

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT
OF HUMAN RIGHTS OF OCTOBER 11, 2000**

**EXPANSION OF THE PROVISIONAL MEASURES REQUESTED
BY THE INTER-AMERICAN COMMISSION OF HUMAN RIGHTS REGARDING
THE STATE OF COLOMBIA**

ÁLVAREZ ET AL. CASE

CONSIDERING:

1. The Order of the President of the Inter-American Court of Human Rights (hereinafter "the President") on July 22, 1997 in its resolutions decided to:

1. Require the State of Colombia to adopt, forthwith, any measures as may be necessary to protect the life and personal integrity of Jose Daniel Álvarez, Nidia Linores Ascanio, Gladys Lopez, Yanette Bautista, Maria Helena Saldarriaga, Piedad Martin, Maria Eugenia Lopez, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacon, Jose Publio Bautista, Nelly Maria Ascanio, Carmen Barrera, Evidalia Chacon, Jose Ascanio to avoid irreparable harm in order to closely comply with the obligation of respect and guarantee of human rights assumed according to Article 1(1) of the American Convention on Human Rights.

2. Require the State of Colombia, as soon as Erik Antonio Arellano Bautista goes back to his home country, to adopt any measures as may be necessary to protect his life and personal integrity in order to avoid irreparable harm.

3. Require the State of Colombia to investigate the denounced facts and punish the liable parties, particularly regarding the attack on June 24, 1997 in the Association branch in the city of Medellin.

4. Require the State of Colombia to adopt, forthwith, any measures as may be necessary to ensure that the branches *Asociacion de Familiares de Detenidos-Desaparecidos de Colombia* (Association of Relatives of Missing Detainees of Colombia) perform its responsibilities without endangering the life and personal integrity of its employees, especially those from the branches in the cities of Medellin and Ocaña.

5. Require the State of Colombia to submit a report on measures adopted 15 days after this order is notified and require the Inter-American Commission of Human Rights to submit its remarks to said report one month after receiving the document.

6. Require the State of Colombia, as of the first report submission date, to continue submitting reports on provisional measures adopted every two months and require the Inter-American Commission of Human Rights to submit remarks to said reports 45 after receiving them.

7. Submit this order for the consideration of the Court in the next session to relevant purposes and to summon the parties, if suitable, for a public hearing at the Court seat so that the Court can be listen to the points of view on the facts and circumstances prompting a request for provisional measures and this order.

2. The Order of the President on August 14, 1997 to extend "pressing measures adopted in this case to ensure the right to life and personal integrity of Javier Álvarez."

3. The Decision of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court" on November 11, 1997 that in its whereas clauses ratified the orders of the President on July 22 and August 14, 1997 and kept the adopted measures for a six-month period.

4. The Order of the President on December 22, 1997, ratified by the Court on January 21, 1998, to extend "pressing orders adopted in this case to ensure the right to life and personal integrity of Maria Eugenia Cardenas and her family."

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

6. The Decision of the Court on June 19, 1998 to extend measures in favor of Maria Eugenia Cardenas if an endangering situation persists and justifies said measures and to keep until September 6, 1998 measures in favor of Jose Daniel Álvarez, Nidia Linores Ascanio, Gladys Lopez, Yanette Bautista, Maria Helena Saldarriaga, Piedad Martin, Maria Eugenia Lopez, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacon, Jose Publio Bautista, Nelly Maria Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, and Javier Álvarez.

7. The Order of the President on August 6, 1998 in its whereas clauses require the State to adopt as soon as possible "the necessary measures to ensure the right to life and personal integrity of Daniel Prado and Estela Prado and their daughters Camilla Alejandra and Lina."

8. The Decision of the Court on August 29, 1998 to keep the provisional adopted measures and ratify the Order of the President on August 6, 1998. In said Decision, the Court also required the State to carry out an investigation on the facts prompting said measures "in order to obtain effective results find the liable parties and punish them."

9. The Order of the President on July 17, 2000 to extend measures in order to protect Luz Elsia Almanza, Hilda Rosario Jimenez, Ramon Rangel, Robinson Amador, Yamel Lopez, Emely Perez, Yolanda Salamanca, Rosa Tulia Bolaños, Rocio Campos, and Alexander Rodriguez.

10. The Decision of the Court on August 10, 2000 to keep the provisional adopted measures and ratify the Order of the President on July 17, 2000.

11. The Commission document on October 8, 2000 to inform the Court about a series of threats by the Autodefensas Unidas de Colombia (AUC) against members of ASFADDES and the alleged disappearance, on October 6, 2000 of two members of the branch of ASFADDES in Medellin, Angel Quinteros and Claudia Patricia Monsalve. Based on these facts, the Commission asked the Court to extend the provisional adopted measures in this case to protect the life and personal integrity of several members from ASFADDES. In particular, the Commission asked the Court:

1. To adopt as soon as possible the necessary measures to determine the whereabouts of Angel Quintero and Claudia Patricia Monsalve, investigate their disappearance, and judge and punish the liable parties [.]

[2.] To adopt the necessary measures to protect the life and personal integrity of Angel Quintero and Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney Galindez, Gladys Avila, and Rocio Bautista, and to coordinate measures with the petitioners and the protected individuals [.]

[3.] To implement technical protection measures for the seats of ASFADDES already coordinated in the Follow-up Committee framework.

[4.] Centralize the investigation of facts denounced in the National Unit of Human Rights of the State General Attorney's Office aimed at finding, judging, and punishing the liable parties [.]

CONSIDERING:

1. That Colombia has been Member State of the American Convention since July 31, 1973 and recognized the competence of the Court according to Article 62 of the Convention on June 21, 1985.

2. That Article 63(2) of the American Convention decides that, in cases of "extreme seriousness and urgency, and whenever it is necessary to avoid irreparable harm to people", the Court can, in unknown matters, at the request of the Commission, adopt any provisional relevant measures.

3. That in the terms set in Article 25(4) of the Rules of Procedure of the Court:

[i]f the Court were not in session, the President, in consultation with the permanent commission and, if possible, with the rest of the judges, will require the corresponding government to deliver the necessary pressing providences to ensure the effectiveness of the provisional measures that the Court might adopt in its next session.

4. That Article 1(1) of the Convention indicates the duty of the State Parties to the Convention to respect the rights and freedoms recognized therein and to ensure everybody under their jurisdiction, including individuals related to ASFADDES in this case, to freely and fully exercise them.

5. That, as stated by the Court, "it is the State's responsibility to adopt safety measures to protect the life of every person under their jurisdiction; this duty is even more evident when it is related to those involved in proceedings before supervisory bodies of the American Convention."¹

6. That the purpose of the provisional measures in the national juridical systems (internal procedural law) in general, is to preserve the rights of the parties in dispute, by ensuring that the future merits judgment is not harmed by their facts *pendente lite*.²

7. That the purpose of the provisional measures, in the International Law of Human Rights, goes beyond since besides its essentially preventive nature, they

¹ Cfr. *Paz de San Jose de Apartado Community Case*. Order of the President of the Inter-American Court of Human Rights on October 9, 2000, eighth whereas clause; *Constitutional Court Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on August 14, 2000, E Series, No. 2, ninth whereas clause; *Constitutional Court Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on April 7, 2000, E Series No. 2, ninth whereas clause, *Digna Ochoa et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on November 17, 1999, E Series No. 2, seventh whereas clause; and *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 22, 1997, E Series No. 2, eighth whereas clause.

² Cfr. *Paz de San Jose de Apartado Community Case*. Order of the President of the Inter-American Court of Human Rights on October 9, 2000, ninth whereas clause; and the *Constitutional Court Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on April 7, 2000, E Series, No. 2, tenth.

effectively protect fundamental rights as long as they try to avoid irreparable harm to people.³

8. That, according to the antecedents provided by the Commission, two members from the Medellin branch of ASFADDES, Angel Quintero and Claudia Patricia Monsalve, have disappeared, and that other members of said organization have been exposed to several threats. Said antecedents show *prima facie*, according to the Presidency, an extremely serious and urgent situation regarding the right to life and personal integrity of Angel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney Galindez, Gladys Avila, and Rocio Bautista, said situation demands proper measures to ensure the life and integrity of said people thus avoiding irreparable harm.

9. That even though Angel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney Galindez, Gladys Avila, and Rocio Bautista have not been identified as the beneficiaries of provisional measures adopted by the Court, they were generically protected by said measures since the Tribunal demanded the State to adopt

any measures as may be necessary to ensure that all the branches of the Association of Relatives of Missing Detainees of Colombia can perform the duties without endangering their life or integrity of its employees.⁴

10. That in this case the Court has decided that the State has the obligation to investigate facts prompting provisional measures to identify the liable parties and impose them a⁵ relevant punishment. Moreover, the Court has stated the need for both parties to contribute to measure effectiveness.⁶

11. That the case mentioned in the Commission request has not been informed to the Court regarding its merits and; therefore, adopting pressing measures does not

³ Cfr. *Paz de San Jose de Apartado Community Case*. Order of the President of the Inter-American Court of Human Rights on October 9, 2000, tenth whereas clause; and the *Constitutional Court Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on April 7, 2000, E Series, No. 2, tenth.

⁴ Cfr. *Digna Ochoa y Placido et al. Case*. Provisional Measures. Order from November 17, 1999. E Series No. 2, second operative paragraph; *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on June 19, 1998, E Series, No. 2; *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on January 21, 1998, E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on December 22, 1997, E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on November 11, 1997, E Series No. 2; and *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 22, 1997. Provisional Measures. E Series No. 2.

⁵ Cfr. *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on August 10, 2000. *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights July 17, 2000; *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on August 29, 1998, E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on June 19, 1998, E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on December 22, 1997, E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Decision of the Inter-American Court of Human Rights on November 11, 1997. Provisional Measures. E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on August 14, 1997, E Series No. 2; *Álvarez et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 22, 1997, E Series No. 2.

⁶ Cfr. *Álvarez et al. Case*. Provisional Measures. Decision from August 29, 1998. E Series No. 2. sixth whereas clause.

entail a decision on the merits of the existing controversy between the petitioners and the State. By adopting pressing measures, this Presidency is only ensuring that the Court cannot faithfully exercise its conventional mandate.⁷

THEREFORE:

THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

By virtue of the authority invested upon him by Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure after having consulted with all the Court judges,

DECIDES:

1. To require the State of Colombia to adopt, forthwith, any measures as may be necessary to protect the life and personal integrity of Angel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney Galindez, Gladys Avila, and Rocio Bautista.
2. To require the State of Colombia to investigate facts denounced by the Inter-American Commission of Human Rights to determine the whereabouts of Angel Quintero and Claudia Patricia Monsalve, and to investigate and punish the liable parties.
3. To require the State of Colombia to adopt, forthwith, any measures as may be necessary to ensure that all the branches of the Association of Relatives of Missing Detainees of Colombia can perform their duties without endangering the life or personal integrity of its employees.
4. To require the State of Colombia to submit to the Inter-American Court of Human Rights a first report on the measures adopted 15 days after this decision is notified and to require the Inter-American Commission of Human Rights to submit its remarks thereof 15 after receiving aforesaid report.
5. To require the State of Colombia that, after submitting said reports, to continue submitting reports on provisional measures adopted every two months, and to require the Inter-American Commission of Human Rights to submit its remarks to said reports six weeks after receiving aforesaid reports.
6. To submit this Order for the consideration of the Court during its next regular sessions for relevant purposes.

⁷ Cfr. *Paz de San Jose de Apartado Community Case*. Order of the President of the Inter-American Court of Human Rights on October 9, 2000, eleventh whereas clause; *James et al. Case*. Provisional Measures. Resolution of the President of the Inter-American Court of Human Rights on June 19, 1999, E Series, No. 2, *James et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on May 11, 1999, E Series No. 2, *James et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 22, 1998, E Series No. 2, *James et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 13, 1998, E Series No. 2, *James et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on June 29, 1998. E Series No. 2; and *James et al. Case*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights on May 27, 1998. E Series No. 2.

Antônio A. Caçado Trindade
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Caçado Trindade
President

Manuel E. Ventura-Robles
Secretary