



Individual Submission to the Universal Periodic Review of Colombia by Colombian Caravana UK Lawyers Group

For consideration at the 30th Session
of the Working Group in May 2018

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The Colombian Caravana: UK Lawyers Group is a UK registered NGO which collaborates in close partnership with human rights lawyers and defenders in Colombia to further respect for rule of law, increase access to justice, and promote human rights through supporting the role of the legal profession in achieving these objectives.

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Executive Summary

1. The Colombian Caravana: UK Lawyers Group (Colombian Caravana) welcomes the opportunity to contribute to the third Universal Periodic Review of Colombia.
2. This submission focuses on frameworks that exist to enable human rights in Colombia with a particular focus on the role of the legal profession in ensuring those rights and the State's compliance with its duty under national and international law.
3. Specifically, the submission addresses the following areas:
 - Peace Accords and transitional justice
 - Impunity for crimes against the legal profession and human rights defenders
 - Protection and safety of Human Rights lawyers and legal professionals
 - National Protection Scheme

Methodology

4. The information provided in this submission is gathered from field research conducted in August 2016 and from information provided to the Caravana by human rights lawyers and other NGO actors working on issues related to the furthering of human rights in Colombia.

Peace Accords and Transitional Justice

5. The Caravana welcomes the signing of the Peace Accord between the Colombian State and the Revolutionary Armed Forces of Colombia (FARC-EP) on 24 November 2016.¹ Cooperation with United Nations (UN) to monitor the implementation of the Accord has been crucial. A UN mission was set up to verify the ceasefire and weapons amnesty,² and a second mission has been established to reintegrate former FARC-EP fighters and implement guarantees for their safety.³
6. Elements of the Peace Accord, particularly in relation to Command Responsibility seriously curtail access to justice for victims of international crimes, as is guaranteed inter alia under the International Covenant on Civil and Political Rights (ICCPR)⁴ and the American Convention on Human Rights (ACHR)⁵.
7. The Peace Accord is applicable to demobilised members of the armed group, the FARC-EP, State agents, and in some circumstances private individuals not belonging to any party of the armed conflict. The Peace Accord is not applicable to members of paramilitary groups.
8. During negotiations, the applicability of the Peace Accord and the jurisdiction of the Special Tribunal for Peace was heavily debated, particularly in relation to the responsibility of individuals who held positions of command or authority in State military forces and the FARC-EP.
9. The President and former presidents are beyond the jurisdiction of the Tribunal. Under the constitution the President is the commander-in-chief of the armed forces. Under the Peace Accord, the President is immune from a prosecution triggered through the Tribunal. However, this provision may put the Peace Accord at odds with the Rome Statute⁶ of the International Criminal Court (ICC) which disallows immunity on the basis of being a Head of State.

¹ Peace Accord: <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf>

² Ceasefire monitored by a tripartite mechanism including the UN, the Colombian government and FARC-EP, UN SC RES/2261, 25 January 2016, <http://unscr.com/en/resolutions/doc/2261>

³ UN SC RES/2366, 10 July 2017, <http://unscr.com/en/resolutions/doc/2366>

⁴ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) ratified by Colombia in 1968

⁵ Organization of American States (OAS), *American Convention on Human Rights, "Pact of San Jose", Costa Rica*, 22 November 1969,

⁶ UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6; ratified by Colombia on 31 de Julio de 1973

10. The lack of clear guidance and agreement on the interpretation of Command Responsibility in the Peace Accord is of concern and may lead to complications within processes as part of the tribunal and transitional justice mechanisms.

Impunity for crimes against the legal profession and human rights defenders

11. Despite the peace process there has been an increase in violence against and killings of human rights lawyers and defenders and their families.⁷

12. On 7 January 2017, community leader and active trade unionist Aldemar Parra Garcia was murdered in Cesar.

13. On 14 January 2017, community leader Emilsen Mayoma Mosquera and her partner Javier Rodallega were killed in Valle del Cauca, and three relatives of Afro-Community leader Marino Córdoba were killed.

14. On 24 January 2017, lawyer John Fredy Concha was murdered, in Valle de Cauca.

15. On 1 February 2017, lawyer Jorge Belalcázar Gutiérrez was shot at but survived, in Valle del Cauca.

16. This correlates with a reported increase in the presence of new paramilitary⁸ and other illegal armed groups, particularly in the Departments of Valle del Cauca, Chocó, Antioquia, North Santander, and César.⁹

17. On 12 December 2016, a pamphlet threatening to exterminate social leaders, human rights defenders and lawyers was found in the departmental headquarters of the Central Unitaria de Trabajadores in Valle del Cauca, signed by paramilitary group, the Autodefensas Gaitanistas de Colombia.¹⁰ Lawyer, Marta Giraldo, who was named in the pamphlet has received numerous threats in recent years.¹¹

18. On 6 February 2017 human rights lawyers Erika and Danilo Rueda were victims of allegedly illegal surveillance and followed.¹²

19. There is also evidence that human rights lawyers and defenders experience violence from State agents themselves.

20. In July 2017, Rommel Jonathan Durán Castellanos, a human rights lawyer with Equipo Jurídico Pueblos (EJP), Eliecer Alfonso Vergel, a community leader, and María Fernanda Montiel Murillo, a journalist with *Colombia Informa* and a member of EJP, were subjected to extreme violence and

⁷ Since January this year four of our intervention letters raised concerns following the assassinations of human rights lawyers and defenders, especially in the region of Valle del Cauca and César the mining district, where the situation is particularly grave.

Aldemar Parra Garcia: http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/170123-Declaration-on-the-assassination-of-Aldemar-Parra-Garcia_final.pdf.

Emilsen Mayoma Mosquera and her partner Javier Rodalleg; and three relatives of Marino Córdoba:

<http://www.colombiancaravana.org.uk/wp-content/uploads/2017/02/EmilsenMayomaLetterFeb2017ENGFINAL.pdf>; 23 January 2017

John Fredy Concha and Jorge Belalcázar Gutiérrez: <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/ALERTA-URGENTE-Jorge-Belalcázar.pdf>

⁸ New paramilitary groups in this report refer to those illegal armed groups that are linked to paramilitary structures and continue to exist despite Law 975 of 2005 (and its regulatory decrees) introduced to demobilise paramilitary groups and reincorporate them into civilian life, through the "Justice and Peace process"

⁹ Caravara, intervention letter, 22 March 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/10/Letter-rise-in-paramilitary-activity-March-2017.pdf>

¹⁰ Paramilitares de las Autodefensas Gaitanistas de Colombia amenazan con "exterminar" a dirigentes sociales y de DDHH del Valle del Cauca, <http://www.movimientodevictimas.org/?q=content/denuncia-p%C3%BAblica-paramilitares-de-las-autodefensas-gaitanistas-de-colombia-amenazan-con>, 13 December 2016.

¹¹ The Caravana, intervention letter, 2 March 2015 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2015/08/Martha-Giraldo-March-2015.pdf>; Colombian Caravana, intervention letter, 21 April 2013 at <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/2013.04.21-Martha-Giraldo.pdf>; The Caravana, intervention letter 21 October 2012 at

<http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/2012.10.31-Movie-and-MartaGiraldo.pdf>;

¹² Movimiento Nacional de Víctimas de Crímenes de Estado (Movice), "Seguimiento y persecución a Érika Gómez y Danilo Rueda, defensores de DDHH e integrantes del Movice" 6 February 2017, <http://www.movimientodevictimas.org/?q=content/denuncia-p%C3%BAblica-seguimiento-y-persecuci%C3%B3n-%C3%A9rika-g%C3%B3mez-y-danilo-rueda-defensores-de-ddhh-e>

mistreatment by law enforcement officials whilst being detained for allegedly blocking roads and alleged violence against public servants. They were later all released without charge once camera phone footage confirmed that they had not committed any infraction, but their treatment at the time of their arbitrary detention remains an issue of concern and requires investigation.¹³

21. There is evidence of widespread failure by State authorities and entities to act with the appropriate level of diligence in relation to the State's duties to protect, investigate, sanction and provide effective remedies to lawyers who have been victimised due to their work.
22. The Caravana welcomes the announcement by the Fiscalía General that there has been significant progress in 45 cases involving killings of human rights defenders.¹⁴ However, only five of these cases have been prosecuted and 13 remain on trial. The General Prosecutor's Office has not clarified the number of cases that have reached a preliminary stage or that have been filed. Cases regarding threats and other crimes committed against human rights defenders are not included in these statistics.
23. Somos Defensores (We Are Defenders) has recorded 509 cases of threats, attacks and harassment of human rights defenders between 2016 and 2017. The majority of these cases have not seen any development and 85% of the cases have not been processed¹⁵
24. Very few cases are sufficiently investigated which means that high levels of impunity continue to exist. Threats to human rights lawyers and defenders are comparatively less investigated or prosecuted than murders. The State frequently fails to act promptly to prevent the escalation of violence against these categories of victims.¹⁶
25. Luis Carlos Pérez Lawyers Collective has been recording security incidents against their members and their infrastructure since 2005, none of which have been investigated to the point of prosecution and sentencing of the perpetrators.¹⁷
26. Where crimes have been alleged to have been carried out by new paramilitary groups, the State frequently carries out slow and ineffective investigations, even when there is strong evidence available.¹⁸ This appears to be exacerbated by the refusal of the State to recognise the existence and in some areas the re-emergence of new paramilitary groups. This denial ensures that wider civil society, and particularly human rights and defenders lawyers, remains highly vulnerable.
27. Human rights defender, Miller Angulo, was killed in Tumaco on 1 December 2012. Whilst a man has confessed to this crime, there are no details of his prosecution.¹⁹
28. High-profile cases involving the army and police tend to see limited progress in terms of investigations and prosecutions.
29. Rafael Andrés Plata Sánchez, was found murdered and falsely identified as guerrilla fighter. Despite strong evidence suggesting the identity of the perpetrator of this extra-judicial execution, the case remains open.²⁰

¹³ Caravana, intervention letter, 8 August 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/08/20170808-EJP-Letter-.pdf>

¹⁴ General Prosecutor's Office, Public Statement, 11 July 2017, <http://www.fiscalia.gov.co/colombia/noticias/resultados-historicos-en-investigaciones-por-homicidios-de-defensores-de-derechos-humanos/>

¹⁵ The General Prosecutor's Office on 11 July 2017 announced a historical amount of investigations solved regarding homicides against human rights defenders. That is, 51.72 per cent of the 87 cases confirmed by the UN General Prosecutor's Office announcement of 11 July 2017 here: <http://www.fiscalia.gov.co/colombia/noticias/resultados-historicos-en-investigaciones-por-homicidios-de-defensores-de-derechos-humanos/>
Find Programme Somos Defensores report "Agúzate" of June 2017 (p49) <https://somosdefensores.org/images/informe-semestral-enero-junio-2017-SIADDHH.pdf>

¹⁶ Ref 2016 REPORT (p11) <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/CARAVANA-OF-JURISTS-2016-DELEGATION-REPORT-ENG.pdf>

¹⁷ Ref of 2016 REPORT: Case study of Colectivo de Abogados Luis Carlos Pérez (p12); Caravana, intervention letter, 5 September 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/09/Letter-CCALCP-Incident-1-1.pdf>

¹⁸ Ref of 2016 REPORT (p10)

¹⁹ Ref of 2016 REPORT: Case study of human rights defender Miller Angulo (p11)

²⁰ Ref of 2016 REPORT: Case study extrajudicial executions (Bucaramanga) (p14)

30. Investigations into human rights abuses where cases related to economic, industrial, development, or infrastructure projects, appear to be particularly limited.
31. Within the area affected by the Hidrosogamoso hydroelectric project, in Santander, over six community leaders who defended community rights and highlighted the negative impact of the dam have been killed or disappeared. No one has been convicted of any offence related to these killings or disappearances.
32. At times, engagement with State authorities by victims seeking judicial and administrative redress has led to further attacks and persecution for the claimants.
33. On July 11, 2016, in the city of Chiriguaná, in the Cesar Department, Naimen Augustin Lara, a well-known community figure, was shot and killed by the security forces whilst attending a public protest. It has been reported that the police attempted to remove all evidence of violence by damaging or stealing mobile phones and cameras of those present at the protest. It was reported that the following day, police approached community members, asking them to sign pre-written statements about what took place at the protest.
34. Two days after the protest, the main witness to Naimen's shooting, his niece, was beaten, sexually assaulted, and threatened that if anyone were to testify against the police they would be killed. She was discovered unconscious, clothes torn off, with a rope and nylon around her neck. She is now in hiding.
35. Lawyers from EJP also received verbal threats when they arrived in Chiriguaná to investigate the situation.²¹

Protection and safety of Human Rights lawyers and legal professionals

36. Lawyers are impeded in their ability to act in the best interests of their clients, due to weaknesses that exist within the justice system and challenges concerning the implementation and respect of rule of law. If lawyers cannot operate effectively then the State has failed in its obligations to support a justice system where legal redress is obtainable.
37. Lawyers, most specifically human rights lawyers, suffer stigmatisation of their work and are publicly associated with their clients or with particular cases, hindering the independence of the legal profession. Rhetoric exists within the legal system, that seemingly is being reiterated by State authorities, whereby human rights lawyers are deemed to be an "enemies of the State".²²
38. The Colectivo de Abogados Jose Alvear Restrepo (CAJAR) have reported multiple cases of stigmatisation. They have been accused of leading of a 'legal/judicial war' against the State and the military, when performing their role of lawyers and seeking justice for victims of human rights abuses.
39. An army general said on television that "the army had defeated the FARC but it had not won the war against CAJAR."²³ This rhetoric discredits lawyers and human rights defenders, essentially reducing their impact as an effective mechanism to protect the rights of civilians.
40. On 6 July 2017, lawyer Soraya Gutiérrez, member of CAJAR, was stigmatised by retired General Jaime Ruiz Barrera, representative of the Colombian Association of Retired Members of the Military (Asociación Colombiana de Oficiales en Retiro de las Fuerzas Militares – ACORE). After her

²¹ Ref 2016 report: case study Murder of Naimen Augustin Lara, Chiriguaná Community (p7)

²² Ref 2016 (p28), Jorge Molano's intervention on 17 May 2017 at the Law Society of England and Wales <http://www.colombiancaravana.org.uk/beyond-peace-agreement-jorge-molano-talks-law-society/>,

²³ interview to Reinaldo Villaba from Colectivo de Abogados Jose Alvear Restrepo by Abogacía Española 21 de febrero de 2017. <http://www.abogacia.es/2017/02/21/abogacia-en-riesgo-reynaldo-villalba-de-ccajar-analiza-la-situacion-en-colombia/>; CAJAR, 18 December 2018, <https://www.colectivodeabogados.org/?Nuestra-oportunidad-es-la-vida-nuestra-lucha-es-la-esperanza-Eduardo-Carreno>; CAJAR, 8 December 2012, <https://www.colectivodeabogados.org/?Treinta-y-cinco-anos-luchando-por>;

intervention at public hearing at the Constitutional Court, he referred to CAJAR, as subjects playing a role in the armed conflict, belonging to the “radical extreme left” and undertaking a “legal war” against the military.²⁴

41. Stigmatisation increases legal professionals’ vulnerability and effectively ‘marks’ them so that they can be easily targeted. This trend of an increase in stigmatisation reflects the escalating pattern of threats and attacks that against lawyers and human rights defenders. As the peace process progresses lawyers and human rights defenders are crucial to its success and it is fundamental that the State does not seek to perpetuate a culture whereby they are discredited and marginalised.
42. There is a persistent pattern of attacks and threats suffered by the human rights community coupled with an inadequate response from the State. Human rights defenders and lawyers continue to feel so endangered that they have to abandon emblematic cases, such as extrajudicial execution cases often known as ‘false positives’.²⁵
43. Corporacion Justicia y Dignidad (CJD) lawyers were compelled to drop their representation in several important, emblematic cases. This was due to interference by new paramilitary groups, as well as the actions of a prosecutor (Fiscal 55), who labelled them “terrorists” in a public hearing, and thereby compromised their security. This incident occurred in a criminal case and was in response to the lawyers’ invocation of international human rights and humanitarian law norms.

National Protection Scheme

44. Despite critical observations made by the Inter American Commission of Human Rights (IACHR), State authorities continue to fail to provide sufficient protection to both lawyers and human rights defenders. The current national protection scheme is highly insufficient and inadequate to protect lawyers and human rights defenders.²⁶
45. The National Protection Unit (NPU) and State authorities do not identify lawyers as a population that require protection in their own right. However, such identification would be in line with the international understanding that a State should safeguard its lawyers and ensure that they can perform their professional functions without hindrance as set out in Articles 16, 17, and 18 of the UN Basic Principles on the Role of Lawyers (1990)²⁷, and to the UN Declaration on Human Rights Defenders, Document A/RES/53/144 (adopted by the UN General Assembly on 8 March 1999).²⁸

²⁴ Caravana, intervention letter 18 September 2017, <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/10/Letter-Soraya-Gutierrez.pdf>

²⁵ ‘We were dismayed to learn that Corporacion Justicia y Dignidad (CJD) lawyers were compelled to drop their representation in several important, emblematic cases involving massacres. This was due to interference by new paramilitary groups, as well as the actions of a prosecutor (Fiscal 55), who labelled them “terrorists” in a public hearing, and thereby compromised their security. This incident occurred in a criminal case and was in response to the lawyers’ invocation of international human rights and humanitarian law norms. Despite there being evidence of the prosecutor’s statement, this case remains in impunity and no disciplinary action has resulted.’ Extract from 2014 Cali Report. <http://www.colombiancaravana.org.uk/wp-content/uploads/2013/04/Cali-Report3.pdf>

²⁶ Case of members of Equipo Jurídico Pueblos, intervention letter by Caravana in support of their application of precautionary measures to the IACHR due to inadequate protection from the state (<http://www.colombiancaravana.org.uk/wp-content/uploads/2017/08/IACHR-re-Precautionary-Measures-August-2017.pdf>); case of Gilberto Torres, intervention letter by Caravana regarding the inadequacy of protection measures granted to him, 25 May 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/05/25.05.2017-Carta-Gilberto-Torres-Sin-firma.pdf>

²⁷ Which state that:

- 16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
- 17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.
- 18. Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.

²⁸ Which states in Article 12 that:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in

46. Under the current national protection scheme lawyers are only deemed to be in need of protection if they can prove that they are undertaking human rights work which in practice is difficult and slows down the implementation of protection measures.
47. Numerous issues prevent the current system from being an effective mechanism. Frequently, there is unnecessary delay or even no response to an application for protection and the investigation into the facts of individual cases is insufficient.
48. Gilberto Torres Martínez is experiencing a high level of risk since his return to Colombia, after living in exile over 15 years when he was kidnapped and held for 42 days by members of a paramilitary group. Despite his high level of risk, Torres has only been granted a panic button and a bulletproof vest.²⁹
49. If and when protection measures are granted, these are often inadequate, inconsistent and in certain situations may exacerbate the situation putting individuals in further danger. Protection measures proposed may include mobile phones, bullet proof vests, or transport. However, often these are not appropriate measures and do not sufficiently protect the individual. In many contexts, a bullet proof vest can act as an advert of the individual's vulnerability when working in areas of greater risk, and transport measures do not include budget to pay for petrol which the individual cannot afford³⁰.
50. Members of EJP received a bulletproof vest and a mobile phone as protection measure, while others received none. Equipo Jurídico Pueblos have applied for protective measures to the IACHR due to the inadequacy of the protection measures granted to them.³¹
51. There is consistently a lack of consultation with the beneficiaries and a full understanding of the obstacles that the lawyers and human rights defenders are dealing with.
52. Measures are removed without a full risk analysis completed.³² In light of this, the IACHR has frequently ordered State authorities to provide necessary protective measures. In some cases, the IACHR has found that there are levels of 'extraordinary risk' and the State has failed to implement appropriate measures.³³ However, in some cases, measures have still not been implemented in contrary to Inter-American jurisprudence which makes clear that States are required to implement measures automatically, without any internal process.³⁴

reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

²⁹ Caravana , intervention letter in support of Gilberto Torres Martínez application for protection measures before the UNP, 25 May 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/05/25.05.2017-Carta-Gilberto-Torres-Sin-firma.pdf>

³⁰ Intervention letter by Caravana about inadequacy of protection measure granted to Equipo Jurídico Pueblos, 6 June 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/06/220517-EJP-letter.pdf>; intervention letter about Colectivo Luis Carlos Perez who have been granted protection measures but continue to receive threats and attacks 5 September 2017 <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/09/Letter-CCALCP-Incident-1-1.pdf>

³¹ The Caravana and five other international organisations (all of which are members of the International Caravana of Jurists) wrote to the Colombian authorities to raise concerns about the increase in the level of threats and aggression suffered by a group of lawyers named EJP and specifically about the lack of adequate protection measures granted by the Colombian government using the case of Mr Duran to illustrate the gravity of the situation. *English* - <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/06/220517-EJP-letter.pdf> *Spanish* - <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/06/220517-Carta-EJP.pdf> The Caravana followed this up with a further intervention and along with five other international organisations of lawyers and a UK law firm sent a letter on 07 August 2017 to the Inter American Commission of Human Rights in support of EJP's application for protectionary measures. This is because the protection measures assigned by the Colombian state were not only insufficient to protect their lives, but may exacerbate their situation by placing them in greater danger and preventing them from carrying out their work safely. *English* - <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/08/IACHR-re-Precautionary-Measures-August-2017.pdf> *Spanish* - <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/08/Carta-de-Apoyo-Solicitud-EJP-de-Medidas-Cautelares-antes-la-CIDH-.pdf>

³² The Caravana was concerned about the safety of Gilberto Torres' and on the 25 May 2017 wrote to urge Colombian authorities to support his request for protection measures. Mr Torres is a union leader of Unión Sindical Obrera de la Industria del Petróleo (USO). He was kidnapped by paramilitaries in Casanare in 2002 and was kept captive for 42 days, due to the risk to his life he was forced to flee the country. Mr Torres has only recently returned to Colombia, after 15 years in exile and the risk to his life remains high. *Spanish* - <http://www.colombiancaravana.org.uk/wp-content/uploads/2017/05/25.05.2017-Carta-Gilberto-Torres-Sin-firma.pdf>

³³ IACHR/CIDH: MC359/10, issued 28 June 2011.

³⁴ IACHR Report, supra note 13 at par. 175.

53. There is also a lack of overall accountability in the way that the national protection scheme has been set up. It is split across various state bodies, such as the NPU and the Fiscalía (Prosecutor's Office) and there appears to be a lack of integration and dialogue between these entities.
54. The Fiscalía is responsible for investigating threats and attacks against human rights defenders and lawyers. Such investigations should consider the wider context and patterns in order to advance the cases and truly determine the level of risk. The State should ensure that these bodies have sufficient resources so as to be able to improve the situation for an individual at risk. Fundamentally, it would be the advancement of investigations into the cases, that would permit and complement the effectiveness of protection measures and reduce the risks faced by lawyers and human rights defenders.

Recommendations

55. In consideration of the above, the Colombian Caravana, proposes the following recommendations be made to Colombia in order to improve the situation of human rights defenders and legal professionals, ensure sustainability of the Peace Agreement, and strengthen rule of law:
- i. Ensure impartial, prompt and effective investigations into all crimes committed against lawyers, legal professionals and human rights defenders;
 - ii. Remove the 'internal enemy' doctrine from within the military and other institutions, to ensure the non-repetition of attacks against lawyers and human rights defenders;
 - iii. Tackle stigmatisation by making public statements supporting the work of lawyers, legal professionals, and human rights defenders, recognising that their work is essential to maintain long-lasting peace;
 - iv. Ensure adequate protection of lawyers, legal professionals and human rights defenders so that they can continue with their work;
 - v. Include "legal professionals" in the categorisation of the groups that require specific protection measures by the National Protection Unit, so that they can continue with their important work;
 - vi. Formally invite the UN Special Rapporteur on Human Rights Defenders, and ensure such a visit takes place and that the mandate holder has access to meet individuals who he deems necessary.