

Néstor Humberto Martínez Neira,
Fiscal General de la Nación
D.C. Diagonal 22B No. 52-01 (Ciudad Salitre)
Nivel Central
Bogotá, Colombia

11 August 2018

Dear Néstor Humberto Martínez Neira,

Re. Systematic murder of lawyers and human rights defenders in Nariño: Carlos Jimmy Prado Gallardo

I write on behalf of the Colombian Caravana, a UK registered charity that co-organises the International Caravana of Jurists. During biennial visits to Colombia since 2008, including during our most recent visit in August 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 interfering in their work, in order to comply with both Colombian and international law.

The Colombian Caravana is very concerned to learn that in the early hours of Saturday 2 June 2018, Carlos Jimmy Prado Gallardo was murdered in Bocas de Satinga, the neighbourhood where he lived. Prado Gallardo was a human rights defender and national delegate for the Association of Community Councils and Entno-territorial organisations of Nariño, (*Asociación de Consejos Comunitarios y Organizaciones Étnico-Territoriales de Nariño ASOCOETNAR*). Prior to his murder, Carlos had approached the Colombian public prosecutor's office (*Fiscalía*) in relation to death threats that he had been receiving.¹

The Colombian Caravana is very concerned that attacks and murders of human rights defenders continue. There is an alarming pattern emerging. *El Tiempo* reported that in the past year, five human rights defenders have been murdered in Nariño.² The UN has also expressed concern regarding serious consequences as a result of threats and a lack of security guarantees for social leaders, human rights defenders, and members of community organisations in different parts of the country, with Nariño being one of the most affected departments.³

We refer your attention to the public communique issued by the United Nations on 6 June 2018 which "calls on State institutions, at the local and national levels, to guarantee the life and integrity of leaders, human rights defenders and members of community organisations so that they can exercise their legitimate right to defend and protect human rights."⁴

We would also like to highlight our concerns about the large number of lawyers that have been killed in Colombia for a sustained period of time. On the basis of police figures, the UN Special Rapporteur on the Independence of Judges and Lawyers reported to the UN General Assembly on 15 April 2010 that 334 such killings occurred between 2003 and 2009.⁵

¹ <http://www.eltiempo.com/colombia/calirepudio-por-asesinato-de-otro-lider-social-en-narino-226018>

² Ibid.

³ <https://reliefweb.int/report/colombia/acnur-y-onu-derechos-humanos-condenan-homicidio-de-carlos-jimmy-prado-l-der-de>.

⁴ <https://reliefweb.int/report/colombia/acnur-y-onu-derechos-humanos-condenan-homicidio-de-carlos-jimmy-prado-l-der-de>.

⁵ <http://www2.ohchr.org/english/issues/judiciary/docs/A.HRC.14.26.Add.2.pdf>

We are also concerned that according to reports, attacks and killings of human rights defenders and social leaders are on the rise. In 2017 alone, more than 120 human rights defenders were murdered, in spite of the Peace Agreement being signed in November 2016.⁶ This alarming trend looks set to continue. The UN High Commissioner for Human Rights in Colombia has stated that, so far this year, there are more than 33 verified cases relating to the murder of social leaders and human rights defenders and 39 such cases in the verification process.⁷

This escalation of violence is accompanied by an increase in the activity of neo-paramilitary groups in a number of areas where the FARC-EP have demobilised.

I respectfully urge you to:

1. Ensure a full, prompt, and impartial investigation into the killing of Carlos Jimmy Prado Gallardo, and into all suspicious deaths of lawyers and human rights defenders, in accordance with principles 9 – 18 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, with the intention of bringing to justice those responsible for the above crimes, including those who may have instructed others to carry them out;
2. Immediately establish prevention and protection plans in collaboration and consultation with the affected communities in Nariño, with a specific emphasis on the numerous leaders who are being threatened because of their work to protect the rights of their communities;
3. Ensure that all lawyers and human rights defenders are able to carry out their duties without fear of intimidation or harassment against themselves or their family members.

We would like to remind you that in writing this letter, we 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 prosecute attacks against them. We would be grateful to receive updates regarding the progress of the investigation into the murder of Carlos Jimmy Prado Gallardo outlined above, and respectfully ask that an initial response be sent to the Colombian Caravana within 28 days of this letter.

Yours sincerely,



Charlotte Gill
Chair, Colombian Caravana

CC:

- Carlos Alfonso Negret Mosquera, National Human Rights Ombudsman
- Luz Vanegas, Coordinator of Relations with International Human Rights and IHL Organisations,
- Fernando Ibarra Ruíz, Advisor, Presidential Council on Human Rights
- 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

⁶ <https://www.theguardian.com/global-development/2018/may/01/2017-deadliest-year-on-record-colombian-human-rights-defenders>;

⁷ <http://www.hchr.org.co/index.php/informacion-publica/entrevistas-del-representante/8934-hay-que-ir-a-las-estructuras-detras-de-estos-asesinatos>