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Colombia: The "democratic security" policy is not a human rights policy

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At the end of a week-long visit to Colombia, an Amnesty International delegation has confirmed the organisation's deep concerns with regard to President Álvaro Uribe's security policy.

The delegation met with the Vice-President of the Republic and the Minister of the Interior plus members of Congress, the Constitutional Court and representatives of the diplomatic corps and civil society, including human rights defenders.

Amnesty International reiterated the government's right and duty to re-establish public order. However, the organisation considers that the impunity for the vast majority of large-scale abuses of human rights and/or international humanitarian law has been a decisive factor in the perpetuation of such violations.

"This is why we have voiced our concern to the authorities regarding the government's legislative proposals granting judicial police powers to the security forces," stated Javier Zúñiga, Amnesty International's Director of Strategy and Head of Delegation.

"These powers are, quite simply, contrary to the most fundamental principles of law, regardless of any safeguard that may be included, and they should therefore be withdrawn," he continued.

The "democratic security" policy, as set out in the bills currently being debated in Congress, does not constitute a human rights policy but will, on the contrary, lead to a worsening of human rights in Colombia if the bills are approved in their current form. The organisation does, however, regard as positive the information received from the authorities regarding commencement of the formulation of a national action program for human rights. For its part, the Amnesty International delegation emphasized the importance of ensuring civil society's fundamental involvement in the drafting of this action plan, and of including recommendations from the international community.

Democratic security implies nothing more and nothing less than the defence of human rights and not a weakening of key institutions such as the Attorney General's Office (*Fiscalía General de la Nación*), the Constitutional Court and the Ombudsman's Office (*Defensoría del Pueblo*).

In addition, human rights defence cannot be conceived without directly attacking past, present and future impunity.

"For example, the recently initiated negotiations with paramilitary groups, the references to possible pardons and amnesties in the previously mentioned bills and the reservations imposed on ratification of the Statute of the International Criminal Court must not become contracts of impunity for either members of the paramilitary groups, the armed forces or the guerrillas responsible for war crimes, crimes against humanity and other crimes under international law," he continued.

"Together with the proposed arms law, the creation of networks of informants and peasant soldiers, this could result in paramilitarism being disguised in a new legal cloak."

At the same time, Amnesty International highlighted the fact that, although numerous raids were being carried out, including on the offices of human rights groups, along with the arrests of a large number of citizens, a serious effort to enforce the hundreds of warrants for the arrest of paramilitary leaders, guerrillas and members of the security forces implicated in violations of human rights and international humanitarian law has yet to be seen.

Faced with a clear tendency towards the creation of an institutional framework of impunity, Amnesty International warned that if the Colombian state could not or would not bring those responsible for human rights violations to justice, there would be no option but to resort to the international justice system.

"Although they may be protected by impunity in Colombia, those responsible for crimes against humanity and war crimes, be they guerrillas, military or paramilitary, can be tried before the courts of any other country, or brought before the International Criminal Court," Javier Zúñiga pointed out.

"As we saw in the case of Augusto Pinochet, victims whose inalienable right to justice and truth had been denied them for a quarter of a century were able to call upon the international justice system which, had it not been for the state of health of the ex-Chilean head of state, would have led to his trial in Spain or even in Chile."

Amnesty International concluded by stating that true peace and reconciliation could not be achieved at the cost of the right to truth, justice and full reparation for all those whose human rights have been violated.

"Resolution of the conflict requires negotiation but the terms of this negotiation cannot be imposed on the victims of human rights and international humanitarian law violations by the authors of those violations," stated Amnesty International.

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