Abstract

After almost three and a half years without legal development of Habeas Corpus, last November second the Statutory Law 1095, which regularizes Article 30 of the Political Charter, was approved. This norm signifies that Habeas Corpus has a juridical nature of a fundamental law, and a constitutional role as a guardian of personal liberty when someone has been deprived of their personal freedom in violation of constitutional and legal guarantees. However, in applying the standard of constitutionality, in its own development of Statutory law and the jurisprudence of the Constitutional Court, Habeas Corpus has also become a guarantee of collateral fundamental rights of detainees, and demonstrates its nature as a protective resource. This article offers a preview of how the Statutory Law will develop Habeas Corpus, in terms of its content, jurisdiction, guarantees for its exercise, the contents of the petition, and the process. It will examine means of contesting and impeding the process. It will critically analyze Constitutional Court Sentence C-187/06 that previously carried out constitutional control and offers a series of guidelines for a more guaranteed interpretation of the institution, as well as observations of <lege ferenda>.

Keywords

Habeas Corpus, personal liberty, illegal detention, habeas corpus Colombia.