

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF MARCH 23, 1998**

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

CLEMENTE TEHERAN *ET AL.* CASE

HAVING SEEN:

1. The March 18, 1998, brief and its annexes, by which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted to the Inter-American Court of Human Rights, in virtue of Articles 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or the American Convention"), 25 of the Rules of Procedure of the Court (hereinafter "Rules of Procedure") and 76 of the Rules of Procedure of the Commission, a request for provisional measures on behalf of Rosember Clemente Teheran, Armando Mercado, Nilson Zurita Mendoza ("*Nilson Zurita Suárez*", according to a list on page 4 of the petition), Edilberto Gaspar Rosario, Dorancel Ortiz, Leovigildo Castillo, Santiago Méndez ("*Santiago Mendoza*", according to the mentioned list), Zoila Riondo, Saul Lucas, José Guillermo Carmona ("*José Guillermo Cardona*", according to the mentioned list), Celedonio Padilla, Eudo Mejía Montalvo, Marcelino Suárez Lazaro, Fabio Antonio Guevara, José Luis Mendoza, Misael Suárez Estrada, Ingilberto M. Pérez, Martín Florez, Jacinto Ortíz Quintero, Juan Antonio Almanza Pacheco, José Carpio Beltran and Luis Felipe Alvarez Polo, relative to Case No. 11.858 against the State of Colombia (hereinafter "the State" or "Colombia") before the Commission.

2. The activities conducted by the Indigenous Zenú Community of San Andrés de Sotavento (hereinafter "indigenous Zenú community") and the acts of those members who, according to the request of the Commission, have been victims of "*groups of paramilitary forces that act under the auspices of large property owners and ranchers of the region and with the tolerance or under the auspices of the public security forces*".

CONSIDERING:

1. That Colombia has been a State Party to the American Convention since July 31, 1973, and that it accepted the compulsory jurisdiction of the Court on June 21, 1985.

2. That Article 63(2) of the Convention establishes that the Court may, in cases "*of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons*", take the provisional measures it considers pertinent in matters not yet submitted before it at the request of the Commission.

3. That in the terms of Article 25(4) of the Rules of Procedure:

[if] the Court is not sitting, the President, in consultation with the Permanent Commission and, if possible, with the other judges, shall call upon the government concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures subsequently ordered by the Court at its next session.

4. That Article 1(1) of the Convention sets forth the obligation of the States Parties to respect the rights and freedoms recognized therein and to ensure their free and full exercise to all persons subject to their jurisdiction.

5. That the events presented by the Commission in its petition demonstrate, *prima facie*, a situation of urgent and grave danger to the life and physical integrity of the 22 mentioned persons.

6. That the fact that the Inter-American Commission had requested precautionary measures on two different occasions (June 18, 1996 and January 7, 1998), and they have not produced the required effects, as well as the events that recently occurred, result in the presumption that the security of the members of the indigenous Zenú community is at grave risk. The above reasons make it necessary to call upon the State to adopt urgent measures.

7. That it is the responsibility of the State to adopt security measures for every person in its territory; an obligation that is amplified when related to those involved in proceedings before the organs of the inter-American system for the protection of human rights attempting to determine whether or not there has been a violation of the human rights contemplated in the American Convention.

8. That at the same time, Colombia has the obligation to investigate the events that motivated this request for provisional measures, to identify those responsible for those events, and to impose the pertinent punishment.

NOW THEREFORE:

THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in consultation with the Court, and in conformity with Articles 63(2) of the American Convention on Human Rights and 25(4) of its Rules of Procedure,

DECIDES:

1. To call upon the State of Colombia to adopt forthwith, the measures necessary to protect the life, the physical, psychological and moral integrity of Rosember Clemente Teheran, Armando Mercado, Nilson Zurita Mendoza o Nilson Zurita Suárez, Edilberto Gaspar Rosario, Dorancel Ortiz, Leovigildo Castillo, Santiago Méndez o Santiago Mendoza, Zoila Riondo, Saul Lucas, José Guillermo Carmona o José Guillermo Cardona, Celedonio Padilla, Eudo Mejía Montalvo, Marcelino Suárez Lazaro, Fabio Antonio Guevara, José Luis Mendoza, Misael Suárez Estrada, Ingilberto M. Pérez, Martín Florez, Jacinto Ortiz Quintero, Juan Antonio Almanza Pacheco, José Carpio Beltran and Luis Felipe Alvarez Polo, in order to avoid irreparable damage, all in strict compliance with the obligation to respect and guarantee the human rights set forth in Article 1(1) of the American Convention on Human Rights.

2. To call upon the State of Colombia to adopt the necessary measures to protect the life and physical, psychological and moral integrity of Mr. Nilson Zurita Mendoza or Nelson Zurita Suárez as soon as he returns to the protection of the indigenous Zenú community of San Andrés de Sotavento.
3. To call upon the State of Colombia to effectively investigate the denounced events, with the purpose of obtaining results that will lead to the identity of those responsible and to punish those persons.
4. To call upon the State of Colombia to present to the Inter-American Court of Human Rights a first report on the measures adopted within 15 days of notification of the present order, and to the Inter-American Commission on Human Rights to present its observations to said report within one month as of receipt of this document.
5. To call upon the State of Colombia to present periodic reports every two months on the measures adopted after the date of its first report, and to the Inter-American Commission on Human Rights to present its observations on said reports with six weeks of receipt of each report.
6. To put the present order to the consideration of the Inter-American Court of Human Rights during its next Regular Session for the pertinent effects and, if the Court deems it necessary, to convoke the parties to a public hearing in order to hear their points of view on the events and circumstances that resulted in the request for provisional measures in this case.

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary