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Colombia: Human rights seriously undermined as judicial police powers to the military come one step closer

Amnesty International expressed dismay at today's vote by the Colombian House of Representatives (lower house of Congress) in favour of reforming the Constitution to grant judicial police powers to the armed forces. The vote is the second of eight required before the bill becomes law.

"This measure will have a disastrous impact on human rights. It will allow the armed forces to carry out raids, tap telephones, and make arrests without judicial authority on the basis of military accusations, rather than on the basis of evidence gathered during the course of independent and impartial judicial investigations by civilian authorities," Amnesty International said today.

In a letter sent to Congress on 12 May, and made public today, Amnesty International asked the members of Colombia's legislature to reject this proposal, arguing that "Congress has a key role to play in upholding Colombia's constitutional system. If Congress approves the restoration of judicial police powers to the military one of the most important tenets of human rights protection in Colombia will be seriously undermined."

Judicial police powers may also facilitate the armed forces' systematic and widespread campaign of harassment and intimidation against human rights and other organizations who denounce human rights violations committed by all parties to the long-running conflict, including the security forces. This is a clear attempt to intimidate, silence and discredit these organizations and pave the way for violent paramilitary attacks against them.

"Many raids and arrests against these organizations in recent months have coincided with paramilitary death threats and attacks. This appears to be part of a coordinated military-paramilitary strategy to silence the human rights movement," Amnesty International said.

"If this bill were to become law the state would be in breach of its international obligations to carry out independent and impartial investigations into human rights violations in which military personnel are implicated, to guarantee the right to a fair trial with full legal guarantees before an independent and impartial tribunal, and to ensure the existence and effectiveness of an independent and impartial judiciary."

"Fulfilling these international obligations is crucial in tackling the Colombian human rights crisis," the organization said.

The proposal to grant judicial police powers to the armed forces complements Decree 128, issued in January 2003. This Decree opens the door to amnesties for paramilitaries and guerrillas who may have been responsible for serious human rights violations. This will hinder attempts to investigate and bring to justice those responsible for human rights violations and abuses.

Background

The proposal before Congress is the latest effort by successive administrations to give the security forces powers which violate the spirit of international human rights treaties to which Colombia is signatory, such as the International Covenant on Civil and Political Rights and the American Convention on Human Rights, and repeated human rights recommendations made by the UN Commission on Human Rights and the Inter-American Commission of Human Rights of the Organization of American States.

Efforts to grant judicial police powers to the military have been repeatedly declared unconstitutional by the Constitutional Court. Attempts by then President Andrés Pastrana to give such powers to the armed forces, a measure included in the now defunct Defence and National Security Law, were declared unconstitutional on 11 April 2002. In a ruling, made public on 25 November 2002, the Court also threw out similar measures contained in Decree 2002, issued by the government of President Álvaro Uribe Vélez on 9 September 2002.

Public Document

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