



Inter-Parliamentary Union

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Colombia

CO/146 - Iván Cepeda Castro
CO/147 - Alexander López
CO/148 - Jorge Enrique Robledo
CO/149 - Guillermo Alfonso Jaramillo
CO/150 - Wilson Árias Castillo

***Decision adopted by the Committee on the Human Rights of Parliamentarians
at its 149th session (Geneva, 15-25 January 2016)***

The Committee,

Referring to the cases of Senator Iván Cepeda Castro, Senator Alexander López, Senator Jorge Enrique Robledo, Mr. Wilson Árias Castillo and Mr. Guillermo Alfonso Jaramillo, all, with the exception of the two last-named individuals, current members of the Colombian National Congress from the opposition party *Polo Democrático Alternativo* (Alternative Democratic Pole), and to the decision adopted by the IPU Governing Council at its 195th session (October 2014),

Considering that the five individuals received several death threats in the past and that the threats and harassment against Senator Cepeda continue to this day,

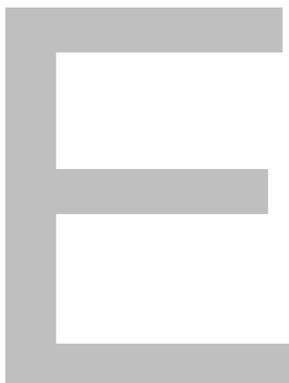
Recalling that Senator Cepeda is a long-standing opposition member of the Colombian National Congress and has repeatedly spoken out in support of the victims of Colombia's internal conflict, accountability for those responsible for the crimes that were committed and a negotiated political settlement to the conflict,

Considering that, in October 2015, the *Procuraduría* adopted, as part of a disciplinary investigation, the statement of objections against Senator Cepeda based on the work conducted by the latter into the denunciations for paramilitarism against former president Álvaro Uribe Vélez; that this disciplinary procedure is based on two supposed faults, the first for procedural fraud and the second for overstepping and usurping duties for having allegedly visited detained, demobilized paramilitary members for the purpose of offering them rewards to testify that former president Álvaro Uribe Vélez had links with paramilitary forces,

Considering that Senator Cepeda has denied the accusations, stating that he met the former paramilitary members at their request and never induced any of them to make false statements, and has affirmed that the obvious differences of opinion between him and the *Procurador General*, who heads the *Procuraduría*, have influenced the decision to start the investigation, as has the proven friendship between the *Procurador General* and former president Álvaro Uribe Vélez (on the basis of whose accusations the investigation against Senator Cepeda was launched),

Considering that in December 2015, the *Procuraduría* rejected the examination of 27 pieces of evidence, which Senator Cepeda and his lawyers had requested,

Considering that Senator Cepeda and his lawyers have filed a petition for precautionary measures with the Inter-American Commission on Human Rights, in order to stop the proceedings, which could end up curtailing Senator Cepeda's political life for 20 years; at the same time, a suit has been filed charging the Colombian State with



violating article 23 of the American Convention on Human Rights, in that it permitted an administrative authority to investigate authorities or public servants elected by the people and possibly to sanction them with removal from office; that the suit also refers to articles 8, 16, 25 and others on political rights and due process,

Considering in this regard that article 23(2) of the American Convention on Human Rights, dealing with respect for the exercise of one's political rights, stipulates that, "The law may regulate the exercise ... only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings",

Recalling that an IPU mission travelled to Bogotá in August 2011 to assist the Parliament of Colombia in strengthening its work and, as part of that assignment, formulated recommendations, including the suggestion that the *Procuraduría* should be divested of the power to revoke the parliamentary mandate as a disciplinary sanction,

Recalling also that, in the course of 2015, the Committee proposed that a visit take place to Colombia to help promote progress in all the Colombian cases it has on file,

1. *Is deeply concerned* about the disciplinary proceedings under way against Senator Cepeda as a result of which he may be disbarred from politics for 20 years, and the allegation that they come in response to his long-standing and legitimate efforts to promote peace and justice in Colombia; *is concerned* also that reportedly important evidence which Senator Cepeda has invoked in his defence will not be taken into account; *wishes* to receive further information on the grounds for this decision, as well as to receive a copy of the statement of objections formulated by the *Procuraduría* against Senator Cepeda;
2. *Reaffirms* its long-standing view that the disciplinary procedure to which Senator Cepeda is subjected runs counter to basic international standards regarding respect for the parliamentary mandate and the right to a fair trial;
3. *Points out*, in addition to the clear norm stipulated in article 23(2) of the American Convention on Human Rights, that: (i) when parliamentarians outside Colombia are submitted to disciplinary sanctions, these are without exception applied by the parliament of which they are a member; (ii) Senator Cepeda will not have the opportunity for a full appeal, as the *Procuraduría* will take the first decision on the merits of his case, which, on being ratified by the *Procurador General* himself, still within the same institution, can only be appealed against in the Council of State, which does not examine the substance of the matter, but merely checks whether the decision is in accordance with the law;
4. *Considers*, therefore, that the disciplinary proceedings are misguided and *sincerely hopes* that they will be dropped; *stresses* in this regard also that, should there be serious reasons to believe that Senator Cepeda committed a crime, there is always the option of a criminal prosecution, which also has the benefit of offering stronger procedural guarantees for Senator Cepeda and of doing away with the allegation that the *Procurador General* has a conflict of interest in the proceedings initiated against Senator Cepeda;
5. *Considers* that the case of Senator Cepeda also highlights the need to amend existing legislation with respect to disciplinary proceedings against parliamentarians, with a view to bringing it into line with relevant international and regional standards; *expresses* the hope, therefore, that legislative action will be contemplated to eliminate the powers of the *Procuraduría* to revoke a parliamentary mandate as a disciplinary sanction;
6. *Considers* that the proposed follow-up visit to Colombia by a Committee delegation would help to address the various concerns and issues that have arisen in the case at hand; therefore *requests* the Secretary General therefore to make the necessary arrangements for the visit to take place;

7. *Sincerely hopes* that, in light of the urgency and seriousness of the matter, the petition brought before the Inter-American Commission on Human Rights in Senator Cepeda's case will soon be addressed;
8. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Decides* to continue examining the case.