

---

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 78/2022**

Precautionary Measures Nos. 384-02, 348-06, 177-14, 204-07, 736-17 and 250-17  
Roberto Moreno Ramos and five other persons regarding the United States  
December 28, 2022  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Roberto Moreno Ramos, Rubén Ramírez Cárdenas, Orlando Cordia Hall, Russell Bucklew, Charles Warner, and Lezmond C. Mitchell in the United States. At the time of taking the decision, the Commission notes that the beneficiaries have been executed even though the precautionary measures granted in their favor were in force and the IACHR issued Merits Reports whereby the responsibility of the State was determined, as appropriate. In its assessment, the IACHR also observed that the execution of sentences giving rise to the death penalty implies both a significant change in the factual circumstances that motivated the granting of precautionary measures, as well as a failure to implement them. The IACHR condemns the application of the death penalty to beneficiaries of precautionary measures.

**II. BACKGROUND INFORMATION**

2. The Inter-American Commission on Human Rights has granted precautionary measures on behalf of certain persons sentenced to the death penalty in the United States, particularly when violations of the American Declaration of the Rights and Duties of Man were alleged, through the petition and case system, in the criminal proceedings that sentenced them to capital punishment.

– *PM-384-02 related to petition 4446-02 (Roberto Moreno Ramos)*

3. On November 8, 2002, the Commission granted precautionary measures in favor of Roberto Moreno Ramos, a Mexican national sentenced to death in Hidalgo County, Texas, on March 23, 1993. The beneficiary filed a petition with the IACHR alleging that he had not been informed of his rights of consular notification and access, pursuant to Article 36(1)(b) of the Vienna Convention on Consular Relations; that the trial attorneys were not competent to defend him in a capital case; and that the Public Prosecutor's Office introduced evidence of an unsubstantiated crime in order to obtain a death sentence against him. The Commission indicated to the State that, if Mr. Moreno Ramos was executed before the IACHR had the opportunity to examine his case, any decision would be rendered ineffective, and he would suffer irreparable harm. Consequently, the Commission requested that the United States adopt precautionary measures to preserve the life of Mr. Moreno Ramos.<sup>1</sup>

4. Representation before the IACHR is exercised by attorney Danalynn Recer, of the Gulf Region Advocacy Center

– *PM-348-06, and PM-736-17 related to petition 1323-06 (Rubén Ramírez Cárdenas)*

---

<sup>1</sup> IACHR, Annual Report 2002, Chapter III, [Section C: Petitions and Cases before the Inter-American Commission on Human Rights](#)

5. On January 30, 2007, the IACHR granted precautionary measures in favor of the Mexican citizen Rubén Ramírez Cárdenas, who was held in a detention center in the state of Texas, pending the setting of a date for the execution of the death penalty. In the petition presented to the IACHR, it was alleged, *inter alia*, that Mr. Ramírez Cárdenas was not informed about his right to consular assistance; and that he was subjected to inhumane conditions of detention. The petition also denounced the use of lethal injection as a method of execution causing extreme and unnecessary suffering, and the incompatibility of the pardon procedure provided for in the State of Texas with Article XXVI of the American Declaration. The Commission requested that the United States adopt the necessary measures to preserve the life and physical integrity of Rubén Ramírez Cárdenas so as not to impede the processing of his claim before the inter-American system.<sup>2</sup>

6. Subsequently, on October 18, 2017, the Commission granted precautionary measures, under registration PM-736-17, and after the issuance of the Admissibility and Merits Report No. 90/09, on August 7, 2009, in which the United States was declared responsible for the violation of articles XVIII and XXVI of the American Declaration.<sup>3</sup> The IACHR also concluded that, if the State were to execute him, by virtue of the criminal proceedings dealt with in this case, it would be committing a serious and irreparable violation of the fundamental right to life provided for in Article I of the American Declaration.<sup>4</sup> The Commission requested the State to adopt the necessary measures to protect the life and personal integrity of Mr. Ramírez Cárdenas; to refrain from carrying out the death penalty; to ensure that his conditions of detention were consistent with international standards; to provide the necessary and appropriate medical assistance; and to agree on the measures to be adopted with the beneficiary and his representatives.<sup>5</sup>

7. In both precautionary measures, representation before the IACHR is exercised by attorney Sandra Babcock.

– *PM-204-07 related to petition 1349-07 (Orlando Cordia Hall)*

8. On July 7, 2008, the IACHR granted precautionary measures in favor of Orlando Cordia Hall, sentenced to death in the state of Indiana. In petition 1349-07, it was alleged that, in general, the death penalty is imposed in a racially discriminatory manner in the United States. It was alleged that, in the particular case, the decision was based on questionable evidence relating to conduct that was not part of the prosecution. It was therefore alleged that the United States was responsible for the violation of Articles II, XVIII and XXVI of the American Declaration. The Commission requested the United States to refrain from executing the death penalty until it has an opportunity to decide on the petitioner's claim regarding the alleged violation of the American Declaration.<sup>6</sup>

9. Representation before the IACHR is exercised by attorney Marcia A. Widder, of the Georgia Resource Center; Robert Charles Owen, of the University of Texas at Austin; and Owen Bonheimer, of the law firm Steptoe & Johnson LLP.

– *PM-177-14 related to petition 684-14 (Russell Bucklew and Charles Warner)*

<sup>2</sup> IACHR, Annual Report 2007, Chapter III, [Section C: Petitions and Cases before the Inter-American Commission on Human Rights](#)

<sup>3</sup> IACHR, [Report No. 90/09](#). Case No. 12,644. Admissibility Report and Fund (Publication). Medellín, Ramírez Cárdenas and Leal García Regarding the United States. August 7, 2009

<sup>4</sup> Ibid.

<sup>5</sup> IACHR, [Resolution 41/2017](#). Precautionary Measure No. 736-17. Rubén Ramírez Cárdenas regarding the United States. October 18, 2017.

<sup>6</sup> IACHR, 2008 Annual Report, Chapter III, [Section C: Petitions and Cases before the Inter-American Commission on Human Rights](#)

10. On May 20, 2014, the Commission granted precautionary measures to prevent irreparable harm to Russell Bucklew and Charles Warner, who were sentenced to death in the State of Missouri. The request for precautionary measures was accompanied by a petition alleging the violation of rights recognized in the American Declaration of the Rights and Duties of Man, which was registered under number P-815-14. In its resolution, the Commission requested the United States to refrain from executing Russell Bucklew and Charles Warner until the IACHR had ruled on the merits of the individual petition filed on behalf of the beneficiaries.<sup>7</sup>

11. Representation before the IACHR is exercised by the American Civil Liberties Union (ACLU).

– *PM-250-17 related to petition 627-17 (Lezmond C. Mitchell)*

12. On July 2, 2017, the IACHR decided to request the adoption of precautionary measures in favor of Lezmond C. Mitchell, a member of the Navajo indigenous community, in a federal prison in Terre Haute, Indiana. The request for precautionary measures was related to the petition with registration number 627-17, in which alleged violations of Articles I, II, III, XIII, XVIII, XIX, XXV and XXVI of the American Declaration of the Rights and Duties of Man were reported during the process in which the beneficiary was sentenced to death. Upon analyzing the submissions of fact and law, the IACHR considers that the information provided shows, in principle, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, the Commission requested the United States to adopt the necessary measures to preserve the life and physical integrity of Lezmond C. Mitchell until the IACHR rules on his request, so as not to frustrate the processing of his case before the Inter-American System.<sup>8</sup>

13. Representation before the IACHR is exercised by Hillary Potashner, federal public defender; Gia Kim, and Jonathan C. Aminoff, federal public defenders attached to the Office of the Federal Public Defender; and the International Human Rights Clinic of the Loyola Law School.

### **III. MERITS REPORTS ISSUED AND RELEVANT INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURES WERE IN FORCE**

14. During the time the precautionary measures were in force, the Commission has received information from the parties and has followed up the situation of the beneficiaries by making requests for information. In specific matters, the Commission has also held hearings and press releases have been issued, as appropriate.

– *PM-384-02 related to petition 4446-02 (Roberto Moreno Ramos)*

15. On January 28, 2005, the Commission adopted Merits Report No. 1/05 and determined that the United States violated Articles II, XVIII and XXVI of the American Declaration to the detriment of Mr. Moreno Ramos.<sup>9</sup> The IACHR also concluded that if the State executed Mr. Moreno Ramos by virtue of the criminal proceedings in question, it would commit a serious and irreparable violation of the fundamental right to life provided for in Article I of the American Declaration.<sup>10</sup>

<sup>7</sup> IACHR, [Resolution 14/2014](#). Precautionary Measure No. 177-14. Russell Bucklew and Charles Warner case concerning the United States of America. May 20, 2014

<sup>8</sup> IACHR, [Resolution No. 21/Lezmond/2017](#). Precautionary Measure No. 250-17 Lezmond Mitchell with respect to the United States. July 2, 2017.

<sup>9</sup> IACHR, [Report No. 1/05](#), Case 12.430, Merits, Roberto Moreno Ramos, United States, 28 January 2005.

<sup>10</sup> *Ibidem*

16. On August 30, 2018, the representatives indicated that the execution date with respect to Mr. Moreno Ramos was set for November 14, 2018. On November 1, 2018, the Commission issued a press release urging the United States to stay the execution.<sup>11</sup> The Commission also pointed out that, if carried out, the State would commit a serious and irreparable violation of the fundamental right to life guaranteed in Article I of the American Declaration. On November 16, 2018, the IACHR condemned the execution of the beneficiary, carried out on November 14, 2018, in the state of Texas, United States.<sup>12</sup>

17. In the framework of the precautionary measures, the Commission requested additional information from the representatives on April 18, 2022. They were informed that the IACHR would assess whether the precautionary measures should remain in force. The representatives did not provide a response.

– *PM-348-06, and PM-736-17 related to petition 1323-06 (Rubén Ramírez Cárdenas)*

18. As previously indicated, the Commission issued the Admissibility and Merits Report No. 90/09, on August 7, 2009, in which the United States was declared responsible for the violation of Articles XVIII and XXVI of the American Declaration.<sup>13</sup> The IACHR also concluded that, if the State were to execute him, by virtue of the criminal proceedings dealt with in this case, it would commit a serious and irreparable violation of the fundamental right to life provided for in Article I of the American Declaration.<sup>14</sup>

19. On November 7, 2017, the Commission published a press release urging the State to protect the life and integrity of Mr. Ramírez Cárdenas, recalling that “[...] if the State proceeded with the executions by virtue of the criminal proceedings analyzed in the case, it would be committing a serious and irreparable violation of the fundamental right to life provided for in Article I of the American Declaration.”<sup>15</sup> According to public information, Mr. Rubén Ramírez Cárdenas was executed on November 8, 2017.<sup>16</sup> Subsequently, in its 2017 Annual Report, the Commission indicated that “the fact that the United States has not preserved the life of Mr. Rubén Ramírez Cárdenas pending a request from the IACHR to review his trial and conviction, contravenes its international obligations derived from the Charter of the Organization of American States and the American Declaration in force since the United States joined the OAS in 1951.”<sup>17</sup>

20. On April 18, 2022, the Commission made a request for information to the representatives, within the framework of the precautionary measures in force, informing that it will proceed with the analysis of whether these precautionary measures should remain in force. The representatives did not provide a response. On June 21, 2022, the Commission requested updated information from the State, who also did not respond.

– *PM-204-07 related to petition 1349-07 (Orlando Cordia Hall)*

<sup>11</sup> IACHR, [Press Release No. 234/18](#). IACHR Urges the United States to Suspend the Execution of Roberto Moreno Ramos, November 1, 2018.

<sup>12</sup> IACHR, [Press Release No. 244/18](#). IACHR Condemns Execution of Roberto Moreno Ramos in Texas, Washington, D.C., November 16, 2018.

<sup>13</sup> IACHR, [Report No. 90/09](#). Case No. 12,644. Admissibility Report and Fund (Publication). Medellín, Ramírez Cárdenas and Leal García Regarding the United States. August 7, 2009

<sup>14</sup> Ibid.

<sup>15</sup> IACHR, [Press Release No. 175/17](#). IACHR Urges the United States to Comply with Recommendations in Case of Death Penalty, November 7, 2017.

<sup>16</sup> BBC News, [Texas execution of Ruben Cardenas Ramirez sparks row with Mexico](#), November 9, 2017.

<sup>17</sup> IACHR. Annual Report 2017. Chapter II. [Section F: Status of Compliance with the IACHR Recommendations](#), para. 1257

21. On October 29, 2010, a hearing on the situation of Mr Cordial Hall was held in the framework of the 140th session<sup>18</sup>. On November 29, 2016, the petitioners informed the Commission that the beneficiary was still alive and in the custody of the United States authorities and that the death sentence was still in force. On April 22, 2020, the Commission published Merits Report No. 28/20 with respect to the United States in which it concluded that Articles I (Right to life, liberty and security and integrity of the person), II (Equality before the law), IV (Right to freedom of expression), XVIII (Right to Justice), XXV (Right to protection against arbitrary detention), and XXVI (Right to due process of law) of the American Declaration had been violated with respect to Mr. Cordia Hall.<sup>19</sup> According to public information and as indicated by the representatives, Mr. Cordia Hall was executed on November 19, 2020.

22. On April 18, 2022, the Commission sent a request for updated information to the representatives with a view to analyzing whether these precautionary measures should remain in force. The representatives did not provide a response.

– *PM-177-14 related to petition 684-14 (Russell Bucklew and Charles Warner)*

23. On July 21, 2013, the Commission adopted Admissibility Report No. 54/14 admitting the petition in respect of both persons.<sup>20</sup> On May 10, 2018, through the Merits Report No. 71/18, the Commission concluded that the United States is responsible for the violation of Articles I (right to life, liberty, security and integrity of the person), XVIII (right to justice) and XXVI (right to due process of law) of the American Declaration, to the detriment of Russell Bucklew.<sup>21</sup> If Russell Bucklew were executed, the State would also be responsible for a serious and irreparable violation of the fundamental rights to life and not to receive cruel, infamous or unusual punishment, protected by Articles I and XXVI of the American Declaration.<sup>22</sup>

24. On August 23, 2019, the Commission, through a press release, urged the State to suspend Russell Bucklew's execution scheduled for October 1, 2019.<sup>23</sup> On September 24, 2019, the IACHR held a public hearing on the case of Mr. Bucklew between the United States and the petitioner, during its 173rd Session. At the hearing, the Inter-American Commission made an urgent appeal to the State to comply with the recommendations of the IACHR and commute Mr. Russell Bucklew's sentence.<sup>24</sup> Subsequently, by means of a press release of October 7, 2019, the IACHR condemned the execution in violation of its fundamental rights and in contradiction with the recommendations made by the IACHR in its Merits Report published in his case.<sup>25</sup>

25. Regarding Charles Warner, the IACHR issued a press release on January 21, 2015. On that occasion, the Commission condemned the judicial execution of Charles Warner, which took place on January 15, 2015, in Oklahoma, United States, in violation of his fundamental rights.<sup>26</sup> The Commission considered that the failure of the United States to preserve Mr. Warner's life while a petition was pending before the

<sup>18</sup> IACHR. Public Hearing. "[Case 12.719. Orlando Cordia Hall, United States.](#)" Thirty-Sixth Session. 29-Oct-2010

<sup>19</sup> IACHR, [Report No. 28/20](#), Case 12.719. Merits (Publication). Orlando Cordia Hall. United States of America April 22, 2020.

<sup>20</sup> IACHR, [Report No. 54/14](#). Petition 684-14. Admissibility. Russell Bucklew and Charles Warner. The United States of America. July 21, 2014

<sup>21</sup> IACHR, [Report No.71/18](#), Case 12.958. Merits. Russell Bucklew. The United States of America. May 10th 2018 106.

<sup>22</sup> *Ibid.*, para. 97

<sup>23</sup> IACHR, [Press Release No. 211/19](#) - IACHR Urges the United States to Suspend the Execution of Russell Bucklew. Washington DC, August 23, 2019.

<sup>24</sup> IACHR. Public Hearing. "[Case of Russell Bucklew v. United States on the death penalty.](#)" Thirty-Sixth Session. September 24, 2019

<sup>25</sup> IACHR, [Press Release No. 249/19](#) - IACHR Condemns Execution of Russell Bucklew in Missouri, United States. Washington DC, October 7, 2019.

<sup>26</sup> IACHR, [Press Release No. 005/15](#), IACHR Condemns Execution of Charles Warner in Oklahoma, January 21, 2015.

IACHR contravened its international obligations under the Charter of the Organization of American States, in force for the United States since it joined the OAS in 1951, and the American Declaration.<sup>27</sup> As regards his petition, the Commission decided on December 20, 2020, to file it under Rule 42 of its Rules of Procedure.

26. In the framework of the precautionary measures, on April 18, 2022, the Commission requested information from the representatives to assess whether these precautionary measures should remain in force. The representatives did not provide a response.

– *PM-250-17 related to petition 627-17 (Lezmond C. Mitchell)*

27. On August 24, 2020, the Commission published the Admissibility and Merits Report No. 211/20 in which it established that the United States is responsible for the violation of Articles I, XVIII, XXV and XXVI of the American Declaration.<sup>28</sup> On August 25, 2020, the Commission issued a press release and urged the United States of America to stay the execution of Lezmond M. Mitchell, scheduled for August 26, 2020, and to grant him an effective remedy.<sup>29</sup> On September 24, 2020, the Commission issued a press release condemning the execution of Lezmond M. Mitchell, which took place on August 26, 2020.<sup>30</sup>

28. On April 13, 2022, the Commission sent a request for updated information to the representatives, informing them that the analysis on whether these precautionary measures should be kept in force would be carried out. The representatives did not submit any information.

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

29. 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 the Member States that have not yet ratified 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 Commission's Rules of Procedure. In accordance with this Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

30. The Inter-American Commission and the Inter-American Court of Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>31</sup> Regarding their precautionary nature, these measures have the

---

<sup>27</sup> Ibidem

<sup>28</sup> IACHR, [Report No. 211/20](#). Case 13.570. Admissibility and Merits (Publication). Lezmond C. Mitchell. United States of America. August 24, 2020.

<sup>29</sup> IACHR, [Press Release No. 203/20](#). The IACHR urges the United States to suspend the execution of Lezmond Mitchell. August 25, 2020.

<sup>30</sup> IACHR, [Press Release No. 229/20](#). The IACHR Condemns Execution of Lezmond Mitchell, the only indigenous person on the Corridor of Federal Death in the United States. September \*\*, 2022

<sup>31</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 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.

---

purpose of preserving legal situations while they are under consideration by the IACHR. In the process of reaching a decision, 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” 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.

31. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “[t]he decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that “[t]he 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 shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements set forth in Article 25 of the Rules of Procedure.

32. The Commission notes that these precautionary measures were granted to adopt measures aiming *inter alia*, to protect the life and personal integrity of the beneficiaries, the Commission requested the stay of the execution of the respective death sentences in all of them, to allow the Commission to analyze the allegations of violation of the American Declaration presented by the beneficiaries’ representatives. The Commission notes that the beneficiaries, *Roberto Moreno Ramos (PM 384-02)*, *Rubén Ramírez Cárdenas (PM 348-06 and PM 736-17)*, *Orlando Cordia Hall (PM 204-07)*, *Russell Bucklew (PM 177-14)*, and *Lezmond C. Mitchell (PM 250-17)* were executed despite the Merits Reports in which it was concluded that the State committed a violation of certain rights recognized in the American Declaration. In the case of *Charles Warner (PM 177-14)*, his petition was archived after his execution.

33. Consequently, given the execution of the beneficiaries of the precautionary measures and after the issuance of the corresponding Merits Reports, the Commission understands that the United States deprived the beneficiaries of the reparations determined in their favor, particularly those related to the review of their criminal proceedings, making them impossible to comply with. The Commission continues to follow up on the remaining relevant recommendations in the Merits Reports mentioned through its Annual Report.

34. Thus, considering the execution of the persons, the Commission observes that the factual situation has changed, so that the precautionary measures have been rendered moot. In that regard, they should be lifted.

35. Lastly, the Commission would like to recall that “the member states of the OAS, in creating the Commission and entrusting it, through the Charter of the OAS and the Statute of the Commission, with the promotion of the observance and protection of the human rights of the American peoples, have implicitly committed themselves to implement measures of this nature in cases where this is essential to preserve the mandate of the Commission.”<sup>32</sup>

---

<sup>32</sup> IACHR, [Report No. 52/01](#), Case 12.243, Juan Raul Garza, United States, April 4, 2001, para. 117.

---

**V. DECISION**

36. The Commission considers that the precautionary measures granted in favor of Roberto Moreno Ramos, Rubén Ramírez Cárdenas, Orlando Cordia Hall, Russell Bucklew, Charles Warner, and Lezmond C. Mitchell have become devoid of purpose. Therefore, the Commission has decided to lift their respective precautionary measures.

37. The Commission instructs the Executive Secretariat of the IACHR to notify the United States and the representatives of this Resolution.

38. Approved on December 28, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; and Roberta Clarke, members of the IACHR.

Jorge Meza Flores  
Assistant Executive Secretary