

## Country Advice Colombia

Colombia – COL39766– Granada – FARC – ELN – State protection – Internal relocation – Wealthy families/business operators – Extortion 17 January 2012

## 1. Deleted.

2. Please provide information relating to guerrilla groups active in Granada, Cundinamarca, both now and over the past 10 years.

Limited recent information was located specifically regarding guerrilla activity in Granada, Cundinamarca. While guerrilla activity has been a long-standing feature of the region, Colombian authorities appear to have made progress in countering guerrilla activities. Although it is thought that rebels are seeking to retake lost ground, it is likely that they may focus on larger cities rather than regional areas. Information was located regarding guerrilla activity in Cundinamarca department more broadly; it should be noted that Colombia's capital city, Bogota, is situated within Cundinamarca department, an estimated 49 kilometres from Granada.

According to a 2006 US diplomatic cable published by Wikileaks in August 2011, following Colombian military efforts in Cundinamarca and Bogota, "[t]he FARC [Fuerzas Armadas Revolucionarias de Colombia] and ELN [Ejercito de Liberacion Nacional] presence has been largely eliminated – converting a military problem of national security to a police matter of public security". The Colombian military reportedly maintained responsibility for guarding infrastructure in the region, while the police had taken over responsibility for law

http://maps.google.com.au/maps?rlz=1T4EGLC\_enAU423AU423&q=Granada,+Cundinamarca,+Carretera+Silvania&um=1&ie=UTF-

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<sup>&</sup>lt;sup>1</sup> US Department of State 2006, 'Fighting Terrorism and Establishing State Presence: The COLMIL's 5<sup>th</sup> Division', Wikileaks website, 17 October <a href="http://wikileaks.org/cable/2006/10/06BOGOTA9606.html">http://wikileaks.org/cable/2006/10/06BOGOTA9606.html</a> – Accessed 16 January 2012

<sup>&</sup>lt;sup>2</sup> 'Colombia captures Farc kidnapper' 2009, *BBC News*, 28 February <a href="http://news.bbc.co.uk/2/hi/7916228.stm">http://news.bbc.co.uk/2/hi/7916228.stm</a> – Accessed 16 January 2012

<sup>&</sup>lt;sup>3</sup> 'Bogota Granada' 2012, Google Maps website

enforcement. While FARC and ELN recruitment of students continued in universities, "efforts to mobilize them for terrorist attacks have had little tangible effect".<sup>4</sup>

In October 2010, authorities reportedly located a FARC hideout containing 2700 landmines in Cabrera, Cundinamarca. According to authorities, "the intentions of the 51st block of the FARC of rearming to perpetrate offensive actions were neutralized". Three people were reportedly killed and 20 injured in June 2010 when FARC detonated a car bomb in Cundinamarca. The bomb exploded in front of the mayor's office in the municipality of Cachipay.

According to *Colombia Reports* in February 2010, Colombian national police arrested an ELN guerrilla wanted over the 2004 kidnapping of an American citizen. The suspect was reportedly intercepted in Facatativa in Cundinamarca.<sup>7</sup>

In February 2009, *BBC News* reported that Colombian security forces captured FARC kidnapper 'El Negro Antonio' following a clash with guerrillas in Cundinamarca. The operation also resulted in the deaths of an additional ten guerrillas, and the capture of another eight. According to the *BBC*, FARC rebels "have been seeking to retake the initiative snatched from them over the last five years by the US-backed military...[t]he rebels are seeking to bring their four-decade-old war back into the cities, particularly Bogota, where their attacks have far greater impact than in the countryside". 8

In February 2006, Colombian National Army counter-terrorism units reportedly "de-activated an organized common delinquency gang in Silvania municipality" in Cundinamarca. The gang, thought to be affiliated with FARC, was reportedly in possession of three 40-pound cylinders "prepared as bombs, a revolver and ammunition for this weapon".

3. Please provide information in relation to state protection in Colombia in connection with being targeted by the guerrillas, including any information relating to whether state protection is discriminatorily withheld from certain groups.

In 2009, the Colombian Constitutional Court observed that the state does not have the ability to suitably protect civilians seeking refuge in parts of the country not directly affected by the armed conflict.<sup>10</sup>

According to a June 2010 International Crisis Group report, Colombia's security forces lack a strategy to effectively protect citizens from the various armed paramilitary and guerrilla groups operating within the country, including the ELN. The size and range of the armed

<sup>&</sup>lt;sup>4</sup> US Department of State 2006, 'Fighting Terrorism and Establishing State Presence: The COLMIL's 5<sup>th</sup> Division', Wikileaks website, 17 October <a href="http://wikileaks.org/cable/2006/10/06BOGOTA9606.html">http://wikileaks.org/cable/2006/10/06BOGOTA9606.html</a> – Accessed 16 January 2012

<sup>&</sup>lt;sup>5</sup> '2700 landmines were found in Cundinamarca' 2010, Victims of Terrorism Foundation Colombia website, source: *Caracol Radio*, 12 October <a href="http://rsx23.justhost.com/~victimas/?idcategoria=4238">http://rsx23.justhost.com/~victimas/?idcategoria=4238</a> – Accessed 16 January 2012

<sup>6</sup> 'Carbomb in Cundinamarca' 2010, Victims of Terrorism Foundation Colombia website, source: *El Espectador*, 23 June <a href="http://rsx23.justhost.com/~victimas/?idcategoria=2764">http://rsx23.justhost.com/~victimas/?idcategoria=2764</a> – Accessed 16 January 2012

<sup>&</sup>lt;sup>7</sup> 'ELN member arrested for 2004 kidnapping of American' 2010, *Colombia Reports*, 2 February <a href="http://colombiareports.com/colombia-news/news/8000-eln-member-arrested-for-2004-kidnapping.html">http://colombiareports.com/colombia-news/news/8000-eln-member-arrested-for-2004-kidnapping.html</a> – Accessed 16 January 2012

<sup>&</sup>lt;sup>8</sup> 'Colombia captures Farc kidnapper' 2009, *BBC News*, 28 February <a href="http://news.bbc.co.uk/2/hi/7916228.stm">http://news.bbc.co.uk/2/hi/7916228.stm</a> – Accessed 16 January 2012

<sup>&</sup>lt;sup>9</sup> 'Army occupied and it destroyed Farc encampment, in Cundinamarca' 2006, Colombian National Army website, source: *Army News Agency*, 2 February <a href="http://www.ejercito.mil.co/?idcategoria=187699">http://www.ejercito.mil.co/?idcategoria=187699</a> – Accessed 16 January 2012 <sup>10</sup> UN High Commissioner for Refugees 2010, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Colombia*, UNHCR Refworld, 27 May, Section IV.C

groups involved, "the fragmented nature of the groups and the unpredictability of their interactions complicate their identification and control". This fragmentation is "adding a new dimension to the Colombian conflict, leading to a deterioration of security and endangering the civilian population". <sup>11</sup>

Judges, prosecutors, witnesses, lawyers and others involved in legal proceedings and investigations relating to international humanitarian law (IHL) involving security forces or illegal armed groups are reportedly at risk of being killed, kidnapped or subject to ill-treatment. According to the United Nations High Commissioner for Refugees (UNHCR), the scope and effectiveness of the Colombian Attorney-General's Protection Program for victims, witnesses and others implicated in criminal proceedings has been deemed insufficient to protect individuals from such risks. <sup>12</sup>

In March 2011, more than half the population of Vegalarga in southwest Colombia threatened a mass exodus due to perceived government inaction over sustained FARC attacks. The town is reportedly virtually without public services, a problem made worse when the only school, a hospital, a church and several houses were inadvertently damaged following a controlled explosion of a FARC car bomb by local police. Residents of Vegalarga – a key strategic transit route for FARC – claim the government is ignoring its responsibilities to the people, and given that no local governors have visited the area since the incident, it is believed that local representatives are too afraid to do so. <sup>13</sup>

In 2009, a national survey mandated by the Constitutional Court showed 35 per cent of internally displaced persons (IDPs) were not registered in the government's IDP registry. Some IDPs did not declare their displacement due to lack of information or from fear of coming forward, while others attempting to register were rejected. According to the Internal Displacement Monitoring Centre (IDMC), the problem of under-registration is fundamental to IDP protection, as un-registered IDPs reportedly faced a more precarious situation than those who had registered.<sup>14</sup>

An article by Canadian human rights lawyer Francisco Rico-Martinez, published in *Embassy* magazine in March 2011, discussed the debate relating to the protection needs of Colombian refugees, particularly in the Canadian sphere. The article cited the Canadian Council for Refugees, which said that the declining acceptance rate for Colombian refugee claimants in Canada reflected a reduced need for international protection, based on the following alleged developments:

- FARC are no longer able to communicate nationally and have been defeated to the point that they have limited or no power to harm civilians other than locally;
- The paramilitary has been demobilised and has largely disappeared as an armed actor;

<sup>14</sup> Internal Displacement Monitoring Centre (IDMC) 2010, 'Colombia: Government response improves but still fails to meet needs of growing IDP population', UNHCR Refworld, 10 December <a href="http://www.unhcr.org/refworld/docid/4d05d94f2.html">http://www.unhcr.org/refworld/docid/4d05d94f2.html</a> – Accessed 13 April 2011

<sup>&</sup>lt;sup>11</sup> International Crisis Group 2010, *Improving Security Policy in Colombia*, Latin America Briefing No. 23, 29 June, pp.11-12 <a href="http://www.crisisgroup.org/~/media/Files/latin-">http://www.crisisgroup.org/~/media/Files/latin-</a>

america/colombia/B23%20Improving%20Security%20Policy%20in%20Colombia.ashx — Accessed 19 July 2010 <sup>12</sup> UN High Commissioner for Refugees 2010, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Colombia*, UNHCR Refworld, 27 May, Section IV.B.3

<sup>&</sup>lt;sup>13</sup> 'FARC stranglehold threatening mass exodus in rural Huila' 2011, *Colombia Reports*, 30 March

- Increases in the budget and numbers of the various security forces, including the army, police and state security, have resulted in increased state protection for civilians in Colombia; and
- Under these new conditions, Colombians under threat can improve their safety by moving from one place to another within Colombia, and in particular by moving to the capital city, Bogota. 15

According to Rico-Martinez, these claims lacked credibility, as while Colombia may now be safe for some, for others the danger remains. Acknowledging that FARC and the paramilitary have changed, the author argued that they retained the ability to "persecute their enemies throughout the country...in some circumstances working in collaboration with each other". The article further states that people who are threatened in one region may not be safe in another, even in Bogota, due to the growth of both state and FARC informant networks and surveillance. The author also claims that an 'expert', whose opinion had been relied on in a number of negative Immigration and Refugee Board decisions, "does not have – or even claim to have – current knowledge of the matter on which he is cited". 16

According to the US Department of State (USDOS), the Colombian government has implemented and maintained a number of protection programmes. In 2010, the Ministry of Interior and Justice reportedly "provided protection to 10,806 at-risk individuals" as part of a US\$72 million protection programme. USDOS noted that in September 2010, the Minister of Interior and Justice announced that the government would increase this budget by an additional US\$11 million per annum.<sup>17</sup>

While protection is not universal, it has been increasing. In February 2010, the Immigration & Refugee Board of Canada (IRB) undertook research into the viability of internal relocation in Colombia, and quoted a professor of Sociology at the National University of Colombia who claimed that while "the capacity of the central State to provide protection is still insufficient, and it does not include the totality of the territory ... [this capacity] has been increased as far as the capacity to protect threatened or vulnerable people". <sup>18</sup>

4. Please provide information relating to internal relocation in Colombia to avoid being targeted by a particular guerrilla group active in one part of Colombia, particularly with respect to FARC and ELN.

The United Nations High Commissioner for Refugees (UNHCR) considers that an internal flight or relocation alternative (IFA/IRA) is generally not available in Colombia. According to the UNHCR, when the perpetrator of mistreatment is the State, relocating to other areas under State control is not relevant due to the reach of authorities. Similarly, relocation to areas under the control of illegal armed groups is generally not feasible, given the difficulties

<sup>17</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Colombia*, 8 April, Section 7.a

<sup>&</sup>lt;sup>15</sup> Rico-Martinez, F. 2011 'The future of Colombian refugees in Canada', FCJ Refugee Centre website, source: *Embassy Magazine*, 23 March http://www.fcjrefugeecentre.org/?p=1439 – Accessed 13 April 2011

<sup>&</sup>lt;sup>16</sup> Rico-Martinez, F. 2011 'The future of Colombian refugees in Canada', FCJ Refugee Centre website, source: *Embassy Magazine*, 23 March <a href="http://www.fcjrefugeecentre.org/?p=1439">http://www.fcjrefugeecentre.org/?p=1439</a> – Accessed 13 April 2011

<sup>&</sup>lt;sup>18</sup> Immigration & Refugee Board of Canada 2010, COL103286.E – Colombia: Whether the Revolutionary Armed Forces of Colombia – People's Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC-EP), the National Liberation Army (Ejército de Libéración Nacional, ELN) and the former United Self-Defence Forces of Colombia (Autodenfensas Unidas de Colombia, AUC) pursue victims who relocate to another area; whether these groups track their victims over the long term, even if the latter return to Colombia after an extended period of time, 23 February

in citizens gaining access to these areas due to widespread insecurity. Relocation to these regions may also expose individuals to a risk of harm from illegal armed groups controlling the areas.<sup>19</sup>

With regard to individuals fleeing harm by non-State agents, such as FARC and ELN, UNHCR does not consider an internal flight relevant in areas under State control where authorities tolerate or condone – including through corruption – acts perpetrated by illegal armed groups or narco-traffickers. According to UNHCR, consideration should be given to:

- The presence of illegal checkpoints throughout the country, and the possibility that individuals attempting to relocate may be identified and targeted at checkpoints by illegal armed groups;
- The reach and ability of illegal armed groups to trace and target individuals, both in rural areas, and cities such as Bogota, Medellin and Cali; and
- The profile of the asylum seeker and the existence of any reasonable grounds to believe he or she will be traced and targeted.<sup>20</sup>

Where individuals are fleeing from armed conflict or generalised violence, the UNHCR states consideration should be given to the concrete prospects of safely accessing areas not affected by violence, and the changing scale of the conflict and of territorial control.<sup>21</sup>

FARC activity occurs throughout most of the country, though the group's sphere of influence is subject to change due to increased government action against the group, as well as declining membership. <sup>22</sup> A selection of maps is included in order to provide a cross section of FARC location and influence. While the extent of FARC presence varies across the following maps, it appears consistent that the south-eastern region of the country is least affected by FARC influence, with no apparent FARC activity. <sup>23</sup> <sup>24</sup> <sup>25</sup>

In February 2010 the Immigration & Refugee Board of Canada (IRB) undertook research into the viability of internal relocation in Colombia, consulting a senior researcher with Human Rights Watch, a professor of Sociology at Acadia University in Canada, and a professor of Law at Stetson University, Florida, who agreed that Colombian guerrilla groups, including the ELN, have the capacity to pursue victims throughout much of the country. The IRB also consulted a professor of Sociology at the National University of Colombia, who provided a

<sup>&</sup>lt;sup>19</sup> UN High Commissioner for Refugees 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Colombia, UNHCR Refworld, 27 May, Section IV.A,C

<sup>&</sup>lt;sup>20</sup> UN High Commissioner for Refugees 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Colombia, UNHCR Refworld, 27 May, Section IV.C

<sup>&</sup>lt;sup>21</sup> UN High Commissioner for Refugees 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Colombia, UNHCR Refworld, 27 May, Section IV.C

<sup>&</sup>lt;sup>22</sup> 'Revolutionary Armed Forces of Colombia Fuerzas Armardas Revolucionarias de Colombia FARC' (Undated), Global Security website <a href="http://www.globalsecurity.org/military/world/para/farc.htm">http://www.globalsecurity.org/military/world/para/farc.htm</a> – Accessed 13 April 2011

<sup>23</sup> 'FARC in Colombia' 2010, For what we are...they will be Blog website, 11 October

http://forwhatwearetheywillbe.blogspot.com/2010/10/farc-reject-surrender-offer-demand.html – Accessed 18 April 2011

<sup>&</sup>lt;sup>24</sup> 'FARC areas of influence' 2008, *Der Spiegel*, 4 July http://www.spiegel.de/international/world/0,1518,545910,00.html – Accessed 18 April 2011

<sup>&</sup>lt;sup>25</sup> 'Colombia FARC' 2009, Language and Conflict website <a href="http://www.languageandconflict.info/lang/en/farc.html">http://www.languageandconflict.info/lang/en/farc.html</a> – Accessed 18 April 2011

contrasting perspective and claimed that it is "likely impossible" for a group such as the ELN to track a victim to another part of the country. <sup>26</sup>

## 5. Please provide information relating to whether wealthy families / successful business operators (and their families) are targeted for harm and/or extortion.

According to USDOS, kidnapping for both ransom and for political reasons remained a serious problem in 2010. USDOS cited the Colombian government's National Fund for the Defence of Personal Liberty, which estimated 282 kidnappings for the year, with 64 by FARC, 35 by ELN, and the remainder by other illegal groups. Of the total, 188 were believed to be related to extortion, an increase of over 17 per cent on 2009. Some human rights groups, however, believe that many cases of kidnapping go unreported, and claim that the government figures are underestimated. In addition to revenue-raising through extortion, FARC also reportedly held politicians, prominent citizens, and members of the security forces to use as leverage in prisoner exchanges. In March 2010, FARC kidnapped five oil company workers, all of whom were freed in a military operation. In December 2010, FARC kidnapped a police officer serving as the bodyguard of the San Antonio mayor. On the same day, FARC also kidnapped a family of five, who were rescued without injury by the Colombian military the next day.<sup>27</sup>

In 2011, the USDOS Overseas Security Advisory Council (OSAC) reported that it is "common in Colombia for U.S. and Colombian businesses to receive extortion demands", and that 1,352 acts of extortion were recorded in 2010. While it is common for such demands to be made by FARC, "other criminal groups are known to attempt to extort businesses under the guise of FARC". In January 2009, a Bogota video store was reportedly bombed after the owner refused to pay an extortion demand, while in the same month, two buses were bombed after the company refused to cooperate with extortionists. An additional nine buses were reportedly burnt in similar incidents in 2009.<sup>28</sup>

According to the Clayton Consultants '2008 Kidnap Risk Brief', in Colombia "kidnappers target wealthy locals and multinational companies' employees and contractors". The report noted that while 'extortive kidnappings had declined by 79 per cent over the previous three years, victims were often "held in remote mountain camps for extended periods of time, even years, by the FARC", and that "[m]any professional kidnappers have years of experience and, frequently, protracted negotiations are required to secure a hostage's release". 29

In 2008, Amnesty International reported that "Colombians from all walks of life have suffered as a result of the conflict, from poor subsistence farmers...to wealthy businesspeople

<sup>&</sup>lt;sup>26</sup> Immigration & Refugee Board of Canada 2010, COL103286.E – Colombia: Whether the Revolutionary Armed Forces of Colombia – People's Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC-EP), the National Liberation Army (Ejército de Libéración Nacional, ELN) and the former United Self-Defence Forces of Colombia (Autodenfensas Unidas de Colombia, AUC) pursue victims who relocate to another area; whether these groups track their victims over the long term, even if the latter return to Colombia after an extended period of time, 23 February

period of time, 23 February

27 US Department of State 2011, Country Reports on Human Rights Practices 2010 – Colombia, 8 April, Section 1.b.1.g

<sup>&</sup>lt;sup>28</sup> Overseas Security Advisory Council (OSAC) 2011, 'Colombia 2011 Crime and Safety Report', OSAC website, 4 March <a href="https://www.osac.gov/Pages/ContentReportPDF.aspx?cid=10559">https://www.osac.gov/Pages/ContentReportPDF.aspx?cid=10559</a> – Accessed 12 January 2012

<sup>&</sup>lt;sup>29</sup> Clayton Consultants 2008, 'Kidnap Risk Brief 2008', Dahlberg website <a href="http://www.dahlberg2.dk/pdf/Clayton\_2008\_KidnapRiskBrief.pdf">http://www.dahlberg2.dk/pdf/Clayton\_2008\_KidnapRiskBrief.pdf</a> – Accessed 12 January 2012

kidnapped for ransom". <sup>30</sup> According to a 2007 report from *The Panama News*, "[t]he FARC kidnaps hundreds of victims every year, and while the guerrillas used to target only the rich, members of the middle class are increasingly becoming its victims as well". <sup>31</sup>

Though dated, a 2005 *Janes Intelligence Review* report noted "[b]usiness and ranchers have long been the victims of guerrilla extortion demands, known as the *vacuna* (or vaccine). The payment of the vaccine protects individuals from getting kidnapped". FARC reportedly runs kidnapping like a business, with victims usually being fully investigated before being abducted, and the actual kidnapping often being subcontracted out to urban organised crime gangs.<sup>32</sup>

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<sup>&</sup>lt;sup>30</sup> Amnesty International 2008, *Leave Us In Peace! Targeting Civilians in Colombia's Internal Armed Conflict*, 28 October, p.45 <a href="http://www.amnesty.org/en/library/asset/AMR23/023/2008/en/65b11bee-a04b-11dd-81c4-792550e655ec/amr230232008eng.pdf">http://www.amnesty.org/en/library/asset/AMR23/023/2008/en/65b11bee-a04b-11dd-81c4-792550e655ec/amr230232008eng.pdf</a> – Accessed 12 January 2012

<sup>31 &#</sup>x27;Colombia: the multi-faceted motivation of the FARC and prospects for peace' 2007, *The Panama News*, 21 October <a href="http://www.thepanamanews.com/pn/v">http://www.thepanamanews.com/pn/v</a> 13/issue 20/opinion 07.html – Accessed 12 January 2012

<sup>32 &#</sup>x27;Colombian report shows FARC is world's richest insurgent group' 2005, Janes Intelligence Review, 19 August

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