
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 6/2021**

Precautionary Measure No. 207-20
Ricardo Calderón Villegas regarding Colombia
January 14, 2021
Original: Spanish

I. INTRODUCTION

1. On March 4, 2020, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Jonathan Bock Ruiz of the *Fundación para la Libertad de Prensa* (“FLIP” for its Spanish acronym) and Natalie Southwick, from the Committee to Protect Journalists (hereinafter “CPJ”), urging the Commission to request that the State of Colombia (hereinafter “the State” or “Colombia”) protect the life and personal integrity of Ricardo Calderón Villegas,¹ a Colombian journalist, who finds himself at risk as a result of the exercise of his journalistic work, and due to threats, surveillance and monitoring by those identified as State actors or third parties linked to these, as a result of his investigations as a journalist.
2. On March 23, 2020, in accordance with Article 25.5 of its Rules of Procedure, the IACHR requested information from the State and the applicants. The applicants responded on March 27, May 5 and 7, and June 30, 2020, while the State replied on March 31, and expanded its report on April 2 and May 11. The Commission forwarded the State’s report to the applicants on November 25 and requested updated information from them,² receiving their observations on December 2, 2020.
3. Having analyzed the submissions of fact and law offered by the parties, the Commission considers that the information shows, *prima facie*, that Ricardo Calderón Villegas is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, the Commission requests that the State of Colombia adopt the necessary measures to protect the rights to life and personal integrity of Ricardo Calderón Villegas, allowing him to continue carrying out his journalistic activities in safe conditions; consult and agree upon the measures to be adopted with the beneficiary and his representatives; and report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

1. Information provided by the applicants

¹ Although the request initially proposed as beneficiaries a large universe of Colombian and foreign journalists who were alleged victims of threats and intelligence profiling by the National Army of Colombia, the information provided throughout the process has been focused on Ricardo Calderón Villegas, a journalist and research director of the magazine “Semana,” with a history of covering news related to corruption, drug trafficking, paramilitarism, etc.

² a) report on the current situation of the proposed beneficiaries, especially whether the proposed beneficiaries have been subject to additional threats, harassment or acts of intimidation, in the last three months; b) clarify whether the proposed beneficiaries have requested protection measures before the UNP or other corresponding authorities, and if so, what was the response obtained; c) clarify whether the proposed beneficiaries have a protection scheme, and if so, indicate whether this is adequate or sufficient; d) any other information that may be of help to understand the alleged risk, according to Article 25 of the IACHR’s Rules of Procedure.

4. The applicants indicated that, “[...] during 2019, Ricardo Calderón was the victim of multiple and systematic threats, harassment, illegal interceptions and follow-ups that may have been activated by members of the intelligence and counterintelligence of the Army, as a reaction to the investigations that he has advanced and published in *Semana* magazine on corruption and irregularities within the Army [...]” In April 2019, before publishing an article on pressure and intimidation suffered by the military who denounced alleged cases of false positives,³ Calderón Villegas began receiving calls and text messages, three to four times a week, in which he and his family were threatened to death.⁴ In March 2019, the proposed beneficiary provided evidence that he is being subject to follow-up. Specifically, they stated that on one occasion while Mr. Calderón was in a meeting with one of his journalistic sources, they realized that they were being followed by a man, who they rebuked and claimed to be an “intelligence sergeant” in charge of covering the meeting between Calderón and his source.
5. Between June and October 2019, after the publication of an article called “The Black Sheep in the Army” in which “[...] audios and videos were revealed with some of the evidence of the investigations carried out in the Office of the Attorney General (*Fiscalía*) and Office of the Inspector General (*Procuraduría*) against Army generals, and it was also noted that General Eduardo Quirós, head of the Counterintelligence Support Command (Cacim), offered rewards and permits to those who identified Army members who were revealing information to the press [...],” about ten *sugrafios* [flower offerings] were delivered at the residence of the proposed beneficiary and that of his sister. Furthermore, “[...] threatening calls continued, and the follow-ups became much more evident [...]” For instance, the applicants mentioned that a van allegedly carrying out intelligence work was spotted outside the magazine headquarters, and that the proposed beneficiary’s father received a call in which they conveyed their condolences for the “death” of his son.
6. In October 2019, while Calderón Villegas was holding a meeting, an individual approached his car in a parking lot and left him a tombstone with his date of birth and death, as a threat. In November 2019, some of the journalistic sources of the proposed beneficiary shared their concern when they allegedly learned that there was an order to assassinate him. A week later, his bodyguards learned the identity of two men who were paid to attempt on the life of Mr. Calderón. After being located, the proposed beneficiary interviewed them and they confessed having received twenty million Colombian pesos and that they already knew where he lived.⁵ Subsequently, and in view of the threats, the proposed beneficiary left the country, but came back to Colombia due to suspicions that there was a false informant who managed to intercept his communications.
7. On January 11, 2020, *Semana* magazine published another article written by the proposed beneficiary,⁶ which denounced the illegal interceptions allegedly carried out by the Army against defenders, justices, politicians, and officers during 2019.⁷ The applicants indicated that the various threats and acts of harassment affected the proposed beneficiary’s exercise of journalistic work, taking into account that it became more difficult for him to hold meetings with his sources. Sometimes he reportedly had to desist from the meetings or some of them were dismissed by the National Army, which hampered and prolonged the investigative process that he was carrying out. Furthermore, the

³ The publication was titled “Operation Silence: Corruption in the Army.”

⁴ Two messages received on April 1 were highlighted, which read literally as follows: “Sob you were saved once but two communist dog,” “Sob dog we know u r with arraw [sic.] and traitors floor for everyone soon.”

⁵ The applicants indicated that the men refused to report the events and since November 2019, their whereabouts are unknown after they were allegedly detained by a group of unidentified men, when they were traveling on an inter-municipal bus.

⁶ Publication titled “Chuzadas sin cuartel: la persecución a *Semana*”

⁷ On February 14, 2020, the proposed beneficiary received the Rey de España Award in recognition for his journalistic work and specifically for publications related to the Colombian Army.

proposed beneficiary referred the existence of profiles of “at least twenty national and foreign journalists”⁸ with respect to whom reckless notes were written and who were linked to unlawful groups due to the content of their publications, inferring that the Army was aware of the network of contacts with whom these journalists were associated. It was additionally reported that the National Army’s Twitter account posted on March 10, 2020 an alleged list containing the proposed beneficiary and other journalists or media outlets under the headline “Opposition.”

8. Additionally, the applicants indicated that despite the fact that the State was aware of the risk faced by Mr. Calderón, it was not until February 2020, when the regional director of Human Rights Watch informed the UNP of the situation, that the proposed beneficiary received a call from that entity asking him whether he considered it necessary for him to have an armored vehicle, an offer that was considered unnecessary by the proposed beneficiary, in view of the fact that he already has a private armored vehicle for his daily use, criticizing the fact that the UNP did not offer him any other type of protection measures. The proposed beneficiary expressed his distrust with the State entities.⁹

9. The applicants indicated that Ricardo Calderón resigned from *Semana* magazine on November 10, 2020 and that this increases the risk, given that he does not have a media outlet to support him and that the lack of threats and acts of harassment or intimidation in the last three months cannot be assessed as a decrease in risk, reiterating that there exists a “climate of self-censorship” that affects all journalists in the country, as the alleged facts generate an intimidating and dissuasive effect that leads to the silencing of the press, in view of the fear of possible aggressions related to the exercise of journalism.¹⁰ They added that of the seven journalists who are victims of threats, two have protection schemes from the UNP, while the others are carrying out the respective process.¹¹

10. As regards the investigations on the so-called “Chuzadas,” the applicants deem that the State has not given priority to the clarification of the facts,¹² which purportedly constitutes a serious indication of the “high risk of impunity,” and therefore the proposed beneficiaries allegedly continue to be at

⁸ The applicants stated that Mr. Calderón has identified some of these journalists, but that since it is information that could compromise their integrity, it will only be shared with the Commission, once the precautionary measure is granted. In June 2020, the applicants requested that the Commission take into account as proposed beneficiaries a total of forty journalists, from different media outlets: Caracol Radio and Caracol Noticias, The Wall Street Journal, Univisión, The New York Times, Radio Nacional de Colombia, Rutas del Conflicto, Blu Radio, La Liga contra el Silencio, etc.

⁹ They noted that in March 2019 the FLIP presented a report indicating alleged irregularities in the case study by the Committee for Risk Assessment and Recommendation of Measures (CERREM). The report explains how the Foundation has identified that the delegates and the CERREM Technical Secretariat deliberately hide information about the cases studied and that there are constant irregularities in the development of the sessions and the study of the cases.

¹⁰ They specifically mentioned that journalist Ignacio Gomez, who has a protection scheme, received a threatening message on Twitter in July 2020¹⁰, Gerald Bermudez received a message in June 2020 declaring him a “military target,” Julian Martinez received insults in September 2020 and was labeled a “guerrilla” through social networks, and in October 2020 a source had informed him that there was a plan to attempt to kill him, a situation that was also reported to the FLIP by Gustavo Rugeles in November 2020. Moreover, they mentioned that the organizations “La Liga del silencio” and “Rutas del conflicto” have presented situations such as hacking into their Instagram account or visits to their LinkedIn page by military profiles, among similar situations.

¹¹ Julián Martínez and Ignacio Gómez have security schemes, while Maria Alejandra Villamizar, La Liga del Silencio, Gerald Bermúdez, Gustavo Rugeles and Sandra Paola Soto are pending.

¹² Regarding the investigations carried out by the Office of the Attorney General, they reported that on August 5, 2020, that Office had requested, through the FLIP an interview with Mr. Calderón in order to provide data for the clarification of the facts, establish the type of threats, among others. In response, the FLIP requested on August 6, 2020 that the Office of the Attorney General inform it of the progress of the investigation, since the proposed beneficiary did not know of the existence of such an investigation, and no response has been received to date. Furthermore, even though more than 7 months have passed since the decision to call the Commander of the Army for questioning, this procedure has not been carried out, and no formal links to the investigation have been identified either. They also expressed concern about the information provided by the Office of the Attorney General which states that the number of persons who were subject to the reported events does not exceed 20, noting that they do not know the details of how this number was identified or what criteria were used to arrive at this finding. With respect to the disciplinary investigations, the applicants indicated that substantive decisions have been taken, and a statement of objections has been issued against several officers, while the setting of a date for a trial hearing is pending.

risk, due to the national context that impedes the exercise of free and independent journalism.¹³ They stressed that the accusations and labels used against some journalists are arbitrary, dangerous and can be understood as “[...] a sign of permissiveness for third parties to commit aggressions against the press [...].”

11. Ultimately, they stressed that the seriousness of the situation has been recognized internationally, giving as an example that the Rapporteurship for Freedom of Expression of the IACHR requested information from the State, while the United States Congress has called attention to the illegitimate use of international aid resources.

2. Response from the State

12. The State indicated that the proposed beneficiary received protection measures from the National Protection Unit (UNP) during 2014 and 2015, as Director of Investigations of *Semana* magazine. However, in January 2016 the proposed beneficiary notified his intention to withdraw from that scheme, which had been implemented by the National Police. Upon this withdrawal, the case was referred to the Committee for Risk Assessment and Recommendation of Measures [CERREM] –the body in charge of resolving the requests to the UNP– which in March 2016 recommended:

Not to validate and refer this case to the Foundation for Press Freedom (FLIP) delegate, Jonathan Bock, so that he can contact the beneficiary again and explain to him the importance and need of accepting the protection measures approved by CERREM members.

13. In April 2016, CERREM once again recommended to lift the measures despite UNP’s interest in keeping them in force, due to the insistence of the proposed beneficiary to lift them. Because of the above, the risk reassessment process that was in progress in this regard had to be suspended. After that, “[...] no new requests for protection filed to the UNP in favor of the [proposed beneficiary] have been reported.” The State further indicated that the Office of the Attorney General did not detect any recorded complaints regarding the subject matter of the request. However, with the support of the Directorate of Support for Investigation and Analysis for Citizen Security, a criminal news was generated on March 30, 2020, for a possible threat crime. As a result, the judicial police are working on clarifying the facts.

14. According to the file, in a communication dated May 6, 2020, the UNP communicated with the applicants, emphasizing that, according to the applicable regulations, the inclusion of a person in the protection program requires their consent, therefore they requested that the pertinent documents be provided for the initiation of the procedures. Furthermore, the UNP made the situation of the proposed beneficiary known to the Commander of the Metropolitan Police of Bogota, “with the purpose of deploying preventive, appropriate and immediate measures for a period of four (4) months, in order to guarantee the rights to life, integrity, security and freedom of the person concerned.”

15. Regarding the purportedly illegal intelligence work, the State indicated that, since it became known, President of Colombia, Iván Duque, ordered the Army Commander “to carry out a strategic review of the intelligence and military counterintelligence capabilities of the last ten years, in order to verify and evaluate compliance with processes and protocols and eradicate the execution of practices that may be contrary to the law [...]. President Iván Duque has been emphatic in demanding

¹³ The applicants referred to a government strategy to improve the president’s image that included creating a database of influencers, media and journalists and ranking their position vis-à-vis the government, as well as the fact that the Medellín mayor’s office had been tracking journalists in networks, producing reports that used words like “cyber-militant” to refer to journalists attacking the administration.

transparency and zero tolerance for illegality.” Due to the above, a disciplinary inquiry was initiated ex officio on January 13, 2020, and is currently at the stage of investigating those responsible. As a result of the investigations, on May 1, 2020 a decision was made to remove twelve Army officers from active duty.¹⁴

16. On another note, the State reported that the Ministry of Defense made changes to the structure of the National Army, General Staffs, management, and operational units, including changes to commanders of twenty-four intelligence and counterintelligence units across the country. The SICEI (Institutional Strategic Control System) was also strengthened to learn about behaviors not adjusted to the law. As a result of a strategic review committee, the General Command of the Military Forces defined twenty-five lines of effort in terms of doctrine, organization, leadership, strengthening controls, among others, having already given instructions in fifteen of them. Ultimately, the State indicated that

this situation has not affected or will affect the development of military operations against the instability factors looming over the country. The Armed Forces have the prime purpose of defending sovereignty, independence, the integrity of Colombian territory and constitutional order. The alleged illegal actions of individuals cannot stigmatize military intelligence, which is one of the most strategically valued capabilities for the security of the country and the protection of citizens. It is essential for President Ivan Duque and his Government that military intelligence be exercised in strict compliance with the Constitution, the law and respect for human rights.

17. As for the Office of the Attorney General, the State shared that a criminal investigation against General Nicacio Martínez Espinel before the Supreme Court of Justice has been carried out since January 2020. In addition, two further investigations for alleged threat crimes against Mr. Ricardo Calderón are at the investigation stage, the first dated May 1, 2013 and the second dated March 27, 2020. On August 5, 2020, the State through the Permanent Mission to the United Nations, sent by means of the Office of the United Nations High Commissioner for Human Rights –Subdivision of Special Procedures– the questionnaire reply signed on June 15, 2020 by several Special Rapporteurs,¹⁵ noting that intelligence and counterintelligence activities in Colombia are regulated by Statutory Law 1621 of 2013, a law declared constitutional by judgment C-540 of July 12, 2012, whose main objective is the protection of human rights and the guarantee of national security.

18. In addition to reiterating the information previously provided to the Commission, the State noted that the Office of the Attorney General, since January 9, 2002, has been advancing a disciplinary inquiry against officers yet to be determined, and has ordered to hear thirteen National Army officers, who apparently may have some responsibility for profiling and obtaining information from journalists, politicians, members of trade union organizations and other citizens. Similarly, the Office of the Attorney General requested, as a precautionary measure, that the Ministry of Defense definitively restrict any type of procedure or action that, under intelligence or counterintelligence measures, could in some way be aimed at profiling persons not in line with legitimate objectives of public force actions, in order to prevent these events from reoccurring. The Ministry of Defense created the position of Deputy Inspector for Intelligence and Counterintelligence in each of the Forces,

¹⁴ In addition, changes were made to the structure of the command of the National Army, General Staffs, Managements and Operational Units, to streamline and improve intelligence operations and processes; the strategic review of military intelligence and counterintelligence capabilities was completed, resulting in 25 lines of effort in doctrine, organization, personnel, leadership and control building. The Tool of the Institutional Strategic Control System was strengthened to learn about behaviors not adjusted to institutional principles and values and thus prevent and sanction the situations presented in an expeditious manner.

¹⁵ The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the female Special Rapporteur on extrajudicial, summary or arbitrary executions; the female Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-repetition; and the Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights of the Organization of American States.

with the specific mission of inspecting such processes in a specialized manner. In addition, the standards of certification and reliability of the staff that aspire to integrate these units have been strengthened, changing the evaluation standards and control mechanisms, among others.¹⁶

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND RISK OF IRREPARABLE HARM

19. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

20. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, one being protective and the other being precautionary. Regarding the protective nature, precautionary measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are being considered by the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition in the Inter-American System is resolved. The object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, thus, avoid infringement of the rights at issue, a situation that may adversely affect the useful purpose (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to fulfill the final decision and, if necessary, to comply with the required reparations. Regarding the process of decision making and, according to Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

21. The Commission recalls that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.¹⁷

22. In this regard, the Commission deems it relevant to clarify that, in this proceeding, it is not called upon to determine whether there have been violations of the alleged rights. The Commission is also

¹⁶ The State noted that institutional channel 163 "Line of Honor" has been strengthened to optimize the process of receiving complaints about suspected corruption cases and irregular contracts, the Institutional Strategic Control System (SICEI) consisting of the Directorate for the Implementation of Transparency Standards (DANTE), the Army General Inspection (CEIGE), the Military Counterintelligence Support Command (CACIM) and the Directorate of Disciplinary and Administrative Affairs of the Army (DADAE) and implemented the "Joint Strategy integrity and transparency for military forces.

¹⁷ For instance, in relation to provisional measures, the Inter-American Court has considered that this standard requires a minimum of detail and information that allow for the *prima facie* assessment of the situation of risk and urgency. I/A Court H.R., Matter of the children and adolescents deprived of their liberty in the "Complexo do Tatuapé" of the Fundação CASA. Request for extension of measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

not called upon to rule on the attribution of criminal or other liability to the persons involved in this matter. On this occasion, it is not for the Commission to carry out an analysis on the compatibility of the internal regulations in light of the Convention and the applicable standards. The analysis carried out herein by the Commission is exclusively related to the requirements of seriousness, urgency, and risk of irreparable harm established in Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits, which are specific to the petition and case system.

23. Before proceeding with the analysis of the requirements, the Commission notes that the applicants made general reference to the situation of national and foreign journalists in Colombia in the framework of the request. However, apart from referring to them, the applicants did not provide individualized, concrete, or updated information on their situation in light of Article 25 of the Rules of Procedure. In this regard, the Commission considers that it does not have sufficient assessment elements regarding that group of proposed beneficiaries. Given that the applicants and the State focused the information mainly on Mr. Ricardo Calderón Villegas, and since there is more information on his situation, the Commission proceeds to consider him as proposed beneficiary in order to analyze this request for precautionary measures.

24. When analyzing the situation of Ricardo Calderón Villegas, the Commission takes into account the context in which the facts alleged purportedly take place. In this regard, on January 16 and May 21, 2020, the Commission voiced its concern over the information that indicated the existence of a scheme of reportedly illegal espionage and profiling of journalists, justice operators, human rights defenders and political leaders in Colombia, which has been purportedly organized by departments of the National Army.¹⁸ At those times, the IACHR urged the State to carry out an exhaustive, immediate and independent investigation and also recalled the antecedents registered in Colombia on this intrusive and illegal practice, and statements were issued in 2004, 2009 and 2014. Furthermore, the Commission emphasizes that in Colombia there is a growing trend of threats against journalists, human rights defenders and social leaders, who investigate and report highly sensitive issues,¹⁹ which in the situation of Mr. Calderón even included a plan to murder him.²⁰

25. With regard to this matter, the Commission recalls that it was by means of a journalistic report published by *Semana* magazine that it was possible to know the details of an alleged scheme of illegal espionage operations, reportedly perpetrated from at least four intelligence and counterintelligence battalions and brigades of the Military Forces in Colombia. The Commission particularly notes the role and function of the proposed beneficiary in that investigation, as well as the relevance thereof for Colombian society.

26. In this regard, upon analyzing the seriousness requirement, the Commission stresses, based on

¹⁸ IACHR, IACHR and its Office of the Special Rapporteur express deep concern over complaints of espionage of journalists, human rights defenders, judges, and political leaders in Colombia, January 16, 2020. Available at <https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1162&IID=1>; and IACHR, IACHR and its Special Rapporteurship for Freedom of Expression Urge the State of Colombia to Conduct a Diligent, Timely, and Independent Investigation into Allegations of Illegal Surveillance Against Journalists, Justice Operators, Human Rights Defenders, and Political Leaders, May 21, 2020. Available at https://www.oas.org/en/iachr/media_center/PReleases/2020/118.asp

¹⁹ IACHR, Annual Report of the Office of the Special Rapporteur for Freedom of Expression, 2019 - Vol. II, para.351. The Office of the Special Rapporteur notes with concern the ongoing context of aggressions⁴⁶⁸, within which there were a high number of episodes of death threats⁴⁶⁹, physical attacks⁴⁷⁰ and intimidation through social networks⁴⁷¹, text messages⁴⁷² and intimidating calls⁴⁷³ and leaflets with intimidating messages⁴⁷⁴, registered in different regions of Colombia that affects journalists who cover different topics of high public interest related to the peace process, corruption and drug trafficking, among others. These attacks were focused on regions of Bogotá, Cali, Cartagena, Cauca, La Guajira, Santa Marta, Mitú, among other locations. Available at <http://www.oas.org/en/iachr/expression/reports/ENGIA2019.pdf>

²⁰ Newspaper *El Espectador*, Judicial, Bogotá, January 18, 2020, *Chuzadas, un escándalo que no muere "El que diga que no siente miedo tiene huevo, periodistas de Semana."* Available (in Spanish) at <https://www.elespectador.com/noticias/judicial/el-que-diga-que-no-siente-miedo-tiene-huevo-periodistas-de-semana-articulo-900424/>

the information available, that Mr. Calderón's journalistic activity which he has been carrying out for years is reportedly recognized at the national and international level given his thoroughness and informative contribution. It should be noted, in particular, that this journalist is one of the persons who has led the investigations against the Army in Colombia. The Commission understands that the proposed beneficiary, through his journalistic activity on issues of special sensitivity, has high visibility and his situation of risk is closely linked to the investigations he carries out and accompanies. Although it was indicated that the proposed beneficiary no longer works for *Semana* magazine, the Commission considers that, inasmuch as he makes his investigations public, either personally or through a media outlet that supports him, the situation he has faced is likely to continue over time.

27. In particular, the Commission takes into consideration the special seriousness represented by the events that the proposed beneficiary has faced at the time of publishing investigations that have had a big impact on Colombian society. A proof of this is that several of his reports have led to the initiation of criminal and disciplinary investigations, as well as changes of high commands in the Colombian National Army, among others. In accordance with the information available, such investigations purportedly have a causal link with the threats, surveillance, monitoring and even a plan to attempt on the life of the proposed beneficiary. As indicated above, such situations have been endured by Mr. Calderón for several years and have been exacerbated upon the publication of several reports denouncing alleged irregularities committed by members of the National Army on issues of great national relevance such as those called "false positives," "profiling" or reports on corruption within that institution.

28. The Commission takes into consideration that, on one occasion, the proposed beneficiary was allegedly able to establish that the person monitoring him was a member of the Army. Moreover, it was noted that the sending of *sufragios*²¹ and threatening calls intensified days after the publication of a report evidencing the payment of rewards by a counter-intelligence commander to reveal possible sources that provided information to the press, or that the whereabouts of the persons hired to make an attempt on his life are unknown, after they were detained by a group of unidentified armed persons.

29. The Commission also notes that the surveillance, monitoring, and threatening actions have affected Mr. Calderón's family members, and the level of interference in the daily life of the proposed beneficiary is reflected in the fact that the surveillance has purportedly violated the privacy of his residence, that of his sister, his father, his workplace, even the places where he meets with his sources and even his communications (see *supra* paras. 4 and 5). For the Commission, the seriousness of this intrusion is manifested in that, according to the events narrated, at a certain time, third parties who have reportedly been paid to attempt on his life have even known where he lives. Furthermore, the proposed beneficiary has allegedly had difficulties meeting with his sources. The above is useful to see that these are not isolated or occasional actions, but that there are both a special capacity for action on the part of those responsible for those acts, as well as serious intentions to attack the proposed beneficiary or hinder his journalistic work. On one occasion, this has purportedly led the proposed beneficiary to leave the country.

30. Regarding open investigations, the Commission assesses the actions taken by the highest authority of the State based on the journalistic investigations by the proposed beneficiary. Among them, the strategic review on intelligence and military counterintelligence capacities stands out, as well as the demand for transparency and zero tolerance for illegality. Similarly, the Commission takes note of the *ex officio* initiation of a disciplinary inquiry on January 13, 2020, and the decision of May

²¹ Flower offerings for the deceased and their families, which in Colombia are also often used as a threat.

1, 2020 to remove twelve Army officers from active duty. In the same way, it assesses the actions taken by the Office of the Attorney General of the Nation (see *supra* para. 18) and the Ministry of Defense (see *supra* paras. 15 and 18).

31. However, with regard to the investigations into the alleged crimes of threats against Mr. Calderón, dated May 1, 2013 and March 27, 2020, the Commission notes that they are still at the inquiry stage. In this regard, the Commission notes that according to the information provided, there have not been substantive advances in the identification or sanction of those allegedly responsible for the events of risk, which is a relevant aspect when establishing the risk that the proposed beneficiary is currently facing and the probability that they be repeated. In relation to the above, the Commission notes that the alleged situation of risk is related to the journalistic work carried out by the proposed beneficiary in the current context. For the Commission, there exists a threat that is likely to persist over time, and an “unstable balance” may occur until certain events trigger the perpetrator’s actions,²² even more so in the current context.

32. In view of the assessments, the Commission considers that from the applicable *prima facie* standard, and in the context identified, it is sufficiently accredited that the rights to life and personal integrity of Mr. Ricardo Calderón Villegas are at serious risk. Furthermore, taking into account the allegations according to which such threats are related to the exercise of freedom of expression of this journalist, the Commission considers that this situation is likely to have an impact on the right of Colombian society to be informed, which is essential for the effect of a democratic State.

33. As regards the urgency requirement, the Commission considers that the elements included in the request suggest the possibility that the harm to the rights of the proposed beneficiary may imminently come to fruition. The above is based on the signs regarding the allegedly ongoing risk, the nature of the events faced by the proposed beneficiary, the need to implement adequate protection measures, the continuity of the work carried out by the proposed beneficiary, as well as the relevance and impact of his investigations.

34. Having requested information from the State, the Commission acknowledges that the proposed beneficiary has had protection measures from the UNP between 2014 and 2015, which were implemented by the National Police, and in 2016 he purportedly voluntarily desisted from them. Having learned of the intention of the proposed beneficiary, the information available indicates that the State has sought to explain the importance and need to maintain such protection measures. Upon reiterating his intention not to continue with the measures, in 2016 it was recommended to lift them, which also led to the suspension of the risk reassessment that was in progress at that time.

35. For 2020, the Commission notes that, as indicated by the parties, the State has sought to implement protection measures in favor of the proposed beneficiary, even despite not having filed complaints for the alleged facts. In this regard, the State indicated that the Directorate of Support for Investigation and Analysis for Citizen Security generated a criminal news on March 30, 2020, for a possible crime of threats, which reportedly continues its corresponding processing. Similarly, there are other open investigations based on the journalistic work carried out by the proposed beneficiary, which date to 2013 (see *supra* para. 17).

36. Regarding protection measures, the State indicated, in May 2020, that it requires the consent of the proposed beneficiary to implement them and requested that the necessary information be provided to do so. The State further indicated that it made the situation of the proposed beneficiary

²² See: I/A Court H.R. Case of Yarce *et al.* v. Colombia. Preliminary objection, merits, reparations and costs. Judgment of November 22, 2016. Series C No. 325, para. 188

known to the Commander of the Metropolitan Police of Bogota, with the purpose of deploying preventive, appropriate and immediate measures for a period of four months, in order to preserve his rights. For their part, the applicants indicated that the State, through the UNP, asked whether it was considered necessary to have an armored vehicle, an offer that was not accepted by the applicants given that the proposed beneficiary already had a private armored vehicle for his daily use. In this regard, the applicants questioned that other measures were not offered and expressed mistrust in the State.

37. In view of the foregoing, the Commission notes that the parties agree on the need and importance of implementing protection measures in favor of the proposed beneficiary. However, the Commission emphasizes that there is a discrepancy regarding the best way to implement them. Such understanding are relevant inasmuch as, although it is not for the Commission to determine the perpetrators of the events of risk, or if they are attributable to State actors, at the time of assessing this request, the IACHR does take into account the seriousness of the possible participation of State actors, in accordance with the allegations offered, as this would place the proposed beneficiary in a situation of greater vulnerability in the current framework and in view of the nature of the journalistic research that he carries out. In this regard, although police measures were implemented, the Commission does not have elements regarding the results of such actions or their effectiveness in the face of the identified situation of the proposed beneficiary.

38. As regards the requirement of irreparable harm, the Commission considers that it is met, since the possible impact on the rights to life and personal integrity constitute the maximum situation of irreparability.

39. Notwithstanding, taking into account the importance of implementing protection measures as well as the aspects described by the parties, the Commission notes the importance that the designation of the schemes and, where appropriate, of the persons who will provide security, be carried out with the effective participation of the beneficiary or his representatives. The Commission also recalls that for the measures to be adequate, by their very nature, they must be able to protect the person from the risk in which they find themselves and, to be effective, they must produce results in such a way that the risk is mitigated.²³ Lastly, the Commission specifies that it will review the relevance of keeping this precautionary measure in force pursuant to Article 25.9 of the Rules of Procedure, based on the information provided by the parties during the follow-up of the precautionary measures.

IV. BENEFICIARY

39. The Commission declares that the beneficiary of this precautionary measure is Ricardo Calderón Villegas, identified in the framework of this proceeding.

V. DECISION

40. The Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission hereby requests that the State of Colombia adopt the necessary measures to protect the rights to life and personal integrity of Ricardo Calderón Villegas, allowing him to continue carrying out his journalistic activities in safe conditions; consult and agree upon the measures to be adopted with the beneficiary and his representatives; and report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

²³ See IACHR, Second report on the situation of human rights defenders in the Americas, December 31, 2011, para. 521.

41. The Commission also requests that the Government of Colombia kindly inform the Commission, within a period of 15 days, as from the date of this communication, regarding the adoption of the precautionary measures that have been agreed upon and to periodically update this information.
42. The Commission stresses that, pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.
43. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Colombia and the applicants.
44. Approved on January 14, 2021, by: Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; and Julissa Mantilla Falcón, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary