

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF SEPTEMBER 19, 1997**

**PROVISIONAL MEASURES ADOPTED BY THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
IN THE MATTER OF THE REPUBLIC OF GUATEMALA**

**SERECH AND SAQUIC CASE**

**HAVING SEEN:**

1. The brief of April 12, 1996, and its attachments, through which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted to the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") a request for provisional measures on behalf of Blanca Margarita Valiente de Similox, Vitalino Similox, Sotero Similox, María Francisca Ventura-Sican, Lucio Martínez, Maximiliano Solís, Bartolo Solís, Julio Solís-Hernández, María Magdalena Sunún-González, Héctor Solís, José Solís, Gregoria Gómez, Juan García, Eliseo Calel, and Víctor Tuctuc, in connection with case No. 11.570 before the Commission against the State of the Republic of Guatemala (hereinafter "the State" or "Guatemala").

2. The Order of the President of the Court (hereinafter "the President") of April 24, 1996, in which he decided:

1. To call upon the Government of the Republic of Guatemala to adopt forthwith such measures as may be necessary to protect the lives and physical integrity of Blanca Margarita Valiente de Similox, Vitalino Similox, Sotero Similox, María Francisca Ventura Sican, Lucio Martínez, Maximiliano Solís, Bartolo Solís, Julio Solís Hernández, María Magdalena Sunún González, Héctor Solís, José Solís, Gregoria Gómez, Juan García, Eliseo Calel, and Víctor Tuctuc, and to avoid irreparable damage to them, in strict compliance with the obligation to respect and guarantee human rights, which it undertook in accordance with Article 1(1) of the American Convention on Human Rights.

2. To call upon the Government of the Republic of Guatemala to investigate the events and punish those responsible and to use the means at its disposal to execute the warrant for the arrest of Víctor Román Cotzal.

3. To call up the Government of the Republic of Guatemala to report to the Court, every thirty days from the date of notification, on the urgent measures it adopts, and upon the Inter-American Commission on Human Rights to transmit the comments on that information to the Court within fifteen days of its receipt.

4. To submit this Order for the Court's consideration and pertinent effects during the next session.

5. To summon the parties to a public hearing at the seat of the Court on June 27, 1996, at 10:00 a.m., so that the Court may hear their views on the events and circumstances that led to this request for provisional measures and to this Order.

3. The Order of the Court of June 28, 1996, in which it decided:

1. To ratify the Order of the President of April 24, 1996.
2. To call upon the Government of the Republic of Guatemala:
  - a. To maintain the provisional measures on behalf of Blanca Margarita Valiente de Similox, Vitalino Similox, Sotero Similox, María Francisca Ventura Sican, Lucio Martínez, Maximiliano Solís, Bartolo Solís, Julio Solís Hernández, María Magdalena Sunún González, Héctor Solís, José Solís, Gregoria Gómez, Juan García, Eliseo Calel, and Víctor Tuctuc.
  - b. That as a vital aspect of its protective duty, it take effective measures to investigate the events and, where appropriate, punish those responsible for them.
3. To call upon on the Government of the Republic of Guatemala to continue to report every two months on the provisional measures taken.
4. To call upon on the Inter-American Commission on Human Rights to transmit to the Court its comments on that information not later than one month from the date of its receipt.

4. The brief of June 3, 1997, from the Commission in which it stated that it "*considers that [the] measures [in this case] could be lifted*" inasmuch as the petitioners had indicated their agreement, "*on the understanding that if the situation becomes serious once more, and if it becomes necessary ... the petitioners will again ask the Commission to request provisional measures of the Court*". It also stated that

[t]he Commission considers that both a request for provisional measures and a request for an extension of such measures should be submitted when circumstances indicate a current situation "of extreme gravity or urgency, and when it is necessary to avoid irreparable damage to persons." Consequently, if the present circumstances do not require that such special measures be applied, the Commission considers that they may be lifted.

It also pointed out that

[it had] provided this information to the Honorable Court on the understanding that the Commission will continue to monitor the situation within the framework of its processing of the case and, if the situation so warranted, it would again seek the provision of such measures at a future date.

5. The brief of July 4, 1997, from Guatemala, in which it stated that new arrangements had not been made with regard to the cases initiated owing to the threats made against members of the Cakchiquel Presbyterian Church, because now it was awaiting new investigations and information that would help identify those responsible. The State also said that on June 16, 1997 a COPREDEH official spoke to the two daughters of deceased Pastor Lucio Martínez-Pic, who had said "*that they had not been bothered for some months and had no news of any members of the Church being harrassed*" and "*that everyday the National Police patrolled the sector in which they live and that there had been no type of incident.*"

6. The letter of August 15, 1997, from the Commission, in which it reiterated to the Court its request for the provisional measures to be lifted and declares that it will continue to monitor the situation.

**CONSIDERING:**

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

[i]n 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, as stated in the Commission's brief, the situation of extreme gravity and urgency that gave rise to the adoption of the provisional measures no longer exists.

**NOW, THEREFORE:**

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

in exercise of the powers conferred on it by Article 63(2) of the American Convention on Human Rights and Articles 25(1) and 25(2) of its Rules of Procedure,

**DECIDES:**

1. To lift and consider at an end the provisional measures ordered by the Court in its Order of June 28, 1996.
2. To communicate this Order to the Government of the Republic of Guatemala and to the Inter-American Commission on Human Rights.
3. To put the case into the archives.

Hernán Salgado-Pesantes  
President

Antônio A. Cançado Trindade

Héctor Fix-Zamudio

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Manuel E. Ventura-Robles  
Secretary

So ordered

Hernán Salgado-Pesantes  
President

Manuel E. Ventura-Robles  
Secretary