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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 88/2025**

Precautionary Measure No. 706-16

**Fred Smith, Joseph Darville, Romauld Ferreira, Kirkland Bodie, Francisco Núñez, and  
their families regarding The Bahamas**

November 30, 2025

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Fred Smith, Joseph Darville, Romauld Ferreira, Kirkland Bodie, Francisco Núñez, and their families, in The Bahamas. The Commission assessed the information submitted by the parties regarding the implementation of the precautionary measures. Following the request for lifting submitted by the State, and in the absence of a response from the beneficiaries' representation in nearly six years, the Commission does not have elements to continue to find that a situation presenting a serious and imminent risk exists. After failing to identify compliance with the requirements of Article 25 of the Rules of Procedure, the IACHR decided to lift the precautionary measures at hand.

**II. BACKGROUND INFORMATION**

2. On November 4, 2016, the IACHR adopted precautionary measures in favor of Fred Smith, Joseph Darville, Romauld Ferreira, Kirkland Bodie, and Francisco Núñez, members of the organization "Save The Bays", as well as their families, in The Bahamas. The request alleged that, due to the organization's work in protecting the environment, its members were subject to threats and harassment.

3. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that The Bahamas: a) Adopt the necessary measures to protect the lives and personal integrity of the five identified members of Save The Bays and the members of their respective nuclear families; b) Adopt the necessary measures to ensure that the identified members of Save The Bays may pursue their work as human rights defenders without being subject to any threats, harassments or intimidation; c) Agree on the measures to be adopted with the beneficiaries and their representatives; and d) Report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure in order to prevent their repetition.<sup>1</sup>

4. Representation is provided by Rights Bahamas.<sup>2</sup>

**III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES  
WERE IN FORCE**

5. During the time the precautionary measures have been in force, the Commission has monitored the situation by requesting information from the parties. In this regard, communications received from the parties and from the IACHR have been recorded on the following dates:

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<sup>1</sup> IACHR, [Resolution 54/2016](#), Precautionary Measure No. 706-16, Matter of Fred Smith and others regarding The Bahamas, November 4, 2016.

<sup>2</sup> Formerly known as the Grand Bahama Human Rights Association ("GBHRA").

|      | State                                 | Representation                                | IACHR                           |
|------|---------------------------------------|---|---------------------------------|
| 2016 | November 14 and 22, December 5 and 29 | November 8, 14, 23, and 28, December 9 and 23 | November 8 and 30               |
| 2017 | January 24                            | January 3, 17, 18, and 23, February 3 and 21  |                                 |
| 2018 | No information                        | No information                                | December 10                     |
| 2019 | December 9                            | September 25, 26, and 30                      | May 29, November 21, December 2 |
| 2020 | No information                        | No information                                | January 31                      |
| 2021 | No information                        | No information                                |                                 |
| 2022 | No information                        | No information                                | September 14                    |
| 2023 | No information                        | No information                                | February 2                      |
| 2024 | No information                        | No information                                | June 17                         |
| 2025 | September 10                          | No information                                | March 24, September 15          |

6. On September 10, 2025, the State requested the lifting of the precautionary measures, which was brought to the attention of the representative on September 15, 2025. To date, the Commission has not received a response from the representatives, and all deadlines granted between 2020 and 2025 have expired.

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

7. In **2016**, the State indicated that the police investigated allegations of threats, including an alleged “assassination plot,” with two suspects arrested and then released due to lack of evidence. The State stated that there was no credible evidence of imminent threats against the beneficiaries, who traveled freely within and outside the country without incidents. It emphasized that beneficiaries, such as Fred Smith and Romauld Ferreira, continued their professional work as lawyers as normal, coming into contact with State officials on a weekly basis. The State reported that the authorities requested cooperation from the beneficiaries, who did not respond to invitations to provide information that would allow the investigations to move forward.

8. Regarding the public demonstrations cited by the representation, the State reported that preventive measures were taken with a police presence to ensure the safety of the participants. The State emphasized that it had no knowledge of the poisoning of one of the beneficiaries’ dogs or the death of an alleged key informant in the investigations. Regarding the allegations in the media or online sites described by the representation, the State noted that it had no connection to them and reaffirmed the freedom of those media outlets to publish on public issues while respecting the rights and reputation of third parties. On December 9, **2019**, the State specified that there were no complaints or reports filed with the Police Commissioner by the beneficiaries.

9. In **2025**, the State requested the lifting of the precautionary measures, arguing that there was no seriousness or urgency, no evidence of irreparable harm, and a change in context. The State stated that after the precautionary measures were granted, no imminent risk to the life or personal integrity of the beneficiaries materialized. None of them reported sustained or credible threats to their integrity. The organization to which they belonged continued its activities without incident.

10. In this regard, the State indicated that Save The Bays collaborated with government agencies on environmental matters and that one of the individuals mentioned in the request for precautionary measures assumed a high position within the government. For the State, this reflected a constructive, rather than adversarial, relationship between the organization and the institutions. In addition, the State stated that all domestic remedies and protection mechanisms provided by law remained fully available to the beneficiaries should new events arise.

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

11. In **2016**, the representation alleged that, following the granting of the precautionary measures, government officials issued “stigmatizing” statements about the beneficiaries. The representatives noted that investigations had been launched into the beneficiaries and the organization Save The Bays. They reported that the beneficiaries had been subjected to acts of intimidation, such as the poisoning of a pet, the theft of sensitive information on November 8, damage to vehicles on November 26, surveillance by drones on December 4, and hacking of emails on December 8. They added that a key informant died in unclear circumstances and that there were media attacks accusing them of treason and urging them to leave the country on December 6, 2016.

12. In **2017**, the representation noted that the State did not take steps to engage in dialogue with the beneficiaries or to agree on protection mechanisms, despite their willingness to do so. Police visits to Romauld Ferreira’s workplace and the lack of investigations into hate campaigns and violence were reported. A senior police officer allegedly shared sensitive information with an associate of an instigator who was facing legal proceedings initiated by three beneficiaries, and also allegedly harassed the judge in the case, causing her to resign. The beneficiaries initiated legal action against individuals linked to the state, which, according to the representation, generated a hostile reaction from officials and an investigation directed against “Save The Bays,” accused of destabilizing the government. In the context of the 2017 elections, a minister allegedly publicly accused the beneficiaries of destabilizing the country, which intensified attacks on social media. They warned that the beneficiaries were singled out for opposing a bill on communications interception.

13. In **2019**, the representation reported that Fred Smith was being subjected to threats and attacks online following his participation in international forums addressing the situation of migrants in the Bahamas. Such statements indicated that the beneficiary was guilty of human trafficking, treason, or sedition, and called for his citizenship to be revoked, for him to be imprisoned, or for him to be executed. Regarding the implementation of the precautionary measures, the representation indicated that the beneficiaries had not been consulted by the State on any action in this regard.

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

14. The precautionary measures mechanism is part of the Commission’s function of monitoring compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, also reflected in Article 18(b) of the Statute of the IACHR, while the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in situations that are serious and urgent, and in which such measures are necessary to prevent irreparable harm to the persons or the subject matter of a petition or case before the organs of the inter-American system.

15. 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, one protective and the other precautionary.<sup>3</sup> With regard to their protective nature, the measures seek to prevent irreparable harm and preserve the exercise of human rights.<sup>4</sup> To this end, an

<sup>3</sup> See in this regard: I/A Court H.R., [Case of the Capital Region Penitentiary Yare I and Yare II \(Yare Prison\)](#), Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; I/A Court H.R., [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional measures, Order of July 6, 2009, considerandum 16.

<sup>4</sup> See in this regard: I/A Court H.R., [Matter of the El Rodeo I and El Rodeo II Judicial Detention Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; I/A Court H.R., [Case of Bámaca Velásquez](#), Provisional Measures regarding Guatemala, Order of January 27, 2009, considerandum 45; I/A Court H.R., [Case of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of April 30, 2009, considerandum 5; I/A Court H.R., [Case of Milagro Sala](#), Request for Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5.

assessment must be made of the problem raised, the effectiveness of state actions in response to the situation described, and the degree of vulnerability to which the persons on whose behalf the measures are requested would be exposed if the measures were not adopted.<sup>5</sup> With regard to the precautionary nature, precautionary measures are intended to preserve a legal situation while it is being considered by organs of the inter-American system. The purpose and aim of precautionary measures is to preserve rights that may be at risk until the petition under consideration by the inter-American system is resolved. Their purpose and aim are to ensure the integrity and effectiveness of the final decision and, in this way, to prevent the alleged rights from being violated, a situation that could render the final decision ineffective or undermine its useful effect. In this regard, precautionary or provisional measures thus enable the State in question to comply with the final decision and, if necessary, to comply with the reparations ordered. With a view to reaching a decision, and in accordance with Article 25(2) of its 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.

16. In this regard, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions to grant, extend, modify, or lift precautionary measures must be adopted through reasoned resolutions. Article 25(9) establishes that the Commission shall periodically evaluate, on its own initiative or at the request of the parties, whether to maintain, modify, or lift existing precautionary measures. In this regard, the Commission must assess whether the seriousness, urgency, and potential for irreparable harm that led to the adoption of the precautionary measures still persist. It must also consider whether new situations have subsequently arisen that may meet the requirements set forth in Article 25 of the Rules of Procedure.

17. Similarly, the Commission recalls that although the assessment of the procedural requirements for adopting precautionary measures is made on a *prima facie* basis, maintaining them requires a more rigorous evaluation. In this regard, the burden of proof and argumentation increases as time passes and there is no imminent risk.<sup>6</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, coupled with the absence of imminent risk, may lead to the lifting of international protection measures.<sup>7</sup>

18. In the instant matter, the Commission recalls that the precautionary measures were granted in 2016 in favor of Fred Smith, Joseph Darville, Romauld Ferreira, Kirkland Bodie, and Francisco Núñez, members of the organization “Save The Bays,” due to the threats and harassment they were subjected to because of their work in defense of the environment. In assessing their situation, the Commission took into account “the smear campaigns, death threats, physical attacks, and break-ins at their homes and residences”<sup>8</sup> they suffered in retaliation for their opposition to urban development projects that affected the environment and for the legal proceedings initiated against high-ranking officials closely linked to private individuals. The Commission took into account that “the applicants alleged that high-ranking members of the government and

<sup>5</sup> See in this regard: I/A Court H.R., [Case of Milagro Sala](#), Request for Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5; I/A Court H.R., [Matter of the El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; I/A Court H.R., [Case of the Plácido de Sá Carvalho Penal Institute](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6.

<sup>6</sup> I/A Court H.R., [Case of Fernández Ortega et al.](#), previously cited, considerandums 16 and 17.

<sup>7</sup> I/A Court H.R., [Case of Fernández Ortega et al.](#), previously cited, considerandums 16 and 17.

<sup>8</sup> I/A Court H.R., [Resolution 54/2016](#), Matter of Fred Smith et al. regarding The Bahamas, previously cited, para. 10.

a political party were allegedly linked to high-profile individuals who orchestrated the aforementioned attacks.”<sup>9</sup> The Commission took into consideration the consistency of these allegations with information received regarding the situation of human rights defenders in The Bahamas.<sup>10</sup> In addition, the Commission considered that protective measures were also necessary with regard to the families of the members of Save The Bays.<sup>11</sup>

19. After granting the precautionary measures, the Commission identified that investigations had been initiated into the risks reported by the representatives. About an alleged plan to attempt on the lives of the beneficiaries, for example, two individuals were arrested and subsequently released. Throughout the period of the precautionary measures, the representation has questioned both the investigations initiated and the lack of dialogue with the authorities. On several occasions, the State indicated that it had no knowledge of the risks reported by the representation, such as the poisoning of Fred Smith’s dog or the suspicious death of an informant in the context of an investigation.

20. Similarly, the Commission notes that the information submitted by the representatives has essentially referred to the situation of the beneficiary Fred Smith and the smear campaigns against him, along with certain allegations against the organization “Save The Bays.” Throughout the duration of the precautionary measures, the Commission has not received any specific, individualized information regarding Kirkland Bodie, Joseph Darville, or Francisco Nuñez. With regard to Romauld Ferreira, on the other hand, it was reported in 2017 that the authorities had visited his office. The Commission has no record of any specific event against the beneficiaries or their families between 2020 and 2025. This is an approximate period of six years, with no factual allegations to support the existence of a serious and imminent risk to their welfare.

21. In addition to the above, the Commission notes that the latest information submitted by the State, in 2025, reports a change in the factual circumstances that gave rise to the precautionary measures. The State stated that no risks materialized, no threats were reported, and Save The Bays has entered into collaboration with government agencies. This information was sent to the representatives for comments, but no response was received.

22. The representatives have not responded despite the Commission’s indication that it would conduct an analysis on whether the current precautionary measures should remain in force. The Commission recalls that the representatives of the beneficiaries who wish for the measures to continue must submit evidence of the reasons for doing so.<sup>12</sup>

23. In view of the above considerations and the nature of the precautionary measures mechanism, coupled with the lack of information and the analysis carried out, the Commission considers that it does not have the necessary information to identify a situation presenting a risk that would justify compliance with the requirements of Article 25 of the Rules of Procedure at this time. For all of the above reasons, and taking into account that exceptional and temporary nature of precautionary measures,<sup>13</sup> the Commission considers that these precautionary measures should be lifted.

<sup>9</sup> IACHR, [Resolution 54/2016](#), Matter of Fred Smith and others regarding The Bahamas, previously cited, para. 10.

<sup>10</sup> IACHR, [Resolution 54/2016](#), Matter of Fred Smith and others regarding The Bahamas, previously cited, para. 11.

<sup>11</sup> IACHR, [Resolution 54/2016](#), Matter of Fred Smith and others regarding The Bahamas, previously cited, para. 13.

<sup>12</sup> I/A Court H.R., [Matter of Luisiana Ríos et al. regarding Venezuela](#), Provisional Measures, Order of August 22, 2018, considering 3.

<sup>13</sup> I/A Court H.R., [Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador](#), Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al. Provisional Measures regarding Honduras](#), Order of November 23, 2016, para. 24.

24. Finally, and in line with the indications of the Inter-American Court in various matters,<sup>14</sup> a decision to lift the measures does not imply, in any way, that the State has effectively complied with the precautionary measures ordered, nor can it imply that the State is relieved of its general obligations of protection, within the framework of which the State is especially obliged to guarantee the rights of persons at risk and must promote the necessary investigations to clarify the facts, followed by the consequences that are established. Similarly, also based on the assessment of the Inter-American Court, the lifting or declaration of non-compliance with the precautionary measures does not imply a possible decision on the merits of the dispute if the case comes to the attention of the inter-American system through a petition, nor does it prejudice the State's responsibility for the facts reported.<sup>15</sup>

## **V. DECISION**

25. The Commission decides to lift the precautionary measures granted in favor of Fred Smith, Joseph Darville, Romauld Ferreira, Kirkland Bodie, Francisco Núñez, and their families in the Bahamas.

26. The Commission emphasizes that, regardless of the lifting of the measures at hand, it is the obligation of the State of The Bahamas to respect and guarantee the rights to life and personal integrity of the beneficiaries.

27. The Commission recalls that the lifting of the measures at hand does not prevent the representatives from filing a new request if they consider that there is a situation presenting a risk that meets the requirements established in Article 25 of the Rules of Procedure.

28. The Commission instructs its Executive Secretariat to notify this resolution to the State of The Bahamas and the representatives.

29. Approved on November 30, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Edgar Stuardo Ralón Orellana, Second Vice-President; Roberta Clarke; Carlos Bernal Pulido; and Gloria Monique de Mees, members of the IACHR.

Luiz Marcelo Azevedo  
Senior Officer  
By authorization of the Executive Secretary

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<sup>14</sup> I/A Court H.R., [Case of Velásquez Rodríguez. Provisional Measures regarding Honduras](#), Order of January 15, 1988, considerandum 3; [Matter of Giraldo Cardona et al., Provisional Measures regarding Colombia](#), Order of January 28, 2015, considerandum 40.

<sup>15</sup> I/A Court H.R., [Matter of Guerrero Larez. Provisional Measures regarding Venezuela](#), Order of August 19, 2013, considerandum 16; [Matter of Natera Balboa. Provisional Measures regarding Venezuela](#), Order of August 19, 2013, considerandum 16.