



HUMAN
RIGHTS
WATCH

THE CRISIS IN BUENAVENTURA

Disappearances, Dismemberment, and Displacement
in Colombia's Main Pacific Port

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Summary	1
Recommendations.....	6
Methodology	7
Background	9
Disappearances, Dismemberment, and Terror	13
Disappearances	13
Dismemberment	15
Restrictions on Movement and Social Control	18
Forced Displacement.....	19
Forced Recruitment	22
The “Law of Silence”	22
Inadequate Protection and Accountability	24
Lack of Protection	24
Lack of Accountability	27
Lack of Timely Assistance for the Displaced	29
Colombia’s International Obligations	30



Skyline of Buenaventura. November 2013.

Photographs by Stephen Ferry

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 groups¹—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 report having heard people scream and plea 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.



Criminal investigators remove body from a crime scene in the Ciudadela Confamar neighborhood of Buenaventura. November 2013.



A woman holds an image of her “disappeared” son after participating in a vigil held by mothers of disappeared people outside of Buenaventura’s city hall. November 2013.

abducted and killed by paramilitary successor groups in the city is significantly higher.

One of the main sources of underreporting is the fear of reprisals. For example, one resident told Human Rights Watch he heard the screams of a man he believed was being dismembered, but did not report the crime. “No matter how much screaming you hear, the fear prevents you from doing anything,” he said. “People know where the ‘chop-up houses’ are but do not do anything about it because the fear is absolute.”

The authorities have not protected the population from successor groups. Residents from parts of the city where the Empresa or Urabeños were strong said the police presence in their neighborhoods was scarce. Even more troublingly, several inhabitants reported witnessing members of the police meet with the successor group in their neighborhoods. Overall, there is a profound distrust in authorities and a pervasive sense of defenselessness in the face of the groups’ constant abuses.

Police report having arrested more than 250 paramilitary successor group members in Buenaventura since January 2012, including at least 42 people accused of killings. However, impunity remains the norm for abuses against Buenaventura residents. Prosecutors have opened more than 2,000 investigations into cases of disappearances

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 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.

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.

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 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 areas," "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.



Buenaventura neighborhood. November 2013.

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



2 Mayor's Office of Buenaventura and Buenaventura Chamber of Commerce, "Buenaventura in Statistics—2011," 2011, http://www.ccbun.org/images/multimedia/anuario_est_bun_cifras_2011_p1.pdf (accessed March 1, 2014), p. 19.

3 National Department of Planning, "Conpes Document 3410, State Policy for Improving the Living Conditions of the Buenaventura Population," February 20, 2006, <https://www.dnp.gov.co/Portals/0/archivos/documentos/Subdireccion/Conpes/3410.pdf> (accessed March 1, 2014), p. 5.

4 Mayor's Office of Buenaventura and Buenaventura Chamber of Commerce, "Buenaventura in Statistics—2011," 2011, http://www.ccbun.org/images/multimedia/anuario_est_bun_cifras_2011_p1.pdf (accessed March 1, 2014), p. 31.

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.⁵ Revolutionary Armed Forces of Colombia (FARC) guerrillas—which currently operate in Buenaventura's rural areas—have engaged in killings, among other heinous crimes.⁶ 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.⁷

Afro-Colombians make up approximately 84 percent of Buenaventura's population, according to the 2005 government census.⁸ The Inter-American Commission on Human Rights, UN independent expert on minority issues, and Constitutional Court of Colombia, among oth-

ers, have found that Afro-Colombians across the country face socio-economic exclusion, discrimination, and high levels of violence.⁹ 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.”¹⁰ The Inter-American Commission concluded in 2009 that:

...[T]he failure of the security forces to do their duty to protect [Afro-Colombians], omissions in the provision of assistance in the humanitarian crisis that affects displaced persons, land seizures, impunity, and, in general, racism and racial discrimination, all afflict Afro-Colombians, who, moreover, have particularly suffered greatly as a result of the armed conflict.¹¹

The Inter-American Commission reported that in Buenaventura, the situation of Afro-Colombians “constitutes a humanitarian and human-rights crisis.”¹²

5 “Alias ‘HH’ Confesses that the AUC Killed More than One Thousand People in Buenaventura,” Caracol Radio, September 4, 2008, <http://www.caracol.com.co/noticias/judiciales/alias-hh-confiesa-que-las-auc-asesinaron-a-mas-de-mil-personas-en-buenaventura/20080904/nota/664894.aspx> (accessed March 1, 2014).

6 Ombudsman's Office of Colombia, Early Warning System, “Follow-up Note No. 005-13 to Fifth Risk Report No. 032 of 2008 Issued on December 24, 2008,” May 2, 2013, p. 8; Early Warning System, “Second Follow-up Note No. 027-10 to Risk Report No. 032-08 Issued on December 24, 2008,” December 13, 2010, pp. 5 and 11; Early Warning System, “Risk Report No. 032-08,” December 24, 2008, p. 3. Human Rights Watch received credible reports that the FARC has also committed disappearances in the rural areas of Buenaventura in recent years. Human Rights Watch interviews with Buenaventura residents, November 2013; “Ombudsman Requests Activation of the Urgent Search Mechanism to Find the Victims,” Ombudsman's Office press statement, May 12, 2011, http://www.defensoria.org.co/red/?_item=0301&_secc=03&ts=2&n=1282 (accessed February 6, 2014).

7 Victims Unit, “Displacement-Persons, Valle del Cauca – Buenaventura, Cut-off Date: January 21, 2014,” <http://rni.unidadvictimas.gov.co/?q=v-reportes> (accessed March 3, 2014).

8 The same census found that 10.6 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. National Statistics Department, “Regional Analysis of the Principal Socio-demographic Indicators of the Afro-Colombian and Indigenous Population Based on the Information from the 2005 General Census,” http://www.dane.gov.co/files/censo2005/etnia/sys/Afro_indicadores_sociodemograficos_censo2005.pdf (accessed March 1, 2014), p. 155; Report of the independent expert on minority issues, Gay McDougall, Addendum, Mission to Colombia, A/HRC/16/45/Add.1, January 25, 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/18/PDF/G1110418.pdf?OpenElement> (accessed March 1, 2014), para. 4.

9 Inter-American Commission on Human Rights, “Preliminary Observations of the Inter-American Commission on Human Rights After the Visit of the Rapporteurship on the Rights of Afro-Descendants and Against Racial Discrimination in the Republic of Colombia,” OEA/Ser.L/V/II.134, March 27, 2009, <http://www.cidh.org/countryrep/ColombiaAfrodescendientes.eng/ColombiaAfros2009Toc.eng.htm> (accessed March 1, 2014); Report of the independent expert on minority issues, Gay McDougall, Addendum, Mission to Colombia, A/HRC/16/45/Add.1, January 25, 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/18/PDF/G1110418.pdf?OpenElement> (accessed March 1, 2014); Constitutional Court of Colombia, Order 005 of 2009; César Rodríguez Garavito, Tatiana Alfonso Sierra, and Isabel Cavelier Adarve, “Racial Discrimination and Human Rights in Colombia: A Report on the Situation of the Rights of Afro-Colombians,” Observatory on Racial Discrimination, 2008, <http://www.dejusticia.org/index.php?x=0&modo=interna&tema=antidiscriminacion&publicacion=945&lang=en> (accessed March 2, 2014).

10 Report of the independent expert on minority issues, Gay McDougall, Addendum, Mission to Colombia, A/HRC/16/45/Add.1, January 25, 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/104/18/PDF/G1110418.pdf?OpenElement> (accessed March 1, 2014), para. 86.

11 Inter-American Commission on Human Rights, “Preliminary Observations of the Inter-American Commission on Human Rights After the Visit of the Rapporteurship on the Rights of Afro-Descendants and Against Racial Discrimination in the Republic of Colombia,” OEA/Ser.L/V/II.134, March 27, 2009, <http://www.cidh.org/countryrep/ColombiaAfrodescendientes.eng/ColombiaAfros2009Toc.eng.htm> (accessed March 1, 2014), para. 121.

12 Ibid, para. 73.



The “Lleras” neighborhood of Buenaventura.
November 2013.

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 afflicting Afro-Colombians on a national level.

Paramilitary Successor Groups

Paramilitary successor groups emerged in Buenaventura after the local Calima Block of the AUC demobilized

in December 2004.¹³ 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-

13 Human Rights Watch interviews with Buenaventura residents, November 2013; Ombudsman's Office, “Violence Against Women in the District of Buenaventura,” October 2011, http://www.defensoria.org.co/red/anexos/pdf/11/sat/publicaciones/inf_violenciaMujerBuenaventura.pdf (accessed March 2, 2014), pp. 24 and 28; Ombudsman's Office, Early Warning System, “Risk Report No. 032-08,” December 24, 2008, pp. 2-3 and 7; Consultoría para los Derechos Humanos y el Desplazamiento, “Inter-Urban Forced Displacement and Lasting Solutions,” 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/Desplazamiento%20forzado%20intraurbano%20y%20soluciones%20duraderas.pdf> (accessed March 2, 2014), pp. 58-61.

rived from other parts of the country. Yet some of the organizations' traits have remained essentially unchanged: they have fought rival groups—including at times left-wing guerrillas¹⁴—for control of Buenaventura's neighborhoods, engaged in a variety of mafia-like criminal activities, imposed social control over the population, and committed serious abuses against local residents, such as "disappearances," killings, sexual violence, and forced displacement.

Since at least October 2012, the Urabeños and the Empresa have been the two main paramilitary successor groups disputing control over the city.¹⁵ The Urabeños are the largest and most organized paramilitary successor group in Colombia, with a presence throughout much of the country.¹⁶ According to multiple sources, the Em-

presa is a local criminal organization that essentially functions as the Buenaventura branch of the Rastrojos paramilitary successor group.¹⁷ The Rastrojos originated as the armed wing of a regional drug cartel, but absorbed paramilitary members after the AUC demobilization, and now operates in several regions.¹⁸ In addition, some residents and authorities report that a third group, called the Gaitanista Self-Defense Forces of Colombia (AGC), arrived in Buenaventura in late 2013 claiming to be the real Urabeños and entered into dispute with the local Urabeños.¹⁹

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, emailed to Human Rights Watch on February 22, 2013; "Current situation of the narco-trafficking criminal bands," Directorate of Police Intelligence Memorandum, May 12, 2013; Office of the Prosecutor of the ICC, "Report on Preliminary Examination Activities 2013," November 2013, p. 31.

14 Like the AUC, paramilitary successor groups in Buenaventura have at times confronted FARC guerrillas and targeted people they accuse of being guerrilla sympathizers, according to officials. This includes when they expelled rebels from several parts of the city between roughly 2005 and 2007, and in 2011, when they repelled an attempt by the FARC to reposition themselves in the urban area of the municipality, according to officials. Ombudsman's Office, "Violence Against Women in the District of Buenaventura," October 2011, http://www.defensoria.org.co/red/anexos/pdf/11/sat/publicaciones/inf_violenciaMujerBuenaventura.pdf (accessed March 2, 2014), pp. 24 and 28; Ombudsman's Office, Early Warning System, "Risk Report No. 032-08," December 24, 2008, pp. 3 and 7; Office of the President's Human Rights and International Humanitarian Law Observatory, "Diagnostic of the Situation in the Municipalities Inhabited by Afro-Colombian Communities Prioritized by the Honorable Constitutional Court in the Department of Valle del Cauca," 2010, <http://www.derechoshumanos.gov.co/Observatorio/documents/2010/DiagnosticoAfro/ValleDelCauca.pdf> (accessed March 4, 2014), pp. 7, 18-19, and 25; Human Rights Watch interview with Colonel Óscar Gómez, then-commander of the police in Buenaventura, November 11, 2013; Human Rights Watch interview with police intelligence officials, Bogotá, November 22, 2013.

15 Human Rights Watch interviews with Buenaventura residents, November 2013; Human Rights Watch interview with Colonel Óscar Gómez, then-commander of the police in Buenaventura, November 11, 2013; Human Rights Watch telephone interview with Colonel José Correa, current commander of the police in Buenaventura, February 5, 2014; Human Rights Watch interview with local justice official, November 2013; "Ombudsman Confirmed the Desolate Humanitarian Panorama in his Visit to Buenaventura Communities," Ombudsman Office press statement, November 15, 2012, http://www.defensoria.org.co/red/index.php?_item=03010611&_secc=03&ts=2&hs=0301 (accessed February 7, 2014).

16 In early 2013, police intelligence sources estimated the Urabeños had 2,370 members nationally, and "a national command [structure] and cohesion." In November 2013, The Office of the Prosecutor of the International Criminal Court (ICC), which is monitoring national investigations into crimes that may fall within the ICC's jurisdiction, reported with respect to the Urabeños that its members "are well-disciplined; there is a hierarchical structure; effective control is exercised over its members; it exercises control over territory; it has

While the national government labels the Urabeños, Empresa, and AGC as "emerging criminal gangs" (Bacrim), many sources directly link the groups to paramilitaries, at least in their origins.²⁰ For example, the government's Victims 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 [AUC] demobilization process" and said the Urabeños there appeared to be a "paramilitary" organization.²¹ According to the Victims Unit, one point of continuity between the AUC and successor groups is that the latter have "training schools" in different areas of the city, where they train people "in torture [practices] inherited" from the AUC.²²

Paramilitary successor groups currently operate throughout all of the urban areas of Buenaventura, where they are responsible for the vast majority of abuses against the population, including "disappearances."²³

DISAPPEARANCES, DISMEMBERMENT, AND TERROR

Disappearances

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"—more than in any other municipality in the country.²⁴ Medellín, the municipality with the second highest number of reported disappearance cases during this time, has more than six times Buenaventura's population, but less than half as many reported cases.²⁵

It is very likely that the actual number of disappearances in Buenaventura is much higher. Many cases go unreported, according to local justice officials, residents, and reports issued by different state entities.²⁶ One justice

24 These statistics come from the National Registry of Disappeared Persons, Colombia's most comprehensive official database of missing 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, Attorney General's Office, Police, and Public Ministry. Prosecutors are obligated to send case information to the registry as soon as they open 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, including voluntarily, such as in the case of a runaway (the latter are classified as "without information"). Judicial authorities are obligated to update the classification of individual cases in the database as their investigations advance. Email from INML official to Human Rights Watch, January 28, 2014; Human Rights Watch telephone interview with INML official, January 29, 2014; Law 589 of 2000, art. 9; Presidential Decree 4218 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.

26 Human Rights Watch interview with prosecutor investigating disappearances in Buenaventura, November 2013; Human Rights Watch interviews with Buenaventura residents, November 2013; "Personería Will Accompany the March to Reject the Violence Experienced in Buenaventura," Personería of Buenaventura press statement, February 17, 2014, http://www.personeriacuenaventura.gov.co/web/index.php?option=com_content&view=article&id=270:comunicado-de-prensa-096&catid=39:prensa&Itemid=53 (accessed March 2, 2014); Ombudsman's Office of Colombia, Early Warning System, "Follow-up Note No. 005-13 to Fifth Risk Report No. 032 of 2008 Issued on December 24, 2008," May 2, 2013, pp. 12 and 17; Early Warning System,



OFFICIALLY REPORTED DISAPPEARANCES IN BUENAVENTURA

	2006	2007	2008	2009	2010	2011	2012	2013
Number of people reported missing in Buenaventura and presumed by officials to have been "disappeared"*	24	50	63	20	43	39	33	38
Found Dead	1	0	0	0	4	1	3	1
Found Alive	0	1	0	1	5	1	1	2
National Rank	2	1	1	4	1	1	1	1
Number of people reported missing and presumed by officials to have been "disappeared" in the Colombian municipality with the second highest total	n/a	44	42	n/a	24	22	8	18

* 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 INML 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.

official, who has investigated scores of disappearances in Buenaventura, estimated that only 30 to 40 percent of the cases are reported.²⁷ (See more on underreporting in "Law of Silence" section below.)

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.²⁸ This surpasses the officially reported case total across all of Buenaventura that whole year (38).²⁹

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.³⁰ These grisly discoveries

"Second Follow-up Note No. 027-10 to Risk Report No. 032-08 Issued on December 24, 2008," December 13, 2010, p. 10; Early Warning System, "Follow-up Note No. 034-09 to Risk Report No. 032-08 Issued on December 24, 2008," December 16, 2009, p. 4; Commission for the Search of Disappeared Persons, "Inter-Institutional Working Group-Buenaventura, Valle del Cauca," 2009, paras. 6, 27 and 32-33.

27 Human Rights Watch interview with justice official, November 2013.

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

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

30 The Ombudsman's Office reported that between January and October 2013 alone, the dismembered body parts of eight people were found in Buenaventura. The press covered most of these cases, as well as several other cases from October 2012, December 2013, and January and February 2014. "Ombudsman Reiterates Urgent Call to Protect the Population of Buenaventura in Light of Massive Intra-Urban Displacement," Ombudsman's Office press statement, November 7, 2013, http://www.defensoria.org.co/red/index.php?_item=03010711&_secc=03&ts=2&hs=0301 (accessed February 10, 2014); "Burial of a Man who was Quartered in Buenaventura," El País, October 25, 2012, <http://www.elpais.com.co/elpais/valle/noticias/entierran-hombre-fue-descuartizado-buenaventura> (accessed February 5, 2014); "Parts of a Cadaver were Found in Two Points in Buenaventura," El País, October 30, 2012, <http://www.elpais.com.co/elpais/valle/noticias/encuentran-partes-cadaver-dos-puntos-buenaventura> (accessed February 5, 2014); "Fear in Buenaventura over the Reappearance of Chop-up Houses," El País, June 16, 2013, <http://www.elpais.com.co/elpais/judicial/noticias/temor-buenaventura-por-reaparicion-casas-pique> (accessed February 5, 2014); "Investigation into Discovery of Dismembered Cadaver in Buenaventura," El País, September 9, 2013, <http://www.elpais.com.co/elpais/judicial/noticias/investigan-hallazgo-cadaver-desmembrado-buenaventura> (accessed February 5, 2014); "Quartered Cadaver Identified in Buenaventura," El País, February 5,

2014, <http://www.elpais.com.co/elpais/judicial/noticias/identifican-cadaver-descuartizado-buenaventura> (accessed February 5, 2014); "Another Quartered Body Found in Buenaventura," Caracol Radio, December 4, 2013, <http://www.caracol.com.co/noticias/regionales/localizan-cuerpo-de-otro-descuartizado-en-buenaventura/20131204/nota/2030474.aspx> (accessed February 5, 2014); "Woman Found Quartered on the Beaches of La Bocana," El País, February 1, 2014, <http://www.elpais.com.co/elpais/judicial/noticias/encontran-mujer-descuartizada-playas-bocana-buenaventura> (accessed February 5, 2014); "A Sena Student is One of the Victims of Dismemberment in Buenaventura," El País, February 27, 2014, <http://www.elpais.com.co/elpais/judicial/noticias/estudiante-sena-victimas-desmembramiento-buenaventura> (accessed March 6, 2014).

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

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

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

34 Ibid.



On-lookers at a crime scene in the José Hilario López market in Buenaventura. November 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.³⁵

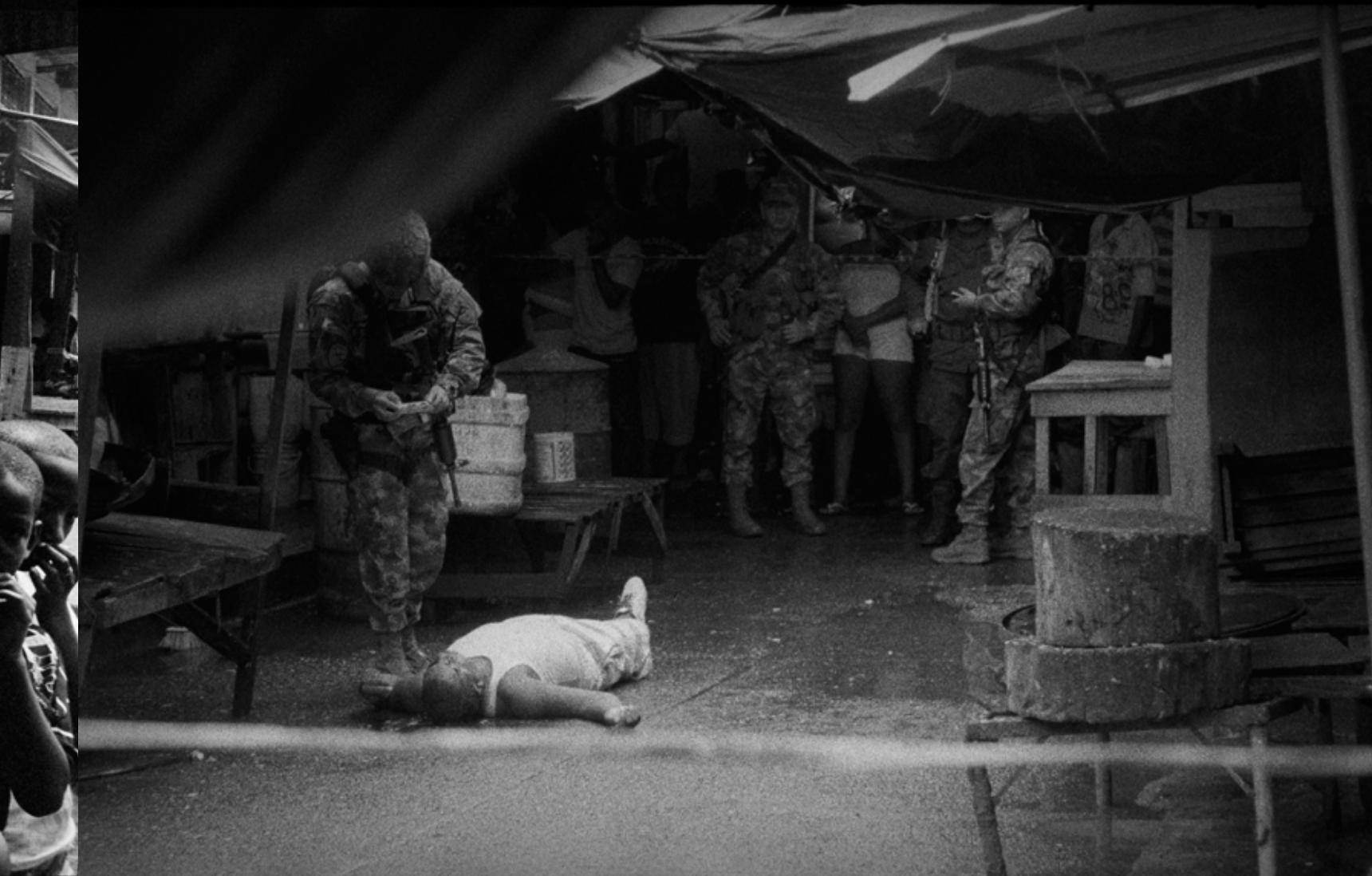
The Catholic bishop in Buenaventura has reported receiving accounts of “chop-up houses” in the city.³⁶ In

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.”³⁷

Several credible Colombian news outlets have also reported residents’ accounts of “chop-up houses” in Buenaventura.³⁸ The main regional newspaper covering Buenaventura, *El País*, reported in October 2013: “[Resi-

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

36 Human Rights Watch interview with Monsignor Héctor Epalza Quintero, Catholic bishop of Buenaventura, Buenaventura, November 11, 2013.



A marine photographs a dead man at a crime scene in the José Hilario López market in Buenaventura. November 2013.

dents] have heard the screams of people who beg for mercy...and swear they are not informants. They have also heard how the screams die out and days later they have seen human remains floating in the bay.”³⁹

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

40 “Valle Police Identified Four ‘Chop-up Houses’ in Buenaventura,” RCN Radio, March 5, 2014, <http://www.rcnradio.com/noticias/machete-son-descuartizadas-las-personas-en-buenaventura-policia-valle-121469> (accessed March 5, 2014); “Police Identified Five ‘Chop-up Houses’ in Buenaventura,” Caracol Radio, March 5, 2014, <http://www.caracol.com.co/noticias/regionales/policia-identifica-cinco-casas-de-pique-en-buenaventura/20140305/nota/2111844.aspx> (accessed March 5, 2014).

41 Ibid.

an Urabeños member had lived.⁴⁰ According to the commander, the perpetrators would tie victims to wooden boards, dismember them alive, and dump their remains in the sea.⁴¹

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 disappeared 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 who is not known by the group controlling it—or is known to come from an area dominated by a rival group—he risks be-

ing 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

⁴² Human Rights Watch telephone interview with justice official, March 6, 2014.

⁴³ Ibid.

⁴⁴ The Early Warning System has repeatedly raised alarm over paramilitary successor groups disappearing people in Buenaventura, including by dismembering them. For example, it reported in 2009 that multiple sources pointed to the existence of *picaderos* in Bajamar neighborhoods, where "people enter walking and leave floating in black bags." Ombudsman's Office of Colombia, Early Warning System, "Fifth Follow-up Note No. 005-13 to Risk Report No. 032 of 2008 Issued on December 24, 2008," May 2, 2013, pp. 7, 11, and 17; Early Warning System, "Fourth Follow-up Note No. 012-12 to Risk Report No. 032 of 2008 Issued on December 24, 2008," August 23, 2012, p. 14; Early Warning System, "Follow-up Note No. 016-11, Third Note to Risk Report No. 032-08 Issued on December 24, 2008," July 1, 2011, p. 10; Early Warning System, "Follow-up Note No. 034-09 to Risk Report No. 032-08 Issued on December 24, 2008," December 16, 2009, p. 4; Early Warning System, "Risk Report No. 032-08," December 24, 2008, pp. 9, 12, and 14.

⁴⁵ Human Rights Watch interview with local justice official, November 2013.

⁴⁶ Human Rights Watch interview with local official, November 2013.

⁴⁷ In November 2013, the head of the Personería of Buenaventura raised alarm over the existence of "invisible borders," stating, "The partial reign of these criminal actors over some urban sectors has fractured the territory, restricting the movement of inhabitants through so-called 'invisible borders.'" Human Rights Watch interviews with Buenaventura residents, November 2013; Human Rights Watch interview with local justice official, November 2013; Human Rights Watch interview with Monsignor Héctor Epalza Quintero, Catholic bishop of Buenaventura, Buenaventura, November 11, 2013; Personería of Buenaventura, "The Social and Humanitarian Panorama in Buenaventura is Getting Worse: Personero of Buenaventura," November 21, 2013, http://www.personerabuenaventura.gov.co/web/index.php?option=com_content&view=article&id=252:comunicado-de-prensa-086&catid=39:prensa&Itemid=53 (accessed January 31, 2014).

⁴⁸ Human Rights Watch interview with Buenaventura resident, November 2013.

⁴⁹ Human Rights Watch interview with Buenaventura resident, November 2013.

⁵⁰ Human Rights Watch interviews with Buenaventura residents, November 2013.

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, 15,191 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 2013.⁵⁵)

VICTIMS OF FORCED DISPLACEMENT IN BUENAVENTURA

	Newly Displaced Buenaventura Residents	National Rank
2013	13,468	1
2012	15,191	1
2011	22,028	1
2010	4,798	3
2009	4,481	3
2008	14,877	1
2007	15,443	2
2006	13,537	1

Source: Victims Unit, cut-off date: January 21, 2014⁵⁶

FARC guerrillas operate in Buenaventura's rural areas and have been a major cause of displacement. According to figures compiled by the Victims Unit, the government agency tasked with registering displaced people, FARC-induced displacement was particularly severe in 2011: in that year, 15,288 people identified guerrillas as a cause of their displacement in Buenaventura.⁵⁷ Victims Unit figures suggests that the FARC's role, while still significant, has lessened somewhat since 2011, with 5,207 residents identifying guerrillas as a cause of their displacement in 2012 and 4,665 listing guerrillas in 2013. Human Rights Watch did not investigate the FARC's reported role in displacement in Buenaventura because our research focused on the city, where the violence and abuse in the municipality is currently concentrated, and where guerrillas have virtually no presence.

⁵⁶ Victims Unit, "Displacement-Persons, Valle del Cauca – Buenaventura, Cut-off Date: January 21, 2014," <http://rni.unidadavictimas.gov.co/?q=v-reportes> (accessed March 3, 2014); Victims Unit, "Map of Affected Persons, Population: All the Populations, Events: Forced Displacement, Cut-off Date: January 21, 2014," <http://rni.unidadavictimas.gov.co/?q=v-reportes> (accessed March 3, 2014).

⁵⁷ In certain cases, displaced persons identify several actors as responsible for a single incident of displacement, e.g. when residents flee clashes between different groups. In 2011, 4,888 people who fled their homes in Buenaventura identified paramilitary successor groups as a cause of their displacement. Email from Victims Unit official to Human Rights Watch, February 25, 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.⁵⁸ In 2012, 5,635 newly displaced Buenaventura residents identified successor groups as a cause of their displacement.⁵⁹

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 2013.⁶⁰ 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, 4,823 in 2012, and 3,117 in 2011) many were in all likelihood actually displaced by successor groups.⁶¹ Official numbers support this conclusion.⁶² 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 suc-

58 Ibid.

59 Ibid.

60 A Victims Unit official told Human Rights Watch in late February 2014 that the unit had not yet processed requests for registration made by people displaced in Buenaventura between November 2013 and February 2014. According to the Personería of Buenaventura, 3,922 people were displaced there the first week of November 2013. Personería of Buenaventura, "Answer to Proposition No. 030 of November 2013, Honorable City Council of Buenaventura," undated, p. 6. Email from Victims Unit official to Human Rights Watch, February 28, 2014.

61 Email from Victims Unit official to Human Rights Watch, February 25, 2014.

62 For example, as of November 2013, the Victims Unit had registered 3,345 people who were displaced in 2012 in events of "massive displacement" (affecting more than 10 households or 50 people) that occurred in the urban area of Buenaventura, 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 2011, 2012, and 2013, 19 occurred in the urban area. Emails from Victims Unit officials to Human Rights Watch, February 6 and 25, 2014.

cessor groups as displaced persons entitled to certain government benefits.⁶³

"They take the homes and become the owners. And who is going to complain? If you complain, they'll kill you."

by the groups' powerful presence and repeated abuses, which reached a breaking point when daily clashes between rival groups erupted outside their homes.

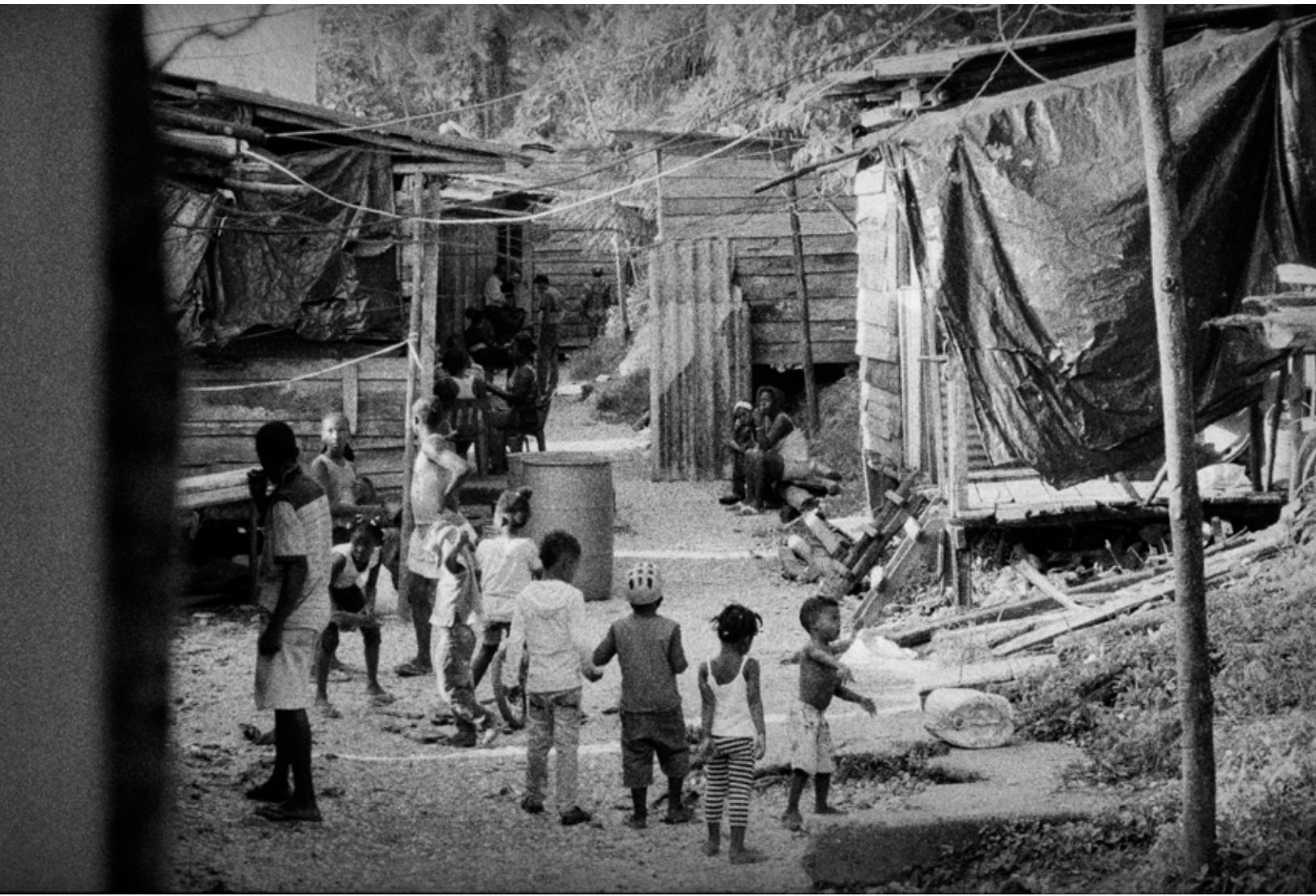
According to two victims of the displacement, for the first three days of November, there were shootouts three or four times a day in their neighborhood, lasting up to two hours each time. They said that on the third day, the Ura-beños removed a man from a house and executed him in front of community members.⁶⁵ 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

63 In a June 2013 order, the Constitutional Court ordered the government to register as internally displaced people 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.

64 According to the Personería of Buenaventura, 3,922 people were displaced the first week of November 2013. Personería of Buenaventura, "Answer to Proposition No. 030 of November 2013, Honorable City Council of Buenaventura," undated, p. 6.

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

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.⁶⁴ They described the overwhelming sense of fear and insecurity caused



the Empresa had dismembered someone she knew in the neighborhood.⁶⁶

Another woman interviewed by Human Rights Watch said her children were playing in the street when shooting broke out between men armed with rifles.⁶⁷ 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

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

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

The San José neighborhood of Buenaventura, where nearly 100 families fled their homes in late January 2014, according to the Personería of Buenaventura, a municipal human rights entity. November 2013.

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."⁶⁸ Successor groups have repeatedly taken over or destroyed the homes of the victims they displaced, according to residents, authorities, and the UN refugee agency.⁶⁹

68 Ibid.

69 Ombudsman's Office of Colombia, Early Warning System, "Fifth Follow-up Note No. 005-13 to Risk Report No. 032 of 2008 Issued on December 24, 2008," May 2, 2013, p. 15; Human Rights Watch interviews

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.⁷⁰

Forced Recruitment

Paramilitary successor groups have forcibly recruited Buenaventura residents, including children, according to community members and official reports.⁷¹ In 2013, the Personería of Buenaventura received reports of 35 cases of attempted forced recruitment, largely involving victims between the ages of 17 and 25.⁷² 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 neighborhood where they announced that children under the age of 14 would be used as lookouts, and that children age 14 and over would act as gunmen.⁷³

with Buenaventura residents, November 2013; “New Intra-Urban Displacements in Buenaventura,” UN Office of the High Commissioner for Refugees press statement, November 7, 2013.

70 “Personería Attends Displacement Due to Clashes and ‘Invisible Borders’ Between Two Neighborhoods in Buenaventura,” Personería of Buenaventura press statement, January 28, 2014, http://www.personerabuenaventura.gov.co/web/index.php?option=com_content&view=article&id=263:comunicado-de-prensa-092&catid=39:prensa&Itemid=53 (accessed February 7, 2014).

71 Personería of Buenaventura, “Answer to Proposition No. 030 of November 2013, Honorable City Council of Buenaventura,” undated, p.10; “Ombudsman Reiterates Urgent Call to Protect the Population of Buenaventura in Light of Massive Intra-Urban Displacement,” Ombudsman Office press statement, November 7, 2013, http://www.defensoria.org.co/red/index.php?_item=03010711&_secc=03&ts=2&hs=0301 (accessed February 5, 2014); “High Rate of Forced Recruitment in Buenaventura: the Personería Reports,” Personería of Buenaventura press statement, January 22, 2013, http://www.personerabuenaventura.gov.co/web/index.php?option=com_content&view=article&id=197:comunicado-de-prensa-043&catid=39:prensa&Itemid=53 (accessed February 5, 2014).

72 Personería of Buenaventura, “Answer to Proposition No. 030 of November 2013, Honorable City Council of Buenaventura,” undated, p.10.

73 Ombudsman’s Office of Colombia, Early Warning System, “Fifth Follow-up Note No. 005-13 to Risk Report No. 032 of 2008 Issued

Human Rights Watch interviewed parents from two families living in different neighborhoods who said that successor groups had attempted to recruit their 16- and 17-year-old children, and that the children eventually had to flee the city so that they would not be forced to join the group.⁷⁴ In one of the cases, the Urabeños told the boy they would kill his mother or father if he did not join them, according to one of his parents.⁷⁵

The “Law of Silence”

Several victims and witnesses told Human Rights Watch that successor groups had directly threatened them not to report crimes. For example, one woman said Empresa members entered her home one day in early 2013, abducted her husband, and threatened to kill her and her children if she called the police. Shortly thereafter, the group executed her husband.⁷⁶

Another man told Human Rights Watch that Urabeños members stole his land in the city, and that when he complained to them, they warned him, “If you make a big deal about this, we’ll chop you up.”⁷⁷

Authorities’ accounts indicate that these types of threats are common, contributing to widespread fear of retaliation for reporting abuses.⁷⁸ In 2013, the Early Warning System reported that the phrase, “if you say something, I’ll have you chopped-up” had become commonplace in

on December 24, 2008,” May 2, 2013, p. 13; Early Warning System, “Fourth Follow-up Note No. 012-12 to Risk Report No. 032 of 2008 Issued on December 24, 2008,” August 23, 2012, p. 15. The Early Warning System has also expressed concern over alleged incidents of sexual violence against girls committed by successor groups. Early Warning System, “Fourth Follow-up Note No. 012-12 to Risk Report No. 032 of 2008 Issued on December 24, 2008,” August 23, 2012, p. 14.

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 local justice official, November 2013.

Buenaventura.⁷⁹ The office has repeatedly raised alarm that family members of the “disappeared” are threatened not to report the crimes.⁸⁰ Similarly, Colombia’s Commission for the Search of Disappeared Persons, an inter-institutional entity dedicated to promoting investigations into disappearances, reported in 2009 that in Buenaventura, “the population and in general the family members of victim[s] of forced disappearances are threatened not to report” the crimes to the authorities.⁸¹

Even those residents who do not receive direct threats are reluctant to report abuses due to fear of reprisals. For example, the father of a boy who was abducted and beaten by a successor group in 2013 said he did not report the crime because he feared the group would kill him for doing so.⁸² In another case, a resident said he heard the screaming of a man he believed was being dismembered alive, but did not report the crime. “People know where the ‘chop-up houses’ are, but do not do anything about it

79 Ombudsman’s Office of Colombia, Early Warning System, “Fifth Follow-up Note No. 005-13 to Risk Report No. 032 of 2008 Issued on December 24, 2008,” May 2, 2013, p. 7.

80 Ombudsman’s Office of Colombia, Early Warning System, “Follow-up Note No. 005-13 to Fifth Risk Report No. 032 of 2008 Issued on December 24, 2008,” May 2, 2013, p. 17; Early Warning System, “Follow-up Note No. 016-11, Third Note to Risk Report No. 032-08 Issued on December 24, 2008,” July 1, 2011, pp. 9-10; Early Warning System, “Second Follow-up Note No. 027-10 to Risk Report No. 032-08 Issued on December 24, 2008,” December 13, 2010; pp. 9-10.

81 The Commission reported that due to these threats, victims’ family members in Buenaventura have often sought the help of local media outlets in searching for their loved ones. The Commission’s analysis is consistent with the account of a staff member of one media outlet in Buenaventura, who told Human Rights Watch that throughout 2013 several families came to his office each week to say that a family member had been disappeared. Commission for the Search of Disappeared Persons, “Inter-Institutional Working Group—Buenaventura, Valle del Cauca,” 2009, para. 18; Human Rights Watch interview with staff member of media outlet in Buenaventura, November 2013.

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

because the fear is absolute,” he said. “No matter how much screaming you hear, the fear prevents you from doing anything.”⁸³ Similarly, a man from another neighborhood said that in September 2013, his relative found a leg as she was collecting shrimp, but did not report it. “You see things and have to keep quiet,” he said.⁸⁴

In November 2013, the national ombudsman summarized the widespread fear of reprisals in Buenaventura by stating that successor groups had imposed “a law of silence” in areas of the city.⁸⁵

Local justice officials and other authorities acknowledge that the fear of reprisals has resulted in significant underreporting of abuses in Buenaventura.⁸⁶ For example, in 2013, the Early Warning System reported that:

[The] wives, mothers, and sisters who do not know the whereabouts of their relatives or children who were displaced, recruited or disappeared ... refrain from reporting the majority of the time in order to avoid retaliations by members of armed groups, or if they do report are threatened, insulted, and obligated to displace or else be killed.⁸⁷

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

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

85 “Humanitarian Crisis in Buenaventura Requires the Government Designate a Special Manager for the City,” Ombudsman’s Office of Colombia statement, November 22, 2013, http://www.defensoria.org.co/red/index.php?_item=03010711&_secc=03&ts=2&hs=0301 (accessed February 5, 2014).

86 Human Rights Watch interview with prosecutor investigating disappearances in Buenaventura, November 2013; Human Rights Watch interview with local justice official, November 2013. The Personería of Buenaventura stated that the number of cases of killings, extortion and threats are likely higher than the number reported in 2013, due to victims’ fear of reporting. “The Ombudsman Will Ask the National Government for a Special Management for Buenaventura,” Personería of Buenaventura press statement, http://www.personerabuenaventura.gov.co/web/index.php?option=com_content&view=article&id=253:visita-defensor-del-nacional-del-pueblo-en-buenaventura&catid=39:prensa&Itemid=53 (accessed February 5, 2014); Commission for the Search of Disappeared Persons, “Inter-Institutional Working Group—Buenaventura, Valle del Cauca,” 2009, paras. 18, 27 and 32-33.

87 Ombudsman’s Office of Colombia, Early Warning System, “Fifth Follow-up Note No. 005-13 to Risk Report No. 032 of 2008 Issued on December 24, 2008,” May 2, 2013, p. 17.

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.⁸⁸ In mid-February 2014, the national police sent approximately 650 more members to Buenaventura.⁸⁹

Police claimed they had a sufficiently wide presence throughout the city to protect the population.⁹⁰ 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.⁹¹ 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.⁹² 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.⁹³

⁸⁸ Human Rights Watch telephone interview with Colonel José Correa, commander of the police in Buenaventura, February 5, 2014; Human Rights Watch interview with police intelligence officials, Bogotá, November 22, 2013; Human Rights Watch telephone interview with Colonel Roberto Carlos González, commander of the navy in Buenaventura, February 5, 2014.

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.



A child at a protest march in Buenaventura carrying a poster with a photograph of four-year-old María José Obregón, killed by a gunman on October 24, 2013. 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.⁹⁴ 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.⁹⁵

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.⁹⁶ For example, one woman said she saw police having beers and talking with successor group members in her neighborhood in August 2013.⁹⁷ 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.⁹⁸

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.⁹⁹ 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.¹⁰⁰ Another local official said that some police support the Empresa, while others support the Urabeños.¹⁰¹

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.¹⁰² 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.¹⁰³

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.”¹⁰⁴

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,

⁹⁴ Personería of Buenaventura, “National Ombudsman Will Ask the National Government for Special Management of Buenaventura,” undated, http://www.personerabuenaventura.gov.co/web/index.php?option=com_content&view=article&id=253:visita-defensor-del-nacional-del-pueblo-en-buenaventura&catid=39:prensa&Itemid=53 (accessed February 5, 2014).

⁹⁵ Human Rights Watch interview with local justice official, November 2013.

⁹⁶ Human Rights Watch interview with local justice official, November 2013.

⁹⁷ Human Rights Watch interview with local justice official, November 2013.

⁹⁸ Human Rights Watch interview with local justice official, November 2013.

⁹⁹ “Personería Requests Urgent Meeting Among Authorities Over the High Rate of Violence in Buenaventura,” Personería of Buenaventura press statement, January 14, 2014, http://www.personerabuenaventura.gov.co/web/index.php?option=com_content&view=article&id=256:comunicado-de-prensa-089&catid=39:prensa&Itemid=53 (accessed February 5, 2014).

¹⁰⁰ Human Rights Watch interview with local justice official, November 2013.

¹⁰¹ Human Rights Watch interview with local justice official, November 2013.

¹⁰² In 2009, Colombia’s Commission for the Search of Disappeared Persons, an inter-institutional entity dedicated to promoting investigations into disappearances, reported that in Buenaventura, “The civilian population’s fear of reporting crimes and seeking justice from local authorities, which on many occasions are reported to have ties to illegal groups, increases the level of vulnerability of the population and creates a framework of impunity” for disappearances. Commission for the Search of Disappeared Persons, “Inter-Institutional Working Group—Buenaventura, Valle del Cauca,” 2009, para. 33; Human Rights Watch interviews with Buenaventura residents, November 2013.

¹⁰³ Human Rights Watch interview with local justice official, November 2013.

¹⁰⁴ Human Rights Watch interview with local justice official, November 2013. See more on this threat in the “Law of Silence” section above.

based on the successor groups’ ongoing abuses, as well as their effective control over residents’ movements, is that the national police are failing to provide the population with adequate protection.

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.¹⁰⁵ In late February and early March 2014, the police reportedly arrested 10 people in connection to cases of dismemberment.¹⁰⁶

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.¹⁰⁷

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 2014.¹⁰⁸ In 205 of those investigations, prosecutors provided Human

¹⁰⁵ Human Rights Watch telephone interview with police official, February 18, 2014.

¹⁰⁶ “Police Identified Five ‘Chop-up Houses’ in Buenaventura,” Caracol Radio, March 5, 2014, <http://www.caracol.com.co/noticias/regionales/policia-identifica-cinco-casas-de-pique-en-buenaventura/20140305/nota/2111844.aspx> (accessed March 5, 2014).

¹⁰⁷ Email from Attorney General’s Office official to Human Rights Watch, January 21, 2014. The charges included “conspiracy to commit a crime”—the standard charge for membership in a successor group—homicide, attempted homicide, arms trafficking, extortion, and threats. The Attorney General’s Office did not report which crimes the five members had been convicted of.

¹⁰⁸ The Attorney General’s Office reported in January 2014 that it had 929 open investigations into alleged disappearances committed in Buenaventura, including at least 842 investigations of cases that occurred over the past two decades. Emails from Attorney General’s Office officials to Human Rights Watch, January 21, 2014, February 12, 2014, and March 5, 2014; Official communication from the National Direction of Prosecutors’ Offices to the Attorney General’s Office’s Office of International Issues, January 2, 2014.

Rights Watch with information about whether suspects had even been charged. With the exception of one case, no one had been charged.¹⁰⁹

Justice authorities have also failed to successfully prosecute a single case of forced displacement in Buenaventura.¹¹⁰ 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).¹¹¹ 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.¹¹²

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.¹¹³

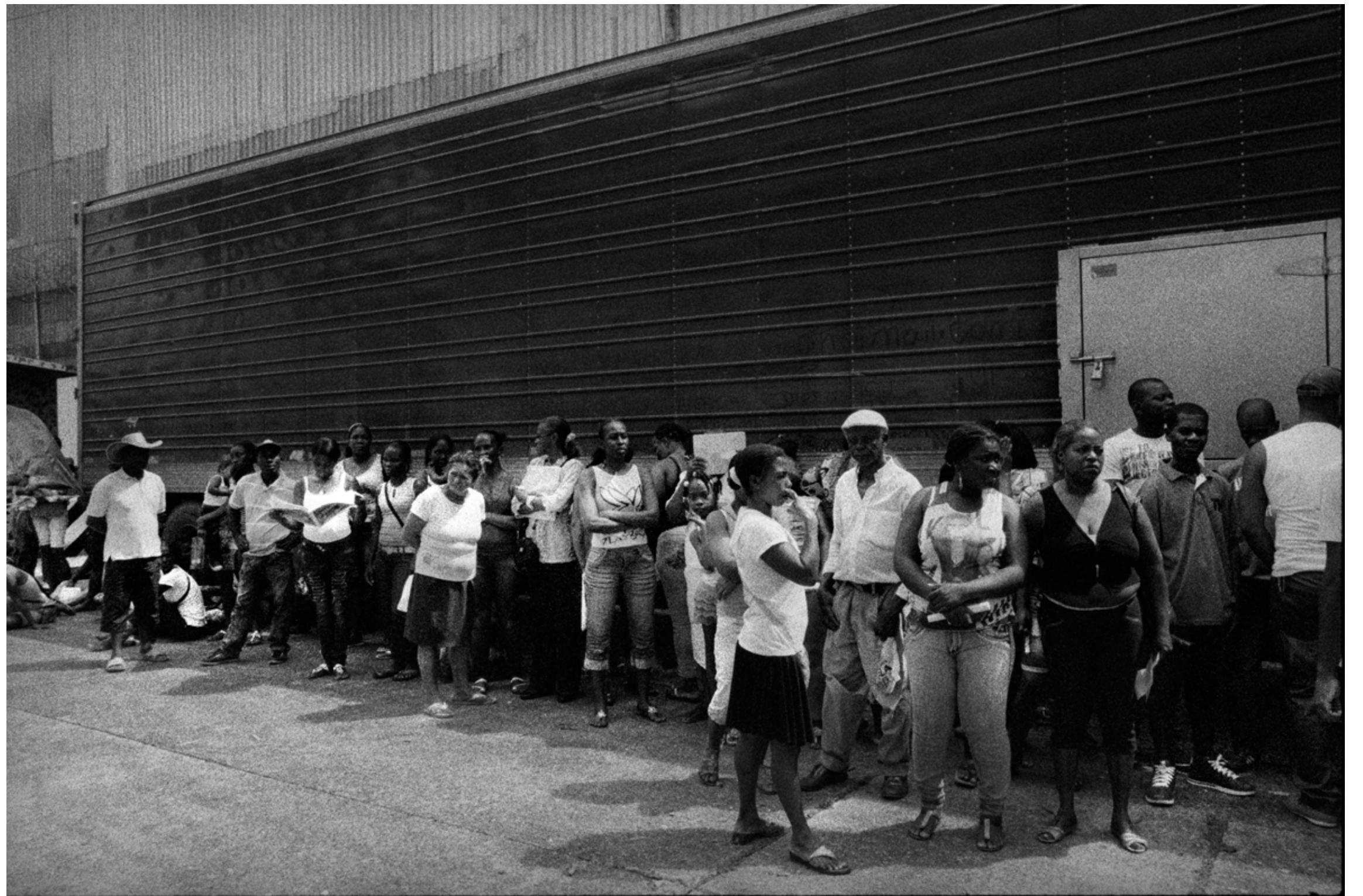
¹⁰⁹ All but one of the 205 investigations are of cases of alleged disappearances that occurred between 2006 and 2013. Emails from Attorney General’s Office officials to Human Rights Watch, January 21 and February 12, 2014.

¹¹⁰ Colombian law contains two separate criminal offenses for forced displacement. The first is in the criminal code’s chapter on international humanitarian law violations and defines the deportation, expulsion, transfer, or forced displacement of the civilian population as, “He who, with occasion to and in development of armed conflict and without measuring the military justification, deports, expels, transfers or forcibly displaces the civilian population from its place of settlement.” The second offense does not have to be committed in relation to Colombia’s armed conflict, and is defined as “He who in an arbitrary manner, through violence or other coercive acts directed against a sector of the population, causes one or various of its members to change their place of residence.” Law 599 of 2000, articles 159 and 180.

¹¹¹ Emails from Attorney General’s Office officials to Human Rights Watch, January 21, 2014, February 12, 2014, and March 4, 2014; Official communication from the National Direction of Prosecutors’ Offices to the Attorney General’s Office’s Office of International Issues, January 2, 2014.

¹¹² All but one of the 307 investigations are in relation to cases of forced displacement that occurred between 2006 and 2014. Emails from Attorney General’s Office officials to Human Rights Watch, January 21 and February 12, 2014.

¹¹³ Email from Attorney General’s Office official to Human Rights Watch, March 4, 2014.



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.

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.¹¹⁴ 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.¹¹⁵

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.¹¹⁶ However, authorities in Buenaventura¹¹⁷ 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.¹¹⁸ In October 2013, the Constitutional Court found that Buenaventura is one of the worst municipalities in the country when it comes to recording displaced people’s declarations and registering them, and determined that “humanitarian emergencies are not being attended to” there.¹¹⁹

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 61; 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-

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

evaluating the requests for registration made by victims of successor groups in Buenaventura, and registering many of them.

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

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

122 "Colombia: Massive Intra-Urban Displacement and Limitations on Mobility; Buenaventura, Valle del Cauca; Situation Report No. 2," UN Office for the Coordination of Humanitarian Affairs, November 15, 2013 <http://www.salahumanitaria.co/es/system/files/documents/files/Desplazamiento%20Buenaventura-%20Informe%20No.%202.pdf> (accessed February 5, 2014); Personería of Buenaventura, "Answer to Proposition No. 030 of November 2013, Honorable City Council of Buenaventura," undated, p. 6.

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

124 Human Rights Watch interview with Buenaventura city official, Buenaventura, November 2013; Human Rights Watch interviews with Buenaventura residents, November 2013.

125 "Ombudsman Reiterates Urgent Call to Protect the Population of Buenaventura in Light of Massive Intra-Urban Displacement," Ombudsman's Office press statement, November 7, 2013, http://www.defensoria.org.co/red/index.php?_item=03010711&_secc=03&ts=2&hs=0301 (accessed February 5, 2014).

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.

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

127 Inter-American Commission on Human Rights, "Report on Citizen Security and Human Rights," OEA/Ser.L/V/II. Doc. 57, December 31, 2009, <http://www.oas.org/en/iachr/docs/pdf/CitizenSec.pdf> (accessed March 4, 2014), para. 227.

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.

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We are deeply 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.

The "Lleras" neighborhood of Buenaventura.
November 2013.



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.



Boys observe a crime scene at the José Hilario López market in Buenaventura. November 2013.

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