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THE RISK OF DEFENDING

the Right to Protest





*The risk of defending freedom in the streets.
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Defending Freedom: Everyone's Business Campaign.*

THE RISK OF DEFENDING FREEDOM IN THE STREETS

Report on attacks on human rights defenders in Colombia since April 28, 2021
in the framework of the National Strike.

Public Version

Campaña Defender la Libertad: Asunto de Todas
Defending Freedom: Everybody's Business Campaign
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Below, we share the public version of the Report titled *“The risk of defending freedom in the streets - Report on aggressions against human rights defenders in Colombia since April 28, 2021 in the framework of the days of the National Strike from the Campaign Defending Freedom: Everybody's Business”*.¹

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¹ This report was formally submitted to the Office of the Special Rapporteur for Human Rights of the United Nations and to the Inter-American Commission on Human Rights (IACHR). Translation to English: Sammy Riley, ONG Traducciones E.U.



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1. Introduction

This report on attacks on human rights defenders during the National Strike, which began on April 28 in Colombia, was prepared by the Defending Freedom: Everyone's Business Campaign (CDLAT).

The Campaign is a network of social, student, cultural, community, feminist, environmental, communications and human rights organizations that work to verify compliance with guarantees for the exercising of the rights to freedom of expression, peaceful assembly, association and political participation in the context of public demonstrations, as well as to denounce arbitrary detentions, judicial persecution and the criminalization of social protest in Colombia.

CDLAT implements its work through the Civil Society Verification and Intervention Commissions (CVI), which as their name indicates, undertake actions involving verification and dialogue with the relevant authorities and collect information about violence and police abuse, arbitrary detentions, personal injuries and other aggressions in the context of social protests. Based on this field work, the Campaign registers cases, makes public denunciations, provides legal assistance, undertakes strategic litigation and implements advocacy actions with the objective of demanding guarantees for the satisfactory exercising of the right to social protest and other human rights in this context.

The work carried out by the CVIs is supported by internal government regulations at the national level, including Resolution 1190 of 2018 and Decree 003 of 2021 by the Ministry of the Interior, as well as District Decree 563 of 2015 in Bogotá and Decree 00223 of 2020 in Barranquilla. The CVIs are also covered by the right to defend human rights, which has been recognized in international instruments such as: the Universal Declaration on Human Rights Defenders adopted by the United Nations; the American Convention on Human Rights; and the International Covenant on Economic, Social and Cultural Rights. This has also been recognized internally in multiple rulings by the Colombian Constitutional Court² that have found that this is a fundamental right and therefore requires maximum protection and recognition by the State.

In this sense, the CVIs are tools used by civil society for the promotion and protection of human rights in different types of mobilization, involving accompaniment and monitoring of guarantees that the authorities must provide for the exercising of the right to social protest³. Both CDLAT and the human rights defenders who are members of the Campaign and/or different CVIs have positioned themselves as a national and territorial reference points for the exercising of the defense of human rights in this framework.

² See: Constitutional Court. Judgments T 1191 of 2004. MP Marco Gerardo Monroy Cabra; T 339 of 2010. MP Juan Carlos Henao Pérez; T 059 of 2012. MP Humberto Antonio Sierra Porto; T 473 of 2018. MP Alberto Rojas Ríos; T-399-18. MP Gloria Stella Ortiz Delgado, among others.

³ Fundación Comité de Solidaridad con Presos Políticos and Campaña Defender la Libertad es Asunto de Todas. (2019). Practical Guide: Defending the Right to Social Protest in Colombia.



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Specifically, the method used to collect the information contained in this document is based on the work carried out by the CVIs in the field, personally registering acts of aggression against social protests. The CVIs send this information to people who are responsible for processing, organizing and classifying it in a daily database that contains information about people who have been subject to arrests, prosecutions, personal injuries, gender-based violence (GBV) and forced disappearance. It also includes a specific registry for aggressions against human rights defenders. The databases are corroborated by checking these incidents with media reports, members of the CVIs, Unified Command Posts (State decision-making and interlocution space), witnesses and victims for the final verification of their content, acting as a method of denunciation.

In accordance with the above, and with the objective of observing targeted and intentional violence perpetrated by the security forces against human rights defenders in the context of social protest, this text will initially present a general context of the aggressions suffered by human rights defenders at the national level, followed by a specific analysis of what happens in some regions and areas. The report will share cases of targeted actions by the security forces against certain individuals, highlighting the risks faced by human rights defenders in social protest scenarios.

Second, the main human rights violations against human rights defenders in Colombia in the framework of the National Strike that began on April 28, 2021 will be presented in a preliminary and concise manner. These include: 1) Homicides; 2) Personal injuries; 3) Gender-based violence (GBV); 4) Stigmatization; 5) Judicialization and arbitrary detentions. Some representative cases of these aggressions in different territories of Colombia are reviewed in this section. These violations have occurred in cities including Bogotá D.C., Cali - Valle del Cauca, Popayán - Cauca, Pasto - Nariño, Barranquilla - Atlántico, Cundinamarca, Pereira - Risaralda, Bucaramanga - Santander, Medellín - Antioquia, Manizales - Caldas, Tunja - Boyacá, Ibagué - Tolima, Puerto Asís - Putumayo, Cúcuta - Norte de Santander and Villavicencio - Meta. The responsibility of different actors in the aggressions recorded is indicated. In all of these categories the primary actor perpetrating these acts is the Colombian State.

Finally, we will share some brief conclusions related to the different sections of this report, as well as a series of requests aimed at facilitating the work of international human rights law bodies and urging the Colombian State - once again - to respect the work of human rights defenders.

2. Context of aggressions against human rights defenders during the National Strike of April 28, 2021 in Colombia.

Within the framework of the mobilizations during the National Strike, and as part of the Campaign Defending Freedom: Everyone's Business, we have evidenced, collected and reported on the aggressions and violations of the human rights



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of human rights defenders, particularly those belonging to the civil society Verification and Intervention Commissions (CVI) who carry out their work in the field. As mentioned above, the objective of the CVIs is to ensure the promotion and protection of human rights in the context of the exercising of the right to social protest. Their work is supported by national and international regulations that recognize their existence, and is also reflected in the human and fundamental right to defend human rights, which requires respect and protection from the relevant authorities.

Despite this constitutional and legal recognition, Colombia is one of the most dangerous countries in the world for the defense of human rights. In 2021 alone, **66 human rights defenders have been killed**⁴ and more than 180 aggressions have been observed, including threats, attacks, prosecutions and even forced disappearances⁵. Added to these figures is the increase in aggressions that have been registered in the framework of the National Strike. The Defending Freedom: Everyone's Business Campaign⁶ has documented and systematized at least **250 aggressions against human rights defenders across the country**, of which 83 have been directed at women defenders, 81 against men and 86 reports do not identify the gender of the victim.

This occurrence of multiple violations - which is part of the aforementioned context of systematic aggressions against human rights defenders – evidences clearly directed actions by security forces, despite normative and jurisprudential support at national and international levels for the work carried out by human rights defenders in the framework of the CVIs. These violations evidence a clear objective of punishing human rights defenders in the context of social protests. This type of actions and objectives are part of the construction and maintenance of a national security doctrine based on the notion of an "internal enemy", which considers people who express dissatisfaction with the current political, social or economic state of affairs or who carry out activities to report human rights violations part of a group that is an enemy of public institutions or the State.

This notion has been extended to human rights organizations, as highlighted by the Inter-American Court of Human Rights (IACHR) and mentioned in a Joint Report by two United Nations Special Rapporteurs⁷. This has involved specific training of security forces, including the National Police, using a perspective that focuses on militarization and sees demonstrations as an act of armed conflict. Based on this perspective, those who exercise their right to social protest and defend the human rights of demonstrators must be subject to criminal sanctions and oppression.

⁴ INDEPAZ. Social leaders and human rights defenders killed in 2021. At: <http://www.indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/>

⁵ Somos Defensores Program. Quarterly report January-March 2021. At: <https://drive.google.com/file/d/1OCqeVcqkPBYdbNQQNf9XDBTLortDKjEa/view>

⁶ CDLAT. Newsletter. No. 18. At: <https://defenderlalibertad.com/boletin-informativo-18-paronacional/>

⁷ See: I/A Court H.R., Case of Isaza Uribe et al. v. Colombia. Case of Isaza Uribe et al. v. Colombia. Judgment of November 20, 2018. (Merits, Reparations and Costs). At: https://www.corteidh.or.cr/docs/casos/articulos/seriec_363_esp.pdf and Joint Report of the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye. E/CN.4/1995/111 of 16 January 1995. Available at: <http://www.hchr.org.co/documentoseinformes/documentos/html/informes/onu/rest/E-CN-4-1995-111.html> (cited in the aforementioned judgment).



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It is important to note that information about the normative recognition of the CVIs and their jurisprudential and international support in Colombia forms part of the human rights training that members of the security forces receive. This implies that these regulations should be recognized and applied by all public authorities, as members of the security forces and different public officials are aware of Decree 003 of 2021 and different territorial protocols for social protests. These regulations recognize the work of the CVIs and human rights defenders. In addition, the members of the CVIs and those who defend human rights are fully identified during social protests through uniforms that highlight their work. They introduce themselves to security forces at the start of protests and engage in permanent dialogue during the mobilizations. This means that their roles are recognized by members of the National Police who are fully aware of the work of human rights defenders and their legally recognized powers. Members of the security forces can easily identify these human rights defenders and how they carry out their work.

Despite this knowledge, or perhaps because of it, members of the National Police, including its Mobile Anti-Riot Squad (ESMAD), have committed direct acts of aggressions against human rights defenders who in most cases make statements that evidence the delegitimization of their work. This is a common pattern that accompanies the different types of aggressions and usually involve a member of the security forces making statements that reproach the work of the defenders, calling attention to their supposed "lack of impartiality" and seeking to change their monitoring actions that seek to uphold the guarantees of protection that the State must provide to demonstrators. Members of the security forces demand that human rights defenders dedicate themselves to defending the National Police and that they should accept violence committed by private individuals as part of the violence exercised by security forces.

In this sense, the attacks on human rights defenders are not an external issue or a side effect of the general actions of the security forces, but are acts consciously aimed at human rights defenders in a framework that sees their work as "incorrect", "inappropriate", "dangerous" and even "illegal". This is based on the idea that their work of verification and reporting is "destabilizing" or "discrediting" the National Police. This was an argument used by the Colombian Minister of Justice, Wilson Ruiz when referring to the reports of homicides committed by State agents in the framework of the National Strike, who stated that these were part of "a situation organized at the international level to discredit the country"⁸.

This public opinion expressed by high-ranking public officials acts as a background to the actions of the security forces who seek to minimize interventions by human rights defenders in the verification, recording and reporting of irregularities that occur in the context of social protests. The violence directed against human rights defenders is motivated by affecting their work of reporting these human rights violations, which is perceived as undesirable and pernicious. The aggressions committed against human rights defenders are explained as sanctions and corrections of this behavior, which differentiates them from the general aggressions committed against demonstrators. These acts against human rights defenders have a special objective, which is to intimidate and dissuade the exercising of the defense of human rights in order to achieve silence, reduce reports police abuses and reduce social oversight of the work of the police.

⁸ National Radio. "Deaths in the Strike have been due to fights": Wilson Ruiz. In: <https://www.radionacional.co/actualidad/muertes-en-paro-serian-por-rinas-minjusticia>



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Regarding violations of the human rights of human rights defenders during the current National Strike, Bogotá has the highest number with 118 reports, followed by the departments of Valle del Cauca with 22 cases, Cauca with 20, Antioquia with 20, Nariño with 15, Cundinamarca with 16, Atlántico with 10, Santander with 9 records and other departments with smaller number of reported cases including Boyacá 8, Caldas 4, Tolima 2, Putumayo 1, Norte Santander 1, Risaralda 1, Meta 1 and Casanare 1. It is important to clarify that these figures are not yet complete and it is highly probable that they will increase as the mobilizations continue.

These attacks are often accompanied by insults, unauthorized recording of faces, tracking by drones, harassment, threats of arrest and deprivation of liberty in different forms. Other repetitive acts committed by security forces include the withholding of personal identity documents from human rights defenders, taking unauthorized photographs of their identity documents and aggressive searches of their personal belongings. Cases have been identified of human rights defenders who have been injured as a result of the impact of tear gas, rubber bullets and/or stun bullets, which in most cases are fired directly at human rights defenders. There are also reports of cases in which members of the security forces have thrown rocks directly at human rights defenders.

In addition, unidentified armed individuals have made death threats and have even shot firearms at human rights defenders in territories such as Cundinamarca, Boyacá, Valle del Cauca⁹ and Bogotá. It is important to note that these individuals have apparently received implicit support from the security forces for their actions, as revealed by the videos that the Defend Freedom Campaign has received from different zones¹⁰, which evidence that their actions are carried out in the company of the National Police. There have also been recorded aggressions that we recognize as gender-based violence against women and that have involved physical aggression, obscene words alluding to threats of sexual violence and ignoring their roles as human rights defenders.

It has been observed that the highest number of abuses and human rights violations occur at night, as the difficulty to see clearly are taken advantage of by members of ESMAD who commit physical violence against human rights defenders to interrupt their work. Less lethal weapons are even used against human rights officials from the City Council of Bogotá. This occurred on April 28, 2021, when ESMAD agents shot a tear gas canister and directly wounded a human rights defender and used a stun bomb to injure the Human Rights Director of the City Council's Secretariat of Government¹¹.

⁹ "...one of the shots was aimed at the first van of the protection scheme of the Committee for Solidarity with Political Prisoners. The vehicles began to reverse and approximately 6 more shots were heard. After this event, verbal aggressions were made against Darnelly Rodríguez via telephone, member of the Francisco Isaías Cifuentes Human Rights Network on the cell phone number 3044990171, in which they began to receive WhatsApp video calls. One of them showed two men inside a house who began to laugh at the camera...". At: <http://www.comitedesolidaridad.com/es/content/denuncia-p%C3%BAblica-paro-nacional>

¹⁰ CDLAT. <https://twitter.com/defenderliberta/status/1398397730171543555?s=21> "People in civilian clothes shoot at protesters at Univalle, police protect and tolerate them. paramilitarism? @IvanDuque and @Diego_Molano , who are these people? will @FiscaliaCol announce investigations against police and paramilitaries?"

¹¹ EL ESPECTADOR. National Strike: public official from the City Council of Bogota was injured following an intervention by ESMAD. In: <https://www.elespectador.com/bogota/paro-nacional-funcionario-de-la-alcaldia-de-bogota-resultado-herido-tras-intervencion-del-esmad-article/>



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Also of concern are the aggressions committed at the Fray Damian Police Station in Cali by uniformed officers who insulted, beat, threatened and fired gunshots into the air and at the feet of human rights defenders who were part of a Verification Mission together with staff from the Ombudsman's Office, the Attorney General's Office, the Catholic Church and the Office of the United Nations High Commissioner for Human Rights¹². Also in Cali, an armored vehicle from the National Protection Unit (UNP) that is assigned to protect human rights defenders from the Committee for Solidarity with Political Prisoners Foundation (an organization benefiting from precautionary measures issued by the IACHR), which was transporting human rights defenders who were on their way to verify reports of excessive force used by police in a sector of the city, was hit by several shots fired by unknown persons¹³.

Threats against human rights defenders, journalists and citizens who seek to record the procedures and actions of members of security forces are also recurrent. The most common threat is that of being detained for carrying out human rights work. This has been made using the excuse that the defenders obstruct the work of police.

The different acts of stigmatization and accusations against human rights defender organizations by members of Congress and militants from the ruling political parties, as well as by high-ranking government officials, are concerning, as they have accused the organizations that report the use of excessive force by police of wanting to abolish the security forces¹⁴. In other cases, the press has reported intelligence sources that consider lawyers who intercede for captured persons are part of a fifth "operational line" for acts of violence by protesters, clearly criminalizing the provision of legal assistance and increasing risks for those who provide judicial representation to defend citizens that have been arbitrarily detained and/or prosecuted.¹⁵

Finally, we consider that the refusal by the Police, the Attorney General's Office and the Inspector General's Office to allow civil society organizations to verify the health and legal situation of the demonstrators in the Protection Transfer Centers, Police Stations and Detention Centers is a clear obstacle that impedes the defense of human rights. This is a clear failure to comply with the orders of the Supreme Court of Justice Ruling 7641-2020, which includes the establishment of a protocol for the verification of detentions by citizen organizations and United Nations agencies.

¹² EL TIEMPO. This is how the attack by police on a Humanitarian Commission in Cali occurred. In: <https://www.eltiempo.com/justicia/investigacion/como-fue-el-ataque-de-policias-a-comision-humanitaria-en-cali-585866>

¹³ OMCT. Colombia: Attacks on human rights defenders in the framework of the National Strike: <https://www.omct.org/es/recursos/llamamientos-urgentes/colombia-ataques-a-personas-defensoras-en-el-marco-del-paro-nacional>

¹⁴ El Espectador newspaper. Temblores ONG, the organization that has documented police violence in Colombia <https://www.elespectador.com/colombia/mas-regiones/temblores-ong-la-organizacion-que-ha-documentado-la-violencia-policial-en-colombia-article/>

¹⁵ El Tiempo newspaper. Deciphering the graffiti of vandals who vandalize cities. At: <https://www.eltiempo.com/unidad-investigativa/el-significado-de-los-grafitis-de-vandalos-que-destrozan-las-ciudades-590360>



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3. Identification of the most common attacks against human rights defenders in Colombia in the framework of the National Strike of April 28, 2021.

According to the CDLAT registry, it was identified that the five most common types of aggressions against human rights defenders¹⁶ are: 1) Homicide and use of lethal force, with 1 case; 2) Personal injuries against human rights defenders, 96 cases, of which 12 were committed with the use of firearms and 2 included death threats made by unidentified civilians; 3) Gender-based violence against human rights defenders, 18 cases; 4) Stigmatization against human rights defenders, 98 cases; 5) Arbitrary detentions and prosecutions against human rights defenders, 32 cases. Detailed descriptions of these aggressions are included below.

3.1. Homicide and use of lethal force against HRDs

¹⁶ See reports: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/colombia-ataques-a-personas-defensoras-en-el-marco-del-paro-nacional>; <https://www.amnesty.org/es/latest/news/2021/06/colombia-cidh-debe-escuchar-victimas-violaciones-derechos-humanos/>; <https://www.infobae.com/america/colombia/2021/05/28/defensores-de-derechos-humanos-piden-intervencion-de-la-oea-en-colombia/>; <https://news.un.org/es/story/2021/05/1491842>.



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As a consequence of the use of potentially lethal weapons by security forces to contain social protests, as well as the presence of armed civilians who presumably have the approval and protection of the security forces, there has been a general increase in the number of injuries to demonstrators caused by firearms and homicides, which has also affected human rights defenders. As mentioned above, one (1) human rights defender was murdered in Cali, Valle del Cauca and 12 were attacked with firearms, including 7 men, 3 women and 2 cases where it was not been possible to identify their gender. Attacks against HRDs with firearms occurred in Valle del Cauca (10 cases), Cauca (2 cases) and Cundinamarca (1 case).

A characteristic of the current National Strike, which has been mentioned previously, is the significant participation of armed civilians. Of the 241 cases registered, 13 were human rights defenders who have been attacked, injured and/or killed by armed civilians, while 5 cases have been the responsibility of security forces. The apparent complicity between civilian third parties and the armed forces to attack demonstrators, and specifically human rights defenders who are fully identified and exercising their role, is concerning. The omission of the capture of those responsible and corresponding actions by public authorities¹⁷ against these types of acts is particularly alarming. This may indicate the existence of complicity and support from public officials of criminal actions.

In this context, one of the representative cases of these aggressions is the human rights defender who was allegedly murdered by unidentified armed civilians on Friday, May 28, 2021¹⁸ in the Meléndez sector of the city of Cali, Valle del Cauca, during protests that were occurring on one of the most violent days in the city of Cali where 13 murders were recorded in a single night¹⁹. The human rights defender "was a member of the Inga indigenous people, a student of the University of Valle and a member of Cauca Rebel Youth. He was also notable for his work to defend the rights of indigenous communities, where he earned the attributes of guardian and healer who used the ancestral medicine from his territory and Putumayo"²⁰. This aggression occurred in the context of a generalized attack by armed third parties against the Indigenous Guard from the Regional Indigenous Council of Cauca (CRIC). They were attacked by people dressed in white who were traveling in vans²¹ and whose identity is unknown, making it impossible to identify those responsible for these events.

Similarly there is the case of the members of the Verification and Intervention Commission of the Valle del Cauca Section of the Committee in Solidarity with Political Prisoners. On April 30, 2021 in the city of Cali they were victims of gunshots while on their way to the site of the protests:

¹⁷ See: SEMANA MAGAZINE. Ten policemen who failed to capture armed civilians shooting alongside them in Cali in the middle of the strike are being investigated <https://www.semana.com/nacion/articulo/identifican-a-policias-que-omitieron-capturar-a-civiles-armados-que-disparaban-a-su-lado-en-cali-en-medio-del-paro/202151/>

¹⁸ See: <https://www.rcnradio.com/recomendado-del-editor/el-era-sebastian-jacanamejoy-el-joven-medico-tradicional-indigena-asesinado>

¹⁹ Ibid.

²⁰ See: <https://www.contagioradio.com/asesinan-a-sebastian-jacanamejoy-en-medio-de-las-manifestaciones-en-cali/>

²¹ See: <https://www.cric-colombia.org/porta/sobre-el-ataque-a-los-indigenas-en-cali-lo-que-vivi/>



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"...one of the bullets was shot at the first van of the security team for the Committee for Solidarity with Political Prisoners. Following this first shot, the vehicles stopped and began to reverse. Approximately 6 more shots were heard..."²²

Fortunately, no one was injured as a result of this aggression, but it is a clear sign of an upward trend of violations committed with firearms. It is important to emphasize once again that these aggressions have not occurred as just another one of the generalized aggressions against demonstrators, but have been attacks specifically directed against human rights defenders, as they are recognized by security forces and identified.

These intentional attacks have been verified in cases such as the one that occurred on May 3, 2021, in which a verification mission consisting of a delegate of the Office of the United Nations High Commissioner for Human Rights in Colombia, a delegate of the Ombudsman's Office, two delegates of the Attorney General's Office (Human Rights and Criminal delegates) were victims of harassment and threats from public officials, with phrases such as *"it hurts you, you are useless, you are useless, you do not defend our rights, you are useless, go away, you are useless"*, *"go away, go away, you are useless, you do not defend our rights, you are killing us, or is it that we have no rights?"* while they were verifying the situation of some detainees. Later, when the human rights defenders were leaving the verification site, several security agents shouted, *"this time we are going to kill you"* and began to shoot at them with their firearms. Then the ESMAD arrived and shot a stun gun at the feet of the human rights defenders and continued shooting in the air.

3.2. Personal injuries against human rights defenders

This conduct refers to the abuse of physical power committed by the National Police, including the ESMAD, which has caused physical, mental and emotional injuries to human rights defenders in a targeted and intentional manner against them. It is important to remember that the people who are members of the Commissions are easily identified by their uniforms and IDs and their work and scope is fully known to the security forces²³. A total of 96 cases of these types of aggressions have been recorded. It should also be noted that the territory with the highest number of personal injuries is Bogotá with 45 cases, followed by the departments of Valle de Cauca with 13, Cauca with 9, Cundinamarca with 9, Antioquia with 8, Santander with 4, Nariño with 3, Atlántico with 3 and Norte de Santander with 1.

The purpose of these aggressions is to prevent the verification of violations of rights through the use of unjustified and disproportionate force, avoiding that the human rights defenders make reports and demands in regard to the treatment of protestors by security agents. Specifically, police officers use their weapons, such as their shields and batons to beat and impede access to sites of detention and to limit audiovisual recordings. An example of this was what happened in Medellín, Antioquia on April 28, 2021, when a human rights defender who was carrying out her work was approached by a police officer, who snatched that cell phone that she was using to film a procedure and threw it into a canal.

²² See: <http://www.comitedesolidaridad.com/es/content/denuncia-p%C3%BAblica-paro-nacional>

²³ See case: <https://www.las2orillas.co/video-brutal-agresion-de-policias-a-defensor-de-derechos-humanos-en-soacha/>



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This also occurred in the events of April 29, 2021 during the demonstrations in the same city. In this scenario, the security forces prevented protestors from continuing along the planned route for the march, assaulted the marchers through the improper use of long-range weapons and the excessive use of force, aiming and shooting directly at their bodies. Security agents also made allegedly arbitrary detentions without permitting the identification of the detained persons by the CVI,. In this context, the security agents worked alongside civilians armed with sticks and rods to corner and attack human rights defenders and members of the press. They stole their cell phones, hit them with batons, electrocuted them with tasers and psychologically attacked them²⁴.

These practices are accompanied by verbal aggression aimed at disqualifying and stigmatizing their actions for allegedly hindering police work and for "inadequately" defending human rights according to the criteria of the National Police, which ignoring the regulations that support the CVI. An example of this are the arguments from police officers that audiovisual recordings interfere with police procedures, even though the National Police Code itself allows such these recordings.

It should be noted that in these situations there is a disproportionate number of security forces compared to the number of human rights defenders, with a ratio of more than 10 police officers for every human rights defender. This places them in a situation of increased vulnerability due to their exposure to highly trained agents who are armed with potentially lethal weapons. This leads to situations of risk that can result in the theft of cell phones, audiovisual recording devices and even written records, thus preventing the reporting of irregularities. This disproportionality also generates a scenario that makes it possible for police to push and beat human rights defenders, making it difficult to identify the agent responsible for the misuse of their equipment and weapons.

Among the common practices used by police that have been identified, it has been observed that there is intentional misuse of their weapons with the objective of causing more damage. An example of this is the improper use of the baton, which is used in reverse so that protests are hit with the handle, which causes more damage to the human rights defenders. There is also the indiscriminate use of stun grenades and firing of tear gas, rubber bullets or marker bullets directly at the bodies of human rights defenders when they have their backs turned or are recording information about the detained protestors. An example of this is the case of the human rights defender (*name withheld*), on April 28, 2021 in the municipality of Yumbo, Valle del Cauca, who had his belongings and vest stolen by the security forces and was physically assaulted. He was then treated in a hospital due to injuries that left him with cracked ribs.

In addition, the security forces repeatedly request institutional ID cards from members of the CVI. This has led to unjustified searches, retention of documents, review of mobile devices and even the removal and retention of the vests worn by these human rights defenders to identify themselves. This is allegedly aimed at disproving the status of human rights defenders, contrary to what has already been established at the international level, which stipulates that such these roles are not subject to membership in organizations, specific identifications or affiliations, but for the mere action

²⁴ See public complaint: <https://kavilando.org/lineas-kavilando/conflicto-social-y-paz/8430-denuncia-publica-vulneraciones-a-derechos-humanos-y-al-derecho-a-la-protesta-medellin>



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of defending human rights. This argument seeks to remove human rights defenders from the protests in order to restrict their verification work.

The frequency with which these cases occur has not just affected the human rights defenders who have been directly attacked, but has also created an environment that seeks to dissuade the exercising of the defense of human rights. The unjustified exercise of force has also had an emotional impact on human rights defenders as a whole. This has been noted in psychological effects such as loss of sleep quality, erratic eating habits and hyperactivity in scenarios where security forces are present due to the fear of an imminent risk of being victim of an aggression because of their work.

3.3. Gender-based violence against women human rights defenders

These behaviors refer to the abuse of patriarchal institutional power by the National Police that provoke gender-based violence (GBV) and sexual violence against women defenders of human rights or with differentiated gender and sexual identities. In the current context of demonstrations, it has become evident that the bodies of women and the LGTBIQ+ population have become the target of human rights violations committed by the security forces. This particularly includes women human rights defenders, who are more exposed to aggressions by the police and ESMAD due to their work involving verification, intervention and dialogue with security forces and government institutions.

Specifically, the GBV committed against women defenders represents a sanction against women and people with differentiated identities as a consequence of having distanced themselves from the traditional gender roles that have been historically assigned to them. For the security forces, a punishable act is that these identities have left the "private" scenario that constitutes their traditional role, and have decided to defend human rights in the "public" environment. This is evidenced in the differentiated treatment or "gender mark" that these aggressions have, which distinguishes them from the common violations committed by security forces.

Specifically, the GBV evidenced by the CDLAT committed against women human rights defenders has consisted of physical violence (beatings) accompanied by manifestations of a sexual nature, sexual aggression (inappropriate touching in the context of arrests), psychological violence including sexual harassment, harassment, threats against their safety and lives and the use of obscene language. This language emphasizes that women and LBGTQ+ population should not be doing this work and should stay in the "private" sphere of life, complying with the aforementioned gender roles, for example, staying at home, not being in the streets, not raising their voices and not questioning authority.

There have been aggressions recorded against 81 women human rights defenders and in 18 cases there is evidence of GBV occurring in the context of the work of accompanying demonstrators in the field by human rights defenders. These include 8 cases in Tunja, 6 in Medellín, 2 in Pasto, 1 in Cauca and 1 in Manizales, with the main perpetrator being the National Police and ESMAD. The most common aggression recorded has been threats against the



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psychological and moral integrity of women human rights defenders. It should be noted that the number of cases of GBV committed against women human rights defenders is probably higher, since it has not been easy for them to report these acts of GBV to organizations and different entities.

The case of a human rights defender from the city of Manizales, Caldas, who was attacked in the early morning of May 20, 2021, is representative. She and her colleagues from CVI were requested to identify themselves by ESMAD agents and fully complied with this request. Despite this, the agents detained them, kicked them, choked them and robbed them of their belongings. The defender was thrown to the ground by ESMAD, kicked, lifted by her hair and thrown to the ground again. While they carried out these physical aggressions they told her that she is a *"bitch"*, *"a motherfucker who accuses us of being rapists"*. One of the police officers even said that the human rights defender *"is hot"*²⁵ but that they are *"vandals"*. When asked if she was a human rights defender and she answered affirmatively, they reproached her, saying that she should not be on the street, but should be sleeping at home.

Another case that was reported occurred on Saturday, May 15, 2021 against a human rights defender in the city of Tunja, Boyacá. National Police officers inappropriately and sexually touched her and other human rights defenders' bodies. One of them tried to force her into the police station while they touched her breasts and told her in her ear *"I'm going to put it in deep, I'm going to take off your shorts, I'm going to run my tongue over you so that you know what sexual violence is"*. The following day, May 16, 2021, the human rights defender received 4 messages from a fake profile on the social network Facebook identified as "Juan José" that stated: *"You was very scared yesterday", "you looked so hot running around with that skirt, what you were looking for was for me to put my baton where you like it", "I hope I don't find you there alone and without a vest", "Don't forget that we rape and chop up guerrilla women like you"*²⁶.

It can be observed that the violence exercised against women defenders does not have the same characteristics as what is committed against their male counterparts, as physical violence against these women is accompanied by sexual touching, threats and manifestations of a sexual nature and the continuous demand that they *"stay at home"* or *"don't go out to the streets"* as a form of punishment or sanction against the defense of human rights by women. This is because their traditional gender role involves staying in the private sphere, *"at home"*, and not engaging in public activities and reporting violations of human rights.

3.4. Stigmatization of human rights defenders

The fourth most common conduct exercised against human rights defenders is *stigmatization*, which is one of the main and most recurrent conducts against their work and directly creates conditions that increase the probability of other patterns of aggressions occurring, which threaten the lives, integrity and freedom of human rights defenders. According to the Inter-American Commission on Human Rights (IACHR), the stigmatization of human rights defenders and organizations is an activity that seeks to delegitimize the work they carry out in society and also has the purpose of

²⁵ Expression that implies the sexualization of women's bodies.

²⁶ See complaints: <https://twitter.com/JuvRebBoyaca/status/1394312994994151425>



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marginalizing, isolating and increasing the vulnerability of defenders, heightening their risks against attacks. This stigmatization usually takes the form of describing human rights defenders as "terrorists", "enemies of the State", "criminals", "conspirators" and even associating them with actors in an armed conflict, which creates an adverse context for defense of human rights²⁷.

The IACHR has also indicated that declarations of this nature are not just intended to delegitimize the work of human rights defenders, generating an adverse context for the defense of rights, but also constitute the start of unfounded criminal actions and judicial proceedings against them. According to what has been reported, in some States the authorities promote the opening of criminal proceedings against human rights defenders for speaking out or denouncing irregularities²⁸.

Specifically, in the context of the 2021 National Strike, it has been observed that stigmatization, accusations and discriminatory actions are generally exercised by national and local civilian authorities and influential public figures with a high level of resonance in Colombian society, as well as police, soldiers and the mass media. These groups have continuously accused human rights defenders as being "accomplices of vandalism and terrorist actions", or of carrying out their work in an inadequate manner, with the purpose of stopping their work to defend the human rights of demonstrators.

This is evidenced, for example, in the statements made by the Twitter account of the Congresswoman of the Republic, María Fernanda Cabal, on May 29, 2021, in which she publishes a video of a human rights defender in front of a wall. The tweet from Cabal states "*Do human rights only apply when the security forces arrive to restore order? Look at the complicity of these human rights defenders yesterday in Cali with these vandals who destroy the city.*"²⁹ In the video there is no evidence of the commission of any crime or contravention, but what was said led to multiple attacks and strengthened the smear campaign against human rights defenders using the argument that they belong to groups of vandals, guerrillas, terrorists or criminals. Similarly, the Minister of Defense, Diego Molano, following a security council meeting in the department of Cauca, accused several human rights defenders in the department of being "ringleaders and having links with FARC dissidents"³⁰, putting their lives at serious risk and delegitimizing their work.

The idea of the alleged participation of human rights defenders in armed or terrorist groups has been repeatedly disseminated, with a specific focus on human rights defenders who provide legal representation to people who have been detained or captured illegally or arbitrarily. Intelligence reports from state entities that have been shared with the media state that this legal defense is part of a chain of "lines of defense" that seek the destabilization of the country through protests. This conjecture blurs the role of human rights defenders and ignores the principles of impartiality and independence for media organizations promoted by the CVI³¹. Similarly, journalist Néstor Morales, in an interview,

²⁷ IACHR. Criminalization of the work of human rights defenders. OEA/Ser.L/V/II.Doc. 49/15, 2016, para. 80.

²⁸ Ibid, para. 54.

²⁹ Taken from Twitter: <https://twitter.com/MariaFdaCabal/status/1398678606306480139?s=1006>

³⁰ See: <https://www.rcnradio.com/colombia/sur/rechazan-senalamientos-del-ministro-de-defensa-contra-lideres-del-cauca>

³¹ Retrieved from: <https://www.eltiempo.com/unidad-investigativa/el-significado-de-los-grafitis-de-vandalos-que-destrozan-las-ciudades-590360>



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pointed out that the Non-Governmental Organization (NGO) Temblores is an organization that "has a leftist bias" and that the figures they have published on the aggressions and violations of human rights in the context of the strike "are invented"³². In addition, journalist Salud Hernandez stated that the IACHR came to Colombia to "prove that the extreme left and the people organizing the blockades are right"³³.

These pronouncements by civilian authorities form the background that legitimizes the actions of security forces, which also name and stigmatize the work of human rights defenders. An example of this is the case of the human rights defender (*name withheld*), who was defending the human rights of protesters in the municipality of Piedecuesta, Santander. While the defender was recording a police procedure, one of the police officers began to repeatedly shout her name along with the word "vandal". This created a high-risk scenario while she was trying to verify the work of the officers. Similarly, in the department of Cauca, women human rights defenders (*names withheld*) were accused by uniformed members of the security forces of being *guerrillas* for carrying out their work of verifying that the human rights of demonstrators were respected in the context of social protest.

It has been observed that these types of declarations have increased the risk and vulnerability of human rights defenders in the context of social protests by not just delegitimizing their work, but also by justifying criminal actions and prosecutions against them, as well as violence committed by the security forces against them. It should be noted that the civil authorities and media that have made these statements have (i) a wide communicative reach with the public; (ii) a high chance of having their statements replicated and disseminated on social networks, radio and national television; and (iii) they are people who enjoy a certain credibility with the general public, which means that their opinion and messages against human rights defenders are appropriated by members of the public, generating manifestations of hatred and even threats, justifying the different types of aggressions that have been highlighted in this document, and on occasion even committed by civilian third parties.

3.5. Deprivation of liberty: arbitrary detentions and prosecutions against human rights defenders.

The fifth most recorded aggression corresponds to the *arbitrary detentions and prosecutions* by agents of the security forces against human rights defenders, which has particularly occurred in the form of temporary detention under police measures such as transfer for their own protection or prosecution for allegedly committing criminal acts. These forms of deprivation of liberty have particularly targeted women human rights defenders who undertake documentation, registration and questioning of the security agents as a way to punish or reproach their work, accusing it of being "biased", "hindering the proceedings" or, in accordance with what has been explained above, for not conforming to their criteria that deliberately seek to ignore the regulations that support the work of the CVI.

³² Retrieved from: <https://www.contagioradio.com/usted-necesita-un-curso-de-periodismo-temblores-ong-a-nestor-morales/>

³³ Retrieved from: <https://www.semana.com/nacion/articulo/a-que-vino-la-cidh-a-darle-la-razon-a-la-extrema-izquierda-a-los-del-paro-y-los-bloqueos-salud-hernandez-mora/202152/>



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During the 2021 National Strike at least 31 arrests of human rights defenders were reported: 7 in Pasto, Nariño; 7 in Bogotá, 6 Popayán, Cauca, 2 in Valle, 3 in Medellín, Antioquia, 2 in Soacha, Cundinamarca, 2 in Caldas, 1 in Piedecuesta, Santander, 1 in Cajamarca, Tolima and 1 unidentified case.

The majority of arbitrary detentions were transitory and used the figure of transfer for protection contemplated in article 155 of the Police Code, which is a police measure consisting of safeguarding people in two particular circumstances: 1) when a person is in a state of intoxication and needs protection and even accompaniment by the Police to their home; and 2) when a person is in a state of distress and needs protection; in both cases it is said that protection is given through detaining the person so that they are not a risk to themselves and/or to others. However, these transfers for protection were used illegally and violated the due legal process for citizens, since, in a clear abuse of power, the security forces have arbitrarily detained several women human rights defenders. Due to this situation, the figure is widely used by members of the National Police due to the absence of judicial control of this type of deprivation of liberty, which even resulted in that on many occasions these transfers were not even reported.

Despite the fact that according to the regulations for transfers for protection the detained person must be taken to a specific place with the presence of civilian authorities, during the National Strike the security forces are transferring people to places that are unsuitable and do not have the presence of civilian authorities. This makes the verification work by human rights defenders more difficult. The authorities also regularly exceed the time legally established for this type of deprivation of liberty and intentionally prevent communication with family members or lawyers. This is done by not providing information, stating that they are in another location or denying them the right to communicate. As a result, several hours go by without relatives or lawyers knowing the whereabouts of the detainees.

This was evidenced in the case of the detention of five (5) human rights defenders in the city of Pasto. They were detained under the figure of transfer for protection and taken to an unsuitable place such as a stadium, which is not designed to receive them.³⁴ There was no permanent presence of civil authorities such as the Ombudsman's Office or the Municipal Ombudsman's Office in the stadium. The same act occurred on May 12, 2021 in the department of Cauca against human rights defenders. After verifying the search of suspicious civilians in dialogue with members of ESMAD, they were approached by two agents of the National Police who prevented their work by claiming that they were not allowed to take photographs (contrary to national regulations). They then asked them to identify themselves and were told that "only if you work for the Public Prosecutor's Office or the UN can you defend human rights". Finally, several police officers took them into custody, even though they were fully identified and aware of the respective regulations, taking them to the Departmental Secretary of Education, where a member of the Human Rights Commission was intimidated and accused of defending terrorists and vandals and his work in defense of human rights was disregarded.

There was also an attempt to prosecute a human rights defender in the city of Santander for allegedly having assaulted three police officers. In the context of his detention, the defender was subjected to acts constituting torture by constantly threatening him with homicide and forcing him to incriminate himself. On the way to the police station, they passed a

³⁴Retrieved from: <https://www.eltiempo.com/colombia/otras-ciudades/polemica-por-jovenes-llevados-por-la-policia-a-coliseo-en-pasto-585197>



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bridge over a ravine where the captain told him *"if you want, I'll throw you off the bridge and leave you lying there, and then I'll say that you had an accident. You have to say that you hit me and three other policemen.* Also during his detention he was subjected to restraints after being handcuffed with his arms suspended in the air. Finally, the Prosecutor's Office evaluated the evidence received, which it assessed as insufficient, and determined that the arrest had been illegal.³⁵

4. Conclusions and requests to the Office of the Special Rapporteur for Human Rights Defenders of the United Nations and the Inter-American Commission on Human Rights IACHR

In Colombia the work of defending human rights implies a differentiated risk for those who exercise this role in a context of multiple homicides, threats and different attacks against life and personal safety. Unfortunately, the scenario of social protest is no exception to this trend. As has been observed throughout this document, people who defend the human rights of demonstrators in the context of the 2021 National Strike have been the target of multiple attacks aimed at intimidating and dissuading defenders from carrying out their work. This is not just another statistic, or the consequence of an indiscriminate action by security agents against the protests as a whole. It is an intentional action specifically aimed at punishing and stigmatizing the actions of human rights defenders by portraying them as "obstacles", "discredited" and seeking institutional "destabilization".

The different actions and cases reviewed in this document are examples of how even though the security forces are aware of a regulatory framework that endorses and protects the work of the CVI and the fully identified human rights defenders who are members of these commissions, police and other security agents intentionally commit these aggressions and consciously impede their work of registration and denunciation. The aggressions against defenders are not external factors or errors in police operations, nor do they occur within the framework of broader general aggressions. They are a deliberate action by the State that does not comply with the regulations established for the protection of human rights defenders. During the 2021 National Strike, CDLAT has observed an increase in actions by security forces that target human rights defenders, accompanied by an increase in actions by civil authorities that torpedo the exercising of the human right to defend rights.

The acts involving homicides, injuries, stigmatization, gender-based violence and deprivation of liberty seek to create an atmosphere of anxiety that deters people from carrying out the verification, denunciation and protection of human rights. These actions aim to impede the production of statistics and independent records that allow civil society to denounce aggressions and contrast official records and reports in order to demand accountability, impartial investigations and comprehensive responses by the State. The work of human rights defenders to verify and denounce irregularities and violations of rights that occur in the context of social protest is essential.

Based on the above, we respectfully **request** that the Special Rapporteur for Human Rights Defenders of the United Nations (UN):

³⁵ El Espectador. <https://www.elespectador.com/colombia/mas-regiones/me-tuvieron-12-horas-esposado-con-la-mano-en-alto-dejan-en-libertad-a-abogado-defensor-de-dd-hh-en-piedecuesta-article/>



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1. Makes a public statement and formal communication with the Colombian State urging it to recognize the work of human rights defenders in the framework of the National Strike. This action has the purpose of rectifying the stigmatizing statements made by public officials and complies with the regulations on prevention and protection of human rights defenders, especially those related to the exercising of the right to social protest. These actions will support the corresponding criminal and disciplinary investigations for the commission of alleged criminal conduct against human rights defenders.
2. Issue formal requests to the Colombian State to recognize the Verification and Intervention Commissions (CVIs) operated by civil society and comply with the current regulations that allow them to carry out the defense of human rights defenders through the use of visible IDs by different organizations and networks such as the Defend Freedom: Everyone's Business Campaign, taking into account Resolution 1190 of 2018 of the Ministry of the Interior and Decree 003 of 2021 of the Ministry of the Interior and Presidency of the Republic. These regulations state that only the wearing of a visible ID is required as a requirement to be a human rights defender, and they do not require certifications, cards, permits or others that are requested by security agents to allow the monitoring of protests, which has the goal of restricting the work of defending human rights defenders.
3. Request the Colombian State to allow a specialized visit on the situation of women human rights defenders, including demands for guarantees to allow women human rights defenders to carry out their work in the context of social protests.
4. Urge the Colombian State to fully comply with the rulings and judicial orders issued by different judicial entities regarding the regulation of the use of force and potentially lethal weapons by security forces in the context of social protests, especially the ruling 7641-2020 of the Supreme Court of Justice.
5. Make a statement reiterating that the Colombian State must comply with international norms regarding the investigation of human rights violations, urging it to not apply the military criminal justice system to these cases in the context of social protests due to the consequences this system has on victims' access to justice, truth and reparation.

Taking into account the report "*Human Rights Defenders and Social Leaders in Colombia*" published on December 6, 2019 by the IACHR,³⁶ **we respectfully request that** the Inter-American Commission on Human Rights - IACHR,

1. Reiterate the urgent call for the full implementation of the Final Peace Agreement, especially points 2.1 and 3.4, which contain systems and programs for the protection of human rights defenders, as well as the points related to the respect and protection of the exercising of the right to social protest.

³⁶ See: <https://www.oas.org/es/cidh/informes/pdfs/DefensoresColombia.pdf>



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2. Urge the Colombian State to immediately and periodically convene forums for dialogue with civil society on guarantees for human rights defenders such as the National Roundtable, territorial roundtables on Guarantees and the National Commission on Security Guarantees. In addition, the Colombian State should regularly convene the National Roundtable for the Evaluation of Guarantees for Public Demonstrations, in accordance with Decree 003 of 2021.
3. Call on the Colombian State to initiate the corresponding disciplinary and criminal investigations for the alleged commission of irregular actions and criminal conduct against human rights defenders committed by members of the security forces, and that these investigations should be carried out by the ordinary justice system and not by the military criminal justice system on the understanding that these violations are not part of their roles as security agents.
4. Urge the Colombian State to carry out a structural and comprehensive reform of the National Police and the Armed Forces that includes the recommendations and participation of civil society organizations and contemplates overcoming the idea of national security based on the vision of an "internal enemy", a clear separation of the role of the Police and the Armed Forces, a transformation of the sanctions system for security forces and ensure mechanisms of accountability and oversight by civilian authorities and civil society.
5. Urge the Colombian State to suspend the use of kinetic impact projectiles and the Venom stun grenade until an independent review is conducted on the risk of these weapons, the protocols in place for their use and the training that police officers have received to use them. An exhaustive review of the protocols, practices and equipment of the National Police should be carried out in an independent manner and with the participation of civil society.

We are grateful to the following organizations that have worked as human rights defenders in the streets to defend the right to social protest and who contributed confidential information to this report: Red de Derechos Humanos del Suroccidente Colombiano Francisco Isaías Cifuentes, Movimiento Nacional de Víctimas de Crímenes de Estado MOVICE, Comité de Derechos Humanos de la Universidad de Nariño, Comité de Solidaridad con Presos Políticos, Juventud Comunista, Juventud Rebelde, Campaña VIDA de Soacha, Fundación de Derechos Humanos PASOS, Congreso de los Pueblos, Comité de Derechos Humanos Jesús María Valle Jaramillo, Comisión Intereclesial de Justicia y Paz, Ciudad en Movimiento, Comité Universitario de Derechos Humanos del área metropolitana de Bucaramanga, Sindicato Nacional de Trabajadores y Empleados de Empresas de Servicios Públicos Autónomos e Institutos Descentralizados Subdirectiva Pereira, Fundación de Defensores de la Dignidad de los Pueblos BAKIA, Colectivo Tierra de Todos Manizales, Comité de Derechos Humanos Alfredo Correa de Andrés, Corporación Para la Educación y Autogestión Ciudadana, Corporación Colectivo de Abogados Suyana, Comité Permanente por la Defensa de los Derechos Humanos, Coordinación Colombia Europa Estados Unidos, Programa Social de Garantías Antioquia, Red de Derechos Humanos del Putumayo - Baja Bota Cauca, Cofanía Jardines de Sucumbíos de Ipiales, Nariño, Marcha Patriótica, COSPACC, Trochando sin Fronteras, Colectivo de Abogados José Alvear Restrepo, Juntanza Techotiba, Observatorio de Derechos Humanos Klaus Zapata, Red Contra el Abuso de Autoridad, Red Universitaria



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