

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF MAY 21, 2001**

**REQUEST FOR PROVISIONAL MEASURES OF THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
IN THE MATTER OF THE REPUBLIC OF COSTA RICA**

THE LA NACIÓN NEWSPAPER CASE

HAVING SEEN:

1. The communication of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") of March 28, 2001, submitting a request for provisional measures in favor of Mauricio Herrera Ulloa and Fernán Vargas Rohrmoser, respectively journalist and legal representative of the Costa Rican newspaper, *La Nación*, "so that [the Court may request] the Republic of Costa Rica to protect the freedom of expression" of the said persons.
2. The Order of the President of the Court of April 6, 2001, that decided:
 1. To grant the Inter-American Commission on Human Rights and the State of Costa Rica until May 12, 2001, to submit the information referred to in considering paragraph 4 of this order.
 2. To summon the Inter-American Commission on Human Rights and the State of Costa Rica to a public hearing to be held at the seat of the Inter-American Court of Human Rights on May 22, 2001, at 10 a.m., so that the Court may hear their points of view on the facts and circumstances that motivated the request for provisional measures.
 3. To request the State, as an urgent measure, to abstain from executing any action that would alter the *status quo* of the matter until this public hearing has been held and the Court is able to deliberate and decide on the admissibility of the provisional measures requested by the Commission.
3. The communication of the Commission of May 9, 2001, in which it proposed that Mauricio Herrera Ulloa should appear as a witness in the hearing convened for May 22, 2001.
4. The communication of the State of Costa Rica (hereinafter "the State" or "Costa Rica") of May 15, 2001, in which it indicated that "it [did] not object to [the] request" of the Commission mentioned in the previous paragraph, "in the understanding that the said hearing would not address the merits of the matter that was under consideration by" the Inter-American Commission.

CONSIDERING:

1. That, when proposing that Mauricio Herrera Ulloa should be heard, the Commission indicated to this Court that he would make a statement on his personal

* Judges Máximo Pacheco Gómez and Alirio Abreu Burelli were unable to take part in the deliberation and signature of this Order, owing to circumstances beyond their control.

situation and, in particular, about the harm that would result, should the judgment delivered by the Criminal Trial Court of the First Judicial Circuit of San José, Costa Rica, on November 12, 1999, be executed.

2. That the State did not object to Mr. Herrera Ulloa testifying.

3. That, according to the statements of the State and the Commission, Mr. Herrera Ulloa is one of the alleged victims in the case; the Court therefore agrees that he may testify as a witness, in the understanding that this testimony must be limited to the subject of the hearing convened by the President (*supra* having seen 2).

4. That the fact that a person has a direct interest in the result of a case or may have taken part in the proceeding before the Commission is not *per se* a factor that prevents him from making a statement before the Court, which, in its practice, has even admitted the testimony of the victim and his next of kin (*ICourthR, Loayza Tamayo case. Judgment of September 17, 1997. Series C No. 33; ICourthR, Castillo Páez case. Judgment of November 3, 1997. Series C No. 34; ICourthR, Suárez Rosero case. Judgment of November 12, 1997. Series C No. 35; ICourthR, Blake case. Judgment of January 24, 1998. Series C No. 36; ICourthR, Paniagua Morales et al. case. Judgment of March 8, 1998. Series C No. 37; ICourthR, Villagrán Morales et al. case. Judgment of November 19, 1999. Series C No. 63*)¹.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in accordance with Article 63.2 of the American Convention on Human Rights and Articles 25 and 45 of the Rules of Procedure of the Court,

DECIDES:

1. To summon Mauricio Herrera Ulloa to appear before the Inter-American Court of Human Rights to give testimony at 10.00 a.m. on May 22, 2001.

2. That the testimony must be limited exclusively to what has been indicated in the fourth considering paragraph of the order of the President of the Court of April 6, 2001; that is, to the gravity and urgency of the situation and the probability of irreparable damage that could be caused to the witness.

Antônio A. Cançado Trindade
President

¹ This Court has followed the same practice at the reparations stage (*ICourthR, Loayza Tamayo case. Reparations (Article 63.1 American Convention on Human Rights). Judgment of November 27, 1998. Series C No. 42; ICourthR, Suárez Rosero case. Reparations (Article 63.1 American Convention on Human Rights). Judgment of January 20, 1999. Series C No. 44*).

Hernán Salgado Pesantes

Oliver Jackman

Sergio García Ramírez

Carlos V. de Roux Rengifo

Manuel E. Ventura Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura Robles
Secretary