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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Mauricio Herrera Ulloa and Fernan Vargas Rohrmoser v. Costa Rica
Alt. Title/Style of Cause: “La Nacion newspaper” v. Costa Rica
Doc. Type: Order
Decided by: President: Antonio A. Cancado Trindade
Dated: 6 April 2001
Citation: Herrera Ulloa v. Costa Rica, Order (IACtHR, 6 Apr. 2001)

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HAVING SEEN:

The communication of the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) of March 28, 2001, in which it filed a request for provisional measures in favor of Mauricio Herrera Ulloa and Fernán Vargas Rohrmoser, respectively, journalist and legal representative of the Costa Rican newspaper, La Nación, “for [the Court to call on] the Republic of Costa Rica to protect the freedom of expression” of the said persons.

CONSIDERING:

1. That Costa Rica has been a State Party to the American Convention since April 8, 1970, and recognized the obligatory jurisdiction of the Court on July 2, 1980.
2. That Article 63.2 of the Convention establishes that:
In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.
3. That, in this respect, 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.
Furthermore, paragraph 4 of this article stipulates that:
If the Court is not sitting, the President, in consultation with the Permanent Commission and, if possible, with the other judges, shall call upon the government concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures that may be ordered by the Court at its next session.
4. That, on examining the Commission’s communication of March 28, 2001 (*supra* having seen 1), the President considers that the request includes elements that appear to be related to the

merits of the case and deems it necessary to request additional information from the Inter-American Commission and the State of Costa Rica (hereinafter “the State” or “Costa Rica”). Accordingly, both parties should submit information to the Court in writing on the following aspects: a) the urgency of the situation; b) the gravity of the situation; c) the probability of irreparable damage to the alleged victims, and d) the implications that a decision by the Court on the adoption of the provisional measures requested by the Commission could have when deciding the merits of the case.

5. That, as a result of the elements indicated in considering paragraph 4, the President deems that it is necessary to hear the arguments of the State and the Commission on this matter at a public audience.

6. That, in view of the foregoing, it is also necessary, as an urgent measure, to request the State to abstain from executing any action that would alter the status quo of the matter until this public audience has been held and the Court is able to deliberate and decide on the admissibility of the provisional measures requested by the Commission.

THEREFORE:

THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of the authority conferred on him by Article 63.2 of the American Convention on Human Rights and Article 25.2 of the Statute of the Court, and Articles 4, 25 and 29.2 of the Rules of Procedure of the Court, and having consulted all the judges of the Court,

DECIDES:

1. To grant the Inter-American Commission on Human Rights and the State of Costa Rica until May 12, 2001, to submit the information referred to in considering paragraph 4 of this order.

2. To convene the Inter-American Commission on Human Rights and the State of Costa Rica to a public hearing to be held at the seat of the Inter-American Court of Human Rights on May 22, 2001, at 10 a.m., so that the Court may hear their points of view on the facts and circumstances that motivated the request for provisional measures.

3. To request the State, as an urgent measure, to abstain from executing any action that would alter the status quo of the matter until this public hearing has been held and the Court is able to deliberate and decide on the admissibility of the provisional measures requested by the Commission.

Drawn up in Spanish in Washington, D.C., on April 6, 2001.

Antônio A. Cançado Trindade
President

Manuel E. Ventura Robles
Secretary

So ordered,

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Antônio A. Cançado Trindade
President

Manuel E. Ventura Robles
Secretary