

COLOMBIA

MOVICE leader unjustly detained for more than a year

RRN has faxed letters to Colombian officials on behalf of members of MOVICE, the National Movement of Victims of State Crimes.

MOVICE leader **Carlos Agómez Berrio was unjustly detained** in November 2008 when five men raided his house in Sucre Department without a warrant. Agómez was charged with consorting with right-wing paramilitary leaders.

Agómez has devoted his career to documenting human rights violations and exposing alleged links between local public officials and paramilitaries. Given his strident opposition to paramilitary groups, it is implausible that he has also been consorting with them. The case against Agómez has been marked by a series of inconsistencies and violations, which both a court and the Prosecutor General of Colombia have publicly recognized.

May 2009

The **Superior Tribunal of Sucre found that the prosecutor breached Agomez's due process** and defense rights by failing to inform him of the charges against him. According to Agómez's defense, the arrest warrant against him was not authorized and his house was raided without a warrant. The charges against Agómez are based on the uncorroborated testimony from two discredited witnesses alleging that Agómez participated in a paramilitary meeting on an unspecified date.

Neither of the witnesses is impartial. One was detained after Agómez and MOVICE publicly exposed his alleged links to paramilitaries, while Agómez was involved in the arrest of the second witness' brother and cousin. Many other witnesses have testified that Agómez did not participate in the meeting in question, while still another witness recanted her testimony explaining that the prosecutor had induced her to falsely impugn Agómez.

July 2009

The Colombian Prosecutor General issued a formal resolution, in which he repeatedly cited concerns about the lack of impartiality in the investigation against Agómez by international human rights organizations such as Human Rights First. In the resolution **he ordered a criminal investigation of Sucre prosecutor Rodolfo Martinez Mendoza for alleged corruption** in connection with his baseless prosecution of Agomez.

It is inconceivable, after such serious concerns were raised by senior Colombian justice officials, that Agómez's case could make it to trial. The new prosecutor has done so without offering any additional evidence of Agómez's guilt nor addressing the evidentiary and due process concerns raised by senior justice officials.

November 2009

All signs pointed to the release of Agámez. He had been appointed a new prosecutor and senior Colombian justice officials had raised concerns about due process rights violations in his case. However, **in a surprising twist in November, the 28th antiterrorism prosecutor in Bogota issued a resolution formally bringing to trial the specious investigation against Agamez.**

April 2010

Agámez has never been sentenced, yet he is still unjustly detained. His daughter Sandra visits him every week. She has taken his case to the UN Rapporteur for Human Rights. She is now receiving threats because of her persistence in pursuing justice for her father. She has to look over her shoulder when she walks through town and changes routes from day to day for fear of being followed. Sandra heads up a political prisoner campaign that features her father's face on a poster being distributed throughout Colombia. Says human rights activist Juan David Díaz: **"They can't stop us with weapons and bullets, so now they're trying legal tricks** to incriminate us by linking us to criminals." Thanks to Carlos Agámez, now age 60, other human rights activists are willing to speak out against threats and false charges brought against them.

See a video interview with Carlos Agámez, his daughter Sandra, his attorney, and human rights activist Juan David Díaz at <http://www.rnw.nl/english/video/political-prisoner-colombia-carmelo-agamez>

Other source: <http://thehill.com/blogs/congress-blog/civil-rights/68335-unjustly-detained-colombian-human-rights-activist-to-face-trial-us-aid-to-colombia-key-to-ending-arbitrary-detention-of-activists>