
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 68/2022**

Precautionary Measure No. 265-22, 859-22 and 866-22
Cynthia Samantha Jirón Padilla Ubieta, Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur,
and Harry Bayardo Chávez Cerda regarding Nicaragua
December 6, 2022
Original: Spanish

I. INTRODUCTION

1. In April, September and November 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received three requests for precautionary measures filed by the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos*, CENIDH), the Human Rights Collective Nicaragua *Nunca Más*, the Legal Defense Unit (*Unidad de Defensa Jurídica*, UDJ) and Carolina de los Ángeles Jirón Palacios (“the applicants”) urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Cynthia Samantha Jirón Padilla Ubieta and her family unit; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, and Javier Alberto Álvarez Zamora and their respective family units; as well as Harry Bayardo Chávez Cerda. According to the request, the proposed beneficiaries, who are identified or perceived as political opponents of the current Nicaraguan government, are deprived of their liberty in appalling detention conditions and do not receive timely and adequate medical care.
2. On April 12, 2022, the Commission received a request for precautionary measures from the Human Rights Collective Nicaragua *Nunca Más* and Carolina de los Ángeles Jirón Palacios in favor of Cynthia Samantha Jirón Padilla Ubieta and her family unit. Under the terms of Article 25.5 of its Rules of Procedure, the IACHR requested additional information from the applicants on April 26, 2022 and received information on May 4, 2022. The IACHR also requested information from the applicants and the State on June 24, 2022. The applicants submitted information on July 5, September 2, and November 15, 2022. To date, the State has not submitted any information and the granted deadlines have since expired.
3. On November 4, 2022, the Commission received a request for precautionary measures filed by the Human Rights Collective Nicaragua *Nunca Más* and the Legal Defense Unit in favor of *Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, Javier Alberto Álvarez Zamora*, and their respective families. Pursuant to Article 25.5 of its Rules of Procedure, the IACHR requested information from the applicants and the State on November 16, 2022 and received information from the applicants on November 25, 2022. For its part, the State has not provided information to date and the granted deadlines have since expired.
4. On September 24, 2022, the Commission received a request for precautionary measures from the Nicaraguan Center for Human Rights and the Legal Defense Unit in favor of *Harry Bayardo Chávez Cerda*. Pursuant to Article 25.5 of its Rules of Procedure, the IACHR requested information from the applicants and the State on November 16, 2022 and received information from the applicants on November 28, 2022. For its part, the State has not provided information to date, and the granted deadlines have since expired.

5. Having analyzed the allegations of fact and law submitted by the applicant organizations, the Commission considers that the information submitted demonstrates *prima facie* that Cynthia Samantha Jirón Padilla Ubieta and her family unit; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur and their respective family units; and Harry Bayardo Chávez Cerda are in a serious and urgent situation, given that their rights to life, personal integrity, and health are at risk of irreparable harm. Accordingly, Nicaragua is requested to: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Cynthia Samantha Jirón Padilla Ubieta and her family unit; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur and their respective family units; and Harry Bayardo Chávez Cerda; b) adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards in this area, including: i. ensuring that they are not subject to threats, intimidation, harassment, or assaults within the penitentiary center; ii. guaranteeing access to adequate and specialized medical care, and a specialized medical assessment is immediately carried out on their health situation; iii. granting the necessary treatments and medicines to treat their conditions; and iv. assessing the granting of alternative measures to the deprivation of liberty in light of the detention conditions and the beneficiaries' health; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent similar events from reoccurring.

II. BACKGROUND INFORMATION

6. Between May 17 and 21, 2018, the Commission visited Nicaragua. During this visit, it collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its acronym in Spanish) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.³ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁴
7. During 2019, the Commission continued to condemn the ongoing acts of persecution, and urged the State to comply with its obligations in matters related to human rights.⁵ In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of

¹ IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OAS/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

² IACHR. [Press Release No. 135/18](#). IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. [Press Release No. 274/18](#). Press Release about Nicaragua. December 19, 2018. See also: 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.

³ Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes*, GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#). December 2018 [only in Spanish].

⁴ IACHR. [2018 Annual Report. Chapter IV.B Nicaragua](#).

⁵ See in this regard: 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; IACHR. [Press Release No. 26/19](#). IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua. February 6, 2019; IACHR. [Press Release No. 90/19](#). IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks. April 5, 2019.

non-repetition.⁶ In September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁷ Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”⁸

8. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,⁹ noting that the serious human rights crisis in the country extended during 2019, due to the de facto installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government; the search, closure and censorship of media outlets; the imprisonment or exile of journalists and social leaders; the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.¹⁰
9. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by intensified acts of surveillance, harassment, and selective repression against people considered to be government opponents.¹¹ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.¹² In October 2020, the IACHR again called on the State to immediately cease persecution of persons identified as dissidents and to reestablish democratic guarantees in Nicaragua.¹³ In this line, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹⁴
10. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁵ in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁶ On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the

⁶ IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

⁷ IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

⁸ IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

⁹ IACHR. [2019 Annual Report, Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

¹⁰ IACHR. [2019 Annual Report, Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, para. 19.

¹¹ 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.

¹² 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.

¹³ 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.

¹⁴ IACHR. [2020 Annual Report, Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹⁵ IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁶ 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.

persons detained in the context of the crisis.¹⁷ Moreover, on August 11, 2021, the Commission condemned the systematic acts that the State has carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of the same year. It further condemned the ongoing human rights violations in this context and urged the State to cease repression against those who express opposing views towards the Government.¹⁸ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.¹⁹

11. On October 25, 2021, the IACHR published the report “Concentration of Power and the Undermining of the Rule of Law in Nicaragua”. In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.²⁰ On November 4, 2021, the IACHR and OHCHR expressed concern about the intensification of repression against opposition people in Nicaragua within the framework of the electoral process in the country, noting the attacks against journalists.²¹ Previously, on November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists; and urged the State to release all those who had been arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.²²
12. On November 20, 2021, the IACHR made a statement in which it looked unfavorably upon the State of Nicaragua’s decision to denounce the Charter of the Organization of American States on November 19, 2021 during the ongoing context of crisis that the country has been experiencing in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.²³ On December 20, 2021, the Commission called for international solidarity for States to adopt measures to protect those who had been forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of persons deprived of liberty, and persons identified as political opponents.²⁴ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to

¹⁷ 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; IACHR. [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.

¹⁸ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election. August 11, 2021.

¹⁹ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021.

²⁰ IACHR. [Press Release No. 284/21](#). IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua. October 28, 2021.

²¹ IACHR. [Press Release No. 292/21](#). Four days ahead election day, IACHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua. November 4, 2021.

²² IACHR. [Press Release No. 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021.

²³ IACHR. [Press Release No. 312/21](#). The 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.

²⁴ IACHR. [Press Release No. 346/21](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

flee Nicaragua.²⁵ The IACHR once again included Nicaragua in Chapter IV.B of its 2021 Annual Report, when it referred to the severe deterioration of democratic institutions in Nicaragua in the context of the 2021 general elections.²⁶

13. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They reportedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents are beneficiaries of protective measures granted by the bodies of the inter-American system.²⁷ In February 2022, the IACHR condemned the manipulation of criminal law and criminalization of persons identified as opponents due to the lack of judicial independence and separation of powers. These acts have seriously affected the judicial guarantees for political prisoners in Nicaragua.²⁸ On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that the National Assembly of Nicaragua had decided to cancel the legal capacity of 16 universities and civil society organizations, considering it an act that is framed within the overall practice to limit freedom.²⁹ The Rapporteurship expressed further concern regarding the impact on the right to education, academic freedom and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.
14. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary detentions and harassment at the hands of State agents against human rights defenders, journalists, and attorneys.³⁰ On March 31, 2022, at the 49th session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an independent investigation into the human rights violations that have taken place in the country since April 2018.³¹ On March 23, 2022, the IACHR stated that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the Organization of American States (OAS), confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.³²
15. Recently, in April 2022, four years after the onset of the 2018 social protests, the Inter-American Commission reaffirmed its commitment to the Nicaraguan population for the search for justice, reparation, the reconstruction of its democracy, and a national reconciliation based on the right to

²⁵ IACHR. [Press Release No. 346/21](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

²⁶ IACHR. [2021 Annual Report, Chapter IV.B Nicaragua](#), May 2022, paras. 4 to 21.

²⁷ IACHR. [Press Release No. 023/22](#). IACHR Urges State of Nicaragua to Release All People Held in Arbitrary Detention. January 31, 2022

²⁸ IACHR. [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.

²⁹ IACHR. [Press Release 027/2022](#). IACHR Condemns Manipulation of Criminal Law and Lack of Guarantees in Trials of Political Prisoners in Nicaragua. February 11, 2022

³⁰ OHCHR. Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council. Available (in Spanish) at: <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

³¹ United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April 1, 2022. Available at: <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-concludes-forty-ninth-regular-session-after-adopting-35?sub-site=HRC>.

³² IACHR. [Press Release No. 065/22](#). Comments Made by Nicaraguan Ambassador to the OAS and His Subsequent Dismissal Confirm Serious Human Rights Violations in Nicaragua. March 29, 2022.

memory and truth.³³ Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.³⁴ On May 13, 2022, the IACHR urged the State to guarantee constant direct contact of political prisoners with their families. According to information received by its MESENI, deplorable detention conditions, ill-treatment, isolated detention, and lack of access to timely, adequate, and specialized medical care for persons detained in “El Chipote” persist.³⁵

16. In July 2022, the Rapporteurship for Freedom of Expression (SRFOE) condemned the authorities’ repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who fled or are in forced exile.³⁶ On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to its critical role in denouncing human rights violations.³⁷ On September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are held in deplorable conditions in Nicaragua.³⁸ Recently, on September 28, 2022, the rapporteurs of the ONU and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.³⁹ Furthermore, on November 4, 2022, the IACHR alerted of the lack of conditions to hold free and fair elections in the country, taking into account the resurgence of repression and percussion against political opponents through the implementation of measures aimed at preventing their participation in these elections.⁴⁰

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

i. PM 265-22 (Cynthia Samantha Jirón Padilla Ubieta and her family unit)

17. The proposed beneficiary, who is 22 years old, studies journalism and participated in the 2018 protests by providing first aid to those who had been injured. In August 2018, following her participation in the protests and due to persecution she underwent after being identified as a political opponent, she resorted to going into exile in Costa Rica for two years. During her exile, she was an intern at Fundación Arias para La Paz and co-founder of the “Las Brujas de las Colmenas” and “la Red de Mujeres Pinoleras” (The Hive Witches and the Pinolera Women’s Network). These organizations are dedicated to the struggle for the rights of Nicaraguan women fleeing repression in Nicaragua.

³³ IACHR. [Press Release No. 081/22](#). Four Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses Its Commitment To the Country. April 18, 2022.

³⁴ IACHR. [Press Release No. 081/2022](#). Four Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses Its Commitment To the Country. April 18, 2022.

³⁵ IACHR. [Press Release No. 103/2022](#). IACHR Urges Nicaragua to Guarantee that Political Prisoners Have Regular Contact with Their Families in Conditions of Dignity. May 13, 2022.

³⁶ IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

³⁷ 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.

³⁸ IACHR. [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

³⁹ IACHR. [Press Release R218/22](#). Faced with serious complaints about the closure of civic spaces in Nicaragua, UN and IACHR rapporteurs urge the authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022

⁴⁰ IACHR. [Press Release No. 248/22](#). IACHR Warns of Lack of Conditions for Free and Fair Municipal Elections in Nicaragua. November 4, 2022. [Available only in Spanish and Portuguese]

18. On July 9, 2020, the proposed beneficiary returned from exile due to economic reasons.⁴¹ The applicants indicated that she was harassed and threatened by people related to the governing party, who allegedly leaked photos of the proposed beneficiary to a WhatsApp group, and sarcastically stated: “They are repressing you nicely.”⁴² Upon returning to Nicaragua, the proposed beneficiary joined the youth student sector of the Blue and White National Unity (*Unidad Nacional Azul y Blanco*, UNAB), through the Alliance of Nicaraguan Youth and Students, and then joined the work team of the presidential pre-candidate Félix Maradiaga, who is also currently detained.
19. On November 9, 2021, agents dressed in civilian clothes, who were motorized and armed, intercepted the proposed beneficiary’s car. On that occasion, a police officer stopped her at a checkpoint and two people, whose faces were covered by their helmets, positioned themselves on each side of the vehicle. They opened the rear doors of the vehicle, where the proposed beneficiary was located. A woman dressed in civilian clothes, who was with the motorcyclists, proceeded to order her to get out of the vehicle and requested her cell phone. At that moment, the police violently ripped off her blue and white bracelet and told her: “You’ll see, you annoying, little girl, when you get to the Chipote those balls you have are going to drop”. They also ordered her companions to not film. They threatened them by saying that, if anything was released to the public, they knew where to find them. Subsequently, despite not presenting a warrant, they boarded the proposed beneficiary in a private vehicle, and left. In addition, it was indicated that the proposed beneficiary had been subject to surveillance by these agents in the hours prior to her detention. This had occurred at the hotel where she had been working during the election day.⁴³
20. According to the applicants, there was no information on the whereabouts of the proposed beneficiary for over 20 hours. However, on November 10, 2021, her mother located her at Police Station III, where she was given clothes and breakfast, but was not provided any information on the grounds for her arrest. The applicants added that, every day, she was transferred her to the El Chipote Judicial Aid Directorate where she placed in a very small cell, in which she could only sit or stand, for several hours. She was then transferred to a questioning where they persistently asked her about her ties with Félix Maradiaga and what her plans were to overthrow the Government. They also requested information about the location of her passport and which organizations she had ties with. She was also told that she was being charged with “sedition” because she was “plotting something” against the government.
21. The proposed beneficiary expressed that the police officers mocked her, and psychologically attacked her by saying “Your poor mother, she walks here and there in the sun to feed you, to send you a cloth”. Moreover, in the first days of her detention she was not provided food or drink. She therefore lost consciousness and, when she arrived at the police station, she experienced severe diarrhea. While the proposed beneficiary held was in police cells (District III of Police and El Chipote), she did not have access to her medications despite having constant migraines, gastritis, and anxiety, as well as uncontrolled low blood sugar. She was also unable to access her glasses.
22. On November 11, 2021, a writ of habeas corpus for illegal detention (*Recurso de Exhibición Personal por Detención Ilegal*) was filed with the Court of Appeals, Criminal Chamber One, Managua District, under file 00139-ORM4-2021CN, and was rejected on November 15, 2021. The proposed beneficiary was placed before the judicial authority on November 13, 2021, before the Fifth Criminal District Court of Managua. This was approximately 12 days after her arrest, on charges of conspiracy to commit a violation of national integrity and cybercrime.⁴⁴

⁴¹ Voa Noticias. [Exiles return to Nicaragua pushed by unemployment and the pandemic](#). December 31, 2020. [Available only in Spanish]
⁴² Artículo 66. [Ortega fanatics threaten a young woman from Masaya who has returned from exile](#). September 10, 2020. [Available only in Spanish]

⁴³ Mesoamerican Initiative of Women Human Rights Defenders. [Motorized and armed civilians illegally detain Samantha Padilla and transfer her to the police station](#). November 10, 2020. [Available only in Spanish]

⁴⁴ Artículo 66. [Samantha Jirón will be brought to trial on November 22 for conspiracy against the Nicaraguan regime](#). November 19, 2021. [Available only in Spanish]

23. On December 1, 2021, after 21 days of detention, the proposed beneficiary was transferred to the “La Esperanza” Penitentiary Center and was visited for the first time by her relatives on December 20, 2021. Upon arriving at the prison, the proposed beneficiary was transferred to a maximum security cell. However, on January 10, 2022, she was transferred with two other political prisoners who were also isolated from the rest of the prisoners, allegedly “for their safety”. The proposed beneficiary is in a cell with precarious conditions. The heat is greater in this cell, unlike the cells of the common areas that have adequate ceiling. Furthermore, she is permanent surveillanced by guards 24 hours a day and is reportedly “strictly forbidden” to interact with the other inmates.
24. According to the proposed beneficiary, the custodians often verbally abuse her, and the treatment of people called “political prisoners” is differentiated. Common inmates allegedly have access to sunlight for longer and have the right to swim when they provide inflatable swimming pools. In this line, the proposed beneficiary is practically deprived of sunlight, she only has 15 minutes of “sun patio” twice a week, and is prohibited from partaking in certain activities that other inmates have access to. Within the cell, she has not been allowed access to radio, television, books, newspapers, or any other means of information. The proposed beneficiary also reported that she is not allowed to buy food or other necessities from the prison store.
25. On January 14, 2022, the proposed beneficiary indicated that she was having issues with her dental braces, as she was in the process of removing them. She indicated that, despite being taken to a medical check-up once a week, she was informed that they couldn’t do anything in that sense. Therefore, a letter was sent to the Seventh Criminal Trial District Court of Managua requesting a dentistry medical-legal evaluation, however, no response was received. She also alleges that she reportedly has constipation problems associated with prison conditions. On February 21, 2022, it was reported that her mother had provided her some elastics to make a change in her braces, and that this was going to slightly help with the pain she was experiencing. However, she has not been seen by a dentist and continues to experience pain.
26. On February 16, 2022, the proposed beneficiary was transferred to the trial hearing at 6:00 a.m. without being provided breakfast or water. She was surrounded by 12 custodians and had her hands handcuffed in front of her. Upon arriving at the Judicial Complex, she was informed that her hearing had been suspended, she was therefore transferred to a cell from 9:00 a.m. to 1:00 p.m. Subsequently, they served her food. However, they did not remove the handcuffs, and was the only person deprived of liberty who did not have them removed.
27. On March 7, 2022, the proposed beneficiary was sentenced to eight years in prison, four years for the crime of conspiracy and four years for the crime of spreading false news, in addition to a fine of 30,000 córdobas [821 USD]. Her relatives have filed an appeal against the judgment. However, the Supreme Court of Justice rejected the appeal and upheld the conviction.
28. On March 15, 2022, the proposed beneficiary received a visit from her relatives, and she told them that her blood pressure was unhealthy. They had reportedly been taking her to the clinic daily to monitor her blood pressure and have been supplying her with “cardioaspirin”. She noted that the prison psychologist told her that she was suffering from prison stress. For her part, the proposed beneficiary indicated that she had diarrhea due to the poor prison hygiene and lack of access to drinking water. She also experienced tachycardia and even “shaky hands”. In addition, it was reported that the proposed beneficiary lost 10 pounds [4,5 kg]. The proposed beneficiary had complained to the custodians about the prison restrictions due to being considered a “political prisoner”, which was why she had received threats. The applicants state that some “common” inmates allegedly insulted the proposed beneficiary and shouted at her in front of the custodians. In addition, she is reportedly treated in a stigmatizing way, as they have placed a fence and a reflector in the back of her cell, so that no common inmates approach her to give her any information about news. In addition, it was indicated that every day, those deemed “political prisoners” are awakened at 5: 00 a.m. to be searched.

29. During their relatives' visits, photos and videos are taken of them and they have guards watching, in addition to phone calls being recorded. The proposed beneficiary therefore "cannot say everything she would like to". The proposed beneficiary must provide an exact and detailed request each object that she requires from her mother during the visits. It was alleged that control over objects that may enter the prison is arbitrary and lack relevant explanation. Along these lines, relatives must sign a document stating that the authorities have respected their rights and they are prohibited from making statements contrary to the institution, which could have consequences on the visiting regime. Their family members are thoroughly searched and photographed, including children and/or adolescent family members, and are also threatened by prison officials during visits.
30. During the visit made on April 25, 2022, Ms. Cynthia Jiron expressed deep sorrow regarding the situation she is currently facing. She indicated that her blood pressure issues had worsened, which causes her severe headaches (migraines) that are not alleviated with pills. On one occasion, the pain was so severe that she even had to be injected in the penitentiary. On June 25, 2022, she was transferred to a cell-wing with 65 other common inmates. The proposed beneficiary allegedly continues subjected to siege and harassment, this time by other inmates. Although she is no longer under 24-hour surveillance, she is now reportedly surveilled by a group of inmates in the cell. The applicants mentioned that a considerable number of these inmates are in favor of the current regime in the country and, given that they are able to enter can lids into the cell, the danger has escalated.
31. On August 11 and 26, 2022, the proposed beneficiary's mother took a series of medications to prison. However, the medical care that the proposed beneficiary receives is insufficient and hinders the effectiveness of the medicines, which are also rationed. In the penitentiary, they only monitor her blood pressure. During the last visits, the proposed beneficiary told her mother that she experiences difficulty breathing, dizziness, and extreme fatigue, in addition to having gastritis, insomnia, and migraines. The proposed beneficiary also had to personally remove the wires of the braces on her own, using a clamp that her mother had bought for her. This situation had been causing her such a degree of unbearable pain that she had stopped eating. Currently, the proposed beneficiary only has brackets without wires. Her mother brings her wax given the difficulties she still experiences when eating. Although she has informed the clinic, the doctor has replied that "you don't have anything".
32. Recently, the proposed beneficiary was transferred to the galleon where around 25 common inmates are being held. She is allegedly in deplorable hygienic conditions in cells with pests such as cockroaches. It was added that their new cellmates have acted with the same pattern of harassment, threats, and provocations as the guards, and are even encouraged by the guards. It was alleged that the aforementioned conduct seeks to get her to react, and thus send her to the punishment cell as a method of physical and psychological torture. It was highlighted that the proposed beneficiary's mother has wanted to make a public complaint, but has not done so for fear of greater reprisals against her daughter.
33. The applicants argued that, since her arrest, the requests for medical attention in favor of the proposed beneficiary have remained unanswered. The competent authorities have been requested to monitor her oral health, which has been denied. In addition, the proposed beneficiary is prone to developing diabetes genetically, and the confinement, stress, and threats she experienced is reportedly causing changes in her glucose. In the same way, she has repeatedly manifested feeling very ill. She experienced decompensation and fainting, migraine, allergies, hair loss, insomnia, stomach problems, diarrhea, and kidney problems, which have never been treated.
34. On September 5, 2022, the proposed beneficiary was taken to the prison clinic, where they set up a very small room to treat people those deemed "political prisoners". On that occasion, the doctor verbally mistreated her. In the absence of medical attention, the proposed beneficiary asked her mother for medication to treat her pain. During the first week of November 2022, the proposed beneficiary's family members witnessed the threats of aggression and harassment that she receives from prisoners. They threatened her with gagging, tying her hands and feet, beating her, in addition to

referring to her as “son of a bitch, damned *tranquera*, coup leader, parasite of society”, among others. During the visit at the beginning of November 2022, her mother noticed the proposed beneficiary more silent and depressed, in addition to presenting deteriorated health.

ii. PM 859-22 (Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, Javier Alberto Álvarez Zamora, and their family unit)

35. The applicants indicate as proposed beneficiaries Javier Alberto Álvarez Zamora; his wife, Jeannine Horvilleur Cuadra; and his daughter, Ana Carolina Álvarez Horvilleur (both French and Nicaraguan citizens) as well as their relatives. Mr. Javier Álvarez is an elderly person, 68 years old, who joined the Sandinista movement in 1975, and served as political secretary of the municipality of Río San Juan from 1982 to 1985. After two decades, upon seeing that the FSLN party was on a “bad path,” he decided to withdraw from any political activity. Beginning in 2018, with the social protests in Nicaragua, the proposed beneficiary openly declared himself an opponent with “humanitarian activism.”
36. Since a few months prior, Mr. Alvarez Zamora and his wife, Ms. Jeannine Horvilleur, 63 years old, began noticing anomalous movements outside their home, located in the city of Managua, as motorcycles, vehicles, and unknown people were unusually stationed. Due to this, Mr. Álvarez Zamora left his house on September 12, 2022 thinking that he would be displaced only a few days while “the situation was clarified”.
37. However, on September 13, 2022, at approximately 9:30 p.m., police officers began raiding the house that belonged to their daughter, Ana Carolina Álvarez, who at that time was with her mother, Ms. Jeannine Horvilleur. According to the request, the aim of the search was to find the proposed beneficiary. However, upon not finding him, they went to his house. At approximately 11:00 p.m. they arrested his wife and daughter, and transferred them to the Evaristo Vásquez Police Complex of the Directorate of Judicial Assistance. On September 14, 2022, family members went to the Directorate of Judicial Assistance, known as “El Nuevo Chipote”, but state agents denied that the proposed beneficiaries were located there. On the same day, Ms. Ana Carolina Álvarez contacted a relative to inquire about her father, Mr. Javier Álvarez, and upon being informed that he was in exile, the communication was cut off.
38. Not having heard from the proposed beneficiaries, on September 15, 2022, relatives once again inquired after them. A Chipote agent confirmed that they were detained within the police complex, but did not provide any other information or the grounds for the arrest. On the same day, the applicant organization publicly denounced the detention of the proposed beneficiaries Jeannine Horvilleur Cuadra and Ana Carolina Álvarez Horvilleur. It was alleged that the detention was allegedly arbitrary and illegal, taking into account that the proposed beneficiaries were not placed under the order of the judicial authority within the established period of 48 hours, their detention took place in non-business hours, the searches were carried out without a judicial order, and they were not allowed to communicate with their relatives, nor did they provide information about their health or detention conditions.
39. Parallel to these raids, proposed beneficiary Javier Álvarez left the country and turned off his phone. On September 13, 2022, he received a message from his wife in which he wrote, “They’ve detained me and your daughter”. One day after his arrest, his relatives sent him a message which said, “Calm down, we’ve already left, we’re fine”. However, he failed to contact his wife and daughter, and therefore noticed that they had not been released. In this line, it was argued that the proposed beneficiaries’ cellphones had been manipulated by police officers to send a fake message to the proposed beneficiary in order to make him believe that the proposed beneficiaries had been released.
40. On September 17, 2022, Mr. Javier Álvarez publicly denounced that police officers expressed that, in order to release his relatives, he had to surrender. In addition to the above, he reported being concerned and alarmed, since his relatives had been detained for over 80 hours and there was no

information on their health. In addition, the proposed beneficiary added: “I am not going back to Nicaragua because my life is in danger in the country. [...] I am the one who has acted as an opponent. I’m not a criminal. Being an opponent is a right for any citizen [...]”.

41. It wasn’t until September 19, 2022 that the authorities made it public that the proposed beneficiaries were in police custody. The applicants alleged that, from September 13 to September 19, 2022, the proposed beneficiaries were held in isolation and suffered a temporary forced disappearance for 16 days. In that period, they had created fake profiles on social networks with a list of contacts that do not belong to the proposed beneficiaries. However, the Attorney General’s Office indicated that they had their mobile devices seized on September 29, 2022, a date contrary to their arrest. Thus, it was alleged that they are reportedly facing an assembly of false evidence to blame the proposed beneficiaries in the judicial process against them.
42. Relatives said they were concerned about the health of Ms. Jeannine Horvilleur, who is a breast cancer survivor and must be under constant evaluation. Given the prison conditions, she has required antidepressant and analgesic medications for stress and distress and to maintain a balanced mood that allows her not to relapse into a cancer metastasis, such as: Paxil 20mg, Natrilix, Lamictal 100mg, Alprazolam 0.5mg, and Atorvastatin 20mg. Initially, police officers prevented the entry of these drugs, arguing that only the prison doctor can prescribe them. It was indicated that, although the entry of the drugs was already permitted, it is not confirmed that they are actually being delivered to the proposed beneficiary. It was also argued that she has not had the necessary check-ups for her health issue and that the detention conditions could strongly affect her health.
43. In the same vein, due to her detention, Ms. Jeannine Horvilleur was unable to attend her medical appointment with the specialist of the Managua Military Hospital scheduled for September 30, 2022. Ms. Jeannine Horvilleur’s relatives have asked the hospital and the doctor who cares for her to provide the medical examinations to fully understand her current health. This was allegedly denied with the argument that they can only be released if requested by the Judiciary. Judicial authorities have been requested the medical examinations of the proposed beneficiary. However, the authorities have not issued this request or referred her to the Institute of Forensic Medicine (*Instituto de Medicina Legal, IML*) to understand her current health given her medical history.
44. Regarding Ms. Ana Carolina Álvarez, it was indicated that she has previous problems related to an urinary infection, respiratory tract infections, gastrointestinal problems, constipation, and weak immune system. The situation regarding her mother and husband, who is also deprived of liberty, as well as her father’s circumstances, given that he is in exile, have caused her anxiety and distress. She therefore requested benzodiazepine to remain calm, in addition to medicines for her gastrointestinal problems: Visanne, Contumax, Rivotril, Tafil, Melatonin, Enantyum, Ibuprofen, Enzypride, Carbonal, Diclofenac gel, and Diphenhydramine.
45. On September 19, 2022, the proposed beneficiaries’ relatives filed a writ of habeas corpus for illegal detention (*Recurso de Exhibición Personal por Detención Ilegal*), against the head of the Directorate of Judicial Assistance. The appeal was registered with Criminal Division Two of the Court of Appeals of Managua, under file number 000658-ORM4-2022-CN. Although by its nature this type of appeal should be processed with due diligence and expeditiously, in the current case it was required to present a further procedures on September 23, 2022 and request file certification on September 28, 2022. Subsequently, access was obtained to a certification issued by the Court, in which it resolved the appeal, declaring it inadmissible and claiming it “to be notoriously inappropriate”, without stating adequate grounds on the decision. A complaint was lodged with the Supreme Court of Justice against this decision, which has not been resolved to date.
46. On October 1, 2022, a preliminary hearing was held against the proposed beneficiaries before the Sixth Court of the Criminal District of Hearings of Managua, for the alleged crimes of spreading false news, multiple offense conspiracy to commit a violation of national integrity. Their relatives were not

notified of this hearing, and she was therefore given a public defense lawyer. According to the applicants, the preliminary hearing continued with the same pattern of violations of the guarantees of due process, by arbitrarily applying the legal classification of “complex procedure” [*tramitación compleja*, as defined in Article 135 of the Code of Criminal Procedure of the Republic of Nicaragua], thereby subjecting the persons called “political prisoners” to greater delay of justice. In addition, an official letter was sent to the Police Station so that the proposed beneficiary Ana Carolina Álvarez could be referred to the Carlos Roberto Huembes Hospital to carry out the necessary medical examinations and determine her health status. However, it is not known whether this order was carried out and the family members show concern regarding her health status and the possible reasons for the aforementioned transfer. Lastly, the judicial authority issued an arrest warrant against Mr. Javier Álvarez.

47. On October 3, 2022, the Judiciary issued a press release in which it reported that “the Public Prosecutor’s Office accused both crimes (“Conspiracy and Propagation of False News”) to [...] Ana Carolina Álvarez Horvilleur, Jeannine Horvilleur Cuadra, [...] and Javier Alberto Álvarez Zamora; for the latter the court issued an arrest warrant.”⁴⁵ On the same day, the proposed beneficiaries’ family members submitted a brief appointing the defense attorney of her choice. On October 9, 2022, the proposed beneficiary Javier Álvarez publicly denounced that the proposed beneficiaries had not been able to receive visits from their relatives, almost a month after their arrest. The applicants states that, despite the fact that Mr. Javier Álvarez has intentions to return to the country and surrender, it would not be due to believing himself guilty of any crime, but rather as a desperate action to have his relatives released. However, he is aware that they would probably not be released and there would be no one left to report the issue, therefore this situation has become a constant struggle.
48. On October 11, 2022, the defense attorney issued a request to access to a copy of the judicial file, request for admission of family members to the initial hearing, to allow private interviews between the proposed beneficiaries and the attorney, to schedule family visits as appropriate, and to appoint a substitute defense. Of these requests, the Judiciary decided only on the appointment of the substitute defense, leaving the other requests related to family visits and medical care unresolved. The defense counsel had to take on the defense without access to the criminal prosecution, nor had they been allowed access to a copy of the initial hearing record. The Judiciary and the Public Service Office have denied the defense access to the file.
49. On October 18, 2022, the proposed beneficiaries’ initial hearing was held, in which their relatives were not allowed entry. During this hearing, medical evaluation by the Institute of Forensic Medicine (IML) in favor of both proposed beneficiaries was requested, both on a physical and psychological level. In an urgent letter dated November 18, 2022, the same requests were made. The judge of the initial hearing served official notice for medical care in favor of Ms. Jeannine Horvilleur at the Roberto Huembes National Police Hospital. However, the relatives reported that this request has not been met, nor can it be found in the court file due to courts’ restriction of access in regard to the procedural representation.
50. The proposed beneficiaries did not have the right to visit relatives or their attorneys for 68 days, until November 20, 2022. During their relatives’ visit towards the end of November 2022, Ms. Ana Carolina Álvarez was nervous. She consumes many anxiolytics for her anxiety, and her hands were trembling as she spoke. She told them that she was concerned about the health of her husband, Mr. Roiz Sotomayor,⁴⁶ who was arrested on the same day as her. Ms. Jeannine Horvilleur is more lively, but concerned about her health as she does not know the results for her cancer control. In this sense, both the proposed beneficiaries reported that they were constantly interrogated the first days of their

⁴⁵ Nicaragua. Judicial Branch. Central Directorate of Communication. Press Release 13 people accused of undermining national integrity and spreading false news through social networks. October 3, 2022. [Available only in Spanish]

⁴⁶ Artículo 66. Denounced violation of due process in the trial against Feliz Roiz, his wife, and mother-in-law. November 18, 2022. [Available only in Spanish]

arrest in order to obtain information on Mr. **Javier** Álvarez. In addition, they were placed in a very small room, about 1x1 meter, and were later transferred to the new women's ward, where they share a cell. During the visit, the family members were photographed and filmed, and were unable to talk with the proposed beneficiaries in private.

51. The applicants claimed that the proposed beneficiaries are imprisoned in conditions that put their health and physical integrity at risk. The proposed beneficiaries sleep in concrete beds that cause them back pain. They have not been given bedding such as sheets, warm clothes and/or blankets to shield themselves from the cold and insects, they have only been allowed towels and only allowed to go out into the sun once a week. Relatives have only been able to bring them water, a few toiletries, some medicine, and food. In addition, given that both beneficiaries are also French citizens, the French government requested a consular visit on three occasions, through its Foreign Ministry in Managua, to gather information on the health of both the proposed beneficiaries, but the requests were rejected by the Nicaraguan government.
52. Regarding the proposed beneficiary Javier Álvarez, it was indicated that he has health issues and will undergo prostate surgery in December 2022, in addition to having psychosocial impacts due to the situation he is currently facing. He was formally charged with alleged crimes of undermining national integrity in a concurrent offence to spread false news to the detriment of Nicaraguan society, and there has been an arrest warrant against him since October 2022. This situation, along with the deprivation of liberty of his wife, daughter, and son-in-law, has affected his mental and physical state. Mr. Javier Álvarez has suffered sudden weight loss and has depression, as he feels responsible for the imprisonment of his family. The proposed beneficiary has resorted to psychotherapist intervention and pharmacotherapy while in exile after his forced displacement due to political persecution.

iii. PM 866-22 (Harry Bayardo Chávez Cerda)

53. The proposed beneficiary, 64 years old, was coordinator of the Electoral Program for the Institute for Development and Democracy (*Instituto para el Desarrollo y la Democracia*, IPADE) until 2017. IPADE is a non-profit organization that aimed to promote sustainable development and democracy in Nicaragua. The proposed beneficiary was in IPADE for over 15 years, and was in charge of evaluating, observing and issuing reports on the electoral processes. In 2017, he filed for his retirement and left his position within that organization. During the 2021 electoral process, people from Nicaragua's political opposition requested information about the electoral context. He, as an expert on these issues, provided them with information and offered private consulting to opposition and activists. The legal personality of the IPADE was canceled in December 2018, along with eight other organizations, including the Nicaraguan Center for Human Rights (CENIDH), the applicant organization. This was described as a political attack on civil society organizations.
54. On November 6, 2021, a day before the general elections in Nicaragua, the proposed beneficiary was arrested at 7:20 p.m. The arrest was allegedly arbitrarily and he was not presented an arrest warrant or information on the grounds for his arrest. On that occasion, two men dressed in civilian clothes knocked on the door of his house located in the city of Managua. According to the request, the individuals claimed to be police officers and told him that he had to come with them to the Directorate of Judicial Assistance, known as "El Nuevo Chipote", to ask him a few questions. The next day, his relatives looked for him in "El Nuevo Chipote", but the officers denied that he was there. His relatives therefore searched for him in different police stations, until they reached Managua Police District I, where police officers finally indicated that Mr. Harry Chavez was present.
55. The proposed beneficiary was detained for 25 days in District I of the National Police in Managua, and was completely unable to contact his relatives or his defense attorney. The applicants indicated that they only allowed their relatives to provide food, however, he did not receive the complete package, without any justification for his, and his relatives were treated in a rude manner. He was also not allowed to receive clothing or medication. In addition, the proposed beneficiary slept on the concrete,

was in solitary confinement, and was held within a small cell. It was indicated that the police officers did not provide any information on his physical and mental state, despite the fact that relatives of other detained persons received relevant information on the inmates' wellbeing.

56. On December 1, 2021, Mr. Harry Chavez was transferred to the Jorge Navarro National Penitentiary System, known as "La Modelo". At that time, family visits had been authorized every 15 days. During visits, family members were constantly photographed and were obligated to sign documents stating that the detainee was in excellent condition in order to avoid reprisals. As for the delivery of parcels, the officers carry out a thorough review that takes up to eight hours, unlike the parcels belonging to common prisoners, with whom they are reportedly less rigorous. The request indicates that his family members last visited him on November 9 and 23, 2022. On this occasion, they were photographed by officials of the penitentiary system. However, one of his children was allegedly unable to see him as he does not have his surname, despite repeated requests for visits by different routes. In addition, he has not been allowed to see his defense counsel.
57. The applicants stated that the proposed beneficiary is in the lower Gallery 16-5 B of the prison, in a 4x4 meter cell, where up to 20 common prisoners are held. There have reportedly been repeated episodes of violence inside the cell. In addition, it was alleged that the conditions of the cell are inhuman, it is overcrowded, and there is a lot of humidity. In that sense, there is a hole in the ground, surrounded by bags as a cover, to carry out bodily functions. In December 2021, the proposed beneficiary slept next to this hole, on the wet floor, and on several occasions had to get up at around 4:00 a.m. since his mat was filled with feces and urine. In January 2022, the proposed beneficiary handed over his parcel to a common inmate so that he would agree to switch places with him within the same cell, also on the floor, but no longer on the edge of the latrine. From March 14, 2022, his relatives were able to enter fabric, with which he improvised a kind of sleeping hammock. It was also reported that he has no room to walk around within in the cell, and he can never leave the cell, except when he has a visitor. Inside the cells, there are plagues of rats and cockroaches. Furthermore, he does not have the right to any type of recreational activity nor is he allowed to go out into the sun. He is also denied pillows or bedspreads to shield himself from the cold.
58. Regarding his health, the proposed beneficiary has presented a boil (furuncle) on his back since January 2022. His relatives mentioned that he reportedly showed a complete deterioration in his health as he has not received medical attention since his arrest. As a result, the boil has expanded to include the upper left area of the back. It is allegedly red, swollen, painful, and has a severe skin infection. As time has passed, this protrusion has become more filled with pus and increasingly painful. In this regard, appropriate medical care has been requested from the prison authorities. However, the authorities had negligently allowed the problem to continue, and the proposed beneficiary has not yet received any medical attention. This is even more serious given the unsanitary conditions in which he is held. This prevents the boil from being kept clean and increases the risk of the infection exacerbating. The relatives also mentioned that, during check-ups with private doctors, they were told that this problem requires surgery and proper cleaning. Otherwise there is an alleged risk of further complications.
59. His relatives also mentioned that the proposed beneficiary has lost excessive weight, they described him as looking emaciated appearance. In addition, his dentures are false and require maintenance with the dentist, taking into account that they are deteriorated. In recent months, he has experienced severe pain in his dental cavities, which is serious considering that the proposed beneficiary is an older adult. Similarly, the proposed beneficiary has contracted skin fungus due to overcrowded detention conditions. Since being placed in "La Modelo", he has fungi on his elbows, knees, forearm, armpits, and feet. This presents itching and burning, as well as edema in his elbows and ankles. On the other hand, it was indicated that he reportedly experiences extreme dizziness, ringing in his ears, and hearing loss. The relatives state that his mood abnormal, since at times he seems depressed, has sleep apnea, and presents disorientation and lightheadedness. To date, he has not received medical attention. On his

relatives last visit on November 23, 2022, it was noted that the proposed beneficiary is very hard of hearing and his physical appearance has further deteriorated.

60. Upon the proposed beneficiary's arrest, his relatives filed a writ of habeas corpus for illegal and arbitrary detention (*Recurso de Exhibición Personal por detención ilegal y arbitraria*). According to the execution report of the presiding judge, when the police authority was notified on November 16, 2021, he was denied any type of information on the grounds for the arrest or the crimes that were attributed to the proposed beneficiary. Therefore, having spent over 48 hours in detention without being placed under the order of a judicial authority, the judge ordered the proposed beneficiary's release. However, police authorities never complied with this judicial decision. In addition, another writ of habeas corpus was filed, which was ineffective in protecting the rights of the proposed beneficiary.
61. On November 20, 2021, 14 days after the arrest, the Public Prosecutor's Office filed a prosecutorial charge against the proposed beneficiary for the crimes of conspiracy and statutory criminal offense to commit damage to the national integrity of the State, in concurrence with the crime of spreading false news through information and communication technologies. The Prosecutor's Office used two publications on his Facebook profile as evidence. These are dated November 4, 2021 and are the following: (i) a link to a digital news media called "*La voz de América*" that referred to the "RENACER law in Nicaragua", in addition to alluding that the objective of the law would be to exert pressure on the administration of the State of Nicaragua; and (ii) an image of Daniel Ortega and Rosario Murillo with the text "Nicaragua is going to be reborn" [wordplay on the acronym of the law RENACER, which creates a word meaning 'to be reborn']. The applicants point out that these actions do not constitute offences.
62. At the proposed beneficiary's preliminary hearing, he was not allowed access to his trusted defense lawyer or see his relatives, and was therefore forced to accept being assigned a public defense lawyer. Subsequently, his relatives were able to present a brief requesting the change of defense in favor of his lawyer. The proposed beneficiary's legal defense has repeatedly requested a copy of the judicial file, eight times in writing and several times verbally, but have not received a positive response in the trial court, in the Court of Appeals, or in the Supreme Court of Justice. After the initial hearing and before the oral and public trial, the defense only obtained access to the prosecution against the proposed beneficiary, but only so that the defense could see it. The official only allowed them to copy what it considered relevant by hand, as he denied them full copy of the file to date.
63. On March 16, 2022, Harry Chávez was sentenced for conspiracy to undermine the national integrity in crime concurrence with the spread of false news through information and communication technologies to the detriment of the State of Nicaragua and Nicaraguan society. The imposed sentence was of 10 years in prison, in addition to 800 days' fine (C\$52,767.44, equivalent to over \$1,400 USD). The applicants alleged that the judgment was rendered without proving the existence of the constituent elements of the crimes, and without even proving the facts. On March 28, 2022, the defense filed an Appeal of the judgment rendered by the trial court. On June 9, 2022, Criminal Chamber Two of the Court of Appeals of Managua dismissed the appeal. On June 24, 2022, the defense filed an appeal for cassation. On July 21, 2022, the Court of Appeals admitted the appeal for cassation, transferred it to the Public Prosecutor's Office, and referred the case to the Criminal Chamber of the Supreme Court of Justice. As of yet, the Supreme Court of Justice has not issued a decision on the appeal.
64. About the proposed beneficiary's health, the defense has lodged an appeal in this regard at all stages of the criminal proceedings. Despite the fact that the medical evaluation by the Institute of Forensic Medicine on February 25, 2022 was carried out, to date, the medical care required in accordance with the medical opinion has not been complied with. This medical opinion confirms the need for oral healthcare due to the loose denture that causes pain when eating, as well as the need for a surgeon for back-lipoma tumor that has been growing rapidly due to the lack of medical attention.

B. Information provided by the State

i. PM 265-22 (Cynthia Samantha Jirón Padilla Ubieta and her family unit)

65. The IACHR requested information from the State on June 24, 2022. However, the State has not submitted any information to date.

ii. PM 859-22 (Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, Javier Alberto Álvarez Zamora, and their family unit)

66. The IACHR requested information from the State on November 16, 2022. However, the State has not submitted any information to date.

iii. PM 866-22 (Harry Bayardo Chávez Cerda)

67. The IACHR requested information from the State on November 16, 2022. However, the State has not submitted any information to date.

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

68. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

69. 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.⁴⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴⁸ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁴⁹ Regarding their precautionary nature, these measures have the

⁴⁷ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16. [Available only in Spanish]

⁴⁸ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, recital 5. [Available only in Spanish]; IACHR, Case 6, Migrant Children and Adolescents regarding Trinidad and Tobago (PM-1100-20), Resolution No. 93/2020 of December 9, 2021; IACHR, Case Community of Cuninico and another regarding Peru (PM-120-16), Resolution No. 52/2017 of December 2, 2017; IACHR, Matter of the Native Community "Tres Islas" of Madre de Dios regarding Peru. Resolution No. 38/2017 of September 8, 2017.

⁴⁹ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [Available only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [Available only in Spanish].

purpose of preserving legal situations while under the consideration of the IACHR.⁵⁰ They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁵¹ 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
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

70. 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.⁵² Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal 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.⁵³ This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.⁵⁴

71. In terms of Article 25.6 of the Rules of Procedure, the Commission observes that the proposed beneficiaries’ alleged situations are framed in the context that Nicaragua⁵⁵ is experiencing, which is

⁵⁰ IACHR, Erica Sheppard Case Regarding the United States (PM-551-21), Resolution No. 57/2021 of July 29, 2021; IACHR, Case Julius Jones regarding the United States (PM-1041-21), Resolution No. 90/2021 of November 17, 2021; IACHR, Case Christa Pike regarding the United States (PM-1080-20), Resolution No. 95/2020 of December 11, 2020.

⁵¹ See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. Matter of “El Nacional” and “Así es la Noticia” newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [Available only in Spanish]; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

⁵² See in this regard: 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 the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [Available only in Spanish]; I/A Court H.R. Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

⁵³ IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

⁵⁴ 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 the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

⁵⁵ See in this regard: 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; IACHR. Press Release No. 80/20. Two Years into Nicaragua’s Human Rights Crisis, the

particularly hostile towards people considered, perceived, or identified as government opponents.⁵⁶ This context has intensified over time in the context of the presidential elections of November 2021. In this way, the Commission considers that situation that the proposed beneficiaries face are not isolated events. It is rather inserted in the current context of Nicaragua, characterized by the practice of arrests and criminalization of human rights defenders and opponents.⁵⁷

72. In addition, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, health, and personal integrity, in addition to other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.⁵⁸ This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment. In these circumstances, prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.⁵⁹
73. More specifically, and in light of the facts described by the applicants, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.⁶⁰ The Commission emphasizes that, on October 4, 2022, the Inter-American Court issued a resolution of provisional measures regarding Nicaragua, in which it found that the beneficiaries, who are identified as “political prisoners” by sectors of Nicaraguan society and are deprived of liberty in different detention centers, are reportedly in unsanitary and overcrowded conditions, health care is allegedly very precarious or non-existent and they face reported serious health effects, are subject to constant isolation or periods of isolation, and are allegedly receiving constant threats.⁶¹
74. In addition to the above, the IACHR and its SRESCER recently expressed their concern on the health and detention conditions of those considered “political prisoners” in Nicaragua, demanding their immediate release.⁴⁹ In this regard, they demanded that Nicaragua take appropriate measures to guarantee the health, adequate and sufficient food, life, and integrity of all detained persons. Specifically, MESENI and SRESCER have received persistent information on the lack of access to

IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020; IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

⁵⁶ See in this regard: IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 54-77; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

⁵⁷ See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Solis regarding Nicaragua. April 22, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua. December 24, 2019.

⁵⁸ See in this regard: I/A Court H.R. *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits, and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

⁵⁹ IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

⁶⁰ I/A Court H.R. *Matter of seventeen persons deprived of liberty regarding Nicaragua*. Provisional Measures. Adoption of Urgent Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [Available only in Spanish]. Considerandum 23.

⁶¹ I/A Court H.R. *Case 45 persons deprived of their liberty in eight detention centres in respect of Nicaragua*. Provisional Measures. Order of the Inter-American Court of Human Rights of October 14, 2021 [Available only in Spanish].

health, exacerbated health conditions, insufficient and poor-quality food, and the application of isolation or punishment regimes in an arbitrary manner in the different facilities of the National Prison System.⁶²

75. Considering the aforementioned context that Nicaragua is currently experiencing and the situation of deprivation of liberty of the proposed beneficiaries, the Commission will proceed to analyze the regulatory requirements regarding the situation of Cynthia Samantha Jirón Padilla Ubieta and her family unit; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur and Javier Alberto Álvarez Zamora and their respective family unit; and Harry Bayardo Chávez Cerda.
76. When analyzing the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the Commission notes that the proposed beneficiaries were detained in November 2021 and September 2022. The risk they face is allegedly related to their participation in the Nicaraguan political opposition or their connection with people identified as political opponents. Ms. Cynthia Jirón has participated in civic protests and political movements since 2018 (see *supra* paras. 17 and 18), and Mr. Harry Chávez has been perceived as a political opponent as a result of his work and social activities (see *supra* para. 53). For their part, Ms. Jeannine Horvilleur and Ms. Ana Carolina Álvarez Horvilleur are the respective wife and daughter of Mr. Javier Álvarez, who has acted in opposition to the current Nicaraguan government and is currently abroad (see *supra* paras. 35 and 36).
77. The Commission notes that the proposed beneficiaries are being held in La Esperanza Prison (Cynthia Jirón), Jorge Navarro Prison (Harry Chávez), and the Judicial Aid Directorate (Jeannine Horvilleur and Ana Carolina Álvarez). Ms. Cynthia Jirón and Mr. Harry Chávez have been detained since November 2021, over a year ago, are held in deplorable detention conditions and lack access to medical care, despite repeated complaints to the competent authorities. Jeannine Horvilleur and Ana Carolina Álvarez have been detained since September 2022, were not allowed to contact their relatives and lawyers for over two months, and have not received medical attention to date, despite their previous ailments and requests submitted to the competent authorities.
78. Regarding the proposed beneficiary *Cynthia Jirón*, the Commission identifies that the available information indicates that she is in alleged deplorable detention conditions since her arrest on November 9, 2022, which was carried out violently and without communicating it to her relatives (see *supra* paras. 19 and 20). Ms. Cynthia Jirón is held in La Esperanza prison, she has been in solitary confinement for months, and she is currently in a cell with poor sanitary conditions. The proposed beneficiary is watched 24 hours a day by custodians or other inmates with whom she shares a cell, who constantly threaten and mistreat her. Similarly, since she is identified or perceived as being opposed to and critical of the current Government, she does not have access to activities or the sun patio like other prisoners, is not allowed to buy products in the prison shop, and is prohibited from interacting with anyone (see *supra* paras. 23 and 24). In addition, family members are besieged and monitored during visits, as well as forced to sign documents and not to report ill-treatment due to possible increased reprisals (see *supra* para. 29).
79. Moreover, Ms. Cynthia Jiron's health has worsened. She has had serious difficulties with her braces, which has caused her severe pain when attempting to eat, and has not received oral healthcare, despite her repeated requests. The applicants indicated that the proposed beneficiary had to remove

⁶² IACHR. [Press Release No. 197/22](#). IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua . September 5, 2022.

her braces herself, with a clamp that her mother had bought for her, which has caused her a high degree of pain that had prevented her from eating. Similarly, she has experienced constipation, insomnia, tachycardia, migraines, high blood pressure, and diarrhea on several occasions, in addition to being depressed (see *supra* para. 21, 25, 30, and 33). However, the proposed beneficiary has only had access to blood pressure monitoring in the prison clinic and to the medicines sent by her mother. Her requests for medical attention are not being met (see *supra* paras. 31 and 33). During her relatives' last visit in November 2022, it was verified that her health is reportedly worsening and that she has not yet received adequate medical care.

80. Regarding the proposed beneficiaries *Jeannine Horvilleur* and *Ana Carolina Álvarez Horvilleur*, the Commission expresses its concern with the conditions of lack of communication that they both faced since their detention on September 13, 2022, until November 20, 2022, for over two months. In this regard, their relatives have not been able to contact them or visit them at the Directorate of Judicial Assistance during this period, where they are being held (see *supra* paras. 37 and 41). In this regard, according to the information available, her relatives only visit took place towards the end of November 2022. This visit was reportedly monitored by prison authorities, and there is no information on their health or permission for attorney visits (see *supra* para. 50).
81. The Commission verifies that Ms. Jeannine Horvilleur is an older adult who has had breast cancer, which is why she requires constant medical evaluation. She is reportedly not receiving the necessary check-ups for her health issues, and there is no confirmation that medications she requires are being delivered (see *supra* paras. 40 and 41). The Commission also verifies that Ms. Ana Carolina Álvarez has a urinary and respiratory tract infection, as well as gastrointestinal problems. During the preliminary hearing of both proposed beneficiaries, Ana Carolina Álvarez was officially transferred to Carlos Roberto Huembes Hospital. Her relatives were not aware of possible health issues or the reasons for this transfer, which was not even effectively carried out (see *supra* paras. 42 and 44). To date, there is no information that the proposed beneficiaries have received medical attention and no response has been obtained to the requests to the competent authorities regarding medical evaluation.
82. Regarding the proposed beneficiary *Harry Chávez*, the Commission verifies that the available information indicates that he has reportedly been held in deplorable detention conditions since November 6, 2021, and was held in isolation for 25 days (see *supra* para. 55). Currently, he is held in Jorge Navarro prison, where there is overcrowding. He sleeps on the floor, near the hole used for the prisoners' physiological needs, in a cell with plagues of rats and cockroaches. It was also indicated that he is not allowed to go out into the sun, and the other prisoners who share his cell have already been involved in violent incidents on several occasions (see *supra* para. 57). As for his health, Mr. Harry Chavez is an older adult. He presents with episodes of light-headedness and disorientation, requires oral healthcare, has fungi on his skin due to detention conditions, and suffers from severe dizziness and hearing loss. In addition, the proposed beneficiary has a boil (furuncle) on his back, which has shown significant worsening after his arrest due to lack of medical attention and is reportedly infected. On February 25, 2022, the medical opinion of the Forensic Medical Institute noted that Mr. Harry Chavez required oral healthcare, as well as a surgeon for the tumor on his back. However, he has not received medical attention to date (see *supra* paras. 58, 59, and 64).
83. Regarding the proposed beneficiary *Javier Alberto Álvarez Zamora*, the Committee notes that the information presented indicates that is abroad since September 12, 2022 (see *supra* paras. 36, 39, and 52). Due to the above, considering that he is not in Nicaraguan territory, the Commission considers that it is not possible to evaluate an alleged situation of current and imminent risk under Nicaraguan jurisdiction. However, the Commission is on standby should his situation change.

84. 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 beneficiaries at risk and dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the alleged situation that places the proposed beneficiary at risk has been mitigated. The foregoing is particularly relevant, considering that the proposed beneficiaries are deprived of liberty. They are therefore in a situation of greater vulnerability and in the custody of the State, in addition to the fact that the alleged facts have been attributed to State agents. Similarly, the Commission notes that the situation of beneficiaries has been domestically brought to light without effective responses to date.
85. Due to the above, the Commission concludes that, from the *prima facie* standard and in the context that Nicaragua is currently experiencing, it is sufficiently proven that the rights to life, personal integrity and health of Cynthia Samantha Jirón Padilla Ubieta, Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, and Harry Bayardo Chávez Cerda are at serious risk. Similarly, the families of the proposed beneficiaries Cynthia Jirón, Jeannine Horvilleur, and Ana Carolina Álvarez, have also been exposed to risk due to acts of threats, surveillance, and harassment during their prison visits (see *supra* paras. 29 and 50).
86. With regard to the requirement of *urgency*, the Commission also considers that it has been met, given that, should the aforementioned situations continue, the proposed beneficiaries are likely to be exposed to greater imminent impact of their rights. The Commission takes into account that the proposed beneficiaries have been deprived of liberty since November 2021 and September 2022, in deplorable detention conditions, with periods detention when they were unable to communicate with their families or lawyers, and without access to timely and adequate medical care to date, despite repeated requests to the prison and judicial authorities. In particular, it is emphasized that Ms. Jeannine Horvilleur and Mr. Harry Chávez are older adults with previous health conditions. On the other hand, the Commission does not have information from the State to assess the actions that would be taken to address the risk situations that the proposed beneficiaries face.
87. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

88. The Commission declares as beneficiaries of the precautionary measures Cynthia Samantha Jirón Padilla Ubieta, Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, and Harry Bayardo Chávez Cerda, who are duly identified in these proceedings. Furthermore, the Commission considers as beneficiaries the members of the families of Cynthia Samantha Jirón Padilla Ubieta, Jeannine Horvilleur Cuadra and Ana Carolina Álvarez Horvilleur, who are within Nicaraguan territory and who are subject to identification under the terms of Article 25 of the Rules of Procedure.

VI. DECISION

89. 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 protect the rights to life, personal integrity, and health of Cynthia Samantha Jirón Padilla Ubieta and her family nucleus; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur and their respective family units; and Harry Bayardo Chávez Cerda;
 - b) adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards in this area, including: i. ensuring that they are not subject to threats, intimidation, harassment, or assaults within the penitentiary center; ii. guaranteeing access to adequate and specialized medical care, and a specialized medical assessment is immediately carried out on their health situation; iii. granting the necessary treatments and medicines to treat their conditions; and iv. assessing the granting of alternative measures to the deprivation of liberty in light of the detention conditions and the beneficiaries' health;
 - c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
 - d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent similar events from reoccurring
90. The Commission requests that the State of Nicaragua report, within 15 days as from the day after the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.
 91. 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.
 92. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicants.
 93. Approved on December 6, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary