

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

14 December 2016

Dear President Santos,

Re: Letter of concern regarding the rise in killings and threats against human rights defenders

I write on behalf of the **Colombian Caravana UK Lawyers Group, Lawyers Rights Watch Canada, the Fundación de la Abogacía Española and the Caravana Irish Lawyers' Group**, organisations which co-organise the International Caravana of Jurists. During visits to Colombia in 2008, 2010, 2012, 2014 and 2016 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 above organisations welcome the signing of the Peace Agreements at the end of November 2016, and the chance that these bring for future peace and justice in Colombia. However, **we are extremely concerned about reports from the UN, Colombian NGOs and the press, detailing killings of and attacks against human rights defenders and social leaders, which appear to be on the increase.**

- We are alarmed to learn that, according to data published on 2 December¹ by the **Colombian Office of the High Commissioner for Human Rights (OHCHR)**, from January-November 2016 **this UN body has recorded 57 killings of human rights defenders in Colombia**. We note that according to the OHCHR report, 75 per cent of the victims were from rural areas, and **13 of the killings have occurred since the signing of the first Peace Agreements on 26th September 2016**.
- Colombian NGOs also affirm that there has been a recent wave of killings of human rights defenders, and especially of social leaders and people working on land rights. The respected Colombian human rights NGO the Standing Committee on Human Rights (Comité Permanente por la Defensa de los Derechos Humanos) has **registered so far this year 314 individual attacks against human rights defenders, including 232 threats, 21 attacks and 70 killings²**.
- According to press reports³, **31 human rights defenders and social leaders have been killed since the bilateral ceasefire began on 26th August 2016**.

As examples, we would like to highlight below just two of these cases, as follows:

- Shortly after we left Colombia at the end of August, we received reports of **the murder of**

¹ Available at: <http://www.hchr.org.co/publico/comunicados/2016/8fCEYkS6RNZg.pdf>

² CPDH: Comunicado N.7 del 2016 - El CPDH rechaza la oleada de crímenes y agresiones selectivas y sistemáticas en contra de líderes sociales, 21 November 2016

³ See, for example <http://lasillavacia.com/hagame-el-cruce/asi-son-los-lideres-asesinados-durante-el-cese-58874>

lawyer Mr William García Cartagena on 15 September. According to reports⁴, Mr García was short 8 times by unknown individuals while in a café in the Santa Fé neighbourhood in the city of Medellín (Antioquia department). Mr García represented victims in cases of land restitution. He was a member of the Segovia Human Rights Committee (Comité de Derechos Humanos de Segovia) and also worked for the Human Rights Ombudsman's Office (Defensoría del Pueblo). According to reports, he had previously been threatened due to his work defending informal miners in the municipality of Segovia (Antioquia)⁵.

- According to Amnesty International⁶, on **17 November an attempt was made to kill Mr Argemiro Lara**, a leader of the La Europa farm, Ovejas Municipality, Sucre Department. Mr Lara is also a member of the National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas de Crímenes de Estado, MOVICE), and the Permanent Committee for the Defence of Human Rights (Comité Permanente por la Defensa de los Derechos Humanos, CPDH). Argemiro Lara was on his way to a meeting in the City of Sincelejo and was accompanied by a protection officer provided by the Colombian authorities, when an unknown male on a motor cycle pointed a gun at him. Before this individual was able to fire his weapon he was shot by the protection officer. We understand that Mr Lara has been repeatedly threatened for years as a consequence of his work in support of the community's claim of ownership of the La Europa farm. We are further informed that since the 1980s many of its residents have been killed or forcibly displaced.

We would draw your attention to Articles 16, 17 and of the UN Basic Principles on the Role of Lawyers (1990)⁷, and the UN Declaration on Human Rights Defenders, Document A/RES/53/144 (adopted by the UN General Assembly on 8 March 1999).⁸

We respectfully ask that you ensure:

- **public declarations** rejecting the attacks against human rights defenders and social leaders;

⁴ <http://www.elcolombiano.com/antioquia/seguridad/asesinato-de-abogado-de-defensoria-en-medellin-BY4991627>

⁵ See, for example, <http://www.elcolombiano.com/antioquia/seguridad/asesinato-de-abogado-de-defensoria-en-medellin-BY4991627>

⁶ <https://www.amnesty.org/download/Documents/AMR2352122016ENGLISH.pdf>

⁷ 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.

⁸ 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.

- **adequate protection measures** guaranteed and provided, in consultation with human rights defenders and in accordance with existing Colombian legislation. These protective measure 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, including investigations into the murder of lawyer William García Cartagena and the attempt on Argemiro Lara's life;
- **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;
- a component for **verifying human rights in the implementation of the Peace Agreements**, led by the Office of the United Nations High Commissioner for Human Rights in Colombia (OHCHR).

We would like to remind you that **the organisations 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 crimes 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,

Sue Willman
Colombia Caravana UK

Heather Neun
Lawyers' Rights Watch Canada

Mikel Córdoba
Fundación de la Abogacía española

Mary Henderson
Caravana Irish Lawyers' Group

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
- Monica Pinto, 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