

RECENT AMERICAN BAR ASSOCIATION RULE OF LAW LETTERS  
ON BEHALF OF LAWYERS AND JUDGES IN  
COLOMBIA, HAITI, ICRAEL, KENYA, MALAYSIA, NICARAGUA,  
PHILIPPINES, SOVIET UNION, AND SRI LANKA, FALL 1988 (including responses)  
AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
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COLOMBIA- MARCOS SANCHEZ CASTELLON,  
PEDRO NEL JIMENEZ

PLEASE REPLY TO  
1800 M STREET NW  
WASHINGTON, DC 20036

September 14, 1988

Senor Presidente Virgilio Barco  
Presidente de la Republica  
Palacio de Narino  
Bogota, D.E.  
Colombia

Excelentisimo Sr. Presidente:

On behalf of the American Bar Association and its more than 350,000 member lawyers, I am writing to express deep concern over the murders of human rights lawyers Marcos Sanchez Castellon and Pedro Nel Jimenez. I am further concerned that apparently the authority to punish human rights violations is delegated exclusively to the military courts, which with very few exceptions have failed to convict for human rights violations. In 1975 our Association adopted a resolution reaffirming our support for the rule of law in the international community, and of the need to assure the independence of lawyers and judges in order to maintain internationally recognized standards of fairness and justice. It is in light of our commitment to these goals that we express our concerns.

According to witnesses, Marcos Sanchez Castellon, a human rights lawyer and president of a civil rights group in Santa Marta, Magdalena department, was shot dead on August 4, 1987, by two men on a motorcycle. He had reportedly just left a cafe where he and some trade union leaders had attended a seminar.

According to some reports the assassins fled to the local headquarters of the Administrative Security Department, DAS, in Santa Marta, Magdalena.

Two days later the Police Commander of Santa Marta, Colonel Pedro Antonio Herrera Miranda, reportedly made statements on Radio Galeon that Marcos Sanchez was killed for being in the mountains, thereby implying that he was linked to the guerillas, and that "good people don't get killed."

We understand that Marcos Sanchez was a well-known lawyer and civic leader who provided legal advice to several trade unions, and that he was a human rights campaigner and president of the Association para la Defensa de Santa Marta, a local civil rights group. He had reportedly been receiving death threats before he was killed.

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It has also come to our attention that another human rights lawyer, Pedro Nel Jimenez, was shot dead in September 1986 in Villavicencio, Meta department. He, too, was reportedly killed by two gunmen on a motorcycle. We understand that he had worked on behalf of political prisoners and had made statements on local radio denouncing death threats he said he received and naming an officer in the security forces he believed had been assigned to kill him. We also understand that he had recently been elected to Parliament.

Reportedly, Pedro Nel Jimenez was investigating reports of political killings and "disappearances" in Colombia, when he was killed. He reportedly had already given the Prosecutor General the names of police and army officers he believed to be responsible for the abduction of Maria Eugenia Castaneda in August 1985 and her subsequent "disappearance."

We understand that the Deputy Procurator of the Military Forces, after investigating Pedro Nel Jimenez' death, concluded in a preliminary report of September 15, 1987, that there were "sufficient grounds to open formal disciplinary inquiries" concerning three members of the security forces B-2 (7th Brigade).

We believe the investigation into Mr. Nel Jimenez's death is a positive step, but we are concerned about reports that in the few cases of human rights abuse which have been officially investigated, not one of those found responsible was tried by an ordinary criminal court. We understand that instead, these cases have been handed over to the military courts which, with very few exceptions, persistently have failed to convict for human rights violations.

We wish to stress the need to bring to trial before the criminal courts those members of the security and military forces responsible for human rights violations. We understand that in the vast majority of cases, judicial investigations fail to establish who has carried out abuses. According to reports, they frequently consist only of certifying the recovery of bodies and filing death certificates. The failure to bring to justice those responsible for political killings encourages the perpetrators to believe that they can act with impunity.

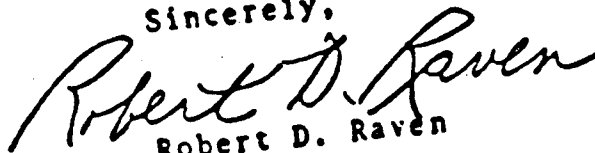
The American Bar Association is deeply concerned over the murders of Mr. Sanchez Castellon and Mr. Nel Jimenez. We are further concerned that, to our knowledge, there have been no arrests in these cases. Finally, we are concerned that cases of human rights abuse are turned over to military, rather than civilian, courts.

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We respectfully urge that you open an impartial and independent investigation into the killing of Marcos Sanchez Castellon, and keep us apprised of the progress or results of the investigation into the killing of Pedro Nel Jimenez. In both cases, we respectfully request that you inform us what measures you are taking to bring the perpetrators to justice.

The American Bar Association's chief concern in this matter is the promotion and observance of the rule of international law and that the elements necessary to retain it are in place. The ability of lawyers to represent their clients is fundamental to maintaining international norms of equal justice for all, as is the existence of an independent and impartial tribunal. We respectfully request your attention to these important matters, and we look forward to receiving your response.

Sincerely,



Robert D. Raven  
 President  
 American Bar Association

RM/mlc

cc: Dr. Alvaro Tirado Mejia, Presidential Advisor on Human Rights  
 General Rafael Samudio Molina, Minister of Defense  
 Dr. Julio Londono Paredes, Minister of Foreign Affairs  
 Dr. Enrique Low Murta, Minister of Justice  
 Dr. Jose Alejandro Bohnivento Fernandez, President of the Supreme Court  
 Vice-President of the Supreme Court  
 Commander General of the Armed Forces  
 Brigadier General Alfonso Vacca Perilla, Commandant of the 5th Brigade  
 Colonel Bernardo Alvarez Cervantes, DAS  
 General Miguel Maza Marquez, Chief of the DAS  
 The Honorable Victor Mosquera Chaux, Colombian Ambassador to the U.S.  
 The Honorable George P. Shultz, Secretary of State  
 Corporacion Colectivo de Abogados  
 Comision Andina de Juristas  
 Asociacion Colombiana de Juristas Democratas  
 Colegio Nacional de Abogados  
 Asociacion de Abogados Laboralistas al Servicio de los Trabajadores