THE CRISIS IN BUENAVENTURA

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

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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.
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.

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, belaying 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
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, “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.

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.

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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.

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• Vigorously investigate and prosecute state agents who are credibly alleged to have collaborated with or tolerated the paramilitary successor groups in Buenaventura.
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.6 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.7 In 2011, the UN independent expert on minority issues reported that “[t]he structural and social 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.”8 The Inter-American Commission concluded in 2009 that:

"…[T]he failure of the security forces to do their duty to protect [Afro-Colombians], omission 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."9

The Inter-American Commission reported that in Buenaventura, the situation of Afro-Colombians "constitutes a humanitarian and human-rights crisis."10

In 2004, 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 arisen 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 demobilized and, 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 arisen 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.

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.


12 Ibid., para. 73.

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. “Violence Against Women in the District of Buenaventura, October 2010,” http://www.derechoshumanos.gov.co/observatorio/documents/2010/02/03/paramilitaries-heirs, pp. 44-45. These statistics come from the National Registry of Disappeared Persons,(DISMeMBeRMenT, AnD TeRRoR DISparEArRESEs, ANd TeRRoR, and committed serious abuses against local residents, as such “disappearances,” killings, sexual violence, and forced displacement.

Since at least October 2012, the Urabeños and the Expres quer title have the same meaning as those used by Buenaventura’s neighbors, 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.

While the national government labels the Urabeños, Expresa, and AGC as “emerging criminal gangs” (Bacrim), many sources directly link the groups to paramilitaries, at least in their origins. 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 emoting criminal organizations.” In addition, some residents and authorities report that a third group, called the “Rastrojos” (named for the streets in Buenaventura), also operates in the city. Since at least October 2012, the Urabeños and the Expresa quer title have the same meaning as those used by Buenaventura’s neighbors, engaged in a variety of mafia-like criminal activities, imposed social control over the population, and committed serious abuses against local residents, as such “disappearances,” killings, sexual violence, and forced displacement.

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**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.27 These grisly discoveries point to what appears to be a routine practice of successor groups: dismembering the people they “disappear.”

Buenaventura residents in different parts of the city told Human Rights Watch that successor groups have houses known as casas de pique, or “chop-up houses,” where they take victims to dismember them, and from which neighbors can hear their screams and pleas for help.32 For example, for several months during 2013, residents of a waterfront neighborhood witnessed members of a successor group taking people into a “chop-up house” on a weekly basis. Afterward the members of the group would emerge carrying plastic bags, which the neighbors believed contained the dismembered corpses of the victims. On some occasions, screams coming from the house led witnesses to believe the victims were being dismembered alive. Residents saw the group take several victims’ remains to a nearby island on the bay.27

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 from within a nearby house moaning and yelling “Don’t kill me!” 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.24

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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: “[Residents] 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 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 marine photographs a dead man at a crime scene in the José Hilario López market in Buenaventura. November 2013.

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.44 The investigators suspect the Urabeños had dismembered people inside the houses.45 Other officials have also reported that the paramilitary successor groups in Buenaventura dismember people they disappear.46 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.47 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.48

42 Human Rights Watch telephone interview with justice official, March 6, 2014.
43 Ibid.
45 Human Rights Watch interview with local justice official, November 2013.
46 Human Rights Watch interview with local official, November 2013.

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

45 Human Rights Watch interview with Buenaventura resident, November 2013.
46 Human Rights Watch interview with Buenaventura resident, November 2013.
47 Human Rights Watch interview with Buenaventura resident, November 2013.
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.
51 Human Rights Watch interview with Buenaventura resident, November 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.

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.56 (At this writing, government statistics were not available on the number of people displaced in November and December 2013.)


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 suggest 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.

57 In certain cases, displaced persons identify several actors as responsible for a single incident of displacement, e.g. when residents face clashes between different groups. In 2012, 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 perpetra-
tors of displacement in Buenaventura in 2012 and 2013, according to official numbers. Over 6,200 Buenaventura residents who were displaced between January and Oc-
tober 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 suc-
cessor groups in Buenaventura, moreover, is almost cer-
tainly 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 No-
vember 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, 4,823 in 2012, and 3,117 in 2011) many were in all likelihood actually displaced by successor groups. Official numbers support this conclusion. One reason resi-
dents might not have identified successor groups as the perpetrator when reporting their displacement is that, according to human rights organizations, the Terrorist Group of Buenaventura (GTA) has used threat and violence to discourage people from reporting their displacement to the Victims Unit or other authorities.

Human Rights Watch spoke with multiple resi-
dents who fled their homes the first week of Novem-
ber 2013, when a series of killings and shootouts between heavily armed successor group members displaced thousands of residents from the Ba-
jamar 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 be-
tween 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. 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 successor groups had dismembered someone she knew in the neighborhood.

“Take the homes and become the owners. And
who is going to complain? If you complain, they’ll kill you.”

In a June 2013 order, the Constitutional Court ordered the govern-
ment to register as internally displaced people who flee their homes due to violence and abuses by paramilitary successor groups, irre-
spective of whether their displacement is caused by the armed con-
fl t. 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.

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.

Human Rights Watch interviews with Buenaventura residents, November 2013.

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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 out-
side 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 aban-
donned 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 vic-
tims they displaced, according to residents, authorities, and the UN refugee agency.

68 Ibid.

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.

69 Ombudsman’s Office of Colombia, Early Warning System, “Fifth Follow-up Note No. 105-13 to Risk Report No. 032 of 2008 Issued on De-
In recent months, the office of the Ombudsman of Colombia has received reports of increased forced recruitment, particularly among children, in the city of Buenaventura. The office has noted a rise in the number of reported cases, with a significant increase in the number of children who have been abducted and threatened with violence if they do not join successor groups. As a result, many children and their families have been forced to flee their homes in search of safety.

According to Human Rights Watch interviews conducted in Buenaventura, several victims and witnesses have described the use of forced recruitment by successor groups as a common practice. For example, a 17-year-old boy reported being threatened by Urabeños, a successor group of the now-defunct FARC guerrilla group, who stole his land in the city and demanded that he join their ranks or face death. Another man told Human Rights Watch that Urabeños members stole his land in the city, and when he complained to them, they warned him, “If you make a big deal about this, we’ll chop you up.”

Authorities’ accounts indicate that threats are common, contributing to widespread fear of retaliation for reporting abuses. In 2013, the Early Warning System reported that the phrase, “if you say something, I’ll have you chopped up” had become commonplace in Buenaventura. The office has repeatedly 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 neighboring community and 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 aged 14 and older would act as gunmen.

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 29. 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 aged 14 and older would act as gunmen.

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.

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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.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, is that the police are making little effort to protect the civilian population’s fear of reporting crimes and seeking justice from their official oppression, 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 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


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

96 One national human rights official told Human Rights Watch that he had received “grave complaints” of alleged ties between successor groups and members of the police and navy.

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

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


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

101 Human Rights Watch interview with local 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 who 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.

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

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

105 Human Rights Watch telephone interview with police official, February 18, 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—“with arms trafficking, extortions, extortions, 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 993 open investigations into alleged disappearances committed in Buenaventura, including at least 42 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.


110 Colombian law contains two separate criminal offenses for forced displacement. The first is the criminal code’s chapter on international humanitarian law violations and defines the deportation, expulsion, 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, deport, expels, 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 2001, articles 129 and 130.


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, 2014, February 12, 2014.

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

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The National Unit against the Crimes of Enforced Disappearances and Displacement (UNCOES)—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 recording displaced people’s declarations and registering them, and determined that “humanitarian emergencies are not being attended to” there.

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. Even after victims declared their displacement, they did not immediately receive assistance from the mayor’s office, as required by law. 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.

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. Instead, the city places displaced people in rooms that it rents from a city hotel. 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. 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.”

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.

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. 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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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 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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