

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS\***

**OF MAY 28, 2014**

**PROVISIONAL MEASURES 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:

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\* Judge Humberto Antonio Sierra Porto excused himself from the hearing and deliberation of this matter and the Plenary of the Court accepted said excusal.

- 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 above mentioned, 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,<sup>1</sup> and particularly against Mr. Danilo Rueda,” who because of his role in the

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<sup>1</sup> 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.

organization<sup>2</sup> "has been particularly visible in national and international forums";

- 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.<sup>3</sup> 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."<sup>4</sup> 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 CIJP reported that Mr. Danilo Rueda had undergone new threats and harassment and asked the Inter-American Commission to request provisional measures in his favor. The Inter-American 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 dad,' referring to Mr. Danilo Rueda, who in recent days had lost his father;"

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<sup>2</sup> According to the Commission, for over 25 years, Mr. Rueda "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 construction of the truth regarding the conflict. This has significantly increased the risk he was already exposed to due to his work."

<sup>3</sup> 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."

<sup>4</sup> 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.

- 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’”;
  - 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 Rueda<sup>5</sup>;
  - 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;
  - 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, “to date, it does not have specific results 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.”

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<sup>5</sup> 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)*”.

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 [alleged] 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) 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."<sup>6</sup> 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

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<sup>6</sup> 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 [...]."

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

- d) “[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. The Secretariat’s note of April 25, 2014, whereby, pursuant to the instructions of the Standing 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 Standing 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 and 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, which include 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 in which 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.

8. The Order of the Acting president of the Inter-American Court of Human Rights on this matter (hereinafter the Order of the Acting president") of May 2, 2014, wherein it decided 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.

[...]

9. The brief of May 9, 2014, wherein the State noted that:

a) "upon analyzing Mr. Danilo Rueda's situation and agreeing upon the required protection measures, the petitioner proposed a meeting for May 2 of this year." According to the State, by way of a letter dated April 30, 2014, the CIJP rejected the proposed meeting and instead, on May 6, 2014, sent a proposal in which it presented some considerations and requests concerning the general situation faced by the inter-Church Justice and Peace Commission, not directly related to the Mr. Danilo Rueda's specific case. In this regard, it noted that "the organization does not separate the particular and individual situation of Mr. Danilo Rueda from the overall risk faced by [CIJP]";<sup>7</sup>

b) by way of an official letter dated May 7, 2014, the National Protection Unit "reported that[,] in order to comply with the orders of the [Acting President

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<sup>7</sup> "1) the grouping together of cases related to the [Inter-Church] Justice and Peace Commission to systematically assess the cases in such a way that the investigation carried out by the prosecutors provide sufficient information on the work carried out, the risk involved, the context in the areas where it is produced and the relationships of the people involved in the defamation and persecution strategies against the organization. Only taking into account all of these factors, would the investigation be independent and effective[;] 2) The development of criminal scenarios that involve the work of the Inter-Church Justice and Peace Commission [and] the criminal structures that its work in defending human rights have unveiled[;] 3) the deepening of the investigations carried out in order to unveil the power structures that facilitate, enable and cause the harassment against the Inter-Church Justice and Peace Commission, revealing the intellectual and material perpetrators."

Pursuant to the information provided by Colombia, "in order to protect the life and integrity of the human rights defenders of Justice and Peace and given Danilo Rueda's working conditions", the CIJP requested that the National Protection Unit: "1) Implement an immediate attention plan for emergency situations, in [specific places], that takes into account the characteristics of each zone and that is available to immediately and efficiently respond to any security issue[;] 2) Guarantee the mobility of the protection scheme to each place where Danilo Rueda and other members of the [CIJP] travel when carrying out their work as part of [that organization][;] 3) Guarantee the mobility, in secure conditions, of the human rights defenders of the [CIJP] in situations of risk, which implies the mobility of the protection schemes and the rendering of measures of protection in the different regions [;] 4) Implement a mechanism that does not base the functionality of the protection schemes on the existence of gasoline [;] 5) Carry out risk assessments and implementation of measures at the [CIJP] offices in the different regions of the country, including its new headquarters [...][,] and 6) Implement security assessments and implementation of prosecutorial measures of protection in Danilo Rueda's family home [...]"



of] the Court in its order of May 2, 2014[, ] that institution requested emergency processing and Risk Level Assessment for Mr. Danilo Rueda." However, on May 8, 2014, the National Protection Unit reported that it had been unable to contact the proposed beneficiary to move forward with the emergency processing<sup>8</sup>;

- c) by way of an email sent on May 8, 2014, the CIJP stated that "the NPU officials have been trying to locate Danilo and they insist that the dialogue should be channeled through the mechanisms that they have proposed. That is, that the UNP value the requests and report on the progress within the framework of meeting on follow-up and coordination of precautionary measures ";
- d) direct communication with the National Protection Unit took place "given the urgency required to be taken by the [acting] President [of the Court ...] and required by the emergency procedure initiated by [the Unit ...]." According to the State, "this direct dialogue, is the most appropriate channel to implement the urgent protection measures." However, "the organization does not provide the channels of communication for the adoption of urgent individual measures, rather it continues [...] questioning requests of a collective nature";
- e) "by way of a formal communication of May 9, 2014, to the CIJP, the Office of Human Rights and International Humanitarian Law of the Ministry of Foreign Affairs proposed holding a meeting on Tuesday May 13, 2014, with the National Protection Unit [...]";
- f) by way of a communication dated May 7, 2014, the National Protection Unit reiterated that the CIJP "has collective protection measures in place which consist of eight (8) protection schemes that provide vehicles with drivers suggested by the organization itself, media, and (3 ) boats on land," and stressed that "Mr. Danilo Rueda can use these schemes in the exercise of his duties and travel as a human rights defender and member of the [CIJP]";
- g) by way of a communication received on May 6, 2014, the National Police noted that it had tried to personally contact members of the CIJP in order to "provide security, however, the answer was that information had been transmitted to the NPU and/or the Attorney General's Office [...]." Similarly, it noted that "when carrying out field visits, Mr. Danilo Rueda never informed the National Police of the need to provide the protection necessary to safeguard his life and personal integrity";
- h) "[...] considering the proposal submitted by the petitioners, the merits of the matter were to apply to all members of the organization to which [Mr. Danilo Rueda] belongs, whose precautionary measures granted by the [...]

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<sup>8</sup> In this regard, according to the State, the National Protection Unit was quoted saying that "we tried to contact Mr. Rueda at the phone number we have registered and through several members of the Inter-Church Justice and Peace Commission, who argued that the National Protection Unit was acting beyond its power and that Mr. Rueda was not going to accept any measures until the meeting and agreement on the precautionary measures ordered by this organization."

Commission remain in force and regarding which the State has acted diligently, despite the difficulties that have arisen." Consequently, it stated that "the granting of provisional measures in this particular case, whose purpose is to provide protection that can be assured in the context of the precautionary measures requested by the [...] Commission, would create confusion both in its implementation and monitoring. As such, the more appropriate individual measures in the framework of the existing precautionary measure have not been implemented because the beneficiary organization has required that the protective measures be collective in nature," and

- i) requested that the Court: i) specify the scope of the Order of the Acting President of May 2, 2014 to the CIJP, "since that organization continues to address the issue collectively"; ii) urge the petitioner organization and the proposed beneficiary to agree to direct dialogue with the National Protection Unit, the institution that is responsible for the implementation of the emergency procedures in favor of Mr. Danilo Rueda, and iii) "analyze the appropriateness of granting the provisional measures requested in favor of Mr. Danilo Rueda, considering the State's willingness to individually address the protection of the proposed recipient as part of the precautionary measures granted in favor of the organization of the which he is a member [...]. "

10. The brief of May 16, 2014, wherein the State filed additional information before the Tribunal. By way of said brief, it noted that:

- a) "on May 13, [2014 ...] a follow up and consultation meeting regarding compliance with the Order issued on May 2, 2014 by [standing] President of the [...] Court [...] in favor of [...] Danilo Rueda, member of the Inter-Church Justice and Peace Commission took place." In this regard, it noted that the "meeting was attended by [...] Danilo Rueda, the [CIJP], the National Protection Unit, the Ministry of Defense, the National Police, and the Foreign Ministry. According to the State, at that meeting "the petitioner organization and the proposed beneficiary expressed their disagreement regarding the State's statement in the report of May 9, 2014, which stated that the petitioners have not provided the channels for dialogue. In this regard, they noted that it is not due to unwillingness, rather they consider[ed] that there are some channels with the [...] Court [...] and understand that it corresponds to the Foreign Ministry to convene interagency meetings and not the National Protection Unit." Moreover, the State indicated that "the Foreign Ministry is the communication channel," however, it clarified that "this does not impede the petitioners and beneficiaries, in urgent situations, to come in direct contact with the National Protection Unit, the National Police, or other competent authority [...]";
- b) "at the meeting, the National Protection Unit promised to implement within the emergency procedure: [...] one (1) armored vehicle, two (2) armed guards, means of communication and bulletproof vests." Similarly, with regard to the fuel needed for Mr. Danilo Rueda's transportation, "it was agreed that if [his] transportation costs [...] are higher than those costs established in the norms [*sic*], the National Protection Unit must be

informed 72 hours in advance, so that the entity can implement the procedures in order to respond to the request." In addition, it was agreed that "independent of the emergency procedure, a Risk Level Assessment of the proposed beneficiary would commence." In addition, the National Protection Unit had promised that once the property of [Mr. Danilo Rueda's] home and headquarters of the organization had been confirmed [...], a study of the installations would commence in order to implement the measures that may be required," and

- c) the National Police provided the names of those people that the institution provides Mr. Danilo Rueda with when addressing situations at a local and national level, and it asked Mr. Danilo Rueda to report his travel plans in advance, in order for the National Police to adopt the respective preventive security measures. The State emphasized that Mr. Danilo Rueda "accepted the measures proposed by the National Protection Unit."

11. The brief of May 17, 2014, wherein the representatives filed their observations to the State's brief of May 9, 2014, confirmed the claims of the Commission regarding the recent threats to Mr. Danilo Rueda, and noted that:

- a) there is "a direct relationship between the monitoring of Mr. Danilo Rueda and the threats against him, which [...] show the existence of a coordinated plan that seeks to endanger the life of one of the most committed defenders of human rights of [the] organization." They referred, in particular, "[t]o the threat left in the mailbox at Mr. Danilo Rueda's family home," from which it is evident that those "who made the threat knew of the death of his father, [...] that Danilo had been in town, [...and] of the complaints filed by Danilo as part of his work with the [CIJP]." According to the representatives, "[t]hese facts describe a high degree of vulnerability and continuity, [and] could irreparably affect the life and integrity of Mr. Danilo Rueda";
- b) the precautionary measures have not been sufficient to protect the life and integrity of Danilo Rueda. The protection program "faces great difficulties which, in many cases, make it ineffective at protecting the life and integrity of the members of the [CIJP] in a comprehensive manner, including [...] Danilo Rueda." In this regard, they noted that "the Protection Unit renders its services deficiently, with regards to [...] travel, as there is no personnel available to support the protection schemes in the regions, or not enough fuel is offered so that the existing protection scheme can travel to a different city; similarly, no means of ground transportation is provided to avoid the risk of using public transport. [...] On many occasions [...] no immediate action is taken when the risk so warrants";
- c) "[i]n the last two years the protection scheme of the organization has duplicated without a decline in the number of threats, stalking, and harassment directed at Danilo Rueda, on the contrary [, according to the representatives ...], they have increased in number and damage in recent months." Nevertheless, "the competent Colombian institutions have not carried out a comprehensive assessment of the risk and an evaluation of the effectiveness of the measures or a proposal that takes into account the characteristics of the work carried out by Danilo Rueda as a [h]uman rights advocate of [CIJP], thereby allowing for the environments in which he

carries out his work, to be protected spaces in order to avoid irreparable damage to his life and his safety”;

- d) with regard to the claims made by the State that the CIJP have not provided the channels for dialogue to address the risk faced by Danilo Rueda, the representatives stated that as soon as they saw “the decision of the [acting] President of the Court [...], they drafted a report on the assessments of the risk faced by its members and request[ed] measures be taken to protect Danilo Rueda’s working environment [...]. As such, they reported the following to the Foreign Ministry and request[ed] that the National Protection Unit assess the requests and convene a meeting at the Ministry.” Although the “channel of communication and dialogue had been requested at the Ministry [...] the State affirmed in his report that the [CIJP] did not facilitate communication with Danilo Rueda”;
- e) as to the measures taken by the State to address the risk faced by Danilo Rueda, representatives noted that on May 13 a meeting convened by the Foreign Ministry took place, in which delegates from the National Police, the National Protection Unit, and the CIJP, as well as Mr. Danilo Rueda participated. In that meeting, specific measures were agreed upon in order to address the risk faced by Mr. Danilo Rueda<sup>9</sup>, and
- f) CIJP assessed that the actions proposed by the State to address the grave danger faced by Danilo Rueda. In addition, they reiterated “the urgent need that a periodic assessment be made of [...] the effectiveness, without the request of the petitioners interceding.” They requested that “the measures be effectively implemented, and [that] their effectiveness be assessed to guarantee the life [and] integrity of Danilo Rueda, [and] to protect his workspace in order for him to carry out his work as a defender of human rights.” Finally, they asked the Court to “assume the monitoring of compliance with the measures and urge the State [...] to ensure the life and safety of Danilo Rueda, in the context of proceedings for provisional measures.”

12. The brief of May 19, 2014, wherein the Inter-American Commission noted that:

- a) “the State has not challenged the individual or rising risk faced by Mr. Danilo Rueda, and it note[d] with concern that Danilo Rueda continue being protected via the collective scheme implemented in favor of the members of the [CIJP].” In this regard, the Commission “based its request for provisional measures in that the collective scheme applied generally for members of the organization has obvious limitations in terms of availability

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<sup>9</sup> According to representatives of the beneficiary, the measures agreed upon were as follows: “1. One of the collective car services already assigned to the Inter-Church Justice and Peace Commission will be used exclusively by Danilo Rueda [,] assigned so that the NPU makes it available for someone else from Colombia who so requires[;] 2. We requested a motorcycle with escort and weapon to support Danilo Rueda’s protection scheme[;] 3. A change in safety vests is required for a vest that is lighter and facilitates travel[;][4]. The additional proposal made by NPU regarding additional gasoline for travel by Danilo Ruedo, when regular allotment is exhausted, is assumed[;][5]. Direct communication with Colonel Arango was assumed regarding alerting and transporting of Danilo Rueda to the regions where he carries out his work as a member of the Inter-Church Justice and Peace Commission[;] [6]. The commitment on behalf of the NPU to advance the protection measures at Danilo Rueda’s family home was assumed [...] [7]. The commitment made by the NPU to advance security measures [...] at the headquarters of the Inter-Church Justice and Peace Commission in the city of Neiva was assumed [;][8]. [T]he commitment to summon the Attorney General’s Office at the end of May for a response regarding the requests for an investigation of the threats to Danilo Rueda as member of Justice and Peace was assumed.”

due to its use by other members of the organization who are also at risk." According to the Inter-American Commission, this fact has "caused Mr. Danilo Rueda, who has been the subject of more than 10 individualized threats and harassment, to face situations where he is defenseless [...], particularly during travel to other areas of the country where a protection scheme is not authorized to accompany him." It noted that it is "in his travels where Mr. Danilo Rueda performs activities that place him in a situation of extreme risk";

- b) given the increase in the severity and intensity of the attacks, under the framework of the monitoring of its precautionary measures "it required the State to, in a particular way, 'strengthen the measures of protection [...] [i] specifically, in favor of Danilo Rueda, Director of the Organization.'" It noted that, despite these requests, "the State continued without undertaking measures of protection that take into account the particular circumstances of the work carried out by Mr. Danilo Rueda." In this context, "the serious of events took place that put him in a situation of extreme risk";
- c) the measures adopted in the framework of the precautionary measures "have not provided effective results given the level of risk that the beneficiary faces," who requires monitoring that goes beyond the monitoring carried out by the Inter-American Commission to members of the CIJP, "to which individualized and differentiated measures of protection are necessary [...]";
- d) noted the importance of the measures that were agreed upon at the meeting held on May 13, 2014, at the Foreign Ministry, however, it noted that they should be "adopted as soon as possible, in consultation with [Mr. Danilo Rueda] and that ongoing monitoring of their effectiveness should be a constant practice." Moreover, it noted its appreciation of "the steps taken by the State in the implementation of the urgent measures ordered by the Acting President of the Court." However, it noted that "the offer of individualized protection was heard for the first time before the granting of urgent measures [...]";
- e) the fact that the State would be taking the initial steps to comply with the urgent measures does not imply that the provisional measures are not necessary. "[... T]he State's proposal to grant individualized protection under the framework of precautionary measures [...] lacks merit given the Court's reiterated criteria of taking into account the ineffectiveness of the precautionary measures," and
- f) to date, there exist only measures that have been programmed but not yet implemented. According to the Commission, given the high level of risk faced by Mr. Danilo Rueda, the most effective mechanism to achieve a constant monitoring is to implement provisional measures. Thus, it asked the plenary of the Court to ratify the urgent measures granted by the Acting President.

#### **CONSIDERING THAT:**

1. 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.

2. 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*).<sup>10</sup>

3. This Court has established that provisional measures have two natures: one is precautionary and the preventive.<sup>11</sup> 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.<sup>12</sup>

4. 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.<sup>13</sup> 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.<sup>14</sup>

5. 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.

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<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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 4, 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 10.

<sup>13</sup> 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.

<sup>14</sup> 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.

6. The request for provisional 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 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 clauses 2 and 12).

7. The representatives agreed with the assertions of the Commission and reported on the measures of protection agreed upon for Mr. Danilo Rueda during the meeting held on May 13, 2014, as well as the requests submitted to the State on the same occasion (*supra* Having Seen clause 11). On its behalf, the State reported on the collective protection schemes that have been implemented in favor of the members of the Inter-Church Justice and Peace Commission and highlighted the investigations carried out and the measures to be implemented in order to guarantee the right of human rights defenders to exercise their work (*supra* Having Seen clauses 7 and 9). Moreover, it reported on the measures agreed upon with the representatives in the meeting of May 13, 2014 (*supra* Having Seen clause 10).

8. In this regard, the Court considers 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.<sup>15</sup> Accordingly, the aforementioned arguments will not be taken into account.

9. The Court 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). The Court 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 window panes (*supra* Having Seen clause 2). Moreover, the Court highlights that the representatives of the beneficiary reported that in the months of April and May of this year, Mr. Danilo Rueda had suffered threats to his life and been victim to harassment

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<sup>15</sup> 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.

and stalking, “an attack against his integrity” with a knife by an alleged paramilitary, and an attack at his home, and that said acts “demonstrate the existence of a coordinated plan against the life” of Mr. Danilo Rueda (*supra* Having Seen clause 11, a). Given the abovementioned, the Court 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.

10. 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 clauses 2, 7, 9, 10, 11, and 12). Similarly, in a meeting on May 13, 2014, which was attended by Mr. Rueda, the Inter-Church Justice and Peace Commission, the National Protection Unit, and the Foreign Ministry, among others, the State committed to the implementation of a series of individual measures in favor of Mr. Danilo Rueda, in compliance with the Order of the Standing President of May 2, 2014 protection (*supra* Having Seen clause 9,e; 10; 11,e, f; and 12, d).

11. Taking into account the abovementioned, the State argued that Mr. Danilo Rueda can be protected in the framework of the precautionary measures requested by the Commission, noting that the granting of provisional measures in this particular case would create confusion both in its implementation and monitoring (*supra* Having Seen clause 9, h, i). On its behalf, the Commission and the representatives argued that the collective measures adopted by the State have been insufficient regarding the high risk faced by Mr. Rueda, noting, *inter alia*, deficiencies in the collective measures implemented thus far and the increase in threats and harassment experienced by Mr. Rueda in recent months (*supra* Having Seen clauses 2, c; 3, c; 11, b, c; and 12, a, b, c).

12. 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.<sup>16</sup> 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.<sup>17</sup>

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<sup>16</sup> 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.

<sup>17</sup> 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.



13. In this regard, the Court 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 and 11). 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 and 11). The Court notes that notwithstanding 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 (*supra* Having Seen clause 2 and 11). The aforementioned demonstrates Mr. Danilo Rueda's need for personalized protection to protect his rights. Notwithstanding, it is clear from the information provided by the Commission, the representatives, and the State, that the measures of individual protection agreed upon for Mr. Danilo Rueda have not been implemented.

14. For this reason, although the Court appreciates the State's efforts aimed at implementing the Order of the Acting President on May 2, 2014, the Court finds that Mr. Danilo Rueda remains in a state of vulnerability that warrants provisional measures in his favor, in order to prevent irreparable damage to his life and personal integrity. Consequently, the State must take the necessary steps to implement the measures agreed upon by the parties (*supra* Having Seen clauses 10 and 11) in an immediate and individualized manner, as well as with the continued participation of Mr. Danilo Rueda or his representatives.

15. In turn, the Court takes note of the information provided by the State in that it had agreed "that independent of the emergency procedures, a Risk Level Assessment of the proposed beneficiary's situation would be carried out," (*supra* Having Seen clause 10, b). Thus, the Court considers that the State must carry out and submit to the Court, within the period prescribed in the operative part of this Order, the assessment of the risk to Mr. Rueda, which includes transport to different parts of the national territory as well as information on provisional measures agreed upon with the beneficiary and implemented in his favor. In this way the implemented measures can be evaluated and, if necessary, modified so that they can be provided effectively. In this regard and for the proper analysis of the implementation of the provisional measures, the Court requested that the parties refer only to the status of Mr. Danilo Rueda, beneficiary of the measures, in their respective briefs.

16. Lastly, the Court recalls that States have a specific 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 can freely carry out their activities, avoiding actions that limit or hinder their work because their work is a positive and complementary contribution to the efforts of the State by virtue of its role as guarantor

of the rights of persons under its jurisdiction.<sup>18</sup> 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 defenders.<sup>19</sup>

**THEREFORE:**

**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. Ratify the Order of the Acting President of the Inter-American Court of Human Rights of May 2, 2014 and, therefore, require the State to maintain the measures it is implementing, as well as adopt, immediately and in an individualized manner, the necessary and effective complementary measures as of the assessment of the risk faced by Mr. Rueda, in order to prevent irreparable damage to his life and personal integrity, in accordance with the Considering paragraphs 9 to 16 of this Order.

2. Require the State to present to the Inter-American Court of Human Rights, by no later than August 4, 2014, a detailed report of the risk faced by Mr. Danilo Rueda, as well as the actions carried out regarding the planification, coordination, and implementation of these provisional measures, pursuant to Considering clause 15 of this Order. Subsequently, the State must continue reporting to the Inter-American Court of Human Rights on the implementation of these provisional measures every three months.

3. Request that the representatives of the beneficiary present the observations they deem pertinent regarding the reports required in the aforementioned operative paragraph within a period of four weeks, as of their receipt.

4. Request that the Inter-American Commission on Human Rights submit any observations it deems relevant to the State's reports required in the second operative paragraph and the relevant observations of the representatives of the beneficiary within a period of two weeks, as of the expiration of the deadline for submission of the representatives observations.

5. Request that the Secretariat provide notification of this Order to the State, the Inter-American Commission on Human Rights, and the beneficiary of the provisional measures or his representatives.

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<sup>18</sup> 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 14, and *Matter of Certain Penitentiary Centers of Venezuela. Request to Expand Provisional Measures in favor of Marianela Sánchez Ortiz and family members regarding Venezuela*. Order of the Inter-American Court of Human Rights of September 6, 2012, considering clause 18.

<sup>19</sup> Cf. *Case of Lysias Fleury*. Request for provisional measures regarding Haiti. Order of the Inter-American Court of Human Rights of June 7, 2003, considering clause 5, and *Matter of Certain Penitentiary Centers of Venezuela. Request to Expand Provisional Measures in favor of Marianela Sánchez Ortiz and family members regarding Venezuela*. Order of the Inter-American Court of Human Rights of September 6, 2012, considering clause 11.

Roberto F. Caldas  
Acting President

Manuel E. Ventura Robles

Diego García-Sayán

Alberto Pérez Pérez

Eduardo Vio Grossi

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri  
Secretary

So ordered,

Roberto F. Caldas  
Acting President

Pablo Saavedra Alessandri  
Secretary