

Document #2060104

IRB – Immigration and Refugee Board of Canada

Colombia: Targets of criminal groups, particularly the Gulf Clan (Clan del Golfo) [also known as the Gaitanista Self-Defence Forces of Colombia (Autodefensas Gaitanistas de Colombia, AGC), Los Urabeños, Clan Úsuga], the National Liberation Army (Ejército de Liberación Nacional, ELN), Los Pachenca, and Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) [or Revolutionary Armed Forces of Colombia—People's Army (Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo, FARC-EP)] dissidents; methods and ability of these groups to track their targets across the country; state protection (2019–June 2021) [COL200703.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

For information on the Gulf Clan, the ELN, Los Pachenca, and FARC dissidents, including their areas of operation and relations between them, see Response to Information Request COL200696 of July 2021. According to the US Department of State's *Country Reports on Human Rights Practices for 2020*, illegal armed groups such as the ELN as well as FARC dissidents and drug trafficking gangs were "significant perpetrators of human rights abuses and violent crimes," including

extrajudicial and unlawful killings, extortion, and other abuses, such as kidnapping, torture, human trafficking, bombings, restriction on freedom of movement, sexual violence, recruitment and use of child soldiers, and threats of violence against journalists, women, and human rights defenders. (US 30 Mar. 2021, 1–2)

Human Rights Watch (HRW) reports that in 2020, "civilians in various parts of the country suffered serious abuses at the hands of" the ELN, FARC dissidents, and "paramilitary successor groups," and that "[h]uman rights defenders, journalists, indigenous and Afro-Colombian leaders, and other community activists face pervasive death threats and violence" (HRW 13 Jan. 2021, 175). According to sources, resource-rich areas [and drug-trafficking routes (Freedom House 3 Mar. 2021)] are "particularly" unsafe (Amnesty International 8 Oct. 2020; Freedom House 3 Mar. 2021), especially for those "defending human rights, territory and natural resources" (Amnesty International 8 Oct. 2020). A report by the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP) states that 2021 had the "most violent start" of any year since the peace accord was signed [in 2016] (Colombia 26 Jan. 2021). The same source adds that between 1 and 24 January 2021, one social leader was killed every 41 hours and there were

- 14 [translation] "armed confrontations" between criminal groups and security forces
- 13 cases of death threats against community leaders
- 6 "massacres"
- 5 former FARC combatants murdered
- 14 community leaders killed
- 3 instances of harassment
- 7 "armed confrontations" between "illegal groups" (Colombia 26 Jan. 2021).

2. Targets of Criminal Groups

In a telephone interview with the Research Directorate, a senior analyst for Colombia at International Crisis Group stated that "[i]n general," criminal groups target those they see as an "annoyance" or "obstacle" to their economic goals in an area (Senior Analyst 8 July 2021). The same source provided

an example, stating that the Gulf Clan "may target an entire village" if the community is on a "strategic" drug route (Senior Analyst 8 July 2021). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Senior Analyst indicated that if the "annoyance or obstacle is removed," the group may or may not track the individual (Senior Analyst 8 July 2021). According to sources, criminal groups are more likely to track individuals who have a "high profile" or "continue to advocate for their communities" after being "displaced" (Senior Analyst 8 July 2021) or leaders, people who are "more likely to express their opinions," or those who are "more capable" of "infring[ing]" on the group's interests, for example by "encroach[ing] on their territories" or "limiting their operations" (Professor 12 July 2021). The Senior Analyst gave the example of a female human rights defender from Tolima who had experienced sexual violence, resettled in Bogotá, and was tracked because she "maintain[ed] her public profile" and was talking to the media about events in her community (Senior Analyst 8 July 2021).

According to *US Country Reports 2020*, kidnappings by FARC dissidents and the ELN "continued" in 2020 (US 30 Mar. 2021, 14). A report published in early 2020 by the US Overseas Security Advisory Council (OSAC) further indicates that although "government efforts have dramatically reduced the number of kidnappings over the last ten years," kidnapping "remains a concern" (US 13 Mar. 2020). According to a July 2019 article by Colombia Reports, a non-profit news publication website out of Colombia (Colombia Reports n.d.), kidnapping "continues to be used for extortion purposes by small, organized crime groups" (Colombia Reports 20 July 2019). Freedom House reports that in 2020, former FARC combatants "public[ly] acknowledge[d]" that "guerrillas" had engaged in kidnapping (Freedom House 3 Mar. 2021). A January 2021 press release from the Office of the Ombudsman (Defensoría del Pueblo) indicates that in 2020 kidnappings increased by [translation] "at least" 252 percent compared to 2019; these occurred "particularly" in Catatumbo due to conflict between the ELN and the Popular Liberation Army (Ejército Popular de Liberación, EPL) as well as in the Baudó y Pacífico Chocoano subregion due to "clashes" between the ELN, FARC dissidents and the Gulf Clan (Colombia 7 Jan. 2021). *US Country Reports 2020*, citing the [Colombian] Ministry of Defence, reports 13 kidnappings from 1 January to 30 June 2020, 5 of which were "attributed to the ELN" (US 30 Mar. 2021, 14).

2.1 Social Leaders and Human Rights Defenders

According to International Crisis Group, "grassroot leaders" in Colombia are facing "a rising tide of attacks" in advocating for the rights of "conflict-stricken" communities (International Crisis Group 5 Oct. 2020). An article by the Institute for Peace and Development Studies (Instituto de Estudios para el Desarrollo y la Paz, Indepaz), an NGO that promotes peacebuilding in Colombia (Indepaz n.d.), states that [translation] "death threats" against leaders and organizations promoting peace and human rights "continue to be a common practice" (Indepaz 21 Apr. 2021). According to Freedom House, advocates for land rights, victims' rights, and ethnic and Indigenous rights are "among the most frequent[ly]" killed (Freedom House 3 Mar. 2021). The Office of the UN High Commissioner for Human Rights (OHCHR) reports "register[ing]" [1] 133 human rights defenders killed in 2020 (UN 17 Mar. 2021, para. 21). According to Indepaz, 79 social leaders and human rights defenders were killed between January and June 2021 (Indepaz 21 June 2021).

OHCHR indicates that criminal groups, including FARC dissidents and the ELN, are among those responsible for the killings (UN 17 Mar. 2021, para. 23). According to International Crisis Group, "figures kept by prosecutors suggest" that 59 percent of murders can be "attributed to identifiable armed groups" and that FARC dissidents and members of the ELN and criminal groups, "some of them outgrowths of disbanded paramilitary forces, are prominent among the suspects in these crimes" (International Crisis Group 6 Oct. 2020, i). A report by the Colombian Observatory of Organized Crime (Observatorio Colombiano de Crimen Organizado, OCCO) [2] finds that of 465 "social leaders murdered" between 2016 and 2019, 293 were killed in municipalities with "one or more paramilitary successor groups," while 240 were killed in municipalities with a FARC dissident presence and 211 were killed in municipalities with ELN presence (OCCO Nov. 2020, 28).

According to International Crisis Group, the "vast majority of killings occur in areas long affected by conflict," including Antioquia, Cauca, and Chocó (International Crisis Group 6 Oct. 2020, i). OHCHR reports that, in 2020, human rights defenders were killed "primarily in areas with insufficient State presence," adding that

72 per cent of cases occurred in Cauca, Chocó, Norte de Santander, Putumayo and Valle del Cauca; 77 per cent in rural areas; 91 per cent in municipalities with high levels of multidimensional poverty; 94 per cent in municipalities where the homicide rate points to the existence of endemic violence; 96 per cent in municipalities where illicit economies flourish; and 85 per cent in departments where the United Nations Office on Drugs and Crime has identified enclaves of cocaine production. (UN 17 Mar. 2021, para. 22)

Sources indicate that Cauca is the department [or region] with the [translation] "highest number" of "social leaders" killed (BLU Radio 19 Apr. 2021; OCCO Nov. 2020, 27), with 28 percent of the country's total (BLU Radio 19 Apr. 2021). According to OCCO, Tumaco in Nariño department has the "largest number" at the municipal level (OCCO Nov. 2020, 27). BLU Radio, a Colombian radio station (iVoxx n.d.), states that killings in Cauca increased by 40 percent in 2020 due to the COVID-19 pandemic (BLU Radio 19 Apr. 2021). According to a May 2020 article, community activists from across Colombia told the BBC that pandemic-related restrictions on movement made them "even easier targets" (BBC 21 May 2020).

2.1.1 Minorities - Social Leaders and Human Rights Defenders

HRW reports that Indigenous leaders are "disproportionately represented" among human rights defenders who have been killed since 2016; according to data provided to HRW by OHCHR, 421 human rights defenders have been killed, of whom 69 (16 percent) were Indigenous (HRW 10 Feb. 2021). BLU Radio states that of the 271 leaders killed since 2016 in Cauca, 50.9 percent were Indigenous, 26 percent were *campesinos* (peasants), 11 percent were Afro-Colombian, and 4 percent were trade unionists (BLU Radio 19 Apr. 2021). According to Indepaz, the 310 social leaders and human rights defenders killed in 2020 included 113 indigenous leaders, 91 campesinos, 19 individuals of African descent, 11 trade unionists, 4 miners, 4 environmentalists, and 3 LGBTIQ+ individuals (Indepaz [Dec. 2020]).

2.1.2 Women Social Leaders and Human Rights Defenders

Sources state that female community leaders are "expose[d]" to violence from armed groups (BBC 21 May 2020) or face "particularly severe risks" (Carnegie Endowment 7 May 2020). Amnesty International notes that "black women [leaders] are increasingly at risk" in western Colombia, where the Afro-Colombian population is "concentrated" (Amnesty International 9 Jan. 2020). For further information on the situation of Afro-Colombians, including treatment by armed groups, see Responses to Information Requests COL200219 of May 2020 and COL200697 of August 2021. According to sources, the COVID-19 pandemic has had a "disproportionate impact on women rights activists" (BBC 21 May 2020) or has "reinforce[d] and intensifie[d] vulnerabilities for women social leaders" (Carnegie Endowment 7 May 2020). HRW, citing OHCHR, reports that 49 female human rights defenders have been killed since 2016, including 10 "documented" cases in 2018, 16 in 2019, and 5 in 2020, with an additional 10 cases being verified as of December 2020 (HRW 10 Feb. 2021).

2.2 Demobilized FARC Members

Sources indicate that ex-FARC combatants are "currently" the group "most at risk" (Senior Analyst 8 July 2021) or are being killed "in alarming numbers" (UN 14 Oct. 2020). Sources indicate that FARC dissidents aim to "[r]ecruit" demobilized FARC members into their "criminal networks" (Professor 12 July 2021) or "exhor[t]" them to "return to armed conflict" (InSight Crime 28 Oct. 2020). In a telephone interview with the Research Directorate, a professor at the Universidad de los Andes who studies armed conflict and peacebuilding in Colombia indicated that an ex-member who refuses [to join or rejoin a criminal network] may be attacked or killed (Professor 12 July 2021). According to InSight Crime, a non-profit think tank and media organization that studies organized crime in Latin America and the Caribbean (InSight Crime n.d.), "[r]eintegration process leaders who oppose such recruitment efforts ... become targets" (InSight Crime 28 Oct. 2020). The Senior Analyst similarly stated that ex-FARC combatants are "more likely" to be tracked by FARC dissident groups than the "general population" and that this is "most likely" in urban centres (Senior Analyst 8 July 2021).

Sources report that, [since the peace deal was signed in 2016], 238 ex-FARC members had been killed as of November 2020 (OCCO Nov. 2020, 13) or 276 as of April 2021 (Indepaz 21 Apr. 2021). The BBC, citing estimates from Colombia's Office of the Prosecutor General (Fiscalía General de la Nación), reports that 70 percent of "murders" of ex-FARC rebels were "committed" by the ELN, FARC dissidents and drug trafficking groups including the Gulf Clan (BBC 3 Nov. 2020).

The information in the following paragraph comes from OCCO's November 2020 report:

Municipalities where FARC dissident groups have a presence had "higher number[s] of ex-combatant murders" (192 killings in total). There were also 144 killings in municipalities with paramilitary successor groups and 121 killings in municipalities with ELN. The "majority" of the 238 people killed were "low rank[ing]"; "only" 20 were former commanders. Although "almost" 40 percent of FARC members were female, the "overwhelming majority" of the ex-combatants killed were male (OCCO Nov. 2020, 13, 14, 16, 20–21).

2.3 Indigenous Communities

According to sources, Indigenous communities have been "targeted by all sides" (Freedom House 3 Mar. 2021) or experience "frequent attacks" because they "defen[d]" the land and its natural resources (Amnesty International 8 Oct. 2020). An Agencia EFE (EFE) and BLU Radio article reports that in Cauca, FARC dissidents, the ELN, the Gulf Clan, and other criminal gangs [translation] "murder everyone who stands in their path," including Indigenous people protecting their territory (EFE and BLU Radio 9 June 2021). Freedom House states that in 2020, Indigenous communities in Chocó, Cauca, and Nariño experienced "increasing violence and displacement" from the ELN, FARC

dissidents, and "paramilitary successors" (Freedom House 3 Mar. 2021). *El Tiempo*, citing the Attorney General's Office, reports that 36 indigenous people were murdered by FARC dissidents between January and October 2019 in northern Cauca (*El Tiempo* 19 Oct. 2019). The victims were [translation] "mostly" members of the Indigenous Guard (Guardia Indígena) and, according to the Attorney General's sectional director in Cauca, were targeted due to the indigenous community's "opposition" of "illicit crops"; the community has captured "several" dissidents, and destroyed a "large amount" of weapons and drugs (*El Tiempo* 19 Oct. 2019). Citing an OHCHR spokesperson, a UN article reports that the Nasa community in northern Cauca is "[o]ne of the worst affected groups," with 66 members killed in 2020 (UN 15 Dec. 2020).

2.4 Children

According to Freedom House, child recruitment by illegal armed groups is a "serious proble[m]" and increased in 2020 (Freedom House 3 Mar. 2021). The OHCHR states that in 2019 the ELN "forc[ibly]" recruited children in Antioquia, Arauca, Caquetá, Chocó, Guaviare, Meta, and Norte de Santander (UN 8 May 2020, para. 84). The same source indicates that in 2020, children were "forc[ibly]" recruited in Antioquia, "allegedly" by the ELN, and in Caquetá, "allegedly" by a FARC dissident group (UN 17 Mar. 2021, para. 79). The source also reports that in 2019, 19 children were killed by "criminal groups" in Antioquia, Caquetá, Nariño, and Norte de Santander (UN 8 May 2020, para. 84). The same source recorded that two children were killed by criminal groups in 2020, one in Antioquia, and one in Norte de Santander, the latter allegedly by the ELN (UN 17 Mar. 2021, para. 79). An article by the Office of the Ombudsman indicates that between 17 March and 30 September 2020, 83 cases of [translation] "forced recruitment" of children and adolescents reported, as follows: in Caquetá (21), Cauca (19), Putumayo (8), Antioquia (7), Arauca (6), Chocó (4), Amazonas (3), Córdoba (3), Huila (2), Meta (2), Vichada (2), Nariño (2), Bolívar (1), Boyacá (1), Cundinamarca (1), and Tolima (1); dissidents were responsible in 54 of the instances, the ELN in 6, and the Gulf Clan in 1 (Colombia 1 Dec. 2020). A January 2020 report by HRW states that girls who escaped reported sexual violence, including rape and "forced abortion" (HRW 22 Jan. 2020, 3).

2.5 Journalists

According to *US Country Reports 2020*, illegal armed groups threaten, intimidate, kidnap, and kill journalists (US 30 Mar. 2021, 16). The Foundation for Press Freedom (Fundación para la Libertad de Prensa, FLIP) states that in 2019, there were 46 reported attacks by armed groups against journalists and the media, [translation] "mainly harassment and threats" (FLIP 3 July 2020, 10). Sources indicate that there is a "culture of self-censorship" in Colombia (*The Guardian* 16 June 2019) or that self-censorship is "common" (Freedom House 3 Mar. 2021) or "regularly practiced" due to threats from illegal armed groups (US 30 Mar. 2021, 16). Al Jazeera indicates that such threats have increased and that there were a "string of" threats after the new president was elected [in 2018] (Al Jazeera 15 Jan. 2019). The same source further states that journalists in ex-FARC regions are "particularly vulnerable," and that Antioquia has "seen the most threats against reporters" (Al Jazeera 15 Jan. 2019). *US Country Reports 2020* indicates that, in August 2020, eight journalists "received death threats" from the ELN in Magdalena department (US 30 Mar. 2021, 16).

2.6 Government Officials

Sources state that armed groups have threatened government officials (HRW 22 Jan. 2020, 25; US 30 Mar. 2021, 22) and political candidates (HRW 22 Jan. 2020, 25). According to *US Country Reports 2020*, criminal gangs, FARC dissidents and the ELN killed government officials in 2020 (US 30 Mar. 2021, 22). The Senior Analyst stated that criminal gangs "target" local authorities, "infiltrat[ing] their ranks" to "impose their will upon them" (Senior Analyst 8 July 2021). According to HRW, "some" candidates in the October 2019 gubernatorial, mayoral and municipal elections "received threats from armed groups" (HRW 22 Jan. 2020, 25). *US Country Reports 2020* states that as of June 2020, the National Protection Unit (Unidad Nacional de Protección, UNP) is "providing protection" to 421 mayors, 20 governors, and 787 others, including councillors, members of departmental assemblies, judges and human rights officials (US 30 Mar. 2021, 22). According to the Associated Press (AP), a helicopter carrying President Duque and "several senior officials" was shot at in Catatumbo region on 25 June 2021; Colombian authorities reportedly suspect FARC dissidents or the ELN, although the ELN has denied being responsible (AP 25 June 2021).

International Crisis Group reports that regions such as Cauca, Nariño, Catatumbo, and Arauca, where armed groups are fighting for control, experience the "highest rates of pre-electoral violence" (International Crisis Group 25 Oct. 2019). According to InSight Crime, seven political candidates were "assassinated" by armed groups in Antioquia, Bolívar, Valle del Cauca, and Caquetá between August and "early" September 2019 (InSight Crime 12 Sept. 2019). An August 2019 report by the Office of the Ombudsman indicates that the [translation] "greatest number" of "violations" against individuals involved in or with "potential" ties to the electoral process occurred in Cauca, Norte de Santander, Arauca, Boyacá, Cundinamarca, Magdalena, Nariño, Valle del Cauca, and Bolívar, departments that are "under armed dispute" by illegal armed groups (Colombia 31 Aug. 2019, 38). According to International Crisis Group, candidates, including for example members of the Democratic Centre (Centro Democrático) party in Arauca, who have "resisted ELN demands," have been subjected to "threats and violent intimidation" (International Crisis Group 25 Oct. 2019). The same source states that it is "difficult" to find the "individual culprits" behind the violence and threats and "[m]any" of those threatened during the 2019 elections indicated that they did not know who was threatening

them (International Crisis Group 25 Oct. 2019). The source adds that electoral violence is "rarely prosecuted" and 70 percent of "recent" political violence was committed with "impunity" (International Crisis Group 25 Oct. 2019).

2.7 Police

According to InSight Crime, the ELN bombed a police academy in Bogotá in January 2019; 21 people died and 80 were injured in the attack (InSight Crime 24 Jan. 2019). Reuters similarly reports that "at least" 20 police trainees were killed in the explosion, as was the perpetrator (Reuters 18 Jan. 2019). BLU Radio cites the director of the national police force as stating that over a 10-day period in May 2021, eight police officers across the country were [translation] "murdered" by the ELN, FARC dissidents, and the Gulf Clan (BLU Radio 16 May 2021).

3. Methods and Ability of These Groups to Track Targets

Sources indicated that criminal groups are "definitely" able to track targeted individuals (Professor 12 July 2021; Senior Analyst 8 July 2021). The Senior Analyst further stated that the "main method" used by criminal groups is "word of mouth" through country-wide networks or "urban collaborators" (Senior Analyst 8 July 2021). According to the Professor, criminal groups "mostly" track their victims through informants, contacts in intelligence agencies and the army, and networks with other criminal groups "across the country" (Professor 12 July 2021). The Senior Analyst described how a community leader who moved to Bogotá may receive a text message informing them that they had been "found," accompanied by a picture of their workplace, their home, or their children; these types of threats are "very common" (Senior Analyst 8 July 2021).

According to the Professor, the ELN is "more sophisticated" because they have "more urban contacts" (Professor 12 July 2021). The January 2020 HRW report indicates that the ELN "more common[ly]" threatens before killing, while FARC dissidents "ten[d] to" kill "without warning" (HRW 22 Jan. 2020, 25). The Senior Analyst stated that Los Pachencas are "very focused" on the Atlantic Coast and in urban centres such as Barranquilla, Cartagena, and Medellín, and they can "easily" track targets in those areas (Senior Analyst 8 July 2021). The same source indicated that it is "not known" whether Los Pachencas have a "particular network" in Bogotá but added that this would not be a barrier to finding someone, since it is "relatively easy" to hire a tracker in the capital city (Senior Analyst 8 July 2021). Further and corroborating information about Los Pachencas's ability to track their targets could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. State Protection

4.1 Protection Systems for People and Communities at Risk

According to sources, the government has a "range" (Amnesty International 8 Oct. 2020) or "array" (HRW 10 Feb. 2021) of protection mechanisms, including the UNP and the Early Warning System (Sistema de Alertas Tempranas, SAT) (Amnesty International 8 Oct. 2020; HRW 10 Feb. 2021). According to HRW, the UNP falls under the Ministry of Interior and is responsible for protecting "people at risk" (HRW 10 Feb. 2021). Sources report that protection measures may include the provision of cellphones, vehicles, bodyguards (HRW 10 Feb. 2021; Senior Analyst 8 July 2021; Amnesty International 8 Oct. 2020) and bulletproof vests (HRW 10 Feb. 2021; Senior Analyst 8 July 2021).

According to HRW, the UNP has protected "hundreds" of human rights defenders (HRW 10 Feb. 2021). However, Amnesty International reports that the UNP "only" provides protection "on a highly individual basis," and "generally within urban areas" (Amnesty International 8 Oct. 2020). According to the Senior Analyst, it is "really hard" for those targeted by criminal groups to access state protection due to a "very high threshold" for eligibility; a "certain" amount of "public exposure" is required, such as for "known leaders" (Senior Analyst 8 July 2021). The HRW report states that "many community leaders" do not receive threats or do not report them to prosecutors, which is a "require[ment]" to receive protection (HRW 10 Feb. 2021).

An article by Infobae, a Spanish-language news website from Argentina (*The Washington Post* 8 June 2016), citing a report issued by the national government, states that [translation] "[d]espite an increase in the number of murders of social leaders and human rights defenders in Colombia, the [UNP] only admitted 16% of the requests" (Infobae 1 Oct. 2020). The same source further states that from 1 January to 16 August 2020, 6,756 applications for protection were submitted by social leaders and 3,053 by human rights defenders to the UNP, of which 1,093 and 474 were admitted, respectively (Infobae 1 Oct. 2020). According to the Senior Analyst, "some" have applied for protection and waited 6 to 8 months for a response, by which point the danger has either "materialized" or "passed" (Senior Analyst 8 July 2021). The same source adds that, measures such as bulletproof vests and armoured cars may make it "easier" for them to be targeted by criminal groups (Senior Analyst 8 July 2021).

According to the Office of the Ombudsman, the SATs are an [translation] "instrument" used by the Office of the Ombudsman to "collect, verif[y], and analyze, in a technical manner, information related to situations of vulnerability and risk of the civilian population, as a consequence of the armed conflict," and is used to warn the "authorities concerned" so they are able to "coordinate and provide

timely and comprehensive attention to the affected communities" (Colombia n.d.). However, HRW reports that the authorities responsible for acting on its early warnings "have repeatedly failed to do so or have reacted in a pro-forma and unsubstantial way, leading to scant impact on the ground" (HRW 10 Feb. 2021). Amnesty International similarly states that the SAT is of "little effect" as there are "no consequences for state bodies that fail to comply with its measures" (Amnesty International 8 Oct. 2020).

According to the Professor, although the UNP and SAT have grown "more effective," "significant flaws" remain, including "a lack of proper intelligence" on criminal groups, "pushback" from "local political elites," and "infiltrators" in government agencies and other organizations (Professor 12 July 2021).

The Collective Protection Route (Ruta de Protección Colectiva), a "set of actions adopted by the Colombian authorities to prevent risk, counteract threats and minimize the vulnerabilities of groups and communities" is also not "effectively implemented" (Amnesty International 8 Oct. 2020). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that the government is experiencing "significant" financial "constraints" (InSight Crime 11 Nov. 2019; HRW 10 Feb. 2021). The February 2021 HRW report states that the "large number" of measures for protection "diffuses" resources and results in "wastefu[[]]" redundancies (HRW 10 Feb. 2021). According to Amnesty International, the array of mechanisms for protection is "so extensive and so complex" that "many" are unsure how to access them; also, "many" defenders report that the measures do not meet their communities' needs (Amnesty International 8 Oct. 2020). International Crisis Group similarly reports that "almost all" community leaders seeking protection "express their frustration" at the government's "impenetrable maze of bureaucracy" (International Crisis Group 6 Oct. 2020, i). The Freedom House report indicates that "trust" in government-provided protection "varies widely" (Freedom House 3 Mar. 2021). According to International Crisis Group, "[c]ertain social leaders who file reports after receiving death threats fear that officials who should be protecting them are in league with criminals" (International Crisis Group 6 Oct. 2020, i). Freedom House indicates that COVID-19 has made "effective protection" more difficult (Freedom House 3 Mar. 2021).

The February 2021 HRW report indicates that there is "limited state presence" in "many, mostly rural, areas," which leaves community organizations with tasks "typically" performed by government representatives, such as "protecting at-risk populations" (HRW 10 Feb. 2021).

For further information on state protection measures, including the Victims and Land Restitution Law (*Ley de Víctimas y Restitución de Tierras, LVRT*), the Victim Assistance and Comprehensive Reparation Unit (Unidad para la Atención y Reparación Integral a las Víctimas, UARIV), and the UNP, see *Colombia: Fact-Finding Mission Report. Conflict Dynamics in the Post-FARC-EP Period and State Protection* of March 2020.

4.1.1 Protection for Ex-FARC Members

According to the BBC, the government of Colombia has "attempted" to protect ex-FARC members by having troops guard the Territorial Spaces for Training and Reincorporation (Espacios Territoriales de Capacitación y Reincorporación, ETCR); leaders believed to be at "greater risk" have also received bodyguards and bullet-proof vehicles (BBC 3 Nov. 2020). The same source further states that there are 1,100 UNP bodyguards assigned to protect former FARC combatants and that the government has promised to hire 600 more (BBC 3 Nov. 2020). However, InSight Crime reports that the government is unable to protect ex-combatants from "continued criminal threats across the country" (InSight Crime 27 July 2020). The same source indicates that safety in the ETCRs is "far from assured" (InSight Crime 16 Nov. 2020).

4.2 Judicial System Effectiveness

A report from August 2019 by International Crisis Group states that there are "chronic weaknesses in judicial institutions" (International Crisis Group 8 Aug. 2019, 25). The same source states, for example, that, according to a Buenaventura government official interviewed by the source, the city has 25 prosecutors for 17,000 cases and "woeful[ly]" lack[s]" police to investigate (International Crisis Group 8 Aug. 2019, 25). According to the Professor, the Prosecutor General's office has "several ongoing processes" against members of criminal organizations that have yielded "some results," including arrests; however, there is an "overload" of cases, "limited judicial capacity, and a lack of political will" (Professor 12 July 2021). According to HRW, "shortcomings" of the judicial system include the following:

- "Too few" prosecutors, judges, and investigators in the "most affected" areas
- No "'special team'" of judges to handle cases involving the killing of human rights activists
- "Limited capacity" ("few" staff, "budget cuts") of the bodies, such as the Special Investigation Unit (Unidad Especial de Investigación) and the Police's Elite Team (GESPOL), created to handle these cases

- "Limited" and "often" delayed support from the police and the military for prosecutors and investigators (HRW 10 Feb. 2021).

In a report on abuses by armed groups in Arauca province, as well as in Venezuela's Apure state, HRW adds that "impunity" is "the norm," adding for example that, since 2017, the Colombian Attorney General's office in Arauca has neither charged nor convicted any member of an armed group for "rape, threats, extortion, child recruitment, forced displacement," or "'forcible disappearance'" (HRW 22 Jan. 2020, 4). *US Country Reports 2020*, citing the Colombian Attorney General's office, indicates that of the "more than" 400 cases of human rights defenders killed between January 2016 and August 2020, 60 had so far resulted in convictions (US 30 Mar. 2021, 4). Colombia Reports cites the country's Deputy Prosecutor as stating that "no more than 37 people" had been convicted for "killing or threatening" demobilized FARC guerrillas (Colombia Reports 25 Nov. 2020). *US Country Reports 2020* indicates that out of 232 killings of former FARC members, 22 cases had resulted in convictions, 15 had trials in process, 17 were "under investigation," and 44 had "pending arrest warrants" (US 30 Mar. 2021, 13).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to the UN High Commissioner for Human Rights' report on the situation in Colombia in 2020, the Office of the UN High Commissioner for Human Rights (OHCHR) "registered" 133 human rights defenders killed, but due to pandemic-related limitations, was only able to "document" 53 of these; as of March 2021, it was in the process of "verify[ing]" the remaining 80 (UN 17 Mar. 2021, para. 21).

[2] The Colombian Observatory of Organized Crime (Observatorio Colombiano de Crimen Organizado, OCCO) produces research and analysis to "advance understanding" of organized crime and is a "partnership" between InSight Crime and the Universidad del Rosario's Faculty of International, Political and Urban Studies (OCCO Nov. 2020, 1). Data on killings of former FARC combatants was provided by the FARC party and "crosschecked and verified" against media coverage and the CORPOTEPAS database, which is run by a Bogotá-based foundation that tracks violence against former FARC members in order to lobby authorities and raise awareness (OCCO Nov. 2020, 9). Data on the distribution of armed groups was gathered and crosschecked using information from the Instituto de Estudios para el Desarrollo y la Paz (Indepaz) and the Fundación Paz & Reconciliación (Pares) as well as press reports (OCCO Nov. 2020, 9–10).

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