



**To:** Representative James McGovern and the members of the Tom Lantos Human Rights Commission

**Re:** July 1, 2021 hearing on protests in Colombia

**From:** Franklin Castaneda, spokesperson for Campaign Defend Liberty an Issue for All, Colombia

At the suggestion of the Washington Office on Latin America (WOLA), the Campaign Defend Liberty an Issue for All, made up of 63 organizations and the Committee in Solidarity with Political Prisoners (CSPP) that track violations within the context of social protests, we share with you the following report:

**1) Context after lifting the strike and approaching the front lines.**

On June 15, 2021, the National Unemployment Committee in Colombia called for the suspension of the mobilization days, due to a lack of rights guarantees. The National Government did not assume responsibility for the social protest rights guarantees given its denial of the pre-agreement of guarantees signing; the pre-agreement guarantees were consolidated on May 24<sup>1</sup>. Despite this, the mobilization days did not stop and human rights violations continued; from June 16 to June 28, 2021, 118 arrests were recorded, many of which were carried out arbitrarily. The figure of transfer for protection was indiscriminately applied, and was followed by torture, and cruel, inhuman and degrading treatment. An additional 91 cases of abuses of power and authority, as well as aggressions and police violence reported, added to a permanent campaign of stigmatization and unjustified accusations towards the youth, in particular front liners.

The emergence of the first lines in Colombia occurred largely due to the example of the Chilean first lines in the mobilizations of 2019, largely composed of groups of young people who organized and confronted the Police in order to protect the continuity of the mobilizations and the integrity of the people who participate in social protests. In Colombia, the first lines have been organized by localities, neighborhoods, municipalities and cities with the same purpose: to defend the integrity of those who are mobilizing within the framework of the National Strike. Mobilizers are mainly made up of young people from popular sectors of the city in socioeconomically vulnerable conditions, and even in conditions of living on the street. They are organized without specific leadership, ideologies or parties, but they recognize that they have been excluded from politics and decision-making in the country.

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<sup>1</sup> <https://www.portafolio.co/mas-contenido/comite-del-paro-anuncia-interrupcion-temporal-de-las-movilizaciones-552959>



From the National Government and the local mayors, the young people on the front lines have been pointed out as promoters of vandalism and violence, and even in the last week, they have been pointed out as being responsible for the death of the motorcyclist Cristian Vélez at

night on June 25<sup>2</sup> in the vicinity of the Americas Portal in Bogotá. The mayor of the same city Claudia López made indications<sup>3</sup> to the First Line of Suba, stating that said group would attack the Transmilenio stations in the town, thereby positioning the stigmatization of these popular processes in the public opinion and opening the door to possible arrests, harassment and prosecutions.

In addition to symbolic violence, young people on the front line have been victims of recurrent police violence, with tear gas thrown directly at their bodies and heads, and stones thrown at them by the public force. They have also been arbitrarily arrested and harassed.

## **2) New abuses committed since the strike was lifted**

### **Murders**

From June 16 to June 28, within the context of the National Strike that continued through its 62nd day, the following 7 murders related to social protest were registered, 4 of them were allegedly committed by ESMAD, and 3 by unidentified civilians:

- 1. Juan David Montenegro Muñoz - June 17, 2021.** On June 17, 2021 at 4:30 pm Juan left his house, which was close to the disturbances that occurred in the Paso del Comercio in the city of Cali, Valle del Cauca. The protesters indicate that the police fired at the young man<sup>4</sup>.
- 2. Santiago Ochoa - June 18, 2021.** On June 18, 2021, in Aguaclara, a place located in the municipality of Tuluá, Valle del Cauca, a dead person was found inside a black bag, decapitated and with grave signs of torture. The young man was identified by Legal Medicine as Santiago Ochoa, who had been reported as a detainee and belonged to the Tuluá front line<sup>5</sup>.
- 3. Eloy Alejandro Mata Díaz - June 18, 2021.** On June 18, 2021, at 6:37 pm at the Bridge of Thousand Struggles located in the city of Cali, Valle del Cauca, Eloy was killed by an unidentified assailant<sup>6</sup>.

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<sup>2</sup> <https://noticias.caracol.com/bogota/video-muestra-como-por-cuerda-puesta-por-vandalos-motociclista-pierde-la-vida-en-portal-americas>

<sup>3</sup> <https://www.elespectador.com/bogota/claudia-lopez-denounced-threats-against-transmilenio-and-its-passengers/>

<sup>4</sup> <https://www.eltiempo.com/colombia/cali/dolor-por-la-muerte-de-otro-joven-en-el-paso-de-comercio-de-cali-596890>

<sup>5</sup>

<https://www.elespectador.com/colombia/cali/cabeza-hallada-en-tulua-pertenece-a-joven-identificado-como-santiago-ochoa/>

<sup>6</sup>

<https://twitter.com/SuyanaCorp/status/1406032545536524288?s=1001>

- 4. Lucelia Solarte - June 20, 2021.** On June 20, 2021, in the municipality of Manaure, Cesar, it is believed Lucelia died as a result of a stray bullet allegedly fired by the Police in the midst of protests by civilians. She was a candidate for the council of the municipality by the MAIS movement <sup>7</sup>.
- 5. Jaime Alonso Fandiño Ariza - June 21, 2021.** On June 21, 2021, in the town of Usme in Bogotá, Jaime was hit in the chest by tear gas allegedly fired by ESMAD. Later he was transferred to the CAMI of Santa Librada where he died of pneumothorax trauma<sup>8</sup>.
- 6. Cristian David Castillo - June 23, 2021.** On June 23, 2021, at 10:00 am in the town of Suba in Bogotá, Cristian received an impact injury to the head from tear gas allegedly fired by ESMAD. The ambulance took 20 minutes to arrive despite being told that the situation was life-threatening; he was transferred to the Suba Hospital, where he died<sup>9</sup>.
- 7. Cristhian Camilo Vélez - June 25, 2021.** On June 25, 2021, on Avenida Cali with 46B south street in Bogotá, Cristhian died after suffering from an accident with a cable installed on the road by unidentified people blocking the sector<sup>10</sup>.

### People injured by firearms

Within the context of the social protest and in addition to the murders resulting from the use of firearms, the following attacks with said type of weapons were registered:

- 1. Seven (7) unidentified people - June 21, 2021 .** on June 21, 2021, at the site of Puerto Resistencia in the city of Cali, Valle de Cauca, 7 people were injured by<sup>11</sup> firearms.
- 2. Unidentified minor, eight (8) years old - June 21, 2021.** On June 21, 2021, at 9:30 pm at the Puerto Resistencia site in the city of Cali, Valle del Cauca, an unidentified eight-year-old boy was injured by a firearm allegedly fired by the police<sup>12</sup>.
- 3. Deivi - June 21, 2021.** On June 21, 2021, at 9:00 pm at the site known as the Bomba de Amparo in the city of Cartagena, Bolívar, a person identified as Deivi suffered a gunshot wound. The shot was allegedly fired by a police officer who was shooting at protesters<sup>13</sup>.

Since the beginning of the National Strike, we have registered 1,788 injured people, 257 of them between June 16 and June 28. People were injured with direct hits to the body and head with tear gas, stun grenades, rubber bullets, blank weapons, and blows. People have also

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<https://www.telesurtv.net/news/colombia-asesinan-dos-lideres-sociales-20210621-0033.html>

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<https://defenderlalibertad.com/comunicado-publico-paronacional21j/>

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[https://m.facebook.com/story.php?story\\_fbid=2661492060817189&id=100008692623509](https://m.facebook.com/story.php?story_fbid=2661492060817189&id=100008692623509)

<sup>10</sup> <https://www.infobae.com/america/colombia/2021/06/27/el-era-cristhian-velez-el-joven-que-murio-por-un-cable-atravesado-cerca-al-portal- Americas />

<sup>11</sup> Taken from SIAP of Campaign Defend Liberty an Issue of All

<sup>12</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>13</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

suffered respiratory ailments from the inhalation of tear gas. Some of these attacks have caused eye injuries, which have led to the total or partial loss of organs or the sense of sight.

### Eye injuries

1. **Unidentified person - June 18, 2021.** On June 18, 2021, at 11:30 pm in the town of Suba in Bogotá, an unidentified person suffered an eye injury<sup>14</sup>.
2. **Unidentified person - June 21, 2021.** On June 21, 2021, in the Yomasa area, Usme town in Bogotá, an unidentified person was transferred to the San Ignacio Clinic with an eye injury<sup>15</sup>.
3. **Two (2) unidentified persons - June 28, 2021.** On June 28, 2021, at 8:50 pm in the municipality of Paipa, Boyacá, an eye injury was reported to two (2) unidentified persons, one of them with the anterior chamber of the eye completely altered, a completely dilated pupil, which could barely perceive the light and with apparent hemorrhage within the vitreous<sup>16</sup>.
4. **Anthony Jesus Ariza Hernández - June 28, 2021.** On June 28, 2021, at 8:55 pm in the city of Barranquilla, he suffered an eye injury 4 centimeters deep that compromised his right eye causing possible loss of the organ<sup>17</sup>.
5. **Kevin Larota - June 28, 2021.** On June 28, 2021, at 00:39 Kevin Larota in La Estancia, Ciudad Bolívar, Bogotá, suffered an eye injury and was taken to the Meisen Hospital<sup>18</sup>.

### Gender-based violence

1. **Valeria Bonilla, trans woman - June 23, 2021.** On June 23, 2021 at 10:30 pm on the Americas Portal in the city of Bogotá, she was in a demonstration, when she was captured by the police officer, suffered physical violence and was later released<sup>19</sup>.
2. **Unidentified minor, fifteen (15) years old - June 28, 2021.** On June 28, 2021, in the vicinity of Parque Explora, in the city of Medellín, Antioquia, a minor under the age of fifteen (15) years was found crying. She claimed to have been sexually abused by ESMAD agents, and medical examinations confirmed violent carnal access. She had semen on her clothes at the time they found her<sup>20</sup>.

Another one of the most complex elements are the attacks on women human rights defenders in the work of the Verification and Intervention Commissions -CVI- territory. On the territory, 44 attacks cases have been documented between June 16 and 28, 2021, among which 19

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<sup>14</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>15</sup> Taken from SIAP of Campaign Defend Liberty an Issue of All

<sup>16</sup>

<https://twitter.com/CospaccOficial/status/1409688706517069840?s=19>

<sup>17</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>18</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>19</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>20</sup> [https://www.facebook.com/watch/?v=161880802659106&extid=CL-UNK-UNK-UNK-AN\\_GK0T-GK1C](https://www.facebook.com/watch/?v=161880802659106&extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C)



have constituted acts of stigmatization, 23 personal injuries and one (1) threat of arbitrary detention:

1. **Human Rights Defender - June 16, 2021.** On June 16, 2021, in the Country Sur neighborhood of Bogotá, he is slandered and harassed by a police officer<sup>21</sup>.
2. **Human Rights Defender - June 17, 2021.** On June 17, 2021, in the Paso del Comercio sector, in Cali, Valle del Cauca, he was injured in an attack by the Police<sup>22</sup>.
3. **José Cuellar (Isaias Cifuentes Human Rights Network) - June 17, 2021.** On June 17, 2021 at 5:20 PM in the Calimío sector of Cali, Valle del Cauca, he was injured in the head by the impact of tear gas that activates the ESMAD. He suffered an intracranial fracture<sup>23</sup>.
4. **María Eugenia Cuéllar (FNEB) - June 18, 2021.** On June 18, 2021, on the Americas Portal in the city of Bogotá, she was burned with tear gas in an attack on human rights by ESMAD<sup>24</sup>.
5. **Santiago Murillo (Sur-renace) - June 19, 2021.** On June 19, 2021, a man on a motorcycle approached him, threatening that they wanted to see him in another march and that something else was going to happen to him. Then he pounced on him, with a gun in his hand, but when a police motorcycle passed by, he was alerted to a threat. The police spoke with the man, then verified Santiago's human rights card and aggressively requisitioned it<sup>25</sup>.
6. **Human Rights Defenders (FCSP) - June 21, 2021.** On June 21, 2021 in the town of Usme, Bogotá, an ESMAD agent yells at defenders who cover up the protesters who throw stones<sup>26</sup>.
7. **Two (2) human rights defenders (RUDH and Front Line) - June 21, 2021.** On June 21, 2021 in the town of Suba, Bogotá, a police officer threatened them and asked the CVI to withdraw from the place<sup>27</sup>.
8. **Human Rights Defenders (RUDH) - June 21, 2021.** On June 21, 2021, on the Americas Portal of the city of Bogotá, a drone flies over and closely monitors the human rights defenders' journey for several blocks<sup>28</sup>.
9. **Human Rights Defenders (REDPAS) - June 21, 2021.** On June 21, 2021 in the town of Usme, Bogotá, these health brigades are subjected to accusations, threats and physical aggression together with human rights commissions<sup>29</sup>.
10. **Human Rights Defenders (RUDH) - June 21, 2021.** On June 21, 2021, in the municipality of Soacha, Cundinamarca, police constantly threaten them and shoot them<sup>30</sup>.

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<sup>21</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>22</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>23</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>24</sup> Taken from SIAP of Campaign Defend Liberty an Issue of All

<sup>25</sup> Taken from SIAP of Campaign Defend Liberty an Issue of All

<sup>26</sup> Taken from SIAP of Campaign Defend Freedom an Issue of All

<sup>27</sup> Taken from SIAP of Campaign Defend Freedom An Issue of All

<sup>28</sup> Taken from SIAP from Campaign Defend Freedom an Issue for Everyone

<sup>29</sup> Taken from SIAP from Campaign Defend Freedom an Issue for Everyone

<sup>30</sup> Taken from SIAP from Campaign Defend Freedom an Issue for Everyone



11. **Human Rights Defenders - June 21, 2021.** On June 21, 2021, in the town of Suba, Bogotá, they were threatened by an ESMAD agent.
12. **Nelson Enrique Lopera (Isaias Cifuentes Human Rights Network) - June 21, 2021.** On June 21, 2021 at 8:30 pm in the San Judas sector, Valle del Cauca began to make audiovisual records of abuses and attacks with weapons of fire by ESMAD and the police against the protesters, he was approached by members of that institution who began to take him to an isolated area, where they beat him, taking away his card and vest that identifies him as a human rights defender, as well as his cell phone and personal briefcase<sup>31</sup>.
13. **RUDH - June 23, 2021.** On June 23, 2021, at the Suba Portal in the city of Bogotá, an ESMAD agent harassed and threatened the CVIs on the ground, they were not allowed to approach an intervention point where they were locking up some people, they accused them of intervening in the procedure and threatened to bring them to justice.
14. **Human Rights Committee Alfredo Correa de Andrés - June 24, 2021.** On June 24, 2021, in the Rotunda of 17 in the city of Barranquilla, Atlántico, the police did not allow the protest to be held, they made searches and registration of health brigades and Human Rights Committee<sup>32</sup>.

### **3) Situation of Afro and indigenous groups**

For the Campaign Defend Freedom, an Issue for All, the systematization with differential approaches has represented a challenge that we are on the way to consolidate. Most of the cases that we have registered in our SIAP are reported by the CVIs on the ground, which, in situations of police violence, are unable to collect data on sexual orientation, indigenous communities or Afro communities. The timely collection of such information has become difficult.

For this reason, in our database there are no people registered as part of black communities, and there are few cases of attacks on people from indigenous communities, of which the following cases are known:

1. **Two (2) women Misak Indians - June 12, 2021.** On June 12, 2021, while they were transported in a public service bus down Calle 26, in Bogotá, where they were harassed by the Police. The agent said that they could not go on the bus because "people like her" are doing riots<sup>33</sup>.
2. **Embera Indigenous Woman - June 12, 2021.** On June 12, 2021, in Chía, Cundinamarca, she was detained, and received discriminatory treatment by the Police. They did not provide a translator who would allow the woman to know the situation in which she found herself and defend herself<sup>34</sup>.

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<sup>31</sup> Taken from SIAP of Campaign Defend Freedom An Issue of All

<sup>32</sup> Taken from SIAP of Campaign Defender Liberty an Ace All of them

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<https://twitter.com/alejamilerr/status/1403556311279804417>

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<https://twitter.com/AbelDavidJara/status/1403892698285805571?s=19>



These attacks were framed in clear acts of discrimination against the indigenous population, who in previous weeks have knocked down some statues that referencing the colonization processes in Latin America. By knocking down the statues, the indigenous population have a political commitment to the decolonization of thought and the redefinition of the territories.

#### **4) Lack of protection for social leaders**

Colombia is one of the most dangerous countries for the exercise of the defense of human rights. So far in 2021 alone, **83 social leaders and human rights defenders have been assassinated**<sup>35</sup> and more than 180 attacks have been observed, including threats, attacks, prosecutions and even forced disappearances. To these figures, however, must be added the increase in aggressions that has been registered in the context of the National Strike, which has been mentioned before. There has also been an increase in stigmatization which puts at risk the life and safety of different individual and collective actors of the social movement by attributing to them actions, coordination or destabilization plans connected with the strike.

An example of the stigmatization has been the publication of news in May of this year about the existence of intelligence reports that would warn since 2019 of the situation that the country is experiencing and that was only interrupted by the pandemic, relating in the same strategy the use of Afro-Colombian, indigenous, sexual dissidents, among others, to guerrilla groups, including opposition political parties and social organizations of all kinds<sup>36</sup>. On the other hand, at the beginning of June there was another episode in which, after the visit of the first members of the International Solidarity and Human Rights Mission from Argentina, spokespersons of organizations such as Congreso de los Pueblos were linked to a destabilization plan in the region, which would include the Colombian government<sup>37</sup>.

This shows that being a social leader or human rights defender in Colombia is a risk factor and that murders and attacks against them occur in a systematic way. It also shows the political, economic and material insufficiency in the implementation of protection programs and the implementation of the Peace Agreement.

#### **5) Forced disappearances**

The arrests carried out within the framework of the National Strike have been carried out mostly by means of arbitrary practices, such as preventing the communication of detained persons with their families, with their loved ones and / or with their lawyers. They have been prevented from using legal mechanisms, they have been subjected to personal distress and

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<sup>35</sup> <http://www.indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/>

<sup>36</sup> <https://www.semana.com/nacion/articulo/exclusivo-el-documento-de-inteligencia-que-advirtio-lo-que-se-estaba-viviendo-en-colombia/202157/>

<sup>37</sup>

<https://www.wradio.com.co/news/current/con-audios-colombia-sustains-alleged-conspiracy-internacional-en-su-contra/20210604/nota/4140522.aspx>



the anguish of their relatives, since in several cases the victims were subjected to abuse, mistreatment, torture and sexual violence.

The Working Group on Forced Disappearance received the reports of 471 people who were considered missing by their relatives or acquaintances, or who had been detained and the authorities refused to provide information on their status and whereabouts<sup>38</sup>. Of these, the Working Group was able to learn that 92 people had already been located, but 379 are still missing. It requested the immediate implementation of the Urgent Search Mechanism. Many of these persons were subsequently located and had not been captured, many others who had been detained were subsequently released, under the conditions that, according to the provisions of the International Convention against Enforced Disappearance of Persons and domestic legislation, the elements of the crime were met to affirm that these persons were disappeared, at least during the entire time they were detained in a state of illegal incommunicado detention with their loved ones and of uncertainty and anxiety about their fate and whereabouts, having prevented the exercise of legal actions to end this criminal activity.

One of the cases of forced disappearance is that of Duván Felipe Barros Gómez, a 17-year-old young man whose whereabouts are unknown since June 5, 2021, the date on which he was protesting at Portal Américas in Bogotá. A friend of the young man has stated that Duván was detained by ESMAD and since then his whereabouts have not been known<sup>39</sup>. Other evidence of forced disappearances are the testimonies of several young people in which they relate their arbitrary detentions by the public force in the vicinity of the Americas Portal in Bogotá, and then how they were put on a truck without National Police insignia. They had them prowling all over the city from Saturday night to Monday afternoon. These crimes of forced disappearance, even if they are presented for a limited time, constitute practices of torture and harassment, since several of the young people believed all the time that they were going to be murdered and disappeared,<sup>40</sup> generating strong psychosocial impacts.

## **6) Recommendations to Congress**

- ★ Promote security and biosafety guarantees to the entire population to exercise their fundamental right to protest.
- ★ Promote respect for the life and integrity of women and sexual diversity, whether or not they are within the framework of social protest, that promptly initiate the respective criminal and / or disciplinary investigations of the multiple attacks.
- ★ Being agents of pressure for the National Government and local governments, so that they provide complete, timely and truthful information on cases where injured, detained

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<sup>38</sup> <https://coeuropa.org.co/471-personas-desaparecidos-en-las-movilizaciones-que-inimonioon-el-28-de-abril-mesa-de-trabajo-sobre-desaparicion-forzada/>

<sup>39</sup>

<https://www.wradio.com.co/noticias/bogota/duvan-was-not-of-the-first-line-nor-vandalo-mother-of-young-disappeared-in-bogota/20210624/nota/4146042.aspx>

<sup>40</sup>

<https://ligacontraelsilencio.com/2021/06/23/missing-two-nights-inside-a-truck-the-police-terror-during-the-strike/>





and disappeared people appear in the framework of the mobilizations to provide the required attention (medical, legal and psychosocial). And the clarification of the appearances of murdered and dismembered people.

- ★ Demand that people in government positions cease stigmatization with their hateful pronouncements and speeches, which confuse and hold the social protest responsible for the violent acts presented in the country.
- ★ Being agents of pressure towards the National Government, so that it meets the just demands of the population, which are not limited to the withdrawal and postponement of the tax reform bill, but refer to issues of national importance such as health , decent food, employability, environmental justice and social justice.
- ★ Promote a structural reform of the National Police that includes the total dismantling of ESMAD and that involves the whole of society, academics, human rights organizations and movements of victims of the aggressions carried out by the Police, among others. Which fosters a progressive and necessary transformation of a historically violent institution, at the service of war and not peace. It is urgent that we promote the construction of peace and non-violence as the pillars of a society that respects human rights, particularly the peaceful social protest of all citizens.