



ABC Colombia

CAFOD, Christian Aid, Oxfam GB, SCIAF, Trócaire
Working for Peace and Human Rights in Colombia

8 July 2022

382 City Road
London EC1V 2QA
United Kingdom

Francisco Barbosa Delgado
Fiscal General de la Nación
Avda. Calle 24 # 52 -01
Edificio Gustavo de Greiff piso 5
Bogotá, Colombia

Dear Mr Barbosa Delgado,

Re: Death threats against Miss Yessika Hoyos Morales, lawyer, member of Cajar and representative in the Mondoñedo case; and threats, kidnapping and robbery against Miss Andrea Torres Bautista, lawyer, and sub-director of the Nydia Erika Bautista Foundation (FNEB).

We, the undersigned organisations, write to express our concern about recent threats and intimidation toward Ms Yessika Hoyos Morales, a lawyer and member of the José Alvear Restrepo Lawyers' Collective (Cajar).

On 26 May 2022, Ms Hoyos Morales received a threatening letter on her cell phone, which alludes to her work as the representative for Mr Alfonso Mora León, father of Mr Jenner Alfonso Mora Moncaleano, a victim who was killed in the Mondoñedo massacre carried out by members of the Dirección de Investigación Judicial (DIJIN) unit of the National Police. At that time, Mr Mora León also received a similar threat on his cell phone.

Previously, on 25 May, Ms Hoyos Morales discovered that there had been an illegal entry into her home, during which her personal belongings were interfered with, and her door was left open. This act of intimidation and the threats have been brought to the attention of the Colombian authorities.

This is the second time that Ms Hoyos Morales and Mr Mora León have received threats during or after hearings of the Mondoñedo massacre. On 11 June 2021, two threatening texts were sent to them following the culmination of a series of reserved hearings in the Special Jurisdiction for Peace (JEP), regarding the Mondoñedo massacre.

A further incident has been brought to our attention, regarding the theft of sensitive information from the Nydia Erika Bautista Foundation (Fundación Nydia Érika Bautista –FNEB) and sub-director and lawyer Andrea Torres Bautista.

On 5 June, a man broke into the office of FNEB in Bogotá and stole sensitive information from the premises. The information related to cases of enforced disappearance and sexual violence by the Army's 20th Brigade, and included highly sensitive testimonies from victims and witnesses, which could put them at risk. The incident occurred a couple of days after the FNEB handed in a report to the Colombian Truth Commission (CEV) created under the Peace Agreement. Previously, on 21 May, Ms Andrea Torres and her family were taken against their will, and temporarily kidnapped in a taxi and robbed of their belongings. The incident happened at a moment when Ms Torres had exceptionally sent away her state-provided bodyguards. After the robbery, Ms Torres and her family members' email accounts were hacked.

We are very concerned that the incidents occurred in the context of, and related to, the work of the organisations and lawyers who work in the transitional justice system, in particular, FNEB's work with the Truth Commission and Cajar's work with the JEP regarding the Mondoñedo massacre, perpetrated by members the National Police's DIJIN judicial intelligence unit.

It is of the utmost importance that the safety of lawyers and other human rights defenders is ensured, in order to allow them to play their part in a healthy democratic society, which has at its core the rule of law and due process. With this in mind, we respectfully remind you of Colombia's international obligations pursuant to the American Convention on Human Rights.¹

Furthermore, the undersigned organisations draw your attention to Articles 16, 17 and 18 of the UN Basic Principles on the Role of Lawyers (1990)², and to the UN Declaration on Human Rights Defenders, Document A/RES/53/144 (adopted by the UN General Assembly on 8 March 1999).³

In light of these commitments and the concerns raised above, the undersigned organisations call on the Colombian Government and relevant State authorities to:

- Adopt a comprehensive public policy that provides guarantees for the safety of lawyers, human rights defenders, and victims and for their work in upholding the rule of law and the JEP.
- Diligently investigate and prosecute the material and intellectual authors of the threats and attacks against victims and their representatives, as well as more than 100 attacks against members of Cajar, which have not resulted in those responsible for these crimes being brought to justice.

¹ Ratified by Colombia in 1979

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 in 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.

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.

- Strengthen and provide adequate protective measures to Ms Hoyos Morales and all members of Cajar, to Ms Torres, her family members, and all members of the FNEB, and to other human rights lawyers at risk of harm, in accordance with their wishes and needs.
- Provide adequate protective measures to Mr Mora León, father of Mr Jenner Alfonso Mora Moncaleano, a victim in the Mondoñedo massacre, in accordance with his wishes and needs.
- Ensure that all lawyers and human rights defenders are able to carry out their duties without fear of intimidation or harassment against themselves or their family members.
- Ensure that the JEP takes into account and follows up on these serious events which threaten the procedural guarantees of the victims and hinder the search for truth and justice.

While the undersigned organisations are not acting directly on behalf or as representatives of Ms Hoyos Morales or Ms Torres, we write in support of Cajar and FNEB, in order to protect their safety and their legal work, which are necessary to building long-lasting peace in Colombia and upholding the rule of law

We would be grateful to receive updates regarding the progress of the investigation into the threats made against Ms Hoyos Morales, Mr Mora León and Ms Torres, and respectfully ask that an initial response be sent to Cajar, FNEB and to the Colombian Caravana within 28 days of this letter.

Yours sincerely,



Alice Garside

On behalf of The Colombian Caravana



Louise Winstaley

On behalf of ABColombia and its member organisations CAFOD, Christian Aid, Oxfam Colombia, SCIAF, Trócaire



Ben Leather

On behalf of Peace Brigades

International (PBI)- UK

Hendriue Rottlier

On behalf of ODHACO

cc:

- Sr. Carlos Ernesto Camargo Assis, National Human Rights Ombudsman
- Sr. Alfonso Campos Martínez, Director National Protection Unit
- S.E. Sr. Alvaro Gómez Jaramillo, Colombian Ambassador to the United Kingdom
- Sra. Juliette de Rivero, Representative in Colombia of the Office of the UN High Commissioner for Human Rights
- Sra. Mary Lawlor, United Nations Special Rapporteur on the Situation of Human Rights Defenders
- Sra. Marta Lucia Ramírez, Cancillería de Colombia
- H.E. Ms. Fiona Nic Dhonnacha, Irish Ambassador to Colombia
- H.E. Mr. Colin Martin Reynolds, British Ambassador to Colombia