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Colombia: The Justice and Peace law will benefit human rights abusers

The lack of transparency in the application of the Justice and Peace Law will only boost impunity in Colombia, said Amnesty International after reports that 38 members of the guerrilla group Fuerzas Armadas Revolucionarias de Colombia, FARC, Revolutionary Armed Forces of Colombia will be the first beneficiaries of the legislation.

The Justice and Peace law grants procedural benefits, such as significantly reduced prison sentences, to members of illegal armed groups who are implicated in human rights abuses and who have agreed to demobilize.

The legislation gives judicial investigators only 36 hours to charge suspects, and only 60 days to investigate a case, even if it involves war crimes or crimes against humanity.

The limited timeframes set by the legislation opens the door for investigations to be dropped, even if the combatants are implicated in human rights abuses. This could, in effect, grant many demobilized guerrillas or paramilitaries de facto amnesties.

“The names of the 38 have not been revealed. This lack of transparency means their identities cannot be fully verified nor their possible role in human rights abuses open to public scrutiny,” said Amnesty International.

“For the sake of transparency, and to ensure truth and justice for the victims of human rights abuses and their families, the list of guerrillas who are benefiting from the law should be made public. The Colombian authorities must also reassure the public that human rights abusers are not among those to benefit”.

In addition, the application of this law to several FARC prisoners will not guarantee the demobilization of the FARC as a whole nor that the FARC will adhere to international humanitarian law.

The application of the Justice and Peace legislation to these 38 guerrillas will also fail to guarantee full and impartial investigations into the guerrilla units to which they belonged, the responsibility of these units in human rights abuses, and the possible identification of others responsible for the human rights abuses under investigation.

Amnesty International, the Inter-American Commission on Human Rights of the Organization of

American States, the Office of the UN High Commissioner for Human Rights and other international and Colombian human rights groups have expressed concern that this law violates the right of victims of human rights abuse to truth, justice and reparation. Amnesty International has called on the Colombian government to revoke the Justice and Peace Law.

Background Information

The Justice and Peace Law was approved by the Colombian Congress on 21 June and ratified by the government in July ostensibly to facilitate the ongoing "demobilization" of army-backed paramilitaries, but is in theory also designed to be applied to members of the guerrilla who wish to demobilize.

Although all parties to Colombia's internal armed conflict -- the security forces, paramilitaries and the guerrilla -- have systematically violated human rights and international humanitarian law, the paramilitaries have, in recent years, been responsible for most of the killings of civilians, "disappearances", and cases of torture, while the guerrilla have been responsible for most politically-motivated kidnappings.

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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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