

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

1. **Are there any reports of activities by guerillas or paramilitaries in**
 - i. **Arboletes**
 - ii. **Amaga**
 - iii. **Pabarando**
 - iv. **Puerto Berrio?**
2. **Are there any reports of guerilla (particularly FARC) activity in Alejandria?**
3. **Are FARC or other guerilla organisations active in Medellin?**
4. **Is there any information to suggest that people connected with the government, people who do military service or people who are educated are targeted by FARC for kidnapping?**
5. **To what extent does the government provide protection against the activities of FARC and other guerilla organisations?**

RESPONSE

Background

Useful background information regarding the general nature of guerilla/paramilitary activities in Colombia, their impact on the civilian population, and the government attitude towards guerilla/paramilitary groups, is provided in 2008 reports by the UK Home Office, the US Department of State, Amnesty International, Human Rights Watch and the UN Human Rights Commission (see UK Home Office 2008, *Colombia - Country of Origin Information Key Documents*, July, Section 3 - Attachment 1; US Department of State 2008, *Country Reports on Human Rights Practices 2007 - Colombia*, March, Section 1 - Attachment 2; Amnesty International 2008, *'Leave us in peace!' Targeting civilians in Colombia's Internal Armed Conflict*, 28 October - [Attachment 3](#); Amnesty International 2008, *Amnesty International*

Report 2008 – Colombia, 28 May - [Attachment 4](#); Human Rights Watch 2008, *Breaking the grip? Obstacles to justice for paramilitary mafias in Colombia*, October - Attachment 5; UN Commissioner for Human Rights 2008, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia', *United Nations General Assembly A/HCR/7/39*, 29 February – Attachment 6).

Several previous research responses also provide useful background information. For example:

- *Research Response COL31394*, dated 16 March 2007, offers insights into paramilitary violence against trade unionists, the demobilisation of paramilitary groups, impunity, state protection, as well as the situation for victims/witnesses of paramilitary violence (RRT Country Research 2007, *Research Response COL31394*, 16 March – Attachment 7).
- *Research Response COL32849*, dated 17 January 2008, provides information regarding the security situation in Colombia at the time of the response, comparing this to the situation in 1996. It examines the activities of FARC (*Fuerzas Armadas Revolucionarias de Colombia* or Revolutionary Armed Forces of Colombia; also known by the acronym FARC-EP, where the EP means Ejército del Pueblo, or People's Army), and to a lesser extent the ELN (National Liberation Army), as well as the paramilitary group AUC (*Autodefensas Unidas de Colombia* or United Self-Defense Forces of Colombia). These groups represent the largest guerilla/paramilitary groups in Colombia. The response also discusses ongoing issues with illegal paramilitary groups despite demobilisation (RRT Research & Information 2008, *Research Response COL32849*, 17 January – Attachment 8).
- *Research Response COL33340*, dated 19 May 2008, investigates the attitude of the Colombian government (and paramilitary groups) to the political wing of the FARC, known as the *Movimiento Bolivariano para la Nueva Colombia* (Bolivarian Movement for New Colombia (MBNC)) (RRT Research & Information 2008, *Research Response COL33340*, 19 May – Attachment 9).

The most recent information available in the sources consulted, which describes the current situation in Colombia, is provided in the Human Rights Watch *World Report 2009 - Colombia*:

Colombia's internal armed conflict continues to result in widespread abuses by irregular armed groups and government forces. The Colombian government dealt serious blows to the Revolutionary Armed Forces of Colombia (FARC) guerrillas in 2008. But guerrillas continued to engage in kidnappings, use of antipersonnel landmines, recruitment of child combatants, and other abuses. Successor groups to paramilitaries, which never fully demobilized, appeared increasingly active, threatening and killing civilians, including trade unionists and human rights defenders. Reports of extrajudicial executions of civilians by the military remain frequent. Internal displacement of civilians has been steadily rising in recent years - in 2008 the number of people affected may have reached its highest level in decades.

...

New Armed Groups

The Uribe administration claims that paramilitaries no longer exist. While more than 30,000 individuals supposedly demobilized, Colombian prosecutors have turned up evidence that many of them were not paramilitaries at all, but rather, civilians recruited to pose as paramilitaries. Law enforcement authorities never investigated most of them.

Meanwhile, new armed groups often led by mid-level paramilitary commanders have cropped up all over the country. The Organization of American States (OAS) Mission verifying the demobilizations has identified 22 such groups, totaling thousands of members. The groups are actively recruiting new troops, and are committing widespread abuses, including extortion, threats, killings, and forced displacement. In Medellín, for example, after a steady decline in official indicators of violence, there has been a surge in homicides, apparently committed by these groups.

Guerrilla Abuses

Both the FARC and the National Liberation Army (ELN) continue to engage in abuses against civilians.

Government forces dealt serious blows to the FARC, including through the arrest or killing of several commanders. In June security forces rescued 15 hostages held by the FARC, including three US citizens and former Colombian presidential candidate Ingrid Betancourt.... The FARC continue to regularly engage in kidnappings, and still hold hundreds of hostages.

In August government authorities accused the FARC of planting a bomb on a crowded street in the town of Ituango that resulted in the deaths of seven people and injured more than 50 others. The FARC and ELN continue to frequently use antipersonnel landmines. The Vice-President's Observatory for Human Rights reported 153 civilian victims of antipersonnel mines from January through September 2008. (Human Rights Watch 2009, *World Report 2009 - Colombia*, January - [Attachment 10](#)).

1. Are there any reports of activities by guerillas or paramilitaries in Arboletes, Amagá, Pavarando or Puerto Berrío?

Arboletes, Amagá, Pavarandó (sometimes spelt Pabarando), and Puerto Berrío are municipalities located in the Department of Antioquia, Colombia. In order to understand the wider context in which guerrilla/paramilitary activities in these areas have occurred, it is useful to briefly consider the situation regarding guerilla/paramilitary activities in Antioquia more broadly.

i. Antioquia

A statistical overview of armed conflict incidents as they occurred during the period October-November 2007 within various Departments of Colombia provides some insight into the level of guerilla/paramilitary activity in Antioquia during this time. The report, released by Defence Systems Colombia, ranks each Department according to a range of categories which indicate the nature and frequency of armed incidents occurring in those areas. Within these rankings the Department of Antioquia is placed as follows:

- “Most Affected Departments” – 2nd (October - 36 incidents; November - 25 incidents)
- “Most Frequent Actions of the FARC” – 2nd (October – 12 incidents; November - 5 incidents)

- “Most Frequent Actions of the ELN – 9th (October - 1 incident; November - 0 incidents)
- “Kidnap Statistics” – 1st (October – 2 incidents; November – 1 incident)
- “Armed Conflict Incidents” – 3rd (October – 9 incidents; November – 5 incidents) (Defence Systems Colombia 2007, ‘Colombian Affairs’, ArmorGroup website, December http://www.armorgroup.com/files/financialreport/19832/Colombia_November.pdf - Accessed 29 January 2009 – Attachment 11).

Reports by other agencies provide more details regarding the nature of guerilla/paramilitary activities occurring in Antioquia and their impact on the civilian population. For example, the International Committee of the Red Cross (ICRC) Annual Report on Colombia covering the year 2007 states:

In spite of the completion of a formal demobilization process involving former paramilitary groups, new armed groups had emerged in several of the country’s departments. Clashes between armed groups and the armed forces continued in **Antioquia**, Caldas, Caquetá, Meta, and southern Tolima and flared up in central and southern Chocó, close to the border with Panama. Fighting between the Revolutionary Armed Forces of Colombia (FARC) and the ELN resumed in the south (Nariño) and close to the Venezuelan border (Arauca). Population displacements continued.

Community leaders, sometimes entire communities, were subjected to numerous threats, often leading to displacement. Medical staff were frequently targeted, restricting the population’s access to health care in some areas. The number of casualties from mines and explosive remnants of war (ERW) was among the highest in the world.

The issues of people unaccounted for and of people held by armed groups remained high on the political agenda (International Committee of the Red Cross (ICRC) 2008, *Annual Report 2007: Colombia*, 27 May, p. 290 [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/7EUETC/\\$FILE/icrc_ar_07_colombia.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/7EUETC/$FILE/icrc_ar_07_colombia.pdf?OpenElement) – Accessed 28 January 2009 – Attachment 12).

A June 2008 report by the Organization of American States notes the following occurring in Antioquia (along with other parts of Colombia):

In **Bajo Cauca (Antioquia)**, illegal checkpoints continue to be set up, whose objective is to control travel. In municipalities such as Zaragoza and **El Bagre [Antioquia]**, outsiders who entered the area to establish commercial ties without authorization from the armed faction were murdered and their bodies thrown into the Nechí River....

...

The Mission is concerned about information regarding the presence of armed factions on the outskirts of some urban areas, such as Ibagué (Tolima), Cúcuta (Norte de Santander), Valledupar (Cesar), **Medellín (Antioquia)**, Bucaramanga (Santander), and Bogotá. In these cities, statements have been given regarding extortions at different levels.

...

In the Urabá area, a massacre occurred in the urban area of Currulao corregimiento, **Turbo municipality (Antioquia)**. Murders are still occurring of demobilized individuals, who are pressured to return to illegal activities in this area.

...

It is of concern that, according to National Police statistics, in the entire process, there have been at least 819 deaths of demobilized members of self-defense forces. No specific investigations are being conducted in most such cases. The most crucial departments are: **Antioquia**, Cesar, Córdoba, and Magdalena—especially the capital cities.

Murders of demobilized individuals are related to disputes between armed groups for control of the area, struggles between former combatants themselves, disputes for control of illicit economies, the presence of an armed individual seeking to strengthen his position, and/or the forced recruitment of which they are victims. Some former combatants have been threatened with death if they resist incorporation into the new group. The Mission views with concern that these individuals have been threatened by new armed groups in places such as Casanare, **Antioquia**, Valle, and Magdalena Medio to induce them to join these new illegal groups.

In other regions of the country, such as Urabá, northern Chocó, and **Bajo Cauca (Antioquia)**, intimidation is perpetrated by guerrilla groups seeking to return to the areas of influence of the self-defense forces, where demobilized individuals participating in productive projects have been those mainly impacted. Additionally, forced displacements have occurred in **Antioquia**, Casanare, and Córdoba and there have been cases of forced recruitment in the departments of Cesar, Nariño, Meta, Cundinamarca, southern Bolívar, and Córdoba, among others.

...As regards territorial presence, according to SIJYP information, 34.8% of victims (15,134) are located in **Antioquia**. The region with the second most victims is Magdalena, with 4,126 (9.15%), followed by Norte de Santander, with 4,007 victims (9.2%), Putumayo, with 2,912 (6.7%), and Cesar 2,571 (5.9%) [*bolding added*] ('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, pp.5, 7-10 http://scm.oas.org/doc_public/ENGLISH/HIST_08/CP20723E04.DOC - Accessed 27 January 2009 – Attachment 13).

A 2007 report by Human Rights Watch also notes problems caused by the use of landmines by guerilla forces in Colombia, stating that in the Department of Antioquia “97 out of 125 municipalities are reportedly affected by landmines or unexploded ordnance” (Human Rights Watch 2007, *Maiming the people: Guerrilla use of antipersonnel landmines and other indiscriminate weapons in Colombia*, July, p.22 - Attachment 14).

A previous research response, dated 16 April 2008, provides information regarding students and staff at the University of Antioquia¹ who became targeted by paramilitary groups on account of their alleged membership to guerilla organisations such as FARC or ELN (RRT Research & Information 2008, *Research Response COL33017*, 16 April, pp. 9-13 – Attachment 15).

An earlier response, dated March 2007, provides information on continuing problems with paramilitary groups in the city of Medellín, Antioquia, despite demobilisation (RRT Country Research 2007, *Research Response COL31394*, 16 March – Attachment 7).

¹ The University of Antioquia's main campus is in Medellín however it also has campuses in other parts of Antioquia including Urabá, Cauca, Andes and Rionegro.

ii. Arboletes

Limited information is available in the sources consulted regarding guerilla/paramilitary activities in the municipality of Arboletes. Recent references providing evidence of such activities were not found, however, two reports were located which refer to Arboletes in connection with the capture or death of guerilla and paramilitary leaders. These include the following:

- A report released on the InsideCostarica.com website, dated 15 July 2008, announcing the capture of FARC guerilla chief, Guillermo Antonio Usuga Graciano, in Arboletes by Colombian police ('Colombia Pays Rewards To Informers For Capture Of Guerilla Member' 2008, InsideCostarica.com website, 15 July <http://insidecostarica.com/dailynews/2008/july/15/reg03.htm> - Accessed 27 January 2009 – Attachment 16).
- A report by the daily newspaper *El Tiempo* published on the Fuerza Aérea Colombiana (Colombian Air Force) website, dated 24 August 2006, regarding a court case investigating the death of Carlos Castano, chief of the paramilitary group AUC, in a shooting which took place in Arboletes in 2004 ('Attorney will investigate Jose Vicente Castaño for the death of his brother Carlos' 2006, Fuerza Aérea Colombiana website, source: *El Tiempo*, 24 August <http://www.fac.mil.co/index.php?idcategoria=13796&PHPSESSID=67bc89b67fbf609069aee1db> – Accessed 27 January 2009 – Attachment 17).

iii. Amagá

Limited information is available in the sources consulted regarding guerilla/paramilitary activities in the municipality of Amagá. Recent references providing evidence of such activities were not found, however, two 2006 reports by non-government agencies make brief mention regarding the emergence of a new paramilitary group in Amagá called the 'Aguilas Negras' ('Black Eagles') (see 'Sixth quarterly report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OEA)' 2006, Organization of American States website, 1 March, p. 12 http://www.oas.org/documents/OEA-Colombia/VI_Informe_IN.DOC – Accessed 27 January 2009 – Attachment 18; 'Plan Colombia and Beyond - A list of new paramilitary groups' 2006, The Center for International Policy's Colombia Program website, source: INDEPAZ, 2 December <http://www.cipcol.org/?p=306#more-306> – Accessed 27 January 2009 – Attachment 19).

The Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia, dated February 2008, describes the activities of groups such as the 'Aguilas Negras' stating:

Many of these groups have been engaged exclusively in illegal activities which imply a control of territory and of the population, such as drug-trafficking, extortion, security-related actions, racketeering and other illegal activities.... Their activity is making a noticeable impact on the population in the form of murders, massacres, acts of "social cleansing", death threats and child recruitment, evidencing the need for ever greater efforts by the authorities to combat these new groups and investigate their possible links with public servants and local government officials. Likewise, the economic influence of these groups tends to encourage corruption amongst authorities (UN High Commissioner for Human Rights 2008, 'Report of

the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia', *United Nations General Assembly A/HCR/7/39*, 29 February, pp.14-15 – Attachment 6).

iv. Pavarandó (also spelt Pabarando)

Limited information is available in the sources consulted regarding guerilla/paramilitary activities in the municipality of Pavarandó. Recent references providing evidence of such activities were not found, however, two reports make reference to guerilla/paramilitary groups operating in Pavarandó during 2005-2006:

- A 2006 report by *El Colombiano* refers to an illegal groups known as “the block Elmer Cardenas” (BEC) as being concentrated in Pavarandó (Rincon, C.I.V. 2006, ‘Prepared new disarm of the self-defenses in Uraba’, Fuerza Aérea Colombiana website, source: *El Colombiano*, 9 February http://www.fac.mil.co/index.php?idcategoria=7261&facmil_2007=a6d17fc – Accessed 27 January 2009 – Attachment 20).
- A 2005 report released by the U.S. Office on Colombia notes the killing of 20 army troops by FARC in Pavarandó. Eleven guerrilla fighters were also killed (U.S. Office on Colombia 2005, ‘InfoBrief’, U.S. Office on Colombia website, 14 February <http://www.usofficeoncolombia.com/InfoBrief/021405.htm> - Accessed 27 January 2009 – Attachment 21).

v. Puerto Berrío

Limited information was found in the sources consulted regarding guerilla/paramilitary activities in Puerto Berrío. However, two 2008 news reports note incidents involving guerrillas and/or paramilitary groups occurring in Puerto Berrío during the year:

- On 21 March 2008 *Colombia Reports* announced that four alleged members of the ‘Aguilas Negras’ (Black Eagles) had been captured in Puerto Berrío by the Colombian army (‘Army captures four “Black Eagles” members’ 2008, *Colombia Reports*, 21 March <http://colombiareports.com/colombian-news/news/373-army-captures-four-black-eagles-members.html> - Accessed 27 January 2009 – Attachment 22).
- An *El Colombiano* report dated 8 April 2008, published on the Fuerza Aérea Colombiana (Colombian Air Force) website, notes the death of two FARC guerillas following a confrontation with the army. The guerillas were members of the FARC front “Raul Eduardo Mahecha” (‘Three guerrillas from the Farc die’ 2008, Fuerza Aérea Colombiana website, source: *El Colombiana*, 8 April <http://www.fac.mil.co/index.php?idcategoria=26866&print&inf=0> – Accessed 27 January 2009 – Attachment 23).

2. Are there any reports of guerilla (particularly FARC) activity in Alejandría?

Alejandría is also a municipality of the Department of Antioquia. Recent references to guerilla activities in the municipality of Alejandría have not been found, however, two

reports provide evidence of armed conflict incidents involving FARC occurring during 2006-2007:

- A 2007 report located on the Ejército Nacional de Colombia (Colombian National Army) website notes the wounding of a professional soldier “as a consequence of the explosion of a non conventional devices [sic] installed by cells from the Farc 18 squad in the sector known as Alejandria, Ituango municipality rural area, Antioquia Department (Army News Agency 2007, ‘Wounded military in Farc terrorists actions’, Ejército Nacional de Colombia website, 18 May <http://www.ejercito.mil.co/index.php?idcategoria=191859> – Accessed 27 January 2009 – Attachment 24).
- An *El Mundo* report dated 30 January 2006, published on the Fuerza Aérea Colombiana (Colombian Air Force) website, notes a confrontation between soldiers and the FARC in Alejandria, in which two guerillas were killed (‘Strong offensive of the army’ 2006, Fuerza Aérea Colombiana website, source: *El Mundo*, 30 January http://www.fac.mil.co/index.php?idcategoria=6877&facmil_2007=fe2958d2bfc1a59 – Accessed 27 January 2009 - Attachment 25).

3. Are FARC or other guerilla organisations active in Medellín?

Medellín, the second largest city in Colombia, is located in the Department of Antioquia. Limited information was found in the sources consulted regarding the activities of FARC and other guerilla organisations in Medellín although there are a significant number of reports regarding the activities of paramilitary groups in the area.

A 2005 Amnesty International report provides relevant background information on the activities of guerilla militias, including the FARC, in Medellín in the 1990s, prior to the consolidation of paramilitary groups in the region (Amnesty International 2005, *The Paramilitaries in Medellin: Demobilization or Legalization*, September, AMR 23/019/2005 - Attachment 26).

A 2003 article written by Forrest Hylton, an expert in South American history, describes the transition of ‘Comuna 13’ in Medellín from being a guerilla-dominated area to being controlled by the paramilitary AUC (United Self-Defense of Colombia):

Five months ago, Colombian President Álvaro Uribe ordered "Operation Orion," in which a combined military-police-intelligence task force of 3,000 troops moved into Medellín's Comuna 13, a district of 100,000 people in the central-western hill, with tanks and a helicopter gunship to "cleanse" the area of "subversives." As predicted, the "target" neighborhoods that make up Comuna 13 (especialy 20 de Julio, Belencito, Corazón, El Salado y las Independencias) are now under control of the paramilitary AUC (United Self-Defense of Colombia).

...Before mid-October, most of Comuna 13 was carved up among three "revolutionary" urban militias: the FARC, the ELN, and the CAP (People's Armed Comandos). The first generation of these militias sprouted in the mid-1980s after the peace process between President Belisario Betancur and the FARC, EPL (Maoist), and M-19 (national populist) broke down. In Comuna 13, the third generation of milicianos was composed of young people from the neighborhoods, the occasional university students, and a handful of second-generation

veterans that survived Medellín's wars of the 1990s. Though they purported to favor an overthrow of the Colombian state and the institution of a more equitable, democratic political and economic system, militia methods were often reprehensible: kidnapping, extortion, blackmail and murder.

... The war between the FARC, ELN, and CAP militias and the paramilitary Bloque Metro and Cacique Nutibarra has made the northeastern sector into the city's most violent.... It is a matter of time before "one, two, three, many" operations like Orion pave the way for paramilitary occupation of northeastern Medellín (Hylton, F. 2003 'Medellín: Life Under Paramilitary Occupation', CounterPunch website, 19 March <http://www.counterpunch.org/hylton03192003.html> - Accessed 4 February 2009 – Attachment 27).

Limited information is available in the sources consulted regarding current guerilla activities in Medellín. However, the announcement that a FARC leader involved in "recruiting and reorganizing the urban militias" in Medellín had been captured in a recent January 2009 report, suggests that FARC continues to operate in this urban area. The report states:

Granada Ramos, who belongs to the Farc for 12 years, was expert in the management of explosives and had under his orders up to 600 guerrillas among which was his daughter. Since three years ago was recruiting and reorganizing the urban militias in different sector in Medellin.

Cantina, 42 years old, was captured in the path San Andres, sector El Trapiche in Girardota, he is accuse of transgressions such as kidnap, extortion, rebellion and terrorism (Diaz, F.E. 2009, 'Captured alias "Cantina" in Girardot', Fuerza Aérea Colombiana website, 6 January <http://www.fac.mil.co/index.php?idcategoria=34265> – Accessed 27 January 2009 – Attachment 28).

References cited in the introductory 'Background' section of this response provide relevant information on the ongoing activities of FARC and other guerilla organisations in wider Colombia.

4. Is there any information to suggest that people connected with the government, people who do military service or people who are educated are targeted by FARC for kidnapping?

Information provided in the sources consulted indicates that over the years FARC has kidnapped men, women and children from various sectors of the Colombian population. An article published on the *Colombia Journal* website describes the kind of people targeted for kidnapping by FARC and outlines the reasons for such kidnappings:

The FARC has utilized kidnapping and detention, not only for political gain, but also for other purposes. Essentially, there are three categories of prisoners held by the FARC: high-profile political prisoners such as Betancourt² and other politicians and government officials; police and soldiers captured in battle who could be considered prisoners of war; and kidnapped civilians who are held for ransom.

² Here the article refers to the kidnapping of French-Colombian Ingrid Betancourt, who was held by FARC between 23 February 2002 - 2 July 2008. Betancourt "had been a severe critic of the FARC while campaigning for the presidential election" ('Profile – Ingrid Betancourt' 2008, *BBC News*, 3 July <http://news.bbc.co.uk/2/hi/americas/7266587.stm> - Accessed 5 February 2009 – Attachment 37).

...

In addition to those politicians that it kidnaps for political purposes and the prisoners of war that it holds captive, the FARC has also abducted civilians to hold for ransom in order to help fund its insurgency. Those kidnapped in order to raise revenues are primarily from the middle and upper classes as they are the ones best situated to pay ransoms. Unlike political kidnapping, this revenue-raising strategy has proven successful from a tactical perspective. However, many would argue that the negative political and public image fallout that has resulted from this strategy significantly outweighs the financial benefits accrued through the practice (Leech, G. 2008, 'FARC Should Release All Civilian Hostages', *Colombia Journal*, 2 April <http://www.colombiajournal.org/colombia281.htm> - Accessed 28 January 2009 - Attachment 29).

Sources show that civilian hostages kidnapped by FARC include wealthy landowners, religious leaders and practitioners, journalists, teachers, medical workers, nurses, researchers, university students, peasants, farmers, indigenous persons as well as tourists, U.S. defence contract workers and missionaries (for example, see US Department of State 2008, *International Religious Freedom Report for 2008 - Colombia*, September, Section II - Attachment 30; US Department of State 2008, *Country Reports on Human Rights Practices 2007 - Colombia*, March, Section 1(f) - Attachment 2; 'Two guerrillas escape in lieu with two kidnapped in Los Llanos' 2009, CACOM 2 (Comando Aéreo de Combate No.2) website, source: *El Espectador*, 13 January <http://www.fac.mil.co/index.php?idcategoria=34444> - Accessed 27 January 2009 - Attachment 31; Hanson, S. 2008, 'FARC, ELN: Colombia's Left-Wing Guerrillas', Council on Foreign Relations website, 11 March <http://www.cfr.org/publication/9272> - Accessed 28 January 2009 - Attachment 32; 'New Farc kidnappings in Colombia' 2008, *BBC News*, 14 January <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/7188509.stm> - Accessed 28 January 2009 - Attachment 33; 'Colombia FARC Kidnap 10 During Prayers in Meta' (undated), *Latin American Herald Tribune* <http://www.laht.com/article.asp?CategoryId=12393&ArticleId=323850> - Accessed 30 January 2009 - Attachment 34; Special Contingency Risks (SCR) 2006, 'Kidnap Bulletin', August, pp.5-6 http://www.scr-ltd.co.uk/documents/SCR_Kidnap_Bulletin_August_2006.pdf - Accessed 3 February 2009 - Attachment 35; Watchlist on Children and Armed Conflict 2004, *Colombia's War on Children*, February <http://www.watchlist.org/reports/files/colombia.report.php> - Accessed 13 June 2008 - Attachment 36).

The US Department of State report on human rights practices in Colombia for the year 2007 provides the following information on FARC kidnappings:

...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.

... 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 (US Department of State 2008, *Country Reports on Human Rights Practices 2007 - Colombia*, March - Attachment 2).

A 2008 report located on the Colombian Commission of Jurists website states:

According to data of the País Libre Foundation, 8,451 persons were kidnapped between January 2002 and December 2007. Of the total number of kidnappings registered in that period, 23% of the victims are women (1,944) and 14.6% are younger than 18 years (1,235). The alleged perpetration is attributed, in 76.8% (6,491) of the cases to common delinquency, guerrilla groups, and paramilitary groups. Of this number, 2,410 cases are attributed to the FARC-EP guerrilla group, 1,474 to the ELN guerrilla, 511 to paramilitaries, 141 to dissidents of these groups and other organizations. Also, a few cases are known in which active or retired State agents have participated. However, official statistics do not divulge the cases of hostage-taking perpetrated by State agents.

... During the course of this year, 21 persons who were in the hands of the FARC have been freed thanks to the good offices of international facilitators, to unilateral gestures, and to a military operation. However, an understanding has not been possible between the guerrilla and the Government to lead to humanitarian agreements guaranteeing the life and integrity of the 1,512 persons who remain in captivity, their prompt return to freedom, and the full respect of international humanitarian law (Colombian Commission of Jurists 2008, 'Report for the Universal Periodic Review on Colombia', Colombian Commission of Jurists website, July, pp.2-4 www.coljuristas.org/archivos/ngouprcol.pdf - Accessed 29 January 2009 – Attachment 38).

5. To what extent does the government provide protection against the activities of FARC and other guerilla organisations?

Information provided in the sources consulted demonstrates government efforts to improve the security situation in Colombia by eradicating FARC and other guerilla organisations such as the ELN. The government has also introduced protection programs for journalists, trade unionists and victims presenting claims in the context of the paramilitary demobilization process (Human Rights Watch 2009, *World Report 2009 - Colombia*, January -Attachment 10).

The 2008 US Department of State's report on human rights practices for Colombia states:

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 congressman, 11 governors, and 19 mayors, a number of whom were in jail at year's end.

Despite these improvements, the report recognises that "serious problems remained", noting among these, issues relating to governmental human rights abuses; unlawful and extrajudicial killings; forced disappearances; impunity; an inefficient judiciary subject to intimidation; corruption; and harassment of human rights groups. The report also details ongoing human rights abuses committed by FARC and ELN including "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" (US

Department of State's 2008, *Colombia - Country Report on Human Practices 2007*, March, Section 1(g), Section 2(a) - Attachment 2).

The *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, released in February 2008, draws attention to the vulnerability of victims (particularly women, indigenous groups and Afro-Colombians) of crimes committed by illegal armed groups. It outlines measures the government has taken to address these issues while also noting issues which continue to be problematic:

50. Those victims who aspire to exercise their rights under Law 975/2005³ are confronted with serious and very concrete obstacles, beginning with the danger to their lives and their personal safety. The National Police has reported 160 cases of death threats against victims claiming their rights, and the National Commission for Reparation and Reconciliation (CNRR) has recorded 13 murders of people who were pressing claims for the restoration of land and other possessions. There are still difficulties for the victims who wish to be parties in related court proceedings due to a lack of clarity regarding the application of some provisions of Law 975/2005. Added to this, there is limited access to legal counsel and to appropriate representation in court.

51. In September, the Government created the Program of Protection for Victims and Witnesses under Law 975/2005, but this programme has received criticisms from some of the main beneficiary sectors. Both the Government and CNRR have recognized the need for administrative mechanisms for reparation that will overcome the limitations of the existing judicial mechanisms. At the time of writing, the Government and CNRR were working to set up a legal framework, which could represent an important initial step forward to fulfil the rights to truth, justice and guarantees of non-repetition. This is an area of reform and adjustment still required by the process initiated with Law 975/2005 (UN High Commissioner for Human Rights 2008, 'Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia', *United Nations General Assembly A/HCR/7/39*, 29 February, pp.15-16 – Attachment 6).

An OAS report, dated June 2008, identifies inadequacies with the victim protection program as outlined below:

The Mission considers that victim protection is one of the main challenges facing institutions in the context of the process. The State response in creating a victim protection program of the Justice and Peace Law was a major advance. To strengthen this mechanism, it is very important for precise guidelines to be established so that the National Police can provide in a timely manner the humanitarian assistance to which victims are entitled, as well as a uniform method of preparing risk evaluations.

... Such activities have sought to address the difficult situation of victims in some regions who, since they lack guarantees of protection, have reacted in different ways. In some parts of the country, where they have felt that they may be threatened, they prefer to remain silent, not to report the facts they know or participate in proceedings, so as to avoid possible reprisals. In other cases where victims have indicated their intent to report, they have then been threatened to prevent them from contacting the institutions with responsibility in this area. In most such situations, these individuals have chosen not to report the fact, which demonstrates latent threat.

³ According to the report, Law 975/2005 of 2005 ("Justice and Peace Law") regulates the procedures to be followed with demobilized members of illegal armed groups and establishes judicial benefits based on their contribution to justice and reparation (p.9).

In some parts of the country where different illegal armed factions are present, victims remain in fear. In other cases, they have been subjected to intimidation and threats that prevent them from making their reports and participating actively in the justice and peace process. For example, in Nariño, owing to the presence of different armed outlaws, the civilian population and even local authorities are afraid to participate actively in the process and to make reports of facts that affected them. Similarly, in Valle del Cauca, victims are skeptical, mistrustful of institutions, and afraid owing to the presence in the area of the FARC, drug traffickers, and new armed groups. However, it should be noted that the opening of two regional National Reparations and Reconciliation Commission (CNRR) headquarters in each of these departments may help to ensure that victims' rights and the process itself are disseminated more widely. This may also have a dissuasive impact on the different individuals who seek to impact victims.

... Additionally, MAPP/OEA points to certain irregularities on the part of some members of law enforcement agencies with demobilized individuals who, in some areas of the country, have been the victims of mistreatment, threats, stigmatization, and pressure, which have jeopardized their security ('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, pp.7-9 http://scm.oas.org/doc_public/ENGLISH/HIST_08/CP20723E04.DOC - Accessed 27 January 2009 – Attachment 13).

A major problem contributing to victims' fear to speak out, report what they know or participate in proceedings in case of reprisals, is the implication of security forces themselves in harassment, intimidation, violence, and extra-judicial killings. The 2008 *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia* examines this problem, stating:

23. There is an abundance of guidelines within the military, and an expanded policy of training in human rights and international humanitarian law. Nevertheless, there is still much to be done towards the effective implementation of these principles within the security forces.

24. The office in Colombia continues to receive complaints of extrajudicial executions attributed to the security forces. Some common characteristics of the complaints are the following: the victims are represented as having being killed in combat; the scene of the crime has been tampered with before the bodies were identified; and often investigations have been initiated by the Military Criminal Justice system. Official investigations reveal that the underlying motives in several of these cases may be related to pressure on the military to show results, or to false claims of success in action by certain members of the security forces to obtain benefits and recognition.

25. The complaints also indicate that the victims included some who might have been linked to new illegal armed groups, such as in Toluviejo in June 2007, where six young men, apparently recruited by unidentified persons, were found dead several days later and were reported as having been killed in combat in Chinú, Córdoba, by the Unified Action Group for Personal Liberty (GAULA) of Army Brigade 11.

...

31. The office in Colombia has received information on cases of torture, cruel, inhuman and degrading treatment and the excessive use of force by members of the security forces. In Cesar, complaints have stated that in some extrajudicial executions attributed to Army personnel, the victims had been tortured.

...

34. Complaints were made about illegal or arbitrary detentions in which warrants were exclusively based on the testimony of former guerrillas, which was not properly corroborated by other evidence. In Cesar, 11 people were arrested and presented to the media as guerrillas, and had to be released several days later for lack of proper evidence. The same happened to another 12 detainees in Santander.

35. Some judicial decisions have questioned the impartiality of witnesses, such as former guerrillas or paramilitaries who receive economic benefits for their testimonies. This happened in the case of a human rights defender in Santander who spent 14 months in prison on the basis of the testimony of two former guerrillas, and was later acquitted when it was shown to be false (UN High Commissioner for Human Rights 2008, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia', *United Nations General Assembly A/HCR/7/39*, 29 February, pp.11-13 – Attachment 6).

Additional information on the extent of state protection offered by the Colombian government prior to March 2007 is provided in *Research Response COL31394* (RRT Country Research 2007, *Research Response COL31394*, 16 March - Attachment 7).

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office <http://www.ind.homeoffice.gov.uk>

US Department of State <http://www.state.gov>

US Office on Colombia www.usofficeoncolombia.com/

United Nations (UN)

UNHCR Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

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 (ICRC) www.icrc.org/

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

Watchlist on Children and Armed Conflict <http://watchlist.org/>

International News & Politics

BBC News <http://news.bbc.co.uk/>

Council on Foreign Relations website www.cfr.org/

Region Specific Links

Fuerza Aérea Colombiana (Colombian Air Force) website www.fac.mil.co/

Ejército Nacional de Colombia (Colombian National Army) website www.ejercito.mil.co/

ArmorGroup website www.armorgroup.com/

InsideCostarica.com website <http://insidecostarica.com/>

The Center for International Policy's Colombia Program website www.cipcol.org/

Colombia Reports website <http://colombiareports.com/>

Colombia Journal website <http://www.colombiajournal.org/index.htm>

Latin American Herald Tribune www.laht.com/

Special Contingency Risks website www.scr-ltd.co.uk/

Colombian Commission of Jurists website www.coljuristas.org/

Search Engines

Google search engine <http://www.google.com.au/>

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. UK Home Office 2008, *Colombia - Country of Origin Information Key Documents*, July.
2. US Department of State 2008, *Country Reports on Human Rights Practices 2007 - Colombia*, March.
3. Amnesty International 2008, *'Leave us in peace!' Targeting civilians in Colombia's Internal Armed Conflict*, 28 October.
4. Amnesty International 2008, *Amnesty International Report 2008 – Colombia*, 28 May.
5. Human Rights Watch 2008, *Breaking the grip? Obstacles to justice for paramilitary mafias in Colombia*, October.
6. UN High Commissioner for Human Rights 2008, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia', *United Nations General Assembly A/HCR/7/39*, 29 February.
7. RRT Country Research 2007, *Research Response COL31394*, 16 March.
8. RRT Research & Information 2008, *Research Response COL32849*, 17 January.
9. RRT Research & Information 2008, *Research Response COL33340*, 19 May.
10. Human Rights Watch 2009, *World Report 2009 - Colombia*, January.
11. Defence Systems Colombia 2007, 'Colombian Affairs', ArmorGroup website, December http://www.armorgroup.com/files/financialreport/19832/Colombia_November.pdf - Accessed 29 January 2009.
12. International Committee of the Red Cross (ICRC) 2008, *Annual Report 2007: Colombia*, 27 May [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/7EUETC/\\$FILE/icrc_ar_07_colombia.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/7EUETC/$FILE/icrc_ar_07_colombia.pdf?OpenElement) – Accessed 28 January 2009.

13. '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.
14. Human Rights Watch 2007, *Maiming the people: Guerrilla use of antipersonnel landmines and other indiscriminate weapons in Colombia*, July.
15. RRT Research & Information 2008, *Research Response COL33017*, 16 April.
16. 'Colombia Pays Rewards To Informers For Capture Of Guerilla Member' 2008, InsideCostarica.com website, 15 July
<http://insidecostarica.com/dailynews/2008/july/15/reg03.htm> - Accessed 27 January 2009.
17. 'Attorney will investigate Jose Vicente Castaño for the death of his brother Carlos' 2006, Fuerza Aérea Colombiana website, source: *El Tiempo*, 24 August
<http://www.fac.mil.co/index.php?idcategoria=13796&PHPSESSID=67bc89b67fbff609069aee1db> - Accessed 27 January 2009.
18. 'Sixth quarterly report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OEA)' 2006, Organization of American States website, 1 March http://www.oas.org/documents/OEA-Colombia/VI_Informe_IN.DOC - Accessed 27 January 2009.
19. 'Plan Colombia and Beyond - A list of new paramilitary groups' 2006, The Center for International Policy's Colombia Program website, source: INDEPAZ, 2 December
<http://www.cipcol.org/?p=306#more-306> - Accessed 27 January 2009.
20. Rincon, C.I.V. 2006, 'Prepared new disarm of the self-defenses in Uraba', Fuerza Aérea Colombiana website, source: *El Colombiano*, 9 February
http://www.fac.mil.co/index.php?idcategoria=7261&facmil_2007=a6d17fc - Accessed 27 January 2009.
21. U.S. Office on Colombia 2005, 'InfoBrief', U.S. Office on Colombia website, 14 February <http://www.usofficeoncolombia.com/InfoBrief/021405.htm> - Accessed 27 January 2009.
22. 'Army captures four "Black Eagles" members' 2008, *Colombia Reports*, 21 March
<http://colombiareports.com/colombian-news/news/373-army-captures-four-black-eagles-members.html> - Accessed 27 January 2009.
23. 'Three guerrillas from the Farc die' 2008, Fuerza Aérea Colombiana website, source: *El Colombiano*, 8 April <http://www.fac.mil.co/index.php?idcategoria=26866&print&inf=0> - Accessed 27 January 2009.
24. Army News Agency 2007, 'Wounded military in Farc terrorists actions', Ejército Nacional de Colombia website, 18 May
<http://www.ejercito.mil.co/index.php?idcategoria=191859> - Accessed 27 January 2009.

25. 'Strong offensive of the army' 2006, Fuerza Aérea Colombiana website, source: *El Mundo*, 30 January
http://www.fac.mil.co/index.php?idcategoria=6877&facmil_2007=fe2958d2bfc1a59 – Accessed 27 January 2009.
26. Amnesty International 2005, *The Paramilitaries in Medellin: Demobilization or Legalization*, September, AMR 23/019/2005.
27. Hylton, F. 2003 'Medellín: Life Under Paramilitary Occupation', CounterPunch website, 19 March <http://www.counterpunch.org/hylton03192003.html> - Accessed 4 February 2009.
28. Diaz, F.E. 2009, 'Captured alias "Cantina" in Girardot', Fuerza Aérea Colombiana website, 6 January <http://www.fac.mil.co/index.php?idcategoria=34265> – Accessed 27 January 2009.
29. Leech, G. 2008, 'FARC Should Release All Civilian Hostages', *Colombia Journal*, 2 April <http://www.colombiajournal.org/colombia281.htm> - Accessed 28 January 2009.
30. US Department of State 2008, *International Religious Freedom Report for 2008 - Colombia*, September.
31. 'Two guerrillas escape in lieu with two kidnapped in Los Llanos' 2009, CACOM 2 (Comando Aéreo de Combate No.2) website, source: *El Espectador*, 13 January <http://www.fac.mil.co/index.php?idcategoria=34444> – Accessed 27 January 2009.
32. Hanson, S. 2008, 'FARC, ELN: Colombia's Left-Wing Guerrillas', Council on Foreign Relations website, 11 March <http://www.cfr.org/publication/9272> - Accessed 28 January 2009.
33. 'New Farc kidnappings in Colombia' 2008, *BBC News*, 14 January <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/7188509.stm> - Accessed 28 January 2009.
34. 'Colombia FARC Kidnap 10 During Prayers in Meta' (undated), *Latin American Herald Tribune* <http://www.laht.com/article.asp?CategoryId=12393&ArticleId=323850> – Accessed 30 January 2009.
35. Special Contingency Risks (SCR) 2006, 'Kidnap Bulletin', August, pp.5-6
http://www.scr-ltd.co.uk/documents/SCR_Kidnap_Bulletin_August_2006.pdf - Accessed 3 February 2009.
36. Watchlist on Children and Armed Conflict 2004, *Colombia's War on Children*, February
<http://www.watchlist.org/reports/files/colombia.report.php> – Accessed 13 June 2008.
37. 'Profile – Ingrid Betancourt' 2008, *BBC News*, 3 July
<http://news.bbc.co.uk/2/hi/americas/7266587.stm> - Accessed 5 February 2009.
38. Colombian Commission of Jurists 2008, 'Report for the Universal Periodic Review on Colombia', Colombian Commission of Jurists website, July
www.coljuristas.org/archivos/ngouprcol.pdf - Accessed 29 January 2009.