COLOMBIA

- **COL-142:** Álvaro Araújo Castro
- **COL-173:** Wadith Alberto Manzur Imbett
- **COL-COLL-05:** Nine parliamentarians
- **COL-COLL-01:** Six parliamentarians
- **COL-09:** Hernán Motta Motta
- **COL-COLL-02:** Five parliamentarians
- **COL-COLL-03:** Five parliamentarians
- **COL-155:** Piedad Del Socorro Zuccardi de Garcia (Ms.)
- **COL-161:** Álvaro Prada Argunduaga
- **COL-162:** Álvaro Uribe Vélez

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Colombia

Decision adopted unanimously by the IPU Governing Council at its 218th session (Arusha, 9 October 2026)



Álvaro Araújo Castro © IPU 2015

COL-142 – Álvaro Araújo Castro

Alleged human rights violations

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

A. Summary of the case

Mr. Álvaro Araújo Castro, former member of the Colombian Congress, was prosecuted on charges of aggravated criminal conspiracy and electoral fraud, accused of cooperating with paramilitary groups for electoral gain. Shortly after charges were brought, Mr. Araújo resigned from Congress. As a result, his case was initially transferred to the ordinary criminal justice system, where it was investigated by the Prosecutor's Office and brought before an ordinary criminal court, with the possibility of appeal.

Mr. Araújo maintains that the evidence against him was insufficient and that he became caught up in a broader institutional confrontation between the executive branch and the Supreme Court. He expected the ordinary criminal court to rule on his case in 2009 and to acquit him. However, on 1 September 2009, the Supreme Court of Justice decided that cases involving alleged links between parliamentarians and paramilitary groups should be investigated and tried exclusively by the Supreme Court. Mr. Araújo's case was therefore transferred back to the Supreme Court.

On 18 March 2010, the Supreme Court found Mr. Araújo guilty and sentenced him to nine years and four months of imprisonment along with a fine of

Case COL-142

Colombia: Parliament affiliated to the IPU

Victim(s): Male majority member of parliament

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

Submission of complaint(s): August 2009

Recent IPU decision: March 2021

IPU mission(s): October 2010

Recent Committee hearing(s): - - -

Recent follow-up:
- Communication from the authorities: Letter from the Ministry of Foreign Affairs (October 2018); letter from the Secretary of the Criminal Chamber of the Supreme Court (September 2014)
- Communication from the complainant: August 2026
- Communication addressed to the authorities: Letter addressed to the President of the Colombian National Congress (September 2026)
- Communication addressed to the complainant: August 2026

COP 3.7 billion. The Court concluded that he formed part of the hierarchical structure of paramilitary forces in his region and ordered that his possible involvement in crimes committed by those groups be further investigated.

In early February 2011, Mr. Araújo was conditionally released after serving three-fifths of his prison sentence.

Mr. Araújo submitted a petition to the Inter-American Commission on Human Rights in 2011, alleging multiple violations of his rights to due process and a fair trial. His petition was declared admissible in 2021; the decision on the merits remains pending.

At the time of Mr. Araújo's conviction, the Colombian Constitution provided that members of Congress were tried and sentenced in single instance by the Supreme Court, without the possibility of appeal. In judgment C-545 of 2008, the Constitutional Court underlined the need to reform this system to ensure compliance with fair-trial guarantees. Pending legislative reform, the Supreme Court adjusted its internal procedures to separate investigative and adjudicative functions.

In judgment C-792 of 2014, the Constitutional Court reiterated the obligation to provide a right of appeal in criminal cases. Legislative Act No. 01 (2018) subsequently restructured the Supreme Court by creating separate chambers for investigation, first-instance proceedings and appeals. On 20 May 2020, in judgment SU-146, the Constitutional Court ruled that persons convicted in single instance between 30 January 2014 and 17 January 2018 could seek to appeal their convictions within a defined period. Mr. Araújo's 2010 conviction predates this window and therefore did not benefit from the remedial framework established by that ruling.

The complainant has consistently alleged that the Supreme Court lacked impartiality in his case. In support of this claim, he points to decisions whereby the Supreme Court reportedly discontinued proceedings against other parliamentarians who had acknowledged cooperation with paramilitary groups, while maintaining a stricter approach in his own case despite the absence, according to him, of direct admissions or comparable evidence. He further argues that evidentiary standards applied by the Supreme Court evolved in subsequent cases involving similar allegations, to his disadvantage.

The complainant also refers to the reputational damage sustained by the Supreme Court in recent years in connection with the so-called "cartel de la toga" corruption scandal, in which several senior judicial figures were investigated or convicted for attempting to influence judicial outcomes. A former President of the Supreme Court was convicted in March 2021 in this context, and former Supreme Court judge Leonidas Bustos Martínez has been investigated. Mr. Bustos was involved in presenting Mr. Araújo's case to the Supreme Court at the time. The complainant argues that these developments reinforce his long-standing concerns regarding judicial independence; however, no judicial finding has established that corruption directly affected the handling of Mr. Araújo's case.

In July 2026, Mr. Araújo made a new application to the criminal chamber of the Supreme Court seeking a review of his 2010 conviction, relying mainly on a judgment issued by the Inter-American Court of Human Rights on 3 June 2024 in *Saulo Arboleda Gómez v. Colombia*, which he argued confirmed Colombia's obligation to provide an effective mechanism for review of a first-instance criminal conviction. The application also reiterated broader due-process concerns arising from the Supreme Court's reassumption of jurisdiction over his case shortly before the ordinary trial court was due to deliver judgment. Mr. Araújo asked the Supreme Court to recognize his right to appeal and to provide for a comprehensive review of his conviction and the proceedings leading up to it by an independent and impartial judicial body.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Reaffirms* its conclusion that Mr. Araújo's 2010 conviction resulted from proceedings that failed to meet basic fair-trial guarantees, including with regard to the evidence used and the right to appeal;

2. *Notes with interest* the application filed by Mr. Araújo in July 2026 before the criminal chamber of the Supreme Court seeking a review of his 2010 conviction and confirmation of his right to appeal; *considers* that those proceedings offer an important opportunity to address the long-

standing fair-trial concerns identified in this case, including in light of the latest jurisprudence from the Inter-American Court of Human Rights;

3. *Requests* the Secretary General to take the necessary steps for the IPU to submit an *amicus curiae* brief in the context of the proceedings before the Supreme Court, setting out the IPU's findings on the lack of fair-trial guarantees in Mr. Araújo's case and his inability to obtain an effective review of his conviction;

4. *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;

5. *Requests* the Committee to continue examining the case and to report back to it in due course.

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Colombia

Decision adopted unanimously by the IPU Governing Council at its 218th session (Arusha, 9 October 2026)



© Wadith Alberto Manzur Imbett

COL-173 – Wadith Alberto Manzur Imbett

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations

Case COL-173

Colombia: Parliament affiliated to the IPU

Victim(s): Male opposition member of parliament

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

Submission of complaint(s): August 2026

Recent IPU decision: - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:
- Communication from the authorities: Message from the Colombian Senate (September 2026)
- Communication from the complainant: September 2026
- Communication to the authorities: Letter to the President of the Colombian National Congress (September 2026)
- Communication to the complainant: September 2026

A. Summary of the case

The complaint concerns Mr. Wadith Alberto Manzur Imbett, a member of the Colombian Conservative Party who held a seat in the House of Representatives representing Córdoba when he was elected to the Senate on 8 March 2026 for the 2026–2030 term. The complainant reports that the National Electoral Council formally declared Mr. Manzur's election on 13 July 2026. Three days after the election, on 11 March 2026, the special investigation chamber of the Supreme Court of Justice charged Mr. Manzur and five others with bribery in proceedings related to the National Unit for Disaster Risk Management (UNGRD) and ordered Mr. Manzur and another member of Congress to be placed in preventive detention. Mr. Manzur reportedly turned himself in to the authorities on 12 March 2026 and has remained in preventive detention since then.

The complainant's main concern is not only the detention itself but its effect on Mr. Manzur's parliamentary mandate. While in custody, Mr. Manzur sought permission to be taken under escort to Congress solely to be sworn in as a senator, without seeking release or the ability to exercise his parliamentary functions. He also requested an alternative means of taking his oath of office without leaving custody. The Supreme Court declined his request to be escorted to the Senate building, and

the Senate secretariat did not accept his swearing-in by an alternative means. Mr. Manzur therefore was not sworn in at the start of the new Congress on 20 July 2026. On 29 July 2026, a loss-of-investiture action was filed before the Council of State on the grounds that Mr. Manzur had not taken office within the prescribed period.

On 29 September 2026, in response to a request by Mr. Manzur's defence to review the legality of the preventive detention measure imposed on 11 March 2026, the special first-instance chamber of the Supreme Court upheld the measure and denied him release. According to the information available, the chamber considered that the defence had not established grounds for removing the detention measure and that the fact that Mr. Manzur had not been placed in detention at an earlier stage of the proceedings did not prevent his situation from being reassessed as the proceedings advanced. Mr. Manzur therefore remains in preventive detention while the criminal proceedings against him continue.

The complainant alleges that the initial decision on preventive detention was made by the same special investigation chamber that had conducted the criminal investigation, while the special first-instance chamber that subsequently reviewed and upheld the legality of Mr. Manzur's detention was a separate entity. The complainant further contends that no timely and effective remedy protected Mr. Manzur's ability to preserve his Senate seat and that the difference in application of preventive detention to the defendants in the proceedings lacked a sufficient, individual justification. The complainant further contends that, in the absence of a criminal conviction, the combined effects of Mr. Manzur's detention and inability to take his oath of office risks producing an irreversible restriction of his political rights and parliamentary mandate.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Colombian authorities for their prompt cooperation and the information provided; *appreciates* in particular the steps taken by the Senate authorities to clarify the applicable procedures and transmit communications from the Committee to the Supreme Court and the Council of State for their consideration;

2. *Notes* that the complaint concerning this case is admissible, considering that it: (i) was submitted in due form by a qualified complainant under Section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the alleged facts; and (iii) concerns allegations of arbitrary arrest and detention, lack of due process in proceedings against parliamentarians and undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate, allegations that fall within the Committee's mandate;

3. *Notes with concern* that, although the criminal proceedings against Mr. Manzur and the preventive detention measure imposed on 11 March 2026 did not prevent him from standing for election to the Senate and being formally declared elected for the 2026–2030 term, he has nevertheless been unable to take the oath of office required to assume his parliamentary mandate*; is particularly concerned* that the situation may result in the definitive loss of his Senate seat despite the current absence of any criminal conviction;

4. *Notes* that Mr. Manzur sought permission to be escorted to Congress solely to be sworn in or to be sworn in by an alternative means without leaving detention; *wishes* to receive further clarification as to why neither option could be accommodated and whether other means are available for preserving his parliamentary mandate while complying with the preventive detention measure;

5. *Wishes* to be kept informed of the loss-of-investiture proceedings before the Council of State, including the assessment of whether Mr. Manzur's detention constitutes force majeure; *trusts* that the competent authorities will ensure that the application of procedural requirements does not result in Mr. Manzur losing a parliamentary seat to which he was elected before criminal proceedings against him had been finally determined;

6. *Takes note* of the decision issued on 29 September 2026 by the special first-instance chamber of the Supreme Court upholding the legality of the preventive detention measure and consequently maintaining Mr. Manzur's detention; *notes* that the measure was initially imposed by the same chamber that conducted the investigation, whereas its subsequent review was carried out by the special first-instance chamber, a separate entity; *wishes* to receive a copy of the decision of 29 September 2026 and further information on the scope and grounds of the review, the legal and factual reasons for maintaining Mr. Manzur in preventive detention, any further remedies available to him and the expected timetable for the criminal proceedings;

7. *Requests* the Secretary General to convey this decision to the relevant Colombian authorities, the complainant and any third party likely to be in a position to supply relevant information;

8. *Requests* the Committee to continue examining the case and to report back to it in due course.

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Colombia

Decision adopted unanimously by the IPU Governing Council at its 208th session (Madrid, 30 November 2021)



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COL-163 - María José Pizarro Rodríguez (Ms.)
COL-164 - Ángela María Robledo Gómez (Ms.)
COL-165 - Inti Raúl Asprilla Reyes
COL-166 - Jhon Jairo Hoyos García
COL-167 - Iván Cepeda Castro
COL-168 - Wilson Neber Arias Castillo
COL-169 - Alexander López Maya
COL-170 - Gustavo Bolívar Moreno
COL-171 - Antonio Sanguino Páez

Case COL-COLL-05

Colombia: Parliament affiliated to the IPU

Victims: Nine parliamentarians of whom two are women (eight from the opposition and one from the majority)

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

Submission of complaint: June 2021

Recent IPU decision(s): - - -

IPU Mission(s): - - -

Recent Committee hearing: Hearing with the complainant at the 143rd IPU Assembly (November 2021)

Recent follow-up

- Communication(s) from the authorities: - - -
- Communication from the complainants: June 2021
- Communication to the authorities: Letter to the President of the National Congress of Colombia (October 2021)
- Communication to the complainants: November 2021

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association

A. Summary of the case

The complainants state that the nine members of the National Congress of Colombia, all vocal opponents of the current Colombian President, Ivan Duque, have been subjected to acts of persecution and vilification undermining their parliamentary activities against a background of social protests that has rocked Colombia since the end of April 2021.

Senators Cepeda, Lopez and Bolivar and Representative Hoyos have reportedly faced serious threats because of their support for the demands made by the protesters and of their opposition to the Colombian President and his allies. Senator Bolivar had to leave Colombia temporarily as a result but came back in mid-November 2021 after protection measures were put in place for him. Similarly, Mr. Hoyos received threats after he reported alleged

police brutality during the social protests and was intimidated when he wanted to verify the situation of several people who had been detained during the protests. Both Senator Lopez and Representative Hoyos are allegedly not receiving the necessary protection from the authorities.

In almost all cases, the members of parliament have been faced with what appear to be frivolous disciplinary proceedings that could well result in the loss of their parliamentary mandate. Under Colombian law, the Inspector General is empowered to terminate the mandate of a parliamentarian in the event of a disciplinary breach. The IPU and the Inter-American Court of Human Rights, in two rulings (López Mendoza *v.* Venezuela and Petro Urrego *v.* Colombia), have clearly stated their position that, in line with relevant human rights standards, the punishments of disqualification and removal of democratically elected authorities can only be imposed through a sentence handed down by a competent judge in criminal proceedings, thereby guaranteeing the effective right to defence and all due process guarantees. In an apparent attempt to remedy this situation, on 16 June 2021, the National Congress of Colombia adopted a controversial amendment to the Disciplinary Code of the Inspector General's Office. This, however, still seems to run counter to these human rights standards. The amendment provided the Inspector General's Office with jurisdictional and judicial police functions, even though its overall mandate remains focused on disciplinary breaches, given that it is the Prosecutor General's Office that remains in charge of criminal investigations and prosecutions. A petition to the Constitutional Court challenging the constitutionality of the amendment is pending.

Other members of parliament, such as Representative Pizarro, Senator Bolivar, Senator Arias and Senator Sanguino, are also reportedly subject to criminal investigations or complaints allegedly in connection with the legitimate exercise of their parliamentary duties. Senator Arias is said to be under investigation for reporting the arbitrary detention, physical and psychological torture and violation of human rights by the national police against peaceful demonstrators during the national strike. The allegations are based on the argument that, by such conduct, he interfered with legitimate police activity and slandered the security forces. In yet other cases, parliamentarians, such as Senator Cepeda, are facing numerous writs of protection (*recurso de amparo*), which is a mechanism for the protection of the fundamental rights of citizens. These actions have been initiated by many citizens, apparently without their producing any evidence that they had in any way been hampered in their own enjoyment of their human rights or that would show that the parliamentarians concerned are responsible for actions undermining respect for the human rights of other citizens.

On 14 May 2021, United Nations (UN) and Organization of American States (OAS) human rights experts condemned the violent crackdown on peaceful protests in Colombia. The Inter-American Commission on Human Rights, in a report following a working visit to Colombia from 8 to 10 June 2021, seriously criticized the Colombian authorities' handling of the protests. In its report, the Commission notes "with concern the persistence of the logic of the armed conflict in the responses to the current social mobilization and how it is interpreted. In this regard, it reiterates that these disagreements are arising between people who must be protected, not enemies who must be fought". The Commission calls on the Colombian authorities to "respect and guarantee the full enjoyment of the rights to protest, to freedom of expression, to peaceful assembly, and to participate in politics for the entire population" and to "promote the inter-American standard according to which public officials have a duty to refrain from making statements that stigmatize or incite violence against persons who participate in demonstrations and protests". The Commission also asks the Colombian authorities to, "in the context of protests and demonstrations, execute security operations in strict adherence to protocols on legitimate use of force and in compliance with the principles of legality, absolute necessity, and proportionality established in international standards" and to "ensure that the priority of the security forces that intervene to protect and control demonstrations and protests is to defend lives and integrity of person, abstaining from arbitrarily detaining demonstrators or violating their rights in any other way".

B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. *Notes* that the complaint concerning the aforesaid nine individuals is admissible, considering that the complaint: (i) was submitted in due form by qualified complainants under Section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns nine incumbent members of parliament at the time of the initial allegations; and (iii) concerns

allegations of threats and acts of intimidation, lack of due process at the investigation stage, and violations of the rights to freedom of opinion and expression and to freedom of assembly and association, which are allegations that fall within the Committee's mandate.

2. *Expresses deep concern* at the serious allegation that the nine opposition members of parliament are facing legal and physical reprisals for their opposition to the Government's policies, their public statements of support for the social protests and their denunciation of abuses committed by security forces against some of the protestors;

3. *Is deeply concerned* that four parliamentarians have received death threats, as a result of which one of them, Senator Bolivar, felt obliged to go into temporary exile; *urges* the competent authorities to ensure that they receive adequate protection and that the threats are effectively investigated and those responsible held to account; and *wishes* to receive information on this point;

4. *Is also concerned* that the public vilification of several of the members of parliament is creating an environment that not only hampers their work but also potentially puts them at additional risk; *calls on* everyone, starting with the Colombian authorities directly, to de-escalate tensions and to start a genuine and constructive national discussion on how to advance towards resolving the issues that have emerged through the protests; and *notes* in this regard that the claims made by the protestors mostly underscore that much remains to be done to implement the vision contained in the 2016 peace agreement for a more equal, just, inclusive and peaceful society; and *wishes* to be kept informed of any official steps taken in this regard;

5. *Is concerned* that disciplinary and criminal proceedings and writs of protection are allegedly being used merely to thwart the political activities of the nine parliamentarians; *notes* in this regard that at least one Colombian court has determined that writs of protection (*recurso de amparo*) are being used to bombard the parliamentarians with legal cases without any serious foundation brought before a number of different judges, in the hope that at least one of the latter will rule in their favour, while at the same time creating legal confusion if other judges rule otherwise;

6. *Is also concerned* in this regard about the recent amendment to the law that governs the powers of the Inspector General, which appears to contradict the position of the IPU and the Inter-American Court of Human Rights with regard to the termination of the parliamentary mandate as a result of a disciplinary breach; *notes with deep concern* in this regard that, before the amendment was passed, the Inspector General initiated disciplinary proceedings against several parliamentarians who opposed the change in legislation, as a result of which they had to refrain from taking part in the vote due to a conflict of interest; *trusts* that the Constitutional Court, which will have the final say on the constitutionality of the amendment, is carrying out an in-depth examination in this regard; and *wishes* to be kept informed on this point;

7. *Decides* to send a delegation of the Committee on the Human Rights of Parliamentarians to Colombia, which would meet with all the relevant authorities, complainants and third parties, including relevant civil society organizations, and which would help to raise and discuss the various issues that arise in the case at hand; and *requests* the Secretary General, therefore, to make the necessary arrangements for the visit to take place;

8. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the offices of the Inspector General and the Prosecutor General of Colombia, and to the complainants;

9. *Requests* the Committee to continue examining this case and report to it in due course.

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Colombia

CO/01 - Pedro Nel Jiménez Obando
CO/02 - Leonardo Posada Pedraza
CO/03 - Octavio Vargas Cuéllar
CO/04 - Pedro Luis Valencia Giraldo
CO/06 - Bernardo Jaramillo Ossa
CO/08 - Manuel Cepeda Vargas

Resolution adopted unanimously by the IPU Governing Council at its 194th session (Geneva, 20 March 2014)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the six abovementioned members of the *Unión Patriótica* (Patriotic Union) who were murdered between 1986 and 1994, and to the resolution it adopted at its 192nd session (March 2013),

Taking into consideration the communication from the Prosecutor's Office, dated 19 February 2014,

Recalling the following information on file:

- None of the murderers of five of the six congressmen have been held to account;
- The Inter-American Court of Human Rights, in its binding ruling of 26 May 2010 in the case of Mr. Cepeda, concluded that the Colombian State bore responsibility for his murder and ordered it to conduct an effective investigation so as to establish the identity of the instigators and the full scale of collaboration between State agents and paramilitary forces in carrying out the crime;
- A general petition submitted to the Inter-American Commission on Human Rights in 1997 regarding the persecution of the Patriotic Union and offences committed, directly or indirectly, against its members, including all the aforementioned parliamentarians except Mr. Cepeda, is still pending;
- Since 2008, the *Procuraduría* has given special attention to the case of Mr. Jaramillo, and the Prosecutor's Office has assembled a special team focusing on violations committed against members of the Patriotic Union and reactivated investigations into the assassinations of Mr. Jiménez, Mr. Posada, Mr. Valencia, Mr. Cepeda and Mr. Jaramillo;
- On 17 May 2011, the Prosecutor's Office formally accused Mr. José Miguel Narváez, former Assistant Director of the Administrative Department of Security, of involvement in Mr. Cepeda's assassination, which has been declared a crime against humanity, and ordered that he be remanded in custody; Mr. Narváez is currently being held and prosecuted in a number of cases in connection with his alleged collaboration with paramilitary groups;
- Investigations with respect to the other murder cases are ongoing; in the case of Mr. Posada, a suspect, Mr. Baquero Agudelo, accepted a plea bargain and his case was sent to court for sentencing along with a request from the Prosecutor's Office that the relevant available documents be examined with a view to identifying other alleged culprits; in the case of Mr. Jaramillo, according to the Prosecutor's Office, Mr. Carlos Arturo Lozano Guillén, Director of the daily *Voz*,

and Mr. Ricardo Pérez González were heard on 20 May 2011 as part of the investigation and the legal status of Mr. Alberto Romero, former chief of the Administrative Department of Security, who had previously come under investigation, still had to be determined and further evidence taken,

Recalling also that the Committee's President, Senator Juan Pablo Letelier (then Committee Vice-President), met with the relevant Colombian authorities and the source during his visit to Colombia on 20 and 21 March 2013; on that occasion the current Chief Prosecutor of Colombia stated that he had developed a new methodology focusing on the most serious crimes and reconstructing the context in which they took place; he had identified the case of persecution of Patriotic Union members as a priority and is trying to bring together the various legal proceedings being conducted across Colombia,

Considering the following new information provided by the Prosecutor's Office in its communication of 19 February 2014:

- The Chief Prosecutor of Colombia, in implementing its new methodology, has created nine thematic working groups, one of which focuses solely on crimes against members of the Unión Patriótica;
- With regard to the investigation into Mr. Cepeda's murder, Mr. Narváez will remain in pretrial detention during the case until his legal status is resolved; on 6 August 2013 a plea bargain/guilty plea was reached and pronounced with respect to Mr. Jesús Emiro Pereira for his role in this murder;
- In November 2013, as the latest step in the investigation regarding Mr. Posada's murder, which was at a confidential stage, the statements of two individuals were taken,

1. *Thanks* the Prosecutor's Office for the latest information provided;

2. *Is pleased* that the Prosecutor's Office continues to devote special attention to promoting justice in the case of the persecution of members of the Patriotic Union, exemplified in one of its worst forms by the murder of six of its MPs;

3. *Welcomes* the recent progress made in establishing accountability for Mr. Cepeda's murder; *wishes* to receive a copy of the ruling regarding Mr. Jesús Emiro Pereira and information on whether his case has shed further light on the extent of State responsibility for the crime and on the identity of those involved; *trusts* that proceedings against Mr. Narváez are advancing speedily and *wishes* to be kept informed in this regard;

4. *Reiterates its wish to know* whether the murders of the Patriotic Union congressmen other than Mr. Cepeda have also been declared crimes against humanity; *trusts* that by now the Prosecutor's Office has decided whether or not to bring charges against Mr. Romero in the case of Mr. Jaramillo's murder; *wishes to know* what decision has been taken in this regard; *wishes to know* also whether the recent statements in the case of Mr. Posada have advanced the investigation, and whether Mr. Baquero Agudelo has meanwhile been sentenced and, if so, is serving his sentence and to receive a copy of the ruling;

5. *Trusts* that the Inter-American Commission on Human Rights is steadily advancing in its consideration of the Patriotic Union case; *wishes to ascertain* the stage reached in its examination and whether a time line exists for its completion;

6. *Considers* that a follow-up visit to Colombia by a Committee delegation would help to further its understanding of the current state of the pursuit of justice in this case and of how pending issues are being addressed; *requests* the Secretary General, therefore, to make the necessary arrangements for this purpose;

7. *Requests* the Secretary General to convey this resolution to the competent Colombian authorities, the source and any third party likely to be in a position to supply relevant information; *also requests* the Secretary General to forward the resolution to the Inter-American Commission on Human Rights and to arrange a meeting between the Commission and the Committee President;

8. *Requests* the Committee to continue examining this case and to report back to it in due course.

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Committee on the Human Rights of Parliamentarians

Decision adopted by the Committee at its 143rd session

Geneva, 13 to 16 January 2014

Colombia

CO/01 - Pedro Nel Jiménez Obando
CO/02 - Leonardo Posada Pedraza
CO/03 - Octavio Vargas Cuéllar
CO/04 - Pedro Luis Valencia Giraldo
CO/06 - Bernardo Jaramillo Ossa
CO/08 - Manuel Cepeda Vargas
CO/09 - Hernán Motta Motta

The Committee,

Referring to the case of seven members of the *Unión Patriótica* (Patriotic Union), six of whom were murdered between 1986 and 1994 (Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas) and one of whom (Mr. Hernán Motta Motta) was forced into exile in October 1997 by death threats, and to the resolution adopted by the Governing Council at its 192nd session (March 2013),

Recalling the following information on file:

- None of the murderers of five of the six congressmen or the perpetrators of the death threats against Mr. Motta, who continues to live in exile, have been held to account;
- The Inter-American Court of Human Rights, in its binding ruling of 26 May 2010 in the case of Mr. Cepeda, concluded that the Colombian State bore responsibility for his murder and ordered it to conduct an effective investigation so as to establish the identity of the instigators and the full scale of collaboration between State agents and paramilitary forces in carrying out the crime;
- A general petition submitted to the Inter-American Commission on Human Rights in 1997 regarding the persecution of the Patriotic Union and offences committed, directly or indirectly, against its members, including all the aforementioned parliamentarians except Mr. Cepeda, is still pending;
- Since 2008, the *Procuradoría* has given special attention to the case of Mr. Jaramillo, and the Prosecutor's Office has assembled a special team focusing on violations committed against members of the Patriotic Union and reactivated investigations into the assassinations of Mr. Jiménez, Mr. Posada, Mr. Valencia, Mr. Cepeda and Mr. Jaramillo;

E

- On 17 May 2011, the Prosecutor's Office formally accused Mr. José Miguel Narváez, former Assistant Director of the Administrative Department of Security, of involvement in Mr. Cepeda's assassination, which has been declared a crime against humanity, and ordered that he be remanded in custody; Mr. Narváez is currently being held and prosecuted in a number of cases in connection with his alleged collaboration with paramilitary groups;
- Investigations with respect to the other murder cases are ongoing; in the case of Mr. Posada, a suspect, Mr. Baquero Agudelo, accepted a plea bargain and his case was sent to court for sentencing along with a request from the Prosecutor's Office that the relevant available documents be examined with a view to identifying other presumed culprits; in the case of Mr. Jaramillo, according to the Prosecutor's Office, Mr. Carlos Arturo Lozano Guillén, Director of the daily *Voz*, and Mr. Ricardo Pérez González were heard on 20 May 2011 as part of the investigation and the legal status of Mr. Alberto Romero, former chief of the Administrative Department of Security, who had previously come under investigation, still had to be determined and further evidence taken;
- The current Chief Prosecutor of Colombia has developed a new methodology focusing on the most serious crimes and reconstructing the context in which they took place; the Prosecutor's Office has identified the case of persecution of Patriotic Union members as a priority and is trying to bring together the various legal proceedings being conducted across Colombia,

Recalling also that the Committee's then Vice-President, Senator Juan Pablo Letelier, met with the relevant Colombian authorities and the source during his visit to Colombia on 20 and 21 March 2013 and discussed the progress being made in and challenges to the pursuit of justice in the cases at hand,

1. *Eagerly awaits* official information from the Prosecutor's Office on the light that its new approach may have shed since Senator Letelier's visit on the persecution of members of the Patriotic Union, in particular the murders of the Patriotic Union congressmen;

2. *Wishes to know* whether the murders of the Patriotic Union congressmen other than Mr. Cepeda have also been declared crimes against humanity; *wishes to ascertain* whether or not the Prosecutor's Office has decided to bring charges against Mr. Romero in the case of Mr. Jaramillo's murder, and to receive detailed information on the steps taken in the investigations being conducted to elucidate, to the extent possible, the other murders;

3. *Wishes to ascertain* in particular what steps the authorities are taking, in line with the ruling by the Inter-American Court of Human Rights in the case Mr. Cepeda's murder, to establish full accountability for this crime; *wishes to receive* confirmation that trial proceedings against Mr. Narváez have started in the meantime and to know whether his statements have helped shed further light on the extent of State responsibility for the crime and on the identity of those involved;

4. *Trusts* that the Inter-American Commission on Human Rights is steadily advancing in its consideration of the Patriotic Union case; *wishes to ascertain* the stage reached in its examination and whether a time-line exists for its completion;

5. *Requests* the Secretary General to convey this decision to the competent Colombian authorities, the source and any third party likely to be in a position to supply relevant information; *also requests* the Secretary General to forward the decision to the Inter-American Commission on Human Rights and to arrange a meeting between the Commission and the Committee President;

6. *Decides* to continue examining the case.

Inter-Parliamentary Union
For democracy. For everyone.

Committee on the Human Rights of Parliamentarians

Decision adopted by the Committee at its 143rd session

Geneva, 13 to 16 January 2014

Colombia

CO/144 - Ciro Ramírez Pinzón
CO/152 - Mario Uribe Escobar
CO/153 - Odin Sanchez Montes De Oca
CO/154 - Javier Enrique Cáceres Leal
CO/156 - César Pérez García

The Committee,

Referring to the cases of Mr. Ciro Ramírez Pinzón, Mr. Mario Uribe Escobar, Mr. Odin Sánchez Montes de Oca and Mr. Javier Cáceres Leal, who were all members of the Colombian National Congress when investigations were opened against them, between May 2007 and April 2009, on charges of aggravated criminal conspiracy for the purpose of organizing, promoting, arming or financing illegal armed groups (punishable under Article 340 of Law 599 of 2000), following accusations that they had cooperated with paramilitary groups,

Recalling that, between March 2008 and September 2010, the Supreme Court ordered the detention of the aforesaid four individuals on the above-mentioned charges, and that the charge of aggravated criminal conspiracy in the case of Mr. Ramírez also related to narco-trafficking, a charge on which he was subsequently acquitted by the First Criminal Court of the Specialized Circuit of Bogotá,

Recalling that Articles 235 and 186 of the Colombian Constitution stipulate that the Supreme Court has the power to investigate and try members of Congress and that offences committed by members of Congress come exclusively under the jurisdiction of the Supreme Court, which is the sole authority competent to order their detention,

Recalling that the Supreme Court discontinued its handling of the investigation and proceedings with respect to the charge of cooperation with paramilitary groups after Mr. Ramírez, Mr. Uribe and Mr. Sánchez resigned their seats in Congress, and transferred their files to the ordinary criminal justice system, which offers a clear separation between those investigating and those trying a case and provides for the possibility of appeal; *further recalling* that, on 15 September 2009, the Supreme Court changed its jurisprudence, affirming that, despite the three men's resignations, it was competent to hear their cases because the accusations at hand concerned an alleged offence that took place on account or on the occasion of (official) service or in the performance of duties inherent in the post of member of Congress,

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Recalling that these three cases were consequently transferred back to the Supreme Court, which between 2010 and 2012 convicted the first three former members of Congress, as well as Mr. Cáceres, on the aforesaid charges and sentenced them to prison terms ranging from 7 years and 6 months to 9 years, and to the payment of a hefty fine,

Having also before it the case of another former Congressman, Mr. César Pérez García, whom the Supreme Court sentenced on 15 May 2013 to 30 years in prison on charges of aggravated criminal conspiracy for having cooperated with paramilitary groups and in connection with a series of crimes relating to the 1988 Segovia massacre, in which 43 people were killed and which he is recognized as having instigated/masterminded; according to the source, Mr. Pérez García had been arrested and remanded in custody in 1993, but rapidly released and exonerated by the public prosecutor's office; at the time, the Supreme Court considered that it did not have jurisdiction in the case; however, in 2010, nearly 22 years later, it decided to hear the case and prosecute Mr. Pérez García,

Considering that, in addition to concerns about lack of respect for fair trial guarantees in the criminal proceedings against the five former parliamentarians, the sources also emphasize that the Supreme Court convicted them in the absence of any convincing and tangible evidence and relied extensively on unreliable testimony from demobilized paramilitary members,

Considering that the five former members of Congress have brought their cases before the Inter-American Commission on Human Rights,

Considering finally that several attempts have been made to introduce legislation to ensure that Colombian parliamentarians enjoy, like other Colombian citizens, the right to a fair trial, including the possibility of appeal, and that the most recent attempt was part of a larger series of judicial reform measures adopted by the Colombian Congress on 20 June 2012 but subsequently revoked after the President of the Republic objected to it,

1. *Is deeply concerned* about the lack of respect for due process in the proceedings against the five former members of Congress, which affected their rights to be tried by an impartial court and to have an opportunity to appeal the verdict and, in four of the cases, the principles of legal certainty and favourability;

2. *Considers* that their cases also reinforce its longstanding concerns about the credibility of testimony by demobilized paramilitaries, who stand to gain from incriminating others, and how such testimony is obtained and used; *recommends,* therefore, that the legal incentives be revised;

3. *Sincerely hopes* that the Inter-American Commission on Human Rights will soon be able to examine the petitions submitted by the five former members of Congress, convinced as it is that this will be crucial to providing redress in their cases; *requests* the Secretary General to seek information on this from the Commission and to arrange for the Committee's Chairperson to meet with it;

4. *Considers also* that many of the fair-trial concerns that have arisen in these cases are inherent in the procedure applicable to current and former members of Congress in Colombia in criminal cases and can only be fully addressed through new legislation; *affirms* the continued readiness of the IPU to provide support for any legislative efforts undertaken by Congress and other relevant Colombian authorities in this regard;

5. *Requests* the Secretary General to inform the competent Colombian authorities, the source and any third party likely to be in a position to supply relevant information;

6. *Decides* to continue examining this case.

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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

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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.

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Colombia

CO/155 - Piedad del Socorro Zuccardi de García

CO/157 - Oscar Arboleda Palacio

Decision adopted unanimously by the IPU Governing Council at its 195th session (Geneva, 16 October 2014)

The Governing Council,

Referring to the case of Ms. Piedad del Socorro Zuccardi de García, a member of the National Congress of Colombia when an investigation was opened against her on charges of aggravated criminal conspiracy for the purpose of organizing, promoting, arming or financing illegal armed groups, following accusations that she had cooperated with paramilitary groups, and to the resolution it adopted on her case at its 193rd session (October 2013),

Having before it the case of Mr. Oscar Arboleda Palacio, a former member of the National Congress of Colombia, which has been examined by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the examination and treatment of complaints (Annex I of the revised rules and practices); *considering* that Mr. Arboleda is being investigated on the same charges as Ms. Zuccardi de García,

Considering that Ms. Zuccardi de García and Mr. Arboleda were placed in pretrial detention by decisions of the Supreme Court of Justice on 5 March and on 11 September 2013 respectively and that on 8 October 2014 the Supreme Court changed Mr. Arboleda's detention to house arrest in response to his poor health and the treatment he required,

Considering that the complainants point out that both former members of Congress do not benefit from a fair trial and are being prosecuted in the absence of any concrete and reliable proof, with the prosecution relying significantly on the testimony of a convicted drug trafficker and self-proclaimed demobilized paramilitary member, Mr. Juan Carlos Sierra alias "El Tuso"; they point in this regard also to the decisions by the Office of the Attorney-General (*Procuraduría*) had on 12 June 2012 and on 5 November 2013 to dismiss the cases against Ms. Zuccardi de García and Mr. Arboleda respectively,

Considering the following: The reports of the Committee's on-site missions to Colombia in 2009 and 2010 refer extensively to concerns about respect for fair-trial guarantees in criminal proceedings against current and former members of Congress, who are investigated and judged in single instance by the Supreme Court, and about how the investigation and proceedings are handled in practice; with regard to the testimony of demobilized paramilitaries, the 2010 mission concluded, "such testimonies, however useful they may be, must be treated with great caution. The credibility of those persons, who have committed atrocious abuses, cannot be taken for granted. What seems clear is that the demobilized paramilitaries have their own interest in acting in a certain manner in order to be granted the lenient sentences provided for in the Justice and Peace Act. This necessarily implies that many feel it better to speak than remain silent, even when they know little or no information,"

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Considering that several attempts have been made to introduce legislation to ensure that Colombian parliamentarians enjoy, like other Colombian citizens, the right to a fair trial, including the possibility of appeal, and that the most recent attempt was part of a larger series of judicial reform measures adopted by the Colombian Congress on 20 June 2012, but subsequently abandoned after the President of the Republic objected to it; *considering* that a bill to balance the powers of the different branches of the State was brought before the National Congress in September 2014,

Considering finally that an observer from the IPU, Mr. Nick Stanage from Doughty Street Chambers, attended the hearings which took place before the Supreme Court in both cases on 22 and 23 September 2014 and met with several of the parties directly concerned and has produced a report in which he expresses both concern about due process and the evaluation of the credibility of the evidence at hand,

1. *Thanks* the trial observer for his efforts and the report he has produced; *also thanks* the National Congress of Colombia for facilitating his mission;

2. *Requests* the Secretary General to convey a copy of the report to the relevant Colombian authorities and to the complainants with a view to soliciting their views;

3. *Decides* to continue closely monitoring the proceedings in both cases, including by exploring the option of a continued presence at future hearings before the Supreme Court;

4. *Reaffirms its view* that the legal framework in Colombia should ensure that members of Congress benefit from due process in criminal procedures so that they can fulfil their mandates effectively and without fear of reprisals; therefore *calls on* the competent authorities to do everything possible to renew consultations with a view to helping ensure that the current legal provisions governing the procedure applicable to members of Congress in criminal cases are finally overhauled so as to ensure their full compatibility with fundamental fair-trial standards, including the right to appeal and non-discrimination towards members of Congress; *affirms* the continued readiness of the IPU to assist in this regard;

5. *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;

6. *Requests* the Committee to continue examining this case and to report back to it in due course.

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Colombia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 162nd session (virtual session, 31 October 2020)



© Álvaro Hernán Prada Artunduaga

COL-161 – Álvaro Hernán Prada Artunduaga

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings

A. Summary of the case

According to the complainant, Mr. Álvaro Hernán Prada Artunduaga, a member of the Colombian House of Representatives since 2014, has been the subject of multiple threats from the former rebel group, the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia – FARC). Although FARC signed a peace agreement with the Colombian Government in 2016, an increasing number of dissident members of the group have failed to lay down their weapons, and remain active.

The complainant also states that Mr. Prada is subject to criminal proceedings that run counter to basic fair trial guarantees. It points in this regard, in particular, to the lack of jurisdiction of the Criminal Chamber of the Supreme Court to investigate the matter, the secrecy of the evidence

Case COL-161

Colombia: Parliament affiliated to the IPU

Victim: Member of the House of Representatives of Colombia belonging to the majority

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

Submission of complaint: August 2019

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:
- Communications from the authorities: Letters from the President of the Colombian National Congress, the President and Vice-President of the Committee on Human Rights and Hearings of the House of Representatives and the Coordinator of the Senate's Committee on Human Rights and Hearings (October 2020)
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter to the Speaker of the Colombian National Congress September 2020
- Communication addressed to the complainant: September 2020

gathered and lack of access thereto by the defence counsel, the illegality of the gathering of certain evidence, and the unlawful leaking of evidentiary material to the media and the public.

In a letter dated 21 October 2020, the President and Vice-President of the House of Representatives' Committee on Human Rights and Hearings stated that, on that same day, the said committee had discussed the allegations. In response, the committee had adopted a decision in which it emphasized the principle of the separation of powers and the independence of the judiciary, and acknowledged the importance of the IPU Committee on the Human Rights of Parliamentarians investigating alleged violations affecting members of parliament. In the same decision, the committee stated that, with respect to the issue of the leaking of court files to the media and the potential unlawful modification of evidence by state officials, it intended to organize an open discussion with experts and members of academia, the outcome of which would be communicated to the IPU.

In a letter dated 19 October 2020, the Coordinator of the Senate's Committee on Human Rights and Hearings presented her observations, echoing directly and indirectly the allegations made by the complainant about the lack of fair trial proceedings and threats affecting Mr. Prada.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for their letters and observations;

2. *Notes* that the complaint was submitted in due form by a complainant qualified under Section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);

3. *Notes* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;

4. *Notes* that the complaint concerns alleged threats, acts of intimidation, lack of due process at the investigation stage and lack of fair trial proceedings, allegations that fall within the Committee's mandate;

5. *Considers*, therefore, that the complaint is admissible under the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case;

6. *Requests* the Secretary General to convey this decision to all the relevant Colombian authorities and the complainant and to seek the official views of the judicial authorities on the allegations put forward by the complainant.

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Colombia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 162nd session (virtual session, 31 October 2020)



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COL-162 – Álvaro Uribe Vélez

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings

Case COL-162

Colombia: Parliament affiliated to the IPU

Victim: Former member of the Senate of Colombia

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

Submission of complaint: December 2019

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up

- Communication from the authorities: Letters from the President of the Colombian National Congress, the President and Vice-President of the Committee on Human Rights and Hearings of the House of Representatives and the Coordinator of the Senate's Committee on Human Rights and Hearings (October 2020)
- Communication from the complainant: October 2020
- Communications addressed to the authorities: Letter addressed to the Speaker of the Colombian National Congress (September 2020)
- Communication addressed to the complainant: September 2020

A. Summary of the case

On 3 August 2020, the Colombian Supreme Court placed former Colombian senator and President, Mr. Álvaro Uribe Vélez, under house arrest in connection with charges of witness tampering and procedural fraud. These charges stem from the following facts: in 2012 and 2014, senator Iván Cepeda clashed with Mr. Uribe, who was elected to the Senate in 2014, accusing both him and his brother of founding a paramilitary group in the 1990s. Senator Cepeda presented testimonies from two former paramilitary members, but was then accused in court by Mr. Uribe of witness tampering and going beyond his parliamentary mandate. However, the tables were turned in 2018, when the Supreme Court ruled that Mr. Uribe should be investigated, following legal action taken against his lawyer, Mr. Diego Cadena, for allegedly having tried to interfere with the testimony of one of the two former paramilitary members, as well as other testimonies.

The complainant states that, from the outset, due process in the legal proceedings against Mr. Uribe has been disregarded. In this respect, it points in particular to the lack of jurisdiction of the Criminal Chamber of the Supreme Court to investigate the matter, bias on the part of one or more of the Court's judges, the secrecy of the evidence gathered and lack of access thereto by the defence

counsel, and illegality in the gathering of certain evidence, in particular telephone recordings of Mr. Uribe. The complainant also points out that Mr. Uribe has denied the charges.

The President of the Senate, in his letter of 24 October 2020, stated that it was his duty to respect the separation of powers and the independence of the judiciary and to respect the latter's rulings in the expectation that they are adopted in accordance with the law and with respect for due process.

In a letter dated 21 October 2020, the President and Vice-President of the House of Representatives' Committee on Human Rights and Hearings stated that, on that same day, the said committee had discussed the allegations. In response, the committee had adopted a decision in which it emphasized the principle of the separation of powers and the independence of the judiciary, and acknowledged the importance of the IPU Committee on the Human Rights of Parliamentarians investigating alleged violations affecting members of parliament. In the same decision, the committee stated that, with respect to the issue of the leaking of court files to the media and the potential unlawful modification of evidence by state officials, it intended to organize an open discussion with experts and members of academia, the outcome of which would be communicated to the IPU.

In a letter dated 19 October 2020, the Coordinator of the Senate's Committee on Human Rights and Hearings presented her observations, echoing directly and indirectly the allegations made by the complainant about the lack of fair trial proceedings in this case.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for their letters and observations;

2. *Notes* that the complaint was submitted in due form by a complainant qualified under Section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);

3. *Notes* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;

4. *Notes* that the complaint concerns alleged threats, acts of intimidation, arbitrary arrest and detention, lack of due process at the investigation stage and lack of fair trial proceedings, allegations that fall within the Committee's mandate;

5. *Considers* therefore that the complaint is admissible under the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case;

6. *Requests* the Secretary General to convey this decision to all the relevant Colombian authorities and the complainant and to seek the official views of the judicial authorities on the allegations put forward by the complainant.