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Colombia: Court throws out retrograde military justice reform

The decision of Colombia's Constitutional Court to throw out reforms of the country's military justice system is a setback for government attempts to shield from scrutiny human rights violations committed by the security forces, said Amnesty International.

The new reforms would have ensured that members of the security forces suspected of criminal responsibility in human rights violations could evade justice.

"The government has repeatedly affirmed its commitment to the fight against impunity, but this reform would have exacerbated Colombia's already sky high levels of impunity," said Amnesty International's Colombia researcher Marcelo Pollack.

The reform of the military justice system significantly increased the power of the security forces to redefine crimes so they could be heard before a military rather than civilian court.

"Throughout the 50-year-old conflict, military courts have played a central role in systematically shielding members of the security forces allegedly implicated in human rights violations, and the reform would have made it even more difficult to hold to account members of the armed forces and police suspected of such crimes," said Marcelo Pollack.

Colombia's highest court yesterday declared that the government's reform of the military justice system was unconstitutional, albeit on procedural grounds. The government will have to reintroduce the reform in Congress if it wishes it to become law.

"If the government is serious about bringing to justice those suspected of criminal responsibility for serious human rights violations it must not seek to reintroduce the reform," said Marcelo Pollack.

Any action by the Colombian government to broaden the scope of the military justice system breaches the state's obligations to guarantee full and impartial criminal investigations into human rights violations. It is also contrary to recommendations made by the United Nations and the Inter-American human rights system.