

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 22, 2010**

**REQUEST FOR PROVISIONAL MEASURES PRESENTED BY
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
REGARDING COLOMBIA**

**IN THE MATTER OF
THE INTER-ECCLESIAL COMMISSION ON JUSTICE AND PEACE**

HAVING SEEN:

1. The brief of the Inter-American Commission on Human Rights (hereinafter the "Inter-American Commission" or the "Commission") of April 14, 2010, with attachments, by which it presented before the Inter-American Court of Human Rights (hereinafter the "Inter-American Court," the "Court," or the "Tribunal") a request for provisional measures pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter the "American Convention" or the "Convention") and Rule 27 of the Rules of Procedure of the Court¹ (hereinafter the "Rules of Procedure"), with the objective of ordering the Republic of Colombia (hereinafter the "State" or "Colombia") to adopt, without delay, provisional measures aimed at protecting the lives and right to humane treatment of the members of the Inter-Ecclesial Commission on Justice and Peace (hereinafter the "ICJP").

2. The facts alleged by the Commission as grounds for its request for provisional measures, namely:

a) The ICJP is a non-governmental organization that "assists local initiatives in mestizo, indigenous, and other Afro-Colombian communities and organizations seeking to exercise their rights through non-violent means in areas of armed conflict." The organization's primary place of business is in Bogotá, but its teams also maintain a presence in the departments of Cauca, Putumayo, Valle, Meta, and Sucre. "The majority of groups that the Inter-Ecclesial Commission on Justice and Peace represents are beneficiaries of precautionary or provisional measures";

b) The information the ICJP provided to the Inter-American Commission in 2003 when requesting precautionary measures indicated that the ICJP members had been the target of "threats, surveillance, accusations, detentions, and instances of breaking and entering constantly since 1997," and that these acquired greater intensity "since the first half of 2003," along with "stigmatizing smear campaigns on the part of civilian and military authorities." The ICJP has assumed the legal representation of presumed victims in various legal actions of national importance, thereby giving rise to "a situation that raises their level of risk and vulnerability";

¹ Rules of Procedure of the Inter-American Court of Human Rights. Approved by the Court in its LXXXV Regular Session held on November 16 to 28, 2009.

c) Since the grant of precautionary measures on the part of the Inter-American Commission in favor of the ICJP, that is, since September 8, 2003, and despite the State allegedly providing cellular and satellite phones, vehicles, transportation support, and protection schemes complete with armored cars to the members of ICJP, the members maintained that "the danger involved persists, having increased over the past two years";

d) The alleged facts giving rise to this request for provisional measures are: 1) alleged "intelligence activities against the ICJP and its members"; 2) alleged "threats and attempts on the right to humane treatment of various members of the organization"; 3) alleged "set-up operations to frame various members of the organization," and 4) false "accusatory and smear campaigns against them";

e) As to the first point, according to information provided by ICJP, its members have been "the target of activities by the state intelligence services," which have become apparent through surveillance, e-mail interceptions, immigration records, and activities directed at initiating baseless legal actions against its members. The ICJP indicated to the Commission that in one of the reports issued by the Attorney General "within the framework of investigations into the so-called offensive intelligence activities," it is clear that the Special Intelligence Group (G-3) of the Administrative Department of Security (hereinafter, the Spanish acronym "DAS" for "*Departamento Administrativo de Seguridad*"), created "to gather intelligence on different human rights organizations," had information in its possession about ICJP activities. This report allegedly linked the ICJP with operations of the Revolutionary Armed Forces of Colombia ("FARC"). The Commission is of the position that "the existence of intelligence groups specialized in monitoring human rights organizations and the lack of precise information on the State's part concerning the actual functions of such groups creates a situation not only of uncertainty for ICJP members, but of imminent risk";

f) Regarding the second point, during the period allotted for precautionary measures "and despite them, the beneficiaries have continued being the target of threats, accusations, surveillance, and harassment, which have been on the rise in recent months." Among the deeds that ICJP members have allegedly suffered since 2008 are: the kidnapping of Yimy Jansasoy by a group of paramilitaries, three written death threats, and a plan to forcibly disappear Danilo Rueda and Abilio Peña, members of ICJP's coordinating team. Furthermore, ICJP indicated that its members had received numerous threats from the "Black Eagles" paramilitary group in 2009 and that members of the organization that work in "other departments" have received threatening telephone calls or text messages telling them to cease their activities. In December 2009, members of the ICJP who carry out missions in the Jiguamianó and Curvaradó regions allegedly "received threats from unknown persons and from members of the Colombian army." On the 19th of that month, members of the ICJP received word that paramilitaries from the areas of Urabá and Bajo Atrato had declared them to be "military targets." ICJP members stationed in the Putumayo region were obliged to withdraw from that area owing to the threats and harassment they received. Likewise, due to such threats, the organization's teams who work in different

parts of the country cannot remain in their locations for prolonged periods of time, thus requiring personnel to rotate;

g) As to the third point, the ICJP asserted that the DAS has carried out "set-up operations" and has coordinated the opening of judicial investigations against its members with the goal of hindering its work. In this regard, there currently are at least three open investigations against members of the ICJP for the crimes of "violent protest," "making false statements," and "making threats";

h) Regarding the fourth point, according to the ICJP, over the past several years "a smear campaign" has been implemented, falsely alleging that ICJP members are actually FARC members and accusing them of displacing communities of African ancestry in the Bajo Atrato region in the hopes of depriving them of their lands. This campaign has been propagated via mass media outlets such as radio, television, and the Internet on both the national and international level, and some of its spokesmen are or have been linked to the Colombian government. In addition, the ICJP claimed that this campaign intensified after December 18, 2009 when the Afro-Colombians Manuel Moya, Graciano Blandón, and Blandón's son were murdered in acts allegedly attributable to FARC guerrilla warfare. The ICJP indicated that Danilo Rueda and Abilio Peña, members of the ICJP, Father Javier Giraldo, S.J., Director of the Jesuit-run Center for Research and Popular Education ("CINEP") database, and Iván Cepeda, spokesman of the National Victims of State Crimes Movement, have all been publicly labeled as bearing "[some] responsibility for [these] murder[s]." Also, on December 22, 2009, Senator Víctor Velásquez, President of the Senate's Human Rights Commission, declared that "the murdered Afro-Colombian leaders 'denounced the forcible displacement of which their communities of the Atrato river basin were victims in 1997 at the hands of the [...] F[ARC], seemingly in collusion with the NGO Justice and Peace.'" Owing to this smear campaign, numerous groups of African ancestry from areas not represented by the ICJP publicly accused ICJP members of collaborating with the guerrillas in an effort to eradicate their communities;

i) According to the facts alleged by the members of the ICJP, impunity persists both in the investigations in which ICJP itself stands accused, as well as those into the threats and harassment they have received. The ICJP maintained that they continue to be subject to accusations on the part of top State officials and that the State has not provided any answers regarding the aforementioned smear campaign. Finally, the ICJP maintained that the threats, harassment, accusations, and surveillance actions against them "are contextualized" by the "setting in motion [of] judicial processes 'aimed at hiding the truth as to serious violations of human rights and the usurpation of lands committed in the Bajo Atrato [region] [...].'" Accordingly, they reasoned that as these many processes go forward the risks of similar actions materializing in the future are predictable; and,

j) During the working session in which the current provisional measures were requested, the State was opposed to them on the grounds that it had managed to meet the beneficiaries' demands and to protect them from harm. In particular, the State "[m]aintained that they have provided strong personal security protection schemes for some of [the] members [of the ICJP] and general measures with respect to the organization's main office," and that all

requests made by the beneficiaries – that is, means of communication, cellular telephones, an armored car to use in Bogotá, a car without armor for getting around in the field, and video cameras in the headquarters – were approved on January 19, 2010 even though some of these measures have yet to be implemented.

3. The arguments presented by the Commission as grounds for its request for provisional measures, namely:

a) “to verify the situation of extreme gravity and urgency as required by Article 63(2) of the American Convention so that the Court may order provisional measures in kind for the existence of cycles of threats, acts of aggression, and accusations against the [ICJP], as well as the continuing nature of acts of persecution, intimidation, and harassment against them”;

b) “[t]he nature of the objects threatened – that is, the lives and right to humane treatment of the members of the [ICJP], as well as their capacity to continue their work in defense of human rights – constitutes an extreme example of irreparable consequences that [the] request for provisional measures seeks to avoid. This does not just reflect the potential for a violation of the fundamental right to life, but also exposes the rest of the human rights defender community to a situation of extreme vulnerability and risk”;

c) “although it is true that the State [...] has adopted some strong protective measures, they have not been a sufficient response in the face of the real and imminent risk posed, nor are they enough to protect the lives and right to humane treatment of the beneficiaries. The continuity of threatening actions, accusations, intimidation, surveillance, and general harassment, as well as the lack of an effective response in relation to the clarification of legal suits over the criminal activities of some state security organs effectively mean that, to date, the beneficiaries remain in a situation of serious gravity, vulnerability, and defenselessness, while their lives and right to humane treatment are at risk of imminent harm”;

d) by virtue of the constant practice of the Tribunal on the use of *prima facie* assessment criteria and the application of presumptions as to immediate needs for protection, the Commission considers that the Court currently has sufficient proof to fairly invoke the mechanism for provisional measures, and

e) “it is of utmost importance that the agents of the system protect the public interest through the available mechanisms. In the present [matter...] the proper mechanism to protect this interest is that of provisional measures [...]”

4. On the basis of the above, the Commission indicated that “the provisional measures that the Court eventually dictates must include an unequivocal call to the State of Colombia for it to desist from engaging in any act that may put the beneficiaries at further risk, including the immediate cessation of all unfounded accusations and intelligence activities on the part of state agents and associated individuals, as well as prohibiting access [to all concerning] information gathered and revealed by way of these activities.” In particular, the Commission asked Court to require that the State:

- a) “[a]dopt without delay all measures that may be necessary to guarantee the lives and right to humane treatment of the [potential] beneficiaries”[;]
- b) “[u]ndertake an investigation into the facts that give rise to the request for provisional measures as a preventative mechanism to impede the recurrence of new threats against the lives and safety of the [potential] beneficiaries”[;]
- c) “[p]erform all necessary actions to guarantee that the members of the ICJP can continue with their work promoting and defending human rights in Colombia”[;]
- d) “[c]onsult with the possible beneficiaries as to the most appropriate mechanisms for the implementation of protective measures, in such a way as to ensure their effectiveness and relevance[,]” [and,]
- e) “[p]rovide information on the measures adopted pursuant to the previous subparagraphs.

5. The letter from the Secretariat of the Court (hereinafter “the Secretariat”) of April 20, 2010 whereby, pursuant to instructions from the President of the Court (hereinafter “the President”), it requested that the State present its relevant observations with respect to the present request for provisional measures (*supra* Having Seen 1) and the submission of any other documentary evidence the State deemed relevant.

6. The communication of May 4, 2010 and its annexes, whereby the Inter-American Commission made reference to “new information” that the ICJP presented to it on May 1, 2010 regarding: 1) “the offensive intelligence of the DAS against the work of the [ICJP]”; 2) “the alleged recent instances of persecution against the [ICJP]”; and, 3) the present situation that [ICJP] defenders face in carrying out their work.” In particular, the Commission stated the following:

- a) As to the first point, it indicated that “previously, information became public according to which, at the urging of the DAS, a strategy of persecution was prepared against NGOs and opponents of the government that included espionage, smears, and planned terrorist attacks that were to be subsequently attributed to the guerrillas.” In particular, “Operation Transmilenio would have had the objective of ‘neutralizing the destabilizing actions of NGO[s] in Colombia and the world over’ by way of establishing ‘links with narco-terrorist organizations, seeking their persecution,’” which accounted for the “baseless legal actions begun against various members of the [ICJP], as well as smear campaigns against them”;
- b) With regard to the second point, the Commission showed that Danilo Rueda “has been accused of procedural fraud, a charge that is nonexistent in national and international courts,” in order to “discredit him””; that Albert Franco, Executive Secretary of the ICJP, and Javier Giraldo, S.J., were accused of being “terrorists and parties to murder and discrimination” with the goal of “undermining the initiatives that black and mestizo communities from the [B]ajo Atrato have put forth that favor the return of their lands”;

that the ICJP contributed information about “different defamatory mails received against the organization and its members,” and that “in recent days,” “graffiti in the center of Bogotá, reading ‘NGO Justice and Peace = Death to the Marxist Priest,’ ‘National Action AR – NR,’ and ‘NGO Justice and Peace Terrorists,’ was visible”; and,

c) On the third point, the ICJP provided information that “the intelligence offensives, as well as these attempted attacks make the continuity of human rights work next to impossible for the victims of such attacks throughout the country and especially in the Bajo Atrato region,” and that “the situation in the field is more complex ‘owing to pressure from paramilitary groups.’”

7. The communication of May 6, 2010 whereby, pursuant to the instructions of the President of the Court, the Secretariat requested that the State present its relevant observations on the Commission’s written submission (*supra* Having Seen 6).

8. The communication from the Secretariat of May 24, 2010 whereby, according to the President’s instructions, the Inter-American Commission was asked to indicate the names of the members of the ICJP that it considered to be in need of protection in the form of provisional measures and to indicate the situation of extreme gravity, urgency, and the need to avoid irreparable harm in which each one of the members were found. Likewise, by way of this communication, the State was informed that once the Commission responded with the information solicited by the Court, the State would be granted an opportunity in which to present its observations on the request for provisional measures, on the “new information” submitted, as well as on the information requested by the Court (*supra* Having Seen 1, 6).

9. The communication of May 25, 2010 whereby the State moved that the request for provisional measures submitted by the Inter-American Commission be rejected. Particularly, the State indicated that:

a) With respect to the alleged intelligence activities against the ICJP and its members, the State said that “it has never, as a matter of government policy, undertaken illegal intelligence activities against individuals or opposition groups,” and that “the alleged illegal intelligence activities committed by some members of the DAS have not been at any point in time the product or consequence of accusations made on the part of the High Government, given that this government has been a steadfast guarantor of the work of [h]uman [r]ights [o]rganizations.” The State elucidated that the alleged illegal intelligence activities “reflect[ed] certain irregularities that appeared in that particular period,” that “various High Government officials have also been victims of these illegal activities,” and that “presently there [...] are guarantees that they will not happen again [...] against human rights defenders in Colombia.” In addition, the State made reference to the pronouncements made by “the High Government” in which it “fervently reject[ed] these sorts of practices and hope[d] [...] to clarify these alleged criminal acts so as to determine the responsibility of the DAS officials involved [...].” On that matter, the State indicated that “it was the same National Government that promoted the legislative initiative of issuing an Intelligence Law.” The State also referred to the ongoing investigations into the aforementioned acts. In relation to the immigration records alluded to by the Commission, the State noted that “[the investigations] [did] not constitute

illegal activity, nor intelligence gathering, but rather a legal obligation emanating from the law which the DAS [was] in charge of enforcing.”

b) In relation to the alleged accusations and smear campaigns against members of the ICJP, the State expressed that it has been respectful of the work that organizations like the ICJP carry out as defenders of human rights. In that regard, the State referred in particular to several pronouncements in which “the High Government” has recognized “the legitimate work of human rights defenders and of organizations to which these individuals belong.” Likewise, the “National Government” has expressed “its absolute rejection in cases of threats or theft directed at NGO defenders of [h]uman [r]ights.” Thus, the State indicated that “the fact that the government has shown itself on occasion to be in disagreement with the NGO does not mean that it is attempting to delegitimize them, discredit their work, or stigmatize them,” since “political contradiction[s] [are] [the hallmark] of a democracy.” Similarly, the State said that, “the National Government is not supporting or fomenting a media campaign in order to denounce human rights defenders,” because “if there have been private claims aimed at inculcating or accusing members of the [ICJP], [t]hese have been neither promoted nor sponsored by the National Government.” The State clarified that the criminal law considers defamation to be an actionable offense for which “anyone who feels his or her honor or good name affected may advance the respective legal action.” In the same vein, the State specified that by virtue of the right to freedom of expression and freedom of information, the State “cannot take any action tending to preemptively censure persons [who] take to the media and other public fora in order to be heard,” since proceeding in this way “would violate not only fundamental rights recognized in the Political Constitution, but would also incur eventual international responsibility.” Despite this, the State remarked that this fact should not be interpreted to mean that the State agrees with the content of such protests;

c) As regarding the alleged corrupt proceedings and framing of various ICJP members, the State made it known that in Colombia, judges are subject to the dominion of the Constitution and the law, and that as a result “they are free to make decisions that adhere to the law and the available evidence. In a case where those under investigation by the authorities had their fundamental right to due process violated, the juridical order [...] offers legal tools to condemn this conduct such that one can then assess the procedure adopted by an authority within the judicial process”;

d) Concerning the alleged threats and attempts against the right to humane treatment of various ICJP members, the State argued that “it is proven that [...] [the State] has paid close attention to each and every one of the necessities and requirements that the ICJP members’ security and protection demanded.” Specifically, the State indicated that:

i) “in various regions, special coordination efforts have been made with the Armed Forces to the effect that [their] members [...] may carry out the work of human rights defense in the field,” and that “over the course of the validity of the [...] precautionary measures [...] the Army has opened appropriate lines of communication with the beneficiaries, with the goal of tracking the risks they face and achieving agreement as to their protection needs”;

ii) On January 19, 2010, the Protection Program of the Ministry of Justice and the Interior approved “by emergency procedure” the precautionary measures requested by the petitioners on December 22, 2009 (*supra* Having Seen 2(j)).² With respect to the implementation of these measures, the State indicated that during a February 1, 2010 meeting held with the petitioners, the Ministry of Justice and the Interior asked the members of the ICJP “to claim their communication devices in this office’s facilities”; as to the request for vehicles, “[one was] awaiting the evaluation of resumes [on behalf of the VISE Ltda. company] of prospective security escorts proposed by the beneficiaries,” in order to verify that their qualities were appropriate for the security rigors in place, and to guarantee the suitability of the protective measures. The State also made mention that on that same date the Human Rights Group of the National Police said, among other things, that it had communicated with the Bogotá Metropolitan Police and the police department of Urabá with the aim of intensifying security measures for members of the ICJP, that the police of Teusaquillo has augmented patrols around the ICJP headquarters, and that the establishment of strategic security alliances within police jurisdictions has been requested “with the goal of safeguarding the fundamental rights and guaranteeing the free exercise of the activities” of the ICJP.

iii) At the meeting held on February 1, 2010, the beneficiaries requested that the Bajo Atrato protection scheme “be complemented by way of police escorts in front of and behind the vehicle at a distance of 10 meters, only in situations where timely notice is given and punctuality respected.” In this regard, the police representative had discussed with the beneficiaries the availability of such measures and suggested a direct contact with the police in the area. Within the implementation framework “of this security measure, meetings [were] carried out to explain the route and to get feedback from police as to security conditions in the area”;

e) In concert with other entities, the State has adopted “material security and protection measures geared at guaranteeing the lives and right to humane treatment of the members” of the ICJP as well as “the exercise of their work in defense of human rights,” and

f) “[T]he risk factors cited by the [Inter-American Commission] lack foundation to show that State actions are the current source of such risks, which is unacceptable [...].”

² Specifically, the State referred to: “[t]en [...] AVANTEL communication devices”; “[t]wenty-five [...] cellular telephones for the ICJP members”; “[o]ne [...] armored vehicle, white in color, as reinforcement for the protection schemes that they currently have in the city of Bogotá”; “[a] [...] late model vehicle, white in color, with escorts in order to get around in the areas of Curvaradó, Apartadó, and Turbo.” As for the maintenance and installation of cameras, the State said that “the Ministry of Justice and the Interior informed us that this will be performed by competent personnel in the second week of February 2010.”

10. The communication of June 7, 2010, and its annexes, whereby the Inter-American Commission presented the information requested in the Secretariat's letter of May 24, 2010 (*supra* Having Seen 8). In this communication, the Inter-American Commission indicated that:

a) "[T]he ICJP's written submission dated May 29, 2010 [that was attached as an annex] was the focus of much consideration; the ICJP in that note gave a detailed response to the questions posed by the Court." The Commission "reiterate[d] what it had already said in its request for provisional measures, as well as in its May 4, 2010 letter (*supra* Having Seen 6)," and that "without detriment to the foregoing" the Commission only "wished to highlight certain points";

b) According to information provided by the ICJP, they maintain "permanent teams in the field (Bajo Atrato, Putumayo, Buenaventura, Meta and Cauca)," as well as teams charged with: "legal, psycho-social, and communications issues, [as well as] administration and coordination with the headquarters in Bogotá," and that these teams accompany those in the field on a permanent basis. Specifically, the Commission indicated that "in all, 56 individuals make up the [ICJP]." To that effect, the Commission attached a list with the names and the "teams" to which each individual belongs;

c) The atmosphere of threats and surveillance that afflicts the organization has followed it to its headquarters in Bogotá, which makes it foreseeable that "an attack against its headquarters or members in that city [could be carried out]." The legal and coordination teams "are pressing forward with complaints and demands at the national and international levels," and they "are the embodiment of the organization's work." The complaints launched by the ICJP have "broken a chain of persecution and harassment against its members that has culminated in kidnappings, planned disappearances, threats against life and limb, as well as smear and stigmatization campaigns." The "[ICJP's] composition and manner of work, including the task of being present in conflict zones, along with the stigma the group has of being opposed to the government and the paramilitaries, makes it such that they find themselves in a high-risk situation." On some occasions, "threats have been directed at particular members of the organization, such as Danilo Rueda, Abilio Peña, Fr. Alberto, and Yimy Jansasoy [*sic*], as well as against team members from Bajo Atrato, Debeiba, Naya, and Putumayo." In this way, "if indeed some ICJP members face extraordinary risks, the rest of the members also face an elevated risk themselves." The "stigmatization campaign, the threats, the invasive intelligence activities spearheaded by the DAS, the public attacks by members of the State [...] [, and] plots against the organization," the majority of the time are directed "against the [ICJP] as an organizational whole." The investigations related to the facts that gave rise to the present request for precautionary measures "are not moving forward," all the while "the protection schemes have not been effectively implemented."

d) Finally, it referred to the "geographical context in which the members of the [ICJP] do their work, the political context as far as the accusations against them are concerned, to the harassment context where surveillance and DAS reports on ICJP actions are concerned, [and to] their alleged

vulnerability regarding the absence of any [State] investigation [...],” by virtue of which the Commission argued its request for provisional measures.

14. The communication of June 23, 2010, and its annex, whereby the Inter-American Commission “transmit[ted]” to the Court a written document from the ICJP that “drew the Commission’s and Court’s attention to new facts alleging threats, harassment, and plans to strike against the life and limb” of ICJP members. In this communication, the Commission signaled that it considered this new information “provided by the potential beneficiaries to confirm yet again the information that had already been available to the Court in the request for provisional measures, as well as previous communications, [according to which] the [ICJP] members find themselves defenseless in a serious situation while their lives and right to humane treatment remain at risk of imminent harm.” The Commission again stressed its request that “provisional measures be adopted in the present case.”

15. The letter from the Secretariat of June 30, 2010 whereby, among other things, the Court requested that the State present its relevant observations on the information proffered by the Inter-American Commission (*supra* Having Seen 14).

16. The letter from the Secretariat of July 6, 2010 whereby, at the State’s request, the Secretariat referred back to the Inter-American Commission’s communication of June 7, 2010 (*supra* Having Seen 10) and assigned a new deadline for the State to present its observations.

17. The brief of July 30, 2010 whereby the State referred to the communications of the Commission dated June 7 and 23, 2010 (*supra* Having Seen 10, 14). In particular, the State noted that:

a) “currently, [ICJP] members have at their disposal material means of protection that to date are in effect and have been implemented by the Protection Program, under the auspices of the Human Rights Division of the Ministry of Justice and the Interior.” The State specified that individual and collective measures³ have been adopted, for which “it does not share the petitioners’ assertion that the protective measures are not being implemented in an effective manner.” The State also highlighted that “some inconveniences or obstacles in implementing these previously-approved measures are attributable to the selfsame beneficiaries and petitioners of the precautionary measures, who in some instances do not submit [...] the necessary documentation in a timely fashion to enable [their] implementation.”⁴

³ In particular, three armored vehicles with one extra vehicle pending; four late model vehicles; a means of river transport, which “is pending until the ICJP presents quotes as to the supply contract for this service”; two means of satellite communication; 26 means of cellular communication; 10 Avantel communication devices; three supports for temporary relocation, although this measure is no longer valid; four domestic air tickets; three closed-circuit televisions, video cameras, color monitors with VCR, a video intercom, and two magnetic locks.

⁴ In this regard, the State indicated that “on February 16, 2010, the members of ICJP were informed that the persons they had proposed as ‘trusted bodyguards,’ did not meet the objective requirements for employment, since even though their resumes indicated that they had experience as drivers, they had no expertise as bodyguards.” Subsequently, the State emphasized that “this is on account of the nature of the Program [of Protection of the Ministry of Justice and the Interior], whose goal is to protect the beneficiary, and it is therefore essential to deal with people who have proven experience in matters of protection and security.” As an alternative, on May 3, 2010, “five resumes were sent to [the ICJP] for bodyguards from the private security company VISE LTDA that were to be studied and

b) The Prosecutor General is moving forward with investigations about which it has kept the Commission abreast with respect to the precautionary measures. In this respect, the State focused on eight of these measures⁵ and emphasized that, pursuant to this Court's jurisprudence, "it is incomprehensible that a supposed delay in the investigations can be sufficient cause to issue provisional measures," and

c) The requirements to enable the issuance of provisional measures by the Court have not been fulfilled in the present case.

18. The Secretariat's letter of September 14, 2010 whereby, pursuant to the instructions of the President of the Tribunal, the Inter-American Commission was asked to present its observations on the State's written brief of July 30, 2010 (*supra* Having Seen 17).

19. The communication of September 13, 2010, and attachment, whereby the Inter-American Commission "reported" to the Court that the Inter-Ecclesial Commission on Justice and Peace "presented new information to the Inter-American Commission [...], in which it made reference to recent threats received by members of this organization." The Commission indicated that, "specifically, [they] mention[ed] alleged threats received by the teams based in Buenaventura and in the department of Cauca[,] which forced them to suspend work in the area, just like the threats received by Danilo Ruedo [*sic*] in Bogotá." Based on the foregoing, the Commission argued that, "the beneficiaries' claims confirm the information that has been proffered before the Court in the request for provisional measures, which tends to show that the members of the ICJP find themselves in a situation of extreme gravity and vulnerability, and that their lives and right to humane treatment remain at risk of imminent harm." The Inter-American Commission attached a written document addressed to them by the ICJP.

20. The communication of September 14, 2010, and attachment, whereby the Inter-American Commission "reported" to the Court that the ICJP "presented new information to the Inter-American Commission [...], in which [the ICJP] declared that [on September 14, 2010], 'a source that wished to remain anonymous reported that a couple weeks earlier state agents [had] received [...] money in exchange for following three members' of the organization.'" The Commission indicated that the ICJP also reported that "on September 12, 2010, members located in Caracolí, in the territory of Curvaradó, 'were harassed, intimidated, and photographed' by paramilitaries." Based on the foregoing, the Commission argued that "the beneficiaries' claims confirm the information that has been proffered before the Court in the request for provisional measures, which tends to show that the members of the ICJP find themselves in a situation of extreme gravity and vulnerability, and that their lives and right to humane treatment remain at risk of imminent harm." The

considered by the beneficiaries [...]," which did not imply that the beneficiaries could not then present "new resumes of other people they trusted that did fulfill the previously established objective requirements." The beneficiaries "selected one [...] of the five and asked to be sent more resumes [...]." They were then sent five more, which are presently being "studied and considered" by the ICJP members.

⁵ "Located 12495-Illegal interceptions A.D.S.", "Located 12753-Illegal interceptions A.D.S."; "Located 110016000049200501561"; "Located 110016000049200918171-Threats Non-Governmental Organizations"; "Located 1100160000627200880065-Kidnapping of Yimi Armando Jansasoy Muñoz"; "Located 196986000633200800314-Case of Baja Naya"; "Located 270016001100200801047-Threats Members Inter-Ecclesial Commission of Justice and Peace", and "Investigation 052346000326200880082".

Inter-American Commission attached a written document addressed to them by the ICJP.

21. The Secretariat's letter of September 16, 2010 whereby, pursuant to the instructions of the President of the Tribunal, it requested that the State present its relevant observations on the Inter-American Commission's communications of September 13 and 14, 2010 (*supra* Having Seen 19, 20).

22. The Secretariat's letter of October 15, 2010 whereby, pursuant to the instructions of the President of the Tribunal, it again requested that the State submit its relevant observations on the Inter-American Commission's communications of September 13 and 14, 2010 (*supra* Having Seen 19, 20, 21).

23. The communication of October 4, 2010 whereby the Inter-American Commission presented its observations on the State's brief of July 30, 2010 (*supra* Having Seen 17, 18). In this communication, the Commission declared that:

a) In the "request for provisional measures the proposed beneficiaries claimed that, despite the precautionary measures through which the State provided cellular and satellite means of communication, late model vehicles, transportation support, and protection schemes complete with armored vehicles for members of the ICJP of Bogotá, the members c[ontinue] to be the target of death and disappearance threats, surveillance[, and] kidnapping[;] their communications [continue to be] intercepted by the [... DAS]; and, there presently exist legal complaints against the members about which the authorities are withholding information." "This situation has not changed at all in the intervening period following the request for provisional measures";

b) "[T]hrough various communications in the months of May, June, and September 2010, [...] [the Commission] has informed the Tribunal as to specific indications that, despite the precautionary measures and other actions the State has undertaken in this framework, such efforts have shown themselves to be inadequate";

c) "[I]t has reported on various threats received recently by members of the ICJP (especially concerning the teams present in Buenaventura and the department of Cauca)[,] which forced them to suspend work in the area[;] on the threats received by Danilo Ruedo [*sic*] in Bogotá and the surveillance of members in general, with specific reference to that of the groups located in Caracolí, territory of Curvaradó." The Commission indicated that "it has likewise reported on alleged 'intelligence offensives' of the DAS against the organization, alleged acts of persecution against them, as well as the current situation the members face in carrying out their work, which has forced them to change their way of life owing to the constant risk they face";

d) "[T]he information proffered by the State in relation to its implementation of the security measures demonstrates, in light of the multiplicity of instances upon which the Commission has reported, that the measures have not been sufficient to respond to the situation of real and imminent risk, nor have they been adequate to protect the lives and right to humane treatment of the beneficiaries. The information presented indicates a

continuity of alleged threats, accusations, intimidation, surveillance, and harassment, as well as a lack of an effective response in investigating these events and in clarifying the status of various criminal complaints on the part of state security agencies," and

e) With the information presented in the present request for provisional measures and in earlier communications, it "considers the requisite situation of extreme gravity and urgency for the issuance of provisional measures to be satisfied in kind, owing to cycles of threats, aggressions, and accusations against the Inter-Ecclesial Commission on Justice and Peace. The nature of the objects threatened – that is, the lives and physical safety of the organization's members, as well as their ability to continue their work in defense of human rights – constitutes a very serious example of irreparable consequences that [the] request for provisional measures aims to avoid. It is on the other hand relevant to consider the contextual analysis of the situation in which the members of the ICJP operate."

24. The State's brief of October 19, 2010 whereby it presented its observations on the communications of the Inter-American Commission of September 13 and 14, 2010 (*supra* Having Seen 19, 20). In this brief, the State indicated that:

a) Regarding the "alleged persistence of impunity in the crimes reported to the authorities," "it does not follow from the beneficiaries' statements, given that there are presently 8 ongoing investigations by the Attorney General into the facts [the members] reported." In this regard, the State reiterated the information presented in its brief of July 19, 2010, received by the Secretariat on July 30, 2010 (*supra* Having Seen 17), where it referred to the status of investigations currently open in the case;

b) "[I]t is astonished to find that in the beneficiaries' brief they again claim that: 'impunity persists in the crimes reported,' [owing to] [the State's] inability to identify the parties responsible for the conduct, nor the end goals that motivated their commission." The State remarked that "it must be acknowledged that even though there may have been some obstacles in the conduct of the investigations, independent of the State's will, that have not allowed it to move forward swiftly in search of answers, it cannot be said from this that the State [...] is bringing about impunity." The State noted that pursuant to the Court's jurisprudence, the obligation to investigate refers primarily to means rather than results. It therefore affirmed that it is undertaking "all the activities necessary" and that it has done "all [that it can] to guarantee the proper procedural administration of [the ongoing] investigations";

c) "[I]t has held various meetings to monitor and coordinate the precautionary measures with the objective of hearing the beneficiaries' concerns and harmonizing the measures that are to be implemented." In this sense, on September 14, 2010, "a meeting was held in the Human Rights and International Humanitarian Law Division of the Ministry of Foreign Relations, in which among other topics the political character of the measures requested by the members of [the ICJP] was discussed";

d) It "informed the beneficiaries that the National Government had flatly prohibited accusatory remarks on the part of State officials directed at human

rights defenders,” and it “has emphatically condemned any events tending to harm in any way those who engage in this type of work,” and

e) It reiterated its position that “in the present matter the requirements for ordering provisional measures have not been met, considering that the precautionary measures requested by the Inter-American Commission [...] are being fulfilled by the State, which has responded effectively to the situation of risk that the members of the ICJP face.”

CONSIDERING:

1. Colombia has been a party to the American Convention since July 31, 1973, and, pursuant to Article 62 of the same, recognized the contentious jurisdiction of the Court on June 21, 1985.

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

3. In the terms of Article 72 of the Rules of Procedure of the Court:

1. At any stage of proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable harm to persons, the Court may, on its own motion, order such provisional measures as it deems appropriate, pursuant to Article 63(2) of the Convention.

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

[...]

5. The Court, or if the Court is not sitting, the Presidency, upon considering that it is possible and necessary, may require the State, the Commission, or the representatives of the beneficiaries to provide information on a request for provisional measures before deciding on the matter requested.

[...]

4. The Court has indicated that provisional measures are of a dual nature: one precautionary and the other protective.⁶ The precautionary nature of provisional measures is linked to the framework of international disputes. In that sense, these measures seek to preserve rights at risk until such time as the controversy is resolved. The object and goal of the measures are to ensure the integrity and effectiveness of the decision on the merits, and thus to avoid disturbing the specific rights at issue, creating a situation that could render moot or otherwise distort the applicability of the final decision. Provisional measures permit this in order that the

⁶ Cf. *Case of Herrera Ulloa v. Costa Rica* (“La Nación” Newspaper). *Provisional Measures regarding Costa Rica*. Order of the Inter-American Court of Human Rights of September 7, 2001. Considering clause four; *Matter of Belfort Istúriz et al. Provisional Measures regarding Venezuela*. Order of the Inter-American Court of Human Rights of April 15, 2010, Considering clause six; and, *Case of the Caracazo v. Venezuela. Provisional Measures regarding Venezuela*. Order of the Inter-American Court of Human Rights of May 28, 2010, Considering clause four.

State in question may fulfill the final decision's mandate and, if necessary, to make the necessary reparations.⁷ As to the protective nature of provisional measures, this Court notes that provisional measures transform into true guarantee of a preventive and legal character,⁸ as they seek to protect human rights while also endeavoring to avoid irreparable harm to persons.⁹

5. As with both the preventive and the precautionary dimensions, litigants seeking provisional measures must fulfill the three requirements listed in Article 63(2) of the Convention, to wit: i) "extreme gravity"; ii) "urgency"; and iii) that they seek to "avoid irreparable harm to individuals." These three conditions are coexistent and must be present in all situations in which the Tribunal's intervention is requested.¹⁰

6. Regarding the issue of gravity, for the purposes of the adoption of provisional measures, the Convention requires that it be "extreme"; that is, that the seriousness must be at its most intense or highest level. The urgent nature implies that the risk or threat involved is imminent, which requires that the response to correct it be immediate. Finally, regarding damages, there must be a reasonable probability that such damages will materialize, and liability must not be limited to damage to repairable property or legal interests.¹¹

7. When dealing with a request for provisional measures, the Court cannot consider the merits or any argument that is not strictly related to the extreme gravity, urgency, and need to avoid irreparable damages to persons. Such extraneous issues may only be brought before the Court as a traditional contentious case.¹²

⁷ Cf. *Matter of El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela*. Order of the Inter-American Court of Human Rights of February 8, 2008, Considering clause seven; *Matter of Belfort Istúriz et al.*, *supra* note 6, Considering clause six; *Case of the Caracazo*, *supra* note 6, Considering clause four.

⁸ Cf. *Case of Herrera Ulloa v. Costa Rica ("La Nación" Newspaper)*, *supra* note 6, Considering clause four; *Matter of Gladys Lanza Ochoa. Provisional Measures regarding Honduras*. Order of the Inter-American Court of Human Rights of September 2, 2010, Considering clause six; and, *Matter of the Araguan Correctional Facility "Tocorón Prison."* *Provisional Measures regarding Venezuela*. Order of the Inter-American Court of Human Rights of November 1, 2010, Considering clause six.

⁹ Cf. *Matter of El Rodeo I and El Rodeo II Judicial Confinement Center*, *supra* note 7, Considering clause eight; *Matter of Gladys Lanza Ochoa*, *supra* note 8, Considering clause seven; and, *Matter of the Araguan Correctional Facility "Tocorón Prison,"* *supra* note 8, Considering clause six.

¹⁰ Cf. *Case of Carpio Nicolle et al. Provisional Measures regarding Guatemala*. Order of the Inter-American Court of Human Rights of July 6, 2009, Considering clause fourteen; *Case of 19 Tradesmen v. Colombia. Provisional Measures regarding Colombia*. Order of the Inter-American Court of Human Rights of August 26, 2010, Considering clause two; and, *Matter of the Araguan Correctional Facility "Tocorón Prison,"* *supra* note 8, Considering clause eight.

¹¹ Cf. *Matter of the Monagas Judicial Confinement Center ("La Pica"), Yare I and Yare II Correctional Facilities (Yare Prison), Central-West Regional Correctional Facility (Uribana Prison), and El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela*. Order of the Inter-American Court of Human Rights of November 24, 2009, Considering clause three; *Matter of Wong Ho Wing. Provisional Measures regarding Peru*. Order of the Inter-American Court of Human Rights of May 28, 2010, Considering clause six; and, *Case of De La Cruz Flores v. Peru. Monitoring Compliance with Judgment and Provisional Measures*. Order of the Inter-American Court of Human Rights of September 1, 2010, Considering clause seventy-two.

¹² Cf. *Matter of James et al. Provisional Measures regarding Trinidad and Tobago*. Order of the Inter-American Court of Human Rights of August 29, 1998. Considering clause six; *Matter of the Communities of Jiguamiandó and Curbaradó. Provisional Measures regarding Colombia*. Order of the Inter-American Court

a) Request for Provisional Measures

8. The Inter-American Commission has said that since September 8, 2003, precautionary measures were granted in favor of the members of the Inter-Ecclesial Commission on Justice and Peace and that although the State has adopted some “tough” protection measures, these have not been sufficient to protect the lives and right to humane treatment of the beneficiaries.

9. For its part, the State made reference on three different occasions to the precautionary measures implemented while this matter has been pending before the Inter-American Commission (*supra* Having Seen 9, 17, 24).

10. The request for provisional measures on behalf of the Commission is based on four main points: 1) the alleged intelligence activities against the ICJP and its members; 2) the alleged framing of various ICJP members; 3) the alleged accusations and smear campaigns against the organization, and 4) the alleged threats and attempts against the right to humane treatment of various ICJP members (*supra* Having Seen 2). Based on the facts indicated with respect to each one of these points, the Commission opined that a situation of extreme gravity and urgency did indeed exist, along with the need to avoid irreparable harm.

11. In this regard, the Court finds that the analysis of the facts and allegations of the Commission relating to points 1, 2, and 3 of the preceding paragraph would be subject to examination in potential contentious case proceedings were such proceedings to be commenced. This Court has already stated that a ruling on the merits of the case may be achieved by way of a judgment in normal contentious case proceedings, and not through a request for provisional measures.¹³ Furthermore, the Court finds that these allegations do not meet the requirements for the award of provisional measures pursuant to Article 63(2) of the Convention.

12. Consequently, in the analysis of the present request for provisional measures, the Court will not consider the above factual allegations due to the impossibility of entering into a discussion of matters more properly addressed during contentious case proceedings.

b) Existence of Alleged Threats and Attempts Against Personal integrity

13. The Inter-American Commission has also based its request for provisional measures on the existence of alleged threatening acts and attempts against the right

of Human Rights of August 30, 2010, Considering clause six; and, *Matter of Gladys Lanza Ochoa*, *supra* note 8, Considering clause seven.

¹³ Cf. *Matter of James et al.*, *supra* note 12, Considering clause seven; *Matter of the Communities of Jiguamiandó and Curbaradó*, *supra* note 12, Considering clause seven; and, *Matter of Gladys Lanza Ochoa*, *supra* note 8, Considering clause seven.

to humane treatment of various ICJP members. In its request, the Commission referred generally to this point, arguing that "the beneficiaries have continued being the target of threats, accusations, surveillance, and harassment," while it particularly referred to various specific alleged acts against some persons apparently belonging to the ICJP. The Commission noted the continued impunity in the investigations in which "[members of the ICJP] are being accused [as well] as in the inquiries into the threats and harassment they have suffered" (*supra* Having Seen 2).

14. The President of the Court requested that the Commission (*supra* Having Seen 8) provide the names of the ICJP members that it considered to be in need of protection via provisional measures and the particular situation of extreme gravity and urgency in avoiding irreparable harm that each of them face. In this regard, the Inter-American Commission sent a letter from the ICJP that, in its opinion, gave a "detailed response to the Court's request," and which limited itself to "highlighting some points." Among them, the Commission stated that the ICJP has 56 members spread among different work groups (*supra* Having Seen 10). Attached to its communication, there was a list with the names of the employees and the group to which they belonged. However, the Commission did not adequately satisfy the President's requirement concerning specifically describing each person's situation of extreme gravity and urgency in avoiding irreparable harm. In general terms, the Commission reiterated information already present in its request for provisional measures (*supra* Having Seen 2).

15. The Court notes that by way of the Commission's May 4, 2010 communication (*supra* Having Seen 6), it apprised the Court of "new information" presented by the ICJP concerning, among other things, alleged facts in relation to some persons apparently belonging to the ICJP. Furthermore, through the communication of June 23, 2010 the Commission "transmitted" to the Court a letter from the ICJP in which it referred to "new instances" of threats, harassment, and alleged plans to make attempts against the life and limb of the ICJP members. Without further argument, the Commission indicated that the content of the ICJP's letter confirmed that its members "find themselves in a situation of utmost gravity and vulnerability, while their lives and right to humane treatment remain in risk of imminent harm" (*supra* Having Seen 14).

16. By the same token, through its letters of September 13 and 14, 2010 (*supra* Having Seen 19, 20), the Inter-American Commission "informed" the Court that the ICJP had made it aware of new facts essentially amounting to alleged threats, harassment, and intimidation against some of its members. The Inter-American Commission did not specify who these people were except for having mentioned Mr. Danilo Rueda. The Commission also neglected to specify the nature of these acts or when they were carried out, even in the case of Mr. Rueda. The Commission also "informed" the Court of the ICJP's position that state agents received "economic support in order to carry out surveillance on three members of the organization," but did not provide the Court with any more information. Having regard for the foregoing, the Commission stressed that "the members of the Inter-Ecclesial Commission on Justice and Peace find themselves in a situation of utmost gravity and vulnerability, while their lives and right to humane treatment remain in risk of imminent harm."

17. In this regard, the Court considers it relevant to remind the parties that the mechanism for provisional remedies requires showing that the conventional benchmarks of gravity, urgency, and irreparability of harm indicated in Article 63(2)

of the Convention are met (*supra* Considering clause 2) with regard to persons for whom such measures are being sought. In this sense, the Court has already said that in accordance with the Convention and the Rules of Procedure, the burden of proving these *prima facie* requirements rests with the petitioner¹⁴ who, in this case, is the Inter-American Commission.

18. The Court observes that the Inter-American Commission has referred in general terms to facts according to which the members of the ICJP allegedly have been the target of threats, surveillance, and attempts on their lives, among others, without specifying who these members are, nor when or how these events may have occurred.

19. Now, the Commission has mentioned some acts apparently committed against some persons who may be members of the ICJP. Yet, the Court observes that according to the list sent by the Commission as to the members of the ICJP (*supra* Having Seen 10), Messrs. Yimy Jansasoy, Javier Giraldo, S.J., and Iván Cepeda are not members of the same, and therefore the Court cannot consider the facts as argued for the purposes of assessing the Commission's request for provisional measures.

20. As it relates to facts concerning members of the ICJP, the Inter-American Commission alleged generally that Messrs. Danilo Rueda, Abilio Peña, and Alberto Franco have been the target of threats without providing concrete examples. The Commission also indicated that Mr. Danilo Rueda had been accused of procedural fraud "with the goal of discrediting him," and that Mr. Alberto Franco had been accused of being a terrorist and of having committed murder and discrimination, without argument or providing more input as to how that places them in a situation of extreme gravity, urgency, and facing the threat of irreparable harm so as to warrant the adoption of provisional measures in their favor.

21. With respect to the Commission's allegations that the investigation of alleged threats is being carried out in an environment of impunity, the Court stresses that, according to its jurisprudence, an analysis of a party's effectiveness in properly investigating the facts giving rise to provisional measures corresponds to an examination of the case on the merits,¹⁵ thus rendering it peripheral to the Court's consideration in the present case.

22. From the above, the Court finds that given the information submitted by the Commission, all of the requirements of Article 63(2) of the Convention and Rule 27 of the Rules of Procedure have not been met. Thus, the request for provisional measures submitted by the Commission must be denied.

23. Notwithstanding this determination, the Court reminds the parties that States are under a constant and permanent duty to fulfill the general obligations that

¹⁴ Cf. *Matter of Belfort Istúriz et al.*, *supra* note 6, Considering clause five; *Case of the Caracazo*, *supra* note 6, Considering clause eight; and, *Matter of Four Ngöbe Indigenous Communities and its Members. Provisional Measures regarding Panama*. Order of the Inter-American Court of Human Rights of May 28, 2010, Considering clause eleven.

¹⁵ Cf. *Matter of Monagas Judicial Confinement Center ("La Pica")*. *Provisional Measures regarding Venezuela*. Order of the Inter-American Court of Human Rights of July 3, 2007, Considering clause twenty-three; *Matter of Ramírez Hinojosa et al. Provisional Measures regarding Peru*. Order of the Inter-American Court of Human Rights of February 3, 2010, Considering clause twenty-seven; and, *Matter of Wong Ho Wing*, *supra* note 11, Considering clause nine.

correspond to them under Article 1(1) of the Convention, respecting the rights and freedoms recognized therein and guaranteeing their free and full exercise to all persons under their jurisdiction.¹⁶ In this regard, States have the particular obligation to protect those persons who work in non-governmental organizations, to provide effective and adequate guarantees to human rights defenders so that they may freely carry out their activities, and to avoid actions that limit or impede such work. Human rights advocacy constitutes a positive and complementary contribution to the State's own efforts as guarantor of the rights of all persons under its jurisdiction.¹⁷ Accordingly, the prevalence of human rights in a democratic state depends largely on the respect and freedom afforded to these defenders in their work.¹⁸

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

By virtue of the authority conferred upon it by Article 63(2) of the American Convention on Human Rights and Articles 27 and 31 of the Rules of Procedure of the Court,

DECIDES:

1. To reject the request for provisional measures filed by the Inter-American Commission on Human Rights for the members of the Inter-Ecclesial Commission on Justice and Peace.
2. To order that the Secretariat serve notice of the present Order on the Inter-American Commission on Human Rights and the State of Colombia.

¹⁶ Cf. *Case of Velásquez Rodríguez. Provisional Measures regarding Honduras*. Order of the Court of January 15, 1988, Considering clause three; *Case of Belfort Istúriz et al.*, *supra* note 6, Considering clause twenty-one; and, *Matter of Four Ngöbe Indigenous Communities and its Members*, *supra* note 14, Considering clause eighteen.

¹⁷ Cf. *Case of La Pica*, *supra* note 15, Considering clause fourteen; *Case of the Caracazo*, *supra* note 6, Considering clause seven; and, *Matter of Gladys Lanza Ochoa*, *supra* note 8, Considering clause seventeen.

¹⁸ Cf. *Case of Lysias Fleury. Provisional Measures regarding Haiti*. Order of the Inter-American Court of Human Rights of June 7, 2003, Considering clause five. See also Resolution 2412 (XXXVIII-O/08) of the General Assembly of the Organization of American States; Resolution 1842 (XXXII-O/02) of the General Assembly of the Organization of American States.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary