

Responses to Information Requests

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Colombia: Government bodies responsible for responding to complaints of crimes committed by armed groups and criminal networks, including the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC); organization, training and effectiveness of these authorities in responding to complaints

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1. Agencies That Receive Complaints: Overview

According to the website of the National Police of Colombia (Policía Nacional de Colombia), that institution, the Administrative Department of Security (Departamento Administrativo de Seguridad, DAS) and the Corps of Technical Investigators (Cuerpo Técnico de Investigación, CTI) of the Office of the Attorney General (Fiscalía General de la Nación) are the agencies responsible for receiving complaints of crimes such as homicide, bodily injuries, threats, sexual violence and harassment, trafficking in persons, theft, fraud, counterfeiting, extortion, terrorism and kidnapping (Colombia n.d.a). The US Department of State indicates in its *Country Reports on Human Rights Practices for 2010* that "the National Police are responsible for internal law enforcement and are under the jurisdiction of the Ministry of Defense" (US 8 Apr. 2011 Sec. 1d). The report also indicates that law enforcement duties are shared with the DAS and the CTI (ibid.). However, the DAS website indicates that the department is being disbanded and will conclude all operations in 2013 (Colombia n.d.b).

2. National Police of Colombia

The National Police of Colombia is comprised of the following directorates:

- Criminal Investigation and Interpol Directorate (Dirección Central de Policía Judicial) (Colombia n.d.c), which, under the direction of prosecutors and judges, cooperates in the investigation of crimes and in the detention of criminals (ibid. n.d.d).
- Intelligence Directorate (Dirección de Inteligencia de la Policía Nacional), which works in conjunction with other state intelligence services as well as with intelligence agencies from other countries to counteract criminal organizations with an international reach (ibid. n.d.e).
- Anti-kidnapping and Anti-extortion Directorate (Dirección de Antisecuestro y Antiextorsión de la Policía Nacional), the purpose of which is to develop action plans to [translation] "prevent, investigate, counteract and reduce kidnapping and extortion" (ibid. n.d.f).
- Mounted Police and Rural Security Directorate (Dirección de Carabineros y Seguridad Rural), the objective of which is to protect the [translation] "rural economic infrastructure" as well as natural parks and reserves, indigenous lands and border areas (ibid. n.d.g). This directorate develops inter-institutional plans in areas affected by criminal bands and identifies areas used by armed groups for criminal actions (ibid.).

Information on training for the National Police and statistics on crimes solved or prosecuted could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Corps of Technical Investigators

The CTI is responsible for

[translation]

planning, organizing, directing, controlling and executing the functions of [the] judicial police within the Office of the Attorney General; organizing and controlling the delivery of policies and strategies for investigation, forensic services, genetics and the administration of criminal-investigation information within the [CTI]. (Colombia n.d.h)

Information on training programs for CTI agents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Unified Action Groups for Personal Freedom

The Ministry of Defence website indicates that the Unified Action Groups for Personal Freedom (Grupos de Acción Unificada por la Libertad Personal, GAULA) are [translation] "exclusively dedicated to preventing and acting against kidnapping and extortion" (Colombia n.d.i). GAULAs are made up of personnel from the CTI, the Office of the Attorney General, the armed forces and the DAS (ibid.). They also collaborate with the National Kidnapping and Extortion Unit (Unidad Nacional contra el Secuestro y la Extorsión) of the Office of the Attorney General (ibid. n.d.j) in the preliminary investigation of kidnapping, extortion and related crimes (ibid. n.d.k). They are responsible for carrying out military rescue operations to free kidnapped persons and for dismantling criminal groups that commit these crimes (ibid.). GAULAs consist of the following four units:

- Unified Management Unit, which is managed by the prosecutor assigned to the case and a military or police commander;
- Intelligence and Evaluation Unit, which is composed of intelligence analysts and communication technicians that collect information and submit a variety of action plans to the Unified Management Unit;
- Operations Unit, which is composed of armed forces personnel that plan and execute rescue, protection and detention operations; and
- Investigative Unit, which is composed of detectives and judicial police officers who conduct criminal investigations (ibid. n.d.i).

According to the Ministry of Defence website, there are 15 urban GAULAs that are run by the National Police, and 19 rural GAULAs managed by the army (ibid.).

Information on training programs for GAULA operatives could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Extent of Kidnapping and Work of GAULAs to Free Kidnap Victims

The *US Country Reports 2010* indicates that, according to estimates from the Colombian government's National Fund for the Defence of Personal Liberty [Fondo Nacional para la Defensa de la Libertad Personal, Fondelibertad], 282 people were kidnapped during 2010; however, the report adds that "[s]ome human rights groups questioned the government statistics, arguing that many cases went unreported and that several hundred kidnapping victims were held at year's end" (8 Apr. 2011, Sec. 1b).

According to the Fundación País Libre, an NGO that [translation] "works to prevent and combat kidnapping, extortion, forced disappearance and other illegal deprivations of [personal] freedom" (n.d.), out of the 2,678 persons who were held captive by the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) between 2002 and 2011, 405 still remain in captivity (8 Mar. 2012). The Foundation also indicates that kidnapping rates in the country grew by 35 percent during the first six months of 2011 compared to the first six months of 2010 (Fundación País Libre 5 Aug. 2011). According to Fondelibertad, 282 people were kidnapped during 2010, 64 by the FARC, 35 by the National Liberation Army [Ejército de Liberación Nacional], and the rest by illegal armed groups (US 8 Apr. 2011, Sec. 1b). According to *Country Reports 2010*, GAULAs freed more than 60 hostages during 2010 (ibid.).

5. Colombian Army

Country Reports 2010 indicates that the Colombian army also shares responsibility for law enforcement in the country (US 8 Apr. 2011, Sec. 1d). It indicates that the army provides "logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas" (ibid.).

According to the Colombian army website, the military is divided into nine divisions, one of which is in charge of [translation] "aerial assault" (Colombia n.d.l), and it has 31 brigades across the country (ibid. n.d.m). The army also has the following units:

- Rapid Deployment Force (Fuerza de Despliegue Rápido), which is considered the [translation] "'war machine of the Colombian army'" and is responsible for executing swift offensive operations against guerrillas and other armed groups in coordination with the air force (ibid. n.d.n);
- Urban Antiterrorist Special Forces Group (Agrupación de Fuerzas Especiales Antiterroristas Urbanas), which executes urban and peri-urban [an area immediately surrounding a city or town] combat operations against criminal groups (ibid. n.d.o);
- Special Forces Brigade (Brigada de Fuerzas Especiales), which undertakes irregular warfare operations [translation] "inside or outside the national territory" (ibid. n.d.p); and
- Anti-Drug Trafficking Brigade (Brigada contra el Narcotráfico), which conducts [translation] "irregular warfare" operations against drug trafficking (ibid. n.d.q).

Along with the National Police and the DAS, the Colombian army is also part of the Inter-institutional Antiterrorist Analysis Group (Grupo Interinstitucional de Análisis Antiterrorista), which undertakes [translation] "technical analysis and investigation on seized weapons, ammunitions and explosives," and works with national and international institutions to produce intelligence and counter-intelligence information to "prevent and counteract the influence of terrorist organizations" (ibid. n.d.r).

The Colombian army lists on its website the following training schools: Training School for Professional Soldiers (Escuela de Formación de Soldados Profesionales) (ibid. n.d.s), the Special Forces School (Escuela de Fuerzas Especiales) (ibid. n.d.t), and the Tactical Training and Retraining School (Escuela de Entrenamiento y Reentrenamiento Táctico) (ibid. n.d.u).

6. Performance of Complaint Bodies

An Agence France-Presse (AFP) article reports that the government intervened in the operation of the Fondelibertad after finding irregularities in the way it was administering assets used for the fight against kidnapping (12 Nov. 2010).

According to Human Rights Watch's *World Report 2012*, "[o]ver the past decade the Colombian Army has committed an alarming number of extrajudicial killings of civilians" (Human Rights Watch Jan. 2012). These cases, in which armed forces killed civilians and reported them as combatants killed in action to meet the demand for results, are known as "'false positives'" (ibid.; AFP 21 Dec. 2011). The "inflat[ed] body counts" reportedly earn the soldiers "promotions, bonuses and extra leave" (EFE News Services 16 Sept. 2011). AFP reports the sentencing of seven soldiers, including the commander of an army GAULA with jurisdiction in a large area of central and eastern Colombia, for kidnapping and assassinating a man and then falsely presenting him as a FARC guerrilla fighter killed in combat (11 Oct. 2010). EFE News Services also reports the conviction of nine soldiers belonging to an army GAULA for killing, in 2007, four people whom they had claimed to have killed in combat because they belonged to a "gang that had been running an extortion and kidnapping ring" (16 Sept. 2011). AFP similarly reports on the sentencing of 15 soldiers belonging to an army GAULA for killing, in 2006, five persons whom they had said were [translation] "members of an illegal armed group" that had been killed in combat (21 Dec. 2011).

A UN report cited by Human Rights Watch indicates that, although more than 3,000 extrajudicial killings were carried out between 2004 and 2008, the number has dropped significantly since then (Human Rights Watch Jan. 2012). There are, however, alleged cases of such crimes in 2010 and 2011 (ibid.). Human Rights Watch further indicates that investigations into such killings have been "slow," and that the Attorney General's Office had obtained 77 convictions out of the 1,622 cases it had been investigating (ibid.).

El Tiempo also reports that the commander of the army GAULA in the department of Valle was detained and charged with extortion (21 Jan. 2012). EFE News Services cites a report by *El Tiempo* on the "regular payoffs" given to soldiers, police officers and intelligence agents by a drug trafficker who was killed in 2011 by his bodyguards (12 Aug. 2011). Among the personnel that received money, according to ledgers seized by the authorities, were unnamed intelligence officers from the National Police, soldiers from an army battalion, and operatives from the GAULA in the department of Atlántico (EFE News Services 12 Aug. 2011.).

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.

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