

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 7/2023**

Precautionary Measures No. 80-09
Ronald John regarding Trinidad and Tobago
February 21, 2023
Original: English

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Ronald John regarding Trinidad and Tobago. At the time of taking the decision, the Commission observes that the beneficiary's representatives have not provided information since November 1st, 2011, and the State since December 23rd, 2010, despite several requests from the Commission. 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 April 6th, 2009, the Inter-American Commission on Human Rights granted precautionary measures in favor of Ronald John in Trinidad and Tobago. Mr. Ronald John was deprived of liberty awaiting enforcement of the death penalty for the alleged commission of a crime in 2002.

3. The precautionary measures were issued in the context the petition P-364-09 on the alleged violation of the rights enshrined in Articles I, XVIII and XXVI of the American Declaration by the State of Trinidad and Tobago. The petition alleged irregularities in the detention, process and sentencing of Mr. John, among other factors. Through the precautionary measures, the Commission asked the State of Trinidad and Tobago to refrain from executing the death sentence until it has had an opportunity to issue its decision on the petitioner's claim of an alleged violation of the American Declaration¹.

III. RELEVANT INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURE WAS IN FORCE

4. During the time the precautionary measure was in force, the Commission has received information from the parties and has followed up the situation of the beneficiary by making requests for information. On December 14th, 2010, the State of Trinidad and Tobago informed that the beneficiary had applied to the President of the Republic to have his case referred to the Court of Appel to be reheard and determined in accordance with the law, a legal venue foreseen under Trinidadian law. The State indicated that after an internal inquiry, it was determined that the beneficiary's case had no merit. In that opportunity, the State requested the Commission to review the beneficiary's petition P-364-09 in light of the presidential procedure.

5. On December 30th, 2010, the representatives of the beneficiary responded indicating their intention to continue pursuing their petition with the IACHR. On January 5th, 2011, the representatives provided additional information responding to the merits of the State internal inquiry carried out in the context of his cited application to the President and alleging due process violations. Since this date, the Commission has not received information from the beneficiary's representative nor the State.

¹ IACHR. [Precautionary Measures 80-09 – Ronald John](#), Trinidad and Tobago. 2009.

6. On May 14, 2021, the Commission informed the beneficiary's representative of the possibility of archiving his petition P-364-09 due to lack of response. On February 7th, 2022, the Commission informed both parties of the archiving of said petition.

7. On September 15th, 2022, in compliance with item 9 of Article 25 of the IACHR's Rules of Procedure, the Commission requested both parties to provide updated information regarding the implementation of the present precautionary measures in order to evaluate if the Article 25 requirements were still in force. The Commission has not received a reply to present date.

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

8. 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.

9. 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.² Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are under consideration by the IACHR. In the process of reaching a decision, 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.

10. With respect to the foregoing, Article 25(7) of the Commission's Rules of Procedure establishes that "[t]he decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions." Article 25(9) sets forth 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.

² 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.

Furthermore, it shall consider whether there are new situations that may comply with the requirements set forth in Article 25 of the Rules of Procedure.

11. The Commission notes that the precautionary measure requested the State to stay the execution of the death sentence, allowing the IACHR to analyze the allegations of violation of the American Declaration presented by the beneficiary's representatives. Due to the lack of response from the beneficiary's representatives, the Commission archived his petition on February 7th, 2022.

12. Consequently, given the archiving of the petition, the Commission understands that the precautionary nature of the present measure is no longer applicable³. In addition, in light of the lack of updated information provided by the parties, the Commission adverts that it is not possible to identify any situation that currently fulfills the requirements of Article 25 of the Rules of Procedure. Particularly, the IACHR lacks the elements of assessment to conclude that the beneficiary is currently in a situation of "imminent" risk in accordance with Article 25. To indicate that the Commission takes into consideration that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation⁴. 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 measures⁵.

13. Furthermore, the Commission recalls that, according to the Inter-American Court, failure to comply with the duties to report on all the measures adopted in the implementation of its decisions is particularly serious, given the legal nature of these measures that seek to prevent irreparable harm to persons in serious and urgent situations⁶. 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, true, current and detailed material reference to the subjects on which such obligation falls⁷. In this matter, the Commission identifies that it cannot continue monitoring the situation of the beneficiary given the absence of information from the parties for a period of more than 10 years. Despite the requests for information made by the Commission, the lack of information has persisted over time.

14. Thus, considering archiving of the petition P-364-09 and the lack of updated information of risk provided by the parties, the Commission considers that the precautionary measures should be lifted.

15. Lastly, and as noted by the Inter-American Court in various matters⁸, the lifting of measures by no means implies that the State has effectively implemented the precautionary measures issued, nor does it imply that the State is relieved of its general protection obligations. In this framework, 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 established consequences.

³ See IACHR. [Rules of Procedure](#). 2013. Article 42.

⁴ I/A Court H.R., [Provisional Measures regarding Mexico](#), Order of February 7, 2017, para. 16 and 17.

⁵ Ibid.

⁶ 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; I/A Court H.R. [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.

⁷ Ibid.

⁸ See: I/A Court H.R. [Case of Velásquez Rodríguez](#). Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considerandum 3; I/A Court H.R. [Matter of Giraldo Cardona et al.](#) Provisional measures regarding Colombia. Order of the Inter-American Court of Human Rights of January 28, 2015, Considerandum 40.

V. DECISION

16. The Commission decides to lift the precautionary measures granted in favor of Ronald John regarding Trinidad and Tobago.

17. The Commission instructs the Executive Secretariat of the IACHR to notify the State of Trinidad and Tobago and the representatives of this Resolution.

18. Approved on February 21, 2023, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary