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Lawyers' Rights Watch Canada

Pablo Elías González Monguí
Director, Unidad Nacional de Protección
Carrera 63 # 14 – 97
Puente Aranda
Bogotá D.C. 111611
Colombia

3 February 2020

Re. Recent threats against and protective measures for human rights lawyer Adil Meléndez Márquez

Dear Mr González Monguí,

I write on behalf of the Colombian Caravana, a UK registered charity that co-organises the International Caravana of Jurists; ABColombia, the advocacy project of a group of five leading UK and Irish organisations with programmes in Colombia: CAFOD, Christian Aid UKI, Oxfam GB, SCIAF and Trócaire; Action4Justice, global civil society platform that was formed by a coalition of NGOs including Greenpeace, Oxfam, Transparency International, the Forest People's Programme and IHRDA; The Spanish Bar Association Foundation; The International Observatory of Lawyers at Risk; Lawyers for Lawyers; Lawyers Rights Watch Canada; Deighton Pierce Glynn; Irish Council for Civil Liberties; Catalan Table for Peace and Human Rights in Colombia (which includes 29 organisations); and Lafede.cat (organizations for global justice).

Both as individual organisations and jointly, we have called upon the Colombian government to protect the ability of lawyers and human rights defenders to represent their clients without any interferences in their work, complying with both Colombian and international law.

The aforementioned organisations are concerned to hear that on 6 December 2019 Adil Meléndez Márquez received threats through a phone call, which he promptly reported to the relevant authorities. Mr Meléndez believes these threats to be directly linked to his work as a lawyer representing alleged perpetrators who wish to testify before the Special Jurisdiction for Peace (JEP) to tell the truth.

We note that these threats not only obstruct Mr Meléndez's ability to freely discharge his mandate as a lawyer but also impinge on the right to access to justice and the victims' right to truth, justice, reparation and non-repetition, which constitute the foundations upon which rest the entire Colombian transitional justice framework.

We also note that Mr Meléndez's protection scheme has not been adequately updated to reflect his current risk situation. Some of the signatory organisations wrote to you in reference to this matter in March 2019.¹ More specifically, we expressed our concern at the fact that, in December 2018, Mr Meléndez's bullet proof car had been withdrawn by the National Protection Unit (UNP) and instead he was provided with a standard car. So far, we have received no information to indicate that the protection measures provided for Adil have been improved to ensure his safety, given the level of risk he is facing.

We further note that, in light of the heightened risk he is facing, Mr Meléndez had to request financial support from Front Line Defenders to equip his house and office with additional protection mechanisms.

Some of the signatory organisations to this letter work closely with Mr Meléndez and have met with him on several occasions, including during Adil's last visit to Europe in December 2019. His work is vital to advancing justice and protecting human rights in Colombia, particularly in the Caribbean region.

We respectfully remind you that in 2006 Mr Meléndez was granted precautionary measures by the Inter-American Commission on Human Rights (IACHR), which asked the Government of Colombia to adopt the measures necessary to protect his physical integrity and enable him to carry out his important work. We understand that the IACHR continues to monitor his safety.

Furthermore, we draw your attention to Articles 16, 17 and 18 of the UN Basic Principles of the Role of Lawyers (1990).² We also draw your attention to the UN Declaration on Human Rights Defenders (adopted by the UN General Assembly on 8 March 1999).³

In light of these commitments and the concerns raised above, and in your capacity of Director of the UNP, we respectfully ask that you:

- promptly review Mr Meléndez's protection scheme in light of his heightened risk situation and accordingly provide him with adequate security measures to allow him to freely discharge his mandate as a human rights lawyer;
- liaise with the relevant prosecution services to ensure that the most recent threats against Mr Meléndez are promptly, impartially, independently and effectively investigated, with the intention of bringing those responsible for these crimes to justice.

While we are not acting directly on behalf or as a representative of Adil Meléndez Márquez, we write in support of Mr Meléndez given his vital work as a human rights lawyer that contributes to the building of lasting peace in Colombia.

¹ See http://www.colombiancaravana.org.uk/wp-content/uploads/2019/03/Letter-Adil-Melendez_ENG.pdf.

² 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."

³ Which states that: "In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in 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."

We would be grateful to receive an update regarding Mr Meléndez's request for protection, and respectfully ask that an initial response be sent to us within 28 days of this letter.

Yours sincerely,

Piergiuseppe Parisi
Advocacy Director, Colombian Caravana

Louise Winstanley
Programme and Advocacy Manager, ABColombia

Richard Lord QC
Chairperson of the Governance Group, Action4Justice

Sinead Nolan
Public Engagement and Communications Officer, Irish Council for Civil Liberties

Sophie de Graaf
Executive Director, Lawyers for Lawyers

Heather Neun
Director and Colombia Monitor, Lawyers Rights Watch Canada

Victoria Ortega Benito
President, Spanish Bar Association Foundation, &
President, International Observatory of Lawyers at Risk

Laura Lorenzi
President, Catalan Table for Peace and Human Rights in Colombia (Spain)

Luca Gervasoni
President, Lafede.cat – Organizations for Global Justice

Sue Willman
Partner, Deighton Pierce Glynn

Dr Lara Montesinos Coleman
Senior Lecturer in International Relations and International Development,
University of Sussex

Cc:

- Fabio Espitia Garzón, Attorney General of Colombia
- Carlos Alfonso Negret Mosquera, National Human Rights Ombudsman
- Antonio José Ardila, Colombian Ambassador to the UK
- Colin Martin-Reynolds CMG, British Ambassador to Colombia
- Alberto Brunori, Representative in Colombia of the Office of the United Nations High Commissioner for Human Rights
- Michel Forst, United Nations Special Rapporteur on the situation of Human Rights Defenders
- Francisco José Eguiguren Praeli, Special Rapporteur on the situation of Human Rights Defenders at the Inter-American Commission on Human Rights
- Antonio García Roger, EU Delegation in Colombia, Human Rights Focal Point and Liaison Officer for Human Rights Defenders