



INTERNATIONAL  
OBSERVATORY  
FOR LAWYERS

## **Day of the Endangered Lawyer 2022**

### **12th edition – COLOMBIA**

#### **Contents:**

1. THE PERSECUTION OF LAWYERS IN A NATIONAL CONTEXT OF ARMED CONFLICT .....	3
2. RISKS FOR COLOMBIAN LAWYERS .....	6
3. THE LACK OF A PROTECTIVE BAR FOR LAWYERS .....	8
4. PROFILES OF REPRESENTATIVE ENDANGERED LAWYERS AND ORGANISATIONS OF LAWYERS .....	9
4.1 Continued murders of lawyers in Colombia .....	9
4.2 Threats, stigmatisation, victimisation and exile .....	10
5. DEMANDS AND RECOMMENDATIONS .....	23

## Day of the Endangered Lawyer

Since 2009, the [Day of the Endangered Lawyer](#) has taken place on 24 January in multiple cities, countries, and continents around the globe. 24 January was chosen as the annual International Day of the Endangered Lawyer because on this day in 1977, four lawyers and a co-worker were murdered at their address at Calle Atocha 55 in Madrid, an event that came to be known as the Massacre of Atocha.

The purpose of this international Day is to draw the attention of government officials, international institutions, civil society, the media, and the general public to the situation of lawyers in a particular country, in order to raise awareness about the threats that they face in the exercise of their profession. In past years, this Day has been dedicated to countries including Azerbaijan (2021), Pakistan (2020), Turkey (2019 & 2012), Egypt (2018), China (2017), Honduras (2016), the Philippines (2015), Basque Country/Spain (2013), and Iran (2010).

This year, for the second time, the Day of the Endangered Lawyer focuses on Colombia, where the persecution of human rights lawyers continues, preventing them from freely, independently, and safely practising their profession<sup>1</sup>.

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<sup>1</sup> Colombia was also the focus country in 2014. Please see <https://www.uanet.org/en/actions/january-24-international-day-endangered-lawyers-call-all-lawyers-support-their-colombian>; <https://lawyersforlawyers.org/en/colombia-day-of-the-endangered-lawyer/>

## **1. THE PERSECUTION OF LAWYERS IN A NATIONAL CONTEXT OF ARMED CONFLICT**

Colombia is the most unequal country in terms of income among all Organisation for Economic Co-operation and Development (OECD) countries and the second most unequal country in Latin America<sup>2</sup>.

The inequalities between regions lead to a social, economic, and institutional crisis crystallising instability in the country. It has experienced many years of upheaval from the beginning of the armed conflict in 1964 to the present day.

Decades of violent and complex armed conflict<sup>3</sup> have caused widespread and grave human rights violations, including countless homicides, displacements, forced disappearances, sexual crimes and gender-based violence, especially in rural areas and indigenous communities. In February 2021, for example, the JEP (Jurisdicción Especial para la Paz, or Special Jurisdiction for Peace) stated that between 2002 and 2008, at least 6,402 civilians were extrajudicially killed by the Colombian army and falsely identified as combat casualties (i.e., “false positive” cases)<sup>4</sup>.

The signing of the Peace Agreement in 2016<sup>5</sup> officially ended the long-lasting internal armed conflict that pitted government forces against the FARC (Revolutionary Armed Forces of Colombia) for years. However, the peace process remains a work in progress. Negotiations with the ELN guerrillas were suspended and paramilitary and drug trafficking groups continue to strengthen. Conflict-related violence has therefore taken new forms in Colombia, and grave abuses continue in various parts of the country<sup>6</sup>, particularly in those areas historically characterised by limited state presence, illicit economies and high levels of poverty<sup>7</sup>.

Colombia remains the country with the highest number of murdered human rights defenders in Latin America<sup>8</sup>, and has had the highest record of attacks against land and environmental

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<sup>2</sup> World Bank Group. *Hacia la construcción de una sociedad equitativa en Colombia 2021*. [Towards the construction of an equitable society in Colombia 2021], available at:

<https://documents1.worldbank.org/curated/en/602591635220506529/pdf/Main-Report.pdf>

<sup>3</sup> Yaffe, Lilian (1 July 2011). "Conflicto armado en Colombia: análisis de las causas económicas, sociales e institucionales de la oposición violenta" [Armed conflict in Colombia: analysing the economic, social, and institutional causes of violent opposition] (PDF), available at [https://www.icesi.edu.co/revistas/index.php/revista\\_cs/article/view/1133/1496](https://www.icesi.edu.co/revistas/index.php/revista_cs/article/view/1133/1496)

<sup>4</sup> <https://www.jep.gov.co/Sala-de-Prensa/Paginas/La-JEP-hace-p%C3%BAblica-la-estrategia-de-priorizaci%C3%B3n-dentro-del-Caso-03--conocido-como-el-de-falsos-positivos.aspx> ; <https://news.un.org/en/story/2021/02/1085252>

<sup>5</sup> "Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera" [Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace] (24 Nov. 2016), available at <https://www.jep.gov.co/Normativa/Paginas/Acuerdo-Final.aspx>

<sup>6</sup> <https://www.hrw.org/world-report/2021/country-chapters/colombia>

<sup>7</sup> S/2021/603, United Nations Verification Mission in Colombia, Report of the Secretary-General to the Security Council (25 June 2021), available at <https://www.securitycouncilreport.org/un-documents/document/s-2021-603.php>

<sup>8</sup> See Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia, <https://www.hchr.org.co/index.php/informacion-publica/micrositios/homicidios-de-defensoras-y-defensores>; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, "Visit to Colombia," UN Doc. A/HRC/43/51/Add.1, 26 December 2019, <https://undocs.org/en/A/HRC/43/51/Add.1>

defenders, with 65 killed in 2020 alone<sup>9</sup>. Violence against peace signatories and human rights defenders in Colombia has increased significantly since the signing of the Peace Agreement<sup>10</sup>. Furthermore, murders of reintegrated people and social leaders continue. Despite some progress, there is still a high level of impunity.

In April 2021, a series of measures taken by the government, including a proposed tax reform that disadvantages the lower and middle classes, re-ignited protests throughout the country, despite the lockdown that was in place. In a social movement known as the National Strike, citizens participated en masse in daily demonstrations for more than two months<sup>11</sup>. These demonstrations were violently repressed by state forces<sup>12</sup>.

The actions of the state security forces and bodies have been the subject of numerous complaints from national and international civil society organisations, alleging abuses and arbitrary detentions, exceeding their functions and using disproportionate force against demonstrators and human rights defenders, including lawyers who were supporting the demonstrators' exercise of their right to peaceful social protest<sup>13</sup>. In June 2021, the Inter-American Commission on Human Rights (IACHR) denounced the disproportionate use of public force in the "Observations and recommendations" published after the IACHR's recent

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<sup>9</sup> "Last line of defence: The industries causing the climate crisis and attacks against land and environmental defender" (Global Witness, Sept. 2021), available at <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

<sup>10</sup> Country File/Colombia: The use of justice as a persecution mechanism (International Observatory for Lawyers in Danger/Observatorio Internacional de Abogacía en Riesgo, July 2021), available at <https://protect-lawyers.org/en/item/country-file-colombia-the-use-of-justice-as-a-persecution-mechanism/>

<sup>11</sup> See generally, e.g., Why are Colombians Protesting? (New York Times, 18 May 2021/updated 6 June 2021), available at <https://www.nytimes.com/2021/05/18/world/americas/colombia-protests-what-to-know.html>; see also Protesters March In Colombia Against Plan To Raise Taxes In Pandemic-Wracked Economy (National Public Radio, 30 April 2021), available at <https://www.npr.org/2021/04/30/992142575/protesters-march-in-colombia-against-plan-to-raise-taxes-in-pandemic-wracked-eco>; Corruption, economic woes spark deadly protests in Colombia (Associated Press, 7 May 2021), available at <https://apnews.com/article/colombia-shootings-coronavirus-pandemic-business-tax-reform-6ed35865f8e5487fe8cc36ddffba6a3c>; Why Are Protests Taking Place Across Colombia? (Global Citizen, 10 May 2021), available at <https://www.globalcitizen.org/en/content/colombia-protests-inequality-explainer/>; Colombia's protests are a product of its post-peace-deal reality (Vox, 12 June 2021), available at <https://www.vox.com/22518904/colombia-protests-cali-duque-police-brutality>; Colombia Protests Mark 2 Months of Social Crisis (Voice of America News, 29 June 2021), available at [https://www.voanews.com/a/americas\\_colombia-protests-mark-2-months-social-crisis/6207599.html](https://www.voanews.com/a/americas_colombia-protests-mark-2-months-social-crisis/6207599.html); Colombia: Four Months Since the Beginning of National Strike (CIVICUS Monitor, 1 Oct. 2021), available at <https://monitor.civicus.org/updates/2021/10/01/colombia-four-months-beginning-national-strike/>

<sup>12</sup> "From 28 April to 16 June (2021), the Office of the United Nations High Commissioner for Human Rights (OHCHR) registered allegations of 56 deaths, 54 civilians and two police officers, in the context of the protests; hundreds more were wounded". See S/2021/603, United Nations Verification Mission in Colombia, Report of the Secretary-General to the Security Council, para. 4 (25 June 2021), available at <https://www.securitycouncilreport.org/un-documents/document/s-2021-603.php>

<sup>13</sup> According to figures from the campaign Defend Freedom: 326 human rights defenders were attacked and at least 260 cases of attacks on the press were reported in the course of the National Strike. At: <https://www.facebook.com/DefenderLaLibertad/>



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FOR LAWYERS

working visit to Colombia<sup>14</sup>. The critiques of the national police's handling of two days of police brutality protests in September 2020 have been no less scathing<sup>15</sup>.

It is in this adverse and violent context that advocacy is practised.

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<sup>14</sup> "The IACHR has been able to verify that, on repeated occasions, as well as in various regions of the country, the State's response was characterised by the excessive and disproportionate use of force, in many cases, including lethal force." [https://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_SPA.pdf](https://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf)

<sup>15</sup> "Colombian police responsible for 'massacre' of 11 people in 2020 protests, U.N.-backed investigators conclude" (Washington Post, 13 Dec. 2021), available at <https://www.washingtonpost.com/world/2021/12/13/colombia-police-massacre-2020/>

## 2. RISKS FOR COLOMBIAN LAWYERS

Historically, Colombia presented one of the highest murder rates for lawyers<sup>16</sup>. Despite the Peace Agreement, corruption, illegal surveillance, threats, judicial harassment, and murders of lawyers is rampant<sup>17</sup>. Such persecution has recently increased for human rights defenders<sup>18</sup>.

According to a 2014 report of the Colombian Fund for Solidarity with Judges (FASOL), for the Commission for the Clarification of the Truth<sup>19</sup>, more than 700 lawyers had been killed in the previous 10 years and more than 4,400 had suffered various types of aggression. It must be underscored that these figures are always underestimated<sup>20</sup>. Likewise, FASOL registered in its database that between 1989 and 2019, 1,340 justice sector professionals were victims of violence, and from January 2019 to April 2021, there were six homicides, twenty-six threatened officials, twelve attacks, three unjustified prosecutions, six displacements, one exile and one violent carnal access.<sup>21</sup>

Similarly, the Institute for Development and Peace Studies (INDEPAZ) reported 310 murders of social leaders and human rights defenders in 2020 and 1,251 from the signing of the Peace Agreement through 5 October 2021<sup>22</sup>.

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<sup>16</sup> See generally, e.g., Day of the Endangered Lawyer 2014: Basic Text – Lawyers in Colombia (2013), available at <https://lawyersforlawyers.org/wp-content/uploads/Basic-text-situation-Colombian-Lawyers.pdf>; Colombia the most dangerous country in the world for lawyers (Commercial Dispute Magazine, 2011), available at <https://iclg.com/cdr/people-and-firms/colombia-the-most-dangerous-country-in-the-world-for-lawyers>; see also, e.g., Gill Boehringer, “Attacks on Lawyers” (41(4) Alt. L. J. 290, 2016) (describing Colombia as “long one of the most dangerous countries for lawyers along with Syria and Iraq”), available at <https://www.altj.org/news-and-views/downunderallover/duao-vol-41-4/1104-attacks-on-lawyers>; “Lawyers in some countries are disappeared simply for doing their jobs” (The Guardian, 3 Jan. 2014), available at <https://www.theguardian.com/law/2014/jan/03/alliance-of-lawyers-at-risk>

<sup>17</sup> As to corruption, see generally, e.g., Corruption, economic woes spark deadly protests in Colombia (Associated Press, 7 May 2021), available at <https://apnews.com/article/colombia-shootings-coronavirus-pandemic-business-tax-reform-6ed35865f8e5487fe8cc36ddffba6a3c>; State of the nation: Corruption (The Bogotá Post, 29 Jan. 2020), available at <https://thebogotapost.com/state-of-the-nation-corruption/43258/>; Corruption Perceptions Index (CPI) 2020 : Colombia (ranking Colombia #92 out of 180 countries (Transparency International, 28 Jan. 2021), available at <https://www.transparency.org/en/cpi/2020>; The 10 Most Corrupt Countries, Ranked by Perception (U.S. News & World Report, 13 April 2021) (ranking Colombia #2 in the world, second only to Iraq), available at <https://www.usnews.com/news/best-countries/articles/10-most-corrupt-countries-ranked-by-perception>; Colombia's Attorney General's Office is being devoured by corruption (openDemocracy, 15 Dec. 2020), available at <https://www.opendemocracy.net/en/democraciabierta/la-fiscal%C3%ADa-general-de-la-naci3n-en-colombia-devorada-por-corrupci3n-en/>; “Cartel of the Robe” Reveals High-Level Corruption in Colombia’s Courts (InSight Crime, 15 March 2021), available at <https://insightcrime.org/news/cartel-toga-reveals-high-level-corruption-colombia/>

<sup>18</sup> Franklin Castañeda – President of the Committee of the Foundation for Solidarity with Political Prisoners and Member of the National Commission for Security Guarantees, Extract from an OIAD and OMCT webinar available at [https://www.youtube.com/watch?v=RG0z4Tx62GM&ab\\_channel=InternationalObservatoryofLawyersinDanger](https://www.youtube.com/watch?v=RG0z4Tx62GM&ab_channel=InternationalObservatoryofLawyersinDanger)

<sup>19</sup> The Commission for the Clarification of the Truth is an entity of the Colombian state which aims to recognise and enforce the rights of victims of the armed conflict to recognise crimes committed during the conflict, in the context of the Peace Agreement.

<sup>20</sup> Reinaldo Villalba – President of the Jose Alvear Restrepo Lawyers Collective and Vice-President of the International Federation for Human Rights, Extract from an OIAD and OMCT webinar available at [https://www.youtube.com/watch?v=RG0z4Tx62GM&ab\\_channel=InternationalObservatoryofLawyersinDanger](https://www.youtube.com/watch?v=RG0z4Tx62GM&ab_channel=InternationalObservatoryofLawyersinDanger)

<sup>21</sup> Hernández, C. E. U. (Ed.). (2021). La independencia judicial en Colombia, en riesgo por un régimen autoritario [Judicial Independence in Colombia at risk from an authoritarian regime], pages 23-26 (Bogotá, D.C.), available at: <https://coeuropa.org.co/la-independencia-judicial-en-colombia-en-riesgo-por-un-regimen-autoritario/>

<sup>22</sup> Available at <https://www.radionacional.co/actualidad/lideres-sociales-asesinados-desde-la-firma-acuerdos-paz>

Between 2019 and 2020, state intelligence agencies carried out surveillance operations on scores of individuals and human rights organisations that provide legal assistance to opponents of the governmental regime<sup>23</sup>.

In addition, human rights lawyers are frequently subjected to judicial harassment to prevent them from pursuing their activities. This practice consists of the legal stigmatisation of lawyers, typically by threatening to prosecute them or by aligning them with their clients' causes<sup>24</sup>. Polarisation and an evident interference by the spheres of power have meant that many lawyers have been victims of this and other types of attacks.

Colombia has neither prevented, nor investigated or properly prosecuted attacks and threats against lawyers involved in human rights cases. Some lawyers highlight that no progress has been made in any criminal or disciplinary investigation carried out by the competent bodies and initiated as a result of lawyers' denunciations<sup>25</sup>. Lawyers and human rights defenders are in particular danger when representing clients in sensitive cases such as environmental cases, land restitution cases, and cases that deal with the Special Jurisdiction for Peace<sup>26</sup>.

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<sup>23</sup> This massive state surveillance operation was condemned by the *Colombian Caravana*, together with other organisations, in a joint letter to Colombian President Ivan Duque, on 23 July 2020, available at

[http://www.colombiancaravana.org.uk/wp-content/uploads/2020/07/Letter-allegations-of-Illegal-Surveillance\\_FINAL.pdf](http://www.colombiancaravana.org.uk/wp-content/uploads/2020/07/Letter-allegations-of-Illegal-Surveillance_FINAL.pdf)

<sup>24</sup> Country File/Colombia: The use of justice as a persecution mechanism (International Observatory for Lawyers in Danger/Observatorio Internacional de Abogacía en Riesgo, July 2021), available at <https://protect-lawyers.org/en/item/country-file-colombia-the-use-of-justice-as-a-persecution-mechanism/>

<sup>25</sup> Statement by Germán Romero from the organisation dhColombia in an interview conducted by the International Observatory for Lawyers in Danger (IOLD)

<sup>26</sup> "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018". (Lawyers for Lawyers, Lawyers' Rights Watch Canada and Colombian Caravana, Sept. 2021), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>

### 3. THE LACK OF A PROTECTIVE BAR FOR LAWYERS

There is no institutionalised local or national bar association or law society in Colombia to promote and protect the independence of lawyers or to protect the profession in general. It is the [\*Consejo Superior de la Judicatura\*](#) (the National Council of the Judiciary) that registers and maintains information on Colombian lawyers<sup>27</sup>, and sanctions malpractice or misconduct in the course of employment<sup>28</sup>.

Bar associations are key institutions that ensure a proper framework for the development of the legal profession for lawyers<sup>29</sup>. Hence, the lack of a bar association or law society hinders the collective representation of lawyers' interests at a local and national level.

In Colombia, as in many other South American countries, it is not mandatory to be a member of a bar association in order to practise law. While there has long been talk of the need for an official institutional body to register lawyers and ensure their ability to freely and independently practise their profession, this has not yet been achieved. Instead, the Colombian legal profession continues to be grouped in non-institutional associations and collectives<sup>30</sup>.

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<sup>27</sup> For more information on the Consejo Superior de Judicatura Colombiano, see <https://sirna.ramajudicial.gov.co/Paginas/Inicio.aspx>

<sup>28</sup> According to Art. 256 of the 1991 Colombian Political Constitution, “the National Commission of Judicial Discipline will be in charge of examining the conduct and punishing the offences of the attorneys practicing their profession, in the instances that the law indicated, except when this function is attributed to a Board of Lawyers by law”, translation available at [https://www.constituteproject.org/constitution/Colombia\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Colombia_2015.pdf?lang=en)

<sup>29</sup> As the United Nations has emphasised in the U.N. Basic Principles on the Role of Lawyers, “*professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest*”. See Preamble, United Nations Basic Principles on the Role of Lawyers (italics added), available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>

<sup>30</sup> Report on the feasibility of a mandatory bar association in the Republic of Colombia and Strategic Plan for its promotion and consolidation. - Fundación Abogacía Española (Aug. 2011), available at <https://protect-lawyers.org/wp-content/uploads/INFORME-COLEGIATURA-ABOGADOS-EN-COLOMBIA- Fundacion.pdf>



## **4. PROFILES OF REPRESENTATIVE ENDANGERED LAWYERS AND ORGANISATIONS OF LAWYERS**

The select cases below illustrate and concretely highlight the challenges and risks faced by the legal profession in Colombia.

### **4.1 Continued murders of lawyers in Colombia**

It is of grave concern that lawyers in Colombia continue to be murdered in the exercise of their profession and in the course of performing their duties, some of them in the service of the justice system or public administration, and others representing victims of serious human rights violations.

For example, in 2019, lawyer **Paula Andrea Rosero** was murdered. She was a representative of the municipality of Samaniego, in the department of Nariño, and was killed with several gunshot wounds on 21 May<sup>31</sup>. Lawyer and political activist **Yamile Guerra** was murdered on 20 July, in Floridablanca, Santander<sup>32</sup>. On 21 December, lawyer **Mariano Cuero Ruiz**, who was nominated to be the municipal ombudsman of Candelaria in Valle del Cauca, was murdered<sup>33</sup>, and on 29 December, lawyer **Alcibiades Libreros Varela**, specialised prosecutor against organised crime, who was carrying out several investigations against criminal structures in that region of Colombia, was murdered by hired assassins<sup>34</sup>.

In 2020, lawyer and human rights defender **Pierangelly Hugueth Henríquez** was murdered in Ciénaga Magdalena<sup>35</sup>, and on 24 October, lawyer and human rights defender **Arquímedes Getulio Centanaro Carriazo** was murdered in the department of Sucre<sup>36</sup>. Both lawyers were involved in land restitution processes in their respective regions. And, that same year, on 9

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<sup>31</sup> Human Rights Defender Paula Rosero Killed in Colombia (teleSUR, 21 May 2019), available at <https://www.telesurenglish.net/amp/news/Human-Rights-Defender-Paula-Rosero-Killed-in-Colombia-20190521-0015.html>

<sup>32</sup> Lawyer and political activist Yamile Guerra murdered in Northeast Colombia (Justice for Colombia, 22 July 2019), available at <https://justiceforcolombia.org/news/lawyer-and-political-activist-yamile-guerra-murdered-over-land-claims/>

<sup>33</sup> Asesinan a investigador privado dentro de su vehículo en el oriente de Cali [Private Investigator Killed Inside His Vehicle in Eastern Cali] (El País, 20 Dec. 2019), available at <https://www.elpais.com.co/judicial/asesinan-a-investigador-privado-dentro-de-su-vehiculo-en-el-oriente-de-cali.html>

<sup>34</sup> Dura condena a los asesinos del Fiscal Libreros [Harsh condemnation of the murderers of the Prosecutor Libreros] (Periodico Palabras Mayores, 19 Feb. 2020), available at <https://periodicopalabramayores.com/dura-condena-a-los-asesinos-del-fiscal-libreros/>; see also, e.g., After Prosecutor's Murder, Will Colombia Protect Its Anti-Crime Crusaders? (InSight Crime, 6 Feb. 2020) (reporting, inter alia, that victim's security measures had been revoked several years before, due to budget cuts), available at <https://insightcrime.org/news/brief/colombia-protect-crime-crusaders/>; Colombia's City of Cali Dealing with Fallout of Prosecutor's Arrest (InSight Crime, 6 May 2021), available at <https://insightcrime.org/news/alleged-prosecutorial-misconduct-cali-casts-doubts-major-cases/>

<sup>35</sup> Asesinan a abogado que se habria resistido a un asalto en el Magdalena [Lawyer who would have resisted assault is murdered in the Magdalena] (Caracol, 8 June 2020), available at [https://caracol.com.co/emisora/2020/06/08/santa\\_marta/1591652811\\_105710.html](https://caracol.com.co/emisora/2020/06/08/santa_marta/1591652811_105710.html)

<sup>36</sup> The Massacre in San Marcos, Sucre, Leaves 5 Victims (NewsBeezer, 26 Oct. 2020), available at <https://newsbeezer.com/colombiaeng/the-massacre-in-san-marcos-sucre-leaves-5-victims/>

December, **Freddy Agustín González Barragán**, a criminal lawyer with the Ombudsman's Office, was murdered in the city of Cúcuta - Norte de Santander<sup>37</sup>.

The murders of renowned lawyers and human rights defenders continued in 2021. For example, on 15 January 2021, **Fredman Arturo Herazo Padilla**, a lawyer, historian and Afro-descendant leader from the municipality of San Palenque, was murdered<sup>38</sup>; and on 8 June, **Esperanza Navas**, a lawyer and first prosecutor in the municipality of Tibú, Norte de Santander, was murdered in her home<sup>39</sup>. Similarly, on 16 July 2020, lawyer **Julio Enrique González** was murdered in Bogotá, together with his client, a well-known former drug trafficker<sup>40</sup>. Therefore, at least six lawyers were murdered in Colombia for the exercise of their profession in 2020 and 2021 alone.

## **4.2 Threats, stigmatisation, victimisation and exile**

### **Adil José Meléndez Márquez**

Adil José Meléndez Márquez is a Colombian lawyer internationally recognised for his defence of human rights<sup>41</sup>. He has represented indigenous communities and peasants in emblematic cases of land restitution, as well as victims in cases of corruption by high officials or crimes perpetrated by paramilitary groups, the police or the army. In particular, he has advocated before the Special Jurisdiction for Peace (JEP)<sup>42</sup> since its creation in 2016. Since 2005, he also has been a member of the Movement for Victims of State Crimes (MOVICE), a coalition of organisations defending victims of the armed conflict and advocating for the end of impunity for state crimes. In addition, from of the COVID-19 health crisis, he has been providing legal

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<sup>37</sup> Asesinan con servicio al abogado penalista Freddy González Barragán, en Cúcuta [Criminal lawyer Freddy González Barragán murdered with service in Cúcuta] (Oriente Noticias Canal TRO/YouTube, 10 Dec. 2020), available at <https://m.youtube.com/watch?v=yeG5qNMwiEI>

<sup>38</sup> Available at <https://www.elespectador.com/colombia/mas-regiones/fredman-herazo-lider-social-afro-fue-asesinado-en-la-apartada-cordoba-article/>

<sup>39</sup> Comunicado en rechazo por el asesinato de la Fiscal Esperanza Navas [Statement condemning the murder of prosecutor Esperanza Navas] (Fondo de Solidaridad con los Jueces Colombianos, 9 June 2021), available at <https://corpofasol.org/comunicado/comunicado-rechazo-asesinato-esperanza-navas/>

<sup>40</sup> Narco murdered in Bogotá would have been preparing a statement against former congressman (Memesisita, 19 July 2021), available at <https://www.memesisita.com/narco-murdered-in-bogota-would-have-been-preparing-a-statement-against-former-congressman/>

<sup>41</sup> See generally, e.g., Adil José Meléndez Márquez (ChannelDraw, 12 June 2021) (in conjunction with the “Adopt an Endangered Lawyer” project supported by the UCPI Italian Criminal Lawyers’ Association), available at <https://www.channeldraw.org/2021/06/12/adil-jose-melendez-marquez/>; Colombia: Adil Meléndez Márquez, human rights lawyer facing threats (International Observatory of Lawyers), available at <https://protect-lawyers.org/en/item/adil-melendez-marquez-3/>; Adil José Meléndez Márquez (Lawyers for Lawyers), available at <https://lawyersforlawyers.org/en/lawyers/adil-jose-melendez-marquez/>

<sup>42</sup> The *Jurisdicción Especial para la Paz* (JEP, the Special Jurisdiction for Peace) was created in 2016 by the Peace Agreement bringing an end to the armed conflict between the Colombian government and the FARC, in order to bring justice to the victims of this conflict. See generally, e.g., For Peace, Never For War (official English language publication of the JEP, providing a very brief overview of the JEP, its history, mission, structure, and process), available at <https://www.jep.gov.co/Sala-de-Prensa/Documents1/What%20is%20the%20Special%20Jurisdiction%20for%20Peace.pdf>; Explainer: Colombia’s Special Jurisdiction for Peace (JEP) (Americas Society/Council of the Americas, 3 Aug. 2018), available at <https://www.as-coa.org/articles/explainer-colombias-special-jurisdiction-peace-jep> .

aid in the most affected regions of Colombia, where access to basic needs has been interrupted.

In the course of his profession, Mr. Meléndez has been subjected repeatedly to significant pressure and intimidation. He has received death threats from paramilitary groups and has survived three assassination attempts. Additionally, his phone was tapped and he was being followed on the streets<sup>43</sup>. To protect himself, Mr. Meléndez had to use an armoured vehicle, granted by the Colombian National Protection Unit (UNP).

In 2006, the magnitude of the risk faced by Mr. Meléndez led the Inter-American Commission on Human Rights (IACHR) to grant him precautionary measures. However, in December 2018, his security measures were partly withdrawn, even though the acute risk for Mr. Meléndez had not diminished<sup>44</sup>. Given the persisting risks Mr. Meléndez faces as a human rights lawyer, the partial withdrawal of his security measures effectively hinders him in his work as a lawyer and human rights defender; and puts his life in jeopardy<sup>45</sup>.

Despite the risks involved, Mr. Meléndez Márquez continues to work relentlessly for justice. In recognition of his commitment, he was nominated in 2020 by *Lawyers for Lawyers* for the Council of Europe's Václav Havel Human Rights Prize<sup>46</sup>.

### **Reinaldo Villalba**

Throughout his career, Reinaldo Villalba has defended trade unionists, students, peasants, indigenous people, and journalists in numerous criminal cases. For this commitment, he has been subjected repeatedly to pressures, intimidations, and death threats from state and non-

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<sup>43</sup> See generally "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018" (Lawyers for Lawyers, Lawyers' Rights Watch Canada and Colombian Caravana, Sept. 2021), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>

<sup>44</sup> In December 2018, the Colombian National Protection Unit (UNP) replaced Mr. Meléndez's bullet-proof armoured vehicle with a standard car, an action condemned by the *Colombian Caravana* in a joint letter to Mr. González Monguí, Director of the Colombian National Protection Unit (UNP), in February 2020. See <https://lawyersforlawyers.org/wp-content/uploads/2020/02/Letter-of-Concern-Adil-Mele%CC%81ndez-FINAL-ENG.pdf>; see also "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018" (Lawyers for Lawyers, Lawyers' Rights Watch Canada and Colombian Caravana, Sept. 2021), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>; Letter to Director, UNP re: Protective measures for human rights lawyer Adil Meléndez (signed by Colombian Caravana and four other lawyer protection organisations) (Colombian Caravana, 13 March 2019), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>

<sup>45</sup> Colombia: Recent Threats Against and Protective Measures for Human Rights Lawyer Adil Meléndez Márquez | Letter (including links to letters in both English & Spanish) (Lawyers' Rights Watch Canada, 9 February 2020), <https://www.lrwc.org/mexico-recent-threats-against-and-protective-measures-for-human-rights-lawyer-adil-melendez-marquez-letter/>

<sup>46</sup> See Lawyers for Lawyers nominates Adil Meléndez Márquez for the Václav Havel Human Right Prize 2020 (Lawyers for Lawyers, 25 June 2020), available at <https://lawyersforlawyers.org/en/lawyers-for-lawyers-nominates-adil-melendez-marquez-for-the-vaclav-havel-human-right-prize-2020/>

state actors. In particular, he has been arbitrarily detained, and he has been declared a military target by different protagonists in the civil war<sup>47</sup>.

Since 2018, Mr. Villalba has been involved in one of the most high-profile cases of recent times. Specifically, he represents Senator Iván Cepeda in the case being heard by the Supreme Court of Justice of Colombia against Colombian Senator and former President Álvaro Uribe Vélez. Álvaro Uribe became the first Colombian former president to testify before the Supreme Court of Justice, following an investigation led by Mr. Villalba, based on allegations of witness tampering and procedural fraud relating to crimes committed during the country's five-decade civil war. The investigation of the role played by Mr. Uribe who was President of Colombia between 2002 and 2010 (years in which violence reached very high levels), is a significant step towards justice<sup>48</sup>.

Since he took up this case, the threats against Mr. Villalba have redoubled<sup>49</sup>. He has been the victim of a campaign of defamation and has been labelled as a defender of terrorism and an auxiliary of the guerrilla forces. Over the course of 2020 and 2021, Mr. Villalba received a number of death threats over social media. These death threats contribute to the growing climate of hostility against members of the legal profession and directly affect Mr. Villalba's ability to carry out his work effectively and without undue external influence<sup>50</sup>.

For his work in defence of human rights, in December 2020, Mr. Villalba received the Sir Henry Brooke Award for Human Rights Defenders, an award given by *Peace Brigades International* and the *Alliance for Lawyers at Risk*<sup>51</sup>.

### **Zoraida Hernández Pedraza**

Zoraida Hernández Pedraza is a Colombian lawyer with a Master's degree in Human Rights and Democratisation for Latin America and the Caribbean.

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<sup>47</sup> See generally, e.g., Demand Justice: Reinaldo Villalba (The Defenders), available at <https://the-defenders.co.uk/demand-justice>

<sup>48</sup> See generally, e.g., Tackling Impunity: Álvaro Uribe Vélez (Peace Brigades International UK) (summarizing Mr. Villalba's investigation of former President Uribe and related proceedings), available at <https://peacebrigades.org.uk/uribe>; Demand Justice: Reinaldo Villalba (The Defenders), available at <https://the-defenders.co.uk/demand-justice>; Interview, "What we see is a permanent attack on the administration of justice," Reinaldo Villalba (Peace Brigades International Colombia, 29 Oct. 2020), available at <https://pbicolombia.org/tag/reinaldo-villalba/>

<sup>49</sup> In joint letters to the United Nations and to the Inter-American Commission on Human Rights (IACHR) dated 1 September 2020, six international organisations for the defence of lawyers condemned the death threats targeting Mr. Villalba in connection with his representation of Senator Cepeda. See <https://www.lrwc.org/colombia-lawyers-at-risk-and-support-for-judicial-independence-joint-letter/>; <https://www.lrwc.org/wp-content/uploads/2020/09/Colombia-I-A-Rapp.pdf>

<sup>50</sup> "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018" (Lawyers for Lawyers, Lawyers' Rights Watch Canada and Colombian Caravana, Sept. 2021), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>

<sup>51</sup> See Reinaldo Villalba, president of Cajar, awarded the Sir Henry Brooke Award for Human Rights Defenders (Prensa – Colectivo de Abogados, 3 Dec. 2020), available at <https://www.colectivodeabogados.org/old/?Reinaldo-Villalba-president-of-Cajar-awarded-the-Sir-Henry-Brooke-Award>

Ms. Hernández has been a human rights defender for more than 26 years and has led important human rights organisations in Colombia. Until March 2021, she served as Secretary General of the Committee for Solidarity with Political Prisoners Foundation - CSPP.

During her professional career, Ms. Hernández has represented victims of serious human rights violations and advised peasant and Afro-descendant communities in Colombia, particularly in cases of land restitution and defence of territory.

Similarly, Ms. Hernández has represented victims of torture, forced disappearance and extrajudicial executions in individual petitions before the Inter-American Human Rights System. She has also represented individuals, social organisations, and human rights defenders in the promotion and monitoring of precautionary measures necessary to protect them<sup>52</sup>.

Because of her work, Ms. Hernández has had to endure persecution and intimidation, and threats against her life. In fact, she has been declared a military target by paramilitary groups in several regions of Colombia.

In 2011, Ms. Hernández was the victim of a violent raid on her residence by unknown men who put her family at risk, which was followed by constant monitoring, surveillance and interceptions of her communications, forcing her into temporary exile<sup>53</sup>.

In 2012, Ms. Hernández received an honourable mention as a finalist for the National Award for the Defence of Human Rights in Colombia, in the category "Defender of the Year"<sup>54</sup>. In 2014, she returned to Colombia to continue her work in defence of human rights, particularly representing victims of land dispossession.

During 2017 and 2018, Ms. Hernández, on behalf of the CSPP, served as a legal advisor at the peace talks between the Colombian government, which was represented by Juan Manuel Santos, and the ELN guerrillas, on issues such as human rights, international humanitarian law, and civil society participation, with the support of the Swedish and Norwegian embassies.

Since Ms. Hernández began this work, the levels of risk for her and her family have increased. Recording discs of the surveillance and security system were forcibly stolen from her residence; she was constantly followed; photographs were taken; her communications were

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<sup>52</sup> See generally, e.g., Zoraida Hernández Pedraza (at "Meet Zoraida Hernández Pedraza") (Front Line Defenders), available at <https://www.frontlinedefenders.org/en/profile/zoraida-hernandez-pedraza>

<sup>53</sup> See, e.g., Women Human Rights Defenders and the Struggle for Justice in Colombia at pages 24-25 (ABColumbia, Oidhaco, and U.S. Office on Colombia, Sept. 2011) (reporting on 14 April 2011 home invasion at Hernández residence, while family was there), available at [https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/columbia\\_report2011.pdf](https://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/columbia_report2011.pdf); Colombia: Security concerns facing lawyer for South Bolivar miners, and Garzal, Nueva Esperanza, and Las Pavas communities (Christian Peacemaker Teams, 23 April 2011) (same), available at <https://cpt.org/redecap/2011/04/23/colombia-security-concerns-facing-lawyer-south-bolivar-miners-and-garzal-nueva-es>; Profile, Zoraida Hernández Pedraza (Front Line Defenders) (referring to exile), available at <https://www.frontlinedefenders.org/en/profile/zoraida-hernandez-pedraza>

<sup>54</sup> See Profile, Zoraida Hernández Pedraza (Front Line Defenders) (referring to exile), available at <https://www.frontlinedefenders.org/en/profile/zoraida-hernandez-pedraza>

intercepted; her telephone line was stolen; her home was permanently under surveillance; and there were acts of harassment against her family.

In this context, Ms. Hernández received information from reliable sources about possible attempts against her life, integrity and freedom, so she had to go into exile once again in 2019.

### **Franklin Castañeda**

Franklin Castañeda is a lawyer and President of the Committee for Solidarity with Political Prisoners Foundation (CSPP)<sup>55</sup>. He is also one of the two representatives of the Colombian human rights movement to the National Commission of Security Guarantees, a body created by the Peace Agreement to end the conflict between the government and the FARC. The Commission is headed directly by the President of the Republic, with the participation of three of the Colombian ministers. Its advisory functions are to design policies for the dismantling of criminal organisations that are the successors of paramilitarism, with the aim of generating security guarantees for human rights defenders, social leaders and communities.

Since 2019, Mr. Castañeda has been the victim of a smear campaign through public accusations on social media by state officials and members of the Centro Democrático political party, including former President Álvaro Uribe Vélez.

Specifically, false information was disseminated in which it was alleged that the CSPP had bribed and manipulated a witness, Juan Guillermo Monsalve, in the context of the criminal investigation being conducted by Colombia's Supreme Court of Justice against former President Álvaro Uribe Vélez<sup>56</sup>.

These accusations led to a massive hate campaign on social media, which further increased the stigmatisation of Mr. Castañeda and increased the risk to his safety. The CSPP estimated that, as a result, in less than 10 days, the organisation received more than 140 threatening messages, most of them targeting Mr. Mr. Castañeda<sup>57</sup>. The CSPP initiated legal action against former President Álvaro Uribe and other congressmen for libel and slander.

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<sup>55</sup> See generally, e.g., Profile, Franklin Castañeda Villacob (Front Line Defenders), available at <https://www.frontlinedefenders.org/en/case/case-history-Franklin-Castaneda-Villacob>; Interview, Franklin Castañeda: Ten Portraits against Torture and Impunity (World Organisation against Torture (OMCT), 4 Dec. 2012), available at <https://www.omct.org/en/resources/events/franklin-castañeda-ten-portraits-against-torture-and-impunity>

<sup>56</sup> See Worrying reports of public accusations made against Franklin Castañeda (including link to letter to Colombian President Iván Duque, dated 11 Jan. 2020) (Colombian Caravana UK, 13 Jan. 2020), available at <http://www.colombiancaravana.org.uk/worrying-reports-public-accusations-franklin-castaneda/>; Interview, "We need guarantees for our lives and to carry out our work": Franklin Castaneda (Peace Brigades International, 18 Nov. 2019), available at <https://pbicolombia.org/2019/11/18/we-need-guarantees-for-our-lives-and-to-carry-out-our-work-franklin-castaneda/>; cf. Profile, Franklin Castañeda (Front Line Defenders), available at <https://www.frontlinedefenders.org/en/case/case-history-Franklin-Castaneda-Villacob>; Interview, Franklin Castañeda: Ten Portraits against Torture and Impunity (World Organisation against Torture (OMCT), 4 Dec. 2012), available at <https://www.omct.org/en/resources/events/franklin-castañeda-ten-portraits-against-torture-and-impunity>

<sup>57</sup> Interview, "We need guarantees for our lives and to carry out our work": Franklin Castaneda (Peace Brigades International, 18 Nov. 2019), available at <https://pbicolombia.org/2019/11/18/we-need-guarantees-for-our-liveRs-and-to-carry-out-our-work-franklin-castaneda/>.

These accusations have also sought to delegitimise the CSPP's work in the eyes of the public, and to hinder the work of the CSPP as a representative of victims in criminal proceedings against former President Uribe, who is under investigation for the possible commission of massacres and other serious crimes against humanity.

### Daniel Prado

Daniel Prado is an independent lawyer associated with the Justice and Peace Commission (JyP), which carries out accompaniment processes for victims and communities using a range of different approaches. JyP provides legal assistance to protect the rights of victims of political, environmental, and social violence, using the national and international legal systems and extrajudicial truth and memory initiatives<sup>58</sup>.

Since the beginning of his work as a human rights lawyer, Mr. Prado has endured multiple attacks, including death threats against him and his family, attempted attacks, illegal surveillance, and stigmatisation campaigns.

In February 2016, the Attorney General's Office concluded that there was sufficient evidence of alleged links between Santiago Uribe, the brother of Senator and former Colombian President Álvaro Uribe Vélez, and the formation of the paramilitary group known as "Los 12 Apóstoles", and ordered Santiago Uribe's arrest on charges of conspiracy and the aggravated homicide of Mr. Camilo Barrientos. Since then, attacks against Mr. Prado, who represents some of the victims of "Los 12 Apóstoles", have increased. For example, at the end of 2016, Mr. Prado and his children received constant intimidating calls to their phones. In November of the same year, there were repeated follow-ups and attacks that included shots fired at Mr. Prado's office in Bogotá and an attempted attack involving the loosening of the nuts on the wheels of his car (which belonged to his protection scheme granted by the State). To this was added an assault, several death threats, and a strong stigmatisation campaign in which Mr. Prado was accused of being an "ex-guerrilla", a "forger" etc. A number of these accusations came from former President Uribe and his entourage<sup>59</sup>.

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<sup>58</sup> See Inter-Church Justice and Peace Commission (Peace Brigades International Colombia), available at <https://pbicolombia.org/accompanied-organisations/cijp/>

<sup>59</sup> See, e.g., "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018" (Lawyers for Lawyers, Lawyers' Rights Watch Canada and Colombian Caravana, Sept. 2021), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>; Letter to Colombian President Iván Duque re: Situation [of] human rights lawyer Daniel Prado (Lawyers for Lawyers, 8 April 2020), available at <https://barhumanrights.org.uk/wp-content/uploads/2018/12/President-of-the-Republic-of-Colombia-06.12.2018-1.pdf>; International trial observation – In states where the law is fragile, the presence of an international trial observer can make the difference: a recent experience at the "12 Apostles" trial in Colombia (Counsel Magazine/Bar of England and Wales, Sept. 2019), available at <https://www.counselmagazine.co.uk/articles/international-trial-observation>; Joint letter to Colombian President Iván Duque, dated 5 Dec. 2018, from 11 lawyer protection organisations re: Daniel Ernesto Prado Albarracín at high risk due to his work as a lawyer for a number of victims in the emblematic case of "Los Doce Apóstoles" (12 Apostles) (Colombian Caravana), available at <http://www.colombiancaravana.org.uk/joint-letter-in-support-of-daniel-prado-lawyer-in-the-12-apostles-case/>

Since 2017, Mr. Prado has been the beneficiary of precautionary measures granted by the Inter-American Commission on Human Rights<sup>60</sup>. He received the Sir Henry Brooke Award for Human Rights Defenders in 2018, the first year that the award was presented<sup>61</sup>.

### **The Equipo Jurídico Pueblos de Bucaramanga**

[Equipo Jurídico Pueblos](#) (EJP) is a Colombian non-governmental human rights organisation specialising in the conservation of territories, the fight against impunity for state crimes and the freedom of political prisoners. Created in 2007, EJP has its headquarters in Bucaramanga, in the department of Santander, in northern Colombia. It acts mainly in this region, but most of its operations have a national impact.<sup>62</sup>

EJP consists of many human rights defenders and prominent lawyers. Since the declaration of the National Strike on April 28, 2021, numerous acts of aggression against EJP's human rights defenders and lawyers have been documented. At the time, these lawyers and defenders were providing legal assistance to demonstrators who were participating in the National Strike. In this context, the lawyers were seeking to collect evidence of illegal police violence by recording, photographing and filming the actions of the police. The police repeatedly insulted, harassed, and threatened the lawyers and tried to prevent them from fulfilling their professional obligations. Some of the lawyers were even arrested<sup>63</sup>.

For instance, **Johan Sebastián Moreno Castro** is a human rights lawyer of peasant origin who has worked with *Equipo Jurídico Pueblos* since 2013<sup>64</sup>. In May 2021, he was the victim of arbitrary detention and mistreatment by police forces for more than 10 hours. This "arrest" was made in the context of demonstrations against police violence and against the proposed tax reform promoted by the Colombian government, which had spawned a wave of protest.

Mr. Moreno was detained as he was observing and documenting a demonstration and related action by the police, even though he was fully identified, wearing a waistcoat, and carrying credentials. He was severely beaten and was bleeding when uniformed officers took him, handcuffed, on a national police motorbike to the Piedecuesta police station. Later, one of the human rights lawyers from Equipo Jurídico Pueblos arrived at the police station to interview

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<sup>60</sup> See, e.g., Joint letter to Colombian President Iván Duque, dated 6 Dec. 2018, from five lawyer protection organisations re: Colombia – Threats against lawyer Daniel Prado Albarracín; judicial independence (Bar Human Rights Committee of England & Wales) (referring to Nov. 2017 decision of the Inter-American Commission on Human Rights (IACHR) granting precautionary measures), available at <https://barhumanrights.org.uk/wp-content/uploads/2018/12/President-of-the-Republic-of-Colombia-06.12.2018-1.pdf>

<sup>61</sup> See Naomi Barasa and Daniel Prado win first annual Sir Henry Brooke Awards (Peace Brigades International UK, 14 Nov. 2018), available at <https://peacebrigades.org.uk/news/naomi-barasa-and-daniel-prado-win-first-annual-sir-henry-brooke-award>

<sup>62</sup> See generally, e.g., Arbitrary Detention, Ill-Treatment and Possible Criminalization Against Johan Sebastian Moreno Castro (at About Johan Sebastián Moreno Castro") (Front Line Defenders, 11 May 2021) (briefly describing Equipo Jurídico Pueblo), available at <https://www.frontlinedefenders.org/en/case/arbitrary-detention-ill-treatment-and-possible-criminalization-against-johan-sebastian-moreno>

<sup>63</sup> "National Strike 28 April 2021: Attacks on Human Rights Defenders" (Equipo Jurídico Pueblos, Sept. 2021)

<sup>64</sup> See Profile, Johan Sebastián Moreno Castro (Front Line Defenders), available at <https://www.frontlinedefenders.org/en/profile/johan-sebastian-moreno-castro>



Mr. Moreno and verify his state of health. However, as recorded on video, the police officers arbitrarily and illegally denied him legal and even humanitarian assistance<sup>65</sup>.

Lawyer **Leonardo Jaimes Marín** also suffered several attacks while providing legal assistance to demonstrators<sup>66</sup>. On 1 May 2021, Mr. Marín was ridiculed, harassed, and threatened by Major Giovanni Parra while in the San Pio police station, where he was trying to speak with four young people who had been detained by the police, three of them under-age.

Mr. Marín was also physically assaulted by at least 10 members of the Fuerza Disponible on 2 May 2021, as he was interviewing a young woman who had been assaulted during the dispersal of a demonstration. Mr. Marín was thrown to the ground and dragged by uniformed officers who searched his belongings and threw them beside him, at the same time ordering him to leave, ignoring his work as a human rights defender<sup>67</sup>.

### **CAJAR**

The [José Alvear Restrepo Lawyers' Collective \(CAJAR\)](#) is a non-governmental, non-profit organisation of lawyers. Founded in 1980, it was one of the first human rights organisations in Colombia and has gained national and international recognition. It has consultative status with the Organization of American States (OAS) and the United Nations<sup>68</sup>.

Because of its assistance to political prisoners and opponents of the regime, CAJAR has been the target of persecution, including a massive surveillance operation from the Colombian Administrative Department of Security (DAS), which illegally wiretapped some of its members between 2003 and 2005 and between 2019 and 2020<sup>69</sup>.

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<sup>65</sup> "National Strike 28 April 2021: Attacks on Human Rights Defenders" (Equipo Jurídico Pueblos, Sept. 2021); Colombia: Arbitrary detention of lawyer Johan Sebastián Moreno Castro and possible criminalization (International Observatory of Lawyers (OIAD), available at <https://protect-lawyers.org/en/item/johan-sebastian-moreno-castro-3/>; Arbitrary Detention, Ill-Treatment and Possible Criminalization Against Johan Sebastian Moreno Castro (Front Line Defenders, 11 May 2021), available at <https://www.frontlinedefenders.org/en/case/arbitrary-detention-ill-treatment-and-possible-criminalization-against-johan-sebastian-moreno>; Colombia: Egregious Police Abuses Against Protesters (at "Johan Sebastian Moreno Castro") (Human Rights Watch, 9 June 2021) (detailing arrest and related events on 4-5 May 2021), available at <https://www.hrw.org/news/2021/06/09/colombia-egregious-police-abuses-against-protesters>

<sup>66</sup> See generally, e.g., Profile, Leonardo Jaimes Marín (Peace Brigades International Colombia, 5 Jan. 2017), available at <https://pbicolombia.org/2017/01/05/leonardo-jaimes-marin/>; Rommel Durán and Leonardo Jaimes Marín (Lawyers for Lawyers), available at <https://lawyersforlawyers.org/en/lawyers/rommel-duran-and-leonardo-jaimes-marin/>

<sup>67</sup> "National Strike 28 April 2021: Attacks on Human Rights Defenders" (Equipo Jurídico Pueblos, Sept. 2021)

<sup>68</sup> See generally CAJAR – The José Alvear Restrepo Lawyers' Collective (Peace Brigades International Colombia), available at <https://pbicolombia.org/accompanied-organisations/ccajar/>

<sup>69</sup> "Las Carpetas Secretas" [The Secret Folders] (*Semana*, 5 Jan. 2020), available at <https://www.semana.com/nacion/articulo/espionaje-del-ejercito-nacional-las-carpetas-secretas-investigacion-semana/667616>. The Colombian Caravana, Lawyers' Rights Watch Canada, and Lawyers for Lawyers, together with other organisations, condemned the illegal surveillance operation in a joint letter to Colombian President Ivan Duque, on 23 July 2020. See Joint letter on the alleged illegal espionage against Colombian lawyers (including link to joint letter dated 23 July 2020) (Lawyers for Lawyers, 27 July 2020), available at <https://lawyersforlawyers.org/en/joint-letter-on-the-alleged-illegal-espionae-against-colombian-lawyers/>; New Revelations of Illegal Intelligence from the National Army Against Defenders Who Contribute to the Peace Agreement – Action Alert (Peace Brigades International Colombia, 10 May 2020), available at <https://lawyersforlawyers.org/wp-content/uploads/2020/07/Action20Alert20Intelligence20ENG.pdf>

Despite the threats, the lawyers who are members of the CAJAR Collective continue to fight to improve the administration of justice in Colombia. Among them is Reinaldo Villalba, a prominent Colombian lawyer and human rights activist (discussed above) who is currently the president of CAJAR.

Due to the attacks suffered by CAJAR members, on 8 July 2020, the Inter-American Commission on Human Rights (IACHR) referred the case of CAJAR to the Inter-American Court of Human Rights, requesting the Court to conclude and declare the international responsibility of the Colombian State with regard to acts of violence, threats and harassment committed against this organisation from the 1990s to the present, including in relation to illegal surveillance<sup>70</sup>.

The threats and intimidation against CAJAR continue. In February 2021, Sebastián Escobar Uribe, a member of CAJAR who represents victims of extrajudicial executions and other crimes before the Special Jurisdiction for Peace (JEP), received death threats<sup>71</sup>.

### **The Committee for Solidarity with Political Prisoners (CSPP) Foundation**

[The Committee for Solidarity with Political Prisoners \(CSPP\)](#) is the oldest human rights organisation in Colombia, founded in 1973 by the writer Gabriel García Márquez, in the midst of widespread torture and other serious human rights violations<sup>72</sup>. In December 2020, the CSPP received the National Award for the Defence of Human Rights in the category of NGO, collective or accompanying NGO, awarded by Diakonia Sweden, the Swedish Church and the Swedish Embassy<sup>73</sup>.

The CSPP is a national organisation, with branch offices in six departments of Colombia: Antioquia, Atlántico, Cundinamarca, Santander, Tolima and Valle del Cauca. In addition, it has two support teams in the departments of Arauca and Cauca.

The CSPP is made up of human rights defenders and lawyers who defend people deprived of their liberty for political reasons, or who represent victims of state crimes in the search for truth, justice and full reparations. The CSPP also represents victims of forced disappearances,

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<sup>70</sup> “[IACHR refers case on Colombia to the Inter-American Court](#)”, Press release No 312/20 (Inter-American-Commission on Human Rights, 28 Dec. 2020); letter of submission available at [https://www.oas.org/es/cidh/decisiones/corte/2020/CO\\_12.380\\_NdeREs.PDF](https://www.oas.org/es/cidh/decisiones/corte/2020/CO_12.380_NdeREs.PDF)

<sup>71</sup> See <https://www.omct.org/es/recursos/llamamientos-urgentes/colombia-amenazas-de-muerte-contra-el-abogado-sebasti%C3%A1n-felipe-escobar-uribe> ; PBI-Colombia accompanied CAJAR lawyer Sebastián Escobar Uribe receives death threat (Peace Brigades International Canada, 8 March 2021), available at <https://pbicanada.org/2021/03/08/pbi-colombia-accompanied-cajar-lawyer-sebastian-escobar-uribe-receives-death-threat/> ; Alert – Colombia: Lawyer Sebastián Escobar threatened again in the course of his work (OIAD, 26 Feb. 2021), available at <https://protect-lawyers.org/en/item/sebastian-escobar-uribe-4/>

<sup>72</sup> See generally Committee for Solidarity with Political Prisoners (Peace Brigades International Colombia), available at <https://pbicolombia.org/accompanied-organisations/fcspp/>

<sup>73</sup> Committee for Solidarity with Political Prisoners (Peace Brigades International Colombia), available at <https://pbicolombia.org/accompanied-organisations/fcspp/>

extrajudicial executions and other serious human rights violations before the Inter-American Human Rights System and the universal human rights system. In addition, the CSPP advocates as a civil society organisation before the International Criminal Court and investigates crimes against humanity committed in Colombia.

In turn, the CSPP is one of the organisations that acts before the Special Jurisdiction for Peace (JEP) representing victims of extrajudicial executions. The CSPP has presented reports to the JEP, providing important evidence of the responsibility of the Military Brigades in the commission of extrajudicial executions.

Given the impact of its action, several of the CSPP's lawyers and members have been murdered, threatened, detained, disappeared, displaced, and were victims of attempts on their lives<sup>74</sup>. This also means that some of the lawyers have been forced into exile, like lawyer and human rights defender **Zoraida Hernández Pedraza** (discussed above).

The CSPP currently operates in an atmosphere of permanent intimidation as the target of a smear campaign driven by leaders of the political party in power, in which numerous acts of intimidation against the president of the CSPP, lawyer Franklin Castañeda Villacob, have occurred.

### DhColombia

DhColombia is a non-profit Colombian civil society organisation focusing on the defence of human rights through strategic litigation, research, communicative action, and memory<sup>75</sup>. As a working team, dhColombia has been carrying out denunciation activities since 2003, and in 2010, it formed a base team that carries out litigation (representation of victims and criminal defence) before Colombian justice bodies and international human rights protection systems. In addition, dhColombia provides advice to collectives and families in other countries in the region. It also works with regional and specialised human rights organisations in various regions and provides support to independent defence lawyers.

The cases dhColombia handles for victims include those involving serious human rights violations (forced disappearances, extrajudicial executions, torture, mutilations, land dispossession, destruction of communities by megaprojects, persecution of trade union

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<sup>74</sup> See generally Committee for Solidarity with Political Prisoners (Peace Brigades International Colombia), available at <https://pbicolombia.org/accompanied-organisations/fcspp/>; Colombia: Death threats against Adriana Lizarazo (International Federation for Human Rights (FIDH), 19 Nov. 2021), available at <https://www.fidh.org/en/region/americas/colombia/colombia-death-threats-against-adriana-lizarazo>; Colombia: Attacks on human rights defenders as part of the National Strike (International Federation for Human Rights (FIDH), 20 May 2021), available at <https://www.fidh.org/en/issues/human-rights-defenders/colombia-attacks-on-human-rights-defenders-as-part-of-the-national>

<sup>75</sup> See generally dhColombia – Associated Network of Human Rights (Peace Brigades International Colombia), available at <https://pbicolombia.org/dhcolombia/>

organisations, attacks on opposition leaders and social and peasant leaders, and state tolerance of violence against women, among others), committed by state agents. Most of these violations were committed by members of state security forces (national army, national police, administrative department of security - DAS, and intelligence agencies). Therefore, dhColombia has focused its efforts on the criminal prosecution of high-ranking officers and directors, bringing to trial or promoting investigations against more than 15 generals, more than 25 colonels, eight directors of secret police and intelligence agencies, and more than 60 members of these forces.

Since 2005, and particularly between 2008 and 2010, there have been numerous acts of persecution against legal professionals who are part of dhColombia's work team and who have led or advanced criminal and international cases and advocacy with the international community and the media. This has led to the exile of lawyers' families, attacks on lawyers' families, stigmatisation, and attacks on and persecution of people who practise litigation within the organisation.

Since 2020, lawyer **María Alejandra Garzón Mora** has been the victim of attacks and acts of persecution for her work representing victims of homicide, injuries, and abuses by members of the national police in the context of protests (protests of 9 September 2020, national strike of April 2021 and past cases) and accompaniment of social organisations that exercise their rights to protest and memory<sup>76</sup>. Her residence has been subject to surveillance and destruction of security cameras, she has been persecuted in the street by plainclothes officers, her communications have been intercepted, and she has suffered intimidation and threats at public demonstrations.

Since 2019, lawyer **Germán Romero Sánchez** has been the target of repeated attacks, ranging from theft of information and computer equipment, and monitoring and surveillance of his work activities and personal life, to direct death threats, persecution of family members, and events that occurred during the pandemic. These acts of persecution are directly related to his activity as a lawyer in cases where high-ranking officers of the national army are being prosecuted in ordinary and transitional justice matters; the attacks have taken place in the context of hearings, complaints, presentation of appeals and public litigation actions. As of

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<sup>76</sup> For representative examples of Ms. Garzón's work educating and advising members of the public about their rights in connection with the protests of September 2020, see, e.g., "Hablan víctimas de las protestas del 9 y 10 de septiembre en Bogotá" [Victims of the protests of September 9 and 10 in Bogotá speak] (WRadio, 9 March 2021) (on six-month anniversary of September 2020 protests, quoting Ms. Garzón discussing dhColombia's representation of victims of police violence during the protests, stating that "families of victims are being threatened and persecuted" for seeking accountability and justice, and further stating that dhColombia has filed a complaint with the Attorney General's Office as a matter of the "defence of human rights in Colombia"), available at <https://www.wradio.com.co/noticias/bogota/hablan-victimas-de-las-protestas-del-9-y-10-de-septiembre-en-bogota/20210309/nota/4115672.aspx>; "Impunidad para la fuerza pública y criminalización de la protesta social" [Impunity for the security forces and criminalization of social protest] (featuring Ms. Garzón on Para Avanzar/Move Forward podcast) (video) (Democracia en Riesgo/Democracy at Risk, 29 Sept. 2021), available at <https://democraciaenriesgo.com/>; "Estos son los caminos legales que tienen las víctimas de las manifestaciones" [These are the legal paths that the victims of the demonstrations have](El Espectador, 15 Sept. 2020) (quoting Ms. Garzón on legal rights and remedies for victims of the September 2020 protests and their families), available at <https://www.elespectador.com/bogota/estos-son-los-caminos-legales-que-tienen-las-victimas-de-las-manifestaciones-article/>

mid-2021, Mr. Romero has been forced into temporary exile due to continuing acts of persecution and the high risk of attack on himself and his family<sup>77</sup>.

### **Luis Carlos Pérez Lawyers Collective Corporation (CCALCP)**

The [Luis Carlos Pérez Lawyers Collective Corporation](#) (CCALCP) is an all-female group of lawyers specialising in the defence of human rights, particularly environmental cases. Based in Bucaramanga, the CCALCP has gained national and international recognition for its work in providing legal representation to small-scale farmers and indigenous communities affected by the armed conflict<sup>78</sup>.

The lawyers of the CCALCP assume enormous risks for their work fighting against mining companies that seek to extract resources in the area, often at the expense of the surrounding environment. As the director of the corporation, **Julia Figueroa**, said: *"with the environmental issue, to defend water is to go against million-dollar contracts that have been signed between the state and companies"*. In this regard, the CCALCP has taken on the defence of high-profile cases which has placed the CCALCP lawyers in a high-risk situation.

One notable case in the group's files is the one of the Santurbán páramo. The páramo - a high-altitude frozen wetland ecosystem - has enormous biodiversity and supplies water to almost 2 million people, but is threatened by multinational mining companies seeking its mineral resources. The CCALCP succeeded in obtaining a ruling in the Colombian Constitutional Court recognising the right to environmental participation of the affected community<sup>79</sup>.

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<sup>77</sup> See, e.g., "Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Colombia during the UPR in 2018" (Lawyers for Lawyers, Lawyers' Rights Watch Canada and Colombian Caravana, Sept. 2021), available at <https://lawyersforlawyers.org/wp-content/uploads/2021/09/Midterm-report-Colombia-L4L-LRWC-Caravana-sept-2021.pdf>; "Demand Protection for Atty. Germán Romero Sánchez" (Colombia Support Network, 8 Oct. 2019), available at <https://colombiasupport.net/2019/10/demand-protection-for-atty-german-romero-sanchez/>; Joint letter on threats against Germán Romero Sánchez (including link to joint letter (Spanish only) to Colombian President Iván Duque, dated 30 October 2019, from, inter alia, Lawyers for Lawyers, Lawyers' Rights Watch Canada, Colombian Caravana, and International Observatory for Lawyers in Danger (OIAD)) (Lawyers for Lawyers, 6 Nov. 2019), available <https://lawyersforlawyers.org/en/joint-letter-on-threats-against-german-romero-sanchez/>; "Colombia: Germán Romero Sánchez at Risk for His Work as a Lawyer for Victims of Human Rights Violations" (joint letter signed by, inter alia, International Observatory for Lawyers in Danger (OIAD), Lawyers for Lawyers, Lawyers' Rights Watch Canada, and Colombian Caravana) (Lawyers' Rights Watch Canada, 22 Oct. 2019), available at <https://www.lrwc.org/colombia-german-romero-sanchez-at-risk-for-his-work-as-a-lawyer-for-victims-of-human-rights-violations-letter/>; Joint letter on the alleged illegal espionage against Colombian lawyers (including link to joint letter dated 23 July 2020, from Colombian Caravana and Lawyers for Lawyers, as well as nine human rights organisations) (Lawyers for Lawyers, 27 July 2020), available at <https://lawyersforlawyers.org/en/joint-letter-on-the-alleged-illegal-espionage-against-colombian-lawyers/>

<sup>78</sup> See generally Luis Carlos Pérez Collective Lawyers Corporation (CCALCP) (Peace Brigades International Colombia), available at <https://pbicolombia.org/accompanied-organisations/ccalcp/>; About us: Corporación Colectivo de Abogados Luis Carlos Pérez (CCALCP), available at <https://www.ccalcp.org/about-us/about-us>; The Luis Carlos Pérez Lawyers Collective (Colombian Caravana), available at <http://www.colombiancaravana.org.uk/overview-of-threats-to-human-rights-lawyers/the-luis-carlos-perez-lawyers-collective/>

<sup>79</sup> See "They can't silence us": the female lawyers defending Colombia's environment (The Guardian, 2 Dec. 2021), available at <https://www.theguardian.com/environment/2021/dec/02/courage-colombia-female-human-rights-defenders-aoe>

Because of the threats received, the women lawyers of the CCALCP have to implement security measures to protect their physical integrity and their work<sup>80</sup>. For example, lawyer Julia Figueroa has been forced to travel with two bodyguards and in an armoured car to guarantee her safety, sacrificing her privacy and freedom.

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<sup>80</sup>See “They can’t silence us”: the female lawyers defending Colombia’s environment (The Guardian, 2 Dec. 2021), available at <https://www.theguardian.com/environment/2021/dec/02/courage-colombia-female-human-rights-defenders-aoe>

## 5. DEMANDS AND RECOMMENDATIONS

Given the grave risk situation that Colombian human rights lawyers continue to face, the undersigned organisations set forth the following **demands and recommendations**:

1. The Colombian state must comply with the United Nations Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990<sup>81</sup>.
2. The Colombian state must urgently address the many attacks on human rights lawyers and guarantee their free and independent exercise of their professions, in accordance with Principles 16 and 18 of the U.N. Basic Principles on the Role of Lawyers.

*(Principle 16) "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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".*

*(Principle 18) "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".*

3. The Colombian state must urgently protect the lives of Colombian lawyers and must adopt additional and effective security measures to guarantee their safety and freedom, in accordance with Principle 17 of the U.N. Basic Principles on the Role of Lawyers, especially in rural areas where the risks for those who defend human rights increase.

*(Principle 17) "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."*

4. The Colombian state must conduct impartial, independent, and effective investigations into, and, where appropriate, seek prosecutions of the perpetrators of, crimes against human rights lawyers, to bring an end to impunity.
5. The Colombian state must fight the stigmatisation of Colombian lawyers involved in sensitive human rights cases, in accordance with Principles 18 and 23 of the U.N. Basic Principles on the Role of Lawyers.

*(Principle 18) "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".*

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<sup>81</sup> See United Nations Basic Principles on the Rôle of Lawyers, available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>

*(Principle 23) “Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession”.*

6. The European Union and its Member States, together with the international community as a whole, are urged to use their relations with Colombia to strengthen the protection of lawyers and human rights defenders in accordance with Colombia’s international obligations.
7. The United Nations and other international institutions – including, in particular, the U.N. Special Rapporteur on the Independence of Judges and Lawyers and the U.N. Special Rapporteur on the Situation of Human Rights Defenders – are asked to continue to focus on the situation of human rights lawyers in Colombia and to press the country to comply with the U.N. Basic Principles on the Role of Lawyers and all applicable legal standards.
8. Bar associations and law societies around the globe are called upon to closely monitor and report on the situation of human rights lawyers in Colombia, particularly in anticipation of the country’s upcoming Universal Periodic Review, scheduled for 2023.
9. Journalists and the international media are encouraged to investigate and report on the situation of human rights lawyers in Colombia, to bring pressure to bear on the Colombian state and to focus public attention worldwide on the vital role that the human rights lawyers play and the serious risks that they face.





INTERNATIONAL  
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Foundation Day of the Endangered Lawyer

OIAD - International Observatory for  
Lawyers in Danger



*An association of European defence lawyers*



AVOCATS  
BARREAU  
• PARIS

European Criminal Bar Association

Paris Bar Association



CCBE - 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



European Bars Federation



Lawyers for Lawyers



Law Society of Ontario



Avocats sans Frontières (France)



European Association of Lawyers for Democracy & Human Rights



ODAGE - Geneva Bar Association



Judicial Reform Foundation



European Democratic Lawyers



DSF AS



Fundación Abogacía Española



Lawyers' Rights Watch Canada



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UIA – Institute for the Rule of Law of the  
International Association of Lawyers



Czech Bar Association



Consiglio Nazionale Forense

## DJS JDS GDS

Demokratische Jurist\*innen der Schweiz  
Juristes Démocrates de Suisse  
Giurist\* Democratiche\*i della Svizzera  
Giurist\*a\*s democratic\*a\*s da la Svizra

DJS-JDS-GDS - Swiss Democratic Lawyers



CNB - Conseil National des Barreaux