

Juan Manuel Santos Calderón
Presidente de la República de Colombia
Carrera 8 No. 7 – 26
Palacio de Nariño
Bogotá
Colombia

4 February 2018

Dear President Santos,

Re. The killing of two land claimant leaders: Mario Castaño Bravo and Hernán Bedoya

I write on behalf of the Colombian Caravana UK Lawyers Group (hereafter ‘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 interferences in their work, in order to comply with both Colombian and international law.

The Colombian Caravana UK Lawyers Group is very concerned that two land claimant leaders have been recently killed. The first killing was on 26 November 2017, the victim was Mario Castaño Bravo, a land claimant leader of Curvaradó. He was killed in La Larga Tumaradó territory. Twelve days later on 8 December 2017 a land claimant leader of the collective territory of Pedeguita Mancilla, Hernán Bedoya was killed in the village of Playa Roja.¹

The Colombian Caravana understands that both of the above victims had been threatened due to the work they had undertaken to represent the interests of their communities in order to prevent them from being forcibly displaced from their lands due to the economic interests and pressure in the region.

It is very concerning that these killings have occurred even though the Colombian military has a strong presence in the region, and despite the fact that both victims had received protection measures from the National Protection Unit (Unidad Nacional de Protección - ‘UNP’).²

The Caravana understands that the protection measures granted to the victims only included cell phones and bulletproof vests.³ This case clearly demonstrates the importance of providing sufficient and appropriate protection measures in order to ensure the effective protection of human rights defenders. The Colombian Caravana is deeply concerned for the safety of lawyers and human rights defenders in Colombia, who too often are granted protection measures that are inadequate to protect their lives. The Caravana has repeatedly conveyed to the UNP the inadequacy of the protection measures granted to lawyers and human

¹ Amnesty International “Colombia: Killing of Land Claimant Leaders” 12 December 2017 <http://www.amnesty.ca/get-involved/take-action-now/colombia-killings-land-claimant-leaders>

² Peace Brigades International “PBI Expresses Its Concern Regarding The Increase Of Risks For Human Rights Defenders” 13 December 2017 <https://pbicolombia.org/2017/12/13/public-pronouncement-13th-december-2017/>

³ *ibid*

rights defenders such as the ones granted to Rommel Durán from *Equipo Jurídico Pueblos (EJP)*⁴ and to Gilberto Torres from *Unión Sindical Obrera (USO)*⁵.

The Colombian Caravana understands that the two land claimant leaders may have been killed by paramilitary groups belonging to the Gaitanistas Self-Defence Forces of Colombia (Autodefensas Gaitanistas de Colombia - AGC).⁶ Land claimant leaders and other human rights defenders appear to be at an increased risk and are particularly vulnerable from armed groups which may have links with businesses and be incentivised by commercial interests. It is very important that such crimes are fully investigated to prevent a climate of impunity from persisting. It is extremely concerning that despite the peace process there has been an increase in violence against human rights lawyers and defenders as well as their families. Somos Defensores has recorded 335 cases of threats, attacks, harassment, detention, killings of, and other aggressions against human rights defenders between January and June 2017.⁷

It is imperative that the safety of human rights defenders is ensured, in order to allow them to continue with their important work. In this context, we respectfully remind you of Colombia's international obligations pursuant to the UN Declaration on Human Rights Defenders (1998).⁸

Therefore, the Colombian Caravana calls upon the Colombian authorities to:

- Immediately arrange prevention and protection plans with the affected communities and specifically with the community councils of Curbaradó, Jiguamiandó, Piedeguita and Mancilla in Chocó with specific emphasis on the numerous leaders who are being threatened for the work that they are undertaking to protect the rights of the communities.
- Conduct a full, prompt and impartial investigation into the murders of Mario Castaño Bravo and Hernán Bedoya with the intention of bringing to justice those responsible for the above crimes, including those that have instructed others to carry the crimes out.
- Publish working plans for the National Commission of Security Guarantees and the Special Investigation Unit of the Prosecutor's Office for the dismantling of paramilitary structures.
- 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.

⁴ Colombian Caravana intervention letter 8 August 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/08/20170808-EJP-Letter-.pdf>

⁵ Colombian Caravana intervention letter 22 November 2017 http://www.colombiancaravana.org.uk/wp-content/uploads/2017/12/2017-Nov-Carta-GT-Spanish_FINAL-DRAFT.pdf

⁶ Amnesty International "Colombia: Killing of Land Claimant Leaders" 12 December 2017 <http://www.amnesty.ca/get-involved/take-action-now/colombia-killings-land-claimant-leaders>

⁷ Programme Somos Defensores report "Agúzate" of June 2017 (p61) <https://somosdefensores.org/images/informe-semestral-enerojunio-2017-SIADDHH.pdf>

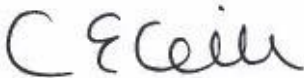
⁸ Which states in Article 12 that:

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.

While the Colombian Caravana is not acting directly on behalf or as a representative of the individuals in these cases, we write in support of human rights defenders in Colombia in order to support their capacity to undertake legal work safely and free from harassment, as is necessary to building long-lasting peace in Colombia.

We would be grateful to receive updates regarding the progress of the matters raised in this letter, and respectfully ask that an initial response be sent to the Colombian Caravana within 28 days.

Yours sincerely,



Charlotte Gill
Co-Chair, Colombian Caravana UK Lawyers Group
CC:

- Néstor Humberto Martínez Neira, Prosecutor General
- Diego Mora, National Protection Unit
- 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