
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 34/2020**

Precautionary Measure No. 458-14
Members of Kaieteur News Journal regarding Guyana
June 29th, 2020

I. BACKGROUND INFORMATION

1. On November 18, 2014, the Inter-American Commission on Human Rights (IACHR) requested the adoption of precautionary measures in favor of the members of Kaieteur News in Guyana. According to the request for precautionary measures, the beneficiaries received threats against their lives and personal integrity as a result of their work as journalists. After analyzing the allegations of fact and law, the Commission believed that the information provided demonstrated *prima facie* that the members of Kaieteur News were in a serious and urgent situation, since their lives and personal integrity faced an imminent risk of irreparable harm.

2. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requested that the Republic of Guyana adopt the necessary measures to protect the lives and personal integrity of the three identified members of the Kaieteur News Journal; to agree on the measures to be taken with the beneficiaries and their representatives; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure in order to prevent their reoccurrence.

II. INFORMATION PROVIDED WHILE THE MEASURE WAS IN FORCE

3. Over the duration of the precautionary measure in force, the Commission monitored the situation and requested information from both parties. The State provided its response on December 8, 2014, and claimed that the situation does not meet the procedural requirements. The Commission forwarded the State's response to the representatives and reiterated the request for additional information on December 18, 2014, and again on February 6 and March 16, 2015. The Commission has not received a response from the representatives to date.

4. In its response received on December 8, 2014, the State claimed that it has always recognized and promoted freedom of the press in all its forms and facets, and highlighted its domestic legal framework in this regard. The State further informed that Kaieteur News is known for spreading "sensationalist" news and targeting public officials and their families in particular. The State argued against some of the allegations submitted by the requesting party that led to the adoption of the precautionary measure, stating in general that such allegations are untrue or lack the supporting documentation. Finally, the State informed of several domestic processes involving the beneficiaries.

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

5. The precautionary measures mechanism is part of the Commission's mandate of overseeing compliance with human rights obligations established in the Charter of the Organization of the American States, and in the Declaration of the Rights and Duties of Man for Member States who have yet to ratify the American Convention. These general oversight functions are set forth in Article 18 of the Statute of

the Commission, while the precautionary measures mechanism is enshrined in Article 25 of the Commission's Rules of Procedure. Pursuant to this article, the Commission grants precautionary measures in serious and urgent situations, and when these measures are necessary to prevent an irreparable harm to persons.

6. The Inter-American Commission and the Inter-American Court on Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both precautionary and protective. Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations while the IACHR analyzes the corresponding petition or case. For such purposes, 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" is determined through the provided information and 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.

7. With regard to the abovementioned, Article 25(7) of the Commission's Rules of Procedure stipulates that "the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions". Article 25(9) provides 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 must assess whether the situation continues to exhibit the seriousness and urgency, as well as the possible realization of irreparable harm that originally caused the adoption of precautionary measures. Furthermore, it shall consider whether new situations have taken place that may comply with the requirements set forth in Article 25 of the Rules of Procedure.

8. As it pertains to this matter, the Commission notes that the precautionary measure was granted with consideration of the fact that Kaieteur News is an independent journal from Guyana, whose members were facing threats to their lives after allegedly uncovering acts of corruption. In this regard, the Commission notes that the State casted doubts on the compliance of this matter with procedural requirements. It provided further information of its domestic framework on freedom of expression and questioned some of the alleged incidents that led to the granting of this precautionary measure. After having requested information from the representation on three occasions, the Commission notes that no response has been received to date and further considers that more than 4 years have transpired since their last written communication.

9. In light of such circumstances, and despite having requested information from the beneficiaries' representation on several occasions, the Commission notes that it has no information at its disposal regarding the current situation of the beneficiaries. Furthermore, no information has been provided with regard to new events that may cause the beneficiaries to be at risk following the granting of this measure in 2014. Consequently, the Commission considers that it lacks information to verify compliance

with the requirements of seriousness, urgency, and risk of irreparable harm against the life and integrity of the beneficiaries.

10. In view of the aforementioned, and taking into account the exceptional and timely nature of precautionary measures, the Commission deems it appropriate to lift the present measures insofar as it lacks information to conclude that they should remain in force.

IV. DECISION

11. The Commission hereby decides to lift the precautionary measure granted to the members of the Kaieteur News Journal.

12. The Commission wishes to recall that, in accordance with Articles 4 and 5 of the American Convention in conjunction with Article 1(1) thereof, the State of Guyana has the obligation to respect and guarantee the rights of the members of Kaieteur News, notwithstanding the decision to lift this measure.

13. The decision to lift this precautionary measure does not preclude the IACHR from assessing a new request that may be filed in accordance with the requirements set forth in Article 25 of the Rules of Procedure.

14. The Commission requests that the Executive Secretariat of the Inter-American Commission notify the Republic of Guyana and the representation of the present resolution.

15. Approved on June 29th, 2020, by: Joel Hernández García, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño and Julissa Mantilla Falcón, members of the IACHR.

Paulo Abrão
Executive Secretary