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Colombia: Congress must reject charter for human rights violators

As the Colombian Congress begins to discuss new anti-terrorist legislation Amnesty International warned that the proposed measures could seriously undermine human rights and the rule of law in Colombia.

If approved, the new anti-terrorist enabling law would allow the army to detain individuals, search homes, and intercept communications without a judicial warrant, strengthening the military's grip over criminal proceedings by securing its control over the whole legal process, in many cases involving military personnel implicated in human rights violations, starting with detention and ending in trials in military courts.

"By effectively granting the military the right to investigate itself the human rights scandal afflicting Colombia is likely to worsen, while army personnel implicated in human rights violations will enjoy even greater impunity" Amnesty International warned.

Numerous human rights defenders, trade unionists and other social activists have already been detained on the basis of information from unreliable and often paid anonymous informers rather than on independent judicial investigations.

Through this bill, human rights defenders and trade unionist , often seen as subversive, will be even more exposed to arbitrary criminal investigations.

"The military will find it easier to initiate investigations based on little if any evidence against those who denounce violations committed by the military in an attempt to intimidate, silence and discredit these organizations" Amnesty International said.

Furthermore, the Office of the Attorney General has recently shown its total disregard for justice by clearing a number of high ranking military officers accused of human rights violations.

Earlier this month, the Office closed investigations into former General Rito Alejo del Río in relation to human rights violations committed between 1995 and 1997 by the armed forces under his command in coordination with paramilitaries while commander of the army's XVII Brigade. In January, it closed the case against former General Velandia for his part in the torture, murder and "disappearance" of Nydia Erika Bautista in 1987. In both cases there was strong prima facie evidence against the two former generals.

"If the government is truly committed to tackling the human rights crisis it should instead strengthen the civilian justice system to ensure progress in criminal investigations into human rights violations" Amnesty International concluded.

Background Information

Congress approved the anti-terrorism statute, which reforms Articles 15, 24, 28 and 250 of the constitution, on 10 December 2003. The law becomes operational once an enabling law is approved by Congress. The government presented the enabling law at the beginning of March.

The statute violates the spirit of international human rights treaties to which Colombia is signatory, including the International Covenant on Civil and Political Rights, the American Convention on Human Rights, and the Inter-American Democratic Charter.

It has been criticized by the Office in Colombia of the UN High Commissioner for Human Rights, the Inter-American Commission of Human Rights, the UN Committee Against Torture, and the EU's Commissioner for External Affairs.

In its latest report on the human rights situation in Colombia, published earlier this month, the UN High Commissioner for Human Rights states that "The international organs for the protection of human rights have stated that the exercise of the functions of judicial police by persons of a military character violates the principles of independence and impartiality in the administration of justice, as enunciated in international instruments ratified by Colombia".

The report also states that there has been "an increase in complaints of violations of the right to individual freedom due to arbitrary arrests perpetrated by State authorities" and that "The administration of justice continued to experience problems related to access to justice, judicial independence and impartiality, judicial guarantees and presumption of innocence, as well as impunity."

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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