

Fundación
ABOGACÍA ESPAÑOLA



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



Lawyers' Rights Watch Canada

Néstor Humberto Martínez Neira,
Fiscal General de la Nación
Bogotá
Colombia

5 September 2017

Re: Letter of Concern re Attack on Premises of Corporación Colectivo de Abogados Luis Carlos Perez (CCALCP) in Cúcuta

Dear Néstor Humberto Martínez Neira,

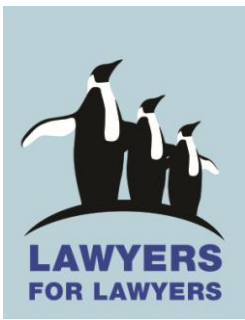
We write on behalf of **Lawyers Rights Watch Canada, la Fundación de la Abogacía Española, Lawyers for Lawyers, Colombian Caravana UK Lawyers Group** (Caravana Colombiana de Juristas del Reino Unido), **Colombia Caravana de Juristas the Netherlands** and **Colombian Caravana Irish Lawyers' Group**; international organizations that form part of the International Caravana of Jurists (the International Caravana). The International Caravana has carried out biennial delegations of lawyers and judges to Colombia since 2008. In August 2016, a team of delegates travelled to the city of Cúcuta and was hosted by the Corporación Colectivo de Abogados Luis Carlos Perez (CCALCP). The delegates met with various individuals and organizations represented by CCALCP.¹

The delegation was provided with a report of the security incidents that have taken place since 2005 against CCALCP members as well as their offices and infrastructure in Cúcuta and Bucaramanga. The delegates were very concerned to learn that there were over forty incidents of attacks and other threats against CCALCP from 2005 to 2015, all of which remain in complete impunity, despite CCALCP's efforts to advance their complaints towards a thorough investigation and prosecution of those responsible. The incidents have included physical attacks, harassment, illegal interception of and interference with internet and security infrastructure, and bomb threats.

We were thus most alarmed to hear of a new incident on May 25, 2017 at 4:30PM, when unidentified individuals entered the residence-office of CCALCP in Cúcuta, and violently broke the locks, doors, and knocked over belongings and documents. The access doors to the office of the CCALCP Director and the room where her computer and files were located, and which are always secured, were similarly broken into.

It is fortunate that none of the members of CCALCP was present at the time, in either the office or the residence. However, it is concerning that CCALCP was not advised of the forced entry by its security company until the following day. It warrants further and thorough investigation that despite these events taking place during daylight hours and the security system being damaged, no one from the security company appears to have heard the noise associated with the destruction of the door frames. It appears that none of the security detail was aware of the presence of these intruders as they took time to review documents, rooms, and the drawers in the apartment. Whilst the entire space was rearranged, with evidence of documents having

¹ CCALCP has been working since its founding in 2001 to support the victims of State crimes, communities acting to defend their territorial rights and rights to land, in defence of natural ecosystems, natural resources, and water. They also work to further the Peace Agreements.



Fundación
ABOGACÍA ESPAÑOLA



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



Lawyers' Rights Watch Canada

been reviewed and thrown on the ground, we note that it appeared nothing was stolen. There is also concern at the apparent amendment and deletion of information and legal work product that took place during the forced entry. We reaffirm calls for a thorough and impartial investigation into the events of May 25.

This recent event must be considered against the backdrop of the aforementioned security incidents, attacks, harassment and other acts against CCALCP, none of which have been investigated to the point of prosecution and sentencing of the perpetrators. This makes the members of CCALCP subject to even greater risk, and puts their vital human rights defence work in northeast Colombia at risk as well.

During a meeting of the International Caravana in August 2016, with the Presidential Council for Human Rights office, we shared our concerns about the vulnerability of CCALCP with the gender specialist in attendance at the meeting, as well as in the broader context of concerns about attacks on human rights defenders and lawyers.

It is imperative that the safety of human rights 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 draw your attention to Articles 16, and 17 of the UN Basic Principles on the Role of Lawyers (1990),² and the UN Declaration on Human Rights Defenders, Document A/RES/53/144 (1998).³

Therefore, we respectfully ask that you take immediate steps to:

- Issue public declarations rejecting attacks against human rights lawyers and against CCALCP;
- Ensure full and impartial investigations into this recent incident as well as the other incidents that were reported to the authorities, in order to bring those responsible to justice;
- Ensure that adequate protection measures are guaranteed and provided, in consultation with CCALCP and its members, and in accordance with existing Colombian

² 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.

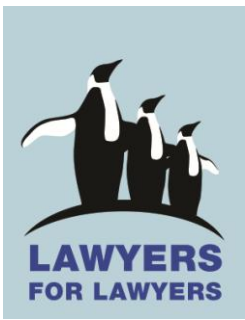
18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

³ Which states in 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.



Fundación
ABOGACÍA ESPAÑOLA



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



Lawyers' Rights Watch Canada

legislation and the parameters established by the Inter-American human rights system. 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).

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 signatories within 28 days of this letter.

Yours sincerely,

Charlotte Gill
Colombian Caravana UK Lawyers Group

Heather Neun
Lawyers' Rights Watch Canada

Carles MacCragh
Fundación de la Abogacía española

Phon van der Biesen
Lawyers for Lawyers

Wout Albers
Colombia Caravana de Juristas the Netherlands (Colombia Caravana de Juristas de los Países Bajos)

Mary Henderson and Sean O'Reilly
Colombian Caravana Irish Lawyers' Group

cc:

- Jorge Alberto Villamizar Duran, Defensor del Pueblo, Regional Norte de Santander
- Fernando Carrillo Flórez, Procurador General de la Nación
- Juan David Bello Guevara, National Protection Unit
- Mónica Fonseca Jaramillo, Head of Human Rights and International Humanitarian Law at the Ministry of Foreign Affairs
- Luz Vanegas, Coordinator of Relations with International Human Rights and IHL Organisations
- Carolina Rucinque González, Consejería Presidencial para los DDHH
- Nestor Fernando Osorio Londoño, Colombian Ambassador to the United Kingdom
- Peter Tibber, British Ambassador to Colombia
- Todd Howland, Representative in Colombia of the Office of the United Nations High Commissioner for Human Rights
- Fernando Ibarra Ruíz, Asesor Consejería Presidencial para los Derechos Humanos
- Corporación Colectivo de Abogados Luis Carlos Pérez (CCALCP)