

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: Antonio A. Cancado Trindade; Judges: Maximo Pacheco-Gomez; Hernan Salgado-Pesantes; Alirio Abreu-Burelli; Carlos Vicente de Roux-Rengifo
Dated:	10 August 2000
Citation:	Daniel Alvarez v. Colombia, Order (IACtHR, 10 Aug. 2000)
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 the operative part of 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 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 August 14, 1997, whereby he decided to expand “the urgent measures adopted in this case for the purpose of guaranteeing the right to life and physical integrity of Mr. 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, whereby he expanded “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.”

5. The Order of the President of May 12, 1998, whereby he expanded the measures adopted until June 19, 1998.

6. The Order of the Court of June 19, 1998, whereby it decided to expand the measures on behalf of Ms. María Eugenia Cárdenas “for as long as the situation of risk which justified their adoption” would persist, and to extend until September 6 of the same year the measures on behalf 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.

7. The Order of the President of August 6, 1998, in the operative part of which it called upon the State “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.”

8. The Order of the Court of August 29, 1998, whereby it resolved to maintain the Provisional measures adopted; ratify the Order of the President of August 6, 1998; and request the State “to investigate the facts that led to the present measures so as to compile facts leading to the identification of those responsible and their punishment.”

9. The brief of the Inter-American Commission on Human Rights (hereinafter the “Commission” or the “Inter-American Commission”) of July 12, 2000, received at the Secretariat of the Inter-American Court on the same day, whereby it requested that the provisional measures adopted by the Court be expanded to protect the life and personal integrity of Luz Elsie Almanza, Hilda Rosario Jiménez, Ramón Rangel, Robinson Amador, Yamel López, Emely Pérez, Yolanda Salamanca, Rosa Tulia Bolaños, Rocío Campos, and Alexander Rodríguez, all members of the Association of Relatives of Detainees-Disappeared Persons of Colombia (hereinafter “ASFADDES”) of the locality of Barrancabermeja. The request of the Commission was motivated by the assassination of Ms. Elizabeth Cañas-Cano, a member of said branch office, on July 11, 2000, which would be “an indication of the situation of risk being faced by the rest of the members” of that office; furthermore, the fact that the persons on whose behalf the expansion of the provisional measures was being requested, had been internationally active denouncing the acts of violence that had occurred in their community in 1998. In this brief, the Commission also requested that the State adopt the measures necessary to identify and punish those responsible for the murder of Ms. Cañas-Cano.

10. The Order of the President of July 17, 2000 in the operative part of which he decided:

1. To request the State of Colombia to adopt urgently the measures necessary to guarantee the right to life and personal integrity of Luz Elsie Almanza, Hilda Rosario Jiménez, Ramón Rangel, Robinson Amador, Yamel López, Emely Pérez, Yolanda Salamanca, Rosa Tulia Bolaños, Rocío Campos, and Alexander Rodríguez.

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

3. To submit this Order to the consideration of the Court at its next session for the pertinent effects.

4. To request the State of Colombia to send to the Inter-American Court of Human Rights an urgent report on the measures adopted in this case, no later than July 27, 2000.

5. To request the Inter-American Commission on Human Rights to submit, no later than July 31, 2000, its observations on the urgent report of the State of Colombia

11. The report of the State of Colombia (hereinafter the “State” or “Colombia”) of July 28, 2000, whereby it informed that, after a meeting held the day before with two representatives of ASFADDES, an evaluation was made of the protection measures that would be adopted by the Risk Evaluation and Protection Committee.

12. The communication of the Commission of August 1, 2000, where it established that “the meeting between the Ministry of the Interior and two representatives of ASFADDES, to which the Illustrious State refers in its Urgent Report, had never taken place.”

CONSIDERING:

1. That Colombia is a State Party to the American Convention on Human Rights, whose Article 1(1) establishes the obligation that the State Parties have to respect the rights and freedoms recognized in that covenant, and to ensure the free and full exercise thereof to all

persons subject to their jurisdiction, and that, on June 21, 1985, said State recognized the jurisdiction of this Court in conformity with Article 62 of the Convention.

2. That Article 63(2) of the American Convention on Human Rights establishes that “In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court” may, at the request of the Commission, adopt “such provisional measures as it deems pertinent in matters” not yet submitted to its knowledge.

3. That in relationship to this subject matter Article 25(1) of the Rules of Procedure establishes that

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. That, as established by the President of the Court in Considering N° 4 of the Order of July 17, 2000, a murder has been committed against a person who had a relationship with ASFADDES, which constitutes a specific and evident indication of the danger in which the members of said Association are, particularly those of the branch office of Barrancabermeja.

5. That, consequently, the situation described by the Commission concerning Luz Elsia Almanza, Hilda Rosario Jiménez, Ramón Rangel, Robinson Amador, Yamel López, Emely Pérez, Yolanda Salamanca, Rosa Tulia Bolaños, Rocío Campos, and Alexander Rodríguez, is of extreme gravity and urgency and qualifies under the requirements of Article 63(2) of the American Convention, which warrants that appropriate measures be taken to ensure their lives and personal integrity in order to avoid irreparable damage.

6. That Colombia has the obligation to investigate the facts that gave rise to the request for expansion of provisional measures on behalf of the persons mentioned in the preceding paragraph.

NOW, THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

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

DECIDES:

1. To request that the State of Colombia maintain the provisional measures on behalf 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, Javier Álvarez, Erik A. Arellano-Bautista, Daniel Prado, Estela de-Prado, Camilla Alejandra Prado, and Lina Prado.

2. To request that the State of Colombia maintain the provisional measures adopted on behalf of Ms. María Eugenia Cárdenas and her family.

3. To ratify the Order of the President of the Inter-American Court of Human Rights of July 17, 2000, and, therefore, to request that the State of Colombia maintain the measures necessary to protect the right to 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.

4. To request that the State of Colombia investigate and punish those responsible for the events denounced by the Inter-American Commission on Human Rights that gave rise to the current measures, with the purpose of obtaining effective results that may lead to the identification of those responsible and to their punishment.

5. To request that the State of Colombia, as of the date of notification of this Order, broaden the reports on the provisional measures adopted in this case, and continue to submit them every two months.

6. To request that the Inter-American Commission on Human Rights submit to the Inter-American Court of Human Rights its observations on said information, within six weeks of receiving it.

Antônio A. Cançado Trindade
President

Máximo Pacheco-Gómez
Hernán Salgado-Pesantes
Alirio Abreu-Burelli
Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary