

The Colombian Penal Code provides for the stiffening of penalties for those who murder, torture or kidnap journalists, among other professionals. This is set out in Articles 104 (paragraph 10), 135 (paragraph 5), 170 (paragraph 9) and 179 (paragraph).

Amendment to the Colombian Penal Code that entered into effect in July 2001

Article 103. Homicide. He who kills another person will be subject to imprisonment of thirteen (13) to twenty-five (25 years).

Article 104. Aggravating circumstances. Punishment shall be of twenty-five (25) to forty (40) years' imprisonment if the conduct described in the previous article is committed.

10. If it is committed against a person who is or has been a public servant, journalist, justice of the peace, labor union leader, politician or member of a religious order because of that fact.

Article 135. Homicide of a protected person. He who on the occasion of and in the course of armed conflict causes the death of a protected person as defined in the International Treaties on Human Rights ratified by Colombia shall be subject to imprisonment of thirty (30) to forty (40) years, a fine of two thousand (2,000) to five thousand (5,000) current legal monthly minimum wages and ineligibility to exercise public rights and duties for fifteen (15) to twenty (20) years.

Paragraph. For the purposes of this article and other precepts in this body of law understood to be protected persons as defined in international human rights law are:

5. Working journalists or accredited war correspondents.

Article 169. Extortionate abduction. He who seizes, removes, holds or hides a person with the aim of demanding a benefit or payment or that something be done or omitted or does so for political or publicity gain in return for his release shall be subject to imprisonment of eighteen (18) to twenty-eight (28) years and a fine of two thousand (2,000) to four thousand (4,000) current legal minimum monthly wages.

Article 170. Circumstances for increasing punishment. The penalties mentioned in previous articles shall be increased by one-third to one-half if any of the following circumstances occur:

9. If it is committed against a person who is or has been a journalist, or community, labor union, political, ethnic or religious leader because of that fact.

Article 178. Torture. He who inflicts serious physical or mental pain or suffering on a person with the intention of obtaining information or a confession from him or a third party, punishing him for an act committed by him, or intimidating or coercing him for any reason that implies some kind of discrimination shall be subject to imprisonment of eight (8) to fifteen (15 years), a fine of eight

hundred (800) to two thousand (2,000) current legal minimum monthly wages and ineligibility to exercise public rights and duties for the same length of time as the prison term.

Guilty of the same offense shall be he who engages in the conduct with different intentions than those described in the above paragraph.

Torture shall not be understood to be pain or suffering deriving solely from lawful punishments or are the normal or inherent consequence of them.

Article 179. Circumstances for increasing punishment. The penalties provided for in the previous article shall be increased by up to one-third in the following cases:

4. When it is committed against persons because they are: public servants, journalists, social communicators, human rights defenders, candidates or contenders for elective office, or civic, community, ethnic, labor union, political or religious leaders, or because they have been witnesses to or victims of punishable acts or disciplinary breaches, or are the spouse or constant companion of said persons, or are their blood relations up to twice removed, or have close affinity or immediate civil connection to them.