
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 10/2024**

Precautionary Measure No. 274-24

Carlos Alberto Bojorge Martínez regarding Nicaragua

March 6, 2024

Original: Spanish

I. INTRODUCTION

1. On February 24, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by *Unidad de Defensa Jurídica* (“the requesting party”) urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of Carlos Alberto Bojorge Martínez (“the proposed beneficiary”). According to the request, the proposed beneficiary is a student and a poet. It was alleged that his whereabouts have been undetermined since January 1, 2024.

2. In accordance with Article 25 of the Rules of Procedure, the IACHR requested information from the State on February 27, 2024. However, no response has been received to date.

3. Upon analyzing the submissions of fact and law provided by the requesting party, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to determine the situation and whereabouts of Mr. Carlos Alberto Bojorge Martínez, in order to protect his rights to life and personal integrity; b) report on the conditions of detention in which he is currently being held. In particular, the Commission also requests that Nicaragua report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care; and c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

II. BACKGROUND INFORMATION

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. 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

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.

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 again included Nicaragua in Chapter IV.B of its 2019 Annual Report,⁶ in which it warned that the serious human rights crisis in the country extended during 2019. 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

6. 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 Commission condemned the failure to comply with its recommendations and made an urgent call to 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

7. 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 OHCHR condemned the criminal prosecution of leaders of the Nicaraguan opposition and urged the State to release all persons detained in the context of the crisis.¹⁴ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.¹⁵

8. 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

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

⁶ IACHR. [2019 Annual Report, Chapter IV.B Nicaragua](#). OAS/Ser.L/V/II. Doc. 5, February 24, 2020, para. 19.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ IACHR. 2020 Annual Report. Chapter IV.B Nicaragua, February 2021, paras. 5 to 29.

¹¹ IACHR. Press Release No. 152/21. IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹² 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.

¹³ 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.

¹⁴ 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.

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

9. In 2022, the IACHR urged the State of Nicaragua to release persons who remained arbitrarily detained in inadequate detention conditions that put their rights at risk.¹⁹ 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.²⁰ 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.²¹ In addition, 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 warned about the absence of conditions to carry out free and fair elections in the country, taking into account the increasing repression and persecution against political opponents implemented through measures aimed at preventing their participation in these elections.²³

10. In 2023, the IACHR learned about the release of 222 people deprived of liberty for political reasons in Nicaragua, who were deported to the United States of America, who were deprived of their nationality.²⁴ In February 2023, the IACHR and OHCHR urged the State to put an end to the relentless repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.²⁵ In June, August and September 2023, the Commission expressed its concern regarding the new arbitrary detentions of human rights defenders, journalists, and members of the Catholic Church. It also mentioned the prosecution without the fulfillment of judicial guarantees, and a generalized context of lack of official information on the whereabouts of the detained persons and their legal status.²⁶ On October 10, 2023, the Commission addressed the repressive strategy deployed by the Executive to consolidate a regime of

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 No. 197/2022](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022.

²⁰ 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.

²¹ 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.

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.

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; 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.

concentration of power and breakdown of the democratic system, through the silencing of voices critical of the government, particularly in view of the regional elections scheduled for 2024.²⁷

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided in the request

11. According to the request, the proposed beneficiary is a 21-year-old university student and poet from Managua. Police officers reportedly deprived him of his liberty on January 1, 2024. Since then, he has been missing given that information on his whereabouts is being withheld. The proposed beneficiary was involved in the activities of the Catholic Church. For instance, he was an altar boy for a few years when he was a child and regularly attended Sunday Masses. At the time of the incident, he was working in a pharmacy and wrote poems in his free time.

12. Regarding *the arrest*, it was stated that on January 1, 2024, at approximately 5:00 p.m., Mr. Bojorge Martínez attended mass celebrated in the Metropolitan Cathedral of Managua. He was wearing a shirt that had the Virgin Mary, a small Nicaraguan flag, and a picture of Monsignor Arnulfo Romero in reference to the state persecution against the Catholic Church in Nicaragua. At the end of the Mass, the proposed beneficiary shouted “Long live the Catholic Church!” in the church. Later, in the vicinity of the Metropolitan Cathedral of Managua, he was detained around 8:00 p.m. by uniformed police officers who took him to an undetermined destination.²⁸ The request indicated that no arrest warrant was presented and the grounds for his arrest were not indicated.

13. On January 2, 2024, persons associated with the proposed beneficiary went to the Judicial Assistance Directorate “Evaristo Vásquez Sánchez Complex”, known as “El Nuevo Chipote”, to inquire about the proposed beneficiary’s whereabouts and the grounds for his arrest. They were told that he was not detained at that facility. It was suggested that they go inquire at the Police District Number III in Managua. Later that day, they went to the District III station, where they were informed that although “Mr. Bojorge Martínez had been detained there for a few hours on January 1, he had been transferred to the Jorge Navarro National Penitentiary System on January 2. On January 7, 2024, they went to “La Modelo” Penitentiary System, but were not provided with any information. On January 22, 2024, they returned to the prison to obtain information on his whereabouts. On that occasion, the penitentiary agents did not provide them with details about his location and suggested they “go look for him at the morgue”.

14. In February 2024, the associated persons allegedly went to “La Modelo” on two separate occasions to inquire about the proposed beneficiary, but were only told that he was not there. In parallel to the above, they also reportedly went to Police District Number III every week to inquire about his whereabouts and to report him missing. The police officers stated that “they couldn’t do anything because Mr. Bojorge Martínez was only in that station for one day and, from there, he was taken to La Modelo prison”. They were informed that the proposed beneficiary could not be considered missing. Moreover, they reportedly consulted the courts and the Public Prosecutor’s Office. These authorities alleged that they did not have any information on the proposed beneficiary, since there is no information in the case system against him. They also reportedly went to the Public Defender’s Office to request help, but were reportedly told that they could not do anything because no court case concerning Mr. Bojorge Martínez was found. To date, no legal actions have been filed domestically due to economic difficulties, lack of state cooperation, and ineffective domestic remedies.

²⁷ IACHR, [Press Release No. 243/23](#). IACHR and RELES: Nicaragua must cease repression against indigenous communities on the Caribbean Coast. October 10, 2023

²⁸ This according to witnesses of the events and who, for safety reasons, request to remain anonymous.

15. The requesting party stressed that in December 2023, the proposed beneficiary was reportedly hospitalized for stomach problems. At the time of his arrest and disappearance, he took daily pills to control this health issue. His relatives are concerned about his health and about where he is being held. They have not been able to determine his state given that no one has seen him, due to the concealment of his whereabouts.

16. The requesting party added that the grounds for the proposed beneficiary's detention and disappearance are not isolated events, but rather occur in the context of the crisis of widespread and systematic violations against opponents in Nicaragua. In this regard, they stated that persons detained or disappeared are allegedly subjected to different forms of cruel, inhuman, and degrading treatment as a form of political punishment. It was reported that the proposed beneficiary had been illegally and arbitrarily detained in retaliation for having attended a mass in the Metropolitan Cathedral of Managua on January 1, 2024 with various symbols such as the Nicaraguan flag, a shirt with Virgin Mary, and the picture of Monsignor Arnulfo Romero. These actions reportedly represent a form of protest against the upsurge of state persecution against the Catholic Church and the mass arrests of priests that occurred in late December 2023.

B. Response from the State

17. In the matter at hand, the IACHR requested information from the State on February 27, 2024. However, the State has not submitted information to date.

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

18. 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.

19. 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.²⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³⁰ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.³¹ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the

²⁹ 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 [only in Spanish].

³⁰ See in this regard: I/A Court. 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].

³¹ 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].

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 enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.³² Regarding the process of decision making and, according to Article 25(2) of the 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
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

20. 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.³³ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. In addition, the present proceeding is not suited to rule on violations of rights enshrined in the American Convention or other applicable instruments,³⁴ given that determinations are better suited to the Petitions and Cases 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.³⁵

21. 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.³⁶ 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,

³² 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.

³³ 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.

³⁴ 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.

³⁵ 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 seriousness and urgency and the necessity to avoid irreparable harm 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. 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].

³⁶ 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.

where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.³⁷

22. Under the terms of Article 25.6 of the Rules of Procedure, the Commission observes that the alleged situation that places the proposed beneficiary at risk is framed in the current context that Nicaragua is experiencing, which is particularly hostile towards people considered, perceived or identified as opponents of the government and, in general, towards any person critical of the current government of Nicaragua.³⁸ This particularly hostile context has intensified over time.³⁹ 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.⁴⁰

23. Taking into account the preliminary aspects and the particular context that Nicaragua is experiencing, the Commission will proceed to analyze the procedural requirements regarding the situation of Carlos Alberto Bojorge Martínez in Nicaragua.

24. With regard to the requirement of *seriousness*, the Commission takes into account, based on the information available, that the whereabouts or fate of the proposed beneficiary have been allegedly undetermined since January 1, 2024, following his arrest by police officers.

25. The Commission observes that the proposed beneficiary is a student and poet. He reportedly participates in activities of the Catholic Church, and he was even reportedly at a mass celebrated at the Metropolitan Cathedral at the time of his arrest. The Commission notes that on January 1, 2024, the proposed beneficiary attended the Catholic service wearing a shirt that had the Virgin Mary, a small Nicaraguan flag, and a picture of Monsignor Arnulfo Romero as protest against the state persecution against the Catholic Church in Nicaragua. That same day, he was arrested by police officers and his whereabouts have since been unknown. The Commission believes that the proposed beneficiary's situation is part of the hostile environment intolerant of any form of criticism of the Nicaraguan government, which is reflected in the state persecution against the Catholic Church and the massive arrests of priests in recent months, some of whom have been granted protection measures by the Inter-American Human Rights System.

26. 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 would have been reportedly implemented to address the

³⁷ 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.

³⁸ See in this regard: IACHR, Report: Closure of Civic Space in Nicaragua. OEA/Ser.L/VIII.Doc.212/23, September 23, 2023, paras. 6, 20, and 62. IACHR. 2022 Annual Report. Chapter IV.B Nicaragua, paras. 35-65, 177; [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023; 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.

³⁹ 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.

⁴⁰ See in this regard: IACHR, Report: Closure of Civic Space in Nicaragua. OEA/Ser.L/VIII.Doc.212/23, September 23, 2023, paras. 6, 20, and 62. 2022 Annual Report. Chapter IV.B Nicaragua, 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.

situation that places the proposed beneficiary at risk dispute the facts alleged by the requesting party. Therefore, the Commission does not have information that would allow it to assess whether the situation that places the proposed beneficiary at risk has been mitigated, nor regarding the actions taken to determine the whereabouts or fate of the proposed beneficiary. Moreover, the Commission also notes that the proposed beneficiary could be in the custody of the State, which would have the information on his location and current situation.

27. In light of the information available, the Commission identifies that persons close to the proposed beneficiary went on January 2, 2024 to the Judicial Assistance Directorate “Evaristo Vásquez Sánchez Complex” and to the Police District Number III of Managua, to obtain information on the proposed beneficiary’s whereabouts. In the latter facility, it was indicated that he had been transferred to the National Penitentiary System “Jorge Navarro” known as “La Modelo”. On January 7 and 12, 2024, they proceeded to request details about his whereabouts from this facility, however, no information was provided. They were only suggested to “go look for him at the morgue”. In February 2024, people associated with Mr. Bojorge Martínez reportedly went to “La Modelo” and Police District III to request information on him and report him missing, but state agents denied details about his location. In addition, the information provided indicates that the judicial authorities and the Public Prosecutor’s Office were consulted about the situation of the proposed beneficiary, but to no avail.

28. Despite all the actions carried out by persons close to the proposed beneficiary, the Commission understands that there is no information, either official or unofficial, on his legal situation, which would make it possible to know any of the following: the reasons for the detention; the existence of an arrest warrant, whether it was subject to judicial review; the location where he would eventually be transferred; the detention conditions in which he is being held; the possibilities of contacting a lawyer he trusts; the procedural status of the investigation for which he was detained; the existence of an investigation file against him; any health care he may have received; among other matters.

29. The Commission stresses that the proposed beneficiary is subjected to a situation of total incommunicado detention by state agents, which is further aggravated by the impossibility of knowing where he is being held. This prevents people close to him from timely activating internal mechanisms to protect his rights. In this regard, the Commission recalls that the Inter-American Court has indicated, in the *Matter of Juan Sebastián Chamorro et al. v. Nicaragua*, that “detention without communication not only makes it impossible to verify the current situation of the proposed beneficiaries, their conditions of detention, and their health status, but it also implies a curtailment of the procedural guarantees of all detainees.”⁴¹

30. In view of the foregoing considerations and in light of the *prima facie* standard, the Commission considers that the rights to life and personal integrity of Carlos Alberto Bojorge Martínez are at serious risk, inasmuch as from January 1, 2024 to date there has been no news of his fate or whereabouts after being detained by State agents.

31. Regarding the requirement of *urgency*, the Commission deems that it has been met, inasmuch as the passage of time without establishing his whereabouts is likely to generate greater impacts on the rights to life and personal integrity of the proposed beneficiary. In this sense, after the proposed beneficiary was arrested, his whereabouts have been unknown. Persons close to him have been unable to obtain any information on his location or regarding any investigative measures to determine his whereabouts.

⁴¹ I/A Court H.R. IA Court H.R. Matter of Juan Sebastián Chamorro et al regarding Nicaragua. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021, para. 36.

32. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met since the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

V. BENEFICIARY

33. The Commission declares as beneficiary Carlos Alberto Bojorge Martínez, who is duly identified in this proceeding.

VI. DECISION

34. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Nicaragua:

- a) adopt the necessary measures to determine the situation and whereabouts of Mr. Carlos Alberto Bojorge Martinez, in order to protect his rights to life and personal integrity;
- b) report on the conditions of detention in which he is currently being held. In particular, the Commission also requests that Nicaragua report on the place of his detention, allowing access to his legal representatives and family members, as well as the necessary health care; and
- c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

35. The Commission requests that the State of Nicaragua report, within 15 days as from the notification of this resolution, on the adoption of the precautionary measures granted and to regularly update this information.

36. 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.

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

38. Approved on March 6, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary