

**Order of the  
Inter-American Court of Human Rights\*  
of February 6, 2008  
Provisional Measures  
With regard to Colombia  
Matter of the Peace Community of San José de Apartadó**

**HAVING SEEN:**

1. The Orders of the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court", or "the Tribunal") of November 24, 2000, June 18, 2002, November 17, 2004, March 15, 2005, and February 2, 2006.
2. The public hearings held at the headquarters of the Inter-American Court on November 16, 2000, June 13, 2002, and March 14, 2005.
3. The reports of the State of Colombia (hereinafter "the State" or "Colombia") of March 21<sup>st</sup>, April 11<sup>th</sup>, June 27<sup>th</sup>, and September 14, 2006, and February 14<sup>th</sup>, June 13<sup>th</sup>, August 23<sup>rd</sup>, and November 8<sup>th</sup>, 2007, as well as the communication of November 26, 2007.
4. The note of the members of the Peace Community of San José de Apartadó, beneficiaries of the present provisional measures (hereinafter "the Peace Community") of April 17, 2002, through which they appointed a new representative. The observations of the representative of the beneficiaries of the provisional measures (hereinafter "the representative") of May 4<sup>th</sup>, August 7<sup>th</sup>, and October 31<sup>st</sup>, 2006 and March 7<sup>th</sup>, April 3<sup>rd</sup>, May 20<sup>th</sup>, July 17<sup>th</sup>, October 2<sup>nd</sup>, October 29<sup>th</sup>, and December 2<sup>nd</sup>, 2007; and January 14<sup>th</sup> and February 1<sup>st</sup>, 2008.
5. The observations of the Inter-American Commission of Human Rights (hereinafter "the Commission" or "the Inter-American Commission") of August 11, 2006 and January 7<sup>th</sup>, March 25<sup>th</sup>, April 25<sup>th</sup>, May 28<sup>th</sup>, and October 5<sup>th</sup>, 2007, and January 24, 2008.
6. The Order issued by the President of the Inter-American Court on December 17, 2007, through which it decided to summon the Inter-American Commission, the representative, and the State to a public hearing on February 4, 2008 in order to hear the position of the parties summoned with regard to: a) the determination of updated information regarding the number of people that make up the Peace Community and their corresponding settlements; b) the grave facts reported by the representative; c) the difficulties present in the implementation of the measures ordered in the present case; and, d) the overcoming of the obstacles in the coordination.
7. The public hearing held on February 4, 2008<sup>1</sup> at the headquarters of the Inter-American Court, during which the Stated informed of the implementation of the present

---

• The Judge Manuel E. Ventura Robles informed the Court that due to reasons of force majeure he could not be present in the deliberation and signing of the present Order.

<sup>1</sup> Pursuant to Article 6(2) of the Rules of Procedure of the Tribunal, the Court held the hearing with a commission of judges made up by: Cecilia Medina Quiroga, President; Judge Leonardo A. Franco and Judge Margarete May Macaulay. The following were present at this hearing: a) for the Inter-American Commission:

provisional measures and the representative and the Inter-American Commission presented their observations in this regard.

**CONSIDERING:**

1. That Colombia has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") since July 31, 1973, and that it accepted the compulsory jurisdiction of the Court, pursuant to Article 62 of the Convention, on June 21, 1985.

2. That Article 63(2) of the Convention establishes that "[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With regard to a case not yet submitted to the Court, it may act at the request of the Commission."

3. That, in this regard, Article 25 of the Rules of Procedure establishes that:

[...]

2. With regard to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

6. The beneficiaries of provisional measures or urgent measures ordered by the President may address their comments on the report made by the State directly to the Court. The Inter-American Commission of Human Rights shall present observations to the State's report and to the observations of the beneficiaries or their representatives.

\*

\* \*

4. That through Order of December 17, 2007, the President of the Court decided to summon the parties to a public hearing in order to hear their arguments on, *inter alia*,

---

Santiago Canton, delegate, and Juan Pablo Albán, Karen Mansel, and Lilly Ching, advisors; b) for the beneficiaries of the provisional measures: Javier Giraldo Moreno, and c) for the State: Doctor Carlos Franco Echevarría, Director of the Presidential Program for Human Rights; Doctor Clara Inés Vargas Silva, Director of Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs; Janneth Mabel Lozano Olave, Coordinator of the Protection and Information to International Organizations, Office of Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs; Lieutenant Colonel Juan Carlos Gómez Ramírez, Director of Human Rights of the Ministry of National Defense; Doctor Edith Claudia Hernández Aguilar, Coordinator of Defense before international organizations of the Ministry of National Defense; Doctor Francisco Javier Echeverri Lara, Director of the Office of International Matters, Solicitor General of the Nation; Doctor Lilliana Romero, Advisor of the Office of International Matters, Solicitor General of the Nation; Jorge Rodríguez, Ministry of Defense, and Doctor Sandra Jeannette Castro Ospina, Head of the National Unit of Human Rights and International Humanitarian Law of the Nation's Public Prosecutor's Office.

the determination of updated data on the number of people that make up the Peace Community and its corresponding settlements.

5. That during the hearing celebrated the State said that it considered "the precise and exact determination" of the members of the Peace Community "of great importance." The State based its request on the following: 1) currently the district of San José de Apartadó has a population of approximately six thousand inhabitants and 2) there has been a contradiction between that stated by the leaders and representatives of the Peace Community and that stated by the next of kin of the people affected, with regard to their membership or lack of to said Community.

6. That the representative informed that the Peace Community is currently made up by a group of "136 families (approximately 816 people)", which "assume all the principles of the Peace Community" and participate in the decision-making and community tasks. These families are settled in the following *veredas* (small rural settlements), located in the municipality of San José de Apartadó: San Josesito (46 families), La Antena (6 families), La Cristalina (5 families), Arenas Altas (16 families), La Unión (52 families), Mulatos (5 families will return in February 2008), and La Esperanza (6 families). On the other hand, the representative indicated that another group of families that live in "humanitarian areas", consisting in approximately 144 families (approximately 864 people) "have been added to the above", all of which are distributed in 8 *veredas*: la Resbalosa (8 families), La Hoz (14 families), Rodoxalí (22 families), Sabaleta (39 families), Las Flores (21 families), El Venado (16 families), and Arenas Bajas (5 families), all of them in the municipality of San José de Apartadó. According to that stated by the representative, this group "has identified with the principles of the Peace Community, even though it has not assumed all the commitments to participate in community tasks and decisions." Finally, the Peace Community's representative states that it "does not consider it sensible but, instead, extremely risky, to provide the names of the people that make up the Peace Community and the "humanitarian areas" that have joined it."

7. That in matters such as the present,<sup>2</sup> the Court has ordered the protection of a plurality of people that have not been previously named, but that are identifiable and determinable and that are in a situation of grave risk due to their membership to a group or community. When ordering the present provisional measures, the Court assessed that the Peace Community of San José de Apartadó was conformed by approximately 1,200 people, thus constituting "an organized community, located in a specific geographic location, whose members may be identified and individualized."<sup>3</sup> As grounds for its request of provisional measures the Commission informed the Tribunal that:

j) [...] there is a number of elements that allow identifying the members of the Community in a collective way. One of these is the geographic element; this is a Community located in a determined place, in the Municipality of Apartadó, formed by 32 surrounding trails, such as La Unión trails where the 189 people identified in the Decision of the President of October 9, 2000 come from. Furthermore, belonging to such Community has a series of norms, bylaws, a representation system; the members are even identified with an identification card; in the Community there are people who, although not formally identified with said card, live there and are guided by said principles and want to become

<sup>2</sup> Cfr., *inter alia*, *Matter of the Peace Community of San José de Apartadó*. Provisional Measures Regarding Colombia. Order of the Inter-American Court of Human Rights of November 24, 2000, Considering clause number seven; *Case of the Children Deprived of Liberty in the "Complexo do Tatuapé" of FEBEM*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of November 30, 2006, Considering clause number six, and *Matter of the Communities of Jiguamiandó and Curbaradó*. Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of February 7, 2006, considering clause number eight.

<sup>3</sup> Cfr. *Matter of the Peace Community of San José de Apartadó*, *supra* note 2, considering clause number seven.

members of the Community. Therefore, they must be considered also as members. In this case, it is convenient to define the Community of Paz de San José de Apartadó collectively because this is an affectation of fundamental individual rights, such as life and personal integrity [...].<sup>4</sup>

8. That the collective definition of the beneficiaries of these provisional measures is based on their belonging to the Peace Community, their geographical location in the municipality of San José de Apartadó, and the situation of grave danger they are going through because they are members of said Community. In this sense, the 136 families settled in the *veredas* of San Josesito, La Antena, La Cristalina, Arenas Altas, La Unión, Mulatos, and La Esperanza, as members of the Peace Community that “assume all the principles of the Peace Community” (*supra* Considering Clause number 6), must be understood as beneficiaries of these provisional measures. In the case of the 144 families that live in “humanitarian areas”, their membership in the Peace Community is not yet clear. In this regard, the representative informed that this group of families “has identified with the principles of the Peace Community even though it has not assumed all the commitments to participate in community tasks and decisions.” This situation must be clarified by the representative and the Inter-American Commission; assessed by the Tribunal when adopting these provisional measures (*supra* Considering Clause number 7).

9. That given the collective dimension of the provisional measures ordered in this matter, this Tribunal has considered that the members of the Peace Community, beneficiaries of these measures, do not need to be previously named. Besides, the Court understands that in matters such as the present, in which the beneficiaries of the measures of protection are in a situation of grave risk based on their membership to a community, the provision of a list with the name of these people could make the situation worse.

10. That despite the aforementioned, the State’s request with regard to the determination of the beneficiaries of these measures must be attended. It is important to remember that when it adopted these provisional measures, the Court assessed that the members of the Peace Community “can be identified and individualized.” When presenting the grounds for its request for the adoption of provisional measures, the Commission informed the Tribunal that the “members [of the Peace Community] are” even “identified through an identity card” and it stated that “after three years of validity of the precautionary measures, the State did not question or argue that it had any problems in identifying the people they should protect. [T]he State understands the collective dimension of the problem, it knows who it has to protect, it understands the geographical limits, and the element of membership to the Community, as well as its operative mechanisms [...]”<sup>5</sup>

11. That due to the present situation, it is necessary to reiterate that the State must, in a manner agreed on with the representative of the beneficiaries of these provisional measures plan and implement the measures most adequate for the protection and security of the members of the Peace Community.<sup>6</sup> This assumes the adoption of protection measures that take into consideration the risk to the life and personal integrity of the members of the Community associated to revealing their names. Likewise, for the

<sup>4</sup> Cfr. *Matter of the Peace Community of San José de Apartadó*, *supra* note 2, Having Seen paragraph 9.

<sup>5</sup> Cfr. *Matter of the Peace Community of San José de Apartadó*, *supra* note 2, Having Seen paragraph number 9, subparagraphs j) and k).

<sup>6</sup> Cfr. *Matter of the Peace Community of San José de Apartadó*. Provisional Measures regarding Colombia. Order of March 15, 2005, second operative paragraph subparagraph i).

adequate implementation of the protection measures, the parties must agree on alternate mechanisms that allow the possible individualization and identification of the members of the Peace Community.

\*

\* \*

12. That the representative informed of the death of Messrs. Francisco Puerta, Dairo Torres, and Margarita Giraldo Úsuga, who were members of the Peace Community, on May 14<sup>th</sup>, July 13<sup>th</sup>, and December 24<sup>th</sup>, 2007, respectively. According to that stated by the representative, the murders of Messrs. Francisco Puerta and Dairo Torres were allegedly committed by paramilitary forces, in places where the National Police “normally has a strong control.” Likewise, the representative also reported that on November 13, 2006 Mr. Elidio (Nubar) Tuberquia received “heavy blows to his head” that caused his “brain death” and “that circumstances [...] point to Police responsibility.” Similarly, the representative indicated that the death of Mrs. Margarita Giraldo Úsuga occurred after her home was “attacked by military units appointed to the XVII Brigade.”

13. That on the other hand, in its observations to the State’s reports, the representative has reported alleged threats and harassment against members of the Peace Community (*supra* Having Seen Paragraph 4). Among the facts reported the alleged injuries supposedly caused by members of the Army in the Arenas Altas *vereda*, against Efrén Espinoza Goéz, a 10-year old minor member of the Peace Community, stand out, as well as the alleged threats issued on November 24, 2007 by alleged paramilitaries to people who live in la Esperanza and Playa Larga (*supra* Having Seen Paragraph 4).

Due to the aforementioned, the representative urged the Tribunal to request to the State that “under no circumstance the protection of the [beneficiaries] be entrusted to the police force, since it becomes more evident each day that they act in agreement with paramilitaries.” Likewise, he reiterated that “the presence of the police station within the home and work territory of the Peace Community tramples on one of the essential principles of all Peace Community: not being obliged to coexist with any armed actor whichever its symbol.” In this regard, during the public hearing celebrated (*supra* Having Seen Paragraph 7), the representative stated that “the Constitutional Court of Colombia in its last judgment [...] on the Peace Community [that] was issued in the month of January [2008], in its final paragraphs refers to the placement of police posts that put the communities at high risk and it refers to several judgments in which the same Constitutional Court has ordered that these police posts be removed because they put the populations at high risk.” (*infra* Considering Clause number 24).

14. That in its reports (*supra* Having Seen paragraph 3) the State referred, *inter alia*, to the death of Messrs. Puerta and Torres. Regarding Mr. Francisco Puerta. The State informed that once it became aware of “the unfortunate facts [the Attorney General] required that the competent authorities to spread out all the mechanisms necessary to avoid a new tragedy in the region.” Likewise, the Solicitor General of the Nation reassigned the Delegate Prosecutor before the judges of the Specialized Circuit attached to the National Human Rights Unit with its headquarters in Medellín that corresponds per distribution so that it can advance with the investigation of the murder of Mr. Francisco Puerta up to its culmination. Regarding the circumstances of his death, the State indicated that an investigation of said facts was started, and it was in process, however,

he stated that the information is contradictory between that stated by the representative and the State itself. In reference to the death of Mr. Dairo Torres, the State informed that "an investigation is being carried out in the Ninety-Seventh Prosecution of the Section of Apartadó." Regarding the representative's statements on the threats suffered by Mr. Rodrigo Rodríguez, the State indicated that despite the request of protection measures for said person, up to this date they have not been able to locate him. According to the State, the beneficiary concluded that, "it was not sensible to receive protection from the National Police Force, since one of the principles of the mentioned Community was the non-participation of any armed actor [...] because it put [...] the inhabitants at risk." Regarding the reports on the alleged links of illegal armed groups with members of the National Police, the State reiterated that "the police officers assigned to San José de Apartadó and the urban center of the municipality of Apartadó, do not have ties with any emerging group of paramilitaries or similar." In this sense he stated that, "there is no direct or specific accusation but instead only general accusations that do not specify names or acts."

On the other hand, the State has informed of the realization of meetings and visits to the Peace Community in order to "check the security measures" implemented, to which the beneficiaries or their representative allegedly did not assist. In this sense the State indicated that "the Police has tried to reach the Peace Community of San José de Apartadó, in company of institutions such as the Attorney General's Office, Ombudsman, Social Action, the Office of the Municipal Mayor, and up to this date it has not been possible to access any type communication that allows them to know the situation in which people live within the settlement of La Holandita, since they do not accept any help that may come for state institutions. On the contrary, any type of rapprochement is considered by them as actions that threaten the security of the Peace Community [...]."

15. That the Inter-American Commission stated (*supra* Having Seen Paragraph 5), *inter alia*, in view of the information provided by the representative, its concern regarding the recent facts that have affected the beneficiaries and the "situation in the area where they live [...] and its impact on society in general, given the presence of armed actors that are part of the guerrilla and paramilitaries, as well as the frequent reports of acts of collaboration and consent of members of the National Police Force with armed groups that are on the fringe of the law." During the public hearing celebrated (*supra* Having Seen paragraph 7) the Inter-American Commission also informed the Tribunal of the judgment issued by the Constitutional Court of Colombia on December 3, 2007, with regard to the matters object of these provisional measures (*infra* Considering Clauses number 19 and 24).

16. That in International Human Rights Law provisional measures not only have a precautionary nature, in the sense that they conserve a legal situation, but mostly protective since they protect human rights, in the sense that they seek to avoid irreparable damages to people. As long as they reunite the basic requirements of extreme gravity and urgency and prevention of irreparable damages to people, the provisional measures become a true legal guarantee of a preventive nature.<sup>7</sup>

---

<sup>7</sup> Cfr., *inter alia*, *Matter of Eloísa Barrios et al.* Provisional Measures regarding Venezuela. Order of September 22, 2005, Considering Clause number five; *Matter of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV)*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of September 12, 2005, Considering Clause number five, and *Matter of the Urso Blanco Prison*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of September 21, 2005, Considering Clause number four.

17. That in order to make the rights enshrined in the America Convention effective, the State Party is obliged, *erga omnes*, to protect all people under its jurisdiction. In the Court's opinion, said general obligation is imposed not only with regard to the State's power but also with regard to actions of individual third parties, even irregular armed groups of any nature. The Court observes that given the special characteristics of the present case and the general conditions of irregularity in the area it is necessary to maintain the protection, through provisional measures, of all the members of the Peace Community, in light of that established in the American Convention and the principles of International Humanitarian Law. Specifically, the State must guarantee and ensure that the principle of distinction is guaranteed with regard to the members of the Peace Community, who are civilians oblivious to the internal armed conflict.<sup>8</sup>

18. That the Court observes how under the protection of the present measures grave acts of violence have occurred against the members of the Peace Community. In this regard, the Constitutional Court of Colombia in its judgment T - 1025 of December 3, 2007, indicated in its *ratio decidendi*, among others, that:

27. With regard to the events occurred in San José de Apartadó it is evident that the State has not done enough to prevent the community from being the victim of so many crimes. Failure to comply with the duty of protection is very grave. But just as grave is the lack of results in the criminal investigations started due to those crimes. Therefore, the Constitutional Court will proceed to issue a series of orders in seeking to achieve respect of the right of the members of that Community to access justice and know the truth about the crimes, as well as obtain comprehensive reparation.

Thus, in first place, it is necessary that the Solicitor General of the Nation prepare a careful, complete, precise, and updated inventory regarding the crimes that have affected the Peace Community, identifying each of the victims by name. For this it can use the database prepared by the Community itself, if it is willing to hand over said information. Based on this result, the Prosecutor's Office must (i) establish which is the current state of all the criminal procedures in process due to the crimes committed against members of the Peace Community or people that offered them services. This task includes knowing the total number of processes, who the prosecutors that are following the investigations are, which is the latest progress, and the date on which the crimes occurred; (ii) establish what crimes are not yet being the object of criminal persecution, in order to open the corresponding procedures; (iii) identify the investigations at a standstill, in order to impulse them; and (iv) define priorities in such a way that the parties responsible for the most grave crimes are in effect punished. A report on these activities must be sent to the Review Chamber and the Ombudsman no later than the first day of March 2008.

Second, it is necessary that the Prosecution establish the processes in progress before the military criminal justice system due to crimes of which the members of the Peace Community or the people that offer them services were victims, so it may decide in which cases, according to the criminal norms in force and the jurisprudence of this Corporation, it must propose a collision of competence so that the Prosecutors' Office may assume the corresponding investigation. It must also establish which has been the fate of the processes in which the Prosecutors' Office has issued an accusation and sent the procedure to the competent criminal judges. A report must be sent to the Chamber of Review and the Ombudsman regarding the result of these activities no later than the first day of March 2008. [...]"

19. That the Inter-American Court values the decision of the Constitutional Court of Colombia, since the sense and scope of the same adjusts to the object of protection of the present measures and helps in the implementation of the same. In this sense, this

<sup>8</sup> Cfr., *inter alia*, *Matter of the Peace Community of San José de Apartadó*, *supra* note 6, Considering clauses number nine and twenty, and *Matter of the Communities of Jiguamiandó and Curbaradó*. Provisional Measures regarding Colombia. Order of March 15, 2005, Considering Clauses number eight and twenty-eight.

Tribunal reiterates that it is necessary that the State immediately issue effective preventive measures in order to avoid new facts such as the ones mentioned by the representative (*supra* Considering Clause number 12). In this sense, the Court insists on the preventive and mainly protective nature for the defense of the rights to life and humane treatment in the present matter. Likewise, the Tribunal reminds the State of its obligation to diligently investigate and in its case, prosecute and punish all those responsible for the facts referred to by the representative, as an effective measure of prevention of acts of this nature.

\*

\*   \*   \*

20. That the State acknowledged that no progress has been made regarding meetings to agree on the implementation of the provisional measures and it stated that this is due "to the negative of the applicants to assist to the same," thus reiterating its disposition to reach an agreement with the beneficiaries of the present measures. During the public hearing celebrated (*supra* Having Seen paragraph 7) it indicated that "informally, some efforts [have been made] to overcome these difficulties to reach an agreement with the presence of the Ombudsman [and] of the office of the High Commissioner of the United Nations for Human Rights in Colombia [and that], among others, [they have] made informal efforts that have, up to now, resulted unsuccessful in reestablishing the dialogue between the beneficiaries[,] the applicants, and the State's institutions."

21. That the representative stated that the members of the Peace Community do not accept going back to negotiation tables with the State "with assumptions of bad faith." In the public hearing held (*supra* Having Seen paragraph 7), the representative reiterated that the lack of trust in the State's authorities and its actions is the main reason for which the negotiation channels have not been reestablished, and it indicated that the basic principle to coordinate the negotiation mechanism must be actions of good faith by all those who participate in said process.

22. That the Commission recalled that "the beneficiaries and their representatives have expressed concern over the role of the members of the National Police Force in the area, *vis a vis* the armed groups that operate on the fringe of the law, and they have presented a series of complaints regarding the responsibility for actions, omissions, or acts of harassment. As long as the task of the people linked to the National Police Force continues to be identified with the threats and acts of violence that justified the issuing of the provisional measures and the continuation of their validity, the obstacles that prevent the materialization of mechanisms of continuous supervision of the beneficiaries will persist, despite the actions carried out by the National Police Force of the area."

23. That the Constitutional Court of Colombia, when evaluating the situation of the provisional measures ordered in favor of the members of the Peace Community, indicated in its judgment T – 1025 of December 3, 2007 (*supra* Considering Clause number 19) that:

30. "As has been indicated, one of the greatest difficulties faced by all process related to the Peace Community of San José de Apartadó is that of the reciprocal lack of trust that exists between the Community and the institutions. Therefore, it has not been possible to comply



with the orders of the Inter-American Court of Human Rights in which it was necessary to for the authorities and the Peace Community to agree on the actions.

[...]

As has been previously expressed, the lack of trust of the Peace Community of San José de Apartadó toward the state's institutions is understandable. The uninterrupted series of crimes of which it has been victim, without the criminal investigations showing any relevant progress, and, therefore, without those responsible having been punished explains this lack of trust. However, this preventive attitude has led the Peace Community to act with a decisive antagonism toward the state's institutions, which has even led it to recently distance itself from the Ombudsman. In view of the number of victims the Community has suffered and the difficulties it encounters, we are faced with the question of if the road chosen is the most adequate to guarantee the rights and wellbeing of its members.

The Chamber of Review wants to point out the need to create points of proximity between the institutions and the Peace Community, so that the measures ordered by the Inter-American Court of Human Rights and by Judgment T-327 of 2004 may be applied. In effect, the generation of minimum levels of trust would allow that the measures of protection ordered by the Inter-American Court of Human Rights be agreed on, as ordered by this same institution. In this sense, it is important to point out that the primary responsible for carrying out measures to generate trust is the State and not the Peace Community. One more reason to urge the Ombudsman del Pueblo to actively promote measures to build trust.

From the point of view of the institutions, this rapprochement is necessary in order to comply with their constitutional and legal responsibility to guarantee the members of the Community the enjoyment of their rights, as well as from the point of view of the Peace Community because, even though it may seem paradoxical, the validity of the rights of its members depends on how the State's institutions are able to articulate. This also demands that the Colombian institutions understand that their role in the area is to protect the rights and freedoms of all people, including the members of the Peace Community. This understanding of its mission in the region is what must guide all the decisions and actions carried out there.

Thus, pursuant to the Constitution the National Police may have presence and act in the area. However, it is vital that the activity of the National Police Force in the area adjust strictly to International Humanitarian Law especially in what refers to the principle of distinction and the duty to avoid putting civilians in danger. This implies, for example, that when planning the location of the police posts it must always be considered if this generates a grave and imminent threat for the life and integrity of the people the Police Force is obliged to protect."

24. That the situation of lack of trust and absence of negotiation between the State and the beneficiaries of these provisional measures must be overcome. In this sense, this Tribunal sees with positive eyes and coincides with the considerations made by the Constitutional Court of Colombia in this sense.

**THEREFORE:**

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

pursuant to the authority conferred by Article 63(2) of the American Convention on Human Rights and Articles 25 and 29 of the Rules of Procedure of the Court,

**DECIDES:**

1. To reiterate to the State that it maintain the measures adopted and to immediately issue those necessary to effectively protect the life and personal integrity of all the members of the Peace Community of San José de Apartadó, pursuant to Considering clauses number 11 and 18 through 20 of the present Order.
2. To require the State to inform of the investigation of the facts that motivated the adoption of these provisional measures, pursuant to Considering Clauses number 18 and 19 of the present Order.
3. To reiterate to the State that it must make all efforts to give the beneficiaries of the measures or their representatives participation in the planning and implementation of the protection measures and in general maintain them informed of the progress of the measures ordered by the Inter-American Court of Human Rights, pursuant to Considering Clauses number 23 and 24 of the present Order.
4. To authorize the President of the Inter-American Court of Human Rights to summon, in a timely manner, the State, the Inter-American Commission of Human Rights, and the representatives of the beneficiaries of the provisional measures to a hearing to supervise the implementation of the provisional measures.
5. To reiterate to the State that it continue informing the Inter-American Court of Human Rights every two months of the provisional measures adopted, and require that the beneficiaries of these measures or their representative that they present their observations within a four-week term as of the notification of the State's reports, and that the Inter-American Commission of Human Rights present its observations to said reports of the State within a six-week term as of their receipt.
6. To notify the present Order to the State of Colombia, the Inter-American Commission of Human Rights, and the representative of the beneficiaries.

Cecilia Medina Quiroga  
President

Diego García-Sayán

Sergio García Ramírez

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri  
Secretary

So ordered,

Cecilia Medina Quiroga  
President

Pablo Saavedra Alessandri  
Secretary