicated that the family was able to conduct a visit on November 17, 2025. The applicants stated that Rodrigo Bruno Arcángel continued to be in a delicate health situation and without access to specialized medical care, despite suffering intense and persistent ear and head pain as a result of the blows he received at the time of his arrest. It was further noted that he had constant ear discharge and episodes of severe pain. He reportedly remained without access to outdoor recreation, held for prolonged periods in a dark cell without ventilation, and subjected to monitored visits of short duration, lasting between five and ten minutes, always under surveillance.

21. Olivier Bruno Palacios presented recurrent episodes of fever, extreme dizziness, and physical collapse, and on at least one occasion requested to be transferred to a hospital. In response, he was taken out in chains and left seated on a chair throughout the entire night, without medical care, which worsened his health condition. These events reportedly occurred two months prior to the family visit. Evertz Antonio Bruno Palacios reported harassment and physical assaults by a common inmate. Prison authorities allegedly warned him that he "had no right to speak." In retaliation, he was reportedly tied hand and foot without justification for prolonged periods, the most recent instance occurring two months prior to the family visit.

22. All family members are prohibited from communicating with each other, as well as from speaking the Mayangna language, which would constitute discriminatory and degrading treatment. Food is reportedly insufficient. Family members lack the resources to send adequate food packages, and culturally appropriate food is deliberately rejected, accompanied by stigmatizing expressions that associate their dietary practices with "witchcraft." Finally, it was stated that the material conditions of detention include sleeping on the floor, without mats or blankets, despite low nighttime temperatures. The family reportedly attempted to deliver warm clothing without success.

- ***Information provided in January 2026 following the family visit of December 17, 2025***

23. The requesting party emphasized that **Tony Bruno Smith** is held in the same maximum security cell as Evertz Bruno, under the same conditions. However, his case presents even greater documentation difficulties. His partner ended their relationship after his detention out of fear of reprisals, and his father is an elderly man with multiple chronic illnesses and severe economic vulnerability, which has prevented him from traveling dozens of kilometers to the Jorge Navarro Penitentiary. As a result, the limited information regarding his situation has been obtained only when Evertz Bruno is able to communicate with family members.

24. According to family members, the most recent visit took place on December 17, 2025, through a glass partition with cameras and police officers monitoring their conversation. During that visit, Rodrigo Bruno again stated that he had not received medical care or medication. All four proposed beneficiaries indicated that conditions remained deplorable, as they are forced to sleep on the floor and receive only one daily meal in small or insufficient portions. As they stated: "the food is very little and of poor quality. All four eat only once a day and nothing more... They feel they are being starved to death, since they do not receive any other food ration during the day."

25. The four proposed beneficiaries are divided between two maximum security cells. Rodrigo Bruno is held in the same cell as his son Olivier Bruno, while Evertz Bruno is held with Tony Bruno Smith. Each of these cells contains cameras with audio recording, allowing guards to hear if detainees attempt to speak inside the cells. The four proposed beneficiaries continue to be prohibited from speaking among themselves in their indigenous language, even though none of them speaks Spanish well, and they are silenced if they attempt to speak. The four beneficiaries are also prevented from speaking with other detainees. Inside the cells, temperatures are reportedly extremely high during the day and very cold at night, without any means to keep

warm. They are allowed to leave their cells only twice a week for 30 minutes, with the exception of Mr. Rodrigo Bruno, who since his detention has not been allowed to leave his cell even once.

b. Response from the State

26. The IACtHR requested information from the State on December 10, 2025. To date, no response has been received from them, and the granted timeline has expired.

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

27. 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 IACtHR; while the precautionary measures mechanism is described in Article 25 of the IACtHR Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

28. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.⁸ To do this, the IACtHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.⁹ As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACtHR. 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.¹⁰ 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;

⁷ Inter-American Court of Human Rights (I/A Court H.R.), Matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison), 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.

⁸ 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).

⁹ 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).

¹⁰ I/A Court H.R., Matter of the 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.

- 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.

29. 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* standard of review to determine whether a serious and urgent situation exists.¹¹ Similarly, the Commission recalls that, by its own mandate, it is not in its purview 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.¹² 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 carried out without making any determination on the merits.¹³

30. With regard to the **context**, the Commission has been monitoring the human rights crisis in Nicaragua and, in 2025, published the report “Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua.”¹⁴ In that report, the Commission documented patterns of violence against those communities, characterized, among other elements, by the continuity and frequency of armed attacks carried out by settler groups with the tolerance and acquiescence of the State; the criminalization of traditional authorities, community leaders, and persons defending their territories; and structural impunity in a context of absolute concentration of power in the Executive Branch.¹⁵ Likewise, the Commission warned of a systematic pattern of arbitrary detention and criminalization used to repress those who denounce settler invasions, particularly in the Mayangna Sauni As and Wangki Li Aubra territories; and observed that traditional authorities and park rangers of the Mayangna people remained detained under conditions even more severe than those faced by other persons identified as “political prisoners.”¹⁶ In addition, in its 2020 report “Persons deprived of liberty in Nicaragua in connection with the human rights crisis,” the Commission observed that, although many of the alleged crimes had taken place in departments outside the capital, proceedings were conducted in Managua, hindering contact with family members and legal representation due to the onerous burden imposed by constant travel to the capital.¹⁷

31. Likewise, in the aforementioned report on violence against Indigenous and Afro-descendant communities on the Caribbean Coast, the Commission indicated that, between 2020 and 2024, the escalation of violence resulted in at least three large-scale armed attacks that the communities themselves identify as

¹¹ 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 FEBEM, Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

¹² IACHR, Resolution 2/2015, Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14 (Available only in Spanish); Resolution 37/2021, Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

¹³ 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).

¹⁴ IACHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, OEA/Ser.L/V/II, Do. 149/25, August 25, 2025.

¹⁵ IACHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, previously cited, para. 204.

¹⁶ IACHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, previously cited, para. 130.

¹⁷ IACHR, Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018, OEA/Ser.L/V/II, October 5, 2020, para. 232.

massacres, due to their magnitude, the intensity of the violence, and the number of fatalities.¹⁸ Among these, the Commission mentioned the Kiwakumbaih Massacre against Miskitu indigenous inhabitants in an artisanal mine on the sacred Kiwakumbaih hill, located in the Suniwas area, Mayangna Sauni As territory, Bosawás Biosphere Reserve, in which at least 11 people were killed, as well as others who were victims of physical or sexual violence, or torture.¹⁹ Following the massacre, the National Police attributed responsibility for the attack to Mayangna indigenous people, many of whom were volunteer park rangers and defenders of indigenous lands.²⁰

32. In that context, together with other events documented in the report on violence on the Caribbean Coast, the Commission emphasized that, since 2015, the extreme levels of cruelty and the intensification of violence have led to the granting of protection measures by the IACtHR and the Inter-American Court in favor of more than 15 communities affected by violent attacks, indigenous rights defenders, park rangers arbitrarily deprived of liberty, as well as leaders and media workers who were allegedly at risk.²¹ The Commission underscored that the granting of these measures, which were not complied with by Nicaragua, reflects the seriousness and urgency of the situation, as well as the persistence of attacks in the region.

33. With respect to *prior precautionary measures related to the present request*, in 2023 the Commission protected four other indigenous people deprived of liberty at the Jorge Navarro Penitentiary after they were convicted for acts related to the Kiwakumbaih Massacre.²² The IACtHR observed that the beneficiaries were not receiving adequate and timely medical care, despite suffering from health problems and being subjected to constant threats by custodial staff and other persons deprived of liberty. The allegations indicated that they were victims of physical and sexual assaults. That same year, at the request of the Commission, the Court issued provisional measures in their favor.²³ In its decision, the Court emphasized that, given their special relationship with their territory and community, the separation of an indigenous person from their community and territory through deprivation of liberty may cause profound suffering beyond that inherent in imprisonment and negatively affect the indigenous community as a whole.²⁴

34. At the same time, in 2024, the Commission adopted measures in favor of Steadman Fagot Muller in the aforementioned Caribbean Coast context. He had been disappeared since his detention by the Army in September 2024, allegedly in retaliation for his work denouncing invasions of indigenous territories and opposing government policies concerning indigenous peoples.²⁵ Subsequently, in March 2025, the Inter-American Court granted provisional measures in his favor.²⁶

35. Consequently, the Commission understands that the detention of the proposed beneficiaries falls within the context of extreme violence documented against indigenous communities on the Caribbean Coast of Nicaragua and is also related to the Kiwakumbaih Massacre. These circumstances, together with the

¹⁸ IACtHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, previously cited, para. 7.

¹⁹ IACtHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, previously cited, paras. 158-159.

²⁰ IACtHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, previously cited, para. 161.

²¹ IACtHR, Violence against indigenous peoples and Afro-descendants on the Caribbean coast of Nicaragua, previously cited, para. 209.

²² IACtHR, Resolution 20/2023, Precautionary Measure No. 738-22, D.R.Z., D.A.B.A., A.C.L. and I.C.L. regarding Nicaragua, April 13, 2023.

²³ I/A Court H.R., Matter of four members of the Mayangna indigenous people deprived of liberty regarding Nicaragua, Provisional Measures, June 27, 2023 (Available only in Spanish), paras. 43-44.

²⁴ I/A Court H.R., Matter of four members of the Mayangna indigenous people deprived of liberty regarding Nicaragua, Provisional Measures, previously cited (Available only in Spanish), para. 48.

²⁵ IACtHR, Resolution 77/2024, Precautionary Measure No. 1133-24, Steadman Fagot Muller regarding Nicaragua, October 28, 2024.

²⁶ I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Provisional Measures, Order of March 27, 2025 (Available only in Spanish), para. 24.

background of precautionary and provisional measures adopted by the Commission and the Inter-American Court, respectively, are relevant to the analysis of the procedural requirements, insofar as they lend consistency to the allegations presented and show the severity of the repression against the indigenous population on the Caribbean Coast of Nicaragua.

36. As for the requirement of *seriousness*, the Commission considers that it has been met. In particular, the Commission highlights the following conditions of detention that the proposed beneficiaries continue to face to date, which reflect the seriousness of their situation:

- a. They have reportedly been subjected to death threats and assaults on various occasions following their deprivation of liberty. For example, assaults were alleged to have occurred during their initial detention. More recently, it was reported that the proposed beneficiary Evertz Antonio was tied hand and foot after reporting assaults, while Olivier was chained after requesting medical attention;
- b. The proposed beneficiaries are allegedly held in inadequate conditions of detention and are forced to sleep on the floor of their cells. Limitations on access to water and adequate food were also reported. In addition, family members are purportedly not permitted to bring in culturally appropriate food;
- c. Access to outdoor recreation is reportedly limited. For example, Rodrigo Bruno allegedly has no access at all and remains in his cell for prolonged periods. This situation is exacerbated by the conditions inside the cells, which reportedly include extreme temperatures, the presence of insects, and unsanitary conditions;
- d. The proposed beneficiaries are allegedly subject to constant surveillance, particularly during visits. Under this pattern of surveillance, prison authorities reportedly seek to prevent the proposed beneficiaries from communicating in their indigenous language;
- e. The conditions of detention are allegedly having repercussions on the physical and mental health of the proposed beneficiaries. According to the allegations, they have experienced skin conditions, digestive problems, and weight loss attributable to the unsanitary conditions and inadequate food described above. In addition, it was indicated that Rodrigo suffers from recurrent headaches and ear infections that have caused fainting spells and difficulty standing; Olivier suffers from headaches, nosebleeds, urinary tract infections, and fainting spells; and Evertz Antonio has also reportedly had blood in his urine;
- f. The proposed beneficiaries are allegedly not receiving medical care, and therefore lack diagnoses or treatment for these conditions. On the contrary, they have reportedly faced reprisals for requesting medical attention, and their family members are not allowed to provide them with medication. These circumstances may also be affecting their mental health in light of the information provided;
- g. Although the proposed beneficiaries have the right to receive visits, the distance between the Jorge Navarro Penitentiary and the community they come from creates significant obstacles for family members to travel, particularly due to transportation costs that the family cannot afford given their socioeconomic situation. This is compounded by restrictions on communicating in their own indigenous language.

37. After requesting information from the State pursuant to Article 25 of the Rules of Procedure, the Commission received no reply. Although the foregoing is not sufficient to justify the granting of precautionary measures, 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 beneficiaries at risk and to dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiaries at risk has been mitigated by the State. This consideration is relevant in the instant matter, given that the proposed beneficiaries are deprived of liberty and therefore in the custody of the State, and the alleged facts are presumably attributable to State actors. Likewise, the Commission does not have information that would be sufficient to determine whether investigations have been initiated in relation to the alleged facts, given their seriousness and the context in which they have occurred.

38. The Commission considers it important to recall the Inter-American Court's statements regarding indigenous persons deprived of liberty. In the *Matter of four members of the Mayangna indigenous people deprived of liberty regarding Nicaragua*, the Court emphasized that such persons "constitute a disproportionately affected group. Given their special relationship with their territory and community, the separation of an indigenous person from their community and territory through deprivation of liberty constitutes an obstacle to the full exercise of the right to cultural identity and may cause profound suffering beyond that inherent in imprisonment."²⁷ Indeed, in this matter, the requesting party reveals that the proposed beneficiaries are already suffering reprisals for reporting their situation following their deprivation of liberty in the context of violence on the country's Caribbean Coast.

39. Due to the above, and considering the conditions of detention described, the Commission concludes that, from the *prima facie* standard and in the context the Nicaragua is experiencing, it is sufficiently proven that the rights to life, personal integrity, and health of the proposed beneficiaries are at serious risk.

40. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, since the circumstances described persist, the proposed beneficiaries are likely to be imminently and progressively exposed to a greater impact on their rights. In this context, it is essential to immediately adopt measures to safeguard the proposed beneficiaries' rights to life, personal integrity, and health. When making this assessment, the Commission takes into account that the proposed beneficiaries have health conditions and are deprived of liberty in the custody of the State, which places them in a particularly vulnerable situation. Despite having been detained in 2023, they allegedly have not received adequate and timely medical care to date. In addition, the Commission does not have information from the State to assess the actions that are being taken to address the alleged risk, a circumstance that reinforces the urgent nature of this request.

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

IV. BENEFICIARIES

42. The Commission declares Rodrigo Bruno Arcángel, Olivier Bruno Palacios, Evertz Antonio Bruno Palacios, and Tony Alberto Bruno Smith as beneficiaries of the precautionary measures, who are duly identified in these proceedings in accordance with Article 25, subsection 6(b), of the IACtHR Rules of Procedure.

IV. DECISION

43. The 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, the Commission requests that Nicaragua:

²⁷ I/A Court H.R., *Matter of four members of the Mayangna indigenous people deprived of liberty regarding Nicaragua, Provisional Measures*, previously cited (Available only in Spanish), para. 29.

- a) take the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries, taking into account their status as members of an indigenous people;
- b) implement the necessary measures to ensure that the beneficiaries' conditions of detention are compatible with the applicable international standards on the matter, including: i. guarantee they are not subjected to threats, intimidation, harassment, or aggression within the prison; ii. ensure they are not subjected to reprisals for speaking their indigenous language among themselves or during family visits; iii. ensure immediate access to quality food in sufficient quantities to meet nutritional needs, as well as continuous access to sufficient potable water; and iv. Immediately conduct a comprehensive medical evaluation of their physical and mental health, guaranteeing timely and specialized medical care and treatment, and sharing the results with their families and representatives;
- 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 facts that gave rise to this resolution, so as to prevent such events from reoccurring.

44. The Commission requests that Nicaragua kindly inform the Commission, within a period of 20 days from the date of this communication, on the adoption of the precautionary measures agreed upon and to periodically update this information.

45. The Commission stresses that, pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

46. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Nicaragua and the requesting party.

47. Approved on February 4, 2026, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Edgar Stuardo Ralón Orellana, Second Vice-President; Gloria Monique de Mees; Riyad Insanally; and Marion Bethel, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary