

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 70/ 2020**

Precautionary Measure No. 278-10

Eleven members of the Organization of Volunteers for the Promotion of Human  
Rights regarding Haiti  
October 19, 2020

**I. BACKGROUND INFORMATION**

1. On October 4, 2010, the Inter-American Commission on Human Rights (IACHR) requested the adoption of precautionary measures in favor for eleven members of the Organization of Volunteers for the Promotion of Human Rights, in Les Cayes, Haiti<sup>1</sup>. The request alleged that the beneficiaries were reportedly subjected to a series of threats and intimidation by unidentified persons, purportedly due to belonging to said organization and being involved in the defense of human rights in Haiti. Having analyzed the submissions of fact and law, the Commission considers that the information shows *prima facie* that the beneficiaries were at a serious risk. Consequently, the Commission requested that the State of Haiti adopt the necessary measures to guarantee the life and personal integrity of the beneficiaries.

**II. INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURE WAS IN FORCE**

2. During the time the precautionary measures were in force, the Commission has followed up on the situation of these precautionary measures, by means of requests for information from the parties between 2012 and 2019.<sup>2</sup> Throughout the time the precautionary measures were in force, the State has not provided any response despite the requests for information duly made over time. Since September 2015, the Commission has not received communications from the representatives in which they report on the current situation of the beneficiaries, despite the requests for information made in November 2015 and November 2019.

3. In September 2012, the representatives reported on events that had continued against the beneficiaries and their organization, such as throwing stones after a weekly training session with women on the subject of victims of violence, and cutting of the office Internet system by unknown individuals. Furthermore, the judicial investigations had allegedly been "politicized" and they had been forced to flee Les Cayes city. Therefore, the organization purportedly ceased to work in Les Cayes.

4. Finally, in September 2015, the representatives alleged that they were purportedly in a situation of insecurity due to the publication of a report after the legislative elections. They presented information on alleged acts of sabotage at their office, the theft of their work materials by unknown individuals, and random acts of violence that took place in the framework of the legislative elections in August 2015. These events forced them to leave their residences for their safety.

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

<sup>1</sup> Igenoit Sael, Edvil Brumer, Fégy Lindor, Yvon Decilien, Jean Claude Francois, Rouslene Brumer, Dieula Loritan, Marie-Jeanne Pierre, Yves Decilien, Luc Lamure, Sophonie Sylne

<sup>2</sup> Information requests made in August 2012, August 2013, November 2015 and November 2019.

5. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with human rights obligations established in the Charter of the Organization of the American States and, in the case of Member States that have not yet ratified the American Convention, in the Declaration of the Rights and Duties of Man. These general oversight functions are set forth in Article 18 of the Statute of the Commission, while the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the IACHR. 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.

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 protective and precautionary. 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 that are under the consideration of the IACHR. For the purpose of making 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" is determined from the information provided 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. In 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." In addition, 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 of seriousness and urgency and the possible materialization of an irreparable harm that gave rise to the adoption of precautionary measures continue to exist. 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.

8. Similarly, the Commission recalls that although the assessment of the regulatory requirements when adopting precautionary measures is made from the *prima facie* standard, their maintenance requires a more rigorous evaluation.<sup>3</sup> In this sense, the burden of proof and argumentation increases as time passes and there is no imminent risk.<sup>4</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>5</sup> The Commission recalls that these precautionary measures were granted considering that in 2010 the beneficiaries were allegedly subject to threats and intimidation purportedly in the framework of the work they carry out as members of the "Organization of Volunteers for the Promotion of Human Rights" in Haiti.

9. After requesting information from the State on the measures adopted to implement these precautionary measures since 2010, the Commission notes that no response was given by the State. In this respect, the Commission recalls, following the Inter-American Court, that failure to comply with

<sup>3</sup> I/A Court H.R. Provisional measures regarding Mexico. Resolution dated February 7, 2017, para. 16 and 17. Available at: [http://www.corteidh.or.cr/docs/medidas/fernandez\\_se\\_08.pdf](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>4</sup> Ibid

<sup>5</sup> Ibid

the State duty to report as to all the measure adopted in compliance with their decisions is particularly serious, due to the legal nature of these measures seeking to prevent irreparable damage to persons in a serious and urgent situation.<sup>6</sup> The duty to report constitutes an obligation with a dual nature that requires, for its effective compliance, formal and timely filing of a document and the specific, certain, current and detailed reference to the subjects on which said obligation is based.<sup>7</sup>

10. Similarly, in the case of the representatives, the Commission considers, taking up what the Inter-American Court indicated, that its procedural activity in the context of the present procedure is necessary with a view to timely analyze the observations deemed relevant and, in general, to provide specific and detailed information to assess the effectiveness of the precautionary measures taking its considerations into account.<sup>8</sup> Otherwise, the Commission does not have elements that permit an analysis over the continuation of the precautionary measures. As stated by the Inter-American Court, the representatives of the beneficiaries whose intention is the continuation of the measures should provide evidence of the reasons therefor.<sup>9</sup>

11. In this sense, the Commission notes that the representatives provided information regarding the situation of the beneficiaries between 2012 and 2015 (see para. 3 and 4 above). Nevertheless, the Commission stresses that, although several requests for information were made in November 2012 and November 2019, no information has been provided as regards the situation of the beneficiaries nor as regards the actions or omissions by the State in the context of the implementation of the precautionary measure. In view of the foregoing and upon the lack of updated information, the Commission does not have elements to conclude that the requirements set forth in Article 25 of its Rules of Procedure are currently met.

12. Having almost 5 years passed without response from the representatives, the Commission deems it has neither specific nor current information that allows to determine that the beneficiaries are at serious and urgent risk of irreparable harm to their rights, as set forth in Article 25 of the Rules of Procedure. Since there is no information that supports the requirements of seriousness, urgency and risk of irreparable damage, and taking into consideration the temporary and exceptional nature of precautionary measures,<sup>10</sup> the Commission decides to proceed with the lift of the present matter.

13. Finally, and following the Inter-American Court's indications on several matters,<sup>11</sup> a decision to lift does not imply the consideration, in any way, that the State effectively complied with the precautionary measures ordered, nor can it imply that the State is relieved from its general protection obligations included in Article 1(1) of the Convention, in which context the State must especially guarantee the rights of persons at risk and must promote the investigations necessary to clarify the facts, followed by the consequences set forth. In the same manner, also based on the considerations of the Inter-American Court, the lift or declaration of non-compliance of the precautionary measures does not entail a contingent decision on the merits of the dispute were the case to be forwarded to the

---

<sup>6</sup> I/A Court H.R. Matter of Jiguamiandó and Curvaradó Communities regarding Colombia. Provisional Measures. Resolution from the Inter-American Court of Human Rights dated February 7, 2006. Considerandum 16; and Case Luisiana Ríos et al. (Radio Caracas Televisión – RCTV). Provisional Measures. Resolution from the Inter-American Court of Human Rights dated September 12, 2005. Seventeenth Considerandum.

<sup>7</sup> Ibidem

<sup>8</sup> I/A Court H.R. Case Coc Max et al. (Xamán Massacre) v. Guatemala. Provisional Measures. Resolution from the Inter-American Court of Human Rights dated 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>9</sup> I/A Court H.R. Matter Luisiana Ríos et al. regarding Venezuela. Provisional Measures. Resolution from the Inter-American Court of Human Rights dated 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>10</sup> I/A Court H.R. Matter Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Resolution of the Court dated August 21, 2013, para. 22, and Matter Galdámez Álvarez et al. Provisional Measures regarding Honduras. Resolution from the Inter-American Court of Human Rights dated November 23, 2016, para. 24

<sup>11</sup> See: I/A Court H.R. Case Velásquez Rodríguez. Provisional Measures regarding Honduras. Resolution from the Inter-American Court of Human Rights dated January 15, 1988, Considerandum 3, and Matter Giraldo Cardona et al. Provisional Measures regarding Colombia. Resolution from the Inter-American Court of Human Rights dated January 28, 2015, Considerandum 40.

---

Inter-American System through a petition, nor does it prejudice the State's liability arising from the facts alleged.<sup>12</sup>

#### **IV. DECISION**

14. The Commission hereby decides to lift the precautionary measures granted in favor of the eleven members of the Organization of Volunteers for the Promotion of Human Rights.

15. The Commission deems pertinent to remember that in line with Articles 4 and 5 of the American Convention regarding Article 1(1) of the same document, the State of Haiti is under the obligation to respect and guarantee the rights of the members of the Organization of Volunteers for the Promotion of Human Rights irrespective of the lift of the precautionary measures.

16. The Commission recalls that a new request for precautionary measures may be considered, in case said request is filed.

17. The Commission requests that the Executive Secretariat of the IACHR notify the present resolution to the States of Haiti and the beneficiary's representatives.

18. Approved on October 19, 2020 by: Antonia Urrejola Noguera, First Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; and Edgar Stuardo Ralón Orellana; members of the IACHR.

María Claudia Pulido  
Acting Executive Secretary

---

<sup>12</sup> See: I/A Court H.R. Matter Guerrero Larez. Provisional Measures regarding Venezuela. Resolution of the Inter-American Court of Human Rights dated August 19, 2013, Considerandum 16, and Matter Natera Balboa. Provisional Measures regarding Venezuela. Resolution of the Inter-American Court of Human Rights dated August 19, 2013, Considerandum 16.