

# **Day of the Endangered Lawyers 2022**

## **12th edition – COLOMBIA**

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### **Day of the Endangered Lawyer**

Since 2009, the [Day of the Endangered Lawyer](#) has taken place on 24 January in multiple cities, countries, and continents across the globe. 24 January was chosen as the annual International Day of the Endangered Lawyer because on this day in 1977, four lawyers and a co-worker were murdered at their address at Calle Atocha 55 in Madrid, an event that came to be known as the Massacre of Atocha.

The purpose of this international Day is to draw the attention of civil society and the public authorities to the situation of lawyers in a particular country, in order to raise awareness about the threats that they face in the exercise of their profession. Therefore, this Day has been dedicated in previous years to countries including Azerbaijan (2021), Pakistan (2020), Turkey (2019 & 2012), Egypt (2018), China (2017), Honduras (2016), the Philippines (2015), Basque Country/Spain (2013), and Iran (2010).

This year, for the second time, the Day of the Endangered Lawyer focuses on Colombia, where the persecution of human rights lawyers has increased, preventing them from practising their profession<sup>1</sup>.

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<sup>1</sup> Colombia was also the focus country in 2014. Please see <https://www.uanet.org/en/actions/january-24-international-day-endangered-lawyers-call-all-lawyers-support-their-colombian>; <https://lawyersforlawyers.org/en/colombia-day-of-the-endangered-lawyer/>

## **1. THE PERSECUTION OF LAWYERS IN A NATIONAL CONTEXT OF ARMED CONFLICTS**

Colombia is the most unequal country in terms of income among all Organisation for Economic Co-operation and Development (OECD) countries and the second most unequal country in Latin America<sup>2</sup>.

The inequalities between regions lead to a social, economic, and institutional crisis crystallising instability in the country. It has experienced many years of upheaval from the beginning of the armed conflict to the present day.

Colombia has endured decades of violent and complex armed conflict<sup>3</sup>, which have caused widespread and grave human rights violations, including countless homicides, displacements, forced disappearances, sexual crimes and gender-based violence, especially in rural areas and indigenous communities. In February 2021, for example, the JEP (Special Jurisdiction for Peace) stated that between 2002 and 2008, at least 6,402 civilians were extrajudicially killed by the Colombian army and falsely identified as combat casualties (i.e., “false positive” cases)<sup>4</sup>.

While the signing of the peace agreements in 2016<sup>5</sup> officially ended the long-lasting internal armed conflicts that had opposed government forces against the FARC (Revolutionary Armed Forces of Colombia) for years, however, the peace process has not been resolved; negotiations with the ELN guerrillas were suspended and paramilitary and drug trafficking groups continue to strengthen. Conflict-related violence has therefore taken new forms in Colombia, and grave abuses continue in various parts of the country<sup>6</sup>, particularly in those areas historically characterised by limited state presence, illicit and high levels of poverty<sup>7</sup>.

Colombia remains the country with the highest number of murdered human rights defenders in Latin America<sup>8</sup>, and has had the highest record of attacks against land and environmental defenders, with 65 killed in 2020 alone<sup>9</sup>. Violence against peace signatories and human rights defenders in Colombia

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<sup>2</sup> MUNDIAL, Banco. Hacia la construcción de una sociedad equitativa en Colombia 2021. Available in English at <https://documents1.worldbank.org/curated/en/602591635220506529/pdf/Main-Report.pdf>

<sup>3</sup> Yaffe, Lilian (July 1, 2011). "Conflicto armado en Colombia: análisis de las causas económicas, sociales e institucionales de la oposición violenta" [Armed conflict in Colombia: analysing the economic, social, and institutional causes of violent opposition] (PDF) : [https://www.icesi.edu.co/revistas/index.php/revista\\_cs/article/view/1133/1496](https://www.icesi.edu.co/revistas/index.php/revista_cs/article/view/1133/1496)

<sup>4</sup> <https://www.jep.gov.co/Sala-de-Prensa/Paginas/La-JEP-hace-p%C3%ABblica-la-estrategia-de-priorizaci%C3%B3n-dentro-del-Caso-03,-conocido-como-el-de-falsos-positivos.aspx> ; <https://news.un.org/en/story/2021/02/1085252>

<sup>5</sup> “Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera”, 24 November 2016, available at <https://www.jep.gov.co/Normativa/Paginas/Acuerdo-Final.aspx>

<sup>6</sup> <https://www.hrw.org/world-report/2021/country-chapters/colombia>

<sup>7</sup>S/2021/603, United Nations Verification Mission in Colombia Report of the Secretary-General to the Security Council, 25 June 2021, available at <https://undocs.org/S/2021/603>

<sup>8</sup> See Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia, <https://www.hchr.org.co/index.php/informacion-publica/micrositios/homicidios-de-defensoras-y-defensores>; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, “Visit to Colombia,” UN Doc. A/HRC/43/51/Add.1, 26 December 2019, <https://undocs.org/en/A/HRC/43/51/Add.1>

<sup>9</sup> “Last line of defense” Global Witness, September 2021 available at <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

has increased significantly since the signing of the Peace Agreement<sup>10</sup>. Furthermore, murders of reintegrated people and social leaders continue to take place. Despite progress in this area, there is still a high level of impunity.

In April 2021, a series of measures taken by the government, including a proposed tax reform that disadvantages the lower and middle classes, re-ignited protests throughout the country, despite the lockdown that was in place. There was a social movement phenomenon known as National Strike with mass participation of citizens in daily demonstrations for more than 2 months. These demonstrations were violently repressed by state forces<sup>11</sup>.

The actions of the state security forces and bodies have been the subject of numerous complaints from national and international civil society organisations, alleging abuses and arbitrary detentions, exceeding their functions and using disproportionate force against demonstrators and human rights defenders, including lawyers who supported the exercise of the right to social protest<sup>12</sup>. In June 2021, the Inter-American Commission on Human Rights (IACHR) denounced the disproportionate use of public force in the "Observations and recommendations", published after its working visit to Colombia<sup>13</sup>.

It is in this adverse and violent context that advocacy is practised.

## **2. RISKS FOR COLOMBIAN LAWYERS**

Historically, Colombia presented one of the highest murder rates for lawyers. Despite the peace agreements, corruption, illegal surveillance, threats, judicial harassment, and murders of lawyers is rampant. Such persecution has recently increased for human rights defenders<sup>14</sup>.

According to a report of 2014 of the Solidarity Fund with Colombian Judges (FASOL), for the Commission for the Clarification of the Truth<sup>15</sup>, more than 700 lawyers had been killed in the previous 10 years and more than 4,400 had suffered various types of aggression. It must be underscored that

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<sup>10</sup> Country File/Colombia: The use of justice as a persecution mechanism (International Observatory of Lawyers at Risk/Observatorio Internacional de Abogados, July 2021), <https://protect-lawyers.org/en/item/country-file-colombia-the-use-of-justice-as-a-persecution-mechanism/>

<sup>11</sup> "From 28 April to 16 June (2021), the Office of the United Nations High Commissioner for Human Rights (OHCHR) registered allegations of 56 deaths, 54 civilians and two police officers, in the context of the protests; hundreds more were wounded", see para. 4, idem note 6.

<sup>12</sup> According to figures from the campaign Defend Freedom: 326 human rights defenders were attacked and at least 260 cases of attacks on the press were reported. At: <https://www.facebook.com/DefenderLaLibertad/>

<sup>13</sup> "The IACHR has been able to verify that, on repeated occasions, as well as in various regions of the country, the State's response was characterised by the excessive and disproportionate use of force, in many cases, including lethal force." [https://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita CIDH Colombia SPA.pdf](https://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita%20CIDH%20Colombia%20SPA.pdf)

<sup>14</sup> Franklin Castañeda: President of the Committee of the Foundation for Solidarity with Political Prisoners and Member of the National Commission for Security Guarantees, Extract from the OIAD and OMCT webinar ([https://www.youtube.com/watch?v=RG0z4Tx62GM&ab\\_channel=InternationalObservatoryofLawyersinDanger](https://www.youtube.com/watch?v=RG0z4Tx62GM&ab_channel=InternationalObservatoryofLawyersinDanger))

<sup>15</sup> The Commission for the Clarification of the Truth is an entity of the Colombian State which aims to recognise and enforce the rights of victims of the armed conflict and the recognition of crimes committed during the conflict, in the context of the peace agreements.

these figures are always underestimated<sup>16</sup>. Likewise, FASOL registered in its database that between 1989 and 2019, 1,340 justice operators were victims of violence, and from January 2019 to April 2021, there were 6 homicides, 26 threatened officials, 12 attacks, 3 prosecutions, 6 displacements, one exile and one violent carnal access.<sup>17</sup>

In 2020, the Institute for Development and Peace Studies (INDEPAZ) also reported 310 murders of social leaders and human rights defenders in 2020 and 1,251 from the signing of the peace agreement until 5 October 2021<sup>18</sup>. Between 2019 and 2020, state intelligence agencies carried out surveillance operations on various human rights organisations that provide legal assistance to opponents of the governmental regime<sup>19</sup>.

Human rights lawyers are usually subjected to judicial harassment to prevent them from pursuing their activities. This practice consists of the legal stigmatisation of lawyers, typically by threatening to initiate their prosecution or aligning them with their clients causes<sup>20</sup>. Polarisation and an evident interference by the spheres of power have meant that many lawyers have been victims of this and other types of attacks.

Colombia has, with regard to lawyers, neither prevented, investigated or properly prosecuted attacks and threats against lawyers involved in sensitive human rights cases. Some lawyers highlight that no progress has been made in any criminal or disciplinary investigation carried out by the competent bodies and initiated as a result of lawyers' denunciations<sup>21</sup>. Lawyers and HRDs are in particular danger when representing clients in sensitive cases such as environmental cases, land restitution cases, and cases that deal with the Special Jurisdiction for Peace<sup>22</sup>.

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<sup>16</sup> Reinaldo Villalba – President of the Jose Alvear Restrepo Lawyers Collective and Vice-President of the International Federation for Human Rights. Extract from the OIAD and OMCT webinar ([https://www.youtube.com/watch?v=RG0z4Tx62GM&ab\\_channel=InternationalObservatoryofLawyersinDanger](https://www.youtube.com/watch?v=RG0z4Tx62GM&ab_channel=InternationalObservatoryofLawyersinDanger)).

<sup>17</sup> Hernández, C. E. U. (Ed.). (2021). La independencia judicial en Colombia, en riesgo por un régimen autoritario. Bogotá, D.C., pág. 23-26. Available at: <https://coeuropa.org.co/la-independencia-judicial-en-colombia-en-riesgo-por-un-regimen-autoritario/>

<sup>18</sup> Available at: <https://www.radionacional.co/actualidad/lideres-sociales-asesinados-desde-la-firma-acuerdos-paz>.

<sup>19</sup> This situation was condemned by the *Caravana Internacional de Juristas*, together with other organisations in its joint letter to the Colombian president Ivan Duque, on 23 July 2020 ([http://www.colombiancaravana.org.uk/wp-content/uploads/2020/07/Letter-allegations-of-Illegal-Surveillance\\_FINAL.pdf](http://www.colombiancaravana.org.uk/wp-content/uploads/2020/07/Letter-allegations-of-Illegal-Surveillance_FINAL.pdf))

<sup>20</sup> Country File/Colombia: The use of justice as a persecution mechanism (International Observatory of Lawyers at Risk/Observatorio Internacional de Abogados, July 2021). Available at: <https://protect-lawyers.org/en/item/country-file-colombia-the-use-of-justice-as-a-persecution-mechanism/>

<sup>21</sup> Statement made by Germán Romero from the organisation DH-Colombia in the interview held by the International Observatory for Lawyers in Danger (OIAD)

<sup>22</sup> “Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018”. (L4L, LRWC and Colombian Caravana, September 2021). Available at: <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>

### **3. THE LACK OF A PROTECTIVE BAR FOR LAWYERS**

There is no institutionalised local or national Bar Association or Law Society in Colombia to promote and protect the independence of lawyers or to protect the profession in general. It is the [Consejo Superior de la Judicatura](#) (the National Council of the Judiciary) that registers and stores information on Colombian lawyers<sup>23</sup>, and sanctions malpractice or misconduct in the course of employment<sup>24</sup>.

Bar associations are key institutions that ensure a proper framework for the development of the legal profession for lawyers. Hence, the lack of Bar association or Law Society hinders the collective representation of lawyers' interests at a local and national level.

In Colombia, as in many other South American countries, it is not mandatory to be a member of a bar association in order to practise law. While there has long been talk of the need for an official institutional body to register lawyers and ensure their ability to freely and independently practise their profession, this has not yet been achieved. Instead, the Colombian legal profession continues to be grouped in non-institutional associations and collectives<sup>25</sup>.

### **4. PROFILES OF REPRESENTATIVE ENDANGERED LAWYERS AND ORGANISATIONS OF LAWYERS**

In view of the above-mentioned concerns, this report includes a selection of cases that illustrate and concretely highlight the problems faced by the legal profession in Colombia.

#### **4.1 Continued murders of lawyers in Colombia**

It is of grave concern that in Colombia lawyers continue to be murdered in the exercise of their profession and in the course of performing their duties. In recent years, there have been reports of murders of renowned human rights lawyers, some of them in the service of the justice system or public administration, and of many others representing victims of serious human rights violations.

For example, in 2019, the murder of lawyer **Paula Andrea Rosero** was reported. She was a representative of the municipality of Samaniego, in the department of Nariño, and was killed with several gunshot wounds on 21 May. On 21 December, lawyer **Mariano Cuero Ruiz**, who was nominated to be the municipal ombudsman of Candelaria in Valle del Cauca, was murdered, and on 29 December, lawyer **Alcibiades Libreros Varela**, specialised prosecutor against organised crime, who was carrying

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<sup>23</sup> For more information on the Consejo Superior de Judicatura Colombiano, see: <https://sirna.ramajudicial.gov.co/Paginas/Inicio.aspx>

<sup>24</sup> According to Art. 256-A of the 1991 Colombian Political Constitution, “the National Commission of Judicial Discipline will be in charge of examining the conduct and punishing the offences of the attorneys practicing their profession, in the instances that the law indicated, except when this function is attributed to a Board of Lawyers by law”, translation available at [https://www.constituteproject.org/constitution/Colombia\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2015.pdf?lang=en)

<sup>25</sup> Report on the feasibility of a mandatory bar association in the Republic of Colombia and Strategic Plan for its promotion and consolidation. - Fundación Abogacía Española - August 2011 <https://protect-lawyers.org/wp-content/uploads/INFORME-COLEGIATURA-ABOGADOS-EN-COLOMBIA- Fundacion.pdf>

out several investigations against criminal structures in that region of Colombia, was murdered by hired assassins.

In 2020, the murder of lawyer and human rights defender **Pierangelly Hugueth Henríquez** was reported in Ciénaga Magdalena, and on 24 October, lawyer and human rights defender **Arquímedes Getulio Centanaro Carriazo** was murdered in the department of Sucre. Both lawyers were involved in land restitution processes in their respective regions. That same year, on 9 December, **Freddy Agustín González Barragán**, a criminal lawyer with the Ombudsman's Office, was murdered in the city of Cúcuta - Norte de Santander.

So far in 2021, murders of renowned lawyers and human rights defenders have continued. For example, on 15 January 2021, **Fredman Arturo Herazo Padilla**, a lawyer, historian and Afro-descendant leader from the municipality of San Palenque, was murdered<sup>26</sup>; and on 8 June, **Esperanza Navas**, a lawyer and first prosecutor in the municipality of Tibú, Norte de Santander, was murdered in her home. Therefore, to date, at least 5 lawyers have been murdered in Colombia for the exercise of their profession in 2021.

## **4.2 Threats, stigmatisation, victimisation and exile**

### **Adil José Meléndez Márquez**

Adil José Meléndez Márquez is a Colombian lawyer internationally recognised for his defence of human rights. He has represented indigenous communities and peasants in emblematic cases of land restitution, as well as victims in cases of corruption by high officials or crimes perpetrated by paramilitary groups, the police or the army. In particular, he has advocated before the *Jurisdicción Especial de Paz* (JEP, the Special Jurisdiction for Peace<sup>27</sup>) since its creation in 2016. Since 2005, he also has been a member of the Movement for Victims of State Crimes (MOVICE), a coalition of organisations defending victims of the armed conflict and advocating for the end of impunity for state crimes. Since the beginning of the COVID-19 health crisis, he has been providing legal aid in the most affected regions of Colombia, where access to basic needs has been interrupted.

In the course of his profession, Adil José Meléndez Márquez has been subjected repeatedly to significant pressure and intimidation. He has received death threats from paramilitary groups and has survived three assassination attempts. Additionally, he observed that his phone was tapped and that he was being followed on the streets. To protect himself, Adil José Meléndez Márquez had to use an armoured vehicle, granted by the Colombian National Protection Unit (UNP)<sup>28</sup>.

In 2006, the magnitude of the risk faced by Adil José Meléndez Márquez led the Inter-American Commission on Human Rights (IACHR) to grant him precautionary measures. However, in December

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<sup>26</sup> Available at: <https://www.elespectador.com/colombia/mas-regiones/fredman-herazo-lider-social-afro-fue-asesinado-en-la-apartada-cordoba-article/>

<sup>27</sup> This jurisdiction was created in 2016 by the Peace agreements ratified in the Havana, bringing an end to the armed conflict between the Colombian government and the FARC, in order to bring justice to the victims of this conflict.

<sup>28</sup> This protection measure was withdrawn in December 2018, which had been condemned by the *Caravana Internacional de Juristas* in a joint letter to González Monguí, Director of the Colombian National Protection Unit, in February 2020 (<https://lawyersforlawyers.org/wp-content/uploads/2020/02/Letter-of-Concern-Adil-Mele%CC%81ndez-FINAL-ENG.pdf>).

2018, his security measures were partly withdrawn, even though the acute risk for Mr. Meléndez was not diminished. Given the persisting risks Mr. Meléndez faces as a human rights lawyer, the partial withdrawal of his security measures effectively hinders him in his work as a lawyer and HRD<sup>29</sup>.

Despite the risks involved, Adil José Meléndez Márquez continues to work relentlessly for justice. In recognition of his commitment, he was nominated in 2020 by *Lawyers for Lawyers* for the Council of Europe's Václav Havel Human Rights Prize.

### **Reinaldo Villalba**

Throughout his career, Reinaldo Villalba has defended trade unionists, students, peasants, indigenous people, and journalists in numerous criminal cases. For this commitment, he has been subjected repeatedly to pressures, intimidations, and death threats from state and non-state actors. In particular, he has been arbitrarily detained, and he has been declared a military target by different protagonists in the civil war.

Since 2018, Reinaldo Villalba has been involved in one of the most high-profile cases of recent times. The lawyer represents Senator Iván Cepeda in the case being heard by the Supreme Court of Justice of Colombia against Senator and former President Álvaro Uribe Vélez. Álvaro Uribe became the first Colombian former president to testify before the Supreme Court of Justice, following an investigation led by Reinaldo Villalba, based on allegations of witness tampering and procedural fraud relating to crimes committed during the country's five-decade civil war. The investigation of the role played by Álvaro Uribe Vélez, who was President of Colombia between 2002 and 2010 (years in which violence reached very high levels), is a step towards justice.

Since he took up this case, the threats against Reinaldo Villalba have redoubled<sup>30</sup>. He has been the victim of a campaign of defamation and has been labelled as a defender of terrorism and an auxiliary of the guerrilla forces. Over the course of 2020 and 2021, Mr. Villalba received a number of death threats over the social media. These death threats contribute to the growing climate of hostility against members of the legal profession and affect Mr. Villalba's ability to carry out his work effectively and without undue external influence<sup>31</sup>.

For his work in defence of human rights, in December 2020, he received the Sir Henry Brooke Award, an award given by *Peace Brigades International* and the *Alliance for Lawyers at Risk*.

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<sup>29</sup> Colombia: Recent Threats Against and Protective Measures for Human Rights Lawyer Adil Meléndez Márquez | Letter (including links to letters in both English & Spanish) (Lawyers' Rights Watch Canada, 9 February 2020), <https://www.lrwc.org/mexico-recent-threats-against-and-protective-measures-for-human-rights-lawyer-adil-melendez-marquez-letter/>

<sup>30</sup> A situation which was condemned by many international organisations of defence of lawyers in a joint letter to the United Nations (<https://www.lrwc.org/colombia-lawyers-at-risk-and-support-for-judicial-independence-joint-letter/>).

<sup>31</sup> "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018". (Lawyers for lawyers, Lawyers Rights Watch Canada and Colombian Caravana, September 2021). Available at: <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>

### **Zoraida Hernández Pedraza**

Zoraida Hernández Pedraza is a Colombian lawyer and holds a Master's degree in Human Rights and Democratisation for Latin America and the Caribbean.

She has been a human rights defender for more than 26 years and has led important human rights organisations in Colombia. Until March 2021, she served as Secretary General of the Committee for Solidarity with Political Prisoners Foundation - CSPP.

During her professional career, she has represented victims of serious human rights violations and advised peasant and Afro-descendant communities in Colombia, particularly in cases of land restitution and defence of territory.

Similarly, before the Inter-American Human Rights System, she had represented victims of torture, forced disappearance and extrajudicial executions in individual petitions. She has also represented individuals, social organisations, and human rights defenders in the promotion and monitoring of precautionary measures necessary to protect them.

Because of her work, she has had to endure permanent acts of persecution and intimidation, and threats against her life. In fact, she has been declared a military target by paramilitary groups in several regions of Colombia.

In 2012, Ms. Hernández was the victim of a violent raid on her residence by unknown men who put her family at risk, which was followed by constant monitoring, surveillance and interceptions of her communications, forcing her into temporary exile.

In 2012, lawyer Zoraida Hernández Pedraza received an honourable mention as a finalist for the National Award for the Defence of Human Rights in Colombia, in the category "Defender of the Year". In 2014, she returned to Colombia to continue her work in defence of human rights, particularly representing victims of land dispossession.

During 2017 and 2018, Ms. Hernández, on behalf of the CSPP, was a legal advisor at the peace talks between the Colombian government, which was represented by Juan Manuel Santos, and the ELN guerrilla, on issues such as human rights, IHL, and civil society participation, with the support of the Swedish and Norwegian embassies.

Since she began this work, the levels of risk for her and her family have increased; recording discs of the surveillance and security system were forcibly stolen from her residence; she was constantly followed; photographs were taken during her tours in the assigned security scheme; her communications were intercepted; her telephone line was stolen; her home was permanently under surveillance; and there were acts of harassment against her family.

In this context, the lawyer received information from reliable sources about possible attempt against her life, integrity and freedom, so she had to go into exile again in 2019.

### **Franklin Castañeda**

Franklin Castañeda is a lawyer and President of the CSPP. He is also one of the two representatives of the Colombian human rights movement to the National Commission of Security Guarantees. This body was created by the agreements to end the conflict between the government and the FARC. The

Commission is headed directly by the President of the Republic, with the participation of three of the Colombian ministers, and its advisory functions are to design policies for the dismantling of criminal organisations that are the successors of paramilitarism, with the aim of generating security guarantees for human rights defenders, social leaders and communities.

Since 2019, Mr. Franklin Castañeda has been the victim of a smear campaign through public accusations on the social media by state officials and members of the Centro Democrático political party, including former President Álvaro Uribe Vélez.

Specifically, false information was disseminated in which it was alleged that a witness, Juan Guillermo Monsalve -- acting in the context of the criminal investigation being carried out by the Supreme Court of Justice against former President Álvaro Uribe Vélez -- had been bribed and manipulated by the CSPP.

These accusations led to a massive hate campaign on the social media, which further increased the stigmatisation of Mr. Castañeda and increased the risk to his safety. The CSPP estimated that, as a result, in less than 10 days, they received more than 140 threatening messages, most of them addressed to Mr. Castañeda. As a result, the CSPP initiated legal action against former President Álvaro Uribe and other congressmen for libel and slander.

These accusations have also sought to delegitimise the CSPP's work in the eyes of public opinion, and to hinder the work of the CSPP as a representative of victims in criminal proceedings against former president Álvaro Uribe Vélez, who is under investigation for the possible commission of massacres and other serious crimes against humanity.

### **Daniel Prado**

Daniel Prado is an independent lawyer, associated with the Justice and Peace Commission (JyP), an organisation that carries out accompaniment processes for victims and communities using different approaches. JyP provides legal assistance to protect the rights of victims of political, environmental, and social violence, using the national and international legal systems and extrajudicial truth and memory initiatives.

Since the beginning of his activity as a human rights lawyer, Daniel Prado has suffered multiple attacks, including death threats against him and his family, attempted attacks, illegal surveillance, and stigmatisation campaigns.

In February 2016, the Attorney General's Office considered that there was sufficient evidence of alleged links between Santiago Uribe, brother of former Colombian President Álvaro Uribe Vélez, and the formation of the paramilitary group known as "Los 12 Apóstoles", and ordered his arrest on charges of conspiracy and aggravated homicide of Mr. Camilo Barrientos. Since then, attacks against Daniel Prado, who represents some victims of this paramilitary group, have increased. For example, at the end of 2016, the lawyer and his children received constant intimidating calls to their phones. In November of the same year, there were repeated follow-ups and attacks that included shots fired at his office in Bogotá and an attempted attack in which the wheel nuts of his car (which belonged to his protection scheme granted by the State) were loosened. To this was added an assault, several death threats, and a strong stigmatisation campaign in which he was accused of being an "ex-guerrilla", a "forger" etc. Several of these accusations came from former President and senator Álvaro Uribe Vélez and his entourage.

Since 2017, he has been the beneficiary of precautionary measures granted by the Inter-American Commission on Human Rights.

### **The Equipo Jurídico Pueblos of Bucaramanga**

Equipo Jurídico [Pueblos](#) is a Colombian non-governmental human rights organisation created in 2007. It specialises in the conservation of territories, the fight against impunity for state crimes and the freedom of political prisoners. Created in 2007, this organisation has its headquarters in Bucaramanga, in the department of Santander, in northern Colombia. It acts mainly in this region, but most of its operations have a national impact.

This organisation is composed of many human rights defenders and prominent lawyers. Since the declaration of the National Strike on April 28, several aggressions against the human rights defenders and lawyers of Equipo Jurídico Pueblos have been documented. These lawyers and defenders provided legal assistance to demonstrators who were participating in the national strike. In this context, the lawyers sought to collect evidence of illegal police violence by recording, photographing and filming police activities. On many occasions, the police harassed, threatened, and insulted these lawyers and tried to prevent them from fulfilling their professional task. Some of the lawyers have even been arrested<sup>32</sup>.

For instance, **Johan Sebastián Moreno Castro** is a human rights lawyer of peasant origin who has worked with *Equipo Jurídico Pueblos* since 2013. In May 2021, he was the victim of arbitrary detention and mistreatment by police forces for more than 10 hours. This "arrest" was made in the context of demonstrations against police violence and against the proposed tax reform promoted by the Colombian government, which had raised a wave of protest.

He was detained, although he was fully identified, wearing a waistcoat, and carrying a credential in the course of verifying the demonstration. He was severely beaten and was bleeding when uniformed officers took him, handcuffed, on a national police motorbike to the Piedecuesta police station. Later, one of the human rights lawyers from Equipo Jurídico Pueblos arrived at the Piedecuesta police station to interview Johan Sebastián and verify his state of health. However, as recorded on video, the police officers arbitrarily and illegally denied him legal and even humanitarian assistance<sup>33</sup>.

Lawyer **Leonardo Jaimes Marín** has also suffered several attacks while he was providing legal assistance to demonstrators. He has been harassed, threatened, and ridiculed by Major Giovanni Parra when, on 1 May 2021, he was in the CAI of San Pio trying to speak with four young people who had been detained by the police, three of them under-age.

He also has been physically assaulted by at least 10 members of the Fuerza Disponible while, on 2 May 2021, he was interviewing a young woman who had been assaulted during the dispersal. The human rights defender was thrown to the ground and dragged by uniformed officers, who searched his belongings and threw them beside him, at the same time ordering him to leave, ignoring his work as a human rights defender.<sup>34</sup>

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<sup>32</sup> "National Strike 28 April 2021: Attacks on Human Rights Defenders". (Equipo Jurídico Pueblos, September 2021).

<sup>33</sup> "National Strike 28 April 2021: Attacks on Human Rights Defenders". (Equipo Jurídico Pueblos, September 2021) Alert published by the International Observatory for Lawyers in Danger: [Johan Sebastián Moreno Castro | OIAD \(protect-lawyers.org\)](#).

<sup>34</sup> "National Strike 28 April 2021: Attacks on Human Rights Defenders". (Equipo Jurídico Pueblos, September 2021)

## CAJAR

The [José Alvear Restrepo Lawyers' Collective \(CAJAR\)](#) is a non-governmental, non-profit organisation of lawyers. Founded in 1980, it is one of the first human rights organisations in Colombia and has gained national and international recognition. It has consultative status with the Organization of American States (OAS) and the United Nations.

Because of its assistance to political prisoners and opponents of the regime, CAJAR has been the target of persecution, including a massive surveillance operation from the Colombian Administrative Department of Security (DAS), which illegally wiretapped some of its members between 2003 and 2005 and between 2019 and 2020<sup>35</sup>.

Despite these threats, the lawyers who are members of the CAJAR Collective continue to fight for a better administration of justice in Colombia. Among them is Reinaldo Villalba, a prominent Colombian lawyer and human rights activist who is currently the president of CAJAR.

Due to the attacks suffered by CAJAR members, on 8 July 2020, the Inter-American Commission on Human Rights (IACHR) referred the case of CAJAR to the Inter-American Court of Human Rights, requesting the Court to conclude and declare the international responsibility of the Colombian State with regard to acts of violence, threats and harassment committed against this organisation from the 1990s to the present, including in relation to illegal surveillance.<sup>36</sup>

The threats and intimidation against CAJAR continue. In February 2021, it has been reported that Sebastián Escobar Uribe, a member of CAJAR and representative of victims of extrajudicial executions and of other crimes before the Special Jurisdiction for Peace (JEP), received death threats<sup>37</sup>.

## The Committee for Solidarity with Political Prisoners (CSPP) Foundation

[The Committee for Solidarity with Political Prisoners \(CSPP\)](#) is the oldest human rights organisation in Colombia. It was founded in 1973 by the writer Gabriel García Márquez, in the midst of widespread torture and other serious human rights violations in Colombia. In December 2020, the CSPP won the National Prize for the defence of human rights in the category of NGO, collective or accompanying NGO, awarded by Diakonia Sweden, the Swedish Church and the Swedish Embassy.

The CSPP is national in character and has branch offices in 6 departments of Colombia: Antioquia, Atlántico, Cundinamarca, Santander, Tolima and Valle del Cauca, and also has two support teams in the departments of Arauca and Cauca.

The CSPP is made up of human rights defenders and lawyers who defend people deprived of their liberty for political reasons, or who represent victims of state crimes in the search for truth, justice and

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<sup>35</sup> *Semana*, « Las Carpetas Secretas », 5 January 2020 (<https://www.semana.com/nacion/articulo/espionaje-del-ejercito-nacional-las-carpetas-secretas-investigacion-semana/667616>). This situation was condemned by the *Caravana Internacional de Juristas*, together with other organisations in its joint letter to the Colombian President Ivan Duque, on 23 July 2020 ([http://www.colombiancaravana.org.uk/wp-content/uploads/2020/07/Letter-allegations-of-Illegal-Surveillance\\_FINAL.pdf](http://www.colombiancaravana.org.uk/wp-content/uploads/2020/07/Letter-allegations-of-Illegal-Surveillance_FINAL.pdf)).

<sup>36</sup> “[IACHR refers case on Colombia to the Inter-American Court](#)”. IACHR, Press release No 312/20, 28 December 2020. ; letter of submission available at [https://www.oas.org/es/cidh/decisiones/corte/2020/CO\\_12.380\\_NdeREs.PDF](https://www.oas.org/es/cidh/decisiones/corte/2020/CO_12.380_NdeREs.PDF)

<sup>37</sup> See <https://www.omct.org/es/recursos/llamamientos-urgentes/colombia-amenazas-de-muerte-contra-el-abogado-sebasti%C3%A1n-felipe-escobar-uribe>

full reparation. The CSPP also represents victims of forced disappearances, extrajudicial executions and other serious human rights violations before the Inter-American Human Rights System and the universal human rights system. The CSPP advocates as a civil society before the International Criminal Court and investigates crimes against humanity committed in Colombia.

In turn, the CSPP is one of the organisations that acts before the Special Jurisdiction for Peace (JEP) representing victims of extrajudicial executions. The CSPP has presented reports to the JEP, providing important evidence of the responsibility of the Military Brigades in the commission of extrajudicial executions.

Given the impact of its action, several of its lawyers and members of the CSPP have been murdered, threatened, detained, disappeared, displaced, and were victims of attempts on their lives. This also means that some of the lawyers have had to go into exile, as happened to lawyer and human rights defender **Zoraida Hernández Pedraza** as stated earlier.

In addition to the above, the CSPP currently carries out its work in an atmosphere of permanent intimidation, sponsored by a smear campaign driven by leaders of the political party in power, in which numerous acts of intimidation against the president of the CSPP, lawyer Franklin Castañeda Villacob, have occurred.

### **dhColombia**

[DhColombia](#) is a non-profit Colombian civil organisation whose aim is the defence of human rights through strategic litigation, research, communicative action, and memory. As a working team, it has been carrying out denunciation activities since 2003, and in 2010, it formed a base team that carries out litigation (representation of victims and criminal defence) before Colombian justice bodies and international human rights protection systems and provides advice to collectives and families in other countries in the region. It also works with regional and specialised human rights organisations in various regions and provides support to independent defence lawyers.

The cases it handles for victims include those involving serious human rights violations (forced disappearances, extrajudicial executions, torture, mutilations, land dispossession, destruction of communities by megaprojects, persecution of trade union organisations, attacks on opposition leaders and social and peasant leaders, state tolerance of violence against women, among others), committed by state agents. Most of these violations were committed by members of state security forces (national army, national police, administrative department of security - DAS, and intelligence agencies). Therefore, dhColombia has focused its efforts on the criminal prosecution of high-ranking officers and directors, bringing to trial or promoting investigations against more than 15 generals, more than 25 colonels, eight directors of secret police and intelligence agencies, and more than 60 members of these forces. Since 2005, and particularly between 2008 and 2010, there have been numerous acts of persecution against legal professionals who are part of the work team and who have led or advanced criminal and international cases and advocacy with the international community and the media. This has led to the exile of lawyers' families, attacks on lawyers' families, stigmatisation, and attacks and persecution of people who practise litigation within the organisation.

Since 2020, lawyer **María Alejandra Garzón Mora** has been the victim of attacks and acts of persecution for her work representing victims of homicide, injuries, and abuses by members of the national police in the context of protests (protests of 9 September 2020, national strike of April 2021 and past cases) and accompaniment of social organisations that exercise their rights to protest and memory. Her residence has been subject to surveillance and destruction of security cameras, she has

been persecuted in the street by plainclothes officers, her communications have been intercepted, and she has suffered intimidation and threats at public demonstrations.

Since 2019, lawyer **Germán Romero Sánchez** has been the target of repeated attacks, ranging from theft of information and computer equipment, monitoring and surveillance of his work activities and personal life, to direct death threats and physical attacks against his personal integrity, persecution of family members, and events that also occurred during the pandemic. These events are directly related to his activity as a lawyer in cases where high-ranking officers of the national army are being prosecuted in ordinary and transitional justice matters; the attacks have taken place in the context of hearings, complaints, presentation of appeals and public litigation actions. In mid-2021, Germán Romero Sánchez has been forced to temporary exile due to continuing acts of persecution and high risk of attack on the integrity of the lawyer and his family.

### **Luis Carlos Pérez Lawyers Collective Corporation (CCALP)**

The [Luis Carlos Pérez Lawyers Collective Corporation](#) (CCALP) is formed by an all-female group of lawyers specialised in the defence of human rights, and particularly environmental cases. Based in Bucaramanga, the CCALP has gained national and international recognition for its work in providing legal representation to small-scale farmers and indigenous communities affected by the armed conflict.

These lawyers assume enormous risks for their work fighting against mining companies that seek to extract resources in the area, often at the expense of the surrounding environment. As the director of the corporation, **Julia Figueroa**, said: *"with the environmental issue, to defend water is to go against million-dollar contracts that have been signed between the state and companies"*. In this regard, the CCALP has taken on the defence of high-profile cases which has placed the members of the corporation in high-risk situation.

A notable case in the group's files is the one of the Santurbán páramo. The páramo - a high-altitude frozen wetland ecosystem - has enormous biodiversity and supplies water to almost 2 million people, but is threatened by multinational mining companies seeking its mineral resources. The CCALP succeeded in obtaining a ruling in the Colombian Constitutional Court recognising the right to environmental participation of the affected community<sup>38</sup>.

Because of the threats received, the group of women lawyers have to implement security measures to protect their physical integrity and their work<sup>39</sup>. Specifically, lawyer Julia Figueroa has been forced to travel with two bodyguards and in an armoured car to guarantee her safety, sacrificing her privacy and freedom.

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<sup>38</sup> Available at: [‘They can’t silence us’: the female lawyers defending Colombia’s environment | Environmental activism | The Guardian](#)

<sup>39</sup> Available at: [https://www.theguardian.com/environment/2021/dec/02/courage-colombia-female-human-rights-defenders-aoe?CMP=Share\\_AndroidApp\\_Other&fbclid=IwAR1d13METy5Ev1FLuAVEo8ohWuNPdfcOR37kT8yMWZ-uTs20o719bAvN748](https://www.theguardian.com/environment/2021/dec/02/courage-colombia-female-human-rights-defenders-aoe?CMP=Share_AndroidApp_Other&fbclid=IwAR1d13METy5Ev1FLuAVEo8ohWuNPdfcOR37kT8yMWZ-uTs20o719bAvN748)

## 5. DEMANDS AND RECOMMENDATIONS

Given the risk situation that Colombian human rights lawyers continue to face, the undersigned organisations express the following **demands and recommendations**:

1. The Colombian state must comply with the Basic Principles on the Role of lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990.
2. The Colombian state must urgently address the increase in reported attacks on human rights lawyers and guarantee their free and independent exercise. This particularly in accordance with the principle 16 of the Basic Principles on the Role of lawyers of NNUU.

*(Principle 16) "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."*

*(Principle 18). "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".*

3. The Colombian state must urgently protect the life of Colombian lawyers and should adopt additional and effective security measures to guarantee their safety and freedom, especially in rural areas where the risks for those who defend human rights increase, particularly in accordance with Principle 17 of the Basic Principles on the Role of lawyers of NNUU.

*(Principle 17.) "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."*

4. The Colombian state must carry out impartial, independent, and effective investigations into, and, where appropriate, seek prosecutions of the perpetrators of crimes against human rights lawyers and tackle the impunity.
5. The Colombian state must fight against the stigmatisation of Colombian lawyers involved in sensitive human rights cases.

*(Principle 23) "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession."*

6. We call on the International Community, European Union and its Member States to use their relations with Colombia to strengthen the protection of lawyers and human rights defenders in accordance with Colombia's international obligations.