

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF AUGUST 29, 1998**

**PROVISIONAL MEASURES ADOPTED BY THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
IN THE MATTER OF THE REPUBLIC OF COLOMBIA**

ÁLVAREZ *ET AL.* CASE

HAVING SEEN:

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

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 [Association of Relatives of Detainees-Disappeared Persons of Colombia] 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 offices of the Association of Relatives of Detainees-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.

2. The August 14, 1997 Order of the President, wherein he expanded "the urgent measures adopted in this case for the purpose of guaranteeing the right to life and physical integrity of Mr. Javier Álvarez."

3. The November 11, 1997 Order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court"), wherein it ratified the July 22 and August 14, 1997 orders of the President and decided to keep the measures adopted in place for a six-month period.

4. The December 22, 1997 Order of the President, ratified by the Court on January 21, 1998, whereby he expanded "the urgent measures adopted in this case for the purpose of guaranteeing the right to life and physical integrity of Ms. María Eugenia Cárdenas and her next of kin. "

5. The May 12, 1998 Order of the President, wherein he decided to extend the measures adopted until June 19, 1998.

6. The June 19, 1998 Order of the Court, wherein it decided the following:
1. To extend the provisional measures ordered for Ms. María Eugenia Cárdenas so long as the risk that necessitated their adoption persists.
 2. To extend until September 6, 1998, the provisional measures ordered on behalf 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.
 3. To request the State of Colombia to conduct effective investigations and, where appropriate, punish those responsible for the acts that necessitated the adoption of these provisional measures.
 4. To request that Colombia forward to the Court, by no later than July 24, 1998, a report on compliance with this order; to request that the Inter-American Commission on Human Rights send its observations on that report within one month of the date of notification.
7. The State's note, dated July 10, 1998, wherein it informed the Court that it was unable to afford protection to Ms. María Eugenia Cárdenas because she was not cooperating with the State. It also stated that it had not been properly advised of a telephone threat that Mr. José Daniel Álvarez had received some days earlier. For those reasons, Colombia petitioned the Court to request the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") "to urge the beneficiaries of the provisional measures to cooperate with the Government in order to enable the latter to more effectively adopt the relevant security measures."
8. The State's sixth report, dated July 24, 1998, wherein it petitioned the Court to request that Ms. María Eugenia Cárdenas do the essential to cooperate with the State's plan for her protection.
9. The Commission's brief, dated August 4, 1998, wherein it requested the Court to expand the provisional measures adopted in the instant case so as to include Mr. Daniel Prado and his family. According to the brief in question, threatening telephone calls had been received at the offices of the Association of Detainees-Disappeared Persons of Colombia (hereinafter "ASFADDES") in Medellín and Popayan. Mr. Prado, an attorney for ASFADDES, had received a condolences card with the following message written in letters cut from newspapers:
- CAREFUL you are a "Sapo" (delator) and you will die for that. Lord, hear our prayers for the soul of: Dr. Daniel PRADO - Cordially, THE SILENT ASSASIN --- Date of the hunt October 1998.
- The Commission attached a copy of this letter to its request.
10. The August 6, 1998 Order of the President, wherein he decided:
1. To request the State of Colombia to urgently adopt the measures needed to ensure the life and integrity of Daniel Prado, Estela de Prado, and their daughters Camilla Alejandra and Lina.
 2. To request the State of Colombia to investigate the facts denounced by the Inter-American Commission on Human Rights in its brief of August 4, 1998, and punish those responsible.

3. To request the State of Colombia to forward to the Inter-American Court of Human Rights, by no later than August 14, 1998, a report on the measures taken to comply with this order; to request the Inter-American Commission on Human Rights to present its observations on that report within one week of the date of notification.

4. To submit the present order to the Court at its XLI regular session for the pertinent purposes.

11. The ten-day extension that the President granted to the State to present the urgent report it was to have presented by August 14, 1998, and the entries in the register of the Secretariat of the Court showing that the urgent report in question has thus far not been received.

12. The Commission's observations on the State's report of July 24, 1998 (see preamble paragraph 8), submitted on August 24, 1998, wherein it petitioned the Court to maintain the provisional measures in the instant case for another six months and to ratify the August 6, 1998 Order of the President.

CONSIDERING THAT:

1. Colombia is a State Party to the American Convention, Article 1(1) of which stipulates the obligation incumbent upon all 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, and on June 21, 1985, the State recognized the binding jurisdiction of the Court, pursuant to Article 62 of the Convention.

2. Article 63(2) of the American Convention on Human Rights provides 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."

3. New threats have been made against members of ASFADDES which, in the judgment of this Court, constitute the premise indicated in the preceding paragraph, which is grounds for keeping in place the provisional measures adopted on behalf 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.

4. The Court has examined the circumstances and events that formed the basis of the August 6, 1998 Order of the President, which this Court confirms, finding it to be consistent with the law and the merits of the case.

5. Colombia has a duty to investigate the facts that prompted the request for expansion of the provisional measures to include Mr. Daniel Prado and his family, to ascertain the identity of those responsible and impose the punishments that the law requires.

6. The beneficiaries of the provisional measures adopted by the Court in the instant case have the obligation to cooperate with the State so that the latter might more effectively adopt the necessary security measures.

NOW THEREFORE:**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

exercising the authority conferred upon it by Article 63(2) of the American Convention and Article 24 of its Rules of Procedure.

RESOLVES:

1. To request the State of Colombia to maintain the provisional measures for 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, Javier Álvarez and Erik A. Arellano Bautista.
2. To request the State of Colombia to maintain the provisional measures adopted for Ms. María Eugenia Cárdenas and her next of kin.
3. To ratify the August 6, 1998 Order of the President of the Inter-American Court of Human Rights and, accordingly, request the State of Colombia to maintain the measures necessary to protect the life and integrity of Mr. Daniel Prado and his family, so as to avoid irreparable damage to them.
4. To request the Colombian State to investigate the facts denounced that led to the present measures so as to compile facts leading to the identification of those responsible and their punishment.
5. To request the Inter-American Commission on Human Rights to urge the beneficiaries of the provisional measures adopted by the Inter-American Court of Human Rights in the instant case to cooperate with the State of Colombia in order to enable the latter to more effectively adopt the necessary security measures.
6. To request the State of Colombia that, as of the date of notification of this order, it expand its reports on the measures adopted in the instant case, continue to present them every two months, and detail therein the measures taken with respect to each beneficiary named in this order.
7. To request the Inter-American Commission on Human Rights to present its observations on the State's reports within six weeks of receiving them.

Hernán Salgado-Pesantes
President

Antônio A. Cançado Trindade

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Sergio García-Ramírez

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary