
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 39/2023**

Precautionary Measures No. 303-23
Richard Moore regarding the United States of America
July 4, 2023
Original: English

I. INTRODUCTION

1. On April 21, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Lindsey Vann and Rosalind Major (“the applicants” or “the requesting party”). The request urged 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 Moore (“the proposed beneficiary”), who is currently facing the risk of imminent execution in the state of South Carolina. The request for precautionary measures is linked to petition P-778-23, in which the applicants allege violations of Article I (Right to life, liberty and personal security), Article II (Right to equality before law), Article XVIII (Right to a fair trial), 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 additional information to the applicants on May 5, 2023, and the applicants provided updated information on May 12, 2023. Subsequently, the IACHR requested information to the State on May 25, 2023, and reiterated the request on June 6, 2023. The State submitted its observations on June 7, 2023.

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. Moore’s rights to life and personal integrity in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Mr. Moore 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 Moore; and b) refrain from carrying out the death penalty on Richard Moore, until the IACHR has had the opportunity to reach a decision on his petition.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. The proposed beneficiary is currently facing the risk of imminent execution in the state of South Carolina, United States. He has been detained on death row since 2001. According to the applicants, Mr. Moore has exhausted all domestic remedies available to him; the execution date was suspended due to legal issues regarding changes in the law governing methods of execution; and Mr. Moore is the first individual up for execution.

a. Proposed beneficiary's conviction and death sentence

5. According to the request, Mr. Moore is an African American man who was convicted of armed robbery, murder, and assault with intent to kill a convenience store clerk, Mr. Mahoney, in Spartanburg County. The applicants also mention this area is traditionally known for racial discriminatory death sentences and lynching. In this regard, it was stated that Mr. Moore entered the convenience store without possessing a gun. At the checkout, a confrontation arose, and Mr. Mahoney allegedly racially insulted Mr. Moore and pulled a gun on him. Mr. Moore was able to wrestle that gun away. Nevertheless, Mr. Mahoney reportedly brandished a second gun. Mr. Moore managed to hide and grab the first gun. Both individuals reportedly shot at each other. Medical examinations revealed that both men had gunshot wounds and that Mahoney's injuries were fatal. The request also claims no evidence for Mr. Moore prior intent to kill, and there is no surveillance video footage that could provide clear evidence of the chain of events that led to this fatal shooting. The request alleged that race, above all else, played a role at each juncture of Mr. Moore's trial and ultimately his sentence to death.

b. Allegation of the proposed beneficiary's failed defense and failure of fair trial

6. The applicants stated that the request claimed that defense counsel's complete failure to exploit the gaps in the prosecution's evidence using the collected physical evidence. Additionally, the request highlighted that Mr. Moore's case was selected for capital prosecution in the context of a heated electoral race for the Circuit Solicitor position. In this regard, the request informed that the elected prosecutor reportedly won the race amidst debates about capital punishment and having a firm stance against crime. After facing months of political scrutiny for his prior positions on capital punishments, the elected prosecutor continued with the capital prosecution of Mr. Moore.

7. Furthermore, they alleged that the State struck jurors from Mr. Moore's capital trial in a racially discriminatory manner. The request addressed that Mr. Moore's jury consisted of 12 white jurors. The black jurors were considered for peremptory strikes by the prosecutor. Additionally, the applicants highlighted that the prosecutor for the Seventh Judicial Circuit of South Carolina at the time of the offense sought death mostly in cases involving white victims in his fifteen-year tenure (1985–2001).

8. The applicants also stated that Mr. Moore's sentence was excessive and disproportionate as the facts do not show an "exceptional gravity" that can justify imposition of the death penalty, as the proposed beneficiary was unarmed and had no prior intention to kill. The paucity of reliable evidence was also highlighted by the applicants, who stated that there was no video surveillance in the convenience store and the sole eyewitness account lacks accuracy. Additionally, that case does not rise to the level of "exceptional gravity" that can justify imposition of the death penalty, and that the influence of race as the best explanation for Mr. Moore's death penalty.

c. The proposed beneficiary's current detention conditions

9. The applicants updated information on May 12, 2023. The applicants stated that the proposed beneficiary has been incarcerated on South Carolina death row since 2001. From 2001 to 2017, the proposed beneficiary was housed at Lieber and Kirkland facilities. During this period, it

was mentioned that the proposed beneficiary had been in 23 hour per day solitary confinement. In 2017, the death row population was moved to Kirkland Correctional Institution, in a cell that had no windows for natural light. In 2019, the proposed beneficiary was relocated to Broad River Correctional Institution, where he is currently held.

10. According to the request, at Broad River Mr. Moore can leave his cell for 8 to 10 hours a day. The men held on death row are able to interact with one another in recreation spaces in the secure facility. Additionally, Mr. Moore has been twice on “execution status”, following the Supreme Court of South Carolina’s issuance of an execution notice setting execution dates in December 2020 and April 2021, which were eventually stayed. According to the request, when individuals are on execution status, they are moved to an isolation cell where they are locked down and watched for 24 hours a day, and the lights are constantly on. When leaving the isolation cell, restrictive restraints are imposed, including wrist and ankle shackles, a belly chain, and another chain connecting it to the ankles. The request alleged that individuals under this regime are also subjected to a dog leash attached to the back of the belly chains to allow further restriction of movement by corrections officers. The isolation and restraints are imposed simply because of the issuance of an execution warrant and do not correspond to any security problems caused by the proposed beneficiary. In this regard, the request stated that Mr. Moore has had no disciplinary sanctions in over a decade. Nevertheless, he has spent two months in this most restrictive confinement since November 2020.

11. The applicants addressed that Mr. Moore’s execution date is expected to be set soon, which will again result in Mr. Moore being placed on execution status. The request finally alleged that Mr. Moore has lived under constant fear of imminent execution for the past two and a half years.

d. Internal remedies and execution date

12. The request stated that Mr. Moore’s death sentence has been completed, reviewed, and all available remedies related to right’s violations have been exhausted in domestic proceedings. In this regard, it was stated that the proposed beneficiary sought post-conviction relief (PCR) with the help of new counsel on several grounds including his trial counsel’s failure to challenge the prosecution’s theory of the case. According to the request, direct appeal process concluded in 2004, post-conviction process concluded in 2015, and federal Habeas Corpus was concluded in 2020 (certiorari). Mr. Moore also brought an additional challenge to his sentence under South Carolina’s original habeas authority in 2021, which was denied by the South Carolina Supreme Court in 2022.

13. Since the State of South Carolina failed to obtain lethal injections drugs, the legislature amended the law to permit two methods of execution besides lethal injection – execution by electric chair and execution by firing squad. Mr. Moore is one of four plaintiffs in a civil suit in the South Carolina state courts regarding the constitutionality of electrocution and firing squad as methods of execution. On September 6, 2022, the trial court ruled that the amended execution methods statute is unconstitutional under the South Carolina Constitution. The Defendants appealed and an oral argument was heard by the Supreme Court of South Carolina on January 5, 2023. The Supreme Court of South Carolina stayed its decision about the constitutionality of the methods of execution pending discovery on lethal injection on January 26, 2023.

14. The request stated that on May 4, 2023, the state legislature passed a shield law barring the disclosure of any information about the source and process of obtaining lethal injection

drugs from public disclosure. When the bill is signed into law, the State may be able to procure lethal injection drugs and move the Supreme Court of South Carolina to set a new execution date for Mr. Moore. Once a case is cleared to proceed for execution the Supreme Court of South Carolina issues an execution notice, which sets the execution date for the fourth Friday after issuance of the notice. This provides an individual with only 22 to 28 days between the issuance of an execution notice and the execution date. Lastly, the request highlighted that Mr. Moore is first in line to be executed in South Carolina.

B. Observations from the State

15. The United States informed on June 7, 2023, that it had forwarded the request for information to the Governor and Attorney General of the State of South Carolina on May 30, 2023. Additionally, the State reaffirmed its position that the Commission lacks the authority to require that States adopt precautionary measures. Consequently, should the Commission adopt a precautionary measures resolution in this matter, the State would take it under advisement and construe it as recommendatory.

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

16. 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.

17. 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.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.² To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.³ Regarding their precautionary nature, these measures

¹ 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

² 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 [only in Spanish]

³ 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,

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. 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.

18. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures do not need to 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

19. 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 in 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 irreparable nature, as established in Article 25 of its Rules of Procedure. With regard to P-778-23, 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 Procedure.

20. 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

⁴ 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)
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 provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23

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.

21. Additionally, the Inter-American Commission recalls that the death penalty has been subject to strict scrutiny within the inter-American human rights system.⁵ While most OAS Member States have abolished the death penalty, a significant minority still hold on to this form of punishment.⁶ With regard 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.⁷ 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 request of the death penalty complies strictly with the requirements of the applicable inter-American human rights instruments, including the American Declaration.⁸ 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-discrimination⁹. 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.¹⁰

22. 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

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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 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.

and non-discrimination.¹¹ The Commission highlights that it has granted several precautionary measures to individuals on death row, considering both the precautionary and protective dimensions of the precautionary measures' mechanism.¹²

23. Taking this into account, the IACHR will proceed to analyze the procedural requirements with regard to Mr. Moore.

24. In the matter at hand, the Commission considers that the requirement of seriousness has been fulfilled. With regard to the precautionary dimension, the Commission observes that, according to the petition 778-23 presented by the applicants, the legal proceedings which led to Mr. Moore's death sentence allegedly did not comply with his rights to fair trial, right to equality, no discrimination and due process of law. In particular, the applicants claimed that, during the criminal proceedings the State-appointed counsel for Mr. Moore was ineffective. In particular, the applicants indicated the following: a. the defense counsel's complete failure to exploit the gaps in the prosecution's proof using the collected physical evidence; b. the sentence was disproportionate as the facts does not correspond an "exceptional gravity" that can justify imposition of the death penalty; c. the State struck jurors from Mr. Moore's capital trial in a racially discriminatory manner.

25. Given the aforementioned, the applicants indicated violations of Article I (Right to life, liberty and personal security), Article II (Right to equality before law), Article XVIII (Right to a fair trial), 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").

26. In this regard, while the imposition of the death penalty is not prohibited *per se* under the American Declaration,¹³ 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.¹⁴

¹¹ 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.

¹² See, in this regard: IACHR. Resolution 22/2023. Precautionary Measures No.176-23. Michael Tisius regarding the United States of America. IACHR. Resolution 95/2020. Precautionary Measures No. 1080-20. Christa Pike regarding the United States of America. December 11, 2020; IACHR. Resolution 91/2020. Precautionary Measures No. 1048-20. Lisa Montgomery regarding the United States of America. December 1, 2020; IACHR. Resolution 77/2018. Precautionary Measures No. 82-18. Ramiro Ibarra Rubí regarding the United States of America. October 1, 2018; IACHR. Resolution 32/2018. Precautionary Measures No. 334-18. Charles Don Flores regarding the United States of America. May 5, 2018 (available only in Spanish); IACHR. Resolution 41/2017. Precautionary Measures No. 736-17. Rubén Ramírez Cárdenas regarding the United States of America. October 18, 2017; IACHR. Resolution 21/2017. Precautionary Measures No. 250-17. Lezmond Mitchell regarding the United States of America. July 2, 2017; IACHR. Resolution 14/2017. Precautionary Measures No. 241-17. Matter of Víctor Hugo Saldaño regarding the United States of America. May 26, 2017; IACHR. Resolution 9/2017. Precautionary Measures No. 156-17. William Charles Morva regarding the United States of America. March 16, 2017.

¹³ 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

¹⁴ See, in this regard: IACHR. Resolution 22/2023. Precautionary Measures No.176-23. Michael Tisius regarding the United States of America. 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;

27. In view of the aspects stated above, and notwithstanding the petition presented, the Commission concludes that the rights of Mr. Moore 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.

28. The IACHR considers that the requirement of urgency has been fulfilled. Regarding the precautionary dimension, according to the information presented by the applicant, in 2020 the U.S. Supreme Court denied the proposed beneficiary's writ of certiorari, leading to the exhaustion of internal remedies, as stated by the applicants. Even though the Supreme Court of South Carolina suspended the execution date due to legal issues regarding changes in the law governing methods of execution, according to the applicant, the litigation is expected to be resolved soon and Mr. Moore is the first individual up for execution. Therefore, considering the imminent possibility of the death penalty being applied, the Commission considers it is necessary to adopt precautionary measures in order to protect Mr. Moore's life and physical integrity and to examine the petition presented by the applicants according to the Rules of Procedure.

29. The Commission considers that the requirement of *irreparable harm* 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 deems that if Mr. Moore is executed before the Commission has had the opportunity to evaluate P-778-23, any eventual decision on the merits of the case would be rendered futile, given that the situation of irreparable harm would have already materialized.

30. In the matter at hand, regarding the current detention conditions of Mr. Moore's, the Commission noted that the proposed beneficiary has been imprisoned since 2001 and, during this period, he had been placed in isolation cells and restrictive conditions. Nevertheless, the applicants have informed that, since 2019, the proposed beneficiary has been held in Broad River Correctional Institution, in which solitary confinement is no longer applied.

IV. BENEFICIARY

31. The Commission declares that the beneficiary of this precautionary measure is Richard Moore, who is duly identified in this proceeding.

V. DECISION

32. The Inter-American Commission on Human Rights concludes that this 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 Moore; and
- b. refrain from carrying out the death penalty on Richard Moore, until the IACHR has had

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

the opportunity to reach a decision on his petition.

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

34. 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 a prejudgment of any violation of the rights protected in the applicable instruments.

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

36. Approved on July 4, 2023, by Margarete May Macaulay, President; Roberta Clarke, Second Vice-President; Joel Hernández García; and Julissa Mantilla Falcón, members of the IACHR.

Jorge Meza Flores
Assistant Executive Secretary