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23 September 2015

Joint Declaration

International organisations express their concern on the fifth anniversary of the detention of David Ravelo Crespo, a prominent Colombian human rights defender.

14 September 2015 marked five years since the distinguished human rights defender, David Ravelo Crespo, member of the Regional Corporation for the Defense of Human Rights (CREDHOS) from the city of Barrancabermeja (Colombia) was detained. Non-governmental organizations and international networks again hereby reiterate our concern over the lack of due process in this case which resulted in a condemnatory sentence of 220 months imprisonment.

We recall that the human rights defender David Ravelo was arrested and imprisoned on 14 September 2010, accused of masterminding the 1991 murder of David Núñez Cala, public official of Barrancabermeja. In light of sentences in first¹ and second instances² condemning him to 220 months in prison (more than 18 years), Mr. Ravelo and his lawyers lodged a casation appeal. However, this was declared inadmissible by the Supreme Court of Justice in February 2015. Currently, an application has been filed in the Inter-American Human Rights Commission (IACHR) and is in the information gathering phase.

Amongst the numerous irregularities denounced throughout the process, Mr. Ravelo's lawyers highlighted the illegitimacy of the public prosecutor who led the investigation, Mr William Gildardo Pacheco Granados, who before

¹ [Página oficial de la rama judicial](#)

² Vanguardia Liberal: [David Ravelo fue condenado a 18 años de prisión por crimen de Núñez Cala](#), 6 de diciembre de 2012

becoming a public prosecutor was a Lieutenant in the National Police force of Armenia (Quindío, Colombia).. Mr. Pacheco was investigated by the Office of the General of Colombia and subsequently removed from office for his involvement in the forceful disappearance of Guillermo Hurtado Parra in Armenia (Quindío, Colombia), in events which took place in 1991³. Later, in November 1993, Mr Pacheco was condemned to a year in prison by the Superior Military Tribunal. According to Colombian law, these events disqualify him from exercising any role in the public prosecutor's office. In light of this situation, and given that Guillermo Hurtado Parra is still missing, on 23 April 2014, a criminal lawsuit was filed against Mr. Pacheco Granados⁴ and later the public prosecutor's office cited him to make a judicial declaration.⁵.

Mr Ravelo's defense also denounces that the case against him is primarily based on statements by two demobilised paramilitaries (Mario Jaimes Mejía alias el "Panadero" and Fremio Sánchez), who were convicted for serious crimes committed in the city of Barrancabermeja (amongst which stand out the massacres on 16 May 1998⁶ and 28 February 1999⁷) as a result of incidents denounced Mr. Ravelo himself. Because of these and other denunciations, the two paramilitaries declared Mr Ravelo a "military target"⁸. Furthermore, the other accused in the case, Orlando Noguera, denounced in the preparatory hearing that Mario Jaimes Mejía alias "El Panadero" and Fremio Sánchez "tried to bribe him so that he would accept the charge for the murder of Núñez Cala and blame Mr Ravelo in exchange for benefits under the Justice and Peace law"⁹. In this regard, we stress that the Prosecutor General's office charged Mario Jaimes Mejía alias "El Panadero", for false testimony, for having accused the ex-Congresswoman Aristides Andrade as another author of the homicide which David Ravelo is condemned for. In bringing charges against Jaimes Mejía, the public prosecutor cites various statements that – in his judgement – cast doubt on the statements given by the ex-paramilitary leader and that "they were sufficient to try him for false testimony"¹⁰. The first hearing against alias "El Panadero" for false testimony took place on 9 February 2015, the process is now in the trial stage and currently David Ravelo has been recognised as a victim in this case.

Since David Ravelo's detention, national and international NGOs as well as United Nations bodies have raised awareness regarding his case and the lack of due process by international standards¹¹. This included the presentation of two *amicus curiae*¹² related to Ravelo's proceedings and sentence which, among other considerations, concluded the proceedings null and, that in any case, David Ravelo should be absolved, since "David Ravelo's sentence was contrary to the evidence in this case, which demonstrate his innocence."¹³

As non-governmental organizations and international networks we have followed up on this case very closely and have expressed on numerous occasions our concern for these and other irregularities indicated by Mr. Ravelo's defense lawyers. As a result, we deeply regret that, in spite of expressing concern on numerous occasions for the

³ Procurator Delegate for the defense of Human Rights: Resolution 015 of July 10 1992, Resolution 017 of 22 November 1993, and Resolution 2117 of 15 March 1994; Semana: ['El transformer'](#), 1 de junio de 2013

⁴ Penal accusation against William Gildardo Pacheco Granados directed to the , 23 de abril de 2013

⁵ Notimundo: [Comité británico intercede ante la CSJ por el caso del defensor de derechos humanos David Ravelo](#), 1 de septiembre de 2014

⁶ El Espectador: [Condena por masacre en Barrancabermeja](#), 8 de noviembre de 2010

⁷ Agencia Prensa Rural: [Tres paramilitares aceptan responsabilidad en la masacre del 28 de febrero de 1999 en Barrancabermeja](#), 4 de febrero de 2011

⁸ Maureen Maya: "[Barrancabermeja, Dónde el Amor es la clave](#)" (1), Semanario Virtual Caja de Herramientas, Corporación Viva la Ciudadanía

⁹ La Sandunga Films: En medio del Magdalena Medio, 2012 Ley de Justicia y Paz o Ley 975 de 2005 es el marco jurídico que fue promovido en el marco del proceso de desmovilización colectiva de los grupos paramilitares, quienes a cambio de una serie de condiciones, vieron reducidas sus condenas a un máximo de 8 años de cárcel.

¹⁰ El Espectador: [¿Las mentiras de 'El Panadero'?](#), 16 de septiembre de 2014

¹¹ Human Rights Council Gabriela Knaul, A/HRC/17/30/Add.1, mayo de 2011.

¹² Amicus curiae (literally friend of the court or friend of the tribunal) consists of presentations by third parties to a litigation, who voluntarily offer their opinion regarding a point of law or other related aspect of accountability, in order to collaborate with the tribunal in the objective material of a process.

¹³ Human Rights Committee of the Bar of England and Wales (BHRC), *Amicus Curiae* before the Superior Tribunal of Santander regarding the trial and sentence passed by the First Penal Court of the Adjunct-Specialized Circuit (Providencia n.º 151, retrieved: 2011-0049-01 del 16 de noviembre de 2012. Case against David Ravelo Crespo), Paragraph 72.

guarantees of due process, including the right to a legitimate defense and a fair trial, the Supreme Court of Justice rejected the Appeal Study requesting the granting of fair and impartial process for this human rights defender, including all of the guaranties that up until now have been denied.

As a result, we hope that the Colombian justice system will act promptly in the other two legal processes mentioned against Mario Jaimes Mejía and William Gildardo Pacheco Granados, and that due process is fully respected. Finally, we call upon the IACHR to consider the concerns expressed and facilitate the study of this case.

Signing:

ABColumbia

Abogados sin Fronteras Canadá

Acción de los Cristianos para la Abolición de la tortura (ACAT-France)

ASK! - Grupo de Trabajo Suiza Colombia

Asociación de Solidaridad con Colombia Katio (ASOC- Katio)

Associació Catalana per la Pau

Bar Human Rights Committee of England and Wales

Christian Aid

Colombia Solidarity Campaign, UK

Comunidad Cristiana de Base Sto. Tomás de Aquino - Comisión Ética Madrid

Cooperació

Colombia Human Rights Committee

Colombian Caravana UK Lawyers Group - International Delegation of Lawyers / Grupo de Abogados del Reino Unido

de la Caravana Internacional de Juristas

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OMCT y Federación Internacional para los Derechos Humanos – FIDH)

Oficina Internacional de Derechos Humanos –Acción Colombia (OIDHACO)

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Rete Italiana di Solidarietà Colombia Vive!

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