

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; Oliver Jackman; Alirio Abreu-Burelli; Sergio Garcia-Ramirez; Carlos Vicente de Roux-Rengifo
Dated:	12 November 2000
Citation:	Daniel Alvarez v. Colombia, Order (IACtHR, 12 Nov. 2000)
Represented by:	APPLICANT: the Association of Relatives of Detainees-Disappeared Persons of Colombia
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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 in favor 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 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.

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 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.

10. The Order of the Court of August 10, 2000, whereby it resolved to maintain the Provisional measures adopted; ratify the Order of the President of July 17, 2000; 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.”

11. The brief of the Commission of October 8, 2000, whereby it informed the Court about a number of threats made by Autodefensas Unidas de Colombia (“United self-defense Groups of Colombia,” hereinafter “AUC”) against members of ASFADDES, as well as the alleged disappearance, on October 6, 2000, of two members of the Medellín branch office of ASFADDES, Mr. Ángel Quinteros and Claudia Patricia Monsalve. On the basis of these events, the Commission requested the Court to expand the Provisional measures adopted in this case, to protect the life and integrity of several members of ASFADDES. In particular, the Commission requested the Court to:

1. Adopt urgently the measures necessary to establish the whereabouts of Ángel Quintero and Claudia Patricia Monsalve; investigate their disappearance; and prosecute and punish those responsible[.]
- [2.] Adopt the necessary measures to protect the life and personal integrity of Ángel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney-Galíndez, Gladys Ávila, and Rocío Bautista, and to coordinate such measures with the petitioners and the persons protected [.]
- [3.] Implement the technical protection measures already coordinated within the framework of the Follow-up Committee, at the offices of ASFADDES[.]
- [4.] Centralize the investigation of the facts denounced in the National Human Rights Unit of the Office of the Prosecutor General of the Nation, towards the identification, prosecution and punishment of those responsible[.]

12. The Order of the President of October 11, 2000, in the operative part of which he decided to:

1. Request the State of Colombia to adopt, forthwith, all the measures necessary to protect the life and personal integrity of Ángel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney-Galíndez, Gladys Ávila, and Rocío Bautista.
2. Request the State of Colombia to investigate the facts denounced by the Inter-American Commission on Human Rights; determine the whereabouts of Mr. Ángel Quintero and Claudia Patricia Monsalve; and identify and punish those responsible for the cited events.
3. Request the State of Colombia to adopt, forthwith, all the measures necessary to guarantee that all offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia can continue functioning without danger to the life or personal integrity of those who work there.
4. Request the State of Colombia to submit to the Inter-American Court of Human Rights a first report on the measures adopted, within 15 days as of the date of notification of this order; and the Inter-American Commission on Human Rights to submit its observations on said report within 15 days of receiving this document.
[...]

13. The report of the State of October 27, 2000, whereby it indicated:

- a) that an investigation is being processed before the Third Prosecutorial Department attached to the Unit Delegate to the Penal Courts of the Barrancabermeja Circuit, under number 20452, “for alleged threats against Ms. Rocío Campos.” Appearing as victims in the proceedings of said investigation are Luz Elsia Almanza, Hilda Rosario Jiménez, Ramón Rangel, Robinson Afanador, Yamel López, Emely Pérez, Yolanda Salamanca, Rosa Tulia Bolaños, and Alexander Rodríguez;
- b) that the Security Administration Department (hereinafter “DAS”) has made arrangements to protect the life and integrity of the members of ASFADDES, which have been brought to the attention of the Risk Regulation and Evaluation Committee of the Ministry of the Interior. That in like manner this Committee made a technical study of the risk of some of the protected persons, which determined the existence of a medium-low level of risk, “based on the current absence of events or circumstances that would constitute danger against the personal integrity of the persons evaluated, other than that derived from their work;”
- c) that the Directorate General for Human Rights of the Ministry of the Interior is taking steps under the “program for the protection of witnesses and persons threatened in connection with the cases of ASFADDES (sic) members, as well as for protection of their offices;”
- d) that, in relationship to the search for Ms. Claudia Monsalve and Mr. Ángel Quintero, the Office of the Vice President of the Republic issued a notice “requesting the captors to respect the life and freedom” of said persons; that on October 7, 2000 it transmitted the information available to the delegation of the International Red Cross Committee in Medellín; that on the same day and in coordination with the Ministry of the Interior, it was decided to send an official of said Ministry to undertake “search operations in coordination with the security agencies and human rights organizations having an interest;” and that on October 11 following, it requested the Human Rights Unit of the Office of the Prosecutor General of the Nation to “undertake the corresponding investigation;”
- e) that, at the last meeting of the “Commission responsible for following up the Provisional measures adopted by the Court,” it was decided that “the most favorable measures to the members of ASFADDES in Barrancabermeja,” be adopted “in respect of the characteristics of

the conflict [which would imply] the issuance of clear institutional support signals to the work of the human rights organizations.” By virtue of the above, the Director of the Presidential Human Rights Program under the Office of the Vice President, took part in a human rights forum held in Barrancabermeja on September 30, 2000;

f) that the Human Rights Group of the National Police visited the Barrancabermeja ASFADDES office to provide protection to its members. On this occasion, the representative of the branch office, Alexander Rodríguez, pointed out that “he was unable to provide information relative to the place of residence or telephone numbers of the persons who work” in that organization; and that its members are accompanied permanently by members of the International Peace Brigades, “for which reason they do not need armed personnel to provide security.” Because of the difficulties involved in attempting to locate said persons, the National Police “delivered an instruction sheet containing personal and family self-protection measures” to the abovementioned Mr. Rodríguez; and

g) that the Ministry of the Interior stated that it had issued funds to cover “transportation and humanitarian aid expenditures” concerning Ms. Astrid Eugenia Manrique, a member of the ASFADDES branch office in Popayán.

14. The brief with the observations of the Inter-American Commission of November 10, 2000, whereby it stated:

a) that no information is available to date concerning the whereabouts of Mr. Ángel Quintero and Ms. Claudia Monsalve, and “that the measures thus far initiated by the Illustrious Government have not been adequate.” On the initiative of members of ASFADDES and the human rights organizations, on October 23, 2000, a meeting was held in Medellín with the Director of the Presidential Human Rights Program under the Office of the Vice President, to “evaluate the operations carried out towards the search for disappeared persons.” This meeting was attended by the Deputy Director of the Metropolitan Police, the person in charge of human rights at the DAS, a delegate of the Ombudsman, and “the prosecutor.” The latter is making arrangements for an urgent search in accordance with Law 589; however, the necessary resources to back up the measures required by the prosecutor are not available. The Office of the Vice President and the Ministry of the Interior pointed out that they would make arrangements to obtain said resources. The day before the submission of the Commission’s observations, the petitioners informed that they had no news concerning the arrangements that would have been made;

b) that, despite the fact that the Court has ordered the protection of the ASFADDES branch offices, “only a few physical elements for protection of the infrastructure, which are insufficient to protect the members thereof” have been available to them to date; Ms. Rocío Campos even had to move to another place as a consequence of continuous threats;

c) that the State did not refer, in its report, to the situation of Silvia Quintero, Gloria Herney-Galíndez, Gladys Ávila, and Rocío Bautista, of the branch offices of Medellín and Bogotá;

d) that the State mentioned evaluations of the Committee on Risks of the Ministry of the Interior concerning five persons who are not members of ASFADDES and who are not protected by the Provisional measures;

e) With respect to the Popayán office the petitioners pointed out, on the one hand, that humanitarian aid was given to Astrid Manrique, and, on the other, that, despite the fact that, at

the meeting of the “Follow-up Committee” of September 5, 2000, they requested the National Police to clarify why “police officials had been recording on film or video the members” of said branch office, this request had been ignored; and

f) with respect to the investigation of the events that occurred at the branch office of Barrancabermeja it highlighted, on the one hand, that, despite the fact that the material, technical and human resources necessary for an effective investigation had been requested during the meeting of the “Follow-up Committee” on September 5, 2000, at the seminar held on the following September 30 the members of ASFADDES of Barrancabermeja were the target of threats and the State “has not submitted information on the investigations implemented with the purpose of identifying and prosecuting those who made them” and has focused its investigation on the threats against Ms. Rocío Campos; on the other hand it mentioned that the State has failed to inform about the investigation of the murder of Ms. Elizabeth Cañas, and affirmed that this death is related to the “threats made against Rocío Campos.” It finally concluded that, despite the seriousness of the events and “the imminent risk to the members of ASFADDES, no serious or effective investigations have been made;”

The Commission requested the Court to have the State:

1. Inform in detail [...] about the arrangements made to carry forward the penal investigations and disciplinary measures concerning the instances of harassment denounced during application of the Measures, and the progress made.
2. Inform in detail on the implementation and status of the proposals made to carry forward the penal investigations towards the search for Ángel Quintero and Claudia Monsalve. In particular, the delivery to the prosecutorial department of Barrancabermeja and to the Prosecutor, of knowledge about the disappearance; adequate and sufficient human, technical, logistical, [and] financial resources to ensure an effective investigation, including the consideration of transferring it to the National Human Rights Unit of the prosecutorial department.
3. Take steps for the issue of the disappearance of Ángel Quintero and Claudia Monsalve and the events at Barrancabermeja to be included into the matters under consideration by the Special Committee created by the Office of the Vice President of the Republic.

CONSIDERING:

1. That Colombia is a State Party to the American Convention on Human Rights (hereinafter the “American Convention”), 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° 8 of the Order of October 11, 2000, two members of the ASFADDES branch office of Medellín, Mr. Ángel Quintero, and Ms. Claudia Patricia Monsalve, have disappeared, and other members of said organization have been the target of numerous threats, which constitutes a specific and clear indication of the danger in which the members of that organization are, particularly those mentioned in the following paragraph.

5. That, consequently, the situation described by the Commission concerning Ángel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney-Galíndez, Gladys Ávila, and Rocío Bautista, 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, while Ángel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney Galínez, Gladis Ávila and Rocío Bautista have not been identified individually thus far as beneficiaries of the provisional measures adopted by the Court, they were generically protected by said measures by virtue of the fact that the Tribunal established the obligation of the State to adopt whatever measures are necessary to ensure that all the offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia can continue functioning without danger to the lives or integrity of the persons working there.

7. That Colombia has the obligation to investigate the events that led to the request for expansion of provisional measures in favor of the persons mentioned in the preceding paragraph. In like manner, the Tribunal has established the need for the parties to collaborate, in order to ensure the effectiveness of the measures adopted.

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, and Article 25 of its Rules of Procedure,

DECIDES:

1. To request that the State of Colombia maintain 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, Javier Álvarez, Erik A. Arellano-Bautista, Daniel Prado, Estela de-Prado, Camilla Alejandra Prado, Lina Prado, 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 request that the State of Colombia maintain the provisional measures adopted in favor of Ms. María Eugenia Cárdenas and the members of her family.
3. To ratify the Order of the President of the Inter-American Court of Human Rights of October 11, 2000, and, consequently, to request that the State of Colombia maintain the measures necessary to protect the right to the lives and personal integrity of Ángel Quintero, Claudia Patricia Monsalve, Marta Soto, Silvia Quintero, Gloria Herney-Galíndez, Gladys Ávila, and Rocío Bautista.
4. To request that the State of Colombia adopt, forthwith, whatever measures are necessary to ensure that all persons related to the Association of Relatives of Detainees-Disappeared Persons of Colombia (ASFADDES) can continue functioning without danger for their lives or personal integrity.
5. To request that the State of Colombia investigate the events denounced by the Inter-American Commission on Human Rights which led to the adoption of the current measures; that, in particular, it determine the whereabouts of Mr. Ángel Quintero and Ms. Claudia Patricia Monsalve, and that it identify and punish those responsible for said events.
6. 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.
7. To request that the Inter-American Commission on Human Rights submit to the Inter-American Court of Human Rights its observations on the reports of the State of Colombia within six weeks of receiving them.

Antônio A. Cançado Trindade
President

Máximo Pacheco-Gómez
Hernán Salgado-Pesantes
Oliver Jackman
Alirio Abreu-Burelli
Sergio García-Ramírez
Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary