



ELDH European Association of Lawyers
for Democracy and World Human Rights



Colombia Caravana UK Lawyers Group
promoting access to justice
and protecting human rights

THE DAY OF THE ENDANGERED LAWYER - 24TH JANUARY 2014 HANDS OFF COLOMBIAN LAWYERS

PETITION

WITH URGENT REQUESTS TO THE COLOMBIAN AUTHORITIES
COLOMBIAN PRESIDENT MR. JUAN MANUEL SANTOS
MINISTER OF JUSTICE MRS. RUTH STELLA CORREA PALACIO
MINISTER OF INTERIOR MR. FERNANDO CARRILLO FLÓRES
And all Other Members of the Colombian Government

EUROPEAN LAWYERS PROTEST AGAINST INTIMIDATION, ARRESTS, VIOLENCE AND ASSASSINATION OF HUMAN RIGHTS LAWYERS IN COLOMBIA

Grave human rights violations in Colombia have been reported for many years. Not only human rights organisations like Amnesty International and Human Rights Watch have clearly denounced these human rights violations which have been committed or tolerated by the Colombian state. The most detailed reports on threats, attacks, persecution and the killing of lawyers in Colombia were presented by the three International Caravanas of Jurists to Colombia (2008, 2010 and 2012). As a consequence even the European Union in addition to the bilateral trade agreement has established the Dialogue on Human Rights between the European Union and the Government of Colombia.

Human rights violations have been perpetrated in Colombia not only against political opponents to the Government but also against minorities, in particular against the indigenous population in Colombia. They are also directed against lawyers who have the courage to defend the victims of such human rights violations committed by the state. When such lawyers become victims of arbitrary rule, their clients become double victims. They are both victims of state arbitrary rule, and are also robbed of the chance of a fair

trial. When lawyers are prevented from fulfilling their professional duties, not only is their personal future and that of their clients in danger, but justice itself is endangered.

A small minority of the over 200,000 lawyers in Colombia are lawyers, dedicated to representing the most vulnerable populations most affected by human rights violations, including extrajudicial killings and forced disappearances, and by violations related to the armed conflict. These marginalised sectors include small-scale rural producers, poor urban communities, internally displaced persons, indigenous peoples and Afro-Colombian communities whose ancestral lands are often in natural resource rich regions or otherwise strategic due to their location. These lawyers, part of a community of human rights defenders in Colombia, represent and provide a voice for these individuals and groups who suffer the effects of the dramatic, violent and relentless threats to their means of survival, their way of life and their very existence. In essence, these lawyers play a fundamental role in trying to guarantee access to justice and uphold the rule of law in the country.

Because of this vital role in exposing and fighting against injustice, human rights lawyers themselves are often targets of intimidation, arrest and physical violence, and some have been murdered.

A substantial number of threats against human rights lawyers in Colombia originate from illegal paramilitary groups which, although officially demobilised, in reality continue to operate throughout Colombia. These threats often accuse human rights lawyers of being involved with the guerrilla armed groups, thereby leaving them open to attack.

Recent threats from illegal armed groups have also accused lawyers and other human rights defenders of hampering the work of multinational companies. On August 4, 2013, the paramilitary group “Los Rastrojos - National Urban Commandos” circulated a pamphlet declaring a number of trade unionists and human rights organisations, including the José Alvear Restrepo Lawyers’ Collective (CAJAR) and lawyer José Humberto Torres from the Committee for Solidarity with Political Prisoners (CSPP), as military targets, and accusing them of “attacking the good and noble intentions of the high government of Dr. Juan Manuel Santos for peace and democratic prosperity, and stopping the progress of multinational companies such as Glencore, Drummond, Pacific Rubiales, AngloGold Ashanti”.

Indeed, human rights lawyers who work on cases of human rights violations in rural areas where small-scale producers are attempting to return to lands illegally expropriated from them, and where development projects are being implemented, often face extra pressures.

Among the recent victims of these actions were the following lawyers and human rights defenders:

José Lubian Duque Jimenez (killed in 2013), Óscar Cortez Baena (killed in 2013), Ricardo Rodríguez Cajamarca (killed in 2013), Edison Alberto Molina (killed in 2013), Juan Carlos Canizalez Ocampo (killed in 2013), José Gerley Sánchez Benítez (killed in 2013), Fabio Molina Vásquez (killed in 2013), Andrés Felipe Parra Utría (killed in 2013), Alberto Arias Escobar (killed in 2013), Amaury Manuel Sáez Coronado (killed in 2013), Diego Luis García González (killed in 2013), Jhonny Alberto Balarezo Ortiz (killed in 2013), Jorge Iván Gómez Guerrero (killed in 2013), Eduardo Antonio Martínez (killed in 2013), Daniel Alejandro Almario Calderon (killed in 2013), Berena Yohadis Romero de la Marck (killed in 2013), Jorge Eliecer Molano Rodríguez (serious death threats), German Romera Sánchez (serious death threats), Lawyers Rommel Duran (serious death threats), Leonardo Jaimes Marín (serious death threats), Jeison Pava (serious death threats), Diego Martínez (serious death threats), José Humberto Torres (serious death threats), Manuel Garzón (serious death threats), lawyers from the Lawyers organisations CAJAR, the Committee of Solidarity with

Political Prisoners (CSPP) and the Yira Castro Corporation (serious death threats), Sofía López Mera (serious death threats).

Over recent years, in addition to threats from illegal armed groups, human rights lawyers also faced a campaign involving the gathering and use of intelligence against them at the hands of the state intelligence agency, the DAS. This body was found to have held personal information on prominent human rights defenders, including lawyers and judges, such as personal information about themselves and their families.

The high level of killings of human rights defenders means that these threats against them must be taken very seriously, in particular since the number of human rights defenders is still increasing.

Colombian human rights defenders, including lawyers, have called for public pronouncements from the State in support of their work, in recognition that the rights of victims to access justice is legitimate and necessary to the proper functioning of a democratic society, however, State authorities have stigmatised the work of human rights lawyers.

This is an extremely important moment for justice in Colombia. The current peace dialogue between the government and the FARC guerrilla is a positive sign that Colombia could be on the way to achieving an end to its armed conflict. Nevertheless, peace will not be achieved by the mere signing of an agreement; there are a series of judicial, political and social measures which need to be taken in order to achieve lasting peace, with guarantees of non-repetition. Colombian human rights lawyers are calling for a national debate on the model of transitional justice which will guarantee the end of armed conflict while respecting the Victims' rights to Truth, Justice and Reparation under international law. There are serious concerns, meanwhile, that legislation such as the Legal Framework for Peace proposed by the State and the expansion of Military Criminal jurisdiction which has already been approved could lead to widespread amnesties and impunity.

For these reasons three European lawyers associations the EUROPEAN DEMOCRATIC LAWYERS (AED-EDL, www.aed-edl.net), the EUROPEAN ASSOCIATION OF LAWYERS FOR DEMOCRACY & WORLD HUMAN RIGHTS (ELDH, www.eldh.eu) and the EUROPEAN BAR HUMAN RIGHTS INSTITUTE (IDHAE, www.idhae.org), which together represent lawyer's associations all over Europe, have decided to promote greater public awareness of the severe situation of lawyers in Colombia on the Day of the Endangered Lawyer. Therefore lawyers in different European countries will protest in front of Colombian Embassies and Consulates.

The Day of the Endangered Lawyer is an initiative which was started by AED-EDL in 2010, on behalf of the lawyers of Iran. The date of 24 January was chosen this year in remembrance of the assassination of 4 trade union lawyers and one employee in the Atocha Street in Madrid in 1977 (Massacre of Atocha), in the time of transition after the death of the Spanish dictator Franco (in 1975). The perpetrators arrested were close to far-right parties and organisations.

AED-EDL, ELDH and IDHAE condemn in the strongest possible terms the above mentioned actions against lawyers and demand the following from the Government of Colombia:

- Appropriate measures to guarantee safety and security for legal practitioners, as provided in the United Nations Basic Principles on the Role of Lawyers
- to recognise publicly the legitimacy of the work done by human rights defenders, including lawyers, environmental activists and trade unionists
- to put an end to the impunity tolerated by the State for those who violate human rights
- to take measures to sanction public servants and politicians who stigmatise them
- to end any kind of interference with the legal defence
- and to end all types of harassment - including at the judicial level - against them
- an international independent investigation into the actions noted above with the objective of holding those responsible for these arrests accountable for violations of basic human rights The immediate release of all lawyers detained for political reasons

Information compiled with the assistance of the Colombian Caravana
(www.colombiancaravana.org.uk)

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