

PRESS RELEASE.
MINISTRY OF FOREIGN AFFAIRS OF COLOMBIA

The Inter-American Commission on Human Rights has requested the Government of Colombia to suspend the effect of the decision of 9 December 2013 issued by the Procurator General of Colombia. This request was made known to us on at 11.30 p.m., a few hours after a pronouncement from the Council of State.

The Government of Colombia has always understood the role of the Inter-American Human Rights System as one of a nature complementary to the internal rights of states. Therefore, it can only act when internal justice fails to operate, or is defective.

This is a request from the Inter-American Commission on Human Rights (CIDH) Government of Colombia; it is not mandatory or binding. The precautionary measures do not form part of the Inter-American Convention on Human Rights. This figure is provided for in the internal regulations of the Commission, which were drawn up by the Commissioners themselves, and not by a decision of the States. The precautionary measures are provided for in cases where there is a need to avoid irreparable damage to individuals in serious and urgent situations.

Colombia's Constitutional Court has recognized the binding nature of precautionary measures in specific cases, basically referring to the protection of the rights to life, integrity and security of the individual. In this case, we find a different kind of event, referring to political rights. Precisely in previous cases, the same Commission has refrained from requesting precautionary measures with regard to these rights, because it considers that the adoption of such as kind of measure would imply an advanced judgment on the substance of a petition.

In the case of Mayor Gustavo Petro, due process has been respected in all national judicial instances, with full guarantees of his rights.

In more than 300 petitions for the protection of fundamental rights, there have been pronouncements from the administrative Tribunal of Cundinamarca, the Superior Council of the Judicature, and finally, the Council of State. These actions are open to further review by the Constitutional Court. In this context, and respecting the rule of law, the Mayor still has recourse to internal judicial instances, and the use of these mechanisms, which have not yet been exhausted, depends on him.

In the legal and political organization of Colombia, the courts and the Public Ministry are autonomous institutions, independent from the Government. Therefore, this situation demands a high degree of responsibility on the part of the Government, which has a duty to protect the institutional order. In this case, what is at stake is autonomy and sovereignty to define our constitutional architecture and the functioning of the judicial apparatus, which has in this case acted rigorously, expeditiously, and with full guarantees.

Therefore, and with the firm conviction that constitutional order is to be preserved, the Colombian State will refrain on this occasion - as the President has stated - from acceding to the request for precautionary measures, since it finds them out of order, and precipitate.

We have sent replies to five requests for information to the Inter-American Commission on Human Rights regarding the actions of the Colombian justice system since the study of the precautionary measures began.

Bogota, 20 March 2014.

ANTHONY LETTS
Traductor Juramentado
Res. 139/80 Minjusticia