

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 73/2024**

Precautionary Measure No. 69-09

Inés Yadira Cubero González regarding Honduras

October 17, 2024

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Inés Yadira Cubero González, regarding Honduras. Following the State’s request to lift the measures, the Commission reviewed the actions taken to implement the precautionary measures and considered the extended period without sufficient evidence of the beneficiary facing an ongoing imminent risk. In this regard, in light of the nature of the precautionary measures and the information available in this matter, the IACHR has decided to lift these precautionary measures pursuant to the provisions of Article 25 of its Rules of Procedure.

II. BACKGROUND INFORMATION

2. On April 6, 2009, the Commission granted precautionary measures in favor of Inés Yadira Cubero González, in Honduras. The request alleged that on March 16, 2009, the beneficiary was the target of an attack with a firearm, allegedly as a result of her work as president of the Transparency and Anti-Corruption Commission (*Comisión de Transparencia y Anticorrupción*) of the Municipal Corporation of San Pedro Sula. Consequently, the Commission required that the State adopt the necessary measures to guarantee the life and personal integrity of the beneficiary, as well as to report on the actions taken to investigate the facts.¹

III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE

3. During the time the precautionary measures were in force, the Commission followed up on these precautionary measures by requesting information, and receiving responses, from both parties on the following dates:

	Reports by the State	Communication by the representation	Information requested and forwarded by the Commission
2010	August 17 and October 15	May 3 and October 12	May 26 and September 9
2011	No communications	No communications	No communications
2012	No communications	No communications	January 23
2013	31 October and 22 November	July 1	April 29, June 5, August 23, and December 20
2014	April 29 and December 16	January 24 and March 27	February 25 and November 24
2015	June 8	January 30, July 1, August 13 and September 11	April 15 and June 25
2016	February 19 and November 30	July 7	January 15, June 6, November 2
2017	November 6	December 27	April 10
2018	July 30	No communications	No communications
2019	September 9	No communications	May 22 and October 1

¹ IACHR, Precautionary Measures, [Precautionary measures granted by the IACHR in 2009](#).

2020	October 22	May 15	No communications
2021	December 2	August 5	No communications
2022	January 26, June 2, and October 13	No communications	January 3 and June 27
2023	March 28	December 19	February 1 and November 14
2024	No communications	No communications	March 11

4. On March 28, 2023, the State filed a request to lift these precautionary measures. On February 1, 2023, the Commission requested that the representation provide its observations to evaluate keeping these measures in force. Upon not receiving a response, it reiterated its request for information on November 14, 2023. In this regard, the representation submitted its response on December 19, 2023. In addition, the Commission held a working meeting with the parties on April 12, 2024. At that meeting, the beneficiary and her representation stated that there are currently no indications of a situation that places the beneficiary at risk, but emphasized the importance of continuing the investigation into the facts.

5. Currently, the beneficiary and Joaquín A. Mejía Rivera exert representation before the Commission.

A. Information provided by the State

6. In 2010, the State reported that it had implemented the protection measures agreed upon with Ms. Cubero. These measures included assigning a police officer as her personal security agent, conducting police patrols at her residence and workplace, and providing a police liaison for emergency situations. In 2013, it was noted that on September 10, 2009, a hearing was held regarding a request for alternative measures to suspend the criminal prosecution of the officers who denied assistance to Ms. Cubero. The decision involved ordering community service and a temporary travel ban for the accused. Regarding the individual responsible for the physical aggression, it was argued that there was no indication that this individual was a state agent. In addition, the State mentioned the beneficiary’s absence from the monitoring meeting due to reasons beyond the authorities’ control.

7. In 2014, the State noted that it held a consultation meeting with Ms. Cubero and her representation, on March 14 in the city of San Pedro Sula.² The State affirmed that, at that meeting, the beneficiary expressed satisfaction with the protection provided. In addition, the investigation into the 2009 events against her is still active, and is still attempting to identify the perpetrators of this attack. Moreover, it alleged the lack of complaints related to other acts that put her at risk. In 2015, to enhance police patrol oversight, the State reported that it was adopting new technologies for a digitized control system using “geo-referenced patrols.” Despite being summoned, the beneficiary did not appear at the meetings to monitor the precautionary measures. Concerning the investigation into Ms. Cubero’s allegations of corruption by the Transparency and Anti-Corruption Commission, it was indicated that a detailed investigation was carried out and the responsible parties were in prison.

8. In 2016, a monitoring meeting was held on June 2, in which the parties agreed that an official letter would be sent to the Public Prosecutor’s Office to request progress in the investigations. The State also indicated that the beneficiary expressed her satisfaction with the compliance with the protection measures, and that she did not report any new acts that put her at risk. In 2017, a new monitoring meeting was held on June 1. In this meeting, the security measures provided in favor of Ms. Cubero in the form of security agents,

² During that meeting, the following agreements were reached: i) coordinate the permanent assignment of the beneficiary’s security agents and establish a patrol schedule with a log for verification of compliance; ii) maintain a police liaison to monitor the enforcement of precautionary measures; iii) request the attendance of Prosecutor’s Office members at meetings to advance the investigations; and iv) continue with follow-up meetings on the current measures.

patrols, and police liaison were maintained. Additionally, it was stressed that a communication must be sent to the Public Prosecutor's Office to request information on the progress of the investigations.

9. In 2018, the State reported that Ms. Cubero filed a complaint on December 15, 2017, alleging abuse of authority, as well as injuries and damages caused by two state agents. In this regard, several measures were implemented, including a medical evaluation report, collection of witness testimonies, and a request for an on-site inspection, among others. The Public Prosecutor's Office issued a resolution, considering that an offense had occurred against the beneficiary and determined that a private individual was responsible for the injuries. This case was referred to the Criminal Court of Peace of San Pedro Sula.

10. In 2019, a monitoring meeting was held on July 18. On this occasion, it decided to keep the protection measures in favor of the beneficiary and to conduct a risk assessment for her, in order to implement the most suitable measures. Despite the authorities' offer, she reportedly stated that she did not wish to be included in the National Protection Mechanism. In 2020, a monitoring meeting was held on September 29, during which it was reaffirmed that the safety measures in place were going to continue in place. In 2021, the State reported that on February 10, 2021, the police officers serving as the beneficiary's security agents were replaced due to internal legislation prohibiting police officers from working as security agents for more than two years. However, she reportedly refused to receive the new security agents assigned to her. Due to the above, she was notified that her security agents were at her disposal at the Barrio Guamilito Police Station in the city of San Pedro Sula. Furthermore, in relation to police patrols, the Police reported that on several occasions no one had been observed at her workplace. As a result, the police liaison allegedly called Ms. Cubero, who stated that she no longer worked at this address and did not wish to provide the police officer with her new work address.

11. In 2022, the State requested that the IACHR intervene on behalf of the beneficiary to proceed with the implementation of these precautionary measures, given her lack of agreement. According to the State, she was informed of the change in security agents on December 17, 2020. The following day, she requested that the decision be reviewed and stated that she had already established trust with her security agents and was unfamiliar with the profiles of the new agents. The State reported that they continue to carry out police patrols where she previously worked, and that her current workplace is unknown. The security detail assigned to Ms. Cubero has been kept at the Police District in Barrio Guamilito in the city of San Pedro Sula, at her disposal. However, she reportedly has not made use of these protection measures. She also did not appear at monitoring meetings.

12. In 2023, the State stated that, for over two years, the beneficiary had not used her protection measures and had not responded to communications from the authorities during this period. Therefore, on March 28, 2023, the State filed a request to lift these precautionary measures.

B. Information provided by the representation

13. In 2010, the representation indicated that on April 25, 2009, the following measures were agreed upon for her: personalized security agents from 7:00 a.m. to 11:00 p.m., police patrols at her residence, a police liaison for emergencies, and monthly coordination meetings with the beneficiary. According to the representation, most of the measures had been implemented, except for the agreed-upon meetings. Additionally, in December 2009, her father and brother reportedly received phone calls from individuals claiming to be members of the "Mara Salvatrucha" gang. They requested financial "collaboration" and, upon receiving their refusal, threatened to shoot the family if their demands were not met.

14. In 2013, the beneficiary claimed that on June 3 of that year, her security agents were not present to protect her because the Minister of Security had called them to report to Tegucigalpa. The Ministry of Security reportedly took actions to momentarily assign protection in her favor. Additionally, state authorities

allegedly did not attend a scheduled meeting to address issues with the implementation of the protection measures, such as inconsistencies in the police patrols at her residence. Additionally, the police officers who failed to assist Ms. Cubero during the attack received alternative measures rather than facing criminal prosecution, and they are now performing their duties as usual.

15. In 2014, the lack of progress in the investigations of the events that took place in 2009 was reiterated. Concerning the measures with the security agents, it was confirmed that they were being correctly enforced. However, the other protection measures, consisting of patrols and police liaison, were reportedly not complied with. After having denounced acts of corruption at the San Pedro Sula Municipality, where she was Chair of the Transparency Commission, the beneficiary and her family members allegedly received threats. While she was conducting an errand at the Public Prosecutor's Office after receiving a summons, her relatives reportedly received threatening messages.

16. In 2015, the representation stated that on September 11, 2014, a meeting was held to monitor these precautionary measures. On this occasion, Ms. Cubero reiterated her agreement to have security agents and once again mentioned the inconsistencies of the police patrols near her residence. According to the representation, the State allegedly did not act with due diligence in the investigations and has not provided any comments on the reported threats and harassment from December 2008 and April 2009. It was decided that patrols would be recorded with signatures in a logbook, and that an official letter would be issued to seek updates on the progress of the investigations into the situations that placed the beneficiary at risk. In particular, on September 15, 2015, the Secretariat of Security informed Ms. Cubero of an eventual and forthcoming withdrawal of the personal security agent service assigned to the beneficiary, due to "risk assessment conducted and on the occasion of reassigning more than 400 security agents to address the widespread criminality in Honduras." In this regard, concern was expressed about this possible unilateral decision by the State.

17. In 2016, the representation reported that the police patrols were being implemented in a satisfactory manner. Regarding her security agents, the beneficiary stated that she is responsible for covering their food expenses, as the authorities do not provide financial support for this cost. She positively assessed the service being implemented. However, in 2017, Ms. Cubero reported that she had been beaten by a policeman at the Court of First Instance for Children and Adolescents, and that her brother had been threatened by the Chief of the Municipal Police of San Pedro Sula. These events were reported to the competent authorities. In 2020, Ms. Cubero reported that she received a notice from the Ministry of Security about its intention to suspend her assigned security agents due to the COVID-19 pandemic, which she described as concerning. In addition, she alleged that the police patrols were not being fully complied with.

18. Through an official letter dated August 13, 2021, the Ministry of Security reportedly suspended the protection measures in favor of Ms. Cubero. In 2023, the representation noted that the State initially assigned two security agents. However, each time there have been changes in the police leadership in San Pedro Sula, these security agents have been withdrawn and required new procedures for their reinstatement. Regarding the State's allegations, the beneficiary stated that she had not been formally summoned again for monitoring meetings. Consequently, Ms. Cubero has chosen to adopt protection measures at a personal level. Regarding the investigation of the facts that gave rise to the granting of these precautionary measures, it was stated that no information has been presented regarding those responsible for the aggression.

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

19. 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 41(b) of the American Convention

on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

20. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.³ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.⁴ 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.⁵ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. 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. 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
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

21. In this sense, Article 25(7) of the Commission's Rules of Procedure establishes that decisions "granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions." Article 25 (9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall evaluate whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure.

22. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.⁶ In this sense, when no imminent risk is identified, the burden of proof and argument increases

³ I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

⁴ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

⁵ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

⁶ I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

over time.⁷ The Inter-American Court has indicated that the passage of a reasonable time without any threats or intimidation, in addition to the lack of imminent risk, may lead to lifting international protection measures.⁸

23. In this matter, the Commission recalls that the precautionary measures were granted in 2009 in favor of Inés Yadira Cubero González in Honduras, following an attack against the beneficiary on March 16, 2009, allegedly due to her work as President of the Transparency and Anti-Corruption Commission of the Municipality of San Pedro Sula. The Commission observes that the State requested that these precautionary measures be lifted on March 28, 2023. Pursuant to the provisions of Article 25 (9) of its Rules of Procedure, the request was forwarded to the representation in a timely manner. The Commission also requested updated information on the situation of Ms. Cubero and her observations on the State's allegations, and reiterated it. In its latest communication dated December 19, 2023, the representation indicated that she had taken protective measures on her own after the state-provided security agents resigned in 2021. She also expressed concern regarding the lack of progress in the investigation.

24. Upon analyzing this matter, the Commission acknowledges that, from 2010 to 2020, both parties agreed to submit observations indicating that the State has provided security measures in favor of the beneficiary consisting of liaison, security agents, and police patrols to her place of residence and work, and have also held frequent monitoring meetings. During this period, the representation has occasionally reported inconsistencies in the police patrols, while on other occasions, she has deemed their compliance satisfactory.

25. However, in early 2021, both parties reported that following the notification of the change in the beneficiary's security agents, in accordance with Honduran legislation, Ms. Cubero decided not to accept the new security agents. She stated that she had already established a relationship of trust with the previous agents. Thus, during 2022 and 2023, the State provided information arguing that the beneficiary did not consent to the implementation of the security detail, despite efforts to consult her. The beneficiary also refused to disclose the address of her new workplace, which hindered the ability to conduct police patrols. Additionally, her representation noted that she has opted to adopt personal protection measures.

26. In view of the above, the Commission assesses that the State authorities have implemented protection measures in favor of the beneficiary in a satisfactory manner, during most of the time that the precautionary measures have been in force. The Commission also acknowledges constant coordination and monitoring meetings between both parties over several years to address challenges that have arisen. However, it is undisputed that since 2021, Ms. Cubero has not given her consent for the continuation of her security detail, which has remained available through the police, due to the lack of trust in the newly assigned security agents. While the Commission understands that there may be potential obstacles, the communications provided by the parties indicate that the authorities have sought opportunities for consultation in recent years, which have not been possible to agree upon.

27. The Commission also notes that the most recent risk incidents reported by Ms. Cubero occurred in 2023, and no additional incidents have been mentioned in the seven years since, including the past three years during which she has not had protection from security agents. In this regard, despite the State's request to lift the measures in 2023 and the Commission's requests for information from the representation regarding the current situation, no response has been received that would allow for a conclusion about the continued existence of an imminent risk at this time. In this regard, in the framework of a working meeting of the IACHR with the parties, on April 12, 2024, the beneficiary and her representation stated that there are currently no elements that indicate that the beneficiary faces a situation of risk, pursuant to Article 25 of the IACHR Rules of Procedure.

⁷ I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

⁸ I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

28. Regarding keeping the precautionary measures in force, taking into account the nature of the precautionary measures mechanism, in addition to the information available and the analysis carried out, the Commission understands that it has no elements to support compliance with the requirements of Article 25 of its Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,⁹ the Commission considers that it is appropriate to lift these measures.

29. In line with what has been indicated by the Inter-American Court in various matters,¹⁰ a decision to lift the precautionary measures cannot imply that the State is relieved from its general obligations of protection, contained in Article 1(1) of the Convention, within the framework of which the State is especially obliged to guarantee the rights of persons at risk and must promote the necessary investigations to clarify the facts, followed by the consequences that may be established. Furthermore, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures does not imply an eventual decision on the merits of the dispute.¹¹ In relation to the investigations of the facts, the Commission assesses the progress reported. However, it calls on the State to continue with the corresponding investigations in accordance with inter-American standards.

V. DECISION

30. The Commission decides to lift the precautionary measures granted in favor of Inés Yadira Cubero González, regarding Honduras.

31. The Commission recalls that lifting these measures does not prevent the representatives from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of its Rules of Procedure.

32. The Commission instructs its Executive Secretariat to notify this resolution to the State of Honduras and to the representatives.

33. Approved on October 17, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary

⁹ I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.

¹⁰ I/A Court H.R., [Matter of Velásquez Rodríguez](#), Provisional Measures regarding Honduras, Order of January 15, 1988, considerandum 3; [Matter of Giraldo Cardona et al.](#), Provisional Measures regarding Colombia, Order of January 28, 2015, considerandum 40 (Available only in Spanish); [Case of Vélez Lóor](#), Provisional Measures regarding Panama, Order of May 25, 2022, considerandum 62 (Available only in Spanish).

¹¹ I/A Court H.R., [Matter of Guerrero Larez](#), Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16; [Matter of Natera Balboa](#), Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16.