

CRIMES OF THE POWERFUL IN CONFLICT-AFFECTED ENVIRONMENTS: FALSE POSITIVES, TRANSITIONAL JUSTICE AND THE PROSPECTS FOR PEACE IN COLOMBIA

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Abstract: This article examines factors which led to what became known as the “false positives” scandal in Colombia, in order to analyse the extent to which socio-economic inequalities and the persecution of the poor impact conflict dynamics and prospects for sustainable peace. The false positives scandal concerned the arbitrary execution of, principally, poor, marginalized male civilians by the military, sometimes in collaboration with illegal armed groups, who were then presented as guerrilla fighters having been lawfully killed in combat. These crimes were primarily committed between 2002 and 2008 and involved the execution of over 3,000 civilians. The scandal constitutes one of the most shocking global examples in recent years of crimes of the powerful: crimes committed by state actors against the most dispossessed and marginalized members of society. It will be argued that criminal accountability for those responsible for these crimes is important, but it is not sufficient. There is a need to address extreme socio-economic inequalities that prevail in Colombia and socio-cultural attitudes towards the poor which dehumanize and, thereby, deny or justify crimes and other harms against them. Otherwise the poor will remain vulnerable to further victimization and peacebuilding will not be successful or meaningful to those beyond privileged and elite groups.

Keywords: Colombia; transitional justice; extrajudicial and arbitrary executions; crimes of the powerful; socio-economic inequalities and conflict; peacebuilding

Introduction

In November 2016, the Government of Colombia formally ratified the peace agreement with FARC-EP (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, in English – Revolutionary Armed Forces of Colombia-People’s Army), hereafter FARC, signalling the formal end to the longest running armed conflict in the world. However, there are many challenges facing Colombia as it transitions to peace after 52 years of armed conflict. This article argues that

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chief among these challenges are the extreme socio-economic inequalities that prevail in Colombia and socio-cultural attitudes towards the poor which dehumanize and, thereby, deny or justify crimes and other harms against them. One of the most egregious examples of such crimes can be seen in the recent “false positives” scandal.

The false positives scandal concerned the arbitrary execution of, principally, poor, marginalized male civilians by the military, sometimes in collaboration with illegal armed groups, who were then “falsely” presented as guerrilla fighters having been lawfully killed in combat. These crimes were primarily committed between 2002 and 2008 and involved the execution of over 3,000 civilians. The scandal constitutes one of the most shocking global examples in recent years of crimes of the powerful: crimes committed by state actors against the most dispossessed and marginalized members of society. The systematic nature of the crimes and the subsequent pursuit of impunity for representatives of the state, by the military with the support of the Government, further underscore the egregious character of these state crimes.

This article provides an overview of the false positives scandal and the subsequent pursuit of impunity for representatives of the state. This article argues that criminal accountability for those responsible for these crimes is important, but it is not sufficient. There is a need to address socio-economic inequalities, not least in order to address the vulnerability of the poor to further victimization. There is an opportunity to begin to do this through the peace process. Without doing so, the peace process will not bring peace and security to those who remain the most vulnerable to violence and insecurity. Consequently, any peace will be fragmentary and superficial, and the poor will remain vulnerable to exploitation, violence and other crimes. This article also argues that there is a need to address the prevailing discourse of fear and hatred of the poor, which has led to campaigns for social cleansing of the most vulnerable and needy members of society and similarly paved the way for the false positives scandal. The othering of the poor as deviant, undeserving, undesirable has led to their further disempowerment; their needs being discarded, their claims being discredited, and violence against them being legitimized, disguised or ignored. There is a need to expose socio-economic inequalities as a useful function of social control (through marginalization and criminalization of the poor) rather than as a threat to the social order, and acknowledge that the greater threat to security comes from crimes of the powerful, often portrayed as legitimate measures used to control those deemed to be disposable, disorderly or undesirable.

This article draws from the author’s experience in peacebuilding, specifically in the security and justice sectors, as well as a short visit to Colombia in March 2016. During this visit, 20 interviews were held with lawyers, members of non-governmental

organizations, representatives of donor agencies and international organizations, security professionals, government representatives and academics with an interest in peacebuilding and human rights issues. A further 20 similar interviews were held remotely before and after this visit with those based in, from or with an in-depth knowledge of working in Colombia.

False Positives and the Arbitrary Execution of Civilians by the Colombian Army

On 23 June 2016, the Government of Colombia and FARC signed a ceasefire agreement, which came into effect on 29 August, following the announcement of the final agreement on 24 August (United Nations [UN] 2016). While the peace agreement was narrowly rejected by the public in a plebiscite on 02 October, parties to the conflict renegotiated elements of the agreement, and a revised agreement was signed on 24 November (Velasco and Rodriguez 2016), unanimously ratified by the Senate on 29 November and unanimously approved by the Congress on 30 November (Murphy 2016).

These recent developments signal the formal end of the longest running internal armed conflict in the world (Maldonado 2016). The conflict began in 1964 and has a magnitude of harm surpassed by few other conflicts. Approximately 220,000 people have been killed, about 80% of whom were civilians, and there have been over 100,000 registered forcibly disappeared persons, tens of thousands of kidnappings, millions of people displaced, tens of thousands of casualties from mines or explosive remnants of war, and approximately 5,000 extrajudicial executions registered (Alsema 2016; BBC 2016; Bouvier and Haugaard 2016; Centro Nacional de Memoria Histórica 2013; Human Rights Watch [HRW] 2015; Internal Displacement Monitoring Centre [IDMC] 2016; Landmine & Cluster Munitions Monitor 2016; Maldonado 2016).

Despite the promises of an end to the armed conflict between the Government of Colombia and FARC, there are many challenges facing Colombia as it transitions to peace. This article will argue that chief among these challenges are the extreme socio-economic inequalities that prevail in Colombia and socio-cultural attitudes towards the poor which dehumanize and, thereby, deny or justify crimes and other harms against them. One of the most shocking examples of such crimes can be seen in the recent false positives scandal.

False positives (*falsos positivos*) refer to the extrajudicial or, rather, arbitrary execution of civilians by the military, sometimes in collaboration with paramilitaries – or illegal armed groups – and civilians (International Criminal Court [ICC] 2012), staged and then reported as the lawful killing of guerrilla fighters in combat (HRW 2015; International Federation for Human Rights [FIDH] 2012). “False

positives” refers to the technical term used to describe a test result which wrongly shows an attribute or condition to be present, and is used in this context to refer to civilians falsely presented as lawfully killed combatants. “False positives” was introduced as a euphemism by the Colombian political magazine *Cambio* in 2007 (Acemoglu et al. 2016)

Civilians were first kidnapped, often lured with the false promise of a job in a remote, far away location, and then soon after killed (UN Office of the High Commissioner for Human Rights (UNOHCHR) 2010). Sometimes they were taken from their home, at a checkpoint or while the Army were on patrol, and sometimes after having been identified as guerrillas by others, who would often be financially rewarded (UNOHCHR 2010). A recruiter later testified that he had been paid \$500 by the Army for each man he recruited and delivered to them (O’Driscoll 2011). The scene was then staged as if they were guerrillas: “placing weapons in the hands of victims; firing weapons from victims’ hands; changing their clothes to combat fatigues or other clothing associated with guerrillas; and putting combat boots on victims’ feet” (UNOHCHR 2010: 8). As reported by the then UN Special Rapporteur on Extrajudicial Executions (UN Human Rights Council 2009: n.p.), Philip Alston, victims are “commonly photographed wearing a guerrilla uniform, and holding a gun or grenade. Victims are often buried anonymously in communal graves, and the killers are rewarded for the results they have achieved in the fight against the guerrillas”. As the then UN Special Rapporteur on Extrajudicial Executions has said of false positives, “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” (UN Human Rights Council 2009: n.p.). HRW (2015: 1) refers to the false positives scandal as “one of the worst episodes of mass atrocity in the Western Hemisphere in recent decades”.

Victims tended to be among the very poor and most marginalized sections of the population. They were more vulnerable because they were among the least empowered to protect themselves; and they were more targeted because of prevalent negative social attitudes towards the poor and an awareness that crimes against them would more likely go unnoticed (interviews in Bogotá, 2016). The Office of the Prosecutor (OTP) of the ICC found that these attacks were not random but “were directed against particular categories of civilians, who resided in remote areas and were considered to belong to a marginalized sector of the population” (ICC 2012: 28). Victims included unemployed people, homeless people, children, people with mental and physical disabilities, farmers, indigents, indigenous people, community leaders, and drug addicts (HRW 2015; ICC 2012).

The scandal first came to broad public attention in late 2008 after 19 young men from Soacha, a suburb of the capital Bogotá, went missing and were found dead hundreds of miles away in a communal unmarked grave (FIDH 2012;

Volkman 2012). Some of the victims had told their families that they had been promised work in Santander. They were subsequently reported by the Colombian Army to have been legally killed as guerrillas or paramilitaries. Only when the mothers of these victims began protesting after months of looking for their sons and trying to get assistance from the state authorities, did many other people across Colombia begin sharing information about the disappearance of their family members in similar circumstances (FIDH 2012). The reason why they were taken far away appears to be to avoid detection, which can partly explain why the scandal took so long to come to broad public attention:

This *modus operandi* follows a dark logic. Those who would care about a poor peasant presented as killed in combat are his or her parents, relatives, friends, and neighbours. So what could be done to avoid questioning of families and communities? The solution was to seek victims in places far away from the locations where they were going to be killed. As nobody knew them in the area where they were killed, nobody would ask questions. No mother or grandfather from nearby communities would identify and claim the body. They could be buried quickly as “unidentified” (NN). (Volkman 2012: 403)

In Colombia, this practice would make it much more difficult to connect a missing person from one place with a dead person presented as an insurgent killed in combat hundreds of miles away (Volkman 2012). Other incidents that brought the scandal to wide public attention included photos of those staged as fallen guerrillas with boots on the wrong feet, undamaged uniforms over bodies that had been shot, and guns placed in the hands of those who were clearly disabled and unable to use a gun (interviews in Bogotá, 2016).

These crimes were widespread and systematic during the years 2002–2008 (FIDH 2012) although similar cases date back to the 1980s (HRW 2015; UNOHCHR 2010; Volkman 2012) and there have been extrajudicial executions attributable to the state subsequent to 2008 (Inter-American Commission on Human Rights [IACHR] 2016a; UNOHCHR 2015, 2016). During the period 2002–2008, the murders took place in most parts of Colombia departments (27 out of 32 of Colombia’s departments or regions) and allegedly by over 180 tactical units attached to most of the Army’s brigades, operating under all of its seven divisions at that time (HRW 2015). Numbers declined significantly after the crimes came to broad public attention and the then president, Álvaro Uribe, suspended 27 military personnel due to “lack of oversight” in respect of these crimes in 2008 (Volkman 2012). Given the sharp fall in cases, this suggests that perpetrators had previously had expectations of impunity and that this was a significant factor in the large number of cases that had occurred.

More than 3,000 civilians are estimated to have been executed between 2002 and 2008 (FIDH 2012; UNOHCHR 2010) through the practice of false positives. The UNOHCHR (2015) has estimated this figure could be as much as 5,000, while the IACHR (2016a) has reported that civil society organizations informed them that they have documented 5,763 extrajudicial executions committed between 2000 and 2010 and a further 230 during the current government's mandate. In June 2015, the Office of the Attorney General of Colombia reported that the Army, alongside civilian collaborators in some cases, had killed 4,475 civilians since 1986 (Alsema 2012). In 2007, the year the most false positives have been recorded, statistics provided by the Army and the Office of the Attorney General show that 40% of combat kills were civilians (Alsema 2012).

The reason why the practice of false positives occurred, and particularly why numbers escalated during 2002–2008, is due to pressure to increase combat kills from commanders, including direct phone calls, and incentives for doing so (interviews in Bogotá, 2016). The purpose was to boost the number of guerrillas and paramilitaries reportedly killed and, thus, the appearance, of success on the battlefield (Alsema 2012; UNOHCHR 2010). This pressure came from the Government keen to show progress combatting the threat posed by guerrillas and paramilitaries (Alsema 2012). Soon after Uribe became President in 2002, increasingly significant incentives were given to intensify efforts to combat guerrilla and illegal armed groups. These incentives increased substantially during the period in which the number of false positives escalated (Acemoglu et al. 2016). Of particular note is Government Decree 29 issued by Defence Minister Camilo Ospina on 17 November 2005, which offered substantial rewards for killing members of the guerrilla forces (Alsema 2012; Volkmann 2012). Significantly, military personnel were not excluded from the potential to claim rewards, there was no fixed pot of cash for lower level guerrilla fighters, superior officers need not authorise the activity, and intelligence gathered after the killings could be used in justification for the killings: “In sum, strong incentives were introduced, but there were weak controls on the implementation of the directive” (Acemoglu et al. 2016: 6). In the year following this Decree, the number of false positives doubled from 386 to 753 (Alsema 2012). In short, there is a positive correlation between Uribe's policies to intensify efforts and demonstrate results in the fight against guerrilla groups and the escalation in the number of false positives between 2002 and 2008 (UNOHCHR 2015; Wood 2009).

Pressure from the Government filtered into the armed forces, where commanders increasingly measured success in terms of combat kills, rather than arrests or demobilization of guerrillas, and exerted pressure on the troops to perform (HRW 2015). Those directly involved in these executions have also admitted that pressure to inflate statistics was a common motive, alongside rewards given to those

involved (HRW 2015). Testimonies given by some of those directly involved also highlight the extent to which pressure was applied. One such testimony stated that his new commander had directed that

each company commander should give me one combat killing per month, and the second section should give me three dead per month . . . [R]ight now the war is measured in liters of blood, [and] the commander who does not have results of deaths each month, will be sanctioned. (cited in HRW 2015: 28–29)

There is also evidence to suggest that soldiers were disciplined or expelled for refusing to kill people dressed as civilians. About one such episode, one of 27 soldiers expelled said,

When my colonel came in he started insulting us and scolding us, and told us that we were good for nothing, that we did not understand that a guerrilla member alive was useless for him, and that what mattered were killings because he was going to be promoted to general and that is how his performance was measured. He told us he was going to have us all expelled. (cited in (Acemoglu et al. 2014: 12)

Rewards for what were presented as combat kills included bonuses, promotions, additional leave days, training courses, medals, and recognition from superiors (Acemoglu et al. 2014; HRW 2015). While evidence has shown that some Army personnel were intimidated or threatened with dismissal if they did not report combat kills (HRW 2015; UNOHCHR 2010), many interviewees suggested that a small bonus or extra couple of leave days was sufficient at the lower ranks to knowingly kill civilians and present them as guerrillas killed in combat (interviews in Bogotá, 2016; Volkmann 2012). Evidence additionally suggests that false positives were particularly prevalent where commanding officers were Colonels, rather than Generals. This is because they had more pressing career concerns as promotion to General is difficult. Consequently, they were more likely to be incentivised by the opportunity to encourage their brigades to demonstrate success on the battlefield, which would in turn increase their chances of promotion (Acemoglu et al. 2014, 2016).

It has been reported that the reason that civilians were killed is because they were often easier to kill than those trained and experienced in armed combat (UNOHCHR 2010). In some cases, it may have been because there were fewer insurgents or paramilitaries in certain areas to engage with, while units still needed to show “success” in combatting guerrillas and paramilitaries – and success was measured by the body count (Volkmann 2012). In other areas, civilians were killed

because the Army had alliances with those engaged in drug trafficking and other forms of organized crime and they would “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” (UNOHCHR 2010: 12; information also from interviews in Bogotá, 2016). HRW Americas Director, José Miguel Vivanco, has said,

What makes these crimes unique is that they were not about eliminating political opponents or supposed guerrilla sympathizers; they were basically about killing civilians just to boost body count stats in the war on guerrillas . . . What this says about the conflict is that impunity has become so cemented in Colombia that the army believed it could get away with flagrant and systematic murder on a large scale . . . Army officers clearly felt emboldened to kill civilians without any consequences. (cited in Miroff 2015: n.p.)

As indicated above, the reasons why the poor, the marginalized and otherwise vulnerable were targeted was because they were particularly easy targets and had little if any power to prevent or seek justice for such crimes. A mother of one of the victims from Soacha – whose son was mentally disabled, as were many of the victims – said that there are so many victims from Soacha because the socio-economic conditions are so bad that “people are easily fooled by offers of work and good salaries” (cited in Pettersen 2010: n.p.). She also indicated that it is because of an assumption that poor people do not have the power to fight back, or at least seek justice or have influence in society. Among the poor, the particularly vulnerable or marginalized might also be chosen to avoid a more public reaction that might result from the disappearance or death of a community leader or someone with some influence. As Volkmann (2012: 402) has said, “who would care about the death of a poor peasant in a remote rural location or a marginalized youngster in a shanty town?” As the following section discusses in detail, there is also a widespread disregard and often disdain for the poor in Colombia (interviews in Bogotá, 2016), which provided the enabling environment for such crimes to occur in such numbers and with relative impunity.

While the killing of civilians by security forces who were then presented as legitimate combat kills was nothing new, the false positives scandal was unprecedented because of its scale and because it had “specific features, clear patterns, and a high degree of organization” and thus was “a set of interrelated events” (FIDH 2012: 7). In particular, given there were so many cases across Colombia which followed similar patterns, they cannot be considered to be isolated incidents, as claimed by the Government of Colombia (FIDH 2012; interviews in Bogotá, 2016; UNOHCHR 2010) but can be regarded as systematic under human

rights law (FIDH 2012; HRW 2015; UNOHCHR 2015). As stated by the ICC (2012: 35),

The large scale nature of the attacks, the number of victims, similarities amongst allegations of crimes reported across the country, the planning and organization that the conduct required to commit the killings and their subsequent reporting as deaths in combat indicate that “false positive” killings amount to a widespread and systematic attack against the civilian population.

Given these crimes are considered to be systematic under human rights law, the issue of command responsibility is raised, with respect to “the responsibility of those in the line of command who either knew, or should have known, what was happening and did not take measures to address it” (UNOHCHR 2015: 13). Given there have been so many extrajudicial executions, involving almost all brigades across Colombia, there can be no doubt that senior officers within the Army were involved (HRW 2015; FIDH 2012). There needed to be orders and other official documents issued by commanders to authorise operations (HRW 2015), plus false positives would have been reported to commanders, suggesting that commanders had reason to know of what was going on and might thereby bear command responsibility (HRW 2015). Those directly involved in these executions have said that methods had been established by their units for committing these executions (HRW 2015). HRW (2015) argues that senior military commanders either knew about or did little to prevent the execution of civilians, presented as legitimate battle deaths, and has evidence to suggest that senior officers in the Army planned, ordered or otherwise facilitated these crimes, including some who have subsequently been promoted (HRW 2015). Meanwhile FIDH (2016: n.p.) has argued that the crimes “were supported by the highest-ranking army officers, who not only failed to exercise their duty to prevent these crimes, but actually encouraged this behaviour”, as evidence provided to the Office of the Attorney General in Colombia has shown (FIDH 2012) and the earlier discussion on the pressure applied upon brigades by their commanders suggests.

In its *Interim Report*, the ICC (2012: 3) stated that

[there] is a reasonable basis to believe that the acts . . . were committed pursuant to a policy adopted at least at the level of certain brigades within the armed forces, constituting the existence of a State or organizational policy to commit such crimes.

Further evidence to suggest that there was an awareness among senior officials, if not an established policy, can be found in the fact that those in command of certain

units or brigades where there are reported to have been a particularly high number of false positives appear to have been rewarded with promotion rather than faced criminal investigation (FIDH 2012). Moreover, since 2003, the Government was repeatedly told of these crimes by OHCHR, as well as other international organizations and human rights non-governmental organizations, but chose not to take any action until 2007 when the scandal was beginning to gain broad public attention and threatened further substantial funding of the defence budget by the US (FIDH 2016; Volkmann 2012). This suggests that the state cared little for the victims or had more pressing concerns, if it cannot be said to be directly complicit in these crimes (Wood 2009). Perhaps the need to be seen to be effective against the threat posed by guerrilla and illegal armed groups led the Government to consider the reputation of the Army to be of greater import than the murder of thousands of civilians. It is also possible that given the appearance of winning can be as important as winning in modern warfare, false positives may not be as erroneous as often presented as being. This may help explain why so many civilians were illegally killed across Colombia and by so many security personnel.

Justice and the Pursuit of Impunity by the State

While the Government slowly began to take action to address false positives in 2007, there has been less than full support in the investigation, prosecution and punishment of those responsible for these crimes (HRW 2015; Volkmann 2012). Given the enormity of the scandal, the record of successful prosecutions is poor, as will shortly be discussed. However, rather than providing the support required to bolster efforts to investigate and prosecute alleged offenders, over the course of the last few years the Government has, instead, supported efforts to transfer jurisdiction over such cases from the civilian to military justice system, a move which would further entrench impunity.

Compared with the number of false positives, the number of investigations into such crimes and sanctions meted out to those found responsible is minimal (IACHR 2016a). By February 2017, there have been 961 convictions for crimes related to the false positives scandal so far, in contrast to more than 4,000 of such crimes being reported to the Office of the Attorney General (Amnesty International 2016, 2017; Foreign & Commonwealth Office [FCO] 2016). Despite the widespread and systematic nature of these crimes, the judiciary has helped perpetuate impunity rather than facilitate the search for justice and truth (IACHR 2016a: 739). This impunity most likely helped create an enabling environment for the executions to continue at such a rate for so long (Volkmann 2012). Moreover, there was a reluctance to investigate patterns and command responsibility, instead treating cases as isolated incidents and focusing on lower and middle ranking

personnel (IACHR 2016a; Lyons and Reed-Hurtado 2010; UNOHCHR 2015). It was not until 28 March 2016 that the first General in the Army, retired General Mario Montoya, was charged for crimes related to the false positives scandal (Gill 2016; FIDH 2016), specifically on the grounds of command responsibility for crimes committed between 2006 and 2008 (interview with a security professional in Bogotá, 2016).

The course of justice has furthermore been obstructed by witnesses, victims, members of the judiciary and human rights organizations receiving threats and being attacked or killed (interviews in Bogotá, 2016; IACHR 2016a; FIDH 2012; UN Human Rights Council 2009). There are also reports of evidence being lost or destroyed (interview in Bogotá, 2016). FIDH (2012) and HRW (2015) have also reported that the military authorities have often failed to co-operate with investigations and that defence lawyers have often deployed delay tactics, which caused considerable obstacles in the way of advancing cases involving false positives.

Of particular concern is that while false positives should fall within the jurisdiction of the civilian justice system, as underscored by recurrent rulings of the Inter-American Court of Human Rights and the Constitutional Court of Colombia, there remain many cases within the military justice system (HRW 2015; FIDH 2012). This is of concern because of what is known of how the military justice system has dealt with false-positive cases to date, particularly prior to 2008 when most cases were first investigated within the military justice system. There have been significant deficiencies in the investigation of these cases within the military justice system, and a widespread expectation of impunity (HRW 2015; FIDH 2012). HRW (2015) has disclosed evidence which suggests that military judges have failed to take basic steps in investigating cases, to such an extent that in some cases the Prosecutor's Office has subsequently opened investigations against military judges for negligence. HRW (2015) has also reported that in some instances military judges were involved in the cover up of such crimes.

Given the record of impunity in false positive cases within the military justice system, and its lack of credibility and independence, it is of particular concern that there have been efforts over the last few years on the part of the Government, under pressure from the military, to enable the transfer of cases concerning false positives from the civilian to the military justice system (HRW 2015; FIDH 2012; Vivanco and Schoening 2014).

It is similarly concerning that the Government has proposed transitional justice measures which could lead to those responsible for false positives being exempt from criminal prosecution or severely limiting the sentences able to be given to those found guilty of such crimes (HRW 2015). For instance, the Legal Framework for Peace, a constitutional amendment adopted by Congress in 2012, and the subsequent Agreement on the Victims of the Conflict, which formed part of the final

agreement rejected in the October 2016 plebiscite, potentially limited prosecution to those with command responsibility and enabled the provision of reduced sentences for those convicted (HRW 2015, 2016b; FIDH 2012; Isacson 2013). This could have meant that those responsible for false positive executions might have avoided prosecution, received reduced sentences or been released if already convicted and incarcerated (HRW 2016b; Washington Office on Latin America [WOLA] 2015). There was also a much narrower interpretation of command responsibility than is contained within international criminal law, which could have enabled those with command responsibility to evade prosecution if it could not be proven that commanding officers had knowledge and effective control of criminal actions taken by those under their command (HRW 2016b; Rueda 2016; Vivanco 2016).

The revised peace agreement addresses some of these concerns and notably excludes from transitional justice proposals those who have been alleged to have committed crimes for “personal enrichment” (Vivanco 2016; WOLA 2016). This should mean that false positive cases cannot be transferred out of the regular civilian justice system and, thus, not enable those responsible to be eligible for reduced sentences or potentially avoid prosecution (WOLA 2016). However, others are not so certain that this will be the case, leaving the potential for those responsible for false positives executions to receive light sentences or have lighter sentences if already convicted (Daniels 2016). Moreover, while the new agreement brought the interpretation of command responsibility more in line with the definition enshrined in international law, there is emerging evidence to suggest that this revision was revoked at the last minute by the Government under pressure from the military (Galarza 2016; Wilkinson 2016). In fact, it appears the revision of the definition of command responsibility was only removed in respect of the state armed forces; FARC refused the narrower definition of command responsibility for their own commanders, stating that it would have been of concern for the victims of abuse as well as the ICC (Wilkinson 2016). The last minute amendment was not at the request of FARC and therefore not needed to secure the agreement. The Government has, thus, sacrificed victims’ access to justice in “a stunning capitulation to military commanders seeking impunity for atrocities committed by their troops – and taking advantage of the peace process to obtain it” (Wilkinson 2016: n.p.).

Extrajudicial executions are serious violations of human rights and can constitute war crimes, as serious violations of humanitarian law applicable in internal conflicts, and crimes against humanity, when committed as part of a systematic or widespread attack against a civilian population (HRW 2015). As such, the Colombian authorities are obliged to investigate, prosecute and appropriately punish those held responsible for such crimes (HRW 2015). If Colombia is unwilling

or unable to fulfil these responsibilities, given Colombia is a party to the ICC, the ICC can intervene and cases could become admissible before the ICC (HRW 2015; Isacson 2013). In 2004, the ICC OTP opened an ongoing preliminary examination of the situation in Colombia (Stewart 2015). In 2015, the OTP expressed concern that those who may bear the greatest responsibility for false positives had yet to be prosecuted. Colombia's continued failure to hold those at the highest echelons of the military to account will influence whether the ICC Prosecutor considers cases involving false positives admissible before the ICC (Stewart 2015). Cases involving false positives have already been referred to the Inter-American Court of Human Rights by the IACHR as Colombia had not complied with the Commission's recommendations, including effective investigation and establishment of criminal responsibility (IACHR 2016b). It is perhaps, therefore, surprising that there has only recently been some movement to investigate the highest ranking officers (FIDH 2016; Gill 2016); that the majority of those convicted remain low ranking members of the military (FIDH 2016; IACHR 2016a); that the Ministry of Defence continues to support the promotion of those for whom there is reported to be evidence of criminal responsibility for false positives (HRW 2016a); and that there appear to be continued efforts to push for impunity on the part of the military and the state.

The Dispossessed, the Disposable and the Threat of the Other

It is not simply a matter of addressing impunity and ensuring that the perpetrators take responsibility. There is a more fundamental need to address causal factors, not least to guard against recurrence. The execution of civilians and their subsequent cover up occurred on such a wide scale not simply because of incentives or pressure to do so, lack of effective controls and oversight, or a partially ineffective justice system. These crimes occurred, in such great numbers and for so long, because of socio-cultural attitudes towards the poor and the massive socio-economic inequalities which sustain them. With respect to socio-economic inequalities, Colombia has one of the highest levels of income inequality, land ownership inequality and poverty in the world (World Bank 2016). With respect to attitudes towards the poor, that a soldier might knowingly kill an innocent civilian for such a small reward as a small bonus or extra couple of days leave, and generally with little threat, suggests that there was little regard for the life of those targeted. That the military and the Government continue to protect from prosecution those who bear the most responsibility for these crimes and who have otherwise facilitated, allowed or encouraged them, further underscores the apparent disregard for those who were executed or their families and communities. In essence, the false positives scandal exposes the subterranean disregard of the poor, which is so powerful

that thousands of poor civilians can be killed by the state armed forces and little is done to stop it until there is broad public knowledge, and little continues to be done to ensure accountability for the crimes committed.

There is a broader context within which the arbitrary execution of generally poor and marginalized people has occurred. That broader context is a long-standing denigration of the poor and the otherwise marginalized as disposable (*desechables*) or undesirable, and violence against them in an effort to impose justice, security and order (HRW 1994; Zwehl 2014). Colombia has a history of social cleansing operations, which have killed thousands of those deemed to be undesirables or disposable over the years (Graham 2016). Victims include street children, the homeless, disabled people, petty criminals, drug addicts, sex workers, and homosexuals (Graham 2016; Monsalve 2015; Schwartz 1996), generally the poor and marginalized. Vigilante groups and members of the police, army and other representatives of the state have orchestrated social cleansing operations (Graham 2016; HRW 1994; Ordoñez 1995; Schwartz 1996) against those seen as a burden and responsible for society's problems rather than victim of them (Ordoñez 1995). The condemnation of those engaged in these activities by the State Council in 2012 highlights that the victims were seen by the perpetrators as useless to society, not good and, therefore, deserving of death: "Nobody in Colombia has the right to define (whether with the goal of extermination or of absolution) who is useful, good and deserves to live" (cited in Graham 2016: n.p.).

The denigration of the poor as undeserving, problematic and disposable is a result of their otherised status. The act of othering functions to subordinate, marginalize and blame; pitting "us" against "them" and, in the process, reinforcing the dominant social order. Othering implicitly constructs the self ("us") in opposition to the other ("them"), and through the denigration of the other also elevates the self as superior, deserving and all that the other is not (Bauman 1991; De Beauvoir 2011; Said 1978). This can be particularly useful when there are threats to the social order, with othering functioning as a way to reinforce social norms and congratulate those who adhere to them. Othering not only functions to remind us of the rules we must adhere to, or the consequences if we do not, but can also justify increased social control and intervention on the part of the state where the other is seen to threaten order. As Escobar (2011) has said with respect to international development, the otherisation of poverty legitimizes intervention, and often exploitation, in the name of development and assistance. Domestically too, the otherisation of poverty legitimizes increased social control as well as justifies the unequal distribution of power. In Colombia, the otherisation of poverty has led to murderous social cleansing campaigns and arbitrary executions in the name of maintaining law and order.

Othering the poor functions to blame them for their poverty, casting them as morally inferior and thus deserving of their poverty, as if poverty results from individual deficiencies (Gunewardena 2009) rather than socio-political factors. This helps disguise power dynamics, depoliticize economic policies and legitimise inequalities, exploitation and oppression (Bauman 1991). As Sayer (2005: 59) argues “othering is likely to support and be supported by relations of economic inequality, domination and social exclusion, and indeed to be stimulated as a rationale for these”. Beyond domination and exclusion, reducing to the other enables atrocities to occur, as it did in Nazi Germany, during the break-up of the former Yugoslavia (Drakulic 1993), and in many other places where neighbours become nameless, and people becomes problems.

Colombia is a highly stratified society, both socio-economically and geographically: there is a physical divide between the haves and have nots. Such segregation tends to reinforce the othering of a marginalized group and blame them for their marginalization and victimization (Gordon 1998). Where the suffering of others cannot be seen it is easy to dehumanize or to deny the crimes occurred. Many poor people live in rural locations away from the services provided in urban areas, or in ghettos. This physical segregation prevents poor Colombians’ access to resources (security, justice, jobs), while allowing access to those who want to exploit those with little power and much need.

As there is often little state presence, services or protection in these areas, to survive there is often no other way than to join guerrilla or criminal groups (interviews in Bogotá, 2016). It is telling that so many victims of the false positives executions were easily lured far away with the prospect of a job by those they did not know. As stated by Wood (2009: 4),

the ease with which the soldiers and their recruiting “agents” in the Soacha underworld managed to dupe these youths into accepting mysterious, and probably illegal, “work” opportunities in the Colombian countryside highlights the country’s ongoing failure to offer dignified life projects to its youth.

Physical segregation and denial of legitimate means of sustenance reinforce the link between poverty and crime in Colombia. Criminalizing those who are socio-economically marginalized not only functions to blame the poor for their poverty, it also serves to justify social stratification and disguise the fact it is an outcome and function of oppression and domination. In effect, criminalization of the poor also blames them for their own persecution. As argued by Box (1983: 13), criminalization functions to fuse “relative poverty and criminal propensities and sees them both as effects of moral inferiority, thus rendering the ‘dangerous’ class deserving of both poverty and punishment”. Criminalizing the poor further disempowers

them and helps to ensure that any grievance they may air will be seen as illegitimate (Box 1983; Hall et al. 1978). Because it is difficult to occupy the status of criminal *and* victim, crimes against the poor are hidden by the denial of the poor as victim. Denial of the poor as victim also means that responsibility for crimes against them is denied. In Colombia, when someone from an impoverished neighbourhood is the victim of a crime, the police rarely take action; the crimes or their victimization are denied, or they are silenced (HRW 1994; IACHR 2016a; FIDH 2012). As the poor are portrayed as criminogenic, crimes against them lose moral gravity as they are portrayed as deviant, other, undesirable, undeserving – the opposite of good people (or *gente decente* as is common parlance in Colombia). They are dehumanized and so crimes against them do not matter so much, as they are “not like us” and do not feel pain or suffering as we would (Cohen 2001). Furthermore, portrayal of the poor as criminal can discourage others from venturing into poor neighbourhoods, which helps ensure the poor remain unknown, dehumanized, other or the threatening stranger in need of being controlled (Bauman 1991).

The myth is that society is at risk from the poor: the poor are portrayed as deviant, criminogenic and threatening the social order. However, the greatest threat to security comes from privileged and elite groups: collusion between government officials, paramilitary or criminal groups and guerrillas; the exploitation of the poor and the land of the poor; the provision of security to those most in need which terrorizes more than it protects. The poor are trapped in poverty, targeted by those who seek to exploit the most vulnerable and the most desperate, and then are feared and scapegoated by those who have benefited from their victimization.

While society is at more risk from the measures designed to counter the ostensible threat posed by the poor and other undesirables, there is a legitimate fear of the poor. It is not that they are dangerous in the way portrayed, but their victimization and oppression may give rise to grievance which may ultimately find its expression in violence and revolt. The structural and physical violence meted out by the state to the poor can ultimately mobilize those wanting to escape the violence, protect themselves or seek justice. It may also result in people feeling as though “the only possible response to a violent system is violence” (Mertus and Helsing 2006: 5). Socio-economic inequalities and violence against poor communities contributed to the creation of militia groups, peasant militancy and guerrilla groups (Esparza, Huttenbach and Feierstein 2010; Gillin 2015; HRW 1994; FARC 2008; Novelli 2007). As argued by Chauhan and Foster (2014: 400), “[the] poor have long been considered as a threat by affluent and prosperous sections of the society”, whether through the threat of violent revolution, disease, antisocial and violent behaviour, or terrorism. The poor as other are therefore a direct threat to the self, or rather mainstream society.

So the threat of impoverished and exploited groups is real and, therefore, further oppression is meted out to disempower, terrorize and delegitimize their claims. The poor are targeted, therefore, because they are powerless and also because they constitute a potential threat, particularly those who question, and thereby threaten, the legitimacy of the ownership of resources (notably land) by the few. This is conveniently portrayed as threatening the legitimacy of the state or the ruling elite, the dominant order, and “the good people” (Eventon 2012). A vicious circle is created, with the poor being further victimized and thus further aggrieved. Meanwhile, the discourse of the undeserving, disposable and threatening poor legitimizes violent excesses by “the good people” which helps to crush any real threat to the status quo.

The irony, of course, is that demonizing and victimizing the poor result in widespread grievance and in pushing poor people towards crime and guerrilla groups as the only viable economic opportunities that exist, both of which negatively impact conflict dynamics (Eventon 2012; Stewart 2010; interviews in Bogotá, 2016). But for as long as the claims of the poor are portrayed as illegitimate, and paramilitary or armed criminal gangs protect the interests of members of the ruling elite, it may be that property ownership is regarded (by those who continue to oppress and exploit) as more valuable than peace.

It is therefore essential that socio-economic inequalities and socio-cultural attitudes towards the poor are addressed, to avoid the poor continuing to suffer insecurity and violence. This can be done through economic programmes as well as cultural and educational programmes as part of wider peace education endeavours. Moreover, unless socio-economic inequalities and socio-cultural attitudes towards the poor are addressed, the peacebuilding process will be superficial and short-lived; for any peacebuilding process where the dispossessed and the marginalized are victimized and their security and justice needs left unaddressed will ultimately be unsuccessful.

Conclusion

The false positives scandal constitutes one of the most shocking global examples in recent years of crimes of the powerful: crimes committed by state actors against the most dispossessed and marginalized members of society. The systematic nature of the crimes and the subsequent pursuit of impunity for representatives of the state, by the military with the support of the Government, further underscore the egregious character of these state crimes. This article argues that criminal accountability for those responsible for these crimes is important, but it is not sufficient. What need to be addressed are the extreme socio-economic inequalities in Colombia and the socio-cultural towards the poor which dehumanize and thereby

deny or justify crimes and other harms against them. This article has argued that these factors helped cause the false positives scandal and leave the poor vulnerable to further exploitation and abuse, and with little recourse to security or justice.

To address these factors, the politics of poverty must be deconstructed, and the violent property relations that permeate Colombian society must be addressed. This is needed in order to help empower those who have been the most vulnerable to violence and exploitation as well as enable them to escape enforced criminalization which has tended to hide crimes against them and delegitimize calls for their security and justice.

Moreover, there is a need to address the prevailing discourse of fear and hatred of the poor, which has led to campaigns for social cleansing of the most vulnerable and needy members of society and similarly paved the way for the false positives scandal. As “other”, as opposed to “the good people”, the poor are discarded, disempowered and their claims – for equality, for protection from violence, for justice – delegitimized. Psychologically, it is necessary to revisit the frequent acceptance, justification or denial (Cohen 2001; Sykes and Matza 1957) of crimes against the poor on the part of those responsible for or witness to such crimes. It is necessary to acknowledge in the words of the mother of one of the victims of the false positives scandal that “[just] because they were poor doesn’t mean they had no right to live” (cited in Vivanco and Schoening 2014).

It is necessary, therefore, to expose the violent and political, rather than innate, character of socio-economic disparities in society and challenge the logic of assigning blame to the poor rather than those who benefit from a highly stratified society. Socio-economic inequalities are, in fact, a useful function of social control (through marginalization and criminalization of the poor) rather than a threat to the social order. The greatest threat to security instead comes from crimes of the powerful, often portrayed as legitimate measures used to control those deemed to be disposable, disorderly or undesirable. There is a need to expose the crimes of the powerful (Barak 2015), in this case, representatives of the state and armed actors. This should be done, in part, through challenging the discourse of social order and control, in other words, questioning who poses threats to order and how they are to be controlled: questioning whether the threat to society lies from those who are portrayed as disposable or undesirable or from those who kill the most vulnerable members of society and others who justify, deny or ignore such crimes.

To create a sustainable peace there is, furthermore, a need for a more inclusive and egalitarian society and, to achieve that, more inclusive peacebuilding. *Paz territorial* (territorial peace or “peace from the ground up”) should respond to the specific needs of different regions and different communities (Jarimillo 2014). Special efforts need to be made to ensure the most marginalized and dispossessed are meaningfully engaged in the peacebuilding process, as well as those who have

particularly suffered as a result of the conflict, which must include the poor (Sanchez 2016). This is not least to ensure their security, justice and socio-economic needs are addressed. For, unless those who are the most marginalized and disadvantaged benefit from improved security, justice and socio-economic opportunities in post-conflict Colombia, peace will be shallow and short-lived.

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References

- Acemoglu, D., Fergusson, L., Robinson, J., Romero, D. and Vargas, J. (2016) "The Perils of Top-Down State Building: Evidence from Colombia's False Positives", MIT Department of Economics Working Paper No. 16-07, 29 August. Available online at <https://ssrn.com/abstract=2835185> (accessed 23 November 2016).
- Acemoglu, D., Fergusson, L., Robinson, J., Romero, D. and Vargas, V. (2014) "How Not to Build a State: Evidence from Colombia's False Positives", 36th Meeting of the Brazilian Econometric Society, Natal, Brazil, 10 December. Available online at http://scholar.harvard.edu/files/jrobinson/files/false_positives_brazil.pdf (accessed 12 August 2016).
- Alsema, A. (2012) "False Positives", *Colombia Reports*, 14 August. Available online at <http://colombiareports.com/false-positives/> (accessed 26 July 2016).
- Alsema, A. (2016) "Colombia Government and FARC Rebels Confirm Historic Ceasefire", *Colombia Reports*, 22 June. Available online at <http://colombiareports.com/colombia-government-farc-rebels-confirm-ceasefire-deal> (accessed 8 July 2016).
- Amnesty International (2016) *Amnesty International Report 2015/16: The State of the World's Human Rights*. London: Amnesty International. Available online at <https://www.amnesty.org/en/documents/pol10/2552/2016/en/> (accessed 12 August 2016).
- Amnesty International (2017) *Amnesty International Report 2016/17: The State of the World's Human Rights*. London: Amnesty International. Available online at <https://www.amnesty.org.au/annual-report-2016-17> (accessed 14 June 2017).
- Barak, G. (2015) "Introduction: On the Invisibility and Neutralization of the Crimes of the Powerful and Their Victims", in G. Barak, ed, *Routledge International Handbook of the Crimes of the Powerful*. Oxon: Routledge.
- Bauman, Z. (1991) *Modernity and Ambivalence*. New York, NY: Cornell University Press.
- BBC (2016) "Colombia Farc: Ceasefire Signed to End Five Decades of War", *BBC News*, 23 June. Available online at <http://www.bbc.co.uk/news/world-latin-america-36611952> (accessed 11 July 2016).
- Bouvier, V. and Haugaard, L. (2016) "Colombia's Peace Accord on the Missing", USIP Peace Brief 211, July. Washington, DC: United States Institute of Peace (USIP). Available online at <http://www.usip.org/publications/2016/07/25/colombia-s-peace-accord-the-missing#.V5ZS9Jsj1-Q>. twitter (accessed 28 July 2016).

- Box, S. (1983) *Power, Crime and Mystification*. London and New York, NY: Routledge.
- Centro Nacional de Memoria Histórica (2013) *¡BASTA YA! Colombia: Memorias de guerra y dignidad*. Informe General Grupo de Memoria Histórica. Bogotá, Colombia: Centro Nacional de Memoria Histórica. Available online at <http://www.centrodememorialhistorica.gov.co/descargas/informes2013/bastaYa/BYColombiaMemoriasGuerraDignidadAgosto2014.pdf> (accessed 19 July 2016).
- Chauhan, A. and Foster, J. (2014) "Representations of Poverty in British Newspapers: A Case of 'Othering' the Threat?", *Journal of Community & Applied Social Psychology* 24(5): 390–405.
- Cohen, S. (2001) *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity Press.
- Daniels, J. (2016) "Losing Hope", *VICE News*, 21 November. Available online at <https://news.vice.com/story/victims-of-colombias-false-positive-scandal-lose-hope-for-justice> (accessed 25 November 2016).
- De Beauvoir, S. (2011) *The Second Sex*. New York, NY: Vintage Books.
- Drakulic, C. (1993) *The Balkan Express: Fragments from the Other Side of the War*. New York, NY: W.W. Norton.
- Escobar, A. (2011) *Encountering Development: The Making and Unmaking of the Third World*. Princeton: Princeton University Press.
- Esparza, M., Huttenbach, H. and Feierstein, D. (2010) (eds) *State Violence and Genocide in Latin America: The Cold War Years*. London and New York, NY: Routledge.
- Eventon, R. (2012) "The War on Colombia's Poor". Amsterdam: Transnational Institute. Available online at <https://www.tni.org/en/article/war-colombias-poor> (accessed 19 August 2016).
- FARC (2008) "Farc-EP confirma muerte de Marulanda a través de un comunicado" [FARC-EP Confirms Death of Marulanda through a Statement]. *Rebelión*. Available online at <http://www.rebelion.org/noticia.php?id=67904> (accessed 10 August 2016).
- Foreign & Commonwealth Office (FCO) (2016) "Colombia: In-Year Update December 2015", Corporate Report, 21 April. London: Foreign & Commonwealth Office (FCO), UK Government. Available online at <https://www.gov.uk/government/publications/colombia-in-year-update-december-2015/colombia-in-year-update-december-2015> (accessed 12 August 2016).
- Galarza, J. (2016) "FARC Peace Deal Lets Colombian Military off the Hook, Human Rights Watch Claim", *Panam Post*, 25 November. Available online at <https://panampost.com/julian-villabona/2016/11/25/farc-peace-deal-lets-colombian-military/> (accessed 30 November 2016).
- Gill, S. (2016) "Why Colombia's Former Army Chief Is Facing up to 40 Years in Prison", *Colombia Reports*, 29 March. Available online at <http://colombiareports.com/former-colombia-army-commander-facing-40-years-prison/> (accessed 26 July 2016).
- Gillin, J. (2015) "Understanding the Causes of Colombia's Conflict: Inequality", *Colombia Reports*, 7 January. Available online at <http://colombiareports.com/understanding-colombias-conflict-inequality/> (accessed 18 August 2016).
- Gordon, E. (1998) *The Nomadic Scapegoat: The Criminalisation and Victimisation of Gypsies*. Doctoral Thesis. Bangor: University of Wales.
- Graham, T. (2016) "Colombia's 'Social Cleansing' Phenomenon: Exterminating People Like Bugs", *Colombia Reports*, 21 April. Available online at <http://colombiareports.com/social-extermination-undesirables-colombia/> (accessed 26 August 2016).
- Gunewardena, N. (2009) "Pathologizing Poverty: Structural Forces versus Personal Deficit Theories in the Feminization of Poverty", *Journal of Educational Controversy* 4(1): 1–11.
- Hall, S., Jefferson, T., Critcher, C., Clarke, J. and Roberts, B. (1978) *Policing the Crisis*. London: Macmillan.
- Human Rights Watch (HRW) (1994) *Generation under Fire: Children and Violence in Colombia*. New York, NY: Human Rights Watch (HRW). Available online at <https://www.hrw.org/reports/1994/colombia/genertoc.htm> (accessed 13 August 2016).

- Human Rights Watch (HRW) (2015) *On Their Watch: Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia*. New York, NY: Human Rights Watch (HRW). Available online at <https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-army-officers-responsibility-false-positive-killings> (accessed 25 July 2016).
- Human Rights Watch (HRW) (2016a) "Colombia: Disqualify Criminal Suspects from Army Promotions", 28 March. New York, NY: Human Rights Watch (HRW). Available online at <https://www.hrw.org/news/2016/11/10/colombia-disqualify-criminal-suspects-army-promotions> (accessed 25 November 2016).
- Human Rights Watch (HRW) (2016b) "Colombia: Prosecution of False Positive Cases under the Special Jurisdiction for Peace", 28 March 2016. New York, NY: Human Rights Watch (HRW). Available online at <https://www.hrw.org/news/2016/03/28/colombia-prosecution-false-positive-cases-under-special-jurisdiction-peace> (accessed 27 July 2016).
- Inter-American Commission on Human Rights (IACHR) (2016a) "Follow up on the Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia", 2015 Annual Report. Washington, DC: IACHR. Available online at <http://www.oas.org/en/iachr/docs/annual/2015/doc-en/InformeAnual2015-cap5-Colombia-EN.pdf> (accessed 2 August 2016).
- Inter-American Commission on Human Rights (IACHR) (2016b) "IACHR Takes Case Involving Colombia to the Inter-American Court", IACHR Press Release, 2 May 2016. Available online at http://www.oas.org/en/iachr/media_center/PReleases/2016/058.asp (accessed 1 December 2016).
- Internal Displacement Monitoring Centre (IDMC) (2016) *Global Report in Internal Displacement*. Geneva: Internal Displacement Monitoring Centre (IDMC). Available online at <http://www.internal-displacement.org/assets/publications/2016/2016-global-report-internal-displacement-IDMC.pdf> (accessed 19 July 2016).
- International Criminal Court (ICC) (2012) *Situation in Colombia: Interim Report*. The Hague: The Office of the Prosecutor, International Criminal Court. Available online at <https://www.icc-cpi.int/NR/rdonlyres/3D3055BD-16E2-4C83-BA85-35BCFD2A7922/285102/OTPCOLOMBIAPublicInterimReportNovember2012.pdf> (accessed 28 July 2016).
- International Federation for Human Rights (FIDH) (2012) *Colombia: The War Measured in Litres of Blood—"False-Positives", Crimes against Humanity: The Impunity of the Most Responsible*. Paris: FIDH. Available online at https://www.fidh.org/IMG/pdf/rapp_colombie__juin_2012_anglais_def.pdf (accessed 25 July 2016).
- International Federation for Human Rights (FIDH) (2016) "Colombia: First General to Be Detained for "False Positives". When Will There Be More Detentions?", Paris: FIDH. Available online at <https://www.fidh.org/en/region/americas/colombia/colombia-first-general-to-be-detained-for-false-positives-when-will> (accessed 26 July 2016).
- Isacson, A. (2013) "The Human Rights Landscape in Colombia", Written Testimony of Adam Isacson, Senior Associate for Regional Security Policy, Washington Office on Latin America (WOLA), Hearing of Tom Lantos Human Rights Commission: "Creating Peace and Finding Justice in Colombia", United States Congress, 24 October. Available online at https://www.wola.org/files/131020_tlhrc_isacson.pdf (accessed 25 November 2016).
- Jarimillo, S. (2014) "Territorial Peace", Speech Delivered by Sergio Jaramillo, High Commissioner for Peace, at Harvard University, 13 March 2013. Edited Version Available online at <http://www.lse.ac.uk/IDEAS/images/events/15-05-12-Colombian-Peace-Event/4-Territorial-Peace-in-Colombia--High-Commissioner-for-Peace.pdf> (accessed 8 September 2016).

- Landmine & Cluster Munitions Monitor (2016) "Colombia", Country Profile. Geneva: Landmine & Cluster Munitions Monitor. Available online at <http://www.the-monitor.org/en-gb/reports/2016/colombia/casualties-and-victim-assistance.aspx> (accessed 19 July 2016).
- Lyons, A. and Reed-Hurtado, M. (2010) "Colombia: Impact of the Rome Statute and the International Criminal Court", ICTJ Briefing. New York, NY: The International Center for Transitional Justice (ICTJ). Available online at <https://www.ictj.org/sites/default/files/ICTJ-Colombia-Impact-ICC-2010-English.pdf> (accessed 27 July 2016).
- Maldonado, A. (2016) "Early Lessons from the Colombian Peace Process", Working Papers, 1/2016. London: LSE Global South Unit.
- Mertus, J. and Helsing, J. (2006) (eds) *Human Rights and Conflict: Exploring the Links between Rights, Law, and Peacebuilding*. Washington, DC: United States Institute of Peace (USIP).
- Miroff, N. (2015) "Colombian Army Killed Civilians to Fake Battlefield Success, Rights Group Says", *The Washington Post*, 24 June. Available online at https://www.washingtonpost.com/world/the_americas/colombian-army-killed-civilians-to-fake-battlefield-success-rights-group-says/2015/06/23/5e83700e-191d-11e5-bed8-1093ee58dad0_story.html (accessed 9 August 2016).
- Monsalve, J. (2015) "La otra Colombia salvaje" [The Other, Barbaric Colombia], *Verdad Abierta*, 23 November. Available online at <http://www.verdadabierta.com/justicia-y-paz/10-anos-de-justicia-y-paz/6089-la-otra-colombia-salvaje> (accessed 14 August 2016).
- Murphy, H. (2016) "Colombian Peace Deal Passed by Congress, Ending 52-Year War", *Reuters*, 30 November. Available online at <http://www.reuters.com/article/us-colombia-peace-idUSKBN13PID2> (accessed 1 December 2016).
- Novelli, M. (2007) "Sintraemcali and Social Movement Unionism: Trade Union Resistance to Neo-Liberal Globalisation in Colombia", in A. Gamble, S. Ludlam, A. Taylor and S. Wood, eds, *Labour, the State, Social Movements & the Challenge of Neo-Liberal Globalisation*. Manchester and New York, NY: Manchester University Press.
- O'Driscoll, A. (2011) "Colombian Soldiers Paid \$500 for Victims to Boost Kill Counts: Testimony", *Colombia Reports*, 5 December. Available online at <http://colombiareports.com/false-positives-recruiter-received-500-per-victim/> (accessed 9 August 2016).
- Ordoñez, J. (1995) *No Human Being Is Disposable: Social Cleansing, Human Rights, and Sexual Orientation in Colombia*. Washington, DC: Colombia Human Rights Commission.
- Pettersen, S. (2010) "In Colombia the Price of a Life Is \$770", *Writing about War*, 11 May. Available online at <http://thanassiscambanis.com/sipa/?p=90> (accessed 25 July 2016).
- Rueda, L. (2016) "One Step Closer to Peace in Colombia: Implications for Accountability", Centre for International Criminal Justice (CICJ) Commentary. Amsterdam: Centre for International Criminal Justice (CICJ). Available online at <https://cicj.org/2016/06/one-step-closer-to-peace-in-colombia-implications-for-the-accountability-for-international-crimes/> (accessed 27 July 2016).
- Said, E. (1978) *Orientalism*. New York, NY: Patheon Books.
- Sanchez, G. (2016) "Integrating Afro-Colombian and Indigenous Rights", Updates from WOLA, 21 March. Washington, DC: Washington Office on Latin America (WOLA). Available online at <http://colombiapeace.org/2016/03/21/integrating-afro-colombian-and-indigenous-rights/> (accessed 28 July 2016).
- Sayer, A. (2005) *The Moral Significance of Class*. Cambridge: Cambridge University Press.
- Schwartz, E. (1996) "Getting Away with Murder: Social Cleansing in Colombia and the Role of the United States", *The University of Miami Inter-American Law Review* 27(2): 381–420. Available online at <http://repository.law.miami.edu/cgi/viewcontent.cgi?article=1367&context=umialr> (accessed 14 August 2016).

- Stewart, F. (2010) "Horizontal Inequalities as a Cause of Conflict: A Review of CRISE Findings", World Development Report 2011 Background Paper. Washington, DC: World Bank. Available online at http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Stewart.pdf (accessed 6 June 2016).
- Stewart, J. (2015) "Transitional Justice in Colombia and the Role of the International Criminal Court", Presentation by Mr. James Stewart, Deputy Prosecutor of the International Criminal Court, at the Conference on Transitional Justice in Colombia and the Role of the International Criminal Court, Bogotá, Colombia, 13 May. Available online at <https://www.icc-cpi.int/iccdocs/otp/otp-stat-13-05-2015-ENG.pdf> (accessed 25 November 2016).
- Sykes, G. and Matza, D. (1957) "Techniques of Neutralization: A Theory of Delinquency", *American Sociological Review* 22(6): 664–670.
- United Nations (UN) (2016) "In Havana, Ban Hails Colombia Ceasefire Pact as Example of Peace with Dignity", *UN News Centre*, 23 June. Available online at <http://www.un.org/apps/news/story.asp?NewsID=54312#.V4OTCP1TGUm> (accessed 11 July 2016).
- UN Human Rights Council (2009) "Statement by Philip Alston, UN Special Rapporteur on Extrajudicial Executions, Mission to Colombia 8-18 June 2009", UN Press Release, 18 June. Available online at <http://reliefweb.int/report/colombia/statement-professor-philip-alston-un-special-rapporteur-extrajudicial-executions> (accessed 27 July 2016).
- UNOHCHR (2010) "Report of the Office of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia", A/HRC/14/24/Add.2, 31 March. Available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/132/35/PDF/G1013235.pdf?OpenElement> (accessed 25 July 2016).
- UNOHCHR (2015) "Report of the UN High Commissioner for Human Rights on the Situation of Human Rights in Colombia", A/HRC/28/3/Add.3, 23 January. http://www.hchr.org/c/documentoseinformes/informes/altocomisionado/A_HRC_28_3_Add_3_ENG.pdf (accessed 25 July 2016).
- UNOHCHR (2016) "Annual Report of the United Nations High Commissioner for Human Rights, Addendum: Situation of human rights in Colombia", A/HRC/31/3/Add.2, 15 March, Advanced Unedited Version. Available online at www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_3_Add_3_ENG.doc (accessed 12 August 2016).
- Velasco, H. and Rodriguez, C. (2016) "FARC, Colombian Government Strike New Peace Deal", *Agence France-Presse (AFP)*, 13 November. Available online at <https://www.yahoo.com/news/farc-colombian-govt-strike-peace-deal-referendum-rejection-233548393.html> (accessed 22 November 2016).
- Vivanco, J. (2016) "Letter to President Santos on the New Peace Agreement with the FARC", 22 November. Washington, DC: Human Rights Watch (HRW). Available online at <https://www.hrw.org/news/2016/11/23/letter-president-santos-new-peace-agreement-farc> (accessed 25 November 2016).
- Vivanco, J. and Schoening, M. (2014) "Colombia's Compromise with Murder", *The New York Times*, 12 November. Available online at http://www.nytimes.com/2014/11/13/opinion/colombias-compromise-with-murder.html?_r=3 (accessed 8 September 2016).
- Volkman, C. (2012) "Evaluating the Impact of Human Rights Work: The Office of the United Nations High Commissioner for Human Rights and the Reduction of Extrajudicial Executions in Colombia", *Journal of Human Rights Practice* 4(3): 396–460.
- Washington Office on Latin America (WOLA) (2015) "English Summary of the September 23 Government-FARC Communiqué on the Transitional Justice Accord", Updates from WOLA, 23 September, Washington, DC: WOLA. Available online at <http://colombiapeace.org/2015/09/23/english-summary-of-the-september-23-government-farc-communique-on-the-transitional-justice-accord/> (accessed 27 July 2016).

- Washington Office on Latin America (WOLA) (2016) “Key Changes to the New Peace Accord”, Updates from WOLA, 15 November. Washington, DC: WOLA. Available online at <http://colombiapeace.org/2016/11/15/key-changes-to-the-new-peace-accord/> (accessed 24 November 2016).
- Wilkinson, D. (2016) “How Santos Tarnished His Peace Prize”, *Financial Times’ Beyondbrics Blog*, 15 December. Available online at <http://blogs.ft.com/beyond-brics/2016/12/15/how-santos-tarnished-his-peace-prize/> (accessed 15 December 2016).
- Wood, R. (2009) “Understanding Colombia’s False Positives”, Oxford Transitional Justice Research Working Paper Series 1, University of Oxford, 14 July. Available online at <https://www.law.ox.ac.uk/sites/files/oxlaw/woodfin1.pdf> (accessed 21 November 2016).
- World Bank (2016) *Gini Index*. Washington, DC: World Bank. Available online at <http://wdi.worldbank.org/table/2.9#> (accessed 9 August 2016).
- Zwehl, P. (2014) “Flyer Warns of Imminent ‘Social Cleansing’ in Bogota, after Similar Threat Issued in Medellin”, *Colombia Reports*, 30 January. Available online at <http://colombiareports.com/second-group-announces-social-cleansing-colombias-capital-bogota/> (accessed 8 September 2016).