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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 12/2022**

Precautionary Measure No. 74-22  
Richard Eugene Glossip regarding the United States of  
America  
March 3, 2022  
Original: English

**I. INTRODUCTION**

1. On January 31, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Amy Knight (“the applicant”). The application urges the Commission to require that the United States of America (“the State” or “United States”) adopt the necessary measures to protect the rights of Richard Eugene Glossip (“the proposed beneficiary”), who is currently facing the risk of imminent execution in the state of Oklahoma, where he has been held in solitary confinement on death row for 23 years. The request for precautionary measures is linked to petition P-201-22 in which the applicant alleged violations of Article I (right to life, liberty and personal security), Article XVIII (right to a fair trial), Article XXV (right to humane treatment in custody) and Article XXVI (right to due process of law and right not to receive cruel, infamous or unusual punishment) of the American Declaration of the Rights and Duties of Man (“American Declaration” or “Declaration”).

2. Pursuant to Article 25.5 of its Rules of Procedure, the IACHR requested information from the State on February 3, 2022. The State submitted its observations on February 14, 2022.

3. Having analyzed the submissions of fact and law presented by the parties, the Commission considers that the information submitted demonstrates *prima facie* that there is a serious and urgent risk of irreparable harm to Mr. Glossip’s rights to life and personal integrity in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Mr. Glossip is executed before the Commission has the opportunity to examine the merits of his petition, any eventual decision would be rendered moot, leading to irreparable harm. Consequently, the Commission requests that the United States of America: a) adopt the necessary measures to protect the life and personal integrity of Richard Eugene Glossip; b) refrain from carrying out the death penalty on Richard Eugene Glossip until the IACHR has had the opportunity to reach a decision on his petition; c) ensure that Richard Eugene Glossip’s detention conditions are consistent with international standards; and d) agree on the measures to be adopted with the beneficiary and his representatives.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

4. The proposed beneficiary has been held in solitary confinement on death row for over 23 years. According to the applicants, Mr. Glossip has always maintained his innocence and has exhausted all avenues of appeal to which he is entitled on May 5, 2014.

**i. The crime that led to the proposed beneficiary's conviction and death sentence**

5. According to the application Mr. Glossip worked as a motel manager in Oklahoma City. On January 7, 1997, Barry Van Treese, the owner of the motel, was discovered beaten to death in Room 102. Following interrogations, Mr. Glossip was arrested and charged for accessory murder, presumably based on his potential involvement in concealing the killing of Mr. Van Treese. The police also questioned and arrested Mr. Justin Sneed, who presumably could have been involved in the murder. Mr. Sneed was supposedly pressured to confess to the crime, stating that Mr. Glossip had enlisted him to kill Mr. Van Treese and had offered him money to do so. Prosecutors subsequently elevated the charge against Mr. Glossip to first-degree murder and sought the death penalty. On July 31, 1998, the proposed beneficiary was convicted for the murder of Mr. Treese and sentenced to death by the Oklahoma County District Court.

**ii. Allegations of the proposed beneficiary's failed defense**

6. The application states that, for Mr. Glossip's first trial, his family hired a lawyer with little experience in criminal defense and who had never tried murder cases nor death penalty cases. According to Mr. Glossip, his lawyer failed to provide a solid defense on his behalf, considering he did not locate witnesses to the crime; collect records or documents; investigate the alleged motive; nor look into the background of the victim. The first trial was held June 1 through June 10, 1998. According to the applicant, the only evidence directly implicating the proposed beneficiary in the murder was Mr. Sneed's testimony. However, Mr. Glossip's claims his lawyer failed to provide sufficient evidence as well as to question Mr. Sneed and the police officers involved in the investigation.

7. Due to the inadequacies of his trial lawyer, the proposed beneficiary was assigned a public defender and on February 1, 1999, he filed a petition in error, to appeal on the case for a retrial. On April 17, 2000, the beneficiary also filed an application for evidentiary hearing on Jury Misconduct Claims, an Application for Evidentiary Hearing on Sixth Amendment Claims, and Notice of Extra-Record Evidence Supporting Prosecutorial Misconduct and violations of Due Process Clauses of the Oklahoma and Federal Constitutions. A hearing was held on March 5, 2001, before the District Judge and on July 17, 2001,<sup>1</sup> the Oklahoma Court of Criminal Appeals reversed Mr. Glossip conviction, based on the deficiencies in his defense at the first trial and the case was set for trial a second time.

8. According to the applicant, during the retrial, held in May and June 2004, the defense lawyers did no significant pre-trial investigation and conducted very little cross-examination. In preparing the case for trial, the public defenders did not search for witnesses who had never been interviewed, nor collect any records or documents about the motel, the victim or the murder. They also failed to point out key differences between Mr. Sneed's interview and his testimony at the first and second trial. By this point Mr. Sneed's testimony remained the only evidence linking the proposed beneficiary to the murder- there was no physical evidence of his participation-. The application states that, after two trials, the only investigation carried out was the initial "truncated" police investigation and subsequent defense interviews of the same witnesses. Therefore, Mr. Glossip was then again convicted of murder and sentenced to death on August 27, 2004.<sup>2</sup>

<sup>1</sup> According to "Exhibit 2" documentation, provided with the application.

<sup>2</sup> According to "Exhibit 3" documentation, provided with the application.

9. After the conviction, the public defenders provided a new lawyer for Mr. Glossip's second appeal. However, in the 18 months before filing the appeal, the appointed lawyer only managed to visit the proposed beneficiary twice, interviewed fewer than half of the jurors and had a single conversation with one of Mr. Glossip's sisters. According to the application, his lawyer conducted no new investigation of the crime and therefore, his appeal was denied on April 13, 2007.

**iii. Internal remedies to challenge death sentence**

10. The applicant denotes that a state post-conviction relief petition was filed. However, on December 6, 2007, his petition was denied by the State Court. Following the denial in State Court, a writ of habeas corpus was filed on Mr. Glossip's behalf in the Federal Court, in which the proposed beneficiary challenged the State Court's resolution of the claims that had been denied in the appeal and post-conviction petition. The petition was denied on September 28, 2010, presumably without a hearing. Subsequently, on July 25, 2013, the Tenth Circuit Court of Appeals denied a second appeal, and on May 5, 2014, the United States Supreme Court denied a petition for certiorari.

**iv. Execution attempts**

11. The application states that the Oklahoma Court of Criminal Appeals set Mr. Glossip's first execution date for November 20, 2014. Nevertheless, on June 25, 2014, a lawsuit was filed in Federal Court on behalf of twenty-one (21) Oklahoma death-sentenced inmates, including Mr. Glossip. The lawsuit challenged the use of midazolam as a cruel and unusual punishment. In September 2014, the Board of Pardons and Paroles sent Mr. Glossip a letter informing him that, in conjunction with his November 20 execution date, his clemency hearing would be held October 24, 2014. Additionally, during this time the State asked the Oklahoma Court of Criminal Appeals to postpone all its pending executions, including Mr. Glossip's, reporting that although it had requested the execution dates, the State was not ready for it had not obtained the necessary drugs, nor the necessary medical personnel to carry out the execution. The applicant alleges that Mr. Glossip's clemency hearing proceeded on October 24, 2014, in conjunction with his scheduled execution, however, his petition was denied, leaving him within 27 days of his execution. Notwithstanding, the Oklahoma Court of Criminal Appeals granted the State's request to postpone the execution and rescheduled Mr. Glossip's second execution date for January 29, 2015.

12. As for the pending federal civil lawsuit about midazolam,<sup>3</sup> the Federal Court denied the motion for preliminary injunction. Subsequently, the proposed beneficiary appealed to the Tenth Circuit, which denied relief on January 12, 2015. The following day, Mr. Glossip filed a petition for certiorari in the United States Supreme Court. The Supreme Court granted the still-pending petition for certiorari about the use of midazolam and the State requested that the Supreme Court stay the scheduled execution for Mr. Glossip's. On June 29, 2015, the Supreme Court, ruled that the new midazolam protocol was acceptable and that the State could proceed with executions.

13. In accordance with the application, the Oklahoma Court of Criminal Appeals set a new (third) execution date for September 16, 2015, however Mr. Glossip's lawyers filed an application for post-conviction review before the Oklahoma Court of Criminal Appeals. The claims argued about the unconstitutionality of executing the proposed beneficiary with insufficient evidence to convict him of murder and that his trial attorneys were ineffective. They also requested that the Court stay Mr.

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<sup>3</sup> According to the application, the four plaintiffs who had execution dates scheduled, including Mr. Glossip, sought a preliminary injunction preventing the use of the new execution protocol pending resolution of the lawsuit.

Glossip's execution to allow consideration of the petition and grant him an evidentiary hearing.<sup>4</sup> Within three hours of the execution's scheduled time, the Court agreed to a brief two weeks stay and reset the (fourth) execution date for September 30, 2015. On September 23, 2015, the Court denied Mr. Glossip's petition, presumably without considering the merits and without a hearing, citing procedural bars, largely relying on the fact that it had already considered a different claim regarding ineffective assistance of counsel.<sup>5</sup>

14. The application states that on the execution date, the State discovered that the drugs prepared for use in Mr. Glossip's execution were not the correct substances identified in the protocol.<sup>6</sup> Consequently, the Governor issued an executive order postponing the execution, scheduling a new (fifth) execution date to November 6, 2015, and ordering an investigation into the Oklahoma Department of Corrections' (ODOC) actions. Further, the State formally sought stays of all pending execution dates, and the Court complied, agreeing it would reset execution dates after carrying out an investigation and confirming the ODOC was prepared to properly carry out its protocol. The State began a grand jury investigation into the circumstances of the aborted third attempt to execute Mr. Glossip. On May 19, 2016, the grand jury issued its report, stating there had been numerous failures during the execution process. Additionally, a bipartisan Commission, was also formed independently to study Oklahoma's use of the death penalty in light of three consecutive botched executions, and to make recommendations. In April of 2017, the Commission issued a report with detailed recommendations, including maintaining a moratorium on the death penalty until the concerns could be addressed.

15. On February 2, 2020, the State announced it had created a new execution protocol with the intent to resume executions. Therefore, the applicant estimates that Oklahoma is poised to continue its executions immediately upon receiving approval of its new protocol from the courts. On July 6, 2020, Mr. Glossip filed an amended complaint addressing the new protocol. The proposed beneficiary's case is now set for trial on February 28, 2022. According to the application, if the state prevails, Mr. Glossip is likely to be immediately scheduled for execution in the spring of 2022.

**v. Execution date**

16. The state of Oklahoma has yet to set the proposed beneficiary's execution date. In this sense, the application notes that a pending trial is to be carried out on February 28, 2022, indicating that, if the States prevails, the proposed beneficiary could be subject to immediate execution in the spring of 2022 by lethal injection as the method of execution.

**vi. The proposed beneficiary's current conditions of confinement**

17. The application states that the proposed beneficiary has been in death row solitary confinement for 23 years. For most of his confinement, Mr. Glossip was confined for 22 to 24 hours per

<sup>4</sup> According to the application, a large amount of compelling evidence was available, but no one had investigated it at the time of the beneficiary's trial and the jury who convicted and sentenced him to death never heard any of it. Presumably, the "new evidence" showed Mr. Glossip's innocence.

<sup>5</sup> Additionally, the applicant stated that the Oklahoma Court of Criminal Appeals denied relief as well as an evidentiary hearing and motion for discovery, and any further request for a stay of execution. In accordance with the application, the Court's denial was not because it found that the evidence was not compelling, but because "the law favors the legal principle of finality of judgment" and "[t]he claims do not fall within the guidelines of the post-conviction procedure act allowing this Court to consider the merits or grant relief."

<sup>6</sup> It contained potassium acetate rather than potassium chloride.

day to a windowless cell, 7'7" wide, 15'5" long and 8'4" high. However, recently he was moved to a cell with a window and is permitted, at times, to go outdoors into a caged area. Further, the application indicates that death row inmates are allowed family visits only through glass and over a phone, with little or no contact with other persons since 2009.

18. In accordance with the application, a prisoner's prolonged death row confinement constitutes inhuman, cruel, unusual, and infamous punishment and a form of torture, due to the "unimaginable anxiety over their own imminent death". In the case of Mr. Glossip, he has been told on five occasions he could be executed on a certain date and moved to the death-watch cells three times.

#### **vii. Allegations concerning violations of the American Declaration**

19. The application alleges that Mr. Glossip faces execution by lethal injection at a time when the Oklahoma execution protocol creates an unacceptable risk of causing excruciating pain and suffering, in violation of Articles XXV and XXVI of the American Declaration. The application also asserts that his execution, in light of these manifest violations, would violate his right to life inherent in Article I of the American Declaration. In this sense, the proposed beneficiary has raised claims asserting numerous violations of the American Declaration and faces potentially imminent execution.

#### **B. Information provided by the State**

20. The United States submitted its observations on February 14, 2022. In its response, the State notified that the request for information concerning the request for precautionary measures was forwarded to the Attorney General of the State of Oklahoma. Lastly, the State reaffirmed its position that the Commission lacks the authority to require States to adopt precautionary measures and as such, "should the Commission adopt a precautionary measure resolution in this matter, the United States would take it under advisement and construe it as recommendatory." However, to date, the Commission has not received any additional information from State authorities.

### **III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY**

21. The precautionary measures mechanism is part of the Commission's functions of overseeing Member States' compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"). These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure, by which the Commission grants precautionary measures in serious and urgent situations, where such measures are necessary to prevent irreparable harm.

22. 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.<sup>7</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>8</sup> To do this,

<sup>7</sup> 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](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

<sup>8</sup> 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

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.<sup>9</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the request 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 (*effet utile*) 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.<sup>10</sup> In the process of reaching a decision, and according to 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 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” is determined by means of the information provided and refers to risk of 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.

23. In analyzing these 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.<sup>11</sup>

24. As a preliminary observation, the Commission considers it necessary to highlight that, according to its mandate, it is not called upon to determine the criminal responsibility of individuals in relation to their alleged commission of crimes or infractions. Additionally, the IACHR does not have the mandate, through the precautionary measures mechanism, to determine whether the State has incurred violations of the American Declaration as a result of the alleged events. In this sense, the Commission reiterates that, with respect to the precautionary measures’ procedure, it is only called upon to analyze whether the proposed beneficiary is in a situation of seriousness and urgency facing harm of an

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. [Matter 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 [only in Spanish].

<sup>9</sup> 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 [only in Spanish]; 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 (available only in Spanish).

<sup>10</sup> 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 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>11</sup> See in this regard: I/A Court H.R. [Matter of Residents of the Communities of the Miskitu Indigenous People of the North Caribbean Coast Region regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13; I/A Court H.R. [Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of precautionary measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

irreparable nature, as established in Article 25 of its Rules of Procedure. With regards to P-201-22, which alleges violations of the rights of the proposed beneficiary, the Commission recalls that the analysis of these claims will be carried out in compliance with the specific procedures of its Petition and Case System, in accordance with the relevant provisions of its Statute and Rules of Procedures.

25. The Commission also finds it pertinent to underscore that, while the exhaustion of domestic remedies is indeed a requirement for the admissibility of petitions in accordance with Article 31 of its Rules of Procedure, this same requirement does not apply to the granting of precautionary measures. In this sense, Article 25.6.a of the Rules of Procedure establishes that whether the situation has been brought to the attention of the pertinent authorities should be considered when reviewing a request for precautionary measures. However, such actions do not bar the Commission from granting precautionary measures under the consideration of the requirements of seriousness, urgency and irreparable harm. Additionally, as indicated above, the Commission's competence to grant precautionary measures extends to all Member States of the OAS and does not derive solely from the American Convention on Human Rights.

26. Additionally, the Inter-American Commission recalls that the death penalty has been subject to strict scrutiny within the inter-American human rights system.<sup>12</sup> While most OAS Member States have abolished the death penalty, a significant minority still hold on to this form of punishment.<sup>13</sup> With regards to the States that maintain the death penalty, there are a series of restrictions and limitations established in regional human rights instruments that States are bound to comply with in accordance with international law.<sup>14</sup> These restrictions and limitations are based on the broad recognition of the right to life as the supreme human right and as the *sine qua non* of the enjoyment of all other rights, thus requiring greater scrutiny to ensure that any deprivation of life resulting from the application of the death penalty complies strictly with the requirements of the applicable inter-American human rights instruments, including the American Declaration.<sup>15</sup> In this sense, the Commission has underlined that the right to due process plays an essential role in guaranteeing the protection of the rights of persons who have been sentenced to death. In order to protect due process guarantees, States have the obligation to ensure the exercise of the right to a fair trial, the strictest compliance with the right to defense, and the right to equality and non-discrimination.<sup>16</sup> In this sense, the Commission highlights that it has granted a number of precautionary measures to individuals on death row, considering both the precautionary and protective dimensions of the precautionary measures' mechanism.<sup>17</sup>

<sup>12</sup> IACHR. [Press Release No. 248/20](#). The IACHR stresses its call for the abolition of the death penalty in the Americas on the World Day Against the Death Penalty. October 9, 2020.

<sup>13</sup> IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II., Doc. 68, December 31, 2011, paras. 12 & 138; IACHR. [Press Release No. 248/20](#). The IACHR stresses its call for the abolition of the death penalty in the Americas on the World Day Against the Death Penalty. October 9, 2020.

<sup>14</sup> IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II., Doc. 68, December 31, 2011, paras. 138-39.

<sup>15</sup> IACHR. [Report No. 210/20](#). Case 13.361. Admissibility and Merits (Publication). Julius Omar Robinson (United States of America), August 12, 2020, para. 55; IACHR. [Report No. 200/20](#). Case 13.356. Admissibility and Merits (Publication). Nelson Ivan Serrano Saenz (United States of America), August 3, 2020, paras. 44-45; IACHR. [Report No. 211/20](#). Case 13.570. Admissibility and Merits (Publication). Lezmond C. Mitchell (United States of America), August 24, 2020, paras. 72-73.

<sup>16</sup> IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II., Doc. 68, December 31, 2011, para. 141.

<sup>17</sup> See, in this regard: IACHR. [Resolution 95/2020](#). Precautionary Measure No. 1080-20. Christa Pike regarding the United States of America. December 11, 2020; IACHR. [Resolution 91/2020](#). Precautionary Measure No. 1048-20. Lisa Montgomery regarding the United States of America. December 1, 2020; IACHR. [Resolution 77/2018](#). Precautionary Measure No. 82-18. Ramiro Ibarra Rubí regarding the United States of America. October 1, 2018; IACHR. [Resolution 32/2018](#). Precautionary Measure No. 334-18. Charles Don Flores regarding the United States of America. May 5, 2018 (available only in Spanish); IACHR. [Resolution 41/2017](#). Precautionary Measure No. 736-17. Rubén Ramírez Cárdenas regarding

27. Moreover, the Commission observes that the proposed beneficiary has been held in solitary confinement on death row for 23 years in the state of Oklahoma and is likely to be scheduled for execution in spring 2022. Taking this into account, the IACHR will proceed to analyze the procedural requirements with regards to Mr. Glossip.

28. In the present matter, the Commission considers that the requirement of seriousness has been fulfilled. With regards to the precautionary dimension, the Commission observes that, according to petition 201-22 presented by the applicant, the legal proceedings which led to Mr. Glossip's death sentence allegedly did not comply with his rights to a fair trial and due process of law. In particular, the applicant claims that, during the criminal proceedings, Mr. Glossip's trial and post-conviction attorneys were inexcusably negligent in failing to conduct any significant investigation of the alleged crimes and failing to present adequate defense at trial. Further, his lawyers neither provided a solid defense on his behalf, considering they did not locate witnesses to the crime, collect records or documents, investigate the alleged motive, nor look into the background of the victim. Additionally, defense counsels did no significant pre-trial investigation and conducted very little cross-examination during retrial.

29. In this regard, while the imposition of the death penalty is not prohibited per se under the American Declaration,<sup>18</sup> the Commission has recognized systematically that the possibility of an execution in such circumstances is sufficiently serious to permit the granting of precautionary measures to the effect of safeguarding a decision on the merits of the petition filed.<sup>19</sup>

30. Regarding the protective dimension, the Commission observes that Mr. Glossip has remained in solitary confinement for 23 years and has been scheduled for different execution dates, which have been postponed for numerous reasons, even just hours before his execution time. Considering the foregoing, the Commission has stated that "in no instance should solitary confinement of an individual last longer than thirty days".<sup>20</sup> It has further concluded that "it is widely established in international human rights law that solitary confinement for extended periods of time constitutes at the very least a form of cruel, inhuman or degrading treatment or punishment".<sup>21</sup> As for the impact that solitary confinement may cause on the rights to life and personal integrity of an individual, the former United Nations Special Rapporteur on Torture, Juan E. Mendez, has stated that:

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the United States of America. October 18, 2017; IACHR. [Resolution 21/2017](#). Precautionary Measure No. 250-17. Lezmond Mitchell regarding the United States of America. July 2, 2017; IACHR. [Resolution 14/2017](#). Precautionary Measure No. 241-17. Matter of Víctor Hugo Saldaño regarding the United States of America. May 26, 2017; IACHR. [Resolution 9/2017](#). Precautionary Measure No. 156-17. William Charles Morva regarding the United States of America. March 16, 2017.

<sup>18</sup> IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II., Doc. 68, December 31, 2011, para. 2.

<sup>19</sup> See, in this regard: IACHR. [Resolution 95/2020](#). Precautionary Measure No. 1080-20. Christa Pike regarding the United States of America. December 11, 2020, para. 34; IACHR. [Resolution 91/2020](#). Precautionary Measure No. 1048-20. Lisa Montgomery regarding the United States of America. December 1, 2020, para. 40; IACHR. [Resolution 77/2018](#). Precautionary Measure No. 82-18. Ramiro Ibarra Rubí regarding the United States of America. October 1, 2018; IACHR. [Resolution 32/2018](#). Precautionary Measure No. 334-18. Charles Don Flores regarding the United States of America. May 5, 2018 (available only in Spanish); IACHR. [Resolution 41/2017](#). Precautionary Measure No. 736-17. Rubén Ramírez Cárdenas regarding the United States of America. October 18, 2017; IACHR. [Resolution 21/2017](#). Precautionary Measure No. 250-17. Lezmond Mitchell regarding the United States of America. July 2, 2017; IACHR. [Resolution 14/2017](#). Precautionary Measure No. 241-17. Matter of Víctor Hugo Saldaño regarding the United States of America. May 26, 2017; IACHR. [Resolution 9/2017](#). Precautionary Measure No. 156-17. William Charles Morva regarding the United States of America. March 16, 2017.

<sup>20</sup> IACHR. [Report No. 29/20](#). Case 12.865. Merits (Publication). Djamel Ameziene (United States), April 22, 2020, para. 151; IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II., Doc. 64, December 31, 2011, para. 411.

<sup>21</sup> IACHR. [Report No. 29/20](#). Case 12.865. Merits (Publication). Djamel Ameziene (United States), April 22, 2020, para. 152; IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II., Doc. 64, December 31, 2011, para. 413

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.<sup>22</sup>

31. The Commission further emphasizes the serious impacts of long-term deprivation of liberty on death row, known as the “death row phenomenon”, which:

(...) consists of a combination of circumstances that produce severe mental trauma and physical deterioration in prisoners under sentence of death. Those circumstances include the lengthy and anxiety-ridden wait for uncertain outcomes, isolation, drastically reduced human contact and even the physical conditions in which some inmates are held. Death row conditions are often worse than those for the rest of the prison population, and prisoners on death row are denied many basic human necessities.<sup>23</sup>

32. In this sense, in the case of Russell Bucklew, the IACHR found that “the very fact of spending 20 years on death row is, by any account, excessive and inhuman”.<sup>24</sup> In the case of Víctor Saldaño, the Commission concluded that “holding Víctor Saldaño on death row for more than 20 years in solitary confinement has constituted a form of torture, with severe and irreparable detriment to his personal integrity and, especially, his mental health”.<sup>25</sup>

33. According to the information provided by the applicant, for the last 23 years, Mr. Glossip has spent 22 to 24 hours per day in a windowless cell, 7’7” wide, 15’5” long and 8’4” high. Only recently was he moved to a cell with a window and is permitted, at times, to go outdoors into a caged area. Nevertheless, the proposed beneficiary remains confined in solitary with little to no contact with other persons. In the same way, the proposed beneficiary has been scheduled on various occasions for execution days of the death penalty. In the opinion of the IACHR, the foregoing could have an impact on his mental health in the context of the conditions in which he has been held.

34. In this regard, the Commission observes that the United States did not present any specific information concerning the current situation that the proposed beneficiary finds himself in. Nor did the State controvert the alleged conditions of confinement reported by the applicant. Considering the above and despite being moved to a different cell, the Commission does not have information which indicates the conditions of confined imprisonment nor the measures that are being taken by domestic authorities to ensure humane detention conditions.

35. In view of the aspects stated above, and without prejudice to the petition presented by the

<sup>22</sup> United Nations General Assembly. [Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/67/279, August 9, 2012, para. 48.

<sup>23</sup> United Nations General Assembly. [Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/67/279, August 9, 2012, para. 42; IACHR. [Report No. 24/17](#). Case 12.254. Merits. Víctor Saldaño (United States), March 18, 2017, para. 241; IACHR. [Report No. 200/20](#). Case 13.356. Admissibility and Merits (Publication). Nelson Ivan Serrano Saenz (United States of America), August 3, 2020, para. 69; IACHR. [Report No. 210/20](#). Case 13.361. Admissibility and Merits (Publication). Julius Omar Robinson (United States of America), August 12, 2020, para. 115; IACHR. [Report No. 211/20](#). Case 13.570. Admissibility and Merits (Publication). Lezmond C. Mitchell (United States of America), August 24, 2020, para. 132; IACHR. [Report No. 71/18](#). Case 12.958. Merits. Russell Bucklew (United States), May 10, 2018, paras. 85-91.

<sup>24</sup> IACHR. [Report No. 71/18](#). Case 12.958. Merits. Russell Bucklew (United States), May 10, 2018, para. 91.

<sup>25</sup> IACHR. [Report No. 24/17](#). Case 12.254. Merits. Víctor Saldaño (United States), March 18, 2017, para. 252.

applicant, the Commission concludes that the rights of Mr. Glossip are *prima facie* at risk due to the possible execution of the death penalty and its subsequent effects on his petition, which is currently under the Commission's analysis, as well as his ongoing conditions of detention in solitary confinement on death row and its impact on his rights to life and personal integrity.

36. The IACHR considers that the requirement of urgency has been fulfilled. Regarding the precautionary dimension, according to the information presented by the applicant, on May 5, 2014, the U.S Supreme Court denied the proposed beneficiary's writ of certiorari. Mr. Glossip has no further domestic remedies available to him. Despite a pending trial set on February 28, 2022, due to an amended complaint filed by the proposed beneficiary addressing the new execution protocol, Mr. Glossip is likely to be scheduled for execution in the spring of this year, meaning that an execution date is likely to be set immediately. Considering the previous and before the imminent possibility that the death penalty is applied, the Commission considers it is necessary to adopt precautionary measures in order to examine the petition presented by the applicant.

37. In the same sense, regarding the protective dimension, the Commission considers that the risks to the proposed beneficiary's rights require immediate measures given his detention in solitary confinement on death row and before the possible execution of the death penalty. As previously stated, the information presented by the State did not controvert the proposed beneficiary's alleged conditions of confinement meaning that the IACHR does not have information which indicated that measures are being adopted by the State authorities to ensure humane detention conditions for Mr. Glossip.

38. The Commission considers that the requirement of irreparability has been fulfilled, insofar as the potential impact on the rights to life and personal integrity of proposed beneficiary constitutes the maximum situation of irreparability. Furthermore, the IACHR estimates that if Mr. Glossip is executed before the Commission has had the opportunity to evaluate P-201-22, any eventual decision on the merits of the case would be rendered moot, given that the situation of irreparable harm would already be materialized.

#### **IV. BENEFICIARY**

39. The Commission declares that the beneficiary of this precautionary measure is Richard Eugene Glossip, who is duly identified in this proceeding.

#### **V. DECISION**

40. The Inter-American Commission on Human Rights concludes that the present matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the IACHR requests that the United States of America:

- a) adopt the necessary measures to protect the life and personal integrity of Richard Eugene Glossip;
- b) refrain from carrying out the death penalty on Richard Eugene Glossip until the IACHR has had the opportunity to reach a decision on his petition;
- c) ensure that Richard Eugene Glossip's detention conditions are consistent with international standards;
- d) agree on the measures to be adopted with the beneficiary and his representatives.

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41. The Commission requests the United States of America to inform, within a period of 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update such information periodically.

42. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute prejudgment of any violation of the rights protected in the applicable instruments.

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

44. Approved on March 3, 2022, by Julissa Mantilla Falcón, President; Margarette May Macaulay, First Vice President; Esmeralda Arosemena de Troitiño, Second Vice President; Joel Hernández García; Roberta Clarke and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary