

#### Annex 4 – Human rights defender David Ravelo: Free after almost 7 years in prison

On June 20, 2017, human rights defender David Ravelo Crespo left Barrancabermeja prison (Santander department) after almost seven years in prison. After many irregularities and in light of the decision of the Supreme Court of Justice in February 2015 to reject his appeal, David Ravelo's case was finally heard by the Special Justice for Peace, under the Law on Amnesty and Pardons and Special Criminal Treatment.<sup>1</sup> The case will be studied in the Peace Tribunal Review Section and in the meantime David Ravelo has been declared innocent and granted conditional release.

#### Judicial process

David Ravelo was arrested and imprisoned on September 14, 2010, accused of being the mastermind behind the murder in 1991 of David Núñez Cala, a public official from Barrancabermeja. The accusation was made based on the testimony of imprisoned paramilitaries Mario Jaimes Mejía, alias 'El Panadero', and Fremio Sánchez, alias 'Comando Esteban'. On December 5, 2012, the Specialised Criminal Court in Bucaramanga sentenced David Ravelo to 220 months in prison for aggravated homicide.<sup>2</sup>

In February 2013, David Ravelo and his defence lawyer appealed the sentence and, on October 8 of that year, the Bucaramanga Court ruled to uphold the sentence of 220 months in prison.<sup>3</sup> This ruling indicates that the Court decided not to accept the defence's requests regarding nullity and limitation, and to confirm the conviction handed down previously in all its aspects. Faced with this decision, on February 11, 2014, David Ravelo and his lawyers filed a complaint with the Superior Court of Bucaramanga. This was declared inadmissible in February 2015.

In August of that same year, when all legal avenues in Colombia were exhausted, David Ravelo's lawyers decided to take the case before the Inter-American Commission on Human Rights (IACHR),<sup>4</sup> which finally requested information on a number of points two years later, in the first quarter of 2017.

#### Violations of Due Process, the role of Prosecutor William Pacheco

Among the various irregularities reported was the fact that the Prosecutor responsible for initiating the case against David Ravelo, Mr. William Gildardo Pacheco Granados, who before being Prosecutor was a lieutenant of the National Police, was investigated and disqualified in 1993 by the Procurator General's Office (dismissal confirmed by the Constitutional Court), for his alleged involvement in the forced disappearance of a young man named Guillermo Hurtado in 1991, who allegedly witnessed the murder of a civilian by members of the police.<sup>5</sup>

In addition, Mr. Pacheco Granados was also sentenced to one year's imprisonment by a Military High Court in November 1993, for the illegal detention, prior to the disappearance, of this same young man.<sup>6</sup> However, Pacheco continued to practice as a prosecutor. Subsequently, in response to complaints made when the news became known, in July 2013, Pacheco Granados presented his resignation, which was accepted by the Attorney General.<sup>7</sup> In addition, on April 23, 2014, Mr. Ravelo's lawyer filed a criminal complaint against Prosecutor Pacheco Granados for his responsibility in the

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<sup>1</sup> *Ley de Amnistía e Indulto y Tratamientos Especiales*. Law 1820 of 30 December 2016

<sup>2</sup> Vanguardia Liberal: David Ravelo fue condenado a 18 años de prisión por crimen de Núñez Cala, 6 December 2012

<sup>3</sup> Official website of the judicial branch

<sup>4</sup> El Espectador: El caso de David Ravelo, a la Cidh, 27 September 2015

<sup>5</sup> Semana: El 'transformer', 1 June 2013

<sup>6</sup> Ibid

<sup>7</sup> Noticias Uno: Renuncia el Fiscal William Gildardo Pacheco , 6 July 2013

forced disappearance of Guillermo Hurtado.<sup>8</sup> Because of this, in 2014 the Prosecutor's Office opened an investigation against Pacheco Granados and called him to make a statement.<sup>9</sup>

During this process, one of the main witnesses was killed. He had previously expressed fear of retaliation after giving his testimony.<sup>10</sup>

According to Colombian law, "anyone who has been removed from any public office may not work as a Prosecutor or hold any position in the Prosecutor's Office".<sup>11</sup>

#### Irregularities in the evidence, trial against alias 'El Panadero' for false testimony

With regards to irregularities in the evidence, according to the defence (supported by the *amicus curiae* of the Bar Human Rights Committee of England and Wales - BHRC) the request to convict David Ravelo by the Prosecutor's Office and the Procurator's Office was based on only three witnesses, but did not "refer to more than 30 testimonies by prominent people from the city of Barrancabermeja that show that these witnesses are lying".<sup>12</sup>

In addition, the other accused party in the case, Orlando Noguera, denounced at the preparatory hearing that Mario Jaimes Mejía, alias 'El Panadero' and Fremio Sánchez "tried to bribe him to accept the accusation for the murder of Núñez Cala and to blame Ravelo in exchange for benefits under the Justice and Peace Law".<sup>13</sup>

In this regard, it should be mentioned that the Public Prosecutor charged the same 'El Panadero' with false testimony, for having alleged that former congressman Aristides Andrade was another of the perpetrators of the murder for which David Ravelo had been convicted. David Ravelo was named as a victim in this case.

In the record of charges against Jaimes Mejía, the Prosecutor quoted several statements that - in his opinion - call into question the statements that the former paramilitary had made before the justice system. He pointed out that "the numerous contradictions in the different statements that you ('El Panadero') made to the administration of justice, when compared with those received by other witnesses and other material evidence", were sufficient to prosecute him for false testimony.<sup>14</sup>

The first hearing against 'El Panadero' for false testimony took place on February 9, 2015, and since then the trial continues, with David Ravelo now recognised as a victim in the case.

Meanwhile, on March 3, 2016, during proceedings in which 'El Panadero' was accused of kidnapping and torture against journalist Jineth Bedoya, he accepted charges of simple abduction, torture and violent carnal access, and was sentenced to 28 years in prison. In August of that same year, the Justice and Peace Chamber of the Superior Court of Bogotá declared him to be excluded from the Justice and Peace program, because he had failed to tell the truth in the investigation of this crime, a commitment

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<sup>8</sup> Denuncia penal contra William Gildardo Pacheco Granados dirigida al Fiscal General de la Nación por el delito de desaparición forzada, 23 April 2013

<sup>9</sup> Corporación Solidaridad Jurídica: Comité británico intercede ante la CSJ por el caso del defensor de derechos humanos David Ravelo, 1 September 2014

<sup>10</sup> Ccajar: Pacheco no es un perseguido sino un funcionario sancionado penal y disciplinariamente, 23 October 2015

<sup>11</sup> Law 270 of 1996, Presidential Decree 261/2000 and Ley 938/2004

<sup>12</sup> Ccajar: David Ravelo Crespo: en espera de pronta absolución, 24 May 2012

<sup>13</sup> Op. Cit. La Sandunga Films: En medio del Magdalena Medio

<sup>14</sup> El Espectador: ¿Las mentiras de 'El Panadero'? 16 September 2014

that the beneficiaries acquired upon entering the program.<sup>15</sup> Today he declares<sup>16</sup> that he wishes to apply to the JEP.

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<sup>15</sup> La Semana: Excluyen de Justicia y Paz a alias el 'Panadero' y 'JJ', 19 August 2016

<sup>16</sup> El Espectador: "El Panadero" busca libertad a través de la JEP, 17 July 2017