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

27 July 2016

President Santos,

#### **CONCERN REGARDING SAFETY OF LAWYER YESSIKA HOYOS**

We write as an international network of non-governmental human rights organizations to make an urgent appeal to ensure all necessary measures are taken to ensure the safety of lawyer Yessika Hoyos Morales and our colleagues at the José Alvear Restrepo Lawyers' Collective (CAJAR), a Bertha Justice Initiative partner organization. We write after numerous, ongoing incidents of harassment and persecution of CAJAR lawyers and Ms. Hoyos, a Bertha program alumna, in particular.

We note that Ms. Hoyos is the beneficiary of protective measures from the Inter-American Commission, which obliges the Colombian state to ensure her safety. We also note the UN Basic Principles on the Role of Lawyers (1990), which provide that governments must "ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference" (Article 16) and that "[w]here the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities" (Article 17).



We write to express concern about the increasing intimidation and harassment suffered by Ms. Hoyos in relation to her work as a human rights lawyer. Ms. Hoyos leads CAJAR's trade union work, which includes seeking accountability and reparations for crimes committed against the trade union movement. She also represents victims of other grave human rights violations, including massacres (such as the massacre of La Sarna) and the so-called "false positives". In recognition of this work - and out of our concern for her security and her ability to continue her legal work without interference - the Bertha Justice Initiative nominated Ms. Hoyos for the 2016 International Bar Association Award for outstanding contribution by a legal practitioner to human rights, which will be decided in September.

Ms. Hoyos is the daughter of Jorge Dario Hoyos Morales, a trade unionist murdered in March 2001 by paramilitaries and military intelligence members, who are now on trial in Colombia for this crime as a result of Ms. Hoyos' work with CAJAR. Ms. Hoyos is also well known for her work with the victims movement after her father's assassination: in 2014, she was selected by the Universidad Nacional and the United Nations to be part of a delegation to give testimony in Havana before representatives of the Colombian Government – FARC-EP peace process. After this, Ms. Hoyos and other victims who gave testimony received death threats.

We are particularly concerned for her safety as the next hearing in her case against Colombian intelligence official Freddy Francisco Espitia Esponosa for his role in her father's assassination will be heard later this month.

Ms. Hoyos has suffered a pattern of harassment over many years, which have intensified with the progress of her work on this and other cases. In earlier proceedings in this case, a witness threatened her co-counsel, Mrs. Soraya Gutierrez. Ms. Hoyos and Mrs. Gutierrez were also subject to harassment inside the Paloquemao court building following the hearing. We appeal for urgent action to ensure her protection as the next hearing date approaches.

We refer you to the following specific, recent incidents of concern which have been brought to your attention by CAJAR but which have yet to receive any official response:

- 16 February 2016: CAJAR reported in the attached letter to you that they had "received highly credible information that sectors within military intelligence are plotting an attack against our colleague Yessika Hoyos Morales...In particular, a message was sent stating she should "stop bothering the generals".
- 17 September 2015: Ms. Hoyos' legal assistance, Sebastián Bojacá, was approached at his home by a number of men and was intimidated and told to "look after himself".
- 10 September 2015: Several people approached Ms. Hoyos' nanny outside her home and asked questions about Ms. Hoyos' whereabouts and who was looking after her child. Her nanny had only been working for Ms. Hoyos for one week, which indicates the level of surveillance she has been under.
- June 2015: During the Europe-Latin American (EUROLAT) Parliamentary Assembly, Ms. Hoyos was wrongfully accused of being closely associated with FARC-EP during a EUROLAT Committee on Political Affairs, Security and Human Rights hearing. Despite being formally invited to represent Colombian civil society, she was censored from speaking and was refused the opportunity to defend herself and correct the record. The Colombian ambassador refused to take the issue up on her behalf. This widely publicised public vilification placed her personal safety and professional standing at risk.



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The harassment of Ms. Hoyos must also be seen in the broader context of the threats, intimidation and unlawful surveillance directed at CAJAR and her colleagues, which is outlined in their attached letter to you dated 26 February 2016.

We reiterate and support CAJAR's request that the government take all necessary measures to protect Ms. Hoyos and stop the persecution and intimidation against her and her family. We also reiterate CAJAR's request that the Colombian government recognize the legitimacy of the human rights work and peace-building carried out by CAJAR and ensure that Ms. Hoyos and her colleagues will be provided with the protection required to be able to continue their important work.

Yours sincerely,

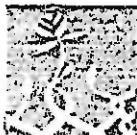
A handwritten signature in black ink, appearing to read "Jennifer Robinson".

Jennifer Robinson  
Director of Legal Advocacy  
Bertha Justice Initiative  
[jen@berthafoundation.org](mailto:jen@berthafoundation.org)

Enclosed: CAJAR letter to President Santos, 16 February 2016

The Bertha Justice Initiative Network:

Chadian Association for the Promotion and Defense of Human Rights (ATPDH), Chad  
Institute for Justice & Democracy in Haiti (IJDH), USA  
Centre for Applied Legal Studies (CALS), South Africa  
Center for Constitutional Rights (CCR), USA  
Centre for International Law (CenterLaw), Philippines  
"José Alvear Restrepo" Lawyers Collective Corporation (CCAJAR), Colombia  
Equal Education Law Centre (EELC), South Africa  
European Center for Constitutional and Human Rights (ECCHR), Germany  
Earth Rights International (ERI), USA  
Foundation for Fundamental Rights (FFR), Pakistan  
Legal Resources Centre (LRC), South Africa  
Palestinian Centre for Human Rights (PCHR), Palestine  
Proyecto de Derechos Económicos Sociales y Culturales (ProDESC), Mexico  
Socio-Economic Rights Institute of South Africa (SERI), South Africa  
Human Rights Law Network (HRLN), India



# Corporación Colectivo de Abogados

Bogotá D.C., 16 de febrero de 2016

Doctor  
Juan Manuel Santos Calderón  
Presidente de la República de Colombia  
Palacio de Nariño

**fidh**

Referencia: Solicitud de medidas preventivas para evitar atentado contra abogada del Colectivo de Abogados "José Alvear Restrepo"

Señor Presidente,

El Colectivo de Abogados "José Alvear Restrepo", -CAJAR- organización no gubernamental de derechos humanos, a través de este escrito hacemos un urgente llamado para que se tomen todas las medidas necesarias para evitar un atentado contra la abogada Yessika Hoyos Morales y dotar de garantías a la labor de defensa de derechos humanos que desarrolla nuestra organización.

De manera reiterada, hemos puesto en su conocimiento hechos que reflejan la generalizada y sistemática persecución contra las abogadas y abogados del CAJAR. Dicha persecución ha sido llevada cabo fundamentalmente por organismos de inteligencia estatales, tal como se conoce públicamente y como se lo hemos dado a conocer en anteriores comunicaciones. No obstante, a pesar de nuestros llamados no se han adoptado acciones estructurales para evitar que los integrantes de nuestra organización sean objeto de actividades de seguimiento e inteligencia ilegal, y que se adopten las acciones correctivas a que haya lugar.

Prueba de ello, es que el 23 de febrero del año pasado, nos dirigimos a su Despacho, para poner en su conocimiento acciones de seguimiento ilegal contra varios de nuestros integrantes. En el caso del abogado Reinaldo Villalba Vargas, en que logramos identificar a uno de los autores de seguimientos, la respuesta del Ministerio de Defensa Nacional, fue que la acción de un agente de la SIJIN correspondía a una acción de policía judicial. Nos preguntamos señor Presidente, si es que se considera legítima y legal la utilización de recursos de inteligencia contra defensores y defensoras de derechos humanos, por lo que insistiríamos en que cese finalmente esta ilegal práctica. Y en todo caso, esperamos que se adopten los correctivos penales y disciplinarios a que haya lugar.

**STATUS CONSULTIVO  
ANTE LA OEA**

Igualmente denunciamos el año pasado, hostigamientos a la abogada Yessika Hoyos Morales, a su familia, incluyendo su menor hija, y al auxiliar jurídico Sebastián Bojacá que trabaja con ella, sin que a la fecha se tenga resultado investigativo alguno.

En esta ocasión señor Presidente, acudimos nuevamente a su Despacho para insistir en que se adopten todas las medidas necesarias para reiterar públicamente

que la labor de defensa de derechos humanos y de construcción de paz en que trabaja el CCAJAR es legítima y merece la protección de todas las autoridades. De manera particular, solicitamos que se brinden todas las garantías a la labor de la abogada defensora de derechos humanos Yessika Hoyos Morales.

Nuestra colega Yessika Hoyos Morales, es hija de Jorge Darío Hoyos Morales, un sindicalista asesinado en marzo de 2001 por paramilitares y miembros de inteligencia militar, hoy respondiendo en juicio ante los jueces de la República. En calidad de víctima, Yessika Hoyos Morales fue designada por la Universidad Nacional y Naciones Unidas para hacer parte de una de las delegaciones de sesenta (60) víctimas que hicieron presencia en La Habana.

Yessika Hoyos, es nuestra responsable del área sindical, y como tal, ha contribuido en el esclarecimiento de crímenes contra sindicalistas, así como en la elaboración de propuestas para la reparación colectiva del movimiento sindical. Asimismo, ha apoderado víctimas de otras graves violaciones a los derechos humanos, como masacres y los mal llamados "falsos positivos". Uno de los casos de mayor notoriedad es la representación de víctimas de la masacre de La Sarna, en la que han sido vinculados altos oficiales del ejército nacional

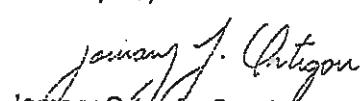
Señor Presidente, recientemente tuvimos información de alta credibilidad, que desde inteligencia militar se estaría fraguando un ataque contra nuestra colega Yessika Hoyos Morales debido a que en el marco de su labor como defensora de derechos humanos ha logrado probar que miembros de la fuerza pública han participado en graves crímenes y violaciones de derechos humanos, en particular el mensaje trasmítido le dice que "deje de molestar al generalato".

Acudimos a Usted señor Presidente, para que en su calidad de máximo jefe de la fuerza pública tome todas las medidas que sean necesarias para evitar ataques letales, y cese la persecución y hostigamiento contra Yessika Hoyos y su familia.

Solicitamos que se difunda una directriz ante el Ministro de Defensa, Comandante de las Fuerzas Militares, Comandante del Ejército Nacional y organismos de inteligencia sobre la necesidad de prevenir ataques contra esta defensora de derechos humanos y para que cesen las agresiones en su contra.

Solicitamos que Ud Señor Presidente, reciba a miembros del CAJAR, entre ellos, a Yessika Hoyos Morales para que podamos tener una interlocución directa.

Con respeto,

  
Jomary Ortega Osorio  
Presidenta CCAJAR