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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 14/2025**

Precautionary Measure No. 105-11

**Communities of the Kuna peoples of Madungandí and Emberá de Bayano  
regarding Panama**  
February 17, 2025  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the communities of the Kuna de Madungandí and Emberá de Bayano indigenous peoples in Panama. Following the State's request to lift these measures, the Commission assessed that the Inter-American Court of Human Rights (I/A Court H.R.) issued a substantive judgment regarding the case related to the proposed beneficiaries. Similarly, it noted the long period without relevant information from the representation, which it required to assess keeping the precautionary measures in force. Consequently, upon not identifying compliance with the procedural requirements, the Commission has decided to lift these precautionary measures. Lastly, the Commission recalls that the situation of the beneficiary communities has been subject to supervision by the Inter-American Court of Human Rights in the context of the judgment in the *Case of the Kuna of Madungandí and Emberá de Bayano Indigenous Peoples and their members v. Panama*.<sup>1</sup>

**II. BACKGROUND INFORMATION**

2. On April 5, 2011, the IACHR granted precautionary measures for the Kuna of Madungandí and Emberá de Bayano peoples, in Panama. This precautionary measure is linked to Case 12.354, which was at the merits stage in the proceedings before the IACHR (Admissibility Report No. 58/09 was approved on April 21, 2009). According to the information provided by the applicant, in February and March 2011, massive invasions allegedly took place in the territories of the Kuna de Madungandí and Emberá de Bayano comarca [legally recognized indigenous territory with a degree of autonomy]. In particular, the applicants claimed that, through violent actions, the settlers had seized and destroyed virgin forests that indigenous communities use to ensure their food supply. They highlighted that this has been a recurring situation and alleged that the State has not been adopting diligent measures to prevent these invasions.

3. In order to ensure that the subject of the petition in this case does not become moot, the Commission requested that the State of Panama adopt any necessary measures to protect the ancestral territory of the communities of the Kuna of Madungandí and Emberá de Bayano peoples from intrusions by third parties and from the destruction of their forests and crops, until the IACHR has adopted a final decision in Case 12.354.<sup>2</sup>

4. Héctor Huertas González of *Centro de Asistencia Legal Popular* (CEALP) exerts representation before the Commission.

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

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<sup>1</sup> Inter-American Court of Human Rights (I/A Court H.R.), *Case of the Kuna de Madungandí and Emberá de Bayano Indigenous Peoples and their members v. Panama*, Preliminary objections, merits, reparations and costs, [Judgment of October 14, 2014](#).

<sup>2</sup> Inter-American Commission on Human Rights (IACHR), [Annual Report 2011, Chapter C1 Precautionary Measures Granted by the IACHR](#), PM-105-11 – Communities of the Kuna de Madungandí and Emberá de Bayano peoples, Panama, para. 83.

5. During the time the precautionary measures were in force, the Commission sent requests for information to both parties. In recent years, communications have been received from the parties and sent from the IACHR on the following dates:

	<b>Reports by the State</b>	<b>Communications by the representation</b>	<b>Information requested and forwarded by the Commission</b>
2011	April 26, June 13, September 13, and September 29	April 11 and 20, June 14, July 14, October 12 and 13	May 12, August 15, October 12, December 30
2012	January 30, August 22, September 17	February 2, August 28, September 5, October 17	February 8 and 22, July 10, August 27, October 5
2013	May 14, October 31, December 3	September 25	April 11, September 3, October 21
2014	No communications	No communications	February 4
2016	October 3 and 7	October 10	September 26
2022	No communications	No communications	November 3
2023	No communications	No communications	November 14
2024	August 27	No communications	June 5, November 18

6. Since 2011, the State has requested that these precautionary measures be lifted, and it reiterated its request in 2024. On April 1, 2013, the Commission requested information from the representation in order to evaluate keeping the precautionary measures in force. The request was reiterated on September 26, 2016; November 14, 2023; June 5, and November 18, 2024. In addition, on November 18, 2024, the representation was forwarded the request to lift issued on August 12, 2024. The representation did not respond, and all the granted deadlines have since expired.

**A. Information provided by the State**

7. In April 2011, the State submitted a report highlighting its longstanding efforts to guarantee the beneficiaries' right to collective property. Moreover, it reported that, in November 2010, a meeting was held with the indigenous representatives in which it was agreed to carry out a land tenure study with the aim of drawing up an official list of individuals who occupy the communal lands and a calendar was established for the eviction of invaders. The eviction deadline with the date of May 30, 2011 was imposed for those who do not have possessory rights or proof of an agreement signed by the Emberá Congress and their chiefs. In view of the foregoing, the State requested that the precautionary measures be lifted, considering that it was guaranteeing respect for indigenous territories.

8. In a communication sent to the IACHR on June 13, 2011, the State stated that an administrative authority was appointed to prevent mass invasions in the Kuna de Madungandí Comarcal jurisdiction. The state added that, in compliance with the "Action Plan for the Quality of Life of the Emberá People", food was delivered to seven communities facing food shortages. Between April 22 and May 5, approximately 8,480 bags of food

were distributed. Regarding the issue of education, it was noted that there 100% of primary school teachers are present, and three junior high school teachers have been replaced. In terms of healthcare, five health educators and human resource training were appointed. In particular, the State began communicating the relocation process to people who did not have tenure of the lands of the indigenous communities in the Sambú area.

9. In September 2011, the State reported that on August 26, 2011, a consultation meeting was held with the communities and state authorities to reach agreements on the implementation of the precautionary measures. As a result, the indigenous peoples, settlers, and state authorities agreed to respect the list provided by the Emberá Congress, which identifies the 19 individuals who were on the land before the creation of the *comarca* and would not be evicted; states that the 43 families who might leave the lands they have occupied within the *comarca* for 25 or more years must appear before the traditional authorities of the Emberá Wounaan *comarca* to present evidence proving their long-term presence in order to secure their right to remain; that families unable to prove land possession before 1983 will be guaranteed relocation and land allocation at no cost by the National Government through the Agricultural Development Bank and the National Land Authority; and that all settlers with lands within the *comarca* will be allowed to return to retrieve their movable property within a period of up to four months.

10. In January 2012 the State reiterated its historic recognition of indigenous lands, with resettlement following the construction of the Ascanio Villalaz hydroelectric plant. It stated that from August 21 to 27, 2011, an on-site inspection was carried out to guarantee the territorial security of the Piriati, Ipeti and Maje Emberá communities, as the Collective Property Title of Alto Bayano Lands, in favor of the beneficiaries of the Emberá de Bayano indigenous people. Moreover, the State revealed that on October 20, 2011, a *Corregidor* [local authority, chief magistrate] was appointed for the Kuna de Madungandí *comarca*. As administrative authority, the *corregidor* deals with the situation of the invasions of farmers in the jurisdiction of the Kuna de Madungandí region.

11. In September 2012 the State announced that inspections had been carried out in the territory to assess the situation of the intruders since January 2012. On August 22, 2012, a resolution was issued upholding and making final the decision of the special magistrate of the Kuna de Madungandí region of April 2, 2012, in which it ordered the eviction of people illegally occupying regional lands. It was also reported that the eviction of the settlers who had entered the collective territory of Piriati, belonging to the Emberá de Bayano peoples, was carried out. Similarly, on March 8, 2012, the National Land Authority issued a Collective Title Processing Certification for the purposes of evicting settlers for trespassing within the boundaries of the Ipeti Emberá, Piriati Emberá, and Maje Emberá territories. The State also reported on the progress of investigations related to the events that gave rise to the precautionary measure and argued that it has been fulfilling its duty to guarantee the safety of indigenous territories.

12. In May 2013, the State warned that, in April 2013, state authorities had accompanied the local chiefs of Madungandí to ask the settlers to voluntarily abandon the regional territory within two and a half months. On April 26, 2013, a meeting was held between the indigenous people, the farmers, and the State to address the issue of land occupation. As a result, the *corregidor* of Madugandí planned an inspection of the Kuna region of Madungandí to carry out the eviction of the farmers in contempt. In addition, on May 8, 2013, Kuna traditional authorities, along with a company, the *corregimiento*, and the National Directorate of Indigenous Policy, visited the reforestation area of the company to communicate with the farmers who refused to leave the area. With regard to the Emberá de Bayano people, evictions were carried out in Piriati and farmers occupying part of the territory in Ipeti were identified. The State also claimed progress in the ratification of the physical demarcation of the limits of the indigenous land. They also held a consultation meeting with the authorities of this indigenous community and joint inspection visits were agreed between the National Environment Authority and the traditional authorities of Alto Bayano.

13. In December 2013, the State reported that a consultation meeting was held on October 14, 2013, to explain to the indigenous people, farmers, and leaders the purpose of a tour of the Wacuco area, Torí district, Chepo district, Panama province. The tour, which took place from October 15 to 18, 2013, aimed to determine the political-administrative location of the area occupied by the farmers.

14. In October 2016, the State referred to the judgment of the Inter-American Court of Human Rights in the Case of the Kuna de Madungandí and Emberá de Bayano Indigenous Peoples, regarding the beneficiaries, which was issued in 2014 and was currently in the process of judgment supervision. The Inter-American Court condemned the State of Panama and ordered it to comply with reparation measures, among others, related to the recognition and demarcation of the indigenous lands in question.

15. In addition, regarding the implementation of the precautionary measures, it was noted that the invasion of third parties into the ancestral territories posed a challenge for the State, as the settlers and farmers opposed the eviction and claimed to have occupied the land prior to the establishment of the region. On April 29, 2016, the Inter-Institutional Commission, created to comply with the sentence of the Inter-American Court, sought to renew the census of the Madungandí region originally carried out in 2013, given that there had been new invasions. However, the Congress of the Madungandí region objected, arguing that this would delay compliance with the judgment. On September 17, 2016, it issued a resolution annulling the State's actions and stating that they would take their own measures to evict the settlers. The Inter-institutional Commission then met with the regional authorities, who responded to their requests. As a result, the Congress of the Madungandí region annulled its resolution on September 17. According to the state, the Inter-institutional Commission and the indigenous authorities continue to meet on a regular basis in order to effectively protect the territory of the indigenous peoples and to stop the illegal entry of farmers into their territories.

16. In August 2024, the State sent a new report indicating that effective measures have been implemented to mitigate the risks that justified the precautionary measure. It was also noted that, through a resolution dated November 18, 2020, the Inter-American Court of Human Rights acknowledged partial compliance with the reparative measure ordered in the judgment, recognizing the right to collective property of the Ipeti Emberá community. Lastly, it was emphasized that the Kuna of Madungandí and Emberá de Bayano communities no longer face massive invasions of their territories, and that the situation of the beneficiaries has changed substantially since 2011. The State therefore requested the lifting of these precautionary measures.

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

17. In April 2011, the Emberá communities of Alto Bayano confirmed the presence of settlers in the indigenous territory. It was informed that there were more than 500 families affected and in conditions of extreme impoverishment due to the loss of their land. In June 2011, the representation stated that the communities had initiated various legal actions to prevent the mass invasions. However, it regretted that the actions taken had been insufficient to protect the indigenous lands, that the *corregidor* announced by the State had not been appointed, and that the mass invasions continued. In October 2011, the representation warned that the invasions continued to affect new communities such as Tabardi, Ikandi, and Pintupu of the Kuna people, and cause food insecurity. Additionally, the food distribution reported by the State was not directed to the beneficiaries, but rather to the Embera communities in the Embera Region, Cemaco District, which were affected by climate change through excessive rainfall. Furthermore, the representation observed that the eviction actions referred to by the State had been carried out in the Emberá Area of Sambú region and not in the communities that were granted precautionary measures.

18. In September 2012, the representation submitted a copy of a letter from the Madungandí General Congress, in which the beneficiaries' indigenous authorities informed the state authorities that they were frustrated by the failure to remove the settlers from their lands, and granted the State seven days to take action. In October 2012, it was reiterated that the situation of invasions and threats to the beneficiaries by

unauthorized third parties on their land persisted. The *corregidor* stated that he lacked the infrastructure and logistics to carry out the evictions; and, despite complaints and clear evidence of environmental crimes committed by the settlers on lands inhabited by the beneficiaries, a situation of impunity persisted.

19. In September 2013, the authorities confirmed that the invasions continued and stated that the evicted people were returning. It was stated that there were more than 90 families of settlers invading the territories and that they had filed an appeal for protection of constitutional rights (*amparo*) against the eviction order with the aim of obtaining legal justification for occupying the territory. The *corregidor* still did not receive any support to carry out the evictions, as the National Police refused to provide assistance, a matter that was brought before the national courts. It was also noted that on September 14, 2013, the General Congress of Kuna de Madungandí gave the State a 15-day deadline to take immediate action to resolve the land invasion. Otherwise, authority would be granted to the Front for the Defense of the Kuna de Madungandí Comarca to take strong measures, such as blocking roads at four strategic points in the country.

20. In October 2016, the representation requested a working meeting with the IACHR arguing, among other aspects, that although the state had made progress in land titling, unauthorized third parties continued to occupy the land.

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

21. The precautionary measures mechanism is part of the Commission's functions of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while 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.

22. 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.<sup>3</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>4</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>5</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. Their precautionary nature aims at safeguarding 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 of the final decision. In this regard,

<sup>3</sup>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).

<sup>4</sup>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)

<sup>5</sup>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).

precautionary or provisional measures allow 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.

23. 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 assess 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 meet the requirements outlined in Article 25 of its Rules of Procedure.

24. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping these measures in force requires a more rigorous evaluation.<sup>6</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>7</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>8</sup>

25. As a preliminary matter, the Commission notes that these precautionary measures were granted in 2011 in favor of the Kuna de Madungandí and Emberá de Bayano Indigenous Peoples in Panama due to the massive invasions that took place in their territories. At that time, the representation reported on violent actions, allegedly carried out by unauthorized settlers, who had seized and destroyed virgin forests used by indigenous communities for their food security. The request for precautionary measures was filed in connection with Case 12.354, which was in the merits stage before the IACHR at that time. In this regard, the Commission considered that if the described situation persisted before the IACHR had the opportunity to examine the case, any eventual decision could become moot, and the alleged harm caused could be irreparable. The Commission requested the State of Panama to adopt the necessary measures to protect the ancestral territory of the beneficiary communities from invasions by third parties and the destruction of their forests and crops until a final decision be made on Case 12.354.

26. On February 26, 2013, the IACHR submitted to the Court’s jurisdiction the case of the Kuna of Madungandí and Emberá de Bayano Indigenous Peoples against the Republic of Panama. The case concerned the alleged international responsibility of Panama in relation to: (i) the alleged ongoing violation of the collective property rights of the Kuna de Madungandí and Emberá de Bayano Indigenous Peoples and their members, due to the alleged failure to provide compensation for the dispossession and flooding of their

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

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

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

ancestral territories following the construction of the Bayano Hydroelectric Dam between 1972 and 1976; (ii) the alleged lack of recognition, titling, and demarcation of the granted lands, which has affected the Kuna people over a prolonged period and the Emberá people, at least, until the date of the judgment; (iii) the alleged failure to effectively protect their territory and natural resources from invasions and illegal logging by third parties; (iv) the alleged failure of Panama to provide an adequate and effective procedure for securing collective territorial property rights and addressing multiple complaints regarding encroachments on their lands; and (v) it was upheld that the series of violations committed by the State, which allegedly constituted discrimination against the Kuna and Emberá peoples, reflected in the enforcement of laws that allegedly follow an assimilationist policy.<sup>9</sup>

27. In the judgment, the Court declared the State of Panama internationally responsible for the violation of the right to collective property for not delimiting, demarcating, and/or titling the lands assigned to the Kuna people of Madungandí and to the Emberá Ipetí and Piriati communities, and for not having guaranteed the effective enjoyment of the collective property title of the Piriati Emberá community. Similarly, the Court considered that the State was responsible for having violated its duty to adapt domestic law, and for not having provided at the domestic level regulations that would allow for the delimitation, demarcation, and titling of indigenous collective lands before the year 2008, to the detriment of the Kuna people of Madugandí and Emberá de Bayano, and their members. It also declared the State's international responsibility for violations of the rights to judicial guarantees and protection to the detriment of the Emberá Indigenous communities, considering that the legal remedies they pursued did not receive a response that allowed for an adequate determination of their rights and obligations. Lastly, it ordered the supervision of compliance with the judgment.<sup>10</sup> On November 18, 2020, during the supervision of compliance with the judgment, the Court declared partial compliance, as the State had complied with titling the Ipetí lands as collective property of the Ipetí Emberá community. However, it decided to keep the supervision process open with respect to the other matters.<sup>11</sup>

28. Therefore, the situation that led to the granting of precautionary measures has not been resolved to date. This, considering that the inter-American system ruled on the affected rights of the Kuna de Madungandí and Emberá de Bayano indigenous communities in Panama, and determined, in that case, the fulfillment of the pertinent reparation measures.

29. Having specified the foregoing, the Commission proceeds to analyze keeping these precautionary measures in force, observing, *inter alia*, whether there are new situations that may comply with the requirements of Article 25 of its Rules of Procedure. The Commission observes the request to lift these precautionary measures made in 2011 and reiterated more recently in 2024. In accordance with Article 25 (9) of the Rules of Procedure, the requests were forwarded to the representation for its observations. However, the IACHR has not received a response from the representation since 2016, and all the granted deadlines have expired.

30. In this sense, the Commission notes that the last communication presented by the representation is from 2016, which means that no new information has been recorded in the last eight years. Nor was a response provided to the IACHR communications despite the State's requests to lift these measures, and having been warned that it would proceed to analyze keeping these precautionary measures in force. In this regard, the Commission recalls the provisions of Article 25 (11) of its Rules of Procedure:

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<sup>9</sup> I/A Court H.R., [Case of the Kuna de Madungandí and Emberá de Bayano indigenous peoples and their members v. Panama, Judgment of October 14, 2014 \(preliminary objections, merits, reparations and costs\)](#), para. 1.

<sup>10</sup> I/A Court H.R., Case of the Kuna de Madungandí and Emberá de Bayano indigenous peoples and their members v. Panama, Judgment of October 14, 2014 (preliminary objections, merits, reparations and costs), [official summary issued by the Inter-American Court](#). (Available only in Spanish)

<sup>11</sup> I/A Court H.R., [Resolution of supervision of compliance with sentence, case of the Kuna de Madungandí and Emberá de Bayano indigenous peoples and their members v. Panama](#), November 18, 2020, (Available only in Spanish).

“11. In addition to the terms of subparagraph 9 above, the Commission may lift or review a precautionary measure when the beneficiaries or their representatives, without justification, fail to provide a satisfactory reply to the Commission on the requirements presented by the State for their implementation.”

31. Therefore, the Commission does not have any elements of assessment to indicate that new events have occurred against the beneficiaries in recent years. In this regard, the IACHR also recalls that the representatives of the beneficiaries who wish the measures to continue must provide proof of the reasons for doing so.<sup>12</sup> Accordingly, the Inter-American Court has ruled that “the passage of a reasonable period of time without threats or intimidation, added to the lack of an imminent risk, may lead to the lifting of provisional measures.”<sup>13</sup>

32. In light of the analysis previously carried out, the Commission considers at this time it does not have the necessary information to identify a situation of risk to meet the requirements of Article 25 of the Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>14</sup> the Commission deems it appropriate to lift these precautionary measures.

33. Lastly, the Commission recalls that the lifting of these measures does not prevent the representation 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.

## **V. DECISION**

34. The Commission decides to lift the precautionary measures granted in favor of the communities of the Kuna de Madungandí and Emberá de Bayano peoples, in Panama. The Commission also recalls that the situation of the beneficiary communities has been subject to supervision by the Inter-American Court of Human Rights in the context of the ruling in the *Case of the Kuna of Madungandí and Emberá de Bayano Indigenous Peoples and their members v. Panama*.

35. The Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State to respect and guarantee the rights recognized therein, including the life and personal integrity of the individuals.

36. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Panama and the representation.

37. Approved on February 17, 2025, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

<sup>12</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandum 16 (Available only in Spanish).

<sup>13</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, previously cited, considerandum 17.

<sup>14</sup> 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 (Available only in Spanish).