



# MINGA LE CUENTA

APRIL  
JUNE  
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## SPECIAL NEWSLETTER

Human rights violations in the context of the National Strike in Colombia

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CATATUMBO • PUTUMAYO • CAUCA • NARIÑO



# NATIONAL STRIKE AND DEEP COLOMBIA

Colombia has been experiencing, since April 28 of this year, a historical popular uprising carried out within the framework of the National Strike that, without a doubt, calls into question the so-called “most stable democracy in Latin America”. It is about the mobilization of millions of Colombians who, outraged by the critical situation of poverty, misery, social exclusion and terrible management of the government of Iván Duque, but also by the breach of the Peace Agreement, the attacks against social leaders, and the generalized violence; took the streets, highways and strategic roads of the country, to say: “No more! Enough already! We demand social justice and democracy!”

In order to make visible how the multidimensional crisis that the country supports, is expressed in the territories where the Minga Association accompanies the organizational processes of the communities, the various initiatives developed as expressions of their social protest in the National Strike, the response of the Public Force, enterprises and local authorities as well as the consequences in terms of human rights violations, we have prepared this newsletter with brief analyzes of what was experienced in the strike until June 30.

In the same way, we propose a critical reading of Decree 003, in order to share ideas about the way in which social organizations maintain the claim of the right to social protest, given the government's position of limiting, through regulations, public demonstrations.

Finally, we present our point of view on the central axes of the observations and recommendations made by the Inter-American Commission on Human Rights, IACHR, in relation to the fierce repression of the government against citizen mobilization that, along with the statements of other international missions, constitute important instruments to continue generating economic, political and judicial pressure from this scenario.

A man wearing a cap and a face mask is holding a large Colombian flag. The background shows green trees.

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# THE NATIONAL STRIKE: OUTRAGE BEFORE ELITISM AND AUTHORITARIANISM

The most significant event of this period has undoubtedly been the National Strike, not only because of the dimensions reached, in its social, territorial, and temporal extension, which place it as the most incident social protest in recent decades; also because it has evidenced the magnitude of the multidimensional crisis that the country is experiencing, calling into question the economic model, democracy and even cultural symbols and ethical values. In this scenario, where the instability that a large part of Colombian society experiences does not have certain answers and simply explodes in multiple manifestations of indignation, and where the elitist and authoritarian character of the Duque government is forced to be exposed without ornaments, we have the challenge of invigorating the stakes for peace, rights, guarantees, and participation.

The strike brought to the fore social conditions that have become unbearable, the dramatic quantification presented by the National Administrative Department of Statistics -DANE- (Departamento Administrativo Nacional de Estadística) in April of this year, indicated monetary poverty of 42.5% of the population; that is, people with incomes less than 300,000 pesos per month. It also registers unemployment of 17.5% (4.5 million people), which in the case

of women is 23%, and in that of young people, 22.5%. Of the jobs lost last year, 2 out of 3 correspond to women.

The situation has been aggravated by the irresponsible handling of the pandemic by the government, not only given its health impact, which by April already exceeded 500 daily deaths, and a slow vaccination rate; also in the face of its socioeconomic impact, since the government decided to protect large business emporiums, offering pyrrhic alternatives to smaller trades. The closure of thousands of small and medium-sized enterprises gives an account of the government's priority criteria, which has strongly impacted employment since this sector occupies 80% of the labor market. Despite the social crisis, the government did not agree to establish a basic income nor free tuition for students, arguing fiscal constraints, in spite acts of corruption and budget waste denounced by different organizations and the media.

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***"The Colombian State reported 12,478 protests in 862 municipalities: 6,328 concentrations, 2,300 marches, 3,190 blockades, 632 mobilizations and 28 assemblies. 89% of the protests, that is, 11,060, took place without violence".***

*(IACHR Report)*

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But it is in the political and institutional field where the National Strike has drawn attention about the dismantling of the Social rule of law by a ruling party which in its 20 years in power has taken over almost the entire State.

The National Strike has shown: one, that there is no institution that safeguards the rights of citizenship, and it has been necessary to appeal to the International Community for it; two, that the extension of the State of emergency declared as a result of the pandemic, granting exceptional faculties to the Presidency, has also served to neutralize the political control of Congress; three, that the government's repressive response is directed towards measures that increasingly restrict public freedoms and militarize national life, such as Decree 575, in addition to encouraging expressions of urban paramilitary; four, that the systematic stigmatization of protesting citizens by inducing the idea of the "internal enemy" justifies the treatment of war; and, five, that the massive violation of human rights in the strike is not admitted by the government, despite occupying the second country in the world where social protest has been so violently repressed, behaving contrary to questions and recommendations from other governments, missions, and international organizations, including the IACHR.

***The Government drew 5 trillion pesos in 2020 to withstand the economic crisis, distributed as follows: \$2.3 trillion for 80% of the large companies out of a total of 3,851, and \$2.6 trillion for 9% of the small and medium companies, out of a total of 1.5 million existing in the country"***

*(Confecamaras)*

***The latest report on Risk Monitoring and Prevention of Human Rights Violations in Colombia by the Special Jurisdiction for Peace -JEP- highlights the "emergence of self-defense and paramilitary practices to terrorize people participating in social protest". Thus, they have evidence of the emergence of "armed civilian groups" in at least 27 cities.***

*(Swiss info)*

According to surveys, for about 85% of the population, there is an awareness of the government's responsibility for the economic, social, political, and institutional crisis, as well as its incapacity to solve it, due to its denialism and to the permanent blaming of actors outside its administration and Party. The government will insist on the tax reform and others, it will not stop the assassination of leaders, it will not investigate the crimes of the Public Force and rather than sitting down to discuss the social crisis, it will maintain its repressive line.

The government maintains such an authoritarian position insofar, as it relies upon its control of the state apparatus and the backing of the upper echelons of the Armed Forces, as well as large economic groups and their media.





A wide swath of the population has felt called upon to think about the country and its horizon, and despite the uncertainty created by the collapse of the pillars of an artificial normality, signs of a better future emerge around the need to recover the peace process, to consider the change of the economic model, the re-establishment of the Social rule of law, the dismantling of the National Security Doctrine that rules the Armed Forces, along with the restructuring of the National Police, all of these, crucial issues towards which the reflections among the Strike have led.

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**84 homicides / 4 women,  
 3274 people arrested/516 women,  
 790 injuries/136 women,  
 84 cases of eye injuries,  
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*(Defender la libertad,  
 Newsletter No. 20)*

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Facing a closed-to dialogue government, expectations point towards next year's elections being the political opportunity to correct the ongoing of the country. However, it is necessary to read very carefully all the lines of the Strike, to try to understand which concerns and hopes summon in these multiple forms of the collective, with disbelief in front of representative systems and with new codes re signifying symbols and spaces.



Within this atmosphere of international recognition of the crisis of human rights and peace, of the renewal of consciences and promises of a new country, of the emergence of social leadership and the creation of new spaces for articulation and participation, without ignoring the growing political violence, we think they are open opportunities to advance in the construction of life projects.

# SOCIAL MOBILIZATION WALKS IN CATATUMBO



The social and community movement of Catatumbo is once again mobilized within the framework of the National Strike. Since April 28, the region accepted the call of the National and Regional Strike Committees against the proposals presented by President Ivan Duque before the Congress of the Republic. Among them, the promulgation of an unpopular tax reform and decree 575 through which the government decrees “military assistance in the country”, which is nothing more than taking control of public order from the regional, district, and municipal administrations, supplanted to the civil authorities by military forces.

In the time that the National Strike has lasted, in the Catatumbo region, there have been various demonstrations inside and outside the territory, and in each municipality a dynamic of social mobilization is maintained. The region has been divided into two mobilization zones for economic reasons, impact, logistics and territorial distances. In the upper and middle zones, the mobilization carried out on May 12 in the city of Ocaña stands out as it had massive participation, with around 5,000 people mobilized breaking the stigmatizations, tensions and concerns of the citizens of Ocaña, showing that the peasant women and men of Catatumbo are not a danger to the city.



In the municipalities of Ocaña, Teorama, San Calixto, Hacarí and El Tarra local activities took place, with rallies, demonstrations, candlelight vigils, ecumenical meetings and cultural events in the municipal capitals and/or main population centers, which kept the social and community organizations in the expectation of mobilization. On May 22, 23 and 24, the mobilization of Catatumbo moved to Cucuta and the Ruta del Sol road, where social processes from the center and south of the department of Cesar, the southern region of Bolivar and Catatumbo are articulated. In that place, after two days of intermittent blockades, a regional pre-assembly was held in preparation for the first day of the National Popular Assembly, that took place in Bogota from June 6 to 8.

In the lower zone, social processes from the municipalities of Tibu and Sardinata concentrated, for security reasons, in three roadblocks: The first one was installed in the sector La Y-Artillero, on the Cucuta - Tibu road, here the processes of the Peasant Association of Catatumbo -ASCAMCAT-(Asociación Campesina del Catatumbo) and rice-growing sectors gathered, the second one was in the place known as Agua la Sal in the municipality of Zulia, on the Cúcuta-Tibú road with a significant incidence in the nearby palm oil area. In this location,





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wounded by bullets, among them a minor.

The third point of concentration was in the so-called "La Virgen" sector of the municipality of Sardinata, on the Cucuta-Ocaña road, where the Regional Table for the Popular Claim of Catatumbo was installed. The dialogue between the regional government and the peasantry of the region participating in the National Strike had among its points a crucial issue for the Catatumbo communities: Decree 380 which would resume aerial spraying with glyphosate of coca crops. At the point of Sardinata, the self-styled "good citizens" perpetrated a collective kidnapping on May 14, depriving spokespersons of

he Unity Committee of Catatumbo (Comité de Unidad del Catatumbo), community members, human rights defenders of the Peoples' Legal Team (Equipo Jurídico Pueblos), the Governor of the department of Norte de Santander department delegates of the UN and MAPP-OEA of their freedom for 13 hours, whom they locked in a school in this municipality. Media outlets such as Telesur and Contagio Radio categorized this as a kidnapping, while others, such as La Opinión, Infobae and El Espectador classified these events as a retention.

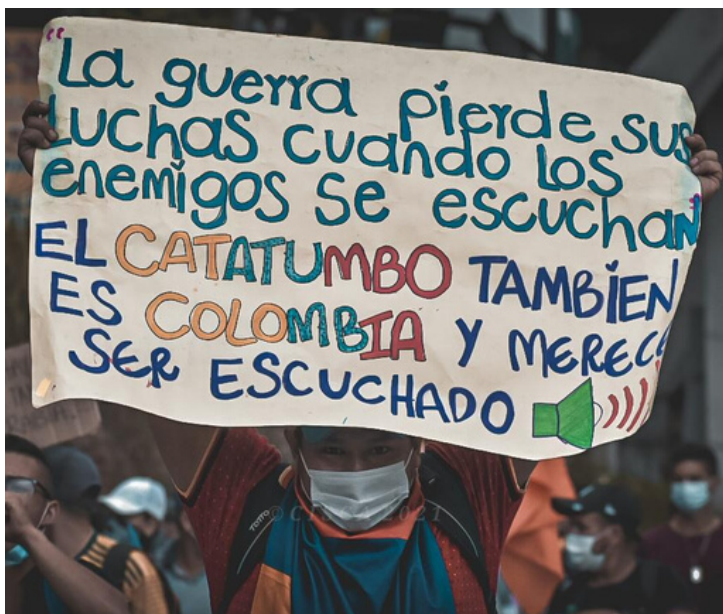
In the region there are two processes of participation in the Strike: 1) The Departmental Strike Committee that



articulates social organizations of Ocaña and Catatumbo, such as the Committee for Social Integration of Catatumbo – Cisca – (Comité de Integración Social del Catatumbo), the Association of Peasant Unity of Catatumbo – Asuncat- (Asociación de Unidad Campesina del Catatumbo), community processes, unions like the Worker’s Trade Union -USO- (Unión Sindical Obrera), and youth and student collectives. 2) The Metropolitan Strike Committee of the city of Cucuta, resulting from various popular councils in which processes such as the Catatumbo Peasant Association -Ascamcat- (Asociación Campesina del Catatumbo), the Movement for the Popular Constituent Assembly -MCP-, the Comunes Party, the Barí Indigenous Council of lower Catatumbo, the lower zone, students and urban youths of this city participate.

This modification, if implemented, puts all protesters at risk of prosecution, especially in a region where the occupation of roads is a traditional tool of social and political mobilization that has been used to pressure the attention of governments. These government threats against social protest are of particular concern because of the risks involved for those who participate in mobilizations regarding forced eradication and aerial spraying of coca leaf crops.

For now, coordination is maintained between the social organizations that are articulated in the Unity Committee of Catatumbo, from where they have defined to continue moving towards mobilizations and symbolic actions in each municipality, as well as towards the consolidation and projection of the regional mobilization and participation in national calls such as the II National Assembly to be held in the city of Cali from July 17 to 20.







## HUMAN RIGHTS AND MOBILIZATION IN CAUCA

Historically, in the department of Cauca, indigenous peoples, Afro-descendants and peasants have consolidated a grassroots social movement with national relevance, which reaches prominence in times of protest, mobilization and struggle. In this territory, the National Strike main characters are groups of young people, women, indigenous people, peasants and Afro-descendants who have mobilized in the fields and cities of the department claiming their rights, in the context of one of the most intense economic, social and humanitarian crises that the country has experienced in recent years.

The worsening of the armed conflict in the department and the consequences of the National Government's mismanagement of the humanitarian crisis caused by COVID-19 have deepened the social problems that the department has historically faced. The reasons why Cauicans have taken the streets and roads to demonstrate are many and varied: the violence generated by the presence of legal and illegal armed actors, the health system crisis, the tax reform, youth unemployment, the National Government's announcement of the resumption of spraying with glyphosate, the failure to implement the Peace Agreement and the assassination of social leaders, are just a few of them.

Even before the beginning of the National Strike, the Regional Indigenous Council of Cauca -CRIC- (Consejo Regional Indígena del Cauca) had initiated mobilizations, declaring an Indigenous Minga inward, due to the murder of Sandra Peña, governor and environmental leader of the indigenous territory of La Laguna, municipality of Caldoño. In Popayan, capital of the department, the demonstrations were massive, with the gathering of women, indigenous people, peasants, students, unions and social organizations; however, during the days of protest there were excesses by the public force and serious violations of the human rights of the demonstrators.

During the first day of protest, on April 28, at least 30,000 people marched; physical aggressions by the Mobile Anti-Riot Squad (ESMAD) were reported, leaving 23 people injured and 4 arrested. Groups of demonstrators moving along the department's highways on their way to Popayán to join the mobilization were attacked with tear gas and bullets. In addition, at the concentration points of El Cairo and El Tablazo, in the respective municipalities, of Cajibío and Toribío, there were intimidations by the National Army and helicopter overflights. Social organizations denounced the use of bladed weapons by the National Police to attack demonstrators. It

should be noted that on June 3, following a tutela action, the Tenth Mixed Administrative Court (Juzgado Décimo Administrativo Mixto) of Popayan prohibited the ESMAD from using the Non-Lethal Ammunition Launching System "Venom" in this city, with the purpose of protecting the integrity of the demonstrators.

On May 12, two young women under 17 years of age denounced having been victims of sexual violence in the city of Popayán by members of the security forces. One of the cases gained national recognition after the suicide of one of the girls, after being a victim of sexual aggression by ESMAD agents during her detention in the Immediate Reaction Unit -URI- (Unidad de Reacción inmediata). The facts were narrated and denounced by the young woman in her social networks, before making such a regrettable determination.

As a response, on May 14, the streets of Popayan were filled with outraged people demanding justice in the case of the young woman and demanding an end to police repression and gender violence by the ESMAD and the police against the demonstrators. Over the course of the National Strike, at least 28 victims have alleged sexual violence by the security forces throughout the country. On this day of protest, Sebastián Quintero Munera, a 23 year-old young man, was killed when he was hit by a stun gun thrown from the front and at very close range by an ESMAD agent.

The public reaction to the case of the sexual aggressions against the young women and the suicide of one of them, led to the burning on that same day, May 14, of the facilities of the Immediate Reaction Unit of Popayan where they were held. The Minister of Defense Diego Molano, in another attempt of







the government to look for responsables behind the National Strike and to display results in the control of public order, rushed to make an irresponsible accusation against 3 young men; youth, student and social leaders of Popayán whom he pointed out to be members of the "Dissidences" and perpetrators of the fire, in an act of political persecution that puts their freedom and lives at risk.

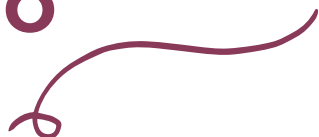
As of the closing of this newsletter, within the framework of the National Strike in Cauca, there were complaints of abuses by the security forces and attacks by civilians, most of which occurred in the city of Popayán. Among these human rights violations, 13 serious cases were reported with a balance of 33 individual victims and 4 collective cases; 12 of these cases occurred in



the city of Popayán and 1 of them in the municipality of Villa Rica.

Although the mobilizations have decreased in number and intensity in the department, as in the rest of the country, the National Strike has not yet come to an end. The social organizations of the department have projected internal agendas that envisage assembly scenarios to share the achievements and outline strategies to persist in the social struggles until the National Government complies with the popular mandates. In addition, organizations from the department will attend the National Popular Assembly in Cali from July 17 to 20, where those who do not feel fully represented by the National Strike Committee will meet to advance the basis of a movement of national relevance.

# SOCIAL MOBILIZATION IS STILL ONGOING IN NARIÑO



The department of Nariño, a territory known for its strength in mobilization processes, has shown its resistance through the different activities carried out in the framework of the National Strike called as of April 28. In line with the conjuncture, several organizational processes were prepared to actively participate in the mobilizations as well as in the permanent gathering points in different areas and highways. However, in the days prior to the big event, there were intimidating actions on the part of the public force with ESMAD patrols, the use of tanks and a large number of policemen and soldiers, whom, with their tanks, patrolled the neighborhoods of the city of Pasto, a fact that was reinforced with the implementation of the decree on military assistance.

The Governor's Office of Nariño called a session of the Table of Guarantees for Monitoring the Social Protest for April 27, with the aim of preparing the necessary actions for the following days, among which has been the application of Resolution 1190 of 2018. From that night on, the blockade on the road to the sea was reported, and from then on municipalities of the foothills such as Mallama and Ricaurte joined the protests, where the Awá indigenous people made a dignified and permanent presence with their guard.

The Governor visited the concentration

points, stated that military assistance was not necessary and invited to move forward in processes of consensus-building, and in some days of protest in Pasto, the capital city, he joined the demonstrators and intervened to mediate with the public force so that the aggressions would cease and people would be allowed to transit to their homes.

On April 28, with massive, full of color attendance, music, strength, but above all of, disagreement with the bad national government and its inability to solve and address the needs of Colombians, Nariño people of all ages shouted in different places, flags were raised and in the windows of homes and shops were read "DOWN WITH THE TAX REFORM", "LONG LIVE THE NATIONAL STRIKE". Everyone, with creativity and in their own way, made it clear that change is urgently needed.

Meanwhile, the Pasto and Quillasinga indigenous peoples mobilized on the border with Ecuador, with a list of demands headed by national demands and followed by their own, focused on the territory and the commitments unfulfilled by the government in the last 10 years. On May 2, they announced a total strike and road closures at the places known as Las Cruces (municipality of Ipiales), where approximately 10,000 community members gathered; El Espino



(municipality of Sapuyes) with 5,000 community members; Boquerón (municipality of El Contadero), and El Encano in the east of Pasto. This blockade in the south was lifted after a process of concertation, although the communities remained at some locations in support of the national strike.

In Pasto, on April 28th, the truck drivers joined in the rearguard of the protesters, however, after the marches from different meeting points reached the center of the city and the trucks left, the police burst in, attacking the unarmed citizens who, protected by the Constitution, were exercising their right to free expression.

The riots were concentrated in the Plaza del Carnaval, then police from the Special Security Operative Groups -GOES- (Grupos Operativos Especiales de Seguridad) and the ESMAD cleared the Plaza de Nariño, and the central headquarters of the Universidad de Nariño. From then on, every day and then every Wednesday, hundreds of

demonstrators spontaneously arrived at different points of Pasto and new encounter spaces arose around the community pots.

The entire length of Carrera 27, Rumipamba Park, now called "Resistance Park", located next to a mayor's office establishment, the neighborhoods, streets and parks, have been the venues for cultural events in the course of the strike. In all these places the police attacked the cultural process and the community pots, using tear gas and excessive force indiscriminately against participants, passers-by or inhabitants of each sector.

Special attention was drawn to the case of Yojan Arley Cerón Rosero, a 15-year-old weightlifter and medalist, who on May 26 was brutally attacked by the ESMAD when he was on his way home after a sports training session, for which he was hospitalized with a reserved prognosis, presenting 4 skull fractures that put his life at high risk.

That same night, when injured people and demonstrators were sheltering in a drugstore





to be attended by a medical mission in a neighborhood of Pasto, members of the ESMAD violently entered, causing damage to the facilities and brutally beating those who were there.

The mayor of Pasto, Germán Chamorro De La Rosa, tried to reduce the intensity of the protests by decreeing a curfew on several occasions, which ended in the arbitrary detention of hundreds of people whom the police, making improper use of the figure of transfer for protection, took to places not established for that purpose. The police used locations such as the coliseum of the Obrero neighborhood for the concentration of detainees, where people were brought in without any guarantee, since men, women and minors were detained without taking into account factors such as security, biosecurity, gender and age, among others. There, people were held incommunicado, also verbal and physical aggressions perpetrated by members of the security forces who were guarding the detainees with weapons were reported.

Similar events occurred in the Transfer Center for Protection -CTP- (Centro de Traslado por Protección) in the Corazon de Jesus neighborhood. The existence of



abundant audiovisual material supporting the community's complaints led to the filing of a tutela action and in the June 2 ruling, the Second Administrative Court of Pasto ordered the municipality of Pasto and the Metropolitan Police of Pasto to present - using a mass media - public apologies for the overstepping or inaction in the exercise of their functions in the face of peaceful social protest, among other actions.

At the same time, the communities of the mountain range mobilized towards the Panamerican highway at the point known as Mojarras, south of Cauca, where, on May 14, after receiving a call and going to a meeting to which he was summoned under false pretenses, the leader Cristian Torres Cifuentes was disappeared; he was found dead the following day and his body had been partially buried on the road leading to the municipality of Leiva.

Against this background, on May 20, the Dialogue and Negotiation Roundtable of Peasant Communities, Blacks, Youth and Transporters of the Western Cordillera of Nariño was established. Different sectors of





the municipalities of Leiva, Policarpa, Cumbitara, El Rosario, Taminango, San Lorenzo, Magüí Payán, El Tambo, El Peñol, Sandoná, Ancuya and Linares came together in this space, which was attended by the Governor of Nariño John Rojas and delegates from the national government, the Illicit Crop Substitution Program, what made it possible to enable a humanitarian corridor and lift the blockade in stages. Topics such as the implementation of the Peace Agreement, alternative substitution of illicit crops without glyphosate, among others, were also discussed.

Understanding that there is an underreporting of cases that for different reasons are not denounced, we can inform of at least 476 arbitrary detentions, 233 physical injuries, 17 threats, 2 cases of torture, 1 sexual assault and 2 attacks. The detentions occurred in 111 cases against the female gender, in 364 against the male gender and another one against an LGBTI person. Those events occurred between April 28 and June 9, 2021, according to information from the Observatory of the House of Memory of Nariño.

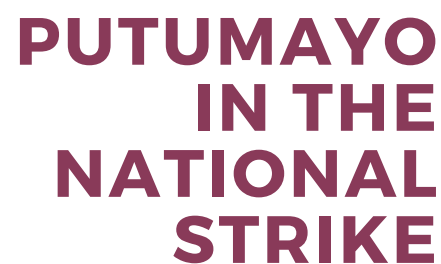
Regarding the type of injuries presented, it is stated that of the 233 documented, 115 correspond to contusions to the extremities,



torso, thorax and abdomen; 29 to trauma to the skull; 27 to penetrating wounds to the extremities; 16 to ocular trauma; 14 to respiratory tract injuries caused by tear gas; 12 to facial trauma; and 6 cases where it was not possible to identify the type of injury.

Of the 476 arbitrary detentions, 32 were against minors, of whom 13 were women and 19 were men; also, of the 233 physical injuries, 18 were against minors, of whom 5 were women and 13 were men. In Pasto, according to the report by places of detention, the highest corresponds to the CTP Corazón de Jesús where 218 people were transferred; followed by the Coliseum of the Obrero neighborhood where 178 people were held; the other cases correspond to other detention centers.

With the above, it is evident that in the department of Nariño the disproportionate use of force against demonstrators, human rights defenders and even against those who did not participate in the days but were affected, has been a constant in the actions developed within the National Strike, that is about to reach its third month.



On the other hand, the energy mining development model has expanded its intervention, particularly with the dominant presence in the Department of two transnational companies: the Canadian Gran Tierra Energy and the British Amerisur, now acquired by Geopark. Both have produced conflicts with peasant and indigenous communities -Sionas and Nasa-, especially in the Puerto Vega-Teteyé, Campoalegre-El Tigre and Alea corridors in the municipalities of Puerto Asís and Valle del Guamuéz, on the border with Ecuador. In the middle and upper Putumayo, mining company operations have also been reactivated, especially in the hills





surrounding Mocoa, in addition to the announcements of the resumption of the Mocoa-San Francisco alternate road and an hydroelectric project on the Mocoa river.

Similarly, other plans such as the reconstruction programs in Mocoa (after the 2017 avalanche) based on interventions on rivers with cement works have motivated resistance among the population. This set of demands were also part of the mobilization banners raised during the National Strike.

Regarding all expressions of armed conflict, legal and illegal, Putumayo has seen a reduction in murders compared to the previous year, but there has been an increase in intimidation and aggression against communities, their organizations and their social leaders. In the first trimester, the We are Defenders Program (Programa Somos Defensores) recorded two cases of aggressions against social leaders, 2 against women and one case of aggression against men, in the municipalities of Orito, Puerto Asís and Villa Garzón, in addition to one case of murder.

Other existing situations include the harassment, by armed groups, in the municipalities of Puerto Asís and Puerto Leguísimo of the Siona indigenous communities, who have been forcibly displaced to avoid the forced recruitment of their young people; the harassment of the Muina Murui indigenous people with the installation of antipersonnel mines in their territory; or the threats against leaders of the Perla Amazónica Peasant Farmer Reserve Zone (Zona de Reserva Campesina) and the Putumayo Human Rights Network (Red de Derechos Humanos del Putumayo), who have been forced to leave their territories.



Likewise, high risks are identified for people in the process of reincorporation into civilian life, due to the intense conflict in the territory.

For its part, the government is expanding its military footprint and its military operations, without this meaning protection for the communities, and has tried to set up a base in the Sibundoy Valley, a territory affected to a lesser extent by the armed conflict than the others, meeting with the rejection of the communities settled there, mainly the Inga and Kamëntsá indigenous populations.

The serious situation experienced by social leaders and human rights defenders led to the promotion of the Territorial Table of Guarantees as a space for the articulation of the various social organizations of Putumayo, around the protection of community processes and negotiation with the national and regional government, achieving its installation on March 11 of this year, in the municipality of Villa Garzón. During this event, March 19, the date on which Marco Rivadeneira was assassinated on 2020, was recognized as the day of social leaders. The Council of the municipality of Puerto Asis, where he lived, officially agreed to this day in recognition of his work as a defender of life and peace.

Thus, in April at the beginning of the National Strike, the problems that accumulated around these three axes, along with others of a social and economic nature, in education, health, ethnic peoples, women and youth, sparked an unprecedented citizen mobilization before the call of the National Strike, with different types of expressions in the 13 municipalities of the department at different moments of its development.

In total, around fifteen (15) concentration points were set up, and permanent public demonstrations creatively expressed the indignation in the face of the generalized crisis that the country and the region are enduring, with an elitist and authoritarian government that instead of resolving, worsens the situation. Artistic and pedagogical aspects were part of all the public actions in the strike in this region.

The repressive treatment given to social protest also had its consequences in this department as a result of decree 575 of "military assistance". There were violent actions against the demonstrations that included different types of aggressions and arbitrary detentions.

The most painful situation occurred on May 31 at the concentration point located in Costayaco, in Villa Garzón, when units of the anti-narcotics police attacked the community gathered there, events in which the young peasant Yordani Rosero Estrella







was killed, 3 people were seriously injured and 20 more were wounded. In response, a group of protesters occupied the facilities of the production battery of the Gran Tierra Energy company, from which they voluntarily withdrew a few days later when the first dialogues between the government and the organizations involved in the National Strike began.

In response to the decisions of the National Strike to rethink the actions, and to the extent that the Dialogue Table was established, the Putumayo communities went into a phase of Permanent Assembly to define the issues and the methodology of negotiations with the national, regional and local governments, as well as the spokespersons' team made up of delegations from each municipality and ethnic

communities. The issues that have been on the agenda, one per week, are the following: the route of guarantees for social protest, the coca-growers' social problem, mining, energy and environmental issues, the economic situation, education and youth, housing, health and food sovereignty. In each of these sessions, the ethnic approach is discussed in particular spaces.

We hope that on this occasion the will for dialogue and compliance with the agreements reached with the national and regional authorities will be maintained. This has been the permanent request that the communities have made, being compelled to social mobilization to call the attention of the central government given the evident difficulties for decent living conditions.



## THE LANGUAGE OF AUTHORITARIANISM AND ITS FEAR OF SOCIAL PROTEST

The government's relentless quest to limit the right to social protest contains a long list of unfortunate and cartoon-like attempts, based on various arguments that have been installed in the discourses and languages of the Colombian elite. Some of them call for the restriction of protest in public spaces or demand public order in the face of the rights of others. These premises, which originate in the phrase of the philosopher Jean-Paul Sartre "My freedom ends where the freedom of others begins" will be generally refuted in the following paragraphs.

The effort to restrain citizen participation has been one of the political flags of the actual government, the results are visible in the accelerated deterioration of the Rule of Law. It is noteworthy that not only has social protest been limited, but also, most of the mechanisms for citizen participation have been eliminated or diminished: Popular consultations for the self-determination of municipalities and territorial entities regarding the use of their territories have been eliminated, judicial control has been captured by the executive branch and the economic groups and the processes of electoral fraud and illegal campaign financing are evident.

The significant reduction of rights, coupled with the worst economic crisis in the

country's recent history, triggered a strong social mobilization that had been dormant for years. However, the strengthening of social organization has been counteracted by fierce repression in fact and in law, leaving one of the most violent balances in social protests in the country.

As indicated above, to justify repression, the restriction of social protests in public spaces has been argued. In this regard, the Ministry of the Interior made an amendment to Decree 003 of 2021 based on the fact that the definition of protest was broadened, adding that "those that promote the use of means to temporarily or permanently obstruct roads and transport infrastructure in accordance with criminal law" are not peaceful protests.

In the first place, it must be emphasized that the decree is unconstitutional since it violates the reservation of Statutory law as it is a limitation to a fundamental right. As a second aspect, it is important to point out that the Constitutional Court has clearly stated that public space is not only an area of circulation, but also a space for participation, where the development of social protests seeks to exert citizen pressure against the State failures. It is also important to establish that not every blockade constitutes a crime and even less so transforms a peaceful protest into a violent one, a characteristic



that is intended to limit and nullify the right to protest.

Concerning this, the Constitutional Court in Ruling C- 742 of 2012 settled that it is not just any level or degree of disturbance in the public, collective or official transportation service, but it has to be a superlative disturbance, which cannot even be considered a higher degree of difficulty for circulation, but it is a different situation; in other words, it is to make public, collective or official transportation completely impossible, and therefore it does not consist only in paralyzing or slowing down a vehicle or the public transportation service, but in eliminating any possible condition for the circulation of the same.

population, act that removes from the criminal orbit the political actions of the communities amid the mobilizations.

The second argument has to do with public order and the need to re-establish it in case of disturbance. This issue was included in Decree 003 of 2021 and represents the broadest non-compliance with the Supreme Court's ruling STC-7641 of 2020, which sought to regulate and limit police action in their intervention in public demonstrations, pursuing real guarantees of the fundamental right to social protest, freedom of expression and due process. Contrary to this, the decree did not review the existing guidelines for police restructuring, and continues to justify the use of less-lethal weapons and maintains



In addition, for the crime to be committed, it must be specifically demonstrated that the act was carried out in such a way that it threatened human life, public health, food security, the environment, or the right to work. Specifically, during the national strike, humanitarian corridors were enabled to guarantee basic rights and goods to the

a legal framework that allows police brutality and the arbitrary use of the functions of military and police institutions.

Arguing the need to maintain public order, the government has not only justified the undue and excessive use of police force but has also tried to limit the exercise of social

protest itself, which is clearly illegal given that international instruments have recognized that the right to social protest is in itself conflictive, although we must highlight that this quality cannot be used as an excuse for restraints.

To understand the situation of public disorder, the Court has defined it as "the conditions of security, tranquility and environmental health, necessary for coexistence and the enforcement of constitutional rights, under the protection of the principle of human dignity".

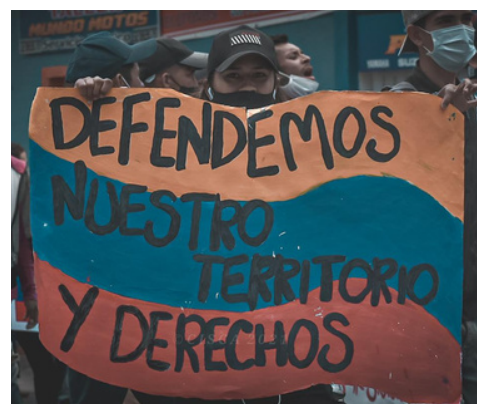
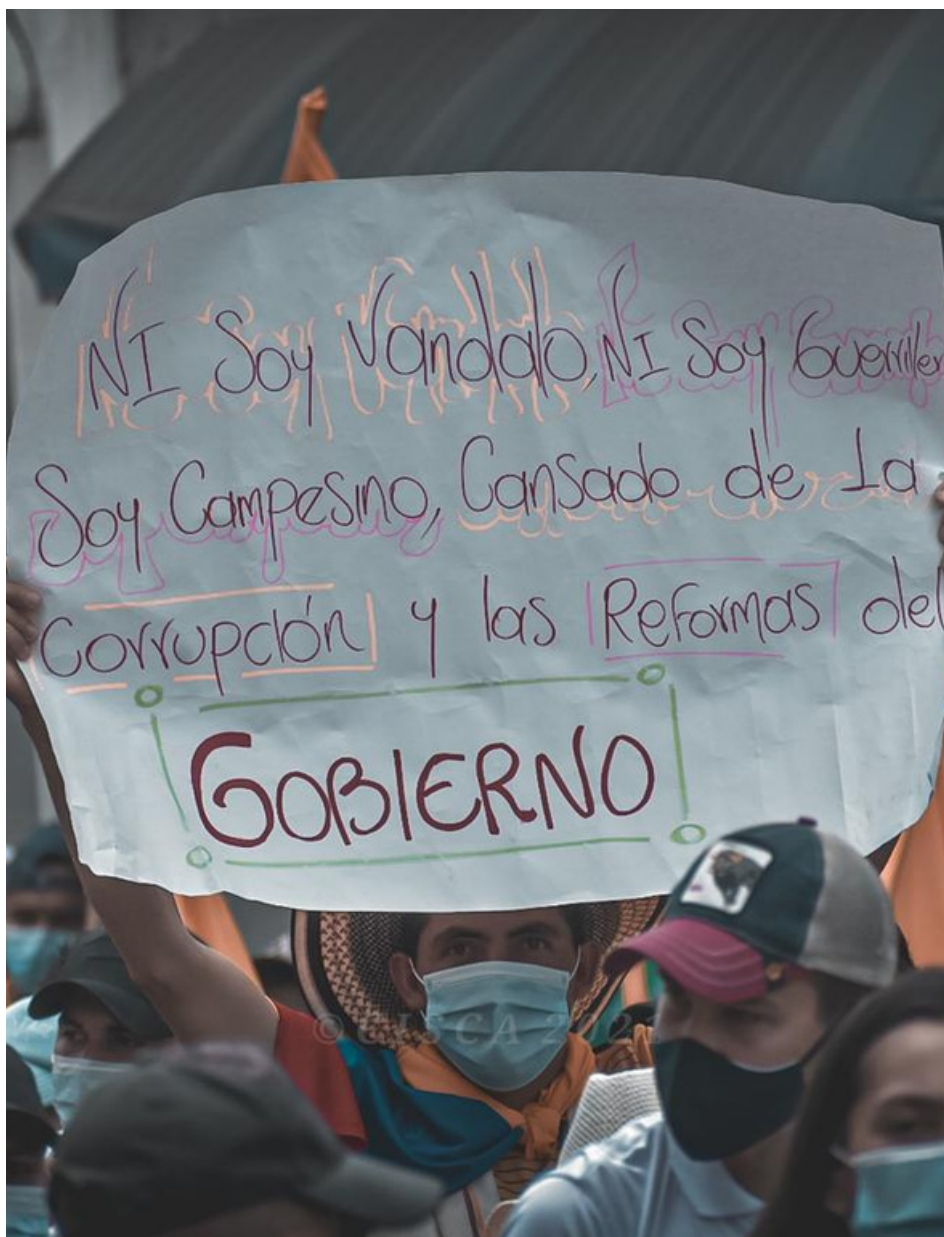
Based on the need to maintain public order, the government has not only justified the undue and excessive use of police force but has also tried to limit the exercise of social protest itself, which is clearly illegal given that international instruments have recognized that the right to social protest is in itself conflictive, although we must highlight that this quality cannot be used as an excuse for restraints.



To understand the situation of public disorder, the Court has defined it as "the conditions of security, tranquility and environmental health, necessary for coexistence and the enforcement of constitutional rights, under the protection of the principle of human dignity". If this reading were made from the social realities of the departments of La Guajira or Putumayo, or from the Pacific region, the alteration of public order would date back several decades as a result of state neglect, with no effective structural actions to date to guarantee the dignity of its inhabitants.

Finally, the limits related to the affectation of the rights of third parties, in what has to do with the burdens to be borne by persons who do not directly exercise the right to protest, the American Convention on Human Rights determines that the right to demonstrate involves another right of greater scope, the right to expression, which represents one of the first and most





important foundations of any democratic structure. Therefore, any possible collision between this and other values would give the right to public assembly and demonstration a greater abstract weight than others.

That is to say, if other people must bear certain public burdens and limitations to some rights, these are legitimate given the conflicting category of the right to protest. However, the limitations may not be

unjustified; that is, any collision of other rights with social protest must be analyzed case by case, since only the specific control can establish particular situations when the exercise of the right to assembly or protest can become null and void or affect such rights. The Convention recalls that if it is not possible to establish a real affectation, any doubt will be resolved in favor of the holders of the right to assembly.

# THE RECOMMENDATIONS OF THE IACHR AND THE PREVALENCE OF DEMOCRACY

The visit of the Inter-American Commission on Human Rights (IACHR) to Colombia in the context of the National Strike, and due to the high number of human rights violations, is of major importance for the country. Hence, the disproportionate and regrettable reaction of the government of Iván Duque, first, its refusal to the visit, and second, the ignoring of the Report and the 41 recommendations aimed at containing the abuses of the police forces in the context of the social protest that is currently taking place in the country.

Many interpretations can be made regarding this new episode between the national government and an international human rights organization, such as the IACHR. However, in this brief Newsletter, we will focus on only two aspects. On the one hand, the ignorance, contempt and arrogance of the government in the face of bodies that seek to enforce human rights instruments that the Colombian State itself has helped to build and is a signatory to, such as the American Convention on Human Rights. On the other hand, three very relevant aspects of the Communiqué of observations and recommendations presented by the IACHR after its working visit on June 8, 9 and 10, 2021 to the country, seeking to contribute with them to overcome the human rights crisis in Colombia.

## The *raison d'être* of the IACHR

As if it were an unimportant report from a random organization, the head of state, Iván Duque and the vice-president-chancellor, Martha Lucía Ramírez, scorned the outcome of the IACHR visit. They forget the pre-eminence of this OAS human rights body, created in 1959 to promote and protect human rights throughout the continent. They ignore that Colombia is a signatory of the instruments that govern it, among them the American Declaration of the Rights and Duties of Man (1948) and the American Convention on Human Rights (1969). They disregard the fact that one of the main functions and attributions of the IACHR is to make recommendations to the States to prevent human rights violations and to contribute to the transformation of structural situations that contribute to such violations. But they also omit that this body, along with the Inter-American Court of Human Rights, constitute the Inter-American System for the Protection of Human Rights and, although the recommendations are not binding, as they are complementary, they can become so later if some cases derived from the observed facts are processed and accepted by the Court.





The government also describes the Commission as biased and partial to the facts described, even though government and State officials were the first to be heard. In this way, they ignore the fact that the IACHR commissioners are independent experts and therefore have no reason to make an unbalanced reading of the Colombian context. Although the government had the pretension of guiding the visit according to its interests, it forgot that the IACHR is an autonomous body.

The document presented by the IACHR, made up of 184 findings and 41 recommendations, becomes a transcendental tool for the strengthening of the Social Rule of Law and democracy in the country, and although each of the recommendations is of high value for the defense and promotion of human rights, we highlight in this Newsletter, three central ideas.

### **Military Forces and National Police**

Recommendation number 14: "Separate the National Police and its ESMAD from the Ministry of Defense to guarantee a structure that consolidates and preserves security with a citizen and human rights approach, and avoids any possibility of military perspectives". Undoubtedly, separating the National Police from the Ministry of Defense is a central piece of advice to overcome the context of human rights violations by the police institution. It has been proven that the greater the militarization, the greater the violence, hence the importance of giving a civilian nature to the entity so that its mandate of contributing to preserving coexistence and citizen security prevails and is maintained within the human security approach as has been studied and proposed by the United Nations.

It would also be essential to take into account the ethnic peoples, who with their indigenous and Maroon guards support territorial control and coexistence through orientation and education rather than with firearms or the so-called "less lethal" artifacts. This goes hand in hand with the request not to use "military assistance" to manage protests and "guarantee that the maintenance of internal public order and citizen security is primarily reserved to civilian security forces", as stated in recommendation No. 28.

This is not a new recommendation either, the 2019 Report of the United Nations High Commissioner for Human Rights, had made progress in that sense when it urged the State to "restrict, to the greatest extent possible, and under international norms and standards, the use of the Army in situations related to citizen security, including social protest". Likewise, and in accordance with the need to strengthen the institutional capacity of the Police, it "recommends transferring the supervision of the police to the Ministry of the Interior", according to items f and g of the UN report.

### **Unrestricted respect for social protests**

The right to protest, with all that it implies: freedom of expression, peaceful assembly and political participation; but also, without stigmatization against protesters, especially the youth, indigenous peoples, Afro-descendants, women, LGBTI population and human rights defenders, is a major recommendation of the IACHR that the government should accept. Especially when there is a Colombian citizenry that will remain permanently mobilized, since today it only has this resource to demand its full freedoms, because the State entities called to



guarantee them were co-opted by the governing party, the Democratic Center. That is, there will be many more social mobilizations in the future.

To protect the right to protest, the Commission also extends observations to immediately stop the disproportionate use of police force and indicates that to control the development of the demonstrations, it should prioritize the care of the life and physical integrity of the demonstrators, refrain from arbitrarily detaining them and violate their rights, following international human rights standards. In the same sense, systematize impartially all information related to the victims, discriminated based on sexual diversity, ethnicity, gender and age, to repair them.

About this right, the IACHR advised the national government not to "refrain from prohibiting in a generalized manner and

a priori the roadblocks as a form of protest", concerning the blockades. Clarity regarding this form of protest is key insofar as the government focused its frontal attack on the mobilization and the National Strike Committee, with the argument that all blockades were terrorist and their promoters criminals.

The Commission also remarked the violations committed against protesters under the figure of "transfer of protection and disappearance of persons", which is contemplated in the National Code of Police and Citizen Coexistence, and which is supposed to be used to protect people in levels of unprotection and vulnerability, but that in the framework of the protests has been used to arbitrarily detain, torture, disappear, prevent contact with family members of the detainees and violate due process. Consequently, the Commission recommended "to take the necessary measures to restrict the use of the figure... to immediately release those who have been arbitrarily or unjustifiably detained and are still deprived of their liberty" and "to create a special commission to locate the whereabouts of the persons who are still reported as missing".

### **Close monitoring will continue**

As this is a working visit that does not simply consist of coming to Colombia for three days and delivering a report, but rather of continuing to insist on overcoming the human rights crisis, the IACHR decided to create a Special Follow-up Mechanism on Human Rights for Colombia, which will allow it, systematically, to observe more closely the development of the situation, its improvement or involution.





The Commission will certainly not be able to count on the collaboration of the national government for this work, however, Colombia has an organized society with the capacity to process information and transmit it to the Inter-American Human Rights System, which is undoubtedly a valuable source of information for the continuity of the observation of the situation.

Consequently, even if the government of Iván Duque does not accept the

recommendations of the IACHR and scorns them under the pretext that they are not binding, the Commission's mandate is to insist on the re-establishment of the materialization of human rights in Colombia and the rest of the countries of the continent, and this could be one more reason for the country to increase its monitoring and perhaps be included again in Chapter IV of the Annual Report of the IACHR, which is a discredit for the Colombian State.





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