

The “False Positives” Scandal: Extrajudicial Killings and the Militarization of Domestic Security in Colombia

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Introduction:

On a December day in 2007, a group of men chatted in Los Costeños convenience store in Soacha, a slum in Bogota, the capital of Colombia. A stranger entered and asked if they were looking for work. One of the men nodded. He was unemployed and desperate for a way to support his family. The recruiter said there was a job outside of Bogota near the jungle, and they would leave that afternoon. Little did he know as he left with the recruiter, that he would never see his family again. Once the man arrived at the “work site” it became clear that there was no job. The recruiter handed him over to a Colombian Army brigade stationed out in the jungle outside of Bogota, where he was held along with several other men from Soacha. One morning, the men were awoken early, given old guerrilla uniforms to wear and marched out into the jungle. There, the soldiers shot them at point blank range. The soldiers rearranged the bodies after the execution, placing weapons in their hands to create the illusion that they had died in a skirmish with the army.

The Soacha massacre was among a string of extrajudicial killings committed by members of the Colombian armed forces in the 2000s. These killings, rather than isolated incidents, were part of a pattern that emerged as a result of the militarization of domestic security in Colombia. These murders are not only a problem for the military, but also for the Colombian government which uses the military to fight an internal war. Colombian military units fight guerrilla groups in order to regain control over areas of the country which the guerrillas have taken. The military has also been put in charge of security in these regions, meaning their presence continues after

the fighting is over, as well as overseeing economic and social welfare projects to dissuade Colombians from joining with the guerrilla groups.

As a result of this militarization, the military interacts much more frequently with civilians. Colombian citizens are possible recruits for both the guerrillas and the military, as well as possible victims by the hand of either group in the conflict. The military and guerrilla groups fight to control territory, which also means they fight to control the civilians who inhabit that territory. Civilians not only suffer collateral deaths in these skirmishes, but also targeted deaths as each side in the war seeks to minimize support for the other. The Soacha extrajudicial killings show that another layer of civilian interaction has been added, in non-politically motivated deaths to portray the illusion of military success. Furthermore, the killings suggest that the Colombian government cannot protect citizens against the military, a major breakdown in civil-military relations. Thus understanding this case is crucial in examining the military and civilian government's interactions in Colombia because it represents a failure of civilian oversight of the military.

This thesis examines the militarization which led to these extrajudicial killings and analyzes the responses to the killings in order to come to a better understanding of changing civil-military relations during an internal conflict. The military's increased role in domestic security resulted in a lack of civilian oversight of the military's increasingly poorer human rights record. Through an investigation of the existing frameworks on civil-military relations followed by a history of the growth of militarization, I establish Colombia's weak government oversight of the military. Then by examining the pattern of abuses which led to the Soacha murders and

responses to these extrajudicial killings, I verify this finding, and in my final conclusion I explain why.

My first chapter examines the literature on the military's role in domestic security both in Latin America as a whole and specifically in Colombia. I focus on a few frameworks for Latin American civil-military relations which may be applied to the Colombian situation. Each author finds a distinct variable of civil-military relations which when tweaked, leads to different domestic results. The authors I have chosen to represent the literature specifically on Colombia argue that the ways the state, the armed forces, and civil society have contributed to an atmosphere that has allowed gross human rights violations for decades.

In my second chapter, I provide the historical context on the militarization in Colombia. For 50 years, a domestic conflict has been fought between rebel guerrilla groups, the armed forces, and paramilitaries who work on the side of the Colombian military. The guerrilla groups have been fighting for political recognition from the state, and take over remote areas in the Colombian jungles and mountains to assert their political independence. Given the lack of state presence in a number of regions, eliminating guerrillas at any cost became a priority for Colombian military and civilian government leadership in the 1990s. In order to accomplish this goal, the Colombian government pursued a policy of intense militarization of combat zones to recapture areas under guerrilla control under Plan Colombia in the 2000s. The U.S. has been integral in the implementation of Plan Colombia by deploying troops, providing training, and giving over a billion dollars in military aid. A new policy replaced Plan Colombia in 2009 which

continues to rely on militarization to fight guerrilla groups as well as to implement social and economic alleviation programs.

The third chapter describes extrajudicial killings from several angles to clarify to the reader how the military carried out these acts, the scope of their actions, and the reasoning behind such illegal acts. By the end of this chapter, the reader will have a better understanding of how the use of the military in domestic security allowed this pattern of extrajudicial killings to occur. The chapter defines an extrajudicial killing using the United Nations' definition, since the organization has its own human rights language and Special Rapporteur to investigate these types of killings. I explain the military's method of recruiting victims, staging civilian killings as guerrilla combat kills, to show how this ultimately led to the discovery of the deaths as human rights violations. Finally, I explain the motives behind the killings and what kinds of military policies exist that could allow human rights violations like these to occur. The sources I use in this chapter to describe the details of the extrajudicial killings are mainly news articles from *Semana* magazine and *Colombia Reports* and I also use US reports on human rights violations in Colombia. I move on to explain the language used in Colombia for this case. The term "false positives" came into use early in the case to distinguish these killings from other extrajudicial killings, and I explain why.

My final chapter tells the story of how the false positives scandal was uncovered and the aftermath of this discovery through reactions to the scandal. I focus on three categories of reactions by the media, national governments and international bodies, and by civil society, a category that includes human rights groups for my purposes. This survey shows the strength of

response and how it may change future relations between the military and civilians. To begin, I will describe the media's coverage of this kind of extrajudicial killing in the year before the scandal broke, and their coverage once the scandal broke. Then I will look at the various state governments involved including the Colombian, US and British governments, as well as the United Nations and the International Criminal Court. Individual government reactions show that military actions have an effect on civilian politics and bilateral relationships. Reactions from the UN and the ICC show the severity of these killings in terms of international law through the fact that they even became involved at all in a purely domestic case. The final piece of this chapter will look at reactions from the Colombian people, based on actions of the Colombian organization Movement for the Victims of State-Sponsored Crimes, and information gathered from the Latin American Public Opinion Project.

Chapter 1: Civil-Military Relations and Human Rights

This chapter explores the literature on the main themes of this thesis, the military's role in the domestic sphere and human rights violations committed by the armed forces, in three parts. The first part discusses the military in Latin America as a whole, and what aspects contribute to military involvement in domestic security. An understanding of Latin American civil-military relations is a good starting point because it is the foundation for a more specific understanding of Colombia's military relations. Moving forward, I look at the Colombian military and its approach to Colombia's long history of violence. Finally, the third section is devoted to the human rights situation and the military's human rights record in Colombia. I focused on solely Colombian human rights violations because each case and each country is different when it comes to human rights. Together these three sections introduce the themes explained even more in the next chapter on the history military and violence in Colombia and in my case study.

Civil-Military Relations in Latin America:

For the last 150 years, the militaries of Latin America have been the preservers of *la patria*, the fatherland. Most armed forces in Latin America have autonomously upheld democratically elected governments but have also overturned democratically elected governments, depending on what their leaders believe to be the best interest of the country as a whole. Latin America has also had fewer inter-state conflicts than any other region, which means its security interests have been inward, rather than outward. In the case of Colombia, elections and democracy have been strong enough that the military has not had to interfere in

state affairs. The relationship between the military and the state in Colombia is based on the internal guerrilla war which has been going on for 50 years. To understand this relationship and how it has resulted in numerous cases of human rights violations, first I will examine frameworks of civil-military relations in Latin America, which may later be applied to the Colombian case.

Numerous social scientists study civil-military relations in Latin America. For this thesis I have chosen three authors, David Pion-Berlin, Thomas C. Bruneau, and Gregory Weeks, who have published extensively in political science journals and in publications focused on the military. They represent very distinct lines of argument. Pion-Berlin ascribes to the idea that democracy and civilian oversight should drive governments' relationships with their militaries. Bruneau disagrees, writing that more factors than just civilian leadership drive military relations. Weeks, on the other hand, focuses on the Ministry of Defense as the key component to proper civil-military relations. In addition to these authors' frameworks, I will examine the security sector reform (SSR) policy approach to military relations. The articles I have chosen to explain SSR come from a joint United Nations Office in Geneva (UNOG)-Geneva Center for Democratic Control of the Armed Forces (DCAF) publication called "Security Sector Reform: Its Relevance for Conflict Prevention, Peace Building, and Development."

In his article "Political Management of the Military in Latin America," published in *Military Review*, Pion-Berlin discusses what civilian control means, and examines the shortcomings of what he calls a monopoly on defense wisdom. To him, civilian control of the military requires, "the ability of civilians to define goals and the organization of defense,

formulate conduct of defense policy, and monitor implementation of policy to avert military perceptions of civilian incompetence and to overcome military corporate resistance to democratic leadership.¹ Both the civilian government and the military must form a cohesive organ in order to accomplish their goals, and to do this they must cooperate on policy. The only way cooperation can occur, according to Pion-Berlin, is through better defense knowledge². But there is lack of defense knowledge in the civilian governments of Latin America, which Pion-Berlin believes stems from the lack of inter-state conflicts in Latin America and the historical avoidance of these conflicts, the lack of defense funding and therefore its low political importance, and the lack of education in this area. Without a civilian government that understands military and defense policy, the military is more likely to be autonomous and make independent policy decisions. Therefore, Pion-Berlin believes only through defense knowledge can the civilian governments of Latin America retain decision-making power over their militaries.

The civilian government's knowledge of defense policy and their power over the military are put to the test during domestic conflict. Governments are especially tested when they enlist the help of the military in a domestic crisis, since the military is given power in a political role to act where the state has failed. In a 2005 article, "Democratization, Social Crisis and the Impact of Military Domestic Roles in Latin America," Pion-Berlin and his co-author Harold Trinkunas explain the situations in which military intervention in domestic conflict can be legitimate and beneficial or leads to an excess of power. Their variables are set as high or low

¹ David Pion-Berlin. "Political management of the military in Latin America." *Military Review*, January-February 2005. 22.

² Ibid. 19.

civilian control of the armed forces and either a high or low intensity crisis which involves the military. The authors find that in countries with high civilian control over military institutions, the military's role in both high and low-intensity crises is limited and avoids gaining political power. When civilian control over the military is low, the military's role and power will also be limited in low-intensity crises since the state can manage the crisis without the military. Finally, the only outcome the authors find in which the military gains autonomy is when civilian oversight is low and the crisis is of high intensity.³ For these four possible outcomes of their variables, the authors offer case studies in Argentina and Venezuela. The 2002 Venezuelan military coup attempt is their example of a situation in which the military gains autonomy. In this case, long-term weakening of civilian control was exacerbated by an explosive political conflict in which the military refused to disperse civilian protests against President Chavez.

Like Pion-Berlin, Gregory Weeks believes that civilian expertise in military policy is crucial for consensus, but makes the argument that the defense ministry is crucial to building and maintaining this expertise, as well as keeping democratic oversight of the armed forces. In his 2003 article, "Is the mold being broken? Defense Ministries and Democracy in Latin America," Weeks examines the defense ministries and prominent ministers of four Latin American countries. He believes that these ministries are at the heart of civil-military relations, since all exchange of ideas and policies occurs within this institution. As the leader of this cooperation, he believes an effective, well-informed Defense Minister is crucial to democratic

³ David Pion-Berlin and Harold Trinkunas. "Democratization, Social Crisis and the Impact of *Military* Domestic Roles in Latin America." *Journal of Political and Military Sociology*, 33 (2005): 5-24. 13.

civil- military relations.⁴ The four country cases he studied, Mexico, Argentina, Ecuador, and Guatemala, showed that a lack of strong civilian oversight can lead to a weak Defense Ministry, or one that is completely militarized and outside of civilian control. Argentina's military ignores the civilian Defense Ministry, while on the other hand Ecuador's Defense Ministry is more loyal to the military than to the civilian government and has directed coups to show their disfavor with policy. Like Pion-Berlin, Weeks concludes that a lack of expertise in defense issues is a major factor in the failure of civilian oversight, and adds that weak democratization is also to blame for the politicization and militarization of Defense Ministries.

Whereas Pion-Berlin and Weeks investigated why domestic military involvement occurs and how civilian governments can avoid domestic military involvement, other authors elaborate on what issues the military *does* need to deal with. In an article co-authored with Richard B. Goetze Jr., Major General, U.S. Air Force (retired), Thomas Bruneau responds to Pion-Berlin's article "Political Management of the Military in Latin America," by pointing out that the new security situations in Latin America have changed how governments deal with national security, which requires authors to rethink how they analyze civil-military relations. They agree with Pion-Berlin's point that there is no need for military to prepare for inter-state war in Latin America but argue that security now encompasses traditional national sovereignty protection, as well as public safety, and citizen security⁵. Because of this expanding role, Bruneau and Goetze argue that contrary to Pion-Berlin's assessment, civilians *do not* need to be experts in security policy to have control over the military. Naturally civilian governmental

⁴ Gregory Weeks. "Is the Mold Being Broken? Defense Ministries and Democracy in Latin America." *Journal of Political and Military Sociology*, 31:1 (2003). 23-37. 24.

⁵ Thomas Bruneau and Richard B. Goetze Jr. "Civilian-Military Relations in Latin America," *Military Review* 86 (2006): 67-74. 68.

employees must be knowledgeable about the policies they engage in, but now that more institutions are engaged in security other than the armed forces and ministry of defense, this knowledge must be focused on breadth rather than depth.

SSR is a policy approach to improve civil-military cooperation. While it is not a theoretical framework like the other authors in this chapter present, it is nonetheless helpful in understanding what issues are included in security and how a civilian government and its military should interact. In its publication, “Security Sector Reform: Its Relevance for Conflict Prevention, Peace Building, and Development,” the UNOG-DCAF compiled a number of authors’ works on SSR and its applications around the world. According to Andrezej Karkoszka’s article, “The Concept of Security Sector Reform,” SSR encompasses a wide range of issues, including security, conflict prevention, peace building, development, good governance, human rights, democracy, civil society, and many more⁶. The authors of the UNOG-DCAF publication all agree that these are processes as well as goals, which must be long-term in order to succeed. This wide range of issues is especially visible in Latin America, as Bernardo Arevalo de Leon explains in his article, “Security Sector Reform in Transitional Countries: A Latin American Perspective.” According to de Leon, the fragility of democratic political institutions in Latin America has made the military necessary for all these new areas of security. He agrees with Bruneau’s idea about efficacy, and expands upon it. De Leon sees a double efficacy in SSR, where legal and institution frameworks must enable efficient action in these institutions, and within the different sectors

⁶ Andrezej Karkoszka. “The Concept of Security Sector Reform.” From *Security and Post-Conflict Peacebuilding: The Role of the United Nations*, UNOG and DCAF (2006). 3.

these institutions work in, their actions must efficiently promote democracy⁷. Johanna Mendelson Forman, explains the application of SSR in civil society, focusing on development and the power of individual, local-level involvement in security. This is particularly important for the Colombian situation, since the lack of economic development in Colombia's rural areas is partly to blame for the continuation of violence. Unemployed peasants are more likely to join the FARC or a paramilitary group, or resort to drug trafficking as a means of earning a living, than an employed individual. Forman recognizes two generations of reforms: first, which is the depolitization of the security sector, and second, which is providing citizens, civilians, and soldiers with a new way to think about security.⁸ In Colombia's case, this would remove the military from a position of economic and social reformer, and place more emphasis on economic stability as a means to end the domestic conflict.

Bruneau expands on his assertion of the new definition of national security in a 2008 article in *Democratization*.⁹ The article, entitled, "Democratization and Civil-Military Relations," rejects the classic civil-military relations and security sector reform (SSR) methods of conceptualizing security, and instead proposes his "trinity" as a more comprehensive way to approach security. Bruneau finds fault with traditional civil-military relations' emphasis on control, which he interprets as military subordination to civilian government.¹⁰ Pion-Berlin and Weeks' analyses of civil-military relations fall in this category. Bruneau observes that SSR does

⁷ Bernardo Arevalo De Leon. "Security Sector Reform in Transitional Countries: A Latin American Perspective." From *Security and Post-Conflict Peacebuilding: The Role of the United Nations*, UNOG and DCAF (2006). 45.

⁸ Johanna Mendelson Forman. "Security Sector Reform: What Role for Civil Society?" From *Security and Post-Conflict Peacebuilding: The Role of the United Nations*, UNOG and DCAF (2006). 14.

⁹ All previous articles were published in 2005-2006.

¹⁰ Thomas Bruneau and Florina, Cristiana Matei. "Towards a New Conceptualization of Democratization and Civil-Military Relations." *Democratization* 15:5 (2008): 909-929. 911.

not give one generally accepted definition or understanding about *what* SSR encompasses; different authors and organizations describe it in completely different ways.¹¹ Bruneau believes his trinity of effectiveness, efficiency, and democratic civilian control solves the shortcomings of previous civil-military frameworks because it defines what the conditions for success. Democratic civilian control is defined by Bruneau as “implemented through institutions such as ministries of defense, oversight committees in the congress, civilian control of officer promotions and military education, and the like.”¹² Effectiveness is the armed forces’ ability to successfully implement policies and missions given to them by the state, and efficiency is the armed forces’ accomplishment of goals at the lowest possible cost. Bruneau also defines the categories of security in which the civilian government and military cooperate: external wars, internal wars, global terrorism, crime, humanitarian assistance, and peace support operations.¹³

Although the Colombian conflict creates a unique atmosphere for their civil military-relations, conclusions from other Latin American cases have proven useful. As the false positives scandal will show, civilians may have full understanding about military policy and chose to ignore the military’s actions, negating Pion-Berlin’s findings about the importance of civilian expertise. Furthermore Colombia has a long history of civilian Defense Ministers including Juan Manuel Santos, who was in office during the false positives scandal, so Weeks’ theory about the importance of Defense Ministers may not be fully correct in the Colombian situation. On the other hand, the SSR policy and Bruneau’s findings seem to be more in line

¹¹ Ibid. 914.

¹² Thomas Bruneau and Richard B. Goetze Jr. “Civilian-Military Relations in Latin America,” *Military Review* 86 (2006): 67-74. 70.

¹³ “Towards a New Conceptualization of Democratization and Civil-Military Relations.”. 917.

with what the false positives scandal reveals about Colombian civil-military relations. The domestic conflict in Colombia is more than just a military war, but also raises questions about civilian security and economic stability. The SSR approach takes all of these factors into account when making policy recommendations to states. Likewise, Bruneau's approach recommends a broader look at the government's institutions in order to balance power between the civilian government and the military. The next few chapters' in-depth look at the false positives scandal will both confirm and disprove more about these authors' findings.

Civil- Military Relations in Colombia:

To understand how the Colombian military has become involved in domestic security, authors look to the historical roots of the conflict. There is consensus in the literature that the roots of the modern day conflict come from the National Front agreement of 1957, which ended La Violencia. The agreement stated that the Liberal and Conservative parties would alternate the presidency until 1974, and the two-party system has stayed in place¹⁴. The FARC and other guerrilla organizations emerged as Marxist-Leninist groups who were against the two-party agreement, which sets up the conflict as a purely political one. As peace settlements were reached with guerrilla groups during the 1980s and 90s, the conflict morphed. The FARC became more entrenched in areas of Colombia without a strong state presence, and they turned to drug trafficking for funding, and the poor disenfranchised citizens of the regions they occupied for support. This is where authors begin to split in their treatment of civil-military relations. Some highlight the political side of the conflict, focusing on the Colombian state and

¹⁴ Cynthia Watson. "Civil Military Relations in Colombia: Solving or Delaying Problems?" *Journal of Political and Military Sociology*, 33(2005): 5-24. 99.

the FARC as the main actors, and political involvement as their main motivation. Others focus on the social and economic disenfranchisement which the FARC has used to its advantage to analyze how the state has had to use the military to re-integrate these areas of Colombia back into the legitimate economy. The authors I have focused on are Nazih Richani, William Aviles, and Jasmin Hristov, widely cited in the literature on human rights violations in the Colombian conflict.

Richani develops the idea of a war system in *Systems of Violence: the Political Economy of War and Peace in Colombia*. He focuses on the connections between actors and agency (government and guerrillas) than theories which revolve around winners or losers. Richani lists three conditions for a war system: failure of institutions, positive political and economic gains by the antagonists, and a stalemate between the two sides¹⁵. The failure of institutions he believes is due to the economic structures of Colombian society which stratified society into landowners and landless peasants. He explains that violent conflict allows marginalized groups, such as the FARC, to make positive political and economic gains which equalize them in relation to legitimate political parties. This violent conflict then turns into a stalemate because the state does not want to give any political power to the FARC, who will not stop fighting until they have official political recognition.¹⁶

Richani's observations about the economic and social motivations of the guerrilla groups further explain the longevity of the violent war system. The 1980s and 1990s saw a number of FARC and ELN negotiations and peace talks fall apart. Richani believes that these groups are

¹⁵ Nazih Richani. *Systems of Violence: The Political Economy of War and Peace in Colombia*. Albany: State U of New York, 2002.3.

¹⁶ Ibid. 29.

too content with the status quo to actually have any incentive to make a deal with the government. He says they have significant economic, political, and military assets to sustain the group without the government. The FARC brought in hundreds of millions of dollars in drug revenue in the 1990s, and most would agree with Richani's belief that this is more economic incentive than returning to a legitimate business. In addition, the FARC operates in the far-flung regions of the state; rural mountain and jungle territories that are hardly populated. Richani argues that these areas are easier to take over and control, compared with attempted FARC takeovers of large amounts of land held by businesses and private landowners which failed.¹⁷ But FARC has also built a large urban support, based on migrants from rural areas which FARC controls, which only helps sustain their cause in more areas of the country.¹⁸ These two areas of support, rural and urban, represent the political support and military manpower that the FARC needs to survive, and sustain Richani's war system.

William Aviles' book *Global Capitalism, Democracy, and Civil-Military Relations in Colombia* examines the growth of military power, what its effect has been on human rights violations, and how this relates to modern globalization theories about the state and international borders. He investigates how Colombia's low-intensity democracy has shaped military relations, and how this has affected the conflict. Aviles believes there are two paradoxes present in the Colombian conflict. The first is the civilian control of the military, and the second is democratization and liberalization of economic reform occurring simultaneously with

¹⁷ Ibid. 78.

¹⁸ Ibid. 78.

increased political repression.¹⁹ He examines these two paradoxes through the lens of civil-military relations in order to understand how social and international forces have affected the Colombian conflict. In his chapters on impunity and para-state repression, Aviles sets out to prove that civilian control of the military exists but is not actually exerted. He believes that state toleration of military collusion with paramilitary forces represent the government's compliance with military autonomy. The civilian state, according to Aviles, has been weak in its elimination of paramilitary forces so the military continues to work with these groups without repercussions.

Aviles' writing is useful in my examination of the consequences of civil-military relations because he examines the social and human rights issues which have come about during the conflict. Not only does he focus on La Violencia and political tensions as sources of the violence in Colombia, but also economic inequalities which have divided the peasant and urban populations. In 1997, only Brazil had a higher level of inequality in Latin America according to Aviles. Neoliberalism only spurred this inequality on, eliminating jobs in the agrarian sector, which Aviles believes led to more rural peasants supporting the FARC or turning to coca to make money.²⁰ Furthermore, he sees judicial failings as a main issue in the military's human rights record, citing the failings of the Constitution of 1991 as a major example. Clearly, the Colombian situation is a multi-faceted one, and Aviles' approach highlights this more so than Richani or Hristov.

¹⁹ William Aviles. *Global Capitalism, Democracy, and Civil-Military Relations in Colombia*. Albany: State U of New York, 2007. 3.

²⁰ Ibid, 91.

Hristov's book, *Blood and Capital: the Paramilitarization of Colombia*, analyzes civil-military relations through the lens of social inequalities caused by neoliberal economic policy and seeks to find how violence in Colombia has changed and how the centrality of state power has allowed violence to occur. The root of the Colombian conflict to Hristov is economic inequality, which she argues has led to political instability between the FARC and the Colombian government. Hristov has found the actions by the state's coercive apparatus (SCA) in this conflict are carried out by both legal and illegal means, like paramilitaries, death squads, and individual army brigades.²¹ Thanks to the legitimate organizations involved in the SCA, its actions are seen as legitimate and are justified through legalization. This concentrates a lot of power in the state to employ the military to win the "war" against the FARC by any means possible.

Hristov and Aviles' arguments both address the same issue, that civilian control has allowed illegal action by the military without punishment. The SCA covers every portion of the violence, legitimate and illegitimate, and is justified by the legal system and the civilians in power who want to see the war waged in this way. Aviles and Hristov show that civilian control of the military also has continued the violence, possibly even increasing the instances of human rights violations with the legality of paramilitary organizations, death squads, and extrajudicial killings. What both of these conclusions may point to is not an excess of military power then, instead politicians may be too involved in the military and have too much control over their methods.

²¹ Jasmin Hristov. *Blood and Capital: The Paramilitarization of Colombia*. Athens: Ohio U Center for International Studies, 2009. 25.

This conclusion falls in line with both Bruneau and Pion-Berlin's findings about general civil-military relations in Latin America. Pion-Berlin and Trinkunas categorize Colombia, where the citizen control of the military is high and the crisis situation is also high, as a situation where the military remains in an apolitical, decision-taker position. This reinforces the conclusion of Aviles and Hristov that high levels of civilian oversight of the military may be contributing to a win by any means necessary type of approach to the conflict, which legalizes war crimes and human rights violations. The SSR policy is clearly present in Colombia, where the new strategies attempt to address all aspects of security to regain FARC territory. Aviles and Hristov would agree with Bruneau's analysis of the SSR strategy, arguing that it is not enough for the military to expand its methods of fighting the FARC if it does not do so efficiently, effectively, and democratically.

Human Rights and the Colombian State:

The failure of civil the Colombian government to curb the growth of military power and its subsequent toleration of military violations of human rights is evident in the false positives scandal. Two books which look at the Colombian government's approaches policies with respect to human rights violations, perpetrated by both state and non-state actors, are *Counting the Dead: The Culture and Politics of Human Rights* by Winifred Tate, and *Peace, Democracy, and Human Rights in Colombia* by Christopher Welna and Gustavo Gallon. They show the larger significance of the false positives killings as the limited government control of the military leading to widespread disrespect for human rights.

Tate examines impunity for human rights abuses as a failure of state institutions. The creation of human rights offices and special consejerías in the Colombian government at the national and local levels in the 1980s was meant to introduce accountability for human rights into the military and police forces.²² Tate notes that under Uribe there were new programs and systems for warning against attack, but no analysis of how much was actually being implemented, and there was considerable amount of overlap in all the different programs created. The lack of effective human rights monitoring within the Colombian government is a key issue within the false positives killings, which were not discovered until Colombian magazine investigated allegations of extrajudicial killings by the military. In addition to problems of overlap, human rights programs are understaffed and always had funding problems.²³ To illustrate these shortcomings, Tate cites the case of the Chengue massacre, which occurred in the 1990s, where dozens of people were brutally killed and local military and paramilitary officers were implicated. The human rights investigation of this case was shoddy, communication between the agencies never accomplished anything, and information was scarce.²⁴

Tate writes her observations about human rights programs within the Colombian government in a first-hand perspective and worked in human rights activism before her scholarly career. Her observations come primarily from interviews with Colombians who were involved in the government and who have worked or still work with human rights. This gives her a different kind of credibility; she is not just writing about theory, she is observing the real

²² Winifred Tate. *Counting the Dead: The Culture and Politics of Human Rights Activism in Colombia*. Berkley: U of California, 2007. 224.

²³ *Ibid.* 229-231.

²⁴ *Ibid.* 234.

situation of human rights in Colombia. The ideas Bruneau and other authors put forth about the necessity of efficiency and communication in the government in order for functional civil-military relations prove true in Tate's observations about the ineffective branches of Colombian government. Furthermore, her observations validate the accusations of impunity in the False Positives case, which is similar to her Chengue case.

Christopher Welna and Gustavo Gallon find the cause of Colombian human rights abuses is the lack of legitimacy of the military, which leads to a lack of legitimacy and trust in the government to bring sustainable peace.²⁵ In Gallon's section on human rights, he focuses on data about human rights violations, totals of different kinds of killings and kidnappings collected by the UN and government of Colombia.²⁶ To explain trends in this data, he examines the state's treatment of human rights violations, or lack thereof. Despite the presence of international human rights groups, pressure from outside governments and human rights programs within the Colombian government, Gallon does not believe the Colombian government has adequately acknowledged human rights violations by the military. He believes that while institutions exist to prevent and investigate violations, they either do not do their job or do so incompletely.²⁷ Under the Uribe administration specifically, Gallon believes the government is more concerned with the provision of security than human rights. Gallon's arguments strengthen the ideas Tate put forth by backing up his observations with data, and both authors ask important questions about whether the state is actually doing what it claims to do, and also provide a case to be further examined by civil-military frameworks.

²⁵ Christopher Welna and Gustavo Gallón Giraldo. *Peace, democracy, and human rights in Colombia*. Notre Dame: Helen Kellogg Institute for International Studies, 2007. 5.

²⁶ Ibid. 358-362.

²⁷ Ibid. 354.

Chapter 2: The Growth of Militarization in Colombia- A Historical Context

The growing militarization of the Colombian domestic conflict goes back to the 1950s. The ways the Colombian government has used the military throughout this conflict helps us understand the environment in which the military could carry out extrajudicial killings. The origins of the conflict lie in the political fracture that caused the Thousand Days' War in 1899 and later La Violencia in 1949, and triggered the long cycle of violence between guerrilla groups which continues today. Military clashes with these guerrilla groups were the beginning of the militarization of the domestic sphere in Colombia. In the late 1970s the US's antidrug intervention in the Andes expanded the military's role in domestic security, making it a key force in the war on drugs. Over the course of the last half-century, the military has gained more and more power through its involvement in Colombia's domestic conflict.

Colombia's history of violence is rooted in a century-old rift between its Liberal and Conservative parties. The Thousand Days' War in 1899 was the first violent conflict between these parties, and also the beginning of guerrilla tactics in Colombian domestic conflict. The two sides signed a peace treaty in 1902, realizing that military corruption and guerrillas outside of elite control could have a devastating effect on the social order.²⁸ Unfortunately their prediction about guerrilla groups remained true into the next century. During the first half of the 20th century, the Liberals and Conservatives held the presidency for equal amounts of time,

²⁸ Marco Palacios. *Between Legitimacy and Violence: A History of Colombia 1875-2002*. Durham: Duke University Press. 2006. 39.

but tension remained high between the two groups. On April 9, 1948 the assassination of Liberal presidential candidate Jorge Eliécer Gaitan set off a period of political killings that would come to be known as La Violencia.²⁹

The guerrilla groups, extrajudicial killings, and militarization that can be seen in the present-day conflict emerged during La Violencia. From 1948-1957, between 100,000-300,000 people lost their lives in targeting killings by Conservative and Liberal guerrilla groups. A majority of these deaths were homicides; usually male victims were shot at point blank range or stabbed in or near their homes.³⁰ This was a conflict that did not involve the armed forces, which have a history of autonomy and non-intervention in Colombia, but rather between different rebel factions. The government defined four different types of armed rebels: innocents harassed by persecution, arming for self-defense (paramilitaries); guerrillas who joined for political reasons and have no incentive to leave; guerrillas who have committed crimes and have no faith in the justice system, and therefore continue to fight; and war criminals (the so-called “death squads”).³¹

To temporarily deal with government weakness caused by a lack of political unity in and the violence which had consumed the country, General Gustavo Rojas Pinilla announced a coup d’etat in June 1953. The military coup and subsequent dictatorship was the second of only three in the country’s history, and was supported by economic and religious elites, the public, and the entire political spectrum except for the Communists.³² In 1957 Rojas deemed the

²⁹ Ibid. 141.

³⁰ Ibid. 137.

³¹ Ibid. 161.

³² Ibid. 150.

country ready for a presidential election and stepped down so the country could transition back to democratic rule.³³ To control the political infighting, a power-sharing agreement called the National Front controlled the government until 1974. Governmental bodies from the Supreme Court Justices, the president's cabinet, and both houses of Congress were with equal representation from each party.³⁴ This meant a considerably weakened government in favor of a stronger military, since the military was the only institution to make any headway in controlling the violence.

Although the government was now able to operate more effectively, the guerrilla conflict incited by La Violencia did not completely disappear. The two guerrilla forces still operating today, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), formally organized themselves during the National Front years. FARC formed in 1964, keeping ties with the Leninist/Marxist Communist party. That same year, a number of smaller rebel groups banded together behind the principles of traditional Latin American revolution ideals á la Fidel Castro to become the ELN.³⁵ In response to this new formal organization of the violence, the country was placed under state of siege decrees gave the military even more autonomy.³⁶ Now the military was not only in charge of counterinsurgency tasks, but could also investigate and judge civilians for their crimes. These powers remained in place through sporadic invocations of state of siege until the 1990s.³⁷

³³ Ibid. 154.

³⁴ Russell Crandall. *Driven by Drugs: US Policy Toward Colombia*. Lynne Rienner. Boulder. 2002. 57.

³⁵ Palacios. 192.

³⁶ Coletta Youngers and Eileen Rosin. *Drugs and Democracy in Latin America*. Lynne Rienner. Boulder. 2005. 123.

³⁷ Ibid. 124.

The 1970s were the beginning of the drug trade in Colombia. Originally, the country was a marijuana producer, with only a small trade in growing and trafficking coca and its derivative cocaine. Then in 1973, Augustin Pinochet took over Chile, disrupting the country's position as the major export point for cocaine. Because of its location on the Gulf of Mexico, Colombia became the new major trafficking point for the drug.³⁸ The revenue from drug trafficking was equal to 3% of the national wealth of Colombia, and everyone from politicians, members of the armed forces, lawyers and businessmen, was trying to get a piece of the pie.³⁹ The two major cartels which would dominate the drug trade in the 1980's developed at this time, Pablo Escobar's Medellin cartel, and his rival the Cali cartel. These groups used mob tactics such as extortion, bribery, and threats to keep politicians on their side.⁴⁰

While the drug traffickers were trying to control the political sphere, the FARC, ELN, and paramilitaries were fighting for control of the sparsely populated areas of Colombia. At this time there was a large expansion in the paramilitary groups, and they began to organize into larger-scale groups. One such group was Death to Kidnappers (MAS), an alliance between landowners, business owners, the military, and the police to target subversives such as the FARC and the ELN.⁴¹ Their name came from the guerrilla groups' main source of funding, kidnapping and holding citizens for ransom. The Colombian military saw its role at this time as the protector of public security and involved itself in the fight against the guerrilla groups, leaving the police to take care of the drug traffickers. To accomplish this, the armed forces often worked in concert with the paramilitaries to eliminate guerrilla support. The

³⁸ Geoff Simons. *Colombia: A Brutal History*. SAQI. London. 2004. 61.

³⁹ Ibid. 62.

⁴⁰ Ibid. 67.

⁴¹ Ibid. 55.

paramilitaries often massacred rural populations who were perceived to support the guerrilla cause, and the armed forces failed to protect civilians from these massacres in tacit agreement with the paramilitary goals.

In 1989, Colombian President Barco declared paramilitary groups illegal, and in the same year MAS and other paramilitary groups joined together to form the United Self Defense Forces of Colombia (AUC), the largest paramilitary group in Colombia.⁴² The number of mass killings carried out by paramilitary groups only increased during this time. The Colombian Ombudsman's Office and the UNHCR reported that 166 massacres took place in 1991, with 929 victims. That number grew to 1,865 victims and 403 massacres in 1999.⁴³ While there is no proof for military involvement in these paramilitary massacres, there is sufficient proof of the military's unspoken approval for the purging of possible guerrilla supporters. One example is the 2001 massacre in Alto Naya, a mountain indigenous community in southern Colombia. 500 paramilitaries invaded the town and killed anywhere from 40-100 civilians, while soldiers stood idly by at a base less than twenty miles away.⁴⁴

In 1991, Colombia ratified a new Constitution in which attempted reforms of the military where human rights were concerned. Due to the rampant impunity in the 1980s of military personnel guilty of massacres, paramilitary cooperation, and selective assassination of political leaders, the writers of the new constitution wanted to create a strong judicial system where human rights were concerned. The writers wanted to restrict the military privilege which protected military autonomy from the Colombian judicial system, and they call for

⁴² Ibid. 141.

⁴³ Grace Livingstone. *Inside Colombia: Drugs, Democracy and War*. Rutgers U. New Brunswick, NJ. 2004.

⁴⁴ Ibid.

military violations of human rights abuses to be tried in civilian courts.⁴⁵ But the change was met with a lot of resistance from the armed forces and President Gaviria, who said, “This reform is not necessary for peace.”⁴⁶ So the Constitution of 1991 did not reverse military privilege, but it created several civilian institutions within the government to oversee and bring charges against members of the armed forces. The Office of the Human Rights Ombudsman was created within the Public Ministry to gather information, educate, train, and publicize issues regarding human rights in Colombia.⁴⁷ Both the Prosecutor General and the Office of the Procurator General have the rights to investigate human rights violations within the military, and the Prosecutor General can order the removal from service any member of the armed forces or other state actor guilty of human rights violations. But presidents in the 1990s were resistant to judicial reform, and the military was especially resistant to the interference of civilian investigators, so the human rights record of the military remained abysmal.

The drug trade only grew larger during the 1980s, and by the 1990s, the U.S. decided to get involved to put an end to the cartels. In 1991, U.S. President George H.W. Bush began the Andean Initiative, a counternarcotics funding project that provides foreign military financing, military training, aerial fumigation, and military equipment, such as helicopters and planes, to the Andean countries.⁴⁸ The U.S. placed emphasis on aerial fumigation to cut off cocaine production at the source of the drug, coca leaves, and on capturing the leaders of the drug cartels. In 1993, their efforts paid off when leader of the Medellin cartel, Pablo Escobar, was

⁴⁵ William Aviles. *Global Capitalism, Democracy, and Civil-Military Relations in Colombia*. Albany: State U of New York, 2007. 94.

⁴⁶ Ibid. 94.

⁴⁷ Ibid. 95.

⁴⁸ Youngers & Rosin.104.

shot while trying to evade authorities in the La America neighborhood of Medellin.⁴⁹ In 1995, several leaders of the Cali cartel were arrested and the age of the large cartels came to an end.

Even though the large cartels were slowly being dismantled, drug trafficking did not slow down in the late 1990s. In 1997, the Colombian National Narcotic Directorate found that Colombia had become the largest grower of coca in the region. Fumigation of coca crops increased dramatically from the late-1990s into the early 2000s. The U.S. State Department reported a little over 20,000 hectares of coca sprayed in 1995, tripling to 60,000 hectares in 1998, and then doubling by 2003 to a little over 120,000 hectares.⁵⁰ Until 2002, the area sprayed did not even account for half of Colombia's total area of cultivation, so fumigation was barely slowing down the drug machine. Even this part of the drug war was militarized, however. The Colombian military formed an elite counternarcotics battalion made up of 950 men, 33 helicopters and charged the group with eradication in two provinces from 1998-1999.⁵¹

Revenue from drug trafficking continued to find its way into the pockets of politicians, even though the cartels were losing power. President Samper, who served from 1994-1998, was accused of accepting funds from the Cali cartel to finance his presidential campaign. He was investigated and exonerated in January 1996, then placed under further investigation and again exonerated in May 1996.⁵² Corruption among politicians involved with drug traffickers

⁴⁹ Simons. 85.

⁵⁰ Youngers & Rosin. 108.

⁵¹ Ibid. 107.

⁵² Simons. 105.

was rampant at this time. A *Semana* magazine survey estimated nearly \$40,000 a day in public funds was lost due to corruption, and 90% of recipients never went to prison or repaid a cent.⁵³

While the politicians reaped the benefits from the successful drug trafficking, guerrilla groups were operating with money earned from kidnappings. Estimates at the time reported one person every 6 hours was kidnapped and held for ransom, with 90% of the perpetrators going unpunished.⁵⁴ The guerrillas did carry out targeted killings of community and political leaders, but not nearly the volume that were attributed to the paramilitaries. According to the Colombian Commission of Jurists, 15%, or 2,246 victims, of all political homicides and extrajudicial executions were perpetrated by guerrillas from 1995-2001. This is only 1/3 of the 6,821 victims of the same crimes committed by paramilitaries, or 47% of the total over the same five years.⁵⁵ This is not to say the FARC did not commit human rights violations, but rather at this time they were outnumbered by the paramilitaries, and there were thousands of instances where the perpetrators of crimes against civilians could not be identified.

To mitigate the threat caused by Colombia's drug-fueled insurgent war, the U.S. focused on military aid and training, some of which was extremely controversial, such as the inclusion of 75 UH-1H Super Huey helicopters in the approved military aid.⁵⁶ In 1999, U.S. drug czar Barry McCaffrey summarized the Clinton administration's concern with the security situation in Colombia saying, "We have an emergency situation in Colombia and it requires a broad-gauge

⁵³ Ibid. 96.

⁵⁴ Ibid.

⁵⁵ Livingstone.

⁵⁶ Crandall. 152.

response which may require additional resources.”⁵⁷ U.S. diplomats urged President Pastrana to create a plan which would strengthen the armed forces, combat the drug trade, and rebuild the country economically, and in return aid from the U.S. would dramatically increase. At the end of 1999 Pastrana unveiled such a plan, known as Plan Colombia. It started out as a five-year, \$7.5 billion U.S. aid program under the Andean Initiative, which would be reapproved annually and subject to annual human right review.⁵⁸ Of the \$1.6 billion allocated for 2000, 75% was military and police aid, an implicit counterinsurgency focus for a plan that was overtly anti-drug. Though the plan was described as Colombian-authored, U.S. officials readily admitted it was a U.S. plan, and that a Spanish version of the plan was not released until at least a month after the English version.⁵⁹

Under the G.W. Bush administration Plan Colombia became even more militarized. A limit on the number of U.S. troops in Colombia was established in 2002 when US government agreed that only 500 U.S. troops and 300 contractors would be deployed.⁶⁰ Recently, Southcom has requested an increased troop cap, and the U.S. military has increased direct support to the Colombian forces in the form of communications, intelligences, and logistics. This established the U.S. as a military presence in Colombia, as opposed to a security and anti-drug presence. The Bush administration’s war on terror spread to Colombia when more aid was disbursed to Colombia through Foreign Military Financing, as part of a bill to fund the Iraq war.⁶¹ These developments in U.S. policy combined two separate problems in Colombian

⁵⁷ Youngers & Rosin. 106.

⁵⁸ Ibid. 108.

⁵⁹ Crandall. 150.

⁶⁰ Youngers & Rosin. 111.

⁶¹ Ibid. 110.

security, the internal war against the guerrillas and drug trafficking, into one military objective to rid the country of violent narcoguerrillas.

U.S. military training of Colombian forces increased dramatically after Plan Colombia was enacted, militarizing drug interdiction from which was previously a law enforcement issue. In 2000 the U.S. provided training to only 1, 241 individuals, and went up nearly six-fold the next year to 6,300.⁶² That number doubled to 12,947 by 2003, and peaked in 2007 at 14,460 trainees. The peak number of trainees is more than the total number of trainees from 1999-2010 in any other country, whereas Colombia has trained 75,503 individuals since 1999. The types of U.S. armed forces which train Colombian individuals varies from U.S. Special Forces, which have sent five different brigades to Colombia, the U.S. Special Operations unit, Naval Special Warfare Group, the U.S. Coast Guard, and the Navy SEALs Special Boat Teams.⁶³ Special forces are not surprising training forces for a guerrilla insurgency, but the conflict does not take place in the water, so the Navy and Coast Guard forces are more likely drug interdiction training units. Contractors Lockheed Martin, the largest military contractor in the world, and the Rendon Group, which has a U.S. Department of Defense contract, have also provided training under U.S. programs.⁶⁴ In the information provided about Latin American training, there are special counternarcotics groups sent by the U.S., such as the Narcotics Affairs Section of the FBI, but they were all sent to Mexico, none to Colombia. While the list is not exhaustive of all the

⁶² Just the Facts. "U.S. Military and Police Trainees Listed By Country, All Programs, Entire Region, 1999-2010."

Web.

⁶³ Ibid.

⁶⁴ Ibid.

different U.S. training groups, it still supports the U.S. focus on anti-terror policy rather than anti-drug policy.

Defense aid is another area of U.S. aid which shows the joint Colombia-US policy of militarization without respect for human rights. There are two sections of U.S. Defense Department counterdrug assistance aid, 1004 and 1033, which are a matter of concern for human rights and policy groups. First, it is important to note that the Defense Department of the United States, the coordinator of military policy, would be concerned with what is widely regarded as a law enforcement issue. Section 1004 allows U.S. military training of foreign police forces and is not included within permanent U.S. law, therefore there is very little oversight and the Defense Department is not required to provide information about where this money is going.⁶⁵ Colombia has received \$112,046,000 annually in Section 1004 aid since 2007, a grand total of \$672,276,000, which is triple the amount any other country has received within the same time period.⁶⁶ Section 1033 is a smaller counterdrug military assistance program for Southcom, which the Defense Department has used to fund river interdiction programs.⁶⁷ Neither Section 1004 or 1033 is subject to human rights safeguards such as the Leahy Amendment, which makes this large amount of aid especially worrisome, given the human rights record of Colombian armed forces.

By the 2000s the military was much more involved in the conflict than when La Violencia began in 1949. This meant the military had a lot more power, and the executive branch was

⁶⁵ Youngers & Rosin. 36.

⁶⁶ Just the Facts. "Grant Military and Police Aid from Section 1004 Counter-Drug Assistance, Entire Region 2007-2010." Web.

⁶⁷ Youngers & Rosin. 37.

active in preserving the military's power in order to end the conflict. In 2000, the Colombian government rewrote the constitution and instituted changes in the military judicial system. A series of military reform decrees, known as the revised Military Penal Code, helped to provide for fair trials for soldiers who refused to carry out human rights violations under orders, and reversing the military's precedent of not referring cases to civilian courts. Up until this point military privilege kept the military's autonomy intact by giving the armed forces the right to judge members in military rather than civilian court. The decrees also made it easier to remove individuals who have committed human rights violations or collaborated with paramilitaries.⁶⁸ The U.S. report on these changes noted that while the total percentage of human rights violations committed by the armed forces was low, members of the Colombian military were still guilty of serious abuses. Impunity was high, and nearly no high-ranking officials were ever charged.⁶⁹ Links between the paramilitaries and the armed forces still existed, and the 2002 report explained the armed forces had a mixed record of both collaborating with paramilitaries and capturing or killing combatants.

Alvaro Uribe was elected 58th president of Colombia in 2002 and adopted the U.S.'s military-focused policy toward the guerrilla insurgency. Uribe introduced the Democratic Security and Defense Policy, which seeks to reintroduce law and order and weaken narcoguerrilla groups in coordination with U.S. assistance through Plan Colombia. The five goals of the policy are to: Consolidate state control throughout Colombia to deny sanctuary to terrorists and perpetrators of violence; protect the population through the increase of state

⁶⁸ US Department of State. Bureau of Democracy, Human Rights, and Labor. "Country Reports on Human Rights Practices: Colombia." 4, March 2002.

⁶⁹ Ibid.

presence and a reduction in violence; destroy the illegal drug trade; maintain a deterrent military capability as a long-term guarantee of democratic sustainability; and transparently and efficiently manage resources as a means to reform and improve the performance of government.⁷⁰ The plan is focused on the military, as shown by the second goal to “increase of state presence” and the third goal to “maintain a deterrent military capability.”

The Uribe government has also sought to improve the rule of law, reduce impunity, and improve the human rights record of the country by changes in the civilian judicial system. In order to speed along the peace process, in 2005 the Uribe government passed Law 975, the Law of Justice and Peace. This piece of legislation guarantees speedy and fair trials for those illegal combatants who demobilize as part of a peace process. The law defines “illegal combatants” are members of guerrilla or self-defense groups, meaning that paramilitaries and guerrilla are treated the same in Colombian courts. It also defines victims as a person who, “individually or collectively has suffered direct harm such as temporary or permanent injuries that cause some type of physical, psychological, or sensory disability (visual and/or hearing), emotional suffering, financial loss, or infringement of his or her fundamental rights.”⁷¹ Under this definition, the families of victims are included as victims and guaranteed the right to truth and reparations for the actions perpetrated against them. The military was not addressed in Law 975 as a possible actor of crimes against civilians, and was actually included in the law as a possible victim.

⁷⁰ Embassy of Colombia in Washington. “The Uribe Administration’s Democratic Security and Defense Policy.” Web.

⁷¹ Congress of Colombia. “Law No. 975.” 25 July, 2005.

The latest policy development of the Uribe government is the Center for Coordination and Integrated Action (CCAI) which continues the military-centric approach to end the violence. This initiative was created by the Colombian Defense Ministry and the U.S. Southern Command in 2006, and is the successor of Plan Colombia as the major U.S.-Colombia anti-insurgency approach, this time with no anti-drug façade. Former Minister of Defense Juan Manuel Santos described the plan as, “state institutions’ entry or return to zones affected by violence to satisfy the population’s basic needs, like health, education and public services, as well as justice, culture, recreation and infrastructure projects.”⁷² The plan has three phases to complete the goals outlined by Santos: control, stabilization and consolidation.⁷³ The steps are dependent on the military, but also show a marked change in attempting to include non-military means to regaining control of Colombia. The first phase is military-intensive to expel illegal armed groups, and the second stage continues to rely on police and military efforts to keep order in communities and reintroduce a state presence. Finally, the third stage established state institutions and public services and introduces social and economic aid. This stage would include introducing new economic activity so coca farmers and others involved in the drug trade would have incentives to give up this livelihood. The projects have more civilian oversight as they progress through the stages, but there is no explicit timeline for the removal of military forces and the introduction of civilian leadership.

This policy shows that the U.S. and Colombia will continue to work together closely to fight the insurgent war in Colombia. No longer are U.S. and Colombian interests centered on

⁷² Center for International Policy, *Plan Colombia and Beyond* (September, 2009),

⁷³ Center for International Policy. *Plan Colombia and Beyond*. “Integrated Action.” 26 May 2009.

winning a war on drugs, but they are concerned with internal security and terrorism. But NGOs and think tanks are concerned with what continued militarization could mean for the state. An evaluation of CCAI by the Center for International Policy found that there was not adequate civilian leadership and input in the program.⁷⁴ In a visit to the center in La Macarena, Center for International Policy representatives saw only a handful of civilians in the CCAI office among a very busy military base operation.⁷⁵ Their fear is that the military will have to fulfill non-security roles, which is not their place, and could give the military a lot of power, which it could then abuse. CIP also suggested more legal action such as improving land ownership and reducing impunity, so that people could trust the state and not resort to extra-legal activity such as collaborating with guerrilla or paramilitary groups or growing coca for a livelihood.⁷⁶

The Colombian military have grown from a neutral force in La Violencia, to a highly powerful machine in the war on guerrillas and narcotraffickers. As the violence continues, the need for a solution has become more important to the Colombian government which has resulted in a militarized approach to domestic security. This approach has afforded the military enormous autonomy and therefore power. What this means for human rights abuses in the country is the government is less concerned about these crimes, and more concerned about supporting the military. This has become a crucial misstep, as we will see in the details of the false positives scandal.

⁷⁴ Adam Isacson and Abigail Poe. "After Plan Colombia." Center for International Policy Report. December 2009.

⁷⁵ Ibid.

⁷⁶ Ibid.

Chapter 3: The Pattern of Abuse in the False Positives

The Soacha killings described at the beginning of this thesis sound more like a thrilling military conspiracy novel, but legally they are extrajudicial killings, a human rights violation under international law. The UN Office of the High Commissioner for Human Rights defines extrajudicial, summary and arbitrary killings in one category, as “acts and omissions of State action that constitute a violation of the general recognition of the right to life embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.”⁷⁷ An extrajudicial execution, summary execution, or arbitrary killing, is considered illegal under international law, and “extrajudicial execution” is used interchangeably with the term “unlawful killing.”⁷⁸

The UN has designated the Special Rapporteur on extrajudicial, summary, or arbitrary executions within the UN Human Rights Council as its monitor for extrajudicial killings around the globe. In the mandate the Rapporteur is, “not best understood through efforts to define individually the terms “extrajudicial”, “summary,” or “arbitrary,” or to seek to categorize any given incident accordingly. These terms had important roles to play in the historical evolution of the mandate but today they tell us relatively little about the real nature of the issues.”⁷⁹ While different language may be used by the UN and the Special Rapporteur to describe human rights killings, so attempted definition of human rights abuses is not a priority for international lawmakers or human rights organizations. Instead, the Special Rapporteur deals with more

⁷⁷ United Nations. “Fact Sheet: No.11 (Rev.1), Extrajudicial, Summary or Arbitrary Executions.” Office of the High Commissioner for Human Rights, 2010.

⁷⁸ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. A/HRC/11/2, 27 May 2009.

⁷⁹ The Project on Extrajudicial Executions. “About the position of UN Special Rapporteur on extrajudicial executions.” <http://www.extrajudicialexecutions.org/About>.

general categorical descriptions of human rights violations. The violations fall into the categories of impunity, expulsion (forced movement), violations to life in armed conflict, attacks or killings, excessive force, deaths in custody, death threats, and death penalty safeguards.⁸⁰ Beyond these categories, there is no legal language which restricts the definition of different human rights violations.

An extrajudicial killing can be committed by a state or non-state actor during times of peace or war, and regardless of the conditions it will still be considered illegal. When a country is in conflict, there are more fine distinctions made between a legal and illegal death caused by state forces. The law of armed conflict, made up of the Geneva and Hague conventions, determines acceptable state actions and responsibilities during armed conflicts. The three principles of military necessity and humanity, proportionality, and distinction, determine what militaries can or cannot do concerning civilian deaths under the law of armed conflict. The first principle, military necessity and humanity, allows a certain amount of legal force with the least amount of economic and human resources in order to secure a speedy end to war, and forbids excessive injury or destruction not necessary to military goals. Proportionality requires the amount of damage and civilian casualties to not exceed the expected military gains, which is meant to minimize human suffering. The final principle of distinction deals with the separation of civilian and military targets, preventing attacks on civilian populations and areas as well as the threatening or terrorizing of civilians.⁸¹ Because militaries can argue that their objectives

⁸⁰ UN Human Rights Council. Report of the Special Rapporteur for extrajudicial executions Philip Alston. "Summary of Cases transmitted to governments and replies received." 29 May 2009.

⁸¹ Waxman, Matthew. *International Law and the Politics of Urban Air Operations*, Chapter 2. Rand: Santa Monica, CA, 2000.

kept the best interest of civilians at heart, there is a loophole to escape guilt from questionable civilian deaths.

The Colombian media has a more specific term for the extrajudicial killings which have been committed by members of the armed forces, “false positives.” The term “false positive” comes from its usage in statistical or scientific work. This is when a positive result is not actually positive, due to a flaw in testing, sampling, or some other experimental variable. Likewise, the Colombian military has been reporting killings, or “positives” which are not actual guerrilla killings. In lieu of “extrajudicial killings,” “arbitrary killings,” or “summary killings,” which is the language of international law, the term “false positives” was first used by media reporting on the killings. Philip Alston, UN Special Rapporteur for extrajudicial executions, said, “the term provides a sort of technical aura to describe a practice which is better characterized as cold-blooded, premeditated murder of innocent civilians for profit.”⁸² The term has continued to be used by the media, governments, and the Colombian military despite, as Alston points out, its possible role as a euphemism.

The Soacha murders in October 2008 made the world aware of extrajudicial killings by the military in Colombia. In early 2008, various recruiters contacted the victims in commercial stores Los Costeños and La Fonda Paisa in the poor neighborhood of Soacha, outside of Bogota, according to the Prosecutor General of Colombia.⁸³ Lured by promises of employment, payment and other incentives such as liquor and hallucinogens, thirteen men left with the

⁸² United Nations. “Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions - Mission to Colombia.” 18 June 2009.

⁸³ Members of the Armed Forces, paramilitaries, and drug traffickers recruited the Soacha men who were later killed as false positives, according to the 2009 US Human Rights Certification Report.

Colombian 15th Mobile Brigade.⁸⁴ Reports say the victims were killed within 24-48 hours of their kidnapping, based on forensic evidence and the time they were reported missing.⁸⁵ In August, bodies were discovered in mass graves in Norte de Santander, a province in northern Colombia on the Venezuelan border.

The men recruited by the military in the Soacha killings were not chosen because of their political leanings, or for any other reason which would make their deaths a military objective in the war against the guerrillas. Five of the disappeared men were construction workers, two were welders, one was a student and a minor, and five more had no occupation specified.⁸⁶ One of the men who did not have a specified occupation, Fair Leonardo Porras Bernal, was mentally disabled. His story was publicized widely by Amnesty International and the Colombian group Mothers of Soacha. The Colombian Army reported Porras Bernal was a member of a rebel group killed in combat in January 2008 as a part of "Operation Sovereignty."⁸⁷ He was presented with a pistol in his right hand, which was the first clue of a staged killing, since Porras was left-handed. Both Porras' mother and his brother fought for the murderers to be brought to justice, and in May 2009 five men were charged with Porras' murder. Subsequently the Porras family began receiving death threats in the form of letters,

⁸⁴ US Dept of State. "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombia Armed Forces." 2010.

⁸⁵ US Dept of State. "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombia Armed Forces." 2009.

⁸⁶ Ibid.

⁸⁷ Amnesty International. "The Mothers of Soacha – Seeking Justice for Extrajudicial Executions." <http://www.amnestyusa.org/all-countries/colombia/the-mothers-of-soacha---seeking-justice-for-extrajudicial-executions/page.do?id=1721041>

phone calls, and were approached on the streets. The family is still fighting for justice and receiving the threats.⁸⁸

Another one of the victims was Julian Oviedo Monroy, a 19-year-old construction worker. Like Porras, his death was unwarranted, since Monroy had no connections to the FARC or its war. On March 2, 2008 Monroy left home saying he was going to talk to a man about a job offer. Subsequently he was murdered and classified as an enemy kill.⁸⁹ Amnesty International later reported that Monroy's siblings were stopped on the street in 2009 by two men in military fatigues. The 15-year-old girl and 17-year-old boy were searched and interrogated about what they were doing, even though there were other young people on the street. Other families of victims from Soacha have similar stories of harassment from army personnel, unchecked by the Colombian government. Monroy and Porras' stories show that the victims in this scandal were arbitrarily chosen innocents and not harmful enemies of the state, as the military attempted to portray the killings.

The soldiers responsible for the false positives killings have a general method of finding possible victims and creating an environment in which their deaths could be believed as guerrilla kills. Soldiers will lure civilians to areas where skirmishes with guerrillas are common, and execute them. The civilians are posed as guerrillas in a number of ways. Items such as guns in or other weapons may be placed in their hands, or their clothes may be changed and

⁸⁸ Ibid.

⁸⁹ [Gonzalez, Jenny Carolina](#). "Colombian Army is accused of killing poor civilians and labeling them insurgents." *New York Times*. 29 October, 2008.

replaced with guerrilla uniforms.⁹⁰ This kind of theatrical prop placement has been called a “legalization kit” by the Colombian press.⁹¹ Abnormalities tip off investigators to an instance of a false positive. Photographs show victims with new, clean rubber boots, which would be unheard of in the muddy jungles of Colombia, and in one case the victim’s boots were placed on the wrong feet.⁹² Sometimes clothing will be several sizes too big, and UN Special Rapporteur Philip Alston observed victims in neatly pressed camouflage, impossible in real combat situations.⁹³ Other indicators include strange weapon placement, such as in the left hand of a right-handed victim, or grenades hung in places that would be too dangerous in real combat. Civilians may also be killed in mock battles, or sometimes the military personnel will simply attempt to arrange the bodies to seem like an ambush on the armed forces.

After reporting the deaths, the army buries the bodies in mass graves, usually unmarked. This is how human rights groups and UN investigators have found evidence of past false positive killings. Forensic evidence helped investigators to identify a death as an extrajudicial execution rather than as a legitimate combat death. Ballistics is the main source of information. Victims can be identified as non-combat deaths when they are shot at very close range, which would not typically happen in a battle scenario. When a victim died from a single gunshot to the head or neck, this can also rule out combat as a cause of death.⁹⁴ A number of other types of evidence have been used to verify extrajudicial killings as false positives killings.

⁹⁰ United Nations. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Mission to Colombia.” Office of the High Commissioner for Human Rights. 31 March 2010.

⁹¹ *Semana* magazine. “The secret dossier of the false positives scandal.” 28 January, 2009.

⁹² *Semana* magazine. “Los casos olvidados de los falsos positivos.” 17 July 2010.

⁹³ United Nations. “Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions - Mission to Colombia.” 18 June 2009.

⁹⁴ *Ibid.*

In his 2010 report the UNHCHR Special Rapporteur for extrajudicial, summary, or arbitrary killings said video, photographs, eyewitnesses, and the testimony of the recruiters and soldiers themselves has been collected by the Colombian government's investigation of the false positives.⁹⁵

Before 2008, extrajudicial killings by the military were seen as isolated incidents. The government and media usually linked these types of incidents to other illicit action, such as collusion with paramilitary or drug trafficking groups. A 2007 report by the Comisión Colombiano de Juristas (CCJ), an NGO which works to prosecute human rights violations, found that 60% percent of deaths in the past year were due to military tolerance of support of paramilitary groups, and 14% percent were killings by police or military forces.⁹⁶ These deaths were called forced disappearances by the report, and were usually preceded by arbitrary detention. The report also mentioned that in the 98 cases of extrajudicial killings of civilian documented by the CCJ from 2002-2006, 46 were presented as combat deaths.⁹⁷ At this point, the language of "false positives" was not used by the CCJ in the report, or by *Semana* magazine, who published an article about the report.

The army's motivation for these killings is twofold. First, there is a reward to be gained for the soldiers and units which have a high number of guerrilla kills, thus creating an incentive structure within the army. An internal investigation of the army after the false positives killings

⁹⁵ United Nations. "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Mission to Colombia." Office of the High Commissioner for Human Rights. 31 March 2010.

⁹⁶ Peña, Andrea. "75 por ciento de asesinados y desapariciones es por responsabilidad de agents del estado." *Semana* magazine. 31 January 2007.

⁹⁷ Ibid.

broke showed that the army paid \$540 for every man presented as a combat death.⁹⁸ Other reports have found that promotions, vacation time, awards, and other non-monetary rewards were given to members of units with high kill totals. One soldier said as holidays approached, soldiers would try to “earn” vacation time, but depending on units and commanders, time may or may not have been given for kills.⁹⁹ Three separate confidential directives, No. 29, No. 02, and No. 01, set up the rewards program, so this is an official military policy, and not an informal case of nepotism.¹⁰⁰ The army even gives rewards to civilians who provide information about the location of guerrillas, so the reward system is engrained into the civilian side of the insurgent war as well.¹⁰¹

The second motivation is what has been called “body count mentalities.” There is a clear military objective in the false positive killings which is to record a higher number of guerrilla kills than actually occurred, in order to create the perception of an effective front against the FARC. The Colombian government is so focused on winning its internal war with the FARC that its strategy has become to simply kill as many FARC as possible. Evidence for this body count mentality goes back to the 1990s. The National Security Archive (NSA), a U.S. group that works to declassify government documents, released four documents which discussed the body count mentality of the Colombian army. A 1997 Department of Defense document details the comments of a Colombian colonel who had left his position. The colonel verified the existence of a “body count syndrome” in fighting the guerrillas which “tends to fuel human

⁹⁸ Alsema, Adriaan. “Army paid US\$540 per false positive.” *Colombia Reports*. 23 April, 2009.

⁹⁹ United Nations. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Mission to Colombia.” Office of the High Commissioner for Human Rights. 31 March 2010.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

rights abuses by otherwise well-meaning soldiers trying to get their quota to impress superiors.”¹⁰² A 1994 report further confirms this, in which U.S. ambassador to Colombia, Myles Frechette, says, “‘Body count’ mentalities persist, especially among Colombian military officers. Field officers who cannot show track records of aggressive anti-guerrilla activity (wherein a majority of the military’s human rights abuses occur) disadvantage themselves at promotion time.”¹⁰³ This pressure for results does not exist solely for those in the lowest military ranks, but also for the higher-ups. The fact that the importance of results is so widespread across the ranks means that it is a deeply engrained part of military policy.

Another declassified document describes a false positives-type situation in which the military’s body count mentality is still intact. In 2000, a U.S. Embassy cable documented the killing of a group of long-demilitarized Socialist Renovation Movement rebels and unaffiliated civilians who happened to be related former rebels.¹⁰⁴ Both the Self-Defense Countrymen of Córdoba and Urabá (ACCU) and the Colombian government took credit for the killings, which were reported to Colombian newspapers as ELN guerrilla deaths. In addition, the ACCU kidnapped a local teacher, a seventeen-year-old boy, and yet another former Socialist Renovation Movement member and his brother. All of the kidnap victims were murdered, but these deaths were not reported in the newspapers. The author of the cable says, “Three things appear undeniable: plenty of witnesses saw the ACCU paramilitaries kidnap the unarmed men one day; the ACCU publicly claimed responsibility for the extrajudicial killings; and, the army’s

¹⁰² United States. Dept. of Defense. *Cashiered Colonel Talks Freely about the Army He Left Behind: Information Report*. Washington: CIA, 1997. *Digital National Security Archive*. Web. 1 Sept. 2010.

¹⁰³ United States. Dept. of State. *Report from U.S. Ambassador Myles Frechette*. Bogota: 1994. *Digital National Security Archive*. Web. 1 Sept. 2010.

¹⁰⁴ Members of the CRS, a group that demilitarized in 1994, according to the same Embassy cable.

fourth brigade released the bodies the day after the kidnapping publicly proclaiming them to have been guerrillas killed in combat with a battalion of the fourth brigade.”¹⁰⁵ The army was seeking to report non-combat, non-guerrilla deaths as their own kills, even when evidence was overwhelmingly to the contrary. This example of body count mentality also demonstrates that Colombian military battalions were not opposed to illegal measures, such as colluding with guerrilla groups, in order to achieve their means.

Since the information released by the National Security Archive traced the killings back to the 1990s, human rights groups estimated the killings to be in the thousands. According to the Colombian Attorney General’s office, the highest number of extrajudicial killings in one year before 2005 was 102 in 2004. Then the number jumped to 222 in 2006 and doubled in 2007 to 453.¹⁰⁶ The Coordinación Colombiano-Europa-Estados Unidos was one of the most active human rights organizations in this matter. The group estimated 535 civilians were killed from January 2007 and June 2008, approximately one per day.¹⁰⁷ The Colombian government verified the truth of these findings in May 2009, when former Defense Minister Miguel Santos admitted the Prosecutor General was investigating a December 2008 murder.

In 2007 Santos passed a number of Defense Directives focused on human rights, several of which aimed specifically at extrajudicial killings by the military. Directive 010 created a committee for monitoring extrajudicial executions with participation from the UN Office of the

¹⁰⁵ United States. Dept. of State. *Paramilitary Ties of Army’s Fourth Brigade*. Bogota. 2000. *Digital National Security Archive*. Web.

¹⁰⁶ US Office on Colombia. “A State of Impunity in Colombia: Extrajudicial Executions Continue, Impunity Prevails.” June 2009.

¹⁰⁷ Isacson, Adam. “Have false positives stopped?” *Plan Colombia and Beyond Blog*. Center for International Policy Colombia Program. 29 April 2009.

High Commissioner for Human Rights, and the International Committee of the Red Cross.¹⁰⁸ Directive 019 called for the removal of bodies by forensic authorities in order to prevent the alteration of combat or crime scenes.¹⁰⁹ And secret Directive 142 modified the criteria for evaluating unit and officer performance, giving more weight to demobilization and capture of insurgents than to kills.¹¹⁰ In February 2008, the Defense Ministry released the Integral Policy on Human Rights, which established an extrajudicial executions sub-unit under each human rights unit in the Attorney General's office as well as new human rights training principles and methods for soldiers.¹¹¹ At this point, the government's comment was to point to all the new policies concerning human rights in the military and label the accusations as isolated incidents. Clearly the Colombian leaders were looking to mitigate any negative press and help the scandal go away as quickly as possible by distracting the media with positive information.

Investigations into possible false positive-style extrajudicial killings are still occurring, and continue to produce results. In January of this year, a mass grave dating back to the mid-2000s with as many as 2,000 bodies was found in La Macarena.¹¹² Analysis of the remains is still ongoing, the results of which will indicate if, as human rights groups suspect, the military were indeed killers of these individuals. La Macarena was historically a FARC stronghold and was part of the demilitarized zone during the peace talks in the early 2000s.¹¹³ While Center for International Policy analyst Adam Isacson points out it will be hard to determine if these

¹⁰⁸ International Crisis Group. "The Virtuous Twins: Protecting Human Rights and Improving Security in Colombia." 25 May 2009.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ At the time there were 20 such prosecutors which made up the human rights units.

¹¹² Isacson, Adam. "Army mass grave in La Macarena." *Plan Colombia and Beyond Blog*. 28 January 2010. Center for International Policy- Colombia Project.

¹¹³ Isacson, Adam. "Updates on the La Macarena gravesite." *Plan Colombia and Beyond Blog*. 03 February 2010. Center for International Policy- Colombia Project.

deaths were false positives, he concedes the Meta province where La Macarena is located has been the location of a majority of the false positives cases found by human rights groups.

Chapter 4: Responses

When the media finally broke the false positives scandal, the international community, and Colombian civil society reacted. This chapter discusses both the chronology of media coverage of the scandal as well as domestic and international responses. Both domestic and international news outlets covered the story, with domestic news outlets playing an instrumental role in uncovering and investigating the killings. The most important international community reactions came from the U.S. and Great Britain, the two countries who give the most aid to Colombia. The UN and the International Criminal Court fulfilled their legal obligation to act in cases of human rights violations committed by the state or its military. Finally, I examine civil society reaction as evident in the actions of human rights groups and data about popular opinion from the Latin American Public Opinion Project.

Reaction from the Media

On Wednesday October 29, 2008 extrajudicial killings in Colombia became a public scandal. That day, the Colombian government fired twenty-seven military personnel, including three generals and eleven colonels.¹¹⁴ The Commander-General of the Armed forces dismissed twenty-four more personnel, bringing to the total to fifty-one officers and non-commissioned officers. Army chief Mario Montoya was forced to resign in November 2009 due to the scandal, the highest-ranked official to lose his job in connection with the murders, and who was also previously accused of collaborating with paramilitary groups. The 2009 U.S. report on Human Rights Conditions in Colombia called the dismissal of Colombian military officers “an

¹¹⁴ BBC News. “Uribe Under Pressure From Killings,” 31 October 2008.
<http://news.bbc.co.uk/2/hi/americas/7701556.stm>

unprecedented event” which “indicated the seriousness of the event and the Colombian government’s response.”¹¹⁵ For the first time, the government had publicly acknowledged severe misconduct of its military in the war on insurgents. The firings captured the attention of international media outlets such as the BBC, the New York Times, the Washington Post, and the LA Times because of the high-profile firings and seriousness of the crimes.

Extrajudicial killings were a peripheral issue for the media and the Colombian government for months, even years, before the false positives scandal brought more attention to this type of human rights violation. *Semana* magazine published an article in January 2008 which told the story of Alexander Rodriguez, a member of the Colombian Army’s 15th Mobile Brigade. The unit was operating in the town of Ocaña, in Norte de Santander, a mountainous municipality on Colombia’s northeastern border with Venezuela. Rodriguez testified in front of the Attorney General and the Armed Forces of Colombia, confirming that the 15th Brigade was guilty of murdering civilians and presenting them as guerrilla kills.¹¹⁶ His commander, sergeant Ordóñez, told the men they had five days of leave for the kills they brought in. Rodriguez’s stories were confirmed by the story of Willamir Rodriguez, who was taken by members of the armed forces to be killed in Norte de Santander. Willamir escaped and was taken to the hospital, where he was accused of being a rebel, and later told his story to the prosecution.

In March 2008, another story like those of Willamir and Alexander was published by the Los Angeles Times. The three-page story highlights the lack of action by the Colombian government to investigate extrajudicial killings before the false positives scandal. Amnesty

¹¹⁵ US Dept of State. “Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombia Armed Forces.” 2009.

¹¹⁶ *Semana* magazine. “Nos daban cinco días de descanso por cada muerto.” 26 January 2008.

International and the Fellowship for Reconciliation, an interfaith peace organization, had investigated extrajudicial executions in Colombia, but no government investigation was occurring this early in the scandal.¹¹⁷ The article mentioned that both international and Colombian groups had been monitoring extrajudicial killings for years, but no data had been collected about false positives-style killings. The only indication as to the scope of the killings in the spring of 2008 was from the Colombian Commission of Jurists, a human rights group that estimated that 287 civilian deaths in 2007 could be attributed to extrajudicial killings by the military.¹¹⁸ Another indication of the scope of the problem was the number of people coming forward to demand justice for murdered relatives. Ramiro Orjuela Aguilar, a human rights lawyer in Bogota who was interviewed for the LA Times story, said he was handling the cases of 20 families from the Meta province who believed their loved ones were victims of extrajudicial killings.¹¹⁹ Orjuela also added he noticed a recent rise in the number of cases brought to him accusing the military of murder to help boost killing totals.

Then in September 2008, more information about extrajudicial killings in northern Colombia was presented by *Semana* magazine and for the first time, the story of the Soacha killings began to unfold. On September 26, *Semana* reported the National Institute for Legal Medicine and Forensic Science (INMLCF) found 11 bodies in Norte de Santander, and 35 in other regions.¹²⁰ The deaths were reported as guerrilla kills by General Paulino Corono, commander of the 30th Brigade, which was operating in the region where the bodies were

¹¹⁷ Kraul, Chris. "Colombian civilians caught in war against insurgents." *LA Times*. 21 March 2008.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Semana* magazine. "Ya son 46 los jovenes desaparecidos que fueron reportados como muertos en combate." 26 September 2008.

found. The victims were all males between the ages of 17 and 32, and had been reported missing for more than six months. Most of the men were from Soacha, the poor suburb of Bogota, far away from where they were found. The report from the INMLCF said the victims were killed two or three days after their disappearances were reported, a Defense Minister Santos commented on the body count mentality driving these killings, saying “I have been told that there are still units who ask for bodies, but I am reluctant to think this is certain.”¹²¹ Despite *Semana’s* coverage, no other news outlets picked up the story of Colombia’s extrajudicial killings until the mass firings occurred.

While major news outlets around the world picked up the story, their coverage was much different than that of Colombian journalists. The New York Times’ and LA Times’ stories on victims of extrajudicial killings were nearly identical, opening with a story lead of one of the victims’ families. These outlets were interested in publishing the story of the false positives scandal, but contributed no further insight or investigation into the issue. CNN and the BBC covered the political side of the scandal with the firings and the effects on Uribe’s presidency, as well as on Santos’ presidential campaign. But again, these outlets weren’t contributing investigation, rather simply reporting. Colombian magazine *Semana* was the leader in investigating the false positives, and information and interviews from *Semana’s* stories was the source for other Colombian news outlets. Because the scandal was part of a domestic conflict and domestic politics, logically, international media would not do much investigation. Unfortunately, media coverage had died down by the time the UN and ICC became involved in the scandal, and more information about extrajudicial killings was uncovered.

¹²¹ Ibid.

Reaction from the International Community

As the largest donor of bilateral aid, as well as a long historical presence in Colombia, the U.S. has a significant claim in the behavior of the Colombian government. Following the firings in October, the U.S. suspended aid to the three units suspected in the Soacha killings, and several other brigades suspected of extrajudicial killings, but the overall amount of aid going to Colombia did not change.¹²² This budgetary response was required by a piece of legislation passed in 1997 called the Leahy Amendment. The Leahy Amendment was passed to help reduce human rights violations in the U.S.'s war on drugs and said that no unit found guilty of human rights violations could be a recipient of U.S. aid. While human rights groups have criticized the U.S.'s lack of adherence to the Leahy Amendment, in this case the U.S. made an attempt to stand by its human rights legislation by suspending aid to the units suspects of committing extrajudicial killings. Another human rights policy the US has in place is that in order to qualify for aid, countries must be certified in their compliance to uphold human rights. Despite the discovery of the extrajudicial executions, the US approved Colombian aid for 2009. And aid was renewed for 2010, even though more information about the Colombian government's knowledge of these killings was uncovered in 2009. Given the legislation that exists requiring U.S. aid recipients to respect human rights, the U.S.'s continual approval of the Colombian military's human rights record is suspect.

The second largest bilateral aid provider to Colombia, behind the US, is Great Britain. Britain too redirected its aid and support of the Colombian military once the false positives

¹²² Penhaul, Karl. "US suspends some military aid to Colombia." *CNN*. 05 November 2008.

scandal was uncovered. Originally, newspapers and online news providers misreported that Britain had stopped aid to the Colombian government. Juan Manuel Santos, then the Minister of Defense, cleared up the matter saying these funds had been redirected, not cancelled. The press release from the embassy of Colombia in the United Kingdom said funds would be directed away from the Colombian Ministry of Defense, and toward environmental issues and climate change, programs against land mines, the justice system and the fight against impunity, and multilateral human rights and civil society agencies.¹²³ Like the U.S., the British response was tepid at best. Their accounting gymnastics was not a harsh statement against the Colombian military's actions, but rather a political façade for not really doing anything. The British government conducted no further investigation into Colombia's human rights policies after their initial aid readjustment.

The Colombian government's response continued past the initial firings of military personnel to actual findings from an internal investigation of the armed forces. The Prosecutor-General of Colombia announced on January 2, 2009 that his office had identified the men responsible for the Soacha killings.¹²⁴ Of the 27 men publicly dismissed on October 29th, the Prosecutor-General implicated five in the Soacha killings.¹²⁵ In total, 75 members of the armed forces were charged in the 13 murders, in several cases for multiple murders. In the case of two construction workers, Daniel Suarez Martinez and Camilo Andres Valencia, for example,

¹²³ Embassy of Colombia in the United Kingdom. Press Release. 30 March 2009.

¹²⁴ Alsema, Adriaan. "Prosecutor knows Soacha murders." *Colombia Reports*. 02 January 2009.

¹²⁵ US Dept of State. "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombia Armed Forces." 2009.

thirteen soldiers were implicated.¹²⁶ The rank of the soldiers implicated in the killings included military personnel of both high and low ranks. In the Suarez and Andres case, three army civilians, eight professional soldiers, a second sergeant, and a lieutenant colonel were implicated.¹²⁷ By the end of January, the Colombian armed forces dismantled the 15th Mobile Brigade and replaced it with another brigade which had received human rights training.¹²⁸ Naturally the Colombian government's response was the most severe, but thus far it only dealt with the military side of the issue, and not the lack of civil institutions which kept tabs on the human rights record of the military.

The UN began its own investigation of the human rights situation in Colombia by sending the Special Rapporteur on extrajudicial, summary, or arbitrary executions to Colombia on a fact-finding mission in 2009. Not only is the position of Special Rapporteur specific to the false positives killings, but there is also legal precedent for these actions by the UN. In 1982, the UN created the position of Special Rapporteur on extrajudicial executions, which operates under a mandate from the Commission on Human Rights. The Rapporteur serves for a six-year term, and visits several countries each year to investigate human rights violations, identify possible causes, and suggest reforms. In addition, the Rapporteur actively communicates with any and all countries where allegations of human rights violations have been made. Roughly 40 countries are contacted by the Rapporteur within a given year, and nearly half of the

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Vierira, Constanza. "Entire battalion dismantled over killings of civilians." *Inter Press Service*. 23 January 2009. <http://ipsnews.net/news.asp?idnews=45528>

governments will respond to the Rapporteur in a timely manner.¹²⁹ The Rapporteur responds to a number of different types of violations, such as death threats or deaths caused by state actors or groups tolerated by the state, violations to the right of life during conflict, deaths in custody, or deaths due to force from law enforcement officials, impunity and the rights of victims, and other violations to basic human rights.¹³⁰ Once a year the Rapporteur reports to the UN Human Rights Council and the General Assembly on all country visits, communications, and legal and thematic issues.¹³¹

The legal mandate of the Special Rapporteur is based on four separate documents. First, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, a 1989 ECOSOC recommendation which is non-binding.¹³² Next, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, both are non-binding and fall under the office of the UN High Commissioner for Human Rights.¹³³ Finally, the Rome Statute, which is the governing document of the International Criminal Court, was signed by Colombia in 2003 and ratified in 2009.¹³⁴ Because three of these frameworks are non-binding, the Rapporteur can only visit countries with their government's permission, and issue non-binding recommendations. However the Rapporteur's findings can be used to involve the ICC,

¹²⁹ The Project on Extrajudicial Executions. "Country Situations: Overview."

<http://www.extrajudicialexecutions.org/CountrySituations>.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² United Nations. ECOSOC. "Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions." 24 May 1989.

¹³³ Office of the United National High Commissioner for Human Rights. "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials." 7 September 1990. "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power." 29 November 1985.

¹³⁴ International Criminal Court. "Factsheet: Ratification/Accession and Signature of the Agreement on the Privileges and Immunities of the Court (APIC), by Region." 20 September 2010.

which does have jurisdiction if a country had ratified the Rome Statute, which Colombia has done.

In June 2009 Philip Alston, the current UNHCHR Special Rapporteur for extrajudicial, summary, or arbitrary killings, made a ten day visit to Colombia to investigate the false positives killings. Following his visit, Alston released a statement in which he confirmed the killings were not isolated events, as the government of Colombia previously claimed. He reported, “There have been too many killings of a similar nature to characterize them as isolated incidents carried out by individual rogue soldiers or units.”¹³⁵ The cause of these killings, according to Alston’s investigation, was the immense pressure for results from military units, and the difficulty of engaging guerrillas in combat as they retreated to less populated areas of the country.¹³⁶ The lack of accountability due to disconnected human rights offices and fear within units of coming clean about their actions prevented discovery of these killings, according to the Special Rapporteur.¹³⁷

The UN investigation documented that the Soacha killings were not isolated incidents of extrajudicial killings, but part of a pattern of systemic human rights violations carried out by the Colombian military. The Rapporteur stated in his report, “I did receive detailed and credible reports of such killings from across the country, committed in numerous departments and by a large number of different military units.”¹³⁸ With regard to the Colombian government’s

¹³⁵ United Nations. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Mission to Colombia.” Office of the High Commissioner for Human Rights. 31 March 2010.

¹³⁶ Discussed earlier as the body count mentality.

¹³⁷ United Nations. “Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Mission to Colombia.” Office of the High Commissioner for Human Rights. 31 March 2010.

¹³⁸ Ibid.

handling of the killings, the Rapporteur said government officials were incredibly cooperative during his visit. Alston also said the steps taken since the discovery of the killings led to a significant reduction in the number of extrajudicial killings reported to the Human Rights and International Humanitarian Law Observatory and the Colombian Prosecutor General's Office. The Rapporteur concluded with four main recommendations for improvements in the Colombian security situation and judicial system. His first recommendation was for a reevaluation of security policies and an acknowledgement of their shortcomings. Secondly, Alston recommended more resources be devoted to accountability to human rights and humanitarian law. Finally, he recommended truth commissions be established to help the prosecution of human rights violations, which will hopefully benefit the families of false positives victims who are being threatened, such as the Porras-Bernal family.

The International Criminal Court (ICC) had been monitoring the Colombian courts for a number of years, and in 2009 requested access to all documents pertaining to the false positives cases. ICC Prosecutor Luis Moreno-Ocampo visited Colombia in 2008 and 2009, meeting with officials about the court situation, and notably, visiting the exhumation of a mass grave in Urabá.¹³⁹ Colombia is one of only six nations which the international body monitors, and the ICC will not intercede unless it believes there is a failure by the state to bring perpetrators to justice.¹⁴⁰ Colombia has been involved with the ICC since 2002 when it ratified the Rome Statute, the treaty which created the ICC, and has been under investigation since 2005.

¹³⁹ ICC. Report of the International Criminal Court to the UN General Assembly. 17 September 2009.

¹⁴⁰ Begg, Kristen. "ICC to monitor Colombia's 'false positives' cases." *Colombia Reports*. 03 May 2010.

Since 2005 the ICC was mainly concerned with the prosecution of cases linking the military or politicians with illegal paramilitary groups. During its 2008-2009 visits, the courts found that cases of extrajudicial killings were being tried in military courts, although they should have been tried in civilian courts.¹⁴¹ The ICC feared cases tried in military courts would only end in impunity, but there was also a legal precedent for human rights abuses by the military to be tried in civilian courts. The Supreme Court issued a ruling in 1997 that crimes against humanity and human rights violations by the military could not be considered acts of service, and therefore fell outside of the jurisdiction of the military justice system.¹⁴² In October 2009, Colombia's Supreme Judicial Council decided all the extrajudicial killings cases would be tried in civilian courts.¹⁴³

Despite the attention from the ICC, UN, and other international organizations, the first results from prosecuting soldiers suspected of extrajudicial executions were dubious. On January 7, seventeen soldiers being held in connection with the Soacha murder were released. Their lawyer successfully won their release, arguing that their trial had not taken place within the 200 day limit required by Colombian law.¹⁴⁴ This prompted a statement from the Colombian prosecutor-general, who stated these releases and delays in the trials were "manifestations of impunity" for the perpetrators. UNHCHR Special Rapporteur Philip Alston agreed, and said in a press release, "The current rate of impunity for alleged killings by the

¹⁴¹ The American Non-Governmental Organization Coalition for the International Criminal Court. "The ICC's Colombia Investigation: Recent Developments and Domestic Proceedings." 16 June 2009.

¹⁴² Youngers, Coletta, and Rosin, Eileen. *Drugs and Democracy in Latin America*. Lynne Rienner. Boulder. 2005. Page 127.

¹⁴³ Vanovac, Neda. "False positives cases to be tried by ordinary courts." *Colombia Reports*. 14 October 2009.

¹⁴⁴ Pease-Watkin, Camilla. "Judge orders release of 16 more 'false positives' suspects." *Colombia Reports*. 19 March 2010.

security forces, up to 98.5 per cent by some credible estimates, is way too high. Unless the Government ensures effective investigation and prosecution of killings by security forces, it will not be able to turn the page on the *falsos positivos* scandal.”¹⁴⁵ A statement from the Colombian Defense Ministry explained, “At the instruction of the Minister of Defense and the Commander-General of the Armed Forces, the personnel must remain within the military unit, restricted to internal tasks, and they will not be assigned to any type of tactical or operational mission.”¹⁴⁶ This response from the Colombian government is more subdued than their initial mass firings and investigation from the Prosecutor General. Instead of facing the problem of judicial impunity and conflict between civil and military courts head-on, the government side-steps any conflict by detaining possible criminals to appease concerned members of the public.

The release of a soldier suspected of false positives-type killings first appeared as an isolated incident but it turned out to be part of a pattern of impunity. A September (2010) report from the U.S. Office gave the following statistics: 54 of the 62 military officers under investigation for the Soacha murders have been released, 43 of the 1,354 extrajudicial killings cases have resulted in convictions, and none of the 30 high-ranking military officers who resigned due to the scandal have been prosecuted.¹⁴⁷ A July report by the Fellowship of Reconciliation, a U.S. NGO, found approximately 3,000 cases of false positives since 2002 using data from over 20 human rights groups and the Colombia Prosecutor-General’s office.¹⁴⁸ It may

¹⁴⁵ UNHCHR. “UN expert finds progress but also a pattern of unlawful killings and ongoing “serious problems” with Colombia’s security policy.” 25 May 2010.

¹⁴⁶ Isacson, Adam. “The ‘Soacha 17’ are confined to base.” *Plan Colombia and Beyond Blog*. 11 January 2010. Center for International Policy- Colombia Project.

¹⁴⁷ US Office on Colombia. “Still Waiting for Justice.” September 2010.

¹⁴⁸ Begg, Kristen. “NGO: Alarming link between US aid and false positives.” *Colombia Reports*. 30 July 2010.

never be clear how many deaths can be attributed to the false positives disappearances, but estimates from various human rights groups are in the thousands.

Civil Society Reacts

In the interest of simplification, civilian reaction in this section includes any group not part of a government, international organization, the military, or the media. Human rights groups rely on participation from civil society to function and are led by civilians, so they fit the definition of civil society established for this thesis. I have chosen international and Colombian human rights groups to examine how normal citizens of a country might react and involve themselves with an issue. The other tool I have chosen is the Latin American Public Opinion Project, which provides representative data on how Colombians feel about a variety of subjects. These two different aspects will give a balanced view of what public opinion in Colombian civil society was following the scandal.

The reaction from these human rights groups motivated and organized the civil society response to the killings. The Movement for Victims of State-Sponsored Crimes (MOVICE) is a human rights group which has existed since 2005 and was active following the discovery of the Soacha killings. The group works to bring justice and reparation to the victims of state violence, record testimonies of those who have survived disappearance, and to advocate for real change in government policy concerning human rights.¹⁴⁹ In 2008 the group designated March 6 a day of respect for the victims of state-sponsored crimes, and has hosted a protest march each year on this date. The 2009 march following the discovery of the false positives killings was

¹⁴⁹ Movimiento Nacional de Víctimas de Crímenes de Estado (MOVICE). "Historia." 2011.

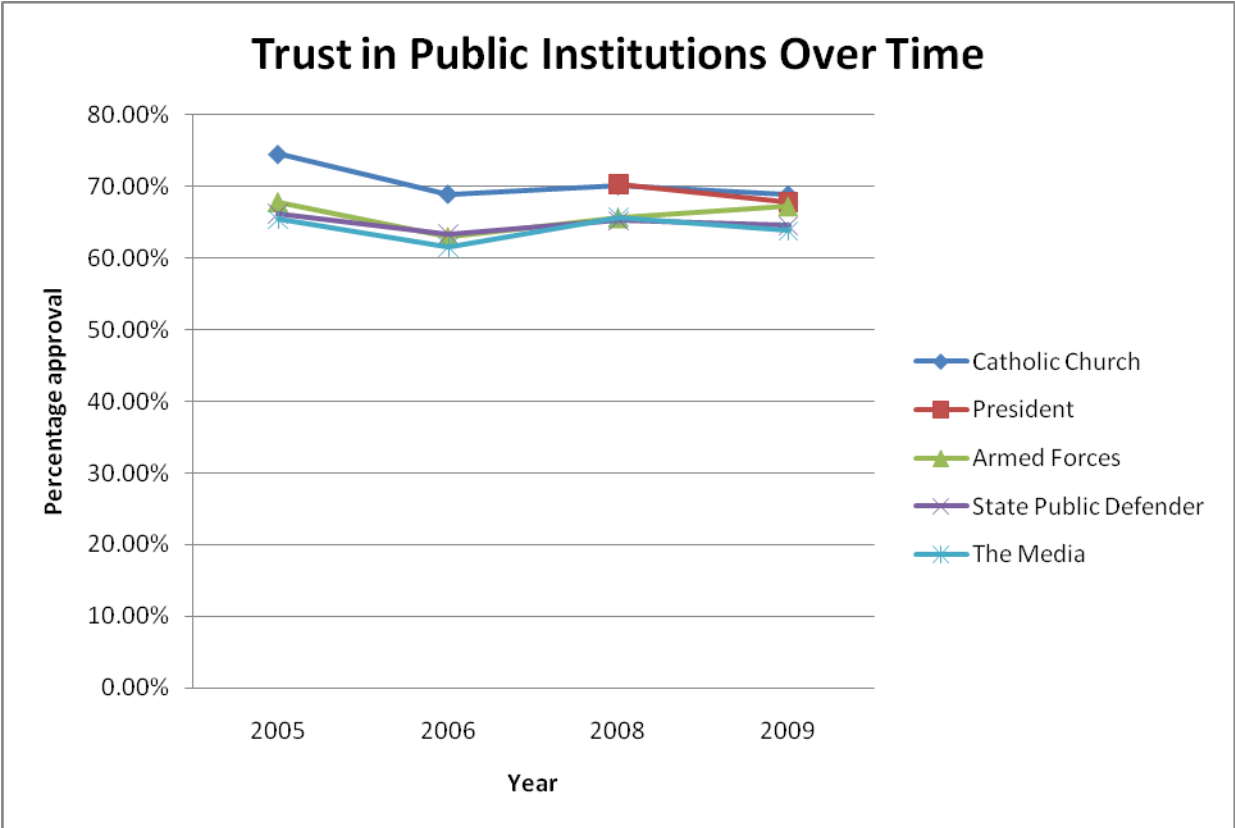
publicized by Amnesty International and syndicated by the UN High Commissioner for Human Rights (UNHCHR), *Semana* Magazine, and other international organizations. The MOVICE statement for March 6, 2009 dealt directly with the false positives killings, citing the UNHCHR report and ending the statement with “False combat kills are crimes by the state.”¹⁵⁰ MOVICE recommended, “That a special commission is appointed in both the Public Prosecutor’s Office and the Procurator General’s Office so that, under the parameters characterizing the commission of crimes against humanity, all responsible parties may be investigated, brought to trial and punished, with sentences proportional to the gravity of the acts, for the massive and generalized practice of extrajudicial executions, poorly named “false kills”, as well for the crimes of forced disappearance, torture, and other crimes accompanying these murders.”

The reactions of AI and MOVICE represent the most extreme end of the spectrum of responses to the false positives scandal. Human rights groups such as these see it as their mission to bring attention to injustice and give a voice to those who have none. This is the exact opposite of the goal of the U.S., British, and Colombian governments, which was to make the scandal go away as quickly as possible. In the world of civil-military relations, clearly human rights groups in civil society will be the most critical of the effects of militarization.

Human rights groups are not necessarily representative of the entire sphere of civil society, or the entire breadth of opinions which arose from the false positives scandal. The Latin American Public Opinion Project (LAPOP) conducts annual surveys in all countries in the Americas to determine public opinion about a variety of subjects. The sample size used is 1,500

¹⁵⁰ MOVICE. “False Combat Kills are Crimes by the State.” Bogota. 6 March 2009.

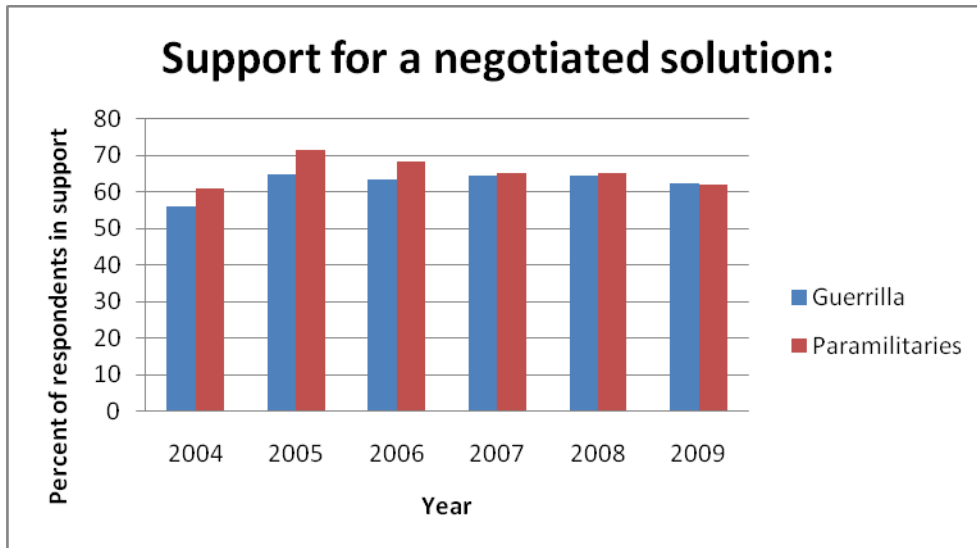
non-institutionalized adults in each country, questions are asked in the respondent’s native language, and responses are recorded in a handheld computer or similar device.¹⁵¹ There are sets of questions that the researchers ask in all of the countries, such as trust in government and political institutions.



	2005	2006	2008	2009
Catholic Church	74.50%	68.90%	70.10%	68.80%
President	N/A	N/A	70.30%	67.80%
Armed Forces	67.80%	63%	65.60%	67.20%
State Public Defender	66.20%	63.30%	65.20%	64.50%
The Media	65.40%	61.50%	65.70%	63.80%

¹⁵¹ The Americas Barometer by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

In Colombia, the most trusted institution has been the Catholic Church in surveys from 2005-2009. The armed forces have steadily been the second or third-most trusted organization since 2005. In 2005 and 2006, the state public defender traded place with the armed forces for the second and third place spots. But in 2008, President Uribe overcame the Catholic Church as the most trusted institution in Colombia with the armed forces third, and in 2009 Uribe fell to second, the armed forces still ranked third. Since 2004, 58-62% of respondents trusted the president and approval of the president’s performance has been overwhelmingly positive, in the mid-upper 60%.¹⁵² Based on this data, we can tell that the average Colombian’s perception of government performance and military trust did not change after the false positives.



The false positives scandal is inherently linked to the Colombian military’s success in the violent conflict. And, from 2005-2009 respondents overwhelmingly rated violence the most important issue facing their country, with unemployment second and poverty third.¹⁵³ So it is

¹⁵² Ibid.

¹⁵³ Ibid.

apt to point out opinions in the public about this conflict and its possible resolution across the timeline of the false positives. Most Colombians responded that their preferred solution to the violence was negotiation. When asked about negotiation with guerrilla groups specifically, this preference held steady at 64% from 2005-2008 and dipped to 62% in 2009. When asked about the best solution to violence from paramilitary groups, preference for negotiation has fallen from 71% in 2005 to 61% in 2009. Since the alternative to negotiation is a militarized end to the violence, more of the public are starting to agree with the government's approach. But over half of the population still wants a diplomatic end to the violence, which the false positives scandal suggests is not a priority in the military. Up until 2009, LAPOP interviewers asked individuals whether the demobilization and reinsertion of illegal armed groups would improve security (as opposed to using violence to reduce these groups and improve security). Positive responses to this question fell from 2004-2007 from 74% to 66%. But in 2008 the number rose back up to 70% positive. The same trend is true for the demobilization of paramilitary groups, which 75% of the public responded would positively help security in 2004. This fell to only 65.8% in 2007, but rose to 70.4% in 2008, which LAPOP researchers identify as a statistically significant jump. The majority of the population since 2004 has viewed demobilization as a legitimate end to the violent conflict, clearly at odds with the results-centered ideology of the military which prompted the false positives scandal.

Conclusions

Camilo Andres Valencia
Joaquin Castro Vásquez
Julio Cesar Mesa
Eduardo Garzon Paez
Julian Oviedo Monroy
Jader Andrés Palacio Bustamanto

Daniel Andrés Pesca Olaya
Fair Leonardo Porras Bernal
Jonathan Orlando Soto Bermudez
Daniel Suarez Martinez
Diego Alberto Tamayo Garcera
Elkin Gustavo Verano Hernández

Victor Fernando Gómez Romero

These are the names of the thirteen men killed in the Soacha murders in 2008. These men represent a failure by the Colombian state to protect its own citizens. The false-positives case suggests that this failure to protect Colombian citizens came as a consequence of the particular relationship between the civilian government and the military. If we think of the role of civil-military relations as a scale, in Colombia's case it has been tipped to the side of an extensive military role in recent years. Since the 1980s, the military has gained more and more power in its fight against narcotraffickers and various guerrilla groups. Instead of controlling the military as it takes on a prominent role in domestic security, the Colombian government has decided that the military should win the internal conflict by any means necessary. The military's power to act autonomously and beyond civilian government oversight is evident in the lack of government investigation of allegations of false positives until after *Semana* broke the story. NSA documents show that government officials in Colombia and the US were aware of the killings, but in the interest of 'winning' the conflict with the guerrillas, human rights were overlooked. This expanding militarization of Colombia's internal conflict led to illegal military actions unchecked by the civilian government, as the false positives case shows. Cases like the

false positives raise serious questions about the use of the military in domestic conflict, especially where civilian oversight is weak.

Civil society in Colombia and the reaction from international organizations made it clear that the false positives were a serious crime, but the government's handling of the killings did not match the scandal's scope. The huge marches organized by MOVICE and extensive Colombian media coverage show that Colombians are concerned about human rights and will make their voices heard. Also, the fact that the International Criminal Court and the Special Rapporteur for Summary, Arbitrary, or Extrajudicial Executions made visits to Colombia signal that the false positives killings were serious enough to result in international investigation. While the government's reaction, particularly in the executive branch, was not as strong as it could have been, judicial action could have made up for this lackluster response through judicial action. Judicial repercussions would have showed that the civilian government still had some way to check the military's power. But the false positives killings shows that even the judicial branch can become ineffective when the military is given too much power. If neither the executive nor the judicial branches can stop the military from killing civilians, then the civilian government has lost control over the military's power. Hopefully the false positives killings have proved to the Colombian government they need a system which balances the civilian and military power in order to end the conflict but does so with respect for human rights.

The false positives case shows that the militarization of Colombia's conflict has led to greater military autonomy and power, which has diminished the protection of human rights. There was no communication between the government and military concerning the false

positives killings, and no investigation by governmental human rights bodies prior to the uncovering of the scandal. These bodies have the ability to be an important check on military power by informing the public about human rights and keeping a close watch on the military for possible violations, but fail in their oversight of the military by not investigating and publishing information about human rights abuses. I would agree that this lack of communication between different human rights bodies, as Tate and Bruneau's trinity have also observed, is one of the key problems in the Colombian human rights situation. Both authors agree that without efficient, regularly communicating human rights bodies operated by the government, the military goes unchecked by civilian powers where human rights are concerned.

I would add a caveat in the frameworks established by Bruneau and others that in addition to a strong democracy, a powerful civil society and media is necessary when the government is too weak to check military power. Only when all of these spheres have checks on each other will military power not be allowed to overrun the government. Political scientists agree that Colombia is an example of low-intensity democracy, in which the government is relatively weak though free and fair elections still take place.¹⁵⁴ The Colombian government's priority to end the violence, and giving the military unlimited power to do so was the most efficient way to do so. This was supported by Colombian voters, who elected President Alvaro Uribe to office twice because of his hard-line, militarized approach to end the violence. Most recently voters elected former Defense Minister Juan Manuel Santos to the presidency on a similar platform. So although information from the Latin American Public Opinion Project shows that Colombian citizens prefer a negotiated, rather than a militarized end to the

¹⁵⁴ Peter Smith. "Democracy in Latin America." Oxford University Press. 2005.

violence, there is a disconnect between what people say they want, and what they chose at the voting polls. And it is their choice at the voting polls that is turned into policy; so, there can be no change in democracy without a change in what civil society wants. But, in order to have an informed public, there must be media coverage which investigates issues the government cannot or will not approach. In the case of the false positives killings, there was one magazine, *Semana*, who investigated the killings, but mainstream coverage was not as in-depth. Likewise, civilian concern was high in those groups already concerned with human rights, but neither of these responses, media or civilian, were enough to have a powerful impact on the government.

Colombia is not the first case of the militarization of a domestic conflict, and certainly is not the last. Already, parallels are being drawn between Colombia and the Mexican government's military tactics to control internal insurgencies. A September 2010 Los Angeles Times article reacted to the comments from U.S. Secretary of State Hillary Clinton that the Mexican violence looks increasing like the Colombian conflict.¹⁵⁵ The author, Ken Ellingwood argues that the two are actually very distinct. He says the killings of policemen and other government officials in Mexico have not been targeted, as was the case in Colombia in the 1970s-80s, but rather they are killed in the line of duty.¹⁵⁶ Another distinction Ellingwood makes is that the main problem in Mexico is that the police and courts are rife with corruption, whereas during the heyday of drug trafficking in Colombia all levels of government housed corrupt officials. Ellingwood points out that in this respect, the Mexican government is stronger than the Colombian government, which means there is less opportunity for military autonomy.

¹⁵⁵ Ellingwood, Ken. "Why Mexico is not the new Colombia when it comes to drug cartels." Los Angeles Times. 25 September 2010.

¹⁵⁶ Ibid.

Although Ellingwood's analysis is correct, Colombia is still an apt comparison for Mexico as an example of the militarization of domestic security. The Mexican government relies on the military and a militarized police force to combat their internal unrest, much like in Colombia. Drug trafficking, as an earlier chapter of this thesis explained, is a domestic law enforcement issue and yet the Mexican military is already involved in tracking down and often eliminating narcotraffickers. The levels of corruption, while they may differ in scope, are similar in their affect on the inefficiency of the government to properly investigate and prosecute violations to civilians' human rights. One case which shows how similar the two are becoming was published by Mexican newspaper, *La Jornada*. In the article, a Mexican general in Coahuila, a city which is a battleground for the Sinaloa cartel and rival Zetas gang, describes his 'shoot first, ask questions later' policy of solving the narcotrafficking problem in Coahuila.¹⁵⁷ The same elements are present in the Mexican general's story as in the false positives: military power over a domestic security issue, a kills-focused approach to ending violent conflict, and the possibility of extrajudicial killings. This general is of course not representative of the entire Mexican military strategy, but nonetheless is an important factor to monitor in future clashes between Mexican military and narcotraffickers.

In Ciudad Juarez, a town on the Mexico-Texas border where the violence is considered at its worst, the military seems apathetic to the plight of civilians. In a *New Yorker* magazine blog from this past March William Finnigan, who has written extensively on Mexico for *New Yorker*, mentions a 2009 American diplomatic cable on the military's role in Ciudad Juarez. The

¹⁵⁷ Carlsen, Laura. "MexicoBlog Editorial: General Advocates Extrajudicial Killings in Mexico's Drug War." Center for International Policy Americas Program. 14 March 2011.

cable says that after an initial surge in military personnel in the city homicide numbers dropped, then the military stopped acting and the numbers rose again. The US author said, “the army is comfortable letting the Sinaloa and Juarez cartels diminish each other’s strength as they fight for control of the ‘plaza’ (with a corollary theory being that the army would like to see the Sinaloa cartel win).”¹⁵⁸ The product of the military’s inaction in Ciudad Juarez was of course, an increase in civilian deaths. Who is to say the military is any less guilty in this case than in the false positives case. In both cases civilian deaths were due to the military’s political priorities in a domestic conflict and the state’s inability to properly oversee the military’s power.

Mexico still has time to learn from the lessons Colombia and the false positives killings offer. To avoid the great military power Colombia’s military has achieved, Mexico must avoid the intense militarization of a domestic problem. The drug gangs causing Mexico’s violence cannot be dealt with by military force alone, the Mexican solution must include all facets of society. Ellington pointed out that Mexico does not have the strong civil society or media that responded so powerfully in Colombia.¹⁵⁹ This voice is crucial in challenging civilian government and military actions, especially concerning human rights. By keeping in mind that properly balanced civil-military relations do not rely on just the military and the government but all levels of society, Mexico can avoid the problems that Colombia has faced.

¹⁵⁸ US Department of State. “2008- The Year in Numbers.” American Consulate Ciudad Juarez, January 2009. <http://wikileaks.ch/cable/2009/01/09CIUDADJUAREZ22.html>

¹⁵⁹ Ellingwood, Ken. “Why Mexico is not the new Colombia when it comes to drug cartels.” Los Angeles Times. 25 September 2010.

Appendix I- Map of Colombia



From http://www.vmapas.com/Americas/Colombia/Colombia_Shading_Relief_Map_1985.jpg/maps-en.html?map_viewMap=1.

Appendix II-Table of U.S. Aid to Colombia

	Total Military and Police Aid:	Economic and Social Aid:	Trainees:	Arms Sales:
2000	\$771,540,855	No data	1,241	No data
2001	\$223,940,217	No data	6,300	No data
2002	\$388,550,141	No data	6,477	No data
2003	\$605,627,707	No data	12,947	No data
2004	\$594,244,588	No data	8,801	\$85,026,880.00
2005	\$578,921,737	No data	10,393	\$112,805,113.00
2006	\$581,832,053	No data	7,729	\$362,228,684.00
2007	\$601,601,918	\$149,723,970	14,460	\$333,652,881.00
2008	\$393,708,548	\$251,470,000	1,977	\$419,145,722.00
2009	\$422,192,829	\$254,546,000	2,702	\$113,988,000.00
2010	\$414,961,048	\$244,040,000	No data	No data
2011	\$351,062,048	\$218,388,000	No data	No data
Total:	\$5,928,183,689	\$1,319,875,970	73,027	\$1,426,847,280.00

Data from:

Just the Facts. "U.S. Military and Police Trainees Listed By Country, All Programs, Entire Region, 1999-2010." Web.

Just the Facts. "U.S. Aid Listed by Country, All Programs, Entire Region, 2007-2012." Web.

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