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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Jose Daniel Alvarez, Nidia Linores Ascanio, Gladys Lopez, Yanette Bautista, Maria Helena Saldarriaga, Piedad Martin, Maria Eugenia Lopez, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacon, Jose Publio Bautista, Nelly Maria Ascanio, Ayda Mile Ascanio and Miriam Rosas Ascanio v. Colombia
Doc. Type: Order of the Court
Decided by: President: Hernan Salgado-Pesantes
Dated: 22 December 1997
Citation: Daniel Alvarez v. Colombia, Order of the Court (IACtHR, 22 Dec. 1997)
Represented by: APPLICANT: of the Association of Relatives of Detained and Disappeared Persons of Colombia
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HAVING SEEN:

1. The Order of the President of the Court (hereinafter "the President") of July 22, 1997, through which he decided:

1. To request the Republic of Colombia, 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, to adopt forthwith such measures as are necessary to protect the life and integrity of José Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, and Miriam Rosas Ascanio in order to prevent irreparable damage to them.

2. To request that the Republic of Colombia, as soon as Mr. Erik Antonio Arellano-Bautista returns to its territory, adopt such measures as are necessary to protect his life and physical integrity in order to prevent irreparable damage to him.

3. To request that the Republic of Colombia investigate the facts denounced and punish those responsible for them, particularly with regard to the attack of June 24, 1997, on the Association's offices in the city of Medellín.

4. To request that the Republic of Colombia adopt forthwith such measures as are necessary to ensure that all the offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia may discharge its functions without danger to the lives or physical integrity of the persons working there, especially the Association's offices in the cities of Medellín and Ocaña.

5. To request that the Republic of Colombia submit a first report on the measures adopted within 15 days of notification of this Order and that the Inter-American Commission on Human

Rights submit its comments on that report within a period of one month from receipt of that document.

6. To request that the Republic of Colombia, from the date of presentation of its first report, continue to submit every two months its reports on the provisional measures taken and that the Inter-American Commission on Human Rights submit its comments on those reports within 45 days of receiving them.

7. To present this Order for the consideration of the Court at its next session for the pertinent effects and so that it can convene the parties, if it so deems, to a public hearing at the seat of the Court, so that the Tribunal may hear their views on the facts and circumstances that gave rise to the request for provisional measures and to this Order.

2. The Order of the President of the Court of August 14, 1997, in which he decided:

1. To request that the State of Colombia expand the urgent measures adopted in this case for the purpose of guaranteeing the right to life and physical integrity of Mr. Javier Álvarez.

2. To request that the State of Colombia investigate the facts denounced by the Inter-American Commission on Human Rights and punish those responsible.

3. To submit this order for the consideration of the Court during its next session for the pertinent effects.

4. To submit the first report of the State and the Commission's briefs from the Commission of July 7, 1997, and August 12, 1997, for the consideration of the Court at its next session for the pertinent effects.

5. To request the State of Colombia to include the provisional measures taken pursuant to this Order in the reports it will submit every two months in accordance with the order of July 22, 1997, to bring them to the attention of the Court.

3. The Order of the Court of November 11, 1997, in which it decided:

1. To ratify the orders of the President of the Inter-American Court of July 22 and August 14, 1997.

2. To require the State of Colombia to maintain the necessary measures for a period of six months from the date of this Order so as to protect the lives and physical integrity of José Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, Erik Antonio Arellano-Bautista, and Javier Alvarez and to avoid irreparable damage to them. Once the term has expired, the Court shall assess the situation of the protected persons.

3. To require that the State of Colombia adopt such measures as may be necessary to protect the life and physical integrity of Mr. Erik Antonio Arellano-Bautista as soon as he returns to its territory.

4. To require that the State of Colombia investigate the events denounced and punish those responsible for them, especially with regard to the attack of June 24, 1997, on the offices of the Association of Relatives of Detained and Disappeared Persons of Colombia (ASFADDES) in the city of Medellín.

5. To require that the State of Colombia maintain the measures necessary to ensure that all the offices of the Association of Relatives of Detained and Disappeared Person of Colombia (ASFADDES) can discharge its duties without danger to the lives and physical integrity of the persons working there, especially at the Association's offices in the cities of Medellín and Ocaña.

6. To require that the State of Colombia continue to report every two months on the measures it has taken to comply with this order.

7. To require that the Inter-American Commission on Human Rights submit its comments on that information to the Court at least six week from the date of its receipt.

4. The December 16, 1997, brief and attachments of the State of Colombia (hereinafter “the State” or “Colombia”) in which it presented a synthesis of the actions taken in regards to the design of individual, preventive and office protection measures.

5. The December 17, 1997, brief of 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”) on December 22, 1997, in which it requests that the provisional measures adopted by the Court be expanded to protect Ms. María Eugenia Cárdenas and her family, a member of the Association of Relatives of Detained and Disappeared persons of Colombia (hereinafter “ASFADDES”). According to the Commission, Ms. María Eugenia Cárdenas “has been the object of threats and persecution in the last few months.” Her cousin, José María Cárdenas, was kidnapped in the Department of Caldas by two armed men wearing Army uniforms. The next day, December 3, 1997, his severely mutilated body was found.

CONSIDERING:

1. That Article 63(2) of the American Convention on Human Rights establishes that the Court may, in cases “of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons”, take the provisional measures it considers pertinent in matters not yet submitted before it.

2. That in the terms of Article 25(4) of the Rules of Procedure of the Court: [if] the Court is not sitting, the President, in consultation with the Permanent Commission, and if possible with the other judges, shall call upon the government concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures subsequently ordered by the Court at its next session.

3. That according to the Order of the Court of November 11, 1997, Colombia is obligated to adopt all of the measures necessary to ensure the physical and moral integrity of the persons vinculated with ASFADDES, to periodically report on these measures and also to adopt measures to ensure that all of the offices of the Association can continue functioning without danger to the life or personal integrity of those that work there.

4. That, Ms. María Eugenia Cárdenas, as a member of ASFADDES, and in light of the threats and harassment that she has been subject, as well as for the events that have occurred against her family, could be in a situation of extreme gravity and urgency which therefore requires the adoption of urgent measures in order to avoid irreparable damage.

NOW, THEREFORE:

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

in exercise of the powers conferred by Articles 63(2) of the American Convention on Human Rights and Article 25(4) of its Rules of Procedure,

DECIDES:

1. To call upon the State of Colombia to expand the Urgent Measures adopted in this case in order to ensure the right to live and personal integrity of Ms. María Eugenia Cárdenas and her family.
2. To call upon the State of Colombia to investigate and punish those responsible for the acts denounced by the Inter-American Commission on Human Rights in its brief of December 17, 1997.
3. To submit the present order to the consideration of the Court during its next Regular Session for the pertinent effects.
4. To request that the State of Colombia include in the bi-monthly reports it will submit, in accordance with the Order of November 11, 1997, the measures taken in virtue of the present order, so as to put them to the consideration of the Court.

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura Robles
Secretary