



59-60 Russell Square
London
WC1 B4HP
United Kingdom

Juan Manuel Santos Calderón
President of the Republic of Colombia
Carrera 8 No. 7 – 26
Palacio de Nariño
Bogotá Colombia

18th November 2015

Dear President Santos,

Repeated threats against members of *Comisión Colombiana de Juristas* (Colombian Commission of Jurists), *Corporación Jurídica Yira Castro* (Yira Castro Legal Corporation) and *Colectivo de Abogados José Alvear Restrepo* (José Alvear Restrepo Lawyers' Collective, also known as CAJAR) and many human rights defenders

I am writing to you on behalf of the UK members of the International Caravana of Jurists (hereinafter, the Colombian Caravana). During our visits to Colombia in 2008, 2010, 2012 and 2014 we called upon the Colombian government to protect lawyers' ability to represent their clients and to refrain from any interference in their work in order to comply with Colombian legislation, and International Law.¹

The Colombian Caravana members are deeply concerned by a serious threat against members of *Comisión Colombiana de Juristas*, *Corporación Jurídica Yira Castro*, *Colectivo de Abogados José Alvear Restrepo* and the large number of human rights defenders named in the threat.

Towards the end of September this year the illegal armed group *Aguilas Negras* (Black Eagles) distributed a leaflet which contained a threat against many human rights defenders as well as several organisations working on human rights issues. In this leaflet the criminal group declares *Comisión Colombiana de Juristas*, *Yira Castro Legal Corporation* and *Colectivo de Abogados José Alvear Restrepo*, as military objectives. *Aguilas Negras* have considered those organisations as guerrilla collaborators due to their interventions in the peace process in Havana.

Moreover, the above leaflet also contains a list of 119 individuals as well as several human rights organisations, and women's and victim's groups. All have been under threat of murder if they do not leave the country. This list also includes the following members of *Movimiento Nacional de Víctimas de Crímenes de Estado* (National Movement for Victims of State Crimes, also known as MOVICE):

- **Diego Martinez** who is a well-known lawyer from the *Comité Permanente de Derechos Humanos* (Permanent Committee of Human Rights, also known as CPDH). He is currently

¹ Law 1426 of December 29, 2010



working at the judicial sub-commission at Havana, where he is encouraging a peace agreement between The Colombian State and the Revolutionary Armed Forces of Colombia (FARC-EP).

- **Ana Jimena Bautista**, a lawyer who is part of the legislative team of the Senator Ivan Cepeda.
- **Ruby Castaño, Claribeth Albor, Blanca Nubia Díaz and Adriana Cuellar**

The Colombian Caravana is aware that these incidents follow numerous previous cases of threats, harassment, stigmatisation and illegal surveillance against members of CAJAR. On 6th February 2015 Mrs. Soraya Gutierrez, a CAJAR lawyer, was threatened by a witness during the oral declaration at the trial of the assassinated trade unionist Jorge Darío Hoyos Franco, Ms. Hoyos's father. In this case, charges were brought against an active Colombian Army intelligence official, Freddy Francisco Espitia Espinosa, of the "Cahrry Solano" Battalion. Both Mrs. Gutierrez and Ms. Hoyos were subject to harassment inside the Paloquemao court building following the hearing.

I also draw your attention to our other Colombian Caravana letters regarding previous threats to Martha Díaz and other MOVICE members dated 25th July 2014, 22nd February 2014, 20th December 2013, 1st November 2013, 14th July 2013, 4th March 2013, 20th June 2012, 7th May 2012, and 2nd August. Since December 2014, there had been continuous threats against human rights defenders in the Caribbean region of Colombia. Ms. Díaz is also mentioned on the threatening leaflet dated 18th December 2014, 11th and 21st January 2015. The investigations by the Prosecutors Office to find the perpetrators have not provided any results yet. Neither has the UNP provided adequate protection for Ms. Díaz and her family

This situation is unacceptable and must be rectified, in order to ensure the safety of all members of those organisations and other lawyers and human rights defenders so that they can continue with their important work. In this context, I once again, respectfully remind you of Articles 16(a) and (c), 17 and 18 of the UN Basic Principles on the Role of Lawyers (1990)².

We also draw your attention to the UN Declaration on Human Rights Defenders (adopted by the UN General Assembly on 8 March 1999)³.

² Which state that:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ... and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

³ Which states at Article 12 that:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.



Therefore the Colombian Caravana calls upon you to:

- make a prompt public statement condemning the latest threats against Diego Martinez, Ana Jimena Bautista, Ruby Castaño, Claribeth Albor, Blanca Nubia Díaz and Adriana Cuellar, *Comisión Colombiana de Juristas*, *Corporación Jurídica Yira Castro* and *Colectivo de Abogados José Alvear Restrepo*;
- ensure a full, prompt and impartial investigation into the threats against Diego Martinez, Ana Jimena Bautista, Ruby Castaño, Claribeth Albor, Blanca Nubia Díaz, Adriana Cuellar, *Comisión Colombiana de Juristas*, *Corporación Jurídica Yira Castro* and *Colectivo de Abogados José Alvear Restrepo*, with the intention of bringing those responsible to justice;
- urgently dismantle all paramilitary groups which continue to operate in Colombia;
- ensure that all lawyers, judges and human rights defenders are able to carry out their duties without fear of intimidation or harassment;

We will continue to monitor the above cases and we look forward to hearing from you regarding the progress of the investigations into the above incidents and in bringing those responsible to justice. We respectfully ask that the requested information is sent to the Colombian Caravana within 28 days.

Yours sincerely,

Professor Sara Chandler Chair,
Colombian Caravana UK Lawyers Group

CC:

- German Vargas Lleras, Vice-President of Colombia
- Doctor Luis Carlos Villegas Echeverri, Minister of Defence
- Diego Fernando Mora Arango: Director of National Unity Protection of Minister of Interior
- Eduardo Montealegre Lynett, , Attorney General of Colombia
- General Rodolfo Palomino López, Director General, National Police
- Jorge Armando Otálora, National Ombudsperson

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.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.



- Nestor Fernando Osorio Londoño, Colombian Ambassador in the UK
- Sarah Smith, Law Society of England and Wales
- Gabriela Carina Knaul de Albuquerque e Silva, United Nations Special Rapporteur on the independence of lawyers and judges
- Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders
- Mr. Todd Howland, Representative in Colombia of the Office of the High Commissioner for Human Rights, United Nations
- Mr. Peter Tibber, British Ambassador in Colombia
- Lawyers for Lawyers, Netherlands
- Lawyers without Borders, Canada
- Lawyers Rights Watch, Canada
- Asociación Colombiana de Abogados de Derechos Humanos (ACADEHUM)
- “Jose Alvear Restrepo” Lawyers Collective
- American Bar Association (ABA)
- Asociación Libre de Abogados (Comité defensa por la Defensa), Spain
- Union Internationale des Avocats, Belgium