
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 67/2025**

Precautionary Measure No. 929-25
Salvador Enrique Anaya Barraza regarding El Salvador
September 22, 2025
Original: Spanish

I. INTRODUCTION

1. On July 10, 2025, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures submitted by Rodrigo Ernesto Salvador Enrique Anaya Morales and Jaime Quintanilla (“the requesting party” or “the applicants”) urging the Commission to require the Republic of El Salvador (the “State” or “El Salvador”) to adopt the necessary measures to protect the rights to life, personal integrity, and health of Salvador Enrique Anaya Barraza (“the proposed beneficiary”). According to the request, the proposed beneficiary is a constitutional lawyer, professor, and critic of the current government of El Salvador. He has been deprived of his liberty since June 7, 2025, and is currently being held incommunicado, with neither his family nor his lawyers aware of his conditions of detention or state of health, despite the actions taken at the domestic level.

2. The Commission requested additional information from the applicants on July 14, 2025, and received a response on July 18, 2025. In accordance with Article 25.5 of the Rules of Procedure, the Commission requested information from the State on July 21, 2025,¹ who submitted its report on July 31 and August 7, 2025. The IACHR forwarded the State’s report to the applicants on August 11, 2025. The applicants submitted its response on August 25, 2025.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission recognizes that Salvador Enrique Anaya Barraza is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, based on Article 25 of the Rules of Procedure, the Commission requests that El Salvador: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Salvador Enrique Anaya Barraza; b) implement the necessary measures to ensure that the beneficiary’s conditions of detention comply with international standards, in particular, immediately ending the prolonged incommunicado detention; guaranteeing regular contact and access with his family members, lawyers, and representatives as a means of safeguarding his rights, as well as providing him with the prescribed medical treatment in a timely and adequate manner; and, considering the exceptional nature of pretrial detention and the risk to life, personal integrity, and health assessed in this resolution, proceed to review the continuation of pretrial detention in light of applicable standards, including the possibility of alternative measures to pretrial detention; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged events that gave rise to this resolution, including their relationship to his activity as a human rights defender, so as to prevent such events from reoccurring.

II. SUMMARY OF THE FACTS AND ARGUMENTS

A. Information provided by the requesting party

¹ Among the requests for information, it was required to: (i) detail the conditions of detention of the proposed beneficiary, their state of health, the medical care received, and report whether they would have access to visits from their family members and trusted lawyers. Provide the relevant supporting documentation; and (ii) provide information on whether the competent authorities had assessed the alleged risk situation of the proposed beneficiary, adopting appropriate and sufficient measures.

4. According to the request, Salvador Enrique Anaya Barraza, 61, is a constitutional lawyer, professor, and critic of the current government of El Salvador. In particular, they mentioned that he has publicly denounced actions and policies that affect the democratic order of the country under that administration. For example, his questions would refer to the measures adopted during the COVID-19 pandemic, the dismissal of magistrates from the Constitutional Chamber of the Supreme Court of Justice, and the presidential reelection. They also stated that he objected to the detention of Ruth López Alfaro, a human rights defender in El Salvador, on May 18, 2025.²

5. On November 12, 2024, the proposed beneficiary participated in Hearing No. 11 - “El Salvador: Democratic Institutions” during the 191st Regular Period of Sessions of the IACHR. On June 3, 2025, he was interviewed on a television program where he questioned the anti-democratic nature of the administration, the 30% tax derived from the Foreign Agents Law, and the harassment of dissident voices. On that occasion, he expressed his fear of being persecuted. The applicants considered that there is a context of persecution and criminalization against dissenting voices against the current government of the country, journalists, lawyers, and human rights defenders.

6. The requesting party highlighted that the Professional Investigation Section of the Supreme Court of Justice opened two disciplinary proceedings against the proposed beneficiary for professional misconduct in 2021 and 2024.³ It was stated that the proposed beneficiary has been the target of harassment, for example, when the legal advisor to the Presidential Office described him as “the main lawyer of the opposition.” In addition, the request mentioned that the president of El Salvador had stated that “for opponents of his administration, the days of impunity are over.”⁴

7. They warn that on June 7, 2025, the proposed beneficiary was deprived of his liberty by order of the Attorney General’s Office (FGR), being accused of the alleged crime of money laundering and asset laundering. The applicants warned that the arrest was carried out arbitrarily, with excessive use of force, even though he did not resist, and by patrols made up of a dozen police officers with firearms and FGR investigators. His whereabouts were unknown until June 9, 2025, when his relatives learned that he was being held at the Land Transit Division of the National Civil Police. In the meantime, his situation was classified as a “forced disappearance.” It was reported that during that time, family members and lawyers went to multiple police facilities to try to confirm his location and condition, but the Salvadoran authorities allegedly refused to provide information.⁵ The applicants mentioned that the proposed beneficiary’s detention was condemned by various national and international organizations.⁶

² On his social media profile on network X, the proposed beneficiary had described Ruth López Alfaro’s situation as a “forced disappearance.” On June 6, 2025, he published an opinion piece in the digital newspaper “elsalvador.com” entitled “Cowardice versus courage: the dictatorship against Ruth Eleonora.”

³ The first case was opened on June 16, 2021, following his public criticism of the dismissal of the judges of the Constitutional Chamber. After the evidentiary phase was completed, the plenary session of the Supreme Court of Justice decided to suspend the case ex officio. The second, initiated on April 4, 2024, was reportedly shelved by the Professional Investigation Section, but would certify the Attorney General’s Office (FGR) to initiate criminal proceedings if it deemed it appropriate.

⁴ The request also included this press release: CNN, [Constitutional lawyer Enrique Anaya, a critic of Nayib Bukele’s government, arrested in El Salvador](#), June 8, 2025.

⁵ The request referred to this press release: Elsalvador.com, [Enrique Anaya is “missing,” says defense attorney after his whereabouts unknown](#), June 8, 2025.

⁶ Among them were the Inter-American Bar Association, the Center for Legal Studies of El Salvador, the Institute for the Rule of Law of the International Bar Association, the Ibero-American Institute of Constitutional Law, and Cristosal. In this regard, see: Inter-American Bar Association, [General Assembly Resolution on the Judicial and Political Persecution of Lawyers on the Continent, with Special Emphasis on the Situation in Venezuela and El Salvador](#), June 17, 2025; Center for Legal Studies of El Salvador, [\[@cej_sv\]](#), (June 16), Enrique used the tools of law to promote a more republican and democratic country [Tweet], https://x.com/cej_sv/status/1934601563202310324; Institute for the Rule of Law of the International Bar Association, [The UIA-IROL expresses its concern over the recent arrest of lawyer Salvador Enrique Anaya Barraza in El Salvador and demands that due process be](#)

8. With regard to his medical condition, the request stated that the proposed beneficiary suffers from a delicate medical condition that includes: type 2 diabetes mellitus, high blood pressure, primary hypothyroidism, diabetic neuropathy, and metabolic liver disease. In this regard, a report dated June 6, 2025, from the endocrinologist at the Salvadoran Heart Institute was attached, who stated that he had been treating the proposed beneficiary since 2006 for the aforementioned medical diagnosis and emphasized that: “he needs to take his medication regularly to avoid decompensation.” The medical prescription issued by the same endocrinologist on March 7, 2025, was added, which establishes a series of medications for his diagnosis,⁷ including “Trulicity.” Another report from the same doctor, dated June 26, 2025, was also attached, which highlights:

“(…) to maintain good health, the following is required: 1. A balanced diet that includes low carbohydrate content with moderate protein and fiber consumption (vegetables, salads, and fruits). 2. Daily physical exercise. 3. Taking prescribed medications regularly. 4. Monitoring glucose levels at least three times a week. 5. Proper hygiene.”

9. The requesting party revealed that, in 2022, the proposed beneficiary suffered an infection in the spine that required surgery, resulting in a significant decrease in mobility and difficulty maintaining balance. Therefore, he would need to continue physical therapy to fully recover. A report dated June 28, 2025, from the neurosurgeon specializing in spinal disorders was attached, which details the care provided to the proposed beneficiary for recurrent dorsal-lumbar pain and concludes: “it is recommended that he continue with his rehabilitation.” A summary from the infectious disease specialist dated July 3, 2025, was also added, stating: “[m]ale patient diagnosed with type 2 diabetes mellitus and hypothyroidism, known to me since June 2022.” She recommends: “(…) the patient should continue to take appropriate respiratory and environmental hygiene measures, as he is susceptible to infectious diseases, tuberculosis being one of the most prevalent in our country (…).”

10. During his stay in the cells of the Land Transit Division of the National Civil Police, he was allowed daily visits of 5 to 10 minutes from his family and lawyers, outdoors, with a separation of about two meters, in the presence of a police officer, without any guarantee of privacy. Questions were raised about the conditions of detention while he was in that location.⁸ The applicants stated that the medication “Trulicity” is necessary for his diagnosis of type 2 diabetes mellitus, which must be administered weekly and kept refrigerated. It was indicated that the detention center did not have the necessary equipment to store it, so after efforts by the lawyers, the detention unit allowed the family to bring and administer the medication.⁹ It was noted that administration of the medication was interrupted for 21 days due to the detention.

11. The request stated that the proposed beneficiary had a musculoskeletal ultrasound scheduled for June 9, 2025 (two days after his detention) to diagnose an abdominal mass that had appeared days before his apprehension. However, it warned that he had been denied this opportunity; it highlighted that he had not undergone laboratory tests to assess the status of his diabetes; and it mentioned that he had not undergone a comprehensive medical examination (such as checking his vital signs and blood glucose levels).

strictly followed and his health and physical integrity be safeguarded, June 23, 2025; Ibero-American Institute of Constitutional Law, [@IIDCUNAM], (June 7, 2025), Statement by the Ibero-American Institute of Constitutional Law. Strong condemnation of the arbitrary arrest of Dr. Enrique Anaya Barraza [Tweet], <https://x.com/IIDCUNAM/status/1931551243010216094>; Cristosal, Arrest of critical voices continues: Cristosal warns of the arrest of lawyer Enrique Anaya, June 7, 2025.

⁷ The medical prescription states: “1. Trulicity 1.5 mg, administer one injection once a week. 2. Jardianz Duo 12.5/1000 mg, take one tablet before breakfast and dinner. 3. Cozaar 50 mg, take one tablet every day. 4. Synthroid 100 mcg, take one tablet every day on an empty stomach. 5. Dium 75 mg, take one capsule at 7 a.m. and 7 p.m. 6. Pioglitac 30 mg, take one tablet every day with breakfast (…).”

⁸ It was reported that the facility was overcrowded, lacked hygiene, and did not have normal beds, so inmates had to sleep on mats on the floor. It was pointed out that lying down and getting up from a mat on the floor was dangerous for the proposed beneficiary, as he could lose his balance or trip at any moment, causing injuries, loss of consciousness, or fatal blows to sensitive areas such as the head.

⁹ The request stated that, during these visits, the proposed beneficiary’s son made every effort to ensure that the Trulicity injection was administered in his presence so that he could verify that his father was receiving the prescribed medical treatment.

12. On June 11, 2025, the legal representation requested in writing that the FGR “set a date and time to access the administrative file documenting the facts on which the charges” against the proposed beneficiary are based, or, failing that, “report on the facts referred to.” The requesting party warned that they did not have full access to the file and were not notified of the specific facts underlying the charges against him. On the same day, a request was submitted to the FGR to assess and verify the proposed beneficiary’s state of health and ensure that he received the required medical care and treatment. That day, at around 7:30 p.m., he was reportedly transferred from the detention center without his lawyers or family members being informed of his destination, allegedly with express instructions not to record his departure or arrival. Although his defense attorneys inquired at around 8:15 p.m. whether he had been transferred or undergone a medical examination, the center’s staff denied the information. Therefore, the requesting party described this situation as a second “forced disappearance.” His family later learned that he had been taken to Zacamil National Hospital, where, according to the request, he underwent a superficial medical evaluation and had blood drawn for laboratory tests. The requesting party indicated that the results of the tests were not communicated to them and that his visit to the hospital was not recorded.

13. On June 13, 2025, the applicants filed a writ of *habeas corpus* on behalf of the proposed beneficiary before the Constitutional Chamber of the Supreme Court of Justice, alleging that his detention was unconstitutional and arbitrary and violated his right to health. On June 20, 2025, the Chamber ruled as follows:

“1. The petition for *habeas corpus* on behalf of Mr. Salvador Enrique Anaya Barraza, referring to aspects related to his detention, the episodes of forced disappearance referred to by the applicants as short-term, and the excessive length of administrative detention, is hereby declared inadmissible, as these are matters without constitutional significance (...).

4. The aforementioned administrative authorities or any other authorities under whose command the beneficiary may be found are requested to report on his current status and legal situation in relation to his personal integrity, and to communicate any decision that may affect that right.

5. Declare in favor of Mr. Salvador Enrique Anaya Barraza the precautionary measure related to consideration VII number 3 of this resolution. Consequently, it is considered that the precautionary measure necessary to guarantee the aforementioned rights of the beneficiary consists of the Attorney General of the Republic and the head of the Land Transit Subdivision of the National Civil Police, if they have not already done so, respond to the requests made by the private defense attorneys of the person deprived of liberty regarding the beneficiary’s health condition, as well as the request for a skeletal ultrasound, as appropriate; and that they take the necessary steps to determine the current state of health of the accused —adopting the necessary measures to treat and maintain it, in accordance with his diagnosis, ensuring that he receives any prescribed treatment or medical procedure in a timely manner— and communicate this to the aforementioned judicial authority.”

14. It should be noted that, in considerandum VII, number 2, of the same resolution, the Chamber also assessed the following:

“(…) according to the presentation of the proposed factual circumstances, there is a possibility that, due to the passage of time during the processing of this constitutional proceeding, the health of the beneficiary could deteriorate in the absence of a response from the defendant authorities. Therefore, in order to guarantee the material effects of the final decision to be issued, the temporary and immediate implementation of a precautionary measure that reasonably ensures the life cycle of the beneficiary is justified.

15. The Chamber referred to the state of emergency in force in the country as follows:

“(…) in accordance with Legislative Decree No. 333 of March 27, 2022, published in Official Gazette No. 62, Volume No. 434, the state of emergency is in force throughout the national territory (...). This regime has involved, among other measures, the suspension of Article 13(2) of the Constitution, which establishes a minimum period of seventy-two hours for administrative detention. In its place, Article 29(2) of the same Constitution applies, which allows that period to be extended to a maximum of fifteen days. In the present case, at the time of the filing of the habeas corpus petition, Mr. Anaya Barraza had been detained for six days, a period that is within the constitutionally permitted

time limit during the state of emergency (...). However, it should be noted that this resolution does not exempt the Attorney General's Office from its obligation to bring detainees before the competent judge within a reasonable period (...) in cases that do not involve complex crimes, prompt presentation before the corresponding judicial authority should be sought (...)"

16. The requesting party recalled that the state of emergency applies to crimes related to organized crime; however, it considers that the proposed beneficiary is being charged with a common crime¹⁰—money laundering and asset laundering—. The request also reported that an enforcement judge was appointed to verify possible violations of the right to health. However, the requesting party questions the fact that the authorities have submitted statements without evidence claiming that they are caring for the proposed beneficiary, even having him sign records and registers for the delivery of medication.

17. Attached is the ruling issued on June 30, 2025, by the Justice of the Peace of the district of San Salvador based on the initial hearing, which resolves the following:

"II) Consequently, THE DEFENDANT SALVADOR ENRIQUE ANAYA BARRAZA SHALL REMAIN IN CUSTODY at the Land Traffic Division of the National Civil Police, and the corresponding official letter shall be sent to the Directorate of Penal Centers so that he may be assigned to a penal center. Likewise, given the illnesses that the defendant has been shown to suffer from, HIS RIGHT TO HEALTH MUST BE GUARANTEED, and from the moment of his admission to the Provisional Detention Center, he MUST BE ALLOWED to receive the medications he takes on prescription, and he must also be provided with adequate and timely medical care, including appointments and transfers to medical centers, diagnostic tests, and any type of treatment indicated for any old or new ailment.

III) THE PROCESS SHALL REMAIN COMPLETELY CONFIDENTIAL.¹¹

IV) THE ORIGINAL CASE FILE SHALL BE FORWARDED TO THE FOURTH INVESTIGATING COURT OF THIS CITY (...)"

18. On July 2, 2025, the requesting party appeared before the Land Traffic Division of the National Civil Police, alerting them that the proposed beneficiary had complex health issues, adding the order for musculoskeletal ultrasonography, the order for a blood sample, and the request for periodic monitoring of his glucose level. The request noted that no response had been received. On July 8, 2025, the requesting party filed a brief with the Fourth Court of First Instance of San Salvador indicating that the proposed beneficiary's pathologies require treatment with medications that must be taken daily and periodically, as well as "Trulicity," and that his blood sugar level needs to be measured every three days. In this regard, a request was made to authorize the use of a glucometer and to order immediate laboratory tests and musculoskeletal ultrasonography.

19. On July 10, 2025, the proposed beneficiary was reportedly transferred to the La Occidental Penitentiary Center for Persons Deprived of Liberty, Foreigners, and Officials, located in the department of Santa Ana. On July 12, 2025, at around 10:30 a.m., his children attempted to visit him but were unable to enter due to the State of Emergency, which prohibited any kind of visit. From that moment until now, he has remained isolated and incommunicado, with neither his family nor his lawyers able to verify his location, physical

¹⁰ According to a document added to the case file, on June 30, 2025, the Seventh Court of Peace decided to deny the application of alternative measures to pretrial detention, considering, among other things, that: "(...) the crime attributed to the defendant is classified as serious in view of its penalty, as provided for in Article 18 of the Criminal Code, since the probable sentence to be imposed for the crime of MONEY AND ASSET LAUNDERING is between 5 and 15 years in prison, and the severity of the penalty is a determining factor that may influence the defendant's decision to face trial or not, because knowing the high prison sentence, he may flee out of fear rather than face the proceedings against him (...)"

¹¹ In the same ruling, the court referred to the following: "(...) The total confidentiality of the proceedings means that the public and the press in general are not allowed to access the contents of the file, nor to know who is involved, much less to know personal details about them, in order to safeguard the privacy and dignity of the defendant. Additionally, it also helps the effectiveness of the criminal investigation and prevents the disclosure of information that could affect the defendant. In the present case, this Court decreed total confidentiality of the proceedings at 4:25 p.m. on June 21, 2025, considering that the proceedings contained sensitive information and that, due to the nature of the alleged crime, certain financial information could come to light that could affect the professional credibility of the defendant in the future (...)"

condition, or state of health. It was revealed that family members have only been allowed to leave the medication¹² and the injection “Trulicity,” but they have no knowledge of whether the medication is being administered to him. Furthermore, it is impossible to determine whether he is receiving the diet recommended by his endocrinologist, to verify his health status, or to ascertain the conditions of his detention. In this context, it was reported that his private physician went to the prison with the intention of examining him and verifying his state of health, but was also unable to enter. It was emphasized that the situation of the proposed beneficiary is aggravated by his status as an elderly person.

20. On July 11, 2025, the Fourth Court of Instruction of San Salvador ordered the following:

“(…) to issue an official letter to the Director of the La Occidental Prison for Persons Deprived of Liberty, Foreigners, and Former Officials in Santa Ana, so that, in coordination with the prison’s health clinic, the defendant in question be provided with the medications prescribed for his health conditions, including the medication called Trulicity, which, according to the physician’s prescription, must be injected every two weeks and, according to the defense, must be kept refrigerated; if this and other prescribed medications are not available, they must be allowed to be brought in, either by the defense attorneys or by the defendant’s family members; similarly, his blood sugar level must be monitored at the prescribed medical intervals at the prison clinic. As a result of the latter, the defense’s request that the defendant have his own glucometer is not appropriate, since the prison must have the appropriate medical equipment for such purposes. Likewise, the necessary arrangements must be made, such as scheduling appointments and transfers, to the “Doctor Juan José Hernández, Zacamil” National Hospital, so that the defendant SALVADOR ENRIQUE ANAYA BARRAZA may receive medical attention and, if necessary, undergo tests and receive the appropriate medical treatment for his health diagnosis, especially with regard to a palpable mass in the left abdominal region that was detected on June 3 of this year (…).”

21. The applicants noted that, although the rulings indicate that laboratory tests and ultrasounds should be performed, these have not yet been carried out. On July 11, 2025, a brief was filed with the First Criminal Chamber of San Salvador, expanding the appeal against the denial of alternative measures to pretrial detention, adding copies of the proposed beneficiary’s medical diagnoses,¹³ emphasizing that the musculoskeletal ultrasound and laboratory tests had not yet been performed, in order to demonstrate that his physical condition and health required specific medical attention. That same day, the First Criminal Chamber denied the appeal. Regarding the health situation, it was decided that the measures already authorized by the Seventh Justice of the Peace should be complied with in terms of allowing the entry of prescribed medications, performing the ordered laboratory tests, and carrying out the prescribed musculoskeletal ultrasound. However, it was reported that this had not been done.

22. On August 7, 2025, the applicants requested that the Fourth Court of First Instance order the prison to issue a report on compliance with the measures to ensure his health and physical integrity. However, to date, there is no certainty about his conditions of detention, as this response has not been provided to his family or lawyers. The requesting party pointed out that the medical report submitted by the State is insufficient to comprehensively assess the proposed beneficiary and his chronic illnesses. They also noted that his defense attorneys have submitted documents detailing the proposed beneficiary’s health needs, including requirements for medical examinations and treatments, periodic verification of his glucose level, and a musculoskeletal ultrasound, to the Constitutional Chamber of the Supreme Court of Justice, the Land Transit Division of the National Civil Police, the Seventh Court of Peace of San Salvador, the First Criminal Chamber of the First Section of the Center, and the Fourth Court of Instruction of San Salvador. These authorities, in the context of their decisions, concluded that all of these health needs should be met. However, the requesting party reiterated that it is not known whether the examinations were actually performed.

¹² Among others: Trulicity, Jardiance Duo, Cozaar, Synthroid, Dium, and Pioglitazone, which would be prescribed for daily use.

¹³ In this regard, it would report that the proposed beneficiary suffered from vertebral tuberculosis in 2022; it would include medical evidence from the neurosurgeon who treated him in May 2022 with a diagnosis of incapacitating mechanical back pain; as well as medical certification indicating that the proposed beneficiary suffers from diabetes, diabetic neuropathy, and liver disease associated with metabolic dysfunction. In addition, orders for a musculoskeletal ultrasound and laboratory tests would be attached.

23. The request emphasized that it is impossible to verify any information provided by the State, since the proposed beneficiary is being held incommunicado and is subject to the sole discretion of the State, which decides what information to provide and when to provide it, without the presence of any lawyer or family member. The requesting party warned that this incommunicado situation prevents his family members and lawyers from obtaining details about possible abuses committed during his imprisonment, thus making it difficult for them to report them. On August 25, 2025, in the last communication sent by the requesting party, they continued to question the limitations on access to the file.

24. Finally, the request revealed that the deterioration of the proposed beneficiary's health is evident, noting that, according to the State's report prepared on July 29, 2025, the proposed beneficiary's weight is 82 kilograms, while in the report prepared by the Institute of Legal Medicine on June 8, 2025 (one day after his detention), his weight was 92.5 kilograms.¹⁴ Therefore, the requesting party maintains that he has lost nearly 10.5 kilograms in less than two months since he was deprived of his liberty, and considers this to be an indication that the conditions of his deprivation of liberty are inadequate.

B. Response from the State

25. The State recalled the subsidiary and complementary nature of inter-American jurisdiction and emphasized that the allegations presented in the request for precautionary measures do not justify the intervention of the precautionary mechanism, as the requirements have not been met. Consequently, it requested that the request for precautionary measures be dismissed. It argued that all domestic remedies and mechanisms for the protection and redress of the proposed beneficiary's rights have been activated and are available. It highlighted its commitment to protecting the human rights of all persons under its jurisdiction and its collaboration with inter-American human rights mechanisms.

26. The State specified that the proposed beneficiary's detention was ordered by court order and is being carried out at the La Occidental Penitentiary Center for Foreigners and Former Officials Deprived of Liberty. According to information provided by the General Directorate of Penal Centers, the proposed beneficiary was placed in sector three of that Penitentiary Center, which is intended for persons with arrest warrants who are classified as public employees or former officials.

27. The state report emphasized that the legal actions taken against the proposed beneficiary do not constitute acts of harassment or retaliation in any way. The State stressed that these actions stem from specific legal proceedings and are in accordance with current legislation in the country. It therefore classified the arguments put forward by the applicant as "malicious." It stated that he is being prosecuted for the crime of money laundering and asset laundering, and that the proceedings are currently in the preliminary investigation phase under the orders of the Fourth Court of First Instance of San Salvador. The proceedings are completely confidential, as ratified by the Seventh Court of Peace of San Salvador in a decision issued at the initial hearing held on June 24, 2025, based on the provisions of Articles 277 and 307 of the Criminal Procedure Code and Article 232 of the Banking Law.

28. Regarding the allegations of lack of access to the case file, to his defense, and to information about the charges, the State indicated that his rights to due process and defense are being respected. Prior to the initial hearing, the Seventh Court of Peace of San Salvador allowed the proposed beneficiary's defense to review the court file, granting them all the time necessary to do so. In addition, it emphasized that his defense attorneys, since the filing of the indictment on June 21, 2025, have had access to all the initial investigative proceedings. In short, it stated that there are records in the lawyers' logbook which, in the State's opinion,

¹⁴ Regarding the report from the Institute of Legal Medicine, the requesting party detailed: "A copy of said report is attached to page 205 in the file of habeas corpus proceeding 435-2025, which is legally restricted at the request of the Prosecutor's Office."

refute the claim of lack of contact with his defense. It also specified that the investigation against the proposed beneficiary is being carried out by the FGR in accordance with its constitutional and legal powers to investigate and prosecute crimes. He stated that the investigation is based on evidence gathered objectively and technically, and not on political or ideological considerations. He also affirmed that the Prosecutor's Office has ensured at all times the due process to which the proposed beneficiary is entitled, including his right to legal defense and his right to health. For this reason, he assured that the proposed beneficiary's deprivation of liberty is based on strictly legal reasons and is part of the impartial application of Salvadoran criminal law, without this implying retaliation for critical activities or the defense of human rights.

29. Regarding the two previous disciplinary proceedings opened by the Professional Investigation Section of the Supreme Court of Justice against the proposed beneficiary, the State stated that, although they reflect administrative proceedings, they do not validate the premise of "systematic persecution." It reiterated that judicial and administrative proceedings are conducted in accordance with due process, and that a case is referred to the Prosecutor's Office for possible criminal action when there is reasonable evidence that a crime has been committed, without this implying retaliation for critical activities or the defense of human rights.

30. The State of El Salvador noted that the Commission's precautionary measures mechanism is not intended to review due process guarantees or to control the legality or constitutionality of judicial decisions. Notwithstanding, the State report explained that the Constitutional Chamber of the Supreme Court of Justice heard and processed a *habeas corpus* proceeding in favor of the proposed beneficiary. After an exhaustive analysis of the legality of his detention and the alleged circumstances, the *habeas corpus* petition was dismissed on June 21, 2025. The State considers that this ruling by the highest constitutional court in El Salvador validates the legality of the deprivation of liberty and demonstrates the availability and effectiveness of domestic remedies for the defense of the proposed beneficiary's rights.

31. Along these lines, the State reiterated that under no circumstances does it engage in political persecution against the proposed beneficiary, nor is there any manipulation of internal institutions or any use other than that established by the constitutional and legal framework for the exercise of the powers of the FGR. It indicated that the actions of that institution adhere to criteria of reasonableness and proportionality, since it must have a level of certainty that allows it to substantiate the judgment of probability in order to successfully prosecute those suspected of having committed criminal offenses. Therefore, said institution presents its requests and accusations with a solid legal basis and evidentiary support. It was clarified that the Salvadoran criminal justice system is characterized by a radical separation between procedural subjects. The FGR exclusively directs the investigation of crimes in order to collect admissible evidence to support the prosecution of criminal actions, and it is the judges who exercise a decisive, impartial, and independent function. Therefore, the State considers that, because both functions are separate, the basic judicial guarantees contained in the Constitution are respected and the balance between the investigation of the crime, jurisdictional power, and the inviolable exercise of the right to defense is guaranteed.

32. With regard to conditions of detention, the State noted that the prison system complies with the Standard Minimum Rules for the Treatment of Prisoners. It added that the proposed beneficiary is allowed to receive special food in accordance with his diet, provided by his relatives, which was delivered on July 12, 19, and 26, 2025, in addition to the diet provided by the food distribution company, in accordance with his medical condition. Likewise, the state report stated that the prison where he is being held has a modern structure with access to drinking water, general programs, and prison workshops, to which the proposed beneficiary has access.

33. Regarding the allegations about the proposed beneficiary's health, the State stated that these are addressed by the prison system with due diligence and in accordance with regulations. In this regard, it noted that the applicants have reported that he suffers from type 2 diabetes mellitus, high blood pressure, primary hypothyroidism, diabetic neuropathy, and metabolic liver disease, in addition to the aftereffects of

spinal surgery in 2022. For this reason, the State pointed out that it has been verified that the proposed beneficiary is strictly complying with his pharmacological treatment for his chronic diseases. A medical report prepared on July 29, 2025, by the General Directorate of Penal Centers detailing his state of health was attached. The physical examination, among other data, establishes that he weighs 82 kilograms and is 1.7 meters tall. It reports that he has been diagnosed with essential hypertension, diabetes mellitus, hypothyroidism, neuropathy of the lower limbs, and acute rhinopharyngitis. In addition, the treatment required for his diagnosis is outlined.¹⁵ The observations indicate:

“Patient with chronic degenerative diseases undergoing treatment, hemodynamically stable at the time of evaluation, no check-ups at San Juan de Dios Hospital, requiring continuous medication to prevent decompensation.”

34. The state report specified that to date it has not been necessary to transfer the patient to a hospital, as the prison guarantees the medical treatment indicated for the proposed beneficiary’s condition, with the possibility of access to the National Health System, without distinction and free of charge.

35. The State noted that the FGR, prior to the transfer of the proposed beneficiary to the prison system, in compliance with the recommendation of the physician who performed the forensic medical examination on June 11, 2025, issued an official letter to the National Civil Police requesting that the proposed beneficiary be transferred to a medical unit. It specified that the purpose of this transfer was to carry out more detailed medical examinations and ensure the continuous supply of his medications. The State considered that this undermines the assertion in the request for precautionary measures regarding alleged medical neglect or the inability to access treatment. In this context, the State report affirmed that the El Salvador Prison System has the necessary resources and protocols to provide medical care to persons deprived of liberty, including those with chronic illnesses, guaranteeing access to basic health services, specialized care, and, if necessary, transfers to external hospitals. It noted that the allegations of poor conditions that would aggravate his health are generalizations that do not apply to the specific situation of the proposed beneficiary, who is under monitoring and receiving his medication.

36. Regarding the seriousness, the State reiterated that, although the applicants present a general context of alleged risk, they fail to demonstrate a particularized “extreme seriousness” that would justify the precautionary intervention of the IACHR, which cannot be addressed by the national authorities. Along these lines, it considered that the allegations of “short-term forced disappearance” have been invalidated by the analysis of the Constitutional Chamber. Regarding urgency, the proposed beneficiary is in state custody and his location and physical condition are known to the authorities. The filing of a writ of *habeas corpus* by his attorneys demonstrates that domestic mechanisms are active and can respond to any urgent situation. With regard to irreparable harm, the State indicated that the alleged violations of due process are, by their nature, remediable through domestic judicial remedies, such as the annulment of proceedings or the review of judgments.

37. Finally, it noted that no direct evidence has been presented of the existence of personal and imminent risk or irreparable harm to the physical or mental integrity of the proposed beneficiary that cannot be prevented or remedied by national mechanisms. It emphasizes that prison authorities have a duty to ensure the physical integrity and health of persons in their custody, and that there are legal channels for reporting and correcting any omissions in this regard. It stated that the State’s capacity to address medical conditions in the prison system has been documented in previous reports by the IACHR, which undermines the allegation of irreparability in this regard.

¹⁵ Trulicity (1.5 mg, once a week), Jardianz Duo (12.5/1000 mg, one tablet before breakfast and dinner), Coozaar (50 mg, one tablet a day), Synthroid (100 mg, one tablet before breakfast), Dium (75 mg, one tablet day and night) and Pioglitic (30 mg, one tablet every morning).

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

38. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

39. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.¹⁶ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.¹⁷ To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.¹⁸ As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding 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.¹⁹ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

40. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be

¹⁶ Inter-American Court of Human Rights (I/A Court H.R.), [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

¹⁷ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

¹⁸ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

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

assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.²⁰ The Commission also recalls that, under its own mandate, it is not its responsibility to determine the individual responsibilities of the persons involved in the factual context of this request. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.²¹ This is better suited to be addressed by the Petition and Case system. The Commission clarifies that, by its own mandate, it is not called upon to determine criminal liability for the alleged acts. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be carried out without making any determination on the merits.²²

- ***Context of the situation of human rights defenders and the state of emergency in El Salvador***

41. In accordance with the terms of paragraph 6 of Article 25 of its Rules of Procedure, the Commission takes into account its ongoing monitoring of the situation of human rights defenders and the state of emergency in force in El Salvador. This context is relevant insofar as it lends consistency to the individualized allegations presented in this request and gives particular weight to the situation of the proposed beneficiary in a scenario of increasing reduction of civic space and limitations on the functioning of civil society organizations in the country:

- In its 2021 *Report on the Human Rights Situation in El Salvador*, the IACHR indicated that it had received ongoing reports of stigmatizing statements and messages made by State authorities with the aim of discrediting the activities of human rights defenders.²³ In this context, the Commission recommended that the State implement a comprehensive policy to protect defenders, taking all necessary measures to end the stigmatization and degrading accusations originating from the State or its agents.²⁴
- In *Chapter V of the 2022 Annual Report*, the IACHR received reports documenting the persistence of a hostile climate for human rights defenders in El Salvador.²⁵ These reports also documented an institutionalized campaign to discredit civil society organizations and human rights defenders; an increase in stigmatization and discrediting of human rights associations by the highest authorities of the State, within the framework of the State of Emergency; and the initiation of criminal investigations against human rights defenders for carrying out their investigative work and expressing their positions on public policies.²⁶
- In its 2023 *Annual Report*, the IACHR highlighted its concern about allegations from civil society regarding an increase in cases of threats, harassment, persecution, and attacks on the personal freedom and integrity of human rights defenders. It also took note of civil society's allegations regarding the adoption of a series of regulations and practices at the administrative level (FGR, National Civil Police,

²⁰ 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 August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the "Complexo do Tatuapé" of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

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

²² In this regard, the Court has stated 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." I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

²³ IACHR, [Report on the Situation of Human Rights in El Salvador](#), OEA/Ser.L/V/II, doc. 278, October 14, 2021, para. 283.

²⁴ IACHR, [Report on the Situation of Human Rights in El Salvador](#), supra, para. 342.37.

²⁵ IACHR, Annual Report 2022, Chapter V - El Salvador, March 11, 2023, para. 180.

²⁶ IACHR, Annual Report 2022, Chapter V - El Salvador, supra, paras. 180-181.

Ministry of the Interior, Ministry of Finance, among other authorities) that would hinder the work of defending human rights.²⁷

- In its 2024 *Annual Report*, the Commission received information on the reduction of civic space, as well as various obstacles that hinder the defense of human rights in El Salvador.²⁸ In this regard, it noted with particular concern an increase in stigmatizing rhetoric that seeks to delegitimize the work of human rights organizations. It observed that, in many cases, these statements came from the highest levels of the State, which would account for the existence of a repeated discourse on the part of the authorities to stigmatize people who have a different opinion of their policies in order to link them to criminal groups.²⁹
- In its 2024 *report, State of Emergency and Human Rights in El Salvador*, the IACHR received multiple reports of attacks against women human rights defenders who, according to civil society, have filed the highest number of complaints, with harassment and intimidation being the most recurrent, followed by cyberbullying and arbitrary detentions.³⁰ Likewise, with regard to persons detained in the country, the IACHR condemned the extraordinary or “emergency” security measures implemented and the obstacles observed to guaranteeing due process, such as access to defense, prolonged and indefinite isolation under inhumane conditions, health problems, and the suspension of visitation rights.³¹ It noted that one of the main problems was the forced disappearance of persons, in some cases for short periods of time, due to the lack of timely documentation and availability of information for the families of detainees so that they could know the place of detention of their relatives.³² According to the press, the Prison Information System (SIPE), which centralized information on the prison population, was deactivated for access from judicial headquarters in December 2021.³³ The Commission was informed of cases in which the whereabouts of the detained person remained unknown for days or weeks after being transferred from one prison to another because the information was not provided to their families in a timely manner.³⁴

42. In this context, the Commission has expressed its concern about the detention of human rights defenders in El Salvador and about the situation of the proposed beneficiary after being deprived of his liberty in June 2025:

- a. On June 6, 2025, the Commission expressed its concern about the detentions of human rights defenders and the approval of the Foreign Agents Law, which could limit the legitimate functioning of civil society organizations and civic space in the country.³⁵ In this regard, the IACHR referred to the detention of Ruth Eleonora López, defender and head of Cristosal’s anti-corruption unit, as well as other human rights defenders (José Ángel Pérez, Alejandro Henríquez, Fidel Zavala, Ivania Cruz, and Rudy Joya), which civil society organizations question as a form of retaliation for their work during the state of emergency and for reporting abuses in prisons.³⁶ In response to claims of the misuse of criminal law for the possible purpose of intimidating, punishing, or impeding human rights activities, the IACHR called on the State to refrain from engaging in this practice and to ensure that defenders can carry out their work in an environment free from any type of intimidation.³⁷

²⁷ IACHR, Annual Report 2023, Chapter V - El Salvador, December 31, 2023, para. 282.

²⁸ IACHR, Annual Report 2024, Chapter V - El Salvador, March 26, 2025, para. 282.

²⁹ IACHR, Annual Report 2024, Chapter V - El Salvador, March 26, 2025, paras. 282-283.

³⁰ IACHR, Report on the State of Emergency and Human Rights in El Salvador, June 28, 2024, para. 391.

³¹ IACHR, Report on the State of Emergency and Human Rights in El Salvador, *supra*, para. 266.

³² IACHR, Report on the State of Emergency and Human Rights in El Salvador, *supra*, para. 267.

³³ IACHR, Report on the State of Emergency and Human Rights in El Salvador, *supra*, para. 267.

³⁴ IACHR, Report on the State of Emergency and Human Rights in El Salvador, *supra*, para. 267.

³⁵ IACHR, Press Release No. 115/2025, [El Salvador: IACHR expresses grave concern over measures restricting the defense of human rights and civic space](#), June 6, 2025.

³⁶ IACHR, Press Release No. 115/2025, cited above.

³⁷ IACHR, Press Release No. 115/2025, cited above.

- b. On June 10, 2025, the Commission expressed its deep concern over the detention of constitutional lawyer Enrique Anaya on June 7 in Santa Tecla. It also noted that his defense attorney reported difficulty in determining his whereabouts after he was transferred from the Central Police Investigation Division on June 8.³⁸ In response, the Commission urged the State to guarantee Enrique Anaya's family and lawyers access to the place of detention and to provide protection and judicial guarantees in accordance with international obligations.³⁹
- c. On August 14, 2025, the IACHR ruled on cases of human rights defenders detained in 2025, such as Enrique Anaya, Ruth López, Alejandro Henríquez, José Ángel Pérez, and Fidel Zavala, who, according to the information received, were placed in pretrial detention without consideration of the particularities of their circumstances and are currently being held incommunicado, with their proceedings under seal.⁴⁰ The Commission learned that, since the state of emergency went into effect in March 2022, approximately 7,000 cases of human rights violations have been documented in that context, including illegal and arbitrary detentions, torture, the deaths of more than 400 persons deprived of liberty in State custody, and multiple violations of access to justice, among others.⁴¹ In response, the Commission reaffirmed its willingness to cooperate with the country in the search for solutions compatible with inter-American human rights standards.⁴²

- ***Analysis of the procedural requirements regarding the status of the proposed beneficiary within the context monitored by the IACHR***

43. Prior to analyzing the requirements of Article 25 of its Rules of Procedure, the Commission clarifies that, by its own mandate, it is not responsible for determining or ruling out the individual criminal liability of the proposed beneficiary. Nor is it appropriate in these proceedings to analyze the compatibility of his detention and criminal proceedings in light of the American Convention and applicable standards, and therefore no violations of procedural guarantees are determined, which could be done in the context of a petition or case. Similarly, it does not review internal criminal proceedings to the detriment of the proposed beneficiary. The considerations set forth below focus exclusively on determining whether the proposed beneficiary is at risk under the terms of the procedural provisions. In this regard, the Commission recalls that Article 25, paragraph 8, of its Rules of Procedure establishes that "the granting of such measures and their adoption by the State shall not constitute a prejudgment of the violation of the rights protected in the American Convention on Human Rights or other applicable instruments."

44. With regard to the requirement of *seriousness*, the Commission considers that it has been met. In analyzing the present request, various indications of risk are assessed, such as:

- i. The proposed beneficiary is a constitutional lawyer, professor, and critic of the current government of El Salvador. As noted, he has made statements on issues of democratic institutionality and, in particular, on the detention of human rights defender Ruth López Alfaro. Before the Inter-American System, he participated on November 12, 2024, in Hearing No. 11 of the 191st regular session of the IACHR, entitled "El Salvador: Democratic Institutions." On that occasion, he presented his observations

³⁸ IACHR, [@IACHR], (June 10, 2025), IACHR observes with deep concern the detention of constitutional lawyer Enrique Anaya on June 7 in Santa Tecla [Tweet], <https://x.com/CIDH/status/1932480307628028082/photo/1>

³⁹ IACHR, [@IACHR], (June 10, 2025), cited above.

⁴⁰ IACHR, Press Release No. 162/2025, [El Salvador: IACHR reiterates concern over excessive prolongation and improper application of the state of emergency](#), August 14, 2025.

⁴¹ IACHR, Press Release No. 162/2025, *supra*.

⁴² IACHR, Press Release No. 162/2025, *supra*.

on presidential reelection in the country⁴³ and provided information from his professional perspective to this Commission on issues of high public interest.

- ii. According to the requesting party, as a result of his public statements, the proposed beneficiary was perceived as “the main lawyer of the opposition.” In the context of El Salvador, he reportedly expressed fear about what might happen to him, and was subsequently deprived of his liberty on June 7, 2025.
- iii. Although he was initially able to communicate with his family and legal representatives, the information reveals that this situation changed significantly when he was transferred to the La Occidental Penitentiary Center for Foreigners and Former Officials Deprived of Liberty on July 10, 2025, and placed in solitary confinement. To date, two months have passed without contact with his family or lawyers. The State did not refute the proposed beneficiary’s incommunicado detention, despite being asked to comment on the possibility of visits from his family members and trusted lawyers. Likewise, it did not provide a response that would indicate that the proposed beneficiary has any contact with the outside world.
- iv. There is no information available on when and how this incommunicado detention will end for the proposed beneficiary. Likewise, the Commission has no information or documentary evidence to show that an assessment of the individual circumstances of the proposed beneficiary has been carried out in order to ensure a proper investigation of the alleged crime. In this regard, this Commission recalls that the Inter-American Court has indicated that:

“Incommunicado detention is an exceptional measure intended to prevent interference with the investigation of the facts. Such isolation must be limited to the period of time expressly determined by law. Even in that case, the State is obliged to ensure that the detainee enjoys the minimum and irrevocable guarantees established in the Convention and, specifically, the right to challenge the legality of the detention and the guarantee of access, during his isolation, to an effective defense.”⁴⁴

- v. In addition, the Court itself has established that the incommunicado detention of a person could constitute an act contrary to human dignity, given that it can cause extreme psychological and moral suffering for the person deprived of liberty.⁴⁵ It has also considered that prolonged isolation and incommunicado detention constitute, in themselves, forms of cruel and inhuman treatment.⁴⁶ The Court has also emphasized that States must ensure that persons deprived of their liberty are able to contact their families.⁴⁷
- vi. Based on these considerations, and in light of the available information, the Commission understands that, to date, the only way to learn about the situation of the proposed beneficiary is through the response provided by the State, as there is no scenario in which legal representatives or family members can have direct contact with him, which makes it impossible to know how the State would be guaranteeing his rights and, therefore, the possibility of filing appeals on his behalf.

⁴³ IACHR, Thematic Hearing, “[El Salvador: Democratic Institutions](#),” 191st regular session, Washington, DC, United States, starting at min 8:15. It is pertinent to mention Article 63 of the Rules of Procedure of the IACHR, which states that the State must provide the relevant guarantees to all persons who attend a hearing or who, during the hearing, provide the Commission with information, testimony, or evidence of any kind.

⁴⁴ Inter-American Court of Human Rights, *Suárez Rosero v. Ecuador*, Judgment of November 12, 1997 (Merits), Considering 51.

⁴⁵ Inter-American Court of Human Rights, *Case of Espinoza Gonzáles v. Peru*, Judgment of November 20, 2014, Consideration 186; *Case of J. v. Peru*, Judgment of November 27, 2013, Consideration 376; *Case of Cantoral Benavides v. Peru*, Judgment of August 18, 2000 (Merits), Consideration 82; and *Case of Suárez Rosero v. Ecuador*, cited above, Consideration 90.

⁴⁶ Inter-American Court of Human Rights, *Case of Maritza Urrutia v. Guatemala*, Judgment of November 27, 2003 (Merits, Reparations, and Costs), Consideration 87; and *Case of J. v. Peru*, supra, Consideration 376.

⁴⁷ Inter-American Court, *Case of J. v. Peru*, supra; and *Case of Espinoza Gonzáles v. Peru*, supra.

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- vii. Without reviewing the proposed beneficiary's detention in light of the American Convention, and consistent with the monitoring carried out by the IACHR, the proposed beneficiary's current situation would lead to his total isolation from Salvadoran society and from the possibility of participating in the country's civic space, in which he previously actively participated from his professional specialty in matters of high public interest.
- viii. The reported lack of communication makes the situation particularly serious, as his family and lawyers reported that they have not been able to verify the conditions of detention, his state of health, whether he is being given the required medication, or whether he is receiving the diet prescribed by his endocrinologist. The Commission understands that this circumstance also limits the ability of his family members and lawyers to monitor respect for the proposed beneficiary's rights, detect any possible violations in the prison, and take the necessary actions to ensure his protection.
- ix. With regard to the proposed beneficiary's health situation, the Commission takes note of the information provided on the prison system's health care capabilities, as well as the attached medical documentation and the judicial decisions made in his favor on health issues. However, it is noted that his family members and legal representatives do not have the means to verify that he is being correctly administered his daily medication or that he is receiving the weekly injection of "Trulicity" that would be necessary for the management of his type 2 diabetes mellitus; and, in general, his conditions of detention in light of his reported health condition. This is considering that it has been alleged that there would be no communication if certain medical care had been provided, such as the musculoskeletal ultrasound scheduled for June 9, 2025, due to the presence of an abdominal mass. In the State's response, the Commission does not identify whether this examination was performed, its results, whether treatment was prescribed, or whether additional measures would be required to address his health situation. The State's report also did not indicate whether, following a medical evaluation, this examination was no longer necessary.
- x. Furthermore, the applicant's warning regarding the proposed beneficiary's weight loss of approximately 10.5 kilograms in less than two months is cause for concern. This information was obtained by comparing the report submitted by the State to the Commission dated July 29, 2025, and the report from the Institute of Legal Medicine dated June 8, 2025. In this regard, the request warned that this could be an indication that the conditions of his detention are inadequate. Based on these allegations, the Commission reiterates the previous statement by the Constitutional Chamber of the Supreme Court of Justice on June 20, 2025, which recognized that a possible lack of timely response by the authorities could lead to a deterioration in the proposed beneficiary's health.
- xi. In any case, the Commission notes that the applicant has alleged that, during the time of his detention, there have been medical evaluations of the proposed beneficiary to which they have not been able to gain access. Furthermore, among the various internal actions taken, it is noted that on August 7, 2025, the requesting party filed a request with the Fourth Court of Instruction of San Salvador, requesting that the prison where the proposed beneficiary is being held be asked to issue a report on compliance with the measures ordered to guarantee his health and physical integrity. However, they reported that they did not receive a response in this regard. In view of these circumstances, the Commission understands that a situation of uncertainty persists, preventing family members and lawyers from verifying whether the proposed beneficiary is receiving adequate care while in state custody. In this regard, the Inter-American Court has indicated that "incommunicado detention not only prevents verification of the current situation of the proposed beneficiaries, their conditions of detention, and

their state of health, but also constitutes a curtailment of the procedural guarantees of any detained person.”⁴⁸

- xii. The request is particularly serious insofar as it concerns an elderly person. In this regard, the Inter-American Court understands that age is a factor to be taken into account that requires special protection measures in view of the life cycle and risk factors associated with aging.⁴⁹ The Court has emphasized that older persons face particular vulnerability in terms of access to health care due to various factors such as physical limitations, mobility problems, economic conditions, severity of illness, and chances of recovery. It has therefore stressed the need to provide older persons with clear and understandable information about their diagnosis or specific situation, as well as the measures or treatments available to address their condition.⁵⁰ Consequently, the Inter-American Court of Human Rights has determined that they are entitled to enhanced protection that requires the adoption of differentiated measures,⁵¹ and as such, vulnerable or high-risk groups.⁵²
- xiii. The Commission recalls the special position of guarantor that the State acquires with respect to detained persons, given the particular relationship of subjection that exists between the inmate and the State. This role as guarantor also requires that, in requests such as the one under analysis, the State demonstrate that there are no serious and urgent conditions that could constitute irreparable harm to the proposed beneficiaries of provisional measures.⁵³ This requires not only the existence of statements tending to refute the allegations made by the beneficiaries, but also to demonstrate the absence of risk.⁵⁴

45. In summary, the Commission understands that, in the context monitored, the proposed beneficiary, as a constitutionalist, has been providing statements and opinions on the democratic institutions of El Salvador, which is a matter of high public interest for the country and for the inter-American system. Currently, he is under provisional detention incommunicado from his family and legal representatives, who have no way of knowing firsthand his situation and conditions of detention, especially regarding his health. This situation has continued despite internal actions taken in the country before various judicial institutions. The Commission has no information to assess how his incommunicado detention under provisional detention measures is related to ensuring the investigation of the charges against him, nor does it have a definite date on which he could resume communication with the outside world, more than two months after he was placed in this regime. This situation is alarming because of the effects that prolonged isolation could have on the proposed beneficiary, which could be aggravated if he does not receive adequate medical treatment, considering the background described above. Thus, from a purely preliminary consideration, the proposed beneficiary would have lost any type of contact or connection with the civic space of the country and the region, in which he actively participated, resulting in the silencing of a critical voice on state action in a context of closure of civic space, where sources of information are limited. As indicated, the Commission appreciates the State’s response, in particular the health care measures. However, as he is being held incommunicado from his family and legal representatives, there is no material possibility of verifying or corroborating his situation of risk and the care provided to him, and this limits the possibilities of raising internal questions about possible health situations. In this matter, the Commission also understands the enhanced protection that should be granted to him as an older adult deprived of his liberty.

⁴⁸ Inter-American Court of Human Rights, Case of Juan Sebastián Chamorro et al. v. Nicaragua, Provisional Measures, Resolution of June 24, 2021, Consideration 36.

⁴⁹ Inter-American Court, Advisory Opinion Oc-29/22, [Differentiated Approaches with Respect to Certain Groups of Persons Deprived of Liberty](#), May 30, 2022, para. 65.

⁵⁰ Inter-American Court of Human Rights, [Case of Poblete Vilches et al. v. Chile](#), Judgment of March 8, 2018, para. 131.

⁵¹ Inter-American Court of Human Rights, [Case of Poblete Vilches et al. v. Chile](#), supra, para. 127.

⁵² IACHR, [Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas](#), adopted during the 131st regular session, held from March 3 to 14, 2008, Principle X.

⁵³ Inter-American Court of Human Rights, Case of Juan Sebastián Chamorro et al. v. Nicaragua, supra, Consideration 38.

⁵⁴ Inter-American Court of Human Rights, Case of Juan Sebastián Chamorro et al. v. Nicaragua, cited above.

46. In light of the information analyzed in the context of El Salvador, the Commission concludes that, according to the applicable *prima facie* analysis, the current situation of the proposed beneficiary is particularly serious and there is a situation of grave risk to his rights to life, personal integrity, and health in El Salvador.

47. With regard to the requirement of *urgency*, the Commission finds that it has been met, since, if the situation described continues, the proposed beneficiary is likely to be exposed to further imminent harm to his rights. Thus, the Commission warns that, given his condition of deprivation of liberty, the lack of communication with his family and legal representatives, and the absence of possibilities to properly verify his conditions of detention, there is an imminent possibility that the risk will materialize. In addition, the Commission does not have information from the State that would allow it to assess the actions being taken to address or mitigate the situation identified. Therefore, it is necessary to adopt measures to safeguard his rights to life, personal integrity, and health immediately.

48. As for the requirement of *irreparable harm*, the Commission concludes that it is met, insofar as the potential impact on the rights to life, personal integrity, and health constitutes the most extreme situation of irreparability.

49. The Commission considers it pertinent to recall that pretrial detention must be limited by the principles of legality, presumption of innocence, necessity, and proportionality.⁵⁵ Pretrial detention is a measure that should not be punitive,⁵⁶ and, as it is the most severe restriction that can be imposed on the accused, the State must ensure that the rule is the freedom of the defendant while his or her criminal responsibility is being determined.⁵⁷

50. The Inter-American Commission and Court have emphasized that the personal characteristics of the alleged perpetrator and the seriousness of the crime with which he or she is charged are not, in themselves, sufficient justification for pretrial detention.⁵⁸ With regard to the reasons that may justify pretrial detention, the organs of the system have indicated that:

(...) there must be sufficient evidence to reasonably assume that the person on trial has participated in the crime under investigation.⁵⁹ However, “even if this is verified, the deprivation of liberty of the accused cannot be based on general or special preventive purposes attributable to the penalty, but can only be based [...] on a legitimate purpose, namely: to ensure that the accused will not impede the proceedings or evade justice.”⁶⁰

⁵⁵ IACHR, [Report on the Use of Pretrial Detention in the Americas](#), OEA/Ser.L/V/II. December 30, 2013, para. 20; and Inter-American Court of Human Rights. Case of López Álvarez v. Honduras, Judgment of February 1, 2006, Series C No. 141, para. 67.

⁵⁶ Inter-American Court of Human Rights, Case of Suárez Rosero v. Ecuador, Judgment of November 12, 1997, Series C No. 35, para. 77.

⁵⁷ IACHR, [Report on the Use of Pretrial Detention in the Americas](#), OAS/Ser.L/V/II. December 30, 2013, para. 21; Inter-American Court of Human Rights. Case of Palamara Iribarne v. Chile. Judgment of November 22, 2005. Series C No. 135, para. 196.

⁵⁸ IACHR, [Report on the Use of Pretrial Detention in the Americas](#), OAS/Ser.L/V/II. December 30, 2013, para. 21; and Inter-American Court of Human Rights, Case of García Asto and Ramírez Rojas v. Peru, Judgment of November 25, 2005, Series C No. 137, para. 106.

⁵⁹ Inter-American Court of Human Rights, Case of Barreto Leiva v. Venezuela, Merits, Reparations and Costs, Judgment of November 17, 2009, Series C No. 206, para. 111.

⁶⁰ Inter-American Court of Human Rights, Case of Barreto Leiva v. Venezuela, Merits, Reparations and Costs, Judgment of November 17, 2009, Series C No. 206, para. 111. Citing: Case of Chaparro Álvarez and Lapo Íñiguez v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 21, 2007, Series C No. 170, para. 103.

51. As for the need for periodic review of the grounds for pretrial detention and its duration, the Commission recalls that “pretrial detention or imprisonment must be subject to periodic review so that it is not prolonged when the reasons for its adoption no longer exist.”⁶¹

IV. BENEFICIARY

52. The Commission declares Salvador Enrique Anaya Barraza, duly identified in these proceedings, to be the beneficiary of the precautionary measures.

V. DECISION

53. The Commission understands that this matter meets the *prima facie* requirements of seriousness, urgency, and irreparability contained in Article 25 of its Rules of Procedure. Consequently, it requests that El Salvador:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Salvador Enrique Anaya Barraza;
- b) implement the necessary measures to ensure that the beneficiary’s conditions of detention comply with international standards, in particular, immediately ending the prolonged incommunicado detention; guaranteeing regular contact and access with his family members, lawyers, and representatives as a means of safeguarding his rights, as well as providing him with the prescribed medical treatment in a timely and adequate manner; and, considering the exceptional nature of pretrial detention and the risk to life, personal integrity, and health assessed in this resolution, proceed to review the continuation of pretrial detention in light of applicable standards, including the possibility of alternative measures to pretrial detention;
- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged events that gave rise to this resolution, including their relationship to his activity as a human rights defender, so as to prevent such events from reoccurring.

54. The Commission requests that El Salvador provide details, within 15 days from the date of notification of this resolution, on the adoption of the required precautionary measures and update this information periodically.

55. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of these precautionary measures and their adoption by the State do not constitute a prejudgment on any violation of the rights protected by the American Convention and other applicable instruments.

56. The Commission instructs its Executive Secretariat to notify El Salvador and the requesting party of this resolution.

⁶¹ Inter-American Court of Human Rights, Case of Arguelles et al. v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 20, 2014, Series C No. 288, para. 121.

57. Approved on September 22, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Roberta Clarke; Carlos Bernal Pulido; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary