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Colombia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164th session (virtual session, 8 to 20 March 2021)

COL-130 – Jorge Tadeo Lozano Osorio

Alleged human rights violations

- ✓ Lack of fair trial proceedings
- ✓ Right of appeal

A. Summary of the case

In May 1990, an investigation into the basis of an accusation of illicit enrichment was launched against the then congressman, Mr. Tadeo Lozano. In May 1992, the case was brought before the Criminal Chamber of the Supreme Court of Justice, which on 28 September 1992 ruled that there were no grounds for prosecuting Mr. Lozano. In December 1992, the same chamber, however, authorized a new investigation against Mr. Lozano on the basis of an accusation of embezzlement on account of unlawful granting of subsidies in 1990 amounting to 184 million pesos. The investigation was formally launched in March 1994 and closed on 17 February 1997. On 17 August 2000, Mr. Lozano was found guilty of this charge and sentenced to 12 years' imprisonment, which was commuted to house arrest in December 2003.

The complainant stated that Mr. Lozano did not receive a fair trial. In this regard, the complainant referred to violations of the right to be tried without undue delay, the right to access to the case file and to defence, the right not to be sentenced for acts or omissions that did not constitute an offence at the time of their commission, the right to appeal and the right to be judged by an impartial and independent court. The complainant underscored in this respect that Mr. Lozano, as a member of the Colombian Congress, had been investigated and judged in single instance by the same entity, a procedure that was only overhauled by law in 2018.

Mr. Lozano brought his case before the Inter-American Commission on Human Rights, which notified him on 11 June 2001 that his petition was not admissible. However, as Mr. Lozano had as a result submitted additional information, the Commission stated in August 2002 that the question of admissibility would be re-examined. No information has become available since to indicate that such a re-examination had taken place.

Mr. Lozano died in September 2013.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deeply regrets* that it was not possible for the alleged irregularities in the legal proceedings against Mr. Lozano to be addressed on appeal; *considers* in this regard that, in the case of Mr. Lozano, the application of the procedure in criminal matters existing at the time for members of the Colombian National Congress provides in and of itself sufficient grounds for concluding that

Case COL-130

Colombia: Parliament affiliated to the IPU

Victim: Majority member of parliament

Qualified complainant(s): Section I.(1)(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: March 2001

Recent IPU decision: October 2011

IPU mission: [October 2010](#)

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities: Letter from the Speaker of the Colombian National Congress (January 2017); letter from the Prosecutor's Office (February 2014)
- Communication from the complainant: Complainant has been inactive
- Communication addressed to the authorities: Letter addressed to the Speaker of the Colombian National Congress (January 2021)
- Communication addressed to the complainant: November 2018

he was deprived of the right to a fair trial; *recalls* that this right is also extensively protected under the American Convention on Human Rights and related jurisprudence; also *regrets*, therefore, that the Inter-American Commission on Human Rights seemingly was not in a position to act decisively on his petition and provide redress with regard to the issues raised therein;

2. *Decides*, however, to close the case in accordance with section IX, paragraphs 25(a) and (b), of its Procedure for the examination and treatment of complaints, in the absence of any indication of the current existence of a domestic legal possibility for Mr. Lozano's family to pursue, if it is able and so wishes, to help clear his name and address the reported shortcomings that arose in his original trial;
3. *Requests* the Secretary General to convey this decision to the parliamentary authorities and to the complainant.