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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Isidro Caballero-Delgado and Maria del Carmen Santana v. Colombia
Doc. Type: Order of the Court
Decided by: President: Hernan Salgado-Pesantes;
Judges: Antonio A. Cancado Trindade; Hector Fix-Zamudio; Maximo Pacheco-Gomez; Oliver Jackman; Alirio Abreu-Burelli
Dated: 19 September 1997
Citation: Caballero-Delgado v. Colombia, Order of the Court (IACtHR, 19 Sep. 1997)
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HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter “the Court”) of April 16, 1997, in which it decided:

1. To request the State of Colombia to adopt, forthwith, such measures as may be necessary to protect the lives and physical integrity of Gonzalo Arias-Alturo, Javier Páez, Guillermo Guerrero Zambrano, Elida González-Vergel and María Nodelia Parra, and to prevent them from suffering irreparable damage, in strict compliance with the obligation to respect and guarantee the human rights, which it undertook under Article 1(1) of the Convention.

2. To request the State of Colombia that it investigate the acts of intimidation to which the persons mentioned in the preceding operative paragraph were subjected and to punish those responsible.

2. The June 16, 1997, brief presented by the Inter-American Commission on Human Rights (hereinafter “the Commission”) to the Secretariat of the Court (hereinafter “the Secretariat”) in which it submitted a copy of a letter from the Colombian Commission of Jurists, the contents of which the Commission adopted as its own. In its brief, the Commission requested the Court to call upon the State of Colombia (hereinafter “the State”) to submit a report regarding the alleged situation of risk that threatens the life, security and personal integrity of Ms. María Nodelia Parra due to the fact that the security measures taken on her behalf “have been gradually cut back to the point of leaving her practically unprotected”. The brief reiterated the urgency to establish measures that guarantee the life and personal integrity of Ms. Parra.

3. The letter sent to the Inter-American Commission by the Colombian Commission of Jurists, in which it described the alleged “dismantling” of the protection plan alluded to by the Commission in the above-cited brief. According to this document, one of the guards assigned for the security of Ms. Parra has been withdrawn, she has been informed that she must pay for the

fuel of the vehicle assigned to her and the guards assigned to accompany her were absent on two occasions.

4. The document of June 17, 1997, by which the Secretariat, following the instructions of the President, requested the observations of the State to the Commission's petition, "as well as [the submission of] the first report of the Government in the matter of the provisional measures adopted by the Tribunal in this case."

5. The first report of the State, presented on June 20, 1997, in which it referred to the status of the measures adopted to protect Gonzalo Arias Alturo, María Nodelia Parra, Javier Páez and Elida González. In regards to the second, the State said that, "the protection plan for Ms. Parra in the city of Bucaramanga consists of the service of one agent detective, two personal guards and a vehicle [Administrative and Security Department]." In regards to the June 16, 1997 request of the Commission, the State informed that it hoped "in as short a time as possible, to have concrete results concerning the required measures."

6. The August 1, 1997, document by which the Secretariat, following the instructions of the President, requested the Inter-American Commission to submit its observations to the first report of the State. These observations should have been submitted no later than July 24 of the same year.

7. The second report of the State and its annexes, presented August 27, 1997, in which it referred to the status of the measures adopted to protect the beneficiaries of the present provisional measures. The Court summarizes the report in the following manner:

a. in regards to Mr. Gonzalo Arias Alturo, the State reported that, after having determined his participation in an uprising in the prison of the Judicial District of Bucaramanga, he was transferred to the National Penitentiary "El Bosque", in the city of Baranquilla. The State added that in this detention center it would take the necessary measures to ensure his life and personal integrity;

b. in regards to Ms. María Nodelia Parra, the State reported that on June 11, 1997, a "disurbing event took place for the security of the protected person" which caused an investigation and resulted in increased security measures. The State affirmed that it had revised the security plan for Ms. Parra and that it actually had increased the security detail for her protection. The State also pointed out the investigation it had conducted regarding the threats against Ms. Parra;

c. in regards to Mr. Javier Páez, the State reported that he is currently working in the DAS as a bodyguard and that as a result he had not received threats and therefore did not consider it necessary to increase his security and

d. in regards to Ms. Elida González, the State reported that "it [has] not had news of her whereabouts, and therefore it has not been possible to advance concrete actions of risk evaluation." As a result, the State indicated that it would be useful, through the petitioners, to know if anyone knows of her current whereabouts in order to coordinate the pertinent measures.

8. The observations presented by the Commission on August 28, 1997, to the first report of the State, which stated in the following terms its concern in regards to the situation of the persons protected by the present provisional measures:

- a. in regards to the transfer of Mr. Gonzalo Arias Alturo to the prison in Barranquilla, it expressed that the General Attorney's National Human Rights Unit was not informed of this and that the State ignored whether, in effectuating said transfer, it had taken into consideration the situation of risk to Mr. Arias Alturo;
- b. in regards to Ms. María Nodelia Parra, it expressed its concern regarding the "dismantling her protection plan" and affirmed it did not have information on the new measures adopted by the State in this matter;
- c. in regards to Mr. Javier Páez, the Commission requested that the State persist in the actions necessary to evaluate the situation of risk;
- d. in regards to Ms. Elida González, it expressed that her mother was murdered in October of 1996; and
- e. in regards to Mr. Guillermo Guerrero Zambrano, it indicated that the State has not given any updates on his current situation in its reports.

CONSIDERING:

1. That the Commission has adopted as its own the statements of the Colombian Commission of Jurists stating that the security, taken on behalf of Ms. María Nodelia Parra, have diminished as part of a "dismantling" process. Although the State referred in its first report to the generic security measures that have been implemented to protect Ms. Parra, it did not allude to the affirmations of the Commission, although it stated it would deliver the pertinent information "as soon as possible."
2. That in its observations to the first report of the State, the Commission reiterated its concern regarding the situation of risk of the persons protected by the present measures and requested that the Court call upon the State to provide relevant information that it had omitted.
3. That the provisional measures were ordered by the Court in response to unexpected events that were presented to the Tribunal by the representatives of the victims, the Inter-American Commission and the State itself.

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 Article 25 of the Rules of Procedure, in conjunction with Article 29 of the Rules of Procedure,

DECIDES:

1. To request that the State of Colombia present, in its next report, to the Court, information on the current situation of Mr. Guillermo Guerrero Zambrano, as well as its point of view

regarding the alleged “dismantling” plan that, according to the Commission, the measures of protection for Ms. María Nodelia Parra are subject.

2. To request the State of Colombia to conduct the necessary actions to locate Ms. Elida González , to verify her current situation and to include the results in its next report to the Court.

Done in Spanish and English, the Spanish text being authentic, at the Seat of the Court in San Jose, Costa Rica, on this 19th of September, 1997.

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