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17 April 2018

## COL106086.E

Colombia: The presence and activities of Los Rastrojos, including in Buenaventura; information on their relationship with the Gaitanist Self-Defense Forces of Colombia (Autodefensas Gaitanistas de Colombia, AGC) [also known as Gulf Clan (Clan del Golfo) or Úsuga Clan (Clan Úsuga), and formerly known as Los Urabeños]; state response (2017-April 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

## 1. Overview

Sources describe Los Rastrojos as a "drug trafficking organisation" (Colombia Reports 1 Apr. 2017) or as a "transnational crime syndicate" (InSight Crime 16 Feb. 2017). According to sources, Los Rastrojos emerged in the early 2000s as the armed wing of Wilber Varela, also known as "Jabón," one of the leaders of the Norte del Valle drug cartel, to fight Diego Montoya, also known as "'Don Diego'," another

member of the same cartel (InSight Crime 16 Feb. 2017; Colombia Reports 1 Apr. 2017). Los Rastrojos was formed by Varela's lieutenant, "Diego Rastrojo" [real name Diego Pérez Henao] (Colombia Reports 1 Apr. 2017; InSight Crime 16 Feb. 2017), whose alias gave the group its name (InSight Crime 16 Feb. 2017). Sources indicate that Los Rastrojos started their activities along the Pacific coast (InSight Crime 16 Feb. 2017) in the departments of Valle del Cauca, Cauca, and Nariño (FIP July 2017, 84).

Sources indicate that during the demobilization of the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia, AUC) beginning in 2003, Los Rastrojos attempted to enter the peace negotiations under the name of Popular Peasant Patrols (Rondas Campesinas Populares, RCP) but the government excluded them (InSight Crime 16 Feb. 2017; Colombia Reports 1 Apr. 2017) for not being a paramilitary group (Colombia Reports 1 Apr. 2017). InSight Crime [1] indicates that, in 2008, Varela was killed by "Diego Rastrojo" and Javier Calle Serna, also known as "Comba," another leader of Los Rastrojos, when Varela tried to prevent the expansion of Los Rastrojos into the departments of Santander and Norte de Santander (16 Feb. 2017). A report produced by the Ideas for Peace Foundation (Fundación Ideas para la Paz, FIP) [2] indicates that Los Rastrojos later expanded to the Caribbean and Pacific coasts and along the border region between Norte de Santander and Venezuela (FIP July 2017, 84). InSight Crime indicates that Los Rastrojos expanded to Quindío, Risaralda, Caldas, and La Guajira (InSight Crime 16 Feb. 2017). Sources indicate that up until 2012, Los Rastrojos was the most powerful criminal organization in Colombia (InSight Crime 16 Feb. 2017; *El Colombiano* 15 Jan. 2018).

## 2. Demise and Reorganization

Sources indicate that Los Rastrojos' demise came with the capture or surrendering of its leadership in 2012: Javier Calle Serna surrendered to US authorities; "Diego Rastrojo" was captured; Daniel Barrera, also known as "Loco Barrera," was captured in Venezuela; and Luis Enrique Calle Serna surrendered to US authorities (InSight Crime 16 Feb. 2017; Colombia Reports 1 Apr. 2017). A report produced by the Institute for Development and Peace Studies (Instituto de Estudios para el Desarrollo y la Paz, INDEPAZ) [3] indicates that the government declared

Los Rastrojos [translation] "dismantled" in 2016 (INDEPAZ Oct. 2017, 28). Sources also indicate that their presence in the country continues to decline (INDEPAZ Oct. 2017, 15; FIP July 2017, 40).

According to sources, military defeats and the capture of its leadership led Los Rastrojos to split into factions (Colombia Reports 1 Apr. 2017; *El Colombiano* 15 Jan. 2018). A report, based on information obtained from intelligence sources in the National Police, the Army, and the directorate of the General Attorney's Office (Fiscalía General de la Nación, FGN) that investigates organized crime, produced by *El Colombiano*, a Medellín-based newspaper, indicates that some leaders of Los Rastrojos in Cali who evaded authorities created seven [translation] "debt collection agencies" (*Oficinas de Cobro*) dedicated to contract killing, drug trafficking, threats, extortion and debt collection, often subcontracting to local gangs (*El Colombiano* 15 Jan. 2018). The same source indicates that five of the "agencies" are composed of 100 members (15 Jan. 2018). According to FIP, other independent armed groups started to use the name "Los Rastrojos" to commit extortions (July 2017, 84). The *El Colombiano* report indicates that there are three factions of Los Rastrojos still operating in the country, though with no clear unity of command and less military capability: "Los Rastrojos Norte de Santander'," which operates in Cúcuta and alongside the border with Venezuela; "Los Rastrojos Buenaventura'," which operates a clandestine route between Buenaventura and Chocó; and "Los Rastrojos Costeños'," which operates in Barranquilla and Atlántico (15 Jan. 2018). Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

InSight Crime indicates that, according to Colombian authorities, Los Rastrojos is composed of 310 members (InSight Crime 16 Feb. 2017). According to INDEPAZ, there are 31 members of Los Rastrojos in Norte de Santander (Oct. 2017, 9). FIP indicates that Los Rastrojos have 80 members in the region of Catatumbo, in northern Colombia, alongside the border with Venezuela (July 2017, 73). FIP indicates that, according to interviews with officials from the FGN and the Army in 2016, Los Rastrojos [translation] "have demonstrated an unmatched capacity to adapt, expand and contract, which makes it easier for them to resurface in other parts of the country" (July 2017, 84).

InSight Crime indicates that Los Rastrojos operate through strategic alliances, which include the National Liberation Army (Ejército de Liberación Nacional, ELN), the former Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), and other paramilitary organizations, in order to transport drugs (InSight Crime 16 Feb. 2017). Similarly, FIP indicates that Los Rastrojos established alliances with the ELN and the Popular Liberation Army (Ejército Popular de Liberación, EPL) to transport drugs from cocaine production laboratories on the Venezuelan side run by Los Rastrojos (July 2017, 73). According to InSight Crime, Los Rastrojos also have alliances with Mexican drug cartels (InSight Crime 16 Feb. 2017).

### **3. Activities**

Sources indicate that Los Rastrojos' main activities include drug trafficking along the Pacific coast (Fundación Paz y Reconciliación 8 Sept. 2017; Colombia Reports 1 Apr. 2017) and the border with Venezuela (Colombia Reports 1 Apr. 2017; FIP July 2017, 72). According to FIP, Los Rastrojos engage in the contraband of gasoline alongside the border with Venezuela as a precursor for cocaine production or for reselling (July 2017, 72). Without explicitly mentioning Los Rastrojos, FIP indicates that armed groups in Buenaventura engage in selective killings, forced displacement, extortion, sexual violence, and intimidation through pamphlets (July 2017, 64-65, 85).

According to the FIP report, Los Rastrojos have demonstrated the ability to corrupt members of security forces in Colombia and Venezuela (FIP July 2017, 85). INDEPAZ indicates, without explicitly mentioning Los Rastrojos, that illegal armed groups establish ties with authorities and state security forces in their areas of influence and politically present themselves as "forces of law and order" (Oct. 2017, 3). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### **4. Presence**

According to INDEPAZ, Los Rastrojos have a presence in 27 municipalities in 7 departments, including Valle del Cauca (Buenaventura, Cali, and Jamundí), Norte de Santander (Cúcuta and Puerto Santander), and Chocó (Bahía Solano) (Oct.

2017, 28). InSight Crime indicates that Los Rastrojos have a presence in Antioquia, Bolívar, Cesar, Córdoba, Nariño, Norte de Santander, Putumayo, Santander, Valle del Cauca and Venezuela (16 Feb. 2017). According to FIP, Los Rastrojos reportedly possess hideout zones in Venezuela and are recruiting Venezuelan nationals (July 2017, 40). FIP indicates that, according to information gathered through media monitoring, Los Rastrojos are present in Atlántico, Magdalena, Guajira, Cartagena, Cúcuta, Soacha, Cauca and Barranquilla (July 2017, 40). The same source indicates that Norte de Santander is the department with the highest presence of Los Rastrojos (FIP July 2017, 84).

Maps with the areas of presence of Los Rastrojos, as reported by sources, are attached to this Response:

- Colombia Reports (18 Feb. 2018) (Attachment 1);
- INDEPAZ (Oct. 2017, 34) (Attachment 2);
- Fundación Paz y Reconciliación (22 Feb. 2016) (Attachment 3).

#### 4.1 Presence in Buenaventura

A press release posted by the government of Valle del Cauca cites the Governor of that department as saying that, according to intelligence reports from the National Police and the Army, none of the following groups have a presence in Buenaventura: the AGC, Gente del Orden, and the ELN (Valle del Cauca 15 Nov. 2017). Sources report that, according to the Vice-Minister of Defense, the homicide rate in Buenaventura is the [translation] "lowest" in the country (RCN 28 Mar. 2018; Colprensa 27 Mar. 2018). The same sources report, without specifying the year, that crimes such as theft, kidnapping and extortion "were reduced 60 percent in comparison with the previous year" (RCN 28 Mar. 2018; Colprensa 27 Mar. 2018).

However, sources indicate that violence perpetrated by criminal groups has increased in Buenaventura (FIDH 1 Feb. 2018; La Silla Vacía 9 Nov. 2017). The website of the Office of the Ombudsperson (Defensoría del Pueblo) indicates that the growing influence of Los Rastrojos and the AGC in Buenaventura has [translation] "exacerbated" the security problem in the city (Colombia 31 July 2017). Sources indicate that social leaders in Buenaventura are threatened by paramilitaries for advocating and promoting "humanitarian zones" (*zonas humanitarias* or *espacios comunitarios*) [4] in the city (BLU Radio 28 Mar. 2017; Verdad Abierta 3 Feb. 2018). In an interview with Verdad Abierta [5], Orlando Castillo, a social leader in

Buenaventura, indicated that inhabitants, especially social leaders, living within a "humanitarian zone" cannot leave the premises as they have been threatened by local criminal groups (Verdad Abierta 3 Feb. 2018).

In July 2017, FIP indicated that, according to interviews with a police intelligence officer and a member of the army, Buenaventura is disputed between La Empresa and Banda Local [also called La Local] (July 2017, 62). Sources indicate that La Empresa is a criminal group that had ties with Los Rastrojos (Verdad Abierta 12 Dec. 2017; FIP July 2017, 64) to control drug trafficking in the area and the port (FIP July 2017, 64). FIP indicates that Banda Local is characterized as a dissident of the AGC and has approximately 100 members (July 2017, 64). Bogotá-based Radio Santa Fe reports that Banda Local is an organization with ties to AGC (18 July 2017). Fundación Paz y Reconciliación [6] indicates that after the confrontation between La Empresa and the AGC between 2013 and 2014, the AGC secured the control of eight communes whereas La Empresa secured four communes (Fundación Paz y Reconciliación 8 Sept. 2017). A map of the areas in dispute between La Empresa and Banda Local, as charted by FIP, is attached to this Response (Attachment 4). According to FIP, it is common in Buenaventura to refer to "Banda Local" as "Los Urabeños" (July 2017, 64).

## 5. Conflict with the AGC

Sources indicate that Los Rastrojos have been fighting the AGC since the latter began making inroads into northern Colombia, Valle del Cauca (InSight Crime 16 Feb. 2017; Fundación Paz y Reconciliación 8 Sept. 2017), and Buenaventura (Fundación Paz y Reconciliación 8 Sept. 2017). Sources indicate that the AGC started to fight Los Rastrojos in Valle del Cauca in 2011 and that, after the capture of Los Rastrojos' main leaders, the AGC sent reinforcements to Cali and Buenaventura (Colprensa and *El País* 21 May 2017). FIP indicates that the AGC tried to gain control of Buenaventura (July 2017, 64). Without specifying the year, sources report that Los Rastrojos lost Buenaventura to the AGC (Colombia Reports 1 Apr. 2017; FIP July 2017, 64).

FIP indicates that Los Rastrojos have been fighting the AGC for control of trafficking routes near Cúcuta (July 2017, 40). Sources indicate that Los Rastrojos have expanded their control and operations in Cúcuta as the AGC has been

weakened due to government efforts to combat this group (InSight Crime 18 July 2017; FIP July 2017, 85). Colombia Reports, a news source based in Colombia, indicates that Los Rastrojos controls "much of the drug trafficking routes" around Cali and along the border with Venezuela (Colombia Reports 1 Apr. 2017).

A report produced by Colprensa, a Colombian news source, and *El País*, a newspaper based in Cali, indicates that the AGC has influence in 21 [out of the 32] departments in Colombia (Colprensa and *El País* 21 May 2017). According to INDEPAZ, the AGC has a presence in 22 departments, including municipalities such as Urabá, Medellín, and Buenaventura (Oct. 2017, 11).

The areas of presence of the AGC, as reported by sources, are attached to this Response:

- Colombia Reports (18 Feb. 2018) (Attachment 5);
- Fundación Paz y Reconciliación (11 Sept. 2017) (Attachment 6).

According to intelligence sources consulted by *El Colombiano*, the AGC has 3,000 members (15 Jan. 2018). INDEPAZ indicates that, according to interviews it conducted in Antioquia and Chocó, the AGC has 4,000 members, in addition to around 3,000 considered as its "allies" (Oct. 2017, 9). Sources indicate that the AGC is the "most powerful" criminal organization currently operating in the country (InSight Crime 13 July 2017), operating in two thirds of the departments (InSight Crime 13 July 2017; INDEPAZ Oct. 2017, 26). For additional information on the AGC, see Response to Information Request COL105044 of 6 March 2015.

## 6. State Response

The website of the government of Valle del Cauca quotes the Deputy Commander of the National Police in that department as saying that, between January and November 2017, more than 700 members of criminal groups, as well as two leaders of La Empresa and Banda Local, have been apprehended in Buenaventura (Valle del Cauca 15 Nov. 2017). The same source quotes the Commander of the Second Brigade of the Navy as saying that 41 members of the AGC have been apprehended and 61 firearms have been seized, leading him to conclude that the AGC in Valle del Cauca has been dismantled (Valle del Cauca 15 Nov. 2017).

Sources indicate that, in June 2017, the Vice-President announced the creation of an elite police group to dismantle criminal groups operating in Buenaventura and Tumaco (La FM 21 June 2017; La Silla Vacía 22 June 2017) as well as those responsible for the assassination of social leaders (La Silla Vacía 22 June 2017). The website of the National Police indicates that the elite group (Cuerpo Élite de la Policía) is composed of 1,088 police officers, including 120 experts in criminal investigation, 40 analysts, and 150 SWAT officers (Colombia 16 June 2017). Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The website of the National Police indicates that there are currently five operations against organized crime in Colombia:

- Operation Agamenón: operating in Antioquia and Chocó with 611 officers;
- Operation Aquiles: operating in Bajo Cauca and north-east Antioquia with 30 officers;
- Operation Atenea: operating in the Western Prairies with 31 officers;
- Operation Esparta: operating in Norte de Santander with 76 officers; and
- Operation Poseidón: operating in the Pacific coast, including Buenaventura and Tumaco, with 30 officers (Colombia 16 June 2017).

Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report the following actions against Los Rastrojos:

- Sources report that six Colombian marines based in Buenaventura were detained by authorities for alleged links to Los Rastrojos (BLU Radio 29 Nov. 2017; *Vanguardia* 30 Nov. 2017; La W 30 Nov. 2017). Sources indicate that the marines are accused of providing weapons and information to Los Rastrojos and the ELN on state security forces' operations against them in the area (La W 30 Nov. 2017; *Vanguardia* 30 Nov. 2017). They are also accused of selling motor parts and fuel for vessels (BLU Radio 29 Nov. 2017; *Vanguardia* 30 Nov. 2017).
- *El País* reports that between 15 and 16 June 2017, the National Police and the General Attorney's Office raided a house in the rural area of La Reforma, Valle del Cauca, and captured eight people associated with Los Rastrojos (*El País* 17 June 2017). Among the captured are those identified with the aliases of "Capulina," "Duende," "Ro," and "Criollo" (*El País* 17 June 2017). They were charged with homicide, conspiracy to commit a crime, and unlawful possession of a firearm (*El País* 17 June 2017).

- On 24 April 2017, the website of the Colombian Army reported that a person by the alias of "'Richard'," a leader of Los Rastrojos in Bahía Solano, was captured in that city; "'Richard'" had an arrest warrant for homicide (Colombia 24 Apr. 2017).

Sources report the killing on 27 January 2018 of Temístocles Machado, a social leader who advocated for the land rights of the Afro-Colombian community (Verdad Abierta 3 Feb. 2018; FIDH 1 Feb. 2018) in Buenaventura (FIDH 1 Feb. 2018). According to social leader Orlando Castillo, Machado did not have protection measures in place (Verdad Abierta 3 Feb. 2018). Castillo indicated that the study of the risk level made by the Protection National Unit (Unidad Nacional de Protección, UNP) in order to obtain protection does not take into consideration the contexts of the threats and that UNP officials rely on lists on the presence of criminal groups that are not accurate (Verdad Abierta 3 Feb. 2018). Castillo further indicated that protection measures include a cellphone and a bullet-proof vest which are not effective in rural areas (Verdad Abierta 3 Feb. 2018). Corroborating information 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.

### Notes

[1] InSight Crime is a foundation dedicated to the study of organized crime in the Americas (InSight Crime n.d.).

[2] FIP is an independent think tank that undertakes research on armed conflict in Colombia (FIP n.d.). The report was based on field research and interviews with local authorities, international organizations, social leaders, state security forces, journalists, prosecutors, academics among others, between August 2016 and May 2017 in the area of Catatumbo, Buenaventura, Putumayo, Cauca, Western Prairies, Urabá and Tumaco (FIP July 2017, 9).

[3] INDEPAZ is an NGO that undertakes research on the themes of development and peace (INDEPAZ n.d.).

[4] A "humanitarian zone" is a neighbourhood of the city that is declared free from violence and that seeks to prevent the entry of criminal groups into its premises (Verdad Abierta 3 Feb. 2018). In Buenaventura, there is a "humanitarian zone" in Puente Nayero which has precautionary measures from the Inter-American Commission on Human Rights (IACHR) since September 2014 as well as peripheral protection by state security forces (Verdad Abierta 3 Feb. 2018). However, another "humanitarian zone" that is located in Punta Icaco does not have the precautionary measures by the IACHR and experience "frequent" security problems (Verdad Abierta 3 Feb. 2018).

[5] Verdad Abierta is a digital journalism project by FIP and *Semana*, a news magazine based in Bogotá, which aims to promote the [translation] "preservation and diffusion of the truth about the armed conflict in Colombia" (Verdad Abierta n.d.).

[6] Fundación Paz y Reconciliación is a non-for-profit NGO dedicated to the study and analysis of the armed conflict, criminality, governance and human rights in Colombia (Fundación Paz y Reconciliación n.d.).

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## Additional Sources Consulted

**Oral sources:** a political scientist, Universidad EAFIT; Instituto de Estudios para el Desarrollo y la Paz.

**Internet sites, including:** 90 Minutos; Amnesty International; BBC; Caracol; Colectivo de Abogados "José Alvear Restrepo"; Colombia – Fiscalía General de la Nación; Coordinación Colombia Europa Estados Unidos; Deutsche Welle; ecoi.net; El Espectador; El Mundo; El Tiempo; Factiva; Freedom House; Human Rights Watch; Infobae; Institute for War and Peace Reporting; International Crisis Group;

*Janes Intelligence Review*; Las 2 Orillas; Proceso; UN – UN Office on Drugs and Crime; US – Central Intelligence Agency, Department of State, Department of the Treasury; Washington Office on Latin America.

## Attachments

1. Colombia Reports. 18 February 2018. "Colombia's Illegal Armed Groups' Areas of Influence: Rastrojos Profile." [Accessed 30 Mar. 2018]
2. Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ). October 2017. "\_\_ Presencia Rastrojos, Primer semestre 2017." *Dejación de armas y sometimiento: XIII informe presencia grupos narcoparamilitares*. Page 34. Translated internally by the Research Directorate. [Accessed 30 Mar. 2018]
3. Fundación Paz y Reconciliación. 22 February 2016. "Presencia BACRIM Rastrojos 2016." Translated internally by the Research Directorate. [Accessed 30 Mar. 2018]
4. Fundación Ideas para la Paz (FIP). July 2017. "\_\_ Presencia de la Empresa y Banda Local en el casco urbano de Buenaventura." *Crimen organizado y saboteadores armados en tiempos de transición*. Page 63. Translated internally by the Research Directorate. [Accessed 30 Mar. 2018]
5. Colombia Reports. 18 February 2018. "Colombia's Illegal Armed Groups' Areas of Influence: Rastrojos Profile." [Accessed 30 Mar. 2018]
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