
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 95/2020**

Precautionary Measure No. 1080-20
Christa Pike regarding the United States of America
December 11, 2020
Original: English

I. INTRODUCTION

1. On November 17, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Sandra L. Babcock, Zohra Ahmed, Joshua Howard, Rosalind Major, Sophie Miller and Victoria Pan of Cornell Law School, and Stephen Ferrell of the Federal Defender Services of Eastern Tennessee, Inc. (“the applicants”). The application urges the Commission to require that the United States of America (“the State” or “United States”) adopt the necessary measures to protect the rights of Christa Pike (“the proposed beneficiary”), the only woman on death row in the state of Tennessee, where she has been held in solitary confinement for 23 years. This request for precautionary measures is linked to petition 2254-20 in which the applicants allege violations of Article I (right to life, liberty and personal security), Article II (right to equality before the law), Article VII (right of the child to special protection), Article XVIII (right to a fair trial), Article XXV (right to humane treatment in custody) and Article XXVI (right to due process of law and right not to receive cruel, infamous or unusual punishment) of the American Declaration of the Rights and Duties of Man (“American Declaration” or “Declaration”).

2. Pursuant to Article 25.5 of its Rules of Procedure, the IACHR requested information from the State on November 24, 2020. The State presented its observations on November 30, 2020. The applicants presented additional information on December 2, 2020.

3. 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. Pike’s rights to life and personal integrity in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Ms. Pike 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 Christa Pike; b) refrain from carrying out the death penalty on Christa Pike; c) ensure that Christa Pike’s detention conditions are consistent with international standards, giving special consideration to her personal conditions; and, d) agree on the measures to be adopted with the beneficiary and her representatives.

II. SUMMARY OF FACTS AND ARGUMENTS

1. Information provided by the applicants

4. The application alleges that Christa Pike, the youngest woman sentenced to death in the United States post-*Furman*,¹ is currently facing the risk of imminent execution in the state of Tennessee, where she has been held in solitary confinement on death row for 23 years.

i. The proposed beneficiary's background

5. The application alleges that Ms. Pike's childhood was marked by physical and sexual violence, abuse and neglect. She was born with organic brain damage that caused her to have seizures as an infant, due to the fact that her mother drank while she was pregnant.²

6. Growing up, the proposed beneficiary was repeatedly beaten by her father, maternal grandmother and several of her mother's boyfriends, one of whom was charged with assaulting Christa after he punched her in the nose. When she was 9 years old, Ms. Pike was raped by a man who lived in the same trailer park as her and her family. The application states that, shortly after the rape, the proposed beneficiary attempted suicide by overdosing on Tylenol. She was diagnosed with depression by a psychiatrist, however, she reportedly did not receive appropriate treatment, and the relevant State authorities did not follow up on her well-being and recovery after she discontinued the prescribed psychiatric medication. Ms. Pike attempted suicide again when she was 12 years old following the death of her paternal grandmother, allegedly "the only nurturing person in Christa's life".

7. At the age of 13, Ms. Pike was sexually assaulted by her mother's then boyfriend. Following the assault, Child Protective Services removed her from her home and placed her in a residential facility called Sheaffer House. However, she was returned to her mother's custody after only 3 months. The application alleges that there was minimal follow-up to ensure Christa's safety back at home. Ms. Pike was raped again when she was 17 years old by a stranger. The application indicates that, while there are hospital records confirming the rape, the police never did more than a preliminary investigation.

8. The application also states that growing up Ms. Pike developed Bipolar Disorder and Obsessive-Compulsive Disorder, and suffered from severe Post-Traumatic Stress Disorder as a result of her abuse. However, she was consistently deprived of appropriate treatment or care, and was only ultimately properly diagnosed when she was imprisoned.

ii. The crime that led to Christa Pike's conviction and death sentence

9. In 1994, Ms. Pike joined the Job Corps program in order to pursue a career in nursing. According to the application, while the Job Corps is marketed as a "government-run residential program designed to help troubled teens gain job skills", in actuality, "the administrators who ran Job Corps tolerated violence

¹ In *Furman v. Georgia* (1972), the U.S. Supreme Court held that the death penalty was unconstitutional on the grounds of the Eighth Amendment's prohibition on cruel and unusual punishment. Following this decision, the use of the death penalty was put on hold while states revised criminal statutes to ensure that the death penalty was not applied arbitrarily or discriminatorily. The death penalty was then reinstated after the 1976 case of *Gregg v. Georgia*. See: *Furman v. Georgia*, 408 U.S. 238 (1972); *Gregg v. Georgia*, 428 U.S. 153 (1976); Cornell University. Legal Information Institute. [Furman v. Georgia \(1972\)](#).

² The application indicates that, when Ms. Pike was 14 months old, her doctor performed an electroencephalogram (EEG) on her, which showed "abnormal" brain activity consistent with frontal temporal lobe damage. The EEG also revealed a heterotopia which often occurs when the mother drinks during pregnancy.

and neglected their young residents”.³ In this sense, when Ms. Pike arrived at the Job Corps program, she allegedly experienced even more state-sanctioned violence, noting that students regularly carried razor blades or box cutters for protection and gangs were commonplace.

10. At the Job Corps, the proposed beneficiary became involved with her then-boyfriend Tadaryl Shipp, another student, who physically and emotionally abused her. Mr. Shipp allegedly forbade Christa from speaking with other boys and demanded that she stay beside him at all times. On one occasion, an administrator at the Job Corps witnessed Mr. Shipp push Ms. Pike’s “head against the wall, smack her repeatedly and kick her in the lower back”.

11. According to the application, Ms. Pike’s fixation with her then-boyfriend led to a conflict with another student at the Job Corps, Colleen Slemmer. After returning from visiting her family for Christmas, the proposed beneficiary began to suspect that Ms. Slemmer was interested in Mr. Shipp. One night, the proposed beneficiary woke up to find Ms. Slemmer in her bedroom with a box cutter going through her things. That same night, Ms. Slemmer allegedly tore apart Ms. Pike’s photographs of her deceased grandmother. Ultimately, in the grips of her mental illnesses, the proposed beneficiary killed Ms. Slemmer.

iii. Allegations of the proposed beneficiary’s failed legal defense

12. The application states that both of the proposed beneficiary’s state appointed lawyers were inexperienced and unprepared to defend her. One had never represented anyone charged with a capital crime, while the other had only been a practicing lawyer for three and a half years, and had never before tried a murder case. Given their inexperience and lack of preparation, Ms. Pike’s lawyers allegedly failed to present any mitigating evidence of her history of sexual violence and child abuse to the jury, leaving the jurors with no reason to consider an alternative sentence to the death penalty. In this sense, the application indicates that, prior to trial, a psychologist hired by one of Ms. Pike’s lawyers prepared three volumes of social history containing “numerous interviews conducted with Christa’s family and friends documenting Christa’s history of abuse and neglect”. However, none of this information was ultimately presented at trial and only three witnesses were called: Christa’s maternal aunt, mother and father. The application indicates that the entire penalty phase of the case lasted barely a day. The full details of Ms. Pike’s upbringing and the inadequacies of her trial lawyers only came to light in post-conviction proceedings following her death sentence.

13. Moreover, the application states that while on one occasion the State offered Ms. Pike a plea deal –life sentence without parole–, her lawyer failed to inform her of this offer, deciding to decline it instead and proceed with trial, given his confidence that he would win the case. This same lawyer was facing ethical misconduct allegations for fraud against the Indigent Defense Fund for overbilling, at the time that he was defending Ms. Pike in her capital murder trial.

iv. The proposed beneficiary’s conviction and death sentence

³ In this sense, the application states that, in 1995, a U.S. Senate Hearing was held on the danger and violence in Job Corps programs across the country. One witness in the hearing described the culture of violence prominent at Jobs Corps across the country, saying, “students come to Job Corps to leave drug abuse and violence in their communities only to find the same conditions exist at the Job Corps centers”.

14. Ms. Pike was sentenced to death in 1996 for a crime she committed when she was 18 years old. Her conviction and sentence were affirmed by the Supreme Court of Tennessee on direct appeal.⁴ The U.S. Supreme Court denied certiorari.⁵

15. Following this sentence, the proposed beneficiary filed a petition for post-conviction relief in the trial courts, which was denied following an evidentiary hearing. The Court of Criminal Appeals affirmed the judgement, and the both Supreme Court of Tennessee⁶ and the U.S. Supreme Court denied review.⁷

16. Ms. Pike subsequently filed a petition for writ of habeas corpus in the United States District Court for the Eastern District of Tennessee in which she argued that “her trial lawyers were grossly ineffective and that to execute a mentally ill, brain-damaged young woman for a crime committed when she was only 18 years old would violate the US Constitution”. The Court granted the warden’s motion for summary judgement, dismissed the petition and denied a certificate of appealability. The Sixth Circuit Court of Appeals granted Ms. Pike a certificate of appealability but ultimately rejected her claims and affirmed the denial of habeas relief on August 22, 2019.⁸ Subsequently, on February 21, 2020, Ms. Pike petitioned the U.S. Supreme Court for a writ of certiorari, which was denied on June 8, 2020.⁹

17. In this same sense, the application argues that Ms. Pike “is barred from presenting a due diligence claim by federal legislation which imposes draconian limitations on the presentation of ‘successive’ post-conviction petitions”. This means that she is barred from litigating her claim unless she can demonstrate that her petition rests on: (1) newly discovered evidence of innocence; or, (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court that was previously unavailable. The application indicates that Ms. Pike’s claim does not rest on either of these two premises.

v. The proposed beneficiary’s current conditions of detention

18. The application states that the proposed beneficiary was placed in solitary confinement in the first year of her sentence for a behavioral infraction. Whilst she was there, the Tennessee Department of Corrections enacted a policy of mandatory segregation for death row inmates. Consequently, Ms. Pike has been held in solitary confinement ever since, which will amount to 24 years in January 2021. She is the only woman on death row in Tennessee.

19. In this sense, for the last 23 years, the proposed beneficiary has spent between 22 to 23 hours a day in a “room smaller than a parking space”. Her cell’s “door has a small window that allows constant, bright florescent light to shine through, and a small unlockable flap to deliver food. Inside, there is a narrow bed with a small round seat connected to a pole at its foot. There is a small desk, a bookcase, a sink, and a toilet. All the furniture is metal and bolted to the floor. Ms. Pike’s cell has one small outward facing slit in the wall, three to four feet tall and three to four inches wide”. She is allowed outside of her cell three times a week to shower and five times a week to participate in an hour of “recreation”. The application states that “recreation” means “being escorted by guards, chained and manacled, to a cage –a sort of human kennel– no bigger than her cell just outside of the prison. Once she is in the cage, her manacles and chains are removed, and the door is locked behind her. The hour the prison given her to

⁴ *State v. Pike*. 978 S.W.2d 904 (Tenn. 1998).

⁵ *Pike v. Tennessee*. 526 U.S. 1147 (1999).

⁶ *Pike v. State*. No. E2009-00016-CCA-R3-PD. 2011 WL 1544207 (Tenn. Crim. App. Apr. 25, 2011).

⁷ *Pike v. Tennessee*. 568 U.S. 827 (2012).

⁸ *Pike v. Gross*. 936 F.3d 372 (6th Cir. 2019).

⁹ *Pike v. Gross*. No. 19-1054. 2020 WL 3038298 (2020).

pace in an outdoor cage is Ms. Pike's only chance to speak directly to other inmates who may be in nearby cages at the same time".

20. The application indicates that, according to the proposed beneficiary's mental health care provider, Ms. Pike's prolonged solitary confinement has had "an irreparable impact on her psychological, emotional and physical well-being":

"As is typical in severe, prolonged solitary confinement, Ms. Pike's senses have been cruelly warped by her experience. She no longer has long-distance vision due to the prolonged exposure to the small, cramped dimensions of her cell. She has also lost all sensitivity to light due to the permanent beam of fluorescent light that shines through her doorway. At the same time, she has developed a hypersensitivity to sound and smell. She can now hear noises from across the pod, even through the glass plate that covers her steel door to muffle her connection to the outside world. She cannot tolerate intrusion or change, and becomes distressed if a guard so much as changes his aftershave. She rarely has access to the touch of another human being and has not had physical contact with anyone who was not a guard or a doctor since 2016."

21. Further, according to the application, the proposed beneficiary lives with multiple, severe mental illnesses that have all been severely exacerbated by her prolonged solitary confinement:

"Ms. Pike has lost all ability to concentrate or focus, has rapid and explosive mood changes, and displays consistent emotional instability. Her life is punctuated by cycles of hypomanic agitation where she will pace endlessly through her cell, bang on her door, or convulse and tense her whole body. Those sleepless, manic phases alternate with periods of depression characterized by hopelessness, powerlessness, tearfulness, and thoughts of suicide."

22. The application further alleges that the proposed beneficiary's solitary confinement stems from an institutional policy of applied gender discrimination, noting that men on death row are housed together, outside of solitary confinement. They are allowed to work, and have regular access to their spiritual advisors and their legal teams with contact visits. In stark contrast, Ms. Pike has not had consensual human contact in more than four years. The application indicates that, when the proposed beneficiary tried to negotiate better conditions with the warden, the warden dismissed her and allegedly said to a passing guard: "This bitch wants me to let her out. I'll let her out when they come to kill her".¹⁰

23. Based on all of the foregoing, the application argues that Ms. Pike's prolonged solitary confinement constitutes torture.

vi. Execution date

24. On August 27, 2020, the state of Tennessee filed a motion before the Supreme Court of Tennessee to set an execution date for Ms. Pike, given that "she has completed the standard three-tier appeals process"¹¹. In response, the proposed beneficiary filed a motion for a 90-day extension of time to file a response to the state's motion, which was granted on September 2, 2020. Subsequently, on December 2, 2020, the Court granted a second time extension ordering that Ms. Pike file her response to the State's motion by March 8, 2021¹². The application notes that it is not yet clear how the State intends to execute

¹⁰ The application states that, in 2019, Ms. Pike submitted an internal Title IX grievance complaint to the prison warden. She noted in her complaint that male death row inmates are allowed to have contact visits with their legal teams, free access to spiritual advisors and are allowed to work. Further, male death row inmates are not sentenced to permanent solitary confinement.

¹¹ *Tennessee v. Pike*. No. 03S01-9712-CR-00147. Supreme Court of Tennessee. August 27, 2020.

¹² *State v. Pike*. Supreme Court of Tennessee. No. M2020-01156-SC-DPE-DD. December 2, 2020.

her, indicating that the proposed beneficiary will be given the choice of selecting either death by electrocution or death by lethal injection as the method of execution.

2. Information provided by the State

25. The United States informed that, on August 27, 2020, the state of Tennessee requested the Supreme Court of Tennessee to set a date for Ms. Pike's execution¹³ and that her lawyers were given until December 7 to respond to that motion.¹⁴ The State argues that "nothing about this sequence of events warrants a recommendation of precautionary measures". Further, the State indicates that the proposed beneficiary has not demonstrated that her ongoing detention constitutes a serious or urgent situation or presents the likelihood of irreparable harm.

26. In addition, the United States informs that there is no indication that Ms. Pike "has been unable to access courts or the clemency process, or that the COVID-19 pandemic has adversely impacted her legal representation". Further, the State notes that the record in the proposed beneficiary's case "indicates that her mental health was taken into consideration as a mitigating factor by the jury that sentenced her to death".

27. Moreover, the State argues that the proposed beneficiary has failed to exhaust domestic remedies with respect to the present request for precautionary measures, as well as the accompanying petition, emphasizing the importance of this requirement under international law. The United States also alleges that the precautionary measures request and accompanying petition is an effort by Ms. Pike "to use the Commission as a 'fourth instance' body to review claims already heard and rejected by U.S. courts" and therefore, should be declined by the IACHR. Lastly, the State reaffirms "its longstanding position that the Commission lacks the authority to require that States adopt precautionary measures". In this sense, given that the United States is not a party to the American Convention, the Commission only has the authority to make recommendations with regards to it. Consequently, "should the Commission adopt a precautionary measure resolution in this matter, the United States would take it under advisement and construe it as recommendatory". Based on the foregoing, the State submits that the Commission should refrain from requesting precautionary measures in the present matter.

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY

28. The precautionary measures mechanism is part of the Commission's functions of overseeing Member States' compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"). These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure, by which the Commission grants precautionary measures in serious and urgent situations, where such measures are necessary to prevent irreparable harm.

29. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding their protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. With regards to

¹³ *State v. Pike*, No. 03S01-9712-CR-00147. Motion to Set Execution Date. August 27, 2020.

¹⁴ *State v. Pike*, No. 58183A, Order, No. M2020-01156-SC-DPE-DD. Tennessee. September 2, 2020.

their precautionary nature, these measures aim to preserve legal situations while the bodies of the inter-American system analyze a petition or case. Their objective and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the *effet utile* of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and if necessary, implement the ordered reparations. For such purposes, according to Article 25.2 of the 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" is determined by means of the information provided and refers to risk of 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.

30. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. Rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.¹⁵

31. As a preliminary observation, the Commission considers it necessary to highlight that, according to its mandate, it is not called upon to make a determination on the criminal responsibility of individuals in relation to their alleged commission of crimes or infractions. Additionally, the IACHR does not have the mandate, through the precautionary measures mechanism, to determine whether the State has incurred violations of the American Declaration as a result of the alleged events. In this sense, the Commission reiterates that, with respect to the precautionary measures procedure, it is only called upon to analyze whether the proposed beneficiary is in a situation of seriousness and urgency facing harm of an irreparable nature, as established in Article 25 of its Rules of Procedure. With regards to P-2254-20, which alleges violations of the rights of the proposed beneficiary, the Commission recalls that the analysis of these claims will be carried out in compliance with the specific procedures of its Petition and Case System, in accordance with the relevant provisions of its Statute and Rules of Procedure.

32. The Commission also finds it pertinent to underscore that, while the exhaustion of domestic remedies is indeed a requirement for the admissibility of petitions in accordance with Article 31 of its Rules of Procedure, this same requirement does not apply to the granting of precautionary measures. In this sense, Article 25.6.a of the Rules of Procedure establishes that whether the situation has been brought to the attention of the pertinent authorities should be taken into account when reviewing a request for precautionary measures. However, such actions do not bar the Commission from granting precautionary measures under the consideration of the requirements of seriousness, urgency and irreparable harm.

¹⁵ See in this regard: I/A Court H.R. [Matter of Residents of the Communities of the Miskitu Indigenous People of the North Caribbean Coast Region regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018. Considerandum 13; I/A Court H.R. [Matter of the children and adolescents deprived of their liberty in the "Complexo do Tatuapé" of the Fundação CASA](#). Request for extension of precautionary measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

Additionally, as indicated above, the Commission's competence to grant precautionary measures extends to all Member States of the OAS and does not derive from the American Convention on Human Rights.

33. Additionally, the Inter-American Commission recalls that the death penalty has been subject to strict scrutiny within the inter-American human rights system.¹⁶ While most OAS Member States have abolished the death penalty, a significant minority still hold on to this form of punishment.¹⁷ With regards to the States that maintain the death penalty, there are a series of restrictions and limitations established in regional human rights instruments that States are bound to comply with in accordance with international law.¹⁸ These restrictions and limitations are based on the broad recognition of the right to life as the supreme human right and as the sine qua non of the enjoyment of all other rights, thus requiring greater scrutiny to ensure that any deprivation of life resulting from the application of the death penalty complies strictly with the requirements of the applicable inter-American human rights instruments, including the American Declaration.¹⁹ In this sense, the Commission has underlined that the right to due process plays an essential role in guaranteeing the protection of the rights of persons who have been sentenced to death. In order to protect due process guarantees, States have the obligation to ensure the exercise of the right to a fair trial, the strictest compliance with the right to defense, and the right to equality and non-discrimination.²⁰

34. In the present matter, the Commission considers that the requirement of seriousness has been fulfilled. With regards to the precautionary dimension, the Commission observes that, according to petition 2254-20 presented by the applicants, the legal proceedings which led to Ms. Pike's death sentence allegedly did not comply with her rights to a fair trial and due process of law. In particular, the applicants claim that, during the criminal proceedings, Ms. Pike's state appointed lawyers allegedly failed to present mitigating evidence of her history of sexual violence and child abuse to the jury, leaving the jurors with no reason to consider an alternative sentence to the death penalty. Further, the applicants emphasize that the proposed beneficiary, a person living with mental illnesses, was 18 years old at the time of commission of the crime. In this regard, while the imposition of the death penalty is not prohibited per se under the American Declaration,²¹ the Commission has recognized systematically that the possibility of an execution in such circumstances is sufficiently serious to permit the granting of precautionary measures to the effect of safeguarding a decision on the merits of the petition filed.²²

¹⁶ IACHR. Press Release No. 248/20. "[The IACHR stresses its call for the abolition of the death penalty in the Americas on the World Day Against the Death Penalty](#)". October 9, 2020.

¹⁷ IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II Doc. 68. December 31, 2011, paras. 12 & 138; IACHR. Press Release No. 248/20. "[The IACHR stresses its call for the abolition of the death penalty in the Americas on the World Day Against the Death Penalty](#)". October 9, 2020.

¹⁸ IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II Doc. 68. December 31, 2011, paras. 138-39.

¹⁹ IACHR. [Report No. 210/20. Case 13.361. Admissibility and Merits \(Publication\). Julius Omar Robinson. United States of America](#). August 12, 2020, para. 55; IACHR. [Report No. 200/20. Case 13.356. Admissibility and Merits \(Publication\). Nelson Ivan Serrano Saenz. United States of America](#). August 3, 2020, paras. 44-45; IACHR. [Report No. 211/20. Case 13.570. Admissibility and Merits \(Publication\). Lezmond C. Mitchell. United States of America](#). August 24, 2020, paras. 72-73.

²⁰ IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II Doc. 68. December 31, 2011, para. 141.

²¹ IACHR. [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition](#). OAS/Ser.L/V/II Doc. 68. December 31, 2011, para. 2.

²² See, in this regard: IACHR. [Resolution 77/2018. Precautionary Measure No. 82-18. Ramiro Ibarra Rubí regarding the United States of America](#). October 1, 2018; IACHR. [Resolution 32/2018. Precautionary Measure No. 334-18. Charles Don Flores regarding the United States of America](#). May 5, 2018 (available only in Spanish); IACHR. [Resolution 41/2017. Precautionary Measure No. 736-17. Rubén Ramírez Cárdenas regarding the United States of America](#). October 18, 2017; IACHR. [Resolution 21/2017. Precautionary](#)

35. Regarding the protective dimension, the Commission observes that Ms. Pike remains on death row in Tennessee and as of January 2021, will have been held in solitary confinement for 24 years while awaiting execution. The Commission has stated that “in no instance should solitary confinement of an individual last longer than thirty days”²³. It has further concluded that “it is widely established in international human rights law that solitary confinement for extended periods of time constitutes at the very least a form of cruel, inhuman or degrading treatment or punishment”.²⁴ As for the impact that solitary confinement may cause on the rights to life and personal integrity of an individual, the former United Nations Special Rapporteur on Torture, Juan E. Mendez, has stated that:

Individuals held in solitary confinement suffer extreme forms of sensory deprivation, anxiety and exclusion, clearly surpassing lawful conditions of deprivation of liberty. Solitary confinement, in combination with the foreknowledge of death and the uncertainty of whether or when an execution is to take place, contributes to the risk of serious and irreparable mental and physical harm and suffering to the inmate. Solitary confinement used on death row is by definition prolonged and indefinite and thus constitutes cruel, inhuman or degrading treatment or punishment or even torture.²⁵

36. The Commission further emphasizes the serious impacts of long term deprivation of liberty on death row, known as the “death row phenomenon”, which:

(...) consists of a combination of circumstances that produce severe mental trauma and physical deterioration in prisoners under sentence of death. Those circumstances include the lengthy and anxiety-ridden wait for uncertain outcomes, isolation, drastically reduced human contact and even the physical conditions in which some inmates are held. Death row conditions are often worse than those for the rest of the prison population, and prisoners on death row are denied many basic human necessities.²⁶

37. In this sense, in the case of Russell Bucklew, the IACHR found that “the very fact of spending 20 years on death row is, by any account, excessive and inhuman”.²⁷ In the case of Víctor Saldaño, the Commission concluded that “holding Víctor Saldaño on death row for more than 20 years in solitary confinement has constituted a form of torture, with severe and irreparable detriment to his personal integrity and, especially, his mental health”.²⁸

[Measure No. 250-17. Lezmond Mitchell regarding the United States of America](#). July 2, 2017; IACHR. [Resolution 14/2017. Precautionary Measure No. 241-17. Matter of Víctor Hugo Saldaño regarding the United States of America](#). May 26, 2017; IACHR. [Resolution 9/2017. Precautionary Measure No. 156-17. William Charles Morva regarding the United States of America](#). March 16, 2017.

²³ IACHR. [Report No. 29/20. Case 12.865. Merits \(Publication\). Djamel Ameziane. United States](#). April 22, 2020, para. 151; IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II. Doc. 64. December 31, 2011, para. 411.

²⁴ IACHR. [Report No. 29/20. Case 12.865. Merits \(Publication\). Djamel Ameziane. United States](#). April 22, 2020, para. 152; IACHR. [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#). OEA/Ser.L/V/II. Doc. 64. December 31, 2011, para. 413.

²⁵ United Nations General Assembly. [Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/67/279. August 9, 2012, para. 48.

²⁶ United Nations General Assembly. [Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/67/279. August 9, 2012, para. 42; IACHR. [Report No. 24/17. Case 12.254. Merits. Víctor Saldaño. United States](#). March 18, 2017, para. 241; IACHR. [Report No. 200/20. Case 13.356. Admissibility and Merits \(Publication\). Nelson Ivan Serrano Saenz. United States of America](#). August 3, 2020, para. 69; IACHR. [Report No. 210/20. Case 13.361. Admissibility and Merits \(Publication\). Julius Omar Robinson. United States of America](#). August 12, 2020, para. 115; IACHR. [Report No. 211/20. Case 13.570. Admissibility and Merits \(Publication\). Lezmond C. Mitchell. United States of America](#). August 24, 2020, para. 132; IACHR. [Report No. 71/18. Case 12.958. Merits. Russell Bucklew. United States](#). May 10, 2018, paras. 85-91.

²⁷ IACHR. [Report No. 71/18. Case 12.958. Merits. Russell Bucklew. United States](#). May 10, 2018, para. 91.

²⁸ IACHR. [Report No. 24/17. Case 12.254. Merits. Víctor Saldaño. United States](#). March 18, 2017, para. 252.

38. According to the information provided by the applicants, for the last 23 years, Ms. Pike has been held in a “room smaller than a parking space”. She rarely ever leaves her cell, except to shower three times a week and to participate in an hour of “recreation” five times a week. The lights are kept on 24 hours a day and the lighting does not vary. She has extremely limited access to other prisoners, and has not had physical contact with anyone who was not a guard or a doctor since 2016. The application alleges that these conditions of detention have had an irreparable impact on Ms. Pike’s psychological, emotional and physical well-being.

39. The Commission observes that the United States did not controvert the proposed beneficiary’s alleged conditions of confinement in its report, nor did it inform of any measures being adopted by domestic courts or administrative authorities to ensure humane detention conditions and to prevent any harm to Ms. Pike.

40. In view of these aspects, and without prejudice to the petition presented, the Commission concludes that the rights of Ms. Pike are prima facie at risk due to the possible execution of the death penalty and its subsequent effects on her petition which is currently under the Commission’s analysis, as well as her ongoing conditions of detention in solitary confinement on death row and their impact on her rights to life and personal integrity.

41. The Commission considers that the requirement of urgency has been fulfilled. With regards to the precautionary dimension, according to the information presented by the applicants, on June 8, 2020, the U.S. Supreme Court denied the proposed beneficiary’s writ of certiorari. Subsequently, on August 27, 2020, the State of Tennessee moved to set Ms. Pike’s execution date. In view of the foregoing, and before the imminent possibility that the death penalty is applied, the Commission considers it necessary to adopt precautionary measures in order to examine the petition presented by the applicants.

42. In this same sense, regarding the protective dimension, the Commission considers that the risk to the proposed beneficiary’s rights requires immediate measures given the severe conditions of her detention in solitary confinement on death row and before the possible execution of the death penalty.

43. The Commission considers that the requirement of irreparability has been fulfilled, insofar as the potential impact on the rights to life and personal integrity of the proposed beneficiary constitutes the maximum situation of irreparability. Further, the IACHR considers that if Ms. Pike is executed before the Commission has had the opportunity to evaluate P-2254-20, any eventual decision on the merits of the case would be rendered moot, given that the situation of irreparable harm would already have materialized.

IV. BENEFICIARY

44. The Commission declares that the beneficiary of this precautionary measure is Christa Pike, who is duly identified in this proceeding.

V. DECISION

45. The Inter-American Commission on Human Rights concludes that the present matter meets prima facie the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the IACHR requests that the United States of America:

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- a) adopt the necessary measures to protect the life and personal integrity of Christa Pike;
 - b) refrain from carrying out the death penalty on Christa Pike;
 - c) ensure that Christa Pike's detention conditions are consistent with international standards, giving special consideration to her personal conditions; and,
 - d) agree on the measures to be adopted with the beneficiary and her representatives.

46. The Commission requests the United States of America to inform, within a period of 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update such information periodically.

47. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute prejudgment of any violation of the rights protected in the applicable instruments.

48. The Commission instructs its Executive Secretariat to notify the United States of America and the applicants of this resolution.

49. Approved on December 11, 2020 by: Joel Hernández García, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarete May Macaulay; Julissa Mantilla Falcón; and, Edgar Stuardo Ralón Orellana, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary