

COLOMBIA

The Administration of Justice

Article 116 of the Constitution and Article 12 of the Statutory Law on the Administration of Justice establish who will exercise which duties in the administration of justice.

The Statutory Law indicates that jurisdiction is exercised permanently and routinely by corporations and individuals vested with the legal standing to do so, as is stipulated in the Constitution and the Statutory Law. Jurisdiction is determined by the Constitution for the Superior Council of the Judiciary and for administrative litigation and for special jurisdictions such as military criminal law, indigenous courts, justices of the peace, and ordinary jurisdiction matters including all issues not expressly assigned to another jurisdiction by the Constitution or the law. The Prosecutor General of the Nation, the Deputy Prosecutor and the Delegate Prosecutors appearing before the various judicial hierarchies within the criminal justice system, exercise the jurisdictional functions determined by the law. Justices of the peace hear with equity cases regarding conflicts between individuals or communities, according to the procedures established by law. The authorities of the indigenous territories established by law shall exercise jurisdictional functions solely within those territories and according to their own rules and procedures, which must be consistent with the Constitution and the laws. Military tribunals and judges shall hear cases of crimes which are submitted to their jurisdiction according to the provisions of the law and the Military Criminal Code.

The Constitution gives jurisdiction to other parties as follows. The National Congress has jurisdiction over matters related to accusations of disciplinary infractions against the President of the Republic or his alternate and against Justices on the Supreme Court of Justice, the Council of State, the Constitutional Court, and the Superior Judicial Council and the General Prosecutor of the Nation, even if they have left their posts. The administrative authorities have jurisdiction according to the rules on their competence and the procedures established by law; in no case may they arraign or try criminal defendants. Private citizens are given jurisdiction as mediators or arbitrators when so empowered by the parties involved for matters subject to settlement according to the procedures indicated by law, and when they serve as jurors.

-Ordinary jurisdiction is comprised of the Supreme Court of Justice, the Superior Courts of the Judicial Districts, and the courts.

-Jurisdiction for administrative litigation resides in the Council of State, the Administrative Tribunals, and the Administrative Courts.

- Constitutional jurisdiction resides in the Constitutional Court, the Council of State, and in the judges and corporations that exercise constitutional jurisdiction in exceptional matters for each specific case when they are called upon to rule on matters of guardianship or lawsuits or appeals available for the enforcement of constitutional rights.

- The Superior Judicial Council consists of two chambers, the Administrative Chamber and the Jurisdictional and Disciplinary Chamber, which have jurisdiction over such matters.

- The Office of the General Prosecutor of the Nation.