

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**  
**RESOLUTION 35/2014**  
PRECAUTIONARY MEASURE No. 458-14

Matter of members of Kaieteur News regarding Guyana  
November 18, 2014

**I. INTRODUCTION**

1. On November 5, 2014, the Inter-American Commission on Human Rights (hereinafter 'Commission' or 'IACHR') received a request for precautionary measures presented by Mr. Christopher Ram (hereinafter 'the applicant'), requesting that the IACHR require the Republic of Guyana (hereinafter "Guyana" or "the State") to adopt the necessary protective measures to safeguard the lives and personal integrity of the members of the Kaieteur News journal, composed of Glenn Lall, Adam Harris and Leonard Gildharie, among others (hereinafter 'the proposed beneficiaries'). According to the request for precautionary measures, the proposed beneficiaries received purported threats against their lives and personal integrity as a consequence of their work as journalists and within the framework of their right to freedom of expression.

2. After analyzing the factual and legal arguments put forth by the applicants, the Commission considers that the information presented demonstrates *prima facie* that the members of the Kaieteur News journal are in a serious and urgent situation, since their lives and personal integrity face an imminent risk of irreparable harm. Consequently, according to Article 25 of the Rules of the IACHR, the Commission requires the Republic of Guyana to: a) adopt the necessary measures to protect the lives and personal integrity of the three identified members of the Kaieteur News journal; b) agree on the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure in order to prevent their repetition.

**II. SUMMARY OF THE FACTS AND ARGUMENTS ALLEGED BY THE APPLICANTS**

3. According to the request for precautionary measures, 'Kaieteur News is widely acknowledged to be one of the only two independent newspapers in Guyana [...], relentlessly exposing corrupt activities by high-ranking members of the government [...].' Its staff includes Glenn Lall, publisher; Adam Harris, editor; and Leonard Gildarie, senior journalist, among others. Within the framework of their work as journalists, the proposed beneficiaries reportedly received threats against their lives and personal integrity. The request for precautionary measures is substantiated in the following arguments and alleged facts:

- A. Within the last months, Kaieteur News published a series of articles related to alleged corrupt activities among high officials and members of the government, including purported '[...] secretive deals, kickbacks to friends and associates, and the sale of national assets,' the latest publications referring to an alleged abuse of duty free concessions granted to the uncle of the Attorney General.
- B. According to the applicant, on October 27, 2014, the Attorney General, Mr. Anil Nandlall, and Mr. Leonard Gildarie had a telephone conversation which was recorded and eventually released publicly by the proposed beneficiary. During the conversation, the Attorney General purportedly threatened Kaieteur News' staff and revealed knowledge of a possible attack against them: "[l]isten, you know how it is going to stop; someone is going into Kaieteur News [...]. I told Adam (Harris, Editor), I said Adam, people have weapons [...], and when you continue to attack people like that [...] they are going to just walk with their weapons into that same fucking Saffon Street office (location of Kaieteur News) and what

happens happens [...], I tell you innocent... I tell you honestly, man to man that will happen [...]. So the quicker you get out of there [...], the better [...]. Anyhow, the man (Glenn Lall, owner of Kaieteur News), the man's view is that he is above everybody else, that he is above the law [...]. I told Glenn already, he knows my capacity and I know his, I do not have to go to court every day and issue press statements, I don't have to revert to those methods [...]. There are far more effective methods to which I can resort, right [...]. I think that you should, my first advice to you is that you should move out of there, it is a dangerous fucking place to work [...], this is not going to go on for a long time [...], it is a lot of powerful people [...], no-one used to take him seriously before [...], but people have become sensitive now, they were Kshatriya Coolie rass, you know what is Kshatriya (a reference to a privileged warrior class in the traditional Hindu hierarchy) [...]. You do not engage a Kshatriya in a fucking war, and that is what he has done, when he began to publish that I spied on him and all kinds of fucking madness, don't you see, the fucking tempo changed after that, right [...]."

- C. In the aftermath of these disclosures, according to the applicant 'neither the government nor the Attorney General has denied that the voice on the recording is that of the Attorney General's. Instead, the Attorney General has filed a libel suit against the newspaper in relation to the disclosure.' In addition, the applicant stressed that although Mr. Glenn Lall apparently made a formal complaint to the police concerning the purported threats uttered by the Attorney General against the newspaper, '[...] no form of action has been taken against [him].' In this sense, the applicant denounces that the official response supposedly focused on the privacy issue in order to deflect attention from the alleged substance of the call.
- D. Later on, Mr. Leonard Gildarie was supposedly picked up at his home by the Police and escorted to the Brickdam Police Station to answer questions. According to the applicant, in a subsequent interview, Mr. Leonard Gildarie '[...] has been quoted as saying he is fearful for his life and the lives of his family.' As for Mr. Glenn Lall, he was to appear before the Police to offer a clarification on his statement. On the other hand, the applicant affirms that '[the proposed beneficiaries] have reliably learnt that there is no plan to interview the Attorney General.'
- E. In relation to the abovementioned points, the applicant sustains that 'there is ample cause for concern that the [proposed beneficiaries] as well as employees at the newspaper in general are in serious risk of irreparable harm [...]' against their lives and personal integrity. In this sense, the applicant indicated that '[t]he substance of the taped conversation clearly hints at the possibility of extrajudicial violence against the newspaper entity as a whole and to persons employed there.' In addition, the applicant highlighted that Kaieteur News was already subject to a purported attack in 2006, '[...] in the course of which 4 employees were shot and killed.' Following this incident, according to the applicant, several persons were charged, '[...] but none were ever convicted [...], with that background Kaieteur News understandably takes any threats seriously.'
- F. As contextual information, the applicant referred to the United Nations Human Rights Committee which expressed in its Concluding Observations from April 25, 2000, that "[t]he Committee is concerned that freedom of expression may be unduly restricted by reason of the government monopoly of radio broadcasting. It is also concerned at the lack of specific remedies for journalists who have been subjected to violence or harassment by the police or other authorities." In addition, the applicant pointed out an alleged situation of police brutality, torture and impunity, in the sense that "[b]ecause of the climate of lawlessness

and the breakdown of the rule of law in Guyana, [the proposed beneficiaries] are justifiably in fear of their lives following the threats uttered by the Attorney General to the reporter.”

### III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABLE HARM

4. The mechanism of precautionary measures is a part of the Commission’s function of overseeing Member State 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 set forth in Article 41 (b) of the American Convention on Human Rights, and Article 18 of the Commission’s Statute. The mechanism of precautionary measures is set out in Article 25 of the Commission’s Rules of Procedure. According to this Article, the Commission issues precautionary measures in situations that are serious and urgent, and where such measures are necessary to prevent irreparable harm to persons.

5. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that precautionary and provisional measures have a dual nature, precautionary and protective. Regarding their protective nature, the measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving a legal situation being considered by the IACHR. Their precautionary nature aims to preserve those rights at risk until the petition in the Inter-American system is resolved. Its object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, thus, avoid infringement of the rights at issue, a situation that may adversely affect the useful purpose (*effet utile*) of the final decision. In this regard, precautionary measures or provisional measures thus enable the State concerned to fulfill the final decision and, if necessary, to comply with the reparations ordered. As such, for the purposes of making a decision, and in accordance with Article 25.2 of its 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.

6. In the present situation, the Commission considers that the requirement of seriousness is met, in light of the alleged threat expressed against the lives and personal integrity of the Kaieteur News personnel, within the framework of their right to freedom of expression. In particular, the information presented suggests that the purported threat was oriented toward preventing the members of Kaieteur News from freely exercising their role as journalists, related to a series of reports on corruption cases, among other issues, which allegedly affected high ranking officials within the Government. In addition to the purported threats, it is worth mentioning that the IACHR Special Rapporteur for Freedom of Expression closely followed up the situation of freedom of expression and of reporters in Guyana and condemned the reported murder of workers from Kaieteur News in 2006.<sup>1</sup> Moreover, concerning the purported context of violence against reporters in Guyana, the allegations presented appears to be consistent with recent information received by the IACHR in that regard.<sup>2</sup>

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<sup>1</sup> See: IACHR. Special Rapporteur for Freedom of Expression. Press release from August 11, 2006. Available at: <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=674&IID=1>

<sup>2</sup> See: IACHR. Special Rapporteur for Freedom of Expression. 2012 Annual Report, para. 285. Available at: <http://www.oas.org/en/iachr/expression/reports/annual.asp>

7. Taking into consideration the specific characteristics of the present situation and the general context in which it is submitted, the Commission considers *prima facie* that the rights to life and personal integrity of the three identified members of the Kaieteur News journal face a situation of risk.

8. Regarding the requirement of urgency, the IACHR considers that it is met, in light of the terms contained within the purported threat which indicate that an imminent attack might occur against the Kaieteur News staff. Also, the publication of the taped conversation between the Attorney General and Mr. Leonard Gildarie and the alleged lack of an investigation would increase the apparent situation of risk faced by the proposed beneficiaries. Furthermore, it is worth mentioning that, according to the applicant, although the relevant authorities were informed on the purported threats and that the proposed beneficiaries filed a complaint in that regard, it seems that no protective measures were implemented in order to safeguard their lives and personal integrity. In this sense, it appears that the Kaieteur News staffs are presently in a situation of risk without any form of protection.

9. Regarding the requirement of irreparable harm, the Commission considers it fulfilled, to the extent that the possible effect on the right to life and personal integrity represents consequences of an irreparable nature.

10. Under Article 25.5 of the Rules of the IACHR, the Commission generally requests that the State concerned present information prior to taking its decision on a request for precautionary measures, except in a matter such as the present situation where the immediacy of the potential harm allows for no delay.

#### **IV. BENEFICIARIES**

11. The request for precautionary measures is presented in favor of the members of the Kaieteur News journal, who are identified in the communications presented to the IACHR.

#### **V. DECISION**

12. In view of the above-mentioned information, the Commission considers that this matter *prima facie* meets the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests the Republic of Guyana to:

- a. Adopt the necessary measures to protect the lives and personal integrity of the three identified members of the Kaieteur News journal;
- b. Agree on the measures to be adopted with the beneficiaries and their representatives; and
- c. Report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure to prevent their repetition.


13. The Commission also requests that the Government of provide information, within the period of 15 days from the date that the present resolution is issued on the adoption of the required precautionary measures, and provide updated information periodically. Given that the present precautionary measures have been granted without having previously requested information from the State, the Commission will review this decision once it receives reports from both parties.

14. The Commission wishes to point out that in accordance with Article 25(8) of its Regulations, the granting of precautionary measures and their adoption by the State shall not constitute a

prejudgment of any violation of the rights protected in the American Declaration of the Rights and Duties of Man or any other applicable applicants.

15. The Commission requests that the Executive Secretariat of the IACHR notify the present resolution to the Republic of Guyana and to the applicants.

16. Approved on November 18, 2014, by: Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice-President; Felipe Gonzalez, Second Vice-President; Commissioners, José de Jesús Orozco, Rosa Maria Ortiz, Paulo Vannucchi and James Cavallaro.

A handwritten signature in black ink, appearing to read 'E. Abi-Mershed', with a long horizontal flourish extending to the right.

Elizabeth Abi-Mershed  
Assistant Executive Secretary