



COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

COLOMBIA

16 JULY 2008

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1. Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on Colombia has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 16 July 2008.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UKBA users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Colombia is also provided. Please note this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service

UK Border Agency

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Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- vii The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI welcomes all feedback on the UKBA's Key Documents, COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- viii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this

particular document. At the following link is a list of the COI Key Documents, COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html

- ix Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Background information on Colombia

- 2.01 **Area:** 1,141,748 sq km
Population: 42,090,503
Capital City: Bogotá (population: 6.9 million)
People: Colombia is an ethnic melting pot in which some 60% acknowledge that they have mixed Spanish/indigenous roots, 20% claim direct European descent, 18% are of Afro-Colombian origin, and 2% belong to indigenous communities. There are tiny Christian and Muslim Arab minorities, small and declining Jewish communities in the major cities, and a small group claiming Romany roots.
Language: Spanish with some isolated pockets where indigenous languages remain in use.
Religion: Predominantly Roman Catholic, with some evangelical influences in parts of the country.
Currency: Peso.
Major political parties: The 2 major political parties are the Liberals and the Conservatives. President Uribe stood for the 'Primero Colombia' movement (dissident Liberal). In addition, there are the following parties: Polo Democrático, Movimiento Cristiano, Movimiento Nacional Progresista (MNP) and recently some small independent parties are emerging. The Conservatives opted not to field a candidate in the 2002 Presidential elections.
Government: Democratically elected representative system with a strong executive.
Legislature: Bicameral Congress; 102 member Senate and 165 member Chamber of Deputies are both directly elected for 4-year terms.
Head of State: President Alvaro Uribe Vélez
Foreign Minister: Fernando Araujo Perdomo
Membership of international groupings/organisations: Colombia is a member of the Andean Community, UN, G3, Organisation of American States (OAS), Latin American Integration Association (ALADI), Latin American Economic System (SELA), Association of Caribbean States (ACS), the Caribbean Development Bank, Andean Development Corporation (CAF), and the Inter-American Development Bank (AIDB) amongst others. (Foreign & Commonwealth Office (FCO) Country Profile on Colombia, 22 April 2008) [9a]

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GEOGRAPHY

- 2.02 The website of Europa World, accessed on 19 June 2008, noted, "The Republic of Colombia lies in the north-west of South America, with the Caribbean Sea to the north and the Pacific Ocean to the west. Its continental neighbours are Venezuela and Brazil to the east, and Peru and Ecuador to the south, while Panama connects it with Central America". [27a]
- 2.03 The FCO Country Profile on Colombia, updated on 22 April 2008, recorded:
"Colombia lies entirely within the tropics, but climate and land use vary greatly according to altitude, ranging from the arid low-lying Guajira peninsula in the north-east and tropical lowlands of the Caribbean and Pacific coasts, to the bleak pastures of the Andean páramo (high moorlands). The Andes' western,

central and eastern cordilleras (mountain ranges) run parallel south-west to north-east. The physical geography means that large areas are very sparsely populated.” [9a]

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MAP



Colombia Atlas Map

As of April 2007

FICSS in DOS

Field Information and Coordination Support Section
Division of Operational Service

Email: mapping@unhcr.org



[14b] <http://www.unhcr.org/publ/PUBL/47b069e72.pdf>

RECENT HISTORY

- 2.04 The Central Intelligence Agency (CIA) World Factbook, updated on 15 July 2008, recorded:

“A 40-year conflict between government forces and anti-government insurgent groups and illegal paramilitary groups - both heavily funded by the drug trade - escalated during the 1990s. The insurgents lack the military or popular support necessary to overthrow the government, and violence has been decreasing since about 2002, but insurgents continue attacks against civilians and large swaths of the countryside are under guerrilla influence. More than 32,000 former paramilitaries had demobilized by the end of 2006 and the United Self Defense Forces of Colombia (AUC) as a formal organization had ceased to function. Still, some renegades continued to engage in criminal activities. The Colombian Government has stepped up efforts to reassert government control throughout the country, and now has a presence in every one of its administrative departments. However, neighboring countries worry about the violence spilling over their borders.” [4a]

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RECENT EVENTS AND POLITICAL DEVELOPMENTS

- 2.05 The FCO Country Profile on Colombia, updated on 22 April 2008, noted:

“President Alvaro Uribe's stated focus upon first taking office in 2002 was security, drug interdiction and economic reforms in the form of a National Development Plan. The Plan includes reforms to the political system, justice and public administration.

“Security policy under President Uribe is based on a number of strands, including an increase in manpower and funding for the police and armed forces; the expansion of state presence to every municipality in the country; the establishment of units of 'peasant soldiers'; and a strategy – known as 'Plan Patriota' – to challenge the FARC in its strongholds in the south of the country.

“The government began discussions with the AUC paramilitary group in July 2003 and on 18 April 2006, after 3 years of negotiation, announced that the demobilisation process of the AUC had been completed. 35,000 paramilitaries formally demobilised as part of the Law for Justice and Peace (LJP) process. The LJP gives generous concessions to illegal armed fighters who voluntarily decide to demobilise, which has led its detractors to dub it the 'Law of Impunity', whilst others believe it strikes the right equilibrium required to obtain both justice and peace. In mid May 2006 the Constitutional Court tightened up some of the provisions of the LJP, particularly those areas relating to the rights of the victims.

“More recently, a series of scandals has enveloped Congress, with a number of senior figures having been charged, or put under investigation, for links with the now dismantled AUC paramilitary group.

“President Alvaro Uribe secured a second, 4-year term in elections held on 28 May 2006. It was the first time for over 100 years that a sitting President had been able to be run for office for a second successive term.

“Regional and municipal elections took place on 28 October [2007]. The opposition Polo Democratico party won the mayorship in Bogota. However, President Uribe’s party consolidated their position winning 17 out of 32 seats.” [9a]

- 2.06 In December 2006 detained paramilitary leaders said they were pulling out of the peace process but the government stated that the demobilisation of right-wing groups would continue. During June 2007 the government released dozens of jailed Armed Revolutionary Forces of Colombia (FARC) guerrillas hoping that rebels would respond by releasing hostages. However, FARC rejected the move, and said it would only free hostages if the government pulled back troops and set up a demilitarised zone. The following month hundreds of thousands of people protested in Bogota against kidnappings and conflict in the country. (BBC News, Timeline: Colombia, updated 3 July 2008) [2b]
- 2.07 Hostage release talks began again in July 2007 with the Venezuelan President, Hugo Chavez, acting as a mediator. In January 2008 FARC released two high profile hostages as a result of Mr Chavez’s mediation. But in March Colombia military forces undertook a cross-border strike in Ecuador, killing a senior FARC rebel, Raul Reyes. This set-off a diplomatic crisis with Ecuador and Venezuela cutting diplomatic ties and sending troops to their borders. (BBC News, Timeline: Colombia, updated 3 July 2008) [2b]
- 2.08 In May 2008 FARC announced the death of its leader and founder, Manuel Marulanda. This was followed in early July 2008 by the Colombia army’s rescue of FARC’s highest profile hostage, Ingrid Betancourt, who was released along with 15 other hostages. (BBC News, Timeline: Colombia, updated 3 July 2008) [2b]

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ECONOMY

- 2.09 **GDP:** US\$139 billion (est 2007)
GDP per head: US\$2,730 (est 2006)
Annual Growth: 7% (2007) (CIA World Factbook, 15 July 2008) [4a]
Inflation: 5.7% (est 2007)
Unemployment: 11% (2007)
Major Industries: Oil, Mining, Construction, Financial Sector, Agriculture, Manufacturing and Transport
Major trading partners: US, Venezuela, other Andean Countries, Mexico, Brazil, EU and China. (All FCO Country Profile, 22 April 2008, except Annual Growth) [9a]
- 2.10 The CIA World Factbook, updated on 15 July 2008, recorded:
- “Colombia's economy has experienced positive growth over the past five years despite a serious armed conflict. In fact, 2007 is regarded by policy

makers and the private sector as one of the best economic years in recent history, after 2005. The economy continues to improve in part because of austere government budgets, focused efforts to reduce public debt levels, an export-oriented growth strategy, improved domestic security, and high commodity prices. Ongoing economic problems facing President Uribe include reforming the pension system, reducing high unemployment, and funding new exploration to offset declining oil production. The government's economic reforms and democratic security strategy, coupled with increased investment, have engendered a growing sense of confidence in the economy. However, the business sector continues to be concerned about failure of the US Congress to approve the signed FTA." [4a]

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3. Human Rights

OVERVIEW

- 3.01 The US State Department's Country Report on Human Rights Practices in 2007 (USSD Report 2007), published on 11 March 2008, noted:

“Although serious problems remained, the government's respect for human rights continued to improve, which was particularly evident by progress in implementing the Justice and Peace Law. The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with new illegal groups and paramilitaries who refused to demobilize; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary arrest; high number of pretrial detainees, some of whom were held with convicted prisoners; impunity; an inefficient judiciary subject to intimidation; harassment and intimidation of journalists; unhygienic conditions at settlements for displaced persons, with limited access to health care, education, or employment; corruption; harassment of human rights groups; violence against women, including rape; child abuse and child prostitution; trafficking in women and children for the purpose of sexual exploitation; societal discrimination against women, indigenous persons, and minorities; and illegal child labor.” [16a] (Introduction to Colombia)

- 3.02 The same sourced added in its introductory section:

“Government steps to improve the human rights and security situation showed demonstrable results. Government statistics indicated that during the year there were decreases in massacres (34 percent) and kidnappings (29 percent). The Justice and Peace Law process helped clarify more than 3,000 crimes and led to the exhumation of 1,196 remains in 1,009 mass graves. The Supreme Court and prosecutor general's investigations of links between politicians and paramilitary groups implicated 52 congressman, 11 governors, and 19 mayors, a number of whom were in jail at year's end.” [16a] (Introduction to Colombia)

- 3.03 Amnesty International's Report 2008, covering events from January to December 2007, published in May 2008, stated:

“The continuing conflict between army-backed paramilitaries, guerrilla groups and the security forces resulted in serious human rights abuses, especially in some regions and in rural areas. All parties to the 40-year-old conflict committed violations of international humanitarian law (IHL), including war crimes and crimes against humanity. However, fewer civilians were killed than in recent years. People continued to be kidnapped, with guerrilla groups responsible for most conflict-related cases, but there were fewer reported cases than in previous years.” [1a]

- 3.04 In its World Report 2008, published on 31 January 2008, Human Rights Watch recorded:

“Colombia's internal armed conflict continues to result in widespread abuses by irregular armed groups, including both left-wing guerrillas and paramilitaries

who remain active. Targeted killings, forced disappearances, use of antipersonnel landmines, recruitment of child combatants, and threats against trade unionists, human rights defenders, and journalists remain serious problems. Due to the abuses, Colombia has the second largest population of internally displaced persons in the world.

“Colombia’s public security forces also engage in abuses, and in recent years there has been an alarming increase in reports of extrajudicial executions of civilians by the military. Most cases involving violations of human rights and international humanitarian law are never solved. Thanks to investigations by its Supreme Court, Colombia has begun to make progress in uncovering longstanding links between paramilitaries and high-ranking national political figures. Nonetheless, on several occasions in 2007 the administration of President Álvaro Uribe took steps that threatened to undermine this progress.” [10a]

- 3.05 The FCO Human Rights Annual Report 2007, published in March 2008, stated:

“We continue to be concerned about the human rights situation. Control of the illegal drugs trade is a major driver of the decades-long internal armed conflict. Ordinary Colombians continue to bear the brunt of the conflict, with human rights defenders, trade unionists, journalists, teachers and indigenous communities the targets of threats, intimidation, kidnappings, murders and forced displacement. We welcome efforts made by the government of President Alvaro Uribe to address the serious human rights situation. It is right to recognise that the government is taking steps to tackle the interconnected problems of the drugs trade and human rights abuses. There has been progress over the last four years on human rights. But Colombia still has a long way to go in solving its problems. We agree with the 2006 report from the Office of the UN High Commissioner for Human Rights (UNHCHR) that most human rights abuses are committed by illegal armed groups.” [9b]

(Further information on human rights abuses committed by FARC, ELN, AUC and other armed groups is provided in the section below on [Armed Groups](#))

JUDICIARY

- 3.06 A report on Judicial Systems in the Americas 2006-2007: Colombia, undated, by the Justice Studies Center of the Americas (JSCA), recorded:

“Colombia’s judicial system is composed of the Judicial Branch, which includes the Public Prosecutor’s Office (Fiscalía General de la Nación), the Ministry of the Interior and Justice, the Public Defender’s Office (Dirección Nacional de Defensoría Pública de la Defensoría del Pueblo), the Public Ministry (Ministerio Público), the Attorney General’s Office (Procuraduría General de la Nación), the Ombudsman’s Office (Defensoría del Pueblo), municipal officials, the National Police, and private citizens authorized to administer justice (conciliators, arbitrators and jurors in criminal trials).

“According to the Constitution, the justice administration is an essential public service whose functions are decentralized and divided among judicial districts, circuits, and municipalities.” [20a] (p 134)

- 3.07 The USSD Report 2007, published on 11 March 2008, stated, “The civilian justice system is composed of four functional jurisdictions: civil, administrative, constitutional, and special. The civil jurisdiction is the largest and handles all criminal, civil, labor, agrarian, and domestic cases involving nonmilitary personnel. The Supreme Court of Justice is the highest court within the civil jurisdiction and serves as its final court of appeal.” The military justice system investigates and prosecutes “active duty military and police personnel for crimes ‘related to acts of military service’” and “consists of 44 military courts and the Supreme Military Tribunal, which serves as the court of appeal for all cases tried in military courts. The Supreme Court of Justice serves as a second court of appeal for cases in which sentences of six or more years in prison are imposed.” [16a] (Section 1e)
- 3.08 The Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, dated 29 February 2008, stated:
- “Structural problems persist in the administration of justice. These include the underreporting of crimes to the authorities, the difficulties of access to the judicial system, the insufficiency of funds and technological resources (despite increased budgets), the lack of uniform criteria in the application of the law, the high workload of judges and prosecutors, the slow pace of proceedings, and cases of corruption. During 2007 some progress was made in opening up channels to combat impunity, particularly in judicial proceedings under Law 975/2005 against demobilized paramilitary leaders whose depositions represent a first step in clarifying past events. Investigations have also been undertaken by the Supreme Court and the Attorney General’s Office against high-level civilian and military officials for alleged links with paramilitary groups and corruption.” [30a] (p7-8)
- 3.09 The USSD Report 2007, published on 11 March 2008, noted:
- “While the law provides for an independent judiciary, much of the judicial system was overburdened, inefficient, and hindered by subornation and intimidation of judges, prosecutors, and witnesses. In these circumstances, impunity remained a serious problem. The Supreme Judicial Council (CSJ) reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees.
- “Judicial authorities frequently were subjected to threats and acts of violence. According to the National Association of Judicial Branch Employees and the Corporate Fund of Solidarity with Colombian Judges, no judicial branch employees were killed, but 63 received threats against their lives. Unlike the previous year, no employee was kidnapped, ‘disappeared,’ or obliged to leave the country in self-imposed exile because of death threats. Unlike in previous years, judges and prosecutors assigned to small towns did not need to work out of departmental capitals due to security concerns. Although the Prosecutor General’s Office ran a witness protection program for witnesses in criminal cases, witnesses who did not enroll in the program remained vulnerable to intimidation, and many refused to testify.” [16a] (Section 1e)
- 3.10 In its Report on Judicial Systems in the Americas 2006-2007: Colombia, undated, the JSCA noted:

“Law 906, passed August 31, 2004, brought into being the new Criminal Procedure Code that established the structure of the new criminal procedure process in Colombia. Under the former criminal system, cases were resolved in an average of 968 days. The new adversarial criminal system aims to allow prosecutors and investigators to resolve cases in less than seven months, from the preliminary inquiry through the investigation and trial. Under the new system’s preliminary inquiry phase, the Public Prosecutor’s Office and the Judicial Police obtain evidence and information on the perpetrator or the crime. The Public Prosecutor’s Office then formulates charges before a supervisory judge in preliminary proceedings (juez de control de garantías) and the defense initiates its participation in the criminal process. In formulating charges, the prosecutor may ask the judge to order constitutionally valid safeguards and/or precautionary measures as required, once the defendant is in custody. The nature of custody may also be supervised by this judge. The supervisory judge also may order measures to restrict any other basic right of the defendant or others involved in the case. Exceptions to this rule are inspections, searches, wire-tapping and impoundment, which prosecutors are constitutionally permitted to order themselves, with the judge exercising post-facto control. Once the indictment is issued, the prosecutor has 30 days in which to choose to bring charges before the corresponding trial judge, withdraw charges before the same judge, or reach a plea bargain agreement.

“In the first case, the prosecutor brings the charges against the defendant before the trial judge, thus initiating the trial, which begins with the presentation of evidence by the prosecution and the defense. The judge must ensure that this stage is as comprehensive as possible. The discovery hearing concludes with the date, time and location set for the preliminary hearing. Observations are made by both the prosecutor and the defense on the discovery or inadmissibility of evidence which is screened for use in the trial.

“During the oral trial, the prosecutor and the defense present arguments, evidence, witnesses and expert evidence through examination and cross-examination. After the prosecutor’s summation, the judge has two hours in which to issue a verdict, which may be acquittal or conviction. In the latter case, the judge hears arguments from both parties in regard to severity of the sentence to be issued, which will be taken into consideration in the final ruling to be issued within the following fifteen days. The ruling may be appealed before a second instance. A motion to appeal must be filed within ten days after the ruling.” [20a] (p 148)

PRISON CONDITIONS

- 3.11 In its Report on Judicial Systems in the Americas 2006-2007: Colombia, undated, the JSCA noted:

“The National Penitentiary and Prison Institute (Instituto Nacional Penitenciario y Carcelario, INPEC) is responsible for prison administration in Colombia. This entity is part of the Executive Branch’s Ministry of the Interior and Justice. INPEC is currently responsible for 139 penitentiaries and prisons, classified as follows: prison farm, high and medium security, women’s prison, and special custody. The prison system development policy and strategy is managed through six regional offices that cover all correctional establishments in the country. In January 2007, Colombia had 142.28 persons in custody per

100,000 inhabitants, or 6.7% less than in 2004. Of the total prison population, 32.18% were in pretrial custody, 25% less than in 2004. Over the same period (2004-2007) the overcrowding rate dropped 59%.” [20a]

3.12 The USSD Report 2007, published on 11 March 2008, noted:

“With the exception of new facilities, prison conditions were poor, particularly for prisoners without significant outside support. The National Prison Institute (INPEC) runs the country's 141 national prisons and is responsible for inspecting municipal jails. Overcrowding, lack of security, corruption, and an insufficient budget remained serious problems in the prison system. As of September, more than 62,600 prisoners were held in facilities designed to hold fewer than 52,600; overcrowding rates exceeded 66 percent in 11 installations. Many of INPEC's 8,881 prison guards and administrative staff were poorly trained; The NGO Committee in Solidarity with Political Prisoners (CSPP) noted a continued decrease in corruption in the prison system resulting from improved training, increased supervision, and more accountability for prison guards.” [16a] (Section 1c)

3.13 The same report stated:

“Constrained budgets aversely [sic] affected prison conditions. An October [2007] report by the Inspector General's Office on Combita Prison found violations of health standards, such as a lack of potable water and a proliferation of insects and rodents. INPEC spent \$2.23 dollars (4,459 pesos) per day on each inmate for food. Private sources continued to supplement food rations of many prisoners. CSPP reported that there were 315 patients per doctor in the prisons.

“INPEC reported that, from January 1 to July 31 [2007], there were seven violent deaths among inmates related to fighting and riots. From January to July [2007], there were 11 riots at various penal institutions. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. According to the Supreme Judicial Council, there were no judgments for excessive force made against prison guards during the year.” [16a] (Section 1c)

3.14 The report also noted:

“Pretrial detainees were held with convicted prisoners. Minors were not held with adults; however, minor children of female prisoners were able to stay with their mothers in some cases.

“The government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year. The FARC [Revolutionary Armed Forces of Colombia] and ELN [National Liberation Army] continued to deny the International Committee of the Red Cross (ICRC) access to police and military hostages... The government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism in what the groups claimed were harassment tactics by the government against human rights advocates. During the year there were 2,298 prisoners accused of rebellion or aiding and abetting

insurgence. The government provided the ICRC access to these prisoners.”
[16a] (Sections 1c and 1e)

- 3.15 The Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, dated 29 February 2008, stated:

“According to official data, overcrowding in prisons has reached an average of 20.6 per cent, and the situation is much worse in some establishments. The Government intends to build 11 new prisons during its remaining two and a half years of office. The current situation requires additional efforts and measures to meet the basic needs of prisoners, such as health, food, sanitation, legal advice and expert assistance, and others such as family visits, education and work projects. Steps already taken to implement an educational model and work training should be extended to a greater number of inmates. The continuing need for differential treatment of women prisoners, indigenous people, Afro-Colombians, lesbian, gay, bisexual, and transgender persons (LGBTs) and AIDS sufferers within the prison system is still a matter of concern.” [30a]

ARMED GROUPS

FARC AND ELN

- 3.16 In its World Report 2008, published on 31 January 2008, Human Rights Watch recorded:

“Both FARC [Revolutionary Armed Forces of Colombia] and ELN [National Liberation Army] guerrillas continue to engage in abuses against civilians. The FARC’s widespread use of antipersonnel landmines has resulted in a dramatic escalation in new reported casualties from these indiscriminate weapons in recent years. The FARC also continues regularly to engage in kidnappings. In June 2007, the FARC announced that 11 congressmen from the state of Valle del Cauca that it had been holding for more than five years had been shot to death while under their control. The government announced in June that it was unilaterally releasing hundreds of FARC members, as well as Rodrigo Granda, a senior FARC leader, from prison to encourage the FARC to release hostages.” [10a]

- 3.17 The USSD Report 2007, published on 11 March 2008, noted:

“The FARC and ELN committed the following human rights abuses: political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens’ privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists... FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. In many areas of the country, the 9,500-member FARC and the 2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle, Cauca, and Narino

departments, they fought each other. Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide. The entire FARC secretariat was convicted in November [2007] in absentia for the 1998 massacre in Billar, Caqueta. The Presidential Program for Human Rights reported that during the year the FARC killed at least 17 persons in three massacres, while another 111 persons were killed in massacres in which the perpetrators remained unidentified. There were several FARC massacres of public security forces. The Presidential Program for Human Rights reported that between January and October [2007], the FARC had killed 65 members of the public security forces and the ELN had killed four.” [16a] (Introduction to Colombia and Section 1g)

3.18 On 9 April 2008 the Canadian Immigration and Refugee Board (IRB) recorded:

“According to the February 2008 statement by Amnesty International (AI) to the 7th session of the United Nations (UN) Human Rights Council, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) continue to violate human rights and international humanitarian law... AI noted as examples the killing of civilians and the taking of hostages... The Free Country Foundation (Fundación País Libre), a Colombian organization that provides support for kidnapping victims and their families, noted 456 kidnappings in 2007... It did not identify any of the perpetrators, but stated that the victim profiles have changed: the middle class is now being targeted, whereas the elite were targeted in the past... Although the number of kidnappings has decreased, the High Commissioner for Human Rights stated in her 29 February 2008 report on the situation in Colombia that the systematic kidnapping [by FARC] and the prolonged captivity of hostages are a matter of grave concern... As of February 2008, ‘[f]ighting continues between [FARC] and ELN in the departments of Arauca, Cauca and Nariño, and this has led to an increase in the number of murders.’” [31]

AUC AND NEW ILLEGAL ARMED GROUPS

3.19 The USSD Report 2007, published on 11 March 2008, noted:

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

intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.” [16a] (Introduction to Colombia)

- 3.20 In its World Report 2008, published on 31 January 2008, Human Rights Watch recorded:

“The Colombian government continues to claim that, thanks to its demobilization program, paramilitaries no longer exist. Both the Organization of American States and the Office of the UN High Commissioner for Human Rights in Colombia reported in 2007 that mid-level paramilitary commanders continue to engage in criminal activity and recruitment of new troops. The Inter-American Commission on Human Rights noted in a 2007 report that while over 30,000 individuals may have gone through demobilization ceremonies, some may not have been paramilitaries at all, but persons who played the role to access government stipends... Victims of paramilitaries who speak about their experiences are also threatened and sometimes killed. Mrs. Yolanda Izquierdo, for example, a mother of five who led a group of 700 paramilitary victims who were demanding the return of land that paramilitaries had stolen from them, requested government protection after receiving repeated threats to her life. The protection was never provided. In February, 2007, she was shot to death in front of her house. The Colombian Ministry of Interior has a protection program, established with US funding, for journalists, trade unionists, and others who are under threat. The program does not cover victims of paramilitaries who present claims in the context of the demobilization process. In October 2007 the government announced that, pursuant to a Supreme Court ruling, it would create a victim protection program.” [10a]

- 3.21 On 15 April 2008 the Canadian IRB recorded:

“Approximately 30,000 Colombian paramilitaries had been demobilized by the end of the official demobilization process in March 2006... According to a 30 May 2006 article in *Libération*, the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) surrendered more than 15,000 weapons and dismantled most of its military structures... However, according to the Washington Office on Latin America (WOLA), ‘[o]ne of the main problems with the demobilization process is that these illegal structures have not been fully dismantled’... As the International Crisis Group reports, ‘new armed groups are emerging that are more than the simple ‘criminal gangs’ that the government describes’... These groups are reportedly still under the authority of former leaders and other former mid-level AUC commanders and officers, who are now acting as articuladores (combatants who did not heed the government's call to comply with the Justice and Peace Law)... According to the United Nations (UN), ‘[t]hese groups are heavily armed, have a military organization and responsible leaders, and have the capacity to control territory and to conduct military operations against other armed actors’... However, the International Crisis Group does not share this view, reporting instead that these groups ‘do not yet have the AUC's organisation, reach and power’... The International Crisis Group also reports that new armed groups and drug trafficking organizations have established relations with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) and with the National Liberation Army (Ejército de Liberación Nacional, ELN).” [3n]

- 3.22 The Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, dated 29 February 2008, stated:

“The structures, interests and modus operandi of these groups [new illegal armed groups] are not homogeneous, and the use of identical terms to describe them often conceals a wide variety of different activities, aims and alliances. However, whatever their denomination, they remain a legitimate source of concern because they continue to inflict violence on the civilian population, for example, in the Departments of Chocó, Valle del Cauca, and Putumayo. The extensive use of the name Aguilas Negras (Black Eagles) by several of the existing groups, although they apparently do not belong to a single structure, has created confusion and has occasionally enabled these groups to divert attention from their real importance. For this reason, the simple description of these new structures as ‘criminal gangs’, does not take into account the complexity, variety and plurality of the phenomenon and the danger it implies. Official figures report that the armed forces killed more than three times as many members of such groups in 2007 as they did in 2006.”
[30a] (p 14)

- 3.23 The same report continued:

“Many of these [new] groups have been engaged exclusively in illegal activities which imply a control of territory and of the population, such as drug-trafficking, extortion, security-related actions, racketeering and other illegal activities. These have often led to violent disputes among the criminals themselves. Their activity is making a noticeable impact on the population in the form of murders, massacres, acts of ‘social cleansing’, death threats and child recruitment, evidencing the need for ever greater efforts by the authorities to combat these new groups and investigate their possible links with public servants and local government officials. Likewise, the economic influence of these groups tends to encourage corruption amongst authorities.”
[30a] (p 15)

- 3.24 A report by the International Crisis Group, dated 10 May 2007, recorded:

“The government’s response to the threat [of the new illegal armed groups] has been insufficient, limited to treating it as a law enforcement matter, mainly the responsibility of the police, who have instituted a special plan and a special ‘search unit’ to deal with what they generically label ‘criminal gangs’ (bandas criminales). This has not stopped the groups from spreading across the country. In some regions the security forces do not cooperate with each other and show low commitment to fight the new groups.” **[31a] (Executive Summary and Recommendations)**

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