

## Day of the Endangered Lawyer: 24 January 2022

### 12th edition - COLOMBIA

THE DAY OF THE ENDANGERED LAWYER is commemorated every year on 24 January.

On 24 January 1977, four social conflict lawyers and their employee were killed in their office in Madrid, Spain, because of their work. The killers were affiliated with extreme right-wing parties and organisations. One was sentenced to 15 years in prison, another fled to Brazil and the third (on the run after release on parole) was imprisoned in Bolivia in connection with drug trafficking.

In previous years, the Day of the Endangered Lawyer has highlighted the situation of lawyers in the following countries: Azerbaijan, China, Egypt, Honduras, Iran, Philippines, Spain (Basque Country), Turkey (twice), and Pakistan.

On that day, organisers call on their colleagues to raise public awareness of the dangers faced by lawyers in the exercise of their profession and to initiate or continue a national discussion on how to ensure the protection of lawyers.

This year, for the second time, the Day of the Lawyer in Danger is dedicated to Colombia, where the persecution of lawyers continues, preventing them from exercising their profession.

According to a 2014 report by FASOL (Fund for Solidarity with Colombian Judges), more than 700 lawyers have been killed in the previous ten years and more than 4,400 have suffered different types of aggression<sup>1</sup>. FASOL has also recorded, between January 2019 and April 2021, 6 homicides, 26 threats, 12 attacks, 3 victims of legal proceedings and one exile among judicial professionals.

Lawyers and human rights defenders are particularly at risk when representing clients in cases related to environmental law, land restitution and the Special Court for Peace.

For example, in 2019, **Paula Andrea Rosero**, **Mariano Cuero Ruiz**, and **Alcibiades Libreros Varela** were killed. In 2020, the murders of **Pierangelly Hugueth Henríquez** and **Arquímedes Getulio Centanaro Carriazo**, both involved in cases of land restitution in their regions, and **Freddy Agustín González Barragán**, a criminal lawyer, were recorded. These murders unfortunately continued in 2021, with the addition of two more victims: **Fredman Arturo Herazo Padilla** and **Esperanza Navas**.

Other lawyers, who face extremely serious threats, are not protected by the state. Colombia also continues to fail to properly investigate and prosecute threats against lawyers involved in sensitive cases.

**Adil José Meléndez Márquez** has represented indigenous communities and peasants in emblematic cases of land restitution, as well as victims of corruption or crimes perpetrated by paramilitaries, police or the army. He received repeated death threats and escaped three assassination attempts.

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<sup>1</sup> It should be noted that these figures are probably underestimated

He had security measures in place, which were significantly reduced in 2018, despite the continuing risk to his life.

**Zoraida Hernández Pedraza**, who has defended victims of human rights violations (torture, enforced disappearances, extrajudicial executions) and advised farmers and descendants of indigenous communities on land restitution cases, has been subjected to numerous threats and acts of intimidation in recent years. Since her participation as an advisor in the peace process, the risk to her life and that of her family has increased, forcing her into exile.

Since 2019, **Germán Romero Sánchez** has been the target of repeated attacks, ranging from surveillance of his professional and private activities to death threats and physical attacks against his person. These attacks are linked to his activity as a lawyer as he intervenes in cases where high-ranking army officers are being prosecuted. This year, he was forced into exile due to the very high risk to himself and his family.

The lawyers of the Luis Carlos Pérez Collective (of which **Julia Figueroa** is a member), who are involved in human rights and environmental protection cases (particularly against mining companies), have received threats which have required security measures, such as the hiring of bodyguards.

Some colleagues, involved in sensitive cases, are also the target of smear campaigns, which makes them particularly vulnerable to threats and increases risks to their lives.

**Reinaldo Villalba**, who represents Senator Ivan Cepeda in a case against former President Álvaro Uribe, has been the victim of a smear campaign (he has been labelled as a defender of terrorism and guerrilla accomplice) and has received a large number of death threats on social networks.

**Franklin Castañeda**, the President of the CSPP (Solidarity Committee for Political Prisoners) has been the victim of a smear campaign since 2019, led by the Centro Democrático party (including former President Uribe). These unfounded accusations have led to an outpouring of hate on social networks.

**Daniel Prado** has defended several victims of a paramilitary group in which Álvaro Uribe's brother was involved. He has suffered several attacks, including shots fired into his office and the sabotage of his car. In addition, there has been a stigmatisation campaign, led by Álvaro Uribe and his entourage, in which he has been accused of being an ex-guerrilla.

Colombian lawyers are also at risk when they demonstrate or provide legal advice to protesters: **Johan Sebastián Moreno Castro and Leonardo Jaimes Marín**, both members of the Equipo Jurídico Pueblos, have been subjected to ill-treatment by police officers.

**María Alejandra Garzón Mora**, who has represented victims of abuse by the police in the context of demonstrations (9 September 2020 demonstrations, April 2021 strike, etc.) has been persecuted in the street by plainclothes police officers, has been subject to surveillance and has been threatened during public gatherings.

Eventually, there is no independent Bar Association in Colombia, which hinders the defence of lawyers' interests, both at national and local level.

## **RECOMMENDATIONS:**

Given the significant risks faced by Colombian lawyers, we make the following requests and recommendations:

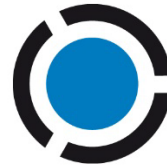
1. The Colombian State must respect the UN Basic Principles on the Role of Lawyers.
2. The Colombian State must react urgently to the increasing number of attacks on human rights lawyers and guarantee the independence of the practice of the profession (Principle 16 of the UN Basic Principles on the Role of Lawyers).
3. The Colombian State must protect the lives of Colombian lawyers and take the necessary security measures to guarantee their safety and freedom, especially in rural areas where the risk is higher (Principle 17 of the UN Basic Principles on the Role of Lawyers).
4. The Colombian state must conduct effective, independent and impartial investigations against the perpetrators of crimes against lawyers and, where warranted, undertake the necessary prosecutions to end impunity.
5. The Colombian state should combat the stigmatisation of lawyers involved in human rights sensitive cases (Principle 23 of the UN Basic Principles on the Role of Lawyers).
6. We call on the international community, the European Union and its Member States to use their relations with Colombia to strengthen the protection of lawyers and human rights defenders in accordance with Colombia's international obligations.
7. We call on the United Nations and other international institutions - including, in particular, the UN Special Rapporteur on the Independence of Judges and Lawyers and the UN Special Rapporteur on the Situation of Human Rights Defenders - to continue to focus on the situation of lawyers in Colombia and to urge the country to comply with the UN Basic Principles on the Role of Lawyers and all applicable legal standards.
8. We call on Bar associations around the world to closely monitor and report on the situation of lawyers in Colombia, particularly in view of the country's next Universal Periodic Review, scheduled for 2023.
9. International journalists and media are encouraged to investigate and report on the situation of lawyers in Colombia, to put pressure on the Colombian state, and to draw public attention worldwide to the vital role lawyers play and the serious risks they face.



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Foundation Day of the Endangered Lawyer

OIAD - International Observatory for Lawyers in Danger



European Criminal Bar Association



Paris Bar Association



Council of Bars and Law Societies of Europe



Institut des Droits de l'Homme du barreau de Bruxelles



INTERNATIONAL ASSOCIATION  
OF YOUNG LAWYERS

AIJA – International Association of Young Lawyers



Ordine degli Avvocati di Venezia



International Association of People's Lawyers



Fédération des Barreaux d'Europe



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European Association of Lawyers for  
Democracy & Human Rights

**Geneva  
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ODAGE - Geneva Bar Association



**財團法人民間司法改革基金會  
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Deutscher **Anwalt** Verein



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