



November 16, 2011

President Juan Manuel Santos
Casa de Nariño:
Carrera 8 No. 7 - 26
Edificio Administrativo: Calle 7 No. 6 - 54
Bogotá, Colombia

Re: Statements by the Colombian government regarding Mapiripán massacre case

Dear President Santos,

The Center for Constitutional Rights (CCR) is a United States-based civil and human rights organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

CCR expresses its deep concern about recent statements by the Colombian government in relation to an international legal case regarding the 1997 Mapiripán massacre where paramilitaries detained, tortured and killed inhabitants of the municipality of Mapiripán with the logistical support and collaboration, as well as the acquiescence of and omissions by the Colombian Army. The case was brought by human rights defenders in Colombia to the Inter-American Court of Human Rights, who ruled against the Colombian State on December 15, 2005.

CCR writes as a human rights organization that has frequently turned to the Inter-American Human Rights System and recognizes the critical role it plays in the Americas and as such we are deeply troubled by statements coming from your government that question the Inter-American Court's credibility. The Court has been an invaluable forum for so many who have suffered grave human rights abuses. Indeed, the crisis of impunity for human rights violations in many countries, including Colombia, is often what necessitates victims turning to the Inter-American System.

During the massacre, civilians were terrorized, tortured, killed, mutilated, dismembered, decapitated and thrown into the Guaviare River. As stated by the Inter-American Commission on Human Rights on October 31, 2011: "In terms of this massacre and others that have been reported to the Inter-American system with regard to Colombia, human rights bodies have had the challenge of precisely determining the victims given the nature of the events, the participation of the State in those events, and the State's failure to meet its obligation to immediately investigate the crimes committed."

In October 2011, a woman who had been recognized as a victim of the massacre in various legal rulings testified in a separate hearing that the disappearance of her two sons and the death of her husband had in fact occurred in circumstances unrelated to the massacre. High-level Colombian government officials have responded in recent weeks by questioning the credibility of the Inter-American system and attacking the human rights defenders involved in the Mapiripán case, despite the fact that the Inter-American Court of Human Rights has placed the responsibility for identifying the victims on the State, stating that “it is the State's obligation to properly investigate the human rights violations that have occurred in Colombia, which have cost the lives of thousands of Colombians and have taken place with the proven acquiescence or participation of agents of the State.” Furthermore, the government itself included this alleged false victim in its own list of victims and took her testimony *before* the human rights defenders in question became involved.

CCR is particularly concerned about your statements, President Santos, regarding our colleagues in El Colectivo de Abogados José Alvear Restrepo (English: the José Alvear Restrepo Lawyers' Collective), an organization of lawyers who for thirty years have worked tirelessly to represent victims of human rights violations despite significant risks to their lives. Your attempt to discredit the Collective as “corrupt” and “opportunists” that seek to “enrich themselves at the cost of the public resources of the State” is outrageous to anyone who is familiar with their brave and committed work for truth and justice on behalf of human rights victims. It is the height of irony that the Colombian government, a perpetrator in this massacre and the very body responsible for verifying the identities of the victims, is not only questioning the ethics of the human rights defenders involved now that an alleged false victim may have been included in the case, but also that the evidence in question was in fact initially provided by the Colombian government. CCR also notes that these comments take place within an established historical context of the persecution of human rights defenders in Colombia.

Furthermore, let us be clear that the Mapiripán massacre is well-recognized as a fact, which is not currently being disputed, and that the Colombian government itself has acknowledged its role in the atrocity. There are many victims and survivors of this massacre who fought for justice and were heard by the Inter-American system. Their cases were absolutely legitimate and the government of Colombia and the international community must be resolute in acknowledging their voices and the painful realities to which they testify.

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

- 1) Publicly 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;
- 2) Abstain from issuing statements that delegitimize the work of human rights defenders, including lawyers, and the victims they represent without thorough investigations by the proper authorities;

3) 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.

Thank you for your attention to this matter.

Center for Constitutional Rights

CC:

Chancellor María Holguín, Colombian Chancellor

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

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

Secretary Hillary Clinton, United States Secretary of State