

Press kit . October 2010

**PBI COLOMBIA PRESENTS**

**José Alvear Restrepo**  
**Lawyers' Collective**



The José Alvear Restrepo Lawyers' Collective has been accompanied by Peace Brigades International since 1995.



Reinaldo Villalba (CCAJAR) en las oficinas del Colectivo de Abogados, Bogotá.

The José Alvear Restrepo Lawyers' Collective, CCAJAR, a Colombian non-governmental human rights organisation, is recognised nationally and internationally for representing emblematic cases of human rights violations in Colombia, both within the Colombian justice system as well as before the Inter-American System of Human Rights.

The institutional mission of the Lawyers' Collective is to defend and promote human rights and the rights of peoples from a comprehensive perspective (including the indivisibility and interdependence of all rights and freedoms). Furthermore, CCAJAR aims to contribute to the fight against impunity and the construction of a just and equitable society with political, social, cultural and economic inclusion. Lastly, the

organisation fosters the respect for and full effect of peoples' rights to sovereignty, self-determination, development, and peace with social justice. Its principal institutional objectives include:

- Overcoming the strategies and mechanisms of impunity, which have prevailed in cases of serious human rights violations and crimes against humanity;
- Establishing the truth concerning crimes against humanity committed in Colombia, searching for the investigation, trial, and punishment of the responsible parties (perpetrators, supporters, financial backers, and beneficiaries, among others), and demanding comprehensive reparation for the individual and collective harm caused as well as the reconstruction of the social fabric; and



## **THE ORGANISATION'S IMPORTANT ROLE IN POLITICS HAS INCLUDED A LAW SUIT AGAINST THE LEGISLATIVE ACT THAT ALLOWED THE REELECTION OF URIBE VÉLEZ**

→ Contributing to the strengthening of the organising processes of the victims, family members, communities, and social sectors in order to bring about the defence, enforceability, and achievement of their rights.

### **Transnational companies, large-scale development projects and rights**

Insofar as economic, social and cultural rights, CCAJAR represents sectors and communities for violations committed in the context of the operation of transnational companies and large-scale development projects. Likewise, the Lawyers' Collective participated in the Permanent Peoples' Tribunal (Session on Colombia), which included seven hearings from 2006 to 2008, one of which concerned the protection of indigenous peoples with respect to exploitation and economic interests. In litigation against transnational companies, the Lawyers' Collective provides legal representation for the trade union SINTRAMIENERGÉTICA before national courts in the case concerning the enforceability of their rights in relation to the actions of the Drummond company in the murders of Locarno Rodríguez and Víctor Hugo Orcasita Amaya, president and vice-president of the same trade union, and for the trade union SINALTRAINAL in cases concerning the actions of the companies Coca-Cola and Nestlé. Furthermore, CCAJAR has represented the Peace Community of San José de Apartadó in its search for the Colombian State to comply with its international obligations to investigate, try, and punish Chiquita Brands for its links with paramilitarism. Additionally, the Lawyers' Collective represents victims and the civil party in the massacre of Guasimil (2006) and the massacre of Limón (2001), where 3 Wayu indigenous persons and 14 Wiwa indigenous persons, were murdered by State security forces, within a context of communities from the de-

partment of Guajira affected by the implementation of large-scale coal mining projects with the participation of different transnational companies.

### **Extradition of paramilitary chiefs and re-election**

In 2008, the Lawyers' Collective played a leading role in the fight against the extradition of paramilitary chiefs to United States. Their argument, along with the National Movement of Victims of State Crimes, is that extraditions obstruct a process for truth, justice, and



**Eduardo Carreño (CCAJAR) y Simone Droz (PBI).**



**Pilar Rueda, member of CCAJAR.**

comprehensive reparation. The organisation's important role in politics has included a lawsuit against the legislative act that allowed the re-election of Álvaro Uribe Vélez and a citizen's intervention that argues that different constitutional errors occurred in the processing of this legislative act.

## **National and international networks**

Internationally, CCAJAR is affiliated to the World Organisation against Torture – OMCT (since 1991) and the International Federation for Human Rights – FIDH (since 1994) and is registered before the Organisation of American States (OAS). Presently, CCAJAR is in the process of acquiring consultative status before the United Nations.

Nationally, the Lawyers' Collective is a member of the Support Committee for the Movement of Vic-

tims of State Crimes (MOVICE), providing advice to the chapter organisations in the different regions of the country. CCAJAR also participates in the Coordination Colombia-Europe-United States.

## **Brief History**

CCAJAR has 30 years of experience in the prevention, defence, and promotion of human rights. Originally, persons from different professional backgrounds, who belonged to the National Association of Professionals, ASONALPRO, came together to comprehensively assist victims and their family members in cases of grave human rights violations. In 1980, the Lawyers' Collective acquired its legal registration, which means it is one of the first human rights organisations in Colombia. At this time, it was made up of male and female lawyers. In 1995, CCAJAR decided to incorporate the promotion and defence of economic, social, and cultural rights into its institutional work by





**Alirio Uribe, one of the most affected persons at the CCAJAR, in the Sierra Nevada of Santa Marta while he gave a workshop to Arhuaco indigenous people. Photo: Sebastian Roetters**

implementing a vision of indivisibility, universality, and interdependence of all human rights categories. Since 1999, CCAJAR has strengthened its international work by establishing a specialised team and restructuring its work before inter-governmental supervision bodies, including the United Nations System, the Organisation of American States (OAS), and the International Labour Organisation (ILO). It should be mentioned that the Lawyers' Collective was granted consultative status before the OAS in November 2000. In this respect, the Inter-American Court of Human Rights has issued rulings in favour of victims represented by the Lawyers' Collective, including the cases of Wilson Gutiérrez Soler, Germán Escué Zapata, the massacre of La Rochela, and the massacre of Mapiripán.

## Recognition

Over the years, the Lawyers' Collective has received several awards, both as an NGO and for the different lawyers individually. For instance, in 1996 the organisation received the Human Rights Award of the city of Weimer and the Human Rights Award of the French Republic. Alirio Uribe Muñoz received the Martin Ennals Award for Human Rights Defenders in 2003. In April 2006, the American Bar Association (ABA) honoured lawyer Soraya Gutierrez Argüello with the International Human Rights Lawyer Award. Additionally, in May 2006, she was nominated to the shortlist for the Front Line Award for Human Rights Defenders at Risk. Lastly, Yessika Hoyos Morales received the 2008 George Meany-Lane Kirkland Annual Human Rights Award from the AFL-CIO, the principal US labour federation.

## False accusations continue against CCAJAR

In February 2004, Colombian President Álvaro Uribe stated in a meeting with the European Parliament in Strasbourg<sup>1</sup> that he regretted presence of “a lawyer from the Lawyers Collective who defends the guerrillas and who wanders like a ghost through the corridors of Parliament”. The person who was probably most shocked by this statement was Reinaldo Villalba Vargas, Vice President of the José Alvear Restrepo Lawyers’ Collective (CCAJAR) and the organisation’s representative at the European Union at this time.

Following an expose in the magazine *Semana* last year<sup>2</sup>, more details were revealed in early 2010 about clandestine intelligence operations against trade unionists, journalists and human rights defenders carried out by the Department of Administrative Security (DAS), an agency under the President’s jurisdiction. Similarly, additional information was made

public about “Operation Transmilenio”, which ordered “a neutralization of NGO work in Colombia and the world”, as well as surveillance of Alirio Uribe’s<sup>3</sup> family. “Operation Arauca” was also uncovered and was created “to establish links between CCAJAR and the ELN”<sup>4</sup> and to frame up Eduardo Carreño<sup>5</sup> for an alleged plan to help the Venezuelan and Cuban governments spread the Bolivarian revolution in Latin America<sup>6</sup>. These statements aim to generate controversy to be spread through mass media and web pages such as the Corporation for Truth and Justice<sup>7</sup>.

CCAJAR has also been a target of false accusations, which PBI members have witnessed in the courtroom<sup>8</sup>. Because CCAJAR lawyers often take on sensitive cases that implicate State officials, armed forces, and ex-paramilitaries, a common tactic by the defence is to claim that CCAJAR lawyers have links with insurgent organisations<sup>9</sup>. For many CCAJAR lawyers this has happened for merely defending civilians in contentious cases. This has been the case for Rafael Barrios<sup>10</sup>



Sylvain Lefebvre (PBI) and Alirio Uribe (CCAJAR) at a demonstration in front of the Inspector General’s Office.



who has worked on the case of forced disappearances following the Army's siege of the Palace of Justice in 1985.

But not all accusations come directly from State actors. A statement issued in April 2010 signed by "Los Rastrojos" identified CCAJAR as a "military target" for this illegal armed group based in the southwest region of the country, where CCAJAR has cases. The statement demanded that CCAJAR abandon its "attacks on the good and noble intentions for peace of top governmental officials, or else we will go beyond threats and return to the deeds of the 1990s without pity or fear"<sup>11</sup>.

These accusations do not occur only within Colombia's borders, as shown in the case of Luis Guillermo Pérez. He is a CCAJAR lawyer who was exiled in 2002 after receiving threats and appearing on a Colombian army list of wanted persons. He was accused of launching a "judicial war" in favour of the ELN<sup>12</sup>. During the last year of his exile and while he was Secretary General of the International Federation of Human Rights (FIDH)<sup>13</sup>, the newspaper *El Tiempo* reported that CCAJAR was part of "the FARC's international diplomacy"<sup>14</sup>. Also, upon seeing Pérez in a meeting in Geneva, then Vice President Francisco Santos remarked "Ah, here is the barbarian", in front of UN officials<sup>15</sup>. Given that it has been impossible to completely distance himself from threats and defamation, Luis Guillermo Pérez has decided to return to Colombia in August to again work as a lawyer with CCAJAR.

## Measures of Protection

Due to a situation of ongoing threats and harassment, the Lawyers' Collective has been granted precautionary measures of protection from the Inter-American Commission on Human Rights since 2001. These measures are implemented through the Ministry of Interior's protection programme. Over the years, different CCAJAR members have been forced into exile abroad, although some of them have been able to return to Colombia to carry out their work.

## Emblematic Cases

Some of the most emblematic cases represented by the Lawyers' Collective, include:

→ **Cajamarca (2003-2004)**. Department: Tolima. Three cases related to the mass and arbitrary deten-

tion, extrajudicial execution and massacre of a family. All of these acts were allegedly committed by the national army.

→ **Viotá (2003)**. Department: Cundinamarca. More than sixty murders and forced disappearances over a period of six months with the alleged close collaboration between the national army and the Casanare Peasant Self-Defence Forces.

→ **Montes de María (2001)**. Department: Sucre. A pattern of forced disappearances, massacres and harassment committed against the civilian population. These crimes include the massacre of Chengue, where the United Self-Defence Forces of Colombia (AUC) murdered 25 persons. The State security forces have been held responsible for acts of omission in this massacre.



CCAJAR accompanies the Wiwa indigenous people .



The members of the José Alvear Restrepo Lawyers' Collective. From left: Soraya Gutiérrez, Reinaldo Villalba, Pilar Silva, Alirio Uribe Muñoz, Dora Lucy Arias, Rafael Barrios Mendivil, Jomary Ortégón, Luis Guillermo Pérez and Eduardo Carreño. At left and right ends: Isabella Flisi and Ana Vicente Moreno from PBI.

→ **Massacre of Mapiripán (1997).** Department: Meta. The massacre of 50 civilians, who were tortured and dismembered, along with the forced displacement of 80 percent of the surviving population. The Lawyers' Collective achieved the conviction of different members of the national army and paramilitary groups, including Army General Jaime Alberto Uscátegui.

→ **Massacre of Trujillo (1988-1994).** Department: Valle de Cauca. A series of forced disappearances, murders and acts of torture committed against 320 persons in the area of the municipality of Trujillo.

→ **Massacre of La Rochela (1989).** Department: Santander. A case taken before the IACHR involves the murder of 15 judiciary officials. The ruling by the Inter-American Court (May 11, 2007) recognises the responsibility of the Colombian State and the victims' rights to truth, justice and reparation.

→ **Palace of Justice (1985).** Bogotá, D.C. The Lawyers' Collective handles cases against senior army officers for the torture and forced disappearance of 11 persons during the takeover of the Palace of Justice. The remains of ten of the victims are still unknown, while the body of a cafeteria employee was discovered in 2000.

→ **Manuel Cepeda Vargas.** Department: Cundinamarca. Political leader, journalist, and in the last years of his life Senator of the Republic, murdered on August 9, 1994. The legal proceedings have been able to establish that the operation, which produced the death of the senator, was carried out by a team made up of junior army officers and hit-men from paramilitary groups.

→ **Massacres in Barrancabermeja.** Department: Santander. The massacres of February 16 and 28, 1999,



resulted in the murder and forced disappearance of many persons in this oil city.

→ **Trade Unionists from Arauca.** Department: Arauca. The case of the extrajudicial execution of the trade unionists and social leaders, Leonel Goyeneche, Alirio Martínez, and Jorge Prieto, by the national army on August 5, 2004.

→ **DAS List.** Department: Atlántico. The case of the homicide of trade unionists, social leaders and opposition leaders, who were placed on lists that then director of the DAS, Jorge Noguera Cotes, turned over to paramilitary structures.

→ **Kankuamo People.** Department: Cesar. The Lawyers' Collective accompanies this indigenous people, who have suffered 342 murders over the last 25 years, in addition to threats, forced displacement, forced disappearances and arbitrary detentions by State security forces and paramilitary structures. On July 2, 2004, the Kankuamo people were granted provisional measures of protection by the Inter-American Court of Human Rights.

1. "Punteo Audiencia Colectivo de Abogados", Case 12.380 José Alvear Restrepo Lawyers' Collective vs. State of Colombia, Inter-American Commission on Human Rights, 5 November 2009
2. "El DAS sigue grabando", Semana, 21 February 2009
3. Current executive director of CCAJAR
4. "Operación Bautizo: la historia detrás del nombre de las operaciones criminales del DAS", La Silla Vacía, 22 April 2010
5. CCAJAR co-founder and attorney.
6. "Sobre las acciones de inteligencia ofensivas desarrolladas por el grupo SG 3 contra el CCAJAR", CCAJAR, 25 June 2009
7. "La 'guerra política' del DAS", El Espectador, 13 December 2009
8. Interview with Reinaldo Villalba and Jomary Ortegón, 28 April 2010
9. Ibid. 8
10. CCAJAR co-founder and attorney.
11. "Presuntos miembros de "Los Rastrojos" hacen masiva amenaza", El Tiempo, 23 April 2010
12. "Carta abierta a Álvaro Uribe Vélez y a Juan Manuel Santos," Luis Guillermo Pérez, 2 July 2010
13. The International Federation of Human Rights (FIDH) is a federation of human rights NGOs whose main function is to promote and respect for all the rights encompassed in the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and the Convention on International Economic, Social and Cultural rights. The FIDH was established in 1922 when organisations from ten nations came together, and today consists of a federation of 164 human rights organisations (among them CCAJAR) in nearly 100 countries.
14. Ibid. 11
15. Ibid. 12

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