

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF JUNE 19, 1998**

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

CARPIO NICOLLE CASE

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter "The Court" or "The Inter-American Court") of September 19, 1995, in which it decided "[t]o confirm and to adopt as its own the urgent measures taken by the President in Orders of June 4 and July 26, 1995," in which he had decided:

1. To request that the Government of the Republic of Guatemala adopt without delay all necessary measures to effectively ensure the protection of the lives and personal integrity of the following persons: MARTA ELENA ARRIVILLAGA DE CARPIO, KAREN FISCHER DE CARPIO, MARIO LÓPEZ ARRIVILLAGA, ANGEL ISIDRO GIRÓN GIRÓN [,] ABRAHAM MÉNDEZ-GARCÍA [and LORRAINE MARIE FISCHER PIVARAL] and to investigate the threats and harassment of the persons named and to punish those responsible.

2. To request that the Government of the Republic of Guatemala adopt all necessary measures so that witnesses to the Carpio case can testify, and so that the prosecutor in the case, Abraham Méndez García, can fulfill his duties without pressure or reprisals.

3. To request that the Government of the Republic of Guatemala inform the military authorities of the Military Zone to which the Civil Defense Committees of San Pedro Jocopilas answer, to instruct these Committees to refrain from taking any actions that would put the lives or personal integrity of the individuals named at risk.

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2. The Order of the Court of September 10, 1996, in which it maintained the provisional measures adopted in its Order of September 19, 1995.

3. The Order of the Court of September 19, 1997, in which it decided:

1. To require the State to include in its next report reliable documentation on the status of case No. 1011-97 and on specific progress made with the investigations into the threats and acts of intimidation denounced.

2. To call upon the State to continue to report to the Court every two months, from the date of notification of this Order, on the measures it has taken in this case, and upon the Inter-American Commission on Human Rights to continue to submit to the Court its observations on that information within six weeks of receipt thereof.

4. The reports of the State and the appropriate observations of the Inter-American Commission on Human Rights (hereinafter "The Commission") and especially those received at the Court on June 9, 1998, in which it requested the Court "to reiterate to the State the need for its compliance with the decisions and for a thorough investigation of the acts of intimidation and threats denounced" and that

it considers important that the measures in favor of Ms. [Karen] Fischer and [Marta Elena] Arrivillaga be continued. In view of the petitioners' declarations, the Commission considers that the measures in favor of the other persons protected by the order of the Honourable Court may be withdrawn, on the understanding, of course, that it does not preclude the possibility of the petitioners again requesting adoption of protective or provisional measures should the circumstances so warrant (no underlining in the original).

CONSIDERING:

1. That 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 its consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

2. That the Court has the power to lift some or all of the provisional measures when it has been proven that the lives and safety of the persons protected are not at grave or imminent risk.

3. That, bearing in mind the State's latest reports and the Commission's observations, particularly those of June 9, 1998, in which it expressed its agreement with the lifting of the provisional measures in favor of Mario López-Arrivillaga, Ángel Isidro Girón-Girón, Abraham Méndez-García and Lorraine Marie Fischer-Pivaral, the situation of "extreme gravity and urgency" which justified the adoption of provisional measures in their favor has ceased to exist, for which reason it is appropriate to lift them. The same is not true of Ms. Karen Fischer de Carpio and Ms. Marta Elena de Carpio, whose lives and personal safety the State must continue to protect.

4. That although the Court required the State through Order of September 19, 1997, "to include in its next report reliable documentation on the status of case No. 1011-97 and on specific progress made with the investigations of the threats and acts of intimidation denounced", those documents still have not been received. Accordingly, it is necessary to call upon the State to present copies of the judicial proceedings concerning the investigation of the facts that gave rise to the adoption of these provisional measures and to continue to carry out its investigations in an effective manner.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in compliance with Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure

RESOLVES:

1. To lift the provisional measures adopted in favor of Mario López-Arrivillaga, Ángel Isidro Girón-Girón, Abraham Méndez-García and Lorraine Marie Fischer-Pivaral.
2. To maintain the provisional measures adopted by the Court on September 19, 1995 in favor of Ms. Marta Elena Arrivillaga de Carpio and Karen Fischer de Carpio.

3. To call once more upon the State of Guatemala to include in its next report reliable documentation on the status of case No. 1011-97 and on specific progress made with the investigations into the threats and intimidation denounced.

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