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Further information on EXTRA 34/94 (AMR 23/53/94, 7 July 1994) -
"Disappearances"

COLOMBIA President rejects draft law against "disappearances"

Amnesty International has learned with dismay and concern that on 7 July 1994 Colombian President César Gaviria Trujillo rejected a draft law against "disappearances", declaring that certain articles of the law are "unconstitutional" and "inconvenient". The Government stated that within the Colombian constitution "disappearances" could be considered as an act of service, whereas the draft law specifically rules out this possibility.

The aim of the draft law is to criminalize the act of forced "disappearance" and it includes both important safeguards to prevent "disappearances" and important provisions to prevent impunity. On 7 and 8 June the plenary sessions of the Colombian Congress had approved the same draft law, but to become effective the law had to be promulgated by President Gaviria.

The "disappearance" law as drafted contains the principal provisions of the Inter-American Convention on Forced Disappearances of Persons adopted in June 1994 by the Organization of American States (OAS). In this context Amnesty International is surprised that President Gaviria, who has recently been elected as Secretary General of the OAS, would object to the adoption of this law in Colombia, which would bring Colombian legislation into line with international standards. Although it has not yet ratified the Convention, Colombia voted for its adoption.

Following its rejection by President Gaviria, the draft law will now return to Congress for further debate and, if Congress so wishes, to the Constitutional Court for discussion of its constitutionality. Amnesty International urges the Colombian Congress to uphold the original draft of the law on "disappearance" and urges it not to introduce modifications made to the law which would undermine its effectiveness.

On hearing that President Gaviria had rejected the draft law on "disappearance", the Association of the Families of the Detained-Disappeared, *Asociación de Familiares de Detenidos-Desaparecidos (ASFADDES)*, who have spent two years working with other NGOs to get the "disappearance" law adopted in Colombia, wrote to Amnesty International:-

"This is extremely painful for us; as if it has not been enough to snuff out the lives of our loved ones, not enough that we live every day without knowing where they are, not enough the suffering we have been through on finding them tortured and killed, not enough to keep knocking on door after door, day after day, demanding answers we are never given. There is no limit to the indignity suffered in this country and we are not as strong as we would wish. Only by thinking about the solidarity and moral support of people like yourselves can we find the strength to carry on dreaming in spite of blows like this."

("Esto nos duele profundamente, no ha sido suficiente segar la vida de nuestros seres queridos, no ha sido suficiente la incertidumbre cotidiana de no saber dónde están, no ha sido suficiente el dolor de encontrarlos torturados y asesinados, no ha sido suficiente golpear cada puerta días tras día reclamando

una respuesta que nunca llega. La indignidad ya no tiene límites en este país, y nosotros no tenemos tanta fortaleza como quisiéramos. Solo pensando en el apoyo moral y solidario de gente como ustedes, arrancamos fuerzas de nuestra debilidad humana para seguir soñando a pesar de los golpes.")

FURTHER RECOMMENDED ACTION: Please send telegrams, telexes, express and airmail letters:

- expressing dismay and concern at President César Gaviria's rejection on 7 July 1994 of the draft law against "disappearances", particularly in the context of the Congress' approval of the draft text and the government's avowed commitment to the protection of human rights;
- expressing surprise that President Gaviria, recently elected Secretary General of the OAS, objects to the adoption of a law in Colombia, which would bring Colombian legislation into line with international standards, specifically the recently adopted Inter-American Convention on Forced Disappearance of Persons;
- reiterating concern that failure to bring the law into force or the introduction of modifications which undermine its effectiveness will result in further "disappearances" and strengthen the impunity of those members of the armed forces who carry out "disappearances";
- continuing to urge the Colombian authorities to ratify the Inter-American Convention on Forced Disappearance of Persons.

APPEALS TO:

1) President of the House of Senate

Dr. Jorge Ramón Elías Nader
Presidente

H. Senado de la República
Santafé de Bogotá, Colombia

Telegrams:Presidente Senado Nader, Bogotá, Colombia

Telexes: SENINCO 45582

Salutation:Dr. Nader/Dear Dr. Nader

2) President of the House of Representatives

Dr. Francisco José Jattin Safar
Presidente

H. Cámara de Representantes
del Congreso Nacional
Calle 10, Carrera 7 y 8
Santafé de Bogotá, COLOMBIA

Telegrams:Presidente Camara Representantes, Bogota, Colombia

Salutation:Dr. Jattin Safar/Dear Dr. Jattin Safar

3) Incoming President

Dr Ernesto Samper Pizano
Calle 72, no 7-64, Piso 12
Santafé de Bogotá, Colombia

Telegrams: Dr Samper, Calle 72, 7-64, Bogota, Colombia

Salutation: Presidente Electo Samper / Dear President Elect Samper

COPIES OF YOUR APPEALS TO:

President of Colombia:

Señor Presidente César Gaviria Trujillo
Presidente de la República

Palacio de Nariño
Santafé de Bogotá, Colombia

Association for Relatives of the "disappeared"

Señores

ASFADDES

AA 011446

Bogotá, Colombia

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 10 August 1994.