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Supreme Court of Justice. Criminal Division

Bogotá, 31 de octubre de 2014

Dear Magistrates

As a group of Non-Governmental Organizations and international networks, we write to you express our concern about the case of an internationally known human rights activist, David Ravelo Crespo, member of the Regional Corporation for the Defense of Human Rights in Magdalena Medio (CREDHOS), from the city of Barrancabermeja. David Ravelo Crespo has been detained since the 14th of September 2010, when he was accused of being the mastermind of the aggravated homicide of David Núñez Cala, Public Works Secretary committed in 1991.

Since Mr. Ravelo Crespo has been detained, national and international bodies have denounced numerous irregularities in his case. Despite this, Mr David Ravelo was convicted to 220 months in prison. On the 11th February of this year an annulment petition was filed before the Superior Tribunal of Bucaramanga, and in March the Tribunal transferred the case to the Supreme Court of Justice.

With full respect to the independence of the Colombian judicial system, we consider that under principles of rule of law, it is fundamental to respect national and international guarantees of due process including the right to a legitimate defense and a fair trial, rights to which appear to have been repeatedly denied throughout this process. For this reason, we believe that it is extremely important that the Supreme Court studies the case in depth and in particularly the alleged irregularities, in order to assure that David Ravelo benefits from fair and impartial process that has the guarantees that have thus far been denied.

Since Mr. Ravelo Crespo has been detained, national and international bodies have called attention to his case and the lack of compliance with national and international standards of due process. In particular, in March 2011, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, and the United

Nations Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, sent a joint communique to the Colombian government following David Ravelo's arrest, in which they expressed their concern that “the criminalization of Mr. Ravelo Crespo falls within a context of increased cases of prosecution against human rights defenders in Colombia”<sup>1</sup>. We would like to call attention to the fact that during the 22nd session of the United Nations Human Rights Council, a resolution was approved that urges that states guarantee greater protection for human rights defenders and demands that an end is put in using national laws to criminalize the activities of human rights defenders.

In addition to the variety of irregularities denounced during the trial, David Ravelo's lawyers have highlighted the illegitimacy of the prosecutor who directed the investigation. The prosecutor William Pacheco Granados, of the 22 Prosecutors Office in the National Anti-Terrorism Unit, was a lieutenant with the National Police in Armenia (Quindío, Colombia) prior to becoming a prosecutor. Mr. Pacheco Granados was investigated by the Inspector General (Procuraduría) and subsequently removed from office because of his supposed involvement in the forced disappearance of Guillermo Hurtado Parra in Armenia (Quindío, Colombia) in 1991<sup>2</sup>. Then, in November 1993, Mr. Pacheco Granados was sentenced to a year in prison by a Superior Military Court. According to Colombian legislation, these convictions disqualify him from holding any position in the Prosecutors Office (Fiscalía). We understand that according to Colombian law the conviction of Mr Pacheco Granado, disqualifies him from holding any position in the Prosecutors Office, and that he never should of been responsible for bringing a case against a human rights defender. Currently we are aware that Mr Pacheco has been linked to a new criminal investigation for forced disappearance.

Mr Ravelos' defense team has also denounced that the case against him is principally based on the testimonies of two demobilized paramilitaries, who were convicted for serious crimes committed in the city of Barrancabermeja (including the massacre of the 16th of May, 1998<sup>3</sup> and the 28th of February, 1999<sup>4</sup>) based on incidents previously denounced by David Ravelo himself. For having denounced the paramilitary activities, David Ravelo was declared a military target by the paramilitaries<sup>5</sup>. Currently the Prosecutors Office has charged one of the demobilized paramilitaries, Mario Jaimes Mejía, alias “El Panadero”, for false testimony, for accusing Aristides Andrade of the the same homicide for which David Ravelo has been convicted. When charging Jaimes Mejia the prosecutor mentioned various declarations that – in his opinion - put in question the testimony of the ex paramilitary leader. He also pointed out “the many contradictions in the different testimonies that [El Panadero] had presented to the justice system which were contradicted the testimony of other witnesses and other material evidence”, and that this was sufficient to charge him with false testimony<sup>6</sup>.

Furthermore, the defense team for David Ravelo argues that the current legal process is equivalent to a reformulation of previous charges that David Ravelo has already been cleared of: that, as a supposed member of the Armed Revolutionary Forces of Colombia, he ordered the assassination of Nuñez Cala. We reiterate that David Ravelo was imprisoned for 27 months between 1993 and 1995 accused of rebellion, he was tried and cleared of all charges in

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<sup>1</sup> Human Rights Council of the UN General Assembly. Report of the special secretary of the independence of magistrates and lawyers.

<sup>2</sup> The delegate of the Attorney General’s office for the defence of Human Rights: Resolution 015 of 10 of July 1992, Resolution 017 of 22

<sup>3</sup> El Espectador: [Prison sentence for massacre in Barrancabermeja](#), 8 November 2010

<sup>4</sup> Rural Press Agency: [Three paramilitaries accept responsibility for massacre in Barrancabermeja which took place in 28 February 1999](#), 4 February 2011

<sup>5</sup> Maureen Maya: [“Barrancabermeja, where love is key”](#) (1), Weekly Virtual Tool Box, Corporación Viva la Ciudadanía

<sup>6</sup> El Espectador: [”The lies of 'El Panadero'?”](#), 16 September 2014

the first and second stage of proceedings. He then sued the state for arbitrary detention and won, though the suit is currently being appealed by the state.

As NGOs and international networks, we have been following this case and we have expressed on many occasions our misgivings for the irregularities mentioned as well as others mentioned by Mr Ravelo's defense team, because, as we have mentioned, we believe that they undermine the right that Mr Ravelo has to a proper defense as well as the guarantees of due process.

With full confidence in the highest Court of Justice of Colombia, we hope that these misgivings that we have here expressed are taken into account and that the Honorable Court agrees to hear the extraordinary petition for annulment put forward by the defense team of David Ravelo, in order to assure that the human rights defender is allowed a just and impartial trial and that he is afforded all the guarantees that have been previously denied.

Signed

ABColumbia

Abogados sin Fronteras Canadá

Acción de los Cristianos para la Abolición de la tortura (ACAT-France)

ASK! - Grupo de Trabajo Suizo por Colombia

Christian Aid

Colombia Solidarity Campaign

Cooperació

Colombian Caravana UK Lawyers' Group - Grupo de Abogados del Reino Unido de la Caravana Internacional de Juristas

Front Line Defenders

Haldane Society of Socialist Lawyers

Justice for Colombia

Justicia por Colombia España

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Latin America Working Group (LAWG)

Lawyers' Rights Watch Canada

Misereor

Observatorio para la Protección de los Defensores de Derechos Humanos (Organización Mundial contra la Tortura – OMCT y Federación Internacional para los Derechos Humanos – FIDH)

Oficina Internacional de Derechos Humanos –Acción Colombia (OIDHACO)

PBI – Peace Brigades International – Proyecto Colombia

Protection International

Taula Catalana por la Paz y los Derechos Humanos en Colombia

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United Steelworkers

War on Want

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