During the last week of August 2012 the Colombia Caravana international delegation of lawyers spent eight days in Colombia, writes Sara Chandler. A group of 45 lawyers and judges from the UK, Ireland, Netherlands, France, Spain, Belgium, and Canada visited Colombia at the invitation of the Colombian national human rights lawyers’ association, ACADEHUM.

As we arrived the announcement of peace talks with the Farc heralded a new attempt to bring the five decades of conflict to an end. The conflict takes a high toll on human rights defenders, and the evidence we heard from the lawyers and judges we met demonstrates the high level of risk they face.

The delegation represented the international legal community, led jointly by the Bar Human Rights Committee, the Law Society, and the Chartered Institute of Legal Executives, with representatives of the Federation of European Bar Associations, Lawyers for Lawyers, Lawyers Rights Watch; Judges for Judges; Avocats sans Frontieres; Union des Avocats Internacional; and retired senior judges from Canada and the Netherlands.

The delegation divided into groups and visited several regions including: Medellín, Cali, Bucaramanga, Cartagena, Sincelejo, Yopal, and Narino. In each region we met local lawyers and judges, victims of paramilitary activities including internally displaced persons, families of the disappeared, and families of victims of extra judicial killings who gave evidence to the delegation. In some regions delegates met the leaders of the local indigenous communities affected by violence from the army and paramilitaries, and environmental damage to their ancestral territories, as well as members of the campesino communities and artisanal miners who have been forced off their land by paramilitaries. In most regions delegates met the local human rights ombudsman, the local police and army personnel.

The Caravana found evidence of the continuing victimisation and stigmatisation of defence lawyers and read comments from Government members, including the President, which were critical of the work of human rights’ lawyers. We heard evidence of the threats received by lawyers, including contemporaneous examples of paramilitary death threats by leaflets distributed in public naming individual lawyers. Lawyers’ professional duties and work for their clients is seriously affected by accusations of professional negligence which are later proved to be spurious and untrue. The delegation requested permission to visit two lawyers who were held in prison, but due to the prolonged national hunger strike by prisoners protesting against prison conditions, permission was withdrawn.

In 2010, the Caravana lawyers met Yira Bolanos, a lawyer who was imprisoned in June 2011. She was supported throughout her detention by Caravana members including a visit in 2011. Yira was released shortly before we arrived and spoke at the opening of the Caravana, on 26th August 2012 in Bogotá.

The Caravana was given numerous examples of how the Justice and Peace Laws, and the Victims and Land Restitution Laws are having the opposite effect to that intended and are putting people at serious risk. We were given evidence of the killings of people given the right to return to their land following application under the Land Restitution Law, who were killed by those currently occupying the land. Death threats to the lawyers representing people applying for restitution of their land, came clearly from paramilitaries, many of whom are occupying the land that they took from the original farmers.

Impunity remains a structural problem which directly affects the rights of victims. In meetings with the Colombian authorities the Caravana requested information as to what resources are dedicated to pursuing the perpetrators of killings, and in particular the murders of lawyers, and what protection is offered to those who are sent death threats. Delegates were given a document produced by the Fiscalía, the national prosecution service, which details the attacks, threats and assassinations of lawyers over a ten year period. Delegates were dismayed to read of
4,500 such incidents, confirming the extraordinary risks Colombian human rights lawyers face every day. The Caravana has written to protest the deaths of 12 lawyers in the first six months of 2012, calling for effective protection, investigation and prosecution.

A small group of the delegation, on behalf of the Alliance for Lawyers at Risk, interviewed many people in areas affected by mining companies or the African palm farms, about the United Nations Principles on Business and Human Rights (the ‘Ruggie’ principles). Sue Willman writes about this investigation in another article.

We watch as peace talks get under way from 18th October 2012 in Norway. The crucial question for the international legal community is still access to justice and the defence of human rights in Colombia. Peace talks without considering the victims of the decades of conflict will not produce a firm foundation for the future. To date civil society leaders who work with victims have not been invited to participate in the talks. If the spotlight on the defence of human rights is lowered, those lawyers who strive for justice in Colombia will be even more exposed, and the poor, the dispossessed, the families of the disappeared and the dead, and human rights defenders in every community will have no recourse, and no access to justice.

If you would like to support Colombian human rights lawyers, contact colombian.caravana@googlemail.com.

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