

Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Efrain Bamaca Velasquez v. Guatemala
Doc. Type:	Order
Decided by:	President: Hernan Salgado-Pesantes
Dated:	30 June 1998
Citation:	Bamaca Velasquez v. Guatemala, Order (IACtHR, 30 Jun. 1998)
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## HAVING SEEN:

1. The file of the Bámaca Velásquez case, being processed before the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”), and the transcript of the declaration made by Santiago Cabrera López during the public hearing on the merits of this case held by the Court at its seat on June 16, 17 and 18, 1998.

2. The brief of the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) of June 24, 1998, in which it requested the Court, pursuant to the provisions of Article 63.2 of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) and Article 25 of its Rules of Procedure (hereinafter “the Rules of Procedure”), to adopt “effective measures of security to protect the life and physical integrity of Santiago Cabrera. To ensure their pertinence and effectiveness, the measures of protection should be granted in agreement with the Government of Guatemala and the person to be protected.” As grounds for its request, the Commission informed the Court that:

(Mr.) Cabrera gave evidence [before the Inter-American Court] on facts that clearly implied the responsibility for human rights violations of specific State agents. The State agents involved in these facts have not been tried and are not in prison; nor have they appeared before the Honorable Court, although they were summoned by this organ. This situation shows that they act with a freedom that jeopardizes the security of the said witness. [Mr.] Cabrera lives in Guatemala and returned to his residence in that country immediately after the hearings of the Honorable Court. [Mr.] Cabrera has requested the Commission to appeal to the Honorable Court to protect his life and personal integrity.

## CONSIDERING:

1. That Guatemala has been a State Party to the American Convention since May 25, 1978, and accepted the obligatory jurisdiction of the Court on March 9, 1987.

2. That Article 63.2 of the Convention establishes that the Court may adopt such provisional measures as it deems pertinent in matters it has under consideration and, to this end, requires that these are cases “of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons [and that w]ith respect to a case not yet submitted to the Court, it may act at the request of the Commission.”

3. That, in this respect, Article 25 of the Rules of Procedure establishes that

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63.2 of the Convention.

...

4. 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.

4. That the request for provisional measures relates to the Bámaca Velásquez case, which is being processed before the Court.

5. That the Commission has alleged that the situation of Santiago Cabrera López is of extreme gravity and urgency and that the adoption of provisional measures is necessary to avoid irreparable damage.

6. That, in this matter, it is pertinent to exercise the power of the President to decree urgent measures in order to ensure the effectiveness of the decision that the Court will take during its next Regular Session.

THEREFORE:

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

pursuant to Article 63.2 of the American Convention of Human Rights, in exercise of the powers conferred on him by Article 25 of the Rules of Procedure and in consultation with the Permanent Council,

DECIDES:

1. To call upon the State of Guatemala to adopt the measures necessary to effectively ensure the personal integrity of Santiago Cabrera López without delay, so that the Court may examine the pertinence of the provisional measures requested by the Inter-American Commission on Human Rights.

2. To call upon the State of Guatemala to provide information, by July 17, 1998, at the latest, on the measures taken in compliance with this order, together with its opinion on the measures requested by the Inter-American Commission on Human Rights, in order to submit this information to the consideration of the Court.

3. To call upon the Inter-American Commission on Human Rights to present its observations on the initial report of the State of Guatemala to the Court within one month of the date on which the report is forwarded to it.

4. To submit the request of the Inter-American Commission on Human Rights, this order, the report presented by the State of Guatemala and the respective observations of the Commission to the consideration of the Inter-American Court of Human Rights during its XLI Regular Session.

Hernán Salgado-Pesantes  
President

Manuel E. Ventura-Robles  
Secretary

So ordered,

Hernán Salgado-Pesantes  
President

Manuel E. Ventura-Robles  
Secretary