
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 82/2023**

Precautionary Measure No. 1091-23

Freddy Antonio Quezada regarding Nicaragua

December 27, 2023

Original: Spanish

I. INTRODUCTION

1. On December 5, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Inter-American Legal Assistance Center for Human Rights (“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 Freddy Antonio Quezada (“the proposed beneficiary”). According to the request, the proposed beneficiary, a professor and former lecturer, is deprived of his liberty in “La Modelo” and does not have access to medical attention to treat his health issues.

2. Under the terms of Article 25.5 of its Rules of Procedure, the IACHR requested information from the State on December 7, 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, personal integrity, and health are at risk of irreparable harm. Therefore, it requests that Nicaragua: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Freddy Antonio Quezada; b) adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards on this subject, including: i. guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical evaluation of his health; ii. providing the necessary treatments and medications to treat his health issues; and iii. guaranteeing regular contact with, and access to, his family members, lawyers, and representatives; iv. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting his rights in light of the current detention conditions; c) consult and agree upon the measures to be adopted with the proposed beneficiary and his representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them 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, and urged the State to comply with its obligations in matters related to human rights.⁵ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its 2019 Annual Report,⁶ 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 branch over other public powers. The Commission also observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.⁷

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

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. They¹² also condemned the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹³ 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

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. Annual Report 2018. 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. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

⁷ IACHR. [2019 Annual Report. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ IACHR. Annual Report 2020. Chapter IV.B Nicaragua, February 2021, paras. 5 to 29.

¹² IACHR. Press Release No. 152/21. IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹³ 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.

in the context of the crisis.¹⁴ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.¹⁵

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 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.¹⁶ On November 20, 2021, the IACHR made a statement in which it looked unfavorably upon the State of Nicaragua’s decision to denounce the Charter of the Organization of American States on November 19, 2021 during the ongoing context of serious crisis in the country in recent years. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and stated that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), as well as continue to analyze and process cases, petitions, and precautionary measures.¹⁷ 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.¹⁸

10. In 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. 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.¹⁹ On August 19, 2022, the IACHR condemned the escalation of repression against members of the Catholic Church due to their critical role in denouncing human rights violations.²⁰ In September 2022, the IACHR and its SRESCER urged the immediate release of the political prisoners who are held in deplorable conditions in Nicaragua.²¹ The rapporteurs of the UN and IACHR urged the State to restore and make effective the full enjoyment of civil and political rights in the face of the closure and governmental co-optation of civic spaces and democratic participation in Nicaragua.²² 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.²³

¹⁴ 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.

¹⁵ 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.

¹⁶ 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.

¹⁷ 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.

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

¹⁹ 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.

²⁰ 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.

²¹ 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.

²² 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.

²³ IACHR. Press Release No. 248/22. IACHR Warns of the Lack of Appropriate Conditions for Holding Free, Fair Municipal Elections in Nicaragua. November 4, 2022.

11. 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.²⁴ In February 2023, the IACHR and the OHCHR stressed that more than 3,000 national and international NGOs have been canceled since 2018. Their assets have been confiscated and countless individuals have been left without access to their services or assistance. Therefore, they urged the State to put an end to the incessant repression and persecution of those who seek the return of democracy in Nicaragua or exercise their public freedoms.²⁵

12. In June 2023, the Commission expressed its concern at the new arbitrary arrests of defenders, journalists and members of the Catholic Church and the prosecution without compliance with judicial guarantees, and a generalized context of lack of official information on the whereabouts of the detained persons and their legal status would prevail.²⁶ In August 2023, the IACHR and the OHCHR condemned the continuous violations of his human rights, such as the lack of access to medical care and essential medicines, the incommunicado detention since he is in the La Modelo prison system and the limitation of visits by his relatives.²⁷ In August 2023, the IACHR and its Special Rapporteurs condemned arbitrary interference with academic freedom, declaring the cancellation of the legal status and arbitrary confiscation of the facilities of the Central American University (UCA), as well as the forced eviction of members of the Society of Jesus from their residence.²⁸

13. On September 15, 2023, the IACHR urged the State of Nicaragua to cease the violations against religious freedom, the persecution of the Catholic Church, and to release all persons who are arbitrarily deprived of their liberty.²⁹ Furthermore, on October 10, 2023, the IACHR Commission indicated having received information on the intensification of repression against the indigenous communities of the Caribbean Coast of Nicaragua. These events are reportedly part of a repressive strategy deployed by the Executive to consolidate a regime of concentration of power and breakdown of the democratic system, by silencing voices critical of the government, particularly in view of the regional elections scheduled for 2024.³⁰

III.SUMMARY OF FACTS AND ARGUMENTS

A. Information provided in the request

14. According to the request, Mr. Freddy Antonio Quezada, who is 65 years old, is a professor and former lecturer, and is deprived of his liberty. His relatives reportedly do not know his current situation, or the

²⁴ IACHR, [Press Release No. 021/23](#). IACHR Welcomes Release of Political Prisoners in Nicaragua but Rejects Arbitrary Deprivation of Nationality. February 13, 2023.

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

²⁶ IACHR, [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023

²⁷ IACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023.

²⁸ IACHR, [Press Release No. 201/23](#). Nicaragua: IACHR and its Special Rapporteurs Condemn Arbitrary Interferences to Academic Freedom, August 29, 2023.

²⁹ IACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023.

³⁰ IACHR, [Press Release No. 243/23](#). IACHR and RELES: Nicaragua must cease repression against indigenous communities on the Caribbean Coast. October **, 2023

grounds for his arrest. It was reported that, in 2018, due to his commitment to the truth and the defense of student rights, the proposed beneficiary was dismissed as a teacher at the National University of Nicaragua, in Managua (UNAN). He was also arbitrarily dismissed from his positions in institutions such as UPOLI, UCA, and UAM. Since his departure from the UNAN, he has continued to be a social and political critic. Through his social networks (Facebook and Twitter, now known as X) he has published various critical thoughts and reflections on the situation in the country. On the day of his arrest, he shared a reflection on the situation of the 222 exiles. The applicant indicates that Mr. Quezada's situation is framed in the current context that Nicaragua is experiencing in which the State itself is particularly hostile towards people considered, perceived, or identified as opponents of the government and, in general, towards any person critical of the current government of Nicaragua.

15. According to the information provided, on November 29, 2023, a group of ten people, eight of them dressed as police officers and two as civilians, entered the proposed beneficiary's home, without a court order. These individuals requested the proposed beneficiary's identification documents, cell phone, and other electronic devices. In addition, they searched everything that was inside the proposed beneficiary's room. Upon not finding anything of interest, and without ever specifically establishing what was being sought, Mr. Quezada was taken into custody, allegedly without stipulating the charges, or explaining what rights correspond to him. It was only indicated that he was to be reportedly taken to the Police Station in District III.

16. Subsequently, a relative, in the company of the proposed beneficiary's eldest daughter, went to the aforementioned police station. However, when they arrived and requested information about the whereabouts, situation, and charges against the proposed beneficiary, the agents indicated that they were not authorized to provide them with information other than to give them the schedules to take food to the prisoners.

17. On November 30, 2023, from 6:00 a.m., the proposed beneficiary's relatives showed up to leave him breakfast and his medicines. This is because he reportedly has diabetes and requires a special diet, as well as medications for diabetes and other health issues. However, the agents only received the food. The relatives assumed that Mr. Quezada was being held in this location. Subsequently, that day at 11:00 a.m., the same agents refused to receive food again, indicating that "it was by direct orders only the medication is received". In the afternoon of the same day, it was reported by the police that the only information they had about the proposed beneficiary was that he had been transferred to the Jorge Navarro Penitentiary System of Tipitapa, known as "La Modelo".

18. On December 1, 2023, when his family went to "La Modelo" in the morning, they were told that there was allegedly no information on the proposed beneficiary, since that information was only handled by the investigating agent. In addition, his family member was indicated: *"That they should not be asking about him, since they had 72 hours while the investigation is transferred, a file is made and uploaded to the system, and that until that time passes, they will not give any answer or that they do not have to give information to anyone."* In the afternoon, at the end of the visiting hours, they were informed that the proposed beneficiary was allegedly being held in this location, but that they could no longer provide him with anything. Therefore, they allegedly had to return on Monday with clothes, cleaning utensils, a bucket, slippers, mattress, towel and five pounds of basic food grains.

19. On December 4, 2023, both the eldest daughter and another relative who lived with the proposed beneficiary were reportedly allowed to enter, so that they could begin the process of registering and filling in data to be able to give them a card and number with which they can identify the detainee and bring him the necessary supplies. Upon admission of the relatives, the agents indicated that no visits would be allowed until a period of more than twenty-one days has elapsed, "since that was the general order." However, even the eldest daughter was denied the card, indicating that she was not authorized to receive it. The foregoing would therefore make it impossible for them to access information regarding the needs and supplies of the

proposed beneficiary. Faced with this refusal, his family insisted on the importance that the proposed beneficiary be granted special food and several medicines, however, it is not certain if they were delivered to him. In addition, the agents pointed out that when the prisoners are admitted “they must be taken to a doctor for a check-up and that it is that moment when the detainee must indicate their condition.”

20. Regarding the proposed beneficiary’s health, it is reported that he has chronic medical conditions such as: i) Type two diabetes, requiring a rigorous diet low in fats, carbohydrates, salts, and sugars; ii) Primary open-angle glaucoma, in addition to cataracts in the left eye; iii) Grade one plantar fibromatosis; iv) Chronic otitis media of the right ear and lastly; v) Prostatic hypertrophy. His relatives have been attentive to his situation, but they were allegedly deprived of obtaining information about his physical and health condition. It is reportedly unknown if he has received basic medical care and if he has delivered the medicines received at Police Station III, since after November 30, 2023, no further information has been available. In addition, it was alleged that the proposed beneficiary reportedly requires periodic medical check-ups and should be rigorous regarding the intake of his medicines in the following doses: Timolol 0.5%. 1 drop every 12 hours (for his eyes), Latanoprost 1 drop before bedtime (for his prostate problem), Artificial tears 1 drop every 4hrs, (for his eyes), Doxazocine 4mg daily orally (for his prostate problem), Glibenclamide 5mg 1 daily (for his diabetes).

21. Therefore, according to the applicant, the imminent threat of deterioration and health impairment the proposed beneficiary may be facing is evident, given the lack of timely attention by the State. His condition as a senior citizen and the constant non-administration of his medicines could put his health at risk and could even lead to his death due to his many health issues. Moreover, during the last few days, he has not been allowed to receive the special food provided by family members. This situation is concerning due to the small and poorly proportioned food rations combined with the lack of knowledge regarding the proposed beneficiary’s health, especially due to his diabetes, which could generate a greater impact.

22. To date, the family members of the proposed beneficiary have not filed any type of appeal, given the lack of judicial independence and impartiality, which would render ineffective and inoperative domestic remedies, with which it was intended to obtain truth, justice and reparation for their human rights. Regarding the writ of habeas corpus (*exhibición personal*) and for the time he was detained, there is no information regarding whether or not he has already been presented before a competent judge to clarify the reasons why he was taken into custody and why he is in prison.

B. Information provided by the State

23. In this matter, the IACHR requested information from the State on December 8, 2023. However, the State has not submitted information to date.

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

24. The precautionary measures mechanism is part of the Commission’s function of supervising compliance with the human rights obligations established, for example, in Article 41(b) of the American Convention on Human Rights (“American Convention”) and Article 18(b) of the IACHR Statute. Furthermore, the precautionary measures mechanism is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent as well as necessary to prevent irreparable harm.

25. 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.³¹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³² To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.³³ 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.³⁴ 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.

26. 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.³⁵ 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.³⁶ This is better suited to be addressed

³¹ 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.

³² 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].

³³ 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].

³⁴ 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.

³⁵ 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.

³⁶ IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.³⁷

27. Given the proposed beneficiary's situation, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, integrity, health, and other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.³⁸ This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.³⁹

28. More specifically, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.⁴⁰

29. In the matter at hand, the Commission observes that the alleged situation of risk that the proposed beneficiary faces takes place within the current context that Nicaragua is experiencing, which is particularly hostile towards persons considered, perceived, or identified as opponents of the government and, in general, towards any person critical of the current Nicaraguan government.⁴¹ This particularly hostile context has intensified over time.⁴² Thus, the Commission considers that the proposed beneficiary's situation is not an isolated event, but rather takes place within the current context of Nicaragua, characterized by the practice of arresting and criminalizing human rights defenders and political opponents.⁴³

³⁷ 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].

³⁸ See in this regard: I/A Court H.R. Matter of Mendoza et al. v. Argentina. Preliminary objections, merits and reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OAS/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

³⁹ 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.

⁴⁰ 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.

⁴¹ See in this regard: IACHR, Report: Closure of Civic Space in Nicaragua. OEA/Ser.L/VIII.Doc.212/23, September 23, 2023. Para. 6, 20 and 62. IACHR. 2022 Annual Report. Chapter IV.B Nicaragua, para. 35-65, 177; [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in Nicaragua. June 16, 2023; IACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023; IACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

⁴² 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.

⁴³ See in this regard: IACHR, Report: Closure of Civic Space in Nicaragua. OEA/Ser.L/VIII.Doc.212/23, September 23, 2023. para. 6, 20 and 62; IACHR. 2022 Annual Report. Chapter IV.B Nicaragua, para. 39-49, 177; IACHR. IACHR. [Press Release No. 197/2022](#). IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua. September 5, 2022; IACHR, [Press Release No. 24/2023](#). The IACHR and OHCHR condemn the escalation of human rights violations in Nicaragua. February 17, 2023. [Press Release No. 123/23](#). IACHR Rejects Continued Repression and Human Rights Violations in

30. In addition to the above, 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 reportedly 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”.⁴⁴ 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.”⁴⁵ Furthermore, according to its 2022 Annual Report, in June 2022 the IACHR received information in the framework of a hearing to monitor precautionary measures granted to persons detained in La Modelo, in which serious conditions of overcrowding as well as unsanitary conditions, lack of access to health services, lack of access to timely, adequate and specialised medical care, among other aspects, were denounced.⁴⁶ Furthermore, in light of specific situations of risk, the IACHR has granted precautionary measures when inadequate and precarious detention conditions had been verified, as well as the lack of medical care and treatment.⁴⁷

31. The Commission deems it appropriate to make reference to 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 sanitary 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.⁴⁸ The Commission has not received any information that indicates that this situation has improved over time.

32. Taking into account the preliminary aspects and the particular context that Nicaragua is experiencing, the Commission will proceed to analyze the procedural requirements regarding Freddy Antonio Quezada in Nicaragua.

33. With regard to the requirement of *seriousness*, the Commission considers that it has been met. The Commission observes that the proposed beneficiary is a professor and former lecturer, and since 2018 he has continued to be a social and political critic, particularly on social networks. In his publications he has expressed his opinions and critical reflections on the situation in the country. For example, on the day of his arrest he reportedly referred to the situation of people considered “exiles”. The IACHR notes the seriousness of the alleged situation and observes that the aforementioned circumstances of Mr. Quezada derive from his critical position, especially through social networks, in support of the people called “political prisoners” in the country. The Commission considers that this critical stance could have an impact on the worsening of the situation which places him at risk. The Commission also notes that, as indicated by the applicant, to date the

Nicaragua. June 16, 2023; IACHR, [Press Release No. 184/23](#). Nicaragua: IACHR and OHCHR urge the State to release Monsignor Rolando Álvarez and guarantee his human rights. August 18, 2023; IACHR, [Press Release No. 218/23](#). IACHR Urges the State of Nicaragua to Cease Persecution of the Catholic Church. September 15, 2023.

⁴⁴ IACHR, [Press Release No. 197/2022](#). IACHR and Its SRESCER Call for Immediate Release of Political Prisoners Being Held in Appalling Conditions in Nicaragua. September 5, 2022.

⁴⁵ IACHR, [Annual Report 2021](#), Chapter IV.b Nicaragua. OEA/Ser.L/V/II/ Doc.64 rev.1. May 26, 2022. Para. 153.

⁴⁶ IACHR, [Annual Report 2022, Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II/ Doc.50 rev.1. April 1, 2023. Para. 155.

⁴⁷ IACHR, [Resolution 37/2021](#). Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021; IACHR, [Resolution 57/2022](#), José Santos Sánchez and his family unit regarding Nicaragua, October 24, 2022. IACHR, [Resolution 74/2022](#), Rodrigo José Navarrete Vanegas and his family unit regarding Nicaragua, December 19, 2022. Rolando José Álvarez Lagos regarding Nicaragua April 13, 2023; IACHR, [Resolution 20/2023](#), D.R.Z., D.A.B.A., A.C.L. and I.C.L. regarding Nicaragua. April 13, 2023; [Resolution 58/2023](#), José Leonardo Urbina Rodríguez regarding Nicaragua, October 9, 2023.

⁴⁸ 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.

current legal situation of the proposed beneficiary, the reasons for his arrest, and the progress made in the judicial process against him have not been reported.

34. In this context, the Commission understands that, although the mechanism of precautionary measures 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 penitentiary system. Under these circumstances and in the context described above, the Commission expresses its concern given the alleged lack of health care to address his health problems and the lack of sufficient information on his current detention conditions. This situation has been maintained despite the relatives' attempts to access information on the current status of the proposed beneficiary after his arrest.

35. According to the information available, the proposed beneficiary has a series of health problems such as type two diabetes; primary open-angle glaucoma, and cataracts in the left eye; grade one plantar fibromatosis; chronic otitis media of the right ear; and prostatic hypertrophy. Given these issues, the proposed beneficiary reportedly requires several medications as part of his usual treatment. However, he allegedly does not have access to basic or specialized medical services, nor to the necessary medical checks, nor would it be certain if he was receiving the respective medications.

36. In this regard, the Commission notes that the respective authorities were reportedly informed about the proposed beneficiary's health issues and the importance of giving him his medicines and special food to treat his health issues. Despite this, to date he continues to receive no health care and it is allegedly unknown if he was receiving his treatment. This situation is reportedly more concerning considering that the proposed beneficiary reportedly requires his medication in order to avoid serious complications to his health, in addition to the fact that his relatives currently do not have access to visits in order to verify his current status.

37. 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, in this case, the lack of response from the State prevents the Commission from knowing the adopted measures that are purportedly being implemented to address the situation that places the proposed beneficiary at risk and to dispute the facts alleged by the requesting party. 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.

38. Considering the information available to date, the Commission understands that the relatives do not have information on the current status of the proposed beneficiary, which means they do not have any information on the conditions in which he is held. Nor are there any possibilities of knowing the procedural status of the investigation for which he was arrested, or the existence of an investigation file against him. There is no information on the health care that he may have received; or if the necessary medications were being delivered to him. Moreover, it is observed that the proposed beneficiary is subject to a situation of incommunicado detention after his arrest by state agents, as he is denied the right to visit by his relatives, which is further aggravated by the impossibility of obtaining information about his specific situation. This situation effectively prevents their relatives and close people from timely activating internal mechanisms to protect their rights. In this regard, the Commission recalls that the Inter-American Court has indicated, in the *Matter of Juan Sebastián Chamorro et al. v. Nicaragua*, that "detention without communication not only makes it impossible to verify the current situation of the proposed beneficiaries, their conditions of detention, and their health status, but it also implies a curtailment of the procedural guarantees of all detainees".⁴⁹

⁴⁹ I/A Court H.R. IA Court H.R. Matter of Juan Sebastián Chamorro et al regarding Nicaragua. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021, paragraph 36.

39. In these circumstances, the Commission considers *prima facie* that, given the facts alleged by the applicant, which were not challenged by the State, and in light of the context that Nicaragua is experiencing, the rights to life, personal integrity, and health of Freddy Antonio Quezada are at serious risk.

40. As for the requirement of urgency, the Commission considers that it is met, since, if the situation described continues, given his condition as a prisoner, together with the lack of access to necessary, timely, and adequate care to treat his health problems and the detention conditions he faces, allow this Commission to understand the imminent possibility that the risk materializes in the current context of the country. In addition, the Commission does not have concrete and sufficient information from the State to assess the actions that are being taken to address and mitigate the alleged risk faced by the proposed beneficiaries.

41. 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

42. The Commission declares Freddy Antonio Quezada to be the beneficiary, who is duly identified in this proceeding.

VI. DECISION

43. 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 Freddy Antonio Quezada;
- b) adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards on this subject, including: i. guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical evaluation of his health; ii. providing the necessary treatments and medications to treat his health issues; and iii. guaranteeing regular contact with, and access to, his family members, lawyers, and representatives; iv. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting his rights in light of the current detention conditions;
- c) consult and agree upon the measures to be adopted with the proposed beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

44. 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.

45. 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.

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

47. Approved on December 27, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary