

EXTERNAL (for general distribution)

AI Index: AMR 23/70/94  
Distr: UA/SC

12 September 1994

Further information on EXTRA 34/94 (AMR 23/53/94, 7 July 1994) - and follow-up(s): AMR 23/55/94, 8 July 1994; AMR 23/57/94, 1 August 1994 - - "Disappearances"

COLOMBIA: President must promulgate draft law against "disappearances".

---

The new government of President Samper which took office on the 7 August 1994 has to date failed to take a firm stance against former President Gaviria's objections to the draft law against forced "disappearance". The Ministers of Defence, Interior and Foreign Relations have now been invited to attend a plenary session of the Senate of the Colombian Congress on 21 September 1994 to make the government position on this issue clear. Amnesty International is concerned that the ministers should attend the meeting and firmly reject the former president's objections.

In a recent press interview the new Minister of Defence, Fernando Botero, failed to commit the new government to rejecting President Gaviria's objections to the draft law against forced "disappearances" and evaded questions on the issue by stating that *"este gobierno ha adoptado la política de sentar sus posiciones en el foro de la democracia que es el Congreso, y allí vamos a expresarla sobre este tema"* - "this government has adopted the policy of basing its position on that of the forum of democracy which is the Congress, and there we are going to make our opinions known on the subject".

The Minister of Defence side-stepped a further opportunity to clarify the government's position when he excused himself from attending a congressional debate on the issue and to which he had been invited. Similarly the Minister of the Interior, Horacio Serpa, has failed to clarify the government's position in media interviews when asked to do so.

Opinion in the special Senate Commission of 14 senators set up to examine the former president's objections to the law is reportedly divided. The majority opinion is that the objections should be rejected and minority opinion is that they should be accepted.

In this context it is essential that the government should take a firm stance against President Gaviria's objections and make these known at the plenary session of the Senate on Wednesday, 21 September 1994. Amnesty International fears that failure to do so will send a message to members of the security forces that continued "disappearances" will be tolerated and simultaneously will not encourage Congress members to reject the objections made by former President Gaviria to the draft law.

Failure to reject these objections would permit continued handling of "disappearances" cases by military courts, in effect "disappearances" would potentially continue to be seen as an act of service. Moreover, the objections would continue to permit members of the armed forces responsible for "disappearances" to argue that they had acted under the orders of a superior. These measures would undermine the effectiveness of the law.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in Spanish, English or your own language:**

(In advance of 21 September 1994 and subsequently):

- urging the government of Ernesto Samper to withdraw the objections to the "disappearance" bill and recommending to Congress that the law should be passed intact and so ensure that;

a) "Disappearance" cases involving members of the security forces should be handled by civilian courts not military courts;

b) Members of the security forces responsible for "disappearances" would not be able to argue, in their defence, that they had acted under the orders of a superior;

- Expressing your concern that approval of the "disappearance" law without President Gaviria's objections is a key test of the new government's commitment to tackle the human rights issue: failure to take a firm stand against the objections will send a clear message to the security forces that the new government is willing to tolerate military jurisdiction over "disappearance" and other human right violation cases involving security force agents, over the jurisdiction of civilian courts. In this way one of the cornerstones of impunity in human rights cases will be conserved;

- urging the government to ratify the Inter-American Convention against Forced Disappearance of Persons.

**APPEALS TO:**

President of Colombia:

Señor Ernesto Samper Pizano  
 Presidente de la República  
 Palacio de Nariño  
 Santa Fé de Bogotá, Colombia

**Telegrams: President Samper, Bogotá, Colombia**

**Telexes: 44281 PALP CO**

**Faxes: + 57 1 286 7434/287 7939**

**Salutation:Excelentísimo Sr. Presidente/Dear President Samper**

Minister of the Interior

Dr. Horacio Serpa Uribe  
 Ministro de Gobierno  
 Ministerio de Gobierno  
 Carrera 8A, No.8-09, Piso 7<sup>o</sup>  
 Santafé de Bogotá DE, Colombia

**Telegrams: Ministro de Gobierno, Bogota, Colombia**

**Telexes:45406 MINGO CO**

**Faxes: + 57 1 281 5884**

**Salutation:Sr. Ministro/Dear Minister**

Minister of Defence

Dr. Fernando Botero Zea  
 Ministro de Defensa Nacional  
 Ministerio de Defensa Nacional  
 Avenida El Dorado - Carrera 52  
 Santafé de Bogotá, Colombia

**Telegrams:Ministro de Defensa Botero Zea Bogota, Colombia**

**Telexes:42411 INPRE CO; 44561 CFAC CO**

**Faxes:+ 57 1 222 1874**

**Salutation: Sr. Ministro/Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Minister of Foreign Affairs  
Dr Rodrigo Pardo García-Peña  
Ministerio de Relaciones Exteriores  
Ministerio de Relaciones Exteriores  
Palacio San Carlos  
Santafé de 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 October 1994.