

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: Antonio A. Cancado Trindad
Dated:	17 July 2000
Citation:	Daniel Alvarez v. Colombia, Order (IACtHR, 17 Jul. 2000)
Represented by:	APPLICANT: the Association of Relatives of Detainees-Disappeared Persons of Colombia
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HAVING SEEN:

1. The Decision of the President of the Inter-American Court of Human Rights (hereinafter “the President”) of July 22, 1997 wherein its operative paragraphs decided:

1. To require the State of Colombia to adopt, forthwith, any measures as may be necessary to protect the life and personal integrity of Jose Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, Maria Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Carmen Barrera, Evidalia Chacon, José Ascanio to avoid irreparable harm with a view to closely complying with the obligation of respect and guarantee of the human rights in keeping with Article 1(1) of the American Convention on Human Rights.

2. To require the State of Colombia, as soon as Erik Antonio Arellano Bautista goes back to his home country, to adopt any measures as may be necessary to protect his life and personal integrity to avoid irreparable harm.

3. To require of the State of Colombia to investigate the denounced facts and punish the liable parties thereof, particularly regarding the terrorist attack on June 24, 1997 in the Association branch in the city of Medellin.

4. To require the State of Colombia to adopt, forthwith, any measures as may be necessary to ensure that the branches of Asociacion de Familiares de Detenidos-Desaparecidos de Colombia (Association of Relatives of Missing Detainees of Colombia) perform its responsibilities without endangering the life and personal integrity of its employees, especially those from the branches in the cities of Medellin and Ocaña.

5. To require the State of Colombia to produce a report on measures adopted 15 days after this order is notified and to require the Inter-American Commission of Human Rights to submit its remarks to said report one month after receiving said document.

6. To require the State of Colombia, as of the first report submission date, to continue producing reports on provisional measures adopted every two months and to require the Inter-American Commission on Human Rights to submit remarks to said reports 45 days after receiving them.

7. To submit this decision for the consideration of the Court in the next session for relevant purposes and to summon the parties, if suitable, for a public hearing at the Court seat so that the Court can listen to the points of view on the facts and circumstances prompting a request for provisional measures and this decision.

2. The decision of the President of August 14, 1997 wherein it extended “pressing measures adopted in this case with a view to ensuring the right to life and personal integrity of Javier Álvarez.”

3. The decision of the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) of November 11, 1997 wherein its operative paragraphs it ratified the decisions of the President of July 22 and August 14, 1997 and preserved the adopted measures for a six-month period.

4. The decision of the President of December 22, 1997, ratified by the Court on January 21, 1998, to extend “pressing orders adopted in this case to ensure the right to life and personal integrity of Maria Eugenia Cardenas and her family.”

5. The decision of the President of May 12, 1998 to extend the adopted measures until June 19, 1998.

6. The decision of the Court of June 19, 1998 to extend measures in favor of Maria Eugenia Cardenas if an endangering situation persists and justifies said measures and to keep until September 6, 1998 measures on behalf of Jose Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, Maria Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publico Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, and Javier Álvarez.

7. The decision of the President of August 6, 1998 wherein its operative paragraph it required the State to adopt as soon as possible “the necessary measures to ensure the right to life and personal integrity of Daniel Prado and Estela Prado and their daughters Camilla Alejandra and Lina.”

8. The decision of the Court of August 29, 1998 wherein it decided to preserve the provisional measures and ratify the Decision of the President of August 6, 1998. In said Decision, the Court also required the State to carry out an investigation on the facts prompting said measures “in order to obtain effective results to find the liable parties and punish them.”

9. The brief of the Inter-American Commission of Human Rights (hereinafter “the Commission” or the “Inter-American Commission”) of July 12, 2000 received at the Secretariat of the Inter-American Court that same day in which it requested to extend provisional measures adopted by the Court to protect the life and personal integrity of Luz Elsia Almanza, Hilda

Rosario Jiménez, Ramón Rangel, Robinson Amador, Yamel López, Emely Pérez, Yolanda Salamanca, Rosa Tulia Bolaños, Rocío Campos, and Alexander Rodríguez, all the members of the Asociación de Familiares de Detenidos-Desaparecidos de Colombia (ASFADDES) in Barrancabermeja. The request of the Commission was prompted by the assassination of Elizabeth Cañas Cano, member of said branch, on July 11, 2000, that would be “indicative of the risky situation faced by the rest of the members” of said headquarters, besides the fact that the beneficiaries of the extension of the provisional measures have been internationally vocal as to denounce violence acts in their community in 1988. Moreover, the Commission asks the State to adopt the necessary measures to individualize and punish the people responsible for Ms. Cañas Cano’s assassination.

CONSIDERING:

1. Colombia is a State Party to the American Convention of Human Rights whose Article 1(1) stipulates that States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, and that said State recognized the competence of the Court on June 21, 1985 based on Article 62 of the Convention.
2. Article 63(2) of the American Convention decides that, in cases of “extreme gravity and urgency, and when necessary to avoid irreparable damage to persons”, the Court can, in unknown matters, at the request of the Commission, adopt any provisional measures it deems relevant.
3. According to the terms set in Article 25(4) of the Rules of Procedure of the Court: [i]f the Court is not sitting, the President shall convoke it immediately. Pending the meeting of the Court, the President, in consultation with the Permanent Commission and, if possible, with the other judges, shall call upon the government concerned to adopt the necessary urgent measures and to act so as to permit any provisional measures subsequently ordered by the Court to have the requisite effect.
4. That a serious assassination has been committed against a person related to ASSFADES, that, according to this Presidency, proves to be concrete evidence of the danger faced by members of said Association, particularly those of the Barrancabermeja branch, and justifies proper measures to guarantee their lives and personal integrity in order to avoid irreparable harm.

NOW THEREFORE:

THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS

based on Article 63(2) of the American Convention on Human Rights and in use of the attributions conferred upon him by Article 25(4) of its Rules of Procedure, after consulting with all judges in the Court

DECIDES:

1. To require the State of Colombia to adopt, forthwith, any measures as may be necessary to protect the life and personal integrity of Luz Elsia Almanza, Hilda Rosario Jiménez, Ramón

Rangel Robinson Amador, Yamel López, Emely Pérez, Yolanda Salamanca, Rosa Tulia Bolaños, Rocío Campos, and Alexander Rodríguez.

2. To require the State of Colombia to investigate facts denounced by the Inter-American Commission of Human Rights and punish the liable parties.
3. To submit this Decision for the consideration of the Court during its next regular sessions for any relevant purposes.
4. To require the State of Colombia to send to the Inter-American Court of Human Rights an urgent report on the provisional measures adopted in this case as of July 27, 2000.
5. To require the Inter-American Commission of Human Rights to submit, as of July 31, 2000, its remarks to said urgent report on the State of Colombia.

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary