

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

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Thursday, June 11, 2015

Juan Manuel Santos Calderón
President of the Republic of Colombia
Carrera 8 No. 7 – 26
Palacio de Nariño, Bogotá, Colombia
Email: secretaria.privada@presidencia.gov.co

President Santos;

Re: Inadequate protection for human rights lawyer Rommel Jonathan Duran Castellanos

I am writing on behalf of Lawyers Rights Watch Canada (LRWC), that participated in the International Colombia Caravana since 2010. During the Caravana's visits to Colombia in 2008, 2010, 2012, and 2014, the Colombian Caravana UK Lawyers Group and other participant groups in the International Colombian Caravana, have called upon the Colombian government to protect lawyers' ability to represent their clients and to refrain from any interference in their work, in order for the Colombian State to comply with Colombian legislation¹ and International Law.

Members of the International Colombian Caravana are very concerned to learn that the Colombian human rights lawyer Rommel Jonathan Duran Castellanos has recently been the subject of further verbal and physical threats and has been denied access to his clients.

At 11:15 on 1 May 2015, in his capacity as a lawyer, Mr. Duran Castellanos went to interview two young persons who had been detained during the May 1 demonstrations in Bucaramanga. However, he was prevented from doing so and was the subject of verbal and physical attacks by members of the police intelligence unit (SIJINN). According to reports, Mr. Duran Castellanos was violently pushed by several officers out of the detention centre, and refused access to his clients until late in the afternoon, during which time they have alleged that they were subjected to ill-treatment at the hands of the SIJINN officers.

Mr. Duran Castellanos has suffered constant aggressions and attacks in the course of his legitimate work carrying out his profession as a human rights lawyer. The Colombian Caravana has written to the State on a number of occasions about these security incidents, calling for prompt and impartial investigations and appropriate sanctions for the perpetrators of these attacks and adequate protection measures for Mr. Duran Castellanos.

Just days before the events with the SIJINN, on 23 April 2015, the Colombian National Protection Unit had officially classified the level of risk to Mr. Duran Castellanos as extraordinary. We understand that he has been granted inclusion in the collective protection measures of the Committee for Solidarity with Political Prisoners (CSPP), but that these measures are inadequate to guarantee his protection.

Mr. Duran Castellanos, in his work as a human rights lawyer, travels throughout the department of Cesar including the municipalities of Pelaya, St. Martin, Pailitas Curumani, and to the department of Norte de Santander, where he may remain for some time before returning to Bucaramanga.

¹ Law 1426 of December 29, 2010

We understand that the protection measures that are currently being afforded to Mr. Duran Castellanos are shared with the measures afforded to Franklin Javid Castaneda Villacob and Gloria Amparo Silva Tovar. Whilst LRWC is concerned that all the individuals mentioned should be adequately protected, we would like to particularly draw your attention to the fact that due to the nature of Mr. Duran Castellanos' work and the locations that he travels to, he requires protection measures and resources assigned to him personally, in a manner that meets his needs and in consultation with him. The Inter-American Human Rights System has established that States are required to develop and implement protection measures in consultation with the protected individual.

In this context, we respectfully remind you of Principles 8, 16(a) and (c), 17 and 18 of the UN *Basic Principles on the Role of Lawyers* (1990).² In addition, we draw your attention to Principle 8(1-3) of the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (approved by the United Nations General Assembly resolution 43/173 of 9 December 1988).³

In summary LRWC respectfully asks that:

1. The adequacy of the protective measures afforded to Rommel Jonathan Duran Castellanos be urgently reviewed and that protective measures are provided to him in accordance with his needs and wishes;
2. A prompt, thorough and impartial investigation into the verbal and physical attacks towards Mr. Duran Castellanos is carried out with a view to bringing those responsible to justice;
3. Action is taken to ensure that staff at all locations where persons are detained in Colombia are instructed to permit lawyers to have necessary access to detained clients in accordance with Colombian law and international standards.

We look forward to hearing from you as a matter of urgency about the measures being taken to adequately protect Rommel Jonathan Duran Castellanos. In addition, we would like to be promptly informed of significant progress in the investigation and the calling to account of those responsible for the verbal and physical attacks towards Mr. Duran Castellanos. We look forward to receiving your reply in relation to both of these matters as soon as possible and in any event, within 28 days.

Sincerely,



Heather D. Neun, Barrister and Solicitor,
LRWC Colombia Monitor and Participant in International Colombian Caravana of Jurists (2012, 2014)

² 8. All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ... 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.

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

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

³ 1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.

2. A detained or imprisoned person shall be allowed adequate time and facilities for consultations with his legal counsel.

3. The right of detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.

Copied to:

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