

24 January 2022

# INTERNATIONAL DAY

# OF THE LAWYER

# IN DANGER

# COLOMBIA

## Who are we?

The International Observatory for Lawyers in Danger (IOLD) is an initiative of the French National Bar Council, the Consiglio Nazionale Forense, the Consejo General de la Abogacía Española and the Paris Bar. Launched in 2015, the aim of the IOLD is to defend lawyers threatened in the exercise of their profession and to denounce situations that infringe the rights of the defence.

12th  
edition

## WHAT IS INTERNATIONAL DAY OF THE LAWYER IN DANGER?

Since 2009, the Day of the Lawyer in Danger has been held on 24 January around the world. The aim of this international day is to draw the attention of civil society and public authorities to the situation of lawyers in a given country, in order to raise awareness of the threats they face in the exercise of their profession.

## THE SITUATION OF LAWYERS IN COLOMBIA

This year's Lawyers' Day in Danger focuses on Colombia, where the persecution of lawyers, especially those dedicated to the defence and protection of human rights, prevents them from freely exercising their profession.

The International Observatory for Lawyers in Danger encourages you to make the situation of our Colombian colleagues visible and to spread it. The Observatory would also like to take this opportunity to thank in particular the support of its member bars, without which it could not continue its work in defence of the defence.



# A CONFLICTING NATIONAL CONTEXT

Colombia is marked by profound crises. For more than 50 years it has suffered an internal armed conflict involving the state, paramilitaries, guerrillas and drug traffickers. Colombia is also facing a serious social crisis, with a highly divided society and great inequalities. This situation leads to numerous human rights violations.

## AN UNRESOLVED ARMED CONFLICT

In 2016, the signing of the peace accords in Havana between the Colombian government and the FARC (Revolutionary Armed Forces of Colombia) officially ended the armed conflict. However, the peace process has still not reached a conclusion. Negotiations with the National Liberation Army (ELN) guerrillas have been suspended and paramilitary groups and drug trafficking continue to grow. Despite the creation by the accords of the Special Jurisdiction for Peace (JEP), intended to facilitate national reconciliation and help the victims of the conflict, the population continues to be abused. **Defence lawyers face pressure that hinders their work.**



## REPRESSION OF SOCIAL PROTESTS

In 2021, the country's citizens demonstrated against the government over a proposed tax reform that would be detrimental to them. The government repressed these protests, responding with a brutal attack on the rule of law, which was denounced by the Inter-American Commission on Human Rights and many national and international organisations. This has led to a dramatic increase in the demand for legal assistance for victims of detention, torture, disappearance, sexual assault and other attacks. **Hired lawyers who take on these cases are often subject to reprisals.**

## SENSITIVE CASES

Cases that can be considered sensitive for lawyers in Colombia are those involving **land restitution, extrajudicial executions, the environment and those brought before the Special Jurisdiction for Peace**. Reprisals against lawyers increase when they denounce alleged links between paramilitary groups, guerrillas and the authorities.

**The pattern of harassment is repeated:** surveillance, theft of professional equipment, discrediting of professional activities, death threats against lawyers and their families. The level of threats and violence is sometimes so high that lawyers are forced into exile.

Murders of lawyers in Colombia have never stopped. In 2021, five lawyers were killed in connection with their professional practice.

**The Colombian state does not provide effective legal and police protection in these cases.** On the contrary, state intelligence agencies frequently conduct illegal surveillance operations against lawyers. The use of gagging procedures that threaten lawyers with legal action against them is another commonly used repressive technique.



## THE ABSENCE OF A BAR PROTECTING LAWYERS

The 334,508 practising Colombian lawyers do not have an official institution of a professional nature to support, guarantee and protect the free exercise of the legal profession.

The Consejo Superior de la Judicatura (National Council of the Judiciary) brings together all magistrates, judges, prosecutors and lawyers. With regard to lawyers, it is in charge of their registration and disciplinary control. **This body, which depends on the Ministry of Justice, does not meet the criteria of independence and impartiality that would protect the exercise of the profession.**

The lack of unity and institutional independence of the profession is an additional factor of fragility for lawyers working on sensitive cases and are victims of assimilation to their client or the cause they are defending.

# PORTRAITS OF LAWYERS UNDER THREAT



## Germán Romero Sánchez

### Threatened for his involvement in the prosecution of military officers

Germán Romero is a human rights lawyer. He has been persecuted for seeking to expose crimes involving high-ranking officers of the national army. He has been the victim of theft of information and computer equipment, and has subsequently been the target of monitoring and surveillance of his professional and personal activities. German Romero was also the victim of death threats by telephone. Despite the lawyer's complaints about the attacks on him, no criminal or disciplinary investigation has progressed.

The protection measures granted to Romero by the government authorities since 2014 have proven to be totally insufficient. So much so that in mid-2021, he was forced to leave the country to join a temporary protection programme abroad.



© PBI : (Peace Brigades International)

## Reinaldo Villalba Vargas

### Threatened for his involvement in the fight against impunity for former President Alvaro Uribe

Reinaldo Villalba Vargas represents Senator Iván Cepeda in the case brought by the Colombian Supreme Court of Justice against Senator and former President Alvaro Uribe Vélez. A case that has had a resounding impact in the country, as Alvaro Uribe became the first former Colombian president to testify before the Supreme Court of Justice for crimes committed during the armed conflict between the State and the guerrillas.

Since the lawyer accepted the case, he has been the victim of a smear campaign aimed at defining him as a defender of terrorism and a collaborator with the guerrillas.

## Adil Jose Meléndez Marquez

### Persecuted for defending Afro-Colombian communities

Adil defends the rights of Afro-Colombian communities in the Bolivar region. A specialist in land restitution, the environment and the prosecution of paramilitary acts, his case is a perfect example of the violence and lack of protection suffered by the few lawyers who venture to defend these cases. Adil has received death threats from paramilitary groups and has survived three assassination attempts. His phone has been tapped and he is under surveillance.

Although the Inter-American Commission on Human Rights (IACHR) asked the Colombian government to adopt protective measures for the lawyer in 2006, these proved insufficient. Despite the risks he faces every day, Adil continues to work tirelessly for justice.



© Lawyers for Lawyers - photo by Peter Beijen.

## Zoraida Hernández Pedraza

### Forced into exile: targeted by paramilitary groups

Zoraida represents victims of serious human rights violations and has advised peasant and Afro-descendant communities to claim their rights in Colombia. She has been a legal advisor in the peace talks between the Colombian government and the National Liberation Army (ELN) guerrillas. Because of her work, she is subject to constant threats and persecution, including interception of her communications and surveillance of her movements. So much so that paramilitary groups in several regions of Colombia have put a price on her head. Zoraida was forced into exile.

