

**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**

COLOTENANGO CASE

HAVING SEEN:

1. The order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") of June 22, 1994, in which it

1. Require[d] the Government of Guatemala to adopt without delay all necessary measures to protect the right to life and the personal integrity of PATRICIA ISPANEL MEDIMILLA, MARCOS GODÍNEZ PÉREZ, NATIVIDAD GODÍNEZ PÉREZ, MARÍA SALES LOPEZ, RAMIRO GODÍNEZ PÉREZ, JUAN GODÍNEZ PÉREZ, MIGUEL GODÍNEZ DOMINGO, ALBERTO GODÍNEZ, MARÍA GARCÍA DOMINGO, GONZALO GODÍNEZ LÓPEZ, ARTURO FEDERICO MÉNDEZ ORTIZ and ALFONSO MORALES JIMÉNEZ.

2. Request[ed] the Government of Guatemala to adopt all necessary measures to ensure that the aforementioned persons [might] continue to reside at or return to their homes in Colotenango, providing them the assurances that they [would] not be persecuted or threatened by agents of the Government or by individuals.

[...]

2. The order of the Court of December 1, 1994, in which it expanded the provisional measures adopted to protect Francisca Sales Martín.

3. The order of the Court of February 1, 1996, in which:

[...]

3. it call[ed] upon the State of Guatemala, further to the measures already in place, to institute control and vigilance over the civil patrols operating in Colotenango.

[...]

4. The order of the Court of September 19, 1997, that:

[...]

2. Call[ed] upon the State of Guatemala to expand the measures adopted in this case for the purpose of ensuring the right to life and physical integrity of Andrés Ramos Godínez, Rafael Vásquez Simón, Juan Mendoza Sánchez, Julia Gabriel Simón, Miguel Morales Mendoza, Lucía Quila Colo and Fermina López Castro.

3. Call[ed] upon the State of Guatemala to investigate the facts denounced by the Inter-American Commission on Human Rights and punish those responsible.

[...]

5. The seventh, eighth and ninth reports of the State of Guatemala (hereinafter "the State") in which it advised that officials of the Regional Office of COPREDEH visited some of the homes of the beneficiaries of the provisional measures and presented the official record which listed the results and effects of these visits. Moreover, it mentioned that no incident had been reported "that [might] alter the normal daily activities of the beneficiaries."

6. The observations of the Inter-American Commission on Human Rights (hereinafter "the Commission") of October 1, 1998, in which it indicated that "a few days before September 15, 1998", Alberto Godínez and Mariá García Domingo were threatened directly by Enrique López Domingo and Jorge López GARCÍA, former members of the Armed Forces who live in Colotenango. Furthermore, it requested the Court to "request the Government to provide information on the specific measures it has taken to investigate the recent threats reported by the petitioners."

CONSIDERING:

1. That, in its periodic reports, the State has not mentioned the measures of protection that it should provide to Lucía Quila Colo, Fermina López Castro and Patricia Ispanel Medimilla in compliance with the orders of the Court.

2. That there is a contradiction between what the State has stated in its reports and the Commission in its respective observations since, while the former indicated that the beneficiaries have not suffered from threats or harassment, the latter alleged that two of them were directly threatened by two former members of the Armed Forces who live in Colotenango. Therefore, it is of the utmost importance that these alleged threats be investigated in order to comply with the purpose of these measures.

3. That, in its reports, the State has not mentioned the investigation into the facts that motivated the adoption of the provisional measures nor the punishment of those responsible.

4. That, as an essential element of its duty to protect, the State is obliged to investigate the threats and acts of intimidation suffered by the persons protected, in particular, those allegedly received by Alberto Godínez and María García Domingo.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

pursuant to Articles 63.2 of the American Convention and 25.1 and 25.2 of its Rules of Procedure,

DECIDES:

1. To call upon the State of Guatemala to include a detailed description of the measures of protection provided to Lucía Quila Colo, Fermina López Castro and Patricia Ispanel Midimilla in its next report.

2. To call upon the State of Guatemala to include information on the investigation and punishment of those responsible for the facts that motivated the adoption of the provisional measures in its next report and, specifically, on the alleged threats to Alberto Godínez and María García Domingo.

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