
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 41/2017**

Precautionary measure No. 736-17

Rubén Ramírez Cárdenas regarding the United States of America¹
October 18, 2017

I. INTRODUCTION

1. On August 7, 2009, the Inter-American Commission on Human Rights (hereinafter the “Inter-American Commission,” “Commission,” or “IACHR”) issued its admissibility and merits report N° 90/09,² which declared the United States of America (hereinafter the “United States” or “the State”) responsible for violations of Articles I, XVIII and XXVI of the American Declaration against Mr. Ruben Ramírez Cárdenas, a Mexican citizen, in respect of the criminal proceedings leading to the imposition of the death penalty against him. In its recommendations, the Commission requested the United States to vacate the death sentences imposed and provide the victims with an effective remedy, which includes a new trial in accordance with equality, due process and fair trial protections, including the right to competent legal representation.

2. On August 28, 2017, within the framework of the monitoring of the compliance with the report N° 90/09, the Commission received information from the representative of Mr. Ruben Ramírez Cárdenas, Ms. Sandra Babcock (hereinafter “the applicant”) stating that the United States has not complied with the recommendations and urging the Commission to request the United States of America to adopt the necessary measures to protect the rights of Mr. Rubén Ramírez Cárdenas (hereinafter “the proposed beneficiary”), meanwhile the recommendations of N° 45/08 are fulfilled by the State. The applicant stated that Mr. Ramírez still on death row and is facing an imminent execution.

3. Having analyzed the submissions of fact and law offered by the applicants, the Commission considers that the information presented shows, *prima facie*, that the rights to life and personal integrity of Mr. Ramírez face a serious and urgent situation of irreparable harm, in accordance with Article 25 of the Rules of Procedure. In assessing those aspects, the Commission has taken into account the solitary confinement and detention conditions in which Mr. Ramírez has been held on death row, and that the potential execution of the death penalty would irreparably harm his life, which would make it impossible for the State to comply with the recommendations issued in the merits report N° 90/09. Consequently, the Commission hereby requests that the United States: (a) adopt the measures necessary to protect the life and personal integrity of Mr. Rubén Ramírez Cárdenas; (b) refrain from carrying out the death penalty on Mr. Rubén Ramírez Cárdenas; (c) ensure that the detention conditions of Mr. Rubén Ramírez Cárdenas are made consistent with the applicable international standards; (d) provide the necessary and appropriate medical care to Mr. Rubén Ramírez Cárdenas; and (e) agree on the measures to be adopted with the beneficiary and his representatives.

II. SUMMARY OF FACTS AND LEGAL ARGUMENTS SUBMITTED

¹ In accordance with Article 17(2) of the Rules of Procedure of the IACHR, Commissioner James Cavallaro, a United States citizen, did not participate in the discussion or decision on this precautionary measure.

² IACHR, *Medellín, Ramírez Cárdenas and Leal García regarding the United States* (Case N° 12.644), Report N° 90/09 on Admissibility and Merits (Publication), August 7, 2009. Available at: <http://www.cidh.org/annualrep/2009eng/US12644eng.htm>.

A. Background and procedural stages

4. On December 12, 2006, the Inter-American Commission on Human Rights received a petition presented by Ms. Sandra Babcock against the United States of America. The petition was filed in favor of Mr. Rubén Ramírez Cárdenas, a Mexican national who was tried and sentenced to death in the State of Texas on February 18, 1998.³ On January 30, 2007, the Commission forwarded the petition to the United States to obtain its observations on the matter, and simultaneously granted precautionary measures in favor of Mr. Ramírez, requesting that his execution be stayed until the Inter-American System had assessed the situation.⁴

5. On July 24, 2008, the Commission adopted an admissibility and merits report N° 45/08, determining that the United States was responsible for violating Articles XVIII (right to a fair trial) and XXVI (right to due process of law) of the American Declaration of the Rights and Duties of Man. In addition, it declared that in the event Mr. Ramírez is executed, the State would be responsible for a serious and irreparable violation of the fundamental right to life, as set forth in Article I of the American Declaration.⁵ On August 7, 2009, the Commission issued its report N° 90/09 in which it ordered the publication of report N° 45/09, with the IACHR's conclusions and final recommendations.⁶

6. The Commission then monitored compliance with that report by the United States, pursuant to Article 48 (1) of its Rules of Procedure, by requesting information from both parties on a regular basis. Since its earliest reports from 2010 and 2011, the State “respectfully disagree[d]” with the first recommendation and “decline[d] it,” while it informed on the steps taken in relation to the rest of them. Subsequently, in its reports dated December 17, 2012; November 22, 2013; February 3, 2015; and December 2, 2015, the State merely reiterated its earlier responses, without mentioning any further efforts undertaken to comply with the recommendations of the IACHR.

³ On November 22, 2006, the IACHR received a petition filed by Ms. Babcock in favor of Mr. José Ernesto Medellín, which was sent to the United States for its observations on December 6, 2006, while precautionary measures were also issued requesting that the State refrain from carrying out the execution until the petition could be analyzed by the Inter-American Commission. On December 12, 2006, Ms. Babcock filed another petition, in favor of Mr. Humberto Leal García and Mr. Ramírez, whose situation is being addressed in the present resolution. All three of them are Mexican nationals who have been sentenced to death in similar circumstances. Moreover, the situation of these persons has been already assessed by the International Court of Justice, within the framework of the *Avena* Case. See: ICJ, *Case Concerning Avena and other Mexican Nationals* (Mexico v. United States of America), Judgment of March 31, 2004. Available at: <http://www.icj-cij.org/files/case-related/128/128-20040331-JUD-01-00-EN.pdf>. Considering the similarities of the factual allegations, and pursuant to Article 29 (1) (d) of its Rules of Procedure, on January 15, 2008 the Commission notified the parties that it decided to accumulate and process all three petitions within the case N° 12.644. Furthermore, it decided to rule both on the admissibility and merits issues in the latter stage, according to Article 37 (3) of the Rules of Procedure.

⁵ The Commission issued a series of recommendations. Specifically:

1. Vacate the death sentences imposed and provide the victims with an effective remedy, which includes a new trial in accordance with the equality, due process and fair trial protections, prescribed under Articles I, XVIII and XXVI of the American Declaration, including the right to competent legal representation.
2. Review its laws, procedures and practices to ensure that foreign nationals who are arrested or committed to prison or to custody pending trial or are detained in any other manner in the United States are informed without delay of their right to consular assistance and that, with his or her concurrence, the appropriate consulate is informed without delay of the foreign national's circumstances, in accordance with the due process and fair trial protections enshrined in Articles XVIII and XXVI of the American Declaration.
3. Review its laws, procedures and practices to ensure that persons who are accused of capital crimes are tried and, if convicted, sentenced in accordance with the rights established in the American Declaration, including Articles I, XVIII and XXVI of the Declaration, and in particular by prohibiting the introduction of evidence of unadjudicated crimes during the sentencing phase of capital trials.
4. Review its laws, procedures and practices to ensure that persons who are accused of capital crimes can apply for amnesty, pardon or commutation of sentence with minimal fairness guarantees, including the right to an impartial hearing.

⁶ IACHR, *Medellín, Ramírez Cárdenas and Leal García regarding the United States* (Case N° 12.644), Report N° 90/09 on Admissibility and Merits (Publication), August 7, 2009. Available at: <http://www.cidh.org/annualrep/2009eng/US12644eng.htm>.

7. As for the applicant, in her report of November 22, 2012, she recognized and appreciated the efforts of the Executive Branch to implement the *Avena* judgment of the International Court of Justice, although she stressed that Congress still has not enacted any legislation to ensure the implementation of the ICJ's ruling, among other issues related to Mr. Medellín and Mr. Leal. On August 28, 2017, the Commission received a request from the applicant to reiterate the precautionary measures granted. She reported that the State had not yet complied with the recommendations made by the Commission and that Mr. Ramírez, still on death row, is facing an imminent execution.

8. On October 4, 2017, the Commission requested information from the State within one month, on the status of compliance with the merits report.

B. Mr. Ramírez' death sentence and post-conviction procedure⁷

9. On February 23, 1997, law enforcement officers arrested Mr. Rubén Ramírez Cárdenas – a Mexican citizen who emigrated to the US when he was a child –, in connection with the kidnapping and murder of Mayra Laguna, his 16 year-old cousin. Initially, Mr. Ramírez denied any involvement in the matter, although he later gave a statement, absent legal representation, confessing to kidnapping, raping and murdering Ms. Laguna while being under the combined influence of alcohol and cocaine. What follows is a recapitulation of his trial and conviction, on the basis of the facts determined in report N° 45/08 and the available documents.

10. On February 17, 1998, the District Court of Hidalgo County, Texas, convicted Mr. Ramírez of capital murder, and on the next day, he was sentenced to death after the jury considered his “future dangerousness” while rejecting the mitigating circumstances at issue. On April 26, 2000 the Court of Criminal Appeals affirmed both the conviction and death sentence.

11. The applicant argued primarily that Mr. Ramírez, who had no criminal record prior to his detention, was never informed of his right to consular communication and assistance. Indeed, consular officers did not learn of his detention until approximately five months later, in violation of Article 36 of the Vienna Convention on Consular Relations. Moreover, she maintained that he had not been provided with an attorney in earlier stages of the procedures, although he was entitled to, and that Mr. Ramírez' statements were inconsistent both with previous declarations and available evidence. In addition, the applicant indicated that the defense moved to suppress the custodial statements to the police on Fifth Amendment grounds, but failed to raise a Sixth Amendment challenge based on the failure to appoint counsel and upon the Vienna Convention, among other aspects.

12. On May 16, 2001 the Texas Court of Criminal Appeals denied an initial state court application for writ of habeas corpus. On May 15, 2002, a federal petition for habeas relief was filed on behalf of Mr. Ramírez, and on September 25, 2003, the United States District Judge issued an order granting a motion for summary judgment, and denying the petition for writ of habeas corpus and dismissing the case.

13. On August 25, 2004, Mr. Ramírez sought a certificate of appealability from the Fifth Circuit Court of Appeals, which was denied, as well as a writ of certiorari from the United States Supreme Court on

⁷ For the purposes of the present resolution, the Commission will consider the situation of Mr. Ramírez.

June 30, 2006.⁸ Meanwhile, a second state court application for writ of habeas corpus was filed, dismissed by the Court of Criminal Appeals on March 7, 2007, and the US Supreme Court dismissed another petition for certiorari on April 7, 2008. On June 19, 2009, a third state court application for writ of habeas corpus was filed, which was denied on September 30, 2009. On April 22, 2010, the US Supreme Court denied an application for writ of certiorari.

14. On April 14, 2016, the Fifth Circuit denied a request to issue a certificate of appealability, and the US Supreme Court denied a petition for a writ of certiorari on January 9, 2017. On February 9, 2017, the District Court of Hidalgo County scheduled Mr. Ramírez for execution on June 7, 2017. On February 21, 2017, the Court withdrew the order in light of an impending meeting between the Hidalgo County District Attorney and representatives of the US Department of State. In February 2017, the defense lawyer sent a letter to the District Attorney, requesting a meeting to discuss the matter considering the lack of integrity of his conviction, but no answer was given. On April 12 and 21, 2017, the Mexican Consul sent a letter to the Presiding Judge and the District Attorney respectively, requesting that the Mexican Government be given notice and the opportunity to be heard before any execution date would be set, but neither replied.

15. On May 1, 2017, Mr. Ramírez' counsel filed a motion to defer or, alternatively, be heard before the execution date would be set. In that motion, arguments were submitted regarding the importance of the ruling of the Inter-American Commission on Human Rights, which recommended the United States to vacate his death sentence. Moreover, counsel urged the Court to refrain from scheduling an execution date in light of the United States' unfulfilled obligations pursuant to the *Avena* case.

16. On June 22, 2017, a second motion was filed to set an execution date before the District Court of Hidalgo County. On July 6, 2017, defense counsel filed a request to schedule a hearing with the court, advising that the State had located biological material that could potentially be subjected to new and more sophisticated DNA testing, evidence that would bear directly on the question of Mr. Ramírez' guilt or innocence. On August 7, 2017, without ruling on the aforementioned issue, the Court granted the State's motion and set the execution to take place on November 8, 2017, by means of intravenous injection.

C. The situation of Mr. Ramírez on death row

17. The applicant alleged within the framework of the petition processed by the Commission that all male Texas death row prisoners have been incarcerated in the Polunsky Unit in Livingston, Texas. They are reportedly housed in small cells with a sink, a toilet and a narrow bed, where they spend 23 hours of isolation per day, segregated from other prisoners in every aspect of their lives. Moreover, they are allowed no physical contact with family members or attorneys from the moment they enter death row until their execution.

18. As it pertains to the specific situation of Mr. Ramírez,⁹ the applicant denounced that his detention conditions caused him "tremendous suffering," and that while he was deprived of liberty, he developed a Nephrotic Syndrome, a type of disease which makes the kidneys gradually lose their ability

⁸ By February 28, 2005, President George W. Bush issued a Memorandum stating that the United States would discharge its international obligations by having state courts give effect to the ICJ's decision.

⁹ IACHR, *Medellín, Ramírez Cárdenas and Leal García regarding the United States* (Case N° 12.644), Report N° 90/09 on Admissibility and Merits (Publication), August 7, 2009. Available at: <http://www.cidh.org/annualrep/2009eng/US12644eng.htm>.

to filter wastes and excess water from the blood. In this regard, the applicant indicated that given his medical situation, Mr. Ramírez has been in and out of John Sealey Hospital in Galveston, Texas, on various opportunities. Also, that he had been returned to death row on more than one occasion without being discharged by his doctors.

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

19. The precautionary measures mechanism is 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 in Article 18(b) of the IACHR Statute; the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. According to that 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.

20. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter the "Inter-American Court" or "I/A Court H.R.") have consistently held 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 at preserving 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 enable the State concerned to fulfill the final decision and, if necessary, to comply with the ordered reparations. 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.

21. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. Rather, the assessment of the information provided as to whether the requirements of seriousness and urgency are met must be determined under a *prima facie* standard of review.

22. Article 25.1 of the Rules of Procedure of the IACHR provides that precautionary measures, "whether related to a petition or not, shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system."

23. The Commission notes that the purpose of the present request for precautionary measures (MC-736-17) is to assess the situation of risk faced by Mr. Rubén Ramírez Cárdenas.¹⁰

24. The Commission considers that the requirement of seriousness is met, given both the severe impact on Mr. Ramírez' rights to life and personal integrity presumably caused by the extended time that he has spent on death row, and the potential execution of the death penalty, which would make it impossible for the State to comply with the recommendations issued in the merits report N° 90/09.

25. In that regard, the Commission notes that, to this day, according to the available information, Mr. Ramírez remains on death row at the Polunsky Unit, Texas, and has reportedly been held in solitary confinement for an extended period of time¹¹ while awaiting execution. According to the information provided by the applicant in the context of the case, Mr. Ramirez has been housed in a small cell with a sink, a toilet and a narrow bed. Death row inmates spend 23 hours of isolation per day, segregated from other prisoners. Moreover, they are allowed no physical contact with family members or attorneys from the moment they enter death row until their execution.

26. As for the impact that solitary confinement may cause on the rights to life and personal integrity, the United Nations Special Rapporteur on torture, Juan E. Mendez, stated that:

Individuals held in solitary confinement suffer extreme forms of sensory deprivation, anxiety and exclusion, clearly surpassing lawful conditions of deprivation of liberty. Solitary confinement, in combination with the foreknowledge of death and the uncertainty of whether or when an execution is to take place, contributes to the risk of serious and irreparable mental and physical harm and suffering to the inmate. Solitary confinement used on death row is by definition prolonged and indefinite and thus constitutes cruel, inhuman or degrading treatment or punishment or even torture.¹²

27. The so-called “death row phenomenon” is widely known due to the impact that it has on the rights of persons deprived of liberty. In that connection, in *Soering v. United Kingdom*, the European Court found that the “death row phenomenon” is characterized by a prolonged period of detention while awaiting execution, during which prisoners suffer severe mental anxiety in addition to other circumstances.¹³

28. Furthermore, it is worth mentioning that the Commission recently published merits report N° 24/17,¹⁴ concerning the situation of an Argentinian national who was sentenced to death and held on death row for more than twenty years.¹⁵ Given the information received on the deterioration of his

¹⁰ Although the follow-up of both the merits report N° 90/09 – as a result of the violations of human rights therein determined – and the precautionary measure granted in his favor on January 30, 2017, relate to the supervision of case N° 12.644, the Commission notes that the present request for precautionary measures refers to the current situation of risk of Mr. Ramírez, whose rights allegedly are at urgent risk of irreparable harm.

¹¹ According to the information available since 2006, when the Commission received the initial petition, Mr. Ramírez Cárdenas has been held on death row

¹² United Nations, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, 9 August 2012, A/67/279, para. 48.

¹³ IACHR, *The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition*, OEA/Ser.L/V/II. Doc. 68, December 31, 2011, p. 200. Available at: <http://www.oas.org/en/iachr/docs/pdf/deathpenalty.pdf>. Cited in IACHR, *Victor Hugo Saldaño regarding the United States of America* (MC-241-17), Resolution 14/17 of May 26, para. 27.

¹⁴ IACHR, Report No. 24/17, Case 12.254. Merits. Víctor Saldaño. United States. March 18, 2017. Available at: <http://www.oas.org/en/iachr/decisions/merits.asp>.

¹⁵ The Commission found in its report that Mr. Víctor Hugo Saldaño had been convicted and sentenced to death despite presenting serious mental health issues and the use of flawed evidence, which included an expert report based on discriminatory considerations, among other

mental health due to his detention conditions, the Commission granted new precautionary measures in his favor on May 26, 2017, requesting that the United States refrain from executing Mr. Víctor Hugo Saldaño and protect his rights to life and personal integrity.¹⁶

29. In the present matter, Mr. Ramírez reportedly continues to be deprived of liberty in virtually constant solitary confinement with severe restrictions, further compounded by the anxiety caused by the uncertainty of his situation. The Commission, over these years, received no information from the State concerning any actions taken to bring Mr. Ramírez' detention conditions in line with the applicable international standards, but rather maintained those which have been confirmed by other international human rights bodies to be a form of torture or cruel, inhuman, or degrading treatment (*vid. supra* para. 25 and 26). As previously stated, the Commission had the opportunity to assess similar factual circumstances within the framework of merits report N° 76/16 – in relation to the matter of Víctor Hugo Saldaño regarding the United States –, and found that “[a]ll these factors, taken together, demonstrate the extreme severity of the consequences suffered [...] on death row to the present, which, in addition to being inhuman, cruel, unusual, and infamous, constitute a form of torture.”¹⁷

30. In addition, the Commission notes that, according to the information provided by the applicant in the context of merits report 90/09, Mr. Ramírez developed a “Nephrotic Syndrome,” a type of disease which makes the kidneys gradually lose their ability to filter wastes and excess water from the blood. The Commission notes that although this condition affects Mr. Ramírez' health, the State has not provided information about the medical treatment adopted by the competent authorities in relation to this situation.

31. Finally, the Commission considers that the situation of seriousness faced by Mr. Ramírez is further aggravated by the fact that he may be executed, which would make it impossible for the State to comply with the recommendations issued in merits report N° 90/09; in particular, to “[...] provide the victims with an effective remedy, which includes a new trial in accordance with the equality, due process and fair trial protections, prescribed under Articles I, XVIII and XXVI of the American Declaration, including the right to competent legal representation.” Indeed, the Commission stresses that carrying out a death sentence in such circumstances would not only cause irreparable harm to the person, but would also undermine the right to obtain an effective remedy as a result of the processing of an individual petition before the Inter-American System, despite the OAS Member States' obligation to comply with all of its international commitments derived from the Charter and the relevant instruments.¹⁸

32. Regarding the requirement of urgency, the Commission considers that it is met since, according to the information provided by the applicant, the execution of the death penalty in the case of Mr. Ramírez has been scheduled to take place on November 8, 2017.

aspects. Moreover, that as a result of the long imprisonment in death row, his mental state worsened, while federal writs of habeas corpus were filed seeking that capital punishment be not imposed.

¹⁶ IACHR, *Víctor Hugo Saldaño regarding the United States of America* (MC-241-17), Resolution 14/17 of May 26.

¹⁷ IACHR, Report No. 5/17, Case 12.254, Víctor Saldaño (United States), January 27, 2017, para. 251.

¹⁸ See IACHR, Report No. 81/11, Case 12.776, Merits, Jeffrey Timothy Landrigan, United States, July 21, 2011, par. 66; Report No. 52/01, Case No. 12.243, Juan Raúl Garza, United States, Annual Report of the IACHR 2000, par. 117; IACHR, *Fifth Report on the Situation of Human Rights in Guatemala*, Doc. OEA/Ser.L/V/II.11doc.21 rev. (April 6, 2001), pars. 71 and 72. See also: International Court of Justice, *Case re. the Vienna Convention on Consular Relations (Germany v. United States of America)*, Request for the Indication of Provisional Measures, Order of March 3, 1999, General List, No. 104, pars. 22-28; United Nations Human Rights Committee, *Dante Piandiong et al. v. Philippines*, Communication No. 869/1999, UN Doc. CCRP/C/70/D/869.

33. Regarding the requirement of irreparable harm, the Commission deems the risk to the right to life to be evident in light of the imminent implementation of the death penalty, since the loss of life imposes the most extreme and irreversible situation possible.

34. The Commission wishes to recall that pursuant to Article 25(5) of Its Rules of Procedure “[p]rior to the adoption of precautionary measures, the Commission shall request relevant information [from] the State concerned, except where the immediacy of the threatened harm admits of no delay.” In the present matter, the Commission considers it unnecessary to request additional information from the United States, since the State is well aware of the situation of Mr. Ramírez as a result of the monitoring of the recommendations issued in merits report N° 90/09.

IV. BENEFICIARIES

35. The Commission declares that the beneficiary of the present precautionary measure is Mr. Rubén Ramírez Cárdenas, who is duly identified in the framework of this proceeding.

V. DECISION

36. In light of the foregoing considerations, the IACHR considers that this matter meets *prima facie* the requirements of seriousness, urgency and irreparability set forth in Article 25 of its Rules of Procedure. Consequently, the Commission hereby requests that the United States (a) adopt the measures necessary to protect the life and personal integrity of Mr. Rubén Ramírez Cárdenas; (b) refrain from carrying out the death penalty on Mr. Rubén Ramírez Cárdenas; (c) ensure that the detention conditions of Mr. Rubén Ramírez Cárdenas are made consistent with the applicable international standards; (d) provide the necessary and appropriate medical care to Mr. Rubén Ramírez Cárdenas; and (e) agree on the measures to be adopted with the beneficiary and his representatives.

37. The Commission also requests that the Government provide information within a period of 10 days from the date in which the present resolution is notified, as well as submit updated information periodically.

38. The Commission notes that these precautionary measures take into account the context of merits report N° 90/09 in which it declared that the State is internationally responsible for violating the human rights of Mr. Rubén Ramírez Cárdenas. The foregoing notwithstanding, the Commission recalls that the precautionary measures mechanism is a separate procedure as set forth in Article 25 of its Rules of Procedure. Therefore, the granting and adoption of any precautionary measures do not constitute a decision on the merits of this matter, but rather refer to the prevention of an irreparable situation of risk to the rights of the individual concerned.

39. The Commission requests that the Executive Secretariat of the Inter-American Commission notify the United States and the applicant of the present resolution.

40. Approved on October 18, 2017, by: Francisco José Eguiguren Praeli, President; Margarette May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; José de Jesús Orozco Henríquez; Paulo Vannuchi; Luis Ernesto Vargas Silva, members of the IACHR.



Elizabeth Abi-Mershed
Assistant Executive Secretary