

10 June 1999

EXTRA 69/99 Disappearance / impunity**COLOMBIA**

Amnesty International is extremely concerned that the Colombian Congress may fail to pass into law a bill which would make forced "disappearance" and other human rights violations criminal offences.

The bill has been approved by congressional committees and the Senate and only needs to pass through the House of Representatives. However, the debate on the bill in this chamber has been suspended in an attempt to pass other legislation before Congress goes into recess on 20 June 1999. Procedural rules mean that the bill will be completely void if it is not passed before the end of this congressional session. If this happens, it will be the sixth time in the last decade that such a bill has failed to become law.

Since the mid 1970s, over 2,700 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 continuing human rights violations and gives a message to those responsible that they will go unpunished.

International pressure, to which Amnesty International has contributed, has played an important part so far in maintaining momentum behind the bill. It is vital that this pressure continues if the bill is not to fail at the final hurdle.

BACKGROUND INFORMATION

Colombian and international non-governmental human rights organizations have campaigned for years for legislation which would codify the crime of "disappearance" under Colombian law, and have all cases of forced "disappearances" in which members of the security forces are implicated tried by civilian courts. Such cases are currently dealt with by the military justice system, which in effect has been the guarantor of impunity.

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 by 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. Objections by President Gaviria blocking the exclusion of cases of "disappearance" from military courts were not removed by his successor, Ernesto Samper. Strong resistance by the armed forces 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 at the continued suspension of debate in the House of Representatives on the bill to outlaw "disappearance", genocide and torture in Colombian law;

- reminding the Colombian government and Congress that if the bill is not approved by the time Congress goes into recess, it will be the sixth time that such a bill has failed to be passed into law;
- calling on the Colombian government and Congress to demonstrate the importance of this bill to its human rights policies by strongly urging members of the House of Representatives to approve the bill without amendment;
- 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 and Congress 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 and 1999 Report by the UN High Commissioner on Human Rights; the 1993 Second Report and 1999 Third 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:

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Salutation:Excelentísimo Sr. Presidente/Dear President Pastrana

President of the Congress of the Republic of Colombia

Dr. Fabio Valencia Cossio

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Salutation: Estimado Dr./ Dear Dr.

President of the 1st Commission of the House of Representatives

Dr. Luis Fernando Velasco Chaves

Presidente de Comisión 1 de la Cámara de Representantes

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Salutation: Estimado Dr/ Dear Sr.

Minister of the Interior

Dr. Néstor Humberto Martínez, Ministro del Interior

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Salutation:Sr. Ministro/Dear Minister

COPIES TO:Colombian Commission of Jurists

Comisión Colombiana de Juristas

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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 20 June 1999.