



59-60 Russell Square
London
WC1B 4HP
United Kingdom

4 March 2013

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

Dear President Santos,

Further threats and harassment towards members of MOVICE

I am writing to you on behalf of the UK members of the International Caravana of Jurists. During visits to Colombia in 2008, 2010 and 2012, we called upon the Colombian government to protect lawyers' ability to represent their clients and to refrain from any interference in their work in order to comply with Colombian legislation, and International Law.¹

The Colombian Caravana members are deeply concerned by a serious further threat against lawyer Jeison Pava and harassment towards other members of MOVICE.

On 16 January 2013 a female receptionist at the Comité Permanente por la defensa de los derechos humanos (CPDH) office in Bogotá received a call from a male asking for lawyer Jeison Pava, when he was informed that Mr Pava was not in the office, he asked about the time of his arrival and departure, and made a threat. During the course of this conversation the caller was abusive to the female receptionist.

Moreover, on 28 January 2013, a person who was providing protection to MOVICE member Diego Martínez was arrested by members of the National Police Unit. Despite complaints by Mr Martínez to the police, he has been left without protection. One of the police officers refused to identify himself in an aggressive tone. This failure to provide his identity is a disciplinary offence. Such conduct contributes to the climate of impunity. When Mr. Martínez went to make a complaint in Cai Roldán, the government official with an identification number of 50111 refused to take the complaint.

We are informed that Jeison Pava has been the subject of five death threats from paramilitary groups. The groups have included the Ejército anti restitución.

¹ Law 1426 of December 29 2010

In addition, we understand that Mr Martinez was threatened by the Ejército anti restitución in April 2012 and 4 July 2012. He has also been the subject of wiretapping and surveillance.

I refer to my letter dated 20 June 2012 referring to the death threat via email on 8 May 2012 towards lawyer, Jeison Pava Reis, and human defenders: Franklin Torres, Pedro Geney, Ingrid Vergara Chávez.

I also refer you to my other letters regarding serious threats towards members of MOVICE dated 7 May 2012 and 2 August 2011.

We are extremely concerned that there appears to be an ongoing strategy to prevent members of MOVICE and other human rights defenders from carrying out their work. The incidents described above are the latest in a series of threats and harassment against members of MOVICE.

This situation is unacceptable and must be rectified, in order to ensure the safety of all members of MOVICE and other lawyers and human rights defenders so that they can continue with their important work. In this context, I once again, respectfully remind you of Articles 16(a) and (c), 17 and 18 of the **UN Basic Principles on the Role of Lawyers (1990)**.²

We also draw your attention to: **UN Declaration on Human Rights Defenders** (adopted by the UN General Assembly on 8 March 1999).³

² 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.

³ 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.



Therefore the Colombian Caravana calls upon you to:

- make a prompt public statement condemning the latest threats against members of MOVICE;
- ensure a full, prompt and impartial investigation into the threats against Jeison Pava and the lack of protection afforded to Diego Martinez, the findings of which should be made public, with the intention of bring to justice those responsible for these crimes;
- provide adequate protection to Jeison Pava and Diego Martinez and other lawyers and human rights defenders at risk, in accordance with their wishes;
- ensure that all lawyers and human rights defenders are able to carry out their duties without fear of intimidation or harassment;
- the Inspector General's office to investigate members of the security forces responsible for breaches of discipline in the incidents described above.

We will continue to monitor the above cases and we look forward to hearing from you regarding the progress of the investigations into the above incidents and in bringing those responsible for these crimes and breaches of discipline to justice. In addition, we would like to be informed of the action you are taking to ensure Jeison Pava and Diego Martinez and other members of MOVICE receive the necessary protective measures.

Yours sincerely,

Professor Sara Chandler

Chair, Colombian Caravana UK Lawyers Group

cc:

- La Fiscalía General de la Nación
- **Fabián Ortiz Rosada**, Fiscalía, Puerto Tejada, Cauca

- Abogados por Abogados
- Abogados Sin Fronteras Canadá
- Asociación Colombiana de Abogados Defensores "Eduardo Umaña Mendoza" (ACADEUM)
- Sarah Smith, Law Society of England and Wales
- Gabriela Carina Knaul de Albuquerque e Silva, Relatora Especial de las Naciones Unidas sobre la independencia de magistrados y abogados
- Margaret Sekaggya, Relator Especial de las Naciones Unidas: sobre la situación de los defensores de derechos humanos

