



The Law Society of
Upper Canada | Barreau
du Haut-Canada

May 10, 2017

H.E. Juan Manuel Santos Calderón
President of the Republic of Colombia
Palacio de Nariño
Carrera 8 No. 7-26
Bogotá, Colombia

Office of the Treasurer

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Your Excellency:

Re: Murder of Jhon Fredy Concha Valbuena and attempted murder of Jorge Enrique Belalcázar Gutierrez

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of Jhon Fredy Concha Valbuena and the attempted murder of Jorge Enrique Belalcázar Gutierrez. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society's information states that on January 24, 2017, criminal lawyer Jhon Fredy Concha Valbuena was shot dead by *sicarios* (hired assassins) outside his home in the city of Cali. Reports indicate that at the time of his death, Jhon Fredy Concha Valbuena was representing three individuals accused of kidnapping twelve congressmen (eleven of whom later died) in 2002. It is our understanding that the accused are members of the Revolutionary Armed Forces of Colombia ("FARC"), Colombia's largest rebel group. Additionally, just prior to his death, Jhon Fredy Concha Valbuena had successfully defended and secured the freedom of a group of people accused of illegal mining in the Cauca River.

On February 1, 2017, criminal lawyer Jorge Enrique Belalcázar Gutierrez was shot in the shoulder by a *sicario* while driving his vehicle in the San Nicolás neighbourhood of the city of Cali. According to reports, Jorge Enrique Belalcázar Gutierrez had previously been denied protection by Colombia's National Protection Unit.

The Law Society of Upper Canada is deeply concerned about the mounting violence against lawyers in Colombia and urges Your Excellency to comply with Colombia's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

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

Article 18 states:

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

The Law Society urges the Government of Colombia to:

- a. immediately conduct a fair, impartial and independent investigation into the murder of Jhon Fredy Concha Valbuena and the attempted murder of Jorge Enrique Belalcázar Gutierrez in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of harassment and violence against lawyers in Colombia;
- c. guarantee in all circumstances the physical and psychological integrity of all lawyers in Colombia;

- d. ensure that all lawyers in Colombia can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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David F. Sutherland, Chair, Lawyers' Rights Watch Canada

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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales