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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Colotenango v. Guatemala
Doc. Type: Order of the Court
Decided by: President: Hector Fix-Zamudio;
Judges: Hernan Salgado-Pesantes; Alejandro Montiel-Arguello; Maximo Pacheco-Gomez; Oliver Jackman; Alirio Abre-Burelli; Antonio Cancado Trindade
Dated: 18 May 1995
Citation: Colotenango v. Guatemala, Order of the Court (IACtHR, 18 May 1995)
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HAVING SEEN:

1. The resolatory part of the Inter-American Court of Human Rights' Decision of December 1, 1994, which establishes:
 1. To extend the provisional measures adopted pursuant to the Decision of June 22, 1994, on the Colotenango Case for a term of six months from today, and to expand them to include Mrs. Francisca Sales-Martín.
 2. To require the Government of Guatemala to use all the means at its disposal to enforce the arrest warrant issued against the 13 patrol members charged as suspects in the case before the Second Trial Court of Huehuetenango involving the criminal acts which took place on August 3, 1993, in Colotenango.
 3. To request the Government of Guatemala to inform the Court every 90 days regarding the measures it has adopted to comply with this order.
 4. To request the Commission to inform the Court of any fact or circumstance that it deems important to the implementation of such measures.
 5. To instruct the Secretariat of the Court to transmit the information it receives from the Government of Guatemala to the Inter-American Commission on Human Rights in order that the latter may submit its observations to the Court within the following 30 days. Likewise, to transmit to the Government of Guatemala any reports it receives from the Commission in order to have the Government's observations within a similar period.
 6. To request the Government and the Commission to urge the beneficiaries of the measures referred to in points 1 and 2 of the Court's decision of June 22, 1994, to cooperate with the Government in order to enable the latter to more efficiently adopt the relevant security measures.
 7. Upon expiration of the extended deadline and unless the Court receives credible information that the circumstances of extreme gravity and urgency continue to prevail, the measures ordered by the Court shall cease to be in effect.

2. The reports of the Government of Guatemala received by the Court on March 2 and May 5 of 1995 respectively, as well as the extension of the latter of May 15, 1995, which inform the Court on the measures adopted in compliance with resolutive part 3 of the Court's Decision of December 1, 1994;

3. The Inter-American Commission on Human Rights' written observations on the aforementioned reports, received by the Court on March 31 and May 18 of 1995 in conformity with resolutive part 4 of the Court's Decision of December 1 of the previous year.

CONSIDERING:

1. That the extended deadline of the provisional measures established in resolutive part 7 of the Court's Decision of December 1, 1994 , expires on June 1, 1995;

2. That to date, the Government has adopted provisions to comply with the requests made by the Inter-American Court; however, no "credible information" has been presented demonstrating that the circumstances of extreme gravity and urgency have ceased, especially with regard to compliance with the "arrest warrant issued against the 13 patrol members charged as suspects in the case before the Second Trial Court of Huehuetenango involving the criminal acts which took place on August 3, 1993, in Colotenango." That although the efforts made by the Government in adopting provisional measures show willingness to comply with the requests, they have not been fully implemented;

3. That the information sent by the Commission and the Government to the Court is contradictory on some points, specifically in relation to the arrested patrol members;

4. That according to the document submitted by the Commission today, there exists information revealing continuing acts of intimidation and threats against the persons for which the provisional measures were adopted and for some of these people the right to movement and residence are still restricted. Therefore, there is a continued concern for the prevention of human rights violation by the Court;

5. That, if upon expiration of the extended deadline granted to the Government by the Court in its Decision of December 1, 1994, no credible information has been received on the effective results of the provisional measures that were adopted, making it necessary to extend the requested measures in order to protect the right to life and integrity of the persons for which such measures were requested.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

based on Article 63(2) of the American Convention on Human Rights and exercising the authority conferred on it by Articles 24 and 45 of the Rules of Procedure,

DECIDES:

1. To extend until February 1, 1996, the provisional measures ordered pursuant to the Court's decision of June 22, 1994, and expanded pursuant to the decision of December 1, 1994, on the Colotenango Case.

2. To request that the Government of Guatemala submit credible information to the Court every 45 days as of the date of this Order, regarding the effective results of the measures adopted in the course of said term.

3. To request that the Inter-American Commission on Human Rights inform the Court of any fact or circumstance that it deems important to the execution of such measures.

4. To instruct the Secretariat of the Court to transmit the information it receives from the Government of Guatemala to the Inter-American Commission on Human Rights in order that the latter may submit its observations to the Court within the following 30 days. Likewise, to transmit to the Government of Guatemala any reports it receives from the Commission in order to obtain the Government's observations within a similar period.

Héctor Fix-Zamudio
President

Hernán Salgado-Pesantes
Alejandro Montiel-Argüello
Máximo Pacheco-Gómez
Oliver Jackman
Alirio Abre-Burelli
Antônio Cançado Trindade

Manuel E. Ventura-Robles
Secretary