
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 7/2022**

Precautionary Measure No. 217-21

William Alfredo Balmaceda Ubieta and his nuclear family regarding Nicaragua

February 8, 2022

Original: Spanish

I. INTRODUCTION

1. On March 13, 2021, 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 Human Rights Collective Nicaragua Never Again (*Colectivo de Derechos Humanos Nicaragua Nunca Más*) (“the applicants”), urging the Commission to require that the State of Nicaragua (“the State” or “Nicaragua”) adopt the necessary measures to protect the rights to life and personal integrity of William Alfredo Balmaceda Ubieta and his nuclear family.¹ According to the request, the proposed beneficiary is in a situation presenting a risk because he has suffered acts of threats, aggressions, harassment, and surveillance against him by state and parastate actors in the current context of the country.

2. Pursuant to Article 25(5) of its Rules of Procedure, the IACHR requested additional information from the applicants on March 26, 2021. It requested information from the applicants and the State on November 10, 2021. The applicants sent updated information on March 24, 2021, April 7, 2021, June 9, 2021, June 26, 2021, November 15, 2021, and January 26, 2022. For its part, the State submitted information on November 12, 2021.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information provided shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, the Commission requests that Nicaragua a) adopt the necessary measures to protect the rights to life and personal integrity of William Alfredo Balmaceda Ubieta and his nuclear family. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiaries, and protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. Between May 17 and 21, 2018, the Commission visited Nicaragua and collected numerous testimonies on human rights violations committed in the framework of protests that began the previous month. Subsequently, on June 21, 2018, the IACHR published a report on the serious human rights situation in the country.² 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

¹ The request indicates as Mr. William Alfredo Balmaceda Ubieta’s nuclear family: Francis Álvarez Ortiz, wife of the proposed beneficiary, and the two children of the proposed beneficiary, who are under 18 years of age.

² IACHR. Gross Human Rights Violations in the Context of Social Protests in Nicaragua. OEA/Ser.L/V/II. Doc. 86. June 21, 2018, para. 1.

State suspended its presence on December 19, 2018.³ For its part, the Interdisciplinary Group of Independent Experts (GIEI, for its Spanish acronym) for Nicaragua issued a report that analyzed the events that took place between April 18 and May 30, 2018, confirming the IACHR findings.⁴ In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.⁵

5. During 2019, the Commission continued to condemn the ongoing acts of persecution, urging the State to comply with its obligations in matters related to human rights.⁶ In June, the State passed a Comprehensive Care for Victims Act and an Amnesty Law, both of which drew criticism for not complying with the international standards in matters of truth, justice, reparation, and guarantees of non-repetition.⁷ On September 2019, the IACHR reported an increase in harassment against human rights defenders and persons who, despite having been released from prison, continued to be intimidated.⁸ Similarly, in November, the Commission once again called attention to the ongoing repression, noting that “[...] in addition to the closure of democratic spaces that currently characterizes the human rights crisis in Nicaragua, the families of people who have been deprived of their freedom during this crisis are increasingly becoming the targets of state persecution in the form of surveillance and the obstruction of peaceful actions.”⁹

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,¹⁰ noting that the serious human rights crisis in the country extended during 2019, due to the *de facto* installation of a state of emergency characterized by the abusive exercise of public force to repress any dissenting voices against the Government, the search, closure and censorship of media outlets, the imprisonment or exile of journalists and social leaders, the closure of civil society organizations without guarantees of due process, as well as the interference and control of the Executive Power over other public powers. Similarly, the Commission observed that the prolonged weakening of democratic institutions in Nicaragua has perpetuated the human rights crisis in the country and has led to structural impunity for serious human rights violations.¹¹

7. During 2020, the IACHR identified the consolidation of a fifth stage of state repression in the country, characterized by the intensification of acts of surveillance, harassment, and selective repression against people considered to be opponents of the Government.¹² Thus, in May 2020, the IACHR

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 Interdisciplinary Group of Independent Experts (GIEI) for Nicaragua. [Report on the acts of violence that occurred between April 18 and May 30, 2018](#), December 2018.

⁵ IACHR. [Annual Report 2018](#). Chapter IV.B Nicaragua.

⁶ 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.

⁷ IACHR. [Press Release No. 137/19](#). IACHR and OHCHR Express Concern Over the Passing of the Comprehensive Care for Victims Act in Nicaragua. June 3, 2019; IACHR. [Press Release No. 145/19](#). IACHR Expresses Concern Over the Passing of the Amnesty Law in Nicaragua. June 12, 2019.

⁸ IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

⁹ IACHR. [Press Release No. 297/19](#). IACHR Condemns Persecution of Victims of Repression in Nicaragua and Calls on State to Prevent Revictimization and Promote Truth, Justice, Reparation, and Measures of Nonrepetition. November 19, 2019.

¹⁰ IACHR. [Annual Report 2019](#). Chapter IV.B Nicaragua. OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras.5 and 6.

¹¹ IACHR. [Annual Report 2019](#). Chapter IV.B Nicaragua. OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 19

¹² 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.

condemned the non-compliance with its recommendations and urged the State to implement them.¹³ 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.¹⁴ Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its Annual Report 2020.¹⁵

8. In 2021, the Commission condemned the increasing acts of harassment in the country against persons identified as opponents of the Government, human rights defenders, and the independent press,¹⁶ as well as the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.¹⁷ On June 9, 2021, the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and Dominican Republic (OHCHR) condemned the criminal prosecution of Nicaraguan opposition leaders and urged the State to release all the persons detained in the context of the crisis.¹⁸ Moreover, on August 11, 2021, the Commission condemned the systematic set of state actions carried out in recent months with the aim of preventing the opposition from participating in the general elections to be held in Nicaragua in November of this year, as well as the ongoing human rights violations in this context, urging the State to cease repression against people opposed to the Government.¹⁹ On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.²⁰

9. On October 25, 2021, the IACHR published the report “Concentration of Power and Weakening of the Rule of Law in Nicaragua.” In this regard, the Commission has identified acts of harassment, threats, raids, arbitrary detentions, and mistreatment against any person considered to be an opponent of the current Government, perpetrated by police and vigilante groups.²¹ Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern about the increasing repression against opposition figures in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks against journalists.²² On November 10, 2021, the IACHR condemned the human rights violations that occurred in the framework of the elections in the country, as a result of acts of police siege, harassment, raids, threats, and arbitrary detentions against opposition leaders, human rights activists, members of civil society organizations, and journalists, and urged the State to release all those arbitrarily detained in the electoral context since the beginning of the crisis, as well as to cease attacks against political opponents.²³

10. On November 20, 2021, the IACHR made a statement regretting the decision of the State of Nicaragua to denounce the Charter of the Organization of American States, on November 19, 2021, in a

¹³ 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.

¹⁴ 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.

¹⁵ IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

¹⁶ IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

¹⁷ 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.

¹⁸ 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.

¹⁹ IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 209/21](#). IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election. August 11, 2021.

²⁰ 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.

²¹ 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.

²² IACHR. [Press Release 292/21](#). Four days ahead election day, IACHR and OHCHR condemn the lack of guarantees of rights and freedoms in the context of the electoral process in Nicaragua. November 4, 2021.

²³ IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021

context of serious crisis in recent years in the country. On the occasion, the Commission reaffirmed its jurisdiction over Nicaragua and affirmed that it would continue to exercise its monitoring mandates through the Special Monitoring Mechanism for Nicaragua (MESENI), and the analysis and processing of cases, petitions, and precautionary measures.²⁴ On December 20, 2021, the Commission called for international solidarity so that States adopt measures for the protection of people forced to flee the country. In this sense, the main groups of people who have fled Nicaragua are human rights defenders, journalists, leaders of social movements, relatives of people deprived of liberty and people identified as political opponents.²⁵ According to data from the United Nations Refugee Agency (UNHCR), since April 2018, more than 110,000 people have been forced to flee Nicaragua.²⁶

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

11. The proposed beneficiary is identified as an opponent of the current Nicaraguan government. He participated in multiple social protests in the country in April 2018. The applicants alleged that the proposed beneficiary and his family have been subjected to acts of threats, harassment, and constant surveillance by state and parastatal actors, as well as that the proposed beneficiary had suffered ill, cruel, and inhuman treatment on the four occasions in which he was detained in recent years.

12. The request indicates that, on September 25, 2018, at 5:00 a.m., about 40 police officers detained the proposed beneficiary in his home in a violent manner. On that occasion, they hit his son, then 14 years old, on the head with a rifle, and threw the proposed beneficiary to the ground, asking him where the weapons were. A few moments later, police officers reportedly raided the property of the proposed beneficiary's father-in-law, located in the back of his house, and allegedly had a pistol with them. At 8:00 a.m., the proposed beneficiary was transferred to the Directorate of Judicial Aid, known as "El Chipote," where he was allegedly beaten and threatened by an officer while being interrogated. According to the request, the proposed beneficiary was charged, two weeks after his arrest, with the alleged crimes of organized crime, illegal possession of weapons, arson, damage, and exposure of personnel to danger. Despite his allegedly illegal detention, he was transferred to the Jorge Navarro penitentiary, known as "La Modelo," where he was held in appalling conditions. Subsequently, on February 27, 2019, he was released along with other people identified as "political prisoners."

13. However, since 2019 the proposed beneficiary and his nuclear family have reportedly suffered threats, harassment, and detentions by state and parastate actors. In August 2019, his brother N.B.U. was detained for attending protests, and released two days later. In December 2019, the surveillance and threats increased, as police officers and Government supporters were continuously passing by and approaching his house shouting insults. According to the applicants, in that month two police patrols showed up at the proposed beneficiary's house, with the intention of entering, because the proposed beneficiary was purportedly still carrying out acts of protest. On December 10, 2019, his other brother L.B. was detained, and police officers allegedly pressured him to obtain information about the proposed beneficiary. Upon his release, his brother decided to leave the country out of fear of further reprisals.

²⁴ 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.

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

²⁶ IACHR. [Press Release 346/2021](#). IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua. December 20, 2021.

14. In March 2020, the sieges increased. On March 11, 2020, the proposed beneficiary convened several broadcasters through social networks to do a “*hablatón*” [a network of several united broadcasters raising funds for a humanitarian cause]. As a result, on the morning of that day, riot police stationed themselves near his house. According to the applicants, when the proposed beneficiary approached the door of his house, the officers threatened, detained, and transferred him to Police District VI, where he was allegedly beaten and interrogated. On March 12, 2020, he was released, and, on the same day, three police patrols besieged his family outside his house. Consequently, the proposed beneficiary publicly denounced that the police officers told him that: “*If we see you on the street, we’ll screw you, because you screwed up the country.*” The next day, on March 13, 2020, a police patrol was parked in front of his house, they told his wife that they would detain and rape her. In addition, they summoned the proposed beneficiary to the police station. At the police meeting, an officer allegedly told him “*Chavalito, son of a bitch, we’re going to continue screwing you.*” Thus, on March 14, 2020, police officers again requested to see him and on March 15, 2020, they summoned him to the police station once more. However, it was reported that the proposed beneficiary appeared at the new appointment accompanied by human rights defenders, which upset the police officers, who forced him to leave through the back, put him in a truck and left him in a vacant lot. Due to the above, on March 16, 2020, the proposed beneficiary left his home. On that same day, the police summoned him again. However, the proposed beneficiary did not attend the appointment that time, so the police chief of the sector allegedly went to his house the next day and tried to force his way in. His relatives recorded the police officers, which is allegedly the reason why they left. Subsequently, on April 26, 2020, police officers left a written summons for the first time. However, this time the proposed beneficiary decided not to attend the appointment for fear of further aggression and reprisals.

15. On May 5, 2020, the proposed beneficiary returned to his home and hours later police officers arrived again, and therefore he decided to leave his home again. Even though he was no longer inside the house, the police officers stayed for hours outside and did not allow his family to leave. The request stated that, on July 21, 2020, a patrol car with civilians came to his house, booed his wife, and told her not to hide her husband. In the following months, the sieges intensified, there were approximately 40 days of sieges in his house between June and July. On August 14, 2020, his house was raided again by police officers who also detained him and took him to a police station, where he was allegedly beaten again by parastatal agents. After several hours, he was released in a vacant lot. The request also reported that government supporters began to threaten violence on social networks and to disseminate images of him, stigmatizing him as a “*coup plotter.*” Similarly, on December 24 and 31, 2020, police officers showed up at his house and, since then, they have prohibited anyone from entering or leaving the house, and this prohibition lasted for months.

16. According to the request, the proposed beneficiary filed two writs of habeas corpus (*recursos de exhibición personal*) between 2018 and 2020, one for illegal detention and the other for threats of illegal detention. Both were processed in the Criminal Chamber of the Court of Appeals of Managua. Regarding his last writ, on August 28, 2020, the Court ordered the relevant police chief to respect his rights, however, this was purportedly ignored. Thus, it was alleged that none of the writs had any effect.

17. As of January 17, 2021, the proposed beneficiary had been under siege for 53 consecutive weekends. On March 20, 2021, one of the police officers standing outside the proposed beneficiary’s house made an obscene gesture to Mr. Balmaceda’s wife and addressed her with insults. From March 16 to 23, 2021, there were daily sieges, with the constant presence of police officers sounding police sirens, taking photos, and preventing them from leaving their home. On March 26, the proposed beneficiary received operators of an internet company who were supposed to install the service in his home. However, this was reportedly prevented by police officers, who told him and his relatives that “*they had no right to have*

access to the internet because he was a coup plotter.” It was stated that, on that occasion, two police officers entered the house, pushed the wife of the proposed beneficiary, and tore down a Nicaraguan flag.

18. In April 2021, police harassment allegedly increased, with officers showing up from 10:00 a.m. to noon, or from 1:00 to 3:00 p.m., and on weekends from 5:30 a.m. to 11:00 a.m. As a result, and due to constant police surveillance, the proposed beneficiary could not leave his house or receive anyone. On April 17, the police began to show up at the proposed beneficiary’s house with dogs, as a new form of intimidation. Furthermore, on April 22, 2021, a police officer yelled at him, *“I feel like stoning your house.”* On May 5, 2021, the proposed beneficiary’s wife was detained by police officers and, while trying to record them to report this event, her cell phone was snatched by the officers and was never returned to her. Between April and May, the police officers reportedly blocked for more than 4 weeks the reconnection of the electricity service of the proposed beneficiary’s house, in addition to the persistent refusal to install internet service, forcing him and his family members to be locked inside their own house without access to minimum conditions.

19. Thus, on June 25, 2021, during the daily siege carried out, one of the officers threatened the proposed beneficiary by saying, *“We’ll no longer be coming, this maje [fool] goes to prison, we’re finally going to rest.”* In addition, on June 27, 2021, in the morning hours, parastatal and state agents raided his house again, without producing a warrant, they violently entered the property and beat his family members in search of alleged weapons, while the proposed beneficiary was out of the place for fear of a new detention, having left days before. After the raid, the harassment in his house escalated, with police siege up to three times a day for several hours and has been extensive to his mother’s house. According to the proposed beneficiary, the police officers rented a house near his for greater surveillance. Due to the harassment, siege, and threats, the proposed beneficiary was forced to move to the interior of the country. However, in August and September 2021, the siege has remained constant.

20. On October 14, 2021, in the framework of the elections in the country, the proposed beneficiary publicly denounced that the siege against him continued for more than 700 days. The applicants stated that, on November 6, 2021, at 2:00 p.m., when the proposed beneficiary was in the municipality of Tipitapa, state and parastate agents again detained him, forcing him to kneel on the side of the road while they questioned him about his activity in the municipality: *“What are you doing here? What are you doing at the Leo Factory?”* referring to the gunpowder factory where he was waiting for the bus route that would take him to Managua. He was allegedly handcuffed forced to walk to the factory. On that occasion, they reportedly ordered him to get into the cargo bed of the pickup, being unable to do so because of the handcuffs, an officer allegedly replied, *“How is it possible that you’re not able, son of a bitch, but you are capable of all of that coup stuff, aren’t you?”* and then he was thrown into the cargo bed of the pickup. Thus, the proposed beneficiary spent three hours in the pickup while the police raided the factory. He was reportedly transferred to Police District VIII in Tipitapa, where he was questioned about *“what the plan was for November 7, what was he doing in Tipitapa, and who the leaders were.”* The proposed beneficiary alleged that he was only able to notify his wife about his detention the following day, when an officer lent him her phone. At approximately 11:30 a.m. on November 7, 2021, he was informed that he was going to be sent to the Chipote. However, he was then reportedly thrown down a slope at 12:30 p.m.

21. Finally, the applicants reported that the proposed beneficiary continues to be subjected to aggressions, threats, and harassment by state and parastatal agents. The sieges in his house are almost daily, with an average of 10 officers outside his house, including high-ranking officers. The foregoing reportedly makes it difficult to exit the property, which has also affected his relatives.

B. Response from the State

22. The State rejected the intended adoption of precautionary measures, considering that the Commission “insistently continues to act as a sounding board in favor of sectors opposed to our legally constituted Government, in its campaign of lies and discredit towards our national authorities and our internal laws.” In addition, the State indicated that the IACHR is subject to the United States of America, which seeks to attack Nicaragua’s national sovereignty.

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

23. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR, while the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

24. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.²⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁸ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.²⁹ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.³⁰ 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;

²⁷ 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.

²⁸ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter 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].

²⁹ 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].

³⁰ 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.

- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

25. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.³¹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, it is not appropriate, in this proceeding, to rule on violations of rights enshrined in the American Convention or other applicable instruments.³² This is better suited to be addressed by the petition and case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.³³

26. In the instant matter, the Commission observes that the alleged situation placing the proposed beneficiary at risk is framed in the current context of Nicaragua,³⁴ as well as in a repressive context towards persons considered or identified as opponents of the country’s current Government.³⁵ In this regard, the IACHR has identified the intensification of threats, harassment, surveillance, and selective repression against persons identified as dissidents.³⁶ These acts come to light with the presence of police officers on the outskirts of their homes throughout the day, in order to prevent these persons or their families from exiting, or to identify and keep a record of any person who enters or leaves the place.³⁷ In this context, the Commission recalls that it has granted precautionary measures to dissidents who have

³¹ See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

³² 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.

³³ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, 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].

³⁴ See in this regard: IACHR. [Press Release No. 93/21](#). Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity. April 19, 2021; IACHR. [Press Release No. 80/20](#). Two Years into Nicaragua’s Human Rights Crisis, the IACHR Stresses its Permanent Commitment to Victims and Confirms the Consolidation of a Fifth Phase of Repression. April 18, 2020; IACHR. [Press Release No. 220/19](#). IACHR Speaks Out Against Ongoing Repression in Nicaragua and Expresses Its Concern at Increased Harassment of Human Rights Defenders and People Who Have Been Released from Prison. September 6, 2019.

³⁵ See in this regard: IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 54-77; IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021; IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021.

³⁶ See in this regard: IACHR. [Press Release No. 238/21](#). IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failure to Enforce Due Process for Individuals Who are Perceived to Be Government Critics in Nicaragua. September 10, 2021; IACHR. [Press Release No. 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. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 46 to 52.

³⁷ See in this regard: IACHR. [Press Release No. 2/21](#). IACHR Condemns Growing Harassment in Nicaragua. January 6, 2021; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. [Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua](#). April 30, 2021, para. 9.

been subjected to threats, intimidation, and acts of violence allegedly attributable to state officers or third parties who support the Government.³⁸

27. Taking into account this particular context of Nicaragua, the Commission will proceed to analyze the procedural requirements regarding Mr. William Alfredo Balmaceda Ubieta.

28. Regarding the requirement of *seriousness*, in analyzing this matter, the IACHR notes that the proposed beneficiary has been subjected to constant harassment and siege by police officers and those identified as parastatal agents, on repeated occasions in recent years, including 2021. In this sense, the constant police siege in his home has forced him to move inside for months or has resulted in him practically being imprisoned in his home without being able to leave or receive visits. In this regard, between April and May 2021, for more than 4 weeks, the police blocked the installation of the internet service and the reconnection of the electricity service in his home (*vid. supra* paras. 17 and 18). The Commission also recalls that it was indicated that, as of October 14, 2021, the siege against the proposed beneficiary continued for more than 700 days (see *supra* para. 20). Such sieges have been almost daily for several hours a day and have been characterized by a strong police deployment, including the presence of dogs, police officers also take photos and sound sirens, leaving the proposed beneficiary and his relatives locked up in their own house, blocking the exit and entry of people and constantly threatening and insulting the people inside the house (see *supra* paras. 17 to 21).

29. Similarly, the Commission confirms the seriousness of the situation faced by the proposed beneficiary upon finding the alleged facts regarding multiple detentions with threats, interrogations, and aggressions by authorities to which the proposed beneficiary was subjected. In this regard, the proposed beneficiary was detained on September 25, 2018, at the Jorge Navarro penitentiary and was released on February 27, 2019 (see *supra* para. 12), on March 11, 2020 (see *supra* para. 14), on March 14, 2020 (see *supra* para. 15) and, more recently, on November 6, 2021 (see *supra* para. 20), occasions on which he was transferred to police stations and released hours or days later. The applicants alleged that the proposed beneficiary has suffered attacks and threats in all his detentions. The Commission highlights that in 2018, the proposed beneficiary was interrogated under threats and beatings at the Directorate of Judicial Aid - "El Chipote," by authorities, and, recently, in November 2021, he was only able to notify his wife about his detention the following day.

30. The Commission notes that the events described have had a significant impact on the life of the proposed beneficiary and his family. The wife of the proposed beneficiary has been repeatedly threatened and harassed: on March 13 and July 21, 2020, police officers outside her home threatened her with detention and even rape (see *supra* paras. 14 and 15); on March 20, 2021, a police officer made an obscene gesture and shouted insults at her (see *supra* para. 17); on March 26, 2021, they forced their way into her property and pushed her; and on May 5, 2021, she was detained, and her cell phone was taken from her (see *supra* para. 18). Additionally, the Commission notes that two brothers of the proposed beneficiary have also been detained in 2019 for participating in protests, one of them having left the country for fear

³⁸ See in this regard: IACHR. [Resolution 65/2021](#). Precautionary Measure No. 444-21. Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and their son regarding Nicaragua. August 23, 2021; IACHR. [Resolution 59/2021](#). Precautionary Measure No. 511-21. Flor de María Ramírez regarding Nicaragua. August 3, 2021; IACHR. [Resolution 54/2021](#). Precautionary Measure No. 324-21. Karla Patricia Ñamendi Mendoza and her nuclear family regarding Nicaragua. July 22, 2021; IACHR. [Resolution 49/2021](#). Precautionary Measure No. 480-21. Cristiana María Chamorro Barrios et al. regarding Nicaragua. June 24, 2021; IACHR. [Resolution 27/2021](#). Precautionary Measure No. 1067-18. Danelia Rosario Argüello Cano and her nuclear family regarding Nicaragua (Extension). March 14, 2021; IACHR. [Resolution 17/2021](#). Precautionary Measure No. 1076-18. Carlos Ramon Brenes Sánchez and his nuclear family regarding Nicaragua. February 25, 2021; IACHR. [Resolution 16/2021](#). Precautionary Measure No. 907-20. Kevin Adrián Monzón Mora and his nuclear family regarding Nicaragua. February 22, 2021; IACHR. [Resolution 11/2021](#). Precautionary Measure No. 664-20. Olman Onel Salazar Umanzor and his nuclear family regarding Nicaragua. February 4, 2021; IACHR. [Resolution 92/2020](#). Precautionary Measure No. 1149-19. Yonarqui de los Ángeles Martínez García and her nuclear family regarding Nicaragua. December 2, 2020; IACHR. [Resolution 80/2020](#). Precautionary Measure No. 590-20. Juana de la Rosa Lesaje Guadamuz et al. regarding Nicaragua. October 28, 2020.

of further reprisals (see *supra* para. 13), and that the proposed beneficiary's son, who was then 14 years old, was beaten on the head by a state agent during his father's detention in 2018 (see *supra* para. 12). Finally, the applicants reported that in addition to the constant surveillance and searches on the proposed beneficiary's house, his father-in-law's house was also searched, and, in recent months, surveillance has been extended to his mother's house (see *supra* paras. 12 and 19).

31. Having requested information from the State under the terms of Article 25 of the Rules of Procedure, the Commission takes note of the response received. However, the Commission notes that, beyond alleging that the facts narrated in the request are lies and manipulations aimed at discrediting the national authorities, the State did not provide information with specific and detailed elements that disprove the facts alleged by the applicants, or that allow assessing that the alleged situation was mitigated. In this sense, the State did not report on the allegations regarding the four detentions of the proposed beneficiary and the attacks by police officers.

32. Due to the foregoing, the Commission considers, from the *prima facie* standard, and in the current context of Nicaragua, that it is sufficiently proven that the rights to life and personal integrity of Mr. William Alfredo Balmaceda Ubieta are at serious risk. In the same way, the Commission considers that the identified members of his nuclear family are at risk, they have been subjected to threatening events and may be part of possible reprisals against the proposed beneficiary in light of the information available.

33. With regard to the requirement of *urgency*, the Commission considers that it has been met, given that the facts described suggest that the risk is likely to continue and exacerbate over time. Therefore, in view of the imminent materialization of the risk, the situation calls for the immediate adoption of measures to safeguard the rights to life and personal integrity of the proposed beneficiary and his nuclear family. At the time of undertaking such assessments, the Commission notes that the threatening events that the proposed beneficiary has been facing have increased since April 2018 to date, while there are no sufficient elements of assessment to indicate that the risk factors identified over time have been duly mitigated. In addition, the Commission does not have specific information from the State that would be sufficient to assess the actions that are being taken to address the alleged risk faced by the proposed beneficiary.

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

V. BENEFICIARIES

35. The Commission declares Mr. William Alfredo Balmaceda Ubieta and his nuclear family as beneficiaries, who are duly identified in these proceeding.

VI. DECISION

36. 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 and personal integrity of William Alfredo Balmaceda Ubieta and his nuclear family. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiaries, and protect their rights in relation to

acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law;

- b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

37. 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.

38. 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.

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

40. Approved on February 8, 2022, by Julissa Mantilla Falcón, President; Margarete May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; Joel Hernández García; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary