

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

**AUGUST 28, 2001**

**PROVISIONAL MEASURES**

**PANIAGUA MORALES *ET AL.* CASE**

**HAVING SEEN:**

1. The Paniagua Morales et al. Case now before the Inter-American Court of Human Rights (hereinafter "the Court") and the transcript of the statement given by Mr. Manuel Alberto González Chinchilla at the public hearing that the Court held at its seat on August 11 and 12, 2000, on the matter of reparations;
2. The brief received from the Inter.-American Commission on Human Rights (hereinafter "the Commission") on January 26, 2001, wherein it informed the Court of two bullet wounds that Mr. Manuel Alberto González Chinchilla sustained and that thus far, even though a complaint was filed with the authorities, nothing had been learned as to the identity of those responsible for this crime. The Commission asked the Court to request the State of Guatemala (hereinafter "Guatemala" or "the State") "to provide information forthwith on the investigation into the assault, the measures taken to ensure a prompt and effective investigation, and the investigation's findings";
3. The Court's January 29, 2001 Order, wherein it decided:
  1. To call on the State of Guatemala to adopt all necessary measures to protect the life and safety of Manuel Alberto González Chinchilla.
  2. To call on the State of Guatemala to investigate the facts indicated and report on the situation of the said person, and on the measures adopted to comply with this Order, by February 8, 2001, at the latest.
  3. To call on the State of Guatemala, to present reports on the provisional measures adopted in this case every two months from the date of notification of this Order, and on the Inter-American Commission on Human Rights to submit its comments on those reports within six weeks of receiving them.
4. The February 26, 2001 submission from Guatemala wherein it reported the measures of protection adopted for Manuel Alberto González Chinchilla;
5. Guatemala's June 26, 2001 submission wherein it advised that the harassment that the minor Manuel Alberto González Chinchilla had experienced was due "to personal problems with a gang of hoodlums" and that the State was providing the minor with protection to and from the high school where he was a student;
6. The letter from the representative of the individual under protection, attached to the Commission's August 6, 2001 submission (*infra* paragraph 7 under *Having Seen:*), wherein the representative requests that the measures ordered by the Court be lifted;

7. The Inter-American Commission's August 6, 2001 note wherein it agrees that "the provisional measures ordered for the minor should be lifted," and

**CONSIDERING:**

1. That Guatemala has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention") since May 25, 1978, and accepted the Court's compulsory jurisdiction on March 9, 1987;

2. That Article 63(2) of the American Convention states 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 necessary in matters it has under consideration;

3. That provisional measures are exceptional in nature, ordered because of the need to protect; once ordered, they are to be maintained so long as the basic conditions described in the preceding paragraph obtain;

4. That the Court takes into account the Commission's point that "it will continue to monitor the situation and, if need be, provide pertinent information" to this Court,

**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 of the Court's Rules of Procedure,

**RESOLVES:**

1. To lift and hereby end the provisional measures that the Inter-American Court of Human Rights ordered for Manuel Alberto González Chinchilla in its Order of January 29, 2001.

2. To forward this Order to the State of Guatemala and to the Inter.-American Commission on Human Rights.

3. To close the file on the provisional measures in this case.

Antônio A. Cançado Trindade  
President

Máximo Pacheco-Gómez

Hernán Salgado-Pesantes

Oliver Jackman

Alirio Abreu-Burelli

Sergio García-Ramírez

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles  
Secretary

So ordered,

Antônio A. Cançado Trindade  
President

Manuel E. Ventura-Robles  
Secretary