



Methodology for Monitoring

Precautionary Measures In Force

Doc. 49

January 30, 2023

OAS Cataloging-in-Publication Data

Inter-American Commission on Human Rights. Methodology for Monitoring: Precautionary Measures in Force: Approved by the Inter-American Commission on Human Rights on January 30, 2023. p. ; cm. (OAS. Official records; OEA/Ser.L)

ISBN 978-0-8270-7783-6

1. Human rights--America. 2. Rule of law --America. 3. International law—Cases--America.
4. Civil rights--America. I. Title. II. Series.

OEA/Ser.L/V/II.doc.49/23

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Mandates of the IACHR related to follow-up on recommendations: Precautionary measures in force

1. Article 41 of the American Convention on Human Rights (ACHR) establishes that one of the functions and powers of the Inter-American Commission on Human Rights (IACHR) is “to make recommendations to the governments of the Member States, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights.” Reflecting this provision, the Statute of the IACHR establishes in Article 18(b) that this body is called upon to “to make recommendations to the governments of the States on the adoption of progressive measures in favor of human rights in the framework of their legislation, constitutional provisions and international commitments, as well as appropriate measures to further observance of those rights”; and Article 18(d) of the Statue of the IACHR indicates that the IACHR shall have the power “to request that the governments of the states provide it with reports on measures they adopt in matters of human rights¹.”
2. In relation to OAS Member States that have not ratified the ACHR based on Article 62 of the ACHR, the IACHR has the power to request information from them, and to issue such reports and recommendations as it deems appropriate, in accordance with Article 106 of the OAS Charter and Article 18 of the IACHR Statute. Given these powers and with a view to guaranteeing the useful effect of the Inter-American Human Rights System (IAHRS), the IACHR is mandated to follow up on the recommendations and decisions it issues through its various mechanisms (the systems of petitions and cases, precautionary measures and monitoring) and to present its analysis of compliance with those recommendations and decisions to the OAS General Assembly, through its Annual Reports.
3. In relation to precautionary measures, Article 25 of the IACHR Rules of Procedure establishes that, following the decision to grant them:

10. The Commission shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review.²

1 IACHR. [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#): approved by the Inter-American Commission on Human Rights on September 30, 2019. OEA/Ser.L/V/II.173 Doc. 177, para. 7 et seq.

2 IACHR. Rules of Procedure of the Inter-American Commission on Human Rights (2013), Article 25.

Types of measures recommended by the IACHR

4. The recommendations issued by the IACHR in resolutions granting, extending, modifying or following up on precautionary measures are part of the States' duty to protect and are adopted in accordance with Article 25 of the Rules of Procedure in serious and urgent situations in order to prevent the occurrence of irreparable harm to persons, or to the subject matter of a petition or case pending before the organs of the inter-American system³. These recommendations are framed within the principle of complementarity and subsidiarity of the inter-American system. Therefore, they seek to assist the State in the fulfillment of its obligations and to avoid the materialization of the situation presenting an imminent risk. In this sense, they are aimed at the adoption of measures that allow the mitigation or disappearance of the situation presenting a risk that called for the adoption of the precautionary measures.

5. Generally, the Commission includes the following components in its decisions to grant precautionary measures:

1. Immediate measures to protect the rights at risk: Immediate protection measures are aimed at safeguarding the rights of the beneficiaries of the precautionary measure and prevent the occurrence of an imminent risk of irreparable harm. In this type of recommendation, the IACHR requests, for example, the adoption of measures to protect life and integrity, access to prescribed medical treatment or the performance of the necessary diagnoses, refraining from deporting or extraditing persons facing a situation of serious and urgent risk, refraining from applying the death penalty when a decision is pending in a case where violations of due process are alleged, guaranteeing the exercise of journalistic work or the defense of human rights, without being subjected to acts of intimidation, persecution, threats, or other acts of violence in the exercise of the same, among other measures.

2. Measures to be adopted in consultation with the beneficiaries and their representatives in order to ensure their participation in the planning and implementation of these measures: The recommendations given by the Commission require to be implemented by the State based on the principle of consultation with the objective that they are suitable and effective to protect the rights at risk. On the one hand, by their very nature, they must prevent the risk, and on the other hand, they must actually produce this result.

3. Measures to prevent the occurrence of new threatening events: These measures may be requested by the Commission with the objective of preventing the occurrence of threatening events through the mitigation of the sources of risk that would originate them, for example, through a diligent investigation that allows the identification and punishment of those responsible for the threats, aggressions or harassment; or the mitigation of the sources of the

³ IACHR. General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights: approved by the Inter-American Commission on Human Rights on September 30, 2019. OEA/Ser.L/V/II.173 Doc. 177, paras. 17 and 18.

alleged contamination that cause a serious impact on health, life or personal integrity. The measures required in a general resolution are decided by the IACHR on a case-by-case basis. In general, they tend to have a broad character, since the implementation corresponds, in principle, to the State in accordance with the principle of consultation with the beneficiaries and their representatives⁴.

6. In the area of precautionary measures, the IACHR verifies progress in implementation by noting:
 - Whether the State has adopted immediate measures for protection, for example, the adoption of a security detail, access to adequate medical treatment, among other measures;
 - Whether the measures adopted have the necessary suitability and effectiveness. This means that, on the one hand, by their very nature, the protection measures adopted are likely to prevent the materialization of the risk and, on the other hand, that they actually produce the expected result;
 - If, based on the principle of consultation with representatives and beneficiaries, measures are planned and shortcomings or obstacles to implementation are overcome;
 - If measures have been adopted to prevent the occurrence of new risk events, for example, through a diligent investigation that allows for the identification and punishment of those responsible for the risk events⁵.

Actions for the follow-up of precautionary measures in force

7. In relation to precautionary measures, as mentioned above, Article 25(10) of the Rules of Procedure establishes that the IACHR “shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review.”
8. The Commission carries out various implementation actions according to the needs of each particular case, in accordance with the provisions of Article 25, paragraphs 9 to 12, of its Rules of Procedure, which were addressed in [Resolution 2/2020 “Strengthening of the Monitoring of Precautionary Measures in Force”](#)

4 IACHR. Informational Booklet on Precautionary Measures. Available at https://www.oas.org/en/IACHR/decisions/MC/MedidasCautelares_folleto_EN.pdf

5 IACHR. General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights, approved by the Inter-American Commission on Human Rights on September 30, 2019, para. 27.

9. In this regard, the Commission monitors the implementation of all precautionary measures in force on a regular basis through requests for periodic reports from the parties, through which it can identify the status of implementation of precautionary measures and, if necessary, activate courses of action through the various tools available, according to its mandate.
10. The IACHR has several tools to follow up on its recommendations, which may include, when appropriate, implementation schedules, letters, hearings, working meetings, follow-up visits, bilateral meetings, questionnaires, working groups, technical assistance, among others. The IACHR provides this accompaniment through its various interventions to promote dialogue between the parties during the consultation process, as well as to support the follow-up of the measures implemented by the States.
11. Furthermore, in accordance with the provisions of Resolution 2/2020, the IACHR may use the following follow-up and monitoring mechanisms: i) request periodic reports from the State on compliance with the resolution; ii) adopt follow-up resolutions on the measures in force; iii) conduct on-site visits, with the prior consent of the State party; iv) convene working meetings and bilateral meetings (in-person and virtual) in order to obtain information directly from the parties and generate dialogue for the resolution of challenges during implementation, in the shortest possible time; v) promote the holding of public hearings and; vi) propose resolutions to lift measures. In addition, the IACHR also holds portfolio meetings with the States.
12. In principle, the Commission considers it relevant to approach the parties in order to know their willingness within the framework of the precautionary measures procedure, so it is effective to convene bilateral and working meetings to evaluate the implementation of the precautionary measures and to make specific calls for a better implementation, encouraging the parties to reach specific agreements. In these meetings, in turn, the Commission can learn if there are really actions and willingness to continue with the effective implementation of the precautionary measures.
13. On another note, the IACHR can convene public hearings on precautionary measures, in which it calls on the parties to discuss the implementation of precautionary measures in an atmosphere of publicity. The Commission aims to expand the possibility of holding more public hearings on precautionary measures during its sessions⁶.
14. Another tool commonly used by the Commission to publicly highlight relevant points in the implementation of precautionary measures by States are press releases, through which the IACHR can make quick and specific appeals to States, urging them to act on certain issues or condemning certain situations⁷.

6 For example, on [Persons Deprived of Liberty](#) or [Media and Freedom of Expression in Nicaragua](#); or Indigenous Peoples in [Colombia](#) or [Brazil](#). Hearings on precautionary measures held until 2021 can be consulted here [OAS: IACHR: Hearings \(oas.org\)](#). They can also be viewed by session on the IACHR official YouTube account: [Inter-American Commission on Human Rights - YouTube](#)

7 See, for example: IACHR. IACHR urges the United States to refrain from applying the death penalty to Melissa Lucio,

15. The IACHR always takes into account a differentiated approach when dealing with groups in a particularly vulnerable situation and the gender perspective, taking into account the risk that persons belonging to these groups may face in specific contexts.
16. Since the issuance of Resolution 2/2020, the IACHR sought the establishment of staff dedicated to the follow-up of precautionary measures. In this regard, a Protection Follow-up Group (GESp) was established in the Precautionary and Provisional Measures Section with people dedicated full time and integrally to monitoring the portfolio of measures in force.
17. According to the Rules of Procedure and in technical terms, precautionary measures are considered to be implemented when the actions of the States, in accordance with the specific situations presenting a risk, succeed in mitigating or reducing the risk, or when the procedural requirements of seriousness, urgency, and irreparable harm are no longer present. Given the different threatening situations that may exist, the IACHR assesses the measures adopted by the State according to the time and place in which the situation is brought to its attention, and depending on the information available. For example, it may be that in a working meeting or consultation forum, a measure adopted by the State in the framework of the implementation of precautionary measures is evaluated as positive, without this necessarily leading to the lifting of the precautionary measures. In other cases, it may be that the measure adopted by the State and evaluated by the IACHR may lead to the lifting of the matter. In the case of a decision to lift the precautionary measures, the IACHR makes a reasoned assessment of the alleged situation in light of Article 25 of the Rules of Procedure.
18. In general terms, it is important for the Commission that the States and the beneficiaries prioritize the coordination of precautionary measures, discussing the best way to implement them. In this regard, this is a joint task and has a direct effect on the possibility of mitigating specific risks and moving towards proper implementation.
19. Finally, the Commission has the power to request provisional measures with respect to States that have recognized the jurisdiction of the Inter-American Court. The Commission takes into consideration various factors in order to present a request for provisional measures before the Court, among which is the lack of effective implementation of precautionary measures by the State and/or the aggravation of the situation posing a risk. The criteria to be taken into consideration when deciding to submit a request for provisional measures are set forth in Article 76 of the Rules of Procedure of the IACHR.

Requests for information from the parties

20. After the deadline set forth in each granting resolution, “the Commission may request periodic reports from the States regarding compliance with the resolution. Notwithstanding the

beneficiary of precautionary measures. April 22, 2022. IACHR. IACHR condemns the execution of Clarence Wayne Dixon, who was sentenced to death in the United States. May 25, 2022.

abovementioned, the Commission may also request information from the parties at any time on the basis of the facts brought to the Commission's attention⁸."

21. Based on the information provided by the parties, the IACHR may ask specific questions that respond in a particular way to the evolution of the matter, to new situations presenting a risk, considering the relevance of the agreement between the parties at the domestic level, or aimed at identifying and overcoming obstacles to implementation. The IACHR may make such requests for information as it deems appropriate⁹.
22. In the interest of transparency, the IACHR has made public an Informative Annex to the Informational Booklet on [Time frames and extensions in the Precautionary Measures Mechanism](#). At its internal session of February 11, 2019, in the framework of the 171st Period of Sessions in Sucre, Bolivia, the Inter-American Commission standardized the terms established for requests for information to States in accordance with existing practice. At that session, it also established time parameters to be included in the granting or extending resolutions. At its internal session of August 12, 2021, the IACHR decided to update and make this information public.
23. In this sense, the time frames for the follow-up of measures in force are made according to the specific situation presenting a risk. In forwarding information on precautionary measures in force, the time frames are as follows:
 - 10 calendar days: in the case of more serious or urgent matters or if there is an increase in the situation placing the proposed beneficiaries at risk.
 - 15 calendar days: in the case of specific difficulties in the implementation of precautionary measures, or requests to have the measures lifted, or other types of requests that do not reflect urgency in light of Article 25 of the Rules of Procedure.
 - 30 days or more calendar days: when it is a matter of receiving periodic reports regarding the implementation of precautionary measures, without priority issues; these may be requested on a monthly (30 days), bimonthly (60 days), or quarterly (90 days) basis. The time extension will depend on the information available and the nature of the same, for example, internal consultation dates, the progress of investigations, the need to coordinate with other sectors to respond to requests, among others, will be considered.
24. Notwithstanding, the IACHR may set any other specific deadline as required according to the threatening situation in question. The IACHR may also request information from the parties at any time considering the facts that are presented or of which it becomes aware.

8 IACHR, Resolution 2/2020 "Strengthening of the monitoring of precautionary measures in force" Resolutive point 1.

9 IACHR, Informational Booklet on Precautionary Measures, Question 32.

Working Meetings and Public Hearings

25. The IACHR may convene working meetings and public hearings on precautionary measures in force, which may be at the request of a party or ex officio, when the need for them is assessed in the supervision of a matter. Requests are generally received prior to the sessions, in order to hold public hearings during the period and working meetings. The IACHR has been holding working meetings both during and outside of sessions. In this way, the IACHR invites interested parties to submit requests for hearings and working meetings well in advance of the session, which are submitted through an electronic system that categorizes them by type of request and organizes them for evaluation¹⁰.
26. Notwithstanding the foregoing, the Commission may receive requests outside the indicated system, through the regular communications of each precautionary measures file. With regard to working meetings and the new virtual working modalities, the Commission has identified spaces for working meetings outside of sessions, which have been facilitated by virtuality and allow addressing particular needs without the need to wait for sessions to be held.
27. In this way, the requests are passed on to the technical team of the Executive Secretariat, who analyzes them in order to submit proposals to the IACHR. When evaluating a request for a working meeting, along with the information in the file, its background and the written request, **the following criteria are taken into consideration:**
1. Measures that have been under follow-up for a long time and for which no information has been received or no hearings or working meetings have been held in recent years;
 2. Continuity or aggravation of the risk factors identified at the time the precautionary measures were granted;
 3. Existence of controversies or problems in the implementation of precautionary measures;
 4. Need to mediate to achieve an effective implementation or promote the implementation of precautionary measures in a suitable and effective manner;
 5. Promotion of internal coordination meetings for the implementation of precautionary measures;
 6. When the State does not respond to requests for information made by the IACHR;
 7. Procedural activity of the representation to determine whether it has been responding to the requests for information made by the IACHR and has been submitting updated information;
 8. When a meeting is scheduled to be held in the framework of a special follow-up mechanism -SACROI-, to evaluate a potential request for a provisional measure, or if requested by the Country or Thematic Rapporteur;
 9. At the request of the Rapporteur;
 10. Follow-up to previous work meetings.

¹⁰ For example, see: <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/sessions/registry/1.asp>

28. On the other hand, given that the hearings are in principle public, previous actions taken to promote the implementation of precautionary measures are taken into account. In this regard, the Commission assesses whether previous working meetings have been held with the IACHR and whether they have helped to promote the implementation of precautionary measures. In addition, in the case of hearings, the Commission assesses the possibility of accumulating several precautionary measures with shared geographic themes or shared themes¹¹, as appropriate.
29. IACHR Commissioners participate directly in the working meetings and public hearings. They are held both on-site and off-site. They may be virtual, depending on technical possibilities. The Executive Secretariat of the IACHR takes notes of the main agreements reached between the parties at the working meeting and transmits them to the parties.

Bilateral Meetings

30. Bilateral meetings are held between the IACHR and one of the parties involved in the specific precautionary measure. Frequently, they are held exclusively with the technical team of the Precautionary Measures Section. The Commission also holds bilateral portfolio meetings with States to review some or all of their precautionary measures in force. In such meetings, the parties usually ask questions to the IACHR Executive Secretariat, and clarification is provided on the procedure and scope of the precautionary measures mechanism and its follow-up tools.
31. In order to convene the bilateral meetings, the technical team of the Executive Secretariat evaluates, along with the information in the file, its background and the written request, **the following criteria:**
1. Precautionary measures that have been under follow-up for a long time and for which no information has been received or no hearings or working meetings have been held in recent years;
 2. Requests for bilateral meetings submitted by the parties;
 3. Whether the representation is familiar with the mechanism of precautionary measures and its monitoring tools;
 4. Existence of controversies or problems in the implementation of precautionary measures;
 5. Procedural activity of the representation to determine whether it has been responding to the requests for information made by the IACHR and has been submitting updated information;
 6. Prior to work meetings and hearings, for general orientations;
 7. To evaluate a potential request for provisional measures;
 8. At the request of the Commissioner-Rapporteur;
 9. Follow-up to previous work meetings.

¹¹ In this regard, see footnote 23.

32. As indicated in Resolution 2/2020, in order for the information presented at a bilateral meeting to be considered in the evaluation and follow-up of the matter, the parties must submit it in writing.

Extensions and/or modifications

33. In the processing of a precautionary measure in force, requests for its extension may be filed with respect to more persons or groups of persons when there is a factual connection with the events that justified the initial adoption of the measures, or the modification of its subject matter in view of the evolution of the situation presenting a risk¹².

34. When a request for extension of precautionary measures is submitted, the IACHR analyzes whether there is a “factual connection” with the precautionary measures previously granted. The Commission has extended precautionary measures to cover new persons who, for example, share the situation presenting a risk that gave rise to the granting of the precautionary measure, provided that the procedural requirements of seriousness, urgency, and irreparable harm are met. For its part, a precautionary measure is modified when, *inter alia*, the situation presenting a risk, the object of protection of the measure, or the requests made by the IACHR to the States change. This may imply the modification, either by including or excluding the rights protected in the precautionary measure. This may occur, for example, when a situation is modified in such a way that the rights at risk of irreparable harm become other rights.

35. In any case, whether the request is processed as an extension or a modification of precautionary measures, the IACHR provides a justification for compliance with the requirements established in Article 25 of the Rules of Procedure.

36. In this regard, it should be recalled that Article 25(7) of the Rules of Procedure of the IACHR establishes that decisions to grant, extend, modify and lift precautionary measures shall be issued by means of reasoned resolutions. Article 25(9) of the IACHR Rules of Procedure establishes that the Commission shall periodically evaluate, *ex officio* or at the request of a party, the precautionary measures in force, in order to maintain, modify or lift them. It follows from the foregoing that the modification of a precautionary measure may be carried out by the Commission *ex officio*, by means of a substantiated resolution.

Follow-up Resolutions

37. In its Resolution 2/2020, the IACHR decides to issue Follow-up Resolutions, under the terms of Article 25 and considering the criteria established in the Resolution, as an additional follow-up tool for the precautionary measures in force. Resolutive Point 2 of the Resolution establishes that it will take into account the following criteria, among others:

- persistence of risk factors,

¹² IACHR, Informational Booklet on Precautionary Measures, Question 29.

- lack of response from the State, or
- the identification of implementation challenges that merit a decision by the Commission.

38. In those cases where it is not decided to issue follow-up resolutions, the Commission will continue with its monitoring actions, requesting information from the parties periodically or establishing other forms of supervision.

39. Generally, Follow-up Resolutions have been issued after a series of follow-up actions previously adopted by the IACHR. In its Follow-up Resolutions, the IACHR evaluates the actions taken by the States, the information sent by the parties showing the updated situation presenting a risk, challenges and disputes presented. The Commission also issues recommendations to the parties.

Visits

40. The Commission may conduct on-site visits, subject to the consent of the State, in order to, *inter alia*, allow for closer contact with the representatives of the beneficiary(ies) and State authorities, learn directly about the status of the implementation of the measures and assess the current situation presenting a risk¹³.

41. Following the visits, the Commission may adopt the corresponding actions within the framework of the precautionary measures in force, such as, for example, issuing follow-up resolutions, lifting the measures, requesting provisional measures from the Inter-American Court of Human Rights, or taking other actions to follow up on the matters.

Special Mechanisms and Follow-up Teams

42. In recent years, the Inter-American Commission on Human Rights initiated the establishment of special mechanisms and teams to follow up on the implementation of its recommendations made in specific situations as a novel practice in the context of international human rights law. The successful initiative of the Special Follow-up Mechanism on the matter of Ayotzinapa (MESA), adopted in relation to Mexico, is an example in this regard.

43. At the country level, the Commission has established Special Follow-up Mechanisms for certain country situations (Nicaragua and Venezuela) in which it establishes spaces for dialogue with civil society and obtains information for monitoring the human rights situation in the country, as well as other actions within its mandates. In such spaces, issues related to precautionary measures are also addressed, whether they are requests for precautionary measures or matters with precautionary measures in force. Without prejudice to these Special Mechanisms, the IACHR has continued with the work of its Country Rapporteurships and Special Rapporteurships, and with the SACROIs articulation spaces.

13 IACHR, Resolution 2/2020 “Strengthening of the Monitoring of Precautionary Measures in Force”: Resolutive point 1.

44. Prior to the issuance of Resolution 2/2020, the IACHR established a special follow-up mechanism and team for two matters of precautionary measures in force. The first, referring to the Matter of the Students of the “Raúl Isidro Burgos” Rural School in Mexico¹⁴ ; and the second, referring to the Matter of the Journalists of the El Comercio Newspaper in Ecuador¹⁵. In these mechanisms, the Commission took into account the willingness of the State and the beneficiaries and their representatives to establish a special follow-up mechanism. Each of these mechanisms had a work plan agreed with the State concerned, which included, among others, the preparation of technical reports, working visits, working meetings and public hearings. The mechanisms were financed by the countries concerned.

Lifts

45. The IACHR issues decisions to lift precautionary measures under the terms of Article 25 of its Rules of Procedure after analyzing the information available in each matter concerned. Particularly, paragraphs 9 and 11 refer to the lifting of precautionary measures. The Commission evaluates and gives reasons if the procedural requirements continue to be complied with. Paragraph 9 expressly states the following:

9. 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. At any time, the State may file a duly grounded petition that the Commission lift the precautionary measures in force. Prior to taking a decision on such a request, the Commission shall request observations from the beneficiaries. The presentation of such a request shall not suspend the precautionary measures in force.

¹⁴ Special Follow-up Mechanism for the Matter of Ayotzinapa (Mecanismo Especial de Seguimiento del asunto Ayotzinapa, MESA) - The IACHR created the Special Follow-up Mechanism for the matter of Ayotzinapa (MESA) on July 29, 2016, through Resolution 42/16. The Mechanism aims to follow up on precautionary measure 409/14, issued on October 3, 2014, in favor of the 43 students from the “Raúl Isidro Burgos” rural school in Ayotzinapa who went missing in September 2014 in Iguala, Mexico, and the recommendations of the Interdisciplinary Group of Independent Experts (GIEI) appointed by the IACHR. The MESA is coordinated by the Rapporteur for Mexico, Commissioner Esmeralda Arosemena de Troitiño, and Commissioner Luis Ernesto Vargas. More information at <https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/giei/ayotzinapa/mesa/default.asp>

¹⁵ Special Follow-up Team (Equipo de Seguimiento Especial, ESE) - At the invitation of the Ecuadorian State, the IACHR formed a monitoring team with special and differentiated attention in the framework of the precautionary measure granted in favor of El Comercio journalists Javier Ortega Reyes, Paúl Rivas Bravo and the worker of the same newspaper Efraín Segarra Abril. The Special Follow-up Team (ESE), whose mandate the IACHR defined in its Resolution 54/2018 of July 17, 2018, is made up of Commissioner Esmeralda Arosemena de Troitiño, IACHR Rapporteur for Ecuador, the technical team of the precautionary measures section and the Special Rapporteur for Freedom of Expression. The ESE was officially constituted on July 25, 2018, and its functions are to accompany the families of the victims and to technically support the investigations maintained by the national authorities and institutions regarding the brutal murder of the journalistic team in the border area between Ecuador and Colombia (available [in Spanish] at <http://www.oas.org/es/cidh/decisiones/pdf/2018/54-18mc309-ec-seguimiento.pdf>).

46. Paragraph 11 expressly states the following:

11. In addition to the terms of subparagraph 9 above, the Commission may lift or review a precautionary measure when the beneficiaries or their representatives, without justification, fail to provide a satisfactory reply to the Commission on the requirements presented by the State for their implementation.

47. Aspects that are taken into account when deciding on the lifting of a precautionary measure:

- the existence or continuity of the situation presenting a risk;
- whether it has changed throughout the implementation of the precautionary measure;
- the effectiveness of the measures adopted by the State;
- risk mitigation;
- whether the beneficiaries continue to reside, have a presence in the State in question, or plan to return if appropriate protection measures are implemented;
- the inactivity or lack of response on the part of the representatives to the requests for information made by the IACHR, so that there is no information available to justify keeping the precautionary measures in force¹⁶;
- the loss of the object of protection of the precautionary measure. This, in particular in relation to those cases in which the precautionary measures seek to prevent the execution of a person sentenced to death and that sentence has been carried out.

48. In decisions analyzing whether the procedural requirements are met, the Commission also considers what the Inter-American Court has indicated. Among such considerations, the following stand out:

- i. while the assessment of such requirements when issuing the adoption of the measures is made from a prima facie standard of review, “the maintenance of the protective measures requires a more rigorous evaluation by the Court as to the persistence of the situation that gave rise to them”¹⁷;
- ii. the passage of a reasonable period of time without threats or intimidation, coupled with the lack of imminent risk, may lead to the lifting of international protection measures¹⁸,
- iii. if a State requests the lifting or modification of the provisional measures ordered, it shall provide sufficient evidence and argumentation to assess that the risk or threat no longer meets the requirements, and if the representatives of the beneficiaries wish the measures to continue, they shall provide evidence of the reasons for doing so¹⁹, or

¹⁶ IACHR, Informational Booklet on Precautionary Measures, Question 35.

¹⁷ I/A Court H.R., Case of Fernández Ortega et al. v. Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2017. Considerandum 17

¹⁸ I/A Court H.R., Case of Fernández Ortega et al. v. Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2017. Considerandum 17

¹⁹ I/A Court H.R., Case of Fernández Ortega et al. v. Mexico. Provisional Measures. Order of the Inter-American Court of

- iv. the absence of recent facts on particular situations presenting a risk may lead to the lifting of international protection measures²⁰.
49. Pursuant to the procedural requirements, when the State requests the lifting of a matter, the IACHR sends the request to the representation for its observations. The IACHR also issues communications to the representations requesting information for the purpose of analyzing the validity of the precautionary measures in the terms of Article 25 of its Rules of Procedure.
50. If the IACHR decides to lift a precautionary measure, this does not prevent a new request from being filed for the same persons who were beneficiaries at the time, as long as new events occur that renew the situation posing a risk²¹.
51. As both the IACHR and the Inter-American Court have indicated, a decision to lift precautionary measures or provisional measures does not imply that the State is relieved from the international obligations in force in view of the obligations arising from the applicable international instruments. For example, in the decision to lift provisional measures in *the Matter of Vélez Loo v. Panama* (May 25, 2022), the Inter-American Court, reiterating previous decisions, indicated the following:

“62. Likewise, the Court recalls that Article 1(1) of the Convention establishes the general obligations of the States Parties to respect the rights and freedoms enshrined therein and to guarantee their free and full exercise to all persons subject to their jurisdiction. In this sense, the lifting of the provisional measures does not imply that the State is relieved of its conventional obligations of protection. Therefore, the Court emphasizes that, regardless of the existence of specific provisional measures, the State is obliged to guarantee the rights of persons at risk [...]”

52. Similarly, in the lifting decision of October 14, 2019, in *the Matter of Seventeen Persons Deprived of Liberty in Nicaragua*, the Inter-American Court ruled in the same sense:

“17. Without prejudice to the foregoing, and in view of the observations of the representatives and of the Commission on the State’s reports, the Court recalls that Article 1(1) of the Convention establishes the general obligations of the States Parties to respect the rights and freedoms enshrined therein and to guarantee their free and full exercise to all persons subject to their jurisdiction, which are imposed not only in relation to the power of the State but also in relation to the actions of private third parties. In this regard, the Court reiterates that, in accordance with the principle of complementarity and subsidiarity, it is the States themselves that are first obliged to guarantee the life, security and integrity of persons through their internal organs and jurisdiction. Consequently, the lifting of the provisional measures does not imply that the State is relieved of its conventional obligations of protection”²².

Human Rights of February 7, 2017. Considerandum 16

20 I/A Court H.R., Case of Luisiana Ríos et al. v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of August 22, 2018. Considerandum 12

21 IACHR, Informational Booklet on Precautionary Measures, Question 35.

22 Decisions lifting precautionary measures have reiterated what the Inter-American Court has indicated. For example, see paragraph 76 of the Decision to Lift Precautionary Measures PM-404-10-AR (Members of the Qom Navogoh

53. Considering the high number of lifting requests received and the number of possible lifting matters that do not comply with the requirements of Article 25, and for the purpose of prioritization of the analysis by the technical team, the following criteria are taken into consideration:
- Indications of the IACHR;
 - Loss of object;
 - Lack of answers for years by the representation;
 - When the representation agrees to the lifting of the PM;
 - When the State has made the express request and the representation has already been asked for its observations, whether or not these have been received within the time limit established by the IACHR.
 - Priorities reported by the States in the portfolio meetings; among others.
54. The precautionary measures will remain in effect as long as the IACHR considers that the requirements established in Article 25 of its Rules of Procedure continue to be met.

Requests for Provisional Measures before the Inter-American Court of Human Rights

55. The request for provisional measures is regulated by Article 63(2) of the Convention, Article 19(c) of the Statute of the Commission, and Articles 25(12), 25(13) and 76 of the Rules of Procedure of the IACHR. According to these provisions, the Commission requests measures from the Inter-American Court in cases of extreme gravity, urgency and when it is necessary to avoid irreparable harm to persons with respect to States subject to its jurisdiction. When there is no case before the Court, according to Article 27 of the Court's Rules of Procedure, provisional measures may only be requested by the Commission.
56. The Inter-American Court has established that the granting of provisional measures is appropriate when the situation of gravity "is at its most intense or high degree" and "the risk or threat involved is imminent, which requires that the response to remedy it be immediate." Additionally, it has ruled that there must be a reasonable probability that irreparable harm will materialize. There is the possibility that the provisional measures protect a determinable group of persons and there are precedents of provisional measures issued in favor of identifiable groups because they are located in a specific geographic area.
57. Article 76 of the IACHR Rules of Procedure establishes in its second paragraph a relationship between the request for provisional measures in relation to the precautionary measures granted, in the following terms:

Indigenous Community "La Primavera"). See, link available at https://www.oas.org/en/iachr/decisions/mc/2022/res_20-22_mc_404-10_ar_en.pdf

The Commission will consider the following criteria in presenting the request for provisional measures:

- a. when the State concerned has not implemented the precautionary measures granted by the Commission;
- b. when the precautionary measures have not been effective;
- c. when there is a precautionary measure connected to a case submitted to the jurisdiction of the Court;
- d. when the Commission deems it pertinent for the best effect of the measures requested, for which it shall give its reasons.

58. Article 25(13) of the Rules of Procedure also recognizes this relationship by indicating that, if provisional measures are requested, the precautionary measures “shall remain in effect until the Court notifies the parties of its decision on the request.” It also indicates that “in the event of a decision by the Inter-American Court to reject a request for provisional measures, the Commission shall not consider a new request for precautionary measures, unless there are new facts that so warrant.”

59. The general practice of the Commission has been to first issue a precautionary measure and, if it is not adequately implemented and the situation posing a risk continues in the face of the ineffectiveness of the measures adopted or is exacerbated, to consider that the requirement of “extreme gravity” established in Article 63(2) of the Convention for requesting a provisional measure is applicable. The IACHR has also requested provisional measures when the State in question has expressly disregarded the precautionary measures mechanism, failing to provide information that would allow it to assess the situation in light of the allegations of risk²³. Moreover, although requests for provisional measures are generally made at the express request of the applicants, the IACHR has requested some provisional measures without an express request, considering it as a viable alternative to achieve the protection of the beneficiaries.

23 For example, the IACHR requested provisional measures in a matter related to the situation placing two girls at risk, allegedly belonging to the Taromenane people in voluntary isolation, who had been held under the control of the Waorani people, who allegedly murdered their parents and members of the Community. Among other aspects, the IACHR considered that “[i]n light of the State’s failure to respond to the Commission’s repeated requests, no further details were available on the situation in which the proposed beneficiaries were and -in the case of the younger girl- continue to be held under the control of the Waorani people.” The Commission expressed its concern, regarding that it did not have information on: i) “the current situation of the two girls, or explaining the effectiveness and suitability of [the mechanism adopted by the State] to address the particular situation of” the girls, and ii) “the situation of the older Taromenane girl, who was removed from school through the operation of November 26, 2013, nor about the younger Taromenane girl, approximately two years old, who remains under the control of the Waorani people and separated from her sister.” Based on the information provided by the State before the Court, the request was dismissed. See I/A Court H.R.. Matter of two girls of the Taromenane indigenous people in voluntary isolation regarding Ecuador. Provisional Measures (dismissed). Order of the Inter-American Court of Human Rights of March 31, 2014, para. 9.

60. This practice has also involved a reason of consistency. In this sense, the Commission, when requesting provisional measures, has considered the requirements established in Article 63(2) of the American Convention under parameters of analysis similar to those required to grant a precautionary measure, taking into account the threshold of “extreme gravity,” which entails the exacerbation of the risk, a requirement established in provisional measures.
61. Similarly, the requirements of Article 25 of the Rules of Procedure are informed by the Court’s jurisprudence on provisional measures. When the Commission has requested a provisional measure, it has not taken a neutral position, but rather, as the applicant, argues that the requirements are met based on its own jurisprudence and practices. This is why, in general terms, when the Commission has considered that a matter would not present sufficient elements to grant a precautionary measure, it has considered that it would not have sufficient elements to request a provisional one, especially when the Court’s decision could have an important impact on the analysis that the Commission would have to carry out in order to be consistent with respect to future requests submitted.
62. In the event that the Inter-American Court rejects a request for provisional measures, the IACHR will not consider a new request for precautionary measures, unless there are new facts that justify it. In other words, if the I/A Court H.R. decides to dismiss a request for provisional measures, the precautionary measures also lose their validity

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