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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 8/2022**

Precautionary Measure No. 564-21

**Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio  
Castellón Ubilla regarding Nicaragua**

February 13, 2022

Original: Spanish

**I. INTRODUCTION**

1. On June 21, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for a precautionary measure 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, personal integrity, and health of Mr. Marvin Antonio Castellón Ubilla, Mr. Marlon Antonio Castellón Ubilla, and Ms. Martha del Socorro Ubilla (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk due to threats, attacks, and harassment by state and parastate authorities. In this sense, Marlon Castellón Ubilla was deprived of liberty until December 15, 2021, and Marvin Castellón Ubilla remains in detention in inadequate conditions.

2. On July 9, 2021, the IACHR requested information from the State and the applicants, pursuant to Article 25(5) of its Rules of Procedure. The State provided the requested information on July 13, 2021, and the applicants submitted information on July 20, 2021. Moreover, the IACHR requested additional information from the applicants on January 11, 2022 and received the required information on January 19, 2022.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, the IACHR requests that Nicaragua: a) adopt the necessary measures to protect the rights to life and personal integrity of Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla. 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 attributable to third parties, in accordance with the standards established by international human rights law and taking into account a gender perspective; b) adopt the necessary measures to ensure that the detention conditions of Mr. Marvin Antonio Castellón Ubilla comply with the applicable international standards; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) 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.<sup>1</sup> In order to follow up on the recommendations issued in this report, the Special Monitoring Mechanism for Nicaragua (MESENI) was created, which remained in the country until the State suspended its presence on December 19, 2018.<sup>2</sup> 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.<sup>3</sup> In its Annual Report 2018, the IACHR included Nicaragua in Chapter IV.B, in accordance with the grounds established in its Rules of Procedure.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.”<sup>8</sup>

6. Subsequently, the Commission again included Nicaragua in Chapter IV.B of its Annual Report 2019,<sup>9</sup> 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.<sup>10</sup>

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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> IACHR. [Annual Report 2018. Chapter IV.B Nicaragua](#).

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5, February 24, 2020, paras. 5 and 6.

<sup>10</sup> IACHR. [Annual Report 2019. Chapter IV.B Nicaragua](#). OEA/Ser.L/V/II. Doc. 5. February 24, 2020, para. 19.

against people considered to be opponents of the Government.<sup>11</sup> Thus, in May 2020, the IACHR condemned the non-compliance with its recommendations and urged the State to implement them.<sup>12</sup> 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.<sup>13</sup> Subsequently, the Commission once again included Nicaragua in Chapter IV.B of its Annual Report 2020.<sup>14</sup>

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,<sup>15</sup> as well as the widespread impunity and the prolonged breakdown of the rule of law that persists in Nicaragua.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> On September 10, 2021, the Commission and the OHCHR condemned the criminalization of individuals identified as political opponents in Nicaragua.<sup>19</sup>

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.<sup>20</sup> Subsequently, on November 4, 2021, the IACHR and OHCHR expressed concern about the increasing repression against opponents in Nicaragua within the framework of the electoral process in the country, emphasizing the attacks against journalists.<sup>21</sup> 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

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> IACHR. [Annual Report 2020. Chapter IV.B Nicaragua](#), February 2021, paras. 5 to 29.

<sup>15</sup> IACHR. [Press Release No. 152/21](#). IACHR Condemns the Serious Escalation of Repression in Nicaragua. June 18, 2021.

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> 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.

<sup>21</sup> 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.

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.<sup>22</sup>

10. Recently, 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 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.<sup>23</sup> 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.<sup>24</sup> According to data from the United Nations Refugee Agency (UNHCR), since April 2018, more than 110,000 people have been forced to flee Nicaragua.<sup>25</sup>

### **III. SUMMARY OF FACTS AND ARGUMENTS**

#### **A. Information provided by the applicants**

11. The request indicated that the proposed beneficiaries, Martha del Socorro Ubilla and her children, Marlon Antonio Castellón Ubilla, who is 25 years old, and Marvin Antonio Castellón Ubilla, who is 19 years old, actively participated in the protests that began in April 2018 in Nicaragua, and as a result started to be threatened and harassed. The proposed beneficiaries, Marlos Antonio and Marvin Antonio Castellón Ubilla, were deprived of liberty in the Jorge Navarro Penitentiary, in inadequate conditions, presumably subjected to cruel, inhuman and degrading treatment by the prison authorities. In this sense, Marlon Castellón was released on December 15, 2021, after 9 months in detention, and Marvin Castellón is still in prison. On the other hand, the woman proposed as beneficiary, Martha del Socorro Ubilla, is allegedly subjected to acts of threats, harassment, and surveillance by state and parastate actors.

12. According to the applicants, given the participation of the proposed beneficiaries in the protests, they started to be threatened by members of the Council of Citizen Power and hooded parastate actors, who even told them that they were going to detain and/or kill them and took pictures of them as they left their house for the demonstrations. In the months following the protests, the woman proposed as beneficiary reportedly suffered an attempt on her life and that of her relatives, in which parastate actors allegedly drove past her house in a van and fired shots. On this occasion, no one was injured; however, days later police officers reportedly intercepted the Castellón Ubilla brothers and told them that “they were after them” and that they would not rest until “they were put in jail.”

13. On July 9, 2018, while traveling through the Altagracia neighborhood, the Castellón Ubilla brothers, together with their father and a third person, were reportedly “ambushed” by parastate actors, who fired at the vehicle in which they were traveling. On that occasion, according to the applicants, they detained Marvin Castellón, then 16 years old, severely beat him, and transferred him to Police District III, while the other persons managed to flee the scene. The third person who accompanied the proposed

<sup>22</sup>IACHR. [Press Release 300/21](#). IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua. November 10, 2021.

<sup>23</sup>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.

<sup>24</sup>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.

<sup>25</sup>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.

beneficiaries was shot. Hours later, a strong contingent of police officers reportedly broke into Martha del Socorro Ubilla's house. On this occasion, she and her daughter-in-law were detained and transferred to Police District III.

14. According to the applicants, the proposed beneficiary Martha del Socorro Ubilla was then transferred to the Judicial Assistance Directorate, where she reportedly suffered physical and psychological violence during the 15 days she was detained, as the police officers presumably wanted her to tell them the location of her son Marlon Castellón and his father. Subsequently, the proposed beneficiary was released along with her daughter-in-law. The proposed beneficiary stated that:

"During my detention I was beaten by Lieutenant J.C. She interrogated me at midnight and told me that I would be able to leave quickly if I turned my son and his father in. She told me, "You know where they are, talk or I'll send you to Esperanza (a penitentiary for women)." She always interrogated me during the night. She came looking for me while I was asleep and locked me up in an office. These interrogatories lasted around two hours. Sometimes she hit me..."

"In 2018 when I was taken to Chipote with my son (Marvin) I was insulted and handcuffed. I also witnessed how they beat and psychologically tortured my son, while they yelled at him and put a gun to his head. I will never forget that, and that continues to trouble me."

15. In addition, the applicants stated that the proposed beneficiary Marvin Castellón remained in detention for another 20 days in Police District III and, later, was transferred to the Jorge Navarro Penitentiary. He was accused of an ordinary offense, and according to the applicants, this is an activity with which political prisoners are typically charged. The request states that he was allegedly tortured in prison and had a bruise on one testicle when he was released on April 6, 2019, after 9 months in detention.

16. For his part, the proposed beneficiary Marlon Castellón was allegedly intercepted and detained by police officers on July 30, 2018, when he was on his way to his mother's house. On that occasion, he was purportedly severely beaten, even with a rifle, and transferred to Police District III, where he was held incommunicado for months under the argument that he was a "*tranquero*" ("subversive"). In addition, he reportedly did not receive medical care, even though he repeatedly said that he had a chronic kidney infection. Due to the insistence on his medical assessment, an officer even threatened to kill him. Subsequently, the applicants report that he was transferred to the Jorge Navarro Penitentiary. On September 28, 2019, Ms. Martha del Socorro Ubilla publicly denounced the mistreatment of Marlon Castellón in the prison. After 18 months of detention, he was released on December 30, 2019, along with 90 other political prisoners.

17. According to the request, the proposed beneficiary, Martha del Socorro Ubilla, is reportedly subjected to violence when she visits her children at the Jorge Navarro Penitentiary, such as being forced to undress, attempts to touch her private body parts, and verbal aggression.

18. Since the beginning of 2020, police officers and parastate actors have constantly been present at the residence of the proposed beneficiary Martha del Socorro Ubilla to raid, monitor, or harass, and have detained Marlon Castellón on some occasions for a few days, allegedly to investigate him.

19. On March 23, 2020, parastate actors allegedly offered the proposed beneficiary Marvin Castellón to "work with them" as an infiltrator, in exchange for money and peace, but he refused. Then, at 12 p.m., police officers reportedly detained the proposed beneficiary in his home, purportedly without an arrest warrant. Thus, he was sentenced to 14 years in prison for the alleged offence of robbery and attempted murder, which was reported to be a tool of repression given his refusal to work as an infiltrator. Moreover, the proposed beneficiary was reportedly subjected to mistreatment, having been repeatedly beaten by prison officers at the Jorge Navarro Penitentiary.

20. In this scenario, the threats and harassment against the proposed beneficiaries continued. On November 24, 2020, and again on March 19, 2021, the proposed beneficiary Marlon Castellón was allegedly detained by police officers in a violent way, with threats. On the last date, an agent reportedly told him, *“You know, Marlito, we came to take you because you’re a tranquero [subversive], this time you won’t escape”* and a lieutenant allegedly ordered him to remain in detention, by saying, *“Leave that motherfucker inside, because otherwise, he will go block streets.”* The request also claims that the judicial process against him has had many irregularities, such as the impossibility of receiving legal assistance.

21. According to the request, since the most recent detention of Marlon Castellón, in March 2021, the harassment against Ms. Martha Ubilla by state and parastate actors has increased, with vehicles approaching her home almost daily, people taking pictures of the property and even chasing her on occasions. When complaining about the actions of the police, they allegedly replied that *“this is the routine process that you earned, this is how you’re going to live your life.”* The father of the Castellón Ubilla brothers reportedly decided to leave the country due to the alleged constant surveillance in his home. The proposed beneficiary has publicly denounced that she lives locked in her own house because she is constantly harassed and under surveillance by police officers and parastates actors to date.

22. Subsequently, on June 9, 2021, prison officers reportedly entered the cell of the proposed beneficiary Marlon Castellón, beat him, sprayed him pepper in the face, threw ashes in his eyes, grabbed him by the neck, and continued beating him on the ground. Furthermore, they deprived him of his mat and the supplies that his relatives had given him.

23. In this sense, the request reported that police officers and custodians of the Jorge Navarro Penitentiary had informed the proposed beneficiaries that the Castellón Ubilla brothers would never be released from prison because *“criminals and tranqueros do not get out of jail.”*

24. The request also reported that, on June 25, 2021, the Criminal District Court of Ciudad Sandino, Managua District, ordered the early closure of the case brought against the proposed beneficiary Marlon Castellón. It also ordered the Director of the Jorge Navarro Penitentiary to release him, which was not complied with. On the contrary, another criminal proceeding was brought against him in the Third District Criminal Court of Managua District. On July 12, the alleged victim of the proposed beneficiary filed a writ of withdrawal from the judicial process, but the Public Ministry continued with the process, which ended with an acquittal on December 9, 2021. On that same day, on which the proposed beneficiary Marlon Castellón was released, prison officers allegedly beat him and tightened his handcuffs until signs were left on his hands. On December 15, 2021, the proposed beneficiary was released under threats of new detentions *“if he explained why he left”* or *“if he participated in protests again.”*

25. On December 23, 2021, a special visit was granted to the proposed beneficiary Marvin Castellón Ubilla for the Christmas celebration, for which Ms. Martha del Socorro Ubilla appeared in jail with her daughter, Marbelly Castellón Ubilla, and her granddaughter (a baby who was a few months old). Thus, during the inspection of the visitors, the request indicated that *“Ms. Ubilla was attacked by a penitentiary officer, who violently snatched her bag with food for her son (Marvin) and then threw it at her. When she complained, the officer told her, “You, puchitos, always have drugs.”* The same officer snatched the baby (her granddaughter) from her and in front of them took off her diaper and searched her genitals (...).” Moreover, the daughter of the proposed beneficiary was reportedly forced to take off her pants and, when she complained, she was not allowed to make the visit. After the visit, the proposed beneficiary Marvin Castellón was taken by an officer to a room, where they forced him to undress and defecate under threats of making him vomit with blows; then the same officer allegedly beat him. The proposed beneficiary was in an isolated cell for two days, without access to water, electricity, or sunlight. Thus, on January 5, 2022, he reportedly shouted for his freedom, for which he was threatened with beatings by prison officers.

## **B. Information provided by the State**

40. The State reported that it guarantees human rights and state protection to all people in the national territory without any distinction. Furthermore, it affirmed that the right to life is a fundamental principle of the nation, as well as the right to health and physical, mental, and moral integrity of all people. The State reiterated that Nicaragua recognizes the right of every person to equal conditions, due process, and effective judicial protection.

41. Regarding the proposed beneficiaries Martha del Socorro Ubilla and her children, Marlon Antonio Castellón Ubilla and Marvin Antonio Castellón Ubilla, the State argued that their lives and integrity are not at risk. In addition, the State affirmed that they are not “political prisoners” either, as the applicants allege, and that such an allegation serves to evade or reduce the consequences of the proposed beneficiaries’ actions that violate previously established legal regulations, the compliance of which is an obligation for all in order to protect the rights of others, the social equilibrium, and the common good. Thus, the State alleges that “it is inadmissible and lacking in any kind of human and legal logic, to consider them as political prisoners, when they are or were, depending on the case, prosecuted for criminal acts, making it clear that the intention of these people is to evade justice.”

42. According to the State, Marlon and Marvin Castellón Ubilla have criminal records, dating from prior to 2018, for the investigation or commission of ordinary offences, legally established in the law system, which are reportedly not related to their alleged participation in the 2018 protests. Thus, Marlon Castellón is undergoing an active criminal judicial process for allegedly committing the crime of serious injuries, while Marvin Castellón is sentenced to 5 years in prison for serious injuries and 6 years in prison for aggravated robbery. In addition, regarding all allegations about purportedly illegal searches, the State reported that since 2017, the Judiciary of Managua has issued a search warrant against the proposed beneficiary Marlon Castellón. However, after several years of searching and monitoring, it was not until 2021 that he was brought to the Judiciary.

43. Regarding Marlon Castellón, the State indicated that, on November 22, 2017, it initiated the criminal proceeding against him, in the Ninth Criminal District Court of Hearings, Managua District, for being the alleged perpetrator of the crime of serious injuries. On November 29, the same Court issued a search and arrest warrant for Police District III, with the aim of apprehending the proposed beneficiary. However, it was not until July 1, 2021, that the proposed beneficiary was brought to the judicial authority and transferred to the Tipitapa National Prison System. According to the State, the initial hearing was held on July 6, 2021, and the proposed beneficiary had the right to a defense; however, his pretrial detention was ordered.

44. On the other hand, regarding Marvin Castellón, the State indicated that since 2018 there have been investigations on alleged crimes of aggravated robbery in the First District Criminal Court for Adolescents, Managua District. Furthermore, in 2019 he was prosecuted at the Fourth District Criminal Court of the Managua District for those crimes. In 2020, two proceedings were initiated against him, for being the alleged perpetrator of crimes of serious injury, aggravated robbery, and illegal possession of firearms, where he was found guilty. The State stated that, on July 8, 2020, in the Tenth District Criminal Court of the Managua District, the oral trial of the criminal proceeding began for the crime of serious injuries with the right to defense for the proposed beneficiary, who was found guilty. On October 6, the proposed beneficiary was sentenced to 5 years in prison for the crime of serious injuries. Furthermore, according to the State, regarding the process of aggravated robbery and illegal possession of weapons, a trial was also held with the guarantee of the right to a defense. In this sense, on August 7, 2020, the defendant was acquitted of the crime of carrying firearms and he was sentenced to 6 years in prison for the crime of aggravated robbery.

45. Based on the foregoing, the State argued that the proposed beneficiaries do not face any type of risk that endangers their lives, their physical or psychological integrity, or their fundamental rights.

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

26. 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.

27. 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.<sup>26</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

<sup>26</sup> 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. Resolution of July 6, 2009, considerandum 16.

<sup>27</sup> 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. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

<sup>28</sup> 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].

<sup>29</sup> 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.



- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

28. 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.<sup>30</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal 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.<sup>31</sup> 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.<sup>32</sup>

29. In the instant matter, the Commission observes that the alleged situations placing the proposed beneficiaries at risk are framed in the current context of Nicaragua,<sup>33</sup> as well as in a context that is particularly hostile towards people considered, perceived, or identified as opponents of the government,<sup>34</sup> which has also intensified over time.<sup>35</sup> In this sense, the applicants alleged that both Ms. Ubilla and her children, the Castellón Ubilla brothers, had actively participated in the protests against the current government and were identified as political opponents. In this way, the Commission recalls that it has granted precautionary measures to defenders and dissidents who have been subjected to threats, intimidation, and acts of violence allegedly attributable to state officers or third parties who support the Government.<sup>36</sup>

30. As it was assessed in other precautionary measures, the Commission understands that the situation of the proposed beneficiaries is not an isolated one, but rather is presumably part of a context of

<sup>30</sup> 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.

<sup>31</sup> 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.

<sup>32</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>33</sup> 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.

<sup>34</sup> 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.

<sup>35</sup> See in this regard: IACHR. [Press Release No. 113/20](#). Two Years After Visit to Nicaragua, IACHR Condemns Lack of Compliance with its Recommendations and Calls on the State to Urgently Implement Them. May 16, 2020; IACHR. [Annual Report 2020](#). Chapter IV.B Nicaragua, paras. 46 to 52.

<sup>36</sup> See in this regard: IACHR. [Resolution 54/21](#). Precautionary Measure No. 324-21. Karla Patricia Namendi Mendoza and her nuclear family regarding Nicaragua. July 22, 2021; IACHR. [Resolution 27/2021](#). Precautionary Measure No. 1067-18 (extension). Danelia Rosario Argüello Cano and her nuclear family regarding Nicaragua. 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.

detentions and criminalization of human rights defenders and opponents.<sup>37</sup> Similarly, the IACHR has also granted several precautionary measures to persons deprived of liberty in Nicaragua in view of their conditions of detention.<sup>38</sup> In this context, in its report on “Persons Deprived of Liberty in Nicaragua,” the IACHR has gathered testimonies that show practices in line with the allegations in this request.

31. Similarly, the IACHR has collected information on detention conditions in Nicaragua since 2018. Thus, it is observed that “[...] most of the testimonies received regarding cruel, inhuman, or degrading treatment reveal that those acts were committed during their deprivation of liberty in El Chipote and/or police stations in departments across the country, and, later on, in La Modelo and La Esperanza.”<sup>39</sup> Particularly in the Jorge Navarro Penitentiary (“La Modelo”), where the proposed beneficiary Marvin Castellón is located and the proposed beneficiary Marlon Castellón Ubilla was located, a “[...] deterioration in prison conditions, including Government reprisals against persons held [...]” was observed. In this regard, the IACHR noted “the repeated occurrence of operations by riot police who burst into the cells unexpectedly to attack people with blows, kicks, and police batons.”<sup>40</sup> Similarly, in its report on “Persons Deprived of Liberty in Nicaragua,” the IACHR also highlighted information to the effect that “[...] a systematic practice of violations of the rights of family members [of persons deprived of their liberty] persists in Nicaragua, in the form of harassment, threats, intimidation, and denial of justice.”<sup>41</sup>

32. Along those lines, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor that implies the duty to respect their life, integrity, health, and other human rights, inasmuch as prison authorities exercise a strong control or command over the persons in their custody.<sup>42</sup> This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.<sup>43</sup> More specifically, and in light of the facts described by the applicants, the Commission recalls that the Inter-American Court has indicated that the State must ensure that a person is detained in conditions that are compatible with respect for their human dignity, that the manner and method of exercising the measure does not subject them to distress or hardship that exceeds the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, their health and well-being are adequately ensured.<sup>44</sup>

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<sup>37</sup> See in this regard: IACHR. Resolution 33/2020. Precautionary Measure No. 205-21. Kevin Roberto Solís regarding Nicaragua. April 22, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua. December 24, 2019.

<sup>38</sup> See in this regard: IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021; IACHR. Resolution 82/2020. Precautionary Measure No. 489-20. Maycol Antonio Arce and 40 other persons deprived of their liberty, regarding Nicaragua. November 2, 2020; IACHR. Resolution 62/2019. Precautionary Measure No. 1105-19. Amaya Coppens et al. regarding Nicaragua. December 24, 2019.

<sup>39</sup> IACHR, Persons Deprived of Liberty in Nicaragua, October 5, 2020, para. 155.

<sup>40</sup> IACHR, Press Release No. 51/19 - IACHR urges to ensure conditions conducive to the enjoyment of human rights in Nicaragua ahead of dialogue process, Washington, D.C., February 28, 2019.

<sup>41</sup> IACHR, Persons Deprived of Liberty in Nicaragua, October 5, 2020, para. 200.

<sup>42</sup> See in this regard: I/A Court H.R. *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits and Reparations. Judgment of May 14, 2013. Series C No. 260. Para. 188; IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Para. 49.

<sup>43</sup> IACHR. Report on the Human Rights of Persons Deprived of Liberty in the Americas. OEA/Ser.L/V/II. Doc. 64. December 31, 2011. Paras. 49-50.

<sup>44</sup> I/A Court HR. *Matter of seventeen persons deprived of liberty regarding Nicaragua*. Provisional Measures. Adoption of Urgent Measures. Order of the President of the Inter-American Court of Human Rights of May 21, 2019 [only in Spanish]. Considerandum 23.

33. Taking into account Nicaragua's particular context, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiaries.

34. With regard to the requirement of *seriousness*, the Commission considers that it has been met. The IACHR observes that, at least since 2018, the proposed beneficiaries have allegedly received threats and harassment, which have continued over time and have increased in intensity and frequency as of 2021. Specifically, the proposed beneficiaries alleged the following threatening events over the years:

**Regarding Martha del Socorro Ubilla:**

- In the months following the 2018 protests, the proposed beneficiary suffered an attempt on her life, in which parastate actors shot at her residence; however, no one was injured (*see supra* para. 12);
- On July 9, 2018, the proposed beneficiary and her daughter-in-law were detained and transferred to the Judicial Assistance Directorate, where they suffered physical and psychological violence for 15 days (*see supra* para. 14);
- The proposed beneficiary reportedly is subjected to almost daily harassment and surveillance in her home by state and parastate actors, which have increased since 2021 (*see supra* para. 21);
- The proposed beneficiary suffers acts of violence when she visits her children at the Jorge Navarro Penitentiary Center, such as being forced to undress, attempts to touch her private body parts, and verbal aggression. Thus, on December 23, 2021, the proposed beneficiary, with her daughter and granddaughter, while visiting her son Marvin Castellón at the Jorge Navarro Penitentiary Center, was attacked by an officer; moreover, the genitals of her baby granddaughter were searched (*see supra* paras. 17 and 23).

**Regarding Marlon Castellón Ubilla:**

- On July 30, 2018, the proposed beneficiary Marlon Castellón was detained on his way to his mother's house. At that moment, he was severely beaten and transferred to District III of the National Police, where he was detained for months and was not allowed to receive visits or medical care, despite having a chronic kidney infection. Subsequently, he was transferred to the Jorge Navarro Penitentiary, where he was mistreated, and was released on December 30, 2019 (*see supra* para. 16).
- On November 24, 2020, and again on March 19, 2021, the proposed beneficiary Marlon Castellón was detained by police officers in a violent way with threats (*see supra* para. 20);
- On June 9, 2021, prison officers reportedly entered the cell of the proposed beneficiary Marlon Castellón, beat him, pepper sprayed him in the face, threw ashes in his eyes, grabbed him by the neck and continued beating him on the ground (*see supra* para. 22).
- On December 9, 2021, the day he was granted release, prison officers beat him, and on December 15, 2021, when he was released, they threatened him with new detentions (*see supra* para. 24).

**Regarding Marvin Castellón Ubilla:**

- On July 9, 2018, while traveling through the Altagracia neighborhood, the brothers Marlon and Marvin Castellón Ubilla were ambushed by parastate actors, who fired at the vehicle in which they were traveling. On that occasion, they detained the proposed beneficiary Marvin Castellón, beat

him severely, and transferred him to District III of the National Police, where he was held in custody for 20 days, and then transferred to the Jorge Navarro Penitentiary, where he was allegedly tortured in prison. The proposed beneficiary was released on April 6, 2019 (see *supra* paras. 13-15);

- On March 23, 2020, parastate actors detained the proposed beneficiary Marvin Castellón in his home, as repression for his refusal to work as an “infiltrator” for the agents (see *supra* para. 19);
- On December 23, 2021, after a visit from his mother, the proposed beneficiary Marvin Castellón was taken to a room by an officer, where he was forced to undress and defecate under threats of making him vomit with blows, and then the same officer allegedly beat him (see *supra* para. 25);
- On January 5, 2021, the proposed beneficiary was isolated in a cell without access to water, electricity, or sunlight, for which he shouted in protest and was threatened with beatings by prison officers (see *supra* para. 25).

35. On that occasion, the IACHR highlighted the seriousness of such allegations of risk, which also reportedly involved state actors in a direct way. Considering the aforementioned context and the raised facts, the Commission notes that the risk faced by the proposed beneficiaries is serious. In this way, the proposed beneficiary Marlon Castellón was in detention until December 15, 2021, and Marvin Castellón is currently deprived of liberty in the Jorge Navarro Penitentiary, after other detentions in recent years, during which they have suffered threats and attacks from prison officers. Moreover, it is observed that the detentions of the proposed beneficiaries have been preceded by months of harassment and siege by state and parastate actors since 2018.

36. Although it is not appropriate to determine at this time the legality of the criminal conviction of the proposed beneficiaries, the Commission holds that, based on the information provided by the applicants, it can be reasonably concluded that there is animosity against the proposed beneficiaries, which in turn can aggravate the situation of vulnerability in which they find themselves, as it includes state actors. It should be noted that the alleged risk has affected the entire nuclear family, to the extent that the request states that the father of the Castellón Ubilla brothers reportedly left the country due to constant surveillance; moreover, the daughter and baby granddaughter of Ms. Ubilla also allegedly suffered acts of siege and humiliation on a recent visit to the penitentiary.

37. The Commission takes note of the information provided by the State on the threatening situation faced by the proposed beneficiaries. However, the Commission understands that, although it appreciates what has been stated regarding the circumstances of the deprivation of liberty and subsequent prosecution of the brothers Marlon and Marvin Castellón Ubilla, the State did not provide further elements to disprove them from the applicable *prima facie* standard, beyond arguing that the applicants’ allegations lack sufficient credibility. In particular, no medical certificates have been attached to demonstrate the health status of the proposed beneficiaries who are deprived of their liberty. Nor was information sent on investigations, determination of those responsible, or pertinent protection measures implemented in the face of the alleged facts. The foregoing is particularly relevant given the seriousness of the allegations, which include alleged acts of “mistreatment” perpetrated by state officers. As previously indicated, it is not for this mechanism to rule on the conventionality of a criminal conviction according to domestic law. However, the conditions of their detention can indeed be evaluated, given that the State did not provide any type of information in this regard.

38. Taking into account the foregoing, the Commission considers, from the *prima facie* standard, and in the context of Nicaragua, that it is sufficiently proven that the rights to life, personal integrity, and health

of Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla are at serious risk.

39. Regarding the requirement of *urgency*, the Commission considers that it has been fulfilled, since the facts described suggest that the threatening situation is likely to continue and worsen over time, in such a way that, in view of the imminent materialization of the risk and, above all, the lack of implemented protection measures, the situation calls for the immediate adoption of measures to safeguard the rights to life and personal integrity of the proposed beneficiaries. At the time of undertaking such assessments, the Commission notes that the events that the proposed beneficiaries have been facing, such as threats, attacks, harassment, and detentions have increased since April 2018 and have worsened since March 2021, while there are no sufficient elements of assessment to indicate that the risk factors identified over time have been duly mitigated. In this regard, as indicated above, the Commission does not have specific information provided by the State to assess the actions that have been taken to address the alleged risk.

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

## **V. BENEFICIARIES**

41. The Commission declares Marvin Antonio Castellón Ubilla, Marlon Antonio Castellón Ubilla, and Martha del Socorro Ubilla beneficiaries, who are duly identified in this proceeding.

## **VI. DECISION**

42. 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 Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla. 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 attributable to third parties, in accordance with the standards established by international human rights law and taking into account a gender perspective;
- b) adopt the necessary measures to ensure that the detention conditions of Mr. Marvin Antonio Castellón Ubilla comply with the applicable international standards;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) 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.

43. 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 required and to regularly update this information.

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44. 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.

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

46. Approved on February 13, 2022, by Julissa Mantilla Falcón, President; Margarette 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.

Maria Claudia Pulido  
Assistant Executive Secretary