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Institution: Inter-American Commission on Human Rights
File Number(s): Petition 950-05
Title/Style of Cause: Andrea Mortlock v. United States
Doc. Type: Decision on Precautionary Measures
Dated: 19 August 2005
Citation: Mortlock v. United States, Petition 950-05, Inter-Am. C.H.R.,
OEA/Ser.L/V/II.124, doc. 5, Ch. III, para. 40 (2005)

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40. On August 19, 2005, the Commission granted precautionary measures in favor of Andrea Mortlock in the context of petition P950-05, which alleged violations of Ms. Mortlock's rights under the American Declaration of the Rights and Duties of Man. The petitioners claimed that Ms. Mortlock was a 41-year-old Jamaican national detained at the Passaic County Jail in Patterson, New Jersey who had lived in the United States since 1979, and has lived with HIV/AIDS since 1989 and suffers from a number of related serious and life-threatening illnesses including neuropathy and extreme wasting. They also claimed that Ms. Mortlock was at imminent risk of deportation to Jamaica and that her life and physical integrity are threatened as a result because many of the drugs that she was receiving were not available in Jamaica at all, because people with HIV/AIDS in Jamaica with visible signs of their illness were unable to receive medical care, were denied access to public and even private transportation, and could be the victims of physical violence, and because Ms. Murdock had no family, doctor, friends or acquaintances in Jamaica, as her entire family resided in the United States. In view of these circumstances, the Commission asked the United States to refrain from deporting Ms. Mortlock to Jamaica pending the Commission's examination of her petition on the basis that Ms. Mortlock's deportation would render any eventual decision by the Commission ineffective and would cause irreparable harm. On August 23, 2005, the State informed the Commission that the Commission's request had been forwarded to the US Department of Homeland Security and to the Passaic County Jail Center in New Jersey.