



Mr Iván Duque Márquez
President of the Republic of Colombia
Carrera 8 No. 7 – 26
Palacio de Nariño
Bogotá, Colombia

5 December 2018

Re. Daniel Ernesto Prado Albarracín at high risk due to his work as a lawyer for a number of victims in the emblematic case of “Los Doce Apóstoles” (12 Apostles)

Dear President Duque,

We write on behalf of the Colombian Caravana,¹ Bar Human Rights Committee of England and Wales, Alliance for Lawyers at Risk, ABColombia, Federation des Barreaux d'Europe (Federation of European Bars), Union Internationale des Avocats (International Association of Lawyers), Observatoire International des Avocats (International Observatory for Lawyers at Risk), Fundación de la Abogacía Española, Ilustre Colegio de la Abogacía de Bizkaia (Bizkaia Bar), Lawyers for Lawyers, and Lawyers Rights Watch Canada.

The aforementioned organisations have been informed of threats made towards Daniel Ernesto Prado Albarracín. Mr Prado, a lawyer with the Colombian NGO Inter-Church Commission for Justice and Peace (CIJP), represents a number of victims in the emblematic case of “Los Doce Apóstoles” (12 Apostles). In this case, Santiago Uribe Vélez, brother of former president and current senator Álvaro Uribe Vélez, has been accused of co-founding a paramilitary group called the “12 Apostles” in Antioquia, a group which allegedly committed crimes against humanity.

We the undersigned are extremely concerned about Daniel Prado's safety, as his work representing victims of this case has put him at severe risk, having suffered various attacks and harassments. Since the judicial process was reaching its final stage, pressure against Daniel Prado is mounting. The final hearing was scheduled to take place this week (the first week of December) but it has been adjourned to 4th April. We add our voice to the international community's call for the protection of human rights defenders, lawyers, victims organisations, witnesses and judicial officials. Their protection is vital so that they can continue their vital work defending human rights and ensuring access to justice, truth, reconciliation and guarantees of non-repetition, all essential elements for the construction of a lasting and sustainable peace in Colombia.

Daniel Prado has long been the target of aggressions due to his work as a lawyer for victims of human rights violations. Such incidents include bullets fired at his office, attempted robberies at his offices, and an attempt to loosen the bolts of the tyres of the car granted to him as part of his protection measures from the National

¹ The Colombian Caravana is a UK-registered charity that coorganises the International Caravana of Jurists. During biennial visits since 2008, including during our most recent visit in September of the present year, we have called upon the Colombian government to protect the ability of lawyers and human rights defenders to represent their clients, and to refrain from any interfering in their work, in order to comply with both Colombian and international law: <http://www.colombiancaravana.org.uk>

Protection Unit (UNP). Following the issuing of an arrest warrant against Santiago Uribe Vélez, the primary suspect in the “12 Apostles” case, on 19 February 2016, threats and harassment against Daniel Prado considerably intensified, as did threats and harassment against witnesses and judicial officials involved in the case.

Since the arrest of Santiago Uribe Vélez, Daniel Prado has been subject to various forms of threats, harassment and smear campaigns:

- Soon after the arrest, the accused’s brother, former president and current senator Álvaro Uribe Vélez, accused Daniel Prado of being a member of a guerrilla group in a public video.²
- Luis Alfonso Plazas Vega, who had previously been convicted (but later acquitted by the Supreme Court) for forced disappearance, also launched accusations against Daniel Prado on Twitter, calling him an “imposter” and calling for his arrest.³
- After the preparatory hearings, during late 2017, Daniel Prado reported to have received several death threats in the form of phone calls to his land line telephone, and also reported receiving messages at his office.⁴
- It has been reported that Daniel Prado has been frequently followed by individuals while in their vehicle. It has been reported that in July 2018, three men who had been following his car entered the same restaurant as Daniel Prado and stared at him. One of the men was armed. A month later, on 30 August 2018, another individual on a motorcycle followed the bus in which Daniel Prado was returning to Medellín from a hearing in Bogotá. The motorist reportedly simulated having a weapon in his jacket.
- Daniel Prado reported to have received further strange phone calls prior to the last hearing, scheduled on 10 October 2018.

Unfortunately, other people involved in the trial of Santiago Uribe Vélez have also been subject to threats and harassment. Plans to kill Olwan de Jesús Agudelo Betancurt, a member of the “12 Apostles” and a key witness in the case, were reported on 11 November 2017.⁵ Lastly, Carlos Enrique Areiza Arango, a witness in the “12 Apostles” case, was assassinated near Medellín on 14 April 2018.⁶ He had been granted protection by the Colombian state and was set to testify. Following his murder, former president Álvaro Uribe Vélez posted on Twitter that he was “a bandit” and a “good dead man”.⁷ Uribe has denied authorship of the message.

Due to the high risk Mr Prado faces related to his work as a lawyer in the “12 Apostles” case, on 12 November 2017, the Inter-American Commission of Human Rights granted him protection measures to ensure his safety, urging the Colombian state to take all necessary measures to protect Mr Prado and allow him to carry out his work without fear for aggressions against him.⁸

We welcome the investigations carried out by the Office of the Prosecutor General regarding the formation and activities of the paramilitary group known as the “12 Apostles” and investigations into the alleged murders and disappearances of hundreds of people in North Antioquia between 1988 and 1997. We further welcome the resulting judicial processes and firmly believe it is imperative to guarantee the access to justice for victims and the safety of victims, witnesses, lawyers and judicial officials involved in these judicial processes. Therefore, we reiterate our utmost concern regarding the continued threats, accusations, smear campaigns and intimidation against the lawyer Daniel Ernesto Prado Albarracín and others involved in the judicial processes in the case against Santiago Uribe Vélez.

² <https://www.elespectador.com/noticias/judicial/defensa-de-victimas-de-los-12-apostoles-solicitara-medi-articulo-625292>

³ <https://www.oas.org/es/cidh/decisiones/pdf/2017/47-17MC261-16-CO.pdf>

⁴ <https://www.justiciaypazcolombia.com/amenazas-de-muerte-contra-abogado-daniel-prado/>;
http://caracol.com.co/emisora/2017/11/11/medellin/1510420042_481075.html

⁵ <https://www.elespectador.com/noticias/judicial/denuncian-plan-para-asesinar-testigo-clave-en-proceso-contra-santiago-uribe-articulo-722768>

⁶ <https://www.hrw.org/es/news/2018/04/26/colombia-debe-redoblar-la-proteccion-los-testigos-vinculados-investigacion-sobre>

⁷ <https://twishort.com/9zXmc>

⁸ <https://www.oas.org/es/cidh/decisiones/pdf/2017/47-17MC261-16-CO.pdf>

Considering the above, we respectfully urge the Colombian State to:

- Ensure that the competent judicial authorities are fully able to independently, comprehensively and impartially review the evidence presented to them regarding the allegations against the paramilitary group known as the “12 Apostles” without fear for their safety, and safeguarding the victims’ rights to truth, justice, and reparation;
- Issue public declarations in support of the independence of the judicial process and recognise openly and publicly the importance of cases such as this as a fundamental contribution to truth, justice and reparation, providing guarantees of non-repetition as are necessary in a democratic society;
- Take all necessary measures to guarantee the security of Daniel Prado, as well as that of all persons directly or indirectly involved in the case against Santiago Uribe Vélez, including judicial officials, other legal professionals, victims and witnesses.

We would like to remind you that the organisations signing this letter are not acting on behalf of the victims or lawyers in this case. We write to add our voices to the international call for swift action to be taken to protect the lives and livelihoods of human rights defenders and to prevent, investigate, and prosecute attacks against them. We would be grateful to receive updates regarding the progress of the investigations into the incidents outlined above, and respectfully ask that an initial response be sent to the signatories within 28 days of this letter.

Yours sincerely,

Charlotte Gill
Chair, Colombian Caravana

Kirsty Brimelow QC
Chair, Bar Human Rights Committee of England & Wales

Sir Patrick Elias
Alliance for Lawyers at Risk

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CC:

- Ms Néstor Humberto Martínez Neira, Prosecutor General
- Mr Carlos Alfonso Negret Mosquera, National Human Rights Ombudsman
- Ms Gloria María Borrero Restrepo, Minister of Justice
- Mr Francisco Roberto Barbosa Delgado, Presidential Adviser for Human Rights and International Affairs
- Ms Luz Vanegas, Coordinator of Relations with International Human Rights and IHL Organisations
- Mr Nestor Fernando Osorio Londoño, Colombian Ambassador to the United Kingdom
- His Excellency, Dr Peter Tibber, British Ambassador to Colombia
- His Excellency, Mr Carlos Guillermo Gómez Lecompte, Irish Honourary Consul to Colombia
- Mr Antonio García, EU Delegation in Colombia
- Ms Nathalye Cotrino, Office of the United Nations High Commissioner for Human Rights