



## PRECAUTIONARY MEASURES 2001

### 1. Precautionary measures granted or extended by the Commission during 2001

9. Precautionary measures are provided for in Article 25 of the Commission's Rules of Procedure, which grants the Commission the following powers: (1) In serious and urgent cases, and whenever necessary, according to the information available, the Commission may, on its own initiative or upon request by a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons. (2) If the Commission is not in session, the President, or, in his or her absence, one of the Vicepresidents, shall consult with the other members, through the Executive Secretariat, on the application of the provision in the previous paragraph. If it is not possible to consult within a reasonable period of time under the circumstances, the President shall take the decision on behalf of the Commission and shall so inform its members. (3) The Commission may request information from the interested parties on any matter related to the adoption and observance of the precautionary measures. (4) The request for such measures and their adoption shall not prejudice the final decision.

10. Below the IACHR presents a summary of the 54 precautionary measures granted or extended during 2001, ordered by the country involved. It should be noted that the number of precautionary measures does not correlate with the number of individuals protected thereby: as can be seen below, the IACHR's precautionary measures can protect either one person or an unquantifiable group of persons, often covering entire populations or communities.

#### a. Argentina

11. On August 27, 2001, the Commission asked the Argentine State to take the steps necessary to protect the life and person of María Dolores Gómez and her family and, specifically, to conduct a diligent and effective investigation of the threats and attacks they had suffered. Ms. Gómez serves as public defender in the San Isidro judicial department in Buenos Aires province, and she began to receive threats after making statements about prison conditions and about the torture and mistreatment endured by prison inmates. The State replied on September 10, 2001, and the Commission continues to receive information from both parties on how the investigation is progressing.

#### b. Chile

12. The Inter-American Commission granted precautionary measures, in Chile,

on behalf of Juan Pablo Améstica Cáceres, Manuel Orlando Farías, and Náyade Orieta Rojas Vera. These three individuals are carriers of the human immunodeficiency virus (HIV/AIDS) who contacted the IACHR because they believed their right to life and health was in serious danger. In its communication of November 20, 2001, the IACHR informed the Chilean State that the aforesaid individuals urgently needed basic assistance from state institutions in order to secure the drugs needed for their treatment; it therefore requested the adoption of urgent measures to ensure them access to the medicines needed for their survival and to medical examinations for the regular monitoring of their health conditions. On December 5, 2001, the State described the preliminary steps taken at the Ministry of Health and reported that Juan Pablo Améstica, Manuel Orlando Farías, and Náyade Orieta Rojas Vera were receiving medication and undergoing examinations in order for their health conditions to be monitored by the State's services. It also requested additional time in which to submit further information on the case.

**c. Colombia**

13. On January 30, 2001, the Commission granted precautionary measures and requested that the Colombian State take steps to protect the life and person of Gloria Gaitán Jaramillo. The information available indicates that Ms. Gaitán Jaramillo has suffered harassment and persecution, at both her home and her place of work, as a result of her efforts in pursuing an investigation into the slaying of her father, Jorge Eliécer Gaitán, through what is known as the "National and International Truth Tribunal Campaign." After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

14. On March 2, 2001, the Commission granted precautionary measures and requested that the Colombian State take steps to protect the lives and persons of the members of the National Association of Peasant and Indigenous Women of Colombia (ANMUCIC) and its president, Ms. Leonora Castaño. The information available indicates that several members of ANMUCIC have suffered threats and attacks, forcing them to relocate to different areas of Colombia, to go into exile, or to curtail the organization's work in certain regions of the country. The Commission asked the State, in collaboration with the petitioners and the persons receiving protection, to adopt measures to guarantee the life and person of Ms. Leonora Castaño, to protect ANMUCIC's facilities, particularly their premises in Bogotá, and to investigate, judge, and punish the persons responsible for the threats and harassment inflicted on ANMUCIC and its members. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

15. On March 28, 2001, the Commission granted precautionary measures on behalf of Ligia Garzón Pinzón, a public prosecutor on Colombia's specialized judicial circuit, and her family, who for security reasons had relocated outside the country. The request for precautionary measures states that Dr. Ligia Garzón was denied an extension of the leave of absence allowing her to remain outside the country and, consequently, she was being forced to return to the Republic of Colombia immediately in spite of her security concerns. The Commission asked the Colombian government to take the steps necessary to guarantee the right to life and person of Ligia Esther Garzón Pinzón and her family, and it undertook a series of measures that concluded satisfactorily for the parties.

16. On May 25, 2001, the IACHR granted precautionary measures on behalf of Berenice Celeyta Alayon, a member of the NOMADSEC organization, who had received threatening telephone calls and had been followed by persons unknown, presumably because of her work with social, trade union, and local leaders in the Valle del Cauca region. The IACHR asked the State, as a matter of urgency, to take the steps necessary to guarantee the life and person of Ms. Berenice Celeyta, in collaboration with her, and to launch an investigation. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

17. On June 4, 2001, the IACHR granted precautionary measures on behalf of

Kimi Domicó, Uldarico Domicó, Argel Domicó, Honorio Domicó, Adolfo Domicó, Teofan Domicó, Mariano Majore, Delio Domicó, Fredy Domicó, and other members of the Embera Katio indigenous community of Alto Sinú who had been abducted from the community's main town and neighboring areas. The State was asked, as a matter of urgency, to take the steps necessary to clarify the whereabouts of these persons and to protect their lives and persons; to take the steps needed to protect the other members of the Embera Katio indigenous community of Alto Sinú, working in collaboration with the petitioners; and to investigate, judge, and punish those responsible for the attacks perpetrated against the community. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

18. On June 7, 2001, the IACHR granted precautionary measures on behalf of the students of the chemistry and human sciences schools, the young communists group (JUCO), the Colombian Association of University Students (ACEU), and lecturers, employees, and workers affiliated to the SINTRAUNICOL trade union at the Industrial University of Santander. After a series of incidents and news reports announcing violent acts, on May 29, 2001, the AUC sent a message to the UIS's chemistry study center, announcing that students from the chemistry, human sciences, and engineering schools, the young communists group (JUCO), and the Colombian Association of University Students (ACEU) were to be considered military targets. The Commission asked the State, as a matter of urgency, to take the steps necessary to protect the lives and persons of the students who had been declared military targets by the AUC; to adopt protective measures with respect to the lecturers, employees, and workers affiliated to SINTRAUNICOL at the university; and to investigate the source of the threats in order to put an end to the harassment of the persons protected by the precautionary measures. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

19. On July 20, 2001, the IACHR granted precautionary measures on behalf of Mr. Mario Alberto Arévalo Perdomo, who served as the warden of the La Picota penitentiary in Bogotá between December 18, 2000, and July 5, 2001. Mr. Arévalo Perdomo received death threats over the telephone at his home in Bogotá; these were made by persons unknown claiming to be members of the Calima Bloc of the United Self-Defense Forces of Colombia (AUC) and by others claiming to be members of the United Self-Defense Forces of South Cesar and Santander. In addition, during that period he had been constantly followed by unidentified persons riding motorcycles. The IACHR asked the Colombian government, as a matter of urgency, to take the steps necessary to protect the life and person of the individual in question and to agree on security measures with him, and to investigate the source of the threats. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

20. On August 9, 2001, the IACHR granted precautionary measures on behalf of Pedro Díaz Romero, Virgilio Hernández Castellanos, Lucía Margarita Luna Prada, Gonzalo Alirio García Gómez, Maritza González Manrique, Fernando Niño Quintero, Ramiro Sánchez Pardo, and Jaime Tapias Carlier, all members of the National Human Rights Unit of the Colombian attorney-general's office; in addition, the requested measures were to apply to their families. The protected persons, in discharging their duties, began a judicial investigation of Gen. Rito Alejo del Río Rojas (ret.) in connection with the alleged creation and support of private vigilante groups during his tenure as the commander of the army's XVII brigade in the Urabá region of Antioquia. This investigation led to his home being searched and his arrest. Almost simultaneously, Pedro Díaz Romero was asked to resign, Gen. Rito Alejo del Río Rojas (ret.) was released, and criminal and disciplinary proceedings were ordered against Lucía Margarita Luna Prada, Gonzalo Alirio García Gómez, Maritza González Manrique, Fernando Niño Quintero, Ramiro Sánchez Pardo, and Jaime Tapias Carlier. At the same time, Virgilio Hernández Castellano, who had previously served as the director of the Human Rights Unit and was at that time the head of the Anticorruption Unit, was asked to resign. The Commission asked the Colombian government, as a matter of urgency, to take the steps necessary to protect the lives and persons of the aforesaid individuals, to agree on security measures with them, and to refrain from taking any action in reprisal against the prosecutors and the

members of the CTI for the actions in discharging their duties as prosecutors. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

21. On September 5, 2001, the IACHR granted precautionary measures on behalf of the people of La Granja, Ituango municipality, in Antioquia, in connection with case 12.050 currently being processed by the IACHR. The information available indicated that people had been relocating to the district's main town and that a number of its inhabitants had taken refuge in the church. Since the start of the incursion, six farmers had been singled out and killed. In their application the petitioners stated that the AUC had been besieging La Granja district for 43 days, during which time the authorities had taken no steps to protect the civilian population. Consequently, the Commission asked the Colombian government, as a matter of urgency, to take the steps necessary to protect the lives and persons of the civilian population of La Granja, Ituango municipality, in the department of Antioquia, and to ensure the presence of the security forces in that area; to investigate the allegations; and to judge and punish the guilty. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

22. On September 18, 2001, the IACHR granted precautionary measures on behalf of trade union leader Hernando Montoya, who had been receiving repeated threats from a security cooperative called COPROSEG that had claimed responsibility for killings and several attacks on SINTRAMUNICIPIO union chiefs. The Commission asked the Colombian government, as a matter of urgency, to take the steps necessary to protect the life and person of Mr. Hernando Montoya; to agree on security measures with the petitioners; and to investigate the source of the threats in order to put an end to the danger threatening Mr. Montoya. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

23. On September 28, 2001, the IACHR granted precautionary measures on behalf of the members of *Corporación SEMBRAR*. This organization had suffered threats and intimidation following the murder of Yolanda Cerón, a nun attached to Tumaco diocese's social pastoral program who worked, in conjunction with *Corporación SEMBRAR*, on documenting and denouncing serious human rights violations. The Commission therefore asked the Colombian government, as a matter of urgency, to contact the petitioners in order to agree upon the steps necessary to protect the lives and persons of SEMBRAR's members; to investigate the source of the threats and intimidation; and to bring the guilty to justice. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures.

24. On November 9, 2001, the Commission granted precautionary measures to protect the lives and persons of the journalists Oscar Torres (editor of the *Diario Sur* newspaper), Cristina Castro (a reporter for the RCN newscast), Alfonso Pardo (a reporter for the weekly *VOZ* and peace commissioner for Nariño department), and Germán Arcos (a cameraman with *Caracol Televisión*); according to information received by the Special Rapporteur for Freedom of Expression, these persons had received serious threats from members of the Southern Liberators Bloc of the United Self-Defense Forces of Colombia (AUC). The AUC's communiqué urged the journalists to renounce their professions within 48 hours or they would be "executed." The Commission asked the Colombian government, as a matter of urgency, to take the steps necessary to guarantee the lives and persons of the aforesaid individuals; to launch an investigation; and to adopt the measures needed to put an end to the threats against these journalists.

25. On November 26, 2001, the Commission granted precautionary measures in order to protect the lives and persons of Gerardo Santibañez Potes, Orlando Ospina Loayza, Dora Galvis, Iván Velásquez, and Carlos Flores Loaiza; these persons, members of the steering committee of the SINTREMSDES union chapter in Pereira, had all received threats from the AUC. At least two members of that chapter had been killed prior to the request. The Commission asked the Colombian government, as a matter of urgency, to adopt the measures

necessary to guarantee the lives and persons of the aforesaid individuals; to agree on security measures in conjunction with the petitioners and the protected persons; and to pursue an investigation and take the steps necessary to put an end to the threats being received by the SINTREMSDES members. The Commission continues to receive information from the parties regarding the situation of the protected persons.

26. On December 18, 2001, the Commission granted precautionary measures in order to determine the whereabouts of Messrs. Robinson Ríos Uribe and José Gregorio Villada in Antioquia department and to protect their lives and persons; they were last seen at a Medellín metropolitan police checkpoint on November 27, 2001, as they were traveling toward Cali. Some days later, the two young men contacted their families and told them they had been abducted by a paramilitary group. The Commission undertook a series of steps toward clearing up this situation during its on-site visit (December 7-13, 2001); finally, on December 18, 2001, it asked the Colombian government, as a matter of urgency, to take the steps necessary to reveal the whereabouts and guarantee the lives and persons of the aforesaid individuals and to launch a prompt and effective investigation using the urgent search mechanism established by Law 589/2000. The Commission continues to receive information from the parties regarding the situation of the protected persons.

#### **d. Costa Rica**

27. On March 1, 2001, during its 110th regular session, the Inter-American Commission granted precautionary measures on behalf of Mauricio Herrera Ulloa, a journalist, and Fernán Vargas Rohrmose, the legal representative of the newspaper *La Nación*. The measures were granted in light of information submitted by the petitioners indicating that these individuals' right to free expression required immediate protection in order to avoid irreparable harm. In their petition (processed as case 12.367) and request for precautionary measures, the petitioners claimed that the journalist Mauricio Herrera Ulloa had been convicted on criminal charges in Costa Rica for his reports in *La Nación* about a controversial official from that country's foreign service. The judgment ordered, *inter alia*, Herrera Ulloa to pay a fine; it also admitted a civil suit for damages in which Herrera Ulloa and the newspaper company *La Nación S.A.*, represented by Fernán Vargas Rohrmose, were held jointly liable. The Commission, basing itself on a recommendation from the Special Rapporteur for Freedom of Expression, asked the State of Costa Rica to suspend execution of the sentence until the Commission could examine the case; to refrain from any act tending toward the inclusion of the journalist Herrera Ulloa in the Costa Rican Judicial Register of Criminals; and to refrain from any act or action affecting the right of free expression of the aforesaid journalist or of the newspaper *La Nación*. On March 21, the Costa Rican court hearing the case rejected an application for the sentence execution order to be revoked—an application that was actually grounded on the Commission's request for precautionary measures. The State's ineffectiveness in protecting the free expression of Mauricio Herrera Ulloa and Mr. Vargas Rohrmoser, together with the fact that the Costa Rican courts failed to implement the timely request for precautionary measures, forced the Commission to ask the Inter-American Court of Human Rights to adopt provisional measures.

#### **e. Cuba**

28. On April 24, 2001, the IACHR ordered precautionary measures on behalf of prison inmate Jorge Luis García Pérez-Antúnez. According to the request for precautionary measures, "inmate García Pérez-Antúnez is serving a sentence at Central de Nieves Morejón prison in Sancti Spíritus province; his health is delicate because of a tumor on his right lung, which was diagnosed in August 2000. In February 2001, without having received medical attention and seeing his health worsen, Antúnez began a hunger strike in demand of medical care; he was taken to the Sancti Spíritus provincial hospital, where a military physician told his sister, Berta Antúnez, that she need not worry because there was nothing wrong with him; after this, he was returned to prison, still not having received any attention." The IACHR asked the Cuban State to adopt the following precautionary measures: (1) To transfer inmate Jorge Luis Pérez-Antúnez to a hospital specializing in the kind of physical ailments from which he is

suffering. (2) To grant him specialized medical attention, to be administered in collaboration with a physician selected by his family. The State returned the IACHR's document requesting the precautionary measures in an envelope from the Cuban Interests Section in Washington, D.C. However, the IACHR has been informed that inmate Jorge Luis García Pérez-Antúnez was moved to a hospital in Havana, where he received specialized treatment; after this he was transferred to El Combinado del Este prison, which is also located in the country's capital.

**f. Ecuador**

29. On June 24, 2001, the Commission granted precautionary measures, in connection with petition 12.365, on behalf of Carmen Imelda Velasteguí Ramos, Valerio López Velasteguí, Santiago López Velasteguí, Elena López Velasteguí, Jorge Sánchez, Jorge Pérez, Blanca Ana Mastha Manobanda, Ramiro Escudero, Luisa Lombeida, Carlos Pasto, Héctor Rea, Vinicio Trujillo Sánchez, Norberto Benedicto Rojas López, Raúl Sallema León, Teresa Gladis Pita Bravo, and Gino Cevallos González, who have received threats as a result of the judicial investigation into the disappearance of Luis Shinin and Elías López. In the request, the State was asked to: (1) Take, as matter of urgency, the steps necessary to guarantee the lives and persons of the aforesaid individuals. (2) Coordinate protective measures appropriate to each case with the petitioners. (3) Investigate the incidents as a result of which the precautionary measures were issued. On August 16, 2001, during an on-site visit, Commissioner Marta Altolaquirre received a commitment from the Minister of Defense that the personnel needed to enforce the precautionary measures would be deployed. However, the petitioners later reported that the measures were never implemented and that the Ministry of Defense had told them that it lacked the authority to take such actions. Consequently, on November 28, the IACHR repeated the precautionary measures and asked the government to provide information on a monthly basis; since then, however, the State has not replied.

**g. El Salvador**

30. On November 20, 2001, the Inter-American Commission granted precautionary measures on behalf of Mauricio García Prieto Hirlmann, Gloria Giralt de García Prieto, and their legal advisors from the Human Rights Institute at José Simeón Cañas Central American University (IDHUCA). The measures were granted after the petitioners supplied information claiming that the aforesaid individuals' right to life and physical integrity was in grave danger. They claim that the threats are intended to dissuade them from continuing to search for justice in the murder of Ramón Mauricio García Prieto Giralt, the aforesaid couple's son, which is currently being processed by the IACHR as case 11.697. A preliminary report from the Salvadorian State noted that a meeting between the nation's attorney-general and the García Prieto family and their representatives had been scheduled for November 22, when the necessary protection measures would be agreed upon. On December 5, 2001, the petitioners submitted a series of specific proposals for the Salvadorian authorities to pursue, including appointing a special prosecutor and a special investigator from the National Civilian Police, assigning the García Prieto family and their advisors security guards, details on the equipment needed to protect them, and holding regular meetings with the competent authorities.

**h. Guatemala**

31. On March 29, 2001, the Commission contacted the State of Guatemala in order to ask it to adopt precautionary measures on behalf of Ms. Concha Mazariegos Tobias, president of Guatemala's Constitutional Court, to avoid irreparable harm to her right to life and personal integrity. The Commission received information indicating that on March 23, 2001, persons unknown had fired on Ms. Conchita Mazariegos's home, causing material damage to it. Ms. Mazariegos had previously received death threats. On April 26, 2001, the Guatemalan State told the Commission that on March 24, two uniformed officers had been deployed to protect the perimeter of Ms. Mazariegos's home and that, subsequently, four plain-clothes officers from the National Civilian Police's protection and security service had been permanently assigned to protect her.

32. On June 19, 2001, the Commission contacted the Guatemalan State to request the adoption of urgent measures to protect the lives and persons of Rodolfo Robles and Nelly Montoya. The information available indicates that Rodolfo Robles, the coordinator of military affairs at the Myrna Mack Foundation, received death threats intended to keep him from taking the witness stand in the judicial investigation into the killing of Msgr. Juan José Gerardi. On June 26, 2001, the State of Guatemala informed the Commission of the security measures offered: essentially, uniformed police officers would mount permanent patrols around the perimeter of his home and the Mack Foundation's headquarters. After this reply from the State, the parties have continued to submit information and comments in connection with these precautionary measures. The Commission continues to monitor compliance with the precautionary measures.

33. On July 31, 2001, the Commission contacted the State of Guatemala to request the adoption of precautionary measures to protect the life and person of Anselmo Roldán Aguilar, the president and legal representative of the Ixcán Human Rights Association in the community of La Unión Cuarto Pueblo and of the Association for Justice and Reconciliation. According to the information available, on Sunday, July 22, 2001, Anselmo Roldán Aguilar was attacked by an individual armed with a sharp bladed weapon at around 7:30 p.m. in the vicinity of Cuarto Pueblo. Mr. Roldán Aguilar, who had told the Justice of the Peace in Ixcán that death threats had been made against him because of his activities as a defender of human rights, was wounded with a type of stiletto knife known as a *verdugillo*, which cut through his left arm and caused him serious bleeding. In his capacity as president of the Ixcán Human Rights Association, Anselmo Roldán Aguilar had denounced, in public and judicial forums, harassment intended to terrorize the Cuarto Pueblo community, particularly those involved as witnesses in the association's suit against the military high command for the crime of genocide, crimes against humanity, and war crimes committed between 1982 and 1986. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures. The Commission continues to monitor compliance with the precautionary measures.

34. On October 24, 2001, the Commission contacted the State of Guatemala in order to request the adoption of precautionary measures to preserve the right to life and personal integrity of Matilde Leonor González Izas and her family. The Commission received information about a series of threatening and intimidating acts related to Ms. González's professional activities; a historian and social researcher for the Association for the Advancement of Social Science in Guatemala (AVANCSO), she had recently finished a study on how local power structures showed ties among local elites, the armed forces, and individuals who served as military commissioners and members of civil self-defense patrols during the country's armed conflict. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures. The Commission continues to monitor compliance with the precautionary measures.

35. On December 13, 2001, the Commission contacted the State of Guatemala in order to request the adoption of precautionary measures to preserve the right to life and personal integrity of Silvia Josefina Méndez Recinos, the former director of Guatemala's state printing press (TNG), Magda Estella Arceo Carrillo, a former member of the Guatemalan congress, Gladys Anabella De León Ruiz, a current member of congress, and their families. The information available indicates Ms. Méndez, Ms. Arceo, and Ms. De León denounced, in both public and judicial forums, the alleged use by the Guatemalan vice-president of the national printing press to print 20,000 posters and 500,000 handbills bearing accusations and slanderous comments about the president of the Guatemalan Chamber of Commerce, which were later distributed anonymously in the nation's capital and other cities. As a result of these complaints, Silvia Méndez was asked to resign and, subsequently, received a series of serious death threats that forced her to flee the country. In turn, Magda Arceo and Anabella De León also received death threats and were subjected to harassment. On January 9, 2002, the Guatemalan government informed the Commission that the director general of the National Civilian Police had assigned two officers and a vehicle to provide Congresswoman Gladys

Anabella De León with personal security. With respect to Silvia Méndez y Magda Arceo, the Government noted that since they were beyond the country's borders, security measures had to be implemented for their families.

**i. Guyana**

36. This petition deals with two Guyanese brothers, Daniel Vaux and Cornel Vaux, aged 42 and 41 respectively. It was lodged with the Commission on December 8, 2000. The two brothers were accused of homicide on July 11, 1993. They were both convicted of murder and sentenced to death on December 19, 1997; their appeals were rejected by Guyana's Court of Appeals on December 7, 2000, and their sentences remained pending with the court. Unlike the English-speaking Caribbean, Guyana does not allow a final appeal to the Privy Council in London, UK. The only remedy available to the brothers in Guyana is the prerogative of mercy, which is an administrative resource, not a judicial one. The petition claims that articles of the Declaration were violated; although it does not specifically identify which ones, they include the right to life and the right to a fair trial, because of irregularities in the judicial proceedings. The petitioners were asked for additional information and, on August 2, the Commission asked the State to adopt the precautionary measures necessary to keep the brothers safe from irreparable harm while the allegations contained in the petition were investigated. The State has not replied to the request for precautionary measures.

**j. Haiti**

37. The Inter-American Commission on Human Rights, on July 5, 2001, asked the Haitian State to adopt precautionary measures for a period of six months with respect to Judge Claudy Gassant, the magistrate in charge of the investigation into the slaying of the Haitian journalist Jean Dominique on April 3, 2000. He was assigned the case after two earlier judges received threats against their persons and subsequently withdrew from the investigation. On June 8, 2001, a plot to kill Judge Gassant was uncovered. This situation, together with the lack of adequate protective measures, forced the judge to withdraw from the case; his withdrawal was, however, not accepted. The Commission, with the beneficiary's agreement, has asked the Haitian State to adopt the following precautionary measures: (1) Immediate adoption of all measures necessary to protect the life and personal integrity of Mr. Claudy Gassant; (2) Adoption of all measures necessary to ensure the exercise of his right to investigate, receive, and disseminate information with respect to the investigation of the facts surrounding the death of the journalist Jean Dominique, pursuant to the provisions of Article 13 of the American Convention on Human Rights and the second principle of the Declaration of Principles on Freedom of Expression. On November 15, 2001, after the deadline had passed, the Haitian State reported that "it had taken the steps necessary to guarantee the security of Mr. Gassant, the judge charged with investigating the murder of the journalist Jean Léopold Dominique." The IACHR asked the Haitian State to indicate what specific measures it had adopted.

38. On November 9, 2001, the IACHR granted precautionary measures to protect the lives of a number of Haitian human rights workers. According to the information received, the Platform of Haitian Human Rights Organizations (POHDH) reported the existence of a list of fifteen names, all members of the organization, identified as targets in an assassination plot. These individuals included the following: Pierre Espérance, treasurer (POHDH) and executive director of the National Coalition for the Human Rights of Haitians (NCHR), Vilès Alizar, head of programs with the NCHR, Serge Bordenave, general secretary of POHDH, and Jean Simon Saint Hubert, executive secretary of POHDH. The information received indicates that these threats are related to complaints filed by the Platform and the NCHR about the increasingly politicized character of the Haitian National Police (PNH) and about human rights violations in the country. The background to this situation dates back to March 8, 2000, when Pierre Espérance, the director of the National Coalition for the Human Rights of Haitians (NCHR) and treasurer of the Platform of Haitian Human Rights Organizations (POHDH), was attacked and seriously wounded. In addition, a pamphlet containing threats was sent to POHDH's member organizations on March 1, 2000. In light of the gravity of this situation, on

April 19, 2000, the IACHR asked the Haitian State to adopt precautionary measures on behalf of Pierre Espérance and the members of the NCHR and to take the steps necessary to protect those individuals' persons and lives. To date the Haitian State has neither replied to the request nor received any information in that regard.

**k. Mexico**

39. On July 13, 2001, the Inter-American Commission granted precautionary measures on behalf of Faustino Jiménez Alvarez, who had been violently detained, without a warrant, on June 17, 2001, by agents of the Guerrero state Judicial Police, in an operation involving several vehicles marked as belonging to that police force. The abduction was witnessed by Mr. Jiménez Alvarez's family and, in spite of complaints filed with the Guerrero state attorney-general, it appears that no effective steps to locate him have been taken. As part of the measures, the petitioners requested that the federal attorney-general intervene, since they suspect complicity between the kidnappers and the Guerrero Public Prosecution Service. The State replied on August 21, 2001, stating that an investigation had begun, with the involvement of Mr. Jiménez Alvarez's wife. On September 9, 2001, the petitioners replied that there were still irregularities in the investigation. In turn, on November 26, 2001, the State reported that two suspected perpetrators had been arrested and that the search for Mr. Jiménez Alvarez was continuing. At the petitioners' request, on November 28, 2001, the precautionary measures were extended to cover the following individuals: Ultiminio Díaz, a former Guerrero state judicial police officer who is currently under arrest and whose life has been threatened if he continues to make allegations about judicial police officers and their superiors involved in kidnappings; and Enedina Cervantes Salgado, Faustino Jiménez Alvarez's wife, who is in grave danger because of her search for her disappeared husband.

40. On July 17, 2001, the Inter-American Commission granted precautionary measures for Floriberto Cruz and another seven survivors of the massacre that took place in Aguas Blancas, Guerrero, in 1995. Medical attention was sought for seven survivors, who still bear physical and psychological scars from the massacre; and protection was sought for another survivor, who had received threats on account of his work to secure justice in the Aguas Blancas case. On July 30, 2001, the Mexican State reported on the measures adopted in compliance with the IACHR's request, which included contacting each of the protected persons, providing access to health centers in the state of Guerrero, and holding meetings to resolve the problems that have been identified. On September 4, 2001, the State reported that a meeting had taken place in Chilpancingo, Guerrero, between the victims and several state and federal officials. This meeting agreed on several issues relating to medical attention, the patients' traveling and accommodation expenses, specialized treatment, and drugs and medical equipment as indicated by their needs.

41. On August 16, 2001, the IACHR asked the Mexican State to adopt precautionary measures on behalf of Roberto Cárdenas Rosas and other residents of the town of San Miguel Copala in Oaxaca state. The request involves a group of persons who have received politically-motivated death threats from groups of armed civilians who allegedly report to the governor of Oaxaca. In an ambush on July 9, 2001, several persons were shot, two of them fatally. The day after this incident, the corresponding complaint was filed with the Public Prosecution Service in Putla de Guerrero; as of the date of the petition, however, the perpetrators had not been arrested and were presumably going about their normal business in the community. The measures are intended to protect attack survivor Mr. Cárdenas Rosas, who has been receiving medical treatment in Mexico City since July 27, 2001, and is afraid to return home. The State replied on August 30, 2001, that the perpetrators of the crimes had been identified and warrants for their arrest had been issued. The official information added that the Oaxaca state Human Rights Commission had played a part in solving the matter and that all the competent authorities were taking the appropriate steps within their respective areas of influence. On November 27, 2001, the petitioners reported that the dangerous situation keeping Mr. Cárdenas Rosas from returning to the community had not been defused.

42. On November 1, 2001, the Inter-American Commission granted

precautionary measures on behalf of Sergio Aguayo Quesada, Juan Antonio Vega, and the members of the technical secretariat of the *Todos los Derechos para Todos* National Network of Human Rights Bodies. The information received by the IACHR reports that on October 27, 2001, a message was found in a Mexico City telephone booth; this note contained threats against five nationally renowned human rights workers, together with a demand for money. The first steps were taken by the National Security and Investigation Council (CISEN), the director of which notified the National Network. The text of the anonymous message referred to the killing of the human rights activist and defender, and it claimed responsibility for that crime. On November 9, 2001, the State reported that the office of the federal attorney-general (PGR) was protecting the persons identified by the IACHR, together with others whose names also appeared in the threatening note. The communication added that they were in contact with the protected persons with a view toward jointly coordinating the most appropriate measures, and that the PGR's Specialized Organized Crime Unit had launched a preliminary investigation into the incident.

43. Gen. José Francisco Gallardo Rodríguez, who remains in prison in Mexico in spite of the specific recommendations contained in IACHR report 43/96, was placed under precautionary measures on November 2, 2001. The gravity and urgency of this case arise from the ongoing violations and dangers faced by Gen. Gallardo in jail: the harassment he receives from the prison authorities and a series of threats and incidents involving him and his family that have never been fully cleared up. The Inter-American Commission sought measures to protect Gen. Gallardo's life, person, and liberty, along with guarantees to enable his family and representatives to visit the facility where he is being held. In its reply of November 9, 2001, the State reported that it had held a meeting with Gen. Gallardo's family and representatives, during which several matters dealing with visitor access and security measures had been agreed upon, including authorization for the members of his family to provide him with food. With respect to Gen. Gallardo's release, the State insisted that this matter was being dealt with as a part of the follow-up of IACHR report 43/96 and that the domestic mechanisms were up and running with the indirect relief proceedings initiated by the petitioners in Mexico. The Inter-American Commission determined that the precautionary measures had not been implemented and, on December 18, 2001, filed a request for provisional measures on Gen. Gallardo's behalf with the Inter-American Court of Human Rights.

44. On November 8, 2001, precautionary measures were granted to protect the lives and persons of Teodoro Cabrera García and Rodolfo Montiel Flores, who were released from prison on that same day. According to the petitioners, "several people have been denied their rights, including the right to life" because they were members of the Ecological Peasant Organization of the Petatlán Sierra. That same day, a communication was received from Undersecretary for Human Rights and Democracy Mariclaire Acosta Urquidi; in it she spoke of "the concern of the promoting organizations about incidents that could cause irreparable harm to Messrs. Teodoro Cabrera García and Rodolfo Montiel Flores" and stated that the Mexican government shared that concern. The petitioners stated on December 19, 2001, as a protective measure, that they would agree to be accompanied by the International Peace Brigades, although they reserved the right to propose other measures if deemed necessary. The Mexican State noted that it was willing to provide that organization with all possible support in order to protect Messrs. Cabrera García and Montiel Flores.

45. The Inter-American Commission contacted the Mexican State on November 29, 2001, to request measures to protect Aldo González Rojas and Melina Hernández Sosa. Mr. González Rojas is a leader of the Zapotec indigenous people in Guelatao de Juárez, Oaxaca, and he is currently serving as that municipality's mayor by virtue of an election held in accordance with indigenous customs and practices. The petitioners stated that their struggle for the political and economic autonomy of the Zapotec peoples, in which Ms. Hernández Sosa has played a part, has earned them threats from the region's local political strongmen (*caciques*). In particular, they claim to have received an e-mail message referring to their work and that witnesses had informed them that persons with ties to public officials had said that they should be killed. The request refers to specific measures, such as providing them with vehicles, mobile telephones, and closed-circuit TV systems. The Mexican State replied on

December 14, 2001, noting that the Oaxaca attorney-general's office had begun a preliminary investigation.

46. Based on the information received from the petitioners, on December 21, 2001, the IACHR granted precautionary measures on behalf of Abel Barrera Hernández. Mr. Barrera Hernández, the director of the Tlachinollan Mountain Human Rights Center, received a verbal threat telling him to be careful because there was a group of people who wanted to cause him harm. The incident worried Mr. Barrera, who had received similar threats in the past and which, according to the complaint, had never been investigated. In their application the petitioners added that they sought protection from Mexico's National Human Rights Commission and from the Guerrero State Human Rights Defense Commission; however, they did not receive an appropriate answer to their grave situation and thus had grounds for fearing that the threat could be carried out.

#### **I. Nicaragua**

47. On August 20, 2001, the IACHR received a request for precautionary measures on behalf of MJAC (a five-year-old minor child) who, according to the complaint, was allegedly raped by her father. The petition states that the child's physical and mental integrity is in danger, because her mother refuses to believe her relatives' accusations about her husband, because she has suspended the psychological treatment recommended by specialists, and because she has taken the child to prison to visit her father, thus causing her emotional problems. On September 14, 2001, the IACHR asked the Nicaraguan State to adopt precautionary measures on behalf of MCAJ. The IACHR has continued to monitor developments with the precautionary measures.

#### **m. Paraguay**

48. On August 8, 2001, the Commission requested that precautionary measures be adopted on behalf of the 255 minors who were previously being held at the Panchito López Reeducation Center for Minors (petition 11.666). The Commission made this request because on July 25, 2001, a fire had broken out at the Panchito López Institute. One youngster, Benito Augusto Moreno, was shot by a guard during the fire and died on August 6, 2001; following the fire, 125 minors were transferred to the Emboscada facility, which does not meet the minimum standards needed to guarantee the physical integrity of the minor inmates; the others were sent to different parts of the country and were placed in prisons with small, overcrowded cells alongside adults, except at the San Juan Bautista and Emboscada facilities, where they were placed in separate children's blocks; and relocating these minors to distant prisons has aggravated their critical situations and has also made family visits impossible. The Commission therefore requested that: (1) The minors be immediately transferred to the Itaguá Education Center. (2) The physical, mental, and moral integrity of the minors be ensured and, in particular, that minors and adults be kept completely separate during the temporary relocation of the young inmates in the aforesaid facilities. (3) Access to the minors by their legal counsel and family visitors be granted. (4) The circumstances that gave rise to these measures be investigated, in particular those that led to the death of Benito Augusto Moreno (or Augusto Benitez), and that the perpetrators thereof be punished. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures. The Commission continues to monitor compliance with the precautionary measures.

49. On September 26, the Commission requested the adoption of precautionary measures in connection with petition 12.313, on behalf of the Yakye Axa Indigenous Community, to prevent irreparable harm to its members. For more than four years, the Yakye Axa indigenous community have been occupying a strip of land along the Concepción to Pozo Colorado highway opposite the lands they claim as part of their traditional habitat. They are in an extremely needy situation, because of their inadequate access to food supplies and health care. On August 29, 2001, Mr. Ramón Martínez Caimén, a criminal judge in the Concepción judicial district, ordered the homes located on the Pozo Colorado to Concepción

highway belonging to and serving as the dwellings of the Yakye Axa indigenous community to be removed. In light of the information received, the Commission requested the following measures: (1) To suspend the enforcement of any court or administrative order involving the eviction and/or removal of the homes of the Yakye Axa indigenous community and of its members. (2) To refrain from all other actions and undertakings affecting the right to property, free transit, and residence of the Yakye Axa indigenous community and its members. (3) To take all steps necessary to ensure the life and physical, mental, and moral integrity of the members of the Yakye Axa indigenous community. After the State replied, the parties have continued to submit information and comments in connection with these precautionary measures. The Commission continues to monitor compliance with the precautionary measures.

**n. Peru**

50. On August 28, 2001, in petition P0416/2001, the Commission granted precautionary measures and asked the Peruvian State to immediately provide the medical examinations necessary to protect the health of Isabel Velarde Sánchez, an inmate at the Chorrillos women's penitentiary in Lima for the past five years, serving a 12-year prison term imposed by the Peruvian courts. In the petition, the Commission was informed that Ms. Velarde Sánchez has suffered a series of ailments and health problems since being imprisoned. The IACHR was told that Ms. Velarde Sánchez's health problems included mobile breast lumps, the nature of which had not been identified by means of the necessary specialized examinations. The State replied that it was providing Ms. Velarde Sánchez with medical attention and it later administered the medical exams necessary to protect Ms. Velarde Sánchez's health.

51. On August 28, 2001, the Commission granted precautionary measures asked the Peruvian State to take effective steps to guarantee the life and person of Ana Mercedes Ojeda Bruno, and those of her family, including protective measures that would uphold those individuals' right of free transit and free expression. The IACHR also asked Peru to begin an investigation into the threats those people had been receiving. The precautionary measures were based on an application filed with the IACHR claiming that Ms. Ojeda Bruno had suffered a series of attacks and threats that made her fear for her life and person. The IACHR was informed that those attacks and threats were supposedly related to the activities of Ms. Ojeda Bruno's father, Mr. Francisco Ojeda Riofrio, in his capacity as president of the Tambogrande Defense Front. The State replied on September 14, 2001, saying that it had offered Ms. Ojeda Bruno the protection requested by the Commission. The State subsequently provided information on the measures related to the investigation into the threats and the other incidents that were reported.

**o. Trinidad and Tobago**

52. On January 22, 2001, the Commission asked Trinidad and Tobago to adopt precautionary measures in connection with petition P12.355, on behalf of Arnold Ramlogan, a prison inmate facing the death penalty in Trinidad and Tobago. The measures were aimed at stopping Mr. Ramlogan's execution while the IACHR examined the claims in his petition. They were requested on the grounds that if Trinidad and Tobago were to execute Mr. Ramlogan before the Commission was able to examine his complaint, then any eventual decision would be ineffective in terms of future compensation and Mr. Ramlogan would suffer irreparable harm. Trinidad and Tobago has not replied to the Commission's request for precautionary measures.

53. On April 19, 2001, the Commission asked Trinidad and Tobago to adopt precautionary measures, in connection with petition P12.377, on behalf of Beemal Ramnarace, a prison inmate facing the death penalty in Trinidad and Tobago. The measures were aimed at stopping Mr. Ramnarace's execution while the IACHR examined the claims in his petition. They were requested on the grounds that if Trinidad and Tobago were to execute Mr. Ramnarace before the Commission was able to examine his complaint, then any eventual decision would be ineffective in terms of future compensation and Mr. Ramnarace would suffer irreparable

harm. Trinidad and Tobago has not replied to the Commission's request for precautionary measures.

54. On May 11, 2001, the Commission asked Trinidad and Tobago to adopt precautionary measures, in connection with petition P0197/2001, on behalf of Takoor Ramcharan, a prison inmate facing the death penalty in Trinidad and Tobago. The measures were aimed at stopping Mr. Ramcharan's execution while the IACHR examined the claims in his petition. They were requested on the grounds that if Trinidad and Tobago were to execute Mr. Ramcharan before the Commission was able to examine his complaint, then any eventual decision would be ineffective in terms of future compensation and Mr. Ramcharan would suffer irreparable harm. Trinidad and Tobago has not replied to the Commission's request for precautionary measures.

55. On December 18, 2001, the Commission asked Trinidad and Tobago to adopt precautionary measures, in connection with petition P0842/2001, on behalf of Alladin Mohamed, a prison inmate facing the death penalty in Trinidad and Tobago. The measures were aimed at stopping Mr. Mohamed's execution while the IACHR examined the claims in his petition. They were requested on the grounds that if Trinidad and Tobago were to execute Mr. Mohamed before the Commission was able to examine his complaint, then any eventual decision would be ineffective in terms of future compensation and Mr. Mohamed would suffer irreparable harm. Trinidad and Tobago has not replied to the Commission's request for precautionary measures.

**p. United States**

56. On April 4, 2001, the Commission asked the United States to adopt precautionary measures with respect to petition 12.368 on behalf of Thomas Nevius, a death-row prisoner in Nevada state, whose clemency hearing was to be held on April 11, 2001. The Commission asked the State to take the steps necessary to prevent irreparable harm to the life of Mr. Nevius. In a letter sent to the Commission on April 11, 2001, the United States gave its opinion that the Commission's power to grant precautionary measures did not exist in either the American Convention or the Statute of the Commission and, consequently, that it held that the Commission's request was a nonbinding recommendation. On May 8, 2001, Mr. Nevius's representative told the Commission that at the April 11 clemency hearing, the governor of Nevada decided to appoint one or more experts to examine Mr. Nevius's mental faculties.

57. On April 25, 2001, the Commission asked the U.S. government to adopt precautionary measures in connection with petition 12.381 on behalf of Robert Bacon Jr., a prison inmate on death row in North Carolina, whose execution was scheduled to take place on May 18, 2001. The Commission asked the State to take the steps necessary to prevent irreparable harm to Mr. Bacon's life while the allegations set forth in the corresponding petition were being investigated. In a letter sent to the Commission on April 11, 2001, the United States gave its opinion that the Commission's power to grant precautionary measures did not exist in either the American Convention or the Statute of the Commission and, consequently, that it held that the Commission's request was a nonbinding recommendation. In letters dated May 21 and September 20, Mr. Bacon's representative informed the Commission of two orders that temporarily stayed his execution. The first of these, dated May 18, 2001, was issued by the North Carolina Supreme Court and the second, dated September 18, 2001, came from the governor of North Carolina. Pursuant to these orders, the execution was postponed until October 5, 2001.

58. In a note dated October 2, 2001, the Commission repeated its request for precautionary measures to delay Mr. Bacon's execution for as long as the Commission continued to study his case. In making this second request, the Commission referred to its decision in the case of Juan Raúl Garza (Nº 12.243), in which it held that an OAS member state's failure to take steps to preserve a condemned man's life while his case was being reviewed by the Commission was inconsistent with the state's basic human rights obligations.

In a letter dated October 4, 2001, the United States informed the Commission that the governor of North Carolina had that same day commuted Mr. Bacon's death sentence to life imprisonment without parole.

59. On June 14, 2001, the Commission asked the U.S. government to adopt precautionary measures in connection with petition N° P0353.2001 on behalf of Gerardo Valdez Maltos, a Mexican citizen sentenced to death in the state of Oklahoma and facing execution on June 19, 2001. The Commission asked the State to take the steps necessary to prevent irreparable harm to Mr. Valdez's life while the allegations set forth in the corresponding petition were investigated. The Commission was later informed that on June 16, 2001, the governor of Oklahoma had ordered a 30-day stay of execution and that the Board of Pardon and Parole had recommended that Mr. Valdez's sentence be commuted. In a letter sent to the Commission on June 18, 2001, the United States gave its opinion that the Commission's power to grant precautionary measures did not exist in either the American Convention or the Statute of the Commission and, consequently, that it held that the Commission's request was a nonbinding recommendation. The Commission was subsequently informed that on July 20, 2001, the governor had denied Mr. Valdez's bid for clemency and that his execution had been rescheduled for August 30, 2001. In a note dated August 13, 2001, the Commission repeated the request for precautionary measures it had made on June 14; it later received information that the governor of Oklahoma had granted another 30-day stay of execution. The Commission was later informed that on September 10, 2001, the Oklahoma Court of Criminal Appeals had granted an indefinite stay of Mr. Valdez's execution pending the outcome of other domestic legal proceedings.

#### **q. Venezuela**

60. On February 7, 2001, the Commission asked the State of Venezuela to adopt precautionary measures on behalf of journalist Pablo López Ulacio, the publisher and owner of a weekly called *La Razón*. According to information submitted in November 1999, López Ulacio was sued by Tobías Carrero Nacar, the president of the country's largest insurance company, *Multinacional de Seguros*, after the news magazine identified him as having funded Hugo Chávez Frías's presidential campaign and accused him of benefiting from state insurance contracts. As a result, Caracas trial judge N° 25 placed a ban on references to the business-owner and ordered the arrest of the journalist. On July 3, 2001, Caracas trial judge N° 14 ordered a warrant for the arrest of López Ulacio, ignoring the Commission's request for precautionary measures.

61. On March 12, 2001, the Commission agreed to adopt precautionary measures to preserve, *inter alia*, the right to life and personal integrity of Manuel de Jesús Pinilla Camacho *et al.*, Colombian refugees in Venezuela. Based on information furnished by the Center for Justice and International Law (CEJIL), the Venezuelan Program for Human Rights Education and Action (PROVEA), the social action office of the vicariate apostolic of Machiques, and the United Nations High Commissioner for Refugees (UNHCR), the IACHR determined that these persons were in grave danger and that the immediate adoption of precautionary measures was necessary "to prevent irreparable harm" to them.