

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS**

OF JUNE 19, 1998

**PROVISIONAL MEASURES REQUESTED BY THE
INTER-AMERICAN COMMISSION OF HUMAN RIGHTS
IN THE MATTER OF THE REPUBLIC OF GUATEMALA**

**PANIAGUA MORALES *ET AL.* AND
VÁSQUEZ *ET AL.* CASE (N. 11.448)**

HAVING SEEN:

1. The proceedings in the Paniagua Morales *et al.* Case, currently before the Inter-American Court of Human Rights (hereinafter "The Court" or the "Inter-American Court"), and the transcription of the testimony rendered by Mr. Oscar Humberto Vásquez and Ms. Raquel de Jesús Solórzano at the public hearing on the merits of the aforementioned case held at the seat of the Court on September 22, 23 and 24, 1997.

2. The brief of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") of February 5, 1998, in which it requested the Court, pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Article 25 of its Rules of Procedure (hereinafter "the Rules of Procedure"), to adopt "provisional measures to protect the lives and physical integrity of the members of the Vásquez family, including Oscar Humberto Vásquez, Raquel Solórzano, Thelma Judith de Vásquez, Marvin Vásquez and Lydia de Vásquez." The Commission pointed out that the request was made in relation to two cases: the Paniagua Morales *et al.* Case, currently being heard before the Court, and the Vásquez *et al.* case (No. 11.448), currently before the Commission. As the basis of its request, the Commission informed the Court that:

[o]n January 24, 1998 Mr. Oscar Humberto Vásquez, son of Mr. Oscar Vásquez (victim in the White Van case) and witness who had testified before the Honourable Court in September 1997, had been unlawfully detained by a group of three unknown men who launched a severe physical attack on him and threatened to kill him.

The Commission likewise informed the Court that the persons who deprived Mr. Vásquez of his liberty told him "to stop looking for problems if he did not wish to end up like his father and brother," who had been murdered five days before the last hearing held by the Commission on the Paniagua Morales *et al.* Case (September 11, 1994). According to the Commission, when Mr. Vásquez attempted to lodge a complaint concerning his detention and the attacks of which he had been victim, the Attorney-General's Office ("Ministerio Público") refused to receive it, "arguing that he should have gone immediately after the events occurred."

3. The declarations of the Inter-American Commission in its brief requesting provisional measures, whereby on December 13, 1994 it requested the State of Guatemala (hereinafter "the State" or "Guatemala") to adopt protective measures to safeguard the lives, personal safety and liberty of Oscar Ricardo Vásquez-Monroy,

María Refugio Raymundo, Marvin Alfonso Vásquez-Solórzano, Raquel de Jesús-Solórzano, Oscar Humberto Vásquez-Solórzano, Víctor Arnoldo Vásquez, and Lydia de Vásquez. The Commission also declared that those persons had informed it that they distrusted the agents working at the National Police Department, whom they connected with the acts of harassment of which they had been victims and with the homicide of Messrs. Oscar and Eric Orlando Vásquez, and that they had informed the petitioners in the case that the police protection required to comply with the protective measures adopted by the Commission was not being provided.

4. The Order of the President of the Court (hereinafter "the President") of February 10, 1998, in which he decided:

1. To call upon the State of Guatemala to adopt forthwith such measures as may be necessary to effectively ensure the physical and moral integrity of the members of the Vásquez family, including Oscar Humberto Vásquez, Raquel de Jesús-Solórzano, Thelma Judith de Vásquez, Marvin Vásquez, and Lydia de Vásquez and to investigate the attack and threats of which the first named of them was victim.

2. To call upon the State of Guatemala to submit to the Court within five working days of notification of the present order an initial report on the specific measures taken for the protection of those persons.

3. To request the Inter-American Commission on Human Rights to submit to the Court its observations on the initial report of the State of Guatemala within fifteen days of notification thereof.

4. To call upon the State of Guatemala to continue to present its reports every two months on the measures adopted following the presentation of its initial report.

5. To request the Inter-American Commission to submit its observations on the State's periodic reports within six weeks of notification thereof.

6. To submit this Order to the Court for its consideration at its forthcoming Regular Session for the pertinent effects.

5. The four reports submitted to date by the State, in which it described the measures it has taken to comply with the aforementioned Order of the President, which include visits to the persons listed therein and their protection by police patrols in the vicinity of their homes.

6. The Commission's observations on the State's initial reports, submitted to the Court on April 24, 1998, in which the Commission declared that:

[a]ccording to the information supplied by the petitioners, problems regarding the security situation of the persons named persist, especially with regard to Mr. Oscar Humberto Vásquez. Consequently, the Commission continues to be anxious about that situation and respectfully requests the Honourable Court to demand the Government to comply fully with the provisional measures ordered with regard to its obligation to provide the necessary protection and to conduct a serious investigation on the intimidation and threats denounced. The Commission respectfully requests the Honourable Court to ask the Government to issue a detailed report on; (1) the security measures it has implemented in favor of each of the beneficiaries of the present measures, and (2) the steps it has taken to investigate the attack and threats as a security measure on behalf of the persons threatened.

CONSIDERING:

1. That Guatemala has been a State Party to the American Convention since May 25, 1978 and recognized the compulsory jurisdiction of the Court on March 9, 1987.

2. That Article 63(2) of the Convention establishes that the Court may adopt such provisional measures as it deems pertinent in matters it has under consideration, provided that they are "of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons [and that] with respect to a case not yet submitted to it, [the Court] may act at the request of the Commission."

3. That in that connection Article 25 of the Rules of Procedure provides that

1. At any stage of the proceedings involving cases of extreme gravity and urgency and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order whatever provisional measures it deems appropriate, pursuant to Article 63(2) of the Convention.

2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.

4. That the request for provisional measures is connected with the Paniagua Morales *et al.* Case, currently before the Court, and with the Vásquez *et al.* Case (No. 11.448), currently before the Commission, which has declared that the protective measures it adopted in the latter case have not yielded satisfactory results.

5. That the Commission requests the Court to call upon Guatemala to adopt such provisional measures as may be "necessary to protect the lives and physical safety of the members of the Vásquez family, including Oscar Humberto Vásquez, Raquel Solórzano, Thelma Judith de Vásquez, Marvin Vásquez, and Lydia de Vásquez."

6. That, according to the Commission, the members of the Vásquez family are in a situation of extreme gravity and urgency, and it is necessary for measures to be adopted in order to avoid irreparable damage to them.

7. That the Order of the President was issued in compliance with the applicable norms and is in accordance with the proceedings in the instant case, for which reason it is pertinent to ratify it in all its aspects.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

pursuant to Article 63(2) of the American Convention on Human Rights, in exercise of the powers conferred on it by Article 25 of its Rules of Procedure,

RESOLVES:

1. To ratify the Order of the President of February 10, 1998.

2. To call upon the State of Guatemala to maintain the measures adopted in compliance with the Order of the President of the Inter-American Court of Human Rights for the effective safeguard of the personal safety of the members of the Vásquez family, including Oscar Humberto Vásquez, Raquel de Jesús-Solórzano,

Thelma Judith de Vásquez, Marvin Vásquez, and Lydia de Vásquez, and to report to the Tribunal on the measures it has taken to investigate the attack and threats to which the first named of these has been subjected.

3. To call upon the State of Guatemala to continue to submit reports every two months on the measures adopted.

4. To call upon the Inter-American Commission on Human Rights to submit forthwith its observations on the State's periodic reports within a period of six weeks from the date of notification thereof.

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