



Lawyers' Rights Watch Canada



Fundación
ABOGACÍA ESPAÑOLA



INTERNATIONAL
OBSERVATORY
FOR LAWYERS



8 Union Street
London, SE1 1SZ
United Kingdom

Pablo Elías González Monguí
Director, Unidad Nacional de Protección
Carrera 63 # 14 – 97
Puente Aranda
Bogotá D.C. 111611
Colombia

13 March 2019

Dear Mr González Monguí

Re. Protective measures for human rights lawyer Adil Meléndez

I write on behalf of the Colombian Caravana (hereafter the 'Caravana'), a UK registered charity that co-organises the International Caravana of Jurists, and the Foundation of the Spanish National Bar Association, the International Observatory of Lawyers, Lawyers for Lawyers and Lawyers' Rights Watch Canada.

During biennial visits to Colombia since 2008, including during the International Caravana of Jurists most recent visit in September 2018, we have called upon the Colombian government to protect the ability of lawyers and human rights defenders to represent their clients, and to refrain from any interferences in their work, in order to comply with both Colombian and international law.

The aforementioned organisations are concerned that in December 2018 Adil Melendez's bullet proof car was withdrawn by the National Protection Unit (UNP) and instead he was provided with a standard car. Mr Melendez had been provided with an armoured car in recognition of the acute risk he faces as a human rights lawyer; we understand that this acute risk has not diminished.

We were further alarmed when Mr Melendez informed us that one of his two bodyguards, also assigned to him by the UNP, has not provided protection to him since 25 February 2019, when both bodyguards failed to arrive for work. We are informed that the other bodyguard has resumed his work only in the last few days. In effect, for over a week, Mr Melendez has been left without the protection measures granted to him by the UNP and can currently rely on one bodyguard only.

The Caravana works closely with Mr Melendez and has met with him on several occasions, including during our last visit to Colombia, in September 2018. His work is vital to advancing justice

Colombian Caravana
Registered in England & Wales as Colombia Caravana Ltd.
8 Union Street, London, SE1 1SZ, United Kingdom

Registered Company No. 07223671
Registered Charity No. 1141255



and protecting human rights in Colombia, particularly in the Caribbean region. It is understood that he is targeted and threatened as result of his work.

In 2017 and 2018 Mr Melendez made corruption allegations against the mayor of San Onofre, in Sucre Department. He has also spoken out about the presence of paramilitary groups in the region and the threat they pose to local communities, and particularly to victims of illegal land grabs and human rights violations. Mr Melendez represents victims in around 30 cases of illegal land appropriation who seek redress and justice in the national courts. Furthermore, he represents the relatives of more than 100 victims allegedly murdered by paramilitaries in Sucre, Montes de Maria, and Cordoba. As a lawyer he also represents the public interest in four collective actions being brought against the army and police for alleged human rights violations in Cordoba, Bolivar, Antioquia, and Sucre.

Mr Melendez reports that his whereabouts and communications are leaked to paramilitaries and he is deeply concerned that members of these illegal armed groups are able to anticipate and follow his movements. Without proper protection provided by the UNP he is at even higher risk of being attacked, threatened, or intimidated. It is of grave concern to us that, if paramilitary groups are aware of his movements, a reduction in his protection measures may quickly come to the attention of his would-be attackers and further increase his risk.

Mr Melendez had his security measures withdrawn on previous occasions in 2017 and 2018 and he advocated effectively for them to be reinstated on those occasions. We are dismayed that his protection has again been withdrawn, because his levels of risk remain significant and he continues to be involved in numerous high-profile human rights cases as detailed above.

We respectfully remind you that in 2006 Mr Melendez was granted precautionary measures by the Inter-American Commission on Human Rights (IACHR) which asked the Government of Colombia to adopt the measures necessary to protect his physical integrity and enable him to carry out his important work. We understand that the IACHR continues to monitor his safety.

Furthermore, we draw your attention to Articles 16, 17 and 18 of the UN Basic Principles of the Role of Lawyers (1990).¹ We also draw your attention to the UN Declaration on Human Rights Defenders (adopted by the UN General Assembly on 8 March 1999).²

¹ 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."

² Which states that: "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."



In light of these commitments and the concerns raised above, and in your capacity of Director of the UNP, we respectfully ask that you:

- immediately respond to Adil Melendez's request for protection including reinstating his bullet-proof car and providing him with replacement of one bodyguard;
- conduct a full prompt investigation into the alleged leaks of Mr Melendez's whereabouts and communications to paramilitaries, and bringing the case to the attention of the pertinent authorities as need tin order to bring those responsible to justice.

While we are not acting directly on behalf or as a representative of Adil Melendez, we write in support of Mr Melendez given his vital work as a human rights lawyer that contributes to the building of lasting peace in Colombia.

We would be grateful to receive an update regarding Mr Melendez's request for protection, and respectfully ask that an initial response be sent to us within 28 days of this letter.

Yours sincerely

Charlotte Gill
Chair, Colombian Caravana

Carles MacCragh
Vicepresident, Foundation of the Spanish National Bar Association

Basile Ader,
President, International Observatory of Lawyers

Judith Lichtenberg,
Executive Director, Lawyers for Lawyers

Heather Neun
Lawyers' Rights Watch Canada

Cc:

- Carlos Alfonso Negret Mosquera, National Human Rights Ombudsman
- Luz Vanegas, Coordinator of Relations with International Human Rights and IHL Organisations, Ministry of Foreign Affairs
- Nestor Fernando Osorio Londoño, Colombian Ambassador to the UK
- Peter Tibber, British Ambassador to Colombia
- Alberto Brunori, Representative in Colombia of the Office of the United Nations High Commissioner for Human Rights
- Michel Forst, United Nations Special Rapporteur on the situation of Human Rights Defenders



Lawyers' Rights Watch Canada



Fundación
ABOGACÍA ESPAÑOLA



INTERNATIONAL
OBSERVATORY
FOR LAWYERS



- Francisco José Eguiguren Praeli, Special Rapporteur on the situation of Human Rights Defenders at the Inter-American Commission on Human Rights
- Antonio García Roger, EU Delegation in Colombia, Human Rights Focal Point and Liaison Officer for Human Rights Defenders