

BALANCE DE SEGURIDAD

Primer año del Gobierno Petro



TEMBLORES.



On April 25, 2023, Minister of Defense Iván Velásquez presented the "Security, Defense and Citizen Coexistence Policy: Guarantees for Life and Peace 2022-2026"¹. This document expresses the National Government's strategy to face security situations affecting citizens, what the role of the public force will be and how it will improve trust towards the institutions that have the monopoly of the use of force. For this reason, a year after the beginning of the current government, it is necessary to evaluate how the implementation of this "more humane" security plan has been, in order to identify successes and concerns about the government's citizen security policy. In this document Temblores Ong and the Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ) join forces to make an assessment of the security policy of the first year of Gustavo Petro's government. The document is divided into four parts. In the first part we present a contextual reading of the current situation of citizen security, then we present the figures on what has happened during this first year of government in relation to massacres and police violence. In the third part we make a diagnosis of the state of the total peace policy and the police transformation plan. Finally, we point out the main concerns and recommendations.

¹ Política de seguridad, defensa y convivencia ciudadana: Garantías para la vida y la paz 2022-2026", 2023.

Retrieved from :

<https://petro.presidencia.gov.co/prensa/Paginas/Gobierno-del-Cambio-presento-la-nueva-Politica-de-Seguridad-Defensa-y-Convi-230425.aspx>

CONTEXT

Since the signing of the Final Peace Agreement on November 24, 2016, Indepaz's Conflict and Human Rights Observatory has been monitoring the murders of social leaders, human rights defenders and signatories of the peace agreement, as well as ^{massacres}² committed in ^{Colombia}³. This information is collected by Indepaz through reports from social organizations, official sources and local, regional, national and international media, and is subsequently compared and verified.

Between November 24, 2016 and July 31, 2023, 1,513 social leaders/leaders and human rights defenders have been assassinated; 380 signatories of the peace agreement; and in the case of massacres with a record from August 07, 2018 to July 31, 2023, 404 massacres have been committed, leaving 1486 victims. The above, in the midst of a lagging implementation of the Final Peace Agreement, especially for what has to do with the Integral Security System for the Exercise of Politics and the dismantling of criminal organizations that put at risk the security of the population and of those who exercise some kind of leadership work or defense of Human Rights in the territories. In order to act against the described scenario, the current president Gustavo Petro sanctioned the Law 2272 of 2022 of "Total Peace"⁴ as his main and most ambitious government bet, which is defined as:

A State policy. It will be a priority and transversal in State affairs, participatory, broad, inclusive and comprehensive, both in terms of the implementation of agreements, as well as in relation to negotiation processes, dialogue and submission to justice. The instruments of total peace will have as a prevailing purpose the achievement of stable and lasting peace, with guarantees of non-repetition and security for all Colombians; standards and standards for the implementation of peace agreements.

² The Human Rights and Conflict Observatory of Indepaz understands massacre as the intentional and simultaneous homicide of several persons (3 or more persons) in a state of defenselessness, in equal circumstances of time, manner and place.

³ Indepaz has been monitoring the case of massacres since August 7, 2018, when the government of Iván Duque took office.

⁴ Law 2272 of 2022 of Total Peace. Retrieved from:

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=197883>

that avoid impunity and guarantee, to the greatest extent possible, the rights of victims to truth, justice and reparation (Congress of Colombia, 2022).

Thus, in the twelve months of Gustavo Petro's administration, his agenda has been focused on peace building, for which he has advanced rapprochement actions and temporary ceasefires with different armed groups present in the country such as the Central General Staff, the Second Marquetalia, the National Liberation Army, the Gaitanista Self-Defense Forces of Colombia, the Conquering Self-Defense Forces of the Sierra Nevada and other actors with a more local character mainly in Buenaventura and Antioquia. In addition, it has emphasized the need to implement the Peace Agreement, as well as to advance and apply the Human Security approach.

On the other hand, the citizen security policy states that, according to the Government, the armed conflict in Colombia has mutated in such a way that we are no longer in a scenario of war with armed insurgent groups with strictly political purposes, but what exists today are criminal groups dedicated to multi-crime and the search for territorial control in order to dominate illegal economies. Therefore, and as stated in the same document, recovering institutional trust towards the public force is fundamental in the new context proposed by the Government. as aforementioned implies materializing another of President Gustavo Petro's campaign promises: the reform of the National Police. This reform is mentioned (without much detail) in the National Development Plan, which states that a transformation of the institutional architecture of the National Police and a dismantling of the Mobile Anti-Riot Squad (Esmad) will be carried out in order to create another police force specialized in riot control. Permanent Directive 009 of 2023 issued by the Ministry of Defense makes explicit what the plan of "Direction and Implementation of the guidelines of the Police + Human Transformation of the National Police" ⁵ will consist of. Finally, the Government issued Resolution 1091 in which it creates a new police force for the containment of disturbances, which will be discussed in more detail below.

However, while the government has announced these policies that seek to guarantee peace for all Colombian citizens, victimizing events have continued in several areas of the country. Thus

⁵Permanent Directive 009, Ministry of Defense and National Police. Retrieved from: <https://transformacion.policia.gov.co/wp-content/uploads/2023/06/DIRECTIVA-PERMANENTE-09-15-06-2023-compressed.pdf>

In addition, the perception of security in cities such as Bogota, Cali and Bucaramanga is getting worse and worse. For these reasons, it is urgent to review the statistical information and the characteristics of the violence that still persists.

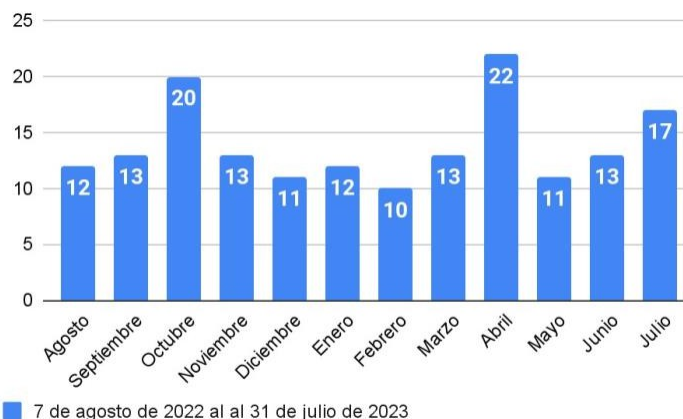
Below are the figures and analysis of the murders against leaders, women leaders, human rights defenders and signatories of the agreement, as well as the massacres that have occurred between August 7, 2022 and July 31, 2023, one year into the government of Gustavo Petro. Subsequently, the facts of police violence recorded during this period are presented.

1. Assassinations against leaders, social leaders and human rights defenders

Between August 7, 2022 and July 31, 2023, 167 leaders, social leaders and human rights defenders have been murdered, while between August 7, 2021 and July 31, 2022 the figure was 185 murders. This means that compared to the previous period there is a 10% reduction in the number of cases.

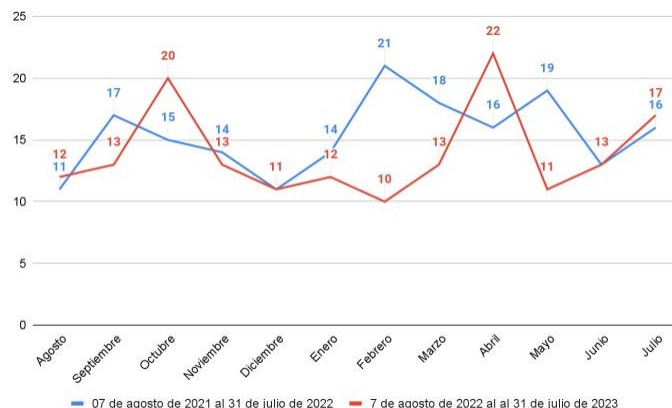
Comparison of leaders, social leaders and human rights defenders murdered in the first year of the Petro administration (August 7, 2022 to July 31, 2023).

Leaders, leaders and human rights defenders during the government of Gustavo Petro (August 7, 2022 - July 31, 2023)	
Months	No. of cases
August	12
September	13
October	20
November	13
December	11
January	12
February	10
March	13
April	22
May	11
June	13
July	17



Comparison of leaders, social leaders and human rights defenders murdered in the first year of the Petro Government (August 7, 2022 to July 31, 2023) and in the last year of the Government of Iván Duque (August 7, 2021 to July 31, 2022).

Comparison of Duque vs. Petro murders		
Months	August 7, 2021 to August 31, 2021	August 7, 2022 to August 31, 2022
	July 2022	July 2023
	No. of cases	No. of cases
August	11	12
September	17	13
October	15	20
November	14	13
December	11	11
January	14	12
February	21	10
March	18	13
April	16	22
May	19	11
June	13	13
July	16	17



From Indepaz, we have been able to evidence spikes in the murder of social leaders and human rights defenders during election periods. However, during 2023 and in comparison with the previous year, the average number of deaths per month has decreased from 15 to 12, although it is still not possible to speak of trends when approaching the elections of governors and mayors in which a large number of leaders participate.

Geographical location of the murders

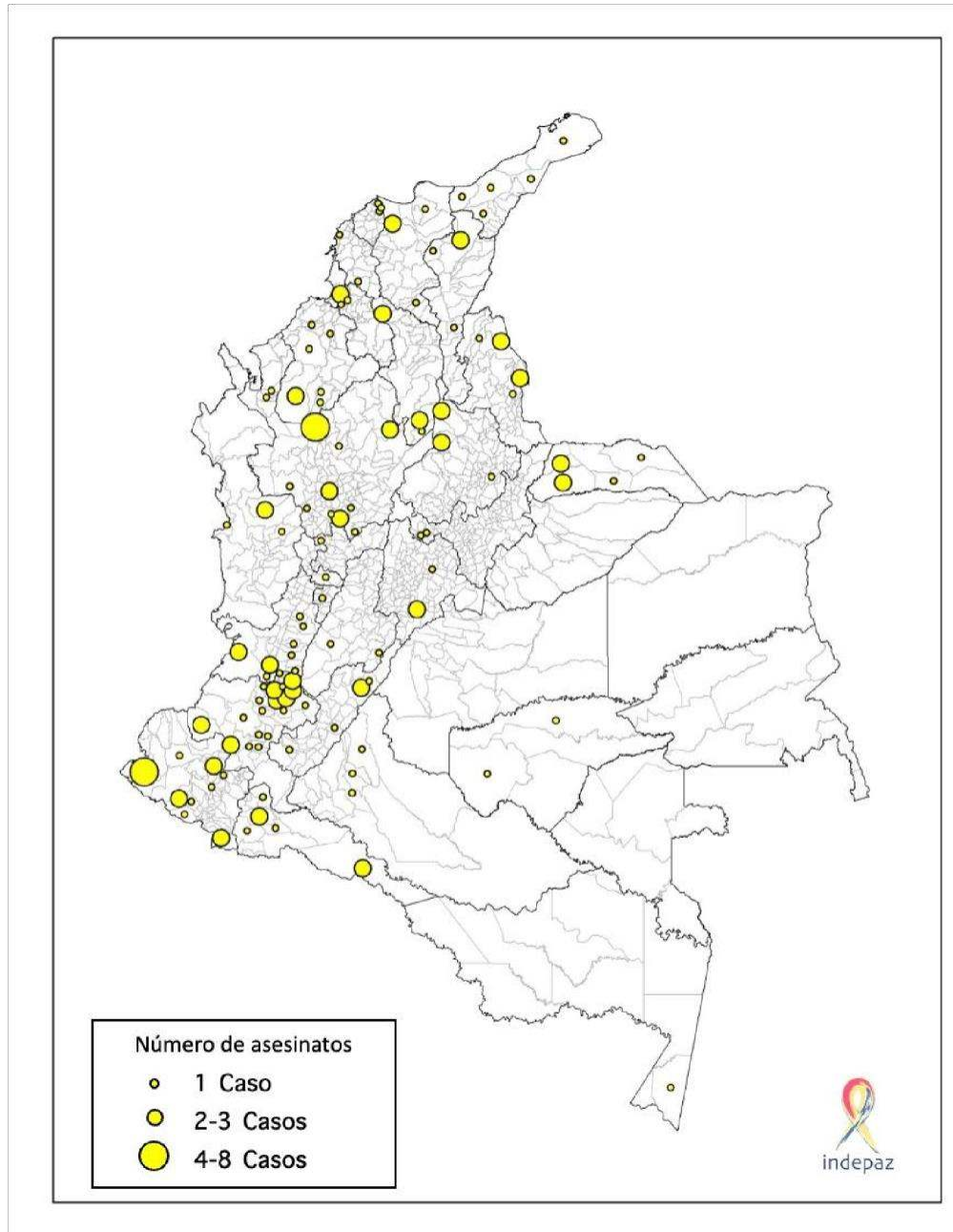
he murders of leaders, social leaders and human rights defenders in the first year of the Petro administration were concentrated in 112 municipalities in 27 departments, including Cauca (28 cases),

Antioquia (22 cases), Nariño (18 cases), Valle del Cauca (11 cases) and Chocó (9 cases) were the most affected. The municipalities with the highest number of murders were Ituango (8 cases) and Tumaco (7 cases).

Likewise, rural areas are where the highest number of murders are committed.

Tumaco has remained as the municipality with the highest risk to exercise any type of leadership, in fact the first murder of the year 2023 was committed there against the 16 year old José Taicus Pascal on January 2, who was a youth leader and member of the Indigenous Guard of the Peña Aisa Gran Rosario reservation belonging to the Awá people.

Map 1. Leaders, social leaders and human rights defenders assassinated in the first year of the Petro administration.

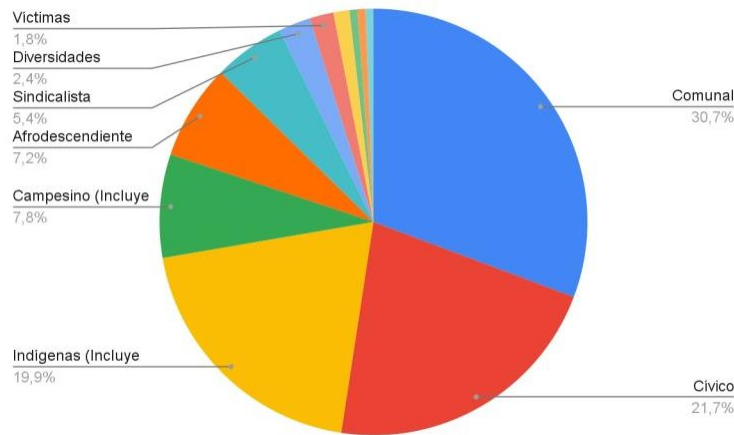


Social sectors affected by murders

The majority of the murdered social leaders belonged to the following social sectors: community (51 cases), civic (36 cases), indigenous (33 cases), peasants (13 cases) and Afro-descendants (12 cases). Indigenous leaders are usually the most targeted for their work in defense of the territory, however, as shown in *Figure 3*, those who are members of the Juntas

In electoral times, Community Action Groups end up being the target of attacks against them, many of them related to their capacity to interfere in community decision making.

Social sectors most affected by murders of leaders, social leaders and human rights defenders murdered in the first year of the Petro administration (August 7, 2022 to July 31, 2023).



Homicides by Social Sector	No. of victims
Communal	51
Civic	36
Indigenous (Includes PNIS members)	33
Peasants (Includes peasants who also work in the JACs, are part of the PNIS, environmentalists and victims).	13
Afrodescendants	12
Trade unionists	9
Diversities	4
Victims	3
Environmentalists	2
Miners	1

Land claimants	1
Cultural	1
Community Mother	1

In the territories, the leaders carry out different processes in defense of the implementation of the peace agreement, such as the substitution of illicit crops, they are also standard bearers of political processes of change on local powers, they are environmental defenders, some in opposition to megaprojects and also raise their voices against the presence of illegal armed actors in their territories, among many other defense tasks.

he leaderships are processes of years, in which the recognition of the population is achieved from the participation in different spaces of demand and defense of rights as in the case of Gildardo Hoyos, a recognized political leader elected as mayor of the municipality of Sucre, Cauca for the period 2008 - 2011, who ran again as a candidate for mayor in 2019. Before his assassination on May 11, 2023, he served as a councilman and led a citizens' movement seeking to participate in the upcoming elections.

Affectation by gender identity or sexual orientation

In the first year of Gustavo Petro's administration, 18 women leaders have been assassinated, corresponding to 9% of the total number of assassinations, and 4 people from the aGBTIQ+ community (6% of the total). This scenario must be understood under the particularity that there are fewer leaderships exercised by women in the territories due to the risks and differentiated violence they face due to the presence of armed actors in their territories, to the difficulties in assuming new tasks in addition to the care and work they already have with their families; in addition to the feeling of not being accompanied or supported in their advocacy work by a weak democratic system and a context of intensification of the armed conflict in the territories.

One of these murders was committed in 2023 against social leader Yenifer Córdoba Henao in Calamar, Guaviare, who was a candidate for Council for the Polo Democrático party and the Vamos por los Derechos movement.

municipality of Miraflores, Guaviare. In addition, it took action against deforestation, one of the most dizzying issues in the area in recent years.

Similarly, in the case of people who are part of the aGBTIQ+ community there are particularities about their murders, as pointed out by the Caribe Afirmativo observatory, the actions of violence are closely determined by: *"i) the work and/or leadership; ii) the visibility of their sexual orientation or gender identity and iii) the victimizer's animosity towards sexual orientation or gender identity. Through these threats, they seek to harass, exclude or restrict the enjoyment or enjoyment of the rights of these people"* (Caribe Informativo, 2021). One of the most notorious cases has been that of aGBTIQ+ leader and activist Dania Sharit Polo, murdered in May 2023 in the department of Bolívar. She promoted the recognition of the collective in the municipality of El Carmen de Bolívar as a subject of collective reparation before the Unit for the Attention and Integral Reparation of Victims in 2020, in addition to being a declarant before the Truth Commission and the Special Jurisdiction for Peace (JEP).

Authorship in the murders

Regarding the material responsibility for the murders, hired assassination remains one of the determining patterns in these acts, related in some cases to the operation of gangs and local structures that carry out these actions by means of outsourcing. In 78% of the registered cases, the perpetrator of the crime is not recognized, while 12% are presumed to be the responsibility of dissident groups, 9% of narco-paramilitary groups and 1% of guerrillas, according to data compiled by Indepaz.

The management report presented by the Attorney General's Office⁶ in March 2023, indicates for the clarification of murders against human rights defenders that, between January 2021 and February 12, 2023, there was an investigative progress rate towards the clarification of 42.86%, that is, over 156 of the 358 homicides reported in this season by the Ombudsman's Office. Of the homicides of human rights defenders reported by the same entity, the following were reported by the same entity

⁶ Informe de gestión presentado por la Fiscalía General de la Nación en marzo de 2023. Retrieved from: <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Link-Informe-de-Gestion-2022-2023.pdf>

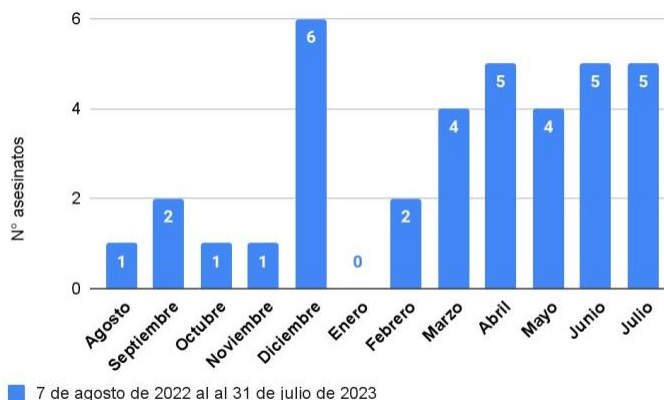
in the year 2023 -between January 1 and February 12-, there was an advance of clarification in one of the seven cases reported in verification. However, the criticism is that justice seems slow and inoperative in the face of these facts, more for what "progress in clarification" means, which can become any action but not the total clarification of the fact that implies knowing the number of executed sentences against perpetrators, intellectual and determiners.

2. Assassinations against peace agreement signatories

Between August 7, 2022 and July 31, 2023, 36 signatories of the peace agreement have been murdered, while between August 7, 2021 and July 31, 2022 the figure was 52 murders. This means that compared to the previous period there is a reduction of 32%.

Graph 4. Comparison of persons who signed the agreement killed in the first year of the Petro Government (August 7, 2022 to July 31, 2023).

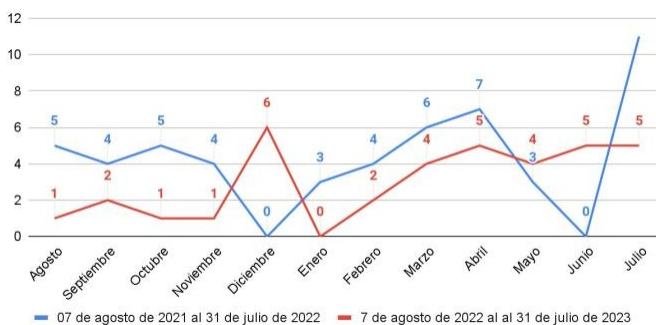
Signatories of agreement killed during the Government of Gustavo Petro (August 7, 2022 to July 31, 2023)	
Months	No. of cases
August	1
September	2
October	1
November	1
December	6
January	0
February	2
March	4
April	5
May	4
June	5



July	5
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Graph 5. Comparison of persons who signed the agreement killed in the first year of the Petro Government (August 7, 2022 to July 31, 2023) and in the last year of the Government of Iván Duque (August 7, 2021 to July 31, 2022).

Comparison of Duque vs. Petro murders		
Months	No. of cases	
	07 of August 2021 to 31 of July 2022	August 7, 2009 2022 as of December 31, 2022 as of December 31, 2022 as of December 31, 2022 as of July 2023
August	5	1
September	4	2
October	5	1
November	4	1
December	0	6
January	3	0
February	4	2
March	6	4
April	7	5
May	3	4
June	0	5
July	11	5



In the government of Gustavo Petro there has been a decrease in the number of murders against the signatories of the Peace Agreement with an average of three murders per month, while in the previous year it was four murders per month. This is without ignoring the threats, displacements and constant stigmatization to which people in the reincorporation process and their families are subjected by the illegal armed groups present in the country.

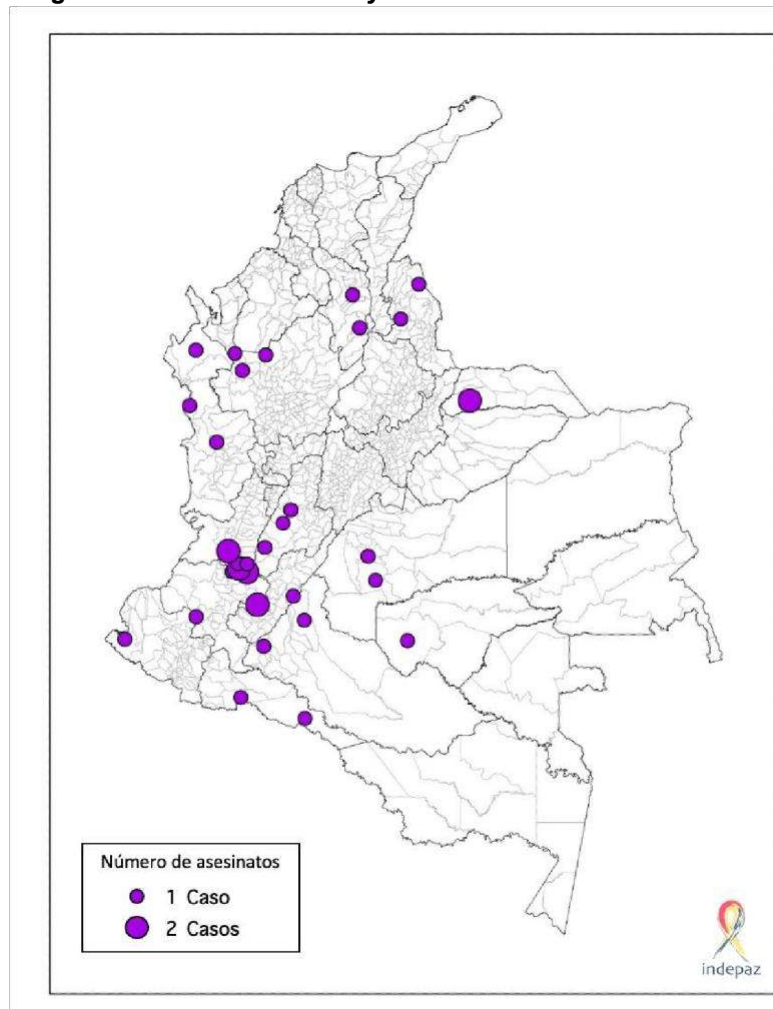
Geographical location of the murders

The number of murders of peace agreement signatories in the first year of the Petro administration was concentrated in

31 municipalities in 14 departments, with Cauca (8 cases), Antioquia (3 cases), Huila (3 cases), Tolima (3 cases) and Chocó (3 cases) being the most affected. The municipalities with the highest number of murders were Tame, Caloto, Toribío, La Plata and Cali with two murders each.

Some of the signatories in the reincorporation process who have been killed have also carried out leadership actions in their territories, such as Rigoberto Mendoza, who was part of the associations Unidos Producimos Paz and the Asociación Reincorporados de Puerto Rico in the department of Caquetá; in the village of Bajo Aondres, he was president of the Junta de Acción Comunal until his assassination on July 8, 2023.

Map 2. Signatories of the agreement killed in the first year of the Petro administration.



Affectation by gender identity or sexual orientation

he murders against signatories of the agreement have been predominantly against men; in fact, during the first year of Gustavo Petro's government, no female signatories have been murdered. However, this does not mean that they are not affected by associated victimizations, as many of them have been displaced or threatened in the territories where the murders have occurred, which puts their reincorporation and their lives at risk.

Authorship in the murders

Indepaz has not been able to identify the intellectual author of the 36 cases of assassinations of signers. However, it does agree with the panorama of leaders that the action is related to hired killings, in addition to the fact that the attack predominates in rural areas and the subsequent abandonment of their bodies on public roads. For its part, the Prosecutor General's Office between November 24, 2016 and February 12, 2023 registered 331 cases of homicides of reincorporated persons and indicates that a 62.24% progress rate of clarification was achieved, that is, in 206 of 331 cases in ^{total}⁷, but equally, the progress in clarification leaves questions about the authorship of the act.

It should be noted that on January 27, 2022, the Constitutional Court declared an unconstitutional state of affairs due to the security crisis faced by the signatories of the agreement and members of the Comunes party, who have been repeatedly victims of threats, attacks and assassinations against them without being provided with measures of attention and without activating the mechanisms provided for in the Peace Agreement to protect their lives.

3. Massacres

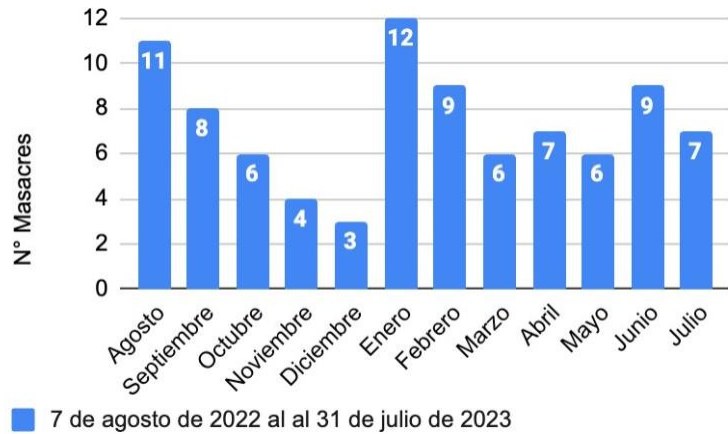
⁷ Management report presented by the Attorney General's Office in March 2023. Retrieved from: <https://www.fiscalia.gov.co/colombia/wp-content/uploads/aink-Informe-de-Gestion-2022-2023.pdf>⁸

The Human Rights and Conflict Observatory of Indepaz understands a massacre as the intentional and simultaneous homicide of several persons (3 or more persons) in a state of defenselessness, in equal circumstances of time, manner and place.

Between August 7, 2022 and July 31, 2023, 89 massacres⁸ with 291 victims have been committed in the country. While between August 7, 2021 and July 31, 2022, the figure was 88 massacres with 300 victims. In other words, the trend of massacres in the two periods of government compared is maintained.

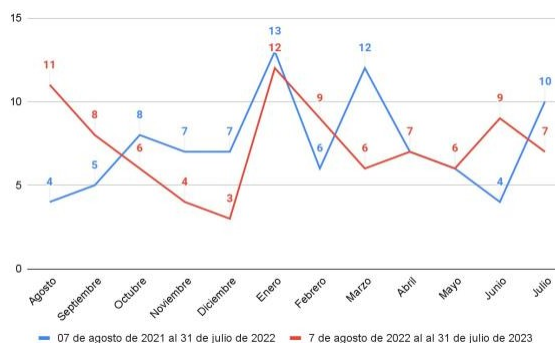
Comparison of massacres committed in the first year of the Petro Government (August 7, 2022 to July 31, 2023).

Massacres committed during the Government of Gustavo Petro (August 7, 2022 to July 31, 2023)	
Months	No. of cases
August	11
September	8
October	6
November	4
December	3
January	12
February	9
March	6
April	7
May	6
June	9
July	7



Graph 7. Comparison of massacres committed in the first year of the Petro Government (August 7, 2022 to July 31, 2023) and in the last year of the Government of Iván Duque (August 7, 2021 to July 31, 2022).

Comparison of massacres Duque vs. Petro		
Months	No. of cases	
	August 07, 2021 to 31 July 2022	August 7, 2022 to August 31, 2022 to August 31, 2022 July 2023
August	4	11
September	5	8
October	8	6
November	7	4
December	7	3
January	13	12
February	6	9
March	12	6
April	7	7
May	6	6
June	4	9
July	10	7



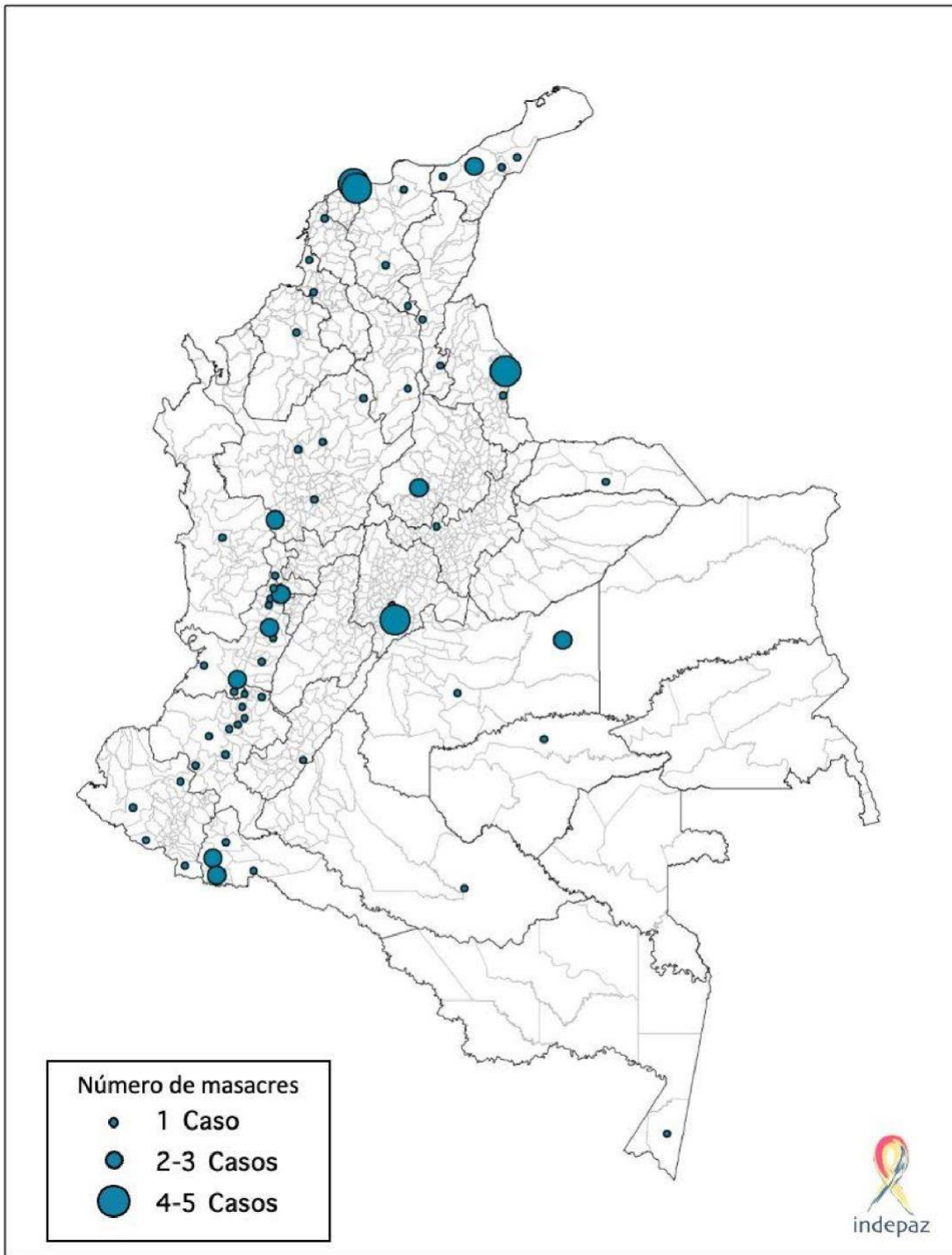
In the case of massacres, the average number of massacres committed per month remains at 7. The behavior of the graph has similar numbers for the months of January, when there is an upturn, however, it is noteworthy that at the beginning of the government of Iván Duque the number was well below what he leaves at the end of his administration, almost doubling the figure.

Geographical location of the murders

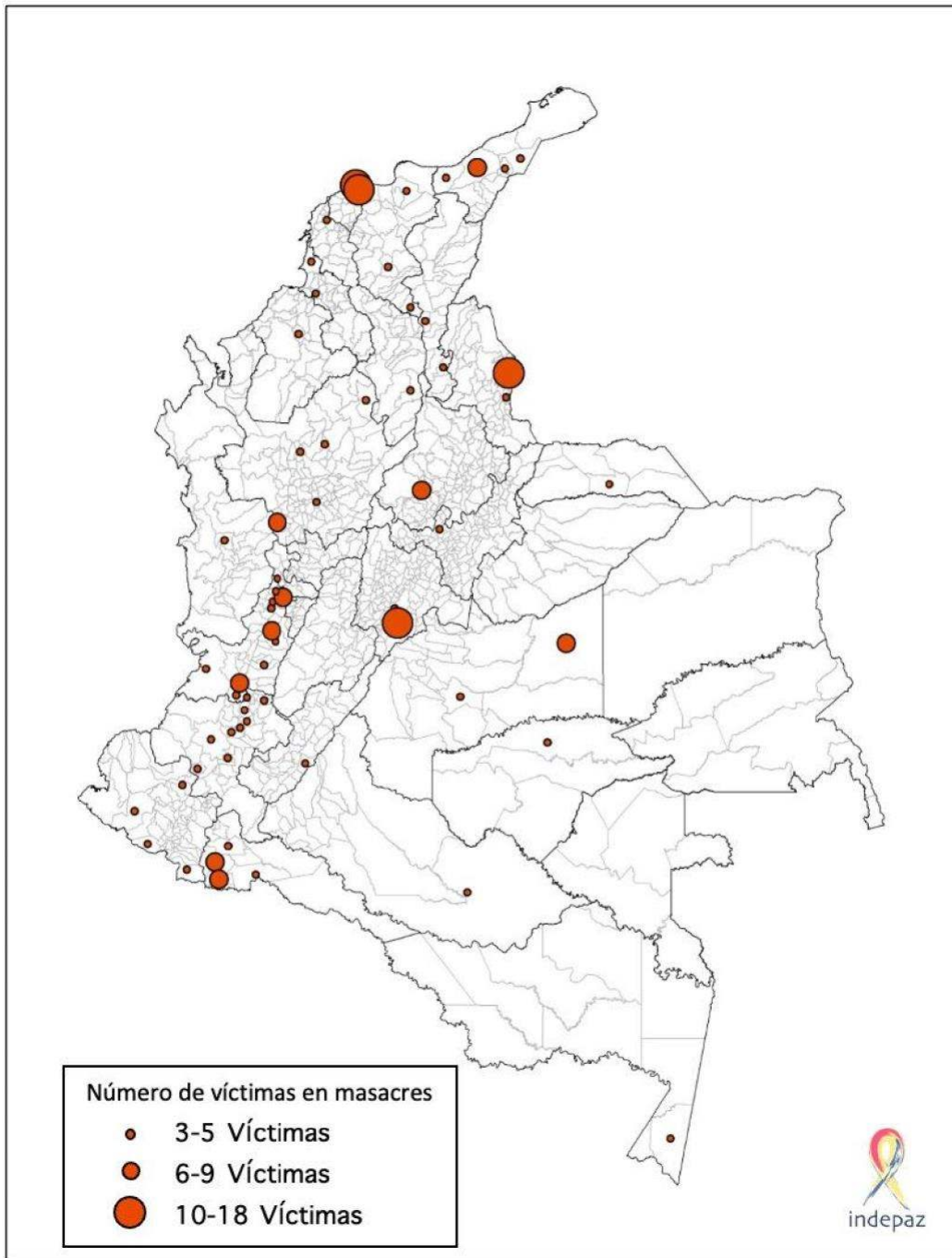
he massacres in the first year of the Petro administration were concentrated in 63 municipalities in 25 departments, with Valle del Cauca (13 massacres), Atlántico (10 massacres), Cauca (9 massacres),

Norte de Santander (6 cases), Putumayo (6 cases), Antioquia (6 cases), aa Guajira (5 cases) and Bogotá (5 cases) were the most affected. aa The municipalities with the highest number of massacres were Soledad, Bogotá and Cúcuta with five cases each and Barranquilla with four.

Map 3. Massacres committed in the first year of Petro's government



Map 4. Victims of massacres committed in the first year of the Petro Government



In the last year there was an increase in the number of massacres committed in Antioquia and Norte de Santander in particular, related to an increase in actions concentrated in the metropolitan areas of their capitals. One of the characteristics of the massacres is that the majority of them are

concentrated in major cities, many of them as a result of disputes between local armed actors over economies such as micro-trafficking, extortion and control over drug routes to larger distribution centers.

Number of victims in the massacres and differential impacts

Of the 291 victims of the massacres, at least 9% (27) are women and 6% (18) are minors, a situation that is related to the patterns of murders, most of which occur inside homes or public establishments on weekends in urban areas and in meeting places, which generates a significant impact on the number of victims.

One of the massacres with more victims has been the one that occurred on September 12, 2022, when six people were killed in a public establishment located in the aas Flores neighborhood of Barranquilla, the action was committed by a hitman who arrived at the place and indiscriminately attacked the people who were in the place with firearms.

Another of the situations that characterize the massacres is the action against indigenous, Afro-descendant and peasant communities located in areas of dispute between armed actors. One of these was the situation of four indigenous minors of the Murui people who, after being victims of forced recruitment by the Carolina Ramírez Front of the Central General Staff, tried to escape and were killed by this group in events that occurred on May 20, 2023, as stated in a public statement by the Office of the High Commissioner for ^{Peace}⁸.

4. Police violence

From August 7, 2022 to July 31, 2023, the Grita de Temblores Ong platform recorded a total of **191** cases of police violence that left at least **244** ^{victims}⁹. Within these events, we recorded **23** cases of homicidal violence, **139** cases of physical violence and **12** cases of sexual violence.

⁸ See press release at: <https://twitter.com/Indepaz/status/1660085202557845506/photo/2>

⁹ It is important to mention that a single act of police violence can involve multiple acts of violence, for example, physical violence in the midst of arbitrary detention. Likewise, the same case may involve more than one victim.

In comparison with the last year of the government of Iván Duque, that is, from August 7, 2021 to July 31, 2022, we observe that there is a reduction of **58.66%** of the total number of cases, since in that period 462 cases of police violence were recorded. That same year we recorded 27 cases of homicidal violence, 317 cases of physical violence and 17 cases of sexual violence. This represents a decrease of 14.81%, 56.15% and 29.41% of the cases respectively for the first year of the Petro Government. The total police violence cases have decreased by more than 50%, but in the case of sexual and homicidal violence the decrease is much lower and the number of cases is very similar to that of the last year of the Government of Iván Duque.

Tipo de violencia	Último año Duque (ago 2021 - julio 2022)	Primer año Petro (ago 2022 - julio 2023)	Diferencia porcentual
Violencia homicida	27	23	-14.81%
Violencia física	317	139	-56.15%
Violencia sexual	17	12	-29.41%
Total casos	462	191	-58.66%

Table 1: Cases of police violence during the last year of the Duque government and the first year of the Petro government.

Regarding the acts committed by the former Esmad now UNDMO (Unit for Dialogue and Maintenance of Order), we recorded that from August 7, 2022 to July 31, 2023 the UNDMO was responsible for 43 cases, that is, 22.51% of the acts, of which 1 corresponds to an act of homicidal violence. Now, from August 7, 2021 to July 31, 2022, we recorded that the Esmad had responsibility in 134 cases, that is, 29% of the total, of which 1 corresponds to an act of homicidal violence. Thus, in comparison of the two periods, in terms of homicidal violence committed by the Esmad, the trend remains the same. However, in terms of the total number of incidents, there is a decrease of 67.91% of the incidents committed by the Esmad during the first year of the Petro government compared to the previous year.

Tipo de violencia	Último año Duque (ago 2021 - julio 2022)	Primer año Petro (ago 2022 - julio 2023)	Diferencia porcentual
Violencia homicida	1	1	0.00%
Total de casos	134	43	-67.91%

Table 2: Cases of police violence committed by members of the Esmad / UNDMO during the last year of the Duque Government and the first year of the Petro Government.

With regard to the 191 incidents of police violence that we recorded from August 2022 to July 2023, we observe that Bogotá is the place that records the highest number of cases with 96, i.e. 50.26% of the total number of cases. It also has the second highest rate of cases per 1,000,000 inhabitants with 13.37, after Guaviare which records 13.68.

In terms of the context in which the events occurred, we observe that leisure in public space registers 23.04% of the cases, protests 22.51%, transit in public space 14.66% and work in public space 9.42%. In this sense, daily activities in public space account for 47.12% of the cases, being transit, leisure and work a scenario in which citizens end up being exposed to police violence.

Regarding the gender identity of the victims, we recorded that in 58.61% of the cases the victims were men and in 30.33% of the cases the victims were women, of which 1.64% had a transgender life experience. Regarding the characterization of the vulnerability of the victims, we found that the populations most affected by police violence are informal workers with 8.61% of the cases, followed by minors, elderly and pregnant women with 7.38% and students with 6.56%.

Regarding the 23 cases of homicidal violence committed between August 2022 and July 2023, we recorded that Bogota concentrates almost 35% of the total cases, followed by Cundinamarca with 17.4% and Valle del Cauca and Atlántico with 13% of the cases, respectively.

On the other hand, we recorded that 39% of the victims were Afro-descendants. This is alarming because it shows that the Afro-descendant population, in spite of being a population with special constitutional protection, continues to be more vulnerable to being victims of police violence and more vulnerable to being victims of police violence.

specifically homicidal violence. It also shows that police actions are marked by racist prejudices that translate into human rights violations.

Additionally, of the 23 homicides, 7 cases (equivalent to 30.43% of the total) took place while the victims were in State custody. According to the *Minnesota Protocol on the Investigation of Potentially Unlawful Deaths of the United Nations Organization* (2016)¹⁰, given that the State must guarantee the rights and integrity of persons in its custody, if a person dies in permanent or transitory holding centers, responsibility is presumed on the part of the State and its officials, even if they are not directly responsible for the death. In this sense, this situation raises an alarm about the current conditions of confinement and the guarantee of the rights of persons deprived of liberty in prisons and transitory detention centers in the country, within a generalized context of overcrowding. According to figures from the Attorney General's Office¹¹, by May 2023, in Bogota alone at least 9 transitional holding centers had overcrowding levels of more than 100%, such as the Usaquen Police Station with an overcrowding of 1111% and the Kennedy Police Station with 540% overcrowding. In addition, the aa Picota prison had an overcrowding rate of 222%. Thus, we are concerned about the current situation of detention of persons deprived of liberty in Colombia, where overcrowding and other factors open the door to other human rights violations in these scenarios.

Police reform diagnosis

As mentioned at the beginning of the document, the Police Transformation process was framed in the National Development Plan and mentioned in the Security, Defense and Citizen Coexistence Policy, but explained in depth in Permanent Directive 009 of 2023 issued by the Ministry of Defense. The Directive presents the following seven thematic axes for police transformation: 1. Integrity, trust and human rights, 2. Respect for the right of assembly and association, 3.

¹⁰ Office of the United Nations High Commissioner for Human Rights (2026). *Minnesota Protocol on the Investigation of Potentially Unlawful Deaths of the United Nations Organization*. Retrieved from: https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol_SP.pdf.

¹¹ Office of the Attorney General of the Nation. Bulletin 652 of 2023. Retrieved from: <https://www.procuraduria.gov.co/Pages/procuraduria-alerta-estado-personas-privadas-libertad-bogota-d-c.aspx>.

Professionalization and education, 6. Professional standards, and 7. Organizational transition.

In relation to axis number two, the National Government, through the Ministry of Defense and the National Police, issued Resolution ¹⁰⁹¹¹², which created a new body for public demonstration and riot control called the Dialogue and Order Maintenance Unit (UNDMO):

1. We emphasize that in the international framework, the resolution includes the "United Nations Human Rights Guidelines on the Use of Less Lethal Weapons in International Armed Conflicts" (UNHCHR Guidelines on the Use of Less Lethal Weapons in Armed Conflicts).

The most recent document with recommendations on the use of less lethal weapons.

2. It also recognizes 13 principles for the use of force that include non-discrimination, proportional use and accountability, among other principles.
3. These advances in the protection of rights in protest contexts are not enough to guarantee that the police and the UNDMO do not violate human rights in protest contexts. During the first year of the Government, the platform Grita de Temblores Ong has identified **43** cases of police violence by the Esmad in protest scenarios and **1** case of homicidal violence.
4. The changes are neither structural nor substantive.
5. The resolution does not regulate any specific articulation of UNDMO with other State institutions.
6. The functions of the UNDMO are expanded, which hampers the effectiveness of its actions.
7. aa anticipation stage involves intelligence actions prior to mobilizations that may lead to stigmatization and profiling practices.
8. It does not explain what the tools for dialogue are while the weapons arsenal remains the same.

¹² National Police, Resolution 1091. Retrieved from:
https://www.policia.gov.co/sites/default/files/descargables/14.res.1091del_31-03-2023_manual_atencion_a_m.anifestacion_publica.pdf

9. Police training will continue to be endogenous in nature without public knowledge of the intervention manuals.

On the other hand, with respect to point four of the creation of a "New model of police service oriented towards people", on July 21 the National Police launched the new police ^{service13} which, as announced there, includes an expansion of the services provided by the police in the CAI. Temblores Ong has insisted that the police reform must include a reformulation of the policing model that includes transforming the CAIs. The new model proposed by the police is still in its first days of implementation. However, we would like to mention some fundamental aspects for the change of the CAI:

1. CAIs where serious human rights violations have been committed must go through a process of public forgiveness to the community as a first restorative step.
2. The CAIs should become centers with an inter-institutional presence that offer a greater range of services in response to crime.
3. CAIs must be places where transparency and accountability to the public prosecutor's office and control mechanisms are guaranteed.

One of the most important aspects of the police reform is the transfer of the Ministry. aa discussion is very broad with respect to the Ministry of which the police should be a part but, as indicated in Permanent Directive 009, an external table will be formed, made up of, among others, a delegate from the Ministry of Justice and the Ministry of Defense. Thus, the current discussion is which of the mentioned ministries is more convenient to transfer the police to, or if, on the contrary, the ideal would be to create a new Ministry of Security and Peace in which the police would be part of. In this regard, we are concerned about the little progress that has been made with respect to the transfer, since various sectors of the government have expressed opposing positions. Likewise, there is no legislative initiative that is promoting the transfer of the ministry.

¹³ National Police, 2023. Retrieved from:
<https://twitter.com/PoliciaColombia/status/1682433575759618048?s=20>

On the other hand, despite the fact that the police show willingness to dialogue and to provide a better service, we are concerned that many of these transformations remain in great symbolic announcements, which, although necessary, do not guarantee that the changes will be anchored in the institutional structure. It is essential that the reform provides guarantees of rights beyond the political moment the country is going through.

Recommendations on police reform

- While the Grita platform recorded a 58.66% reduction in police violence cases in Colombia between the last year of the Duque administration and the first year of the Petro administration, homicidal violence recorded a much smaller reduction, equivalent to 14.81% between each year. This demonstrates that the lethality of police violence is still very high and that the guidelines of the

Government to protect and guarantee human rights in all procedures.

and police interactions have not been sufficient to further reduce homicidal violence and, therefore, to protect and guarantee life. In this sense, it is indispensable that the National Government and the National Police take more structural transformational measures that do not depend on changes in civilian power guidelines, such as a #ReformaPolicialYa, to eradicate homicidal violence and other police violence practices in Colombia.

To this end, we urge the Government and the National Police to continue opening and working in scenarios of participation with different sectors of society, such as human rights organizations, victims of police violence, academia and the media.

police officers, to build a comprehensive, open, anti-racist and anti-discrimination approach to reform.

Also, we invite the National Government, the National Police and the Congress of the Republic to know the *Navigation Letter for a #ReformaPolicialYa* of Temblores Ong, where we grouped diverse inputs to think a structural police reform around five fundamental points, which are: 1) the transformation of the CAI and police stations, 2) real differential approaches, 3) progressive disarmament, 4) the end of patrolling to personal dose

and 5) access to justice for victims. This resource is available here:

<https://www.temblores.org/reformapolicialya>.

- With respect to the creation of the UNDMO, we are concerned that, despite the announcement of the creation of a body specialized in dialogue within the UDMO, the presence of this body has not been registered in any of the protests in which we have identified arbitrary use of force.
- As the Constitutional Court¹⁴ and the Attorney General's Office have warned, the country's prisons and transitory detention centers have high levels of overcrowding, which is evidence of a generalized human rights crisis in these scenarios, where persons deprived of liberty do not have minimum conditions for a dignified life.

In addition, the high levels of overcrowding open the door for people deprived of their liberty to of freedom are victims of other human rights violations. An example of this are the 7 cases of homicidal violence of people in state custody registered by the Grita platform during the first year of Petro's government. For this reason, we urge the Ministry of Justice, the Ministry of Defense, INPEC, the National Police and local authorities to work together to guarantee the rights of the population deprived of liberty in penitentiary and transitory detention centers.

We also ask the National Government, headed by the Ministry of Justice, to continue proposing policies and projects for the humanization of prisons and other detention centers in the country, and we ask the Congress of the Republic to continue the corresponding debates on them in order to achieve concrete regulatory results that improve the living conditions of the population deprived of liberty in the country.

¹⁴ Constitutional Court of Colombia. Ruling SU-122 of 2022: Extension of the Unconstitutional State of Affairs Due to Overcrowding in Temporary Detention Centers. Retrieved from: <https://www.corteconstitucional.gov.co/relatoria/2022/SU122-22.htm> and https://www.suin-juriscol.gov.co/archivo/Estado_cosas_inconstitucional.pdf.

Total Peace Recommendations

- It is inevitable that measures will be taken to address the complex situation of leaders, social leaders and human rights defenders, including agreements for the implementation of ceasefires with armed groups with which some kind of rapprochement is being achieved or the installation of dialogue tables in order to generate humanitarian relief in the territories. Another action that could help to advance the design, conception and implementation of relevant public policies would be the declaration of an unconstitutional state of affairs by the Constitutional Court. This would make it possible to more clearly confront the structural violence against these people, i.e. the systematic set of omissions and actions of various officials and agencies to address the situation, giving legal force to the claims of the leaders who are currently threatened and at risk along with their families. This also opens a spectrum for the government to have greater capacity to act and formulate public policies from the bottom up with territorialized actions.
- The security policy must advance in its territorial approach, responding to local logics in which outsourcing has gained strength as one of the patterns in the assassinations of leaders, women leaders and human rights defenders and signatories of the peace agreement. Thinking about State intervention from the geography of distance limits the possibilities of timely action, taking into account that the aggressions are concentrated in municipalities classified as rural or dispersed rural areas.
- The implementation of the Unified Command Posts -PMU- for life has meant a great advance in terms of participation for the communities. However, it is necessary to evaluate compliance with the agreements reached at each table, in addition to the security of those who participate; it is also necessary to estimate whether other municipalities require special security plans, taking into account the context of violence in the territories and the actors involved.
- It is necessary to advance in the Comprehensive Program of Security Guarantees for Women Workers and Human Rights Defenders, which requires the development of differentiated empowerment for effective self-protection through subregional network governance,

capacity building for territorial planning and management of communities and the strengthening of prevention, without neglecting protection in the case of women, who face differentiated forms of violence, many of them directly towards their children.

- The State must make the implementation of the Final Peace Agreement a priority and, among other things, take actions for the effective reincorporation of those who have laid down their arms. One of the most important tasks for local, regional and national authorities has to do with reducing stigmatization, finger-pointing and persecution against signatories of the agreement as a guarantee of their security.
- The mechanisms of social control as a repertoire of armed groups in the territories cannot be minimized; they are actions linked to the commission of crimes and the coercion of communities for the establishment of powers in the territories that generate anxiety and endanger people's lives.

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