

Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Hugo Bustios-Saavedra and Eduardo Rojas-Arce v. Peru
Doc. Type:	Order of the Court
Decided by:	President: Hector Fix-Zamudio
Dated:	5 June 1990
Citation:	Bustios-Saavedra v. Peru, Order of the Court (IACtHR, 5 Jun. 1990)
Represented by:	APPLICANT: the Committee to Protect Journalists
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THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

WHEREAS:

1. On May 10, 1990, a petition was filed with the Inter-American Commission on Human Rights by the Committee to Protect Journalists, a non-governmental organization, as a result of the attack carried out against the journalists HUGO BUSTÍOS-SAAVEDRA and EDUARDO ROJAS-ARCE at the entrance to the city of Erapata, Department of Ayacucho, Perú, on November 24, 1988, petition which contained a special request for provisional measures;

According to the petition, BUSTÍOS-SAAVEDRA was killed in the aforementioned attack while ROJAS-ARCE, who managed to escape, was wounded. It appears that the journalists had received threats from military personnel and that eyewitnesses had observed the arrival of soldiers at an adjacent house moments before the attack;

After the attack, death threats were allegedly made against one of the witnesses. Another witness, ALEJANDRO ORTIZ-SERNA, was killed along with two other people, despite the fact that he had requested the Attorney General to guarantee his safety. The petition states that, to date, the Provincial Attorney's Office has neither identified the perpetrators nor initiated any criminal proceedings due, among other factors, to lack of cooperation in the investigation on the part of the military authorities;

2. On May 16, 1990, the Inter-American Commission on Human Rights issued Resolution N° 2/90 during its 77th Session. This resolution was received by the Secretariat of the Court on May 30, together with the relevant documentation. In it, the Commission requests the Government of the Republic of Perú

to adopt precautionary measures to protect the life and personal integrity of journalist EDUARDO ROJAS-ARCE, of MARGARITA PATIÑO, widow of the assassinated journalist HUGO BUSTÍOS-SAAVEDRA, and of the witnesses in the case, especially ARTEMIO

PACHECO-AGUADO, TEODOSIO GÁLVEZ-PORRAS, AURELIA ONOFRE-ANAYA, FLORINDA MOROTE-CARTAGENA, and PAULINA ESCALANTE;

3. In that same resolution, the Commission also decided "to address itself to the Inter-American Court of Human Rights to request precautionary provisional measures regarding the above-mentioned individuals, for which purpose it will send the requisite background information about the instant situation."

CONSIDERING THAT:

1. Perú is a State Party to the American Convention on Human Rights and that Article 1(1) of that treaty spells out the obligations of the States Parties to respect the rights and freedoms recognized therein and to guarantee their free and full exercise to all persons subject to their jurisdiction;

2. On January 21, 1981, Perú deposited with the General Secretariat of the OAS the instrument recognizing the jurisdiction of the Inter-American Court of Human Rights, in accordance with Article 62 of the Convention;

3. 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, at the request of the Inter-American Commission on Human Rights, adopt such provisional measures as it deems pertinent in matters not yet submitted to it,

4. Article 23(4) of the Rules of Procedure of the Court provides that: If the Court is not sitting, the President shall convoke it immediately. Pending the meeting of the Court, the President, in consultation with the Permanent Commission or with the judges, if possible, shall call upon the parties, whenever necessary, to act so as to permit any decision of the Court regarding the request for provisional measures to have its appropriate effect.

5. Perú has the obligation to adopt all necessary measures to protect the life and safety of all persons whose rights might be threatened,

THEREFORE:

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

taking into consideration Article 63(2) of the American Convention on Human Rights and exercising the authority conferred on him by Article 23(4) of the Rules of Procedure, in consultation with the Permanent Commission,

RESOLVES:

1. To enjoin the Government of Perú to adopt without delay whatever measures are deemed necessary to protect the right to life and the personal safety of EDUARDO ROJAS-ARCE, of MARGARITA PATIÑO, and of the witnesses to the murder of HUGO BUSTÍOS-SAAVEDRA, in particular ARTEMIO PACHECO-AGUADO, TEODOSIO GÁLVEZ-PORRAS, AURELIA ONOFRE-ANAYA, FLORINDA MOROTE-CARTAGENA, and PAULINA ESCALANTE, in strict compliance with its obligation to respect and guarantee human rights under Article 1(1) of the Convention.

2. To convene a session of the Inter-American Court of Human Rights from August 6 to 10, 1990, at its seat in San José, Costa Rica, in order to consider the request for provisional measures submitted by the Commission and the instant order.

3. To request the Government of Perú and the Inter-American Commission on Human Rights to send representatives to appear at a public hearing to consider the instant matter, to be held at the seat of the Court on August 7, 1990, at 10:00 a.m.

Héctor Fix-Zamudio
President

Manuel E. Ventura-Robles
Secretary