Immigration and Refugee Board of Canada

> Research Program
> Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's **Refworld** website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

**COL105470.E**

Colombia: State protection programs for victims and witnesses of crimes; requirements to access the programs; statistics on the number of applications for relocation that are granted and refused; duration and effectiveness of these programs (2012-March 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. **National Protection Unit (Unidad Nacional de Protección, UNP)**

   The UNP is an agency of the Ministry of the Interior and is responsible for providing protection to individuals, groups of persons, or communities that, [translation] "given their position or activities, may be subjected to extraordinary or extreme risk" (Colombia 22 Feb. 2016). The website of the UNP defines its risk levels as follows:

   [translation]

   **Extraordinary risk:** that which a person is not able to withstand as a direct result of the exercise of his or her activities, or his or her political, public, social, or humanitarian functions, or because of the exercise of his or her post ... provided that he or she meets the following characteristics:

   1. That the risk is specific and identifiable.
   2. That the risk is concrete based on actions or manifest facts, and not on abstract assumptions.
   3. That the risk is present, not just remote or possible.
   4. That the risk is comprehensive, that is, that it poses a threat to protected rights.
   5. That the risk is serious, likely to materialize given the circumstances of the case.
   6. That the risk is clear and discernable.
   7. That the risk is exceptional to the extent that it should not be experienced by the majority of individuals.
   8. That the risk is disproportionate compared to the benefits that the person derives from the situation which generates the risk.

   **Extreme risk:** that which presents all the aforementioned features of the extraordinary risk and is serious and imminent.

   **Ordinary risk:** that to which all persons are subjected to, on equal footing, for they belong to a particular society; it compels the State to adopt measures of public security and does not involve the obligation to provide [individual] protective measures. (ibid. n.d.a)
1.1 Beneficiaries of the Program

The website of the UNP further indicates that the following individuals, called poblaciones objeto (target populations), can apply for protection under this program: members of political parties and the opposition; human rights advocates; unionists; leaders and activists of trade associations; leaders and members of ethnic groups; members of the [translation] "medical mission" [1]; witnesses and victims of violations of human rights and international humanitarian law; journalists; public servants who formerly worked or currently work in the field of human rights; lawyers pleading judicial proceedings on violations of human rights and international humanitarian law; educators; leaders of the Patriotic Union (Unión Patriótica, UP) and the Colombian Communist Party (Partido Comunista Colombiano, PCC); and leaders of armed groups demobilized between 1994 and 1998 (ibid.). Additional information on groups demobilized between 1994 and 1998 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.2 Accessing the UNP Program

The website of the UNP indicates that, in order to apply for protection, a person must submit the following documents:

- an application form,
- a copy of the national identification card (Cédula de ciudadanía),
- an original copy of a document that evidences membership to one or more of the groups considered to be a "target population," and
- an original copy of a police complaint or evidence of prosecution related to the case, if available (ibid. n.d.b).

These documents can be submitted via email or to one of the UNP offices (ibid.), which are located in Bogotá and in 14 departments of the country (ibid. 3 Mar. 2016). The website of the UNP indicates that, after the application has been submitted to the UNP, an evaluation process is carried out by specialized units within the UNP (ibid. 2015a). These units are:

- the Technical Unit for Compilation and Analysis of Information (Cuerpo Técnico de Recopilación y Análisis de Información, CTRAI), which undertakes a field investigation to corroborate, with relevant agencies, the information provided in the application;
- the Preliminary Assessment Unit (Grupo de Valoración Preliminar, GVP), which performs a risk assessment based on the information provided by the CTRAI and delivers an opinion to the Risk Assessment and Protection Measures Committee (Comité de Evaluación de Riesgo y Recomendación de Medidas, CERREM) on the risk level, and the protection measures to be implemented; and
- CERREM, which performs a global risk assessment of the case and recommends the protection measures to be implemented (ibid. n.d.c).

The website further indicates that a decision will be sent in writing to the concerned person to inform him or her of whether the application is denied or approved, and of the protection measures that are to be implemented (ibid. 2015a). The evaluation of the application takes approximately three months (ibid. n.d.b). If the concerned person does not agree with the decision, he or she can file a complaint through the UNP's website (ibid. n.d.c).

The website of the UNP indicates that protection measures, which vary according to the risk that a person faces, as opposed to their position, include:

- personal security details, which include bodyguards, vehicles, and bullet-proof vests;
- transportation-related costs, including national and international airfares, and land and maritime transportation;
- temporary relocation assistance, which consists of a monthly sum for up to three months (or six months in [translation] "exceptional cases") to help cover relocation-related costs;
- moving-related costs;
- telecommunication devices; and
- the armouring of property (ibid.).

In an interview with Cromos, a news magazine based in Bogotá, the Director of the UNP indicated that protection measures are re-evaluated every year to determine if the person still needs protection (Cromos 5 Sept. 2014). The Director of the UNP also indicated that protection measures are assigned for a minimum of one year and that there is no limit on the duration (ibid.). He further indicated that every month, approximately 20 security details are activated and 10 are withdrawn (ibid.).
1.3 Implementation and Effectiveness

A performance report for 2014 produced by the UNP indicates that the budget for 2014 was 470.1 billion Colombian pesos [approximately $196 million], and for 2015 the UNP was assigned 371.3 billion pesos [approximately $152.3 million] (Colombia [2015c], 3). The report also indicates that the UNP had, as of the end of 2014, 506 [translation] "conventional" vehicles, 1,022 armored vehicles, 1,195 fuel cards, and 2,872 bodyguards, of which 324 were UNP personnel and the rest belonged to private security agencies (ibid. 56-61). In his interview with Cromos, the Director of the UNP indicated that the UNP has 3,200 bodyguards, of which about 2,800 are contracted through private security companies (Cromos 5 Sept. 2014). A report produced by the Comptroller General of the Republic (Contraloría General de la República), based on an audit of the UNP for the fiscal year 2014, indicates that the UNP outsources protection measures with private companies, as it [translation] "does not have enough personnel or vehicles to provide direct protection" (Colombia 30 July 2015).

A report produced by the UNP on performance indicators from 1 January to 30 September 2015 indicates that 71 percent of applications for protection received during that period of time were evaluated (4,519 out of 6,311), and it took an average of 101 days to perform a risk assessment on each application (ibid. n.d.d, 3). Another UNP report indicates that out of 4,013 applications that were assessed from 1 January to 30 June 2014, the following levels of risk were identified: 1,184 were deemed [translation] "ordinary," 2,568 "extraordinary," 4 "extreme," and 257 were "returned" to the applicant (ibid. 27 Oct. 2014, 11). As of 30 June 2014, 7,544 persons were receiving protection from the UNP, of which 564 were receiving protection based on the position they occupy, including the President of Colombia, senators, ministers, and the Attorney General (ibid. 2014). The other 6,980 were receiving protection due to the risk level, including public servants (3,179 people), victims of violations of human rights and international humanitarian law (1,082), unionists (674), human rights activists (621), and members of the UP and the PCC (573) (ibid.). According to the Director of the UNP, in 2014, approximately 2,500 people under protection had bodyguards (Cromos 5 Sept. 2014). A 2013 report produced by Human Rights Watch on the situation of displaced people in Colombia indicates that according to official figures from the UNP, the most common protection measures provided by the UNP are bullet-proof vests and cell phones (Sept. 2013, 156). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

As of 30 September 2015, 9,397 people were receiving protection from the UNP, and the highest numbers of beneficiaries were located in the departments of Cundinamarca (including Bogotá) (987 people), Antioquia (860), Vichada (857), and Cauca (822) (Colombia n.d.d, 2). The Comptroller General indicates that information on the exact number of protected persons as of March 2015 (9,646) is [translation] "outdated and has several inconsistencies" (ibid. 30 July 2015). Information on these "inconsistencies" could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The US Department of State's Country Reports on Human Rights Practices for 2014 indicates that the government provides "inadequate protection for witnesses and investigators" (US 25 June 2015, 10). Several sources report that some persons protected by the UNP are not provided with fuel and other means or allowances that were assigned to them (SINALTRAINAL 22 Oct. 2014; La Silla Vacía 6 Oct. 2014; El Tiempo 14 Oct. 2014). On 14 October 2014, El Tiempo, a newspaper based in Bogotá, quoted a land restitution activist in the department of Quindío who was under the protection of the UNP as saying that she had been arranging other forms of private transportation as she had not received her transportation allowance in three months (ibid.). The same newspaper also reports that other land restitution activists protected by the UNP have to arrange collective transportation as they are not receiving the fuel allowance for the vehicles that have been assigned to them (ibid.). La Silla Vacía, a news website based in Bogotá, similarly reports on the case of a land restitution activist protected by the UNP who works in rural areas and has to travel in motorcycle or bicycle as the driver who is assigned to her has not been paid and refuses to drive her around (6 Oct. 2014).

Sources report the killing, on 12 August 2014, of Luis Carlos Cervantes, a journalist based in the department of Antioquia, allegedly for denouncing ties between paramilitaries and the municipal administration of Tarazá (El Espectador 13 Aug. 2015; El Tiempo 13 Aug. 2014) and of Caucasia (ibid.). According to El Tiempo, Cervantes had been receiving protection from the UNP for [translation] "several months" (ibid.). According to media sources, the UNP withdrew Cervantes' security detail in 2014 after determining that he was no longer at risk (ibid.; El Espectador 13 Aug. 2015). El Tiempo quotes the Director of the UNP as saying that Cervantes' security detail was withdrawn after the risk he was facing was re-evaluated by two committees, which included the Office of the Attorney General (Fiscalía General de la Nación), the Office of the Ombudsperson (Defensoría del Pueblo), the Ministry of the Interior, the Office of the President, and the Freedom of the Press Foundation (Fundación para la Libertad de Prensa, FLIP) (13 Aug. 2014).

2. The Office of the Attorney General's Protection Program
The Office of the Attorney General’s Protection and Assistance Program for Witnesses, Victims, and Participants in Criminal Proceedings (Programa de Protección y Asistencia a Testigos, Víctimas e Intervinientes en el Proceso Penal) is carried out under Resolution 0-5101 of 2008 (Resolución 0-5101 de 2008) (Colombia 2008). Resolution 0-5101 of 2008 identifies the protection measures, the application process, the assessment procedures, the rights and responsibilities of the protected person, and the assistance provided to protected persons (ibid.). Translated excerpts of relevant articles of Resolution 0-5101 of 2008 are attached to this Response.

2.1 Implementation and Effectiveness

A performance report produced by the Office of the Attorney General indicates that, between 28 February 2014 and 28 February 2015, the Office of the Attorney General received 2,715 applications for protection, of which 2,106 were evaluated and 609 were excluded due to jurisdictional reasons; a total of 734 persons were granted protection (Colombia 2015b, 70, 73). The National News Agency (Agencia Nacional de Noticias, COLPRENSA), a news source based in Bogotá, quotes the Director of the Office of the Attorney General’s protection program as saying that protection is granted not only to the concerned person, but also to his or her family (COLPRENSA 18 Mar. 2013). He also indicated that the program provides protection to 1,600 people, including concerned persons and their families, which are distributed among 415 cases (ibid.). Additional information on the structure of the protection program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Country Reports 2014 indicates that “those who did not enter the [Office of the Attorney General’s witness protection] program remained vulnerable to intimidation, and many refused to testify” (US 25 June 2015, 12). Sources report on the killing of Dora Elena [Helena] Gutiérrez on 12 December 2013 in Bogotá (COLPRENSA 14 Dec. 2013; El Espectador 14 Sept. 2014). Gutiérrez was a citizen who had been under the Office of the Attorney General’s protection program as a witness to the killing of a member of the Office of the Attorney General’s Technical Investigation Unit (Cuerpo Técnico de Investigación, CTI) the previous year in Bogotá (ibid.; COLPRENSA 14 Dec. 2013). COLPRENSA reports that Gutiérrez was withdrawn from the protection program in January 2013 for not complying with the conditions of the program (ibid.). El Espectador, a newspaper based in Bogotá, quotes a letter that Gutiérrez wrote in May 2013 to request the Office of the Attorney General to reinstate her protection measures; she explained that she was unable to comply with the conditions of the program because she had to take care of her mother and a sister (14 Sept. 2014). Additional information on the effectiveness of the program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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.

Note


References


_____. 14 March 2013. "Así es como funciona el programa de protección a testigos de la Fiscalía." <http://www.larepublica.co/asuntos-legales/as%C3%AD-es-como-funciona-el-programa-de-protecci%C3%B3n-de-testigos-de-la-fiscala> [Accessed 22 Feb. 2016]


El riesgo de volver a casa: Violencia y amenazas contra desplazados que reclaman restitución de sus tierras en Colombia. [Accessed 8 Mar. 2016]


Additional Sources Consulted

**Oral sources:** Colombia – Defensoría del Pueblo, Fiscalía General de la Nación, Unidad Nacional de Protección; Fundación Ideas para la Paz.

**Internet sites, including:** Amnesty International; Caracol; Colombia – Corte Constitucional, Ministerio de Defensa, Ministerio del Interior, Policía Nacional; ecol.net; El Colombiano; Factiva; Freedom House; Fundación para la Libertad de Prensa; InSight Crime; International Crisis Group; Jane's Terrorism and Security Monitor; Semana; United Nations – Refworld, ReliefWeb; United States – Embassy in Bogotá; Vanguardia; Washington Office on Latin America.

Attachment