



Press Release

Bogotá, 26 August 2022 – The VII International Caravana of Lawyers¹ has travelled to the regions of Cali, Bucaramanga, Cartagena and Cúcuta where, by listening, observing and gathering the testimonies of victims of human rights violations and their relatives, their legal representatives, the judiciary and institutions, it has reached these preliminary findings.

One starting point is the concern about the lack of implementation of the Peace Accord, the continuity of the armed conflict, as well as the serious and increasing levels of violence perpetrated by illegal armed actors involved in drug trafficking and other criminal activities in the regions. Other key elements of the complex current situation include the high and rising levels of poverty and unmet basic needs of the communities, as well as the conflicts surrounding access to water, land and the presence of extractive projects that threaten water and other natural resources.

The Caravana is deeply concerned about serious threats to the rule of law that limit access to justice, the repression of political participation and social protest, and the lack of security guarantees for those carrying out vital human rights work in Colombia.

1. **Repression and criminalisation of political participation and social protest:** The Caravana is concerned by reports of attacks against social movements and groups that promote critical and opposing views on topics of national importance. We have been informed of spurious prosecutions against youth and social leaders, arbitrary arrests, forced disappearances, homicides and bodily harm such as ocular trauma. We have heard testimonies of the threats and harassment faced by the organisations supporting these individuals, the non-observance of due process and detention guarantees, and irregularities in the judicial processes following unsubstantiated accusations of terrorism, rebellion and criminal aiding and abetting. We note with particular concern testimonies of sexual violence against women in detention or in prison.
2. **Attacks against the work of lawyers:** We have been made aware of worrying patterns that prevent the free exercise of the legal profession, such as wire-tapping carried out by State agents, the stigmatisation of legal defence work by conflating lawyers with their clients, the criminalisation of human rights defenders, lawyers and judges through vexatious litigation, and the absence of adequate protection frameworks both at the individual and collective level.
3. **Conditions in prisons and centres for temporary detention:** We have been alerted to degrading conditions owing to overcrowding, the lack of access to basic rights – food, water, and medical attention –, reports of physical and psychological torture in prisons,

¹ 18 delegates of United Kingdom, France, Spain, Switzerland, Italy, Holland, Mexico, Nicaragua, Trinidad and Tobago, Canada and the United States.

police stations and detention centres, as well as the inappropriate use of centres for temporary detention.

4. **Lack of access to justice for rural, Afro-Colombian and indigenous communities:** We have been informed of attacks and forced displacements, due to mega-projects related to economic interests, by either the Army, the Police, paramilitary groups, guerrillas and other groups operating outside the law. We are concerned that communities are being stigmatised as belonging to armed insurgent groups. In border areas, we have been made aware of an increase in trafficking and other forms of gender-based violence, including an alarming rise in femicides and the recruitment of children by guerrillas, paramilitary groups and criminal gangs in the service of drug trafficking and other criminal activities.
5. **Lack of judicial independence:** We have been informed of threats against judges and members of the Colombian Land Restitution Unit who were injured and killed for doing their work. We spoke to judges who received long sentences upon being convicted of “*prevaricato*”, a fraud-related offence akin to malfeasance. They also told us that the power held by the Prosecutor’s Office in these cases is questionable in that it constitutes a threat to judicial autonomy. We are concerned about the level of sanctions and the role of the Prosecutor’s Office. In turn, we have heard of concerning attacks against prosecutors, who have been threatened and killed. We are further concerned by reports of spurious legal proceedings and the role of the Prosecutor’s Office in them. According to discussions with judges and prosecutors, additional resources are urgently needed to protect judicial independence.
6. **Alarming increase in illegal armed actors:** We have heard testimonies of their influence over those in positions of political power, and the increase of their criminal and violent activities, particularly in areas bordering Venezuela.
7. **Insufficient implementation of the Peace Accord:** We have observed that the Special Jurisdiction for the Peace (known for its acronym in Spanish, “JEP”) does not prioritise immediate communication with the victims in relation to the progress of their cases. Cases have been assigned to the JEP, and the Prosecutor’s Office has transferred individual cases to the JEP against the wishes of the victims to maintain their cases in the ordinary jurisdiction, which fails to meet the conditions established in the cooperation agreement entered into by the Office of the Prosecutor of the International Criminal Court and the Colombian Government in 2021. It has been noted that in regions where the conflict is ongoing, there are challenges to the implementation of the JEP’s sanctions and insufficient support from other State institutions for the JEP, and therefore an emphatic call to respect the judicial independence of this transitional justice system is needed. These facts have decentralised victims at the JEP, and have left some cases in a judicial limbo which can result in impunity. In turn, we have heard reports that the work of the Special Investigation Unit for the Dismantling of Criminal Organisations has been inefficient and limited, and that there is limited progress in the land restitution and agrarian reform programme, owing to a lack of political will by the previous government.

Finally, we found an active and participatory civil society and human rights movement, committed to strengthening the rule of law and peacebuilding. We thank the State and embassies for receiving us. We spoke with representatives of the State with a strong commitment to human rights, however, serious threats to the practice of law and to civil society remain.

These are the preliminary reflections of the VII Caravana, and the final report will be presented in due course.

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