



INTERNATIONAL  
COMMISSION  
OF JURISTS

# EMINENT JURISTS PANEL on Terrorism, Counter-Terrorism and Human Rights

11 February 2006

## EMINENT JURISTS END VISIT TO COLOMBIA

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E. Raúl Zaffaroni (Argentina), Robert K. Goldman (United States) and Stefan Trechsel (Switzerland), members of the “Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights”, ended their visit to Colombia today. The three experts are part of a group of eight jurists appointed by the International Commission of Jurists (ICJ) to examine the impact of the fight against terrorism on human rights and the rule of law. The Panel will hold hearings over the next 18 months in all regions of the world.

During a two-day hearing held at the Santo Tomás University in Bogotá, the Panel received many testimonies on the impact of terrorist acts and counter-terrorism measures over the past fifty years in Colombia, including the impact of measures adopted under the democratic security policy in the last three years. Lawyers, prosecutors, human rights defenders, journalists, trade unionists, internally displaced people and representatives of Afro-descent and indigenous communities intervened at the hearing. The Panel also received submissions on the Government’s justification for the adoption of the measures.

One of the premises of the democratic security policy is that there is no internal armed conflict in Colombia but instead a war against terrorism. The Panel would like to highlight that, although international humanitarian law proscribes terrorism, the fact that terrorist acts are committed during an armed conflict does not alter either the legal status of the hostilities or of the parties involved or the duty of the parties to observe humanitarian law.

At the hearing, the Panel received testimonies that antiterrorist measures declared unconstitutional by the Constitutional Court, including the granting of judicial police powers to the military, continue to be used in practice, resulting in a very high level of arbitrary detention and searches without judicial order.

The Panel expresses concern about the information provided on the Executive’s interferences in judicial decisions and its attempts to limit the competence of the Constitutional Court, guardian of the rule of law and of fundamental rights.

The Panel also expresses concern about statements from high-level authorities stigmatizing human rights defenders. Such statements against human rights defenders represent a profoundly unjust attack on a legitimate and necessary activity in any country of the world and in any circumstances. This is especially the case in a situation of violence where such stigmatizations automatically result in great risks to their lives.

The ICJ is an international non-governmental organisation comprising sixty of the world’s most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland  
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: [info@icj.org](mailto:info@icj.org)

The members of the Panel would like to thank all the persons who provided them with information, opinions and explanations during their visit. This material will be compiled as a resource for the final global report of the Panel. The Panel will not produce a special report on Colombia, nor on other countries visited, since the objective of the project is to assess the global situation.

## **Background**

The Panel is composed of eight judges and lawyers from all regions of the world. The Panel exercises its mandate independently, with the logistical support of the ICJ Secretariat and its network of organizations. Arthur Chaskalson, former President of the Constitutional Court of South Africa, chairs the Panel. The other members are Georges Abi-Saab (Egypt), Robert K. Goldman (United States), Hina Jilani (Pakistan), Viti Muntarbhorn (Thailand), Mary Robinson (Ireland), Stefan Trechsel (Switzerland) and Raúl Zaffaroni (Argentina).

E. Raúl Zaffaroni (Argentina) is a judge of the Supreme Court of Argentina and a former Director of the UN Latin-American Institute on Crime Prevention (ILANUD). Robert K. Goldman (United States) is a former President of the Inter-American Commission on Human Rights and was the expert of the United Nations Commission on Human Rights on counter-terrorism and human rights. Stefan Trechsel (Switzerland) is a former President of the European Commission on Human Rights and was recently appointed a judge *ad litem* of the International Criminal Tribunal for the former Yugoslavia.

*For more information, please contact Isabelle Heyer at + 571 376 8200 (in Bogotá) or Gerald Staberock at + 41 22 979 38 00 (in Geneva).*