

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS\*  
OF MAY 25, 2010**

**PROVISIONAL MEASURES  
REGARDING THE DOMINICAN REPUBLIC**

**MATTER OF JUAN ALMONTE HERRERA ET AL.**

**HAVING SEEN:**

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") of March 3, 2010, and annexes, whereby a request for provisional measures was submitted before the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court"), based on the terms of Article 63(2) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") and Article 27 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"), so as to order the Dominican Republic (hereinafter "the State" or "Dominican Republic") to adopt without delay measures for the protection of the life and personal integrity of Juan Almonte Herrera, Yuverky Almonte Herrera, Joel Almonte, Ana Josefa Montilla, Genaro Rincón and Francisco de León Herrera.

2. The alleged facts based on which the request for provisional measures was presented by the Commission, namely:

a) Mr. Juan Almonte Herrera was detained without an arrest warrant on September 28, 2009, by policemen of the Anti-kidnapping Department of the National Police, within the framework of an investigation on the kidnapping of the son of a financial entrepreneur. To date his whereabouts are unknown. That same day in the evening news the police stated that it was "looking for Juan Almonte Herrera, who is a fugitive," and showed five pictures of persons allegedly related to this kidnapping, including Mr. Almonte Herrera;

b) on September 29, 2009, the National Police and the "Dirección Nacional de Control de Drogas" (National Drug Control Department) performed an entry and search of a house owned by Mr. Almonte Herrera, without a search warrant and

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\* Judge Rhadys Abreu Blondet, of Dominican nationality, excused herself from hearing the processing of the instant provisional measures, in conformity with Articles 19 of the Statute and 21 of the current Rules of Procedure of the Inter-American Court of Human Rights approved by the Court in its LXXXV Ordinary Period of Sessions held from November 16 to 28, 2009, which was accepted by the Court.

without the presence of personnel from the Attorney General's Office. Eleven individuals were arrested at that time, including Yuberkis [*sic*] Almonte Herrera, Juan Almonte Herrera's sister;

c) on September 30, 2009, the attorneys of Mr. Almonte Herrera filed a writ of *habeas corpus* on his behalf. This motion was granted on October 2, 2009, when the Judge of the Second Criminal Court of the National District ordered Mr. Almonte Herrera's release. This court concluded that he had been detained without an order from a competent judge. The order was timely communicated to the headquarters of the National Police; however, it has not been complied with. On October 4, 2009, the National Police declared that Mr. Almonte was in its custody, however, it denied responsibility for his detention and disappearance;

d) the petitioners indicated that since September 28, 2009, Mr. Almonte Herrera was submitted to continuous torture in a "clandestine house," to have him confess his alleged participation in the kidnapping. They indicated the possibility that after being hit on the head with an aluminum bat Mr. Almonte may have died on the way to the hospital, in a vehicle that was later intentionally burnt by police agents;

e) the Institute of Forensic Pathology of the National District performed two DNA tests on the bodies found in the burnt vehicle, of which one allegedly corresponded to Mr. Almonte Herrera. The results were negative, however the petitioners claim that this was due to the necessary intervention of the National Police, who claim that Mr. Almonte Herrera is a fugitive;

f) since October 3, 2009, the National Police has increased persecution, following, and threats against Mr. Almonte Herrera's representatives, as well as his family and friends. Specifically, the houses of Yuverky Almonte Herrera, Ana Josefa Montilla and Joel Almonte, sister, wife, and son of Mr. Almonte Herrera, respectively, "have been constantly watched by members of the National Police," and their telephones have been tapped. Likewise, Ms. Ana Josefa Montilla, after being "followed" and "harassed" by policemen dressed as civilians, decided "to leave again to the United States" as she felt afraid and insecure. Mr. Joel Almonte has also been followed, and has therefore been inhibited from taking any actions to demand knowledge of his father's whereabouts. Mr. Genaro Rincón and Francisco León Herrera, Mr. Almonte Herrera's attorneys, expressed that "they are followed by Police agents," their phones are tapped, and their offices are under surveillance. Mr. Genaro Rincón is included in a list by the Department of Criminal Investigations for denouncing the case;

g) on November 30, 2009, the Inter-American Commission sent an urgent request for information to the State, requesting it to provide, within 48 hours, information on the whereabouts of Mr. Juan Almonte Herrera, the steps taken to comply with the *habeas corpus* decision, and the security situation of his next of kin and representatives. The State did not respond to this request;

h) on December 4, 2009, the petitioners reported new harassment and threats from agents of the National Police experienced by the next of kin and representatives of Mr. Almonte Herrera, allegedly in response to their actions to investigate the whereabouts of Mr. Juan Almonte;

i) on December 11, 2009, the Commission granted precautionary measures to Juan Almonte Herrera, Yuverky Almonte Herrera, Joel Almonte and Ana Josefa Montilla, as well as Genaro Rincón and Francisco de León Herrera, to guarantee their life and personal integrity. In this communication the Commission requested the State to report, within 10 days, on the whereabouts of Mr. Almonte Herrera, his state of health, and his security situation. It also requested the State to report on the measures adopted to investigate the facts that led to the adoption of precautionary measures;

j) on January 22, 2010, the State submitted a report to the Commission, where it indicated that the Attorney General's Office had received several complaints about the "alleged disappearance" of Mr. Almonte Herrera. It also indicated that it had contacted the family so that they would file a claim to promote the investigation, "receiving no collaboration from them." The State also mentioned that it had begun an investigation in which it requested the Immigration Department for Mr. Almonte Herrera's record of entries and exits from the country, and requested a medical report so as to "compare it to necropsies [of other bodies] received on the dates of his alleged disappearance." Finally, the State reported on the measures adopted to protect the life and personal integrity of the beneficiaries. It indicated that apart from Ms. Ana Josefa Montilla, who was in the United States, it had provided the posting of police services for the other beneficiaries;

k) the petitioners reported that they are asking the Attorney General's Office to present criminal charges against the officers of the National Police, and that they have received threats from the National Police "if they file a claim against them," and

l) finally, the petitioners reported that they had met with the Department of Criminal Investigations of the National Police," which proposed assigning a member of the Police to each of the beneficiaries of the measures. In view of this, they expressed that they would submit a different proposal, as they do not agree with that the same institution that is being questioned would be the one to carry out the execution, compliance, and monitoring of the measures to be granted.

3. The Commission's claims to support its request for provisional measures, namely:

a) the existence of a situation of extreme gravity and urgency, given that: i) Mr. Juan Almonte Herrera was arrested on September 28, 2009, and his whereabouts are unknown since then; ii) as a result of the filing of the *habeas corpus*, Mr. Juan Almonte's arrest by the police was effectively proven; iii) the disappearance of Mr. Almonte Herrera while in the State's custody, the existence of indications of the participation of State agents in hiding his whereabouts, and the lack of news about him, demand that the Dominican Republic put in special efforts to search for him, establish what occurred, and protect his life and personal integrity; iv) based on the foregoing, it is reasonable to infer that Mr. Almonte Herrera is in a situation of grave risk; v) although his next of kin and representatives filed a writ of *habeas corpus* which resulted in an order requesting Mr. Almonte Herrera's release, the State has not complied with this order and denies that he is in its custody; and v) the State has expressed that "it is the next of kin who have to file a claim to denounce the facts," when in cases like this one the investigation must be initiated on its own motion;

b) State efforts in cases such as this one cannot be based on the assumption that the person in question is a fugitive, but must take into account that this may be a forced disappearance and that the person affected could be in a situation of extreme risk, especially when there are indications that support this possibility;

c) the situation of extreme gravity and urgency extends to the next of kin and attorneys of Mr. Almonte Herrera, given that: i) they have been subject to threats, harassment, and been followed by State agents, based on the public declarations and steps taken before State authorities to obtain information on the whereabouts of Mr. Almonte; ii) from the information provided by the petitioners it is not inferred that they have reached an agreement on their protection, therefore those individuals are currently not being protected, and iii) the threats against those people "would increase if an investigation of the facts is opened," and

d) the nature of the rights threatened, the right to life and to humane treatment, constitute "the irreparable extreme of consequences that this request for provisional measures intends to avoid."

4. The request of the Inter-American Commission to the Court, based on Article 63(2) of the American Convention and Article 27 of the Court's Rules of Procedure, to require the State to:

a) adopt the measures necessary to establish the whereabouts of Mr. Almonte Herrera and report immediately to the Inter-American Court and his next of kin;

b) once his whereabouts are determined, adopt the measures necessary to protect the life and personal integrity of Mr. Juan Almonte Herrera, after assessing the motives that led to his disappearance while in custody of the State. These measures should be agreed with the potential beneficiary and his representatives;

c) adopt without delay the measures necessary to guarantee the life and personal integrity of Yuverky Almonte Herrera, Joel Almonte, Ana Josefa Montilla, Genaro Rincón and Francisco de León Herrera, and report immediately to the Inter-American Court. In the event that Ms. Ana Josefa Montilla is outside of the country, grant her the aforementioned measures as soon as she comes back;

d) perform an investigation of the facts that prompted the request for provisional measures as a mechanism to prevent any risk situation to the life and humane treatment of Juan Almonte Herrera, Yuverky Almonte Herrera, Joel Almonte, Ana Josefa Montilla, Genaro Rincón and Francisco de León Herrera;

e) agree with the beneficiaries on the most appropriate mechanisms to implement protection measures, so as to ensure their effectiveness and relevance, and

f) report on the measures adopted based on the previous subparagraphs.

5. The note of March 5, 2010, whereby the Secretariat, following the instructions of the President of the Court, requested the State to submit the observations it considered

pertinent with regards to the instant request for provisional measures (*supra* Having Seen 1).

6. The brief of March 11, 2010, whereby the State requested an extension for the presentation of the observations requested (*supra* Having Seen 5) and indicated that since December 14, 2009, "[Mr.] Almonte and others were benefiting from Precautionary Measures, which have been implemented in coordination with the beneficiaries."

7. The note of the Secretariat of March 11, 2010, whereby, following the instructions of the President of the Court, the extension requested by the State was granted (*supra* Having Seen 6), and it was requested to specifically address in its communication to the precautionary measures it claimed were implemented on behalf of each of the beneficiaries, and to attach a copy of the judicial decision whereby the *habeas corpus* was allegedly granted to Mr. Juan Almonte Herrera. In addition, through this note it requested the Inter-American Commission to report on the status of the implementation of the alleged precautionary measures adopted by the Dominican Republic (*supra* Having Seen 6).

8. The brief of March 15, 2010, in which the State indicated that:

a) it is complying with the precautionary measures requested by the Inter-American Commission, which "consist of the investigation of the disappearance of [Mr.] Juan Almonte Herrera and the security of [his] family [...] and that of his representatives;"

b) with regards to the investigation, in compliance with the decision of the Second Criminal Court of the National District on the *habeas corpus* that ordered the release of Mr. Juan Almonte Herrera, it confirmed that this individual "is not in the hands of the National Police and the pertinent actions are being taken to determine his location and punish those responsible for his disappearance;"

c) the Attorney General's Office has contacted the relatives of Mr. Almonte Herrera, to "urge them to file a claim [for] the disappearance;"

d) it reviewed the records of entries and exits from the country and did not "find records of leaving [d]ominican [t]erritory" for Mr. Juan Almonte Herrera;

e) it is investigating "at the heart of the National Police, the identity of the alleged captors of [Mr.] Almonte Herrera;"

f) it has performed "necropsies to bodies of unidentified persons to compare them to the anthropometric dimensions of [Mr.] Almonte Herrera;"

g) on December 22, 2009, "after holding a meeting with the beneficiaries, it arranged for the posting of police services to all [relatives of Mr. Almonte Herrera], except for [Ms.] Ana Josefa Montilla, who is living in the Unites States," and

h) based on the foregoing, it considered that "it is complying with the [p]recautionary [m]easures ordered by the Inter-American Commission."

9. The communication of March 16, 2010, whereby the Inter-American Commission indicated that:

a) based on the reports presented by the State and the communications of the petitioners during the processing of the precautionary measures, it can be derived that "the State's response does not address the gravity and urgency of the situation, as it does not indicate having adopted concrete measures to investigate and establish [the] whereabouts [of Mr. Almonte Herrera] and, therefore, has not produced the immediate results that are necessary in situations such as this one;"

b) the petitioners expressed that they have not been able to agree on anything concrete with regards to the precautionary measures, "especially because the State intends to provide protection through members of the national police, who have repeatedly been identified [...] as responsible for the disappearance of Mr. Almonte Herrera] and of the facts of the threats and harassment against them," from which it is inferred that "they are currently not being protect[ed]," and

c) it strongly reiterates that taking into consideration the characteristics of this case, without detriment to the design and implementation of protection measures that must be performed by the State in agreement with the potential beneficiaries, "it is necessary to take into account that the persons assigned for their protection should not have any relationship with the National Police."

10. The Order of the President of the Court of March 24, 2010, (hereinafter "the President's Order"), whereby he decided to:

1. Require the State to adopt forthwith all measures necessary to determine the whereabouts of Mr. Juan Almonte Herrera and to protect his life and personal integrity, [...]

2. Require the State to adopt, without delay, the measures necessary to guarantee the life and personal integrity of Yuverky Almonte Herrera, Joel Almonte, Genaro Rincón and Francisco de León Herrera, [...].

3. Require the State to adopt the measures necessary to guarantee the life and personal integrity of Ms. Ana Josefa Montilla, if she decides to return to the Dominican Republic, [...]

4. Require the State to allow the beneficiaries to participate in the planning and implementation of the protection measures, [...]

5. Require the State to report to the Inter-American Court of Human Rights, on April 12, 2010 at the latest, on that set forth in operative paragraphs one and two, and if applicable operative paragraph three of the [...] Order.

6. Request the Inter-American Commission and the representatives of the beneficiaries to submit before the Inter-American Court, as of April 19, 2010, at the latest, their observations on the report mentioned in operative paragraph five of the [...] Order.

7. Require the State, in addition, to continue reporting to the Inter-American Court every two months as of the date of notification of this [...] Order, on the measures adopted in conformity with this decision.

8. Require the representatives of the beneficiaries and the Inter-American Commission to submit their observations within four and six weeks, respectively, of the date of notification of the State's reports indicated in Operative paragraph seven.

11. The brief of April 9, 2010, whereby the State requested an extension of ten days to submit the report mentioned in operative paragraph five of the Order of March 24, 2010 (*supra* Having Seen 10).

12. The Secretariat's note of April 14, 2010, whereby, following instructions of the President of the Court, the extension requested by the State (*supra* Having Seen 11) was granted until April 22, 2010.

13. The brief of April 22, 2010, whereby the State requested an additional ten day extension to submit the report mentioned in operative paragraph five of the Order of March 24, 2010 (*supra* Having Seen 10).

14. The Secretariat's note of April 23, 2010, whereby, following the instructions of the President of the Court, the extension requested by the State (*supra* Having Seen 13) was granted until May 3, 2010, and it was indicated that the term shall be considered non-extendable.

15. The brief of April 30, 2010, whereby the State submitted the report mentioned in operative paragraph five of the Order of March 24, 2010 (*supra* Having Seen 10).

16. The brief of May 3, 2010, whereby the State submitted to the Court "a copy of the judicial decision of the habeas corpus on behalf of Mr. Juan Almonte Herrera."

17. The communication of May 12, 2010, whereby the Inter-American Commission presented its observations on the State report of April 30, 2010 (*supra* Having Seen 15).

#### **CONSIDERING THAT:**

1. The Dominican Republic is a State Party to the American Convention since April 19, 1978, and that, pursuant to Article 62 thereof it recognized the Court's obligatory jurisdiction on March 25, 1999.

2. Article 63(2) of the American Convention establishes 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. Article 27 of the Court's Rules of Procedure establishes that:

1. At any stage of proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, on its own motion, order such provisional measures as it deems appropriate, pursuant to Article 63(2) of the Convention.

2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

4. The provision established in Article 63(2) of the Convention confers an obligatory character to the State's adoption of the provisional measures ordered by this Court, given that the basic principle of law of international responsibility of the State, supported

by international jurisprudence, indicates that States shall fulfill their conventional obligations in good faith (*pacta sunt servanda*).<sup>1</sup>

5. In International Human Rights Law, provisional measures are not only precautionary, in the sense of preserving a juridical situation, but are also fundamentally protective, as they protect human rights to the extent that they seek to avoid irreparable damages to persons. The order to adopt measures is applicable as long as the basic requirements of extreme gravity and urgency to prevent irreparable damages to persons are met. Thus, provisional measures become a true jurisdictional guarantee of a preventive nature.<sup>2</sup>

6. Based on its jurisdiction, within the framework of provisional measures, it is the Court's responsibility to consider only and strictly those arguments directly related to extreme gravity, urgency, and the need to avoid irreparable damages to persons. Any other fact or argument can only be analyzed and resolved during the consideration of the merits of a contentious case.<sup>3</sup>

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7. From the information provided by the Commission it is inferred that Mr. Juan Almonte Herrera has been missing since September 28, 2009 (*supra* Having Seen 2.a), date on which he was detained by the National Police and from which he has not had any contact with his next of kin and representatives. In addition, Yuverky Almonte Herrera, Joel Almonte and Ana Josefa Montilla, next of kin of Mr. Juan Almonte Herrera, as well as Genaro Rincón and Francisco de León Herrera, attorneys, have been subject to threats and harassment as consequence of the steps taken to determine the whereabouts of Mr. Almonte Herrera. Currently Ms. Montilla is not in the Dominican Republic (*supra* Having Seen 2.f).

8. Specifically, in this matter it must be taken into consideration that both, the next of kin and the attorneys of Mr. Juan Almonte, have taken different steps to find out his whereabouts, including: a) the filing of a writ of *habeas corpus*, which was granted; b) the request for precautionary measures before the Inter-American Commission; c) several visits to the Attorney General's Office and the Department of Criminal Investigations of the National Police, and d) denouncing in the media the disappearance of Juan Almonte Herrera.

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<sup>1</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 14, 1998, Considering sixth; *Matter of Guerrero Larez*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of November 17, 2009, Considering five, and *Case of Rosendo Cantú et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of February 2, 2010, Considering six.

<sup>2</sup> Cf. *Case of "La Nación" Newspaper*. Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering four; *Matter of Natera Balboa*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 1, 2010, Considering seven; and *Case of Rosendo Cantú et al.*, *supra* note 1, Considering five.

<sup>3</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, 1998, Considering six; *Matter of Guerrero Larez*, *supra* note 1, Considering sixteen; and *Case of Rosendo Cantú et al.*, *supra* note 1, Considering fifteen.

9. In the report of April 30, 2010 (*supra* Having Seen 15), the State indicated that it was "taking the necessary steps to determine [Mr.] Almonte Herrera's location and punish those responsible for his disappearance, prior to the adoption of the Precautionary Measures by the Inter-American Commission." However, the State expressed that Mr. Juan Almonte Herrera "is a fugitive of the law due to his alleged participation in the kidnapping of [Mr.] Eduardo A. Baldera Gómez." Likewise, the State reported that "[w]ith regards to the security of [Yuverky Almonte Herrera, Joel Almonte, Genaro Rincón and Francisco de León Herrera], it set forth the posting of a security service for all of them," except for Ms. Ana Josefa Montilla, who "is living in the United States," although "the State is most willing to provide it to her, if she decides to come back."

10. In the *habeas corpus* decision of the Second Criminal Court of the National District on October 2, 2009 (*supra* Having Seen 16), it declared "the illegality of [Mr. Almonte Herrera's] imprisonment, as he [was in] prison without a court order issued by the competent judicial authority," hence "the immediate release of [Mr. Juan Almonte Herrera] was ordered." In this decision it was also declared that this order "ha[d] to become enforceable from the court, so that no government employee coul[d] deny complying with it."

11. The Inter-American Commission observed that "the State did not provide specific information on the steps being taken to locate [Mr.] Juan Almonte Herrera, or on the investigations aimed at punishing those responsible for his disappearance." Likewise, the Commission indicated its concern that "the State continue[s] with the main hypothesis that Mr. Almonte Herrera is running from the law, [without] providing information destined to investigate the concrete indications that he was subject to forced disappearance by State agents," notwithstanding the *habeas corpus* decision ruled in his favor (*supra* Having Seen 16). In addition, the Commission reiterated that "the State's response does not address the gravity and urgency of the situation, as it does not indicate having adopted concrete measures to investigate and establish [the] whereabouts [of Mr. Almonte Herrera], therefore it has not produced the immediate results that are necessary in situations such as this one." Finally, the Inter-American Commission indicated that "it t[ook] cognizance of the information reported by the State with regards to the protection provided to the other beneficiaries, [but that] it reserv[ed] the right to expand on its observations once the beneficiaries submit[ted] their own."

12. The representatives did not submit their observations to the Court.

13. After two extensions (*supra* Having Seen 12 and 14), the State reported in general on the "pertinent measures" taken to determine Mr. Almonte Herrera's location and punish those responsible for his disappearance. The State did not detail these measures or report on the results or concrete advances that allow to clearly determine the whereabouts and situation of Mr. Almonte Herrera. In this regard, the Court observes that while the State referred to actions of punishing "those responsible for his disappearance," at the same time it stated that Mr. Juan Almonte Herrera is "a fugitive of the law." The State did not submit documentation to support this statement.

14. From the file on the instant matter, specifically the *habeas corpus* decision whereby Mr. Juan Almonte Herrera's release was ordered, it is inferred that he was detained without a court order by the State authorities, and that he is still missing in spite of the order to release him. The Court insists that in view of the lack of information on his whereabouts, it may be presumed that Mr. Almonte Herrera is in grave risk of infringement of his right to life, right to personal liberty, and right to humane treatment.

15. The Court reiterates to the State that Article 1(1) of the Convention establishes the general obligation of the State Parties to respect the rights and freedoms recognized therein and to ensure the full and free exercise of those rights and freedoms to all persons subject to their jurisdiction, not only in relation to the State but also in relation to third parties. The Court has considered that the State is in a special position as guarantor of the individuals deprived of their liberty, as the penitentiary authorities exercise full control over them.<sup>4</sup>

16. On the other hand, the State reported, once again in a general manner, that it provided the posting of a security service for Yuverky Almonte Herrera, Joel Almonte, Genaro Rincón and Francisco de León Herrera. However, the State did not mention how this security service works, as requested by the President of the Court in the Order of March 24, 2010 (*supra* Having Seen 10, Considering fifteen) or submit any documentation to allow the Court to verify this information. In spite of the request by the President of the Court for the State to submit "concrete and detailed information regarding the provisional measures implemented for each of [the] beneficiaries, so that it c[ould] be assessed by the Court" (*supra* Having Seen 10, Considering twenty-two), the State's information does not provide elements to verify the effective implementation of measures for their protection. In addition, as inferred from that Order (*supra* Having Seen 10, Considering twenty-one), "[t]he provisional measures must be designed and implemented with the full participation of the beneficiaries and their representatives, taking into account their special protection needs in conformity with the specific circumstances of the matter," and "[t]he State must assess the concrete risks of each of the beneficiaries to determine the specific protection mechanisms." However, the State did not submit information in this regard.

17. The Court takes cognizance that Ms. Ana Jose Montilla is outside of the State's territory, and that it expressed that "it is most willing" to provide her with a security service if she decides to return to the country. This agrees with that ordered by the President of the Court in the Order of March 24, 2010 (*supra* Having Seen 10, operative paragraph three).

18. The information submitted by the Commission demonstrates, *prima facie*, that the individuals indicated in the request for provisional measures (*supra* Having Seen 1) and in the Order of the President of March 24, 2010 (*supra* Having Seen 10) are in a situation of extreme gravity and urgency, given that their lives and humane treatment have been threatened and are at grave risk. Specifically with regards to Mr. Juan Almonte Herrera, his right to personal liberty is threatened and under grave risk. Consequently, the Inter-American Court deems it necessary for these persons to be protected by means of provisional measures, in light of that established in the American Convention.

19. The State must take the steps necessary for the provisional measures ruled in the instant Order to be planned and applied, with the participation of the beneficiaries of these measures or their representatives, so that these measures are provided promptly and effectively. The Court notes that the State's positive participation, and particularly that of the representatives, is essential to coordinate the implementation of the provisional measures in the instant matter.

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<sup>4</sup> Cf. *Matter of Capital El Rodeo I & El Rodeo II Judicial Confinement Center*. Request for Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 8, 2008, Considering eleven, and *Matter of Guerrero Larez*, *supra* note 1, Considering thirteen.

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20. The Court reiterates that it is necessary for the State to submit to the Court, within the term established in the operative section of the instant Order, concrete and detailed information regarding the provisional measures implemented for each of the beneficiaries, so that it can be assessed by the Court. In addition, it reiterates that the State must submit all related documentation that it considers pertinent.

**THEREFORE:**

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

by virtue of the authority granted by Article 63(2) of the American Convention on Human Rights and Articles 27 and 31 of the Court's Rules of Procedure,

**DECIDES:**

1. To ratify all the terms of the Order of the President of the Inter-American Court of Human Rights of March 24, 2010, and thus require the State to maintain the measures that it was implementing, as well as to adopt forthwith the complementary measures necessary to protect the life, liberty, and personal integrity of Mr. Juan Almonte Herrera, and the life and integrity of Yuverky Almonte Herrera, Joel Almonte, Genaro Rincón and Francisco de León Herrera, as well as Ms. Ana Jose Montilla, if she decides to return to the Dominican Republic.
2. Require the State to perform all relevant steps for the protection measures set forth in the instant Order to be planned and implemented with the participation of the beneficiaries or their representatives, so that these measures are provided promptly and effectively, and to keep them informed, in general, of the progress of their execution.
3. Require the State to continue reporting to the Inter-American Court of Human Rights every two months as of the date of notification of the instant Order, on the provisional measures adopted in conformity with this decision.
4. Request the representatives of the beneficiaries of the instant measures and the Inter-American Commission on Human Rights to submit their observations within four and six weeks, respectively, as of the date of notification of the State's reports indicated in the operative paragraph above.
5. Request the Secretariat to notify the instant Order to the State, the Inter-American Commission, and the representatives of the beneficiaries of these provisional measures.

Diego García-Sayán  
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary