DECREE No. 2105 OF 14 SEPTEMBER 1989

Supplementing Legislative Decree No. 1860 of 1989 concerning measures to restore public order

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA,

in exercise of the powers conferred upon him by article 121 of the Political Constitution and pursuant to Decree No. 1038 of 1984;

WHEREAS:

Under Decree No. 1038 of 1984,[1] public order was declared to be disrupted and martial law established throughout the national territory;

One of the reasons why public order was declared to be disrupted and martial law established throughout the territory of the Republic was the "persistent drug-trafficking activities of antisocial groups that are seriously disturbing the normal functioning of institutions, in criminal contempt for Colombian society, with consequences for the safety of its citizens, public peace and health and the national economy", activities and disturbances that are still continuing;

Since, by its very nature, drug trafficking is a criminal activity of international dimensions and effects, in order effectively to combat it the national Government had deemed it essential to enact Legislative Decree No. 1860 of 1989,[2] whereby provision was made for nationals and foreigners sought in connection with drug-trafficking and related offences to be extradited by means of administrative proceedings;

It is necessary to supplement the provisions contained in Legislative Decree No. 1860 of 1989 to ensure the efficient implementation of the procedure set out therein, with a view to making it effective, and to ensure that any legal proceedings arising as a result of administrative decisions taken concerning extradition are afforded the guarantees and safeguards that are essential to the administration of prompt and full justice;

HEREBY DECREES:

ARTICLE 1.

While public order continues to be disrupted and the entire national territory remains under martial law, any power of attorney that persons whose detention pending extradition or whose extradition has been ordered may grant for the purpose of lodging an administrative appeal against such measures must, without exception, be presented in person to the judicial authority that is to hear and try the administrative suit to be filed.

If the power of attorney cannot be presented personally because the person granting it is deprived of liberty, then, in that event only, such formality may be conducted before the director of the penal institution or before the nearest authority at the place where the prisoner is detained.
ARTICLE 2.

This Decree shall enter into force on the date of its publication and shall supersede any provisions contrary thereto.

TO BE PUBLISHED AND IMPLEMENTED

Bogotá, 14 September