

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

**OF AUGUST 21, 2013**

**PROVISIONAL MEASURES WITH REGARD TO EL SALVADOR**

**MATTER OF MELÉNDEZ QUIJANO *ET AL.***

**HAVING SEEN:**

1. The Orders of the Inter-American Court of Human Rights (hereinafter also “the Inter-American Court” or “the Court”) issued on May 12 and November 26, 2007, and February 2, 2010. In the latter, the Court decided:

1. To lift the provisional measures in favor of the beneficiaries José Roberto Burgos Viale and Eurípides Manuel Meléndez Quijano

2. To require the State to maintain and adopt all necessary measures to protect the rights to life and to personal integrity of Adrián Meléndez Quijano, Marina Elizabeth García de Meléndez, Andrea Elizabeth Meléndez García, Estefani Mercedes Meléndez García, Pamela Michelle Meléndez García, Adriana María Meléndez García, Gloria Tránsito Quijano widow of Meléndez, Sandra Ivette Meléndez Quijano, Roxana Jacqueline Mejía Torres, Manuel Alejandro Meléndez Mejía, Benjamín Cuéllar Martínez and Henry Paul Fino Solórzano

3. To require the State to continue implementing the provisional measures mutually agreed with the beneficiaries of the measures or their representatives to ensure the effective protection of their rights and pursuant to considering paragraph 16 of th[e] Order.

4. To reiterate to the State that it should continue informing the Inter-American Court of Human Rights every two months on the provisional measures adopted, as of notification of [the] Order, pursuant to [its] considering paragraph 15 [...], and to require the beneficiaries of these measures or their representatives to present their observations within four weeks of notification of the State’s reports, and the Inter-American Commission on Human Rights to present its observations on these State reports within six weeks of receiving them.

2. The briefs of May 27 and October 19, 2010, March 16 and October 18, 2011, March 5 and September 18, 2012, and May 20, 2013, in which the State of El Salvador (hereinafter “El Salvador” or “the State”) presented information on the implementation of the provisional measures, and requested that “the provisional measures in favor of the beneficiaries be lifted.”

3. The briefs of June 30 and November 12, 2010, April 28 and November 21, 2011, April 26, June 20, July 26, August 23 and October 18, 2012, and April 15, 2013, in which

the representation of the beneficiaries<sup>1</sup> referred to the implementation of the provisional measures and to the situation of the beneficiaries of the measures.

4. The briefs of in which the Inter-American July 16 and December 6, 2010, May 17 and December 5, 2011, April 12 and November 9, 2012, and July 26, 2013, Commission on Human Rights (hereinafter also "the Inter-American Commission" or "the Commission") referred to the implementation of the provisional measures and to the situation of the beneficiaries of the measures.

5. The communications of September 16, 2011, June 21, July 6 and 27, August 7 and November 30, 2012, and January 14, February 19, April 15 and July 30, 2013, in which the Secretariat of the Court (hereinafter "the Secretariat") reiterated to the State the requirement that it present its reports on the implementation of the provisional measures.

### **CONSIDERING THAT:**

1. El Salvador has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") since June 23, 1978, and accepted the contentious jurisdiction of the Court on June 6, 1995.

2. Article 63(2) of the Convention stipulates that three conditions must co-exist for the Court to be able to order the adoption of provisional measures: (i) "extreme gravity"; (ii) "urgency," and (iii) that they are intended "to avoid irreparable damage to persons." These three conditions must be present in any situation in which the Court's intervention is requested. Furthermore, these three conditions must persist for the Court to maintain the protection ordered. If one of them has ceased to be valid, the Court must assess the pertinence of continuing the protection ordered.<sup>2</sup>

3. Based on its competence, in the context of provisional measures, the Court may consider only and strictly those arguments that are directly related to the extreme gravity, urgency and need to avoid irreparable damage to persons. Any other fact or argument can only be analyzed and decided during consideration of the merits of a contentious case.<sup>3</sup>

#### **A. *Regarding the implementation of the provisional measures***

4. In its reports of May 27 and October 19, 2010, March 16 and October 18, 2011, March 5 and September 18, 2012, and May 20, 2013, the State advised, *inter alia*, that:

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<sup>1</sup> Adrián Meléndez Quijano informed the Court that Benjamín Cuéllar Martínez, Director of the Human Rights Institute of the Universidad Centroamericana "José Simeón Cañas" (IDHUCA) had advised him that, as of June 15, 2012, "the administrative and legal support that it had been providing to him had been terminated." Consequently, Mr. Meléndez informed the Court, in the brief received on June 20, 2012, that, as of that date, he would be representing himself and his family members, in his capacity as "lawyer of the Republic and victim in this case." Therefore, the Court, in order to indicate actions carried out by those who acted as representatives until June 15, 2012, and also the actions taken after that date, will refer to "the representatives of the beneficiaries".

<sup>2</sup> *Case of Carpio Nicolle et al.* Provisional measures with regard to Guatemala. Order of the Court of July 6, 2009, fourteenth considering paragraph, and *Matter of Wong Ho Wing*. Provisional measures with regard to Peru. Order of the Court of May 22, 2013, third considering paragraph.

<sup>3</sup> *Cf. Matter of James et al.* Provisional measures with regard to Trinidad and Tobago. Order of the Court of August 29, 1998, sixth considering paragraph, and *Matter of the Barrios Family*. Provisional measures with regard to Venezuela. Order of the Court of May 30, 2013, fourth considering paragraph.

a) It had held "high level" meetings on April 8 and June 9, 2010, to make progress in the implementation of the provisional measures. Subsequently, it indicated that efforts continued in order to comply with the provisional measures, and that the dialogue with the beneficiaries of these measures continued to be of great interest, while recognizing that when the implementation of the provisional measures started "the required haste [had not been] observed, [...] because it had not been possible to establish immediate coordination with the beneficiaries and their [...] representa[tion]";

b) Regarding the protection provided to Adrián Meléndez Quijano (hereinafter also "Mr. Meléndez Quijano," "Mr. Meléndez," "Colonel Meléndez" or "the Colonel") and the other beneficiaries, this is provided by agents assigned by the Victims and Witnesses Protection Division of the National Civil Police (hereinafter "the Protection Division"). The State indicated that, since November 30, 2009, this Division is in charge of the "personal and residential" protection of Colonel Meléndez, and also "efforts have been coordinated for police agents to patrol [...] the surroundings of the residences and places of work of those protected." This protection has been provided to the other beneficiaries since February 2010. On October 19, 2010, the State advised that "on September 11, 2010, at his request, it had made three female agents available to Colonel Meléndez Quijano to provide personal and residential protection to his family group, and four male agents to drive the vehicles that had been assigned." On September 18, 2012, it reported that "[a]s agreed, the personal and residential protection has been established. Regarding the other beneficiaries [...], on September 11, 2010, the protection system was set up with 10 agents, distributed in two groups of five persons, composed of three women and two men, working four-day shifts." It reiterated on several occasions that, as of September 2010, it had continued to provide protection to Colonel Meléndez and his family. The State affirmed that it was Colonel Meléndez who handled the organization and the way in which the resources and the agents provided by the State were used. In its report of September 18, 2012, it added that changes had been made in the protection service provided to Colonel Meléndez and regarding the agents who protect his mother and sister, owing to the temporary substitution of some agents, and due to vacations. In addition, in relation to the criminal proceedings that were underway against Colonel Meléndez, in which the preventive measures of house arrest had been ordered, the State indicated that, even though this situation was not related to the measures ordered by the Court, it had created an impasse in the service, without compromising his safety or increasing his level of risk, because he was serving a judicial order of house arrest in a military unit, in conditions adapted to his military rank. The State indicated that the preventive measure ordered for Colonel Meléndez did not exclude its responsibility to protect him;

c) The vehicles assigned to the protection system for Mr. Meléndez Quijano also receive mechanical maintenance and check-ups, as well as fuel provided by the Ministry of Justice and Public Security. On October 25, 2011, it had replaced two vehicles that had problems. It had also agreed to eliminate the Ministry's logos from the assigned vehicles and had undertaken to provide four radios for the protection agents;

d) With regard to Mr. Meléndez Quijano's reiterated observations about the conduct of the protection agents, it indicated that this situation has been discussed in various coordination meetings between the State and the beneficiaries and, "as a result, [...] the Protection Division is conducting the corresponding disciplinary procedures." It added that this situation is complex, "because, on the one hand, it is also aware of the mistreatment inflicted on the protectors by Mr. Meléndez Quijano,

who has justified this situation by the argument that this is common practice in his working environment." The agents assigned have advised the Executive Technical Unit that they have been subjected to "humiliating" treatment by Colonel Meléndez and that they are exposed to significant danger in addition to the risk inherent in their work, because he has given them orders that are unrelated to their work or to his family, and

e) It provides protection to the beneficiaries based on a domestic protection mechanism regulated by the "Special Law for the Protection of Victims and Witnesses."<sup>4</sup>

5. On June 30 and November 12, 2010, April 28 and November 21, 2011, April 26, July 26, August 23 and October 18, 2012, and June 19 , 2013, the representation of the beneficiaries indicated that:

a) The safety measures implemented by the State were not provided diligently and effectively. The measures were provided to Mr. Meléndez, as of November 30, 2009, and to the other beneficiaries as of September 11, 2010. The State had offered and provided for the whole family ten protection agents (six men and four women), who worked shifts of two groups of five agents. Nevertheless, Mr. Meléndez, has stated repeatedly that the number of agents provided is insufficient. He has also asserted that the State has not established a dialogue with the beneficiaries, and has not allowed the family to take part in the selection of the security agents or consulted them about the changes, and this is of concern to him because his family is unprotected. He also alleged a lack of coordination enabling the protection agents to enter public institutions. The representation added that while Mr. Meléndez was under house arrest in a military unit, he did not have protection from the Victims and Witnesses Protection Program, although his safety was ensured under the supervision of the authorities who verified his custody;

b) Mr. Meléndez Quijano's mother and sister have not had a protection agent assigned to them since June 2012, and on July 24, 2012, the head of the Executive Technical Unit and the head of the Protection Division ordered the withdrawal of the vehicles and agents assigned to the Colonel;

c) The two assigned vehicles had problems, and even though the State affirmed that mechanical maintenance and check-ups were provided, their condition has caused financial inconveniences and loss of time, so that they were not appropriate for providing effective protection to the family, who asked that the vehicles be changed. The representation indicated that the State had replaced the two vehicles. Regarding the State's undertaking to remove the logos of the Ministry of Justice and Public Security from the assigned vehicles, and the offer of four radios for the security personnel, the State had not removed the logos from the vehicles and had not provided the radios;

d) There had been anomalies in the way the agents treated the family. Several letters had been sent to the Executive Technical Unit to advise them of these anomalies and of a lack of respect shown by the agents assigned to the beneficiaries. Regarding the treatment of the protection agents by Colonel Meléndez and his family, according to information provided by the State, according to the minutes of a meeting of April 12, 2012, the Colonel stated that "if, at any time, he has said anything that could be misinterpreted by someone, he undertakes to be careful

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<sup>4</sup> The State attached to its communication of September 18, 2012, a copy of the text of the said law.

about the way in which he addresses the protection agents." In any case, "it appeared suspicious" that among the current security personnel, three protection agents "have not complained of the mistreatment that the State is indicating." With regard to the request of the agent relating to his fear of abuse from the Colonel, the representation alleged that the said request was made "perversely" and with malicious intent, and

e) Regarding the domestic protection mechanism regulated by the "Special Law for the Protection of Victims and Witnesses," the representation questioned why the beneficiaries must be included in the said system, because, in its opinion, the system was established for members of groups composed of individuals with different characteristics.<sup>5</sup> It also indicated that, owing to their training, the agents who perform security tasks under this law conduct themselves towards those they protect in a way that the beneficiary considers inappropriate.<sup>6</sup> He also stated that he had not been given sufficient information on the application of the said law.<sup>7</sup>

6. On July 16 and December 6, 2010, May 17 and December 5, 2011, April 12 and November 9, 2012, and July 26, 2013, the Commission indicated that disagreements and difficulties persist in the correct and complete implementation of the provisional measures in favor of the beneficiaries. It affirmed that, although the State had complied with some measures, such as the replacement of vehicles, and "even though it had offered some improvements [...], it had not yet provided what it had offered." The Commission indicated that it awaited recent information on implementation and on the irregularities indicated by the beneficiaries and about the provision of the four radios they had requested. It added that some of the beneficiaries do not have effective protection; consequently, it was essential that the State provide immediate protection to all of them, as well as information on the protection plan for all of them and on the withdrawal of the agents who had been provided. Lastly, it stressed that coordination between the State and the beneficiaries was essential, and also the participation of the latter in the implementation of the provisional measures, and that the State ensure the appropriate mechanisms for this.

#### *Considerations of the Court*

7. This Court notes that, from November 2009 until February 2010, the State assigned both male and female personnel to provide protection to the beneficiaries, and that at least

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<sup>5</sup> Mr. Meléndez Quijano has said that "[he and the members of his] family are victims of human rights violations and they should not be given the same treatment that the Victims and Witnesses Protection Law applies in El Salvador to individuals who belong to the *maras* [youth gangs], who have become informers or witnesses, "*testigos criteriados*" (witnesses who benefit from a reduction in criminal sentences), victims of a common crime, safe houses, crimes of extortion, kidnappings [and] drug-trafficking, among others."

<sup>6</sup> In this regard, on October 18, 2012, Mr. Meléndez stated that "the police training or the courses received" by the "personnel of the Victims and Witnesses Division [...] is different, because they are used to dealing with individuals (members of the *mara* or gang members), "*testigos criteriados*" (witnesses who benefit from a reduction in criminal sentences), in the safe houses, on whom they impose rules, they cover their faces (with balaclava helmets), sometimes they subject them physically and, at other times, they handcuff them. This situation reveals that many of the protection agents who come to the home of the Meléndez Quijano family [...] want to impose the same way of working."

<sup>7</sup> On October 18, 2012, Mr. Meléndez Quijano affirmed that he was "unaware who was responsible for designating the Unit or Division of the National Civil Police to provide security to the Meléndez Quijano family, because, originally, the beneficiaries were only informed in the Ministry of Foreign Affairs [...] that the Victims and Witnesses Division [...] would be in charge of providing this protection service. Even personnel from the Executive Technical Unit (UTE) had at one time indicated that the measures of security and the situation of the Meléndez Quijano family were not provided for in the Special Law for the Protection of Victims and Witnesses [...]; despite this, the State wants to apply the Law to the beneficiaries when it suits them."

10 agents have been assigned, working in shifts of five persons. In this regard, the representation of the beneficiaries, the State, and the Commission have indicated that there has been various disagreement; for example, Mr. Meléndez considers that the agents designated are insufficient to provide protection to all his family members and that, currently, some of them do not enjoy protection; whereas the State has indicated that Mr. Meléndez Quijano is in charge of deciding the distribution of the agents according to his needs. In addition, the representation of the beneficiaries and the Commission indicated difficulties because the State does not allow Colonel Meléndez or his family members to take part in the designation of agents, or inform them when the latter are substituted; furthermore, the way in which the measures are implemented is not coordinated between the State and the beneficiaries. Lastly, the representation of the beneficiaries indicated that anomalies have occurred in the way in which the persons who provide the protection treat the beneficiaries and vice versa.

8. Furthermore, both the representation of the beneficiaries and the Commission indicated that the vehicles that provide the escort service have had different problems and were substituted. However, the representation of the beneficiaries indicated that the State has not complied with its commitment to remove the logos from the vehicles made available for their safety, or provided the four communication radios.

9. The foregoing reveals that the State has made progress has been made in the implementation of the provisional measures, because it has assigned personnel and vehicles to provide protection. Despite this, the Court notes that difficulties and disagreements have arisen, because communication between the beneficiaries of the measures and the State has not been sufficient, permanent and adequate to reach agreement on the implementation of the measures. In this regard, the State should take the pertinent steps to ensure that the measures of protection are planned and implemented with the participation of the beneficiaries of the measures or their representation, so that the said measures are provided diligently and effectively, and to keep the beneficiaries informed of any progress in the execution of the measures.<sup>8</sup> The Court considers it fundamental that a climate of trust should exist between the institutions and persons responsible for providing the protection and those who benefit from this protection; to this end, fluid and constant communication may be useful.<sup>9</sup> Thus, the Court reiterates that coordination is essential for the effective implementation of these measures.

10. Furthermore, as regards the domestic protection mechanism that is regulated by the “Special Law for the Protection of Victims and Witnesses,” from what the representation of the beneficiaries has stated concerning the alleged inappropriateness of the inclusion of the beneficiaries in the said mechanism, or regarding the lack of clarity in the information provided in this regard, this Court does not understand that a prejudice has been caused to the beneficiaries or to the effectiveness of the protection provided by the State.<sup>10</sup> Regarding

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<sup>8</sup> Cf. *Matter of Alvarado Reyes*. Provisional measures with regard to Mexico. Order of the Court of November 23, 2012, third operative paragraph, and *Matter of Millacura Llaipén et al.* Provisional measures with regard to Argentina. Order of the Court of February 13, 2013, thirty-second considering paragraph.

<sup>9</sup> Cf. similarly, *Matter of Álvarez et al.* Provisional measures with regard to Colombia. Order of the Court of May 22, 2013, thirty-seventh considering paragraph.

<sup>10</sup> The Court also notes that, despite what Mr. Meléndez Quijano indicated on October 18, 2012 (*supra* footnotes 6 and 7), during the public hearing held on January 28, 2010, prior to the Court’s previous Order, the representation of the beneficiaries had presented to the Court a copy of “Decision No. 1, Reference UTE: 159-472-06 of the Executive Technical Unit in the Area of the Protection of Victims and Witnesses.” This document states that the “Directorate of the Area of the Protection of Victims and Witnesses of the Executive Technical Unit of the Justice Sector [...] received [a] request for measures of protection [...] under the Special Law for the Protection of Victims and Witnesses.” This document also states that, “[p]ursuant to the domestic law of El Salvador, in this case

the alleged conduct of the personnel assigned to security tasks, this is a matter that does not derive directly from the regulation of the mechanism in question, as the representation of the beneficiaries has indicated.<sup>11</sup> Based on all the above, the observations of the representation of the beneficiaries, alone, are insufficient to alter the fact that the State has an institutionalized mechanism that permits the beneficiaries to be provided with protection.

**B. Regarding Mr. Meléndez Quijano and the members of his family**

11. On September 18, 2012, the State “affirm[ed] the complete absence of [an] ‘imminent risk’”<sup>12</sup> for the beneficiaries. In this regard, it recalled, first, that:

The situation of threats to the life of Mr. Meléndez Quijano and his family [...] was related to the different proceedings filed before the military jurisdiction against him and to various actions that [he] filed before the ordinary jurisdiction against the military authorities, which also involved the impossibility that [he] could benefit, at a certain moment, from a military promotion.

Regarding this situation, the State argued that this:

Was resolved when the administrative proceedings initiated against Mr. Meléndez Quijano on September 20, 2005, before the Army’s Honor Tribunal for alleged facts injurious to military honor, ended on March 26, 2010, on the recommendation of that court, ordering the filing of the proceedings based on a decision of the prosecution.

Also, Mr. Meléndez Quijano was promoted from Major to Lieutenant Colonel [...] as of [...] January 1, 2005, and his promotion to Colonel was ordered by a decision [...] of [...] December 31, 2009, with recognition of seniority and length of service as of [...] January 1, 2009.

Second, the State indicated that “during 2011 and [up until September 18,] 2012, [...] it had not recorded relevant situations that reveal any level of real risk or danger for the beneficiaries of the measures.”<sup>13</sup> On May 20, 2013, the State “reiterate[d] that, since 2010, [...] no real and specific acts that threaten the safety of any of the beneficiaries have been recorded”.

12. The State also included an assessment of some of the incidents referred to by the representation of the beneficiaries (*infra* considering paragraph 15). Thus, in its observations of October 19, 2010, the State explained that Mr. Meléndez Quijano’s arrest on May 10, 2010, was due, according to a police report, to the fact that he did not want to show his weapon and “insulted and acted with disrespect” towards the police agents, “even

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the Special Law for the Protection of Victims and Witnesses is applicable and, under articles 1 and 2 of this Law, measures of protection will be provided to victims, witnesses and any other person who is in a situation of danger as a result of his or her intervention in the investigation of an offense or in judicial proceedings, or owing to a family relationship with a person intervening in the latter. The Prosecutor General has opened an investigation into the cases denounced (reference 276-UADJ-2005 and 90-UDAJ-05); consequently, this case complies formally with the requirements for the application of measures of protection established by the law.”

<sup>11</sup> In his brief of October 18, 2012, immediately after indicated the conduct referred to above of the said personnel (*supra* footnote 6), the representation of the beneficiaries indicated, in relation to “th[at] situation,” that “it was due to the fact that the actual Head of the Victims and Witnesses Division [...] fails to select appropriate personnel, or to take the family’s opinion into account.”

<sup>12</sup> El Salvador described the concept of “imminent risk,” recalling decisions of the Court in which, according to the State, the Court had affirmed that “the passage of a reasonable period of time without threats and acts of intimidation, added to the absence of an imminent risk, could result in the lifting of the provisional measures.”

<sup>13</sup> In this regard, it indicated that “in order to assess the level of risk or danger [...], during a meeting between the beneficiaries of the measure and officials of the institutions responsible for the implementation and monitoring of the measures held on [...] March 6, [2012,] Mr. Meléndez Quijano was asked about specific threatening situations or risks to his life, and he undertook to submit information in writing; however, he did not do this.”

opposing resistance at the time of his arrest." In its report of May 20, 2013, referring to the incident of June 19, 2012, regarding the "driver" who drove Mr. Meléndez Quijano's sister, the State indicated that the incident consisted in a person who "was driving an armored vehicle of a security agency that transfers currency reacting angrily because the driver failed to yield to him." In addition, with regard to the allegation that, on June 23, 2012, Mr. Meléndez Quijano's mother had been followed, it asserted that "it had been verified [...] that she had not been followed."<sup>14</sup> It also indicated, with regard to the incident of July 31, 2012, consisting of the transfer of Mr. Meléndez Quijano's daughter in a police vehicle (*infra* considering paragraph 15), that this did not involve a situation of danger, because the beneficiary was driven from the university to her home. Furthermore, regarding the affirmations of the representation of the beneficiaries concerning surveillance actions involving Mr. Meléndez Quijano (*infra* considering paragraph 17), it explained that:

The protection agents responsible for ensuring the safety of [Mr. Meléndez] and his family, as part of the ordinary monitoring to assess the level of supposed risk or danger of the protected person, document his activities [...], so that this does not signify that an attempt is being made to obtain negative information on Mr. Meléndez Quijano or his family.

13. In addition to the preceding observations on specific incidents, the State considered, in general, that "the situations described by [the representation of the beneficiaries] lack any basis and attempt to imply that any circumstantial incident that occurs to him or his family is a direct threat to his safety."

14. The State indicated that the "application [of provisional measures] requires, as basic requirements, extreme gravity and urgency and prevention of irreparable damage to persons," and noted the "exceptional nature" of provisional measures, which, "owing to their very nature cannot be continued indefinitely," "countering their purpose and temporary nature." Based on these considerations, the State "ask[ed] that the Court] order that the provisional measures be lifted with regard to all the beneficiaries".

15. Following the Court's Order of February 2, 2010, the representation of the beneficiaries indicated that various incidents had occurred in relation to the situation of Mr. Meléndez Quijano and his family members. Thus, Mr. Meléndez affirmed that the following incidents occurred between 2010 and 2012: (a) on January 24, 2010, Andrea Meléndez García, his daughter, received a telephone call "and when answering it, a man's voice said to her [...] 'you are the daughter of Colonel Meléndez Quijano' and then hung up"; (b) on March 9, 2010, Gloria de Meléndez, the beneficiary's mother, was followed by a suspicious vehicle; (c) on March 22, 2010, "[Mr. Meléndez Quijano] was notified of the decision of [...] March 19, 2010, [in which] the Military Judge of First Instance [...] ordered execution of the sentence of nine months' imprisonment and [...] accessory penalties";<sup>15</sup> (d) on March 23, 2010, Gloria de Meléndez had to leave the country because she had received "threats and telephone calls, [...] and also because she had been followed on several occasions"; (e) on

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<sup>14</sup> In this regard, the State reported that "the security agent who accompanied Gloria de Meléndez advised and ratified that the supposed incident did not occur and described this as the implementation of a routine preventive action, because, at any time and in any situation, when reacting to vehicles that appear to accompany or to follow vehicles in which protected individuals are being driven, evasive maneuvers allow it to be confirmed whether a real incident is occurring and, on that occasion, it was verified that they were not being followed." The State forwarded the Court a copy of the security agent's report, which indicates that, on the day of the incident, she explained to Gloria de Meléndez that the vehicular maneuvers were "merely a precautionary measure."

<sup>15</sup> In the briefs of November 12, 2010, and April 28, 2011, the representation of the beneficiaries advised that the punishment imposed had been "changed to public service" and, in April 2011, Mr. Meléndez Quijano "was complying with this in the Office of the Mayor of San Salvador," and that he had appealed the judgment and the same judge dismissed the appeal; therefore, [... he] presented an application for *amparo*," which "was being processed" at April 28, 2011.



May 10, 2010, Mr. Meléndez Quijano was arrested “during a vehicle control action by the Police,” and was then “illegal detained” for “more than 24 hours,” during which “for more than eight,” he was “handcuffed to iron bars”;<sup>16</sup> (f) on January 15, 2011, when Mr. Meléndez Quijano was getting into his vehicle, he observed a women who was taking photographs of him; (g) that same day, a suspicious individual took photographs of Mr. Meléndez Quijano and of his daughters Andrea Elisabeth and Estefani Marcela, both with the surnames Meléndez García; (h) on February 20, 2011, an individual approached Estefani Marcela Meléndez García when she was at “an activity to evangelize people in a settlement near her home [...] and [...] he addressed her in an intimidating way and forced her to shake hands with him”; (i) on March 11, 2011, an individual took photographs of Estefani Marcela Meléndez García when she was in school; (j) on June 23, 2011, Mr. Meléndez Quijano’s mother was followed by a vehicle when she left her home accompanied by two security agents;<sup>17</sup> (k) on September 8, 2011, Mr. Meléndez Quijano and his daughter Estefani Marcela García Meléndez received threats in a text message, an incident that was reported by a security agent to the “Victims and Witnesses Division of the National Civil Police”; (l) on December 25, 2011, when they were leaving a restaurant, members of Mr. Meléndez Quijano’s family saw several armed individuals who were running towards them and, therefore, had to get into their car rapidly; (m) on March 1, 2012, the security agent of Mr. Meléndez Quijano’s mother saw several suspicious individuals when she was dining in a restaurant; (n) on March 19, 2012, when Andrea Elisabeth Meléndez García, Mr. Meléndez Quijano’s daughter, was at the university, two suspicious individuals, who were not students, insisted on entering the washroom; (ñ) on March 26, 2012, another three suspicious individuals tried to enter the same university, and the establishment’s security personnel found “a knife [on them ...], but were unaware of their motives or intentions”;<sup>18</sup> (o) on May 21, 2012, Sandra Ivette Meléndez Quijano, Mr. Meléndez Quijano’s sister, was followed by two suspicious individuals when she was buying fruit in a market; (p) on June 16, 2012, a suspicious individual came to the home of Sandra Ivette Meléndez Quijano, “was questioned by [security personnel ...] and left rapidly”; (q) on June 19, 2012, after dropping Sandra Ivette Meléndez Quijano off at a church, the vehicle driven by the “driver” that had taken her was intercepted by another “and suddenly an individual opened the door and threatened him with a rifle”; (r) on July 31, 2012, a security agent collected Mr. Meléndez Quijano’s daughter from the university and made her enter the car without telling her where they were going;<sup>19</sup> (s) on September 10, 2012, Mr. Meléndez Quijano’s sister was again followed by two suspicious individuals;<sup>20</sup> (t) on December 21, 2012, Mr. Meléndez Quijano received a threat in a text message that said that “if [he did] not want to see his daughters’ blood, [he should] call [a certain telephone number].”<sup>21</sup>

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<sup>16</sup> The representation of the beneficiaries indicated, with regard to this fact, that he “does not know whether this is a fact related to the situation of Colonel Meléndez [Quijano] and the State of El Salvador, but it revealed the institutional weakness that allows arbitrary and illegal acts,” which, in his opinion, “increases the vulnerability of [Mr. Meléndez Quijano] and his family members.”

<sup>17</sup> Regarding the presentation of information about this incident to the State authorities, the representation of the beneficiaries asserted that the incident was described by the security agent who was on duty that day during a meeting held with the multidisciplinary team of the Executive Technical Unit of the Justice Sector.

<sup>18</sup> Mr. Meléndez Quijano indicated that, on May 3, 2012, “the [said] events [of December 25, 2011, March 1, 19 and 26, 2012,] had been reported to the Office of the Prosecutor General.”

<sup>19</sup> Mr. Meléndez explained that “as a family, [they had] not authorized Police patrol cars and uniformed agents to go and collect the protected person from the university.”

<sup>20</sup> The representation of the beneficiaries advised that, on September 17, 2012, a report had been filed before the Prosecutor General’s Office concerning the incidents of May 21, June 16 and 19, July 31 and September 10, 2012.

<sup>21</sup> The representation of the beneficiaries indicated that this incident was reported to the National Civil Police by a security agent on Saturday, December 22, 2012.

16. As of 2013, the representation of the beneficiaries has indicated that the following incidents have occurred: (a) on February 12, 2013, when the Colonel's sister returned home she saw blood on the floor and the wall. Immediately, "[Mr.] Meléndez Quijano and security personnel [arrived] and were able to verify that strangers had tried to enter the house. [...] The protection personnel advised the [...] National Civil Police about all this," and (b) on May 8, 2013 "a suspicious individual tried to open the right front door [of the car that] Gloria de Meléndez was riding in [and ...], realizing that he could not open the door, [...] he went to the driver's side and insulted him."

17. The representation of the beneficiaries, when referring to the "threats, persecution and surveillance," indicated that Colonel Meléndez "is aware of the message in which the Chief of Staff ordered the military units to report his movements immediately." He also indicated that there are "people, officials, military leaders [...] who are involved in [a 'plot' against [Colonel Meléndez]" and that, in this regard, testimonial statements exist that were "made before the detectives of the National Civil Police and the Prosecutor General's Office."<sup>22</sup> The representation of the beneficiaries linked the said "plot" to a criminal action against Mr. Meléndez Quijano in which, during the "public hearing [...] held on May 20, 2013, his "acquittal" was declared and it was indicated that "there had been a conspiracy against [him]."<sup>23</sup> In addition, the representation advised that, as of December 22, 2011, the Colonel had been classified as a "high-risk person" by the National Civil Police. In this regard, he provided a copy of "decision" No. A-1172-12-2011, which indicates that this classification was made "based on [the] provisional measures that the Inter-American Court had ordered the State to take."<sup>24</sup> The representation also asserted that "[t]he situation of uncertainty, anxiety and concern, owing to the State's lack of interest in investigating, maintains the [beneficiaries] in imminent danger."

18. The Inter-American Commission, in its observations of July 16 and December 6, 2010, and May 17, 2011 (*supra* having seen paragraph 4), considered that the beneficiaries' situation of risk had been increased based on the reports of the representation of the beneficiaries of "threats and surveillance" that "Mr. Meléndez Quijano's mother and daughter had been subject to" in January and March 2010, as the Commission indicated in the first two communications indicated above; as well as based on the acts of "harassment and surveillance" that the representation of the beneficiaries indicated had occurred in January and March 2011 (*supra* considering paragraph 15). Subsequently, in the observations presented to the Court on December 5, 2011, November 9, 2012, and July 26, 2013, the Commission considered that, in view of the incidents described by the

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<sup>22</sup> In this regard, he provided the Court with a copy of a "Record of an interview" dated February 9, 2012, conducted by an "investigator" with the statement of an individual who asserted that, in November 2011, he heard a military officer, who he named, tell another military officer, who he also identified, that "we are going to screw this Colonel Meléndez."

<sup>23</sup> The representation of the beneficiaries forwarded articles from the newspapers "*Co Latino*" and "*La Prensa Gráfica*", of June 1 and 14, 2013, respectively, which state, in the case of the former that "[t]he Fourth Sentencing Court of San Salvador decreed a complete acquittal of the criminal charges against Adrián Meléndez Quijano [...] having verified at the public hearing that 'there had been a conspiracy against him" and, in the second case, that "[t]he Fourth Sentencing Court decided that 'there had been a conspiracy against Colonel Meléndez Quijano [...] at the level of the General Staff of the Army."

<sup>24</sup> Regarding the State's classification of Mr. Meléndez Quijano as a "high-risk person," in addition to the preceding observations, it should be noted that the representation of the beneficiaries forwarded the Court a copy of a letter of November 14, 2011, signed by Mr. Meléndez Quijano, and addressed to the "National Director of the National Civil Police," in which he stated that he had "ask[ed] the Minister of Defense [...] to loan him a M16A2 rifle," and that the Minister of Defense had "recommended that he ask the National Civil Police to classify [him] as a high-risk person in order to provide [him] with this weapon. Hence, [Mr. Meléndez Quijano had] asked the Director of the National Civil Police to classify [him] and [his] family as high-risk persons."

representation of the beneficiaries prior to those dates, a situation of “extreme gravity, urgency and irreparable risk” persisted in his regard. In its last observations, it emphasized that, added to the above, Mr. Meléndez Quijano’s classification by the State “as a ‘high-risk’ person [(*supra* considering paragraph 17)] allows it to be inferred that the provisional measures continue to be necessary.”

### *Considerations of the Court*

19. The Court finds it desirable to reiterate that provisional measures are exceptional in nature; they are issued based on the needs for protection and, once ordered, must be maintained provided that the Court considers that the basic requirements of extreme gravity and urgency, and of the need for the measures in order to avoid irreparable damage to the rights of the people protected by them subsist. Thus, the Court must evaluate whether the circumstances that justified the granting of the measures remain in force.<sup>25</sup> If one of the said requirements is no longer valid, the Court must assess the pertinence of continuing the protection ordered.<sup>26</sup> Although the assessment of these requirements when ordering the adoption of the provisional measures is made “*prima facie* and, at times, presumptions must be applied in view of the needs for protection,”<sup>27</sup> the Court has indicated that “the maintenance of the measures of protection requires the Court to make a more rigorous evaluation of the persistence of the situation that gave rise to them.”<sup>28</sup> The Court has also observed that “the passage of a reasonable period of time without threats or acts of intimidation, added to the absence of an imminent risk, can lead to the lifting of the provisional measures.”<sup>29</sup>

20. In addition, the Court has:

Reiterate[d]<sup>30</sup> that a supposed lack of investigation by a State does not necessarily constitute a circumstance of extreme gravity and urgency that warrants maintaining the provisional measures. In addition, at times, the obligation to investigation can extend over a considerable length of time, during which the threat or risk does not necessarily remain extreme and urgent. This Court has also indicated that the analysis of the effectiveness of the investigations and proceedings concerning the facts that gave rise to the provisional measures corresponds to the examination of the merits of the case.<sup>31</sup> In sum, the failure to comply with the obligation to investigate is not, *per se*, sufficient reasons to maintain the provisional measures.<sup>32</sup>

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<sup>25</sup> Similarly see *Matter of Wong Ho Wing*, *supra*, sixteenth considering paragraph.

<sup>26</sup> *Cf. Case of Carpio Nicolle et al.*, *supra*, fourteenth considering paragraph, and *Matter of Álvarez et al.*, *supra*, second considering paragraph.

<sup>27</sup> *Cf. Case of Raxcacó Reyes et al.* Provisional measures with regard to Guatemala. Order of the Court of August 30, 2004, tenth considering paragraph, and *Matter of the Communities of the Jiguamiandó and of the Curvaradó*. Provisional measures with regard to Colombia. Order of the Court of May 22, 2013, forty-sixth considering paragraph.

<sup>28</sup> *Cf. Matter of the Kankuamo Indigenous People*. Provisional measures with regard to Colombia. Order of the Court of April 3, 2009, seventh considering paragraph, and *Matter of the Communities of the Jiguamiandó and of the Curvaradó*, *supra*, forty-sixth considering paragraph.

<sup>29</sup> *Cf. Matter of Haitians and Dominicans of Haitian Origin in the Dominican Republic*. Provisional measures with regard to Dominican Republic. Order of the Court of February 29, 2012, forty-eighth considering paragraph, and *Matter of Millacura Llaipén et al.*, *supra*, eighth considering paragraph.

<sup>30</sup> *Cf. Case of Carpio Nicolle et al.*, *supra*, twenty-fourth considering paragraph, and *Matter of Álvarez et al.*, *supra*, one hundred and third considering paragraph.

<sup>31</sup> *Cf. Matter of Pilar Noriega García et al.* Provisional measures with regard to Mexico. Order of the Court of February 6, 2008, fourteenth considering paragraph, and *Matter of Álvarez et al.*, *supra*, one hundred and third considering paragraph.

<sup>32</sup> *Matter of Álvarez et al.*, *supra*, one hundred and third considering paragraph.

21. Furthermore, the Court has indicated on previous occasions that:

If it is proved that the State in question has implemented mechanisms or actions of protection for the beneficiaries of the provisional measures, the Court may decide to lift the said measures placing the obligation of protection on the entity with primary responsibility; in other words, the State. If the Court lifts the provisional measures for this reason, it corresponds to the State, pursuant to its obligation to guarantee the human rights and also its obligation to adopt provisions of domestic law under Articles 1 and 2 of the American Convention, to maintain the measures of protection that it has adopted and that the Court considered pertinent, and to adopt all those that become necessary subsequently, for as long as the circumstances warrant.<sup>33</sup>

22. Based on the above, and the consideration concerning the pertinence of a more rigorous examination than the one undertaken to order the adoption of the measures, the Court must examine the information and observations presented by the State, the representation of the beneficiaries, and the Commission. From that perspective, bearing in mind the exceptional and temporary nature of the provisional measures ordered, it must assess whether sufficient evidence exists to consider that the situation of “extreme” gravity and urgency remains as regards risk of “irreparable damage” in relation to the beneficiaries. When making this examination, the Court will assess the existence and application to this case of domestic protection mechanisms, and will not take into account the references to investigative measures (*supra* considering paragraphs 4, 5, 10, 17, 20 and 21).

23. In the matter that the Court is examining, the background to the situation that gave rise to the provisional measures – which were ordered more than five years and eight months ago – was that, according to the Commission at the time, the information submitted to it indicated that Mr. Meléndez Quijano had “denounced human rights violations presumably committed by the Salvadoran Army” and that, owing to this, he and his family members had been subjected to acts of violence, threats and surveillance.<sup>34</sup> Regarding the persistence of this situation, the Court takes note of the State’s indication that, in its opinion, this situation had now been “resolved,” which is demonstrated by the determination to close the proceedings against Mr. Meléndez Quijano for “acts harmful to military honor” and the promotions to higher military rank (*supra* considering paragraph 11). However, the Court also notes that Mr. Meléndez Quijano has reported that domestic judicial authorities have recently considered that a “conspiracy” exists against him in the military sphere (*supra* considering paragraph 17).

24. Furthermore, the Court notes that, during the nearly three and a half years since the Court’s last Order (*supra* having seen paragraph 1), the representation of the beneficiaries has reported 21 incidents that could eventually constitute attacks, threats, shadowing and harassment<sup>35</sup> (*supra* considering paragraphs 15 and 16). In addition, the surveillance of Mr. Meléndez Quijano has also been described (*supra* considering paragraph 17). Of the 21 incidents cited, according to the information provided to the Court, four have taken place

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<sup>33</sup> Cf. *Case of Carpio Nicolle et al.* Provisional measures with regard to Guatemala. Order of the Court of October 25, 2012, twenty-fifth considering paragraph, and *Matter of the Communities of the Jiguamiandó and of the Curvaradó*, *supra*, fifty-fourth considering paragraph.

<sup>34</sup> Cf. *Matter of Adrián Meléndez Quijano et al. with regard to El Salvador*. Order of the Court of November 26, 2007, second having seen paragraph. In that decision, in order to require the adoption of provisional measures, the Court considered that, even though the preventive measures ordered by the Commission were in force, according to the information provided by the latter, “the State had failed to implement the said preventive measures,” and while they were in force, according to the Commission, acts of “surveillance [...], telephone threats and shadowing” had occurred (*cf.* eighth considering paragraph).

<sup>35</sup> The Court is not taking into account among these incidents the facts indicated by the representation of the beneficiaries consisting in the notification, on March 22, 2010, of a sentence convicting Mr. Meléndez Quijano, or his mother’s decision to leave the country the next day (*supra* considering paragraph 15).

over the last year and, of these, two occurred in the first eight months of 2013. The methods used in these 21 incidents have different characteristics, with the exception of four consisting in “shadowing,” three in taking photographs, and two in text message sent by mobile telephone. This means that, according to the information available, the said actions are not uniform or systematic. The Court also notes the State’s explanations about four of them (*supra* considering paragraph 12), to the effect that they were not incidents that reveal a risk, as well as the State’s assertions about the alleged “surveillance” of Mr. Meléndez Quijano (*supra* considering paragraph 12). Furthermore, it should also be stressed that two of the 21 incidents, those corresponding to September 8, 2011, and December 21, 2012, refer to direct written threats to Mr. Meléndez Quijano and his daughters. Other incidents described were related to the same persons, as well as to Gloria Tránsito Quijano, widow of Meléndez, Mr. Meléndez Quijano’s mother, and to his sister, Sandra Ivette Meléndez Quijano. Consequently, they were not directly related to the other beneficiaries.<sup>36</sup>

25. The foregoing reveals that: (a) considering the time that has passed since the Court’s last Order, issued on February 2, 2010, the frequency of the incidents described by the representation of the beneficiaries has decreased towards the end of this time and, in the last eight months only two incidents have occurred; (b) neither these two acts, nor the four that took place in 2012, nor most of those that occurred from February 2, 2010, to date, have uniform or systematic characteristics, and (c) the said incidents have not involved all the beneficiaries directly. In addition, the Court considers that the characteristics of the incidents described by the representation of the beneficiaries does not reveal conclusively or certainly, owing to their nature, a relationship with a risk to the beneficiaries linked to the facts that gave rise to the measures. Despite this, it should be clarified that this does not, *per se*, negate the possibility of the said linkage.

26. Furthermore, the Court notes that even though the State formally classified Mr. Meléndez Quijano as a “high-risk person” in 2011 (*supra* considering paragraphs 17 and 18), this classification was based exclusively on the fact that the provisional measures ordered by this Court were in force, as revealed by the document in which this classification is made. In addition, the remarks on the application of the “Special Law for the Protection of Victims and Witnesses” should be recalled (*supra* considering paragraph 10).

27. Despite all the foregoing, the Court also notes that: (a) it is possible that the decrease in the frequency of the occurrence of incidents (*supra* considering paragraph 25) is related to the implementation of measures of protection; (b) two of the incidents referred to by the representation of the beneficiaries consist in direct written threats (*supra* considering paragraph 15); (c) the Court has insufficient information on whether the inclusion of the beneficiaries in the domestic protection mechanism (*supra* considering paragraphs 4, 5, 10, 21 and 22) is based on the fact that the Court’s order to adopt provisional measures is in force, and whether this could change if the order is terminated, and (d) as indicated, jurisdictional authorities have recently concluded that there was a “conspiracy” against Mr. Meléndez Quijano (*supra* considering paragraphs 17 and 23).

28. In light of the foregoing, the Court considers it pertinent that the State present a detailed report in which it refers to the actual situation in comparison with the situation that gave rise to these provisional measures, of each of the beneficiaries of these measures ordered by the Court in favor of Adrián Meléndez Quijano and his family members, in which

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<sup>36</sup> Thus, it cannot be inferred from the information presented by the representatives of the beneficiaries that incidents occurred related directly to Marina Elizabeth García de Meléndez, Roxana Jacqueline Mejía Torres or Manuel Alejandro Meléndez Mejía. Nor that acts occurred that were directly related to Benjamín Cuéllar Martínez and Henry Paul Fino Solórzano.

it sets out the arguments and evidence for whether or not it considers that these measures should be maintained, in accordance with the request made in the reports it submitted on September 18, 2012, and May 20, 2013. The Court also considers it pertinent that Adrián Meléndez Quijano, as a beneficiary of the measures and also the representative of the other beneficiaries, and the Commission, submit observations on the information provided by the State. It is relevant that the State, the beneficiary, and the Commission present information and observations, as applicable, and specific considerations on the persistence of the situation that gave rise to the provisional measures in relation to each of the beneficiaries individually and, in this regard, on the connection with that situation of the different incidents described, and any they eventually indicate. In addition, they should present information and observations on the existence of domestic mechanisms that could be effective to ensure the safety of the beneficiaries.

29. Based on the above, the Court determines that it is in order to maintain in force these provisional measures in favor of Adrián Meléndez Quijano and his family members, for an additional period that will expire on June 30, 2014. Consequently, the Court will evaluate the maintenance of the measures in favor of the said beneficiaries in due course.

**C. *Regarding Benjamín Cuéllar Martínez and Henry Paul Fino Solórzano***

30. In his observations of June 20, 2012, Adrián Meléndez Quijano informed the Court that Benjamín Cuéllar Martínez, Director of the Human Rights Institute of the Universidad Centroamericana “José Simeón Cañas” (hereinafter “IDHUCA”), had informed him on June 15, 2012, that, “as of that date, the administrative and legal support that it had been providing [him by means of representation by himself and Henry Paul Fino Solórzano] had terminated.” Neither the Commission nor the State made any observations in this regard.

31. Based on the above, the Court considers it appropriate to lift the provisional measures adopted in favor of Benjamín Cuéllar Martínez and Henry Paul Fino Solórzano, who represented the beneficiaries through their work at IDHUCA.

**D. *Regarding the presentation of State reports***

32. It should be noted that, on different occasions, the State has been requested to present bi-monthly reports in the context of these provisional measures, and has failed to do so on a regular basis. Although the Court appreciates the fact that the State has responded to requests for information, the failure to present the reports on time has had a negative impact on this Court’s ability to assess the implementation of these measures and on El Salvador’s compliance with its obligations satisfactorily and, even, on the possibility of responding to the State’s requests with regard to the lifting of these measures (*supra* considering paragraph 14).

33. This Court recalls that the States Parties to the Convention that have accepted its contentious jurisdiction are bound to fulfill the obligations established by the Court. This duty includes the State’s obligation to inform the Court of the measures adopted to comply with the Court’s decisions in its rulings.<sup>37</sup> The obligation to provide information is a duty that, for effective fulfillment, requires the formal presentation of a document within the time frame, with specific, true, current and detailed information on the issues to which this

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<sup>37</sup> Cf. *Case of Barrios Altos v. Peru*. Monitoring compliance with judgment. Order of the Court November 17, 2004, seventh considering paragraph, and *Case of Eloisa Barrios et al.* Provisional measures with regard to Venezuela. Order of the Court of February 13, 2013, sixtieth considering paragraph.

obligation relates.<sup>38</sup> Prompt observance of the State's obligation to advise the Court about how it is complying with each element ordered by the Court is essential for the assessment of the status of compliance with the provisional measures as a whole.<sup>39</sup>

**THEREFORE:**

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

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

**DECIDES:**

1. To lift the provisional measures ordered by the Inter-American Court of Human Rights in favor of Benjamín Cuéllar Martínez and Henry Paul Fino Solórzano on May 12, 2007.

2. To maintain, as pertinent, the provisional measures ordered by the Inter-American Court of Human Rights in its Orders of May 12 and November 26, 2007, and February 2, 2010, in favor of Mr. Meléndez Quijano, Marina Elizabeth García de Meléndez, Andrea Elizabeth Meléndez García, Estefani Marcela Meléndez García,<sup>40</sup> Pamela Michelle Meléndez García, Adriana María Meléndez García, Gloria Tránsito Quijano widow de Meléndez, Sandra Ivette Meléndez Quijano, Roxana Jacqueline Mejía Torres, and Manuel Alejandro Meléndez Mejía, for an additional period that will expire on June 30, 2014, after which the Court will evaluate the pertinence of keeping them in force.

3. To require the State to present a detailed report on the actual situation of each of the beneficiaries named in the second operative paragraph of this Order, compared to the situation that gave rise to these provisional measures, by February 20, 2014, at the latest; the report should include the arguments and evidence that support its position as regards the lifting of these provisional measures, pursuant to considering paragraph 28 of this Order.

4. To require Adrián Meléndez Quijano, on behalf of himself and in representation of the other beneficiaries of these provisional measures, to present his observations on the State's report within four weeks of receiving it, and to refer to the actual situation of each of the beneficiaries, individually, compared to the situation that gave rise to these provisional measures, pursuant to considering paragraph 28 of this Order, in which he includes the arguments and evidence based on which he considers that the measures ordered should be

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<sup>38</sup> Cf. *Matter of Lilliana Ortega et al.* Provisional measures with regard to Venezuela. Order of the Court of December 2, 2003, twelfth considering paragraph, and *Case of Eloisa Barrios et al.*, *supra*, sixtieth considering paragraph.

<sup>39</sup> Cf. *Case of the Five Pensioners v. Peru*. Monitoring compliance with judgment. Order of the Court of November 17, 2004, fifth considering paragraph, and *Case of Eloisa Barrios et al.*, *supra*, sixtieth considering paragraph.

<sup>40</sup> On November 12, 2010, the representation of the beneficiaries indicated that "the name of one of the beneficiaries [of] the measures granted by the Inter-American Court of Human Rights in its Order of March 23, 2007, was written incorrectly; specifically the [child] Estefani Mercedes Meléndez García; whereas the correct name is Estefani Marcela Meléndez García." In this regard, on October 21, 2011, the Secretariat observed that "the name that appears in the said Order was the name included by the Inter-American Commission in the request for the provisional measures. However, based on the clarification presented by the representatives, on the instructions of the President, hereinafter the Court will refer to this beneficiary as Estefani Marcela Meléndez García."

maintained in force in his favor and in favor of each of the members of his family indicated in the second operative paragraph of this Order.

5. To require the Inter-American Commission on Human Rights to present detailed observations on the actual situation of each of the beneficiaries named in the second operative paragraph of this Order, compared to the situation that gave rise to these provisional measures within six weeks of receiving the State's report.

6. To require the State to continue implementing these provisional measures and to allow the beneficiaries of the measures to take part in their planning and implementation and, in general, to keep them informed of any progress in the execution of the measures.

7. To require the Secretariat of the Inter-American Court to notify this Order to the Republic of El Salvador, the Inter-American Commission on Human Rights, and Adrián Meléndez Quijano.

Diego García-Sayán  
President

Manuel E. Ventura Robles

Alberto Pérez Pérez

Eduardo Vio Grossi

Roberto F. Caldas

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary