



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Colombia

Colombia – COL40354 – Polo  
Democrático Alternativo (PDA) –  
Eduardo Gomez Serrano – Carlos Gaviria –  
Targeting of PDA supporters – State  
protection  
24 May 2012

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**1. Please provide background info on the PDA and on Colombian elections generally, with particular reference to key events in 2009 – 2012 in the area of Bogota.**

The Polo Democrático Alternativo (PDA, or Alternative Democratic Pole) is a left-of-centre party that has declared itself in opposition to Colombia's present leader, President Santos and the government formed by his party, the Partido Social de Unidad Nacional (PSUN, or Social Party of National Unity). The PDA's current party president is Clara López Obregón.<sup>1</sup>

The *Political Handbook of the World* reports that the PDA was formed in late 2005 by merger of the Polo Democrático Independiente (PDI, or Independent Democratic Pole) and the Alternativa Democrática (AD, or Democratic Alternative), and "contains elements of a number of far-left parties". The PDI was formed in July 2003 by former labour leader Luis Eduardo Garzón, who in 2004 was elected as the first leftist mayor of Bogotá. The AD was formed in November 2003 by a group of minor left-wing parties. Both the PDI and the AD were opposed to the policies of President Uribe who was then in power.<sup>2</sup>

The Colombian Congress is a bicameral legislature consisting of a Senate (102 members) and a Chamber of Representatives (106 members), each elected for a four-year term.<sup>3</sup>

The PDA first contested legislative elections in May 2006. President Uribe reportedly ran a combative campaign in the 2006 elections, accusing PDA presidential candidate Carlos Gaviria Diaz and the PDA of "disguised communism"; this was a "calculatedly dangerous statement in such a polarised country".<sup>4</sup> In the days before the 2006 elections, an article in *The Irish Times* reported that the election was "supposed to be a done deal for President Uribe... [b]ut the surge in popularity of the left-wing candidate, Carlos Gaviria Diaz, has alarmed Mr Uribe's extreme right-wing supporters", and a series of threats were sent to opposition and civil society organisations and individuals. Reportedly, during the week preceding the elections, the PDA "felt compelled, for security reasons, to cancel a scheduled appearance by their candidate in one of the poorest neighbourhoods in the south". The PDA

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<sup>1</sup> Muller, TC et al (eds) 2011, 'Colombia', *Political Handbook of the World*, CQ Press, Washington DC, p.294  
<[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 18 May 2012 (MRT-RRT Library)

<sup>2</sup> Muller, TC et al (eds) 2011, 'Colombia', *Political Handbook of the World*, CQ Press, Washington DC, p.293  
<[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

<sup>3</sup> Muller, TC et al (eds) 2011, 'Colombia', *Political Handbook of the World*, CQ Press, Washington DC, p.294  
<[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

<sup>4</sup> Colombia Forum 2006, *Colombia Report – Issue 41*, April 2006-August 2006

campaign manager Daniel Garcia Pena stated that security had become the most important issue of the campaign.<sup>5</sup>

Pro-Uribe parties did win a majority of seats, however the PDA won ten seats in the Senate and eight in the Chamber of Representatives. While Uribe was re-elected in the presidential election in June with 62 per cent of the vote, Gaviria came second with 22 per cent.<sup>6</sup> According to the *Colombia Report*, it was the first time that a left-wing party had gained a substantial percentage of the vote, which was seen as a “potentially significant development in Colombian politics”. Moreover, 55 per cent of eligible voters had not voted, and the *Colombia Report* argued that Uribe’s “overwhelming victory” needed to be viewed in that context.<sup>7</sup>

Immediately following the elections, a *Reuters* article reported that “[a]fter decades of being stigmatized by violent Marxist rebels and targeted by right-wing assassins”, Colombia’s left had broken through to become the country’s main opposition force:

Having denounced the guerrilla armies loathed by most Colombians, Carlos Gaviria of the Polo Democratico party got 22 percent of the vote with his anti-free-trade message and promises of more social spending, replacing the once mighty center-left Liberal Party as the main opposition.

...

Thanks in part to the crime reduction that has made Uribe the most popular Colombian president in memory, the Polo’s growing base is largely unthreatened by right-wing militias that a decade ago greeted leftist politicians with gunfire.

...

“What had killed the left was not only the brutality of the right but the fact that it never clearly distanced itself from the FARC [Revolutionary Armed Forces of Colombia],” said Bogota-based political analyst Miguel Silva. “But the Polo has clearly rejected the rebels.”

...

Uribe says the key to economic development is for the army and police to retake the countryside from these illegal groups. The Polo says he is not investing enough in health and other services for the growing number of displaced families.

...

“The near disappearance of the Liberal and Conservative parties puts the spotlight on the Polo, which now appears to be free to practice politics free of threats of violence,” Rosario University’s Romero said.<sup>8</sup>

The US Department of State (USDOS) reported that, while the Liberal and Conservative parties had previously dominated Colombian politics, “[t]he reelection of President Uribe as an independent in 2006 and the second-place showing of the Polo Democratico presidential candidate, Carlos Gaviria, reflected a widening of the political arena”. More than twenty political parties from across the spectrum were now represented in Congress.<sup>9</sup>

In March and April of 2007, PDA senator Gustavo Petro criticised President Uribe and claimed he had been linked to the right-wing paramilitaries in his activities as governor and as

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<sup>5</sup> Carrigan, A 2006, ‘Colombian climate of fear worsens’, *The Irish Times*, 27 May 2006, FACTIVA – Accessed 18 May 2012

<sup>6</sup> Muller, TC et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC, p.289 <[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

<sup>7</sup> Colombia Forum 2006, *Colombia Report – Issue 41*, April 2006–August 2006, p.3

<sup>8</sup> Bronstein, H 2006, ‘Colombian left gains clout after rejecting rebels’, *Reuters*, 31 May, FACTIVA – Accessed 18 May 2012

<sup>9</sup> US Department of State 2008, *Country Report on Human Rights Practices 2007 – Colombia*, 25 February, Section 3 <[www.state.gov/g/drl/rls/hrrpt/2008/wha/119153.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119153.htm)> Accessed 26 February 2009

president. In July, Petro also criticised the PDA leadership for “not being more openly critical of the FARC”, and thereby “drew the ire of the party’s leadership”.<sup>10</sup>

In October 2007, local elections for governors, mayors, and department and town councils were held across Colombia. The USDOS reported that “[p]olitical parties could operate without restrictions or outside interference”, and that according to the OAS electoral mission chief, “the elections proceeded smoothly”. The USDOS also reported, however, that 25 candidates were killed leading up to the elections, 16 sixteen council members were killed during the year, and “[s]cores of local officials throughout the country resigned because of threats from the FARC”. A Ministry of Interior and Justice program reportedly had provided protection to 330 mayors, one former mayor, and 1,945 council members during the year. The loss of 25 candidates was described as “significantly lower than in previous years, due in part to improved security conditions”.<sup>11</sup>

In the 2007 municipal elections, the PDA maintained control of the mayorship of Bogotá with the victory of candidate Samuel Moreno. By mid-2009, however, opinion polls showed Moreno to be the city’s least popular mayor since the early 1990s.<sup>12</sup> According to an article on *The Wall Street Journal Online*, the position of mayor of Bogotá is “considered by many in Colombia to be the second most important elected office in the country after the presidency”.<sup>13</sup> In previous years, Garzón’s successful administration as Mayor of Bogotá had been seen as “another boost to Colombia’s left”, and he had been considered a likely contender for representing the PDA in the 2010 presidential elections.<sup>14</sup> By May 2009, however, the PDA reportedly was in danger of fragmentation, with Garzón leaving the party following disagreements with more leftist members.<sup>15</sup>

In the March 2010 legislative elections, the PDA lost a number of seats, holding only eight in the Senate and four in the Chamber of Representatives. In the presidential election in June, Gustavo Petro stood as the PDA’s candidate, and was placed fourth with 9.2 per cent of the first round of voting. Juan Manuel Santos Calderón, the candidate of the Partido Social de Unidad Nacional (PSUN, or Social Party of National Unity) won with more than 69 per cent of the vote. According to the *Political Handbook of the World*, the PDA “became the only true opposition party after others in the Congress threw their qualified support behind President Santos”, who formed a new government comprising members of the PSUN, the Colombian Conservative Party, Radical Change, and a number of independents.<sup>16</sup>

The US DOS reported that the elections were “considered generally free and fair” and experienced the lowest levels of violence in 30 years. It reported that “[t]he election of

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<sup>10</sup> Muller, TC et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC, p.293 <[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

<sup>11</sup> US Department of State 2008, *Country Report on Human Rights Practices 2007 – Colombia*, 11 March, Section 3 <[www.state.gov/g/drl/rls/hrrpt/2007/100633.htm](http://www.state.gov/g/drl/rls/hrrpt/2007/100633.htm)> Accessed 12 March 2008

<sup>12</sup> Muller, TC et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC, p.293 <[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

<sup>13</sup> Crowe, D 2011, ‘Former Lefist [sic] Rebel Is Elected Mayor of Bogotá’, *The Wall Street Journal Online*, 31 October, FACTIVA – Accessed 18 May 2012

<sup>14</sup> Bronstein, H 2006, ‘Colombian left gains clout after rejecting rebels’, *Reuters*, 31 May, FACTIVA – Accessed 18 May 2012

<sup>15</sup> Muller, TC et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC, p.294 <[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

<sup>16</sup> Muller, TC et al (eds) 2011, ‘Colombia’, *Political Handbook of the World*, CQ Press, Washington DC, p.290 <[http://library.cqpress.com/phw/phw2011\\_Colombia](http://library.cqpress.com/phw/phw2011_Colombia)> Accessed 24 January 2012. (MRT-RRT Library)

President Santos and the second-place showing of Antanas Mockus of the newly established Green Party reflected a continued widening of the political arena”.<sup>17</sup>

Local elections again took place in October 2011, and in the lead-up the PDA reportedly feared that it would be disadvantaged if measures were not taken to combat fraud. According to *Colombia Reports*, PDA president Jaime Dussan requested a meeting with Colombia’s Prosecutor General and Inspector General to “assess the situation and decide to avoid muddying the electoral process”. Reportedly, the Colombian non-governmental organisation (NGO), Mision de Observacion Electoral, “registered 544 municipalities at risk of fraud, as opposed to 328 in 2007 and suggested that, unlike in the previous election, most of the fraud is not linked to armed groups but to politicians from mainstream political parties”.<sup>18</sup>

*The Wall Street Journal Online* reported that voting in the elections was “relatively calm, with few disruptions reported”, 300,000 troops having been deployed to keep the peace. The run-up to the elections, however, was less peaceful:

Despite Colombia’s recent security gains, the run-up to the elections was the most violent in years. During the campaign, 41 candidates were killed, nearly twice than in the last elections in 2007, many of them in lawless rural areas where criminal gangs and leftist guerrillas attempt to intimidate town leaders and sway local governments.<sup>19</sup>

In the preceding months, a corruption scandal landed the former mayor of Bogota, Samuel Moreno of the PDA, in gaol on bribery charges. In the October elections, Gustavo Petro was elected mayor of Bogota. Observing that Petro and Moreno had both belonged to the PDA for several years, *The Wall Street Journal Online* reported that Petro had been one of the first leaders to investigate Moreno for his involvement in the corruption scandal. Petro then left the PDA and “presented himself as an independent anti-corruption crusader” in the mayoral campaign.<sup>20</sup>

*The Economist* commented on divisions within the party, as follows:

The PDA was born of a merger of two loose coalitions of leftist movements, which came together formally in 2005. Its different wings have rarely found common ground. It is currently the only party in Congress opposing the “national unity” coalition led by Juan Manuel Santos, the president, which includes the Conservative, Liberal and Green parties. But four of its eight senators disagree with its policy of opposing all the government’s bills, and are creating a dissident block within it called Alternative Opposition. They are only remaining within the party because they would lose their seats if they quit. Today’s PDA is “neither democratic nor alternative”, Camilo Romero, one of the dissident senators, said recently. He accused the party’s anachronistic elements of undermining it.<sup>21</sup>

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<sup>17</sup> US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 3 <[www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm](http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm)> Accessed 11 April 2011

<sup>18</sup> Cast, S 2011, ‘Opposition calls on govt to stop “crooks counting vote”’, *Colombia Reports*, 27 October <<http://colombiareports.com/colombia-news/news/19995-no-more-crooks-counting-votes-opposition-party.html>> Accessed 23 May 2012

<sup>19</sup> Crowe, D 2011, ‘Former Lefist [sic] Rebel Is Elected Mayor of Bogotá’, *The Wall Street Journal Online*, 31 October, FACTIVA – Accessed 18 May 2012

<sup>20</sup> Crowe, D 2011, ‘Former Lefist [sic] Rebel Is Elected Mayor of Bogotá’, *The Wall Street Journal Online*, 31 October, FACTIVA – Accessed 18 May 2012

<sup>21</sup> ‘In need of a new alternative’ 2011, *The Economist*, 27 September <<http://www.economist.com/blogs/americasview/2011/09/colombias-politics>> Accessed 23 May 2012

2. Please provide info on (a) Eduardo Gomez Serrano and (b) PDA Presidential candidate Carlos Gaviria, with reference to key events in 2009 – 2012. Please also provide detailed information regarding key events in the period January – August 2009.

### **Eduardo Gomez Serrano**

No information was found regarding Eduardo Gomez Serrano in relation to Carlos Gaviria's presidential campaign in 2006 or in relation to Gaviria's campaign to be the PDA's presidential candidate for the 2010 elections, when he was defeated by Gustavo Petro for the PDA's presidential nomination. The only references found to Serrano are in news reports from 2011.

In February 2011, Colombian television broadcaster *TeleSUR* reported that two soldiers freed by the FARC had met with three members of Colombians for Peace, including Eduardo Gomez Serrano.<sup>22</sup>

In a report dated 4 May 2011, *TeleSUR* screened an interview with Eduardo Gomez Serrano on the corruption scandal involving the PDA's Samuel Moreno. An unofficial translation from the original Spanish of the written article accompanying the video interview indicates that Serrano, an analyst and expert on issues of infrastructure, reported that the suspension of Moreno from office was politically motivated against the democratic left.<sup>23</sup>

### **Carlos Gaviria Diaz**

According to a report by the International Crisis Group (ICG), Carlos Gaviria was a Constitutional Court judge in the 1990s.<sup>24</sup> The ICG further reported that, in the 2006 presidential campaign:

PDA candidate Carlos Gaviria emphasised the protection of fundamental social rights, arguing that inequality and social exclusion could only be eradicated if the state guaranteed the right to life, education, basic utilities, housing and freedom. With regard to the conflict, he said focusing on a military solution would not achieve peace. Instead the state needed to strengthen its local and regional institutions, provide adequate judicial services and generate sustainable development in conflict areas.<sup>25</sup>

A report published in 2006 by the London-based organisation Justice for Colombia indicates that Gaviria's campaign chief in Bogotá was a man named Wilson Borja, "a high-profile Congress representative and former head of FENALTRASE, the largest public sector union in Colombia". Reportedly, Borja had "24-hour bodyguards and a bullet-proof car, in which he drove around Bogotá to visit activists and attend rallies". The rallies reportedly attracted large

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<sup>22</sup> TeleSURtv.net 2011, 'Liberados por las FARC llegan al aeropuerto de Cali con misión humanitaria', 16 February <<http://exwebserv.telesurtv.net/secciones/noticias/89156-NN/liberados-por-las-farc-llegan-al-aeropuerto-de-cali-con-mision-humanitaria/>> Accessed 21 May 2012

<sup>23</sup> TeleSURtv.net 2011, 'Denuncian que suspensión de alcalde de Bogotá busca menguar a la izquierda en Colombia', 4 May <<http://exwebserv.telesurtv.net/secciones/noticias/92396-NN/denuncian%20que%20suspension%20de%20alcalde%20de%20bogota%20busca%20menguar%20a%20la%2020izquierda%20en%20colombia/>> Accessed 23 May 2012

<sup>24</sup> International Crisis Group 2009, *Uribe's Possible Third Term and Conflict Resolution in Colombia*, Latin America Report N°31, 18 December <[http://www.crisisgroup.org/~media/Files/latin-america/colombia/31\\_uribes\\_possible\\_third\\_term\\_and\\_conflict\\_resolution\\_in\\_colombia.ashx](http://www.crisisgroup.org/~media/Files/latin-america/colombia/31_uribes_possible_third_term_and_conflict_resolution_in_colombia.ashx)> Accessed 19 July 2010

<sup>25</sup> International Crisis Group 2006, *Uribe's Re-election: Can the EU help Colombia develop a more balanced peace strategy?*, Latin America Report N°17, 8 June, p.10 <[http://www.crisisgroup.org/library/documents/latin\\_america/17\\_uribes\\_re\\_election.pdf](http://www.crisisgroup.org/library/documents/latin_america/17_uribes_re_election.pdf)> Accessed 9 June 2006



numbers of students and young people, however activists were warned at briefing sessions that police would harass them and try to confiscate their election materials. The authors of the report concluded that:

Although the election was ostensibly free and fair, we formed the view that there was significant evidence of intimidation, threats and worse during the campaign period.<sup>26</sup>

According to the ICG, Uribe contributed to polarisation during the campaign by attacking Gaviria “as a representative of a ‘disguised communism’ that aimed at ‘handing over the fatherland to the FARC’”. Although Uribe was re-elected with 62.2 per cent of votes, the 22 per cent obtained by Gaviria was unprecedented by a candidate of the left. Right and Left appeared to be emerging as the two new camps (replacing Conservatives and Liberals), and Gaviria “repeatedly stressed the importance of overcoming the democratic Left’s fissures, and the PDA had reason to celebrate on election night”.<sup>27</sup>

In the run-up to the 2010 presidential elections, Senator Gustavo Petro (with 221,000 votes) defeated Gaviria (with 201,000) for the PDA’s presidential nomination. According to the ICG, Petro “appealed to the PDA’s grassroots and was critical of Gaviria’s refusal to enter electoral alliances before the first round”. Gaviria lost pre-selection despite the backing of two powerful party sectors:

...the “radical-doctrinary” wing, made up of ex-militants of the traditional far-left Movimiento Obrero Independiente Revolucionario (MOIR) and the Communist party; and the “pragmatic clientelistic” wing, led by Senators Ivan Moreno (heir of the National Popular Alliance, ANAPO, and brother of Bogotá Mayor Samuel Moreno) and former Senator and party director Jaime Dussán (closely linked to FECODE, the teachers union). A source said the PDA lost the opportunity to build a broad, modern left-wing party when its leadership was co-opted by the Left’s most sectarian sectors.<sup>28</sup>

### **3. Please provide information on whether PDA supporters and members have been targeted for serious harm in Colombia in the past five years.**

A November 2010 article in *Colombia Reports* indicated that PDA supporters have been targeted for serious harm, with twelve members of the party reportedly “assassinated” in the previous six months:

President of the Polo Democratico, Clara Lopez Obregon, condemned the crime and expressed her solidarity and condolence to the family of [the victim]. She further demanded that Colombia’s President, Juan Manuel Santos, guarantees the safety of the leaders and activists of the Polo Democratico all over the country.

“It is urgent to end the blood bath that has been present in various Colombian regions against members of the PDA. Respect for the opposition to the government talks

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<sup>26</sup> Justice for Colombia 2006, *Rule of Law? Report of a lawyers’ delegation to Colombia*, May, p.11 <[www.justiceforcolombia.org/ruleoflaw.pdf](http://www.justiceforcolombia.org/ruleoflaw.pdf)> Accessed 12 March 2007

<sup>27</sup> International Crisis Group 2006, *Uribe’s Re-election: Can the EU help Colombia develop a more balanced peace strategy?*, Latin America Report N°17, 8 June, p.9 <[http://www.crisisgroup.org/library/documents/latin\\_america/17\\_uribes\\_re\\_election.pdf](http://www.crisisgroup.org/library/documents/latin_america/17_uribes_re_election.pdf)> Accessed 9 June 2006

<sup>28</sup> International Crisis Group 2009, *Uribe’s Possible Third Term and Conflict Resolution in Colombia*, Latin America Report N°31, 18 December, p.18 <[http://www.crisisgroup.org/~media/Files/latin-america/colombia/31\\_uribes\\_possible\\_third\\_term\\_and\\_conflict\\_resolution\\_in\\_colombia.ashx](http://www.crisisgroup.org/~media/Files/latin-america/colombia/31_uribes_possible_third_term_and_conflict_resolution_in_colombia.ashx)> Accessed 19 July 2010

should lead to respect for life and the real guarantee of their basic rights to members of the main opposition party in the country,” Lopez Obregon said.<sup>29</sup>

It was, however, reported in the above article that the most recent killing was “allegedly committed by a criminal group”. In the following two reports of the killing of PDA members in 2007 and 2006, it is similarly unclear whether they were targeted because of their association with the PDA. In April 2007, a community activist who was a member of both the PDA and the Corporation for Peace and Social Development died after being stabbed by unidentified assailants on a bus in the city of Medellin. The attack was thought to be the work of right-wing militias; reportedly, the Corporation for Peace and Social Development had been “struggling against the rightist gunmen” in Medellin.<sup>30</sup> In October 2006, a PDA member who was a student leader at the University della Valle, Cali, and a member of a non-government truth commission investigating the death of another student, was killed allegedly by paramilitary hit-men in his home neighbourhood.<sup>31</sup> Threats to other student activists followed.<sup>32</sup>

While reporting of political activism in Colombia generally indicates it has long been fraught with risks of violence, no other reports were found to specifically mention PDA supporters targeted for serious harm during the past five years.

It is noted that, following the 2006 elections, an analyst from Bogota’s Rosario University, Maurice Romero, commented that “[t]he near disappearance of the Liberal and Conservative parties puts the spotlight on the Polo, which now appears to be free to practice politics free of threats of violence”. A *Reuters* article citing Romero further stated that:

Thanks in part to the crime reduction that has made Uribe the most Colombian president in memory, the Polo’s growing base is largely unthreatened by right-wing militia that a decade ago greeted leftist politicians with gunfire.<sup>33</sup>

Other reports refer to security concerns during the 2006 elections. An article in the *Irish Times* reported that Gaviria’s campaign manager in the 2006 presidential election (a former high-profile unionist who had “narrowly survived an assassination attempt” in 2000), had bodyguards and a bullet-proof car. The authors reported:

Although the election was ostensibly free and fair, we formed the view that there was significant evidence of intimidation, threats and worse during the campaign period.

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We were told that threats to trade union activists, disappearances, and attacks by paramilitaries increased in frequency during the run-up to both the Congressional elections in March and the presidential elections in May...

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<sup>29</sup> Azodi, L 2010, ‘Opposition party member assassinated’, *Colombia Reports*, 18 November <http://colombiareports.com/colombia-news/news/12975-leader-pda-assassinated.html> <Accessed 18 May 2012>

<sup>30</sup> ‘Rightists blamed for murder of community activist in Colombia’ 2007, *EFE News Service*, 24 April 2007, FACTIVA – Accessed 18 May 2012

<sup>31</sup> Colombia Solidarity Campaign 2006, *Urgent Action: Julian Hurtado – Another University of Valle Student is Killed*, Colombia Action Network, 5 October <<http://www.colombiasolidarity.org/en/node/88>> Accessed 14 April 2008

<sup>32</sup> Walsh, E G 2006, *Colombia’s Student Movement Resists*, WorldPress.org, 24 October <<http://www.worldpress.org/Americas/2534.cfm>> Accessed 14 April 2008

<sup>33</sup> Bronstein, H 2006, ‘Colombian left gains clout after rejecting rebels’, *Reuters*, 31 May, FACTIVA – Accessed 18 May 2012

Against this background, and the human rights violations described elsewhere in this report, it is hard to view the elections as genuinely free and fair.<sup>34</sup>

The PDA's campaign manager also commented that security had become the most important issue of the campaign.<sup>35</sup>

It is noted that each USDOS report on human rights in Colombia during the past five years mentions violence against political activists, albeit without specific mention of the party allegiances. For example, it was reported that, in 2007, 25 candidates were killed in the lead-up to the 2007 local elections, "[n]ew illegal groups, paramilitaries that refused to demobilize, and the FARC threatened and killed government officials", and 16 council members were killed. The reports for 2008 and 2009 made the same statement, indicating that government officials were also threatened and killed outside of election periods.<sup>36 37</sup> Specifically in relation to incidents of kidnapping in 2009, the USDOS reported:

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. The government's National Fund for the Defense of Personal Liberty (Fondelibertad) reported 160 kidnappings for extortion during the year, a decrease of 18 percent from 2008... Fondelibertad revised its current estimate of the number of victims currently kidnapped down to 125 (66 held by the FARC, 10 by the ELN, and the rest by new illegal groups or paramilitary members who refused to demobilize). Some human rights groups questioned the figure, arguing that the true number ranged from 600 to several thousand.<sup>38</sup>

#### **4. Please provide information relating to the availability of state protection for PDA supporters or members who are harmed due to political activities.**

No reports were found to indicate that state protection has been withheld from PDA supporters or members. Effective state protection does, however, appear to be limited.

The US DOS reports that, following Juan Manuel Santos's inauguration as President of Colombia in August 2010, his administration has "maintained positive trends in security consolidation". Reportedly, security forces captured, killed, or demobilised over 3000 guerrillas and members of criminal gangs in 2011, and operations coordinated by the police and military resulted in the death of two FARC commanders and the leader of a neo-paramilitary group.<sup>39</sup>

PDA sources claimed, however, that "some 50 political and social leaders have been assassinated in Colombia in the first 90 days of Juan Manuel Santos' administration":

The victims are leftist politicians, unionists, social leaders, farm workers, indigenous, and youth leaders, as well as human rights defenders, members of the homosexual

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<sup>34</sup> Justice for Colombia 2006, *Rule of Law? Report of a lawyers' delegation to Colombia*, May, p.11 <[www.justiceforcolombia.org/ruleoflaw.pdf](http://www.justiceforcolombia.org/ruleoflaw.pdf)> Accessed 12 March 2007

<sup>35</sup> Justice for Colombia 2006, *Rule of Law? Report of a lawyers' delegation to Colombia*, May, p.11 <[www.justiceforcolombia.org/ruleoflaw.pdf](http://www.justiceforcolombia.org/ruleoflaw.pdf)> Accessed 12 March 2007

<sup>36</sup> US Department of State 2008, *Country Report on Human Rights Practices 2007 – Colombia*, 11 March, Section 3 <[www.state.gov/g/drl/rls/hrrpt/2007/100633.htm](http://www.state.gov/g/drl/rls/hrrpt/2007/100633.htm)> Accessed 12 March 2008

<sup>37</sup> US Department of State 2009, *Country Report on Human Rights Practices 2008 – Colombia*, 25 February, Section 3 <[www.state.gov/g/drl/rls/hrrpt/2008/wha/119153.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119153.htm)> Accessed 26 February 2009

<sup>38</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Colombia*, 11 March, Section 1b <[www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm)> Accessed 12 March 2010

<sup>39</sup> US Department of State 2012, *Background Note – Colombia*, 6 March <<http://www.state.gov/r/pa/ei/bgn/35754.htm>> Accessed 21 May 2012



community and children, according to PDA president Clara López, in a report that she presented before the National Executive Committee (CEN).<sup>40</sup>

Human Rights Watch's report on Colombia for 2011 indicates that the targeting for harm of activists from a broad range of interest groups by "irregular armed groups" remains common. According to Human Rights Watch:

Colombia's internal armed conflict continued to result in serious abuses by irregular armed groups in 2011, including guerrillas and successor groups to paramilitaries. Violence has displaced millions of Colombians internally, and continues to displace tens of thousands every year. Armed actors frequently threaten or attack human rights defenders, journalists, community leaders, teachers, trade unionists, indigenous and Afro-Colombian leaders, displaced persons' leaders, and paramilitaries' victims seeking land restitution or justice.

... paramilitary successor groups continue to grow, maintain extensive ties with public security force members and local officials, and commit widespread atrocities. There has also been ongoing violence against rights defenders, community leaders, and trade unionists. Candidates campaigning for the nationwide and local elections in October 2011 were also frequently killed amid reports of alleged links between candidates and armed groups. According to the Colombian NGO Mision de Observacion Electoral, 40 candidates were killed in 2011, representing a 48 percent increase in such crimes reported during the 2007 local elections. Moreover, new constitutional reform proposals promoted by the Santos administration could facilitate impunity for human rights abuses by giving a greater role to military courts in prosecuting military abuses, and by opening the possibility for amnesties for serious violations by all actors.<sup>41</sup>

The USDOS also reports that the kidnapping of government figures is a problem:

The FARC and ELN continued to commit numerous kidnappings, which remained a major source of revenue. The FARC also held politicians, prominent citizens, and members of the security forces to use as pawns in prisoner exchanges.<sup>42</sup>

Additionally, the USDOS provides information regarding Colombia's law enforcement system, noting that impunity remains a challenge:

The National Police are responsible for internal law enforcement and are under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Administrative Department of Security (DAS) and the Prosecutor General's Corps of Technical Investigators (CTI). The army also shared limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas. The government continued to expand education and training for the armed forces in human rights and international humanitarian law (IHL). The government's comprehensive human rights and IHL policy for the public security forces emphasized designing better instruction processes and practical training in human rights. During the year the Prosecutor General's Human

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<sup>40</sup> 'Some 50 Leaders Assassinated in Colombia since Santos Assumed Power' 2010, Colombia Support Network, unofficial translation of an article sourced from: *EFE Agency*, 9 November  
<<http://colombiasupport.net/2011/01/some-50-leaders-assassinated-in-colombia-since-santos-assumed-power/>>  
Accessed 18 May 2012

<sup>41</sup> Human Rights Watch 2012, *World Report 2012 – Colombia*, January <<http://www.hrw.org/world-report-2012/colombia>> Accessed 18 May 2012

<sup>42</sup> US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 3  
<[www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm](http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm)> Accessed 11 Apr 2011

Rights Unit issued 28 arrest orders for armed forces personnel involved in extrajudicial killings, the majority of which occurred before 2010. However, claims of impunity continued to be widespread, due in some cases to obstruction of justice, a lack of resources for investigations and protection for witnesses and investigators, delay tactics by defense attorneys, and inadequate coordination among government entities that sometimes caused terms of incarceration to end, thereby resulting in a defendant's release from jail before trial.<sup>43</sup>

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<sup>43</sup> US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 1d <[www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm](http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm)> Accessed 11 Apr 2011

<sup>44</sup> US Department of State 2011, *Country Report on Human Rights Practices 2010 – Colombia*, 8 April, Section 3 <[www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm](http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm)> Accessed 11 Apr 2011

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