
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 42/2024**

Precautionary Measure No. 161-14
Pierre Espérance and another person regarding Haiti
July 14, 2024
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Pierre Espérance and an identified member of the National Human Rights Defense Network (RNDDH) regarding Haiti. At the time of reaching the decision, the Commission observes that, in the approximately 10 years that these precautionary measures have been in force, the representation has not submitted a written response to any of the requests for information issued by the Commission. The State has not sent a response either. Consequently, the Commission considers that there is no information to continue to determine that the requirements of Article 25 of its Rules of Procedure have been met. Therefore, it considers it appropriate to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On June 9, 2014, the IACHR granted precautionary measures in favor of Pierre Espérance and an identified member of the National Human Rights Defense Network (RNDDH). According to the request for precautionary measures, the proposed beneficiaries were subject to threats and acts of harassment received in retaliation for their human rights defense work in Haiti.¹ Upon analyzing the submissions of fact and law furnished by the parties, the Commission considered that the information presented showed *prima facie* that Mr. Pierre Espérance and a member of the RNDDH were in a serious and urgent situation, given that their lives and personal integrity were threatened and at serious risk. Consequently, pursuant to the provisions of Article 25 of the IACHR Rules of Procedure, the Commission requested that the State of Haiti: a) adopt the necessary measures to guarantee the life and personal integrity of Pierre Espérance and an identified member of the RNDDH; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged events that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.²

3. Delphine Patétif and Pierre Espérance exert representation before the Commission.

III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE

4. During the time the precautionary measures were in force, the Commission followed-up on the situation by requesting information from the parties.

¹ Inter-American Commission on Human Rights (IACHR), [Resolution 17/2014](#), Matter of Pierre Espérance and members of RNDDH regarding Haiti, Precautionary Measures No. 161-14, June 9, 2014, para. 1 (Available only in French and Spanish).

² *Ibidem*, para. 2.

2018	April 24
2019	October 31
2021	September 27
2022	April 26
2023	December 20

5. On February 7, 2024, the Commission requested information from the representation. On June 26, 2024, information was requested from both parties in order to examine keeping the precautionary measures in force. The IACHR has not received a response to any of the requests for information, and all the granted deadlines have since expired.

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

6. The mechanism of precautionary measures is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

7. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.³ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁵ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if

³ I/A Court H.R., Matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison), Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Matter of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16.

⁴ I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of February 8, 2008, considerandum 8; Matter of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of January 27, 2009, considerandum 45; Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of April 30, 2009, considerandum 5 (Available only in Spanish); Matter of Milagro Sala, Provisional Measures regarding Argentina. Order of November 23, 2017, considerandum 5 (Available only in Spanish).

⁵ I/A Court H.R., Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

necessary, to implement the ordered reparations. Regarding the process of decision making and, 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.

8. In this sense, 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) sets forth 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 shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure.

9. Similarly, the Commission recalls 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 evaluation.⁶ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁷ 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.⁸

10. In this matter, the Commission recalls that the precautionary measures were granted in 2014 in favor of Pierre Espérance and an identified member of the RNDDH who were at risk due to a series of alleged threats and acts of harassment in retaliation for their work defending human rights in Haiti. Since that date, the Commission has not received any response regarding this matter. None of the parties submitted a report or provided information on the matter.

11. In regard to the lack of response from the State, according to the Inter-American Court, failure to comply with state 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 situations.⁹ The duty to report constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document in due time and the specific, true, current and detailed material reference to the matters related to such obligation.¹⁰

⁶ I/A Court H.R., [Matter of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17. (Available only in Spanish)

⁷ *Ibidem*

⁸ *Ibidem*

⁹ I/A Court H.R., [Matter of Communities of Iguamiandó and Curbaradó regarding Colombia](#), Provisional Measures, Order of February 7, 2006, considerandum 16; and [Matter of Luisiana Ríos et al. \(Radio Caracas Televisión – RCTV\)](#), Provisional Measures, Order of September 12, 2005, considerandum 17.

¹⁰ *Ibidem*

12. The Commission also recalls that the beneficiaries' representation that wish the measures to continue must provide proof of the reasons for doing so.¹¹ In this regard, the Commission observes that the representation has not provided a response to the Commission after the precautionary measures were granted in 2014. The Commission is therefore unable to take note of the representation's observations or to obtain information on this matter. The Commission notes that it has repeatedly requested information from the representation. In particular it highlights that, in 2024, upon being asked for information to analyze keeping the precautionary measures in force, the representation did not provide an answer.

13. In light of the previous considerations, the nature of the precautionary measures mechanism, the lack of information, and the analysis conducted, the Commission understands that it currently does not have the elements to support compliance with the requirements of Article 25 of its Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹² the Commission deems it appropriate to proceed with the lifting of these measures.

14. Lastly, and in line with what has been indicated by the Inter-American Court in various matters,¹³ a decision to lift the precautionary measures does not imply considering, in any way, that the State has effectively complied with the precautionary measures ordered, nor can it imply that the State is relieved from its general obligations of protection, within the framework of which the State is especially obliged to guarantee the rights of persons at risk and promote the necessary investigations to clarify the facts, followed by the consequences that may be established. Furthermore, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures, or the declaration of non-compliance with them, does not imply an eventual decision on the merits of the controversy if the case were to be brought before the inter-American system through a petition, nor does it prejudice state responsibility for the events denounced.¹⁴

V. DECISION

15. The Commission decides to lift the precautionary measures granted in favor of Pierre Espérance and an identified member of the National Human Rights Defense Network, in Haiti.

16. The Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Haiti to respect and guarantee the rights recognized therein, including the life and personal integrity of the beneficiaries.

17. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of its Rules of Procedure.

18. The Commission instructs its Executive Secretariat to notify this resolution to the State of Haiti and the representatives.

¹¹ I/A Court H.R., [Matter of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17 (Available only in Spanish).

¹² I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24 (Available only in Spanish).

¹³ I/A Court H.R. [Matter of Velásquez Rodríguez](#). Provisional Measures regarding Honduras. Order of January 15, 1988, considerandum 3; [Matter of Giraldo Cardona et al.](#), Provisional Measures regarding Colombia, Order of January 28, 2015, considerandum 40 (Available only in Spanish).

¹⁴ I/A Court H.R., [Matter of Guerrero Larez](#), Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16; [Matter of Natera Balboa](#), Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16 (Available in Spanish, Portuguese and French).

19. Approved on July 14, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; and Andrea Pochak, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary