



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

September 28, 2016

Juan Manuel Santos Calderón
President of the Republic of Colombia
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Bogotá Colombia

Office of the Treasurer

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President Santos:

Re: Harassment and intimidation of Yessika Hoyos and members of the José Alvear Restrepo Lawyers' Collective (CAJAR)

I write on behalf of the Law Society of Upper Canada to voice our grave concern in the matter of Yessika Hoyos and other members of José Alvear Restrepo Lawyers' Collective (CAJAR). When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Yessika Hoyos is a human rights lawyer whose work focuses on seeking accountability and reparations for crimes committed against the trade union movement and representing victims of other grave human rights violations. Her father, a key union figure and educator, was murdered in 2001 by military intelligence. Agents of the National Police, army and paramilitary are implicated in the murder. Yessika Hoyos' work at CAJAR also involves pushing for accountability in the case of her father's murder.

It has come to our attention that Yessika Hoyos and other members of CAJAR have faced increasing harassment and intimidation as a result of their human rights work. Reports indicate that Yessika Hoyos and her colleagues at CAJAR have experienced a number of incidents of harassment and intimidation, including threats and surveillance by unknown individuals.

The Law Society is deeply concerned about these reports. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

The Law Society of Upper Canada 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 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, economic 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.

The Law Society urges the government of Colombia to:

- a. conduct an immediate and impartial investigation into the harassment and intimidation of Yessika Hoyos and members of CAJAR and bring those responsible to justice;
- b. put an end to the harassment of lawyers and human rights defenders in Colombia;
- c. ensure that all lawyers can carry out their legitimate activities without fear of physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms is in accordance with international human rights standards and international instruments.

Yours very truly,

Paul 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:

H.E. Mr. Nicolás Lloreda
Ambassador of Colombia to Canada
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360 Albert Street, Suite 1002
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The Honourable Stéphane Dion
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President, Colegio Nacional de Abogados de Colombia, Conalbos

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

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

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales