

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF FEBRUARY 6, 1997**

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

ALEMAN LACAYO CASE

HAVING SEEN:

1. The February 2, 1996, communication in which the Inter-American Commission on Human Rights (hereinafter "the Commission") submitted to the Inter-American Court of Human Rights (hereinafter "the Court") a request for provisional measures on behalf of Mr. Arnaldo Alemán-Lacayo, at the time a presidential candidate in Nicaragua, in connection with case No. 11.281 pending before the Commission against the Government of Nicaragua (hereinafter "the Government" or "Nicaragua".)

2. The events that the Commission took into account in requesting that the Government adopt provisional measures are summarized below:

18. Dr. Arnaldo Alemán-Lacayo, 50 years old, and the Liberal Alliance candidate for the Presidency of the Republic of Nicaragua, escaped injury in an attempt against his life at approximately 10 a.m. on January 25, 1995 (*sic*). The events took place in the Municipality of Wiwilí, 300 kilometers north of Managua, when Dr. Alemán was traveling in the zone on a campaign tour. Approximately a dozen heavily armed men attacked the motorcade of Alemán.

19. One of Dr. Alemán's bodyguards, identified as Luis Angel Cruz, was killed during the course of the attack. In addition, the Deputy Chief of Police of the Department of Nueva Segovia, Orlando Selva, and Liberal party supporters Heriberto Gadea and Antonio Alemán were gravely injured.

20. The sector in which the attack occurred is a haven for heavily armed criminals, many of whom maintain ties with bands of ex-members of the *Sandinista* Popular Army and the Nicaraguan Resistance who rearmed themselves as of 1990.

21. Arnaldo Alemán is the presidential candidate of a coalition of four liberal parties for the general election of this October 20.

3. The Order of the Court of February 2, 1996, in which the following provisional measures were adopted:

1. To call upon the Government of the Republic of Nicaragua to adopt, forthwith, such measures as are necessary to protect the life and personal integrity of Dr. Alemán-Lacayo and to avoid irreparable damage to him, in strict compliance with its legal obligation, under Article 1(1) of the Convention, to respect and guarantee human rights.

2. To call upon the Government of Nicaragua to investigate the events and punish those responsible for them.

3. To call upon the Government of Nicaragua to submit to the Court, upon notification of this Order, a monthly report concerning the provisional measures which it has taken, and upon the Inter-American Commission on Human Rights to forward to the Court its observations on such report within fifteen days of its receipt.

4. To include this matter on the agenda of the next Regular Session of the Court in order to analyze the results of the measures adopted by the Government of Nicaragua.

4. The brief of January 10, 1997, from the Commission in which it requested the Court that the provisional measures adopted be considered at an end in the case, inasmuch as:

[T]he Nicaraguan people voted on October 20, 1996, to elect its Government. At that election Dr. Arnaldo Alemán-Lacayo was elected President of the Republic and is to assume the country's highest office today. As a consequence, the Inter-American Commission on Human Rights considers that the provisional measures duly ordered by the Honorable Court attained its main purpose.

CONSIDERING:

1. That Article 63(2) of the Convention provides that, in cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, in matters not yet submitted to it, at the request of the Commission, take such provisional measures as it deems pertinent.

2. That in the instant case, in view of Mr. Alemán's election as President of Nicaragua and, taking the Commission's request into account, the situation of "*extreme gravity and urgency*" which prompted the adoption of the provisional measures has ceased to exist, in itself making then no longer necessary.

3. That inasmuch as the beneficiary of the measures is today President of the Republic of Nicaragua, it is inappropriate for an international body to adopt provisional measures to be instituted by a government on behalf of its own Head of State.

NOW THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

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

DECIDES:

1. To close the provisional measures adopted by the Court in its Order of February 2, 1996, and consider them at an end.

2. To communicate this Order to the Government of the Republic of Nicaragua and to the Inter-American Commission on Human Rights.

3. To close the file.

Héctor Fix-Zamudio
President

Hernán Salgado-Pesantes

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Oliver Jackman

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