

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-81/2020 English

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## I/A Court H.R. Protecting Rights

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### COLOMBIA IS RESPONSIBLE FOR THE VIOLATION OF THE POLITICAL RIGHTS AND JUDICIAL GUARANTEES OF GUSTAVO FRANCISCO PETRO URREGO

*San Jose, Costa Rica, August 18, 2020.* In the judgment of **Petro Urrego v. Colombia** notified today, the Inter-American Court of Human Rights found the State of Colombia responsible for the violation of the political rights and judicial guarantees of Gustavo Francisco Petro Urrego.

The official summary of the judgment can be consulted [here](#) and the complete text of the judgment can be consulted [here](#) [in Spanish only].

The case relates to the violations resulting from the sanction of dismissal from office as Mayor of Bogotá, D.C., and disqualification from occupying public office for 15 years, imposed by the Office of the Attorney General (*Procuraduría General de la Nación*) on December 9, 2013.

When examining the case, the Court found a violation of Mr. Petro's political rights because of the sanction imposed on him that led to his removal from office as Mayor of Bogota and his disqualification from holding public office for 15 years. These sanctions were taken by the Office of the Attorney General (an administrative authority), constituting in this form a violation of his political rights and those of his electorate, as well as of the democratic principle.

In addition, the Court concluded that the legal framework that authorized the Office of the Attorney General to impose sanctions of disqualification or dismissal of democratically elected officials, and in particular those contained in the Unified Disciplinary Code, constituted a breach of the State of its duty to adopt domestic legal provisions. Therefore, the Court ruled that Mr. Petro's political rights were violated in terms of Article 23 of the Convention (political rights), in relation to Articles 1(1) and 2 of the same instrument (obligation to respect the rights and the duty to adopt domestic legal provisions)

Furthermore, the Court concluded that the disciplinary procedure against Mr. Petro did not respect the guarantee of impartiality or the principle of the presumption of innocence, because the way the procedure was designed meant that the same authority was responsible for issuing the charges and, then, for determining their admissibility. Thus, it concentrated the investigation, prosecution and sanctioning powers in one person. The Court found that the lack of impartiality crosscut the whole proceedings, making Mr. Petro's right of defense illusory. In addition, the Court noted that, in this case, there had been a violation of the principle of jurisdiction because an administrative authority ordered the sanction against Mr. Petro. The facts described constituted violations of Articles 8(1) and 8(2)(d) of the American Convention, in relation to Article 1(1) of this instrument.

Lastly, the Court concluded that the alleged violation of Mr. Petro's right to personal integrity owing to the effects of the sanctions imposed on him by the Attorney General's Office, the Comptroller's Office, and the Superintendence of Industry and Trade, had not been proved.

Based on these violations, the Court order different measures of reparation. Among others, the publication of the Judgment in its entirety on the official website of the Attorney General's Office, and the harmonization of Colombia's legal framework in accordance with the provisions of the Judgment, in such a way that that decisions of administrative authorities cannot remove or disqualify democratically elected officials.

Judges Patricio Pazmiño Freire and Eugenio Raúl Zaffaroni announced their partially dissenting individual votes.

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