
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 54/2022**

Precautionary Measures No. 262-02, 465-11, 470-11, and 357-11
Abu-Ali Abdur' Rahman and three others regarding the United States
October 9, 2022
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I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Abu-Ali Abdur' Rahman, Virgilio Maldonado Rodríguez, Iván Teleguz, and Héctor Rolando Medina in the United States. Having analyzed the information available, the IACHR considered that there are no sufficient elements to continue identifying compliance with the requirements of Article 25 of the Rules of Procedure. In its assessment, the IACHR observed that commutations of the death penalty represent a significant change in the factual circumstances that motivated the granting of precautionary measures at the time.

II. BACKGROUND INFORMATION

2. In the matters discussed below, the IACHR granted precautionary measures in favor of persons sentenced to the death penalty in relation to petitions alleging the violation of human rights recognized in the American Declaration on the Rights and Duties of Man. In these matters, the Commission considered that the requirements of seriousness, urgency, and irreparable harm had been met from the precautionary point of view.

- *PM-262-02 related to petition 136-02 (Abu-Ali Abdur' Rahman)*

3. On March 7, 2002, the IACHR granted precautionary measures in favor of Abu-Ali Abdur' Rahman. According to the request, Mr. Abdur' Rahman was a 51-year-old man who had liminal personality disorders and post-traumatic stress disorder, and was sentenced to death in July 1987. The request alleged that Mr. Abdur' Rahman was deprived of his right to a fair trial and, given that he is a mentally ill person, his execution would be considered irregular. It was stated that Mr. Abdur' Rahman's execution was scheduled to take place in the State of Tennessee on April 10, 2002. In a communication of March 7, 2002, the Commission pointed out that Mr. Abdur' Rahman's execution was carried out before the Commission had the opportunity to examine his case. This would render any decision under petition 136-02 ineffective and would cause him irreparable harm. Accordingly, the Commission requested the United States to take precautionary measures to suspend the execution of Mr. Abdur' Rahman pending a decision on the petition by the Commission.

- *PM-465-11 related to petition 1762-11 (Virgilio Maldonado Rodríguez)*

4. On December 21, 2011, the IACHR granted precautionary measures in favor of Virgilio Maldonado Rodríguez, a Mexican national sentenced to death in the state of Texas. The request for precautionary measures was filed along with a petition alleging violation of rights protected under the American Declaration. Registered as P-1762/11, the petition specifically alleges that the United States

did not take into account Mr. Maldonado's mental disability. It argued that under the American Declaration, the death penalty constituted cruel punishment. Mr. Maldonado was one of the Mexican citizens included in the judgment delivered by the International Court of Justice in 2004 in the Case concerning Avena and other Mexican nationals (Mexico v. United States), in which the ICJ ordered the United States to review and reconsider the guilty verdicts and sentences given to the Mexican citizens named in the judgment. The Commission requested that the United States refrain from carrying out the death penalty until the Commission has the opportunity to rule on the petitioner's claim regarding the alleged violation of the American Declaration, so as to not render ineffective the processing of that claim in the inter-American system.

- *PM-470-11 related to petition 1528-11 (Iván Teleguz)*

5. On December 22, 2011, the IACHR granted precautionary measures in favor of Mr. Iván Teleguz, who was sentenced to death in the state of Virginia. The request for precautionary measures also had a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was registered as P-561/12. The Commission requested that the United States refrain from carrying out the death penalty until the Commission has the opportunity to rule on the petitioner's claim regarding the alleged violation of the American Declaration, so as to not render ineffective the processing of that claim in the inter-American system.

- *PM-357-11 related to petition 1907-11 (Hector Rolando Medina)*

6. On February 7, 2012, the Commission granted precautionary measures in favor of Hector Rolando Medina, who was sentenced to death in the United States. The request was accompanied by a petition regarding the alleged violation of rights enshrined in the American Declaration, which was registered under number 1907-11. The Commission requested the United States to refrain from carrying out the death penalty until the Commission has the opportunity to rule on the petitioner's claim regarding the alleged violation of the American Declaration, so as to not render ineffective the processing of that claim in the inter-American system.

III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE AND RELEVANT PUBLIC INFORMATION

7. During the time the precautionary measures were in force, the Commission received information from the parties and has followed up the situation of the beneficiaries by requesting information.

- *PM-262-02 related to petition 136-02 (Ali Abdur' Rahman)*

8. With regard to Abu-Ali Abdur' Rahman, the IACHR published the Merits Report No. 13/14 in 2014 in which it concluded that the United States is responsible for the violation of the right to justice (Article XVIII) and the right to due process (Article XXVI).¹ In addition, the Commission considered that the United States would commit a serious and irreparable violation of the fundamental right to life set forth in Article I of the American Declaration if it were to proceed with the beneficiary's execution. In 2019, the applicants reported that the Supreme Court of the State of Tennessee had initially set the

¹ IACHR, [Report No. 13/14](#). Case 12.422. Merits. Abu-Ali Abdur' Rahman regarding the United States, April 2, 2014.

execution date for April 9, 2020, and that it was subsequently allegedly postponed until April 16, 2020. The Commission observes that the Tennessee Supreme Court subsequently postponed enforcement for re-examination of the case.² On November 17, 2021, the State sent a communication to the IACHR stating that, on November 9, 2021, the Davidson County Criminal Court issued an order annulling Mr. Abdur' Rahman's conviction and accepted a negotiated agreement between local prosecutors and the defense that commuted the death penalty to life imprisonment. On April 13, 2022, the IACHR requested updated information from the representatives but did not receive a response within the established deadlines.

- *PM-465-11 related to petition 1762-11 (Virgilio Maldonado Rodríguez)*

9. With regard to Virgilio Maldonado Rodríguez, the Commission has followed up on his situation, having requested the United States to refrain from carrying out the death penalty until there was an opportunity to decide on the petitioner's claim regarding an alleged violation of the American Declaration. In 2012, the IACHR published Admissibility Report No. 63/12 in which it determined the appropriateness of petition 1762-11 in relation to Articles I, XVIII, XXV and XXVI of the American Declaration.³ In the Merits Report 333/21 of 2021, the Commission recommended that the State, *inter alia*, grant effective remedies to Mr. Maldonado Rodríguez, guarantee the compatibility of detention conditions with international human rights standards, and guarantee consular notification in those cases in relation to foreign nationals.⁴ On September 5, 2013, the representatives submitted information to the IACHR indicating that the District Court 338 of Harris County, Texas, had determined the mental retardation of the beneficiary and, therefore, the death penalty would not be applicable in his case. On May 22, 2013, the Texas Court of Criminal Appeal reportedly upheld this decision and Mr. Maldonado Rodríguez's sentence was commuted.⁵ On April 13, 2022, the IACHR requested updated information from the representatives, but did not receive a response within the established deadlines.

- *PM-470-11 related to petition 1528-11 (Iván Teleguz)*

10. On March 11, 2016, the representatives sent information to the IACHR. On March 24 of the same year, the IACHR forwarded this information to the State and reiterated the precautionary measures, in addition to also requesting updated information. On April 5, 2016, and April 20, 2017, the representatives submitted information to the IACHR. On April 18, 2022, the IACHR sent the representatives a request for updated information.

11. On July 15, 2013, the Commission adopted Merits Report 53/13, which concluded that the United States was responsible for the violation of the right to life, liberty, and security of person; the right to a fair trial; the right to petition; the right not to be arbitrarily detained; and to due process, rights guaranteed in the American Declaration, regarding the beneficiary.⁶ On March 24, 2016, the representatives informed the IACHR that April 13, 2016, had been scheduled as the execution date. On April 1, 2016, the Commission published a press release stating that if the State executes the beneficiary, there would be a serious and irreparable violation of the fundamental right to life, enshrined in Article I of the American Declaration.⁷ On April 5, 2016, the representatives informed the IACHR that the

² Tennessean, [State Supreme Court delays execution of death row inmate Abu-Ali Abdur' Rahman](#), December 11, 2019.

³ IACHR, [Report No. 63/12](#). Case 12.871. Admissibility, Virgilio Maldonado Rodríguez, March 29, 2012.

⁴ IACHR, [Report No. 333/21](#). Case 12.871. Merits, Virgilio Maldonado Rodríguez. United States of America, November 22, 2021.

⁵ *Ibid.*, para. 4

⁶ IACHR, [Report No. 53/13](#). Case 12.864. Merits, Iván Teleguz regarding the United States, July 15, 2013.

⁷ IACHR, [IACHR Urges the United States to Comply with Recommendations in Case of Death Penalty](#), April 1, 2016.

execution date had been postponed. On April 26, 2017, the State submitted a communication to the IACHR stating that, given the irregularities surrounding Mr. Teleguz's trial, his sentence was commuted. On May 18, 2017, the representatives sent a communication to the IACHR stating that a pardon was rejected, but Mr. Teleguz's death sentence was commuted. On April 13, 2022, the IACHR requested updated information from the representatives, but did not receive a response within the established deadlines.

- *PM-357-11 related to petition 1907-11 (Héctor Rolando Medina)*

12. Regarding Héctor Rolando Medina, the IACHR requested information from the representatives on October 10, 2017. On June 6, 2019, the IACHR requested updated information from the representatives. On June 16, 2020, the IACHR reiterated its request for information. On December 21, 2021, request P-1907-11, linked to the precautionary measures, was archived. On April 13, 2022, the Commission requested updated information from the representatives but did not receive a reply. On June 15, 2022, the IACHR sent a request for updated information to the State for which no response has been obtained to date. According to public information, Mr. Rolando Medina's death sentence was commuted to life imprisonment in 2020.⁸

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

13. 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.

14. 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.⁹ 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;

⁸ The Dallas Morning News, [Irving child-killer who had death sentence overturned agrees to life without parole](#), July 13, 2020.

⁹ 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.

- 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.

15. Regarding the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “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 should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider whether new situations that might meet the requirements set forth in Article 25 of the Rules of Procedure have subsequently arisen.

16. The Commission observes that these precautionary measures were granted for the purpose of adopting measures aimed, *inter alia*, at protecting the life and personal integrity of the beneficiaries. The Commission requested the suspension of the execution of the respective death sentences in all of them, in order to allow the analysis of the allegations of violation of the American Declaration presented by the beneficiaries’ representatives.

17. With regard to the beneficiaries Abu-Ali Abdur’ Rahman, Virgilio Maldonado Rodríguez, Iván Teleguz, and Héctor Rolando Medina, the Commission observes and appreciates the information that their respective death sentences were commuted, and therefore the measures are no longer applicable to their specific situations. In this sense, in light of the commutation of the death sentences and consequent change in the situation of the beneficiaries, precautionary measures PM-262-02, PM-465-11, PM-470-11, and PM 357-11 were rendered moot.¹⁰

18. Considering the foregoing, the Commission does not have evidence to indicate that a situation presenting an imminent risk of irreparable harm to the rights of Abu-Ali Abdur’ Rahman, Virgilio Maldonado Rodríguez, Iván Teleguz, and Héctor Rolando Medina continues to exist that justifies the maintenance of the respective precautionary measures. In this regard, taking into account that precautionary measures are temporary and exceptional, the Commission considers that lifting the precautionary measures in force with respect to the beneficiaries identified in the matters of PM-262-02, PM-465-11, PM-470-11, and PM-357-11 is appropriate. Notwithstanding the foregoing, the Commission recalls that it is the obligation of the State to respect the recognized rights of the beneficiaries, including their life and integrity, in light of the American Declaration.

V. DECISION

19. The Commission decides to lift the precautionary measures with respect to the beneficiaries identified under registries PM-262-02, PM-465-11, PM 470-11, and PM-357-11.

¹⁰ The Commission notes that, with regard to some of the beneficiaries, despite the commutation of their sentences, their petitions regarding the allegations of violation of the American Declaration remain pending, there is therefore nothing to prevent the Commission from taking a decision on the merits in the future on possible pertinent violations.

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

21. Approved on October 9, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary