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Colombia: Constitutional Reform undermines human rights

There's a lack of political will to protect human rights in Colombia, said Amnesty International after Congress approved yesterday a constitutional reform that grants judicial police powers to the armed forces in the country.

This measure - which will not become law until enabling legislation is approved by Congress later next year - will allow the armed forces to carry out raids, tap telephones, and make arrests without judicial authority on the basis of military accusations -- with no need to undertake proper and impartial judicial investigations.

"This decision will have disastrous impact on human rights by further contributing to the military's campaign to intimidate and discredit human rights defenders and social organizations, among others. In short, the military, which has a poor human rights record, will now have the power to investigate and detain civilians" warned Amnesty International.

The granting of judicial police powers to the military is in clear violation of international human rights treaties to which Colombia is signatory and of repeated recommendations by the United Nations Commission on Human Rights and the Inter-American Commission on Human Rights of the Organization of American States.

"This measure is not only flouting the government's repeated commitments to the international community to act within the rule of law and respect human rights but also failing Colombia's obligation to guarantee basic human rights standards", Amnesty International concluded.

General information

Efforts to grant judicial police powers to the military have been repeatedly declared unconstitutional by Colombia's 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 Uribe on 9 September 2002.

In a letter sent to Congress on 12 May, 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."

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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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