

**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 GUATEMALA**

**PANIAGUA MORALES *ET AL.* CASE AND
VÁSQUEZ *ET AL.* CASES (NO. 11.448)**

HAVING SEEN:

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") dated February 5, 1998, in which it petitioned the Court for "provisional measures to protect the life and physical safety of the Vásquez family, including Oscar Humberto Vásquez, Raquel Solórzano, Thelma Judith de Vásquez, Marvin Vásquez and Lydia de Vásquez." The Commission indicated that the request was made in regard to two cases against the Republic of Guatemala (hereinafter "the State" or "Guatemala"): the Paniagua Morales et al. Case presently before the Court, and the Vásquez et al. Case (No. 11,448) presently with the Commission.

2. The order of the President of the Court (hereinafter "the President"), dated February 10, 1998, wherein he determined the following:

1. To request that the State of Guatemala adopt, without delay, whatever measures are needed to effectively ensure the physical and mental safety of the members of the Vásquez family, among them Oscar Humberto Vásquez, Raquel de Jesús Solórzano, Thelma Judith de Vásquez, Marvin Vásquez and Lydia de Vásquez, and to investigate the attack and threats made upon the first of the above-named persons;

2. To request that the State of Guatemala submit to the Court, within five working days from the date of notification of this order, an initial report on the specific measures taken to protect the persons named herein.

3. To request that the Inter-American Commission on Human Rights submit to the Court its observations on the State's initial report, within fifteen days from the date on which said report is conveyed to it.

4. To request that subsequent to presentation of its initial report, the State of Guatemala continue to submit reports every two months thereafter, on the measures adopted.

5. To request that the Inter-American Commission on Human Rights submit its observations on the State's periodic reports within six weeks of the date on which each one is conveyed to it.

6. To place this order before the Court for consideration during its forthcoming session, for the pertinent purposes.

3. The decision of the Court of June 19, 1998, wherein it decided:

1. To confirm the February 10, 1998 order of its President.

2. To request that the State of Guatemala keep in place the measures adopted pursuant to the order of the President of the Inter-American Court of Human Rights, to effectively guarantee 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 that it inform the Court of the measures taken to investigate the attack and threats made against the first of these.

3. To request that the State of Guatemala continue to submit, every two months, its reports on the measures adopted.

4. To request that the Inter-American Commission on Human Rights present, without delay, its observations on the State's periodic reports within six weeks of the date on which they are conveyed to it.

4. The brief filed by the Commission on November 24, 1998, wherein it stated that "*in its view*, [the measures adopted by the Court in these cases] *could be lifted*" since the petitioners had already advised the Commission that "*the security situation of the persons in question has improved of late and it is their opinion that the proper course of action would be for the Court to request that the measures ordered be lifted.*" It also pointed out that:

[the Commission] is of the view that a request for provisional measures and for their extension should be submitted when the circumstances point to an existing situation "of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons." Consequently, if the current circumstances do not warrant the application of such special measures, they can be lifted.

It further noted out that:

[it] supplied this information to the Honorable Court on the understanding that the Commission will continue to monitor the situation in question as it processes the case and, should the situation so warrant, it would again request that such measures be ordered.

CONSIDERING:

1. That Article 63(2) of the American Convention on Human Rights provides 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.

2. That in the instant case, according to the Commission's brief, the situation of extreme gravity and urgency that prompted adoption of the provisional measures no longer obtains.

NOW THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

pursuant to the authority conferred by Article 63(2) of the American Convention on Human Rights and Article 25(1)(2) of the Rules of Procedure,

RESOLVES:

1. To lift and terminate the provisional measures ordered in its decision of June 19, 1998.
2. To forward this resolution to the Government of the Republic of Guatemala and to the Inter-American Commission on Human Rights.
3. To file the case.

Hernán Salgado-Pesantes
President

Antônio A. Cançado Trindade
Pacheco-Gómez

Máximo

Oliver Jackman
Burrelli

Alirio Abreu-

Sergio García-Ramírez
Roux-Rengifo

Carlos Vicente de

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary