

OPENING HEARING 2 NOVEMBER 2021

EXPERT WITNESS STATEMENT OF RAISSA CARRILLO

Legal director of the Fundación para la Libertad de Prensa (FLIP)

1. My name is Raissa Carrillo. I am a lawyer by education. I have an LL.M. in international human rights law from Northwestern University. Since March 2020, I have been the coordinator for protection and legal defense of The Foundation for Press Freedom (FLIP) is a non-governmental organization that promotes press freedom in Colombia and oversees the right of citizens to be informed. Previously I have worked both in the private and public sector in Colombia, at different law firms and at the Constitutional Court of Colombia. In 2019, I started working with projects for the promotion of human rights. One of these projects was for Case Matrix Network, an NGO that provides technical advice on the collection of evidence to investigate and prosecute war crimes and human rights violations.

2. FLIP has been working for 25 years to promote free press and free speech in a very complex context and has assisted more than 1000 Colombian journalists at risk. Part of our work is to follow up judicial proceedings on attacks against freedom of expression, contributing toward its proper progress, and promoting actions that help reduce impunity. Its main areas of action are: documentation and monitoring; dialogue with State authorities and litigation; advice to journalists and training and awareness.

3. FLIP directly represents victims of crimes against the press in different jurisdictions. This work gives us a first hand view on the shapes of violence against the press, the different types of crimes against the press and the lack of action from the state at different levels. It gives us insights into how proper investigation is, or is not, undertaken as well as how judicial proceedings are addressed by different authorities.

Impunity in Colombia

The People's Tribunal
on the Murder of Journalists.

A Safer World For The Truth

4. Unfortunately, Colombia is known for being one of the most violent countries against the press in the region. Since the 90s, we have not been able to overcome the context of violence and the targeted attacks against the press. Journalists are still the frequent targets of death threats, physical attacks, abduction and murder. Only in the past year, we documented more than 449 attacks and 525 attacks already this year. The figures of violence increased despite the Peace Accord.

5. There was a decrease of 20% in the number of murders of journalists between 2016 and 2020, compared to the period between 2011-2015 according to UNESCO. However, this is not the case in Colombia: between 2011 and 2015, 7 journalists were assassinated, while, between 2016 and 2021, 8 journalists were assassinated. All of them for reasons related to the development of their journalistic profession, as FLIP was able to establish in early missions to the places where the murders were committed.

6. In our work monitoring impunity of the murder of journalists for reasons related to the profession. We have mapped [162 cases](#) of murders of journalists in Colombia between 1977 and 2021. The most recent case was presented on September 19 of this year, journalist Marcos Efraín Moltalvo was assassinated in Tuluá, in events that have not yet been clarified, but about which, according to FLIP, there are sufficient indications to affirm that his homicide is related to his work as journalist.

7. Impunity is the general rule. In 78.8% of the cases a conviction has not been handed down. Only in one case, the case of Orlando Sierra, has full justice been achieved. Out of the 162 cases, around a hundred prescribed, victims did not have access to justice. In many of these cases, due to neglect during the investigations and the judicial proceedings. Although the Attorney General's Office declares these murders to be crimes against humanity, to continue the investigative work, these declarations only have symbolic value. They are not followed by any measures to advance seriously on the investigation.

8. Out of these 162 cases, only in four of these cases have resulted in a conviction of the material author of the crime and in one case, the entire chain of command involved in the crime was found guilty. Regarding sanctions, in the case of the murder of Luis Antonio Peralta Cuéllar, the responsible was sentenced to 58 years in prison- We continue to monitor this case because the

case is under review. This conviction has the potential to send a clear message of non-tolerance to murders against journalists.

Causes of impunity and obstacles to justice

9. Based on our experience, structural problems hinder the implementation of these standards. The lack of unified information systems to obtain a real diagnosis of the problem of violence against journalists, investigations that do not explore the motivations of the perpetrators related to the journalistic profession, the lack of physical resources and trained personnel, long periods of procedural inactivity, and flaws on the independence of the judges are some of the factors that hinder access to justice and that give rise to the high levels of impunity.

10. Impunity relies mostly on neglect during the investigation. On the one hand, a common problem is that regional investigators do not link murders nor threats against journalists to their profession. This is a big challenge in Colombia. It may be partly due to the prejudice that authorities have towards the press. On the other hand, the investigation strategy does not link the different aggressions against one journalist, preventing the context analysis and the full understanding of the risks. All these, triggers further neglect for the timely collection of evidence which has a negative and direct effect on the prosecution. The case of Jineth Bedoya Lima is an example. She had been threatened for 20 years, subject to kidnapping, tortured and sexually assaulted. During the investigation of the different aggressions, the collection of evidence from authorities was poor due to prejudices regarding gender based violence, the reluctance to link the aggressions to her work and separate investigations have not led to full access to justice at national level. The lack of coordination between prosecutors is an obstacle to providing a good outcome of the investigation and to avoiding unnecessary delays.

11. The second reason is the low enforcement of the laws. Colombia has adopted international and regional human rights standards on the investigations of crimes against the press. Although the State has implemented strategies to advance the investigation and punishment of those responsible for these crimes, they have been insufficient and ineffective. Particularly, at the local levels, the prosecutors and judges need more training to be in the capacity to sanction. There is a clear gap between local and national authorities regarding their familiarity with the standards of protection and investigation of crimes against journalists, as well as the resources to perform their job.

12. A third reason of impunity in the murder of journalists, is the potential state responsibility. Most of the crimes against journalists happen when they have reported on topics such as corruption or armed conflict, thus involving the government, the army, the police or other national or municipal authorities. In these situations it is highly probable that the justice system does not provide effective remedy; either because of corruption or because the investigators do not want to incriminate a state agent as this will lead to state responsibility. This may be another reason why the investigation procedures do not advance.

13. A fourth reason is that sometimes the victims do not want to be a part of litigation processes because of the lack of guarantees. Judges have similar fears, we know of multiple judges and investigators afraid to tackle these cases. If they do not have minimum safeguards in the justice system, the situation is very unlikely to change.

14. Fifth, the lack of coherent data is one of the main concerns for the work against impunity as it prevents us from having a clear understanding of this problem. At the national level, the lack of proper data and understanding of the issue raises a question: is impunity a structural problem, how can we tackle it from a technical point of view, is it a resource problem or a political problem? If it were not for the journalists talking about impunity, it would not be visible anywhere. Journalists are often investigating the aggressions themselves. They are replacing the state in its obligation to investigate.

I confirm that the facts stated in this witness statement are true.

Date and Place: 30 October, Bogota

Name witness and signature: **Raissa Carrillo**

ANNEXES:

[Annex 1](https://flip.org.co/index.php/es/impunidad-casos): Database of 162 murders of journalists in Colombia. FLIP (2021)

<https://flip.org.co/index.php/es/impunidad-casos>

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