

INFORMATIONAL BOOKLET

Precautionary Measures

Annex I

Time frames and extensions
in the Precautionary
Measures Mechanism

During an internal session on February 11, 2019, within the framework of its 171st sessions in Sucre, Bolivia, the Inter-American Commission on Human Rights (IACHR) systematized the terms granted during requests for information made to States based on the existing practice. During this session, it also established time parameters to be included in the resolutions granting or extending precautionary measures. Moreover, terms granted during the monitoring of precautionary measures in force are established based on the situation of risk identified.

In order to provide greater transparency on the time frames and extensions granted by the IACHR within its precautionary measures mechanism, during its internal session on August 12, 2021, it decided to update this information and make it available to the public.

A. In requests for information made to States in accordance with Article 25(5) of the Rules of Procedure

7 calendar days are granted from the transmission of the request

When the need for the corresponding information is more pressing due to the imminence of the potential harm, which the request seeks to prevent, as informed in the request. This may result, among others, from:

- i)** the content or particularly serious nature of the threats (such as the existence of an ultimatum, specific indications of time, circumstances, and place, etc.);
- ii)** evictions with an established date or whose execution is likely to occur soon;
- iii)** a particularly delicate health situation and lack of medical care (especially in relation to children, the elderly or people facing a heightened vulnerability).

Exceptionally and in cases in which the risk could materialize immediately, the request for information can be made even in a shorter time (3 days). Examples of the latter may constitute, among others:

- i)** the final scheduling of a death penalty;
- ii)** an imminent deportation or extradition procedure at an advanced stage;
- iii)** a complaint with sufficient seriousness regarding enforced disappearance.

10 calendar days are granted from the transmission of the request

When, notwithstanding the existence of a serious and urgent situation presenting a risk of irreparable harm, the instances or circumstances described in the preceding paragraph are not fulfilled and it is unsuitable to grant a longer term.

15 calendar days are granted from the transmission of the request

When, notwithstanding the existence of a serious and urgent situation presenting a risk of irreparable harm, the instances or circumstances described in A.1. are not fulfilled, but it is suitable to grant a longer term. This is mainly due to reasonable, foreseeable obstacles or difficulties in the State's ability to collect or obtain information, or due to the particularly complex nature of the situation. Examples of the latter may include, among others:

- i)** communities in remote locations or areas that are difficult to access;
- ii)** requests dealing with prison complexes or facilities;
- iii)** the need for medical tests or diagnoses that are not ordinarily accessible in a shorter time;
- iv)** situations that require the participation of various public authorities or coordination between central and regional governments (particularly, in states with a federal structure) in order to produce the requested information.

B. In resolutions pertaining to precautionary measures granted or extended, the time frame is decided by the IACHR when voting on the resolution. The terms in general are proposed as follows

15 calendar days are granted from the notification of the resolution for the submission of the first report

When the situation concerns individuals or someone who may require more immediate care but who is not in a particularly complex situation (for example, to care for a person's health conditions, to provide a protection detail for a person at risk).

20 calendar days are granted from the notification of the resolution for the submission of the first report

When the situation concerns a group of people or when it is more complex.

C. When monitoring the implementation of precautionary measures currently in force, the terms in general are as follows

10 calendar days are granted from the request for information

In the most serious or urgent situations or in the event of a significant increase in the risk, as noted in the information submitted by the parties or made available to the IACHR through its various monitoring mechanisms. For example, a more urgent situation may warrant adding beneficiaries to a precautionary measure in force or requesting provisional measures due to an exacerbated risk. If a more imminent risk is identified, the term granted may be considerably shorter.

15 calendar days are granted from the request for information

when the information submitted by the beneficiaries' representatives points to a situation of particular seriousness and urgency, specific difficulties in the implementation of the precautionary measures granted, or when a party has requested the lifting of measures, as well as other requests that show a lack of urgency under Article 25 of the Rules of Procedure, as appropriate.

30 or more calendar days are granted

for the submission of regular reports on the implementation of precautionary measures or for exchanges of information between the parties, when there are no issues that may require prioritization. Extending the term granted will depend, among others, on the available information, the nature of the information submitted, the scheduled dates of internal cooperation meetings, the progress in the investigations,

or the need for coordination between multiple authorities to respond to requests from the IACHR. In accordance with Provision 1 of Resolution 2/2020, once the term set in each resolution granting precautionary measures has elapsed, the Commission may request regular reports from the States regarding compliance with the resolution. Notwithstanding, the IACHR may also request information from the parties at any time based on the facts brought to its attention.

D. In any case, the IACHR may designate a different term, if the situation presenting a risk so require

E. In any case, the State may ask for additional days to respond to the requests for information, regardless of the procedural stage

F. Regarding time extensions granted for the submission of information, at any stage

On the granting of additional days

for a duration equal to or less than the term initially granted. Time extensions may be granted as deemed necessary, at the discretion of the IACHR, based on the situation at hand and the available information. Among the criteria considered by the Commission when deciding whether

or not to grant time extensions are the level of immediacy of the potential harm that one wants to prevent, the complexity of the situation, the sufficiency of the information contained in the file to reach a certain decision or the need for additional elements, and any difficulties in obtaining or compiling the required information as reported in good faith by both the States and the applicants.