

# Immigration and Refugee Board of Canada

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## 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.

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Colombia: Paramilitary successor groups and new criminal bands (bandas criminales, bacrim), including areas of operation and criminal activities; state response to successor groups and bacrim, including reintegration of combatants and assistance offered

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### 1. Successor Groups and New Criminal Bands (Bacrim)

InSight - Organized Crime in the Americas (InSight Crime), an NGO dedicated to "the research, analysis and investigation on organized crime in Latin America and the Caribbean" (InSight Crime 7 Mar. 2012), indicates that, after the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) demobilization in 2006, of more than 30,000 paramilitaries, "many remained at large or abandoned the process;" furthermore, "[n]ew criminal gangs have inherited the paramilitaries' weapons, personnel and modus operandi" in Colombia (ibid. 2 June 2011). Similarly, several sources state that paramilitary successor groups are led by former paramilitary members (Human Rights Watch 2012; *The Economist* 14 Jan. 2012; InSight Crime 11 Mar. 2011; *El País* 28 Jan. 2011).

The Colombian government has labelled the new criminal bands "bacrim" [derived from the term *bandas criminales* (Human Rights Watch Feb. 2010, 4)] (InSight Crime 2 June 2011; AI 10 Feb. 2012). An InSight Crime article indicates that, according to the government, bacrim are "not linked to the old paramilitaries" and are a "new phenomenon" (InSight Crime 11 Mar. 2011). In a *Jane's Intelligence Review* article discussing two of the new criminal groups, the author says that the government officially calls these groups bacrim in order to "distinguish them from their paramilitary and drug cartel predecessors" (12 Oct. 2011). International Crisis Group notes that the term bacrim, or criminal gangs, is used by the government to designate new illegally armed groups (NIAGs) and paramilitary successors (International Crisis Group 25 July 2011, i).

In a study done in the first six months of 2011, the Institute for the Study of Development and Peace (Instituto de estudios para el desarrollo y la paz, Indepaz), a Colombian NGO that maintains the tenants of [translation]"training, research, creation of dialogue spaces, and makes incursions into themes of development and peace, strengthening of youth and ethnic organizations, and multiparty dialogues, such as business, professional organizations, governments, political parties and social organizations" (Indepaz n.d.), indicates that bacrim, which they also refer to as "narcoparamilitary groups," have emerged from the following developments: the continued activity of groups or sections of groups that remained after the partial demobilization between 2005 and 2007; the regrouping of [translation]"middle managers," who had not been demobilized, with new recruits and old members; and the growth of armed groups created by drug traffickers (ibid. 2011). *Jane's Intelligence Review*, in an analysis of two bacrim, notes that one of them, known as the Rastrojos, was formed from "remnants of the now-defunct Norte del Valle Cartel" (12 Oct. 2011). Another of the bacrim, the Urabeños, was "formed from, and is still in large part commanded by, former paramilitaries" of the AUC (*Jane's* 12 Oct. 2011).

Human Rights Watch indicates that, as of October 2011, successor groups had approximately 5,700 members (2012). A 24 May 2011 article in *El País*, a Madrid-based newspaper, however, notes an estimate from Arco Iris [Corporación Nuevo Arco Iris (CNAI), a Bogotá-based think-tank for [translation]"research and social action for reconciliation" (CNAI 26 May 2008)] of 9,000 to 11,000 members of bacrim (24 May 2011).

#### 1.1 Differences Between the AUC and Bacrim

In a 1 March 2012 interview, an assistant professor of political science at the Universidad de los Andes, with research expertise in the Colombian armed conflict and drug trafficking, noted that the bacrim are not the same size as the paramilitary groups of the AUC. An article in the *Economist* notes that the "AUC purported to have political aims, fighting leftist guerrillas and acting as the local state where the government was absent, while committing savage murders and engaging in criminal rackets" (14 Jan. 2012). *Jane's Intelligence Review* notes that the AUC paramilitaries claimed to be

"motivated by anti-insurgent ideals" (12 Oct. 2011). However, bacrim do not follow this ideology, as they have "no appetite to fight the insurgents and, unlike the paramilitaries, do not have the manpower to do so" (*Jane's* 12 Oct. 2011). The Assistant Professor also noted that these new groups are [translation] "private armies whose aim is to control the drug trade" (1 Mar. 2012). Similarly, the *Economist* states that the majority of the successor groups are just "drug gangs" (14 Jan. 2012).

## 1.2 Structure of the Bacrim

According to the Assistant Professor, there are four or five main groups that emerged after the demobilization of the AUC for drug trafficking negotiations (1 Mar. 2012). These bacrim do have a type of command structure but each local group has autonomy (Assistant Professor 1 Mar. 2012). Similarly, an article in *Jane's Intelligence Review*, analyzing two of the bacrim, describes these groups as "criminal networks" that are not "vertically integrated structures" (12 Oct. 2011). The article further describes them as

franchises, with factions that work together in the interests of the drug trade and comprise all the links needed in the cocaine chain: purchasing coca base, producing cocaine, smuggling shipments nationally and internationally, and laundering proceeds. (*Jane's* 12 Oct. 2011)

## 1.3 Names of Bacrim

Several sources list the following as names of bacrim: Urabeños, Rastrojos, ERPAC [Popular Revolutionary Anti-Communist Army (Ejército Revolucionario Popular Anticomunista)], Paisas, and Águilas Negras (Black Eagles) (Insight Crime 2 June 2011; CNAI 8 Feb. 2012, 5,6; Indepaz 2011). Other groups include Los Machos, Renacer (Indepaz 2011; Insight Crime 2 June 2011), Oficina de Envigado, Cordillera, Alta Guajira, Autodefensas Unidas de Cundinamarca, Cacique Pipintá, the Martín Llanos group, Autodefensas del Sur del Atlántico (Indepaz 2011), Nueva Generacion and Magdalena Medio Group (Insight Crime 2 June 2011).

## 1.4 Areas of Operation

Amnesty International (AI) says in its written statement to the 19th session of the UN Human Rights Council that the bacrim "continue to expand and consolidate their presence across Colombia" (10 Feb. 2012). CNAI says that, since 2010, the bacrim "have remained in the same territories, where they are consolidating their presence" (8 Feb. 2012, 5). The Assistant Professor noted that [translation] "with the exception of modernized areas with a high institutional presence, the majority of regions in Colombia are impacted by the presence of an armed group, such as the [b]acrim" (1 Mar. 2012).

An article in *El País* says that, according to official numbers, at the beginning of 2011, the bacrim were operating in 75 percent of the Colombian territory, covering 21 of 32 departments (28 Jan. 2011). In a 24 May 2011 article, *El País* indicates that the bacrim were active in 293 of the 1,111 municipalities in Colombia. According to CNAI's 2011 report on violence in Colombia, bacrim are present in 209 municipalities, mostly on the Caribbean coast, the Pacific coast and in Antioquia [department] (8 Feb. 2012, 5). In their seventh study of the presence of bacrim in Colombia, however, Indepaz says that, in 2011, these groups were present in 406 municipalities in 31 departments (2012).

## 1.5 Conflict Between the Bacrim

The Assistant Professor noted that the bacrim are fighting for territorial control (1 Mar. 2012). In 2011, according to CNAI, there was an increase in confrontation between the bacrim, with a "permanent dispute" over territorial control between an alliance of the Rastrojos and Paisas on one side and the Urabeños and Black Eagles on the other (8 Feb. 2012, 6). The most affected areas are districts that have "coca cultivation and drug trafficking routes," particularly the areas making up the Nudo de Paramillo and the Caribbean coast, as well as the Santander districts and southern Bolívar (CNAI 8 Feb. 2012, 6).

Similarly, *Jane's Intelligence Review* reports that there is an ongoing conflict between the Rastrojos and the Urabeños in the Bajo Cauca region of northern Antioquia and the south of Córdoba (12 Oct. 2011). *El Tiempo* notes that, in 2011, conflict between the bacrim took place in Bajo Cauca, Córdoba, Santander, Norte de Santander, Nariño and Valle (15 Feb. 2012). The Urabeños have also tried to align themselves with Los Machos, enemies of the Rastrojos and a military wing of a faction of the Norte del Valle Cartel; Los Machos have a limited presence in Valle del Cauca (*Jane's* 12 Oct. 2011).

According to *Jane's Intelligence Review*, the "conflict between Los Rastrojos and Los Urabeños is broadening ... to a nationwide struggle," as well as crossing Colombian borders into Venezuela (*ibid.*). An article published on the UNHCR website indicates that the Urabeños, Rastrojos, Paisas and Autodefensas Gaitanistas have extended their conflict to the Venezuelan state of Táchira (23 Jan. 2012). *El Tiempo* reports in February 2012 that the conflict between the Urabeños and Rastrojos has resulted in at least 2,000 deaths [translation] "in recent years" (15 Feb. 2012). However, according to the same article, the two groups have entered into negotiations to halt the war between the bacrim and divide the main drug trafficking areas in Colombia (*El Tiempo* 15 Feb. 2012).

## 1.6 Infiltration of Official Power

Human Rights Watch points to "concerns of ongoing infiltration of the political system by paramilitaries and their successor groups" (2012). *Jane's Intelligence Review* notes that, because of their AUC roots, the Urabeños "[appear] to have infiltrated the security forces and other institutions of the state, particularly in the northwestern corner of the country, which is its stronghold;" in the past the AUC "worked closely with certain members of the security forces, politicians and businessmen" (12 Oct. 2011).

*Jane's Intelligence Review* also says that the Rastrojos also infiltrate state institutions in their areas of operation (12 Oct. 2011). For example, among 24 people arrested in June 2011 that were suspected of working with the Rastrojos in Bahía Solano (Chocó [department]), there were a court employee, a local politician and members of the security forces, including police, navy, and the attorney general's investigative arm; the charges against them were "criminal conspiracy to commit drug trafficking" (*Jane's* 12 Oct. 2011). *Territorio Chocoano*, a newspaper in Quibdó (Chocó), also reports that, among the 24 arrested for working with the Rastrojos, there were 7 police officers, 2 soldiers, a court employee, a councillor, and the head of the Bahía Solano unit of the Technical Investigation Corps (Cuerpo Técnico de Investigación, CTI) (6 June 2011).

## **2. Activities of the Bacrim**

### **2.1 Criminal Activities**

Several sources list drug trafficking as the main criminal activity of the bacrim (Insight Crime 2 June 2011; *Jane's* 12 Oct. 2011; CNAI 8 Feb. 2012, 13). Other criminal activities include illegal mining (Assistant Professor 1 Mar. 2012; *Jane's* 12 Oct. 2011; CNAI 8 Feb. 2012, 13; Indepaz 2011), extortion (Insight Crime 2 June 2011; CNAI 8 Feb. 2012, 13; *The Economist* 7 July 2011; Assistant Professor 1 Mar. 2012), kidnapping (Insight Crime 2 June 2011; *The Economist* 7 July 2011); organized crime (Insight 2 June 2011); money laundering, gasoline smuggling, theft of auto parts (CNAI 8 Feb. 2012, 13), arms trafficking and local drug distribution (*Jane's* 12 Oct. 2011).

### **2.2 Human Rights Abuses**

Human Rights Watch reports that the paramilitary successor groups "commit widespread abuses against civilians, including massacres, killings, rapes and other forms of sexual violence, threats, and forced displacement" (2012). The Associate Professor also noted that the bacrim are known to kill civilians if they do not comply with the rules they have imposed on the locality they control (1 Mar. 2012). The International Crisis Group also says that armed groups such as the bacrim reportedly "enforce their own 'law' and kill people whose behaviour they do not approve of in poor neighbourhoods in Cúcuta" (31 Oct. 2011, 20 note 179). According to the same organization, the bacrim are also involved in human trafficking networks, the use of children as "fighters and informants" and sexual abuse of girls (International Crisis Group 31 Oct. 2011, 20).

InSight Crime also states that those paramilitaries that did not fully demobilize are implicated in "grave human rights violations" such as "attacks on civilians, especially activists and community leaders" (2 June 2011). AI also reports that paramilitaries are responsible for "serious human rights violations, sometimes with the collusion or acquiescence of the security forces, including killings and enforced disappearances, as well as 'social cleansing' operations in poor urban neighbourhoods" (10 Feb. 2012). The people most at risk from these abuses are those living in rural areas, specifically indigenous and Afro-descendent people, as well as peasant-farmer communities, those that live in poverty in urban areas, human rights defenders, and trade unionists (AI 10 Feb. 2012). Human Rights Watch also notes that successor groups "have repeatedly targeted human rights defenders, Afro-Colombian and indigenous leaders, trade unionists, and victims' groups seeking justice and recovery of land" (2012). The Assistant Professor indicated that the bacrim target human rights defenders if they impede the group's specific interests (1 Mar. 2012).

Human Rights Watch reports that successor groups to paramilitaries allegedly are responsible for 2011 killings of members of indigenous communities in the north of Colombia (8 July 2011). According to the Americas Director of the organization, "Indigenous communities suffer extreme violence at the hands of Colombia's powerful armed groups, including successor groups to paramilitaries," and the armed groups "murder, threaten, and forcibly displace" the indigenous communities (Human Rights Watch 8 July 2011).

AI reported that, on 27 February 2012, Los Rastrojos Urban Commands sent a death threat to a lawyers' collective in Bogotá naming three national NGOs as well as trade unionists and NGOs from Antioquia, Tolima, and Valle de Cauca, and declaring them "military targets" (1 Mar. 2012). Human Rights Watch reports that the Rastrojos sent a death threat in June 2011 targeting "numerous rights organizations and individual defenders, including several prominent advocates for the rights of women and internally displaced persons" (2012).

According to Human Rights Watch, successor groups are allegedly responsible for the 34 percent increase in massacres reported in 2010, with that number continuing to increase during the first six months of 2011 (2012). A 7 July 2011 article in the *Economist* says that bacrim are responsible for "recent attacks on human-rights activists and some massacres of villagers."

#### **2.2.1 Land Restitution**

According to AI, the Victims and Land Restitution Law acknowledges the rights of victims in Colombia's armed conflict, and "provides reparations for many survivors of human rights abuses," such as return of stolen land; however, AI also says that there are no "safeguards to ensure that returnees are not forced to again cede control over their land to those who had forcibly displaced them or to others" (10 Feb. 2012).

The Americas Director of Human Rights Watch, in an article discussing the Victims and Land Restitution Law, which came into effect 10 June 2011, expressed the view that the "ongoing violence against displaced communities will make effective implementation of this legislation a real challenge" (10 June 2011). According to Human Rights Watch, bacrim are allegedly responsible for many of the attacks against "displaced communities seeking restitution of their lands [which] have been subject to repeated violence, threats, and intimidation" (10 June 2011). Similarly, according to AI, "[a]ctivists working on land restitution or representing displaced communities have been particularly at risk" of human rights abuses by paramilitary groups (10 Feb. 2012).

AI reports that, on 28 February 2012, a death threat was sent by paramilitaries to Bogotá-based human rights defenders, women's rights NGOs, and NGOs working on the restitution of land (1 Mar. 2012). AI also notes that, in this threat, the Black Eagles Capital Bloc paramilitaries said that the latter were

"brainwashing the displaced, acting as if they were Human Rights Defenders," and told them to "stop making trouble with the issue of land restitution, because everyone working on this will be killed by us, no matter how protected you are, we are giving you 30 days to leave the city." (1 Mar. 2012).

Moreover, an article in *El Espectador* reports that there are [translation] "anti-restitution armies" in 400 municipalities (2 Mar. 2012).

### 2.3 Local Control and Displacement

An article in *El País* says that, even though several public servants insist that the criminal activity of the bacrim is mostly related to drug trafficking, [translation] "reality shows that they make attacks against social leaders, and threaten and impose their norms in zones that they control" (28 Jan. 2011). The Associate Professor also indicated that one of the main goals of the bacrim is to become [translation] "the government on the municipal level" in Colombia (1 Mar. 2012).

An article published by VerdadAbierta.com, a website that [translation] "invites the summarising and contrasting of versions of the knowledge of the paramilitary phenomenon ... by journalists, researchers, social activists and communities," (n.d.), notes that an [translation] "'armed strike'" imposed by the Urabeños in six departments, Magdalena, Antioquia, Chocó, Córdoba, Sucre and Bolívar, shut down businesses and transportation in the cities, leaving streets deserted (5 Jan. 2012). Providing more detail, the *Economist* reports that, on 5 and 6 January 2012, the Urabeños "declared an 'armed strike' in retaliation for the death of their leader, Juan de Dios Usuga (alias 'Giovanny'), in a firefight with police on New Year's Day" (14 Jan. 2012). The group distributed leaflets in six northern departments that declared, "'We don't want to see anyone on the streets, doing any work'" (*The Economist* 14 Jan. 2012). This caused the "shut down [of] transport, commerce and even government offices" (*ibid.*). The group also "burned 11 vehicles for violating their ban on movement. Security forces found leaflets offering up to 2m pesos (\$1,075) for every police officer killed in Antioquia, the gang's stronghold" (*ibid.*).

The leaflets also stated that the Urabeños "'are an army that fights for social demands and the dignity of our people'" (*ibid.*). However, the President rejected the idea that the Urabeños were "political" and refused to hold talks with them (*ibid.*).

According to VerdadAbierta.com, this [translation] "'reveals the operational capacity of Los Urabeños and the subjugation of the civilian population, and that they do not need to do mass killings to frighten and completely halt a population'" (5 Jan. 2012).

In a 24 February 2012 article, *El Universal*, a Cartagena-based newspaper, reports that bacrim have placed parts of the population in Córdoba [translation] "under siege," which has resulted in displacements, particularly in Tierralta and Montelíbano. An ombudsman indicated in the article that the bacrim [translation] "have imposed their own laws in several municipalities in Córdoba, including the rural zone of Montería" (*El Universal* 24 Feb. 2012). According to the ombudsman, people are too afraid to make complaints to the authorities (*ibid.*).

CNAI reports that, in the first six months of 2011, the bacrim displaced a total of 11,898 people along the Caribbean and Pacific coasts, and in Antioquia; 70 percent of the displacement took place in the Córdoba and Atlántico districts (8 Feb. 2012, 7). Reasons for the displacements include threats and extortion by the bacrim, or escaping the conflict between the groups "as they vie for economic and territorial control" (CNAI 8 Feb. 2012, 7). CNAI notes that "Córdoba is one of the districts that has suffered most from the presence of different criminal gangs," with more than 500 murders taking place in the district in 2011, up to November, and 2,479 displacements in just the first six months of 2011 (*ibid.*, 5).

### 3. State Response

CNAI reports that, in the beginning of 2011 the Colombian government indicated that the bacrim are the "greatest security threat to the country" (8 Feb. 2012, 7). At the beginning of 2011, the chief of the national police was quoted by *El País* as saying that bacrim were [translation] "'the worst menace for the country'" (28 Jan. 2011).

*El Tiempo* reports that the President increased the police presence in Urabá and other parts of Antioquia by 500 officers (9 Jan. 2012). In March 2011, the Minister of Defence also said that the government would use the armed forces to fight the bacrim (Colombia 12 Mar. 2011).

The Chief of the National Police reported in November 2011 that, in the last year, they had captured 2,904 bacrim members, including 70 heads of the groups (*ibid.* 30 Nov. 2011). According to the CNAI report, the government captured 2,959 bacrim members in the first nine months of 2011 and killed an additional 37 (8 Feb. 2012, 7). Similarly, an article in *El Tiempo* says that, in 2011, 3,000 bacrim members were captured by the authorities (9 Jan. 2012).

Sources report that approximately 270 members of ERPAC surrendered at the end of 2011 (InSight Crime 2 Feb. 2012; CNAI 8 Feb. 2012, 14); however, according to InSight Crime, only 21 of them were arrested, including the top commander (2 Feb. 2012). CNAI says similarly in its report that only 20 of them were detained with the rest going free (8 Feb. 2012, 14). CNAI calls the submission to the authorities by ERPAC "partial," and notes that there are "signs of a continuation of activities by those who did not turn themselves in" (8 Feb. 2012, 14, 15). The CNAI report adds that the

multiple captures of high-level commanders does not seem to be the right strategy to finish off these groups, as week after week 'financial bosses' of these groups are captured. The captures only appear to lead to the promotion of some other member of the illegal armed organization but not to the complete dismantling of the group as a whole. (8 Feb. 2012, 8)

Human Rights Watch indicates that "[t]olerance of the groups by public security force members is a main factor for their continued power. At least 180 police officers were jailed in 2011 because of alleged ties to successor groups" (2012). According to CNAI, the "capacity of the '[b]acrim' to recover by means of forced recruitment as well as the perception of these organizations as a source of employment are both factors that impede the elimination of these organizations" (8 Feb. 2012, 8). An article in *El Tiempo* notes that, at the beginning of 2012, 6,000 armed bacrim members were still active (9 Jan. 2012).

#### 4. Program for Demobilized Paramilitaries

*Jane's Intelligence Review* says that, between 2003 and 2006, 30,000 AUC members demobilized and became part of the Justice and Peace Law amnesty program for former combatants through which paramilitary leaders were "guaranteed not to serve time in prison;" however, the law was changed by Congress and the Constitutional Court, and AUC leaders were required to turn themselves in, something "many refused" to do (12 Oct. 2011). Human Rights Watch says in its 2012 *World Report* that the

[i]mplementation of the Justice and Peace Law, which offers dramatically reduced sentences to demobilized paramilitaries who confess their atrocities, has been slow and uneven. At this writing, more than six years after the law was approved, special prosecutors had only obtained three convictions and recovered a small fraction of paramilitaries' illegally acquired assets."

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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**Oral sources:** An assistant professor of International Studies at the University of Miami, Florida, a PhD candidate at the University of Kent, representatives of Corporación Nuevo Arco Iris and Instituto de Estudios para el Desarrollo y la Paz did not reply within the time constraints of this Response. Representatives of the Consultoría para los Derechos Humanos y el Desplazamiento, Fundación Ideas para la Paz, and the ministries of Defence, Interior and Justice could not be reached.

**Internet sites, including:** Colombia – Ministry of the Interior; *El Colombiano*; Comisión Colombiana de Juristas; Consultoría para los Derechos Humanos y el Desplazamiento; Fundación Ideas para la Paz; GlobalSecurity.org; *Human Rights Quarterly*; *Jane's Terrorism and Security Monitor*; Latin American Press; Latinnews.com; *Semana*; United Nations – Office on Drugs and Crime, Refworld; United States – Office on Colombia.

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