

Killings of lawyers, threats and attacks

January – November 2013

Introduction

The *Colombian Caravana UK Lawyers' Group* is seriously concerned about the high number of killings and threats against lawyers in Colombia. Colombia continues to be 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 2012, and according to the Colombian Caravana, over 400 lawyers have been killed in Colombia since 1991. This means that at least one lawyer is killed every month in Colombia. As summarised below, 15 cases of killings have been reported to the Caravana in 2013 alone.

Many cases of threats and attacks are reported by the Colombian Association of Human Rights Lawyers (*Asociación Colombiana de Abogados de Derechos Humanos – ACADEHUM*). A minority of the 200,000 lawyers in Colombia are human rights lawyers; dedicated to representing the most vulnerable populations affected by human rights violations, including extrajudicial killings and forced disappearances, and by violations related to the armed conflict. These lawyers, part of a community of human rights defenders in Colombia, represent and provide a voice for these individuals and groups who suffer the effects of violent and relentless threats to their way of life and their very existence. Because of this vital role in exposing and fighting against injustice, human rights lawyers themselves are often targets of intimidation, arrest and physical violence, and some have been murdered. According to data published by the We Are Defenders Program (*Programa Somos Defensores*), murders of human rights defenders increased by 27% in the first half of 2013 (from 29 cases in 2012 to 37 in 2013). Impunity for these crimes stands at 98%.

The Caravana notes with particular concern the high number of killings of lawyers in the Valle del Cauca region. The lawyers killed in this region were from all walks of the legal profession, including criminal lawyers and administrative lawyers. In most cases they were shot by unknown assailants as they went about their working lives or were with their families in their homes. The region of Valle del Cauca, with its capital city Cali, suffers from high levels of violence, related to the continued armed conflict and the persistence of illegal armed groups with links to drug-trafficking. Some lawyers in this region have been attacked because they were wrongly associated with the clients they were representing. The data on lawyers killed in the Valle del Cauca region was reported by the Society of Litigating Lawyers in Cali, (*Colegiatura De Abogados Litigantes "La Fuerza Del Derecho"*). Although they have repeatedly called upon the Colombian State to investigate these killings, this has met with silence.

Some Colombian human rights lawyers have been granted protection measures from the State, at times ordered by the Inter-American Human Rights system. However, lawyers affirm that the measures offered by the State such as cars and mobile phones only go so far in protecting them. Because their work often exposes corruption and violations by State agents, they often suffer public stigmatisation, and assert that they require political support from the State for their work. In many regions of Colombia, there is a lack of capacity to systematically keep a specific record of threats and killings against lawyers, although there is an emerging Law Society at the national level. It is extremely important that this National Society includes a specific department on human rights lawyers. Meanwhile, lawyers in Colombian regions from all areas of the legal profession are calling for resources and support so that they can strengthen their organisations with regards to infrastructure and training, and so that they can more systematically call upon the Colombian State to guarantee their protection.

A. Killings of Lawyers in Colombia

January-November 2013

1. José Lubian Duque Jimenez (October 18 – Eje Cafetero), shot dead in his office in the Intel building in the centre of Armenia.

2. Óscar Cortez Baena (October 17 – Eje Cafetero), shot at his home in the neighbourhood of Buenos Aires Alto in the centre of Armenia. He later died in hospital. It is reported that a number of witnesses saw the two assassins escape on foot.

3. Ricardo Rodríguez Cajamarca (October 2 – Meta) – a human rights lawyer and former local human rights ombudsman (*personero*). He was shot dead in the municipality of Acacias (Meta) on Thursday 10 October, 2013, by unknown assailants travelling on a Pulsar 135 motorcycle. He had reported serious human rights violations committed by paramilitary groups operating in the area, including displacements, forced disappearances and killings, and abuses against civilians by the Colombian Army. Mr. Rodríguez had also been involved in denouncing a series of mass detentions and unfounded criminal proceedings brought against small-scale farmers.

4. Edison Alberto Molina (September 11 - Antioquia), shot by unknown assailants as he was riding home on his motorcycle with his wife, who suffered minor injuries. He had just finished presenting his radio program, LegalClinic. In his program, Molina frequently made allegations of corruption in local government departments.



5. Juan Carlos Canizalez Ocampo (August 12 – Valle del Cauca), shot as he was driving his car at a housing complex in the Prado Sur district of Buga.

6. José Gerley Sánchez Benítez (July 16 – Valle del Cauca), shot dead by two unknown assailants at his home in the Los Andes district of Cali.



7. Fabio Molina Vásquez (July 13 – Valle del Cauca), shot by an unknown assailant in the Calimio Desepaz district of the city of Cali, and later died as a result of his injuries at the Hospital Universitario del Valle.

8. Andrés Felipe Parra Utima (July 23 - Valle del Cauca), shot in the head at his home in Tuluá. Mr Parra Utima, a recent graduate from the Universidad Central Del Valle del Cauca, died a few hours later.

9. Alberto Arias Escobar (May 1 – Valle del Cauca), killed by two men travelling by motorcycle, who shot him in the head, in the Salesianos area of Tuluá, Valle del Cauca. According to reports, he died half an hour later in the San Francisco clinic.

10. Amaury Manuel Sáez Coronado (March - Valle del Cauca) - body was found in Cordoba on Thursday 7 March



11. Diego Luis García González (March 21 - Valle del Cauca), shot whilst driving his car near Alfonso Bonilla Aragon international airport in Cali.

12. Jhonny Alberto Balarezo Ortiz (March 1 - Valle del Cauca), shot in Florida, Valle del Cauca department

13. Jorge Iván Gómez Guerrero (February 28 - Valle del Cauca), shot dead in Cali

14. Eduardo Antonio Martínez (January 25 - Valle del Cauca), shot in the head at close range, while in his office in the Centro Comercial 'El Bazar'

15. Daniel Alejandro Almario Calderon (January 25 - Valle del Cauca), shot in the head at close range, while in his office in the Centro Comercial 'El Bazar'

B. Summary of some threats and attacks against human rights lawyers in Colombia in 2013

- 13 March - attack on the Luis Carlos Perez Lawyers' Collective (CCALCP) and Small Farmers' Association of Catatumbo (ASCAMCAT). On the morning of 13 March 2013 there was a large explosion outside their offices in the Department of North Santander. The organisations believe it was the action of paramilitaries and is related to their human rights work in the region of Catatumbo and efforts to create a peasant farmer's reserve.
- May - The Pitalito community in the Cesar Department of Colombia, were victims of forced displacement starting on the 24th of June 2010, due to violent acts against them by members of the National Army, the ESMAD riot police, and a group of private armed guards acting on behalf of Señor Juan Manuel Fernández de Castro, a palm oil plantation owner affiliated with the National Federation of Palm Oil Farmers (Fedepalma). The community began returning to their lands on 21st of May 2013, and they and their accompanying lawyers from the 'Pueblos' Legal Team and the Foundation Committee of Solidarity with Political Prisoners, have encountered numerous difficulties. In July 2013, Señor Fernández de Castro filed criminal complaints against members of the returning community and their accompanying lawyers. In September 2013, lawyers Rommel Duran and Leonardo Jaimes Marín from the 'Pueblos' Legal Team were arbitrarily detained by Police who made verbal accusations that they were members of the guerrilla, as they made their way to the Pitalito community.

- 21 June – concerns for CCALCP and ASCAMCAT after a series of events during a small farmers’ human rights protest in which they were the victims of attacks, violent repression and stigmatisation.
- 14 July - further death threats against MOVICE lawyer Jeison Pava and human rights defender Diego Martínez and their families. Mr. Pava and Mr. Martínez received the emails whilst they were attending a MOVICE conference in La Macarena, Meta, a highly militarized zone. During the event they noticed plain clothed men riding plateless motorcycles suspiciously circling the venue. When alerted to the matter, the police did nothing. Such conduct contributes to the climate of impunity. Although Mr. Pava and Mr. Martínez have security schemes which include escorts and blacked out cars, there is a notable lack of police presence to prevent incidents such as these from occurring. According to the Movement for Victims of State Crimes (MOVICE), their lawyer Jeison Pava has been threatened by paramilitary groups five times.
- 15 August - death threats against lawyer José Humberto Torres of the CSPP and José Alvear Restrepo Lawyers’ Collective (Cajar) by the Rastrojos paramilitary group. The threat stated that these human rights defenders are military targets, because they allegedly have links with the guerrilla and are hampering the peace process, and the work of mining companies in Colombia. We are concerned that these threats may translate into action, as human rights defenders, including trade unionists and lawyers, are frequently attacked and often killed in Colombia while carrying out their legitimate work, as a result of threats such as this one.
- 1 August - threats against lawyer Manuel Garzón and other human rights defenders from the Inter Church Justice and Peace Commission. Mr Garzón was followed as he left his office in Bogotá, and told to, *“Stay quiet with what you are doing”* (quédense quietos con lo que están haciendo). Paramilitaries are understood to be keeping members of the NGO, who work with the communities of the Curvaradó and Jiguamiandó River Basin, under surveillance. Paramilitaries have kept human rights defenders under surveillance before attempting to kill them. A judge had ruled on 30 July that two businessmen linked to the African palm industry were responsible for the forced displacement of the communities of the Curvaradó and Jiguamiandó River Basin, aggravated conspiracy to commit a crime, and invasion of land of special ecological importance, and sentenced them to 125 months in prison. They had been acting together with paramilitaries. Manuel Garzón has been representing the communities.
- 10 September and 24 September – further death threats sent by the Los Rastrojos Paramilitary group to human rights defenders and lawyers organisations CAJAR, the Committee of Solidarity with Political Prisoners (CSPP) and the Yira Castro Corporation, in which they were linked to the guerrilla and given 72 hours to leave their areas of work.
- 19 October - threats made against members of the ONIC, including Kankuamo lawyer and ONIC High Councillor Luis Fernando Arias Arias, during a national indigenous human rights protest called the MINGA. This protest began on October 14, 2013, was organised by indigenous peoples and coordinated by the ONIC, to peacefully protest about the lack of fulfilment of their human rights in Colombia. The ONIC received a threat from the Los Rastrojos paramilitary group, declaring as “military objectives” Luis Fernando Arias and other ONIC directors, as well as leaders from the CRIC and ACIN regional indigenous organisations in Cauca. The threat also stigmatises these leaders as being linked to the guerrilla.