Human Rights Brief

Volume 20 | Issue 2 Article 3

2013

Precautionary Measures of the Inter-American Commission on Human Rights: Legal Status and Importance

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In recent years, several states of the Americas have raised concerns regarding the mandate and practice of the Inter-American Commission on Human Rights (the Commission, IACHR) in several areas, including the adoption of precautionary measures. In order to better understand the legal underpinnings of such discussion, it is important to review the scope and normative contours of precautionary measures in the Inter-American Human Rights System. This piece intends to provide a general overview of some of the most notable aspects that inform the current debate in the political organs of the Organization of American States (OAS). The information provided below will indicate that, contrary to what some states argue, the Commission's practice in precautionary measures has been cautious but quite effective.

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As defined by the Commission, precautionary measures are "urgent requests, directed to an OAS Member State, to take immediate injunctive measures in serious and urgent cases, and whenever necessary [. . .] to prevent irreparable harm to persons."[1] The Commission primarily grants precautionary measures to protect persons from grave and imminent danger of injury of rights recognized under the American Declaration on the Rights and Duties of Man (American Declaration) or the American Convention on Human Rights (American Convention). Interim measures developed based on the understanding that it is essential for the victims of human rights abuses to be able to resort to regional systems, such as the Inter-American Human Rights System, to seek immediate protection of their basic rights recognized under regional international treaties. In general, these measures constitute one of the most important instruments that the Commission has at its disposal to achieve one of the core aims of the Inter-American Human Rights System: preventing on-going human rights violations.

Normative Human Rights Structure of the OAS

As the principle multilateral treaty, the Charter of the Organization of American States (OAS Charter) sets out the legal architecture of this Organization,[2] and is binding on all OAS Member States. Under Article 106 of the Charter, the primary function of the Commission is to "promote the observance and protection of human rights and to serve as a consultative organ of the [OAS] in these matters." The notion of "protection" necessarily involves the power to receive and adjudicate human rights cases. Thus, every American state has accepted the competence of the Commission to consider individual complaints concerning alleged human rights violations that occur in their jurisdiction just by ratifying the Charter.[3]

For those states that have not yet ratified the American Convention, the Commission will determine whether the state violated the rights set forth in the American Declaration.[4] The Commission and the Inter-American Court have both held that the Declaration, although not initially adopted as a legally binding treaty, is now a source of legal obligation for OAS Member States.[5] Additionally, by approving the Commission's Statute, Member States have established the Commission's authority to receive and decide individual complaints alleging violations of the Declaration against those who are not parties to the Convention.[6] Furthermore, the Commission has read the Declaration as an evolving source of law, noting that its application is consistent with the practice of the Inter-American Court of Human Rights.[7] Therefore, the Declaration serves as a parallel to the American Convention for those states that have not ratified the Convention.

The requirement of extreme gravity and urgency to obtain a grant of precautionary measures presumes the existence of certain imminent danger that could result in irreparable harm to the fundamental rights of persons.[8] Article 25 of the Rules of Procedure of the Commission, regulating its precautionary measures, reflects comparable elements of gravity, urgency, and irreparability recognized for the Inter-American Court in Article 63 of the American Convention.[9] The mechanism established in Article 25 of the Rules applies to all of the Member States of the OAS, whether or not they have ratified the American Convention, by virtue of the Commission's Statute.

Timely implementation is often of grave importance when a precautionary measure is requested, particularly where the life or physical integrity of persons are at stake. For those facing capital punishment, the implementation of the precautionary

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measure granted by the Commission is especially important. The Commission has stated that

> [T]he failure of a member state to preserve a condemned prisoner's life pending review by the Commission of his or her complaint emasculates the efficacy of the Commission's process, deprives condemned persons of their right to petition in the Inter-American system, and results in serious and irreparable harm to those individuals, and accordingly is inconsistent with the state's human rights obligations.[10]

The fact that the precautionary measures of the Commission are not explicitly included in the text of the American Convention or the Commission's Statute has raised questions from a few countries regarding the authority that supports such measures. Furthermore, even if a sufficient basis exists for the authorizations of such measures, the question remains whether non-compliance with the measures constitutes a failure to fulfill an international obligation of the State.

[I]t is clear that the Commission has the authority to implement reasonable tools, such as precautionary measures, to fulfill its duty to protect and promote human rights.

Legal Authority of the Commission's Precautionary Measures

The Commission has the power to interpret the scope of its own competence and jurisdiction.[11] In exercising such generic authority, the Commission has found that this authority included precautionary measures under Article 25 of the Rules of Procedures because

> OAS member states, by creating the Commission and mandating it through the OAS Charter and the Commission's Statute to promote the observance and protection of human rights of the American peoples, have implicitly undertaken to implement measures of this nature where they are essential to preserving the Commission's mandate.[12]

Thus, precautionary measures appear to be recognized by the Commission as an "inherent" power of its adjudicatory function in individual cases. Such interpretation is firmly grounded in several provisions of the Statute of the Commission, the OAS Charter, and the American Convention. Article 18 of the Statute authorizes the Commission "to request that the governments of the states provide it with reports on measures they adopt in matters of human rights." Article 106 of the OAS Charter entrusts the Commission to, "promote the observance and protection of human rights." Regarding states not yet party to the American Convention, Article 20 of the Commission Statute empowers the Commission "to examine communications submitted to it and any other available information, to address the government of any member state not a Party to the Convention for information deemed pertinent by this Commission, and to make recommendations to it, when it finds this appropriate, in order to bring about more effective observance of fundamental human rights." For states that have ratified the American Convention, Article 41 of the Convention grants the Commission the power "to take action on petitions and other communications pursuant to its authority under the provisions of Articles 44 through 51 of this Convention," (provision that is restated in Article 19 of the Statute) and to "request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights." As all three instruments contemplate the promotion and observance of human rights but do not specify the means through which to do this, it is clear that the Commission has the authority to implement reasonable tools, such as precautionary measures, to fulfill its duty to protect and promote human rights.

Additionally, the Inter-American System was the first system to function in a region of the world where gross and systematic violations of human rights involving extra-judicial killings, torture, and forced disappearances were prevalent. Since its creation in 1948, the OAS has adopted multiple treaties, including the Inter-American Convention on Forced Disappearances of Persons, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (*Belém Do Pará*).[13] These treaties all imply the need to have protective measures granted by the Commission and the Court, particularly the Convention on Forced Disappearances of Persons, thus supporting the legality of IACHR precautionary measures.[14]

Binding Nature

Precautionary measures are not only authorized in the normative structure that regulates the Commission, but compliance by Member States of the OAS is also obligatory. States must comply with their obligations under the basic principle of the law of international responsibility and their obligations under international treaties in good faith (*pacta sunt servanda*) in conformity with Article 27 of the Vienna Convention on the Law of Treaties of 1969.[15] Thus, states cannot excuse non-compliance on the basis of their domestic law. When states fail to adhere to international human rights law by ignoring orders issued by an international body exercising its statutory or conventional authority, the state runs counter to the object and purpose of the human rights regime, therefore violating the international instruments that govern the Commission's functions. Furthermore, such conduct by a state undermines international law and the broader multinational political support for expanded international protection of human rights.[16]

In this vein, the Commission has reiterated that "its ability to effectively investigate and determine capital cases has been frequently undermined when states have scheduled and carried out the execution of condemned persons, despite the fact that those individuals have proceedings pending before the Commission."[17] Furthermore, the Commission determined that when a Member State dismisses such orders, the State "disregards its fundamental human rights obligations under the OAS Charter and related instruments."[18] The Inter-American Court

has also pointed out that, based on the principles of effectiveness and good faith, States are to respect its provisional measures as well as the Commission's precautionary measures.[19] In doing so, States must "heed the recommendations contained in the Commission's reports and do their best to implement them, pursuant to the principle of good faith."[20]

The binding nature of the precautionary measures ordered by the Commission,

> depends on the general duty of the states to respect and guarantee human rights, to adopt the legislative or other measures necessary for effective observance of human rights, and to carry out in good faith the obligations contracted under the American Convention *and the Charter of the OAS*, as well as the competence of the Commission to oversee that the states parties are carrying out the commitments they have assumed.[21]

The Commission also reaffirmed the legally binding nature of its precautionary measures in its Resolution 1/05 of March 8, 2005, along with other documents issued by the Commission, holding that Member States are under a duty to comply in light of the fundamental role that the measures play in maintaining the efficacy of the Commission's mandates.[22] Member States that fail to recongize the binding nature of precautionary measures render the measures and the regional protection system ineffectual. In response, the Commission has affirmed, on numerous occasions, the necessity and duty of OAS Member States to comply with the precautionary measures granted in order to properly and fully respect their international human rights obligations.[23]

The precautionary measures of the Inter-American Commission require States to comply without exception of domestic political or legal motives.[24] Although precautionary measures are not recognized as binding by all Member States of the OAS, the measures should be afforded a comparable legal value as those resolutions that the Commission adopts regarding individual cases, such as reports on admissibility and/or merits. As indicated above, the international principles of *pacta sunt servanda* and good faith leave little room to interpret otherwise. OAS States have conferred on the Commission extensive powers to promote and protect human rights under the Charter of the OAS, the Statute of the Commission, the American Convention and several other regional treaties. Furthermore, in that framework, States have authorized the Commission to receive individual complaints seeking to afford redress for the victims. Therefore, under these mandates, the Commission is allowed, and compelled, to articulate its powers in order to prevent, if possible, violations of human rights, especially regarding serious situations where danger is imminent and irreparable. To argue otherwise would lead us to the unreasonable assumption that States created the Commission with ample supervisory powers but deliberately decided to limit the Commission from cooperating with them to *prevent* serious human rights violations.

Interim Measures of the Human Rights Committee and other Adjudicatory Bodies

Other similar organs, such as the UN Human Rights Committee, have also considered their interim measures as obligatory. The Human Rights Committee, in *Mansour Ahani v. Canada*[25] and *Piandiong et al. v. The Philippines*[26] reaffirmed the binding character that interim measures of such a Committee have. The Committee articulated its legal rationale pursuant to the provisions of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and the principle of good faith in cooperating with the Committee. The Committee indicated in *Piandiong* that interim measures

> are essential to the Committee's role under the Protocol. Flouting of the Rule, specially by irreversible measures such as the execution of the alleged victim or his/her deportation from the country, undermines the protection of the Covenant rights through the Optional Protocol.[27]

The Committee has a similar nature to that of the Inter-American Commission; they both share comparable normative structures regarding interim measures and are both quasi-judicial organs supervising human rights treaties with an individual complaint mandate and the governing treaties in both cases do not expressly refer to interim measures. If we consider that the same approach taken by the Committee is applicable to the Commission's precautionary measures, the clear conclusion is that the Commission's measures are authorized by the Convention, the Statute, and its Rule of Procedure, and that compliance of such measures by states is an obligation under those instruments, and non-compliance would be a violation of these regional instruments and therefore could entail the international responsibility of the State concerned.

It is worth mentioning that the Inter-American Court of Human Rights, the European Court of Human Rights, and the International Court of Justice (ICJ) have rendered similar pronouncements confirming the obligatory nature of protective measures.[28] The European Court and the ICJ have done so even though their respective governing treaties do not expressly recognize such interim measures for those international bodies.

Statements by Other Actors

Other actors, such as non-governmental organizations (NGOs), have also conveyed their views about the importance of precautionary measures. Public statements have been made addressing the binding nature of the measures in reference to the Brazilian government's response to precautionary measures granted by the Commission, including in an open letter to OAS Secretary General José Miguel Insulza. NGOs, such as Conectas-Human Rights and the International Federation of Human Rights (FIDH), have emphasized the binding nature and importance of precautionary measures. FIDH recently stated in an open letter to Secretary General Insulza, "[W]e wish to emphasize that the precautionary measures issued by the Commission, although using the term 'recommendation' are binding on Member States of the OAS[.]"[29] In addition, Conectas issued a public statement on the Brazilian government's response to the *Belo Monte case*,[30] indicating that "[i]n accordance with the new IACHR regulations, the Commission has the authority to request precautionary measures to avoid irreparable damages[.]"[31] Furthermore, the Centro de Estudios en Derecho, Justicia y Sociedad (DeJusticia), Conectas, the Center for Justice and International Law (CEJIL), the Centro de Estudios Legales y Sociales (CELS), the Instituto

de Defensa Legal (IDL), and the Due Process of Law Foundation (DPLF) have stated that the Commission's precautionary measures are an inherent power of this organ and that a consistent regional practice during more than two decades suggests the existence of a norm based on international customary law.[32] All these organizations, as well as the Commission, have expressed concern over the lack of adherence to, and downplay of, precautionary measures and they continue to emphasize the significance and necessity of preserving them.[33]

Some Comments about the Commission's Practice and the Current 'Reform' Debate

The Inter-American Commission is currently facing one of the most significant challenges in its history. For years, several Member States of the OAS have periodically advanced the idea of "strengthening" or "reforming" the System, but in the end, no additional political or financial support has been dispensed to the Inter-American Commission or the Inter-American Court. In fact, many of the calls for "reform" have come from some of the same States that have been under strict scrutiny of the System due to their precarious human rights situation. These calls, therefore, appear to be a reaction by those States to supervisory actions of the Commission and the Court, and appear to be seeking to undermine the independence and autonomy of the Commission. Furthermore, one of the issues triggering such reaction has been precisely that of the precautionary measures in certain cases.

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It is also important to mention that in recent years, the Commission, in coordination with the Inter-American Court, has remained in constant contact with all stakeholders of the System — victims, states, NGOs, academia — in a periodic process of consultation, which has led to significant improvements in the procedures of the Commission. Many of the changes have been beneficial to the victims, such as allowing them to directly litigate their cases before the Court or advancing additional legal arguments to those initially accepted by the Commission, among many other positive adjustments. In addition, many other changes have also recognized the procedural rights of States in individual complaints by having a more rigorous review of jurisdiction and admissibility of cases or factual grounds to request precautionary measures. For example, only 15.8% of the petitions filed were accepted for processing in 2011 and only 13.5% of the requests for precautionary measures were finally rendered in 2011.

It should also be noted that the Commission has issued more than 780 precautionary measures from 1995 to 2012, focusing mostly on the core basic rights recognized by the human rights instruments. A recent study has shown that the Commission has adopted a great majority of its measures in cases where life and personal integrity were at stake.[34] This study indicates that measures adopted from 1996 to 2010 were issued to protect mainly civil and political rights, and "particularly the right to life (Article 4) with 599 measures and the right to humane treatment (Article 5) with 528 measures from a total of 688."[35] In very few cases has the Commission refered to other rights such as freedom of expression (24 precautionary measures), health (18), property (12), political rights (3), work (3), cultural identity (3), or right to information (3). Evidently precautionary measures have been used mostly in serious situations in which life or personal integrity of persons are at stake. This shows that the Commission has clearly exercised restraint when dealing with situations that involve more complex rights where the determination of "gravity" and "urgency" requires a more refined and cautious analysis.

Based on the information available, it is possible to dispel some of the most common misconceptions regarding the work of the Commission, specifically regarding precautionary measures. These studies show that the Commission has been quite deliberate in focussing its measures to prevent the violation of the most basic rights. When granting precautionary measure requests, the Commision's practices demonstrate a deliberate and cautious assessment of the request, looking to whether the situtation truly necessitates precautionary measures given its gravity and urgency. Thus, the concern of states with precautionary measures does not appear to be legitimate. Rather, such concern appears to be grounded in renewed sentiments of sovereignity in some states of the region, and may not be seeking to improve the protective tools of the Commission.

Endnotes

1 *See Rules of Procedure of the Inter-American Commission on Human Rights*, art. 25 (approved by the Commission at its 137th regular period of sessions, held from October 28 to November 13, 2009, and modified on September 2, 2011) [hereinafter Commission Rules of Procedure].

2 *See Basic Documents Pertaining to Human Rights in the Inter-American system*, Inter-Am. Comm'n H.R. (June 30, 2010) http://www.cidh.oas.org/basicos/english/Basic1.%20Intro.htm.

3 *Id*.

4 *Id*.

5 Basic Documents Pertain to Human Rights in the Inter-American system, *supra* note *See also* Garza v. United States, Case 12.243, Inter-Am. Comm'n H.R. Report No.1255, OEA/ser.L/V/II.111, doc. 20 rev. P.60 (2001); Roach & Pinkerton v. United States, Case 9647, Inter-Am. Comm'n H.R., Report No. 147, OEA/ser.L/V/II.71, doc. 9 rev. 1, ¶¶ 46-49 (1987); Interpretation of the American Declaration of the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights, Advisory Opinion OC-10/90, Inter-Am. Ct. H.R., (ser. A) No. 10, ¶¶ 35-45 (1989).

[6] Brian D. Tittemore, *Guantanamo Bay and the Precautionary Measures of the Inter-American Commission on Human Rights: A Case for International Oversight in the Struggle Against Terrorism*, 6 Hum. Rts. L. Rev. 378, 382 (2006).

[7] Richard J. Wilson, *The United States' Position on the Death Penalty in the Inter-American Human Rights System*, 42 Santa Clara L. Rev. 1159 (2002).

[8] *See* IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, § 432 (Dec. 31, 2011), available at http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf.

[9] *Id.*

[10] Isabela Piacentini de Andrade, Lawyers' Rights Watch Canada, Protective Measures in the Inter-American Human Rights System (2000).

[11] Statute of the Inter-American Commission on Human Rights art. 22–24, Oct. 1, 1979, O.A.S. Res. 447 (IX-0/79), OEA/Ser.P/IX.0.2/80.

[12] *See Garza*, *supra* note 5, at ¶ 117.

[13] *Basic Documents Pertaining to Human Rights in the Inter-American system*, *supra* note 2.

[14] *See* Organization of American States, Inter-American Convention on Forced Disappearances of Persons, art. XIII, June 9, 1994. O.A.S. G.A., 24th Sess., A-60 (stating that, "[t]he processing of petitions or communications presented to the Inter-American Commission on Human Rights alleging the forced disappearance of persons *shall* be subject to the procedures established in the American Convention on Human Rights and to the Statute and Regulations of the Inter-American Commission on Human Rights and to the Statute and Rules of Procedure of the Inter-American Court of Human Rights, *including the provisions on precautionary measures*") (emphasis added).

[15] *See* Vienna Convention of the Law of Treaties of 1969, art 26, 27, May 23, 1969, 1155 U.N.T.S. 331 (providing that States must comply with their treaty-based obligations in good faith and may not invoke the provisions of their internal law as justification for failure to perform international responsibilities).

[16] *See* Douglass Cassel, *Does International Human Rights Law Make a Difference?*, 2 Chi. J. Int'l. L. 121, 136 (Spring 2001). *See also* Robert K. Goldman, *History and Action: The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights*, 31 Hum. Rts. Q. 856 (2009).

[17] *See* Eva Rieter, Preventing Irreparable Harm: Provisional Measures in International Human Rights Adjudication 906 (Intersentia 2010) (citing CIDH, *Napoleon Beazley v. US*, 29 December 2003, § 51).

[18] *Garza*, *supra* note 5, at ¶117.

[19] *James et al. v. Trinidad and Tobago*, Provisional Measures, Order of the Court, "Having Seen," (Inter-Am. Ct. H.R. Nov. 26, 2001), *available at* http://www.corteidh.or.cr/docs/medidas/james_se_14_ing.pdf.

[20] *See* Juan E. Méndez, *The Inter-American System of Protection: Its Contributions to the International Law of Human Rights*, Realizing Human Rights: Moving from Inspiration to Impact (Samantha Power and Graham Allison, eds., St. Martin's Press, 2000). *See also* Cecilia Cristina Naddeo, *The Inter-American System of Human Rights: A Research Guide*, GlobaLex (August/September 2010) http://www.nyulawglobal.org/Globalex/Inter_American_human_rights.htm (citing Claudio Grossman, *American Declaration on the Rights and Duites of Man and The Inter-American Commission on Human Rights*, Max Planck Encyclopedia of Public International Law, (R. Wolfrum ed. Oct. 2010, Oxford University Press).

[21] *See Report on the Situation of Human Rights Defenders in the Americas*, Inter-Am. Comm'n H.R., § 237 (last updated March 7, 2006) http://www.cidh.org/countryrep/Defenders/defenderschap6-8.htm. The Commission later reaffirmed its interpretation by indicating that the "precautionary measures issued by the IACHR are binding upon the States because of the general obligation incumbent upon them to respect and guarantee human rights, to adopt the legislative or other measures necessary for ensuring effective observance of human rights, and to carry out in good faith the obligations contracted under the American Convention and the Charter of the OAS." *Second Report on the Situation of Human Rights Defenders in the Americas*, Inter-Am. Comm'n. H.R., § 438 (last updated December 31, 2011) http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf.

[22] Tittemore, *supra* note 6, at 382 (citing Inter-Am. Comm'n H.R., Res. 1/05, § 1 (March 8, 2005) http://www.cidh.oas.org/resolutions/resolution1.05.htm; *Basic Documents Pertaining to Human Rights in the Inter-American system*, *supra*, note 2).

[23] Wilson, *supra* note 7, at 1186 (citing *Garza*, *supra* note 5). *See* Decision on Detainees at Guantanamo, United States, PM 259-02 (March 12, 2002) (citing *Garza, supra* note 5; IACHR, *Fifth Report on the Situation of Human Rights in Guatemala*, ¶¶ 71-72, OEA Ser.L/V/II.111 doc. 21 rev. (April 6, 2001)).

[24] *See* Clara Burbano Herrera, Provisional Measures in the Case Law of the Inter-American Court of Human Rights 213 (Intersentia 2010).

[25] Mansour Ahani v. Canada, Communication No. 1051/2002, UN Doc.CCPR/C/80/D/1051/2002, ¶8.1 (March 29, 2004).

[26] Piandiong et al. v. The Philippines, Communication No. 869/1999, UN Doc.CCPR/C/70/D/869/1999, ¶ 5.2 (Oct. 19, 2000).

[27] *Id.*

[28] *Id.*

[29] Souhayr Belhassen, *Brazil: FIDH Open Letter to The Secretary General of The OAS José Miguel Insulza*, Indigenous Peoples Issues & Resources (May 16, 2011) http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id=10424:brazil-fidh-open-letter-to-the-secretary-general-of-the-oas-jose-miguel-insulza&catid=53:south-america-indigenous-peoples&Itemid=75.

[30] Ministry of Foreign Relations, Press Release No. 142: Request of the Inter-American Commission of Human Rights (April 5, 2011), *available at* http://www.itamaraty.gov.br/sala-de-imprensa/notas-a-imprensa/solicitacao-da-comissao-interamericana-de-direitos-humanos-cidh-da-oea.

[31] *Condemnation of the Government's Response to the Precautionary Measures Issued by the IACHR in the Belo Monte Case*, Conectas (April 15, 2011), *available at* http://www.conectas.org/en/institutional/condemnation-of-the-governmentundefineds-response-to-the-precautionary-measures-issued-by-the-iachr-in-the-belo-monte-case.

[32] *Aportes para una agenda integral para el fortalecimiento del Sistema Interamericano de Derechos humanos*, Centro de Estudios en Derecho, Justicia y Sociedad (DeJusticia), Conectas, the Center for Justice and International Law (CEJIL), the Centro de Estudios Legales y Sociales (CELS), the Instituto de Defensa Legal (IDL), the Due Process of Law Foundation (DPLF) (Oct. 31, 2011).

[33] This could be a dangerous precedent for future disregard of precautionary measures by Member States under the same claim, and have serious consequences for human rights. *See* Belhassen, *supra* note 29 (stating "we are concerned that by stating that 'the Commission makes recommendations that are never mandatory orders to countries' and that 'no country would be violating any treaty by failing to comply with what the Commissions calls', you seem to question its legitimacy"). *See also* Press Release No. 37/11: IACHR

Expresses Deep Concern Over New Revelations About Guantanamo, Organization of American States (April 29, 2011), *available at* http://www.cidh.org/Comunicados/English/2011/37-11eng.htm.

[34] Clara Burbano-Herrera & Diego Rodríguez-Pinzón, *Precautionary Measures issued by the Inter-American Commission on Human Rights*, *in* Preventing Violations of Human Rights: Are Urgent, Interim or Provisional Measures an Adequate Tool in Human Rights Litigation? (Yves Haeck & Clara Burbano-Herrera, ed., Oxford Univ. Press, forthcoming 2013). This study also shows that Colombia, Guatemala, Mexico, and the United States are the four states with the highest number of precautionary measures from 1996 to 2010, which counters the perception that the Commission does not confront countries like the United States regarding human rights violations.

[35] *Id.* at 5.