

NEWS FROM

# LAWYERS' RIGHTS WATCH CANADA

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## THE DAY OF THE ENDANGERED LAWYER, JANUARY 24, 2022: COLOMBIA

In 2021, threats to lawyers and other human rights defenders around the world did not abate. The independence, integrity and safety of the legal profession are crucial to the rule of law. When unchecked, threats and attacks on lawyers create a climate of intimidation for those taking on cases that are controversial or politically sensitive. Lack of legal representation thwarts equal access to justice and fair trials and undermines the rule of law.

In 2021, LRWC intervened in situations in more than two dozen countries where lawyers, particularly human rights lawyers, are at risk of attacks of various kinds, including politically motivated vilification, suspensions, disbarments, charges, arrests, arbitrary detention, death threats or assassinations. Since LRWC's last report in the *Advocate* in November 2021, LRWC volunteers have addressed concerns in 19 countries: Afghanistan, Algeria, Belarus, Burundi, Cambodia, Cameroon, Canada, China, Colombia, Iran, Myanmar, Occupied Palestinian Territories, Pakistan, Philippines, South Sudan, Sri Lanka, Thailand, Turkey and Vietnam.

### Alarming Escalation of Threats to Colombian Lawyers and Human Rights Defenders

Colombia is the focus of attention for the upcoming international Day of the Endangered Lawyer on January 24, 2022. Events are planned all over the world, including an online event for Canadian lawyers co-sponsored by the Law Society of Ontario's Human Rights Committee and LRWC.<sup>1</sup>

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More than 700 lawyers were killed in Colombia between 1991 and 2013.<sup>2</sup> At least four lawyers were killed between 2017 and 2019.<sup>3</sup> Threats were made against at least eight lawyers between 2017 and 2021.<sup>4</sup>

While the 2016 Havana peace agreement ostensibly ended years of internal armed conflict between the Colombian government and the Revolutionary Armed Forces of Colombia (“FARC”), lawyers and other human rights defenders remain at high risk of illegal surveillance, threats, judicial harassment and murder.<sup>5</sup> More than 450 defenders have been killed in Colombia since 2016.<sup>6</sup> The estimates of murders of social leaders<sup>7</sup> and human rights defenders in 2020 range from 182<sup>8</sup> to 310.<sup>9</sup> For the second year in a row in 2020, the highest number of killings of land and environmental defenders worldwide took place in Colombia, with 65 defenders murdered. Of the 65 cases, 41 were of activists involved in land rights protection.<sup>10</sup>

Risks to lawyers and defenders increased even more in 2021 during major citizen protests that were triggered by a proposed tax reform that disadvantaged lower- and middle-class people. The National Strike protests were compounded by widespread concerns about high unemployment and growing levels of inequality and poverty within the context of the pandemic, as well as the Colombian government’s brutal response to the protests.

Despite COVID-19 restrictions, large demonstrations took place across Colombia beginning on April 28, 2021 and continued for more than two months, followed by further anti-government protests through the summer and fall. The demonstrations were violently repressed by Colombian authorities, and there have been numerous human rights violations, including killings of social leaders, incidents of gender-based violence, arbitrary detentions, and the excessive and brutal use of unlawful lethal force against those exercising their fundamental right to peaceful social protest.<sup>11</sup>

Lawyers have been particularly challenged in their efforts to provide legal representation to the victims of serious rights violations during this time.<sup>12</sup> For example, on March 4, 2021, human rights lawyer Johan Sebastián Moreno Castro was arbitrarily and violently detained by police in Piedecuesta while he was monitoring a protest.<sup>13</sup> In late October 2021,

human rights lawyers and defenders in the city of Cali, who have been subjected to illegal surveillance of their activities while representing victims of violations, issued a public statement calling on the offices of the Attorney General and Prosecutor General to investigate this surveillance and the possible interception and theft of confidential information.<sup>14</sup>

In this context, human rights lawyers are also at risk of being accused of being part of criminal and terrorist groups simply for conducting their lawful professional work representing clients. In 2019 and 2020, Colombian intelligence agencies carried out surveillance operations on several human rights organizations that provide legal assistance to opponents of the current government.<sup>15</sup> Lawyers and defenders are in particular danger when representing clients in sensitive cases such as those dealing with Indigenous communities' land rights issues. Lawyers are subjected to intimidation, death threats and assassination attempts,<sup>16</sup> and they may be followed or have their phones tapped.<sup>17</sup> Of particular concern is the use of legal proceedings to fabricate evidence against lawyers and human rights defenders as a method of retaliation against them for their work.<sup>18</sup>

The Day of the Endangered Lawyer has taken place on January 24 since 2009. The day is marked in cities around the world. January 24 was chosen because on that day in 1977, four lawyers and their co-worker were murdered in Madrid. This event has become known as the Massacre of Atocha.

Since then, the international coalition for the Day of the Endangered Lawyer has chosen one country each year to mark the day. In previous years, the following countries have been featured: Azerbaijan (2021), Pakistan (2020), Turkey (2019), Egypt (2018), China (2017), Honduras (2016), the Philippines (2015), Colombia (2014), Basque Country/Spain (2013), Turkey (2012) and Iran (2010).

In June 2021, the coalition decided to feature Colombia for a second time, in 2022, because of heightened risks and persecution of human rights lawyers since 2020.

LRWC's interventions on situations in countries around the world can be seen on its website at < [www.lrwc.org](http://www.lrwc.org) >.<sup>19</sup>

#### ENDNOTES

1. For more information about the Day of the Endangered Lawyer event in Canada, see: <[www.lrwc.org/colombia-the-day-of-the-endangered-lawyer-24-january-2022-event/](http://www.lrwc.org/colombia-the-day-of-the-endangered-lawyer-24-january-2022-event/)>.
2. Avocats sans frontières Canada & LRWC, "Colombia: Failure to Fulfill Duties in Response to Attacks on Lawyers" (written statement to the 26th session of the UN Human Rights Council, 10 June 2014 to 27 June 2014), online: <[www.lrwc.org/wp-content/uploads/2017/08/26-NGO-89.pdf](http://www.lrwc.org/wp-content/uploads/2017/08/26-NGO-89.pdf)>.
3. As examples, Jhon Fredy Concha Valbuena was killed on January 24, 2017, and Paula Rocero was killed on July 26, 2019. See Law Society of Upper Canada, letter to President Calderón re: "Murder of John Fredy Concha Valbuena and attempted murder of Jorge Enrique Belalcázar Gutiérrez" (10 May 2017), online: <[docplayer.net/182618069-Remurder-of-jhon-fredy-concha-valbuena-and-attempted-murder-of-jorge-enrique-belalcazar-gutierrez.html](http://docplayer.net/182618069-Remurder-of-jhon-fredy-concha-valbuena-and-attempted-murder-of-jorge-enrique-belalcazar-gutierrez.html)>; Colombian Caravana, letter to President Duque re: "State response to the killing of local Ombudsman and human rights lawyer Paula Rocero on 20 May 2019" (26 July 2019), online:

- <[www.colombiancaravana.org.uk/wp-content/uploads/2019/07/Letter-Paula-Rocero\\_ENG.pdf](http://www.colombiancaravana.org.uk/wp-content/uploads/2019/07/Letter-Paula-Rocero_ENG.pdf)>.
4. Included among the lawyers subjected to threats were prominent human rights lawyers Reinaldo Vilalba in 2020 and Yessika Hoyos and Sebastián Escobar Uribe in 2021. See LRWC, “Colombia: Lawyers at Risk and Support for Judicial Independence” (3 September 2020), online: <[www.lrwc.org/colombia-lawyers-at-risk-and-support-for-judicial-independence-joint-letter/](http://www.lrwc.org/colombia-lawyers-at-risk-and-support-for-judicial-independence-joint-letter/)>; International Federation for Human Rights, “Colombia: Amenazas a abogada del CAJAR Yessika Hoyos y a padre de víctima Alfonso Mora León” (16 June 2021), online: <[www.fidh.org/es/temas/defensores-de-derechos-humanos/colombia-amenazas-contra-de-abogada-del-cajar-yessika-hoyos-morales-y](http://www.fidh.org/es/temas/defensores-de-derechos-humanos/colombia-amenazas-contra-de-abogada-del-cajar-yessika-hoyos-morales-y)>; IAPL Monitoring Committee on Attacks on Lawyers, “Lawyer Sebastián Escobar Uribe Threatened Again in the Course of His Work” (3 March 2021), online: <[defendlawyers.wordpress.com/2021/03/08/colombia-lawyer-sebastian-escobar-threatened-again-in-the-course-of-his-work/](http://defendlawyers.wordpress.com/2021/03/08/colombia-lawyer-sebastian-escobar-threatened-again-in-the-course-of-his-work/)>.
  5. Inter-American Commission on Human Rights, “IACHR Reiterates Its Concern Over the Violence Recorded in 2020 Against Human Rights Defenders in Colombia” (22 January 2021), online: <[www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2021/013.asp](http://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/013.asp)>.
  6. Human Rights Watch, “Amicus Brief on Killings of Human Rights Defenders in Colombia” (“Amicus Brief”) (20 April 2021), note 4 and accompanying text, online: <[www.hrw.org/news/2021/04/20/amicus-brief-killings-human-rights-defenders-colombia](http://www.hrw.org/news/2021/04/20/amicus-brief-killings-human-rights-defenders-colombia)>.
  7. In Colombia, the term “social leaders” is equivalent to the term “civil society leaders”.
  8. Human Rights Watch, “Amicus Brief”, *supra* note 6; Colombian Caravana UK Lawyers Group, “Individual Submission to the Universal Periodic Review of Colombia by Colombian Caravana UK Lawyers Group” (for consideration at the 30th session of the Working Group in May 2018, 5 October 2017), online: <[uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=5260&file=EnglishTranslation](http://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=5260&file=EnglishTranslation)>.
  9. Institute for Development and Peace Studies (Instituto de estudios para el desarrollo y la paz), “Líderes sociales y defensores de derechos humanos asesinados en 2020” (Social leaders and human rights defenders assassinated in 2020), online: <[www.indepaz.org.co/lideres/](http://www.indepaz.org.co/lideres/)>.
  10. Global Witness, “Last Line of Defence” (September 2021), online: <[www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/](http://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/)>.
  11. *Final Report – International Observation for the Guarantees of Social Protest and Against Impunity in Colombia (Informe Final – Misión de observación internacional por garantías a la protesta social y contra la impunidad en Colombia)* (7 October 2021), online: <[www.justiciaypazcolombia.com/wp-content/uploads/2021/10/Informe-Mision-de-Verificacion-protesta-social-version-27-oct-2021\\_compressed.pdf](http://www.justiciaypazcolombia.com/wp-content/uploads/2021/10/Informe-Mision-de-Verificacion-protesta-social-version-27-oct-2021_compressed.pdf)>. See also Comisión interamericana de derechos humanos, *Observaciones y recomendaciones – Visita de trabajo a Colombia* (Visita: Junio 2021), online: <[www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_SPA.pdf](http://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf)>; Human Rights Watch, “Amicus Brief”, *supra* note 6.
  12. “Ong sociales y UTL de Álex López denuncian seguimientos por parte de la Policía”, *El Espectador* (1 November 2021), online: <[www.elespectador.com/politica/organizaciones-sociales-y-utl-de-alex-lopez-denuncian-seguimientos-por-parte-de-la-policia/](http://www.elespectador.com/politica/organizaciones-sociales-y-utl-de-alex-lopez-denuncian-seguimientos-por-parte-de-la-policia/)>.
  13. International Observatory for Lawyers, “Country File: Colombia – Lawyers in Danger: The Use of Justice as a Persecution Mechanism”, online: <[protectlawyers.org/wp-content/uploads/EN-Country-File\\_COLOMBIA-1.pdf](http://protectlawyers.org/wp-content/uploads/EN-Country-File_COLOMBIA-1.pdf)>; Front Line Defenders, “Johan Sebastián Moreno Castro”, online: <[www.frontlinedefenders.org/en/profile/johan-sebastian-moreno-castro](http://www.frontlinedefenders.org/en/profile/johan-sebastian-moreno-castro)>.
  14. “Denuncian presuntos seguimientos a colectivos de DD.HH. y a senador”, *El Tiempo* (2 November 2021), online: <[www.eltiempo.com/colombia/cali-denuncian-seguimientos-a-redes-de-derechos-humanos-y-a-senador-629301](http://www.eltiempo.com/colombia/cali-denuncian-seguimientos-a-redes-de-derechos-humanos-y-a-senador-629301)>. For an English language explanation of this statement, see Peace Brigades International Canada, “NOMADESC Says Police Surveilled Meeting with National Strike Participants Victimized by State Violence” (4 November 2021), online: <[pbicanada.org/2021/11/04/nomadesc-says-police-surveilled-meeting-with-national-strike-participants-victimized-by-state-violence/](http://pbicanada.org/2021/11/04/nomadesc-says-police-surveilled-meeting-with-national-strike-participants-victimized-by-state-violence/)>. For more context on the National Strike and human rights violations, particularly in Cali, as well as NOMADESC’s recent experiences of harassment, see Peace Brigades International Canada, “PBI-Colombia Accompanies NOMADESC at Meeting with ONU Derechos Humanos Colombia” (10 November 2021), online: <[pbicanada.org/2021/11/10/pbi-colombia-accompanies-nomadesc-at-meeting-with-onu-derechos-humanos-colombia/](http://pbicanada.org/2021/11/10/pbi-colombia-accompanies-nomadesc-at-meeting-with-onu-derechos-humanos-colombia/)>.
  15. Lawyers for Lawyers, LRWC & Colombian Caravana, “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” (September 2021), online: <[www.lrwc.org/colombia-mid-term-report-upr/](http://www.lrwc.org/colombia-mid-term-report-upr/)>. For more detail, see joint letter from Colombian Caravana et al to President Iván Duque Márquez and Francisco Barbosa Delgado re: “Alleged illegal espionage against lawyers from the Inter-church Commission of Justice and Peace (CJJP), José Alvear Restrepo Collective (CAJAR), and other human rights defenders” (23 July 2020), online: <[www.lrwc.org/colombia-allegations-of-illegal-surveillance-against-lawyers-and-other-human-rights-defenders-joint-letter/](http://www.lrwc.org/colombia-allegations-of-illegal-surveillance-against-lawyers-and-other-human-rights-defenders-joint-letter/)>.
  16. Lawyers for Lawyers, LRWC & Colombian Caravana, *supra* note 15; IAPL Monitoring Committee on Attacks on Lawyers, *supra* note 4.
  17. LRWC, “Colombia: Recent Threats Against and Protective Measures for Human Rights Lawyer Adil Meléndez Márquez” (9 February 2020), online: <[www.lrwc.org/colombia-threats-against-human-rights-lawyer-adil-melendez-marquez-letter/](http://www.lrwc.org/colombia-threats-against-human-rights-lawyer-adil-melendez-marquez-letter/)>.
  18. International Observatory for Lawyers, *supra* note 13.
  19. See LRWC’s interventions online: <[www.lrwc.org/category/publications/campaigns/countries/](http://www.lrwc.org/category/publications/campaigns/countries/)>.