

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: COL35591
Country: Colombia
Date: 5 November 2009

Keywords: Colombia – Bogotá – Witness protection – Paramilitaries – Victims of violence – Patriotic Union (UP)

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Questions

- 1. Is it still the case that Colombians who witnessed or were victims of paramilitary violence face intimidation and death with limited protection provided by the Colombian authorities?**
- 2. Deleted.**
- 3. Are past supporters of Patriotic Union (UP) still at risk of politically-motivated harm by anyone in Bogotá today?**

RESPONSE

- 1. Is it still the case that Colombians who witnessed or were victims of paramilitary violence face intimidation and death with limited protection provided by the Colombian authorities?**

Available information indicates that past victims of right wing paramilitary violence who have sought redress through participating in the Justice and Peace process have been subject to intimidation and murder. An International Crisis Group (ICG) report dated 30 October 2008 states that a victim witness support service was created in 2007 but that this service is likely to be undermined by the lack of trust in state security services. The 2009 Human Rights Watch (HRW) annual report for Colombia also states that the victims of the paramilitary, along with other human rights and advocacy groups are “frequently the targets of threats”. No information was found in the sources consulted regarding the situation for former state witnesses who testified against paramilitaries an extended period of time ago. Reports indicate, however, that right wing paramilitaries continue to commit human rights abuses and killings in Colombia (Amnesty International 2008, *‘Leave us in peace!’ Targeting civilians in Colombia’s Internal Armed Conflict*, 28 October, pp. 13 – 18

<http://www.amnesty.org/en/library/asset/amr23/023/2008/en/65b11bee-a04b-11dd-81c4-792550e655ec/amr230232008eng.pdf> – Accessed 3 November 2009 – Attachment 1; International Crisis Group 2008, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Crisis Group Latin American Report No. 29, 30 October, p.13
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 2; 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, pp. 17 & 19 – Attachment 3; Human Rights Watch 2009, *World Report – Colombia*, 14 January
http://www.hrw.org/sites/default/files/related_material/colombia_0.pdf – Accessed 3 November 2009 – Attachment 4; Freedom House 2009, *Freedom in the World – Colombia (2009)*, 12 January
<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7587> – Accessed 3 November 2009 – Attachment 5; US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Columbia*, 25 February, introduction – Attachment 6).

For more detailed information from the above reports please see the following information.

An Amnesty International report dated 28 October 2008 provides information on the paramilitary's treatment of victims who have participated in the Justice and Peace process. The report states that 10% of demobilised paramilitaries have “qualified for inclusion in the Justice and Peace process, which grants them significantly reduced sentences as well as other procedural benefits in return for disclosure (“full” confessions) about their involvement in human rights violations and reparations to their victims”. The report states that individuals seeking redress for paramilitary violations through the Justice and Peace process have been subject to intimidation and murder. The report states that “at least 15 people associated with the Justice and Peace process have been killed and around 200 threatened”. The report also states that in September 2007 “the government created a protection programme for victims and witnesses participating in the Justice and Peace process” but that in May 2008 the Constitutional Court found the government's protection programme for participants in the Justice and Peace process to be “in breach of the state's constitutional and international obligations to prevent discrimination and violence against women” (Amnesty International 2008, *Leave us in peace! Targeting civilians in Colombia's Internal Armed Conflict*, 28 October, pp. 15, 17-18

<http://www.amnesty.org/en/library/asset/amr23/023/2008/en/65b11bee-a04b-11dd-81c4-792550e655ec/amr230232008eng.pdf> – Accessed 3 November 2009 – Attachment 1).

An ICG report dated 30 October 2008 provides detailed information on the situation for victims of the paramilitary who have participated in the Justice and Peace process in Colombia. The report states that “threats against victims are rising” and that “five victims have been killed since July 2005 because they denounced crimes committed by former paramilitary groups”. The report states that in August 2007 a victim protection program was established but that “victim's scant trust in security forces in various regions is likely to hinder progress”. According to the report “victims have filed 256 individual requests for protection” (International Crisis Group 2008, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Crisis Group Latin American Report No. 29, 30 October, p.13
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 2).

A United Nations report dated 29 February 2008 on human rights in Colombia provides information on the situation for victims of the paramilitary who participate in the Justice and Peace process. According to the report victims are “confronted with serious and very concrete obstacles, beginning with the danger to their lives and their personal safety”. The report states that according to the National Police there have been 160 cases of victims participating in the process receiving death threats. The report states that there have been “13 recorded murders of people who were pressing claims for the restoration of land and other possessions”. The report indicates that a government program to protect victims and witnesses created in September has been subject to criticism. According to the report some members of organisations which have provided advice to victims of paramilitary groups participating in the Justice and Peace process “have also received threats or been subjected to interference with their work and their work has been publicly questioned, even by State authorities, especially in Bogotá and Medellín” (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, pp. 17 & 19 – Attachment 3).

The above mentioned Amnesty International report dated 28 October 2008 provides comprehensive information on the paramilitary in Colombia. Information contained in the report indicates that paramilitary groups are still active in the form of criminal gangs. The report states that some of these criminal groups undertake “traditional” paramilitary operations, some undertake drug related activity and others operate both drug and traditional operations. According to the report non governmental organisations estimate that there are between 3,000 and more than 6,300 combatants involved in armed groups. The report states that “despite government claims that these are simply criminal gangs, the evidence suggests that the victims of such groups are the same human rights activists, trade unionists and community leaders targeted in the past by paramilitary groups” (Amnesty International 2008, *‘Leave us in peace!’ Targeting civilians in Colombia’s Internal Armed Conflict*, 28 October, pp. 13- 14 <http://www.amnesty.org/en/library/asset/amr23/023/2008/en/65b11bee-a04b-11dd-81c4-792550e655ec/amr230232008eng.pdf> – Accessed 3 November 2009 – Attachment 1).

Amnesty International’s 2009 annual report on Colombia states that paramilitary groups continue to be active in Colombia and that “some 461 killings were attributed to paramilitaries in the 12-month period ending in June 2008, compared to 233 in the previous 12-month period”. The report also states that paramilitaries are sometimes supported by security forces. According to the report “more than 130,000 victims of paramilitary violence made official claims for reparation under the Justice and Peace process” and that threats and the killing of victims testifying against paramilitaries continued. The report also states that “impunity remained the norm in most cases of human rights abuses” (Amnesty International 2009, *Report 2009 – Colombia*, 28 May <http://thereport.amnesty.org/en/regions/americas/colombia> – Accessed 3 November 2009 – Attachment 7).

The 2009 HRW annual report for Colombia reports on the continued targeting of civilians by paramilitary successor groups. The report provides the following information:

Successor groups to paramilitaries, which never fully demobilized, appeared increasingly active, threatening and killing civilians, including trade unionists and human rights defenders.

...Colombia's paramilitaries are responsible for crimes against humanity and thousands of other atrocities. They have also amassed enormous wealth and influence, in part through mafia-style alliances with members of the military, politicians, and businesspeople.

...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.

...Human rights defenders, journalists, local community leaders, and victims of paramilitary groups, as well as trade unionists, are frequently the targets of threats.

A March 6 demonstration against paramilitary violence drew public accusations against the organizers from presidential advisor José Obdulio Gaviria, and shortly before and after the march, scores of human rights defenders and trade unionists reported being threatened and attacked. Some demonstration organizers and participants were killed. In addition to national human rights groups, the threats targeted the international organization, Peace Brigades International's Colombia Project, the news magazine *Semana*, the Workers' Central Union, indigenous organizations, and opposition politicians. In most cases, the threats were issued in the name of a group calling itself the Black Eagles.

The Ministry of Interior has a protection program for journalists and trade unionists, and during 2008 it established a separate program for victims presenting claims in the context of the paramilitary demobilization process. In May the Constitutional Court demanded a thorough review of this program, which many victims' groups consider ineffective (Human Rights Watch 2009, *World Report – Colombia*, 14 January http://www.hrw.org/sites/default/files/related_material/colombia_0.pdf – Accessed 3 November 2009 – Attachment 4).

Freedom House's *Freedom in the World – Colombia (2009)*, states that “although the government provides extensive protection to hundreds of threatened human rights workers, numerous activists have been murdered by the military or rightist paramilitary forces”. The report states that “from 2006 to 2008, at least 20 victims' rights and land activists were killed” (Freedom House 2009, *Freedom in the World – Colombia (2009)*, 12 January <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7587> – Accessed 3 November 2009 – Attachment 5).

The US Department of State report on human rights practices in Colombia for the year 2008 states that the AUC (United Self Defense Forces of Colombia) paramilitaries and “new illegal groups” have continued to commit human rights abuses including the “subordination and intimidation” of witnesses. The report states that:

The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new illegal groups continued to commit numerous unlawful acts and related abuses, including: political killings and kidnappings; physical violence; forced displacement; subordination 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 (US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Columbia*, 25 February, , introduction – Attachment 6).

On 17 October 2008, *EFE News Service* reported that “a pair of armed men killed an Afro-Colombian community leader who was a witness in trials involving former commanders of right-wing paramilitary death squads”. According to the report the victim, Mr Walberto Hoyos Rivas was “a witness in trials of ex-chieftains of the AUC militia federation”. The report states that the “Inter-American Commission on Human Rights had demanded that the Colombian government protect him” but that the commission claim bodyguards assigned to Mr Hoyos were not present at the time of the murder (‘Colombian who testified against militias slain’ 2008, *EFE News Service*, 17 October – Attachment 8)

A 2008 HRW report titled, *Breaking the grip? Obstacles to justice for paramilitary mafias in Colombia*, provides detailed information on the continued operation of right-wing paramilitaries in Colombia. The report also provides detailed information on the lack of legal redress for past human rights abuses and serious crimes committed by paramilitaries (Human Rights Watch 2008, *Breaking the grip? Obstacles to justice for paramilitary mafias in Colombia*, October – Attachment 9).

2. Deleted.

3. Are past supporters of Patriotic Union (UP) still at risk of politically-motivated harm by anyone in Bogotá today?

The 2009 *Political Handbook of the World Online Edition: Colombia* states that the Patriotic Union (UP) was created in May 1985 and acted as the “reputed political arm of the Revolutionary Armed Forces of Colombia (FARC)”. Reports indicate that following its creation the UP was targeted by right-wing paramilitary units, who murdered between 2,000 and 3,000 members including political candidates. According to a transcript of an April 2008 *ABC Radio National* program, Garry Leech the editor of the *Colombia Journal* stated that “by 1990 the Patriotic Union had basically been eradicated, the remaining members have either fled into exile or they’ve fled into the jungles and joined the FARC” (Banks, A.S., Muller, T.C., Overstreet, W.R & Isacoff, J.F. (eds) 2009, *Political Handbook of the World Online Edition: Colombia*; CQ Press, Washington, pp. 271 – 278 http://library.cqpress.com/phw/document.php?id=phw2009_colombia&type=toc&num=40 – Accessed 4 November 2009 – Attachment 11; ‘Colombia’s most powerful rebels’ 2003, *BBC News*, 19 September <http://news.bbc.co.uk/2/hi/americas/1746777.stm> – Accessed 4 November 2009 – Attachment 12; ‘Betancourt: Bolivia’s Morales proof the left can reach power democratically’ 2008, *EFE News Service*, 6 December – Attachment 13; ‘The FARC: Colombia’s armed conflict’ 2008, *ABC Radio National: Rear Vision* website, 20 April <http://www.abc.net.au/rn/rearvision/stories/2008/2218791.htm> – Accessed 4 November 2009 – Attachment 14).

Reports indicate that former UP president Aida Abella and another reported founding UP member live in exile due to fear of being murdered if returned to Colombia. A report dated June 2006 by *The Inter Press News Service*, indicates that the city of Altos de Cazuca in Bogotá is mainly populated by displaced former UP supporters. The report states that right-wing paramilitary group have also settled in Cazua causing security issues for the displaced

population. While, the report does not state paramilitaries have engaged in politically motivated attacks, the report does state that right-wing paramilitary networks in Cazuca have “mutated into violent gangs that settle old scores”. The report also states that according to a member of a German church humanitarian organisation, armed agents in Southern Bogotá have created networks of informants and conduct “social cleansing operations”. No other information was found in the sources consulted regarding UP supporters being harmed in Bogotá or wider Colombia for the period of January 2006 to November 2009. *Research Response COL17735*, dated 5 January 2006 provides earlier information on the treatment of UP supporters. Information contained in the response indicates that according to Colombian non governmental organisations UP members were subject to human rights violations and some reported murders during the period 2004 and 2005. A UK Home Office, *Operational Guidance Note for Colombia*, dated 23 December 2008 provides advice on the situation for individuals seeking asylum on the grounds of being a supporter or perceived supporter of a left-wing group and therefore fear reprisals from right-wing paramilitary groups. The UK Home Office states that right-wing paramilitary groups “continued to commit numerous unlawful acts and related abuses during 2007 including political killings”. The report also states that the states capacity to offer protection is “limited due to the Government’s weak authority in some regions and inability to counter the influence in parts of the country of the FARC, ELN, and paramilitaries who refuse to demobilise” (Banks, A.S., Muller, T.C., Overstreet, W.R & Isacoff, J.F. (eds) 2009, *Political Handbook of the World Online Edition: Colombia*; CQ Press, Washington, pp. 271 – 278 http://library.cqpress.com/phw/document.php?id=phw2009_colombia&type=toc&num=40 – Accessed 4 November 2009 – Attachment 11; Shipton, M. 2008, ‘Colombian calls for end of UK support’, *The Western Mail*, 3 May – Attachment 15; Walkom, T. 2007, ‘A “serious” concern with fairness’, *Toronto Star*, 4 November – Attachment 16; Marquez, H. 2006, ‘Armed Conflict Generates Hunger, Violence in the Cities’, *Inter Press Service News Agency*, 21 June <http://ipsnews.net/news.asp?idnews=33705> – Accessed 4 November 2009 – Attachment 17; RRT Country Research 2006, *Research Response COL17735*, 5 December – Attachment 18; UK Home Office 2009, *Operational Guidance Note – Colombia*, 23 December <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/colombia.pdf?view=binary> – Accessed 5 November 2009 – Attachment 19).

For a more detailed examination of the above sources please see the following information.

A *BBC News* report, dated 19 September 2003 provides the following information on the UP:

The FARC did briefly flirt with a political route to power, establishing a political party, the Patriotic Union (UP), in the late 1980s. But the UP was decimated by right-wing death squads, sponsored by drug traffickers and with links to government security forces. Some 3,000 UP members were murdered, including the UP’s 1990 presidential candidate, Bernardo Jaramillo Ossa. The political route was therefore effectively closed to the FARC and they focused on the military route to power, which they are still following today (‘Colombia’s most powerful rebels’ 2003, *BBC News*, 19 September <http://news.bbc.co.uk/2/hi/americas/1746777.stm> – Accessed 4 November 2009 – Attachment 12).

A transcript of an April 2008 *ABC Radio National* program provides the following citation from Garry Leech the editor of the *Colombia Journal*:

Between 1985 and 1990, more than 2,000 members of the Patriotic Union were assassinated, including two Presidential candidates and four elected Congressmen. So by 1990 the Patriotic Union had basically been eradicated, the remaining members have either fled into exile or they've fled into the jungles and joined the FARC, and this is where that second wave of new generation of commanders in the FARC who are more urban intellectuals where they came from. That slaughter also led to the end of the peace process. By 1990 the ceasefire and the peace process was over, and the FARC again, throughout the '90s went back to waging war in the State again ('The FARC: Colombia's armed conflict' 2008, *ABC Radio National: Rear Vision* website, 20 April <http://www.abc.net.au/rn/rearvision/stories/2008/2218791.htm> – Accessed 4 November 2009 – Attachment 14).

According to the 2009 *Political Handbook of the World Online Edition* “UP president Aida Abella has spent more than a decade in exile after receiving death threats”. The website provides the following overview of the UP:

Patriotic Union (*Unión Patriótica*—UP). The UP was formed in May 1985 as the reputed political arm of the Revolutionary Armed Forces of Colombia (FARC). Advancing a program that included political and trade union freedom, agrarian reform, and opposition to U.S. interference in Latin America, the UP won 1 Senate and 10 Chamber seats in March 1986. A number of UP leaders were subsequently murdered (reportedly by paramilitary police units), including the organization's president, Jaime PARDO Leal, on October 11, 1987. The UP performed poorly in the March 1990 balloting, partly because of competition from the recently launched ANP and partly because of a lengthy “dirty war” against it that cost the lives of more than 1,000 of its members in 1989 alone. Before the 1990 presidential poll, its candidate, Bernardo JARAMILLO Ossa, was assassinated, reportedly by order of the Medellín cartel. In 1994, after deaths of its members had risen to more than 2,300, the party declined to advance a presidential candidate, its principal leader (recently returned from exile in Switzerland) declaring simply that “he would be killed.” Manuel CEPEDA Vargas, the last UP member to hold a seat in the Senate, was assassinated in August 1994. The group participated in the 1998 balloting but secured no representation. UP president Aida Abella has spent more than a decade in exile after receiving death threats (Banks, A.S., Muller, T.C., Overstreet, W.R & Isacoff, J.F. (eds) 2009, *Political Handbook of the World Online Edition: Colombia*; CQ Press, Washington, pp. 271 – 278 http://library.cqpress.com/phw/document.php?id=phw2009_colombia&type=toc&num=40 – Accessed 4 November 2009 – Attachment 11).

On 3 May 2008, *The Western Mail* also reported on the situation of UP president, Aida Abella. The report cites Ms Abella as stating that “I can't return because I know that those who were involved in ordering my assassination are still involved at high levels in the military” (Shipton, M. 2008, ‘Colombian calls for end of UK support’, *The Western Mail*, 3 May – Attachment 15).

On 4 November 2007, *The Toronto Star* reported that a founding member of the UP who had gained permanent residency in Canada had stated that “I live with fear of being deported, tortured and killed” (Walkom, T. 2007, ‘A ‘serious’ concern with fairness’, *Toronto Star*, 4 November – Attachment 16).

In June 2006, *The Inter Press News Service* reported that the city of Altos de Cazuca (Cazuca Heights) in Bogotá “is mainly peopled by displaced former supporters of the now-defunct leftwing Patriotic Union party”. The report states that right-wing paramilitary groups have also settled in Cazuca. The report contains the following information on the paramilitary groups in Cazuca and Southern Bogotá:

In terms of safety and the right to life, “the displaced people are coming to a place that is not exactly peaceful, because the networks of informants of the armed agents in the conflict have become gangs of delinquents,” said Michael Jordan, of the German church humanitarian organisation Diakonie, which works with communities suffering the effects of the war.

As Jordan said at a press conference held jointly with European Union officials, “in spite of the supposed end to the paramilitary networks in Colombia, we are seeing a daily increase in their activity in the south of Bogotá.”

“They are conducting mass recruitment of young people for the ranks of the AUC (the paramilitary umbrella group, United Self-Defence Forces of Colombia), which officially reached a demobilisation agreement with the government,” he stated.

Jordan added that the AUC “pay children who become their informers 100,000 pesos (about 40 dollars) a month, and 400,000 pesos to those who participate in so-called social cleansing operations. We can attest to this fact,” he said.

In Cauca, assistants in centres established by U.N. agencies and the Colombian Ombudsman’s Office said that up to eight illegal armed networks operate in the area, three of which are probably heirs to the Central Santander Bloc of the AUC.

...In Jordan’s opinion, “the paramilitaries are reorganising” (Marquez, H. 2006, ‘Armed Conflict Generates Hunger, Violence in the Cities’, *Inter Press Service News Agency*, 21 June <http://ipsnews.net/news.asp?idnews=33705> – Accessed 4 November 2009 – Attachment 17).

Research Response COL17735, dated 5 January 2006 contains the following relevant reports on threats and attacks on UP members for the period 2004 to 2005:

A February 2005 Commission on Human Rights report states that:

There has been an increase in the number of requests for protection from the programme by trade unionists, members of the Unión Patriótica and the Communist Party, journalists and former mayors.

... Various members of the Unión Patriótica and the Communist Party continued to be subject to homicides, attacks, threats and grave risks, in addition to their political rights being affected. In 2004, an increase was recorded in the number of homicides of members of these groups, who are the beneficiaries of protective measures on the part of the Programme of the Ministry of the Interior (UNHCHR 2005, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia*, United Nations Economic and Social Council, E/CN.4/2005/10, 28 February, pp. 14 & 63 <http://daccessdds.un.org/doc/UNDOC/GEN/G05/115/08/PDF/G0511508.pdf?OpenElement> – Accessed 16 December 2005 – Attachment 20).

In December 2004 DFAT provided the following advice on the situation of the UP:

It is difficult to be authoritative about the current state of security for members of the UP. There are many reports available on the internet that assert that the UP has been the target of attacks by right-wing paramilitary group over the years and this appears to be continuing. according to a recent internet article that we found written by the ABColombia group, a report issued by the Colombian NGO Reiniciar and carried by the Colombian newspaper el pais in November, stated that between February and

September 2004, 136 human rights violations were committed in Colombia against members of the up. Reiniciar also reported that 21 of the surviving members were killed and dozens more threatened and forcibly displaced. We do not have any feel for the accuracy of this report or the integrity of the Reiniciar report. However, we note that ABColombia members are listed as CAFOD, Christian aid, Oxfam GB, save the children UK, SCIAF, and Trocaire. This article may be found at www.colhrnet.igc.org.

We have also found a press release issued by the inter-American commission on human rights, organization of American states, of 13 April 2004 in which the commission condemned the murders of a member of the up and his bodyguard on 1 April 2004. This report may be found at www.cidh.oas.org/comunicados/english/2004/12.04.htm.

It is clear from this press release that persecution of the up was continuing at least until April 2004 (DIMIA Country Information Service 2005, *Country Information Report No. 1/05 – Colombia: Treatment of Union Patriótica members*, (Sourced from DFAT advice of 31 December 2004), 7 January – Attachment 21).

A UK Home Office, *Operational Guidance Note for Colombia*, dated 23 December 2008 provides information on the situation for individuals seeking asylum on the grounds of being a supporter or perceived supporter of a right or left-wing group and therefore fear reprisals from opposing groups. The UK Home Office states that right wing paramilitary groups “continued to commit numerous unlawful acts and related abuses during 2007 including political killings”. The report also states that the states capacity to offer protection is “limited due to the Government’s weak authority in some regions and inability to counter the influence in parts of the country of the FARC, ELN, and paramilitaries who refuse to demobilise”. The report provides the following advice on the assessment of such claims:

3.6.1 Many applicants may make an asylum and/or human rights claim on the basis that they are supporters or are perceived to be supporters of one of these rival guerrilla and paramilitary groups (the Revolutionary Armed Forces of Colombia – FARC, the National Liberation Army – ELN, or the Self-Defence Forces of Colombia – AUC) and as such fear reprisals from one of the other groups. Applicants usually allege that they will face ill-treatment amounting to persecution, usually the threat of being kidnapped by one of the opposing groups, either for ransom, forced recruitment or due to their employment or social status. It is rare for anyone to claim that they are, or were, an actual member of one of these groups.

...**3.6.3** In terms of a fall in the number of massacres, killings, and kidnappings, the situation has improved since 2002 under President Uribe’s security policy and as a result of the demobilisation process of the AUC. Government statistics indicated that during 2007 there were decreases in massacres (34 per cent) and kidnappings (29 per cent). However, paramilitaries who refused to demobilise and new criminal groups reportedly continued to commit numerous unlawful acts and related abuses during 2007, including: political killings and kidnappings; physical violence; forced displacement; 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.

...**3.6.5 Sufficiency of protection.** The state authorities are willing to offer protection to such individuals, however their capacity to actually provide it is limited due to the Government’s weak authority in some regions and inability to counter the influence in parts of the country of the FARC, ELN, and paramilitaries who refuse to demobilise. Whilst the new illegal groups

lack the organisation, reach and military capacity of the former AUC, guerrilla organisations continue to operate nationwide and are well-resourced to dominate areas in which they see a particular interest. The state therefore cannot currently offer sufficient protection from these groups.

3.6.6 Internal relocation. Ongoing military operations and the occupation of certain rural areas restrict freedom of movement in conflict areas. New illegal groups, paramilitaries that refuse to demobilise, and FARC and ELN guerrillas continue to establish illegal checkpoints on rural highways, but enhanced government security presence along major highways has reduced the number of kidnappings.

...**3.6.8 Conclusion.** If the applicant provides convincing evidence that for political reasons they have been kidnapped in the past and/or have encountered serious harassment or threats from either the FARC, ELN or former AUC paramilitaries who refuse to demobilise and internal relocation is not a viable option, then the absence of adequate state protection means it is likely that they will be able to demonstrate a need for international protection within the terms of the 1951 Convention. The grant of asylum in such cases is therefore likely to be appropriate (UK Home Office 2009, *Operational Guidance Note – Colombia*, 23 December <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/colombia.pdf?view=binary> – Accessed 5 November 2009 – Attachment 19).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>

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

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

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

United Nations (UN)

UNHCR <http://www.unhcr.ch/>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Federation of American Scientists website <http://www.fas.org/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

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

International Crisis Group <http://www.crisisgroup.org/home/index.cfm>

Human Rights Internet (HRI) website <http://www.hri.ca>

International News & Politics

ABC Radio National: Rear Vision website <http://www.abc.net.au/rn/rearvision/>

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

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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. Amnesty International 2008, *'Leave us in peace!' Targeting civilians in Colombia's Internal Armed Conflict*, 28 October
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