

Baseless Prosecutions of Human Rights Defenders in Colombia

In the Dock and Under the Gun

Annex: Table of Individual Cases Standalone

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	Defendant	Case Summary	Signs of Defects in the Investigation
1.	Teofilo Acuña President of Federation of Agro-Mining Unions in South Bolivar (<i>Federación Agrominera del Sur de Bolívar</i> , or FEDEAGROMISBOL). Acuña assists communities in opposing extraction of resources by multinational mining companies and has exposed alleged human rights violations of the New Granada Military Battalion.	Prosecutor 28 in Simiti arrested Acuña and charged him with rebellion on April 26, 2007, in Santa Rosa, Sur de Bolivar. He was detained in the Modelo Prison of Bucaramanga for ten days.	After ten days of detention, Acuña was released when the prosecutor's office admitted it did not have sufficient evidence to continue detaining him preventatively. The evidence against Acuña consisted of testimony from witnesses who lacked credibility and an intelligence file of unknown contents that was prepared by the New Granada Military Battalion. The Battalion was not an impartial source of information given that it was allegedly responsible for killing Acuña's predecessor at FEDEAGROMISBOL and had been the target of Acuña's human rights advocacy. Moreover, they were responsible for arresting Acuña and allegedly beating him. A reviewing prosecutor also found exculpatory evidence to undermine the reintegrated witnesses' testimonies and questioned their credibility based on the interests they had in benefits, security, and protection from the state and the army.

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2.	<p>Oscar Duque, Mario Martinez, Evaristo Mena, Ramiro Ortega, Miguel Gonzalez, and Andres Gil</p> <p>Board members of the Rural Association of Rio Valle del Rio Cimitarra (<i>Asociación Campesina del Valle del Rio Cimitarra</i>, or ACVC), a community organization that supports land access and development of the local economy.</p>	<p>Four of the ACVC leaders (Duque, Martinez, Mena, and Gil) were arrested in San Lorenzo del Municipio de Cantagallo by the army and in Barrancabermeja by the national police on September 29, 2007. The 3rd Prosecutorial Office in Bucaramanga charged them with rebellion. Gonzalez and Ortega were detained on January 19, 2008, by soldiers from the Calibío Battalion. All but Gonzalez and Gil were released in April and May 2008. Gonzalez and Gil remain detained and their trials have begun. Gil's trial is being prosecuted by the Prosecution Office of Medellín. Decisions in these two cases are expected in early 2009. Ortega was detained again in a raid on June 29, 2008, but held for only two hours.</p>	<p>The case has relied heavily on intelligence reports produced by the army and the DAS, which were not legally admissible as evidence. ACVC alleged that the authorities opened an investigation without notifying the defendants, depriving them of their right to defense and violating Colombian law. In April 2008, Prosecutor 37 of the Human Rights and International Law Unit in Medellín dismissed the charges against Duque, Martinez, and Mena. On May 19, Ortega was also freed. That prosecutor found that there was not sufficient evidence to hold them responsible for rebellion. He found that the intelligence reports lacked probative value because there was not proper corroboration. He also found that having communications with the FARC does not automatically mean that a person is involved in its activities given that civilians are frequently violently coerced and obliged to meet with guerrillas. Finally, the prosecutor found witness allegations were unreliable and lacked coherence and should have been verified in the preliminary investigation. However, the reviewing prosecutor did not close the investigation against Gonzalez and Gil, and failed to specify why they were more culpable.</p>
3.	<p>Carmelo Agamez</p> <p>Technical Secretary of the Movement of Victims of State Crimes (MOVICE) section in Sucre department.</p> <p>Granted protective measures from the Inter-American Commission on Human Rights (IACHR).</p>	<p>On November 13, 2008, five men in plainclothes who identified themselves as police raided Agamez's house. On November 15, 2008, he was arrested and jailed. Sincelejo prosecutors charged him with conspiracy to commit a crime with paramilitary forces, alleging that he participated in a paramilitary meeting in 2002. He was held in SIJIN custody for five days, and is currently detained at La Vega prison with the very paramilitary leaders he has denounced.</p>	<p>The initial raid against Agamez allegedly took place without a warrant, and Agamez was reportedly not notified of the charges against him for several days. Agamez's arrest happened shortly after he made a series of public denunciations of official corruption. The only evidence the prosecutor allegedly had is the uncorroborated testimony of two witnesses, one of whom was the wife of a mayor recently charged with corruption after MOVICE organized a public hearing. Agamez has received many threats from paramilitaries and appeared on a paramilitary "death list" in 2006. Given his strident opposition to paramilitary groups, it is implausible that he is also a paramilitary member.</p>

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4.	<p>Araucan defenders</p> <p>The group of 18 human rights defenders, civil society leaders, and labor and social organizers detained in Arauca included José Vicente Murillo Tobo, President of the Joel Sierra Human Rights Committee in Arauca, and Alonso Campiño Bedoya, director of the Central Union for Workers Aracua Section (CUT). Both Murillo and Campiño had previously been granted protective measures by the IACHR.</p>	<p>Murillo and Campiño were detained along with 35 others, including many poor farmers, in Saravena, Arauca, on August 21, 2003. On February 24, 2004, the Special Prosecutor 12 from the National Terrorism Unit charged Murillo and Campiño with rebellion. On November 14, 2006, Murillo, Campiño and 17 others were found guilty by the Saravena Circuit Criminal Court in Bogotá. Their appeal has been pending before the Superior Tribunal of Arauca for over two years.</p>	<p>The defenders were detained in an allegedly violent raid by members of the CTI, DAS, and other government authorities. A judge decided to preventatively detain Murillo and Campiño but the prosecutor waited more than six months to officially charge them. The evidence compiled against Murillo and others consisted of uncorroborated testimony from witnesses who lacked credibility. The prosecutor and army apparently spent seven months coaching and preparing the testimony of two witnesses. The prosecutor has its base of operations within the 18th Brigade of the National Army, which may have compromised its independence, especially given Murillo's strident criticism of that unit.</p>
5.	<p>Julio Avella</p> <p>Coordinator of the Corporation for the Defense and Promotion of Human Rights (REINICIAR) team investigating human rights violations committed against the Patriotic Union political party in Santander. He is also director of National Association for Solidarity Assistance (ANDAS) and the Permanent Assembly of Civil Society.</p>	<p>Avella was detained on December 6, 2002, in Bucaramanga with six other defendants. On June 3, 2003, he was released after Prosecutor Rodrigo Rodriguez Barragan of Bucaramanga's Prosecutorial Unit 26 dismissed the charges.</p>	<p>The case relied on testimonies of reintegrated guerrillas and prejudicial intelligence reports by the CTI and RIME. In dismissing the case, Prosecutor Rodriguez held that the accusations were contradictory, incoherent, inconsistent, and illogical. The prosecutor found that Avella had been arrested for no more than his leftist ideology, with no evidence of rebellion or other wrongdoing.</p>
6.	<p>Mauricio Avilez Alvarez</p> <p>Coordinator of the Center for Studies and Development (CEDERNOS) and representative of the Human Rights Coordination Team in Barranquilla to Coordination Colombia-Europe- United States (CCEEUU).</p>	<p>On June 10, 2004, Avilez was detained by GAULA members affiliated with the Second Brigade of the First Division of the Army. He was accused of being a FARC guerilla by the 6th Specialist Prosecutor in Barranquilla. On October 20, 2004, the 4th Specialist Prosecutor before the Atlantico Criminal Court released him.</p>	<p>The prosecution relied on a sole witness, apparently an ex-FARC member, thought to have taken part in prosecutions against human rights defenders in other parts of Colombia. Use in unrelated proceedings calls into question the veracity of the witness's evidence. The credibility of the witness was further undercut by the army's reported admission that he was only testifying because he had been offered leniency in exchange for serving as an informant. The prosecutor allegedly did not receive the army intelligence report upon which Avilez's arrest was based or issue an arrest warrant until after he was detained.</p>
7.	<p>Nicolas Castrillon</p> <p>Vice-president of the Rural Association of Antioquia (ACA), member of Human Rights Collective Seeds of Liberty (CODEHSEL).</p>	<p>On November 14, 2005, Castrillon was detained in Bogotá by the National Police. SIJIN subsequently charged him with rebellion.</p>	<p>After interrogating him on November 18, 2005, the prosecutor concluded that Castrillon was innocent and ordered his immediate release, closing the investigation for lack of evidence. Castrillon was investigated along with Alejandro Quiceno (see below).</p>

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8.	<p>Teresa de Jesús Cedeño Galindez Criminal defense attorney and former President of the Permanent Committee of Human Rights in Arauca (CPDH).</p>	<p>On July 30, 2003, the CTI detained Cedeño following a sting operation. She was originally charged by Prosecutor 287 in Bogotá with procedural fraud and bribery. The fraud charges were dropped quickly.</p>	<p>Cedeño appears to have been preventatively detained on the bribery charges alone, in breach of the Criminal Procedure Code. She was allegedly held for three days without access to her defense lawyers. The evidence against her was provided by reintegrated informants and the defense questioned the credibility of one witness who had been cited for false testimony before, and who took part in seven proceedings as a witness for the prosecution. The same witness misidentified information such as dates and names and his testimony was not corroborated. The prosecution or the CTI provided a video to the media that sought to publicly incriminate Cedeño. Military intelligence reports were used as evidence.</p>
9.	<p>Iván Cepeda Spokesperson for the National Movement for Victims of State Crimes (MOVICE) and awarded the 2007 Roger Baldwin Medal of Liberty by Human Rights First. Cepeda has precautionary measures from the IACHR and is in the Interior and Justice Ministry's protection program.</p>	<p>The 5th Delegate of the Prosecution Office in Sincelejo, Sucre, charged Cepeda with criminal slander and libel after a formal complaint by José Maria Conde Romero, a Congressman from Sucre in the Colombian House of Representatives.</p>	<p>The complaint against Cepeda was filed after he delivered a public speech in San Onofre, Sucre, on November 27, 2006, in which he expressed his opinion on the alleged connections between Congressman Conde and paramilitary groups. The Prosecutor General reassigned the investigation to a Bogotá-based prosecutor based on the lack of impartiality in the initial investigation in Sucre.</p>
10.	<p>Juan Carlos Celis Gonzalez Member of the Movement for Life in Bogotá.</p>	<p>Celis was detained on December 11, 2002, but was not charged until almost a year later, on November 27, 2003. The 13th Specialist Prosecutor from the Terrorism Unit in Bogotá charged him with rebellion and arms offenses. He was held in preventative detention for over two years in a maximum security prison far from his lawyer in Bogotá.</p>	<p>The prosecutor reportedly equated Gonzalez's human rights activities with support for the FARC. The main evidence for the charges was statements by witnesses who later claimed to have given incriminating evidence because they had been tortured by police. Celis also reported being beaten by police at the time of his arrest. It appears that no arrest warrant for Celis was ever issued.</p>

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11.	<p>Luz Perly Córdoba Mosquera</p> <p>President of the Rural Association of Arauca (<i>Asociacion Campesina de Arauca - ACA</i>). She was in the Interior and Justice Ministry's protection program due to threats against her life and awarded protective measures by the IACHR in 2002. She was also manager of the human rights section of the Federation of National Farming Unions (FENSAUGRO).</p>	<p>Córdoba was arrested in Arauca by DAS members on February 18, 2004. Nearly six months later a prosecutor finally brought formal charges of rebellion and drug trafficking against Córdoba, which were annulled in March 15, 2005, by the 1st Criminal Court of the Arauca Specialized Circuit.</p>	<p>DAS reportedly alleged that the ACA was a political arm of the FARC and that Córdoba's human rights advocacy was a façade for terrorism and rebellion. The prosecutor also suggested that human rights advocacy is a part of the FARC's campaign to smear and discredit the Colombian nation. Photographs of Córdoba were apparently provided to each of the witnesses, violating established identification procedures. Córdoba's lawyer was allegedly detained at one point after visiting her in jail. Many of the witnesses apparently had significant criminal records and gave contradictory evidence yet the prosecutor reportedly made no attempts to determine their veracity.</p>
12.	<p>Alfredo Correa de Andreis</p> <p>Sociologist, Professor at University of Magdalena, University of Pavia Italy, University of Atlántico. At the time of his death he was conducting research on displacement and its effects on personal property and legal rights.</p>	<p>He was detained in Barranquilla on June 17, 2004, by the DAS of Bolivar, with support from the DAS Atlantico Barranquilla. He was accused of rebellion and of being a member of the FARC by the 33rd Prosecutor of Cartagena.</p>	<p>The case relied on a reintegrated guerrilla witness. He was released in July 2004 after a judge found no evidence against him. Shortly afterwards, on September 17, 2004, he was killed by paramilitaries. In April 2006, a former senior ranking official of the DAS reported that the DAS had provided to paramilitaries a "death list" in which Correa allegedly appeared.</p>
13.	<p>Claudia Julieta Duque</p> <p>Research journalist with focus on human rights violations. Worked with the José Alvear Restrepo Lawyers Collective to investigate crimes. Duque is now a consultant with UNICEF and has been granted asylum in Europe given the threats against her.</p>	<p>Duque was charged with criminal slander and libel by Prosecution Office 64 in Bogotá after a complaint by Emiro Rojas, a former Director of DAS in Antioquia.</p>	<p>Duque conducted groundbreaking research into the murder of fellow journalist Jaime Garzon and accused Rojas of irregularities in the murder investigation. It appears that the criminal slander charges were a direct response to her important human rights investigations and retaliation for her exposure of alleged human rights violations. They therefore interfere with her right to freedom of expression. The Constitutional Court held in 2008 that DAS breached her right to privacy because her DAS bodyguard compiled intelligence reports on her while supposedly providing her with protection.</p>
14.	<p>Jesús Javier Dorado Rosero</p> <p>Director of Permanent Committee of Human Rights (CPDH) in the Department of Nariño. Dorado was awarded protective measures from the Interior and Justice Ministry and the IACHR.</p>	<p>On May 26, 2005, Dorado was detained and imprisoned for four months and accused of rebellion by the Specialized Prosecutor 2 of El Pasto. After the Inspector General's office investigated the case, he was released. He was subsequently detained by DAS agents in the city of El Pasto on February 13, 2007.</p>	<p>A reviewing prosecutor and the Inspector General's office found the charges baseless. CPDH stated that the charges were politically motivated.</p>

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15.	Diego Figueroa Member of the Inter-Church Commission for Justice and Peace (CIJP). Agronomist, conducted clinics on nutrition, and assisted poor communities with food distribution in rural areas.	On November 28, 2005, Figueroa was arrested but released shortly thereafter. Prosecution Office 42 of Buenaventura again ordered his arrest on December 14, 2005, and charged him with rebellion. On June 20, 2006, the investigation was closed.	CIJP stated that in November 2005 Figueroa was detained without an arrest warrant, abused by the police, and denied access to his lawyer. The information later used as evidence of the crime of rebellion came from DAS reports filed during his November 2005 detention and from reintegrated witnesses who were unable to identify Figueroa. On June 20, 2006, Prosecutor 38 of Buenaventura dismissed the investigation, finding that the reintegrated witness testimonies had flaws and did not demonstrate any criminal activity committed by Figueroa.
16.	Elizabeth Gomez and Luz Marina Arroyabe Members of the Inter Church Commission for Justice and Peace (CIJP). Gomez and Arroyabe assist communities in Curvaradó and Jiguamiandó to peacefully reclaim land illegally appropriated.	Gomez and Arroyabe were preventatively detained on May 17, 2008, by the Police Inspector of Riosucio and charged with violent association and attempting a coup (<i>asonada</i>). On May 18 2008, Prosecutor 15 of Riosucio, Choco dismissed the charges and released them.	Upon investigating the charges against Gomez and Arroyabe, Prosecutor 15 of Riosucio found that there were insufficient grounds for preventative detention and released them. At the time of their detention, they were not informed of the charges against them and were allegedly asked to sign documents without the presence of an attorney. The defense attorney was reportedly not given access to their files, potentially violating the right to defense (articles 8 and 13 of the Criminal Procedural Code).
17.	Principe Gabriel Gonzalez Regional Coordinator of the Political Prisoners Solidarity Committee (CSPP) in Santander. Student leader at Industrial University of Santander (UIS). Former Human Rights Secretary for the National Student Federation.	Gonzalez was detained in Pamplona and held in Modelo prison, Bucaramanga, Santander, from January 4, 2006, to April 4, 2007. He was charged with rebellion by the 21 st Division of the Bucaramanga Prosecution Office. Judge José Alberto Pabon Ordoñez of the 8 th Criminal Circuit in Bucaramanga acquitted him on March 30, 2007. That decision was appealed by the prosecutor and judicial inspector. Nearly two years later the case is still pending.	Judge Pabon found that the charges against Gonzalez were unfounded and relied on evidence that lacked impartiality and credibility. The judge recognized that the legal system was being manipulated and dismissed witness evidence in part "due to the fear that [the witness's] evidence was being used to direct the judicial system against those who are fighting for social or democratic causes or claiming their rights." The only other witness in the case told the CSPP that her statements were made under duress from members of the police and the CTI in Bucaramanga. Furthermore, the prosecution reportedly publicized photos of González via prominent media outlets as an alleged guerrilla member before the witness had even identified him in a line-up, thereby calling into question the subsequent positive identification. The judge also found that the prosecutor had a discriminatory attitude to human rights defenders in general and may have fabricated elements of the offense.

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18.	<p>Hernando Hernandez Indigenous leader and member of the Permanent Committee for the Defense of Human Rights, in Caldas. Member of FENSUAGRO. Granted preventative measures by the Inter-American Court of Human Rights and asylum in Spain.</p>	<p>Hernandez was detained by DAS on June 1, 2005, in Bogotá and later transferred to the city of Manizales. He was accused of rebellion but released on November 28, 2005, by the Prosecutor General's Terrorism Unit.</p>	<p>DAS agents allegedly denied they had Hernandez in their custody until a <i>habeas corpus</i> petition was filed. The 7th Prosecution Office of Manizales subsequently ordered preventative detention measures. Information of his arrest was given to the local press and an article accusing him of being a member of the FARC was published, stigmatizing him publicly. After six months, the Prosecutor General's Terrorism Unit closed the investigation, citing lack of sufficient evidence.</p>
19.	<p>Victor Julio Laguado Boada Agrarian social leader in Arauca. Has held various leadership positions in the agricultural cooperative COAGROSARARE.</p>	<p>Laguado was charged with rebellion by the National Anti-Terrorism Unit in October 2006. He was pronounced absent from the proceedings on February 12, 2007, after they were transferred to Bogotá. In May 2007 he was preventatively detained.</p>	<p>The case relied on reintegrated witness testimonies and two intelligence reports from the National Police of Arauca. Moreover, the prosecutor's independence was compromised given its location within the headquarters of the Army's 18th Brigade. The testimony provided by two reintegrated witnesses was inconsistent and contradictory and appeared copied from the intelligence reports, which were made well before the witnesses testified. Laguados's detention was set against a backdrop of widespread detentions in Arauca.</p>
20.	<p>Aldemar Lozano Community leader for the Inter-Church Commission for Justice and Peace (CIJP) and former president of the council of community action of Puerto Esperanza.</p>	<p>On November 24, 2007, Lozano was detained in Mosquera, Bogotá, by members of DIJIN and released on November 25, 2007, by a judge in Madrid, Cundinamarca, in an oral hearing.</p>	<p>Lozano was allegedly detained without being informed of his rights or the nature of the charges against him. He was later accused of trafficking in illegal materials. A judge declared his arrest illegal after finding the evidence irrelevant and that the defense had proved his innocence.</p>
21.	<p>Nieves Mayuza Member of the National Federation of Agricultural Farming Unions (FENSUAGRO). Carmen Mayuza Regional leader of the Association of Health and Social Security Workers of Colombia (ANTHOC).</p>	<p>Both sisters were arrested on May 11, 2006, charged with rebellion, and accused of being members of the 53rd Front of the FARC. They were released in June 2008.</p>	<p>On June 18, 2008, Judge Arrieta, from Court 53 of the Bogotá Criminal Circuit, acquitted them of all charges (along with Fanny Perdomo Hite, see Case 26). Judge Arrieta held that: the investigation was too subjective and ignored clear exculpatory evidence; the evidence was unfounded; and that GAULA had no expertise to investigate this case. Furthermore, a judicial inspector found that the minimum substantial requirements to accuse them were not met and that substantial evidence of responsibility, not mere suspicions, was necessary.</p>
22.	<p>Alfredo Molano Investigative writer, sociologist, journalist for the <i>Espectador</i> newspaper.</p>	<p>Criminal charges for libel and slander were initiated by the General Prosecution Office before the 4th Municipal Criminal Court of Bogotá.</p>	<p>The Araujo de Valledupar family filed criminal charges against Molano for libel and slander based on the publication of the article "Araujos et al" in <i>El Espectador</i> on February 24, 2007. Molano expressed his critical opinion about certain acts of alleged corruption against the community of Valledupar. Molano may face imprisonment if found guilty.</p>

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23.	<p>Claudia Montoya Lawyer for the Young Person's Network of Medellín. Represents juveniles illegally detained and physically abused by public authorities.</p>	<p>The former Provincial Inspector General for the Valley of Aburra, Adriana Cecilia Martinez, brought a disciplinary process against Montoya, but on July 8, 2005, it was dismissed. On October 18, 2006, CTI members and police arrested Montoya and charged her with rebellion. She was preventively detained until December 2006, when a reviewing prosecutor found that the detention was illegal. However, Montoya remained under house arrest. The charges against her were dismissed on February 9, 2007, and she was released after almost four months of detention.</p>	<p>In overturning the preventive detention order against Montoya, a prosecutor found the testimonies of witnesses vague and reliant on hearsay information. The witnesses were not able to accurately describe or identify Montoya as the supposed guerrilla referred to in a CTI intelligence report, which lacked sufficient information or strong supporting evidence to accuse Montoya. That prosecutor found that criminal charges against human rights defenders are often false and must be reviewed with caution. Moreover, that prosecutor also stated that the witnesses had been led by the initial prosecutor, who named Montoya as the accused before witnesses had identified her. Some witness statements were worded almost identically, suggesting interference and coaching by the initial prosecutor. The initial prosecutor also failed in its duty to investigate exculpatory evidence, such as the fact that a university corroborated Montoya's attendance.</p>
24.	<p>Amaury Padilla Works for the Association for Alternative Social Promotion (MINGA), Bogotá At the time of his detention he was a director in the office of the Governor of Bolivar department liaising with the U.N. and NGOs and had a high profile in the human rights movement.</p>	<p>Padilla was arrested on December 26, 2003, and charged with rebellion by Prosecutor 33 of the Reaction Unit. He was investigated by Prosecutor 39 of the Unit specializing in crimes against public health and safety in Cartagena. He was detained until July 4, 2004, when the Prosecutor General's office closed the investigation.</p>	<p>Four of the five witnesses that testified against Padilla were reintegrated guerrillas. The Prosecutor General found that the Prosecution failed to corroborate the testimonies and investigate exculpatory evidence. Also, he found that the testimonies were inconsistent, contradictory and lacked credibility. The Prosecutor General concluded that some of the witnesses were coached since their testimonies were identical. There were also irregularities in the process of taking the depositions such as reliance on transcripts instead of interrogations in person. Moreover, the procedure of photo identification was suggestive and flawed.</p>
25.	<p>Rafael Palencia Human Rights Professor and founder of the Permanent Committee of Human Rights (CPDH) in Bolivar. Advocate for political prisoners. Coordinator of trainings and workshops about the International Criminal Court with the International Federation of Human Rights.</p>	<p>Palencia was charged with rebellion after being detained on February 19, 2003, in Cartagena. He was held for 14 months, after which he was released for lack of evidence. On November 20, 2006, his house was raided by DAS at the order of the 5th Prosecutor of the Immediate Reaction Unit in Barranquilla.</p>	<p>The prosecution's case against Palencia relied heavily on accusations of a witness who lived in an area controlled by paramilitary forces and whose objectivity was questioned. The investigation coincided with the publication of a SIJIN intelligence report that reportedly labeled Palencia and others as FARC lawyers. After his initial detention, Palencia moved to Bogotá, fearful for his security. Beginning in July 2006, Palencia stated that his house was monitored by State agents and he was briefly detained on July 9, 2006, which prompted him to move again. In the November 2006 raid, DAS confiscated documents and computers from Palencia. The U.N. Special Rapporteur on Human Rights Defenders expressed concern that his detention was related to his human rights advocacy.</p>

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26.	Fanny Perdomo Hite Member of the Citizens' Community for Life and Peace, a group of displaced citizens working to reclaim their land without intervention of members of the armed conflict.	Perdomo was arrested on May 11, 2006, on suspicion of kidnapping and rebellion. The kidnapping charges were quickly dropped by the prosecution. She was tried for rebellion by the 9 th Prosecutor of the Anti-Kidnapping and Extortion Unit in Bogotá and acquitted of the charges on June 18, 2008, by a Judge on the 53 rd Criminal Court in Bogotá.	Perdomo was detained after GAULA wiretapped her phone lines to start an investigation for kidnapping. Judge Arrieta found Perdomo innocent in June 2008. She found that the evidence was insufficient and that Perdomo had merely provided personal gifts to her sister, which did not constitute criminal activity. Furthermore, the judge questioned the credibility and expertise of the author of the GAULA intelligence report. She also questioned the credibility of the military intelligence report that formed the basis of the conviction of Perdomo's sister. Finally, the judge found exculpatory evidence and held that the presumption of innocence had not been overcome.
27.	Elkin de Jesús Ramirez Lawyer and Professor at the University of Antioquia, Medellín. Legal Advisor and Human Rights Educator with the Legal Liberty Organization (CJL).	Prosecutor 74 in the Antioquia Prosecutor's Office issued an arrest warrant against Ramirez on November 29, 2006, for the crime of rebellion, but it was allegedly rescinded before being executed. The rebellion investigation against him was dismissed in 2008 by a reviewing prosecutor. A case of criminal defamation was earlier filed by a colonel of the Army's 17 th Brigade in 2005, but it was dismissed because no evidence of criminal wrongdoing was produced.	The prosecution did not notify Ramirez of the ongoing investigation against him until his arrest, and the existence of the investigation was allegedly denied by judicial authorities in meetings with the U.N. High Commissioner for Human Rights. A reviewing prosecutor dismissed the rebellion case after finding that the testimonies against Ramirez were incoherent, illogical, unreasonable, contradictory, and vague. According to the reviewing prosecutor, the witnesses used similar phrases in their declarations, which may have been an indicator of previous preparation. He also found that the documents and wiretapped conversations provided as evidence against Ramirez were irrelevant and did not demonstrate his involvement with the FARC. The initial prosecutor failed to act on exculpatory evidence such as testimonies of University of Antioquia faculty. The prosecutor also stated that the reintegrated witnesses may have given biased testimonies against Ramirez in order to obtain economic benefits from the government.
28.	Alejandro Quiceno Human rights activist in Medellín with Sumapaz Human Rights Foundation, Seeds of Liberty Human Rights Collective, and the Legal Liberty Organization (CJL).	Quiceno was detained on March 30, 2005, and charged with rebellion by the 5 th Specialized Prosecutor in Medellín. He was detained for over three months despite a bail application that apparently met statutory requirements. He was subsequently sent to house arrest. On September 19, 2005, Prosecutor 153 of Medellín found the detention unjustified and ordered his release.	Reviewing the case, Prosecutor 153 of Medellín found the testimonies of reintegrated witnesses unreliable as they were seeking benefits from the government. She found that Quiceno was involved in legitimate human rights advocacy that was legal and quite distinct from rebellion. The prosecutor held that the period of six months for a preliminary investigation had been violated.

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29.	<p>Martin Sandoval President of the Permanent Committee of Human Rights in Arauca (CPDH). Sandoval was detained with 15 other social and union leaders from Arauca including Guillermo Diaz, Adan José Castellanos, Alberto Vanegas, Olegario Araque, Santiago Gómez, Gonzalo Losada, Carlos Botero, José Santos Ortiz, José Vicente Leon, Samuel Guillen, Joaquin Vanegas.</p>	<p>The group was detained in an operation by the CTI, DAS, and National Police on November 4, 2008. Prosecutor Ruth Tovar Merchan of the 1st Specialist Prosecutor's Unit in Cucuta and Arauca apparently authorized the detention, accusing the defenders of rebellion. On November 5, they were transferred to Aracuta by the 18th Brigade of the Army.</p>	<p>Sandoval's detention appears related to his human rights advocacy. He has criticized the government's human rights record in Arauca, especially on such issues as arbitrary detention, forced displacement, and extrajudicial executions. Sandoval has previously been detained by the National Police and army, allegedly due to his human rights advocacy. On July 31, 2008, Sandoval and members of the Workers Union of SINTRAOVA publicly denounced the persecution against them in a hearing held by the House of Representative's Human Rights Commission. On October 23, the 5th Brigade of the National Army detained ten farm workers in Arauca affiliated with the Rural Association of Arauca. That same day, CPDH and other NGOs in Arauca received death threats in an email purportedly sent by paramilitaries.</p>
30.	<p>Diana Teresa Sierra A human rights lawyer at <i>Humanidad Vigente</i>, an organization that represents and supports victims of human rights violations in rural areas such as Arauca and Magdalena Medio. Sierra was formerly a lawyer with the Inter-Church Commission for Justice and Peace (CIJP), representing defenders accused of rebellion such as Fanny Perdome (see Case 26).</p>	<p>On November 20, 2007, Prosecutor 32 of Medellin filed a disciplinary complaint against Sierra with the Regional Judicial Council of Antioquia.</p>	<p>Prosecutor Gloria Ines Salazar alleged that Sierra acted "recklessly and with bad faith in trying to lead the proceedings" disrespecting her authority. On July 31st, 2008, the Disciplinary Tribunal of Antioquia terminated the investigation, dismissing the complaint. Judge Hernandez Quiñónez stated that Sierra had not obstructed the administration of justice and that the complaint was a waste of the court's time: "In the actions of the lawyer [Sierra] by no means can an obstruction to the administration of justice be inferred, being doubtful all the matters raised by the judicial official. It is lamentable that the administration of justice is worn down with complaints such as this."</p>
31.	<p>Luis Torres Former President of the Association of Displaced People from Salado Bolivar (ASODESBOL).</p>	<p>Torres was arrested May 26, 2005, by the CTI in Cartagena. He was accused of rebellion and belonging to the FARC. He was released on June 8, 2005 by Prosecutor 36 Ricardo Carriazo Zapata.</p>	<p>The only evidence against him was reintegrated witness testimony, which alleged that Torres gave information to the guerrilla resulting in the death of two people. However, one of the people who supposedly died subsequently came forward to testify. The Prosecution Office in Cartagena thought it was necessary to change the prosecutor assigned to the case. Prosecutor Carriazo of the special unit of rebellion in Cartagena found that the evidence was not enough to order preventive detention.</p>

	Defendant	Case Summary	Signs of Defects in the Investigation
32.	Hector Hugo Torres President of the Human Rights and International Humanitarian Law Commission of Bajo Ariari.	Torres was charged with rebellion and association to commit a crime by the 1st Specialized Prosecutor Miguel Farid Polania Martinez of Villavicencio and detained by SIJIN agents on December 26, 2007 in Bosa, Bogotá. On December 27, the 6th Municipal Criminal Court in Villavicencio declared his detention illegal and released him.	The case was based on testimonies of reintegrated witnesses. Judge Luz Yolanda Sierra de Vargas found that the witnesses against Torres were coached and that the preparation of testimonies is a common practice used in different judicial proceedings to incriminate innocent civilians. He said that these “professional witnesses” live in military properties and receive economic and judicial benefits as rewards for their declarations. The judge also found that Torres’ rights to defense and due process were violated. Torres reported being followed two days after being released, which he took to be a form of intimidation.

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