

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF AUGUST 14, 1997**

**PROVISIONAL MEASURES REQUESTED BY THE
INTER-AMERICAN COMMISSION OF HUMAN RIGHTS
IN THE MATTER OF THE REPUBLIC OF COLOMBIA**

ÁLVAREZ *ET AL.* CASE

HAVING SEEN:

1. The brief of July 7, 1997, and its attachments, in which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted to the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court"), pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Article 25 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"), a request for provisional measures on behalf of seventeen persons related to the Association of Relatives of Detainees-Disappeared Persons of Colombia (hereinafter "the Association" or ASFADDES") all concerning case No. 11.764 before the Commission against the State of Colombia (hereinafter "the State" or "Colombia").

2. The order of the President of the Court (hereinafter "the President") of July 22, 1997, in 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.

3. The first report of Colombia, submitted on August 7, 1997, in which it expressed its view on the Urgent Measures adopted by the President in the instant case and reported in detail on the measures which, in its opinion, it had duly taken in response to the Inter-American Commission's requests of September 20, 1994, and February 25, 1997, for precautionary measures to be adopted. At the end of the report, the State described some measures implemented to comply with the decisions of the President in his Order of July 22, 1997.

4. The brief from the Inter-American Commission of August 12, 1997, in which it requested that the Urgent Measures adopted by the President be expanded to include Mr. Javier Álvarez, a member of ASFADDES, General Coordinator of the "*Casa de Niños*" Children's Center and brother of Mr. José Daniel Álvarez Ruiz, General Coordinator of the Association. According to the Commission, Mr. Javier Álvarez had received a number of threats which revealed the existence of "*a situation of extreme gravity and urgency, requiring the adoption of provisional measures.*" Specifically, in June 1997, he was warned to be careful since he greatly resembled the President of ASFADDES and on August 2, 1997, three men on scooters asked his neighbors where he was and remained watching his home. Those persons left a threatening letter at his house addressed to "*Mr. Javier Álvarez (President [sic] ASFADDES)*" in which, in brief, they informed him that he was under surveillance and that he was given 24 hours to leave, with "[his] group", from the area where he lived. The Commission attached a copy of the letter to its request.

CONSIDERING:

1. That Article 63(2) of the Convention establishes that the Court may, in cases "*of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons*", take the provisional measures it considers pertinent in matters not yet submitted before it. Also, in the terms of Article 25(4) of the Rules of Procedure:

[if] the Court is not sitting, the President, in consultation with the Permanent Commission, and if possible with the other judges, shall call upon the government concerned to adopt such urgent measures as may be necessary to ensure the effectiveness of any provisional measures subsequently ordered by the Court at its next session.

2. That according to the order of July 22, 1997, Colombia is obligated to adopt all of the measures necessary to ensure the physical and moral integrity of a group of seventeen persons related with the Association, to periodically inform on these measures and to also adopt measures to ensure that all of the offices of the Association can perform their duties without danger to the life or personal integrity of those who work there.

3. That, although it is true that Mr. Javier Álvarez is not a functionary of ASFADDES, and it is also certain that the threat letter that he received identifies him as the President of the Association, and that in June of 1997 he received a message "*which stated that he had better be careful since he greatly resembled the President (SIC) of ASFADDES and that it would be better if he left [the city of] Montería because there could be a confusion.*"; this information permits this Presidency to gather, in regards to Mr. Javier Álvarez, that there

exists element that constitute a situation of extreme gravity and urgency and requires the adoption of urgent measures in order to avoid irreparable damages.

NOW, THEREFORE:

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

in conformity with Article 63(2) of the American Convention on Human Rights and in exercise of the powers conferred on him by Article 25(4) of its Rules of Procedure,

DECIDES:

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.

Héctor Fix-Zamudio
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Héctor Fix-Zamudio
President

Manuel E. Ventura Robles
Secretary