

## **IACHR adopts precautionary measures in favor of Erica Sheppard on death row in the United States of America**

Washington, D.C.- On July 29, 2021, the Inter-American Commission on Human Rights (IACHR) adopted Resolution 57/2021, in which it granted precautionary measures in favor of Erica Sheppard, who is currently on death row in Texas, in the United States of America, allegedly under conditions of confinement that are incompatible with international human rights standards. The IACHR considered that she finds herself in a situation of serious and urgent risk of irreparable harm to her rights.

The applicants stated that Ms. Sheppard is currently facing the risk of imminent execution in Texas, where she has been held in solitary confinement on death row for 26 years. The applicants indicated that, because of a degenerative spinal condition, the proposed beneficiary is unable to stand up and walk without a walker, however, she has not had access to proper accommodations for her physical disabilities. The applicants also filed a petition in which they allege violations of various articles of the American Declaration on the Rights and Duties of Man, particularly with regards to Ms. Sheppard's rights to access to justice, due process and a proper defense, claiming that she was not adequately represented during the trial and sentencing process. The State informed that Ms. Sheppard has not demonstrated that her ongoing detention constitutes a serious or urgent situation, nor the likelihood of irreparable harm in relation to her ongoing detention. Further, the State argued that the proposed beneficiary has failed to exhaust domestic remedies.

In the resolution, the Commission considered the fact that Ms. Sheppard is an Afro-American woman living with a disability who was sentenced to death when she was 19 years old, noting that this context brings out a case of multiple discrimination based on the intersection of the factors of gender, ethno-racial origin, age and disability. 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 Ms. Sheppard's rights to life and personal integrity in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Ms. Sheppard is executed before the Commission has the opportunity to examine the merits of her 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 Erica Sheppard; b) refrain from carrying out the death penalty on Erica Sheppard until the IACHR has had the opportunity to reach a decision on her petition; c) ensure that Erica Sheppard's detention conditions are consistent with international standards, giving special consideration to her personal conditions; d) provide appropriate accommodations and attention for Erica Sheppard's physical disabilities, in accordance with the applicable international human rights standards; and, e) agree on the measures to be adopted with the beneficiary and her representatives.

The granting of this precautionary measure and its adoption by the State does not constitute the prejudgment of any petition that may eventually be presented before the inter-American system alleging violations of the rights protected in the American Convention and other applicable instruments.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in

an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.