

Good afternoon, Honorable Inter-American Court of Human Rights. My name is Kristina Hjelkrem and I am a legal advisor at ADF International. I am attending this hearing as a representative of a group of beneficiaries of the IACHR Court's Resolution of July 2, 2024, regarding the extension of provisional measures in the case of *Juan Sebastian Chamorro et al. v. Nicaragua*.

In the following, I would like to present an analysis of the failure of the State of Nicaragua to comply with the binding requirements set forth in the aforementioned resolution, adding additional information provided by the beneficiaries, who, now outside Nicaragua, have decided to provide more details on the implementation and application of the provisional measures.

As you are aware, in that decision the Court required the State of Nicaragua to do the following:

**First, the immediate release of the persons mentioned in the resolution**

The order for immediate release was issued on July 2, 2024, however, the release did not occur until September 5, 2024, that is, two months later, in breach of the obligation of immediacy established in the resolution. Subsequently, the State proceeded with the illegal expulsion of the beneficiaries from the country, stripping them of their Nicaraguan nationality and placing them in a situation of high migratory vulnerability. Currently, at least three of the beneficiaries continue in this situation of statelessness seeking to regularize their migratory situation in the state where they were received.

**Second, the State was required to adopt immediate measures to protect the rights to life, integrity, personal liberty, health and adequate food of the beneficiaries.**

According to the testimonies received, the prison conditions did not change from the moment of detention to the time of release and subsequent illegal expulsion from the country. The State did not comply with the Court's orders to adopt effective measures to protect the rights of the beneficiaries while they were deprived of their liberty.

**Third, the State had to unequivocally inform the beneficiaries' relatives and trusted attorneys about the place of detention and guarantee their immediate contact with them.**

The beneficiaries' relatives and trusted attorneys were not certain about the place of detention nor were they able to establish contact with them until after their release. The beneficiaries later confirmed that they were detained at the "Sistema Penitenciario Nacional Jorge Navarro", also known as "La Modelo", and at the "Centro Penitenciario Interno de Mujeres", known as "La Esperanza".

**Fourth, the State should guarantee immediate access to health services, medicines and adequate food, taking into account the special needs of women for postnatal and gynecological care.**

Inadequate food, lack of access to medicines, and lack of postnatal and gynecological care have not changed since the illegal arrest of the beneficiaries, which has left several physical and psychological scars on them to this day.

For example, one of the beneficiaries reports that, from the day of her release until today, she is in stage 1 malnutrition, weighing 91 pounds, without having been able to regain the weight she should have reached for her height, which would be more or less 115 pounds. In addition, the same beneficiary reports psychological sequelae that do not allow her to have a normal or healthy sleep rhythm. Finally, since her bank accounts have been frozen since the day of her arrest, this same beneficiary does not have access to her financial resources to be able to obtain specialized medical care in the country where she is currently a refugee. This beneficiary has also been unable to access postnatal or gynecological medical care for the same reason and is awaiting confirmation of the physical sequelae that prison conditions have left on her reproductive system.

Likewise, another beneficiary reports that at the time of his detention he suffered from several chronic illnesses that were not treated during his time in prison, resulting in an aggravation of his condition and sequelae that remain to this day. The chronic diseases that have worsened include: pre-diabetes, prostatitis, arterial hypertension, an abscess in the perianal area that requires surgery and rheumatoid arthritis. Among the medications that this beneficiary required to take on a daily basis to treat his physical and mental ailments are: Feximet XR 500 ,g, Proseren, Hominus and Tonval. The beneficiary did not have access to these medicines during his time in prison. This beneficiary's situation is worsened since, not having access to his economic resources in Nicaragua, he is unable to afford health services abroad to treat his illnesses.

**Fifth, the State had to guarantee the access of trusted attorneys to the complete court file and to the online judicial information system.**

Full access to the file has not been guaranteed to the attorneys trusted by the beneficiaries, which has prevented the full exercise of their right to defense. The lack of access to the file to date also has a negative impact on the efforts that the beneficiaries have made to resolve their statelessness and regularize their immigration status.

**Finally, the State should refrain from prosecuting and retaliating against the beneficiaries' relatives for the information provided to the Court.**

Despite the order issued by the Court, the State has failed to comply with this requirement. Since the release and expulsion of the beneficiaries, their relatives have been subjected to constant harassment, including surveillance of their homes and workplaces by paramilitaries and police officers, using vehicles and motorcycles, both National Police and without license plates. Several family members of the beneficiaries have received threats of imprisonment, and there has even been a reported case of sexual abuse of a close relative of one of the beneficiaries by a group of police and paramilitary agents.

At least two families, corresponding to the children of one of the beneficiaries, have been forced to go into exile and seek asylum in another country due to the siege and constant threats of arrest they have suffered in Nicaragua. In addition, one of the beneficiaries has witnessed the expropriation of his home and other real property under the unfounded accusation of having attempted to carry out a coup d'état. This beneficiary fears that his family members will suffer the same treatment.

Thank you very much for your attention, I remain at your disposal to answer your questions.