

**Order of the  
Inter-American Court of Human Rights  
of November 25, 2008<sup>1</sup>  
Provisional measures with regard to Haiti  
Matter of Lysias Fleury**

**Having seen:**

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") of March 13, 2003, in which, pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention"), it submitted to the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") a request for the adoption of provisional measures in favor of Lysias Fleury with regard to the Republic of Haiti (hereinafter "the State" or "Haiti") in order to protect his life and personal integrity, in relation to a petition lodged before the Commission by Lysias Fleury (hereinafter "the petitioner" or "Mr. Fleury").

2. The order of the President of the Inter-American Court of March 18, 2003, in which he decided:

1. To require the State to adopt, forthwith, all necessary measures to protect the life and personal integrity of Lysias Fleury.

2. To require the State to investigate the facts that gave rise to the adoption of the urgent measures in order to identify those responsible and impose the corresponding sanctions.

3. To require the State to allow the beneficiary of the measures to participate in their planning and implementation and, in general, to keep him informed about progress in the execution of the measures ordered by the President of the Inter-American Court of Human Rights.

4. To require the State to inform the Inter-American Court of Human Rights about the urgent measures adopted to comply with the order, within 15 days of its notification.

5. To require the Inter-American Commission on Human Rights to present its observations within two weeks of notification of the State's report.

6. To require the State, following its first communication (*supra* fourth operative paragraph), to continue informing the Inter-American Court of Human Rights, every 30 days, about the urgent measures adopted, and to require the Inter-American Commission on Human Rights to present its observations on these reports of the State within two weeks of notification of the respective State report.

3. The note of the Secretariat of the Court (hereinafter "the Secretariat") of April 3, 2003, in which, on the President's instructions, it required the State of Haiti to submit its first report on the urgent measures ordered by President (*supra* having seen paragraph 2).

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<sup>1</sup> Drawn up in the Spanish and French languages, the Spanish version being authentic.

4. The brief of the Inter-American Commission of April 16, 2003, indicating that the State had not adopted any measure to protect the life and personal integrity of Mr. Fleury since the President's order on urgent measures.

5. The communication of the State of April 24, 2003, received by the Secretariat on May 20, 2003, acknowledging the Secretariat's note of April 3, 2003 (*supra* having seen paragraph 3) and indicating that the note had been forwarded to the Ministry of Justice and Public Security "for the pertinent effects."

6. The note of the Secretariat of May 22, 2003, asking the State to forward its communications "via fax or by courier, to ensure that they [were] received opportunely, so that the instant matter could be processed more promptly and efficiently."

7. The communication of May 22, 2003, in which the Commission forwarded to the Court a note of March 21, 2003, received by the Secretariat of the Commission on May 6, 2003, in which the State referred to the precautionary measures ordered by the Commission. In addition, the Commission reiterated the observations contained in its communication of April 16, 2003 (*supra* having seen paragraph 4).

8. The Commission's brief of May 30, 2003, in which it referred to the two letters presented by the State (*supra* having seen paragraph 5) and indicated that they did not constitute "a report to the Court [...] concerning any urgent measures adopted by [the State]." The Commission also advised that Mr. Fleury's situation had not changed and "that he continued to lived undercover and not in his home." Lastly, the Commission asked the Court to declare that the State had failed to comply with its obligation to implement effectively the order of the President of the Court, to ratify this order, and to order the State to inform the Court, as soon as possible, about the specific and effective measures that it would adopt.

9. The order of the Court of June 7, 2003, in which it decided:

1. To ratify all aspects of the order of the President of the Inter-American Court of Human Rights of March 18, 2003.
2. To declare that the State had not implemented effectively the urgent measures ordered by the President of the Inter-American Court in his order of March 18, 2003.
3. To require the State to adopt, forthwith, all necessary measures to protect the life and personal integrity of Lysias Fleury.
4. To require the State to investigate the facts that gave rise to the adoption of the provisional measures, in order to identify those responsible and impose the corresponding sanctions.
5. To require the State to allow the beneficiary of the measures to participate in their planning and implementation and, in general, to keep him informed about progress in the execution of the measures ordered by the Inter-American Court of Human Rights.
6. To require the State to continue informing the Inter-American Court of Human Rights, every 30 days, about the provisional measures adopted, and to require the Inter-American Commission on Human Rights to present its observations on these reports of the State within two weeks of their notification.

10. The order of the Court of December 2, 2003, in which it decided:

1. To reiterate that the State had not implemented effectively the provisional measures ordered by the Inter-American Court in the instant case.

2. To declare that the State had failed to comply with the obligation imposed by Article 68(1) of the American Convention on Human Rights.
3. To declare that the State had failed to comply with the obligation to inform the Inter-American Court of Human Rights about the implementation of the provisional measures ordered by the Court.
4. To inform the General Assembly of the Organization of American States should the current situation persist, in application of Article 65 of the American Convention on Human Rights and Article 30 of the Statute of the Inter-American Court of Human Rights concerning a State's failure to comply with the decisions of the Inter-American Court of Human Rights.
5. To reiterate to the State the requirement to adopt, forthwith, all necessary measures to protect the life and personal integrity of Lysias Fleury.
6. To reiterate to the State the requirement that it investigate the facts that gave rise to the adoption of the provisional measures, in order to identify those responsible and impose the corresponding sanctions.
7. To reiterate to the State the requirement that it allow the beneficiary of the measures to participate in their planning and implementation and, in general, to keep him informed about progress in the execution of the measures ordered by the Inter-American Court of Human Rights.
8. To require the State to inform the Inter-American Court of Human Rights about the provisional measures adopted to comply with this order by January 20, 2004, at the latest.
9. To require the Inter-American Commission on Human Rights to present any observations it deems pertinent to the Inter-American Court of Human Rights, within two weeks of notification of the State's report.
10. To require the State, following the communication described in the eighth operative paragraph, to inform the Inter-American Court of Human Rights, every two months, on the provisional measures adopted, and to require the Inter-American Commission on Human Rights to present its observations on these State reports within six weeks of their notification.  
[...]
11. The notes of the Secretariat of January 7 and 12, 2004, with which it forwarded to the Commission and to the State a copy of the order of the Court of November 25, 2003, reforming Article 25 of the Rules of Procedure of the Court (hereinafter, "the Rules of Procedure"), in order to offer the beneficiaries of provisional measures the opportunity "to address their comments on the report made by the State directly to the Court." In this regard, it requested the Commission to forward a copy of this note and the said order to Lysias Fleury and his representatives and asked that it indicate their physical address and post box, telephone, and fax numbers.
12. The communications of the State of January 26 and February 3, 2004, received by the Secretariat on March 11, 2004, advising that it had forwarded a copy of the Rules of Procedure to the Ministry of Justice and Public Security "for the pertinent effects," and indicating that it "had adopted specific measures to protect the life and personal integrity" of Lysias Fleury, which would be communicated in a report that it would submit to the Court within one month, pursuant to the Court's order.
13. The note of the Secretariat of May 20, 2004, in which, on the instructions of the Court in plenary session, it reminded the State of its obligation to submit a report on any provisional measures it had adopted in compliance with the Court's order of December 2, 2003, every two months, and requested it to submit the report on the said measures by June 1, 2004, at the latest.
14. The notes of the Secretariat of July 26, 2005, advising that it not received any information on the said measures since the State's communication of March 11, 2004

(*supra* having seen paragraph 12). Consequently, on the instructions of the President of the Court, it requested the State, the Commission, Mr. Fleury and his representatives to forward, by August 15, 2005, at the latest, any information they deemed relevant so that the Court could assess the pertinence of maintaining the said measures.

15. The brief of August 15, 2005, in which the Commission presented information in response to the Secretariat's request in the said note (*supra* having seen paragraph 14). In this regard, it stated, *inter alia*, that it considered it pertinent to maintain the measures that had been ordered.

16. The Secretariat's note of September 6, 2005, advising that it had not received any information from the State, or from Mr. Fleury or his representatives, concerning its request (*supra* having seen paragraph 16).

17. The notes of the Secretariat of February 12, 2007, in which, on the instructions of the President, it again asked the State, the Commission, and Mr. Fleury or his representatives to submit relevant information by March 5, 2007, at the latest, so that the Court could assess the pertinence of maintaining the said measures.

18. The briefs of February 24, 26 and 28, 2007, in which Lysias Fleury and Jan Hanssens, Director of the *Commission Épiscopale Nationale Justice et Paix* presented information concerning the said measures in response to the Secretariat's request (*supra* having seen paragraph 17). In these briefs, they indicated, *inter alia*, that the State had not adopted the measures ordered by the Court in favor of Mr. Fleury and that he had been subjected to threats and surveillance; they also described some incidents in this regard. In addition, they indicated that Mr. Fleury continued working "normally" for the *Commission Épiscopale Nationale Justice et Paix*.

19. The brief of March 5, 2007, presenting the Commission's observations in response to the Secretariat's request (*supra* having seen paragraph 20), mentioned, *inter alia*, that it "was unable to provide the Court with any additional or independent information with regard to the incidents [described by Lysias Fleury]" and considered that it was pertinent to maintain the said measures.

20. The Secretariat's note of March 14, 2007, advising that it had not received any information from the State and, on the instructions of the President, requesting the State to submit its observations on the briefs presented by Mr. Fleury, his representatives and the Commission, as well as any other relevant information by March 28, 2007, at the latest, so that the Court could assess the pertinence of maintaining the said measures.

21. The Secretariat's note of April 19, 2007, indicating that the information that the State had been asked to provide had not been forwarded and, on the instructions of the President, requesting the State to forward this information by April 27, 2007, at the latest.

22. The Secretariat's note of July 20, 2007, in which, on the instructions of the President, it requested the Commission to inform the Court, by August 31, 2007, at the latest, about the procedural status of this matter, which was being processing before it.

23. The communication of August 30, 2007, in which the Commission advised that "the Inter-American Commission was processing the merits stage of case No. 12,459."

24. The Secretariat's note of April 9, 2008, indicating that it had not received any information from the State and, on the instructions of the President of the Court, requesting the State to forward information by April 22, 2008, at the latest.

25. The notes of the Secretariat of July 7, 2008, advising that the State had not forwarded the requested information and, on the instructions of the President of the Court, requesting the Commission and Mr. Fleury or his representatives to present, by July 17, 2008, at the latest, all relevant information so that the Court could assess the pertinence of maintaining the said measures and, in particular, whether, in the terms of Article 63(2) of the Convention, a situation of extreme gravity and urgency subsisted that made it necessary to avoid irreparable damage to the beneficiary of the measures.

26. The brief of July 17, 2008, in which Katherine Fait of the American University's International Human Rights Clinic, identifying herself as a representative of Lysias Fleury, requested a two-week extension to submit her observations on the said provisional measures.

27. The Secretariat's note of July 23, 2008, certifying that, according to the provisional measures file, up until that time, Mr. Fleury had been represented by the *Commission Épiscopale Nationale Justice et Paix*. Consequently, before granting the requested extension, on the instructions of the President, the Secretariat asked Mr. Fleury to confirm as soon as possible whether Katherine Fait or anyone else from the American University's International Human Rights Clinic represented him in these proceedings. Furthermore, it advised that the two-week extension requested by the Inter-American Commission to present its own observations had been granted as of the reception of the observations of the representatives.

28. The note of Lysias Fleury of July 25, 2008, confirming that he was represented by Meetali Jain, a lawyer with the American University's International Human Rights Clinic in Washington D.C., and her students, and that the *Commission Épiscopale Nationale Justice et Paix d'Haiti* no longer represented him.

29. The brief of the new representatives of July 31, 2008, advising that Mr. Fleury had gone into exile in the United States of America. They asked the Court to maintain the provisional measures in his favor and to expand the measures to his wife and his three children.

30. The notes of the Secretariat of August 13, 2008, in which, on the instructions of the President of the Court, it reiterated to the State and to the Commission that, by August 25, 2007, at the latest, they should present the relevant information requested in the notes of July 7, 2008 (*supra* having seen paragraph 25).

31. The brief of August 27, 2008, in which the Inter-American Commission presented the observations requested (*supra* having seen paragraph 30).

**Considering:**

1. That Haiti has been a State Party to the Convention since September 27, 1977, and, pursuant to Article 62 of the Convention, accepted the compulsory jurisdiction of the Court on March 20, 1998.

2. That Article 63(2) of the Convention establishes that "[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent, in matters it has under

consideration. With regard to a case not yet submitted to the Court, it may act at the request of the Commission.”

3. That, according to Article 25 of the Rules of Procedure of the Court:

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

2. With regard to matters not yet submitted to it, the Court may act at the request of the Commission.  
[...]

8. In its Annual Report to the General Assembly, the Court shall include a statement concerning the provisional measures ordered during the period covered by the report. If those measures have not been duly implemented, the Court shall make such recommendations as it deems appropriate.

4. That Article (1)1 of the Convention establishes the obligation of States Parties to respect the rights and freedoms recognized therein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms. Hence, the State is obliged to adopt all necessary measures to preserve the life and personal integrity of those persons whose rights may be in jeopardy. This obligation is even more evident with regard to those involved in proceedings before the supervisory organs of the American Convention.<sup>2</sup>

5. That the States Parties to the Convention must comply with its provisions in good faith, which corresponds to a basic principle of the law of the international responsibility of the State (*pacta sunt servanda*).<sup>3</sup> Furthermore, they must guarantee the inherent effects of those provisions (*effet utile*).<sup>4</sup>

6. That, according to the orders of the Court and of its President, issued from March to December 2003 (*supra* having seen paragraphs 2, 9 and 10), Haiti has had the obligation to adopt all necessary measures of protection to preserve the life and personal integrity of Lysias Fleury, as well as to investigate the facts that gave rise to these provisional measures, allow the beneficiary to take part in their planning and implementation, and provide the Court with the pertinent information.

7. That, since the order of December 2, 2003, was issued, the State has only submitted two communications to the Court, both received on March 11, 2004 (*supra* having seen paragraph 12), in which the State merely acknowledged receipt of the Court's

<sup>2</sup> Cf. *Matter of Colotenango*, Provisional measures. Order of the Inter-American Court of Human Rights of July 12, 2007, fourth considering paragraph.

<sup>3</sup> Cf., among others, *Matter of Colotenango*, Provisional measures. Order of the Inter-American Court of Human Rights of July 12, 2007, fifth considering paragraph; *Matter of Adrián Meléndez Quijano et al.* Provisional measures. Order of the Inter-American Court of Human Rights of May 12, 2007, sixth considering paragraph; *Matter of the Communities of the Jiguamiandó and the Curbaradó*. Provisional measures. Order of the Inter-American Court of Human Rights of February 7, 2006, seventh considering paragraph, and *Case of Raxcacó Reyes et al.* Provisional measures. Order of the Inter-American Court of Human Rights of February 2, 2007, fifth considering paragraph.

<sup>4</sup> Cf., among others, *Matter of Colotenango*, Provisional measures. Order of the Inter-American Court of Human Rights of July 12, 2007, fifth considering paragraph; *Case of Ivcher Bronstein*. Competence. Judgment of September 24, 1999, para. 37; *Case of "The Last Temptation of Christ" (Olmedo Bustos et al.)*, *supra* note 38, para. 87. See also *Case of La Cantuta*, *supra* note 7, para. 171, and *Case of the "Juvenile Reeducation Institute"* Judgment of September 2, 2004. Series C No. 112, para. 205.

communications and advised that it had forwarded a copy of the Rules of Procedure to the Ministry of Justice and Public Security.

8. That, as decided in the order of December 2, 2003 (*supra* having seen paragraph 10), the Court required the State, *inter alia*, to implement the measures ordered in favor of Lysias Fleury and, after declaring that the State had failed to comply with its obligation to inform the Court about the implementation of these measures, that it should submit a first report, following which it should continue reporting every two months. The Court has already established that the State has the obligation to provide sufficient information about the measures adopted.<sup>5</sup> In addition, the General Assembly of the Organization of American States has reiterated that States Parties must provide the information that the Court requests of them in a timely fashion so that the Court may comply fully with the obligation to provide information to the General Assembly on compliance with its judgments.<sup>6</sup> As the Court has indicated, this obligation to provide information is not fulfilled only by the formal presentation of a document to the Court, but constitutes an obligation of a dual nature that, to be fulfilled effectively, requires the formal presentation of a document within the specific time frame, and with specific, true, current and detailed reference to the issues to which this obligation relates.<sup>7</sup>

9. That, today, more than four years have elapsed and the State has not presented the reports required by the Court and by its President, on any measures it may have adopted in compliance with the provisional measures ordered, or any information relevant to an assessment of the pertinence of maintaining them in force, even though it has been asked to submit this on numerous occasions. The State's failure to submit these reports, together with the inadequate information provided by the Commission and the representatives, have made it difficult, or even impossible, to determine the actual situation of the beneficiary of the measures, which has given rise to a situation of uncertainty for most of the time the provisional measures were in force, and this is incompatible with the preventive and protective nature of provisional measures.<sup>8</sup> As the Court has indicated, a State's failure to comply with its obligation to inform the Court about the implementation of the measures ordered is particularly grave, given the juridical nature of these measures.<sup>9</sup> In this case, the Court reiterates that the State has failed to comply with the obligation imposed by Article

<sup>5</sup> Cf. *Matter of Colotenango*, Provisional measures. Order of the Inter-American Court of Human Rights of July 12, 2007, ninth considering paragraph; *Matter of Carlos Nieto et al.* Provisional measures. Order of the Inter-American Court of Human Rights of September 22, 2006, fifteenth and sixteenth considering paragraphs; *Matter of the Communities of the Jiguamiandó and the Curbaradó*. Provisional measures. Order of the Inter-American Court of Human Rights of February 7, 2006, sixteenth and seventeenth considering paragraphs, y *Matter of the Peace Community of San José de Apartadó*. Provisional measures. Order of February 2, 2006, sixteenth considering paragraph.

<sup>6</sup> General Assembly, Order AG/RES. 2292 (XXXVII-O/07) approved in the fourth plenary session held on June 5, 2007, entitled "Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights."

<sup>7</sup> Cf., *inter alia*, *Matter of the Mendoza Prisons*. Provisional measures. Order of the Inter-American Court of Human Rights of March 30, 2006, fourteenth considering paragraph; *Matter of the Communities of the Jiguamiandó and the Curbaradó*, *supra* note 5, sixteenth considering paragraph; *Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV)*. Provisional measures. Order of the Inter-American Court of Human Rights of September 12, 2005, seventeenth considering paragraph, and *Matter of Luis Uzcátegui*. Provisional measures. Order of the Inter-American Court of Human Rights of December 2, 2003, twelfth considering paragraph.

<sup>8</sup> Cf. *Matter of Colotenango*. Provisional measures. Order of the Inter-American Court of Human Rights of July 12, 2007, considering paragraph 8.

<sup>9</sup> Cf., *inter alia*, *Matter of the Mendoza Prisons*, *supra* note 7, fourteenth considering paragraph; *Matter of the Communities of the Jiguamiandó and the Curbaradó*, *supra* note 5, sixteenth considering paragraph; *Matter of the Peace Community of San José de Apartadó*, *supra* note 3, twelfth considering paragraph, and *Matter of the Communities of the Jiguamiandó and the Curbaradó*. Provisional measures. Order of the Inter-American Court of Human Rights of March 15, 2005, eleventh considering paragraph.

68(1) of the American Convention, by not complying with the obligation to inform the Court about the implementation of the provisional measures ordered.

10. That, in response to the request for relevant information to enable the Court to assess the pertinence of maintaining the provisional measures it had ordered in force, Mr. Fleury and his representative submitted some information (*supra* having seen paragraphs 26 and 29) and the Commission, in one of its most recent briefs, stated that it considered it pertinent to maintain them in force because, according to the available information and considering the acts of intimidation against human rights defenders in Haiti in general, the life and personal integrity of Mr. Fleury was still in danger. The Court notes that the Commission, which had requested these provisional measures, did not submit any additional or independent information to that presented by Mr. Fleury and his representative on the actual situation of the beneficiary of the measures. The Court has found that the supervisory role played by the Inter-American Commission is particularly important for adequately and effectively monitoring the implementation of the provisional measures it orders.<sup>10</sup>

11. That provisional measures are exceptional by nature; they are issued in function of the needs for protection and, once ordered, must be maintained, provided that the Court finds that the basic requirements of extreme gravity and urgency and the prevention of irreparable damage to the rights of the persons protected by them subsist.<sup>11</sup>

12. That the merits stage of case No. 12,459, which gave rise to these provisional measures, is being processed before the Commission (*supra* having seen paragraph 23)

13. That the new representatives requested an expansion of the measures in favor of the next of kin of Lysias Fleury; namely his wife, Lilienne Benoit and his three children, Heulinger, Flemingkov and Rose Metchnikov, who still live in Haiti.

14. That, in the terms of Articles 63(2) of the American Convention and 25(2) of the Rules of Procedure, “[w]ith respect to a case not yet submitted to the Court, it may act at the request of the Commission.”

15. That the Court observes that, insofar as this matter has yet to be submitted to its consideration, an expansion of the provisional measures ordered must be requested by the Commission. In its most recent observations, the Commission stated that “even though the provisional measures can be lifted in relation to Lysias Fleury, given that he does not reside in Haiti, the reasons based on which they were ordered subsist for his wife and his three children; consequently, the provisional measures should be expanded to protect them.” More specifically, the Commission recapitulated the facts that gave rise to the petition and to the actual provisional measures, emphasizing that, in June 2002, Mr. Fleury had been arrested while at home, after which he had allegedly been “severely beaten by civil and police agents, [...] continually threatened by these individuals [and subsequently] detained for 17 hours, being subjected to ‘degrading treatment’ which resulted in ‘grave injuries.’” The Commission indicated that Mr. Fleury had alleged that “owing to the lack of investigation into the facts and the sanction of those responsible by the State, a situation of impunity existed, which meant that the presumed authors of the violations he had suffered were at liberty”; consequently, he felt threatened and left home for five years to live in hiding in a friend’s house. The Commission also indicated that Mr. Fleury had been

<sup>10</sup> Cf. *Matter of the Mendoza Prisons*, *supra* note 7, fourteenth considering paragraph.

<sup>11</sup> Cf. *Matter of Carlos Nieto Palma et al.* Provisional measures. Order of the Inter-American Court of Human Rights of July 3, 2007, seventh considering paragraph.

subjected to surveillance and that, during the hearing held in March 2008, he stated that both he and his family had been threatened. Lastly, the Commission stated that, if the investigation were reactivated, the next of kin could have the justified fear of being the victims of reprisals and, "above all, because the presumed authors of the violations perpetrated are members of the police who have not been brought to justice," it considered that a situation of extreme gravity and urgency existed that justified granting provisional measures in favor of said next of kin.

16. That, according to the information presented on July 31, 2008, by Mr. Fleury's new representatives (*supra* having seen paragraph 29), he had gone into exile in the United States of America, where he now resides. Neither Mr. Fleury nor his representatives, nor the Commission, informed the Court opportunely about the moment when the beneficiary left Haiti. Without detriment to the fact that the State has failed to comply with its obligation to inform the Court about the implementation of the measures ordered (*supra* eighth and ninth considering paragraphs), the Court finds that, considering that the beneficiary of the measures has left the State that was supposed to protect him, and since no information has been received to indicate that he will return soon or that he wishes to do so, the provisional measures in his favor have become ineffective.

17. That, furthermore, the Court finds that, despite the State's silence, neither the Commission nor the representatives have duly proved that specific conditions of extreme gravity and urgency exist that would justify an expansion of the provisional measures in favor of the next of kin of Lysias Fleury. In particular, the Commission only repeated the reasons given as factual grounds for requesting the provisional measures in 2002 and, as a new element, merely indicated that Mr. Fleury had stated that he and his family had been threatened and that the possible reactivation of the investigation could entail "a justified fear" for them. Thus, if the situation described could be classified as "of extreme gravity and urgency," it is not clear why the Commission did not also request the adoption of provisional measures in favor of the next of kin of Mr. Fleury from the start. Moreover, it not clear why the Commission did not advise the Court about these supposed situations as soon as it became aware of them. To the contrary, the Commission forwarded this information only when Mr. Fleury's new representatives had submitted a request for expansion of the measures, months after he had left Haiti. Based on the foregoing, the Court finds that the Commission has not provided sufficient elements to allow it to consider that a specific situation of extreme gravity and urgency exists that would merit avoiding irreparable damage to these persons by ordering the adoption of provisional measures.

**Therefore,**

**the Inter-American Court of Human Rights,**

in exercise of its authority under Articles 33, 62(1), 63(2), 65 and 68(1) of the American Convention on Human Rights, Article 30 of its Statute, and Articles 25 and 29(2) of its Rules of Procedure,

**Decides:**

1. That the provisional measures decided by the Inter-American Court of Human Rights in its orders of March 18, June 7, and December 2, 2003, in favor of Lysias Fleury, have become ineffective because he has left Haiti, without detriment to whatsoever the Inter-American Commission may consider pertinent while processing his case.

2. To reject the request to expand the provisional measures to Mr. Fleury's next of kin, for the reasons described in the fifteenth to seventeenth considering paragraphs.
3. To require the Secretariat of the Court to notify this order to the State of Haiti, the Inter-American Commission on Human Rights, and the beneficiary of the measures and his representatives.
4. To close the file on the provisional measures in this matter.

Cecilia Medina Quiroga  
President

Diego García-Sayán

Sergio García Ramírez

Manuel E. Ventura Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri  
Secretary

So ordered,

Cecilia Medina Quiroga  
President

Pablo Saavedra Alessandri  
Secretary