



D3 The New Adversarial System in Colombia: Difficulties and Challenges

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After attending this presentation, attendees will understand the current situation of the new adversarial system in Colombia and also its social, cultural, forensic, and legal impact during the last five years.

This presentation will impact the forensic science community by showing how the defense lawyer is at an enormous disadvantage in relation with the prosecutor, especially in the quality and facilities for forensic analysis and criminal investigation.

For almost 100 years, the Colombia criminal system was an inquisitive one. For this reason more than 80% of criminal lawyers were trained to undertake cases for the defense using all the legal tools of this system. At the same time, criminal investigators and forensic scientists working for the General Attorney Office have been the only ones able to assist cases in a legal context, getting training and experience. On January 1, 2005, Colombia changed its criminal system implementing an adversarial type system. From this moment the defense lawyers had been in a disadvantage in relation to the prosecution due to several reasons, especially training in the new system, independent forensic support, and limitations in criminal investigation among others. On the other hand, especially due to international support, the General Attorney's Office and its forensic scientists and criminal investigators are getting better facilities and training.

Three cases will show how this situation has caused a troubling social situation in Colombia because most defense lawyers are not giving correct advise to their clients and for that reason, defendants are accepting guilty charges before a trial, even if they are innocent. In this way, defense attorneys avoid the preparation of the case for the trial.

Adversarial System, Criminal Investigation, Defense Investigation