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Constructions of the *Violent* State: The case of Extrajudicial Executions of civilians by state military forces in Antioquia, Colombia

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Abstract

This dissertation seeks to expose the relationships between State and Violence in the cases of extrajudicial executions that occurred massively during Álvaro Uribe's Presidential tenure, showing how Democratic Security policy represents the framework of such legitimization. In this sense, it puts at stake the classical definitions of the State concerning the monopoly of the use of force by posing the following question at the center of the debate: Is it only the legal use of force that the State controls? It will be based on a case study of extrajudicial executions which occurred in the Eastern Antioquia region of Colombia and then it will analyze the discourses of various state agents about the cases, to show the patterns of creation of a combat scenario for the illegal killings and to analyse the official responses as denial discourses regarding the cases nationwide. Data have been collected from newspapers, magazines, reports from State agencies, NGOs and from the United Nations Special Rapporteur on extrajudicial executions. The above patterns of State responses and the cases themselves show how legality is constructed and legitimized in violent ways in regarding extrajudicial executions cases in Colombia: by silencing the context, dealing with bodies and how they are recovered and counted, denying the facts, and denying the victims.

Key words

State Violence; Colombia; Extrajudicial Executions; Military; Margins of the State; Denial

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"Acá hay un reporte del ejército que dice que el ejército los mató, pero que ellos eran guerrilleros. Dije yo: Guerrilleros? Mi hijo no es ningún guerrillero y así me toque morirme, hacer lo que sea, pero voy a buscarme las pruebas que más pueda y las llevo a la fiscalía de que el hijo mío no era ningún guerrillero"
**La Paisa, madre de Andrés Palacios "El Paisita",
 víctima de Soacha**

"Here is an Army report that says the army killed them, but they were guerrilla members. I said: Guerrilla members? My son is not a Guerrilla member and even if I have to die, do whatever it takes, I will search all the evidence I can and taken to the prosecutor as proof that my son was not a rebel"
**La Paisa, mother of Andrés Palacios "El Paisita",
 victim from Soacha**

Introduction¹

In the midst of diverse violences that coexist in Colombia and that degrade its internal armed conflict, emerge the badly-named "false positives" (*falsos positivos*). These are "unlawful killings of civilians, staged by the security forces to look like lawful killings in combat of guerrillas or criminals" (Alston 2010, p. 8). The term positive (*positivo*) refers to Military forces slang used to name the cases in which they have killed or arrested an alleged combatant of any non-state armed group. Such practices involve extrajudicial, summary or arbitrary executions in terms of International Humanitarian Law which may also amount to a war crime –Willful Killings – committed by a person by or with the direct support of the State.²

With the implementation of the Colombian government's Democratic Security Policy, the number and victims of these cases started to be dramatically publicized in 2008 in the mass media after the revelation of the disappearance and subsequent killing of 11 young men from Soacha, Cundinamarca. They were found in a mass grave in *Ocaña, Norte de Santander*, after being reported as guerrilla members who had died in combat. The wide media attention that these reports generated, along with the insistence of the victims' mothers and relatives, the intervention of Non-Governmental Organizations (NGOs) civil society organizations and even of some state agents – such as the regional ombudsman of Soacha (*Personero de Soacha*) – contributed to the rapid diffusion of the infamous events and as a result, more victims' allegations became widely publicized in the country. The main argument was the claim that these young people were neither guerrillas nor criminals.

The Soacha cases are just a few of the many others reported through the country. Hence, the visit and the investigation carried in June 2009 by the United Nations Special Rapporteur on extrajudicial executions for Colombia, Philip Alston, enabled him to say "(...) while the Soacha killings were undeniably blatant and obscene, my investigations show that they were but the tip of the iceberg" (Alston 2009, p. 2). In his later report to UN General Assembly Alston asserted that "It is clear from my investigations that members of Colombia's security forces have committed a

¹ All the quotations from reports, newspapers, magazines and other documents in Spanish have been translated to English by the author.

² For a complete definition see Rome Statute Article 8.2 (i) Willful killing (United Nations 1999-2002). However, extra-judicial execution and enforced Disappearances often go hand in hand, constituting a complex crime (Nyamuya 2002). Enforced disappearances entail the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time". Art. 7.2 (i), (ibid). This will be discussed in more detail in section 3.

significant number of unlawful killings and that the *falsos positivos* pattern has been repeated around the country" (Alston 2010, p. 9). One of the highest figures in the country comes from the province of Antioquia, within which the Eastern Antioquia region (*Oriente Antioqueño*) in turn presents the highest figure.

Taking this context into account, this thesis is focused on the institutional use of force which moves beyond legality but also sets it up. Such use constitutes an instance of the relationships between State and Violence in which the illegal events analyzed were staged to present them as legal in order to maintain the legitimacy of the activities of the Military forces. Thus, I aim to explore the relationships between the State and Violence in the specific context of the extrajudicial executions that happened in the Eastern Antioquia region (*Oriente Antioqueño*).

In order to understand the previous analysis the thesis will approach and study this region's cases and the circumstances in which they have been taking place. This will be done by analyzing a case study based on documents.³

The Eastern Antioquia region was selected for the case study because the analysis of the cases provides a perspective for analyzing other cases in the country, even though there are some specific differences according to the particularities of the conflict in each zone. The facts throughout the country are so similar and result in very similar outcomes: the intensification of special operations for the consolidation of democratic security based on the fight against a specific *enemy* in certain parts of the country and the achievement of rewards.

The relationship between the State and Violence in the cases of extrajudicial executions needs to be thematized and exposed in order to understand the complexities of law in contexts in which the State itself is moving between the borders of legality and illegality by means of different uses of violence: those embodied in the practices for creating a combat scenario for the illegal killings and the responses provided by the State regarding the problematic of extrajudicial executions nationwide.

This thesis adopts the perspective that legality is also constructed and legitimized in violent ways: denying the facts, denying the victims, silencing the context and dealing with bodies and how they are recovered and counted. It will provide a possibility for analyzing how legality is constructed in a specific conjuncture in which the State and Violence are closely related to each other in the specific political context of Álvaro Uribe's Presidential tenure, showing how the Democratic Security policy represents the framework of such legitimization.

In this sense, it puts at stake the classical definitions of the State concerning the monopoly of the use of force by posing the following question at the center of the debate: Is it only the *legal* use of force that the State controls? Framing the question in this way, that is by suggesting that there is more than one kind of state force apart from the legal one, will reveal that the reasons for extrajudicial executions reflect the situation that the control of force is defined by its excesses. Furthermore, the aim will be to demonstrate that the definitions and justification of the uses of force by State security forces are constructed in the very events in which force is deployed, enabling State agents to elaborate discursive ways for managing the characteristics of and the accountability for these activities.

As these assertions show, the Colombian context offers a different background of the development of the state and it calls for a reexamination of the European state tradition, in contrast with the ideas and contexts on the basis of which the state has been studied in other latitudes.

³ Documents used for this research are newspapers, magazines, reports from State agencies, NGOs and United Nations Special Rapporteur on extrajudicial executions, which come from different and contrasting sources.

To achieve the above aims, this thesis will be divided into four sections. In the first part the state will be put at stake by analyzing different approaches that develop the relations between the State and Violence. Then, I will give a brief account of the historical background of the violence in Colombia which will provide the general context for the specific case of extrajudicial executions in Eastern Antioquia Region and its analysis. For these purposes I will first analyze the mass media coverage of the case and an NGO approach, followed by the responses of the government and other state agents to those approaches. Finally, I will draw some conclusions from the perspective of the Violent state as a way of uncovering the assumptions related to the classical approaches about the State and Violence and the significance of the margin as the space from which it is possible for victims' relatives to express themselves against the criminality of the law.

1. Constructions of the Violent State: The State at stake

In this section some approaches to the relations between the State and Violence will be discussed and analyzed to then present the chosen theoretical grounds based on which the cases of extrajudicial executions and state responses to them will be read.

It is common in social sciences, especially in political sciences and legal studies, to define the State's existence mainly in terms of the protection or deployment of force within a territory, or in its relations controlled through violent means to achieve certain goals, and its ability to establish the power to punish those who use force without an authorization from the State itself (Weber 1957, Benjamin 1927, Nozick 1974 cited in PNUD 2003, Abrams 1988 cited in Sharma and Gupta 2006). These assumptions are theoretical ones and have a sort of *a priori* effect in the idea of the state *over* society (Das and Poole 2004). Nonetheless, these perspectives are very relevant if we wish to reconfigure state analysis from the assumptions that underpin it and the performance of its institutions and officers.

The idea of different kinds of force, violence or power that the State controls, when we talk about the monopoly of force, implies the need to locate oneself in the legal and historical conditions that made it possible (Benjamin 1927). It is necessary, then, to explore the State from a contrast between its theoretical understanding and the everyday practices that are taking place and which are putting at stake order as one of its theoretical ends (Arendt 1970, Weber 1957).

Talking about a *Violent State* makes it necessary to bring the notion of state back to an analysis of its main features so as to put them at stake. An instance of this sort of analysis will be done by taking into account practices such as extrajudicial executions. This makes it possible to assert that state configurations are relying on an extensive kind of practice that necessarily shape it even from the concept of force.

Based on the previous considerations, it is important not to encapsulate the uses of the concepts of force/violence/power with an essentialist idea about legality/illegality or proportionality/disproportionality, because the uses of force by the State are better readable in the blurred boundaries of these categories, as the extrajudicial execution cases are able to show.

These cases show that the notion of the state is not a fixed concept. On the contrary, it is a constant construction. For this reason it is crucial that any analysis of the uses of force by the state should show the scenarios, practices and social actors in which force is used to see how the state is represented.

Thus, it is necessary to consider the relationship between the State and Violence to give them a meaning in the context of Colombian governments, particularly that of President Uribe, without ignoring the context of the Colombian internal armed conflict for over four decades. In this context, even if there has not been a formal declaration of a state of emergency, there are spaces that involve an ongoing

suspension of law, by means of exceptional measures, as will be show in the cases, but it has created a whole picture of violence and conflict from a Colombian government policy that directs the assertive use of force, which promises to save democracy.

It is important to note that it is the Colombian government measures that are presented as exceptional rather than the regime that allows them. They are presented as military operations in the framework of democratic security, but as exceptional in the sense of what they will allow, that is to defeat terrorism. This action must be strong, and the sample of results confirms the need to continue with what is being done. It is not a state of emergency in the legal technical sense of the term, but the exception as the place/situation in which the law is built in its suspension and as such determines the circumstances of this obliteration.

Thus, the concept of *margin of the State* (Das and Poole 2004) will be used for reading the political and geographical context of extrajudicial execution cases in Eastern Antioquia Region, as well as the patterns for their materialization. The margin is the site of practice where “the state is constantly refounding its modes of order and lawmaking” (Das and Poole 2004, p.7).

The margin is located in terms of the boundaries built from the perspective of state order-making. Hence, the margin also entails the necessity to see those who inhabit it. The subjects in the margin are individuals who suffer a reconstituting process through the implementation of new regulations.

In the case of Colombian extrajudicial execution practices, fighting against an enemy in zones where territorial control needs to be recovered by the State justifies strong interventions and, at the same time, shows how the enemy is materially and discursively built through legality (Fitzpatrick 2001 cited in Das and Poole 2004). In this way, the margin emerges as a crucial space in which the State legitimizes its own uses of force.

It is important to note that the uses of violence that are instantiated in the cases of extrajudicial executions in Colombia require an analysis that doesn't choose dichotomies, but reads the categories which underpin the practice of the State. The killing in cold blood of citizens and even of guerrilla members, paramilitary and / or criminal actors that are not in combat, to then present them as legitimate targets by constructing a legal scenario such as a combat, symbolizes how the law is built in the very act of murder. So reading these actions requires also to insist that the Law's very foundations in Colombia are built materially upon the uses of violence, and therefore this is a scenario that requires not just uncovering the historical conditions that gave rise to it, but also those practices that can support them.

In these relationships between the State and Violence, in addition to the patterns of extrajudicial executions of extrajudicial executions, legality also has been reinforced by institutional discourses of denial of the victims or statements that even though the cases exist, they are not equivalent to the excessive amount of complaints.

This second aspect of the relationship between the State and Violence will be analyzed drawing on the ideas of Official Denial (Cohen 2001) and the instruments of State tyranny (Nyamuya 2002) to analyze how some of the discourses from state officers undermine the suffering of victims and deepen it, in contrast to the suffering of others, and also the reconstruction of political and legal denials of the facts and the genealogy of their occurrence.

For Stanley Cohen (2001), official denial consists of the forms in which governments respond to massive violations to human rights. These forms “do not assert that the event did not happen. They seek to negotiate or impose a different construction of the event from what might appear the case” (Cohen 1993 cited in Whyte 2009, p. 147). Section four will draw on the concepts of interpretive denial, partial acknowledgment and denial of the victims (Cohen 2001) regarding the

discursive responses given by different state agents to specific events developed after the Soacha cases were uncovered.

In relation to State Tyranny, Nyamuya (2002) talks about how forced disappearances and extrajudicial executions are often simultaneously presented through formal and informal practices of states, even when they happen in democratic regimes, as in the case of Colombia. However, the latter reveals, at the same time, the formality of this democracy and the necessity of going beyond the labels to understand the commission of extrajudicial executions. For this purpose, Nyamuya presented three main aspects that delineate institutional State Tyranny, which are: i) Organizational complexity; ii) the Iron Curtain of Secrecy and iii) Immunity to judicial process. These three aspects encompass the whole process through which the State implements sophisticated techniques to obscure and make difficult the investigation of the facts and then shield the state security forces from the denunciations of activist organizations and victims' relatives, including the legal issues involved in the prosecution of military agents (Nyamuya 2002), as will be seen in section four.

Accordingly, it is possible to approach the concept of the violent state not as a contradiction, but as a tautology, that is to say, violence as a fundamental phenomenon for the construction and operation of the Colombian state, as exemplified by the extrajudicial executions in Eastern Antioquia Region.

2. Background to Extrajudicial Execution Cases: Colombia and the Democratic Security Policy 2002-2010

In this section I will first give a brief account of the historical process of armed conflict and then explain the main features of Democratic Security Policy implemented since 2002 during Alvaro Uribe's government. After this, I will show how the necessity to recover territorial control created some territories as spaces for special military operations, constructing in this way a margin in which some practices were formulated for demonstrating results, as will be explained in the next section.

Colombia has been suffering an internal armed conflict for more than five decades. Throughout all its phases until now, three main illegal armed actors can be traced: the main guerrillas groups, FARC –*Fuerzas Armadas Revolucionarias de Colombia*- and ELN –*Ejército de liberación Nacional*-, and the paramilitary groups AUC -*Autodefensas Unidas de Colombia*- which acted as a proxy of the State's Armed Forces themselves. The illegal activities of State Armed forces should also be considered when examining the illegality of the executions (Semana 2007). It is necessary to take into account the complexity of the factors inherent in the development of this conflict in order to understand its changes and the role and involvement of each of the actors that intervenes in it.

This context is very relevant in terms of understanding the changes in its management that have been asserted during Alvaro Uribe's government. The framework of Colombian armed conflict is specially convoluted "(...). Formulations used include portraying it as an, "eight-faced monster" which can be attributed to three specific circumstances.. First, the multiplicity of actors involved—guerrillas with diverse forms of Marxist allegiances, paramilitary groups with different origins, drug lords as well as smaller and medium-sized traffickers, and an array of different state actors. .Second, a variety of geographical, historical, cultural, and ethnic settings in which the war is being waged; and third, the complications caused by the exceptionally long duration of the various confrontations" (Díaz 2007, p. 2).

The internal armed conflict has its roots in 1950 with the bipartisan clashes between the Liberals and Conservatives for political power. This period is known as The Violence (*La Violencia*) and the killings occurred in large numbers. As an attempt to stop it, the two political parties made an agreement for sharing

governmental power, taking turns to exert it. This agreement is known as the National Front (*Frente Nacional*).

Although urban violence diminished as a result of this agreement, in the countryside the violence remained, because the National Front could not demobilize the Guerrillas there because of the social component of the latter: "Even though peasant guerrilla groups started as self-defense organizations they always had social goals, specially marked by the land reform in the country. After the National Front, these guerrillas groups intensified their revolutionary character and started to fight for political power" (PNUD 2003, p. 28). Nonetheless, it is important to take into account that the nature of this internal conflict has been very controversial in social science studies. Additionally, these guerrillas groups became FARC in joining with the PCC (Colombian Communist Party), which was excluded from the National Front (PNUD, 2003).

The emergence of paramilitary groups, however, has been different. It can be traced to 1960, when the State allowed armed civilian militias. But the strongest activity of these initial self-defense groups increased in the 80's and 90's, when they were created "under the auspices of the official military forces, to defend the persons and properties of landowners, wealthy ranchers and merchants from the action of the Marxist guerrillas" (Díaz, 2007, p. 3). Hence, the Paramilitarism project differs from the Guerrillas because its political aims do not include opposition to the *status quo*.

Indeed, paramilitary forces operate with the awareness and sometimes, with the support of State military forces. This joint activity is publicly known nowadays, as Díaz (2007, p. 4) points out: "In many cases, the paramilitary fronts conducted joint operations with official military battalions, or counted on open or implicit cooperation of military, police, and intelligence forces. Indeed, the Inter-American Court of Human Rights recently addressed allegations of collusion between paramilitary fronts and state security forces. In five cases, the Court declared the state of Colombia responsible for human rights violations involving paramilitary and state actors".

With the emergence and development of the different long-term scales of conflict and its actors, each government has attempted various measures to resolve it. One of the main attempts to develop peace negotiations with the FARC guerrilla was developed during the Andrés Pastrana government (1998-2002), but it failed.

In 2002 Álvaro Uribe Vélez became the president of Colombia by conducting a campaign focused on the idea of recovering stability mainly in terms of national security. He implemented this idea through the *Democratic Security* policy, which insists on "recovering order and security" as "cardinal requirements for the validity of liberties and human rights" (Presidencia de la República and Ministerio de Defensa 2003, p. 5). He added that

"Security is understood at first glance not as State security, neither as citizen security without the state's concurrence, but as the protection by the State of the citizen and of democracy with the cooperation, solidarity and commitment of the whole society. Hence, Democratic Security is founded on three pillars: protection of the human rights of all citizens; protection of values, plurality and democratic institutions; solidarity and cooperation of all citizenry" (Ibid., p. 13).

Another relevant aspect of this policy has to do with the issue of rewards. As security relies on everyone, not just on the State, society must provide its own encouragement: cooperants and informants are two important features of this policy which aims to prevent terrorist attacks or capture members of illegal armed groups (Presidencia de la República and Ministerio de Defensa 2003). But this shift towards rewards was also implemented for public servants, such as State military forces. The system of incentives that functions inside military structures was set up by some Ministerial Directives such as 029/2005, which regulates a system of

rewarding those who capture or kill in combat guerrilla leaders, and Decree 1400/2006, which creates a Bonus System for state security force members who participate in Operations of National Importance (*Bonificación por Operaciones de Importancia Nacional*). Both these Directives were classified as confidential to the government but were replaced by other ones after the cases started to become public. Along with this legal rewards system, there was also revealed an informal rewards system inside military units, which consisted of days off and special visit permissions for each death that a troop could demonstrate within a specific period of time (Semana 2008b).

The analysis that I intend to present here is not concerned with a personalised view of Álvaro Uribe. However, there has been an intensification of extrajudicial executions in the years in which Democratic Security Policy was implemented. Regarding this, the International Observation Mission on Extrajudicial Executions and Impunity in Colombia (CCEEU 2008b) stated that the number of extrajudicial execution cases allegedly committed by state security forces increased by 66% between 2002 and 2007, the period in which this policy was implemented, in comparison with 1997-2002.

President Uribe's proposal entails a particular vision about violence, according to which neither is there an internal armed conflict in Colombia nor is it a result of economic disparities, inequity, poverty and political invisibility (Iturralde 2010). Rather, violence is seen as a consequence of the attack that Colombian democratic society is receiving from Terrorism. However, this enemy is not located in some concrete conditions of the Colombian context, it appears as an abstract: "Colombia is facing one of the longest-running armed conflicts in the world, with deep impact on all aspects of social life. In recent decades the conflict has worsened significantly. The illegal armed organizations have increased in size, their presence in the territory and the terrorist actions against civilians and economic infrastructure and social development, while also increasing their links with illegal business, such as the problem of drugs". (Departamento Nacional de Planeación 2003, p. 31).

The nomination of non-state armed actors as terrorists entails a change in the treatment given to them, because they became excluded from any political setting and also they are seen as the enemy of the democracy, which covers society and state actions as a whole. In this perspective, other forms of disagreement regarding government policies run high risks of being treated in these terms (Galindo 2005).

While Democratic Security policy prioritizes the necessity of defeating terrorism, demobilization of combatants was another of its goals. Peace negotiation dynamics were developed with Paramilitary groups through a demobilization process supported by the Justice and Peace Law (Ley 975/05), which was enacted in July 2005. This legislation was the basis for the government to offer judicial pardons to those combatants who are involved in a peace process and want to demobilize and return to civilian life. After its enactment, the Constitutional Court established many arrangements for it through the C-370 judicial ruling in 2006, because of the lacunae in the legislation regarding effective demobilization but especially about truth and reparation guarantees for victims (Díaz 2007). "Worse still, the JPL is not a comprehensive plan involving all of the armed factions. Given the close ties between the government and paramilitaries, it comes as no surprise that in Colombia, the Uribe administration has focused mainly on demobilizing the paramilitary groups" (Easterday 2009, p. 81-82).

Hence, the use of the term Terrorism was politically addressed to Guerrilla groups which were, at the same time, the main military target of the current government: "In sharp contrast to his conciliatory policies towards the AUC, Uribe has initiated a strong military policy to fight against the FARC. Uribe was elected in 2002 with a mandate to implement a military strategy to address the conflict". (Laplante and Theidon 2006 cited Easterday 2009, p. 82).

Terrorism, then, is identified with an internal enemy which must be fought in the strongest terms: "The opposite of democratic politics is terrorism that seeks to impose its will by violence on others, at the cost of the lives of thousands of civilians (...). There can only be one answer to terrorism: defeat. Those who persist in using this criminal practice must bear the full weight of the law" (Presidencia de la República and Ministerio de Defensa 2003, p. 5-6). In so doing, the toughest public order measures are justified and, as Galindo (2005, p. 531) mentioned "(...) it should be noted that designating a group as terrorist disclaims any possibility of a negotiated solution to the conflict and it justifies the application of measures that jeopardize the protection of human rights and which extend indiscriminately to large sections of civil society".

From these considerations, the Democratic Security policy develops the idea of combating terrorism through the effective action of State security forces: the territorial control by State security forces in the zones in which it was absent⁴, along with the corresponding strengthening of such forces, and the elimination of drug trafficking and money laundering as the main economic activities that allegedly funded what the Democratic Security policy regards as the State's internal enemy.

The recovery of territorial control was implemented through specific military operations in all the zones in which illegal groups operated. This strategy is one of the phases of the Democratic Security Policy, aimed at consolidating national territorial control, and called the "Recovery and Consolidation cycle". To implement it, the government established the design of military operations in those areas of the country regarded as strategic or in those in which threats had been identified (Presidencia de la República and Ministerio de Defensa, 2003). This idea entails the labeling of certain zones of the country as margins (Das and Poole, 2004) in which special regulations need to be made to re-establish order. The dynamics of this construction in Eastern Antioquia region will be considered in the next section.

Even though one of the main principles of the Democratic Security Policy was "effectiveness that is measured in terms of its results and clarity, which [in turn] is measured in relation to Human Rights observance" (Ibid., 2003, p. 6), the goal of defeating terrorism through assuring territorial control by the State has implied the commission of various kinds of abuses by public authorities. Some of these abuses, such as the cases of extrajudicial executions, have ended in public scandals concerning the legitimacy of the activities of State agents.⁵

3. A case study of an *invisible*: Eastern Antioquia region (*Oriente Antioqueño*) as the margin

In the previous section I explored the setting of the terms in which legality was built during the government of Álvaro Uribe in Colombia as well as the manner in which the discourses and practices for recovering democratic order in the country were conceived. In this section I will first provide a description of the case based on mass media reports of extrajudicial executions, and then present the approach made to it by an NGO that has been specially involved. Then the actions taken by the government in the Eastern Antioquia region as a consolidation zone will be explored, showing this as the margin in which the violent state imposes itself through the very activities of the soldiers and in which the exception could be

⁴ The internal armed conflict also reflected in the occupation of certain zones for the armed actors. The idea driven by democratic security policy was taking back the territorial control to the State through security forces' actions in these zones.

⁵ "Official government data suggest that the DSP [Democratic Security Policy] has contributed to the downward trend in the general indicators of violence, particularly murders and abductions rates. However, the number of human rights violations attributed to members of the security forces has increased. UNHCHR has suggested that this increase may be due to the pressure to demonstrate that the policy is having positive results, which creates incentives for officials to commit criminal acts". (UNHCHR, 2007 cited Easterday 2009, p. 82)

appreciated in the practices of recovering public order through the implementation of body counting in each military operation, which became the banner of the effectiveness of the Democratic Security policy in the country.

Since 2006, there have been statements and warnings to the national government by the Office of the United Nations High Commissioner for Human Rights about "increasing concerns about reports of extrajudicial executions which involved state security force agents, mainly army men" (El Mundo 2006). These presented the same patterns as the Eastern Antioquia region case study that will be presented here.

In the specific case of the Eastern Antioquia region, Non-Governmental Organizations such as the Freedom Legal Corporation (*Corporación Jurídica Libertad*)⁶, the local ombudsman of the municipalities of the region and the Interinstitutional Committee on Human Rights and International Humanitarian Law (*Comité Interinstitucional de Derechos Humanos y D.I.H*)⁷ had already reported many extrajudicial killing cases in 2007. As Elkin Jaramillo, one of the lawyers of the Freedom Legal Corporation NGO (*Corporación Jurídica Libertad*) said "the Corporation has been monitoring this topic for the last five years. We have received more than 100 denunciations about cases that occurred in this period of time, from which we have been able to file and make legal claims in 70 cases. We have been permanently monitoring the cases by carrying out legal advice to victims in criminal trials and disciplinary processes that should be conducted by the Inspector General's Office (*Procuraduría General de la Nación*)" (El Mundo 2007c).

After the CCEEU (COORDINACIÓN COLOMBIA-EUROPA-ESTADOS UNIDOS) Extrajudicial Execution cases in the Eastern Antioquia Region report in 2007, cases continued happening. Nonetheless, in the middle of 2008, Carlos Vallejo, Human Rights Director of Antioquia Province, "expressed disagreement with the warning about the alleged *false positives* (*falsos positivos*) because to his mind, often what occurs is that victims' relatives want killings in combats with Guerrillas to appear as extrajudicial ones". "Moreover, on many occasions common criminals committed a crime and they make it appear as if it was committed by state security forces" (El Tiempo 2008a).

Doubts were also cast about the events by the national government. The same day that CINEP published a report denouncing 90 cases of extrajudicial executions throughout the country,⁸ President Álvaro Uribe said: "My government asks that great care should be taken to consider those complaints very carefully because...it is known that each time Guerrilla groups feel Military State Forces are making progress against them, they claim that their human rights have been violated" (El Tiempo 2007).

Yet, it was only after the boom of media publicity given to the Soacha cases that the dimensions of the Eastern Antioquia region cases was made visible. The Office of the United Nations High Commissioner for Human Rights announced the visit of four different international rapporteurs (El Tiempo 2009), including the UN Special Rapporteur for Summary, Arbitrary or Extrajudicial executions. His visit in June, 2009 included different visits in order to interview the relatives' victims and started to reassert that the cases were widespread in the whole country.

⁶ This is one of the NGOs most active in denouncing many cases of extrajudicial executions committed in Eastern region Antioquia and providing legal advice to the victims' families. For more visit: <http://www.cjlibertad.org/>. Access date: February 19, 2010.

⁷ Set up in 2007 by Antioquia and Medellín Attorney-General's Offices, Ombudsman, Antioquia Inspector General Office, Human Rights Attorney-General's Unity, Medellín Ombudsman, Municipality Secretary and Office of the United Nations High Commissioner for Human Rights (UNHCR) in Medellín, which acts as an advisor and observer in the Committee.

⁸ CINEP is one of the organizations which with government has had many controversies. This report asserted that data of extrajudicial executions pose the question "whether the excessive presidential push for State military forces to show results in their fight against insurgency is driving them to fall into a perverse logic: showing positive results, even if it's necessary to fabricate them". (El Mundo, 2007b)

As an outcome of this visit, Antioquia province was shown to have the highest figures. The Freedom Legal Corporation (*Corporación Jurídica Libertad*) reported that 504 killings were committed in this province from January 1st, 2002 to December 31st, 2008. 242 of these cases came from Eastern Antioquia region, being the most affected population in the province (Naciones Unidas 2009). The impact of these killings in the region can be seen in Figure 1.

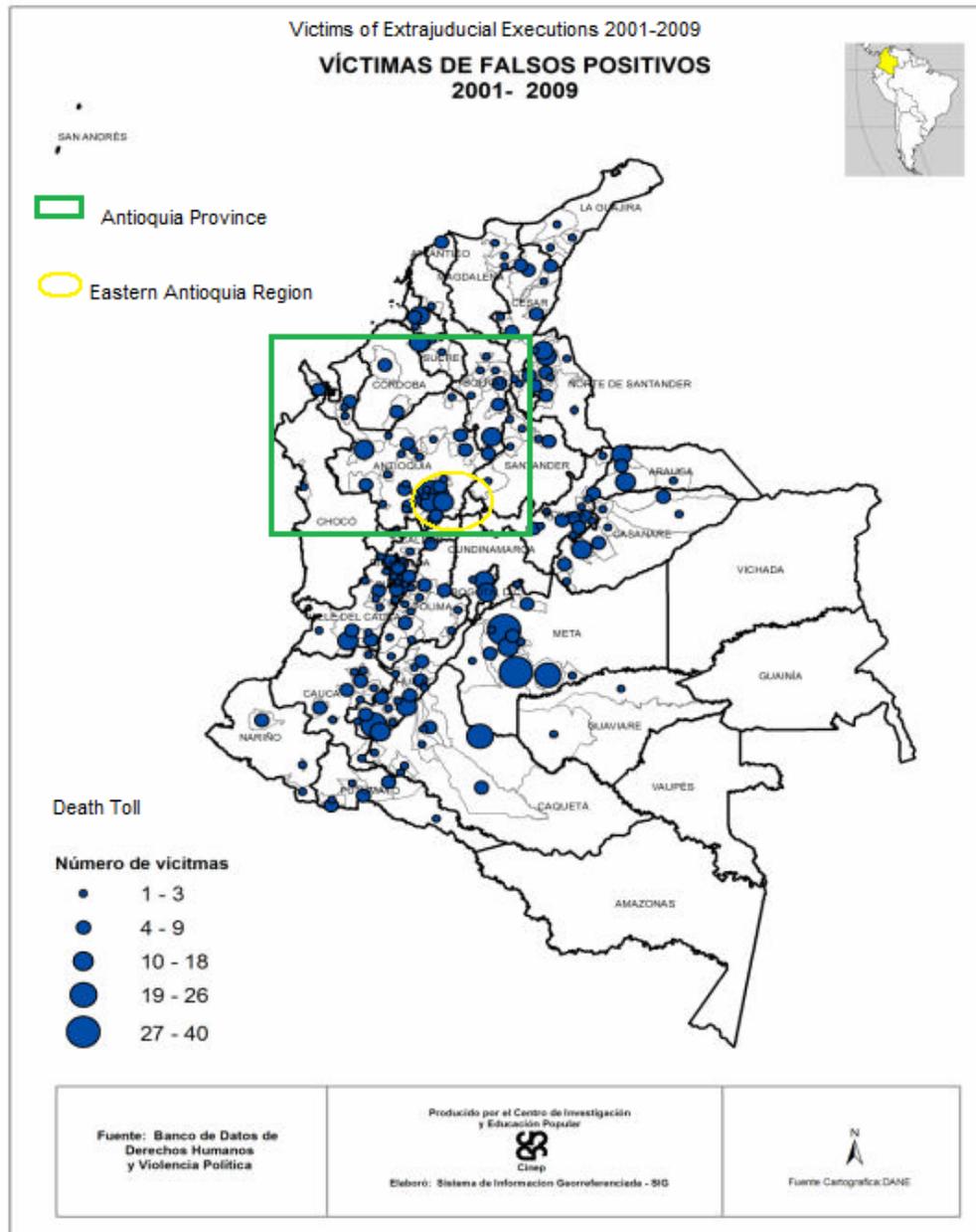


Figure 1. Map of victims of extrajudicial executions in Colombia during 2001-2009

Source: CINEP, 2010

Even though information widely obtained during 2008-2010 since the public reports of the Soacha cases made it possible to expose Antioquia as one of the most affected zones in this regard, this information did not address the framework of the cases in this zone. Hence, the Eastern Antioquia region cases did not have the diffusion that the Soacha cases did. Even though it represents one of the highest figures in the country, it remains hidden from publicity in the mass media such as national newspapers and magazines, with some exceptions. That is why it is possible to assert that this case study is about an *invisible*.

The most complete information about the Eastern Antioquia region cases appeared with the CCEEU report, published in 2007, which had exceptional publicity in the mass media⁹. Thus, this case study aimed to provide the analysis of the cases, their context and patterns, to contrast them with the discourses and measures taken by the different levels of the state to respond to the existence of cases in the country as a whole, which were massively reported after the Soacha scandal. It is also a way to de-center the idea that the Soacha approach could encourage, that extrajudicial execution cases are isolated and scarce, as Alston (2009, p. 2) said: "the focus on Soacha encourages the perception that the phenomenon was limited both geographically and temporally".

Therefore, a case study of the Eastern Antioquia region is significant to understand and analyze how the cases arose, the patterns of these killings, and then to explore the responses of different state agents to them. Even though this research concerns the period 2008-2010, the information obtained about these years led the analysis of the region to the past, because the worst crisis of this kind of killings occurred between 2002 and 2007 (CCEEU 2007).

The Eastern Antioquia Region case study will show how extrajudicial executions are related to the development of some strategic military operations under the Democratic Security policy, in terms of "body counting" as the measure of this policy's success (CCEEU 2007). In other words, extrajudicial executions, like other human rights violations, entail the uses of violence by security state forces to construct the type of legality envisaged by the government of Álvaro Uribe: Democratic Security, by showing high figures of enemy deaths as an outcome of the fight against terrorism.

The Eastern Antioquia Region is a crucial area in terms of territorial control, mainly because of the Medellín-Bogotá highway, built in the 1970s, which connects the region with the inner part of the country and its biodiversity, variety of farm products, complex communications structure and wealth of water resources, providing 30% of the hydropower of the country. "There is no doubt that competition between actors in armed conflict in eastern Antioquia relates to expectations regarding the appropriation and use of its enormous strategic and economic potential" (Observatorio del programa presidencial de Derechos Humanos y DIH 2004, p. 3).

These factors have made the Eastern Region a strategic zone for illegal armed actors. Since the end of 1980's, the FARC and ELN Guerrillas groups¹⁰ started to operate in the Eastern region, while at the same time paramilitary groups coming from the Magdalena Medio region and also the Metro Bloc¹¹ started an occupation of the same region. They started to blame the population for collaborating with Guerrillas groups, so they forced many people to leave the zone, causing many forced displacements. The Guerrilla's actions tend to be focused on armed attacks on and blockages of the Medellín-Bogotá highway as well as attacks on electricity infrastructure, while the paramilitary groups were focused on controlling the local governments and population displacement.

In governmental terms, the Guerrillas' actions in the Medellín-Bogotá highway were a matter of particular concern, since they caused the highway to be closed for

⁹ Even though there were some information and public reports that circulated in the mass media during 2007 about the cases in the region and in the country. See (El Mundo 2006, El Mundo 2007a, El Mundo 2007b, El Mundo 2007c, Semana 2008a)

¹⁰ The guerrillas groups that were active in the zone were the 9 and 47 FARC fronts and the Carlos Alirio Buitrago and Bernardo López Arroyave ELN fronts. (CCEEU 2007)

¹¹ The paramilitary groups in the zone were the Magdalena Medio and Metro Blocs, which then was replaced by the Héroes de Granada bloc (CCEEU 2007). These groups were part of the Demobilization process that government initiated since 2005, which was previously described in section 2.

some hours at night for security reasons, blocking the traffic flow. These measures, however, did not assure the recovery of control over the highway by the state.¹²

Given the public order conditions and the promises made by the new government about restoring the State presence to the whole country, IV Brigade started a military offensive in Eastern Antioquia region from August 2002 as part of the strategy of the "recuperation and consolidation cycle" of Democratic Security policy, which sought to "contain, disrupt and deter the illegal armed groups, protect the population and restore the authority of democratic institutions" (Presidencia de la República and Ministerio de Defensa 2003, p. 42). It started with the Meteoro Operation, which aimed at recovering state control over national highways, such as the Medellín-Bogotá one.

Other special operations were implemented in the next years to stop the actions of illegal armed actors in rural areas of the region. The Marcial operation started in 2003 and it was specially oriented to control the municipalities of Granada, Cocorná, San Luis, Argelia, Sonsón and San Francisco. After that the Espartaco operation was implemented in 2004, then the Ejemplar operation in 2005 and finally the Falange I and Fantasma I operations in 2006 in Abejorral, concluding the monitoring period of the extrajudicial execution cases in the region (CCEEU 2007).

Even though some official reports from the government asserted that the "Critical situation of eastern Antioquia region started to change with the first results of the Marcial Operation which IV Brigade initiated in March, 2003" (Observatorio del Programa Presidencial de Derechos Humanos y DIH, 2004), denunciations received from citizens of the zone by the Colombia-Europe-United States Coordination Group indicate otherwise regarding human rights violations. According to the reports, from August 2002 to June 2006 there were 74 cases and 110 victims of extrajudicial executions in Eastern Antioquia region committed by members of IV Brigade Military State forces. The military operations carried out by these forces were implemented under the Democratic Security policy guidelines (CCEEU, 2007). All the victims were presented as allegedly guerrilla members who were killed in combat. This shows how the implementation of the special operations in this zone made people that inhabit it embodiments of a possible enemy and, at the same time, how the region became the margin, in which the state's legitimacy takes the central place in consolidating the idea of order (Das and Poole 2004).

Despite the extrajudicial executions which took place in all the municipalities of the region, the most affected municipalities were Cocorná, Granada and San Luis in which occurred 74% of the cases (55 cases with 84 victims), Granada being the most affected with 33 cases and 49 victims (CCEEU 2007).¹³

According to official reports, there were 118 combats between military forces and guerrilla groups in the municipalities of Cocorná, Granada and San Luis, which left 219 dead guerrilla members. The comparison and contrast of these figures with the reports about extrajudicial executions reveals that "40% of those 118 combats were, in fact, attacks by State military forces on the civilian population" (CCEEU

¹² The State armed forces that operate in this region are "Juan del Corral" (GMJCO) n.º 4 troop, "Jorge Eduardo Sánchez" (Bajes) n.º 4 Artillery battalion, "Granaderos" counterinsurgency battalion and "BG. Jaime Polaina Puyo" Special SEnergetic and Vital VtPlan n.º 4 battalion, all attached to 4th National Army Brigade, which was led from 2001 to 2003 by General Mario Montoya, and then by General Oscar González in 2006 and by General Juan Pablo Rodríguez in 2007.

¹³ "Considering the series of maps that record the Eastern Antioquia areas where have been the actions of the illegal groups fighting in the framework of operation "Marcial" in 2003, it's possible to have a much clearer idea about the current dynamics of armed conflict. In the first of these maps can be seen how the greater effort of the army in fighting guerrillas is directed primarily toward San Francisco, Granada, Cocorná, San Luis and Sonsón, municipalities with the presence of Carlos Alirio Buitrago ELN front and 9 and 47 FARC fronts" (Observatorio del programa presidencial de Derechos Humanos y DIH, 2004, p. 8).

2007, p. 33). Thus, 38% of the 219 dead guerrilla members reported correspond to extrajudicial executions (83 victims).¹⁴

98 out of 110 victims registered in the period 2002-2006 were men and 12 were women, one of them was pregnant. Women were also victims of aggressions committed at the same time as their fathers; husbands; sons or brothers were arrested and taken away by army forces (CCEEU 2007). These issues entail the use of an increased level of violence upon relatives, a situation typically occurring in the Eastern region during the period under analysis.

Most of the victims were farmers, 12 out of the total number of victims were children between 15 and 17 years old and another 3 had physical or mental disability (CCEEU 2007). Another common feature of these cases was the fact that various members of a same family were executed by State security forces.

The strategies displayed by State military forces to make the victims of the Eastern Antioquia region appear as guerrilla members killed in combat presupposed previous stages in which it was possible to retain the person and then create a whole scenario resembling the occurrence of a combat. These strategies, as will be shown, have become more sophisticated in other cases in the country, e.g. in Soacha, in which victims were shot from a distance for make it appear more credible that they were killed in combat (Alston 2010).

In the case of the victims in the Eastern Antioquia region, they suffered arbitrary detention in their own homes, in their work place or on their way there, and without any detention order. Victims' relatives did not have any information about their beloved ones from army forces, so it could be argued that these cases constitute forced disappearances, which make extrajudicial execution a complex crime (see footnote 2, *supra*). In some cases the victims were previously identified as guerrilla members by informants or former guerrilla members (CCEEU 2007).

After the victim is illegally retained, the military strategy continues with simulations of a combat by military units, by means of several and steady shootings, creating the semblance of a combat in the zone before proceeding with the execution. This allowed them to create the facts that could justify the execution as a killing produced in a combat as a result of a special operation which had been previously authorized (CCEEU 2007). Then, extrajudicial executions took place and the victims' corpses were clothed with uniforms of Guerrilla groups and placed next to them. Weapons, landmines, grenades, etc, were also put in their hands (CCEEU 2007, Alston 2010, Semana 2010). One of the cases in the region revealed that a person was clothed with guerrilla fatigues after being shot, because the pants did not have bullet holes although the victim was shot in the left leg, as the pathologist's report stated (CCEEU 2007).

After this, military forces move victims' corpses to remote areas in order to impede them from being identified by their relatives, and buried them as NN (unknown name), without any identification process. This often happened although it was known by military agents that people had been detained in their own homes, and that their relatives were looking for them. In all cases analyzed, victims' corpses were moved to different places from their residence (CCEEU 2007).

All these maneuvers developed by military units altered the crime scene, plus the fact that they were not allowed to exert the powers of the judicial police (forensic activities necessary in such cases).¹⁵ This explained that they themselves were

¹⁴ "Jorge Eduardo Sánchez" (Bajes) n.º 4 Artillery battalion was accused of committing 62% (41 victims) of extrajudicial executions in Eastern Antioquia region, following by Juan del Corral" (GMJCO) n.º 4 troop indicated as committing 21 cases. These troops conducted operations in Granada, San Luis and Cocorná, which explains why the highest figures of cases come from these municipalities.

¹⁵ Even when there was a serious attempt to give these powers to Military State Forces in 2003 through a constitutional reform proposed in the Anti-terrorism statute, finally it was stated to be unconstitutional because Constitutional Court found that there were some procedural irregularities in the Congressional

those who provided the photographic evidence of the scene after the allegedly combat and who made the manipulation of evidences and victims' corpses. Exceptionality is shown in the normalization of the use of military functions located in the boundaries of legality and illegality. The formal war on a specific enemy and the use of violence are both aspects that overlap and framed the extrajudicial executions in the framework of the implementation of the Democratic Security policy. In other words, the normalization of the use of exceptional measures takes place in the margins of these activities.

Another important pattern in these cases has to do with the judicial processes. There were serious and unsolved problems of conflicting competence between the military and civilian justice systems for investigating the cases, given the complexity of the situation. Nonetheless, the Constitutional Court had decided in its judicial rulings such as C-358 (1997) that in any case in which security force members act contrary to the constitutional functions of the military forces and where there is a minimal doubt about their activities, the cases should be investigated by the civilian justice system (Alston 2010).

In some cases, Military criminal judges and the Office of the Attorney-General (*Fiscalía*) also failed to develop the preliminary procedures for prosecuting these cases (CCEEU 2007). In many cases carried on by the Military Courts, the investigations were closed because of the existence of an operation order which justified the combat, also taking into account the versions of the officers involved.¹⁶

In other cases some witnesses stated that the victims were guerrilla members, without offering specific details about the grounds for their versions and even when some of them were known to live in municipalities different from the victims' residence (CCEEU 2007).

Up to February 12th, 2010, the Freedom Legal Corporation (*Corporación Jurídica Libertad*) has brought 68 judicial processes and in just two of them has there been a judicial ruling. This shows problems in the judicial capacity to respond to the complexity of the cases and the effectiveness of the investigation they demand (Agencia de Prensa IPC 2010). Thus, the impunity rate is so high in the Eastern Antioquia region cases explored so far, constituting the most generalized pattern in the country, reaching 98.5 percent (US Office on Colombia 2009 cited in Alston 2010). Impunity involves a close relation to violence exerted by the state if it is understood that this is the main scenario in which relatives' versions and narratives of alleged perpetrators could be contrasted. Furthermore, it could make evident the extent of the willingness of the state to accept the facts and to be actively engaged with the investigations.

These cases elucidate common patterns that could be observed in the case of Soacha and others all over the country and that is why, to some extent, the study of the case of Eastern Antioquia region offers crucial clues for further research on extrajudicial executions. The next chapter will explain how the case of the Eastern Antioquia Region arises and connects with the Soacha cases. It will also approach

debates about this legal reform project (See C-816/2004 for the Constitutional Court's judicial ruling). Even in exceptional circumstances they can't exercise the powers related to crime scene management and pathology issues.

¹⁶ Even the very IV Brigade high ranks' discourses didn't offer credibility to denunciations from population. When General Oscar González was the commandant of IV Brigade in Antioquia in 2006, his response was: "Denunciations Report are directly proportional to units' success. It is the manner that some subversion supporters have to stop operations" (El Tiempo 2008b). However, several of these cases resulted in convictions against soldiers, as CCEEU (2007) reveals. And also when General Juan Pablo Rodríguez replaced him in 2007, he and his lawyers' group asserted NGOs' reports has to do with a "legal war" that does anything but demoralizing the troops. "As Guerrilla can't defeat us in the military field, then neutralize with this type of strategies" and added that troops' demand levels are much bigger than before, "but it doesn't mean that we are being pushed for reporting more deaths in combat" (Semana 2008a).

the answers the State has been providing to the claims of extrajudicial execution cases taking place all over the country.

4. The *Violent State* in action: official responses after a media boom

The previous section explained the juncture and the framework of the Eastern Antioquia's region extrajudicial execution cases as both the context of the state and at the margins. This section will give an account of the discourses produced by the main state agents and institutions involved in the case of extrajudicial executions, to analyze these as reactions to state illegal uses of force, as another way in which force is also disclosed in the media. For that reason it is beyond the purpose of this paper to analyze the achievements that government has obtained to combat illegal armed groups by regulating and enacting a different kind of rules. Focusing on the illegal uses of force exemplified by extrajudicial execution cases does not aim to deny the efforts that the implementation of some legal measures has achieved.¹⁷

Discourses of state agents entail the distinction between *legitimate* and *legitimized* uses of violence that Weber (1921 cited in Arendt 1970, p. 35) suggests when he mentioned that the State is "The rule of men over men based on the means of legitimate, that is allegedly legitimate, violence". Legitimacy, then, appeared as an aspect built by legality to establish a boundary between practices that are part of the idea of state and those that are excluded (Das and Poole 2004), as will be seen in the different responses provided by state agents.

Even though these discourses are neither linear nor invariable, the following analysis constitutes an attempt to characterize their main statements, contrasting them with some of their counter-narratives.¹⁸ It is also important to make clear that the different levels of the state have been in disagreement on certain points, which shows that it is necessary to understand the state as more than a monolithic entity, but rather as a diversity of practices, discourses and institutions that interact for to establish some relations of power.

The classical separation of powers of the State considers that the executive, legislative and judicial branches are divided and between them functions a structure of checks and balances. In Colombia, the Attorney-General's Office (*Fiscalía General de la Nación*) is part of the judicial branch, because of the judicial powers that it used to have in the criminal procedures for deciding freedom of the defendants. It is a hybrid office. The same is the case for institutions such as the Superior Council of Judicature (*Consejo Superior de la Judicatura*), which has played a central role in the debate about military courts and civilian jurisdiction for prosecuting the cases in which there were people killed in combat. Even when it is possible to follow the categorization of separation of powers in the Colombian state structure, it is also important to take into account the performance of some state agents such as Soacha regional ombudsman (*personero regional*) who has been playing a decisive role in supporting the claims of the victims' relatives in these cases. So, this point shows that it is necessary also to take into account the subjectivities involved in the each state institution.

After the media boom because of the disappearance and subsequent death of a group of young men at hands of state security forces in Ocaña, Norte de Santander, different levels of the government started to issue pronouncements. I have chosen four crucial moments in which the different responses could be explored and

¹⁷ For an analysis of the achievements, see the reports CCEEU 2007, 2008a, 2008b, Alston 2009, 2010, CINEP 2009, 2010. Although the report made explicit references to the measures taken by the government in relation with the increase or diminution of cases, all of them made special recommendations for improving governmental effective responses at different state levels.

¹⁸ In constructing the narratives of the events that will be presented in this section, I will draw on documentary information obtained from magazines, newspapers and official statements from the government which have been examined and analyzed as constituting the sources of this research.

analyzed in action and in contrast with each other. Denial of the facts (Cohen 2001) is another face of the Violent State and it constitutes other relations between the state and violence.

4.1. *First Event: Complaints from mothers of 11 Soacha young men*

In response to the reports of the disappearances of these young men that were found in Ocaña (Santander) reported as guerrilla members dead in combat and buried as NN (*Nombre Desconocido*) in the local cemetery, the alarms were activated.

Colombian president Álvaro Uribe Vélez said that the Legal Medicine and Attorney-General's office reports had confirmed that they were dead in combat and that "these young men did not go to Ocaña to pick coffee" (El Colombiano 2008), by which he meant that they were involved in criminal activities. But, in contrast, the Attorney General Mario Iguarán Arana said that it was not yet established that the young men's deaths were an outcome of a combat, even though the preliminary reports from Legal Medicine showed that the victims were fired at from a distance, as usually occurs in combat circumstances. He insisted that the judicial branch and the case attorney are the only competent authorities for established the real facts, after carrying out the criminal investigation and procedures.

The Minister of Defense, Juan Manuel Santos, stated that he refused to believe that there still were some military units that required "body count" as the way to show results and he insisted in that "we prefer a foe who is demobilized rather than captured and one who is captured rather than dead". In this the Minister insisted on the application of the Ministerial Directive 300-28/2007, which establishes this priority for measuring the operational results of the Armed forces. He also announced the constitution of a special commission to investigate the disappearances of young men of Soacha, jointly with the Attorney-General Office's Human Rights Unit (*Unidad de Derechos Humanos de la Fiscalía General de la Nación*).

4.2. *Second Event: dismissals of 27 military officials*

After the investigation conducted by a transitory commission of the Ministry of Defense regarding Soacha, it was possible to establish that not just the military units that operate in Santander, but also others such as XIV Brigade in Antioquia had been acting with negligence and a lack of control from the higher ranks. The failures in the command chains were based on excessive informality and overlooking of control requirements in the planning and authorization of military operations in those zones. Because of these activities, the Ministry of Defense, the General Commander of state armed forces and the Colombian President decided to dismiss 27 officials, including three generals and seven colonels.

At this point the president emphasized negligence in the chain of command inside the brigades as the failure that made it possible for some military units to have alliances with criminal groups to recruit people and then to present them as results in a counterinsurgency combat. The emphasis on this point tends to focus the attention on a corruption concept inside the state military forces, described by Cohen (2001) as a partial acknowledgment: even though the government acknowledged the occurrence of the cases, it stated that "it was only an isolated incident" (Ibid., p. 113). But regarding this corruption concept, Philip Alston (2010, p. 9) concluded that "There have been too many killings of a similar nature to characterize them as isolated incidents carried out by individual rogue soldiers or units, or 'bad apples'".

The legislative branch, especially the Liberal and Polo Democrático political parties started to press for the necessity for the Minister of Defense to assume political accountability for these events, taking into account that all their features are

related to the policies that were encouraged from that very ministry. They challenged him to an open debate to answer questions about enforced disappearances and recruitment of young people in poor zones of the country.

Because of this large-scale dismissal, the Commander of the Colombian Army, General Mario Montoya, resigned his charge, even though the President continued to support him, based on his great achievements such as the Jaque Operation at the national level and the Orión operation in Medellín, when he was in charge of the IV Brigade. For his replacement President Uribe appointed General Óscar González, who was in turn the replacement of Montoya in IV Brigade leadership, despite this general's positions towards the cases of extrajudicial executions in Antioquia, which consist of referring to the complaints of these cases as a legal-political war against the victory of the military forces in the fight against guerrilla terrorists (See footnote 16, supra).

In Nyamuya's terms (2002, p. 187) this strategy corresponds to the Iron Curtain of Secrecy, "which effectively becomes the main line of defense while the military describe the accusations against them as part of a black propaganda campaign orchestrated by guerrilla groups to undermine public confidence in the army and police", presenting the work of human rights activists and organizations as against the state and as an insurgent one.

Given these facts, reports of extrajudicial executions cases and the criminal proceedings against many military officers started to be publicized and monitored in more rigorous ways. The Minister of Defense insisted on the necessity of fully conducting investigations and he said to military officers that they must not become the monster that they want to combat, meaning that they should not act like the terrorists and criminals in terms of killing citizens. Thus, there were enacted 15 special measures for implementing and monitoring the observance of Human Rights in Military activities.

But he also affirmed that there exists a perverse interest in increasing the figures of extrajudicial executions. Also, the President said that the false positives cases have been invented, because legal foundations have been found in only 22 of hundreds of cases. According to Cohen's perspective (2001, p. 106) this discourse could be seen as an interpretive denial: "cases did occur, but not in such gravity or amount".

According to the President's standpoint, some people want to paralyze the actions against terrorism with these false charges against the military forces, being sponsored by international organizations. The Superior Council of the Judicature called him to give his version regarding this issue. None of these assertions take into account the problems that have been presented by the prosecution and the ensuing legal proceedings, as will be explain in more detail later, but conversely they put at stake the efforts of the Attorney-General's Office (*Fiscalía General de la Nación*) and the Inspector-General's Office (*Procuraduría General de la Nación*) to prosecute and to sanction the commission of these crimes.

Moreover, President Uribe insisted that it was necessary to strength the judicial defense of military officers against false charges, to avoid their demoralization, as a response to this strategy. In similar terms, the High Commander of the State Armed Forces, General Freddy Padilla de León, said that there is a political war against military forces, which seeks to make the innocent appear as guilty of extrajudicial executions to create the image that the Colombian state committed crimes against humanity. This statement shows what Nyamuya (2002, p. 189) says: "Even in states where the rule of law is generally observed, the police and armed forces often resist attempts to expose alleged wrongdoing within their ranks".

The Attorney- General's office, in contrast, maintains the investigations and prosecutions and considers the criminal accountability of the military officers involved in the cases.

4.3. Third Event: Military officers prosecuted for extrajudicial executions were released

17 military officers involved in the Soacha cases were released, after passing 209 days detained as part of the criminal investigation in which they were involved. This decision was taken by a judge because of the expiration of the legal term given to the attorney for initiating the oral trial, after the hearing in which the charges were formulated. This was a very controversial decision, even criticized by United Nations.

President Uribe expressed his concern about these decisions, asserting that they were offensive to Military forces, who only could feel released by fair judicial decisions that acquit or convict the implicated people. He also ; mentioned the necessity to go far in asking why the legal terms expired, if this was due to negligence in the investigation or absence of evidence. And expressed as his main concern the way in which the international arena could read these decisions as an expression of impunity driven by Colombian state. The Superior Council of the Judicature (*Consejo Superior de la Judicatura*) made some investigations and concluded they were not cases of deliberate delay or irregular proceedings. The Commander of State Armed forces and the Minister of Defense Gabriel Silva ordered the 17 released military officers to remain in a military unit in Bogotá while their judicial situation was decided, as a way of showing governmental good intentions to solve these cases.

After these releases, freedom was denied for another 24 military officers in the Soacha cases and the judicial argumentation changed, showing that even when the legal term had expired, it was due to reasonable causes related to the complexity of the cases.

In general terms, the governmental concerns in this event has to do more with the international image of impunity that Colombian state has to carry rather than a serious concern about why the expiration terms were occurring within a criminal system that has been defended by the President himself as very effective and trustworthy.

4.4. Fourth Event: The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston

In June 2009 Philip Alston came to Colombia to investigate the extrajudicial executions during the internal armed conflict. After his tour all around the country meeting with victims, Non-Governmental Organizations, local governments, the President, the Minister of Defense, and the Congress, he stated that there is a pattern of extrajudicial executions in Colombia that has been repeated all around the country and it was necessary that the Military Forces acknowledge the existence and the extent of extrajudicial execution cases committed by them (Alston 2009).

After his visit, he made a complete report presented in May 2010 to the United Nations General Assembly and another of the main points mentioned was the impunity rate in the cases of extrajudicial executions committed by security forces, which is 98.5%, and that an effective investigation and prosecution of these cases was necessary to overcome this scandal (Alston, 2010, p. 14). In response to this assertion, the Colombian Chancellor said that Colombia has been taking many measures since 2007 to deal with these cases and asserting that there is a high level of impunity is not true, based on the figures of the Attorney-General's Office of the processes.

Jurisdictional conflicts between the military and civilian criminal justice systems have been evident across all these events. Since the beginning of the reports of the cases, as it was shown in the Eastern Antioquia region cases, there were conflicts about which justice system should head the investigations and prosecutions.

According to Constitutional Court rulings, any case in which there exist doubts about the circumstances of facts, has to be dealt with by the civilian justice system. That is why in 2007 there was signed an Interinstitutional agreement between the Ministry of Defense and the Attorney-General's office, which established that all the cases in which state security forces participated and which involved a death in combat should be investigated by the civilian jurisdiction, not by military courts. This agreement was a demonstration of good will from the government to clarify the facts and to avoid delays in the advances of the investigation and prosecution of these cases. But even with its enactment, many conflicts of jurisdiction have still been occurring, as well as transfers of judges and prescription of some cases in the military judicial system, and lack of resources and attorneys in charge of the processes in the civilian justice system. In addition, this agreement was challenged by a lawsuit in 2009 and it was found to be illegal by the State Council, again generating doubts in terms of the conflicts of competence in these cases.

Even though the Attorney-General's Office and Inspector General's office in Colombia have insisted on showing the figures and progress of their investigations and the legislative branch has been exerting a strong political control over the Minister of Defense and investigating the cases, denial is present in the State, especially in the executive branch, in which the Ministry of Defense, High Commanders of Military forces and the President are located.

It is possible to see a denial structure in the technicalities and even in the strong measures taken by the government, such as the massive dismissal, because this decision was supported by the idea of extreme negligence, but there was not any acceptance of responsibility in the commission of crimes.

On the other hand, the idea of a victimization of the Military forces puts at stake the risk situation of the victims' relatives who have been denouncing the cases. This constitutes a *denial of the victim* (Cohen 2001, p. 96), because the President's statements try to show that, even when reports exist, Military Forces need to be supported even in judicial defense terms. Other technical denials have to do with the idea of the existence of many false complaints or the outcomes of the current investigations, that show that Military criminal responsibility was proved in only a few cases.

It is possible to see a contrast in the measures and responses of the different levels of the state. On one hand it is possible to see the acceptance of the commission of killings at hands of the military forces, but on the other hand it is possible to see a complete strategy of denial and defending the military forces from the attacks that these reports represented to their overwhelming efforts in the country against the enemy. The latter prevails over the former.

Finally, it is relevant to observe that the general terminology used by the State to talk about these crimes is *false positives*. The terminology of extrajudicial executions has been rejected by the executive branch, in contrast with the Attorney-General's Office, which refers to them in the strict sense as war crimes. That is why they were assigned to the Human Rights Special Unit inside the Attorney-General's Office throughout the country. Even though some executive narratives acknowledged that something happened, they refuse to accept the category of acts to which it is assigned (Cohen 2001, p. 77). It shows how "naming the violence does not reflect semantic struggles alone" (Veena Das 2003, p. 293), the struggle over naming is also a struggle for political and legal facts.

5. Conclusions

In this paper I have explored the relations between the State and Violence in the cases of extrajudicial executions which occurred in the Eastern Antioquia Region. Important conclusions arise from this analysis about how the state and its relations with violence are constructed in the practices of everyday life.

Firstly, this analysis took place in the specific conjuncture of the Democratic Security policy, distinguished by the centrality of security and recovery of order throughout the Colombian territory. This policy mainly entails the necessity of recovering the state's territorial control over certain zones, which would be achieved by implementing special military operations in them. The Eastern Antioquia region as a consolidation territory emerges as a margin in which special military operations took place in order to legitimize results in the conduct of the fight against the enemy. In this way, the enemy was also built into this spatial delimitation through the killings of citizens and then through the construction of a legal scenario (combat) as the way of legitimizing the death and making it appear as legal.

Regarding the case study, it is important to continue further research on this topic in Colombia given the complexities that it presented in relation with other cases, such as Soacha. Thus, it is of paramount importance to develop studies that allow us to see extrajudicial execution cases throughout all the country in interconnected ways, not as isolated ones. Due to the media boom that the Soacha cases produced in the country, they are a necessary point of departure in any study of these crimes in Colombia.

Secondly, the relations between the State and Violence in this specific juncture do not just take place in the practices in the margin described above. They also take place in the discursive responses that different state levels gave in response to extrajudicial executions cases from Soacha. These discourses are not disconnected from the previous ideas and they do express the relations between the Democratic Security policy and uses of illegal violence in Colombia, along with the need to keep legitimizing the practices that take place in it. Official denial is a way to analyze how legitimization disguises some state practices into legality, which results in a democracy that is built on foundations of state tyranny.

Thirdly, the analysis of the state in Colombia needs to be assessed from own perspectives, challenging the European references. As Sharma and Gupta (2006, p. 30) say, "Both everyday and theoretical imaginings of the state are culturally informed, context-specific, and historical". This work is an attempt to contribute to this big task.

Finally, since violence is a fundamental element in Colombia's formal democracy, the challenge of narrating the nation (Bhabha 1990) and the understanding of states as culturally constituted (Sharma and Gupta, 2006) require us to reveal the counter narratives that confront official discourses, especially those who told by the victims and victims' relatives, and also those which have not been told yet by people who have lived and suffered this violence. These stories allows us to see the state not as a rhetoric abstraction, but as it is lived and narrated by flesh and blood citizens, who always have been mentioned as the ethereal support for state generalizations without being *heard*, said or believed.

This consideration concerns the ways in which knowledge can give an account of suffering caused by legality. It is necessary, as Veena Das (2003) says, to express the role of social sciences in giving voice to the hurtful actions of the State, but most of all, in giving voice to those who themselves suffer this hurt. Thus, the concept of margin could be signified as the space in which criminality of the state could be said, in terms of its practices and in terms of its ways of defining and constructing specific subjectivities to legitimize the idea of order and control.

Bearing such ideas in mind, I would like to finish by pointing out that it is in the consideration of subjectivity that the blurred boundaries between legal and illegal take other dimensions: the possibility that the victims' relatives, in the zone in which Antigone from Lacan's standpoint, could *speak out*, not necessarily with words, the criminal nature of the law (Das 2000, p. 207) and of the State which supports it, in their everyday life.

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