

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: COL34436
Country: Colombia
Date: 11 February 2009

Keywords: Colombia – Terrorism – Criminal activity

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Questions

1. Is Colombia experiencing high threats of terrorism and criminal activity which might make it seem attractive for a university student to stay in Australia rather than return home?

RESPONSE

1. Is Colombia experiencing high threats of terrorism and criminal activity which might make it seem attractive for a university student to stay in Australia rather than return home?

Although the human rights situation has improved lately, Colombia is still experiencing a high level of terrorism and criminal activities. Several reports provide details of threats of terrorism and criminal activities suffered by all the concerned in the long conflicts between the government and terrorist groups (eg, US Department of State 2008, *Country Reports on Human Rights Practices 2007 - Colombia*, March - Attachment 1; Amnesty International 2008, *'Leave Us in Peace!' Targeting Civilians in Colombia's Internal Armed Conflict*, 28 October - Attachment 2; UK Home Office 2008, *Colombia - Country of Origin Information Key Documents*, July, Section 3 - Attachment 3; Foreign and Commonwealth Office 2009, 'South America and South Atlantic Islands: Colombia', Foreign and Commonwealth Office website, 30 January <http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/south-america/colombia#> - Accessed 10 February 2009 – Attachment 4); Amnesty International 2008, *Amnesty International Report 2008 – Colombia*, 28 May - Attachment 5; Human Rights Watch 2008, *Breaking the grip? Obstacles to justice for paramilitary mafias in Colombia*, October - Attachment 6; UN Commission on Human Rights 2008, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia* (A/HCR/7/39), 29 February <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=47d55e462s> – Accessed 5 February 2009 – Attachment 7).

The most recent US Department of State *Country Reports* comment on the level of threats of terrorism and criminal activities in Colombia as follows:

The 43-year internal armed conflict continued between the government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN)...

The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with new illegal groups and paramilitaries who refused to demobilize; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary arrest; high number of pretrial detainees, some of whom were held with convicted prisoners; impunity; an inefficient judiciary subject to intimidation; harassment and intimidation of journalists; unhygienic conditions at settlements for displaced persons, with limited access to health care, education, or employment; corruption; harassment of human rights groups; violence against women, including rape; child abuse and child prostitution; trafficking in women and children for the purpose of sexual exploitation; societal discrimination against women, indigenous persons, and minorities; and illegal child labor.

The FARC and ELN committed the following human rights abuses: political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists.

New illegal groups committed numerous human rights abuses. The last United Self Defense Forces of Colombia (AUC) block demobilized in August 2006, but AUC members who refused to demobilize, AUC members who demobilized but later abandoned the peace process, and other criminal groups remained the object of security force action. (The new illegal groups, which the government also described as new criminal groups, consisted of demobilized paramilitaries who returned to violence, individual paramilitaries who never demobilized, common criminals, and narcotics traffickers primarily involved in criminal activity. These new groups lacked the organization, reach, and military capacity of the former AUC and focused primarily on narcotics trafficking and extortion rather than fighting the FARC or ELN. In these circumstances, it was often difficult to determine responsibility for abuses committed.) The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new criminal groups continued to commit numerous unlawful acts and related abuses, including: political killings and kidnappings; physical violence; forced displacement; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; recruitment and use of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

Government steps to improve the human rights and security situation showed demonstrable results. Government statistics indicated that during the year there were decreases in massacres (34 percent) and kidnappings (29 percent). The Justice and Peace Law process helped clarify more than 3,000 crimes and led to the exhumation of 1,196 remains in 1,009 mass graves. The Supreme Court and prosecutor general's investigations of links between politicians and paramilitary groups implicated 52 congressmen, 11 governors, and 19 mayors, a number of whom were in jail at year's end (US Department of State 2008, *Country Reports on Human Rights Practices – Colombia*, 11 March, Section 1 – Attachment 1).

Amnesty International comments on the scope of civilian sufferings as follows:

Civilians account for the vast majority of the more than 70,000 people killed in the armed conflict over the past 20 years. In recent years the number of civilians killed in the context of the conflict has fallen, from some 4,000 in 2002 to around 1,400 in 2007 (which was a slight increase on the at least 1,300 civilians killed in 2006).

Over the last 20 years, paramilitary groups – acting in co-ordination with, or with the acquiescence of, the security forces – have been responsible for the largest number of killings of civilians. However, especially since the start of the paramilitary demobilization process in 2003, there has been an increase in reports of extrajudicial executions carried out directly by the security forces. Around 330 extrajudicial executions by the security forces were reported in 2007, compared to some 220 a year in 2004-2006, 130 in 2003, and around 100 in 2002.

Most victims have been either campesinos or community leaders who the security forces have falsely claimed were guerrillas killed in combat. The victim is typically taken from their home or place of work in front of witnesses and taken to another location to be killed. The body is presented wearing army fatigues by the security forces, although witnesses testify that the victim had been wearing civilian clothes when detained. Many of the victims are buried as unidentified individuals despite being identified by family members. The bodies also often show signs of torture. (Amnesty International 2008, *'Leave Us in Peace!' Targeting Civilians in Colombia's Internal Armed Conflict*, AI website, 28 October, Section: 'Killing of Civilians' at p 25 <http://www.amnesty.org/en/library/asset/AMR23/023/2008/en/65b11bee-a04b-11dd-81c4-792550e655ec/amr230232008eng.pdf> - Accessed 29 October 2008 – Attachment 2).

The US Department of State the *Country Reports* continue to provide further details of killings, disappearance, torture, arbitrary arrests and unlawful detentions by all actors in the conflict as follows:

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

... The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), claimed there were at least 238 political and unlawful killings, committed by all actors, during the first six months of the year, 77 more than reported in the same period in 2006. Some NGOs, such as CINEP, considered the new illegal groups to be a continuation of the paramilitary groups and attributed reports of human rights violations committed by these groups directly to the government. They also included killings by these groups in their definition of "unlawful killings."

The government's Presidential Program for Human Rights reported that, during the first seven months of the year, 65 persons died in 15 massacres (defined by the government as killings of four or more persons) perpetrated by illegal armed groups, a 44 percent decrease from the same period in 2006 (see section 1.g.).

Some members of government security forces, including enlisted personnel, noncommissioned officers, and senior officials, in violation of orders from and president and the military high command, collaborated with or tolerated the activities of new illegal groups or paramilitary members who refused to demobilize. Such collaboration often facilitated unlawful killings and may have involved direct participation in paramilitary atrocities.

Some reports suggested that tacit nonaggression pacts between local military officers and paramilitaries who refused to demobilize or new illegal groups existed in certain regions, such as eastern Antioquia, Choco, Meta, and Narino departments and indicated that members of the security forces assisted, or sought the assistance of, criminal groups. Impunity for these military personnel remained a problem.

... Both governmental and nongovernmental actors used landmines. Preliminary reports indicated that landmines, used primarily by the FARC and ELN, caused 187 deaths and 687 injuries during the year (see section 1.g.). The government expressed its commitment to removing the remaining 29 government-controlled minefields, as the security situation permits.

b. Disappearance

Forced disappearances, many of them politically motivated, continued to occur. CINEP reported 31 victims of forced disappearance during the first six months of the year, a decrease of 58 percent compared with 73 victims in the same period in 2006.

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. According to the Presidential Program for Human Rights, there were 289 kidnappings during the first eight months of the year, compared with 476 in the same period in 2006. The government's National Fund for the Defense of Personal Liberty (Fondolibertad) reported 393 kidnappings for extortion during the first nine months of the year.

GAULA (Unified Action Groups for Personal Liberty, a military and police entity formed to combat kidnapping and extortion) and other elements of the security forces freed 194 hostages during the first eight months of the year. However, Fondolibertad reported that at least 18 kidnapping victims died in captivity during the first nine months of the year, compared with 20 in all of 2006.

The FARC and ELN as well as the new illegal groups continued the practice of kidnapping. There were numerous reports that guerrillas killed kidnapping victims, including 11 departmental legislators from Valle de Cauca on June 18 (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, there were reports that the police, military, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture were tried in civilian rather than military courts. CINEP asserted that, as of June, government security forces were involved in 74 incidents of torture, a 46 percent increase compared with the first six months of 2006. CINEP also reported that, during the first six months of the year, there were 66 victims of torture by the armed forces. On June 27, authorities detained three army officers for involvement in the torture of 27 soldiers in Tolima.

On February 9, army troops and local police allegedly arbitrarily detained and abused an indigenous person, Nasa Jimi Vladimir Ascue, in Toribio, Cauca. He was held in a local police station, where he was accused of being a member of a local militia, beaten, and pressured to sign a statement that he was not mistreated before his release. The investigation ordered by the Prosecutor General's Office had not begun by year's end.

On March 11, in Barrancabermeja, Santander, National Police officers allegedly detained and tortured local unionists Ariel Corzo Diaz, an officer of the National Assembly of the Union Sindical Obrera (USO), and Fredy Hidalgo, the USO's local attorney. At year's end the Prosecutor General's Office had not opened an investigation in the case.

According to CINEP, on June 25, in the municipality of Tulua, Valle, troops of the army's Third Brigade arbitrarily detained, sexually abused and tortured farmers Viviana Herminia Mosquera, Maria Eugenia Mosquera, Alcibiades Granada Mosquera, Fair Granada, and Gerson Ladino Suarez and looted their property. The Prosecutor General's Office did not open an investigation in the case.

CINEP reported that demobilized paramilitaries were responsible for at least 28 cases of torture as of June. For example, CINEP stated that on April 12, demobilized AUC paramilitaries allegedly tortured and killed Uriel Henao, a farmer in La Dorado, Caldas...

d. Arbitrary Arrest or Detention

... Prominent human rights NGOs complained that the government arbitrarily detained hundreds of persons, particularly social leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 187 persons during the first six months of the year, compared with 223 in the same period of 2006. Many of these detentions took place in high-conflict areas (notably in the departments of Arauca, Cesar, Meta, and Putumayo), where the military was involved in active hostilities against insurgents. For example, CINEP reported the following:

- On January 6, in Santa Rosa del Sur, Bolivar, troops assigned to the Nueva Granada Battalion of the Fifth Brigade arbitrarily detained Luis Alberto Lopez in Mina Paraiso.

- On February 15, in the municipality of Lebrija, Santander, National Police accompanied by civilians arbitrarily detained Maria Cardona Mejia, Wilson Ferrer Diaz, Carmen Teresa Palmarosa Bruges, and Jeferson Orlando Corredor, members of the Permanent Committee for the Defense of the Human Rights district office in Santander, as they were returning from a march in support of human rights.

- On April 12, in Arauquita, Arauca, troops assigned to the Fifth Mobile Brigade arbitrarily detained and transported in a military helicopter three local farmers, Jose Abelardo Sanchez, Helena Gomez, Francisco Antonio Gomez, and 12-year-old Einer Andres Sanchez Gomez...

e. Denial of Fair Public Trial ...

Political Prisoners and Detainees

The government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism in what the groups claimed were harassment tactics by the government against human rights advocates. During the year there were 2,298 prisoners accused of rebellion or aiding and abetting insurgence. The government provided the ICRC access to these prisoners...

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; while the government generally respected these prohibitions in practice, there were exceptions. The law requires government authorities to obtain a warrant signed by a senior prosecutor to enter a private home without the owner's consent unless the suspect has been caught in hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, even in prisons. However, government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization; such evidence could not be used in court.

The government continued to use a network of civilian informants to identify terrorists and sympathizers. Some national and international human rights groups criticized the network as subject to abuse and a threat to privacy and other civil liberties. The government maintained that the network was voluntary and established to facilitate citizens' right to self-defense...

New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN guerrillas routinely interfered with the right to privacy. All groups forcibly entered private homes, monitored private communications, engaged in forced displacement and conscription, and abused family members. The standing orders of the FARC, which used large numbers of female combatants, prohibit pregnancies among its troops.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The country's 43-year-long internal armed conflict, involving government forces, two terrorist groups (FARC and ELN), and new illegal groups, continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of human rights...

Killings

Security forces were allegedly responsible for unlawful killings. CINEP reported that there were 128 such killings during the first six months of the year, compared with 92 in the same period of 2006. According to the Prosecutor General's Office, there were 170 active investigations of extrajudicial killings that occurred from January 2001 to August 31, 2007...

Reports during the year included:

- On January 27, troops assigned to the Codazzi Battalion allegedly shot at a truck, killing Fabio Ramirez and wounding his wife, Alicia Aponte, and their two minor children in Mateguadua, municipality of Florida, Valle.
- On May 24, NGOs reported that members of the 13th Mobile Brigade detained and killed Awa indigenous community member Miguel Moran Acosta. According to military officials, Moran Acosta died in combat.

According to CINEP, extrajudicial killings attributed to the government were a combination of false reports of guerrillas killed in combat and "social cleansing" (including vagrants, homosexual populations, and other "undesirables"). Examples of extrajudicial executions by security forces reported by CINEP and the UNHCHR included:

- January 29: Members of the 12th Mobile Brigade stopped Fidelino Mahecha Ramirez's vehicle in the municipality of Vista Hermosa (Meta) and killed him. The army reported the incident as a guerrilla killed in a combat operation, and no further investigation was conducted.
- March 8: Units of the 12th Mobile Brigade in Granada, Meta, killed Galician Aurelio Mancera, nephew of Asael Mancera Field, a soldier of the same mobile brigade. Witnesses filed a formal denunciation, and the investigation by the prosecutor general's human rights unit of the murder as an extrajudicial killing continued at year's end.
- April 5: Members of the Seventh Infrastructure Battalion, killed John Freddy Marquez and injured Jose Manuel Cannon in Barrancabermeja, Santander, for an unspecified charge as "delinquents," a term sometimes used to refer to social cleansing.

There were developments in some continuing cases and little change in others.

- The death of 10 persons in April 2006, allegedly killed by members of the 12th Brigade in the hamlet of Sanza, San Juan de Arama, Meta, and reported by Amnesty International, remained under Military Justice System investigation at year's end.
- On May 4, the Circuit Court of El Santuario, Antioquia, sentenced three soldiers, Jose Arlet Marin Serna, Luis Oscar Gil Montoya, and Davinson Andres Gil Ciro, to 12 to 16 years' imprisonment for the April 2006 killing of two farmers in San Luis, Antioquia.
- According to CINEP, in March 2006 soldiers from the Fourth or 17th Brigade killed Nelly Johana Durango in San Jose de Apartado, Antioquia. CINEP alleged that the soldiers subsequently presented her as an enemy combatant. There were no developments at year's end.
- In July the Inspector General's Office charged two sergeants major and five soldiers for their involvement in the January 2006 killing of Edilberto Vasquez Cardona. Disciplinary investigation continued at year's end.
- On March 5, the Supreme Judicial Council assigned the case of the January 2006 killings of four persons in Montebello, Antioquia, to the Prosecutor General's Office. According to the allegations, members of the Fourth Brigade's Pedro Nel Ospina Battalion summarily executed the victims and subsequently presented them as enemy combatants. The investigation continued at year's end.
- In January the Prosecutor General's Office charged two soldiers of the Fourth Brigade, Aisnel Gomez Loaiza and John Raul Cano Galeano, with the 2005 death of Frey Marcial Restrepo in San Francisco, Antioquia.
- Continued ballistics checks and a lack of witness cooperation frustrated progress in the 2005 case in which a grenade allegedly from the army's 17th Brigade killed San Jose de Apartado community leader Arlen Salas David.
- On May 2, authorities indicted one officer, 10 soldiers, and two civilians for their role in the 2004 killing of Kankauamo indigenous leader Victor Hugo Maestre Rodriguez. The case remained under investigation at year's end.
- On July 31, public hearings began in the trial against seven soldiers from the Pijaos Antiterrorist Battalion for their alleged involvement in the 2004 killing in Cajamarca of five persons in Cajamarca, Tolima. The trial was ongoing at year's end.
- On August 23, a Bogota court sentenced four soldiers and one civilian guide to 40 years' imprisonment for the 2004 killing of three trade union members near Saravena, Arauca.
- On May 9, the Prosecutor General's Office issued preventive detention measures against Captain Juan Carlos Rodriguez Agudelo, Corporal Francisco Blanco Esteban, and Albeiro Perez Duque on charges of aggravated homicide, aggravated forced disappearance, and aggravated torture for involvement with paramilitary forces in the killings of Jhon Jairo Iglesias Salazar, Araceli Londono Varona, Ananias Mojica, and Jesus Antonio Cespedes Salgado (alias Jose Cespedes) in 2003 in Cajamarca, Tolima. On August 15, the Prosecutor General's Office issued arrest warrants for three more soldiers in this case, which remained under investigation at year's end. ..

FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. In many areas of the country, the 9,500-member FARC and the

2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle, Cauca, and Narino departments, they fought each other. Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide. The entire FARC secretariat was convicted in November in absentia for the 1998 massacre in Billar, Caqueta.

The Presidential Program for Human Rights reported that during the year the FARC killed at least 17 persons in three massacres, while another 111 persons were killed in massacres in which the perpetrators remained unidentified. There were several FARC massacres of public security forces. The Presidential Program for Human Rights reported that between January and October, the FARC had killed 65 members of the public security forces and the ELN had killed four.

Representative incidents included:

- January 21: In Buenaventura, Valle de Cauca, the FARC detonated two explosives during a police patrol, killing six persons, including two police officers; 14 others, including six police officers, were injured.
- March 3: Members of the 27th and 43rd FARC fronts attacked army personnel in Guayabero, Meta, killing seven soldiers and injuring four others.
- April 14: In Valle de Guamuez, Putumayo, members of the 32nd FARC front detonated an explosive during a police patrol, killing three officers and injuring four others.
- May 10: In Tulua, Valle de Cauca, members of the Victor Saavedra column of the FARC attacked an army patrol, killing 10 soldiers and injuring 16 others.
- September 3: The ICRC recovered the bodies of 11 departmental legislators killed while being held by the FARC. Although the FARC claimed the 11 hostages were killed in a cross-fire with government security forces in Narino Department on June 18, forensic evidence developed by an international commission and the Prosecutor General's Office indicated the FARC executed them.

The FARC also killed persons it suspected of collaborating with government authorities or paramilitary groups. According to the government's tracking system, the FARC killed 130 demobilized paramilitaries during the year.

On March 7, the Prosecutor General's Office detained a member of the FARC's Teofilo Forero column for his role in a 2005 massacre of city council members and their family members in Campoalegre, Huila. Six others were linked to the case, five of whom were captured. Two of those linked to the case were convicted and incarcerated.

Abductions

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN terrorists continued to take hostages for ransom. The FARC and ELN also kidnapped politicians, prominent citizens, and members of the security forces to use as pawns in a prisoner exchange. The National Indigenous Organization (ONIC) stated that through July the FARC kidnapped 12 indigenous persons.

New illegal groups often abducted persons suspected of collaboration with guerrillas, almost all of whom were presumed dead...

The FARC and ELN continued to commit numerous kidnappings. Fondelibertad reported that during the year guerrillas kidnapped 149 persons (38 percent of those in which a perpetrator was identified), the FARC 121 persons, and the ELN 28 persons.

Kidnapping for ransom remained a major source of revenue for both the FARC and ELN. The FARC continued to hold political and foreign-born hostages taken in previous years, including:

- In 2003: U.S. citizens Marc Gonsalves, Thomas Howes and Keith Stansell. Although the FARC did not provide proof-of-life-for these hostages, military forces seized proof-of-life materials during a November operation.

- In 2002: Former presidential candidate Ingrid Betancourt; former senator Jorge Eduardo Gechem; former member of congress Francisco Giraldo; the former governor of Meta, Alan Jara; and former members of Congress, Orlando Bernal, Luis Eladio Perez, Gloria Polanco, and Consuelo Gonzalez; and at least four foreign-born persons...

Physical Abuse, Punishment, and Torture

According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-personnel Mines, 1,774 landmine explosions killed 187 persons and injured 687 others during the year; 154 of the victims were military personnel, while 33 were civilians. The International Campaign to Ban Landmines stated that the FARC continued to be the largest individual user of landmines and that the ELN also continued to use landmines.

Child Soldiers

Guerrillas used children as soldiers. The Ministry of Defense estimated that 4,620 FARC members and 1,330 ELN members were minors and that most guerrilla fighters had joined the guerrilla ranks as children. Human Rights Watch reported that there were approximately 11,000 child soldiers, stating the percentage of those in the FARC and the ELN had increased relative to those who may have joined new criminal groups.

Other Conflict-Related Abuses

Guerrillas failed to respect injured and medical personnel. Both the FARC and the ELN frequently executed injured prisoners, threatened and harassed doctors and nurses, and killed enemy combatants receiving medical care. On February 28, members of the Tulio Varon Front of the FARC in Venadillo, Tolima, attacked a marked Red Cross ambulance, injuring a nurse, Maribel Sanabria.

New illegal groups also prevented or limited the delivery of food and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or new illegal group collaborators from strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, ONIC reported many incidents in which illegal armed groups forcibly recruited indigenous people or obligated them to collaborate, restricted their freedom of movement, and blockaded their communities (US Department of State 2008, *Country Reports on Human Rights Practices – Colombia*, 11 March, Section 1 – Attachment 1).

Referring to the threat to the freedom of speech, press, academic activities, peaceful assembly, association and movement, the *Country Reports* note that:

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

... Government security forces and corrupt officials occasionally subjected journalists to harassment, intimidation, or violence.

Members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence. Seven journalists went into voluntary exile during the year; all were receiving protection from the Ministry of Interior's protection program, and the government was investigating the threats. In October journalists Hollman Morris and Geovanny Alvarez Castro left the country following death threats from illegal armed actors. Additionally, journalist Gonzalo Guillen fled his home in Bogota after receiving more than 20 death threats.

According to the NGO Foundation for Press Freedom (FLIP), there were 85 death threats against journalists for the year, compared with 77 in 2006 (see section 1.g.). On January 10, journalist and former community leader Elacio Murillo was killed in Istmina, Choco. ..

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their adversaries through both violent and nonviolent means. New illegal groups and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons. According to the Vice President's Office, various assailants killed 26 educators during the first seven months of the year. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics....

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (see section 1.g.)...

Societal Abuses and Discrimination

New illegal groups and FARC and ELN guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although often for political rather than religious reasons (see section 1.g.). The Presidential Program for Human Rights reported that illegal armed groups, especially the FARC, made numerous threats against priests and other religious workers...

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

... Military operations and occupation of certain rural areas restricted freedom of movement in conflict areas.

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways, but enhanced government security presence along major highways reduced the number of kidnappings.

In February members of the FARC stopped eight buses in Hormiga, Putumayo, blocking the road from Orito. and stopped three cars in Tibu, Norte de Santander, after blocking rural access routes.

The law prohibits forced exile, and the government did not employ it. However, many persons went into self-imposed exile because of threats from new illegal groups and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs)

... New illegal groups and FARC and ELN guerrillas continued to use forced displacement to gain control over strategic or economically valuable territory, weaken their opponents' base of support, and undermine government control and authority...

For example, in March the UN Office of the Commissioner for Humanitarian Affairs (OCHA) reported that FARC incursions and confrontations with the armed forces plus the presence of the emerging illegal group, Organizacion Nueva Generacion, displaced approximately 9,000 persons from as many as 28 rural villages to the coastal areas of El Charco and La Tola in the department of Narino. FARC offensives caused additional displacements in Narino later in the year. For example, in September FARC incursions led to displacement of more than 1,000 indigenous Awa to Inda Sabaleta near Tumaco...

In July a series of FARC threats led to the displacement of approximately 400 Afro-Colombians in Condoto, Choco. In the first nine months of the year, ICRC and OCHA reported several mass displacements in Urrao, San Francisco, and Sonson in Antioquia Department.

In addition to displacements of resident population, at least six leaders of IDP organizations were killed in the first nine months of the year. Press reports indicated that most of these IDP leaders were seeking reparations or return of land that former paramilitary groups had forced them to surrender (US Department of State 2008, *Country Reports on Human Rights Practices – Colombia*, 11 March, Section 2 – Attachment 1).

Commenting on the situation concerning political killings and threats, the *Country Reports* continue that:

On October 28, there were local elections for governors, mayors and department and town councils; according to the OAS electoral mission chief, the elections proceeded smoothly. Twenty-five candidates were killed leading up to the elections. The number was significantly lower than in previous years, due in part to improved security conditions...

New illegal groups, paramilitaries that refused to demobilize, and the FARC threatened and killed government officials (see section 1.g.). According to the National Federation of Councils (FENACON), 16 council members were killed during the year, compared with 23 in 2006. FENACON attributed 50 percent of attacks on council members to the FARC.

Scores of local officials throughout the country resigned because of threats from the FARC (US Department of State 2008, *Country Reports on Human Rights Practices – Colombia*, 11 March, Section 3 – Attachment 1).

Referring to the threat against NGOs, the *Country Reports* state that:

... Although government officials generally were cooperative and responsive to their views, NGOs claimed that criticism from high-level officials, including President Uribe, put them at risk for retaliation by illegal armed groups...

According to the NGO Colombian Commission of Jurists (CCJ), five human rights activists were killed during the year. The CCJ attributed some of the killings to paramilitaries but did not know whether the perpetrators were part of the Justice and Peace process or had refused to demobilize.

Several NGOs reported receiving e-mail threats from newly formed criminal groups (US Department of State 2008, *Country Reports on Human Rights Practices – Colombia*, 11 March, Section 4 – Attachment 1).

On the abuse of the rights of women and workers, the *Country Reports* comment that:

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons...

Women

Although prohibited by law, rape, including spousal rape, remained a serious problem...

The Institute for Legal Medicine and Forensic Science, which reported 14,299 cases of suspected sex crimes, including rape, indicated that many cases went unreported. New illegal group members and guerrillas raped, sexually abused, and sometimes sexually mutilated women and children for fraternizing with the enemy, working as prostitutes, having sexual relations outside of marriage, or violating imposed codes of conduct or restrictions on dress...

Although prohibited by law, domestic violence, including spousal abuse, remained a serious problem...

Section 6 Worker Rights

a. The Right of Association

... FARC and ELN guerrillas and new illegal groups continued to target labor members for political reasons, but some killings of union members resulted from robberies, domestic disputes, and other nonpolitical motives (see section 1.g.). Violence against union members and antiunion discrimination discouraged some workers from joining unions and engaging in trade union activities. According to the MSP, 26 trade unionists, including unionized teachers, were killed during the year, compared with 60 in 2006. According to the National Labor College (ENS), a labor rights NGO, 39 trade unionists were killed during the year, compared with 72 in 2006...

Teachers made up the largest percentage of union members who were victims of violence by illegal armed groups. The ENS reported that 24 unionized teachers, four of whom were leaders, were killed during the year, while the MSP registered killings of 18 unionized teachers, three of whom were leaders...

A court convicted former AUC leader Salvatore Mancuso and two other paramilitary members for the 2001 murder of USO President Sarah Marrugo; a special labor judge sentenced Mancuso to 40 years' imprisonment...

c. Prohibition of Forced or Compulsory Labor

... New illegal groups and both FARC and ELN guerrillas practiced forced conscription; forced labor was also involved in prostitution. There were some reports that FARC and ELN guerrillas and new illegal groups used forced labor, including child labor, in areas outside government control (see section 1.g.) (US Department of State 2008, *Country Reports on Human Rights Practices – Colombia*, 11 March, Sections 5 & 6 – Attachment 1).

As to the historical background of violence and criminal activities by the militant groups and drug warlords, the Council on Foreign Relations comments that:

Colombia has a long history of violence and unrest, including *La Violencia*, the 1948-58 civil war that claimed more than 200,000 lives. In the early 1960s, leftist militant groups—such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army

(ELN)—began to wage guerrilla war against the government throughout the countryside. After Colombia became the hub of the global cocaine trade in the 1980s, the violent Cali and Medellín drug cartels gained power and caused more havoc. The late 1980s and early 1990s saw the emergence of rightist paramilitary forces. Known as the United Self-Defense Forces of Colombia, or AUC, they were backed principally by drug kingpins and rural business leaders. Today, the FARC, the ELN, and the AUC—motivated by a mix of ideology, hunger for drug money, and desire for power—engage in terrorism and the narcotics trade, despite the U.S. aid package known as Plan Colombia (Council on Foreign Relations 2005, *Backgrounder - Terrorism Havens: Colombia*, December http://www.cfr.org/publication/9358/terrorism_havens.html#1 - Accessed 10 February 2009 – Attachment 8).

On 10 February 2009, the Australian Government's travel advisory and consular assistance service (Smartraveller.gov.au) issued the following warning to prospective travellers to Colombia:

- We advise you to exercise a high degree of caution in Colombia because of the high threat of terrorism and criminal activity. Terrorist, insurgent and paramilitary groups are active throughout Colombia and there is a high risk of kidnapping, including of foreigners.
- Government buildings, public transport and commercial and entertainment centres are potential targets for terrorist attacks. Places frequented by foreigners could be targeted by groups.
- Pay close attention to your personal security at all times and monitor the media for information about possible new safety or security risks.
- On 5 September 2008, the United States Embassy issued a Warden Message advising that it had "received information that the Revolutionary Armed Forces of Colombia (FARC) may be targeting large-scale chain superstores and other commercial establishments in Bogota, as well as Colombian government buildings and places of worship in the downtown area, for possible attack by improvised explosive devices, including the possibility of a vehicle-borne device".
- We advise you to reconsider your need to travel to the provinces of Cesar and La Guajira, the cities of Cali and Popayan and most rural areas of Colombia because of the uncertain security situation.
- We advise you not to travel to the departments of Santander, Putumayo, Arauca, Cauca (excluding Popayan), Caqueta, Guaviare, Valle de Cauca (excluding Cali), Antioquia (excluding Medellin), Narino (excluding Pasto), Norte de Santander (excluding Cucuta), southern parts of Meta and the city of Buenaventura due to very high threat of terrorism from guerrilla organisations and drug related criminal activity. There is a high risk to your personal safety in these areas (Department of Foreign Affairs and Trade 2009, , 'Travel Advice: Colombia – Summary', Smartraveller.gov.au website, 10 February <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Colombia> - Accessed 10 February 2009 – Attachment 9).

After issuing a similar warning to travellers, the Foreign and Commonwealth Office provides detailed information on the safety and security situation in the country as follows:

Terrorism/Security

Though the security situation in Colombia has improved considerably in recent years, the threat of terrorism is still high in many parts of the country. In Bogotá, where the threat has

decreased in recent years, indiscriminate attacks do still occur. A bomb attack on a video-rental store in the north of Bogotá on 27 January 2009, killed two people and injured at least twenty others. You should be vigilant, particularly when visiting or staying in public places used by expatriates and foreign travellers, and in the vicinity of government buildings and military establishments....

We advise against all but essential travel to rural areas bordering Panama, Venezuela and Ecuador; the towns of Buenaventura and San José del Guaviare and the areas surrounding them; and to the Parque Nacional Natural de La Macarena in the department of Meta. These areas are particularly dangerous due to the significant presence of illegal armed groups and high levels of coca cultivation.

There are a number of illegal armed groups operating throughout Colombia. Because they are mobile there are many parts of the country where it is not possible to determine in advance whether they will be unsafe at a particular time. In general, the more remote the area, the greater the threat to your safety. If it is essential that you travel to areas that are remote or reported to be dangerous, you are strongly advised to seek professional security advice and make arrangements for your security throughout your visit. You should seek up-to-date advice from the local authorities before each stage of your journey. The Parque Nacional Tayrona is a popular tourist destination for Colombians and foreigners alike. You are advised only to visit beach areas and resorts you are reliably advised are safe and not to venture inland as illegal armed groups are active and drugs are grown and processed in the area.

The Pacific coast of Chocó is a popular eco-tourist destination, with whale-watching being the main attraction. However much of Chocó is remote and unsafe. On the coast, the town of Bahía Solano is considered less dangerous. If you intend to travel to this town, we recommend that you do so only by air and that you do not venture inland or along the coast out of town. Illegal armed groups and drugs traffickers are active in the area. Six tourists were kidnapped from Nuquí on 13 January 2008, by the Revolutionary Armed Forces of Colombia (FARC).

Although the terrorist threat in most urban centres is now relatively low, the threat is still real. For example, on 31 August 2008 a large car bomb exploded in central Cali killing four people and destroying much of the Palacio de Justicia.

In addition to the FARC, the ELN (National Liberation Army) is a major illegal armed group active in many parts of Colombia. A large number of armed criminal groups, many of them involved in the illegal drugs trade, have formed following the demobilisation of the United Self-Defence Forces of Colombia (AUC). These include the 'Águilas Negras' (Black Eagles).

Crime

Drugs, organised crime and terrorism are inextricably linked in Colombia. Control of the drugs trade is a major driver of much of the armed conflict. We advise against all but essential travel in areas of large-scale coca cultivation. In its June 2008 survey on coca cultivation in the Andean Region, the United Nations Office on Drugs and Crime identified areas of Colombia with potentially high levels of coca as including: the Sierra Nevada de Santa Marta, areas of north-eastern Magdalena, south-western La Guajira, southern Córdoba, southern Bolívar, northern Antioquia, southern Meta, northern and central Guaviare, central Aranca, central Vichada, western Cauca, eastern and western Nariño, southern Huila and western and northern Putumayo (see map on p.64 of the UNODC report – www.unodc.org/documents/crop-monitoring/Andean_report_2008.pdf.) There is a high risk to your personal safety in any area where coca, marijuana or opium poppies are intensively cultivated and a particularly high risk in the vicinity of cocaine processing labs.

Criminal violence is a serious problem in Colombia. Both Colombia's illegal armed groups, and other criminal groups, are heavily involved in the drugs trade and in other serious crime including kidnapping (for ransom and for political purposes), money laundering and the running of extortion and prostitution rackets.

Kidnapping remains a serious problem. Whilst levels of kidnappings have fallen off dramatically since peaking in 2000, Colombia continues to have a high rate of kidnapping for ransom. 687 kidnappings were recorded in 2006 and 521 in 2007 (Source: Fundación País Libre). Most foreign nationals are potential targets for kidnapping, including backpackers and those working for foreign organisations. There remains a significant risk of attack or kidnap in many more difficult parts of the country. In April 2008 a British national was kidnapped near Cali. He was held for almost one week before being rescued by the security forces. You should be aware that the long-standing policy of the British Government is not to make substantive concessions to hostage takers. The British Government considers that paying ransoms and releasing prisoners increases the risk of further hostage taking.

We currently advise against all but essential travel to the port of Buenaventura in the department of Valle de Cauca. Illegal armed groups and criminal gangs are very active in this notoriously violent Pacific coastal city.

We advise against all but essential travel to the Sierra Nevada de Santa Marta, including the 'Lost City'. Armed groups are still active in this area, there is extensive cultivation of illegal drugs and the risk of kidnap remains high. While tour organisers may assure you that the area is safe, we do not believe it to be so. The Parque Nacional Tayrona is a popular tourist destination for Colombians and foreigners alike. You are advised only to visit beach areas and resorts you are reliably advised are safe and not to venture inland as illegal armed groups are active and drugs are grown and processed in the area.

If you plan to visit the archaeological park at San Agustín in the department of Huila we advise you to enter and leave on the main road through Neiva and not by other routes.

There has been a marked increase in criminal activity in urban areas, including Bogotá. Common crimes such as mugging and pick pocketing are often accompanied by violence. Foreign visitors present a tempting target to thieves, pickpockets and drug traffickers. When walking in urban areas, you should avoid any unnecessary display of wealth. You should only use pre-booked taxis, where possible.

You should be wary of unsolicited approaches from strangers. There have been several cases of assailants using drugs to subdue their intended victims. Drugs can be administered through food, drinks, needles, cigarettes, aerosols, powder, and have even been impregnated in 'flyers' handed out at traffic lights. These drugs can take effect extremely quickly, allowing an assailant to rob the victim and escape before the attack can be reported. It can take several days for the drug to wear off and the victim to recover. These attacks frequently occur on public transport. You should never accept offers of food, drink or cigarettes from strangers – no matter how friendly or well dressed a person appears.

There have been reports, including in Bogotá, of bogus policemen approaching foreigners to "check" documents or foreign currency. If approached you should avoid handing over money or documents unless threatened.

You should avoid unnecessary visits to deprived areas of all Colombian cities. In Bogotá, you should be vigilant in areas to the south of Candelaria and to the west of the airport road as these parts of the city are particularly dangerous. Homicide rates in the city of Cali are especially high. You should be cautious on city streets, especially after dark. You should avoid, where possible, hailing taxis on the street but instead should book them through hotels or by phoning a reputable taxi company. You should be particularly vigilant when taking money out of cash dispensers (Foreign and Commonwealth Office

2009, 'South America and South Atlantic Islands: Colombia', Foreign and Commonwealth Office website, 30 January <http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/south-america/colombia#> - Accessed 10 February 2009 – Attachment 4).

Depicting petty crimes and annoyances on streets, *The Sydney Morning Herald* comments that:

Theft is the most common danger and is more serious in the larger cities. In crowded areas watch out for bag-snatching, pickpocketing, or distraction by a team of thieves. Be careful when drawing cash from an ATM - some cases of robbery have been reported. It's not a bad idea to carry a decoy bundle of small notes ready to hand over in case of an assault. If you are accosted by robbers, it's best to give them what they're after, but play it cool and don't rush to hand them all your valuables - they may well be satisfied with your decoy.

Although drugs - including cocaine and marijuana - are widely available in Colombia, never carry or buy them. The vendors may well be setting you up for the police or for extortion. The burundanga is a drug obtained from a species of tree that is widespread in Colombia and is used by thieves to render a victim unconscious. It can be put into sweets, cigarettes, chewing gum, spirits, beer - virtually any kind of food or drink - and it doesn't have any particular taste or odor. The main effects are loss of will and memory, and sleepiness lasting from a few hours to several days. Think twice before accepting a cigarette from a stranger or a drink from a new 'friend' ('Traveller: Colombia - Health & Safety' 2008, *The Sydney Morning Herald*, 28 November <http://www.smh.com.au/travel/travel-factsheet/colombia--health-amp-safety-20081128-6kny.html> - Accessed 10 February 2009 – Attachment 10).

While describing the positive steps taken by the government recently, the Inter-American Commission on Human Rights is critical of the current situation (Inter-American Commission on Human Rights (IACHR) 2006, 'IACHR expresses its concern for the situation of human rights in Colombia', 2 May, ReliefWeb website <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SODA-6PG3HK?OpenDocument> Accessed 10 February 2009 – Attachment 11).

For further background readings, see Teicher, Dario E. 2005, *The Decisive Phase of Columbia's War on Narco-Terrorism*, January (abstract) <http://www.stormingmedia.us/09/0926/A092644.html> - Accessed 9 February 2009 – Attachment 12; and Weinberg, Bill 2004, 'Terror in Columbia: An Instrument of 'Free Trade' Policy?', *The Nation*, 23 March <http://www.thenation.com/doc/20040405/weinberg> - Accessed 9 February 2009 – Attachment 13).

A recent RRT research response comments on the activities of guerillas and paramilitaries in specific regions of Colombia, and the level of state protection (RRT Research & Information 2009, *Research Response COL34318*, 6 February – Attachment 14). Although large urban centers are less vulnerable, Bogota is not free from danger (Smartraveller.gov.au (Department of Foreign Affairs and Trade 2009, 'Travel Advice: Colombia – Summary', Smartraveller.gov.au website, 10 February <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Colombia> - Accessed 10 February 2009 – Attachment 9); and 'Eleventh Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OEA)' 2008, Organization of American States website, 21 June http://scm.oas.org/doc_public/ENGLISH/HIST_08/CP20723E04.DOC - Accessed 27 January 2009 – Attachment 16).

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Non-Government Organisations

Amnesty International (AI) <http://www.amnesty.org/>

Human Rights Watch (HRW) <http://www.hrw.org/>

Freedom House www.freedomhouse.org/

International Committee of the Red Cross (ICRS) www.icrc.org/

Organization of American States (OAS) www.oas.org/

International News & Politics

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