

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

- 1. Is there any information that political groups or guerrilla groups target or kidnap children born overseas?**
- 2. Is there any information that political groups or guerrilla groups have kidnapped children because their parents lived overseas for long periods, or because the parents are perceived as having been successful in businesses overseas?**

RESPONSE

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- 2. Is there any information that political groups or guerrilla groups have kidnapped children because their parents lived overseas for long periods, or because the parents are perceived as having been successful in businesses overseas?**

Sources, quoted below, report that Colombia has achieved a significant reduction in the number of persons kidnapped annually since the year 2000. Nevertheless, kidnapping remains a significant source of finance in 2009 for armed insurgencies groups such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army of Colombia (ELN), as well as criminal organisations.

Sources state that children have become an increasing proportion of those kidnapped, rising to approximately fifty percent of all victims in 2008. Sources do report that while Colombians are overwhelmingly the targets of kidnapers, a small percentage of those kidnapped inside Colombia are foreign nationals. Sources also suggest that people from all socio-economic backgrounds are at risk of being kidnapped in Colombia.

No English-language sources located for this response state that there is evidence that Colombian children of parents who have “lived overseas for long periods” are specifically targeted for kidnapping by FARC, the ELN, or other criminal organisations. No English-language sources located provide evidence that a perception exists amongst FARC, the ELN, or other criminal organisations that parents who have been financially successful are specifically targeted.

The information provided in response to these questions has been organised into the following sections:

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 - [Reductions in Kidnapping inside Colombia](#)
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Kidnapping in Colombia

Recent Kidnapping Statistics for Colombia

The following 2007 kidnapping statistics were contained in Amnesty International’s *Colombia Report: 2008*:

Although kidnappings continued to fall – from 687 in 2006 to 521 in 2007 – the figures remained high. Guerrilla groups, mainly the FARC and to a much lesser degree the ELN, were responsible for kidnapping around 150 people, the vast majority of conflict-related kidnappings, while criminal gangs were responsible for most of the rest. Some 125 kidnappings could not be attributed (Amnesty International 2008, *Amnesty International Report 2008 – Colombia*, 28 May – Attachment 1).

The following US State Department’s *Country Reports on Human Rights Practices: Colombia* provides the following statistics for 2008:

Common crime accounted for 221 kidnappings during the year.

The FARC and ELN continued to commit numerous kidnappings. Fondolibertad reported that during the year, guerrillas kidnapped 156 persons (38 percent of those in which a perpetrator was identified), the FARC 117 persons, and the ELN 39 persons (US Department of State 2009, *Country Reports on Human Rights Practices for 2008: Colombia*, 25 February, Section 1g ‘Abductions’ – Attachment 2).

According to the International Crisis Group (ICG), the year 2000 was the peak year in Colombia for kidnapping:

According to official figures, there were 2,200 kidnap victims in 2003, compared to 1,039 in 1996. The number has decreased slightly every year since the peak of 3,706 in 2000 (International Crisis Group 2004, *Hostages for Prisoners: A Way to Peace in Colombia?*, 8 March, p.3 – Attachment 3).

Reductions in Kidnapping inside Colombia

A number of sources consulted for this response credit the decline in kidnapping numbers in Colombia since the year 2000 to the policies of President Alvaro Uribe and the actions of the Unified Action Groups for Personal Freedom (GAULA).

The Immigration and Refugee Board of Canada employed the following description of GAULA by Fondelibertad in a 2006 response:

Elite groups, composed of personnel from the national police and the armed forces highly trained in the rescuing kidnapping victims and dismantling criminal groups (Immigration and Refugee Board of Canada 2006, 'COL100945.E – Colombia: Training, organization and effectiveness of GAULA (*Grupos de Accion Unificada por la Libertad Personal*), the National Police (both *Departamento Administrativo de Seguridad, DAS* and the *Cuerpo Técnico de Investigación, CTI*) and the Prosecutor General's Office (*Fiscalia General de la Nación*) in regard to providing protection to the public from, and to people who have been threatened or targeted by, the illegal armed groups operating in Colombia, including protection from kidnapping', 13 February – Attachment 4).

According to the UNHCR's *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, published in March 2005, GAULA groups and the national armed forces have achieved significant reductions in kidnappings due to the successful reduction of mass kidnappings (*pesca milagrosa* or the "miraculous catch"). According to the UNHCR, "miraculous catches" once accounted for 30 percent of all kidnappings:

The practice of kidnapping decreased as a result of the policies adopted by the government and in particular by controlling the roads in order to impede mass kidnappings. Mass kidnappings accounted for 30% of the total number of kidnappings in 2002. Between 2002 and 2003 there was a 24% reduction in the total number of kidnappings with a further reduction of 42% in the first 10 months of 2004 over the same period in 2003. Much of the reduction was due to the almost complete disappearance of the practice of mass kidnapping known as the "*pesca milagrosa*" ("the Miraculous Catch") and the number of individual kidnappings remained high (UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March, paragraph 54 – Attachment 5).

Reasons for Kidnapping

A) Political

One of the primary reasons the FARC employs kidnapping is to gain political leverage in negotiating the release of FARC prisoners held in government gaols. Amnesty International stated in a 2008 report that the most useful abductees for political leverage purposes are prominent individuals:

Hostage-taking, particularly of high-profile victims, such as former presidential candidate Ingrid Betancourt – who finally gained her freedom together with three US contractors and 11 members of the Colombian security forces following a military operation to release them on 2 July 2008 – has also been used as a powerful tool in guerrilla efforts to exchange these hostages for guerrilla prisoners held by the authorities (Amnesty International 2008, *Leave Us in Peace: Targeting Civilians in Colombia's Internal Armed Conflict*, 28 October, p.36 <http://www.amnesty.org/en/library/asset/AMR23/023/2008/en/65b11bee-a04b-11dd-81c4792550e655ec/amr230232008eng.pdf> – Accessed 3 August 2009 – Attachment 6).

B) Financial

Kidnapping has been a major source of finance for guerrilla groups in Colombia, second only to the narcotics trade. The following Department of Foreign Affairs and Trade *Colombia Country Brief* from 2009 provides an estimation of the annual net worth of kidnapping to FARC and other illegal organisations:

Several guerrilla groups emerged during the 1960s, including the Fuerzas Armadas Revolucionarias de Colombia (FARC), the now demobilised M-19, the Ejército Nacional de Liberación (ELN), the Ejército Popular de Liberación (EPL) and the Indian-based group Quintin Lame. The FARC and the smaller ELN emerged as the major guerrilla groups. Their struggle has largely lost its ideological flavour and in the 1980s and 1990s the two groups became heavily involved in the lucrative narcotics and kidnapping industries. Although their control of areas of the Colombian countryside has diminished in recent years, they continue to attack the Colombian security forces, especially in the oil rich south-east and the coal basins in the north-east. Kidnapping remains a security risk and the industry has been estimated to be worth US\$500 million per year (Department of Foreign Affairs and Trade 2009, *Colombia Country Brief*, 15 June http://www.dfat.gov.au/GEO/colombia/colombia_brief.html, Accessed 6 August 2009 – Attachment 7).

The Kidnappers

In the past decade the main perpetrators of kidnappings in Colombia have been Marxist revolutionary groups such as FARC and the ELN, right-wing paramilitaries such as the United Self-Defence Forces of Colombia (AUC), and so-called new illegal groups. The American foreign affairs think-tank, the Council on Foreign Relations, states the following about FARC and the ELN on its website:

FARC and ELN were both founded in the 1960s, after Colombia's two main political parties ended more than a decade of political violence and agreed to share power. In 1963, students, Catholic radicals, and left-wing intellectuals hoping to emulate Fidel Castro's communist revolution in Cuba founded ELN. FARC formed in 1965, bringing together communist militants and peasant self-defense groups.

Although ELN is more ideological than FARC, the two groups have similar programs: Both say they represent the rural poor against Colombia's wealthy classes and oppose U.S. influence in Colombia, the privatization of natural resources, multinational corporations, and rightist violence. In 2006, the ELN decided to shift its political strategy to urban areas. There are indications it would like official political recognition, but it has not stated clearly what such recognition would entail.

The two groups have an ambiguous relationship; in some parts of the country they cooperate, while in others they have clashed directly (Hanson, S. 2008, *FARC, ELN: Colombia's Left-Wing Guerrillas*, Council on Foreign Relations website, 11 March <http://www.cfr.org/publication/9272/> – Accessed 6 August 2009 – Attachment 8).

An ICG report from 2004 provides statistics on the degree of responsibility for kidnappings by FARC, the ELN, and the right-wing paramilitary group, the United Self-Defence Forces of Colombia (AUC) for that year:

Until 2001, the ELN was responsible for the majority of cases but over the last two years the FARC has increased its share in the "industry". The right-wing paramilitary forces also

kidnap, though less often and generally to intimidate and terrorise the civilian population rather than raise money. In 2003, the FARC were responsible for 30.55 per cent of abductions, the ELN for 15.55 per cent and the AUC for 7.86 per cent (International Crisis Group 2004, *Hostages for Prisoners: A Way to Peace in Colombia?* 8 March – Attachment 3).

More recent and precise statistics on kidnappings by right-wing paramilitary organisations are difficult to obtain. The US State Department's *Country Reports on Terrorism 2008* provides the following information on the AUC and the so-called new criminal groups that have formed as a consequence of the demobilisation of the AUC in 2006:

The United Self-Defense Forces of Colombia (AUC), commonly referred to as the paramilitaries, was an umbrella group formed in April 1997 to organize loosely affiliated illegal paramilitary groups that had emerged to retaliate against leftist guerrillas fighting the Colombian government and the landed establishment. The AUC increasingly discarded its counterinsurgent activities, electing instead to involve itself in the illegal drug trade. By 2007, as the result of a large demobilization process, most of the AUC's centralized military structure had been dismantled, and all of the top paramilitary chiefs had stepped down with the majority being held in a maximum security facility. More than 31,000 paramilitary members and support personnel demobilized bloc by bloc from 2003 to 2006. Colombia now faces criminal gangs formed by demobilized paramilitaries and other individuals, and one minor paramilitary group that refused to disarm. Unlike the AUC, the new criminal groups make little claim to fighting insurgents and are more clearly criminal enterprises focused primarily on drug trafficking, other lucrative illicit activities, and influencing local politics to facilitate their criminal ventures. These new criminal groups are not a reconstituted AUC, but they recruit heavily from the pool of former AUC members. A large part of their leadership appears to be former mid-level paramilitary commanders who did not participate in demobilization. According to government figures, approximately 10 to 15 percent of the 3,000 to 4,000 members of these groups are former members of paramilitary groups, including the AUC (US State Department 2009, 'Chapter 6 – Terrorist Organizations', *Country Reports on Terrorism*, 30 April – Attachment 9).

The UNHCR's *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees* provides more detailed information on several different Colombian paramilitaries:

18. Paramilitary groups (or self-defence groups, *autodefensas*, as they are frequently referred to in Colombia), were created with the support of landowners and cattle ranchers who had been under pressure from the guerrillas as well as from groups affiliated with narcotics traffickers such as the *Muerte a los Secuestradores* movement (MAS — Death to Kidnappers). As made clear in a 2004 judgment of the Inter-American Court of Human Rights, numerous independent reports and from what the paramilitaries themselves have said, in at least some cases they were given support by the State itself.

19. The first paramilitaries appeared in the Magdalena Medio (Middle Magdalena River region) in the late 1970s and early 1980s. Towards the end of that decade, under the protection of the deceased drug trafficker Rodríguez Gacha (El Mexicano), they extended their influence to the south and east as well as to the Atlantic Coast. At the beginning of the 90s, the alliances created in the context of the fight against Pablo Escobar (head of the Medellín cocaine cartel) and, particularly the links between the group *Perseguidos por Pablo Escobar* (Los PEPES — Those Pursued by Pablo Escobar) and the Cali cocaine cartel, led to the consolidation of the paramilitary groups and the emergence of the leadership of the brothers Fidel and Carlos Castaño who organised the *Autodefensas Campesinas de Córdoba y*

Urabá (ACCU — Córdoba and Urabá Peasant Self-Defence Forces). The ACCU became the strongest of the paramilitary groups and acted to expand the paramilitaries throughout Colombian territory.

20. In 1997, a confederation of paramilitary groups called *Autodefensas Unidas de Colombia* (AUC-United Self-Defence Forces of Colombia), was created and consolidated under the command of Carlos Castaño. In mid-2004 the AUC committed to demobilize 15 000 combatants by the end of 2005 and the Government reported that 2624 had been demobilized during the collective demobilizations at the end of 2004. Total troop strength of the paramilitary groups is unknown but prior to AUC demobilizations estimates generally ranged from 10 000 to 20 000 troops (UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March – Attachment 5).

The High-Risk Areas of Colombia

The US Department of State's travel warning for Colombia, issued March 2009, lists the following regions of Colombia as historically having the strongest paramilitary presence:

Paramilitary forces were strongest in northwest Colombia in Antioquia, Cordoba, Sucre, Atlantico, Magdalena, Cesar, La Guajira, and Bolivar Departments, with affiliate groups in the coffee region, Valle del Cauca, and Meta Department (US Department of State 2008, *Travel Warning Colombia*, 25 March http://travel.state.gov/travel/cis_pa_tw/tw/tw_941.html – Accessed 31 July 2009 – Attachment 10).

DFAT's travel warning, current for August 2009, lists the following Colombian regions as dangerous due to activity from unspecified guerrilla groups and criminal organisations:

The provinces of Cesar and La Guajira and Antioquia (excluding Medellin), the cities of Cali and Popayan and most rural areas of Colombia: We advise you to reconsider your need to travel to the provinces of Cesar, La Guajira and Antioquia (excluding Medellin), the cities of Cali and Popayan and most rural areas of Colombia because of the uncertain security situation. On 1 September 2008, a car bomb exploded in front of the Palace of Justice in Cali killing at least four people and injuring more than 20 others. In March 2008, tensions between Colombia and its neighbours Venezuela and Ecuador led to troop movements to regions surrounding the Colombian border.

Do not travel areas: We advise you not to travel to the departments of Putumayo, Arauca, Cauca (excluding Popayan), Caqueta, Guaviare, Valle de Cauca (excluding Cali), Narino (excluding Pasto), Norte de Santander (excluding Cucuta), southern parts of Meta and the city of Buenaventura due to very high threat of terrorism from guerrilla organisations and presence of drug related criminal activity. These groups continue to perpetrate attacks, extortion, kidnappings, car bombings, and damages to infrastructure in these areas. There is a high risk to your personal safety in these areas.

You should not travel outside of main routes at night by road due to the high risk of armed robbery and kidnapping. Use reputable companies when travelling by bus.

You should avoid side trips when travelling outside of Popayan, the capital of Cauca Department. Troops, protest groups and the FARC sometimes block side roads in the area.

There is a risk of violence, kidnapping and being caught in road blocks set up by illegal armed groups when travelling by road outside main routes, including to rural tourist destinations such as Ciudad Perdida (The Lost City). Consider the advice of local authorities before travelling to such areas. When travelling to Parque Nacional Tayrona, you should only visit beach areas and resorts advised as safe and not venture inland because of the presence of illegal armed groups. You should avoid travelling at night (Department of Foreign Affairs and

Trade 2009, *Travel Advice Columbia*, Smartraveller website, 31 July <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Colombia> – Accessed 3 August 2009 – Attachment 11).

A March 2009 report by the ICG provides precise details on those areas with high FARC activity:

The FARC is especially active close to the Venezuela and Ecuador border, acting independently or in cooperation with cross-border gangs. Venezuelan and Colombian engineers, shopkeepers and cattle growers continue to be targeted in Arauca; cattle growers are kidnapped or extorted in Meta, southern Cesar and Caquetá. Rustling is increasing in parts of Boyacá, Cundinamarca and Meta departments; The Swiss food giant Nestlé was forced to close its milk-processing operation in Caquetá due to FARC attacks and threats; cattle-smuggling from Venezuela is believed to be controlled by the FARC (International Crisis Group 2009, *Ending Colombia's FARC Conflict: Dealing the Right Card*, 26 March, p.12 – Attachment 12).

Profile of those Kidnapped in Colombia

UNHCR states that all groups in society are targets/victims of kidnapping:

It should be noted that the possession of wealth is not the only factor in selection of victims and kidnapping and extortion affect virtually all groups in society. Moreover, the actions taken by agents of persecution do not follow a single pattern of behaviour (UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March, Paragraph 55 – Attachment 5).

UNHCR does state that a number of groups and occupations that are “at greater risk than others” vis-à-vis kidnapping and extortion:

...much of the Colombian population is a potential victim of... kidnapping and extortion. However, certain persons may be at greater risk than others and they include land/property owners (given the strategic importance that land has for the irregular armed groups), wealthy citizens and persons who have to travel within areas particularly affected by the conflict. Extortion is in use in both the rural and urban environments and potential victims include cattle ranchers, land owners (regardless of the size of the property), truck drivers, itinerant merchants and independent professionals. Most agents of persecution have the capacity to collect detailed information on their potential victims, including by using data provided illegally by employees of public and private sector institutions such as banks (UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March, Paragraph 57 – Attachment 5).

Children

DFAT's travel warning for Colombia, current for August 2009, states that “foreigners, including children, have been kidnapped and murdered”:

We advise you to exercise a high degree of caution in Colombia because of the high threat of terrorism and criminal activity. Terrorist, insurgent and paramilitary groups are active throughout Colombia and there is a high risk of kidnapping, including of foreigners... Government buildings, public transport, and commercial and entertainment centres are potential targets for terrorist attacks. Places frequented by foreigners could also be targeted...

Colombia has one of the highest rates of kidnapping in the world. Foreigners, including children, have been kidnapped and murdered (Department of Foreign Affairs and Trade 2009, *Travel Advice Colombia*, Smartraveller website, 31 July <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Colombia> – Accessed 3 August 2009 – Attachment 11).

The US Department of State's travel warning for Colombia, current for August 2009, states similar risks:

No one is immune from kidnapping on the basis of occupation, nationality, or other factors. Kidnapping in rural areas is of particular concern (US Department of State 2008, *Travel Warning Colombia*, 25 March http://travel.state.gov/travel/cis_pa_tw/tw/tw_941.html – Accessed 31 July 2009 – Attachment 10).

UNHCR's *Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, published in March 2005, states that the kidnapping of minors constitutes 50 percent of all known kidnapping cases:

...the number of kidnappings of children under 18 has increased and represents 50% of known cases. Kidnapping of children is usually done to guarantee the payment or the compliance of the requests dictated by the kidnappers (UNHCR 2005, *International Protection Considerations Regarding Colombian Asylum-Seekers and Refugees*, March, Paragraph 61 – Attachment 5).

The Independent reported as far back as 2003 that children were increasingly becoming kidnapping targets:

Children are increasingly becoming a target of Colombia's notorious kidnapping gangs, with an average of more than one minor seized each day last year, according to a Colombian human rights group... the vast majority of kidnapping victims are Colombian, although foreigners account for about 50 cases a year [*Pais Libre*] (Gumbel, A. 2003, Colombian kidnappers targeting children, *The Independent*, 1 February <http://www.independent.co.uk/news/world/americas/colombian-kidnappers-targeting-children-596276.html> – Accessed 3 August 2009 – Attachment 13).

The UK Home Office's *Colombia Country Report* from April 2004 states that children constitute a significant proportion of kidnapping victims:

One of the largest categories of kidnapping victims was children, 201 of whom were kidnapped by mid-October 2003. In February 2003, for example, the ELN kidnapped a captured EPL guerrilla's infant to pressure the former insurgent not to cooperate with the authorities (UK Home Office, 2004, *Colombia Country Report*, April – Attachment 14).

List of Sources Consulted

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Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) Refworld

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

International Crisis Group: <http://www.crisisgroup.org/home/index.cfm>

International News & Politics

The Age <http://www.theage.com.au/>

ABC News <http://www.abc.net.au/news/>

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