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Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Ana Elizabeth Paniagua Morales, Julian Salomon Gomez-Ayala, William Otilio Gonzalez-Rivera, Pablo Corado-Barrientos, Manuel de Jesus Gonzalez-Lopez, Erik Leonardo Chinchilla, Augusto Angarita-Ramirez, Doris Torres-Gil, Jose Antonio Montenegro, Oscar Vasquez and Marco Antonio Montes-Letona v. Guatemala
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:	29 January 2001
Citation:	Paniagua Morales v. Guatemala, Order (IACtHR, 29 Jan. 2001)
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HAVING SEEN:

1. The proceedings in the Paniagua Morales et al. case being processed before the Inter-American Court of Human Rights (hereinafter “the Court”), and the transcription of the statement made by Manuel de Jesús González Chinchilla during the public hearing on reparations in the instant case, held by the Court at its seat on August 11 and 12, 2000.
2. The brief of the Inter-American Commission on Human Rights (hereinafter “the Commission”), received on January 26, 2001, in which it informed the Court about “a disturbing attack against the witness, Manuel González”, the previous December 25, as a result of which the latter was hit by two bullets and, to date, despite a complaint to the authorities, there is no information about those responsible for this act. Accordingly, the Commission requests the Court to call on the State of Guatemala “to submit information urgently on the investigation into the said attack, the measures adopted so that this is conducted rapidly and efficiently, and the results obtained.”

CONSIDERING:

1. That Guatemala has been a State Party to the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) since May 25, 1978, and accepted the obligatory jurisdiction of the Court on March 9, 1987.
2. That Article 63.2 of the American Convention provides that, in cases “of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons”, the Court may adopt such provisional measures as it deems pertinent in the matters it has under consideration.
3. That, in the words of Article 25.1 of the Rules of Procedure of the Court:

[a]t 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, from this provision, it is clear that the Court may act on its own motion, in cases of extreme gravity and urgency to avoid irreparable damage to persons. The Court has done so previously . In the instant case, this implies safeguarding the life and personal safety of Manuel de Jesús González Chinchilla.

5. That Article 1.1 of the Convention indicates the obligation of States Parties to respect the rights and freedoms embodied in the Convention and to guarantee their free and full exercise to all persons subject to their jurisdiction

6. That the information submitted in this case reveals the existence of a situation of risk to the life and personal safety of Manuel de Jesús González Chinchilla. This situation could be related to the fact that, recently, Mr. González Chinchilla was a witness in the Paniagua Morales et al. case. The Court also takes into consideration, the pattern of violence that has been confirmed in the case, and also in other cases processed before the Court concerning Guatemala, and the modus operandi of Mr. González Chinchilla's attackers.

7. The standard for prima facie evaluation of a case and the application of presumptions when there is a need for protection have led this Court to order provisional measures on different occasions .

8. That, in its jurisprudence, this Court has protected witnesses who have made statements before the Court, by adopting provisional measures .

9. That, in this respect, as the Court has already stated, "it is the responsibility of the State to adopt measures of security to protect all the persons who are subject to its jurisdiction; this obligation becomes even more evident in regard to those who are associated with proceedings before the supervisory organs of the American Convention."

10. That, in addition to their essentially preventive nature, the purpose of provisional measures in international human rights law is to provide effective protection for fundamental rights, inasmuch as they seek to avoid irreparable damage to persons.

11. That the Paniagua Morales et al. case, is at the reparations stage before the Court.

12. That the situation described by the Commission in relation to Manuel de Jesús González Chinchilla is of extreme gravity and urgency and fits the requirements of Article 63.2 of the American Convention, and this makes it necessary to adopt provisional measures to avoid irreparable damages.

13. That Guatemala has the obligation to investigate the facts that motivated the adoption of provisional measures in order to identify those responsible and impose the pertinent sanctions.

THEREFORE;

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in the exercise of the powers conferred on it by Article 63.2 of the American Convention on Human Rights and Article 25 of its Rules of Procedure:

DECIDES:

1. To call on the State of Guatemala to adopt all necessary measures to protect the life and safety of Manuel de Jesús González Chinchilla.
2. To call on the State of Guatemala to investigate the facts indicated and report on the situation of the said person, and on the measures adopted to comply with this Order, by February 8, 2001, at the latest.
3. To call on the State of Guatemala, to present reports on the provisional measures adopted in this cases every two months from the date of notification of this Order, and on the Inter-American Commission on Human Rights to submit its comments on these reports 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