



REPRESSION OF SOCIAL PROTEST IN TIMES OF PANDEMIC First Part: arbitrary and Disproportionate use of force



Special Bulletin on Human Rights No. 6

While millions of persons in Colombia have been cast into unemployment and millions of families suffer hunger, the Government legislates by decree, violating the rights and basic guarantees of broad sectors of the population. During this period more than 170 decrees have been issued under the COVID-19 emergency measures, with no oversight by Congress – for the president has prohibited Congress from meeting, based on the argument that they must abide by the health measures for their own protection. So any oversight of justice will come too late or will end up validating the Government's abuses due to subordination or lack of independence.

In these conditions – with the paramilitary forces advancing and becoming consolidated in a large part of Colombia, including several urban centers, and the effects of excessive militarization finding expression in the abusive and disproportionate acts of the armed forces and security forces – the organized resistance of the citizenry including social protest in the streets is the last recourse in the face of the ineffectiveness and/or complacency of the institutional checks and balances in the Congress, the judiciary, and the oversight bodies. Nonetheless, the health panic caused by the fear of the contagion and the excessive and arbitrary powers granted the armed forces and National Police have paralyzed a large part of society, and have put down the efforts of citizens to take the streets. Based on the argument that those who are protesting do so because they wish to violate the health measures, placing society at risk, protesters are being treated as enemies; and while their motives are smeared and the mobilization is stigmatized, the massive and arbitrary imposition of the tools of repression in the hands of the uniformed forces, and the disproportionate and excessive use of force, “transfers for protection,” the arbitrary imposition of fines and the threat of prosecution have effectively annulled the right to protest, requiring society to passively observe the imposition of an unjust order favorable to the large companies, banks, and opaque interests of the governing party and its allies.

1. **The reasons for protesting.** For a large part of the Colombian population the reasons for protesting have never been as urgent. Millions of persons go hungry and cannot satisfy their most basic needs. In April nearly 5.4 million Colombians lost their jobs¹ and unemployment is now nearly 32%²; nearly half of the unemployed work in the informal sector.³ The assistance the president announces day after day on television or that is promised by mayors in their public remarks never reached the vast majority of the those in need; the subsidies that do reach small sectors of the population, poorly distributed and in deplorable amounts, reflect the structural failure of

¹ Revista Semana (May 31, 2020). *El otro virus: 5,4 millones de personas perdieron el empleo en abril*. At: <https://www.semana.com/nacion/articulo/coronavirus-en-colombia-54-millones-de-personas-perdieron-el-trabajo-en-abril/675140>

² Revista Semana (June 2, 2020). *¿Por qué dicen que el desempleo en realidad está arriba del 30 %?*. <https://www.semana.com/economia/articulo/desempleo-en-abril-fue-mayor-al-esperado/675509>

³ Universidad Nacional de Colombia. *Trabajadores informales, los más damnificados por la crisis económica del COVID-19*. April 2, 2020. At: <https://unperiodico.unal.edu.co/pages/detail/trabajadores-informales-los-mas-damnificados-por-la-crisis-economica-del-covid-19/>

the government's welfare-type programs, now revealed for what they are by the pandemic. They had been covering up the extent of poverty and inequality in Colombian society.

In these conditions the pandemic has ceased to be just a health problem so as to become a humanitarian problem, a problem of hunger, a collective situation of need just to get by. Even though the Government says that it has allocated resources to address the pandemic in the amount of 117 trillion pesos⁴, which would have been sufficient to guarantee a basic income in the form of the minimum salary for 9 million families for more than a year⁵, the truth is that not only did the resources not reach the regions, or the neediest families, but in addition, by decree the resources that were earmarked to address the emergency that were made available to the municipal governments, such as those for the Territorial Pension Funds, were captured so that the National Government could manage them in centralized fashion, without any oversight or participation by the "territorial entities" (mainly departments, municipalities, districts, and indigenous territories) or the social organizations.⁶

Many other reasons for social protest in recent days have had to do with the critical ongoing situation of assassinations of social leaders and human rights defenders in the regions, the paramilitary takeover of extensive lands, militarization and the associated abuses, and the presence of U.S. troops in border areas, which could foster situations of conflict with Venezuela, police violence against marginalized sectors and those who are forced to violate the quarantine to engage in activities for their subsistence, the evictions from low-cost housing with nowhere to relocate, the use of the quarantine to complete the dismantling of the commitments set out in the Final Peace Agreement, the racial violence perpetrated by the armed forces and National Police and police persecution of marginalized sectors such as the trans population, sex workers, foreign migrants, and the unemployed, who protest the lack attention and nutritional assistance to themselves and their families, and the social reforms imposed by decree related to social, labor, and pension issues and the privatization of public companies and services with the pretext of the economic and social emergency.

2

2. How the protests were handled. Although fundamental human rights may not be suppressed in states of emergency, it is worrisome that from the outset of the social and economic emergency imposed by the National Government by Decree 417 of March 17, 2020, which imposed mandatory stay-at-home orders and restricted the movement of the population with a view to impeding the transmission of COVID-19, the violations of the fundamental human rights to freedom of movement, privacy, free enterprise including for one's subsistence, assembly, expression, and peaceful protest have suffered severe and disproportionate restrictions, and in the case of protest the practical suppression or annihilation of the exercise of this right. Only four days after the state of emergency was declared, acts of repression were deployed in the prisons to put down social protest, beginning with the protests called by the prisoners in 24 prisons and jails due to the lack of adequate measures to address the pandemic and to prevent the spread of the disease. These demonstrations were put down violently, causing the death, by the use of firearms, of 23 prisoners, with 83 others wounded at the Modelo prison in Bogotá.

In the rural areas protests have broken out in the wake of the National Government's decision to intensify plans for forced eradication of coca crops in different parts of the country and despite the existence of prior agreements for voluntary crop substitution. The repression of these protests has included the extrajudicial execution of six peasants by

⁴ Presidency of the Republic, *Colombia invierte cerca de 117 billones de pesos para atender la Emergencia Económica por la pandemia del covid-19*. May 27, 2020. <https://id.presidencia.gov.co/Paginas/prensa/2020/Colombia-invierte-cerca-de-117-billones-de-pesos-para-atender-la-Emergencia-Economica-por-la-pandemia-del-covid-19-200527.aspx>

⁵ A basic income one monthly salary for 10 million households would cost 8.8 trillion pesos, less than 1% of 2019 GDP, according to calculations by economist Luis Jorge Garay (<http://ail.ens.org.co/informe-especial/minimo-vital-y-renta-basica-en-tiempo-de-coronavirus-propuesta-de-la-ens/>)

⁶ El Espectador (March 23, 2020). *¿Centralizar o no recursos para coronavirus?, desacuerdo entre alcaldes y administración nacional*.

<https://www.elespectador.com/coronavirus/centralizar-o-no-recursos-para-coronavirus-desacuerdo-entre-alcaldes-y-administracion-nacional-articulo-910840/>

military forces⁷ while six others have been wounded. The raw violent repression of peasants who demand that crop substitution be done in coordinated fashion, and who also call for alternative economic plans for the families affected, is expressed in violent actions that have left dozens of peasants injured in protests that have been taking place for more than a month in the region of Guayabero for the failure to follow through on the agreements previously reached with the families.⁸ Doing away with the right to protest is accompanied by annulling the freedom of press in these circumstances, as the security forces have sought to keep reporters from covering the abuses committed during the repression of these protests. High-precision snipers of the military forces have shot at a graphic reporter, destroying his camera and his hands as he was filming the demonstrators. The fury of the attacks on the population protesting the violent eradication of coca leaf crops in the region of Chiribiquete (one of the areas prioritized as a “Future Zone”) has coincided with the settling in and military deployment of United States Special Forces in the same area.

In the urban areas the repression of any outbreak of social protest was evident in the violent treatment of the marches called simultaneously in the larger cities of Colombia last June 15 for various reasons, including rejecting deaths due to racial discrimination (such as the execution of Anderson Arboleda, in Puerto Tejada), feminicidal violence, forced evictions in Bogotá, Cali, and other cities despite the decree prohibiting them, registering persons for surveillance purposes and compiling private information, abuses and beatings by the police, who impose fines, transfers “for protection,” sexual violence, and beatings of those who for different reasons didn’t abide by the mandatory quarantine.

Attacks on social protest in Medellín, department of Antioquia



Illustration 1 Members of Carabinero police attack persons during the June 15 march in Medellín. ¹

Source: Colombia Informa (2020) Brutal police abuse during the June 15 mobilization in Medellín [photo] From: <https://www.colombiainforma.info/brutal-abuso-policial-durante-movilizacion-del-15-de-junio-en-medellin/>

The June 15 mobilization in Medellín was massive; hundreds of persons mobilized, with their face coverings and preventive measures; they chanted slogans and raised up their placards.

With no justification, the marchers were surrounded by the Carabineros police and the special riot police (ESMAD), who made use of excessive force. The repression in Medellín was begun by the members of the Carabinero force. The Police used the horses to pursue and intimidate the demonstrators. While the demonstrators sought to protect themselves and regroup, the special riot police known as the ESMAD blocked the way, firing tear gas and arresting persons indiscriminately, focusing their attacks especially on human rights defenders and journalists. In addition to the police brutality against the demonstrators the horses were abused due to conditions in which they were used as a weapon of repression.⁹

In the context of the repression the Police refused to engage with the human rights defenders. And there were 53 arbitrary arrests according to data from the nongovernmental Proceso Social de Garantías para la labor de Defensores y Defensoras de Derechos Humanos en Antioquia, among them

⁷ The peasants involved in movements against the forced substitution of coca crops who have been victims of these extrajudicial executions include **Segundo Girón** (Tumaco, February 1), **Digno Emérito Buendía** (Cúcuta, May 18), **Ángel Artemio Nastascuas** (Tumaco, April 22), **Alejandro Carvajal** (Sardinata, March 26), **Digno Emérito Buendía** (Cúcuta, May 18), and **Ariolfo Sánchez Ruiz** (Anorí, May 21).

⁸ Noticias Uno (June 21, 2020). *Un mes cumple confrontación armada entre campesinos y soldados en Vistahermosa, Meta*. <https://www.noticiasuno.com/nacional/un-mes-cumple-confrontacion-armada-entre-campesinos-y-soldados-en-vistahermosa-meta/>

⁹ Coverage of the demonstrations and police abuses: Conzumo, June 15, 2020, available at: <https://www.youtube.com/watch?v=17N1E7UYaZU>

13 graphic reporters, some of whom had significant injuries.¹⁰ Approximately 43 men, eight women, and two minors were detained. Most of these persons – 40 in all – were released 23 hours later since there were not sufficient facts to file charges. Many of the persons detained had their belongings stolen or destroyed. Regarding these same facts, the *Comité de Derechos Humanos Jesús María Valle Jaramillo* stated that most of the persons illegally arrested were beaten and were injured (approximately seven went to medical centers by their own means), and that some were also beaten during their hours of detention at the Immediate Response Units, Protection Transfer Centers (CTP: Centros de Traslado por Protección), and police stations. Nonetheless, only five were transferred based on the Forensic Medicine Institute's assessment, due to the brutality of the police repression.¹¹

In the cases of police violence special mention is made of the beatings of Nicolás Brito Zapata and Duván Jaramillo, human rights defenders who suffered fractures to the jaw and forearm respectively, due to the magnitude of the violence used against them.¹² In addition to these cases, reports have become public made on social networks of at least two cases of sexual violence suffered by women demonstrators at the hands of the uniformed officers.¹³

Attacks on social protest in Pasto, department of Nariño. Also on June 15, there was a mobilization of university students demanding exemption from registration fees in light of the social crisis caused by the pandemic. Called to be held at the Central Facilities of the Universidad de Nariño, the protest was violently repressed by the special riot police (ESMAD); several students were subjected to arbitrary arrest, disproportionate use of force, transfer by repression to the San Agustín Police Station, where they were beaten and violently interrogated by personnel without uniforms and who did not identify themselves.

Attacks in protests over evictions in Cali, department of Valle.

Cali has also denounced the abusive use of force by the ESMAD riot police against persons who were protesting the evictions of residents of Alto Siloé and in the sector of La Viga en Pance, where abusive conduct against children and older persons was reported, aimed at carrying out the eviction of persons who have been residents in the sector for more than 20 or 30 years, with the aim of benefitting the interests of the Jaramillo Mora construction company, which intends to build housing for better-off sectors on the lands from which persons have been evicted. As regards the destruction of the residents' housing and subsistence crops, the reports refer to the use of machinery by the above-mentioned construction company and coordination by the mayor's office, which in social networks has expressed evident hostility towards social organizations and the right to protest.¹⁴ It was in the midst of these abuses and the abusive use of force against children and older persons that officer Ángel Zúñiga decided to turn in his weapon and disobey the arbitrary order that was being imposed, which runs counter to Decree 579 of April 15, 2020, by which the National Government ordered that "During the period from the coming into force of this decree and the thirtieth (30) of June 2020, the order or enforcement of any eviction action ordered by a judicial or administrative authority is suspended...." It is paradoxical that the police agents are pressured to violate the law and abuse citizen rights, and that those who decide to respect fundamental rights and abide by the mandates of the Constitution and the law are punished, whereas the assassins of Dilan Cruz continue to walk free, sending the uniformed forces a clear message on the anti-rights doctrine that guides the institution's procedures.

¹⁰ "Un grupo de aproximadamente trece reporteros gráficos fue detenido ilegalmente mientras cubría las manifestaciones del 15 de junio en Medellín." (June 16, 2020) Available at: <https://www.flip.org.co/index.php/es/informacion/pronunciamientos/itemlist/tag/Polic%C3%ADa>

¹¹ Comité de Derechos Humanos Jesús María Valle Jaramillo (June 16, 2020) Boletín informativo # 2. Available at: <https://www.facebook.com/104849284445860/photos/pcb.152801719650616/152801662983955/?type=3&theater>

¹² Campaña Defender la Libertad un asunto de Todas (June 16, 2020) Boletín Informativo #15DeJunio. Available at: <https://defenderlalibertad.com/boletin-informativo-15dejunio/>

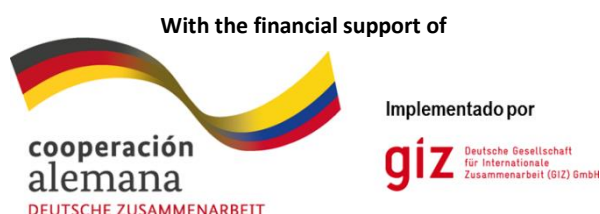
¹³ Publimetro (June 17, 2020) Denuncian abuso sexual y verbal a mujeres durante manifestación en Medellín. Available at: <https://www.publimetro.co.co/noticias/2020/06/17/denuncian-abuso-sexual-verbal-mujeres-manifestacion-medellin.html>

¹⁴ REMAP. La Viga en el Ojo de Jorge Iván Ospina. June 13, 2020. <https://www.pacocol.org/index.php/comites-regionales/valle-del-cauca/11998-la-viga-en-el-ojo-de-jorge-ivan-ospina>

Attacks on social protest in Bogotá

In the peaceful protests called last June 15 in Bogotá, the repression and violent confinement of the demonstrators was the official response against persons travelling along Carrera Décima towards the downtown area and against those who were travelling along Calle 26 to the east, who were also subjected to an unjustified lashing out of repression. Nearly 75 persons who were protesting peacefully, with safety measures and keeping a physical distance from one another, were rounded up, beaten, transferred “for protection” to the Teusaquillo Police Station, and seven of them were then taken to the Immediate Response Unit of the Office of the Attorney General for their prosecution. The reasons for which the Police tried to prosecute them were found to be without merit, thus they had to be released. The imposition of massive orders to appear in court reflected the arbitrary attitude of the police in command, for they said the citations were due to violations of the public health measures, whereas in reality the demonstrators were strictly respecting distancing and biosecurity measures, and the health risk was brought about by the police who rounded them up, beating them, and transferring them to and keeping them at the station in overcrowded conditions. There was no respect for the procedures spelled out in the Protocol of Guarantees for Social Protest (Decree 563 of 2015). The arrests were massive and indiscriminate. The transfers in police vehicles were done without adhering to any isolation measure, and in both the transfers and at the station minors were mixed with adults. Especially serious were the wounds inflicted by the ESMAD riot police on journalist Cariuhuasari Ramos, who was repeatedly beaten in the face and the chest while on the ground, as a result of which he had to be taken by ambulance for medical care due to the seriousness of the injuries. Reports from social organizations note that the police authorities “*reported that said intervention was carried out by express order of the Mayor of Bogotá.*”¹⁵

In more recent cases the verification work of human rights defenders has been obstructed by measures such as arrest and arbitrary transfer to a police station, with the pretext of verifying one’s record, continuing with the formatting of one’s cell phone and the destruction of the card so as to erase any record, and the illegal imposition of a citation with the pretext of failure to obey a police order (as in the case of human rights defender Jesús David Cruz, who was taken to the Rincón Police Station, in Bosa, during the protests in Bogotá on June 20 across the street from the facilities of the Caracol TV television network). Also repressed were the protests called by numerous women’s groups outside of military facilities in Bogotá on June 26 against the sexual violence perpetrated against a girl-child of the Embera community in Risaralda, as reported by independent media outlets.¹⁶



The content of this special bulletin holds exclusively responsibility on the Coordinación Colombia Europa Estados Unidos – CCEEU and does not compromise any financing agencies mentioned below



¹⁵ Corporación Comité de Derechos Humanos Jesús María Valle. *Boletín Informativo Nro 1*. June 16, 2020.

¹⁶ Revista Hekatombe. June 27, 2020. https://twitter.com/Hekatombe_/status/1276965262173114370