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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 79/2022**

Precautionary Measures Nos. 204-14, 489-15, 156-17, and 1048-20  
John Winfield and three others regarding the United States  
December 28, 2022  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of John Winfield, Alfredo Rolando Prieto, William Charles Morva, and Lisa Montgomery in the United States. At the time of the decision, the Commission observes that the beneficiaries have been executed despite the precautionary measures being in force and having requested that the State refrain from applying the death penalty while the Commission analyzed the related petitions. In its assessment, the IACHR also observed that the execution of sentences giving rise to the death penalty implies both a significant change in the factual circumstances that motivated the granting of precautionary measures, as well as a failure to implement them. The IACHR condemns the application of the death penalty to persons benefiting from precautionary measures. Notwithstanding the lifting of the precautionary measures, the Commission continues with the analysis of the related petitions, as appropriate.

**II. BACKGROUND INFORMATION**

2. The IACHR granted precautionary measures in favor of persons sentenced to the death penalty in the United States from the precautionary and protective aspects in relation to petitions before the inter-American system in which violations of the American Declaration of the Rights and Duties of Man were alleged, as well as the detention conditions of people on death row, as appropriate.

*- PM-204-14 related to petition 815-14 (John Winfield)*

3. On June 6, 2014, the IACHR granted precautionary measures to prevent irreparable harm to John Winfield, who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging the violation of rights recognized in the American Declaration of the Rights and Duties of Man, which was registered under number P-815-14. Through its resolution, the Commission requested that the Government of the United States refrain from executing John Winfield until the IACHR ruled on the individual petition filed on his behalf.<sup>1</sup>

*- PM 489-15 related to petition 1503-15 (Alfredo Rolando Prieto)*

4. On September 29, 2015, the IACHR decided grant precautionary measures in favor of Alfredo Rolando Prieto, a Salvadoran national who was sentenced to death in 2010 and who was scheduled to be executed by lethal injection on October 1, 2015. The request relates to petition P-1503-15, alleging violations of the Declaration of the Rights and Duties of Man. After analyzing the submissions of fact and law presented by the applicants, the Commission considered that, if Mr. Alfredo Rolando Prieto were executed without having the opportunity to examine the case in depth, potential remedies would be affected and irreparable harm would be caused. Therefore, in accordance with Article 25 of the Rules of Procedure of the IACHR, the

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<sup>1</sup> IACHR. [Resolution 16/2004](#). Precautionary Measure No. 204-14. Matter of John Winfield regarding the United States of America. June 6, 2014.

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Commission requested the United States to adopt the necessary measures to preserve the life and physical integrity of Mr. Alfredo Rolando Prieto until the IACHR pronounced on his request, in order not to render his case before the inter-American system moot.<sup>2</sup>

- *PM 156-17 related to petition 388-17 (William Charles Morva)*

5. On March 16, 2017, the IACHR decided to request the adoption of precautionary measures in favor of William Charles Morva, in the United States. The request alleged that Mr. William Chales Morva was sentenced to death in 2008 and faced imminent execution despite alleged violations of his due process rights during the judicial process. After analyzing the applicants' submissions of fact and law, the Commission considered that, if William Charles Morva were executed without the opportunity to examine his case, registered under number P-388-17, in depth, potential remedies would be affected and irreparable harm would be caused. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, the Commission requested the United States to adopt the necessary measures to protect the life and personal integrity of William Charles Morva until the IACHR has ruled on his petition.<sup>3</sup>

- *PM 1048-20 related to petition 2202-20 (Lisa Montgomery)*

6. On December 1, 2020, the Commission granted precautionary measures in favor of Lisa Montgomery who was sentenced to death in the United States. The request for precautionary measures alleged that Ms. Montgomery was confined in conditions which were not compatible with international standards and that, given her mental illness, her execution should not be carried out. The request for precautionary measures was accompanied by a petition alleging the violation of rights recognized in the American Declaration of the Rights and Duties of Man, which was registered under number P-2202-20. After analyzing the applicants' submissions of fact and law, the Commission considered that, if Lisa Montgomery were executed without an opportunity to examine her case, potential remedies would be affected and irreparable harm would result. The Commission also concluded that the detention conditions on death row and their impact on the beneficiary's right to life and humane treatment constitute a risk to Lisa Montgomery's rights. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested the United States to adopt the necessary measures to protect the life and right to humane treatment of Ms. Lisa Montgomery; refrain from carrying out the death penalty on Lisa Montgomery until the IACHR has had the opportunity to reach a decision on her petition; guarantee detention conditions that are compatible with international standards, with special consideration to her personal conditions; provide appropriate medical attention for her physical or mental health conditions, in accordance with international human rights applicable standards; and adopt the measures in question in consultation with the beneficiary and her representatives.<sup>4</sup>

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

7. During the time the precautionary measures were in force, the Commission received information from the parties and has followed-up the beneficiaries' situation by issuing requests for information. In specific cases, the Commission has also held hearings and relevant press releases have been issued.

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<sup>2</sup> IACHR. [Resolution 32/2015](#). Precautionary Measure No. 489-15. September 29, 2015

<sup>3</sup> IACHR. [Resolution 9/2017](#). Precautionary Measure No. 156-17. William Charles Morva regarding the United States of America. March 16, 2017.

<sup>4</sup> IACHR. [Resolution 91/2020](#). Precautionary Measure No. 1048-20. Lisa Montgomery regarding the United States of America. December 1, 2020.

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*- PM-204-14 related to petition 815-14 (John Winfield)*

8. The information submitted by the representatives, in the framework of petition 815-14, shows that Mr. Winfield was executed on June 18, 2014, in the state of Missouri, United States, and that the Commission did not have the opportunity to pronounce on petition 815-14. On June 23, 2014, the United States' inability to preserve Mr. Winfield's life pending a petition before the IACHR contravenes its international legal obligations derived from the Charter of the Organization of American States, in force since the United States joined the OAS in 1951, and the American Declaration.<sup>5</sup> On April 18, 2022, the Commission submitted a request for updated information to the representatives but did not receive information within the indicated deadlines.

9. In the context of the processing of the petition, in January 2018, the IACHR decided to open the case under number 13.467. In December 2019, the IACHR notified the parties of its final decision to file the case.

*- PM 489-15 related to petition 1503-15 (Alfredo Rolando Prieto)*

10. The State reported, by communication dated October 16, 2015, that Mr. Rolando Prieto was executed on October 1, 2015, in the state of Virginia, United States. Therefore, the Commission had no opportunity to rule on petition 1503-15. In this regard, the Commission condemned and highlighted the United States' failure to preserve Mr. Winfield's life pending a petition before the IACHR, as it contravenes its international legal obligations derived from the Charter of the Organization of American States, in force since the United States joined the OAS in 1951, and the American Declaration.<sup>6</sup> On April 18, 2022, the Commission sent a request for information to the representatives regarding the precautionary measures, but did not receive a response.

11. In the context of the processing of the petition, in February 2018, the IACHR decided to open the case with number 13.479. In December 2019, the IACHR notified the parties of its final decision to file the case.

*- PM 156-17 related to petition 388-17 (William Charles Morva)*

12. On March 29, 2017, the State sent information indicating that the precautionary measures granted had been transferred to the Governor and the Attorney General of the State of Virginia. On April 13, 2022, the Commission sent a request for information to the representatives. On July 1, 2022, the representatives forwarded information indicating that Mr. Morva was executed on July 6, 2017 in the state of Virginia.

13. In the context of the processing of the petition, the IACHR notified the parties of its final decision to file the case in January 2021.

*- PM 1048-20 related to petition 2201-20 (Lisa Montgomery)*

14. In the framework of petition 2201-20, on August 16, 2021, the representatives submitted information which indicated that, after several postponements, Ms. Montgomery was reportedly executed on

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<sup>5</sup> IACHR, [Press Release No. 69/14](#), IACHR Condemns Execution of John Winfield in the United States, June 23, 2014.

<sup>6</sup> IACHR, [Press Release No. 114/15](#), IACHR Condemns Execution of Alfredo Ronaldo Prieto in Virginia, October 8, 2015.

January 12, 2021 while under custody of the United States federal system. In relation to Ms. Montgomery's execution, the IACHR expressed its disapproval through a press release on January 15, 2021.<sup>7</sup> The IACHR recalled that the nature of the granted precautionary measures was intended to preserve Ms. Montgomery's legal situation while she it was being examined within the framework of the inter-American system. On April 18, 2022, the Commission sent a request for updated information to the representatives, but did not receive a reply.

15. In the context of the processing of the petition, in April 2021, the IACHR opened case number 14.554. The IACHR continues with the corresponding processing of the petition in the regulatory terms.

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

16. 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 not yet ratified 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 Commission's Rules of Procedure. In accordance with this Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

17. The Inter-American Commission and the Inter-American Court of Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>8</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are under consideration by the IACHR. In this sense, the precautionary nature of the granted measures allows States not to incur responsibility for human rights violations and/or ensures that they can fulfill their duties of reparation.

18. 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.

<sup>7</sup> IACHR, [Press Release No. 010/21](#), The IACHR condemns the application of the death penalty imposed on Lisa Montgomery, beneficiary of precautionary measures, in the United States of America, January 15, 2021.

<sup>8</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#), Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5. (Available only in Spanish).

19. 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 "[t]he 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. 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.

20. The Commission notes that these precautionary measures were granted to adopt measures aiming *inter alia*, to protect the life and personal integrity of the beneficiaries, the Commission requested that the execution of the respective death sentences in all cases to be suspended to allow the Commission to analyze the allegations of violation of the American Declaration presented by the beneficiaries' representatives.

21. Notwithstanding the above considerations, the Commission observes that the four beneficiaries were executed before it could examine their petitions alleging the violation of rights recognized in the American Declaration of the Rights and Duties of Man. In the opinion of the Commission, this reflects that the State did not implement the precautionary measures despite being in force. To the extent that the petitions concerning *John Winfield*, *Alfredo Rolando Prieto*, and *William Charles Morva* are filed, the Commission will continue with the analysis of the petition concerning *Lisa Montgomery* in accordance with the relevant regulatory provisions.

22. In view of the above, the Commission notes that the factual situation has changed and, as the beneficiaries were executed, the precautionary measures have been rendered moot. In this sense, it is appropriate to lift the precautionary measures in favor of *John Winfield*, *Alfredo Rolando Prieto*, *William Charles Morva*, and *Lisa Montgomery* regarding the United States.

23. Lastly, the Commission would like to recall that "OAS member states, by creating the Commission and mandating it through the OAS Charter and the Commission's Statute to promote the observance and protection of human rights of the American peoples, have implicitly undertaken to implement measures of this nature where they are essential to preserving the Commission's mandate."<sup>9</sup> In this regard, the Commission observes that "Particularly in capital cases, the failure of a member state to preserve a condemned prisoner's life pending review by the Commission of his or her complaint emasculates the efficacy of the Commission's process, deprives condemned persons of their right to petition in the inter-American human rights system, and results in serious and irreparable harm to those individuals".<sup>10</sup>

## V. DECISION

<sup>9</sup> IACHR, [Report No. 52/01](#), Case 12.243, Juan Raul Garza, United States, April 4, 2001, para. 117

<sup>10</sup> *Ibid.*, footnote 31. The Commission further recalls that other international tribunals have also considered interim measures to be a prerequisite for the effectiveness of proceedings related to the imposition of the death penalty. See, for example, Inter-American Court of Human Rights, [Matter of James et al.](#), Order of Interim Measures of August 29, 1998; ICJ, [Matter Linked to the Vienna Convention on Consular Relations \(Germany v. United States of America\)](#), Request for Indication of Interim Measures, Order of March 3, 1999, General List, No. 104, paras. 22-28; European Court of Human Rights, [Ocalan v. Turkey](#), ordered interim measures under Rule 39 of the Rules of procedure of the Court of Human Rights, November 30, 1999; United Nations Human Rights Committee, [Dante Piandiong et al. v. Philippines](#), Communication No. 69/1999, U.N. Doc. CCPR/C/70/D/869.1999 (October 19, 1999), paras. From 5.1 to 5.4

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24. The Commission considers that the precautionary measures granted in favor of John Winfield, Alfredo Rolando Prieto, William Charles Morva, and Lisa Montgomery are rendered moot. Therefore, the Commission has decided to lift their respective precautionary measures.

25. The Commission instructs the Executive Secretariat of the IACHR to notify the United States and the representatives of this Resolution.

26. Approved on December 28, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Roberta Clarke, members of the IACHR.

Jorge Meza Flores  
Assistant Executive Secretary