

COLOMBIA

- Álvaro Hernán Prada
- Álvaro Uribe Vélez



Inter-Parliamentary Union

For democracy. For everyone.

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.



Inter-Parliamentary Union

For democracy. For everyone.

Colombia

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



© Álvaro Uribe Vélez

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

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

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

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.