

Institution: Inter-American Court of Human Rights
Title/Style of Cause: Nicholas Chapman Blake v. Guatemala
Doc. Type: Order
Decided by: President: Antonio A. Cancado Trindade
Judges: Hernan Salgado-Pesantes; Oliver Jackman; Alirio Abreu-Burelli;
Sergio Garcia-Ramirez; Carlos Vicente de Roux-Rengifo
Dated: 2 June 2001
Citation: Blake v. Guatemala, Order (IACtHR, 2 Jun. 2001)

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HAVING SEEN:

1. The order of the President of the Inter-American Court of Human Rights of August 16, 1995, by which he adopted urgent measures for Justo Victoriano Martínez Morales, Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López.

2. The order of the Inter-American Court of Human Rights (hereinafter “the Court”) of September 22, 1995, which decided:

1. To ratify the order of the President of August 16, 1995, and request that the Government of the Republic of Guatemala maintain the provisional measures on behalf of Justo Victoriano Martínez Morales, Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López.

2. To request that the Government of the Republic of Guatemala inform the Court, every three months, on the provisional measures adopted.

3. To request that the Inter-American Commission on Human Rights send to the Court its observations on the reports of the Government of the Republic of Guatemala, within a month of receiving notification with respect thereof.

3. The order of the Court of April 18, 1997, in which it decided:

1. To take note of the measures adopted by the State of Guatemala in compliance with the order of the Court of September 22, 1995.

2. To call on the State of Guatemala to expand the measures adopted to provide them to Justo Victoriano Martínez Morales, Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López, not only in their homes but outside of them.

4. The order of the Court of August 18, 2000, in which it decided:

1. To request that the State of Guatemala maintain all the measures necessary to protect the lives and personal integrity of Justo Victoriano Martínez Morales, Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López.

2. To request that the State of Guatemala inform the Court on the measures adopted to investigate the threats against the said persons, in conformity with the Secretariat's note in this respect, with the purpose of obtaining effective results that may lead to the identification of those responsible and their punishment.

3. To request that the State of Guatemala continue submitting its reports on the provisional measures adopted every six months and that the Inter-American Comisión on Human Rights submit its observations on the said reports within six weeks of receiving them.

5. The note of the Secretariat of March 26, 2001, in which it requested Guatemala to submit the seventeenth report on the provisional measures in this case, since the period for doing so had expired on February 18, 2001

CONSIDERING:

1. That Guatemala has been a State Party to the American Convention since May 25, 1978, and accepted the obligatory jurisdiction of the Court on March 9, 1987, in accordance with Article 62 of the American Convention on Human Rights.

2. That Article 63.2 of the Convention establishes that the Court shall adopt such provisional measures as it deems pertinent in the matters it has under consideration and, to this end, requires that this should be in cases "of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons [and with respect to a case not yet submitted to the court, it may act at the request of the Commission."

3. That, in this regard, Article 25 of the Rules of Procedure establishes that.

1. 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 Article 1.1 of the Convention indicates that it is the duty of States Parties to respect the rights and freedoms recognized therein and to ensure their free and full exercise to all persons subject to their jurisdiction.

5. That, as an essential element of the duty to protect, the State is obliged to investigate the threats and intimidating acts that those protected have suffered or may suffer and, when necessary, punish those responsible for the acts that gave rise to the adoption of provisional measures.

6. That the report requested from the State in the order of this Court of August 18, 2000, was not submitted within the corresponding period and that the Court, through its Secretariat, has requested that this report should be submitted and is still awaiting this information.

7. That, in consequence, the Commission has not been able to submit its comments on compliance with the provisional measures adopted on behalf of Justo Victoriano Martínez Morales and his next of kin.

8. That this Court considers it advisable to maintain the provisional measures that have been adopted in this case and to request the State and the Commission to provide information on the status of compliance with these measures.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in accordance with Article 63.2 of American Convention on Human Rights and exercising the powers conferred on by Article 25 of its Rules of Procedure,

DECIDES:

1. To call on the State of Guatemala to maintain the necessary measures to protect the life and personal integrity of Justo Victoriano Martínez Morales , Floridalma Rosalina López Molina, Víctor Hansel Morales López, Edgar Ibal Martínez López and Sylvia Patricia Martínez López.
2. To call on the State of Guatemala to inform the Court, by July 2, 2001, at the latest, about the measures adopted in the instant case; in particular, those that it has taken to investigate the threats experienced by these persons in order to obtain effective results that lead to the identification of those responsible and their punishment.
3. To instruct the Secretariat of the Court to transmit the State's report to the Inter-American Commission on Human Rights as soon as it has been received.
4. To request the Inter-American Commission on Human Rights to transmit its comments on the report mentioned in the previous operative paragraph to the Court, within one month of having been notified thereof.
5. To call on the State of Guatemala to continue submitting reports on the provisional measures adopted, every six months, 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

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

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Manuel E. Ventura-Robles
Secretary