

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 25/2025**

Precautionary Measure No. 1214-24

Jhon Fernando Paladines Rubio regarding Nicaragua

March 10, 2025

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) has decided to lift the precautionary measures in favor of Jhon Fernando Paladines Rubio in Nicaragua. Following the request to lift presented by the representation, the Commission confirmed that to date, the beneficiary's situation has changed significantly, and he is currently living abroad. Upon not identifying compliance with the requirements set forth in Article 25 of its Rules of Procedure, the IACHR has decided to lift these precautionary measures.

**II. BACKGROUND INFORMATION**

2. On November 26, 2024, the Commission decided to grant precautionary measures in favor of Jhon Fernando Paladines Rubio in Nicaragua.<sup>1</sup> The request for precautionary measures alleged that the beneficiary, a Colombian national and businessman in Costa Rica, was traveling in Nicaragua for work. It reported that he was detained on March 9, 2024, by the Directorate of Judicial Assistance of the Nicaraguan National Police at his hotel in Managua and, since that date, his whereabouts had been unknown. Consequently, pursuant to Article 25 of its Rules of Procedure, the Commission requested that the State of Nicaragua: a) adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect his rights to life and personal integrity; b) inform whether the beneficiary is in the custody of the State, the circumstances and conditions of his detention. In particular, report on the place of his detention and the criminal case file opened against him, allowing access to his legal representatives and family members, as well as the corresponding consular assistance, and ensure that he is brought before competent judicial authorities for the review and monitoring of his situation; c) consult and agree upon the measures to be implemented with the beneficiary, his family members, and his representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

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

3. During the time the precautionary measures were in force, the Commission followed up on the situation by requesting information from both parties and has received a response 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>
2024	No information	December 11	December 12
2025	No information	January 13	

4. On December 12, 2024, the Commission requested updated information from both parties on the beneficiary's situation. On January 15, 2025, the representation submitted its response, in which it requested that these precautionary measures be lifted.

<sup>1</sup> Inter-American Commission on Human Rights (IACHR), Resolution 91/2024, Precautionary Measures No. 1214-24, Jhon Fernando Paladines Rubio regarding Nicaragua, November 26, 2024.

5. Laura Daniela Arévalo Paladines exerts representation before the Commission.

**A. Information provided by the State**

6. The State has not submitted information during the time the precautionary measures were in force.

**B. Information provided by the representation**

7. On December 11, 2024 and January 13, 2025, the representation reported that, on the night of December 9, 2024, Nicaraguan authorities released Jhon Fernando Paladines Rubio at the border between Nicaragua and Costa Rica. At that time, his documents were returned to him. Jhon Paladines left Nicaragua and, upon arriving in Costa Rica, returned to his residence. That same day, his relatives spoke with him and it was determined that he was in good health. It was also stated that there is no information on the grounds for his arrest or release, taking into account that there are no records of investigative proceedings or criminal proceedings against the beneficiary. In light of the above, the representation expressed its gratitude to the Inter-American Commission for the precautionary measures granted in favor of the beneficiary. In addition, they requested that these measures be lifted, given that the situation that placed the beneficiary at risk had ceased.

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

8. 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 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.

9. 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>2</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>3</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>4</sup> 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. 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

<sup>2</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.

<sup>3</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>4</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).

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, 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.

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

11. 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.<sup>5</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>6</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>7</sup>

12. In this matter, the Commission recalls that precautionary measures were granted on November 26, 2024, in favor of Jhon Fernando Paladines Rubio, a Colombian national residing in Costa Rica, who was on a business trip to Nicaragua and was reportedly detained on March 9, 2024, by the National Police in Managu. Since that date, his relatives had been unaware of his whereabouts, health, and legal status, despite several requests submitted to state authorities in Colombia and Nicaragua.

13. Upon assessing keeping these precautionary measures in force, the Commission verifies that, on December 11, 2024, the representation reported that the situation that put the beneficiary at risk had ceased. Thus, on December 9, 2024, Nicaraguan authorities released the beneficiary at the border between Nicaragua and Costa Rica. Consequently, Jhon Fernando Paladines Rubio is no longer deprived of his liberty and is reportedly in good health at his residence in Costa Rica. Due to the above, the Commission understands that compliance with the requirements of Article 25 of the Rules of Procedure does not persist to date, and thus considers that these precautionary measures should be lifted.

14. Without prejudice to the previous assessments, and considering that the State has not responded to the IACHR in this proceeding, the Commission notes with concern and recalls that, following the Inter-American Court, the failure of the State to report on all the measures adopted in compliance with its decisions is particularly serious, especially given the legal nature of these measures, which seek to prevent

---

<sup>5</sup> 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).

<sup>6</sup> I/A Court H.R., Case of Fernández Ortega et al., previously cited.

<sup>7</sup> I/A Court H.R., Case of Fernández Ortega et al., previously cited.

irreparable harm to persons in serious and urgent situations.<sup>8</sup> The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time, and the specific, true, current and detailed material references to the issues on which that obligation falls.<sup>9</sup>

15. Lastly, and in line with what has been set forth by the Inter-American Court in various matters,<sup>10</sup> a decision to lift the precautionary measures does not imply considering, in any way, that the State has effectively complied with the precautionary measures ordered; nor can it imply that the State is relieved from its general protection obligations, in 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. In the same way, and also based on the assessment of the Inter-American Court, the lifting of the precautionary measures or the declaration of non-compliance with them does not imply an eventual decision on the merits of the controversy if the case were to be brought before the inter-American system through a petition, nor does it prejudge state responsibility for the events denounced.<sup>11</sup>

## V. DECISION

16. The Commission decides to lift the precautionary measures granted in favor of Jhon Fernando Paladines Rubio, in Nicaragua.

17. The Commission recalls that the lifting of measures does not prevent the representation from filing a new request for precautionary measures, should they consider that there exists a situation presenting a risk that meets the requirements set forth in Article 25 of the Rules of Procedure.

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

19. Approved on March 10, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Roberta Clarke; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

---

<sup>8</sup> I/A Court H.R. Matter of Communities of Iguamiandó and Curvaradó regarding Colombia, Provisional Measures, Order of February 7, 2006, considerandum 16; and Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV), Provisional Measures, Order of September 12, 2005, considerandum 17 (Available only in Spanish).

<sup>9</sup> I/A Court H.R., previously cited.

<sup>10</sup> I/A Court H.R., Case of Velásquez Rodríguez, Provisional Measures regarding Honduras, Order of January 15, 1988, considerandum 3 (Available only in Spanish); Matter of Giraldo Cardona et al., Provisional Measures regarding Colombia, Order of January 28, 2015, considerandum 40 (Available only in Spanish).

<sup>11</sup> 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.