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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 7/2024**

Precautionary Measure No. 95-24

**Eddy Antonio Castillo Muñoz, Nelly Griselda López García and Juan Carlos  
Baquedano regarding Nicaragua**

March 1, 2024

Original: Spanish

**I. INTRODUCTION**

1. On January 29, 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 applicants” or “the representation”) urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano. According to the request, the proposed beneficiaries are deprived of liberty without access to medical care to treat their health issues and are held in reported inadequate detention conditions.

2. In accordance with Article 25(5) of the Rules of Procedure, the IACHR requested information from the State on January 31, 2024. However, no response has been received to date.

3. Upon analyzing the allegations of fact and law furnished by the applicants, the Commission considers that the information provided showed *prima facie* that the proposed beneficiaries were in a serious and urgent situation, given that their rights to life, personal integrity and health were 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 Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano; b) adopt the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are 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 their health; iii. provide the necessary treatments and medications to treat their health issues; iv. guarantee regular contact and access to their family and legal representatives, and v. evaluate the possibility of granting alternative measures to imprisonment 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 in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events 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.<sup>1</sup> 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

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<sup>1</sup> 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.

presence on December 19, 2018.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

5. In 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.<sup>5</sup> Subsequently, the Commission again included Nicaragua in Chapter IV.B of its 2019 Annual Report,<sup>6</sup> 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.<sup>7</sup>

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

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. They<sup>12</sup> also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>13</sup> 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.<sup>14</sup>

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> IACHR. 2018 Annual Report. Chapter IV.B Nicaragua.

<sup>5</sup> 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.

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

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

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

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

<sup>12</sup> 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.

<sup>13</sup> 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.

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On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.<sup>15</sup>

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 current Government, perpetrated by police and vigilante groups.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> On November 4, 2022, the IACHR warned of the lack of conditions to hold free and fair elections in the country, taking into account the resurgence of repression and persecution against political opponents through the implementation of measures aimed at preventing their participation in these elections.<sup>23</sup>

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.<sup>24</sup> 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

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<sup>15</sup> IDH. 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.

<sup>16</sup> 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.

<sup>17</sup> 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.

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

<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> 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.

<sup>22</sup> 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.

<sup>23</sup> 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.

<sup>24</sup> IACHR. Press Release No. 021/23. IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality. February 13, 2023.

freedoms.<sup>25</sup> 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.<sup>26</sup> On October 10, 2023, the Commission addressed the repressive strategy deployed by the Executive to consolidate a regime of 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.<sup>27</sup>

### **III. SUMMARY OF FACTS AND ARGUMENTS**

#### **A. Information provided in the request**

11. The request is filed in favor of Eddy Antonio Castillo Muñoz, Nelly Griselda Lopez García, and Juan Carlos Baquedano, who are currently deprived of their liberty. The applicants stated that the proposed beneficiaries were detained under the same pattern of persecution and criminalization against opponents and critics of the Government of Nicaragua.

##### **a. Eddy Antonio Castillo Muñoz and Nelly Griselda López García**

12. According to the request, Mr. Eddy Antonio Castillo Muñoz, 43 years old, and his partner, Ms. Nelly Griselda López García, 42 years old, have been deprived of liberty since April 15, 2023. They were reportedly prosecuted and sentenced to six years in prison for “the crime of conspiracy to undermine national integrity in real competition for the crime of spreading false news through information and communication technologies to the detriment of the State of Nicaragua and Nicaraguan society.” According to the information provided, Ms. López García was a member of the Asociación Madres de Abril (AMA).<sup>28</sup> However, she reportedly left the organization in 2022 due to safety concerns and family issues.

13. Regarding *the arrest*, it was stated that on April 15, 2023, a police operation from the Directorate of Special Police Operations arrived in the vicinity of the house located in Masaya. The police officers proceeded to arrest both proposed beneficiaries, as well as to search their home, despite not showing an arrest and search warrant to state the charges under which they were detaining them. The next day, their relatives asked the Masaya police delegation for information on them, but were unable to obtain any details. On April 18, 2023, their relatives went to Managua Police District Number III to find out where they were being held and on what charges. At that police station, family members were not allowed to see or communicate with the proposed beneficiaries. The police officers told them that “although Mr. Castillo Muñoz and Ms. López García were detained there, they could not see them because they were under investigation for “being traitors to the homeland.” Ms. López was being investigated for having demanded justice on social networks for her nephew who was killed in the 2018 protests in Masaya, and Mr. Castillo Muñoz was arrested for that same reason and upon allegedly finding gunpowder in the house to “try to destabilize the government.” On June 10, 2023, it was reported that Mr. Castillo Muñoz was reportedly sent to the “Jorge Navarro” National Penitentiary System (known as La Modelo) and Ms. López García was reportedly transferred to the “La Esperanza” Comprehensive

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

<sup>26</sup> 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.

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

<sup>28</sup> According to the request, AMA is an organization that brings together the families of the victims killed in the anti-government protests in Nicaragua.

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Women's Penitentiary Establishment (EPIM). On June 12, 2023, their family members were able to visit the proposed beneficiaries for the first time.

14. Regarding *the criminal proceedings*, the applicants indicated that they did not have much information available. It is reportedly understood that a public defender was appointed to the proposed beneficiaries. Their relatives reportedly did not have access to communicate with this lawyer, whose name they allegedly do not even know. The judicial authorities also reportedly did not allow access to any part of the court file (indictment, hearing minutes, or sentence). In the Online Attention and Information System of the Judiciary, known as "Sistema Nicarao", there is also no evidence of any proceedings against them. Moreover, the request alleged that the trial was held in person at the Judicial Complex of Managua at around the beginning of June 2023, although they do not even know which Court heard the case. Both proposed beneficiaries were convicted.

15. Regarding *the detention conditions* where the proposed beneficiary Castillo Muñoz is being held, the applicants stated that, during his detention in Police District III between April 15, 2023 and June 10, 2023, he was held incommunicado, was not taken out into the courtyard, and was not allowed to see his partner. He was also allegedly subjected to continuous acts of psychological torture, as he was not allowed to sleep and was awakened at dawn to be interrogated about his role as a government opponent. Due to the lack of private communication, the exact purpose of the interrogations is not known. On other occasions, police officers would allegedly knock on his bars in the early hours of the morning to wake him up. In addition, they showed him photos of his daughters, which those same police officers pursued undercover to take photos of them, which caused him anxiety and concern for their well-being. For their part, in La Modelo, the guards reportedly knock the bars of his cell with their batons, so as not to let him sleep. Between June and October 2023, the proposed beneficiary was reportedly allowed access to the sun courtyard once a week for less than an hour, but he has not been allowed to do so since October. He is reportedly only allowed one family visit, for a duration of approximately 45 minutes, once a month. Regarding *his health*, the request stated that, during his detention at La Modelo, he allegedly presented symptoms of fever and diarrhea for a few days. However, he did not receive any medical attention, or medication, nor were medical examinations performed. From October 2023 to date, he is allegedly suffering from some type of allergy associated with poor diet. In recent weeks, he reportedly had the flu and severe headaches. However, family members were not allowed to bring him medication (Dolofin, Acetaminophen, Bronchial Actimycin, Virogrip, or Diclofenac). He was allegedly not provided medication, nor given informal medical care or medical examinations.

16. Regarding the *detention conditions* of the proposed beneficiary López García, the representation reported that during her confinement in Police District III between April 15, 2023 and June 10, 2023, she was held incommunicado, was not taken to the sun courtyard, and was held in a small, overcrowded cell with several women. After her transfer to the La Esperanza Prison, between June and the beginning of November 2023, she was allegedly granted access to the courtyard and food in optimal condition. As of November, she was transferred to maximum security cells. She was prohibited access to the sun courtyard and given food that, on several occasions, was allegedly decomposed. This causes greater complications to her medical conditions. She is reportedly only allowed one family visit, for approximately 45 minutes, once a month. Regarding *her health*, the request noted that, while in confinement in Police District III, she had constant facial paralysis (pre-existing health issue). She did not receive medical attention, only an Ibuprofen pill. At the trial hearing held on June 10, 2023, she had one of these paralyzes, and the judicial authorities did not provide any medical care. After her transfer to La Esperanza (June 10, 2023), she reportedly suffered paralysis on several occasions between October and November 2023. In addition, other pre-existing health issues, such as her hypertension, have worsened. She also reportedly developed new health issues such as tachycardia and menstrual alteration on a constant basis from June to date. She added that, on December 17, 2023, she had food poisoning which caused diarrhea and even a fainting spell, but still, she did not receive any medical attention. The prison agents have not allowed her medical attention or performed medical examinations for any of these health issues. She was allegedly only provided Ibuprofen and, sometimes, medications for paralysis and

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headaches were brought to her by her relatives (Dolor Flex and Núcleo Cmp Forte). Lack of adequate medical care reportedly prevents her medical conditions from being regulated.

**b. Juan Carlos Baquedano**

17. According to the request, Mr. Juan Carlos Baquedano, 66 years old, is a retired former military officer from the 1980s in Nicaragua. Between August 21, 2018 and June 10, 2019, he was reportedly deprived of his liberty in Nicaragua for the first time until he was released under an amnesty law. On that occasion, he was sentenced to 47 years for crimes related to terrorism. The request alleged that it was a politically motivated criminalization as he was singled out as a leader of anti-government protests in the city of Jinotega in 2018 and for being a dissident of the Sandinista National Liberation Front, the official government party. He is currently deprived of his liberty for the second time since August 2, 2023. He was prosecuted and sentenced to 16 years in prison for crimes related to drug trafficking.

18. Regarding *his detention*, the applicants indicated that, on August 2, 2023, police officers arrived at his home and arrested him after violently beating him. No arrest warrant or search warrant was presented. During the first 19 days of his detention, his relatives went to the Jinotega police station and to the “Evaristo Vásquez” Judicial Assistance Directorate in Managua to ask about him on different occasions, but were unable to get an answer. On August 21, 2023, they learned that he was being held in the “La Modelo” Penitentiary System. His relatives were able to visit him on September 12, 2023.

19. Regarding *the criminal proceedings*, the applicants indicated that they did not have much information available. It is understood that a public defender was reportedly appointed to him, but his relatives have not been able to communicate with this lawyer, whose name they do not even know. The judicial authorities also reportedly did not allow access to any part of the court file (indictment, hearing minutes, or sentence). In the Online Attention and Information System of the Judiciary, known as “Sistema Nicarao”, there is also no evidence of any proceedings against him. His relatives allegedly filed a writ of habeas corpus on October 10, 2023. On October 11, 2023, it was declared inadmissible by Criminal Chamber Two of the Court of Appeals of the District of Managua, alleging that “he has a court case filed in the Second Criminal District Court of Trial of Managua, in which a conviction has been issued against him.” The crimes for which he was convicted were not indicated, nor was the file number, which allows judicial remedies to be filed. The Institute of Legal Medicine did not examine him either. It was learned that his trial allegedly took place between the end of September and the beginning of October 2023, but he was not taken to the judicial complex. His appearance was reportedly made from La Modelo through a video call.<sup>29</sup> On November 17, 2023, his relatives filed a complaint with the Criminal Chamber two of the Court of Appeals of Managua, but it has not been answered.

20. Regarding *his detention conditions*, the request stated that while he was detained in Police District III in Managua he was not beaten, but he was not allowed access to the courtyard. Furthermore, in the first two months of confinement in the La Modelo Prison, between August and October 2023, he was taken out into the sun twice a week for approximately 40 minutes. However, since October, he has not had access to the sun courtyard. When they let him out, it is reportedly only to take a photo of him, after which he is immediately returned to his cell. He is also refused access to recreational benefits or be able to shop at a food stand. He is reportedly only allowed one family visit, for approximately 45 minutes, once a month.

21. Regarding *his health*, the applicants indicated that since November 2023, the proposed beneficiary’s health has worsened. His glucose levels and hypertension have allegedly been altered on several occasions, which causes severe nausea and headaches on a recurring basis. The prison officers allegedly

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<sup>29</sup> According to the representation, this form of appearance is not regulated by Nicaraguan criminal procedural law.

allowed family members to provide him medication for diabetes (Metformin and Losartan), but they reportedly did not allow him with Loperamide and Enterex milk. He is also not being provided with medication informally.

22. To date, he has not undergone medical examinations or been provided with adequate medical care in order to properly medicate and regulate his health issues: diabetes, hypertension, and stomach/intestinal problems. His blood pressure is only measured when he feels unwell, and he is provided a serum. This prevents his medical condition from being regulated. As a diabetic, Mr. Baquedano's diet must also be adjusted to this health issue. However, he reportedly does not receive an adequate diet in relation to his diabetes and intestinal problem, which causes him intense diarrhea. The representation stated that the prison authorities give him beans, which is known to cause diarrhea due to his intestinal problems. In addition, Mr. Baquedano reportedly denounced that the water is not completely drinkable because it is "pure dirt".

23. The representation also alleged that, due to the torture he allegedly suffered during his first arrest in 2018, the proposed beneficiary allegedly sustained injury to his right shoulder, which reportedly caused him chronic pain to this day. Furthermore, as a result of this beating, he developed severe peritonitis which was operated on at the time.

24. The applicants reported that, on December 1, 2023, Mr. Baquedano, along with other inmates, began a hunger strike to demand medical attention and to stop being provided decomposing food. In retaliation, special forces of the national police and prison guards allegedly took the proposed beneficiary out of the cells and to a small interrogation room. In this room, they reportedly brutally beat him all over his abdominal area and asked him "who was financing him to destabilize Nicaragua? Why had he returned from Mexico to Nicaragua? Who are the people who are still in Nicaragua to destabilize it and what are their reasons?" He reportedly did not receive any medical attention after this beating. Due to the recurrence of alteration of his glucose in recent months, it is likely that he currently needs insulin to regulate his condition or he could be at risk of falling into a diabetic coma.

## **B. Response from the State**

25. In the matter at hand, the IACHR requested information from the State on January 31, 2024. However, the State has not submitted information to date.

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

26. 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.

27. 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.<sup>30</sup> Regarding the protective nature, these measures seek

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<sup>30</sup> 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].

to avoid irreparable harm and protect the exercise of human rights.<sup>31</sup> 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.<sup>32</sup> 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 enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>33</sup> 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.

28. 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.<sup>34</sup> 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.<sup>35</sup> This is better suited to be addressed

<sup>31</sup> 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].

<sup>32</sup> 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].

<sup>33</sup> 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.

<sup>34</sup> 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.

<sup>35</sup> 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.



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.<sup>36</sup>

29. Given the proposed beneficiaries' 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.<sup>37</sup> 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.<sup>38</sup>

30. 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.<sup>39</sup>

31. 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.<sup>40</sup> This particularly hostile context has intensified over time.<sup>41</sup> Thus, the Commission considers that the proposed beneficiaries' 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.<sup>42</sup>

<sup>36</sup> 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. 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].

<sup>37</sup> 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.

<sup>38</sup> 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.

<sup>39</sup> 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.

<sup>40</sup> 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.

<sup>41</sup> 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.

<sup>42</sup> 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

32. Similarly, the IACHR recalls the information gathered on detention conditions in Nicaragua, which referred to “the serious detention conditions of persons deprived of their liberty in different facilities of the National Penitentiary System” such as in “La Modelo” and “La Esperanza” where the proposed beneficiaries are reportedly detained.<sup>43</sup> 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”.<sup>44</sup>

33. Taking into account the preliminary aspects and the particular context that Nicaragua is experiencing, the Commission will proceed to analyze the procedural requirements regarding Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano, in Nicaragua.

34. With regard to the requirement of *seriousness*, the Commission considers that it has been met. The Commission observes that the proposed beneficiaries are deprived of liberty in various penitentiary centers, in detention conditions incompatible with the standards of international law and without attention to their health issues. The IACHR observes that the alleged situation purportedly derives from the critical position of the proposed beneficiaries, which affects the aggravation of the alleged risk factors, as they are identified or perceived as political opponents or critics of the current Nicaraguan government. Additionally, it is observed that one of the proposed beneficiaries<sup>45</sup> was reportedly arrested previously given his participation as a leader in the 2018 protests.

35. The Commission identifies that, upon their arrest, the proposed beneficiaries were allegedly unable to communicate with their relatives. Family members reportedly did not have official information on the work carried out by the public defenders who reportedly carried out the legal defense of the proposed beneficiaries. They also generally lack access to the corresponding criminal file to raise the relevant appeals. In this sense, the questions regarding the existing criminal proceedings were presented, which, in the case of the proposed beneficiary Baquedano, were presented as a writ of habeas corpus and a complaint to the respective authorities.

36. Regarding their detention conditions, the IACHR observes that, according to the applicants, the proposed beneficiaries are allegedly being subjected to inadequate detention conditions and are not receiving medical care despite having pre-existing health issues. Additionally, the Commission notes that the proposed beneficiaries were initially detained in Managua Police District Number III. In this detention center, the proposed beneficiaries remained in total solitary confinement, without access to the sun courtyard, in small and overcrowded cells. In the case of the proposed beneficiary Castillo Muñoz, he reported psychological torture as his sleep was hindered and was being subjected to interrogations in the early hours of the morning. Currently, the proposed beneficiaries are reportedly in different prison systems in Nicaragua.

37. In the case of Mr. Eddy Antonio Castillo Muñoz and Mr. Juan Carlos Baquedano, they are allegedly held in the Jorge Navarro National Penitentiary System known as “La Modelo”. Regarding this penitentiary, the following was reported: food is of poor quality and even in a rotten state; the water is not completely drinkable; they have been denied access to the sun courtyard; they are not allowed means of recreation; and they do not have access to the food stand. In addition, it should be noted that, recently, Mr.

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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.

<sup>43</sup> 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.

<sup>44</sup> *Ibid.*

<sup>45</sup> Mr. Juan Carlos Baquedano was deprived of liberty between August 21, 2018 and June 10, 2019.

Baquedano was allegedly subjected to beatings and interrogations by police officers and custodians upon demanding medical attention and adequate food. Mr. Castillo Muñoz reported that the guards allegedly knock on the bars of his cell so as not to let him sleep. In the case of Ms. Nelly Griselda López García, she was reportedly imprisoned in the Integral Penitentiary Establishment for Women (EPIM) known as “La Esperanza” and reported the following: she is in a maximum-security cell; she is allegedly denied access to the sun courtyard; and reported that the food was unhealthy and sometimes spoiled.

38. Regarding the health issues, the Commission observes that, according to the request, the proposed beneficiaries have medical concerns that are not being adequately treated. Furthermore, they note that their health issues are reportedly aggravated, not only due to the lack of adequate medical treatment, but also due to the detention conditions and even given the physical aggressions experienced during their imprisonment. In this regard, the Commission highlights the seriousness of the situation that Mr. Baquedano is facing. He has diabetes, hypertension, and intestinal problems. His situation has reportedly worsened since November 2023, and in December 2023, he was allegedly beaten by prison officers in his abdominal area, further exacerbating his ailments. Although the proposed beneficiary Baquedano is said to have access to some medicines that his relatives brought him, he allegedly requires other treatments and supplies and has not received medical attention after his beating. According to the information available, due to the lack of health care, the proposed beneficiary is at risk of going into a diabetic coma. Ms. Lopez García allegedly experienced facial paralysis, hypertension, and reportedly developed tachycardia and menstruation alteration after her arrest. The proposed beneficiary is allegedly only provided with the medicine delivered by her relatives; however, she lacks access to any medical care. She also reportedly did not undergo medical examinations, which are necessary in order to regulate and treat her medical issues. Her health issue is allegedly aggravated due to her hypertension and after having experienced several paralyzes between October and November 2023. In the case of Mr. Castillo Muñoz, he has allergies, flu, severe headaches, as well as fever and diarrhea. He is not receiving medical attention or treatment for these issues. In his case, his family members are reportedly not allowed to deliver medications.

39. 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 granting a precautionary measure, the lack of response from the State prevents the Commission from learning, in this case, about the 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 applicants. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated. The foregoing is particularly relevant, given that the proposed beneficiaries are in the custody of the State, and that the alleged facts are attributable to state actors.

40. Under these circumstances, the Commission considers that the facts alleged by the applicants, which were not challenged by the State, and in light of Nicaragua’s current context, are likely to seriously affect the proposed beneficiary’s rights to life, personal integrity, and health. In this way, 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. Furthermore, the Commission highlights its concern in the case of the proposed beneficiary Baquedano, in the face of acts of physical aggression by prison agents in retaliation for his demands for better detention conditions, according to the information available.

41. 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 warns that, given that they are being deprived of liberty, their current health, the lack of access to adequate medical attention, the detention conditions in which they find themselves added to the acts of violence reported since their detention, allow this Commission to understand the imminent possibility of the risk materializing in the current context of the country. Additionally,

the Commission does not have specific information from the State that allows it to assess the actions that are being taken to address or mitigate the situation that places the proposed beneficiaries at risk. In this way, it is necessary to adopt measures to safeguard the rights to life, personal integrity, and health of the proposed beneficiaries immediately.

42. 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**

43. The Commission declares as beneficiaries Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano, who are duly identified in this proceeding.

## **VI. DECISION**

44. 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 Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano;
- b) adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are 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 their health; iii. provide the necessary treatments and medications to treat their health issues; iv. guarantee regular contact and access to their family and legal representatives, and v. evaluate the possibility of granting alternative measures to imprisonment 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 in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

45. 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.

46. 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.

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

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48. Approved on March 1, 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