
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 19/2023**

Precautionary Measure No. 214-23

Rolando José Álvarez Lagos regarding Nicaragua

April 13, 2023

Original: Spanish

I. INTRODUCTION

1. On March 15, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission”, or “the IACHR”) received a request for precautionary measures presented by the Legal Defense Unit (*Unidad de Defensa Jurídica*, UDJ) (“the applicant”) urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life, personal integrity and health of Rolando José Álvarez Lagos (“the proposed beneficiary”). According to the request, the proposed beneficiary is a religious person and a member of the Catholic Church. He has reportedly been a critical voice behind the allegations of human rights violations in the country. He is deprived of his liberty, and his detention status and current health have been unknown ever since he was sent to the Jorge Navarro Penitentiary System on February 9, 2023.

2. Under the terms of Article 25.5 of its Rules of Procedure, the IACHR requested information from the State on March 20, 2023. However, to date, no information has been received from the State.

3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, the IACHR requests that Nicaragua: a) take the necessary measures to protect the rights to life, personal integrity, and health of Rolando José Álvarez Lagos; b) take the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards in the matter, including: i. guaranteeing access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health; ii. ensuring access to the treatments and medications required to treat his health issues; and iii. guaranteeing regular contact and access to his family members, his lawyers, and representatives; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions undertaken in order to investigate the alleged facts that led to the adoption of this resolution so as to prevent such events from reoccurring.

II. BACKGROUND

4. Between May 17 and 21, 2018, the Commission visited Nicaragua. During this visit, it collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.¹ In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.² For its part, the Interdisciplinary Group of Independent

¹ IACHR. Gross Human Rights Violations in the Context of Social Protests in Nicaragua. OAS/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

² IACHR. Press Release No. 135/18. IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. Press Release No. 274/18. Press Release about Nicaragua. December 19, 2018. See also: IACHR. Press Release No. 113/20. Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

Experts (GIEI, for its acronym in Spanish) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.³ In its 2018 Annual Report, the IACHR included Nicaragua in Chapter IV.B in accordance with the grounds set forth in its Rules of Procedure.⁴

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.⁵ 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.⁶ In 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.⁷ Similarly, in November, the Commission once again reprimanded 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.”⁸

6. Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,⁹ 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 institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.¹⁰

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by intensified acts of surveillance, harassment, and selective repression against people considered to be government opponents.¹¹ Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.¹² In October 2020, the IACHR again called on the State to immediately cease persecution of persons identified as dissidents and to re-establish democratic

³ IACHR. Press Release No. 135/18. IACHR Launches Special Monitoring Mechanism for Nicaragua (MESENI). June 24, 2018; IACHR. Press Release No. 274/18. Press Release about Nicaragua. December 19, 2018. See also: IACHR. Press Release No. 113/20. Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020.

⁴ IACHR. 2018 Annual Report. Chapter IV.B Nicaragua.

⁵ See in this regard: IACHR. Press Release No. 6/19. IACHR denounces the weakening of the rule of law in the face of serious human rights violations and crimes against humanity in Nicaragua. January 10, 2019; IACHR. Press Release No. 26/19. IACHR Condemns Increasing Attacks on the Press and Ongoing Human Rights Violations in Nicaragua. February 6, 2019; IACHR. Press Release No. 90/19. IACHR Condemns Continuing Acts of Repression in Nicaragua during Negotiating Table Talks. April 5, 2019.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ IACHR. 2019 Annual Report. Chapter IV.B Nicaragua. OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

¹⁰ IACHR. 2019 Annual Report. Chapter IV.B Nicaragua. OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

¹¹ 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.

¹² 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.

guarantees in Nicaragua.¹³ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2020 Annual Report.¹⁴

8. In 2021, the Commission condemned the increasing acts of harassment in Nicaragua. These acts were against persons identified as government opponents, human rights defenders, and the independent press.¹⁵ They also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁶ 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.¹⁷ Moreover, on August 11, 2021, the Commission condemned the systematic set of state actions 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 this year, as well as the ongoing human rights violations in this context, urging the State to cease repression against people opposed to the Government.¹⁸ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.¹⁹

9. 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.²⁰ Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern regarding the increasing repression against opponents in Nicaragua within the framework of the electoral process, and highlighted the attacks against journalists.²¹ On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections. These violations occurred from acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists. The Commission further urged the State to release all those who had been arbitrarily detained in the electoral context since the beginning of the crisis, in addition to ceasing attacks against political opponents.²²

10. 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 going through in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to

¹³ 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.

¹⁴ IACHR. 2020 Annual Report. Chapter IV.B Nicaragua, February 2021, paras. 5 to 29.

¹⁵ IACHR. Press Release No. 152/21. IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁶ 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.

¹⁷ IACHR. Press Release No. 145/21. IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. June 9, 2021; IACHR. Press Release No. 171/21. Nicaragua: IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua. July 9, 2021.

¹⁸ 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.

¹⁹ 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.

²⁰ 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.

²¹ 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.

²² IACHR. Press Release 300/21. IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

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.²³ 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.²⁴ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, over 110,000 people have been forced to flee Nicaragua.²⁵

11. 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 organs of the inter-American system.²⁶ 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.²⁷

12. 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.²⁸ 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 2018.²⁹ According to data from the United Nations Refugee Agency (UNHCR), over 150,000 Nicaraguans have requested protection in Costa Rica.³⁰ On March 23, 2022, the IACHR affirmed 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.³¹

13. In April 2022, four years the 2018 social protests began, 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. Since April 2018, serious human rights violations have gone unpunished. These violations resulted in 355 deaths,

²³ 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.

²⁴ 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.

²⁵ 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.

²⁶ IACHR. Press Release 023/022. IACHR urges the State of Nicaragua to release all persons arbitrarily detained. January 31, 2022

²⁷ 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.

²⁸ 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/>.

²⁹ United Nations Human Rights Council. Human Rights Council concludes forty-ninth regular session after adopting 35 resolutions. April 1, 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>.

³⁰ UNHCR. The number of Nicaraguans displaced in Costa Rica has doubled in less than a year. March 25, 2020. Available (in Spanish) at: <https://www.acnur.org/noticias/briefing/2022/3/623d08ed4/el-numero-de-nicaraguenses-desplazados-en-costa-rica-se-ha-duplicado-en.html>.

³¹ 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.

over 2,000 injured persons, and 171 arbitrary detentions in conditions that are contrary to personal dignity and integrity.³²

14. On May 13, 2022, the IACHR urged the State to guarantee constant direct contact of political prisoners with their families. According to information received by this MESENI, deplorable conditions of detention, ill-treatment, isolation, isolated detention and lack of access to timely, adequate and specialized medical care for persons detained in “El Chipote” persist.³³ 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 fled or are in forced exile.³⁴ On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to its critical role in denouncing human rights violations.³⁵ On September 5, 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are held in deplorable conditions in Nicaragua.³⁶

15. On September 28, 2022, the rapporteurs of the ONU and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.³⁷ Furthermore, on November 4, 2022, the IACHR alerted of the lack of conditions to hold free and fair elections in the country, taking into account the resurgence of repression and percussion against political opponents through the implementation of measures aimed at preventing their participation in these elections.³⁸

16. More recently, on February 9, 2023, the IACHR learned about the release of 222 people, who are deprived of their liberty in Nicaragua due to political reasons, and who were deported to the United States of America on the same day of their release in compliance with a judgment of Criminal Chamber One of the Managua Court of Appeals. This chamber ordered the immediate deportation of these individuals and the revocation of their Nicaraguan nationality. On the same day, the National Assembly approved reforms to Article 21 of the Nicaraguan Political Constitution. This Article established the acquisition, loss, and recovery of nationality and approved Law 1145 that regulates the loss of Nicaraguan nationality. The IACHR urged the State to release all persons arbitrarily detained in the context of the crisis in Nicaragua, without this implying the loss of nationality and deportation.³⁹

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

³² 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.

³³ IACHR. [Press Release No. 103/2022](#). IACHR urges Nicaragua to ensure that political prisoners have regular and dignified direct contact with their families. May 13, 2022.

³⁴ IACHR. [Press Release No. R163/22](#). Nicaragua must cease its persecution of the independent press and be held accountable for its actions. July 15, 2022.

³⁵ IACHR. [Press Release No. 184/22](#). IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022.

³⁶ IACHR. [Press Release No. 197/2022](#). IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022.

³⁷ IACHR. [Press Release R218/22](#). Faced with serious complaints about the closure of civic spaces in Nicaragua, UN and IACHR rapporteurs urge the authorities to comply with their international obligations to respect and guarantee fundamental freedoms. September 28, 2022.

³⁸ IACHR. [Press Release No. 248/22](#). IACHR Warns of Lack of Conditions for Free and Fair Municipal Elections in Nicaragua. November 4, 2022.

³⁹ IACHR. [Press Release No.021/23](#). The IACHR welcomes the release of political prisoners in Nicaragua and rejects arbitrary deprivation of nationality. February 13, 2023.

17. According to the request, Mr. Rolando José Álvarez Lagos is a priest and bishop of Matagalpa who has reportedly been deprived of his liberty since August 19, 2022. He has been held without any contact with his relatives since February 9, 2023, and his family members do not have any information regarding his current condition or detention conditions. According to the request, since the beginning of the sociopolitical crisis in April 2018 and for years, Mr. Álvarez Lagos has been considered as one of the most critical voices against the circumstances and serious human rights violations in Nicaragua as a result of the systematic repression exercised by the current Government. In addition, he played a leading role in the mediation exercised by the Episcopal Conference of Nicaragua (*Conferencia Episcopal de Nicaragua*) during the dialogue process after the massive social protests that occurred in 2018. In addition, he constantly demanded the release of political prisoners, as well as made persistent calls for pacification and reconciliation among Nicaraguans.

18. During the last four years, following his public statement, he has been subjected to a series of acts of harassment and persecution at the hands of state agents and individuals deemed “pro-government”. For example, in May 2022, after weeks of the Police harassing him and even his family members, he decided to go on a hunger strike in the Santo Cristo de las Colinas parish, Managua. On this occasion, police forces blocked the access road to prevent the priests who were going to celebrate mass with the proposed beneficiary from reaching the parish, and also prevented parishioners from attending Sunday mass. Moreover, on May 21, 2022, the government ordered the Nicaraguan television provider Claro to suspend the transmission of channel 51, Catholic Channel (*Canal Católico*) operated by the Church. On August 1, 2022, the government, through the Nicaraguan Telecommunications and Postal Institute (TELCOR), decided to close six media outlets in northern Nicaragua,⁴⁰ four of them administered by the diocese of Matagalpa. This situation was interpreted as a clear retaliation against Mr. Álvarez Lagos.

19. On August 4, 2022, the National Police deployed dozens of armed agents in front of the diocese of Matagalpa. Mr. Álvarez Lagos therefore left his office and confronted the police, who had cut off traffic on the street where the diocese is located in order to prevent people and vehicles from accessing the Cathedral of San Pedro where the proposed beneficiary was to officiate a mass.⁴¹ That afternoon, police and riot police surrounded the rectory of Matagalpa, where the proposed beneficiary lived. The police agents did not allow the proposed beneficiary or the other 11 other people to leave these facilities. On August 5, 2022, the National Police announced that they had initiated criminal investigations against the proposed beneficiary and the people held in the rectory for “attempting to organize violent groups and incite them to execute acts of hatred against the population,” despite the fact that all acts carried out by Mr. Álvarez Lagos and the other religious members were peaceful and conciliatory. The police reported that the people under investigation reportedly “stay inside their homes”. However, in reality, all the individuals were detained in the rectory by force and against their will by the National Police, despite the lack of judicial decision to approve it.

20. On August 7 and 17, 2022, the police allowed three people to leave the rectory, and one of them was deported by the government. The rest of the group (nine people in total) were forced to stay in the ecclesiastical facility, which held scarce food, until August 19, 2022. During that time, the rectory was guarded by dozens of police agents, riot police, and drones. In the early morning of August 19, 2022, the police raided the rectory and apprehended the occupants. During the operation, the Police did not present any warrant for search or arrest, nor did they inform the individuals of their rights or the grounds for their arrest. On the same day, the Police issued a press release, which stated that the proposed beneficiary and eight other people were transferred to Managua. Mr. Álvarez Lagos was taken to a private home owned by his family where he allegedly remained while deprived of his liberty. This measure was not ordered by a judge, nor was it adopted in the

⁴⁰ Radio Hermanos, Radio Nuestra Señora de Lourdes, Radio Nuestra Señora de Fatima, Radio Alliens, Radio Monte Carmelo and Radio San José

⁴¹ The strained episode between the bishop and the police officers was broadcast on the diocese’s Facebook account. Over 10,000 people watched it live and many of them expressed anti-government messages.

context of a hearing on precautionary measures. It was a police determination and, therefore, strictly speaking, it cannot be considered “pre-trial detention” or “house arrest”.

21. The other persons were transferred to the Judicial Assistance Directorate “Evaristo Vásquez”, known as “El Chipote”. On February 9, 2023, they were considered a part of the group of 222 people arrested in connection with the human rights crisis, and subsequently transferred to the Augusto C. Sandino International Airport to be released and deported to the United States.

22. On December 13, 2022, the proposed beneficiary was presented before a judge who admitted the prosecutor’s accusation against him for the crimes of “conspiracy to undermine national integrity and propagation of false news through information and communication technologies to the detriment of the State and Nicaraguan society”. At the hearing, the judicial authority appointed him public defender, decreed house arrest, and scheduled the initial trial hearing for January 10, 2023. At the initial hearing on January 10, 2023, the judge ordered the proceeding to move to the trial phase, but did not set a date. He also ordered the extension of Mr. Álvarez Lagos’ house arrest.

23. According to the request, the criminal accusation against the proposed beneficiary was presented before the Ninth District Criminal Court of Managua District Court. However, his civic and religious activities, for which he is reportedly being criminally prosecuted, are being carried out entirely in the Matagalpa District Department.

24. On the other hand, it is reported that on February 9, 2023, between approximately 12:00 a.m. and 1:00 a.m., officers from the Directorate of Special Police Operations (*Dirección de Operaciones Especiales Policiales*, DOEP) went to Mr. Álvarez Lagos’ home, where he had been under house arrest since August 19, 2022. On that date, the proposed beneficiary was taken from his home and his family was not informed where he was being taken. On February 10, 2023, his family went to the facilities of the Directorate of Judicial Assistance (*Dirección de Auxilio*, DAJ) known as the “Nuevo Chipote”, in order to process the visitation card and food parcel pass. However, they were told that Mr. Álvarez Lagos was not being held there.

25. The request also indicates that, on February 9, 2023, 222 people detained in connection with the human rights crisis (including the eight people who were with Mr. Álvarez Lagos when he was detained) were taken from their detention centers by the authorities and transferred to the United States for release on a plane chartered by the Nicaraguan government. The basis for this decision was reportedly a “deportation” court decision issued on February 8, 2023, which the proposed beneficiary allegedly refused to comply with. The State of Nicaragua also claimed that Mr. Álvarez Lagos had been transferred to the Jorge Navarro National Penitentiary System known as “La Modelo.” However, his relatives had gone to the prison several times to process his visitor’s card, but the prison authorities had refused to provide information or confirm his whereabouts. They also refused the parcels that they usually allow for other prisoners, and the proposed beneficiary therefore has not been able to receive food, basic hygiene supplies, or his routine medications. The proposed beneficiary is reportedly being held in isolation as he is not able to contact to his family or a lawyer. The applicant qualifies this situation as an enforced disappearance, characterized by the Nicaraguan authorities’ refusal to recognize the act of deprivation of liberty or to disclose his whereabouts.

26. Regarding the criminal proceeding against the proposed beneficiary, the applicant stated that on February 10, 2023, the president of Chamber One of the Court of Appeals of Managua (*Tribunal de Apelaciones de Managua*, TAM) read a resolution that sentenced him to 26 years and 4 months in prison for the crimes of “undermining national integrity; propagation of false news through information and communication technologies; obstruction of aggravated functions, disobedience, and contempt of authority to the detriment of the State of Nicaragua and Nicaraguan society.” Since the proposed beneficiary’s lawyer was not informed of the hearing in advances, there are reportedly reasonable grounds to believe that the judgment was drafted

without a trial having taken place.⁴² On February 16, 2023, the proposed beneficiary's lawyer was notified of the operative part of the judgment. He was found guilty of the aforementioned crimes and sentenced to 15 years imprisonment and disqualification for life from holding public office. In addition, it declares the perpetual loss of citizen rights and the loss of Nicaraguan nationality, in addition to five years in prison and 800 days fines for being the author of the crime of "propagation of false news". On March 1, 2023, the defense was notified of the inadmissibility of the appeal of the sentence issued by the first instance. The sentence of five years and four months of imprisonment was established for the crime of aggravated obstruction of functions and a sentence of one year for the crime of contempt of court. The total sum is 26 years and 4 months, and it is requested to forward it to the Supreme Electoral Council and the Public Registry.

27. As for the proposed beneficiary's health, the applicant points out that he has developed certain health issues since being confined in the archbishop's rectory. The proposed beneficiary's main chronic medical conditions are the following: arterial hypertension, sinus tachycardia, alterations in glycemic variability, hypothyroidism, hypercholesterolemia with fatty liver, Vitamin D deficiency, and benign paroxysmal positional vertigo. His usual medical treatment allegedly consists of, Propanolol 40 mg, one daily pill (for high blood pressure and tachycardia); Eutirox 25 mg, one daily pill (for hypothyroidism); Omacor, Policosanol, Meneparol Plus, two daily pills (for dyslipidemia and fatty liver); Alprazolam 0.5 mg, one pill at night (for insomnia); Vitamin D3 (for hypovitaminosis D); Cinsulin, two daily pills (for glycemic disturbance); Tebogan forte, one daily pill (brain oxygenator and prevents vertigo); and, vitamins B complex and Magnesium, one daily pill. The applicant states that, since his house arrest in August 2022, Mr. Álvarez Lagos received direct treatment from the Penitentiary System. According to information from his relatives, he underwent examination, the results of which were not reported to his relatives. After his admission to the "La Modelo" Prison, there has been no further information on his health.

28. The request also mentions the possible deprivation of medicines and precarious prison conditions in "La Modelo". Taking into account the information disclosed on social networks, he is in a maximum-security cell deemed "*El Infiernillo*" ("Little Hell"), in complete isolation. According to available information, the cells are small, 2x3 meter spaces which lack ventilation, access to sunlight, sanitized water, and adequate sanitary facilities. Furthermore, the applicant recalls that, along with the possible deprivation of medication, inadequate nutrition, poor hygiene, deprivation of physical activity and sensory deprivation, as well as the significant cardiovascular risk factors (arterial hypertension, hypercholesterolemia and disorders in blood sugar balance), that the proposed beneficiary presents, inadequate detention conditions may potentially cause him medical complications with serious repercussions to his health, particularly if he were to stop taking his medication. These complications include possible acute myocardial infarction, stroke, hyperglycemia, among others.⁴³

⁴² According to the request, the oral trial was scheduled for March 28, 2023 (as dictated by a court decision of January 16, 2023). It also refers to the impossibility for a due process trial to be held in a single morning (the reading of the judgment was broadcast on Facebook Live at 4:00 p.m. on February 10, 2023). On the other hand, the published judgment only contains the affirmation of Mr. Álvarez Lagos' guilt, but lacks the proven facts and the argumentation supporting his guilt. A copy of the minutes of that hearing has not been delivered to his defence counsel either.

⁴³ The applicant to the fact that the lack of physical activity conditioned by the limited space of the cell and the refusal of access to the yard could cause Deep Vein Thrombosis and/or Pulmonary Thromboembolism due to the forced sedentary lifestyle and remaining almost stationary in that space. Thyroid function control without the adequate supply of the Eutirox supplement could result in an overall deceleration of the body's organic activity which can affect functions at diverse levels such as metabolic, neuronal, cardiac, digestive, renal, etc. This could manifest as generalized fatigue, intolerance to cold, apathy and indifference, decreased memory and concentration, drowsiness, dry skin and in extreme cases may progress to complications such as heart failure, swelling of the whole body, respiratory failure and loss of consciousness. Lack of natural light could aggravate his condition of vitamin D deficiency. Being deprived of food and drink could cause malnutrition and dehydration, excessive and abrupt weight loss could cause disorders in the acid-base balance of the body and hydroelectrolyte imbalance with high potassium levels, which could lead to aggravate cardiac problems, along with toxicity and renal dysfunction due to dehydration. The accumulation of toxic substances in the body due to inability to empty the bowel (constipation) or the bladder (anuria) would be a serious situation of neurotoxicity with signs of altered consciousness. The liver could also be affected due to congestion of toxic substances, as well as

29. The applicant indicates that state authorities refuse to disclose his whereabouts. His family is allegedly denied the delivery of their parcels containing food that Mr. Álvarez Lagos requires due to his medical condition. They questioned the lack of necessary medicines and the lack of timely and specialized medical care. Regarding the requests submitted to the state authorities, the applicant indicates that on February 21, 2023, a letter was submitted to the judicial authority. This document requests that an official letter be sent to the prison authorities to allow the family to obtain information on Mr. Álvarez Lagos' whereabouts. In addition, a request was made to allow the processing of cards for family visits and entering food and medicines.

30. The applicant requests that the proposed beneficiary be provided protective measures to protect the rights to his life, personal integrity and health; his whereabouts be reported on; ensure that his detention conditions are compatible with international standards; ensure that he is not subjected to threats, intimidation, harassment or aggression; and guarantee access to adequate and specialized medical care, as well as is provided the treatments and medicines necessary to treat his health issues; among other aspects.

B. Information provided by the State

31. In the matter at hand, the IACHR requested information from the State on March 20, 2023. However, the State has not submitted any information to date.

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

32. The precautionary measures mechanism is part of the Commission's function of supervising compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"), based on Article 41(b) of the American Convention on Human Rights ("American Convention") and Article 18(b) of the IACHR Statute. Furthermore, the mechanism of precautionary measures is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent as well as necessary to prevent irreparable harm.

33. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.⁴⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the

excessive accumulation of cholesterol and alterations in the form of sudden drops or rises in blood sugar levels. Mood disorders and other psychiatric disturbances that persons deprived of their liberty may experience when subjected to physical and emotional torture are well documented. Among them: depression, anxiety, post-traumatic stress disorders, delirium, confused state, hallucinations, anxiety, and in worst case scenarios, schizophrenia. Lastly, infectious diseases that can be acquired in unsanitary environments such as this cell: hepatitis, Chagas disease, tuberculosis, dengue fever, malaria, cholera, leptospirosis, COVID-19, herpes virus, onychomycosis, tinea corporis, among others.

⁴⁴ See in this regard: I/A Court H.R. 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.

⁴⁵ See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Bámaca Velásquez Case. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Case of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

persons proposed as beneficiaries would be left in case the measures are not adopted.⁴⁶ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. These measures aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the remedies required.⁴⁷ 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 of threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

34. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁴⁸ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁴⁹ 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.⁵⁰

⁴⁶ 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].

⁴⁷ 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.

⁴⁸ See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

⁴⁹ 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.

⁵⁰ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

35. In the matter at hand, the Commission observes that the alleged risk situation of the proposed beneficiary is framed in the current context that Nicaragua is experiencing,⁵¹ in a particularly hostile context, which has also intensified over time.⁵² In particular, it notes that the alleged facts are circumscribed in an environment of repression against members of the Catholic Church, already known by the IACHR, in which “a systematic context of persecution, criminalization, harassment, police hounding, (...)” has been evidenced against them due to their role as mediators in the National Dialogue and their critical role in denouncing the human rights violations that occurred in the context of the crisis in the country.⁵³ In this context, the Commission has granted precautionary measures to members of the Catholic Church in Nicaragua.⁵⁴

36. In the same way, the IACHR recalls the information gathered on the detention conditions in Nicaragua, which referred to “the serious detention conditions of persons deprived of their liberty in the different facilities of the National Penitentiary System” such as “La Modelo” where the proposed beneficiary is currently being held. The complaints alleged, among other aspects, “lack of access to health care, exacerbation of illnesses, insufficient and poor quality food, arbitrary application of isolation or punishment regimes”.⁵⁵ In its 2021 Annual Report, the IACHR indicated that, according to the information available, the situation of persons detained in “La Modelo” persists in terms of “overcrowded and unsanitary conditions, dispossession of belongings, mistreatment, application of maximum security regimes without objective criteria, and lack of adequate and timely medical attention.⁵⁶ Additionally, the IACHR learned that the areas of maximum security in “La Modelo” known as “La 300”, “El Infiernillo” or “Chiquita” have detention conditions that are “even more precarious and inhumane.”⁵⁷

37. In addition, the Commission deems it appropriate to reference the findings of the Inter-American Court, in the adoption of provisional measures in the Case of Seventeen Persons Deprived of Liberty Regarding Nicaragua in relation to the “La Modelo” prison, observing that “[...] the hygienic conditions were precarious because the inmates lacked adequate access to electricity and drainage services, and were exposed to the presence of insects; [...] that they received food in poor condition, and that they lacked natural light for prolonged periods of time”, among others.⁵⁸ The Commission has not received any information that indicates that this situation has improved over time.

38. Furthermore, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, integrity, health and other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in

⁵¹ 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.

⁵² See in this regard: IACHR. Press Release No. 113/20. Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020; IACHR. 2020 Annual Report. Chapter IV.B Nicaragua, paras. 46 to 52.

⁵³ IACHR. Press Release No. 184/22. IACHR Condemns Acts of Repression and the Detention of Members of the Catholic Church in Nicaragua. August 19, 2022.

⁵⁴ IACHR, Resolution 37/2018. Silvio José Baez Ortega and family members regarding Nicaragua. May 29, 2018 and IACHR, Resolution 87-2021. Juan Abelardo Mata Guevara and relatives regarding Nicaragua. May 11, 2021.

⁵⁵ IACHR. Press Release No. 197/2022. IACHR and REDESCA: Immediate release of political prisoners in deplorable conditions in Nicaragua is urgently needed. September 5, 2022.

⁵⁶ IACHR, 2021 Annual Report, Chapter IV.b Nicaragua. OEA/Ser.L/V/II., Doc. 64 rev. 1. May 26, 2022, par. Para. 153.

⁵⁷ IACHR, Persons Deprived of Liberty in Nicaragua, October 5, 2020, para. 120

⁵⁸ I/A Court H.R. Matter of Members of the Nicaraguan Center for Human Rights (*Centro Nicaragüense de Derechos Humanos*, CENIDH) and the Permanent Commission on Human Rights (*Comisión Permanente de Derechos Humanos*, CPDH) regarding Nicaragua. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights of July 12, 2019.

their custody.⁵⁹ This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment. In these circumstances, prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.⁶⁰ In light of the facts described by the applicant, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.⁶¹

39. Taking into account the particular context Nicaragua is experiencing and the situation of confinement faced that the proposed beneficiary, the Commission will proceed to analyze the procedural requirements regarding Rolando José Álvarez Lago in Nicaragua.

40. Regarding the requirement of *seriousness*, the Commission considers that it is fulfilled, since the proposed beneficiary is reportedly deprived of his liberty in the Jorge Navarro “La Modelo” Penitentiary System since February 9, 2023. Since that date, there has been no information regarding his detention or health conditions, nor has there been updates on the treatment he reportedly receives, despite having previous health issues. Preliminarily, the Commission notes that the proposed beneficiary, as bishop of Matagalpa, participated in civic and religious activities denouncing human rights violations in the current context of socio-political crisis and that he made his pronouncements in this regard public. He also stood out for his participation in the mediation exercised by the Nicaraguan Episcopal Conference (*Conferencia Episcopal de Nicaragua*) during the dialogue process and has advocated for the release of political prisoners, as well as made constant calls for pacification and reconciliation (see *supra* para. 17).

41. Prior to the proposed beneficiary’s arrest, the IACHR notes that the applicant also alleged the existence of acts of harassment and persecution by alleged state agents and “pro-government” actors. From the events reported, it is noted, for example, that in May 2022, both the proposed beneficiary and his family were reportedly victims of harassment by the police. It was also noted that police forces blocked the access road to priests who were going to celebrate mass with the proposed beneficiary and prevented parishioners from attending Sunday mass. (See *supra* para. 18). On August 4, 2022, the National Police reportedly prevented entry to the diocese of Matagalpa where the proposed beneficiary was to officiate a mass. On the same day, police and riot police prevented the proposed beneficiary and 11 others from leaving the rectory. (See *supra* para. 19). On August 5, 2022, the National Police allegedly held the proposed beneficiary in the rectory until August 19, 2022 (see *supra* para. 19). On August 19, 2022, the police raided the rectory and apprehended the proposed beneficiary (see *supra* para. 20). These factual elements reflect not only a very close monitoring of the actions carried out by the proposed beneficiary, but also a series of facts attributed to the National Police with which they sought to impede and hinder the proposed beneficiary in the framework of his religious work.

42. The Commission identifies that, prior to his admission to the Jorge Navarro Penitentiary System, the proposed beneficiary had been under house arrest since August 19, 2023. However, in view of the judicial decision to “deport” 222 persons detained to the United States on February 9, 2023, and Mr. Álvarez Lagos’ refusal to comply with the decision, he was transferred to the aforementioned penitentiary, where he remained without being to communicate to his family and lawyers (see *supra* para. 20 and 25). The day after

⁵⁹ See in this regard: I/A Court H.R. Case of Mendoza et al. v. Argentina. Preliminary Objections, Merits, and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

⁶⁰ IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

⁶¹ I/A Court H.R. Matter of seventeen persons deprived of liberty regarding Nicaragua. Provisional Measures. Adoption of Urgent Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

his arrest, on February 10, 2023, Mr. Álvarez Lagos was sentenced to prison for the crimes of “undermining national integrity, propagation of false news through information and communication technologies, aggravated obstruction of functions, and disobedience or contempt of authority to the detriment of the State of Nicaragua and Nicaraguan society”. In addition, he allegedly lost his citizenship rights, as well as his Nicaraguan nationality (see *supra* para. 26).

43. The IACHR takes note of the seriousness of these allegations and observes that, according to the applicant, the circumstances referred to by Mr. Álvarez Lagos are part of his critical role in denouncing human rights violations in the current context. Although the precautionary measures mechanism is not called upon to refer to the proceedings that are part of the criminal proceedings initiated against the proposed beneficiary or its compatibility with the American Convention, the Commission understands that he is reportedly currently in the custody of the National Police, which has been harassing, intimidating, and preventing the proposed beneficiary from continuing his pastoral work. In this regard, the Commission expresses its concern given the animosity that has existed against the proposed beneficiary over time, which reportedly continues even under his current detention conditions.

44. Given the role he has been playing from his status as a member of the Catholic Church, the Commission considers that it could have an impact by exacerbating his current risk situation. In addition, the IACHR notes with concern the loss of Nicaraguan nationality and the consequences of the judicial decision on proposed beneficiary’s rights. In this regard, it recalls that “the American Convention holds the right to nationality and expressly says that no one may be arbitrarily deprived of their nationality; The Inter-American Principles on the rights of migrants further stress that all individuals have a non-derogable right to a nationality and not to be stateless and to retain their nationality (...)”.⁶²

45. With regard to his detention conditions, the IACHR notes that, according to the applicant, the proposed beneficiary was held in isolation since his arrest on February 9, 2023. Both his family and his lawyers allegedly lack accurate information regarding his whereabouts. Despite going to “La Modelo” prison, the applicant claimed that the prison authorities had not provided them with information in this regard (see *para.* 25). In this regard, the Commission notes that on February 21, 2023, a letter was filed with the judicial authority. The letter requests that the prison authorities allow the family to obtain information on Mr. Álvarez Lagos’ prison placement, as well as his place of detention, and allow the processing of family visit cards for the entry of food and medicine (see *supra* para. 29). However, the Commission has no information as to whether the submitted request was duly complied with.

46. According to the information obtained, Mr. Álvarez Lagos allegedly is in the maximum-security cells called “El Infiernillo”, where is reportedly held without being able to communicate with his family. In addition, the proposed beneficiary has an alleged series of health concerns such as arterial hypertension, sinus tachycardia, alterations in the glycemic balance, hypothyroidism, hypercholesterolemia with fatty liver, vitamin D deficiency, and benign paroxysmal positional vertigo. In this context, the proposed beneficiary reportedly requires several medications as part of his usual treatment (see *supra* para. 28). However, his family members do not have information on his current health, or whether he has access to medical care and medication. Even though, during his house arrest, the proposed beneficiary received direct attention from the Penitentiary System, and even underwent examinations, his family was not informed of the results (see *supra* para. 27). In addition, the prison authorities allegedly do not allow his relatives to deliver medicines, food, and basic hygiene supplies for the proposed beneficiary (see *supra* para. 25). Considering his health issues and the treatment these require, this situation is even more concerning as it must be addressed in order to avoid medical complications.

⁶² IACHR, [Press Release](#) 021/2023. The IACHR welcomes the release of political prisoners in Nicaragua and rejects arbitrary deprivation of nationality. February 13, 2023.

47. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of response from the State prevents the Commission from knowing the measures that have been reportedly implemented to address the situation that places the proposed beneficiary at risk dispute the facts alleged by the applicant. The Commission also notes that the proposed beneficiary is in the custody of the State, which reportedly has information regarding his current situation, detention conditions and, in particular, his current health.

48. The Commission takes note of the context referred to above regarding the detention conditions of persons deprived of their liberty in the context of the Jorge Navarro Prison System (La Modelo) highlighted *above* (see para. 36 and 37). On previous occasions, the IACHR has granted precautionary measures in specific situations, in which inadequate and precarious detention conditions, lack of medical care and treatment, lack of adequate food, and even the detainees had been held in isolation since their imprisonment and were not allowed to receive basic supplies and parcels from their relatives.⁶³

49. Although it was not alleged by the applicant, the Commission takes note of the public information that refers to a visit that took place between the proposed beneficiary and his family members on March 25, 2023.⁶⁴ In this regard, it acknowledges that this opportunity was given to Mr. Álvarez Lagos and his family after approximately a month and a half of solitary confinement following his arrest. However, as indicated above, to date the State has not provided information on the detention and health of the proposed beneficiary, nor has it disputed the allegations of the applicant in this regard. Nor does the Commission have any elements of assessment regarding the possible frequency of family visits in the future. There is also no information indicating that the State has mitigated the situation that places the proposed beneficiary at risk since there is no formal information on the proposed beneficiary's health or detention conditions.

50. In these circumstances, the Commission considers that the facts alleged by the applicant, which were not adequately challenged by the State, and in light of Nicaragua's current context, are likely to seriously affect the rights to life and personal integrity of the proposed beneficiary and his family. Thus, the Commission concludes, from the applicable *prima facie* standard, that it is sufficiently proven that the rights to life, personal integrity, and health of Mr. Rolando José Álvarez Lago are at serious risk.

51. With regard to the requirement of urgency, the Commission deems that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. Furthermore, the Commission warns that, given his condition as a prisoner, in addition to the lack of information on his detention condition, his current health and access to medical care, is a circumstance which prevents his family and representatives from being able to intervene in time and ensure that his detention conditions are adequate, thus requiring the adoption of immediate measures. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiaries.

52. Regarding the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, and health, by their very nature, constitutes the maximum situation of irreparability.

V. BENEFICIARIES

⁶³ Resolution 37/2021. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021; IACHR, Resolution 57/2022. José Santos Sánchez and his family nucleus regarding Nicaragua, October 24, 2022. IACHR, Resolution 74/2022. Rodrigo José Navarrete Vanegas and his family nucleus regarding Nicaragua, December 19, 2022.

⁶⁴ See article of prey at: <https://www.noticias.com.ni/nacionales/122756-dictadura-muestra-monsenor-rolando-alvarez/>

53. The Commission declares Rolando José Álvarez Lagos the beneficiary, who is duly identified in this procedure.

VI.DECISION

54. 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) take the necessary measures to protect the rights to life, personal integrity, and health of Rolando José Álvarez Lagos;

b) take the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards in the matter, including: i. guaranteeing access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health; ii. ensuring access to the treatments and medications required to treat his health issues; and iii. guaranteeing regular contact and access to his family members, his lawyers, and representatives;

c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and

d) report on the actions undertaken in order to investigate the alleged facts that led to the adoption of this resolution so as to prevent such events from reoccurring.

55. 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.

56. 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.

57. The Commission instructs its Executive Secretariat to notify the State of Nicaragua and the applicant of this Resolution.

58. Approved on April 13, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Joel Hernández García; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary