
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 23/2024**

Precautionary Measure No. 384-24

**Walner Omier Blandón Ochoa and ten other persons
of the “Puerta de la Montaña” ministry regarding Nicaragua**

April 21, 2024

Original: Spanish

I. INTRODUCTION

1. On March 26, 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 ADF *Internacional* (“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 and personal integrity of eleven persons from the ministry of “Puerta de la Montaña” or who collaborate for the organization of the evangelistic crusades “Buenas Nuevas Nicaragua” (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are members of the “Puerta de la Montaña” evangelical church and are being deprived of their liberty. There is reportedly no information on their current situation.

2. In terms of Article 25(5) of its Rules of Procedure, the IACHR requested information from the applicants on March 27, 2024 and a response was received on April 1 and 6, 2024. Subsequently, the IACHR requested information from the State on April 4, 2024. To date, no response has been received and the granted deadlines have since expired.

3. Upon analyzing the submissions of fact and law offered by the applicants, the Commission considers that the information provided shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at serious risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries. In particular, officially report on their current situation while in State custody; b) adopt the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, among them: i. guarantee access to adequate and specialized medical attention, and immediately carry out a specialized medical assessment on their health; ii. ensure access to the necessary treatments and medications to treat their health issues, with the corresponding gender perspective; iii. guarantee regular contact and access to their family members and lawyers; and iv. evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting their rights in light of the current detention conditions; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Following the beginning of the crisis of the human rights situation in Nicaragua and the working visit carried out in May 2018, the Commission formed the Special Follow-up Mechanism for Nicaragua (MESENI) in order to follow up on the recommendations made to the State, as well as to maintain the respective

monitoring for the purposes relevant to the mandates of the IACHR.¹ Similarly, the IACHR installed the Interdisciplinary Group of Independent Experts (GIEI) in Nicaragua, which issued a report analyzing the events that occurred in April and May 2018.² For its part, the IACHR decided to include Nicaragua in its Annual Report in Chapter IV.B as of 2018, in accordance with the grounds established in its Rules of Procedure.³ In addition, in the framework of its monitoring mandate, the Commission has issued reports on the human rights context in Nicaragua. In it, it also makes a series of recommendations to the State, in order to guarantee respect and safeguard the rights of individuals in accordance with its international obligations.⁴

5. In addition to the foregoing, the Commission has consistently issued press releases expressing its concern regarding the escalating crisis and serious human rights violations in the country from various perspectives, including the persistence of acts of persecution⁵; the intensification of acts of surveillance, harassment, and selective repression against persons considered to be government opponents, human rights defenders, and the independent press⁶; the widespread impunity and the prolonged breakdown of the rule of law⁷; the criminalization against leaders of the Nicaraguan opposition⁸; the deportation of persons deprived of liberty for political reasons and the loss of their nationality⁹; the escalation of repression against members of the Catholic Church¹⁰; the lack of conditions to carry out free and fair elections in the country¹¹; the arbitrary

¹ IACHR. Press Release No. 134/18. [IACHR Presents Report on Serious Human Rights Situation in Nicaragua](#). June 22, 2018; 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. 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.

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. 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. 2018 Annual Report. [Chapter IV.B Nicaragua](#). 2019 Annual Report. [Chapter IV.B Nicaragua](#). February 24, 2020; IACHR. 2020 Annual Report. [Chapter IV.B Nicaragua](#). February 2021. 2021 Annual Report. [Chapter IV.B Nicaragua](#). May 2022. 2023 Annual Report. [Chapter IV.B Nicaragua, April 1, 2023](#).

⁴ IACHR. [Report: Closure of Civic Space in Nicaragua](#). OEA/Ser.L/VIII.Doc. 212/23, September 23, 2023. [IACHR Publishes Report on the Concentration of Power and the Weakening of the Rule of Law in Nicaragua](#). OEA/Ser.L/V/II. Doc. 288, October 25, 2021; IACHR. [Report on Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 18, 2018](#). OEA/Ser.L/V/II. Doc. 285, October 5, 2020; IACHR. [Report on Forced Migration of Nicaraguans to Costa Rica](#). OEA/Ser.L/V/II. Doc. 150, September 8, 2019; IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#). OEA/Ser.L/V/II. Doc. 86, June 21, 2018.

⁵ 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. 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. IACHR. Press Release No. 152/21. [IACHR Condemns the Serious Escalation of Repression in Nicaragua](#). June 18, 2021.

⁷ 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.

⁸ 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. Press Release No. 238/21. [IACHR and OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua](#). September 10, 2021; IACHR. [Press Release 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.

⁹ IACHR. Press Release No. 021/23. [IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality](#). February 13, 2023.

¹⁰ IACHR. Press Release No. 184/22. [IACHR Condemns Repression and Arrests of Members of the Roman Catholic Church in Nicaragua](#). August 19, 2022.

¹¹ 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.

detentions of human rights defenders, journalists, and members of the Catholic Church¹²; and the repressive strategy deployed by the Executive to silence voices critical of the government, in view of the regional elections scheduled for 2024.¹³

6. Considering the above, the Commission has urged the State of Nicaragua, among other things, to comply with its human rights obligations¹⁴; to implement the recommendations issued by the IACHR¹⁵; to cease acts of persecution against persons identified as opponents of the government and to reestablish democratic guarantees¹⁶; to release those persons who remain arbitrarily detained in inadequate detention conditions¹⁷; to reestablish and make effective the full enjoyment of civil and political rights¹⁸; and put an end to the repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public liberties.¹⁹

7. Lastly, 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.²⁰

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

8. The proposed beneficiaries reportedly participate in the “Puerta de la Montaña” (PM) ministry and have collaborated in the organization of the “Buenas Nuevas Nicaragua” evangelistic crusades. They are alleged missionaries, evangelists, and evangelical pastors. All of them were accredited by different evangelical churches who devoted themselves full time to preach the Gospel of Jesus Christ.

9. The request alleged that on December 18, 2023, the indictment was filed against the proposed beneficiaries, accusing them of being alleged co-perpetrators of the crime of money, property, and asset laundering to the detriment of the State of Nicaragua and Nicaraguan society. On the same day, the preliminary hearing was held in Managua, where a pretrial detention measure was ordered. The Nicaraguan Police

¹² 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.

¹³ IACHR, Press Release No. 243/23. [IACHR and SRFoE: Nicaragua must cease repression against indigenous communities on the Caribbean Coast](#). October 10, 2023.

¹⁴ 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.

¹⁵ 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.

¹⁶ 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.

¹⁷ IACHR. Press Release No. 145/21. [IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately](#). June 9, 2021; IACHR. Press Release No. 171/21. [Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua](#). July 9, 2021. Press Release No. 197/2022. [IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed](#). September 5, 2022.

¹⁸ IACHR. Press Release R218/22. [In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms](#). September 28, 2022.

¹⁹ IACHR, Press Release No. 24/2023. [The IACHR and OHCHR condemn the escalation of human rights violations in Nicaragua](#). February 17, 2023.

²⁰ 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](#). November 20, 2021.

reportedly issued a press release about the investigation of the religious leaders of Puerta de la Montaña, “using the Church as a front.” The statement also announced that the police had arrested the proposed beneficiaries and was going to investigate three U.S. citizens involved in this ministry. On December 20, 2023, the legal registration of “Puerta de la Montaña” was allegedly cancelled without official notification to its members or legal representatives. Their assets were seized and two of the lawyers were imprisoned. Through the official national gazette, the Nicaraguan government announced the cancellation of the ministry, along with the cancellation of nine other organizations.

10. Regarding the *criminal proceedings*, the request considered that the right to judicial guarantees of the proposed beneficiaries has not been complied with, considering the following: i) their arrests were reportedly carried out without a prior arrest warrant; ii) they are in an alleged state of incommunicado detention and are prohibited from meeting or speaking with their legal representation; iii) their lawyers are reportedly denied access to the indictment documents or court files (including the conviction) to prepare an adequate defense, despite repeated requests to the judicial authorities and the Public Prosecutor’s Office; and; iv) during the hearings, the proposed beneficiaries were not brought into the room where the judicial authorities, the accusers, and the lawyers were. They were reportedly visible via video conference call, but they were not heard.

11. On March 19, 2024, a final judgment was issued.²¹ On March 22, 2024, an appeal was filed against the judgment, in which irregularities and arbitrariness were alleged. Currently, the matter is awaiting for the competent Court to pronounce on the case and issue a judicial decision.

12. Regarding *the detention conditions*, the applicants described them as “inhuman, cruel, and degrading” and “incompatible with the standards of international law.” Given the restriction on visits, it has not been possible to directly assess the detention conditions. Regarding their *health*, it was indicated that, due to the lack of contact with their family members, verifying their current condition is challenging. However, the applicants indicated that they were aware that they are not permitted access to specific medication required for their pre-existing health issues, as they are not allowed to receive medication from family members in the form of parcels. In addition, during the hearings conducted in the judicial process, it was observed that the proposed beneficiaries’ physical conditions “were deplorable.”

13. The relatives were informed that all the male proposed beneficiaries were allegedly being held in “La Modelo” prison. The only female proposed beneficiary is reportedly held in the Women’s Comprehensive Correctional Facility (*Establecimiento Penitenciario Integral de Mujeres*). The following is the information available to the applicants:

- i. **Walner Omier Blandón Ochoa:** Arrested on December 12, 2023. He allegedly has high blood sugar levels and, therefore, must follow a strict diet. Being denied any form of communication makes it difficult to determine whether he is receiving the necessary nourishment to manage his medical condition.
- ii. **José Luis Orozco Urrutia:** Arrested on December 17, 2023. The parcels containing medicines that his relatives send him due to his health conditions are allegedly not admitted. He reports having anxiety disorders, trouble breathing, and constant back pain.
- iii. **Álvaro Daniel Escobar Caldera:** Arrested on December 17, 2023. The food parcels sent to him by his relatives are reportedly not admitted. He allegedly has arterial hypertension, a condition that should be treated by specialized medical attention given his medical history. Among the medications he requires to

²¹ The request indicated that Mr. Walner Omier Blandón Ochoa and Ms. Maricela de Fátima Mejía Ruiz were sentenced to 15 years in prison, as well as fines. The remaining proposed beneficiaries were sentenced to 12 years of deprivation of liberty and fines.

treat his physical and mental ailments are: Brintellix 10mg, Núcleo C.M. Forte, and painkillers on a daily basis. It was also reported that in recent years, he suffered a cerebral hemorrhage on the left side of his head.

- iv. **Juan Carlos Chavarría Zapata:** Arrested on December 17, 2023. The parcels containing medicines and food that his relatives send him due to his health conditions are allegedly not admitted. As for his health, despite not having any chronic health issues, he reportedly has back problems and severe recurrent headaches.
- v. **Marcos Sergio Hernández Jirón:** Arrested on December 17, 2023. Packages with medicines sent to him by his relatives are reportedly not admitted. He allegedly has chronic health issues that require specialized medical attention, including prediabetes, prostatitis, arterial hypertension, an abscess in the perianal area that requires surgery, and rheumatoid arthritis. Among the medications he requires to treat his physical and mental health issues are: Feximet XR 500 mg, Proseren, Hominus and Tonval, which he should take on a daily basis.
- vi. **Juan Luis Moncada:** Arrested December 17, 2023. The parcels containing medicines and food that his relatives send him due are allegedly not admitted. On July 5, 2023, he reportedly had surgery for appendicitis and has been on painkillers since then.
- vii. **Orvin Alexis Moncada Castellano:** Arrested on December 17, 2023. The parcels containing medicines and food that his relatives send him due are allegedly not admitted. He reportedly has chronic migraines that require medication on a regular basis in order to relieve the pain. In the past, he was prescribed painkillers to treat these health issues.
- viii. **Harry Lening Ríos Bravo:** Arrested on December 17, 2023. Packages sent to him by his relatives are allegedly not admitted. He allegedly has several medical conditions such as a partial tear of the tendon of the left quadriceps femoris muscle, previous fracture of the left femur, sepsis, intramedullary femoral nail with pin with antibiotic, gonarthrosis grade II on his left knee, rupture of the fixation screw located in the left femur, grade I injury of the anterior cruciate ligament, suprapatellar bursitis, and Osgood-Schlatter disease. These health issues allegedly require ongoing medical attention to alleviate symptoms of pain. The proposed beneficiary used to go to check-ups every two months. Among the medications he has to take to treat his health issues are: Enantium Plus and Intramuscular Ketorolac, both of which he was taking on a daily basis. It was also reported that, as a result of a car accident in 2019, he allegedly experiences lasting health effects.
- ix. **Manuel De Jesús Ríos Flores:** Arrested on December 17, 2023. The parcels sent to him by his relatives were reportedly not admitted. The proposed beneficiary reportedly has necrosis, and therefore needs ongoing medical care and crutches to walk. The medications he reportedly takes for his health issues are: Tramadol Forte, and an ointment called Dromadol Forte. In addition, he should be receiving an IV on a weekly basis.
- x. **Cesar Facundo Burgalín Miranda:** Arrested on December 17, 2023. The parcels with medicines and food that his relatives send him due are allegedly not admitted. He allegedly has medical conditions that require specialized care, including: herniated disc, acute low back pain, type II diabetes, and high blood pressure. He should reportedly be receiving Metformin and Glibenclamide (to regulate blood sugar) and Losartan (to regulate blood pressure).
- xi. **Marisela de Fátima Mejía Ruiz** (female religious leader and wife of the proposed beneficiary Walner Omier Blandón Ochoa): Arrested on December 16, 2023. It was reported that she had given birth to her second child two months prior to her arrest. To date, she is still breastfeeding, which was allegedly interrupted upon being deprived of her liberty.²² Moreover, the relationship with her first daughter, who is two years old, has been interrupted. Prison officials allegedly do not allow her to see her children during her time in prison.

14. Lastly, regarding *the filed complaints*, the applicants alleged that her lawyers complained to the relevant authorities about the lack of medical attention, her incommunicado detention, and her detention

²² In this regard, it was argued that, according to the Code of Criminal Procedure, the judge of the case could substitute the preventive detention imposed by house arrest given that she is within the six month period of breastfeeding after the birth of her child.

conditions. However, her matter has not been addressed. They believe that persisting in urging the authorities to address the situation that places the proposed beneficiaries at risk would put both the beneficiaries and their relatives currently residing in Nicaragua in jeopardy.²³

B. Response from the State

15. In this matter, the IACHR requested information from the State on April 4, 2024. However, the State has not submitted information to date.

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

16. The precautionary measures mechanism is part of the Commission's function of overseeing 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. Moreover, the mechanism of precautionary measures is described in Article 25 of the Rules and Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

17. 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.²⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁵ 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.²⁶ Regarding their precautionary

²³ Between January 8 and February 15, 2024: the legal representative filed at least 26 petitions before the Tenth Criminal Hearing District Court and the Fifth Criminal Trial District Court of Managua, requesting judicial authorization for family visits. No response was provided to the aforementioned requests. On January 25, 2024, a document was filed before the Tenth Court requesting a medical check-up for each of the proposed beneficiaries. The substitution of the preventive measure of pre-trial imprisonment for house arrest was also requested in favor of those who had chronic health issues and in favor of the proposed beneficiary Marisela de Fátima Mejía Ruiz, given her extreme weight loss and the fact that she is the mother of two young children. No response was received from the judicial authorities. On January 26, 2024, during the initial hearing before the Tenth Court, the legal representatives filed a petition requesting that the proposed beneficiaries be referred to the Institute of Forensic Medicine for a check-up. They also requested the substitution of the precautionary measure of preventive detention by house arrest in favor of those who had chronic health issues and in favor of Marisela de Fátima Mejía Ruiz. The judicial authority denied both requests, alleging that the prisons where the defendants were detained had sufficient medical personnel to treat their health issues and that it was not necessary to refer them to the Institute of Forensic Medicine, nor was it necessary to change the precautionary measure of preventive detention. On February 15, 2024, during the evidentiary hearing before the Fifth Criminal District Trial Court of Managua, the proposed beneficiaries' legal representative again requested the substitution of the precautionary measure of preventive detention and their referral to the Institute of Forensic Medicine to determine their current health. The judicial authority declared the requests null and void, stating that the prisons had medical personnel necessary to guarantee their health. In that same hearing, a motion for nullity was also filed for absolute procedural defectiveness, alleging violations of due process, as well as the denial of family visits and the possibility for their attorneys to speak with them. The incident was declared inadmissible, pointing out that there has been no defective procedural activity. Following the filing and denial of several appeals and appeals for reconsideration, the appeal on family visits and on the need for medical check-ups made to date in the criminal jurisdiction was deemed to be exhausted.

²⁴ 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.

²⁵ See in this regard: I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R., Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R., 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].

²⁶ 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

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 enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.²⁷ In the process of reaching a decision, 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.

18. 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.²⁸ 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, this proceeding is not suited to rule on violations of rights enshrined in the American Convention or other applicable instruments,²⁹ as that determination is better suited to 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.³⁰

19. Under the terms of Article 25.6 of the Rules of Procedure, the Commission observes that the alleged situation that places the proposed beneficiaries 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.³¹ In

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].

²⁷ 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.

²⁸ 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.

²⁹ 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.

³⁰ 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].

³¹ 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. 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](#)

particular, it notes that the alleged facts are part of an environment of repression against members of religious organizations, already known by the IACHR, in which “the criminalization of religious leaders, the closure of religious media, the confiscation of property and bank accounts, the expulsion of religious orders and other acts of repression and retaliation against members of the Catholic Church due to their role of mediation [...], and their critical role in denouncing human rights violations” have been evidenced.³² In this context, the Commission has granted precautionary measures to members of the Catholic Church in Nicaragua.³³

20. Taking into account the above context, the Commission will proceed to analyze the procedural requirements regarding the situation of the eleven proposed beneficiaries in Nicaragua. These individuals were identified as members and leaders of the evangelical church “Puerta de la Montaña” and collaborated in the evangelistic crusades “Buenas Nuevas Nicaragua.” They were reportedly detained and prosecuted for crimes against the State of Nicaragua, after the Police accused them of “using the Church as a front”. In addition, their religious organization was reportedly shut down the same month of the arrests. Given this situation, the Commission understands that the context of repression against religious leaders in Nicaragua is applicable to them. This context influences the assessment of the procedural requirements and the situation of vulnerability that the proposed beneficiaries face.

21. As for the requirement of *seriousness*, the Commission considers that it has been met. The Commission identifies that the proposed beneficiaries have been deprived of their liberty since December 2023, and have not been able to obtain official information on their situation. In this regard, the applicants reported that they have not been granted access to the court files, nor to the initial conviction sentence, despite filing domestic appeals alleging the arbitrariness of their detentions. The Commission understands that, although the mechanism of precautionary measures is not called upon to analyze the proceedings that are part of the criminal proceedings against the proposed beneficiaries, or their compatibility with the American Convention, it does note that the proposed beneficiaries are reportedly in the custody of the State, and that legal representatives and family members have been denied official information.

22. In addition to the above, legal representatives and relatives cannot visit the proposed beneficiaries in the penitentiary centers where they are allegedly held in a “state of incommunicado detention.” Despite internal actions, including the request for information to the State under the matter at hand, the Commission notes that there is still no official information on the proposed beneficiaries’ situation. 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.”³⁴

23. Given that family members indicated the proposed beneficiaries are reportedly being held in the penitentiary centers known as “La Modelo” and the Women’s Comprehensive Penitentiary Establishment, known as “La Esperanza,” the IACHR recalls the information collected by the MESENI.³⁵ In this regard, the

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.

³² IACHR, Report: Closure of civic space in Nicaragua. OEA/Ser.L/VIII.Doc. 212/23, September 23, 2023, para. 9.

³³ IACHR, Silvio José Baez Ortega and family members regarding Nicaragua. May 29, 2018; IACHR. Resolution 87/2021. Juan Abelardo Mata Guevara and relatives regarding Nicaragua. May 11, 2021; and Resolution 19/2023. Rolando José Álvarez Lagos regarding Nicaragua, April 13, 2023.

³⁴ I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021, para. 36.

³⁵ IACHR, Report: Closure of civic space in Nicaragua. OEA/Ser.L/VIII.Doc. 212/23, September 23, 2023; IACHR. Report on Persons Deprived of Liberty in Nicaragua in the Context of the Human Rights Crisis Initiated on April 18, 2018. OEA/Ser.L/V/II. Doc 285.

serious detention conditions of persons deprived of liberty were reported.³⁶ Among other aspects, the complaints alleged “prolonged deprivation of liberty under even more deplorable and unhealthy conditions, persistent acts of mistreatment, isolation, incommunicado detention, constant interrogations, the lack of adequate and sufficient food, as well as the lack of access to timely, adequate, and specialized medical care.”³⁷ In this context, it is of particular concern that the proposed beneficiaries have ongoing health issues and there is no official information from the State indicating that they are receiving the corresponding medical treatment. In line with the above, the applicants stated that, during the trial, it was observed that the proposed beneficiaries’ conditions “were deplorable.” It was also alleged that they were allegedly unable to receive medicines and food from their relatives in parcels.

24. In particular, the Commission notes the different situation of Marisela de Fátima Mejía Ruiz. It was alleged that she was “extremely thin,” having been detained a few months after giving birth. During the postpartum and breastfeeding period, the Commission underscores the critical importance of receiving postnatal health care and maintaining adequate nutrition. Without these essentials,³⁸ there is a heightened risk of serious health complications that could jeopardize her well-being and even her life. Specifically, state obligations should focus on providing specialized medical care that responds to the needs derived from her current state. This health care should be provided by qualified medical personnel in the detention location and comparable to the care she would receive in the community.³⁹

25. In these circumstances, and in light of the foregoing, the Commission considers that the facts alleged by the applicants in the context currently surrounding Nicaragua, and given the lack of basic official information from the State, are likely to seriously affect the rights of the proposed beneficiaries. Therefore, the Commission concludes, from the applicable *prima facie* standard, that it is sufficiently proven that the rights to life, personal integrity and health of the persons identified in this resolution are at serious risk.

26. As for the requirement of *urgency*, the Commission considers that it has been met, given that, if the situation described above continues, the proposed beneficiaries are likely to be exposed to a greater imminent impact on their rights. Thus, the Commission observes that, despite the fact that they are in the custody of the State, it has not been possible to obtain official information on their current situation, even after the filing of various domestic remedies. The foregoing, added to the context of the country, allows this Commission to understand the imminent possibility that the risk materializes.

27. As it pertains to the requirement of *irreparable harm*, the Commission finds that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

V. BENEFICIARIES

28. The Commission declares the following persons as beneficiaries: (1) Walner Omier Blandón Ochoa, (2) José Luis Orozco Urrutia, (3) Álvaro Daniel Escobar Caldera, (4) Juan Carlos Chavarría Zapata, (5) Marcos Sergio Hernández Jirón, (6) Juan Luis Moncada, (7) Orvin Alexis Moncada Castellano, (8) Harry Lening

October 5, 2020; IACHR. Press Release No. 103/2022. 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. [IACHR Urges Nicaragua to Guarantee that Political Prisoners Have Regular Contact with Their Families in Conditions of Dignity](#). May 13, 2022; IACHR. Press Release No. 117/2022. [IACHR Concerned About Health Condition of Women Who Are Deprived of Liberty in Nicaragua](#). May 27, 2022. IACHR. Press Release No. 23/2022. [IACHR Urges State of Nicaragua to Release All People Held in Arbitrary Detention](#). January 31, 2022.

³⁶ 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.

³⁷ *Ibidem*

³⁸ IACHR. [Report on Women Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II.doc.91/23, March 8, 2023, para. 155.

³⁹ IACHR. [Report on Women Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II.doc.91/23, March 8, 2023, para. 162

Ríos Bravo, (9) Manuel De Jesús Ríos Flores, (10) Cesar Facundo Burgalín Miranda, and (11) Marisela de Fátima Mejía Ruiz, who are duly identified in this proceeding.

VI. DECISION

29. 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 the beneficiaries. In particular, officially report on their current situation while in State custody;
- b) adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards on the matter, among them: i. guarantee access to adequate and specialized medical attention, and immediately carry out a specialized medical assessment on their health; ii. ensure access to the necessary treatments and medications to treat their health issues, with the corresponding gender perspective; iii. guarantee regular contact and access to their family members and lawyers; and iv. evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting their rights in light of the current detention conditions;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

30. 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.

31. 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.

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

33. Approved on April 21, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Luiz Marcelo Azevedo
By authorization of the Executive Secretary