

DATE
15/03/2010

Vice-President
Dr. Francisco Santos Calderón
Vicepresidencia de la República
Carrera 8A No 7-27
Bogotá, Colombia

Re: **Concerns regarding the case of lawyer Mr. Bayron Ricardo Góngora**

Dear Mr. Vice-President,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

With this letter we express great concern over the situation facing the human rights lawyer Mr. Bayron Ricardo Góngora. He works for the human rights organization Corporación Jurídica Libertad, CJL (Liberty Legal Corporation) which, among other activities, represents political prisoners in the city of Medellín, Antioquia department.

Bayron Ricardo Góngora has also been working on cases of people extrajudicially executed by the security forces since 2007. At the moment, he represents relatives of the victims in 65 such cases. In February 2009, he filed a complaint with the Attorney General's Office against two Majors in the Colombian army, who were allegedly involved in extrajudicial executions in 2004 and 2005. He also asked the Attorney General's Office to investigate the former Commander of the Colombian National Army, Mario Montoya Uribe, in relation to extrajudicial executions in March 2009. Bayron Ricardo Góngora has presented several appeals in court to ensure that the Attorney General's Office investigates the case. As a result of his work on other cases, members of the security forces have been brought to justice for their involvement in extrajudicial executions.

The CCBE has been informed that a Colombian inmate who was recently released from prison gave information about a plot to kill him. According to the information given, some of the common criminals held in the prison had been instructed to provide information about Bayron Ricardo Góngora, including his daily routine and his visits to the prison, to an illegal armed group operating in the neighbourhood of Campo Valdés, northeast Medellín. According to the prisoners, the armed group has received money to kill the lawyer. Two days later, a close contact of the CJL in Campo Valdés told members of the organization that he had heard the same information about the murder plot

The above-mentioned puts his physical security at risk and seems aimed at his professional activity, in particular his work defending human rights.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

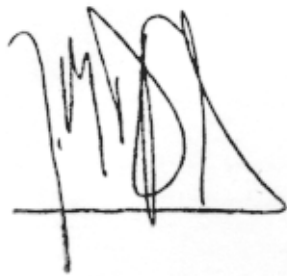
Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or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

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to investigate the above mentioned facts and to take immediate and effective steps to guarantee the safety of Mr. Bayron Ricardo Góngora in order to preserve the independence and integrity of the administration of justice in Colombia. We urge you also to ensure that all actions and threats against lawyers for the legitimate exercise of their professional duties are immediately and effectively stopped.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JMD', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President