

EXTERNAL

AI Index: AMR 23/13/96

This is a limited action. Please restrict appeals to 20 per Section.

UA 55/96

Death Penalty

1 March 1996

COLOMBIA Move to reintroduce the death penalty

Amnesty International is deeply concerned that Colombian President, Ernesto Samper, has announced his intention of presenting, in the very near future, a Constitutional reform bill to Congress to allow the reintroduction of the death penalty.

On 21 February President Samper said he intended to seek the restitution of the death penalty for major crimes such as "kidnapping, massacres and the murder of defenceless people". He also said that, in order to restore the death penalty, Colombia would denounce its adherence to international treaties which prohibit the death penalty or its reintroduction.

As a preliminary step to presenting a Constitutional reform bill to Congress, President Samper has instructed his Minister of Foreign Affairs to prepare urgently an assessment of the impact on Colombia's international image and standing of denouncing its international treaty obligations. The American Convention on Human Rights, which Colombia ratified in 1973, specifically prohibits the reintroduction of the death penalty in states that have abolished it (article 4.3). It also stipulates that in no case shall capital punishment be inflicted for political reasons or related common crimes (Article 4.4). The proposal to reintroduce the death penalty does not appear to have the unanimous backing of government Ministers but may have significant support in Congress.

Capital punishment was abolished in Colombia in 1910. Article 11 of the Colombian Constitution states "The right to life is inviolate. There will be no death penalty" ("*El derecho a la vida es inviolable. No habrá pena de muerte*").

BACKGROUND INFORMATION

Amnesty International opposes the death penalty as a matter of principle, considering it to be a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment inflicted by the State. The organization considers it to be a penalty which is not justified under any circumstances.

Colombia has one of the highest murder rates in the world; in 1995 over 25,000 people were murdered. Between 10% and 15% are believed to have been politically motivated killings, and included widespread extrajudicial executions and enforced "disappearances" by the security forces and their paramilitary allies. The vast majority of these have never been properly investigated and the perpetrators have not been brought to justice. Armed opposition groups have been responsible for numerous abuses including the kidnapping and holding of hostages and the deliberate and arbitrary killing of civilians.

In 1993 Colombia adopted legislation establishing maximum 60-year prison sentences for kidnapping. The harsh sentences have not, however, resulted in any reduction in the practice and in 1995 well over 1,000 people were kidnapped, of whom 111 were known to have been killed.

The move to reintroduce the death penalty coincides with a major political crisis which threatens the Colombian government. President Samper faces possible impeachment proceedings as a result of investigations into alleged financial support from drug-trafficking organizations in his 1994 electoral campaign.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing deep concern at President Ernesto Samper's proposal to reintroduce the death penalty, stating your belief that it is the ultimate cruel, inhuman and degrading punishment which brutalizes all those involved in its application;
- recognizing the gravity of widespread political and other violence in Colombia, but noting that the death penalty has not proved effective in preventing serious crime in other countries;
- recalling that in 1973 Colombia ratified the American Convention on Human Rights and that to denounce the Convention would have serious consequences for Colombia's international standing;
- stressing that reintroducing the death penalty would be contrary to both world and regional trends for the abolition in practice and in law of the death penalty;
- urging the President to maintain Colombia's past record of opposition to the death penalty.

In your appeals to the Minister of Foreign Affairs, who is believed to oppose the reintroduction of the death penalty, please also:

- welcome his opposition to the death penalty;
- urge him to take a firm stand against the possible restitution of the death penalty and to urgently communicate the arguments against its use to the President;
- in particular he should stress the extremely negative consequences for Colombia's international standing and image if it were to denounce its adherence to the American Convention on Human Rights or other international treaties.

APPEALS TO:

President of Colombia:

Señor Presidente Ernesto Samper Pizano
 Presidente de la República
 Palacio de Nariño
 Santafé de Bogotá, Colombia

Telegrams: President Samper Pizano, Bogotá, Colombia

Telexes: 44281 PALP CO

Faxes: + 571 286 7434 / 289 3377

Salutation: Excelentísimo Sr. Presidente / Dear President Samper

Minister of Foreign Affairs

Señor Ministro de Relaciones Exteriores
 Dr Rodrigo Pardo García-Peña
 Palacio San Carlos
 Santafé de Bogotá, Colombia

Telexes: 45209 MRRE CO

Telegrams: Ministro Relaciones Exteriores, Bogota, Colombia

Faxes: +571 341 6777 / 282 5802

Salutation: Señor Ministro / Dear Minister

COPIES TO:

Advocate for the People:

Dr Jaime Córdoba Triviño
Defensor del Pueblo
Defensoría del Pueblo
Calle 55 No 10-46
Santafé de Bogotá

Daily newspaper

El Espectador
Carrera 68, No 23-71
Santafé de Bogotá

Faxes: +571 2602323

and to diplomatic representatives of COLOMBIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 April 1996.