The International Criminal Court (ICC) published its Interim Report on Colombia in November 2012. It is an interesting read, revealing as much about the ICC itself as it does about Colombia. In the Report, the ICC explains that Colombia has been under preliminary examination by the ICC since June 2004. This is quite curious given the ICC's conclusion in the report that the worst crimes of the Colombian military – the ‘false positive’ killings in which the military killed around 3,000 innocent civilians and dressed them up to appear as guerrillas – ‘occurred with greatest frequency between 2004 and 2008.’

In other words, the military carried out its most notorious violations while under the ICC’s scrutiny. Perhaps the ICC was too busy trying Africans – apparently the sole target of ICC prosecutions – to have done anything to deter such crimes.

In any case, the ICC’s conclusions about the ‘false positives’ scandal raise many questions about the Colombian military, and, more importantly, about its US patron. Thus, the high water mark for the ‘false positives’ (2004 to 2008) also corresponds with the time in which the US was providing the highest level of military aid to Colombia. This appears to be more than a coincidence.

The ICC describes the ‘false positives’ phenomenon as follows: ‘State actors, in particular members of the Colombian military, have also allegedly deliberately killed thousands of civilians to bolster success rates in the context of the internal armed conflict and to obtain monetary profit from the State’s funds. Executed civilians were reported as guerrillas killed in combat after alterations of the crime scene…. The available information indicates that these killings were carried out by members of the armed forces, at times operating jointly with paramilitaries and civilians, as a part of an attack directed against civilians in different parts of Colombia. Killings were in some cases preceded by arbitrary detentions, torture and other forms of ill-treatment.’

The ICC concluded that these killings were systemic, approved by the highest ranks of the Colombian military, and that they therefore constituted ‘State policy.’

The killings – which the ICC characterised as both ‘murder’ and ‘forced disappearances’ – were not random, but rather, as the ICC concluded, were directed at ‘particular categories of civilians,’ including ‘marginalised’ individuals from remote areas, such as unemployed persons, indigents and drug addicts; political, social and community activists; indigenous persons, minors, peasants and persons with disabilities. Moreover, the regions most affected by these killings, in descending order were Antioquia, Meta, Hila...
and Norte de Santander. As the ICC noted, the ‘false positive’ victims many times ended up in mass graves.

The ICC, relying upon the findings of the UN Special Rapporteur, found a peculiar fact—that the ‘false positives,’ though occurring with varying frequency back to the 1980s, began to peak when the threat of the guerillas themselves were actually decreasing in the early 2000s. As the ICC, quoting the UN Special Rapporteur, explains:

‘As security in Colombia began to improve from 2002, and as guerillas retreated from populated areas, some military units found it more difficult to engage in combat. In such areas, some units were motivated to falsify combat kills. In other areas, the guerillas were perceived by soldiers to be particularly dangerous and soldiers were reluctant to engage them in combat. It was “easier” to murder civilians. In still other areas, there are links between the military and drug traffickers and other organised criminal groups. Local military units do not want to engage in combat with the illegal groups with which they are cooperating, so killing civilians falsely alleged to be part of these groups make military units appear to be taking action.’

One thinking about US policy toward Colombia should be greatly concerned by these details. First of all, it is apparent that during the period that the US was providing Colombia with the greatest amount of military assistance under Plan Colombia from 2000 to 2009, the Colombian military was engaged in its worst crimes and quite unnecessarily so, at least if the stated goal of eradicating drugs was indeed the real goal. Thus, the Colombian military was knowingly killing civilians in lieu of killing guerillas while also taking a hands-off policy towards drug traffickers and other organised criminal groups because the military was actually working with these groups.

As the ICC explained, an example of the organised criminal groups which the Colombian military has been closely working with are the right-wing paramilitaries which, as the ICC explained, ‘assisted the Colombian military in their fight against the FARC and ELN guerillas’ by attacking, not the guerillas themselves, but the civilian population— for example, through ‘mass killings of civilians; selective assassination of social leaders, trade unionists, human rights defenders, judicial officers, and journalists; acts of torture, harassment, and intimidation; and actions aimed at forcing the displacement of entire communities.’ And, in terms of the displacement, the ICC concluded that this took place in ‘resource-rich regions of Colombia.’

One does not have to ponder the ‘false positive’ scandal or the military-paramilitary assault on civilians to conclude the obvious—that the war of the Colombian State, backed by the US, is targeted at least as much, if not more, against the civilian population, as it is against...
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Two countries had prolonged civil conflicts followed by truth commissions. The one in El Salvador was established by the United Nations (UN) and received thousands of submissions on behalf of victims. Five days after it issued its report in 1993, the Salvadoran parliament approved an amnesty law covering all the violent events of the war. In Guatemala, where an estimated 200,000 people lost their lives in the long civil war, there was a lot more work. Tens of thousands of submissions and years of documentation and analysis produced a stark conclusion: indigenous Mayan people accounted for 83 per cent of the victims, and 93 per cent of the atrocities committed during the conflict had been the work of the armed forces.

So much for truth. Reconciliation is more elusive, justice even more so. But it is this quest for justice that has begun to be a little more fruitful in recent months.

On 28th January 2012, a Guatemalan judge ruled that General Rios Montt, the US-backed dictator who ruled the country in 1982 and 1983, should face charges of genocide for the scorched earth policy he operated. The charges identify him as the intellectual author of crimes carried out in the Exil Triangle in the El Quiché department. These include the forced displacement of 29,000 people, the deaths of 1,771 individuals in 11 massacres, as well as acts of torture and 1,485 acts of sexual violence against women. The case has major implications for Guatemala's new president, Otto Pérez Molina, who was a military commander in the Exil Triangle where the genocide was carried out.

The war of the Guatemalan State against its citizens lasted 36 years. Some 200,000 people were killed and a further 45,000 disappeared in this period, which peaked in the early 1980s and involved acts of unbelievable cruelty. One documented case was a massacre of over 200 villagers by government soldiers in the village of Los Dos Erres in 1982. According to the US-based Human Rights Watch, the abuses included ‘burning some alive in the village well, killing infants by slamming their heads against walls, keeping young women alive to be raped over the course of three days.’ In March 2012, a Guatemalan court sentenced former soldier Pedro Pimentel Rios to a symbolic sentence of 6,060 years in prison. He was the fifth person to be convicted of this massacre.

This was not an isolated incident, but one of over 400 massacres that were documented. In 2004, the Government of Guatemala admitted to the Inter American Court of Human Rights that the Rios Montt regime had practiced a strategy of genocide. Now the old atrocities are being swept aside and those at the top are going free.

The role of the USA in all this is worth mentioning. Human Rights Watch went so far as to say that 'the Reagan Administration shares in the responsibility for the gross abuses of human rights practised by the Government of Guatemala.' The CIA operated inside the Guatemalan army at this time, operating torture centres and helping to run a unit responsible for thousands of killings.

Guatemalan military officers were trained at the notorious US-run School of the America in Panama, which relocated to Fort Benning in Georgia in 1984. Manuals used in the training of officers contain instructions in motivation by fear, bounties for enemy dead, false imprisonment, torture, execution, and kidnapping a target's family members. The Pentagon eventually admitted that these manuals were a 'mistake'.

The Salvador has graduated over 500 of the worst human rights abusers in the western hemisphere. One of them, a former Guatemalan Defence Minister, gave an address to the school just two years after a US court ruled he was responsible for the gang rape of an American man as part of his 'anti-terrorist' operations in Guatemala. In El Salvador, 10 out of the 12 army officers cited in a UN report as responsible for a 1981 massacre of over 200 people, the majority children, were graduates of the school.

The same was true of the officer responsible for the rape and murder of three American nuns and a lay missionary a year earlier.

El Salvador's dark past is also being revisited. The country's Foreign Minister recently issued an apology for the El Mozote massacre 30 years ago. This was perpetrated by the US-trained Atlacatl Battalion of the Salvadoran army, who rounded up the over 1,000 villagers and systematically tortured, raped and murdered them, before setting fire to all the buildings. Girls as young as 10 were raped and children had their throats slit and were hanged from the trees.

The Reagan administration dismissed the reports as 'gross exaggerations' and the actions of the Battalion were described in the US Senate at the time as 'commendable' and 'professional'. To this day, the US has never apologised for its role in the affair.

Human rights have rarely been a consideration for the US in this region of the
palm plantations have coincided geographically with paramilitary areas of expansion and presence. Much like coca’s role in funding guerillas and paramilitaries, the costs involved in the production process of palm oil make growers an easy target for armed groups. There have been numerous allegations of palm oil companies meeting with paramilitaries in order to arrange the violent displacement and illegal appropriation of people’s lands. Earlier in 2012, the office of Colombia’s Prosecutor General charged 19 palm oil businesses of allying with paramilitaries after investigations linked the economies of palm oil and funding to such groups. While some farmers have been able to escape from the violence and coercion of guerilla groups by switching to crops other than coca, the link between palm oil and the funding of violent conflict still exists. So strong is this correlation that a study conducted by the Universidad de los Andes argues that a legal product such as palm oil has an equal capacity to finance armed groups as similarly lucrative illegal products.

In the end, the civilian population of Colombia, particularly in the countryside, is viewed as the enemy by both the Colombian State and the US which continues to back that State. While the violence takes different forms, and is fueled by various material incentives, the result is the same over these many years – the destruction of the peasantries, including the Afro-Colombian and Indigenous populations, which are inconveniently living on land designated for multi-national exploitation and expropriation. Colombia, with one of the worst distributions of wealth and land in the world, with its multiple free trade agreements, and with its over-bloated military aid from the US, is a quintessential example of unrestrained capitalism and neo-colonialism.

As Noam Chomsky has often commented, the foregoing is a function of the maxim of Thucydides that ‘the strong do as they wish while the weak suffer as they must.’ And, this maxim also explains why the ICC, which has yet to prosecute anyone in Colombia for these high crimes, will certainly never prosecute the top intellectual authors of these crimes residing in the United States.

Since this article was written, an oil worker from the USO union, Milton Enrique Rivas Parra, was murdered in the municipality of Puerto Gátan, Meta Department. In addition, Afro-Colombian leader Miller Angulo Rivera, a member of the Association of Internally Displaced Afro-Colombians (AFRODES), was murdered in the city of Tumaco, Colombia. These murders are emblematic of the violence directed against the civilian population, and in particular, against civil society leaders.

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