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Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Jose Daniel Alvarez, Nidia Linores Ascanio, Gladys Lopez, Yanette Bautista, Maria Helena Saldarriaga, Piedad Martin, Maria Eugenia Lopez, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacon, Jose Publio Bautista, Nelly Maria Ascanio, Ayda Mile Ascanio and Miriam Rosas Ascanio v. Colombia
Doc. Type:	Order of the Court
Decided by:	President: Hernan Salgado Pesantes; Judges: Antonio A. Cancado Trindade; Maximo Pacheco Gomez; Oliver Jackman; Alirio Abreu Burelli; Sergio Garcia Ramirez; Carlos Vicente de Roux Rengifo
Dated:	21 January 1998
Citation:	Daniel Alvarez v. Colombia, Order of the Court (IACtHR, 21 Jan. 1998)
Represented by:	APPLICANT: of the Association of Relatives of Detained and Disappeared Persons of Colombia
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HAVING SEEN:

1. The Order of the President of the Inter-American Court of Human Rights (hereinafter "the President") of July 22, 1997, through which he decided:

1. To request the Republic of Colombia, in strict compliance with the obligation to respect and guarantee human rights which it undertook in accordance with Article 1(1) of the American Convention on Human Rights, to adopt forthwith such measures as are necessary to protect the life and integrity of José Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, and Miriam Rosas Ascanio in order to prevent irreparable damage to them.

2. To request that the Republic of Colombia, as soon as Mr. Erik Antonio Arellano-Bautista returns to its territory, adopt such measures as are necessary to protect his life and physical integrity in order to prevent irreparable damage to him.

3. To request that the Republic of Colombia investigate the facts denounced and punish those responsible for them, particularly with regard to the attack of June 24, 1997, on the Association's offices in the city of Medellín.

4. To request that the Republic of Colombia adopt forthwith such measures as are necessary to ensure that all the offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia may discharge its functions without danger to the lives or physical integrity of the persons working there, especially the Association's offices in the cities of Medellín and Ocaña.

5. To request that the Republic of Colombia submit a first report on the measures adopted within 15 days of notification of this Order and that the Inter-American Commission on Human Rights submit its comments on that report within a period of one month from receipt of that document.

6. To request that the Republic of Colombia, from the date of presentation of its first report, continue to submit every two months its reports on the provisional measures taken and that the Inter-American Commission on Human Rights submit its comments on those reports within 45 days of receiving them.

7. To present this Order for the consideration of the Court at its next session for the pertinent effects and so that it can convene the parties, if it so deems, to a public hearing at the seat of the Court, so that the Tribunal may hear their views on the facts and circumstances that gave rise to the request for provisional measures and to this Order.

2. The Order of the President of the Court of August 14, 1997, in which he decided:

1. To request that the State of Colombia expand the urgent measures adopted in this case for the purpose of guaranteeing the right to life and physical integrity of Mr. Javier Álvarez.

2. To request that the State of Colombia investigate the facts denounced by the Inter-American Commission on Human Rights and punish those responsible.

3. To submit this order for the consideration of the Court during its next session for the pertinent effects.

4. To submit the first report of the State and the Commission's briefs from the Commission of July 7, 1997, and August 12, 1997, for the consideration of the Court at its next session for the pertinent effects.

5. To request the State of Colombia to include the provisional measures taken pursuant to this Order in the reports it will submit every two months in accordance with the order of July 22, 1997, to bring them to the attention of the Court.

3. The Order of the Court of November 11, 1997, in which it decided:

1. To ratify the orders of the President of the Inter-American Court of July 22 and August 14, 1997.

2. To require the State of Colombia to maintain the necessary measures for a period of six months from the date of this Order so as to protect the lives and physical integrity of José Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, Erik Antonio Arellano-Bautista, and Javier Álvarez and to avoid irreparable damage to them. Once the term has expired, the Court shall assess the situation of the protected persons.

3. To require that the State of Colombia adopt such measures as may be necessary to protect the life and physical integrity of Mr. Erik Antonio Arellano-Bautista as soon as he returns to its territory.

4. To require that the State of Colombia investigate the events denounced and punish those responsible for them, especially with regard to the attack of June 24, 1997, on the offices of the

Association of Relatives of Detained and Disappeared Persons of Colombia (ASFADDES) in the city of Medellín.

5. To require that the State of Colombia maintain the measures necessary to ensure that all the offices of the Association of Relatives of Detained and Disappeared Person of Colombia (ASFADDES) can discharge its duties without danger to the lives and physical integrity of the persons working there, especially at the Association's offices in the cities of Medellín and Ocaña.

6. To require that the State of Colombia continue to report every two months on the measures it has taken to comply with this order.

7. To require that the Inter-American Commission on Human Rights submit its comments on that information to the Court at least six week from the date of its receipt.

4. The December 17, 1997, brief of the Inter-American Commission on Human Rights submitted to the Inter-American Court of Human Rights on December 22, 1997, in which it requests that the provisional measures adopted by the Court be expanded to protect Ms. María Eugenia Cárdenas, a member of the Association of Relatives of Detained and Disappeared persons of Colombia (hereinafter "ASFADDES"), and her family. According to the Commission, Ms. María Eugenia Cárdenas "has been the object of threats and persecution in the last few months." Her cousin, José María Cárdenas, was kidnapped in the Department of Caldas by two armed men wearing Army uniforms. The next day, December 3, 1997, his severely mutilated body was found.

5. The Order of the President of the Court of December 22, 1997, in which he decided:

1. To call upon the State of Colombia to expand the Urgent Measures adopted in this case in order to ensure the right to live and personal integrity of Ms. María Eugenia Cárdenas and her family.

2. To call upon the State of Colombia to investigate and punish those responsible for the acts denounced by the Inter-American Commission on Human Rights in its brief of December 17, 1997.

3. To submit the present order to the consideration of the Court during its next Regular Session for the pertinent effects.

4. To request that the State of Colombia include in the bi-monthly reports it will submit, in accordance with the Order of November 11, 1997, the measures taken in virtue of the present order, so as to put them to the consideration of the Court.

CONSIDERING:

1. That Colombia is a State Party to the American Convention whose Article 1(1) of the stipulates that it is the duty of States Parties to respect the rights and freedoms recognized therein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms. On June 21, 1985 Colombia accepted, in accordance with Article 62 of the Convention, the compulsory jurisdiction of this Court.

2. That Article 63(2) of the Court 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 deem 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. That the Court has examined the events and the circumstances on which the Order of the President of December 22, 1997, are based, which the Court confirms as within the law and the merits of the facts.

4. That Colombia has informed the Court that some measures have been taken to protect José Daniel Álvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, Erik Antonio Arellano Bautista and Javier Álvarez, all in compliance with the Order of November 11, 1997 (*supra* para. 3).

5. That despite the efforts of the State to attend to the needs of the petitioners, a situation of risk remains for the persons on whose behalf the provisional measures were sought and therefore the measures should be maintained in conformity with that established in the November 11, 1997 Order.

6. This Court feels that the situation Ms. Eugenia Cárdenas and her family face, justifies the expansion of the measures ordered by the President to guarantee the life and personal integrity of those persons who could be threatened; as well as to investigate the events denounced and, in its case, to punish those responsible. Said obligation to investigate, as that of to prevent and punish, should be assumed by the State as a legal duty and not as a mere formality.

7. That in order to ensure the effective protection of the family of Ms. María Eugenia Cárdenas, it is important that the Commission identify them.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of the powers conferred by Article 63(2) of the American Convention on Human Rights and Articles 25(1) and 25(2) of its Rules of Procedure,

DECIDES:

1. To ratify the Order of the President of the Inter-American Court of December 22, 1997.

2. To call upon the State of Colombia to maintain the measures necessary to protect the life and personal integrity of José Daniel Alvarez, Nidia Linores Ascanio, Gladys López, Yanette Bautista, María Helena Saldarriaga, Piedad Martín, María Eugenia López, Adriana Diosa, Astrid Manrique, Faride Ascanio, Carmen Barrera, Evidalia Chacón, José Publio Bautista, Nelly María Ascanio, Ayda Mile Ascanio, Miriam Rosas Ascanio, Javier Álvarez, María Eugenia Cárdenas and her family, to avoid irreparable damage. Upon the expiration of the time period established in the Order of November 11, 1997, the Court will evaluate the situation of the protected persons.

3. To call upon the Inter-American Commission on Human Rights, within fifteen days as of notification of the present order, to present to the Court a list of the names of the family members of Ms. María Eugenia Cárdenas on whose behalf the State of Colombia is to adopt measures of protection in virtue of that required in Resolutive Point 2 of the present order. This list should be transmitted forthwith to the State of Colombia.

4. To call upon the State of Colombia to adopt the measures necessary to protect the life and personal integrity of Mr. Erik Antonio Arellano Bautista, as soon as he returns to his country.
5. To call upon the State of Colombia to investigate the denounced acts and to punish those responsible.
6. To call upon the State of Colombia to maintain the necessary measures to ensure that all of the offices of the Association of Relatives of Detainees-Disappeared Persons of Colombia (ASFADDES) may complete their normal functions without danger to the life or personal integrity of the personnel who work their, in particular the offices of the Association in the cities of Medellín and Ocaña.
7. To call upon the State of Colombia to continue to inform, every two months, on the measures it has taken in compliance with the present order.
9. To call upon the Inter-American Commission on Human Rights to submit to the Court its observations to the State's reports, within six weeks as of their receipt.

Hernán Salgado Pesantes
President

Antônio A. Cançado Trindade
Máximo Pacheco Gómez
Oliver Jackman
Alirio Abreu Burelli
Sergio García Ramírez
Carlos Vicente de Roux Rengifo

Manuel E. Ventura Robles
Secretary

So ordered,

Hernán Salgado Pesantes
President

Manuel E. Ventura Robles
Secretary