

Concerns for EU reaction following reform of the military justice system which protects the State security forces from justice and leaves victims unprotected.

Military Criminal jurisdiction: Impunity and green light for the state security forces to continue to commit crimes

Brussels, June 27, 2013. On June 17, the Colombian Congress adopted the statutory law regulating military criminal jurisdiction. This statutory Law increases the concerns already raised about the constitutional reform of military criminal jurisdiction. At the same time as the Congress was passing this law, a session of the EU human rights dialogue with Colombia was also taking place. However, instead of expressing concern, the EU offered its cooperation in implementing this reform. This offer of support was repeated when Defence Minister Juan Carlos Pinzon, a fierce advocate of this reform, visited Brussels this week. The EU's attitude is extremely worrying given the gravity of this reform, which goes against international human rights standards and has been heavily criticized, among others, by the UN.

This law reverses the logic of international humanitarian law (IHL) by making it a permissive instrument which protects the state security forces (SSF) against justice, when the purpose of IHL is, by contrast, to set limits to war to protect, in particular, to protect civilians from its effects. With this law, civilians become "legitimate targets" of the SSF and almost all of the acts committed by a member of the SSF can be considered as being carried out "during hostilities". There is therefore a high probability that in the future, cases of "false positives" will not be punished. Between 2002 and 2009, 1,877 extrajudicial killings and 303 forced disappearances are reported to have been perpetrated directly by state agents. Colombian NGO CINEP reported 38 "false positives" in 2011 and 11 in 2012.

In short, **the reform of military jurisdiction protects the SSF against justice and leaves victims without protection. It gives the SSF the green light to continue committing crimes.** This is occurring amidst reports that serious crimes continue to be perpetrated by the state security forces which remain almost entirely unpunished. According to UN reports, victims seeking justice and the people who work on these cases are being threatened, and there is constant pressure for these cases to be considered by the military courts and not by the ordinary courts as they should be.

Oidhaco reiterates concerns expressed by Members of the European Parliament in their letter of June 7th to President Santos in the light of recent reforms, and their support for the struggle against impunity and respect for the independence of justice. **For Oidhaco, this reform jeopardizes Colombia's chances to achieve true and lasting peace**, because impunity leads to the repetition of crimes.

It is extremely serious that guarantees of impunity for the security forces are reflected in the Constitution via this law, thereby also guaranteeing impunity for future crimes. EU reaction is therefore of concern. We call on Colombian authorities to reconsider the reform to military criminal jurisdiction, which is contrary to international human rights standards.