

**Order of the  
Inter-American Court of Human Rights  
of May 26, 2010**

**Provisional Measures  
Regarding the United States of Mexico**

**Matter of Alvarado Reyes Et al.**

**HAVING SEEN:**

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") of May 13, 2010, and its annexes, through which it filed before the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court", or "the Tribunal") a request for provisional measures, pursuant with Articles 63(2) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") and 27 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"), with the purpose of achieving that the United States of Mexico (hereinafter "the State" or "Mexico") protect the life and right to humane treatment of Rocío Irene Alvarado Reyes, Nitza Paola Alvarado Espinoza, and José Ángel Alvarado Herrera (hereinafter "Rocío", "Nitza", and "José").

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

a) on December 29, 2009, Rocío, Nitza, and José would have been detained without an arrest warrant by members of the Mexican army in the cooperative community of Benito Juárez, located in the Municipality of Buenaventura, State of Chihuahua, their whereabouts are unknown since that date and they have not yet been taken before a competent authority. At approximately 8:00 p.m. ten officers in uniforms and armed got out of two vehicles in front of the home of relatives of Jose's wife and forcefully, took José and his cousin Nitza out of the van in which they were at that time and put them in the mentioned vehicles and left. Hours later, officers and the police came back and took the van. On that same day, officers violently went into the home of Rocío's mother and arrested Rocío;

b) on the following days the next of kin carried out several processes to obtain information regarding their situation and whereabouts, among them: i) they informed the town police, ii) they turned to the State Investigative Agency of Nuevo Casas Grandes, where they verified that the van in which Nitza and José were traveling when detained was located in the yard; iii) they filed an order before the Public Prosecutors' Office of Buenaventura, iv) they turned to the barracks of the 35<sup>th</sup> Infantry Battalion, since they received information from official sources indicating that their next of kin were at said battalion; v) a complaint was filed at the offices of the Chihuahua Joint Operative in Ciudad Juárez; and vi) they filed a complaint before the State's Human Rights Commission in Ciudad Juárez;

c) on January 12, 2010, based on a communication<sup>1</sup> received at the Commission that described in detail the previous background and pursuant to that stated in Article XIV of the Inter-American Convention on Forced Disappearance of Persons, the Commission sent a request for urgent information to the State so that it would, within 48 hours, inform of the whereabouts of Rocío, Nitza, and José; their physical state; and any other relevant information regarding their situation. On January 15, 2010, the State presented its response, in which it indicated, *inter alia*, that:

- i) the Attorney General of the State of Chihuahua started a preliminary inquiry on December 31, 2009, "under the crime of illegal detainment;"
- ii) the investigations "have not proven the existence of elements that define a forced disappearance;"
- iii) the Secretariat of National Defense informed that on January 9, 2010, it held a meeting, in which the military staff stated that there was no evidence that agents from the 35<sup>th</sup> Infantry Battalion had participated in the alleged arrest; and
- iv) the Attorney General of the Republic informed that after a search carried out by the Federal Public Prosecutors' Office "no registry of a ministerial investigation or preliminary inquiry related to the alleged disappearance of Rocío Irene Alvarado Reyes, Nitza Paola Alvarado Espinoza, and José Ángel Alvarado Herrera was found;"

d) on March 1, 2010, the representatives forwarded a communication<sup>2</sup> to the Commission, through which they requested the adoption of precautionary measures in favor of Rocío, Nitza, and José, fourteen of their next of kin, and three representatives. Said communication included their observations to the State's report, it updated the information previously presented and they referred to the context in which the facts occurred.<sup>3</sup> The representatives pointed out the existence of evidence that supposedly proves the participation of 10 armed officers in uniform in the arrest of Rocío, Nitza, and José. Regarding the investigations they indicated, *inter alia*, that:

- i) in the dossier of the inquiry before the Attorney General of the State of Chihuahua no diligence trying to locate the victims has been recorded, nor has the protocol for the location of disappeared women in said State been activated; and

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<sup>1</sup> The communication through which the Commission was informed of these facts was filed on January 8, 2010, by the Women's Human Rights Center (CEDEHM), whose headquarters are in Chihuahua.

<sup>2</sup> The communication was filed by CEDEHM, The Paso del Norte Human Rights Center, with headquarters in Ciudad Juárez, and the Commission for the Solidarity and Defense of Human Rights, located in the city of Chihuahua.

<sup>3</sup> The petitioners made reference to the "[b]ackground and context of the military occupation and violence in the State of Chihuahua" and to the "[s]pecific context in which the disappearance occurs [...]."

- ii) on January 6, 2010, an inquiry was opened before the Attorney General of the Republic for the crime of "abuse of authority"; however, on February 20, 2010, the mentioned Attorney General declined its competence based on jurisdiction and it forwarded the preliminary inquiry to the Military Public Prosecutors' Office;
- e) On March 4, 2010, the Commission requested the State to adopt precautionary measures to protect the life and right to humane treatment of Rocío, Nitza, and José; and it required the State to report on their whereabouts, their state of health, and their safety, as well as the actions adopted in order to investigate the facts that led to the adoption of the measures.
- f) on March 18, 2010, Mexico presented its report, in which it stated that the three bodies in charge of the prosecution of the crimes, which "brought together information in their corresponding inquiries," are:
  - i) Attorney General of the State of Chihuahua: several diligences have been carried out to recollect testimonies;
  - ii) Attorney General of the Republic: an agent of the Public Prosecutors' Office carried out interviews with staff from the 35<sup>th</sup> Infantry Battalion and the ministerial police of Chihuahua, who expressed the "non-existence of information on the people reported as disappeared;" and the Specialized Prosecutors' Office for Crimes of Violence against Women and Human Trafficking (hereinafter "FEVIMTRA") opened a preliminary inquiry; and
  - iii) Attorney General of Military Justice: does not have a background on the participation of military personnel; however, preliminary inquiries were started.

Likewise, it informed that the National Human Rights Commission (hereinafter "NHRC") submitted a complaint file. The NHRC requested reports from the involved authorities; and personnel from that commission made itself present at the Benito Juárez cooperative to interview the person who filed the complaint and the witnesses, and it inspected the inside of the installations of the 35<sup>th</sup> Infantry Battalion in an unsuccessful search for the whereabouts of Rocío, Nitza, and José.

- g) on April 20, 2010, the representatives forwarded their corresponding observations to the state's report, highlighting the following:
  - i) Attorney General of the State of Chihuahua: despite the evidence, testimonies, and information provided by the next of kin regarding the participation of army officials in the facts, diligences were not carried out to establish said participation, and the case was submitted to the Unit of Absent and Lost People, which does not investigate criminal facts but offers a type of social service to the next of kin. They also stated that it took until March 3, 2010, for them to request information from the communications company regarding the telephone line from which Nitza had made a phone call on February 3, 2010, and that the location of the telephone or the name of the owner of the line from which the call was made is still unknown;
  - ii) Attorney General of the Republic: the State had provided contradicting information, since through an official letter of February 20, 2010, said Attorney General's office declared itself unfit and forwarded the case to military justice. Regarding the inquiry before the FEVIMTRA, they stated that the content of the case dossier is that of the complaint filed by the next of kin, press releases, and urgent actions prepared by the same

petitioners. Likewise, they stated that it took FEVIMTRA almost two months to send an official letter to the representative of the telephone brand requesting information of the mentioned call made by Nitza, thus its results are null; and

h) “[b]ased on the available information, the Commission decided, *motu proprio*, to request the Inter-American Court for provisional measures.”

3. The arguments of the Commission used as grounds for its request for provisional measures, among them:

a) the set of elements present in this case “proves *prima facie* the existence of a situation of extreme gravity and urgency and the need to avoid irreparable damages to Rocío Irene Alvarado Reyes (18 years old), Nitza Paola Alvarado Espinoza (31 years old), and José Ángel Alvarado Herrera;”

b) “under the standard of assessment *prima facie* characteristic of the proceedings of provisional measures, [...] there is serious evidence” that said people were deprived of their freedom by State security agents on December 29, 2009, without having information on their fate or whereabouts. Among said evidence the Commission referred to: i) testimonies of several of the next of kin who state they were present at the time of the arrest or that were informed of what happened by other people; ii) statement made by state authorities in the sense that Rocío, Nitza, and José were arrested within a raid, indicating even the military garrison where they could be found; iii) the testimony of a next of kin that assured he had seen “the van from which José Ángel Alvarado Herrera and Nitza Paola Alvarado Espinoza were taken at the time of their arrest” at the State Investigation Agency at Nuevo Casas Grandes a few days after their disappearance; iv) official document of January 5, 2010, which acknowledges that said van, belonging to the Alvarado family, is at a state dependency; v) that the next of kin that visited the military installations were not allowed access to those installations to confirm if Rocío, Nitza, and José were there; and vi) that on February 3, 2010, a call from Nitza was received in which she stated she was alive, that she was afraid, and that someone come pick her up; however, the authorities have not established the origin or geographical location from where the call was made;

c) “the response given by the State of Mexico has been insufficient and does not correspond to the extreme gravity of a situation in which there is evidence that a forced disappearance has been committed.” The State has limited its actions to starting inquiries in different instances, “which have not carried out minimum diligences to find the possible beneficiaries.” The only entity that carried out a diligence to look for them was the NHRC, which does not have the mandate or legal mechanisms to respond to a forced disappearance with the necessary diligence. Likewise, follow-up has not been offered to the testimonies offered by the next of kin; the reasons why the van belonging to the Alvarado family was under state custody precisely days after the disappearance has not been investigated; and efforts have not been made to establish the origin of Nitza’s call on February 3, 2010. Additionally, the State has indicated that there are no elements regarding the participation of military officials in the facts, without having received from the entities in charge of the investigations an explanation on how they reached that conclusion, and without the State having informed of specific actions to determine the whereabouts of Rocío, Nitza, and José. Upon not carrying out the minimum diligences to disprove the evidence regarding said participation, “the State is assuming that it is not a forced disappearance;” and

d) the situation described makes it improbable that, with the mechanisms used up to now, the whereabouts of Rocío, Nitza, and José will be determined, “which increases the situation of vulnerability, lack of protection, and risk of irreparable damages.”

4. The request of the Inter-American Commission for the to Court, based on Article 63(2) of the American Convention and Article 27 of the Rules of Procedure, order the State to comply with the following measures:

- a) Adopt urgent measures to locate and protect the life and right to humane treatment of Rocío Irene Alvarado Reyes, Nitza Paola Alvarado Espinoza, and José Ángel Alvarado Herrera, and immediately inform the Inter-American Court of Human Rights and their next of kin;
- b) Investigate the facts that motivated the present request for provisional measures by the authorities of the ordinary jurisdiction and not the military one;
- c) Coordinate the provisional measures with the next of kin of the possible beneficiaries.

5. The note of the Secretariat of the Court of May 14, 2010, through which, following the instructions of the President of the Court, requested that the State forward, no later than May 19, 2010, the observations considered appropriate regarding the request for provisional measures filed by the Inter-American Commission.

6. The brief presented by Mexico on May 19, 2010, and its annex, through which it presented “the summary of the work meeting that took place on t[hat same] day in Ciudad Juárez, Chihuahua, in which the institutions from the Mexican government that are involved in this matter established the measures to be followed.” Likewise, the State informed that on May 20, 2010, “it would send the Tribunal a detailed report on this matter.”

7. The brief presented by Mexico on May 21, 2010, through which it presented its observations to the request for provisional measures. In its observations, the State indicated that “it reproduces the report regarding the implementation of protection measures, prepared by the Secretariat of the Interior [...].” Mexico informed that on May 19, 2010, a meeting was held with the next of kin of Rocío, Nitza, and José and their representatives, where “the corresponding agreements could not be reached and due to matters of previously established agendas some of the heads of the Dependencies involved had to leave [...].” Regarding the progress made in the search and investigation the State informed, *inter alia*, the following:

- i) Attorney General of the State of Chihuahua: “it is completely false that the reasons why the van [in which Nitza and José were allegedly traveling on the day of their disappearance] was under state custody were not investigated.” Said van was the “object of a seizure” by the Ministerial Police of Nuevo Casas Grandes, Chihuahua, “with the corresponding chain of custody.” The vehicle was delivered to its owner, María de Jesús Alvarado Espinoza, “having previously taken pictures and conducted a criminal search on the inside.” Regarding the tracking of the phone call that was allegedly received from Nitza, the telephone company informed that it is not possible to provide the information associated to the line from which Nitza allegedly made the call, “since it was acquired through the PRE PAID rate plan” and it

does not have that information in its database. Later, the telephone company presented information on the "telephone behavior" of the mentioned line, "information [that] is being processed;"

- ii) Attorney General of the Republic: the FEVIMTRA forwarded several official letters to state dependencies, requesting that they inform if they have any background regarding the alleged disappearance and requested from the Secretariat of Defense "a report referring to whether or not members of the Mexican Army participated in any raid close to the place of the facts that may have resulted in any arrest." Regarding the tracking of the call allegedly made by Nitza on February 3, 2010, the telephone company presented a registry of calls made from the telephone from which the call was allegedly made. With the information collected it was ordered that "the technical network with details of the phone calls and the digital location and real-time geographical positioning of the call made" be carried out. A request was also made to the Associate Coordinator of Services so that he could, based on the registry of incoming and outgoing calls and their latitude and longitude coordinates, "locate its geographical positioning and/or the position of the antennas;" and

iii) Attorney General of Military Justice: the investigations "seek to verify if military personnel had any participation in the facts and if so, exercise the corresponding criminal action."

#### **CONSIDERING THAT:**

1. Mexico has been a State Party to the American Convention since March 24, 1981, and that, pursuant with Article 62 of the Convention, it recognized the contentious jurisdiction of the Court on December 16, 1998.

2. Article 63(2) of the American Convention states 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. In the terms of Article 27 of the Rules of Procedure of the Court:<sup>4</sup>

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. In International Human Rights Law provisional measures not only have a precautionary nature, in the sense that they preserve a juridical situation, but mainly a protective one, since they protect human rights, in the sense that they seek to avoid irreparable damage to people. The measures are applied as long as the basic requirements of extreme gravity and urgency and the prevention of irreparable

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<sup>4</sup> Rules of Procedure of the Court approved on November 24, 2009, during its LXXXV Regular Session held from November 16 to 28, 2009, and in force as of January 1, 2010.

damage to people are met. Thus, provisional measures are transformed in a true jurisdictional guarantee of a preventive nature.<sup>5</sup>

5. The stipulation established in Article 63(2) of the Convention grants an obligatory nature to the adoption, by the State, of the provisional measures ordered by this Tribunal, since the basic legal principle on State responsibility, supported by international jurisprudence, has indicated that the States must comply with its conventional obligations in good faith (*pacta sunt servanda*).<sup>6</sup>

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6. The present request for provisional measures is not related to a case brought before the Court, but instead it was originated on a request for precautionary measures filed before the Inter-American Commission. The Court does not have information regarding if the facts brought before the Tribunal are part of a contentious proceeding before the Inter-American System or if a petition was filed before the Inter-American Commission regarding the merits related to this request.

7. On previous opportunities, this Court interpreted that the phrase "matters that have not yet been submitted before it" included in Article 63(2) *in fine* of the American Convention assumes that there is at least a possibility that the matter that leads to the request of provisional measures may be submitted to the Court in its contentious competence. In order for there to be said minimum possibility the proceeding established in Articles 44 and 46 through 48 of the American Convention must have been started before the Commission.<sup>7</sup>

8. From the information provided by the Commission it can be concluded that Rocío, Nitzá, and José, who are cousins, have been missing since December 29, 2009, and, despite the fact that their next of kin informed of the facts to different state authorities and the Commission ordered precautionary measures on March 4, 2010, (*supra* Having Seen paragraphs 2(a), (b), and (e)), the actions adopted by the State have not offered positive results regarding the specific information addressed to determining their whereabouts and their current situation. The information provided by the Commission indicates that there are reasonable grounds to suspect that state agents illegally deprived them of their freedom on the night of December 29, 2009.

9. Article 63(2) of the Convention demands that in order for the Court to be able to issue provisional measures three conditions must concur: i) "extreme gravity"; ii)

<sup>5</sup> Cf. *Case of the Newspaper "La Nación"*. Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering Clause number four; *Case of Caballero Delgado and Santana*. Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of February 3, 2010, Considering clause number four; *Case of Rosendo Cantú et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of February 2, 2010, Considering clause number five; and *Matter of Natera Balboa*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 1, 2010, Considering clause number seven.

<sup>6</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 clause number six; *Matter of Ramírez Hinojosa et al.* Provisional Measures regarding Peru. Order of the Inter-American Court of Human Rights of February 3, 2010, Considering clause number five; *Case of Rosendo Cantú et al.*, *supra* note 5, Considering clause number six; and *Matter of Guerrero Larez*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of November 17, 2009, Considering clause number five.

<sup>7</sup> Cf. *Matter of García Uribe et al.* Request for Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of February 2, 2006, Considering Clauses number three and four; *Matter of Natera Balboa*, *supra* note 5, Considering Clause number six; and *Matter of Guerrero Larez*, *supra* note 6, Considering Clause number seven.

“urgency”, and iii) that they try to “avoid irreparable damages to people.” These three conditions are co-existing and must be present in any situation in which the intervention of the Tribunal is requested.<sup>8</sup> In the present matter the extreme magnitude and intensity of the situation of risk informed, the alleged disappearance of Mrs. Rocío and Nitza and Mr. Jose, is pointed out. The lack of positive results by state authorities with regard to the determination of what had occurred to those people, their whereabouts, and their current situation, allows the presumption that the situation of risk of violation of their rights has been aggravated, taking into account that they disappeared since December 29, 2009. The Tribunal considers that the intervention may not be delayed in order to diminish the threat, since the delay or lack of a response would imply in itself a danger. Finally, the irreparable nature of the damage that could occur to the rights that are in danger due to that situation of grave and urgent risk is evident. The situation of disappearance constitutes a grave threat to the rights to personal freedom, humane treatment, and life, rights of an essential nature that the Tribunal has the obligation to protect when the circumstances established in Article 63(2) of the American Convention are present.

10. Specifically, in this matter, it must be taken into account that, immediately and in the days following to the disappearance, the next of kin carried out several processes to obtain information on their situation and whereabouts (*supra* Having seen paragraphs 2(b) and (f)), among them: i) they informed the town police, ii) they turned to the State Investigative Agency of Nuevo Casas Grandes, where they verified that the van in which Nitza and José were traveling when detained was located in the yard; iii) they filed a complaint before the Public Prosecutors’ Office of Buenaventura, iv) they visited the barracks of the 35<sup>th</sup> Infantry Battalion, since they received information from official sources indicating that their next of kin were at said battalion; v) a complaint was filed at the offices of the Chihuahua Joint Operative in Ciudad Juárez; vi) they filed a complaint before the State Human Rights Commission in Ciudad Juárez; and vii) they presented a complaint before the NHRC.

11. This Court values that the State has responded to all the Commission’s requests for information (*supra* Having Seen paragraphs 2(c), (e), and (f)), as well as its filing of observations in response to the communication from the President of the Tribunal (*supra* Having Seen paragraphs 5 through 7). Additionally, the Court observes that based on the complaints filed by the next of kin, two bodies in charge of the prosecution of crimes started preliminary inquiries: la Attorney General of the State of Chihuahua and the Attorney General of the Republic. However, the latter is no longer in charge of any inquiry since in February 2010, it forwarded the inquiry to the Attorney General of Military Justice based on Article 57 fraction II subparagraph a of the Code of Military Justice (*supra* Having Seen paragraph 2(d)(ii), (g)(ii), and (f) and Having Seen paragraph 7(iii)).<sup>9</sup> Additionally, the Court observes that the National Commission of Human Rights has opened an investigation, being the only authority that had inspected at least one state security installation at the area of the facts.<sup>10</sup>

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<sup>8</sup> Cf. *Case of Carpio Nicolle et al.* Provisional measures regarding Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, Considering clause number fourteen; *Matter of Natera Balboa*, *supra* note 5, Considering Clause number ten; and *Matter of Guerrero Larez*, *supra* note 6, Considering Clause number ten.

<sup>9</sup> Cf. decision adopted on January 13, 2009, by the agent of the Public Prosecutors’ Office of the Federation attached to the Seventh Table of the Delegation in the State of Chihuahua; and decision adopted on February 10, 2010, by the Attorney General of the Republic, State Delegation of Chihuahua, in which it “authorizes the consultation of lack of competence due to jurisdiction matters” (Annex 4 to the request for provisional measures filed by the Inter-American Commission).

<sup>10</sup> Personnel of the National Human Rights Commission traveled from Mexico D.F. to inspect the installations of the 35<sup>th</sup> Infantry Battalion of Nuevo Casas Grandes (brief of the Human Rights State Commission of Chihuahua of March 12, 2010, (Annex 6 to the request for provisional measures filed by the Inter-American Commission)).

However, the Tribunal points out with concern that despite the fact that said inquiries were started at the beginning of the month of January 2010, from the information provided it cannot be concluded that the actions adopted by state authorities have provided any specific results or positive progress that could lead to determining the whereabouts and current situation of Rocío, Nitza, and José.

12. It is appropriate to recall that Article 1(1) of the Convention establishes the general obligations of the States Parties to respect the rights and liberties enshrined therein and to guarantee their free and full exercise to all people subject to its jurisdiction, which are imposed not only with regard to the State's power but also with regard to actions of individual third parties.<sup>11</sup> The Court has established that "one of the conditions necessary to effectively guarantee the rights to life, humane treatment and personal freedom is compliance with the duty to investigate the violations to the same, which is derived from Article 1(1) of the Convention along with the substantive right that must be protected or guaranteed."<sup>12</sup>

13. In this sense, it is necessary to point out that every time there are reasonable grounds to suspect that a person has been submitted to a disappearance, the prompt and immediate action of the prosecuting and judicial authorities ordering timely and necessary measures addressed to the determination of the whereabouts of the victims or the location where they may be detained are indispensable.<sup>13</sup>

14. The standard of assessment *prima facie* in a matter and the application of presumptions before the needs of protection have led the Court to order measures on different occasions.<sup>14</sup>

15. The persons indicated by the Inter-American Commission in its request for provisional measures would be *prima facie* in a situation of extreme gravity and urgency, since their personal freedom, personal integrity, and life would be threatened and in grave risk. Therefore, the Inter-American Court considers that the protection of those people through provisional measures is necessary, in light of that stated in the American Convention.

16. The Tribunal considers it appropriate to recall that when dealing with provisional measures the Court shall consider only and exclusively those arguments that relate directly to the extreme gravity, urgency and need to avoid irreparable damages to people. Any other fact or argument may only be analyzed and resolved during the

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<sup>11</sup> Cf. *Case of Velásquez Rodríguez*. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considering Clause number three; *Case of Rosendo Cantú et al.*, *supra* note 5, Considering Clause number four; and *Case of the La Rochela Massacre*. Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of November 19, 2009, Considering Clause number four.

<sup>12</sup> Cf. *Case of Cantoral Huamani and García Santa Cruz v. Peru*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of July 10, 2007. Series C No. 167, para. 100; *Case of the Miguel Castro Castro Prison*. Judgment of November 25, 2006. Series C No. 160, para. 253; and *Case of Servellón García et al. v. Honduras*. Merits, Reparations, and Costs. Judgment of September 21, 2006. Series C No. 152, para. 119.

<sup>13</sup> Cf. *Matter of Natera Balboa*, *supra* note 5, Considering Clause number thirteen; and *Case of Anzualdo Castro v. Peru*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of September 22, 2009. Series C No. 202, para. 134.

<sup>14</sup> Cf. *inter alia*, *Matter of Monagas Judicial Confinement Center ("La Pica")*. Provisional Measures regarding Venezuela. Order of the President of the Inter-American Court of Human Rights of January 13, 2006, Considering Clause number sixteen; *Matter of Guerrero Larez*, *supra* note 6, Considering Clause number fourteen, and *Matter of Natera Balboa*, *supra* note 5, Considering Clause number fifteen.

consideration of the merits of a contentious case.<sup>15</sup> In this sense, the adoption of provisional measures does not imply a possible decision on the merits of the controversy that exists between the petitioners and the State if the case were to, in the end, be heard by the Court, nor does it prejudice the state's responsibility for the facts denounced.<sup>16</sup>

**THEREFORE:**

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

in exercise of the authority conferred upon it by Article 63(2) of the American Convention on Human Rights and Articles 27 and 31 of the Rules of Procedure of the Court,

**DECIDES:**

1. To require the State to adopt, immediately, the measures necessary to determine, as soon as possible, the whereabouts of Rocío Irene Alvarado Reyes, Nitza Paola Alvarado Espinoza, and José Ángel Alvarado Herrera, as well as to protect their personal freedom, their right to humane treatment, and their life.

2. To require the State to inform the Inter-American Court of Human Rights, no later than June 3, 2010, of that indicated in the first operative paragraph of the present Order.

3. To require the State, likewise, to inform the Inter-American Court of Human Rights, every two months, computed as of June 3, 2010, of the provisional measures adopted pursuant with the decision.

4. To request that the representatives of the beneficiaries and the Inter-American Commission present to the Inter-American Court of Human Rights, within a one-week term, the observations considered appropriate to the report mentioned in the second operative paragraph of the present Order.

5. To request that the representatives of the beneficiaries and the Inter-American Commission on Human Rights present their observations, within a four and six week term, respectively, computed as of the notification of the State's reports indicated in the third operative paragraph.

6. To request that the Secretariat notify the present Order to the State, the Inter-American Commission on Human Rights, and the representatives of the beneficiaries.

Diego García-Sayán  
President

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<sup>15</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 Clause number six; *Case of Rosendo Cantú et al.*, *supra* note 5, Considering Clause number fifteen; and *Matter of Guerrero Larez*, *supra* note 6, Considering Clause number seventeen.

<sup>16</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the President of the Inter-American Court of Human Rights of July 13, 1998, Considering Clause number six; *Case of Rosendo Cantú et al.*, *supra* note 5, Considering Clause number sixteen; and *Matter of the Urso Branco Prison*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of November 25, 2009, Considering Clause number four.

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary