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Juan Manuel Santos Calderón
President of the Republic of Colombia
Palacio de Nariño
Carrera 8 No. 7 – 26
Bogotá - Colombia

22nd March 2017

Dear President Juan Manuel Santos,

Re: Letter of concern regarding increase in paramilitary activity, in particular in the Departments of Antioquia, Chocó, Norte de Santander and Valle del Cauca

I write to raise grave concerns about reports of increased violence and paramilitary activity which is putting human rights defenders at risk. During visits to Colombia by the International Caravana of Jurists in 2008, 2010, 2012, 2014, and 2016 we have called upon the Colombian government to protect the ability of lawyers and other human rights defenders to represent their clients, and that the State refrain from any interference in their work, in order to comply with both Colombian and international law.

During its last trip to Colombia, the International Caravana of Jurists received reports of the continued activity of neo-paramilitary groups throughout Colombia and was seriously concerned to hear that, between 2015 and 2016, more than 100 murders of human rights defenders were registered, many alleged to have been perpetrated by these paramilitary groups. The delegates noted a systemic lack of investigations, in particular, into episodes of threats and attacks against human rights defenders by these paramilitary groups.¹ While we welcomed progress made by the Colombian authorities with regard to the investigation into murders of human rights defenders, we were also concerned that many investigations had only reached a preliminary stage.²

Our organisations have recently received reports that indicate an increased neo-paramilitary presence and threats against human rights defenders and social leaders in the Departments of Antioquia (in particular in the region of Urabá), Chocó, Norte de Santander, and Valle del Cauca.

On 4, 19, and 27 January 2017, the Peace Community of San José de Apartadó reported that a neo-paramilitary group had entered their territory. Members of the Peace Community alleged that the group expressed an intention to “exterminate” the Community. On 19 January, the neo-paramilitary group was reported as having stated that they had full control of the area and that they wanted to acquire the land belonging to the Peace Community. These events have followed a series of incursions registered by the Peace Community over the past few months and a number of individual and collective threats issued by

¹ *The search for peace with justice and human rights in Colombia*, Report of the Fifth International Caravana of Jurists to Colombia <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/CARAVANA-OF-JURISTS-2016-DELEGATION-REPORT-ENG.pdf>

² *Ibid.*

alleged members of these groups. On 4 January, two members of the Community received direct death threats and reported that further death threats had been issued against the leaders of the Community including against Guildardo Tuberquia, one of the founding members of the Peace Community, who received death threats on 22 December 2016.³

An increasing presence of neo-paramilitary groups has been reported also by communities in the region of Bajo Atrato since 2015, with an increase since 2016. Armed men from the Autodefensas Gaitanistas de Colombia were reported to have entered the Community of Bijao and established a camp on 24 January 2017. They allegedly expressed their intention to stay despite the prohibition for armed groups to enter the Humanitarian Zones. Similar activities have been registered in the territory of Curbaradó, Jiguamiando, Pedeguita and Mancilla, close to the Punto Transitorio de Normalización La Florida.⁴

The increased presence of neo-paramilitary groups has also resulted in a deterioration of the security situation for human rights defenders. This is particularly true in the Department of Valle del Cauca. According to information we have received, on 12 December 2016, a pamphlet was found in the departmental headquarters of the *Central Unitaria de Trabajadores*, which was signed by the *Autodefensas Gaitanistas de Colombia* and threatened the “extermination” of members of social movements and trade unions such as *Marcha Patriótica*, *Congreso de los Pueblos*, *Movice*, and others, as well as specific individuals, including Edinson Méndez, Wilson Sáenz, Jorge Rodríguez, Julian Lozano, Rodrigo Vargas, Antonio Gutiérrez, Luz Edith Pavon, Yimmy Nuñez, Martha Giraldo, Diana Rengifo, Jorge Iván Vélez and Jose Sánchez Milciades.⁵ The pamphlet promised a reward of \$1 million COP to anyone who would succeed in carrying out the killing of any of these individuals. The International Caravana of Jurists, both during our most recent delegation in August 2016, and on previous occasions, has highlighted to the Colombian government our concern over the security situations of many of these human rights lawyers. The case of Martha Giraldo, for instance, was raised both in the final report of the 2016 Caravana delegation⁶ and in letters sent in 2015,⁷ 2013,⁸ and 2012.⁹ The case of Jorge Rodríguez was also raised in a letter dated 2012.¹⁰

On 6 February 2017, the Movimiento Nacional de Víctimas de Crímenes de Estado (Movice) issued an alert regarding the alleged illegal surveillance of human rights lawyers Erika Gómez (member of the Comité Permanente para la Defensa de los Derechos Humanos – CPDH) and Danilo Rueda (member of

³ Twitter account of the Peace Community, <https://twitter.com/cdpsanjose>.

⁴ Twitter account of Comisión Intereclesial de Justicia y Paz, <https://twitter.com/justiciapazcol>.

⁵ See [DENUNCIA PÚBLICA] *Paramilitares de las Autodefensas Gaitanistas de Colombia amenazan con "exterminar" a dirigentes sociales y de DDHH del Valle del Cauca*, <http://www.movimientodevictimas.org/?q=content/denuncia-p%C3%BAblica-paramilitares-de-las-autodefensas-gaitanistas-de-colombia-amenazan-con>, 13 December 2016.

⁶ Ibid 12.

⁷ See letter dated 2 March 2015 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2015/08/Martha-Giraldo-March-2015.pdf>.

⁸ See letter dated 21 April 2013 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/2013.04.21-Martha-Giraldo.pdf>.

⁹ See letter dated 21 October 2012 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/2012.10.31-Movie-and-Marta-Giraldo.pdf>.

¹⁰ See letter dated 16 November 2012 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/2012.11.16-Jorge-Rodriguez-y-German-Sanchez.pdf>.

the Comisión Intereclesial de Justicia y Paz).¹¹ According to the public alert, on 1 February, the two individuals were holding a meeting, in a public space, in preparation for a victim interview that would take place later that day. They noticed a woman looking at them suspiciously and attempting to overhear their conversation. When they left the building, the woman moved away as members of the UNP approached the two lawyers. Later that day, Erika Gómez was allegedly followed and menacingly approached by a man while she was walking alone. Members of the UNP safely removed her from the area a few minutes later. The Colombian Caravana UK Lawyers' Group has previously sent letters to the Colombian authorities regarding the security situation of Erika Gómez, in 2015,¹² and Danilo Rueda, in 2014¹³ and 2013.¹⁴

On 17 February 2017, the Extraordinary Verification Commission in solidarity with Catatumbo (Department of Norte de Santander)¹⁵ (hereafter, Verification Commission) reported paramilitary presence in Catatumbo. Communities from the hamlets of Bellavista and Caño Tomás and farmers and indigenous people from the area reported the presence of an illegal armed group to the Verification Commission. They stated that this group had intimidated the local population on 9 and 10 February. Moreover, reports also indicate that the local population do not trust the public forces due to repeated abuse against the population, including the Gabarra massacre in 1999.

In January 2017, the Colombian organisation Indepaz noted in its annual report¹⁶ that the presence of paramilitary groups has increased, specifically in areas previously controlled by the FARC. We are concerned that these incidents are part of a worrying and increasing pattern of killings, attacks, and threats perpetrated by paramilitary groups against human rights defenders and social leaders, in the midst of the ongoing peace process in Colombia, pointing to an urgent need for protection for these individuals and collectives. We wrote previously to you expressing our concerns about this on 14 December 2016, with 85 killings of social leaders and human rights defenders reported in 2016 alone by the UN, Colombian NGOs, and the press.¹⁷

¹¹ See [DENUNCIA PÚBLICA]: Seguimiento y persecución a Érika Gómez y Danilo Rueda, defensores de DDHH e integrantes del Movice, <http://www.movimientodevictimas.org/?q=content/denuncia-p%C3%BAblica-seguimiento-y-persecuci%C3%B3n-%C3%A9rika-g%C3%B3mez-y-danilo-rueda-defensores-de-ddhh-e>, 6 February 2017.

¹² See letter dated 14 March 2015 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/CPDH-14th-March-English.pdf>.

¹³ See letter dated 31 January 2014 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/05/RUEDA-Letter-31012014.pdf>.

¹⁴ See letter dated 6 October 2013 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/Rueda-Letter-threats-Sept-2013-FINAL-English.pdf>.

¹⁵ Integrated by: Comité de Integración Social del Catatumbo – CISCA, Asociación Campesina del Catatumbo – ASCAMCAT, Pueblo Indígena Bari, Mesa de Fortalecimiento a Organizaciones de Población Desplazada de Norte de Santander, Corporación Colectivo de Abogados Luis Carlos Pérez – CCALCP, Corporación Regional Para la Defensa de los Derechos Humanos – CREDHOS, Asociación Nacional de Ayuda Solidaria - ANDAS Bucaramanga, Centro de Cultura Popular, Comité Permanente Para la Defensa de los Derechos Humanos – CPDH Santander, Corporación Poder Democracia y Paz – PODERPAZ, Asociación Nacional de Víctimas de Crímenes de Estado – ASORVIMM, Asociación Santandereana de Servidores Públicos – ASTDEMP, Corporación Acción Humanitaria por la Convivencia y la Paz del Nordeste Antioqueño - CAHUCOPANA, Asociación Campesina del Valle del Río Cimitarra – ACVC, Movimiento Nacional de Víctimas de Crímenes de Estado – MOVICE Capitulo Norte de Santander, Federación Nacional de Paz – FENALPAZ, Coordinación Colombia Europa Estados Unidos – CCEEU Nodo Nororiental, Marcha Patriótica, Asociación Nacional de Zonas de Reserva Campesina – ANZORC, Instituto de Estudios Para el Desarrollo y la PAZ – INDEPAZ, Corporación Proyectar, Central Unitaria de Trabajadores de Colombia– CUT - Subdirectiva Santander, Programa de Desarrollo y Paz del Magdalena Medio - PDP

¹⁶ <http://www.indepaz.org.co/wp-content/uploads/2017/01/Informe-final-2016-Indepaz-L.pdf>

¹⁷ See <http://www.colombiancaravana.org.uk/wp-content/uploads/2016/12/Carta-preocupación-Defensores-Colombia-Diciembre-2016.pdf>

Previously, the Colombian Caravana UK Lawyers' Group has raised specific concerns about violence in the Department of Valle del Cauca and Chocó, including in our letter of 19 May 2016¹⁸ regarding multiple threats against human rights defenders in the region and an increase in paramilitary control, and another letter of 18 November 2015¹⁹ regarding threats against land restitution judges in areas where paramilitary control had increased.

It is imperative that the safety of lawyers and other human rights defenders is ensured, in order to allow them to continue with their important work for truth and justice as an integral part of building a lasting peace in Colombia. In this context, we respectfully remind you of Colombia's international obligations pursuant to Article 4 of the Inter American Convention on Human Rights (right to life).

Furthermore, we would draw your attention to Articles 16, and 17 of the UN Basic Principles on the Role of Lawyers (1990)²⁰, and the UN Declaration on Human Rights Defenders, Document A/RES/53/144 (adopted by the UN General Assembly on 8 March 1999).²¹

Therefore, we respectfully ask that you ensure:

- public declarations reject the rise of paramilitary activity and attacks against human rights defenders and social leaders;
- adequate protection measures are guaranteed and provided, in consultation with human rights defenders and in accordance with existing Colombian legislation. These protective measures should include an integral and specific focus on the prevention of new attacks and the effective implementation of Resolution 1085 of 2015 on the Collective Protection Roadmap (Ruta de Protección Colectiva);
- full and impartial investigations into all the attacks against, and killings of human rights defenders with the capacity to bring those responsible to justice;
- the urgent implementation of point 3.4 of the Peace Agreement, which includes setting up a High-Level Commission on Security Guarantees and a Special Investigation Unit within the Public Prosecutor's Office; leading to, among other things the full dismantling of paramilitary groups and their enabling structures;

¹⁸ See <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/Amenzas-en-el-Valle-del-Cauca-Spanish.pdf>

¹⁹ <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/05/Judges-letter-Nov-2015-FINAL-Eng-.pdf>.

²⁰ Which state that:

- 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.

²¹ Which states at Article 12 that:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would like to remind you that the organizations signing this letter are not acting directly on behalf of the victims in these cases. We write to add our voices to the international call for swift action to be taken to protect the lives and livelihoods of human rights defenders and to prevent and punish attacks against them. We would be grateful to receive updates regarding the progress of the investigations into the incidents outlined above, and respectfully ask that an initial response be sent to the Colombian Caravana UK Lawyers' Group within 28 days of this letter.

Yours sincerely,

Charlotte Gill
Chair, Colombian Caravana UK Lawyers Group

Heather Neun
Lawyers Rights Watch Canada

Mary Henderson and Sean O'Reilly
Irish delegation of the Caravana of Jurists

Fundación del Comité de la Abogacía Española

CC:

- Germán Vargas Lleras, Vice President of Colombia
- Jorge Eduardo Londoño Ulloa, Minister of Justice
- Néstor Humberto Martínez Neira, Public Prosecutor
- Carlos Alfonso Negret Mosquera, National Human Rights Ombudsman
- Misael Rodríguez, Director of Human Rights and International Humanitarian Law, Public Prosecutor's Office
- Luz Vanegas, Coordinator of Relations with International Human Rights and IHL Organisations, Ministry of Foreign Affairs
- Fernando Ibarra Ruíz, Advisor, Presidential Council on Human Rights
- Nestor Fernando Osorio Londoño, Colombian Ambassador, London
- Peter Tibber, British Ambassador in Colombia
- Todd Howland, Representative in Colombia of the Office of the United Nations High Commissioner for Human Rights
- Diego García-Sayán, United National Special Rapporteur on the Independence of Judges and Lawyers
- Michael Forst, United Nations Special Rapporteur on the situation of Human Rights Defenders
- José de Jesús Orozco Henríquez, Special Rapporteur on the situation of Human Rights Defenders at the Inter-American Commission of Human Rights.