

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 103/2021**

Precautionary Measure No. 1041-21
Julius Jones regarding the United States of America
December 17th, 2021
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures granted to Mr. Julius Jones in the United States of America. At the time of making the decision, the Commission observed that the death sentence imposed on Mr. Julius Jones and initially scheduled for November 18, 2021, was commuted. The IACHR will continue to review the situation under petition P-2029-21.

II. BACKGROUND INFORMATION

2. On November 17, 2021, the IACHR granted precautionary measures to Julius Jones, in the United States of America, who was represented by Cece Jones Davis of the “Justice for Julius” Campaign and Michelle Morais de Sá e Silva. The applicants’ request was for the State to stop the execution of the death penalty, which was scheduled for November 18, 2021. According to the request, Julius Jones was on death row in Oklahoma for a murder conviction. The applicants made allegations of due process violations because of insufficient evidence against Julius Jones, as well as racial prejudice. They also called into question Mr. Jones’ lawyer at the time of the proceeding that led to his conviction. The matter at hand is related to Petition P-2029-21, in which Mr. Jones’ representatives allege violations of certain articles of the American Declaration of Human Rights (American Declaration). The precautionary measures were granted without previously requesting information from the State, as the Commission considered that the immediacy of the threat admitted no delay, in accordance with Article 25(5) of its Rules of Procedure.

3. Upon analyzing the submissions of fact and law, the IACHR found that Mr. Julius Jones was, *prima facie*, at risk in accordance with the requirements of Article 25 of its Rules of Procedure. The IACHR considered that, if Mr. Jones was executed before it could reach a decision on the merits of the petition, any eventual decision would be rendered moot after the harm had materialized. Consequently, the IACHR requested that the United States of America: a) adopt the necessary measures to protect the life and personal integrity of Mr. Julius Jones; b) refrain from carrying out the death penalty on Mr. Julius Jones until the IACHR has had the opportunity to reach a decision on his petition P-2029-21; and c) adopt the measures herein in consultation with the beneficiary and his representatives.¹

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

4. Throughout the time the precautionary measures have been in force, the Commission has followed-up on the situation that is the subject matter of this resolution through the request of information from the parties. On November 17 and 19, 2021, the State submitted its response. On November 30, 2021, the Commission requested updated information from the parties on the current situation of the beneficiary. On December 3, 2021, the beneficiary’s representation sent their response.

¹ IACHR, [Resolution No. 90/21, PM 1041-21, Julius Jones regarding the United States of America](#), November 17, 2021.

A. Information provided by the State

5. On November 17, 2021, the State reported that it had forwarded the precautionary measures to the state of Oklahoma for review and consideration. On November 19, 2021, the State informed that, on November 18, 2021, the Governor of Oklahoma commuted the sentence of Mr. Julius Jones to life in prison without the possibility of parole.

B. Information provided by Mr. Jones' representation

6. On December 3, 2021, the beneficiary's representatives confirmed that the Governor of Oklahoma commuted Julius Jones's death sentence to life in prison without the possibility of parole. However, they further noted that the governor imposed a very strict condition for applying the commutation. The condition set forth is that "Julius Jones will not be eligible to apply or be considered for another commutation, pardon, or parole for the remainder of his life." Additionally, his representatives stated that, due to the commutation of the sentence, Julius Jones' security classification should have been lowered from maximum security to medium security. However, as of the date of their communication, Julius Jones was still subject to maximum security restrictions. One of the restrictions that the representatives considered most problematic is that the beneficiary is prohibited from contact visits with his family. Finally, they indicated that the governor of Oklahoma did not enable spaces for dialogue with his family.

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

7. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

8. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁴ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation

² See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Precautionary Measures, Order of July 6, 2009, considerandum 16.

³ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, Considerandum 45; I/A Court H.R. [Case of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

⁴ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

while under consideration by the organs of the inter-American system. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to 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.

9. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) establishes that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should assess whether the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures still persist. Moreover, the Commission shall consider whether new situations have subsequently arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

10. In this matter, the Commission recalls that the precautionary measures were granted on November 17, 2021, in the terms of Article 25(5) of its Rules of Procedure, without requesting information from the State before reaching its decision. According to the aforementioned subsection 5:

Prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay. In that circumstance, the Commission shall review that decision as soon as possible, or at the latest during its next period of sessions, taking into account the information received from the parties.

11. Thus, as the Commission is meeting in the framework of its 182nd Period of Sessions, and having received information from the parties after the granting of these precautionary measures, the following analysis shall assess whether the measures should remain in force in the terms of Article 25 of its Rules of Procedure. At the time of conducting this analysis, the IACHR also notes that these precautionary measures are related to petition P-2029-21, in which the petitioners allege violations of various articles of the American Declaration related to the imposition of the death penalty on Mr. Julius Jones in the United States of America.

12. While the review of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.⁵ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁶ The Inter-American Court has indicated that the passage of a reasonable period of time

⁵ I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

⁶ Ibid.

without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁷

13. Among the various elements that led to the granting of precautionary measures in favor of Mr. Julius Jones, the Commission recalls that it mainly considered the imminent execution date of the death penalty scheduled for November 18, 2021, despite various ordinary appeals filed⁸; the circumstances that led to the eventual execution of the death penalty⁹; how long he had been on death row¹⁰; the various cell transfers to which he was subjected as the date of execution approached¹¹; the method of execution to be used when applying the death penalty¹²; as well as the impact that his execution would have on a possible pronouncement on the merits regarding the petition filed.¹³ As indicated at the time, the IACHR lacked sufficient information on Mr. Jones' detention conditions, notwithstanding the elements that were duly assessed.¹⁴

14. During the follow-up of the matter, the State sent a communication informing that on November 18, 2021, the Governor of the state of Oklahoma decided to commute the beneficiary's sentence, replacing the death penalty with a life sentence without the possibility of parole (see *supra* para. 6). His representation also confirmed the commutation of the sentence (see *supra* para. 5). Thus, there is no dispute between the parties that, as of the date of this resolution, Mr. Julius Jones is no longer subject to the death penalty under the conditions analyzed by the Commission on November 17, 2021, when it decided to grant the precautionary measures. Although the governor of Oklahoma has allegedly not facilitated spaces for dialogue with the family when deciding to commute the sentence, the factual circumstances that led to the granting of the precautionary measures have changed significantly. The IACHR observes that questions have been raised regarding family visits and the current conditions of Mr. Julius Jones (see *supra* para. 6). However, the available information does not allow the Commission to continue to justify compliance with the requirements established in Article 25 of its Rules of Procedure.

15. Similar to other cases such as the matter of *Alladin Mohammed regarding Trinidad and Tobago*,¹⁵ since Mr. Julius Jones' sentence has been commuted and the death penalty is not applicable to his situation, the Commission understands that the precautionary measures at hand are devoid of their object of protection. In this sense, the Commission considers that, according to the information available, at present, the situation does not meet the requirements of Article 25 of the Rules of Procedure. In view of the above and taking into account the exceptional and temporary nature of precautionary measures,¹⁶ the Commission finds it appropriate to lift these precautionary measures. Simultaneously, the Commission decides to proceed with the corresponding analysis of the related petition.

16. The IACHR wishes to emphasize that, regardless of the decision to lift these measures, pursuant to the American Declaration, the United States of America is called upon to respect and guarantee the rights recognized therein, including the rights to life and integrity of Mr. Julius Jones.

⁷ Ibid.

⁸ IACHR, [Resolución No. 90/21, MC-1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 34

⁹ IACHR, [Resolution No. 90/21, PM 1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 27

¹⁰ IACHR, [Resolución No. 90/21, MC-1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 28

¹¹ IACHR, [Resolution No. 90/21, PM 1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 29

¹² IACHR, [Resolution No. 90/21, PM 1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 31

¹³ IACHR, [Resolution No. 90/21, PM 1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 36

¹⁴ IACHR, [Resolution No. 90/21, PM 1041-21, Julius Jones regarding the United States of America](#), November 17, 2021, para. 29

¹⁵ IACHR. Precautionary Measure No. 172-01. Alladin Mohammed regarding Trinidad and Tobago May 10, 2021. Para. 13. Available [in Spanish] at https://www.oas.org/es/cidh/decisiones/mc/2021/res_39-21_mc_172-01_tt_es.pdf

¹⁶ I/A Court H.R., Matter of Adrián Meléndez Quijano *et al.* Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez *et al.* Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

17. Finally, as previously indicated,¹⁷ the decision to lift these measures does not imply that the State is relieved of its general protection obligations contained in the applicable international instruments, within the framework of which the State is especially obliged to guarantee the rights of people at risk and should promote the necessary investigations to clarify the facts, followed by any established consequences. Similarly, the lifting of the precautionary measures shall not entail an eventual decision on the merits of the claim made in a petition, nor shall it imply a prejudgment of the State's responsibility for the reported facts.¹⁸

V. DECISION

18. The IACHR decides to lift the precautionary measures granted to Julius Jones, in the United States of America, and to continue with the analysis of petition P-2029-21.

19. The Commission instructs its Executive Secretariat to notify this resolution to the United States of America and to Mr. Jones' representation.

20. Approved on December 17th, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

¹⁷ See: I/A Court H.R. Matter of Velásquez Rodríguez. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considerandum 3; and Matter of Giraldo Cardona *et al.* Provisional measures regarding Colombia. Order of the Inter-American Court of Human Rights of January 28, 2015, Considerandum 40.

¹⁸ See: I/A Court H.R. Matter of Guerrero Larez. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16; and Matter of Natera Balboa. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, considerandum 16.