

**ORDER
OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 22, 2022**

PROVISIONAL MEASURES

**MATTERS
JUAN SEBASTIÁN CHAMORRO ET AL.
45 PERSONS DEPRIVED OF LIBERTY IN EIGHT DETENTION CENTERS
REGARDING NICARAGUA**

HAVING SEEN:

1. The order of the Inter-American Court of Human Rights of June 24, 2021, whereby it granted provisional measures and ordered the State of Nicaragua to "proceed with the immediate release of Juan Sebastián Chamorro García, José Adán Aguerri Chamorro, Félix Alejandro Maradiaga Blandón, and Violeta Mercedes Granera Padilla" and to "immediately adopt the necessary measures to effectively protect the life, integrity, and personal liberty" of the aforementioned persons and their immediate families.¹

2. The order of the Inter-American Court of Human Rights of September 9, 2021, whereby it ratified the urgent measures adopted by the President of the Court at the time in favor of Daisy Tamara Dávila Rivas and her immediate family;² proceeded to extend the provisional measures to the benefit of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López and their immediate families; and resolved to maintain the provisional measures ordered on June 24, 2021.³ In the order, the Tribunal ordered, *inter alia*, the following:

[...] 4. To reiterate the request that the State proceed to immediately release Juan Sebastián Chamorro García, José Adán Aguerri Chamorro, Félix Alejandro Maradiaga Blandón, and Violeta Mercedes Granera Padilla.

5. To request that the State proceed to immediately release Lester Lenin Alemán Alfaro, Freddy Alberto Navas López and Daisy Tamara Dávila Rivas, beneficiaries of the extension of provisional measures.

6. To order the State to immediately adopt the necessary measures to effectively protect the life, integrity, and personal liberty of Lester Lenin Alemán Alfaro, Freddy Alberto Navas López, Daisy Tamara Dávila Rivas, Juan Sebastián Chamorro García, José Adán Aguerri

¹ Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Provisional measures*. Order of the Inter-American Court of Human Rights of June 24, 2021, Operative Paragraphs 1 and 2.

² Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Adoption of Urgent Measures in favor of Daisy Tamara Dávila Rivas and her immediate family in the framework of the Provisional Measures adopted in the matter of Juan Sebastián Chamorro et al. regarding Nicaragua*. Order of the Inter-American Court of Human Rights of July 19, 2021.

³ Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Ratification, expansion and follow-up of Provisional Measures*. Order of the Inter-American Court of Human Rights of September 9, 2021.

Chamorro, Félix Alejandro Maradiaga Blandón, and Violeta Mercedes Granera Padilla and their immediate families.

7. To order the State to ensure that, while the necessary administrative procedures are completed for the immediate release of the beneficiaries of the provisional measures identified in the previous operative paragraph, it proceed to unequivocally inform their family members and trusted lawyers of the location where they are being held, to facilitate immediate contact with their relatives and lawyers, and to guarantee the beneficiaries have immediate access to health services and medications. This order may not be used to delay the release of the beneficiaries.

8. To order the State to guarantee the beneficiaries' trusted lawyers, identified in operative paragraph 6, have access to the full case file against them and the online judicial information system.

[...]

11. To express openness—in accordance with Article 27(8) of the Rules of Procedure of the Court—to an *in situ* visit to Nicaragua, with the prior consent of the state, in order to verify the status of the detained persons who are beneficiaries of these measures and to bring them personally before the delegation of the Tribunal and so independent doctors can confirm their health status. The delegation will be comprised of at least one judge, who will be appointed by the President. In the event that the State agrees to the aforementioned visit, it must notify it no later than September 24, 2021 [...].⁴

3. The order of the Inter-American Court of Human Rights of November 4, 2021, whereby it extended the provisional measures ordered in favor of Cristiana María Chamorro Barrios; Pedro Joaquín Chamorro Barrios; Walter Antonio Gómez Silva; Marcos Antonio Fletes Casco; Lourdes Arróliga; Pedro Salvador Vásquez Cortedano; Arturo José Cruz Sequeira; Luis Alberto Rivas Anduray; Miguel de los Ángeles Mora Barberena; Dora María Téllez Arguello; Ana Margarita Vijil Gurdíán; Suyen Barahona Cuán; Jorge Hugo Torres Jiménez; Víctor Hugo Tinoco Fonseca; and José Bernard Pallais Arana and their immediate families in Nicaragua.⁵

4. The order of the Inter-American Court of November 22, 2021, whereby it maintained the provisional measures adopted and declared Nicaragua in contempt of comply with the decisions handed down by the Inter-American Court. In this regard, it held as follows:

That the stance taken by Nicaragua in the briefs filed before this Court with respect to its rejection and non-acceptance of the provisional measures and its effective failure to comply with the provisions of the orders of June 24, September 9, and November 4, 2021, constitutes an act of contempt of the binding nature of the decisions handed down by this Court, in violation of the international principle of complying with its treaty obligations in good faith and a breach of the duty to inform the Court, pursuant to the terms set forth in Considering clauses 46 to 50 of the [...] order.⁶

5. The order of the Inter-American Court of May 25, 2022, whereby the provisional measures adopted in the Matter of Juan Sebastián Chamorro *et al.* with respect to Nicaragua were extended, requiring the State to proceed with the immediate release of Michael Edwing Healy Lacayo, Álvaro Javier Vargas Duarte, Medardo Mairena Sequeira,

⁴ Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Ratification, expansion and follow-up of Provisional Measures*. Order of the Inter-American Court of Human Rights of September 9, 2021.

⁵ Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Expansion of provisional measures* Order of the Inter-American Court of Human Rights of November 4, 2021.

⁶ Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021.

Pedro Joaquín Mena Amador, Jaime José Arellano Arana, Miguel Ángel Mendoza Urbina, Mauricio José Díaz Dávila, Max Isaac Jerez Meza, and Edgar Francisco Parrales, and to immediately adopt the necessary measures to effectively protect the lives, integrity, and freedom of the aforementioned persons and their immediate families in Nicaragua.⁷

6. The order of the Inter-American Court of October 4, 2022, whereby it granted provisional measures in favor of 45 people deprived of their liberty in 8 detention centers, along with their immediate families in Nicaragua. These persons are: Jhon Cristopher Cerna Zúñiga; Fanor Alejandro Ramos; Edwin Antonio Hernández Figueroa; Víctor Manuel Soza Herrera; Michael Rodrigo Samorio Anderson; Néstor Eduardo Montealto Núñez; Francisco Xavier Pineda Guatemala; Manuel de Jesús Sobalvarro Bravo; Richard Alexander Saavedra Cedeño; Luis Carlos Valle Tinoco; Víctor Manuel Díaz Pérez; Nilson José Membreño; Edward Enrique Lacayo Rodríguez; Maycol Antonio Arce; María Esperanza Sánchez García; Karla Vanessa Escobar Maldonado; Samuel Enrique González; Mauricio Javier Valencia Mendoza; Jorge Adolfo García Arancibia; Leyving Eliezer Chavarría; Carlos Antonio López Cano; Lester José Selva; Eliseo de Jesús Castro Baltodano; Kevin Roberto Solís; José Manuel Urbina Lara; Benjamín Ernesto Gutiérrez Collado; Yubrank Miguel Suazo Herrera; Yoel Ibzán Sandino Ibarra; José Alejandro Quintanilla Hernández; Marvin Antonio Castellón Ubilla; Lázaro Ernesto Rivas Pérez; Gustavo Adolfo Mendoza Beteta; Denis Antonio García Jirón; Danny de los Ángeles García González; Steven Moisés Mendoza; Wilber Antonio Prado Gutiérrez; Walter Antonio Montenegro Rivera; Max Alfredo Silva Rivas; Gabriel Renán Ramírez Somarriba; Wilfredo Alejandro Brenes Domínguez; Marvin Samir López Ñamendis; Irving Isidro Larios Sánchez; Roger Abel Reyes Barrera; José Antonio Peraza Collado; and Rusia Evelyn Pinto Centeno. In that order, the Court required the State to immediately adopt the measures necessary to effectively protect the lives, health, access to food, integrity and personal liberty of the beneficiaries.⁸

7. The presentation of the President of the Inter-American Court on October 7, 2022, during the 52nd Regular Session of the General Assembly of the Organization of American States (hereinafter "OAS"), in which he stated that "the Plenary of the Court has resolved to communicate to the General Assembly its concern about the human rights situation in Nicaragua" and highlighted that the Court has issued multiple provisional measures decisions regarding the situation of persons detained in Nicaragua and has declared the State in a situation of contempt before the Inter-American System.⁹

8. The communications sent by the State of Nicaragua on July 7 and 21, August 2, 4 and 11, September 1, 10, 15 and 30, October 7, November 5, 17 and 23, 2021; and January 20, February 11, March 10 and 17, April 4 and 11, 2022, as part of the Matter of Juan Sebastián Chamorro *et al.* regarding Nicaragua.

9. The briefs of the representatives of the beneficiaries of the provisional measures in which they sent information on the situation of the beneficiaries. The communications were received by the Court on July 16 and 29, September 9, 22, 23, 25 and 28, and

⁷ Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Expansion of provisional measures* Order of the Inter-American Court of Human Rights of May 25, 2022.

⁸ Cf. *Matter of 45 persons deprived of liberty in eight detention centers regarding Nicaragua. Provisional measures.* Order of the Inter-American Court of Human Rights of October 4, 2022.

⁹ Cf. General Assembly of the Organization of American States. 52nd Regular Sessions of October 7, 2022. Available at: <https://www.youtube.com/watch?v=w242B9yJfdg&list=PLkh9EPEx2upRhlyXqhf2aldLHNFRGkW&index=4>

October 14, 2021; and January 5, 6, 8, 10 and 13, March 4 and 21, April 5, July 14 and 19, and August 19 and 26, 2022.

10. The briefs of the Inter-American Commission on Human Rights in which it submitted the requests for provisional measures and its observations on the information submitted by the representatives of the beneficiaries. The communications were received by the Court on June 22, July 16 and 27, August 12, 25 and 30, and October 5 and 29, 2021; and on February 8, May 17, July 25, and September 7 and 26, 2022.

11. The statements made by the beneficiaries of the provisional measures adopted in the Matters of Juan Sebastián Chamorro *et al.* and 45 Persons Deprived of Liberty in Eight Detention Centers with respect to Nicaragua and by the Inter-American Commission on Human Rights during the joint public hearing held on November 9, 2022, during the 154th regular sessions of the Court.¹⁰ The State of Nicaragua did not appear at the public hearing despite having been called in a timely manner.

CONSIDERING THAT:

1. Nicaragua ratified the American Convention on September 25, 1979, and, in accordance with its Article 62, recognized the contentious jurisdiction of the Court on February 12, 1991.

2. Provisional measures are not only precautionary, in the sense that they preserve a legal situation, but fundamentally protective, since they protect human rights by avoiding irreparable harm to persons.¹¹ Regarding their precautionary nature, the provisional measures have the object and purpose of preserving the rights potentially at risk until the dispute is resolved.¹²

3. Article 63(2) of the Convention requires that, for the Court to order provisional measures, three conditions must be met: (i) "extreme seriousness"; (ii) "urgency"; and (iii) that it is about "avoid irreparable damage" to persons. These three conditions must coexist and persist for the Court to maintain the protection ordered.¹³ This Court has ruled on these three elements and has indicated that, in terms of seriousness, for the

¹⁰ This hearing was attended by: (a) on behalf of the Inter-American Commission on Human Rights: Esmeralda Arosemena de Troitiño, Commissioner and Rapporteur for Nicaragua, and Karin Mansel, adviser, and b) on behalf of the beneficiaries and their representatives: Lucía Murillo Peraza, Carlos Roberto Peraza Collado, Rayti Larios Carrasquilla, Donald Winston Castro, Karina Sánchez Shevchuk, Silvia Nadine Gutiérrez, Alexandra Salazar Rosales, Victoria Cárdenas de Chamorro, Carla Lisbeth Mendoza Urbina, María Margarita Hurtado Chamorro, Vladimir Vázquez, Eilyn Cruz, Wendy Flores Acevedo, Gonzalo Carrión Maradiaga, Esteban Madrigal, Marcela Guevara, Seidy Salas, Guillermo Rodríguez, Lucas Mantelli, Gisela De León, Claudia Paz y Paz, representante, Eugenio José Membreño, Karol Peraza Collado, and Ximena Castilblanco Morazán.

¹¹ *Cf. Case of Herrera Ulloa regarding Costa Rica. Provisional measures.* Order of the Inter-American Court of Human Rights of September 7, 2001, Considering 4, and *Matter of 45 persons deprived of liberty in eight detention centers regarding Nicaragua. Provisional measures.* Order of the Inter-American Court of Human Rights of October 4, 2022, Considering 4.

¹² *Cf. Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Provisional measures.* Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 2, and *García Rodríguez et al. v. Mexico. Provisional measures.* Order of the Inter-American Court of Human Rights of August 25, 2022, Considering 17.

¹³ *Cf. Case of Carpio Nicolle regarding Guatemala. Provisional measures.* Order of the Inter-American Court of Human Rights of July 6, 2009, Considering 14; and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures.* Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 3.

purposes of adopting provisional measures, the Convention requires that they be "extreme"—that is, that they at their highest or most severe. The urgent nature means that the risk or threat involved is imminent, requiring a response to remedy them that is immediate. Lastly, regarding damage, there must be a reasonable probability that it will materialize, and not with respect to legal rights or interests that are reparable.¹⁴

4. Additionally, Article 63(2) of the Convention makes the provisional measures ordered by this Court mandatory, and Article 68(1) of the same instrument establishes that the states parties to the Convention undertake to comply with the decisions of the Court in any case to which they are parties. These provisions are supported by international case law, which recognizes that states must comply with their treaty obligations in good faith, by virtue of the principle of *pacta sunt servanda*.¹⁵

5. The Inter-American Court (*supra* Having Seen 1 to 6) has ordered the state, *inter alia*, to proceed with the immediate release of the beneficiaries of the provisional measures who are deprived of liberty as a measure to protect their lives, liberty, and integrity and to report on their situation in light of the measures adopted to comply with the Court's order. However, the State has not submitted information indicating compliance with the provisional measures ordered by the Court. Instead, it has "rejected" the decisions adopted by this Court (*infra* Considering 6 to 10). For their part, the representatives of the beneficiaries have informed this Court of the state's failure to implement the order. For this reason, this order will address (A) the stance taken by the State of Nicaragua with respect to what this Court has ordered, and (B) the information provided to this Court by the representatives of the beneficiaries of the provisional measures. Lastly, (C) will present the considerations of the Court. This does not presuppose or imply a possible decision on the merits of the matter if a case were to come before the Court, nor does it prejudge the state's responsibility for the facts alleged.¹⁶

A. Stance taken by the State of Nicaragua toward the order of the Inter-American Court

6. The State of Nicaragua has sent 19 communications to the Inter-American Court as part of the Matter of Juan Sebastián Chamorro *et al.* regarding Nicaragua. Its communications have expressed its rejection of the provisional measures adopted by the Court "on the grounds that they follow a guide imposed by the United States of North

¹⁴ Cf. *Matter of Monagas Judicial Confinement Center ("La Pica") regarding Venezuela. Provisional measures*. Order of the Inter-American Court of Human Rights of November 24, 2009, Considering 3, and *Case of the Tagaeri and Taromenane Indigenous Peoples v. Ecuador. Request for provisional measures*. Order of the Inter-American Court of Human Rights of October 18, 2022, Considering 12.

¹⁵ Cf. *Matter of James et al. Provisional measures regarding Trinidad and Tobago*. Order of the Inter-American Court of Human Rights of June 14, 1998, Considering 6, and *Matter of the Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights (CENIDH-CPDH) regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of October 14, 2021, Considering 2. Also see: Article 26 of the Vienna Convention on the Law of Treaties. In addition, the International Court of Justice has held that one of the basic principles governing the creation and fulfillment of legal obligations, whatever their origin, is the principle of good faith. Cf. *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010, para. 145 and *Nuclear Tests (Australia v. France)*, Judgment, I.C.J. Reports 1974, para. 46.

¹⁶ Cf. *Matter of the Sarayaku Indigenous People regarding Ecuador. Provisional measures*. Order of the Inter-American Court of Human Rights of July 6, 2004, Considering 12, and *Case of the Tagaeri and Taromenane Indigenous Peoples v. Ecuador. Request for provisional measures*. Order of the Inter-American Court of Human Rights of October 18, 2022, Considering 10.

America" and "incorporate a biased narrative in that emphasizing the unfortunate events of 2018 [...] in which a variety of organizations (including the Court the IACHR) were participants and cooperators."¹⁷

7. The State has also maintained that "the threats made by the Court by stating that failure to comply with the coercive and unilateral measures it issues could amount to international responsibility, does not intimidate it". The State said the Court was violating Nicaraguan institutionality and the principles of independence and sovereignty, adding that the orders "are obvious attempts to subjugate and submit [Nicaragua] to the expansionist policy of the United States of North America, which uses organizations like [the Court] to interfere in states (via the so-called *in situ* visits)."¹⁸

8. As regards the situation of the beneficiaries, the State has indicated that "the Court's actions to echo the repeated and distorted tales of those who claim to represent these persons amount to a failure to respect the sovereignty and security of the nation in a unified and strategic plan to destabilize the government and ignore their responsibility in the criminal proceedings they face currently." For this reason, it "condemned" the provisional measures adopted, saying they were "used as a mechanism for aggressive media pressure to undermine the sovereignty and independence of the nation as part of the abusive interventionist policy of the United States of North America."¹⁹ Regarding this latter claim, it has repeatedly argued that the Court's orders "are based on the manipulation of the facts and false statements as part of a nefarious strategy following the guidance of the United States of North America to destabilize the government and halt the progress of the people toward their shared well-being," adding that "accepting the measures would be equivalent to accepting foreign dictates to the detriment of [its] institutionality and laws and the right of [its] sovereign people to live in peace, with dignity, and with pride in their fatherland."²⁰

9. The final communication received from the State was sent on April 11, 2022. It reaffirms its stance against submitting updated information to the Court on the steps taken to comply with the provisional measures and rejects what the Court has decided. It reads as follows:

The State of Nicaragua reiterates every part of all the communications sent to this Court in the alleged matter of the provisional measures. Our unshakable stance is to reject the manipulation and distortion of the facts by those who want to undermine our institutionality by using these measures as mechanisms for media pressure, to the benefit of persons who must answer to Nicaraguan justice. These persons, who engaged in insurrectionist, defamatory, and violatory actions against the people of Nicaragua, are not vulnerable or at risk in any way that would justify this Court continuing on with this mechanism to their benefit.²¹

¹⁷ Cf. Communication of September 10, 2021, submitted by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the Inter-American Court.

¹⁸ Cf. Communication of September 10, 2021, submitted by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the Inter-American Court.

¹⁹ Cf. Communication of September 30, 2021, submitted by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the Inter-American Court.

²⁰ Cf. Communication of October 7, 2021, submitted by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the Inter-American Court.

²¹ Cf. Communication of April 11, 2022, submitted by the Ministry of Foreign Affairs of Nicaragua. Translation by the Secretariat of the Inter-American Court.

10. In the framework of the Matter of 45 Persons Deprived of Liberty in Eight Detention Centers with respect to Nicaragua, the State has not responded to any of the requests of the Inter-American Court.

B. Information provided to the Court by the representatives of the beneficiaries during the public hearing held on November 9, 2022

11. According to the representatives, the situation of the beneficiaries described by this Court in the orders of June 24, September 9, November 4 and 22, 2021, and May 25 and October 4, 2022, has not improved. On the contrary, the conditions of the beneficiaries' detention still fail to meet the minimum standards on the issue, and their situation continues to worsen.

12. With the exception of one of the beneficiaries, who is in exile, they remain detained, with no guaranteed regular access to attorneys or family visits. Specifically, representatives indicated that "some of the beneficiaries held in maximum-security cells in the penitentiary system have not had the right to family visits for more than three years—that is, they have not been able to hug a relative, and in other cases, the visits have not allowed physical contact. Rather, they have taken place via telephone or through glass. Additionally, they informed this Court that, for the persons detained in El Chipote Judicial Jail, "more than 70 days have passed since their last visit," and as of the date of the hearing, there was no information on their current status."²²

13. They also indicated that the beneficiaries have suffered "serious harm to their integrity that, analyzed together, should be considered torture." The harm included "overcrowding, restrictions to sunlight, lights on permanently or lack of light for 24 hours to alter sleeping patterns, refusal to provide blankets to protect against the cold, no access to eyeglasses, bans on books, including Bibles and all other types of spiritual support; [and] the arbitrary use of cells intended for punishment and isolation."²³

14. They also reiterated that the beneficiaries suffer from hunger during their detention because of the lack of good quality food, the small portions of food they receive, and the obstructions faced by relatives seeking to deliver cooked meals, all of which has caused drastic weight loss and other health problems.²⁴

15. As regards the health of the beneficiaries, they indicated that their illnesses continue to get worse in prison and that those who did not have any health problems before, are now ill due to a lack of adequate medical care and to the prison conditions. They indicated that 14 months ago, one of the beneficiaries was checked into a hospital

²² Cf. Public hearing on supervision of provisional measures, held during the 143rd regular sessions of the Inter-American Court of Human Rights. Matters of Juan Sebastián Chamorro *et al.* and 45 Persons Deprived of Liberty in Eight Detention Centers in Nicaragua. Available at: https://www.youtube.com/watch?v=2j99VB2_u1w&t=3s.

²³ Cf. Public hearing on supervision of provisional measures, held during the 143rd regular sessions of the Inter-American Court of Human Rights. Matters of Juan Sebastián Chamorro *et al.* and 45 Persons Deprived of Liberty in Eight Detention Centers in Nicaragua. Available at: https://www.youtube.com/watch?v=2j99VB2_u1w&t=3s.

²⁴ Cf. Public hearing on supervision of provisional measures, held during the 143rd regular sessions of the Inter-American Court of Human Rights. Matters of Juan Sebastián Chamorro *et al.* and 45 Persons Deprived of Liberty in Eight Detention Centers in Nicaragua. Available at: https://www.youtube.com/watch?v=2j99VB2_u1w&t=3s.

and kept under police custody despite the fact that he can neither speak or nor walk as the result of a stroke. In addition, several of the beneficiaries continue to be victims of severe and repeated beatings by police guards, as well as threats of death, indefinite isolation, and "taking away their children." In view of the situation, the representatives said the beneficiaries are experiencing anxiety, posttraumatic stress, feelings of persecution, trouble sleeping, memory loss, nutritional turmoil, and depression.²⁵

16. The representatives also reiterated that during the visits, the relatives—especially the women—were exposed to physical violence, improper touching, sexualized aggression, and the manipulation of their motherhood to coerce them psychologically. Also, the relatives of children who attended the visits to the penitentiaries reported improper touching, and strip searches of underage children. In other cases, the guards separated underage children from their relatives, and so they no longer brought them on visits.²⁶

C. Considerations of the Court

17. This Court reiterates that Article 1(1) of the Convention establishes that states parties undertake to respect the rights and freedoms recognized therein and to ensure their free and full exercise by everyone under their jurisdiction. When a person under the jurisdiction of a State party is the beneficiary of provisional measures, this general duty is reinforced and there is a special duty of protection.²⁷ For this reason, failure to comply with the provisional measures granted by the Court may mean a State has incurred international responsibility.²⁸

18. The Court also recalls that the States parties to the Convention must guarantee compliance with the provisions of the Convention and its effects (*effet utile*) in their respective domestic laws. This principle applies not only to the substantive provisions of human rights treaties (that is, those containing provisions on the rights protected), but also with regard to procedural norms, such as those addressing compliance with decisions of the Court. These obligations must be interpreted and applied such that the protected guarantee is truly practical and effective, taking into account the special nature of human rights treaties.²⁹

²⁵ Cf. Public hearing on supervision of provisional measures, held during the 143rd regular sessions of the Inter-American Court of Human Rights. Matters of Juan Sebastián Chamorro *et al.* and 45 Persons Deprived of Liberty in Eight Detention Centers in Nicaragua. Available at: https://www.youtube.com/watch?v=2j99VB2_u1w&t=3s.

²⁶ Cf. Public hearing on supervision of provisional measures, held during the 143rd regular sessions of the Inter-American Court of Human Rights. Matters of Juan Sebastián Chamorro *et al.* and 45 Persons Deprived of Liberty in Eight Detention Centers in Nicaragua. Available at: https://www.youtube.com/watch?v=2j99VB2_u1w&t=3s.

²⁷ Cf. *Case of Velásquez Rodríguez Provisional measures regarding Honduras*. Order of the Court of January 15, 1988, Considering 3; and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 34.

²⁸ Cf. *Case of Hillaire, Constantine and Benjamin et al. v. Trinidad and Tobago. Merits, Reparations, and Costs*. Judgment of June 21, 2002. Series C No. 94, paras. 196 to 200, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 34.

²⁹ Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of the Inter-American Court of Human Rights of September 24, 1999. Series C No. 54, para. 37, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 35.

19. This Court finds that its orders of June 24, September 9, and November 4 and 22, 2021; and May 25 and October 4, 2022 (*supra* Having Seen 1 through 6) ordered the State, *inter alia*, to proceed with the immediate release of the beneficiaries of the provisional measures who are deprived of liberty as a measure to protect their lives, liberty, and integrity. In addition, in the aforementioned orders, it required the State to report on the situation of the beneficiaries in light of the measures adopted to comply with the Court's order. Despite this, the reports have not been submitted. Instead, the State has repeatedly rejected the orders (*supra* Considering 9), and since April 11, 2022, it has stopped responding to communication sent by this Court, meaning the State is failing to comply with its duty to report on the measures adopted to comply with the Court's decisions. This is especially serious given the juridical nature of provisional measures, which are aimed at preventing irreparable damage to persons facing extremely grave and urgent situations.³⁰ The Court also recalls that timely observance of the state's obligation to inform the Court how it is complying with each of the points ordered is essential to assessing compliance with the orders.³¹

20. In addition, in this case, not only has the State failed to submit the necessary reports on the measures taken to comply with the provisional measures, but as the representatives reported, it has also failed to implement the measures of protection ordered in favor of the beneficiaries. Rather, it has repeatedly expressed to this Court in its "stance of nonacceptance and rejection" of the provisional measures, based, among others, on the argument that the beneficiaries are being prosecuted for the alleged commission of criminal offenses, despite the fact that one principle of the law is that States cannot argue domestic legal effects to avoid complying with their international obligations.³²

21. In the opinion of the Court, Nicaragua's stance—based on which it continues to absolutely refuse compliance with the Court's orders—amounts to a clear act of ongoing contempt of the decisions of this Court, in violation of the international principle holding that states have a duty to fulfill their treaty obligations in good faith. It is also a failure to comply with the duty to inform this Court.³³ The Court will therefore move to rule on (1) states' duty to refrain from invoking domestic legal effects to justify failure to comply with international obligations, and (2) the concept of collective guarantee and the implications of contempt of the orders of the Inter-American Court. It will then (3) proceed to present its conclusions.

³⁰ Cf. *Case of the Urso Branco Prison. Provisional measures regarding Brazil*. Order of the Inter-American Court of Human Rights of July 7, 2004; and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 36.

³¹ Cf. *Case of Bámaca Velásquez v. Guatemala. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering 7; and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 36.

³² Cf. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 37.

³³ Cf. *Cases of the Río Negro and Gudiel Álvarez et al. Massacres v. Guatemala. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of August 21, 2014, Considering 9; and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 38.

C.1 States must refrain from invoking domestic legal effects to justify failure to comply with international obligations

22. This Court recalls that it is a general principle of law that when complying with the treaties to which they are party, states must refrain from invoking domestic legal effects as grounds for failure to comply with their international commitments.³⁴ Thus, the Vienna Convention on the Law of Treaties holds in its article 27 that: "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty." This rule has been applied by international Courts even in relation to provisions of a constitutional nature,³⁵ as well as by this Court, which has repeatedly held that the obligations imposed by international law must be fulfilled in good faith and that domestic law cannot be invoked to justify non-compliance.³⁶

23. Despite this, the State has repeatedly maintained that the beneficiaries of provisional measures are being prosecuted for the alleged commission of crimes under Nicaraguan law, and it is for this reason that they were detained. In this regard, this Court clarifies that in this decision, it is not responsible for analyzing or ruling on whether the criminal provisions applied to the beneficiaries in the framework of these provisional measures adhere to international laws and treaties; rather, it is to decide on the existence of a situation of (i) "extreme seriousness" and (ii) "urgency"; and on the need to (iii) "avoid irreparable damage" to persons. In this regard, the Court has verified that the situation of extreme risk exists from the moment the threats, harassment against, and surveillance of the beneficiaries of the provisional measures began, that has reached its peak in the detention of the beneficiaries of the provisional measures, and that it is aggravated by the passage of time. This Court has also taken note of the information provided by the Commission and the representatives of the beneficiaries, in the sense that, *prima facie*, the arrests occurred in the absence of strict respect for national law and in violation of inter-American standards. In the same sense, this Court has been informed that the conditions of detention do not meet inter-American standards on the treatment of persons deprived of liberty, enhancing the risk facing the beneficiaries. Therefore, regardless of laws that may justify the prosecutions being brought against the beneficiaries and, in the majority of cases, their detentions, this Court finds that ordering the State to proceed immediately to release them should be obeyed in good faith and that the State cannot invoke its criminal legislation to justify non-compliance with the Court's orders.

C.2 The concept of collective guarantee and non-compliance with orders of the Inter-American Court of Human Rights

³⁴ Cf. *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Arts. 1 and 2 of the American Convention on Human Rights)*, Advisory Opinion OC-14/94 of December 9, 1994, Series A No. 14, para. 35, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 39.

³⁵ Cf. *Greco-Bulgarian "Communities"* (1930), Series B, No. 17, pg. 32; *Case of the Danzig Polish Nationals* (1931), Series A/B, No. 44, pg. 24; *Case of the Free Zones* (1932), Series A/B, No. 46, p. 167; *Applicability of the Obligation to Arbitrate under the United Nations Headquarters Agreement (PLO Mission Case)* (1988), pgs. 12, 31-32, para. 47; *Advisory Opinion OC-14/94* of December 9, 1994, Series A No. 14, para. 35.

³⁶ Cf. *Advisory Opinion OC-14/94* of December 9, 1994, Series A No. 14, para. 35, and 2, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 39.

24. It has been this Court's understanding that the American Convention is a treaty whose rules seek to develop a series of values to protect the human person from the State within a framework of democracy and respect for essential rights and liberties,³⁷ while thinking into account that the formal existence of a democratic regime does not, *per se*, guarantee permanent respect for human rights.³⁸

25. To this extent, Article 65 of the American Convention itself provides for a system of collective guarantee to ensure compliance with the decisions issued by the Inter-American Court. Toward this, it establishes that the Court shall indicate, in its annual report to the General Assembly of the Organization of American States, "the cases in which a State has not complied with [the Court's] judgments." Likewise, Article 30 of the Statute the Inter-American Court establishes that this report, "shall indicate those cases in which a State has failed to comply with the Court's ruling." Along these lines, the Court, through its orders, especially in the monitoring of compliance phase, has resorted to applying the provisions of the aforementioned Article 65.³⁹ Based on this, it has informed the OAS General Assembly of the non-compliance with the reparations ordered and has asked, as part of its work to protect the full effectiveness of the American Convention, to ensure the Court's orders are adhered to fully and that the corresponding states comply fully with them.⁴⁰

26. Thus, collective guarantee translates into a general obligation to protect corresponding to both the states parties to the Convention and the Member States of the OAS to ensure the effectiveness of this instrument. Specifically, regarding the concept of collective guarantee, this Court has found as follows:

³⁷ Cf. *Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of November 16, 2009. Series C No. 205, para. 33, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 41. Also see *Denunciation of the American Convention on Human Rights and the Charter of the Organization of American States and the consequences for State human rights obligations (interpretation and scope of articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3(l), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States)*. Advisory Opinion OC-26/20, November 9, 2020. Series A No. 26, para. 56.

³⁸ Cf. OAS General Assembly, *Inter-American Democratic Charter, Resolution AG/RES. 1 (XXVIII-E/01) of September 11, 2001, Presidential reelection without term limits in the context of the inter-American human rights system (Interpretation and scope of articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States and of the Inter-American Democratic Charter)* Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 44, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 41.

³⁹ Cf. *Case of Fleury et al. v. Haiti. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of August 22, 2019, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 42.

⁴⁰ Cf. *Denunciation of the American Convention on Human Rights and the Charter of the Organization of American States and the consequences for State human rights obligations (interpretation and scope of articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3(l), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States)*. Advisory Opinion OC-26/20, November 9, 2020. Series A No. 26, and *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of November 22, 2021, Considering 42. Also see: Annual Report of the Inter-American Court of Human Rights 2019, pg. 83, Annual Report of the Inter-American Court of Human Rights 2021, pg. 101 and speech by the president of the Court at the 52nd Regular Session of the General Assembly of the Organization of American States on October 7, 2022. Available at:

<https://www.youtube.com/watch?v=w242B9yJfdg&list=PLkh9FPEuEx2upRhlyXqhf2aldLHNFRGkW&index=4>.

[The] concept of collective enforcement is closely related to the practical effects of the judgments of the Inter-American Court, because the American Convention embodies a system that constitutes a real regional public order, the maintenance of which is in the interest of each and every State Party. The interest of the signatory States is the preservation of the system for the protection of human rights that they themselves have created, and if a State violates its obligation to comply with the decisions of the only jurisdictional organ in this matter, it is violating the undertaking to comply with the Court's judgments made towards the other states. Therefore, the task of the General Assembly of the Organization of American States, in the case of manifest non-compliance with a judgment delivered by the Inter-American Court by one of the states, is precisely that of protecting the practical effects of the American Convention and preventing inter-American justice from becoming illusory by being at the discretion of the internal decisions of a State.⁴¹

27. In this regard, in response to clear noncompliance by one of the states with a decision ordering provisional measures, this Court has a duty to submit that noncompliance before the General Assembly of the OAS under Article 65 of the Convention. It is the duty of the General Assembly to ensure prompt compliance with the decisions by talking institutional measures of a collective nature that are effective, timely, and swift to ensure the practical effects of the American Convention.⁴²

28. The Court observes that on November 18, 2021, Nicaragua notified the General Secretariat of the OAS of its "unwavering decision to denounce the Charter of the Organization of American States in accordance with its article 143," launching the "Definitive Withdrawal and Resignation of Nicaragua from this Organization."⁴³ That article establishes that "[a]fter two years from the date on which the General Secretariat receives a notice of denunciation, the [...] Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the [...] Charter." The Court finds that this two-year period has not elapsed, and that when a State party denounces a treaty, the obligations deriving from it remain intact during the transition period prior to the denunciation taking effect. This period operates as a safeguard to prevent a State from attempting, abruptly and intentionally, spurred by a specific circumstance or contingency, to evade compliance with its obligations, interrupt a decision of the supervisory bodies, or purely and simply ignore such decisions.⁴⁴

29. In any case, the Court recalls that even in the event that the OAS Charter is no longer in effect for a denouncing State or a State has withdrawn from the OAS, it is still subject to fully complying with the other human rights instruments it has ratified and not individually and autonomously denounced, which remain in effect. This is because,

⁴¹ *Case of Apitz-Barbera v. Venezuela. Monitoring Compliance with Judgment.* Order of the Inter-American Court of Human Rights of November 23, 2012, para. 47.

⁴² *Cf. Advisory Opinion OC-26/20, November 9, 2020. Series A No. 26, para. 168.*

⁴³ *Cf. 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.* Available at: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/312.asp. Translation by the Secretariat of the Inter-American Court.

⁴⁴ *Cf. Matter of James et al. regarding Trinidad and Tobago. Provisional measures.* Order of the Inter-American Court of Human Rights of May 27, 1999, Considering 9, and *Denunciation of the American Convention on Human Rights and the Charter of the Organization of American States and the consequences for State human rights obligations (interpretation and scope of articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3(l), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States).* Advisory Opinion OC-26/20, November 9, 2020. Series A No. 26, para. 68.

while status as a member State of the OAS is required for ratification of the treaty, such condition is not required for the continuity of the obligations.⁴⁵

30. Therefore, the OAS Charter has not ceased to have effects with respect to the State of Nicaragua, insofar as two years have not elapsed since the State denounced it and, in any case, the denunciation has no effect with respect to the American Convention, for which reason its provisions remain mandatory for Nicaragua. In this sense, the Court recalls "that a State Party to the American Convention can only release itself of its obligations under the Convention by following the provisions that the treaty itself stipulates."⁴⁶

31. In view of the foregoing, the Court finds that the state's declaration of non-acceptance and rejection of the provisional measures adopted by the Court, as well as its repeated non-compliance with the provisions of the orders of June 24, September 9, and November 4 and 22, 2021, and May 25 and October 4, 2022, and, in particular, the continuation of the detention of the beneficiaries of the provisional measures, keep the beneficiaries in a State of absolute vulnerability and necessarily amount to permanent contempt that puts the beneficiaries at serious risk of suffering irreparable damage to their rights to life, integrity, health and food. Likewise, it amounts to a serious breach of the provisions of Article 63(2) of the American Convention, the fundamental purpose of which is the effective protection and preservation of the life, liberty, and personal integrity of the beneficiaries, implying as well a contempt of what this Court has ordered. The situation of total lack of protection facing the beneficiaries of these provisional measures, along with the grave noncompliance with the terms of these orders of provisional measures bring the Court to ask the states of the OAS, in their capacity as guarantors of the effectiveness of the American Convention, to activate collective guarantee by using institutional channels to call for the State to comply with what this Court has ordered.

32. Pursuant to the foregoing, in view of the provisions of Article 65 of the American Convention on Human Rights, the Court will submit Nicaragua's ongoing contempt of the consideration of the General Assembly of the Organization of American States and instruct the President of the Court to personally present before the Permanent Council of the Organization of American States the lack of protection faced by the beneficiaries of these provisional measures, considering that the state's extended non-compliance places this group of persons in a situation of increasing vulnerability.

C.3 Conclusion

33. Pursuant to this order, this Court finds with concerned that the beneficiaries of the provisional measures adopted by the Court through orders of June 24, September

⁴⁵ *Denunciation of the American Convention on Human Rights and the Charter of the Organization of American States and the consequences for State human rights obligations (interpretation and scope of articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3(l), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States)*. Advisory Opinion OC-26/20, November 9, 2020. Series A No. 26, para. 154.

⁴⁶ *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 40, and *Denunciation of the American Convention on Human Rights and the Charter of the Organization of American States and the consequences for State human rights obligations (interpretation and scope of articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3(l), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States)*. Advisory Opinion OC-26/20, November 9, 2020. Series A No. 26, para. 49.

9, November 4 and 22, 2021, and May 25 and October 4, 2022, remain in detention—with the exception of one of the beneficiaries, who left the country—despite the fact that the Court has requested their immediate release on several occasions. In addition, regular contact with relatives and attorneys has not been facilitated, nor has access to health care, medications, or adequate nutrition been guaranteed. Added to the above is the information submitted by the representatives on the detention conditions. All of the foregoing indicate a situation of extended contempt on the part of the state, placing the beneficiaries of the provisional measures in a situation of increasing vulnerability and amounting to a worsening of the risk identified by the Court in its orders.

34. Additionally, this Court was informed of the situation facing the relatives of the beneficiaries (*supra* Considering 12 and 16), especially as their ability to regularly visit the beneficiaries remains limited, and when visits are authorized, they have been victims of physical violence, improper touching, sexualized aggressions, and threats, committed in some cases against children.

35. All of the foregoing leads this Court to conclude that the conditions of i) “extreme seriousness”; ii) “urgency,” and iii) the aim of “avoiding irreparable damage” to persons required for adopting provisional measures not only persist, but have been aggravated by the passage of time and by Nicaragua’s contempt of this Court’s orders, which is evidenced by the deterioration in the physical and mental health of the beneficiaries reported by the representatives and by the Inter-American Commission, as well as by the situation faced by the detained persons’ relatives.

36. In addition, the Court finds that the detention of the beneficiaries of the provisional measures ordered by the Court, as well as the criminal proceedings brought against all of them, are part of a process to harass and criminalize persons who identify as in opposition to the current government in Nicaragua.

37. Therefore, this Court concludes that the state’s declarations of non-acceptance and rejection of the provisional measures adopted by this Court and the continuation of the detention of the beneficiaries of the provisional measures under the conditions reported by the representatives and by the Commission, keep the beneficiaries in a state of absolute vulnerability that, in turn, amounts to a serious breach of the provisions of Article 63(2) of the Convention. Therefore, in accordance with the provisions of Article 65 of the American Convention on Human Rights and pursuant to the concept of collective guarantee, this Court will submit to the consideration of the General Assembly of the Organization of American States Nicaragua’s contempt of its decisions.

38. Lastly, the Court recalls that, in accordance with the provisions of Article 53 of its Rules of Procedure, states may not prosecute or retaliate against relatives and representatives for information that has been provided to this Court.⁴⁷

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

⁴⁷ Cf. *Matter of Cristina Arrom regarding Paraguay. Request for Measures*. Order of the Inter-American Court of Human Rights of March 11, 2021, Considering 2, and *Matter of 45 persons deprived of liberty in eight detention centers regarding Nicaragua. Provisional measures*. Order of the Inter-American Court of Human Rights of October 4, 2022, Considering 169.

In the exercise of the powers conferred by Article 63(2) of the American Convention and articles 27 and 31 of the Rules of Procedure of the Court,

DECLARES:

1. That the stance taken by Nicaragua and its effective non-observance of the provisions of the orders of June 24, September 9, and November 4 and 22, 2021, and May 25 and October 4, 2022, constitute an act of persistent contempt of the binding nature of the decisions handed down by this Court, in violation of the international principle of complying with its treaty obligations in good faith and a breach of the duty to inform the Court, pursuant to the terms set forth in Considering 17 to 38 of this order, placing the beneficiaries in a situation of absolutely lack of protection and increasing the risk they face.

AND RESOLVES:

2. To express its condemnation of the state's failure to comply with the provisions of the orders of June 24, September 9, and November 4 and 22, 2021; and May 25 and October 4, 2022, issued by this Court, and of the State of Nicaragua's failure to appear at the joint public hearing called by this Court for November 9, 2022.

3. To instruct the President of the Court to personally submit before the Permanent Council of the Organization of American States a report on the situation of persistent contempt and absolute lack of protection facing the beneficiaries of the provisional measures identified in operative paragraph 6.

4. In application of the collective guarantee, to urge the Permanent Council of the OAS to follow up on non-compliance with these provisional measures and the situation of the persons identified in operative paragraph 6 and demand that the State comply with what this Court has ordered.

5. To include the decisions reached in this order in the next Annual Report of the Inter-American Court of Human Rights so as to inform the General Assembly of the Organization of American States—in application of Article 65 of the American Convention on Human Rights—on the State of Nicaragua's failure to comply with the provisions of the orders of November 4 and 22, 2021, and May 25 and October 4, 2022.

6. To keep in place the provisional measures ordered by the Inter-American Court of Human Rights through its orders of June 24, September 9, and November 4, and 22, 2021; and May 25 and October 4, 2022, to the benefit of: 1. Juan Sebastián Chamorro García, 2. José Adán Aguerri Chamorro, 3. Félix Alejandro Maradiaga Blandón, 4. Violeta Mercedes Granera Padilla, 5. Daisy Tamara Dávila Rivas, 6. Lesther Lenin Alemán Alfaro, 7. Freddy Alberto Navas López, 8. Cristiana María Chamorro Barrios, 9. Pedro Joaquín Chamorro Barrios, 10. Walter Antonio Gómez Silva, 11. Marcos Antonio Fletes Casco, 12. Lourdes Arróliga, 13. Pedro Salvador Vásquez, 14. Arturo José Cruz Sequeira, 15. Luis Alberto Rivas Anduray, 16. Miguel de los Ángeles Mora Barberena, 17. Dora María Téllez Arguello, 18. Ana Margarita Vijil Gurdián, 19. Suyen Barahona Cuán, 20. Jorge Hugo Torres Jiménez, 21. Víctor Hugo Tinoco Fonseca, 22. José Bernard Pallais Arana, 23. Michael Edwing Healy Lacayo, 24. Álvaro Javier Vargas Duarte, 25. Medardo Mairena Sequeira, 26. Pedro Joaquín Mena Amador, 27. Jaime José Arellano Arana, 28. Miguel Ángel Mendoza Urbina, 29. Mauricio José Díaz Dávila, 30. Max Isaac Jerez Meza, 31. Edgar Francisco Parrales, 32. Jhon Christopher Cerna Zúñiga, 33. Fanor Alejandro Ramos,

34. Edwin Antonio Hernández Figueroa, 35. Víctor Manuel Soza Herrera, 36. Michael Rodrigo Samorio Anderson, 37. Néstor Eduardo Montealto Núñez, 38. Francisco Xavier Pineda Guatemala, 39. Manuel de Jesús Sobalvarro Bravo, 40. Richard Alexander Saavedra Cedeño, 41. Luis Carlos Valle Tinoco, 42. Víctor Manuel Díaz Pérez, 43. Nilson José Membreño, 44. Edward Enrique Lacayo Rodríguez, 45. Maycol Antonio Arce, 46. María Esperanza Sánchez García, 47. Karla Vanessa Escobar Maldonado, 48. Samuel Enrique González, 49. Mauricio Javier Valencia Mendoza, 50. Jorge Adolfo García Arancibia, 51. Leyving Eliezer Chavarría, 52. Carlos Antonio López Cano, 53. Lester José Selva, 54. Eliseo de Jesús Castro Baltodano, 55. Kevin Roberto Solís, 56. José Manuel Urbina Lara, 57. Benjamín Ernesto Gutiérrez Collado, 58. Yubrank Miguel Suazo Herrera, 59. Yoel Ibzán Sandino Ibarra, 60. José Alejandro Quintanilla Hernández, 61. Marvin Antonio Castellón Ubilla, 62. Lázaro Ernesto Rivas Pérez, 63. Gustavo Adolfo Mendoza Beteta, 64. Denis Antonio García Jirón, 65. Danny de los Ángeles García González, 66. Steven Moisés Mendoza, 67. Wilber Antonio Prado Gutiérrez, 68. Walter Antonio Montenegro Rivera, 69. Max Alfredo Silva Rivas, 70. Gabriel Renán Ramírez Somarriba, 71. Wilfredo Alejandro Brenes Domínguez, 72. Marvin Samir López Ñamendis, 73. Irving Isidro Larios Sánchez, 74. Roger Abel Reyes Barrera, 75. José Antonio Peraza Collado, 76. Rusia Evelyn Pinto Centeno, and their immediate families in Nicaragua.

7. To order the State to immediately and effectively take all the measures necessary to effectively protect the life, integrity, and personal liberty of the members of the immediate families of the persons listed in operative paragraph 6.

8. To order the State to immediately adopt all the measures necessary to protect and guarantee life, health, and access to adequate food and personal integrity of the beneficiaries of the provisional measures listed in operative paragraph 6.

9. To reiterate the order that the State proceed to immediately release the persons deprived of liberty identified in operative paragraph 6 and to immediately adopt all the measures necessary to protect and guarantee their personal liberty.

10. To reiterate the order that the State ensure that, while the necessary administrative procedures are completed for the immediate release of the beneficiaries of the provisional measures identified in operative paragraph 6 who are deprived of liberty, it proceed to facilitate contact with their family members and lawyers and to guarantee the beneficiaries have immediate access to health services and medications. This order may not be used to delay the release of the beneficiaries.

11. To order the State guarantee that the trusted lawyers of the beneficiaries of the provisional measures have access to the full case file against them and the online judicial information system.

12. To order the State to report to the Inter-American Court of Human Rights, no later than December 2, 2022, on the situation of the persons identified in operative paragraph 6 in light of the measures taken to comply with this decision. Subsequently, the State must submit a regular report each month on the measures adopted in accordance with this decision.

13. To order the representatives of the beneficiaries of the provisional measures and the Inter-American Commission to present their comments within a period of one and two weeks, respectively, counting from the notification of submission of the State's report.

14. To order the Office of the Registrar of the Court to notify the State, the Inter-American Commission, the representatives of the beneficiaries, the General Secretariat of the Organization of American States, and the President of the Permanent Council of the Organization of American States of this order.

I/A Court H.R. Matters of Juan Sebastián Chamorro et al. and 45 Persons Deprived of Liberty in Eight Detention Centers in Nicaragua. Provisional measures. Order of the Inter-American Court of Human Rights of November 22, 2022.

Ricardo C. Pérez Manrique
President

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Nancy Hernández López

Verónica Gómez

Patricia Pérez Goldberg

Rodrigo Mudrovitsch

Pablo Saavedra Alessandri
Secretary

So ordered,

Ricardo C. Pérez Manrique
President

Pablo Saavedra Alessandri
Secretary