



Forest Peoples Programme

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Alert to the international community regarding serious violations of fundamental rights and freedoms in Colombia in the context of abuse and intimidation by the state

Forest Peoples Programmeⁱ

Forest Peoples Programme (FPP) expresses and reiterates its concern about the weakening of the rule of law, as well as the continuous and systematic violation of human rights and fundamental freedoms by the Colombian government, especially the rights and freedoms of indigenous peoples, Afro-descendants and rural communities. We support their mobilisation and legal actions in defence of their territories and fundamental rights. We view with concern statements from our partners, such as the *Embera Chami* People of Caldas,ⁱⁱ the *Proceso de Comunidades Negras*ⁱⁱⁱ and various Amazonian indigenous peoples' organisations,^{iv} who have denounced the brutal repression of social protests, including violence and the indiscriminate killings of demonstrators perpetrated by state actors. This includes a recent massacre committed on the 3rd of May in the Siloé neighbourhood of Cali, where minors were also allegedly killed.^v

These abuses and atrocities are deepening in the context of the pandemic and are evidently part of a series of violations and events that are taking place under the current government. These regressive measures seek to severely weaken the rule of law; co-opt and control entities to avoid the normal checks and balances of a functioning democracy; and endanger the territories and lives of indigenous peoples, black communities and rural populations.^{vi} On the 1st of May 2021 the President of Colombia, Ivan Duque, ordered the militarisation of Colombia's cities. This was followed by the governing political party declaring a State of Siege^{vii} - both actions seriously threatening the country's rule of law.

The current, and growing, violent repression of social protest with firearms using live ammunition disregards the international prohibition on the use of lethal weapons during the policing of public protests.^{viii} At the same time, access to justice is being limited as is the protection of personal integrity as the lives of human rights defenders are endangered, especially those who defend their communities and collective rights. This new repression adds to the continuous regressive measures that undermine the fundamental rights of indigenous peoples and black communities to control their territories and their right to free, prior and informed consent.

Additionally, in April, the President of Colombia issued a decree limiting who would judge injunctions (*tutelas*) against him or against state officials on matters relating to national security, policies seeking to eradicate illicit crops and other measures.^{ix} All of these measures contribute to a continuous violation of the international obligations of the Colombian state to guarantee and protect human rights, including the collective right of self-determination and self-government of indigenous peoples and afro-descendent and rural communities in their territories.

In this ongoing context of violation and inequality, several social sectors have called for a national strike to protest against regressive tax reform proposals, and to demonstrate against and reject many other harmful measures imposed by the current Colombian government that is attempting to undermine the fundamental rights and freedoms of the population.



Demonstrations began with the Misak indigenous people reclaiming their historical memory by toppling the statue of an individual, considered to be the founder of Cali, and who committed genocide against the Misak

Killing and repression of peaceful demonstrators and illegitimate use of force: Since the beginning of the protests on 28 April 2021 and until 3 May at 10:00 p.m., the NGO Temblores has reported at least 26 homicides allegedly committed by state agents, 55 reports of temporary forced disappearances in the context of the demonstrations, 9 cases of sexual abuse committed by security forces, 761 arbitrary detentions, 216 violent interventions, 17 victims of assault with eye injuries, 56 cases of gunshots, 1181 cases of police violence, and 142 cases of physical police brutality. As of 2 May, NGOs belonging to the "Defending Freedom is Everybody's Business" campaign reported 42 human rights abuses and attacks on human rights defenders and independent reporters. On the same date, according to the NGO Temblores, "at least 21 raids were reported before and during the demonstrations, denying any possibility of legal defence, suggesting prior intimidation of those who might express any disagreement with government decisions."^x Alarming statistics have continued to emerge following President Duque's militarisation order to repress protesting citizens who have been attacked and targeted through indiscriminate police shootings of demonstrators. Here, it is worth noting that the Colombian police force receives training and resources from foreign governments, including the United Kingdom^{xi} and the United States.¹

Stigmatization of social movements: A supremely harmful and dangerous element in the context of social protest, and its repression by the Colombian government, is the deeply stigmatizing discourse against those who exercise the right to protest, thus leading to a situation of greater vulnerability. As the Inter-American Commission on Human Rights (IACHR) has stated, certain speeches or pronouncements by the highest authorities of the State can contribute to create an atmosphere of intolerance and social polarization - all incompatible with the State's duty to prevent human rights violations. In this regard, the state has at its disposal a "reasonable means of prevention" of possible human rights abuse, in the form of clear and unequivocal public condemnations of any acts that might potentially harm the personal integrity of its population. This (preventive measure) is especially important when members of the population are exercising their rights, such as their right to protest, in situations where state agents might commit violations. To do otherwise is conducive to allowing for the repetition of human rights violations.

Contrary to these obligations, the President himself has referred to the demonstrators as "vandals" in an attempt to delegitimize the peaceful and massive protests against his government. The Ministry of Defence has labelled the demonstrators as vandals and terrorists, indicating that the protests have been organized by the guerrillas of the National Liberation Army (ELN) and FARC dissidents. Also, the Ministry of Defence has congratulated the police officers for their work in recent days, which has been marked by violent and disproportionate repression towards protesters.

With regards to the rhetoric of stigmatization, impunity for serious human rights violations is also evident. One day after the start of the 2021 National Strike, the Supreme Court ratified that the homicide trial of the young man killed by a member of the Mobile Anti-Riot Squad of Colombia's National Police on November 25, 2019, remains under the jurisdiction of the military criminal justice

system and not within the ordinary justice system. During these proceedings, the Public Prosecutor's Office presented a report in which it placed the blame on the young victim who was exercising his right to protest. Those who are carrying out the shootings have not only been encouraged by the rhetoric coming from high government officials, but they also have a signal that any investigations would likely guarantee their impunity from prosecution.

Demanding the suspension of harmful and unjust measures and policies: Even though the President of Colombia announced the withdrawal of the (tax reform) bill under pressure from the public protests a few days ago, it is not clear what the new proposal will be. Additionally, this is not the only demand from those who have joined the National Strike. Rural organizations have also mobilised to again request that there be no reactivation of aerial spraying with glyphosate, and the indigenous movement has also demanded the non-regulation of the right to free, prior and informed consent.

Appeal to the Government of Colombia and the International Community

Emphasising the relevance of national and international scrutiny in relation to the allegations of gross and systematic human rights violations perpetrated in the context of social protests in recent days, FPP, in solidarity with peoples and social organizations in Colombia, urges that:

The National Government and the Colombian State:

- Immediately adopt the necessary measures for the cessation of the disproportionate use of force by the Security Forces in the context of the social protests.
- Issue statements condemning the disproportionate use of force and demand strict compliance with international human rights standards on the matter, which require legality, necessity, proportionality and non-infringement of specially protected groups.
- Ensure that security forces intervening to protect and control the development of demonstrations and protests have, as a priority, the defence of the life and integrity of people exercising their right to protest. Given the repeated human rights violations in the context of protests, the need to dismantle the Mobile Anti-Riot Squad is evident.
- Promote Inter-American human rights standards according to which public officials have the duty to refrain from making statements that stigmatize or incite violence against people simply for participating in a protest.
- Immediately adopt the necessary measures to guarantee access to justice and full reparation for all persons whose rights have been violated, including due diligence investigations and punitive sanctions for all state agents responsible for human rights violations.
- Cease any attempt to enact legal and political reforms that represent a regression of rights, including proposals to reactivate aerial spraying with glyphosate; and attempts to regulate and limit the right to free, prior and informed consent of indigenous peoples (among others).

- Enable and apply institutional reforms, the restructuring of the security and justice sectors, and actions to ensure the access of vulnerable groups to social programs aimed at overcoming injustice and inequality.

The International Community, States, intergovernmental organisations, international financial institutions, investors, and companies:

- Condemn these types of acts and abuses committed by the national government and call on the Colombian government to immediately stop the violent repression of public protests

- Evaluate the international support given to Colombian Security Forces when a state's doctrine is in violation of international standards and norms that regulate the use of force, especially against the civilian population in the current context of the protests and the pandemic, and which may risk enabling the generalised character of serious and unpunished human rights violations, including homicides.

- Demand a prompt and official investigation into compliance with human rights due diligence, in conformity with the State's obligations to ensure proportionate and timely punishments for all persons responsible for crimes of this magnitude.

- Refrain from contributing to the financing of sectors that threaten the fundamental rights of the population, including the right to life and physical integrity.

- Refrain from authorizing investments in a country with serious challenges to its rule of law and democratic institutions, especially while serious violations of fundamental freedoms and their enjoyment in civic spaces continues to be denied.

- Apply rigorous corporate due diligence to respect the rights of indigenous peoples, black communities and rural populations throughout supply chains, current business operations and planned investments in Colombia, including through the application of specific safeguards to protect human rights defenders.

ⁱ Forest Peoples Programme (FPP) is a company limited by guarantee (England & Wales) Reg. No. 3868836, registered office as above. UK-registered Charity No. 1082158. It is also registered as a non-profit Stichting in the Netherlands. Forest Peoples Programme has NGO Consultative Status with UN ECOSOC.

ⁱⁱ <https://fb.watch/5hNXjHHJkh/>

ⁱⁱⁱ <https://www.forestpeoples.org/es/articulo-de-noticias/2021/comunidades-negras-y-organizaciones-sociales-en-colombia-denuncian>; <https://fb.watch/5isz93V14L/>

^{iv} <https://www.opiac.org.co/noticias/paz-y-pueblos-indigenas/292-ronunciamiento-de-las-seis-organizaciones-nacionales-de-pueblos-indigenas-frente-al-paro-nacional>; <https://www.opiac.org.co/noticias/amazonia-colombiana/291-comunicado-oficial-de-autoridades-indigenas-del-departamento-del-putumayo-en-respaldo-al-paro-nacional>

^v https://twitter.com/HRI_ORG/status/1389555444289572866, <https://twitter.com/renacientes>

^{vi} See STI-CNTI. 2021. Colombia - Rolling back safeguards in the time of COVID-19. Report only available in Spanish. *Retrosos en los Tiempos del Covid-19 "Evaluación de los cambios en las salvaguardas territoriales y ambientales en Colombia y las consecuencias para los pueblos indígenas, afrodescendientes y campesinos"* [Colombia Rollback Report ES.pdf \(cntindigena.org\)](https://www.cntindigena.org)

^{vii} <https://www.elespectador.com/noticias/politica/uribismo-le-pide-a-duque-declarar-conmocion-interior/>

^{viii} <https://twitter.com/AmnistiaOnline/status/1389647614715564033>

^{ix} <https://www.dejusticia.org/column/duque-escoge-a-su-juez/>

^x <https://defenderlalibertad.com/denuncias-y-pronunciamientos/>; <https://www.contagioradio.com/represion-desbordada-balance-de-4-dias-de-paro-nacional/>

^{xi} https://paas-s3-broker-prod-lon-6453d964-1d1a-432a-9260-5e0ba7d2fc51.s3.eu-west-2.amazonaws.com/s3fs-public/2021-02/international_income_information_2013_20.pdf; <https://www.telesurenglish.net/news/The-British-Connection-with-Colombias-Police-20210501-0008.html>