

**ORDER OF THE ACTING PRESIDENT
OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS
OF MAY 2, 2014**

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

MATTER OF DANILO RUEDA

HAVING SEEN:

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") of April 23, 2014, wherein it filed a request for provisional measures, pursuant to Articles 63(2) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") and Article 27 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"), before the Inter-American Court of Human Rights (hereinafter "the Inter-American Court," "the Court," or "the Tribunal"), in order to require the Republic of Colombia (hereinafter "Colombia" or "the State") to "protect the life and personal integrity of human rights defender Danilo Rueda," member and Director of the Inter-Church Justice and Peace Commission, given the various events that it reports took place. The Commission requested the Court to "urgently issue provisional measures" in favor of said person, and requested, "the President in office [...] of the Court who has the power to issue, exceptionally, urgent measures established in Articles 2[7].6 of the Rules of Procedure." Moreover, the brief of April 26, 2014, wherein the Inter-American Commission reported that on April 24, 2014, "the place where Mr. Danilo Rueda lives and where part of his family works, [...] had been attacked with pellets that hit the security panes." As such, it "reiterat[ed] its request to implement the procedure established in Article 27(6) of the Rules of Procedure of the Court and urgent measures be ordered to protect the life and personal integrity of Mr. Danilo Rueda, in order to, pursuant to the Rules of Procedure, assure the effectiveness of the provisional measures that the Court will eventually ratify."

2. The facts that, pursuant to the Commission, form the grounds for the request for provisional measures:

- a) Mr. Danilo Rueda "is a human rights defender and founding member of the CIJP (for its acronym in Spanish) [Inter-Church Justice and Peace Commission], which has represented groups of persons that have been the beneficiaries of precautionary and provisional measures, and has also represented victims in the *Case of the Afro-Descendant Communities displaced from the Cacarica River*

Basin (Operation Genesis) [,] and is also part of the 'Colombians for Peace Movement'[...]. This situation has notably increased the existent risk for work carried out as Director of the CIJP [Inter-Church Justice and Peace Commission]";

- b) In Colombia, human rights defenders "continue to face serious abuses to their rights perpetrated by the parties involved in the conflict and aimed at silencing their complaints." According to the Commission, in this context, since 2002, it has received information "about a series of attacks and harassment against members of CIJP[,] which have continued until today." In view of the abovementioned, on September 8, 2003, the Commission granted precautionary measures on behalf of the members of that organization. From the various reports submitted under the current precautionary measures, "there is clearly a situation of continuous and ongoing risk to the detriment of CIJP,¹ and particularly against Mr. Danilo Rueda," who because of his role in the organization² "has been particularly visible in national and international forums";

¹ Specifically, the Commission noted, among other things, that: i) in 2002, Mr. Danilo Rueda received a message that labeled him as a "military target" and another message that said "Danilo Rueda QEPD. Colombian Anticomunist against Guerilla auxiliaries [...]"; ii) in 2004, the members of the CIJP reported that they had received a call from an unknown person that stated "tell the people from Justice and Peace that they will be returned in pieces [...]"; iii) in 2005, Mr. Danilo Rueda received a threat that stated "Defenders of Narcoterrorists Q.E.P.D. we will not allow the oppressive chains of the guerilla terrorists to return to the region [...]" and another in the mailbox at his home that stated "We invite you to participate in an event of great joy. Burial of Justice and Peace." That same year a complaint was filed for the alleged forced disappearance of five members of the CIJP, as well as "the opening of the criminal investigation" against Mr. Danilo Rueda, among others, accused of collaborating with the guerrilla; iv) in 2006, a series of criminal complaints against members of the organization were reported, wherein the objective was to use the judicial system to limit work in defense of human rights; v) in 2008, information was received in regard to at least four death threats or warnings against the CIJP, as well as information from an anonymous person whom on September 3, had tried to make Abilio Peña and Danilo Rueda disappear; vi) in 2009, complaints were filed about illegal intelligence activities, as well as other indications and threats against the CIJP; vii) on September 8, 2010, a motorcyclist had approached Mr. Danilo Rueda, brushing against his body with the right rearview mirror and threatening him. That year, among other incidents against the members of the CIJP, "a source that wished to stay anonymous" reported that State agents had received money from a woman to follow Mr. Danilo Rueda [...]; viii) on February 18, and March 3, 2011, two men in a motorcycle monitored Mr. Danilo Rueda's home; ix) on March 9, 2011, by means of a news broadcast, Mr. Danilo Rueda, among other members of the CIJP, were accused of being responsible for murders in the Apartado region; x) on April 13, 2011, unknown persons had followed members of the CIJP and then after going to Mr. Rueda's apartment and ringing the bell, hid in the car; xi) on May 13, 2011, Mr. Danilo Rueda's home was raided allegedly to extract information on the work he carried out in CIJP, specifically, information on extradited paramilitaries; xii) in 2011, information was brought forth about several events involving warnings and threats against members of the CIJP; xiii) on October 20, 2012, Mr. Danilo Rueda had been followed by a white truck near his home, when he went to the CIJP headquarters; xiv) in 2012, other threats and incidents involving surveillance against members of the CIJP; xv) on February 11, 2013, a communication addressed to the Inter-American Court and Commission, as well as the Ambassador to the United States in Colombia, where the CIJP is accused of "procedural fraud" and of representing the guerilla in the international realm. Specifically, it noted that Mr. Danilo Rueda had forced the displaced community to declare against the XVII Army Brigade xvi) on February 25, 2013, Mr. Danilo Rueda was watched by two people near a motorcycle; xvii) on February 27, 2013, after Mr. Danilo Rueda entered the CIJP headquarters, there was evidence that a from a public service taxi pictures were taken by people in the vehicle; xviii) on August 22, 2013, it was reported that two men grabbed Mr. Danilo Rueda from behind, and while one hit him on the head, the other stated "Guerrillero. Death to those with Justice and Peace," and xix) in 2013, information was reported on alleged threats, monitoring, and attacks against members of CIJP.

² Has been accompanying community processes in Afro descent, indigenous, and mestizo communities and organizations affected by the armed conflict in several regions in the country. [...] Mr. Danilo Rueda is also part of the "movement of Colombians for Peace" and from that position has made efforts to end the armed conflict through the search for truth and justice for victims of human rights violations in Colombia. [...] H]e has dialogued with paramilitaries extradited in the United States or who have benefited from the Law 975 of 2005 and have indicated their intention to provide information in the

- c) as a result of the precautionary measures granted by the Commission, Mr. Danilo Rueda has faced the risk under a protection scheme of collective nature granted by Colombia to all members of the CIJP.³ According to the information received, "although there have been sequence of harassments and attacks against Mr. Danilo Rueda, 'there has been no assessment and reassessment by the [National Protection] Unit of the protection scheme' given his specific case."⁴ In view of the worsening of the situation, as of March 8, 2013, the Commission requested the State to "strengthen the protection measures [... s]pecifically, in favor of [...] Danilo Rueda, Director of the Organization";
- d) on April 4, 11 and 22, 2014, the Commission received information according to which Mr. Danilo Rueda had received new threats and harassment to which the CIJP asked the Inter-American Commission to request provisional measures in his favor. Within this information, the ongoing harassment against several members of the CIJP is alleged. The Commission said it has identified a particular incidence and increase in the threats with a notable increase specifically against Danilo Rueda. In particular, it noted that:
- i. on January 16, 2014, in the city of Neiva, "unknown persons left a threat in the mail box of Mr. Danilo Rueda's family home. The message said 'Tell your brother to take care. He was very careless when visiting his family. They are not bothering. They are very aware. We know his friends do things for the good of the people. I do not participate in the bad. Tell him to take care.' According to the petitioners, while Mr. Danilo Rueda was in that city, the National Protection Unit did not respond to facilitate a protection scheme ";
 - ii. on February 28, 2014 "a man and a woman left a note in a mailbox which said 'keep fucking with letters, you'll be dead like your dad,' referring to Mr. Danilo Rueda, who in recent days had lost his father;"
 - iii. on March 8, 2014 "the protection scheme had identified in the city of Neiva a new monitoring scheme for Mr. Danilo Rueda. The person who was stalking him was allegedly 'delivering reports on the defender's movements and taking photographic records'";

construction of the truth regarding the conflict. This has significantly increased the risk he was already exposed to due to his work."

³ The Commission noted that, "in the context of the precautionary measures for CIJP, the State in its latest report of January 23, 2014, noted that the Commission on Risk Assessment and Risk Management - CERREM- approved: i) 23 means of communication (confirm 13 cell phones and adjust 10 avanteles that need to be changed for 10 cellular means of communication); ii) reassign an armored vehicle and an unarmed security guard to the city of Bogotá for Father Franco; iii) confirm 3 conventional vehicles on terrain and four armored vehicles in the city of Bogota; iv) 5 additional men to protect the armored vehicles that are in the city of Bogotá, who are 'pre-approved' until CIJP accepts them. It was also reported that the police continue with the completion of rounds at the CIJP headquarters."

⁴ According to the Commission, under the collective protection scheme, Mr. Danilo Rueda used an armored vehicle with a driver and an escort shared with other members of CIJP who are also face risk. However, as a result of his work, Mr. Danilo Rueda frequently travels to different regions of the country, especially Atrato, Cauca, Putumayo, Buenaventura and Neiva, in which there is a "gap in protection" since the National Protection Unit does not guarantee the conditions for the protection scheme to carry out duties in cities where Mr. Danilo Rueda travels.

- iv. on March 17, 2014 “on three occasions, a man ‘with a military-style’ had monitored Mr. Danilo Rueda’s journalistic activity while developing the Agrarian Summit. The protection scheme monitored two men who prowled the area where Mr. Rueda ate lunch. One of the escorts heard ‘that’s the human rights guy’ and upon trying to make contact, they scurried through the Chapinero sector in Bogotá”;
 - v. on March 19, 2014, unknown persons sent threats via text messages to the phone numbers of three members of the CIJP, which included Mr. Danilo Rueda’s number. The content of the messages, including those received by his peers, made clear reference to Mr. Danilo Rueda⁵;
 - vi. previous messages were preceded by two electronic emails that also referenced Mr. Danilo Rueda and his recent activities. In one of the emails, reference was made to the stalking of Mr. Danilo Rueda, as photographs from his phone both personal and related to his work in human rights were included. In the other mail, specific reference was made to Mr. Danilo Rueda’s activities in Buenaventura, a city that had recently been identified in the media for its alarming rates of violence and the existence of “chop houses” in which alleged paramilitaries committed murders and dismemberment of people who ignore the rules of “social control” imposed by them;
 - vii. on Thursday April 3, 2014, two persons in civilian clothes followed Danilo Rueda, after he left the organization’s headquarters in Bogotá. These persons were finally “persuaded” by the assigned protection scheme, and
 - viii. on April 22, 2014, while Mr. Danilo Rueda was in the city of Buenaventura carrying out activities related to the creation of a humanitarian space in Barrio La Playita, a person took a machete and approached to attack him. This person belonged to an armed group and ran upon seeing that people came to protect Mr. Danilo Rueda.
- e) on April 24, 2014 “the home where Mr. Danilo Rueda was living and where part of his family worked, [...] was attacked with pellets that impacted the security window panes. This took place precisely in the place in which he was watched and followed by unknown persons in civilian clothes and where one of many death threats received in recent weeks was left,” and
- f) finally, the Commission stated that, “in terms of the investigations carried out in order to reduce the risk, the State reported that the inquiries related to members of the CIJP were reassigned to Prosecutor’s Office 32 and in the Sectional Office of the Prosecutor’s Office of Quibdó³ the nine complaints were assigned to the Fifth Prosecutor’s Office of Ríosucio, Chocó. The State reported on a total of 30 that have accumulated a total of more than 100 processes related to investigations in which ‘criminal matters’ have been reported for facts against the CIJP during the term of the precautionary measures.

⁵ It was reported that: i) Mrs. Carolina Zamora, received a message that said, “*hahaha, your defender is going to be buried by the gd guerrillero warn him (sic) do you like our messages*”; ii) Mr. Abilio Peña had received a message that said “*A month ago, father left, now his son guerrillero gd we know everything about him [sic]*”; on his behalf, iii) Mr. Danilo Rueda had received a message that said “*Goddamn guerrillero dead frog best of luck returning to the cemetery (sic)*”.

Moreover, it reported on 10 criminal cases in which members of the CIJP have been mentioned for crimes involving 'slander'; 'membership in paramilitary groups' and 'False Accusations.' The Commission does not have specific results to date of the investigations of the attacks and stalking of defender Danilo Rueda. In this regard, the sources of the risk, even after the threats that took place twelve years ago, have still not been clarified and as a result, properly confronted."

3. The Commission's arguments that form the basis for the request for provisional measures, namely:

- a) "the information provided shows the existence of a situation of extreme gravity and urgency, and an imminent risk that a irreparable harm to the rights to life and the personal integrity of Mr. Danilo Rueda take place, specifically aggravated given his position as a human rights defender. This situation is evident given: i) the general context of risk faced by human rights defenders in Colombia and the proposed beneficiary's membership in the CIJP, an organization whose members have remained in a situation of aggravated risk throughout the years; ii) the continuance of stalking, threats, and harassments aimed specifically at Mr. Danilo Rueda since 2002 to date, and iii) the gravity of the recent facts which reflect resurgence of the risk against Mr. Danilo Rueda. Therefore, the Commission considers that the facts at hand, taken as a whole and assessed in light of the serious context of risk faced by members of the CIJP and the situation faced by human rights defenders in Colombia, allow for the consideration, under the *prima facie* assessment standard, that human rights defender Danilo Rueda faces the highest level of risk;"
- b) in regard to the serious risk faced by members of the CIJP, "[a]fter an assessment of the nature of the attacks within the Colombian context itself, the Commission has considered that acts of aggression and harassment perpetrated against [them] result in a situation of imminent risk of irreparable harm to their rights, which has led to the granting of precautionary measures by the Commission, and whose duration has lasted more than 10 years given the persistence of the urgency, severity, and risk of irreparable harm;"
- c) "[t]he Commission highlight[ed] the gravity and intensification of the recent events reported within the last 4 months, as they involve a severe increase in threats, both in number and in scope and content: they involve death threats, an attack by alleged paramilitaries with a machete, and stalking and intimidation indicating that the perpetrators know the location of the residence of his family, his movements to both the headquarters of the organization and to other regions of the country, his telephone number, his email and photographic records of both his business and personal activities;
- d) the Commission "has exhausted all means within its reach to protect the members of the CIJP, including the mechanism of 'increasing' the precautionary measures and requesting that the State strengthen the measures of protection on behalf of Mr. Danilo Rueda. [Notwithstanding], Mr. Danilo Rueda has been a victim of continuous threats and harassment for more than 12 years and, in what has lapsed of 2014, at least 10 events have taken place that include direct death threats and seriously intimidating acts that have been addressed specifically at him. These circumstances show that the collective measures of

protection have not been effective in dissuading and effectively protecting Mr. Danilo Rueda, who clearly faces an elevated risk and requires the adoption of individual measures of protection stemming from a serious and qualitative diagnostic of the risk he faces.”⁶ In this sense, the State “has not adopted specific measures nor carried out an assessment on the adequacy and effectiveness of the measures in order to effectively protect Mr. Danilo Rueda from the risk he faces, given his specific circumstances. Specifically, it is the increase in the amount of risk –which now encompasses not only his workplace in Bogota, but also the places he visits, his home and that of his family members- which demonstrate that the adopted measures have not been effective [...],” and

- e) “[t]he Commission understands that the intensification of the death threats and stalking he has undergone in 2014, given his defense work that may be considered particularly adverse to the interests of multiple actors in the armed conflict, constitute a clear message that the risk can materialize under the precautionary measures.”

4. The request of the Commission for the Court, based on Article 63(2) of the American Convention and Article 27 of the Rules of Procedure of the Court, to require that the State:

- a) “[a]dopt immediate measures to individually protect Mr. Danilo Rueda, without territorial limitations, pursuant to the requirements of the beneficiary in order to avoid the materialization of death threats against him and ensure the continuity of his work as an advocate for human rights”;
- b) “[e]stablish a quick and effective mechanism for assessing the risk faced by Mr. Danilo Rueda, that allows for qualitatively identifying the current sources of risk and, consequently, taking the appropriate protective measures against them”;
- c) “[a]dopt other measures, in consultation with [Mr. Danilo Rueda], that allow for the public destigmatization stemming from the highest levels of government of Mr. Danilo Rueda’s work as a human rights defender and as Director of the CIJP,” and
- d) “[c]ome to an agreement with [Mr. Danilo Rueda] of the implementation of provisional measures.”

5. The Commission’s request to the “President in office of the [...] Court who holds the power to order, exceptionally, urgent measures established in Article 2[7].6 of the Rules of Procedure” to protect the life and personal integrity of Mr. Danilo Rueda,” in order to, pursuant to such Rules of Procedure, ensure the effectiveness of the provisional measures that the Court will eventually ratify.”

⁶ According to the Commission, “[s]pecifically regarding this point, it is necessary to discuss the effectiveness of the actions taken by the State to protect the proposed beneficiary. The Commission notes that in his capacity as member of the CIJP, Mr. Danilo Rueda has used the protection scheme for members of the CIJP. Given the collective nature of such a scheme, the measures have been subject to certain limitations due to their use by other members of the organization who are also at risk. This has meant that Mr. Danilo Rueda deals with situations where he is defenseless, and this has increased the perpetration of new threats and surveillance, particularly during his travels to other areas of the country where a protection scheme is not authorized. It is precisely at times of travel that Mr. Danilo Rueda faces a situation of extreme risk [...].”

6. The Secretariat's note of April 25, 2014, whereby, pursuant to the instructions of the Acting President of the Court in this case, requested that the State, in a non-extendable deadline of May 2, 2014, submit the observations it deemed relevant to the request for provisional measures filed on April 23, 2014 (*supra* Having Seen clause 1), as well as any additional information it considers relevant to Mr. Danilo Rueda's situation. Furthermore, the Secretariat's note of April 28, 2014, by which, given the information provided by the Commission in a brief of April 26, 2014 (*supra* Having Seen clause 1), following the instructions of the Acting President of the Court, requested that the State, in a non-extendable deadline of April 30, 2014, submit any observations it deemed relevant to that brief, as well as on the brief submitted on April 23, 2014.

7. The brief of the State of May 2, 2014, wherein the State provided its observations to the brief filed by the Inter-American Commission. Pursuant to said brief, the State noted that:

- a) "efforts have been made to safeguard the right to life and personal integrity of the beneficiaries of the precautionary measures adopted by the Commission, including Mr. Danilo Rueda, through a process of negotiation in which the petitioners, the beneficiaries, and competent authorities have participated." According to the State, throughout the various occasions the precautionary measures were discussed, "although there has been a request to strengthen the measures of protection, the beneficiary organization has not expressed a need for individualized protection schemes." However, "the State has taken note of the communications referencing threats against Mr. Danilo Rueda and [...] has proposed a meeting with the beneficiary organization [...] for [...] May 2, 2014, in order to find a joint solution to the situation and to agree upon matters relating to the implementation of the measures to individually protect said beneficiary." Thus, the risk faced by members of the Inter-Church Justice and Peace Commission "will have been dealt with[...] in the request for precautionary measures[...]"
- b) according to information from the National Protection Unit, among the collective measures provided "per the request of [the Inter-Church Justice and Peace Commission], there are currently eight (8) [protection...]schemes." "Specifically, regarding Mr. Danilo Rueda's situation, the National Protection Unit said that it has met on several occasions and that one of these schemes can be used by Mr. Danilo Rueda when he travels to the city of Neiva." Moreover, the National Unit has moved forward "in order to assess Mr. Rueda's risk, in order to take action[...]" On the other hand, the State reported that the National Police "is implementing preventive security measures consisting of rounds and reviews by police at the headquarters of the Inter-Church Justice and Peace Commission, located in the city of Bogota." It also noted that "the members of the Human Rights Office of the Metropolitan Police of Bogotá carry out activities to verify compliance with the security measures given and carried out by the stations." Given the alleged threats against Mr. Danilo Rueda in the city of Neiva, the National Police said that "[a] telephone number was provided to the [CIJP] from the Human Rights Office in order to assess and come to an agreement with Mr. Danilo Rueda about preventive security measures [*sic*], but that as of [March 13, 2014] it has not been able to make contact with the beneficiary [...]" Regarding the alleged attack with pellets at Mr. Rueda's home on April 24, 2014, the State

reported that these facts were made known to the National Police "in order for it to move forward with the actions that so correspond to it";

- c) the State had initiated investigations in the context of the precautionary measures in favor of the Inter-Church Justice and Peace Commission and implemented strategies for it. Moreover, the Attorney General's Office of the Nation took action to follow up on these measures. However, the State recalled that the assessment of the effectiveness of the investigations and the mentioned procedures requires a possible review of the merits of the case;
- d) the State had adopted measures "to guarantee that human rights defenders may carry out activities in Colombia," and
- e) given the aforementioned, "it consider[ed] that the requirements needed for the Court to order the State of Colombia to adopt the provisional measures in this matter have not been met" and requested that the Commission's request be dismissed.

CONSIDERING THAT:

8. Judge Humberto Sierra Porto, of Colombian nationality, handed over the Presidency of the Court to Vice President, Judge Robert F. Caldas, in order for the request for provisional measures to be heard, and he did not participate in the hearing of this Order, with the understanding that Judges of the Court do not participate in the hearing and deliberation of requests for provisional measures when they have been nationals of the State involved in the request for measures. Judge Robert F. Caldas will serve as Acting President on this occasion, however, he considers that the interpretation of Articles 19(2) of the Statute 19(1) of the Rules of Procedure must be assessed by the plenary of the Court in a particular way when it involves matters of this nature, since he is of the opinion that a national judge may participate in the hearing of this matter as it is not a case in itself.

9. 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 acknowledged the contentious jurisdiction of the Inter-American Court on June 21, 1985.

10. Article 63(2) of the American Convention provides 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 respect to a case not yet submitted to the Court, it may act at the request of the Commission." This provision is in turn governed by Article 27 of the Rules of Procedure of the Court and is binding on the States since the basic principle of the State responsibility, supported by international law, has indicated that the States must fulfill their treaty obligations in good faith (*pacta sunt servanda*).⁷

⁷ Cf. *Matter of James et al. Provisional Measures regarding Trinidad and Tobago*. Order of the Inter-American Court of Human Rights of June 14, 1998, considering clause six, and *Matter of Castro Rodríguez. Provisional Measures regarding México*. Order of the Inter-American Court of Human Rights of August 23, 2013, considering clause six.

11. This Court has established that provisional measures have two natures: one is precautionary and the preventive.⁸ The protective nature of the provisional measures is related to the framework of the International contentious realm. In this sense, the measures are aimed at preserving those rights that are in a state of possible risk until the controversy is resolved in order to assure the integrity and effectiveness of the decision on the merits, and in this way avoid harm to the rights under litigation, a situation that could render the *effet util* of the decision meaningless. In regard to the protective nature, the provisional measures become a real jurisdictional guarantee of a preventive nature, as they protect human rights, in so much as they seek to avoid irreparable harm to persons.⁹

12. The three conditions required by Article 63(2) of the Convention for the Court to order the adoption of provisional measures must be present in all the situations in which the intervention of the Tribunal is requested.¹⁰ Given its jurisdiction, in the framework of the provisional measures, it falls upon the Court to only consider those arguments that are directly related to the extreme gravity, urgency, and necessity of avoiding irreparable harm to persons. Any other fact or argument can only be analyzed and resolved during consideration of the merits in a contentious case.¹¹

13. This request for provisional measures is not related to a case before the Court, but rather stems from a request for precautionary measures filed by the Inter-American Commission.

14. Since this request for provisional measures was filed by the Inter-American Commission when the Court was not in session, according to the provisions of Article 27(6) of the Rules of Procedure, the Acting President may request that the State, in these circumstances, adopt such urgent measures as may be necessary to ensure the effectiveness of the provisional measures that the Court may implement in its next sessions.¹²

15. The request for urgent measures in favor of Mr. Danilo Rueda filed by the Commission is based on three main points: i) the alleged existence of a general context of risk for human rights defenders in Colombia; ii) the alleged threats and

⁸ Cf. *Case of Herrera Ulloa V. Costa Rica (Newspaper "La Nación"). Provisional Measures regarding Costa Rica*. Order of the Inter-American Court of Human Rights of September 7, 2001, considering clause four, and *Case of Wong Ho Wing. Provisional Measures regarding Perú*. Order of the Inter-American Court of Human Rights of March 31, 2014, considering clause ten.

⁹ Cf. *Case of Herrera Ulloa V. Costa Rica (Newspaper "La Nación"). Provisional Measures regarding Costa Rica*. Order of the Inter-American Court of Human Rights of September 7, 2001, considering clause cuarto, and *Case of Wong Ho Wing. Provisional Measures regarding Perú*. Order of the Inter-American Court of Human Rights of March 31, 2014, considering clause ten.

¹⁰ Cf. *Case of Carpio Nicolle et al. Provisional Measures regarding Guatemala*. Order of the Inter-American Court of Human Rights July 6, 2009, considering clause fourteen, and *Matter of two girls of the Taromenane indigenous village in voluntary isolation. Provisional Measures regarding Ecuador*. Order of the Inter-American Court of Human Rights of March 31, 2014, considering clause six.

¹¹ 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, and *Matter of two girls of the Taromenane indigenous village in voluntary isolation. Provisional Measures regarding Ecuador*. Order of the Inter-American Court of Human Rights of March 31, 2014, considering clause six.

¹² Cf. *Matter of María Lourdes Afiuni. Provisional Measures regarding Venezuela*. Order of the President of the Inter-American Court of Human Rights of December 10, 2010, considering clause thirteen, and *Matter of José Luis Galdámez Álvarez et al. Provisional Measures regarding Honduras*. Order of the President of the Inter-American Court of Human Rights of December 22, considering clause 10.

attacks, since 2002 to date, against members of the Inter-Church Justice and Peace Commission (CIJP) and in particular against its Director, Mr. Danilo Rueda, who given recent events, is in a situation of extreme risk; iii) the collective protection measures provided by the State have not been effective in protecting Mr. Danilo Rueda, who faces a higher risk level that requires the adoption of individual protection measures given the assessment of his particular situation. The Commission also referred to the alleged lack of specific results from the investigations into the alleged attacks and stalking Mr. Danilo Rueda has experienced (*supra* Having Seen clause 2).

16. On its behalf, the State reported on collective protection schemes that have been implemented in favor of the members of the Inter-Church Justice and Peace Commission and highlighted the prosecutorial investigations conducted and measures that are to be implemented to ensure human rights defenders can carry out their work (*supra* Having Seen clause 7).

17. In this regard, the Acting President considers, first, that the analysis of the facts and arguments of the Commission related to the alleged risk to human rights defenders in Colombia, as well as the alleged lack of specific results from the investigations related to alleged attacks against Mr. Danilo Rueda, pertains to considerations that must be made within the context of a possible contentious case in the event that there is one. The Court has already held that a ruling on the merits must be made in a judgment within the process of a contentious case before the Court and not within the processing of provisional measures.¹³ Accordingly, the aforementioned arguments will not be taken into account.

18. The Acting President notes that, according to information provided by the Commission, it appears that Mr. Danilo Rueda had been monitored, stalked, harassed and received threats against his life and personal integrity since 2002 and, between January and April 2014, there have been at least three warnings or threats against his life or physical integrity, seven incidents in which there is evidence that he had been followed or monitored, and an incident in which he was assaulted by a person allegedly belonging to an armed group (*supra* Having Seen clause 2, d). The Acting President considers the event that occurred on April 24, 2014 of extreme risk, which involved pellets shot at Mr. Danilo Rueda's home and where part of his family works, impacting the security panes (*supra* Having Seen clause 2,e). Given the abovementioned, the Acting President considers, *prima facie*, that Mr. Danilo Rueda faces a situation of extreme gravity and urgency, since his life and personal integrity are threatened and at risk.

19. Furthermore, from the information provided by the Commission and the State, the Court finds that, based on the precautionary measures adopted by the Commission on September 8, 2003, the State has implemented collective protection measures for the members of the Inter-Church Justice and Peace Commission, directed by Mr. Danilo Rueda (*supra* Having Seen clause 2, b). However, according to the Commission, such collective measures are insufficient in addressing the situation of elevated risk faced by Mr. Rueda, among others, because they must be shared with other members of the organization and because they are not implemented by the National Protection Unit when Mr. Rueda takes trips to different regions of the country where he would be

¹³ Cf. *Case 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, and *Matter of Martínez Martínez et al. Provisional Measures regarding México*. Order of the Inter-American Court of Human Rights of March 1, 2012, considering clause eight.

most at risk (*supra* Having Seen clause 2, c and 3, d). On its behalf, the State argued that it had not been previously informed of the Mr. Danilo Rueda's need for individualized protection in the processing of the precautionary measures, but the risk faced by members of the Inter-Church Justice and Peace Commission "has been attended to" under these measures (*supra* Having Seen clause 7, a).

20. In this regard, the Court has previously found it necessary to clarify that in situations that, *prima facie*, may result in grave and urgent harm to human rights, an assessment should be made of the problem, the effectiveness of State actions given the context, and the level of exposure faced by those whom the measures are intended to protect if they are not adopted. To achieve this goal it is necessary that the Inter-American Commission present sufficient grounds to cover the aforementioned criteria and that the State be unable to demonstrate clearly and sufficiently the effectiveness of certain measures taken at the domestic level.¹⁴ Also, for the adoption of provisional measures, the Court has taken into account that after a protection scheme is implemented and new threats to the detriment of the intended beneficiaries arise, international protection can play an important role in strengthening the protection provided at a domestic level in cases of extreme risk, handling the matter with special care and attention to the situation faced by the beneficiaries.¹⁵

21. In this regard, the Acting President finds that the repeated acts of stalking and threats allegedly perpetrated against Mr. Danilo Rueda have materialized in different parts of the country, among others, in the cities of Neiva, Buenaventura, and Bogota (*supra* Having Seen clause 2, d). As is clear from the information provided by the Commission and the State, collective protection measures for all the members of the Inter-Church Justice and Peace Commission have been insufficient to ensure that Mr. Rueda receive the necessary protection to safeguard his life and personal integrity at all times, and particularly during the frequent trips made as a result of his work. This lack of protection is aggravated by the increased visibility that he has allegedly acquired in relation to other members of the organization as Director and because of his alleged activities in communities affected by the armed conflict in Colombia (*supra* Having Seen clause 2, b). The acting president, in particular notes that despite the implementation of the aforementioned collective protection scheme, Mr. Rueda has allegedly suffered, in recent months and days, an increase in the incidence of threats, aggression monitoring and stalking, and even a alleged armed attack against at his home. The aforementioned demonstrates Mr. Danilo Rueda's need for personalized protection to protect his rights.

22. Accordingly, the Acting President considers it necessary to provide protection for such person by way of urgent measures, in the light of the provisions of Article 62(3) of the American Convention and Article 27 of the Rules of Procedure of the Court. These urgent measures may be ratified by the plenary of the court, if deemed pertinent.

23. In view of the foregoing, the State must take the necessary steps to ensure that the urgent measures rendered in this Order are planned and implemented in an

¹⁴ Cf. *Matter of de Socio-educational Internment Facility. Provisional Measures regarding Brazil*, Order of the Inter-American Court of Human Rights of February 25, 2001, considering clause six, and *Matter of B. Provisional Measures regarding El Salvador*. Order of the Inter-American Court of Human Rights of May 29, 2013, considering clause four.

¹⁵ Cf. *Matter of Álvarez et al. Provisional Measures regarding Colombia*. Order of the Inter-American Court of Human Rights of May 22, 2013, considering clause 99.

immediate and individualized manner with the participation of Mr. Danilo Rueda or his representatives and, in turn, should make an assessment of the particular risk faced by Mr. Rueda, which includes transport to different parts of the country so that the implemented measures can be assessed and, if necessary, modified so that they can be provided effectively. In this regard, the Acting President recalls that States have a particular duty to protect those who work in non-governmental organizations, as well as provide effective and adequate guarantees to human rights defenders so that they conduct their activities freely, avoiding actions that limit or hinder their work because their work is positive and complementary to the efforts of the State by virtue of its role as guarantor of the rights of persons under its jurisdiction.¹⁶ In this line, the prevalence of human rights in a democratic State is based largely on the respect and freedom that is given to the work of the defenders of these rights.¹⁷

24. The State must submit to the Court within the period specified in the operative part of this Order, specific and detailed information about the risk Mr. Danilo Rueda faces, as well as information on the provisional measures agreed upon with the beneficiary and implemented in his favor, in order to be assessed by the Court. The State must also submit all documentation considered relevant in this regard.

THEREFORE:

THE ACTING PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

In exercise of its powers granted in Article 63(2) of the American Convention on Human Rights and Articles 27 and 31(2) of the Rules of Procedure of the Court,

DECIDES TO:

1. Require the State to adopt, immediately and in an individualized manner, the measures that are necessary and effective to guarantee the life and personal integrity of Mr. Danilo Rueda and, in turn, render an assessment of his particular risk so that the implemented measures can be assessed and, if necessary, modified so that they can be provided effectively.

2. Request that the State, by no later than May 11, 2014, report on the measures it has taken to comply with this Order, the assessment of the risk of Mr. Danilo Rueda, and the results, and request that the representatives of the beneficiaries and the Inter-American Commission on Human Rights submit their observations on that report within five to seven days, respectively, counted as of receipt of the State's notification.

¹⁶ Cf. *Matter of the Monagas Judicial Confinement Center ("La Pica")*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 9, 2006, considering clause fourteen, and *Matters of certain Venezuelan Prisons. Request to Expand Provisional Measures in favor of Marianela Sánchez Ortiz and family regarding Venezuela*. Order of the Inter-American Court of Human Rights of September 6, 2012, considering clause eighteen.

¹⁷ Cf. *Case of Lysias Fleury. Request for Provisional Measures regarding Haití*. Order of the Inter-American Court of Human Rights of June 7, 2003, considering clause five, and *Matters of certain Venezuelan Prisons. Request for Expansion of Provisional Measures in favor of Marianela Sánchez Ortiz and family regarding Venezuela*. Order of the Inter-American Court of Human Rights of September 6, 2012, considering clause eighteen.

3. Request that the Secretariat provide notification of this Order to the Republic of Colombia, the Inter-American Commission on Human Rights, and the representatives of the beneficiaries.

Roberto F. Caldas
Acting President

Pablo Saavedra Alessandri
Secretary

So ordered,

Roberto F. Caldas
Acting President

Pablo Saavedra Alessandri
Secretary