



Canadian Council for Refugees
Conseil canadien pour les réfugiés

The Future of Colombian Refugees in Canada:
Are we being equitable?



*Report of the Canadian Council for Refugees delegation to Panama
and Ecuador (jointly with the Refugee Council USA) and to
Colombia in November 2010*

Francisco Rico-Martinez, March 2011

Canadian Council for Refugees

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A) INTRODUCTION

In the summer of 2010, the Canadian Council for Refugees (CCR) was invited to join the Refugee Council USA (RCUSA) in an NGO delegation to gather information about Colombian refugees.

RCUSA was motivated by its recognition that the situation of Colombian refugees is arguably the most persistent humanitarian crisis in the Western Hemisphere. Their aim for the delegation was to emphasize the urgent need to expand the protection space for Colombian refugees in countries of first asylum and the importance of increasing resettlement opportunities for the most vulnerable Colombian refugees.

The CCR decided to participate in the delegation because a number of factors made it particularly relevant to Canada:

- Colombians represent one of the top nationalities seeking refuge in Canada (5th in 2009). They come both as refugee claimants (they were among top 3 source countries in the previous 5 years) and as resettled refugees.
- The CCR had earlier had various concerns relating to the resettlement of Colombians, including reports that women at risk in Ecuador were forced to prostitute themselves while awaiting resettlement. Regarding selection directly out of Colombia (through the Source Country Class), there have been longstanding concerns about the difficulties for those facing the greatest threats to their lives to be selected by Canada.
- The acceptance rate for Colombian refugee claimants in Canada was known to be declining. Questions were being raised among CCR members about whether or not the decreased acceptance rate was justified by changes in realities in Colombia.

The plan for the joint delegation was to visit Panama and Ecuador. The CCR decided to add a visit to Colombia, in order to gather information relating to the Canadian Source Country Class program (there is no US equivalent) and on the human rights situation within the country.

B) THE VISITS OF THE CCR DELEGATION

Panama and Ecuador

Representing the CCR, Francisco Rico-Martinez joined representatives of RCUSA in visits to Panama and Ecuador. From November 1st to 3rd, this delegation conducted meetings in Panama City and in Jaque (in Panama's Darien border region). The delegation then travelled to Ecuador where it conducted meetings in Quito and in two border communities, San Lorenzo and Lago Agrio, from November 5th to 9th. In both countries, the delegation met with Colombian refugees, representatives from the governments, the United Nations High Commissioner for Refugees (UNHCR), the US Government, international non-governmental organizations and a wide range of national non-governmental and church-related organizations.

Colombia

Following the visits to Panama and Ecuador, Francisco Rico-Martinez travelled to Colombia, where he joined a second CCR representative, Shauna Labman. Together they conducted a series of meetings with organizations in Colombia, from 10th to 14th November 2010.

In the case of the meetings conducted in Colombia, the CCR delegation commenced each meeting with a summary of hypotheses justifying a decreased need for refugee protection by Colombians (see below), asking for the interviewees' comments. All the interviews were recorded and the audio recordings are available at the FCJ Refugee Centre located in Toronto. During the interviews the delegation was presented with statistics and other documents or publications containing relevant information. These documents are also available at the FCJ Refugee Centre.

Organizations visited and documents received

Organizations Visited in Panama

United Nations High Commissioner for Refugees (UNHCR)
Justice and Peace Commission
Caritas
Vicarato de Darien
Centro de Investigacion y Promocion de los Derechos Humanos
Instituto Nacional de Estudios Nacionales de la Universidad
Jesuit Refugee Service
Centro de Asistencia Legal Popular (CEALP)
Norwegian Refugee Council
Defensoria del Pueblo (Panama)
U.S. Embassy
Oficina Nacional Para Atencion a los Refugiados (ONPAR)
Archbishop Ulloa

Organizations Visited in Ecuador

International Organization for Migration (IOM)
U.S. Embassy
Canadian Embassy
Asylum Access
United Nations High Commissioner for Refugees (UNHCR)
Defensoria Del Pueblo, Ecuador
Vice Minister for Human Rights, Ecuador, Alexandra Moncada
Refugee and Migration Coalition
Hebrew Immigrant Aid Society
Jesuit Refugee Service
Asociacion Colonia de Migrantes Colombianos en el Ecuador (ASOCOMIRCE)
Mujeres Sin Fronteras
Walks of Life
Manos Amigas
APAFANO

Ecuadorian Women's Foundation
Women's Federation of Sucumbios (Federacion de Mujeres de Sucumbios)*
Foundation of Environment and Society (Fundacion Ambiente y Sociedad, FAS)*
ASOPMICEO (refugee run organization)*
Pro-Refugee Committee (Comite Pro Refugiados, CPR)*
Nuestras Jovenes*

* Organizations visited by part of the delegation only: Francisco Rico-Martinez was not present.

Organizations and Individuals Visited in Colombia

Colombian National Organization of Indigenous Peoples (O.N.I.C.)
Black Communities Process of Colombia (P.C.N. Colombia)
Canadian Embassy
UNHCR
International Red Cross Committee
Defensoria del Pueblo, Colombia (National Ombudsman Office)
Centre for Research and Popular Education (CINEP)
Coordinacion para los Derechos Humanos y el Desplazamiento, CODHES
Colombian Jurists Commission
Jesuit Refugee Service (JRS)
Mennonite Church in Colombia
Fernando Cubides, National University of Colombia, Department of Sociology

The CCR delegation had hoped in addition to meet with two other organizations. The Human Rights Commission of the General Prosecutor's Office of Colombia was contacted with a request for an interview, but never responded to any of the emails or telephone calls. Prior to arrival in Colombia, an interview had been scheduled with the Presidential Agency for the Social Action in Colombia (Agencia Presidencial para la Accion Social de Colombia), a government institution responsible for Internally Displaced People. Unfortunately, at the time the CCR delegation were arriving in Colombia, allegations of corruption covered by the national media led to the resignation of the representative of the Presidential Agency. The interview was therefore not possible.

The list of the documents gathered in the course of the visits is available in the appendix to this report, page 34.

The Refugee Council USA's report on the delegation, *Living on the Edge: Colombian Refugees in Panama and Ecuador*, is available from their website www.rcusa.org.

Acknowledgements

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The CCR thanks the organizations and individuals who agreed to be interviewed and generously shared their information and perspectives with the delegation, and particularly the Colombian refugees who described their own difficult experiences of displacement.

The CCR offers a special thank you to Alberto Gaona, for preparing the visit to Colombia, compiling all the documents and initial drafting of some sections of the report, and to Consuelo Torres, for her inputs.

C) CONTEXT – A REDUCED NEED FOR REFUGEE PROTECTION FOR COLOMBIANS?

Prior to the trip, the CCR was aware of a significant drop in the acceptance rate for Colombians making refugee claims in Canada, as well as a decision by the Canadian government to reduce the numbers of Colombians resettled, based on a perception of decreased protection need.

These declines have since been confirmed by the most recently available statistics.

In 2010, of refugee claims made by Colombians and finalized by the Immigration and Refugee Board, 52% resulted in the claimant being found to be a refugee.¹ This represents a marked decline from 2009, when 76% of Colombian claimants were accepted as refugees (79% in 2008).

With respect to resettlement, there has been a dramatic decline in the Canadian government's resettlement targets for Colombians (i.e. the planned number of Colombians to be resettled to Canada). In 2008, the resettlement target for the Bogota visa office, which would be almost all Colombians, was 1,960.² In 2009, this declined to 1,350³ and in 2010 to 700.⁴ The target for 2011 is fewer than 400.⁵

In reviewing the explanations for the decline in planned resettlement and the reasons for refusing refugee claims, a number of themes emerged. These formed the hypotheses that the delegation tested through the delegation visits in Colombia:

1. The FARC (Revolutionary Armed Forces of Colombia) are no longer able to communicate nationally and have been defeated to the point that they have limited or no power to harm civilians other than locally.
2. The paramilitary has been demobilized and has largely disappeared as an armed actor.
3. Increases in the budget and numbers of the various security forces, including the army, police and state security, have resulted in increased state protection for civilians in Colombia.
4. Under these new conditions, Colombians under threat can improve their safety by moving from one place to another within Colombia, and in particular by moving to the capital city, Bogota.

¹ More precisely, this percentage covers both those accepted as a Convention Refugee and those found to be a person in need of protection (*Immigration and Refugee Protection Act*, s. 97). In either case, under Canada's legislation, the person becomes a "protected person".

² This is the sum of the target for Government Assisted Refugees (1,370) and the target for Privately Sponsored Refugees (570).

³ 1,300 Government Assisted Refugees and 50 Privately Sponsored Refugees.

⁴ 680 Government Assisted Refugees and 20 Privately Sponsored Refugees.

⁵ 340 Government Assisted Refugees and 35 Privately Sponsored Refugees.

D) THE SITUATION IN COLOMBIA

The CCR visit in Colombia was organized with a view to verifying, through interviews with reliable sources, the hypotheses outlined above. In this report, the findings will be discussed under the following headings:

- The demobilization of the Paramilitaries and their capability to remain a threat for civilians
- The capability of the Guerrillas (FARC, and others) to continue to be a threat for civilians
- The role of the Colombian Armed Forces in the human rights field
- The internal flight alternative, in the case of a threat, and the places that could be safe inside the country

In addition, the report summarizes the perspective of a representative of the Canadian Embassy in Bogota, and explores the findings relating to a specific Immigration and Refugee Board Response to Information Request, which has been relied upon in many decisions on Colombian refugee claims.

1. Perspective of the Canadian Embassy in Bogota

The delegation's first interview in Colombia was with Sara Cohen, Political Counsellor at the Canadian Embassy in Bogota. Ms. Cohen started the interview by saying that, in order to understand the internal situation in Colombia, it is necessary to apply a "methodological puzzle", and it is best to reflect various positions (3 prongs: Colombian government, civil society, international society).

In this "puzzle", Sara Cohen insists that the Guerrillas have been hit hard, and have been contained, but that they still have about 8,000-10,000 members. Ms. Cohen expressed very clearly that, although Colombia is the source of 50% of the world's cocaine, the urban security has improved dramatically in the last eight years, even though what are now called "neo paramilitaries" and drug-traffickers need to be addressed better by the current Colombian government.

According to Ms. Cohen, the worst of the conflict had been "pushed outward", to the external regions of the country, where there is a strong impact on civilians. The Colombian government is not 100% successful yet, but it is a "work in progress". However, the Canadian representative showed no doubts about the genuine will of the Colombian government to address inequalities. She said that the Colombian government needs both support and encouragement to do more. Canada ratified the Free Trade Agreement with Colombia because it makes them appreciated and contributing partners with the Colombian government.

Ms. Cohen's comments were found by the delegation to be consistent with what appears to be a new way of talking about the Colombian Government used by many international observers and partners.

2. The demobilization of the paramilitaries and their capability to remain a threat to civilians

One of the main beliefs that has influenced the current perception of the human rights situation in Colombia is the supposed disappearance of the paramilitary groups. According to those interviewed, there is still a prevalence of paramilitary groups in Colombia despite state efforts to formally reduce their numbers, and to create the perception that they are demobilized.⁶

In effect, one of the first actions of the Colombian government under the first administration of President Alvaro Uribe, which began in 2002, was to promote a “*negotiation process*” with the paramilitary groups, with the aim being their demobilization. The offer was a process in which the paramilitary groups could demobilize without fear of harsh punishment for their criminal activities. This process was articulated in Bill 975 of 2005, also known as the “*Peace and Justice Law*” (“*Ley de Justicia y Paz*”). The “*Peace and Justice Law*”, introduced by the Uribe government, permitted the demobilization of 32,000 to 35,000 paramilitaries from 2002 to 2005. However, at the outset of the demobilization in 2002, the same Colombian government had estimated the total number of paramilitaries in the whole country to be only 12,000 combatants.⁷

From a human rights point of view, this law gave open amnesty to thousands of people who had committed all kind of crimes from within the paramilitary or criminal circles. Its approval was considered a terrible precedent for human rights in Colombia, and was expected to have negative consequences in the future. This was because:

“It is not a political negotiation, because all political negotiations presume two antagonist positions or, at least, clearly different points of view”. For this case, “both the State and the paramilitaries see a common enemy, a same social model, the same belief which is ‘national security’, the same repressive practices, a ‘corps solidarity’ between both forces, the same legitimacy speech of the current status quo, the same impunity mechanisms, the same concept of armed action and of the role of civilians in it, the same parameters of stigmatization of the social movements and of the political ideologies of non capitalists, and also a combination and coordination of legal and illegal actions to achieve the same goals.”⁸

So, this “demobilization process” was, really, a process made to:

“Institutionalize the paramilitaries and legalize all the wealth which was gathered by them, in many years of a dirty war against the Colombian population.”⁹

“To avoid any doubt in this sense: ‘a few days after the demobilization of the so-called Bloque Cacique Nutibara of the AUC, in December 2003, the paramilitary head Carlos

⁶ All those interviewed mentioned this perception.

⁷ Gallon Giraldo, Gustavo: “*Enjuiciamiento de Crimenes Internacionales cometidos en Colombia*”, Comisión Colombiana de Juristas, Artículo, p. 2.

⁸ Lawyers Group “Jose Alvear Restrepo”: “*History of an impunity process in nineteen paragraphs*”. Bogota, March 2006, page 2.

⁹ Lawyers Group “Jose Alvear Restrepo”: Ibid.

Castano, as he was asked about the future relations of his group with the Military, the politicians and the economic sectors which supported them, said: 'in a very criollo term, a very antioquian term, at least we will stop to be the mistress and start to be the wife!'"¹⁰

In fact, as expressed by Gustavo Gallon, the UNHCR and the National Ombudsman Office, from 2002 to 2008, while these paramilitary groups continued to carry out attacks and killed an estimated 4,500 persons, the Colombian government denied or ignored all these “*violations of the ceasefire*”, and maintained the agreements made with them.¹¹

Several of the main heads of the paramilitary groups participated in the “*demobilization*”, and accepted to be jailed as part of the process. They knew that, according to this law, they would be in Colombian jails for no more than 8 years, despite any crime they had committed.

The process seemed to be such a great success that President Uribe declared:

“Colombia has overcome the paramilitarism. Today there is no paramilitarism [in Colombia].”¹²

But, in May 2008, after their demobilization, those heads of the paramilitary groups were extradited to the USA, where they faced accusations regarding drug trafficking, which was – and still is – one of the main sources of funding for all the armed groups in Colombia.

At the same time, the program to “*reinsert into civil society*” the thousands of paramilitaries who demobilized showed limitations. The institutional structure to support the program was not responsive enough and the flow of funds seemed to find legal obstacles. As a result, many of the demobilized combatants said they were victims, and started to go back to armed action. It was not hard for them, because, in the process, the surrender of the weapons was not a real goal of the agreement and for that reason was not an object of much effort by the Colombian government.

Despite the declarations of the Colombian government, the paramilitary phenomena were strongly reactivated in several regions of the country, with new names (“*Black Eagles*”, “*Criminal Bands*”, “*New Generation*”, “*Bogota Metropolitan Block*”, “*the Machos*”, “*The Rastrojos*”, “*The Urabenos*”, and many others), and their actions since 2007 have grown to the point that they are currently considered the main violators of human rights in Colombia.¹³

Although they still extort, the main concern of Colombia’s paramilitary groups now is to take care of the huge amounts of land stolen through many years of terror, to assure control of that territory for legal and illegal businesses (illegal plantations, for example) or to guard the routes for trafficking, often in alliance with the guerrillas, their former enemy. According to those interviewed, alliances between

¹⁰ Lawyers Group “Jose Alvear Restrepo”: Ibid.

¹¹ Gallon Giraldo, Gustavo, Colombian Commission of Jurists: “*Human Rights Crisis and Democracy at Risk in Colombia 2009*”.

¹² Declaration of President Alvaro Uribe, July 20, 2007. Taken from SEMANA.COM, Friday July 20, 2007

¹³ CINEP –“*Legacy of the Uribe Policies: Challenges for Santos Government*”, 2010, p. 4

guerrilla and paramilitaries were unthinkable before “the Law of Justice and Peace” of 2005, but are now taking place. This was also confirmed by a Colombian refugee in Panama, who was escaping persecution as a result of the land conflicts.¹⁴

The rapid process of reactivation of the paramilitaries was not a surprise to some who had early seen the direction that the negotiation process was leading:

“This bill is not for the Peace. On the contrary, this negotiation is encouraging an intensification of the war, with the appearance of new illegal armed groups, the growth of the hate as seen by the evidence of impunity and injustice, and the aberrant taking of the State which, in some regions, is under the control of criminals with hunger for economic and political power to add to their military force, which is intact. It has shattered several institutions like D.A.S. [secret police], FINAGRO [institution created to fund peasants] and the Congress of the Republic itself, which, as it was denounced, is full of representatives of the armed groups from the Right.”¹⁵

In fact,

“According to estimates of the Attorney General’s Office (Procuraduría General), more than 6 million hectares have been usurped by the paramilitary groups from peasants. Only 5,000 hectares of land out of these six million have been given back by paramilitary groups to their victims.”¹⁶

Other sources say:

“... regarding the application of the ‘Peace and Justice’ Law, after five years there has been one sentence against two heads of the paramilitaries, “Diego Vecino” and “Juancho Dique”, for crimes made against the community of Mampujan, a region of San Onofre municipality. It is evidence of the deep institutional crisis of Colombian Justice, which with the violence and the humanitarian crisis shows a situation of great impunity.”¹⁷

Recently, after one of these groups, “The Urabenos”, assassinated a couple of students from one of the country’s most prestigious universities, the National Defence Minister (Secretary of Defence) admitted that the fight against these groups is one of the biggest challenges for the current Government.

¹⁴ Francisco, who is a refugee from Colombia, interviewed at the Jesuit Refugee Service in Jaque, Darien region, Panama: “I was the owner of a mine, and the paramilitaries took over my property. I went to report this to the authorities and they showed me the new papers of ownership.”

¹⁵ “*Paramilitares o Autodefensas?*” - Gabriel Bustamante Pena, Corporación Viva La ciudadanía. www.vivalaciudadania.org, 2004

¹⁶ Gallon Giraldo, Gustavo, Colombian Commission of Jurists: “*Human Rights Crisis and Democracy at Risk in Colombia 2009*”

¹⁷ CINEP –“*Legacy of the Uribe Policies: Challenges for Santos Government*”, page 7.

*“They are not a simple gang. Their close ties with the drug traffickers, and their strong presence in many regions of the country make them powerful. They have a big capability to do harm”.*¹⁸

One of the organizations visited, CINEP, has reported on the presence of armed groups in 27 departments (the Colombian equivalent of provinces), and in 22 capital cities. From 2002 to 2009, these groups have committed more than 5,480 human rights violations in the whole country, with this growth in violations taking place especially inside the main cities.¹⁹

*“Paramilitaries are the structure of force that defends the conquest of the last fifteen years, both from social and political control as well as the goods and lands stolen.”*²⁰

In summary, the delegation learned through the interviews that the armed groups who were formerly known as “paramilitaries” are still operating and are still considered a threat to civilians throughout Colombia. Financial incentives tend to have replaced ideology as the underlying motivation for these groups, who now operate mainly to defend the legal and illegal businesses of their current leaders, who may include politicians, entrepreneurs and probably corporations. A priority for them is to maintain control of huge areas of land which were stolen from now displaced peasants. The main way in which the paramilitaries are “legally” present is as security companies, providing services for politicians, entrepreneurs and corporations. Through their various legal and illegal expressions, the paramilitaries have many ways to track people down in any part of the country.

3. The capability of FARC to remain a threat to civilians

Under the presidency of Alvaro Uribe, who led Colombia from 2002 to 2010, the defeat of the guerrillas, especially the FARC (Revolutionary Armed Forces of Colombia), was a key objective. To this end, the army was given a significant budget and military action was intensified against the guerrillas, resulting in major setbacks for the guerrillas. One of the government’s most important victories was the killing of “Mono Jojoy”, considered the main military leader of the FARC guerrillas.

According to several of the people interviewed, the actions of the Colombian army forced the guerrillas to change strategy. The guerrillas could no longer continue acting as a regular army and had to return to what is known as “guerrilla tactics”, or in other words, attack and disappear.

“The guerrilla changed its operations style. They are no longer acting through strong and numerous Blocks. They changed their strategy and tactics, they now act in small groups, no more than ten, because that permits a faster mobility [...] so when they make an

¹⁸ Said by Rodrigo Rivera, current Minister of Defence, to Semana Magazine, on January 14 – 2011 – taken from <http://www.semana.com/noticias-nacion/tenemos-reto-mayusculo-lucha-contra-bacrim-rodrigo-rivera/150129.aspx>

¹⁹ CINEP – “*Legacy of the Uribe Policies: Challenges for Santos Government*”, 2010, page 6.

²⁰ Ibid.

attack against a town or against the Public Force, they do not go in number of hundreds, as before, nor in number of thousands, as in the attack of Patascoy.”²¹

As another source stated:

The guerrillas have adjusted themselves to the new dynamic of the conflict with new organization forms: smaller and more flexible groups, Special Forces for special missions, new forms of integration and communication between Guerrilla Fronts, new styles of military operation – avoid the combat, use of snipers and sabotage, more mined fields.”²²

But the guerrillas, in their adjustment, made alliances with other groups, sometimes former enemies:

*“The conflict of today is not the same conflict of yesterday. There are several alliances and agreements between former enemies [...] There was even a confrontation between ELN guerrilla and FARC guerrilla in several regions of the country. So, that confrontation has led one guerrilla to make alliances with trafficking groups or with illegal paramilitary groups”.*²³

Sara Cohen from the Canadian Embassy confirmed this trend, saying that in adjusting to the new situation, the guerrillas had made alliances with other groups, sometimes their former enemies. She reported that the FARC is becoming more and more of a drug trafficking organization, and that they sustain themselves in this way, although they remain ideological. She noted that through the drug trafficking, they have links to illegal armed groups that ten years ago would have been in total conflict with FARC.

Ms. Cohen tended to agree that it would be premature to consider the FARC defeated, saying that despite the death of many members of the FARC secretariat and the demobilization efforts, they still have the capacity to make a resurgence.

Another point that was raised in the interviews is that the guerrillas (and the paramilitaries) do not need to have many personnel in the main cities of Colombia in order to attack civilians anywhere. In fact, one of the consequences of the demobilization of paramilitary combatants is their current presence in all of the cities of Colombia. They are now present as armed gangs, carrying out various contract crimes. The delegation heard that in this context, ideology no longer factors into their thinking. Guerrilla members hire “killers for pay” (sicarios) to undertake a military action in any city of Colombia. According to the office of the National Ombudsman:

²¹ Interview with Jorge E. Calero, from the National Ombudsman’s Office, page 5.

²² “*La Situación internacional y el Conflicto Armado Colombiano*”, Alejo Vargas Ramirez – Bogotá, 2009.

²³ Interview with Jorge E. Calero, from the National Ombudsman’s Office, page 5. A similar point is made by Carlos Medina Gallego: “The returning of the guerrilla war, to the old internal communications forms, the emphasis in the political scenario and the perverse alliances which, regionally, include relations with traffickers and the new paramilitary groups.” “*Estado del conflicto armado colombiano y perspectivas de futuro*” – Carlos Medina Gallego, Grupo de Investigación en Seguridad y Defensa, Universidad Nacional de Colombia, July 2009.

“So, when these men came from Valencia, Cordoba, they were Counsellors, they came to Bogota and they exposed their case of threat by the paramilitaries in front of the National Ombudsman, the Ombudsman told them that they should remain in Bogota. They replied that they knew that those gangs have nets of ‘sicarios’ in the whole country, so ‘the same way we are threatened in Valencia, Cordoba, those gangs could kill us here in Bogota’. Well, right as they said, only three months after, one of them was killed here in Bogota. For this person it was not a solution to leave Valencia, Cordoba and to come to Bogota, which appeared to be a safe place. Here in Bogota they [the sicarios] have killed many people who came to look for safety. They come and then they are killed here. It is the same as if they go to Manizales, which is a calm place, or if they go to Pereira, supposedly a calm place.”²⁴

Another example of the gangs of “sicarios” in big cities is in the city of Soacha, just south of Bogota. During a meeting at the Office of the Jesuit Refugee Service in Soacha, the coordinator said:

“In Soacha there are several ways how the illegal groups [the guerrilla and the paramilitaries] are related to the gang members. For instance, any illegal group needs security, therefore they begin to seek protection from the street gangs. Another way is that some of these illegal groups are involved in drugs and they say to the kids... ‘Hey, sell these drugs inside the school. If you don’t, on the way out we will see each other’... Another way used to get close to the children is by saying... ‘Hey, you want to be powerful? Take this gun, and watch how they listen to you in your streets’. Eight year old kids are already part of this cycle of violence. The armed forces, on the other hand, pick up many teens, force them onto the trucks and they take them to the army. This is illegal, even more because they mostly do it at night. [...] The young people in Soacha are just in a sandwich situation.”²⁵

From this point of view, the FARC guerrillas (and also the paramilitaries), can easily hit any person or entity they wish, without needing to move many persons or resources to do so. The representative of the National Ombudsman Office explained:

“[They can attack] in any place, and they do not need big groups. In fact, if you remember the case of the Deputies in Cali, surely you remember how the small group of guerrilla members entered the city, in the very downtown of the city, and abducted the Deputies from their building, put them into a bus and brought them out of the city. And it was not a big group of guerrillas.

The commando that abducted the Governor of Caqueta, in December [2009]. They entered his house, took him and put him into a car, even though he was completely surrounded by the army. Florencia, [capitol of] Caqueta has a big concentration of the Army, and these commandos took the Governor – not a simple citizen but the Governor of the province – and put him into a car and brought him to an unknown place, where they killed him in the middle of that big military power concentrated in that area of Caqueta. And there are similar cases everywhere.

²⁴ From the interview with the National Ombudsman’s Office representative, Jorge E. Calero, page 5.

²⁵ Interview in the city of Soacha with the coordinator of the Jesuit Refugee Service office.

“A Councillor of the City of Garzon, [municipality of the province of] Huila. In the middle of a session of the Municipal Council a guerrilla command entered City Hall, which is a few metres from the Police Station, attacked the councillors and abducted one of them... and until today nobody knows where that councillor is.”²⁶

In the view of one academic interviewed, the guerrilla “is weak, has lost units, has been pushed back, has lost capability of movement in the territory, but still has a national presence; it is still an organization capable to develop actions at a national level.”²⁷

Two things were agreed upon in every interview: first, that the main effect of the effort of the Colombian Army against the guerrillas has been the weakening of the speed and frequency of communications among guerrilla structures. Second, it is not possible to discount the guerrillas in Colombia. The guerrillas’ communication problems may make it look like they have lost much of their combat capability, and, as Sara Cohen said in her interview, the guerrillas have been hit hard, they have been contained, but still there remain about 8,000-10,000 members.²⁸

Everyone interviewed also agreed that the peace process implemented by the Colombian government with the paramilitaries made it possible for guerrillas to make agreements for military actions with the remaining paramilitary gangs in any city of Colombia. Sarah Cohen referred to this by indicating that the ideological differences have dissipated between the FARC and the paramilitaries, and now in some situations it’s just business.

4. The role of the Colombian armed forces and intelligence services and their human rights record

As mentioned above, one of the pillars of the governmental policy in the last eight years has been investment in the Armed Forces of Colombia. The huge increase in the military budget was used mainly in the fight against the guerrillas.

According to the Centre for Research and Popular Education (CINEP), the total number of active members of the Colombian security forces (military and police) grew from around 313,000 in 2002, to around 437,000 by 2009²⁹, representing a 30% increase.³⁰

Particularly during the last five years, one of the main concerns relating to the Colombian Armed Forces in the area of human rights has been the so-called false positives (*falsos positivos*).

²⁶ Interview with Jorge E. Calero, from the National Ombudsman’s Office, page 5.

²⁷ From the interview with Fernando Cubides, from the National University of Colombia, page 3.

²⁸ Numbers provided by the Canadian Embassy in Bogota.

²⁹ CINEP – “*Legacy of the Uribe Policies: Challenges for Santos Government*”.

³⁰ “During the administration of President Uribe, modernization and strengthening of the Public Force was the basis of his security policy. So, they incremented the force to 430,000 units, modernized logistics with special attention to the military aviation and the strengthening of the human and technical intelligence.” *Estado del Conflicto Armado Colombiano y perspectivas a future*. Carlos Medina Gallego. Universidad Nacional de Colombia, July 2009.

A “positivo”, in military and police language, is a victory achieved against “the enemy” in combat. The term “falso” was added by human rights organizations to identify the false victories claimed publicly by the army. The UN High Commissioner for Human Rights describes “false positives” as “persons presented as killed in combat while under the custody of the Army.”³¹

Many civilians were killed out of combat by members of the Colombian Army and then presented as killed in combat, in various conflict areas throughout the country.³² The representative of the Colombian National Organization of Indigenous Peoples told the delegation:

“Many people had felt alarmed by the so-called “falsos positivos”. We, the indigenous and peasants, are the ones who live inside the jungle, and in the moment of the combats we are the ones who pay the consequences. When they kill an indigenous leader, or a simple indigenous person, they disguise him as if he was a guerrilla. All the former governments said that we the indigenous are terrorists. And also, before the public, they said that those who oppose the supposed “development of the country” are we, we the indigenous people.”³³

Between August 2002 and June 2008, there were over 1,400 documented killings of civilians out of combat, all made by State actors³⁴; all of them are now known as “falsos positivos”.

Another major human rights concern involves the Intelligence Services. The Director of the Administrative Department of Security (Departamento Administrativo de Seguridad or DAS), attached to the Office of the Colombian President, acknowledged that its Department had opened 28 million intelligence files on Colombian citizens. All that information was provided through:³⁵

1. A 2 million-strong network of informants, built during the past administration.
2. All the members of the paramilitaries that demobilized
3. Information intercepted illegally from the civilians under surveillance
4. Information captured from the guerrillas

This network of informants stretches over the entire Colombian territory. Around 8% of the Colombian population is paid by the government for informing, including close to 35,000 demobilized paramilitaries and close to 25,000 former guerrilla members. This information provides a very good sense of the capabilities of this network and the armed forces to persecute anyone, anywhere. How many of these informants are collecting information in every public building for security companies? How open is the door for former guerrilla members to use the State apparatus to carry out their own persecutions? How feasible is it to hide for any targeted person returning to live in Colombia, in Bogota or anywhere else?

³¹ Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, 3 February 2011, A/HRC/16/22, para. 22.

³² The growth of “false positives” is partly attributed to the fact that those in the military were rewarded according to the numbers of enemies killed in combat, as a way of encouraging military success.

³³ Interview with Flaminio Onogama, Organization of Colombian Indigenous Peoples, O.N.I.C., page 1.

³⁴ Gallon Giraldo, Gustavo, Colombian Commission of Jurists: “*Human Rights Crisis and Democracy at Risk in Colombia 2009*”.

³⁵ Observando, Boletín #12, issued in October 2010.

The above were concerns expressed by Gustavo Gallon, the UNHCR and particularly the Ombudsman's office.³⁶

The predominant picture that emerged from the interviews was that:

- Despite the huge growth of the Colombian army, the government has not succeeded in fully controlling the internal conflict in Colombia.
- A network of 2 million informants makes it possible for people to be tracked down in Colombia. This network of informants tends to be concentrated in the largest cities of Colombia, particularly in Bogota.
- The pressure for results and the lack of supervision by superiors (including the government) led to a wide range of human rights violations being committed by the military forces. The Colombian Army is second only to the paramilitaries in terms of human rights violations in Colombia.³⁷ According to the Ombudsman's Office, the number of human rights violations by the army has not decreased during 2010.
- The more than 1,400 cases of "falsos positivos", of which only a very few have been investigated, remain the main source of lack of confidence in the public forces by the community. The level of impunity for the members of the military continues to be a major area of concern.³⁸

5. The Internal Flight Alternative

In this section of the report, the intention is to review to what extent people facing threats in one region of the country can expect to improve their safety by moving to another place within Colombia. Bogota is, in particular, regarded by many as the safest city in Colombia.

Sara Cohen from the Canadian Embassy noted that the urban security had improved in the last 8 years, even though recent events in Medellin are challenging. In Medellin, there has been an increase in civilian killings during 2010. Ms. Cohen emphasized as well that due to changed conditions, the worst of the armed conflict has been pushed outward with impacts on civilians in those regions.

Movement inside the country

Moving within the country has been one of the most common measures adopted by civilians seeking to avoid threats in Colombia. As a consequence, Colombia now has approximately four million internally

³⁶ Interview with Gallon Giraldo, Gustavo, Colombian Commission of Jurists, interview with Jorge E. Calero, from the National Ombudsman's Office, interview with UNHCR Colombia staff, plus statistics from CINEP.

³⁷ For instance, from 2002 to 2009, the Army had a total of 4,358 cases. CINEP – *"Legacy of the Uribe Policies: Challenges for Santos Government"*, 2010, p.7

³⁸ "Numbers are clear: of 1487 cases there have been just only 66 convictions and 21 acquittals. So, just 5.7% of cases have had a judicial decision. All the others are in the 'initial phase'. Today, there are 791 persons involved, and there has only been 247 captured from the Army, one of the Police, one of the D.A.S., 16 civilians and nine ex-paramilitaries from AUC". *Lentos Positivos*. Semana.com, January 29, 2011.

displaced persons (IDPs), the largest number in the western hemisphere.³⁹ This represents between 7% and 10% of the Colombian population, the second highest proportion of IDPs in the world, just behind Sudan.⁴⁰

According to two institutions dealing with the internally displaced in Colombia,⁴¹ the IDPs go from one city to another, and settle in the poorest areas. The solidarity of other poor people who live in these areas is the main – and most often the only – support they find. During their move, the IDPs constantly face risks. They travel by roads (principal or secondary), on which it is very common to find military check points, placed there by any of the armed actors of the conflict. Not everybody manages to survive these check points. The armed actors check identity documents, names and stories. Some of the IDPs are kidnapped; others are extorted by either the guerrillas, paramilitaries or the army, losing the few possessions or money they carried with them. In Colombia the people believe that the cost of both the internal displacement and the internal violence is paid by the poorest of the poor.

Most of the people forced to flee are poor. Many of them are displaced because they are on – or they own – lands considered strategic by criminal gangs, as well as by entrepreneurs, politicians or corporations. Wherever the people go, they may find themselves arriving in another land considered strategic by someone and the history of persecution repeats itself.

The representative of an Afro-Colombian organization stated:

[...] “some of the lands of afro-descendants are rich in minerals like timber, and mostly gold, but also uranium and platinum. They also have plenty of water and in some of the areas there is a really big bio-diversity. Those lands were forgotten for many decades in Colombia. Nobody considered them useful. But due to globalization they have discovered this, and it has been the main point of conflict and the worst problem that we have. This naturally becomes a curse for these communities. There are many interests, for instance from tourism, hydro-electric, minerals and also medicine. The afro descendants, as well as the Indigenous people, have been able to protect and maintain this traditional knowledge in medicine.”⁴²

In the majority of cases, what the armed actors want is precisely that these people just go away and never come back.

In other cases, however, many of those interviewed felt that, if the armed actors want to eliminate their victims, it is not difficult for them to find them. The UNHCR representative interviewed stated:

³⁹ The official number is around 3,600,000, while the unofficial count is around 4,300,000. “Poblacion Desplazada en Colombia alcanza los 4.3 millones de personas” – *Elespectador.com* – May 1, 2009.

⁴⁰ From the interview with UNHCR Colombia staff and statistics CINEP - “*Legacy of the Uribe Policies: Challenges for Santos Government*”, 2010.

⁴¹ From the interviews with UNHCR Colombia staff and with International Red Cross Protection Coordinator in Bogota.

⁴² From the interview with Black Communities Process of Colombia. Amanda Romero, page 3.

“During recent years, more than 7,500 persons who fled from a place to another as IDPs were killed, and 40% of them were killed in Bogota. Only in the last three years, there have been 1,500 IDPs killed.”⁴³

It was explained to the delegation that the victims come to the poorest areas of the main cities, without support from the State. Once there, they are forced to trust any net of solidarity that they can find, and they are likely to fall under the surveillance of the local armed groups of the area, which, as previously noted, are prepared to negotiate everything with guerrillas or paramilitaries.

When a Colombian citizen who has left the country is forced to return, this person is seen by the Colombian system and civil society as an internally displaced person. If IDPs can be tracked anywhere in the country, international returnees obviously face the same realities. The vulnerability of these people facilitates their localization by the armed actor: they need to access services and this forces them to show their location.

Shauna Labman puts this vulnerability into context in an article describing her experience on the delegation:

“I arrived in Bogota on 9 November 2010. I was fingerprinted before I even left the airport as I needed to change my dollars into Colombian pesos. I would be fingerprinted two more times during my week in Bogota. While the airport used ink, the other fingerprints would be fingerscans used to control my access to certain buildings. On these occasions I would also be photographed. I was in Colombia for five days accompanying Francisco Rico-Martinez on a Canadian Council for Refugees fact-finding mission to assist in advocacy for Colombians fleeing persecution. The security that surrounded our meetings, that in addition to fingerscans and photographs included door security requiring the provision of identification almost everywhere, dogs whenever we went underground, and once even the requirement to wear a sticker of our own photographs, serves to frame the findings of our investigation. There is a strong yet false sense of security in Bogota. In its shadow is a lack of access and privacy issues. While I had entered Colombia as a tourist, my meetings with NGOs, international organizations, church groups and officials at the Canadian Embassy would be easy to track.”⁴⁴

Given that the guerrillas and paramilitaries have nets of informants inside many entities which have contact with the victims, the process of localization is not difficult and need not take much time. The representative of the National Ombudsman’s Office explained:

“All of them have networks. Same as the public force has networks of informants; the Guerrilla has also its informant networks. And these paramilitary groups also have their informant networks, so they are there, controlling our territory. There are complete neighbourhoods and cities controlled.”⁴⁵

He also noted:

⁴³ From the interview with UNHCR Colombia staff, Andres Celis, page 10.

⁴⁴ Shauna Labman, Refugee Update, winter 2011.

⁴⁵ From the interview with the National Ombudsman’s Office staffperson, Jorge E. Calero, page 7.

“Today the matter appears more as delinquents but many of these cases are due to political orientation, and the Protection programs are still too fragile, often the protection is just a cell phone, a radio, a bullet proof jacket...”⁴⁶

Protection provided by the Colombian State

In a democratic state, one of the main duties of the government is to guarantee public security. Despite the high budget allocated to the Armed Forces, and the "Democratic Security" policy, threats appear very common in Colombia. The representative of the National Ombudsman's Office described the Colombian security forces responsible as overwhelmed by the situation:

“There are security assessments made by State agencies. If you say you are threatened, you are at risk, they do a security assessment. It has different levels: low risk, medium, high. Depending on that, they decide the measures. In the matter of Internal Displacement, the Constitutional Court has ruled the so called Constitutional Assumption of Risk. It means: ‘protect him: if the displaced persons says that they are in risk, protect him first and make the security assessment after. Do not assess before you apply the protection measures.’”⁴⁷

He also pointed out:

“This year 2010, on May 29, the Decree 1740 restricted even more the benefits for the people who are under protection of the State.”⁴⁸

The UNHCR representative reported:

“There is no real Witness Protection System in Colombia; there is no real victim's protection. Yes, there is a big effort from the State in communication services, bullet proof jackets, and fortified vehicles and so on, but for few persons. But about the guarantee of life for the threatened persons ... those who are under threat could barely get any protection. And it also depends if the armed group who threatens has the capability to pursue him.”⁴⁹

The main victims of this status quo are the persons who have been in some kind of opposition to the government. Again according to the Ombudsman's office:

“There are lots of NGOs and leaders who do not have any protection. It is a delicate issue, because in the past year there was an increase in death threats against social leaders, through pamphlets and e-mails, Human Rights defenders, IDPO leaders, victims' organizations leaders, women leaders, etc”.⁵⁰

⁴⁶ Ibid.

⁴⁷ From the interview with the National Ombudsman's Office staffperson, Julian Salazar, page 8.

⁴⁸ Ibid, page 7.

⁴⁹ Interview with UNHCR, Andres Celis, page 4.

⁵⁰ Interview with the National Ombudsman's Office staffperson, Jorge E. Calero, page 9.

Not only are state protection efforts incomplete and inadequate, but in some ways they also entail a violation of the individual's freedoms and rights: one of the conditions for the threatened person is to renounce their ideals, their right to criticize etc. Even so, state protection might be a possible option if, in many cases, it did not include a strange limitation:

"And it is not fair that the so-called 'protection', which also means resettlement, is not definitive inside the national territory, and has as a condition that you must stop what you were doing. If you are a leader, to avoid the risk you must stop using your right to criticize, to stop to ask for vindications, you must be a good kid, as a way to be protected... stay mute ... but also, the system is not enough, because in most of cases the protection does not include the family group, mostly it is only for the person, not for their family. So if you are going to be protected, but your wife, your sons and daughters are still at risk, it makes no sense".⁵¹

A topic that deserves special consideration in relation to state protection is sexual violence against women in the context of the internal conflict in Colombia. Despite the growing sensitivity to questions of sexual equity, interviewees indicated that this issue has almost no place in the media and is not a priority for the Colombian government. An article published after the delegation's visit underlined this point:

"It is clear that, for women, the armed conflict is an everyday reality, not a simple circumstance in their lives. In that context, sexual violence appears as a habitual and frequent practice, on the basis in a traditional 'machista' culture which tends to legitimize it, but also to minimize its importance [...] Even more, these are not several isolated behaviours, but a premeditated, systematic and generalized practice."⁵²

At the end of 2010, two reports addressed this matter. The "First Survey about sexual violence against women into the context of the Colombian armed conflict, 2001 – 2009" was prepared by the Casa de la Mujer and funded by OXFAM and others. Another report, the "X Report about socio political violence against women, youth and girls in Colombia, 2000 – 2010", was prepared by the 'Work Table Woman and armed conflict' with the participation of several NGOs of Colombia. The following is data from these reports:

- There are registries of 489,687 women victims of direct sexual violence that can be broken down into 54,410 each year, 149 each day, 6 each hour.
- 94,565 women were raped. 12,809 were raped by illegal armed actors and 1,970 by members of the public force.
- 82% of victims did not denounce the crime due to fear of being punished, or because they were not aware of being a victims of a crime.
- 26,353 women were forced into pregnancy and had children. Paradoxically, 27,058 women were forced to abort and 19,422 were sterilized by force.

⁵¹ Interview with the National Ombudsman's Office staffperson, Julian Salazar, page 9.

⁵² "Conflicto armado y barbarie contra la mujer" – Consuelo Ahumada – Semana.com – December 22, 2010.

Bogota as a “safe place”

Bogota, the Capital of Colombia, is considered by many people to be the safest place in the country. The last three mayors of the city have tried to lead a strong social effort to improve the security situation, and they have achieved some good results. For example, one academic indicated:

“I believe it has already been improved, although it is still far from being satisfactory. There is still a very high level of homicides; there are personal injuries, intrafamiliar violence, and criminal acts in a very high rate. But, compared with the 80s and the beginning of the 90s, specifically the first five years of the 90s, the improvement has been visible.”⁵³

However, with a rate of growth so fast and disordered, given the influx of IDPs entering the city, security in Bogota is a challenge. According to a report from the Public Ministry of the Capital District (Personeria Distrital de la Capital), the level of impunity for the city is over 97.5%.⁵⁴

The municipality of Soacha, south of the metropolitan area of Bogota, is one of the main destinations for IDPs looking for safety. The Canadian Government participates in several projects to help these people.

In this area there are several armed groups operating, such as the paramilitary “Metropolitan Bogota Block”, which has launched death threats against the youth of Soacha. In 2008, the National Ombudsman’s Office warned about the presence in Soacha of guerrilla and paramilitary groups, as well as criminal organizations. They were concerned that these groups wanted “to take the territorial control of the area, and sustain the levels of violence which existed in the past.”⁵⁵

Soacha is where the “falsos positivos” scandal exploded. At least eleven youths were taken from the zone, and then killed by the army in other areas of the country and presented as guerrillas killed in combat.⁵⁶

It is for this reason that the representatives of the Ombudsman’s Office that were interviewed showed considerable surprise upon learning that, in Canada, Bogota is considered as a safe place to go for persons who have been threatened.⁵⁷

Another indication of the danger for IDPs is the statistic quoted above by the representative of the UNHCR in Colombia of more than 7,500 IDPs killed in the last ten years, of whom 40% were killed in Bogota.

⁵³ Interview with Fernando Cubides, sociologist from the National University of Colombia, page 8.

⁵⁴ “More than 97% of the crimes in Bogota remain in impunity, reveals Public Ministry”. Taken from www.elespectador.com, Nov 18, 2010.

⁵⁵ From the Ombudsman Report 021 of 2008, cited in “Soacha, un silencio que grita”, page 9. Soacha, July 2010.

⁵⁶ “Soacha: Un silencio que grita – Crisis Humanitaria y Conflicto Armado”, July 2010. This report was financially supported by several entities, including the Canadian government.

⁵⁷ Interview with Ombudsman’s Office staff, Julian Salazar, Hernando Toro and Jorge E. Calero, page 1.

Bogota is indeed safer than it was a decade ago but for many Colombians who are being persecuted there is no safety in Colombia, not even in Bogota. At the meeting with the Ombudsman's representatives, the delegation was told that "the only way you could survive would be if you could manage it without any help". Internally displaced persons are registered by the government institutions. International returnees and visitors, as well as any Colombian civilians, are regularly finger-scanned, photographed and required to provide identification by security at the entrance of every public building. Any person, anywhere, is tracked through a system of Colombian private security companies. The use of the information collected at public buildings is not fully regulated in Colombia.

There is a general suspicion that many of these security companies are owned by former or current members of the military or security forces, the government and/or the paramilitaries. This makes the information system very susceptible to corruption and infiltration, and means that any person could possibly be tracked down by a few strokes on a keyboard.

In summary, then, the picture that emerged from the interviews was as follows:

- The internal flight alternative is the most common practice of threatened people in Colombia: about 7% to 10% of the entire population of the country has had to flee to another place in the country. The internally displaced population totals more than 4 million people. Internal flight is not, however, a guarantee of safety. During the last 10 years, more than 7,500 persons who fled from one place to another as IDPs were killed.
- Colombian citizens forced to return to their country are likely to be immediately noticed by the Colombian information system and civil society. If IDPs can be killed anywhere in the country, the logical implication is that international returnees face the same realities. The high vulnerability of these people is also the main reason that facilitates their localization by the armed actors.
- In terms of protection, the Colombian government has no reliable protection programs. Protection is only offered to a very limited number of persons, and in most of cases does not include the family of the victim. An ordinary citizen of Colombia does not have access to the protection programs mentioned above.
- Although Bogota has improved in safety, it is still far from what can objectively be considered a safe place. As has been noted, 40% of Colombian IDPs killed in recent years were killed in Bogota. Recently, the office of the "Personería de Bogota" of the Bogota Mayor's office, which is in charge of monitoring the civilian security in Bogota, revealed that the impunity rate for crimes committed in the city 97.5%. This implies that police investigation into most crimes is virtually non-existent. Many crimes that are presented as common crimes may in fact be politically motivated persecution.
- All the armed actors have informant networks, even inside the institutions responsible for helping IDPs. This means that, depending on the case, it is perfectly possible for the criminal groups, including the guerrillas, to find the individual they are looking for. The more vulnerable the individual (the poorer, more isolated, lacking the help of family or friends), the easier to find.

- Any person, anywhere, can likely be tracked through an information system easily accessible to Colombian private security companies. The use of the information collected at public buildings is not fully regulated in Colombia. The general suspicion is that many of these security companies are owned by former or current members of the military or security forces, the government and/or the paramilitaries. The system is very susceptible to corruption and infiltration and is capable of finding any person. This is confirmed by Gustavo Gallon Giraldo of the Colombian Commission of Jurists.

Summary of interviewees' reactions to the hypotheses

As explained above, the delegation used the interviews in Colombia to test four hypotheses:

1. The FARC (Revolutionary Armed Forces of Colombia) are no longer able to communicate nationally and have been defeated to the point that they have limited or no power to harm civilians other than locally.
2. The paramilitary has been demobilized and has largely disappeared as an armed actor.
3. Increases in the budget and numbers of the various security forces, including the army, police and state security, have resulted in increased state protection for civilians in Colombia.
4. Under these new conditions, Colombians under threat can improve their safety by moving from one place to another within the country, and in particular by moving to the capital city, Bogota.

Aside from the meeting at the Canadian Embassy, the response received by the delegation upon articulating this position was dismissal. All those interviewed insisted that while Colombia was now indeed safer for some, for others the danger remained, Bogota being no exception.

Most of those interviewed also mentioned the use by the Colombian government, in a context of a long-lasting internal conflict, of propaganda as one of the most important tools to address the situation. They invited the delegation to analyze the evaluation of the security and human rights situation in Colombia in the context of this use of propaganda, and indicated that they believe the Colombian government is winning the publicity battle.

6. Analysis of the Response to Information Request

This part of the report is motivated by the "Response to Information Request" COL103286.E, issued on 23 February 2010 by the Research Directorate, Immigration and Refugee Board of Canada.

The question to which this document responded was: "Colombia: Whether the Revolutionary Armed Forces of Colombia - People's Army (Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo, FARC-EP), the National Liberation Army (Ejército de Liberación Nacional, ELN) and the former United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC) pursue victims who relocate

to another area; whether these groups track their victims over the long term, even if the latter return to Colombia after an extended period of time”.

The researchers opened the response by saying that they could find no written reports to help them answer the question but that a number of experts who have written on the situation in Colombia provided their opinion on the subject. In this context, four experts were introduced: a senior human rights researcher; a professor of sociology at Acadia University and research member of the Atlantic Canada-Colombia Research Group; a professor of law at Stetson University in DeLand, Florida; and a professor of sociology at the National University of Colombia (Universidad Nacional de Colombia).

The first three experts expressed the opinion that the guerrilla successor groups to the AUC in Colombia still had the capacity to pursue victims throughout many regions of the country. The last expert, the one residing inside Colombia and working as a professor of Sociology at the National University of Colombia (Universidad Nacional de Colombia), in general terms stated that it is likely impossible for the FARC, ELN and former AUC to track down their victims when they relocate from one part of the country to another. In his view, these groups do not have the capacity to carry out operations throughout the country. He said that “although the capacity of the central State to provide protection is still insufficient, and it does not include the totality of the territory ... [this capacity] has been increased as far as the capacity to protect threatened or vulnerable people.” These statements were made on January 13th 2010.

While not named in the IRB document, the Colombian expert was identified by the CCR delegation as Fernando Cubides, a sociologist from the National University. Mr. Cubides was contacted and interviewed by the CCR delegation. Mr. Cubides acknowledged that he was the academic interviewed by the IRB researcher. He could not find the e-mail correspondence but offered the following clarification:

[...] “I did not find the message of the person who contacted me and to whom I sent the answer. It was, more or less, several general questions that I answered... but the most specific, those who were related with the cases they were working, I said to them I could not answer that.

I said to them that, in that level of detail, to say if that person is really threatened, or if the guerrilla is capable to attack that specific municipality, I cannot answer that kind of questions because I am not a researcher in that level or in those matters.

In 2004 I published a book entitled “Burocracias Armadas” [“Armed Bureaucracies”], in which I analyzed what it meant for the Army to have become an anti-guerrilla army, and what the paramilitaries were taking from the guerrilla and from the army; the way how each armed actor was learning from the others, how the war was transforming the actors.... That book could still be on the market, some copies are still on the market. That was my last work [regarding the internal conflict in Colombia].”⁵⁸

Mr. Cubides admitted that he is not a reliable source to give information about specific cases or situations. He insisted that he made it very clear to the IRB researcher that he was not an expert and that

⁵⁸ Interview with Fernando Cubides, page 10.

he provided only his personal opinions because his last research regarding the internal conflict in Colombia was more than six years earlier.

The IRB Response notes that many attempts to contact representatives from institutions were unsuccessful and others could either not provide information within the time constraints or were unable to provide information for the Response.⁵⁹ Many of the organizations mentioned in the Response under unsuccessful attempts were contacted by the CCR delegation. Those who were interviewed, or who presented documents or statistics to the CCR delegation, expressed opinions that contradict the opinion expressed by Mr. Cubides.

⁵⁹ The organizations mentioned in the response are: the Comisión Colombiana de Juristas, Instituto de Estudios Políticos, Washington Office on Latin America (WOLA) and professors from the Universidad Autónoma de Occidente and the Universidad del Valle. Representatives from the Center for Strategic and International Studies (CSIS), Colombia - Ministerio de Defensa Nacional, Colombia - Policía Nacional de Colombia, Colombia - Observatorio de Derechos Humanos (ODH), Conflict Analysis Resource Center (CERAC), Corporación Nuevo Arco Iris, Fundación País Libre, Fundación Seguridad y Democracia, Human Rights First, Inter-American Dialog, Latin America Working Group, Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACNUDH), and professors from Georgetown University, Universidad Antioquia and Universidad Javeriana. Representatives from the Centro de Investigación y Educación Popular (CINEP) and the International Committee of the Red Cross (ICRC) and professors from the Universidad de los Andes and the University of London.

E) THE CANADIAN REFUGEE PROTECTION PROGRAMS FOR COLOMBIANS IN COLOMBIA, PANAMA AND ECUADOR

1. Introduction

The exact number of Colombians that have crossed the border into neighbouring countries in recent years is unknown. There are no precise or accurate statistics because many of these movements go unregistered. Some NGOs in the region estimate that close to 500,000 Colombians have crossed the borders of Ecuador, Venezuela and Panama in the last five years. According to UNHCR statistics, Colombian asylum seekers (de jure or de facto) in the region have tripled over the same period. The countries that have received the most Colombian refugees are the United States, Canada, Costa Rica, Ecuador and Venezuela. Afro-Colombian and indigenous populations, who have been particularly affected by forced displacement, forced recruitment and sexual and gender violence, are of special concern in the bordering areas of all these countries.

It should be noted that Venezuela hosts almost a quarter of a million Colombians. However, since the CCR delegation did not visit that country, it is not possible to include an analysis of their situation and possible need for resettlement.

Just before leaving Canada, the CCR delegation learned unofficially that the number of refugees of Colombian origin expected to be resettled to Canada in 2010 was just over 400 people. Of these, 90% would be Colombians resettled from Ecuador. This number is a dramatic decrease from the 2009 resettlement targets of 1,350 for the region.⁶⁰ In addition to the reduction in the overall numbers, there has also been a shift in recent years from a majority of Colombians resettled directly out of Colombia (through the Source Country Program) towards a majority resettled from Ecuador.

The CCR delegates found that this reduction in Colombian resettlement needed to be situated in the context of concerns about the asylum-migration nexus. Canadian authorities both in Ottawa and in the region emphasized the value of any protection visa as a commodity, given the realities of migration. While the resettlement program is a means to protection, the protection visa itself also represents a general escape from poverty.

In line with many countries in the global south, Colombia has been experiencing a growing poverty gap. The general prevalence of crime that overshadows the civil conflict complicates the situation in Colombia. Canadian authorities are aware that criminal and narco-criminal groups are now using the names of defunct ideological armed groups to achieve criminal goals rather than ideological ends.

2. The Canadian Source Country Program in Colombia

According to the Canadian Immigration Section at Bogota, there is no longer any general profile of cases accepted in the Source Country Program. Of course, credibility is always the main issue, due to the lack

⁶⁰ This number combines the target for government-assisted refugees (GARs) of 1,300 and the target for privately sponsored refugees (PSRs) of 50.

of a referral mechanism inside Colombia as well as the inventory of thousands of self-referred cases. CIC Ottawa and the Embassy in Bogota agreed that ideally processing through the Source Country Program should be faster to reduce the risk for people waiting to be processed.

However, the Program faces the following challenges:

- The volume of requests hinders the speed of the process. There are tens of thousands of expressions of interest, but fewer actual applications. The problem of volume is also related to the fact that the Canadian program is the only program of this nature left for Colombians in Colombia.
- There is a concern about possible fraud in applications.⁶¹
- It is not possible for the Embassy to rely on a network of NGOs for referrals due to the lack of safety within the country. All applications are made directly to the Embassy. In the past, when organizations were referring cases to the Embassy, the referral process became corrupt.⁶²
- The existence of illegal consultants or advisors in Colombia for Source Country applications represents another source of concern for fraud.⁶³
- Colombian cases present problems of terrorism, war crimes and criminality which add to the length of processing.
- It is necessary to determine who is affected by the armed conflict and who is affected by general crime in Colombia. Since, in the view of the Canadian immigration authorities, the greatest current threat for Colombians is general crime, many applicants will be found not to qualify for resettlement.
- It is also necessary to determine whether there is an Internal Flight Alternative (IFA) available.
- Those applying at the Embassy are mostly people living in the major cities which, according to the Canadian government analysis, are not greatly affected by armed conflict.

Overall, it was clear that the Embassy was overwhelmed by the large number of applications in Bogota. They have the additional responsibility for processing the resettlement applications referred by the UNHCR office in Ecuador, which requires visa officers to travel to Ecuador.

⁶¹ For instance, on September 10th 2004, Oakland Ross wrote in the Toronto Star: "The scheme, which was uncovered by Colombian authorities and is still under investigation, was aimed at duping the Canadian embassy in Bogota into granting refugee status to undeserving applicants. An undetermined number of people paid bribes as large as \$6,100 to civil servants employed by the Colombian National Senate in exchange for fake documents identifying them as victims of death or abduction threats issued by violent factions on one side or another of Colombia's bullet-riddled political landscape."

⁶² Moreover, the CCR delegation learned from the International Red Cross Committee in Bogota that, not very long ago, there was a problem with fraudulent ICRC referrals to the embassy. They believed that the fake letters were being accepted because they were not asked to confirm the genuineness of the letter.

⁶³ CBC The National did a special investigation on illegitimate consultants in 2008.

One way to address the lack of referrals, lack of credible applications and risk of fraud might be to ask a reputable organization to do the referrals. For example, could the International Committee of the Red Cross, a very well-recognized organization in Colombia, contribute to a solution at this time? The ICRC is considered by the Canadian Embassy in Bogota to be a very accurate and unbiased institution with regard to its view of the situation in Colombia. Furthermore, it is well known that the ICRC deals with and is concerned about the Internally Displaced People (IDP). The CCR delegation learned that previously the ICRC supported Canadian Embassy requests for resettlement; however, very recently they have been told by the Canadian visa office that Canadian resettlement has been reduced and the available numbers have already been filled for 2010-2011 from the backlog of previous years. Given the situation, ICRC has stopped making referrals.

Another way of having more applications from isolated areas in Colombia could be by asking the UNHCR in Colombia, which is very engaged with Internally Displaced People. The delegation learned at the Canadian Embassy that CIDA is deeply engaged with UNHCR in projects relating to internally displaced children and youth. However, the Canadian Embassy had not approached them about the referral of cases for resettlement.

The official position is that the Canadian Embassy in Bogota does not accept cases for resettlement from Colombian organizations. Unofficially, the delegation was able to confirm that the Embassy accepted a few cases that were referred from one organization in Bogota.⁶⁴ This organization would communicate with the Embassy about a case and receive the Embassy's opinion. The Embassy, in a few cases, would recommend to the organization to find a Private Sponsor for the refugee. Cases take about a year to be resettled. This organization said that they used to have a synergetic relationship with the Canadian Embassy and that on several occasions they acted as a filter for cases. This type of relationship was possible with previous visa officers but they have gained the general impression from the current visa officer that the Source Country Program is being shut down.

It seems clear that assessing Colombian cases is difficult due to the presence of terrorism, war crimes, corruption and criminality in the Colombian reality. The level of impunity is extremely high in Bogota and indeed in the country as a whole.⁶⁵

One way to deal with this challenge would be to rely on a network of trusted organizations, with whom the Canadian Embassy could share opinions and context on issues as they arise.

Another problem in regards to impunity, terrorism and criminality is that mentioned by Amanda Romeo, the representative of the Black Community Process of Colombia (PCN).⁶⁶ Colombian NGOs working with victims of human rights violations are advising people to be cautious about going to the Canadian

⁶⁴ This organization wishes to remain nameless due to security concerns.

⁶⁵ *"More than 97% of the crimes in Bogota remain in impunity, reveals Public Ministry"*. Taken from www.elespectador.com, Nov 18, 2010. According to information received from Canadian authorities (CIC, Ottawa, and the Canadian Embassy), the nationwide level of impunity is close to 90%.

⁶⁶ She was part of an NGO that in the 1990s presented cases to Canada. She found that the Canadian Embassy was at that time very open and trusting to the referral organizations. The organizations that had a relationship with the visa office would just call and then go to the Embassy to present cases for resettlement.

Embassy. There is a concern that information about refugee applications processed by the Canadian Embassy may be shared with the DAS (Departamento Administrativo de Seguridad - Administrative Department of Security) in order to prevent the infiltration of terrorists and criminals into the Source Country Program. This perception is stronger for cases that are traditionally considered left-wing by Colombian society. There is furthermore a perception that members of the paramilitaries were approved for resettlement among supporters of the Colombian government and people persecuted by the guerrillas.⁶⁷

Among the people interviewed for this report the general perception was that the reduction of resettlement cases processed by the Canadian Embassy in Bogota is politicized. They believe that the reduction is due to the fact that the Free Trade Agreement between Colombia and Canada includes a condition that there must be an annual human rights report on Colombia. Many of them expect to have this view confirmed in April 2011 when the first report is due and which they anticipate will find the Colombian government to have improved the human rights situation of its people.

Recommendations

1. The Immigration Section of the Canadian Embassy in Bogota should develop ties with civil society with a view to keeping themselves informed on the current political situation, human rights issues and IDPs in Colombia.
2. Canada should ask for referrals to the Source Country Program from a well-reputed organization in Colombia, for example the International Committee of the Red Cross.
3. Canada should increase the number of Colombians who could be resettled through the Source Country Program. The focus could be women at risk and their children.

3. The situation of Colombian refugees in Panama and the Canadian resettlement program

Refugees in Panama are processed for resettlement to Canada by the visa office in Guatemala. Unfortunately the CCR delegation was not able to speak to officers from that visa office. The following information on the situation of Colombians in need of protection in Panama comes from the interviews conducted in Panama.

From these interviews, it became clear that the vast majority of Colombians are in a legal limbo in Panama because of the lack of an effective asylum system. CARITAS estimated that around 200,000 Colombians live informally in Panama. The UNHCR estimates that more than 15,000 Colombians in Panama are persons in need of protection. However, very few Colombians are formally recognized by

⁶⁷ Several cases of paramilitaries living in the Province of Quebec had been reported by Colombian refugees to a settlement organization.

the Panamanian government as refugees.⁶⁸ According to the UNHCR 2009 annual report, just over 1,000 refugees had been recognized by the Panamanian authorities.

Without formal recognition as refugees, most Colombians in Panama receive no attention and very little humanitarian assistance.⁶⁹ The yearly UNHCR humanitarian aid budget is just \$600,000. Most of the Colombians in need of protection living in Panama are urban refugees concentrated in Panama City but the location of the UNHCR Office is almost entirely inaccessible for the people that they serve.⁷⁰

The small budget for the UNHCR office in Panama reflects a public position according to which there are few Colombians in need of protection in Panama.

The delegation found, however, that this public position does not correspond to the realities faced by Colombians in Panama. The vast majority of them are living under the constant threat of deportation.

Refugee claimants in Panama do not have access to a fair adjudication process. UNHCR Panama does not recognize refugees by mandate. There is no official integration program for refugees or people in need of protection. There is no system for identifying unaccompanied or separated minors. The few who are recognized as refugees have no clear path to permanent residence and citizenship.

Colombians in Panama face regular abuse and exploitation because they have very limited access to work permits, no access to public housing or to dignified housing. These factors combine to force the poorest individuals to dangerous areas of Panama City, with no access to health care, and very limited access to education even for children. Colombians in Panama also face discrimination, stigmatization and degrading treatment by the Panamanian authorities. Undocumented Colombians in Panama are routinely treated as thieves, drug dealers, guerrilla members, and so on. Colombian women are considered to be prostitutes – a stigma that they are forced to bear while living in Panama, leading to severe discrimination. Colombians in Panama suffer from unreported human rights violations and enjoy no protection from the Panamanian legal system.

Many Colombian refugees in Panama live in the region of Darien, a virgin jungle on the border with Colombia. Individuals who live in remote and rural areas, such as the Darien region, face greater difficulties accessing healthcare, social assistance and education. They are affected more severely by discrimination, stigmatization and degrading treatment by the Panamanian authorities than in urban areas. The presence of the Colombian guerrillas in the area is publicly accepted by the local Panamanian authorities.⁷¹ The Panamanian border officials and administrative authorities also lack a clear understanding of their responsibilities when dealing with persons seeking asylum.

⁶⁸ Based on figures provided by the UNHCR office in Panama City, the rate of acceptance of Colombian refugee claimants in Panama appears to be around 2%.

⁶⁹ The UNHCR through the Red Cross assists only 2,500 persons of concern.

⁷⁰ The UNHCR is located in Ciudad del Saber, Panama City, formerly the American Military Base of the Canal, which is very difficult to access by public transportation.

⁷¹ During the visit to Jaque, in the Darien region, the CCR delegate saw many advertisements for the Colombian/Panama reward program for guerrilla deserters as well as notices seeking guerrilla commanders.

The lack of knowledge on this matter is reflected in the arbitrary detentions suffered by Colombian people trying to make a refugee claim. Colombians face the risk of being returned to their country of origin, where their lives and freedom are threatened, without any assessment of their fear of persecution. The delegation heard reports that Panamanian authorities had forced refugees to sign “voluntary” removal forms by means of intimidation and threat.

Colombian refugees in Panama may also face risks from Colombian armed groups such as the guerrilla or the narco-paramilitaries. The Darien Region, which comprises almost half of the country, is well known as an area into which FARC retreats. The Colombian government counter-guerrilla programs, with the blessing of the Panamanian government, are also very present in the region. Panama City is well-known as a narco route or transit area and the presence of cartels is recognized by the Panamanian media and authorities.

Colombian women in Panama are also particularly at risk of sexual and gender-based violence (SGBV), a problem acknowledged by the UNHCR.

The current Panamanian asylum and migration policies fail to address adequately and appropriately the significant flow of Colombian people entering the country. There are no signs that the Panamanian State is interested in amending its asylum legislation.

To make matters worse, the silence and inactivity of the international community has resulted in further obstacles being placed in the way of efforts to tackle the Colombian issue in Panama. For instance, no Colombian refugees are being resettled from Panama. In recent times, there have been three cases of refugees being resettled to Canada but none were Colombians.⁷²

UNHCR Panama is not referring refugees to the Canadian Embassy in Guatemala. They do not believe that any of the very small number of recognized Colombian refugees living in Panama meet the Canadian criteria for resettlement. With respect to the Colombians the UNHCR assesses to be in need of protection, although not recognized by Panama, resettlement is not considered necessary because Panama is viewed as a democracy that provides a durable solution.

Recommendations

1. The Immigration Section of the Canadian Embassy in Guatemala City should develop ties with civil society organizations working with refugees in Panama with a view to becoming familiar with the realities of these refugees.
2. Canada should respond through resettlement to some of the most vulnerable Colombian refugees living in Panama. One focus should be women at risk.

⁷² The three cases were from Afghanistan. Two of them were resettled because they had relatives in Canada.

4. The situation of Colombian refugees in Ecuador and the Canadian resettlement program

Ecuador hosts one of the largest concentrations of Colombian refugees, if not the largest. The number of Colombians recognized as refugees in Ecuador exceeds 100,000 people. However, it is estimated that only 1 out of 3 Colombian people in Ecuador apply for refugee status. In other words, approximately 250,000 Colombians live in Ecuador, most undocumented without any legal status. Many more move back and forth to Colombia depending on their own perceptions of the risks that they may face in Colombia.

Formally, the Ecuadorian Government is very pro-immigrant and refugee. In 1992, Ecuador expanded the refugee definition to offer protection to the broader Cartagena Declaration category of *“persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed the order public.”*⁷³ This implies that almost every Colombian man, woman and child who has fled to Ecuador seeking protection should be covered by the definition.

A further example of Ecuador’s generosity came in 2009, when the government implemented a regularization campaign for refugees. More than 100,000 Cartagena Declaration refugees were accepted.

In this context, it is perhaps surprising that so many Colombians in Ecuador are without status. There are several reasons for this. For some, it is because they are unaware of the laws that are supposed to protect them. More often, it is because people’s previous experience of institutionalized violence makes them wary of the authorities. In addition, documents identifying the holder as a refugee expose the person to discrimination in daily life, since popular attitudes towards refugees do not reflect the official positive stance of the Ecuadorian government. In fact, there is extreme xenophobia against refugees and immigrants, particularly Colombians.

Furthermore, the immigration authorities in Ecuador have been unofficially trying to prevent people from entering the country. There are more difficulties and obstacles at the border.⁷⁴ In these circumstances, desperate people are seeking to enter the country underground – some are even entering through the mountains in order to protect their lives and their families.⁷⁵ Having gone through such experiences, Colombian refugees have less confidence in Ecuadorian authorities.

The delegation learned that, for many Colombians in Ecuador, daily life is exceedingly harsh. Many elderly people have nothing to eat, people lack health care or health insurance, employment is very hard to find. Their work permits are limited. The rate of unemployment for the general population in Ecuador is almost 40%; for refugees it is almost twice as high, according to an organization called Asylum Access/Quito.

⁷³ The Cartagena Declaration of the Organization of American States refugee definition.

⁷⁴ For instance, for Colombians, they are requesting criminal checks to grant visa entries.

⁷⁵ According to the Refugee and Migration Coalition in Ecuador, there are more that 100 illegal crossings between Colombia and Ecuador.

Refugee women are particularly at risk of sexual violence in Ecuador. Many Colombian women have already experienced sexual violence before they arrive in Ecuador.

Colombian women are often forced into prostitution in Ecuador, a problem denounced by many NGOs.

Overall, the delegation learned that Colombian women, children, afro-descendants and elderly refugees are facing or are at risk of facing severe discrimination in Ecuador.

The killing of Colombians is an everyday occurrence, a fact reflected in the newspapers. The UNHCR informed the delegation that 250 Colombian refugees were relocated to Quito due to a report of risk from Colombian armed groups. Quito is considered the only city that can still provide some guarantee of safety. Colombian refugees who were previously relocated to other cities of Ecuador reportedly came under attack.⁷⁶ Again, women are particularly at risk.

The Jesuit Refugee Service/Ecuador informed the delegation that they had verified cases of persecution in Ecuador by Colombian armed groups. For instance, the “narcos-paramilitaries” are fighting for routes to bring the drugs out of Colombia. The paramilitaries, drug cartels and related gangs have a presence everywhere in the country and have all forced Colombians to work for them. Colombian refugees reported to the delegation that there is evidence of FARC cells in many cities of Ecuador. Both Ecuadorian NGOs and Colombian refugees were of the opinion that refugees are threatened and sometimes forcefully recruited by FARC and the paramilitaries. At the Colombian-Ecuadorian border region, there are invasions by the FARC, who regularly visit the small towns of the area. Another example of the FARC’s control of the border areas is that their hit list of people living in the area regularly appears on the popular social networking site, Facebook. There is a general belief that FARC and paramilitaries informally control some specific border areas.

As Gardenia Chavez, an academic from the “Universidad Andina” said, “Ecuador has always been a corridor for weapons, people, food, and drugs, just name it. It was a corridor for Peru... it was similar corridor for Venezuela... It comes and goes... It is not any different now... It is and has been a corridor for Colombia for the last 60 years... The internal conflict of Colombia is being fought everywhere in Ecuador.”

Many institutions agreed that Colombian refugees are at risk in Ecuador, particularly in the areas bordering with Colombia.

With respect to the Canadian refugee resettlement program, UNHCR Ecuador reported that:

1. The UNHCR office in Quito only has the capacity to refer approximately 450 refugees a year for potential resettlement to Canada.

⁷⁶ This information was provided by the UNHCR Quito Office in a bilateral meeting during the “Conferencia Regional” organized by CODHES.

2. In making referrals to Canada, the UNHCR must start every file from “zero,” because all the Colombian cases in Ecuador were accepted under the Cartagena Declaration and so their Convention refugee status has not been determined.
3. The rate of acceptance by Canada of the resettlement cases referred by the UNHCR is around 50%. Just over 200 cases were accepted over the last year.
4. The Canadian visa officer is very concerned about possible exclusion cases (in other words, persons who may be “agents of persecution”). Because of this concern, the Canadian Embassy is mainly accepting women at risk and their children.
5. Where cases are refused by Canada, it is mostly for one of the following reasons:
 - a. Credibility. Those referred are not prepared for interviews and have never before gone through an interview to determine their status under the Refugee Convention.
 - b. Internal Flight Alternative. The person is determined to have the possibility of safety in another region of Colombia.
 - c. Change in circumstances in Colombia. The intensity of the internal conflict in Colombia is understood to have been reduced.
 - d. Local integration is deemed possible, despite the realities of discrimination.

While the challenges of identifying exclusion cases are real, it is disappointing that refugees needing protection may be left unprotected simply because of the difficulty of distinguishing legitimate cases from fraudulent.

With respect to the assessment of the Internal Flight Alternative, as argued in the first part of the report, the country conditions in Colombia still hold many risks for IDPs and in particular, for international returnees.

The priorities for resettlement are very clear.

Recommendations

1. The Immigration Section of the Canadian Embassy in Bogota should develop ties with civil society organizations working with refugees in Ecuador with a view to becoming familiar with the realities of these refugees.
2. Canada should expand the protection space for refugees in Ecuador, particularly Colombians, by expanding the resettlement program for the most vulnerable refugees in Ecuador. The focus should continue to be women at risk and their children.

F) APPENDIX

Documents received during the visit:

Ahumada, Consuelo – “Conflicto armado y barbarie contra la mujer” – Semana.com – Dec. 22, 2010

Amnesty International – “Conflict and Crisis” – A Z Report 2010 -
<http://thereport.amnesty.org/regions/americas>

Agenda y otros documentos de la Conferencia Regional Humanitaria sobre Protección de Personas Desplazadas y Refugiadas – Codhes – Ecuador, November 2010

Aportes Defensoriales: Movilidad Humana y Derechos Humanos – Patricio Benalcázar Alarcón – Defensoría del Pueblo, Ecuador – Quito, 2009

Asylum Access Ecuador – Informe de Encuesta a Organizaciones Sociales sobre medidas ante situaciones de Derechos Humanos, periodo Enero – Octubre 2010

Asociación Americana de Juristas – Revista Septiembre 2010

A prophetic call # 5 – Summary Report (English).

Cubides C., Fernando – “From Private to Public violence: The Paramilitaries”. Chapter 6 from the book: “Violence in Colombia 1990 – 2000: Waging war and negotiation peace” – Edited by Charles Bergquist, Ricardo Penaranda and Gonzalo Sanchez. Scholarly Resources – Wilmington, DE, USA, 2001

Guía Informativa: Como solicitar Refugio en Panamá? – ONPAR, ACNUR – Panama, 2009

Informe “Tension en las fronteras” – CODHES – Bogota, July 2009

Informe “Un llamado Profético # 5. Las Iglesias colombianas documentan su sufrimiento y su esperanza” – Bogota, Agosto 2010

Programas de Reasentamiento de la Organización Internacional para las Migraciones, OIM

Proyectos ACNUR Ecuador – DVD – Ecuador, 2010.

Testimonios de Refugiados en Ecuador – DVD – Ecuador 2010

UNHCR Panama – Newsletter September 2010

UNHCR Ecuador: The largest refugee operation in Latin America - Newsletter September 2010

UNHCR’s work in Imbabura and Carchi – Report September 2010

UNHCR’s work in Province of Esmeraldas – Report September 2010

UNHCR’s work in Province of Sucumbíos – Report September 2010

UNHCR Ecuador: The largest refugee operation in Latin America - Newsletter October 2010

XVII Informe del Defensor del Pueblo al Congreso de la República – Colombia – 2009

Documentation of Colombians – Colombian Consulate in Panama

Article “La Situación internacional y el Conflicto Armado Colombiano” – Alejo Vargas Ramírez – from the bulletin “Tomándole el Pulso al Conflicto Armado – Balance del primer semestre del 2009” - Grupo de Investigación en Seguridad y Defensa – Universidad Nacional de Colombia – Bogota, 2009

Article “Paramilitares o Autodefensas?” – Gabriel Bustamante Peña, Corporación Viva La ciudadanía. www.vivalaciudadania.org - 2004

“Crisis de los Derechos Humanos y Democracia en riesgo en Colombia 2009” – Gallon Giraldo, Gustavo - Comisión Colombiana de Juristas.

Elespectador.com – “Más del 97% de los crímenes en Bogota permanecen en la impunidad, revela la Personería” – Nov 18, 2010

“Enjuiciamiento de Crímenes Internacionales cometidos en Colombia” – Gallon Giraldo, Gustavo - Comisión Colombiana de Juristas.

“Estado del conflicto armado colombiano y perspectivas de futuro” – Carlos Medina Gallego - from the bulletin “Tomándole el Pulso al Conflicto Armado – Balance del primer semestre del 2009” – Grupo de Investigación en Seguridad y Defensa - Universidad Nacional de Colombia, July 2009.

“Informe Especial: El Legado de las Políticas de Uribe: Retos para el Gobierno de Santos” [“Legacy of the Uribe Policies: Challenges for Santos Government”] – Centro de Investigación y Educación Popular, CINEP –Bogota – August 2010

“Impacto de las migraciones forzadas de colombianos a Ecuador en las relaciones interestatales, 1996-2006”.- Marcela Ceballos.

“La Historia de un proceso de impunidad contado en 19 párrafos” – Colectivo de Abogados José Alvear Restrepo -Bogota, March 2006

“Los señores de la Guerra: de paramilitares, mafiosos y autodefensas en Colombia” Planeta, 2006
Gustavo Duncan Profesor at Universidad de los Andes

“Observando la Situación de Derechos Humanos en Colombia” – Boletín # 12 – Coordinación Colombia, Europa y Estados Unidos – October 2010.

Report “Soacha: Un silencio que grita – Crisis Humanitaria y Conflicto Armado” - ACIDI y otros - Soacha, Julio 2010

Interviews with transcription

Calero, Jorge E. and Salazar, Julian – Defensoría del Pueblo – Sistema de Alertas Tempranas (Spanish transcription)

Cubides C., Fernando – Sociologo, Universidad Nacional de Colombia. (Spanish transcription)

Galan, Carol and Ponce, Fernando – Coordinators of the Jesuit Refugee Service of Soacha, JRS, Colombia. (Spanish transcription)

Gallón, Gustavo – Comisión Colombiana de Juristas, Colombia (Interview in English, transcribed)

Onogama, Flaminio, Organización Nacional Indígena de Colombia, ONIC. (Spanish transcription)

Romero, Amanda - Proceso de Comunidades Negras de Colombia, P.C.N. (Interview in English, transcribed)

Toro, Hernando - Defensoría del Pueblo, Coordinación Atención al Desplazamiento Forzado (Spanish transcription)

Interviews without transcription

Acuña, Wilfredo – Conferencia Episcopal Ecuatoriana, Pastoral de Movilidad Humana (in Spanish, not transcribed)

Chavez, Itardenia – Academic of the Universidad Andina (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Cohen, Sara, Political Counsellor of the Canadian Embassy, Bogota (English, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Jesuit Refugee Service Refugee Coordinator, Jaque, Darien Region, Panama (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Garcia, Berta – Universidad Catolica de Quito (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Mendez, Roxane – Vice-Minister in Ecuador (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Sanchez, Gimena – WOLA, Washington Office in Latin America (English, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Varela, Pablo – Auxiliary Bishop, secretary of the Conference and President of Social Pastoral Council. (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Margaret Mcguire – Canadian Embassy in Ecuador. (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

UNHCR Panamá – (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)

Andres Celis – UNHCR Ecuador (Spanish, no transcription, the information is based on the notes made by Francisco Rico Martinez)