

WorldCourts™

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, Miriam Rosas Ascanio and Javier Alvarez v. Colombia
Doc. Type:	Order
Decided by:	President: Hernan Salgado-Pesantes
Dated:	6 August 1998
Citation:	Daniel Alvarez v. Colombia, Order (IACtHR, 6 Aug. 1998)
Represented by:	APPLICANT: the Association of Relatives of Detainees-Disappeared Persons of Colombia
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

HAVING SEEN:

1. The order of the President of the Inter-American Court of Human Rights (hereinafter “the President”) of July 22, 1997, in which it 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 all 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 Erik Antonio Arellano Bautista returns to his territory, adopt such measures as may be 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 offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia (ASFADDES), in Medellín.

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

...

2. The order of the President of 14 August, 1997, in which he expanded “the urgent measures adopted in the instant case in order to ensure the right to life and physical integrity of Javier Álvarez.”

3. The order of the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) of November 11, 1997, in the operative part of which it ratified the orders of its President of July 22 and August 14, 1997, and maintained the measures adopted for a period of six months.

4. The order of the President of December 22, 1997, ratified by the Court on January 21, 1998, in which he expanded “the urgent measures adopted in the instant case in order to ensure the right to life and physical integrity of María Eugenia Cardenas and her relatives.”

5. The order of the President of May 12, 1998, in which he extended the measures adopted until June 19, 1998.

6. The order of the Court of June 19, 1998, in which it decided:

1. To extend the provisional measures adopted in favor of María Eugenia Cardenas for as long as the situation of risk which justified their adoption persists.

2. To extend until September 6, 1998, the provisional measures in favor 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 and Javier Álvarez.

3. To require the State of Colombia to undertake effective investigations and, where appropriate, punish those responsible for the acts denounced which gave rise to the adoption of these provisional measures.

4. To require the State of Colombia to transmit to the Inter-American Court of Human Rights, not later than July 24, 1998, a report on compliance with the present order; and that the Inter-American Commission on Human Rights submit its observations on that report within one month of the date of notification thereof.

7. The brief of the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) of August 4, 1998, in which it requested the Court to expand the provisional measures adopted in the instant case so as to include Daniel Prado and his family. According to the said brief, threatening telephone calls have been received at the offices of the Association of Relatives of Detained-Disappeared Persons of Colombia (hereinafter “ASFADDES”) in Medellín and Popayán. Furthermore, Mr. Prado, the ASFADDES lawyer, had received a condolence card with the following message in letters cut from a newspaper:

BE CAREFUL you are a “Sapo” (informer) and you will die for that. Lord hear our prayers for the soul of: Dr. Daniel PRADO ...Cordially, THE SILENT ASSASSIN Date of the hunt October 1998.

The Commission attached a copy of this message to its request.

CONSIDERING:

1. That Article 63.2 of the American Convention on Human Rights establishes that “[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons,” at the request of the Commission, the Court may take the provisional measures that it considers pertinent in matters that have not yet been submitted to its consideration.
2. That according to Article 25.4 of the Rules of Procedure of the Court [i]f the Court is not sitting, the President, in consultation with the Permanent Commission and, if possible, with 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, in accordance with the order of the Court of June 19, 1998, the State of Colombia (hereinafter “the State” or “Colombia”) is obliged to adopt all necessary measures to ensure the physical and moral integrity of a group of persons linked to ASFADDES and ensure that all the offices of ASFADDES are able to discharge their functions without danger to the lives and physical integrity of those who work there, and periodically to provide information on the said measures.
4. That Mr. Prado is linked to ASFADDES and that this link justifies the assumption that he and his family are in a situation of risk similar to that of the other persons protected by the provisional measures adopted by the Court; this is corroborated by the content of the threatening message that he received recently. In the President’s opinion, these circumstances make it necessary to adopt urgent measures to ensure the effectiveness of any provisional measures subsequently ordered by the Court during its XLI Regular Session.

THEREFORE:

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

pursuant to Article 63.2 of the American Convention on Human Rights and in exercise of the powers conferred on him by Article 25.4 of the Rules of Procedure,

DECIDES:

1. To call upon the State of Colombia to adopt urgently all necessary measures to ensure the right to life and physical integrity of Daniel Prado, Estela de Prado and their daughters, Camilla Alejandra and Lina.
2. To call upon the State of Colombia to investigate the facts denounced by the Inter-American Commission on Human Rights in its brief of August 4, 1998, and punish those responsible.
3. To call upon the State of Colombia to forward a report on compliance with this order to the Inter-American Court of Human Rights, by August 14, 1998, at the latest; and upon the Inter-American Commission on Human Rights to present its observations on this report within one week from the date on which it is notified of the report.

4. To submit this order to the consideration of the Court during its XLI Regular Session for the pertinent effects.

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary