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# COLOMBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2010

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## Political context

During 2009, Colombia continued to be subjected to violent confrontations between guerrilla and paramilitary groups and the armed forces as a result of the internal armed conflict and drug trafficking activities. These confrontations affected the civil population either directly or indirectly, thereby violating their fundamental rights. The occurrence of serious human rights violations like extrajudicial executions, known as “false positives”, the links between members of the State and paramilitaries and the lack of investigation of these and other crimes remained issues that have moulded social and political life in the country for many years.

The armed conflict continued to increase the forced displacement figures, a phenomenon that contributes to the lack of social cohesion and an ever increasing lack of socio-economic equality. According to the Consultancy on Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* – CODHES), 2,412,834 people were displaced between 2002 and 2009, which indicates that of the approximate total number of displaced people in Colombia over the past 25 years, 4,915,579, or 49%, were displaced during President Uribe’s term of Government. In 2009, afro Colombians and indigenous people were once more those most affected by this phenomenon<sup>1</sup>.

Indigenous people not only continued to suffer from alarming levels of forced displacement, they were also victims of homicides, lack of food and other serious problems as a result of factors that include the internal armed conflict<sup>2</sup>. The peasants (*campesino*) way of life continued to disappear because of the internal armed conflict and the rural development policy that prioritises single crop cultivation for agro fuels, as well

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1/ According to CODHES, 83% of mass displacements that took place in 2009 were of ethnic groups (afro Colombians and indigenous people). See CODHES Newsletter No. 76, *Salto Estratégico o Salto al Vacío?*, January 27, 2010.

2/ In 2009, the Constitutional Court pointed out that numerous indigenous peoples throughout the country were threatened with “cultural and physical extinction” and called for a comprehensive and effective response to these challenges by the Government. See Decree 004/09 of the Colombian Constitutional Court, January 26, 2009.

as mining and oil and coal exploitation<sup>3</sup>. According to CODHES, forced displacement and forced eviction impact on food sovereignty and increase the vulnerability of displaced peasants.

In the national political context, various Colombian human rights organisations objected to Bill 1354 of 2009, which proposed a constitutional referendum on the reform that would allow for a second presidential re-election in the elections that were due to take place in May 2010. According to these organisations, the continuity of the Democratic Security Policy, established by President Uribe, could further affect the already delicate human rights situation in the country. Furthermore, the ongoing persecution of the Supreme Court judges by President Uribe did not stop; rather it increased further when the judges showed their reluctance to elect a Prosecutor General from the three candidates proposed by President Uribe himself. Another of the issues of concern for civil society organisations was the signing of a military agreement on October 30, 2009 that will facilitate access by United States soldiers and advisors to at least seven Colombian military bases.

At the end of 2009, negotiations to come to an agreement on the National Human Rights and International Humanitarian Law Action Plan remained suspended, whilst the Guarantees Committee process, which was established to debate the vulnerability of Colombian human rights defenders, continued. Throughout this process, new threats against various participating defenders were reported<sup>4</sup>. In its latest 2009 Annual Report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia recommended that the Colombian Government implement the commitments provided for in this process<sup>5</sup>.

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3/ Between 2005 and 2009, 994,000 peasants left their land for these reasons. See CODHES Newsletter No. 76, *Salto Estratégico o Salto al Vacío?*, January 27, 2010.

4/ The National Guarantees Process began in March 2009 following demands made by the Peace, Human Rights, Democracy and Development Platforms (*Plataformas de Paz, Derechos Humanos, Democracia y Desarrollo*) and social sectors that were participating in meetings with the national Government in order to come to an agreement on the National Human Rights and International Humanitarian Law Action Plan (*Plan Nacional de Acción en Derechos Humanos y Derecho Internacional Humanitario - PNADHDIH*) due to the vulnerable situation of human rights defenders. The process included the confirmation of a national working group and 14 regional hearings with Government and civil society participation and accompanied by the international community. The objective is to broach the issue of the working conditions of human rights defenders, to assess the risk situation, to adopt measures that enable future harassments to be prevented, to protect and guarantee human rights activities and to progress in establishing trust between the two parties to encourage dialogue. See Corporation for the Defence and Promotion of Human Rights (REINICIAR).

5/ See OHCHR, *Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, United Nations Document A/HRC/13/72, March 4, 2010.

In addition, torture continued to be high and follow specific patterns that indicate a generalised use of this practice in Colombia. The United Nations Committee Against Torture (CAT), in its observations on the examination of Colombia that took place between November 2 and 20, 2009, expressed serious concerns about what appears to be an increase in the number of torture cases that involve State agents. According to CAT, those who are deprived of their freedom, including defenders and leaders who have been subject to unfounded legal investigations, are detained in extremely vulnerable conditions. Furthermore, the Committee was concerned about the frequent attacks against defenders and the lack of effective protection measures<sup>6</sup>. It was also of particular concern that human rights defenders who report on the situation in prisons were criminalised and harassed<sup>7</sup>.

Human rights defenders, journalists, leaders of trade unions, peasants, afro Colombian, indigenous and social movements, or those who lead student and displaced persons organisations were all subject to different forms of harassment during 2009, including assassinations. This continued to be one of the major problems they faced, as was pointed out by international and regional bodies and organisations that publicly expressed their concern<sup>8</sup>. According to the “We are Defenders” (*Somos Defensores*) programme, 174 human rights defenders were assaulted in 2009; 32 of them were assassinated. Between 2002 and 2009, only in 2003 were there a greater number of assaults<sup>9</sup>.

### **False accusations and illegal intelligence activities carried out by Government employees and departments**

It has become known that the Administrative Security Department (*Departamento Administrativo de Seguridad – DAS*), the Colombian State intelligence agency that reports to the President’s Office, implemented an

6/ The Committee also showed serious concern about the security situation for defenders in Colombia. Its final report highlights the high number of human rights violations and points out the lack of State protection for the activists. Furthermore, the human rights defenders’ community was concerned about the Colombian Government’s announcement of its intention to privatise the Human Rights Defenders Protection Programme run by the Interior and Justice Ministry. See Committee Against Torture, *Concluding Observations of the Committee Against Torture - Colombia*, United Nations Document CAT/C/COL/CO/4, May 4, 2009.

7/ See Colombian Coalition Against Torture (comprised of various Colombian organisations and OMCT) Report, *Informe Alternativo sobre Tortura, Tratos Crueles, Inhumanos o Degradantes Colombia 2003-2009*, November 2009.

8/ See UN Special Rapporteur on the Situation of Human Rights Defenders Press Release, September 18, 2009, and Press Releases No. R67/09 and No. R21/09 of the Special Rapporteur for Freedom of Expression from the Inter-American Commission on Human Rights (IACHR), September 25 and April 29, 2009.

9/ See “We are Defenders” Report, *Informe 2009*, April 30, 2010.

espionage plan against human rights defenders, journalists, members of the opposition, and also judges and members of international organisations. It was reported that special groups based within the DAS carried out telephone tapping, monitoring and surveillance and they even planned threats against human rights defenders. Human rights organisations expressed their concern about these events and fear that some threats and attacks against them may have been carried out using information obtained by these groups<sup>10</sup>. Various defenders were victims of illegal surveillance, including Ms. **Ana Teresa Bernal**, a member of the National Network of Initiatives for Peace and Against War (*Red Nacional de Iniciativas por la Paz y contra la Guerra* – REDEPAZ), Mr. **Gustavo Gallón Giraldo**, Director of the Colombian Commission of Jurists (*Comisión Colombiana de Juristas* – CCJ), CODHES, the Research and Popular Education Centre (*Centro de Investigaciones y Educación Popular* – CINEP) and particularly the priest **Javier Giraldo S. J.**, member of CINEP, and the José Alvear Restrepo Lawyer’s Collective (*Colectivo de Abogados “José Alvear Restrepo”* – CCAJAR). In particular, Mr. **Alirio Uribe Muñoz**, the then President of CCAJAR, was one of the main victims of a specific operation called “Transmilenio” that consisted of gathering information about his finances, but also the movements of CCAJAR staff members, the composition of their family and their means of transport. Orders were also given to infiltrate the organisation, to sabotage its work, to threaten daughters who were minors, to invent criminal proof against members of the organisation, to libel them, to influence the organisation’s funding sources, and to pursue them in their travels outside of the country, as well as other actions aiming to “neutralise” or destroy its work. It was also known that the journalist **Hollman Morris** was a victim of surveillance and telephone tapping. Furthermore, the DAS files contained information about Ms. **Jahel Quiroga Carrillo**, Director of the Corporation for the Defence and Protection of Human Rights Reiniciar (*Corporación para la Defensa y Promoción de los Derechos Humanos Reiniciar*), who was also investigated by army intelligence services. The DAS files claim links between her and the Colombian Revolutionary Armed Forces (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* – FARC-EP) and reveal an attempt to build proof against her. Moreover, Supreme Court judges reported harassment, surveillance and telephone tapping over the course of the past few years. Employees of the DAS obtained details about their estate, bank accounts, means of payment for mobile telephone bills

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10/ See CCAJAR Statement, May 4, 2009, IACHR Press Releases No. 09/09 and No. 59/09, 26 February and August 13, 2009 and FIDH, *Colombia: Actividades ilegales del DAS*, May 2010.

and about the judges, and their families, lives in general. Telephone and email tapping, as well as personal surveillance of Senators and members of an opposition political party, critical of the current Government's policies were also reported.

As in 2008, statements made by Colombian Government employees about the activities of journalists, human rights leaders and defenders stigmatising their activities and, in many cases, suggesting that their work is linked to the defence of terrorism, were a serious cause for concern at both the national and international levels. In February 2009, Mr. Hollman Morris, who was producing a documentary about the release of three policemen and a soldier by the FARC, was arrested and subjected to interrogation by the army and high-ranking Government officials who demanded that he hand over the material he had collected<sup>11</sup>. Furthermore, President Uribe publicly accused him of alleged links with the insurgent group. Following this accusation made by the President, the journalist received multiple death threats. Statements of this kind not only represent condemnation of the work of human rights defenders, but also put their life at serious risk<sup>12</sup>.

The United Nations Special Rapporteur on the Situation of Human Rights Defenders, one of the four United Nations Special Procedures that visited Colombia during 2009<sup>13</sup>, expressed particular concern both about the illegal intelligence activities and the stigmatisation and branding of human rights defenders, which according to her is a prime reason of their insecurity<sup>14</sup>. In this context, various organisations expressed serious reser-

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11/ It is of concern that the events described led to the Government opening an investigation against Mr. Hollman Morris "to establish if the crime of illegal obstruction, threat or any other crime had taken place during the events that the soldiers experienced prior to the release". At the end of 2009, the investigation had been filed as the charges were not typified, which means that it could be reopened at any time. Mr. Morris filed several complaints as the victim, in particular following threats he received after the statements of President Uribe in February 2009 and because of persecution by intelligence agents. As of the end of 2009, the investigations into these proceedings were still open.

12/ See Joint Press Release No. R05/09 by the UN and IACHR Special Rapporteurs for Freedom of Expression, February 9, 2009 and UN Special Rapporteur on the Situation of Human Rights Defenders Press Release, September 18, 2009.

13/ In addition, the UN Special Rapporteur for Extrajudicial Executions visited Colombia in June 2009, the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People in July 2009 and the UN Special Rapporteur on the Independence of Judges and Lawyers in December 2009.

14/ See UN Special Rapporteur on the Situation of Human Rights Defenders Press Release, September 18, 2009.

vations about the Intelligence and Counter-Intelligence Law approved in March 2009<sup>15</sup>.

### **Assassinations, threats and serious assaults against leaders and members of trade union organisations**

The situation for trade unionists did not improve in 2009 and they continued to be among the most repressed defenders in Colombia. According to the United Workers' Federation (*Central Unitaria de Trabajadores* – CUT), 46 trade union leaders were assassinated in 2009<sup>16</sup>. The following cases clearly show the situation faced by Colombian defenders. Mr. **Leovigildo Mejía**, trade union member of the Santander Agricultural Association (*Asociación Agraria de Santander*), disappeared on January 28, 2009 and was then assassinated. As of the end of 2009, the case was under investigation. Three other leaders were assassinated in February 2009: Mr. **Luis Alberto Arango Crespo**, President of the El Llanito Fishermen and Agricultural Workers' Association (*Asociación de Pescadores y Agricultores de El Llanito*) and leader of the Magdalena Medio Artisan Fishermen's Association (*Asociación de Pescadores Artesanales del Magdalena Medio*) – the case was still open as of the end of 2009 – ; Mr. **Guillermo Antonio Ramírez**, Deputy Director of the Risaralda Teachers' Trade Union (*Sindicato de Educadores de Risaralda*), and Mr. **Leoncio Gutiérrez**, member of the Valle Teachers' Trade Union (*Sindicato Único de Trabajadores de la Educación del Valle*). Mr. **Asdrúbal Sánchez Pérez**, a member of the National Prison Institute Workers' Trade Union (*Asociación Sindical de Empleados del Instituto Nacional Penitenciario y Carcelario*), was also assassinated on April 18, 2009. Mr. **Edgar Martínez**, a member of the Sur de Bolívar Agro-Mining Federation (*Federación Agrominera del Sur de Bolívar*), and Mr. **Víctor Franco Franco**, a member of United Caldas Teachers (*Educadores Unidos de Caldas* – EDUCAL), were both assassinated on April 18 and 22 respectively. The last two cases were also still under investigation as of the end of 2009. Similarly, on May 9, 2009, Ms. **Vilma Cárcamo Blanco**, trade union leader and member of the Board of the Association of Colombian Hospital Workers (*Asociación Nacional de Trabajadores Hospitalarios* – ANTHOC) Magangué, and who worked in the Complaints Commission, was assassinated in the Belisario sector of the Magangué municipality, Bolívar depart-

15/ On March 5, 2010, the Colombian Commission of Jurists (CCJ) and Reiniciar filed an unconstitutionality lawsuit against Law 1288 of 2009 or the Intelligence and Counter-Intelligence Law. The OMCT signed an "amicus curiae" related to this lawsuit. See Reiniciar Report, *La Inteligencia Estatal como Mecanismo de Persecución Política y Sabotaje a la Defensa de los Derechos Humanos: Es Idónea la Ley de Inteligencia para Erradicar Esta Práctica Sistemática?*, September 2009.

16/ See CUT. The International Trade Union Confederation (ITUC) reported 48 trade unionist assassinations. See ITUC, *Annual Survey of Trade Union Rights 2010*, June 9, 2010.

ment. The trade union leader, together with the Board of ANTHOC Magangué, were leading protest days demanding the overdue payment of salaries and the negotiation of the “List of Respectful Requests”, which had been postponed several times. As of the end of 2009, her assassination was being investigated. The armed assault against Mr. **José Jair Valencia Agudelo**, a member of EDUCAL, who was attacked by hired assassins on a motorbike on February 26, 2009 and seriously injured, as well as the assassination of teacher **Milton Blanco Leguizamón** on April 24, 2009 confirm that the education sector is also gravely affected by anti trade union violence. By the end of 2009, the judicial proceedings on this case continued.

In addition to assassinations, trade unionists were also subjected to multiple threats. During the month of November 2009, various trade union leaders received death threats. On November 22, 2009, Mr. **Jairo Méndez** found a death threat against the National Food Workers’ Union (*Sindicato Nacional de Trabajadores de la Industria de Alimentos – SINALTRAINAL*) in his home, in which various leaders and members of this trade union and who work for Nestlé Colombia S.A. and Coca Cola were mentioned. The threat arrived at a time when the union was in conflict with the National Soft Drink Industry Company – Coca Cola – as the latter did not want to sign the work collective agreement, in spite of the fact that they had reached an agreement on the list of requests presented to the company.

### **Assassinations, threats and serious assaults against indigenous and peasant leaders**

The indigenous and peasant leaders who defend their land rights were often victims of serious threats and even assassinations. On February 15, 2009, Ms. **Alba Nelly Murillo**, President of the Community Action Committee (*Junta Acción Comunal*) for the La Esmeralda hamlet, in the El Castillo municipality, Meta department, disappeared. On May 7, 2008, following a meeting with the community in which reports of human rights violations committed by the national army were documented, various soldiers had asked after Ms. Murillo and accused the peasant farmers of having links with the guerrilla. At the end of 2009, Ms. Alba Nelly Murillo remained disappeared and the investigation into her disappearance was still open. The difficult situation experienced by peasant leaders was also illustrated by the assassination of Mr. **Erasmó Cubides**, an outstanding peasant and community leader, who was assassinated on his farm, in the Las Gaviotas hamlet, Arauquita municipality, Arauca department. Shortly before, an armed group had been threatening members of the Departmental Peasant Association (*Asociación Departamental de Usuarios Campesinos – ADUC*), of which Mr. Cubides was a del-

egate, and had declared its members to be military targets. Furthermore, members of the Social and Community Indigenous Resistance Group (*Minga de Resistencia Social y Comunitaria*) were seriously threatened in 2009. On May 11, 2009, the twelve year-old daughter of the indigenous leader Ms. **Aida Quilcué**, Representative of the Cauca Regional Indigenous Council (*Consejo Regional Indígena del Cauca*) and delegate of the National Indigenous Organisation of Colombia (*Organización Nacional Indígena de Colombia* – ONIC), was approached by four men opposite her house who pointed guns at her. The day before, four people, who claimed to belong to the Colombian Welfare Institute (*Instituto Colombiano de Bienestar Familiar* – ICBF), tried to get into the school where the girl studied and would have gone to visit her at her home later that day. Ms. Aida Quilcué had suffered an attack in December 2008, resulting in the death of her husband, Mr. Edwin Legarda. In June 2009, an arrest warrant was issued for Ms. Aida Quilcué and Mr. **Feliciano Valencia**, Spokespersons for the Social and Community Indigenous Resistance Group (*Minga de Resistencia Social y Comunitaria*) as well as for Mr. **Daniel Piñacue**, indigenous Governor, and two members of the local community, Messrs. **José Daniel Ramos Yatacúe** and **Mario Yalanda Tombé**, reportedly two indigenous guards. The four of them were accused of “aggravated kidnapping and causing serious personal injuries” against Mr. Danilo Chaparral Santiago, an Army Captain attached to the 15th Counter-Guerrilla Unit “Libertadores”. This member of the army had infiltrated the Social and Community Indigenous Resistance Group meeting that took place in the María indigenous territory in Piendamó, bringing objects with him that could have been used to discredit the Social and Community Indigenous Resistance Group. Mr. Chaparral was arrested by the indigenous authorities and put on trial according to the customs of the Assembly, in accordance with indigenous jurisdiction within their territories, as recognised by the Colombian Constitution. The indigenous leaders for whom an arrest warrant was issued ensured the principles of due process were abided by in the proceedings against Mr. Chaparral to ensure that his rights were respected. By the end of 2009, the investigation was still open and the issuance of a new arrest warrant could not be ruled out.

### **Human rights defenders once more victims of paramilitary threats**

Violence against human rights defenders by paramilitary groups has taken place for many years, yet is still far from over. The Colombian State

has been incapable of preventing the systematic violence against defenders<sup>17</sup> carried out by the so-called “emerging groups” – armed groups that have appeared following the alleged demobilisation of the paramilitary groups through the implementation of the Justice and Peace Law, an initiative of President Uribe’s Government approved in 2005.

A means of conditioning the work carried out by human rights defenders was intimidation, including through numerous death threats. Throughout 2009, some of the victims of threats were Ms. **Blanca Irene López** and Ms. **Claudia Erazo**, lawyers and members of the Yira Castro Legal Corporation (*Corporación Jurídica Yira Castro* – CJYC), and Mr. **Rigoberto Jiménez**, leader of the National Displaced Persons Organisation (*Coordinación Nacional de Desplazados* – CND)<sup>18</sup>, who received death threats via emails on February 4 and March 26 sent by the Black Eagles (*Águilas Negras*) and the United Self-Defence Forces of Colombia – Capital Block (*Bloque Capital de Autodefensa Unidas de Colombia* – AUC). By the end of 2009, the Prosecutor General’s Office had not only filed the case, but had ordered to certify the documents needed in order to begin investigations into the complainants for the alleged crime of false complaints. Another case in which threats were used to intimidate human rights defenders took place in March, when the CCJ received a fax sent on March 2, 2009 by a paramilitary group declaring Ms. **Lina Paola Malagón Díaz**, a lawyer at the Commission<sup>19</sup>, to be a “military target”. Another member of the Commission was also threatened in the fax, whose name was not disclosed, and who had to leave the country. By the end of 2009, no progress had been made in the investigation of this threat. Mass emails sent to NGOs were frequently used by these new paramilitary groups. A clear example being the death threats sent by the Bucaramanga metropolitan block called “New Generation Black Eagles” (*Nueva Generación Águilas Negras*) on February 2, 2009 to a large group of

17/ The lack of Government action following protection requests made by human rights defenders is telling. Proof of this is the letter sent by Mr. Jorge Molano Rodríguez, member of the Non-Institutionalised Defenders Network (*Red de Defensores No Institucionalizados*) to the highest national authorities requesting protection for his activities as a human rights lawyer. Whilst there has been a partial response to this protection request, the lawyer’s security situation continues to be precarious because of the cases he represents.

18/ It is important to highlight the ongoing acts of intimidation that have been carried out against members of both organisations since 2007, events that were denounced and received no response from official authorities.

19/ Ms. Malagón Díaz produced a report on the impunity that exists for crimes committed against trade unionists. This report was important in the hearing that took place in the US Congress and during which the situation of Colombian workers’ rights and anti-trade unionist violence was analysed. This event led to statements by the Colombian President who accused participants in the meeting of distorting the truth, motivated by “political hatred”.

human rights organisations, including the Association of Family Members of the Detained and Disappeared (*Asociación de Familiares de Detenidos Desaparecidos de Colombia* – ASFADDES), the Colombian Association for Peace (*Asociación por la Paz de Colombia* – ASOPAZ), the Feminine Popular Organisation (*Organización Femenina Popular* – OFP) and the Foundation Committee for Solidarity with Political Prisoners (*Fundación Comité de Solidaridad con los Presos Políticos* – FCSP). Similarly, another paramilitary group that fits into the same category, known as “Los Rastrojos”, sent a press release to the following organisations on November 3, 2009: CREAR, New Rainbow Corporation (*Corporación Nuevo Arco Iris*), the Departmental Human Rights Committee (Comité Departamental de Derechos Humanos), the Development and Peace Foundation (*Fundación Desarrollo y Paz* – FUNDEPAZ), the National Victims of State Crimes Movement (*Movimiento Nacional de Víctimas de Crímenes de Estado* – MOVICE), the United Nations Development Programme (UNDP), the Pastos School (*Escuela de los Pastos*), Tumaco Pastoral Aid (*Pastoral Social de Tumaco*), the Indigenous Unity for the Awa People (*Unidad Indígena del Pueblo Awá* – UNIPA) and the Ricaurte Elders’ Council (*Cabildo Mayor Awá de Ricaurte* – CAMAWARI) in the Nariño department, declaring them to be a “military target”.

### **Arbitrary detentions and judicial harassment against defenders fighting for truth, justice and reparation**

In addition to the violence carried out by paramilitary groups, human rights defenders fighting for truth, justice and reparation faced judicial harassment, used by the Colombian State as a means of intimidation. Detentions for no reason, on several occasions as the result of tip offs made by paid informants working for the security services, the police or the army, the opening of judicial proceedings or the threat of doing so, constitute serious harassment whose aim is to dissuade those who carry out human rights activities. An example worthy of mention is the reopening of the investigations against the priest Father Javier Giraldo S. J. and Mr. **Elkin Ramírez Jaramillo**, lawyer and Director of the Corporation Judicial Freedom (*Corporación Jurídica Libertad*), ordered by the Bogotá Public Prosecutor’s Office 216 on February 13, 2009 for the crimes of “slander”, “libel” and “false reports”, following allegations made by a member of the Colombian army. By the end of 2009, the investigation of slander and libel had concluded because of lack of evidence. On April 8, 2009, the Public Prosecutor’s Office 188 delegated to Bogotá criminal magistrates courts also took the decision to conclude the investigation of “false reports”. However, after an appeal, on October 22, 2009, the Public Prosecutors Office 11 delegated to the Bogotá Superior Court revoked the decision to conclude the investigation, ordering the Public Prosecutor’s Office

188 to continue the investigation and requesting also a preliminary inquiry of Father Javier Giraldo S.J and in so doing, linking him to the process. By the end of 2009, the investigation remained open, the delays in the criminal proceedings against the human rights defenders resulting in consequences for their work. Furthermore, at the end of 2009, Mr. **Carmelo Agámez Berrío** remained arbitrarily detained in Sincelejo jail, in the Sucre department, since November 15, 2008. Mr. Agámez is a member of the Sucre branch of MOVICE and was accused of “conspiracy to commit a crime” for allegedly participating in a meeting in the Verrugas hamlet, San Onofre municipality, in 2002 and to have presented himself as a candidate in local council elections in the 2003-2007 period, with the support of paramilitary structures. It was reported that this is an entirely false accusation, given that Mr. Agámez has been a member of the opposition and his supporters and support bases were systematically threatened by those same paramilitary structures. On May 13, 2009, Mr. **Martín Sandoval**, President of the Arauca office of the Permanent Committee for the Defence of Human Rights (*Comité Permanente por la Defensa de los Derechos Humanos* – CPDH), who was accused of “rebellion” at the end of 2008, was freed and pronounced innocent by the Saravena Public Prosecutor’s First Office after six months of arbitrary detention. The harassment of human rights defenders was also illustrated by the detention in unclear circumstances of Messrs. **Winston Gallego** and **Jorge Meneses**, members of the Sumapaz Foundation (*Fundación Sumapaz*), in the framework of an investigation against various organisations. The said investigation was founded on intelligence reports produced jointly by the Army Regional Military Intelligence Unit (*Regional de Inteligencia Militar del Ejército* – RIME) and the Prosecutor General’s Office Technical Investigation Unit (*Cuerpo Técnico de Investigaciones* – CTI), which consider the activities carried out by these organisations to be criminal. The accusations were also based on the statements of two witnesses, demobilised members of the paramilitary groups, who as students at Antioquia University carry out intelligence activities for the Fourth Brigade on the university campus. While Mr. Jorge Meneses was subsequently released, as of the end of 2009, Mr. Winston Gallego remained detained in the Doña Juana prison, La Dorada Caldas department<sup>20</sup>, and the investigation against both of them continued in the Medellín 74th Public Prosecutor’s Office, delegated to the Fourth Brigade. Similarly, on March 2, 2009, Mr. **Gabriel Henao** and Mr. **Narciso Beleño**, respectively Acting President and Treasurer

20 / Mr. Gallego was released pending trial in May 2010. Until that time, Mr. Gallego continued his work as a human rights defender denouncing, together with other social prisoners, human rights violations in the prison, particularly cruel, inhuman and degrading treatment to prisoners by agents of the National Prisons Institute (*Instituto Nacional Penitenciario y Carcelario* - INPEC).

of the Farmers and Mining Federation of Southern Bolívar (*Federación Agrominera del Sur de Bolívar*), and Mr. **Víctor Acuña**, Spokesman for the Southern Bolívar Working Group (*Mesa de Interlocución del Sur de Bolívar*), were arrested without an arrest warrant, a few days after their meeting with high ranking officials of the Colombian Government about the human rights situation and impunity in the southern Bolívar region<sup>21</sup>. The three of them were transferred to the National Intelligence and Legal Investigations Service (*Servicio de Investigaciones Judiciales e Inteligencia Nacional – SIJIN*) in Bucaramanga, where they were interrogated, their fingerprints were taken and they were asked to sign a document confirming that they had been treated well, which they refused to do. They were released the same day, and at no time were they informed as to why they had been detained. The events were reported to the relevant authorities and a right to petition was filed to find out why they had been detained. When the national police failed to respond to the right to petition, a writ for the protection of their rights was filed and the Supreme Court ordered that a response be provided. On July 8, 2009, they were informed that they were detained for reasons including “a response to a telephone call made by a citizen”.

### **Assassination of a defender of LGBT rights**

Defenders of Lesbian, Gay, Bi-sexual and Transgender (LGBT) rights were also victims of threats and repeated attacks during 2009. The assassination of Mr. **Álvaro Miguel Rivera Linares** in his apartment on March 6, 2009 particularly moved the international community<sup>22</sup>. Like other human rights defenders who were assassinated, Mr. Rivera Linares had received threats on a number of occasions. Furthermore, on April 30, 2009, various computers were stolen from *Radio Diversa*, one of the radio stations that reports on the LGBT community situation in Bogotá since February 2008. Shortly afterwards, on May 5, 2009, a group called “the Organisation” (*La Organización*) sent a threatening email to Mr. **Carlos Serrano**, a Chilean based in Colombia for five years and Director of Radio Diversa, as well as the employees of the radio station. The message announced an alleged attack against the radio station if Mr. Serrano did not leave the country within a week.

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21/ At the same time, lawyer **Leonardo Jaimes Marín**, a member of the Foundation Committee for Solidarity with Political Prisoners (FCSPP), was threatened by the police when he tried to intervene to ensure that the rights of arrested leaders were respected.

152 22/ The assassination of Mr. Linares was included in IACHR Press Release No. 11/09, March 12, 2009.

## Threats against women's rights defenders

Throughout 2009, there were frequent threats, harassments against and even assassinations of women human rights defenders, including those who defend women's rights<sup>23</sup>. For example, on June 13, 2009, a number of suspicious looking men watched the Centre for Comprehensive Promotion for Women and Families "Open Workshop" (*Centro de Promoción Integral para la Mujer y la Familia "Taller Abierto"*)<sup>24</sup> in Jamundí municipality, Valle del Cauca, where a community workshop was being held for women leaders<sup>25</sup>. This was not the first incident of harassment of the Open Workshop leaders and, as previously, the situation was reported to the Prosecutor General's Office, but no progress was made in the investigation. Women's human rights organisations were also victims of threats sent via email by paramilitary groups. On October 29, 2009, the Soacha Dialogue and Management Group (*Mesa de Interlocución y Gestión de Soacha*) and the National Support Group for Displaced Persons Organisations (*Mesa Nacional de Fortalecimiento a Organizaciones de Población Desplazada*) received a pamphlet in their inboxes entitled "Fifth Black Eagles Bulletin", in which various displaced women were declared a target of this paramilitary group, all of them leaders in Bogotá and Cundinamarca municipalities. Furthermore, the message contained both death threats against the women and against leaders of the displaced persons organisations that comprise the Soacha Dialogue and Management Group and the National Support Group for Displaced Persons Organisations and the announcement of an "extermination plan" of those who run these organisations<sup>26</sup>. They also received text message along the same lines. For example, on November 21, 2009, Ms. Yolanda Guzmán, Ms. Clara Feijoo and Ms. Nidia Isaza, three displaced population leaders in Cundinamarca working with the Human Rights Observatory for Displaced Women in Colombia "in armed conflict situations, women also have rights" (*Observatorio de Derechos Humanos de las Mujeres en Colombia "en situaciones de conflicto armado las mujeres también tienen derechos"*) initiative, which works on training, advocacy and monitoring processes of the human rights situation of displaced women,

23/ According to the Women and Conflict Committee (*Mesa de Mujer y Conflicto*), from July 1996 to May 2009, at least 40 human rights defenders were victims of violations of the right to life. Of them, six were victims of enforced disappearance. In one of the cases of enforced disappearance, the victim was freed. See Women and Conflict Committee Report, *IX Informe sobre Violencia Sociopolítica Contra Mujeres, Jóvenes y Niñas en Colombia*, December 2009.

24/ Since it was founded, the Centre for Comprehensive Promotion for Women and Families "Open Workshop" has focused on promoting empowerment, rights promotion and defence processes, the prevention of HIV/AIDS, the promotion of self-organisation and civil participation of women, particularly displaced women, young people and indigenous communities in the Valle and Cauca departments.

25/ See Sisma Mujer Corporation (*Corporación Sisma Mujer*).

26/ See CCJ and Sisma Mujer Corporation and Human Rights Observatory for Displaced Women in Colombia "in armed conflict situations, women also have rights" Press Release, November 17, 2009.

received a threatening text message that was also sent to two women who are not members of the Observatory<sup>27</sup>. Previously, the three same leaders had been victims of threats against their lives, which were reported to the authorities. Investigations were carried out by the Prosecutor General's Office, although there was no concrete result by the end of 2009.

### Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Carmelo Agámez Berrío	Arbitrary detention / Fear for personal security and integrity	Urgent Appeal COL 021/1108/OBS 202.1	January 8, 2009
	Arbitrary detention / Judicial proceedings / Threats	Urgent Appeal COL 021/1108/OBS 202.2	November 19, 2009
Mr. Yuri Neira	Harassment / House raid / Attack / Fear for security	Urgent Appeal COL 001/0109/OBS 014	January 23, 2009
Yira Castro Legal Corporation (CJYC) / Ms. Blanca Irene López, Ms. Claudia Erazo and Mr. Rigoberto Jiménez	Threats / Harassment / Intimidation	Urgent Appeal COL 003/0209/OBS 030	February 18, 2009
	New threats	Urgent Appeal COL 003/0209/OBS 030.1	March 30, 2009
Mr. Martín Sandoval	Arbitrary detention / Judicial harassment	Open Letter to the authorities	February 18, 2009
Mr. Hollman Morris	Death threats / Harassment	Urgent Appeal COL 004/0209/OBS 031	February 19, 2009
Association of Family Members of the Detained and Disappeared (ASFADDES), Association for Peace in Colombia (ASOPAZ), Feminine Popular Organisation (OFP), Worker's Union (USO), Foundation Committee for Solidarity with Political Prisoners (FCSP) and United Worker's Federation (CUT)	Death threats / Harassment	Urgent Appeal COL 005/0209/OBS 032	February 19, 2009
Ms. Alba Nelly Murillo	Presumed enforced disappearance	Urgent Appeal COL 006/0209/OBS 034	February 27, 2009
Ms. Lina Paola Malagón Díaz and Mr. José Luciano Sanín Vásquez	Death threats	Urgent Appeal COL 007/0309/OBS 036	March 4, 2009

27/ See Sisma Mujer Corporation. The Human Rights Observatory for Displaced Women in Colombia "in armed conflict situations, women also have rights" is an initiative in which training, advocacy and monitoring processes related to the situation of displaced women are being developed. 600 displaced women and 60 leaders are currently members of the Observatory. They belong to approximately 75 displaced persons organisations (mixed and women) in six regions of the country.

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. Leovigildo Mejía, Luis Alberto Arango Crespo, Guillermo Antonio Ramírez Ramírez, Leoncio Gutiérrez and José Jair Valencia Agudelo	Assassinations / Attempted assassination	Urgent Appeal COL 008/0309/OBS 039	March 4, 2009
Messrs. Gabriel Henao, Narciso Beleño, Víctor Acuña and Leonardo Jaimes Marín	Arbitrary detention / Judicial harassment	Urgent Appeal COL 009/0309/OBS 041	March 5, 2009
Mr. Álvaro Miguel Rivera Linares	Assassination	Urgent Appeal COL 010/0309/OBS 046	March 10, 2009
Father Javier Giraldo S.J and Mr. Elkin Ramírez Jaramillo	Judicial harassment	Urgent Appeal COL 011/0309/OBS 048	March 13, 2009
Mr. Edgar Martínez	Assassination	Urgent Appeal COL 012/0409/OBS 066	April 27, 2009
Ms. Ana Teresa Bernal, National Network of Initiatives for Peace and Against War (REDEPAZ), Mr. Gustavo Gallón, Mr. Hollman Morris and Mr. Alirio Uribe, Colombian Commission of Jurists (CCJ), Consultancy on Human Rights and Displacement (CODHES), Research and Popular Education Centre (CINEP) and José Alvear Restrepo Lawyer's Collective (CCAJAR)	Espionage / Harassment	Open Letter to the authorities	May 4, 2009
Ms. Aída Quilcué	Death threats / Harassment	Urgent Appeal COL 013/0509/OBS 076	May 14, 2009
Mr. Asdrúbal Sánchez Pérez, Mr. Edgar Martínez, Mr. Víctor Franco Franco, Mr. Milton Blanco Leguizamón and Ms. Vilma Cárcamo Blanco	Assassinations	Open Letter to the authorities	May 14, 2009
Ms. Aida Quilcué and Mr. Feliciano Valencia, Mr. Daniel Piñacue, Mr. José Daniel Ramos Yatacúe and Mr. Mario Yalanda Tombé	Judicial harassment	Urgent Appeal COL 014/0609/OBS 083	June 16, 2009
CCAJAR / Ms. Ana Teresa Bernal, Mr. Gustavo Gallón, Ms. Shirin Ebadi, Mr. Sidiki Kaba, Mr. Antoine Bernard, Father Javier Giraldo and Mr. Alirio Uribe	Surveillance / Espionage / Harassment	Press Release	June 23, 2009
Mr. Winston Gallego Pamplona and Mr. Jorge Meneses	Arbitrary detention / harassment	Urgent Appeal COL 015/0609/OBS 089	June 24, 2009
	Ongoing arbitrary detention / Arbitrary transfer / Judicial harassment	Urgent Appeal COL 015/0609/OBS 089.1	December 17, 2009

<b>Names</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
<b>Mr. Erasmo Cubides</b>	Assassination	Urgent Appeal COL 016/0909/OBS 138	September 23, 2009
<b>Mr. Augusto León Lugo</b>	Attempted assassination	Urgent Appeal COL 017/1009/OBS 148	October 14, 2009
CREAR, New Rainbow Organisation, the Departmental Human Rights Committee, the Development and Peace Foundation (FUNDEPAZ), the National Victims Movement (MOVICE), the United Nations Development Programme (UNDP), the Pastos School, Tumaco Pastoral Aid, the Indigenous Unity for the Awa People (UNIPA) and the Ricaurte Elders Council (CAMAWARI)	Death threats	Urgent Appeal COL 018/1109/OBS 160	November 5, 2009
<b>Mr. John Smith Porras Bernal</b>	Death threats / Harassment	Urgent Appeal COL 019/1109/OBS 168	November 17, 2009
<b>Ms. Ingrid Vergara</b>	Death threats / Harassment	Urgent Appeal COL 019/1109/OBS 169	November 18, 2009
<b>Mr. Jorge Eliécer Molano Rodríguez</b>	Harassment / Intimidation	Urgent Appeal COL 020/1209/OBS 180	December 4, 2009
<b>Ms. Nubia Patricia Acosta, Mr. Jhon Jairo Betancour, Ms. Luz Marina Arroyabe, Father Javier Giraldo S.J., Mr. Abilio Peña, Mr. Danilo Rueda, Mr. Rodrigo Montoya and Ms. Marcela Montoya / Inter-Church Justice and Peace Commission</b>	Threats / Defamation / Intimidation	Urgent Appeal COL 021/1209/OBS 188	December 14, 2009
<b>National Union of Food Industry Workers (SINALTRAINAL) / Messrs. Luis Javier Correa Suárez, Luis Eduardo García, Jairo Méndez, David Flores, Cesar Plazas, José García Pedro Nel Taguado, Luis Sánchez Pedro Zorrilla, Hebert Arredondo, Edgar Paez and El Mono Olaya</b>	Death threats / Intimidation	Urgent Appeal COL 022/1209/OBS 190	December 15, 2009