

Colombia: HUMAN RIGHTS DEFENDERS UNDER THREAT

International Campaign for the Right to Protect Human Rights



Recommendations for the Colombian government and state

1. End impunity for violations against human rights defenders

1.1. The Prosecutor General's National Unit for Human Rights and International Humanitarian Law should investigate and centralize all complaints, threats and human rights violations against human rights defenders and:

- Identify command responsibility for the crimes;
- Follow-up the cases until justice is served;
- Periodically publicize the results of finalized investigations.

1.2. All investigations of violations of human rights defenders that involve the armed forces should be presented before a civilian court and not in a military court, as repeatedly stated by Constitutional Court jurisprudence, the Inter-American System of Human Rights and the Office of the High Commissioner for Human Rights.

1.3. Prosecutors should be removed from military brigades to ensure independence and impartiality in their investigations and to guarantee the safety of human rights defenders and the victims that they defend.

2. End the misuse of state intelligence

2.1. Guarantee that human rights defenders have access to information contained in intelligence files, as specified in the Constitution and the *Habeas Data Law (2008)*.

2.2. Guarantee that intelligence is not collected about human rights defenders simply on account of their work. Any information collected in this way is illegal, as stated in *Sentence T-1037 (2008)* of the Supreme Court, and should therefore not be utilised, for example as evidence in a criminal trial.

2.3. State authorities, coordinated by the Inspector General's Office and supervised by the United Nations, should revise intelligence reports in order to exclude specious information that may incriminate or prejudge individuals, particularly human rights defenders.

2.4. The Prosecutor General's Office should investigate the unwarranted and illegal use of intelligence information and show immediate and concrete advances in the criminal and disciplinary investigations being carried out against all of the government officials involved in the DAS wiretapping scandal, from those who gave the orders to those who executed them.

3. End systematic stigmatisation

3.1. The President of the Republic and other important government officials should publicly recognize, in a highly visible manner, the legitimacy and importance of the work of human rights defenders, refrain from making declarations that discredit their work, and condemn attacks against them.

3.2. The Inspector General's Office should take official disciplinary action against all government officials who with their public comments, actions, or omissions, promote or permit human rights violations against defenders, publish periodic reports on the matter, enforce compliance with Presidential Directives 11 of 1997, 07 of 1999, 07 of 2001 and Defense Ministerial Directive 09 of 2003, and carry out preventative training of public officials.

3.3. The President of Colombia should promulgate a new Presidential Directive ordering all authorities to recognize, respect and protect the work of human rights defenders.

4. End unfounded criminal proceedings

4.1. The Prosecutor General should create a special prosecutorial unit to coordinate the review of all criminal investigations against human rights defenders. The unit should be able to quickly vet the investigation for compliance with due process standards. All cases found to be specious should be closed immediately.

4.2. Criminal and disciplinary investigations should be initiated against all prosecutors or other government officials that have breached the law by falsely investigating human rights defenders and those found guilty should be punished accordingly.

4.3 Prosecutors should reject patently implausible witness testimony, refrain from influencing witness testimony, and carefully evaluate witness testimony from ex-combatants and informants who receive reintegration or other benefits.

5. Structurally improve the protection programmes for people at risk

5.1. The protection program should be revised, and any changes should be made in direct consultation with human rights defenders to ensure that they address the needs of defenders countrywide.

- A) The Justice and Interior Ministry should create a special unit to manage the protection program for the beneficiaries, which should be designed in coordination with the program's beneficiaries.
- B) A mechanism should be created to guarantee that bodyguards or drivers assigned to the protection program do not have, and have never had, ties with illegal armed groups, and that they do not use their position to carry out intelligence gathering work on defenders.
- C) While evaluating the risks faced by individual defenders, a range of factors should be taken into account. Special attention should be paid to the high profile of defenders in leadership positions, the type of work undertaken by the defender, and relevant reports by the Human Rights Ombudsman's Early Warning System, the Inter-American Commission of Human Rights, social organizations, and other NGOs.
- D) The Justice and Interior Ministry should provide immediate and temporary protection (within 48 hours of receiving the request) to the person or organization seeking protection, while their security situation is being evaluated.
- E) The State should not contract private security companies to carry out the work of protecting people at risk.

5.2. The Justice and Interior Ministry's protection program, once amended and revised, should receive sufficient funds to guarantee that the security measures are effectively implemented.