

Bogotá D.C.
June 20, 2008.

Honorable Judges
Full Chamber.
CONSTITUTIONAL COURT.
Delivered to the Office

Subject: Third Party Filing.
Extraordinary Remedy of Review against the Ruling C-1040 of December
19, 2005.
File No.: D- 5645

_____, acting as a citizen in good standing, as identified by my signature below, and pursuant Article 52 of the Colombian Constitution, by means of this written statement, I request to be recognized as a third party to the Extraordinary Remedy of Review submitted by Dr. José Antonio Rodríguez Peña, et al, against **Ruling C-1040 of October 19, 2005**, through which several amendments to the constitution were declared executable.

I declare before the Honorable Judges that I know the text of this remedy of review; I deem it appropriate, relevant, and timely due to the grounds specified therein; and I join the Remedy of Review submitted against the Ruling, therefore:

1.- I consider that on **October 19, 2005**, neither the Honorable Judges nor civil society knew of the illicit manner in which the Congress of the Republic had been constituted in the elections of 2002; some of whose members had signed the Pact of Ralito in which they committed themselves to violating the preamble of the Constitution of 1991 through their legislative work; nor were the convictions known against many of them (and many others) for the crime of conspiracy to commit a crime due to their joint action with paramilitarism. At that time, it also was not known that several of the persons who signed the Pact of Ralito were members of the commission that resolved such issues as impediments concerning the processing of the then legislative bill. The Court did not know of the existence of crimes rendering unlawful the exercise of fundamental votes for the passage of the referendum as in the case of then congress member YIDIS MEDINA, nor the omission of said exercise, deemed an illicit act, as has been sustained with respect to congress member TEODOLINDO AVENDAÑO. With these documents: the Pact of Ralito, convictions for conspiracy to commit a crime, confessions and documents annexed by Yidis Medina, compliance is met with the 1st Grounds for the Remedy of Review of Article 380 of the Colombian Constitution.

2.- The Pact of Ralito; signed on July 23, 2001, by the principal paramilitary chiefs,¹ 7 Representatives to the Congress², 4 Senators,³ 2 Governors,⁴ 5 Mayors;⁵ clearly demonstrates a

¹ Salvatore Mancuso, aka Santander Lozada, Diego Fernando Murillo, aka Don Berna, Edward Cobo Tellez aka Diego Vecino, and Rodrigo Tovar Pupo, aka Jorge 40.

² Reginaldo Montes (Representative - Department of Córdoba), Alfonso Campo Escobar (Conservative Party Representative - Department of Magdalena), José María Imbeth (Conservative Party Representative), Luis Carlos

criminal paramilitary project that assails the Constitution and the very Democratic and Social Rule of Law, since it expressly attacks the Constitution of 1991, beginning with the Preamble. Its ideological and axiological foundation, presumes a system of values different than those set forth in the Constitution; and does not correspond to the fundamental values of a Democratic and Social Rule of Law. These values may not even be identified with those of rebel, rather instead with those of a criminal that attempts to gain power in pursuit of his own exclusive benefit, as has been recognized by the Supreme Court of Justice.⁶

3.- The execution of the criminal project that appears in the “*Pact of Ralito*”, presumes different criminal activities in order to achieve power and –in an even more criminal manner- imposes this project on everyone through the adoption of a new “*Social Contract*” –Constitution-; that is it attempts to create a new order in which the primary constituent is not the Colombian people, rather paramilitary organizations –with their creators, funders and sponsors-. In this respect, the regulatory reference of the Preamble to the Constitution was altered, truncated, and amended in the “*founding*” act of the “*Pact of Ralito*” by those who wanted to include the “*contracting parties.*” This “*Pact*” displaces the People for the will “*of the parties.*” The contracting parties were paramilitarism on the one hand and, on the other, some congress members –at the time or in the future- who betrayed the principles of the Constitution.

4.- The unlawfulness that has been corroborated by the Supreme Court of Justice during the parliamentary elections in 2002, demonstrates the existence of procedural defects in the passage of Legislative Act 02 of 2004 that granted the reelection. In other words, it was determined by the project –criminal enterprise- carried out by paramilitaries, which allowed them to gain political power through having their own members in the Congress of the Republic. Therefore, we reiterate that when the Remedy of Review was submitted:

a) Of the 32 signatories of the “*Pact of Ralito*”, 10 were elected to Congress (Alfonso Campo Escobar, William Montes, Juan Manuel López Cabrales, Reginaldo Montes, Miguel de la Espriella, José de los Santos Negrete, Eleonora Pineda, Freddy Sánchez, José María Imbett, and Jorge Luis Feris Chadid).

b) Members of congress signed the Pact of Ralito and have been convicted for the crime of conspiracy to commit a crime (Alfonso Campo Escobar, Miguel de la Espriella, Eleonora Pineda, Erick Julio Morris).

c) An alliance with paramilitarism has been proven between a group of congress members that did not sign the Pact (Mauricio Pimiento, Dieb Maloof, Rocío Arias, and Muriel Benito Rebollo).

Ordosgoita (Representative - Department of Córdoba), Fredy Sánchez (Representative - Córdoba), Miguel de la Espriella (Representative - Department of Córdoba), Remberto Montes (Representative - Department of Córdoba).

³ William Montes (Conservative Party Senator for the Department of Bolívar), Rodrigo Burgos de la Espriella (Conservative Party Senator), José Pepe Gnecco (Senator for the Department of Bolívar), Juan Manuel López Cabrales (Liberal Party Senator).

⁴ José María López Gómez, aka “Mono López” (Governor of Córdoba), Salvador Arana Sus (Governor of Sucre).

⁵ Sigifredo Senior (Mayor of Tierralta, Córdoba), Wilmer Pérez (Mayor of San Antero), Sabas Balserio (Mayor of San Onofre), Edwin Mussi (Mayor of Ovejas, Sucre), Ricardo Barrera Gallon (Incoming Mayor for Pueblo Nuevo).

⁶ *Supreme Court of Justice. Criminal Chamber. Appeals Court, File No. 26945; Court Order of July 11, 2007; Judges delivering the opinion of the Court: Yesid Ramírez Bastidas and Julio Enrique Socha Salamanca.*

d) There is another group that, even though it did not sign the criminal pact, is being prosecuted for their ties to paramilitarism (Karely Patricia Lara Vence, Rubén Darío Quintero, Alonso De Jesús Ramírez, Miguel Pinedo Vidal, Humberto Builes Correa, Luis Humberto Gómez Gallo, Gonzalo García Angarita, Ciro Ramírez, Luis Fernando Velasco, Dixon Tapasco, Enrique Emilio Ángel Barco, Pompilio Avendaño, Guillermo Gaviria Zapata, Álvaro García Romero, Ricardo Elcure Chacón, Mario Uribe Escobar, Jairo Merlano, Vicente Blel, Álvaro Araujo Castro, Jorge Luis Caballero, Luis Eduardo Vives, Álvaro Morón Cuello, Luis Alberto Gil, Carlos Clavijo, Luis Carlos Torres, y Oscar Suárez). With respect to YIDIS MEDINA, prosecuted for bribery, due to her confession of having received economic considerations for voting in favor of the legislative bill.

5.- These members of congress, who obtained a seat in Congress and who –through acts of fraud or intimidation or through diverse criminal acts deployed by paramilitary organizations and senior government officials- generally voted in favor of the legislative bill or did not vote at all (Avendaño), no longer represented the interests of their alleged constituency –since in many cases no one wanted to vote out of fear or only did so due to threats or other forms of constraint-, rather they represented those who placed them in the legislature or those who desired the passage of the bill.

6.- Documentary evidence (cassettes) indicates that paramilitaries wanted an immediate presidential reelection for Mr. ALVARO URIBE, even in the terms accepted by the High Commissioner for Peace Luis Carlos Restrepo.

7.- With respect to Ms. MEDINA and Mr. AVENDAÑO, it may not be precisely established that their situation is fundamentally different than a simple discrepancy or opinion (that would be received as the sacredness of the parliamentary vote), since these votes in favor of the bill and the impediments concealed to sustain this situation allude to a specific characterization: the expressed interest to “*refound the State*” and the alliance –conspiracy to commit a crime with paramilitarism. Therefore, these are not true parliamentary votes, rather they are votes against the common good, the Social Rule of Law and the principles and values of the structure determined in the Constitution. This was an attempt to betray the Constitution.

8.- The parliamentarians that voted in favor of the Legislative Bill (due to their alliances with paramilitarism), as well as those who defined their vote on the grounds of remunerative promises, went against the very Social Rule of Law, which should be defended in its dignity, independent of private or partisan interests that may be undeniably presented by any member of Congress. They violated the sense of the parliamentary vote within a democracy and even more so the sense of a Social and Democratic Rule of Law.

9.- In this regard, it is logical and objective to conclude that on October 19, 2005, when Ruling C-1040 was issued there was a “**reality that could not have been known to the Judges, due to the fraudulent acts and conduct.**” “*In other words, without the configuration of criminal acts and fraudulent conduct, the decision would have been –to a high degree- distinct to that adopted.*”⁷

⁷ Constitutional Court. Ruling C-569 of June 23, 1998.

NOTIFICATIONS.

I may be contacted at the following address: _____ in the city of _____.

PETITION

Consequently, we support the remedy insofar as it attempts to reestablish the democratic values and principles indicated in the Colombian Constitution and that the Constitutional Court should newly study Legislative Act No. 02 of 2004 with respect to the situations unknown to the Judges on October 19, 2005, and especially because we believe that in a Social and Democratic Rule of Law... **THE CRIME NEVER WOULD HAVE CONSTITUTED A SOURCE OF LAW AND MUCH LESS A SOURCE OF JUSTICE**

Sincerely,

Name: _____

Identification Number: _____