



37th Congress of the FIDH, held from 6 to 10 April 2010 in Yerevan

**RESOLUTION ON THE RISKS TO COLOMBIAN DEMOCRACY AS A RESULT OF
CONSTITUTIONAL CHANGES AND THE AIM TO ACHIEVE A PRESIDENTIAL RE-
ELECTION IN COLOMBIA**

The International Federation for Human Rights (FIDH), gathered at its 37th Congress held in Yerevan, Armenia, from 6 to 10 April 2010, faced with situations that affect democracy and the social state in Colombia and

CONSIDERING

That since the start of Álvaro Uribe Vélez's first term in office, in August 2002, constitutional changes supporting an ultra-presidential system and the weakening of the rule of law have been brought about in Colombia following a constitutional reform that took place in an irregular manner, which enabled the first consecutive presidential re-election in 2006; and that, with a new constitutional reform, attempts are now being made to bring about a second re-election victory in 2010;

That the constitutional model of balance between the public authorities was based on a single Presidential mandate and, as a result, the concept of the re-election has substantially weakened the rule of law; judicial power has been affected, in particular regarding the independence of the Constitutional Court and the Superior Council of the Judiciary. Likewise competent bodies, such as the Office of the Attorney General, Office of the Inspector General, Ombudsman's Office, the Electoral Council and the Colombian central bank, the Banco de la República, have also been affected, forcing the entire State to follow the interests of the President. The same can also be seen in social policies, which have become bureaucratic tools used to favour the allies and friends of the government, as in the case of the *Acción Social* 'super ministry';

That the current government accompanied the process of de-institutionalisation with major processes of impunity, by means of laws such as Law 975 of 2005, which facilitated de facto pardons and amnesties of more than 34,000 members of the paramilitary who had always acted with the help of the authorities to commit the worst crimes against humanity, assassinations, forced relocation, disappearances; in order to support the economic and political interests of privileged sectors, including of the mafia. This allowed these paramilitary groups to convert their criminal power into votes – votes which affected the democratic process, upsetting the structural balance of the traditional liberal and conservative parties and restricting the possibility of opposition parties consolidating, in order to establish themselves in a State with a restructuring of politics towards the mafia and the paramilitary;



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That since 2005, the scope of paramilitarism in Colombia as a national plan within the legislature had started to become clear from the statement made by the paramilitary leader at the time, Salvatore Mancuso Gómez, who said that 35% of the members of National Congress were 'friends'[[1](#)], a statement which was later ratified by paramilitary leader José Vicente Castaño Gil[[2](#)]; and later when speaking to the press in 2008, Mancuso reiterated that 50% of the Colombian Congress had connections with the paramilitary[[3](#)]. Likewise, that said alliances between government officials and the paramilitary are not limited only to members of Congress, but also to other local public servants [[4](#)] – municipal and departmental officials, mayors, councillors and members of the House of Representatives, who belong to the same political movements as the members of Congress under investigation – up to senior officials in the current government[[5](#)] and the election itself of President Álvaro Uribe Vélez in 2002. This was confirmed by the paramilitary leaders Diego Murillo Bejarano, alias “Don Berna”, and Salvatore Mancuso Gómez, alias “Santander Lozada”, amongst others[[6](#)];

That over the last 3 years, at least 133 current and past members of Congress have been implicated in paramilitarism, which highlights the scope of the paramilitary in the pro-Uribe parties[[7](#)]. Of these members of Congress, 71 have come under investigation[[8](#)], 50 are currently in custody[[9](#)], 42 have relinquished their privileges as members of Congress[[10](#)], 18 are facing trial[[11](#)], 13 have accepted responsibility for the charges raised against them and have agreed to an anticipated sentence[[12](#)] and seven have been convicted[[13](#)]. Additionally, that almost all members of the Democratic Colombia Party in Congress founded by him, according to the official website of President Uribe[[14](#)], are under investigation as a result of supposed links to the paramilitary[[15](#)]. Likewise, the leaders and directors of the main pro-Uribe parties are under investigation as a result of supposed links to paramilitary structures, such as Álvaro Araújo Castro of Alas Team Colombia (*Alas Equipo Colombia*), Mario Uribe Escobar of the Democratic Colombia Party (*Colombia Democrática*), Luís Humberto Gómez Gallo of the Conservative Party (*Partido Conservador*), Luís Alberto Gil Castillo of Citizens' Convergence (*Convergencia Ciudadana*), Carlos Armando García Orjuela of the Social National Unity Party (*Partido de la U*) and Dieb Nicolás Maloof Cuse of *Colombia Viva* [[16](#)];

That at the Session of the Inter-American Commission on Human Rights in March 2009, the Fundación Nuevo Arco Iris presented information confirming that between 25% and 35% of the popularly-elected posts had been filled by the paramilitary. “Of the seven parties that form part of the pro-Uribe coalition, there are five whose entire list of candidates has been accused of being involved with 'parapolitics'. Currently, these parties continue to be able to exert influence within the political sphere,” confirmed León Valencia, director



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of Nuevo Arco Iris[17]. These candidates will run in the 2010 elections and in so doing seriously harm democracy in Colombia;

Furthermore, that at least 11 of the replacements for the members of Congress under investigation as a result of their links with the paramilitary are, in turn, facing judicial proceedings as a result of their supposed links with these same structures, which proves that these links between Congress and the paramilitary had never been abolished, but rather remain in force to this day[18];

That the Supreme Court of Justice has made progress in the judicial investigations to clarify and judge the links between these high-ranking government officials and the paramilitary, whilst being subjected to accusations and public discrediting by the Executive, as well as threats and illegal monitoring of the DAS intelligence agency; which has endangered the independence of judicial power;

That the necessary measures have not been taken to ensure that in the next legislative elections, relatives or political allies of these members of Congress do not win seats and maintain these alliances with criminal organisations. According to the Colombian magazine *Revista Cambio* on 13 August 2009, multiple cases exist where this occurs, including Arlet Casado de López (wife of ex-senator Juan Manuel López Cabrales), Araceli Olivares de Morris (wife of ex-congressional representative Erick Morris Taboada), Teresa García (sister of ex-senator Álvaro García Romero), Hernando De La Espriella Burgos (brother of ex-senator Miguel Alfonso De La Espriella Burgos), Francisco Jattin Corrales (brother of ex-congressional representative Zulema Jattin Corrales) and Raimundo Méndez Bechara (political heir to ex-senator Reginaldo Montes), amongst others[19]; and

That all the above facts seriously endanger the already-fragile democracy in Colombia; that these facts ensure that those with links to paramilitary groups continue to be involved in politics and obtain senior positions of State; that these facts threaten the future democracy in Colombia and make it impossible to have governance by the rule of law that fully respects human rights,

RESOLVES

To declare that the re-election in Colombia has become an attack on democracy and on governance by the rule of law,

To request that the Supreme Court of Justice and the Office of the Attorney General continue in their investigations into the links between politicians and paramilitary groups at the highest level and support their



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investigations in the face of the attacks to which they have been subjected by the Executive and other senior authorities,

To demand that the national government cease its attacks on magistrates of the Supreme Court of Justice and other judicial officers without affecting the autonomy of justice; and to demand that these attacks be investigated,

To request that the International Criminal Court moves forward with its preliminary analysis on those most responsible for the crimes committed in Colombia by the paramilitary groups, which include members of Parliament and other politicians currently in office,

To request the abolition of Law 975 of 2005, which has given rise to impunity and has legalised paramilitarism in Colombia.

Done in Yerevan, April 2010