

27 November 2012

Spokesperson for the UN High Commissioner for Human Rights: Cécile Pouilly

Location: Geneva

Subject: Colombia

We are urging Colombia's President and President of Congress to reconsider their support to a constitutional reform that seeks to modify the scope of the Colombian military justice system.

If adopted, this reform would seriously undermine previous efforts undertaken by the Colombian Government to ensure that human rights violations, allegedly committed by members of the Colombian military and police forces, are duly investigated and perpetrators held to account.

While noting that the proposed reform excludes crimes against humanity and most gross human rights violations from the military criminal jurisdiction, it is of serious concern that the proposed text establishes that many other human rights violations committed by the military will be tried in military courts, including war crimes and arbitrary detention. According to the reform, the determination of the crimes will be left to a military body, with the consequent risk of impunity.

It is also worth stressing that, in the proposed bill, the preliminary investigation phase will be led by military or police criminal justice institutions, to the detriment of an independent evaluation carried out by the competent judicial authorities. This phase is essential for the clarification of facts and responsibilities.

Noting that this bill comes at a time when the government and the FARC guerrillas are in the middle of peace negotiations, we wish to stress that transitional justice mechanisms are available for Colombia to address the serious human rights and humanitarian law violations that occurred and continue occurring during the internal armed conflict. Only justice can bring true peace and reconciliation.

ENDS

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