



1. Please provide recent information in relation to criminal gangs in Colombia and the prevalence or otherwise of extortion and kidnapping.

According to the latest 'Travel Advice' issued by the Department of Foreign Affairs and Trade on 17 February 2010 and current at the time of writing, Colombia has the highest kidnapping rate in the world:

Crime

Violent crime, including robbery, is common.

...

Colombia has one of the highest rates of kidnappings in the world. Most kidnappings are for ransom, and are often perpetrated by groups such as the FARC (sic) [Revolutionary Armed Forces of Colombia] and the National Liberation Army (ELN) in rural areas. There has been a reduction in the number of kidnappings in major cities but the risk remains. Foreigners, including children, have been kidnapped and murdered.¹

The US Department of State cites Colombian government figures in its most recent report on human rights in Colombia and these indicate that kidnappings have decreased. Some human rights groups disagreed with the accuracy of these figures, claiming that they significantly understated the number of kidnappings:

b. Disappearance

...

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. The government's National Fund for the Defense of Personal Liberty (Fondelibertad) reported 160 kidnappings for extortion during the year, a decrease of 18 percent from 2008. After reviewing 3,300 kidnapping cases since 1996, Fondelibertad revised its current estimate of the number of victims currently kidnapped down to 125 (66 held by the FARC, 10 by the ELN, and the rest by new illegal groups or paramilitary members who refused to demobilize). Some human rights groups questioned the figure, arguing that the true number ranged from 600 to several thousand.²

According to the latest analysis carried out by Human Rights Watch, published in February 2010, the Colombian government carried out a flawed demobilization process of several armed groups which belonged to the paramilitary coalition Autodefensas Unidas de Colombia (AUC) [United Self-Defence Forces of Colombia] during the period 2003-2006. Their members have since formed successor paramilitary groups and gangs who are now responsible for various illegal activities including killings and extortion. They are

¹ Department of Foreign Affairs and Trade (Australia) 2010, *Travel Advice for Colombia*, 17 February – <http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Colombia> - Accessed 17 March 2010.

- Attachment 1

² US Department of State 2010, *Country Reports on Human Rights Practices for 2009 - Colombia*, March – Attachment 2

using violence and extortion to exert control of people, and operate in many areas where the former AUC was active:

The groups are active in many of the same regions where the AUC had a presence, and operate in similar ways to the AUC: controlling territory through threats and extortion, engaging in drug trafficking and other criminal activity, and committing widespread abuses against civilians... (p5)

The successor groups are engaged in widespread and serious abuses against civilians in much of the country. They massacre, kill, rape, torture, and forcibly “disappear” persons who do not follow their orders. They regularly use threats and extortion against members of the communities where they operate, as a way to exert control over local populations. (p6-7)³

The governor of the southern state of Caqueta was recently kidnapped and brutally murdered on 21 December 2009:

In the biggest political kidnapping since President Alvaro Uribe came to power in 2002, Caqueta state Governor Luis Cuellar was snatched from his home by armed guerrillas on Monday.

The politician was found hours later with his throat slashed, authorities said, as government troops pursued the FARC [Revolutionary Armed Forces of Colombia] commando group believed responsible for the abduction into the remote jungles in southern Colombia.

...

Mr. Cuellar's abduction and how he was killed shocked Colombians and brought back memories of bloodier days when guerrilla bombings, kidnappings and massacres made daily headlines.

...

The kidnapers dressed in military uniforms blasted open the door of Mr. Cuellar's home, killed a police guard and dragged the governor into a waiting jeep. His body was found less than 24 hours later near the abandoned and burned-out vehicle.⁴

A previous relevant Research Response which provides relevant information on extortion⁵ refers to a report by the International Crisis Group of 26 March 2009 that contains statistical information on the number of reported extortion cases perpetrated by organised crime groups, armed insurgency groups such as Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army of Colombia (ELN):

According to the defence ministry-connected National Fund for Personal Liberty Defence (FONDELIBERTAD), kidnappings by organised crime groups and FARC and ELN guerrillas dropped sharply from 2,882 victims in 2002 to 521 in 2007 and 437 in 2008; extortion increased from 2,083 cases in 2002 to 2,347 in 2004 but declined to 1,082 in 2007 and 830 in 2008.

www.antisecuestro.gov.co/Noticias/2009/enero/22/004.html. Independent sources, however, believe that official statistics showing organised crime as primarily responsible for kidnapping and extortion mask FARC involvement. The FARC is especially active close to the Venezuela and Ecuador border, acting independently or in cooperation with cross-border gangs. (p12)⁶

³ Human Rights Watch 2010, *Paramilitaries' Heirs. The New Face of Violence in Colombia*, February - Attachment 1

⁴ Vizcaino, J. W. 2009, 'Colombian murder raises security doubts; kidnapped governor found with throat slashed', 24 December - Attachment 4

⁵ RRT Country Advice Service 2009, *Research Response COL35627*, 16 November – Attachment 5

⁶ International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No. 30, 26 March,

Excerpts from statistical records published by the Bogotan think-tank Fundación Seguridad & Democracia⁷ provide the following comparative figures for the first semesters for the last three years:

Total number of homicides in the first semester

CITY	2007	2008	2009
MEDELLIN	302	349	585
CARTAGENA	156	94	114
CALI	811	661	758
BARRANQUILLA	173	158	160
BOGOTA D.C.	674	642	612
CUCUTA	217	190	168
TOTAL FOR 6 CITIES	2333	2094	2397

Total number of kidnappings in the first semester

CITY	2007	2008	2009
BARRANQUILLA	6	0	3
CARTAGENA	2	1	2
MEDELLIN	1	4	8
CALI	6	5	8
BOGOTA D.C.	37	20	23
CUCUTA	4	0	0
TOTAL FOR 6 CITIES	56	30	44

Total number of occurrences of extortions in the first semester

CITY	2007	2008	2009
BARANQUILLA	9	3	9
MEDELLIN	25	14	41
CALI	15	14	21
BOGOTA D.C	95	66	72
CARTAGENA.	20	9	7
CUCUTA	8	5	2
TOTAL FOR 6 CITIES	172	111	152

http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009 – Attachment 6

⁷ Fundación Seguridad y Democracia 2009, ‘*La Seguridad en las seis principales ciudades de Colombia*’ [The security situation in the first six main cities of Colombia] – Accessed 15 March 2010. (page 6 homicidio (homicide); page 12 secuestro (kidnapping); page 15 extorsión (extortion) – Attachment 7

A 2005 report cited in an August 2009 Research Response of 5 August 2009⁸ pointed out that children were already increasingly being targeted for kidnapping:

...the number of kidnappings of children under 18 has increased and represents 50% of known cases. Kidnapping of children is usually done to guarantee the payment or the compliance of the requests dictated by the kidnappers⁹ (para. 61)

2. Are there any reports of threats or harm to civilians or business people who refuse to co-operate with criminal gangs in Colombia?

Civilians and businesses are the focus of adverse attention from these criminal gangs referred to as ‘successor groups’, and they are threatened with violent consequences if they do not submit to them:

In Cúcuta... that even though there were fewer killings of union members than in the past, “the violence has transformed itself... [T]hey kill a few and threaten the rest. The threat is effective and people are afraid of speaking out.... Among the unionists, fear prevails, [and union activity] is almost underground. We keep the lowest profile we can.

Local Threats and Killings: a Constant Problem

The successor groups not only target human rights defenders, trade unionists, and journalists, but also ordinary citizens, including peasants, community leaders, small business persons, and simply neighbors who get in the way of the groups’ objectives.¹⁰ (p45)

Victims have little hope of redress and lack protection from the authorities, this is borne out by a report by the International Crisis Group report of 20 October 2008 where it is stated that victims are increasingly threatened by paramilitary groups for speaking out against crimes the latter were alleged to have committed:

Threats against victims are rising, thwarting their participation in certain regions. According to official sources, victims have filed 256 individual requests for protection. Although there are no reliable figures on murders and threats, there is sufficient evidence to indicate that five victims have been killed since July 2005 because they denounced crimes committed by former paramilitary groups. Following a judgment on 13 August 2007 by the Departmental Administrative Tribunal of Cundinamarca on a claim brought by a group of victims, the government issued Decree 3570 (24 October), establishing a victim protection program, headed by the interior and justice ministry. The decree charges the police with providing basic assistance to victims in case of direct threat, but victims’ scant trust in security forces in various regions is likely to hinder progress.¹¹ (p13)

⁸ RRT Country Advice Service 2009, *Research Response COL35245*, 5 August – Attachment 8

⁹ UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March, – Attachment 9

¹⁰ Human Rights Watch 2010, *Paramilitaries’ Heirs. The New Face of Violence in Colombia*, February - Attachment 1

¹¹ International Crisis Group 2008, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin American Report No. 29, 30 October

http://www.crisisgroup.org/library/documents/latin_america/recting_course_victims_and_the_justice_and_peace_law_in_colombia.pdf – Accessed 3 November 2009 - .Attachment 10

International Crisis Group also suggested that an apparent connection between threats and violence and their occurrence in areas where claims for land restitution had been made, also warranted further investigation.

Attachments

1. Department of Foreign Affairs and Trade (Australia) 2010, *Travel Advice for Colombia*, 17 February – <http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Colombia> - Accessed 17 March 2010.
2. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 - Colombia*, March.
3. Human Rights Watch 2010, *Paramilitaries' Heirs: The New Face of Violence in Colombia*, February.
4. Vizcaino, J. W. 2009, 'Colombian murder raises security doubts; kidnapped governor found with throat slashed', 24 December. (FACTIVA)
5. RRT Country Advice Service 2009, *Research Response COL35627*, 16 November.
6. International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No.30, 26 March
http://www.crisisgroup.org/library/documents/latin_america/30_ending_colombias_farc_conflict_dealing_the_right_card.pdf – Accessed 16 November 2009.
7. Fundación Seguridad & Democracia 2009, *La Seguridad en las seis principales ciudades de Colombia. Primer semestre de 2009* -
<http://www.seguridadydemocracia.org/docs/pdf/seguridadUrbana/seguridadUrbana25.pdf> - Accessed 17 March 2010.
8. RRT Country Advice Service 2009, *Research Response COL35245*, 5 August.
9. UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March.
10. International Crisis Group 2008, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin American Report No. 29, 30 October
http://www.crisisgroup.org/library/documents/latin_america/recting_course_victims_and_the_justice_and_peace_law_in_colombia.pdf – Accessed 3 November 2009.