



14 May 2021

Senator the Hon. Marise Payne
Minister for Foreign Affairs
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Dear Minister Payne

RE: CRACKDOWN ON HUMAN RIGHTS DURING DEMONSTRATIONS IN COLOMBIA

I am writing to ask you to urge the Colombian authorities to end its crackdown on human rights during anti-tax reform demonstrations. Colombian authorities must end the repression of demonstrations, cease the militarization of cities and ensure that respect for and guarantee of human rights are at the center of any public policy proposal, including tax reforms.

The alleged use of excessive and unnecessary use of force against demonstrators has resulted in dozens of people being killed and injured, arbitrary detentions, acts of torture and sexual violence, and reports of people disappearing.

Background of human rights crackdown

Since 28 April, there have been demonstrations, mostly peaceful, in different parts of the country in response to the tax reform bill presented by President Iván Duque, which have often been violently repressed. On 1 May, the president announced a military presence in “urban centers where there is a high risk to the integrity of citizens”, and stated: “I want to issue a clear warning to those who, through violence, vandalism and terrorism, seek to intimidate society and think that by this mechanism they will break the institutions”.

As of 6 May, NGOs have reported the violent death of 37 people, 1,708 cases of abusive use of force, 26 victims of eye injuries, 234 victims of physical violence and 934 arbitrary detentions against demonstrators. It also denounced that 11 people were victims of sexual violence. For its part, the Ombudsman’s Office of Colombia sent out an alert about 87 people reported missing during the demonstrations, although this figure is due to be updated. As of 4 May, the Working Group on Forced Disappearances, formed by victims’ organizations, documented 135 reports of possible forced disappearances. At least 28 of these persons have since been located.

Through analysis and verification of audiovisual images, Amnesty International has confirmed that Colombian police have used lethal weaponry in several incidents, as well as indiscriminate use of less lethal weapons such as tear gas, water cannons and other materials against demonstrators in several parts of the country. For example, the use of the Galil Tavorn rifle was identified in Cali during the repression of demonstrations on 30 April, as were police pointing semi-automatic

weapons directly at unarmed demonstrators on 2 May in Popayán. In another incident, on 1 May in Bogotá, an armored vehicle was seen firing live ammunition. All such weaponry is prohibited for the dispersal of protests under international standards.

Sexual violence against protesters

We are very concerned about reports of the use of sexual violence against demonstrators. For example, a woman demonstrating in Cali on 30 April reported on social networks that she was sexually abused by Mobile Anti-Disturbance Squadron (ESMAD) agents. During a confrontation, several agents fired gas to disperse the protesters and although she had her arms raised in a peaceful manner, ESMAD agents separated the women from the men and one agent sexually abused her in front of his companions.

We share the outrage of all those who have been victims of gender-based violence in the context of the protests in Colombia. Iván Duque, as commander in chief of the security forces, must speak out about these events. Silence leaves only a veil of impunity and complicity. We have received several complaints of sexual abuse by ESMAD agents and we strongly condemn the use of force against women's bodies as a form of punishment.

Violence against Indigenous peoples

Amnesty International is concerned about reports of violent attacks against the Indigenous Minga collective in Cali, which left several members of the Regional Indigenous Council of Cauca (CRIC) injured.

Historically, Indigenous and Afro-descendant people have suffered disproportionately from the consequences of violence, the armed conflict and the lack of state protection. It's unacceptable that the authorities have not immediately heeded the urgent calls on them to prevent armed violence; on the contrary, several authorities, including the National Police have issued stigmatizing statements about the Indigenous Minga and those peacefully demonstrating in Cali.

Besides the excessive repression, there has also been constant stigmatization of those who demonstrate, which incites and justifies the violent response against them. The Indigenous Minga fears for the lives of its members, including those who are hospitalized.

Inter-American Commission on Human Rights must be allowed to investigate

Amnesty International considers that the human rights violations and crimes under international law committed by the security forces are not isolated or sporadic events but fit a consistent pattern in the *modus operandi* and the kinds of violations committed across the country.

The Inter-American Court of Human Rights has established that states that are party to the American Convention on Human Rights, such as Colombia, must "restrict to the maximum extent the use of armed forces to control domestic disturbances, since they are trained to fight against enemies and not to protect and control civilians, a task that is typical of police forces". Likewise, the Court has established that the exceptional participation of the armed forces in these tasks should be extraordinary, subordinate and complementary, regulated, through legal mechanisms and protocols on the use of force, under the principles of exceptionality, proportionality and absolute necessity and in accordance with the respective training in the matter and audited by competent, independent and technically capable civilian bodies.

Amnesty International has signed a global petition along with 650 civil society organizations demanding a thorough investigation into human rights violations in the context of the repression,

and calling on the Inter-American Commission on Human Rights to request the Colombian state's consent to visit the country and install an independent body of experts to assist in the investigation of the events and ensure justice for the victims.

Australia has had strong diplomatic relations with Colombia since 1976, and Colombia is a founding member of the Pacific Alliance and the Forum for East-Asia Latin America Cooperation. These are opportunities to pressure Colombia into acting on this important matter.

Amnesty International urges you to:

- In light of the withdrawal of the tax reform bill and the announcement of a new one, call on the Colombian government to ensure that any public tax policy it adopts is designed and implemented in line with Colombia's international human rights obligations. This means ensuring that measures are temporary, reasonable and proportionate, that less restrictive alternative measures have been exhausted, and that the genuine participation of the individuals and groups involved is guaranteed. The government should urgently undertake a human rights impact assessment of these measures to ensure that they are non-discriminatory and that they respect, in particular, the rights of historically marginalized groups, and take into account the context of the COVID-19 pandemic and its differential impact.
- In light of the announcement of more demonstrations, call on the authorities to guarantee the Colombian people's right to peaceful protest, and remind President Iván Duque that deploying the armed forces to control demonstrations only increases the risk of further human rights violations and crimes under international law.
- Call urgently on Duque's government to stop the repression and the stigmatization of protest, and to guarantee and protect all the human rights of the Indigenous and Afro-descendant people participating in the National Strike.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,

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