

Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Jorge Carpio Nicolle v. Guatemala
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HAVING SEEN:

1. The Order of the Court of November 27, 1998, in which it was decided:

1. To declare that the State of Guatemala should take the necessary measures to resolve the actual and future situation of Karen Fischer de Carpio, in compliance with its obligation to effectively ensure the protection of her life and personal integrity and should include the results of the corresponding measures in its next report.

2. To request the State of Guatemala to include in its next report, suitable documentation on the status of case No. 1011-97 and on the concrete advances made in the investigations into the reported threats and acts of intimidation.

2. The note of the President of the Court of June 4, 1999, addressed to the Minister for External Affairs of Guatemala, referring to the information provided by the Guatemalan Government in its brief expanding on its twenty-eighth report to the effect that, “on November 27, 1998, the government attorney, in charge of the investigation [of case No. 1011-97, the case of the threats against the beneficiaries of the provisional measures] decided to close the said procedure”, and requesting,

[i]n order that the Court may have the necessary elements to consider the significance of this decision in relation to compliance with the provisional measures referred to, ... the inclusion in your illustrious Government’s next report to this Court of specific reference to:

a. Detailed information on the proceeding by which the decision to close case No. 1011-97 was taken;

b. A complete copy of the official public documents, in which the said proceeding appears; and

c. Any additional information the State holds that would allow the Court to learn the full reasons that explain and justify the closure of case No. 1011-97.

3. The State’s thirty-first report in which it informed the Court that “[t]he Government of Guatemala, through the National Civil Police Force, continues to provide security to the persons

indicated by the Inter-American Court of Human Rights” and gave details of the measures adopted in this respect. However, this report offers no information on the closure of case No. 1011-97, as requested by the President of the Court in his letter of June 4, 1999.

4. The observations of the Inter-American Commission on Human Rights on the State’s thirty-first report, with which the Commission forwarded to the Court the following observations made by the beneficiaries of the provisional measures:

[F]ollowing publication of information provided by the United States National Security Archives implicating senior state officials in the newspaper *El Gráfico*, owned by the Carpios, Marta [Arrivillaga de Carpio] received three telephone calls at her home intimidating her and/or threatening her life. In the first call, a woman’s voice shouted insults. Half an hour later, a man’s voice warned her that she should be very careful because she might die. In the third call, a woman’s voice warned her that she should not attempt to associate the case of Jorge Carpio Nicolle with that of General Enríquez.

Moreover, with regard to Karen Fischer de Carpio, it was reported that

she continues with her public activism, repeatedly denouncing the impunity surrounding the Carpio case. On July 8, 1999, *El Periódico* published an article she had written entitled “On the Sixth Anniversary of the Assassination of Jorge Carpio”, in which she alluded to the masterminds and perpetrators of this assassination, the silence surrounding the case, the negligence in the administration of justice and her permanent fight to discover the truth about the events.

5. The above-mentioned observations of the Inter-American Commission in which the Commission states that “it considers that the provisional measures should continue and that it is important that the orders of [this] Court are fully complied with, particularly by taking concrete and effective measures to investigate the threats that the petitioners have mentioned”.

CONSIDERING:

1. That, as an essential element of its obligation to provide protection, the State should take all necessary steps to settle the present and future situation of Marta A. de Carpio and Karen Fischer de Carpio, in compliance with its obligation to effectively ensure the protection of their lives and personal integrity.

2. That the closure of case N° 1011-97 and the interruption of the investigations into the threats and acts of intimidation that caused these measures to be adopted, as well as the failure to forward the corresponding information, which had been duly requested by the Court, constitute an omission of a State obligation that had already been established by this Court.

3. That the information provided by the Inter-American Commission allows is to infer that the situation of insecurity of the persons protected by these provisional measures continues at this time.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in accordance with Article 63.2 of the American Convention on Human Rights and Article 25 of its Rules of Procedure

DECIDES:

1. To maintain the provisional measures adopted by the Court on September 19, 1995, February 1, 1996, September 10, 1996, June 19, 1998 and November 27, 1998, in favor of Marta Elena Arrivillaga de Carpio and Karen Fischer de Carpio.
2. To request the State to continue to report to the Court every two months on the measures that it has taken in this case, and the Inter-American Commission on Human Rights to continue to submit its observations on that information to the Court, within six weeks of receiving it.
3. To request the State of Guatemala to include detailed information on the proceeding by which it adopted the decision to close case N° 1011-97 in its next report, together with all the documentation it holds on this proceeding.