

PUBLIC

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EXTRA 13/99

"Disappearances" / Impunity

3 February 1999

**COLOMBIA Bill to outlaw forced disappearances, genocide and torture under
Colombian Law**

Amnesty International is seriously concerned by the Colombian Government's decision not to debate a bill which would make forced disappearance and other human rights violations a criminal offence.

On 26 January 1999, President Andrés Pastrana and the Minister of the Interior, Dr. Nestor Humberto Martínez, issued a decree excluding the bill from an extraordinary parliamentary session scheduled to start on 7 February 1999 (the bill had received preliminary approval in December 1998). This comes only days after an announcement by the Minister of the Interior, and assurances given to Amnesty International in a meeting with Vice-President Gustavo Bell, that an extraordinary congressional session would be convened to debate the bill. If the bill is not debated in the extraordinary session, the chances of it passing into law are severely diminished.

Since 1985, over 1,500 people have "disappeared" at the hands of the security forces and their paramilitary allies. As the *Procurador General de la Nación*, Procurator General, pointed out in a debate in the Colombian Congress in 1994, security forces have complete impunity in cases of "disappearance".

The fact that there is no legislation to outlaw "disappearance" in Colombian criminal law contributes to the continuation of this serious human rights violation and gives a message to those responsible that they will go unpunished.

World attention is currently focussed on the humanitarian disaster caused by the recent earthquake in Colombia. Amnesty International suspects that the Colombian Government is taking advantage of this in order to avoid fulfilling its international obligations to tackle the human rights crisis.

BACKGROUND INFORMATION

Colombian and international non-governmental human rights organizations have campaigned for years for the introduction of legislation which would codify the crime of "disappearance" under Colombian law and exclude from the military justice system - the guarantor of impunity - all cases of forced "disappearances" in which members of the security forces are implicated.

Five bills aimed at outlawing "disappearance" have been presented to the Colombian Congress in the last 10 years. The first attempt took place in 1988 during a visit of the UN Working Group on Enforced and Involuntary Disappearances. Two further bills failed in 1989 and 1990. In 1992, President Gaviria refused to ratify a fourth bill. His successor, President Ernesto Samper, then failed to withdraw objections made by the former president aimed at excluding cases of "disappearance" from military courts. Strong armed forces resistance to these bills has played a decisive role in ensuring they have not been passed into law.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing concern that the Colombian Government has excluded the bill to outlaw "disappearance", genocide and torture in Colombian law from the legislative agenda scheduled to be debated by the Colombian Congress in an extraordinary session set to commence on 7 February 1999;

- asking the government to reinstate the bill on the agenda of the congressional session;
- underlining the importance of this legislation in preventing impunity in cases of "disappearance" and providing greater protection for persons at risk of "disappearance".
- reminding the Colombian Government of recommendations made by inter-governmental bodies that they take effective action to tackle impunity in cases of human rights violations and ensure that such cases are excluded from military courts. These include the UN Special Rapporteurs on torture and on arbitrary, summary or extrajudicial executions in their joint report of 16 January 1995; the 1998 Report by the UN High Commissioner on Human Rights; the 1993 Second Report on the Human Rights Situation in Colombia by the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), and its 1996 Annual Report.

APPEALS TO:President of Colombia:

Señor Presidente Andres Pastrana, Presidente de la República
 Palacio de Nariño, Carrera 8 No. 7-26, Santafé de Bogotá, Colombia
Telegrams: President Pastrana, Bogotá, Colombia
Telexes: 44281 PALP CO
Faxes: + 57 1 284 2186 / 289 3377 / 286 7434
Salutation: Excelentísimo Sr. Presidente / Dear President Pastrana

Minister of Foreign Relations

Dr. Guillermo Fernández de Soto, Ministro de Relaciones Exteriores
 Ministerio de Relaciones Exteriores, Palacio San Carlos
 Santafé de Bogotá, COLOMBIA
Telegrams: Ministra Relaciones Exteriores Emma-Mejia, Bogotá, Colombia
Telexes: 45209 MRRE CO
Faxes: + 57 1 2825802
Salutation: Sr. Ministro / Dear Minister

Minister of the Interior

Dr. Nestor Humberto Martínez, Ministro del Interior
 Ministerio del Interior, Carrera 8, No.8-09, Piso 2
 Santafé de Bogotá, COLOMBIA
Telegrams: Ministro del Interior, Bogotá, Colombia
Telexes: 45406 MINGO CO
Faxes: + 57 1 281 5884 / 286 6524 / 286 0405 / 286 0053 / 341 9739
Salutation: Sr. Ministro / Dear Minister

Minister of Defence

Dr. Rodrigo Lloreda, Ministro de Defensa Nacional
 Ministerio de Defensa Nacional, Avenida Eldorado CAN - Carrera 52
 Santafé de Bogotá, Colombia
Telegrams: Ministro de Defensa, Bogotá, Colombia
Telexes: 42411 INPRE CO; 44561 CFAC CO
Faxes: + 57 1 222 1874
Salutation: Sr. Ministro / Dear Minister

Please also send appeals to your government, urging them to raise the above concerns with the Colombian Government.

COPIES TO:

Colombian Commission of Jurists

Comisión Colombiana de Juristas
AA 58533
Santafé de Bogotá
Colombia

and to diplomatic representatives of COLOMBIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.