

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF DECEMBER 7, 1994**

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

CABALLERO DELGADO AND SANTANA CASE

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

Héctor Fix-Zamudio, President ad hoc
Rafael Nieto-Navia, Judge
Alejandro Montiel-Argüello, Judge
Máximo Pacheco-Gómez, Judge
Hernán Salgado-Pesantes, Judge;

also present:

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

emits the following decision:

WHEREAS:

1. On December 6, 1994, the Inter-American Court of Human Rights (hereinafter "the Court") received from the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") a request for provisional measures dated December 4, 1994, regarding the Caballero Delgado and Santana Case against the Government of Colombia, currently before the Court.

2. The Commission requests that the Court require the Government of Colombia to adopt precautionary measures to protect the lives and physical integrity of the following witnesses:

1. Former soldier Gonzalo Arias-Alturo, detained in the Jail of Bucaramanga, who directly accused certain officers of the Colombian Army of participating in the events;

2. Mr. Javier Páez, also captured by the Army the day after Isidro and María del Carmen were detained, who testified about the radio conversation between the patrol that detained them and Morrison Base, enquiring about what they should do with Isidro and María del Carmen;

3. Mr. Guillermo Guerrero-Zambrano, who, after the disappearance of Isidro and María del Carmen, participated in all the efforts carried out in the area which led to the gathering of direct evidence incriminating their captors;

4. Mrs. Elida González-Vergel, the last person to see Isidro and María del Carmen alive, who testified that she saw them in the custody of the army patrol;

5. Mrs. María Nodelia Parra, the common-law wife of Isidro Caballero and the

person who initiated all the efforts to find him alive and to demonstrate the responsibility of those who participated in his detention and subsequent disappearance.

3. In support of its request, the Commission affirms that:

As the Court has been informed, the above mentioned persons have been under constant threats and there is fear for their lives and their physical integrity because they received warnings of reprisals if they were ever to testify before the Inter-American Court of Human Rights against members of the Colombian Army, as indeed they have.

CONSIDERING THAT:

1. Article 63(2) of the Convention 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." Article 24 of the Rules of Procedure of the Court, for its part, provides that such measures may be ordered by the Court either on its own motion or at the request of a party at any stage of the proceeding.

2. Article 1(1) of the American Convention proclaims the obligation of the States Parties to respect the rights and freedoms recognized in that treaty and to ensure their free and full exercise to all persons subject to their jurisdiction.

3. In the present circumstances and in view of the fact that the request comes from the Commission, the Court accords credibility to these statements and finds that they endow the situation *prima facie* with the characteristics of extreme gravity and urgency that justify adoption by the Court of whatever provisional measures it deems necessary to avoid irreparable damage to the persons on whose behalf they have been requested.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

based on Article 63(2) of the American Convention on Human Rights and exercising the authority conferred on it by Article 24 of its Rules of Procedure,

DECIDES:

1. To transmit the request of the Commission to the Government of Colombia so that it may without delay adopt all necessary measures to protect the right to life and the physical integrity of GONZALO ARIAS-ALTURO, JAVIER PÁEZ, GUILLERMO GUERRERO-ZAMBRANO, ÉLIDA GONZÁLEZ-VERGEL AND MARÍA NODELIA PARRA.

2. To request the Government of Colombia to inform the Court regarding the measures it has adopted in compliance with this decision and to keep those measures in force for as long as the circumstances giving rise to them continue to prevail.

Done in Spanish and English, the Spanish text being authentic, at the seat of the Court in San José, Costa Rica, this seventh day of December, 1994.

Héctor Fix-Zamudio
President *ad hoc*

Rafael Nieto-Navia

Alejandro Montiel-Argüello

Máximo Pacheco-Gómez

Hernán Salgado-Pesantes

Manuel E. Ventura-Robles
Secretary