

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 76/2025**

Precautionary Measure No. 176-23
Michael Tisius regarding the United States of America
November 14, 2025
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Michael Tisius in the United States. The State executed the beneficiary, despite the precautionary measures that were in force. The IACHR observed that carrying out the death penalty represents a substantial change in the factual circumstances that gave rise to these precautionary measures and, at the same time, a failure to comply with them. At the time of adopting the decision to lift this matter, the IACHR condemns the enforcement of the death penalty against beneficiaries of precautionary measures. The Commission proceeds with its analysis of the related petition.

II. BACKGROUND INFORMATION

2. On April 16, 2023, the IACHR issued Resolution No. 22/23, by which it granted precautionary measures in favor of Michael Tisius, who had been sentenced to death in the United States. The request for precautionary measures is linked to petition P-397-23, which alleged the violation of Article I (right to life, liberty and personal security), Article XVIII (right to a fair trial), Article XXV (right to humane treatment in custody) and Article XXVI (right to due process of law and right not to receive cruel, infamous or unusual punishment) of the American Declaration of the Rights and Duties of Man ("American Declaration" or "Declaration"). At that time, the Commission requested that the United States: a) adopt the necessary measures to protect the life and personal integrity of Michael Tisius; and b) refrain from carrying out the death penalty on Michael Tisius until the IACHR has had an opportunity to reach a decision on his petition.¹

3. As part of the petition process, the IACHR decided to open the case under Number 15.310 and notified the parties on March 14, 2023.

4. Laurence Komp and Julie Taylor exert representation before the Commission.

III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE AND FOLLOW-UP OF THE IACHR

a. Procedure during the time the measures were in force

5. During the time the precautionary measures were in force, the Commission received information from the parties and has followed up on the beneficiary's situation by issuing requests for information and press releases. Communications have been received from the parties and sent from the IACHR on the following dates:

¹ Inter-American Commission on Human Rights (IACHR), Resolution No. 22/23, Precautionary Measure No. 176-23, Michael Tisius regarding the United States, April 16, 2023.

	Reports from the State	Communications by the representation	IACHR
2023	May 2 and June 6	May 2 and October 6	April 18, May 30, June 7, July 27, and December 15
2024	No information	No information	December 17

6. On June 5, 2023, the IACHR issued a press release urging the United States to refrain from enforcing the death penalty against the beneficiary. It recalled that its principal concerns regarding the use of this punishment include the risk of executing innocent individuals, the arbitrariness and injustice in the application of this penalty, and the inhumane treatment that characterizes the stay on death row.²

7. On June 16, 2023, the Commission issued another press release condemning the execution of the beneficiary.³ It recalled that in Resolution No. Resolution 22/2023, the United States was urged to adopt the necessary measures to protect the beneficiary's rights to life and personal integrity, and refrain from carrying out the death penalty until the IACHR issues a decision on the petition submitted by his representatives. That petition alleges that the legal proceedings resulting in Mr. Tisius's death sentence did not comply with his rights to a fair trial and due process of law.⁴

8. The IACHR recalled that the nature of the precautionary measures granted was intended to preserve the beneficiary's legal situation while his case was under review of the Commission.⁵ It should be noted that the purpose of precautionary measures is to preserve a legal situation until the pending petition before the inter-American system is resolved.⁶ Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any violation of the rights at issue, a situation that may adversely affect the useful effect of the final decision.⁷ In this regard, the implementation of precautionary measures would have not only prevented irreparable harm to Michael Tisius, but also enabled the State to comply with the final recommendations to be issued by the IACHR.⁸

Information provided by the State

9. On May 2 and June 6, 2023, the State submitted communications to the Commission reaffirming its position that the IACHR lacks the authority to require States to adopt precautionary measures and, therefore, interprets the Commission's request for precautionary measures as a recommendation. It also indicated that on April 28, 2023, and May 31, 2023, the State submitted a copy of the resolution on precautionary measures to the governor and attorney general of the state of Missouri.

Information provided by the representation

² IACHR, Press Release No. 112/23 [IACHR urges the United States to refrain from applying the death penalty to Michael Tisius, beneficiary of precautionary measures](#), June 5, 2023.

³ IACHR, Press Release No. 124/23 [IACHR condemns the execution of Michael Tisius, sentenced to death in the United States](#), June 16, 2023.

⁴ IACHR, [Resolution No. 22/23](#), Precautionary Measure No. 176-23, Michael Tisius regarding the United States, April 16, 2023, para. 22.

⁵ IACHR, Press Release No. 124/23 [IACHR condemns the execution of Michael Tisius, sentenced to death in the United States](#), previously cited.

⁶ IACHR, 124/23 [IACHR condemns the execution of Michael Tisius, sentenced to death in the United States](#), June 16, 2023.

⁷ IACHR, Press Release 124/23 [IACHR condemns the execution of Michael Tisius, sentenced to death in the United States](#), previously cited.

⁸ IACHR, Press Release 124/23 [IACHR condemns the execution of Michael Tisius, sentenced to death in the United States](#), previously cited.

10. On May 2, 2023, the representation reported that, on April 21, the beneficiary informed the Missouri Supreme Court of the granting of the precautionary measures and requested that the court revoke the execution order. The Missouri Supreme Court denied the request that same day.

11. On October 6, 2023, the representation stated that the beneficiary had been executed on June 6, 2023. The representation indicated that, prior to his death, the beneficiary expressed his desire for the Commission to keep his case open and rule on the merits of his petition. In this regard, it indicated that these precautionary measures could become moot due to the beneficiary's death and requested that the case continue to be examined before the IACHR.

17 ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

18 The precautionary measures mechanism 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 Statute of the IACHR. 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 irreparable harm to persons.

19 The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.¹⁰ To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.¹¹ As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding 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 necessary, to implement the ordered reparations.¹² In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

⁹ Inter-American Court of Human Rights (I/A Court H.R.), [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

¹⁰ 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; [Case 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; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

¹¹ 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).

¹² 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).

- 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.

20 In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.¹³ Similarly, the Commission recalls that, by its own mandate, it is not in its purview to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.¹⁴ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be carried out without making any determination on the merits.¹⁵

21 The Commission observes that these precautionary measures were granted with the purpose of adopting measures aimed, *inter alia*, at protecting the life and personal integrity of Michael Tisius, having requested the withholding of the death penalty in order to allow for the analysis of the allegations of violation of the American Declaration presented by the beneficiary’s representation.

21. Despite the foregoing, the Commission notes that Michael Tisius was executed before the Commission had the opportunity to review his petition, in which he alleged violations of rights protected under the American Declaration. The Commission again condemns the use of the death penalty against a beneficiary of precautionary measures. In the opinion of the Commission, the State did not implement the precautionary measures despite being in force at the time.

22. However, the Commission observes that the factual situation has changed and that, following the execution, the precautionary measures no longer have a subject to protect. In this regard, it is appropriate to lift the precautionary measures in favor of Michael Tisius regarding the United States. Without prejudice to the above decision, the Commission also decides to continue with the analysis of the petition, in accordance with the relevant regulatory provisions.

23. Lastly, the Commission would like to recall that “OAS member states, by creating the Commission and mandating it through the OAS Charter and the Commission’s Statute to promote the observance and protection of human rights of the American peoples, have implicitly undertaken to

¹³ I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

¹⁴ IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

¹⁵ In this regard, the Court has stated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

implement measures of this nature where they are essential to preserving the Commission's mandate."¹⁶ In this regard, the Commission observes that "particularly in capital cases, the failure of a member state to preserve a condemned prisoner's life pending review by the Commission of his or her complaint emasculates the efficacy of the Commission's process, deprives condemned persons of their right to petition in the inter-American human rights system, and results in serious and irreparable harm to those individuals."¹⁷ The Commission further recalls that other international tribunals have also considered interim measures to be a prerequisite for the effectiveness of proceedings related to the imposition of the death penalty.¹⁸

22 DECISION

24. The Commission concludes that the precautionary measures issued on behalf of Michael Tisius have lost their subject of protection. Therefore, the Commission has decided to lift these measures.

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

26. Approved on November 14, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan; and Roberta Clarke, members of the IACHR..

Tania Reneaum Panszi
Executive Secretary

¹⁶ IACHR, [Report No. 52/01](#), Case 12.243, Juan Raul Garza, United States, April 4, 2001, para. 117.

¹⁷ IACHR, [Report No. 52/01](#), Case 12.243, Juan Raul Garza, United States, April 4, 2001, footnote 31.

¹⁸ IACHR, [Resolution No. 79/22](#), Precautionary Measures No. 204-14, 489-15, 156-17, and 1048-20 John Winfield and three others regarding the United States December 28, 2022, footnote 10.