

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF APRIL 16, 1997**

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

CABALLERO DELGADO AND SANTANA CASE

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Tribunal") of December 7, 1994, in which it decided

[t]o transmit to the Government of Colombia the request of the [Inter-American] Commission [on Human Rights] that it forthwith take such measures as are necessary to protect the right to life and physical integrity of GONZALO ARIAS-ALTURO, JAVIER PAEZ, GUILLERMO GUERRERO-ZAMBRANO, ELIDA GONZALEZ-VERGEL and MARIA NODELIA PARRA.

2. The Judgment delivered by the Court on January 29, 1997, on reparations in this case, in which it unanimously decided "[t]o supervise compliance with [said] judgment and that only after verification of such compliance shall the case be [considered] closed."

3. The Order of the Court of January 31, 1997, in which it decided "[t]o lift the provisional measures adopted ... through its order of December 7, 1994."

4. The communication presented by the representatives of the victims in this case on February 6, 1997, in which they requested the Court

to review the decision adopted through the order of January 31, 1997, with a view to maintaining the provisional measures on behalf of María Nodelia Parra and the other witnesses referred to in the order of November 7, 1994, at least until such time as the case is opened in the Court.

5. The brief presented by the State of Colombia (hereinafter "the State") on March 12, 1997, whereby it proposed that the Tribunal

consider the possibility of reviewing the content of the order [of January 31, 1997], and instead, to order the continuation of the measures ordered, as long as the risk situation continues, bearing in mind that the internal proceedings are currently being carried out by the investigating authorities [...] The Government of Colombia will inform the Honorable Court when it considers that the situation no longer warrants maintenance of the measures requested, but until then, it trusts that these will be maintained, inasmuch as it is a question of protecting the life and physical integrity of those persons who have given evidence in the proceedings now under way and at those conducted by the Honorable Inter-American Court of Human Rights.

6. The brief presented by the Inter-American Commission on Human Rights (hereinafter "the Commission") on March 19, 1997, whereby it expressed its support of the State's proposal to the Court

bearing in mind the danger that it could imply for the persons who were protected by the provisional measures, the fact that the domestic proceedings and investigations are still in progress, as ordered by the Court ...

CONSIDERING:

1. That the import of the representations made by those appearing on behalf of both the victims and the State is to seek the reinstatement of the provisional measures adopted by the Court on November 7, 1996, and that, although the terms *revision* and *reconsideration* are employed, the intent, in the view of this Tribunal, is not to impugn, *stricto sensu*, the Court's Order but rather to obtain a ruling based on the events which have supervened since the issuing of that Order.

2. That the representatives of the victims claim that several of the witnesses who provided statements in the instant case were subjected to harassment, persecution, and threatening telephone calls on publication of the Court's Judgment on Reparations of January 29, 1997, and of its Order of the same date terminating the provisional measures adopted in this Case; and that the veracity of this contention is fortified by the representations made by the State.

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 Article 25 of the Rules of Procedure, in conjunction with Article 29 of the Rules of Procedure,

DECIDES:

1. To request the State of Colombia to adopt, forthwith, such measures as may be necessary to protect the lives and physical integrity of Gonzalo Arias-Alturo, Javier Páez, Guillermo Guerrero-Zambrano, Elida González-Vergel and María Nodelia Parra, and to prevent them from suffering irreparable damage, in strict compliance with the obligation to respect and guarantee the human rights, which it undertook under Article 1(1) of the Convention.

2. To request the State of Colombia that it investigate the acts of intimidation to which the persons mentioned in the preceding operative paragraph were subjected and punish those responsible.

3. To request the State of Colombia that it report to the Court, every two months from the date of notification of this Order, on the provisional measures it has taken, and the Inter-American Commission on Human Rights that it submit to the Court its comments on that information within one month from the date of its receipt.

Done in Spanish and English, the Spanish text being authentic, at the seat of the Court in San Jose, Costa Rica, on this sixteenth day of April, 1997.

Héctor Fix-Zamudio
President

Hernán Salgado-Pesantes

Alejandro Montiel-Argüello

Máximo Pacheco-Gómez

Alirio Abreu-Burelli

Antônio A. Cançado Trindade

Manuel E. Ventura-Robles
Secretary

So ordered,

Héctor Fix-Zamudio
President

Manuel E. Ventura-Robles
Secretary