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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 47/2022**

Precautionary Measures No. 608-22 and No. 625-22  
Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo regarding Nicaragua  
September 23, 2022  
Original: Spanish

**I. INTRODUCTION**

1. In August 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received two requests for precautionary measures from applicant organizations (“the applicants”), urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo. According to the applicants, the proposed beneficiaries, who are identified or perceived as opponents of the current Nicaraguan government, are at risk as they are deprived of their liberty in severe detention conditions and lack health care.
2. On August 5, 2022, the IACHR received a request for precautionary measures in favor of *Edder Oniel Muñoz Centeno* from the Human Rights Collective *Nicaragua Nunca Más*. Under the terms of Article 25(5) of its Rules of Procedure, the Commission requested information from the parties on August 22, 2022. The applicants submitted the requested information on September 2, 2022. The State has not provided information to date.
3. On August 12, 2022, the IACHR received a request for precautionary measures in favor of *Nidia Lorena Barbosa Castillo* from the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos, CENIDH*) and the Legal Defense Unit (*Unidad de Defensa Jurídica, UDJ*). In the terms of Article 25(5) of its Rules of Procedure, the IACHR requested information from the parties on August 23, 2022. The applicants provided information on August 30, 2022. The State has not provided information to date.
4. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information presented shows *prima facie* that Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo are in a serious and urgent situation as their rights to life, personal integrity, and health are at risk of irreparable harm. Accordingly, the IACHR requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the proposed beneficiaries; b) adopt the necessary measures to ensure that the proposed beneficiaries’ detention conditions are compatible with the applicable international standards in this area, *inter alia*: i. allowing contact with their lawyers and legal representatives; ii. ensuring that they are not subjected to threats, intimidation, harassment, or attacks within the penitentiary; iii. guaranteeing access to adequate and specialized health care, in addition to an immediate specialized medical assessment of the health of each proposed beneficiary; iv. granting the necessary treatments and medications to treat their respective conditions; v. providing adequate food; and vi. assessing, in light of the proposed beneficiaries’ detention conditions and health, the granting of alternative measures to the deprivation of liberty; c) consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent similar events from reoccurring.

## II. BACKGROUND INFORMATION

5. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.<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 presence on December 19, 2018.<sup>2</sup> For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish acronym) 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 Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.<sup>4</sup>
6. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.<sup>5</sup> In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.<sup>6</sup> On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.<sup>7</sup> Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”<sup>8</sup>
7. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,<sup>9</sup> noting that the serious human rights crisis in the country extended during 2019, due to the de facto installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government, the search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic

<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.

<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> Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes*, GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#). December 2018.

<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.

<sup>6</sup> IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

<sup>7</sup> IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

<sup>8</sup> IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

<sup>9</sup> IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras.5 and 6.

institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.<sup>10</sup>

8. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.<sup>11</sup> Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.<sup>12</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>13</sup> Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.<sup>14</sup>
9. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,<sup>15</sup> in addition to the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>16</sup> On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.<sup>17</sup> Moreover, on August 11, 2021, the Commission condemned the systematic acts that the State has carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of the same year. It further condemned the ongoing human rights violations in this context, and urged the State to cease repression against those who express opposing views towards the Government.<sup>18</sup> On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals who are identified as political opponents in Nicaragua.<sup>19</sup>
10. 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 has 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>20</sup> Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern about the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks

<sup>10</sup> IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

<sup>11</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>12</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>13</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>14</sup> IACHR. [2020 Annual Report. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

<sup>15</sup> IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

<sup>16</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>17</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.

<sup>18</sup> IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election. August 11, 2021.

<sup>19</sup> IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021.

<sup>20</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.

against journalists.<sup>21</sup> On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists; and urged the State to release all those arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.<sup>22</sup>

11. 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 crisis that the country has been experiencing 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>23</sup> On December 20, 2021, the Commission called for international solidarity for States to adopt measures for the protection of people forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of persons deprived of liberty, and persons identified as political opponents.<sup>24</sup> According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.<sup>25</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>26</sup>

12. In January 2022, the IACHR urged the State of Nicaragua to release the individuals who are reportedly still in arbitrary detention and under unsanitary detention conditions. They reportedly suffer ill-treatment and are subject to the arbitrary application of maximum-security regimes, in addition to the lack of adequate, timely, and specialized medical care. According to MESENI, most of these individuals, who have been identified as government opponents are beneficiaries of protective measures granted by the bodies of the inter-American system.<sup>27</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>28</sup> On February 10, 2022, the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR condemned that the National Assembly of Nicaragua had decided to cancel the legal capacity of 16 universities and civil society organizations, considering it an act that is framed within the overall practice to limit freedom.<sup>29</sup> The Rapporteurship expressed further concern regarding the impact on the right to education,

<sup>21</sup> IACHR. [Press Release 292/21](#). Four days ahead election day, IACHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua. November 4, 2021.

<sup>22</sup> IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

<sup>23</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>24</sup> IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

<sup>25</sup> IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

<sup>26</sup> IACHR. [2021 Annual Report, Chapter IV.B Nicaragua](#), May 2022, paras. 4 to 21.

<sup>27</sup> IACHR. [Press Release 023/022](#). IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

<sup>28</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>29</sup> IACHR. [Press Release 027/2022](#). IACHR Condemns Manipulation of Criminal Law and Lack of Safeguards in Trials of Political Prisoners in Nicaragua. February 11, 2022

academic freedom, and the autonomy of universities, the labor rights of people working in the affected entities, and the social rights they contribute to protect from their respective missions.

13. On March 7, 2022, the High Commissioner on the situation of human rights in Nicaragua presented a report before the Human Rights Council of the United Nations. The report communicated concern that the State continues to fail to ensure accountability for human rights violations. At the same time, it documented arbitrary arrests and harassment by State agents against human rights defenders, journalists, and attorneys.<sup>30</sup> On March 31, 2022, at the 49th session of the Human Rights Council, a resolution was issued. This resolution established a group of experts in Nicaragua to conduct an independent investigation into the human rights violations that have taken place in the country since April 2018.<sup>31</sup>
14. On March 23, 2022, the IACHR stated that the statement by Ambassador Arturo McFields, the then Permanent Representative of Nicaragua to the OAS, confirmed the serious violations of human rights, the institutional deterioration, and the Executive's strategy to silence dissident and opposition voices, according to the IACHR.<sup>32</sup> Recently, in April 2022, four years after the onset of the 2018 social protests, the Inter-American Commission reaffirmed its commitment to the Nicaraguan population for the search for justice, reparation, the reconstruction of its democracy, and a national reconciliation based on the right to memory and truth.<sup>33</sup> Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths, over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.<sup>34</sup>
15. On May 13, 2022, the IACHR urged the State to guarantee the regular and dignified direct contact of political prisoners with their families. According to information received by its MESENI, deplorable detention conditions, ill-treatment, isolated detention, and lack of access to timely, adequate, and specialized medical care for persons detained in "El Chipote" persist.<sup>35</sup> In July 2022, the Rapporteurship for Freedom of Expression (SRFoE) condemned the authorities' repressive escalation against journalists and the media, achieved by persecuting and intimidating the independent press. These acts have increased the number of journalists who flee or are in forced exile.<sup>36</sup> Recently, on September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are in deplorable conditions in Nicaragua.<sup>37</sup> In this regard, they expressed concern about the lack of access to health care and the poor detention conditions that political prisoners are held in.<sup>38</sup>

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<sup>30</sup> OHCHR. Address by the High Commissioner on the situation of human rights in Nicaragua to the 49th session of the Human Rights Council. Available (in Spanish) at: <http://www.oacnudh.org/discurso-de-la-alta-comisionada-sobre-la-situacion-de-los-derechos-humanos-en-nicaragua-ante-la-49a-sesion-del-consejo-de-derechos-humanos/>.

<sup>31</sup> United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April \*\*, 2022 Available at: <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-concludes-forty-ninth-regular-session-after-adopting-35?sub-site=HRC>.

<sup>32</sup> IACHR. [Press Release 065/2022](#). The Ambassador's statements to the OAS, McFields, and his subsequent dismissal confirm the serious violations in Nicaragua. March 29, 2022.

<sup>33</sup> IACHR. [Press Release 065/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.

<sup>34</sup> IACHR. [Press Release 065/2022](#). Four years since the beginning of the human rights crisis: IACHR endorses its commitment to the people of Nicaragua. April 18, 2022.

<sup>35</sup> IACHR. [Press Release 103/2022](#). IACHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

<sup>36</sup> IACHR. [Press Release R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

<sup>37</sup> IACHR. [Press Release 197/22](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

<sup>38</sup> IACHR. [Press Release 197/22](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

### III. SUMMARY OF FACTS AND ARGUMENTS

#### A. Information provided by the applicants

##### 1. PM-608-22 (Edder Oniel Muñoz Centeno)

16. According to the applicants, Mr. Edder Oniel Muñoz Centeno joined the public protests that began in April 2018 and was first detained on December 31, 2018. His relatives were allegedly not informed of his detention and believed he was dead as they had not heard from him. On February 25, 2019, the Ninth Court of the Criminal District of Hearings of Managua reportedly issued an order in which it resolved to file the proceedings in its office and did not authorize the arrest of Mr. Muñoz Centeno for the crime of illegal manufacturing of weapons.
17. The applicants stated that the police authorities did not refer the proposed beneficiary to any hearing, the accusation was therefore never admitted, but the proposed beneficiary was directly transferred to Jorge Navarro Prison. According to the applicants, on May 20, 2019, the State released 100 political prisoners, including the proposed beneficiary, who had been illegally detained for almost five months. Despite his release and subsequent issuance of the Amnesty Law, the judge presiding the case did not issue a discontinuance of criminal proceedings and retained the file. The proposed beneficiary's defense therefore filed two briefs requesting the transfer of the file in order to close it, and this request was reportedly ineffective.
18. On September 22, 2019, the proposed beneficiary was allegedly once again detained. The applicants alleged that multiple police officers entered his house, beat him, handcuffed him and forced him into a police van. They then transferred him to the Judicial Aid Directorate, known as "Nuevo Chipote." In the Directorate of Judicial Assistance, the General Commissioner reportedly interviewed the proposed beneficiary and ended the interview by telling him that "If he went to clandestine meetings, they would arrest him because he would be going against the Government and would therefore be responsible for the situation in the country." According to the applicants, after his release, the proposed beneficiary and his family remained under surveillance throughout 2021 – police and parastatal agents allegedly remained outside his home in what the applicants consider "clear intimidation actions." In addition, between the end of October and beginning of November 2021, a list of "Known White Targets" (*Objetivos Blancos Connotados*) with the logo of the police institution reportedly circulated. The proposed beneficiary allegedly appears in second position, where his photo, address, and identity card are shown and stated.
19. On November 7, 2021, the day of the general elections, a parastatal agent allegedly stood outside his building "all day" to watch him. The applicants reported that on November 23, 2021, in a context of widespread repression, the proposed beneficiary was again detained at his home. The agents allegedly violently broke into the property, "they punched and kicked the proposed beneficiary, threw him to the ground, and continued to kick him in the head." According to a family member, the officers allegedly entered the room with a small black box containing drugs with the alleged aim of accusing the proposed beneficiary and detaining him.
20. His relatives reportedly went to the Directorate of Judicial Assistance and the Police Station of District III, but were not given any information on his whereabouts. Days later, they heard he was being held at the Masaya Police Station, but they were not allowed to see him. On November 26, 2021, before the Masaya Court of Hearings, an initial hearing was held against him for the alleged commission of the crime of drug trafficking and illegal possession of weapons. On December 8, 2021, Mr. Muñoz Centeno was allegedly transferred to the Granada Prison, where the family was once again not allowed to see him.

21. On December 20, 2021, Mr. Muñoz Centeno's family members reportedly told the applicant organization their concern about the proposed beneficiary's health. According to the request, Mr. Muñoz Centeno has hepatitis, liver conditions, changes in his blood pressure, as well as severe and constant headaches. He also requires glasses to see properly. On January 18, 2022, his relatives reportedly publicly denounced that the proposed beneficiary had lost 15 pounds to date and that he was reportedly depressed. On February 11, 2022, the proposed beneficiary was sentenced to eight years and six months in prison. While his legal defense had appealed, allegedly "for lack of judicial independence and impartiality," these remedies were ineffective.
22. To date, Mr. Muñoz Centeno is said to be detained in the Granada Prison, in poor detention conditions. The applicants stated that the proposed beneficiary allegedly shares a cell with 140 other persons who are deprived of liberty. They all reportedly only have access to one bathroom. According to the applicants, in mid-March 2022, the proposed beneficiary had to "buy" a small space for the other inmates to allow him to sleep in a hammock. Before this, he had to sleep on the overcrowded floor with the other inmates. The spot where he slept was reportedly very near a puddle of stagnant water. However, these conditions reportedly caused him great pain in his bones and knees, and as a result, he was often unable to walk. His family was able to visit him on June 20, 2022, and they reported the following:

[...] I see he is thinner, sicker, every day. He says that his bones hurt, that his knees hurt. It seems to me that it is because he sleeps in a hammock (due to overcrowding). He has severe headaches, and his blood pressure rises... He has insect bites all over his body and he tells me it's because of cockroaches. Today I brought him a container to store food, because he says that when he wakes up, cockroaches have eaten his meals. All fruits and vegetables are eaten by the cockroaches. They don't take him to medical check-up either. [He says] there is a physician, but they don't take care of him. He has a cough that seems chronic. I bring him medicines and I don't know what to do... if he's having a bad time in there.
23. In addition to the above, the visits are always accompanied by prison officers, who also reportedly take photos of the relatives without authorization. On July 22, 2022, Mr. Muñoz's mother allegedly found his son "decompensated and with a high fever." During the last visit on August 18, 2022, the proposed beneficiary reportedly told his family that his health continues to deteriorate. His blood pressure is uncontrolled, which reportedly causes him severe migraines. Furthermore, the proposed beneficiary reported that "his bones and knees hurt" and that he has skin lesions and multiple cockroach bites all over his body. He reported that he does not receive any medical attention.
24. In addition, the Grenada Penitentiary allegedly lacks any drinking water. The water is reportedly stored in tanks and sometimes has cockroach legs in it. His relatives also reportedly received mistreatment inside the prison and even experience greater restrictions to enter necessary objects, such as thermos due to the insect plague in the prison. From the time of his third arrest to date, the proposed beneficiary allegedly lost an additional 50 pounds [22 kg]. He is said to currently weight 170 pounds [77 kg]. His relatives told the applicants of their utmost concern regarding the lack of medical care, including ophthalmological care. Problems associated with his eyesight and the detention conditions cause him severe headaches and his "blood pressure rises." In addition, Mr. Muñoz's relatives reported that he only leaves his cell during the searches carried out by the custodians. They reportedly do not take him to medical check-ups or the courtyard.

## **2. PM-625-22 (Nidia Lorena Barbosa Castillo)**

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25. The proposed beneficiary is 67-year-old Nidia Lorena Barbosa Castillo, who is a reported activist, human rights defender, and departmental Masaya coordinator of the Civic Alliance for Justice and Democracy (*Alianza Cívica por la Justicia y la Democracia, ACJD*). According to the request, in the framework of the 2021 national elections, she was elected as a second candidate as a representative in Masaya department by the political party Citizens for Freedom (*Ciudadanos por la Libertad, CxL*), an opposing party that reportedly had its legal capacity canceled months before the election date. The request states that Ms. Barbosa Castillo has chronic diseases and was diagnosed with arthritis and asymptomatic bradycardia.
26. The proposed beneficiary has reportedly suffered constant police harassment in her house since the beginning of the civic protests. On September 27, 2021, Ms. Barbosa Castillo was reportedly summoned by the National Police of Nindirí. The notification reportedly only stated that the captain requested her for an interview. The proposed beneficiary attended the appointment and was interviewed for approximately one hour and 45 minutes. Although after the interrogation they let her go home, the applicants stated that the police siege was maintained with greater consistency.
27. According to the applicants, on November 6, 2021, voting day, the proposed beneficiary decided not to leave her house to avoid exposing herself. On the same day, Ms. Barbosa Castillo was reportedly detained by approximately 15 line and DOEP (riot police) officers, who arrived at her house without a warrant, raided the residence, and took Ms. Barbosa Castillo in their patrol car. The proposed beneficiary's daughter allegedly followed them in her car, noting that the patrol had followed the road to the Masaya delegation. The applicants stated that her daughter had lost track of the police vehicle for a few moments, but when she arrived at the delegation she inquired about her mother and was not given an answer. Minutes later, she received a call from a lieutenant asking her to bring a mat. Although they allegedly told her that Ms. Barbosa Castillo would be able to leave the next day, she was detained in the Masaya delegation from November 6, 2021, until December 14, 2021.
28. The request stated that on November 16, 2021, Ms. Barbosa Castillo's children informed the police about her health conditions and made a list of all the medicines she was taking. However, during the period of imprisonment in Masaya, she reportedly presented three episodes of serious health issues:
- On November 23, 2021, she was allegedly hospitalized for three days at Alberto Alvarado Hospital in Masaya. Ms. Barbosa Castillo was reportedly not taken to the hospital where she is usually being treated as a pensioner and where her medical record is located. She was instead transferred to the public hospital and her family was allegedly not informed of this.
  - On December 2, 2021, they reportedly found the proposed beneficiary unconscious in the police cell. The request stated that she was taken to the hospital where she was seen by a cardiologist, who told the second police chief "that if they had taken the woman five minutes later, she would be dead." The proposed beneficiary reportedly registered a heart rate of 39 BPM.
  - On December 4, 2021, when her children arrived at the detention center, they reportedly saw a patrol leave with their mother inside. They followed the patrol car that arrived at the hospital and her daughter was able to enter the emergency room. The police officer allegedly did not allow the daughter to approach.



29. Regarding Ms. Barbosa Castillo' legal situation, the preliminary hearing reportedly took place on November 19, 2021. According to the applicants, the proposed beneficiary was accused of conspiracy to undermine the national integrity and propagation of false news through information and communication technology to the detriment of Nicaraguan society and the State of Nicaragua. In addition, in the indictment, the date of detention was allegedly changed from November 6, 2021, to November 19, 2021. The judge reportedly decided that the accusation from the Prosecutor's Office proceeded and gave rise to the accusation, determining a precautionary measure of pre-trial detention.
30. The applicants stated that on November 25, 2021, Ms. Barbosa Castillo's daughter submitted a brief to the District Court of the Criminal Court of Masaya. This brief informed the judicial authority about the proposed beneficiary's health conditions and the risks her life faces for being held in prison, in addition to requesting the authorities to allow her to visit her mother. However, no response was issued. On November 29, 2021, an initial hearing was reportedly held in the Masaya Criminal District Court in which the precautionary measure of pre-trial detention imposed during the preliminary hearing was maintained.
31. On December 2, 2021, the proposed beneficiary's daughter allegedly received a phone call, allowing her to visit her mother. According to the request, on that occasion, the proposed beneficiary reported that she had been in the hospital after having lost consciousness in the cell. From that point on, the chief commissioner reportedly authorized the proposed beneficiary's daughter to visit her mother every Thursday and bring her the meals she needed. On December 10, 2021, a brief was allegedly filed with the judge of first instance requesting Ms. Barbosa Castillo be placed on home arrest due to her health conditions.
32. On December 15, 2021, in the early hours of the morning, Ms. Barbosa Castillo was reportedly transferred to the unit of the National Penitentiary System of Granada. According to the request, one of the requirements of the police delegation authorities for the transfer was an epicrisis from the Institute of Forensic Medicine (*Instituto de Medicina Legal, IML*), Masaya delegation.
33. On January 11, 2022, the proposed beneficiary's lawyer allegedly filed an appeal for an administrative appeal for review. The applicants stated that on the same day, a brief was submitted to the judicial authority of Masaya to order them to send an official letter to Hospital Humberto Alvarado in Masaya, Hospital Carlos Roberto Huembes in Managua, and Hospital SERMESA in Masaya, requesting her epicrisis and records of the care provided to the proposed beneficiary and a copy for the defense. Reportedly, no answer was issued.
34. On February 18, 2022, the proposed beneficiary was sentenced to 11 years in prison and an 800-day fine, equivalent to 52,767.46 *córdobas*. An appeal had been lodged against the conviction issued by the trial judge. However, the conviction had been declared inadmissible by a judgement upholding the issued court resolution and conviction.
35. On February 28, 2022, Ms. Barbosa Castillo's daughter allegedly reported that she was depressed during the family visit. She told her children not to visit her anymore and that "she wants to die." The request alleged that the prison system in Grenada gives the proposed beneficiary 30 pills of "alprazolam" and that the proposed beneficiary administers them herself. The daughter was expressed concern as, prior to her arrest, she allegedly had an incident where she took several pills due to previous family problems. She also reportedly stated that, during that visit, she saw her mother had alopecia and low heart palpitations. She stated that "they were monitoring her pressure and heartbeat for her asymptomatic sinus bradycardia, and she had a rate of 45 to 48 beats per minute."

36. On March 3, 2022, an urgent brief was presented to request again the performance of a forensic medical assessment and a modified precautionary measure, as well to give the proposed beneficiary's lawyers access to the corresponding forensic medical assessments. The applicant stated that on March 11, a procedural motion was filed for the brief filed on March 3. On March 17 and May 6, the proposed beneficiary's lawyer reportedly went to the detention center to request that other family members be allowed to visit. This request was allegedly denied.
37. On April 22, 2022, there was an alleged "incident due to health issues and disease disability." Due to this incident, the proposed beneficiary's lawyers requested an alternative measure to the prison sentence due to her health conditions. She reportedly lost a concerning amount of weight, in addition to presenting with symptoms of her chronic conditions such as low heart rate and low pressure. Furthermore, she reportedly is often lightheaded, constantly faints, and experiences headaches and chest pains.
38. According to the information provided, a brief was filed with the Court of Appeals on May 3 and 6, 2022. This brief reiterated the request to the judges of the Court to decide on the incident due to health issues and disability initially filed on April 22, 2022, in addition to requesting access to medical records. On May 9, 2022, the defense allegedly filed a brief with the criminal chamber of the Masaya Court of Appeals informing the Court of the breach of the brief issued by the judicial authority which order that medical-legal assessments be performed. These requests were reportedly not received by the penitentiary system, nor were the briefs received by the prison officers.
39. On May 18, 2022, the proposed beneficiary was reportedly taken from her cell at 5:30 a.m. and transferred to the clinic of the Granada prison. At noon, she allegedly had a heart rate of 38 BPM, she was therefore reportedly directly taken to the Intensive Care Unit (ICU) emergency room of the Japan Hospital in Granada. Her daughter reportedly tried to see her mother twice, but the officers in the hospital did not allow it.
40. On May 20, 2021, the proposed beneficiary was reportedly discharged from the hospital and taken directly to the cell. However, the applicants claimed that she was then taken to the prison clinic where she remained for five days due to her delicate health. As a result, her defense counsel had submitted an urgent brief to the Court of Appeal so that her health situation could be disclosed, but no reply had been received. According to the applicants, the proposed beneficiary's heart rate had reached a low of 32-36 BPM in crisis situations. On June 1, 2022, the prison authorities reportedly allowed the entry of a nebulizer kit containing salbutamol and saline.
41. On June 15, 2022, her daughter allegedly reported finding her mother quite depressed again. The proposed beneficiary allegedly lost more weight, and the prison clinic physician reportedly takes her pressure three times a day due to the relapses she had experienced.
42. Regarding the criminal proceedings against Ms. Nidia Lorena Barbosa Castillo, her lawyer reportedly filed an appeal for cassation on August 16, 2022. The applicant noted that, despite all the briefs submitted, to date, no effective response has been achieved to guarantee the physical integrity, health, and life of Ms. Barbosa Castillo. In addition, the applicants indicated that the proposed beneficiary "was never allowed to communicate or have an interview with her defense attorney" and affirmed that there was "a serious violation of the right to defense and due process."
43. On August 16, 2022, the proposed beneficiary allegedly received a visit from two of her children in the Granada Prison System. However, authorities allegedly did not allow the other relatives to visit, which causes them extreme concern. Her daughter reports that she found her in "a very intense

depressive state” and much thinner, having lost 10 to 15 pounds [4 to 6 kg] since her detention. Moreover, a prison officer was reportedly present throughout the visit, and he had “a vigilant attitude.” Ms. Barbosa Castillo’s daughter had to sign a document, as was usual during the visits, stating that her mother is in good physical and mental health. The document also stated that the prison is complying with all the necessary measures, authorizing the visits of her children, and delivering the parcels.

44. However, from information provided by relatives of other prisoners, the proposed beneficiary’s daughter learned that on August 22, 2022, her mother reportedly expressed ill health and requested aid. She was taken out of her cell and taken to the prison clinic, which identified less than 40 BPM. The proposed beneficiary was then reportedly visited by an external physician, and on August 29, 2022, she was sent back to her cell. This situation was allegedly not reported to her relatives, which causes them “uncertainty and anguish.”

#### **B. Information provided by the State**

45. The IACHR requested information from the State regarding both matters, on August 22 and 23, 2022. However, the State has not submitted any information to date.

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

46. 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 established in Article 18(b) of the Statute of the IACHR, while the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.
47. 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, protective and precautionary.<sup>39</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>40</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.<sup>41</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American

<sup>39</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.

<sup>40</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. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Case of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>41</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].

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>42</sup> 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.

48. In analyzing these 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>43</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal 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>44</sup> This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>45</sup>

49. Under the terms of Article 25(6) of its Rules of Procedure, the Commission observes that the proposed beneficiaries’ alleged situation is framed within Nicaragua’s current context,<sup>46</sup> which is particularly hostile towards people considered, perceived, or identified as opponents of the

<sup>42</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>43</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 Children Deprived of 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>44</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.

<sup>45</sup>In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme seriousness, urgency, and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>46</sup> See in this regard: 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; IACHR. Press Release No. 80/20. [Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression](#). April 18, 2020; IACHR. Press Release No. 220/19. [IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison](#). September 6, 2019.

government.<sup>47</sup> This context has intensified over time in the context of the presidential elections of November 2021. Thus, the alleged situation that the proposed beneficiaries face is not regarding isolated events. It is rather inserted in a context previously observed in Nicaragua, characterized by the practice of detentions and criminalization of human rights defenders and opponents.<sup>48</sup>

50. In addition to the above, the IACHR and its SRESCER recently expressed concern regarding the health and detention conditions of those considered “political prisoners” in Nicaragua, and demanded their immediate release.<sup>49</sup> In this regard, they demanded that Nicaragua take appropriate measures to guarantee the health, adequate and sufficient food, life, and integrity of all detained persons. Specifically, MESENI and SRESCER have received persistent information on the lack of access to health, the exacerbation of diseases, inadequate and poor-quality food, and the arbitrary application of isolation or punishment regimes in the different facilities of the National Prison System.<sup>50</sup>
51. Considering the aforementioned context that Nicaragua is experiencing, the Commission will proceed to analyze the particular situation of Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo.
52. With regard to the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the IACHR observes that the alleged situations placing the proposed beneficiaries at risk are related to their profiles as persons identified or perceived as opponents of the government. In particular, the Commission observes that the proposed beneficiaries were detained in November 2021 in the electoral context, are being held in poor detention conditions, and do not receive the necessary medical attention for their ailments.
53. The Commission notes that the proposed beneficiaries’ imprisonment has been preceded by multiple facts and incidents against them, which demonstrates the seriousness of their allegations, as well as the visibility and exposure they had when they were identified or perceived as opponents of the current Nicaraguan government. In this regard, the applicants have reported that Mr. Edder Oniel Muñoz Centeno has been detained in 2018 and 2019, due to his participation in the demonstrations and protests during 2018 (see *supra* paras. 16 and 17) and he reportedly underwent acts of surveillance, persecution, and harassment in 2021. His name was even included in a list of “Known White Targets” (see *supra* para. 18). Regarding Ms. Nidia Lorena Barbosa Castillo, the applicants have indicated that the proposed beneficiary had been nominated as a representative by a party who opposes the government (see *supra* para. 25) and that she has been subject to police harassment since the beginning of the civic protests, more frequently since September 2021 (see *supra* para. 26).
54. Regarding their current situation, from the information provided, the Commission notes that Mr. Edder Oniel Muñoz Centeno was violently detained on November 23, 2021 (see *supra* para. 19) and his whereabouts were initially unknown (see *supra* para. 20). He was subsequently

<sup>47</sup> See in this regard: IACHR. Annual Report 2020. Chapter IV.B Nicaragua, paras. 54-77; 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>48</sup> See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Soli on Nicaragua. April 22, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua. December 24, 2019.

<sup>49</sup> IACHR. Press Release 197/22. IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022

<sup>50</sup> *Ibidem*

transferred to the Granada Penitentiary on December 8, 2021, where he reportedly continues to be deprived of his liberty. According to the information received, the proposed beneficiary has hepatic impairments and hypertension (see *supra* para. 21), he reportedly experiences severe migraines, bone pain, weight loss, depression, and skin lesions generated by cockroach bites throughout his body (see *supra* paras. 21-23). However, he is allegedly not receiving medical attention for any of his conditions (see *supra* para. 23). In addition, Mr. Muñoz Centeno is detained in reported deplorable conditions, and he allegedly shares a cell with 140 other people (see *supra* para. 22), the cell reportedly has a single bathroom, no drinking water, and there is an insect plague in the prison (see *supra* para. 24). According to the applicants, the custodians who perform the searches in his cell do not take him to their medical offices, despite being in their custody (see *supra* para. 24).

55. Regarding the situation of Ms. Nidia Lorena Barbosa Castillo, the Commission observes her special vulnerability due to her position as an older adult woman. According to the information received by the Commission, the proposed beneficiary was detained on November 6, 2021, and her relatives were not officially informed of where she was held (see *supra* para. 27), she is currently being deprived of her liberty in the unit of the National Penitentiary System of Grenada (see *supra* para. 32). Ms. Barbosa Castillo reportedly has chronic diseases, arthritis, asymptomatic bradycardia (see *supra* para. 25), depression, and has experienced great weight loss (see *supra* para. 41), as well as lightheadedness, fainting, headaches, and chest pains (see *supra* para. 37). As a result of her health problems, she has suffered several crises, and was even hospitalized on multiple occasions. Recently, in August 2022, the proposed beneficiary was admitted in the prison clinic for one week (see *supra* para. 44). Although the proposed beneficiary's lawyer submitted various briefs to the judicial authorities and the prison authorities, to date no effective response has been achieved to guarantee the physical integrity, health, and life of Ms. Barbosa Castillo (see *supra* para. 42). Furthermore, not all of the proposed beneficiary's children and other relatives have been allowed to visit, despite requests in this regard (see *supra* para. 43), nor was communication with her lawyer authorized (see *supra* para. 42).
56. Considering the foregoing, the Commission observes that the allegations presented by the applicants confirm the seriousness of the proposed beneficiaries' situations, particularly those referring to the inadequate detention conditions, as well as their respective particularly serious health conditions which, with the passage of time, continue to worsen due to the lack of necessary, timely and adequate medical attention to treat their different health issues.
57. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the requests for information in these matters. Although the foregoing is not sufficient per se to justify the granting of a precautionary measure, the lack of response from the State prevents the Commission from knowing the measures that have been reportedly implemented to address the situation that places the proposed beneficiaries at risk and dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the alleged situations that place the proposed beneficiaries at risk have been mitigated. This is particularly relevant, given that the alleged facts are attributable to state agents.
58. Due to the foregoing, the Commission considers, from the *prima facie* standard and in the current context of Nicaragua, that it is sufficiently proven that the rights to life, health, and personal integrity of the proposed beneficiaries are at serious risk.
59. With regard to the requirement of *urgency*, the Commission deems that it has been met, given that if the proposed beneficiaries remain in the situation described, they are likely to be imminently

exposed to a greater impact on their rights, as well as in view of their profile, who are also deprived of liberty. At the time of making these assessments, the Commission observes that over 10 months have elapsed since the detention of the proposed beneficiaries, who are currently in a reported serious state of health without adequate medical care. Furthermore, in the absence of protection measures by the State authorities, especially when these are reportedly responsible for the alleged risk, the Commission does not have concrete or detailed information provided by the State that would be sufficient to assess the actions that they are reportedly taking to address the risk that the proposed beneficiaries face.

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

#### **V. BENEFICIARIES**

61. The Commission declares Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo as beneficiaries.

#### **VI. DECISION**

62. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Nicaragua:
- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the proposed beneficiaries;
  - b) adopt the necessary measures to ensure that the proposed beneficiaries' detention conditions are compatible with the applicable international standards in this area, *inter alia*:
    - i. allowing contact with their lawyers and legal representatives;
    - ii. ensuring that they are not subjected to threats, intimidation, harassment, or attacks within the penitentiary;
    - iii. guaranteeing access to adequate and specialized health care, in addition to an immediate specialized medical assessment of the health of each proposed beneficiary;
    - iv. granting the necessary treatments and medications to treat their respective conditions;
    - v. providing adequate food; and
    - vi. assessing, in light of the proposed beneficiaries' detention conditions and health, the granting of alternative measures to the deprivation of liberty;
  - c) consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and
  - d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent similar events from reoccurring.
63. 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.
64. 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.

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65. The Commission instructs its Executive Secretariat to notify this resolution to the State of Nicaragua and the applicants.
  66. Approved on September 23, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary