
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 39/2021**

Precautionary Measure No. 172-01
Alladin Mohammed regarding Trinidad and Tobago
May 10, 2021
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures at hand. At the time of adopting this decision, the IACHR observes that the death sentence imposed on Mr. Alladin Mohammed was commuted. Moreover, there is no recent information from either party. The petition initially linked to this measure was closed in 2020.

II. BACKGROUND INFORMATION

2. On December 18, 2001, the IACHR requested that Trinidad and Tobago adopt precautionary measures in favor of Alladin Mohamed, a prisoner sentenced to death in Trinidad and Tobago. The objective of the measures was to stay the execution of Mr. Mohamed while the IACHR examined the allegations in his petition. The measure was requested on the grounds that, if Trinidad and Tobago executed Mr. Mohamed before the Commission had an opportunity to examine the petition, any eventual decision would be rendered moot regarding eventual reparations, and it would cause Mr. Mohamed irreparable harm.¹ The beneficiary's representatives are *Oury Clark Solicitors*.

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

3. Upon granting the precautionary measures, the IACHR did not receive any response from the State. On February 8, 2021, the IACHR requested information from the representatives to obtain their observations on public information indicating that the beneficiary's death sentence had been commuted. To date, no response has been received. The case file does not contain any specific or recent information from either party.

4. Lastly, after the adoption of Admissibility Report No. 50/02 on October 9, 2002,² in the framework of the petition, the IACHR decided to close the aforementioned case on June 4, 2020, under the terms of Article 48.1.b of the American Convention and Article 42 of the Rules of Procedure.

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

5. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States and, in the case of member states that have yet to ratify the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules

¹ Available [in Spanish] at <http://www.cidh.org/medidas/2001.esp.htm>

² IACHR, Report No. 50/02, Admissibility, Petition 12,401. Alladin Mohammed. Trinidad and Tobago, October 9, 2002. Available [in Spanish] at <https://www.cidh.oas.org/annualrep/2002sp/TT.12401.htm>

of Procedure of the Commission. In accordance with the latter, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

6. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that the precautionary and provisional measures have a dual nature, both precautionary and protective. The protective nature of the precautionary measures seeks to avoid irreparable harm and preserve the exercise of human rights, while their precautionary nature aims to preserve legal situations while under consideration of the IACHR. For the purposes of reaching a decision, and in accordance with Article 25.2 of the Rules of Procedure, the Commission considers that:

- a) “serious situation” refers to a grave impact that an action or omission could 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.

7. With respect to the foregoing, Article 25.7 of the Commission’s Rules of Procedure establishes that “the 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 IACHR shall assess if the serious and urgent situation and risk of irreparable harm that caused the adoption of the precautionary measures, persist. Moreover, the Commission shall consider any new situations that might have arisen and that comply with the requirements set forth in Article 25 of the Rules of Procedure.

8. As a preliminary aspect, the IACHR recalls that the precautionary measures were granted to Mr. Alladin Mohammed in 2001 to call on the State of Trinidad and Tobago to refrain from applying the death penalty until the IACHR had the opportunity to examine the petitioner’s claim regarding the alleged violation of the American Declaration. Additionally, the Commission recalls that the precautionary measures were granted based on their precautionary nature in connection with the petition.

9. In this regard, the IACHR notes that it issued an Admissibility Report within the framework of the linked petition. When reviewing the file of that petition, the Commission recalls that on June 4, 2020, the parties were notified of the decision to close the petition in light of the corresponding regulatory provisions (see *supra* para. 4). In the framework of the closed petition, the Commission has not identified sufficient information to establish that these precautionary measures should remain in force following the admissibility decision.

10. While the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping the measures in force requires a more rigorous evaluation.³ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁴ Furthermore, the Inter-American Court has indicated that the lack of

³ 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

⁴ *Ibid.*

threats or intimidation over a reasonable period of time, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁵

11. Having requested information from the State on the actions taken to implement these precautionary measures, the IACHR observes that no response was received. The Commission recalls that, according to the Inter-American Court, failure to comply with the State's duty to report on all the measures adopted in the implementation of its decisions is particularly serious, given the legal nature of these measures that seek to prevent irreparable harm to persons in serious and urgent situations.⁶ The duty to inform constitutes a dual obligation that, for its effective fulfillment, requires the formal presentation of a document in due time and the specific, true, current and detailed material reference to the subjects on which such obligation falls.⁷

12. In this regard, pursuant to the Inter-American Court's findings, the Commission recalls that the representation's participation in the procedural activity of this proceeding is necessary for the timely review of any relevant observations and, in general, to have access to specific and detailed information in order to determine whether the precautionary measures should remain in force.⁸ Otherwise, the Commission lacks sufficient elements to keep the precautionary measures in force. As indicated by the Inter-American Court, if the representatives of the beneficiaries would like for the measures to remain in force, they must present proof of their reasoning.⁹

13. The IACHR observes that none of the parties has recently provided information in the framework of this proceeding despite the requests for information made by this Commission. In such circumstances, the IACHR lacks specific and current information to conclude that the beneficiary is at serious and urgent risk and facing irreparable harm to his rights, as established in Article 25 of the Rules of Procedure. Due to the lack of information to support the requirements of seriousness, urgency, and risk of irreparable harm, and bearing in mind the temporary and exceptional nature of the precautionary measures,¹⁰ the Commission hereby decides to lift this precautionary measure. In making this decision, the Commission also takes into consideration that, according to public information from 2018, the death sentence imposed on Mr. Alladin Mohammed was commuted to a life imprisonment sentence.¹¹

14. Lastly, and as noted by the Inter-American Court in various matters¹², the lifting of measures by no means implies that the State has effectively implemented the precautionary measures issued, nor does it imply that the State is relieved of its general protection obligations, contained in Article 1.1 of the Convention. In this framework, the State is especially obliged to guarantee the rights of persons at risk

⁵ Ibid.

⁶ I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2006. Considerandum 16; and Case of Luisiana Ríos *et al.* (Radio Caracas Televisión - RCTV). Provisional Measures. Order of the Inter-American Court of Human Rights of September 12, 2005. Considerandum 17.

⁷ Ibidem

⁸ I/A Court H.R. Case of Coc Max *et al.* (Massacre of Xamán) v. Guatemala. Provisional Measures. Order of the Inter-American Court of Human Rights of February 6, 2019. Considerandum 12. Available [in Spanish] at http://www.corteidh.or.cr/docs/medidas/coc_se_02.pdf

⁹ I/A Court H.R. Matter of Luisiana Ríos *et al.* regarding Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of August 22, 2018. Considerandum 3. Available [in Spanish] at http://www.corteidh.or.cr/docs/medidas/rios_se_10.pdf

¹⁰ 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 Galdámez Álvarez *et al.* Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

¹¹ PRISON ART SHOW, *Newsday*, June 11, 2018, Available at <https://newsday.co.tt/2018/06/11/prison-art-show/>

¹² See: I/A Court H.R. Case 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.

and must promote the necessary investigations to clarify the facts, followed by any established consequences. In addition, the Inter-American Court has stated that the lifting or declaration of non-compliance with precautionary measures in no way presupposes a potential decision on the merits of a case if it were to become known to the inter-American system through a petition, nor does it constitute a prejudgment of any responsibility of the State for the incidents reported¹³.

V. DECISION

15. The Commission decides to lift these precautionary measures in the indicated terms.

16. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Trinidad and Tobago and the beneficiary's representatives.

17. Approved on May 10, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary

¹³ 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.