

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 25/2021**

Precautionary Measure No. 36-10
Rodrigo Callejas Bedoya *et al.* regarding Colombia
March 5, 2021

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in accordance with Article 25 of the Rules of Procedure. Despite reiterated requests for information from the representation, no response has been received in approximately 9 years. Notwithstanding the foregoing, the IACHR recalled that the State maintains, in accordance with Article 1(1) of the American Convention, its obligation to respect and guarantee the rights recognized therein, including Mr. Callejas's life and personal integrity.

II. BACKGROUND INFORMATION

2. On April 12, 2010, the IACHR granted precautionary measures in favor of Rodrigo Callejas Bedoya and his family, in Colombia (hereinafter "Colombia" or "the State"). In the request for precautionary measures, it was alleged that the beneficiary faced a situation of risk, after having been subjected to threats and harassment due to his work as an independent journalist.

3. Upon analyzing the factual and legal arguments submitted by the parties, the Commission considered that the beneficiary was in a serious and urgent situation, given that his rights to life and personal integrity were at risk of irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested Colombia to: a) adopt the necessary measures to guarantee the life and physical integrity of the beneficiary and his family; b) agree on the measures to be adopted with the beneficiary and his representation; c) report on the actions taken to investigate the events that led to the adoption of precautionary measures.

III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE

4. During the time the precautionary measures were in force, the Commission followed up on the beneficiary's situation by requesting information from the parties.

5. In 2010, the representation reported on the agreement of the measures with the State, referring in some of its briefs to the obstacles presented¹ in the individual protection scheme assigned to the beneficiary. In turn, they provided information on threats against the beneficiary. For its part, the State submitted a report in which it disclosed the different steps taken in order to implement the protection measures and evaluate the beneficiary's level of risk and degree of threat. They reported that, regarding the measures implemented, two bodyguards were appointed to provide accompaniment to the beneficiary, two avantel means of communication and an individual vehicle were provided, and rounds were held at the beneficiary and his family's residence. In the same way, they referred to meetings held between the parties in order to follow up on these measures, in which they discussed the actions of the Attorney General's Office as regards investigations into the threats received by the beneficiary, and the alleged new events that occurred against the beneficiary.

¹ They allude to the irregularity in payments for fuel of the armored vehicle.

6. During 2011, the representation provided updated information on the beneficiary, referring to defamation and smear campaigns against him, as well as threats and surveillance directed against him and his family. These events were brought to the attention of the state authorities, who committed to make a report on the compliance and periodic execution of the police rounds and to install security systems in order to avoid the repetition of the events. However, it is indicated that, after 6 months, these measures were allegedly not implemented. In this regard, the State reports that the status of implementation of the measures was analyzed, the new requirements were raised considering the complaints filed by the beneficiary, commitments were made to provide greater security for both him and his family, and new measures aimed at optimizing the beneficiary's protection were adopted in a concerted manner. Moreover, progress regarding the criminal investigations that are being carried out before the Attorney General's Office was reported.

7. In 2012, the State indicated that it had conducted a reassessment of the beneficiary's risk level, and adjusted the beneficiary's protective measures.² For its part, the representation filed complaints related to monitoring against the beneficiary and indicated that the police rounds were being carried out irregularly, and that the avantel service was deactivated. Subsequently, in 2013, 2014 and 2016, the State presented updated information on the meetings arranged between the parties and on the agreements reached, highlighting that protection measures and progress in criminal investigations continue. After forwarding the State's communications, the Commission requested information from the representation on February 3, 2014 and September 26, 2016, without obtaining a response to either of the two requests.

8. By means of a communication dated November 23, 2016, the State, in addition to reiterating the measures adopted in the matter, considered that "the requirements of seriousness, urgency and irreparable damage are liable to disappear based on the State's attention to the causes that gave rise to them". This information was forwarded to the representation by means of a communication dated April 10, 2017 aiming to obtain news on the situation of the beneficiary. On January 14, 2021, the IACHR reiterated the request for information to the representation. To date, the IACHR has not received a response.

IV. ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY AND IRREPARABLE HARM

9. The mechanism of precautionary measures is part of the Commission's function to monitor compliance with the human rights obligations established in the Charter of the Organization of American States and, in the case of member states that have not yet ratified the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are set forth in Article 18 of the Statute of the IACHR, and the mechanism of precautionary measures 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.

10. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that the precautionary and provisional measures have a double character, one precautionary and the other protective. As regards the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are under

² They changed the ordinary vehicle for an armored one, implemented two security escorts, police rounds and a bulletproof vest.

consideration by the IACHR. 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” is determined by means of the information provided, and refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c) “irreparable harm” refers to impact on rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

11. In regard to the above, Article 25(7) of the Commission’s Rules of Procedure stipulates that “the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” In addition, Article 25(9) provides that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should evaluate if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures, still do persist. Moreover, the Commission should consider if new situations that might meet the requirements set forth in Article 25 of the Rules of Procedure have subsequently arisen.

12. Additionally, the Commission states that while the assessment of regulatory requirements when adopting precautionary measures is carried out from a *prima facie* standard, maintaining such measures in force requires a more rigorous evaluation³. For this matter, the burden of proof and argument increases as time goes by and there is no imminent risk⁴. The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures⁵.

13. The Commission observes that these precautionary measures were granted in 2010 with the purpose of adopting measures aimed at protecting the life and personal integrity of Rodrigo Callejas Bedoya and his family. During the supervision of the implementation of these measures, the Commission has received information from both the representation and the State on actions taken to protect him.

14. On its side, the Commission notes that since the measures were granted, the State has submitted reports regarding the progress made in arranging protection measures for the beneficiaries, as well as the protection measures implemented in favor of the beneficiary. In turn, the representation presented observations until 2012. In this regard, the Commission values the initial intent of the parties to promote the implementation of these precautionary measures.

15. Notwithstanding the foregoing, the Commission observes that there has been no new information from the representation since 2012 in regards of the situation of the beneficiaries under the terms of Article 25 of the Rules of Procedure. Despite various and repeated requests for information between 2014 and 2021, the Commission has not received a response. Now, approximately 9 years have passed without any information from them with information to assess whether a risk situation persists. In this sense, the Commission does not have any detailed and current

³ I/A Court H.R. Provisional measures regarding Mexico. Order of February 7, 2017, para. 16 and 17. Available (in Spanish) at: http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

⁴ Ibidem

⁵ Ibidem

information allowing it to determine whether a risk situation continues in force for the beneficiary according to Article 25 of the Rules of Procedure.

16. The Commission deems it appropriate to recall that procedural activity of the representation in the framework of this proceeding is necessary in order to analyze the pertinent observations in a timely manner and, in general, provide specific and detailed information to evaluate whether the precautionary measures should remain in force⁶. Otherwise, the Commission does not have sufficient elements to determine whether said precautionary measures should remain in force. As the I/A Court H.R. has indicated, if the representation of the beneficiaries want these measures remain in force they must present proof of reasons for this end⁷.

17. In view of the foregoing, considering the temporary and exceptional nature⁸ of the mechanism of precautionary measures, the Commission considers that it is appropriate to lift these measures as the lack of information does not allow the regulatory requirements to be considered fulfilled.

V. DECISION

18. The Commission decides to lift the precautionary measures granted in favor of Rodrigo Callejas Bedoya and his family.

19. The Commission emphasizes that, regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, the State of Colombia is responsible for respecting and ensuring the rights recognized therein, including the life and personal integrity of Mr. Callejas.

20. The Commission recalls that the lifting of these measures does not prevent the representation from submitting a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of the Rules of Procedure.

21. The Commission orders the Executive Secretariat of the IACHR to notify of this resolution to the State of Colombia and the representation.

22. Approved on March 5, 2021, by: Joel Hernández, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay, Esmeralda Arosemena de Troitiño, Edgar Stuardo Ralón Orellana and Julissa Mantilla Falcón, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary

⁶ I/A Court H.R. Case of Coc Max et al. Guatemala. Provisional Measures. Order of the Inter-American Court of Human Rights of February 6, 2019. Considerandum 12. Available (in Spanish) at: http://www.corteidh.or.cr/docs/medidas/coc_se_02.pdf

⁷ I/A Court H.R. Matter of Luisiana Ríos et al. regarding Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of August 22, 2018. Considerandum 3. Available (in Spanish) at http://www.corteidh.or.cr/docs/medidas/rios_se_10.pdf

⁸ I/A Court H.R., Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 2013, para. 22, and Matter Galdámez Álvarez et al. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24