



El fuero de investigación y juzgamiento penal de altos funcionarios del Estado.

Problemas procesales [

2015

text (article)

Analítica

The Constitution of Colombia provides that certain senior officials, because of their position, should be investigated and tried by the Supreme Court (members of Congress) or by the same Court upon indictment by the General Attorney (art. 235 n. 4). The Constitution provides that the President, the judges of the high courts and the prosecutor also have a special status, as the investigation and prosecution is allocated in the Senate, previous accusation in the House of Representatives, and in the Supreme Court for the common crimes. The criminal and disciplinary jurisdiction of investigation and prosecution has generated countless controversies at the doctrinal and jurisprudential level, related to the exclusive competence of the Prosecutor General's Office and the judges of the Supreme Court to advance the investigation. In particular, the impossibility of delegating the commission of evidence and proceedings related to jurisdiction in such processes; the courts and their relationship with the position or function; the retention or recovery of competition by the criminal court room after renouncing the jurisdiction in the parapolitics processes; the notion tenure as a basis for criminal jurisdiction in the case of the governors in charge; a second hearing as a minimum guarantee derived from international standards on human rights and the issue related to jurisdiction and impunity on the subject of political or "impeachment" judgments.

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