

NLCHR

National Lawyers Committee on Human Rights-USA

1326 9th Street, NW, Washington, DC 20001

Tel: (202) 232-0142 Fax: (202) 232-0143

E-mail: sk49@cornell.edu

Members

Wendi Adelson, J.D.

Florida State University

David Baluarte, J.D.

American University Washington
College of Law

Stephanie Brewer, J.D.

Miguel Agustín Pro Juárez Human
Rights Center

Kay Bridger-Riley, J.D.

Bridger-Riley & Associates

Leonardo Crippa, J.D.

Indian Law Resource Center

Ashley Grant, J.D.

Jennifer Green, J.D.

University of Minnesota School of Law

Charles Hale, Ph.D.

University of Texas at Austin

Peter Henner, J.D.

Law Office of Peter Henner

Sital Kalantry, J.D.

Cornell Law School

Maria Lokshin, J.D.

Sarah Manning, J.D.

NCC liaison

Jenny Moore, J.D.

University of New Mexico School of Law

Muna Ndulo

Cornell Law School

Sean O'Brien, J.D.

Notre Dame Law School

Katya Salazar, J.D.

Due Process of Law Foundation

Margaret Satterthwaite, J.D.

New York University

Christina Xenides, J.D.

Institutions Provided for Identification
Purposes Only

TO: Juan Manuel Santos, President of Colombia

CC: Maria Holguín, Colombian Chancellor

Santiago Cantón, Executive Secretary of the Inter-American Human
Rights Commission

Diego García Sayán, President of the Inter-American Human Rights
Court

Hillary Clinton, United States Secretary of State

Dear Mr. President:

The members of the National Lawyers Committee on Human Rights (NLCHR) expresses its profound concern about recent statements by the Colombian government in relation to Mapiripán massacre case. Such statements stigmatize the work of human rights lawyers, the victims they represent and the Inter-American Human Rights system. We are particularly concerned with statements made about our colleagues from the José Alvear Restrepo Lawyers' Collective (CCAJAR) that attempt to discredit the work of this organization of lawyers who for thirty years have worked tirelessly to represent victims of grave human rights violations.

The Mapiripán massacre took place between July 15-20, 1997, when armed civilians belonging to the Colombian United Self-Defence Forces (AUC) detained, tortured and assassinated inhabitants of the municipality of Mapiripán (Meta) with the collaboration, acquiescence and omission of the members of the VII Brigade of the Colombian Army, as established by the Inter-American Human Rights Commission (the Commission). Given the methods employed in the perpetration of the massacre—destroying and throwing away the bodies—it was not possible for the authorities to fully identify the victims at the time.

The Inter-American Human Rights Court (the Court) ruling against the Colombian State on December 15, 2005 placed the responsibility for identifying the victims on the State, and the Commission reiterated the State's responsibility in response to the recent questioning about the number of massacre victims. The Commission's statement stressed that "it is the obligation of the State to duly investigate the human rights violations committed in Colombia (...) that have occurred with the proven acquiescence and/or participation of state agents."



National Lawyers Committee on Human Rights - USA
1326 9th St, NW, Washington, DC 20001
Tel: (202) 232-0142 Fax: (202) 232-1043
E-mail: sk49@cornell.edu

On October 24, 2011, during the sentencing hearing of nine former paramilitaries of the Heroes of the Plains Block of the AUC allegedly involved in the massacre, Mariela Contreras, who had been recognized as a victim of the massacre in various legal rulings, testified that the disappearance of her two sons and the death of her husband had in fact occurred in circumstances unrelated to the massacre.

After Ms. Contreras' new testimony became public, multiple high-level government officials made statements suggesting that CCAJAR and other victims' defence organizations have acted in bad faith before national and international tribunals. In particular, the NLCHR expresses its concern about your statements President Santos, when you indicated that CCAJAR's lawyers are "opportunists" and "corrupt" and seek to "enrich themselves at the cost of the public resources of the State", and about the statements of Inspector General Alejandro Ordóñez, who argued that CCAJAR's representation of the victims demonstrated conduct "characteristic of criminal groups specializing in defrauding the Colombian State".

Such statements ignore established legal procedures for investigating suspicion of fraud and the right to the presumption of innocence until proven guilty. They also ignore the thirty years of the internationally-recognized human rights defense carried out by CCAJAR and the right of lawyers to be compensated for their extensive work. We note that these defamatory statements come in a long line of attempts to infiltrate, discredit, neutralize and attack CCAJAR, including a documented plan by the Departamento Administrativo de Seguridad to systematically follow, discredit, and threaten the members of CCAJAR and their work.

In addition, we are alarmed about government statements that question the legitimacy of the Inter-American Human Rights System, despite the fact that the Colombian state itself presented all the evidence that led to the Court's ruling against the Colombian government. The System has served as a valuable and legitimate resource for victims of human rights violations in the Americas and deserves respect as such.

We are also troubled about the impact of such statements on the many of victims of this massacre and other human rights violations in Colombia. The occurrence of the Mapiripán massacre is not in dispute and it must not be ignored that, even with the existence of possible false victims, there still exist many victims. We are particularly concerned that these defamatory statements come at a moment in which other significant cases regarding the involvement of high-level government and military officials, such as the massacres in Santo Domingo and Trujillo and the takeover of the Palace of Justice, are in process, and worry about implications for due process in those cases.

NLCHR

National Lawyers Committee on Human Rights-USA

1326 9th Street, NW, Washington, DC 20001

Tel: (202) 232-0142 Fax: (202) 232-0143

E-mail: sk49@cornell.edu

In light of these events, we respectfully urge on the Colombian government to:

- Support the right of victims to turn to national and international tribunals in the search for truth, justice and reparation, including recognizing the valuable role of the Inter-American Human Rights System;
- Abstain from issuing statements that broadly delegitimize the work of human rights lawyers and the victims they represent without thorough investigations by the proper authorities; and
- Recognize its obligation to investigate human rights violations, and to assume its responsibility to clarify the identity of all the victims of the Mapiripán case.

Sincerely,



Sital Kalantry

National Lawyer's Committee on Human Rights-USA