

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF FEBRUARY 10, 1998**

**PROVISIONAL MEASURES REQUESTED BY
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

**PANIAGUA MORALES *ET AL.* AND
VASQUEZ *ET AL.* CASES (N. 11.448)**

HAVING SEEN:

1. The proceedings in the Paniagua Morales *et al.* Case, before the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") and the transcription of the testimonies given by Oscar Humberto Vásquez and Raquel de Jesús Solórzano during the public hearing on the merits of this case, held by the Court at its seat on September 22, 23, and 24, 1997.

2. The February 5, 1997, brief of the Inter-American Commission on Human Rights (hereinafter "the Commission" or the "Inter-American Commission", by which it requested the Court, in accordance with Articles 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and 25 of the Rules of Procedure of the Court (hereinafter "Rules of Procedure"), to adopt "*provisional measures to protect the life and physical integrity of the members of the Vásquez family, including, Oscar Humberto Vásquez, Raquel Solórzano, Thelma Judith de Vásquez, Marvin Vásquez and Lydia de Vásquez.*" The Commission indicated that said request was made in regards to two cases: the Paniagua Morales *et al.* Case, currently before the Court and the Vásquez *et al.* Case (number 11.448), currently before the Commission. As grounds for this request, the Commission informed the Court that:

[o]n January 24, 1998, Mr. Oscar Humberto Vásquez, son of Mr. Oscar Vásquez (victim in the White Van Case) and witness that rendered testimony before the Honorable Court in September 1997, was illegally detained by a group of three unknown men, who severely physically attacked him and threatened him with death.

The Commission also informed the Court that those that deprived Mr. Vásquez of his freedom stated "*he should stop getting involved in problems because if he did not he would wind up like his father and his brother,*" both of who were murdered five days before the final hearing held by the Commission in regards to the Paniagua Morales *et al.* Case (September 11, 1994). According to the Commission, when Mr. Vásquez tried to present a complaint for his detention and the physical abuse he received, the Public Ministry refused to receive it, "*arguing that he should have done so immediately after the events occurred.*"

3. The statements of the Inter-American Commission in its petition for provisional measures, according to which, on December 13, 1994, it requested the State of Guatemala (hereinafter "the State" or "Guatemala") to adopt precautionary measures to protect the life, physical integrity and liberty of Oscar Ricardo Vásquez Monroy, María Refugio Raymundo, Marvin Alfonso Vásquez Solórzano, Raquel de

Jesús Solórzano, Oscar Humberto Vásquez Solórzano, Víctor Arnoldo Vásquez and Lydia de Vásquez. The Commission also stated that said persons had reported that they mistrusted the agents that work in the General Headquarters of the National Police, who they relate with the acts of harassment they received and the murder of Oscar and Erik Orlando Vásquez; and that they have informed the Commission in the respective case that the police protection necessary to comply with the precautionary measures adopted by the Commission is not being provided.

CONSIDERING:

1. That Guatemala has been a State Party to the American Convention since May 25, 1978 and that it accepted the compulsory jurisdiction of the Court on March 9, 1987.

2. That Article 63(2) of the Convention establishes that the Court may take the provisional measures it considers pertinent in matters that are submitted before it and in order to do so it must deal with cases "*of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons [and with] respect to a case not yet submitted to the Court, it may act at the request of the Commission.*"

3. That in relation to this matter, Article 25 of the Rules of Procedure sets forth that

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order such provisional measures as it deems pertinent, 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. 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.

4. That the request for provisional measures is related to the Paniagua Morales *et al.* Case, pending before the Court, and with the Vásquez *et al.* Case (number 11.448), pending before the Commission. The Commission has stated that the precautionary measures it adopted in the Vásquez Case has not had satisfactory results.

5. That the Commission asks the Court to call upon Guatemala to adopt the provisional measures "*necessary to protect the life and physical integrity of the members of the Vásquez family, including, Oscar Humberto Vásquez, Raquel Solórzano, Thelma Judith de Vásquez, Marvin Vásquez and Lydia de Vásquez.*"

6. That, according to the Commission, the situation of the members of the Vásquez family is of extreme gravity and urgency and the adoption of measures is necessary to avoid irreparable damages.

7. That the President of the Court is empowered to order urgent measures and it corresponds to the Court to decide on the admissibility of the preliminary measures during its next Regular Session.

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, in exercise of the powers conferred on him by Article 25 of the Rules of Procedure and in consultation with the Permanent Commission,

DECIDES:

1. To call upon the State of Guatemala to adopt, without delay, the measures necessary to effectively ensure the physical and psychological integrity of the members of the Vásquez family, including, Oscar Humberto Vásquez, Raquel de Jesús Solórzano, Thelma Judith de Vásquez, Marvin Vásquez and Lydia de Vásquez and to investigate the attack and threats suffered by the first of these.
2. To call upon the State of Guatemala to present to the Court, within five working days as of the notification of the present order, a first report on the concrete measures adopted to protect the above mentioned persons.
3. To request the Inter-American Commission to present to the Court its observations to the initial report of the State of Guatemala within fifteen days as of the transmission of the State's report.
4. To call upon the State of Guatemala to continue to present reports on the adopted measures, every two months after the submission of the first one.
5. To request the Inter-American Commission to present its observations on the periodic reports of the State within six weeks as of the transmission of the State's reports.
6. To submit this order to the Court's consideration and pertinent effects during its next Regular Session.

Hernán Salgado-Pesantes
President

Manuel E. Ventura-Robles
Secretary

So ordered,

Hernán Salgado-Pesantes

President

Manuel E. Ventura-Robles
Secretary