THE CRISIS IN BUENAVENTURA

Disappearances, Dismemberment, and Displacement in Colombia’s Main Pacific Port
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Years of violence have driven more than 5 million Colombians from their homes, generating the second largest population of internally displaced people in the world. Nowhere in Colombia is the problem of forced displacement worse today than in Buenaventura, a largely Afro-Colombian port on the country’s Pacific coast. For each of the past three years, Buenaventura has led all Colombian municipalities in the numbers of newly displaced persons, according to government figures. In 2013, more than 13,000 Buenaventura residents fled their homes.
Left-wing guerrillas operate in Buenaventura’s rural areas and have historically been a major cause of displacement in the area. Currently, however, the violence and displacement in Buenaventura is concentrated in its urban center, where guerrillas have virtually no presence, and 90 percent of the municipality’s population lives.

Human Rights Watch visited Buenaventura’s urban center in November 2013 to investigate what was causing massive displacement there. We found a city where entire neighborhoods were dominated by powerful paramilitary successor groups—known as the Urabeños and the Empresa—who restrict residents’ movements, recruit their children, extort their businesses, and routinely engage in horrific acts of violence against anyone who defies their will.

The successor groups have “disappeared” scores—and possibly hundreds—of Buenaventura residents over the past several years. They dismember their victims and dump the body parts in the bay and along its mangrove-covered shores or bury them in hidden graves, according to residents and officials. In several neighborhoods, residents report the existence of casas de pique—or “chop-up houses”—where the groups slaughter their victims. Several residents we spoke with reported hearing people scream and plead for mercy as they were being dismembered alive. In March 2014, after criminal investigators found bloodstains in two suspected “chop-up houses” in the city, the police said they had identified several locations where perpetrators had dismembered victims alive before tossing them in the sea.

More than 150 people who were reported to have gone missing in Buenaventura between January 2010 and December 2013 are presumed by officials to have been abducted and “disappeared,” twice as many as in any other municipality in Colombia. Interviews with authorities and residents, as well as official reports, strongly suggest that the actual number of people who have been

1 Between 2003 and 2006, right-wing paramilitary organizations underwent a deeply flawed government demobilization process in which many members remained active in new groups. These successor groups have essentially replaced paramilitary organizations in different regions, engaging in similar activities—including drug trafficking—and often with some of the same personnel.
and forced displacement committed by a range of actors in Buenaventura over the past two decades, but none has led to a conviction. In 512 of those investigations, prosecutors provided information to Human Rights Watch about whether anyone had even been charged. With the exception of three cases, no one had been charged.

Authorities in Buenaventura have not provided adequate assistance to victims of displacement after they flee their homes. Officials’ efforts to assist displaced people, required under Colombian law, have been plagued by inadequate temporary shelter, delays in delivering humanitarian aid, and the failure to protect victims’ abandoned property from destruction or occupation by successor groups.

Some officials have downplayed Buenaventura’s security problems by pointing to a recent drop in its official homicide rate, which fell from a nation-leading 121 homicides per 100,000 inhabitants in 2006 to 48 per 100,000 in 2013. However, these figures are not reliable given the high number of “disappearances” in Buenaventura, which are not reported as homicides. Moreover, the level of displacement in Buenaventura has increased from an average of 9,500 people per year between 2004 and 2008, to nearly 12,000 per year between 2009 and 2013, belying any claim that the overall security situation in the municipality has significantly improved.

The government’s failure to effectively protect Buenaventura residents has not been due to lack of knowledge of the dire situation there. In 2009, Colombia’s Constitutional Court found that the fundamental rights of the country’s displaced Afro-Colombian population were being “massively and continuously ignored,” and identified Buenaventura as an emblematic case. Since then, the Ombudsman’s Office has issued five reports warning of a range of imminent abuses against the city’s population. In November 2013, after paramilitary successor groups displaced several thousands of people in the city over the course of a week, the national ombudsman traveled to Buenaventura with UN representatives and said the city was experiencing a “humanitarian crisis.”

On March 6, 2014, after a regional police commander announced the discovery of several “chop-up sites” in Buenaventura, President Juan Manuel Santos said the government would carry out a special intervention to address the city’s security problems. Along with increasing the presence of the security forces in Buenaventura, government officials also promised to take measures to improve socio-economic conditions there.

Many residents of Buenaventura have lost all faith in the ability of the government to protect them. On September 13, 2013, hundreds of them participated in a march for peace led by the local Catholic bishop. The march wound through several of the city’s neighborhoods and ended on a soccer field, where the participants prayed for an end to the violence. The next day, a 23-year-old man’s head appeared on the field, with parts of his body scattered through nearby neighborhoods. When his family sought justice for the murder, they began receiving death threats and fled the city, joining the ranks of Buenaventura’s displaced.
RECOMMENDATIONS

To the Administration of President Juan Manuel Santos

- Ensure that the national police implements an effective strategy in Buenaventura to protect local residents from paramilitary successor groups, including by maintaining an uninterrupted police presence in the neighborhoods where they are most active.

- Establish an independent commission, composed of senior national officials from key government ministries and the Attorney General’s Office, the Institute of Legal Medicine, and the Inspector-General’s Office—as well as civil society representatives—to evaluate the problem of disappearances in Buenaventura and create a plan to curb the abuses and punish those responsible.

- Ensure that displaced people in Buenaventura promptly receive the humanitarian aid to which they are entitled, even when local authorities fail to record their requests for assistance in a timely fashion.

To the Offices of the Public Ministry

- Ensure the offices of the Public Ministry record victims’ declarations of their forced displacement in a timely manner, so that displaced people can promptly receive the humanitarian aid to which they are entitled.

To the Mayor of Buenaventura

- Provide humanitarian assistance, including food aid, to displaced people as soon as they officially declare their displacement, as obligated under law.

- Establish a shelter in the city of Buenaventura for displaced people who need it. The shelter should ensure displaced people’s safety and provide them with dignified living conditions.

To the Attorney General of Colombia

- Create a team of prosecutors and judicial investigators exclusively tasked with investigating current and past cases of disappearances in Buenaventura. The team should ensure that victims have a safe place where they can file criminal complaints in Buenaventura, without being seen or identified by other residents or local officials.

- Vigorously investigate and prosecute state agents who are credibly alleged to have collaborated with or tolerated the paramilitary successor groups in Buenaventura.

METHODOLOGY

In researching this report, Human Rights Watch conducted more than 70 interviews with a wide range of actors. These included abuse victims, their relatives, and other residents of many different neighborhoods in the urban areas of Buenaventura, as well as community leaders, judicial authorities, senior police officials, church representatives, local and national human rights officials, and members of international organizations, among others.

The vast majority of the interviews were conducted in Buenaventura during a two-week visit by Human Rights Watch researchers in November 2013, though some interviews were also conducted in Cali and Bogotá, as well as by telephone. No interviewee received financial or other compensation in return for interviewing with us. Nearly all interviews were conducted in Spanish.

In our research, we also drew on official statistics, which we sought through interviews and emails, and a wide range of other sources and documents, including court rulings, official reports, publications by nongovernmental organizations, and news articles.

Many interviewees feared reprisals and spoke with us on condition that we withhold their names and other identifying information. Details about individuals, as well as interview dates and locations, have been withheld when requested and when Human Rights Watch believed the information could place someone at risk; all such details are on file with the organization.

In this report, the term “disappearance” refers to cases containing the two elements of the offense of “enforced disappearance” as it is defined in Colombian criminal law and interpreted by Colombia’s Constitutional Court. The two elements are: 1) the deprivation of liberty of a person by any means, followed by hiding them and 2) a lack of information about the whereabouts of the person, or the refusal to recognize their deprivation of liberty or give information about their whereabouts. Under Colombian law, anyone can be criminally liable for a “disappearance,” irrespective of whether they are a private individual, are participating in the armed conflict, are state agents, or have the support or acquiescence of state agents. By contrast, the definition of “enforced disappearances” set out in treaties such as the International Convention for the Protection of all Persons from Enforced Disappearances, requires the involvement of state agents, either directly or indirectly, through authorization, support, or acquiescence.

In this report, “Buenaventura” refers to the entire municipality of Buenaventura, which is a subdivision of the department of Valle del Cauca. The municipality of Buenaventura encompasses the city of Buenaventura and surrounding rural villages. We use the terms “urban area,” “urban center,” “city” and “port” interchangeably when specifically referring to the city of Buenaventura, as opposed to its rural areas.

All translations from the original Spanish to English are by Human Rights Watch.
BACKGROUND

Buenaventura

Some 370,000 people live in Buenaventura, 90 percent of them in its urban center.2

Buenaventura has exceptionally high levels of poverty and unemployment. According to the latest available government statistics (from 2003), more than 80 percent of Buenaventura’s population lived in poverty.3 In 2011, the unemployment rate in Buenaventura was reportedly 40 percent, roughly four times the national rate.4

Buenaventura’s population has long suffered horrific abuses by left-wing guerrillas, right-wing paramilitaries, and their successor groups. One former commander of the United Self-Defense Forces of Colombia (AUC) paramilitary coalition reportedly told prosecutors that his troops killed more than 1,000 people in Buenaventura in 2000 and 2001 alone. Revolutionary Armed Forces of Colombia (FARC) guerrillas—which currently operate in Buenaventura’s rural areas—have engaged in killings, among other heinous crimes. Violence by all sides has caused massive forced displacement: since 2000, an average of 10,000 Buenaventura residents have fled their homes each year, according to official numbers.5 Afro-Colombians make up approximately 84 percent of Buenaventura’s population, according to the 2005 government census. The Inter-American Commission on Human Rights, UN independent expert on minority issues, and Constitutional Court of Colombia, among others, have found that Afro-Colombians across the country face socio-economic exclusion, discrimination, and high levels of violence.6 In 2011, the UN independent expert on minority issues reported that “[r]acism and structural discrimination have a significant impact on the lives and opportunities available to Afro-Colombians and are a direct cause of marginalization, poverty, and vulnerability to violence.”7 The Inter-American Commission concluded in 2009 that:


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\text{…[T]he failure of the security forces to do their duty to protect [Afro-Colombians], omits in the provision of assistance in the humanitarian crisis that affects displaced persons, land seizures, impunity, and, in general, racism and racial discrimination, all affect Afro-Colombians, who, moreover, have particularly suffered greatly as a result of the armed conflict.}
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The Inter-American Commission reported that in Buenaventura, the situation of Afro-Colombians “constitutes a humanitarian and human rights crisis.”8

In researching this report, Human Rights Watch did not investigate racial discrimination or attempt to determine its role in authorities’ failure to protect Buenaventura’s population from “disappearances,” forced displacement, and other abuses. However, the government needs to address the issue of discrimination when developing policies to improve Buenaventura’s human rights conditions, given the credible reports of discrimination, social exclusion, and intense violence affecting Afro-Colombians on a national level.

**Paramilitary Successor Groups**

Paramilitary successor groups emerged in Buenaventura after the local Calima Block of the AUC demobilization process—successor groups to the AUC that have maintained ties to its former commanders and have continued human rights violations. The “lleras” neighborhood of Buenaventura.

In December 2004, 9 Originally composed in part of former AUC members, successor groups in Buenaventura have changed names, incorporated new personnel, and merged or competed with similar groups that have ar

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8 The same census found that 8.6 percent of the national population was Afro-Colombian. However, the government acknowledged that the census did not capture the actual size of the Afro-Colombian population, which is much larger, according to the UN independent expert on minority issues, Gay McDougall, Addendum, Mission to Colombia, A/HRC/16/3/Add.1, January 25, 2013, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/164/48/PDF/G1316448.pdf?OpenElement (accessed March 1, 2014); Constitutional Court of Colombia, Order 005 of 2009; César Rodríguez Garavito, Tatiana Alfonso Sierra, and Isabel Caviedes Aduray, “Racial Discrimination and Human Rights in Colombia: A Report on the Situation of the Rights of Afro-Colombians,” Observatory on Racial Discrimination, 2013, http://www.dejusticia.org/index.php?modo=interantemates=antidiscriminacion&publicaci%00n=945&lang=en (accessed March 2, 2014).


12 Ibid, para. 73.

15 The Urabeños are the largest and most organized paramilitary successor group in Colombia, with a presence throughout much of the country. According to multiple sources, the capacity to recruit and acquire weapons, and it has a significant number of personnel. “Information narco-trafficking criminal bands,” Directorate of Police Intelligence Memorandum, May 21, 2013, Office of the Prosecutor of the ICC, “Report on Preliminary Examination Activities” November 2013, p. 31.


17 The Urabeños, which have been referred to by officials as “disappearances,” killings, sexual violence, and forced displacement.

Since at least 2012, the Urabeños and the Em- présas have been the two main paramilitary successor groups disputing control over the city. The Urabeños are the largest and most organized paramilitary succes- sor group in Colombia, with a presence throughout much of the country. 14 According to multiple sources, the Em- prés is a local criminal organization that essentially functions as the Buenaventura branch of the Rastrojos paramilitary successor group.15 The Rastrojos originated as the armed wing of a regional drug cartel, but ab- sorbed paramilitary members after the AUC demobiliza- tion, and now operates in several regions.16 In addition, some residents and authorities report that a third group, calle Animation” and “Disappeared People,” it said the Urabeños there appeared to be a “paramilitary” organiza- tion. According to the Urabeños, the point of conti- nuity between the AUC and successor groups is that they have “training schools” in different areas of the city, where they train people “in torture [practices] inher- ited” from the AUC.”17

Paramilitary successor groups currently operate through- out all of the urban areas of Buenaventura, where they are responsible for the vast majority of abuses against the population, including “disappearances.”18

While the national government labels the Urabeños, Em- presa, and AGC as “emerging criminal gangs” (Bacrim), many sources directly link the groups to paramilitaries, at least in their origins.19 For example, the government’s Victim Unit—which provides aid to conflict victims and displaced people—recently reported that all three of the groups in Buenaventura are “armed structures emanating from the Rastrojos criminal band.” It also reported the Urabeños there appeared to be a “paramilitary” organiza- tion. According to the Urabeños, the point of conti- nuity between the AUC and successor groups is that they have “training schools” in different areas of the city, where they train people “in torture [practices] inher- ited” from the AUC.”17

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20 The UN refugee and human rights agencies, Ombudsman’s Office of Colombia, and Personería of Buenaventura—a municipal human rights entity—also speak of post-paramilitary groups. “Many Buenaventura residents interviewed by Human Rights Watch referred to the Empresa and Urabeños as “paramilitaries,” and identified some members of the groups in their neighborhoods as former paramilitaries. Human Rights Watch interviews with Buenaventura residents, November 2013.


22 Ibid.


24 These statistics come from the National Registry of Disappeared Persons, the most comprehensive official database of miss- ing persons and missing persons presumed by authorities to have been “disappeared.” The registry is managed by the National Institute of Legal Medicine and Forensic Sciences (INML), and receives case information from a wide range of authorities, including the INML, At- torney General’s Office, Police and Public Ministry. Prosecutors are obligated to send case information to the registry as soon as they learn an investigation into an alleged disappearance. When entering case information, authorities classify whether the person appears to be the victim of a disappearance, as defined in Colombian law (see methodology section), or appears to have gone missing for other reasons like going missing voluntarily, such as in the case of a runaway (the latter are classified as “without information”). Judicial authorities are obli- gated to update the classification of cases in the database as their investigations advance. Email from INML official to Human Rights Watch, January 28, 2014; Human Rights Watch telephone in- terview with INML official, January 29, 2014; Law 589 of 2010, art. 9; Presidential Decree 428 of 2005, art. 8; Commission for the Search of Disappeared People, “National Registry of Disappeared Persons,” November 2012, p. 39.

25 Email from INML official to Human Rights Watch, January 28, 2014.


Disappearances

More than 150 people who were reported to have been gone missing in Buenaventura between January 2010 and December 2013 are presumed by officials to have been abducted and “disappeared”—more than in any other municipality in the country.25 Medellín, the municipality with the second highest number of reported disappear- ance cases during this time, has more than six times Buenaventura’s population, but has less than half as many reported cases.26 It is very likely that the actual number of disappearances in Buenaventura is much higher. Many cases go unre- ported, according to local justice officials, residents, and reports issued by different state entities.24 One justice
Dismemberment

Over the past year and a half, the dismembered body parts of at least a dozen people have been found in Buenaventura, many of which washed up on the beaches and shores of the city and surrounding areas, according to official reports and news articles. These grisly discoveries point to a routine practice of successor groups: dismembering the people they “disappear.”

Similarly, a resident of another neighborhood reported that one night in early 2013, shortly after hearing members of a successor group interrogate a man in the street, he heard the same man come from within a nearby house moaning and yelling “Don’t kill me!”34 According to the witness, the group members repeatedly said, “It’s your turn, it’s your turn,” as if they were taking turns torturing him. The screaming lasted 10 to 15 minutes, and was followed by silence.34

Human Rights Watch received credible accounts indicating that successor groups committed more than 45 disappearances in just three neighborhoods in the city during two months in early 2013 alone.29 This surpasses the officially reported case total across all of Buenaventura that whole year (38).29

OFFICIALLY REPORTED DISAPPEARANCES IN BUENAVENTURA

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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</thead>
<tbody>
<tr>
<td>Number of people reported missing in Buenaventura and presumed by officials to have been “disappeared”*</td>
<td>24</td>
<td>50</td>
<td>63</td>
<td>20</td>
<td>43</td>
<td>19</td>
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<td>0</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
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<td>1</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>1</td>
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</tr>
<tr>
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<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* Figures in this row and the last row refer to the number of people who reportedly went missing each year, not the number of reports of missing people that were filed each year. (In many cases, family members report their relatives as missing several years after they have gone missing.)

Source: National Registry of Disappeared Persons. Emails from INMIL official to Human Rights Watch on December 13, 2013 and January 28, 2014. Statistics regarding the number of officially reported disappearances are as of January 28, 2014, and figures regarding the number of people found dead and alive are updated as of December 13, 2013.
A community leader from a different area of the city told Human Rights Watch that, on several occasions in recent years, residents heard screaming and then saw people in the street holding hatchets and machetes with blood on them.  

The Catholic bishop in Buenaventura has reported receiving accounts of “chop-up houses” in the city. In February 2013, the bishop stated that the violence “has reached the point of cruelty of having places to dismember people, alive or dead…. In one parish they would obligate a woman to clean rooms filled with blood.” Several credible Colombian news outlets have also reported residents’ accounts of “chop-up houses” in Buenaventura. The main regional newspaper covering Buenaventura, El País, reported in October 2013: “In Buenaventura, the Violence Imposed the Law of Silence,” El País, October 8, 2013, http://www.elpais.com.co/elpais/judicial/noticias/buenaventura-violencia-le-ha-quitado-habla-sus-habitantes (accessed January 31, 2014).  

On March 5, 2014—more than a year after the local Catholic bishop raised alarm over the existence of “chop-up houses”—the commander of the police in Valle del Cauca department announced the discovery of several “chop-up sites” in Buenaventura, including one house, where an Urabeños member had lived. According to the commander, the perpetrators would tie victims to wooden boards, dismember them alive, and dump their remains in the sea.  

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A justice official told Human Rights Watch that on February 28, 2014, criminal investigators found bloodstains in two houses where the Urabeños had allegedly taken abducted victims, and from which neighbors had heard screams and pleas for help.42 The investigators suspect the Urabeños had dismembered people inside the houses.43

Other officials have also reported that the paramilitary successor groups in Buenaventura dismember people they disappear.44 For example, one justice official told Human Rights Watch that the Urabeños and Empresa’s “modus operandi” for those people who they disappear is to dismember them and discard their bodies in the sea or hidden graves.45 Another official described one case in which a successor group called the family of a dismembered person to let them know they had dismembered their loved one.46

**Restrictions on Movement and Social Control**

The Urabeños and Empresa have established control over residents’ movement between neighborhoods throughout the city. The groups closely monitor people who enter certain streets or neighborhoods where they are active. If a person enters a neighborhood which is not known by the group controlling it—or is known to come from an area dominated by a rival group—he risks being suspected of links to the enemy, and either killed or disappeared.47 For example, Human Rights Watch spoke with the family member of a man who was shot and severely injured by a paramilitary successor group in late 2013 because, she believes, he crossed an “invisible border” to do a day’s work in a neighborhood controlled by the group.48 (Residents and authorities refer to the dividing lines between neighborhoods controlled by rival groups as “invisible borders.”)

The widely known consequences of crossing an “invisible border” have caused people to limit the areas where they travel within the city. One 17-year-old boy told us he visited his family members living in other neighborhoods less frequently out of fear of crossing an “invisible border” and being killed. “They’re taking young people off of buses in order to take them away to dismember them… You live corralled, like a prisoner,” he said.49

The Urabeños and Empresa have also constrained the movements and activities of residents inside the neighborhoods where they have a strong presence. They have set specific hours when people can enter or leave the community, and ordered residents to stay within their homes after a certain time of day.50 They have also required residents to obtain their authorization before holding gatherings. One woman said the Empresa instructed people who work outside of the neighborhood to leave for work between 5 a.m. and 6 a.m., and completely prohibited residents from leaving the neighborhood after 10 p.m.51 A resident from a different neighborhood said the Empresa had prohibited residents from playing soccer at the local field, and ordered them not to bring visitors to the neighborhood.52

A leader from an Afro-Colombian community located on the edge of the city said the Urabeños maintain about 20 to 30 men in the community, inhibit residents from moving around the area, and impose strict social control. “They are imposing authority, which is what’s most painful. If there’s an argument, they’re the ones who mediate,” said the leader. “We have to be subject to what those people say.”53

**Forced Displacement**

Every year since 2011, more people have been forcibly displaced in Buenaventura than in any other municipality in Colombia: 22,028 residents fled their homes in 2011, 15,192 in 2012, and 13,468 between January and October 2013, according to official figures.54 (At this writing, government statistics were not available on the number of people displaced in November and December 2013.)

52 Human Rights Watch interview with Buenaventura resident, November 2013.

53 Human Rights Watch interview with Buenaventura resident, November 2013.


55 Email from Victims Unit official to Human Rights Watch, February 28, 2014.
Paramilitary successor groups were the main perpetrators of displacement in Buenaventura in 2012 and 2013, according to official numbers. Over 6,200 Buenaventura residents who were displaced between January and October 2013 reported that successor groups forced them from their homes, according to the Victims Unit. In 2012, 5,635 newly displaced Buenaventura residents identified successor groups as a cause of their displacement.

The number of people who have been displaced by successor groups in Buenaventura, moreover, is almost certainly much higher than reflected in the Victims Unit's current figures. As of this writing, the Victims Unit had not processed the requests for registration made by nearly 4,000 Buenaventura residents who reported being displaced by successor groups the first week of November 2013. Furthermore, of the people registered by the Victims Unit as displaced in Buenaventura who did not formally identify any perpetrator (2,632 people in 2013, 4,828 in 2012, and 3,117 in 2012) many were in all likelihood actually displaced by successor groups. Official numbers support this conclusion. One reason residents might not have identified successor groups as the perpetrator when reporting their displacement is that, until a June 2013 Constitutional Court ruling, the government had repeatedly refused to register victims of successor group violence.

In 2013, the Constitutional Court ordered the government to register as internally displaced people those who flee their homes due to violence and abuses by paramilitary successor groups, irrespective of whether their displacement is caused by the armed conflict. In the order, the Court specifically mentioned people driven from their homes by paramilitary successor groups in Buenaventura as an example of individuals who the government should register as internally displaced. The Court sought to correct what it found to be the “tendency” of the Victims Unit “to exclude from the system of protection and attention victims of forced displacement caused by generalized violence or grave violations of human rights perpetrated by actors such as the BACRIM, leaving without protection thousands of Colombians in a situation of extreme vulnerability.” Constitutional Court of Colombia, Order 119 of 2013, pp. 7, 24, and 65.


For example, as of November 2013, the Victims Unit had registered 5,345 people who were displaced in 2012 in events of “massive displacement” (affecting more than 10 households or 50 people) that occurred in the urban areas, where successor groups dominate. At the time, this represented 706 more people than the total number of Buenaventura residents who had formally identified successor groups as the cause of their displacement in 2012 (between November 2013 and January 2014, the Victims Unit officially registered several thousands more Buenaventura residents who were displaced in 2012). Of the 22 events of massive displacement in Buenaventura registered by the Victims Unit in 2012, 2013, and 2015, 19 occurred in the urban area. Emails from Victims Unit officials to Human Rights Watch, February 6 and 25, 2014.

Human Rights Watch spoke with multiple residents who fled their homes the first week of November 2013, when a series of killings and shootouts between heavily armed successor group members displaced thousands of residents from the Bajamar neighborhoods of the city. They described the overwhelming sense of fear and insecurity caused by the groups’ powerful presence and repeated abuses, which reached a breaking point when daily clashes between rival groups eroded outside their homes.

According to two victims of the displacement, for the first three days of November, there were shootouts three or four times a day in their neighborhood, lasting up to two hours each time. They said that on the third day, the Uribellos removed a man from a house and executed him in front of community members. A woman who fled a different Bajamar neighborhood similarly reported that successor groups clashed for three consecutive days there. She said that several months earlier, members of the Empresa had dismembered someone she knew in the neighborhood.

Another woman interviewed by Human Rights Watch said her children were playing in the street when shooting broke out between men armed with rifles. She ran outside in the middle of the shootout, brought her children inside, and covered them in mattresses in order to try to protect them from stray bullets. The woman said the shootout lasted for more than an hour, and that she abandoned her home with her children the following day. She was worried that one of the groups would take over her home after she left it, as she said they had done with the homes of other displaced families: “They take the homes and become the owners. And who is going to complain? If you complain, they’ll kill you.” Successor groups have repeatedly taken over or destroyed the homes of the victims they displaced, according to residents, authorities, and the UN refugee agency.

They take the homes and become the owners. And who is going to complain? If you complain, they’ll kill you.”
In another recent episode of displacement, nearly 100 families fled their homes in late January 2014 due to the combination of shootouts between successor groups and an “invisible border” between their neighborhood and a nearby market, according to the Personería of Buenaventura, a municipal human rights entity. The head of the Personería said the residents feared for their lives because of attacks on people who had tried to go to the market area.

**Forced Recruitment**

Paramilitary successor groups have forcibly recruited Buenaventura residents, including children, according to community members and official reports. In 2013, the Personería of Buenaventura received reports of 35 cases of attempted forced recruitment, largely involving victims between the ages of 17 and 25. The Early Warning System of the Ombudsman’s Office—which monitors risks to civilians in connection to the armed conflict—has raised alarm over the forced recruitment of children by successor groups in Buenaventura. The office reported in 2013 that the Empresa had held meetings in a neighbor-


74 Human Rights Watch interviews with Buenaventura residents, November 2013, p. 16.

75 Human Rights Watch interviews with Buenaventura residents, November 2013.

76 Human Rights Watch interview with Buenaventura resident, November 2013.

77 Human Rights Watch interview with Buenaventura resident, November 2013.

78 Human Rights Watch interview with Buenaventura resident, November 2013.


74 Human Rights Watch interviews with Buenaventura residents, November 2013.

75 Human Rights Watch interview with Buenaventura resident, November 2013.

76 Human Rights Watch interview with Buenaventura resident, November 2013.

77 Human Rights Watch interview with Buenaventura resident, November 2013.

78 Human Rights Watch interview with Buenaventura resident, November 2013.

83 Human Rights Watch interview with Buenaventura resident, November 2013.

84 Human Rights Watch interview with Buenaventura resident, November 2013.


Inadequate Protection and Accountability

Lack of Protection

Within the Colombian security forces, primary responsibility for protecting the population in the city of Buenaventura and combating paramilitary successor groups there lies with the national police, supported in certain operations by the navy. When Human Rights Watch visited Buenaventura in November 2013, there were roughly 900 police and 500 navy personnel in the city. In mid-February 2014, the national police sent approximately 650 more members to Buenaventura.

Police claimed they had a sufficiently wide presence throughout the city to protect the population. Residents in different parts of the city, however, told us that the police did not have a permanent presence in their neighborhoods and patrolled their neighborhoods infrequently, often leaving them unprotected from the successor groups. For example, residents from a part of the city where the groups have committed disappearances said that a whole day could go by without the police visiting the neighborhood. Residents displaced from a Bajamar neighborhood in November 2013 said the police had at times stayed away from the neighborhood for as long as a week.


89 Human Rights Watch telephone interview with Colonel José Correa, commander of the police in Buenaventura, February 25, 2014.

90 Human Rights Watch telephone interview with Colonel José Correa, commander of the police in Buenaventura, February 5, 2014.

91 Human Rights Watch interviews with Buenaventura residents, November 2013.

92 Human Rights Watch interviews with Buenaventura residents, November 2013.

93 Human Rights Watch interviews with Buenaventura residents, November 2013.
Some officials have corroborated the inadequate presence of the security forces in neighborhoods. The national ombudsman and head of the Personería of Buenaventura visited the Bajamar neighborhoods following the November 2013 displacement there, and reported that there was an “absence” of security forces in the area. One national human rights official told Human Rights Watch that the police had a “sporadic” presence in certain neighborhoods of the city, rather than permanent territorial control of the neighborhoods.

Even more worrisome is that some residents say they have seen the police meeting with known successor group members in their neighborhoods, leading them to suspect the police are colluding with these groups. For example, one woman said she saw police having beers and talking with successor group members in her neighborhood in August 2013. A man from another area said that in 2013, he witnessed police agents enter his neighborhood on motorcycles, speak with the local leaders of the successor group for about 10 minutes, and leave, causing him to believe they were colluding.

Some officials have echoed residents’ fears of ties between successor groups and certain members of the local security forces. In January 2014, the head of the Personería of Buenaventura publicly stated that he had received “grave complaints” of alleged ties between successor groups and members of the police and navy. One local justice official told Human Rights Watch that the police are “very permissive” with the Urabeños and Empresa, and even coordinate movements with the groups in certain neighborhoods. Another local official said that some police support the Empresa, while others support the Urabeños.

Residents’ fear of retaliation for reporting crimes partly stems from their belief that authorities may leak information to successor groups, according to some community leaders. One woman thought that the police may have actually shared information with the Urabeños that put her life in jeopardy. She said that one day in 2013, she called the police to alert them of the location of a man the Urabeños had abducted and possibly killed. Later that night the Urabeños accused her of calling the police and threatened to picarla, or “chop her up.” The woman said she believes the only way the Urabeños would have known about the call is if the police had told them.

In another case, a man said that when the Urabeños threatened him after they had stolen his land, they told him, “Go and report us to prosecutors or anywhere else, because you know we work with the people here. You know the police back us.”

Based on the evidence we were able to obtain, we are not in a position to determine whether or not there has been collusion between any members of the police and successor groups in Buenaventura. What is clear, however, is that the police are providing the Urabeños and Empresa support, and creating a framework of impunity for disappearances.

Lack of Accountability

The police report having arrested 249 alleged members of the Urabeños and Empresa in Buenaventura between January 2012 and mid-February 2014, including 42 people accused of killings. In late February and early March 2014, the police reportedly arrested 10 people in connection to cases of dismemberment.

The main prosecutorial unit dedicated to investigating successor groups charged 64 members who were arrested in Buenaventura in 2012 and 2013, and as of January 2014 had obtained convictions against five of them.

However, impunity remains the norm for abuses against the Buenaventura population, including for “disappearances” and cases of forced displacement. None of the five convictions were for such crimes.

The Attorney General’s Office has more than 840 open investigations into alleged disappearances committed over the past two decades in Buenaventura, but none had led to a conviction as of January 2014. In 205 of those investigations, prosecutors provided Human Rights Watch with information about whether suspects had even been charged. With the exception of one case, no one had been charged.

Justice authorities have also failed to successfully prosecute a single case of forced displacement in Buenaventura. Of the Attorney General’s Office’s more than 1,300 open investigations into cases of forced displacement committed over the past two decades in Buenaventura, none had led to a conviction as of January 2014 (each investigation often involves multiple victims). No one had been charged in 305 of the 307 cases for which prosecutors provided Human Rights Watch with information about the status of the investigation.

One reason to explain this impunity is the overwhelming caseload of the main local prosecutor dedicated to investigating disappearances and cases of forced displacement in Buenaventura. As of March 2014, the prosecutor was handling 958 investigations into a range of crimes, including 230 disappearances and 284 cases of forced displacement.
The National Unit against the Crimes of Enforced Disappearances and Displacement (UNCDES)—established in 2010 to reduce impunity for such crimes nationwide—has a much lighter caseload. However, as of January 2014, no one had been charged, let alone convicted, in any of the unit’s 44 investigations into disappearances and cases of forced displacement in Buenaventura.

Lack of Timely Assistance for the Displaced

Under Colombian law, municipal governments are obligated to provide victims with humanitarian assistance, including food aid, as soon as they ask to be officially registered as displaced. However, authorities in Buenaventura have failed to record displaced people’s registration requests in a timely fashion, contributing to delays in the delivery of humanitarian aid, according to Colombia’s Constitutional Court. In October 2013, the Constitutional Court found that Buenaventura is one of the worst municipalities in the country when it comes to registering displaced people’s declarations and registering them, and determined that “humanitarian emergencies are not being attended to” there.

114 As of November 2013, the unit’s office in Valle del Cauca had three prosecutors investigating approximately 300 open cases throughout the department, including in Buenaventura. Human Rights Watch interview with prosecutor, November 2013.
115 Email from Attorney General’s Office official to Human Rights Watch, January 21, 2014.
116 Law 1448 of 2011, art. 63; Presidential Decree 4800 of 2011, art. 108.
117 Under Colombian law, displaced persons can request official registration of their displacement with any office of the Public Ministry. The offices of the Public Ministry include the Personería, Ombudsman’s Office, and Inspector-General’s Office. In events of “massive displacement” (involving more than 50 people or 10 households), the local mayor’s office is charged with recording the victims’ request for official registration by conducting a “census” of the affected families. Law 1448 of 2011, arts. 48 and 63; Presidential Decree 4800 of 2011, arts. 27 and 45-46.
118 Constitutional Court of Colombia, Order 234 of 2013, paras. 4 and 5.
119 Ibid. While the Public Ministry and mayors’ offices are charged with recording displaced people’s requests for registration, it is the government’s Victims Unit that processes the requests and decides whether or not to register them. In the October 2013 order, the Constitutional Court found that there was a problem of under-registration of displaced people in Buenaventura, especially of victims of paramilitary successor groups. However, Human Rights Watch received credible reports that the Victims Unit has since made progress in re-

Buenaventura residents displaced by paramilitary successor groups wait to apply for government humanitarian aid outside the Pastoral Social office of the Catholic Church in Buenaventura, which provides assistance to abuse victims in the city, November 2013.
In November 2013, Human Rights Watch researchers observed the effects of the delays by the mayor’s office in providing thousands of displaced people with aid after successor groups drove them from their homes in the city. Several displaced people said they were experiencing hunger after waiting, day after day, to request official registration of their displacement.120 Even after victims declared their displacement, they did not immediately receive assistance from the mayor’s office, as required by law.121 On November 15, roughly two weeks after residents started to flee their homes, the UN Office for the Coordination of Humanitarian Affairs reported that thousands of displaced people still had not received humanitarian assistance.122

The city of Buenaventura does not have a shelter for displaced people, despite the exceptionally high levels of displacement there and its obligation under Colombian law to provide temporary shelter to victims who need it.123 Instead, the city places displaced people in rooms that it rents from a city hotel.124 The placement of displaced persons, who are often under threat, in a hotel where anyone can check in, presents serious security risks for them. According to the Ombudsman’s Office, the lack of an adequate shelter in Buenaventura has pressured displaced people to return home after their displacement, in the face of grave personal danger.125 In the words of a recently displaced woman: “We are not given shelter, so what do we have to do? Return to hell to risk our lives and the lives of our children.”126

**Colombia’s International Obligations**

At the end of 2009 the Inter-American Commission on Human Rights approved its “Report on Citizen Security and Human Rights,” which reminded OAS member states, including Colombia, that:

Member States have a duty to protect and ensure the human rights at stake in the area of citizen security through plans and programs aimed at prevention, deterrence and, where necessary, measures of lawful suppression of acts of violence and crime, based on the guidelines and within the boundaries set by the standards and principles on human rights within the universal and regional human rights systems.127

Colombia is party to multiple human rights treaties that impose international obligations to protect those human rights central to guarantees of security, including the rights to life, to physical integrity, to personal liberty and security, and to the peaceful enjoyment of one’s possessions.128 Communities in Buenaventura plagued by threats of violence, killings, disappearances, and forced displacement are denied security by the state. Colombian authorities have failed to fulfill their obligations to provide effective protection for basic rights, including the right to a remedy in dealing with violence by paramilitary successor groups.

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Human Rights Watch is especially grateful to the victims and community members who shared their testimonies with us. Many expressed a well-founded fear of reprisals, and it was with great courage that they agreed to be interviewed.

120 Human Rights Watch interviews with Buenaventura residents, November 2013.

121 Human Rights Watch interview with local official, November 2013.


123 Law 1448 of 2011, art. 63; Presidential Decree 4800 of 2011, art. 108.


126 Human Rights Watch interview with Buenaventura resident, November 2013.


128 For example, Colombia is a party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the American Convention on Human Rights, and the UN Convention on the Rights of the Child (CRC), among other human rights treaties.
THE CRISIS IN BUENAVENTURA
Disappearances, Dismemberment, and Displacement in Colombia’s Main Pacific Port

Colombia has the second largest population of internally displaced people in the world. In no other municipality in Colombia is forced displacement happening on a greater scale today than in Buenaventura, a largely Afro-Colombian port on the country’s Pacific coast. In 2013, violence drove over 13,000 people from their homes in Buenaventura, more than in any other municipality in the country.

Human Rights Watch visited Buenaventura in November 2013 to investigate what was causing such massive displacement. We found a city where entire neighborhoods were dominated by successor groups to the paramilitaries (formally demobilized a decade ago) — known as the Urabeños and the Empresa— who routinely engage in horrific acts of violence against anyone who defies their will.

*The Crisis in Buenaventura* describes how the successor groups have “disappeared” scores—and possibly hundreds—of Buenaventura residents over the past several years. They dismember people and dump the body parts in the sea or bury them in hidden graves, according to residents and officials. In several neighborhoods, residents report the existence of *casas de pique*—or “chop-up houses”—where the groups dismember their victims alive.

Authorities have consistently failed to take the necessary measures to protect residents from violence by successor groups and ensure justice for the abuses against them. People living in parts of the city where the groups are strong said the police presence in their neighborhoods is scarce. Prosecutors have not obtained a single conviction in any of their investigations into disappearances and cases of forced displacement in Buenaventura.

*The Crisis in Buenaventura* outlines basic steps the government should take to curb the abuses against Buenaventura’s population. These include creating a special team of prosecutors to investigate disappearances in the city and ensuring the police maintain an uninterrupted presence in the neighborhoods where successor groups are most active.