

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 11, 1997**

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

VOGT CASE

HAVING SEEN:

1. The brief of March 28, 1996, and its attachments, in 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"), pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Article 24 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure") a request for provisional measures on behalf of Father Daniel Vogt, in connection with case No. 11.497, pending before the Commission against the Republic of Guatemala.

2. The Order of the President of the Court of April 12, 1996, in which he:

1. [Requested] that the Government of the Republic of Guatemala adopt forthwith such measures as [were] necessary to protect the life and integrity of Father Daniel Joseph Vogt and avoid his suffering any irreparable damage, in strict compliance with the obligation to respect and guarantee human rights, which it accepted under Article 1(1) of the American Convention on Human Rights.

2. [Requested] that the Government of the Republic of Guatemala investigate the events and punish those responsible.

3. The Order of the Court of June 27, 1996, in which it:

1. [Ratified] the Order of the President of the Inter-American Court of Human Rights of April 12, 1996.

2. [Called upon] the Government of the Republic of Guatemala:

a. To maintain the provisional measures on behalf of Father Daniel Joseph Vogt.

b. As a vital aspect of its protective duty, to take effective measures to investigate the events denounced and, where appropriate, punish the perpetrators.

4. The brief of October 27, 1997, from the Commission in which it stated that it "[was] request[ing] the withdrawal of the provisional measures." It further indicated that

the petitioners ha[d] informed the Commission that owing to the effective and timely intervention of the Honorable Court those threats and direct and specific acts of harassment had abated considerably and [that] Father Vogt [was] conducting his pastoral activity in a normal manner ... [and] that it would be fitting for the Honorable Court to order the withdrawal of the provisional measures presented on behalf of Father Vogt.

It also said that "*the Commission will continue to monitor the situation in connection with its processing of the case and, if the circumstances so warranted, it would once more request that such measures be provided.*"

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 the Commission's brief of October 27, 1997, states that the situation of extreme gravity and urgency that gave rise to the adoption of the provisional measures it had requested 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 close and consider at an end the provisional measures ordered by the Court in its Order of June 27, 1996.

2. To communicate this Order to 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

Alejandro Montiel-Argüello

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary