



## **Protests and Police Brutality in Cali, Colombia: Report from Latin America Working Group’s Participation in an International Verification Mission**

**By Lisa Haugaard, July 20, 2021**

The Latin America Working Group (LAWG) participated in an international verification mission on July 3-12, 2021 on the right to protest in Colombia. The mission, convened by Colombian human rights networks, consisted of 41 human rights experts, scholars, and other civil society representatives from 13 countries. After hearing from human rights groups and analysts in Bogota, the mission divided into groups to gather firsthand information in many areas of the country, including Cali/Valle del Cauca, the Caribbean coast, Medellín/Antioquia, Bogota/Cundinamarca, the Eje Cafetero, and Popayán/Cauca. LAWG went to Cali, and our observations are detailed below. While Cali is the area of the country most affected by the protests, the patterns of actions by police and other state agents described below were evident in many other areas of the country. The mission’s preliminary report is available [here](#).

***The information we received showed a brutal response from Colombian security forces, particularly the police and the anti-riot squad ESMAD, which is detailed below. The mission members remain gravely concerned because we received no information that would indicate the structural problems underlying the protests and the brutal police response have been resolved.***

### **The nationwide protests**

The nationwide protests known as the Paro Nacional 28A launched on April 28, 2021 and continued until the end of June. The two months rank as the most widespread and longest-lasting protests in Colombia’s history. The protests were sparked by the Duque Administration’s announcement of a regressive [tax](#) hike on public services, fuel, wages and pensions. Underlying reasons for the protests included the economic impact of the pandemic in which [3.6 million](#) people were plunged into poverty after losing their jobs and livelihoods. Other causes include the lack of access to education, health care, and jobs for young people, the Duque Administration’s choice to implement only in a partial and inadequate manner the historic 2016 peace accords, and the soaring numbers of murders of human rights defenders and community leaders (more than 470 such leaders have been killed from 2016-June 2021). However, once the police began harshly repressing protests and the police violence against protesters mounted, the police brutality itself became a reason why Colombians returned again and again to the streets.

The protests were led above all by teenagers, and young adults. Core members organized in horizontal ways call themselves “the frontline” or “*la primera linea*.” The protests were strongly supported by indigenous organizations, which played a significant role in some areas of the country including Cali, Valle del Cauca and Cauca, as well as labor unions and Afro-Colombian, LGBTQ+, and women’s organizations. They mark the emergence of a new social actor – Colombian youth – in the national political landscape.

Nationally, nongovernmental organizations TembloresONG and Indepaz, who together documented human rights abuses in the context of the protests, [assert](#) that between April 28 and July 28:



- 44 people were killed by Colombian security forces;<sup>1</sup>
- 83 victims suffered damage to their eyes;
- 28 people suffered sexual violence;
- 1468 people suffered physical abuse; and
- 1832 were arbitrarily detained.

Human Rights Watch [documented](#) at least 16 protesters and bystanders killed by police using live ammunition. Two police were reported [killed](#) and many were wounded in the context of the protests.

### **Observations on Cali and surrounding areas in Valle del Cauca**

LAWG's co-director Lisa Haugaard and five other mission members went to Cali where the group heard from young people involved in the protests, civil society groups that were trying to protect the protesters, and victims of violence, as well as meeting with Cali's mayor. While most of those we met with were from Cali, people from surrounding cities and countryside also came to speak with the mission. We took testimony from 55 victims, their family members and lawyers, and witnesses. In addition, we spoke with human rights organizations, medical brigades, church leaders, journalists, women who prepared meals in community kitchens (*ollas comunitarias*) and other people trying to protect the lives and well-being of the young people and others involved in the protest movement.

***The information we received showed a brutal response from Colombian security forces, particularly the police and the anti-riot squad ESMAD.*** The group that went to Cali/Valle del Cauca heard testimony regarding the behavior documented below, but similar behavior, sometimes to a lesser degree, was also documented by the mission in other parts of the country.

Victims and witnesses reported that the police and ESMAD systematically employed excessive use of force against protesters as well as bystanders and human rights defenders and journalists who were accompanying or covering the protests and members of medical brigades providing first aid to victims of police brutality as well as to police wounded in the protests. As one medical brigade member told us, "It was as if the goal was to make young people paraplegic or dead." **We observed the following patterns of human rights abuses by members of the police and ESMAD:**

- **Use of lethal weapons.** Multiple young people, indigenous leaders, and accompanying organizations reported the use of live bullets, from both short- and long-range weapons, shot directly at protesters or companions. Sharpshooters shot directly into groups of protesters, sometimes illuminated from helicopters flying overhead.
- **Use of nonlethal weapons such as tear gas and rubber bullets in ways to cause maximum damage.** Police or ESMAD lobbed tear gas canisters directly into crowds, striking protesters in their heads, faces, legs, arms, or other parts of their bodies. Protesters reported use of expired

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<sup>1</sup> TemboresONG/Indepaz cite a total of 75 people killed in the context of the protests; of those, they affirm 44 of the killings were at the hands of the Colombian security forces; the perpetrators are not yet identified for many of the remaining 31 killed. Perpetrators include armed civilians. Other sources claim that 2 police were killed. Forty-three of the 75 people killed were killed in Cali.

teargas that they believed was more damaging. Rubber bullets were shot at close range at protesters, causing serious damage.

- **Use of modified nonlethal weapons to cause maximum damage.** Protesters reported the police/ ESMAD's use of modified ammunition in which screws and other sharp metal objects were wrapped in cloth and shot directly into crowds.
- **Indiscriminate use of teargas near houses,** affecting old people, children, and babies.
- **Armed civilians shot directly at protesters,** indigenous persons, and medical brigade members. Multiple witnesses reported to the mission that the armed civilians were in some cases operating jointly with the police. They reported that some appeared to be police in civilian clothing while others were armed civilians or paramilitaries. Indigenous groups in particular reported being shot at, threatened, and harassed by armed civilians.
- **Police beat and tortured detainees in their custody, including minors; mission members heard allegations of torture in commercial buildings such as stores turned into illegal detention centers.**
- **Police grabbed women's breasts and other parts of their bodies and threatened women with rape.**
- **Police, other state agents, politicians, and armed civilians used racist language against indigenous and Afro-Colombian people.**
- **Police regularly hid their insignia** so that they could not be identified.

**Police and ESMAD targeted the people who were trying to help, cover, or accompany the protesters.**

- **Police and ESMAD shot at human rights defenders accompanying the protests, including those wearing jackets identifying them as human rights defenders.** Police refused human rights defenders access to detained protesters and sometimes detained the human rights defenders or took away their cards identifying them as human rights defenders. Human rights defenders reported that police threatened them with death or rape and that they were subject to surveillance, including surveillance of their family members. Religious leaders accompanying young protesters were also subject to surveillance. Nationwide, the Campana Defender la Libertad documented [298](#) aggressions against human rights defenders in the context of the two months of protest.
- **Journalists reported being shot at and teargassed by police and ESMAD, despite wearing helmets identifying themselves as journalists.** One journalist noted he had covered the war for many years and never had to wear a helmet identifying himself as a member of the press. One journalist reported multiple death threats and continual surveillance as a result of his work covering the protests. Threats and surveillance continue against journalists and human rights defenders.
- **Members of medical brigades, which are volunteer groups of medical personnel, students and other young people, who created makeshift first aid stations providing assistance 24 hours a day in the middle of the protests, reported constant attacks and harassment by police and ESMAD.** They reported to the mission that police, ESMAD, and armed civilians shot at them with bullets, including as they were attending patients; teargassed them, threatened them with death or rape, and forced them to leave and abandon or not initiate treatment of wounded people. One organizer of the medical brigades said that at least half of the first aid units set up in protest locations in Cali received these attacks. Members of medical brigades reported that police interrogated victims in hospitals and first aid stations, causing fear in victims, leading

some victims to forgo medical treatment. We heard reports that ambulances were used to carry police equipment.

- **Police/ESMAD shot at and teargassed people as they were eating or cooking in the community kitchens.** Witnesses reported police or ESMAD destroyed and put unknown substances in food intended for protesters and community members.

**The police and justice system are advancing cases against protesters, often without regard for basic legal protections, while cases against police, ESMAD, and armed civilians in many cases do not seem to be pursued with sufficient vigor.**

- **The police and Attorney General's office are detaining, investigating, and setting up prosecutions of young people involved in the protests, often without regard for basic legal protections.** The mission to Cali/Valle del Cauca heard from family members and witnesses in 3 cases of groups of minors and young people detained and held without due process and against whom the Attorney General's office is bringing serious charges. According to family members and lawyers, the detainees were provided with no or inadequate access to speak to lawyers; detainees, including a minor not in presence of his family, were pressured to sign documents; and the Attorney General's office dismissed motions and submissions of proof by the detainees' lawyers.
- **Police carried out arbitrary detentions.** They used a mechanism called "*traslado por protección*," intended for people who are sick, inebriated, or otherwise unable to take care of themselves, as a way of detaining large numbers of protesters. Police pressured detainees who had been beaten to sign documents saying they had not been mistreated and pressured them not to denounce abuses.
- **Many of the cases against the police are being pursued in the military justice system, which has a poor record of achieving justice for human rights violations.**
- **The Duque Administration is planning to introduce legislation outlining excessive punishments for road blockades and vandalism committed during protests.**
- **Companies have dismissed workers for participating in the protests.**

**Siloé.** One example of these kinds of attacks by Colombian security forces took place on May 3, 2021 in the neighborhood known as Siloé in Cali. The verification mission visited Siloé and interviewed multiple witnesses and victims. Community members were [holding](#) a candlelight vigil for Nicolás Guerrero, a young man [killed](#) the day before after being shot in the head during the protests. Families, children, and religious leaders were present in a public plaza. The participants in the vigil were then attacked by a joint operation organized by ESMAD and the police, with the army, according to one observer, securing the perimeter. The lights in the neighborhood suddenly were extinguished, and a helicopter flew overhead, casting light on the people gathered in the plaza. Sharpshooters on the second floor of a building at the edge of the plaza then began to shoot at the crowd. Police and ESMAD used live bullets, tear gas, and "nonlethal" weapons. By the end of the operation, which lasted until 3 in the morning as police searched for and detained people throughout the neighborhood, from three to six people were killed, more than 20 wounded, and many were detained.

**Forced disappearances.** The mission is gravely concerned about the incidence of forced disappearance in the context of the protests. In some cases, young people, including minors, were captured by police, held in police posts or in makeshift detention centers, and their whereabouts were only discovered later

by family members. Some of those disappeared were found killed. The mission heard reports of a body found burned and body parts found in public places in Cali.

### **Vandalism and human rights abuses by protesters**

While most protests were peaceful, protesters or others did commit serious and extensive acts of vandalism in Cali and other cities during the protests. Actions that were attributed to protesters by authorities and others included the destruction of a part of Cali's metro system as well as burning of police posts and government buildings. We also heard reports denying that protesters burned specific police posts. Some protesters threw stones at police. Two members of the police were [killed](#) and many have been wounded. Extensive road blockades [prevented](#) transport of vital supplies such as food and fuel from reaching parts of Colombia until humanitarian agreements were reached to open roads. Those blockades are now lifted.

### **Government response at the local and national level**

The Duque Administration withdrew the tax hike that had sparked the protests. However, despite initial efforts to open a national dialogue with groups involved in the protest, talks fell apart. At this moment, there is no national dialogue. Moreover, the national government has put pressure on local governments to end local dialogues. Through Decree 575 the national government has tried to force local governments to accept the intervention of the military in response to the protests. The mission did observe some local government representatives who tried to construct dialogues, who refused the offer of military intervention, and who sought to protect protesters from security force violations.

The mission heard complaints from human rights groups that state institutions charged with protecting the citizenry, including the Ombudsman's office (*Defensoría del Pueblo*), the Inspector General's office (*Procuraduría General de la Nación*, which can bring disciplinary charges against state agents), and the Attorney General's office (*Fiscalía General de la Nación*) were failing to defend citizens' rights in many cases during the protests. The mission group to Cali/Valle del Cauca observed victims' fear in bringing cases and complaints to the Attorney General's office, likely resulting in human rights violations being undercounted and not brought to justice. We heard repeated complaints that the Mechanism to Search for the Disappeared was not being effectively used to find the missing.

At a national level, rather than showing signs of providing guarantees to protest, the Duque Administration is introducing [legislation](#) that greatly increases penalties for blocking roads or vandalism in the context of protests. The Duque Administration has circulated internationally a proposal for police reform that includes expanded human rights training and revision of internal disciplinary procedures and changes the color of police uniforms from green to blue. But this proposal has not been consulted with the groups involved in the protests nor with human rights organizations, young people, indigenous and Afro-Colombian groups or police reform organizations. It appears to be missing essential key reforms, including: moving the police from the Ministry of Defense to a civilian agency; ensuring external controls over the police; ensuring that police abuses are tried in civilian courts; dismantling the ESMAD; ending sexual violence by police; addressing racist actions against indigenous and Afro-Colombian peoples and discrimination and abuse by police against LGBTQ+ persons; ending practices of arbitrary detention; and other essential reforms.



The mission did not observe actions by the Duque Administration to move forward with a national dialogue to address underlying causes of the protests; to guarantee the right to protest; or to fully address gross and systematic violations by the police and ESMAD. Mission members remain gravely concerned that additional protests will continue to take place without guarantees and that the structural causes of the protests and the severe problems with the police and ESMAD are unaddressed.

### **Recommendations for U.S. Policy:**

- Urge the Colombian government to immediately stop police brutality against protests and to respect the right to protest.
- Freeze assistance to the police until gross human rights violations against protesters stop, human rights violations by police and ESMAD are being effectively investigated and prosecuted in civilian courts, and a serious police reform is being instituted that includes moving the police under a civilian agency, consulting the police reform initiative with those affected by police brutality, dismantling the ESMAD, revising use of force protocols, instituting external controls, and addressing discrimination and abuses against women, LGBTQ persons, indigenous and Afro Colombian groups, and youth.
- Urge the Duque Administration to convene a serious national dialogue with youth, indigenous, Afro-Colombian, women, LGBTQ+ persons, human rights defenders, unions, and other civil society organizations and sectors affected. This dialogue should discuss guarantees for the right to protest and address underlying causes that motivated the most widespread protests in Colombian history.
- Urge the Colombian police and justice system to immediately release persons arbitrarily detained and to provide due process to those investigated for actions allegedly committed during the protests.
- Urge the Colombian government to search effectively for the disappeared, working with family members of those missing.
- Refrain from pressing the Colombian government to restart aerial spraying campaigns which will harm communities willing with government support to voluntarily eradicate coca and could reignite social unrest.
- Urge the Duque Administration to seriously commit to implementing the historic 2016 peace accords, including the ethnic, rural, victims, and drug policy chapters, and to protect Colombia's threatened human rights defenders and social leaders.
- Urge the Colombian government to fulfill the [recommendations](#) of the Inter-American Commission on Human Rights which visited Colombia in June 2021.