

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 90/2021**

Precautionary Measure N°. 1041-21
Julius Jones regarding the United States of America
November 17, 2021
Original: English

I. INTRODUCTION

1. On November 16, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures filed by Cece Jones Davis –from the “Justice for Julius campaign”– and Michelle Morais de Sá e Silva (“the applicants”). The applicants urged the Commission to request that the United States of America (“the State”, “the United States”, or “the U. S.”) stay the execution of Mr. Julius Jones (“the proposed beneficiary”), scheduled for November 18, 2021. The applicants stated that Mr. Jones is on death row in the state of Oklahoma, where he was tried and convicted in a murder case, alleging the lack of compelling evidence against him, and the existence of racial bias and ineffective counsel. Therefore, the applicants filed petition P-2029-21, in which they allege violations of the provisions from different articles of the American Declaration on the Rights and Duties of Man (American Declaration), regarding Mr. Jones’ equal protection before the law, a fair trial, due process of law and a proper defense. Thus, the request for precautionary measures seeks to stay the execution of the death penalty, considering that if the execution is carried out, the petition would be rendered moot. The request also alleges that the execution method would constitute cruel, infamous, and unusual treatment.

2. In accordance with Article 25(5) of the Rules of Procedure, the Commission considers that the immediacy of the threatened harm admits no delay; therefore, in the present procedure the Commission has not requested information from the State prior to the adoption of its decision.

3. Having analyzed the submissions of fact and law from the applicants and considering the immediacy of the threatened harm, the Commission considers that the information provided indicates *prima facie* that this matter meets the requirements of seriousness, urgency and irreparable harm to Mr. Jones’ right to life and personal integrity, in accordance with Article 25 of the Rules of Procedure. Moreover, in the event Mr. Jones is executed before the Commission has had an opportunity to examine the merits of the matter, any eventual decision would be rendered ineffective, thus resulting in a situation of irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests 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; c) adopt the measures herein in consultation with the beneficiary and his representatives.

II. SUMMARY OF THE FACTS AND ARGUMENTS PROVIDED BY THE APPLICANTS

4. The request indicates that Julius Jones was arrested in 1999, when he was 19 years old and a student at the University of Oklahoma, after being charged with the murder of Paul Howell. The applicants stated that, after his trial and conviction, he has been in prison for the last 22 years, with an execution date scheduled for November 18, 2021, after each of his appeals and applications for post-conviction relief were denied.

5. The request indicates that, on September 13, 2021, the Oklahoma Pardon and Parole Board voted, in a 3-1 vote, that Jones’ death penalty should be commuted to life in prison. Nonetheless, the Oklahoma

Governor allegedly declined to accept the recommendation and called for a clemency hearing to take place as the “appropriate venue” to determine whether or not Jones should remain on death row. The hearing was scheduled for October 26, 2021, then postponed for November 1, 2021. On that date, the Oklahoma Pardon and Parole Board again voted, in a 3-1 vote, that Jones’ death sentence should be commuted to life in prison with the possibility of parole. Still, the Governor has reportedly not acted on that commutation recommendation.

6. Additionally, the proposed beneficiary and other death row inmates filed an emergency appeal challenging the safety and efficacy of the state of Oklahoma’s execution protocols, which was denied (information on dates, judicial authorities or other details were not provided). The request added that, after this decision, the state of Oklahoma proceeded with the execution of another death-row inmate on October 28, 2021, in what was described as “a botched execution in which the inmate repeatedly convulsed and vomited before losing consciousness”

- *The trial*

7. The applicants informed that, on July 28, 1999, Paul Howell, an Oklahoma businessman, was shot and killed in his parent’s driveway. His sister, who witnessed the crime, described the person that shot her brother as a black man, wearing jeans, a white t-shirt, a black stocking cap and a red bandana over his face, with about half an inch of hair sticking out from under his hat. Confidential informants later told the police that the perpetrators were Julius Jones and Christopher Jordan. Mr. Jordan was reportedly detained first and told the police that Jones was responsible for the murder of Howell. The next morning, the proposed beneficiary was arrested and charged with capital murder.

8. The applicants alleged that, during the trial proceedings in April 2002, Jones had inexperienced defenders, none of whom had ever tried a capital case, who didn’t call on witnesses or presented important evidence. Additionally, the request indicated that documented racial bias among the jurors was significant for the conviction.

9. The request adds that family members of Julius Jones testified that he was at home eating spaghetti at the time of the crime and, additionally, that the hair description of the perpetrator, according to the witness, did not match the hair that Julius Jones had at the time, while the haircuts of the other accused did fit the description. The applicants also indicated that Mr. Jordan, the other accused, had time to plant the bandana and gun that were found in Julius Jones’ room, and that reports from different people point to Jordan admitting that he was the one who killed Howell.

10. The applicants further alleged that systemic racism in the courts of the state of Oklahoma had an influence on the conviction and sentence. They made the following allegations: 1. That the arresting officer called Jones a racial slur when he arrested him; ii. The District Attorney described the case in racial terms¹; iii. The District Attorney was responsible for more death penalty convictions than any other prosecutor in the United States, while black individuals in Oklahoma who are accused of killing white people are two to three times more likely to be sentenced to death than white people convicted of the same crime; iv. The Jury was composed of 11 white jurors and just one black juror; v. A juror told Jones’ lawyers that she overheard another juror comment that “they should just place [Jones] in a box in the ground for what he was done,” but the concerns were dismissed without removing the juror; vii. Later, in 2017, the same juror told the legal team that she heard another juror state that “they should just take the n***** out and shoot him behind the jail,” but again no juror was removed. The applicants consider that these racial prejudices influenced at least one juror’s decision to sentence Jones to death.

¹ Indicating that “a black man had killed a white man in a white neighborhood.”

- *Allegations regarding the methods of execution*

11. The request indicates that the method of execution in the state of Oklahoma is with the use of a lethal injection, which they point out has been deemed cruel and inhumane. The state of Oklahoma reportedly suspended executions for five years, but they were resumed on October 28, 2021, with the execution of John Marion Grant, which the Associated Press reported as involving “clear signs of a painful, excruciating death”².

12. The applicants described the drugs used by the state of Oklahoma before the five-year suspension of executions, indicating that they use “a three (3) drug cocktail for lethal injection:” Midazolam for anesthesia, Pancuronium Bromide as muscle paralyzer, and Potassium Chloride to cause ventricular fibrillation. They further stated that Midazolam is used in some of the most botched executions and that it is not under the purview of the FDA. However, they pointed out that veterinarians refuse to euthanize animals with it, and drug companies do not allow it in any other drugs.

13. The request includes a list of botched executions where Midazolam was used. In January 2014³, Dennis McGuire of Ohio was reportedly injected with Midazolam and Dialudid. Within the first seven minutes, he convulsed and gasped. It took 25 minutes before he was pronounced dead. In April 2014, Clayton Lockett was reportedly executed in Oklahoma with the same three-drug cocktail indicated in the previous paragraph and, after injecting the first two, he was given Potassium Chloride to stop his heart, but instead he convulsed and lifted the table multiple times; he was sent to an emergency room, and died of a heart attack an hour later. In July 2014, Joseph Wood of Arizona was allegedly injected with Midazolam and Dialudid and his execution lasted from 1:52 pm until 3:49 pm, with reports that he gasped and snorted for over an hour as well as he opened and closed his mouth at least 640 times. In January 2015, Oklahoma reportedly executed Charles Warner, who stated as his last words that “...they poked me 5 times. It hurt. It feels like acid [...]. My body is on fire”; it took 18 minutes after the Midazolam was injected for Warner to pass.

14. The applicants informed that, after the two events involving Oklahoma (Lockett and Warner), the state paused executions until October 2021. Nonetheless, other states continued to use these three drugs: in December 2016, Alabama executed Ronald Smith, who heaved, coughed and responded to consciousness tests performed, before dying in agony 30 minutes after the start; in April 2017, Arkansas executed Kenneth Williams, who lurched 15 times in quick succession after 3 minutes that the Midazolam was introduced.

15. The applicants referred again to the execution of John Grant on October 28, 2021, as the first execution carried on in Oklahoma after almost 7 years in the state. They reported that Mr. Grant had full-body convulsions almost after the Midazolam was introduced and staff had to wipe the vomit off of him on multiple occasions. He was reportedly pronounced unconscious after 15 minutes and dead after 21 minutes.

² The applicants provided the following transcript: “One witness, a reporter for the Associated Press, Sean Murphy, said that soon after the first drug, midazolam, was administered, Grant began convulsing. He convulsed, by Murphy’s count, two dozen times before he vomited, with the vomit covering his face and running down his neck. Murphy said he had witnessed 14 executions and this is the first one in which the inmate vomited. After members of the execution team entered the execution chamber to wipe Grant’s face, he continued to have what Murphy called full-body and “involuntary convulsions.” Grant ultimately did die, soon after the second and third drugs in Oklahoma’s protocol—vecuronium bromide, a paralytic, and potassium chloride to stop the heart—were administered.” Taken from The Slate, Oklahoma Botched Yet Another Execution, Austin Sarat, November 1, 2021

³ The applicants refer to the year 2016 but the support information refers to news from 2014.

16. The applicants claim that the state had ample time to fix their procedure during the suspension of the executions, but that it will be used on Julius Jones, who will likely suffer the same fate as countless others before him.

17. Additionally, the applicants informed that, one month before an execution date is set, individuals on death row are moved to a “death house,” and every week thereafter they are transferred to a new cell, moving them closer to the execution room. The request states that Julius Jones was put in a cell just beside John Marion Grant and “had to witness his last days, which could soon become Julius’ own fate.” The applicants consider that this practice of the Oklahoma Department of Corrections is equivalent to psychological torture, in violation of the State’s human rights obligations.

- *Alleged violations*

18. Considering the above, the applicants stated that there has been a violation of Mr. Jones right to equal protection before the law without distinction based on race, under Article II of the American Declaration. They added that Jones has been denied guarantees under Article XVIII of the right to a fair trial and under Article XVI of the right to due process of law. This, because of his inadequate legal representation at trial and because he was tried before a jury and in a system biased against him because of his race. They indicated that this led to a wrongful conviction of an innocent man on death row, with an execution one week away that would violate the heightened importance of fair trial and due process rights in capital punishment.

19. Furthermore, the applicants indicated that, if the proposed beneficiary is executed with “the use of cruel means,” there will be a violation of his right to life under Article I of the Declaration, as well as his right to the preservation of his health and well-being under Article XI. Finally, the applicants consider that, if the proposed beneficiary is executed with the same execution protocol used in the most recent execution in the State, they would also violate his right to be free from cruel, infamous, and unusual punishment, under Article XXVI of the Declaration.

20. The applicants, therefore, request precautionary measures for the stay of the execution, in order for the Commission to have the opportunity to examine the merits of the petition, as any eventual decision would otherwise be rendered moot, leading to irreparable harm if the execution is carried out.

2. Observations of the State

21. The Commission has not requested information from the State in the present procedure, considering the immediacy of the threatened harm that admits no delay, in accordance with Article 25(5) of the Commission’s Rules of Procedure.

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

22. The mechanism of precautionary measures is part of the Commission’s function of overseeing Member States 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 Statute of the IACHR. The mechanism of precautionary measures is described in Article 25 of the Commission’s Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations, and when these measures are necessary to avoid irreparable harm to persons.

23. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “I/A Court H. R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both precautionary and protective. Regarding their protective

nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations that are under review of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition pending with the Inter-American System is resolved. The 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 or provisional measures allow the State concerned to fulfill the final decision and, if necessary, to comply with the required reparations. When reaching its decision, according to Article 25(2) of the Rules of Procedure, the IACHR 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.

24. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.⁴

25. As a preliminary observation, the Commission deems it necessary to highlight that, pursuant to its mandate, it is not called upon to determine an individuals’ responsibility regarding the alleged commission of crimes or offenses. Moreover, the Commission is not competent to review internal decisions on the basis of compliance with internal laws or assessment of facts. In this sense, the Commission will analyze the present request for precautionary measures under Article 25 of its Rules of Procedure. As for the underlying petition P-2029-21, which denounces violations of the rights of the proposed beneficiary, the Commission recalls that the analysis of such claims shall be carried out under the specific provisions related to the Petition and Cases System and to the relevant Statute and Rules of Procedure.

26. Prior to the analysis of the requirements, the Inter-American Commission recalls that the death penalty has been subject to strict scrutiny within the Inter-American system. Despite the tendency observed in the OAS Member States in favor of the gradual abolition of the death penalty, for States that maintain the death penalty, there are several restrictions and limitations established in the regional human rights instruments with which they are bound to comply under international law.⁵ Those limitations are based upon the acknowledgment of the right to life as the supreme right of the human being and the condition *sine qua non* for the enjoyment of all other rights, thus calling for a heightened scrutiny test to ensure that any deprivation of life which may occur through the application of the death penalty complies strictly with the requirements of the applicable instruments.⁶ In this sense, the Commission has stressed that the right to due process plays a significant role in protecting the rights of persons who have been sentenced to death. Indeed, among due process guarantees, States are bound to

⁴ In that regard, for instance, in relation to provisional measures the Inter-American Court has considered that this standard requires a minimum of detail and information to allow for the *prima facie* assessment of the situation of risk and urgency. IACHR, *Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA*. Request for extension of measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Consideration 23.

⁵ IACHR, *Report on The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition*, OEA/Ser.L/V/II; Doc. 68, 31 December 2011, para. 138 and 139, available at: <http://www.oas.org/en/iachr/docs/pdf/deathpenalty.pdf>

⁶ IACHR, Report No. 90/09, Case 12.644, Admissibility and Merits (Publication), *Medellín, Ramírez Cardenas and Leal García, United States*, August 7, 2009, para. 122.

ensure the exercise of the right to a fair trial, ensure the strictest compliance with the right to defense, and guarantee the right to equality and non-discrimination.⁷

27. As it pertains to the present matter, the Inter-American Commission finds that the requirement of seriousness is met under both its precautionary and protective aspects. In this sense, although the imposition of the death penalty is not prohibited under the American Declaration, the Commission observes that the right to life as set forth in Article I of the American Declaration is at risk given that Mr. Jones faces execution in the framework of a legal process that allegedly did not comply with the rights to a fair trial and due process of law (*see* paras. 7-10, 18). The applicants further allege violations of Mr. Jones' right to equality before the law, contemplated in Article II of the American Declaration (*see* para. 18). In this regard, the Commission has consistently declared that the possibility of execution in such circumstances is sufficiently serious to allow for the granting of precautionary measures to the effect of safeguarding a decision on the merits of the petition filed.⁸

28. In relation to the protective nature, the Commission observes that Mr. Jones has been on death row at the Oklahoma State Penitentiary, in McAlester, since April 19, 2002⁹. In this sense, the Commission recalls that the so-called "death row phenomenon" is widely known due to the impact that it has on the rights of persons deprived of liberty.¹⁰

29. While in the present matter the Commission does not have enough information regarding the conditions of Mr. Jones' detention, it notes the allegations of the applicants that the proposed beneficiary has been moved and transferred from one cell to the other, getting him closer to the execution room as his execution date gets closer (*see* para. 17). For the Commission, these practices, paired with the prolonged time that the proposed beneficiary has been on death row (more than 22 years according to the applicants) generate a situation of constant anxiety and stress that have a clear impact on the mental and physical well-being of death-row inmates, causing a deteriorating effect on their health.

30. The Commission had the opportunity to evaluate similar factual circumstances¹¹ in the framework of merits report No. 76/16 –the matter of Víctor Hugo Saldaño regarding the United States– and concluded that all these factors, reviewed together, demonstrate the extreme severity of the consequences suffered on death row. In the circumstances of the Saldaño case, the Commission determined that, in addition to being inhuman, cruel, unusual, and infamous, the conditions constituted a form of torture.¹²

⁷ IACHR. Report on *The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition*, OEA/Ser.L/V/II; Doc. 68, 31 December 2011, para. 141, available at: <http://www.oas.org/en/iachr/docs/pdf/deathpenalty.pdf>

⁸ IACHR. *Matter of Víctor Hugo Saldaño* regarding the United States of America (MC-241-17), Resolution 14/17 of May 26; *Matter of Williams Charles Morva* regarding the United States (MC-156-17), Resolution 9/2017, March 16, 2017; *Matter of Alfredo Rolando Prieto* regarding the United States (MC-498-15), Resolution 32/2015, September 29, 2015; *Matter of José Trinidad Loza Ventura* regarding the United States (MC-304-15), Resolution 27/2015, August 11, 2015; *Matter of Samuel Moreland* regarding the United States (MC-37-14), Resolution 32/2014; *Matter of John Winfield* regarding the United States (MC-204-14), Resolution 16/2014, June 6, 2014; *Matter of Russell Bucklew and Charles Warmer* regarding the United States (MC-177-14), Resolution 14/2014, May 20, 2014; *Charles Don Flores* regarding the United States of America (PM-334-18), Resolution 32/2018, May 5, 2018. All the decisions are available at: <http://www.oas.org/en/iachr/decisions/precautionary.asp>.

⁹ According to the public information provided by the Oklahoma Department of Corrections, available at <https://okoffender.doc.ok.gov/> (last visited: November 16, 2021)

¹⁰ 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 conditions. 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>.

¹¹ On that occasion, with regard to the Polunsky Unit, a Texas State death row facility and with precise information about the detention of the beneficiary in solitary confinement.

¹² IACHR, Report No. 5/17, Case 12. 254, *Víctor Saldaño (United States)*, January 27, 2017, para. 251.

31. On another note, concerning the protective nature of precautionary measures, the Commission places special attention on the information provided on the method of execution, with wide information about the suffering caused by the use of the lethal injection, especially with the use of the drug Midazolam (*see* paras. 11-16), its use over the years in different states, including Oklahoma itself, even with its most recent execution on October 28, 2021. In this regard, under the *prima facie* applicable standard, the information provided is enough for the Commission to consider that if the execution is carried out, there is a plausible risk that the state will use the same drug that has caused unnecessary suffering to other death-row inmates, with the same results on the proposed beneficiary.

32. In this regard, the Commission has had the opportunity to consider the risk of suffering excruciating pain with the use of the lethal injection in the execution of a death penalty, in the framework of the merits report No. 71/18 –the matter of Russell Bucklew regarding the United States– and indicated that, under peremptory norms of international human rights law and as reflected in the American Declaration, the United States has the duty to abstain from carrying out an execution when there is significant risk that it would breach the prohibition of cruel and inhumane treatment and torture.¹³

33. Consequently, and without presenting a prejudgment on the petition filed, the Commission concludes that the rights of Mr. Julius Jones are *prima facie* at risk, due to the possible execution of the death penalty and its subsequent effects, which have been included in the petition that is currently under review of the Commission, as well as the ongoing conditions of incarceration on death row and their impact on the rights to life and humane treatment of the proposed beneficiary, and the risk of being subjected to unnecessary suffering with the methods of execution used by the state of Oklahoma.

34. Regarding the requirement of urgency, in its precautionary aspect, the Commission observes that the proposed beneficiary's execution date has been scheduled for November 18, 2021. The Commission observes that, while the applicants referred to an emergency appeal that was recently denied, they didn't provide specific information thereof. Nonetheless, it is of the knowledge of the Commission that the United States Court of Appeals for the Tenth Circuit ordered a stay on the execution of the proposed beneficiary, but the Supreme Court vacated that order on October 28, 2021.¹⁴ The Commission also notes that, while the Oklahoma Pardon and Parole Board has voted in two different occasions to recommend that the death penalty of Julius Jones be commuted, the most recent on November 1, 2021, the Governor has not taken a decision on the issue. In this scenario, considering that all ordinary resources have been exhausted, the IACHR notes that even with a decision of the Supreme Court to vacate a stay order, and with no decision by the Governor to stay the execution of the death penalty, the execution date at the moment is in force. In view of the imminent possibility of the death penalty being applied, which, as previously indicated, would lead to irreparable harm, the Commission considers that it is pertinent to adopt precautionary measures for the protection of Mr. Jones' life and personal integrity, as well as to allow the IACHR to have the opportunity to examine the petition filed.

35. Additionally, the Commission considers that the requirement of urgency is also met in its protective nature, insofar as the risk to the rights of Mr. Julius Jones requires immediate measures against the harsh conditions to which he is subjected on death row and the possible execution of the death penalty in the near future, along with the need to prevent the proposed beneficiary from being subjected to unnecessary suffering.

36. Regarding the requirement for the need to avoid irreparable harm, the Commission considers that the loss of life imposes the most extreme and irreversible situation possible. Regarding the precautionary

¹³ IACHR, Report No. 71/18, Case 12.958. Merits. Russell Bucklew. United States, May 10, 2018, par. 80.

¹⁴ Supreme Court of the United States. Order in pending case. Crow, Dir., OK DOC, Et al v. Jones, Julius D., et al. October 28, 2021. Available at https://www.supremecourt.gov/orders/courtorders/102821zr_jiel.pdf.

aspect, the Commission considers that if Mr. Julius Jones is executed before it has had an opportunity to fully examine this matter through petition P-2029-21, any eventual decision would be rendered ineffective since the situation of irreparable harm would have materialized.

IV. BENEFICIARY

37. The Commission hereby declares that the beneficiary of this precautionary measure is Mr. Julius Jones, who has been duly identified within this procedure.

V. DECISION

38. In light of these considerations, the IACHR finds that this matter meets *prima facie* the requirements of seriousness, urgency and risk of irreparable harm set forth in Article 25 of its Rules of Procedure. Moreover, in the event Mr. Jones is executed before the Commission has had an opportunity to examine the merits of the matter, any eventual decision would be rendered ineffective, thus resulting in a situation of irreparable harm. Consequently, it is hereby 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;
- c) adopt the measures herein in consultation with the beneficiary and his representatives.

39. Considering the proximity of the execution date, the Commission requests that the Government of the United States of America inform within a period of 24 hours, as from the date of notification of this resolution, on the adoption of the precautionary measures agreed upon and to periodically update this information.

40. The Commission emphasizes that, in conformity with Article 25(8) of its Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment on the possible violation of rights safeguarded in the American Declaration and other applicable instruments.

41. In accordance with Article 25(5) of the Rules of Procedure, the Commission will review the relevance of keeping this precautionary measure in force, or proceed to lift it, at its next session. To this end, the Commission will take into account the information provided by the State and the applicants on the current situation of the proposed beneficiary.

42. The Commission instructs its Executive Secretariat to notify the present resolution to the United States of America and to the applicants.

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

Tania Reneaum Panszi
Executive Secretary