

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
DECEMBER 22, 2010**

**REQUEST FOR PROVISIONAL MEASURES PRESENTED BY
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
REGARDING THE REPUBLIC OF HONDURAS**

MATTER OF JOSÉ LUIS GALDÁMEZ ÁLVAREZ *ET AL.*

HAVING SEEN:

1. The brief by the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") dated December 6, 2010, and its annexes submitting a request to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court," "the Court" or "the Tribunal") for provisional measures under Article 63(2) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") and Article 27 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"), requesting that the Republic of Honduras (hereinafter "the State" or "Honduras") take, without delay, the measures necessary to guarantee the lives, personal integrity, and freedom of expression of Mr. José Luis Galdámez Álvarez, journalist and director of the Radio Globo program "*Tras la Verdad*" ("In Pursuit of the Truth") and beneficiary of precautionary measure 196/09 (Honduras) and his companion Wendy Orellana Molina, his children Pedro Luis, José Luis, Marlon Josué and Ramón Israel, all with the surname Galdámez, as well as his two minor children whose identities the Commission has requested be kept confidential.

2. The facts on which, according to the Commission, the request for provisional measures is based:

- a) In a report published on January 20, 2010, following the *coup d'état* which took place on June 28, 2009, the Commission highlighted that the work of journalists in Honduras, including that of Mr. Galdámez Álvarez, has been affected by threats and other forms of the intimidation. Likewise, it made reference to the "inefficiency of judicial remedies in protecting human rights;"
- b) On June 28, 2009, the Commission granted precautionary measures 196/09 to "safeguard the life and personal integrity of the Minister of Foreign Relations of [...] Honduras, Ms. Patricia Rodas" in the context of the *coup d'état*. With the broadening of the aforementioned precautionary measures, the lives and personal integrity of numerous individuals facing a situation of grave and urgent risk as a consequence of the aforementioned *coup d'état* were protected;
- c) On July 21, 2009, the Commission received information on threats and harassment to the detriment of various individuals, among them Mr. José Luis Galdámez Álvarez. in this regard, the representatives stated that Mr. Galdámez

is a journalist and the director of the Radio Globo program "*Tras la Verdad*" and that he had come out in favor of President Zelaya and against the *coup d'état* in Honduras. Likewise, they indicated that Mr. Galdámez was being subjected to intimidation, surveillance in his home, and threats with firearms to get him to back away from his political stance. Based on these facts, on July 24, 2009, the Commission decided to broaden precautionary measures 196/09 to benefit various individuals and requested that the necessary measures be taken to ensure the life and personal integrity of José Luis Galdámez Álvarez;

- d) Following an *in loco* visit to Honduras carried out on May 15-18, 2010, the Commission indicated in its preliminary comments that "the efforts made by the State to implement the precautionary measures have been minimal, late, deficient, and in some cases absent;"
- e) On September 9, 2010, the Secretariat for External Relations submitted information indicating that protective measures had been agreed on for Mr. Galdámez and his representatives. However, on September 17, the Commission received information alleging a lack of effective compliance with the precautionary measures ordered;
- f) On October 21, 2010, the representatives reported on the alleged persistence of acts of harassment, persecution, and threats against Mr. Galdámez Álvarez and his immediate family; the lack of implementation of precautionary and other measures toward preventing the repetition of the facts that led to the granting of measures; and the need to request provisional measures to the benefit of the journalist, his companion, and children. In particular, the representatives submitted the following facts before the Commission:

- i. In July 2009, Mr. Galdámez visited Ex-President Zelaya Rosales during his stay in Nicaragua and since then has done a series of reports for Radio Globo. Mr. Galdámez returned to Honduras during the second week of August 2009 and starting on the 19th of that month began to receive text messages on his cellular phone containing a series of death threats;¹

- ii. At the beginning of the month of September 2009, close to midday, two unknown individuals driving a green tourism car that was parked near Mr. Galdámez' house approached José Luis and Marlon Galdámez, Mr. Galdámez Álvarez' children, and threatened them with a gun, telling them to tell their father that he had better shut up. They ran from the place and saw the men flee in the car described above. A complaint was filed regarding these incidents with the Tegucigalpa Office of the Public Prosecutor for Human Rights;

- iii. On September 21, 2009, Mr. Galdámez Álvarez entered the Brazilian Embassy to cover the arrival of Ex-President Zelaya and "ended up trapped in the embassy building[, ...where] he devoted himself to broadcasting for Radios Globo [*sic*] and other media outlets." During that

¹ As stated by the representatives of the possible beneficiaries, the threats received contained messages such as the following: " We are going to kill you, you dog, we are going to leave you with your limbs yellowing in a ditch, we are going to cut out your tongue so you don't talk so much shit, we're watching you, we already know where you live, where your children go to school, and we could give you a surprise at any time, man, that's going to leave you stinking and forgotten. We are going to cut you into pieces, dog [*sic*]."

time he received phone calls from numerous unknown individuals repeating the warning to "shut up or die;"

iv. As of December 21, 2009, when Mr. Galdámez was able to leave the Brazilian Embassy, he began to be subjected to surveillance by two vehicles, one green and with an extended cab the other one white and with an extended cab. The latter vehicle also watched his house;

v. During the year 2010, Mr. Galdámez received numerous text messages, insults, and threats from identified cell phone numbers. The day following the death of journalist David Meza, which took place on March 11, 2010, he received a message reading: "You're next;"

vi. On September 14, 2010, after concluding his news broadcast on Canal Globo, Mr. Galdámez was returning home at 11:30 PM, accompanied by his son Ramón Israel, when three individuals approach them and fired several times. Mr. Galdámez was armed and was able to repel the attack. The attackers fled in a green Honda Accord with tinted windows and no license plates. Mr. Galdámez communicated twice with the police spokesperson, asking for an explanation of what happened and requesting his presence. Despite this, approximately two hours passed before two officers came to his house. They left without doing any investigation or collecting evidence and stated that "his case was not a priority." On September 16, 2010, two officers came to his house to examine the area and found only one 40mm bullet. As of this date, Mr. Galdámez does not know the result of the investigations; and

vii. On October 12, 2010, Mr. Galdámez covered the presence of a businessman and president of the National Association of Industry (ANDI in its Spanish acronym) in the Casa Presidencial. After Mr. Galdámez asked him a series of questions, that individual tried to hit him. According to what the representatives reported to the Commission, this incident placed Mr. Galdámez in a highly vulnerable situation, given the accusations that this individual was linked to the *coup d'état* and to the current president, and

- g) On November 2, 2010, the Secretariat for External Relations reported that on September 24, 2010, a meeting was held in which the following protective measures for the possible beneficiaries were agreed upon: i) patrols around his house and work, to be extended to his children and companion; ii) the establishment of budgetary funds for hiring private and permanent security personnel, and iii) the holding of regular meetings which can be requested by Mr. Galdámez in writing and, in cases of emergency, immediately.

3. The Commission's arguments on which it based its request for provisional measures, to wit:

- a) "The situation of extreme gravity and urgency required under Article 63(2) of the American Convention in order for the Court to order provisional measures is verified under that article by the existence of cycles of threats, attacks, and harassment against Mr. Galdámez and his relatives and the continuation of acts of persecution, intimidation, and harassment against him;"

- b) The acts of harassment to which Mr. Galdámez and his relatives have been subjected, presumably in retaliation for his work as a journalist and for his critical editorial stance toward the current government, are of the utmost gravity. During the period in which the precautionary measures granted by the Commission were in force, and despite them, the possible beneficiary and his family have continued to be subjected to harassment and threats that were acted on in September 2010, when some of the possible beneficiaries were subjected to an attack with firearms. The threats and harassment have increased in recent months. Likewise, the situation is one of the utmost gravity given that:
- i) the context is one of intimidation, threats, and surveillance against journalists critical of the government following the *coup d'état* in Honduras;
 - ii) various acts of harassment and threats described by the representatives demonstrate that the perpetrators have knowledge of Mr. Galdámez' place of residence and work; they also indicate that his activities and the movements of his children are being followed and monitored;
 - iii) the attack with a firearm suffered by Mr. Galdámez and his son indicates the grave threat against "his life, personal integrity, and freedom of expression, not only because of the attack itself[...] but also because of the intimidating message that has continually been expressed," and
 - iv) there is a lack of information on whether the facts that gave rise to the precautionary measures have been cleared up.
- c) the nature of the rights threatened - that is, life and personal integrity for all the alleged beneficiaries and the freedom of expression of Galdámez, as well as his ability to continue working in journalism and information - constitute extreme irreparability of the consequences that the request for provisional measures seeks to prevent.
- d) The facts presented suggest that the risk of damage to the detriment of the proposed beneficiaries is imminent. The State has not taken the necessary measures to protect the life and personal integrity of Mr. Galdámez and his family, nor to protect the journalist's freedom of expression. The State has been aware of the facts giving rise to the broadening of precautionary measures to the benefit of Mr. Galdámez since at least the month of July 2009. The incidents of threats and harassment have been communicated to the State and at least one of them has been denounced before the Office of the Attorney General" (*supra* Having Seen 2(f)(ii)). Nevertheless, there is no indication of any case in which State authorities have taken steps towards clearing up the facts denounced. This could lead to the repetition and worsening of the threats. The continuous nature of the threats allows for the presumption that the precautionary measures ordered by the Commission have not taken effect even though the State reported that it had reached an agreement with the beneficiary of those measures on the system for protection. It appears that the risk factors that gave rise to the precautionary measures have not been neutralized. This presumably generates a worsening of the situation of risk faced by the proposed beneficiaries.

4. The Inter-American Commission's request, based on Article 63(2) of the American Convention and Article 27 of the Rules of Procedure, asks the Court to require the State to carry out the following:

- a) Implement provisional measures to the benefit of Mr. Galdámez, his companion, and children with the purpose of protecting their lives, personal integrity, and freedom of expression;

- b) "Adopt without delay all the measures necessary to guarantee the life and personal integrity of Mr. Galdámez and his family, as well as the journalist's freedom of expression;"
- c) "Adopt the measures necessary to provide perimeter security for the house inhabited by Mr. Galdámez and his family;"
- d) "Launch an investigation into the alleged facts motivating the request for provisional measures as a mechanism for preventing new threats and removing the risk factors faced by the proposed beneficiaries;"
- e) "Reach an agreement with the proposed beneficiaries on the most appropriate mechanisms for implementing the protective measures in such a way as to ensure their effectiveness and relevance;" and
- f) "Report on the measures taken under the foregoing clauses."

5. The December 9, 2010, note of the Secretariat through which, following the instructions of the President of the Tribunal and based on Article 27(5) of the Rules of Procedure, the Secretariat asked the State to submit any comments it deems pertinent with regard to this request for provisional measures and to do so no later than December 15, 2010. In particular, it asked the State to comment in detail on the measures mentioned in clause 21 of the request in question (*supra* Having Seen 1).

6. The brief dated December 15, 2010, and its annexes in which the State indicated that:

- a) On August 20, 2010, a meeting was held in the facilities of the Crisis Center of the National Police in the city of Tegucigalpa with Mr. José Luis Galdámez Álvarez and his representatives in which they agreed on precautionary protective measures. The beneficiary agreed on vehicular or motorized escort to his work and home and a direct telephone communication link to the police. On this, the record indicates that the beneficiary "must use the telephone communication link to provide his work address and/or residency and the schedule of his activities." However, he never provided "his home address [...] or the schedule of his activities," for which reason the precautionary measure could not be implemented "at that time;"
- b) On September 24, 2010, a meeting was held by the Human Rights Unit in the city of Tegucigalpa in order to monitor and broaden the precautionary measure for the protection of the life and physical integrity of José Luis Galdámez Álvarez. However, given that at this time the possible beneficiary attended that meeting with different representation, the State "do[es] not know who, in reality, are [his] true representatives." This "makes the police work difficult because it is not known who should be contacted to carry out the monitoring in order to follow-up on compliance with the precautionary measure granted." Therefore, it considered that possible beneficiary should clear up this situation;
- c) Nevertheless, in that meeting it agreed to broaden the patrols for Mr. Galdámez' children and partner so that they would be carried out three times a day. Those patrols "have been complied with," and "in order for their results to be effective, a log was prepared for monitoring visits and new activities on a daily basis at

Radio Globo" and the house inhabited by the family. However, according to the State, "unfortunately the police officials in charge of carrying out[... those patrols] have been prevented by the [... possible] beneficiary and his immediate family because they refuse to sign the logbook kept for that purpose, saying that they will not sign until they are provided with full personal security, [... that is], a permanent police detail." The State finds that these "statements [...]" are inconsistent by virtue of the fact that the [... possible] beneficiary rejected the idea of permanent police bodyguards" offered by the National Police and requested the establishment of a "budgetary fund for hiring private personal security [...]" to provide permanent security." Likewise, it indicated that Mr. Galdámez demanded that the fund be financed by the Office of the Secretary Of State in the Security Office. However, he never submitted his request to that body.

- d) Mr. Galdámez has demonstrated "an uncooperative attitude [...] toward the police officers in charge of carrying out the patrols, as they have been [...] treated badly" by him, and
- e) "The Human Rights Unit [...] launched the [ex officio] investigations [...] related with the attack suffered by the possible beneficiary] on September 16, [...] 2010], giving a response almost immediately and even putting itself at the disposal of the [possible] beneficiary and offering him all necessary cooperation , both in the investigation and for his personal protection [...]." Those investigations have been carried out "with priority [...], such that they are already reaching their conclusion and coming up with positive results, including identifying possible suspects and locating the vehicle they were driving at the moment of committing the criminal infraction [...]."

CONSIDERING THAT:

1. The Republic of Honduras ratified the American Convention on human rights on September 8, 1977, and, in keeping with Article 62 of the Convention, recognized the contentious jurisdiction of the Court on September 9, 1981.

2. Article 63(2) of the American Convention holds that, "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." This provision is also set forth in Article 27 of the Rules of Procedure of the Court.

3. The provision established in Article 63(2) of the Convention make the provisional measures ordered by this Tribunal obligatory for the State, as the basic principles of international law, based on international case law, have indicated that States must comply with their obligations under the Convention in good faith (*pacta sunt servanda*).²

² Cf. *Case of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 14, 1998, 19, Considering six; *Matter of Guerrero Larez*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of November 17, 2009,

4. On July 4, 2009, the Special Assembly of the Organization of American States (hereinafter the "OAS") passed resolution AG/RES. 2 (XXXVII-E/09) ruling to suspend the State of Honduras' exercise of its right to participate in the OAS. In that sense, the aforementioned ruling of the Special Assembly emphasized the importance of monitoring on subjects of human rights and ruled:

To reaffirm that the Republic of Honduras must continue to fulfill its obligations as a member of the Organization, in particular with regard to human rights; and to urge the Inter-American Commission on Human Rights to continue to take all necessary measures to protect and defend human rights and fundamental freedoms in Honduras;³

5. In keeping with the provisions set forth in Article 9(e) of the OAS Charter, as well as the terms of the Preamble and articles 8 and 21 of the Inter-American Democratic Charter itself, the continuity of the international obligations on human rights derived from the American Convention is maintained by virtue of the principle of *pacta sunt servanda* and the principles that inspire the collective mechanisms of guarantee established in the OAS charter and the Convention, for which reason those principles are not suspended when a rupture of the institutional order within a State Party has taken place, nor in the event of the occurrences that took place with regard to Honduras.

6. In International Human Rights Law, provisional measures are not solely precautionary, in the sense that they preserve the legal situation. Rather they are fundamentally tutelary, in that they protect human rights by seeking to prevent irreparable damage to persons. An order to take measures is applicable as long as it meets the basic requirements of extreme gravity and urgency and prevention of irreparable damage to persons. In this way, provisional measures become a true jurisdictional guarantee of a preventative nature.⁴

7. By virtue of its jurisdiction, in the context of the corresponding provisional measures it falls to the Court to consider only and strictly those arguments directly related to extreme gravity, urgency and the need to avoid irreparable damages to persons. Any additional fact or argument can only be examined and resolved during the deliberations on the merits in the adversarial case.⁵

Considering 5, and *Case of Rosendo Cantú et al.* Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights dated February 2, 2010, Considering 6.

³ OAS, Special General Assembly, Resolution AG/RES. 2 (XXXVII-E/09) of July 4, 2009, operative paragraphs 1 and 2. Available at: <http://www.oas.org/CONSEJO/SP/AG/37SGA.asp#docs>.

⁴ Cf. *Case of the Newspaper "La Nación."* Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering four; *Matter of Natera Balboa.* Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights dated February 1, 2010, Considering 7; and *Case of Rosendo Cantú et al.*, *supra* footnote 2, Considering 5.

⁵ Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the President of the Inter-American Court of Human Rights of August 29, 1998, Considering 6; *Matter of Guerrero Larez*, *supra* footnote 2, Considering 16, and *Case of Rosendo Cantú*, *supra* footnote 2, Considering 15.

8. The three conditions contained in Article 63(2) of the Convention must all be met in every situation in which the Tribunal is requested to order provisional measures.⁶

9. This request for provisional measures is not related to a case before the Court. Rather, it originated in a request for precautionary measures presented before the Inter-American Commission. The Court does not have information on whether the facts brought to the attention of the Tribunal form part of an adversarial proceeding before the Inter-American system or if a petition on the merits related with this request has been brought before the Inter-American Commission.⁷

10. Given that this request for provisional measures has been presented by the Inter-American Commission while the Tribunal is not sitting, in accordance with the provisions of Article 27(6) of the Rules of Procedure it can, under the circumstances, call upon the State concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures that may be ordered by the Court during its next period of sessions.

a) Request for provisional measures

11. The Inter-American Commission indicated that on July 24, 2009, it decided to broaden the precautionary measures granted at that point to the Minister of Foreign Relations of Honduras. As a consequence, it asked that the necessary measures be adopted to ensure the lives and personal integrity of José Luis Galdámez Álvarez and his immediate family due to the acts of harassment to which they had been subjected. Those acts were in supposed retaliation for his work as a journalist and for his editorial stance critical of the current government.

12. For its part, the State submitted information to the Tribunal on the supposed measures it has adopted in response to the request for precautionary measures issued by the Inter-American Commission (*supra* Having Seen 6).

13. The Commission's request for provisional measures is based on three main points: i) the alleged existence of a context of intimidation, threats, and surveillance against journalists following the *coup d'état* in Honduras; ii) the alleged threats to the lives and integrity of Mr. Galdámez Álvarez, his companion, and his children, and iii) a lack of awareness on whether the authorities have taken steps toward solving the incidents.

14. In this regard, the Court finds that an analysis of the facts and allegations put forward by the Commission with regard to points i and iii indicated in the prior clause

⁶ Cf. *Case of Carpio Nicolle et al.* Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, Considering 14; *Matter of Natera Balboa*, *supra* footnote 4, Considering 10; *Matter of Guerrero Larez*, *supra* footnote 2, Considering 10.

⁷ On previous occasions, this Court has interpreted the phrase "a case not yet submitted to the Court" contained *in fine* in Article 63(2) of the American Convention presupposes that there exists at least the possibility that the matter motivating the request for provisional measures could be brought before Tribunal and its contentious jurisdiction. In order for that minimum possibility to exist, the proceeding established in articles 44 and 46 to 48 of the American Convention must have been initiated before the Commission. Cf. *Matter of Garcia Uribe et al.* Request for Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of February 2, 2006, Considering 3 and 4; *Matter of Natera Balboa*, *supra* footnote 4, Considering 6; and *Matter of Guerrero Larez*, *supra* footnote 2, Considering 7.

would correspond to the examination of a possible adversarial case in the event that there should be one. The Court has already indicated that a ruling on the merits is carried out through a judgment within the proceeding of an adversarial case submitted before the Court and not through a provisional measures proceeding.⁸ In addition to this, the Court finds that those allegations do not meet the requirements for the adoption of provisional measures as set forth in Article 6(2) of the Convention.

15. Consequently, for the analysis of this request for provisional measures, the Court will not take those allegations into account due to the impossibility of considering elements directly related with the merits of this case, as indicated previously.

b) Existence of alleged acts of harassment and attacks against life and personal integrity.

16. The Inter-American Commission has also based its request for provisional measures on the alleged existence of threats, harassment, and attacks on the life and personal integrity of Mr. Galdámez Álvarez, his companion, and his children, who, starting in July of 2009, have supposedly received threats on several occasions, including death threats, and have been subjected to attacks and surveillance (*supra* Having Seen 2(f)).

17. The Court observes that, according to the information provided by the Commission, which has not been contested by the State, in August of 2009, Mr. Galdámez Álvarez began receiving text messages on his cellular phone containing death threats, allegedly as a result of his visit to the Ex-President of Honduras during his stay in Nicaragua and to the reporting he had done on that visit for Radio Globo. Likewise, at the beginning of the month of September 2009, two unknown individuals approached two of Mr. Galdámez Álvarez' children and threatened them with a gun, telling them to tell their father that he had better "shut up." During the time Mr. Galdámez Álvarez was in the Brazilian Embassy - starting on September 21, 2009 - to cover the arrival of the former president of Honduras, he apparently received phone calls from unknown numbers repeating the warning to "shut up or die." Starting on December 21, 2009, when Mr. Galdámez left the Brazilian Embassy, he began to be subjected to surveillance by two vehicles, one of which supposedly also watching his house.

18. The Tribunal has been informed that the threats and attacks have continued during this year. In that sense, according to information submitted by the Inter-American Commission, during the year 2010, Mr. Galdámez received numerous text messages, insults, and threats from identified cell phone numbers. The Inter-American Commission did not specify nor itemize the dates on which those messages were received. However, neither has the State contested that information or denied it. Nevertheless, the Commission specified that on the day following the death of journalists David Meza, which took place on March 11, 2010, Mr. Galdámez Álvarez received a message telling him he would "be next;" On September 14, 2010, after concluding his news broadcast on Canal Globo, Mr. Galdámez was returning home at 11:30 PM, accompanied by one of his sons. Three individuals approach them and fired several times. Apparently, Mr. Galdámez was armed and was able to "repel the attack."

⁸ Cf. *Case of James et al.*, *supra* footnote 12, Considering 6, *Matter of the Jiguamiandó and Curbaradó communities*, *supra* footnote 12, Considering 6, and *Matter of Gladys Lanza Ochoa*, *supra* footnote 8, Considering 7.

19. The State reported that on August 20 and September 24, 2010, meetings were held with Mr. José Luis Galdámez Álvarez in order to reach an agreement on the precautionary measures and their corresponding implementation. It indicated that the beneficiary attended each of the aforementioned meetings accompanied by attorneys from different organizations for the promotion of human rights, a situation that, according to the State, was a bit "confusing," as even to this day they do not know who the true representatives of the beneficiary are. It argued that this ambiguity makes the police work difficult because they do not know who should be contacted to carry out the monitoring (*supra* Having Seen 6(a and b)). Nevertheless, the State indicated that it reached an agreement with Mr. Galdámez Álvarez to provide vehicular or motorized escorts to his work and home, as well as telephonic communication with a link to the police, placing it on the record that the beneficiary must use the telephone communication link to provide his work address and/or residency and the schedule of his activities. According to the State, that information has not been provided by the beneficiary. The State also highlighted that "the Security Secretariat, conscious of the Commission's mandate [...] and of the commitment to the beneficiary, as well as of the imminent risk to life and physical integrity faced by the beneficiary and his immediate family," agreed to expand daily escorts to cover his children and wife. Likewise, it indicated that in order for the results to be effective, a log was prepared for monitoring visits and new activities, which, according to the State, the possibly beneficiaries have refused to sign until personal security is provided in the form of a permanent police detail, statements that the State finds inconsistent by virtue of the fact that the beneficiary himself rejected permanent police bodyguards, one of the forms in which the National Police provide this kind of protection (*supra* Having Seen 6(c)).

20. From the information provided by the parties, this Tribunal observes that from July 24, 2009, the date on which the Commission adopted the precautionary measures to the benefit of Mr. José Luis Galdámez Álvarez, until August 20, 2010, the date on which Honduras indicated that it held one of the meetings toward agreeing on the precautionary measures with the beneficiary, the State did not launch any action to protect Mr. José Luis Galdámez Álvarez and his immediate family. The Court highlighted that since the adoption of the protective measures granted by the Commission, the beneficiary and some members of his family have been threatened, intimidated, and attacked with firearms.

21. The Court takes into account that the State has reported that it has adopted measures to protect the life and integrity of Mr. Galdámez Álvarez, his companion, and his children. However, the Court finds that the State's pleadings to the effect that Mr. Galdámez Álvarez has attended the meetings to reach an agreement on his protective measures with different representatives, thereby confusing the State with regard to who they should contact to implement them, is out of line, as the measures have been ordered to the benefit of the journalist and his immediate family. The State itself has indicated that Mr. Galdámez Álvarez has been present at the aforementioned meetings. Likewise, the fact that Mr. Galdámez Álvarez has apparently not provided all the information requested for the implementation of the protective measures and has not adequately cooperated with the State in that regard does not exempt the State from its obligation to protect Mr. Galdámez Álvarez and his family under the terms of Article 1(1) of the American Convention, which sets forth the general obligations of States Parties to respect the rights and liberties enshrined in the Convention and to guarantee the free and full exercise of these rights for all individuals subject to their jurisdiction. The State has recognized the "imminent risk to his life and physical integrity and that of his immediate family." All told, it is not clear from the information presented by the

State if the indicated measures, beyond their having been "agreed upon," have been effectively implemented.

22. In this sense, the Tribunal considers that the information presented by the Commission and the State demonstrates, *prima facie*, that the individuals indicated in the request for provisional measures presented by the Commission (*supra* Having Seen 1) are facing a situation of extreme gravity and urgency, given that their personal integrity and lives are threatened and at grave risk. Consequently, the Inter-American Court finds the protection of those individuals through provisional measures to be necessary in light of the provisions set forth in Article 62(3) of the American Convention and 27 of the Rules of Procedure of the Tribunal.

23. Based on this, the State must take the appropriate steps for the urgent measures called for by this order to be planned and applied with the participation of the beneficiaries of those measures or their representatives, such that the aforementioned measures are provided in a diligent and effective manner. The Court highlights that the positive participation of the State and, particularly, the beneficiaries is crucial for the coordination and implementation of the provisional measures in this matter

24. The State shall submit to the Court, within the time period established in the operative paragraphs of this order, specific and detailed information on the provisional measures implemented to the benefit of each of the beneficiaries in order for those measures to be assessed by the Tribunal. Likewise, the State shall submit all the documentation it considers pertinent in this regard.

THEREFORE:

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

by way of the authority conferred by Article 63(2) of the American Convention on Human Rights and articles 27 and 31(2) of the Rules of Procedure of the Tribunal,

DECIDES TO:

1. Require the State to adopt, immediately and definitively, the necessary and effective measures to guarantee the life and personal integrity of Mr. José Luis Galdámez Álvarez, as well as that of his companion, Wendy Orellana Molina, and his children, Pedro Luis, José Luis, Marlon Josué, Ramón Israel, as well as that of his two minor children, all with the surname Galdámez.

2. Ask the State to submit an initial report on the measures that have been adopted toward complying with this order by January 10, 2011, at the latest, and ask the the representatives of the beneficiaries and the Inter-American Commission on Human Rights to present their comments on this report within two and four weeks, respectively, counting from the notification of the State reports.

3. Require the State to continue reporting to the Inter-American Court of Human Rights every two months, beginning on January 10, 2011, on the provisional measures adopted in keeping with this decision.

4. Request that the representatives of the beneficiaries of these measures and the Inter-American Commission on Human Rights present their comments within four and six weeks, respectively, counting from notification of the State reports indicated in the prior operative paragraph.

5. To ask the Secretariat to notify the the Republic of Honduras, the Inter-American Commission on Human Rights and the representatives of the beneficiaries of this Order.

Diego García Sayán
President

Emilia Segares Rodríguez
Deputy Secretary