

COLOMBIA

SHOOTS ON SIGHT

EYE TRAUMA IN THE CONTEXT
OF THE NATIONAL STRIKE

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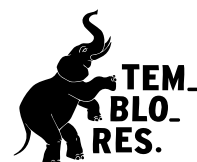
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GLOSSARY

EYE TRAUMA:

Eye trauma can be closed (caused by a blow or contusion from a blunt object) or open (caused by perforation by an object). It can also be caused by chemicals coming into contact with the eye.¹ An eye injury is understood to be any trauma that involves a temporary or permanent disturbance of function, as well as the loss of the organ, which is mostly caused by an open trauma. Eye injuries in the context of protests can be caused by impact from ammunition fired by weapons that use kinetic energy (rubber bullets and tear gas) and also by blows with blunt objects (batons or truncheons, boots or fists).

In this report the term eye trauma is used not only to refer to the injury to the eye but also to the consequences this has on aspects of the lives of those injured. This is because eye trauma has multiple negative effects on victims' physical and psychological health, it impacts on the work situation and on their family environment.

POTENTIALLY LETHAL WEAPONS:

According to the United Nations Human Rights Guidance on Less Lethal Weapons in Law Enforcement, such weapons include: police batons, hand-held chemical irritants, chemical irritants launched at a distance (tear gas), conducted electrical weapons (“tasers”), kinetic impact projectiles, dazzling weapons, water cannon and acoustic weapons and equipment. The Guidance states: “The list of less-lethal weapons here

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¹ Based on, Barcelona Ophthalmology Centre (2020),

is not exhaustive, but it includes those most commonly used in contemporary law enforcement. Certain weapons are designed to be used against individuals, while others, less discriminate, are intended for use against groups of individuals. The description of risks or potentially unlawful use is not exhaustive, but rather presents the most common problems associated with a particular type of weapon.”²

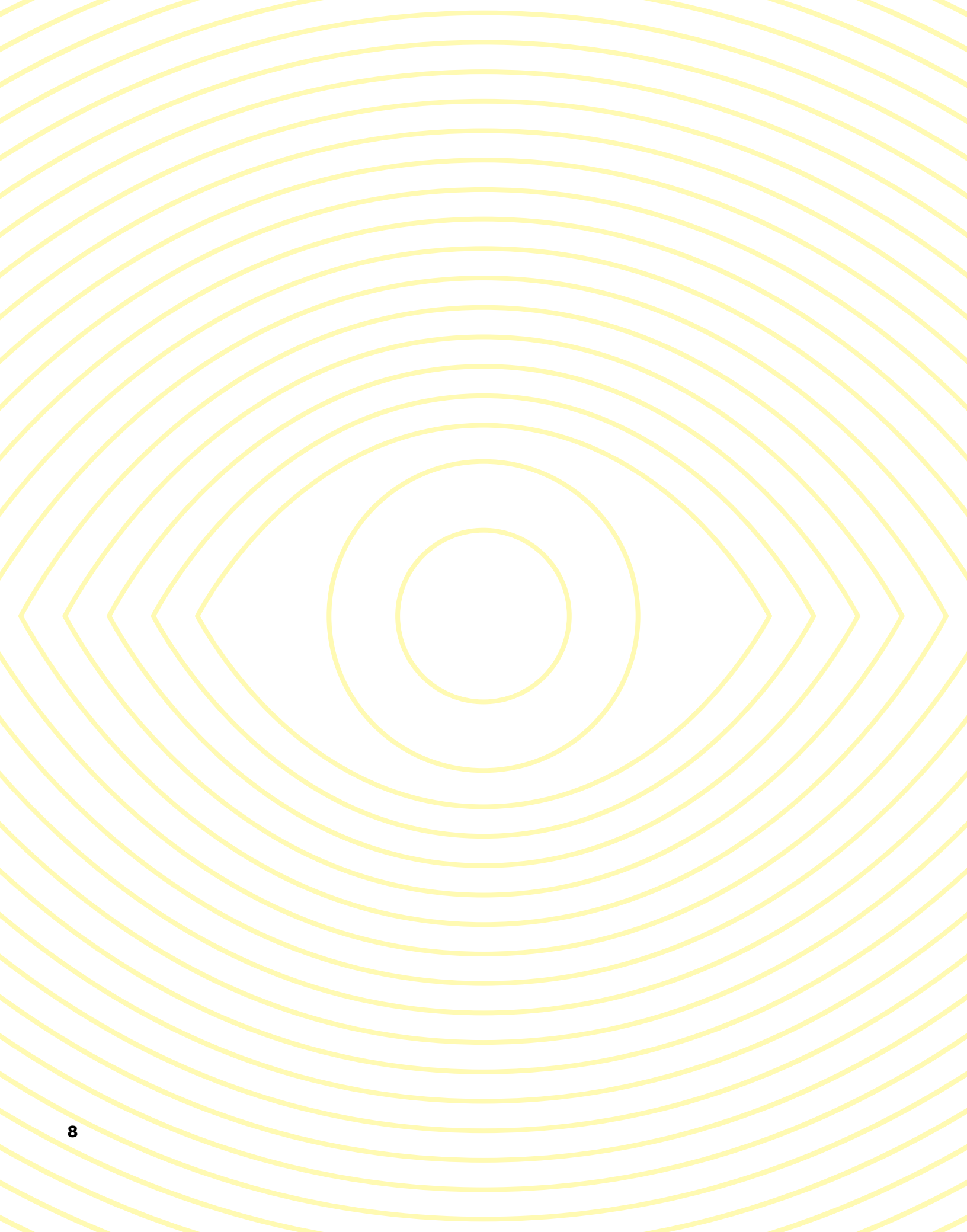
MOBILE ANTI-RIOT SQUADS (ESCUADRONES MÓVILES ANTIDISTURBIOS, ESMAD):

According to the official definition, is a unit in the Colombian National Police Special Operations Command, composed of trained and qualified personnel, responsible for riot control, crowd control, dealing with road blocks and supporting evictions from public and spaces, in urban or rural settings on national territory, and with potential manifestations of terrorist and criminal acts, in order to restore the exercise of public rights and freedoms.³

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2 Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, HR/PUB/20/1 eISBN: 978-92-1-005071-5, New York and Geneva, 2021, available at: https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf

3 National Police of Colombia, Definición Escuadrones Móviles Antidisturbios, available at: <https://www.policia.gov.co/especializados/antidisturbios>



COLOMBIA: **SHOOT ON SIGHT:** EYE TRAUMA IN THE CONTEXT OF THE NATIONAL STRIKE

“THE DISSENT TOOK OVER THE DOORWAYS, THE UNJUST DEATHS

TOOK OVER THE ROADS, THE SUFFERING TOOK OVER THE STREETS

AND HOPE TOOK OVER THE CITY. THE IMPORTANT THING WAS TO

GO OUT, NOT TO THINK ABOUT HOW TO RETURN, BECAUSE DEAD,

CORRUPT AND BLOODY COLOMBIA IS LEFT BEHIND, STUCK IN A

IMPASSE OF SHAMEFUL PASTS FOR WHICH THE ROADS NO LONGER

EXIST. THIS JOURNEY IS NOT YET OVER, IF THE PEOPLE

ARE ATTACKED, THE PEOPLE STOP ONLY TO MOVE FORWARD”⁴

GARETH SELLA

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4 “Las inconformidades se tomaron los portales, las injustas muertes Se tomaron las carreras, los dolores se tomaron las calles y la esperanza se tomó la ciudad. Lo importante fue salir, más nunca pensar en cómo regresar, porque la Colombia muerta, corrupta y sangrienta, se queda atrás, atorada en un trancón de vergonzosos pasados para los cuales ya no existen carreteras. Este viaje aún no termina, si al pueblo lo agreden, el pueblo para, solo, para avanzar.” Gareth Sella, “Mar de gente para una tierra seca”, 21N, Edición azul, published at: <https://www.instagram.com/garethsella/>

2

EXECUTIVE SUMMARY

This report, produced jointly by the Programa de Acción por la Igualdad y la Inclusión Social (PAIIS) of the Universidad de los Andes,⁵ Temblores⁶ and Amnesty International,⁷ documents the violent repression of social protest in Colombia in the context of the National Strike that began in April 2021 and has resulted in around 100 people sustaining eye trauma.

This report aims to draw attention to the consequences of the excessive actions of the Colombian police through its Mobile Anti-Riot Squad (Escuadrones Móviles Antidisturbios, ESMAD) and the harm suffered by hundreds of seriously injured people, particularly those with eye trauma. By the time research for this report was completed, more than 100 protesters were reported to have sustained eye injuries.⁸

This report draws on documentation and analysis of 12 cases of police violence which resulted in irreversible eye trauma. Four of these cases had occurred in previous years (2003, 2007 and 2013) and eight in the context of the 2021 National

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5 El Programa de Acción por la Igualdad y la Inclusión Social - PAIIS - was founded in 2007 as one of the public interest law clinics of the Universidad de los Andes Law School in Colombia. The PAIIS Programme has focused its work on the rights of people living with disabilities and the elderly, the rights of people with diverse gender identity and orientation, and it is currently working on peace-building issues. Official website: <https://paiis.unian-des.edu.co/>

6 The NGO Temblores is a Colombian organization that seeks to mobilize community processes of social transformation. One of its areas of work is the guarantee of the right to social protest. Official website: <https://www.temblores.org/nosotros>

7 Amnesty International is a movement of 10 million people who campaign for a world where human rights are enjoyed by all. Its vision is of a world where those in power keep their promises, respect international law and are accountable. It is independent of any government, political ideology, economic interest or religion. Official website: <https://www.amnesty.org/en/who-we-are/>

8 Latest report of the register of the NGO Temblores' GRITA Platform, covering 28 April to 21 October 2021.

Strike. Although most of the cases analysed in this report were in Bogotá, some were in Popayán (Cauca), Florencia (Caquetá), Medellín (Antioquia) and Manizales (Caldas).

This report contains the statements of five victims of eye trauma, whose right to physical integrity was violated by the excessive actions of ESMAD. Linked to the physical and mental impact, victims describe the multiple barriers they face to the effective enjoyment of their rights to health, mobility, education and work, among others.

One of the emblematic cases documented in this report is that of Leidy Cadena, which occurred on 28 April 2021 in the context of the first day of the National Strike. Her statement reflects the experiences of hundreds of people who have suffered eye trauma due to the excessive actions of ESMAD. For Leidy, the eye trauma was directed at her and constitutes an act of gender-based violence. She faced significant barriers accessing primary healthcare and psycho-social as well as in securing progress in the investigation of the incident and the identification of those responsible by the authorities. One of the most worrying aspects of her situation is that the complaints filed and the visibility of her case, resulted in her being forced to leave Colombia because of constant death threats against her and her family.

Despite the differences in time and place of the cases detailed, this research once again reveals patterns in the conduct of ESMAD officials which are consistent with the repeated complaints of their systematic excessive and disproportionate use of force to punish protesters. This report seeks to contribute to the pursuit of justice for those who have suffered eye trauma for exercising their legitimate right to social protest in Colombia, and it makes specific recommendations to the state to guarantee comprehensive care for the victims and prevent repetition of these human rights violations.

In addition, this research highlights the need to strengthen healthcare for victims, both in emergency departments and in access to mental health and rehabilitation services. Victims' statements reveal the lack of a com-

prehensive healthcare pathway for people who sustain eye trauma as a result of police violence.

Based on the evidence and statements presented in this report, the national authorities are urged to comply without delay with the recommendations made by the Inter-American Commission on Human Rights (IACHR) following its working visit in June 2021. In particular, that aimed at ensuring that the use of non-lethal means of controlling public order is subject to strict protocols that prevent and punish their use in ways that gravely affect the health and safety of demonstrators.⁹ The authorities are also urged to comply with the September 2020 ruling of the Colombian Supreme Court of Justice, in order to guarantee the rights to expression, assembly, peaceful protest and freedom of the press. PAIIS, Temblores and Amnesty International are joining the calls from national civil society organizations and international organizations for structural reform of the National Police and in particular the Mobile Anti-Riot Squad, that ensure a civilian approach in their actions, as well as effective independent supervision and investigation systems.

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⁹ Inter-American Commission on Human Rights, Observations and recommendations, Working visit to Colombia, June 2021, para. 50, available at: https://www.oas.org/en/iachr/reports/pdfs/Observaciones-Visita_CIDH_Colombia_ENG.pdf

3

RESEARCH METHODOLOGY

This report analyses cases and patterns of eye trauma resulting from the response of the Colombian Police Mobile Anti-Riot Squad (ESMAD) to the social protests that took place between 28 April and 20 October 2021 in various Colombian cities. It also brings together statements from victims who had sustained eye trauma in previous years and which show that this is a recurring practice.

The analytical framework used is international human rights law, especially the guarantee of the right to peaceful protest, which includes standards for the lawful and proportionate use of force in this context and the protection of the human right to physical integrity. This publication is part of a series of reports that the organizations involved have been developing and will continue to produce to highlight various human rights violations in the context of the 2021 National Strike in Colombia.¹⁰ This particular report focuses solely on eye trauma, which constitutes a very common human rights violation, to document the intention to inflict harm and discourage social protest and the unlawful and disproportionate use of so-called “less lethal weapons” by ESMAD.

The report was prepared by a diverse research team made up of professional personnel and students from the Programa de Acción por la Igualdad y la In-

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¹⁰ Report by Temblores NGO, Indepaz and the PAIS Programme of the Universidad de los Andes, Informe sobre la violación sistemática de la Convención Americana y los alcances jurisprudenciales de la Corte IDH con respecto al uso de la fuerza pública contra la sociedad civil en Colombia, en el marco de las protestas acontecidas entre el 28 de abril y el 31 de mayo de 2021, presented to the IACHR during its working visit, June 2021, available at: <http://www.indepaz.org.co/informe-de-temblores-ong-e-indepaz-a-la-cidh/>; Amnesty International, Colombia: Cali: In the Epicenter of Repression, 30 July 2021, (AMR 23/4405/2021), available at: <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>

clusión Social (PAIS) of the Universidad de los Andes,¹¹ Temblores¹² and Amnesty International.¹³

Quantitative and qualitative methodologies were used in this research. Firstly, contextual research was carried out on eye trauma sustained in the context of social demonstrations in the country. This analysis was informed by the creation of a standardized register of eye injuries, collected through the Temblores GRITA Platform. This register, gathered together information on the circumstances – time, manner and place – when this type of incident occurred. Drawing on this analysis, the report sets out the characteristics of this type of police violence, including the profiles of the victims, such as their gender and age, as well as the type of weapon that produced the eye trauma.

To complement this analysis, 12 semi-structured interviews were conducted with eye trauma victims, mostly from Bogotá, the city with the highest concentration of reports. Interviews were also conducted with victims from the cities of Popayán, Medellín, Florencia and Manizales. In these interviews, a more detailed description emerged of the moment in which the eyes injuries were sustained, as well as victims' experiences in accessing comprehensive care pathways.

In addition to the above, the cases of five eye trauma victims were documented in depth: Gareth Sella, Sandra Pérez and her daughter Sara Cárdenas, Leidy Cadena and Camilo Carvajal, who took part in interviews with the research team. In addition, forensic documentation as well as the formal complaints for each of these cases were studied to reconstruct what happened.

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11 El Programa de Acción por la Igualdad y la Inclusión Social - PAIS - was founded in 2007 as one of the public interest law clinics of the Universidad de los Andes Law School in Colombia. The PAIS Programme has focused its work on the rights of people living with disabilities and the elderly, the rights of people with diverse gender identity and orientation, and it is currently working on peace-building issues. Official website: <https://pais.uniandes.edu.co/>

12 The NGO Temblores is a Colombian organization that seeks to mobilize community processes of social transformation. One of its areas of work is the guarantee of the right to social protest. Official website: <https://www.temblores.org/nosotros>

13 Amnesty International is a movement of 10 million people who campaign for a world where human rights are enjoyed by all. Its vision is of a world where those in power keep their promises, respect international law and are accountable. It is independent of any government, political ideology, economic interest or religion. Official website: <https://www.amnesty.org/en/who-we-are/>

Amnesty International, through its Digital Verification Corps,¹⁴ analysed hundreds of pieces of audiovisual material, including that collected by Temblores on its GRITA Platform,¹⁵ journalists, open sources, human rights defenders and individuals and victims, on the disproportionate and repressive conduct of ESMAD between 28 April and 20 October. This audiovisual material has been rigorously digitally verified by weapons and ammunition experts, who studied more than 300 pieces of audiovisual and photographic documentation, of which 145 relate to incidents that resulted in eye injuries.¹⁶

In order to obtain the state's perspective on the events highlighted in this report, PAIIS and Temblores have submitted requests for information, both general and referring to specific cases, through the right to request process to the national authorities since June 2021. In addition, in October, Amnesty International sent letters to the authorities responsible for preventing such incidents and guaranteeing the rights of the victims, such as the Office of the Ombudsperson, the Attorney General's Office, the Ministries of Health and Defence, the National Police and the Office of the Inspector General of Colombia.

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14 The Digital Verification Corps (DVC) is a network of volunteers trained in open source research and analysis, based in universities around the world. The Berkeley Center for Human Rights of the University of California and the Centre for Human Rights of the University of Essex, in the United Kingdom, participated in this research.

15 GRITA is an NGO Temblores platform which seeks to facilitate the reporting of police violence in order to contribute to its eradication. GRITA is a collective project for the recording, investigation and triangulation of complaints about police violence.

16 This verification includes the date of capture and uploading on social media, the geolocation of the content and the identification of members of the security forces and the weapons, ammunition and vehicles used to police the demonstrations. Likewise, experts can verify the trajectory of the projectiles from the position of the police officials, the probability that they have caused the harm to the people who were injured, the proportionate and adequate use of weapons, among other details that help to determine the proportionality and lawfulness of the use of force, and especially of potentially lethal weapons, in contexts of social protest.



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HUMAN RIGHTS VIOLATIONS BY ESMAD IN THE CONTEXT OF SOCIAL PROTESTS IN COLOMBIA

In 1999, in the framework of the so-called “war against drug trafficking” promoted by Plan Colombia,¹⁷ the Mobile Anti-Riot Squad (ESMAD) was created as a temporary police force responsible for policing protests by coca growers’ organizations in the Catatumbo region in the north of the country.¹⁸ However, in the end this police force was not temporary and it continues to operate as a police squad specializing in repressing social protest. ESMAD does not operate as a civilian body but comes under the Ministry of National Defence.¹⁹ In its report, *Silencio Oficial: un aturdido grito de justicia por los 20 años de la creación del Esmad*, Temblores documents how violence by this police force has been particularly lethal in operations against Indigenous, campesino (peasant farmer) and student social movements. In the first 20 years of ESMAD’s existence, its use of lethal force has left at least 34 people dead.²⁰

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17 Plan Colombia was a bilateral cooperation strategy between Colombia and the USA that started in 1999. Its objective was to combat illicit drugs and organized crime, in order to promote economic and peace in Colombia, while strengthening control over the supply of illicit drugs on the US streets. For more information, see Departamento Nacional de Planeación Nacional DNP, September 2006, available at: https://colaboracion.dnp.gov.co/CDT/Justicia%20Seguridad%20y%20Gobierno/BaL_plan_Co_espanol_final.pdf

18 Temblores NGO, *Silencio Oficial*, November 2019, available at: <https://www.temblores.org/silen>

19 In the report on the IACHR’s working visit to Colombia, this is one of the issues of concern raised and it recommends that the state “[s]eparate the National Police and its ESMAD from the Ministry of Defense to ensure a structure that consolidates and preserves security with a focus on citizens and human rights and prevent all possibility of military perspectives.” Inter-American Commission on Human Rights, *Observations and recommendations, Working visit to Colombia*, June 2021, para. 50, available at: https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf

20 Temblores NGO, *Silencio Oficial*, November 2019, available at: <https://www.temblores.org/silen>

In Colombia, cases of eye injuries in the context of protests are not a new phenomenon that emerged in the upsurge of social protests in 2021.²¹ Currently, there are no consolidated public official records of the number of cases of eye injuries caused by ESMAD since its creation. However, numerous complaints of excessive violence by its officials have been reported by civil society organizations such as the Campaña Defender la Libertad es Asunto de Todas and Temblores. During the social unrest that began in April 2021, these reports have reached alarming levels, with more than 100 victims of this type of violence throughout the country.²²

Amnesty International has on numerous occasions denounced human rights violations and even crimes under international law committed by ESMAD officials in the context of social protests. In November 2019, the organization verified at least five incidents where human rights violations were committed by ESMAD in its response to social protests.²³ Likewise, in September 2020, the organization highlighted its excessive and disproportionate use of force, including crimes under international law, such as torture and cruel, inhuman or degrading treatment.²⁴

In September 2020, the Supreme Court of Justice of Colombia issued a landmark ruling in which it protected the right to peaceful demonstration and reiterated the duty of the national authorities to avert, prevent and punish the systematic, violent and arbitrary interventions of the security forces in demonstrations and protests, after confirming that acts of excessive violence occurred in November and December 2019.²⁵ In this ruling, the Supreme Court affirmed that, there was

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21 This type of violence had already been seen for years in several of the social mobilizations called by different sections of the population. One of the first registered cases was that of Carolina Bautista, a woman who was peacefully protesting in 2003 against the US invasion of Iraq together with union organizations when a member of ESMAD shot her directly in the eye with a rubber bullet. Juan Carlos Martínez, a union leader, was also struck in his eye on 8 June 2007 by an ESMAD official, a emblematic case that has been referred to international bodies, in particular the Inter-American Court of Human Rights.

22 NGO Temblores, GRITA Platform.

23 Amnesty International, Colombia: Authorities must impartially investigate repression of protests, 22 November 2019, available at: <https://www.amnesty.org/en/latest/press-release/2019/11/colombia-autoridades-deben-investigar-represion-de-protestas/>

24 Amnesty International, Colombia: Amnesty International condemns torture and excessive use of force by police, 11 September 2020, available at: <https://www.amnesty.org/en/latest/press-release/2020/09/colombia-amnistia-condena-tortura-uso-excesivo-fuerza/>

25 “conjurar, prevenir y sancionar la intervención sistemática, violenta y arbitraria de la fuerza pública en manifestaciones y protestas,” Dejusticia, Corte Suprema de Justicia protege el derecho a la protesta frente a la violencia policial, 22 September 2020, available at: <https://www.dejusticia.org/corte-suprema-protege-el-derecho-a-la-protesta/>

– and may continue to be – repeated and constant disproportionate aggression by the security force towards those who protest in a peaceful manner.²⁶

On 6 May 2021, human rights organizations reported that the Colombian government had systematically failed to comply with the Supreme Court ruling and requested that the President of the Republic, the Minister of Defence, the Director of the National Police, the Ombudsperson, the Attorney General and the Inspector General of Colombia be declared in contempt.²⁷

Despite the Court’s explicit orders, the executive branch has not taken adequate measures to ensure guarantees of non-repetition. On the contrary, in public statements, President Iván Duque and his cabinet seem determined to stigmatize and criminalize social protest rather than to condemn violence by state officials and calling for the rights of victims to be guaranteed. This has encouraged excessive use of force by police officers, which has constituted a pattern of repression of the social protest. The large number of people killed and injured in different cities throughout the country is indicative of a widespread practice that seeks to punish people who take to the streets to demonstrate.²⁸ The background of domestic law is significant and gives an indication of the responsibility of the state for the failure to take action aimed at guaranteeing the rights to peaceful protest, to life and to physical integrity of protesters.²⁹

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26 “existió -y puede seguir existiendo- una reiterada y constante agresión desproporcionada de la fuerza pública respecto de quienes, de manera pacífica, se manifestaron.” Supreme Court of Justice, Civilian Cassation Chamber, STC7641-2020, 22 November 2020, available at: <https://cortesuprema.gov.co/corte/index.php/2020/09/22/corte-suprema-ordena-medidas-para-garantizar-derecho-a-protesta-pacifica/> It should be noted that the Supreme Court of Justice of Colombia ordered ESMAD and all institutions that carry out “policing activities” to, within 48 hours of notification of the September 2020 judgment, suspend the use of the 12 calibre shotguns, until the constitutional “a quo”, after exhaustive verification, confirmed the existence of guarantees for the responsible and measured reuse of said the instrument.

27 Foundation for Freedom of the Press (FLIP), “Le pedimos a la Corte Suprema que declare el desacato de la sentencia que protegió el derecho a la protesta”, 6 May 2021, available at: <https://flip.org.co/index.php/en/informacion/pronunciamentos/item/2718-le-pedimos-a-la-corte-suprema-que-declare-el-desacato-de-la-sentencia-que-protegio-el-derecho-a-la-protesta>

28 Temblores ONG, report; Between 28 April and 15 July 2021 there were 4,851 cases of police violence, 35 victims of sexual violence, 2,053 arbitrary arrests and 833 violent interventions by the security forces, available at: https://www.instagram.com/p/CR6tOMaJCOP/?utm_source=ig_web_copy_link (Spanish only).

29 Colombia is a state party to various international human rights treaties and instruments, which are the legal basis for this analysis: the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the American Convention on Human Rights; the International Convention on the Elimination of all forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention for the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of Persons with Disabilities, among others.

Since the signing of the 2016 Peace Accords, other pre-existing problems in Colombian society of social exclusion and structural violence have come to the surface, which has sparked an increase in social organization and in demands from various sections of civil society expressed through the right to peaceful protest and an increase in social mobilization. Added to this, in 2021 the economic and social effects of the pandemic, which resulted in an increase in social inequalities and poverty for many people in the country, increased social discontent. The announcement of tax reforms by the national government in this context triggered the social upheaval known as the National Strike, which began with the protests of 28 April 2021.

Potentially lethal weapons have been used in the context of protests in several countries in all regions and have resulted in a very high number of human rights violations, including permanent injuries such as various eye injuries. In various reports, it has been established that the origin of this type of weapon is rooted in colonialism and also aims to neutralize certain civil society groups considered as “less desirable”, “other” and a threat national stability.³⁰ The use of this type of weapon, indiscriminately or, on the contrary, targeted to inflict serious injury, has become a widespread practice in the context of social protests both regionally and internationally. In Bolivia, Chile,³¹ China, Spain, France, Mexico, Nicaragua, Turkey and Venezuela, among other countries, the repression of social protest has been reported.

The case of Chile is emblematic for understanding the huge number of people injured, especially with eye damage. Carabineros de Chile officials attacked protesters, firing directly at their eyes and faces with less-lethal weapons which were used in breach of international protocols and standards. Amnesty International published a report *Eyes on Chile*, in 2020, which documents 12 emblematic cases of death, torture and injuries resulting from the actions of members of the Carabineros between 18 October and 30 November 2019. The report concludes that Carabineros commanders were likely responsible for the human rights vio-

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30 International Institute for Nonviolent Action, Informe Stop Balas de Goma, Barcelona, June 2021, available at: https://novact.org/wp-content/uploads/2021/06/Final-Informe-Balas-de-Goma_compressed1.pdf

31 The outbreak of social unrest in Chile in 2019 was characterized by systematic human rights violations against protesters. One particularly notable aspect at the time was the high number of eye injuries due to the use of pellets and other devices by the armed forces during their repression of the protests. Of the 3,449 people injured during these mobilizations, between October and December 2019, the National Institute of Human Rights (INDH) of Chile stated that 352 sustained eye trauma.

lations that took place under their command.³² This report presented evidence of the use of weapons considered less lethal, such as riot-control shotguns and buckshot made of a rubber and metal alloy, to disperse demonstrations. The victims' pursuit of justice, truth and reparation is currently ongoing.

During the months of the 2021 National Strike in Colombia, there was a serious human rights crisis, widely documented by PAIIS, Temblores and Amnesty International, as well as other national and international organizations.³³ Highlighted among the reports received were hundreds of complaints from victims of police violence, some of them with serious eye trauma. The following sets out their stories.

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32 Amnesty International, Eyes on Chile, October 2020, available at: <https://www.amnesty.org/en/latest/research/2020/10/eyes-on-chile-police-violence-at-protests/>

33 Report by Temblores NGO, Indepaz and the PAIIS Programme of the Universidad de los Andes, Informe sobre la violación sistemática de la Convención Americana y los alcances jurisprudenciales de la Corte IDH con respecto al uso de la fuerza pública contra la sociedad civil en Colombia, en el marco de las protestas acontecidas entre el 28 de abril y el 31 de mayo de 2021, presented to the IACHR during its working visit, June 2021, available at: <http://www.indepaz.org.co/informe-de-temblores-ong-e-indepaz-a-la-cidh/> ; Amnesty International, Colombia: Cali: In the Epicenter of Repression, 30 July 2021 (AMR 23/4405/2021), available at: <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>

4.1

THE FACES OF REPRESSION

A. STIGMATIZATION OF PROTESTERS AND ITS CONSEQUENCES: THE CASE OF GARETH SELLA

Gareth Sella, a 25-year-old filmmaker, lost his sight in his left eye as a result of an blow on his face from an object that, according to his statement and that of several witnesses, was thrown at close range by an member of ESMAD. The incident occurred in the centre of Bogotá on 24 February 2021 in the context of the “National Week against Police Brutality”, called by victims’ organizations,³⁴ in which dozens of protesters called for ESMAD to be disbanded and protested against repression and impunity.

In the complaint filed by the José Alvear Restrepo Lawyers Collective (Colectivo de Abogados José Alvear Restrepo, CAJAR), who represent Gareth’s case before the courts, evidence is presented of the stigmatization of the demonstration that happened before it took place. According to documents attached to the complaint, on 22 February 2021, the National Police Criminal Analysis Centre of the Directorate of Criminal Investigation (Centro de Análisis Criminal de la Dirección de Investigación Criminal, DIJIN) issued an alert entitled “Call for violent social mobilization 24 February-24F” which referred to the groups calling for protest as “radicals”, including the Escudos Azules (Blue Shields) collective.³⁵

Gareth was a member of the Escudos Azules collective and is known for his human rights activism and his criticism of police violence, which he conveys through

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34 Contagioradio, Así serán las movilizaciones contra la violencia policial este 24 de febrero, 23 February 2021, available at: <https://www.contagioradio.com/asi-seran-las-movilizaciones-contra-la-violencia-policial-este-24-de-febrero/>

35 Colectivo de Abogados José Alvear Restrepo, Nueva denuncia y reiteración de solicitud de apertura de Macro caso en la Unidad Especializada de Derechos Humanos, contra el ESMAD, por PATRÓN DE CRIMINALIDAD DE LESIONES OCULARES A MANIFESTANTES, Noticia criminal 110016000013202100969, April 2021.

his work at the production company, La Resistencia Cine. Escudos Azules is a youth movement that aims to ensure that social protest is carried out in a peaceful manner and to that end, they act as mediators between protesters and the police.³⁶ This group was created by young people following the death of Dilan Cruz as a result of being hit by an object fired by an ESMAD official during the November 2019 demonstrations.³⁷ Members of Escudos Azules accompany demonstrations, covering their faces and using shields for protection as they fear being stigmatized and attacked for belonging to the group.³⁸

Gareth has stated that on the day of the incident, he had a conversation prior to the protests with the police commander, which is a frequent practice aimed at signalling their mediation role. In these prior conversations, they showed police officers that they were not carrying weapons or explosives and that their intention was to facilitate and exercise the right to peaceful protest.

In the interview with the research team, Gareth said that the march began at the Universidad Pedagógica and planned to go to the Plaza de Bolívar. On the way, Gareth had an exchange of words with an ESMAD official and in his testimony, he states that the attack was directed at him as he had already been identified as part of Escudos Azules:

“They had been watching me for a while, I turned around and they shot me so that’s why I’m sure and one day hopefully that can be analysed in my case in court, I’m sure there was a kind of order, or at least if there wasn’t an immediate order to shoot people in the eyes, there was an order to injure Escudos members”³⁹

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36 Interview, Noticias 1, 25 February 2021, available at: <https://noticias.canal1.com.co/bogota/quien-es-gareth-sella-joven-herido-durante-protestas/>

37 Asuntos Legales, La Corte Constitucional decidió enviar el caso de Dilan Cruz a la justicia ordinaria, 18 June 2021, available at: <https://www.asuntoslegales.com.co/actualidad/la-corte-constitucional-decidio-enviar-el-caso-de-dilan-cruz-a-la-justicia-ordinaria-3187294>

38 Escudos Azules official page on Instagram, available at: https://www.instagram.com/escudos_azulesoficial2.0/?hl=es

39 Semi-structured interview with Gareth Sella, 2 June 2021.

He remember that at 23rd Street, between the 7th and 9th Street, ESMAD officials surrounded a group of protesters and began firing stun grenades:

“They were exploding stunner grenades...because they were clearly dispersing us, I went to turn into 23rd Street and as I was turning round, they shot me from behind; that is, another ESMAD block had formed, they were surrounding us. Then there was one in front that I was facing and one behind and when I turned around the one behind me shot directly at me; there was no confrontation, there was nothing I didn’t even have a shield like that [he made a gesture as if he was holding a shield in front of his body] I was holding it at my side and I was getting ready to run down 23rd Street to leave because there was no resistance or anything like that...⁴⁰ I don’t know if it was a stun grenade, if it was bean bag ammunition or a rubber bullet, but I do know that it was an ESMAD object because I turned to look and saw them pointing at me”.⁴¹

Gareth was initially helped by human rights personnel from civil society groups and officials from the Secretary of Government of Bogota, who called for an ambulance. But it took a long time to arrive, so he had to get a taxi to take him to the Santa Fe Hospital. At the first medical consultation they informed him that his retina and iris were detached and that he could not detect light in his left eye, which is why he had to receive specialist care. As no retina specialist was available there, he was referred to the San Ignacio Clinic, where his diagnosis was confirmed as blunt closed ocular trauma of the left eye, detached

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40 Semi-structured interview with Gareth Sella, 2 June 2021.

41 Semana Magazine, ¿Quién es Gareth Sella, el joven herido durante las protestas en Bogotá?, 25 February 2021, available at: <https://www.semana.com/nacion/articulo/quien-es-gareth-sella-el-joven-que-fue-herido-durante-las-protestas-en-bogota/202127/>

retina, secondary diffuse vitreous hemorrhage and secondary conjunctival injury, for which he underwent surgery on 25 February.

After the impact, Gareth recalls that, in the midst of his distress, he decided to throw away his shield, remove his fluid-resistant overalls and uncover his face to avoid being singled out⁴² and harassed by police officers.⁴³ These actions were taken by police officials as an indication of his involvement in acts of vandalism. In statements about the incident, Police General Oscar Gómez stated that:

“The tennis shoes that Gareth used when he was transferred to the hospital were the same as those worn by a person wearing a hood, black overalls and a helmet... our men were attacked with stones, we do not know if as a result of that stone throwing among themselves, this person could also have been injured... we are not accusing Gareth of having engaged in vandalism, until we have enough evidence, then we will.”⁴⁴

These official statements reveal an intention to stigmatize Gareth’s participation in the demonstrations and to divert attention to the alleged vandalism. In fact, Mayor of Bogotá, Claudia López reacted by stating:

“In addition to affecting one eye, we are not going to allow Gareth to be stigmatized for how he dresses. The investigation must determine who fired the object that damaged his eye, despite being expressly prohibited by my instructions and municipal protocols.”⁴⁵

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42 Canal Caracol interview, 26 February 2021, available at: <https://www.youtube.com/watch?v=C2qA3TA1UBM>

43 Canal Capital interview, 26 February 2021, available at: <https://www.youtube.com/watch?v=gqPqfVfn4vQ>

44 “los tennis que utilizó Gareth en el momento que lo trasladaban al hospital coincidían con una persona que estaba encapuchada, con un overol negro, con un casco (...) nuestros hombres fueron atacados con piedras, no sabemos si como consecuencia de ese lanzamiento de piedras entre ellos mismos, también pudo salir lesionada esta persona (...) no estamos sindicando a Gareth de que hubiese hecho vandalismo, hasta que no tengamos suficiente material probatorio, pues lo diremos”. Noticias Caracol interview, Estos videos son clave según la policía de Bogotá en el caso de Gareth Steven, 25 February 2021, available at: <https://noticias.caracol.com/bogota/estos-videos-son-clave-segun-la-policia-de-bogota-en-el-caso-de-gareth-steven>

45 “La investigación lo que debe determinar es quién disparó el artefacto que le afectó su ojo, pese a estar expresamente prohibido por mis instrucciones y protocolos de la Alcaldía”. Reaction of the Mayor of Bogotá Claudia López, 25 February 2021, available at: https://twitter.com/ClaudiaLopez/status/1365038540753670146?ref_src=twsrc%5Etfw%7C-twcamp%5Etweetembed%7Ctwterm%5E1365038540753670146%7Ctwgr%5E%7Ctwcon%5Es1_ref_url=https%3A%2F%2Fwww.semana.com%2Fnacion%2Farticulo%2Fquien-es-gareth-sella-el-joven-que-fue-herido-durante-las-protestas-en-bogota%2F202127%2F



Photo: Screenshot of Gareth Sella's appearance before the Colombia Congress, Canal del Congreso, March 2021.

Despite the serious injuries sustained, Gareth was calm and asserted that he would continue to exercise his right to dissent and demand that his fundamental rights are guaranteed. He stated that his activism was continuing and that, despite the injuries and harm caused, his desire to continue fighting against impunity was stronger. His public statements were forceful and conveyed the experience of a young artist who was injured by ESMAD officials in retaliation for his activism and with the intention of inflicting pain and silencing him.

"I was a victim of police brutality while protesting against it. ESMAD shot me in the eye, affecting my sight. I am an artist who is resisting. As Andrés Caicedo, one of my favourite authors, says: 'Arm yourself in dreams so as not to lose sight'.⁴⁶ On 24 February 2021, while raising my voice against police brutality, ESMAD shot me in the left eye, and I lost all sight in that eye. Hours later they hurried to sell people a false story, to discredit my image, to say that I was a vandal, to justify in some way their right to mutilate Colombian youth. People have woken up. Even if they take out our eyes, we see their state crimes. We will not forget their past and the bloody legacy that they have branded on the history of the country. That

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46 Gareth Sella's statement posted on his instagram profile, 25 February 2021, available at: https://www.instagram.com/tv/CLvE9czJHp7/?utm_source=ig_web_copy_link

is what they fear, the hope that we will arouse. We will continue to fight to the end for a country where life is respected. For a country in peace for all Colombians. Where the history of all the state's crimes is not erased, where there is reparation and non-repetition... Where when we go out into the streets, we are not confronted by people prepared to kill. I keep seeing because I see with my heart, soul and love⁴⁷.

Gareth presented an account of the incident to the Attorney General's Office on 25 February 2021 and that same day the National Institute of Legal Medicine and Forensic Sciences carried out a medical-legal examination and issued Forensic Report UBUCP-DRB-07088-2021.⁴⁸ This report acknowledged that Gareth's injury required 50 days' medical disability and stipulated that the injuries caused serious damage to the left eyeball, which could lead to loss of vision in that eye.

B. "WE MAY HAVE LOST AN EYE, BUT WE STILL HAVE OUR VOICE": LEIDY CADENA⁴⁹

The National Strike against the tax reforms proposed by the government of Iván Duque began on 28 April 2021. That day marked a historic milestone in Colombia, as thousands of people throughout the country gathered to demand their rights in the middle of the Covid-19 pandemic. Leidy Cadena, a Political Science student, decided to join the demonstrations in central Bogotá that day.

Around noon, together with her boyfriend and some friends, she went to the Plaza de Bolívar, historically the focus of social protests in the capital. Leidy said that that day she was looking to take photographs of the protests that had been

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47 Gareth Sella's speech before the Colombian Congress in the context of the International Seminar, ¿Cuál paz?, 18 March 2021, available at: https://youtu.be/RODCFn-Fq_M

48 Colectivo de Abogados José Alvear Restrepo, Nueva denuncia y reiteración de solicitud de apertura de Macro caso en la Unidad Especializada de Derechos Humanos, contra el ESMAD, por PATRÓN DE CRIMINALIDAD DE LESIONES OCULARES A MANIFESTANTES, Noticia criminal 110016000013202100969, April 2021.

49 El Espectador report, "Nos quitaron un ojo, pero seguimos teniendo nuestra voz", 17 May 2021, available at: <https://www.elespectador.com/bogota/nos-quitaron-un-ojo-pero-seguimos-teniendo-nuestra-voz-leidy-cadena-article/>

called. However, she did not manage to get there, because on the way she realized that their path was blocked.

“So we decided that this really did not look a good, that we should get out of there. We tried to leave, we reached 26th Street and we stayed there for a while because our friends got separated from us... We stayed there calling them and waiting for them... when they arrived we asked the ESMAD officials if we could turn around and get to the parking lot to pick up our bikes. And they told us no... that it was dangerous, that we’d better try to turn around, then we walked towards the National Museum... we realized that there was another demonstration, that the ESMAD officials were standing there on 7th Street, dispersing the march... One of my boyfriend’s friends went to the corner, to see if we could go up the road, but one of the ESMAD officials started to tell him to get out of there. He was very rude... The official who had yelled at him and two others approached him to hit him... I was a few metres behind, I just shouted ‘let’s go’ and immediately afterwards I my face felt very hot. I couldn’t see through either of my eyes, I was in a great deal of distress.”⁵⁰

Amnesty International’s Digital Verification Corps was able to verify a video taken after the incident in which Leidy is clearly visible and her companions are seen surrounding her after she was hit. In front of them are five ESMAD officials with shields and two of them are carrying their riot gear in their hands, including mechanical kinetic weapons. Leidy’s boyfriend directly accuses an official over what happened and apparently at that point was able to get the number of their ID badge. Leidy is covering her bleeding eye, clearly in pain.⁵¹

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⁵⁰ Interview with Leidy Cadena, 5 June 2021.

⁵¹ Pacifista tv, Video of the moments following the incident, available at: https://pacifista.tv/wp-content/uploads/2021/04/WhatsApp-Video-2021-04-29-at-10.34.09-AM.mp4?_=1



After the impact, they called for help, but the police officials did not help her. They had to walk for a long time to find an ambulance. In the ambulance she could smell tear gas and the driver had to stop because he had trouble breathing.

Leidy said this was not an accident. She thinks that it was an attack directed solely against her, since the others were unharmed. She stressed that from the beginning of the demonstrations, she noticed several attacks against women and, therefore, associates her injuries with an attack inflicted on the basis of her gender.



Photo: Leidy Cadena, © Gustavo Torrijos, El Espectador

A 30 April 2021 forensic report by the National Institute of Legal Medicine stated that she had sustained “trauma to the right eye, with vitreous hemorrhage, generalized stromal edema requiring 55 days of disability, with medico-legal sequelae to be determined”.⁵² This initial opinion was confirmed in October 2021 by a follow-up expert report that established that Leidy suffered a blunt injury that resulted in a “permanent physical deformity affecting the face and permanent functional impairment of the visual organ”.⁵³

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52 “un trauma en el ojo derecho, con hemorragia vítrea, edema estromal generalizado y definió una incapacidad de cincuenta y cinco días, con secuelas médico-legales a determinar”; National Institute of Legal Medicine and Forensic Sciences, Expert Forensic Clinical Report, 30 April 2021, UBUCP-DRB-15504-2021.

53 “deformidad física que afecta el rostro de carácter permanente y perturbación funcional de órgano de la visión de carácter permanente”; National Institute of Legal Medicine and Forensic Sciences, Expert Forensic Clinical Report, 20 October 2021, UBSC-DRBO-10334-202

In her account, Leidy states that she will continue to exercise her right to protest:

*“I lost an eye but I swear to you that I feel that I have 10,000 out there, keeping up the fight so that this does not end here⁵⁴... I think it is really good to be able to tell people that it is possible, that we can overcome these things and that, although it is very sad and painful, we have to move on and show the country that we are still fighting here”.*⁵⁵

She states that she will continue to protest peacefully for her rights and that the damage caused to her physical integrity will not act as a constraint on her.

*“Well, I am not going to stay at home, I will not stay home and I will march again... I’ll go to the demonstrations and the police officers will look at me and say ‘she didn’t learn’. I’ll think ‘I chose to come, you are the ones who didn’t learn’... I think they give them a weapon and tell them that it is not lethal. But I feel like they do have on their radar the consequences of shooting someone in the eye...it is really minimal, but [they know] there is a high possibility that it will blind someone, I do believe that they do it intentionally”.*⁵⁶

Leidy said that she acquired a disability when she lost the sight in her right eye completely. She also stated that, despite the fact that in Colombia people with

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54 Kienyke magazine, “Leidy Cadena, la joven que perdió la vista durante el Paro Nacional”, available at: <https://www.kienyke.com/bogota/leidy-cadena-perdio-la-vista-esmad-paro-nacional>

55 El Espectador report, “Nos quitaron un ojo, pero seguimos teniendo nuestra voz”, 17 May 2021, available at: <https://www.elespectador.com/bogota/nos-quitaron-un-ojo-pero-seguimos-teniendo-nuestra-voz-leidy-cadena-article/>

56 Interview with Leidy Cadena, 5 June 2021.

disabilities have fewer opportunities, she wants to continue to resolutely go on leading her daily life. Some daily activities, such as riding a bicycle, are difficult for her now and that is where she is aware of the barriers she has to face every day.

The Office of the Attorney General issued an order on 29 September 2021 to the Judicial Police to interview Leidy and to carry out fingerprint checks and full identity verification of official Danilo José Nuñez Zabaleta in order to file charges against him.⁵⁷ Leidy confirmed that she has been interviewed about what happened at least 10 times and that this has revictimized her. In addition, after lodging the complaints and clearly identifying the ESMAD agent with the ID badge 030731, she received threats on social media and on 16 October she was the victim of an attack when gunpowder was pushed under her door, which is why she fears for his life and her physical integrity, and that of her family and boyfriend.⁵⁸ As a result, Leidy, her mother and her partner have been forced to leave Colombia.

C. GENDER-BASED VIOLENCE MANIFESTED IN EXCESSIVE USE OF FORCE: SANDRA MILENA PÉREZ AND HER DAUGHTER SARA CÁRDENAS

The lives of Sandra Pérez and her 18-year-old daughter Sara Cárdenas changed dramatically on 5 May 2021 as a result of the excessive and disproportionate use of force by ESMAD officials. According to Sandra's account, that night they left their house to go to the nearby shopping centre close to the entrance to the Suba Transmilenio public transport system in Bogotá. That night a demonstration was taking place, in the context of the National Strike, and they stayed for a while to look at the dance performances that were happening there. The next thing they remember is the sound of stun grenades and the feeling of been suffocated by tear gas fired by ESMAD against the group of people gathered there. Amid the chaos and confusion, they ran for cover.

One of the ESMAD agents came within five meters of them and began to shout misogynistic insults,

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⁵⁷ Office of the Attorney General of the Nation, Office 163, Orders to the Judicial Police No. 7078910, 29 September 2021.

⁵⁸ Letter to Amnesty International from Leydi Cadena, 23 October 2021.

*“Damn bitch, go home and take your little bitch with you”.*⁵⁹

Sandra exchanged a few words with this official and reproached him for his behaviour. In her statement, she stated that the official stepped back eight meters, drew his weapon, took aim and fired. She remembers that moment when she bent down and all she could feel was several things hitting her body, one of them hit her right eye, another hit her right breast, one hit her arm, several hit her ribs, one hit her stomach and one hit her pelvic area.

*“I think they were made of rubber, because if it had been made of another material, it would have pierced my body, face and killed us... unfortunately, my daughter was behind me and she was hit in her left eye, her eyelid was pierced and the blood started pouring out... they shot me with a non-lethal weapon, which today I can see is in fact a lethal weapon... That was not a simple accident, they caught the two of us on our own, in an alley on our own, the two of us were on our own and three idiots stood in front of us, then one of them came towards us and took aim, it is not that it exploded and fell on us, no, that was targeted”.*⁶⁰

Sandra emphasized that emergency healthcare was inadequate. Despite the seriousness of the injuries, she stated that they did not have timely information on her state of health and only learned about the severity of Sara’s eye injury after requesting her medical history. Sara’s cornea became inflamed, her retina was destroyed and “the doctors told us that she would be blind because of that eye, which will barely be of use to her for crying”.⁶¹

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59 “Maldita perra, váyase para la casa y llévese a su perrita”; interview with Sandra Pérez, 5 June 2021.

60 Interview with Sandra Pérez, 5 June 2021.

61 Cerosetenta Universidad de Los Andes Magazine, article titled, “Al menos 82 personas perdieron los ojos en el Paro Nacional”, 6 July 2021, available at: <https://cerosetenta.uniandes.edu.co/al-menos-82-personas-perdieron-los-ojos-en-el-paro-nacional/>



She was given 15 days of medical disability and Sara 45 days because of the severity of the injury. In Sara’s medical legal report, it states that she entered the clinic with “clinical features of one hour’s development consisting of blunt trauma, apparently from a ‘rubber bullet’ during demonstrations, of the left eye, with subsequent pain and intense bleeding, total loss of visual acuity... physical deformity affecting the face, nature to be defined, and functional disturbance of the visual organ, nature to be defined”⁶²



Photo: Sara Cárdenas, © Camilo Rozo

Sandra reported that her search for justice has followed a tortuous path. On the one hand, she asserts that some bodies have not been diligent when receiving their testimony. For example, she claims that she filed a complaint with the National Police and they responded that his case had been closed because it was dealt with satisfactorily. The Ombudsperson’s Office classified her case as injured by a tear gas grenade that was launched, an assertion that Sandra rejected and asked that her version of events not be altered. She confirmed that they had not received advice on how to pursue their cases. For example, she stated that she did not have a legal medical examination immediately, but that it was carried out when she no longer had bruises or scars.⁶³

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62 “cuadro clínico de una hora de evolución consistente en traumatismo contundente, aparente “proyectil de goma” durante manifestaciones, en ojo izquierdo, con posterior dolor e intenso sangrado, pérdida total de agudeza visual (...) deformidad física que afecta el rostro de carácter por definir y perturbación funcional de órgano de la visión de carácter por definir”; National Institute of Legal Medicine and Forensic Sciences, Central Headquarters Basic Unit, Expert Forensic Clinical Report No. UBSC-DRBO-05029-2021, Bogotá, 20 May 2021.

63 Interview with Sandra Pérez, 5 June 2021.

Shortly after making a formal complaint⁶⁴ and making their cases public, she began to be threatened:

*“When the police persecution started... they called me ‘Damn bitch! Keep quiet, it’s better for you if you keep quiet’, and I received a call saying that if I kept talking, they were going to kill my little bitch, my little daughter, the youngest and I felt... What? It is not enough that they screwed us over and left my daughter blind, but now they want to mess with my youngest child”.*⁶⁵

For this reason, she requested protection measures from the Suba police station in Bogotá.⁶⁶ When she had a visit from police officers to confirm this measure, one of the officers handed her some documents for her to sign. When she read them, she realized that the document stated that the protection they should get was as survivors of possible crimes of domestic violence.⁶⁷ At the time of writing this report, Sandra and Sara had had to leave the country, fearing for their safety.

*“In Colombia they are killing us, they are blinding us and I want justice to be done, I have already received threats, in which they tell me that it would be better for me if I keep quiet”.*⁶⁸

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64 Office of the Attorney General of the Nation, Summons to appear before the Office of the Attorney General of the Nation, summons to conduct an interview on 20 May 2021.

65 Interview with Sandra Pérez, 5 June 2021.

66 Request for protection measures presented by Sandra Pérez before the Suba Police Station in Bogotá, 20 May 2021, Crime and Investigation File No. 110016099069202154348.

67 National Police of Colombia, Victims’ Rights Act, 6 February 2021. Document signed by a police officer, without Sandra’s agreement, with the note “act of terrorism by the ESMAD police”.

68 Caracol Radio, “Investigan presunto abuso policial contra madre e hija en Suba”, 19 May 2021, available at: https://caracol.com.co/emisora/2021/05/19/bogota/1621441536_617945.html

Despite the hardships and the physical and emotional damage, Sandra and Sara remain committed to their search for justice. Although they state that identifying the officials poses a serious challenge, given that everything happened at night and in a chaotic context, they believe that public video cameras may contain the evidence.⁶⁹

D. THE RISKS OF BEING A HUMAN RIGHTS ACTIVIST AND DOCUMENTING PROTESTS: CAMILO CARVAJAL

Camilo Carvajal, a 20-year-old member of the Jaime Garzón human rights group in Popayán, is a shoe salesman, photographer and loves tattoos. He hopes to become a professional graphic designer.

On 7 July 2021, while he taking part in a demonstration, he decided to take photos to record what was happening, as he had been doing for some time, and he was hit in the face resulting in the total loss of sight in his left eye:

“As usual, I took out my cell phone to take photos to record everything that was happening, because I have a fairly extensive record, in the context of the National Strike. I went a little higher up to get good shots. It had already been half an hour since the ‘furrusca’⁷⁰ [clash] had started, I went a little further up towards where the armoured personnel carrier was, I leaned my head out on one side and didn’t look at anyone, I leaned the other way and was hit in the face⁷¹... When I turned to look where the tank was, I saw an orange flash and at that point I

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69 El Espectador, “El caso que estudia la CIDH sobre un abogado que el Esmad dejó sin un ojo”, 1 June 2021, available at: <https://www.elespectador.com/judicial/el-caso-que-estudia-la-cidh-sobre-un-abogado-al-que-el-esmad-dejo-sin-un-ojo/>

70 Colloquial reference to a confrontation or clash between protesters and the security forces.

71 Interview with Camilo Carvajal, 22 September 2021.

*remember, I took out my cell phone and looked at part of my eyelid, my eye had burst, it was terrible”.*⁷²



Camilo Carvajal's statement, Popayán Television News, 12 July 2021, available at: <https://www.facebook.com/watch/?v=532021864886300>

That night, after the IACHR report was made public, heated confrontations took place in which at least 50 people were injured. The demonstrations took place after Defence Minister Diego Molano made statement ordering that all blockades in the city be dismantled.⁷³ Camilo stated that he was able to document that at least 70% of the buckshot fired during the protests was aimed at the body and, therefore, ESMAD had clearly not followed the protocols on the use of force.

Camilo wanted to record the excessive use of force by ESMAD officials and he stated that he could have been targeted for attack because of the work he was carrying out at that time. On several occasions, police officers had threatened him if he continued recording and taking photos:

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72 Interview with Camilo Carvajal published in Wradio, “Al que me disparó que Dios lo bendiga: joven que perdió un ojo en Popayán” 11 July 2021, available at: <https://www.wradio.com.co/noticias/regionales/al-que-me-disparo-que-dios-lo-bendiga-joven-que-perdio-un-ojo-en-popayan/20210711/nota/4150683.aspx>

73 Noticias Uno, “Otro joven manifestante pierde ojo por disparo del ESMAD, en Popayán”, 12 July 2021, available at: <https://www.noticiasuno.com/nacional/otro-joven-manifestante-pierde-ojo-por-disparo-del-es-mad-en-popayan/>



“The ESMAD, on several occasions, had already told me ‘we are going to take out the eyes of that cell phone’.. and they already had me on file or had a grudge against me”⁷⁴

In the emergency department, the doctor who treated him told him that his eye may have been hit by buckshot aimed directly at his face and not on a curved trajectory. In his expert opinion, it states that Camilo has a permanent disability, due to the total loss of his eyeball.

“I’m not the same person after what happened, this tiny part of my life changed me too much. I’ve lost my sense of food, of taste. I sleep very little, I get up and think a lot about what happened. These are things that completely traumatize you... I lost a part of me, I didn’t lose a nail, I didn’t lose a hair, I lost my eye. They’re killing us. I wanted to open eyes and they blinded me. I saw colours and in an instant, they painted my world grey”⁷⁵

Camilo was known for his activism and for documenting human rights violations in the context of protests. As a result of what happened, he confesses that he is afraid to go out on demonstrations. This attack resulted in a decisive change in the way he carries out his activism since he currently feels fearful of going out to exercise his right to protest.

“Before I’d say: we are going to do this, we are going to do that, I shared lots of ideas, I participated actively. Right now I hesitate, I hesitate it too much, I think twice before doing it... because here in Colombia marching for rights is difficult”⁷⁶

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74 Interview with Camilo Carvajal, 22 September 2021.

75 Camilo Carvajal’s statement, Popayán Television News, 12 July 2021, available at: <https://www.facebook.com/watch/?v=532021864886300>

76 Interview with Camilo Carvajal, 22 September 2021.

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PATTERNS IDENTIFIED IN THE REPRESSION OF SOCIAL PROTEST THAT RESULTED IN EYE TRAUMA

The experiences of Gareth, Sandra, Sara, Leidy and Camilo are not isolated cases. Unfortunately, they are just examples of a broader pattern of violations of human rights, and especially the right to physical integrity, in the context of social protests. This pattern is also not new and is part of a more than 20-year history of disproportionate use of force to repress social protests in Colombia, as noted in the previous chapter.

In light of the seriousness of the complaints of human rights violations committed in the context of the National Strike, the IACHR carried out a working visit in June 2021. In its report the IACHR noted that it received reports of “excessive use of force with less lethal weapons—for example, through the indiscriminate use of expired irritant gases, or the use of Venom grenade launchers, the use of which was prohibited by an administrative judge in Popayán on June 2”.⁷⁷

“It should be noted that the accounts received by the IACHR consistently described disproportionate use of force by ESMAD officers... **the testimony received describes the use of marbles and rubber bullets or munitions, as**

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⁷⁷ Regarding the state’s response, the IACHR stated that it was informed of the opening of 11 disciplinary investigations, five in Bogotá, one in Popayán, three in Risaralda, one in Medellín, and one in Neiva.

well as the indiscriminate and nonstop deployment of teargas, sometimes fired directly at the heads and chests of demonstrators. This caused a high number of injuries, including eye injuries and deaths. Specifically, the Commission received the testimony of at least a dozen persons who suffered eye injuries of varying severity.”⁷⁸ (emphasis added)

The following sections describe **common patterns of violations of the human right to physical integrity, specifically as a result of the cases of injuries and eye trauma documented between April and October 2021** in the context of the social protests that took part in various parts of the country.

A. DETAILS OF EYE TRAUMA EXPERIENCED IN THE CONTEXT OF THE NATIONAL STRIKE IN COLOMBIA DURING 2021

The Information System on Eye Attacks In Social Protest (Sistema de Información de Agresiones Oculares a la Protesta Social, SIAP) of Campaña Defender la Libertad, recorded 12 eye injuries in the context of protests between 10 October and 22 November 2019.⁷⁹ In other words, in 44 days of demonstrations, there was one case of eye injury every 3.6 days. By comparison, Temblores’ GRITA Platform recorded that between January and July 2021, at least 103 cases of eye injuries occurred; that is, one such injury every 0.81 days in the context of the National Strike.

Of the 103 cases registered on Temblores’ GRITA Platform, 54.37% occurred in the city of Bogotá, followed by Valle del Cauca, with 11.65% of cases, and Cauca with 7.77% of cases.

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⁷⁸ Inter-American Commission on Human Rights, Observations and recommendations, Working visit to Colombia, June 2021, para. 50, available at: https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf

⁷⁹ Campaña Defender la Libertad es Asunto de Todas, Sistema de Información de Agresiones a la Protesta Social, available at: <https://defenderlalibertad.com/sistema-de-informacion-de-agresiones-a-la-protesta-social-siap/>

DEPARTMENT	Nº OF CASES	PERCENTAGE
Bogotá	56	54,37%
Valle del Cauca	12	11,65%
Cauca	8	7,77%
Nariño	7	6,80%
Cundinamarca	6	5,83%
Antioquia	5	4,85%
Risaralda	3	2,91%
Boyacá	2	1,94%
Atlántico	1	0,97%
Casanare	1	0,97%
Santander	1	0,97%
Tolima	1	0,97%
TOTAL	103	100%

TABLE: Consolidated figures recorded by the NGO Temblores' GRITA Platform

Regarding the demographic represented in these figures, it is important to note that the profile of the victims has been mostly young men aged between 18 and 22, who make up 26.20% of all cases. Of the total number of the victims, 90 are men, seven women and six are people whose gender could not be identified. Likewise, 20 cases involved people aged between 23 and 32 and eight cases of minors were recorded.

AGE/ AGE RANGE	Nº OF CASES	PERCENTAGE
Children	8	7,76%
18 to 22 años	27	26,20%
23 to 27 años	10	9,70%
28 to 32 años	10	9,70%
33 to 37 años	2	1,94%
38 to 42 años	0	0
43 to 47 años	1	2,90%
48 to 52 años	1	2,90%
Not known	42	40,70%
Youth*	2	1,94%
TOTAL	103	100%

TABLE: Consolidated figures recorded by the NGO Temblores' GRITA Platform

Regarding the occupation of the victims whose data it was possible to record, most of the cases involved students, thus demonstrating that the young student population was the most affected by repressive practices of police officers in the context of National Strike protests.

Regarding the type of eye trauma, the analysis is divided into five categories: a. loss of an eye; b. total loss of sight; c. partial loss of sight; d. injury without loss of sight; and d. eye injury with trauma not identified. In the 2021 records, the two injuries with the highest percentage are loss of an eye and total loss of sight – which does not necessarily involve the loss of the eye – with each accounting for 28 (13.59%).

TYPE OF INJURY	Nº OF CASES	PERCENTAGE
Loss of an eye	14	13,59%
Total loss of sight	14	13,59%
Partial loss of sight	9	8,74%
Eye injury without loss of sight	6	5,83%
Eye injury with trauma not identified	60	58,25%
TOTAL	103	100%

TABLE: Consolidated figures recorded by the NGO Temblores' GRITA Platform

It is important to note that, in the records, there is a cross-cutting figure of 18 cases of injuries that include an injury to the face or skull. The victims of this type of trauma report that they were hit by tear gas grenades thrown directly at their faces.

B. USE OF POTENTIALLY LETHAL WEAPONS AND LINKS WITH THE VIOLATION OF THE RIGHT TO PHYSICAL INTEGRITY DUE TO EYE TRAUMA

Since the start of the National Strike, the organizations PAIIS, Temblores⁸⁰ and

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80 In June 2021, the NGO Temblores, Indepaz and the Programa PAIIS of the Universidad de los Andes, denounced systematic violence by the security forces in the context of the National Strike demonstrations. According to a report presented to the IACHR, these practices were: (i) the indiscriminate, excessive and disproportionate use of firearms against protesters by the security forces; (ii) the use of less-lethal weapons against the bodies of protesters to disperse peaceful protests; (iii) horizontal shots with long-range Venom weapons in residential areas and against protesters; and (iv) inflicting eye trauma on protesters. Temblores, Indepaz and Programa PAIIS of the Universidad de los Andes, Informe sobre la violación sistemática de la Convención Americana y los alcances jurisprudenciales de la Corte IDH con respecto al uso de la fuerza pública contra la sociedad civil en Colombia, en el marco de las protestas acontecidas entre el 28 de abril y el 31 de mayo de 2021, report presented to the IACHR during its working visit, June 2021, available at: <http://www.indepaz.org.co/informe-de-temblores-ong-e-indepaz-a-la-cidh/> (Spanish only).

Amnesty International have recorded an alarming number of complaints about the excessive and disproportionate use of potentially lethal weapons by ESMAD.⁸¹ The reports describe injuries caused by the unlawful use of potentially lethal weapons, such as tear gas canisters fired directly at the faces of protesters, violating established protocols for their use and international standards.

The most serious injuries have occurred as a consequence of this type of impact as the victims have not only sustained eye trauma, but also injuries to their skulls that have required complex facial reconstruction surgery. In the Temblores record, it indicates that **18 cases of trauma occurred due to the impact of a tear gas grenade fired at the face.**⁸²

Attacking protesters in the face, and in particular the eyes by the misuse of potentially lethal weapons produces different types of damage that can inflict life-changing injuries on people. Depending on the nature and distance at which the attack is carried out, people may sustain a temporary trauma or permanent loss of sight. Types of trauma that can occur include: destruction of the iris, detached retina, vitreous hemorrhage, and eye and eye socket trauma. These result in either temporary or permanent damage to victims. In the cases that have been reported linked to the mobilizations that began on 28 April 2021, there is uncertainty about the definitive effects of these injuries, since they are still being treated with surgery, medication and therapies.

Amnesty International has received and verified hundreds of pieces of audiovisual material on the disproportionate and repressive actions of state security forces between 28 April and 20 October 2021. This audiovisual ma-

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81 Amnesty International, Cali: In the Epicenter of Repression, 30 July 2021, (AMR 23/4405/20201), available at: <https://www.amnesty.org/en/documents/amr23/4405/2021/en/> ; Colombia: Open letter to president Iván Duque about the serious human rights crisis in Colombia, 14 May 2021, (AMR 23/4121/20201), available at: <https://www.amnesty.org/en/documents/amr23/4121/2021/en/> ; Amnesty International, Colombia: 650 civil society organizations call for exhaustive investigation of repression of protests and call on the IACHR to act, 6 May 2021 (AMR 23/4100/2021), available at <https://www.amnesty.org/en/documents/amr23/4100/2021/en/> ; Amnesty International published a report on 4 May, with audiovisual evidence verified by its Digital Verification Corps, confirming that the National Police had used lethal weapons against protesters in several incidents, as well as less lethal weapons, such as tear gas and water cannon, indiscriminately. See, Colombia: Amnesty International denounces the militarized response and police repression of demonstrations, 4 May 2021, available at: <https://www.amnesty.org/en/latest/news/2021/05/colombia-amnistia-denuncia-respuesta-militarizada-represion-policial/>

82 ONG Temblores, GRITA Platform.

terial has been rigorously digitally verified by experts in weapons and ammunition and by Amnesty International’s Digital Verification Corps (DVC).⁸³

THE VIDEOS VERIFIED REPORT A PATTERN OF:

I indiscriminate use of tear gas launchers

II use directed at the body of protesters.

In several of the videos verified it is possible to determine that the weapons from which tear gas was launched were used unlawfully and in breach of human rights standards, targeting the bodies of protesters, especially the head. According to the Amnesty International’s Digital Verification Corps, it is possible to detect in several videos the use of these as “projectiles”, at close range and at an average angle of 45 degrees. The grenade launcher weapons identified were 40mm Penn L140-1 weapons, made in the USA. These kinetic impact grenade launchers are considered potentially lethal if their use is targeted at individuals and fired at close range, as they were in these cases.

In several videos and photos it was also possible to identify the disproportionate use of potentially lethal weapons, such as truncheons, which should be used in limited situations to respond to an imminent danger. However, the audiovisual evidence collected suggests that police officers in Colombia used them to beat protesters, targeting the head and neck, which clearly carries a high risk of causing serious injuries, including eye trauma.⁸⁴ The indiscriminate use of these weapons in cases in which it is not possible to determine a situation of serious threat, is conduct contrary to international law.

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⁸³ The DVC is a network of volunteers trained in open source research and analysis, based in universities around the world. The Berkeley Center for Human Rights of the University of California and the Centre for Human Rights of the University of Essex, in the United Kingdom, participated in this research.

⁸⁴ Amnesty International, Evidence of excessive use of force against protesters around the world, the Case of Colombia, April 2021. The verified video shows a young man being beaten by three police officers with batons, available at: <https://youtu.be/UQxVUD8htJ8>



Screenshot of one of the videos verified by Amnesty International's DVC in which a person can be identified with their hands up in front of an armoured personnel carrier. In the shot one can see a tear gas grenade being fired directly at his body and hitting him in the head. Cali, Valle del Cauca, 3 May.⁸⁵

State bodies, such as the Ombudsperson's Office, have reiterated their concern regarding the excessive use of force, in particular by ESMAD. In the report presented by the Office of the Ombudsperson to the IACHR on social protests during the period April to June, the Office of the Ombudsperson indicated that, in most cases, violent interventions by ESMAD were:

“perceived by the protesters as a form of confrontation affecting the exercise of a right. The confrontations can result in violations when National Police officials do not adhere strictly to human rights regulations, breaching principles of proportionality, rationality and differentiation in the use of force. This has led to the disproportionate use of force being seen in various interventions, violating the right to physical integrity and even the right to life of some protesters or passers-by who are in areas where a protest is taking place... Extreme violence is manifested

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⁸⁵ Video published on 3 May on Facebook, available at <https://www.facebook.com/100000297729291/posts/4277256132294269/?sfnsn=scwspwa>. Material verified by Amnesty International's Digital Verification Corps (DVC).



in those cases where death occurs as the result of the use of firearms, which ESMAD and the Available Police Forces are prohibited from carrying”.⁸⁶

The decision to resort to the use of force in the context of protests must respect the **principles of legality, necessity, proportionality and accountability**.⁸⁷ In those cases in which force has to be used, it should only be directed at people who are involved in acts of violence or who actually represent a threat and not against other people who are participating peacefully in the meeting or demonstration or are simply passers-by. In these cases, the authorities must take the necessary measures to identify the specific people who have committed acts of violence and continue to facilitate the right to peaceful assembly of those who wish to exercise it. Only in cases where the violence has become genuinely widespread and there is no other way to stop it may law enforcement officials use reasonable and limited force to disperse an assembly.⁸⁸

There are also very clear rules in international human rights law regarding the use of so-called “less lethal weapons” (as opposed to firearms) because, depending on how they are used, they can be potentially lethal or inflict severe

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86 “percibida por los manifestantes como una forma de confrontación que altera el ejercicio de un derecho. De la confrontación pueden generarse vulneraciones cuando agentes de la Policía Nacional no se ciñen de manera estricta a los reglamentos en materia de derechos humanos, incumpliendo principios de proporcionalidad, racionalidad y diferenciación en la aplicación de la fuerza. Esto ha generado que en diversas intervenciones se observe el uso desproporcionado de la fuerza, transgrediendo el derecho a la integridad personal e incluso el de la vida de algunos manifestantes o transeúntes que se encuentran en las zonas donde se desarrolla la protesta. (...) El caso extremo de violencia se presenta en aquellos casos en que la muerte se produce por arma de fuego, cuyo porte por parte del ESMAD y la Fuerza Disponible de la Policía está prohibido”. Ombudsperson’s Office, Informe defensorial visita CIDH Colombia protesta abril-junio 2021, June 2021.

87 United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

The principle of legality establishes that the power of law enforcement officials to use force must be established by law, which will describe under what circumstances and for what purpose the use of force may be considered;

The principle of necessity establishes that force will only be used when no other means is available (beforehand or after having exhausted all available means) to achieve the legitimate objective. It should also be clear that only minimal force will be used; that is, no more force will be used than is necessary to achieve the objective.

The principle of proportionality states that law enforcement officials may not attempt to achieve their objectives at all costs. The law should set a clear boundary and require law enforcement officials to weigh their legitimate objective against the possible harm they may cause by resorting to the use of force.

Finally, the principle of accountability requires that law enforcement agencies be held accountable for the fulfilment of their duties and their compliance with the legal and operational framework, including not only law enforcement officials acting in a specific situation, but also those who have responsibility in the chain of command.

88 Human Rights Committee, General Comment 37 (2020), on the right to peaceful assembly (Article 21), CCPR/C/GC/37, 17 September 2020, para. 85.

and irreversible harm to the physical integrity of protesters, such as the cases of eye trauma documented in this report.

The United Nations Human Rights Guidance on the Use of Less-Lethal Weapons in Law Enforcement states that:

“Less-lethal weapons and related equipment may also kill or inflict serious injury, especially when they are not used by trained personnel in accordance with the specifications, with general principles on the use of force, or with international human rights law.”⁸⁹

The Guidance states that targeting the face or head with kinetic impact projectiles “may result in skull fracture and brain injury, damage to the eyes, including permanent blindness, or even death.”⁹⁰ **Therefore directing them at the head, face or neck constitutes unlawful use.**⁹¹

According to statements by Vice-President and Foreign Minister Marta Lucía Ramírez, 88.5% of the demonstrations in the context of the National Strike have been peaceful.⁹² Although individual incidents of violence were recorded in some Colombian cities, in general, the demonstrations have been characterized by their peaceful nature. However, the national authorities appear to justify the disproportionate use of force by citing acts of vandalism and terrorism.⁹³

The Presidential Council for Human Rights has maintained that: “the state can intervene, within the framework of the law and the relevant protocols, to curtail a meeting or public demonstration when those involved disregard the peaceful

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89 Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, HR/PUB/20/1 eISBN: 978-92-1-005071-5, New York and Geneva, 2021, para. 1.2.

90 Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, HR/PUB/20/1 eISBN: 978-92-1-005071-5, New York and Geneva, 2021, para. 7.5.3.

91 Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Human Rights Guidance on the Use of Less Lethal Weapons in Law Enforcement, HR/PUB/20/1 eISBN: 978-92-1-005071-5, New York and Geneva, 2021, para. 7.5.8.

92 Statement by the Vice-President and Chancellor, Marta Lucía Ramírez, at the end of the meeting with the Representative of the United Nations High Commissioner for Human Rights, Juliette de Rivero, 25 June 2021, available at: <https://www.cancilleria.gov.co/newsroom/video/declaracion-vicepresidente-canciller-marta-lucia-ramirez-termino-reunion> (last accessed 5 July 2021), (Spanish only).

93 Presidency of the Republic of Colombia, address by Iván Duque, 1 May 2021, available at: <https://twitter.com/infopresidencia/status/1388692317922631680?s=20> (Spanish only).



element; that is, when they become violent thus affecting aspects such as national security, public order, public interest and, especially, the life or physical integrity of citizens in general... The position of the National Government of absolute rejection, in the face of the evidence, of the involvement of a very small number of public security officials in irregular conduct in the context of protest scenarios is noted; officials who should be subject to exemplary penalties and sanctions. All in all, it is necessary to reiterate that acts such as those that are criticized are not the general conduct of members of the security forces, institutions that could be seriously brought into disrepute for the deviant behaviours of some officials involved in such conduct.”⁹⁴

It is important to highlight that the Human Rights Committee in General Comment 37 (2020) on the right to peaceful assembly, in explaining Article 21 of the ICCPR,⁹⁵ **established a presumption in favour of considering that meetings are peaceful and that isolated acts of violence by some participants should not be attributed to others.** In addition, the measures that impose restrictions on participation in peaceful assemblies should be based on a **differentiated or individualized assessment of the conduct of the participants and the assembly concerned. Blanket restrictions on peaceful assemblies are presumptively disproportionate”.** (Emphasis added)⁹⁶ The right of peaceful assembly, “together with other related rights also “constitutes the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism.”⁹⁷

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94 La Consejería Presidencial para los Derechos Humanos, sostiene que “el Estado puede intervenir, en el marco de la ley y los protocolos pertinentes, para limitar una reunión o manifestación pública cuando quienes las ejercen prescinden del elemento pacífico, esto es, cuando se tornan violentas afectando así dimensiones tales como la seguridad nacional, el orden público, el interés general y, especialmente, la vida o la integridad personal de los ciudadanos en general. (...) se resalta la postura del Gobierno Nacional de absoluto rechazo frente a hechos que involucran actuaciones irregulares de un muy reducido número de agentes de la Fuerza Pública en escenarios de protesta; funcionarios respecto de los cuales se pide la aplicación de penas y sanciones ejemplares. Con todo, es menester reiterar que, actos como los que se reprochan no son la generalidad en el comportamiento de integrantes de la Fuerza Pública, instituciones que mal podrían ser descalificadas por la conducta desviada de algunos funcionarios involucrados en tales conductas.” Presidential Council for Human Rights, OFI21-00086955 / IDM 13050000, 15 June 2021, Response on assessments related to the Right to Assembly and Public and Peaceful Protest in Colombia.

95 The right to freedom of peaceful assembly is enshrined in Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the American Convention on Human Rights (ACHR), instruments to which Colombia is a state party. Likewise, the Constitution of Colombia recognizes, in Article 37, the right to assemble and demonstrate publicly and peacefully. The exercise of the right to freedom of peaceful assembly is linked to freedom of expression (Articles 19 of the ICCPR and 13 of the ACHR) and freedom of association (Articles 22 of the ICCPR and 16 of the ACHR).

96 Human Rights Committee, General Comment 37 (2020), on the right to peaceful assembly (Article 21), CCPR/C/GC/37, 17 September 2020, para 38.

97 Human Rights Committee, General Comment 37 (2020), para. 1.

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DISABILITY AND THE HARM INFLICTED ON LIFE PROJECTS DESCRIBED THROUGH VICTIMS' STORIES

A. DISABILITY LINKED TO POLICE VIOLENCE: INJURIES, TRAUMA AND CHANGED LIFE PROJECTS

Eye trauma has caused irreparable damage to protesters on various levels. More than 100 people reported suffering eye trauma during the protests in 2021 alone.⁹⁸ Beyond the high numbers of people who have suffered eye injuries as a result of the disproportionate use of potentially lethal weapons, these accounts are a vivid reflection of the irreversible damage caused to their lives.

This analysis is based on the social approach to disability established in the Convention on the Rights of Persons with Disabilities (CRPD), to which Colombia is a state party. The CRPD adopts what is known as the “social model” according to which a person with some kind of functional difference (as some framed it and what the Convention calls “*impairment*”) is considered to have a disability to the extent that that the environment is not adapted to accommodate them, which prevents them from accessing and exercising rights on equal terms with others. In this way, the social model locates disability outside the person who has the functional difference, indicating that it is found in the inadequate social response to that difference.⁹⁹

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⁹⁸ [NGO Temblores, GRITA Platform.](#)

⁹⁹ This conceptual construct is the product of the activism of people living with disabilities who, by promoting the negotiation of the Convention, sought to be recognized, as never before, as rightsholders and not as objects of assistance or charity.

The positive and optimistic stance of the social model, however, is problematic when that *functional difference* is the result of violent action; even more so, when the violence comes from the state. It is difficult for a person who has been violated for exercising a right and who, as a consequence, experiences a deterioration in a sense or functionality, to embrace the discourse of the value of diversity. Not only are people damaged by the violence of an armed conflict or police violence as a result of the permanent wounds inflicted on their bodies by that attack, but they also face psychological impacts that are very complex to overcome. This is largely due to the fact that the consequences imprinted on the body are a living and permanent reminder of that violence and it becomes a permanent source of revictimization.

This aspect is extremely significant. The life and identity of the person is penetrated, for the rest of their lives, by the violence inflicted on them by those officials who are tasked internationally and constitutionally with protecting them. In cases of injuries of this type, it has been observed that, through the victimizing action at the hands of state forces and in an environment in which social protest is almost associated with an act of war, disability becomes a weapon used by the security forces to confront that constructed enemy.¹⁰⁰

Acquiring a disability as a result of a victimizing act at the hands of the armed forces turns that condition into the constant memory of a violent episode that should never have happened, into a perpetual revictimization that highlights the vulnerability of citizens faced with a state that is attacking them. Thus, when and how a disability is acquired has a determining impact on the way in which a person comes to terms with it, since one's perspective when the disability is the product of a victimizing event is very different from when it is not.¹⁰¹

Another fundamental aspect that increases the complexity of this violence and that requires a detailed study – which should take place over a longer

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100 This situation is similar to that which occurs with the use of antipersonnel mines in a context of armed conflict as a mechanism for weakening the opponent.

101 For more information, see the report presented by the PAIIS Programa de Acción por la Igualdad y la Inclusión Social de la Universidad de los Andes in December 2020 to the Commission for the Clarification of Truth, Coexistence and Non-repetition titled, *Discapacidad y conflicto armado en Colombia: en busca de un relato ausente*, which discusses to the issue of the identity of victims with disabilities, available at: <https://paiis.uniandes.edu.co/en-busca-de-un-relato-ausente/> (Spanish only).



period – is that injuries of this type are accompanied by a *psycho-social impact*. This is because, in addition to the traumatic effect of the violent act itself, these are visible injuries that alter the way the person presents themselves to the world, leaving them exposed to social judgements and profound effects on their self-esteem and security. That emotional impact is part of the harm that is done and must be integrated throughout case studies and the care pathway designed to address it.

As will be seen in this section, people who have sustained eye trauma as a result of police violence have to face barriers resulting from bearing on their faces a mark that makes them a symbol of what should be rejected: the dissident, the riotous, the rebel. **Those people who cannot see do not want to be seen either** and, therefore, getting a job, for example, becomes an odyssey because the stigma generates fear and mistrust of them. Requesting health services generally means being revictimized trying to access treatments that are often unaffordable and that public services are not in a position to provide. In addition, this new condition creates new expenses to deal with a new daily reality that is often beyond people's economic resources. The lack of pathways for dealing with these situations means people have to go around to figure out a system that rejects those who do not conform to its categories.

B. OBSTACLES TO GUARANTEEING THE HUMAN RIGHTS OF THE VICTIMS OF THE EYE TRAUMA

An aspect common to all the interviews regarding the cases documented in this report is that as a result of these violent incidents, people feel a deep mistrust and fear of National Police officials and, in particular, ESMAD. In several cases, the victims stated that the officers who shot at their faces did so deliberately and in a premeditated manner. Such is the case of Camilo Carvajal, who was threatened that they would “take out his eyes” if he continued to record police abuses with his cell phone. Other victims had a previous exchange of looks and words with ESMAD officials, which they consider a key factor in determining why they were shot directly in the face. Many of them saw the officers take aim and fire directly at them, with the intention of causing serious harm.



RESTRICTION OF THE RIGHT TO PEACEFUL PROTEST

Several of the victims whose statements are cited in this report, said that the eye trauma sustained has had a major impact on their decisions about exercising their right to social protest in the future. The eye trauma has created a sense of fear and insecurity related to the marches which makes it difficult to participate again. Camilo Carvajal nervously points out that thinking about a demonstration makes his heart race and that, although he used to actively participate in these spaces, today he would think twice before going on a demonstration again.¹⁰² For some of the people interviewed, such as Gareth Sella, Leidy Cadena and Juan Carlos Martínez Gil, their experiences have not diminished their political activism or their involvement in social protest. Gareth Sella has continued to be active in spaces such as assemblies or meetings, but he has not taken part in demonstrations.

José Romero said that, although he has gone on other demonstrations after the eye trauma, he continues to feel afraid when he sees ESMAD officials and that when he has been on demonstrations, his family has asked him to be very careful and they've already "screwed up" one eye.¹⁰³ Carolina Bautista, after the sustaining eye trauma, continued to be part of the student movement, but stopped participating in marches and demonstrations for at least two years because she was very afraid. In fact, Carolina says that after so many years she still has a feeling of fear and insecurity when she sees a policeman nearby, regardless of where in the world she happens to be.¹⁰⁴

Juan Villaquirán said that he would march again if necessary, but that he would do so with a feeling of fear because now one of his greatest fears is being totally blind.¹⁰⁵ He also said that, due to his experience and to other acts of police violence that he has witnessed, he feels very uncomfortable when police officers are nearby. Dickson Ramírez said that he is

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102 Interview with Camilo Carvajal, 22 September 2021 "¿Qué lo haría? Lo haría en cantidad de veces, inclusive pues si me genera la muerte eso pues que hijuemadre, pero si lo pienso dos veces antes de hacerlo, porque aquí en Colombia es complicado salir a marchar por los derechos" ["Would I do it again? I would do it many times over, even if it results in my death, goddammit! But if I think twice before doing it, it's because here in Colombia it is difficult to go out and march for rights."]

103 Interview with José Romero, 28 September 2021.

104 Interview with Carolina Bautista, 9 June 2021.

105 Interview with Juan David Villaquirán, 16 September 2021.

afraid of going on a demonstration again and does not want to do it again “because you do not know when they might do something to you.”¹⁰⁶

IMPACT ON THE RIGHT TO HEALTH AND REHABILITATION

One of the main barriers encountered by victims of eye trauma who seek medical attention is discrimination and stigmatization. Camilo Carvajal described how when he arrived at the hospital where he was treated after the incident, the doctors did not want to treat him because he was wearing a helmet and a gas mask. He said that, despite the fact that he arrived at the hospital in a serious condition and vomiting blood, he heard discriminatory comments, such as a doctor who said: “oh, these are one from the Frontline,¹⁰⁷ not those from the demonstration, and for what?”¹⁰⁸ He also said that getting seen at the hospital took so long that the person who accompanied him started recording the situation to attract attention and that when the person responsible for examining him finally reviewed his case, she said: “Why have you got this boy here? Please! During this time, you should already have sent him to have a CT brain scan. He might have arrived with an internal concussion”¹⁰⁹ Camilo said that recording the situation, together with the announcement by several protesters that they were going to demonstrate in front of the hospital, created pressure for him to be given the medical attention he sought.¹¹⁰

As regards victims’ access – within an adequate and reasonable time – **to the medical procedures and prostheses needed for the eye trauma, several problems have arisen.** Initially people often do not know how to access the system or the services available, in terms of Colombian law. As a result, lack of economic resources becomes a major obstacle to accessing these services adequately. Daniel Jaimes said that he had to raise money through donations to be able to pay all the expenses

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106 Interview with Dickson Ramírez, 15 September 2021.

107 The “Frontline” are the group of protesters who place themselves in front of the National Police Mobile Anti-riot Squad, with shields and helmets, in order to defend the group from a possible attack with tear gas or stun grenades. Such groups were also formed during protests in Chile and Hong Kong.

108 Interview with Camilo Carvajal, 22 September 2021.

109 Interview with Camilo Carvajal, 22 September 2021.

110 Interview with Camilo Carvajal, 22 September 2021.

related to his health.¹¹¹ José Romero said that, at the time of the incident, he was not enrolled in the health system and so he and his family had to deal with the debt resulting from the urgent medical care he received after the eye trauma. In addition, access to the prosthetics and glasses he now needs has also been paid for by his family.¹¹² Juan Villaquirán,¹¹³ Wilmar Lopera¹¹⁴ and Camilo Carvajal¹¹⁵ have also had to manage accessing prostheses, glasses and medicines themselves and with the help of their friends and the community.

Further evidence of the **lack of availability and accessibility of services** is that victims often have to undertake lengthy journeys in order to access treatment. José Romero said that in order to get his prosthesis he had to travel from Caquetá to Bogotá,¹¹⁶ while Virgilio Mosquera said that even though he lives in Popayán, he has had to go to Cali to receive his medical treatment, which involves a considerable increase in his expenses because he has to pay for the stay and transport himself.¹¹⁷

As regards rehabilitation services, of the 13 victims of eye trauma interviewed for this report who sustained total or partial loss of sight in one eye, none said they had had access to public rehabilitation services that would have enabled them to adjust more easily and be better equipped to deal the consequences of the eye trauma, especially the reduction in visual capacity.

PSYCHO-SOCIAL SUPPORT

Regarding the **psycho-social support for the consequences of eye trauma**, only three of the victims interviewed said they received any psychological counselling.¹¹⁸ Gareth Sella says that it was provided by officials of the Bogotá Secretary of Government, and that it consisted of about three half-hour

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111 Interview with Daniel Jaimes, 23 September 2021.

112 Interview with José Romero, 28 September 2021.

113 Interview with Juan David Villaquirán, 16 September 2021.

114 Interview with Wilmar Lopera, 28 May 2021

115 Interview with Camilo Carvajal, 22 September 2021.

116 Interview with José Romero, 28 September 2021.

117 Interview with Virgilio Mosquera, 22 September 2021.

118 Interview with Gareth Sella, 2 June 2021. Interview with Camilo Carvajal, 22 September 2021, and interview with Juan David Villaquirán, 16 September 2021.

sessions.¹¹⁹ The victims who said that they were receiving or had received continuous psychological support linked to eye trauma said that it was provided by institutions such as universities¹²⁰ and human rights organizations;¹²¹ some paid for this support themselves.¹²² Only two of the victims said that they were offered any kind of psychological support within the health system beyond that in the immediate aftermath of the eye trauma.¹²³

In addition to the precarious psycho-social care received – when it has been provided at all – victims also state that the treatment by health personnel was not always adequate, given the traumatic nature of the injury. Carolina Bautista, for example, referring to the time when the doctor examined her for the first time, said:

“He examined me and the first thing he said to me was ‘uh, they shot you in the eye’, that is to say, without taking the utmost care given the situation or what was happening to me and what I was feeling, not in the least.”¹²⁴

As a corollary to the above, it must be said that, while the direct victims do not receive adequate psycho-social care or rehabilitation, support for their families, who also see their lives impacted by these violent events, is also lacking.

One of the most significant points that victims of eye trauma highlight is the physical damage and its impact on their life project. Some describe how they have had additional barriers in carrying out daily activities or in exercising their right to work.

BARRIERS TO ENSURING THE RIGHTS TO WORK, EDUCATION AND MOBILITY

Camilo Carvajal said that he lost his job due to the situation and, although

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119 Interview with Gareth Sella, 2 June 2021.

120 Interview with Juan David Villaquirán, 16 September 2021, and interview with Wilmar Lopera, 28 May 2021.

121 Interviews with Leidy Cadena, 5 June 2021; Gareth Sella, 2 June; and Daniel Jaimes, 23 September 2021.

122 Interview with Carolina Bautista, 9 June 2021.

123 Interviews with Camilo Carvajal, 22 September 2021, and Virgilio Mosquera, 22 September 2021.

124 Interview with Carolina Bautista, 9 June 2021.



he can return to it once he feels better, he pointed out that because of the care he needed and that his mother provided, she also lost her job.¹²⁵

Some of the barriers that have been created to access education are related to the recovery time after eye trauma, others to the impairments caused by eye trauma for which the victims have not received support or reasonable adjustments to reduce the barriers, while others are linked to the financial resources necessary to access the educational system. Carolina Bautista said that when she sustained the eye trauma she was in her last semesters at university and it was difficult for her to read – she said that she still misses lines of the texts if she spends a lot of time reading – and that she had considerable difficulty in getting used to using the computer again.¹²⁶ José Romero said that he was forced to postpone the semester he was studying at the university and that the following semester he still felt weak and it was difficult for him to read with one eye; that is why he took fewer courses and although at the time of sustaining the eye trauma he was two years away from graduating, he ended up taking between six and seven more years to graduate.¹²⁷

Regarding the last point, Camilo Carvajal said that before the injury, he was working and saving to go to university, but that this money was used for expenses related to the eye trauma.¹²⁸ Daniel Jaimes was also planning to study at the Universidad Distrital before the eye trauma, but said that now he has wait a bit to realize these plans.¹²⁹

In relation to mobility barriers, Gareth Sella said that his loss of sight means that he sometimes crashes into other people while walking¹³⁰ and that he will have to modify his bicycle before using it again to compensate for the lack of vision in one of his eyes. Leidy Cadena expressed concern regarding her mobility because she travelled mainly by bicycle and now

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125 Interview with Camilo Carvajal, 22 September 2021.

126 Interview with Carolina Bautista, 9 June 2021.

127 Interview Jose Romero, 28 September 2021; his case occurred in 2013.

128 Interview with Camilo Carvajal, 22 September 2021.

129 Interview with Daniel Jaimes, 23 September 2021.

130 Interview with Gareth Sella, 2 June 2021.

that her vision “is reduced by 50%”¹³¹ and that she has developed photophobia in her left eye, this will affect her ability to cycle and also to operate other vehicles like a car or a motorcycle.¹³² Virgilio Mosquera described a similar situation, adding that he had a motorcycle and that due to the sensitivity to light resulting from the eye trauma, he can only use it on days when it is not very sunny or wearing very dark glasses.¹³³

EMOTIONAL AND SOCIAL BARRIERS

Finally, there are emotional and psycho-social consequences – in addition to those mentioned above – that have a major impact on victims. These include the changes in their family and friendship relationships, the impact and perception they have of their physical appearance following the eye trauma and the feeling of vulnerability that persists for some victims.

Regarding the impact that the change in their appearance had on the victims, Gareth Sella said that when he was assessed by the forensic services he was informed “this is permanent damage, it is also permanent cosmetic damage.”¹³⁴ Carolina Bautista explained that a few months after the eye trauma, she took some professional photos and when she saw them she did not recognize her own face. She said that when she saw the photo she thought: “that’s how I’m left, this is me now”¹³⁵ and sat down and cried. Finally, Juan Villaquirán recalled that the first time he shaved after being hit in the eye had an huge effect on him, not looking the same as before and not having one of his eyes. Juan said: “When you go to look in the mirror the first thing you look at are your defects; you always think ‘oh I’m fat, oh I’ve got a pimple, oh I’ve got this.’ In my case, I don’t have an eye”.¹³⁶

In relation to the feeling of vulnerability and fear experienced by victims of eye trauma, Juan Villaquirán stated that in addition to eye trauma, he witnessed a lot of mistreatment by the police and that he

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131 Interview with Leidy Cadena, 5 June 2021.

132 Interview with Leidy Cadena, 5 June 2021.

133 Interview with Virgilio Mosquera, 22 September 2021.

134 Interview with Gareth Sella, 2 June 2021.

135 Interview with Carolina Bautista, 9 June 2021.

136 Interview with Juan Villaquirán, 16 September 2021.

can't handle seeing police officers, especially when they behave in an aggressive way; for Juan "that's like a trauma there that stays with you."¹³⁷ Juan described how after the impact that caused the eye trauma, he feels very unsafe.¹³⁸

Virgilio Mosquera said that he suffers from trauma as consequences of the injuries inflicted by police, one of them is that he has difficulties sleeping. Virgilio said that he wakes up at various times during the night, sweating, in distress and dreaming that someone is going to hit him on the head or detain him. In addition, when he sees police officials, he is afraid that they will hit him again and so he stays still or walks away. Virgilio said that although he is recovering slowly, he still has the feeling that he is going to be beaten when he is asleep.¹³⁹ Wilmar Lopera also finds it traumatic when he sees a man in uniform now because feels intimidated rather than protected.¹⁴⁰

Regarding other emotional consequences of eye trauma for the victims, José Romero stated that he felt emotionally depressed after the eye trauma because the relationship with his girlfriend ended, he fell behind in college and the eye trauma affected his social life because when he went out "everyone looks at you like, like a weirdo, because of a defect especially to your face."¹⁴¹ José also said that he is affected when people who know him refer to him as "tuerto" (a one-eyed person), and because his girlfriend does not like it when he removes the prosthesis and tells him to put it back in.¹⁴² Finally, Wilmar said: "for me emotionally that is the hardest, the most difficult thing that I have had to face in life. I think it would have been better if they'd killed me. Perhaps if I'd died I could have avoided this intense emotional pain that I have to carry for the rest of my life."¹⁴³

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137 Interview with Juan Villaquirán, 16 September 2021.

138 Interview with Juan Villaquirán, 16 September 2021.

139 Interview with Virgilio Mosquera, 22 September 2021.

140 Interview with Wilmar Lopera, 28 May 2021.

141 Interview with José Romero, 28 September 2021.

142 Interview with José Romero, 28 September 2021.

143 Interview with Wilmar Lopera, 28 May 2021.

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CONCLUSIONS AND RECOMMENDATIONS

PAIIS, Temblores and Amnesty International have concluded that, during the social protests in the context of the National Strike in Colombia, members of the Mobile Anti-Riot Squad (ESMAD) committed widespread human rights violations against protesters, by inflicting eye injuries through the disproportionate use of potentially lethal weapons.

Based on the statements of the victims of eye trauma, together with the documentation on their cases and the exhaustive verification of audiovisual material, it is possible to assert that these injuries were caused deliberately and in breach of human rights protocols and standards. In some of the cases documented in this report, they deliberately caused suffering and serious harm to demonstrators with the intention of punishing their decision to protest or the fact that they were women taking part in a protest.

The deliberate use of potentially lethal weapons to injure people's eyes caused irreversible damage to the physical and mental integrity and to the lives of peaceful protesters, the majority of whom are young people. The information collected in the statements and in the verified audiovisual materials show conclusively that there was an intention to inflict harm and send a chilling message to those who decide to protest in the streets. In some cases documented in this report ESMAD officials caused suffering and serious harm to the people on the demonstrations with the intention of punishing their decision to protest.

The failure of the national authorities to issue a strong message that these acts would not be tolerated, together with impunity, sent a permissive message to

ESMAD officials and violated the rights of the victims to justice, reparation and guarantees of non-repetition.

Although the majority of the victims were men on the demonstrations, some testimonies suggest that this violence was sometimes also targeted based on the gender of the victims. This was the case of the threats and violence documented in this report against women who decided to exercise their right to protest. This is shown by way officials treated women before attacking them, using insults and deprecating terms based on their gender and stereotypes of a woman's role.

Despite the complaints of repression, there is still no protocol setting out the pathway that should be followed should this sort of case be presented at a health centre or providing information on access to justice. According to the statements, cases were treated like those of any other person injured in non-violent acts. This, in many cases resulted in their revictimization. The response of public institutions was fragmented, the various bodies were not clear about how to proceed and there was no practical follow-up to the cases. Psycho-social support was not sustained, intensifying the mental damage experienced by victims and the impact of these injuries on their life projects.

The violent acts that produced the injuries, and the possible visual disability inflicted as a consequence, affected and changed the life projects of the people experiencing them, reducing access to opportunities, for example work, and altering the quality of life of these individuals. This had the effect of exacerbating the situation of need and marginalization that largely motivated the protests in the first place. Thus, people found themselves in a vicious circle of gaps aggravated by the violent action of the state, which not only failed to address them but made them more complex.

The human rights violations and crimes under international law documented in this report are not isolated or sporadic incidents, but rather reflect a pattern of violent actions by ESMAD aimed at punishing those who decide to protest and discouraging peaceful protest. These incidents deserve emphatic condemnation from the international community in order to demand concrete actions that result in the prevention of this type of incident and respect for the rights of the victims.



Taking into account that a significant part of the problem of police violence is due to the stigmatization of the right to protest, it is also important to call on various social sectors, such as the education sector and the media, to promote the rights to freedom of expression and peaceful assembly.

PAIIS, TEMBLORES AND AMNESTY INTERNATIONAL RECOMMENDATIONS TO THE COLOMBIAN AUTHORITIES:

1. Give an unequivocal order to the security forces and in particular the Mobile Anti-Riot Squad (ESMAD), to stop the abusive use of force.
2. Recognize, publicly, the seriousness of the human rights violations and crimes under international law that were committed during the protests in the context of the National Strike and adopt all necessary measures to provide reparation to the victims and to prevent events such as those detailed in this report from being repeated.
3. Ensure ESMAD fully complies with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including by:
 - ending of the use of the Venom system in public order operations in general and in the policing of demonstrations in particular,
 - ensure that tear gas is only used for crowd dispersal in situations of widespread violence and not indiscriminately or targeted to cause serious injury;
 - comply with human rights standards on the use of potentially lethal weapons, in compliance with the principles of lawfulness, absolute necessity and proportionality.¹⁴⁴
4. Remove the National Police, including ESMAD, from the Ministry of Defence in order to ensure that their actions are consistent with a civilian and not a military approach.

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¹⁴⁴ Amnesty International recommends using as reference documents its Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and 30 Rules for the Use of Chemical Irritants in Law Enforcement.

5. Comply without delay with the recommendations of the Inter-American Commission on Human Rights, in particular Recommendation 10, in order to ensure that the use of non-lethal means to control public order is subject to a strict and public protocol that prevents and punishes their use to cause serious harm to the physical integrity and health of protesters.¹⁴⁵
6. Comply with the provisions of the 22 September 2020 ruling of the Colombian Supreme Court of Justice in a way that guarantees and facilitates the exercise of the fundamental rights of freedom of expression, assembly and peaceful protest and freedom of the press.
7. Undertake a structural reform of the National Police, in particular the Mobile Anti-Riot Squad (ESMAD), which establishes the protection and guarantee of human rights as the basis of its actions. This reform must include, as a minimum:¹⁴⁶
 - Independent and effective monitoring systems;
 - Significant participation by various social sectors in the development of a reform of ESMAD, which includes the creation of roundtables in which victims of police violence can participate and the principle of diversity is guaranteed;
 - The adoption of adequate and independent protocols to investigate abuses committed by the police in order to guarantee greater transparency;
 - Addressing unlawful police violence as a structural problem;
 - Including the role of commanders and other superior officers in human rights violations;
 - Developing protocols to ensure that ESMAD officials against whom serious complaints of human rights violations have been made are temporarily suspended from service in order to contribute to non-repetition.

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¹⁴⁵ Inter-American Commission on Human Rights, Observations and recommendations, Working visit to Colombia, June 2021, para. 50, available at: https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf

¹⁴⁶ For further information on see principles see Amnesty International, *Policías Bajo la Lupa: Cinco claves para la supervisión y la rendición de cuentas de la policía en las Américas*, 15 October 2021, available at: <https://www.amnesty.org/en/wp-content/uploads/sites/4/2021/10/AMR0148112021SPANISH.pdf> (Spanish only).

8. Establish independent ESMAD accountability mechanisms in order to ensure the thorough, prompt and impartial investigation of complaints of human rights violations.
9. Develop a joint protocol between the Public Prosecutor's Office, local governments (specifically the Ministries of Health and of the Interior) and the National Police to guarantee immediate initial care for people injured in the context of demonstrations. This protocol must include concrete actions to guarantee they receive priority healthcare, including pathways for immediate treatment and comprehensive follow-up.
10. Establish a comprehensive care plan that guarantees victims of eye trauma are able to enjoy their fundamental rights and freedoms. This plan should be developed with the participation of victims of eye trauma and their families.
11. Guarantee access to justice and comprehensive reparation for victims of eye trauma, recognizing them as victims of human rights violations.

TO THE ATTORNEY GENERAL ' S OFFICE

12. Initiate diligent, independent and impartial investigations into human rights violations and crimes under international law committed in the context of the National Strike, specifically the cases presented in this document, and, if there is sufficient and admissible evidence against those suspected of criminal liability, including commanders, subject them to fair proceedings before ordinary civilian courts.

TO THE OMBUDSPERSON ' S OFFICE

13. Fulfil the constitutional mandate to ensure the promotion, exercise and awareness of human rights, with independence and impartiality and free from interference and influence by political authorities.

14. Fully comply with the provisions of the 22 September ruling by the Supreme Court of Justice, in particular to that relating to ensuring strict, rigorous and intensive monitoring of all ESMAD actions during demonstrations and of their activities in each of their operations.

TO THE INSPECTOR GENERAL

15. Carry out disciplinary investigations into ESMAD agents, and their commanders, accused of excessive and unnecessary use of force and who have caused eye trauma due to the misuse of potentially lethal weapons.



