
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 81/2023**

Precautionary Measure No. 1094-23

Abdul Montoya Vivas and his family unit regarding Nicaragua

December 27, 2023

Original: Spanish

I. INTRODUCTION

1. On December 6, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Race and Equality (“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, humane treatment, and health of Abdul Montoya Vivas and his immediate family. According to the request, the proposed beneficiary is deprived of his liberty and does not have access to medical care to treat his health issues. He was reportedly admitted to the Jorge Navarro Penitentiary System known as “La Modelo”.

2. Under the terms of Article 25.5 of its Rules of Procedure, the IACHR requested information from the State on December 8, 2023. However, to date, no information has been received from the State.

3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission considers that the information presented shows *prima facie* that Mr. Abdul Montoya Vivas is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, Nicaragua is requested to: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Abdul Montoya Vivas and his family unit; b) adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that he is not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health; iii. provide necessary treatment and medication to treat his health issues; iv. guarantee regular contact and access to his family and lawyers, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting his rights in light of the current detention conditions; c) consult and agree upon, with the beneficiaries and their representatives, on the measures to be adopted; and d) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

II. BACKGROUND

4. 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

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.

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 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B in accordance with the grounds set forth in its Rules of Procedure.⁴

5. 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 Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,⁶ 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 branch over other public powers. The Commission also 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.⁷

7. During 2020, the IACHR verified the intensification of acts of surveillance, harassment, and selective repression against persons considered to be opponents of the Government.⁸ In May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.⁹ 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.¹⁰ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹¹

8. In 2021, the Commission condemned the increasing acts of harassment in Nicaragua. These acts were against persons identified as government opponents, human rights defenders, and the independent press. They¹² also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹³ 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 persons detained

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 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.

⁴ IACHR. Annual Report 2018. 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.

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

⁷ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ IACHR. Annual Report 2020. Chapter IV.B Nicaragua, February 2021, paras. 5 to 29.

¹² IACHR. Press Release No. 152/21. IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹³ 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.

in the context of the crisis.¹⁴ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.¹⁵

9. 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 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.¹⁶ 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 serious crisis in the country 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.¹⁷ 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.¹⁸

10. In 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. 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.¹⁹ On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to their critical role in denouncing human rights violations.²⁰ In September 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are held in deplorable conditions in Nicaragua.²¹ The rapporteurs of the UN 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.²² 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.²³

¹⁴ 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.

¹⁵ 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.

¹⁶ IACHR. Press Release 284/2021. IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua. October 28, 2021.

¹⁷ IACHR. Press Release 312/2021. 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.

¹⁸ IACHR. 2021 Annual Report. Chapter IV.B Nicaragua, May 2022, paras. 4 to 21.

¹⁹ 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.

²⁰ 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.

²¹ IACHR. Press Release No. 197/2022. IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022.

²² 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

²³ IACHR. Press Release No. 248/22. IACHR Warns of the Lack of Appropriate Conditions for Holding Free, Fair Municipal Elections in Nicaragua. November 4, 2022.

11. On February 9, 2023, the IACHR learned about the release of 222 people, who are deprived of their liberty in Nicaragua due to political reasons, and who were deported to the United States of America on the same day of their release in compliance with a judgment of Criminal Chamber One of the Managua Court of Appeals. This chamber ordered the immediate deportation of these individuals and the revocation of their Nicaraguan nationality. On the same day, the National Assembly approved reforms to Article 21 of the Nicaraguan Political Constitution. This Article established the acquisition, loss, and recovery of nationality and approved Law 1145 that regulates the loss of Nicaraguan nationality. The IACHR urged the State to release all persons arbitrarily detained in the context of the crisis in Nicaragua, without this implying the loss of nationality and deportation.²⁴ In February 2023, the IACHR and the OHCHR stressed that more than 3,000 national and international NGOs that have been canceled since 2018. Their assets have been confiscated and countless individuals have been left without access to their services or assistance. Therefore, they urged the State to put an end to the incessant repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.²⁵

12. In June 2023, the Commission expressed its concern at the new arbitrary detentions of defenders, journalists, and members of the Catholic Church. The information mentioned that the judicial proceedings lacked judicial guarantees and informed of a generalized context of lack of official information on the whereabouts of the detained persons and their legal situation.²⁶ More recently, in August 2023, the IACHR and the Office of the United Nations High Commissioner for Human Rights for Central America and the English-speaking Caribbean (OHCHR) condemned the continued violations of his human rights, such as the lack of access to medical care and essential medicines, the isolated detention since he has been in the La Modelo prison system, and the limitation of family visits.²⁷ In August 2023, the IACHR and its Special Rapporteurs condemned arbitrary interference with academic freedom, declaring the cancellation of the legal status and arbitrary confiscation of the facilities of the Central American University (UCA), as well as the forced eviction of members of the Society of Jesus from their residence.²⁸

13. On September 15, 2023, the IACHR urged the State of Nicaragua to cease the violations against religious freedom, the persecution of the Catholic Church, and to release all persons who are arbitrarily deprived of their liberty.²⁹ Furthermore, on October 10, 2023, the IACHR Commission indicated having received information on the intensification of repression against the indigenous communities of the Caribbean Coast of Nicaragua. These events are reportedly part of a repressive strategy deployed by the Executive to consolidate a regime of concentration of power and breakdown of the democratic system, by silencing voices critical of the government, particularly in view of the regional elections scheduled for 2024.³⁰

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided in the request

²⁴ IACHR, [Press Release No. 021/23](#). IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality. February 13, 2023.

²⁵ IACHR, [Press Release No. 24/2023](#). The IACHR and OHCHR condemn the escalation of human rights violations in Nicaragua. February 17, 2023.

²⁶ IACHR, [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023

²⁷ IACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023.

²⁸ IACHR, [Press Release No. 201/23](#). Nicaragua: IACHR and its Special Rapporteurs Condemn Arbitrary Interferences to Academic Freedom, August 29, 2023.

²⁹ IACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023.

³⁰ IACHR, [Press Release No. 243/23](#). IACHR and RELES: Nicaragua must cease repression against indigenous communities on the Caribbean Coast. October **, 2023

14. The request is filed in favor of Mr. Abdul Montoya Vivas, who is 65 years old. He describes himself as a former Sandinista guerrilla who supported the Sandinista National Liberation Front (FSLN) in the overthrow of the Somoza dictatorship. It was indicated that he is being deprived of his liberty, allegedly for “political reasons”, for the second time. This is being done in reported violation of his judicial guarantees and with serious obstacles when attempting to communicate with his family and defense attorney. Moreover, his family unit is included as proposed beneficiaries.³¹ According to the information provided, the proposed beneficiary is currently being held in the Jorge Navarro penitentiary center, known as “La Modelo” located in the municipality of Tipitapa, Managua. He is reportedly serving a 23-year prison sentence for the crimes of “terrorism”, “treason”, and “spreading false news”. The representation also alleges that the proposed beneficiary may be subjected to torture or other cruel, inhuman, and degrading treatment. In 2018, the proposed beneficiary spoke out against the government.³² He was arrested that year and then released under the Amnesty Law.³³ Thereafter, the proposed beneficiary lived in hiding, in a rented room in Jinotega.

15. On April 3, 2023, Mr. Montoya Vivas boarded a bus bound for the city of Jinotega to purchase his medicine. Halfway through the journey, the police allegedly arrested him inside the bus, without using violence, and transported him to the police in that city. They allegedly confiscated everything the proposed beneficiary had with him. At the time of arrest, the officers that arrested him did not show a court order. In addition, they did not inform him of the grounds for his arrest, nor of his right to a lawyer. In the arrest record, it was stated that he had been detained at his home while committing a crime.

16. On the day of his arrest, his family reportedly received a call from a police officer, who told them to go to the Jinotega police station to collect the belonging that had been confiscated from the proposed beneficiary. The next day, his family went back to the police to obtain information about the proposed beneficiary’s situation. The head of detention control reportedly informed them that the necessary medicines would be delivered to him. It was also reported that he was detained because they had found a gun, a gun magazine, a backpack, and some hats.

17. On April 5, 2023, his relatives returned to the station to deliver a few personal hygiene products and some food for the proposed beneficiary. On that day, the police investigator requested a Forensic Medical Assessment to determine the proposed beneficiary’s health at that time. On April 6, 2023, the Public Prosecutor’s Office proceeded to charge him with the crime of illegal possession of weapons and he was placed under the order of the judicial authority of Jinotega. On April 8, 2023, by order of the Directorate of Judicial Assistance, the proposed beneficiary was transferred to District III. In this location, the proposed beneficiary’s family was unable to visit him. They were told that he was in an investigative process and they had to wait 90 days. On that day, the National Police or persons close to the regime created a false profile on Facebook with the name “ABDUL MONTOYA VIVAS”, with the intention of damaging his image with publications in his name.

18. On April 11, 2023, Mr. Montoya Vivas’ family members learned that he had been transferred to Managua. When questioned as to the reason for his transfer, the authorities informed that he had been transferred at the request of the Directorate of Judicial Assistance and that they could go to District III of the Managua Police to receive more information. On April 13, 2023, one of the proposed beneficiary’s family members went to District III in Managua, but was told that they could not provide information. The relative was instructed to go to the El Chipote detention center. At El Chipote detention center, the relative was

³¹ It is requested that their identities be maintained confidential within the framework of this procedure.

³² Particularly, on August 11, 2018, while participating in a massive march of the citizens of Matagalpa to demand the freedom of people deemed “political prisoners”. He and other participants were reportedly ambushed and dispersed in different locations to protect themselves, since many shots were fired from the Mayor’s Office and others from paramilitaries.

³³ On August 13, 2018, the proposed beneficiary was arrested and transferred to the cells of the Directorate of Judicial Assistance known as “El Chipote” in Managua, where he was allegedly subjected to cruel and inhuman treatment, and then charged with murder and terrorism. He was sentenced to 60 years in prison and was confined in a maximum security cell for 10 months until June 11, 2019. He was released under the Amnesty Law.

informed that the proposed beneficiary was placed at the order of the Directorate of Judicial Assistance and that they could not visit him, only leave him food and medicine. Through social networks, the relatives learned that he had a hearing via videoconference scheduled for April 13. One of his family members requested to speak with the judge presiding the case, who reported that she had not been notified of the proposed beneficiary's transfer and that she had tried to schedule a hearing via videoconference, which could not be carried out. The judge also informed him that the proposed beneficiary was charged with illegal possession of a 9mm handgun.

19. Between April 8 and June 9, 2023, during his confinement in District III in Managua, Mr. Montoya Vivas was subjected to at least 22 interrogations at all hours of the night. While held there, he was in a completely isolated cell without electricity, he had no drinking water, and did not receive the food brought to him by his relatives. As of June 9, 2023, the proposed beneficiary was allegedly transferred to the prison "La Modelo". He was allegedly held in Gallery 16 with 26 other people deemed "political prisoners".

20. Regarding visitations, on June 12, 2023, the authorities allowed his family to see him during a 30-minute "special" visit. During this visit, his family reportedly learned that during the two months he was held in District III, he was rarely given the food they brought him almost daily. He was reportedly not provided the gallon of purified water they delivered every day either. Since that day, his relatives have been able to visit him five more times in the nine months he has been detained: on July 11, August 10, September 11, October 10, and November 14, 2023. During the visit, the authorities allegedly only allowed two people to enter with the two available permits, even though inmates can have visits of up to eight people. The proposed beneficiary has not been able to see his 14-year-old son, as he is being denied entry. Visits last between 40 and 45 minutes. People deemed "political prisoners" are not allowed conjugal visitation. The applicant indicated that the visits that the proposed beneficiary is allowed are reportedly granted in an arbitrary way and without stable periodicity, which affects his state of mind. Visits at La Modelo prison are not usually monitored by guards. However, family members are prohibited from greeting any other inmates deemed "political prisoners".

21. Mr. Montoya allegedly sleeps on a cement bunk, without a mattress and without a blanket to shield him from the cold at night. His relatives reported that the proposed beneficiary explained that the authorities no longer conduct daily interrogations, and that they turn off the lights at 10:00 p.m. However, at midnight they reportedly wake him up and scare him with noise, which causes him anxiety and nervous breakdowns. In addition, it was alleged that the guards are aggressive, especially with the younger detainees and constantly threaten to send them to punishment cells.

22. The proposed beneficiary is reportedly severely affected due to the lack of rest and sleep at night. According to his relatives, his hands constantly tremble. In addition, the proposed beneficiary does not have a toilet, but rather a hole where the sewage runs. After performing their bodily functions, the prisoners pour water into a bucket to clean it. The cleaning tasks are reportedly among those deemed "political prisoners". Moreover, they reportedly do not have sinks, but rather a pool of water inside the cell. This method allegedly exposes them to unsanitary conditions, bad odors, and possible illnesses. They are reportedly not allowed any reading or writing materials, or texts such as the Bible. This allegedly affects their mental health, as they do not have any means of entertainment or recreation. The outings to the courtyard reportedly take place at least once a week, for half an hour. Mr. Montoya Vivas is allegedly allowed to go out with the rest of the gallery inmates.

23. The proposed beneficiary allegedly receives parcels, consisting of food and hygiene products, every 15 days. The proposed beneficiary's food and hygiene depend on the content of this package, since the authorities allegedly failed to provide him with adequate food and basic hygiene supplies. In this regard, he adds that he receives food that do not take into account the special diet he requires due to his health issues. In addition, it was reported that the food is reportedly often delivered with cockroaches or worms.

24. According to the information provided, Mr. Montoya Vivas is a senior citizen with chronic hypertension and diabetes. These health conditions reportedly put his life at high risk. He is prescribed a regular intake of Medformin 850 mg., Ibersatan 300 mg., Aldactone 100 mg., Alfacor 81 mg, and Encitrol, for gastritis and heartburn and to mitigate the effects of poor food quality that he is provided. During the visits, his relatives allegedly bring him the medicines and they are reportedly delivered to him by the custodians every day in the mornings. Neither his family nor the proposed beneficiary are able to verify if he is administered the medication correctly. They allegedly also check his blood pressure three times a week, but the controls are described as general and very basic. He also reportedly did not receive specialized treatment for his health issues. In addition, he reportedly has not been tested for glucose levels to treat his diabetes. Additionally, the proposed beneficiary reportedly suffers from skin problems due to lack of sun and heat, as well as poor hygiene and lack of water. The skin on his arms and legs is allegedly rough, scaly, and itchy. He also reportedly has fungus on his feet. His relatives allegedly attempt to treat these issues by bringing him medication. These ailments reportedly worsened due to his diabetes.

25. According to the request, Mr. Montoya Vivas was subject to two allegedly irregular and parallel judicial proceedings: one in Jinotega, where he was first detained for the alleged crime of illegal possession of a firearm, and another “secretly” in Managua, where he was sentenced to 23 years in prison for the crimes of “terrorism”, “treason”, and “propagation of false news”, which was published in the media on September 13, 2023. This is the highest prison sentence imposed on a person deprived of liberty for “political reasons” to date.

26. Regarding the process carried out in Jinotega, according to the file, on April 3, 2023, the deputy commissioner obtained information that the proposed beneficiary allegedly had a 9mm firearm in his bedroom. Thus, the police investigator executed an emergency search in Mr. Montoya Vivas’ room that same day. The alleged discovery of the weapon in the room is what led to the legal classification of the facts as “illegal carrying or possession of a firearm or ammunition”, to the detriment of the public security of Nicaraguan society. In this process, a preliminary hearing was called up to three times,³⁴ but it was not held because Mr. Montoya Vivas was a prisoner in Managua and the police reportedly refused to transfer him to Jinotega or allow him to be present for the hearing via videoconference. On April 27, 2023, the Local Criminal Judge of Jinotega was reportedly waiting for the respective report from the corresponding authority for the Preliminary Hearing to be held. On May 8, 2023, one of the proposed beneficiary’s family members initiated the public defense to request a copy of the file, which was delivered to them.

27. Regarding the “secret” trial in Managua, the State has reportedly not provided access to the judicial file of this trial. However, it is reportedly known that this judicial case was presided by the head judge of the Tenth Criminal District Court in Managua, who allegedly has a history of persecuting political prisoners. Mr. Montoya Vivas was reportedly informed of the conviction in a room at “La Modelo” through a video call. However, it is reported that neither his lawyer nor his family have access to the conviction or the file corresponding to the courts of Managua. Thus far, there is no information about the case in the courts’ electronic system.

28. At the domestic level, no complaints have been filed before the national authorities, due to the co-optation of the Judicial Power in the hands of the Executive, as well as all other state agencies involved in the political persecution of persons considered to be opponents. Moreover, there are fears of reprisals that could be taken against Mr. Montoya Vivas. The family reported that they were being watched by individuals in a vehicle, which observed their home and when they enter and leave. The relatives are allegedly threatened after the visits in order not to report the conditions or mistreatment to which the proposed beneficiary is allegedly being subjected.

³⁴ According to the applicant, the initial hearing was previously scheduled for April 13, 20, and 27, 2023.

B. Information provided by the State

29. In this matter, the IACHR requested information from the State on December 8, 2023. However, the State has not submitted information to date.

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

30. The precautionary measures mechanism is part of the Commission's function of supervising compliance with the human rights obligations established, for example, in Article 41(b) of the American Convention on Human Rights ("American Convention") and Article 18(b) of the IACHR Statute. Furthermore, the precautionary measures mechanism is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent as well as necessary to prevent irreparable harm.

31. 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.³⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³⁶ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.³⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. These measures 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 allow the State concerned to comply with the final decision and, if necessary, to implement the remedies required.³⁸ 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 of threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

³⁵ 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.

³⁶ 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. Bámaca Velásquez Case. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Case 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. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

³⁷ 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 [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 [only in Spanish].

³⁸ 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; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

32. 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.³⁹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁴⁰ 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.⁴¹

33. Given the proposed beneficiary’s situation, 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, integrity, health, and other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.⁴² This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.⁴³

34. More specifically, 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.⁴⁴

35. In the matter at hand, the Commission observes that the alleged situation of risk that the proposed beneficiary faces takes place within the current context that Nicaragua is experiencing, which is particularly hostile towards persons considered, perceived, or identified as opponents of the government and,

³⁹ 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 [only in Spanish]; I/A Court H.R. Matter of the children and adolescents deprived of their 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.

⁴⁰ 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.

⁴¹ 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].

⁴² See in this regard: I/A Court H.R. Matter 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.

⁴³ 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.

⁴⁴ 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 [only in Spanish]. Considerandum 23.

in general, towards any person critical of the current Nicaraguan government.⁴⁵ This particularly hostile context has intensified over time.⁴⁶ Thus, the Commission considers that the proposed beneficiary's situation is not an isolated event, but rather takes place within the current context of Nicaragua, characterized by the practice of arresting and criminalizing human rights defenders and political opponents.⁴⁷

36. In addition to the above, the IACHR recalls the information gathered on the detention conditions in Nicaragua, which referred to “the serious detention conditions of persons deprived of their liberty in the different facilities of the National Penitentiary System” such as “La Modelo” where the proposed beneficiary is reportedly currently being held. The complaints alleged, among other aspects, “lack of access to health care, exacerbation of illnesses, insufficient and poor quality food, arbitrary application of isolation or punishment regimes”.⁴⁸ In its 2021 Annual Report, the IACHR indicated that, according to the information available, the situation of persons detained in “La Modelo” persists in terms of “overcrowded and unsanitary conditions, dispossession of belongings, mistreatment, application of maximum security regimes without objective criteria, and lack of adequate and timely medical attention.”⁴⁹ Furthermore, according to its 2022 Annual Report, in June 2022 the IACHR received information in the framework of a hearing to monitor precautionary measures granted to persons detained in La Modelo, in which serious conditions of overcrowding as well as unsanitary conditions, lack of access to health services, lack of access to timely, adequate and specialized medical care, among other aspects, were denounced.⁵⁰ Furthermore, in light of specific situations of risk, the IACHR has granted precautionary measures when inadequate and precarious detention conditions had been verified, as well as the lack of medical care and treatment.⁵¹

37. The Commission deems it appropriate to make reference to the findings of the Inter-American Court, in the adoption of provisional measures in the Case of Seventeen Persons Deprived of Liberty Regarding Nicaragua in relation to the “La Modelo” prison, observing that “[...] the sanitary conditions were precarious because the inmates lacked adequate access to electricity and drainage services, and were exposed to the presence of insects; [...] that they received food in poor condition, and that they lacked natural light for

⁴⁵ See in this regard: IACHR, Report: Closure of Civic Space in Nicaragua. OEA/Ser.L/VIII.Doc.212/23, September 23, 2023. Para. 6, 20, and 62. IACHR, 2022 Annual Report. Chapter IV.B Nicaragua, para. 35-65, 177; [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023; IACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023; IACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023; 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.

⁴⁶ See in this regard: 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; IACHR, 2020 Annual Report. Chapter IV.B Nicaragua, paras. 46 to 52.

⁴⁷ See in this regard: IACHR, Report: Closure of Civic Space in Nicaragua. OEA/Ser.L/VIII.Doc.212/23, September 23, 2023. 6, 20, and 62. 2022 Annual Report. Chapter IV.B Nicaragua, para. 39-49, 177; IACHR, 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; IACHR, [Press Release No. 24/2023](#). The IACHR and OHCHR condemn the escalation of human rights violations in Nicaragua. February 17, 2023. [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023; IACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023; IACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023

⁴⁸ 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.

⁴⁹ IACHR, [Annual Report 2021](#), Chapter IV.b Nicaragua. OEA/Ser.L/V/II/ Doc.64 rev.1. May 26, 2022. Para. 153.

⁵⁰ IACHR, [Annual Report 2022, Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II/ Doc.50 rev.1. April 1, 2023. Para. 155.

⁵¹ IACHR, [Resolution 37/2021](#). Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021; IACHR, [Resolution 57/2022](#), José Santos Sánchez and his family unit regarding Nicaragua, October 24, 2022. IACHR, [Resolution 74/2022](#), Rodrigo José Navarrete Vanegas and his family unit regarding Nicaragua, December 19, 2022. Rolando José Álvarez Lagos regarding Nicaragua April 13, 2023; IACHR, [Resolution 20/2023](#), D.R.Z., D.A.B.A., A.C.L. and I.C.L. regarding Nicaragua. April 13, 2023; [Resolution 58/2023](#), José Leonardo Urbina Rodríguez regarding Nicaragua, October 9, 2023.

prolonged periods of time”, among others.⁵² The Commission has not received any information that indicates that this situation has improved over time.

38. Taking into account the preliminary aspects and the particular context that Nicaragua is experiencing, the Commission will proceed to analyze the procedural requirements regarding Mr. Abdul Montoya Vivas in Nicaragua.

39. With regard to the requirement of *seriousness*, the Commission considers that it has been met. The Commission observes that the proposed beneficiary was a former Sandinista guerrilla and in 2018, he spoke out against the government. After being convicted and released from prison, the proposed beneficiary went to live clandestinely in Jinotega, until his arrest on April 3, 2023. The IACHR observes that the alleged situation derives from the proposed beneficiary’s critical position, in support of the people deemed “political prisoners” in the country. The Commission considers that his critical stance has a bearing on the aggravation of the alleged risk factors, as he is identified or perceived as a political opponent of the current Nicaraguan government.

40. As indicated, the Commission identifies that the proposed beneficiary was allegedly arrested on April 3, 2023. He was reportedly arrested without a court order and he was not informed of the grounds for his arrest. During his imprisonment in District III in Managua between April 8 and June 9, 2023, Mr. Montoya Vivas was allegedly subjected to at least 22 interrogations and was held in a completely isolated cell without electricity. During his confinement, he reportedly had no drinking water and did not receive the food brought to him by his relatives. On June 9, 2023, the proposed beneficiary was transferred to the Jorge Navarro Penitentiary System called “La Modelo”, where he is currently detained. According to the information provided, Mr. Montoya Vivas was charged in two allegedly irregular and parallel judicial proceedings; one for the crime of illegal possession of a firearm, and the other for the crimes of “terrorism”, “treason”, and “propagation of false news”, and was sentenced to 23 years in prison. Due to the aforementioned, the Commission understands that, although the mechanism of precautionary measures is not called upon to refer to the proceedings that are part of the criminal proceedings initiated against the proposed beneficiary or its compatibility with the American Convention, the Commission understands that he is reportedly currently in the penitentiary system.

41. Under these circumstances and in view of the context described above, the Commission expresses its concern given the alleged lack of medical care to attend to the proposed beneficiary’s health issues, in addition to the current inadequate detention conditions. According to the information available, the proposed beneficiary reportedly has hypertension, diabetes, skin problems, gastritis, heartburn, and his hands tremble. Due to these conditions, he reportedly requires a series of medications for regular intake, including Metformin 850 mg, Ibuprofen 300 mg, Aldactone 100 mg, Alfacor 81 mg, and Encitrol. Although his family members allegedly bring his medications during visits, they are reportedly not certain if he is being administered the medications correctly. In addition, given his health problems, the proposed beneficiary reportedly requires regular medical checks and examinations, as well as specialized medical care, which he has not received to date.

42. In this regard, the Commission observes that on April 5, 2023, a request for a Forensic Medical Assessment was filed to determine the proposed beneficiary’s health. However, there is no information on whether this request was met by the corresponding authorities. However, to date, there is still no information as to whether he is receiving the necessary medical attention and it is not known whether his health issues are being treated, if so, whether it is being adequately provided. This situation is all the more concerning

⁵² I/A Court H.R. Matter of Members of the Nicaraguan Center for Human Rights (Centro Nicaragüense de Derechos Humanos, CENIDH) and the Permanent Commission on Human Rights (Comisión Permanente de Derechos Humanos, CPDH) regarding Nicaragua. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights of July 12, 2019.

considering that the proposed beneficiary reportedly needs his medication in order to avoid serious complications to his health.

43. In addition to the above, the Commission notes that the proposed beneficiary is reportedly being held in Gallery 16 with 26 other prisoners. He reportedly sleeps on a cement bunk bed, without a mattress, and without a blanket to shield him from the cold. The cell allegedly does not have a toilet, but rather a hole where the sewage runs. This exposes the proposed beneficiary to reported unsanitary conditions, bad odors, and illnesses. He reportedly has access to the sunny courtyard once a week for half an hour. Moreover, due to the lack of sun, heat, toilets, and scarcity of water, the proposed beneficiary allegedly developed skin problems. According to the request, the prison authorities do not provide him with basic hygiene supplies or adequate food, and in some cases his food is given with cockroaches and worms. In addition, it was reported that at midnight the guards reportedly wake the proposed beneficiary and frighten him with noise, causing him anxiety and nervous breakdowns.

44. Moreover, it was reported that, although the proposed beneficiary's family has the right to visits, they are reportedly irregular and he is not allowed to see his son during these visits. His relatives were also reportedly threatened after the visits in an attempt to stop them from denouncing the proposed beneficiary's conditions. His family members also indicate that they are being watched by a motorized vehicle when they enter and leave their home. Furthermore, according to information received through MESENI, on December 1, 2023, the proposed beneficiary was reportedly transferred to maximum security cells along with a group of seven other people deemed "political prisoners" from Gallery 16 as retaliation for demanding the improvement of detention conditions.

45. 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, in this case, the lack of response from the State prevents the Commission from knowing the adopted measures that are purportedly being implemented to address the situation that places the proposed beneficiary at risk and to dispute the facts alleged by the requesting party. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated. Although it was alleged that no complaints were filed internally, the Commission notes, based on the information available, that the State is aware of the requests from family members, through the procedures carried out internally to see him or to provide him with food or medicine during his deprivation of liberty. The foregoing is particularly relevant, given that the proposed beneficiary is in the custody of the State, and that the alleged facts are attributable to state agents.

46. Due to the above, the Commission concludes that, from the *prima facie* standard and in the context that Nicaragua is experiencing, it is sufficiently proven that the rights to life, personal integrity, and health of Abdul Montoya Vivas are in a situation of serious risk. In addition, his family unit is also reportedly at risk, given the possible reprisals and taking into account the acts of threats and surveillance against them, according to the information available.

47. As for the requirement of urgency, the Commission considers that it is met, since, if the situation described continues, given his condition as a prisoner, the lack of access to necessary, timely, and adequate care to treat his health problems, and the detention conditions he faces, allow this Commission to understand the imminent possibility that the risk materializes in the current context of the country. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address and mitigate the alleged risk faced by the proposed beneficiaries. Thus, in view of the imminent materialization of the risk, it is necessary to immediately adopt measures to safeguard the proposed beneficiary's rights to life, personal integrity, and health in addition to that of his family unit.

48. 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, and health, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

49. The Commission declares beneficiaries Abdul Montoya Vivas, who is duly identified in this proceeding. Furthermore, the members of their family unit, who can be identified in the terms of Article 25 of its Rules of Procedure, are also beneficiaries.

VI. DECISION

50. 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 Abdul Montoya Vivas and his family unit;
- b) adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that he is not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health; iii. provide necessary treatment and medication to treat his health issues; iv. guarantee regular contact and access to his family and lawyers, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting his rights in light of the current detention conditions;
- c) consult and agree upon, with the beneficiaries and their representatives, on the measures to be adopted; and
- d) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

51. 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.

52. 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.

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

54. Approved on December 27, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary