

# Bedoya Lima et al. v. Colombia

## ABSTRACT<sup>1</sup>

*This case is about the kidnapping, torturing and raping of a female journalist who had been reporting on the situation inside a prison. Her mother was also victimized in a separate, later, attack. The State admitted partial responsibility for the events. The Court found the State in violation of several articles of the American Convention.*

## I. FACTS

### A. Chronology of Events

**Since 1964:** Colombia has been engulfed in an internal armed conflict involving the government, far-right paramilitary groups, crime syndicates, and far-left guerrilla groups, which journalists cover in various media outlets.<sup>2</sup> Previous Inter-American Court of Human Rights cases have highlighted the violence and risks journalists encounter in their profession.<sup>3</sup> Journalists are specifically targeted for their work reporting on drug trafficking and various violent occurrences.<sup>4</sup>

There is a widespread understanding in Colombia that journalists are murdered with impunity.<sup>5</sup> The Colombian justice system does not address most cases regarding assaults or murders of journalists.<sup>6</sup> Women who are journalists additionally face intense gender-based violence, discrimination, and exclusion.<sup>7</sup>

**1995-1998:** Ms. Jineth Bedoya Lima is a successful, prominent Colombian journalist and a defender of human rights.<sup>8</sup> She works for radio stations, print media offices, and television media offices providing coverage of the conflict.<sup>9</sup>

**1998-2000:** Ms. Bedoya Lima is the victim of continuing threats and harassment due to her coverage of the armed conflict and various judicial affairs.<sup>10</sup>

**February 15, 1999:** Ms. Bedoya Lima begins work at The Spectator (El Espectador), a newspaper in Colombia.<sup>11</sup> She reports on legal issues in the paper's judicial section.<sup>12</sup> She publishes reports covering the National Model Prison (Cárcel Nacional Modelo) in Bogotá and exposes violence, human rights violations, and arms trafficking happening there.<sup>13</sup>

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<sup>2</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 439, ¶ 39 (Aug. 26, 2021).

<sup>3</sup> *Id.* ¶ 40.

<sup>4</sup> *Id.* ¶ 41.

<sup>5</sup> *Id.* ¶ 43.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* ¶ 45.

<sup>8</sup> Bedoya Lima et al. v. Colombia, Report on Merits, Report No. 150/18, Inter-Am. Comm'n H.R., Case 12.954, ¶ 19 (Dec. 7, 2018).

<sup>9</sup> *Id.* ¶¶ 19-20.

<sup>10</sup> *Id.* ¶ 20.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

**May 27, 1999:** Because of Ms. Bedoya Lima's work, she is the victim of an assault during which her mother, Ms. Luz Nelly Lima, is injured and hospitalized.<sup>14</sup> Although she files reports with State authorities, the police, and the Administrative Security Department (Departamento Administrativo de Seguridad; "DAS"), no one investigates the attack.<sup>15</sup>

**August 25, 1999:** The Director of Protection at DAS notifies Ms. Bedoya Lima that it conducted a technical risk study which revealed that she was at high risk for attacks threatening her life, liberty, and safety.<sup>16</sup> Due to this report, DAS assigns her a protection detail.<sup>17</sup>

**September 20, 1999:** Ms. Bedoya Lima writes to DAS to accept the protection detail.<sup>18</sup> The protection detail is never implemented, and Ms. Bedoya Lima continues receiving threats.<sup>19</sup>

**November 20, 1999:** After being followed and receiving more threats, Ms. Bedoya Lima contacts DAS regarding the offered protection detail.<sup>20</sup>

**November 24, 1999:** The Coordinator of the Protection Department of the General Office of the Special Administrative Unit for Human Rights responds to Ms. Bedoya Lima and informs her that she is not in the target population covered by the Protection Program of the Department of the Interior.<sup>21</sup> Thus, they do not offer her protection and tell her to contact State security agencies should she need protection.<sup>22</sup> Ms. Bedoya Lima continues receiving threats and is surveilled while reporting on the National Model Prison.<sup>23</sup>

**April 27, 2000:** A confrontation between a group of inmates and paramilitary members at the National Model Prison ends with thirty-two inmates dead.<sup>24</sup> Ms. Bedoya Lima covers the event and investigates allegations that paramilitary members instigated the violence.<sup>25</sup> Her published articles result in multiple threats against her and *The Spectator*.<sup>26</sup> She reports these threats to the National Police.<sup>27</sup>

**May 7, 2000:** Ms. Bedoya Lima visits the National Model Prison to do further investigation into the April confrontation.<sup>28</sup> Inmates tell Ms. Bedoya Lima to leave, or they will kill her.<sup>29</sup>

**May 8, 2000:** A newspaper messenger employed at *The Spectator* tells Ms. Bedoya Lima that his brother, an inmate at the National Model Prison, warned her not to return to the prison, or they would kill her and that she only has two days to live.<sup>30</sup>

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<sup>14</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 53.

<sup>15</sup> *Id.*

<sup>16</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 22.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*; Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 54.

<sup>21</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 22; Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 54.

<sup>22</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 54.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* ¶ 55.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 55.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

**May 9, 2000:** Envelopes containing threats and the articles published by The Spectator about the National Model Prison are found in several journalists' mailboxes, including Ms. Bedoya Lima's.<sup>31</sup> The articles contain highlighted passages which mention the paramilitaries and authorities at the National Model Prison.<sup>32</sup>

Ms. Bedoya Lima, as well as the director of the newspaper and other journalists, meet with the National Police to report the incident.<sup>33</sup> At this meeting, the messenger from the day before informs them that the paramilitary members are incensed by the articles.<sup>34</sup> The messenger agrees to tell the paramilitaries at the National Model Prison that Ms. Bedoya Lima is willing to meet with them to clear up any misunderstandings.<sup>35</sup> The National Police and Ms. Bedoya Lima agree to this plan.<sup>36</sup>

**May 24, 2000:** In the middle of the night, Ms. Bedoya Lima receives a phone call from someone in the National Model Prison who identifies himself as Ramiro.<sup>37</sup> Ramiro tells Ms. Bedoya Lima that someone in the prison known as "The Baker" (El Panadero) wants to meet with her on the condition she will publish everything he tells her.<sup>38</sup> Ramiro tells Ms. Bedoya Lima that the National Model Prison's warden knows that she is coming and that her entry is authorized for 10:00 a.m. the next day.<sup>39</sup> Ms. Bedoya Lima tells her mother, her boss, a photo editor, and two other journalists about the visit.<sup>40</sup>

**May 25, 2000:** Ms. Bedoya Lima, Mr. Jorge Cardona (the newspaper's legal affairs editor), a photographer, and a driver go to the National Model Prison in the morning.<sup>41</sup> The photographer and the driver park two blocks from the prison while Mr. Cardona and Ms. Bedoya Lima go to the main entrance.<sup>42</sup> Mr. Cardona sits on a wooden bench across from the jail to avoid being seen with Ms. Bedoya Lima.<sup>43</sup>

When asked, the guards inform Ms. Bedoya Lima that although they knew she was coming, her entry pass is still being prepared and she must wait until the pass is ready.<sup>44</sup> After about ten minutes of waiting, Ms. Bedoya Lima asks Mr. Cardona to get the photographer so they can enter the prison together.<sup>45</sup>

While Ms. Bedoya Lima is across the street, a woman approaches her and asks whether she is the journalist.<sup>46</sup> Simultaneously, a man approaches Ms. Bedoya Lima to ask if she is going to interview "The Baker," to which Ms. Bedoya Lima responds that she is.<sup>47</sup> The man grabs her arm and points a gun at her, telling her that if she screams, he will kill the people

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<sup>31</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 56; Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 25.

<sup>32</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 25.

<sup>33</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 56.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* ¶ 57.

<sup>38</sup> *Id.*

<sup>39</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 57.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* ¶ 58.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* ¶¶ 58, 96.

<sup>45</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 58.

<sup>46</sup> *Id.* ¶ 59.

<sup>47</sup> *Id.*

who came with her, including Mr. Cardona.<sup>48</sup> The man takes her to a storage building on foot, where two other men are waiting.<sup>49</sup>

When they arrive, Ms. Bedoya Lima is blindfolded, tied up, insulted, and beaten.<sup>50</sup> She screams and asks the men what they want and who sent them.<sup>51</sup> The men tell her they were sent by a boss and that they want to clean up the “sons of bitches” in the media who were ruining the country.<sup>52</sup>

Later, the men tell Ms. Bedoya Lima that they are going to a new location and put her into a vehicle.<sup>53</sup> In the vehicle, the men replace Ms. Bedoya Lima’s blindfold with tape and continue beating her.<sup>54</sup> When the vehicle stops, the men remove the tape from Ms. Bedoya Lima’s eyes; she sees more men around her, some of whom are uniformed.<sup>55</sup>

Ms. Bedoya Lima is restrained again, and several men rape her.<sup>56</sup> Through the multiple rapes and assaults, Ms. Bedoya Lima can hear the men contacting their boss, telling him that things are going well and that “the package” is fine.<sup>57</sup> The men constantly insult Ms. Bedoya Lima and threaten her at gunpoint.<sup>58</sup> They accuse her of only going to the National Model Prison to give guerrillas media attention.<sup>59</sup> The attackers take Ms. Bedoya Lima’s phone and force her to unlock it at gunpoint.<sup>60</sup>

After sunset, one of the attackers tells Ms. Bedoya Lima that her outing is over.<sup>61</sup> She closes her eyes and expects them to kill her.<sup>62</sup> Instead, the attackers take her wallet, tape some of the papers that were in her purse to her chest, and tie her arms.<sup>63</sup> Ms. Bedoya Lima is held for about ten hours in total.<sup>64</sup> The men leave her on the side of the road in Villavicencio.<sup>65</sup>

Unable to move, Ms. Bedoya Lima lays on the road until a taxi driver stops to help her.<sup>66</sup> The taxi driver takes Ms. Bedoya Lima to a Rapid Response Station (Comando de Atención Inmediata; “CAI”), which is an emergency police center.<sup>67</sup> Then, she is taken to the Central Hospital of the National Police by members of the Bureau of Criminal Investigation and Interpol.<sup>68</sup> At this hospital, Ms. Bedoya Lima receives a forensic medical exam and is put in contact with an army commander who ensures her she will not be left alone.<sup>69</sup>

During the ten hours in which Ms. Bedoya Lima is missing, her team from The Spectator believes she is in the prison conducting her interview.<sup>70</sup> After inquiring about her whereabouts several times, Mr. Cardona informs the editors at The Spectator that something is wrong at 2:00 p.m.<sup>71</sup> At 6:00 p.m., Mr. Cardona notifies the police and the Office of the Public

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<sup>48</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 27.

<sup>49</sup> *Id.*

<sup>50</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 59.

<sup>51</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 28.

<sup>52</sup> *Id.*

<sup>53</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 59-60.

<sup>54</sup> *Id.* ¶ 60.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* ¶ 61.

<sup>57</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 29.

<sup>58</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 61.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 61.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.* ¶ 62.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 63.

<sup>71</sup> *Id.*

Prosecutor about the situation.<sup>72</sup> The Technical Investigation Corps (Cuerpo Técnico de Investigación; “CTI”) tracks Ms. Bedoya Lima’s cell phone and notes that the cellphone was located in Villavicencio at 5:00 p.m.<sup>73</sup> Then, at about 5:30 p.m., Ms. Bedoya Lima’s phone was in a rural area actively fought over by the guerrillas and the paramilitary groups.<sup>74</sup>

Several journalists, an official from CTI, and the Public Prosecutor’s Office’s Section Director enter the National Model Prison to search for Ms. Bedoya Lima.<sup>75</sup> They learn that she never entered the prison.<sup>76</sup> The director of the National Model Prison states that he does not know who Ms. Bedoya Lima is, and that he was not expecting her that day.<sup>77</sup>

The journalists are informed later that night that Ms. Bedoya Lima had been found tied up and beaten outside of Villavicencio.<sup>78</sup> Mr. Cardona returns to the newspaper office, where he meets two men identifying themselves as agents from the Bureau of Criminal Investigation and Interpol to take his statement.<sup>79</sup> He never sees these men again.<sup>80</sup>

**May 26, 2000:** Ms. Bedoya Lima is transported to Bogotá.<sup>81</sup> There, she is subjected to various medical examinations, such as a gynecological exam, a collection of bodily fluids and blood, and toxicological tests.<sup>82</sup> The samples from these exams are sent to the Institute of Forensic Medicine for analysis.<sup>83</sup> Ms. Bedoya Lima is kept under medical observation for four days.<sup>84</sup>

Ms. Bedoya Lima is interviewed by the CTI investigators.<sup>85</sup> The investigators create a report and provide a physical description of the attackers.<sup>86</sup> The CTI’s report concludes that Ms. Bedoya Lima was kidnapped and attacked by members of paramilitary groups in retaliation for her coverage of the National Model Prison.<sup>87</sup>

Mr. Cardona is interviewed by Special Prosecutor 103 from the Bogotá Specialized Anti-Kidnapping Unit (Grupo de Acción Unificada por la Libertad Personal; “GAULA”) of the Office of the Prosecutor General.<sup>88</sup> Special Prosecutor 103 additionally orders a preliminary criminal investigation for the kidnapping and rape of Ms. Bedoya Lima.<sup>89</sup> Prosecutor 103 tries to take Ms. Bedoya Lima’s statement but is unable because of Ms. Bedoya Lima’s physical and mental condition.<sup>90</sup>

**June 6, 2000:** The Office of the Prosecutor General assigns the investigation of Ms. Bedoya Lima’s case to its National Human Rights Unit (“NHRU”).<sup>91</sup>

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<sup>72</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 63.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 64.

<sup>79</sup> *Id.* ¶¶ 62, 64.

<sup>80</sup> *Id.* ¶ 64.

<sup>81</sup> *Id.* ¶ 62.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.* ¶ 63.

<sup>84</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 63.

<sup>85</sup> *Id.* ¶ 65.

<sup>86</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 32.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* ¶ 31.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 66.

**June 7, 2000:** The NHRU takes control of the case under File No. 807 U.D.H.<sup>92</sup> Additionally, the NHRU orders a new investigation.<sup>93</sup>

**June 12, 2000:** The NHRU takes statements from inmates who might have knowledge about what happened to Ms. Bedoya Lima at the National Model Prison.<sup>94</sup>

**June 20, 2000:** The CTI issues a new report which incorporates the findings from Ms. Bedoya Lima's medical examinations.<sup>95</sup> The NHRU completes a new inspection of the scene of the attack, this time together with Ms. Bedoya Lima herself.<sup>96</sup>

**September 1, 2000:** The Institute of Forensic Medicine sends the results of Ms. Bedoya Lima's urine test to the Office of the Prosecutor General.<sup>97</sup>

**October 3, 2000:** CTI issues another report which includes statements from the warden of the National Model Prison as well as an individual with the alias "Popeye."<sup>98</sup>

**October 4, 2000:** From the CTI report, the Office of the Prosecutor General orders additional investigations, including taking the statements of the deputy warden at the National Model Prison and of members of a guerrilla group in La Picota prison.<sup>99</sup> In addition, the Prosecutor General orders an inspection of the proceedings conducted by the Office of the Inspector General of Colombia.<sup>100</sup>

**Between November 2001-April 2002:** The Prosecutor General orders investigations to be conducted based on Ms. Bedoya Lima's case.<sup>101</sup> After each investigation, the CTI sends reports based on their findings.<sup>102</sup>

**January 2002:** Ms. Bedoya Lima begins working at The Times (El Tiempo), another newspaper in Colombia, where she continues to receive threatening emails and phone calls.<sup>103</sup> Her phone is tapped, and she worries her communications are being intercepted by unknown persons.<sup>104</sup>

**August 28, 2002:** The Office of the Prosecutor General issues an official letter stating it has not received any information from the CTI investigators supporting the facts of the case and orders the CTI to submit a report on the investigations they had done so far.<sup>105</sup>

**April 1, 2003:** The CTI investigators submit a formal report which includes information from Ms. Bedoya Lima.<sup>106</sup> This report contains possible motives for the crimes and alleged

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<sup>92</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 33.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 66.

<sup>96</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 33.

<sup>97</sup> *Id.* ¶ 34.

<sup>98</sup> *Id.* ¶ 35.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.* ¶¶ 35-36.

<sup>102</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶¶ 35-36.

<sup>103</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 79.

<sup>104</sup> *Id.*

<sup>105</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 37.

<sup>106</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 67.

participation of paramilitary groups and State intelligence agencies.<sup>107</sup> The CTI report additionally notes that an individual who is unwilling to testify stated that Ms. Bedoya Lima's kidnapping and attack was a direct result of her publications, especially those focusing on the National Model Prison and police institutions in general.<sup>108</sup> Furthermore, a book titled "The General Serrucho" (El General Serrucho) indicates that General José Leonardo Gallego ordered Ms. Bedoya Lima's kidnapping and attack in retaliation for her publications tying the Bureau of Criminal Investigation and Interpol to The Bald (Los Calvos) gang.<sup>109</sup>

**August 13, 2007:** After years of investigations and reports, a prosecutor with NHRU agrees to hear an expanded statement from Ms. Bedoya Lima, to hear a statement from Mr. Mario "The Baker" Jaimes Mejía, and to request the CTI to continue with their investigation into the specific perpetrators of Ms. Bedoya Lima's attack.<sup>110</sup>

**2008:** The Constitutional Court of Colombia issues Order 092 which acknowledges that women are especially impacted by the armed conflict.<sup>111</sup> This Order is accompanied by a confidential exhibit list of 183 cases (including Ms. Bedoya Lima's) in which there has been no punishment for violent acts.<sup>112</sup> The Constitutional Court demands that authorities take steps to ensure investigations move forward towards completion.<sup>113</sup>

**December 30, 2009:** The Prosecutor General's Office demands new evidence be taken.<sup>114</sup> This includes copying of videos from toll stations on the road on which Ms. Bedoya Lima was left on May 25, 2000, inspecting a guard's logbook from Villavicencio to see if there are notes regarding the discovery of Ms. Bedoya Lima, and having the National Penitentiary and Prison Institute (Instituto Nacional Penitenciario y Carcelario; "INPEC") provide the names of the guards who were stationed at the entrance of the National Model Prison on May 25, 2000.<sup>115</sup>

**February 8, 2010:** The Prosecutor General's Office receives a communication that videos at toll stations are only kept for a maximum of thirty days and thus they are no longer available.<sup>116</sup>

**May 5, 2010:** Guards who were on duty at the National Model Prison on the day of Ms. Bedoya Lima's kidnapping and attack give statements.<sup>117</sup>

**July 28, 2011:** Mr. Alejandro Cárdenas Orozco, an inmate at La Picota prison, admits responsibility for Ms. Bedoya Lima's kidnapping and that he was following the orders of the Centauros Bloc, a paramilitary group.<sup>118</sup>

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<sup>107</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 67.

<sup>108</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 38.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* ¶ 68.

<sup>111</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 44.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 45.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.* ¶ 46.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* ¶ 49.

**August 5, 2011:** A prosecutor from NHRU orders an investigation into Mr. Jesús Emilio Pereira Rivera because he acknowledges belonging to the Centauros Bloc of the United Self-Defense Forces of Colombia.<sup>119</sup>

**October 12, 2011:** Mr. Jaimes Mejía is implicated through an investigation into him as a former paramilitary soldier.<sup>120</sup>

**November 26, 2011:** The 49th Special Prosecutor of NHRU implicates Mr. Pereira Rivera after an investigation.<sup>121</sup>

**February 22, 2013:** Formal charges are brought against Mr. Cárdenas Orozco.<sup>122</sup> He takes a plea bargain and pleads guilty to kidnapping with further circumstances of torture of a protected person.<sup>123</sup>

**February 27, 2015:** A former paramilitary soldier known only as A.L. gives a statement saying that he witnessed the attack on Ms. Bedoya Lima.<sup>124</sup> In this statement, he accepts a plea bargain and pleads guilty.<sup>125</sup>

**February 2, 2016:** Mr. Jaimes Mejía pleads guilty to the changes of kidnapping with aggravating circumstances, in connection with torture and violent rape of a protected person with aggravating circumstances.<sup>126</sup>

**February 24, 2016:** The Fifth Criminal Judge of the Bogotá Specialized Circuit convicts Mr. Cárdenas Orozco for the kidnapping and torture of Ms. Bedoya Lima and sentences him to eleven years and five months in prison, with a fine total of ninety monthly minimum wages, and the disqualification from exercising public rights.<sup>127</sup> The Fifth Criminal Judge additionally states that what Ms. Bedoya Lima suffered is a crime against humanity.<sup>128</sup>

**March 18, 2016:** Mr. Jaimes Mejía is sentenced as a co-perpetrator of Ms. Bedoya Lima's attack.<sup>129</sup> He is sentenced to twenty-eight years, two months, and ten days in prison, and is fined 125 legal monthly minimum wages for the crimes against Ms. Bedoya Lima.<sup>130</sup> The judgment states that Mr. Jaimes Mejía played a crucial role in the execution of the attack on Ms. Bedoya Lima because he was carrying out a task assigned by the high command of a paramilitary group, made the appointment himself with Ms. Bedoya Lima, and participated in the criminal plan that systematically targeted Ms. Bedoya Lima.<sup>131</sup>

**May 6, 2019:** The Fifth Criminal Court of the Bogotá Specialized Circuit convicts Mr. Cárdenas Orozco for the aggravated rape of Ms. Bedoya Lima, with a sentence of thirty years

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<sup>119</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 73.

<sup>120</sup> *Id.* ¶ 75.

<sup>121</sup> *Id.* ¶¶ 73, 74.

<sup>122</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 55.

<sup>123</sup> *Id.*

<sup>124</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 77.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.* ¶ 76.

<sup>127</sup> *Id.* ¶ 71.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.* ¶ 76.

<sup>130</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 76.

<sup>131</sup> *Id.*



in prison.<sup>132</sup> The court also sentences Mr. Pereira Rivera to forty years and six months in prison as the co-perpetrator of kidnapping, torture, and aggravated rape of Ms. Bedoya Lima.<sup>133</sup>

### B. Other Relevant Facts

**December 1977-August 2015:** The National Center for Historical Memory (Centro Nacional de Memoria Histórica; “CNMH”) reports that 152 journalists have been murdered in this period as a direct result of their profession.<sup>134</sup> Further, the CNMH reports that of those 152 deaths, only four cases resulted in convictions of all perpetrators.<sup>135</sup> The report concludes there is a persistent impunity for these crimes.<sup>136</sup>

**August 18, 2003:** Ms. Bedoya Lima is kidnapped again, this time with her team from The Times.<sup>137</sup> She is held for 5 days.<sup>138</sup> This kidnapping is attributed to the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia; “FARC”).<sup>139</sup>

**November 2010:** After publishing a book and receiving more threats, Ms. Bedoya Lima decides to leave Colombia temporarily.<sup>140</sup> After filing a complaint on these threats, the case is closed due to it being impossible to identify the perpetrators.<sup>141</sup> All threats Ms. Bedoya Lima receives are reported, and the cases ultimately close or take a long time to process.<sup>142</sup>

## II. PROCEDURAL HISTORY

### A. Before the Commission

**May 30, 2000:** Ms. Bedoya Lima requests the Inter-American Commission on Human Rights (“The Commission”) issue precautionary measures to protect her life and integrity as she continues to receive threats on her life and safety.<sup>143</sup>

**June 2, 2000:** The Commission grants the request or precautionary measures, which remain in place through December 7, 2018.<sup>144</sup> In the decision to grant these measures, the Commission urges the State to protect the life and personal integrity of Ms. Bedoya Lima, as well as all other journalists (especially those at The Spectator).<sup>145</sup>

**June 3, 2011:** The Foundation for Freedom of the Press (Fundación para la Libertad de Prensa; “FLIP”) petitions the Commission on behalf of Ms. Bedoya Lima.<sup>146</sup>

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<sup>132</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 72.

<sup>133</sup> *Id.* ¶ 74.

<sup>134</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 69.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 80.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 65.

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> Bedoya Lima et al. v. Colombia, Admissibility Report, Report No. 50/14, Inter-Am. Comm’n H.R., Petition No. 779-11, ¶ 1 (July 21, 2014).

**March 12, 2012:** The State responds to the petition and asks the Commission to find the petition inadmissible based on Article 47(a) and (b) of the American Convention (“the Convention”) because the facts do not suggest a violation of the Convention, and the domestic remedies have yet to be exhausted.<sup>147</sup> The State argues that the investigation is in preliminary stages.<sup>148</sup> The State further alleges the petition lacks facts that implicate Colombia.<sup>149</sup>

**July 21, 2014:** The Commission issues Admissibility Report No. 50/14, which declares the petition admissible.<sup>150</sup> The Commission finds admissibility with regards to Articles 4 (Right to Life), 5 (Right to Personal Integrity), 7 (Right to Personal Freedom), 8 (Judicial Guarantees), 11 (Protection of Honor and Dignity), 13 (Freedom of Thought and Expression), 17 (Protection of the Family), 22 (Movement and Residency), 24 (Equal Protection), and 25 (Judicial Protection) of the American Convention.<sup>151</sup>

The Commission additionally finds the petition admissible regarding the violation of Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture (IACPPT), as well as Article 7(b) (Duty to Prevent, Investigate, and Punish Violence) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (“Convention of Belém do Pará”).<sup>152</sup>

In its Admissibility Report, the Commission emphasizes that domestic remedies do not have to be exhausted when there has been an unjustified delay in any investigation or remedies, or if the petitioner has been denied access to domestic remedies, both of which occurred in Ms. Bedoya Lima’s case.<sup>153</sup>

**December 7, 2018:** The Commission issues the Report on Merits No. 150/18.<sup>154</sup> In this Report, the Commission concludes that the State is responsible for the violations of Articles 4.1 (Prohibition of Arbitrary Deprivation of Life), 5.1 (Right to Physical, Mental, and Moral Integrity), 5.2 (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7 (Right to Personal Freedom), 8.1 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 11 (Protection of Honor and Dignity), 13 (Freedom of Thought and Expression), 24 (Equal Protection), 25.1 (Right of Recourse Before a Competent Court) of the American Convention to the detriment of Ms. Bedoya Lima.<sup>155</sup>

Finally, the Commission finds the State responsible for the violations of Articles 5.1 (Right to Physical, Mental, and Moral Integrity) of the American Convention to the detriment of Ms. Bedoya Lima’s mother, Ms. Nelly Lima.<sup>156</sup>

The Commission highlights the acute nature of threats and acts of violence suffered by journalists who are women in Colombia and recognizes that it is critical that these events be addressed.<sup>157</sup>

The Commission recommends that the State: (1) conduct a full, effective, and impartial investigation within a reasonable time, which establishes all the facts of Ms. Bedoya Lima’s

<sup>147</sup> Bedoya Lima et al. v. Colombia, Admissibility Report, ¶ 25.

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Id.* ¶ 4.

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> Bedoya Lima et al. v. Colombia, Admissibility Report, ¶¶ 37-38, 40, 43.

<sup>154</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶2(b).

<sup>155</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 138.

<sup>156</sup> *Id.*

<sup>157</sup> *Id.* ¶¶ 78-89.

case including the threats received, the sexual violence, and determine the perpetrators which might include State actors; (2) take necessary safety precautions to ensure Ms. Bedoya Lima's safety, as well as the safety of her family while the investigation takes place; (3) adopt effect safety measures to guarantee journalists who are women's safety; (4) implement strict training programs to effectively train security forces and other judicial authorities to ensure they have the necessary skills to identify gender-based acts of violence that affect journalists who are women; (5) implement public measures to raise awareness of gender-based violence against journalists who are women, to point out that these are attacks on freedom of expression, and to provide critical information about the legal services available; (6) provide appropriate damages for the human rights violations that Ms. Bedoya Lima suffered.<sup>158</sup>

**January 16, 2019:** The Commission notifies the State of Merits Report No. 150/18 and gives it a two-month period to comply with the recommendations therein.<sup>159</sup>

**April 16, 2019:** The State requests an additional three-month extension, which the Commission grants.<sup>160</sup> The State provides information on the investigations, most of which was gathered prior to the Merits Report.<sup>161</sup> The State reports the adoption of several steps to comply with the Commission's recommendation, but most of what is implemented is not specific.<sup>162</sup>

#### *B. Before the Court*

**September 6, 2019:** The Commission submits the case to the Court after the State fails to adopt its recommendations.<sup>163</sup>

**December 3, 2019:** The Petitioners submit their motions, arguments, and evidence to the Court, in which they substantially agree with the Commission's conclusions and recommendations.<sup>164</sup> They additionally argues that the State violated Articles 15 (Right to Peaceful Assembly), 16 (Freedom of Association), and 23 (Right to Participate in Public Affairs) of the American Convention.<sup>165</sup> The Petitioner also requests access to the Victims' Legal Assistance Fund of the Inter-American Court.<sup>166</sup>

**March 15, 2021:** At a public hearing, the State requests the recusal of all the judges at the hearing, alleging that there would be prejudice and that the judges would not be able to remain impartial.<sup>167</sup>

**March 16, 2021:** The State formally requests for President Judge Elizabeth Odio Benito, Vice President Judge L. Patricio Pazmiño Freire, and Judges Eugenio Raúl Zaffaroni and Ricardo Pérez Manrique to recuse themselves from the case.<sup>168</sup>

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<sup>158</sup> Bedoya Lima et al. v. Colombia, Report on Merits, "Recommendations," ¶¶ 1-6.

<sup>159</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(d).

<sup>160</sup> Bedoya Lima et al. v. Colombia, Letter of Submission, Inter-Am. Comm'n H.R., Case No. 12.954, ¶ 8 (July 16, 2019).

<sup>161</sup> *Id.*

<sup>162</sup> Bedoya Lima et al. v. Colombia, Letter of Submission, ¶ 9.

<sup>163</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 3.

<sup>164</sup> *Id.* ¶ 6.

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

<sup>167</sup> *Id.* ¶ 9.

<sup>168</sup> *Id.*

**March 17, 2021:** Judges Eduardo Vio Grossi and Eduardo Ferrer Mac-Gregor Poisot dismiss the State's recusal request via official resolution.<sup>169</sup> The Court also receives an amicus curiae brief from IFEX.<sup>170</sup>

**March 24, 2021:** Ms. Bedoya Lima and her mother, Ms. Nelly Lima, request provisional protection measures be put into place, as they continue receiving death threats.<sup>171</sup> They further request accelerated proceedings as they deeply worry for their safety.<sup>172</sup> The Court adopts the provisional measures.<sup>173</sup>

**April 7, 2021:** The Court receives an amicus curiae brief from, among other groups, Robert F. Kennedy Human Rights.<sup>174</sup>

**June 2, 2021:** The State reiterates partial recognition of international responsibility, accepting that it had violated Ms. Bedoya Lima's right to personal integrity, to judicial guarantees, and to judicial protection.<sup>175</sup> The State also acknowledges that it did not perform with due diligence immediately after learning of the threats against Ms. Bedoya Lima.<sup>176</sup>

The Court finds that there is no dispute over the violation of Articles 5 (Right to Personal Integrity), 8 (Judicial Guarantees), and 25 (Judicial Protection) of the American Convention.<sup>177</sup> The Court also does not find it necessary to further discuss violations of Articles 11 (Right to Honor and Dignity), 5 (Right to Personal Integrity), 8 (Judicial Guarantees), and 25 (Judicial Protection) regarding the State's failure to investigate the initial threats Ms. Bedoya Lima and her mother received prior to the attack in May of 2000.<sup>178</sup>

The rest of the dispute moves forward.<sup>179</sup>

#### 1. Violations Alleged by the Commission<sup>180</sup>

Article 4.1 (Prohibition of Arbitrary Deprivation of Life)

Article 5.1 (Right to Physical, Mental, and Moral Integrity)

Article 5.2 (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment)

Article 7 (Right to Personal Freedom)

Article 8.1 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 11 (Protection of Honor and Dignity)

Article 13 (Freedom of Thought and Expression)

Article 22 (Movement and Residency)

Article 24 (Equal Protection)

Article 25.1 (Right of Recourse Before a Competent Court)

<sup>169</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 3; *see also* Bedoya Lima et al. v. Colombia, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. C) No. 439 (Mar. 17, 2021).

<sup>170</sup> Bedoya Lima et al. v. Colombia Preliminary Objections, Merits, Reparations, and Costs, ¶ 11.

<sup>171</sup> Bedoya Lima et al. v. Colombia, Adoption of Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. C) No. 439 (Mar. 24, 2021). ¶¶ 5-6.

<sup>172</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 10.

<sup>173</sup> *Id.*

<sup>174</sup> *Id.* ¶ 11.

<sup>175</sup> *Id.* ¶ 21.

<sup>176</sup> *Id.*

<sup>177</sup> *Id.* ¶ 27(a).

<sup>178</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 27(b).

<sup>179</sup> *Id.* ¶ 28.

<sup>180</sup> Bedoya Lima et al. v. Colombia, Report on Merits, ¶ 5.

*all in relation to:*

Article 1(1) (Obligation of Non-Discrimination)

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by the Representatives of the Victims<sup>181</sup>

Same Violations Alleged by the Commission, plus:

Article 15 (Right to Peaceful Assembly)

Article 16 (Freedom of Association)

Article 23 (Right to Participate in Public Affairs) of the American Convention.

III. MERITS

A. *Composition of the Court*<sup>182</sup>

Elizabeth Odio Benito, President

L. Patricio Pazmiño Freire, Vice-President

Eduardo Ferrer Mac-Gregor Poisot, Judge

Eugenio Raúl Zaffaroni, Judge

Ricardo Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

Romina I. Sijniensky, Deputy Secretary

B. *Decision on the Merits*

**August 26, 2021:** The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.<sup>183</sup>

The Court unanimously rejected Colombia's preliminary objections:

*The State contended that the representatives had (1) improperly alleged new facts not contained within the Commission's submission to the Court and (2) submitted arguments on matters outside the scope of litigation.*<sup>184</sup> *Regarding the first objection, the Court agreed that it was usually limited to those facts contained within the Commission's submission and that new facts were generally inadmissible.*<sup>185</sup> *However, the facts at issue were admissible under an exception for supervening events.*<sup>186</sup> *For the second objection, the Court concluded that the*

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<sup>181</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 6. Mr. Jonathan Bock, Ms. Raissa Carrillo Villamizar, Mr. Angelo Caro Montenegro, Ms. Viviana Krsticevic, Ms. Gisela De León, and Ms. Jessica Ramirez served as representatives for Ms. Bedoya Lima.

<sup>182</sup> *Id.* n. \*. Judge Humberto Antonio Sierra Porto did not take part in this case due to being a Colombian national, as per Articles 19(1) and 19(2) of the Court's Rules of Procedure. Judge Eduardo Vio Grossi did not take part in this case for reasons of force majeure.

<sup>183</sup> *Id.* ¶ 1.

<sup>184</sup> *Id.* ¶ 15.

<sup>185</sup> *Id.* ¶ 16.

<sup>186</sup> *Id.* ¶¶ 16-17.

*arguments at issue were within the scope of litigation.*<sup>187</sup> *Thus, the State's objections were dismissed.*<sup>188</sup>

The Court found unanimously that Colombia had violated:

Articles 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7 (Right to Personal Freedom), 11 (Protection of Honor and Dignity), and 13 (Freedom of Thought and Expression), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention to the detriment of Ms. Bedoya Lima,<sup>189</sup> because:

*To find the State liable for a third party's actions, the Court emphasized that there must either be evidence of the State's support of, or tolerance of, the action, or evidence of the State's failure to safeguard human rights properly.*<sup>190</sup> *Here, Ms. Bedoya Lima was doubly vulnerable as a journalist and as a woman.*<sup>191</sup> *She had previously notified the State that she was receiving threats against her life and personal integrity.*<sup>192</sup> *The Court highlighted how Ms. Bedoya Lima and her mother, Ms. Nelly Lima, were attacked in 1999, and that the State was aware of this, as DAS offered Ms. Bedoya Lima protection in August of 1999 – an offer which was rescinded in November of the same year.*<sup>193</sup> *Despite knowing that Ms. Bedoya Lima was still receiving threats against her life and safety, the State took no action beyond periodic evaluations of her safety.*<sup>194</sup> *The Court considered that the State knew of objectively verifiable threats against Ms. Bedoya Lima and that an attack was clearly imminent.*<sup>195</sup> *Further, the Court recognized that the threats and attack on Ms. Bedoya Lima took place in Colombia, the country which had the highest incidence of journalist killings in the region.*<sup>196</sup> *Indeed, the State itself issued a report recognizing how vulnerable women were at this time.*<sup>197</sup> *Thus, it was impossible for the State to be unaware of the imminent danger Ms. Bedoya Lima was facing as a woman and a journalist.*<sup>198</sup>

*State agents knew of Ms. Bedoya Lima's visit to the National Model Prison because the guards were aware that she was coming.*<sup>199</sup> *Given that the National Model Prison had recently had a deadly incidence of violence, the Court noted that it was problematic that the prison had no additional police presence or security.*<sup>200</sup> *Due to the State's inaction, the perpetrators of Ms. Bedoya Lima's attack had no reason to be deterred.*<sup>201</sup> *Further, the Court noted Ms. Bedoya Lima's statement that there were men in uniform involved in her kidnapping and attack.*<sup>202</sup> *Thus, there were objective indications that the State was aware of and participated in the attack on Ms. Bedoya Lima on May 25, 2000 in violation of her right to personal freedom, the duty*

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<sup>187</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 18.

<sup>188</sup> *Id.* ¶¶ 17-18.

<sup>189</sup> *Id.* "Declares," ¶ 224(2).

<sup>190</sup> *Id.* ¶ 88.

<sup>191</sup> *Id.* ¶ 91.

<sup>192</sup> *Id.* ¶ 92.

<sup>193</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 92.

<sup>194</sup> *Id.*

<sup>195</sup> *Id.*

<sup>196</sup> *Id.* ¶ 94.

<sup>197</sup> *Id.*

<sup>198</sup> *Id.*

<sup>199</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 96.

<sup>200</sup> *Id.* ¶ 97.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.*

to refrain from violent acts, and the State's obligation to investigate and prevent kidnapping and torture.<sup>203</sup>

Because the State was implicated in Ms. Bedoya Lima's attack, it was also liable for Ms. Bedoya Lima's torture during the kidnapping.<sup>204</sup> Indeed, the Court's jurisprudence recognized rape as inhuman or degrading treatment, and recognized mistreatment intentionally aimed to inflict severe harm as torture.<sup>205</sup> Considering the ten-hour period in which Ms. Bedoya Lima was assaulted, raped, beaten, and interrogated, and given the State's knowledge of threats against Ms. Bedoya Lima due to her work, the Court ruled that she was specifically targeted not only as a woman, but also as a journalist.<sup>206</sup> Thus, Ms. Bedoya Lima's attack was carried out with the acquiescence of, or at least the tolerance of, the State.<sup>207</sup>

The Court highlighted that the freedom of expression is both an individual right and a social right.<sup>208</sup> Journalism is closely intertwined with this right, as journalists exercise their right to expression in disseminating information.<sup>209</sup> Thus, an obstruction of journalism is an obstruction of the fundamental right to free expression.<sup>210</sup> On the day of her attack, Ms. Bedoya Lima was targeted because she was a journalist and a woman.<sup>211</sup> The Court noted that the subject of Ms. Bedoya Lima's reporting was of great interest to Colombian society; that she was prevented from disseminating information about the situation in National Model Prison was a violation of the social right of freedom of expression.<sup>212</sup> Indeed, other journalists may have been dissuaded from publishing or felt their need to censor their work.<sup>213</sup> The attack on Ms. Bedoya Lima was an effort to prevent both the dissemination and receipt of information, constituting a violation of the right to the freedom of expression.<sup>214</sup>

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Articles 1(1) (Obligation of Non-Discrimination) and 24 (Equal Protection) of the Convention to the detriment of Ms. Bedoya Lima,<sup>215</sup> because:

*The Court considered that, especially in cases concerning journalists who are women, states have a duty to adopt all necessary measures to investigate threats and attacks using an intersectional perspective.<sup>216</sup> Here, the State failed in multiple ways.<sup>217</sup>*

*First, there were shortcomings in the State's evidence gathering at the beginning of the investigation into Ms. Bedoya Lima's attack.<sup>218</sup> The State failed to make timely requests for necessary evidence and failed to maintain a detailed chain of custody for the evidence which*

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<sup>203</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 98-99.

<sup>204</sup> *Id.* ¶ 100.

<sup>205</sup> *Id.* ¶ 101.

<sup>206</sup> *Id.* ¶¶ 102-103.

<sup>207</sup> *Id.* ¶ 104.

<sup>208</sup> *Id.* ¶ 106.

<sup>209</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 107.

<sup>210</sup> *Id.*

<sup>211</sup> *Id.* ¶¶ 107-108.

<sup>212</sup> *Id.* ¶¶ 110-111.

<sup>213</sup> *Id.* ¶ 112.

<sup>214</sup> *Id.* ¶¶ 113-114.

<sup>215</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Declares" ¶ 224(3).

<sup>216</sup> *Id.* ¶ 126.

<sup>217</sup> *Id.* ¶ 127.

<sup>218</sup> *Id.* ¶¶ 128-129.

was collected.<sup>219</sup> These deficiencies were recognized by the Criminal Judicial Advocate 19 in 2011, but still the State took no action.<sup>220</sup> Second, the burden to investigate improperly fell upon Ms. Bedoya Lima when in fact investigation was the State's burden.<sup>221</sup> Finally, due to the State's deficient investigations, it was difficult to determine the perpetrators of the May 25, 2000 attack and the extent of State participation.<sup>222</sup> The Court concluded that the State failed to act with due diligence in its investigations and proceedings following the attack on Ms. Bedoya Lima.<sup>223</sup>

The Court recalled that the State had an obligation to prevent, punish, and eradicate targeted violence against women.<sup>224</sup> It was especially important for the State to work to efficiently and properly investigate attacks against women.<sup>225</sup> However, judicial inefficiency in cases involving violence against women fostered an environment that promoted repeat attacks.<sup>226</sup> Thus, the lack of investigation by the State in this case indicated a form of gender-based discrimination.<sup>227</sup>

First, the State failed to create a safe environment for Ms. Bedoya Lima to not only report the crime, but also to continue living comfortably.<sup>228</sup> The State additionally failed to make the rape a priority in their investigation.<sup>229</sup> This constituted a discriminatory act because it affected Ms. Bedoya Lima's access to justice.<sup>230</sup> Second, the investigation at times made sexist and discriminatory allegations of an affair between Ms. Bedoya Lima and a guerrilla fighter, which created another obstacle for Ms. Bedoya Lima to overcome.<sup>231</sup> Finally, Ms. Bedoya Lima was subjected to over ten interrogations for her attack, which was re-traumatizing.<sup>232</sup> The State failed to consider the trauma Ms. Bedoya Lima faced, and might have caused significant relapses in her mental health over the course of these additional interrogations.<sup>233</sup> Thus, the Court ruled that the State conducted its investigation in a discriminatory framework.<sup>234</sup>

Here, Ms. Bedoya Lima suffered an unreasonable delay in the investigation and prosecution of her case.<sup>235</sup> The following factors are relevant when evaluating whether a delay was reasonable: (1) the complexity of the case; (2) the activity of the parties involved; (3) the judicial authorities' conduct; and (4) the legal situation of the victim.<sup>236</sup> The State must justify, based on these factors, the reasonableness of any delay.<sup>237</sup>

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<sup>219</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 129.

<sup>220</sup> *Id.* ¶ 130.

<sup>221</sup> *Id.* ¶ 131.

<sup>222</sup> *Id.* ¶ 132.

<sup>223</sup> *Id.* ¶ 133.

<sup>224</sup> *Id.* ¶ 134.

<sup>225</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 134.

<sup>226</sup> *Id.* ¶ 135.

<sup>227</sup> *Id.*

<sup>228</sup> *Id.* ¶ 137.

<sup>229</sup> *Id.*

<sup>230</sup> *Id.*

<sup>231</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 138.

<sup>232</sup> *Id.* ¶ 139.

<sup>233</sup> *Id.*

<sup>234</sup> *Id.* ¶ 140.

<sup>235</sup> *Id.* ¶ 141.

<sup>236</sup> *Id.* ¶ 142.

<sup>237</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 142.



Here, the Court noted that the State learned of Ms. Bedoya Lima's attack immediately after it occurred.<sup>238</sup> That there were multiple perpetrators should not have significantly affected the State's investigation.<sup>239</sup> Ms. Bedoya Lima, rather than hindering the investigation, actively pursued her own investigations in light of the State's inaction.<sup>240</sup> The State's duty to investigate did not diminish despite a significant passage of time.<sup>241</sup> The duty to investigate was particularly pressing, considering the violent and sexual nature of the case and its relation to journalism in general.<sup>242</sup> Thus, the State's investigative delay was unreasonable.<sup>243</sup>

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Articles 1(1) (Obligation of Non-Discrimination), 5(1) (Right to Physical, Mental, and Moral Integrity), 11 (Protection of Honor and Dignity), and 13 (Freedom of Thought and Expression) of the Convention to the detriment of Ms. Bedoya Lima,<sup>244</sup> because:

*The State conceded that it had deficiently investigated the threats Ms. Bedoya Lima received both before and after her attack on May 25, 2000.<sup>245</sup> It similarly accepted that it had failed to investigate the threats and attack on Ms. Bedoya Lima and her mother, Ms. Nelly Lima, on May 27, 1999.<sup>246</sup>*

*The Court highlighted that the State had a duty to refrain from any action that might increase the danger a vulnerable individual faces.<sup>247</sup> When there is heightened danger, the State must take necessary measures to reasonably protect the rights of the vulnerable person.<sup>248</sup> Thus, the State needed to protect journalists and conduct a diligent investigation into any threat or attack on journalists.<sup>249</sup> However, the State's inaction allowed attacks to be committed with impunity.<sup>250</sup> The lack of punishment precipitated direct effects on the journalists, especially female journalists.<sup>251</sup> Ms. Daniela Kravitz, an expert witness, indicated how a highly visible female journalist receiving threats without any State response not only dissuaded other journalists from doing their jobs, but also limited their feelings of safety and wellbeing.<sup>252</sup> The impunity surrounding attacks on journalists additionally created an environment that encouraged perpetrators commit further violence.<sup>253</sup> Thus, the State had a duty to create a policy to protect journalists and their free exercise of expression.<sup>254</sup> As discussed, the State failed to use due diligence in the investigation of Ms. Bedoya Lima's attack on May 25, 2000, and the threats she received before and after that attack.<sup>255</sup> Because of this inaction, the State was liable for the violations against Ms. Bedoya Lima.<sup>256</sup>*

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<sup>238</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 143.

<sup>239</sup> *Id.*

<sup>240</sup> *Id.* ¶ 144.

<sup>241</sup> *Id.* ¶ 145.

<sup>242</sup> *Id.*

<sup>243</sup> *Id.* ¶ 146.

<sup>244</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Declares," ¶ 224 (4).

<sup>245</sup> *Id.* ¶ 148.

<sup>246</sup> *Id.*

<sup>247</sup> *Id.* ¶ 149.

<sup>248</sup> *Id.*

<sup>249</sup> *Id.* ¶ 150.

<sup>250</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 150.

<sup>251</sup> *Id.*

<sup>252</sup> *Id.*

<sup>253</sup> *Id.* ¶ 151.

<sup>254</sup> *Id.* ¶ 152.

<sup>255</sup> *Id.*

<sup>256</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 153.

Articles 5 (Right to Humane Treatment), 11 (Right to Privacy), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention to the detriment of Ms. Nelly Lima,<sup>257</sup> because:

*Considering the analysis in the above sections concerning the State's violations, and that Ms. Nelly Lima was injured in a direct attack on Ms. Bedoya Lima, the Court held there was a violation of Ms. Nelly Lima's rights arising from the State's failure to act with due diligence in the investigation and prosecution of the attack.*<sup>258</sup>

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention to the detriment of Ms. Nelly Lima,<sup>259</sup> because:

*The Court affirmed that close family members of human rights violations victims also suffer as a result of the violations their loved ones' rights.*<sup>260</sup> *Further, an expert witness provided that Ms. Nelly Lima was especially impacted by the horrific sexual violence her daughter endured.*<sup>261</sup> *Because victims of sexual assaults are generally stigmatized, mothers of these victims are often the ones who stay to offer support; as such, a mother's emotional trauma is often amplified.*<sup>262</sup> *Ms. Bedoya Lima herself stated that her mother carries her own pain along with the pain of her daughter.*<sup>263</sup> *The Court highlighted that the State called and harassed Ms. Nelly Lima while they were attempting to investigate the attack on Ms. Bedoya Lima to the detriment of Ms. Nelly Lima's health.*<sup>264</sup>

*Additionally, Ms. Nelly Lima was herself attacked while with her daughter on May 27, 1999.*<sup>265</sup> *After this attack, Ms. Nelly Lima was hospitalized.*<sup>266</sup> *Due to the State's failure to offer any safety measures for Ms. Bedoya Lima, Ms. Nelly Lima suffered from extreme fear for her daughter's safety.*<sup>267</sup> *Because of the State's failure to properly investigate and prosecute the attack on her daughter, Ms. Nelly Lima suffered from extreme mental anguish, for which the State was responsible.*<sup>268</sup>

### C. Dissenting and Concurring Opinions

#### 1. Concurring Separate Opinion of Judge Ricardo C. Pérez Manrique

In a separate opinion, Judge Pérez Manrique analyzed Ms. Bedoya Lima's freedom of expression as a female journalist.<sup>269</sup> He presented guidelines and clear international standards

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<sup>257</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Declares," ¶ 224(5).

<sup>258</sup> *Id.* ¶ 153.

<sup>259</sup> *Id.* "Declares," ¶ 224(6).

<sup>260</sup> *Id.* ¶ 158.

<sup>261</sup> *Id.* ¶ 159.

<sup>262</sup> *Id.*

<sup>263</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 159.

<sup>264</sup> *Id.*

<sup>265</sup> *Id.* ¶ 160.

<sup>266</sup> *Id.*

<sup>267</sup> *Id.* ¶ 161.

<sup>268</sup> *Id.* ¶ 162.

<sup>269</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Separate Opinion of Judge Pérez Manrique, Inter-Am. Ct. H.R. (ser. C) No. 439, ¶ 2 (Aug. 26, 2021).

for the investigation of crimes against journalists who are women.<sup>270</sup> He noted that journalists' work is an essential cornerstone of society.<sup>271</sup> Additionally, Judge Pérez Manrique wrote that not only was Ms. Bedoya Lima's freedom of expression violated, but that compounding violations of her rights further dissuaded the exercise of her right to freedom of expression due to fear and shame.<sup>272</sup> Journalists who are women face particular difficulties due to their gender; such journalists—like Ms. Bedoya Lima—require additional protection due to facing extreme risks of gender discrimination.<sup>273</sup> Thus, the State needed to implement an institutional framework to address the safety of journalists, especially journalists who are women.<sup>274</sup> To properly prevent violence against women journalists, Judge Pérez Manrique concluded that the State has a clear duty to guarantee the exercise of freedom of expression, to protect journalists from known threats, and to recognize that female journalists face extreme risks when speaking the truth.<sup>275</sup>

#### IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

##### *A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

###### 1. Judgment as a Form of Reparation

The Court noted that the Judgment itself is a form of reparation.<sup>276</sup>

###### 2. Investigate and Prosecute the Events of May 25, 2000

The Court ordered the State, within a reasonable time, to investigate to properly identify, prosecute, and punish the individuals responsible for the attack on Ms. Bedoya Lima on May 25, 2000.<sup>277</sup>

###### 3. Investigate and Prosecute the Threats and Attacks

The Court ordered the State, within a reasonable time, to investigate and properly identify, prosecute, and punish those responsible for the attack on Ms. Bedoya Lima and her mother, Ms. Nelly Lima on May 27, 1999.<sup>278</sup> The State must also investigate the threats made against Ms. Bedoya Lima before and after her attack on May 25, 2000.<sup>279</sup>

###### 4. Adopt All Measures of Protection

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<sup>270</sup> *Bedoya Lima et al. v. Colombia*, Preliminary Objections, Merits, Reparations, and Costs, Separate Opinion of Judge Pérez Manrique, ¶ 2.

<sup>271</sup> *Id.* ¶ 8.

<sup>272</sup> *Id.* ¶¶ 11-12.

<sup>273</sup> *Id.* ¶¶ 13-24.

<sup>274</sup> *Id.* ¶ 28.

<sup>275</sup> *Id.* ¶¶ 34, 36, 41-42.

<sup>276</sup> *Bedoya Lima et al. v. Colombia*, Preliminary Objections, Merits, Reparations, and Costs, "And Provides" ¶ 224(7).

<sup>277</sup> *Id.* ¶ 8.

<sup>278</sup> *Id.* ¶ 171.

<sup>279</sup> *Id.* ¶¶ 172-173.

The Court ordered the State to adopt all necessary measures to protect Ms. Bedoya Lima's and Ms. Nelly Lima's personal integrity, lives, and security.<sup>280</sup>

#### 5. Publish the Judgment

The Court ordered the State publish this Judgment within six months in the Official Gazette, in a newspaper of national circulation, and on an official State website for one year.<sup>281</sup> The State must immediately notify the Court once each publication is made available regardless of any time restriction.<sup>282</sup>

#### 6. Dissemination of Media Programs

The Court ordered the State to disseminate the program "It's Not Time To Fall Silent" ("No Es Hora De Callar") via the public media system.<sup>283</sup> The program must run for sixty minutes every month for five years from the date of the first broadcast to raise awareness of women's rights and the freedom of expression in journalism.<sup>284</sup>

#### 7. Implement Training Programs

The Court ordered the State to properly train officials from a gender-conscious perspective so that they will be prepared to properly investigate incidents of gender-based violence.<sup>285</sup>

#### 8. Establish Center for Victims of Sexual Violence

The Court ordered the State to establish the No Time to Fall Silent Investigation Center (Centro Investigativo No Es Hora De Callar) in recognition of all women who have been victims of sexual violence.<sup>286</sup> The Center must have an annual budget of at least \$200,000 and must be established within eighteen months of this Judgment.<sup>287</sup>

#### 9. Publish Gender-Based Violence Data

The Court ordered the State to publish data on gender-based violence and threats against journalists, within one year of this Judgment.<sup>288</sup>

#### 10. Establish System to Collect Data of Violence Against Journalists

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<sup>280</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 173-174.

<sup>281</sup> *Id.* ¶ 175.

<sup>282</sup> *Id.*

<sup>283</sup> *Id.* ¶ 179.

<sup>284</sup> *Id.*

<sup>285</sup> *Id.* ¶ 189.

<sup>286</sup> Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 190.

<sup>287</sup> *Id.* ¶¶ 191-192.

<sup>288</sup> *Id.* ¶ 193.

The Court ordered the State to create a fund to finance the protection of journalists who are women from the gender-based violence in their profession.<sup>289</sup> The State must pay \$500,000 per year for this fund.<sup>290</sup> This fund must be established within one year of this Judgment.<sup>291</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

With respect to pecuniary damages, the Court awarded \$25,000 to Ms. Bedoya Lima and \$15,000 to Ms. Nelly Lima.<sup>292</sup>

#### 2. Non-Pecuniary Damages

The Court awarded \$120,000 to Ms. Bedoya Lima and \$50,000 to Ms. Nelly Lima.<sup>293</sup> These sums were awarded for the women to obtain medical, psychological, and psychiatric treatment.<sup>294</sup>

#### 3. Costs and Expenses

The Court granted \$30,000 to FLIP and \$15,000 to CEJIL for the costs and expenses of domestic and international litigation.<sup>295</sup> The Victims' Legal Assistance Fund was reimbursed \$104.88 for costs and expenses.<sup>296</sup>

#### 4. Total Compensation (including Costs and Expenses ordered):

\$255,104.88

### *C. Deadlines*

The State must pay compensation for pecuniary and non-pecuniary damages, and cost and expenses, within one year of this Judgment.<sup>297</sup>

## V. COMPLIANCE AND FOLLOW-UP

[None]

## VI. LIST OF DOCUMENTS

### *A. Inter-American Court*

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<sup>289</sup> *Bedoya Lima et al. v. Colombia*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 194.

<sup>290</sup> *Id.* ¶ 195.

<sup>291</sup> *Id.* ¶ 196.

<sup>292</sup> *Id.* ¶ 202.

<sup>293</sup> *Id.* ¶¶ 183, 209.

<sup>294</sup> *Id.*

<sup>295</sup> *Bedoya Lima et al. v. Colombia*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 214.

<sup>296</sup> *Id.* ¶ 217.

<sup>297</sup> *Id.* ¶ 218.

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 439 (Aug. 26, 2021).

Bedoya Lima et al. v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Separate Opinion of Judge Pérez Manrique, Inter-Am. Ct. H.R. (ser. C) No. 439 (Aug. 26, 2021).

Bedoya Lima et al. v. Colombia, Resolution of the President, Inter-Am. Ct. H.R. (ser. C) No. 438 (Feb. 12, 2021).

Bedoya Lima et al. v. Colombia, Resolution of the President, Inter-Am. Ct. H.R. (ser. C) No. 438 (Mar. 18, 2021).

Bedoya Lima et al. v. Colombia, Resolution of the President, Inter-Am. Ct. H.R. (ser. C) No. 438 (Mar. 18, 2021).

3. Provisional Measures

Bedoya Lima et al. v. Colombia, Adoption of Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. C) No. 439 (Mar. 24, 2021).

Bedoya Lima et al. v. Colombia, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. C) No. 439 (Mar. 17, 2021).

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

- B. Inter-American Commission*

1. Petition to the Commission

[None]

2. Report on Admissibility

Bedoya Lima et al. v. Colombia, Admissibility Report, Report No. 50/14, Inter-Am. Comm'n H.R., Petition No. 779-11 (July 21, 2014).

## 3. Provisional Measures

[None]

## 4. Report on Merits

Bedoya Lima et al. v. Colombia, Report on Merits, Report No. 150/18, Inter-Am. Comm'n H.R., Case 12.954 (Dec. 7, 2018).

## 5. Application to the Court

Bedoya Lima et al. v. Colombia, Letter of Submission, Inter-Am. Comm'n H.R., Case No. 12.954, (July 16, 2019).