

**Order of the
Inter-American Court of Human Rights
of September 3, 2004
Provisional Measures regarding Colombia
Case of the 19 Tradesmen**

HAVING SEEN:

1. The Judgment on the merits, reparations and costs issued by the Inter-American Court of Human Rights (hereinafter "the Court") on July 5, 2004 in the *Case of the 19 Merchants* with respect to the Republic of Colombia (hereinafter "the State" or "Colombia"), in which the Court found that:

Unanimously,

1. the State violated the rights to personal liberty, to humane treatment and to life set forth in Articles 7, 5 and 4 of the American Convention on Human Rights, in combination with Article 1(1) of that same Convention, to the detriment of Álvaro Lobo Pacheco, Gerson Javier Rodríguez-Quintero, Israel Pundor Quintero, Ángel María Barrera-Sánchez, Antonio Flórez Contreras, Víctor Manuel Ayala-Sánchez, Alirio Chaparro Murillo, Álvaro Camargo, Gilberto Ortiz Sarmiento, Reinaldo Corzo Vargas, Luis Hernando Jáuregui-Jaimes, Luis Domingo Sauza-Suárez, Juan Alberto Montero-Fuentes, José Ferney Fernández-Díaz, Rubén Emilio Pineda-Bedoya, Carlos Arturo Riatiga-Carvajal, Juan Bautista, Alberto Gómez (possible second surname Ramírez) and Huber Pérez (possible second surname Castaño), as set forth in paragraphs 134, 135, 136, 145, 146, 150, 155 and 156 of the [...] Judgment.

By six votes to one,

2. the State violated the rights to fair trial and to judicial protection set forth in Articles 8(1) and 25 of the American Convention on Human Rights, in combination with Article 1(1) of that same Convention, to the detriment of Álvaro Lobo Pacheco, Gerson Javier Rodríguez-Quintero, Israel Pundor Quintero, Ángel María Barrera-Sánchez, Antonio Flórez Contreras, Víctor Manuel Ayala-Sánchez, Alirio Chaparro Murillo, Álvaro Camargo, Gilberto Ortiz Sarmiento, Reinaldo Corzo Vargas, Luis Hernando Jáuregui-Jaimes, Luis Domingo Sauza-Suárez, Juan Alberto Montero-Fuentes, José Ferney Fernández-Díaz, Rubén Emilio Pineda-Bedoya, Carlos Arturo Riatiga-Carvajal, Juan Bautista, Alberto Gómez (possible second surname Ramírez) and Huber Pérez (possible second surname Castaño) and their next of kin, as set forth in paragraphs 173, 174, 177, 200, 203, 204 and 205 of the [...] Judgment.

Judge Medina-Quiroga partially dissenting.

Unanimously,

3. the State violated the right to humane treatment set forth in Article 5 of the American Convention on Human Rights, in combination with Article 1(1) of that same Convention, to the detriment of the next of kin of Álvaro Lobo Pacheco, Gerson Javier Rodríguez-Quintero, Israel Pundor Quintero, Ángel María Barrera-Sánchez, Antonio Flórez Contreras, Víctor Manuel Ayala-Sánchez, Alirio Chaparro Murillo, Álvaro Camargo, Gilberto Ortiz Sarmiento, Reinaldo Corzo Vargas, Luis Hernando Jáuregui-Jaimes, Luis Domingo Sauza-Suárez, Juan Alberto Montero-Fuentes, José Ferney Fernández-Díaz, Rubén Emilio Pineda-Bedoya, Carlos Arturo Riatiga-Carvajal, Juan Bautista, Alberto Gómez (possible second surname Ramírez) and Huber Pérez (possible second surname Castaño), as set forth in paragraphs 212 to 218 of the [...] Judgment.

Unanimously,

4. [the] Judgment *per se* is a form of reparation, in accordance with paragraph 279 of the Judgment.

AND ORDER[ED] THAT:

Unanimously,

5. the State must, within a reasonable time, effectively investigate the facts of the instant case, with the aim of identifying, trying, and punishing all the direct perpetrators and masterminds of the violations committed against the 19 tradesmen, for criminal and any other purposes that may derive from investigation of the facts, and the result of this process must be made known to the public, as set forth in paragraphs 256 to 263 of the [...] Judgment.

Unanimously,

6. the State must conduct, within a reasonable time, a serious search, making all possible efforts to ascertain what happened to the remains of the victims and, if possible, to deliver them to their next of kin, as set forth in paragraphs 270 and 271 of the [...] Judgment.

Unanimously,

7. the State must build a monument in remembrance of the victims and, by means of a public ceremony and in the presence of the next of kin of the victims, it must place a plaque with the names of the 19 merchants, pursuant to paragraph 273 of the [...] Judgment.

Unanimously,

8. the State must hold a public act of acknowledgment of its international responsibility regarding the facts of this case and of apology to the memory of the 19 merchants, in the presence of the next of kin of the victims, and members of the highest authorities of the State must attend this act, as set forth in paragraph 274 of the [...] Judgment.

Unanimously,

9. the State, through specialized health institutions, must provide the medical and psychological treatment required by the next of kin of the victims, free of cost, as set forth in paragraphs 277 and 278 of the [...] Judgment.

Unanimously,

10. the State must establish the conditions required for the members of the family of victim Antonio Flórez Contreras who are in exile to be able to return to Colombia, if they wish to do so, and it must cover the costs that they incur to return, as set forth in paragraph 279 of the [...] Judgment.

Unanimously,

11. the State must especially ensure the right to life, to humane treatment and to safety of the persons who testified before the Court as well as those of their next of kin, and must provide them such protection as they may require against any other persons, taking into account the circumstances of this case, as set forth in paragraph 280 of the [...] Judgment.

Unanimously,

12. the State must pay US\$ 55,000.00 (fifty-five thousand United States dollars) or its equivalent in Colombian currency for lost earnings of each of the 19 victims, as set forth in paragraphs 230, 231, 233, 234, 235, 240 and 243 of the [...] Judgment.

Unanimously,

13. the State must pay US\$ 2,000.00 (two thousand United States dollars) or the equivalent in Colombian currency for expenses incurred by the next of kin of the victims Juan Alberto Montero-Fuentes, Víctor Manuel Ayala-Sánchez, Gerson Javier Rodríguez-Quintero, Antonio Flórez Contreras, Ángel María Barrera-Sánchez, Alirio Chaparro Murillo, Álvaro Lobo Pacheco, Israel Pundor Quintero, Luis Hernando Jáuregui-Jaimes, Rubén Emilio Pineda-Bedoya and Reinaldo Corzo Vargas seeking to establish their whereabouts, as set forth in paragraphs 242 and 243 of the [...] Judgment.

Unanimously,

14. the State must pay US\$ 80,000.00 (eighty thousand United States dollars) or the equivalent in Colombian currency as compensation for the non pecuniary damages to each of the 19 victims, as set forth in paragraphs 230, 231, 235, 233, 234, 250, 251 and 252 of the [...] Judgment.

Unanimously,

15. the State must pay, as compensation for the non pecuniary damages caused to the next of kin of the victims:

a) US\$ 50,000.00 (fifty thousand United States dollars) or the equivalent in Colombian currency, to each of the children of the victims, as set forth in paragraphs 231, 233, 234, 235, 248, 249, 250 and 252 of the [...] Judgment;

b) US\$ 80,000.00 (eighty thousand United States dollars) or the equivalent in Colombian currency, to each of the wives and common-law spouses of the victims, as set forth in paragraphs 231, 233, 234, 235, 248, 249, 250 and 252 of the [...] Judgment;

c) US\$ 50,000.00 (fifty thousand United States dollars) or the equivalent in Colombian currency, to each of the parents of the victims, as set forth in paragraphs 231, 233, 234, 235, 248, 249, 250 and 252 of the [...] Judgment; and

d) US\$ 8,500.00 (eight thousand five hundred United States dollars) or the equivalent in Colombian currency, to each of the siblings of the victims, as set forth in paragraphs 231, 233, 234, 235, 248, 249, 250 and 252 of the [...] Judgment.

Unanimously,

16. the State must pay the Comisión Colombiana de Juristas, for legal costs and expenses, US\$ 10,000.00 (ten thousand United States dollars) or the equivalent in Colombian currency, and the Centro por la Justicia y el Derecho Internacional (CEJIL) US\$ 3,000.00 (three thousand United States dollars) or the equivalent in Colombian currency, as set forth in paragraph 285 of the [...] Judgment.

[...]

Unanimously,

23. it will oversee compliance with [the] Judgment and it will close the instant case once the State has fully complied with its provisions. Within one year of the date when notice is served of [the] Judgment, the State must report to the Court on steps taken to comply with it, as set forth in paragraph 294 of the Judgment.

[...]

2. The statement by the Court in its July 5, 2004 Judgment (*supra* Having Seen 1):

[...]

280. The Court has noted with concern that most of the next of kin of the victims who testified before the Court and before a notary public [...] expressed the fear of suffering reprisals. In this regard, the Court deems it indispensable for the State to

especially ensure the lives, humane treatment and safety of the persons who testified before the Court and their next of kin, and that it provide them with the necessary protection against any other persons, taking into account the circumstances of the instant case.
[...]

3. The July 30, 2004 brief, in which the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") filed before the Inter-American Court, pursuant to Articles 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention"), 25 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure") and 74 of the Rules of Procedure of the Commission, a request for provisional measures, with the purpose of ensuring that the State adopts such measures as may be necessary to protect the life and safety of Sandra Belinda Montero and her family. The Commission stated that Mrs. Montero is a next of kin of two victims in the case of the 19 Merchants and she testified at the public hearing on the merits and possible reparations and legal costs held at the seat of the Court.

4. The grounds set forth by the Commission in its request for provisional measures (*supra* Having Seen 3), summarized as follows:

a) Sandra Belinda Montero, the wife of Víctor Manuel Ayala-Sánchez and the sister of Juan Alberto Montero-Fuentes, two of the victims in the case of the 19 Merchants, testified regarding the facts of said case before the Court during the public hearing on the merits and possible reparations and legal costs held on April 21, 2004;

b) on July 29, 2004 Sandra Belinda Montero was threatened over the phone "for having made statements to the press on the case of the 19 Merchants". The person who made that threat warned her that she had "been branded" and that "orders had been issued to kill her." Due to this threat, Mrs. Montero left her home, together with her mother and children, "to seek a safe place;" and

c) the background of the case, the aforementioned threat (*supra* Having Seen 4. b), the context of fear that the Court is aware of, and the situation of the region where Mrs. Montero and her family live lead to the conclusion that there is in fact a situation of extreme gravity and urgency and the danger of irreparable damage to "the victim and witness and to her family."

The Commission also pointed out that the representatives of the victims and their next of kin in the *Case of the 19 Tradesmen* had summoned the rest of the persons they represent to assess their situation regarding security.

5. In light of all the above, the Commission asked the Court to order the State to:

1. Protect the life and safety of Sandra Belinda Montero and her family.
2. Investigate the facts that give rise to the request for provisional measures, with the aim of identifying and trying those responsible and punishing them as appropriate.

[...] The Commission also ask[ed] the [...] Court [to] instruct the State that the provisional measures ordered must be agreed upon among the State, the beneficiaries and their representatives and, in view of the grave and delicate situation, that they must be implemented urgently.

6. The July 30, 2004 Order of the President of the Court in which, having consulted all the judges, he decided:

1. To call upon the State to send, no later than August 3, 2004, its observations on the request for provisional measures filed by the Inter-American Commission, notwithstanding compliance with the measures set forth in the following operative paragraphs.
2. To order the State to adopt, forthwith, such measures as [might] be necessary to protect the rights to life and to humane treatment of Sandra Belinda Montero Fuentes and of her next of kin. Sandra Belinda Montero-Fuentes' children are Víctor Hugo Ayala-Mantilla, Juan Manuel Ayala-Montero and Sandra Catherine Ayala-Montero, and her mother is Hilda María Fuentes-Pérez.
3. To order the Inter-American Commission on Human Rights to submit to the Inter-American Court, within five days of when the instant Order is notified, a list of the members of the family of Sandra Belinda Montero Fuentes to whom the State must provide said measures of protection, in addition to her aforementioned children and mother.
4. To order the State to investigate the facts that give rise to adoption of [the] urgent measures and, as appropriate, to identify those responsible and punish them accordingly.
5. To order the State to allow the beneficiaries of these measures or their representatives to participate in their planning and implementation and, in general, to inform them of progress regarding their execution.
6. To order the State to report to the Inter-American Court of Human Rights within ten days of notification of the [...] Order, regarding the steps taken to comply with it.
7. To ask the beneficiaries of these measures or their representatives to submit to the Inter-American Court of Human Rights, within five days of when the report by the State is notified, such observations as they deem[ed] pertinent
8. To ask the Inter-American Commission on Human Rights to submit to the Inter-American Court of Human Rights, within seven days from when the report by the State is notified, such observations as they deem[ed] pertinent.
9. To order the State to continue reporting to the Inter-American Court of Human Rights, every two months, on compliance with the measures ordered, and to call upon the beneficiaries of these measures or their representatives to submit their observations on the bi-monthly reports of the State, within four weeks from when they receive them, and upon the Inter-American Commission on Human Rights to submit its observations on said reports of the State within six weeks of when it receives them.

[...]

7. The August 3, 2004 brief, in which the State sent its observations on the request for provisional measures filed by the Inter-American Commission, in response to the request made in operative paragraphs one and six of the Order issued by the President on July 30, 2004. In this brief, Colombia reported, *inter alia*, that a meeting was held on August 2 among representatives of the State, of the Comisión Colombiana de Juristas and of the Asociación de Familiares de Detenidos Desaparecidos (ASFADDES), at which they agreed: a) to "relocate Mrs. Montero-Fuentes and her two children, Juan Manuel and Sandra Catalina"; b) to grant "an initial financial support" for said relocation; c) that "steps will be taken for approval of two additional months of support for the beneficiary;" d) that a "liaison officer" of the National Police "will be in constant contact with [Mrs. Montero-Fuentes] to deal with any emergency;" and e) that "two means of communication will be provided,

one for the beneficiary and another one for [said] officer." The State also mentioned which next of kin of Mrs. Montero Fuentes require protection and listed the names of the persons who do not require measures of protection.

8. The August 4, 2004 brief, in which the Commission, in response to the request by the President in operative paragraph three of the Order on urgent measures (*supra* Having Seen 6), explained that "the next of kin of the beneficiary who require special protection have been identified as Maria Paola Casanova-Montero, who is 7 years old, and Juan Manuel Ayala-Montero, who is eighteen."

9. The August 18, 2004 note by the Secretariat of the Court, in which, under instructions by the President, it asked the State to submit the report required to comply with the July 30, 2004 Order of the President.

10. The brief filed by the State on August 19, 2004, in response to the request made in operative paragraph six of the Order issued by the President on July 30, 2004. In that brief, Colombia explained that it was expanding the information that it submitted on August 3, 2004 regarding compliance with the measures (*supra* Having Seen 7). Colombia informed the Court that the Ministry of the Interior and Justice is "establishing the necessary coordination to provide Mrs. Montero-Fuentes a "three-month temporary relocation support, payable monthly," "an Avantel means of communication" and "special support for the moving."

11. The August 27, 2004 brief, in which the Commission submitted its observations on the report by the State, in response to the request made in operative paragraph eight of the July 30, 2004 Order of the President (*supra* Having Seen 6). In said brief the Commission stated that it did not have the report that the representatives of the beneficiaries were supposed to send in accordance with the provisions of operative paragraph seven of said Order of the President, and that through "informal consultations" with the representatives the Commission had learned that Belinda Montero was presumably receiving the relocation support and the Avantel communication equipment that the State mentioned. The Commission asserted that the State decided on the measures in consultation with the protected person and with the representatives, in accordance with the provisions of operative paragraph five of the Order of the President. The Commission also pointed out the need for follow-up on implementation of the aforementioned measures over the next three months, and underlined that the State made no reference in its first report to the steps taken to investigate the facts that gave rise to adoption of the urgent measures by the President of the Court. Finally, the Commission asked the Court to: 1) keep the urgent measures ordered by the President in force and order provisional measures in favor of Sandra Belinda Montero and her children Paola Casanova-Montero and Juan Manuel Ayala-Montero; 2) follow up on implementation of the temporary protection measures decided among the parties; 3) follow up on conduct of the risk study, its results, and the measures implemented pursuant to that study by agreement with the beneficiary and her representatives, and 4) ask the State to investigate the facts that gave rise to adoption of the urgent measures and, if appropriate, to identify those responsible and punish them accordingly. In said brief the Commission reiterated the content of its August 4, 2004 communication (*supra* Having Seen 8) regarding the fact that "the next of kin of Mrs. Montero who live with her and require protection, are her children Juan Manuel Ayala-Montero and Paola Casanova-Montero, who are respectively 18 and seven years old."

12. The September 1, 2004 brief, in which the Comisión Colombiana de Juristas filed its observations on the report by the State, in response to the request made in operative paragraph seven of the Order of the President (*supra* Having Seen 6). In this brief, the Comisión Colombiana de Juristas stated that on August 2, 2004 it met with representatives of the State and they agreed on "some urgent measures of protection," which have been implemented and "have served the purpose of provisionally addressing the risky situation." However, they pointed out that "the risk study that must be conducted regarding Sandra Belinda Montero to establish further facts with which to assess her security situation and that of her family [i]s still pending." The representatives also pointed out that "it is important to establish the type of actions or steps that the Colombian State is taking to elucidate the origin of the threats and those responsible," because until "the origins of the risk and those responsible" are identified, "the situation of vulnerability of Sandra Belinda Montero and her family will continue." Finally, the representatives stated that "Sandra Montero believes that, for the time being, the measures of protection must protect her and the two children with whom she lives," who are "Juan Manuel Ayala-Montero and María Paola Casanova-Montero, 18 and 7 years old, respectively."

WHEREAS:

1. Colombia has been a State Party to the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") since July 31, 1973 and it accepted the adjudicatory jurisdiction of the Court on June 21, 1985.

2. Article 63(2) of the Convention sets forth that

[i]n 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. Regarding this matter, Article 25(1) and 25(2) of the Rules of Procedure sets forth that:

[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.

[w]ith respect to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

4. Article 1(1) of the Convention sets forth the duty of the States Party to respect the rights and liberties embodied in that treaty and to ensure their free and full exercise by all persons under their jurisdiction.

5. Under International Human Rights Law, provisional measures are not only preventive, in the sense that they preserve a juridical situation, but also fundamentally protective, because they protect human rights, inasmuch as they seek to avoid irreparable damage to persons. Provided that the basic requirements of

extreme gravity and urgency and of preventing irreparable damage to persons are met, provisional measures become a true preventive jurisdictional guarantee.¹

6. It is the responsibility of the State to adopt security measures to protect all persons under its jurisdiction. This duty is even more evident with respect to persons involved in proceedings before the oversight bodies of the American Convention², especially if they are victims, next of kin of victims, or witnesses who testified before the Court in an adjudicatory case. Sandra Belinda Montero-Fuentes is in the three aforementioned situations.

7. On April 21, 2004, when she testified before the Court at the public hearing on the merits and possible reparations and legal costs in the instant case, witness Sandra Belinda Montero-Fuentes, the wife of victim Víctor Manuel Ayala-Sánchez and the sister of victim Juan Alberto Montero-Fuentes, expressed her fear of testifying before the Court.

8. In paragraph 280 of the Judgment on the merits, reparations, and costs issued on July 5, 2004, the Court decided that the State must especially ensure the life, humane treatment and safety of the persons who testified before the Court and their next of kin, and must provide them with the necessary protection against any other persons, taking into account the circumstances of the instant case and in view of the fact that most of the next of kin of the victims who testified before the Court and before a notary public expressed their fear of suffering reprisals.

9. After examining the facts and circumstances that gave rise to the July 30, 2004 Order of the President (*supra* Having Seen 6), as well as the information subsequently supplied by the State (*supra* Having Seen 7 and 10), by the Commission (*supra* Having Seen 8 and 11) and by the representatives (*supra* Having Seen 12), the Court deems that there continues to be, *prima facie*, a threat and grave risk against the life and personal safety of Sandra Belinda Montero-Fuentes and her family, who are in a situation of extreme gravity and urgency. The standard of *prima facie* assessment in a case and application of presumptions regarding the need for protection, have several times led the Court to order measures.³

10. The State has reported on the effective way in which it is implementing the urgent measures ordered by the President to protect the rights to life and to humane treatment of Sandra Belinda Montero-Fuentes and her next of kin, the implementation of which has been agreed upon with participation of the representatives. However, the State has not yet submitted information on the investigation of the facts that gave rise to adoption of the urgent measures.

¹ See *Case of the Urso Branco Prison*, Provisional Measures. July 7, 2004 Order of the Inter-American Court of Human Rights, Whereas four; *Matters of: Liliana Ortega et al., Luisiana Ríos et al., Luis Uzcátegui, Marta Colomina and Liliana Velásquez*. Provisional Measures. May 4, 2004 Order of the Inter-American Court of Human Rights, Whereas five; and *Case of Urso Branco Prison*, Provisional Measures. April 22, 2004 Order of the Inter-American Court of Human Rights, Whereas four.

² See *Case of Bámaca-Velásquez*. Provisional Measures. November 20, 2003 Order of the Court, Whereas six; *Matter of Liliana Ortega et al.*. Provisional Measures. February 21, 2003 Order of the Court, Whereas eight; and *Matter of Luisiana Ríos et al.*. Provisional Measures. February 20, 2003 Order of the Court, Whereas eight.

³ See *Case of Raxcacó et al.*. Provisional Measures. August 30, 2004 Order of the Inter-American Court of Human Rights, Whereas ten; *Case of Carlos Nieto et al.*, *supra* note 2, Whereas seven; and *Matter of "El Nacional" and "Así es la Noticia" Newspapers*. Provisional Measures. July 6, 2004 Order of the Inter-American Court of Human Rights, Whereas seven.

11. In its request for provisional measures, the Inter-American Commission requested adoption of measures in favor of "Sandra Belinda Montero and her family," without stating the name of the next of kin who required measures of protection. In view of this situation and with the aim of avoiding irreparable damage, the July 30, 2004 Order (*supra* Having Seen 6) ordered urgent measures to be taken in favor of Sandra Belinda Montero-Fuentes and her next of kin and listed the names of the persons who, according to the body of evidence in the case and the facts described by the Commission, might require measures of protection. Furthermore, to ascertain which next of kin of Mrs. Montero-Fuentes required urgent measures of protection, the President asked the Commission to send the Inter-American Court a list of the members of the family of said woman "in favor of whom the State must adopt those measures."

12. In response to the request made in operative paragraph three of the July 30, 2004 Order of the President (*supra* Having Seen 6), the Commission reported on August 4, 2004 (*supra* Having Seen 8) that "the next of kin of the beneficiary who require special protection have been identified as María Paola Casanova-Montero, who is 7 years old, and Juan Manuel Ayala Montero, who is eighteen years old and suffers a mild mental disability." On August 27, 2004 the Commission also reiterated the content of its August 4, 2004 brief stating that "the next of kin of Mrs. Montero who live with her and require protection are her children Juan Manuel Ayala-Montero and Paola Casanova-Montero, respectively 18 and seven years old" (*supra* Having Seen 11).

13. After the Order was issued by the President, the representatives asked the Court to "keep the provisional measures ordered by the President of the Court in force in favor of, for the time being, Sandra Belinda Montero and her children Juan Manuel Ayala Montero and María Paola Casanova-Montero."

14. The Court must establish who the next of kin of Mrs. Montero-Fuentes are who require measures of protection, based on the list of individuals filed by the Inter-American Commission after the Order of the President was issued (*supra* Having Seen 8 and 11) and taking into account the significant information filed by the representatives and by the State.

15. Both the Inter-American Commission and the representatives agree that the next of kin of Sandra Belinda Montero-Fuentes who "for the time being" require measures of protection are only her children Juan Manuel Ayala-Montero and María Paola Casanova-Montero, and they also stated the names of the individuals who do not require measures of protection.

16. In view of the above considerations, the Court deems that the necessary measures ordered by the President in his July 30, 2004 Order (*supra* Having Seen 6) must remain in force to protect the rights to life and to humane treatment of Sandra Belinda Montero Fuentes and her next of kin, and it therefore ratifies it regarding protection of Sandra Belinda Montero-Fuentes and her son Juan Manuel Ayala-Montero.

17. Based on the list of individuals filed by the Inter-American Commission regarding the next of kin of Sandra Belinda Montero-Fuentes who require protection (*supra* Having Seen 8 and 11), with which the representatives are in agreement (*supra* Having Seen 12), the Court deems that the measures ordered by the

President must also protect minor María Paola Casanova-Montero, who is 7 years old, the daughter Sandra Belinda Montero-Fuentes.

NOW THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

by virtue of the authority granted to it by Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure,

DECIDES:

1. To ratify the July 30, 2004 Order of the President of the Inter-American Court of Human Rights, in the terms set forth in Whereas fifteen of the instant Order, regarding protection of Sandra Belinda Montero-Fuentes and her son Juan Manuel Ayala-Montero.
2. To order the State to:
 - a) maintain the necessary measures to protect the rights to life and to humane treatment of Sandra Belinda Montero-Fuentes and her son Juan Manuel Ayala-Montero; and
 - b) adopt, forthwith, such measures as may be necessary to protect the rights to life and to humane treatment of minor María Paola Casanova-Montero, who is 7 years old, the daughter of Sandra Belinda Montero-Fuentes.
3. To order the State to investigate the facts that gave rise to these provisional measures and, if appropriate, to identify those responsible and punish them accordingly.
4. To order the State to continue allowing participation of the beneficiaries of these measures or their representatives in their planning and implementation and, in general, to inform them of progress regarding their execution.
5. To order the State to continue reporting to the Inter-American Court of Human Rights, every two months, on compliance with the measures ordered, and to call upon the beneficiaries of these measures or their representatives to submit their observations on the bi-monthly reports of the State, within four weeks from when they receive them, and upon the Inter-American Commission on Human Rights to submit its observations on said reports of the State within six weeks from when it receives them.
6. To notify the instant Order to the Inter-American Commission on Human Rights, to the representatives of the beneficiaries of these measures, and to the State.

Sergio García-Ramírez
President

Alirio Abreu-Burelli

Oliver Jackman

Antônio A. Cançado-Trindade

Cecilia Medina-Quiroga

Manuel E. Ventura-Robles

Diego García-Sayán

Pablo Saavedra-Alessandri
Secretary

So ordered,

Sergio García-Ramírez
President

Pablo Saavedra-Alessandri
Secretary