

COLOMBIA



Oral Statement from Lawyers for Lawyers

United Nations Human Rights Committee's review of the 7th Periodic Report of Colombia
Formal NGO briefing, Geneva, 17 October 2016

Speaker: Ms Marit Balkema

Lawyers for Lawyersⁱ would like to draw the Committee's attention to the failure of the Colombian authorities to ensure the right of access to justice and effective legal representation.ⁱⁱ **Despite the current peace negotiations, lawyers are increasingly being threatened, physically attacked and even murdered because of their work.** The violence targets in particular the human rights lawyers who defend the victims of the armed conflict living in remote areas.ⁱⁱⁱ **Also lawyers' relatives are being threatened.**

Lawyers for Lawyers welcomes the establishment of the UNP^{iv}, but would like to stress that **the protective measures for endangered lawyers are often insufficient and ineffective.** Moreover, **attacks against lawyers often remain unpunished.**

Colombian lawyers continue working with the fear that they and their family members may be in danger, potentially forcing lawyers to renounce certain kinds of cases. **This chilling effect on the legal profession directly impedes access to justice for citizens.**

During our mission to Colombia at the end of last August, we met Adil Meléndez, He is one of the few lawyers in the northern region of Bolívar who still works on cases in the field of land restitution and the prosecution of paramilitaries. As a result, he continually faces threats and harassment. The protective measures provided by the UNP are insufficient to enable him to practice his profession effectively. Despite that his work requires him to travel to remote areas, his bulletproof transport is restricted to the city of Cartagena and only partly financed.

Lawyers for Lawyers would like to call on the Committee to strengthen its previous recommendations for Colombia to **take effective steps to guarantee the security of human rights lawyers** both by strengthening the protection program and by effectively investigating threats against lawyers.

ⁱ For more information about Lawyers for Lawyers, please visit: www.lawyersforlawyers.org.

ⁱⁱ As enshrined in Article 14 of the ICCPR. Adherence to the UN Basic Principles on the Role of Lawyers is considered a fundamental precondition to fulfilling the requirement that all persons have effective access to legal services provided by an independent legal profession. Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana (1990), UN Doc. A/CONF.144/28/Rev.1 at 118, available at: <http://www.advocatenvooradvocaten.nl/basic-principles/>.

ⁱⁱⁱ In August 2016, Lawyers for Lawyers participated in the 'Caravana Internacional de Juristas' mission. A group consisting of 70 lawyers, judges and public prosecutors visited Colombia to investigate the situation of the legal profession in the country. Colombian lawyers informed Lawyers for Lawyers that, despite the current peace negotiations, the threats against lawyers are increasing, in particular against human rights lawyers who defend the rights of the victims of the armed conflict in remote areas. For more information, please visit: <http://www.colombiancaravana.org.uk/>.

^{iv} In their reply to the List of Issues, the Colombian authorities stated that the "Prevention and Protection Program by the National Unit Protection (UNP) seeks to guarantee the rights to life, integrity, freedom and security of persons, groups and communities who are at extreme risk as a direct result of the exercise of their political, public, social or humanitarian activities, or because of the exercise of their profession. At present the UNP implements protective measures for 133 judges and 10 lawyers and legal representatives, who because of their practice face some risk. Also, the UNP has assigned 15 protection schemes to public prosecutors." Furthermore, the Colombian authorities mentioned that "As a result of these and other preventive actions, there have been no security incidents in the last 3 years that threaten life or integrity judicial officials, nor is there any record of attacks against courthouses", Lista de cuestiones relativa al séptimo informe periódico de Colombia, Adición: Respuestas de Colombia a la lista de cuestiones, 27 July 2016, CCPR/C/COL/Q/7/Add.1, par. 88 and 90.