



ELDH European Association of Lawyers
for Democracy and World Human Rights



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

Press release – 24th January 2014

DAY OF THE ENDANGERED LAWYER 2014 Lawyers under Death Threat in Colombia

Lawyers all over Europe and in other countries protest today in Ankara, Athens, Barcelona, Berlin, Bern, Bilbao, Brussels, Douala, Düsseldorf, The Hague, Istanbul, Izmir, London, Madrid, Milan, Paris, Quito, Rome, Seville, and Stockholm

This year the Day of the endangered Lawyer is focussed on lawyers in Colombia who are murdered and who receive death threats because they defend the rights of the poorest, and who work on cases of human rights violations in rural areas where small-scale producers are attempting to return to lands illegally expropriated from them.

Colombia is an extremely dangerous country to be a lawyer, and to uphold the right to access justice. According to information from the Attorney General's Office in 2012, there were **over 4,400 incidents against lawyers between 2002 and 2012¹**, and according to the Colombian Caravana UK Lawyers' Group, **over 400 lawyers have been killed in Colombia since 1991**. This means that **on average one lawyer is killed every month in Colombia**. In the first 11 months of 2013 at least 16 lawyers were killed.

A small minority of the over 200,000 lawyers in Colombia are lawyers dedicated to representing the most vulnerable populations most affected by human rights violations, including extrajudicial killings and forced disappearances, and by violations related to the armed conflict. These marginalised sectors include small-scale rural producers, poor urban communities, internally displaced persons, indigenous peoples and Afro-Colombian communities whose ancestral lands are often in natural resource rich regions or otherwise strategic due to their location². In essence, these lawyers play a fundamental role in trying to guarantee access to justice and uphold the rule of law in the country.

¹ Information given to the Colombian Caravana – International Caravan of Jurists, and presented to the Head of the Human Rights Division in the Deputy Attorney General's Office in August 2012.

² http://www.asfcanada.ca/uploads/publications/uploaded_rapport-2013-03-colombie-ang-v2-lq-pdf-45.pdf

A substantial number of threats against human rights defenders, including lawyers, originate from illegal paramilitary groups which, although officially demobilised, in reality continue to operate throughout Colombia. These threats often accuse human rights lawyers of being involved with the guerrilla armed groups, thereby leaving them open to attack. Recent threats from illegal armed groups have also accused lawyers and other human rights defenders of hampering the work of multinational companies. Indeed, **human rights lawyers who work on cases of human rights violations in rural areas where small-scale producers are attempting to return to lands illegally expropriated from them, and where development projects are being implemented, often face extra pressures.**

Over recent years, in addition to threats from illegal armed groups, human **rights lawyers also faced a campaign involving the gathering and use of intelligence against them** at the hands of the state intelligence agency, the DAS. This body was found to have held personal information on prominent human rights defenders, including lawyers and judges, such as personal information about themselves and their families. Although the DAS was later disbanded and replaced by the National Directorate of Intelligence (DNI), and high-level prosecutions have been made, a number of human rights organisations have expressed concerns that intelligence files containing information about them have not been completely purged, and some returned their official protection schemes in 2011³.

The high level of killings of human rights defenders, including lawyers, means that these threats against them must be taken very seriously, in particular since the number of human rights defenders is still increasing. Colombian human rights defenders, including lawyers, have called for public pronouncements from the State in support of their work, in recognition that the rights of victims to access justice is legitimate and necessary to the proper functioning of a democratic society, however, State authorities have stigmatised the work of human rights lawyers.

The current peace dialogue between the government and the FARC guerrilla is a positive sign that Colombia could be on the way to achieving an end to its armed conflict. Nevertheless, peace will not be achieved by the mere signing of an agreement; there are a series of judicial, political and social measures which need to be taken in order to achieve lasting peace, with guarantees of non-repetition. Colombian human rights lawyers are calling for a national debate on the model of transitional justice which will guarantee the end of armed conflict while respecting the Victims' rights to Truth, Justice and Reparation under international law. There are serious concerns, meanwhile, that legislation such as the Legal Framework for Peace proposed by the State and the expansion of Military Criminal jurisdiction which has already been approved could lead to widespread amnesties and impunity.

For these reasons three European lawyers associations the EUROPEAN DEMOCRATIC LAWYERS (AED-EDL, www.aed-edl.net), the EUROPEAN ASSOCIATION OF LAWYERS FOR DEMOCRACY & WORLD HUMAN RIGHTS (ELDHE, www.eldh.eu) and the EUROPEAN BAR HUMAN RIGHTS INSTITUTE (IDHAE, www.idhae.org), which together represent lawyer's associations all over Europe, have decided to promote greater public awareness of the severe situation of lawyers in Colombia on the Day of the Endangered Lawyer. Therefore lawyers in different European countries will protest in front of Colombian Embassies and Consulates.

The Day of the Endangered Lawyer is an initiative which was started by AED-EDL in 2010, on behalf of the lawyers of Iran. The date of 24 January was chosen this year in remembrance of the assassination of 4 trade union lawyers and one employee in the Atocha Street in Madrid in 1977 (Massacre of Atocha), in the time of transition after the death of the Spanish dictator Franco (in 1975). The perpetrators arrested were close to far-right parties and organisations.

³ <http://www.justiceforcolombia.org/news/article/945/das-involvement-in-threats-forces-lawyers-to-reject-security-detail>

AED-EDL, ELDH and IDHAE condemn in the strongest possible terms the above mentioned actions against lawyers and demand the following from the Government of Colombia:

- Appropriate measures to guarantee safety and security for legal practitioners, as provided in the United Nations Basic Principles on the Role of Lawyers
- to recognise publicly the legitimacy of the work done by human rights defenders, including lawyers, environmental activists and trade unionists
- to put an end to the impunity tolerated by the State for those who violate human rights
- to take measures to sanction public servants and politicians who stigmatise them
- The immediate release of all lawyers detained, investigated, and imprisoned as a result of their professional duties

They further demand an international independent investigation into the actions noted above with the objective of holding those responsible for these arrests accountable for violations of basic human rights

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