

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Situation for trade unionists in Colombia.**
- 2. State protection for trade unionists in Colombia.**
- 3. Information on the demobilisation of paramilitaries and the situation for victims/witnesses to paramilitary violence.**

RESPONSE

1. Situation for trade unionists in Colombia.

Sources report that trade unionists in Colombia are killed, attacked, kidnapped, threatened, displaced and intimidated by paramilitaries, security forces and guerilla groups. Security forces also arbitrarily detain trade unionists which can put them at further risk of violence. Perpetrators of violence against trade unionists are rarely brought to justice.

Information provided in response to this question has been organised under the following four headings:

- [General](#);
- [Statistics](#);
- [Arbitrary Detention](#); and
- [Impunity](#).

General

According to Amnesty International, Colombia's trade union movement not only campaigns for workers' rights but also fights for human rights and social justice in Colombia. Amnesty International notes that as a result of this work, trade union leaders and members in Colombia

have been “key targets of violence” by security forces, paramilitaries and armed opposition groups such as FARC (Amnesty International 2006, ‘Colombia: Time to stop the killing and persecution of trade unionists and activists’, 1 May <http://web.amnesty.org/pages/col-010506-feature-eng> – Accessed 12 March 2007 – Attachment 1).

An article dated 5 February 2007 reports that in March 2007 Amnesty International will launch a report on the “ongoing persecution of trade unionists” in Colombia. The report “examines specific cases of killings, arbitrary detentions, attacks and death threats targeting Colombian trade unionists”. The report has not been released to date. On 21 March 2007, Amnesty International in Australia advised that the South American Research Team is working on a report on trade unionists in Colombia but does not have an official launch date as yet (‘Amnesty report on the ongoing persecution of trade unionists in Colombia’ 2007, The Chartered Society of Physiotherapy website, 5 February http://www.csp.org.uk/director/newsandevents/physioalerts.cfm?item_id=9279B213C46B9D444B87810E62833CB0 – Accessed 12 March 2007 – Attachment 2; Connolly, Tess 2007, Email ‘Re: New Amnesty report’ 21 March – Attachment 35).

According to the US Department of State’s *Country Reports on Human Rights Practices 2006*, demobilised paramilitaries, renegade paramilitaries, FARC and the ELN continued to harass, intimidate and kill Colombian trade unionists “for political reasons”. The report notes that violence against union members and anti-union discrimination “discouraged workers from joining unions and engaging in trade union activities, and the number of unions and union members continued to decline” (less than 5% of the workforce were union members) (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Colombia*, 6 March, Introduction, Section 1g & 6a – Attachment 3).

The International Confederation of Free Trade Unions’ (ICFTU) *Annual Survey of Violations of Trade Union Rights 2006* reports that “systematic and selective violence against trade unionists continued” in 2005 and 2006. The report continues:

Colombian trade unionists, be they leaders or grassroots members, are experiencing a fully fledged humanitarian crisis. They are the victims of selective, systematic and persistent violence. The perpetrators of these crimes enjoy total impunity. Trade unionists face attacks on their lives, freedom and integrity. These attacks are in addition to the liquidation, reorganisation and merging of companies, the relocation of production to sweatshops (“maquiladores”) in free trade zones, and the implementation of anti-union strategies by employers and armed groups.

...The government insists that violence against trade unionists is a result of the internal state of war in the country, rather than a form of selective and systematic violence directed against workers and their organisations.

The Colombian NGO, Escuela Nacional Sindical (National Trade Union School), points out that “most of the violations of the human rights of trade unionists in Colombia are associated with industrial disputes, even though they take place in the context of war and are committed, in most cases, by one of the belligerent parties.” The Escuela also reports that “most of the murders, threats, kidnappings and forced removals suffered by Colombian workers have taken place in periods and contexts characterised by increased activity and pressure for workers’ demands” and that therefore, Colombian trade unionists are not “accidental or collateral victims of the armed conflict that has been raging in the country for decades” (International Confederation of Free Trade Unions 2006, *Colombia: Annual Survey of Violations of Trade Union Rights 2006*, 7 June

<http://www.icftu.org/displaydocument.asp?Index=991223865&Language=EN> – Accessed 8 March 2007 – Attachment 4).

Justice for Colombia, a British human rights NGO, organised for ten UK legal professionals and one legal journalist to visit Colombia between 12 and 20 May 2006 in order to investigate the rule of law in Colombia. The delegation “learned that trade unionists face death threats, assassinations, detention and displacement as a result of their lawful activities.” The delegation found that perpetrators of the attacks are the security forces and paramilitaries. The report provides examples from three major, nationally-organised trade unions:

ANTHOC – health workers

In the past six years this union, which has 27,000 members, primarily in public but also in some private health-care institutions, has recorded 456 death threats, 121 assassinations, 258 displacements, and 800 other human rights violations. 14,000 members have been dismissed. They say they have been targeted because of their efforts to keep hospitals open and defend public health from a privatisation programme sponsored by the Inter-American Development Bank. Health now accounts for about 28% of public expenditure...and the cost is now being transferred to private health insurance companies including SANITAS, Grupo BBVA and Banco de Santander – all Spanish companies. We were told that these companies maintain links with DAS, the Colombian state security agency, and with paramilitary forces.

...USO – petroleum workers

...In the past two decades 110 USO members have been assassinated, two have disappeared, 400 are internal exiles and six have been kidnapped but since released. All these attacks were carried out by paramilitaries and the security forces. Some USO members were tortured before being murdered. Ten of its members are also in exile abroad and three hundred current members have received death threats. ...Nine hundred lawsuits are in progress against USO members for ‘rebellion’ or sabotage.

...FENSUAGRO – agricultural workers

...The union has had hundreds of its members assassinated and many others detained (Justice for Colombia 2006, *Rule of Law? Report on a lawyer’s delegation to Colombia*, pp.6-9 <http://www.justiceforcolombia.org/ruleoflaw.pdf> – Accessed 12 March 2007 – Attachment 5).

According to the UN Commission on Human Rights, trade unionists were the victims of murders and threats by paramilitary groups, FARC-EP and security forces during 2005. The UN Commission on Human Rights reports that the “most affected departments were Antioquia, Valle del Cauca, Arauca, Narino, Santander, Putumayo, Bogota, Atlantico and Bolivar” (UN Commission on Human Rights 2006, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia* (Sixty-second session, E/CN.4/2006/009), 20 January, Annex IV Para 2 – Attachment 6).

Statistics

An article dated 14 June 2006 in *Washington Post* reports that “more than 4,000 Colombians have been murdered for their union commitments since the early 1980s.” The article notes

that “more union leaders, activists and members are killed in Colombia than in any other nation” and “year in and year out, more unionists are killed in Colombia than in all other nations combined.” An article dated 7 March 2007 in *Miami Herald* reports that more than 800 trade unionists have been killed over the past six years according to Colombian government figures (Meyerson, Harold 2006, ‘Rectifying Death in Colombia’, *Washington Post*, 14 June http://www.washingtonpost.com/wp-dyn/content/article/2006/06/13/AR2006061301497.html?nav=rss_opinion/columns – Accessed 12 March 2007 – Attachment 7; and De Leon, Sergio 2007, ‘Union organizing can be deadly in Colombia’, *Miami Herald*, 7 March <http://www.miamiherald.com/915/story/33979.html> – Accessed 12 March 2007 – Attachment 8).

According to the Colombian Ministry of Social Protection, 59 trade unionists were killed during 2006. According to the National Labour College (ENS), Colombian labour rights NGO, 72 trade unionists were killed during 2006. The US Department of State notes that figures differ as the ENS count non-affiliated advisers to unions, retired and non-active union members and rural community organisation members (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Colombia*, 6 March, Section 6a – Attachment 3).

According to the International Labour Organisation, 74 trade unionists were killed in 2005. According to ENS, 70 trade unionists were killed in 2005, 260 received death threats, 56 were arbitrarily detained, seven were attacked with explosive devices or firearms, 32 were harassed, eight were forcibly displaced, three disappeared and one was subject to an illegal search. ENS notes that displacements are under-reported due to fear of reprisal. ENS reports that rank and file or unionised workers were victims in 69.72% of total violations and senior union leaders in 30.2% of total violations. ENS reports that in 65% of cases the perpetrators were unknown with paramilitaries responsible for 20.18% of total violations, security institutions 18% and guerrilla groups 0.90%. While ENS notes that violence against trade unionists continues to decrease the reduction in murder statistics does not necessarily imply an improvement in conditions for trade unionists in Colombia or the implementation of more effective protection programmes. ENS notes a change in strategy of perpetrators who seek to maintain actions against trade unionists but do not want the publicity murder brings. Death threats, harassment, intimidation directed at the unionist as well as threats and violence directed towards family members do not have the same resonance as murder but can have the same affect on the level of activity and/or profile of the trade unionist. ENS notes that the change in strategy “has effectively ended up altering the scenario of violations against unionized workers without it meaning the situation has decreased or improved” (Escuela Nacional Sindical 2006, *Report on human rights violations against Colombian unionists in the year 2005 – Cuaderno de Derechos Humanos no. 16*, April http://www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/cuaderno_ddhh_16_ingles_1.pdf – Accessed 12 March 2007 – Attachment 9; and Capdevila, Gustavo 2006, ‘Unions Press for Local ILO Office’, *Inter Press Service*, 20 September <http://ipsnews.net/news.asp?idnews=34809> – Accessed 12 March 2007 – Attachment 10).

According to the ICFTU, 99 trade unionists were killed in 2004 while ENS recorded 94 deaths. According to ENS, 91 trade unionists were killed in 2003 and 184 in 2002 (Meyerson, Harold 2006, ‘Rectifying Death in Colombia’, *Washington Post*, 14 June http://www.washingtonpost.com/wp-dyn/content/article/2006/06/13/AR2006061301497.html?nav=rss_opinion/columns – Accessed 12 March 2007 – Attachment 7).

Arbitrary Detention

Amnesty International has documented many cases of arbitrary detentions of trade unionists by security forces in Colombia:

These detentions have often been based solely on the evidence of paid military informers and not on impartial investigations by the judicial authorities. Many of these activists have subsequently been released for lack of evidence, but some have been killed or threatened shortly after their release. This has raised fears that the security forces are deliberately undermining the legitimate work of trade unionists by discrediting their work through judicial proceedings and, failing this, through physical attack, more often than not carried out by paramilitaries (Amnesty International 2006, 'Colombia: Time to stop the killing and persecution of trade unionists and activists', 1 May <http://web.amnesty.org/pages/col-010506-feature-eng> – Accessed 12 March 2007 – Attachment 1).

According to Justice for Colombia, the Colombian government is increasingly detaining trade unionists without charge:

In an attempt to destroy the trade union movement, the Colombian government is increasingly jailing union activists without charge.

There are currently hundreds of political prisoners living in Colombia's jails. Many of them are trade unionists...They are almost always accused of 'rebellion', a blanket charge used against anyone who is opposing the government's policies.

Many are leaders who have been specifically targeted as a strategy to dismantle an organisation. For example, FENSUAGRO, the agricultural workers' union has been repeatedly targeted in this way – last year, a leading member from their human rights department, Hernando Hernandez Tapasco, was detained without trial for 6 months...

- Maria Cabrera – a 72-year-old former trade union leader detained by the army on 11th February 2006 in the region of Putumayo. The army accused her of leading a terrorist attack on a local military base although they could not provide any evidence. She is still being held without trial.
- Mayra Lopez Ceveriche – leader of the students' union at the University of Sincelejo, an active member of the Colombian Women's Movement and a candidate for the youth wing of the 'Polo Democratico' political opposition movement. Detained on 5th May 2006.
- Miguel Angel Bobadilla – a member of the NEC of the agricultural workers trade union FENSUAGRO. Miguel, who is head of the union's education department, was detained on 11th May 2006.
- Nieves Mayusa – an active member of the agricultural workers trade union FENSUAGRO and the wife of the above. Also detained 11th May 2006.
- Carmen Mayusa – a regional leader of the health workers trade union ANTHOC who is also a sister of the above. Also detained 11th May 2006.
- Victor Oime – a community leader in the town of Cartagena del Chaira, active trade unionist and member of the Colombian Communist Party detained on 6th August 2006 (Justice for Colombia 2006, 'Campaigning for Colombia's political prisoners' & 'Action to Free Political Prisoners', *International Solidarity in Action*, Issue 11, pp.16-17 <http://www.justiceforcolombia.org/mag.pdf> – Accessed 12 March 2006 – Attachment 11).

ENS reports that 56 trade unionists were arbitrarily detained in 2005, 77 in 2004, 49 in 2003, 11 in 2002 and 8 in 2001. ENS reports that since 2002, the number of detentions of union

leaders has increased and “appears to be a new variable in the panorama of violations.” ENS continues:

In the first place, this type of violation has increased considerably in statistical terms.

...In the second place, the way in which these detentions are carried out distorts the nature of the violation, making them seem to be ordinary processes of Colombian justice. It is noteworthy that most of the detentions have similar characteristics (prior surveillance by State agents, a criminal investigation for pertaining to the insurgency, presentation before the media as supposed guerrilla members and later an acquittal for lack of evidence).

...Escuela Nacional Sindical expresses its particular concern for the ongoing detentions and criminal prosecutions of union leaders without presenting sufficient evidence to charge them with an offense, which is a clear violation by the State to due process. Regarding this point, the tragic outcome of the detention of professor Alfredo Correa must be remembered. He was murdered in the city of Barranquilla following the false accusations and frame-ups made against him (Escuela Nacional Sindical 2006, *Report on human rights violations against Colombian unionists in the year 2005 – Cuaderno de Derechos Humanos no. 16*, April http://www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/cuaderno_ddhh16_ingles_1.pdf – Accessed 12 March 2007 – Attachment 9).

Impunity

An article dated 7 March 2007 in *Miami Herald* reports that “more than 800 trade unionists have been killed in Colombia over the past six years, by government count, yet the number of those murders solved can be counted on one hand” (De Leon, Sergio 2007, ‘Union organizing can be deadly in Colombia’, *Miami Herald*, 7 March <http://www.miamiherald.com/915/story/33979.html> – Accessed 12 March 2007 – Attachment 8).

According to the US Department of State’s *Country Reports on Human Rights Practices 2006*, there have been no convictions in any of the cases of human rights violations against labour leaders in 2006:

Threats, intimidation, or coercion against prosecutors, judicial investigators, and witnesses contributed to impunity in these cases.

...Union leaders contended that perpetrators of violence against workers operated with virtual impunity (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Colombia*, 6 March, Section 6a – Attachment 3).

According to a Human Rights Watch report on the events of 2006, investigations into human rights violations against labour leaders in Colombia “rarely result in prosecution or convictions” (Human Rights Watch 2007, *World Report 2007 – Colombia*, 11 January – Attachment 12).

The ICFTU *Annual Survey of Violations of Trade Union Rights 2006* reports that perpetrators of crimes against trade unionists “enjoy total impunity.” The report continues:

The vast majority of violations, i.e. over 90 per cent of reported cases, remain unpunished and many murder cases are not investigated. The ILO Committee on Freedom of Association noted that most investigations had not progressed beyond preliminary stage (84

investigations), while many (55 investigations) had been dismissed for lack of evidence or suspended (four). Only 14 investigations had reached the pre-trial stage by the end of 2005, while seven were at the trial stage, and that there had only been 15 convictions.

In addition to the fact that few investigations yield results, legal punishment is not enforced and reparation for the victims is non-existent. This almost complete impunity occurs because, in most cases, the perpetrator cannot be identified or evidence is insufficient, and the Colombian government takes no immediate measures to conduct a comprehensive investigation of all cases of violence.

...The government claims that the new accusatory panel system that has been particularly in force in Colombia since January 2005 will help speed up proceedings and allow more effective action to be taken against impunity. However, the system only applies to crimes committed after 1 January 2005. The hundred of murders of trade unionists committed before that date, including cases dating back to the early 1990s, will not be affected by this new system, and will probably continue to go unpunished. Furthermore, the so called Law of Justice and Peace, adopted in June 2005, does nothing to address the impunity of the killers of Colombia's trade union leaders and activists (International Confederation of Free Trade Unions 2006, *Colombia: Annual Survey of Violations of Trade Union Rights 2006*, 7 June <http://www.icftu.org/displaydocument.asp?Index=991223865&Language=EN> – Accessed 8 March 2007 – Attachment 4).

An article dated 5 July 2006 by *EFE News Service* reports that a special prosecutors unit to investigate crimes committed against unionists has been created in Colombia:

Iguaran [Colombian Attorney General] emphasized that over the past three months the AG's office "formally opened 60 investigations into crimes against union members," and he acknowledged that despite the impunity prevailing in some of the cases "we are committed to tell everything to the ILO" ('Colombia creates special unit to probe anti-union crimes' 2006, *EFE News Service*, 5 July – Attachment 13).

An article dated 14 June 2006 by *Washington Post* reports that killing a trade unionist in Colombia is a "punishment-free crime." The report continues:

Of the roughly 3,000 murders of unionists between 1986 and 2002, according to a study being released tomorrow by the AFL-CIO's [America's Union Movement] Solidarity Center, only 376 were even investigated by the government, and the number of guilty verdicts returned in those cases totaled five. For the statistically minded among you, that's a conviction rate of one-sixth of 1 percent. Kill a unionist in Colombia and you have about as much chance of doing time as you do of being hit by lightning.

...Colombia is a land of dropped charges and aborted investigations, because judges and prosecutors are themselves often the victims of paramilitary and guerrilla violence. According to an ENS study, however, the killers of unionists – in those instances when the police have been able to identify the killers – tend overwhelmingly to come from the paramilitaries, private armies in the service of drug lords, large landowners and the occasional factory. Unions, after all, run counter to the laissez-faire ethos that is apparently dear to the paramilitaries' hearts. "We kill trade unionists," Carlos Castano, the former leader of AUC, the nation's largest paramilitary group, once said, "because they interfere with people working" (Meyerson, Harold 2006, 'Rectifying Death in Colombia', *Washington Post*, 14 June http://www.washingtonpost.com/wp-dyn/content/article/2006/06/13/AR2006061301497.html?nav=rss_opinion/columns – Accessed 12 March 2007 – Attachment 7).

Justice for Colombia organised for ten UK legal professionals and one legal journalist to visit Colombia between 12 and 20 May 2006 in order to investigate the rule of law in Colombia. The report provides the following information on impunity:

Impunity – the deliberate failure to prosecute crime – has long been identified as a key obstacle to fundamental reform in Colombia. Impunity for human rights violations is especially widespread. According to the Inter-American Commission on Human Rights, impunity is “structural and systemic. [It] is not simply a questions of leaving numerous individual crimes unpunished...[but]...of the creation of an entire system of impunity...[which]...is one of the most important factors contributing to the continued violation of human rights and to the general increase in violence...” in Colombia.

...We were told that since 1986, when the Central Unitaria de Trabajadores (CUT, the largest Colombian trade union federation) was founded, there had been only 6 successful prosecutions for the 38000 registered assassinations of trade unionists. This reflects the findings of the Inter-American Commission on Human Rights, which says it is aware of “only a very few cases in which State agents responsible for human rights violations have received criminal convictions” (Justice for Colombia 2006, *Rule of Law? Report on a lawyer’s delegation to Colombia*, p.15 <http://www.justiceforcolombia.org/ruleoflaw.pdf> – Accessed 12 March 2007 – Attachment 5).

2. State protection for trade unionists in Colombia.

Sources report that the Colombian authorities can provide unionists with protection. However, the effectiveness of the protection program is compromised by problems.

The website of the Colombian Ministry of Interior and Justice provides information on their protection program in Spanish. A summary of the program follows. Please note that the source documents are provided in Spanish with a rough Google translation:

- Leaders or activists of unions are eligible to apply;
- The applicant must be in a situation of “certain, imminent and exceptional risk” as a direct consequence of their union activity;
- The National Police or the Administrative Department of Security (DAS) study the risk level and the degree of threat to the applicant. The study must be made within 15 days following receipt of application;
- The study is presented to the Committee of Regulation and Evaluation of Risks (CRER) who recommend the protection measures and duration of protection;
- Protection measures are temporary and can be hard measures such as bullet-proof vests or soft measures such as temporary support for relocation; and
- In 2006, 6,930 people received protection including 1,348 unionists (‘Antecedents’ (undated), Ministry of Interior and Justice, Colombia website – Attachment 14; ‘Management’ (undated), Ministry of Interior and Justice, Colombia website – Attachment 15; ‘Measures’ (undated), Ministry of Interior and Justice, Colombia website – Attachment 16; ‘Procedure’ (undated), Ministry of Interior and Justice, Colombia website – Attachment 17; and ‘Regulated Program of Protection of Human Rights’ 2006, Ministry of Interior and Justice, Colombia website, 28 August – Attachment 18).

On 31 January 2007, Yolanda Izquierado, “a high profile leader of persons displaced by paramilitary violence” was shot and killed in Monteria, Cordoba. The US Office on Colombia reports that Izquierado requested protection from the Colombian authorities for

four days in a row before her assassination, “each time being told she would have to wait a week for processing of the paperwork.” The report continues:

Minister of Interior, Carlos Holguin said: “The information about her request did not go where it should have. There must be an investigation about this.”

Director of the Attorney General’s Protection Program, Álvaro Botero: “We don’t have enough resources or personnel to take care of so many victims” (US Office on Colombia 2007, ‘Colombian Victims Lack Access to Justice: New comprehensive report shows continued violations of human rights and International Humanitarian Law during President Uribe’s first mandate’, 5 February – Attachment 19).

According to a Human Rights Watch report on the events of 2006, “a number of individuals have complained about feeling intimidated by armed escorts – who have often been agents of the intelligence service – assigned to them” under the protection programme (Human Rights Watch 2007, *World Report 2007 – Colombia*, 11 January – Attachment 12).

An Amnesty International report dated 7 September 2006 provides information on the dangers of human rights work in Colombia. Amnesty International has the following concerns with the implementation of the Ministry of the Interior and Justice’s protection programme:

Among the key concerns are the slow and bureaucratic process for applying for protection and the involvement of the DAS in assessing whether a human rights defender requires protection. In recent years, former intelligence service employees have alleged that there was collusion between DAS and paramilitary groups, including providing paramilitary groups with detailed personal information about human rights defenders and social activists and creating “death lists” that were subsequently passed to paramilitary groups. Furthermore DAS agents have been implicated in human rights violations in the past.

Above all human rights defenders have questioned the effectiveness of the measures when so many human rights defenders and trade unionists continue to be killed (Amnesty International 2006, *Colombia – Fear and Intimidation: The dangers of human rights work*, 7 September, AMR 23/033/2006, p.23
[http://web.amnesty.org/library/pdf/AMR230332006ENGLISH/\\$File/AMR2303306.pdf](http://web.amnesty.org/library/pdf/AMR230332006ENGLISH/$File/AMR2303306.pdf) – Accessed 8 March 2007 – Attachment 20).

The ICFTU *Annual Survey of Violations of Trade Union Rights 2006* provides the following information on the protection of trade union officials in Colombia:

There is some evidence of an effort by the government to improve the protection of trade union officials ... Some trade unionists believed to be at risk are provided with mobile phones, bodyguards and/or armoured personal cars. ... Those efforts are clearly insufficient however, and union organisations regularly complain that some of their leaders or activists who have received credible death threats or have already suffered physical attacks are being denied official protection measures. The reasons offered by the authorities are generally either that “the assessment of risks incurred was negative” or that funds are lacking (International Confederation of Free Trade Unions 2006, *Colombia: Annual Survey of Violations of Trade Union Rights 2006*, 7 June
<http://www.icftu.org/displaydocument.asp?Index=991223865&Language=EN> – Accessed 8 March 2007 – Attachment 4).

Justice for Colombia organised for ten UK legal professionals and one legal journalist to visit Colombia between 12 and 20 May 2006 in order to investigate the rule of law in Colombia. The delegation found that “most trade unionists that are killed or subject to assassination attempts have some form or other of ‘protection’”. The report continues:

DAS, the State security agency takes the line that only the President and Government ministers are at high risk and most union leaders who have been killed were classed by DAS as low risk (Justice for Colombia 2006, *Rule of Law? Report on a lawyer’s delegation to Colombia* <http://www.justiceforcolombia.org/ruleoflaw.pdf> – Accessed 12 March 2007 – Attachment 5).

The UN Commission on Human Rights provides the following information on problems with the Colombian protection program in 2005:

However, problems associated with delays and inefficiency in the assessment of risks, persist. There is also a need to overcome mistrust related to certain actions on the part of the Administrative Department of Security (DAS).

...The protection programme of the Ministry of the Interior and Justice received a significant budget increase as compared to the previous year. Nonetheless, it continued to have certain weaknesses, such as the issue of trusted bodyguards, which took on particular relevance in the context of accusations formulated against high level officials of the DAS regarding their alleged relationship with paramilitaries. There have also been repeated allegations by representatives of the beneficiaries of the programme regarding the results of studies that underestimate risks and the seriousness of threats to which the petitioners are exposed (UN Commission on Human Rights 2006, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia* (Sixty-second session, E/CN.4/2006/009), 20 January, Para 97 & Annex IV Para 5 – Attachment 6).

As mentioned above, the DAS are involved in the Ministry of Interior and Justice’s protection programme. The DAS also provide bodyguards and security services for people at risk. A blog by Adam Isacson, Director of Programs at the Centre for International Policy, provides information on the recent DAS scandals. For details please see Attachment 21:

According to recent reports in Colombia’s media and testimony from former officials, between 2002 and 2005 the DAS was essentially at the service of paramilitaries and major narcotraffickers. It drew up hitlists for union members and leftist activist, and even plotted to destabilize Venezuela (Isacson, Adam 2006, ‘The DAS scandals’, Plan Colombia and Beyond Blog, 13 April, Centre for International Policy website <http://www.ciponline.org/colombia/blog/archives/000242.htm> – Accessed 12 March 2007 – Attachment 21).

On 22 February 2007 Jose Noguera, former Director of the DAS from 2002 to October 2005, close ally and Campaign Manager for Uribe, was arrested. Noguera was charged with providing paramilitaries with a hit list of activists including 15 trade union leaders who were then killed in Barranquilla (Logan, Sam 2007, ‘Necessary evils in Colombia’, International Relations and Security Network Security Watch, 28 February <http://www.isn.ethz.ch/news/sw/details.cfm?ID=17302> – Accessed 12 March 2007 – Attachment 22; and Joubert-Ceci, Bertha 2007, ‘Uribe’s ties to Colombia death squads exposed’, Workers World website, 4 March <http://www.workers.org/2007/world/colombia-0308/> – Accessed 12 March 2007 – Attachment 23).

3. Information on the demobilisation of paramilitaries and the situation for victims/witnesses to paramilitary violence.

Please note the number of reports on the Colombian United Self-Defence Forces of Colombia (AUC) demobilisation process is significant. Please also note that it is a very complex issue with many elements and that what follows is a brief summary which does not cover all the issues. The summary does not provide information on the current implementation of the Justice and Peace Law in respect to truth, justice and reparation instead it provides information on the current status of paramilitaries in Colombia.

In 2006 the demobilisation of the AUC was completed. More than 35,000 paramilitaries were demobilised. Despite this, demobilised paramilitaries continue to commit human rights violations. There is concern that while AUC members have demobilised, their military, criminal, economic and political structures remain intact. Since the completion of the demobilisation process new paramilitary groups have formed and demobilised AUC members have rearmed. There is concern that demobilised combatants are being recycled back into the conflict as criminal gangs, new and old paramilitary groups, private security providers and civilian informants. Colombians who witnessed or were victims of paramilitary violence face intimidation and death with limited protection provided by the Colombian authorities.

On 17 April 2006, the High Commissioner for Peace Luis Restrepo announced that the demobilisation of the United Self-Defence Forces of Colombia (AUC) was complete. More than 35,000 paramilitaries were demobilised. This is despite estimates that the strength of the AUC was for example 8,000-11,000 (US Department of State) or 12,000 (Colombian weekly *Cambio*). According to International Crisis Group almost 17,000 weapons were handed over (US Department of State 2005, *Appendix B – Background Information on Designated Foreign Terrorist Organizations*, 31 March – Attachment 24; Sierra, Alvaro 2006, 'The end or the beginning?', *BBC Monitoring Alert*, source: *Cambio*, 24 April – Attachment 25; and International Crisis Group 2006, *Uribe's Re-election: Can the EU help Colombia develop a more balanced peace strategy?*, 8 June, p.4 – Attachment 26).

According to the US Department of State's *Country Reports on Human Rights Practices 2006*, demobilised and other paramilitaries continued to commit human rights violations during 2006 including but not limited to political killings and kidnappings, forced disappearances, torture, forced displacement, harassment, intimidation and killings of journalists, human rights activists, indigenous leaders, teachers, trade unionists, persons who threatened to interfere with their criminal activities, persons who showed leftist sympathies and persons they suspected were collaborating with FARC (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Colombia*, 6 March, Introduction & Section 1g – Attachment 3).

A number of international organisations including but not limited to Centre for International Policy, Human Rights Watch, International Crisis Group, Justice for Colombia, Latin America Working Group, US Office in Colombia and Washington Office on Colombia are concerned that while AUC members have demobilised, their military, criminal, economic and political structures remain intact (Justice for Colombia 2006, *Rule of Law? Report on a lawyer's delegation to Colombia*, p.17 <http://www.justiceforcolombia.org/ruleoflaw.pdf> – Accessed 12 March 2007 – Attachment 5; US Office on Colombia et al 2006, *Post-Election Colombia*, 30 May, p.1 http://www.usofficeoncolombia.org/FINAL_hill_drop_May_30.pdf – Accessed 12 March 2007 – Attachment 27; International Crisis Group 2006, *Uribe's Re-*

election: Can the EU help Colombia develop a more balanced peace strategy?, 8 June, pp.5-7 – Attachment 26; and Human Rights Watch 2007, *World Report 2007 – Colombia*, 11 January – Attachment 12).

Since the completion of the demobilisation process new paramilitary groups and structures have formed. An article dated 12 March 2007 in *Christian Science Monitor* reports on the rise of a “new generation” of paramilitaries in Barrancabermeja. The article also quotes the Organisation of American States Mission to Support the Peace Process (MAPP-OEA) who reported that 22 new illegal armed groups were active in 10 departments across Colombia (Justice for Colombia 2006, *Rule of Law? Report on a lawyer’s delegation to Colombia*, pp.17-18 <http://www.justiceforcolombia.org/ruleoflaw.pdf> – Accessed 12 March 2007 – Attachment 5; US Office on Colombia et al 2006, *Post-Election Colombia*, 30 May, pp.2-3 http://www.usofficeoncolombia.org/FINAL_hill_drop_May_30.pdf – Accessed 12 March 2007 – Attachment 27; International Crisis Group 2006, *Uribe’s Re-election: Can the EU help Colombia develop a more balanced peace strategy?*, 8 June, pp.7-8 – Attachment 26; and Harris, Caleb 2007, ‘Paramilitaries reemerge in pockets of Colombia’, *Christian Science Monitor*, 12 March <http://www.csmonitor.com/2007/0312/p04s01-woam.htm> – Accessed 12 March 2007 – Attachment 28).

Since the completion of the demobilisation process demobilised AUC members have rearmed. An article dated 10 February 2007 by *Reuters* reports that former paramilitary leaders “say junior members of their ranks are re-arming to take over the criminal networks they left behind”. An article dated 12 March 2007 in *Christian Science Monitor* reports on the Black Eagles, an offshoot of the AUC who demobilised in 2003, who now number up to 5,000 and who emailed a death threat to more than 70 rights groups nationwide. (US Office on Colombia et al 2006, *Post-Election Colombia*, 30 May, p.2 http://www.usofficeoncolombia.org/FINAL_hill_drop_May_30.pdf – Accessed 12 March 2007 – Attachment 27; Harris, Caleb 2007, ‘Paramilitaries reemerge in pockets of Colombia’, *Christian Science Monitor*, 12 March <http://www.csmonitor.com/2007/0312/p04s01-woam.htm> – Accessed 12 March 2007 – Attachment 28; and Bronstein, Hugh 2007, ‘Colombian paramilitaries rearming after peace deal’, *Reuters*, 10 February <http://www.alertnet.org/thenews/newsdesk/N10249202.htm> – Accessed 12 March 2007 – Attachment 29).

An Amnesty International report dated September 2005 provides information on the demobilisation process in Medellin. On 25 November 2003, 860 paramilitaries belonging to *Bloque Cacique Nutibara* (BCN) demobilised. Amnesty International visited Medellin in November 2003, April 2004, October 2004 and February 2005 to “assess whether the paramilitaries have truly demobilised and paramilitary structures dismantled”. Amnesty International choose Medellin as a case study because the BCN demobilisation process occurred much earlier than other processes, making the effectiveness and legitimacy of the BCN demobilisation easier to gauge. Prior to the demobilisation the strength of the BCN was estimated at over 2,000 combatants but just over 860 actually demobilised. Amnesty International received reliable reports that in advance of the demobilisation the BCN were recruiting unemployed youths to pose as paramilitaries for the demobilisation ceremony. Amnesty International reports that from the outset, “it was clear that the demobilization would not affect the BCN’s military capacity.” According to the Inter-American Commission on Human Rights (IACHR) of the 360 demobilised paramilitaries facing legal proceedings “only one of them was implicated in the investigation of crimes related to alleged human rights violations.” Amnesty International is concerned that paramilitaries continue to commit

human rights violations in Medellín. Amnesty International is also concerned that paramilitaries will be recycled back into the conflict as civilians in private security firms and informants. For more information please refer to the report which is included as Attachment 30:

The paramilitary demobilization in Medellín and elsewhere has lacked transparency and effective oversight, especially on issues of verification and the application of international norms on truth, justice and reparation. Paramilitary violence continues, in Medellín and in the country as a whole. More than 2,300 killings and “disappearances” across the country have been attributed to the paramilitaries since they declared a ceasefire in December 2002. Paramilitary structures and control in Medellín also remain intact.

...Paramilitarism has not been dismantled, it has simply been “re-engineered”. Since many areas of Colombia have now been wrested from guerrilla control, and paramilitary control established in many of these, there is no longer a need to have large numbers of heavily armed uniformed paramilitaries. Instead, the paramilitaries are beginning to contribute to the security forces’ counter-insurgency strategy as “civilians”. The increasing participation of paramilitaries in private security firms – both regulated and illegal – the failure to legislate against the participation of armed demobilized paramilitaries in licensed private security firms, as well as the recent idea mooted by the government to create a “civic guard” made up of demobilized combatants, without effectively ensuring that none of them are implicated in human rights violations, and the government’s network of civilian informants and Decree 2767, will only serve to ensure that paramilitaries will be “recycled” and “legalized” into structures which may prove more palatable to domestic and international public opinion.

But unless concrete measures are put in place to ensure that demobilized paramilitaries are not simply reintegrated into the conflict, a legal framework created to ensure that the right victims to truth, justice and reparation is fully respected, and high-ranking security force personnel and others responsible for promoting paramilitarism brought to justice, the phenomenon of paramilitarism in Colombia is likely to continue as strong as ever before (Amnesty International 2005, *The Paramilitaries in Medellín: Demobilization or Legalization*, September, AMR 23/019/2005, pp.48-49 – Attachment 30).

Human Rights Watch reports that Freddy Abel Espitia was assassinated on 29 January 2007 and Yolanda Izquierdo was assassinated on 31 January 2007. Espitia and Izquierdo were both advocates for victims of paramilitary abuses. According to José Miguel Vivanco of Human Rights Watch, “These murders are clearly intended to intimidate victims and witnesses and prevent them telling the truth about paramilitary abuses”. Vivanco continues, “Victims will find it harder than ever to trust the safeguards set up by the government to facilitate their participation in the demobilization process.” According to Amnesty International, the killing of Izquierdo “was clearly designed to silence those brave enough to speak out against human rights violations” committed by paramilitaries and those who supported paramilitaries. Human Rights Watch and Amnesty International believe that these deaths call into question the credibility of the whole demobilisation process (Human Rights Watch 2007, ‘Colombia: Murders Undermine Credibility of Paramilitary Demobilization’, 1 February <http://hrw.org/english/docs/2007/02/01/colomb15246.htm> – Accessed 6 February 2007 – Attachment 31; and Amnesty International 2007, ‘Colombia: Latest killing of human rights defenders throws controversial paramilitary demobilization process into further doubt’, 2 February, AMR23/002/2007 <http://web.amnesty.org/library/Index/ENGAMR230022007?open&of=ENG-COL> – Accessed 12 March 2007 – Attachment 32).

An article dated 2 February 2007 by *EFE News Services* reports that the National Commission on Reparation and Reconciliation (CNRR) said that the Colombian government “must do more to ensure the security of those seeking redress for the crimes of the paramilitaries.” According to Edgardo Maya, Colombia’s Inspector General, the Attorney General’s Office and the rest of the Colombian government should give “immediate priority to the design and implementation of a protection program for those (militia) victims.” Maya “pointed out that those who suffered from the depredations of the AUC have accepted the Peace and Justice Law’s promise of reduced sentences and alternatives to jail time for militia offenders only because they hoped for some kind of restitution from the CNRR.” The UN Commission on Human Rights reports that in December 2004 the Temporary Protection Programme for demobilised persons was created. The UN Commission on Human Rights notes that the “mechanisms for protecting the victims, who are also in a situation of extreme vulnerability, have yet to be strengthened.” (UN Commission on Human Rights 2006, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia* (Sixty-second session, E/CN.4/2006/009), 20 January, Annex IV Para 2 – Attachment 6; and ‘Panel says Colombia must do more to protect militia victims’ 2007, *EFE News Services*, 2 February, Calibre website <http://calibre.mworld.com/m/m.w?!p=GetStory&id=240193461> – Accessed 13 March 2007 – Attachment 33).

Sources cited in Questions 6 and 7 of *Research Response COL31199* dated 13 February 2007 report that witnesses in Colombia are suborned, threatened, intimidated and killed. Sources cited in Question 8 report that witnesses can be provided with protection from the Colombian authorities; however, the effectiveness of the protection program is compromised by problems (RRT Country Research 2007, *Research Response COL31199*, 13 February – Attachment 34).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration and Refugee Board of Canada http://www.irb-cisr.gc.ca/cgi-bin/foliocgi.exe/refinfo_e

Ministry of Interior and Justice, Colombia <http://www.mij.gov.co/>

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

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

United Nations (UN)

UNHCR <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

Non-Government Organisations

ABColumbia <http://www.abcolombia.org.uk/>

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

Centre for International Policy <http://www.ciponline.org/>

Escuela Nacional Sindical <http://www.ens.org.co/>

European Country of Origin Information Network <http://www.ecoi.net/>

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

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

Inter-American Commission on Human Rights <http://www.cidh.org/>

International Confederation of Free Trade Unions <http://www.icftu.org/>

International Relations and Security Network <http://www.isn.ethz.ch/>

Justice for Colombia <http://www.justiceforcolombia.org/>

ReliefWeb <http://www.reliefweb.int/>
US Office on Colombia <http://www.usofficeoncolombia.org/>
Workers World <http://www.workers.org/>

International News & Politics

BBC News <http://news.bbc.co.uk/>
Inter Press Service <http://ipsnews.net/>

Search Engines

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

Databases:

FACTIVA (news database)
BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. Amnesty International 2006, 'Colombia: Time to stop the killing and persecution of trade unionists and activists', 1 May <http://web.amnesty.org/pages/col-010506-feature-eng> – Accessed 12 March 2007.
2. 'Amnesty report on the ongoing persecution of trade unionists in Colombia' 2007, The Chartered Society of Physiotherapy website, 5 February http://www.csp.org.uk/director/newsandevents/physioalerts.cfm?item_id=9279B213C46B9D444B87810E62833CB0 – Accessed 12 March 2007.
3. US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Colombia*, 6 March.
4. International Confederation of Free Trade Unions 2006, *Colombia: Annual Survey of Violations of Trade Union Rights 2006*, 7 June <http://www.icftu.org/displaydocument.asp?Index=991223865&Language=EN> – Accessed 8 March 2007.
5. Justice for Colombia 2006, *Rule of Law? Report on a lawyer's delegation to Colombia* <http://www.justiceforcolombia.org/ruleoflaw.pdf> – Accessed 12 March 2007.
6. UN Commission on Human Rights 2006, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia* (Sixty-second session, E/CN.4/2006/009), 20 January.
7. Meyerson, Harold 2006, 'Rectifying Death in Colombia', *Washington Post*, 14 June http://www.washingtonpost.com/wp-dyn/content/article/2006/06/13/AR2006061301497.html?nav=rss_opinion/columns – Accessed 12 March 2007.
8. De Leon, Sergio 2007, 'Union organizing can be deadly in Colombia', *Miami Herald*, 7 March <http://www.miamiherald.com/915/story/33979.html> – Accessed 12 March 2007.

9. Escuela Nacional Sindical 2006, *Report on human rights violations against Colombian unionists in the year 2005 – Cuaderno de Derechos Humanos no. 16*, April http://www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/cuaderno_dhhh16_ingles_1.pdf – Accessed 12 March 2007.
10. Capdevila, Gustavo 2006, 'Unions Press for Local ILO Office', *Inter Press Service*, 20 September <http://ipsnews.net/news.asp?idnews=34809> – Accessed 12 March 2007.
11. Justice for Colombia 2006, *International Solidarity in Action*, Issue 11 <http://www.justiceforcolombia.org/mag.pdf> – Accessed 12 March 2006.
12. Human Rights Watch 2007, *World Report 2007 – Colombia*, 11 January.
13. 'Colombia creates special unit to probe anti-union crimes' 2006, *EFE News Service*, 5 July. (FACTIVA)
14. 'Antecedents' (undated), Ministry of Interior and Justice, Colombia website.
15. 'Management' (undated), Ministry of Interior and Justice, Colombia website.
16. 'Measures' (undated), Ministry of Interior and Justice, Colombia website.
17. 'Procedure' (undated), Ministry of Interior and Justice, Colombia website.
18. 'Regulated Program of Protection of Human Rights' 2006, Ministry of Interior and Justice, Colombia website, 28 August.
19. US Office on Colombia 2007, 'Colombian Victims Lack Access to Justice: New comprehensive report shows continued violations of human rights and International Humanitarian Law during President Uribe's first mandate', 5 February.
20. Amnesty International 2006, *Colombia – Fear and Intimidation: The dangers of human rights work*, 7 September, AMR 23/033/2006 [http://web.amnesty.org/library/pdf/AMR230332006ENGLISH/\\$File/AMR2303306.pdf](http://web.amnesty.org/library/pdf/AMR230332006ENGLISH/$File/AMR2303306.pdf) – Accessed 8 March 2007.
21. Isacson, Adam 2006, 'The DAS scandals', Plan Colombia and Beyond Blog, 13 April, Centre for International Policy website <http://www.ciponline.org/colombia/blog/archives/000242.htm> – Accessed 12 March 2007.
22. Logan, Sam 2007, 'Necessary evils in Colombia', International Relations and Security Network Security Watch, 28 February <http://www.isn.ethz.ch/news/sw/details.cfm?ID=17302> – Accessed 12 March 2007.
23. Joubert-Ceci, Bertha 2007, 'Uribe's ties to Colombia death squads exposed', Workers World website, 4 March <http://www.workers.org/2007/world/colombia-0308/> – Accessed 12 March 2007.

24. US Department of State 2005, *Appendix B – Background Information on Designated Foreign Terrorist Organizations*, 31 March.
25. Sierra, Alvaro 2006, 'The end or the beginning?', *BBC Monitoring Alert*, source: *Cambio*, 24 April. (CISNET Colombia CX152098)
26. International Crisis Group 2006, *Uribe's Re-election: Can the EU help Colombia develop a more balanced peace strategy?*, 8 June.
27. US Office on Colombia et al 2006, *Post-Election Colombia*, 30 May http://www.usofficeoncolombia.org/FINAL_hill_drop_May_30.pdf – Accessed 12 March 2007. 12 March 2007.
28. Harris, Caleb 2007, 'Paramilitaries reemerge in pockets of Colombia', *Christian Science Monitor*, 12 March <http://www.csmonitor.com/2007/0312/p04s01-woam.htm> – Accessed 12 March 2007.
29. Bronstein, Hugh 2007, 'Colombian paramilitaries rearming after peace deal', *Reuters*, 10 February <http://www.alertnet.org/thenews/newsdesk/N10249202.htm> – Accessed 12 March 2007.
30. Amnesty International 2005, *The Paramilitaries in Medellin: Demobilization or Legalization*, September, AMR 23/019/2005.
31. Human Rights Watch 2007, 'Colombia: Murders Undermine Credibility of Paramilitary Demobilization', 1 February <http://hrw.org/english/docs/2007/02/01/colomb15246.htm> – Accessed 6 February 2007.
32. Amnesty International 2007, 'Colombia: Latest killing of human rights defenders throws controversial paramilitary demobilization process into further doubt', 2 February, AMR23/002/2007 <http://web.amnesty.org/library/Index/ENGAMR230022007?open&of=ENG-COL> – Accessed 12 March 2007.
33. 'Panel says Colombia must do more to protect militia victims' 2007, *EFE News Services*, 2 February, Calibre website <http://calibre.mworld.com/m/m.w?lp=GetStory&id=240193461> – Accessed 13 March 2007.
34. RRT Country Research 2007, *Research Response COL31199*, 13 February.
35. Connolly, Tess 2007, Email 'Re: New Amnesty report' 21 March.