

# NEWSLETTER #52: HUMAN RIGHTS IN THE CONTEXT OF THE NATIONAL STRIKE 2021

April 28 to September 10 – Last Update: 23:59

Expedition Time: 18:00 Approx. September 17, 2021

\* (Figures subject to variation due to permanent updating of information)



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## HUMAN RIGHTS



### RIGHT TO PEACEFUL ASSEMBLY

- 8.705 rallies
- 2.675 marches
- 737 mobilizations
- 52 assemblies
- in 860 municipalities,
- in 32 departments

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am



### RIGHT TO LIFE

#### 57 reports of people deceased

- 29 cases related to manifestations
  - ◆ 6 Cases clarified
- 23 have no nexus to manifestations
- 5 in the process of verification

-Source: Office of the Attorney General of the Nation. cut-off date: 20/ Ago. Information Received: Ago 27, 2021 - 12 pm

- 3 Uniformed Persons Deceased

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am

- 2 newborns died in an ambulance due to road blockages and risk to the mother.



### RIGHT TO HUMANE TREATMENT

- 1,140 Civilians injured.
- 1,754 Uniformed Persons injured.
- 1 Uniformed Person remain in the hospital.

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am

- 113 facts identified by the Ombudsman's Office for gender-based violence (against women and people with diverse sexual orientations and gender identities)



### RIGHT TO FREEDOM

- Regarding 66 people, the urgent search mechanism remains active.

-Source: Office of the Attorney General of the Nation. cut-off date: 20/ Ago. Information Received: Ago 27, 2021 – 12 pm

- 17,074 transfers for protection, but only 531 related to demonstrations.

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am

- 12 Uniformed Persons Kidnapped and Retained (Valle del Cauca) (Article 168 Penal Code)

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am



### RIGHT TO A FAIR TRIAL

#### 231 Investigations for alleged disciplinary misconduct in the National Police of Colombia

- 110 for abuse of authority
- 45 for physical aggression
- 16 for homicide
- 25 for personal injury
- 3 sexual harassment
- 32 for other conducts

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am

- 34 investigations in Military Criminal Justice.

- 498 cases of wounded civilians in demonstrations prioritized.
- 429 criminal news opened for alleged abuse of authority and personal injury.

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am

- 201 disciplinary investigations in Procurator General's Office

-Source: Office of the Procurator General's Office. Balance National Strike 2021. June 16, 2021 - Received: 19-June-2021, 10:44 am



### RIGHT TO HEALTH

(Source: National Institute of Health. Report 10-09-2021 17:00)

- Covid-19 situation
- 22,424 Active Cases
  - 1,772 New Confirmed Cases
  - 49 New Deaths Reported distributed as follows:
    - 86 Ago, 4 Apr, 1 Mar, 2 Jan
- Intensive Care Unit (SISPRO Update):
- 1,297 occupied
  - 5,389 available



### RIGHT TO FOOD

- For preschool, elementary and middle school children: The blockades have impacted more than 3.5 million children in the school feeding program

-Source: Minister of Education María Victoria Angulo - Plenary Session of the House of Representatives - National Contingency May 12, 2021.

## AFFECTIONS TO THE RIGHT TO PROPERTY (A property that has been destroyed or incinerated is considered to be affected).

### 2.049 PRIVATE GOODS



- 491 Commercial establishments
- 463 Bank branches affected
- 445 ATMs
- 318 Ambulances and emergency vehicles
  - 125 Private motorcycles
  - 111 Private vehicles
- 92 Service stations
- 04 Religious institutions
- 01 Hotel
- 01 Radio Station
- 01 Private Educational Institute

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23:59) - Received: Sep 10, 2021 – 9:00 am

### 2.492 PUBLIC GOODS



- 1,416 Public transportation vehicles
- 277 Public transportation stations
- 179 Government infrastructure
- 188 Traffic lights
- 171 Security cameras
- 142 traffic signs
- 59 Photo ticket cameras
- 30 Cultural goods
- 28 Toll booths affected
- 04 Weighing scales
- 01 Critical infrastructure (Bridge)

### 787 POLICE PROPERTY



- 619 Institutional Vehicles
- 130 CAI
- 16 Stations
- 04 Sub Stations
- 03 Police Districts
- 02 PONAL offices
- 02 Specialty Buildings
- 01 Police Command
- 01 Control Posts
- 01 School of Criminal Investigation
- 01 School for children of policemen
- 01 Health Dispensary
- 01 fiscal house (Police)
- 02 Stolen guns



## HUMAN RIGHTS AFFECTED BY BLOCKADES (3,603 blockades) AND THOSE WHO DO NOT PARTICIPATE IN THE SOCIAL PROTESTS

### 1 RIGHT TO LIFE

- ❖ Death of patients for not allowing ambulances to pass.
- ❖ The blockades have generated confrontations that have resulted in attempts on the lives of several people.

### 2 RIGHT TO FOOD

- ❖ Negative effects on food production, distribution and sales.
- ❖ Shortages in supermarkets.
- ❖ Price increases.
- ❖ Need to dispose of food due to transportation and supply problems.

### 3 RIGHT TO HEALTH

- ❖ Shortage of medical supplies.
- ❖ Ambulances have not been allowed to pass.
- ❖ Difficult mobilization to health care centers puts the lives of patients at risk (especially cancer and renal failure patients).

### 4 RIGHT TO MOBILITY

- ❖ Vehicles are not allowed to pass freely within the city; illegal tolls are being imposed.
- ❖ Vehicles are not allowed to pass freely between municipalities and departments.
- ❖ Public transportation vehicles are vandalized and exclusive roads for their mobility are blocked.
- ❖ Transportation supplies are not allowed to enter.
- ❖ People are having difficulties returning to their homes.

### 5 RIGHT TO ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT

- ❖ The blockades generate that several economic sectors are extremely affected to continue developing.
- ❖ In addition to the social and economic crisis caused by the Covid-19 pandemic, there are serious effects of the national strike.
- ❖ Acts of vandalism, damage to the public transportation system, violent confrontations and road blockades have deeply affected our society and the productive sector.

### 6 RIGHT TO WORK

- ❖ People are finding it difficult to reach their workplaces.
- ❖ Due to the high economic losses in several sectors, layoffs and company closures have had to be made.

### 7 RIGHTS TO HOUSING, WATER AND SANITATION (Relationship with Public Services)

Last Information Received: June 5,  
2021

- ❖ Alerts remain of shortages of chemical supplies for the treatment and purification of water, added to concern about materials for repair and maintenance works due to the effects that suppliers are suffering.
- ❖ Suspension and / or delays in maintenance, reconnection and travel of crews, due to difficulty in movement and lack of fuel, added to fear on the part of the operators.
- ❖ Difficulties persist for the mobilization of waste and deposit in sanitary landfills.
- ❖ Solid waste continues in homes and public spaces without collecting due to the impact on free movement (Health Risk - Sanitary and Environmental Emergency)
- ❖ Affecting the mobility of trucks that provide transportation of natural gas, with which services are provided to municipalities, as well as vehicles that provide inputs and waste collectors.
- ❖ The effects on the LPG gas supply persist (cylinders and networks)
- ❖ Public Service Companies have had to activate contingency plans.

The economic cost of a day of demonstrations is \$ **484.000** millions.

About \$ 6.2 billion since the start of the protests.

#### Sectors most affected:

**Trade** \$ 123 billion  
**Transportation:** \$ 53 billion  
**Accommodation:** \$ 41 billion.  
**Agro:** \$ 26 billion  
**Manufacturing:** \$ 41 billion  
**Construction (Housing and public works):** \$ 26 billion

The devaluation and the increase in the rates at which they lend to the country would increase the public debt by \$ 1.28 trillion this year.

-8.2 million transfers to the poorest households.  
- 3.5 million payroll subsidies.

Since the strike began, the exchange rate has increased by \$ 135.5 pesos on average, and the rates of the 5 and 9-year TES increased 78 and 48 basis points respectively.

#### Sectors at risk:

**Hass avocado:** \$ 15 billion  
**Panela:** \$ 1.3 billion  
**Rice:** 350 thousand hectares  
**Banana:** US \$ 2,692  
**Coffee:** \$ 65 million  
**Fish:** \$ 32 billion and US \$ 90 million in exports.

Source: Minhacienda

The production of 1.5 million barrels of crude oil and 2,700 million cubic feet of gas has been prevented.

Source: MinMinas y Energía

The Ombudsman's Office sent the IACHR a Report with 174 affectations suffered by people non-participants in the demonstrations delivered by the Movement of Victims of the Unemployment.

Among the rights affected are: freedom of movement (30%), health (22%), work (22%), integrity personal (7%), vital minimum (6%), food security (4%), life (3%) and private property (2%), among others.

The above, revalidates the analysis carried out by the Ministry Presidential for Human Rights.

Source: Ombudsman's Office. Press release 73 of 2021. Published: Jun 24, 2021.

## II. RELATIONSHIP BETWEEN RIGHTS AND DUTIES:



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### RELATIONSHIP BETWEEN RIGHTS AND DUTIES

"The rights of each person are limited by the rights of others, by the security of all and by the just demands of the general welfare, in a democratic society." Art. 32 of the American Convention on Human Rights.

**499.814** corrective measures for violations of the National Code of Coexistence and Citizen Security, Law 1801 of 2016. Among them, the following stand out:



**116.876**

For non-compliance, disrespect and lack of knowledge of police orders.

**184.075**

For bearing arms, Sharp, pointed or similar elements.

**25.117**

For fighting, inciting or incurring in violent confrontations that may lead to aggression.

**21.046**

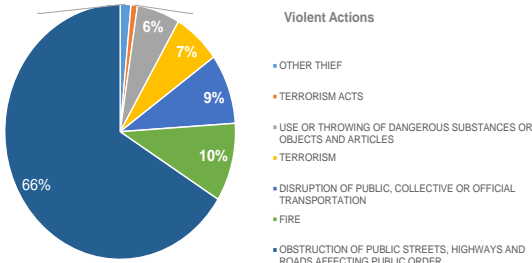
For evading the payment of a fare, validation ticket for public transportation services.

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 – Latest Update at 23.59) - Received: Sep 10, 2021 – 9:00 am

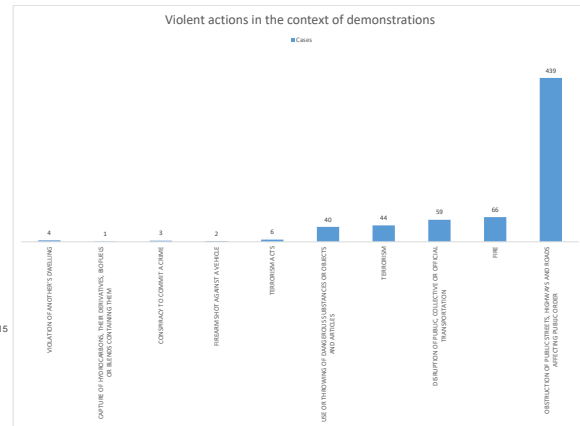
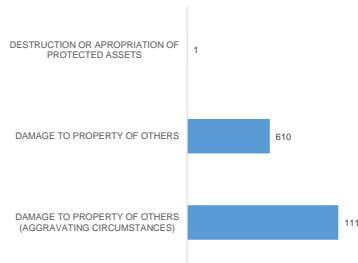


### CRIMES AND NUMBER OF CASES RELATED TO SOCIAL CONTINGENCY PERIOD FROM APRIL 28 TO SEPTEMBER 8, 2021

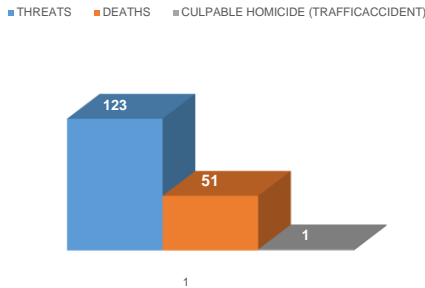
Source: Directorate of Criminal Investigation and Interpol. Crime Information Group. Received: September 13, 2021



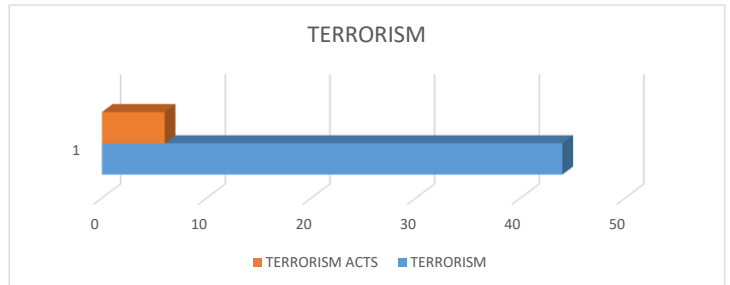
#### Damage to Property of others



#### Deaths and threats

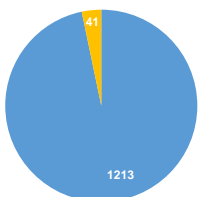


#### TERRORISM

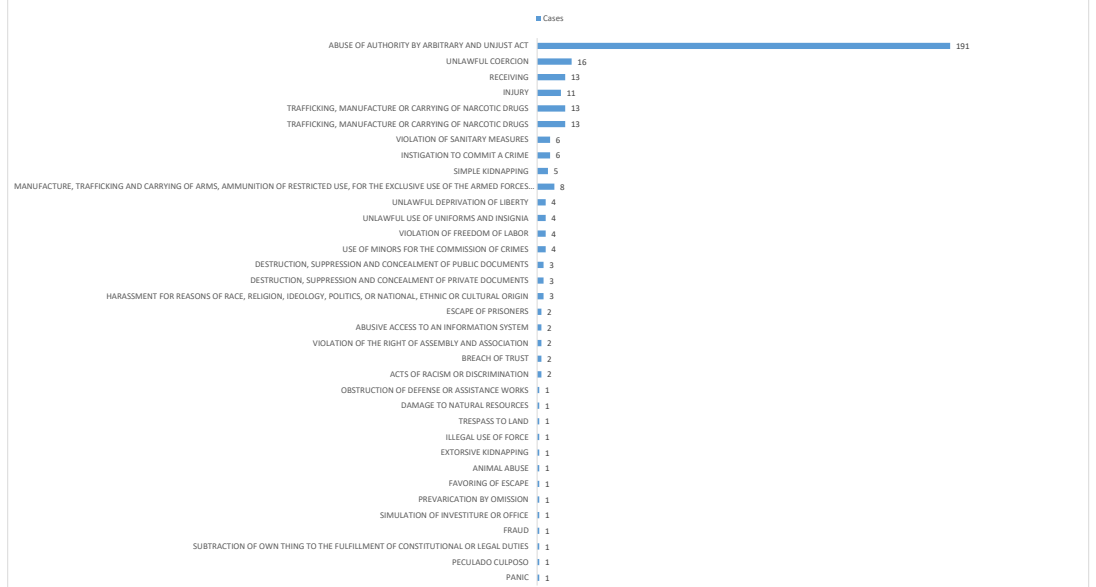


#### Violence and Uprisings

■ VIOLENCE AGAINST PUBLIC SERVANTS ■ UPRISINGS



#### Other crimes



### III. Actions by the Colombian government



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#### OFFICE OF THE ATTORNEY GENERAL OF THE NATION

(Source: Office of the Attorney General of the Nation. Main Results Judicial PMU. May 17, 2021 - Received: 17-May-2021, 7pm) & -Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 - Latest Update at 23.59) - Received: Sep 10, 2021 - 9:00 am

The Attorney General's Office has carried out a total of\*:

224

Allegations



80

Arrest warrants



643

Crime News Releases



The Attorney General's Office in the context of the protest has created: **7 lines of investigative work** and has delegated a team of more than 3,000 people throughout the territory, including prosecutors, judicial police, analysts).

#### FUNCTIONS OF THE WORK TEAMS

Source: Attorney General's Office. Balance Sheet - National Strike 2021 (April 28 to May 9, 2021 - Latest Update May 9, 2021 at 23.59) - Received: May 10, 2021.

1. Clarify homicides that occur during the demonstrations.
2. To advance investigations for situations of violence that generate looting, vandalism, destruction of public and private property.
3. Collect information on cases of personal injury and/or abuse of public forces.
4. Collect information on investigations of injuries or violence against public servants.
5. Urban terrorism
6. Activation of the Urgent Search Mechanism, Law 971 of 2005, within the framework of an inter-institutional roundtable created together with the Ombudsman's Office.
7. Delegate who investigates criminal finances and pursues the sums of money of those who support and finance urban terrorism. With regard to the extinction of ownership).

Source: Office of the Procurator General's Office. Balance National 2021. June 24, 2021 - Received: 16-July-2021, 12:15pm

#### Procurator General's Office

- **217 disciplinary actions** for facts related to social demonstration activities, as follows: 12 disciplinary investigations and 189 preliminary inquiries.
  - 188 files against members of the Public Forces:
    - 4 disciplinary investigations and 168 preliminary inquiries.
    - 184 in provincial and regional and 22 by preferential power.
  - 21 actions against popularly elected public officials: 3 Congressmen, 1 Governor, 9 Mayors and 6 Councilors.
  - 8 files against other public officials: 7 preliminary inquiries and 2 disciplinary investigation.
  - **743 processing complaints.**
  - **Accompaniment Work: 8.218** (5,662 Monitoring, 611 unified command assistance, 502 tables for dialogue and spaces for consultation with civil society, 207 participation in security councils, 1,236 accompaniment to marches, rallies and / or mobilizations).

#### DIALOGUE

6 fundamental topics of dialogue: 1) Accelerate the mass vaccination process, 2) Safe reactivation and social development, 3) The peaceful expression of civil society proposals, 4) Protection of the most vulnerable, 5) Stabilization of the public finances, and 6) Equity programs such as zero enrollment in universities or solidarity income.

#### 18 Meetings to Listen to Us and Advance on the Fundamentals led by the President of the Republic between May 5 and 17 as follows:

- 3 - National Strike Committee
- 2 - Victims
  - 1 - State Institutions
  - 1 - High Courts
- 1 - National Confederation of Communal Action
- 1 Former Mayors - Former Finance Ministers
- 1 - Media
- 1 - Coalition of Hope
- 1 - Asocapitales
- 1 - Youth
- 1 - Governors
- 1 - Religious Community
- 1 - Health
- 1 - Opinion Leaders and Entrepreneurs
- 1 - PDET Mayors

#### Regional Dialogues: (Data as of July 27)

- 18 installations of regional dialogues by Ministers and Presidential Councilors.
- 372 regional conferences.
- More than 9.200 participants
- Presence in 26 Departments and 56 municipalities.

#### Colombia Pact with youth (Data as of July 18)

- ★ 380 spaces for dialogue
- ★ 11073 young participants

**Fifteen (15) exploratory tables between the National Strike Committee and the negotiating team of the National Government**, attending to the requirements of guarantees for the peaceful meeting and for the negotiation tables. (Data as of June 4 - Note: later this organization did not want to continue the dialogue)

**Accompaniment:** United Nations Verification Mission, the Office of the United Nations High Commissioner for Human Rights, the Episcopal Conference of Colombia, the Ombudsman's Office and the Procurator General's Office.

#### OMBUDSMAN'S OFFICE

Sources: Ombudsman's Office. Stock Balance 28-Apr to 15-May, 6 am - Received: 15-May-2021, 8pm Balance to IACHR. Published 7-Jun-2021 Press release

- 441 officials accompany the demonstrations (Average)
- 303 public defenders available 24/7 (to provide judicial representation)
- 372 mediations
- 286 supports for the opening of supply routes
- 113 identified acts of gender-based violence (against women and people with diverse sexual orientations and gender identities)
- 1 person from the Police received in Cauca (to protect the protesters)

#### Balance July 20 - Independence Day (Source: Communiqué 106 of July 21, 2021 of the Ombudsman's Office)

- In total, **220 activities were reported, with an approximate participation of 40 thousand people:** 146 concentrations, 54 marches and 18 mobilizations in 102 municipalities of 26 departments and in Bogotá.
- **450 officials of the Ombudsman's Office were on the ground** accompanying 149 activities in the framework of the demonstrations.
- **79 review processes to the elements that Esmad can carry.** In the verifications it was observed that everything was adjusted to the regulations.
- They were at the different Unified Command Posts (PMU) in the country receiving information on the human rights situation.
- 17 assistances were provided with public defenders to guarantee the rights of those who were detained in the middle of the demonstrations

#### SUPPLYING (ROADS ENABLING)



Windows of Opportunity: It is called the information provided by the Directorate of Traffic and Transport (DITRA) of the Police during the day, where the roads enabled for mobility are indicated.

- 661** Enabled Roads (Windows of Opportunity)
- 430** By conciliation with leaders
- 231** For interventions with ESMAD

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 - Latest Update at 23.59) - Received: Sep. 10, 2021 - 9:00 am

#### National Police of Colombia



- 1.672** captures in flagrancy
- 283** arrests by court order
- 184.075** sharp-edged weapons seized
- 6.109** firearms seized
- 3.759** pneumatic weapons seized
- 731** criminal reports opened
- 15.308** explosive elements

-Source: Ministry of Defence. Balance Sheet (April 28 to September 9, 2021 - Latest Update at 23.59) - Received: Sep. 10, 2021 - 9:00 am

#### Military Assistance

Art. 170 L. 1801/2016 "It is the legal instrument that can be applied when events of serious alteration of security and coexistence require it, or in the face of imminent risk or danger, or to face emergency or public calamity, through which the The President of the Republic may dispose, temporarily and exceptionally, of the assistance of the military force. However, the municipal or district governors and mayors may request such assistance from the President of the Republic, who will evaluate the request and make the decision. Military assistance will be governed by the protocols and specialized standards on the matter and in coordination with the Police Commander of the jurisdiction "