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Your Excellency,

Colombia – Death threats against lawyer Germán Romero Sánchez

The Law Society of England & Wales is the professional body representing more than 180,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world. The Law Society holds Special Consultative status with the United Nations Economic and Social Council since 2014.

The Law Society is deeply concerned about death threats that have been made against the lawyer Germán Romero Sánchez of DH Colombia. On 3 October 2019, unknown persons called Mr. Romero Sánchez's home, threatening that he would not be allowed "to live [his] whole life". His partner, the mother of his two children, received the call in his absence.

This serious incident took place in the context of an escalation of intimidating acts carried out against the lawyer. On 4 September 2019, Mr. Romero Sánchez' laptop was stolen, which contained sensitive information on the legal cases that he works on (including witness statements). Despite the existence of security camera recordings of the 4 perpetrators, the Prosecutor's office closed the investigation after less than two weeks without any satisfactory results.

On 20 August 2019, Mr. Romero Sánchez and his two armed bodyguards - assigned by the National Protection Unit - were followed by two persons on a motorbike after he had represented his clients at a hearing in Popayán. Unidentified men also carried out surveillance close to his home. In July and August 2019, one of his family members received multiple phone calls during the night insisting that Mr. Romero Sánchez should return the calls.

The Law Society believes that these incidents are related to Mr. Romero Sánchez' work as a legal representative of victims in cases of extrajudicial execution and massacre against high-ranking military officials. Mr. Romero Sánchez also represents a victim of psychological torture by agents of the former Department of Administrative Security (DAS), as well as a mother of a son killed by military officers and a young man killed by members of the Mobile Police Anti-Riot Squad (ESMAD).

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The Law Society is aware that the UN Working Group on Enforced Disappearance and the UN Special Rapporteur on the situation of human rights defenders, among other UN mandateholders, sent a communication to the Colombia state regarding security incidents that took place against Mr. Romero Sánchez and one of his clients. We have also been informed of the response sent by the Colombian state, which indicates the relevant protection measures afforded to the lawyer by the National Protection Unit.

The Law Society respectfully reminds your Excellency that the Colombian state is legally bound by numerous international and regional treaties and instruments which require it to protect the life and integrity, as well as the private life, of persons under its jurisdiction (see relevant provisions and instruments below). The fact that these security incidents continue to occur and, in fact, are escalating in seriousness, seems to demonstrate that the State is either not able to effectively investigate and prosecute the perpetrators or that there is a lack of political will to pursue such investigations. Both would constitute a breach by the Colombian state of its international legal obligations.

The lack of effective action to protect Mr. Romero Sánchez' physical integrity seems to signal a general reluctance to afford protection to lawyers who bring cases against active or retired members of the armed forces and other agents of the State. This is especially concerning since legal representatives of victims who appear before the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Repetition established in the Peace Agreement and other domestic tribunals, should be able to perform their professional duties without external interference or harassment. The Colombian state has an obligation to provide adequate protection measures if their physical integrity is at risk; only the compliance with this obligation ensures an effectively functioning judicial system.

Colombia ratified the **International Covenant on Civil and Political Rights** on 29 October 1969, which provides:

Article 6. 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 17. 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference and attacks.

The **American Convention on Human Rights**, ratified by Colombia on 28 May 1973 provides:

Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.

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2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

Article 11. Right to Privacy

2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.
3. Everyone has the right to the protection of the law against such interference or attacks.

The **UN Basic Principles on the Role of Lawyers** provide:

16. 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.

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

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

In view of the above, we respectfully urge that the relevant authorities in Colombia take the following actions:

- 1) to guarantee the right to life and physical integrity of Mr. Romero Sánchez, including through maintaining the National Protection Unit's individual protection measures (only to be changed in consultation with him);
- 2) that the National Protection Unit grant collective protection measures to the organisation DH Colombia with immediate and sufficient resources to strengthen the security conditions of its office;
- 3) to diligently investigate all the security incidents committed against Mr. Romero Sánchez and bring the perpetrators to justice in proceedings that respect international fair trial standards; and
- 4) to comply with Colombia's international legal obligations and guarantee that Mr. Romero Sánchez and colleagues can carry out their legitimate professional activities without harassment and improper interference.

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The Law Society will continue to monitor the situation of Mr. Romero Sánchez, as well as actions undertaken by the Colombian state to implement the abovementioned recommendations.

Yours sincerely,

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