

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF JUNE 19, 1998**

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

ÁLVAREZ *ET AL.* CASE

HAVING SEEN:

1. The Order of the President of the Inter-American Court of Human Rights (hereinafter "the President" or "the President of the Court") of July 22, 1997, in which he decided:

1. To request the Republic of Colombia, in strict compliance with the obligation to respect and guarantee human rights which it undertook in accordance with Article 1(1) of the American Convention on Human Rights, to adopt forthwith such measures as are necessary to protect the life and integrity of José Daniel Álvarez, Nidia Linores-Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Dios, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, and Miriam Rosas Ascanio in order to prevent irreparable damage to them.

2. To request that the Republic of Colombia, as soon as Mr. Erik Antonio Arellano-Bautista returns to its territory, adopt such measures as are necessary to protect his life and physical integrity in order to prevent irreparable damage to him.

3. To request that the Republic of Colombia investigate the facts denounced and punish those responsible for them, particularly with regard to the attack of June 24, 1997 on the Association's offices in the city of Medellín.

4. To request that the Republic of Colombia adopt forthwith such measures as are necessary to ensure that all the offices of the Association of Relatives of Detainees and Disappeared Persons of Colombia may discharge its functions without danger to the lives or physical integrity of the persons working there, especially the Association's offices in the cities of Medellín and Ocaña.

5. To request that the Republic of Colombia submit a first report on the measures adopted within 15 days of notification of this order and that the Inter-American Commission on Human Rights submit its comments on that report within a period of one month from receipt of that document.

6. To request that the Republic of Colombia, from the date of presentation of its first report, continue to submit every two months its reports on the provisional measures taken and that the Inter-American Commission on Human Rights submit its comments on those reports within 45 days of receiving them.

7. To present this order for the consideration of the Court at its next session for the pertinent effects and so that it can convene the parties, if it so deems, to a public hearing at the seat of the Court, so that the Tribunal may hear their views on the facts and circumstances that gave rise to the request for provisional measures and to this order.

2. The Order of the President of the Court of August 14, 1997, in which he decided to expand "the urgent measures adopted in this case for the purpose of safeguarding the life and personal safety of Mr. Javier Álvarez."

3. The Order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") of November 11, 1997, in the operative part of which it decided:

1. To ratify the orders of the President of the Inter-American Court of July 22 and August 14, 1997.

2. To require the State of Colombia to maintain the necessary measures for a period of six months from the date of this order so as to protect the lives and physical integrity of José Daniel Álvarez, Nidia Linores-Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, and Javier Álvarez and to avoid irreparable damage to them. Once the term has expired, the Court shall assess the situation of the protected persons.

4. The Order of the President of the Court of December 22, 1997, in which he expanded "the urgent measures adopted in this case in order to protect the right to life and physical integrity of Ms. María Eugenia Cárdenas and her relatives."

5. The Order of the Court of January 21, 1998, in which it ratified the Order of the President of December 22, 1997.

6. The Order of the President of May 12, 1998, in which he decided:

1. To call upon the State of Colombia to maintain until June 19, 1998 the measures adopted in compliance with the Orders of the Inter-American Court of Human Rights of November 11, 1997 and January 21, 1998.

2. To call upon the State of Colombia to include in its fifth report, which is to be submitted to the Secretariat of the Court on May 22, 1998, any pertinent information concerning the measures adopted in this case, including its opinion on the appropriateness of keeping them in force or otherwise.

3. To call upon the Inter-American Commission on Human Rights to submit, not later than June 5, 1998, its observations on the fifth report of the State of Colombia and its opinion concerning the appropriateness of keeping the measures in the instant case in force or otherwise.

4. To instruct the Secretariat of the Court to place consideration of this matter on its internal work schedule.

The extension granted to the State and the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") by the Secretariat, on the President's instructions, for them to present before the Court their views concerning the fulfillment of the provisional measures in the instant Case.

7. The Commission's observations of June 9, 1998 on the provisional measures adopted, in which it referred to acts harmful to Ms. María Eugenia Cárdenas and sought an extension of the provisional measures on behalf of the protected persons "for a reasonable period of time."

8. The State's report of June 12, 1998, in which it reported on various measures taken to monitor Ms. Cárdenas' situation, and indicated that the studies conducted on the other protected persons detected a medium level of risk, for which reason it was not necessary to implement security plans, but, instead, recommendations of a labor, personal and general nature. With regard to the headquarters of the Association of Families of Detainees and Disappeared Persons of Colombia (hereinafter "ASFADDES"), it pointed out that progress was being made with implementation of the recommendations for providing them with security. In conclusion, it considered that "the purpose of the measures has been fulfilled."

CONSIDERING:

1. That the information submitted by the State and the observations made by the Commission show that Ms. María Eugenia Cárdenas continues to be the victim of threats and acts of intimidation.

2. That with regard to the other persons in favor of whom provisional measures were adopted, there is still cause to maintain those measures for a reasonable period of time, there being no evidence that the circumstances of extreme gravity and urgency have ceased.

3. That the State's reports and the Commission's observations show that the premises of ASFADDES in Riosucio have been closed down, although the possibility exists of transferring them to Manizales with State economic support; that the Ocaña premises have been definitively shut down and the Medellín premises are still open; that the investigation and punishment of those responsible for the acts denounced by the Commission, particularly the attack of June 24, 1997 on the ASFADDES offices in Medellín have not been completed and the State must therefore continue to take measures that would enable those situations to be resolved.

4. That some aspects of the information dispatched to the Court by the Commission and the State are contradictory, specifically with regard to the threats and harassment to which Ms. Cárdenas is being subjected and to the police investigations, according to which no involvement of military personnel has been established in the homicide of Ms. Cárdenas' brother, which, according to the Commission, demonstrates total ignorance of the situation of risk in which Ms. Cárdenas finds herself.

5. That the efforts made by Colombia in adopting provisional measures, while demonstrating its willingness to fulfill them, are not sufficient for those measures to be lifted.

NOW, THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of the powers conferred on it by Article 63(2) of the American Convention on Human Rights and Articles 25(1) of its Rules of Procedure,

RESOLVES:

1. To extend the provisional measures adopted in favor of Ms. María Eugenia Cárdenas for as long as the situation of risk which justified their adoption persists.

2. To extend until September 6, 1998 the provisional measures in favor of José Daniel Alvarez, Nidia Linores-Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, and Javier Álvarez.

3. To require the State of Colombia to undertake effective investigations and, where appropriate, punish those responsible for the acts denounced which gave rise to the adoption of these provisional measures.

4. To require that the State of Colombia transmit to the Inter-American Court of Human Rights, not later than July 24, 1998, a report on compliance with the present Order; and that the Inter-American Commission on Human Rights submit its observations on that report within one month of the date of notification thereof.

Hernán Salgado-Pesantes
President

Antônio A. Cançado Trindade
Pacheco-Gómez

Máximo

Oliver Jackman
Burelli

Alirio Abreu-

Sergio García-Ramírez
Roux-Rengifo

Carlos Vicente de

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary