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

19 February 2019

Dear Néstor Humberto Martínez Neira,

Re: Impunity regarding the assassination of human rights lawyer Domingo José Rivas Coronado, case no. P-1617-12

I write on behalf of the Colombian Caravana (hereafter the '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 September 2018, 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 interference in their work, in order to comply with both Colombian and international law.

We are very concerned that there is continued impunity in the case of the murder of human rights lawyer, Domingo José Rivas Coronado who was assassinated on 13 May 1990, in the department of Córdoba.¹ We understand that, before his death, Mr Rivas Coronado had made representation to the authorities of his fear of threats and persecution by state agents because of his investigation into the death of his brother, Carlos Jerónimo Rivas Coronado. In particular, the Caravana understands that Domingo José Rivas Coronado filed a petition with the competent Colombian authorities regarding specific members of the National Police of the Cordoba Division who allegedly interfered with his investigation. It is understood that Mr Rivas Coronado was assigned a protection scheme that included bodyguards, who later allegedly provided information about Mr Rivas Coronado's movements to his killers. We have been informed that it is alleged that Mr Rivas Coronado's killers were police agents belonging to the f-2 squad – secret police.² It is believed that his murder was motivated by the criminal, administrative and disciplinary proceedings initiated by Mr Rivas Coronado against the police for the death of his brother.

¹ See the details of the case in Case P-1617-12 against the Republic of Colombia, Inter-American Commission on Human Rights.

² Today the Directorate of Criminal Investigation and INTERPOL of the National Police (*Dirección de Investigación Criminal e INTERPOL de la Policía Nacional – DIJIN*).



We have been informed that, following Mr Rivas Coronado's murder, his relatives were forcibly displaced from their homes and threatened not to file further complaints to the authorities. However, in 2011, Domingo José Rivas Coronado's son, Juan Bautista Rivas Ramos, filed a criminal complaint with the Sectional Prosecutor Office in Montería – Unit for Offences Against Life (*Fiscalía 3 Seccional Unidad de Vida*). So far, the ensuing criminal proceedings have not led to any prosecution of the responsible individuals.

We are aware that, Juan Bautista Rivas Ramos has filed a petition before the Inter-American Commission on Human Rights (case no. P-1617-12)³ against the Republic of Colombia, for violations of the right to life, under Article 1(1) of the American Convention on Human Rights, in relation to the murder of his father, and for violations of the rights to humane treatment (Article 5), a fair trial (Article 8), privacy (Article 11) and judicial protection (Article 25), in relation to the damage suffered by Domingo José Rivas Coronado's relatives, due to the state's failure to conduct a prompt, independent, impartial and thorough investigation into the death of Domingo José Rivas Coronado.

It is of grave concern that, according to the statistics brought to the attention of the Caravana, in the Department of Córdoba, 20 cases of murdered lawyers continue unresolved, without justice delivered.

It is imperative that the safety of lawyers and other 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 Article 4 of the American Convention on Human Rights (right to life). Furthermore, we draw your attention to Articles 16, 17, and 18 of the UN Basic Principles on the Role of Lawyers (1990),⁴ and to the UN Declaration on Human Rights Defenders, Document A/RES/53/144 (adopted by the UN General Assembly on 8 March 1999).⁵

We also wish to again draw attention the public communique issued by several United Nations agencies on 6 June 2018 which “urgently 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.”⁶

Finally, we refer to the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

³ On file with the Caravana.

⁴ 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.

⁵ Article 12 establishes:

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.

⁶ <http://www.hchr.org.co/index.php/informacion-publica/comunicados-de-prensa/427-ano-2018/8916-acnur-y-onu-derechos-humanos-condenan-homicidio-de-carlos-jimmy-prado-lider-de-asocetnar>



Violations of International Humanitarian Law, which under Principle 3 requires *inter alia* the state authorities to “investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law.”⁷

Therefore, the Colombian Caravana calls upon you to ensure that the case of Domingo José Rivas Coronado is reviewed, and that it is the subject of a prompt, independent, impartial and effective investigation and, if there is sufficient evidence, there is the prosecution of those responsible for human rights abuses as required by international law.

While the Colombian Caravana is not acting directly on behalf or as a representative of Juan Bautista Rivas Ramos in this case, we write in support of his efforts to see justice in the case of his father and to draw attention to the international community’s call to protect lawyers and human rights defenders and tackle impunity.

We would be grateful to receive updates regarding the progress of the investigation into the murder of Domingo José Rivas Coronado 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
- 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
- Alberto Brunori, Representative in Colombia of the Office of the United Nations High Commissioner for Human Rights
- Inter-American Commission on Human Rights

⁷ Principle 3 of the UN Basic Principles reads as follows:

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, *inter alia*, the duty to:

- (a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;
- (b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;
- (c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and
- (d) Provide effective remedies to victims, including reparation, as described below.