

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
JUNE 3, 1999**

**PROVISIONAL MEASURES ORDERED BY THE COURT
IN THE MATTER OF THE REPUBLIC OF COLOMBIA**

CABALLERO DELGADO AND SANTANA CASE

HAVING SEEN:

1. The April 16, 1997 order of the Inter-American Court of Human Rights (hereinafter "the Court"), wherein:

1. [It] request[ed] 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. [It] request[ed] 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;

2. The brief submitted by the State of Colombia [hereinafter "the State"], dated June 12, 1998, wherein it reported that in March of 1996, Mr. Guillermo Guerrero Zambrano had expressly waived the Protection Program offered by the Attorney General's Office and that Mr. Javier Páez was employed as a public figure's bodyguard and hence did not require protection services;

3. The observations filed by the Inter-American Commission on Human Rights (hereinafter "the Commission") on April 27, 1999, in connection with the State's eighth report, wherein it informed the Court of Mrs. María Nodelia Parra's complaints that her telephone had been tapped, that she had received threatening phone calls and had been followed by persons on motorcycles. It further reported that on an unspecified date, Mr. Gonzalo Arias Alturo had reportedly been transferred out of the prison facility where he was being held and where he "said he felt safe." The Commission also conveyed a request to the Court from the claimants, that an effort be made to institute a permanent arrangement for negotiation and dialogue among the beneficiaries of the provisional measures, the State and the claimants themselves;

4. The Commission's May 7, 1999 submission, wherein it stated that:

The fact that beneficiaries [Guillermo] Guerrero and [Javier] Páez have not received any threats of late, added to their personal situation as described by the State and not disputed by the claimants, warrants a re-evaluation to determine whether the measures ordered on their behalf need to be kept in place. The Commission and the claimants, who were consulted on the matter, are of the view that given the change of circumstances, it is reasonable to infer that the measures ordered for these persons may now be lifted.

The Commission added that should measures again be needed to protect the personal safety of Messrs. Guerrero and Páez, it would ask the Court to reinstate them;

5. The State's ninth report, dated May 14, 1999, wherein it advised that:

a. The Ministry of the Interior and the National Police had jointly examined a risk assessment done in the case of Mrs. Élda González Vergel with a view to instituting security measures on her behalf and the State would be informing the Court as soon as it had more details on the plan adopted for her;

b. It had requested information from the competent authorities concerning the transfer of Mr. Gonzalo Arias Alturo and that information would be forwarded to the Court in due course;

c. It had investigated Mrs. María Nodelia Parra's complaints of wire tapping and telephone threats and found that no authority had ordered that her telephone line be tapped. The State further reported that it had urged the respective agents to take every measure necessary to protect Mrs. Parra and present a detailed accounting of the resources put toward the "security plan" intended for her protection; and

d. It would be contacting the Colombian Commission of Jurists [Comisión Colombiana de Juristas] to enlist its cooperation in "designing" the protection measures ordered by the Court, and

CONSIDERING:

1. That under Article 63(2) of the American Convention on Human Rights:

In 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. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

[...];

2. That in the instant case, judging from statements made by the State and by the Commission –the latter after consulting with the claimants on the matter–, the extremely grave and urgent situation that led to adoption of provisional measures for Messrs. Guillermo Guerrero Zambrano and Javier Páez no longer exists;

3. That the situation of Mrs. María Nodelia Parra, Mr. Gonzalo Arias Alturo and Mrs. Élda González Vergel is still one of such extreme gravity and urgency as to warrant continuation of the provisional measures that the Court requested for their protection. Moreover, in the opinion of this Court, in light of the information available concerning the situation of Mr. Arias Alturo and Mrs. González Vergel, a thorough evaluation of the current status of the protective measures adopted by the State on their behalf is imperative; and

4. That the State has indicated its willingness to work toward creating mechanisms that would enable the claimants to participate in some of the decisions related to implementation of the protective measures ordered by the Court,

NOW THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

pursuant to the authority conferred by Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure,

DECIDES:

- 1 To lift and terminate the provisional measures ordered on April 16, 1997, for Messrs. Guillermo Guerrero Zambrano and Javier Páez.
- 2 To maintain the provisional measures ordered on April 16, 1997, for Mrs. María Nodelia Parra, Mr. Gonzalo Arias Alturo and Mr. Élide González Vergel.
- 3 To request that in its next report, the State of Colombia present a detailed account of the measures it has adopted in light of the recent changes in the situation of Mr. Gonzalo Arias Alturo and Mrs. Élide González Vergel. To further request that the document include specific information on the beneficiaries' involvement in decisions related to execution of the Court's orders.

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