



Bogota, April 7, 2011

**Juan Manuel Santos Calderón**

President of Colombia

Bogota

**Subject: Return of the protection scheme assigned to the Jose Alvear Restrepo Lawyers' Collective (CCAJAR)**

Mr. President:

At the behest of then president Álvaro Uribe Vélez and his government's inner circle, a plan was hatched to eliminate or neutralize the Jose Alvear Restrepo Lawyers' Collective (CCAJAR) as a human rights organization. This plan is publicly known and has been demonstrated by files confiscated from the Administrative Department of Security (*Departamento Administrativo de Seguridad – DAS*).

Investigations have revealed that it was not only the DAS, but that all of the intelligence agencies participated in the criminal enterprise aiming for our complete "neutralization." This systematic persecution was justified by the concept of LEGAL WAR, according to which the search for justice in national and international courts is part of the guerrilla groups' strategy, and therefore constitutes a threat to national security.

The Prosecutor General's Office (*Fiscalía General*), meanwhile, has refused to recognize that the intelligence activities and attacks directed at CCAJAR and other human rights and social organizations constitute international crimes. In particular, the crimes of PERSECUTION and PSYCHOLOGICAL TORTURE, which led to CCAJAR members' exile and forced displacement, have gone completely unpunished.

In addition, we have conclusive knowledge that various State agencies continue to target us for intelligence operations because of our work as members of the Lawyers' Collective and as human rights defenders. On September 18, 2010, we informed Vice President



Angelino Garzón of these operations, and yet to date no action has been taken to address this.[1] Under the current administration, the unfortunate concept of LEGAL WAR is still in force, especially in the military and the intelligence agencies. In fact, during your presidential campaign as the candidate of the “U” Party, you yourself, Mr. President, declared that you would defend the Armed Forces from the “Legal War” being waged against them.[2] High-level members of your government, such as Army Commander Alejandro Navas, subscribe to the “Legal War” ideological school of thought.[3] Furthermore, the hybrid DEMIL office, the subject of recent scandals, is located on military installations and operates under the “Legal War” doctrine. The concept is also propagated in ACORE publications. This kind of rhetoric places our lives and our defense of human rights at serious risk, and is contrary to the principles of a social State under the rule of law. **This ideological doctrine, especially entrenched in the military and the intelligence agencies, explains why the new administration has failed to end the persecution of CCAJAR, and why this persecution has increased alarmingly in recent months instead.**

The systematic persecution of CCAJAR has been promoted by the highest echelons of the State. As a result of this pervasive persecution, and the actions and omissions that have negatively affected our safety, we have decided to RETURN the protection scheme provided to us by the Ministry of the Interior and Justice’s Protection Program.

The following situations demonstrate the State’s lack of due diligence in guaranteeing protection:

1. CCAJAR’s high-risk situation continues. It is characterized by:[4]

- Continued surveillance and harassing phone calls targeting members of CCAJAR.
- The enactment of a smear campaign and the creation of an environment in which actions in legal proceedings are presented as attacks on the legitimacy of the Armed Forces’ work.
- Public demonstrations against CCAJAR, in which the slogans can be interpreted as inciting the physical elimination of its members.[5]
- Knowledge of a plan to carry out an attack on one of CCAJAR’s lawyers.[6]
- A continued situation of threats attributed to paramilitary groups, without any results from investigations into these threats.



2. The failure to provide the physical and political protection measures requested by CCAJAR, as part of the precautionary measures granted by the Honorable Inter-American Commission on Human Rights. The protection measures requested from the Colombian State include: effective dismantling of paramilitarism; declassification and purging of intelligence files; retracting or publicly discrediting the accusations and public smears directed at CCAJAR by high-level government officials; investigations and punitive measures against those responsible for the threats, harassment, and other attacks targeting members of CCAJAR.

3. Shortly after the beginning of your administration, we sent a series of memorandums to your office,[7] the Human Rights Department of the Ministry of the Interior and Justice,[8] and the Human Rights Department of the Ministry of Foreign Affairs.[9] These memorandums asked for a response to our requests for physical protection measures from the previous administration,[10] which had been met with silence.

This government has assured the Inter-American Commission that it would give an immediate response to requests for physical protection. Nevertheless, the omissions continue:

- The protection measures requested for our offices were not adopted.
- The security measures approved for the lawyers' homes were not implemented.
- There was no positive response to our requests for changes of security vehicles,[11] their timely and proper maintenance, etc.
- No drivers were designated to replace those who left the protection scheme. Each time that we presented possible drivers, they were rejected with the argument that they "did not pass the trustworthiness test." This test was carried out by the DAS, the same agency that has systematically persecuted us for more than ten years.

**4. The investigations underway into the criminal activities carried out by the DAS against CCAJAR indicate that the Protection Program was used against us.** For example, orders were issued to give notice when the cars assigned to the lawyers arrived at the garage. We wonder, to what end? DAS files demonstrate that orders were issued and activities were conducted to recruit the drivers from our unarmed protection scheme as informants. There are documents in the investigations indicating that money from confidential funds was allocated to pay drivers for information.



5. It has now been proven that the DAS carried out numerous activities targeting members of CCAJAR. Among many others, these include:

- The DAS sent a gruesome package to the lawyer Soraya Gutiérrez. The package contained a doll that had been decapitated and ripped into pieces, with burns and red nail polish resembling blood smeared over its body, and with signs of sexual violence. This horrific scene was accompanied by a handwritten message reading: “You have a very nice family, take care of them,” clearly referring to her young daughter.
- In order to gain entry to the home of lawyer Alirio Uribe Muñoz, orders were issued to romance the maid and/or steal the keys to the house. In fact, it has been established that Uribe Muñoz’s home actually was illegally and covertly broken into to obtain documents. Orders were also issued to steal his I.D. documents in order to bar him from leaving the country.
- The DAS carried out acts of sabotage to keep lawyers from leaving the country. In at least one proven case, the DAS achieved its goal and prevented a lawyer from traveling to The Hague to participate in the ICC Assembly of States Parties.
- Orders were also given to block agreements between CCAJAR and media programs and universities to defend and raise awareness about human rights.
- Illegal surveillance targeting lawyers’ human rights activities was conducted throughout Colombia, as well as outside the country.
- The DAS carried out a series of actions to discredit CCAJAR and some lawyers’ family members. These actions presented the organization as part of a guerrilla organization and argued that CCAJAR was responsible for waging LEGAL WAR through its reports and legal activities in Colombia and in international courts.
- The DAS carried out surveillance and intimidation targeting CCAJAR lawyers’ families, including elderly persons and children.
- The DAS gave orders to infiltrate CCAJAR and possessed information sources “with direct access to the target.”

**The investigations indicate that the DAS as an institution considered CCAJAR a threat to national security and the security of the government. It therefore defined CCAJAR as a TARGET of its criminal actions, in order to neutralize or restrict our work as a human rights organization.**



The general objectives presented by the DAS are telling: “Neutralize destabilizing actions by NGOs in Colombia and the rest of the world. Neutralize or restrict the activities of organizations and persons that attack national security and the national government. Identify and neutralize hostile political actions targeting the constitutional system and the national government, especially those carried out by NGOs sympathetic to terrorist organizations. Defend democracy and the Nation. Raise awareness about the consequences of a communist system. Inform the population about the reality of communist ideology. Criminally prosecute[12] those who were denominated “objectives or targets”[13] of its actions. Obtain information on, control, and discredit their activities. Conduct offensive intelligence and psychological warfare actions to intimidate their targets, as was recognized by at least one government official during the investigations into these incidents. Neutralize influence in the Inter-American Court of Human Rights in Costa Rica. Neutralize influence in the European legal system, the European Parliament Human Rights Committee, the Office of the UN High Commissioner for Human Rights, National Governments. Neutralize the actions of foreign citizens who attack the security of the State. Promote actions benefiting the State for the 2006 elections.”

To achieve these objectives, the DAS did not simply define specific “targets.” Rather, the institution did not hesitate to make use of a range of crimes, including: homicide, threats, torture, sabotage, embezzlement, acts of terrorism, and perversion of the course of justice. CCAJAR has direct knowledge of these and many other actions, through our familiarity with the various proceedings underway.

6. In addition, we attest that the systematic persecution directed against CCAJAR for years has gone completely unpunished. The investigations into the DAS have not made progress toward discovering the entire truth about the campaign of persecution waged against us. The proceedings conducted by the Prosecutor General’s Office are not complying with international standards of due diligence in the investigations.

**7. We would like to reiterate that during the current administration there has been an increase in persecution, harassment, and threats against the Lawyers’ Collective.** Faced with this panorama, which demonstrates that our lives and our activity in defense of human rights are at imminent risk, we reiterate that our requests to bolster our security have gone unanswered. In addition, General Oscar Naranjo has failed to hold the meeting



he promised to organize between the Lawyers' Collective and the military high command, with participation from the Office in Colombia of the United Nations High Commissioner for Human Rights and other international observers.

For the above reasons, we believe that the State has failed to properly fulfill its obligation of protection. Rather, it has committed actions and serious omissions that place our physical safety at even greater risk. Under the current circumstances and conditions, it is impossible for us to keep the protection schemes provided to us by the Ministry of the Interior and Justice's Protection Program.

**We do not feel safe and do not trust the current scheme in which the DAS plays a leading role. Nor do we trust the private security company, for reasons already known to the government. Furthermore, faced with an increase in threats and attacks during the current administration, our requests to increase our security have not received an effective response.**

Therefore, lacking any other alternative, we are forced to RETURN all the vehicles currently assigned to CCAJAR lawyers that are part of the protective program managed under the administration of the DAS.

This morning, April 7, 2011, the vehicles are being delivered by the protection scheme drivers, who are also being returned to the Protection Program.

**We hereby declare that the RETURN of these physical protection schemes does not proceed from a free and unconstrained decision. Rather, it is the result of the terror and extreme mistrust created by State persecution, carried out by high-ranking State officials and intelligence agencies.** We have been forced to make this decision by the manipulation of the Protection Program to persecute us. We have been forced by the ongoing use of the doctrine of LEGAL WAR to stigmatize our efforts to defend human rights in the legal arena. We have been forced by the verbal attacks on our work, which unfortunately have not disappeared during the current administration. We have been forced by the increase in risks, without any timely or effective response by the State. The State's failure to implement effective political measures has led to the increase in persecution that has occurred in recent months. Finally, we have been forced to make this



decision by a series of actions and omissions committed by the State, which have placed our safety at greater risk.

We continue to hold the State exclusively responsible for anything that may occur to any of the members of CCAJAR or their families.

The Jose Alvear Restrepo Lawyers' Collective declares its complete willingness to resolve the issue of our security measures, for which we request an immediate meeting with you, Mr. President.

Sincerely,

*Signed:*

RAFAEL BARRIOS MENDIVIL

President

ALIRIO URIBE MUÑOZ

Executive Director

REINALDO VILLALBA VARGAS

Vice President

SORAYA GUTIERREZ ARGUELLO

Treasurer

JOMARY ORTEGON OSORIO

General Secretary

LUIS GUILLERMO PEREZ CASAS

EDUARDO CARREÑO WILCHES



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Inter-American Commission on Human Rights

Angelino Garzón, Vice President of Colombia

Germán Vargas Lleras, Minister of the Interior and Justice

María Paulina Riveros, Director of Human Rights of the Ministry of the Interior

Francisco Echeverry Lara, Director of the Human Rights and International Humanitarian Law Office of the Ministry of Foreign Affairs

Director of the Office in Colombia of the United Nations High Commissioner for Human Rights

Inspector General (*Procurador General*) of Colombia

Prosecutor General (*Fiscal General*) of Colombia

Director of the DAS

Ombudsman's Office (*Defensoría del Pueblo*)

Minister of Defense

EU High Representative for Foreign Affairs and Security Policy

International Cooperation Agencies

Diplomatic Corps in Colombia

[1] In this meeting, CCAJAR made the following requests of the Vice President, in his capacity as the constitutionally mandated official in charge of human rights protection: i) A commitment by the government to publicly recognize the





legitimacy of human rights defenders' work, specifically by issuing a Presidential Decree on the issue; ii) A memorandum to be sent to the military high command about CCAJAR's work in the legal arena to defend human rights; iii) The investigation, prosecution, and sanction of the top-level officials responsible for the massive intelligence operation directed at CCAJAR in recent years, as well as actions to prevent new incidents and protect evidence, including the dismissal of the current director of the DAS; iv) An immediate response to the requests for physical protection submitted by CCAJAR to the Human Rights Department of the Ministry of the Interior and Justice.

[2] WRadio.com.co, May 10, 2010: The presidential hopeful declared to "all members of the Armed Forces that we will defend you with whatever we can from 'Legal War.' And we will strengthen the Military Justice System, as we attempted to do with the reforms that unfortunately did not pass in Congress." Santos asserted that he would not allow what the Armed Forces had won in battle to be tarnished with statements made in the courts. "Within a framework of respect for human rights, we are not going to allow what we won on the battlefield with so much effort to be lost in the courts," stated Santos.

[3] See [www.ejercito.mil.co](http://www.ejercito.mil.co), August 3, 2011.

[4] CCAJAR, memorandum to the Inter-American Commission on Human Rights during the working meeting with the Colombian State, held in October 2010, during the IACHR's 140th period of sessions.

[5] One of the repeated slogans is "No More CAJAR," accompanied by a logo. This paraphrases the slogan "No More FARC" used in countless Colombian civil society demonstrations against kidnappings and the actions of the FARC in Colombia.

[6] CCAJAR has reported receiving information about a possible attack on one of its members by military intelligence agencies.

[7] CCAJAR, memorandum to Colombian President Juan Manuel Santos, September 11, 2010.

[8] CCAJAR, memorandum to the Director of Human Rights of the Ministry of the Interior, María Paulina Riveros, on September 28, 2010. Memorandum with the same date directed to Alfredo Mendoza, Security Coordinator of the Ministry of the Interior.

[9] CCAJAR, memorandum to the Director of Human Rights of the Ministry of Foreign Affairs, Margarita Rey Anaya, September 15, 2010.

[10] CCAJAR, memorandum to the Director of Human Rights of the Ministry of the Interior and Justice, Rafael Bustamante Pérez, June 7, 2010.

[11] The change of protection vehicles is justified because most of them have been used by CCAJAR for more than eight years and it is known that they were the subject of continual surveillance.

[12] Criminal prosecution (*judicialización*) consists of bringing charges against a person in criminal proceedings. In this case, this was carried out through falsified evidence or arbitrary charges. The DAS attempted to criminally prosecute members of CCAJAR, and even used demobilized former combatants (*desmovilizados* or *reinsertados*) in their efforts.



# Corporación Colectivo de Abogados

**José Alvear Restrepo**

[13] According to Resolution 958 of September 10, 2008, “targets” were defined as those organizations or individuals designated as objectives of intelligence actions – in this case, members of CCAJAR.