

*January 17, 2020  
Bogotá, Colombia  
(TRANSLATION)*

**President of the Supreme Court of Justice**

Magistrado Álvaro Fernando García Restrepo, Corte Suprema de Justicia

**President of the State Council**

Magistrada Lucy Jeannette Bermúdez Bermúdez, Consejo de Estado

**President of the Constitutional Court**

Gloria Stella Ortiz Delgado, Corte Constitucional

**President of the Supreme Council of the Judiciary**

Max Alejandro Flórez Rodríguez, Consejo Superior de la Judicatura

**President of the Special Jurisdiction for Peace**

Patricia Linares Prieto, Jurisdicción Especial para la Paz

CC:

**President of the Republic of Colombia**

Iván Duque Márquez

**Advisor to the President on Human Rights and International Affairs**

Francisco Roberto Barbosa Delgado

**Representative for Colombia to the UN High Commission on Human Rights**

Alberto Brunori

**United Nations Special Rapporteur on the Independence of Judges and Lawyers**

Diego García-Sayán

**Inter-American Commission on Human Rights**

Commissioner Francisco José Eguiguren Praeli

**Office of the Inspector General of Colombia**

Fernando Carrillo Flórez, Procuraduría General de la Nación

**Re:** Presentatation letter of coalition of international accompaniment and observation of case no. **52.240** in the Honorable Supreme Court of Justice.

Respected and honorable Colombian and foreign authorities, receive cordial greetings on behalf of the undersigned international organizations.

In keeping with our institutional mandates of promotion and defense of human rights, and the rule of law, the signatory international organizations in this presentation letter, have been closely following with great attention the criminal case currently pending

before the Supreme Court of Justice (case number **52.240**).<sup>1</sup> In light of the information that has been made publicly available by the media, we have found it important and pertinent to create a coalition of international accompaniment and observation for the case at hand.

The main objective and sole intention for this coalition of legal organizations is to contribute to the prevalence, observation and respect for the fundamental principle of the rule of law – the right to an impartial and independent judiciary.<sup>2</sup> The adequate administration of justice free from any political, economic, social, media, or any other kind of pressure, is fundamental for the structure and development of the rule of law in which the democratic principle of separation of powers and prevalence of the law prevails.

In this sense, the functionaries charged with the administration of justice, in light of legal and constitutional mandates, only obey the interpretation of probative material properly obtained and debated through due process, with the purpose of identifying if there has been an infraction or not of any specific norm – in this case, of a criminal nature, and impose appropriate sanctions previously established in the law. The United Nations has stated: “[t]he judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”<sup>3</sup>

Additionally, we are reminded that the independent function of lawyers without “intimidation, hindrance, harrassment, or improper interference” in a case is one of the main measures of democracy and the effectiveness of the rule of law, and the free exercise of lawyers' professional functions is consecrated as one of the Principles adopted by the Eighth United Nations Congress in Havana, Cuba in 1990.<sup>4</sup>

In accordance with those principles, it behooves the government to provide adequate guarantees so lawyers can effectively perform their professional functions in conditions with safeguards for their personal integrity and the plain exercise of their functions.

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<sup>1</sup> Case Number **52.240** is the case currently pending before the Colombian Supreme Court against Ex-President of Colombia and current Senator, Álvaro Uribe Velez and Representative Álvaro Hernán Prada for allegations of fraud and bribery related to witness tampering. A future document from the coalition of legal organizations will provide further detail regarding the case.

<sup>2</sup> Article 228 and 230 of the Political Constituion of Colombia. In agreement with Article 8 and 14 of the American Convention on Human Rights and the International Covenant on Civil and Political Rights, respectively. Both normative instruments are incorporated into Colombian law through article 93 of the Constituition.

<sup>3</sup> United Nations. *Basic Principles on the Independence of the Judiciary*. Adopted by the Seventh United Nations Congress on the Preventio of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>

<sup>4</sup> United Nations. *Basic Principles on the Role of Lawyers*. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>

Finally, we reiterate that the initiative to form a group of international accompaniment, is above all a result of the unequivocal will to join forces to serve a shared objective of the defense of the rule of law in Colombia. We are confident that our work will contribute to guarantees, in particular for the judiciary, and all those intervening in the aforementioned legal proceedings, may exercise their functions freely without any external pressure or harassment of any kind.

This letter shall be made public to the respective authorities and may be shared or endorsed by other organizations that wish to join the group of international accompaniment in the future.

Cordially,



Founded in 2002, Lawyers without Borders Canada (ASFC by its initials in Spanish and French), is a non-governmental organization of international cooperation whose mission is to promote the realization of human rights of groups and people in vulnerable situations through the strengthening of their abilities to access justice and count with adequate legal representation. ASFC is found in various countries of Latin America, the Caribbean and Africa, where together with members of local civil society, develop projects that seek to generate inclusion, change and development.



The Foundation of General Council of Spanish Law (Fundación del Consejo General de la Abogacía Española) is a non-profit organization devoted to the defense of human rights and cooperation in development. To do this, it develops projects, both within and outside our borders, in the areas of defense, protection and promotion of human rights. The social function of a free, independent and intelligent practice of law as an essential part of the defense of rights and the access to justice for all individuals, without distinction of any kind, was the source of inspiration for all the activity of our Foundation.



OBSERVATORIO  
INTERNACIONAL  
DE ABOGADOS

The International Observatory of Law at Risk (OIAD by its initials in French), was created by initiative of the Conseil National des Barreaux (France), Barreau de Paris (France), Consejo General de la Abogacía Española (Spain) and the Consiglio Nazionale Forense (Italy) and 24 Lawyers Organizations of France, Italy, Spain, Switzerland and Turkey. The Observatory follows cases and situations that limit or impeded the free exercise of the function of lawyers in any part of the world and its objective is to provide effective support for lawyers at risk or persecuted for reasons associated with the exercise of the profession.



Incidencia a favor de los derechos humanos en las Américas

WOLA is a leading organization in the research and promotion of human rights in the Americas. Our vision is to achieve a continent in which public policies protect human rights and recognize human dignity, and in which justice prevails over violence.



The National Lawyers Guild (NLG), is one of the largest and oldest legal organizations of the United States. Founded in 1937, its mission is to use the law for the people and place human rights over property interests. The NLG, through its International Committee, provides assistance and solidarity to movements in the United States and abroad, that work for social justice, through legal observation and international accompaniment, international delegations, and the ongoing coordination with legal and grassroots organizations that seek to promote the rule of law and human rights.