

POLICY RECOMMENDATIONS: BRINGING THOSE RESPONSIBLE FOR ATTACKS AGAINST SOCIAL LEADERS TO JUSTICE

Over 500 social leaders have been murdered since the signing of the 2016 peace accords, according to the UN human rights representative to Colombia. Colombia's own human rights ombudsperson reports even higher numbers, documenting more than 700 murders during that same period. According to non-governmental organizations, the number may be even higher.

To bring those responsible for attacks against social leaders to justice, the Colombian government should:

PRIORITIZE RIGOROUS, IMPARTIAL INVESTIGATIONS THAT RESULT IN CONVICTIONS FOR CRIMES AGAINST SOCIAL LEADERS, WITH AN EMPHASIS ON IDENTIFYING AND SANCTIONING THOSE WHO ORDERED THE CRIME, NOT JUST THOSE WHO CARRIED IT OUT.

Colombia's justice system doesn't need an extensive overhaul: many laws and processes for protecting human rights defenders and those who advocate for their communities already exist on the books.

If creating a more efficient, functioning justice system is the long game, in the short term, the most effective steps that Colombia can take to show its commitment to justice would be **to successfully prosecute and convict the intellectual authors of an attack against a social leader in a landmark case.**

Convicting those who order the killing—not just those who carry out the order—would lay the basic foundations for a future in which social leaders can call for a more just, peaceful, and equitable Colombia without having to fear that doing so could lead to their deaths.


ENSURE THAT THE SPECIAL INVESTIGATIVE UNIT OF THE ATTORNEY GENERAL'S OFFICE IS INVESTIGATING PARAMILITARY STRUCTURES AND ORGANIZED CRIME GROUPS.

The 2016 peace accords created a Special Investigative Unit (*Unidad Especial de Investigación*) within the Attorney General's Office, dedicated to investig-

ating, prosecuting and dismantling paramilitary successor and organized crime groups. This was the unit's original and still unfulfilled mandate—rather than limiting itself to investigating social leaders' murders without a focus on dismantling the structures behind them.

 **ENSURE THAT CRIMES AGAINST SOCIAL LEADERS ARE REFERRED TO THE SPECIAL INVESTIGATIVE UNIT OF THE ATTORNEY GENERAL'S OFFICE AND ARE NOT TREATED AS “COMMON” CRIMES.**

One area of concern is that crimes against social leaders are not always assigned to the Special Investigative Unit. This means the subsequent investigations may be less likely to consider the victim's work as a social leader; instead, the investigation will emphasize tapping the phone lines of the victim's family or otherwise assuming there was a personal motive behind the crime. Ensuring that killings and threats against social leaders aren't initially treated as “common” crimes is crucial for ensuring that investigations proceed more effectively.

 **BUILD GREATER CAPACITY FOR INVESTIGATION AND PROSECUTION AT DEPARTMENTAL LEVELS, WHILE IMPLEMENTING PROTECTION MECHANISMS FOR OFFICIALS CARRYING OUT THIS WORK, AS WELL AS WITNESSES IN COURT CASES.**

Colombia's judicial bottleneck is a multifaceted one: in rural parts of the country, investigators can't easily access the areas where social leaders are working if there are no paved roads. Even in cases that result in the identification of a suspect, there may not be a police force in the area to execute the arrest warrant. In cases that result in a suspect's detention, there may be no prison officers available to bring the suspect to court on days when proceedings are scheduled; in other cases that may involve multiple suspects detained in various locations, the technology for holding virtual trials or videoconferences may be non-existent.

Investigations face delays for other reasons: lack of effective protection for witnesses, lack of support and protection for victims of the crime at all stages of the process, a shortage of judges and public defenders, excessive prosecutorial caseloads, case overloads in the courts, and so on.

In order for investigations into crimes against social leaders to become more effective, prosecutors need greater capacity to collect evidence. That means support and protection from a functioning, independent police force. It means access to better technology and logistical resources. It means guaranteeing that prosecutors can safely visit crime scenes, meet witnesses, and learn details about the investigation without having to fear for their own lives.

Parts of this document are drawn from a previous publication co-authored by WOLA and partners including the Latin America Working Group (LAWG): [Protect Colombia's Peace](#) (July 2020).