



LAWYERS WITHOUT BORDERS
AVOCATS SANS FRONTIERES
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The State of Justice in Colombia:
ASF Canada is profoundly preoccupied by the reports of two independent experts of the United Nations.

Quebec, June 4 2010 – Lawyers Without Borders Canada (LWBC) applauds the delivery of the Colombia mission reports of the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Karian Knaul de Albuquerque, and the United Nations Special Rapporteur on Extrajudicial Executions, Philip Alston. LWBC urges the Colombian authorities to swiftly follow through with the recommendations contained in these reports.

On Wednesday June 2, 2010, at the 14th session of the United Nations Human Rights Council, Special Rapporteur Knaul de Albuquerque presented to the plenary session the report of her December 7 to 16, 2009 visit to Colombia. During that visit, delegates from Lawyers Without Borders Canada (LWBC) and their colleagues from the Colombian Association of Litigating Lawyers “Eduardo Umaña Mendoza” (*Asociación Colombiana de Abogados Defensores “Eduardo Umaña Mendoza”* – ACADEUM) had the opportunity to speak with the Special Rapporteur in the city of Bogota and to demonstrate to her their concerns regarding threats faced by human rights lawyers throughout the country. This report is added to that presented to the Council by Special Rapporteur Alston on May 27, 2010.

In her declaration to the Council members, the Special Rapporteur stated that in Colombia she had noted “a general and universal perception of impunity and of an ineffective justice system.” In addition, the Special Rapporteur insisted on the importance of the work of lawyers who, in Court, represent the victims of grave human rights violations who are precisely seeking to put an end to this impunity. To this end, she reiterated the importance of guaranteeing the security of lawyers in order to permit them to correctly fulfill their work in accordance with the Basic Principles on the Role of Lawyers.

«It is difficult to expect that human rights lawyers will not continue to be subject to more attacks and intimidations given that, as Ms. Knaul de Albuquerque noted, the unlawful surveillance activities of the intelligence service aimed at the aforementioned (defence lawyers) –as well as Justices of the Supreme Court – have not been the subject of thorough investigations and, to this date, have not led to a single criminal sanction» commented Mr. Philippe Tremblay, LWBC Program Manager.

In general, Special Rapporteur Knaul de Albuquerque has demonstrated a particular concern for the repeated interference of the executive power in the administration of justice. For example, in both her report and her declaration before the Human Rights Council, she mentioned the Colombian President’s attempts to impose on the

Supreme Court of Justice unqualified candidates for the centrally important position of Attorney General. The power to designate the Attorney General lies with the Supreme Court of Justice. She also alluded to the death threats uttered against the Supreme Court Justices who are carrying out the inquiry related to the presumed links between several members of parliament and paramilitary groups; the latter being attributed with thousands of extremely serious crimes. The Special Rapporteur also made reference to similar interference in the nomination process of the members of the Superior Judicial Council (*Consejo superior de la Judicatura*).

Finally, the Special Rapporteur criticized the absence of any notable progress in the criminal prosecutions of certain paramilitaries who were demobilized within the framework of the «Justice and Peace law». These prosecutions, she noted, had not led to a single conviction, nearly 5 years after the transitional justice process had been put in place.

« The cry of alarm of the UN Special Rapporteur on the Independence of Judges and Lawyers adds to that of her counterpart Philip Aston who, a few days earlier, had maintained that military criminal justice, very resistant to sanctioning soldiers and officers accused of human rights violations, should not be more than an exceptional jurisdiction» states Pascal Paradis, Executive Director of LWBC. According to Mr. Alston, the level of impunity in cases involving extrajudicial executions attributed to security forces is at a rate of 98.5%, a figure that tends to feed the public's lack of faith in the justice system.

LWBC and their Colombian partners are committed to demanding that the competent authorities follow through with the recommendations made by these two experts, and ensure that the implementation of the recommendations be done in the interest of the victims who are still waiting for justice to be rendered.

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