

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 27, 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") 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.

2. The order of the Court of June 19, 1998, in which it decided:

[...]

2. To maintain the provisional measures adopted by the Court on September 19, 1995, in favor of 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.

3. The twenty-sixth and twenty-seventh reports of the State of Guatemala (hereinafter "the State") in which it reported on the measures of protection adopted with regard to the beneficiaries of the measures, in the terms summarized by the Courts as follows:

a) With regard to Marta Elena Arrivillaga, the State declared that two agents of the National Civil Police provide permanent personal security; that agents of the National Civil Police are assigned to the task of protecting her in her office and that a patrol car of the National Civil Police patrols the sectors around her residence.

b) With regard to Karen Fischer de Carpio, the State indicated that she is protected by an agent from the Finance Ministry Police Unit and also by "perimetric security", provided by police patrol car units of the National Civil Police. Furthermore, the State declared that Karen Fischer de Carpio had proposed a person who the State might assign to the task of protecting her.

In these reports, the State made no reference to the status of case No. 1011-97 or to progress with the investigation into the threats and acts of intimidation denounced.

4. The observations of the Inter-American Commission on Human Rights (hereinafter "the Commission") on the twenty-sixth report of the State, stating:

- a) that the State "is complying with its commitment to provide security measures" to protect Marta Elena Arrivillaga de Carpio;
- b) that Karen Fischer de Carpio is only protected by one security agent from the Finance Ministry Police Unit; and that there is concern because, despite the imminence of the elimination of this police corps under the provisions of the Peace Agreements, Mrs. Fischer de Carpio has not been informed about the measures that will be adopted to replace the current ones.

Moreover, the Commission stated that it is essential that the State should provide information on specific progress in the investigations into the threats that motivated the adoption of these measures and on the status of case No. 1011-97.

CONSIDERING:

1. That, as an essential element of the duty to protect, the State must take all pertinent steps in order to resolve the actual and future situation of Karen Fischer de Carpio, in compliance with its obligation to effectively ensure the protection of her life and personal integrity.

2. That the failure to transmit information on case No. 1011-97 and specific progress in the investigations into the threats and acts of intimidation that motivated the adoption of these measures, is an omission of a State obligation that has already been established by this Court, particularly, when it is considered that the Court has specifically called upon it to forward this information on three previous occasions.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

pursuant to Articles 63.2 of the American Convention on Human Rights and 25 of its Rules of Procedure

DECIDES:

1. To declare that the State of Guatemala should take pertinent measures to resolve the actual and future situation of Karen Fischer de Carpio, in compliance with its obligation to effectively ensure the protection of her life and personal integrity and should include in its next report the results of the corresponding measures.

2. To call 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 with the investigations into the threats and acts of 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