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## **REPORT OF THE ELECTORAL OBSERVATION MISSION IN THE REPUBLIC OF COLOMBIA - 2002**

This document is being distributed to the permanent missions and will be presented to the Permanent Council of the Organization.



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September 26, 2003

Excellency:

I have the honor to address Your Excellency to request your kind assistance in having distributed to the members of the Permanent Council the attached report of the OAS Electoral Observation Mission in Colombia. The report reflects the activities undertaken by the Mission during the observation of the general elections in Colombia, held on May 26, 2002.

Accept, Excellency, the renewed assurances of my highest consideration.

Luigi R. Einaudi  
Assistant Secretary General  
In charge of the General Secretariat

His Excellency  
Ambassador Raymond Valcin  
Permanent Representative of Haiti  
Chairman of Permanent Council of the  
Organization of American States  
Washington, D.C.

**ORGANIZATION OF AMERICAN STATES**

**REPORT OF THE  
ELECTORAL OBSERVATION MISSION  
FOR THE PRESIDENTIAL ELECTIONS**

**REPUBLIC OF COLOMBIA  
2002**

**Unit for the Promotion of Democracy**

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We wish to thank the Colombian authorities for their cooperation in the monitoring and observation activities carried out by representatives of the General Secretariat of the Organization of American States.

*We also wish to thank those who took part in preparing this report.*

## *CHAPTER I. INTRODUCTION*

The Electoral Observation Mission (EOM) of the Organization of American States (OAS), whose purpose was to witness the electoral processes conducted in Colombia in 2002, was conducted at the invitation of the Government of the Republic of that country, through its National Commission for Electoral Monitoring. The Commission requested that the OAS monitor the congressional elections held on March 10, 2002, and observe the various stages of the process for the election of the President and Vice President of the Republic, which occurred on May 26.

Pursuant to the provisions of Article 24 of the Inter-American Democratic Charter, agreements were signed regarding observers' privileges and immunities and observation procedures. Following that same article, the Government of Colombia pledged to guarantee conditions of security, free access to information and cooperation with the Observation Mission.

The OAS Secretary General appointed Mr. Santiago Murray to serve as Chief of Mission. Mr. Murray is Coordinator of the Strengthening Electoral Processes and Systems Area of the Unit for the Promotion of Democracy.

Although observation of the congressional elections by a small number of observers did not follow the formal procedures established for a regular Electoral Observation Mission, it did represent a fundamental step forward in terms of OAS participation in the entire electoral process of the Republic of Colombia in 2002. The information obtained during this first stage of the process, in March 2002, proved highly significant from the standpoint of the presidential elections held in May of the same year. This was in particular because of significant irregularities that became apparent shortly after the elections and which had a decisive influence on the process for electing the President and Vice President of Colombia for the next four years.

This report covers the observations by OAS representatives in both electoral processes, with particular emphasis on aspects related to the presidential elections. It will also offer general information, by way of background, about the functioning of the Colombian political system and specific conditions that set Colombia apart from other countries in the hemisphere.

Presentation of this report more than one year after the presidential elections in Colombia has made it possible to obtain greater clarity about the events that took place during this period, which was marked by a number of circumstances warranting special attention. The first concerns changes that have occurred in the Colombian electoral authorities, i.e. the National Electoral Council and the National Civil Status Registry. This change has coincided with discussions now underway in the country on political reform, which includes the electoral legislation and poses new challenges in the administration and organization of electoral processes. Also during this year, the OAS General Secretariat, through the Unit for the Promotion of Democracy, has contacted the new electoral authorities to identify and design technical assistance strategies for the exchange of successful practices and mechanisms for horizontal cooperation with other countries in the region.

Colombia is currently considering the possible use of new technologies to help improve and modernize the Colombian electoral administration system. These aspects are addressed by the Mission's recommendations and are included in the conclusions and recommendations section of this report.

## CHAPTER II: POLITICAL PARTIES AND THE ELECTORAL SYSTEM IN COLOMBIA

To provide a clearer idea about the processes referred to in this report, a number of general comments about the operations of political parties and that the main features of the electoral system are in order. Particularly worthy of mention, in connection with the 2002 elections, are the renewed strength of political movements, at the expense of traditional political parties, and the absence of rigorous legislation to govern them, which during the elections, for instance, permitted two separate tickets to be registered for a single party.

### A. POLITICAL PARTIES

#### 1. The crisis in traditional political parties

The May 26 election contest revealed a deep-seated crisis in the structure, methods and interaction of the traditional political parties. This in a country that during the second half of the twentieth century had a solidly established bipartisan system, so much so that the National Covenant even made provision for the two parties –Liberals and Conservatives- to alternate control of the presidency and to divide the Congressional seats between them.

The decline in the popularity of the traditional political parties was obvious in the March 10 elections. The number of political movements, which under the current election laws are, procedurally speaking, relatively simple to create and register with the National Registry, had increased greatly. According to various authoritative sources in the country, the crisis may be the result of several factors. It may be that the traditional ways of doing politics have become clichéd. Another theory is that the political actors are unable to reach agreement and form alliances; still another is that voters no longer perceive the political parties as being able to provide solutions to the nation's problems. Other possibilities include the proliferation of diverse schools of thought and of politics inside the parties, each looking for a stage upon which to articulate its political goals and programs.

The present situation of Colombia's political parties is a result of the evolution of the country's democratic system under the influence of the political, social and public order in the country. Militant members and leaders of the traditional political parties have opted to create movements to promote their own platforms and disassociate themselves from party ticks of the past. Only one of the principals in this year's presidential contest was a traditional party's nominee: Horacio Serpa Uribe, of the *Partido Liberal*. Another candidate, Ingrid Betancour of the *Partido Verde Oxígeno*, represented a more modern party. The *19 de abril* guerrilla movement had token



representation, having thrown its hat into the political ring more than ten years ago; the other 8 candidates represented various political movements.

The best example of the strategy of the political movements is Álvaro Uribe Vélez, candidate for the *Movimiento Primero Colombia*. During his political career, he was an activist in the *Partido Liberal*, was elected to office based on that activism and served as Horacio Serpa's debates chief in the 1998 election. When he decided to leave the *Partido Liberal* and make a bid for the presidency, he did so with the support of the *Partido Conservador* and carried with him the support of many current and former Liberal Party members.

The Mission observed constant shifts, alignments, and splits in the ranks of the *Partido Liberal* and other political movements. Depending on what their preferences were, many lined up behind the self-styled "dissident" liberal. The Mission also watched as dissident liberals and conservatives formed two other strong movements, such as the group composed of unions and political associations that describe themselves as "leftist". The first of the two movements, the *Sí Colombia* movement, with candidate Noemí Sanín heading its ticket, started out the campaign very strong, but lost strength as politicians disaffected, preferring instead to affiliate themselves with *Primero Colombia*.

The second, *Polo Democrático*, is probably the strongest institutional alliance in these elections, rallying several political associations and labor organizations from different parts of the country around the figure of Luis Eduardo Garzón. *Polo Democrático* is expected to be an important factor in future elections.

## 2. Political parties and movements and electoral campaigns

Aside from the disruption of public order, which we shall refer to further on, and the impact it had on the campaigns during the election, other factors also had decisive effects on the process. There were disparities in terms of access to the media and a critical attitude among the candidates toward the Electoral Organization, in light of what had transpired during the congressional elections. Polemics ensued, with the three major candidates resorting to personal recriminations and public denunciations of past incidents, which became the subject of more discussion and debate than the government's programs and proposals.

The presidential candidates' mistrust regarding the transparency and efficacy of the May 26 election and their concern over what had happened on March 10 became readily apparent in the many conversations that the candidates themselves or members of their campaign teams had with the Chief of Mission or electoral observers. The *Partido Liberal*, the *Polo Democrático* and the *Movimiento Primero Colombia* all expressed disapproval of what happened on March 10 in complaints made directly to the Mission. For his part, presidential candidate Harold Bedoya asked the Attorney General and the National Electoral Council to nullify those legislative elections.

In general, all the political parties and movements said that they favored a change in the composition and procedures of the National Registry of Vital Records and

of the National Electoral Council. They were unhappy with the slow pace of the procedure used to settle the problem and proposed ways to prevent falsification or adulteration of the minutes of the vote counts in the presidential election. They protested the fact that no provision in the law made it mandatory to supply the representatives of the political parties and movements with a legitimate copy of the results of the polling stations' vote count. Candidate Uribe Vélez proposed that the records of the E14 vote count be scanned and sent via e-mail to the political parties and movements. Although the Mission supported the suggestion, it did not carry. The only change was to publish the pre-count results on a Registry Intranet site to which every campaign would have access. There were numerous complaints about the election judges' lack of training. The composition of the CNE was another source of dissatisfaction. Here, the *Polo Democrático's* platform included a proposal for changing the CNE's makeup, which was also presented to the Mission observers.

The "personality polemic" began in a veiled fashion at the start of the year, and became noticeably more intense in the last month of the campaign. Basically, it was a fight between candidates Horacio Serpa and Álvaro Uribe, with Noemí Sanín and the regional and national media participating to a lesser extent. The polemic consisted of mutual fingerprinting and accusations about each other's past.

### 3. Laws applicable to political parties and movements

Colombia's Constitution makes provision for the political and campaign organization of the citizenry. Under Article 107, "All citizens are guaranteed the right to establish, organize, and promote parties and political movements and the freedom to become affiliated with them or to withdraw from them. Social organizations are also guaranteed the right to demonstrate and to participate in political events."

To have legal status, political parties or movements must substantiate their existence with no fewer than 50,000 signatures, or must have won as least as many votes in the previous election or have won representation in Congress. The requirements are the same to register a candidate for an election. The number of signatures that this provision requires is not difficult to obtain, and at present the National Electoral Council recognizes the legal status of 75 political parties in Colombia. Furthermore, the larger movements and citizens groups can also register candidates by simply gathering the 50,000 signatures mentioned earlier.

In the matter of campaign financing, Article 109 of the Constitution stipulates that the State shall contribute to the financing of election campaigns of parties and political movements with legal status. The other parties, movements, and significant groups of citizens that run candidates will receive campaign funding if they carry the percentage of the vote that the law requires. Under the election law, it is the National Electoral Council that sets the campaign spending limits and the maximum amount that individuals can contribute. The CNE is also charged with receiving the public rendering of accounts that parties and movements must file within 30 days after the election. In

terms of access to the media, Article 111 of the Constitution accords political parties and movements with legal status the right to use the State-owned mass media at any time and in accordance with the law.

The law's somewhat liberal requirements for candidate registration are conducive to the proliferation of minority parties. These minority parties manage to meet the requirements to receive campaign funding and participate in the election, even though they have no chance of winning. In this presidential election, minority parties ran six tickets. Two of them belonged to the same political movement: the *Movimiento de Participación Comunitaria*. Toward the end of the election campaign, one candidate claimed that this was an irregularity. However, because of a loophole in the law both candidates were able to run, even though both had the backing of the same political movement.

The situation regarding the candidacies of Ingrid Betancour and Clara Rojas posed a challenge in terms of the interpretation and application of the current electoral legislation. According to the requirements stipulated in the Electoral Code, Law 130 of 1994, Law 163 of 1994 and the approved election timetable, presidential candidates are to submit a signed registration application to the CNE and then issue a statement wherein they accept their party's nomination, as stipulated in Article 92 of the Electoral Code. The *Partido Verde Oxígeno's* presidential candidate could not satisfy the latter requirement (its vice-presidential candidate, Clara Rojas, was unable to satisfy either of the two requirements) because she was kidnapped. The situation triggered speculation among the political actors and in the media about the presence of the *Verde Oxígeno* ticket in the race and about its legality and legitimacy.

One presidential candidate, General Harold Bedoya, remained steadfastly opposed to Ingrid Betancour's candidacy right up to the end, arguing that she was absent from the campaign. The other presidential candidates opted instead to make statements calling for the two women's release, leaving the matter of their candidacy to the National Electoral Council. In ruling on the candidacy of Ingrid Betancour, the Council based its decision on a proposal issued in January 2002 on this very subject, which determines that kidnapping shall under no circumstances be a legal or constitutional impediment to the right to be elected to public office. While the Mission did not issue any opinion in this matter, it did follow it closely and stepped up its efforts to aid the campaign to win the two kidnapped women's release, as a necessary condition to the exercise of democracy in Colombia. It also provided support to and accompanied her campaign team.

## B. ELECTORAL SYSTEM

### 1. *Current Electoral Legislation*

The election laws now in force are based on the 1991 Constitution, which organizes the Colombian State as a unitary, decentralized, democratic and pluralistic

republic whose territorial entities are autonomous. In a number of its articles the 1991 Constitution spells out the parameters of voting in Colombia, the officials who must be elected by popular vote, and the composition of the Electoral Organization, which is made up of the National Electoral Council and the National Registry of Vital Records (Article 120 of the Political Constitution).

In addition to the Constitution, other laws, regulations and decrees, chief among them the following, also govern the election system in Colombia:

- The Colombian Election Code - Decree 2241 of 1986, which contains general provisions concerning the election organization, identification cards, electoral censuses, listing of identification cards and voter rolls, registration of candidates, voting and canvassing the vote, regulation of the presidential delegates and the governors, election-related crimes and penalties.
- The New Penal Code - Law 599 of 2000, which criminalizes certain behaviors prejudicial to the machinery of democratic participation and stipulates the penalties those crimes carry.
- Law 130 of March 23, 1994, "which enacts the Basic Statute of the political parties and movements, stipulates provisions as to their funding, campaign funding, and other provisions."
- Law 199 of 1995 and Decree 2546 of 1999, which provide that while organization of the election process is the job of the electoral authorities, a combined effort is needed enlisting authorities from all three branches of government, with the Ministry of the Interior coordinating.
- Decree 2267 of 1997, which created the committees for cooperation and follow-up of the electoral processes to coordinate all activities of authorities involved in elections at the municipal, departmental and national levels.

The body of election law also includes an extensive number of resolutions passed by the National Electoral Board, regulating specific aspects of the Electoral Organization.

In general terms, the election law provides an adequate foundation for an orderly electoral process, and observance by authorities, political parties and movements and the general citizenry is satisfactory. However, in a significant portion of the national territory, threats to law and order make full enforcement of the election law difficult. Therefore, temporary measures have to be taken as circumstances dictate. Furthermore, certain gaps in the law, if corrected, would give more force, coherence and legitimacy to the election system. First, Law 130 of 1994, which governs the political parties and movements, allows parties and movements to be formed with little in the way of formalities and requirements; candidates for elective office who do not have the support of any party or movement can still run if they have the support of a group of citizens. The lack of formality that attends the formation of new political parties and

movements has certain negative consequences for efficient election organization. When parties and movements are so easily formed, what generally happens is that time and resources have to be spent managing and regulating a plethora of political movements that are not necessarily significant in terms of the number of people each one represents.

Furthermore, while the 1986 Colombian Electoral Code is a well-structured law, it predates the 1991 Constitution, which means that many of its provisions no longer apply, having been supplanted by those in the Constitution. The latter need to be introduced into the Electoral Code and enforced. The Mission believes that the Colombian State should move quickly to consider amendments to the legal texts governing the electoral process with a view to instituting, in the very near future, a new Electoral Code that can achieve the objectives set out in the Constitution and the international instruments on elections and that can put into practice new techniques that ensure impartial mechanisms for the administration of free and transparent elections that are faithful to the will of the people and efficient.

In terms of dissemination of the legislation in advance of the May 26 elections, the National Registry of Vital Records provided election judges (poll workers), political parties and movements, public officials from other parts of government that cooperated in staging the elections and the general public with brochures and manuals on the essential points of the law. The National Electoral Council, for its part, published a c.d. containing a collection of all election-related laws applicable to the March 10 and May 26 elections. The Ministry of the Interior, as chair of the National Committee for Coordination and Follow-up of Elections, prepared and distributed pamphlets on voting procedure, election-related crimes, factors that disqualify one from or are incompatible with a run for popularly elective office, and so on. The political parties and movements, for their part, published handbooks for their election witnesses, which made very clear references to the law. The corresponding authorities supplied all these materials to the Mission. Every observer was then acquainted with them.

Despite these efforts the information made available to the public about the current election laws and electoral procedures in general was insufficient. These materials were not made available to the vast majority of the population. Also, there were no mechanisms in place to answer doubts and resolve problems.

## 2. Electoral Organization

Under Article 120 of Colombia's Constitution, "The Electoral Organization consists of the National Electoral Council, the National Registry of Vital Records, and of the other organs established by law. It is responsible for organizing, directing and

overseeing elections, and for matters related to personal identification.”

The National Electoral Council is the highest-ranking electoral body and the ultimate authority in charge of inspecting and overseeing the entire Electoral Organization. It also sets policy on the election-related procedures that are the basis of democratic government.

The National Electoral Council sits at the head of the Electoral Organization and is composed of nine member elected by the Council of State to four-year terms, from slates put together by the legally recognized political parties and movements. The Council has to establish the political composition of the Congress. Its members shall have the same qualifications that the Constitution requires for justices on the Supreme Court and may not be re-elected.

The functions of the National Electoral Council emanate from the special authorities it is given under Article 265 of the Constitution and the other authorities given it by law: to serve as the Electoral Organization’s ultimate authority in matters of direction and supervision; to see that the election-related provisions of the Constitution and the election law are observed by inspecting and overseeing the Electoral Organization; to elect and remove the National Registrar of Vital Records; to see that the rules and regulations on political organizations are observed; to apportion campaign finance contributions; to serve as an advisory body to the government; to count ballots in all nationwide elections and declare the outcome; to recognize the legal status of political parties and movements and regulate their participation in State-owned mass communications media, and to help conduct their internal polls.

The mission of the National Electoral Council is to preserve democracy with the rule of law by the people. It is to be organizationally independent and autonomous in terms of its human, technical and economic resources, and its functions are to be performed in accordance with the principles of participatory democracy.

The mission of the National Registry of Vital Records is, for the most part, to execute the National Electoral Council’s policies in relation to the three basic functions essential for rule of law by the people, namely:

- *Civil registry of persons.* The purpose of this function is to compile and organize a person’s vital statistics from birth to death, through marriage and widowhood, all in a single document.
- *Identification.* With this function, the Registry assigns each person his/her own official identification document: the citizenship card, which is issued when the person is 18.
- *Elections.* The purpose of this function is to give citizens an opportunity to participate in elections, to exercise one’s basic right to vote and be elected to public office.

The mission of the National Registry of Vital Records is to achieve standards of quality, efficiency and technology that win it recognition as a leading public institution in Latin America before 2006.

The National Registrar of Vital Records, who is elected by the National Electoral Council, is the legal representative of the entire Electoral Organization. His/her function is to direct and organize the elections, the civil records and the identification of persons. The Registrar delegates these functions to representatives in the thirty-two (32) departments, the District Capital and to the registrars in every municipality in Colombia.

### 3. Competence of the Colombian state in the electoral organization

One of the distinctive features of Colombian elections is that many authorities - from every branch of government- are intensely involved in organizing the elections, right from the start. In effect, before it even arrived in Colombia, the Mission was aware that various ministries, judicial authorities and persons representative of the executive branch of local government, were all working in collaboration with the Electoral Organization to prepare for the elections. This was partly because of the Colombian State's political tradition; but it was also because of the very difficult law and order situation. Because of the latter, the Electoral Organization needed help to prepare for and conduct the elections and the procedures involved. It was vital that the Mission understand the functions of each agency, how they all interacted, and the legal basis for the functions each one was performing.

Under the 1991 Constitution, the three branches of government are the legislative, the executive and the judicial. The legislative branch is made up of the Senate and the House of Representatives; the executive branch is the President, his ministers and directors of government departments, departmental governors and mayors; the third branch consists of the Constitutional Court, the Supreme Court, the Council of State, the Office of the Attorney General, and the Superior Council of the Judiciary. There are other autonomous and independent organs as well: those with control-related functions, such as the Office of the Comptroller General of the Republic and the Public Ministry, headed by the Solicitor General. The Ombudsman's Office is part of the Public Ministry. Other autonomous and independent organs include the Electoral Organization, composed of the National Electoral Council and the National Registry of Vital Records, whose function is basically to organize popular elections and keep the country's vital records up to date.

Under the election-related clauses of the Constitution and other legal instruments, the Electoral Organization is to have a role in elections, but so do other agencies from all three branches of government. The purpose is to ensure transparent elections and clean voting, and to protect the safety of the candidates, instill the culture of voting and civic mindedness, and encourage citizen participation.

Elections in Colombia necessitate a combined, collaborative effort on the part of the Ministry of the Interior, the Ministry of Communications, the Ministry of National Defense, the Solicitor General's Office, the Ombudsman's Office, the Attorney General's Office, the Office of the Comptroller General of the Republic and the other heads of department and the 1123 municipal governments nationwide.

The involvement of so many agencies in organizing and running elections is particularly challenging in a country with a Constitution that sets very exact limits on the exercise of power, where the public's most basic human rights are violated, and that has serious law and order problems. The security situation in Colombia today is such that the State has an obligation to ensure a certain degree of safety and law and order, necessitating the adoption of measures that, in the case of elections, cannot be exercised exclusively by the Electoral Organization and that do not always result in the kind of agile and efficient administration needed in an election in which 24 million people are called to participate.

#### 4. *The election coordination and follow-up committees*

Election Coordination and Follow-up Committees are set in motion in order to coordinate the activities of the various authorities helping to organize the elections. Those committees were created by Decree 2267 of 1997, in order to have a body that enables the various entities with competence in the election process to negotiate and confer, especially given the difficult law and order problem the country is experiencing. At the national level, the Ministry of the Interior heads the Committee. Its job is to coordinate all the authorities involved, in accordance with Law 199 of 1995 and Decree 2546 of 1999. Also serving on the National Committee is the Minister of Communications, the Minister of National Defense, the Solicitor General, the Ombudsman, the Juridical Secretary from the Office of the President of the Republic, the Attorney General, the Chairman of the National Electoral Council, and the National Registrar of Vital Records, or their delegates. As State control agency, the Office of the Comptroller General of the Republic is also invited to participate, as are spokespersons for the legally recognized political parties and movements, the candidates, the social movements and important groups of private citizens. Election coordination and follow-up committees are also organized at the departmental and local levels, and each looks to the specific needs of its respective department and/or municipality.

To ensure election transparency and clean balloting, the Committee designates inter-institutional election monitoring and control committees. Different authorities sit on these committees. The National Committee is composed of the Minister of the Interior, the Solicitor General, the Ombudsman, the Chair of the National Electoral Council and the National Registrar of Vital Records. The departmental committees are composed of the governor, the departmental Solicitor General's Office, delegates appointed by the National Electoral Council, departmental delegates of the National Registry, and the Regional Ombudsman. At the district level, the committees consist of the district mayor, the district representative, the Registry's delegate and the Chief of



Police. Lastly, at the municipal level, the Committee members are the municipal mayor, the municipal representative, the Registry's delegate and the Police Chief.

These Committees report any complaints to the National Committee, which is to immediately launch any appropriate criminal, disciplinary, or fiscal investigation, and undertake other government

measures necessitated by the breach of the electoral system. In the eight days prior to the elections and the eight days following them, the Committees also form rapid-response groups to attend to complaints.

The Mission made contact with each and every member of the National Coordination and Follow-up Committee and with a number of departmental committees. In general, the authorities welcomed our group of observers, inviting them to participate in the National Committee's weekly meetings and in the national tour that authorities made to introduce the Democracy Plan. They also opened the individual meetings' doors to the Chief of Mission and/or groups of observers.

Accordingly, meetings were held with officials from the Ministry of the Interior, with the Attorney General, the Solicitor General of the Nation, the Ombudsman, officials from the Ministry of Communications and, of course, the Chairman of the National Electoral Council and the National Registry of Vital Records. To a person, the authorities gave the members of the Mission a warm welcome and indicated a willingness to share information and hear and take into account the Mission's misgivings and concerns. In general, the authorities kept an open attitude, intended to demonstrate professionalism and efficiency in discharging the electoral duty.

The irregularities that occurred in the March 10 elections (see the chapter on this subject) gave the National Committee an opportunity to demonstrate how efficient and effective it could be in discharging its duty. Those irregularities necessitated the involvement of all the authorities represented on the Committee, in an effort to find a solution to the problems that occurred on March 10 and to restore the political actors' and citizens' lost confidence in their election officials and rebuild their trust in time for the May 26 election.

While the response to the events of March 10 did not come as quickly as one might have hoped, the authorities from the various branches of government did comport themselves in a professional, transparent and efficient manner for those congressional elections, and did so again for the presidential election. Given the social, political and security issues in Colombia, the formation of the coordination and follow-up committees was a suitable measure to guarantee that the electoral processes and the actual balloting would proceed as "normally" as possible, with justice, transparency, and the spirit of democracy that must be present in the region's electoral processes.

### CHAPTER III. THE MARCH 10 LEGISLATIVE ELECTIONS

As indicated earlier, the Mission witnessed the elections of a new Senate and House of Representatives. In the days that followed, a number of problems arose that prevented the National Electoral Council from immediately declaring the election of all 102 new Senators, and which also raised doubts about a certain number of seats in the lower chamber. Very shortly thereafter, these irregularities began to take on the shades of electoral infractions, which obliged authorities to conduct exhaustive investigations for the dual-purpose of finding those responsible and declaring the election consistent with the popular will expressed at the polls.

The electoral and criminal investigation process was slow and complicated. In fact, the election was not declared until the eve of the date designated for the new Congress to be sworn in, July 20. The investigation took its toll on the credibility, trustworthiness, efficacy and transparency of the Electoral Organization, just as the May 26 election was approaching.

A. ALLEGED IRREGULARITIES IN THE ELECTORAL PROCESS

*The Mission followed events closely, reviewing press accounts and commentary on the subject, interviewing electoral, judicial and government authorities involved in solving the case, and representatives of the political parties and movements and experts on the subject.*

The Mission was able to establish that the March 10, 2002 elections were marred by a number of irregularities. Within days of the municipal and departmental vote counts, the National Registrar of Vital Records and private citizens filed complaints with the National Electoral Council –and later with the Attorney General’s Office- reporting irregular situations in sufficient number to cast doubt on the outcome of the election and to suspect deliberate election fraud. Around 8,000 of the 60,174 polling stations were in question.

The complaints came from 24 departments and Bogotá. The irregularities were basically of two kinds:

- Adulteration of the E14 forms “Minutes of the Election Judges’ Tabulation” and E24 forms “Vote Count Results.” When the municipal and departmental votes were officially tabulated (which was 36 hours after the canvassing of votes at the polling stations), a striking difference became apparent between the pre-count results and/or the stubs of the E14 forms sent to the National Registry, on the one hand, and the results entered on the other two stubs of the E14 forms (for the *claveros* and the delegates from the National Registry, respectively) and the E24 forms. In a number of cases, the difference was sufficient to alter the announced pre-count result. When the various stubs of E14 and E24 forms were examined, scratch-outs were detected.
- Adulteration of the E10 forms “Voter Roll” and the E11 forms “List and register of voters” where the names shown on the forms did not match the number on their identification cards. These irregularities were discovered when the identification numbers were checked in the National Identity Archives, which the National Registry of Vital Records administers.

Complaints of both types surfaced in most departments; the numbers were greatest in various Atlantic Coast regions, specifically the departments of Bolivar,

Magdalena and Guajira. Complaints were also received of polling personnel being replaced in various places in the country. In several areas of the country, outlaw irregulars had prevented voting or coerced votes, although no one suspected or suggested that this had any impact on the outcome of the vote.

The first two situations drew two immediate reactions: an exhaustive examination of all the minutes in question, and in many cases a recount of the votes by the National Electoral Council in order to determine who the senators elected by the people actually were; and an investigation of the formal complaints that the National Registry and private citizens had filed with the Attorney General's Office, in which crimes were alleged. The Attorney General's Office would bring charges against the suspected authors of the electoral crimes, who would then be prosecuted in the regular courts.

#### B. INVESTIGATION OF ALLEGED IRREGULARITIES

The nine magistrates on the Council set about the task of reviewing the questionable minutes, drawing lots for the departments each one would evaluate to ascertain whether the facts as reported in the complaints were true. The Electoral Observation Mission was present for some of the examination and vote recounts; some observers were present at the public hearing that the National Electoral Council held on May 8, where representatives of the candidates inspected some of the voting minutes in question. The Mission was also present when the boxes containing the information on zone 8 of the Cartagena District were sealed. After being reviewed by the CNE, those boxes were sent to the Attorney General's Office to be studied as part of the criminal investigation.

Although the National Electoral Council was under enormous pressure to move quickly to arrive at the decision that would determine what the makeup of the Congress would be, or to do so at least before the May 26 election, the Council members decided to take the time needed to be certain that the declared outcome matched the will of the people. And so, the Congressional election was not declared until one day before the date set for Congress to be sworn in; in other words, on July 19, 2002, after nearly four months of investigations. And while the investigations represented the Council's political determination to resolve the situation, they also revealed a lack of organization among Council members and the communication problems that the Council members had with the National Registrar and with the court authorities.

The results were announced at a public hearing on July 19. The Council's decision was to nullify 17,000 votes cast at nearly one thousand polling stations nationwide. The list, made public once the Registry had nullified the votes through its data processing area, left prominent political figures without a Senate seat. All were from the Atlantic Coast, where the problem was most severe, and included such personalities as Carlos Espinosa Faccioline, Miguel Pinedo – who for many years had been President of the Senate-, Jaime Vargas, Carlos Ardila Ballesteros and Tito Edmundo Rueda. Espinosa was left out of the Senate when all the votes from zone 8 in the Cartagena tourist district were nullified; Pinedo lost part of his vote when the votes

cast at various polling stations in Magdalena and La Guajira, his election stronghold, were nullified. The other candidates whose results were in doubt, the representatives elected for Casanare, Cesar and Bolivar, were confirmed, although they carried fewer votes than originally thought.

In the case of the House of Representatives, the votes cast at some polling stations in Casanare and Meta were nullified, although this did not have an effect on the composition of the House as declared on March 10. A proposal was approved ordering nullification of the results from 130 polling stations in Cesar, which cancelled 17,974 votes. The proposal settled the claims brought alleging irregularities in the elections for the lower house in that department. The investigations discovered that 130 election judges had not been appointed to their positions. This decision did not in any way alter the makeup of the House.

The National Electoral Council was emphatic in declaring that its work was done and that it was now up to the Attorney General's Office and other judicial organs to decide what crimes had been committed.

For his part, the Attorney General received the bulk of the complaints during the first weeks in April. The facts denounced were so serious that he decided to designate two attorneys from the Unit of Supreme Court Litigators to take command of the investigations into the March 10 elections. It is important to note that for several years the Attorney General served as National Registrar and several members of his current team worked at the Registry, which gave them a uniquely in-depth understanding of this electoral body's work.

The Attorney General's Office instituted, at its own initiative and in response to complaints, 317 investigations nationwide. It ordered the seizure of all electoral documents from the places where the crimes were alleged to have been committed and did preliminary verification work on those papers. It then had graphics experts study the materials, matched the various stubs from the E14 forms, and reviewed the E24 forms. It discovered irregularities that, if proved, could constitute misrepresentation of facts on a public document, falsification or adulteration of a public document, and breach of public duty by omission.

A total of 165 persons were charged. Inquiries were instituted into 82 cases of election disruption; 66 cases of voter fraud; 28 cases of concealment, withholding and unlawful possession of identification cards; 22 cases of bribery of voters; and 12 cases of the use of false documents. Those alleged to be implicated included mayors, town councilors and judges who served as election officials in charge of locking, guarding and unlocking ballot boxes, vote counters, election judges, registrars and other public officials.

Prominent among these are the cases of the registrars of Dibulla, Guajira, María la Baja and Córdoba, Bolivar, and the judges on the canvassing committee for Cartagena precinct 8, against whom preventive measures were ordered.

During the March 10 elections, the Office of the Solicitor General received 295 complaints in writing; of these, 42 were against mayors, alleging improper participation in politics, 9 against governors, 19 against civil servants and 14 against heads of

decentralized agencies. The Office of the Comptroller General, too, conducted an investigation into reports of fraud, budget-related complaints and complaints about the hiring of private firms to run the elections.

### C. IMPACT ON THE PRESIDENTIAL ELECTION PROCESS

Within political circles, among candidates, at the office of the president, among government authorities and within the general public, the March 10 situation did not breed a sense of confidence in the Electoral Organization's reliability and legitimacy for purposes of the presidential election. First, it revealed an "apparent culture" of fraud in Colombia dating back to the era of the Frente Nacional government. In effect, officials at the National Registry, staff of the National Electoral Council, the Attorney General's collaborators, representatives of political movements and private citizens all told the observation team that voter fraud on the Atlantic Coast (where the problem is most severe) was virtually a recurring, almost institutionalized practice.

This time, however, the number of irregularities committed and the fact that they were spreading set off alarm and concern. Complaints of failures and inconsistencies in the electoral procedures soon began to pour in.

The media, political movements like *Primero Colombia*, *Colombia Si*, presidential candidates like Harold Bedoya, the *Partido Liberal*, political analysts and others complained that all election officials were untrained and may have committed irregularities out of ignorance of the law and of proper procedure; that there was little transparency in the selection of election judges; that pre-count procedures were unregulated, and so on.

The March 10 election also revealed structural problems within the National Electoral Council and the National Registry. According to a number of experts, the CNE does not have any self-monitoring system in place. The political connections of some Council members were revealed during these investigations: two disqualified themselves from examining the facts because of their ties to the candidates implicated in the inquiries. Two *ad hoc* judges had to be called up to examine the voting minutes and count the votes that the two disqualified members had been assigned. These *ad hoc* judges triggered a minor crisis in the CNE when they publicly requested that the entire election be nullified.

Overall, perhaps the greatest impact this issue had on the presidential election process was that election officials were more willing to make the organization of the presidential election as transparent as possible; they also tried to put what happened in the legislative elections behind them. Both the National Electoral Council and the National Registry worked tirelessly, with attention to every detail, to discharge their democratic commitment and to conduct a proper election. Measures were put into place to prevent falsification of voting documents and to destroy unused ballots.

In order to dispel the public's mistrust and to prevent fraud in the presidential election, the authorities involved in the investigation of the March 10 elections took specific measures for the presidential election. The Office of the Attorney General decided to station district attorneys and members of the Technical Investigation Corps [Cuerpo Técnico de Investigación] (CTI) at the polls in all the departmental capitals. Their job would be to confirm the identity of the voters when necessary.

Document and fingerprint experts were also on hand for that purpose. The Rapid Response Units were authorized to check the activities of the registrars or their delegates, right up to the moment when the triple-sealed minutes containing the election documents were sealed. Specifically, on the day of the presidential election the Attorney General's Office deployed 3,172 prosecutors, made a total of 210 arrests nationwide, out of which 12 were on suspicion of election related crimes. The EOM observed that the Attorney General's representatives were present at the polling stations on Election Day.

For its part, the Office of the Solicitor General of the Republic deployed one representative for every 10 voting stations nationwide. EOM observers confirmed the presence of these officials as well. The Office of the Solicitor General also created an Election Follow-up Committee to handle all complaints received by those representatives. Telephone lines were also set up for complaints.

Political reform was discussed in political and media circles, including election reform, intended to give the electoral bodies greater legitimacy and make them more transparent and efficient. There were many who called for increased training of election workers, changes to the pre-count system, transparency in the selection of election judges, establishment of internal auditing systems within the Council and the Registry, and so on. The debate, however, did not outlive the elections.

The Mission's monitoring of the investigations into the case drew reactions from the media, from the political actors involved in the process, from the political parties and movements and their presidential candidates, and from the general public.

The Mission publicly called upon election and judicial authorities to come up with a rapid and workable solution to the problem, one that would respect the will of the people. The Mission also called upon the authorities to punish the authors of the election crimes committed. Such a solution would serve a dual purpose: it would settle the March 10 situation and restore the Colombian electoral process' transparency for the presidential election.

The Mission also tried to put the problem in its true perspective. It asked restraint of those who took the most extreme positions -who wanted the elections

nullified altogether- and showed support for the election authorities to help repair their credibility and trustworthiness. However, the Mission consistently insisted that the election authorities had to guarantee that the May 26 election would be honest and transparent.

The problems that arose during the congressional elections had significant repercussions, not only for the electoral process as a whole, including the presidential elections, but also for the Mission's work in observing the elections. Most observers had occasion to hear verbal complaints and opinions from the political parties and movements or from private citizens. In writing, the Mission received the following complaints, which were forwarded to the National Registry and to the National Electoral Council:

- A complaint from presidential candidate Harold Bedoya, presented to the Mission at its Bogotá headquarters on May 15, requesting that the March 10 elections be declared null and void.
- A complaint from Horacio Serpa's campaign representative in Ibagué, Tolima, Pedro Calderón Lozano, filed at the Ibagué regional office on May 24, claiming fraudulent practices on the part of the election judges, such as intentional spoiling of ballots so that they would be nullified after the vote count; refusing to allow citizens to cast their ballot if they were identified with political groups other than the one prevalent among the election judges. The complaint also made references to votes supposedly cast by deceased persons whose names had not been struck from the voter rolls.
- A complaint from citizen Alejandro Baquero, filed at the Bogotá headquarters on May 15, asking that the March 10 elections be nullified.
- A complaint from citizen Henry Cortés Torres, filed at the Bucaramanga regional office on May 25, wherein he asserts that given the number of anomalies in the legislative elections, they should be nullified.
- A complaint from the *Primero Colombia* political movement, filed at the Bucaramanga regional office on May 25, wherein it requests nullification of the March 10 elections and that the election judges be changed for the presidential elections in order to avoid bias among them.
- A complaint from the Tolima *Red de Veeduría*, filed at the Ibagué regional office on May 24, recounting fraudulent activities committed by the firm *Consorcio Milenio*, one of the contractors that the Registry hired to handle electoral procedures in the area. Given the nature of the complaint, which asks that the firm be audited, it was forwarded to the Office of the Solicitor General.



*CHAPTER IV: PRESIDENTIAL ELECTIONS, MAY 26*

## a. THE ELECTIONS AND LAW AND ORDER

The difficult law and order situation in Colombia was decisive in shaping the form and content of the presidential elections. It had a major impact on the campaigns, particularly because of the presidential candidates' mobility, which was restricted for the sake of their own safety. The situation also meant that virtual appearances and appearances via electronic formats were favored over public appearances. One campaign had to be run without the presence of the two women on its ticket, who had been kidnapped. The issues of security, law and order and the peace process became the focus of all campaign speeches, which to some extent precluded any discussion of other relevant topics on the political agenda, like health, education, employment, housing, public finances and international relations.

For nearly 40 years now, Colombia has been in the grip of a very difficult security and public order situation, caused by a confluence of several armed conflicts. Guerrilla groups, paramilitary groups, other common criminals and organized crime are constantly battling the forces of law and order and amongst themselves. There are any number of reasons, one of which is the struggle for political power. Whatever the reasons, however, they have kept the country in a constant state of violent turmoil featuring armed clashes, kidnappings and extortion. It is a situation that cuts across all sectors of Colombian society, affecting every aspect of its political, social and economic life.

Given the nature of the conflict, with various rival groups all-vying for power, it invariably affects the Colombian State's electoral processes. The legislative and presidential elections held this year were no exception. Intimidation, violence, and kidnapping made it difficult for Colombian citizens to freely exercise their right to vote and to be elected, as the Mission found during the various phases of the electoral process.

From the Chief of Mission's first meetings with government authorities, presidential candidates, and representatives of political parties and movements, he was able to discern widespread concern over the acts of violence occurring in various regions of the country and instilling more and more fear among the public.

The most tangible and immediate effects on the electoral process were the cramping of electioneering nationwide, a relentless campaign of intimidation waged by the Revolutionary Armed Forces of Colombia [Fuerzas Armadas Revolucionarias de Colombia] (FARC) and the paramilitary group United Self-Defense Brigades of Colombia [Autodefensas Unidas de Colombia] (AUC) to prevent or manipulate the vote in various regions of the country, and the FARC's kidnapping of the presidential and vice-presidential candidates of the Partido Verde Oxígeno, Ingrid Betancour and her running mate Clara Rojas, both of whom were taken on February 24, 2002, while on their way to the city of San Vicente del Cagúan. Until the peace negotiations broke off a few days

before the kidnapping, this region had been a "swept area" or neutral territory for purposes of the peace talks, the guerrilla movement's good faith gesture to the government.

From the time of its arrival in Colombia, the Mission made energetic appeals to the outlaw groups to cease and desist from their violence and intimidation for the sake of securing the kind of peace and security necessary for the democratic exercise of suffrage. It also designed and set in motion a campaign intended to support efforts to secure the release of the kidnapped candidates, by making public appeals to their abductors and detailing observers to permanently escort the Betancour campaign.

All during the period leading up to the elections, the Mission witnessed threats of various kinds, targeted at most of the presidential campaigns. The threats were so menacing that candidates were forced to try a different type of election campaign tactic: contact with throngs in open, public places was on a very limited scale; instead, candidates opted for more private meetings, in closed places. They also used the mass media to get out their message. Then-candidate Álvaro Uribe Vélez' campaign was one of those hardest hit by threats and acts of intimidation. Numerous threats and attacks were made against his person, including one in which an explosive device was detonated. The *Primero Colombia* candidate had to resort to more unconventional campaign tactics, such as broadcasting speeches to several places in the country via teleconferencing.

Most of the presidential campaigns told the Mission and the media about various problems associated with law and order. Both the guerrilla groups and the paramilitary groups used violence and threats to force people to vote one way or to prevent voting in a given area. As Election Day approached, the acts of violence escalated: bridges were blown up; car bombs were detonated; campaign headquarters and a number of government offices were attacked.

From the time of its arrival until just days before the election, the Mission was told, both verbally and in writing, about concerns over the absence of a law enforcement presence in many areas of the country, particularly in the less densely populated areas and areas where the guerrilla and/or paramilitary were a strong presence. These were precisely the areas where the threats against the free exercise of the right to vote were most intense. *The Partido Liberal complained to the Mission about the absence of a law-enforcement presence in various corregimientos, involving some 230 municipalities nationwide.* With that, the Mission made public appeals to the irregulars to demonstrate, by their respect and tolerance, their willingness to allow every qualified Colombian citizen to vote for the candidate of his/her choice.

The Mission must be quick to point out that the Colombian government authorities made an extraordinary effort to guarantee transparent and free elections, conducted under optimum conditions of security and trust. To that end, the election

coordination and follow-up committees created by 1997 Decree 2267 were activated nationwide, and at the departmental, district and municipal levels.

For the March 10 legislative elections and the May 26 presidential election, the National Committee prepared and put into practice an *Electoral Guarantees Plan* intended to ensure that the elections would be honest, transparent and secure. That plan covered all election-related organizational and logistical aspects, and security for the general public and the presidential candidates and campaigns.

To ensure the safest possible conditions for voters, the municipal and departmental registries proceeded to move polling stations in areas with little or no law-enforcement presence. Over 12000 polling stations, serving more than 1000 *corregimientos* in 237 municipalities nationwide, were moved. In most cases, the move was made just days before Election Day, too late for the news to spread. In the end, the move caused organizational problems on Election Day. In general, turnout was low in communities where the polls had been moved.

Law enforcement (police and army) designed and introduced another part of the *Electoral Guarantees Plan*. Called the *Democracy Plan*, its purpose was to ensure public order and calm on Election Day and in the period immediately preceding and immediately following the elections. Basically, the plan was intended to combat the intimidation campaign being waged by FARC to sabotage the process by means of a "no vote" campaign and by shutting down vehicular traffic between May 24 and May 30. The plan also provided Election-Day law-enforcement coverage in 90.9 percent of the national territory, by deploying 68,166 troops at polling stations -43,286 in outlying areas, and 55,123 at critical points- and for logistical support. In all, the Army and the Police would deploy 212,304 troops.

On the whole, and despite all the predictions, fears and concerns by government authorities, political parties and movements, the general public and even the Observation Mission itself, the election was transparent, orderly and peaceful. In effect, on May 26, Colombian citizens demonstrated their resolve to achieve peace by democratic and pacific means, by going to the ballot box to express their political choice.

Only a few isolated incidents occurred involving guerrilla and paramilitary groups. The Mission managed to be present in more than 18 cities on Election Day, and watched as a relatively normal Election Day unfolded in an atmosphere of law and order. The threats and intimidation tactics used some days earlier did not appear to have their intended effect, as the people went to the polls to exercise their right to vote.

Based on the figures from the official electoral census in Colombia, voter turnout on May 26 was low, as voter absenteeism was over 50%. These figures, however, have to be weighed in the context of the problem with the Colombian voter rolls which, according to the competent authorities, have to be purged. Another factor to consider

was the situation created when polls were moved from rural districts to urban centers. Without these factors, the voter-turnout figures would surely have been higher.

Regrettably, the civic courage displayed by the Colombian voters had consequences that constituted violations of international humanitarian law. Within days of the election, mayors were assassinated and a significant number of mayors, attorneys general, solicitors and judges resigned in the face of threats received from the Fuerzas Armadas Revolucionarias de Colombia (FARC).

Given the current political situation in Colombia, the Mission did not confine itself to observing purely election-related matters. In order to determine whether the May 26 election was free and genuine, other factors also had to be considered, factors provided for not only in the country's Constitution but in human rights instruments as well. Hence, it was only reasonable and logical to take a firsthand look at the country's so-called internal conflict.

#### B. THE ELECTORAL OBSERVATION MISSION

As indicated earlier, the Electoral Observation Mission (EOM) of the Organization of American States (OAS) was conducted at the invitation of the Government of the Republic of Colombia, which, through its National Commission for Electoral Monitoring, had requested that observers be provided for the various stages of the elections for President and Vice President of the Republic, held on May 26.

Right from the time of its arrival in Colombia, the EOM immersed itself in the activities typical of election observation, to determine the efficiency and efficacy of the electoral procedures. A team of four observers was designated to follow the activities of the National Electoral Council and the National Registry of Vital Records. Everyone on the electoral observation team made contacts and followed the stages involved in Election-Day preparations, working out of the Mission's various regional offices. For the presidential election, Colombia's Electoral Organization did not operate as it otherwise might have, given the structural law and order problems and the aftermath of the March 10 elections. Apart from these circumstantial situations, issues associated with the Electoral Organization's procedures and practices need to be examined.

La Misión de Observación Electoral realizó un seguimiento minucioso de todas las campañas proselitistas, interesada particularmente en verificar el cumplimiento de la legislación en materia de partidos y movimientos políticos y sus comportamientos y métodos de trabajo. La modalidad de observación consistente en el acompañamiento permanente a los candidatos presidenciales permitió a la Misión conocer de cerca los procedimientos y las prácticas de cada campaña, y formarse una idea clara del papel e impacto de las mismas en el proceso electoral en general. (5)

#### 1. The observer team and its terms of reference

A team of 50 observers from 18 member States and permanent observer countries was on site for the May 26 elections. The Mission set up its main

headquarters in Santa Fé de Bogotá on May 1, 2002. Eight regional offices were also set up in the country's major urban centers, namely: Cali, Barranquilla, Bucaramanga, Ibagué, Neiva, Medellín, Montería and Villavicencio. The office of the Chief of Mission moved to various locales, such as Popayán, Rioacha and Pasto, to convey the Mission's nationwide presence and listen to the concerns of the various participants in the political process.

In keeping with the Agreement that the Ministry of the Interior, Colombia's National Electoral Council and the OAS General Secretariat concluded, the Mission followed the various phases of Colombia's election process, focusing on the following:

- Dissemination of the messages that each presidential candidate had for the country, in order to identify whether or not the reporting and other information being broadcast as the campaign unfolded were equitable and balanced.
- The programs and plans in place to ensure the safety of the citizenry, to determine whether Colombian voters would be able to cast their vote without fear of the kinds of threats or dangers that would adversely affect the exercise of the right to vote that is theirs under the Colombian Constitution and laws.
- Gathering and analysis of the information supplied by the candidates and political figures, and a determination of the scope and impact of violations of law and order during the election process, all in order to inform the Organization of American States and, through it, the international community of the efforts that the national authorities had made to ensure that any such acts would not affect the citizens' exercise of their right to vote.
- The procedures used to organize and manage the elections, in order to determine whether by Election Day, qualified voters would be able to go to the polls without problem and fully versed in their civic rights and duties.

## 2. Observation methods

The three methods the Mission used to perform all aspects of its assigned observation role to the fullest and objectively are described below.

First, the business typically associated with elections was observed: training workshops for election judges (poll personnel); preparation and distribution of election materials; follow-up of complaints filed, and the opening, running and closing of Election Day, vote counting and transmission of results.

Second, a team composed of experts in election-related issues, specialists in monitoring the media, political analysts and legal advisors did a situational analysis. The purpose of the analysis was to get an in-depth view of the situation in the period leading up to the elections and the extent to which events in Colombia today were shaping the election agenda.

The third and final modus operandi was to track the campaign activities of the presidential candidates. Accordingly, one or two observers were posted to accompany each campaign. The idea was to bear public witness to the spirit of inter-American solidarity with Colombia's people, its government and its political players, who are

determined to defend their democracy from the threats to law and order with which they must contend. Each and every one of the 11 campaigns was monitored constantly; observers were permanently detailed to the 6 campaigns that polls showed would receive the largest number of votes. One such campaign was that of kidnapped candidates Ingrid Betancour and Clara Rojas.

### C. *THE MEDIA AND THE ELECTIONS*

Under the agreement negotiated with the Colombian authorities and in keeping with its own strategy, one of the Observation Mission's most important functions was to carefully monitor the "dissemination of the messages that each presidential candidate was sending to the country, to see whether the information being delivered to the public during the election campaign was balanced and fair." Monitoring the conduct of the media is important in every campaign, as the right to information is an essential element of any democracy. The media's role was particularly significant in Colombia's case, given the law and order situation in the country. With traditional campaign stumping basically impossible, the media was the liaison between the public, the candidates and the electoral authorities.

As part of their work, the electoral observers followed the activity of the press and the media. This was true of both the conventional observation teams posted at the regional offices and the teams that accompanied the presidential candidates. The Mission also designated a group of observers to track and analyze the behavior of the media. That group met with representatives of the mass media, academics, specialists, election campaign media chiefs, representatives of polling firms and others. From its observations, the Mission was able to objectively assess the conduct of the press in the May 26 election.

#### 1. *The presidential campaigns and the mass media*

The election law, specifically Law 130 of 1994, provides that political parties and movements are to have free access to the State-owned mass media to present their positions and platforms. One of the functions of the National Electoral Council is to establish how many slots each candidate is to be allowed and how long those slots will be, and to regulate the use of that airtime so that it is as equitable as possible. The CNE is also to determine the amount of airtime and the number of slots that licensed private media outlets can devote to political advertising for the presidential campaigns, based on principles of equity and free access to information for all political actors. Similarly, that law also provides that during the election campaign, private news outlets -in radio, print and television- must guarantee balanced reporting, pluralism and impartiality.

For the presidential elections held last May, the Colombian Government had airtime on only two of its public television stations to broadcast political advertising. Its other medium of communication, community radio, does not transmit election propaganda. The public television channels used pursuant to special CNE resolutions

3170, 3171, 3172 and 3400, gave each of the 11 presidential candidates 5 hours and 25 minutes of airtime per week, once it became apparent that the unstable law and order situation was cramping the campaigns' ability to communicate their message to the voters. All the campaigns used their allotted space. It was the job of the Communications Ministry's Bureau of Control and Surveillance to monitor the State-owned media, particularly the community radio stations, to make certain that they complied with the CNE's administrative decisions, so that the political actors would have equitable access to information.

The private media had a strong influence on the electoral process as it unfolded and on its outcome. Before getting into the details of their conduct and their interaction with the various political actors, some explanation is needed of how the mass communications media in Colombia are composed and how they conduct themselves. In Colombia, the Mission found that two major economic blocks control a large percentage of the media business. These groups are owners of the two largest communications businesses in Colombia: Caracol and RCN, which have nationwide radio and television channels and have the highest ratings with the Colombian population. In the print media, Colombia has only one daily newspaper with nationwide circulation, which is *El Tiempo*. The other important newspaper, *El Espectador*, is published only over the Internet, and its print format comes out only once a week. The weekly magazines with nationwide circulation, *Cambio 16*, *Semana* and *Cromos*, are the other print media that do political coverage and analysis.

It is important to note that the only role that the CNE plays in regulating observance of the principle of equitable access to the media is to set aside airtime on the public media and establish guidelines as to what the private outlets can charge for campaign commercials, according to the time of day. It is up to the private media to decide whether to use those guidelines and provide access to airtime and to content programming. They are expected to comply with the existing election laws in good faith, although there are no penalties for those that do not.

Since the start of the election contest, it was obvious that the principle of equitable access to the media would not be applied in the case of private broadcasters. They used the rates agreed upon with the CNE and provided airtime to candidates who paid for it. This gave an advantage to the better funded political campaigns, particularly that of the *Movimiento Primero Colombia*. The *Partido Liberal*, the *Movimiento Sí Colombia* and the *Polo Democrático* also bought airtime from the private media, albeit on a more modest yet not insignificant scale. Time and time again the minority parties expressed their resentment of the situation and filed complaints with the Mission.

As for content and information, every political campaign complained to the media, to the Electoral Observation Mission and even to the National Electoral Council about how their campaign activities were covered. Almost every candidate complained of widespread biased reporting in favor of a given candidate, and alleged inequitable treatment of the campaigns.

Another area wherein the mass media played an important role was in shaping political agendas and the topics of discussion and debate. When the turbulence in the country prevented the candidates from traveling about the country, they had to rely upon the media to get out their message. In the process, the mass media gained

enormous power and to a large extent framed the 2002 political-electoral agenda in terms of the peace process and the country's security and safety problems.

The media's control over information was not confined to issues and content. It also dictated when and for how long the candidates could appear. There were virtually no debates among the candidates; the only exception was the Caracol Network, which in early April offered airtime for the two candidates ahead in the polls at the time to present their positions. This service to the voter continued until the end of May.

## 2. The Electoral Observation Mission and the Media

From the time the Mission established itself in early May, the national and international media devoted more and more coverage to the work of the OAS observers. This was particularly noticeable in the case of the principal radio and television media (Caracol and RCN), which reported on the Mission's activities in their various news broadcasts.

In the case of the print media, coverage of the Mission was more extensive in the local newspapers than in those with nationwide circulations. In fact, the regional offices, the observers posted there and those escorting the candidates' campaigns, got more attention from the media than did the main headquarters in Bogotá. The decision to detail two observers to accompany the presidential candidates wherever they went was evidence of the OAS' active involvement in the election campaign. Added to that, there was the work done by the observers in the cities where regional offices were set up. The Chief of Mission's press conferences during his visits to the cities of Villavicencio, Neiva, Pereira, Riohacha and Popayán, were widely covered in the local media.

The presence of the international media intensified in the days prior to the elections. The Chief of Mission gave interviews to CNN in Spanish and English, Univisión, the BBC, Radio France Internationale, Radio Netherlands, the New York Times, the Dallas Morning News, the Miami Herald and the Atlanta Journal-Constitution, among others.

## D. THE PRIVATIZATION OF ELECTION PROCEDURES

Privatization of a number of election-related procedures, such as preparation and distribution of the electoral kit, and especially the transmission of the pre-count results, drew a number of negative comments leveled against the electoral process. Its detractors argued that privatization made fraud that much easier, as there were no stringent, ever-present controls over the firms' activities. It was even said that the contractors were criminally negligent and involved in the irregularities, as their practice was to fill out a document called "vote count" using data from the count made at the polling station. The "vote count" is a version of form E24 and is frequently made available to municipal or precinct canvassing committees, which simply copy the figures without bothering to confirm the figures shown on the E14s.



The National Registry's argument was that privatization not only reduced costs but also made it possible to detect irregularities. Its contention was that while the new registrars were there to detect suspicious business, the hiring of private firms ensured that no deals would be made with the various political actors. It also argued that the security measures introduced by the firms, such as the election kit, made it easier to detect document tampering.

In the Mission's view, the May 26 elections went normally, with an orderly Electoral Organization. The "pre-count" results were transmitted efficiently and quickly, creating a climate of confidence and legitimacy. The presidential candidates did their part to create that climate by immediately acknowledging the victory won by Alvaro Uribe, of the *Primero Colombia* movement, who carried 52.9% of the vote.

#### *E. PRE-ELECTION PERIOD*

The Observation Mission monitored the most relevant aspects of the Electoral Organization, including its procedures and *modi operandi*. It examined such issues as instruction of election personnel and voters, simulations of procedures, preparation and distribution of materials, measures taken to prevent irregularities, mechanisms for transmitting results, etc.

##### 1. Registration of citizens and electoral census

In Colombia's voting system, suffrage is a right but not an obligation, although there are incentives for those who go to the polls to do their voluntary civic duty. These incentives include preference in access to public and private institutions of higher learning, deduction of one month from the period of military service, preferred eligibility for career civil service jobs, educational scholarships, land grants and housing subsidies, a 10% discount on enrollment for studies in public institutions of higher learning, and a half-day compensatory vacation time. All these incentives can be claimed by presenting the voting voucher that voters are given after they cast their vote. Yet the incentives, introduced gradually since 1997, have not had the anticipated results. Absenteeism continues to run high, generally around 50 percent. That trend remained in tact in both the March congressional elections and the May presidential election. Voter absenteeism in the presidential election will be examined later in this report.

Although not of alarming proportions, there were some problems with registering citizens on the voter rolls and the issuance of identification cards, which is the function of the Electoral Census Bureau of the National Registry of Vital Records. The problems, serious enough to warrant correction, became apparent in the March 2002 elections. One of the most frequently reported complaints had to do with votes cast by deceased persons, whose names still appeared in the electoral census.

The Mission met with the Director of the Electoral Census, who explained that his area had spent time and resources to purge the system and to match it exactly to the

National Identification Archive [Archivo Nacional de Identificación - ANI]. He said that while his area had seen some return for its efforts, that return had not been sufficient, as there were still enormous discrepancies between the two lists. One positive aspect of this effort is that data processing channels have been established between the Electoral Census and the ANI, which makes it possible to match the data on the voter rolls to the names that appear in the National Identification Archive. This mechanism played a major role in detecting irregularities in March 2002.

The Office of the Comptroller General of the Nation singled out the problem of updating the electoral census in its *Comprehensive Government Audit Report [Informe de Auditoría Gubernamental con enfoque integral]*, done for the Registrar's Office for the year 2001 and published in May 2002. The Mission was given a copy of the report, with the request that the Comptroller be informed of how the report would be used.

In connection with this issue, the report of the Office of the Comptroller General states that the ANI lists an undetermined number of persons as living, even though their deaths were reported to the proper authorities. A sample taken for the audit found that 13.30 percent of the deceased still show up on the active list. The Office of the Comptroller noticed a related problem (one likely caused by the other), which is that the electoral census is inflated. It includes the names of persons reported deceased. Identification cards are even registered after the person's death has already been reported. From the random sample examined by the Comptroller's Office, approximately 10% of the names in the records of reported deaths were still active on the electoral census, in other words, eligible to vote. Up until now, no additional measures have been undertaken beyond the permanent census updating done by the Director of the Bureau of Electoral Census. While that effort is a laudable one, it is not sufficient to correct problems like those mentioned here.

As for the addition of citizens' names to the census (identification) at each of the regional, district or municipal registration offices, the Electoral Observation Mission found certain procedural problems that prevent citizens from receiving their documents within a reasonable period of time. In its report, the Comptroller's Office pointed to two basic problems. One was poor planning for procurement of the basic materials needed to prepare the identification cards. This problem had a negative impact on the March 10 elections: just prior to those elections the production of identification cards was held up because the materials needed to produce them were lacking. Citizens suffered as a result; some were unable to vote.

The other problem singled out by the Comptroller's Office was the slow and unsatisfactory response to applications for citizen identification cards. The Mission found this problem at the capital district registrar's offices and elsewhere in the country. In general, the period of time between the filing of the application and the actual issuance and delivery of the identification card may be more than six months; it is never less than one month. This means that a significant number of citizens are prevented from voting and the updating of the electoral census is delayed.

## 2. Training

The Mission's various teams tracked the training activities for election judges (poll workers), election officials, other protagonists in the process and the general public across all the geographic areas where the Mission had a presence. Based on what the teams observed, certain situations were common throughout Colombia's territory.

First, election judges (poll workers) were not well trained, particularly those in district areas and *corregimientos* [similar to counties]. Training activities were conducted nationwide, and generally consisted of a half-day meeting with election authorities and distribution of an instructive video. However, it was not an interactive video and could not be used to clear up doubts or answer questions. On the whole, the Registry's various branches were confident, arguing that most of the election judges had worked the polls before. The lack of training, which was much more serious in districts and *corregimientos*, became apparent in the problems that accompanied the March 10 congressional elections. The result was a widespread call for more and better training services, a call that election authorities did not heed.

The election observation teams never heard about any training for *claveros* [the election officers charged with the locking, safekeeping and unlocking of ballot boxes], members of canvassing committees, delegates from the National Registry and others, except for the manuals and other literature distributed. Those who did receive some training -although by no means intensive training- were the police and military troops who would be positioned in the *corregimientos* and other areas where outbreaks of violence and other disruptions of law and order were possibilities.

The Mission found that the only instruction offered to voters was an advertising campaign appealing to the public's sense of civic duty. It consisted of brief advertisements on radio and television and in the press and on billboards. The pamphlets and other printed material distributed about election laws and procedures were not as widely circulated as they should have been. The EOM believes that Colombian voters could be better informed about voting procedures in general and about specifics like blank ballots, the voting process, the role of election judges, the measures to prevent fraud and irregularities, and so on.

Instruction of all these types was much more orderly and organized in urban areas. The Bogotá district, for example, organized weekend workshops for election judges. Other heavily populated urban centers organized their own type of instruction. The rural areas and those furthest from urban centers benefited the least, if at all, from the training activities conducted.

In the pre-election period, the Mission issued a number of public appeals to the Colombian people, election authorities and all the country's political protagonists and outlaw groups, to do their civic duty and participate in the democratic process. One such appeal called upon the citizens selected to serve as election judges to attend the training workshops organized by the National Registry of Vital Records and its various offices. The message being sent was that under the laws and procedures currently in

effect, and for the sake of transparency and legitimacy, the training was essential to ensure Election-Day success.

The Mission also called upon election authorities to reinforce and step up their training activities at all levels. It asked the media to help get out democratic messages encouraging people to serve as election judges.

### 3. Preparation and distribution of election materials

Like the transmission of preliminary election results, the preparation and distribution of election materials is one of the National Registry's decentralized procedures, as it is performed by private agents. For both the congressional and presidential elections in 2002 a private firm, selected through a process of competitive bidding, was hired to prepare and distribute the election materials.

The observers with the Mission made several visits to the place where the election kit was prepared. The kit included all the forms to be completed by the election judges, the ballot boxes, the voting modules, the ballots, and the vouchers to be given to voters. On the various visits made, the Mission found that the firm is very experienced in preparing and handling election-related documents. For the presidential election, it proved to be very organized and efficient at preparing the materials and then distributing them, even in the country's more remote areas. To do this, it used resources like helicopters, four-wheel-drive trucks and even pack animals. It was also very good at preparing contingency plans in the event of some accident or disaster, generally in the form of the theft of election material by lawless bands.

As for security measures and precautions taken to avoid falsification and to prevent election fraud, the firm demonstrated a number of devices that it has used, such as printing holograms on voting vouchers, including an individualized bar code for the three residual copies of form E14, using thermal paper for the forms –capable of showing alterations and erasures- and assigning consecutive numbers to the ballots. This last measure will be discussed again later in this document.

In the past, the outsourcing and privatization of this process has drawn mixed reactions from the politicians and the general public. The skeptics blame these outsourcing policies for what happened on March 10. The Mission is of the view that outsourcing has its advantages, given the country's geographic features, the volume of election materials to be distributed, the difficult law and order situation and its impact on the ability to move freely about the country. However, the Electoral Organization has to be more involved and take on greater responsibility in directing these activities, as it will provide the element of security and calm essential to keep the electoral process in control.

### 4. Systematization and transmission of results

The first election returns transmitted are preliminary. The final count comes later. The observers with the Mission stayed in constant, close communication with those involved in developing the plan for transmitting results, namely, the National Registry's Data Processing Bureau. It was also in constant contact with representatives of the 6 firms that would be in charge of the process nationwide, and with authorities from the Universidad Industrial de Santander (UIS), which the Registry contracted to evaluate the tabulation system. The experts also spoke with the data processors working for the major political parties and movements.

From the meetings held and the follow-up done, the Mission concluded that the quick tally system or pre-count is a cornerstone of the electoral process. While the quick tally's main objective is speed, these preliminary figures can also be compared with the official results obtained when the votes are tabulated at the municipal headquarters. With the speed factor, more emphasis is being given to improving procedures, the goal being 100 percent of the precincts reporting preliminary results within the first few hours on Election Day. In the last elections, 98.8 percent reported preliminary results. It is very important to Colombians that by the end of Election Day, everyone knows, with absolute certainty, who the winner is. This is in order to ensure peace and calm on Election night.

The role of private enterprise as a third element involved in the pre-count process begins when the polls phone in their results to the municipal tabulation center, using an unofficial document called "vote count". This document contains the very same information that appears in the polls' minutes (E14 forms). The municipal centers combine the figures from all the polling stations; they fill out an unofficial form with the data required on the E24 form that is filled out during the ballot count. Once the figures have been combined, they are reported to the departmental centers and to the national tabulation center to be added in and disseminated. Six firms operating in different areas of the country handled the entire process. The government's argument was that outsourcing guaranteed efficacy, efficiency and transparency, and that six firms were hired to make the process more reliable.

The pre-count system has been part of Colombia's election tradition for more than a decade. Under the telecommunications plan put together and distributed by the National Registry, contingencies were to be covered through the use of cellular telephone and radio equipment and by creating alternative tabulation centers in each department and at the main center. The participating political organizations expressed serious reservations about that strategy and asked for more and better mechanisms to monitor the pre-count activity.

The complaints basically cited two factors: the irregularities in the congressional elections, and the real possibility that another election round would be needed since the polls showed candidate Álvaro Uribe with almost 50 percent of those saying they planned to go to the polls on Election Day. It was also argued -quite reasonably- that

the political parties and movements had no document that would enable them to confirm the pre-count results. Although the procedure has been used for years, electoral witnesses had never been given a copy of the minutes (the E14 forms) from the respective polling stations, or tabulated data once that data was entered into the system. The Uribe campaign directors, who raised this issue repeatedly, expressed the greatest concerns.

To make the pre-count transmission reliable and transparent, the Uribe Vélez campaign proposed that the E14 form be scanned for transmission by e-mail to the political parties and organizations. In response to that proposal, which the Mission supported, the National Registry argued a number of legal obstacles. In the end, however, it agreed to publish, via the Intranet system, the combined departmental pre-count figures. This measure did not address the entire complaint and did not satisfy the reservations of the political parties and movements, which have a legitimate right to obtain officially certified tabulations of the votes from each polling station. All the same, it was a step in the direction of more transparent pre-count procedures.

Before turning to the actual holding of the elections, some reference should be made to an important communications-related event. In the two weeks leading up to Election Day, the country was gripped by a communications crisis that was labor related. The Empresa Nacional de Telecomunicaciones, Telecom, which would be in charge of providing telephone service for transmitting the pre-count results, was hit by a strike. The Mission appealed to all those involved in the labor dispute to resolve their differences as quickly as possible, to prevent the strike from disrupting Election Day on May 26.

The Mission reminded those involved in the labor dispute that every Colombian citizen and institution would have to do his/her part on Election Day to make the presidential elections a success. Fortunately, the labor problem was resolved early on the morning of May 24, two days before the election. While the agreement was not entirely satisfactory to the workers, the strike was called off so that the presidential election would not be delayed by communications problems. It is important to note that a decisive factor in the settlement was the civic spirit of the Telecom workers, who were committed to the success of the democratic elections.

#### F. ELECTION DAY

The Electoral Observation Mission carefully followed all the campaigns, and was particularly careful to check for compliance with the laws governing political parties and movements and their conduct and *modi operandi*. The observation method, which was to continually observe the presidential candidates' campaigns from the inside, gave the Mission a close-up of the procedures and practices that each campaign was using, and enabled it to form a clear idea of the role and impact of the campaigns on the electoral process overall.

The Mission tracked Election Day from start to finish, from the opening to the closing of the polls and the transmission of results at various points across the country, insofar as safety would allow. On Election Day, the Mission was present at various polling stations in the capital district of Bogotá, including Corferias, the largest polling station in the country. It was also present in various municipalities in the departments of Cundinamarca, Atlántico, Bolívar, César, Magdalena, Santander, Norte de Santander, Valle del Cauca, Tolima, Antioquia, Córdoba and, at the express request of departmental authorities, in Neiva, capital of the department of Huila, and in Meta in Villavicencio. These last two departments were struggling with serious public order problems, which is why the Mission felt it was important to make its presence felt there, to provide inter-American institutional support to the Colombian authorities and to attest to the fact that elections were held even under the most adverse conditions. It must be pointed out that observers were not deployed unless conditions were such that their safety could be guaranteed.

The deployment of election observers in the most representative places within Colombian territory enabled the Mission to get a global picture of the situation prevailing during the balloting. The observers' deployment was highly professional. They remained neutral and impartial in discharging their functions, while also clearing up doubts and providing citizens with guidance whenever they were able.

The observation included all phases of the electoral process, starting with the opening of the polls, the balloting, the closing of the polls and the vote count, in order to verify that election laws and procedures were observed, to see what irregularities and incidents occurred and how they were resolved, and to witness the transmission of results. A statistical sample was taken of the results from certain polling stations, to compare them with the pre-count results and draw its own conclusions about its effectiveness. An expert in statistical matters coordinated this process.

The observers assigned to the presidential campaigns escorted their respective candidates as they went to the polls to cast their vote. This was a show of the inter-American community's solidarity with all the candidates and with the authorities and people of Colombia as they held elections under such turbulent conditions.

#### 1. The opening of the polls and start of the voting

In order to organize the Election-Day observation systematically and make better recommendations, the Mission used prepared forms to record information throughout the observation process. The observers always had these forms at hand on Election Day, to compile data about the electoral process' most pertinent features. Once the Mission's expert had processed the information on those forms (80 in all), the following conclusions were drawn:

- Most polling stations were physically equipped for the balloting to proceed smoothly. Overall, the space was sufficient to accommodate the voters present

there, and security and services on the premises were adequate. Some 17 percent of the polling stations observed were not posted with signs to steer voters in the proper direction.

- The polls opened without incident at the vast majority of the polling stations observed. The polls opened on time, which was at 8:00 a.m., or only a few moments behind schedule, with at least four election judges present. In most cases, the judges were at the polling station at 7:00 a.m., preparing for the start of the voting.
- In very few cases were election witnesses present when the polls opened and during the actual voting. In general, witnesses focused on urban areas. The *Movimiento Primero Colombia*, the *Partido Liberal* and the *Movimiento Sí Colombia* had the largest contingent of witnesses representing them on Election Day. The witnesses behaved properly during the voting, performing their assigned functions in accordance with the rules in force.
- Some 5 percent of the polling stations observed lacked some of the materials needed for the balloting. In most cases, however, the problem was either corrected or did not prevent the poll from conducting its business.
- The observations indicate that the voting process *per se* was clean, orderly and transparent. Nevertheless, there were some irregularities. For example, 6 percent of the citizens who went to the polls to cast their ballot were unable to exercise their right to vote because their names did not appear on the voter rolls. It may be that the person went to the wrong polling station, or that his/her name was not listed in the electoral census even though he/she had a citizenship card. The latter of these two scenarios is one that the election authorities should look into, so that problems like this can be corrected.
- As for public order, there were very few cases in which individuals were in any way constrained where voting was concerned. This kind of problem happened at only 2 percent of the polls observed. This figure is a very positive result for a country where law and order problems are major concerns. The armed forces' implementation of the Democracy Plan was very instrumental in making Election Day run so smoothly.
- In other matters, at 2 percent of the polls observed, campaign advertising was seen inside the polling stations. In their written reports, some observers also commented that sympathizers of political parties and movements were seen inside urban polling stations with campaign advertising. While this situation did not affect the balloting, election authorities need to devise proper mechanisms to prevent problems of this type.

It has to be said, however, that the election authorities, other government officials, law enforcement officers, officials from the Office of the Solicitor General, the



Ombudsman's Office and the Office of the Attorney General, were a constant and effective presence at many of the country's polling stations. Their efforts undoubtedly helped make Election Day a success.

2. Closing of the polls, vote count at the polls, and delivery of materials to the proper authorities

On the whole, the closing of the polls, scheduled for 6:00 p.m., went without incident. From the polling stations observed by the members of the Mission, some conclusions have been drawn about the electoral process, to wit:

- Generally speaking, the polls closed in orderly fashion at 6:00 p.m., in accordance with the election rules in effect. Of the polls the Mission observed, 93 percent closed on schedule; 96 percent of the polls observed closed without incident.
- Salient among the very few problems that surfaced at the national level were arithmetic problems when the time came to complete the forms. In some instances, additional counts were needed and witnesses raised minor procedural objections. On the whole, the election judges solved the problems themselves, which meant that there were very few challenges to the election judges' minutes: of all those the Mission observed, only 5 percent of the minutes issued were challenged.
- Although voting hours were relatively short (from 8:00 a.m. to 6:00 p.m.), very few voters were left standing in line when the polls closed. Less than 5 percent of those the Mission observed had people waiting in line when they closed. Perhaps the one where this problem was most severe was the polling station set up in Corferias for all those residents of the Bogotá district with newly issued cards. At around 6:00 p.m., the observers posted at that polling station saw a large crowd of voters who unfortunately did not get there in time to vote.
- Because of what happened with the E14 forms in the March 10 elections, this time election judges took particular care in handling the forms. The proof is that out of all the polls the Mission observed, only one E14 form had to be requisitioned.
- One aspect that election authorities will doubtless have to examine and come to some decision about is the question of publishing the results (E14 forms or vote counts) informally, somewhere in the polling stations and within plain sight. Of the polls observed, only 63 percent fulfilled this duty. The Mission believes that publishing the results in plain view serves to lend greater legitimacy to the results of the pre-count and the actual vote count. This is especially true because in Colombia's electoral system electoral witnesses or other representatives of political parties or movements are not given official vouchers at the time of the poll count. This situation has bred problems and suspicions among the political players, especially in light of what happened last March 10.

- As for the delivery of election materials to the competent authorities from the Registry and their subsequent safekeeping by the '*claveros*', i.e., the officials authorized to retrieve the election material for counting purposes, the Mission found that both procedures were carried out in accordance with the law and the guidelines provided by the National Registry. There were some irregularities and incidents in certain places in the country, generally associated with problems of law and order, such as the theft of the material in one municipality in the department of Cundinamarca. While such incidents were regrettable, they did not cause major problems associated with the delivery and safekeeping of the materials prior to the vote count.

### 3. *The pre-count*

As soon as the poll count ends, the pre-count begins. As said earlier, in the pre-count each polling station telephones its departmental voting center with an informal tally of its results. The departmental centers then relay that information to a national center located on the premises of the National Registry. As mentioned previously, the pre-count procedure is an important part of Colombia's election tradition and was handled by six private firms that the National Registry contracted for that purpose. The firms take the figures reported by the polls, enter the figures on unofficial forms called "vote count," or jot them down on ordinary paper. They then report these figures to the respective telephone exchanges, where they are processed, organized by political organization and department, and then sent to the national center for processing and dissemination.

The EOM was present at various stages of the pre-count, and witnessed the processing of the 'vote count,' receipt of the vote count by staff of the corresponding firm, and the reporting of the pre-count figures by telephone. In most cases, the 'vote counts' are used as working documents at the polling stations. The Mission's experts in informatics, data processing and reporting of results were present at the national tabulation center in the National Registry, where the partial returns were received from each department. Under the coordination of an expert in statistics and election results, the EOM took a sample of returns reported from representative polling stations nationwide, in order to compare them to the pre-count figures. The results of the analysis of that sample tallied with the trend shown by that pre-count from the start of the vote count at the polling stations.

While the Mission appreciates the importance of the pre-count in elections in Colombia and admits that they worked well in the May 26 election, it nonetheless believes that certain aspects of the pre-count could adversely impact election results and the democratic contest overall. The Mission believes that these matters could be improved. The most important is the fact that the results are reported verbally –with or without the aid of the vote count. This poses a risk, as there is absolutely no way to verify the veracity and/or accuracy of the figures until the time of the official vote count. The problem is compounded by the fact that election witnesses and other

representatives of the political parties and movements are not given vouchers with the vote count shown; there is no audit or inspection mechanism either.

The Mission found that the process whereby results were transmitted was substantially improved over the March 10 congressional elections. The tabulation centers used on that occasion were re-outfitted, new teams were formed, more staff was hired and adequate contingency plans were devised. Disseminating partial returns via the Intranet among all the political movements was a suitable measure that helped make the process transparent.

#### 4. The end of Election Day

The pre-count was a success in terms of effectiveness. By 6:30 p.m. the National Registry of Vital Records had endorsed a sufficient number of votes tallied through the pre-count system, on a nationwide scale, to confirm for a fact that candidate Álvaro Uribe Vélez had won the presidency on the first round. In effect, at 6:30 p.m., candidate Noemí Sanín of the *Movimiento Sí Colombia*, conceded Uribe's victory; she was followed by Horacio Serpa, candidate of the *Partido Liberal*, who issued his concession statement at 7:45 p.m., and then by Luis Eduardo Garzón. Once all three majority candidates had conceded the results of the election, which was around 8:30 p.m., approximately 98 percent of the pre-count vote was in, and Álvaro Uribe delivered a message to the nation accepting the presidency and calling for national reconciliation.

At approximately 8:45 p.m., the National Registry announced the final results of the election, with 98.9 percent of the votes tallied, including the absentee ballots cast at Colombia's embassies and consulates abroad, where the election was surely conducted in orderly, law-abiding fashion.

Uribe Vélez carried around 53 percent of the vote, Horacio Serpa 31.7 percent, Luis Eduardo Garzón 5.81 percent and Noemí Sanín around 5.81 percent. Although there were some minor differences in the percentages, it is important to note that the results remained virtually unchanged once the final tabulation had been made. That final vote count began the day after Election Day. This testifies to the enormous merit of the pre-count procedure. Knowing the results within hours of the polls closing is, for all the various political actors and the public as a whole, an assurance of the legitimacy and effectiveness of the electoral process. This is invaluable in a country like Colombia, where social and political peace and stability are so much at risk.

#### G. THE POST ELECTION PERIOD

Although all the political players by now knew the outcome of the election, the EOM honored its commitment to be there for every phase of the electoral process, including the final vote counts. The latter got underway at the municipal, zonal and district levels on May 27, 2002. The EOM observers went to various sites in cities throughout Colombia to witness the vote count procedure.

## 1. *Vote counts*

In keeping with the electoral law, the municipal vote counts got underway at 11:00 a.m. on Monday, May 27, 2002, which was when the municipal, district and zonal (auxiliary) committees were established nationwide. The representative from the competent registry officially opened the vote counting by reading from the register of the documents placed in the triple lockboxes. Later, the same official opened the envelopes containing the documents in the lockboxes, in order to check the data contained in those documents, settle appeals and disagreements, and combine, on a single E24 form, the figures obtained from each polling station. Those results were then transferred to the departmental vote count and finally to the general or national vote count.

The Mission was present for a number of the vote counts in the department of Cundinamarca where, as in the rest of the country, the process was carried out in an orderly fashion and in accordance with the established provisions and procedures. There were no problems of any kind.

Perhaps what best characterized the vote count in the municipalities was that neither the general public nor the political players showed any interest whatever in the process. The credibility that the pre-count has built up over the years has converted the final vote count into a routine procedure that has to be done in order for the National Electoral Council to be able to issue the respective credentials.

Colombia's electoral system is in every sense a strong and legitimate one, imbued with the democratic spirit of the country's Constitution and founded upon a political tradition that strives for transparency, legitimacy and efficiency in the mechanisms by which the citizenry expresses its will. Still, as demonstrated in this chapter, various aspects of the Electoral Organization could be improved or reformed to strengthen its democratic principles without compromising efficacy and efficiency. Self-monitoring and internal auditing systems could be established for the National Registry of Vital Records; the final vote count procedures could be streamlined so that they carry more weight than the pre-count figures, and new training strategies could be devised for the election judges.

In political terms, the Electoral Organization, particularly the National Electoral Council, should make adjustments to its structure so that the latter is truly reflective of politics in Colombia today. It is important to recall that the country's two traditional political parties no longer shape political decision-making. Other players have emerged in the political ring. A number of political forces in the country are calling for this structural change in Colombia's Electoral Organization, like the *Polo Democrático*, whose program even included a concrete proposal to this effect.

Lastly, the outsourcing of various phases of the Registry's Plan for Transmitting Results can become a cause for concern in an environment where the citizenry has little faith or trust in the Electoral Organization. While the transmission of results was highly effective in the case of the presidential election, it is recommended that in future, the Electoral Organization have more direct control of the administration of this process, as it is an essential factor in the transparency of the electoral process and a pillar to build up the institutional authority of the election officials and other State agencies.

## CHAPTER V. COMPLAINTS

One of the most important functions of the OAS' electoral observation missions is to receive complaints filed by political players and the general public about problems and irregularities in the electoral process. The purpose of this function is to bring problematic or irregular situations to the attention of the proper authorities so that they can be corrected in the best way possible, in the democratic spirit and for the sake of the transparency that must permeate each and every stage of an election process.

For the electoral observation in Colombia, the Mission appointed an observer to attend to the complaints and funnel them to the proper Colombian authorities. The procedure was as follows: a form was prepared for political groups or private citizens to file complaints. Once completed, the form was examined and the complaint referred to the proper authority, according to its nature. Some matters went to the Attorney General's Office, others to the Solicitor General's Office, still others to the National Electoral Council and the National Registry of Vital Records. Some complaints were answered directly.

### A. COMPLAINTS RELATED TO THE MARCH 10 CONGRESSIONAL ELECTIONS

As indicated in the chapter devoted to the legislative elections, the Mission received a number of complaints concerning the events of last March 10. Those complaints were received and referred to the proper authorities. Presidential candidate Harold Bedoya, for example, presented a document to the Mission requesting that the March 10 elections be nullified. That document was referred to the National Electoral Council and to the National Registry.

Private citizens and representatives of political parties and movements, especially the *Partido Liberal* and the *Asociación Primero Colombia*, were particularly active in filing complaints at the Mission's main headquarters and the regional offices in Bucaramanga and Montería (in the departments of Santander and Córdoba, respectively). They all cited irregularities that occurred on March 10 and asked that the Mission intervene to clarify the situation, settle the makeup of the new Congress and correct such problems as corruption on the part of election judges, a lack of transparency in the transmission of pre-count results, the fact that witnesses appointed by the political parties and movements were denied access to the polling stations, and

other such problems. All the complaints were forwarded to the proper electoral authorities.

#### B. COMPLAINTS ABOUT THE LAW AND ORDER SITUATION

As previously noted, the difficult law and order situation in the country had an unmistakable and direct effect on the conduct of the May 26 election. Indeed, most of the complaints that the EOM received alluded to crimes such as preventing voters from casting their vote, voter coercion, and disruption of law and order. A sizeable number of citizens asked the Mission to request stepped-up security measures in all those areas of the country where there was no military or police presence.

The *Partido Liberal* gave the EOM a copy of a complaint it had filed on May 15 with a number of authorities, such as the Attorney General's Office, the Electoral Organization, and the Ministry of the Interior. In the complaint the Party stated that 205 municipalities in 28 departments had no guarantees of law and order; it asked for Army coverage blanketing all of Colombian territory and requested that the election be suspended in those municipalities and *corregimientos* where the outlaw groups were in greatest numbers. This complaint was widely reported in the media. The Colombian authorities tried to answer the complaint with the argument that the Democracy Plan would keep the situation under control.

The representations of the *Polo Democrático* in Bogotá and in Ibagué, capital of the department of Tolima, each filed complaints, one with the Mission's main headquarters and the other with its respective regional office, concerning the law and order situation and the conditions of the electoral process in the department of Tolima. The complaints mentioned such activities as voters being constrained from exercising the vote and persecution of *Polo Democrático* sympathizers, basically by paramilitary groups, which were a strong presence in the area, but also by guerrilla groups. The *Polo Democrático* asked the Mission to inform the international community of this situation and to build up its presence in the region on Election Day. The Mission acted on both requests and also brought the situation to the attention of the Solicitor General's Office.

The Mission's regional office in Bucaramanga received a number of complaints from private citizens and representatives of political parties and movements (specifically the *Partido Liberal*). These complaints expressed alarm over the presence of paramilitary in the area and about the effort to prevent voters from casting their ballot for candidate Horacio Serpa. All these complaints were forwarded to the Solicitor General's Office.

Complaints related to the law and order situation also came in from the departments of Cali, Cauca, Tolima, Santander, Córdoba and Medellín. They all alleged that outlaw armed groups were constraining voters, and expressed concern over the

possibility that polling stations might be moved from the *corregimientos* to the municipal seats. All the complaints were forwarded to the corresponding authorities at the Attorney General's Office and the Solicitor General's Office.

#### C. COMPLAINTS RELATED TO THE ELECTORAL ORGANIZATION

Presidential candidate Harold Bedoya presented two complaints concerning matters bearing upon the May elections. The first asked that one of the two candidates backed by the *Movimiento Comunal y Comunitario*, which was running two presidential tickets, be canceled; in the second complaint, he argued that the presence of the Partido Verde Oxígeno's ticket in the race was unlawful, because the two candidates on the ticket had not signed their registration. Both documents were forwarded to the election authorities.

The Mission's regional office in Ibagué, Tolima, received complaints from Tolima's *Red de Veeduría*, about cases of government corruption that could impact the electoral process. The complaints expressed the group's disagreement with the appointment of election judges and officials from the Registry. The Horacio Serpa campaign in Tolima complained of irregular activities on the part of election judges and problems with the electoral census. All those complaints were forwarded to the National Electoral Council and the National Registry of Vital Records.

#### D. COMPLAINTS RELATED TO THE MEDIA

Each and every political campaign, with the exception of *Primero Colombia*, complained, in one way or another, about the behavior of the media, alleging media bias. Both the *Partido Liberal* and the *Polo Democrático* movement filed written complaints with the Mission, alleging that the electronic and print media were heavily biased.

There were also complaints about the fact that the media published surveys right up to the eve of elections. The *Partido Liberal* was particularly energetic in its complaints. The party directors in Bogotá presented a document to the Mission which states that the surveys had become a tool for manipulating and influencing the vote. They asked that the EOM propose to the media that they refrain from publishing surveys in the last week of the political campaign. A copy of the document was sent to the Solicitor General's Office.

The Mission's attention to the complaints was very instrumental in helping it to form a clear idea about the kinds of irregularities that Colombians found most disturbing. Salient among these were the law and order problems and the problems with the Electoral Organization that became apparent on the occasion of the March 10, 2002 elections. Because the Mission received complaints from the citizenry at all its regional offices and listened to those who went to its main headquarters in Bogotá, the political parties and movements and the general public trusted the Mission, which made communication with the various sectors that much easier. Finally, the practice of receiving complaints and forwarding them to the proper authorities opened up another

channel of dialogue between those authorities and the EOM, which facilitated the work of all parties and ultimately served the cause of democracy in Colombia.

## CHAPTER VI: CONCLUSIONS AND RECOMMENDATIONS

### A. GENERAL OBSERVATIONS:

#### 1. Current legislation:

- In the Mission's opinion, Colombian laws provide the general basis needed for the orderly conduct of elections. However, the situation in terms of public order makes it difficult to apply these laws throughout much of the national territory. It is therefore recommend that state take measures as appropriate to correct the situation.
- In view of the deficiencies and gaps observed in the country's electoral laws, which weaken and undermine the coherence and legitimacy of the electoral process, it is important for the state to analyze the possibility of reforming these laws, pursuant to the objectives set forth in the Political Constitution.
- Public information about current electoral laws and processes, as well as the mechanisms for resolving doubts and problems, were in general found to be inadequate.

#### 2. Election procedures

- The process of voter registration and the issuance of identity cards suffer from a number of significant problems that need to be addressed, particularly evident in the case of votes recorded in the names of deceased persons
- Defects in the census registration process were observed to prevent citizens from receiving their documents in a timely fashion. It generally took more than six months, and never less than one month, to issue documents, which prevented a significant number of citizens from voting.
- The election panel training was observed to be inadequate, generating calls for more and better training services that were not heeded by the electoral authorities.
- The Mission believes that voters need to be better informed about voting procedures, and particular aspects thereof, such as blank ballots, the voting process, the role of panel members, etc.
- In the Mission's opinion, the company entrusted with preparing and distributing election materials was well organized and efficient, enabling it to reach the remotest corners of the nation using a wide variety of transportation modalities.



- The Mission concluded that the precourt system, designed mainly to save time, represents a highly useful tool for comparing and corroborating the official voting results obtained in the municipal seats. In the case of the presidential elections, transmission of the precourt results was efficient and expeditious, creating a climate of confidence and legitimacy that was reinforced when the presidential candidates immediately recognized the victory of Álvaro Uribe.
- The anger demonstrated by voters produced consequences contrary to international humanitarian law. In the days after the elections mayors were assassinated and a large number of mayors, judges, and prosecutors resigned after receiving numerous threats from the FARC.
- The "apparent culture" of fraud that has existed in Colombia since the time of the National Front government was in evidence. On this occasion, however, the number and extent of irregularities generated particular alarm and concern, soon leading to the denunciation of flaws and inconsistencies in electoral procedures.
- It could be concluded that lax requisites for candidate registration permitted the proliferation of minority parties with no chances of success.
- The election campaign was characterized by disparities in media access and two other phenomena: a highly critical attitude among the candidates toward the Electoral Organization, and a "personalities feud" of sorts, in which the three major candidates resorted to personal recriminations and public denunciations of past incidents.
- The activities of the media took on particular importance in terms of public order in the country, since in the face of traditional proselytizing in the public arena, the media had to act as communication channel between the population, the candidates, and electoral authorities. The Mission noted the objectivity of the press during the election of May 26.
- It is noteworthy that there were virtually no debates between the candidates, which would have been useful in providing voters with a more objective picture of their respective positions.
- There were serious public disruptions in the departments of Huila, Neiva, and Meta. The Mission therefore considered it important to be actively present in those departments to provide inter-American institutional support to Colombian authorities.

## B. CONCLUSIONS OF THE ELECTORAL OBSERVATION PROCESS

### 1. Opening of the election process

On election day, the following conclusions could be drawn:

- Most of the polling stations offered the physical conditions necessary for the proper conduct of elections. In general terms, space, security measures and other necessary services were sufficient to accommodate the voters who participated; however, 17% of the polling stations observed did not post signs for citizen orientation.
  - Polling stations were opened without difficulty at the scheduled time, i.e. at 8:00 a.m., or a few minutes later, at most of the sites observed, in the presence of at least four election panel members. In most cases, the panel members had arrived at the polling station at 7:00 a.m. to prepare for the start of activities.
  - In very few cases were the electoral witnesses present when the polls opened or during the day. Most of the witnesses were concentrated in urban areas and consisted largely of representatives of *Movimiento Primero Colombia*, *Partido Liberal*, and *Movimiento Sí Colombia*. The witnesses performed their role properly during the voting process in accordance with the applicable rules.
  - It was noted that about 5% of the polling stations observed lacked some of the materials necessary for the day's activities. However, this omission was either corrected in most cases or did not pose an impediment to the polling station's activities.
  - With respect to the voting per se, the process was observed to be clean, orderly, and transparent. A few irregularities, however, did arise. For instance, 6% of the citizens who arrived to vote were unable to do so because they were not registered in the voter rolls. This could have been because citizens went to the wrong polling station, or were not registered, even those who had their citizenship cards. This latter option should be considered by electoral authorities to correct problems of this kind.
  - In terms of public order, there were very few cases of voter coercion, which was noted in 2% of the polling stations observed. This figure would generally be considered a very positive result in a country where problems of public order are among the main concerns. In that sense, the work of the Armed Forces in implementing *Plan Democracia* contributed positively to the election process.
  - Political propaganda was found within 2% of the polling stations. In their written reports, some observers also noted the presence of political party and movement sympathizers with election propaganda at several of the urban polling centers. Although this situation did not affect the voting process, electoral authorities need to design suitable mechanisms to prevent such problems in connection with this type of activity.
2. Closing of the polling stations, vote-tallying, and the delivery of materials to the indicated authorities

In general terms, polling stations closed on schedule, at 6:00 p.m., without major difficulties. Based on the polling stations observed, the members of the Mission have drawn a number of conclusions about the electoral process:

- In general, the polling stations were closed in an orderly manner at 6:00 p.m. in accordance with the applicable electoral provisions. Of the polling stations observed by the Mission, 93% closed on time and 96% closed without any difficulty.
- Among the very few problems encountered throughout the country were difficulties with arithmetic in completing the forms, the need for additional counts, and minor procedural objections by the witnesses. These problems were generally solved by the election panel members themselves, and as a result, very few ballot returns were contested.
- Although the time allowed for voting was relatively short (from 8 a.m. to 6 p.m.), only a low percentage of voters were lined up outside and unable to vote when the polling stations closed (at 5% of the stations observed by the Mission). In all likelihood, the heavily used polling center in Corferias, for all residents of the district of Bogotá with recently issued registration cards, was where the greatest number of problems of this kind arose. Shortly before 6:00 p.m., the observers assigned to that location noted a surge in arrivals, which accounted for most of the voters who arrived too late to vote.
- In this election, given what occurred with the E14 forms during the March 10 elections, the election panel members were particularly careful in handling the forms, as indicated by the fact that at all the polling stations observed, requisition problems were encountered with only one E14 form.
- One aspect that will undoubtedly call for analysis and a decision by election authorities pertains to the informal posting of results (vote tally forms E14) in a visible place at the polling stations. Of the stations observed, only 63% complied with this step. The Mission considers that the posting of results in a visible place is fundamental to the legitimacy of the results of the precount as well as the final tally, particularly given that the electoral system does not provide for the presentation of official supporting documents to the electoral witnesses or other representatives of political parties or movements at the time of voting. This situation created problems and suspicions among the political players, particularly in light of what occurred on March 10.
- The Mission observed that the election materials were delivered to the appropriate Registry authorities, and subsequently secured by the clerks, in accordance with the legal provisions and the instructions of the National Registry. Irregularities and difficulties arose in some parts of the country, generally related with problems of public order – such as the theft of materials from a municipality in the department of Cundinamarca. Though regrettable, these incidents did not cause major problems for the delivery and securing of materials prior to the counting of votes.

It is worth noting that the most characteristic feature of the vote counting process in the municipalities was the lack of interest in the process among the general population, and the political actors themselves in particular.

#### C. RECOMMENDATIONS

Colombia is considered to have a strong and legitimate electoral system consistent with the democratic spirit of the Colombian Political Constitution, which is based on a tradition of transparency, legitimacy, and efficiency in its mechanisms for expression of the public will. However, there are various aspects of electoral organization that could be improved to consolidate the country's democratic character, without affecting the effectiveness and efficiency of the electoral system. In the Mission's opinion, it would be advisable to establish self-monitoring and internal audit mechanisms for the National Civil Status Registry; streamline the vote counting procedures to give them greater weight relative to the pre-count; and design new training strategies for the election panel members.

In political terms, it is considered advisable to make some structural changes within the electoral organizational structure – and specifically the National Electoral Council – to make it coincide more closely with the current political realities in Colombia. From this point of view, it is essential to recognize that the two traditional political parties represented in the National Electoral Council have lost their former prominence in the political direction of the country, given the emergence of such new political forces as *Polo Democrático*, which presented a concrete platform.

Lastly, it is believed that outsourcing, or the participation of third parties in the various stages of the Registry's Results Transmission Plan, could cause concern given the electoral agency's poor credibility and the lack of trust among the general public. While the transmission of results was highly effective for the presidential elections, it is recommended that in future this process be more closely controlled by the Electoral Agency, in the interests of a transparent electoral process and institutional strengthening of the electoral authorities and other state agencies.

## CHAPTER VII. FINANCIAL REPORT

**ORGANIZATION OF AMERICAN STATES  
UNIT FOR THE PROMOTION OF DEMOCRACY**



**Electoral Observation Mission - Colombia 2002**

**CONSOLIDATED STATEMENT OF CHANGES IN FUND BALANCE  
From Inception (April 22, 2002) to November 30, 2002**

**Increases**

*Contribution*

United States (USAID)	\$	325,204	
United States - Department of States		252,896	
United Kingdom		21,900	
<b>Total Increases</b>	<b>\$</b>		<b>600,000</b>

**Decreases**

*Transfer to OAS DEMOC.*

162,000

*Expenditures*

Travel		185,925	
Publications and Documents		168	
Equipment, Supplies and Maintenance		5,594	
Building and Maintenance		4,051	
Performance Contracts		192,968	
Other Expenses		30,011	

**Total Decreases** 580,717

**Fund balance at end of period**

19,283


**Obligations Pending Approval**

17,600 <sup>(1)</sup>

**Adjusted Fund Balance**

\$ 1,683

(1) Obligations in process to be approved. In case Obligations are not approved, fund balance will remain as shown above.

  
12-23-02  
 Certified by: Javier Goldin, Chief  
 Financial Reporting and Policy Division  
 Department of Financial Services

Project UPD-EOM/017

*ORGANIZATION OF AMERICAN STATES*

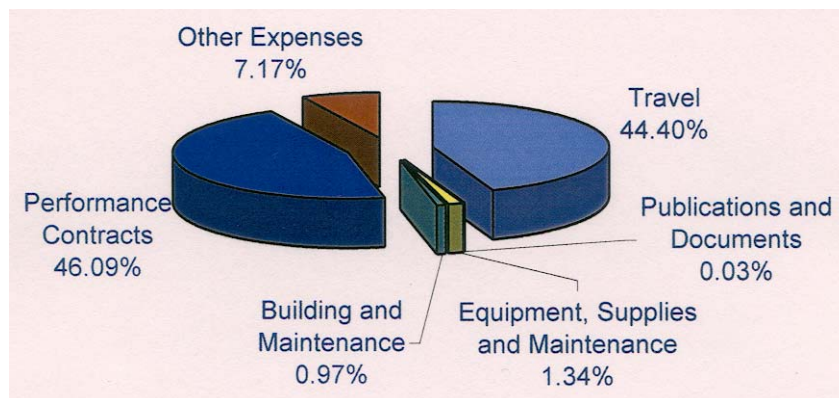
UNIT FOR THE PROMOTION OF

DEMOCRACY



Electoral Observation Mission - Colombia 2002  
From Inception (April 22, 2002) to November 30, 2002

Expenditure Composition by Object of Expense



*DESCRIPTION OF OBJECTS OF EXPENDITURE*

**National and International Travel** - This category includes expenditures related to travel and per diem expenses for international supervision, control administration, as well as local travel and contracted personnel for internal program administration.

**Documents** - Includes publications, photocopying, printing and distribution of documents.

**Equipment, Supplies and Maintenance** - This category includes: a) fuel, lubricant, insurance, and vehicle maintenance; b) helicopter services related costs; c) field equipment, and supplies.

**Building & Maintenance** - Includes repairs and maintenance for fixed installations of the office, as well as rent and service payments such as water, electricity and communication costs.

**Performance Contracts** - This category includes: a) local contracts for administrative, security, drivers personnel, and translation services; b) international contracts in the

field and at headquarters-OAS; c) life and health insurance for both international and national personnel.

Other Expenses - Shipping costs, customs fees, petty cash, advances, exchange rate difference and miscellaneous expenses.



APPENDIX I

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LETTERS OF INVITATION AND ACCEPTANCE





# Ministerio del Interior

0559

Despacho del Ministro

Bogotá, 20 FEB. 2002

Doctor  
CESAR GAVIRIA TRUJILLO  
Secretario General  
Organización de Estados Americanos O.E.A.  
Washington D.C.

Cordial saludo doctor Gaviria:

La Comisión Nacional de Seguimiento Electoral, instancia donde participan todas las entidades del Estado que tienen relación con los procesos electorales, aprobó el plan de garantías presentando por el Gobierno Nacional para los comicios a llevar a cabo el 10 de marzo, 26 de mayo y eventualmente 16 de junio en caso de segunda vuelta, para elegir Senadores y Representantes a la Cámara, Presidente y Vicepresidente de la República.

Dentro del plan aprobado se encuentra la realización de una observación internacional, la cual fue incluida con el objeto de ofrecer más y mejores garantías para el cabal desarrollo del proceso electoral. En consideración del Gobierno y de la Organización Electoral, ésta fomenta la transparencia y legitimidad del proceso y además genera en el electorado y en los candidatos un ambiente de mayor seguridad para el ejercicio de sus derechos políticos. En este sentido se pronunciaron varios candidatos a la Presidencia de la República, quienes al ser consultados por el Ministerio del Interior, sugirieron la invitación a una observación internacional o a través de los medios de comunicación han hecho público su parecer.

Para lo anterior, las entidades en cita realizaron los estudios y consultas necesarias a efecto de determinar los objetivos de la observación y de esta manera orientar su efectiva participación y concluyeron que serían tres los aspectos a observar por la misión: el normal desarrollo del proceso como tal, el equilibrio informativo y la libertad del voto.

De acuerdo con la definición de las autoridades electorales colombianas, la observación del proceso tiene como objetivo "evaluar las características de los procedimientos electorales, especialmente la recepción del voto y los escrutinios", así como de "las garantías de los derechos políticos en condiciones de igualdad para todos los partidos, movimientos y candidatos".

En relación con el segundo aspecto es importante señalar cómo en las actuales circunstancias del país, el alto índice de audiencia de los medios privados de comunicación representa un riesgo para la objetividad del electorado, en caso que aquellos no cumplan estrictamente con su deber de informar de manera imparcial y equitativa sobre las campañas políticas, razón por la cual un control adicional en este aspecto promueve un objetivo equitativo e informativo.



# Ministerio del Interior

Despacho del Ministro

0559

Por otra parte, la presión de fuerzas armadas irregulares sobre la ciudadanía y los candidatos podría violentar la libre expresión democrática, de suerte que una observación internacional en este aspecto fortalece la campaña por el voto libre y secreto y coadyuva a generar un ambiente de seguridad para su ejercicio.

Una vez definidos los objetivos de la observación internacional, el Gobierno y la Organización electoral encontraron que la Unidad Para la Promoción de la Democracia - UPD de la Organización de Estados Americanos - OEA es la más indicada, dada su experiencia no sólo en el continente sino también en Colombia, la cual la hace conocedora de nuestra estructura administrativa, sistema electoral y situación política.

En consecuencia nos permitimos elevar por su conducto a esa Organización, solicitud formal para su realización en los términos arriba expuestos de las elecciones para Presidente y Vicepresidente de la República y un monitoreo de las elecciones para Congreso, en el que teniendo en cuenta la premura del tiempo, se logró avanzar en la consecución de los objetivos mencionados.

De igual manera agradecemos el permanente apoyo e interés de la OEA en el fortalecimiento de nuestra democracia, patrimonio y orgullo de los colombianos que una vez más nos esforzamos en consolidar.

Cordialmente,

ARMANDO ESTRADA VILLA  
Ministro del Interior

CLEMENCIA FORERO UCROS  
Viceministra de Relaciones Exteriores  
Encargada de las funciones del Despacho del  
señor Ministro

LUIS FELIPE VERGARA CABAL  
Presidente Consejo Nacional Electoral



*Ministerio del Interior*  
*Despacho del Ministro*

Bogotá, • 4 JUN. 2002

Doctor  
CÉSAR GAVIRIA TRUJILLO  
Secretario General Organización de Estados Americanos, OEA  
Washington D.C.

Apreciado doctor Gaviria:

Concluido el proceso electoral del 26 de mayo, en donde los colombianos demostraron su decidido apoyo a la democracia y en medio de tantas dificultades y amenazas ejercieron libremente su derecho al voto, es justo hacer un merecido y expreso reconocimiento a la labor de la Misión de observación electoral de la Organización de Estados Americanos y enfáticamente agradecer su invaluable apoyo.

Vale la pena resaltar cómo el equipo del doctor Santiago Murray logró alcanzar el equilibrio ideal entre independencia y autonomía en la labor de observación, con la colaboración en el proceso frente a las distintas autoridades y entidades comprometidas con éste. Así mismo logró evidenciar la problemática de orden público que vive el país, toda vez que hubo un contacto directo con la comunidad en diferentes ciudades y regiones, al tiempo que responsablemente se garantizó la vida y seguridad de los observadores cumpliendo a cabalidad la misión en ese sentido encomendada.

No cabe duda de la consecución de los tres objetivos de la observación. El requerimiento a los grupos armados ilegales de respetar la expresión política de la ciudadanía fortaleció la campaña por el voto libre y secreto. Por otra parte, la misión previno a los corruptos del fraude en los comicios y la manipulación de sus resultados, incrementando la confianza del electorado en la transparencia del proceso. Lo mismo puede decirse de la labor con los medios de comunicación frente a la garantía del equilibrio en la información de las campañas.

Esta positiva experiencia demuestra la importancia de estrechar esfuerzos entre nuestro país y la comunidad interamericana. Las dificultades particulares de Colombia y el mundo trascienden las fronteras y por ello hoy más que nunca urge fortalecer los lazos

de unión de los estados miembros de esa Organización. El apoyo al fortalecimiento de nuestra democracia fue un gran paso para este cometido.

Cordialmente,

ARMANDO ESTRADA VILLA  
Ministro del Interior

GUILLERMO FERNANDEZ DE SOTO  
Ministro de Relaciones Exteriores

*LUIS FELIPE VERGARA CABAL*  
Presidente Consejo Nacional Electoral

Organización de los Estados Americanos  
Washington, D.C.

El Secretario General

de marzo de 2002

Señor Ministro:

*Tengo el honor de dirigirme a Vuestra Excelencia en respuesta a la atenta nota de fecha 20 de febrero, suscrita conjuntamente por usted, la Viceministra de Relaciones Exteriores, Excelentísima señora Clemencia Forero Ucros y el Presidente del Consejo Nacional Electoral, Honorable señor Luis Felipe Vergara Cabal, mediante la cual comunica que el Gobierno de la República de Colombia ha decidido solicitar a la Organización de los Estados Americanos (OEA) la conformación de una Misión de Observación Electoral para las elecciones de Presidente y Vicepresidente de la República, así como la realización de un monitoreo de las elecciones para el Congreso, que se celebrarán el próximo 10 de marzo.*

*Sobre el particular, me complace manifestar a Vuestra Excelencia, que la Secretaría General acoge con el mayor interés la invitación de su Gobierno y anticipa su disposición favorable para organizar la Misión solicitada, a fin de que participe en las diversas etapas de los comicios para elegir Presidente y Vicepresidente de la República, así como contar con nuestra presencia en la elección para el Congreso.*

*Al respecto, procedo a informar que ha sido designado como jefe de la Misión el señor Santiago Murray, Coordinador del Área de Fortalecimiento de Sistemas y Procesos Electorales de la Unidad para la Promoción de la Democracia.*

*Excelentísimo señor  
Armando Estrada Villa,  
Ministro del Interior  
Bogotá, Colombia*

*Igualmente, es oportuno señalarle que de conformidad con las disposiciones vigentes, el envío de dicha Misión estará condicionada a la obtención de recursos externos para su financiamiento.*

*Hago propicia esta ocasión para reiterar al Señor Ministro el testimonio de mi más alta y distinguida consideración.*

*Cesar Gaviria  
Secretario General*



APPENDIX II

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AGREEMENT BETWEEN THE OAS GENERAL SECRETARIAT AND COLOMBIAN ELECTORAL  
AUTHORITIES



ACUERDO ENTRE LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS  
AMERICANOS Y EL GOBIERNO DE LA REPÚBLICA DE COLOMBIA RELATIVO A LOS  
PRIVILEGIOS E INMUNIDADES DE LOS OBSERVADORES DEL PROCESO ELECTORAL  
CORRESPONDIENTE A LAS ELECCIONES DE PRESIDENTE Y VICEPRESIDENTE A  
REALIZARSE EN EL TERRITORIO NACIONAL EL 26 DE MAYO DEL 2002



Las partes de este Acuerdo, la Secretaria General de la Organización de los Estados Americanos (la Secretaría General de la OEA), y el Gobierno de la República de Colombia:

CONSIDERANDO:

Que por medio de una comunicación dirigida al Secretario General de la OEA, con fecha 20 de febrero del 2002, por el Gobierno de la República de Colombia, se solicitó la asistencia de una Misión de Observación Electoral de la OEA para las Elecciones de Presidente y Vicepresidente que se llevaron a cabo el 26 de mayo del 2002;

Que mediante nota del 4 de marzo del 2002, el Secretario General de la OEA aceptó la invitación formando un Grupo de Observadores de la OEA para realizar una Misión de Observación Electoral en la República de Colombia;

Que el Grupo de Observadores de la OEA está integrado por funcionarios de la Secretaría General de la OEA y observadores internacionales contratados por la Secretaría General de la OEA para participar en esta Misión de Observación Electoral;

Que el artículo 133 de la Carta de la OEA dispone: "la Organización de los Estados Americanos gozará en el territorio de cada uno de sus miembros de la capacidad jurídica, privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus propósitos"; y

Que los privilegios e inmunidades reconocidos a la OEA, la Secretaría General de la OEA y su personal en la República de Colombia, además de lo previsto en la Carta de la OEA, están establecidos en el Acuerdo sobre Privilegios e Inmunidades de la OEA, adoptado el 15 de mayo de 1949, del cual es parte la República de Colombia al depositar el Gobierno de Colombia su instrumento de adhesión el 17 de junio de 1974.

ACUERDAN LO SIGUIENTE:

CAPÍTULO I

PRIVILEGIOS E INMUNIDADES DEL GRUPO DE OBSERVADORES DE LA OEA

ARTÍCULO 1

Los privilegios e inmunidades del Grupo de Observadores de la OEA en el Proceso de Elecciones de Presidente y Vicepresidente en la República de Colombia serán aquellos que se otorgan a la OEA, a los Órganos de la OEA, y al personal de los mismos.

## ARTÍCULO 2

Los bienes y haberes del Grupo de Observadores de la OEA en cualquier lugar del territorio de la República de Colombia y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra todo procedimiento judicial, a excepción de los casos particulares en que se renuncie expresamente a esa inmunidad. Se entiende, sin embargo, que esa renuncia de inmunidad no tendrá el efecto de sujetar dichos bienes y haberes a ninguna medida de ejecución.

## ARTÍCULO 3

Los locales que ocupe el Grupo de Observadores de la OEA serán inviolables. Asimismo, sus haberes y bienes, en cualquier lugar del territorio de la República de Colombia y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra allanamiento, requisición, confiscación, expropiación y contra toda otra forma de intervención, ya sea de carácter ejecutivo, administrativo, judicial o legislativo. Dichos locales no podrán ser usados como lugar de asilo por personas que traten de evitar ser arrestadas en cumplimiento de una orden judicial emanada de un tribunal competente de la República de Colombia, o que estén requeridas por el Gobierno de la República de Colombia, o traten de sustraerse a una citación judicial.

## ARTÍCULO 4

Los archivos del Grupo de Observadores de la OEA y todos los documentos que le pertenezcan o que se hallen en su posesión, serán inviolables dondequiera que se encuentren.

## ARTÍCULO 5

El Grupo de Observadores de la OEA estará: a) exento del pago de todo tributo interno entendiéndose, sin embargo, que no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos; b) exentos del pago de toda tributación aduanera, y de prohibiciones y restricciones respecto a artículos y publicaciones que importen o exporten para su uso oficial. Se entiende, sin embargo, que los artículos que se importen libres de derechos, sólo se venderán en el país conforme a las condiciones que se acuerden con el Gobierno de la República de Colombia; y c) exento de afectación por ordenanzas fiscales, reglamentos o moratorias de cualquier naturaleza. Además podrán tener divisas corrientes de cualquier clase, llevar sus cuentas en cualquier divisa y transferir sus fondos en divisas

## CAPÍTULO II

### DE LOS MIEMBROS DEL GRUPO DE OBSERVADORES DE LA OEA

#### ARTÍCULO 6

Serán miembros del Grupo de Observadores de la OEA (en adelante los Observadores) aquellas personas que, previa aceptación del Gobierno de Colombia, hayan sido debidamente designadas y acreditadas ante el Consejo Nacional Electoral de la República de Colombia por el Secretario General de la OEA.

#### ARTÍCULO 7

Los Observadores gozaran durante el periodo en que ejerzan sus funciones y durante sus viajes de ida y regreso a la República de Colombia de los privilegios e inmunidades siguientes:

- a) Inmunidad contra detención o arresto personal e inmunidad contra todo procedimiento judicial respecto a todos sus actos ejecutados y expresiones emitidas, ya sean orales o escritas en el desempeño de sus funciones;
- b) Inviolabilidad de todo papel y documento;
- c) El derecho de comunicarse con la Secretaria General de la OEA por medio de radio, teléfono, vía satélite u otros medios y recibir documentos y correspondencia por mensajeros o en valijas selladas, gozando al efecto de los mismos privilegios e inmunidades que los concedidos a correos, mensajeros o valijas diplomáticos;
- d) El derecho de utilizar para su movilización cualquier medio de transporte, tanto aéreo como marítimo o terrestre en todo el territorio nacional;
- e) Excepción, respecto de si mismo y de sus cónyuges e hijos, de toda restricción de inmigración y registro de extranjeros y de todo servicio de carácter nacional en la República de Colombia;
- f) Las mismas franquicias acordadas a los representantes de gobiernos extranjeros en Misión Oficial Temporal en lo que respecta a posibles restricciones sobre divisas;

- g) Las mismas inmunidades y franquicias respecto de sus equipajes personales, acordadas a los enviados diplomáticos; y también,



- h) Aquellos otros privilegios, inmunidades y facilidades compatibles con lo antes dicho, de los cuales gozan los enviados diplomáticos, salvo excepción de derechos aduaneros sobre mercaderías importadas (que no sean parte de su equipaje personal) o de impuestos de ventas y derechos de consumo.

#### ARTÍCULO 8

La Misión de Observación Electoral de la OEA podrá establecer y operar en el territorio de la República de Colombia un sistema de radio-comunicaciones autónomo destinado a proveer enlace permanente entre los Observadores y los vehículos que utilice la Misión de Observación Electoral de la OEA con las oficinas y sedes regionales, como de estas con la sede central en Bogotá y de esta con la sede de la Secretaría General de la OEA en Washington, D.C., para cuyo logro el Gobierno de la República de Colombia prestará toda la colaboración técnica y administrativa que se considere necesaria.

#### ARTÍCULO 9

Las disposiciones contenidas en el artículo 7 de este Acuerdo no son aplicables a los nacionales acreditados, salvo respecto de los actos oficiales ejecutados o expresiones emitidas en el ejercicio de sus funciones.

### CAPÍTULO III

#### COOPERACIÓN CON LAS AUTORIDADES

#### ARTÍCULO 10

Los Observadores colaborarán con las autoridades competentes de la República de Colombia para evitar que ocurran abusos en relación con los privilegios e inmunidades concedidos. Asimismo, las autoridades competentes de la República de Colombia harán todo lo posible para facilitar la colaboración que les sea solicitada por los Observadores.

#### ARTÍCULO 11

Sin perjuicio de los privilegios e inmunidades otorgados, los Observadores respetarán las leyes y reglamentos vigentes en la República de Colombia.

#### ARTÍCULO 12

El Gobierno de la República de Colombia y el Secretario General tomarán las medidas que sean necesarias para procurar un arreglo amistoso para la solución adecuada de:

- a) las controversias que se originen en contratos u otras cuestiones de derecho privado; y
- b) las controversias en que sea parte cualquiera de los Observadores respecto de materias en que gocen inmunidad.

## CAPÍTULO IV

### CARACTER DE LOS PRIVILEGIOS E INMUNIDADES

#### ARTÍCULO 13

Los privilegios e inmunidades se otorgan a los Observadores para salvaguardar su independencia en el ejercicio de sus funciones de observación del Proceso Electoral de Presidente y Vicepresidente de la República de Colombia y no para beneficio personal, ni para realizar actividades de naturaleza política en territorio colombiano.

Por consiguiente el Secretario General de la OEA renunciará a los privilegios e inmunidades de éstos en caso de que, según su criterio, el ejercicio de ellos impida el curso de la justicia y cuando dicha renuncia pueda hacerse sin que se perjudiquen los intereses de la OEA.

## CAPÍTULO V

### IDENTIFICACIÓN

#### ARTÍCULO 14

El Consejo Nacional Electoral proveerá a cada uno de los Observadores de un carnet de identidad numerado, el cual contendrá el nombre completo, el cargo o rango y una fotografía. Los Observadores no estarán obligados a entregar dicho carnet sino a presentarlo cuando así lo requieran las autoridades de la República de Colombia.

## CAPÍTULO VI

### DISPOSICIONES GENERALES

#### ARTÍCULO 15

El Gobierno de la República de Colombia reconoce el "documento oficial de viaje" expedido por la Secretaría General de la OEA como documento valido y suficiente para los viajes de los Observadores. Dicho documento requiere visado oficial para que los Observadores ingresen en el país y permanezcan en e1 hasta el término de su Misión Oficial.

## ARTÍCULO 16

Este Acuerdo podrá ser modificado por mutuo consentimiento del Gobierno de la República de Colombia y de la Secretaría General de la OEA.

## ARTÍCULO 17

Este Acuerdo entrará en vigor una vez firmado por las partes y completados los trámites legales internos que el Gobierno de Colombia deba cumplir, y se dará por finalizado cuando los Observadores concluyan sus labores, de acuerdo con los términos de la invitación hecha por el Gobierno de la República de Colombia.

EN FE DE LO CUAL, los infrascritos, debidamente autorizados para hacerlo, firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la Sede de la Organización de Estados Americanos en Washington, D.C., a los \_\_\_\_ días del mes de mayo de dos mil dos.

POR EL GOBIERNO DE LA  
REPÚBLICA DE COLOMBIA:

POR LA SECRETARÍA  
GENERAL DE LA  
ORGANIZACIÓN DE LOS  
ESTADOS AMERICANOS

Humberto de la Calle Lombana  
El Embajador de la República de  
Colombia ante la OEA

Cesar Gaviria  
Secretario General

APPENDIX III

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AGREEMENTS BETWEEN THE MINISTRY OF THE INTERIOR, THE NATIONAL  
ELECTORAL COUNCIL OF THE COLOMBIAN REPUBLIC, AND THE OAS



ACUERDO ENTRE EL MINISTERIO DEL INTERIOR, EL CONSEJO NACIONAL ELECTORAL DE LA REPÚBLICA DE COLOMBIA Y LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS SOBRE EL PROCEDIMIENTO DE OBSERVACION ELECTORAL

El Ministro del Interior en su condición de Presidente de la Comisión Nacional para la Coordinación y Seguimiento de los Procesos Electorales, el Presidente del Consejo Nacional Electoral y la Secretaría General de la Organización de los Estados Americanos ("SG/OEA"),

CONSIDERANDO:

Que la Ley 199 del 22 de julio de 1995 por la cual se modificó la estructura orgánica del Ministerio del Interior, en el artículo 5º, literal c, determina en relación con los asuntos electorales la función de "Conformar, cuando lo estime conveniente y necesario para el normal desarrollo del proceso electoral, la Comisión para la Coordinación y Seguimiento de los Procesos Electorales, con el objeto de analizar el debate electoral, formular sugerencias y recomendaciones ante las autoridades competentes respecto del mismo, atender las peticiones y consultas presentadas por los partidos y movimientos políticos y los candidatos independientes sobre derechos, deberes y garantías electorales, así como, coordinar las actividades indispensables para asegurar el normal desarrollo del proceso electoral".

Que el Decreto 2267 del 12 de septiembre de 1997 regula la Comisión para la Coordinación y Seguimiento de los Procesos Electorales establecida en la Ley 199 de 1995, y en su artículo primero señala que la integran: El Ministro del Interior quien la preside, el Ministro de Comunicaciones, el Ministro de Defensa Nacional, el Procurador General de la Nación, el Defensor del Pueblo, el Secretario Jurídico de la Presidencia de la República, el Fiscal General de la Nación y el Registrador Nacional del Estado Civil, o sus delegados.

Que el Decreto Reglamentario 2447 del 3 de octubre de 1997 en el artículo 3º, dispone que al interior de la Comisión Nacional para la Coordinación y Seguimiento de los Procesos Electorales, funcionan cinco Comités, entre los cuales están los de observación y veeduría internacional y medidas tendientes a garantizar la transparencia electoral.

Que la citada comisión aprobó el plan de Garantías presentado por el Gobierno para los procesos electorales de 2002 y dentro de éste, la realización de una observación internacional con el objeto de promover una mayor transparencia y seguridad en las elecciones presidenciales.

Que la Ministra Encargada de Relaciones Exteriores, el Ministro del Interior y el Presidente del Consejo Nacional Electoral, cursaron invitación al Secretario General de la Organización de los Estados Americanos ("el Secretario General") para que enviara una Misión de Observadores de la OEA ("La Misión") con el propósito de brindar asistencia de observación electoral en las elecciones presidenciales que se realizarán en la República de Colombia el 26 de mayo de 2002.

Que en la Resolución AG/Res 991 (XIX- 0/89) la Asamblea General de la OEA reiteró al Secretario General la recomendación de "organizar y enviar misiones a aquellos Estados miembros que, en ejercicio de su soberanía lo soliciten, con el propósito de observar el desarrollo, de ser posible de todas sus etapas, de cada uno de los respectivos procesos electorales"; así como lo establecido en la Carta Democrática en su artículo 24, el cual establece que "las misiones de observación electoral se llevarán a cabo por solicitud del Estado miembro interesado. Con tal finalidad, el gobierno de dicho Estado y el Secretario General celebrarán un convenio que determine el alcance y la cobertura de la misión de observación electoral de que se trate. El Estado miembro deberá garantizar las condiciones de seguridad, libre acceso a la información y amplia cooperación con la misión de observación electoral."

Que el Secretario General acogió la solicitud del gobierno Colombiano, disponiendo el día 4 de marzo de 2002, la designación de una Misión a la República de Colombia con el objetivo de realizar la observación del proceso electoral a llevarse a cabo el 26 de mayo de 2002 y el 16 de junio del mismo año, segunda vuelta, si a ello hubiere lugar,

#### ACUERDAN:

##### Primero:      Garantías:

- a) Las *Instituciones* competentes garantizarán a la Misión todas las facilidades para el cumplimiento adecuado de su misión de observación de las elecciones en la República de Colombia, de conformidad con las normas vigentes en la República de Colombia y los términos de este Acuerdo;
- b) Las Instituciones competentes garantizarán la correspondiente instrucción a sus autoridades para que se le brinde a los observadores el pleno acceso a sus instalaciones, así como a la información oportuna acerca del desarrollo y avances del calendario electoral;
- c) Las Instituciones competentes, durante el día de los comicios, garantizarán a la Misión el acceso a los puestos de votación desde la instalación de las mesas electorales hasta la terminación del escrutinio a nivel nacional;
- d) Las Instituciones competentes, en el marco de la situación de orden público existente en el país, velarán en coordinación con el Jefe de

la Misión, y conforme a un plan previamente aprobado por ambas partes los mecanismos de seguridad necesarios que garanticen de la mejor forma posible, la integridad física de cada uno de los observadores y funcionarios de la Misión;

- e) La Misión acompañará el proceso electoral en sus distintas etapas, enfatizando sus actividades de observación en aspectos tales como:
- La equidad y equilibrio informativo de los medios de comunicación en relación con las campañas presidenciales.
  - Las condiciones de seguridad, libertad y secreto del voto de los ciudadanos, así como los planes y programas que para su garantía se establezcan.
  - El desarrollo de los procedimientos electorales, en especial de la recepción del voto, los escrutinios y las garantías de los derechos políticos en condiciones de igualdad para todos los candidatos.

Segundo:     Información:

- a) Las Instituciones competentes suministrarán a la Misión toda la información referente a la organización, dirección y supervisión del proceso electoral. La Misión podrá solicitar al Consejo Nacional Electoral, a la Registraduría Nacional del Estado Civil o a sus órganos descentralizados la información adicional necesaria para el ejercicio de sus funciones;
- b) La Misión informará a las autoridades competentes acerca de las irregularidades e interferencias que observe o que le fueren comunicadas. Asimismo, la Misión podrá solicitar a las autoridades competentes la información sobre las medidas que al respecto se hubieren tomado;
- c) Las autoridades electorales facilitarán a la Misión información relativa a los padrones electorales y a los datos contenidos en sus sistemas automatizados referentes al mismo. De igual manera, proveerán la información relativa al sistema de cómputos de datos para el día de las elecciones y ofrecerá demostraciones de su operación; Igualmente, las autoridades competentes suministrarán información acerca de las condiciones de orden público existentes en el territorio nacional durante las distintas etapas del proceso electoral.
- d) Las Instituciones competentes garantizarán a la Misión información sobre el cómputo provisional y el cómputo definitivo. Para tal efecto, el Consejo Nacional Electoral y la Registraduría Nacional del Estado Civil garantizarán el acceso de la Misión a los respectivos Centros de Cómputos.



Tercero:        Disposiciones Generales:

- a) El Jefe de la Misión designado por el Secretario General de la O.E.A., representará a la Misión y a sus integrantes frente a las distintas Instituciones del Estado y frente al Gobierno;
- b) Las personas que integrarán el grupo de Observadores designados por la SG/OEA, estarán debidamente identificados con una credencial de identificación de la OEA y del Consejo Nacional Electoral, elaborados especialmente para la Misión;
- c) La Misión deberá actuar con imparcialidad, neutralidad y transparencia en el cumplimiento de su cometido;
- d) El Secretario General remitirá al Presidente de la Comisión Nacional para la Coordinación y Seguimiento de los procesos electorales, así como al Presidente del Consejo Nacional Electoral una copia del informe final de la Misión de Observación Electoral;
- e) Las Instituciones competentes harán conocer y difundirán entre todos los organismos con responsabilidad en el proceso electoral el contenido de este Acuerdo.

Cuarto:        Privilegios e Inmunidades:

Ninguna disposición en este Acuerdo se entenderá como una renuncia a los privilegios e inmunidades de los que gozan la Organización de los Estados Americanos y sus órganos conforme a la Carta de la Organización, ni a los establecidos en el Acuerdo sobre Privilegios e Inmunidades de la OEA, adoptado el 15 de mayo de 1949, del cual es parte la República de Colombia al depositar el Gobierno de Colombia su instrumento de adhesión el 17 de junio de 1974, así como a la Convención de Viena sobre Relaciones Diplomáticas del 18 de Abril de 1961.

Quinto:        Solución de Controversias:

Las Partes procurarán resolver mediante negociaciones directas cualquier controversia que surja respecto a la interpretación y/o aplicación de este Acuerdo. Si ello no fuera posible, la cuestión será sometida a arbitraje mediante el procedimiento que al efecto se acuerde.

A FE DE LO CUAL, los representantes de las partes, debidamente autorizados para ello, firman el presente documento en dos originales igualmente válidos en la ciudad de Bogotá.

ARMANDO ESTRADA VILLA  
Presidente Comisión Nacional para  
la Coordinación y Seguimiento de  
los Procesos Electorales

LUIS FELIPE VERGARA CABAL  
Presidente Consejo Nacional Electoral

*SANTIAGO MURRAY*  
Jefe Misión – OEA

## Adendum

En el marco del Acuerdo *entre el Ministerio del Interior, El Consejo Nacional Electoral de la República de Colombia, y la Secretaría General de la Organización de los Estados Americanos sobre el Procedimiento de Observación Electoral*, el Consejo Nacional Electoral y la Secretaría General de la Organización de los Estados Americanos, acuerdan suscribir el presente adendum, que tiene por objeto:

De conformidad con el Artículo Tercero, literal c, que señala que “la Misión deberá actuar con imparcialidad, neutralidad y transparencia en el cumplimiento de su cometido”, la Misión declara su compromiso de cumplir y acatar el marco jurídico aplicable a proceso electoral colombiano. En tal sentido, cumplirá con las disposiciones de la resolución 447 del Consejo Nacional Electoral (23 de septiembre de 1997), por la cual se reglamenta la participación de las misiones de observación internacional de los procesos electorales.

El presente documento se anexa al Acuerdo sobre el Procedimiento de Observación Electoral ya referido.

FELIPE VERGARA CABAL

SANTIAGO MURRAY



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APPENDIX IV  
PRESS RELEASES





*Organization of American States*

Press Release  
047-02)

[www.oas.org](http://www.oas.org)

(E-

March 6, 2002

*OAS TO SEND MONITORS TO COLOMBIAN ELECTIONS*

The Organization of American States (OAS) will be sending a team of observers to monitor Colombia's May 26 presidential elections, Secretary General César Gaviria announced today.

The Mission will be led by Santiago Murray, Coordinator of the Area of Strengthening of Electoral Systems and Processes in the OAS Unit for the Promotion of Democracy (UPD). Murray, an Argentine national, will travel to Bogotá this weekend along with three OAS observers to monitor the South American nation's legislative elections on Sunday, March 10. They will also begin arrangements to deploy the Electoral Observation Mission for the elections next May.

Santiago Murray has led several electoral observation missions to various OAS member countries, the most recent being last November's presidential elections in Nicaragua and the March 3 regional elections on the Nicaraguan Atlantic Coast.

The Mission is being sent to Colombia in response to a February 20 request in which the Local Government Minister, the Deputy Minister of Foreign Affairs and the President of the National Elections Council asked the OAS for an electoral observation mission to cover the two upcoming elections.

In his reply, the Secretary General said he welcomed the invitation to monitor various stages of the election for President and Vice President as well as the election for members of Congress.

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**ORGANIZACIÓN DE LOS ESTADOS AMERICANOS**  
 Misión de Observación Electoral  
**Bogotá, Colombia**  
*Elecciones Presidenciales del 26 de mayo de 2002*

(C-001/02)  
 18, 2002

*abril*

**MISION DE OBSERVACION DE LA OEA SE REUNE CON  
 CANDIDATOS A LAS ELECCIONES PRESIDENCIALES EN COLOMBIA**

La Misión de Observación Electoral de la Organización de los Estados Americanos (OEA), en Colombia, se encuentra realizando esta semana una serie de entrevistas con los distintos referentes políticos, autoridades gubernamentales y candidatos a la Presidencia de la República con el fin de conocer de manera directa las inquietudes que tienen acerca del proceso electoral del próximo 26 de mayo.

Con la presencia de la Misión, la comunidad interamericana envía un claro mensaje de apoyo y solidaridad al pueblo de Colombia que acudirá a las mesas electorales en medio de un difícil y complejo ambiente preelectoral en el que la intimidación, la violencia y el secuestro están imponiendo condiciones que resultan intolerables y que afectan el debido ejercicio de los derechos políticos de todo ciudadano.

La Misión ha constatado que existe unánime coincidencia entre los aspirantes a la primera magistratura colombiana en condenar con toda energía los actos de violencia que ocurren en diferentes regiones del país, que además de generar un creciente temor entre la población, también impiden el libre ejercicio de proselitismo político a las diferentes opciones políticas. A estos hechos, de por sí graves, se suman los actos de intimidación y veto que se registran en algunos lugares del país y que ponen en peligro el fiel ejercicio del sufragio.

La Misión de Observación de la OEA condena enérgicamente los secuestros y los atentados terroristas e intimidaciones contra candidatos, hechos que han generado el repudio nacional e internacional y que, igualmente, ha causado el replanteamiento de las campañas proselitistas.

Hacemos un llamado a los secuestradores de las candidatas Ingrid Betancourt y Clara Rojas para que respeten su integridad física y las liberen de inmediato, de manera que puedan reincorporarse al ejercicio de su campaña política. Igualmente, a que todos los grupos subversivos terminen con los actos de violencia que tantas vidas inocentes le ha costado a la democracia colombiana y permitan a toda la población, en igualdad de condiciones, ejercer su derecho de elegir y ser elegidos.

La Misión ha constatado de manera directa, de parte de las máximas autoridades electorales del país, su preocupación por el concurso de conductas fraudulentas de personas con responsabilidad directa en las elecciones del Congreso del pasado 10 de marzo, así como de otras ajenas a dicha autoridad. Esta situación ha generado desconfianza y ha afectado la credibilidad de dichos comicios. La Misión confía que de manera oportuna y antes de la elección presidencial se identifique y se castigue a los autores de estos actos contrarios a la ley.

La Misión comparte la opinión de los distintos candidatos presidenciales acerca de que tanto el Consejo Nacional Electoral como la Registraduría son instituciones del Estado Colombiano que se encuentran bajo la dirección de personas honorables y con limpia trayectoria en el ejercicio de la gestión pública.

Por tal motivo es fundamental que se logren resolver los actuales y graves cuestionamientos acerca de la posibilidad de que haya sido desvirtuada la voluntad popular manifestada, de manera legítima, mediante el sufragio directo.

El objetivo principal de la Misión de la OEA será analizar el desarrollo del proceso electoral, con el fin de documentar ante la opinión pública internacional el grado de respeto que existe en el país acerca de los derechos políticos consagrados en su ordenamiento jurídico interno, así como en los tratados internacionales que ha suscrito el Estado colombiano.

De igual manera, dará testimonio de los esfuerzos y de la férrea voluntad del Gobierno, las instituciones del Estado, las organizaciones políticas y sus candidatos, así como de la población en general, por llevar a cabo estas elecciones en condiciones adversas que afectan todos los aspectos de la vida pública colombiana.

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C-002/02

mayo 7, 2002

## MISION DE OBSERVACION DE LA OEA INICIA ESTRATEGIA DE APOYO A LOS CANDIDATOS PRESIDENCIALES

### Santiago Murray reitera llamado para que cese la violencia

Como "positiva" fue calificada hoy por las distintas agrupaciones políticas colombianas la propuesta de la Misión de Observación Electoral de la Organización de los Estados Americanos (OEA) de acompañar durante sus campañas proselitistas a los candidatos a las elecciones presidenciales del próximo 26 de mayo.

Durante los dos últimos días, el Jefe de la Misión, Santiago Murray, acudió a las casas de campaña de los candidatos Harold Bedoya, Noemí Sanin, Ingrid Betancourt, Luis Eduardo Garzón, Horacio Serpa y Alvaro Uribe, con cuyos dirigentes examinó la actual campaña política y presentó a los observadores internacionales que de inmediato se incorporaron a las correspondientes campañas electorales. La Misión también se encuentra en contacto con otros candidatos presidenciales, con el mismo propósito.

El Jefe de la Misión señaló que una estrecha y permanente relación con cada agrupación política "nos permitirá, en primer lugar, testimoniar ante la ciudadanía colombiana el apoyo de la comunidad interamericana a este proceso electoral y, en segundo término, registrar de manera directa las dificultades y problemas que enfrentan las candidaturas presidenciales en las difíciles circunstancias de orden público".

"Los candidatos presidenciales deben ejercer plenamente su derecho de realizar campañas políticas sin ningún tipo de amenazas y es necesario que todo ciudadano colombiano acuda el próximo 26 de mayo a votar sin limitación alguna", enfatizó.

Durante su permanencia en Colombia, agregó, la Misión enfatizará en todos sus mensajes "la necesidad de que terminen los actos violentos que hasta la fecha han cobrado la vida de tantos colombianos inocentes". Al mismo tiempo reiteró su llamado a los grupos subversivos para que "cesen de inmediato los actos de amenazas e intimidaciones en contra de los candidatos y los electores y liberen sanas y salvas a las candidatas secuestradas, Ingrid Betancourt y Clara Rojas".

Hasta la fecha un total de 20 observadores internacionales se encuentran en la capital colombiana, mientras que para el próximo fin de semana se espera la llegada de otros 30, quienes desarrollarán sus tareas en las subsedes que se instalarán en Cali, Medellín, Bucaramanga, Barranquilla, Ibagué y Montería.



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Las oficinas de la Misión de Observación Electoral de la OEA en Colombia están ubicadas en el Hotel Radisson Royal, Bogotá, Calle 114 No 9-65. Teléfonos 629-5559 y 657-8710

*Para mayores contactos favor llamar a Carlos Flores, Jefe de Prensa: celular 772-7310*



**ORGANIZACIÓN DE LOS ESTADOS AMERICANOS**  
Misión de Observación Electoral  
**Bogotá, Colombia**  
***Elecciones Presidenciales del 26 de mayo de 2002***

(C-004/02)

*mayo 22, 2002*

*COMUNICADO DE PRENSA*

Como resultado de las tareas desarrolladas a partir de la primera semana del mes de mayo con un equipo de 50 observadores internacionales distribuidos en distintas regiones del país, la Misión de Observación Electoral de la Organización de los Estados Americanos (OEA) en Colombia, presenta a la opinión pública nacional e internacional sus apreciaciones sobre el desarrollo del proceso electoral en vísperas de los comicios presidenciales:

1. Todo ser humano tiene el derecho de vivir en democracia, en el marco de un sistema de gobierno que garantice el pleno ejercicio de sus derechos. Colombia vive una situación de violencia que afecta la vida cotidiana de sus habitantes, hecho que ha generado la reacción unánime de la comunidad interamericana de acompañar al país en un momento clave, como es el proceso electoral del 26 de mayo. En ese contexto, es imperativa la liberación de todas las personas que se encuentran secuestradas y, en consecuencia, impedidas del libre ejercicio de sus derechos fundamentales, así como el de elegir y ser elegidos en libertad.

2. La población colombiana tiene el derecho de defender y consolidar su democracia mediante la celebración de procesos electorales libres, periódicos y transparentes que constituyen la herramienta más eficaz para conservar la esperanza de los ciudadanos, hombres, mujeres y niños, en un mejor provenir. Es por ello que la Misión reitera su decisión de acompañar los esfuerzos del pueblo colombiano frente a uno de los desafíos más importantes de su vida republicana: velar por el ejercicio y la consolidación de su democracia, sin espacio para el constreñimiento, la intimidación y la amenaza.

3. La Misión reconoce los esfuerzos de las instituciones del Estado que han hecho un frente común en la elaboración e instrumentación del Plan Democracia. La existencia del mismo ha permitido identificar las áreas más afectadas por este tipo de anomalías, en las que la libre participación de la población en la jornada electoral pudiera verse limitada. En ese sentido, el traslado de mesas de correjimientos a cabeceras urbanas es

una medida adecuada para preservar, fundamentalmente, el derecho a la vida y el ejercicio del sufragio de manera libre y secreta, sin necesidad de exponer a la población civil víctima del conflicto armado, no obstante que la misma podría afectar la participación de los electores en las zonas rurales del país.

4. La Misión hace un llamado a las FARC, al ELN y a las AUC para que ante el actual debate internacional que existe acerca de su calificación como "terroristas", demuestren mediante el respeto y la tolerancia su disposición de permitir que todo ciudadano colombiano apto para votar manifieste de manera libre su voluntad mediante el sufragio. Que igualmente demuestren ante el mundo su disposición a resolver los conflictos a través del diálogo, la negociación y la conciliación, con pleno respeto de los derechos humanos y los principios del derecho internacional humanitario, alejándose de cualquier práctica que pudiera ser identificada como terrorista.

5. La Misión mantiene su preocupación por la ausencia de resultados concretos en la fase pos-electoral del 10 de marzo. No obstante, ha constatado los esfuerzos de la Organización Electoral y de las instituciones de control del Estado colombiano, tales como la Fiscalía, la Procuraduría y la Contraloría, por llevar a buen término las investigaciones sobre dichas anomalías, a fin de que la composición del nuevo Congreso refleje la voluntad verdadera del pueblo colombiano.

6. Coincidimos con la opinión pública colombiana en la necesidad de rescatar la transparencia del proceso electoral colombiano. Por lo tanto, la Misión hace un ferviente llamado a las autoridades electorales para que estén atentas y garanticen a la ciudadanía que el proceso del 26 de mayo no dará lugar a actividades encaminadas a desvirtuar la voluntad popular. En ese sentido, la Misión reconoce que los esfuerzos que actualmente se realizan para corregir los problemas identificados en las elecciones del 10 de marzo, pueden tener un efecto disuasivo para aquellos actores que todavía pretendan realizar prácticas ilegales en ocasión de las elecciones presidenciales.

7. La Misión de Observación Electoral de la OEA en Colombia exhorta a todos los ciudadanos electos para participar en la jornada democrática como jurados de votación, para que acudan a las jornadas de capacitación que organiza la Registraduría Nacional del Estado Civil en sus diferentes instancias. El buen desempeño de los jurados, de conformidad con la normativa vigente y los procedimientos establecidos, en un ambiente de transparencia y legitimidad, es fundamental para garantizar el éxito de la jornada electoral. Asimismo, ante la inminencia del día de elecciones, la Misión hace un llamado a las autoridades de la organización electoral a reforzar e intensificar sus actividades de capacitación, a todos los niveles. Igualmente, es importante el papel que deben desempeñar los medios de comunicación para apoyar la difusión de mensajes institucionales dedicados a motivar la participación de los jurados.

8. Ante la situación de la Empresa Nacional de Telecomunicaciones, la Misión celebra que los actores involucrados en el conflicto laboral en dicha empresa hayan resuelto su diferendo, por medio de los canales institucionales establecidos, privilegiando el diálogo y la conciliación.

9. La Misión confía en que todo ciudadano colombiano comprometido con la democracia, acudirá a las mesas electorales el próximo domingo a reiterar, mediante el voto,

su firme voluntad de fortalecer sus instituciones y demostrar ante la comunidad internacional que el ejercicio del sufragio es una herramienta válida para recuperar la paz y consolidar la democracia que esta siendo afectada por la violencia de los grupos armados irregulares.

Santiago Murray

*Jefe de la Misión de Observación*



**Organization of American States  
Electoral Observation Mission**

Bogotá, Colombia  
*Presidential Elections – May 26, 2002*

(C-005/02)

*May 24, 2002*

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**OAS ELECTORAL MISSION CALLS ON COLOMBIAN PEOPLE  
FOR A MASSIVE TURNOUT SUNDAY**

The Electoral Observation Mission of the OAS sends a message of solidarity and support to the Colombian people on the eve of the May 26<sup>th</sup> presidential election

This Sunday, as on past occasions, the Colombian people will go to polling places to exercise their inalienable right to elect a new government. Neither restrictions nor intimidation nor threats by subversive groups must prevent each qualified voter to choose freely and in absolute secrecy their preferred candidate.

The Mission has checked on the efforts of security agencies in orchestrating Plan Democracy and, as a result, is confident that the people will have sufficient guarantees to exercise their right to vote.

The conduct of free, predictable and transparent electoral processes constitutes the most effective tool to carry out the hopes of all, men, women and children, for the best possible outcome. In these elections, Colombians have the opportunity to reaffirm their commitment to democratic institutions.

On Sunday, the OAS Mission fervently calls on all Colombians to go to their polling stations and vote "yes" to democracy and tolerance, and "no" to terrorism and irrationality.

The OAS Mission also urges citizens chosen as polling station officials to participate on election day, and that they attend the training sessions of the National Registry of Civil Status that have been scheduled. Excellent performance by polling station officials, in accordance with laws and established procedures, is essential on election day to ensure success in a climate of transparency and legitimacy.





**Organization of American States  
Electoral Observation Mission**  
Bogotá, Colombia  
*Presidential Elections – May 26, 2002*

(C-006/02)

May 26, 2002

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Press Release

On election day today (Sunday May 26), millions of Colombians went to the polls with courage and bravery to express their preferences freely and openly. Today's elections relied on effective security through Plan Democracy, which was intended to assure the security of the country on election day and afterward.

However, the OAS Electoral Observation Mission considers that the fear of possible violent acts, as well as threats, intimidation and restrictions that occurred during the election campaign period probably discouraged citizens who wanted to vote from failing to cast their ballots.

The defense of democracy in the hemisphere brings continuous challenges. In Colombia it also implies the need for considerable commitment and sacrifice. Today Colombian democracy has proven its capacity to conduct elections, with the understanding that they are the most effective way to maintain and consolidate democracy. Government institutions, political parties and movements, as well as the people in general, have demonstrated their strong determination to show the world by their efforts their devotion to democracy.

The elections in Colombia demonstrated courage on the part of all candidates, who in spite of the threats against their lives and limitations on their direct access and continuous communication with the voters, carried out their campaigns in a legitimate manner without yielding to those perpetrating violence, who act without being seen, attack democracy without mercy, and try to block public debate, where members of the community can identify and reflect on their campaign proposals.

The Mission regrets that candidates Ingrid Betancourt and Clara Rojas have not been set free. It repeats its call for their immediate release.

As the OAS Mission team traveled around Colombia, it saw a country that is living with a fundamental change in the democratic scene. Democracy must be considered in the context of the need for national unity and the quest for peace and dialogue, not just for those who participate in the political processes and the national political leadership, but also between the Government and violent groups that operate in the country.

The Mission, made up of 50 international observers deployed in the various departments of Colombia, had the responsibility to observe the normal activities on election day from the opening to the closing of the polls, as well as vote counting. The Mission expresses its congratulations to the electoral authorities for the quick delivery of

preliminary results. This permitted the public to learn the preferences of the Colombian electorate a short time after the polls closed. The Mission will follow closely the process of final tallying that begins tomorrow.



## ORGANIZACIÓN DE LOS ESTADOS AMERICANOS

[www.oas.org](http://www.oas.org)Comunicado de Prensa  
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*27 de mayo, 2002*DECLARACION DEL SECRETARIO GENERAL DE LA OEA, CESAR  
GAVIRIA, CON MOTIVO DE LAS ELECCIONES PRESIDENCIALES  
EN COLOMBIA

El resultado de las elecciones celebradas ayer en Colombia nos debe enorgullecer a todos. Los colombianos desafiaron las amenazas y las acciones de los violentos y terroristas, y expresaron sus preferencias electorales con una votación copiosa, de manera inequívoca, en democracia. El triunfo de Álvaro Uribe fue categórico, ganó en franca lid. El comportamiento de quienes perdieron fue hidalgo y enaltecedor para todos.

Sin duda la presencia de Álvaro Uribe en la Jefatura del Estado abre una época de esperanza. Tiene él don de mando, respaldo popular y conocimiento de los problemas de Colombia para encarar los inmensos desafíos que tenemos por delante. El está bien preparado en materias económicas y adelantará una política seria que traerá confianza en el país. Él encabezará un gobierno de corte reformista que le permita al país adecuar sus instituciones políticas y sociales, avanzar en la lucha contra la pobreza y por una mayor igualdad, volver a crecer con vigor y combatir la violencia. El está sinigualmente dotado para desarrollar una reforma política que interprete los anhelos de cambio y renovación de las costumbres que encontró en su recorrido por Colombia.

Hace algunas semanas me permití expresar lo que consideré su principal fortaleza y es esa vocación enorme que tiene de reformar el estado. Él sin duda esta en capacidad de reformar nuestras instituciones desuetas, anacrónicas, burocráticas. A pesar de los grandes compromisos que tiene Uribe de incrementar los gastos de seguridad del estado, él sabrá trabajar

en muchos frentes y enfrentar los graves problemas de pobreza que caracterizan a Colombia. Uribe tiene una larga trayectoria en mejorar los sistemas educativos. Igual experiencia tiene en materia de cobertura de la salud y en la extensión de un sistema de pensiones que cubra cada vez a mas colombianos.

En el orden público Uribe tiene ideas claras. Él cree en la paz, en las soluciones políticas y en el estricto respeto por los derechos humanos. Cree en una política de dialogo y negociación en la que el estado no se subordine a las pretensiones de grupos armados. Dará un respaldo claro y significativo a las fuerzas armadas y a la policía para hacerle frente a todas las manifestaciones de la violencia armada. Uribe fortalecerá el estado de derecho y las instituciones de la justicia, trabajará sin descanso para llevar servicios públicos y presencia estatal hasta el último rincón de la geografía nacional y persistirá en que Colombia sea una sociedad más justa y más igualitaria.

Los 34 países miembros de la OEA y sus pueblos están indivisiblemente comprometidos en la lucha frontal contra el terrorismo y se han ofrecido cooperación jurídica y judicial, intercambio de información y experiencias, y cumplir celosamente todas las convenciones globales y regionales contra ese flagelo. Todos nuestros gobiernos y pueblos están comprometidos a someter a la justicia a los autores, organizadores y patronizadores de actos terroristas. Es claro que entre nuestros 34 miembros los terroristas no hallarán refugio, ni asistencia, ni apoyo. El presidente Uribe encontrará una cooperación hemisférica amplia y decidida en su lucha contra la violencia y el terrorismo.

En un momento como este, todos los colombianos sin distinción política le deben prestar su cooperación al Presidente Electo. Los que pertenecen al partido liberal, y en particular quienes llevan su representación en las cooperaciones públicas, deben colaborar sin reticencias al gobierno recién elegido. Para ello invoco la larga tradición de que quien ejerce la jefatura del gobierno y es de nuestra filiación, puede contar con el concurso de toda nuestra representación parlamentaria.

Mis congratulaciones a Álvaro Uribe, a su esposa y sus hijos, a Francisco Santos y su familia, y a todos los que protagonizaron esta jornada democrática.



*Organización de los Estados Americanos*

Comunicado de Prensa

[www.oas.org](http://www.oas.org)

(C-116/02)

Junio 19, 2002

MISION DE OBSERVACION ELECTORAL DE LA OEA  
ELOGIA CORAJE CIVICO DE LOS COLOMBIANOS

La Misión de Observación Electoral de la Organización de los Estados Americanos (OEA) en Colombia, elogió hoy el coraje cívico de la población que el pasado 26 de mayo ejerció su derecho al voto "sin dejarse amedrentar por los grupos violentos".

Sin embargo, el Jefe de la Misión de Observación, Santiago Murray, dijo al presentar un informe ante el Consejo Permanente de la OEA, que "lamentablemente este coraje cívico ha tenido su precio", pues en días pasados un alcalde fue asesinado y un número creciente de alcaldes, fiscales, procuradores y jueces han debido abandonar sus funciones por las amenazas de las FARC. "La Misión desea expresar su condena e indignación por estos hechos violatorios del Derecho Internacional Humanitario", enfatizó.

Por otra parte, Murray destacó "la acertada actuación de la Comisión Nacional de Seguimiento y Coordinación Electoral", así como el puntual seguimiento a la organización y despliegue del Plan Democracia, destinado a proteger el derecho de los ciudadanos a emitir su voto.

La Misión de la OEA estuvo integrada por 50 observadores provenientes de 18 Estados miembros y países Observadores Permanentes, que se desplazaron a diferentes ciudades del país para realizar las tareas propias de observación electoral en sus distintas etapas. Asimismo, la Misión acompañó a los candidatos a la presidencia, de forma permanente y en todas sus actividades proselitistas, mediante observadores asignados a cada una de las campañas.

“Esta actividad tuvo el propósito de testimoniar públicamente la solidaridad interamericana con el pueblo, el gobierno y los actores políticos colombianos comprometidos en defender su democracia de las adversas condiciones de orden público que enfrenta”, explicó Murray.

En la sesión, el Embajador de Colombia ante la OEA, Humberto de la Calle, agradeció la presentación del informe y destacó “la solvencia técnica” de la Misión, así como su plena disposición para desplazarse en el territorio nacional a fin de dar cumplimiento a sus objetivos.

Finalmente, los embajadores de Argentina, Costa Rica, Chile, Ecuador, Estados Unidos, Panamá y Perú coincidieron en reconocer la importancia cada vez más creciente de las misiones de observación electoral de la OEA como un mecanismo idóneo para la promoción y fortalecimiento de la democracia en el hemisferio y se sumaron al reconocimiento y felicitación al pueblo colombiano que una vez más demostró su indeclinable vocación democrática.



APPENDIX V

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VERBAL REPORT OF THE CHIEF OF THE OAS ELECTORAL  
OBSERVATION MISSION







**ORGANIZACIÓN DE LOS ESTADOS AMERICANOS.OEA  
UNIDAD PARA LA PROMOCIÓN DE LA DEMOCRACIA. UPD  
MISIÓN DE OBSERVACIÓN ELECTORAL. REPÚBLICA DE COLOMBIA**

Presentación ante el Consejo Permanente de la OEA, del informe verbal del Jefe de la Misión de Observación Electoral de la OEA, a las elecciones para Presidente y Vicepresidente de la República de Colombia, celebradas el 26 de mayo de 2002

La Misión de Observación Electoral de la Organización de los Estados Americanos se estableció por invitación de la Comisión Nacional de Seguimiento y Coordinación Electoral de la República de Colombia.

Los propósitos fundamentales fueron los de realizar un monitoreo de las distintas etapas del proceso electoral para Presidente y Vicepresidente de la República del 26 de mayo y la previa observación de los comicios parlamentarios del pasado 10 de marzo.

Integrada por 50 observadores provenientes de 18 Estados miembros y países Observadores Permanentes, la sede principal de la Misión se instaló en la Ciudad de Bogotá, estableciéndose ocho Subsedes en distintas ciudades del país. (Cali, Barranquilla, Bucaramanga, Ibagué, Neiva, Medellín, Montería y Villavicencio). Además, la Jefatura de la Misión se trasladó a otras localidades, entre ellas Pereira, Popayán, Rioacha, y Pasto, a fin de dar cuenta de una presencia integral y recoger las inquietudes de los distintos actores políticos.

La Misión realizó las tareas propias de observación del desarrollo de la campaña política, las jornadas de capacitación de los miembros de las mesas de sufragio, la preparación y distribución del material electoral, el seguimiento de las denuncias y quejas que se presentaron, así como la apertura, desarrollo y cierre de la jornada electoral, el conteo y la transmisión de resultados.

Dos formas de observación fueron desarrolladas por la Misión:

La primera de ellas, fue un análisis de coyuntura, a cargo de un equipo integrado por expertos en temas electorales, especialistas en monitoreo de medios de comunicación, analistas políticos y asesores jurídicos. El análisis tuvo como objetivo conocer en profundidad la situación preelectoral y su interrelación con los distintos acontecimientos de la vida pública nacional.

La otra modalidad consistió en el acompañamiento a los candidatos a la presidencia, de forma permanente y en todas sus actividades proselitistas, mediante uno o dos observadores asignados a cada una de las campañas. Esta actividad tuvo el propósito de testimoniar públicamente la solidaridad interamericana con el pueblo, el gobierno y los actores políticos colombianos comprometidos en defender su democracia de las adversas condiciones de orden público que enfrenta. En ese sentido, cabe destacar la labor de acompañamiento a la campaña de las candidatas secuestradas Ingrid Betancourt y Clara Rojas.

La situación de orden público también tuvo un efecto negativo en la libertad de movimiento de los candidatos, pues estos no pudieron trasladarse libremente por vías terrestres, ni recorrer determinadas zonas del país.

Las campañas proselitistas, especialmente la de un candidato, se desarrolló prácticamente de manera "virtual", alejada de los espacios públicos, a fin de evitar la materialización de amenazas de atentados. Esta situación también obligó a los distintos equipos de campaña a modificar sus estrategias proselitistas.

A lo largo del mes de mayo se pudieron constatar amenazas a diversas poblaciones rurales por parte de los dos principales grupos violentos y fuera de la ley, que instaron a votar en contra y/o a favor de determinado candidato.

No obstante, es importante señalar que las intimidaciones y amenazas no tuvieron eco en la población civil que ejerció su derecho al voto sin dejarse amedrentar por los grupos violentos.

Al respecto, es oportuno destacar, la acertada actuación de la Comisión Nacional de Seguimiento y Coordinación Electoral, instancia que agrupa a las Instituciones del Estado Colombiano, así como instituciones gubernamentales que tienen competencia en materia de orden público y de garantizar el ejercicio de los derechos y deberes consagrados en la constitución política. Dicha Comisión dio puntual seguimiento a la organización y despliegue del "Plan Democracia", que consistió en la ejecución de estrategias para proteger el derecho de los ciudadanos a emitir su voto, garantizándole las condiciones necesarias para ejercer el sufragio.

Lamentablemente, este coraje cívico ha tenido su precio. Un alcalde del Departamento de Caquetá fue asesinado en días pasados y un número creciente de alcaldes, además de fiscales, procuradores y jueces han debido abandonar sus funciones por las amenazas de las Fuerzas Armadas Revolucionarias de Colombia. FARC. La Misión desea expresar su condena e indignación por estos hechos violatorios del Derecho Internacional Humanitario.

Los comicios del 26 de mayo se celebraron con normalidad y con una organización electoral ordenada. La transmisión de los resultados del "preconteo" fue eficiente y expedita y generó un clima de confianza y legitimidad, al que contribuyeron todos los candidatos a la presidencia, pues reconocieron de inmediato el triunfo de

Alvaro Uribe, del movimiento Primero Colombia que resultó electo en la primera vuelta, con el 52.9% de la votación.

Si bien la organización electoral colombiana tiene una larga tradición de eficiencia en el desarrollo de sus procesos electorales, en ocasión de las elecciones legislativas del pasado 10 de marzo se identificaron intentos de fraude que han impedido hasta la fecha la acreditación de los nuevos senadores por parte del Consejo Nacional Electoral. Esta situación tuvo, en su momento, un serio impacto en la credibilidad y confiabilidad de la autoridad electoral.

La Misión reitera sus expresiones de felicitación a la población colombiana, por la convicción democrática que demostró en todo momento y en especial durante el día de los comicios. Es oportuno dar testimonio que el proceso electoral observado resaltó la firme voluntad de todos los colombianos de construir un país en paz, por medio de los mecanismos democráticos que promueve y defiende la comunidad interamericana.

La Misión desea agradecer el apoyo, receptividad y buena disposición recibida de las autoridades del Estado Colombiano, de las instituciones gubernamentales y de las autoridades electorales. Se deja expresa constancia también del reconocimiento a las fuerzas de seguridad, Ejército, Policía Nacional y Departamento Administrativo de Seguridad (DAS), por el apoyo y protección brindados a la Misión en sus desplazamientos, que permitieron el pleno desarrollo de las actividades de observación.

Asimismo, la Misión agradece la valiosa cooperación económica brindada por el Gobierno de los Estados Unidos y el de Gran Bretaña, así como al Gobierno de Brasil que autorizó la utilización de parte de su contribución al Fondo Específico Permanente para Financiar Actividades Relacionadas con Misiones de Observación Electoral.

Washington, DC junio, 19 de 2002