

31 July 2019

### **Colombia: journalist and woman human rights defender censored by the court**

On 25 July 2019, the Second Specialised Criminal Judge of Bogotá prohibited journalist and woman human rights defender, **Claudia Julieta Duque** from speaking, giving interviews, informing, issuing opinions and publishing photographs in relation to the legal process against former Administrative Department of Security (DAS) deputy director Emiro Rojas Granados, who is accused of psychological torture against her.

**Claudia Julieta Duque** is a human rights defender and investigative journalist who works as a correspondent with **Radio Nizkor** in Colombia. During her career as a journalist, she has investigated numerous high-profile cases, including those involving issues of enforced disappearance, forced recruitment of children by legal and illegal armed groups, the impact of impunity and the right to justice, and infiltration of paramilitary groups in government agencies.

On 25 July 2019, the Second Specialised Criminal Judge of Bogotá granted a request made by the former DAS deputy director and ordered Claudia Julieta Duque not to publicly comment and report on the case. The next hearing is scheduled for 9 October 2019. The judge's decision to limit the defender's right to freedom of speech was described as censorship by the Colombian NGO *Fundacion para la Libertad de Prensa* – FLIP (Foundation for the Freedom of Press).

In 2001, Claudia Julieta Duque was investigating the murder of journalist and comedian Jaime Garzón in 1999. Thanks to her findings and perseverance, the authorities launched a criminal investigation into former DAS deputy director Emiro Rojas Granados and other members of the DAS, in 2004. Ever since, she has been subjected to repeated acts of intimidation, death threats, surveillance, smear campaigns, stigmatisation and was kidnapped in 2001, before the trial took place. The intimidation and harassment against her and her family members intensified in March 2013, when the case against DAS officials in connection with psychological torture against her became public. Since 2009, Front Line Defenders has documented [continued attacks and phycologic torture](#) against Claudia Julieta Duque and her family, including the targeting of her daughter.

In November 2016, a prosecutor of the Analysis and Context Division ordered the arrest of Emiro Rojas Granados, and former DAS intelligence detective, Nestor Pachón Bermudez. Both were arrested on charges of psychological torture against Claudia Julieta Duque. In 2007, they were charged with crimes against humanity. The trial only started on 24 April 2019, after various deferrals.

Other defendants in the case include José Miguel Narvárez Martínez, former deputy director and former DAS advisor convicted for the murder of Jaime Garzón; Enrique Ariza Rivas, former DAS chief of intelligence; Giancarlo Auque De Silvestri, former intelligence chief (who fled the countryrunaway); Rodolfo Medina Alemán, former DAS counterintelligence chief (who also fled the country); and former detectives William Merchán, Ronal Rivera.

This case marked a milestone in the fight against impunity in Colombia. Furthermore, Julieta Duque's case is the first in which the criminal justice system has succeeded in identifying the alleged perpetrators responsible for the crime of psychological torture as a stand-alone crime.

Claudia Julieta Duque is beneficiary of protection measures from the Inter-American Commission for Human Rights since November 2009. Over the course of the years, the Government has at times granted protection to her and her family, including the use of an armored car. This, however, has been insufficient to ensure full protection of her life and that of her family members and she was forced to temporarily leave the country.

Front Line Defenders is concerned at the attempt to censor the right to freedom of expression of the journalist and woman human rights defender in the context her trial. The right to inform and to be informed should be protected and respected, especially in light of the potential significance of this case for the fight against impunity and the pursuit of truth and justice in the country.

**Front Line Defenders urges the authorities of Colombia to:**

1. Ensure that the trial establish responsibility for the torture of Claudia Julieta Duque and that the perpetrators are held accountable;
2. Guarantee that Claudia Julieta Duque's freedom of expression throughout her trial as well as the citizen's right to be informed is respected and protected;
3. Take all necessary measures to guarantee the physical and psychological integrity and security of Claudia Julieta Duque as well as members of her family, including her daughter;
4. Guarantee in all circumstances that all human rights defenders in Colombia are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial censorship.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 6 (b): *"Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms,"* and to Article 12 (2): *"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson  
Executive Director

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