

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF JUNE 19, 1998**

**PROVISIONAL MEASURES ADOPTED BY THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
IN THE MATTER OF COLOMBIA**

**GIRALDO CARDONA CASE**

**HAVING SEEN:**

1. The Order of the President of the Inter-American Court of Human Rights (hereinafter "the President") of October 28, 1996, in which he decided:

1. To call upon the Government of Colombia to adopt forthwith such measures as may be necessary to protect the life and physical safety of Sister Noemy Palencia, Islena Rey Rodríguez, Gonzalo Zárate, Mariela de Giraldo and her two minor daughters, Sara and Natalia Giraldo, and to avoid irreparable damage to them, in strict compliance with the obligation to respect and guarantee human rights, which it undertook under Article 1(1) of the American Convention on Human Rights.

2. To call upon the Government of Colombia to adopt forthwith such measures as may be necessary to ensure that the aforementioned persons may continue to live in their normal places of residence and return to their homes, providing them with the assurance that they will not be persecuted or threatened by Government agents or by private individuals.

3. To call upon the Government of Colombia to investigate the acts denounced which were perpetrated against the members of the Human Rights Committee of the Department of El Meta, with a view to punishing those responsible for those acts and, in particular, for the murder of Josué Giraldo-Cardona.

...

2. The Order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") of February 5, 1997, in which it decided:

1. To ratify the Order of the President of October 28, 1996.

2. To call upon the Government of the Republic of Colombia:

a. To maintain the provisional measures in favor of Sister Noemy Palencia, Islena Rey Rodríguez, Gonzalo Zárate, and Mariela de Giraldo and her two minor daughters, Sara and Natalia Giraldo.

b. To take, as essential measure of the duty to protect, effective measures to investigate and, where appropriate, punish those responsible for the acts.

3. To call upon the Government of the Republic of Colombia to report every two months on the provisional measures taken.

4. To call upon the Inter-American Commission on Human Rights to submit to the Court its observations on that information within one month of the date of its receipt.

...

3. The reports of the State of Colombia (hereinafter "the State" or "Colombia") and the corresponding observations of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission").

**CONSIDERING:**

1. That Article 63(2) of the American Convention on Human Rights 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.

2. That by communication of August 14, 1997, a copy of which was submitted as an appendix to the State's seventh report, Mr. Gonzalo Zárate declared that he had no need of an escort because he had received no threats nor was he involved in human rights matters.

3. That while Sister Noemy Palencia has said that she does not require protection measures because she is in Bogotá, Colombia, the State must maintain the measures taken in her favor so that they may be effective when she is in El Meta.

4. That with regard to the situation of Ms. Islena Rey Rodríguez, Ms. Mariela de Giraldo and her two minor daughters, there was still a situation of "extreme gravity and urgency" that justified maintaining the provisional measures adopted in their favor by this Court.

**NOW, THEREFORE:**

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

by virtue of the powers conferred on it by Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure,

**RESOLVES:**

1. To lift the provisional measures ordered by the Court in its Order of February 5, 1997, in favor of Mr. Gonzalo Zárate and to consider them to be at end.

2. To require the State of Colombia to adopt such measures as may be necessary to protect the life and personal safety of Sister Noemy Palencia upon her return to El Meta.

3. To maintain the provisional measures in favor of Ms. Islena Rey Rodríguez, Ms. Mariela de Giraldo and her two minor daughters, Sara and Natalia Giraldo.

4. That, as an essential part of its duty to protect, the State must take effective measures to investigate and, where appropriate, punish those responsible for the acts that gave rise to the adoption of the provisional measures.

5. To call upon the State to report to the Court every two months, from the date of notification of this Order, on the measures it has taken in this case, and upon the Inter-American Commission on Human Rights to submit its observations on the reports within six weeks of their receipt

Hernán Salgado-Pesantes  
President

Antônio A. Cançado Trindade

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Sergio García-Ramírez

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles  
Secretary

So ordered,

Hernán Salgado-Pesantes  
President

Manuel E. Ventura-Robles  
Secretary