

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF SEPTEMBER 22, 1995**

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

BLAKE CASE

The Inter-American Court of Human Rights, composed as follows:

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

issues the following order:

1. On August 11, 1995, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") presented the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") a request for provisional measures relative to the Blake Case, presently before the Court. In its brief, the Commission requested that the Court take whatever provisional measures it might deem necessary on behalf of Mr. Justo Victoriano Martínez-Morales, who is considered to be a key witness in the Blake Case, as well as on behalf of four members of his family.

2. The President of the Court (hereinafter "the President"), using the powers conferred on him by Article 24(4) of the Rules of Procedure of the Court, issued an order on August 16, 1995 directing that:

1. To request that the Government of the Republic of Guatemala adopt without delay any measures necessary to effectively ensure the protection and personal safety of: JUSTO VICTORIANO MARTÍNEZ-MORALES, FLORIDALMA ROSALINA LÓPEZ-MOLINA, VÍCTOR HANSEL MORALES-LÓPEZ, EDGAR IBAL MARTÍNEZ-LÓPEZ, and SYLVIA PATRICIA MARTÍNEZ-LÓPEZ.

2. To request that the Government of the Republic of Guatemala adopt any measures necessary so that the aforementioned persons may continue residing in their place of domicile and be guaranteed that no agents of the Guatemalan State nor other persons acting under the authority of the State shall persecute or threaten them.

3. That the Government of the Republic of Guatemala present to the President of the Court by September 5, 1995, at the latest, a report on the measures adopted so that

the Court may be informed of these during its next regular session which will take place Sep-tember 11 to 22, 1995.

3. On September 6, 1995, the Government of the Republic of Guatemala (hereinafter "the Government") presented the Inter-American Court with the requested report, dated the 4th of the same month. In this report, the Government stated that it adopted precautionary measures on behalf of Mr. Justo Martínez on June 2, 1995 and communicated these to the Commission and later reported them again on August 29 and that no "*case of extreme urgency*" exists while the Government "*has complied within the indicated time limit . . . agreeing to all measures necessary to safeguard the life and physical integrity of Mr. Justo Martínez and his family.*" Also, the mentioned report states that Mr. Martínez denied having received threats or attacks against his person or his family and would not agree to any measure for personal safety. For this reason, the National Police of Huehuetenango offered to guard his residence with a night patrol after 8:00 pm, to which he agreed.

4. On September 21, 1995, the Inter-American Commission sent the Court its observations on the report presented by the Government dated September 4 of this same year. The Commission reiterated that a situation of extreme urgency exists, that Mr. Justo Martínez had been the object of "*death threats for having informed officials from the U.S. Embassy in Guatemala about the way in which, as best he could determine, Mr. Blake had been assassinated and about the members of the patrols that participated in his kidnapping and death.*" The Commission pointed out that these threats, which extend to Mr. Martínez's relatives, "are part of a systematic practice . . . of the security forces of Guatemala against witnesses in cases of serious human rights abuses and violations."

CONSIDERING:

1. That Guatemala is a State Party to the American Convention on Human Rights whose Article 1(1) indicates the duty of States Parties to respect the rights and freedoms recognized in this Treaty and to guarantee the free and full exercise of those rights to any person under their jurisdiction;

2. That on March 9, 1987, Guatemala recognized the jurisdiction of this Court, in accordance with Article 62 of the American Convention on Human Rights;

3. That the Government has declared to the Court that it has "*offered all measures necessary to safeguard the life and physical integrity of Mr. Justo Martínez and his family;*"

4. That the Commission requests that this Tribunal approve provisional measures in this present case, given that "*the reasons that motivated the request made by the Commission on August 11, 1995 continue to exist;*"

5. That the case known as the Blake Case is presently before the Court, and it is the duty of this Court to avoid irreparable harm to persons, which is understood to include guarding the complete security of witnesses and their relatives and determining whether the measures adopted by the Government have been sufficient.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

using the authority conferred on it by Articles 63(2) of the American Convention on Human Rights and 24 of the Rules of Procedure of the Court,

DECIDES:

1. To ratify the August 16, 1995 Order of the President and request that the Government of the Republic of Guatemala maintain provisional measures on behalf of: Justo Victoriano Martínez-Morales, Floridalma Rosalina López-Molina, Víctor Hansel Morales-López, Edgar Ibal Martínez-López, and Sylvia Patricia Martínez-López.

2. To require that the Government of the Republic of Guatemala inform the Court every three months of the provisional measures that have been taken.

3. To require that the Inter-American Commission on Human Rights transmit to the Court its observations on the reports of the Government of the Republic of Guatemala within the month following notification of said reports.

Done in Spanish and English, the Spanish text being authentic, at the seat of the Court in San José, Costa Rica, on September 22, 1995.

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