

16 August 2001

AI Index AMR 23/079/2001 - News Service Nr. 145

Colombia: New Security Law -- a further blanket of security to human rights violators

"The new Security Law will make it easier for security force agents and their paramilitary allies to escape prosecution for human rights violations", Amnesty International said today, reacting to the news that President Andrés Pastrana has ratified the Defence and National Security Law recently approved by the Colombian Congress.

The new legislation grants the security forces judicial police powers in certain circumstances, and restricts the ability of the Procurator General's Office (Procuraduría General de la Nación) to undertake disciplinary investigations against security force personnel for human rights violations committed during security force operations.

"These provisions threaten to reinforce impunity for human rights violations," Amnesty International said, noting that similar judicial powers in the past facilitated numerous human rights violations and that the Inter-American Commission on Human Rights of the Organization of American States had recommended their removal at the end of the 1980s.

Article 59 of the new security law assigns judicial police powers to the armed forces when for "well-founded reasons", the Attorney General's Office (Fiscalía General de la Nación) is not in a position to provide permanent accompaniment to military operations.

Given that it is practically impossible for the Fiscalía to be present in daily military operations, the legislation could in effect oblige the Fiscalía to attribute judicial police powers to the military on a daily basis. Furthermore, there is concern that reference to "well-founded reasons" is

vague and could be used by the armed forces as a means to veto *Fiscalía* presence during military operations.

"Provision of judicial police functions to military units facilitates the covering up of human rights violations committed by the security forces or their paramilitary allies," Amnesty International said.

Article 58 of the law limits the obligation of the armed forces to communicating the detention of suspects during military operations rather than to ensure their immediate transfer to civilian judicial authorities.

"There is serious concern that these provisions could facilitate torture or other forms of human rights violations of those captured during counter-insurgency operations," Amnesty International said

Article 60 of the law stipulates that disciplinary investigations for alleged human rights violations by security force personnel must be completed within two months of the initiation of the investigation, leaving little time to gather evidence and so hindering the chances of such investigations being conclusive.

"The law threatens to undermine the small advances made by recent judicial reforms and to permit the continued systematic and widespread violation of human rights," the organization added.

"In light of the approval of this legislation, how can the international community believe that the Colombian Government has the political will to resolve the country's human rights crisis?" Amnesty International asked.

Background

In December 2000, the Colombian Government had announced plans to restore judicial police powers to the armed forces and to significantly extend the powers of the armed forces in the maintenance of public order. The Government has argued on numerous occasions that the armed forces lack the firepower to combat paramilitary forces and protect human rights unless they are strengthened both through military aid and through increased judicial powers. Amnesty International believes this legislation complements the armed forces' counterinsurgency strategy which hinges on the systematic and widespread violation of human rights and relies on the use of paramilitary proxies to implement the "dirty war" tactics of the strategy.

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