



December 10th 2013

**Joint Declaration
On Human Rights Day, International Organizations deplore the affirmed conviction (on appeal)
of David Ravelo Crespo**

Today, the 10th of December, international Human Rights Day, the international organizations and networks whose signatures appear below deplore the 220 month-prison sentence of human rights defender David Ravelo Crespo, member of the Regional Corporation for the Defense of Human Rights in Magdalena Medio (CREDHOS) in the city of Barrancabermeja (Colombia). Once again we reiterate our concern for the variety of irregularities that have been denounced throughout David Ravelo's trial, which ended with his being convicted in the first instance. This conviction was upheld in its entirety in the second instance by the Bucaramanga High Court (el Tribunal Superior) on the 8th of October 2013.

We believe that respect for the guarantees of due process, including the right to a legitimate defense are fundamental to the Rule of Law. According to the denunciation such guarantees have been repeatedly violated throughout this trial. According to David Ravelo's lawyers, these irregularities have undermined the defense and call into question the legitimacy of his conviction in both instances of the process.

On the 4th of September 2013, the Bar Human Rights Committee (BHRC) of England and Wales presented an *amicus curiae*¹ report in relation to David Ravelo's trial and conviction before the High Court (el Tribunal Superior) of Santander (Colombia). The *amicus curiae* was endorsed by the Law Society's Human Rights Committee, the Colombian Caravana Lawyer's Group, the Chartered Institute of Legal Executives and other lawyers interested in the reality of human rights in Colombia. According to Kirsty Brimelow QC, president of the BHRC, the irregularities in this case

¹ *Amicus curiae* (literally "friend of the court" or "friend of the tribunal") is information offered by third persons not party to a case who voluntarily offer their opinion with regard to some point of law or other important related aspect in order to assist the court in the resolution of the case.

not only effect David Ravelo, but also impact the exercise of due process in Colombia and its adherence to international law, the purpose of which is to promote the administration of justice.

In addition to the variety of irregularities denounced during the trial, David Ravelo's lawyers have proven that the illegitimacy of the prosecutor who directed the investigation. The prosecutor William Pacheco Granados, of the 22nd Prosecution Office in the National Anti-Terrorism Unit, was a lieutenant with the National Police in Armenia (Quindío, Colombia) prior to becoming a prosecutor. Mr. Pacheco Granados was investigated by the Attorney General of Internal Affairs (Procuraduría) and subsequently removed from office because of his supposed involvement in the forced disappearance of Guillermo Hurtado Parra in Armenia (Quindío, Colombia) in 1991². Later, in November 1993, Mr. Pacheco Granados was sentenced to a year in prison by a Superior Military Court (Tribunal Superior Militar). According to Colombian legislation, these convictions disqualify him from holding any position in the State Prosecution Office (Fiscalía)³.

In line with this, the *amicus curiae* concludes that **the trial is invalid** because of the role that prosecutor William Gildardo Pacheco Granados' played, adding that in any case, David Ravelo should be absolved given the fact that "Mr. Ravelo was convicted despite the weight of evidence that in this case demonstrated his innocence"⁴.

Since David Ravelo has been detained, national and international agencies have called attention to his case and the lack of compliance with national and international standards of due process. In particular, in March 2011, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, and the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, sent a joint communiqué to the Colombian government following David Ravelo's arrest in which they expressed their concern that *«the criminalization of Mr. Ravelo Crespo falls within a context of increased cases of prosecution against human rights defenders in Colombia»*⁵.

As non-governmental organizations and international networks, we will continue to monitor the next phases of this process and the eventual appeal (casación). We urge that appropriate measures are taken to guarantee the fundamental rights of David Ravelo and to address the

² Attorney General of Internal Affairs, Representative for the Defense of Human Rights (La Procuraduría Delegada para la Defensa de los Derechos Humanos): Resolution 015 of July 10th 1992, Resolution 017 of November 22nd 1993.

³ Last 23rd of April, a criminal complaint was filed against William Gildardo Pacheco Granados for his responsibility in a case of forced disappearance. He subsequently resigned from his role as prosecutor in July 2013. While he was still prosecutor, Pacheco ordered that David Ravelo be linked to this case and created the formal accusation. The defending attorneys have denounced that among other irregularities, Pacheco closed the investigative stage of the case without accepting the majority of the evidence presented by the defense. Citing laws that prohibit persons with disabilities or criminal convictions from exercising positions in the State Prosecution Office (fiscalía) or in the judicial branch, the letter of appeal submitted by the defense argues that the entire court process is invalid given Pacheco's legal inability to perform as prosecutor, the active role he adopted in David Ravelo's case and his failure to investigate all of the favorable and unfavorable elements of the case. It highlights the gravity of the fact that a person accused of committing a crime against humanity is in charge of a process against a human rights defender and the lack of objectivity this entails. The appeal also references the numerous procedural and evidentiary irregularities that took place during the trial. With respect to these procedural irregularities, the defense highlights the fact that the current process amounts to a reformulation of previous charges that David Ravelo was already absolved of in first and second instance in 1995. Additionally, he later won a lawsuit for damages against the State, which was sentenced to compensate him for arbitrary detention.

⁴ The Bar Human Rights Committee of England and Wales (BHRC), *Amicus Curiae* before the Superior Tribunal (el Tribunal Superior) of Santander in relation to the trial and sentence dictated by the First Criminal Court of the Specialized Circuit-Attached-(Providence n° 151, filed: 2011-0049-01 the 16th of November 2012. Case against David Ravelo Crespo), Paragraph 72.

⁵ The UN General Assembly's Human Rights Council, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, A/HRC/17/30/Add.1, May 2011.

irregularities that have been denounced since his imprisonment so that the trial is compliant with Colombian law and international standards of due process.

Signing:

- ABColombia
- ASK! - Arbeitsgruppe Schweiz-Kolumbien
- Associació Catalana per la Pau – ACP
- Asociación Paz con Dignidad
- Christian Aid
- Colombian Caravana UK Lawyers Group
- Comité Oscar Romero
- Cooperació
- Front Line Defenders
- Iniciativa Solidaria Internacionalista
- Justicia por Colombia España
- Kolko – Derechos Humanos por Colombia
- MISEREOR
- Observatorio para la Protección de los Defensores de Derechos Humanos (Organización Mundial contra la Tortura – OMCT y Federación Internacional para los Derechos Humanos – FIDH)
- Oficina Internacional de Derechos Humanos Acción Colombia – ODHACO
- Peace Brigades International – PBI – Proyecto Colombia
- Rete Italiana di solidarietà Colombia Vive!
- Solicitors' International Human Rights Group - SIHRG
- Taula Catalana per la Pau i el Drets Humans a Colòmbia
- United Church of Christ Justice and Witness Ministries
- United Steelworkers – USW
- US Office on Colombia – USOC

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