

Reference: AMR 23/4121/2021

President Iván Duque Márquez
President of the Republic of Colombia

14 May 2021

Your Excellency,

I am writing to express Amnesty International's deep concern about the serious human rights crisis facing Colombia in the context of the "national strike" and the massive demonstrations across the country since 28 April. Our organization has documented excessive use of force by the security forces leading to human rights violations and crimes under international law, including enforced disappearances and sexual violence amounting to torture and ill-treatment. I call on you to intervene immediately to put an end to these human rights violations.

The massive and mostly peaceful demonstrations are the result of increasing social discontent over the failure of the Colombian State to respond to historical demands against deep social and economic inequalities. They reflect too outcry against failure to respond to the devastating consequences of the ongoing internal armed conflict. Those matters have been exacerbated by the COVID-19 pandemic. Initially called for by several trade unions to continue social demands that had been postponed since 2019, the "national strike" has developed into a broad popular rejection of the tax reform proposal to address the effects of the pandemic that was presented by your government but without broader consultation. Despite withdrawal of the proposed fiscal reform, people continue to take to the streets largely in protest against violent repression by security forces and the lack of engagement from your government with legitimate demands for fair access to economic social, and cultural rights, the full implementation of the 2016 Peace Agreement and genuine action to stop the murdering of human rights defenders and social leaders.

Amnesty International has received evidence in the form of videos and testimonies, and through [our rigorous research, analysis and digital verification](#) of more than 100 audio visual items, has further confirmed, that in several parts of the country, Colombian security forces used lethal weapons and resorted to indiscriminate use of tear gas, water cannons and other less lethal weapons against demonstrators. International human rights standards are clear in requiring that the use of force by the police when handling demonstrations should be a last resort and should be guided by the principles of legality, necessity, proportionality, precaution, and accountability. The use of force to maintain order in situations that do not pose a direct threat to the life or physical integrity of others is considered a disproportionate use of force. Any resulting death constitutes arbitrary killing for which the State is responsible.

According to [civil society organizations](#), there are credible reasons to believe that as of 9 May, 39 people have been killed during demonstrations as a result of action by security forces, a further 28 have sustained eye injuries while 963 people have been detained. There are also reports of 913 cases of excessive use of force against protestors, some of which could constitute torture or other cruel, inhuman or degrading treatment. In addition, there were reports of sexual violence against at least 12 women. The Attorney General's Office and the Ombudsman's Office have activated the Urgent Search Mechanism (MBU) for [168 requests they received about persons reported missing](#), in the context of the "national strike".

On 9 May our organization [received several reports](#) of attacks by armed civilians allegedly acting with the authorization, support or acquiescence of state agents, against an Indigenous Peoples collective - Minga Indígena - for joining the demonstrations in Cali. Several members of the Regional Indigenous Council of Cauca (CRIC) were seriously injured consequently.

Amnesty International is particularly concerned by the fact that your Excellency warned Indigenous Peoples that "civilians could attack them" but then took no measures to protect them. Instead, [you called on them to go back to their territories](#)

[and to avoid blockades. At no point did you request that all measures be taken to prevent attacks by armed non-State actors, and neither did you condemn these attacks.](#)

Amnesty International is particularly concerned by your declarations on 1 May when, accompanied by the Army commander, you announced “military assistance to combat those who seek to intimidate society through violence, vandalism and terrorism,” clearly pointing to the people who were demonstrating. As state party to the American Convention on Human Rights, Colombia is obliged to ensure that the participation of the armed forces in patrolling demonstration is extraordinary, subordinate and complementary; regulated, through legal mechanisms and protocols on the use of force, by the principles of exceptionality, proportionality and absolute necessity; and audited by competent, independent and technically capable civilian bodies.

Even when faced with allegations of violence perpetrated by some demonstrators during the protests, the authorities have the duty to take all appropriate measures to deal with such violence while ensuring that those who protest peacefully can continue to do so. The guarantee of the rights to life and integrity of people who demonstrate peacefully should be the central focus of the authorities' actions, in accordance with international human rights standards.

Already in 2019, in the context of protests then, the Colombian Supreme Court warned about the use of force leading to violations of human rights. In its recent resolution [STC 7641-2020](#), the Court found that “the Public Force [had] engaged in constant, repetitive and persistent conduct aimed at undermining, discouraging and weakening the right to public demonstration”. Despite the explicit order by the Court to avoid repetition, similar patterns of abuse of force and human rights violations are occurring in the context of the current demonstrations.

This pattern of human rights violations against peaceful demonstrations overtime and the large number of people killed and injured in less than two weeks, suggest that the excessive use of force is premeditated with the aim of punishing protestors and dispersing them at any cost. This widespread, unnecessary and disproportionate use of force suggest that this is not the result of rogue actions by individual officers but instead a rehearsed and planned approach to the management of the protests and therefore a chain of command responsibility for the human rights violations and crimes against international law committed.

Finally, Amnesty International is extremely worried by the use of stigmatizing language against demonstrators as uttered by yourself and other public officials - language such as “[vandals](#)”, “[criminals](#)” and suggesting that the demonstrations are organized by illegal arms groups or that they are “[a horde of bandits](#)”. Such language, coming on top of the absence of official condemnation of the human rights violations committed by security forces, suggests that the Government is condoning and justifying the excessive of use of force, and by extension shielding those responsible from accountability and thus enabling impunity.

Amnesty International calls on your government to:

- Immediately put an end to the violations of the right to freedom of peaceful assembly and to the excessive use of force by the police against peaceful demonstrators;
- Condemn human rights violations against demonstrators and stop stigmatising social protest;
- Carry out prompt, impartial, and credible investigations into human rights violations and crimes under international law;
- Prosecute, and punish all those responsible for human rights violations, including members of the security forces and armed civilians' groups. in fair trials before ordinary civilian courts;
- Commit to international scrutiny by allowing access by international and regional human rights mechanisms;
- Fulfil the obligation to establish an enabling environment where people's rights to freedom of expression and peaceful assembly are fully respected.

Yours sincerely,

Agnès Callamard
Secretary General