

**Allegation letter
concerning the arbitrary repression against journalists and media personnels in Colombia.**

Reporters Without Borders (RSF), an international non-governmental organisation defending and promoting the freedom, independence and pluralism of journalism, and the Fundación para la Libertad de Prensa (FLIP), a non-governmental organisation that defends freedom of expression and promotes an optimal climate for those who practice journalism to satisfy the right of those living in Colombia to be informed, hereby formally submit to you the following allegation letter, to express its grave concern regarding the alarming crackdown on journalists and media personnels in Colombia since 2021 and the unprecedented escalation of violence against the press.

We urge the Special Rapporteurs to immediately take action with the authorities of the Colombian State to guarantee that any abuses against journalists or media personnel or impediment to freedom of information cease immediately and unconditionally, and to ensure that journalists can freely and safely cover upcoming protests or any event of public interest.

I. CONTEXT AND THE SITUATION OF PRESS FREEDOM IN COLOMBIA

Rank 134th out of 180 countries in the 2021 RSF press freedom index¹, Colombia is one of the western hemisphere's most dangerous countries for journalists, who are still the frequent targets of death threats, physical attacks, abduction and murder. Coverage of subjects as the environment, public order, armed conflicts, corruption or collusion between politicians and illegal armed groups elicits systematic harassment, intimidation and violence. Journalists are permanently threatened by “bacrim,” gangs of former paramilitaries now involved in drug trafficking. Rebel armed groups such as the ELN and FARC dissidents try to silence alternative and community media that cover their activities, leading to the creation of information “black holes,” especially in rural areas and areas near the Venezuelan and Ecuadorian borders. The media's close links to Colombia's business empires and political class undermines editorial independence and reinforces self-censorship. Since conservative politician Iván Duque's installation as president in August 2018, journalists and media outlets have been the targets of espionage, intimidation campaigns and harassment, including a great deal of judicial harassment, after reporting that members of his government had been involved in fraud, corruption and human rights violations².

In 2019, 66 journalists were assaulted and in 2020, there were 57 attacks on the press, in which 76 journalists were affected. The year 2021 saw an unprecedented escalation of violence against the press

¹ <https://rsf.org/fr/classement>

² See : <https://rsf.org/en/colombia>

in the coverage of protests. Since the mobilisations that started on 28 April 2021, there have been serious violations of citizens' human rights by the Colombian State, particularly by the security forces, who have made disproportionate use of force. The government hasn't recognized and denounced the level of police violence, nor has shown or expressed support to journalists. Instead, the government stigmatises and criminalises social protests, to such an extent that members of the government party and local authorities have urged citizens to defend themselves and the security forces to make indiscriminate use of weapons. [These statements](#) have coincided with the shooting of protesters with firearms and killings by the police and possible paramilitary groups. The Foundation for Press Freedom (FLIP) has documented 165 aggressions suffered by 186 journalists and media outlets in the coverage of the national strike (figures from 28 April to 24 May). Along with this, the State stigmatises and violates all forms of the right to freedom of expression that are contrary to its interests. For instance the authorities have repeated "emphatically that websites and profiles that discredit the work of the security forces in the context of social demonstrations [are carrying out terrorist activities](#)".

This unprecedented level of violence and the silence on the part of the national government and local authorities promotes self-censorship and invites others to sharpen their strategies to control discussion through the use of violence. This does not generate guarantees for the free exercise of journalism and the non-rejection of stigmatisation³.

On 7 May 2021, the Inter-American Commission on Human Rights expressed its "deepest disapproval of the attacks against journalists and media outlets", and urged the State to "guarantee freedom of the press"⁴. It requested the consent of the State to carry out a fact-finding mission on human rights violations but is still awaiting a response from the State.

II. INCIDENTS

1. Attacks on journalists by security forces and arbitrary detentions

In total, FLIP has documented 87 aggressions against journalists by the security forces since April 28. A series of patterns have been identified, which show that these aggressions have had the purpose of attacking press freedom. FLIP recorded 59 journalists that have been physically attacked and 23 of them were directly shot. For instance, three journalists from the media outlet Loco Sapiens, who were covering a cultural event on 6 May, were attacked by members of the ESMAD (Mobile Anti-Disturbances Squadron) with direct shots from pellet guns. The shots were directed at the journalists despite the fact that they raised their arms and shouted loudly that they were press. Other attacks on

³ See :

<https://www.flip.org.co/index.php/es/informacion/pronunciamientos/item/2721-silencio-de-autoridades-en-ataques-contra-el-periodismo-promueve-la-censura>

⁴ See : <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/118.asp>.

journalists such as, injury by tear gas or stun bombs, attacks with stones and tasers were reported by FLIP.

FLIP also recorded 8 cases of threats, 6 cases of arbitrary detention and 2 cases of harassment. Indeed, according to FLIP findings, members of the security forces verbally threatened to attack journalists for their report and coverage of the crackdown. Following the coverage, several journalists were judicially harassed through different proceedings as a result of their journalistic publications. Also, 4 journalists have been arrested and arbitrarily detained by members of the security forces while covering actions undertaken by demonstrators. All were released after a few hours in detention.

In these cases journalists were duly identified as journalists with waistcoats, helmets and ID cards. It has become evident that the police acted against the journalists with full knowledge that those attacked belonged to the press, and in several cases they acted to obstruct the dissemination of the facts of violence recorded by the media.

2. Obstruction of journalistic work and violation of the confidentiality of sources.

Further to these attacks on journalists, FLIP recorded several cases of obstruction of journalistic work and violation of the confidentiality of sources. During coverage of the demonstrations, the security forces prevented journalists from covering cases of possible police aggression. They also prevented them from covering the confrontation between demonstrators and the security forces.

In addition, security forces removed and stole the journalistic equipment of 4 journalists who were reportedly subjected to police violence after documenting a police assault. FLIP also recorded at least one case of breach of source confidentiality when a journalist was pressured by the security forces to disclose the source of his journalistic allegations.

In addition, several journalists have reported to FLIP that in the context of these attacks, members of the security forces took photographs of them and their identity documents, such as identity cards and press cards, without any justification. This is a serious concern, taking into account the recent cases of profiling committed against journalists by the security forces, in which the gathering of personal information and their journalistic activity was systematised.

3. Stigmatisation of the press by the State

Despite these attacks, journalists and the media are currently subjected to stigmatisation by some public officials. In this regard, some national bodies have criticised the media and journalists for disseminating the figures produced by civil society organisations and the complaints made on social networks. These statements produce a stigmatisation that delegitimizes the press and affects the right of the public to access independent information. While these attacks are not condemned, some of the government's most visible voices openly attack independent sources of information. On 6 May, Defence Minister Diego

Molano, together with General Navarro, commander of the Armed Forces, and Police Director Jorge Luis Vargas, [introduced a campaign](#) on the social networks of the institutions they lead, directed against what they call "digital terrorism". These authorities emphatically repeated that websites and profiles that discredit the work of the security forces in the context of social demonstrations are engaging in terrorism. Such a campaign exposes journalists to an environment of self-censorship, as many end up cutting themselves off to avoid prosecution. [The Ministry's statement](#) had an effect on several independent journalism websites, which said they felt fear as their publications reported on what was happening in the social protests and reported on violence of the security forces. Some journalists told FLIP that they would opt for self-censorship to avoid surveillance, blocking or removal of content by national authorities.

This raises concern as it is not the first time that the Colombian State has been involved in online surveillance, known as cyber patrols, through which it categorises citizens in a discriminatory manner based on suspicious criteria and on their opinions and reactions online. In 2020, the Presidency of the Republic hired the firm Dubrands to monitor networks and tag influencers who were classified as positive, negative or neutral according to their position towards the government, as a strategy to counteract news unfavourable to its administration. [FLIP found that 468 influencers](#) were classified in this way in social networks. In this regard, the Supreme Court of Justice determined⁵ that the Colombian State had violated the right to equality and freedom of expression of those who were included in an official list created from the monitoring of social networks without their consent, as it was based on the opinion of each person, which by its nature -sensitive data- cannot be used to categorise citizens.

In addition, there are multiple reports of illegal surveillance by state forces and the use of state resources. In 2020, the media outlet Revista Semana [revealed](#) that the military conducted a computer surveillance programme, most targets of which were national and international journalists, politicians, generals, NGOs and trade unionists - at least 130 victims - and a group of journalists - at least 40 - profiled by the military intelligence services. No convictions have been handed down and investigations are still at a preliminary stage.

4. Inaction of the State in condemning attacks on press freedom

Furthermore, FLIP and RSF [reported](#) an alarming inaction of the Colombian State in condemning attacks on press freedom. Indeed, FLIP followed the denunciation of 8 disciplinary processes against members of security forces in 2020, but no investigation was opened for 4 of them and the others are still in preliminary stages. For the year 2019, out of 14 assaults against journalists reported to the police, for which steps were taken to find disciplinary responsibility, 11 were closed without further action and 3 are in the preferential power of the Procurator General's Office.

Despite the high level of violence, the Prosecutor General's Office has concentrated its efforts on investigating and sanctioning acts of demonstrators during the protests. No action has been announced

⁵ <https://cortesuprema.gov.co/corte/wp-content/uploads/novejuri/tutela/STP9319-2020.pdf>

regarding the investigation of aggressions against the press⁶. Similarly, the National Police have announced investigations, but none of them related to cases of aggression against the press⁷. Meanwhile, the investigation and disciplinary sanctions of public officials are not progressing either. The Prosecutor General's Office has announced it was pursuing 80 disciplinary actions for acts related to the days of protests⁸ (the prosecutor has the power to use its preferential power to exercise the competence of internal disciplinary control offices), however, only one of these corresponds to an aggression against the press⁹.

In 2020, the Civil Chamber of the Supreme Court of Justice, in Ruling STC-7641-2020 of 22 September 2020¹⁰, ordered the authorities involved in the management of social mobilisations to adopt measures to guarantee the right to peaceful protest. It noted the inability of ESMAD to guarantee order without violating freedoms and the shortcomings in the control of the security forces' actions, it called for the protection of the right of all persons to demonstrate and recalled the duty of the authorities to "*prevent, avoid and punish the systematic, violent and arbitrary intervention of security forces in demonstrations and protests*"¹¹.

As a consequence of the above, the National Government issued Decree 03 of 03 January 2021, entitled "Statute of reaction, use and verification of the legitimate force of the State and protection of the right to peaceful citizens protest", in order to comply with the Court's order. But, with the new scenario of violence in the demonstrations that began on 28 April 2021, the stigmatisation of demonstrators, attacks on freedom of the press and the disproportionate use of force in police actions persist. Consequently, several civil society organisations requested the processing of an "*incidente de desacato*" (contempt incident) for non-compliance with the Court's ruling. As urgent measures, civil organizations referred that the Court had already suspended the use of firearms by the police to control the protests. Besides, they requested to prevent the military assistance referred publicly by the President to support the actions of the ESMAD until there is evidence that these agents are capable of using moderate force; also that several public and private institutions sent information on the situation, to the Public Ministry and the Attorney General's Office in particular, to request reports on the investigations carried out to clarify the facts of police abuse. This incident is ongoing.

⁶ See :

<https://www.fiscalia.gov.co/colombia/fiscal-general-de-la-nacion/fiscal-general-reporta-avances-de-acciones-investigativas-adelantadas-con-ocasion-de-las-jornadas-de-protesta-en-el-pais/> ; and <https://www.fiscalia.gov.co/colombia/noticias/reportes-y-acciones-desde-la-mesa-interinstitucional-en-el-marco-de-la-protesta-social-abril-28-a-mayo-17-de-2021/>

⁷ See :

<https://www.lafm.com.co/colombia/policia-anuncia-sanciones-contra-uniformados-por-abusos-en-protestas>

⁸ See:

<https://www.procuraduria.gov.co/portal/Procuraduria-avanza-en-80-procesos-disciplinarios-por-hechos-relacionados-con-las-jornadas-de-protesta.news>

⁹ See :

<https://www.asuntoslegales.com.co/actualidad/la-procuraduria-indagara-sobre-el-uso-indebido-de-la-fuerza-del-esmad-en-sibate-3168495>

¹⁰ See : <https://www.dejusticia.org/corte-suprema-protege-el-derecho-a-la-protesta/>

¹¹ *Ibid.*

The silence and inaction of the Colombian State in the rejection and investigation of abuses in the use of force by the police against demonstrators and journalists, as well as the promotion of discourse that stigmatises and associates any form of expression that reports on the actions of the State as "terrorism"¹² is alarming. The State does not guarantee the exercise of the right to freedom of expression by the Colombian press, and at the same time fails to comply with its international obligation not to violate this right and to investigate aggressions in order to avoid scenarios of impunity. When the State does not seriously, impartially and diligently investigate attacks against the press, an atmosphere of permissiveness of such violence is generated. It is therefore a priority that the Attorney General's Office and the Procurator General's Office make progress in the investigation of the attacks, as a measure to de-escalate the violence faced by the press in the context of demonstrations.

Similarly, in order to assess the different forms of violence affecting the press, it is necessary for the national authorities, as well as for the Ombudsman's Office, to produce segregated data to identify journalist victims. The Ombudsman's Office should also produce a thematic report to gather information and to follow up and monitor the respective processes.

The Colombian State has demonstrated its inability to provide the press with the necessary degree of protection to allow them to carry out their work freely and keep society informed on matters of high public interest. We therefore urge the Special Rapporteurs to immediately take action with the Colombian authorities and to urgently issue explicit and technical recommendations on the matter, to promote the defence of the right to freedom of the press and freedom of expression, free from violence.

III. GENERAL RECOMMENDATIONS

Due to the conditions of stigmatization and systematic violence against the press by the security forces, we call on the Special rapporteurs to issue the following recommendations and requests to the Colombian authorities :

- To request the State of Colombia, and primarily the President of the Republic, as well as the Attorney General of the Nation and the Ombudsman's Office, to publicly reject attacks against the press, both by public officials and those holding elected office, as a direct violation of the Constitution and of the guarantees of freedom of the press contained in international instruments.
- To request Colombia to publicly report on aggressions against the press by the security forces in the context of social protest, segregated by gender of the victim and type of aggression.
- To request Colombia to provide clear information on the criminal and disciplinary investigations that have been initiated as a result of the events, the investigative activities

¹² *Ibid.*

carried out, the findings of those investigations, and the members of the security forces disciplined, investigated, prosecuted and convicted.

- To request Colombia to ensure that criminal investigations against members of the security forces are brought before the ordinary criminal justice system, in order to guarantee seriousness and impartiality.
- To request Colombia to ensure that disciplinary investigations against members of the security forces are brought to the attention of the Attorney General's Office, in order to guarantee seriousness and impartiality.
- To request Colombia to report on the specific actions that have been taken to counteract the risks faced by the press in the context of protests.
- To request Colombia to evaluate the Protection Program which journalists can benefit, so that preventive measures can be established.

IV. INFORMATION ON THE SOURCE OF THE COMMUNICATION

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