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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 51/2021**

Precautionary Measure No. 155-13  
Caleb Orozco regarding Belize  
July 11<sup>th</sup>, 2021  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR or Commission) decides to lift the precautionary measures at hand. In analyzing whether these precautionary measures should remain in force, the IACHR notes that it has not received information from the parties for approximately nine years. Particularly, no response was received from the beneficiary's representation after they were notified that the Commission would analyze whether to keep the measures in force. The IACHR recalled that the State must comply with the corresponding obligations under the American Declaration despite the lifting of these precautionary measures.

**II. BACKGROUND INFORMATION**

2. On May 29, 2013, the IACHR granted precautionary measures to Caleb Orozco, in Belize. The request for precautionary measures indicated that Caleb Orozco was at risk as a result of his work as an advocate for the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in Belize. The request alleged that Caleb Orozco was harassed and attacked at his residence and on the streets, and has received death threats on social media. It was also indicated that, despite having filed complaints with the police, the authorities did not provide him with protective measures. The IACHR requested that the State of Belize adopt the necessary measures to guarantee the life and physical integrity of Caleb Orozco, consult and agree upon the measures to be adopted with the beneficiary, and inform on the actions taken in order to investigate the facts that led to the adoption of precautionary measures.

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

3. Upon granting the measures, the Commission requested information from the parties on July 6, 2013. The IACHR received no response. On March 16, 2021, the IACHR informed the beneficiary's representation that it would proceed to review whether the precautionary measures should remain in force and requested information on the beneficiary's situation. The representation did not provide a response.

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

4. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States and, in the case of the Member States that have yet to ratify the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with the latter, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

5. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that the precautionary and provisional measures have a dual nature, both precautionary and protective. Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. In the process of reaching a decision, and according to Article 25(2) of the 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.

6. With respect to the foregoing, Article 25(7) of the Commission's Rules of Procedure establishes that “the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) establishes that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to keep, modify or lift the precautionary measures in force.” In this regard, the Commission shall assess whether the seriousness, urgency and risk of irreparable harm that led to the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

7. Additionally, the IACHR notes that while the review of the procedural requirements when adopting precautionary measures is performed from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.<sup>1</sup> In this sense, the burden of proof and argument increases over time when no imminent risk is identified.<sup>2</sup> The Inter-American Court has indicated that the lack of threats or intimidation over a reasonable period of time, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>3</sup>

8. In this matter, the Commission recalls that the precautionary measures were granted in 2013 in light of the available information, according to which Caleb Orozco was at risk as a result of threats, harassment, and attacks in the framework of his work in defense of the rights of LGBTI persons in Belize. However, in the context of the precautionary measures granted, and upon repeatedly requesting information from the State in 2013, the Commission notes that the State has not provided its response or information on the actions taken in this matter.

9. In this regard, the Commission recalls that, as noted by the Inter-American Court, failure to comply with the State's duty to report on all the measures adopted in compliance with its decisions is particularly serious, given the legal nature of these measures that seek to prevent irreparable harm to

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<sup>1</sup> I/A Court H.R. Provisional measures regarding Mexico. Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/fernandez\\_se\\_08.pdf](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

persons in serious and urgent situations.<sup>4</sup> The duty to inform constitutes a dual obligation that, for its effective fulfillment, requires the formal presentation of a document in due time and the specific, truthful, up-to-date and detailed material reference to the issues on which that obligation falls.<sup>5</sup>

10. The IACHR notes that it has not received any type of information or communication from the beneficiary's representatives since 2013. Even upon requesting information again in 2021, and having informed the representatives that it would proceed to review whether these measures should remain in force, the Commission notes that no response has been provided for approximately nine years.

11. In this regard, as established by the Inter-American Court, the IACHR recalls that the representatives' procedural activity in the framework of this proceeding is necessary in order to timely analyze any relevant observations. In general, they must provide specific and detailed information to evaluate whether the precautionary measures should be sustained, taking into account their considerations.<sup>6</sup> Otherwise, the Commission would lack sufficient elements to determine if the precautionary measures should in fact remain in force. As noted by the Court, if the beneficiaries' representation wishes for these measures to remain in force, they must present proof in support of their reasons.<sup>7</sup>

12. Accordingly, and despite the requests for information made between 2013 and 2021, the Commission notes that it lacks sufficient elements to conclude that the requirements established in Article 25 of the Rules of Procedure are currently met. In approximately nine years, the Commission has not received any information from the parties. Lastly, and in line with what was indicated by the Inter-American Court in various matters,<sup>8</sup> the lifting of measures by no means implies that the State has effectively implemented the precautionary measures granted, nor does it imply that the State is relieved of its general protection obligations. The State is therefore obliged to guarantee the rights of persons at risk and must promote the necessary investigations to clarify the facts, followed by any specified consequences and adopting measures in light of the duty of due diligence to prevent future situations presenting a risk, as those reported in the initial request filed with the IACHR. Similarly, and based on the assessment of the Inter-American Court, the lifting of or non-compliance with the precautionary measures does not constitute an eventual decision on the merits of the controversy if a petition were to be brought before the Inter-American System, nor does it entail a prejudgment of any State responsibility for the events denounced.<sup>9</sup>

## V. DECISION

13. The Commission hereby decides to lift the precautionary measures granted to Caleb Orozco in Belize.

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<sup>4</sup> I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2006. Considerandum 16, and Case of Luisiana Ríos *et al.* (Radio Caracas Televisión – RCTV). Provisional Measures. Resolution of the Inter-American Court of Human Rights of September 12, 2005. Considerandum 17.

<sup>5</sup> *Ibid.*

<sup>6</sup> I/A Court H.R. Case of Coc Max *et al.* (Massacre of Xamán) v. Guatemala. Provisional Measures. Order of the Inter-American Court of Human Rights of February 6, 2019. Considerandum 12. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/coc\\_se\\_02.pdf](http://www.corteidh.or.cr/docs/medidas/coc_se_02.pdf)

<sup>7</sup> I/A Court H.R. Matter of Luisiana Ríos *et al.* regarding Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of August 22, 2018. Considerandum 3. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/rios\\_se\\_10.pdf](http://www.corteidh.or.cr/docs/medidas/rios_se_10.pdf)

<sup>8</sup> See: I/A Court H.R. Matter of Velásquez Rodríguez. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considerandum 3, and Matter of Giraldo Cardona *et al.* Provisional measures regarding Colombia. Resolution of the Inter-American Court of Human Rights of January 28, 2015, Considerandum 40.

<sup>9</sup> See: I/A Court H.R. Matter of Guerrero Larez. Provisional Measures regarding Venezuela. Resolution of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16, and Matter of Natera Balboa. Provisional Measures regarding Venezuela. Resolution of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16.

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14. The Commission deems it appropriate to recall that, in accordance with the American Convention, the State of Belize is obligated to respect and guarantee the rights of Caleb Orozco, regardless of the decision to lift these measures.

15. The Commission further recalls that it may review any new request for precautionary measures that may be filed.

16. The Commission instructs its Executive Secretariat to notify this resolution to the State of Belize and the beneficiary's representation.

17. Approved on July 11, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan; Second Vice-President; Margarete May Macaulay; Joel Hernández García and Edgar Stuardo Ralón Orellana.

Tania Reneaum Panszi  
Executive Secretary