



Boys playing on the bank of the rio Atrato in the town of Bellavista, which after the massacre of 2002 was slowly abandoned and replaced by a new town upriver

## A Cleveland photographer in El Choco:

*By Steve Cagan*

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In early 2003, a friend and co-activist in Cleveland, a well-known radical Catholic priest, invited me to accompany a small group from the Diocese of Cleveland who were going to “a place you’ve never heard of: Bellavista, Bojaya, El Choco, Colombia.” Bob explained that the group was going there to participate in the first anniversary observance of a terrible massacre that had happened within the context of the long-standing Colombian civil conflict. “But,” he told me, “despite it’s being about a horrendous event, I promise that you won’t get depressed. On the contrary, your spirits will just soar there.”

And his prediction came true. I was captivated by the environment, the communities, the activists I

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met. The then-bishop of the Diocese of Quibdo, in the capital of El Choco, who had spent the first couple of years in that position visiting people who live in the poorest communities and barrios in his areas, personally took us to visit some of those communities, to make sure we were clear about the effects of years of poverty, racism and violence on the lives of the most vulnerable. The visit to El Choco in April and May of 2003 was the first step in what turned out to be the biggest photography project I have done, and one in which I had the tremendous satisfaction of seeing my images and my activities working as direct and material contributions to the struggles of communities and organizations in the area for justice and peace, for environmental responsibility, to preserve their cultural, social and economic traditions.

My experiences in this first visit suggested the possibility of such a major photography project. I wrote to some of the people I had met, suggesting another visit to explore that possibility, and returned to the area in November of the same year. There, by a lucky coincidence, I had the privilege of participating in the “Atratiando” peace caravan, described below.

El Choco is the northwest-most department of Colombia; it borders Panama and has coasts on both the Caribbean and the Pacific. The department is about halfway between the States of Maryland and West Virginia in size. Most of El Choco is

low-lying tropical rainforest (it's one of the rainiest spots in the world), though in the south and east it starts to rise into mountains.

The department is crossed by three great rivers, the Atrato, the San Juan and the Baudo, and literally hundreds of tributaries. It is a natural paradise, home to a huge diversity of plant and animal species. Starting in the 16th Century, the Spanish conquistadors came up the Rio Atrato, the principal river accessible from the Caribbean, later bringing African slaves, in a successful search for gold. At one early point, they were driven from the territory by an uprising of indigenous peoples, but eventually they returned with a superior military force, and after a century-long struggle, were able to establish their permanent dominance in the area.

The indigenous communities along the shores of the major rivers and their tributaries were pushed back into the forest, first by the Spanish, and later by the communities of liberated AfroColombian slaves. El Choco was essentially ignored and neglected by the national Colombian government and society until very recently. The roads in the department can be counted on the fingers of one hand, and only two enter it from the rest of Colombia. The longest road seen on some standard maps, travelling near the Pacific to Panama, does not exist.

Between the lack of roads and the difficulty of crossing much of the rainforest, over the centuries the people

developed a river-based society. The rivers are the main artery for travel, communication and commerce. They have provided the major source of protein in once abundant fish. Their floods traditionally fertilized the agricultural parcels on the shores. And of course, they figure in song and story in the largely oral culture of the area.

Out of this experience, a unique social fabric was created. A rich local Afro-Colombian cultural tradition developed and endured, with its local foods, musical styles, celebrations and festivals, alongside the existing indigenous culture.

El Choco is under tremendous military, social, economic and environmental threat. This Pacific coast rainforest area of traditional Afro-Colombian and indigenous cultures, great biodiversity and environmental wealth is isolated and little known in Colombia or the rest of the world. Even within Colombia, racism both supports and is strengthened by the isolation and ignorance about Choco in the great cities—as in the case with other rural areas. More than once, people in Bogota, hearing that I was working in Choco, asked “But, can you understand them?” (I’ll confess that sometimes I have trouble understanding Chocoanos when they speak rapidly among themselves; but here in the US I sometimes have trouble understanding people from the deep south ... regional differences)

For a very long time the people lived poor, but not miserable. Despite

Action On Colombia is the official newsletter of the Colombia Support Network, a national peace and justice network of groups and individuals working to promote respect for human rights in Colombia and a just relationship between the United States and Colombia through grass-roots activism.

CSN supports a nonviolent, negotiated resolution to the conflict in Colombia.

CSN is the only current project of Wisconsin Interfaith Committee on Latin America

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Schoolchildren in the village of San Miguel salute the Atratiando peace caravan as it floats by.

government neglect and occasional inroads by foreign corporations, they maintained themselves through economic activities that included agriculture (rice, banana, plantains, yuca, pineapples and more) for family consumption and to sell, fishing, hunting, modest sustainable lumbering, small-scale panning for gold and platinum, and production of handcrafted articles. An active flow of cargo and people along the river provided trade and interchange among the communities.

In the 90s, this environment was dramatically and tragically destroyed by the arrival of the Colombian civil war among the three armed groups—the FARC and ELN guerrillas, the right-wing paramilitaries, and the national army and police. Since the late 90s, when the paramilitaries arrived under protection of the security forces, the people of El Choco have suffered the consequences of war, among them: many deaths, the displacement of thousands of persons, control of the rivers by the armed groups and damage to their social, cultural and economic lives.

These effects are not byproducts of the violence; it is clear that the war was

brought to El Choco by the “paras” intentionally to displace the people, to make room for economic, agricultural and infrastructure “mega-projects.” While the violence assaults the people and destroys their social structures, projects like large oil palm plantations and an accelerated pace of lumbering and mining, as well as plans for a “dry canal” of trains and highways to open transport between the Caribbean and the Pacific, and to finish the Pan-American Highway, threaten the forest itself.

It is not an exaggeration to say that the approximately 500,000 residents of El Choco confront the imminent possibility of losing the nourishing environment of the tropical rain forest and having to leave their villages and towns.

This region of much suffering, but also impressive community organizing and social resistance, was to become the major focus of my work in the following years.

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When I returned to El Choco in November of 2003, I had the great good fortune that my visit coincided with a major project for peace.

Because of the lack of roads and abundant rainfall, the main arteries of communication in the department are the rivers, and in the area where I was starting to work, the main river is the rio Atrato—called “Do Droma,” or “big river” in the major indigenous language of the area, Embera Padea.

In an area hotly contested by the guerrilla forces of the FARC and the ELN and the right-wing paramilitaries, armed groups had blockaded the river, depriving the local communities of interchange, commerce, protein from fishing, and the many vital functions of river travel.

The caravan “Atratiando for good treatment of the rio Atrato” was organized by the Catholic Diocese of Quibdó with major support from community organizations, NGOs and UN agencies, among others. This was a major undertaking—a five-day river caravan in which as many as 700 people participated in the entire caravan, and a couple of thousand participated for one day or more in supportive activities in their communities. There were only a handful of us visitors, neither native to the area nor long-term resident activists.



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One of the goals of the caravan was to block the blockade—and it succeeded in this!

While it's true that at the date of writing these armed groups still control some of the major tributaries of the big river, and continue terrorizing the communities, Atratiando opened the main river and demonstrated the profound desire of the communities for peace with justice, and their willingness to commit to and participate in activities to win those goals.

Participating in this project was an intense experience for me, and it cemented my relationships with local activists, organizations and the communities of the area—it confirmed my sense that I would be able to use my camera and my presence to contribute

to the campaigns and struggles there.

In recent years, as we all know, the lengthy armed conflict between the guerrilla forces of the Revolutionary Armed Forces of Colombia (FARC) and the Colombian government was resolved through a peace accord. Everyone I've spoken to in El Choco agrees that, despite an early failed attempt by FARC personnel to take over local governance and stay in the area, the FARC has lived up to its obligations under the agreement, but the government has not (the same story heard throughout the country). The tranquility of the citizens, especially in the countryside, is undermined by the

continued activity of ELN guerrillas, paramilitaries, and narcotics gangs. In the city and the countryside, the repression and murder of grassroots community leaders continues to assault communities. Pervasive corruption corrodes true democratic processes and generates cynicism and fatalism among common people.

While this picture is true for much of the country, the department of El Choco is one of the areas that has been most seriously impacted by violence, criminality, corruption and abandonment by the national government.

The rainforests of El Choco support an



Practicing artisanal mining in a mine pit dug by backhoes, near Bagado, on the rio Andagueda.



impressive level of biodiversity in flora and fauna. The people of the area are understandably proud of this aspect of their environment. Some community activists think about developing ecotourism and biological research stations in the area. Sadly, there are several threats to the natural rainforest environment and to the human communities that have lived in harmony with that environment. The threats include proposed industrial agricultural and cattle-rearing projects involving clearing large areas of the forest, uncontrolled lumbering of commercially valuable tropical hardwood trees, and mechanized gold mining.

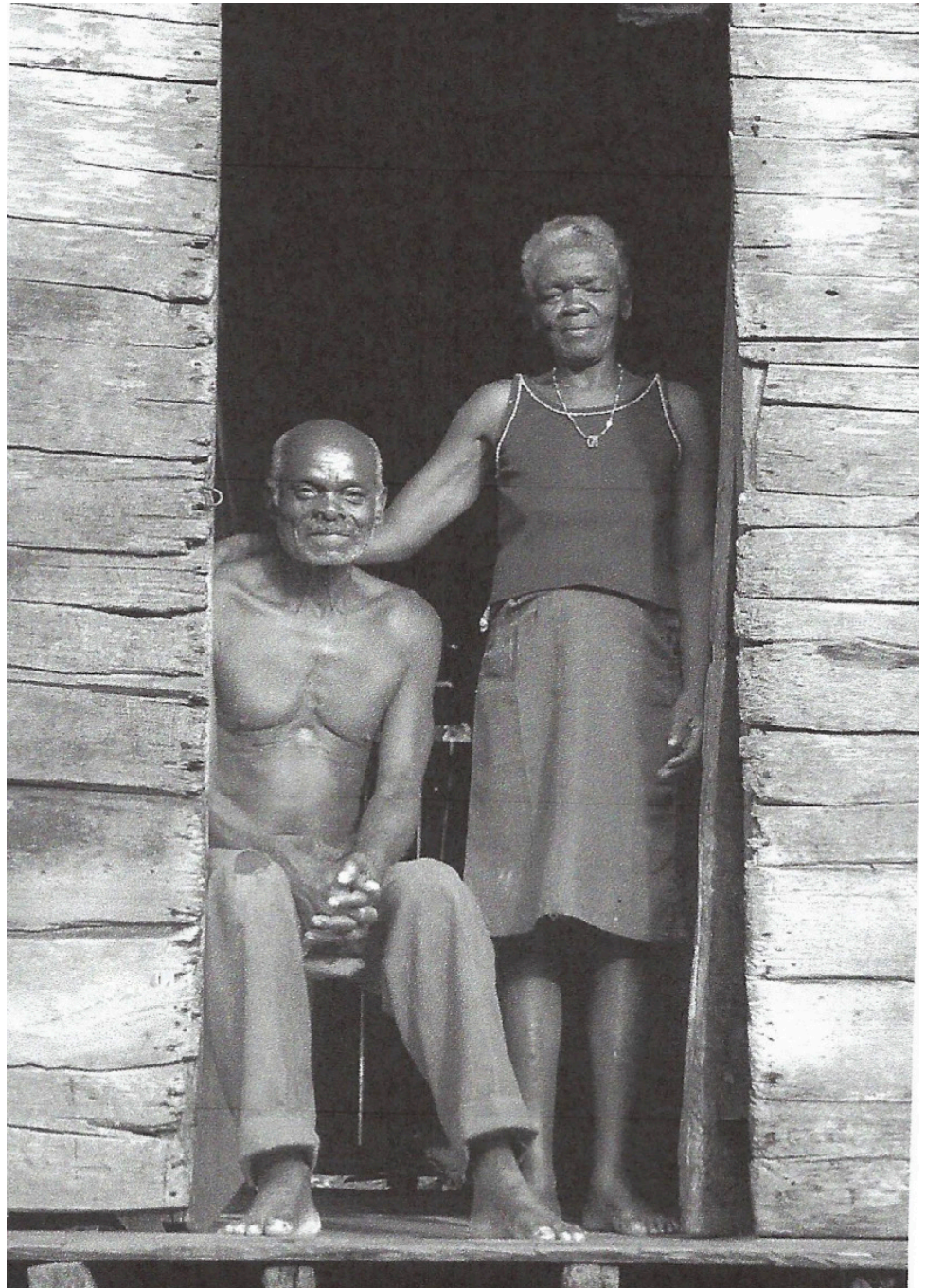
Mechanized mining produces an impressive and depressing catalog of problems, both environmental and social.

In the forest, large backhoes strip away the thin and relatively delicate topsoil of the rainforest, leaving large pits. Legally, they are required to restore and reforest when they are done, but even if they had the will to do that, the destruction is too great. After several months or a few years, they move on, leaving the pits and creating new ones.

On the rivers, dredges working by suction broaden the channels, flatten the riverbeds, and destroy the banks, where most agriculture goes on.

Both practices produce unnatural levels of sedimentation in the rivers, as well as dumping diesel fuel, lubricants and other chemicals. The consequence has been a dramatic decrease in the important fish populations, and the floods have changed from fertilizing the soil to poisoning it.

Many people have begun to practice traditional artisanal mining in the pits dug by the machines in the forest. They are hoping for an economic bonanza from royalties paid by the owners of the machinery and from relatively easier



In the village of Piedra Honda, on the rio Andagueda

panning for gold in the pits. But as they convert from parttime to full-time miners, they abandon agriculture and other traditional economic activities.

While some make more money from this activity than before, they now have to buy everything they used to produce—and at high prices. When the machines move on after a relatively

short period, many people now follow them, abandoning their communities and social institutions.

There are social and health consequences of all this. The work in the pits is dangerous, and there are frequent reports of people killed or disabled by falling earth and rocks. The new practices have introduced the use



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of mercury, and there is a rising toll of heavy-metal poisoning.especially in the towns.The dredges create new semi-stagnant pools that are breeding ground for mosquitos, and malaria rates are rising dramatically in some places.The outside workers on the machines encourage prostitution in the communities .and introduce hard drugs and STDs.The social solidarity within and among the communities, once a source of pride there, is greatly diminished.Unlike places like El Salvador and Ecuador, and even in communities in other regions of Colombia, where there has been overwhelming opposition to the destructive impacts of contemporary mining practices, the communities in El Choco are divided on these issues.

Although I had visited mechanized mines from an early stage of my work in El Choco, the dangers to both the environment and traditional cultures were growing. While some people in the communities saw this development as bringing in an economic boom, community leaders and activists were increasingly alarmed.

In 2012, the people I worked with in the Diocese of Quibdo proposed making gold mining, and the destructive impacts of mechanized mining, a major theme of my work. I was of course happy to adopt that approach. I have made several visits to active and abandoned mining pits, and to mining communities, and have made four overflights of mining areas in small planes. I've had the fascinating task of documenting traditional artisanal mining practices, the activities oif the big machines, and some of the environmental and social consequences.

Shortly after I adopted this new emphasis, my friend the artist Mary Kelsey joined me in this project. She made black-and-white drawings, I

continued making photographs and short video clips, and we both interviewed grassroots people and local leaders. We have had the satisfaction of seeing our images and texts used by people resisting these destructive practices in Colombia, in Europe and in the US. We have published and exhibited in these places. Finally, we produced a book in physical and e-book versions about the issues.

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Of course, not all is misery and

suffering in El Choco. And it has been very important to me to make sure the people in my pictures are not seen purely as victims. While many people have indeed been victimized, they are also resistant, strong, intelligent, creative, resourceful people. Reducing them to pure victims, even when they have been displaced by the violence or by crime, would be to create an untrue stereotype, and even to participate that very victimization. So it has been important to work for example with the groups of displaced women who are



The rio Quito, a major tributary of the Atrato, once known for its crystalline waters, forest right up to the banks, and its narrow, winding course. Ruined by the dredges.

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creating social and economic support structures, to work with the cultural activists teaching and encouraging music, dance and story-telling in Afro and indigenous communities, to work with the people who are promoting grassroots economic, educational and cultural projects.

One activity that I have documented extensively is the annual few weeks devoted to the preparation and the two weeks of parades in the Festival of San Pacho (St. Francis of Assisi), the patron of Quibdó. What began decades ago as a solemn procession has turned into what I see as a joyful and colorful proclamation of community spirit, resistance and connection to history in the barrios that participate with parades. I have been happy to see some of the images from this work used in publications by local activist organizations.

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I'd like to close this little essay with a very personal note. I have been a social activist, in one way or another, since my teens (in the 1950s). Like for many

people, it has always been important to me to feel I was making a contribution, and especially to struggle for justice and peace. In these years working in my visits to El Choco, I have felt that. Indeed, I have been told in many times, sometimes in ways that have been very public. My goal for decades has been to develop a practice of activist photography, and El Choco has been one of the places where I sense I am doing that.

Once, after a talk about my work in Quibdó, I was asked the typical question, "What is the goal of your work?" I explained as always that I have two goals, to provide visual materials for the communities and organizations to use, and to carry the stories of El Choco to other places—the US, and also Bogotá. A friend, a leading activist nun, said, "Steve, you're forgetting a third thing you do!" "What's that?" I asked. "You accompany the communities by your presence. When the word gets out that you're coming, people ask if you can visit them. That's not because you're a good photographer!"

The truth is, while people wave off

my thanks for supporting this work there, saying that I'm contributing to their struggles, I also receive an enormous benefit from doing this work. The personal relationships, the sense of being part of a community of activists (including through my photography, but also in a broader sense), the tremendous satisfaction of seeing my work used—in summary, the combination of personal acceptance and the knowledge that I am making a useful contribution, has been a wonderful gift for me through these years.

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# Anglo Gold and its Colombian Quebradona project

by Al Gedicks

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The multinational mining corporation Anglo Gold Ashanti has developed a plan for a large mine in Antioquia province of Colombia. An article with the most detailed public relations information on the project can be seen in a posted video by the company at <https://www.anglogoldashanti.com/portfolio/americas/colombia/>. First mine production is projected for the second half of 2025, preceded by a four-year construction period.

The article describes the proposed copper-gold mine as a “megaproject.” The physical dimensions of the mine are indeed gigantic. I’ve converted the measurements from the metric system to the more familiar measures of feet and miles. The project will treat 6.2 million tons annually over a 23-year life. The project will produce 3 billion pounds of copper, 1.5 million ounces of gold and 2.1 million ounces of silver. Given the steady decline in the grades of ore, 20 tons of mine waste are generated to produce a single gold ring. Similar ratios apply to copper production. Elemental copper made up 0.74 percent of copper ores mined in 2005; by 2017 that had fallen to 0.59 percent. Overall, copper mines produced an additional 1.4 billion annual tons of extra waste

in 2017 compared to 2005. About half of that can be attributed to ore decline, with the other half coming from increased production. <https://www.bnnbloomberg.ca/the-mining-industry-s-waste-problem-will-only-get-worse-1.1216186>

The mineral deposits are buried at a depth of over 1,300 feet. Excavating this deposit will create a crater approximately 1200 feet deep and a half-mile long. This will produce a large overburden pile that will have to be stored on site and monitored for possible toxic discharges. Such a large pit will also create a “cone of depression” around the pit that will drain the water from the surrounding area around the “hydrologic star” of the mountain. The waters around this “hydrologic star” include “nearly 18 rivers and streams” that “begin there and flow directly into the Frio River, the Cartama River and the Cauca River.” Digging a pit this deep is like taking the plug out of the bathtub. All the water will be drawn to the drain and require extensive dewatering. Such a large-scale dewatering operation would have a devastating impact upon the water supply that now supports an extensive agricultural sector.

Hard rock or metallic mines (copper, gold, zinc, etc.) use water in every step of the mining process from separating waste from valuable minerals to controlling

dust and storing large quantities of waste rock in tailings or waste impoundments. Anglo’s public relations video says that water diverted from the Cauca River will be less than 0.25 cubic meters per second, consuming less than 1 % of the flow of the river. The water will be used for mine construction, operation, closure and post-closure activities. Conflicts between mining companies and local communities over water in Latin America have escalated dramatically in recent years, affecting the reputation of the mining industry and its social license to operate controversial mining projects.

Water quantity is only part of the problem. The copper-gold minerals are embedded in a sulfide orebody. When the rock is blasted out of the mountain, crushed sulfide rocks and particles interact with oxygen and water and create sulfuric acid. Sulfuric acid dissolves and mobilizes toxic heavy metals producing a substance known as Acid Mine Drainage (AMD) which leaches indefinitely along the pit walls, the ore and mine waste stockpiles, the tailings dam and into aquifers, streams and rivers. The leaching may continue for decades after mining has ceased. AMD is a perpetual pollution machine.

According to Anglo’s promotional video, water treatment



# Quebradona project cont.

plants and sediment ponds will be built to treat domestic and non-domestic effluents generated by the project insuring that all AMD and tailings drainage are treated correctly with active or passive treatments, guaranteeing compliance with environmental legislation and air quality when they are returned to the Cauca River.

The video also states that the tailings from the milling plant will be separated into inert material and pyrite, the principal sulfide mineral capable of generating AMD. Both the inert tailings and pyrite will be filtered to a moisture that will guarantee the stability of the tailings dam. Both will be transported through the project's internal roads by 30-40 ton trucks from the stockpile to the tailings and pyrite impoundments. The pyrite deposit will be underlain by a geomembrane and covered with filtered tailings approximately 35 feet high to limit the oxygen and water into the tailings dam and the generation of AMD.

A literature review of AMD for the U.S. Fish and Wildlife Service had a sobering conclusion regarding industry attempts to control AMD:

"The mining industry has spent large amounts of money to prevent, mitigate, control and otherwise stop the release of AMD using the best available technologies, yet AMD remains as one of the greatest environmental liabilities associated with mining, especially in pristine environments with economically and ecologically valuable natural resources. Problematic to the long-term operation of large-scale metal mines is recognition that no hard rock surface mines exist today that can demonstrate that AMD

can be stopped once it occurs on a large scale. Evidence from literature and field observations suggests that permitting large scale surface mining in sulfide-hosted rock with the expectation that no degradation of surface water will result due to acid generation imparts a substantial and unquantifiable risk to water quality and fisheries." <https://www.earthworks.org/cms/assets/uploads/2018/12/55-S.R.-Jenning-et-al.-2008.Acid-Mine-Drainage-and-Effects-on-Fish-Health-and-Ecology-A-Review.pdf>

## Anglo Gold's Militarization of the Quebradona Project

Anglo's promotional video prides the company on its "shared values with the communities" and support for sustainable development. However, the company's reliance upon the police and the military to impose the project on the community tell a different story.

The El Espectador article mentions the Mayor of Tamesis's "historic and profound rejection of mining exploitation in the territory" and the public demonstrations in defense of water and biodiversity. In November 2018 the neighboring municipality of Jerico banned all mining in the coffee-growing community. Anglo Gold responded by asking the police, the military and even the "feared riot police unit ESMAD to make sure they could ignore the local ban." According to Colombia Reports, the locals found out about the riot police beforehand, "and using social media, mobilized the town to make sure that Anglo Gold Ashanti respect their decision not to convert one of the mountains that characterize the

region into an open-pit goldmine" <https://colombiareports.com/anglogold-ashanti-believed-it-was-above-colombias-lawuntil-farmers-stepped-in/>

According to a recent survey by Ernst & Young Mining & Metals, more than half of global mining companies believe that license to operate, or acceptance and permission from communities and society, is the biggest risk to their business - jumping seven places up the list from 2018. "Mining companies are now recognizing this is a strategic concern," says Jimena Blanco, head of Latin America research at Verisk Maplecroft,

"and an operational one too; it's not just about having some corporate responsibility programmes and investing in the local community; there is a recognition this affects the bottom line."

<https://www.mining-technology.com/features/licence-to-operate-understanding-the-biggest-challenge-for-mining-in-2019/>

The proposed underground mine would produce nearly 119 million tons of toxic wastes that would be stored in a tailings dam over 700 feet tall and covering an area of about 200 football fields. The tailings are the waste material left over from the crushing, grinding and chemical processing of mineral ores. The chemicals used to separate the gold from the waste rock include cyanide. Anglo Gold says they do not plan to use cyanide in the milling process. This would be highly unusual because cyanide is the cheapest and most widely used process to extract gold. The tailings often contain residual minerals - including lead, mercury and arsenic that can be toxic if

# Quebradona project cont.

released to the environment. However, unlike water-retaining dams made of concrete and steel, tailings dams are held back by the tailings themselves, which have the consistency of talcum powder or fine sand.

Contrary to the claims of safety by the mining industry, tailings dams are failing with increasing frequency and severity. The greater the volume of tailings and the higher the tailings dam, the greater the chance of structural failure. Tailings dams are most often constructed in sequential “lifts” or “raises” over several years, making quality control more challenging than for water supply dams that are constructed all at once. According to Dr. David Chambers, an internationally recognized tailings dam expert, “the failure rate of tailings dams has remained at roughly one failure every eight months, or about three failures every two years. Over a 10,000 year lifespan (a figure often used for how long these structures will need to maintain their integrity) this implies a significant and disproportionate chance of failure for a tailings dam.” <https://www.nps.gov/articles/apsv13-i2-c8.htm>

When they fail, they can destroy entire communities and livelihoods. The 2019 Brazilian tailings dam disaster killed 270 people and contaminated 75 miles of the Paraopeba River, where mud, debris and dead fish devastated the Pataxo Indigenous people who depend upon the river for drinking, fishing and irrigation. There have been 43 tailings dam failures in the past 20 years.

Anglo Gold says they will construct a “dry tailings deposit.” Tailings are generally placed

behind the dam in water-slurry from the mill, and can remain saturated for long periods. Saturated, unconsolidated material is susceptible to becoming liquefied due to heavy blasting during mining excavation or seismic activity. It’s not clear whether Anglo’s reference to a “dry tailings deposit” is the same as the “dry stack” method of tailings dam construction, which is a safer method of tailings storage, but also much more expensive than wet tailings storage. Wet tailings pose a greater danger of “liquefaction” where heavy rains can increase the weight of the material inside the dam and liquefy relatively dry mine waste that can then spill out, overwhelming and drowning people in its path. The “dry stack” method is not the industry standard due to its greater cost. It is also far from clear that filtering the pyrite tailings to “a moisture” to guarantee the stability of the tailings dam is the same thing as a “dry tailings deposit.” Anglo Gold’s plan to use the tailings to pave roads in the area is an environmentally reckless proposal that will only increase geographical reach of all the problems associated with AMD. <https://www.bnamerica.com/en/news/anglogold-to-use-40-technology-at-its-colombian-quebradona-project>.

The upstream dam construction design is the most common type of tailings dam because it is the cheapest. The construction material does not have to be imported because it is composed of the tailings themselves. The other types of dam construction are the downstream and centerline dam designs, that are safer and much more expensive to construct. Given the large volume

of tailings that will be created with this project and the extreme height and area occupied by the dam, the most likely design would be the upstream design. This design has the highest worldwide rate of catastrophic failure and has been banned in Brazil, Chile, Ecuador and Peru.

Earthworks, a national environmental organization in Washington, DC has recently called for a ban on tailings dams using the upstream construction method, and for the closure of existing upstream dams. In June 2020, an international group of 142 scientists, community groups and NGOs from 24 countries called for the banning of upstream dams in favor of centerline and downstream dams, which are much less vulnerable to all mechanisms of dam failure. “Additionally, dams must not be built in close proximity to communities or above mining infrastructure where workers are likely to be present.” <https://www.earthworks.org/media-releases/safety-first-new-report-outlines-guidelines-to-end-mine-waste-disasters/>

## Quebradona will be a third of the value of Anglo Gold

The Quebradona project is a high-value and high-risk project for the company. Anglo Gold just sold the last of its South African mines, the giant Mponeng, west of Johannesburg. The company just had an underground accident in May that called into question its mine engineering competence.

<https://www.miningmx.com/news/gold/46895-anglogold-asanti/>  
The new CEO of Anglo Gold



is Alberto Calderon, a Colombian who is not a mining engineer. He has never managed gold assets. His prior mining experience included managing the controversial El Cerrejon coal-mining project among the Wayuu Indigenous people of La Guajira. The environmental and health impacts of the Cerrejon mine are well documented and have been the subject of several court rulings in recent years.

### Recommended Action

This project is a major gamble for

the company. This megaproject poses major environmental and economic risks to the community that have generated significant political opposition over several years. It should be clear to investors that this project has no social license and will be subject to ongoing resistance by communities that will protect their rights to clean water, to the forests and to their agricultural livelihoods.

The international visibility of the Andean bear has already been recognized by the International Nature Conservation Union. Other international wildlife organizations

like World Wildlife Fund (WWF) are potential allies.

A letter addressed to Alberto Calderon and his board of directors highlighting some of the environmental, political and reputational risks of this project may have some impact on whether this project goes ahead. The letter should be co-signed by as many environmental, wildlife and human rights groups as possible. Mr. Calderon and his board need to understand that this project is being closely watched inside and outside of Colombia.

# IACHR REPORT Sheds Light on Human Rights abuses in Colombia

*John C. Dugas*

*by John C. Dugas, Associate Professor of Political Science at Kalamazoo College*

“The Inter-American Commission on Human Rights (hereafter IACHR) condemns the large number of human rights violations denounced in the context of the social protests, and urges the Colombian authorities to investigate with due diligence, to identify and sanction those responsible, and to convey these results in an appropriate fashion to the citizenry, and to give reparations to the victims and their families.”<sup>1</sup>

## I. Introduction

1 IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, Paragraph 63. July 7, 2021. [http://www.oas.org/es/cidh/informes/pdfs/Observaciones-Visita\\_CIDH\\_Colombia\\_SPA.pdf](http://www.oas.org/es/cidh/informes/pdfs/Observaciones-Visita_CIDH_Colombia_SPA.pdf) (Accessed 7/12/2021)

The protests that rocked Colombia beginning in late April 2021 started with a national strike aimed at blocking a regressive tax increase but quickly transformed into a variegated movement seeking redress for an array of grievances. One useful way to understand these protests is through the lens of human rights. For one, the protests were rooted in the failure of the Colombian state to respect basic political, economic, and social rights. Of equal importance, the protests intensified in response to the aggressive actions of state security forces that constituted further human rights violations. The visit to Colombia by the Inter-American Commission on Human Rights (IACHR) in June 2021 offers insights into both the nature of the protests and the human rights violations committed by the state security forces.

First, some background on the IACHR: This body is tasked with investigating cases of human rights

abuses by members of the Organization of American States (OAS). One of its most effective tools is an on-site visit to a country followed by a comprehensive report containing specific recommendations, primarily for government officials. Although states have sometimes been critical of the work of the IACHR – usually when their own abuses have been highlighted – it is not an organization that governments can easily ignore. Moreover, human rights activists have typically seen the IACHR as a useful ally in their struggle to ensure that a government abides by internationally recognized human rights.

On May 14, 2021, the IACHR formally requested the Colombian government to grant it permission “to observe on site the situation of human rights in the context of the social protests that have been ongoing in the country since April 28.”<sup>2</sup> Nonetheless,

2 IACHR, Press Release No.

# IACHR report cont.

it took three weeks for the Colombian government to consent to such a visit, which finally took place from June 8-10. During the trip the delegation traveled to Bogotá, Cali, Tuluá, Buga, and Popayán, meeting with officials at the national, departmental, and municipal levels of government. The group also met with “victims of human rights violations, rights defenders, groups of women, Afro-descendant persons, and indigenous persons, journalists, representatives of social movements, business associations, and law enforcement officers.”<sup>3</sup> Altogether it received a total of some 302 individual and collective testimonies, which entailed listening to more than 500 persons.<sup>4</sup> One month after the on-site visit, on July 7, 2021, the IACHR released their official report, a 47-page document entitled simply *Observations and Recommendations: Working Visit to Colombia*.<sup>5</sup>

125/21, “IACHR Requests Authorization to Conduct a Working Visit to Colombia in the Wake of Alleged Human Rights Violations during Social Protests,” May 14, 2021. [https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2021/125.asp](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/125.asp) (Accessed 7/26/2021).

3 IACHR, Press Release No. 167/21, “IACHR Completes Working Visit to Colombia and Issues Observations and Recommendations,” July 7, 2021. [http://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2021/167.asp](http://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/167.asp) (Accessed 7/26/2021).

4 Ibid.

5 IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 7, 2021. [http://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita\\_CIDH\\_Colombia](http://www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia)

## II. The Background and Key Characteristics of the National Protests

To begin, the IACHR clarified the reasons for discontent that spurred the protests in the first place. It noted that the protests began on April 28, 2021 as a national strike (*paro nacional*) against a proposed tax increase presented by the administration of President Iván Duque to Congress on April 15. Subsequently, another proposed reform, this time curtailing public health services, was sent to Congress. Both proposals generated intensely negative reactions and were subsequently withdrawn, on May 2 and May 19, respectively.<sup>6</sup> Nonetheless, the national protests continued unabated.

According to the IACHR, this was partly the result of widespread frustration with profound inequalities in wealth, high levels of extreme poverty, and a lack of access to economic, social, and cultural rights, particularly in the areas of education, healthcare, and employment. These factors were exacerbated by high rates of violence and impunity, most notably the growing number of assassinations of human rights defenders, community leaders – particularly representatives of indigenous and Afro-Colombian communities, and reincorporated members of the former FARC guerrilla movement.<sup>7</sup> In addition, all of these challenges were heightened by the Covid-19 pandemic.<sup>8</sup> Moreover, the protests took on an additional layer of complexity due to their extension throughout the country, with protests reflecting specific social demands and petitions in different regional or

[SPA.pdf](#) (Accessed 7/12/2021)

6 IACHR, Ibid., paragraph 22.

7 Ibid., paragraphs 2, 10-15.

8 Ibid., paragraph 3.

municipal contexts.<sup>9</sup>

The report also noted some key characteristics of the protests. First, it confirmed the widespread nature of the movement: 12,478 protests occurred in 862 municipalities comprising all 32 departments of the country from late April through early June.<sup>10</sup> According to Colombian government statistics cited in the report, 89% of these protests occurred without violence of any sort. Nonetheless, in 1,418 protests (11% of the total), violent disruptions occurred, resulting in intervention on the part of the ESMAD (*Escuadrón Móvil Antidisturbios*), the riot control unit of the Colombian National Police.<sup>11</sup> The report highlighted the government’s claim that such force was used only “to protect the human rights of the general populace against grave and imminent dangers” and deployed only in accordance with protocols that emphasized “prevention, persuasion, dissuasion, reaction, and containment.”<sup>12</sup> Despite these claims, the IACHR underscored that it received complaints of repeated violations of human rights in the context of the national protests.<sup>13</sup>

The most significant human rights violations were the killing of protesters, although the report noted a lack of precision in terms of numbers. At the low end of the spectrum, the Attorney General’s Office (*Fiscalía General*) reported that 51 persons died between April 28 and June from political violence, of whom 21 died in the context of the national protests, 19 in extra-protest violence, and 11 deaths

9 Ibid., paragraph 4.

10 Ibid., paragraph 25.

11 Ibid., paragraphs 25-26.

12 Ibid., paragraph 27.

13 Ibid., paragraph 28.



were in the process of verification. At the high end, the report noted that the Colombian NGO Temblores reported 73 deaths, of which 44 were the result of police actions in the context of the national protests, and 29 were still being verified.<sup>14</sup> The IACHR report also underscored the high number of violent injuries suffered during the national strike, again pointing out the discrepancy between the statistics provided by the Duque government (1,106-1,113 civilians injured) and those provided by Colombian NGOs (1,617-1,790 civilians injured).<sup>15</sup>

### III. Specific Types of Violence Addressed in the IACHR Report

Much of the report contextualized this political violence by detailing numerous specific types of violence that undermined the right to protest peacefully in Colombia, almost all of which were the result of actions taken by state security forces. The key types of violence examined in the IACHR report were the following:

A. Disproportionate Use of Force – The IACHR report stated that “on repeated occasions, and in diverse regions of the country, the response of the State was characterized by the excessive and disproportionate use of force, in many cases including the use of lethal force.”<sup>16</sup> The report noted that the IACHR received numerous complaints that this excessive use of force was deployed from the very beginning of the protests with the aim of dissuading participation in them.<sup>17</sup> The indiscriminate use of firearms against protesters and bystanders was particularly notable in Cali and other municipalities of

Valle del Cauca, as well as in Pereira, Risaralda. The report also underscored the use of force by armed civilians with the acquiescence of members of the police.<sup>18</sup> The disproportionate use of force was particularly characteristic of members of the ESMAD, who frequently disrupted peaceful gatherings through physical, sexual, and verbal aggressions. This included the use of rubber bullets, glass marbles, and the indiscriminate and uninterrupted use of tear gas. One result of this disproportionate use of force was an extremely high number of eye injuries.<sup>19</sup>

• Gender-based Violence – The report also condemned acts committed by state security forces that indicated “the utilization of gender violence as a mechanism of repression against women, girls, and LGBTI persons.”<sup>20</sup> It underscored a particular concern for the numerous reported cases of sexual assault against indigenous and Afro-Colombian women in the context of the national protests.<sup>21</sup> It also highlighted the case of an adolescent girl in Popayán who was the victim of a sexual assault by several state security agents and who subsequently committed suicide.<sup>22</sup> The report also mentioned instances of women who experienced sexual touching during detention, threats of rape and sexual abuse, and stigmatizing by police agents who accused them of being vandals and guerrillas for participating in the manifestations.<sup>23</sup> Not least, it made note of instances of sexual violence against LGBTI individuals.<sup>24</sup>

18 Ibid., paragraphs 48-49.

19 Ibid., paragraph 50.

20 Ibid., paragraph 65.

21 Ibid., paragraphs 67 and 69.

22 Ibid., paragraph 66.

23 Ibid., paragraph 68.

24 Ibid., paragraph 70.

• Violence Rooted in Racial and Ethnic Discrimination – The IACHR noted that some of the zones with the highest levels of social tensions during the protests were regions with highly concentrated ethno-racial communities, for example, Cali (the city with the largest Afro-Colombian population in the country) and Cauca (the department with the highest percentage of indigenous population in Colombia).<sup>25</sup> The report pointed out that at least 82 Afro-Colombians were victims of repression by state security forces during the national protests.<sup>26</sup> Likewise, it indicated that the indigenous communities had reported 2 deaths, 3 physical aggressions, 159 instances of harassment, and 21 presumed victims of violent attacks in the course of the protests.<sup>27</sup>

• Violence against Journalists – The report states that “journalists were victims of diverse attacks and limitations to their information gathering in the context of the social manifestations.”<sup>28</sup> Specifically, it cited at least 236 attacks against journalists since the onset of the protests, including physical aggressions, threats related to their news coverage of the protests, robberies and destruction of documentary materials, harassment, obstacles to their journalistic labor, illegal detentions, and attacks against news media.<sup>29</sup> The report also claimed that acts of violence against journalists had come not only from state agents, but also from armed civilians, and from protesters themselves.<sup>30</sup> The IACHR expressed particular concern

25 Ibid., paragraph 78.

26 Ibid., paragraph 79.

27 Ibid., paragraph 81.

28 Ibid., paragraph 86.

29 Ibid., paragraph 87.

30 Ibid., paragraph 89.

14 Ibid., paragraphs 31 and 36.

15 Ibid., paragraphs, 31, 32, and 37.

16 Ibid., paragraph 46.

17 Ibid., paragraph 47.

# IACHR report cont.

that the absence of an institutional response from the State to such attacks had created a generalized climate of “silencing,” self-censorship, and “prohibited zones” due to the fear of reprisals, attacks, and stigmatizing that had been created.<sup>31</sup>

- Violence against Medical Teams – The report also pointed to attacks against medical teams by state security forces, as well as attempts to obstruct the passage of ambulances amid the protests. In addition, it noted “threats and harassment of medical units and health personnel,” especially those providing medical attention to protesters wounded by state security forces.<sup>32</sup>

## IV. Other Rights-Violating Practices

In addition to the various forms of violence carried out by state security forces in their attempt to repress the national protests, the IACHR also pinpointed several distinct practices that constituted direct violations of human rights or that facilitated such violations.

First, the National Police made widespread use of “protective transfers” to detain protesters. Although protective transfers are legally authorized in article 155 of the National Police Code, their intended purpose is “to protect the life and integrity of a person or of third parties when these are at risk or endangered and only if such a transfer is the only available means to avoid such a risk.”<sup>33</sup> In short, protective transfers are not meant to constitute a formal arrest or any type of sanction; nonetheless, in practice, the police used them for “punitive ends, or as a means to dissuade

the protest.”<sup>34</sup> Even more troubling, the IACHR received numerous complaints from protesters who, in the course of a “protective transfer,” were the victims of beatings and other forms of “cruel, inhumane, and degrading treatment that could constitute torture.”<sup>35</sup> Some protesters were detained by police for up to twelve hours under the pretext of a protective transfer.<sup>36</sup> Altogether, the Duque Administration acknowledged that over 7,000 detentions of protesters were carried out using this legal mechanism.

Second, numerous protesters were reported as “disappeared” in the context of the national strikes. Specifically, as of June 15, the Attorney General’s Office acknowledged that its Urgent Search Mechanism was activated for 84 cases of persons reported as disappeared.<sup>37</sup> The IACHR report cited as a matter of “extreme concern” the fact that five protesters who had been reported as disappeared had subsequently been found dead.<sup>38</sup> In addition, the report expressed its “deep concern” over the delay with which state officials responded to reported cases of disappearances, noting that state institutions often categorized these situations as that of persons “not located,” rather than “disappeared,” thus postponing the opening of formal investigative processes.<sup>39</sup>

Third, the use of the military to deal with the national protests was another practice addressed in the IACHR report. Specifically, the Duque Administration issued Decree

575 on May 28th ordering several governors and mayors to coordinate “military assistance” for the purposes of removing existing roadblocks and preventing the installation of new ones in certain jurisdictions.<sup>40</sup> The report expressed a number of concerns with this decree. It claimed that the “absolute prohibition of all blockades” as envisioned in the decree could constitute “a disproportionate restriction of the freedoms of expression, protest, and assembly.”<sup>41</sup> It noted that the decree failed to establish explicit restrictions on the participation of the armed forces in their intervention in the national protests, nor did it set up clear time limits on their actions.<sup>42</sup> Not least, the report voiced concerns that the use of the military might entail “treating the civilian population as an internal enemy” and fail to comply with Inter-American jurisprudence that “the State should limit to the maximum the participation of military forces in tasks of internal security.”<sup>43</sup>

Fourth, several cases of presumed human rights violations by police officers, particularly members of the ESMAD, were being dealt with in the military justice system. Specifically, the IACHR report noted that 12 homicide cases and 19 personal injury cases stemming from the national protests were being processed in the military justice system.<sup>44</sup> The report concluded emphatically that “all cases...related to violations of human rights by state security forces should be heard in the ordinary justice system,

31 Ibid., paragraph 90.

32 Ibid., paragraphs 99-101.

33 Ibid., paragraph 102.

34 Ibid., paragraphs 102, 104, and 108.

35 Ibid., paragraphs 106-107.

36 Ibid., paragraph 105.

37 Ibid., paragraph 110.

38 Ibid., paragraph 111.

39 Ibid., paragraphs 111-112.

40 Ibid., paragraphs 115 and 117.

41 Ibid., paragraph 117.

42 Ibid., paragraph 118.

43 Ibid., paragraph 119.

44 Ibid., paragraphs 127-128.



not in the military justice system.”<sup>45</sup>

Fifth, the Office of the General Prosecutor (Procuraduría) was taking disciplinary actions against 20 elected officials (1 governor, 10 mayors, 6 municipal councilors, and 3 national legislators) for their actions related to the national protests.<sup>46</sup> Although the IACHR acknowledged that it had no specific information on these disciplinary actions, it expressed concern that these elected officials were being punished for privileging dialogue with protesters over confrontation and/or for failing to carry out Decree 575 on coordinating “military assistance” to remove roadblocks.<sup>47</sup> The report reminded Colombian officials that, in accordance with Inter-American jurisprudence, elected officials can only be disqualified or removed from office as the result of a judicial sentence emitted in a criminal case.<sup>48</sup>

Finally, the Colombian State proactively engaged in “cyber-patrolling” on the Internet in order to counter supposedly false information about the development of the protests as well as efforts to discredit the image of the state security forces. These measures sought to determine whether information was true or false, thereby allowing the State to combat supposed activities of “digital terrorism” that could exacerbate violence. During the Commission’s visit to Colombia, the State reported that it had engaged in 21,675 hours of cyber-patrolling and identified 154 false news items and more than 2,300 threats to life or physical integrity.<sup>49</sup> The report noted that these practices were especially

worrisome given that the information being categorized as true or false was primarily concerned with the actions of the state’s own security forces and could thus constitute “practices of censorship.”<sup>50</sup> Finally, the IACHR report took note of allegations of interruptions of Internet service in the context of the protests, making it more difficult to report on the actions of the state security forces and minimizing the opportunities for public scrutiny. The information received by the IACHR suggested the possible use of technology to disrupt or restrict Internet signals, as well as the blockage of two Internet pages (URL addresses) containing information about the protests.<sup>51</sup>

## **V. The Violation of Third-Party Rights and the Destruction of Public Property**

The IACHR report concluded its substantive review of the Colombian national protests with sections dedicated to violations of the rights of third parties (i.e., individuals who were not protestors themselves, but whose rights were affected by the protests in some fashion) and the destruction of public property. For example, the report noted that the protests resulted in private property damages in some 1,660 instances, including damages to 457 bank offices and 438 ATMs. In terms of the destruction of public property, the report mentioned damages to 240 public transportation stations, 116 police sub-stations, and 1,251 public vehicles.<sup>52</sup> The report gave particular notice to the effects of the protests on the provision of food, medicine, and fuel, noting that shortages affected 26 departments and 311 municipalities,

especially the city of Bogotá and the departments of Valle del Cauca, Cauca, Nariño, Huila, and Cundinamarca.<sup>53</sup> Finally, the report duly noted the deaths of three state security officials and the injuries sustained by 1,343 police officers in the context of the national protests.<sup>54</sup> The IACHR stated unequivocally that it “condemns energetically every act of violence, especially those that affect life and personal integrity, as well as the course of the protests.”<sup>55</sup>

Perhaps because they were so controversial, the report provided an extended reflection on the blockages of highways as part of the national protests. As noted previously, these actions had precipitated the decision by the Duque administration to mandate the use of military force to remove the roadblocks. The IACHR tread a careful path in the report, arguing against blanket prohibitions of roadblocks, while also claiming that the right to protest was not unlimited, but had to be balanced against the need to meet basic human needs such as food and medicine. Indeed, it stated that “several of these roadblocks caused infringements of the rights to life, to health, to the freedom of movement, and to work. Additionally, these blockades affected different economic sectors of the country, including the production and distribution of food and basic goods, the transfer of patients and medical supplies, and the provision of fuel.”<sup>56</sup> Nonetheless, the report also emphasized that not all roadblocks are the same. Indeed, of the 1,937 roadblocks imposed, the vast majority

45 Ibid., paragraph 131

46 Ibid., paragraph 122.

47 Ibid., paragraph 123.

48 Ibid., paragraph 124.

49 Ibid., paragraph 176.

50 Ibid., paragraphs 177-178.

51 Ibid., paragraph 181.

52 Ibid., paragraph 134.

53 Ibid., paragraph 137.

54 Ibid., paragraph 139.

55 Ibid., paragraph 140.

56 Ibid., paragraph 144.

# IACHR report cont.

(1,176, or 92%) lasted between 1 and 3 days, while only 9 roadblocks lasted for 30 days or more.<sup>57</sup> Therefore, the IACHR argued that “the official generic labelling of all blockades as illegal loses sight of the specific nature of each particular roadblock, thus affecting the possibility of achieving negotiated solutions by way of dialogue and mediation.”<sup>58</sup>

Ultimately the IACHR stated that “protest is not an absolute right and in exceptional cases admits restrictions. Nevertheless... every restriction of the right to protest should be found in the law, pursue a legitimate objective, and be necessary in a democratic society in accordance with the criteria of necessity, suitability, and proportionality.”<sup>59</sup> Furthermore, in the case of a peaceful roadblock, the decision to disperse a protest by the State as a last resort should be communicated and explained in a clear manner, and protesters should be given sufficient time to disperse before turning to the use of force. Finally, in those cases where the use of force is absolutely necessary in order to achieve a legitimate end in the context of a protest, the State should only make use of the minimum force necessary, and once the necessity has passed, the use of force should cease.<sup>60</sup>

## VI. Recommendations of the IACHR

The IACHR concluded its report with a listing of 41 specific recommendations for the Colombian State. Its most important general recommendation was to promote a genuine process of national dialogue that will allow all sectors of society to be heard, especially

“those most affected by historical, social, and structural discrimination in the country.”<sup>61</sup> A second important general recommendation was the call to strengthen and guarantee economic, social, and cultural rights, especially the rights to health, food, education, work, and social security.<sup>62</sup> With regard to the right to social protest, the document called upon the State to “Respect and guarantee the full enjoyment of the right to protest, to freedom of expression, to peaceful assembly, and to the political participation of all of the population.”<sup>63</sup> It also recommended the adoption of a statutory law to regulate the scope and limits of the right to protest in Colombia in accordance with international human rights standards.<sup>64</sup>

In addressing the disproportionate use of force, the report recommended the State to “take the necessary measures to immediately cease the disproportionate use of force on the part of the Colombian security forces in the context of the social protests.”<sup>65</sup> It also urged the State to “immediately implement mechanisms to prohibit in an effective manner the use of lethal force as a means to deal with public protests.”<sup>66</sup> In addition, the IACHR advised the State to restructure its training programs for the state security forces to include a focus on ethno-racial and gender issues.<sup>67</sup> In one of its most far-reaching recommendations, the report called for the State to “separate the National Police and the ESMAD from the Ministry of Defense” in order to ensure a focus on human rights and

to avoid military perspectives in dealing with fellow citizens.<sup>68</sup> It reiterated its call for the State to ensure an impartial, exhaustive, and expedited investigation of all charges of human rights violations by state security forces, along with judging and sanctioning those found responsible.<sup>69</sup> Not least, the IACHR advocated for the State to provide “programs of integral reparation” to the victims of state violence in the national protests.<sup>70</sup>

The report also included recommendations for addressing the various types of violence witnessed in the national protests. For example, it called for strengthening access to judicial redress for women, girls, and LGBTI victims of gender-based violence during the protests.<sup>71</sup> It advocated the adoption of measures to prevent and eliminate “discriminatory situations that perpetrate stigmatization, prejudice, and practices of intolerance and criminalization” of indigenous and Afro-Colombian persons.<sup>72</sup> With regard to journalists, it advised the State to protect them from “persecutions, intimidations, aggressions of any sort, and...ceasing state actions that interfere with the free exercise of the means of communication.”<sup>73</sup> Finally, it urged the State to recognize the importance of the work of medical teams by “guaranteeing a reinforced protection to allow them to bring health services without obstacles to all persons... without fear of reprisals or sanctions.”<sup>74</sup>

The report additionally provided several recommendations for dealing

61 Ibid., Recommendation 1.

62 Ibid., Recommendation 3.

63 Ibid., Recommendation 5.

64 Ibid., Recommendation 7.

65 Ibid., Recommendation 8.

66 Ibid., Recommendation 11.

67 Ibid., Recommendation 12.

68 Ibid., Recommendation 14.

69 Ibid., Recommendation 16.

70 Ibid., Recommendation 17.

71 Ibid., Recommendation 18.

72 Ibid., Recommendation 19.

73 Ibid., Recommendation 37.

74 Ibid., Recommendation 41.

57 Ibid., paragraph 143.

58 Ibid., paragraph 152.

59 Ibid., paragraph 161.

60 Ibid., paragraphs 168-169.



with the rights-violating practices that characterized the State response to the national protests. It recommended restricting the use of “protective transfers” to individuals who are truly in situations of weakness or vulnerability, and to abstain from its generalized use to detain protesters.<sup>75</sup> It likewise called for the respect of due process rights for all protesters who had been detained, and the immediate release of all who had been arbitrarily or unjustly imprisoned.<sup>76</sup> It proposed the creation of a special commission to find the whereabouts of persons who continued to be reported as “disappeared.”<sup>77</sup> With regard to the “military assistance” mandated by Decree 575 to remove roadblocks, the IACHR urged the Colombian State to ensure that the maintenance of internal public order be “primarily reserved for civilian security forces” (e.g., the national police).<sup>78</sup> It also advised the State to ensure that, in cases of necessity, the participation of the military should be “extraordinary, subordinate, and complementary to the work of civilian forces” as well as regulated and overseen by “competent, independent, and technically capable civilian organs.”<sup>79</sup> In terms of the use of the military justice system, the report forcefully advocated that it be limited to the trial of active military personnel, and that in any case, the civilian legal system should be the proper jurisdiction in which to judge and sanction the perpetrators of human rights violations.<sup>80</sup> The report also called

for revising the internal regulatory framework of the Procuraduría to ensure that the Office of the General Prosecutor could not sanction elected officials with disqualification or removal from office.<sup>81</sup> Finally, with regard to the Internet, the IACHR implored the State to “guarantee respect for the independence of the press and to abstain from direct or indirect forms of censorship.”<sup>82</sup> Additionally, it urged the State to cease from the police categorization of Internet postings as “true” or “false” and to desist from using stigmatizing descriptions of content or criminalizing those who express opinions about the protests on the Internet.<sup>83</sup>

Finally, the IACHR report made recommendations regarding the violation of third-party rights and the destruction of public property, as well as the management of roadblocks. With regard to the former, the report suggested that the State investigate, and when appropriate judge and sanction in accordance with due process, those responsible for crimes committed in the course of the protests.<sup>84</sup> Regarding the latter, it called upon the State to abstain from prohibiting a priori all roadblocks as a means of protest. Rather, the State should respond to such blockages on a case-by-case basis, restricting them only in the pursuit of “ends that are necessary and legitimate in a democratic society.”<sup>85</sup> Likewise, it proposed that the State create a permanent mechanism of dialogue made up of negotiators trained in conflict mediation and which would have the capacity to pursue

transparent and voluntary dialogues that incorporate local officials so as to attend to the needs of specific locales.<sup>86</sup>

## VII. Conclusion

On June 15, 2021, five days after the IACHR delegation departed from Colombia and forty-nine days after the national protests began, the National Strike Committee announced that it was suspending its weekly demonstrations. Leaders expressed concern that there were insufficient guarantees to exercise the right to protest, which had resulted in the killings of numerous protesters. Moreover, they voiced hope that the suspension of the protests might assist in halting the spread of the Covid-19 virus, which had been marked by a record number of deaths in the preceding weeks.<sup>87</sup> Although the National Strike Committee did not control the numerous and varied actions of protesters, nor was it by any means representative of the wide range of societal sectors that had joined in the protest activities, in retrospect this decision marked a turning point – a notable decline in protest activities throughout the country ensued in the following days and weeks.

On July 7, 2021, three weeks after the National Strike Committee announced its suspension of demonstrations,

86 Ibid., Recommendation 36.

87 Oquendo, Catalina. “Los líderes de las protestas en Colombia anuncian la suspensión temporal de las movilizaciones,” *El País* (España). June 15, 2021. <https://elpais.com/internacional/2021-06-15/los-lideres-de-las-protestas-en-colombia-anuncian-la-suspension-temporal-de-las-movilizaciones.html> (Accessed 8/4/2021).

75 Ibid., Recommendation 21.

76 Ibid., Recommendations 22 and 25.

77 Ibid., Recommendation 26.

78 Ibid., Recommendation 28.

79 Ibid., Recommendation 29.

80 Ibid., Recommendations 31 and 32.

81 Ibid., Recommendation 27.

82 Ibid., Recommendation 38.

83 Ibid., Recommendation 40.

84 Ibid., Recommendation 33.

85 Ibid., Recommendations 34 and 35.

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the IACHR released its report. The response, not surprisingly, was polarized. The National Strike Committee released a statement that read in part: “We share the observations made by the IACHR and we welcome its 41 recommendations and hope that as a whole the institutions of the State will comply with them and thereby make effective the guarantees to exercise the right to peaceful protest in Colombia.”<sup>88</sup> President Iván Duque, on the other hand, appeared to reject the report, telling local journalists that “No one can recommend that a country be tolerant of criminal acts.”<sup>89</sup>

To be sure, the recommendations of the IACHR report do not carry the force of law; they are suggestions for State officials to follow in order to better comply with their international legal human rights obligations. But the report itself also plays a useful role in highlighting the structural problems that undergirded the 2021 national protests. Until the Colombian state directly addresses its failure to ensure the enjoyment of basic political, social, and economic rights, future protests will continue to occur.

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88 Comité Nacional de Paro. “Comunicado del Comité Nacional de Paro Sobre el informe de la CIDH,” July 8, 2021. <https://cut.org.co/comunicado-del-comite-nacional-de-paro-sobre-el-informe-de-la-cidh/> (Accessed 8/4/2021).

89 BBC News. “El duro informe de la CIDH sobre las protestas en Colombia que Iván Duque rechaza.” July 7, 2021. <https://www.bbc.com/mundo/noticias-america-latina-57758530> (Accessed 8/4/2021).

# In Colombia, the Kids are Not All Right: Looking Back at Three Months of Resistance

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## Who are these kids?

It has been slightly more than three months since the beginning of the unprecedented wave of social unrest that has lasted since April 28 in Bogotá and many other cities in Colombia. At the end of these three months, participation in rallies and sit-ins may have decreased, but the ills that caused it are very much with us: Economic desperation continues, the anger at the government's lack of empathy continues, the pain and disappointment at the weak implementation of the Peace Accord in the territories continues, and so does the massacre of social leaders. And all these problems were exacerbated during the pandemic.

The cliché says that young people are the future; but, no, they are showing us that they are the present: Young Colombians have played a leading role in the paro (strike) and are the driving force of the unrest. Young people are sending a clear message: they want a country with less inequality and poverty, with more opportunities. They dare imagine a better country, which is a goal that many Colombians, not only the young, share. At the same time, the young are the majority of the victims in police abuse. Still, they are fearless in their determination.

Miguel, 17, is a boy from a run-down

State-run school in a marginal area in the southern end of Bogotá, and Sara, 16, a girl from a comfortable, innovative, private school in an upscale neighborhood in the northern part of the city.<sup>1</sup> Both participated in the marches, sit-ins and protests of various kinds that have been taking place throughout the country for the past three months. They recognize their generation as the driving force behind the strike and share that many of their friends had never been at a protest before but that now they are “waking up.” They explain that the major issues that initially motivated the strike were regressive and inhumane tax, health and pension policies, and that the mobilized young people achieved great success by influencing the government to withdraw them. Now, they say, the strike is motivated by a desire for human dignity and non-violence, by the value of life and against government repression. “The dead, disappeared and assaulted ... they are not numbers, they have names and faces”.

Sarah thinks that the social discontent is due to the country's inequalities. Miguel adds that they are marching out of empathy. “Empathy. That is the key word. We feel empathy for the elderly person who has to work much harder to be able to retire, or who has to suffer to pay off debts while there is so much money being wasted through corruption”. He says that what affects the elderly affects

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1 Zoom interview, July 11, 2021



them too and adds: "If it is going to affect my father or my grandfather, I must raise my voice. I will fight for those who are not in a position to fight." Both Sarah and Miguel view their own future with scepticism.

### **It's been a long time coming**

It surfaced in 2021, after the pandemic made the costs of social inequity even more evident. It is something that has been simmering for many years, many decades, and which is at the heart of the current protests. I am referring to the dissatisfaction of young people, who are the majority of those who have been protesting, to their feeling that they have an uncertain future, that they live in a society that does not recognize them, that belittles them and stigmatizes them. These marches are, among many other things, a protest against this lack of recognition. Young Colombians are deeply frustrated and hopeless. They feel they have nothing to lose. They take to the streets to demand the possibility of a decent life knowing full well that they might be maimed for life or even die. They must be empowered to build an inclusive society and a future worth living for, and this empowerment comes first and foremost through education.

### **The problem of education**

At the heart of these feelings is the problem of education, or rather, the lack of quality education that would allow them to enter the labor market. In Colombia we have a very particular educational system, almost equally distributed between private and public education. In many other countries, especially in the more developed ones, this is not the case and it is the State that bears the essential responsibility of providing education to children and

young people. In Colombia, in contrast, there has been an extraordinary increase in the private supply of education, which has led the State to disengage itself from the issue. It is difficult to evaluate this private education because there is a great diversity in terms of quality, social strata and religious orientation. But, in general, it is an education in which the commercial sense and doctrinaire orientation weigh too heavily.

But perhaps the most peculiar aspect of the Colombian educational system is the separation of social classes. In Colombia, the children of the rich tend to study in exclusive schools of good quality, and the children of the poor in public or private schools of regular or poor quality.

### **Peasants, indigenous people, and Afro-Colombians**

When it comes to poor peasants, far from urban centers, indigenous people or black communities, segregation is even more dramatic. The spaces for multi-class education, where all social classes come together to receive a good education, are scarce, and are becoming increasingly scarce. While in the great democracies of the world education has served, among other things, to form citizens equally, or at least to iron out suspicions and fears between social classes, in Colombia we have a segregated education that reproduces social classes and the distrust between them.

### **Basic income**

Many young people who see their parents struggling to stay afloat, or who after graduating from technical school or university are unable to find a job, say that what is most needed now is a guaranteed basic income, but one that

will not be charged to the pockets of the middle class, and an urgent social income for millions of underprivileged young people. The Mayor of Cali said recently that there are 200,000 young people without a job in that city alone.

### **Dark forces and political opportunism**

Surely, among the thousands of young people who have marched to protest against their "no future", there are outside dark forces made up of dissidents of the former FARC-EP and criminal gangs who capitalize on the crisis. Armed and criminal groups take advantage of the protest to impose their power; they use the confusion and frustration of these months to their advantage. They exploit the needs of the people and the fact that the legitimacy of the State is in question. But there is very little evidence of an organized national violence movement, although the government tries to blame armed groups and even international agitators for what has been happening.

The only way to prevent armed groups from gaining in this crisis is for the State to deliver. With neither education nor work, and threatened by violence, the only "decent life" for some young people is to join an armed group that preys on their desperation. To prevent this from happening, the government must commit to dialogue with the protesters: It is urgent to address the economic and social desperation that is manifesting itself in the streets.

The tragedy is that often young people who are not involved in the violence are the ones who die, not only because of unscrupulous infiltrators, but also because of the excessive use of force by the State.

# The Kids are Not All Right, cont.

The State's response: Statistics on the use of force against the demonstrators<sup>2</sup>: The repression with which the State has chosen to respond to the demands of the citizens has left at least 4,687 victims of violence allegedly committed by members of the security forces, leaving an unfortunate toll as follows: 1,617 victims of physical violence, 44 homicides, 2005 arbitrary detentions of demonstrators, 784 violent interventions in the framework of peaceful protests, 82 victims of eye assaults, 228 cases of gunshots, and 28 victims of sexual violence.

## The 2022 elections

As things stand, the events of this strike (and of that of November 2019) suggest that the young population will be the

2 Temblores ONG, Indepaz, and PAIIS-Uniandes Report to the Inter-American Court for Human Rights on the systematic violation of the American Convention and the jurisprudential scope of the Interamerican Court of Human Rights (IACHR) with respect to the use of public force against the civil population in Colombia, during the protests that took place between April 28 and June 26 of 2021. See: [https://4ed5c6d6-a3c0-4a68-8191-92ab5d1ca365.filesusr.com/ugd/7bbd97\\_3ff4e9c4b0f14b3ea288049e2985d0e2.pdf](https://4ed5c6d6-a3c0-4a68-8191-92ab5d1ca365.filesusr.com/ugd/7bbd97_3ff4e9c4b0f14b3ea288049e2985d0e2.pdf)

one that will set the tone in the 2022 elections. This has been understood by several political sectors in Congress, which have begun in recent months to mobilize and move forward projects whose central theme is youth. One of them aims to enable those over 16 years of age to vote. Another would allow candidates to run for Congress from the age of 18. The timing of these legislative initiatives leaves a whiff in the air that an attempt is being made to instrumentalize the youth vote for 2022. But some young people do feel frustrated at not being able to elect and be elected. They speak of an "adultocracy" and question why older people should believe that they own the truth. Moreover, they agree that there is a need for young people to be in Congress, for who else but they could take ownership of their agendas, traditionally neglected.

In closing, it is important to stress Colombia's youth, in a show of courage and persistence, are demanding a better future. For their part, the indigenous leaders have made it clear that what is owed to them is even greater than what the youth are demanding. Their participation in the demonstrations is another cry of protest in the face of centuries of segregation, contempt

and neglect. There has been a social outburst of enormous proportions, building up like a pressure cooker over decades, until a mass of young people of all skin colors and from all social backgrounds came out to demand peace, freedom and opportunities for everyone from a State that should not have to sustain itself by force alone.

### The Colombia Support Network

*Action on Colombia*

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