

## **Precautionary Measures Granted by the Commission during 2009**

(Chronological order, starting in the last one to be granted)

See original document at: <http://www.cidh.oas.org/prensa.eng.htm> at "Precautionary Measures Granted, in chronological order".

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The mechanism for precautionary measures is established in Article 25 of the [Rules of Procedure of the IACHR](#). This provision states that in serious and urgent cases, and wherever necessary according to the information available, the Commission may, on its own initiative or at the request of a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons. If the Commission is not in session, the President, or, in his absence, one of the Vice-Presidents, shall consult with the other members, through the Executive Secretariat, on the application of this provision. If it is not possible to consult within a reasonable period of time under the circumstances, the President shall take the decision in favor of the Commission and shall so inform its members immediately. In accordance with the procedure established, the IACHR may request information from the interested parties related to any aspect of the adoption and observance of the precautionary measures. In any event, the granting of such measures and their adoption by the State shall not constitute on the part of the IACHR a prejudgment in the eventuality of a decision on the merits of the case.

The number of precautionary measures granted does not reflect the number of persons protected by their adoption; as can be seen below, many of the precautionary measures issued by the IACHR protect more than one person and, in certain cases, groups of persons such as communities or indigenous peoples.

### **PANAMA**

#### **PM 56/08—Ngöbe Indigenous Communities et al., Panama**

On June 18, 2009, the IACHR granted precautionary measures for members of the indigenous communities of the Ngöbe people, who live along the Changuinola River in the province of Bocas del Toro, Panama. The request for precautionary measures alleges that in May 2007, a 20-year concession was approved for a company to build hydroelectric dams along the Teribe-Changuinola River, in a 6,215-hectare area within the Palo Seco protected forest. It adds that one of the dams authorized to be built is the Chan-75, which has been under construction since January 2008 and which would flood the area in which four Ngöbe indigenous communities have been established—Charco la Pava, Valle del Rey, Guayabal, and Changuinola Arriba—with a population of approximately 1,000 people. Another 4,000 Ngöbe people would also be affected by the construction of the dam. They allege that the lands affected by the dam are part of their ancestral territory and are used to carry out their traditional hunting and fishing activities. The Inter-American Commission believed that precautionary measures should be granted to avoid irreparable harm to the right to property and security of the Ngöbe indigenous people in the province of Bocas del Toro. The IACHR requested that the State of Panama suspend construction and other activities related to the concession until the bodies of the inter-American human rights system can adopt a final decision on the matter raised in Petition 286/08, which alleges violations of the rights protected under Articles 5, 7, 8, 13, 19,

21, 23, and 25 of the American Convention on Human Rights. The IACHR also asked the State of Panama to adopt the measures necessary to guarantee the free circulation as well as the life and physical integrity of the members of the Ngöbe community, in order to prevent acts of violence or intimidation measures.