

C. Individual cases and petitions before the Inter-American Commission on Human Rights

1. Precautionary Measures granted by the IACHR during 2006

1. The mechanism for precautionary measures is established in Article 25 of the Rules of Procedure of the IACHR. This provision states that in serious and urgent cases, and wherever necessary according to the information available, the Commission may, on its own initiative or at the request of a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons. If the Commission is not in session, the President, or, in his absence, one of the Vice-Presidents, shall consult with the other members, through the Executive Secretariat, on the application of this provision. 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. In accordance with the procedure established, the IACHR may request information from the interested parties related to any aspect of the adoption and observance of the precautionary measures. The granting of such measures and their adoption by the State shall not constitute on the part of the IACHR a prejudgment in the eventuality of a decision on the merits of the case.

2. A summary can be found below of the precautionary measures granted or issued during 2006 in relation to member states. It should be highlighted that the number of precautionary measures granted does not reflect the number of persons protected by their adoption, because as can be seen below, many of the precautionary measures issued by the IACHR protect more than one person and, in certain cases, groups of persons such as indigenous peoples or communities.

BOLIVIA

The Union of Guarayo Native Peoples (COPNAG)

3. On November 27, 2006, the IACHR granted precautionary measures on behalf of Élide Urapuca Priori, Felipe Male Uraeza, Ángel Yubanore Zerobei, Modesto Checuire, Silvia Aracae, Miguel Manguari, Alfredo Añez, Edil Sánchez, and Cataline Castro, in their capacity as directors of the Union of Guarayo Native Peoples (COPNAG); Juan Pablo Encinas, Miriam Guzmán, Wilson Añez, Osbin Abiyana, and Francisco Uruarín, in their capacity as members of the Disciplinary Tribunal of COPNAG; Ovidio Yubanore Zerobé, Eladio Uraeza Abacay, Ambrosio Yaboo, Hildeberto Urapovi, Gastón Estrada, Severiano Abancay, in their capacity as leaders of the Community Unions in Urubichá, Yotaú, Cururú, Salvatierra, Momené, and Yaguarú, respectively; Venancio Morobanchi, in his capacity as member of the Urubichá Municipal Council; Benigno Urapuca Priori, in his capacity as ex-leader of COPNAG; and Alicia Tejada Soruco, in her capacity as Technical Consultant. The Commission's decision was based on the request for precautionary measures in which it was alleged that these persons are at risk as a consequence of the conflict between COPNAG's leaders, members of the Disciplinary Tribunal and community leaders, and the Guarayo Indigenous People, and former leaders of COPNAG, which has given rise to threats, physical aggression, and enforced displacements. The Commission requested that the State, *inter alia*, adopt the measures necessary to ensure the safe return of community leaders to their localities; ensure the presence of police at COPNAG headquarters and the Urubichá Community headquarters during the assemblies and activities in which the beneficiaries are taking part; and report on action taken to investigate judicially the events that gave rise to the precautionary measures.

BRAZIL

Center for the Defense of Children´s and Adolescents´s Rights of the Federal District

4. On February 9, 2006, IACHR granted precautionary measures on behalf of the adolescents detained in CAJE (Center for Specialist Juvenile Care) in the city of Brasilia. The available information indicate that since 1992 there have been a series of deaths and physical injuries caused by the conditions in which the adolescents are detained in CAJE. Specifically, it is alleged that between 1997 and 1998 nine adolescents have died, some of them after having been tortured; that between 2003 and 2004, five more died, and towards the end of 2005, the lifeless body of Iván Marques (16) was found in his cell with signs of torture and mutilation. The Commission requested that the State, *inter alia*, adopt the measures necessary to resolve overcrowding in the center in line with minimum international standards; ensure the safety of detainees by providing security staff who are trained to deal with adolescent detainees; eliminate the use of indefinite detention without access to the yard or the prohibition of family visits as disciplinary measures; separate detainees according to the gravity of the crimes of which they are accused, their age, and in line with each one's disciplinary record, making allowances for the conflicts which may exist between detainees themselves; publish a list of the causes of the detention of each of the adolescents in the Center; and ensure access to appropriate and effective judicial remedies, in order to manage the conditions of detention, and ensure the legality of the causes that justify their detention.

Maria Aparecida Denadai

5. On February 3, 2006, the IACHR granted precautionary measures to protect the life and physical integrity of Maria Aparecida Denadai and her two daughters Bruna Denadai and Deise Denadai. The information states that Maria Aparecida de Denadai witnessed the murder of her brother Marcelo Denadai, who was the beneficiary of precautionary measures granted by the IACHR on June 24, 1999. It is considered that the life and physical integrity of Maria Aparecida Denadai is at risk because other witnesses in the case of the murder of Marcelo Denadai before the Court of Justice of Espiritu Santo have been murdered. Maria Aparecida Denadai is a participant in other legal cases against organized crime in Espiritu Santo and has been the victim of death threats, acts of harassment, and attempts on her life. The Commission requested that the State, *inter alia*, adopt the security measures needed to protect the life and physical integrity of the beneficiary. The Commission is monitoring the situation of the beneficiary.

Persons detained in the 76th Police Precinct (76 DP)

14. On October 19, 2006, the IACHR granted precautionary measures in favor of approximately 400 people detained in the 76th Police Precinct in Niterói, Rio de Janeiro, because of the unsanitary conditions and the inhumane, degrading and cruel treatment to which they were exposed. The information available states that the approximately 400 beneficiaries are held in cells designed for 140 persons, with an average of 14 detainees in cells that measure 2m x 3m, with no activities and the right to use a bathroom only once every 24 hours. Amongst those detained in the above-mentioned police precinct are some that were caught *in flagrante delicto*, some who are in preventive custody, some who have been sentenced, members of rival criminal gangs, and no criteria are applied in order to separate the prisoners according to categories that might ensure the appropriate protection of their lives and physical integrity. Furthermore, there are no beds and persons must sleep on the floor or alternatively in hammocks because of the overcrowding. It is alleged that hygiene conditions are unreliable, as well there is a high risk of fire; and lack of medical care. Given the situation of risk to the beneficiaries, the IACHR requested that the Brazilian State adopt the measures necessary to protect the lives and physical integrity of the persons

detained in the 76th Precinct, including the transfer of those sentenced to penitentiaries; a substantial reduction in numbers; medical care for all beneficiaries; and report on action taken to investigate the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

COLOMBIA

The Colombian Association of Democratic Lawyers

15. On February 3, 2006, the IACHR granted precautionary measures in favor of Ernesto Moreno Gordillo, María Restrepo Vélez, Miguel Ángel González Reyes, and Alberto Acevedo, all members of the Colombian Association of Democratic Lawyers, an organization which, *inter alia*, is dedicated to the legal defense of community and civic leaders, mayors, ex mayors, councilors, leftwing members of parliament, trades people, all of whom have been affected by so-called "mass arrests." The information states that after denouncing the violations of the right to due process of its defenders, the members of the association were followed, harassed, and became the objects of death threats, and on November 17, 2005, there was an attack against the lawyer Moreno Gordillo in which he was shot five times. The Commission requested that the State, *inter alia*, adopted the necessary measures to protect the life and physical integrity of the beneficiaries and report on actions taken to judicially investigate the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

Eduardo César Ariza Ulloque et al.

16. On March 23, 2006, the IACHR requested precautionary measures in favor of Eduardo César Ariza Ulloque, leader of a community of nine families displaced by the river diversion, Medellín city. The situation falls within the framework of precautionary measures adopted in October 2004 on behalf of a number of families left homeless and displaced in the city of Medellín, who were forcibly evicted in spite of the existence of a judicial order that defined the specific, non-violent circumstances in which they could be moved from the so-called "Bello or river diversion." The State agreed to provide transitional facilities for the affected families and to include them in a housing plan, which allowed the IACHR to lift the precautionary measures. It appears that nine of the families were excluded from the housing plan, because they had been displaced from within the city, and they therefore returned to the Bello or river diversion. The Commission's decision is now based on information that indicates that the beneficiary has been the victim of a firearm attack and that the nine families he represents have been the objects of threats from groups of paramilitaries operating in the area. The Commission requested that the State, *inter alia*, adopt the necessary measures to protect the life and physical integrity of Eduardo César Ariza Ulloque, his wife Sor Elena Arboleda Metre, and their two children, Anderson Ariza Arboleda, and Edgar Ariza Arboleda, and report on action taken to judicially investigate the events that gave rise to the precautionary measures. The Commission has also requested that the State provide information on the situation of the nine affected families who were beneficiaries of precautionary measure 784-04 64 *Children and 50 Adults in the Bello Diversion*. The Commission is continuing to monitor the beneficiaries' situation.

Iván Cepeda Castro, Claudia Girón, and Emberth Barrios Guzmán

17. On June 26, 2006, the IACHR granted precautionary measures in favor of Iván Cepeda Castro, Claudia Girón, and Emberth Barrios Guzmán, all members of the Manuel Cepeda Vargas Foundation, an organization which, amongst other activities, represents victims of human rights violations before the Inter-American Commission. The Commission's decision was based on information that indicates that the beneficiaries have received threats and been followed increasing the risk to their lives given the context of comments and other violent acts against

members of the Patriotic Union, and that Mr. Emberth Barrios Guzmán, who is part of the protection plan granted, has been the victim of an attack. The Commission requested that the State, *inter alia*, adopt the necessary measures to protect the life and physical integrity of Iván Cepeda Castro, Claudia Girón, and Emberth Barrios Guzmán, and in view of the threats against members of the group, strengthen the protective measures already in force; and report on the action it has taken to investigate the alleged involvement of state employees in the harassment inflicted on the beneficiaries, as well as the measures adopted to put an end to the threats against his life. The Commission is monitoring the beneficiaries' situation.

Marcos Perales Mendoza et al.

18. On August 1, 2006, the IACHR granted precautionary measures in favor of the journalist Marcos Perales Mendoza and his family, in the Republic of Colombia. The information states that the journalist and his family have been the targets of death threats since May, 2005. It is alleged that the threats, which were made by email, began following the publication of articles about allegedly corrupt acts in the office of the mayor of the city of Barrancabermeja, and the participation of members of paramilitary groups in the administration of that municipality. The articles were published in the *Portada* daily newspaper, which circulates in the Department of Santander and belongs to Mr. Marcos Perales Mendoza. Given the threats, Mr. Marcos Perales and his family were obliged to leave the city of Barrancabermeja, in spite of which the threats continued. The Commission requested that the Government of Colombia adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on the action it has taken to investigate legally the events which gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

Four families of COTRAGROBLAN

19. On September 1, 2006, the IACHR granted precautionary measures in favor of the Mause, Rodríguez, Bravo Pertuz, and Tordecilla Cordero families, all members of the Blanquicet Agricultural Workers' Cooperative (COTRAGROBLAN) in the municipality of Turbo. The available information indicates that in 1998, 12 families belonging to the COTRAGROBLAN cooperative were violently ejected from the "La Esperanza" farm in the municipality of Turbo. Four of these families, who are still living in the area, were subjected to intimidation by armed civilians who wanted to legalize their ownership of the property belonging to the evicted families. The four families fear reprisals for not obeying the paramilitaries who took possession of the farm and for taking judicial action to recover their property. The IACHR requested that the Government of Colombia adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on the action it has taken to judicially investigate the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

Luis Alberto Díaz and family

20. On September 6, 2006, the IACHR granted precautionary measures in favor of Luís Alberto Díaz and his family in the Republic of Colombia. The information indicates that Mr. Díaz and members of his family were subjected to threats and harassment, including attacks on their liberty. By note of May 31, 2006, repeated on June 16, 2006, the IACHR requested information from the Government of Colombia regarding the situation of Mr. Díaz and his family, and the steps taken to identify those responsible for the acts of harassment alleged, as well as the investigations pending before the office of the Attorney General, in order to evaluate the need to activate the precautionary measures mechanism. On June 29, 2006, the Government requested more time to provide the information requested, and finally sent the information by note DDH.OAS 33904/1644 on July 12, 2006, received at the IACHR on July 18, 2006. This note merely indicates that an investigation is underway in the 45th deputy district attorney's office (*Fiscalía 45 Delegada*), without showing

how this relates to the question of the safety of Mr. Luís Alberto Díaz and his family. At the same time, the IACHR received information indicating that the death threats against Mr. Díaz continued, therefore proceeded to grant the precautionary measures and to request that the Government of Colombia adopt the measures necessary to protect the life and physical integrity of the beneficiary and his family, and to report on the action taken to judicially investigate the events that gave rise to the precautionary measures. The Commission continues monitoring the beneficiaries' situation.

Marta Cecilia Díaz Suárez and María Mancilla Gamboa-ASTEMP

21. On September 22, 2006, the IACHR granted precautionary measures in favor of Marta Cecilia Díaz Suárez and María Paz Mancilla Gamboa, President and Vice President, respectively, of ASTDEMP (the Santander Association of Public Servants) in the Republic of Colombia. The information available indicates that Mrs. Marta Cecilia Díaz Suárez and Mrs. María Paz Mancilla were both subjected to threats, harassment, abduction, and serious physical assault because of their union work on behalf of state workers. In view of this, the Commission requested that the Government of Colombia adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on the action taken to investigate judicially the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

Members of the National Movement for Victims, Sucre Chapter

22. On November 8, 2006, the IACHR granted precautionary measures in favor of Juan David Díaz Chamorro, Ana Verónica Montaña Chamorro, Malena Mariet Martínez, Ingrid Vergara Chavez, Arnol Gómez Anaya, Adil Meléndez Márquez, Carmelo Agames Berrío, Luis Bautista Gómez Gómez, Ever José Mosquera Salazar, Domingo Banquets Wilches, Omar Enrique Julio Blanco, Jackeline Moguea Berrío, Roberto Serpa, Pedro Nel Mejía Uparela, Franklin Torres, Adolfo Berbel, and Amauri Bidual, members of the National Movement for Victims of State Crimes, who denounced human rights violations committed in the regions of Sucre, Bolívar, Sur de Bolívar, and Montes de María, in the Republic of Colombia. The information available states that the human rights defenders were subjected to threats and harassment that put at risk their lives and physical integrity. In view of the background to the matter, the Commission requested that the Government of Colombia adopt the necessary measures to protect the life and physical integrity of the beneficiaries and the continuity of their work and report on action taken to judicially investigate the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

María Bertha Echeverri and family

23. On November 10, 2006, the IACHR granted precautionary measures in favor of Mrs. María Bertha Echeverri, her sons César Augusto Pardo Echeverri, Claudia Patricia Pardo Echeverri, Héctor Hernán Pardo Echeverri, Santiago Pardo Echeverri, and her grandchildren Yojan Alejandro Pardo Echeverri, Brayan Camilo Pardo Sánchez, and Salomé Álvarez Pardo, in the Republic of Colombia. The information available states that María Bertha Echeverri and her family are in danger following the murder of her son Juan Guillermo Pardo Echeverri, a young man who was recruited by illegal groups in the 13th Commune of Medellín under threat of harm to his family. Mrs. María Bertha Echeverri has taken systematic action to denounce the death of her son in order that the events are judicially investigated which has aggravated the safety of her own situation. In view of this, the Commission requested that the Government of Colombia adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on the action taken to investigate judicially the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

CUBA*Jorge Luis García Pérez-Antúnez*

24. On November 22, 2006, the IACHR granted precautionary measures in favor of Jorge Luis García Pérez-Antúnez, who is currently detained by the State of Cuba. The information available states that Mr. García Pérez-Antúnez has been warned by the authorities that he will not leave alive the prison where he is currently serving a 17 year sentence. Mr. García Pérez-Antúnez is close to completing his sentence and being set free. In view of this, the Commission has requested that the Government of Cuba adopt the measures necessary to protect the life and physical integrity of the beneficiary and report on the action taken to investigate judicially the events that gave rise to the precautionary measures.

ECUADOR*The Tagaeri and Taromenami Indigenous Peoples*

25. On May 10, 2006, the IACHR granted precautionary measures in favor of the Tagaeri and Taromenami indigenous peoples who inhabit the Ecuadorian Amazon jungle in the area bordering Peru and who are currently voluntarily isolated or "hidden". The information available states that members of the Taromenami tribe were murdered on April 26, 2006 in the Cononaco (River Chiripuno) area during reprisals linked to illegal tree felling in the Yasuní Park and encroachments onto indigenous lands. In view of this, the IACHR requested that the Ecuadorian State adopt the measures necessary to protect the territory inhabited by the beneficiaries from third parties.

EL SALVADOR*Damián Miguel Pedro Taylor Colosal*

26. On March 22, 2006, the IACHR granted precautionary measures in favor of the US citizen, Damián Miguel Pedro Taylor Colosal who is currently detained in the APANTEOS penitentiary in Santa Ana, El Salvador. The information available indicates that Mr. Taylor Colosal was a witness to violent events that took place in the "La Esperanza" prison before he was transferred to APANTEOS. It is alleged that he has been the victim of physical aggression inside the prison without the matter being investigated. On February 7, 2006, the IACHR requested information from the State regarding Mr. Taylor Colosal's situation in order to evaluate the need to activate the precautionary measures mechanism. In view of the response provided by the State on February 27, 2007 regarding the absence of measures designed to guarantee the physical integrity of the prisoner, the IACHR decided to adopt precautionary measures and request that the State adopt the measures necessary to protect his life and physical integrity, judicially investigate the events, and bring to justice those responsible. The Commission is monitoring the beneficiary's situation.

Adrián Meléndez Quijano et al.

27. On October 10, 2006, the IACHR granted precautionary measures in favor of the lawyer and army major Adrián Meléndez Quijano, his brother Eurípedes Meléndez Quijano, and their respective families in El Salvador. The information available states that Major Meléndez Quijano and his family have been harassed on several occasions, and since June 2006 have been subjected to observation, in particular at home and when attending the Human Rights Institute of the Central American University "Jose Simeón Cañas," and have received telephone death threats. It is stated that his mother received telephone threats which caused her to leave the country and in November

2005, his brother, Eurípedes Meléndez was the victim of a knife attack. In view of this, the Commission requested that the Government of El Salvador should adopt the measures necessary to protect the life and physical integrity of the beneficiary and report on action taken to investigate judicially the events that gave rise to the precautionary measures.

GUATEMALA

Dolores Karla Morales Jiménez, Mario Morales Jiménez and family

28. On January 10, 2006, the IACHR granted precautionary measures in favor of Dolores Karla Morales Jiménez, Mario Morales Jiménez, and their families in Guatemala. The information available states that these persons were the object of death threats presumably as a consequence of the role they had played in the murder investigation occurred in December 2005, of the husband of Dolores Karla Morales Jiménez and brother-in-law of Mr. Mario Morales Jiménez, and of his four bodyguards. It is alleged that the murder possibly involved the participation of state agents. In view of these antecedents, the Commission requested that the Government of Guatemala adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

Kevin Josué Alegría Robles and members of OASIS

29. On February 3, 2006, the IACHR granted precautionary measures in favor of Kevin Josué Alegría Robles, Jorge Luis López Sologaitoa and another 11 members of OASIS (the Organization to Support Integrated Sexuality) in Guatemala. The information available states that on the night of December 16, 2005, in Guatemala, two trans-sexual persons called Paulina (Juan Pablo Méndez Cartagena), a communications assistant at OASIS, and Sulma (Kevin Josué Alegría Robles), a client of OASIS, were shot and injured in an incident allegedly involving four uniformed policemen. It is stated that Paulina's injury proved fatal and that Sulma, who survived the incident, is a key witness in the investigation of the affair. Other sources confirm that the lesbian, gay, bisexual, and cross-gender community in Guatemala face attacks and threats that often involve the police, which creates the fear of an existing clandestine policy of "social cleansing". In view of these antecedents, the Commission requested that the Government of Guatemala adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

René Galvez et al.

30. On July 3, 2006, the IACHR granted precautionary measures in favor of René Gálvez and other members of the board of directors of ASIDECQ (the Integrated Association for the Development of Quetzal City and Neighboring Colonies) in Guatemala. The information available states that the members of the board of directors of ASIDECQ were subjected to serious acts of violence, intimidation, and threats, as a consequence of their work. Specifically, it is stated that Oscar Humberto Duarte, one of the members of the board of directors, was abducted and disappeared on May 24, 2006, with no further trace of him being found. Furthermore, other members of the organization have been harassed and followed, and members of their families threatened by telephone. In view of this, the Commission requested that the Government of Guatemala adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

The Maya-Sitio Community of El Rosario-Naranjo

31. On July 14, 2006, the IACHR granted precautionary measures in favor of the Maya-Sitio Community of El Rosario-Naranjo, identified as both area and archaeological monument, and sacred place for those in Guatemala who practice Mayan spirituality. The information available states that Government Decision No. 1,210 protects the areas identified as archaeological sites. It is stated that the area of El Rosario-Naranjo belonged to third parties who started to build a housing project on the protected land and commissioned a study that reduces the sacred area from six to three mounds (mounds I, II, and III). In 2005, the general directorate of the Office of National and Cultural Patrimony, at the request of the firm LEXUS, authorized building work in the areas adjacent to Mounds I, II, and III. However, the Supreme Court of Justice declared that building in El Rosario-Naranjo obstructs the holding of Mayan religious and social celebrations, in violation of the Guatemalan constitution, and ordered the suspension of the building work on the site to be suspended, in spite of which they continued building and argued that they had not been notified of the decision. In response to a request from the IACHR for information prior to the granting of precautionary measures, the State indicated that until final judgment has been reached in the summary proceedings, there was nothing to prevent the granting of precautionary measures to protect the Rosario-Naranjo Archaeological Center. In view of this, the Commission requested that the Government of Guatemala adopt the measures necessary to protect the Rosario-Naranjo Archaeological Center. The Commission is monitoring the beneficiaries' situation.

Oscar Rodolfo Castañeda Rosales et al.

32. On August 30, 2006, the IACHR granted precautionary measures in favor of the journalists and workers of "Radio 10", Oscar Rodolfo Castañeda Rosales, Vinicio Aguilar Mancilla, Liza María Castañeda Acuña, Juan Rodolfo Sánchez Sub, Marvin Alexis Ponce Salazar, Abel Oswaldo Orellana, Víctor Eduardo Escobar Orellana, Juan Francisco Sacor Gómez, Estela Damaris Noj Tumaz, Edgar Antonio Hernández Zamora, Xeyli Magali Alfaro Hernández, Iris Ibeth Pérez Herrera Wily Maldonado Rabanales, Anamaría Rosales, Doblás Castañeda Rosales, Esther Castañeda Rosales, Luís Quiñones Esquivel, Liza María Castañeda Acuña, and Nelly Stephanie Castañeda Cestony. The information available states that the workers are victims of reprisals and intimidation as a consequence of claims of corruption made by the radio. Specifically, on August 23, 2006, driver Vinicio Aguilar was wounded in a firearm attack and the journalist Rodolfo Castañeda received a death threat during his radio program. In addition, interference on the radio frequencies increased, and broadcasting equipment stolen. In view of this, the Commission requested that the Government of Guatemala adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The Commission is monitoring the beneficiaries' situation.

HAITI

Evel Fan Fan

33. On November 8, 2006, the IACHR granted precautionary measures in favor of the human rights activist Evel Fan Fan, president of AUMOHD (the Association of University Students in Favor of a Haiti with Rights), and the members of the association. AUMOHD provides legal support for low-income persons and works on behalf of victims of human rights violations in Port-au-Prince. The information available states that Mr. Fan Fan received numerous death threats and was subjected to acts of intimidation because of public denunciations he made regarding the activity of armed groups and mass murders of civilians in the communities of Grand Ravine and Martissant. In particular, members of AUMOHD actively denounced the impunity of the gangs responsible for acts of violence and many of the deaths of civilians in the community. In view of this situation, the IACHR requested that the Government of Haiti adopt the measures necessary to protect the life and

physical integrity of Mr. Fan Fan, and the members of AUMOHD, as well as inform the IACHR on the measures taken. The IACHR was informed by the petitioner that following the lodging of this request, national police officers are protecting Mr. Fan Fan. The IACHR is monitoring the beneficiaries' situation.

HONDURAS

The Community of Garifuna Triunfo de la Cruz

34. On April 28, 2006, the IACHR granted precautionary measures in favor of the Garifuna Triunfo de la Cruz Community in Honduras. The situation of this indigenous community *vis-à-vis* the conflicts over ownership of their ancestral land is the subject of a complaint No. 12,548 under study by the IACHR. While processing the precautionary measures, the Commission requested that the Government of Honduras adopt the measures necessary to protect the right of ownership over the above mentioned lands, prevent or suspend the execution of any judicial or administrative action that might affect the ancestral ownership of the beneficiary community organs of the inter-American system arrive at a final decision on case No. 12,548. The IACHR is monitoring the beneficiaries' situation.

San Juan Garifuna Community

35. On July 7, 2006, the IACHR granted precautionary measures in favor of the San Juan Garifuna Community in Honduras. The situation of this indigenous community *vis-à-vis* the conflicts related to ownership of its ancestral lands is the subject of a petition being processed by the IACHR under number P-674-06. Within the context of the precautionary measures, the Commission requested that the government of Honduras adopt the measures necessary to protect the life and personal integrity of the community leaders, especially of Jessica García, Wilfredo Guerrero and Ellis Marín; to protect the right to ownership of said lands; and to avoid or suspend the execution of any judicial or administrative action that could affect the rights attached to the ancestral land of the beneficiary community, until the organs of the Inter-American system adopt a definitive decision regarding petition 674-06. The IACHR continues to monitor the situation of the beneficiaries.

Dina Meza et al.

36. On December 20, 2006, the IACHR granted precautionary measures in favor of Dina Metabel Meza Elvir, Robert Marín García Martínez, Claudia Dinora Mendoza, Carlos Alberto Hernández Martínez, and Mirtha Yanina Romero, members of ASJ (the Association for a Fairer Society). The available information states that members of ASJ have been subjected to threats against their lives and physical integrity, and that on December 4, 2006, their legal representative in several cases defending labour rights, Dionisio Díaz García, was murdered. In view of this background, the Commission requested that the Government of Honduras adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on steps taken to investigate judicially the events that have given rise to the precautionary measures. The IACHR is monitoring the beneficiaries' situation.

Father Andrés Tamayo et al.

37. On December 22, 2006, the IACHR granted precautionary measures in favor of Father Andrés Tamayo, Elvin Noe Lanza, Santos Efraín Paguada, Víctor Manuel Ochoa, René Wilfredo Gradiz, Macario Zelaya, and Pedro Amado Acosta, who are members of MAO (the Olancho Environmental Movement). Members of this organization are affected by the threatening atmosphere surrounding environmental activists in Honduras. On June 9, 2006, the IACHR requested

information from the State regarding the situation of these persons in order to evaluate the need to activate the precautionary measures mechanism. Although the State's responses of June 16, August 3, and October 12, 2006 refer to certain protective measures activated on behalf of Father Tamayo, no information was provided regarding any steps taken to provide effective protection to the members of MAO. On December 20, 2006, Mr. Heraldo Zúñiga was murdered, for whom, and for his companion, Roger Murillo, precautionary measures had also been requested. In view of this, the Commission requested that the Government of Honduras adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The IACHR is monitoring the beneficiaries' situation.

JAMAICA

Kimberly Adamou

38. On October 30, 2006, the IACHR granted precautionary measures in favor of Kimberly Adamou in Jamaica. The available information states that Mrs. Adamou has been subjected to threats and other forms of harassment from an individual who is presumed to belong to a band of delinquents called *One Order Gang*, and against whom a case is underway in which Mrs. Adamou is a witness. By a communication on October 6, 2006, the Commission requested information from the State regarding Mrs. Adamou's situation, prior to granting precautionary measures and in order to evaluate the need to the same mechanism of precautionary measures. In view of the response from the State and of the urgency of the situation, the Commission proceeded to grant precautionary measures and to request that the State adopt urgent measures to protect the life and physical integrity of Mrs. Adamou and report on the judicial investigation of the events that gave rise to the precautionary measures. The IACHR is monitoring the beneficiary's situation.

MEXICO

Martín Amaru Barrios Hernández et al.

39. On February 21, 2006, the IACHR granted precautionary measures in favor of Martín Amaru Barrios Hernández and other members of CDHLVT (the Commission for Human and Labor Rights in the Tehuacán Valley) in Mexico. The available information states that Martín Amaru Barrios, Chairman of CDHLVT was spied upon and threatened. In addition, information has circulated indicating that a hired assassin has been employed to murder him. In view of the fact, the Commission requested that the Government of Mexico adopt the measures necessary to protect the lives and personal integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The IACHR is monitoring the beneficiaries' situation.

Arabella del Carmen Jiménez Sánchez et al. (La Voladora Radio)

40. On September 19, 2006, the IACHR granted precautionary measures in favor of Arabella del Carmen Jiménez Sánchez, Daniel Iván García Manrique, Verónica Galicia Castro, Esperanza Aurora Rascón Córdova, and Oscar Reséndiz Galván, all journalists or workers at the "La Voladora" radio station. The available information states that the journalists and workers at "La Voladora" have been subjected to threats and attacks because of their work as journalists. In view of the information, the Commission requested that the Government of Mexico adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The IACHR is monitoring the beneficiaries' situation.

Alejandro Cerezo Contreras and other members of the Cerezo Committee

41. On October 30, 2006, the IACHR granted precautionary measures in favor of Alejandro, Francisco, and Emiliana Cerezo Contreras, all members of the Cerezo Committee in Mexico. The available information states that these human rights activists were subjected to email death threats, were followed and spied upon. In view of this, the Commission requested that the Government of Mexico adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures. The IACHR is monitoring the beneficiaries' situation.

Andrés Quintana Roo Community

42. On December 11, 2006, the IACHR granted precautionary measures in favor of eleven families of the Andrés Quintana Roo community, in Municipio Sabanillas, Chiapas. The information available indicates that members of the so-called Peace and Justice group had caused the forced displacement of more than 3,000 people from Chiapas. In July 2005, six families of the Andrés Quintana Roo community were displaced to Tabasco. In February 2006 the number of displaced families increased to eleven, and by the middle of 2006 that number grew to twenty. On their return to the Andrés Quintana Roo community, the eleven beneficiary families were forced to work and live covertly due to the continued threats and harassment against them by the members of Peace and Justice, and they were also excluded from religious and community activities. On October 16, 2006, members of Peace and Justice burned and destroyed the house of Rogelio Sánchez, who then had to leave the area. Likewise, the information available indicates that the reports filed for threats against the returning families did not generate any results. In view of the situation of danger to the beneficiaries, the IACHR asked the State of Mexico to adopt the measures necessary to protect the lives and personal integrity of the eleven families that have returned to the Andrés Quintana Roo community in Municipio Sabanillas, Chiapas, and that the State inform the Commission of the steps taken to investigate the incidents that led to the adoption of the precautionary measures. The Commission continues to monitor the situation of the beneficiaries.

PERU*Margarita Pérez Anchiraico et al. (San Mateo de Huanchor Community)*

43. On August 11, 2006, the IACHR granted precautionary measures in favor of Margarita Pérez Anchiraico, Chair of the Committee for those Affected by Mining in Mayoc, Peru. The available information states that Mrs. Pérez Anchiraico has been the target of harassment because of her activism concerning the situation in the San Mateo de Huanchor Community, a matter that is the subject of a petition awaiting final judgment by the IACHR. It is stated that on the night of July 16, 2006, Margarita Pérez was threatened with death: she was told that she would be blown up if she continued to oppose the re-opening of the mine. In view of the information, the Commission requested that the Government of Peru adopt the measures necessary to protect the life and physical integrity of the beneficiaries and report on action taken to investigate judicially the events that gave rise to the precautionary measures.

UNITED STATES*Omar Khadr*

44. On March 21, 2006, the IACHR granted precautionary measures in favor of Omar Khadar, a Canadian citizen aged 19 who was detained in Guantánamo. The information received during a hearing held during the 124th regular session of the IACHR states that the beneficiary is on trial before a military commission in Guantánamo for a crime allegedly committed in Afghanistan

when he was 15 years old, and that during his detention and interrogation by military personnel he was denied medical attention; his feet and hands were handcuffed for long periods of time, and he was kept in a cell with fierce dogs; he was threatened with sexual abuse; and his head was covered with a plastic bag. The petitioners allege that the statements taken from him under these circumstances may be admitted as evidence and used against him. During the hearing, the State indicated that the military court could admit all reasonable evidence without clarifying whether statements obtained by torture or cruel, inhumane, or degrading treatment may be used in the trial. The Commission requested that the State, *inter alia*, adopt the measures necessary to ensure that the beneficiary is not subjected to torture or cruel, inhumane, or degrading treatment and to protect his right to physical, mental, and moral integrity, including measures to prevent him being kept incommunicado for long periods or subjected to forms of interrogation that infringe international standards of humane treatment. The Commission also requested that the State respect the prohibition on the use of any statement obtained by means of torture or cruel, inhumane, or degrading treatment against the beneficiary, and investigate the events and bring to justice those responsible, including those implicated when the doctrine of "management accountability" is applied.

Angel Maturino Resendiz

45. On May 1, 2006, the IACHR granted precautionary measures in favor of the Mexican citizen Ángel Maturino Resendiz, who was a prisoner in a detention center in the state of Texas, United States, under sentence of death. The precautionary measures were presented along with a petition alleging the violation of Articles I, XXV, and XXVI of the American Declaration, which is being processed as No. P360-06. The information available states that since his youth, Mr. Resendiz suffered serious symptoms of mental instability and schizophrenia and these worsened during his seven year stay in prison awaiting the death sentence. It is alleged that he suffered hallucinations and frequent self-inflicted injuries. The petition also alleges, *inter alia*, serious failings in his legal representation during his trial; the incompatibility of the procedure for clemency under Texan law with the standards of due process defined in Article XXVI of the American Declaration; that the use of the lethal injection as the method of execution causes extreme and unnecessary suffering. In view of these antecedents, the IACHR requested that the Government of the United States adopt the measures necessary to protect the life and physical integrity of the beneficiary and not impede the processing of the above-mentioned claim lodged before the inter-American system. The Commission notes that although precautionary measures were in effect, the beneficiary was executed on June 27, 2006.

Guy LeGrande

46. On November 27, 2006, the IACHR granted precautionary measures in favor of Guy LeGrande who was a prisoner in a detention center in the State of North Carolina, United States, under sentence of death. The precautionary measures were presented along with a petition concerning the alleged violation of Articles I, II, XVII, and XXVI of the American Declaration, which is being processed as No. P1282-06. The information available states that Mr. LeGrande suffers from mental disability in spite of which he was allowed by the authorities to conduct his own defense during a trial which concluded in the application of the death penalty. The petition also questions the impartiality of those who took part in the trial, particularly from the point of view of the accused's racial origin, to the extent that is incompatible with the provisions of Article II of the American Declaration. In view of these antecedents, the IACHR requested that the Government of the United States adopt the measures necessary to protect the life and physical integrity of the beneficiary and not impede the processing of the above-mentioned claim lodged before the inter-American system.

José Ernesto Medellín

47. On December 6, 2006, the IACHR granted precautionary measures in favor of the Mexican citizen José Ernesto Medellín, who was a prisoner in a detention center in the State of Texas, United States, under sentence of death. The precautionary measures were presented along with a petition concerning the alleged violation of Articles I, XVII, and XXVI of the American Declaration, which is being processed as No. P1232-06. The information available states that Mr. Medellín had no consular assistance during his arrest, detention, or trial; the incompatibility of the procedure for clemency under Texan law with the standards of due process defined in Article XXVI of the American Declaration; and that the use of the lethal injection as the method of execution causes extreme and unnecessary suffering. In view of these antecedents, the IACHR requested that the Government of the United States adopted the measures necessary to protect the life and physical integrity of the beneficiary and not impede the processing of the above-mentioned claim presented before the inter-American system.