

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF FEBRUARY 2, 1996**

**PROVISIONAL MEASURES REQUESTED BY THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
IN THE MATTER OF NICARAGUA**

ALEMÁN LACAYO CASE

The Inter-American Court of Human Rights, composed of the following judges:

Héctor Fix-Zamudio, President
Hernán Salgado-Pesantes, Vice President
Alejandro Montiel-Argüello, Judge
Máximo Pacheco-Gómez, Judge
Oliver Jackman, Judge
Alirio Abreu-Burelli, Judge
Antônio A. Cançado Trindade, Judge

also present:

Manuel E. Ventura-Robles, Secretary, and
Ana María Reina, Deputy Secretary

HAVING SEEN:

1. The February 2, 1996 communication and its attachments, in which the Inter-American Commission on Human Rights (hereinafter "the Commission" or the "Inter-American Commission"), based on Article 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Article 24 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"), submitted to the Inter-American Court of Human Rights (hereinafter "the Court" or the "Inter-American Court") a request for provisional measures on behalf of Mr. Arnaldo Alemán-Lacayo, relative to Case No. 11.281 under consideration by the Commission against the Government of the Republic of Nicaragua. (hereinafter "the Government" or "Nicaragua").

2. The above-mentioned communication from the Commission in which the Court is requested to adopt the following measures:

1. Request that the Government of Nicaragua adopt effective security measures to protect the life and personal integrity of Dr. Arnaldo Alemán-Lacayo. To this end, it is recommended that the relatives of Dr. Alemán be given the name and telephone number of a person in a position of authority in the Government who will be responsible for providing them with protection should it become necessary.

2. Request that the Government of Nicaragua, as part of the security measures, provide Dr. Arnaldo Alemán with an armored car, so that he may travel throughout the national territory without fear of being pursued or attacked by groups of armed

irregulars.

3. Request that the Government of Nicaragua adopt the measures necessary to conduct an exhaustive investigation that will lead to the clarification of the events which occurred on January 25 of the present year, and the identification of those responsible, so as to sentence them to the pertinent punishment.

4. Request that the Government of Nicaragua inform the Commission as to the provisional measures adopted in accordance with that ordered by the Inter-American Court of Human Rights.

3. The events the Commission took into account in calling upon the Government to adopt provisional measures are summarised below:

18. Dr. Arnaldo Alemán-Lacayo, 50 years old, and the Liberal Alliance Candidate for the Presidency of the Republic of Nicaragua, escaped injury in an attempt against his life at approximately 10 a.m. on January 25, 1995 (sic). The events took place in the Municipality of Wiwilí, 300 kilometers north of Managua, when Dr. Alemán was traveling throughout the zone on a campaign tour. Approximately a dozen heavily armed men attacked the motorcade of Alemán.

19. One of Dr. Alemán's body guards, identified as Luis Ángel Cruz, was killed during the course of the attack. In addition, the Deputy Chief of Police of the Department of Nueva Segovia, Orlando Selva, and Liberal party supporters Heriberto Gadea and Antonio Alemán were gravely injured.

20. The sector where the attack occurred shelters groups of heavily armed delinquents, many of whom maintain ties with bands of ex-members of the Sandinista Popular Army and the Nicaraguan Resistance who rearmed themselves as of 1990.

21. Arnaldo Alemán is the presidential candidate of a coalition of four liberal parties in the general election of this October 20.

CONSIDERING:

1. That Nicaragua has been a State Party to the American Convention since September 25, 1979, and accepted the compulsory jurisdiction of the Court on February 12, 1991.

2. That Article 63(2) of the Convention provides that, in cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court, in matters not yet submitted to it, may adopt such provisional measures as it deems pertinent at the request of the Commission.

3. That in the instant case, independently of the fact that the merits of the matter are under consideration by the Commission, publicity in both the national and international Press, the death of one of Dr. Alemán-Lacayo's bodyguards, and the injuries sustained by others in his entourage, have invested the events on which the Commission bases its request for provisional measures with a high degree of notoriety and credibility.

4. That these circumstances entitle the Court to apply the provisions of Article 63(2) of the Convention, since it considers this to be a case of "extreme gravity and urgency" and one in which it is necessary to avoid irreparable damage to Mr. Arnaldo Alemán-Lacayo.

5. That for those reasons, Nicaragua should adopt the measures necessary to preserve the life and personal integrity of Arnaldo Alemán-Lacayo and to avoid irreparable damage to him.

6. That the Government has the obligation to prevent violations of human rights and to investigate the events that led to this request for provisional measures so as to identify those responsible and impose the appropriate sanctions in order to avoid the repetition of such acts.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

By virtue of Article 63(2) of the American Convention on Human Rights, and in exercise of the powers conferred on it by Article 24 of its Rules of Procedure,

DECIDES:

1. To call upon the Government of the Republic of Nicaragua to adopt, forthwith, such measures as are necessary to protect the life and personal integrity of Dr. Alemán-Lacayo and to avoid irreparable damage to him, in strict compliance with its legal obligation under Article 1(1) of the Convention to respect and guarantee human rights.
2. To call upon the Government of Nicaragua to investigate the events and punish those responsible for them.
3. To call upon the Government of Nicaragua to submit to the Court, upon notification of this Order, a monthly report concerning the provisional measures which it has taken, and upon the Inter-American Commission on Human Rights to forward to the Court its observations on such report within fifteen days of its receipt.
4. To include this matter on the agenda of the next regular session of the Court in order to analyze the results of the measures adopted by the Government of Nicaragua.

Done in Spanish and English, the Spanish text being authentic, on this second day of February, 1996.

Héctor Fix-Zamudio
President

Hernán Salgado-Pesantes

Alejandro Montiel-Argüello

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abre-Burelli

Antônio A. Cançado Trindade

Manuel E. Ventura-Robles
Secretary

So ordered,

Héctor Fix-Zamudio
President

Manuel E. Ventura-Robles
Secretary