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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 69/2021**

Precautionary Measure No. 512-21

**José Alberto Tejada Echeverri and Jhonatan Buitrago regarding Colombia  
("Journalists of *Canal 2* in Cali")**

August 28, 2021

Original: Spanish

**I. INTRODUCTION**

1. On June 9, 2021, within the framework of its working visit to Colombia, the Inter-American Commission on Human Rights ("the Inter-American Commission," "the Commission" or "the IACHR") received in the city of Cali, Valle del Cauca, Colombia, a request for precautionary measures filed by Alexander Montaña Narváez, of the "21N Legal and Humanitarian Team"; and Danilo Rueda and Nubia Acosta Villegas, of the "Inter-Ecclesiastical Commission for Justice and Peace" ("the applicants"), urging the IACHR to request that the State of Colombia ("the State" or "Colombia") adopt the necessary protection measures to guarantee the life and personal integrity of José Alberto Tejada Echeverri and Jhonatan Buitrago Franco ("the proposed beneficiaries"). According to the request, the proposed beneficiaries are a journalist and a cameraman, respectively, from Cali's *Canal 2* and, due to their coverage of the protests and acts of violence that have taken place in Colombia as of April 28, 2021, they are purportedly the object of harassment, threats, and acts of violence.

2. On June 14, 2021, in accordance with Article 25(5) of its Rules of Procedure, the Commission requested information from the State and the applicants. Upon granting a time extension, the State provided its report on June 24, 2021. Additionally, the Commission has received additional information from the applicants on June 12, July 7, 9, 16 and 21, and August 12 and 17, 2021. For its part, the State has provided complementary reports on July 1 and 2, 2021.

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the proposed beneficiaries are *prima facie* in a serious and urgent situation, given that their rights to life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests that the State of Colombia: a) adopt the necessary measures to protect the rights to life and personal integrity of José Alberto Tejada Echeverri and Jhonatan Buitrago. In particular, the State must ensure that state actors respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to threatening acts attributable to third parties, in accordance with the standards established by international human rights law; b) adopt the necessary measures so that José Alberto Tejada Echeverri and Jhonatan Buitrago can carry out their activities as journalists, without being subjected to violence, threats, harassment, or other acts of violence in the exercise of their work. The above includes the adoption of measures so that they can properly exercise their right to freedom of expression; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) 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 PROVIDED BY THE PARTIES**

**A. Information provided by the applicants**

4. According to the request, the proposed beneficiaries are a journalist and a cameraman of *Canal 2*, a local media outlet of Cali, Colombia. In the context of the National Strike that began on April 28, 2021, in Colombia, they are allegedly in charge of registering and disseminating abuses committed by the National Police and the ESMAD (mobile anti-riot squad of the National Police). In this vein, the proposed beneficiaries are reportedly in charge on communicating and denouncing human rights violations by public forces and armed civilians against the demonstrators in the city of Cali in the context of the demonstrations. In this regard, it was indicated that, due to the foregoing, the proposed beneficiaries are being subjected to harassment, threats, intimidation, and accusations against them, coming from National Police officers, as well as accusations by people with high public positions.

5. As part of their work, it was indicated that they have reported various situations that evidence the excessive use of public force in the context of the demonstrations, referring to a report dated May 20, 2021, on the discovery of an alleged torture center in a warehouse in Cali, used by the National Police. It was further indicated that they have also documented an illegal detention center to which the protesters were taken by the National Police, where more than 400 young people, including minors, are said to be in overcrowding conditions. In addition, information was provided on various documentation activities purportedly carried out throughout the demonstrations.

6. In relation to stigmatization for their journalistic activity, it was indicated that there is a smear campaign, threats, persecution, and silencing of journalist José Alberto Tejada and the team of *Canal 2* through social media and different media outlets, among which the applicants stress parliamentary statements aimed at holding the journalist and his activity responsible for the violence affecting the city of Cali.

7. Regarding the threatening events that have allegedly arisen against the proposed beneficiaries, which were indicated in the initial request, the following was noted:

- a. On May 3, 2021, at night, in the La Luna sector, in Cali, the proposed beneficiaries were at the service station and the ESMAD fired tear gas directly at them, even though the proposed beneficiaries identified themselves as members of the press. They added that the same day, at night, police officers shot them with firearms.
- b. On May 4, 2021, at 5:30 p.m., in the Siloé sector, in Cali, while proposed beneficiary José Alberto Tejada made a live broadcast from *Canal 2*'s profile in the social media platform Facebook, he had to protect himself from the impacts of firearms directed at his direction, even though he identified himself as a press member.
- c. On May 14, 2021, while the proposed beneficiaries were in the city of Buga, reporting clashes between protesters and the ESMAD, at 5:50 p.m., they were allegedly photographed by members of the ESMAD.
- d. On May 25, 2021, while the proposed beneficiaries were traveling in the Ciudad Jardín sector in Cali, along with members of the 21N Legal and Humanitarian Team ("21N Team") to verify the existence of a torture house, they identified that they were being followed.
- e. On May 28, 2021, the proposed beneficiaries were in the Ciudad Jardín sector in Cali, at 3:40 p.m., and they recorded the time when uniformed National Police officers and people dressed in civilian clothes fired lethal weapons at the protesters and proposed beneficiaries, even though they were wearing press logos.

- f. On May 28, 2021, a person identified as Fredy, allegedly from the Office of the Attorney General, in the La Luna sector, tried to pass himself off as a member of the “First Line” (a group of protesters that try to protect the other protesters), and when he failed, he fired at the protesters and murdered two young persons. In this regard, people from the sector who asked him to identify himself stated that Mr. Fredy said that he was not coming for them, but for the “Old Man,” thus referring to journalist and proposed beneficiary José Alberto Tejada Echeverri.
- g. On June 4, 2021, at 11:15 a.m., the proposed beneficiaries were visiting the sector now called “Paso del Aguante,” in Cali, when a member of the National Police threatened the proposed beneficiary by saying, “It would be good to shoot you.” When the proposed beneficiaries returned to the place where the uniformed man threatened them, they noticed the presence of members of the public force without identification and hooded, one of them recording Mr. José Alberto Tejada Echeverri.

8. By communication dated June 12, 2021, the applicants indicated that on June 11, 2021, cameraman Jhonatan Buitrago and his family were threatened through a chat message on his phone that read, “We are tired of you, you all have a few days to leave,” and the clothing and route that a woman uses were allegedly indicated, while mentioning, “This is a direct threat.”<sup>1</sup> These threats have generated the forced displacement of Mr. Buitrago and his family.

9. On July 7, 2021, new information was provided, indicating that 30 million pesos were collected to attempt against the life of journalist Alberto Tejada. In this regard, it was reported that “a source shared that [...] on Sunday, July 4 at 5:00 p.m., in the city of Cali, the 30 million were collected in a place near Mariano Ramos neighborhood. The money raised is for a hired assassins acting plan that is said to include getting some young people from the city and paying for their transportation, accommodation, and food to carry out the attack.” Moreover, the following events were reported:

- a. On June 21, 2021, around 9:30 a.m., two men stood in the bakery that is in front of *Canal 2*'s facilities and one of the waitresses heard that one of the men said, “We are in front of the spot, and you know that the engineer does not build bombs just for doing so.”
- b. On June 21, 2021, between 11:00 a.m. and noon, when the proposed beneficiaries were in the Building of Colors, two men were outside the building, and one of them was heard saying, “The ammunition has arrived, say when we shall proceed.”
- c. Also on June 21, 2021, around 7:00 p.m., when they were in the Santa Elena sector, reporting the appearance of a corpse in the spout of the place, one of the police officers said, “Back off, or else, more than one will end up in the same spout.”
- d. On June 22, 2021, at around 3:00 p.m., four individuals prowled the headquarters of *Canal 2*, after having followed journalist José Alberto Tejada on a motorcycle all morning.
- e. On June 26, 2021, at 7:30 p.m., three persons took three civil protection peace volunteers who protect journalist José Alberto Tejada and told them, “Don't turn around or look back, listen: Take care of the ‘Old Man’ (José Alberto Tejada), they're offering money to shut him up.”

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<sup>1</sup> Conversation screenshot, along with a map, attached to applicants' communication of June 12, 2021.

- f. On June 30 and July 2 and 6, 2021, unknown persons were identified in a white vehicle and two motorcycles making rounds and follow-ups to the *Canal 2's* headquarters, both in the morning and in the afternoon.

10. On July 21, 2021, additional information was provided, noting that on July 18, 2021, a group of approximately 20 police motorcycles roamed the headquarters of *Canal 2*, one of the officers was in front of the entrance door taking photographs of the site. Subsequently, on July 20, 2021, police officers wearing helmets, without identification and with video cameras, filmed the facilities. That same day, members of *Canal 2's* team saw two persons watching the headquarters of the media outlet.

11. By communication dated August 21, 2021, the following was reported:

- a. On August 7, 2021, members of the protection team observed a man on a red motorcycle drawing a weapon nearby José Alberto Tejada's house, but they withdrew upon noticing the protection team.
- b. On August 11, 2021, when Mr. Tejada arrived at his residence, members of his protection team noted a suspicious silver-gray vehicle, in which there were two men. When the protection team was about to approach them, the subjects withdrew. Minutes later, they discovered a man on a motorcycle watching the place, who withdrew when he saw the protection team. The man went to a bakery where there were members of the police, who left seconds later.

12. In their last communication, dated August 17, 2021, an event was reported in which two members of Mr. Tejada's protection team, while outside his house, were approached by police in the morning. At that time, their documentation and authorization for the use of their weapons were requested and they were required to be transferred to the station for verification, but the transfer did not occur. It was added that a statement from the National Police indicates that the two members of the team used traumatic weapons without support.

13. In relation to their security measures, it has been reported that, on May 22, 2021, the proposed beneficiaries received, "from the community," the donation of bulletproof vests and helmets for each one, and the assignment of a group of civil protection for the proposed beneficiaries made up of the young protesters known as "First Line." In relation to the material measures they require, they propose two armored protection cars, a motorcycle to monitor and care for the cars, linking of trusted personnel of the proposed beneficiaries, and protection of *Canal 2's* headquarters.

14. Regarding complaints or requests for protection made to the State, the applicants indicated that on July 9, 2021, they made a request for protection in favor of the proposed beneficiaries before the National Protection Unit (UNP) and that, from their last communication to date, they have not received a response. The applicants indicated that a complaint was filed with the Office of the Attorney General for the crime of threats, for which a request for protection was made with the Metropolitan Police of Cali. Subsequently, a group of police officers approached *Canal 2's* headquarters, requesting the data of the proposed beneficiaries. However, considering the existence of threats from uniformed members of the National Police, it was decided not to provide information. They also reported that there is an order for the implementation of preventive measures, but that the said measures are neither effective nor suitable, since the threats also come from police officers.

**B. Observations provided by the State**

15. On June 24, 2021, the State's initial report was received, with information from the Office of the Attorney General, where a complaint filed by the Foundation for Press Freedom (FLIP) is reported, while an investigation into the crime of threats against the proposed beneficiaries was launched, due to various reported events that occurred within the framework of the National Strike, specifically referring to events dated May 28, 2021. On July 1, 2021, the State provided information from the UNP, indicating that there are no records of persons with protection measures matching the names or identification numbers of the proposed beneficiaries, and specified that they have not requested the implementation of material protection measures. Similarly, information was provided on the competence and powers of the UNP.

16. In addition, the State provided information from the Ministry of National Defense, where verifications by the Public Ministry of the National Police anti-riot police unit (ESMAD) are indicated on May 3 and 10, 2021. It was also indicated that the use of non-lethal weapons by the public force in the framework of demonstrations complies with the obligations indicated in the instruments adopted by the international community. This use allegedly seeks to guarantee the rights and freedoms of individuals in society and not to cause harm to those who, in the free exercise of the right to public and peaceful demonstration, protest against the State. The State further indicated that each National Police member has full identification and that every procedure and intervention carried out in the framework of the demonstrations complied with both the international and national legal framework. The State provided the mentioned regulations.

17. Additionally, it was reported that on June 6, 2021, the Santiago de Cali Metropolitan Police received a request for protection from the 164th Sectional Prosecutor, emphasizing the threats to victims in a special condition or quality, in relation to an investigation where the beneficiaries are reported as victims, ordering "preventive actions to minimize the risk," substantiating [...] prevention and protection measures in favor of Messrs. José Alberto Tejada Echeverri and Jhonatan Buitrago. They report that the Lido Police Station's commander visited *Canal 2* but could not contact the proposed beneficiaries, since both the woman administrator of *Canal 2* and her lawyer stated that they would not provide any type of information for security reasons. Additionally, it was indicated that the FGN has "different records as victims of the crime of threats" in relation to the proposed beneficiaries, an investigation that is allegedly active and in the investigation stage.

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

18. The mechanism of precautionary measures is part of the Commission's function of overseeing Member States compliance with the human rights obligations set forth 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.

19. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>2</sup> Regarding the protective nature, these

<sup>2</sup> See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human

measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>3</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>4</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>5</sup> In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission recalls 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.

20. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. However, a minimum of detail and information is required to determine, from a *prima facie* standard of review, whether a serious and urgent situation exists.<sup>6</sup>

21. Pursuant to Article 25(6) of the Rules of Procedure and considering that in this matter the proposed beneficiaries are journalists, who are said to report on the actions of the public force in the context of social protests in the city of Cali, Valle del Cauca, Colombia (see *supra* para. 4), the

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Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

<sup>3</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez regarding Guatemala](#). Provisional Measures. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>4</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

<sup>5</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>6</sup> See in this regard: I/A Court H.R. [Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua](#). Extension of Provisional Measures regarding Nicaragua. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

Commission will proceed to analyze the elements reported by the parties in light of the context in which they are framed. In this regard, when assessing a situation presenting a risk, the Inter-American Court has indicated that it is possible to assess the set of political, historical, cultural factors or circumstances, or those of any other nature, which affect the beneficiary or place him or her in a situation of vulnerability at a particular time and expose him or her to violations of his or her rights.<sup>7</sup> This situation may increase or decrease over time depending on innumerable variables.<sup>8</sup>

22. In its 2020 Annual Report, the Commission noted with concern, regarding Colombia, the existence of a pattern of death threats against journalists for their informative work, as well as stigmatizing statements against them.<sup>9</sup> In this sense, it identified a context of attacks against journalists who cover issues of high public interest, which have been focused on different regions, including the city of Cali.<sup>10</sup> Similarly, during its working visit to Colombia from June 8 to 10, 2021, in the context of the National Strike, the Commission received information from journalists who were victims of attacks and limitations on their informative work, with at least 236 records since the start of the protests until the date of the visit.<sup>11</sup> These attacks reportedly include physical attacks, threats related to their work in covering the protests, theft and deletions of documentary material, harassment, obstructions to journalistic work, illegal detentions, attacks on the media, among others.<sup>12</sup>

23. On that occasion, the Commission observed that most of the complaints and testimonies of reporters suffering harassment occurred in the cities of Bogotá, Cali, and Popayán, receiving more than 40 testimonies indicating that the harassment of the press has come from both security officers and protesters and armed civilians, as well as that certain acts of violence against media facilities have occurred in a context in which authorities or political and social leaders incur stigmatizing accusations that influence the rejection of the press with an editorial line that differs from their preferences.<sup>13</sup> The Commission underscored that the attacks on the facilities put journalists' and workers' integrity at risk.<sup>14</sup> Regarding the matter at hand, the Commission received information precisely on the facts against the proposed beneficiaries, a journalist and a cameraman from Cali's *Canal 2*, who were allegedly shot by ESMAD while covering a protest.<sup>15</sup>

24. In light of the context indicated, in assessing the requirement of seriousness, the Commission takes into account the profile of the two proposed beneficiaries. In this regard, the Commission notes that the proposed beneficiaries: (i) belong to a local media outlet, such as *Canal 2* of Cali; (ii) within the framework of the National Strike, are in charge of documenting violence by security forces; and (iii) purportedly carry out their journalistic activities in Cali, a city that the IACHR identified as one of the main ones where the press is allegedly subjected to violence by security officers, protesters, and armed civilians.

<sup>7</sup> I/A Court H.R. [Matter of Members of the Nicaraguan Center for Human Rights \(CENIDH\) and the Permanent Commission on Human Rights \(CPDH\) regarding Nicaragua](#). Adoption of Urgent Provisional Measures. Resolution of the President of the Inter-American Court of Human Rights of July 12, 2019. Considerandum 42.

<sup>8</sup> I/A Court H.R., Case of Carpio Nicolle. Provisional measures regarding Guatemala. Order of the Court of July 6, 2009, considerandum 26; and Matter of Members of the Choréachi Indigenous Community regarding Mexico.

<sup>9</sup> IACHR, [Annual Report of the Inter-American Commission on Human Rights 2020, Vol. II, Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 28, March 30, 2021, para. 363.

<sup>10</sup> IACHR, [Annual Report of the Inter-American Commission on Human Rights 2019, Vol. II, Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 5, February 24, 2020, para. 351.

<sup>11</sup> IACHR, [Observations and recommendations following the IACHR working visit to Colombia that took place during June 8-10, 2021, July 7, 2021](#), para. 86 and 87 [in Spanish]. (Hereinafter, "Observations and recommendations following the IACHR working visit to Colombia")

<sup>12</sup> [Observations and recommendations following the IACHR working visit to Colombia](#), para. 87.

<sup>13</sup> [Observations and recommendations following the IACHR working visit to Colombia](#), paras. 89 and 92.

<sup>14</sup> [Observations and recommendations following the IACHR working visit to Colombia](#), para. 92.

<sup>15</sup> [Observations and recommendations following the IACHR working visit to Colombia](#), para. 88.

25. As a second point, the Commission notes the existence of events reported in the context of protests, referring to being the target of tear gas and gunshots on May 3, 4 and 28, which is exacerbated and directed at them with those situations of May 14, when ESMAD staff photographed them directly, as well as June 4, when they were threatened by a member of the National Police that said, “It would be good to shoot you.” In addition to the above, the event of May 28 is particularly relevant, where a person, allegedly from the Prosecutor’s Office, fired at a demonstration against two people and indicated that he was going after proposed beneficiary Alberto Tejada.

26. As a third issue, the Commission notes with special concern the allegation that there exists information indicating that on July 4, 2021, a sum of money had been collected to attack journalist Alberto Tejada. In this regard, the events of June 21, 2021, are noted, in which on two occasions people allegedly ready to commit an attack were reported, one nearby *Canal 2*’s facilities, and the other, where the proposed beneficiaries were. In addition, on June 30, July 2, and July 6, 2021, people were reported prowling *Canal 2*’s headquarters. Subsequently, on July 18 and 20, 2021, it was reported that police officers had taken photographs and made films, respectively, of the facilities and staff of *Canal 2*, which the applicants interpret as intimidating actions. Following up on these events, the Commission observes that the situation allegedly persists to date, while on August 7, 2021, it was reported the presence of a person who had drawn a weapon nearby Mr. Tejada’s home and, on August 11, 2021, people were identified loitering and watching the house.

27. Considering all the foregoing, the Commission notes that the profile and journalistic work of the proposed beneficiaries has generated hostility from certain groups or individuals against them, including state officers. In this sense, as a consequence of the foregoing, it is noted that beyond not respecting their journalistic work in the context of demonstrations, they have been subjected to threatening acts directed against them, threatened, and allegedly the target of an attack where two persons were shot with a firearm. In addition to the foregoing, the Commission observes that it does not end there, but that the risk purportedly extends to them, while surveillance and threats have been registered, as well as surveillance of their homes and *Canal 2*’s facilities. All this, in light of an alleged plan to attempt on Mr. Tejada’s life.

28. On another note, the Commission observes that, although most of the events reported are directed at Mr. Alberto Tejada, the risk is shared by Mr. Jhonatan Buitrago, insofar as they carry out their work jointly as a team, being impacted in the same way by those situations that take place in the exercise of their journalistic functions and towards *Canal 2*’s facilities. Notwithstanding, the Commission assesses that, on June 11, 2021, Mr. Jhonatan Buitrago received a direct threat on his cell phone, which allegedly caused the forced displacement of him and his family, which is sufficient to consider that he is also directly and particularly affected by the situation, beyond what they share as a journalistic team.

29. Based on the information provided by the State, the Commission observes that, at least as of June 6, 2021, state authorities have been reportedly aware of the proposed beneficiaries’ situation, while an investigation into “various denounced events that occurred within the framework of the National Strike” has been launched. However, the information provided does not account for substantive progress in the punishment of those responsible for the reported events. In this sense, progress in the investigations is essential to mitigate risk sources, and the investigation of the allegation that an amount of money had been raised to attack Mr. Tejada, amid different threatening events, is especially relevant.

30. On another note, the Commission values positively that a Prosecutor has ordered preventive measures in favor of the proposed beneficiaries and there were efforts to implement such measures through the Lido Police Station. However, in its implementation, it was reported that the proposed

beneficiaries refused to provide information due to a lack of trust in the police. In this regard, the Commission considers that it is reasonable that, if the proposed beneficiaries have been subjected to acts of violence by police and other state officers, they do not fully trust the said authorities. Notwithstanding, the Commission recalls that the presidency of the Inter-American Court has indicated that “the beneficiaries and their representatives are required to provide all the collaboration that is necessary to promote the effective implementation of the measures,” which was described as “a duty of cooperation of the beneficiaries and their representatives for an adequate implementation of the security measures.”<sup>16</sup> Therefore, the collaboration of applicants in the implementation of security measures at all times is important.

31. Notwithstanding, the Commission emphasizes that, even though state authorities have been aware of the situation at least since June 6 and, directly by the UNP since July 9, 2021, there is not information on whether, to date, proceedings have been undertaken to carry out a risk assessment to analyze the situation of the proposed beneficiaries, to implement appropriate and effective protection measures. In this sense, the Commission understands that the facts claimed by the applicants continue to occur, despite protection measures reportedly implemented by the community.

32. Considering the situations presenting a risk that have been raised, in relation to the described context, concerning journalists in Colombia, especially in this case in the city of Cali, the Commission considers that the situation of Messrs. José Alberto Tejada Echeverri and Jhonatan Buitrago makes it possible to conclude that their rights to life and personal integrity are *prima facie* in a serious situation.

33. Regarding the requirement of urgency, the IACHR observes that, according to the information provided, the proposed beneficiaries have been constantly facing incidents presenting a risk, which purportedly persist to date. This makes it foreseeable that the events may continue to occur and become more intense. In this sense, the Commission assesses the visibility that the proposed beneficiaries allegedly have due to the exercise of their work, through which they are said to report on situations of high media sensitivity and of high interest to citizens. In this sense, the risk is likely to persist over time insofar as the proposed beneficiaries continue with their journalistic work.

34. The Commission recalls that it is the responsibility of the State to adopt security measures to protect all persons under its jurisdiction<sup>17</sup> and it is noted that the proposed beneficiaries have a security detail that was allegedly set up by members of the front line and financed with community donations. In this regard, the Commission observes that although, according to the information provided, the said protection detail has been effective in dissuading various people, the event of August 17, 2021, where police officers did not acknowledge the members of the detail and tried to transfer them to the police station, evidences the lack of recognition of the State and their vulnerability, especially considering that various incidents have been reported which allegedly come from the police.

35. In view of the foregoing, given the ongoing risk events and the alleged lack of suitable and effective protection measures, the Commission considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiaries.

<sup>16</sup> I/A Court H.R. [Matter of Alvarado Reyes et al. Provisional measures regarding the United Mexican States](#), Order of the President of the Inter-American Court of Human Rights of April 1, 2011. Considerandum 14. See also: IACHR, 7 pregnant women of the Wichi ethnic group regarding Argentina (PM-216-21) Resolution to lift precautionary measures 50/2021, July 11, 2021, para. 39.

<sup>17</sup> I/A Court H.R. Case of Bedoya Lima and other v. Colombia. Provisional Measures. Adoption of Provisional Measures. Order of the Inter-American Court of Human Rights of March 24, 2021, considerandum 12 (the Court indicated that this duty becomes more evident in relation to persons linked to processes before the organs of the inter-American system).

36. As it pertains to the requirement of irreparable harm, the Commission finds it met, given that the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

#### **IV. BENEFICIARIES**

37. The IACHR considers Messrs. José Alberto Tejada Echeverri and Jhonatan Buitrago, fully identified in the request, as beneficiaries of this precautionary measure.

#### **V. DECISION**

38. In view of the aforementioned background, the Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Colombia:

- a) adopt the necessary measures to protect the rights to life and personal integrity of José Alberto Tejada Echeverri and Jhonatan Buitrago. In particular, the State must ensure that state actors respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to threatening acts attributable to third parties, in accordance with the standards established by international human rights law;
- b) adopt the necessary measures so that José Alberto Tejada Echeverri and Jhonatan Buitrago can carry out their activities as journalists, without being subjected to violence, threats, harassment, or other acts of violence in the exercise of their work. The above includes the adoption of measures so that they can properly exercise their right to freedom of expression;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) 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.

39. The Commission also requests that the Government of Colombia kindly inform the Commission, within a period of 15 days as of the date of this communication, on the adoption of the precautionary measures that have been agreed upon and to periodically update this information.

40. 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.

41. The Commission instructs its Executive Secretariat to notify this Resolution to the State of Colombia and the applicants.

42. Approved on August 28, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay, Esmeralda Arosemena de Troitiño, Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.